

## BALDWIN WIND, LLC

March 14, 2014



Mr. Jerry Lein  
Public Utility Analyst  
North Dakota Public Service Commission  
600 East Boulevard, Dept 408  
Bismarck, ND 58505-0408

*UPS Overnight Mail*

RE: Baldwin Wind, LLC  
Post Construction Inspection, Case No. PU-09-668

Dear Mr. Lein:

Below please find Baldwin Wind, LLC's ("the Company") response to your letter of February 12, 2014. The following list provides responses to your inquiries and references to requested documentation. These documents can be found on the enclosed CD. For activities that are not complete, we are still awaiting confirmation, conducting further research, and/or gathering the appropriate paperwork. An update on the status of these items will be provided to the Commission within 30 days.

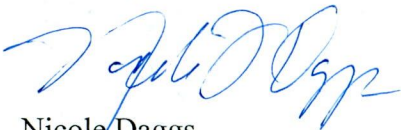
- Erosion control and maintenance work including: reclamation of the ditch slopes around the substation, including re-contouring sub-soils or adding topsoil; edges of access roads, ruts on roads, and exposed Geotech fabric on access roads; and pooling water on gravel pads around the turbine bases. (Order Points 17 and 30)
  - The site manager confirms that Road Grading is performed twice each year, and all of the above activities are addressed during this time.
- Clarification of reseeding seed mix. Non-native species used. Clarify if approved by NRCS. (Order Points 4 and 16)
  - Assessment underway but not yet complete.
- The final Environmental Assessment and ND Highway Patrol Overheight/Overweight Permit were not provided. (Order Points 4, 5 and 7)
  - Environmental Assessment – see "Baldwin EA FINAL complete" on enclosed CD
  - Permits & Correspondence attached – see "Baldwin Wind permits" on enclosed CD
- Final reports of April 2010 archeology survey for Grass Lake Township and Class II architectural survey for the Project area which were referenced in federal EA. (Order Point 6)
  - Please refer to the North Dakota Public Service Commission website under Case PU-08-668, Docket Item #21. The Company previously filed a Class III Survey dated April 2010 that included an architectural survey.

- Final report of the additional avian survey in 2010 for Grass Lake Township, as referenced in the federal EA. (Order Point 4)
  - Please see “Baldwin Spring 2010 Avian report complete” on enclosed CD
- USFWS concurrence letter or approval considering the Project in compliance which was referenced in the FONSI for the federal EA. (Order Point 4)
  - Please see “USFWS Concurrence 071610” on enclosed CD
- Compliance with National Electric Safety Code. (Order Point 11)
  - Assessment underway, the Company will discuss its response with Staff.
- Reports of cultural, archeological, historical resources found, if applicable. (Order Point 13)
  - Please refer to the North Dakota Public Service Commission website under Case PU-08-668, Docket Items #44, 83, 93. These uploads include documents showing SHPO Concurrence that no historic properties were affected.
- Verification that the Avian and Bat Protection Plan and Adaptive Management Plan were implemented. (Order Points 4 and 27)
  - Please see “Baldwin Avian Bat Protection Plan” and “Baldwin Adaptive Management Plan” on the enclosed CD
- MET towers not self-standing as recommended by the USFWS. (Order Point 4)
  - Research ongoing
- 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)
  - The site manager confirms that a three- year post-construction study was performed by the Company to monitor spring and fall whooping crane migration seasons. No sightings were recorded during the study period; however, the final report is still forthcoming. The Company will provide the final report to Staff.
- 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 17 and 27)
  - The final Avian report, which is included on the enclosed CD as “Baldwin Spring 2010 Avian report complete,” conducted prior to construction states that “No federally listed threatened or endangered species were observed during spring avian surveys.” Bald and golden eagles are noted as federally listed threatened species. During operation, the Company follows the site Wildlife Response and Reporting System Manual, which mandates that any and all avian injuries or fatalities observed within the site boundaries be reported. To date there have been no such incidents involving threatened, endangered species, or bald or golden eagles. The Company will discuss any further requirements with Staff.
- A 2014 Tree and Shrub Survival Report is due in late 2014. (Order Point 19)
  - The Company plans to complete and submit this report by November 30, 2014.

- 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)
  - Complaint Procedure – see file “Baldwin Complaint Procedures” on enclosed CD
  - Educational Materials – If requested by landowners within the site boundaries, Baldwin Wind will provide the educational materials found on the enclosed CD. See files “BaldwinWind Fact Sheet,” “health\_impact\_factsheet,” and “NatLeaderWind.”
- 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)
  - Please see file “Baldwin 10 year Plan” on enclosed CD
- Participation agreements for 20 occupied residences where shadow flicker exceeds AWEA recommendation of 30 hrs/yr. (Order Points 5 and 32)
  - Research ongoing
- Agreement with landowner whose residence is closer than 1400 feet to the turbine. (Order Points 5 and 32)
  - Research ongoing

Thank you for your attention to this matter. Please feel free to contact me at (561) 691-7887 should you have any questions.

Sincerely,



Nicole Daggs  
Director  
Business Management – Midwest Region

Enclosures