



September 21, 2009

Mr. Larry Taborsky
Director
North Dakota Aeronautics Commission
P. O. Box 5020
Bismarck, North Dakota 58502-5020

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Mr. Taborsky:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting the North Dakota Aeronautics Commission for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office.

The wind energy center would include portions of the following tracts:

County	Township	Range	Sections
Burleigh	141N	78W	19
	141N	79W	2-5, 8-15, 24
	142N	79W	19-23, 26-30
	142N	80W	25

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including, but not limited to, the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Game and Fish Department.

We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757

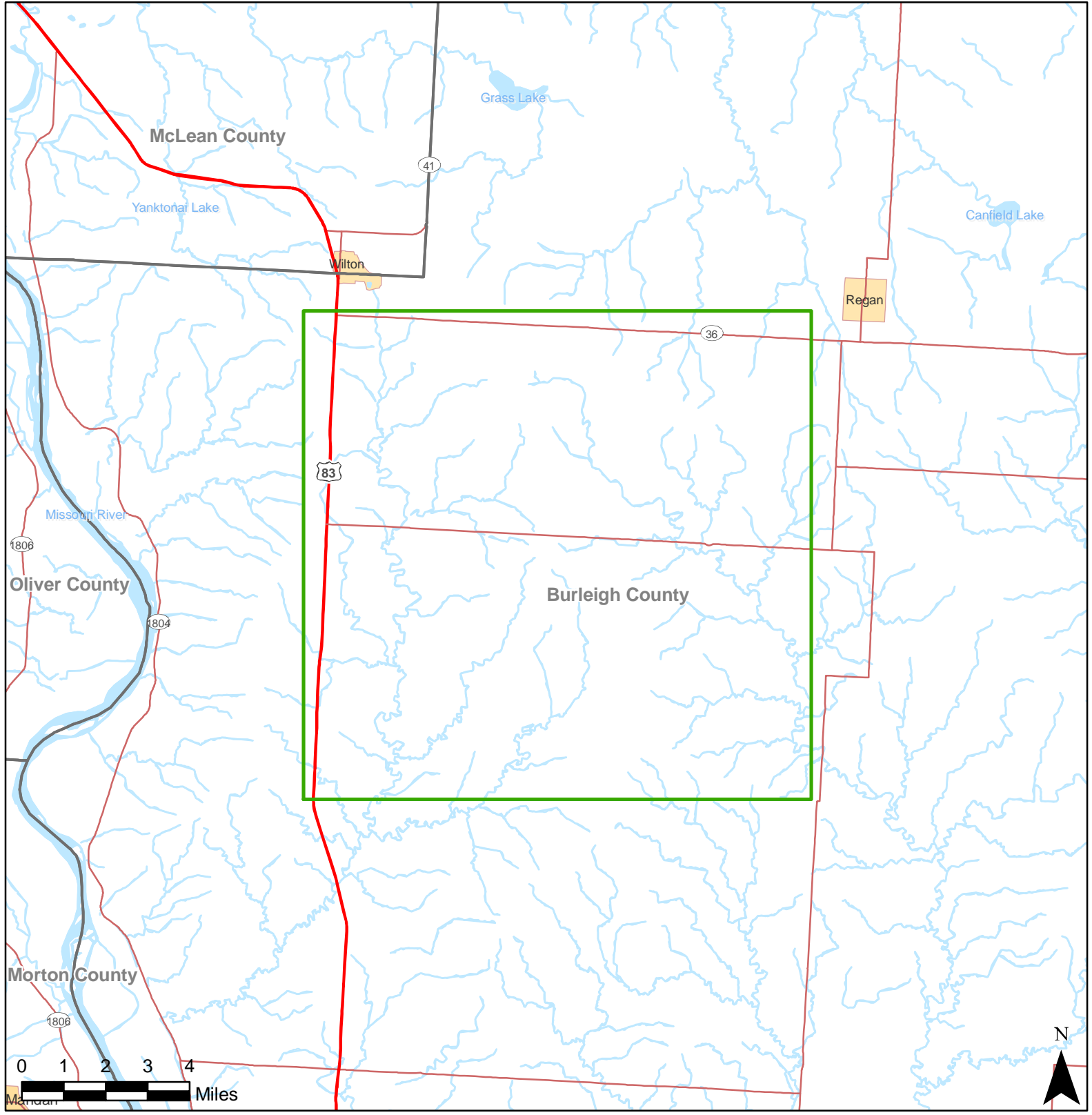
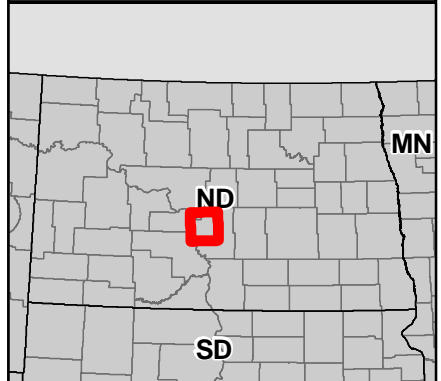


FIGURE 1
PROJECT LOCATION MAP
 BURLEIGH COUNTY,
 NORTH DAKOTA
 SEPTEMBER 2009

Legend

- Proposed Project Area
- Primary Limited Access or Interstate
- Primary US and State Highways
- Secondary State and County
- Lake
- River
- City
- County Boundary

OVERVIEW MAP





September 21, 2009

Mr. Paul Govig
Director
North Dakota Department of Commerce, Division of Community Services
1600 East Century Avenue, Suite 2
PO Box 2057
Bismarck, ND 58502-2057

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Mr. Govig:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting the North Dakota Department of Commerce for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office.

The wind energy center would include portions of the following tracts:

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We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Mr. Doug Goehring
Agriculture Commissioner
North Dakota Department of Agriculture
600 East Boulevard Avenue, Department 602
Bismarck, North Dakota 58505-0020

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Mr. Goehring:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting the North Dakota Department of Agriculture for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office.

The wind energy center would include portions of the following tracts:

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Burleigh	141N	78W	19
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Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Mr. Wayne Kutzer
Director
North Dakota Department of Career and Technical Education
State Capitol 15th Floor
600 East Boulevard Avenue, Department 270
Bismarck, North Dakota 58505-0610

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Mr. Kutzer:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting the North Dakota Department of Career and Technical Education for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office.

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We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Dr. Terry Dwelle, M.D., M.P.H.T.M.
State Health Officer
North Dakota Department of Health
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0200

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Dr. Dwelle:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting the North Dakota Department of Health for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office.

The wind energy center would include portions of the following tracts:

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We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Ms. Carol K. Olson
Executive Director
North Dakota Department of Human Services
600 East Boulevard Avenue, Department 325
Bismarck, North Dakota 58505-0250

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Ms. Olson:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting the North Dakota Department of Human Services for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office.

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We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Ms. Lisa Fair McEvers
Commissioner of Labor
North Dakota Department of Labor
600 East Boulevard Avenue, Department 406
Bismarck, North Dakota 58505-0340

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Ms. McEvers:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting the North Dakota Department of Labor for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office.

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We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Paul Lucy
Director
North Dakota Department of Commerce
Economic Development & Finance Division
P.O. Box 2057
Bismarck, North Dakota 58502-2057

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Mr. Lucy:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

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We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Mr. Kevin Levi
District Engineer
North Dakota Department of Transportation, Bismarck District
218 South Airport Road
Bismarck, ND 58504-6003

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Mr. Levi:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting the North Dakota Department of Transportation for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office.

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We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Mr. Gary D. Preszler
Commissioner
North Dakota State Land Department
P. O. Box 5523
Bismarck, North Dakota 58506-5523

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Mr. Preszler:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting the North Dakota State Land Department for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office.

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We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Mr. Dale Frink
State Engineer
North Dakota State Water Commission
900 East Boulevard, Dept. 770
Bismarck, North Dakota 58505-0850

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Mr. Frink:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

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We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Mr. Terry Steinwand
Director
North Dakota Game and Fish Department
100 N. Bismarck Expressway
Bismarck, North Dakota 58501-5095

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Mr. Steinwand:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

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We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Mr. Edward C. Murphy
State Geologist
North Dakota Geological Survey
1016 East Calgary Ave
Bismarck, North Dakota 58503

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Mr. Murphy:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting the North Dakota Geological Survey for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office.

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We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

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Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Mr. Scott Davis
Executive Director
North Dakota Indian Affairs Commission
600 East Boulevard Avenue
1st Floor – Judicial Wing, Room #117
Bismarck, North Dakota 58505

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Mr. Davis:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting the North Dakota Indian Affairs Commission for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office.

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Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Mr. Douglass A. Prchal
Director
North Dakota Parks and Recreation Department
1600 E. Century Ave, Suite 3
Bismarck, North Dakota 58503

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Mr. Prchal:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

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Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Ms. Linn Berg
Chair
Burleigh County Soil Conservation District
916 East Interstate Avenue Suite 6
Bismarck, ND 58503

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Ms. Berg:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting the Burleigh County Soil Conservation District for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office.

The wind energy center would include portions of the following tracts:

County	Township	Range	Sections
Burleigh	141N	78W	19
	141N	79W	2-5, 8-15, 24
	142N	79W	19-23, 26-30
	142N	80W	25

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including, but not limited to, the US Fish and Wildlife Service, US Army Corps of Engineers, and North Dakota Game and Fish Department.

We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Merlan E. Paaverud, Jr.
Director
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Mr. Paaverud:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting the State Historical Society of North Dakota for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office. A Class I file search and Class III pedestrian survey will be conducted for this project.

The wind energy center would include portions of the following tracts:

County	Township	Range	Sections
Burleigh	141N	78W	19
	141N	79W	2-5, 8-15, 24
	142N	79W	19-23, 26-30
	142N	80W	25

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We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Mr. Daniel Cimarosti
Regulatory Program Manager
U.S. Army Corps of Engineers Omaha District, North Dakota Regulatory Office
1513 South 12th Street
Bismarck, ND 58504

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Mr. Cimarosti:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting USACE for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office.

The wind energy center would include portions of the following tracts:

County	Township	Range	Sections
Burleigh	141N	78W	19
	141N	79W	2-5, 8-15, 24
	142N	79W	19-23, 26-30
	142N	80W	25

This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including, but not limited to, the US Fish and Wildlife Service, State Historical Society of North Dakota, and North Dakota Game and Fish Department.

We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757



September 21, 2009

Mr. Terry Ellsworth
USFWS North Dakota Field Office
3425 Miriam Avenue
Bismarck, North Dakota 58501-7926

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Mr. Ellsworth:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting the USFWS for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office.

The wind energy center would include portions of the following tracts:

County	Township	Range	Sections
Burleigh	141N	78W	19
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This information will be used as an initial step to help guide project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including, but not limited to, the State Historical Society of North Dakota, U.S. Army Corps of Engineers, and North Dakota Game and Fish Department.

We have already been in communication with the USFWS Habitat and Population Evaluation Team (HAPET) to identify waterfowl production areas (WPAs) and grassland, wetland, and conservation easements within the Project boundary; none were identified.

Various biological surveys have been completed in or near this Project area (see Appendix 1).

Those studies include the following:

- Spring and Fall Avian Surveys
- Whooping Crane Likelihood Assessment

Other biological surveys that are underway include:

- Native Prairie Survey
- Wetlands Delineation

We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757

Appendix 1: Summary of Surveys Conducted to Date

Fall and Spring Avian Surveys

NextEra Energy Resources contracted Western Ecosystems Technology, Inc. to conduct surveys and monitor wildlife resources in the Project Area to estimate the impacts of project construction and operations on wildlife. The following document contains results for fixed-point bird use surveys, raptor nest surveys, and incidental wildlife observations. The principal objective of the study was to provide site specific bird resource and use data that would be useful in evaluating potential impacts from the wind-energy facility.

The objective of the fixed-point bird use surveys was to estimate the seasonal, spatial, and temporal use of the Project Area by birds, particularly raptors. Fixed-point surveys were conducted from September 17 through November 4, 2008, and March 18 through June 25, 2009 at 18 points established throughout the Project Area. A total of 414 twenty-minute fixed-point surveys were completed and 76 bird species were identified.

Waterfowl use was highest during the spring (3.33 birds/plot/20-min survey), primarily due to high use by Canada geese. Raptor use was highest during the summer (0.46 birds/plot/20-min survey) and lowest during the fall (0.20). The most common raptors observed in the Wilton Expansion Wind Resource Area were red-tailed hawk and northern harrier. Passerines had use ranging from 2.15 birds/plot/20-minute survey in summer to 0.66 in fall; although the focus was within a 100-meter viewshed and is not directly comparable to the other bird types.

