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May 18, 2020

Via Electronic Mail Only

Mr. Steve Kahl
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

RE: Baldwin Wind, LLC
Case No. PU-09-668
Certification Relating to N.D.C.C. § 49-22-03(3)(a)
Our File No.: 035218-00058

Dear Mr. Kahl:

On July 14, 2010 in Case No. PU-09-668, the Commission adopted Findings of Fact Conclusions of Law and Order (“Order”) issuing Certificate of Site Compatibility No. 16 to Baldwin Wind, LLC (“Baldwin Wind”) for the Baldwin Wind Energy Center (the “Baldwin WEC”) located in Burleigh County, North Dakota. Enclosed for filing are electronic copies of Baldwin Wind’s Certification Relating to N.D.C.C. § 49-22-03(3)(a) for proposed improvements to the Baldwin WEC with accompanying Exhibit 1 Memorandum, Exhibit 2 Grass Lake Township Conditional Use Permit, and Exhibit 3 Ecklund Township Conditional Use Permit.

As explained in the enclosed Certification, the improvements consist of the installation of new gearboxes and rotors to existing turbines which will improve turbine performance, operations, and maintenance (the “Project”). In March 2020, Baldwin met with Commission staff to discuss the Project and the scope and content of subsequent filings to be submitted to the Commission. Staff inquired whether the Baldwin WEC complies with the Commission’s current setbacks set forth in

North Dakota Administrative Code § 69-06-08-01(2)(a). In response, Baldwin identified five turbines that do not meet the current setback in § 69-06-08-01(2)(a)(5) of 1.1 times the height of the turbine plus 75 feet from the centerline of any county or township roadway.¹ However, the Commission's siting criteria did not contain rules governing wind facility setbacks when the Order was issued in 2010. The Commission adopted wind facility setbacks in April 2013, which were most recently amended in July 2018 and 2019, well after the Baldwin WEC was certificated, constructed, and put into operation.

Baldwin Wind has communicated with Ecklund and Grass Lake Townships regarding the Baldwin WEC and the Project, and has obtained all necessary approvals from Ecklund and Grass Lake Townships for the Project, which include the above-referenced five turbines. Neither of the Townships expressed concerns with respect to the turbines' setback from roads or the locations of any other turbines. Copies of the conditional use permits are attached hereto as Exhibits 2 and 3.

In accordance with the requirements set forth in N.D.C.C. § 49-22-03(3)(a), Baldwin Wind has certified that it "will comply with all *applicable* conditions and protections in siting laws and rules and commission orders previously issued for any part of the facility." (Emphasis added). The Order incorporates the siting criteria that existed at the time the Baldwin WEC was permitted by the Commission, which did not include any of the Commission's current setbacks. Baldwin Wind has complied with the provisions of § 49-22-03(3)(a) authorizing improvements to existing certificated facilities. To the extent that Baldwin WEC turbines do not meet the Commission's current setbacks, Project activities utilize the existing turbine locations, all of which were previously approved by the Commission.

Please feel free to contact me with any questions.

Sincerely,



Casey Furey

CAF

cc: Tracy Davis (via email)
Brian Johnson (via email)
Patrick Fahn (via email)
Jerry Lein (via email)
Adam Renfandt (via email)

¹

Turbine No.	Distance
3	474.3 ft.
4	512.0 ft.
12	489.3 ft.
20	493.0 ft.
45	470.8 ft.

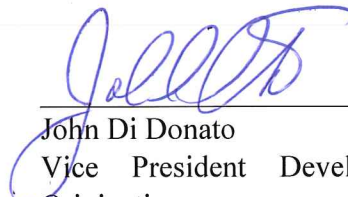
03(3)(a)(4)(b)[3] (certification procedure permitting activities to improve existing electric energy conversion facilities).

5. The rotor hub height of the turbines will remain 80 meters (262.5 feet); however, the installation of new blades will increase the rotor diameter from 82.5 meters (270.7 feet) to 91 meters (298.6 feet).
6. Baldwin Wind sited turbines at least 1,400 feet from occupied residences. *See* PU-09-668, Order, Finding of Fact No. 38. Subsequent to the construction of the Baldwin WEC, a residence was constructed within 1,400 feet of one turbine.
7. At the time of the Order's issuance, the Commission's siting criteria did not include designated setbacks applicable to wind energy conversion facilities. Baldwin voluntarily proposed setbacks of 440 feet or 1.1 times the turbine height from existing transmission lines, roads, railroads and property boundaries. *See* PU-09-668, Order, Finding of Fact No. 40. Project turbines will comply with the voluntary 1.1 times the turbine height setback from transmission lines, roads, railroads, and property boundaries of nonparticipating landowners. *See* PU-09-668, Docket No. 143 (status letter explaining discrepancy with order language regarding property line setback and participating landowners).
8. Baldwin Wind conducted a new sound level assessment at inhabited residences and community buildings (collectively, a "receptor"). *See* Exhibit 1, Appendix B. There are no receptors that may experience sound levels over 50 dBA.
9. Baldwin Wind also completed a voluntary shadow flicker assessment, based on current industry standards of over 30 hours per year at receptors. *See* Exhibit 1, Appendix A. There are no receptors that may experience over 30 hours per year of shadow flicker.
10. Baldwin Wind proposes to complete the Project within previously used construction easements. For due diligence purposes, Baldwin Wind restudied cultural resources by completing a Class I Literature Review and a Class III Intensive Survey in in these areas and submitted the cultural resource findings to the North Dakota State Historic Preservation Office (ND SHPO) for review. The results of the re-study demonstrate there will be no impacts to cultural resources that were determined to be eligible or remain unevaluated for the National Register of Historic Places. A recommendation of "No Historic Properties Affected" was submitted to the ND SHPO for the Project. On November 19, 2019, the ND SHPO concurred with the determination of "No Historic Properties Affected" for the Project. *See* Exhibit 1, Appendix C.
11. There will be no permanent impacts to wetlands or waterbodies resulting from activities associated with the Project. The Project will utilize previously disturbed construction areas, and therefore temporary impacts to wetlands from Project improvement activities will be minimal and consistent with the initial construction of the Baldwin WEC as

originally authorized by the Commission. Any minimal temporary impacts will be restored following the Project's improvement activities.

