



# Public Service Commission

## State of North Dakota

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February 12, 2014

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Mr. Scott Scovill, Director  
Baldwin Wind, LLC  
700 Universe Boulevard  
Juno Beach, FL 33408

### RE: Post Construction Inspection, Case No. PU-09-668

Dear Mr. Scovill:

The North Dakota Public Service Commission retained a third-party vendor to conduct a post construction inspection under the authority provided for in the above referenced case. Below we provide a weblink to the third-party post construction inspection report for your review and a link to the Commission's order in this proceeding. We also list actions recommended in the post construction inspection report for follow-up by the Company to confirm compliance with the Commission order.

As per the post construction inspection report, the following actions should be undertaken with information documenting these actions provided to the Commission:

- Erosion control and maintenance work including: reclamation of the ditch slopes around the substation, including re-contouring sub-soils or adding topsoil; edges of access roads, ruts on roads, and exposed Geotech fabric on access roads; and pooling water on gravel pads around the turbine bases. (Order Points 17 and 30)
- Clarification of reseeding seed mix. Non-native species used. Clarify if approved by NRCS. (Order Points 4 and 16)
- The final Environmental Assessment and ND Highway Patrol Overheight/Overweight Permit were not provided. (Order Points 4, 5 and 7)
- Final reports of April 2010 archeology survey for Grass Lake Township and Class II architectural survey for the Project area which were referenced in the federal EA. (Order Point 6)
- Final report of the additional avian survey in 2010 for Grass Lake Township, as referenced in the federal EA. (Order Point 4)
- USFWS concurrence letter or approval considering the Project in compliance which was referenced in the FONSI for the federal EA. (Order Point 4)
- Compliance with National Electric Safety Code. (Order Point 11)
- Reports of cultural, archeological, historical resources found, if applicable. (Order Point 13)

- Verification that the Avian and Bat Protection Plan and Adaptive Management Plan were implemented. (Order Points 4 and 27)
- MET towers not self-standing as recommended by the USFWS. (Order Point 4)
- Concerns of USFWS regarding migrating whooping cranes addressed. Measures to minimize potential impact to whooping cranes: stop-construction within two miles of whooping cranes observed; post-construction monitoring (3 years) during spring and fall whooping crane migration season; curtailment of turbines within two miles of whooping cranes observed during operation. (Order Point 27)
- No reports filed as to the presence or lack thereof of threatened or endangered species or bald or golden eagles during construction and operation or mortality monitoring. (Order Points 12 and 27)
- A 2014 Tree and Shrub Survival Report is due in late 2014. (Order Point 19)
- Educational materials for landowners or the public of possible dangers. Safety measures for traffic control or to restrict public access. Procedure for handling complaints. Cooperation with landowners/residents to mitigate adverse effects.(Order Points 25 and 26)
- Baldwin Wind, LLC is required to submit a 10 year plan to the Commission annually under current laws and beginning every other year in 2014 To date, Baldwin Wind, LLC has not complied with this provision (NDCC 49-22-04)
- Participation agreements for 2 occupied residences where shadow flicker exceeds AWEA recommendation of 30 hrs/yr. (Order Points 5 and 32)
- Agreement with landowner whose residence is closer than 1400 feet to the turbine. (Order Points 5 and 32)

The construction report can be found at:

<http://www.psc.nd.gov/database/documents/09-0668/126-020.pdf>

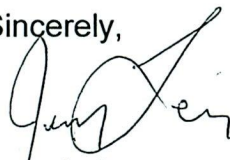
The Commission Order can be found at:

<http://www.psc.nd.gov/database/documents/09-0668/046-010.pdf>

Please forward your response to the recommended actions, confirming these activities are complete, and describe actions and timelines for activities that are not complete. Please provide this documentation within 30 days.

If you have any questions regarding this letter, please contact me at 701-328-1035.

Sincerely,



Jerry Lein  
Public Utility Analyst