During the study, 237 single or groups of large birds totaling 1,774 individuals were observed flying during fixed-point bird use surveys. For all large bird species combined, 18.3 percent of birds were observed flying below the likely zone of risk, 48.9% were within the zone of risk, and 32.8 percent were observed flying above the zone of risk for typical turbines that could be used in the Project Area. Bird types most often observed flying within the turbine zone of risk were waterfowl (82.9%), large corvids (53.5%), and raptors (43.4%). A total of 297 passerines and other small birds in 134 groups were recorded flying within 100 meters of the survey plots in the proposed Project Area, with 99.0 percent below the zone of risk, 1.0 percent within the zone of risk, and none observed above the zone of risk.

The data collected during this study suggests that the Project Area may occasionally receive substantial use by waterfowl, but does not appear to be within a major migratory pathway for raptors. In addition, the study area does not appear to provide important stopover habitat for migrant songbirds based on fixed-point bird use surveys. Construction and operation of the wind-energy facility may displace some types of birds. Siting turbines within altered habitats (crop fields) to the extent possible will reduce potential impacts of bird displacement.

The objective of the raptor nest mapping was to record raptor nests that may be subject to disturbance and/or displacement by wind-energy facility construction and/or operation. Ground based surveys were conducted in conjunction with bird use surveys in March and April. The surveys were conducted prior to leaf-out to improve the chances of finding nests. A total of 16 raptor nests (five active) were recorded in or within 0.25 mi of the Project Area. One active nest was in the construction path and had a ¼ mi “no disturbance” buffer placed around it until it was no longer active.

The objective of incidental wildlife observations was to provide record of wildlife seen outside of the standardized surveys. The most abundant large bird species recorded incidentally was sandhill crane.

Some species considered to be sensitive or of conservation concern by the state of North Dakota were observed within the Project Area. During all surveys and incidental observations, 17 sensitive species were observed. This is a tally that in some cases represents repeated observations of the same individual. These species have greater potential to occur in non-cropland areas, such as grasslands. Some potential exists for wind turbines to displace these species within non-cropland habitats. Research concerning displacement impacts of wind-energy facilities are limited, but some show the potential for small scale displacement of 591 feet (180 meters) or less, while impacts to densities of birds at larger scales has not been shown. Two bird species of primary interest to wind energy development in the central and north-central United States are whooping cranes and sharp-tailed grouse. No whooping cranes or sharp-tailed grouse leks (individual grouse were observed) were recorded in the Project Area. However, the location, presence of suitable habitat, and presence of similar species indicates that both whooping cranes and sharp-tailed grouse leks could be found within the project area at some point.

Whooping Crane Likelihood Assessment

NextEra Energy Resources contracted Tetra Tech to conduct a desktop likelihood assessment for the Baldwin Project Area. The analysis is based on three factors: (1) the location of the Project in the crane migration corridor; (2) the attractiveness of the landscape; and (3) historical observations of whooping cranes. The likelihood of whooping cranes occurring in the Baldwin Project Area is low, despite the Project Area's position in the central portion of the whooping crane migration corridor. The major factor that contributed to this assessment was the lower proportion of suitable wetland habitat within the Project Area than the surrounding area. There were no recorded observations of whooping cranes within the Project Area. A total of 79 observations occurred within the 35-mile buffer area around the Project Area.



September 21, 2009

Mr. Ed Meendering
USFWS Long Lake Wetland Management District
12000 353rd Street SE
Moffit, ND 58560-9704

RE: Application to North Dakota Public Services Commission for Certificate of Site Compatibility for Baldwin Wind Energy Center in Burleigh County, North Dakota

Dear Mr. Ellsworth:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility, in accordance with Section 49-22-07 NDCC. As part of that application, we are conducting an investigation of property in Burleigh County, southeast of Wilton, North Dakota as a potential location for the proposed Baldwin Wind Energy Center. This proposed project would consist of 99 megawatts (MW), operated at a 49.5 MW annual average. The proposed project area is shown in the attached figure is the primary focus of our investigation.

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We have already been in communication with the USFWS Habitat and Population Evaluation Team (HAPET) to identify waterfowl production areas (WPAs) and grassland, wetland, and conservation easements within the Project boundary; none were identified.

Various biological surveys have been completed in or near this Project area (see Appendix 1).

Those studies include the following:

- Spring and Fall Avian Surveys
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Other biological surveys that are underway include:

- Native Prairie Survey
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We would appreciate a response by October 23, 2009. Please contact me at (512) 338-1667 if you have any questions.

Thank you for your assistance.

Respectfully submitted,

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757

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September 30, 2009

Anne-Marie Griger
Tetra Tech EC, Inc.
7800 Shoal Creek Blvd., Suite 253 East
Austin, TX 78757

RE: Baldwin Wind Energy Center Project, Burleigh County, ND

Dear Ms. Griger:

This office supports the development of the proposed wind energy center for the above referenced project.

While we are not aware of any environmental property, concerns, or issues within the boundaries of the proposed project, we would defer to the North Dakota Game & Fish Dept., the ND Parks & Recreation Dept., the State Historical Society of North Dakota, and the North Dakota Health Dept. for their input. According to your letter it appears you have already initiated this process.

The North Dakota Public Service Commission is the authority which issues permits for locating power plant and transmission lines within the state.

With regards to land use, approvals are granted by the local land use/zoning authorities.

Sincerely,



Paul T. Govig, Director
ND Division of Community Services

John Hoeven
Governor

Lisa K. Fair McEvers
Commissioner



State Capitol - 13th Floor
600 E Boulevard Ave Dept 406
Bismarck, ND 58505-0340

nd.gov/labor
nd.gov/humanrights

September 29, 2009

Ms. Anne-Marie Griger, AICP
Tetra Tech, EC Inc.
7800 Shoal Creek Blvd. Suite 253 East
Austin, TX 78757

Re: Application to North Dakota Public Services Commission for Certificate of Site
Compatibility for Baldwin Wind Energy Center in Burleigh County, North
Dakota

Dear Ms. Griger,

Thank you for your letter of September 21, 2009, inquiring about assistance in identifying concerns or issues relating to the project you described. The Department of Labor enforces wage and hours laws, investigates allegations of discrimination in employment, housing, public services, public accommodations and credit transactions.

The Department of Labor takes no position on your project, as I am unable to identify any concerns relating to the authority granted to the department.

Sincerely yours,

A handwritten signature in blue ink that reads "Lisa K. Fair McEvers".

Lisa K. Fair McEvers
Commissioner



North Dakota Department of Transportation

Francis G. Ziegler, P.E.
Director

John Hoeven
Governor

September 28, 2009

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, TX 78757

APPLICATION TO NORTH DAKOTA PUBLIC SERVICES COMMISSION FOR
CERTIFICATE OF SITE COMPATIBILITY FOR BALDWIN WIND ENERGY CENTER IN
BURLEIGH COUNTY, NORTH DAKOTA

Permits must be obtained for any work done on North Dakota Department of Transportation right of way.

Permits must also be obtained from the North Dakota Highway Patrol for all overweight vehicles.

A handwritten signature in blue ink that reads "Kevin J. Levi (RS)".

KEVIN J. LEVI – BISMARCK DISTRICT ENGINEER

rs



September 29, 2009

Anne-Marie Griger, AICP
Tetra Tech EC, Inc.
7800 Shoal Creek Blvd., Ste 253 East
Austin, TX 78757

Re: Baldwin Wind Energy Center, Burleigh County

Dear Ms. Griger:

This department has reviewed the information concerning the above-referenced project submitted to Dr. Terry Dwelle under date of September 21, 2009, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.
2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
3. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). Also, cities or counties may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.
4. Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is

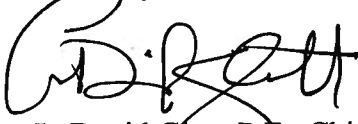
equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this department in our determination regarding the issuance of such a certification.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "L. David Glatt". The signature is stylized and written over a faint, larger version of the same signature.

L. David Glatt, P.E., Chief
Environmental Health Section

LDG:cc
Attach.



Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

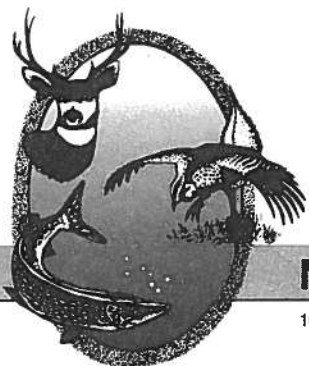
Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

October 13, 2009

Anne-Marie Griger, AICP
Tetra Tech, EC Inc.
7800 Shoal Creek Blvd, Suite 253 East
Austin, TX 78757

Dear Ms. Griger:

RE: Baldwin Wind Energy Center – Burleigh County, North Dakota

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns.

Our primary concern with wind power development is the disturbance of native prairie associated with construction of turbines, access roads, and other associated facilities. We ask that work within native prairie be avoided to the extent possible. This could include micro-siting turbines onto adjacent previously disturbed land, locating access roads on existing section line trails rather than across undisturbed native prairie, etc.

National Wetland Inventory maps indicate numerous wetlands within the proposed project area. We recommend that any unavoidable wetland impacts be replaced in kind, above-ground appurtenances not be placed in wetland areas, and no alterations be made to existing drainage patterns.

We also recommend that routine monitoring for avian and bat mortality be included as part of the facility maintenance plan for the life of the project.

We would appreciate being kept informed as this project progresses, and as other wind power projects are developed in North Dakota. If possible, we would also like the GPS coordinates for each turbine after the site has been established.

Sincerely,

Michael G. McKenna
Chief
Conservation & Communication Division

js



North Dakota Geological Survey

Edward C. Murphy - State Geologist

Department of Mineral Resources

Lynn D. Helms - Director

North Dakota Industrial Commission

<https://www.dmr.nd.gov/ndgs/>

September 29, 2009

Ms. Anne-Marie Griger
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757

RE: Application to ND PSC for Baldwin Wind Energy Center Certificate of Compatibility

Dear Ms. Griger:

I have reviewed the information that you sent me regarding NextEra Energy Resources application to the ND PSC for Baldwin Wind Energy Center Certificate of Compatibility. Enclosed is a map showing the mineable coal deposits and the suspected locations of abandoned underground coal mines in sections 19-23 in T142N, R79W. My maps did not show economically mineable coal or underground coal mines in the other three areas that were listed in your letter. However, the ND Public Service Commission is responsible for abandoned coal mines and should be consulted about the specific locations of old mines in this area.

Please contact me if you have any questions.

Sincerely,

Edward C. Murphy
State Geologist

encl.



John Hoeven, Governor
Douglass A. Prchal, Director
1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@nd.gov
www.parkrec.nd.gov

October 15, 2009

Anne-Marie Griger
Tetra Tech
7800 Shoal Creek Blvd, Suite 253 East
Austin, TX 78757

Re: Baldwin Wind Energy Center Project

Dear Ms. Griger:

The North Dakota Parks and Recreation Department has reviewed the above referenced project proposal to construct a wind energy center located in Section 19, T141N, R78W; Sections 2-5, 8-15, and 24, T141N, R79W; Sections 19-23 and 26-30, T142N, R79W; and Section 25, T142N, R80W; Burleigh County.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare species and ecological communities). The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, there are no known occurrences within or adjacent to the project area.

Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

Given the potential for not only habitat disturbance and disruption but the threat to nesting, feeding and migratory bird and bats in the area we suggest that all efforts be made to avoid impacts to wildlife species and their habitats. In an effort to avoid or minimize impacts to wildlife and their habitats we encourage proper evaluation of all potential wind energy sites. To identify and assess adverse impacts to wildlife we suggest pre and post construction avian and bat monitoring studies be conducted.

Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

Thank you for the opportunity to comment on this project. Please contact Kathy Duttonhefner (701-328-5370 or kgduttonhefner@nd.gov) of our staff if additional information is needed.

Sincerely,

A handwritten signature in black ink that reads "Jesse Hanson".

Jesse Hanson, Coordinator
Planning and Natural Resources Division

R.USNDNHI*2009-267

.....
Play in our backyard!