12. In November 2014, after the Commission's siting approval of the Baldwin WEC, the United States Fish and Wildlife Service ("USFWS") listed the Dakota skipper butterfly (*Hesperia dacotae*) threatened under the Endangered Species Act. However, there is no critical Dakota skipper habitat present in Burleigh County (80 FR 59247-59384), and Baldwin WEC facilities are sited primarily in agricultural cropland. Further, the Project will utilize existing infrastructure and previously disturbed construction areas, resulting in only minimal temporary disturbances. Thus, no impacts to Dakota skipper are anticipated.
13. In April 2015, following the Commission's siting approval of the Baldwin WEC, the USFWS listed the northern long-eared bat (*Myotis septentrionalis*) as threatened under the Endangered Species Act. The Baldwin WEC is within the geographic range of the northern long-eared bat, but does not contain federally designated critical habitat. Since operations began, no northern long-eared bats have been reported through the Wildlife Resource Reporting System ("WRRS"), and adverse impacts to northern long-eared bats are not anticipated from the Project. Baldwin Wind will continue to implement the WRRS, as described in the Order.
14. Baldwin Wind has notified surrounding landowners of the Project. No additional landowner easements were required to complete the Project. Baldwin Wind has negotiated landowner agreements for temporary turning radii, which will be returned to existing land uses upon completion.
15. Baldwin Wind has obtained approvals from Ecklund and Grass Lake Townships for the Project.
16. Baldwin Wind submitted Form 7460-1 to the Federal Aviation Administration ("FAA") for each wind turbine to determine whether the Project layout and lighting will impact navigable airspace or communications technology used in aviation operations. The FAA issued Determinations of No Hazard for the Project on September 6, 2019.
17. Baldwin Wind will install lights at the Baldwin WEC to enable the future installation of light-mitigating technology, consistent with N.D.C.C. § 49-22-16.4 and N.D. Admin. Code ch. 69-06-11 and subject to the receipt of necessary approvals from the FAA.
18. As part of the financing associated with the improvements, Baldwin Wind expects to transfer the Baldwin WEC assets and existing certificate to a new project company that will continue to be an indirect, wholly owned subsidiary of NextEra Energy Resources, LLC. Baldwin Wind will file a separate application for the transfer of the site certificate with the Commission.

19. Project activities will occur wholly within the geographic location for which Baldwin Wind previously obtained a site certificate. *See* N.D.C.C. §§ 49-22-03(3)(a)(1), 49-22-03(3)(a)(1)(a).
20. The improvement activities are for the same type of facilities as approved in the Commission's Order issuing Certificate of Site Compatibility No. 16. *See* N.D.C.C. § 49-22-03(3)(a)(1).
21. Activities associated with the Project will not affect known Exclusion or Avoidance Areas set forth in N.D. Admin. Code § 69-06-08-01(2010), existing at the time of the Order's issuance. *See* N.D.C.C. §§ 49-22-03(3)(a)(2), 49-22-03(3)(a)(4)(a).
22. Baldwin Wind will continue to comply with all applicable conditions and protections in the siting laws and rules and the Commission Order previously issued for the Baldwin WEC. *See* N.D.C.C. § 49-22-03(3)(a)(4)(c).
23. Baldwin Wind anticipates initiating construction on the Project by mid-August 2020.



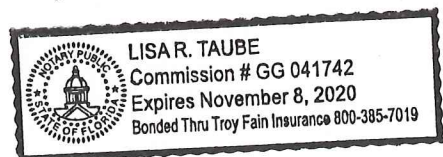
 John Di Donato
 Vice President Development &
 Origination
 Baldwin Wind, LLC

STATE OF FLORIDA)
) ss.
 COUNTY OF PALM BEACH)

On this 15th day of May, 2020, before me personally appeared John Di Donato, known to me to be the Vice President Development & Origination of the limited liability company that is described in and that executed the within instrument, and acknowledged to me that such limited liability company executed the same.



 Notary Public





AECOM (701) 221-4148 tel
 1000 East Calgary Ave (701) 221-4155 fax
 Bismarck, ND 58503
 aecom.com

Memorandum

To	Baldwin Wind, LLC
Subject	Baldwin Wind Energy Center Improvement Project Supporting Documentation Certification Pursuant to North Dakota Century Code § 49-22-03(3)(a)
From	AECOM
Date	May 13, 2020

On July 14, 2010, the North Dakota Public Service Commission (Commission) approved Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility No. 16 to Baldwin Wind, LLC (Baldwin Wind). Baldwin Wind submits this documentation in support of a certification pursuant to North Dakota Century Code (NDCC) Section 49-22-03(3)(a) for the Baldwin Wind Energy Center (Baldwin WEC) (Figure 1) improvement project (Project) (Figure 2). AECOM analyzed the Project with respect to environmental, cultural, and natural resources as well as sound and shadow flicker. The following Memorandum and appendices detail the results of this analysis and Table 1 summarizes the results.

Description of the Project – The Baldwin WEC consists of 64 1.6-megawatt (MW) wind turbines capable of generating up to 102.4 MW of wind powered electrical generation in Burleigh County, North Dakota. Baldwin Wind proposes to complete the Project entirely within the Commission’s previously approved site boundary and the Project will utilize prior construction easements. The Project activities include the addition of new gearboxes and rotors (*i.e.*, hub and blade assembly) to existing wind turbines, but the Project will not result in changes to other Baldwin WEC infrastructure, such as existing turbine locations, towers, nacelles, roads, electric collection systems, substations, the operations and maintenance building, and meteorological tower.

Socioeconomics – The Project will have positive impacts on socioeconomics within Burleigh County and the state of North Dakota by extending the life of Baldwin WEC and the timeframes over which landowners will receive payments and the county and state will receive tax benefits. The Project will also create temporary construction jobs during the anticipated four-month construction period.

Land Use – The Baldwin WEC primarily consists of agricultural land utilized for crop production. Because the Project will occur entirely within the previously certified site with turbine locations remaining the same, land use will remain unchanged. The Project will result in certain minimal temporary impacts to previously disturbed areas within the permitted Baldwin WEC site boundary, such as turning radii and laydown areas. Temporarily impacted areas will be restored in compliance with the Order.

Public Services – A temporary increase in truck traffic will occur during construction. The capacity of any route and level-of-service to the traveling public will not be significantly affected. Baldwin Wind will implement speed limits and appropriate traffic control during construction.

The Project will continue to comply with Burleigh County’s and Ecklund and Grass Lake Townships’ land use, zoning, building rules, regulations and ordinances.

Human Health and Safety – At the time the Baldwin WEC Order was issued, the Commission did not have a standard for wind energy conversion facilities regarding shadow flicker impacts. Baldwin Wind did however complete a voluntary shadow flicker impact analysis (Docket No. 41) and used the industry standard of no more than 30 hours per year at an occupied receptor.

Baldwin Wind conducted an updated shadow flicker analysis for the Project to determine potential impacts under expected conditions. The results of this analysis predicted that there are no occupied residences where shadow flicker is modeled to exceed 30 hours per year. The results of the shadow flicker assessment are included in Appendix A.

Baldwin Wind submitted Form 7460-1 to the Federal Aviation Administration (FAA) for each wind turbine to determine whether the Project and lighting will impact navigable airspace or communications technology used in aviation operations. The FAA issued Determinations of No Hazard for the Project on September 16, 2019.

As previously stated, Baldwin will implement appropriate traffic controls during construction and will suspend construction if weather conditions may cause irreparable damage.

Baldwin Wind sited turbines at least 1,400 feet from occupied residences. Subsequent to the construction of the Baldwin WEC, a residence was constructed within 1,400 feet of a turbine and is currently located 1,265 feet from Turbine No. 7.

Sound – At the time the Baldwin WEC Order was issued, the Commission did not have a regulation for wind energy conversion facilities regarding acoustic standards. During initial siting, Baldwin Wind did however complete an acoustic assessment (Docket No. 39). Baldwin Wind updated the acoustic assessment for the Project and assessed sound against the Commission’s 50 A-weighted decibels (dBA) sound limit within 100 feet of an occupied residence or a community building. The results of the sound analysis predicted that there are no occupied residences where sound is modeled to exceed 50 dBA. The results of the acoustic assessment are included in Appendix B.