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

John Hoeven
Governor of North Dakota

North Dakota
State Historical Board

Chester E. Nelson, Jr.
Bismarck - President

Gereld Gerntholz
Valley City - Vice President

Richard Kloubec
Fargo - Secretary

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New Town

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Tourism Division*

Kelly Schmidt
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Douglass Prchal
*Director
Parks and Recreation
Department*

Francis Ziegler
*Director
Department of Transportation*

Merlan E. Paaverud, Jr.
Director

*Accredited by the
American Association
of Museums*

September 30, 2009

Ms. Anne-Marie Griger, AICP
Tetra-Tech, EC Inc.
7800 Shoal Creek Blvd, Suite 253 East
Austin TX 78757

ND SHPO REF: 09-1801 PSC NwxtERa Energy Resources Baldwin Wind Energy Center in portions of [T141N R78W Section 19; T141N R79W Sections 2-5, 8-15, 24; T142N R79W Sections 19-23, 26-30; and T142N R80W Section 25] Burleigh County, North Dakota

Dear Ms. Griger,

We received ND SHPO REF: 09-1801 PSC Baldwin Wind Energy Center in portions of [T141N R78W Section 19; T141N R79W Sections 2-5, 8-15, 24; T142N R79W Sections 19-23, 26-30; and T142N R80W Section 25] Burleigh County, North Dakota. We recommend a Class I (file search) of the project areas followed by a Class III (pedestrian) survey, following review by this office.

Thank you very much for the opportunity to review this project to date. We look forward to further review of the Class I and Class III reports. If you have any questions please contact Susan Quinnell, Review and Compliance Coordinator at (701) 328-3576, e-mail squinnell@nd.gov

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer (North Dakota)
and
Director
State Historical Society of North Dakota

C: Patrick Fahn, PSC



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640
September 28, 2009

North Dakota Regulatory Office

Tetra Tech, EC Inc
ATTN: Anne-Marie Griger, AICP
7800 Shoal Creek Boulevard, Suite 253 East
Austin, Texas 78757

Dear Ms. Griger:

This is in response to your September 21, 2009 request for comments concerning proposed construction of the Baldwin Wind Energy Center by **NextEra Energy Resources, LLC. (NextEra)**. We have assigned Project Number (NWO-2009-2393-BIS) to your request. Please reference this number when you write or call us regarding your proposal.

Corps Regulatory Offices administer Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Section 10 regulates work in or affecting navigable waters. This would include work over, through or under Section 10 waters. For your information, Section 10 waters in North Dakota include: the entire Missouri River system, including Lake Sakakawea and Lake Oahe; the Yellowstone River from the North Dakota/Montana border to its mouth; Upper Des Lacs Lake; Red River of the North; Bois De Sioux; and James River from Jamestown south to the North Dakota/South Dakota border. Section 404 regulates the discharge of dredged or fill material, either temporarily or permanently, into waters of the United States. Water of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities or materials used to create any structure or infrastructure in waters of the United States.

If you think your project may require a Section 10 and/or Section 404 permit, please complete and submit the enclosed permit application to our office for review and authorization prior to construction. It is essential to identify impacts to waters of the United States resulting from the project.

Although engineering drawings are not required, when preparing the needed information, please bear in mind that it must clearly and accurately depict your project activity. Dimensions and quantities are key information needed for evaluation. Various Federal, state and local officials, and members of the general public may be provided the information and asked to comment.

If you have any questions regarding this letter or our program, please do not hesitate to write me at the above address, or call this office at (701) 255-0015.

Sincerely,

A handwritten signature in blue ink, appearing to read "Toni R. Erhardt". The signature is stylized and includes a large, sweeping loop on the left side.

Toni R. Erhardt
Project Manager
North Dakota Regulatory Office

Enclosure

**Instructions for Preparing a
Department of the Army Permit Application**

Blocks 1 through 4. To be completed by Corps of Engineers.

Block 5. Applicant's Name. Enter the name and the E-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant Telephone Number(s). Please provide the number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by applicant, if an agent is to be employed.

Block 12. Proposed Project Name or Title. Please provide name identifying the proposed project, e.g., Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center.

Block 13. Name of Waterbody. Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Project Street Address. If the proposed project is located at a site having a street address (not a box number), please enter it here.

Block 15. Location of Proposed Project. Enter the latitude and longitude of where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked Block 15.

Block 16. Other Location Descriptions. If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality that the site is located in.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known

Block 18. Nature of Activity. Describe the overall activity or project. Give appropriate dimensions of structures such as wing walls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 18.

Block 19. Proposed Project Purpose. Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

Block 20. Reasons for Discharge. If the activity involves the discharge of dredged and/or fill material into a wetland or other waterbody, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

Block 21. Types of Material Being Discharged and the Amount of Each Type in Cubic Yards. Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc.

Block 22. Surface Areas of Wetlands or Other Waters Filled. Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 23. Description of Avoidance, Minimization, and Compensation. Provide a brief explanation describing how impacts to waters of the United States are being avoided and minimized on the project site. Also provide a brief description of how impacts to waters of the United States will be compensated for, or a brief statement explaining why compensatory mitigation should not be required for those impacts.

Block 24. Is Any Portion of the Work Already Complete? Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps permit, identify the authorization, if possible.

Block 25. Names and Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site. List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the waterbody or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked Block 24.

Information regarding adjacent landowners is usually available through the office of the tax assessor in the county or counties where the project is to be developed.

Block 26. Information about Approvals or Denials by Other Agencies. You may need the approval of other federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

Block 27. Signature of Applicant or Agent. The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number.

Please submit one original, or good quality copy, of all drawings on 8½ x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). **While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.**

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type	Type	Type
Amount in Cubic Yards	Amount in Cubic Yards	Amount in Cubic Yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres

Or

Liner Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

Address –

City –

State –

Zip –

26. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
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* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501



NOV 10 2009

Mr. Matt Marsh
Western Area Power Administration
Upper Great Plains Customer Service Region
P.O. Box 35800
Billings, Montana 59107-5800

Dear Mr. Marsh:

This is in response to your September 30, 2009, request for environmental information in relation to public scoping for the preparation of an Environmental Assessment (EA) for the proposed Baldwin Wind Energy Center, LLC (Baldwin Wind) 99 megawatt (MW) wind power project near Baldwin, North Dakota. The proposed project is located in Burleigh County, North Dakota:

T. 141 N., R. 78 W., Section 19
T. 141 N., R. 79 W., Sections 2-5, 8-15, 24
T. 142 N., R. 79 W., Sections 19-23, 26-30
T. 142 N., R. 80 W., Section 25

Western Area Power Administration (Western) is the lead Federal agency for the proposed action. We offer the following comments under the authority of and in accordance with the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d, 54 Stat. 250), Executive Order 11990 "Protection of Wetlands", Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.), the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57), and the National Environmental Policy Act (NEPA) (Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended). The U.S. Fish and Wildlife Service (Service) requests that the recommendations provided in this letter be addressed in Western's EA for the Baldwin Project.

The Service holds certain resources in trust and manages them for the benefit of the American people. These resources include migratory birds, inter-jurisdictional fish, federally-listed threatened and endangered species of plants and animals and their habitats, and units of the National Wildlife Refuge system. One goal of Service policy is that conservation of fish and wildlife resources receive equal consideration with other features of resource development, and that conservation actions are coordinated with those other forms of development. Another goal is to conserve, protect, and enhance fish and wildlife and their habitats, and to facilitate the

balanced development of the Nation's natural resources. When planning an activity, project proponents should give careful consideration to potential impacts to these trust resources and compliance with the laws mentioned above.

Migratory Birds

Adequate consideration for avian and other wildlife resources early in the site evaluation process can help to minimize impacts and facilitate project review. Although current wind turbine technology and proper siting can help to minimize the incidence of avian and bat deaths due to blade, aerial line, and tower strikes, the potential for direct mortality of some migratory birds and bats will remain. Wind power developers, in concert with the Service, can help to ensure that projects proceed with as little impact to migratory birds as possible. This can be accomplished by gathering information on avian resources as they relate to project siting and by implementing measures to minimize impacts to migratory birds from the construction and operation of the wind facility.

Wind developers are encouraged to avoid impacts to prairie and other native habitats to the maximum extent practicable. Avoidance of impacts can be most effectively achieved by taking a landscape-scale view, beginning with the process of prospecting for suitable sites for wind power development. Companies should assess not only those factors that indicate favorable conditions for development, such as a consistent wind resource, access to transmission, willing landowners, available financing, etc., but also anticipated impacts to wildlife and their habitats. Equal consideration should be accorded to wildlife resource conservation as to other features of development. When considering a project in a particular wind resource area, companies should use all available tools to ensure they have taken all practicable steps to avoid impacts to native habitats. This can be accomplished by utilizing GIS products depicting significant areas of contiguous prairie to site development in areas that are already impacted or fragmented. This analysis and potential site comparison should be accomplished prior to making any significant financial commitments, including entering into lease agreements with landowners. The Service's Interim Wind Turbine Siting Guidelines encourage project proponents to conduct a Potential Impact Index (PII) analysis on several potential sites within wind resource areas to assist in their selection of a wind power site that minimizes the potential to impact migratory birds and other wildlife. If the Service's interim guidelines were not used to evaluate potential sites for development, the Service recommends that the developer or Federal agency use another method that compares avian and other wildlife resource impacts on several sites before selecting a particular site for development. The alternatives analysis for the project should describe the potential project sites that were evaluated and why they were rejected or selected based on potential trust resource impacts.

The Service has coordinated with the Avian Power Line Interaction Committee (APLIC) to develop guidelines to assist companies in formulating Avian Protection Plans (APP). These plans are utility-specific and designed to provide a structured way for a company to reduce avian mortality resulting from interactions with electric utility facilities (e.g. collisions and

electrocutions), but we suggest they may be adapted to wind energy facilities as well. The APP can be tailored to each utility's industry-specific and site specific wildlife needs, while in the process furthering avian conservation and improved reliability and customer service. Implementing the principles contained in these APP guidelines will greatly reduce avian risk as well as risk of enforcement under the Migratory Bird Treaty Act (MBTA). The guidelines can be accessed from the Service's website at <http://www.fws.gov/migratorybirds/>. We strongly encourage the project developer of the proposed wind energy facility to investigate the formulation of an APP or if bats may also be affected by the project, an Avian and Bat Protection Plan (ABPP). An example of a completed ABPP can be found at Iberdrola Renewables' website at http://www.iberdrolarenewables.us/pdf/Signed_ABPP_10-28-08.pdf.

To minimize the electrocution hazard to birds, the Service, with support from the Rural Utilities Service, recommends that new or updated overhead power lines be constructed in accordance with the current guidelines for preventing raptor electrocutions. The recommended guidelines can be found in "2006 Suggested Practices for Avian Protection on Power Lines". To increase power line visibility and reduce bird fatalities resulting from collisions with power lines, the Service recommends all new power lines that cross or run adjacent to rivers or large wetlands be modified according to "Mitigating Bird Collisions with Power Lines: The State of the Art in 1994". Both publications can be obtained by writing or calling the Edison Electric Institute, P.O. Box 266, Waldorf, Maryland 20604-0266, (1-800-334-5453) or visiting their website at www.eei.org.

The Migratory Bird Treaty Act prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. While the MBTA has no provision for allowing unintentional take, the Service realizes that some birds may be killed by wind power towers or power lines even if all reasonable measures to protect them are used. The Service's Office of Law Enforcement carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and industries that have taken effective steps to minimize their impacts on migratory birds, and by encouraging others to enact such programs. It is not possible to absolve individuals, companies, or agencies from liability even if they implement avian mortality avoidance or similar conservation measures. However, the Office of Law Enforcement focuses its resources on investigating and prosecuting individuals and companies that take migratory birds without regard for their actions or without following recommendations such as this to avoid take. Siting, construction and operating wind facilities, in accordance with the recommendations provided by the Service, and implementing an APP or ABPP that has been reviewed and approved by the Service, are strong indicators of a good faith effort by wind companies to reduce the impacts to migratory birds.

To avoid impacts to migratory birds or other wildlife during the breeding season (February 1 to July 15), schedule construction for late summer or fall/early winter. If work is proposed to take place during the breeding season or at any other time which may result in the take of migratory birds, eggs, or active nests, the Service recommends that the project proponent arrange to have a qualified biologist conduct a field survey of the affected habitats to determine the absence or presence of nesting migratory birds. If nesting migratory birds are found, we request you contact

this office, suspend construction, or take other measures, such as maintaining adequate buffers, to protect the birds until the young have fledged. The Service further recommends that field surveys for nesting birds, along with information regarding the qualification of the biologist(s) performing the surveys, and any avoidance measures implemented at the project site, be thoroughly documented and that such documentation be shared with the Service and maintained on file by the project proponent at least until such time as construction on the proposed project has been completed.

Threatened and Endangered Species

A list of Federally threatened and endangered species that may occur within the proposed project's area of influence is enclosed (enclosure 1). This list fulfills requirements of the Fish and Wildlife Service under Section 7 of the Endangered Species Act.

If a Federal agency, in this case Western, authorizes, funds, or carries out a proposed action, the responsible Federal agency, or its designated agent, is required to evaluate whether the action "may affect, likely to adversely affect" listed species. If the Federal agency determines the action "may affect, likely to adversely affect" listed species, then the responsible Federal agency shall request formal section 7 consultation with this office, or work with this office to remove the likely adverse effects before proceeding. If the evaluation shows a "no effect" determination for listed species, further consultation is not necessary. If a private entity receives Federal funding for a construction project, or if any Federal permit is required, the Federal agency may designate the fund recipient or permittee as its agent for purposes of informal section 7 consultation.

The Aransas Wood Buffalo Population (AWBP) of whooping cranes is the only self-sustaining migratory population of whooping cranes remaining in the wild. These birds breed in the wetlands of Wood Buffalo National Park in Alberta and the Northwest Territories of northern Canada, and overwinter on the Texas coast. Whooping cranes in the AWBP annually migrate through North Dakota during their spring and fall migrations.

Endangered whooping cranes have been documented using stopover habitat in the vicinity of this proposed wind resource area. The proposed wind project area is located in that portion of the whooping crane migration corridor that includes 75% of all confirmed whooping crane sightings in North Dakota (enclosure 2). The presence of suitable roosting and feeding habitat for whooping cranes indicates the potential for whooping crane presence in the proposed project area. A wind energy project in this wind resource area has the potential to affect whooping cranes during their annual spring and fall migration through North Dakota. Potential effects may be direct (e.g. collision mortality) or indirect (e.g. avoidance of the site resulting in cranes seeking alternate habitat). The interactions of whooping cranes with wind turbines and wind farms are currently not fully known, although it is expected that these large birds with relatively low maneuverability are susceptible to mortality via collisions with turbines. Currently, collisions with power lines are the greatest known source of mortality for fledged whooping cranes, and have accounted for the death or serious injury of at least 46 whooping cranes since 1956.

Fish and Wildlife Service Property Interests

The Service administers Waterfowl Production Areas owned in fee title as well as wetland and grassland easements throughout North Dakota. A review of Service realty records for the proposed project area indicates Service wetland easements interests in T. 141 N., R. 78 W., Section 19, N½., Burleigh County. The Service has an ongoing easement acquisition program and we recommend that for Burleigh County, contact Paul VanNingen, Wildlife Refuge Manager, Long Lake National Wildlife Refuge, 12000 353rd Street SE, Moffit, North Dakota 58560-9740, (701-387-4397), for more specific information relative to Service easements and up to date realty records.

The primary responsibility in protecting these easements is to review all proposed uses to ensure that the requests are compatible with Service easement regulations and various laws and policies. Therefore, these comments and suggestions are made in an attempt to accomplish three goals: 1) avoid impacts to Service grassland and wetland easements in the project area as much as possible; 2) if unavoidable, ensure that any proposed turbine and associated infrastructure impacts (roads, buried collection lines, transmission lines, sub-stations, etc.) on any Service easement areas are kept to an absolute minimum; and 3) investigate all potential alternatives to eliminate or reduce impacts to easement areas to protect the integrity of the easement.

High Value Habitat Avoidance

The proposed project area is located in the Coteau Slope region of North Dakota and includes areas of native mixed-grass prairie. Since the 1800s, North Dakota has lost approximately 75 percent of its native grasslands, primarily due to crop production. The Service recommends avoiding construction or disturbance on native prairie areas.

Native prairie has significant natural resource values including:

1. Provides habitat for a number of migratory and resident grassland birds whose populations are declining.
2. Provides nesting habitat for millions of waterfowl.
3. Contains 200-300 plant species, which provide genetic diversity important to agriculture and medicine.
4. Provides habitat for thousands of insects including the Dakota skipper, a candidate species for listing under the ESA, and other butterflies (Ex: Regal fritillary, Tawny crescent).
5. Crucial for soil and water conservation.
6. Provides recreational opportunities (hunting, bird watching/wildlife observation, hiking).
7. Living laboratories for scientific research.

Our review of NWI maps indicate that wetland areas are located within the project area. NWI data can be accessed directly by visiting their website at wetlands.fws.gov). Section 404 of the Clean Water Act regulates placement of fill materials in certain wetlands. A Corps of Engineers'

404 permit may be required if fill material will be placed in aquatic sites including wetlands. Contact Mr. Dan Cimarosti, Regulatory Office, Corps of Engineers, 1513 South 12th Street, Bismarck, North Dakota 58504 (701-255-0015), to determine their permit requirements. If a 404 permit is required, the Service will provide recommendations on this project to the Corps.

Other high value wildlife habitat types in North Dakota include wooded draws and riparian forests. We recommend that avoiding construction of wind towers and appurtenant facilities in the above habitat types whenever possible.

Construction activities should be conducted in a manner that will minimize impacts to the wildlife and the existing habitat in the project area. To help avoid impacts, we recommend that you:

- Avoid construction in native prairie, if possible, and reseed disturbed native prairie with a comparable native grass/forb seed mixture. Obtain seed stock from nurseries within 250 miles of the project area to insure the particular cultivars are well adapted to the local climate.
- Minimize grassland disturbance by using fewer, larger turbines and limiting new road construction.
- Use underground transmission lines between turbines, as well as to the primary substation. If construction of overhead transmission lines are unavoidable, install and maintain appropriate visual line marking devices on all new line and an equal length of existing line to reduce the potential for avian collision mortality.
- Design meteorological towers to be self standing (no guywires). If towers must be guyed, install and maintain appropriate visual line marking devices on the new towers and an equal number of existing towers to reduce the potential for avian collision mortality
- Locate appurtenant facilities to avoid placement of fill in wetlands along the route.
- Install and maintain appropriate erosion control measures to reduce sedimentation and water quality degradation of wetlands and streams near the project area.
- Replace unavoidable wetland losses with functionally equivalent wetlands.

Research, Monitoring, and Assessment

We encourage project proponents to conduct, at a minimum, three years of collision monitoring studies designed to determine the effect of several factors, such as site selection, turbine designs, the layout of wind plants, wind plant operations, habitat alteration, and changes in available perching and nesting sites, on bird deaths. Annual reports outlining the results of these monitoring studies should be submitted to this office. The Avian Subcommittee of the National Wind Coordinating Committee (NWCC) has developed a guidance document to assist wind energy developers in designing studies that will produce credible and comparable results of avian interaction with wind power plants. The NWCC document, "Studying Wind Energy/Bird Interactions: A Guidance Document. Metrics and methods for determining or monitoring potential impacts on birds at existing and proposed wind energy sites," can be obtained by

contacting the National Wind Coordination Committee, c/o RESOLVE, 1255 23rd Street, Suite 275, Washington, D.C. 20037, or by visiting their website at www.nationalwind.org.

Thank you for the opportunity to provide comments. Please provide our office with a copy of the Draft Environmental Assessment for pre-approval review. If you require further information as project planning proceeds, please contact Terry Ellsworth of my staff, or contact me directly, at (701) 250-4481, or at the letterhead address.

Sincerely,



Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

Enclosures (2)

cc: Long Lake WMD, Project Leader
(Attn: E. Meendering)
Ecological Services, Fish & Wildlife Service, Denver
Branch Conservation Planning Assistance (ERT), Washington DC
Office of Environmental Policy & Compliance, Washington DC
Regulatory Office, Army Corps of Engineers, Bismarck
(Attn: D. Cimarosti)
ND Public Service Commission, Bismarck
Director, ND Game & Fish Department, Bismarck
(Attn: M. McKenna)

FEDERAL THREATENED AND ENDANGERED SPECIES
AND DESIGNATED CRITICAL HABITAT FOUND IN
BURLEIGH COUNTY, NORTH DAKOTA
November 2009

ENDANGERED SPECIES

Birds

Interior least tern (*Sterna antillarum*): Nests along midstream sandbars of the Missouri and Yellowstone Rivers.

Whooping crane (*Grus Americana*): Migrates through west and central counties during spring and fall. Prefers to roost on wetlands and stockdams with good visibility. Young adult summered in North Dakota in 1989, 1990, and 1993. Total population 140-150 birds.

Fish

Pallid sturgeon (*Scaphirhynchus albus*): Known only from the Missouri and Yellowstone Rivers. No reproduction has been documented in 15 years.

Mammals

Gray wolf (*Canis lupus*): Occasional visitor in North Dakota. Most frequently observed in the Turtle Mountains area.

THREATENED SPECIES

Birds

Piping plover (*Charadrius melodus*): Nests on midstream sandbars of the Missouri and Yellowstone Rivers and along shorelines of saline wetlands. More nest in North Dakota than any other state.

DESIGNATED CRITICAL HABITAT

Birds

Piping Plover - Missouri River - Critical habitat includes sparsely vegetated channel sandbars, sand and gravel beaches on islands, temporary pools on sandbars and islands, and the interface with the river.



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>

October 28, 2009

Anne Marie Griger
Tetra Tech
7800 Shoal Creek Blvd, STE 253 E
Austin, TX 78757

Dear Ms. Griger:

This is in response to your request for review of environmental impacts associated with the Compatibility for Baldwin Wind Energy Center in Burleigh County, ND.

The proposed project have been reviewed by State Water Commission staff and the following comments are provided:

- The property is not located in an identified floodplain and it is believed the project will not affect an identified floodplain.
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.
- No sole-source aquifers have been designated in ND.

There are no other concerns associated with this project that affect State Water Commission or State Engineer regulatory responsibilities.

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 328-4969.

Sincerely,

Larry Knudtson
Research Analyst

LJK:ds/1570



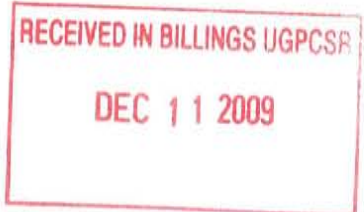
United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501



DEC 8 2009



Mr. Nicholas J. Stas
Environmental Manager
Wester Area Power Administration
Upper Great Plains Customer Service Region
Billings, Montana 59107-5800

Dear Mr. Stas:

This is in response to your October 28, 2009, letter requesting U.S. Fish and Wildlife Service (Service) participation as a cooperating agency in the preparation of an environmental assessment (EA) by the Western Area Power Administration (Western) for a proposed 99 megawatt (MW) Baldwin Wind Energy Center Project consisting of construction and operation of 66 wind turbines in Burleigh County, North Dakota, by Next Era Energy Resources. The Service accepts your invitation to be a cooperating agency and we look forward to working with Western in the preparation of the NEPA document for the subject wind power project.

If you require further information, please have your staff contact Terry Ellsworth of my staff, or contact me directly, at (701) 250-4481, or at the letterhead address.

Sincerely,

Jeffrey K. Towner
Field Supervisor
North Dakota Field Office



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

RECEIVED IN BILLINGS UGPCSR

NOV 16 2009

November 11, 2009

Matt Marsh
Environmental Protection Specialist
Upper Great Plains Region
Western Area Power Administration
PO Box 35800
Billings, MT 59107-5800

Dear Mr. Marsh:

RE: Baldwin Wind Energy Center Project EA

Our primary concern with wind power development is the disturbance of native prairie associated with construction of turbines, access roads, and other associated facilities. We ask that work within native prairie be avoided to the extent possible. This could include micro-siting turbines onto adjacent previously disturbed land, locating access roads on existing section line trails rather than across undisturbed native prairie, etc.

National Wetland Inventory maps indicate numerous wetlands within the proposed project area. We recommend that any unavoidable wetland impacts be replaced in kind, above-ground appurtenances not be placed in wetland areas, and no alterations be made to existing drainage patterns.

We also recommend that routine monitoring for avian and bat mortality be included as part of the facility maintenance plan for the life of the project.

We would appreciate being kept informed as this project progresses, and as other wind power projects are developed in North Dakota.

Sincerely,

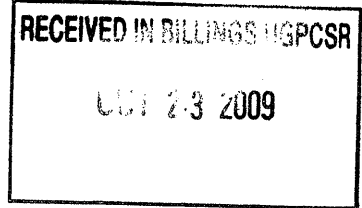
(for) Michael G. McKenna
Chief
Conservation & Communication Division

js



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640



October 20, 2009

North Dakota Regulatory Office

[NWO-2009-2511-BIS]

Department of Energy, WAPA
Attn: Matt Marsh, Project Manager
Upper Great Plains Customer Service Region
P.O. Box 35800
Billings, Montana 59107-5800

Dear Mr. Marsh:

This is in response to a letter received October 2, 2009 requesting Department of the Army, U.S. Army Corps of Engineers (Corps) comments regarding the construction of a 66 wind turbine energy development north of the city of Baldwin in southern Burleigh County, North Dakota by Baldwin Wind Energy Center, LLC (Baldwin Wind).