Cultural Resources – As discussed, Baldwin Wind proposes to complete the Project entirely within the Commission’s previously approved site boundary, and the Project will utilize prior construction easements. However, for due diligence purposes, Baldwin Wind restudied cultural resources within the site boundary as an update to Baldwin’s original cultural resource studies (Docket No. 21). AECOM coordinated with the State Historical Society of North Dakota (SHSND) on the appropriate scope and level of survey. At the request of the SHSND, AECOM completed a Class I Literature Search and a Class III Intensive Cultural Resources Inventory. The Class I Literature Search included a one-mile study area surrounding the Baldwin WEC. A desktop review of previously recorded architectural sites was also completed at the request of the North Dakota State Historic Preservation Office (ND SHPO) to determine if the Project had the potential to impact the National Register of Historic Places (NRHP) eligibility of previously evaluated eligible architectural sites within a two-mile area surrounding the Baldwin WEC.

The Class I Literature Review identified a total of 16 previously recorded cultural resource inventories conducted within the one-mile Study Area. Of these, two overlap the Baldwin WEC. Within the one-mile Study Area, there are 32 previously recorded sites and 42 site leads or isolated finds. The previously recorded resources consist of five architectural sites, 20 architectural site leads, four historical archaeological sites, 12 historical archaeological site leads, ten precontact isolated finds, 21 precontact sites, and two multicomponent sites. There were 16 previously recorded cultural resources which fell within the Baldwin WEC – eight precontact archaeological sites, two architectural sites, four site leads, and two isolated finds. Ten of the previously recorded cultural resources within the Baldwin WEC were relocated; updated North Dakota Cultural Resource Survey (NDCRS) site forms were completed for these sites. Two previously recorded isolated finds were not relocated during the Class III Cultural Resources Inventory, while NDCRS site forms were completed to update four site leads to note they were not present within the Baldwin WEC. No new cultural resources were recorded during this inventory. A Class III Intensive Cultural Resources Inventory Report was submitted to the ND SHPO for review and concurrence. On November 19, 2019, the ND SHPO concurred with the determination of “No Historic Properties Affected” for the Project (Appendix C).

Baldwin Wind will avoid all documented sites recommended as eligible or unevaluated within the Baldwin WEC; therefore, no impacts to archaeological or historic resources are anticipated.

Recreational Resources – The Project will not create any new impacts to recreational resources, and therefore, no adverse effects are anticipated.

Land-Based Economics – The Project will not permanently take any acreage out of cropland or hayland production. Minimal cropland, hayland, and grassland will be impacted during construction. These impacts will be temporary and restored to their original condition unless otherwise directed by a landowner. No permanent impacts to cropland and hayland production will occur. No impacts to livestock are expected. Baldwin Wind will compensate landowners for any temporary cropland loss.

Soils – Soil-disturbing activities, including grading for access road widening, have the potential to contribute to soil erosion through the exposure of soils that were previously vegetated and stable. The Project will use areas previously sited by the Commission for construction of the Project, including temporary impacts to previously disturbed laydown yards and turning radii. Minimal land will be temporarily impacted by the Project. No permanent soil impacts will occur as a result of the Project as all temporarily disturbed areas will be restored to preconstruction conditions and coordinated with the North Dakota Department of Transportation and/or Burleigh County, as applicable.

To minimize soil impacts, Baldwin Wind will implement best management practices (BMPs), which may include the separation of topsoil and subsoil, use of silt fences, erosion blankets, temporary seeding, and straw wattles during construction, as well as permanent seeding and noxious weed control. Vehicle speed will also be limited on Project roads to minimize dust during construction and operation. Baldwin Wind will implement a Storm Water Pollution Prevention Plan (SWPPP) during construction to mitigate disturbed soils and prevent erosion and contamination of surface waters.

Geologic and Groundwater Resources – The Project is not expected to disturb any geologic or groundwater resources.

Surface Water, Wetlands, and Floodplain Resources – The Project is not anticipated to result in adverse permanent impacts to surface water, wetlands, or floodplain resources. The Project will temporarily impact land during construction and have the potential to indirectly impact surface water resources via stormwater runoff. Coverage under the North Dakota Department of Health's (NDDH) National Pollutant Discharge Elimination System (NPDES) general construction permit will be obtained and filed with the Commission prior to the start of construction, and sediment runoff into surface waters will be minimized and/or avoided through the implementation of BMPs outlined in the accompanying SWPPP.

Baldwin Wind restudied wetlands and other waters (collectively, "waters") as an update to PU-09-668 Docket No. 308. Other waters can include, but are not limited to, streams, ponds, impoundments, prairie potholes, and lakes. Wetland delineations for the Project followed the methodology from the United States Army Corps of Engineers (USACE) Wetlands Delineation Manual (Environmental Laboratory 1987) and the Regional Supplement to the USACE Wetland Delineation Manual: Great Plains Region (Version 2.0) (USACE 2010). Field surveys were conducted within the Baldwin WEC in July 2019. A total of 17 wetlands were delineated within the Baldwin WEC. No wetlands will be permanently impacted by Project infrastructure. Maps depicting the delineated wetlands are included in Figure 3.

Baldwin Wind will avoid permanent impacts to all wetlands or water bodies. Construction of the Project will occur in previously disturbed construction areas, and therefore temporary impacts to wetlands or water bodies are expected to be minimal and consistent with the initial construction of the Baldwin WEC. Any minimal temporary impacts will be restored following Project construction. Baldwin Wind coordinated with the USFWS Audubon Wildlife Refuge to review USFWS easements data. No USFWS easements are present within the Baldwin WEC.

Vegetation – Temporary impacts to vegetation will occur in areas that were previously impacted during the initial construction of the Baldwin WEC. Any temporarily impacted vegetation will be restored to its current use. Therefore, no permanent impacts to vegetation will occur.

Following construction, impacts to temporarily disturbed grassland areas will be mitigated by reseeding with a weed-free seed mixture consistent with the surrounding vegetation and landowner's agreement. Proper BMPs will be used for successful revegetation. Areas currently in cropland or hayland will be replaced in coordination with landowner agreements. Once revegetated, these areas will be available to return to their present use. No trees or shrubs are anticipated to be removed during construction.

Wildlife – Impacts to designated threatened and endangered species are not anticipated. No designated critical habitat for threatened or endangered species exists within the Baldwin WEC site boundary. Potential impacts from the Project to avian and bat species include collisions with wind turbines; however, these impacts are no greater than previously anticipated for the Baldwin WEC. As the Baldwin WEC was developed prior to the USFWS issuing the 2012 voluntary wind energy guidelines, Baldwin Wind will voluntarily develop a Wildlife Conservation Strategy (WCS) by adapting the existing Avian and Bat Protection Plan. The WCS includes an adaptive management approach, so that information gathered throughout operations can be used to inform future management decisions Baldwin Wind will continue to implement the Wildlife Response and Reporting System (WRRS). The reporting system includes protocols from field technicians during routine maintenance and operations to report and document any avian impacts. Baldwin Wind will also continue to implement an Adaptive Management Plan, which was developed for both construction activities and post-construction operations and details appropriate responses for various types of avian sightings.