Corps regulatory offices administer Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Section 10 of the Rivers and Harbors Act regulates work impacting navigable waters. Work over, in, or under navigable waters is considered to have an impact. Section 404 of the Clean Water Act regulates the discharge of dredge or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in the waters of the United States.

Please submit a location map and completed Corps permit application (copy enclosed) describing all proposed work and construction methodology, to the letterhead address if a Section 10/404 permit is required.

Do not hesitate to contact this office by letter or telephone (701-255-0015) if we can be of further assistance.

Sincerely,

Daniel E. Cimarosti
Regulatory Program Manager
North Dakota

Enclosure

**APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)**

**OMB APPROVAL NO. 0710-0003
EXPIRES: 31 August 2012**

Public reporting burden for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please **DO NOT RETURN** your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
--------------------	----------------------	------------------	------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME: First - Middle - Last - Company - E-mail Address -	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) First - Middle - Last - Company - E-mail Address -
6. APPLICANT'S ADDRESS. Address - City - State - Zip - Country -	9. AGENT'S ADDRESS Address - City - State - Zip - Country -
7. APPLICANT'S PHONE NOS. W/AREA CODE. a. Residence b. Business c. Fax	10. AGENT'S PHONE NOS. W/AREA CODE a. Residence b. Business c. Fax

STATEMENT OF AUTHORIZATION

11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE

DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)	
13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable) Address City - State - Zip -
15. LOCATION OF PROJECT Latitude: °N Longitude: °W	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID Municipality Section - Township - Range -	
17. DIRECTIONS TO THE SITE	

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type	Type	Type
Amount in Cubic Yards	Amount in Cubic Yards	Amount in Cubic Yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres
Or
Liner Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

Address –
City – State – Zip –

26. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
--------	----------------	-----------------------	--------------	---------------	-------------

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

_____ SIGNATURE OF APPLICANT	_____ DATE	_____ SIGNATURE OF AGENT	_____ DATE
---------------------------------	---------------	-----------------------------	---------------

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**Instructions for Preparing a
Department of the Army Permit Application**

Blocks 1 through 4. To be completed by Corps of Engineers.

Block 5. Applicant's Name. Enter the name and the E-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant Telephone Number(s). Please provide the number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by applicant, if an agent is to be employed.

Block 12. Proposed Project Name or Title. Please provide name identifying the proposed project, e.g., Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center.

Block 13. Name of Waterbody. Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Project Street Address. If the proposed project is located at a site having a street address (not a box number), please enter it here.

Block 15. Location of Proposed Project. Enter the latitude and longitude of where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked Block 15.

Block 16. Other Location Descriptions. If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality that the site is located in.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known

Block 18. Nature of Activity. Describe the overall activity or project. Give appropriate dimensions of structures such as wing walls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 18.

Block 19. Proposed Project Purpose. Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

RECEIVED IN BILLINGS UGPCSR
OCT 22 2009



Natural Resources Conservation Service
P.O. Box 1458
Bismarck, ND 58502-1458

October 19, 2009

Matt Marsh
Western Area Power Administration
Upper Great Plains Customer Service Region
P.O. Box 35800
Billings, Montana 59107-5800

RE: (Baldwin Wind) – B0401.BL, Burleigh County, ND

Dear Mr. Marsh:

The Natural Resources Conservation Service (NRCS) has reviewed your letter regarding the referenced activity and acknowledges your request to determine whether your project affects farmland as defined in Sec. 658.2(a) of the Code of Federal Regulations (CFR) dealing with the Farmland Protection Policy Act (FPPA).

Important Farmlands - NRCS has a major responsibility with FPPA in documenting conversion of farmland (i.e., prime, statewide, and local importance) to non-agricultural use. It is not clear from your letter whether Federal funding will be used for this project. If the project is supported by Federal funding or actions, FPPA will apply to each wind turbine site and the Farmland Conversion Impact Rating Form AD-1006 must be completed. A negative response is not required.

Wetlands – The Wetland Conservation Provisions of the 1985 Food Security Act, as amended, provide that if a USDA participant converts a wetland for the purpose of, or to have the effect of, making agricultural production possible, loss of USDA benefits could occur. NRCS has developed the following guidelines for the installation of buried utilities. If these guidelines are followed, the impacts to the wetland(s) will be considered minimal allowing USDA participants to continue to receive USDA benefits. Following are the requirements: 1) Disturbance to the wetland(s) must be temporary, 2) no drainage of the wetland(s) is allowed (temporary or permanent), 3) mechanized landscaping necessary for installation is kept to a minimum and preconstruction contours are maintained, 4) temporary side cast material must be placed in such a manner not to be dispersed in the wetland, and 5) all trenches must be backfilled to the original wetland bottom elevation.



Mr. Marsh
Page 2

NRCS would recommend that impacts to wetlands be avoided. If the project requires passage through or disturbance of a wetland, NRCS can complete a certified wetland determination, if requested by the landowner/operator.

If you have additional questions pertaining to FPPA, please contact Steve Sieler, State Soil Liaison, at (701) 530-2019.

Sincerely,

A handwritten signature in black ink, appearing to read "John Glover", written in a cursive style.

JOHN GLOVER
Acting State Conservationist

cc:

Jay D. Fuhrer, DC, NRCS, Bismarck, ND
Mike Collins, ASTC (FO), NRCS, Jamestown, ND

From: Brodin.Molly@epamail.epa.gov
To: mmarsh@wapa.gov;
Subject: EPA recommendations for preparation of Baldwin Wind Draft EA
Date: Wednesday, October 28, 2009 3:59:15 PM

Dear Mr. Marsh,

Thank you for providing the letter notifying EPA Region 8 of Western's intent to prepare an EA for the proposed Baldwin Wind Project in Burleigh County, ND. We understand from the letter that the proposed project would involve construction of approximately 66 wind turbine generators on approximately 12,000 acres of leased land. Included in the project would be construction of additional access roads as necessary, with permanent width of 32 feet and temporary construction width of 50 feet. Also included is installation of an underground electrical collection system, requiring vegetation clearing to 30 feet wide as well as trenching, and a collector substation occupying approximately 1.4 acres.

EPA notes that Burleigh County is located in the prairie pothole region of North Dakota. Additionally, we note, from the map provided and additional study of satellite images of the project area, that the proposed project area appears to contain a significant percentage of wetlands. The EA should address potential impacts to all resources of concern for the project area, but we recommend particular attention be given to wetland impacts.

EPA considers the protection, improvement, and restoration of wetlands and riparian areas to be a high priority. Wetlands and riparian areas increase landscape and species diversity, support many species of western wildlife, and are critical to the protection of water quality and designated beneficial water uses. Executive Order (EO) 11990 directs Federal Agencies to "take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities." The EA should describe how the pipeline alternatives will address the wetland protection goals in EO 11990, as applicable.

Installation of wind turbine generators, access road construction, electrical collection system installation, and construction of the collector substation all have potential to impact wetlands in the proposed project area. Please note that wetland impacts should be avoided and minimized, to the maximum extent practicable, and then unavoidable wetland impacts should be compensated for through wetland

restoration, creation, or enhancement. Wetland mitigations often require evaluation of less environmentally damaging project alternatives. In general, the required compensatory mitigation should be located within the same watershed as the impact site, and should be located where it is most likely to successfully replace lost functions and services. Specific information on mitigation plans should be provided, including the type and location of planned mitigation; this mitigation plan should include consideration of direct, indirect, and cumulative effects.

EPA Region 8 would like to receive a review copy of the Draft EA. Please send it to:

Larry Svoboda, Program Director
EPA Region 8 (8EPR-N)
1595 Wynkoop Street
Denver, CO 80202-1129

Thank you for the opportunity to comment during the scoping period for this project. We look forward to reviewing the Draft EA. If you have any questions on these comments, please contact me via e-mail or at the phone number below.

Regards,

Molly Brodin
U.S. Environmental Protection Agency (8EPR-N)
Ecosystems Protection and Remediation
National Environmental Policy Act
1595 Wynkoop St.
Denver, Colorado 80202
(303) 312-6577



United States Department of the Interior
National Park Service
Lewis & Clark National Historic Trail
601 Riverfront Drive
Omaha, Nebraska 68102-4226



OFFICIAL CORRESPONDENCE SENT VIA ELECTRONIC MAIL

NO HARD COPY TO FOLLOW

L7615 (LECL-RS)

November 20, 2009

Mr. Matt Marsh
Environmental Protection Specialist
Western Area Power Administration
P.O. Box 35800
Billings, Montana 59107-5800

Dear Mr. Marsh:

The National Park Service (NPS) reviewed the notice soliciting comments on the scope of an Environmental Assessment (EA) for the proposed Baldwin Wind Energy Center in Burleigh County, North Dakota. Please consider the following comments in developing the EA for this project.

The Lewis and Clark National Historic Trail (the Trail) was established by Congress in an amendment to the National Trails System Act in 1978, and is administered by NPS. Under this Act, the NPS is charged with the identification and protection of the historic route, remnants, and artifacts of the Lewis and Clark Corps of Discovery Expedition for public use and enjoyment.

The Trail is located near the proposed Baldwin Wind Energy Center. The Expedition traveled the Missouri River through North Dakota in October, 1804 as they headed west and in August, 1806 on their return journey. U.S. Highway 83, on the east side of the Missouri River and North Dakota Highway 6, on the west side of the river are designated Lewis and Clark auto tour routes in this area. In addition, North Dakota Highways 1804 and 1806 were named in commemoration of the Expedition. The public follows the historic Trail on these roadways and along or on the Missouri River.

While NPS supports efforts to produce clean energy, we urge avoidance or minimization of adverse impacts to Trail resources from the proposed project. Potential impacts to the natural, cultural, recreational, and scenic values of the Trail should be examined in the EA. There is a great deal of local, regional, and national significance in recognizing and preserving the resources of the Lewis and Clark National Historic Trail.

The NPS is very concerned about cumulative visual impacts to the Trail from this proposed project and similar projects either existing or forecast in the region and all along the Trail. Trail visitors drawn to the area for its scenic or historic qualities are likely to be sensitive to disruptions of the landscape by man-made structures. Given their size and blade rotation, wind turbines attract attention on the landscape. As currently outlined in the project area vicinity map,

the closest turbine is sited less than two miles from the Trail. The NPS requests that wind turbines be sited outside the viewshed of the Trail wherever possible. After consideration has been given to siting turbines outside the Trail viewshed, a vigorous visual impact assessment must be completed and included in the EA.

This project is sited immediately south of the existing Wilton Wind Energy Center project that has thirty-three turbines. These wind developments require interconnection to existing or new transmission lines and electrical substations and construction of access roads. The cumulative impact of these and other wind developments, including necessary infrastructure, must be evaluated in the EA.

Thank you for the opportunity to comment. We request a copy of the draft EA when it is available for review. If you have questions regarding our comments, or would like more information on the Trail, please contact Chief of Resources Stewardship Dan Wiley at 402-661-1830 or Dan_Wiley@nps.gov.

Sincerely,

/s/ Mark R. Weekley

Mark Weekely
Superintendent

cc:
Nick Chevance
Regional Environmental Coordinator
Midwest Regional Office
601 Riverfront Drive
Omaha, Nebraska 68102

No, our comments are still applicable, just with the correction on which roads are the designated auto tour route in North Dakota.

Thank you,

Denise L. Nelson
Environmental Protection Specialist
Lewis & Clark National Historic Trail
601 Riverfront Drive
Omaha, NE 68102

Phone: 402-661-1812
Fax: 402-661-1813

"Matt Marsh"
<MMarsh@wapa.gov>

11/30/2009 10:09
AM

<Denise.Nelson@nps.gov>

To

cc

Subject

Re: NPS comments on Baldwin Wind
Energy Center in Burleigh
County, ND

Hi Denise,
Would you like to withdraw your comments then?
Matt

Matt Marsh
Environmental Protection Specialist
Western Area Power Administration
P.O. Box 35800
Billings, MT 59107-5800
406-247-7385 (office)
406-670-7479 (cell)

>>> <Denise.Nelson@nps.gov> 11/24/2009 3:27 PM >>>
Hi Matt,

I'm working on comments for a proposed transmission line (Minnkota Power Cooperative) north of Bismark, ND and learned from our Outdoor Recreation Planner that North Dakota Highways 1804 and 1806 are the designated Lewis and Clark auto tour routes in North Dakota. I had incorrectly indicated in our November 20th comment letter that Hwys 83 and 6 are the designated auto tour routes in ND. U.S. Highway 83 and North Dakota Highway 6 are designated on the maps created for development of the Lewis and Clark National Historic Trail in the National Trails System Act and may have once also been the official auto tour route in ND. I regret the error and apologize for the confusion.