The USFWS Information for Planning and Conservation (IPaC) tool (USFWS 2020), indicated that six Threatened and Endangered species could potentially occur within the Baldwin WEC. These species include the northern long-eared bat (NLEB, *Myotis septentrionalis*) (threatened), least stern (*Sterna antillarum*) (endangered), piping plover (*Charadrius melodus*) (threatened), red knot (*Calidris canutus rufa*) (threatened), whooping crane (*Grus americana*) (endangered), pallid sturgeon (*Scaphirhynchus albus*), and Dakota skipper (*Hesperia dacotae*) (threatened). The Project is consistent with the previous assessment for whooping cranes (Docket No. 5, Whooping Crane Likelihood of Occurrence Report). The Project's surrounding land use is primarily agriculture land dedicated to growing crops.

In November 2014, after the Commission's issued the Baldwin WEC siting certificate, the USFWS listed the Dakota skipper threatened under the Endangered Species Act. However, there is no designated critical Dakota skipper habitat present in Burleigh County (80 FR 59247-59384), and Baldwin WEC facilities are sited primarily in agricultural cropland. The Project utilizes existing infrastructure and will result in only minimal temporary disturbances to previously disturbed areas. Adverse impacts to Dakota skipper are not anticipated.

Subsequently, in April 2015, the USFWS listed the NLEB as threatened under the Endangered Species Act. Baldwin is within the geographic range of the NLEB, and thus Baldwin Wind assessed the potential for NLEB to occur. Suitable NLEB habitat consists of forested areas that are used for summer roosting as well as spring staging and fall swarming where located near hibernacula. Based on a desktop review and site visits, the expected use and occurrence of the NLEB is low due to lack of suitable habitat within and in the vicinity of the Baldwin. Since operations began, no NLEB have been reported through the WRRS. Adverse impacts to the NLEB are not anticipated.

Permits and Approvals

As part of the initial permitting process, Baldwin Wind received Conditional Use Permits (CUP) from Ecklund and Grass Lake Townships for the Baldwin WEC on December 2, 2019, and September 11, 2019, respectively. Baldwin Wind will obtain, as applicable, all necessary permits or approvals prior to engaging in construction activities for which said permit or approval is required, and will file copies with the Commission.

Factors Considered

The preceding sections and attached appendices discuss the potential Project effects on public health and welfare, natural resources, and the environment. As discussed, the Project will continue to have minimal adverse effects as those currently in existence for the Baldwin WEC and will continue to comply with the provisions of the Order.

Table 1. Summary of Environmental Resource Impact Analysis and Mitigation in Determining Consistency with Baldwin Wind Energy Center Findings of Fact, Conclusions of Law and Order (PU-09-668).

Resource	Impact	Mitigation
Socioeconomics	Positive economic and social consequences.	None proposed.
Land Use	Utilizes previously disturbed areas and only land needed will be temporarily impacted.	Will restore temporarily impacted areas.
Public Services	Temporary increases in construction truck traffic will occur during construction period.	None proposed.
Human Health and Safety	Turbine lighting will continue to meet FAA requirements. Shadow flicker is not predicted to be more than 30 hours per year at any occupied residences.	None proposed.
Sound	Sound is not predicted to be more than 50 dBA within 100 feet any occupied residences.	None proposed.
Cultural Resources	No impacts to cultural resources are anticipated.	Will prepare an unanticipated discoveries plan prior to construction.
Recreational Resources	No impacts to recreational resources.	None proposed.
Land Based Economics	Minimal cropland, hayland, and grassland will be temporarily impacted during construction.	Will restore temporarily impacted areas.
Soils	Temporary land disturbance may cause soil surface to become more prone to wind and water erosion.	Will implement Best Management Practices (BMPs) in association with the Storm Water Pollution Prevention Plan (SWPPP) for erosion and sediment to minimize wind and water erosion at the site, and will restore temporarily impacted areas.
Geologic and Groundwater Resources	No impacts to geological and groundwater resources are anticipated.	None proposed.
Surface Waters, Wetlands, and Floodplain Resources	All construction activities will occur in a manner that no additional impacts are anticipated.	Will avoid impacts by implementing BMPs in association with the SWPPP to minimize erosion and sedimentation. Construction compliance team will ensure avoidance of wetlands in close proximity to construction activities.

Resource	Impact	Mitigation
Vegetation	No impact to native prairie and woodland resources beyond what was expected in the original application beyond minimal temporary vegetation impacts.	Restoration of temporarily impacted areas, and avoidance of all trees and shrubs.
Wildlife and Natural Resources	<p>No impact to designated critical habitat for threatened or endangered species. Adverse impacts to threatened and endangered species are not anticipated.</p> <p>No significant changes are anticipated. The Project will not result in further impacts to native prairie, woodland resources, wetlands, migratory birds, and threatened and endangered species beyond what was expected in the initial application.</p>	Develop and implement a Wildlife Conservation Strategy and maintain the current Wildlife Response and Reporting System during operations.

References

Environmental Laboratory. 1987. "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.

USACE (U.S. Army Corps of Engineers). 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-10-1. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

USFWS (U.S. Fish and Wildlife Service). 2018. 2018 Dakota Skipper (*Hesperia dacotae*) North Dakota Survey Protocol. Accessed April 23, 2020. Available online at: https://www.fws.gov/mountain-prairie/es/protocols/2018_FINAL%20Dakota%20Skipper%20Survey%20Protocol_4202018.pdf

USFWS. 2020. Information for Planning and Consultation (IPaC). Accessed February 10, 2020. Available online at: <https://ecos.fws.gov/ipac/>.