Please feel free to contact me if you have any questions. Have a Happy Thanksgiving!

Denise L. Nelson
Environmental Protection Specialist
Lewis & Clark National Historic Trail
601 Riverfront Drive
Omaha, NE 68102

Phone: 402-661-1812
Fax: 402-661-1813

"Matt Marsh"
<mmarsh@wapa.gov>

11/20/2009 03:36
PM

<Denise.Nelson@nps.gov>

To

cc

Subject

Re: NPS comments on Baldwin Wind
Energy Center in Burleigh
County, ND

Thanks for the comments Denise. Have a great weekend.
Matt

Matt Marsh
Environmental Protection Specialist
Western Area Power Administration
P.O. Box 35800
Billings, MT 59107-5800
406-247-7385
>>> <Denise.Nelson@nps.gov> 11/20/09 1:38 PM >>>

Hello Matt,

Scoping comments from the Lewis and Clark National Historic Trail on the proposed Baldwin Wind Energy Center are attached.

Thank you for the opportunity to comment and please feel free to contact me with any questions.

(See attached file: Baldwin_Wind_Energy_LECLcomment112009.pdf)

Environmental Protection Specialist
Lewis & Clark National Historic Trail
601 Riverfront Drive
Omaha, NE 68102

Phone: 402-661-1812
Fax: 402-661-1813



John Hoeven, Governor
Douglass A. Prehal, Director

1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@nd.gov
www.parkrec.nd.gov



November 13, 2009

Matt Marsh
U.S. Department of Energy
Western Area Power Administration
Upper Great Plains Customer Service Region
P.O. Box 35800
Billings, MT 59107-5800

Re: Baldwin Wind Energy Center Project

Dear Mr. Marsh:

The North Dakota Parks and Recreation Department has reviewed the above referenced project proposal to construct a wind energy center located in Section 19, T141N, R78W; Sections 2-5, 8-15, and 24, T141N, R79W; Sections 19-23, 26-30, and 33-35, T142N, R79W; and Section 25, T142N, R80W; Burleigh County.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare species and ecological communities). The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any current or historic plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, there are no known occurrences within or adjacent to the project area.

Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

Given the potential for not only habitat disturbance and disruption but the threat to nesting, feeding and migratory bird and bats in the area we suggest that all efforts be made to avoid impacts to wildlife species and their habitats. In an effort to avoid or minimize impacts to wildlife and their habitats we encourage proper evaluation of all potential wind energy sites. To identify and assess adverse impacts to wildlife we suggest pre and post construction avian and bat monitoring studies be conducted.

Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

Thank you for the opportunity to comment on this project. Please contact Kathy Duttonhefner (701-328-5370 or kgduttonhefner@nd.gov) of our staff if additional information is needed.

Sincerely,

Jesse Hanson, Coordinator
Planning and Natural Resources Division

R.USNDNHI*2009-327

.....
Play in our backyard!



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

Mr. Crosby Savage
Site Assessment Analyst
NextEra Energy Resources
700 Universe Blvd.
Juno Beach, FL 33408

SEP 9 2009

Re: Baldwin Wind Energy Project, in Burleigh County, ND

Dear Mr. Savage:

In response to your request dated July 21, 2009, the National Telecommunications and Information Administration provided to the federal agencies represented in the Interdepartment Radio Advisory Committee (IRAC) the plans for the Baldwin Wind Energy Project, in Burleigh County, North Dakota.

After a 45 day period of review, only the Department of Commerce (DOC) identified any concerns regarding blockage of their radio frequency transmissions.

The proposed Baldwin Wind Energy Project in Burleigh County, ND will be located between approximately 13 and 26 nautical miles north through northeast of the Bismarck, ND Weather Surveillance Radar-1988 Doppler (WSR-88D). DOC estimates the proposed wind farm (towers and turbines) will be in the radar line of sight of the Bismarck WSR-88D. The Bismarck WSR-88D will see the wind farm on a daily basis. The towers and turbine blades will cause interference consisting of reflectivity clutter and anomalous Doppler returns at and downstream from the facility, possibly causing some beam blockage/attenuation and shadow effects. The wind farm will likely have large meteorological and hydrological impacts on the Bismarck WSR-88D in the azimuths impacted by the wind farm due to the returns from the rotating blades that the WSR-88D clutter filter will not be able to eliminate. WSR-88D weather radar data that is contaminated by wind turbine clutter (WTC) can cause impacts to all users including government, emergency managers, television broadcasters, private industry, researchers, and the public. Impacts to the key government agencies, the Departments of Commerce, Transportation, and Defense, could be particularly detrimental because they have the potential to impair the agencies' capability and efficiency in their respective public service/public safety roles. For example, the wind farm could have an impact on the Bismarck Weather Forecast Office severe weather warning operations near and potentially downrange of the wind farm.

We would be willing to assist the developer in exploring siting or operational curtailment options that would reduce the impact on the WSR-88D and weather radar data users.

Please forward the attached report to the developer along with the NTIA's response.

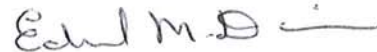
POC:
Dominic Bosco
1325 East West Hwy
Building: SSMC2
Silver Spring, MD 20910-3283
Phone: 301-713-1841 x123

Please find enclosed the aforementioned report from the Department of Commerce (DOC) representative.

While the other IRAC agencies did not identify any concerns regarding radio frequency blockage, this does not eliminate the need for the wind energy facilities to meet any other requirements specified by law related to these agencies. For example, this review by the IRAC does not eliminate any need that may exist to coordinate with the Federal Aviation Administration concerning flight obstruction.

Thank you for the opportunity to review these proposals.

Sincerely,



Edward M. Davison
Deputy Associate Administrator
Office of Spectrum Management

Enclosure

Baldwin Wind Energy Project Data and Operational Impacts

MODERATE IMPACT: FOLLOW-UP REQUESTED

Bismarck WSR-88D Impacts Overview

The Baldwin Wind Energy Project in Burleigh County, ND will likely have **MODERATE** meteorological and hydrological impacts to the Bismarck, ND WSR-88D. The Radar Operations Center requests further coordination with the developers to discuss impacts and mitigations; developers can contact us at Wind.Energy.Matters@noaa.gov.

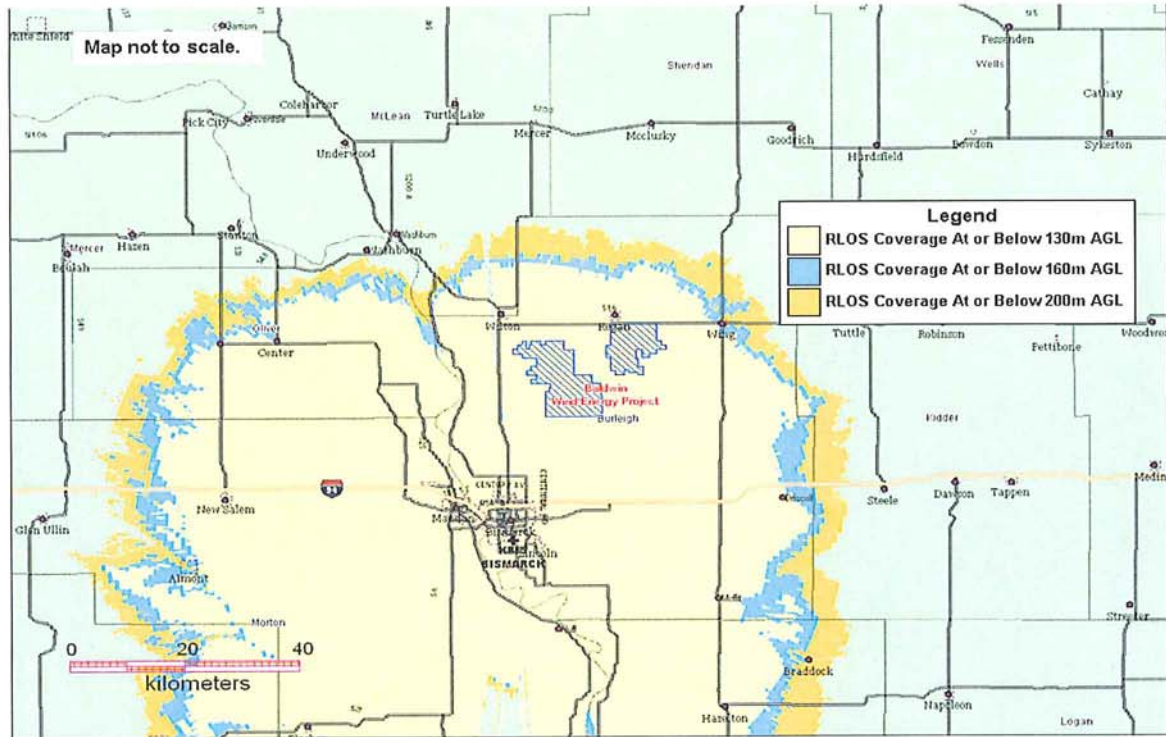


Figure 1: Bismarck radar map showing all potential wind farm turbine locations will be in the RLOS.

Baldwin Wind Energy Project Statistics

The wind farm proposal is located between approximately 13 and 26 nm north through northeast of the Bismarck WSR-88D with an approximate area of 47,610 acres.. The turbines are expected to be 415 feet in height with blades that are 305 feet in diameter. At the 0.5° elevation cut, all of the proposed turbine locations (figure 1) will protrude into the main beam (radar line of sight, RLOS) and will be visible on a daily basis from approximately 0-36° (to the north through northeast).

Impact Risk Matrix

An objective risk matrix (figure 2) estimates the potential meteorological and hydrological impacts from a wind farm. The radar *data impact score* is affected by the number of impacted elevation angles, azimuthal extent of wind turbine clutter (WTC), number of turbines, and near and far ranges of a wind farm. For example, turbines located closer to the radar, impacting more elevation scan angles, etc. would receive a higher impact score. The *operational impact score* imposed by WTC is climatology-based to estimate the number of severe weather warning (Severe

Thunderstorms, Tornadoes, and Flash Floods) hours that can be expected for a wind farm region (and affected regions beyond the wind farm if the wind farm is within 18km).

Matrix Score

The data impact index score for the Baldwin Wind Energy Project on the Bismarck WSR-88D is 4.2. The operational impact score is 3.8. Therefore, the risk matrix indicates the wind farm will likely have moderate impacts to the radar (orange ‘X’), chiefly due to the following:

- *All turbines penetrate 1st scanning elevation angle*
- *Azimuthal extent is about 36 degrees*
- *Severe weather warning climatology is high in affected counties*

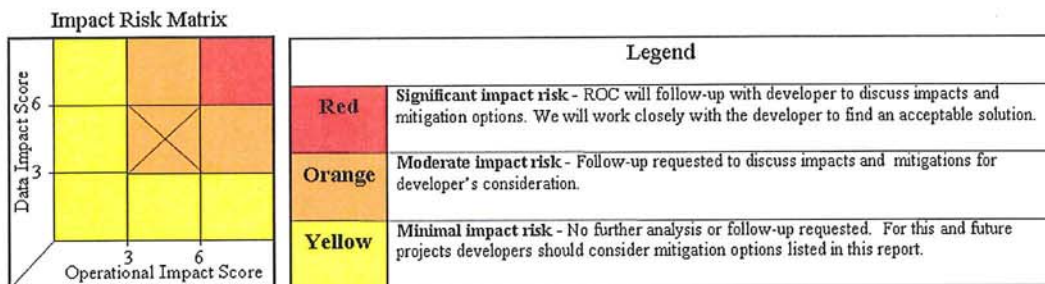


Figure 2: Impact Risk Matrix for the Baldwin Wind Energy Project.

Mitigation Strategies to Consider

Although this wind farm proposal has been determined to be of minimal impact risk, WTC will be visible on the radar on a daily basis. Developers should, when feasible, consider mitigation options for this and future wind farm projects.

Here is a list of things a developer can do to reduce the adverse impact of WTC on weather radar data and NWS operations.