Attachments

Figure 1. Location Map

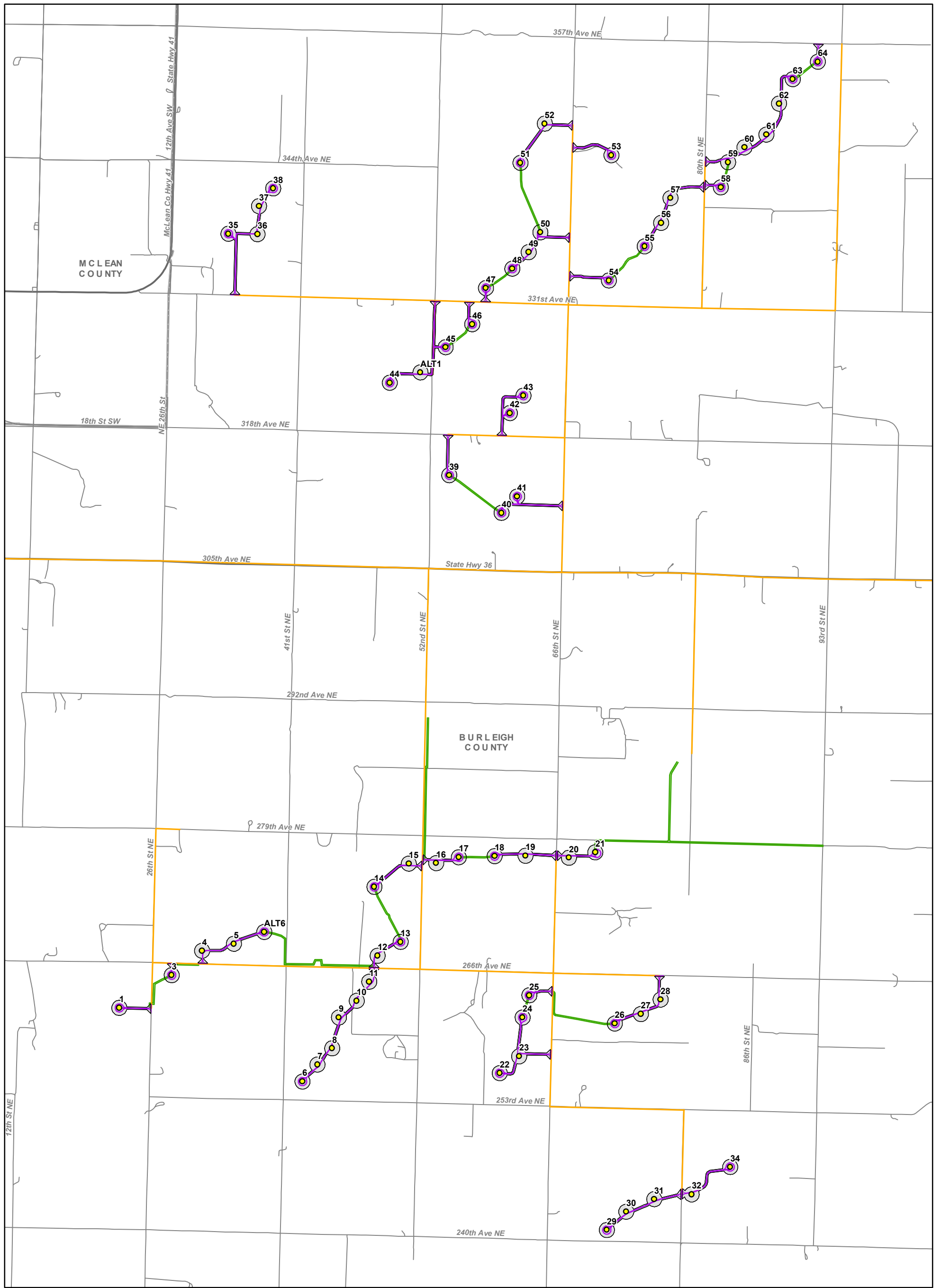
Figure 2. Wind Turbine Diagram

Figure 3. Wetlands and Other Waters Delineations Map

Appendix A – Shadow Flicker Assessment Results

Appendix B – Acoustic Assessment Results

Appendix C – North Dakota State Historic Preservation Office Concurrence Letter

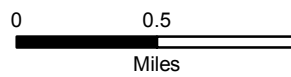


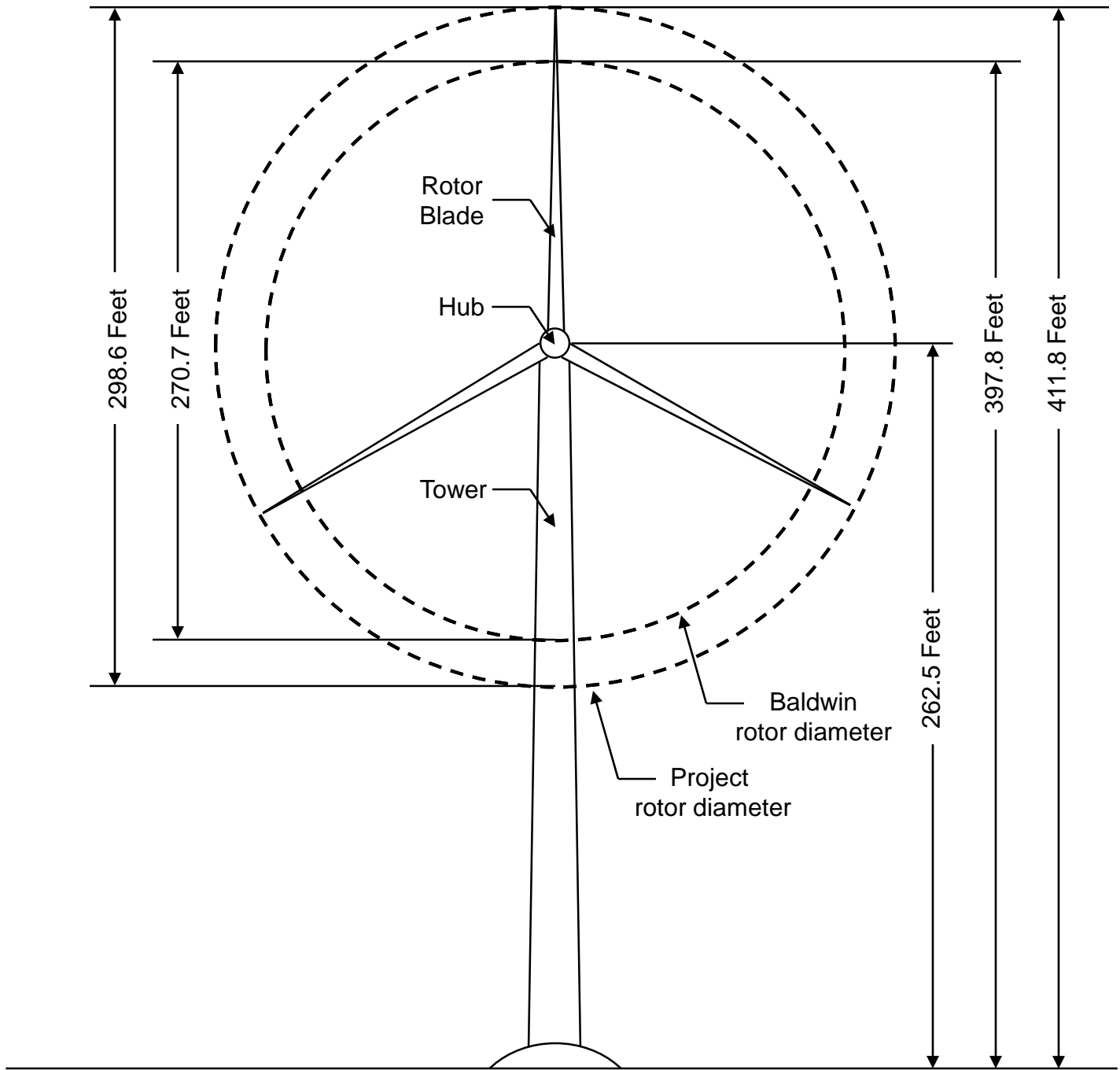
**BALDWIN
WIND ENERGY
CENTER
BURLEIGH COUNTY
NORTH DAKOTA**

**Figure 1
Project Location**

LEGEND

- Turbine
- Haul Route
- Crane Path
- Access Road
- Construction Easement
- County Boundary
- Existing Roads**
- State Highway
- Other Roads










Not To Scale

Figure 2. Wind Turbine Diagram
Baldwin Wind Energy Center
Improvement Project

Change in rotor diameter from the existing
to the proposed wind turbine

**BALDWIN
WIND ENERGY CENTER
BURLEIGH COUNTY
NORTH DAKOTA**

LEGEND

-  Turbine
-  Construction Easement
-  Access Road
-  Haul Route
-  Delineated Wetland

MAP 1 OF 14

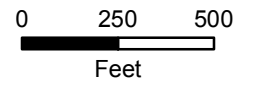
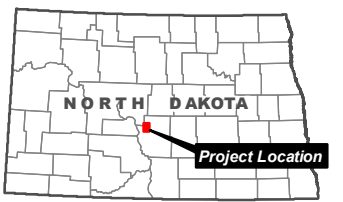
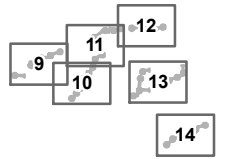
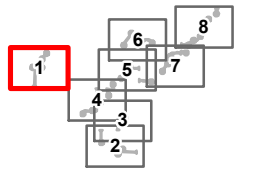
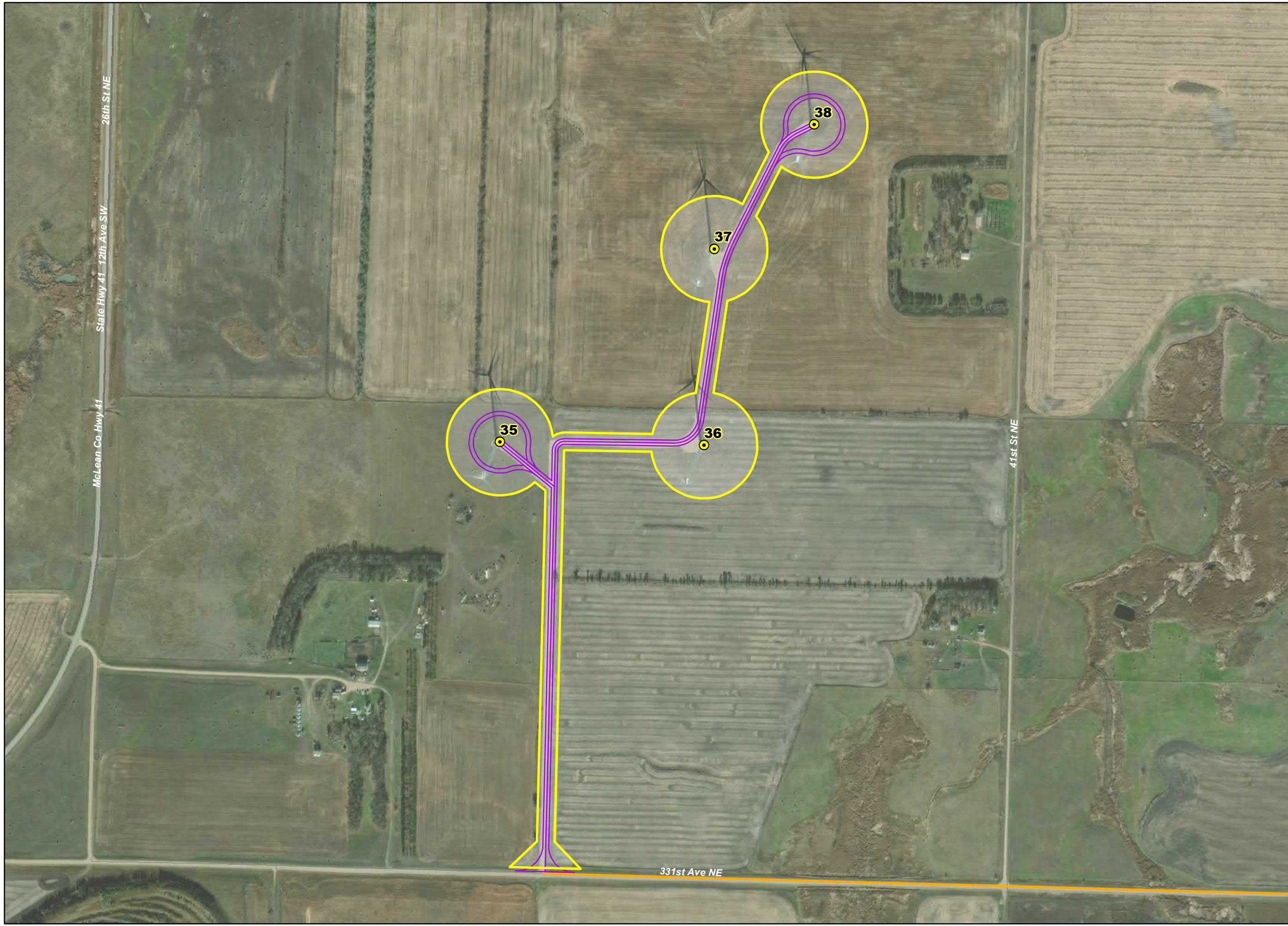


FIGURE 3






**Wetland and Other
Waters Delineation Map**



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**BALDWIN
WIND ENERGY CENTER
BURLEIGH COUNTY
NORTH DAKOTA**

LEGEND

-  Turbine
-  Construction Easement
-  Access Road
-  Haul Route
-  Delineated Wetland

MAP 2 OF 14

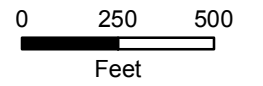
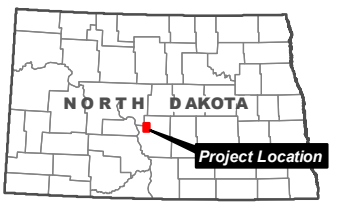
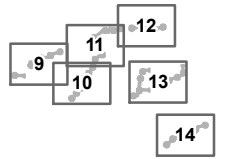
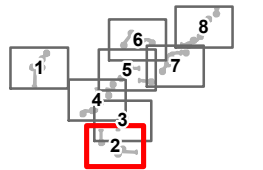


FIGURE 3






**Wetland and Other
Waters Delineation Map**



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**BALDWIN
WIND ENERGY CENTER
BURLEIGH COUNTY
NORTH DAKOTA**

LEGEND

-  Turbine
-  Construction Easement
-  Access Road
-  Haul Route
-  Delineated Wetland

MAP 3 OF 14

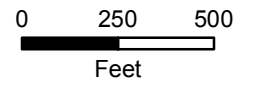
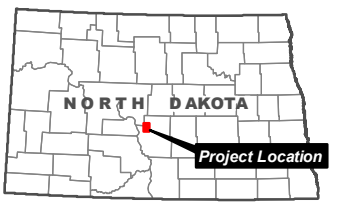
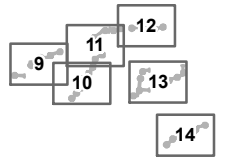
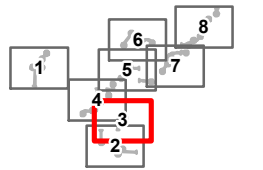


FIGURE 3






**Wetland and Other
Waters Delineation Map**



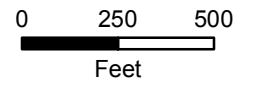
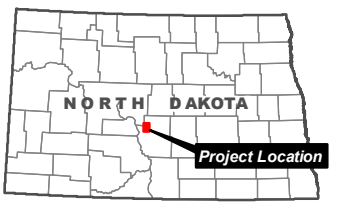
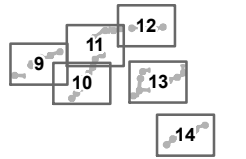
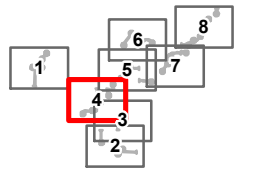
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**BALDWIN
WIND ENERGY CENTER
BURLEIGH COUNTY
NORTH DAKOTA**