- Avoid locating wind turbines in the RLOS of a NEXRAD
 - achieved by re-siting or terrain masking
- Reduce the number of turbines in the RLOS
- Reduce the amount of blade penetration into the RLOS
- Reduce the azimuthal extent of the turbines with respect to the radar
- Curtail turbine operations briefly during significant severe weather events via forecaster request
 - collaborate with the local NWS Weather Forecast Office to establish a memorandum of agreement
- Share real-time wind and precipitation data from the wind farm with the local NWS Weather Forecast Office

Report date: 4 August 2009

Please visit the Radar Operations Center Wind Farm Interaction Web Page at http://www.roc.noaa.gov/windfarm/windfarm_index.asp for information on impacts and mitigation strategies. The NEXRAD Radar Operations Center would be willing to help developers explore siting or operational curtailment options to reduce the impact on the WSR-88D and weather radar data users.

Western needs your input to identify issues and concerns for the proposed Baldwin Wind Energy Center Project EA

If you have any issues, concerns, or questions that you would like addressed in the Baldwin Wind Energy Center Project Environmental Assessment, please complete this response sheet and send it to Matt Marsh, Environmental Protection Specialist, Upper Great Plains Region, Western Area Power Administration, P.O. Box 35800, Billings, Montana 59107-5800, Fax: (406) 247-7408, E-mail: mmarsh@wapa.gov. If you prefer, give us a call at 1-800-358-3415 or email Matt Marsh at mmarsh@wapa.gov. You may also call Mr. Marsh directly at 406-247-7385.

Share your issues, concerns, or questions with us: (please send additional pages if you wish)

NONE @ THIS TIME.

Our mailing list

To have your name added or removed from our mailing list for this project, please check the appropriate box and return this response sheet to us. If you do not ask us to remove your name from our mailing list, we'll send you future EA-related announcements.

Yes, add my name to the mailing list to receive future information

No, please remove my name from your mailing list

Sign up to receive the EA for Review

Please also let us know if you would like to receive a copy of the Draft Environmental Assessment for Pre-Approval Review when it is available.

Send me the EA for review

Tell us how to reach you

Please give us your name, address, phone, fax, and e-mail, so we can keep you up-to-date about this project.

Name: JOHN W. SCHULZ Title: PRIVATE CITIZEN

Mailing address: 1926 SOUTH GRANDVIEW LANE

City, State, Zip: BIEMARCK, ND 58503

Phone: 701-255-9504 Fax: _____ E-mail: johnschulz@bis.midco.net

Contact Us

For more information, contact Mr. Matt Marsh, Western Area Power Administration, Phone: (406) 247-7385, E-mail: mmarsh@wapa.gov

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Yes, add my name to the mailing list to receive future information

No, please remove my name from your mailing list

Sign up to receive the EA for Review

Please also let us know if you would like to receive a copy of the Draft Environmental Assessment for Pre-Approval Review when it is available.

Send me the EA for review

Tell us how to reach you

Please give us your name, address, phone, fax, and e-mail, so we can keep you up-to-date about this project.

Name: JOHN O. Spitzer Title: Ecklund Township Chairman of Board of Supervis
Mailing address: 24800 41st. NE
City, State, Zip: Wilton, ND. 58579 Landowner
Phone: 701-223-0948 Fax: _____ E-mail: Spitz22jo@msn.com

Contact Us

For more information, contact Mr. Matt Marsh, Western Area Power Administration, Phone: (406) 247-7385, E-mail: mmarsh@wapa.gov

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Share your issues, concerns, or questions with us: (please send additional pages if you wish)

It looks good to me.

Our mailing list

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Yes, add my name to the mailing list to receive future information

No, please remove my name from your mailing list

Sign up to receive the EA for Review

Please also let us know if you would like to receive a copy of the Draft Environmental Assessment for Pre-Approval Review when it is available.

Send me the EA for review

Tell us how to reach you

Please give us your name, address, phone, fax, and e-mail, so we can keep you up-to-date about this project.

Name: Jeff and Robyn Spitzer Title: Farmer

Mailing address: B67

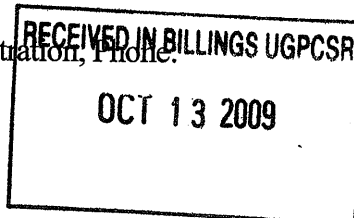
City, State, Zip: Wilton ND 58579

Phone: 701-734 8115 Fax: _____ E-mail: _____

391 5107

Contact Us

For more information, contact Mr. Matt Marsh, Western Area Power Administration, Phone: (406) 247-7385, E-mail: mmarsh@wapa.gov



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Yes, add my name to the mailing list to receive future information

No, please remove my name from your mailing list

Sign up to receive the EA for Review

Please also let us know if you would like to receive a copy of the Draft Environmental Assessment for Pre-Approval Review when it is available.

Send me the EA for review

Tell us how to reach you

Please give us your name, address, phone, fax, and e-mail, so we can keep you up-to-date about this project.

Name: Warren Opp Title: owner

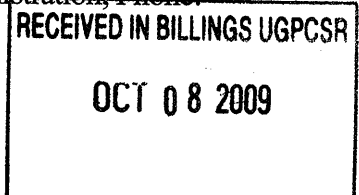
Mailing address: 4715 Hwy 21

City, State, Zip: Lark, ND 58535

Phone: 701-557-3120 Fax: _____ E-mail: _____

Contact Us

For more information, contact Mr. Matt Marsh, Western Area Power Administration, Phone: (406) 247-7385, E-mail: mmarsh@wapa.gov



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Send me the EA for review

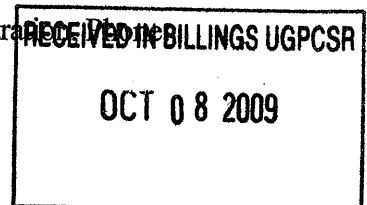
Tell us how to reach you

Please give us your name, address, phone, fax, and e-mail, so we can keep you up-to-date about this project.

Name: Toby Sheldon Title: _____
Mailing address: 14400 41st St. NE
City, State, Zip: Baldwin MD 58521
Phone: 701-220-1122 Fax: _____ E-mail: tsheidon@nd.gov

Contact Us

For more information, contact Mr. Matt Marsh, Western Area Power Administration
(406) 247-7385, E-mail: mmarsh@wapa.gov



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Send me the EA for review

Tell us how to reach you

Please give us your name, address, phone, fax, and e-mail, so we can keep you up-to-date about this project.

Name: Matthew Ponish Title: National Environmental Compliance Manager
 Mailing address: 1400 Independence Ave SW, Stop 0513
 City, State, Zip: Washington DC 20250
 Phone: 2027206853 Fax: _____ E-mail: matthew.ponish@wdc.usda.gov

Contact Us

For more information, contact Mr. Matt Marsh, Western Area Power Administration, Phone: (406) 247-7385, E-mail: mmarsh@wapa.gov



Baldwin Wind Energy Center Open House

October 21, 2009, 5-8 PM Wilton School Gym

COMMENT SHEET

After reviewing all of the exhibits and speaking with project representatives, please share your comments with us regarding the Baldwin Wind Energy Center Environmental Assessment.

Comments:

I represent Envision Safety Services, LLC located in Bismarck, ND. We provide safety consulting, supervision, training etc. through and after construction projects. I would invite the opportunity to meet with the safety director for Nextera Energy and discuss the possibility of doing safety work during your construction project.

To receive more information regarding the Environmental Assessment for the Baldwin Wind Energy Center, please provide us your contact information.

Name: Doug Hartman
Address: 3712 Lockport St. Suite E
City, State, Zip: Bismarck, ND 58503
Phone Number: 701-250-0123
Email: doug@envisionnrg.com
Representing (organization, company, etc.) Envision Safety Services, LLC.

After completing the comment form, please submit it in the comment box, or mail/fax to:
Matt Marsh, Environmental Protection Specialist, Western Area Power Administration
PO Box 35800, Billings, MT 59107-5800, Fax: (406) 247-7408. You may also submit your comments via phone at (800) 358-3415 or via email to mmarsh@wapa.gov. **Your comments are important to us and will be accepted through November 21, 2009.**

Thank you for your participation.



Scoping Meeting
Baldwin Wind Energy Center
Environmental Assessment (EA)

Thank you for your interest in the proposed Baldwin Wind Energy Center EA. Please complete the appropriate sections of this form to be included on the EA mailing list and/or to provide comments.

- I would like to be kept informed of the ongoing progress of this Project. Please include my name on the mailing list.
I prefer electronic/email communication.
I prefer paper mailings.

Please Print Contact Info Below

Name: Steve Merrill
Organization: none
E-mail address:
Daytime Phone No. (optional):
Street Address: 1110 W. Highland Acres
City / State / Zip Code: Bismarck ND 58501

Please indicate any questions, comments or concerns you have about the proposed agreement modification in the comment section below (continue on separate sheet if necessary).

I am impressed with the good work you are doing in developing sustainable, wind energy. Keep up the good work!

Thank you for your time and interest.



Baldwin Wind Energy Center Open House

October 21, 2009, 5-8 PM Wilton School Gym

COMMENT SHEET

After reviewing all of the exhibits and speaking with project representatives, please share your comments with us regarding the Baldwin Wind Energy Center Environmental Assessment.

Comments:

This looks like a good project.

We need more wind energy

Janet Merrill

Rumarch

To receive more information regarding the Environmental Assessment for the Baldwin Wind Energy Center, please provide us your contact information.

Name: _____

Address: _____

City, State, Zip: _____

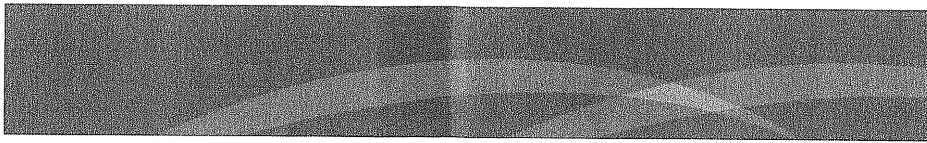
Phone Number: _____

Email: _____

Representing (organization, company, etc.) _____

After completing the comment form, please submit it in the comment box, or mail/fax to: Matt Marsh, Environmental Protection Specialist, Western Area Power Administration PO Box 35800, Billings, MT 59107-5800, Fax: (406) 247-7408. You may also submit your comments via phone at (800) 358-3415 or via email to mmarsh@wapa.gov. **Your comments are important to us and will be accepted through November 21, 2009.**

Thank you for your participation.



Baldwin Wind Energy Center Open House

October 21, 2009, 5-8 PM Wilton School Gym

COMMENT SHEET

After reviewing all of the exhibits and speaking with project representatives, please share your comments with us regarding the Baldwin Wind Energy Center Environmental Assessment.

Comments:

I would like to know when the projected start date of the project and if you have a buyer for the Baldwin Wind Center as of now.

To receive more information regarding the Environmental Assessment for the Baldwin Wind Energy Center, please provide us your contact information.

Name: *Michelle Schroeder*
Address: *19701 145th St NE*
City, State, Zip: *Baldwin ND 58521*
Phone Number: *703-46118*
Email: *MLS200@yahoo.com*
Representing (organization, company, etc.): *Landowner*

After completing the comment form, please submit it in the comment box, or mail/fax to:
Matt Marsh, Environmental Protection Specialist, Western Area Power Administration
PO Box 35800, Billings, MT 59107-5800, Fax: (406) 247-7408. You may also submit your comments via phone at (800) 358-3415 or via email to mmarsh@wapa.gov. **Your comments are important to us and will be accepted through November 21, 2009.**

Thank you for your participation.

From: [Arlis Waltos](#)
To: mmarsh@wapa.gov;
cc: awaltos@fs.fed.us;
Subject: Baldwin Wind Energy Center Project EA
Date: Friday, October 23, 2009 4:00:37 PM

Hi, we missed the meeting in Wilton this week. Will you please add our names to receive future information.

Gerald & Arlis Waltos
6901 201st Ave. NE
Baldwin, ND 58521

Thank you.

Arlis Waltos, DPG
240 W. Century Ave.
Bismarck, ND 58503 tel: 701-250-4463, ext. 102

From: Brodin.Molly@epamail.epa.gov
To: mmarsh@wapa.gov;
Subject: EPA recommendations for preparation of Baldwin Wind Draft EA
Date: Wednesday, October 28, 2009 3:59:15 PM

Dear Mr. Marsh,

Thank you for providing the letter notifying EPA Region 8 of Western's intent to prepare an EA for the proposed Baldwin Wind Project in Burleigh County, ND. We understand from the letter that the proposed project would involve construction of approximately 66 wind turbine generators on approximately 12,000 acres of leased land. Included in the project would be construction of additional access roads as necessary, with permanent width of 32 feet and temporary construction width of 50 feet. Also included is installation of an underground electrical collection system, requiring vegetation clearing to 30 feet wide as well as trenching, and a collector substation occupying approximately 1.4 acres.