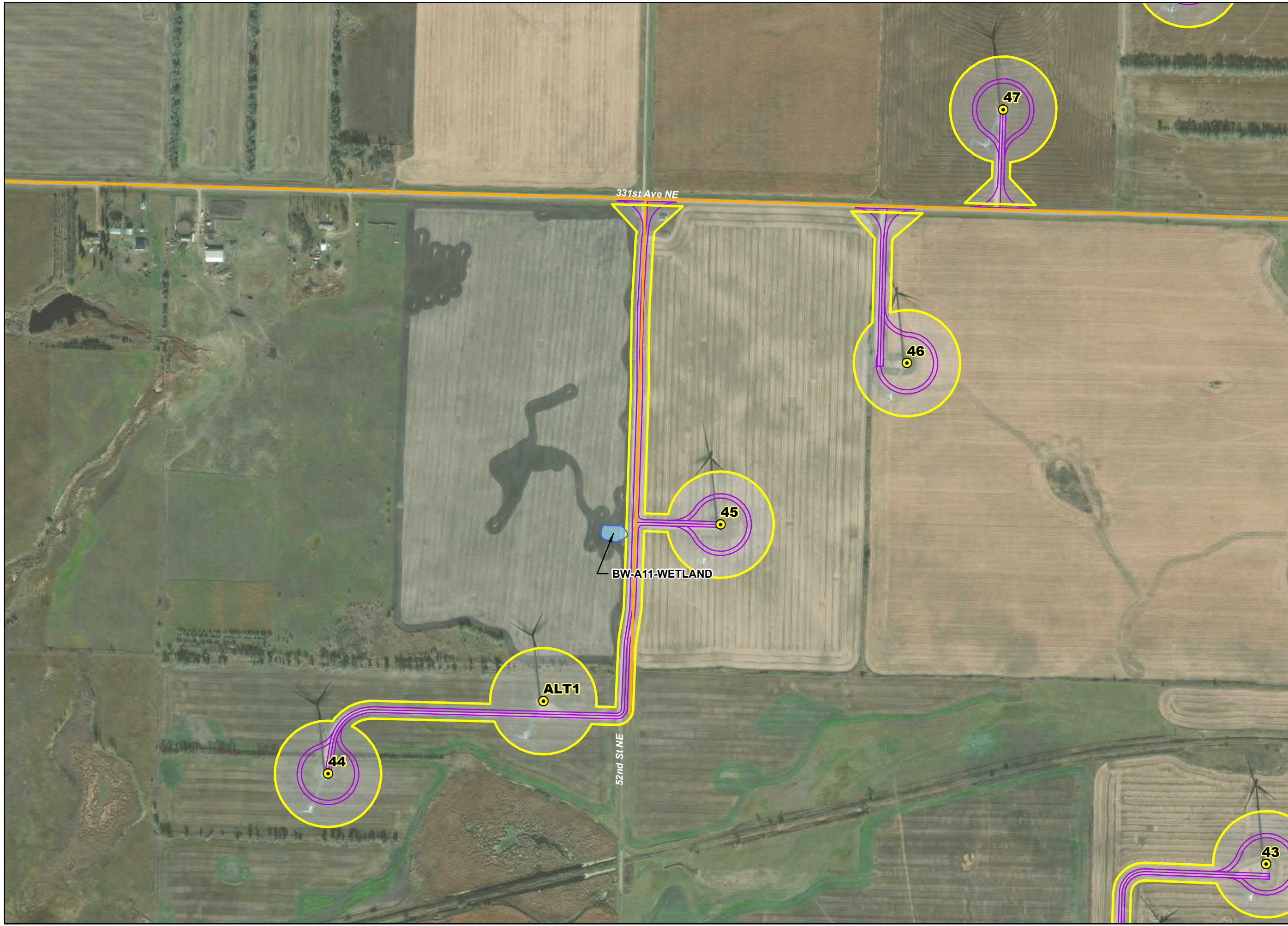
LEGEND

-  Turbine
-  Construction Easement
-  Access Road
-  Haul Route
-  Delineated Wetland

MAP 4 OF 14








**FIGURE 3
Wetland and Other
Waters Delineation Map**



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**BALDWIN
WIND ENERGY CENTER
BURLEIGH COUNTY
NORTH DAKOTA**

LEGEND

-  Turbine
-  Construction Easement
-  Access Road
-  Haul Route
-  Delineated Wetland

MAP 5 OF 14

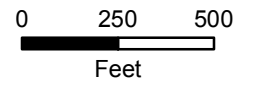
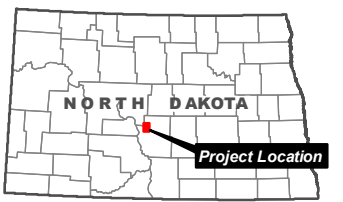
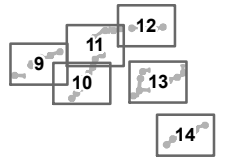
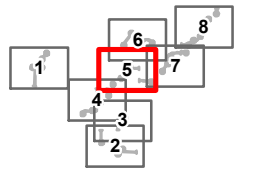
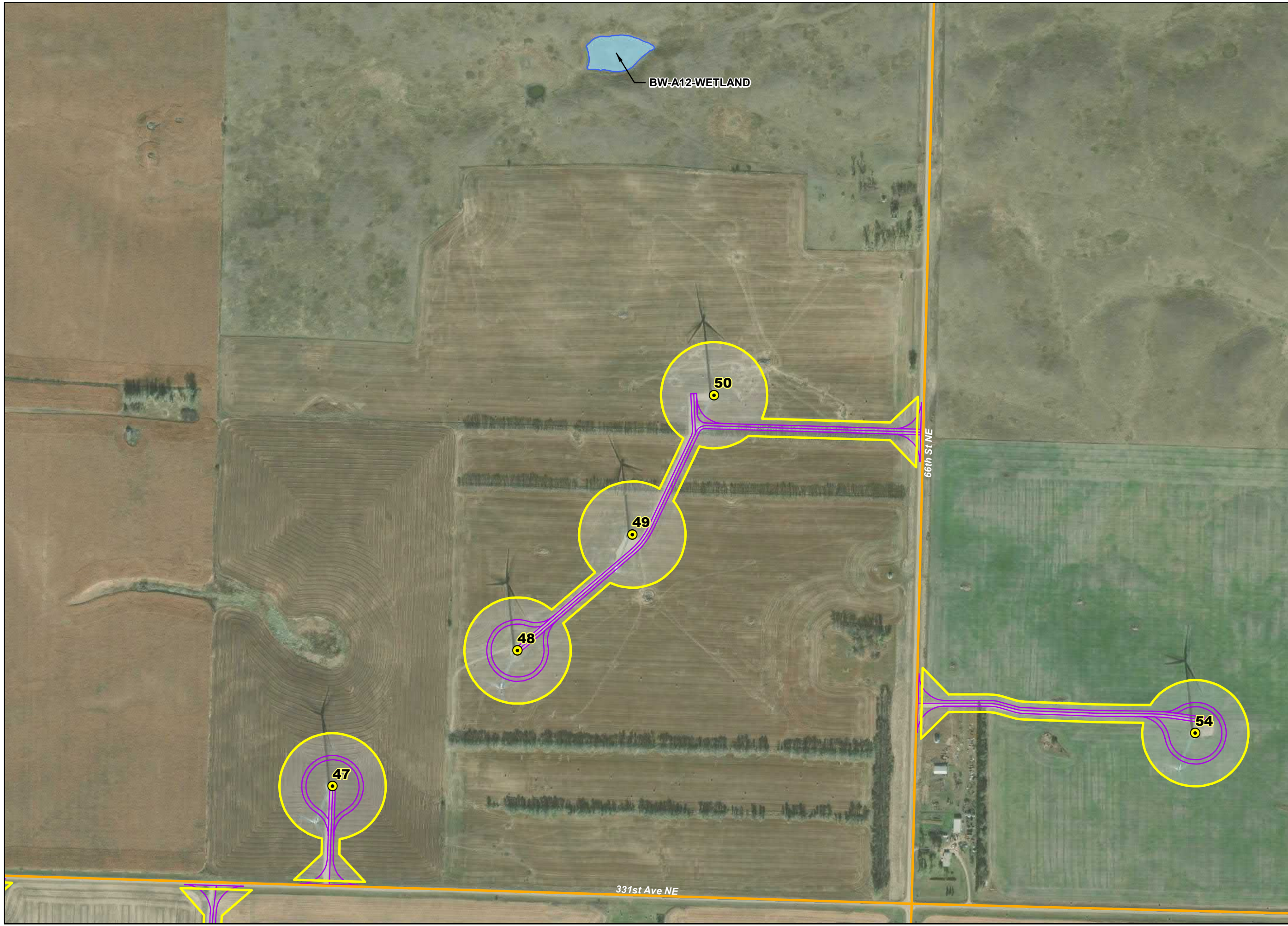