EPA notes that Burleigh County is located in the prairie pothole region of North Dakota. Additionally, we note, from the map provided and additional study of satellite images of the project area, that the proposed project area appears to contain a significant percentage of wetlands. The EA should address potential impacts to all resources of concern for the project area, but we recommend particular attention be given to wetland impacts.

EPA considers the protection, improvement, and restoration of wetlands and riparian areas to be a high priority. Wetlands and riparian areas increase landscape and species diversity, support many species of western wildlife, and are critical to the protection of water quality and designated beneficial water uses. Executive Order (EO) 11990 directs Federal Agencies to "take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities." The EA should describe how the pipeline alternatives will address the wetland protection goals in EO 11990, as applicable.

Installation of wind turbine generators, access road construction, electrical collection system installation, and construction of the collector substation all have potential to impact wetlands in the proposed project area. Please note that wetland impacts should be avoided and minimized, to the maximum extent practicable, and then unavoidable wetland impacts should be compensated for through wetland

restoration, creation, or enhancement. Wetland mitigations often require evaluation of less environmentally damaging project alternatives. In general, the required compensatory mitigation should be located within the same watershed as the impact site, and should be located where it is most likely to successfully replace lost functions and services. Specific information on mitigation plans should be provided, including the type and location of planned mitigation; this mitigation plan should include consideration of direct, indirect, and cumulative effects.

EPA Region 8 would like to receive a review copy of the Draft EA. Please send it to:

Larry Svoboda, Program Director
EPA Region 8 (8EPR-N)
1595 Wynkoop Street
Denver, CO 80202-1129

Thank you for the opportunity to comment during the scoping period for this project. We look forward to reviewing the Draft EA. If you have any questions on these comments, please contact me via e-mail or at the phone number below.

Regards,

Molly Brodin
U.S. Environmental Protection Agency (8EPR-N)
Ecosystems Protection and Remediation
National Environmental Policy Act
1595 Wynkoop St.
Denver, Colorado 80202
(303) 312-6577

From: [Matt Marsh](#)
To: [Chuck Peterson;](#)
Subject: Re: Baldwin Wind farm
Date: Friday, October 23, 2009 12:08:35 PM

Hi Chuck. We only do web sites for our EIS projects. I'm not sure if NextEra Energy has a project web site for this. I will add your name to our EA project list. Thanks for your interest in our project.
Matt

Matt Marsh
Environmental Protection Specialist
Western Area Power Administration
P.O. Box 35800
Billings, MT 59107-5800
406-247-7385 (office)
406-670-7479 (cell)

>>> "Chuck Peterson" <C.Peterson@jobberswarehouse.com> 10/21/2009 9:31 AM >>>

Please add my name and address to receive information concerning the Baldwin Wind Project. Is there a website?

Chuck Peterson
17850 28th St NW
Baldwin, ND 58521
C2221111@wildblue.net .

From: [Matt Marsh](#)
To: [Diane Enger](#);
Subject: Re: Mailing List -
Date: Friday, October 23, 2009 12:10:46 PM

Hi Diane,
I will add you to our mailing list. Thanks for your interest in our project. If you have any questions, comments or concerns please feel free to email or call me at any time. Thanks.
Matt

Matt Marsh
Environmental Protection Specialist
Western Area Power Administration
P.O. Box 35800
Billings, MT 59107-5800
406-247-7385 (office)
406-670-7479 (cell)

>>> "Enger, Diane" <Diane.Enger@securiannnd.com> 10/21/2009 9:24 AM >>>
Please add me to the Wilton/Baldwin, ND project mailing list.

Diane Enger
c/o Betty Franklund
1127 N. 29th Street
Bismarck, ND 58501

My home phone number is (701) 224-1016 or you can reach Betty Franklund at (701) 223-2919.

Please let me know if you have any questions.

Thank you,
Diane Enger

***Diane "Franky" Enger, Office Administrator
Securian Financial Advisors of ND, Inc.
4431 Memorial Highway
Mandan, ND 58554
P: (701) 663-8401 F: (701) 663-8402
www.securiannnd.com***

Securities and Investment Advisory Services offered through Securian Financial Services, Inc., Member FINRA/SIPC.



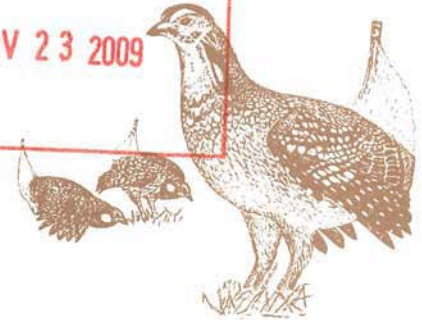
North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502

RECEIVED IN BILLINGS UGPCSR

NOV 23 2009



November 16, 2009

Mr. Matt Marsh
Environmental Protection Specialist
Upper Great Plains Region
Western Area Power Administration
PO Box 35800
Billings, MT 59107-5800

Mr. Marsh:

This letter is in response to the scoping process for the proposed Baldwin Wind Energy Center Project Environmental Assessment. The North Dakota Chapter of The Wildlife Society (Chapter) is generally supportive of the wind industry as a renewable source of “green” energy that can be produced locally. The Chapter is concerned, however, about the impacts that wind facilities placed in grasslands, particularly extensive tracts of native prairie, have on ecosystem health and wildlife. In a 2007 report, *Environmental Impacts of Wind-Energy Projects*, by the National Research Council to the U.S. Congress, the Council recognized that the construction and operation of wind-energy facilities directly influence ecosystem structure. These influences include removal of vegetation, disturbance, compaction of soil, soil erosion, and changes in hydrologic features. Wildlife is impacted directly through mortality or indirectly through alteration of habitat and behavioral avoidance. Furthermore, research conducted in various parts of the United States indicates small-scale displacement of songbirds. Specifically, research conducted in North Dakota and South Dakota by the US Geological Survey indicates displacement of some species of grassland songbirds by wind facilities.

The Chapter is particularly concerned with the impact to wildlife of wind facilities placed on the physiographic region of the Missouri Coteau, as the Baldwin project is. The Missouri Coteau contains large expanses of unfragmented grasslands intermixed with millions of wetlands and is a vital breeding area for many grassland and wetland nesting birds. In addition, it is a hunter’s paradise and a prime area for ecotourism potential. The Missouri Coteau is in the midst of the Central Flyway, a migratory corridor used by millions of game birds and other species during spring and fall. It is also an endangered ecosystem, even more so than tropical rainforest. Only about 30% of mixed-grass prairie remains in North America. The Missouri Coteau is critically important for wildlife in North Dakota, as well as to the hunters, outdoor enthusiasts, and operators of ecotourism industries that value these irreplaceable resources. The importance of tourism to the state’s economy is underscored by the fact that the tourism industry ranks second in its contribution to the state’s economic base; tourism generated \$3.96 billion in 2008. Hunting contributes about \$365 million annually to the state’s tourism industry.

The Chapter is most supportive of wind facilities that are placed in habitats of low value to wildlife, such as cropland in already predominantly agricultural landscapes. The Chapter is pleased that the majority of the Baldwin project is sited in cropland. In areas where turbine placement on grasslands is unavoidable, the Chapter urges mitigation in ratios exceeding 1:1. That is to say, for every acre of grassland destroyed, more than an acre should be restored or protected. Native prairie should receive the highest ratio, followed by planted grasslands. The Chapter realizes that there is no established system in North Dakota for this type of mitigation for wind facilities, but also realizes that Basin Electric Power and BP Alternative Energy and Clipper WindPower Development (for a jointly owned South Dakota project), have committed to voluntary conservation measures. The Chapter applauds these efforts.

The Chapter does have some concerns about the larger landscape in which the Baldwin project is embedded. The Baldwin project is not the only wind facility in the immediate area. Wilton I and II, also referred to as the Burleigh County Wind Energy Center, are immediately adjacent to the Baldwin project. Because of current regulations, none of these wind facilities requires oversight by the North Dakota Public Service Commission, other than for powerline route considerations. Each limited liability corporation is registered independently, and does not trigger state regulation due to the state cutoff for regulatory review of >60 MW. Wildlife and ecosystems, however, do not recognize these cutoffs. Many plant and animal species are sensitive to anthropogenic disturbance, be it increased human presence on the landscape or the introduction of a non-native plant into the environment. These types of influences seldom work independently on wildlife. The combination of new roads, more vehicular traffic, increased human presence, alteration of wetlands, introduction of non-native plants, the building of very large structures on the landscape (i.e., the wind turbines themselves), and other anthropogenic disturbances, are termed cumulative impacts. The cumulative impacts of wind developments and other anthropogenic pressures on wildlife are unknown. Whereas one wind facility may have no discernible negative influence on wildlife, the accumulation of numerous wind facilities built in the same area may begin to break down species' thresholds of tolerance to disturbances.

The three "small" projects, Wilton I, II, and Baldwin, are in essence one wind facility, comprising 132 turbines, but because of current state regulations, the facilities' biological effects could accumulate without the benefit of state regulatory review. The Chapter strongly believes that each new wind facility should be considered in the context of other existing and planned projects in the region. This consideration of cumulative effects should include *all* other anthropogenic impacts in the area, including such things as additional transmission lines, roads, and other types of infrastructure that may or may not be unrelated to wind facilities. Perhaps these three projects will have minimal impact on the environment, as there are already highways, railroads, transmission lines, and railroads in this area. However, this can not be ascertained without a cumulative impacts analysis.

On a larger geographic scale, the Chapter would like to see addressed in the EA cumulative impacts section some discussion on how the Baldwin wind facility and the other wind facilities for which WAPA is involved in North Dakota might have cumulative impacts to wildlife and the environment. At both the local and state levels, the Chapter looks forward to reviewing the cumulative impacts section of the draft EA.

The Baldwin project is within the migration corridor of the Whooping Crane, a federally endangered species. Mortality by transmission lines is a source of mortality for Whooping Cranes. Where feasible, power lines should be buried, all above-ground lines should have bird deterrents, and the use of guy wires should be avoided. If lines cannot be buried, markers should be required on guy wires and overhead transmission lines.

Because Wilton I, II, and Baldwin are all subsidiaries of NextEra Energy, it seems very likely that the parent company had intentions of planning for a 132-turbine (and perhaps an ultimately even larger) wind-resource area. The Chapter understands the highly secretive nature of the wind industry when dealing with industry competitors over easements and other issues. However, the Chapter urges wind developers to contact state and federal natural-resource agencies early in the planning process to discuss the entire scope of a wind-resource area, and thus ultimate impact footprint, regardless of current regulations. If contacted early, agencies and wind developers can address concerns over potential cumulative impacts, as well as ways to avoid or minimize them. The piecemeal approach currently in effect, although unfortunately legal, ignores biological realities.

Another benefit of early contact with state and federal agencies, as well as other concerned entities, is the opportunity to coordinate efforts to study the potential impacts of wind facilities on wildlife. There are numerous unanswered questions about the impacts of wind facilities on wildlife. Whereas many wind developers conduct pre-operational baseline surveys, and sometimes post-operational monitoring surveys,

these surveys are not always pertinent to a particular region. Money might be better spent on surveys of a different nature. For example, in North Dakota, very little is known about rates of bird and bat mortality, or the impacts of turbines on prairie grouse. To our knowledge, no wind developers are addressing these issues. Even if they were, another cause for concern is the sharing of results. It is difficult to make informed decisions when the scientific data are non-existent, or existent but not shared.

Some wind developers are beginning to write Avian Protection Plans for their facilities. The Chapter supports the development of such plans, especially if these plans are written in coordination with state and federal natural-resource agencies, address what pre- and post-operational monitoring will be conducted, how the resulting data will be used and shared, and explains how potential impacts to migratory and resident birds and bats will be avoided, minimized, and mitigated.

Because the Chapter's members are wildlife professionals, the Chapter would be happy to engage wind developers in discussions about our concerns, as well as serving in advisory capacities.

Sincerely,



Kent Luttschwager
President, North Dakota Chapter of The Wildlife Society
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The Wildlife Society is an international, nonprofit, scientific and educational organization composed of professionals, students, and laypersons active and interested in wildlife research, management, education and administration. The NDCTWS is an active affiliate. It is specifically concerned with approaches to effective management of North Dakota's plant and animal communities. The Chapter provides expertise in advising legislative and judicial processes surrounding the controversial management of many natural resource assets. It advocates the holistic treatment of environmental questions. The Chapter was founded in 1963 and incorporated in 1981 under the laws of North Dakota. The NDCTWS would be very willing to engage the PSC in issues concerning wildlife impacts from wind facilities, as well as offer advice based on member's expertise in matters of wildlife management and impacts of human-derived disturbances.