FIGURE 3






**Wetland and Other
Waters Delineation Map**



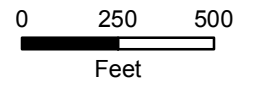
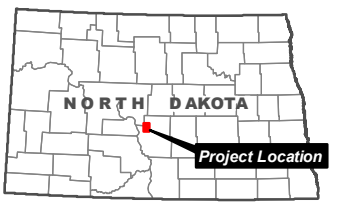
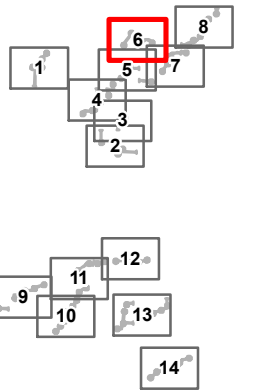
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**BALDWIN
WIND ENERGY CENTER
BURLEIGH COUNTY
NORTH DAKOTA**

LEGEND

-  Turbine
-  Construction Easement
-  Access Road
-  Haul Route
-  Delineated Wetland

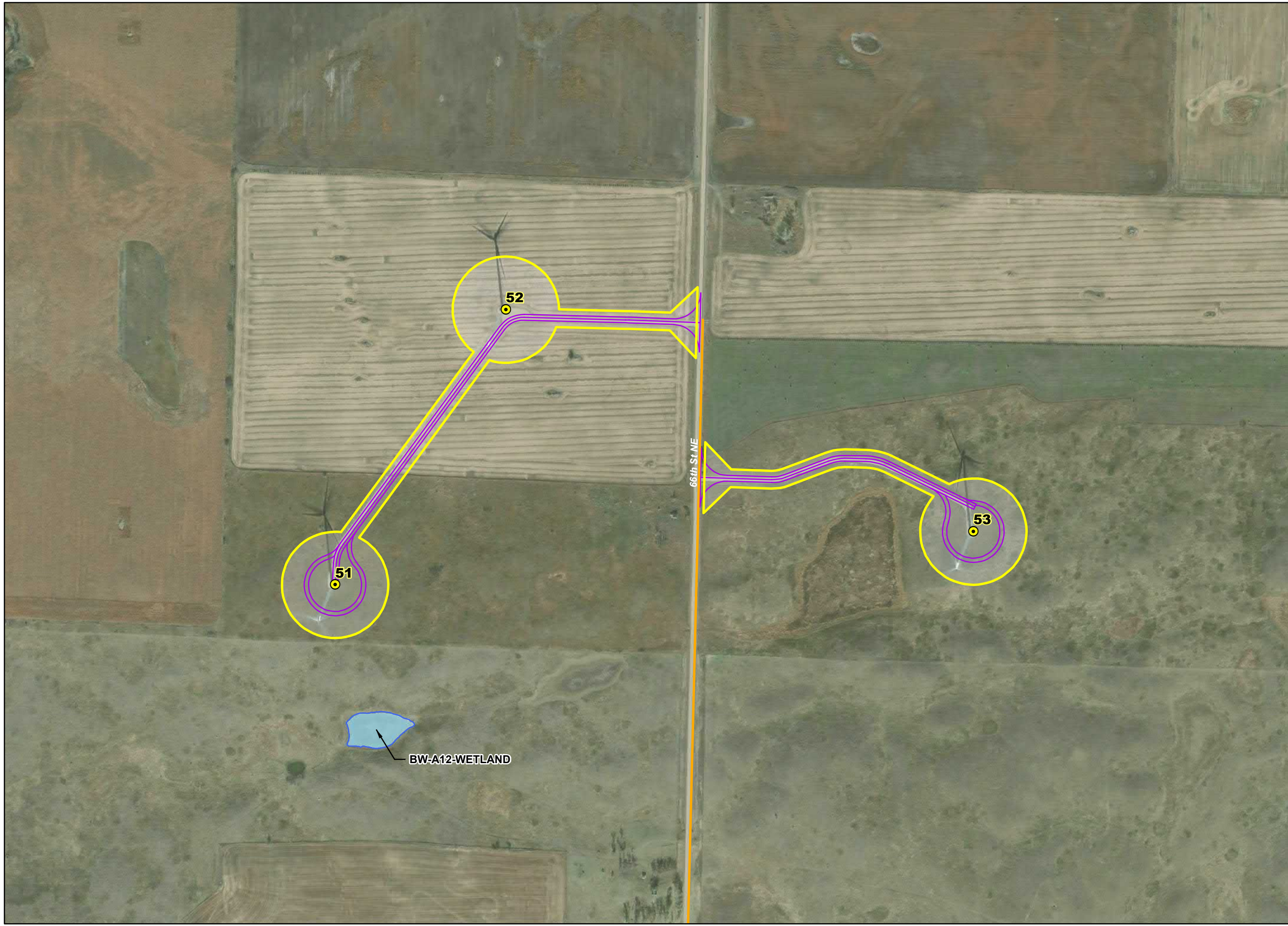
MAP 6 OF 14



**FIGURE 3
Wetland and Other
Waters Delineation Map**








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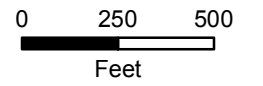
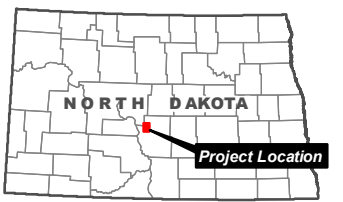
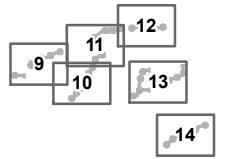
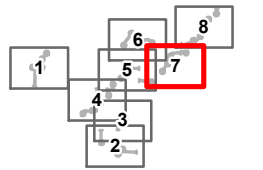


**BALDWIN
WIND ENERGY CENTER
BURLEIGH COUNTY
NORTH DAKOTA**

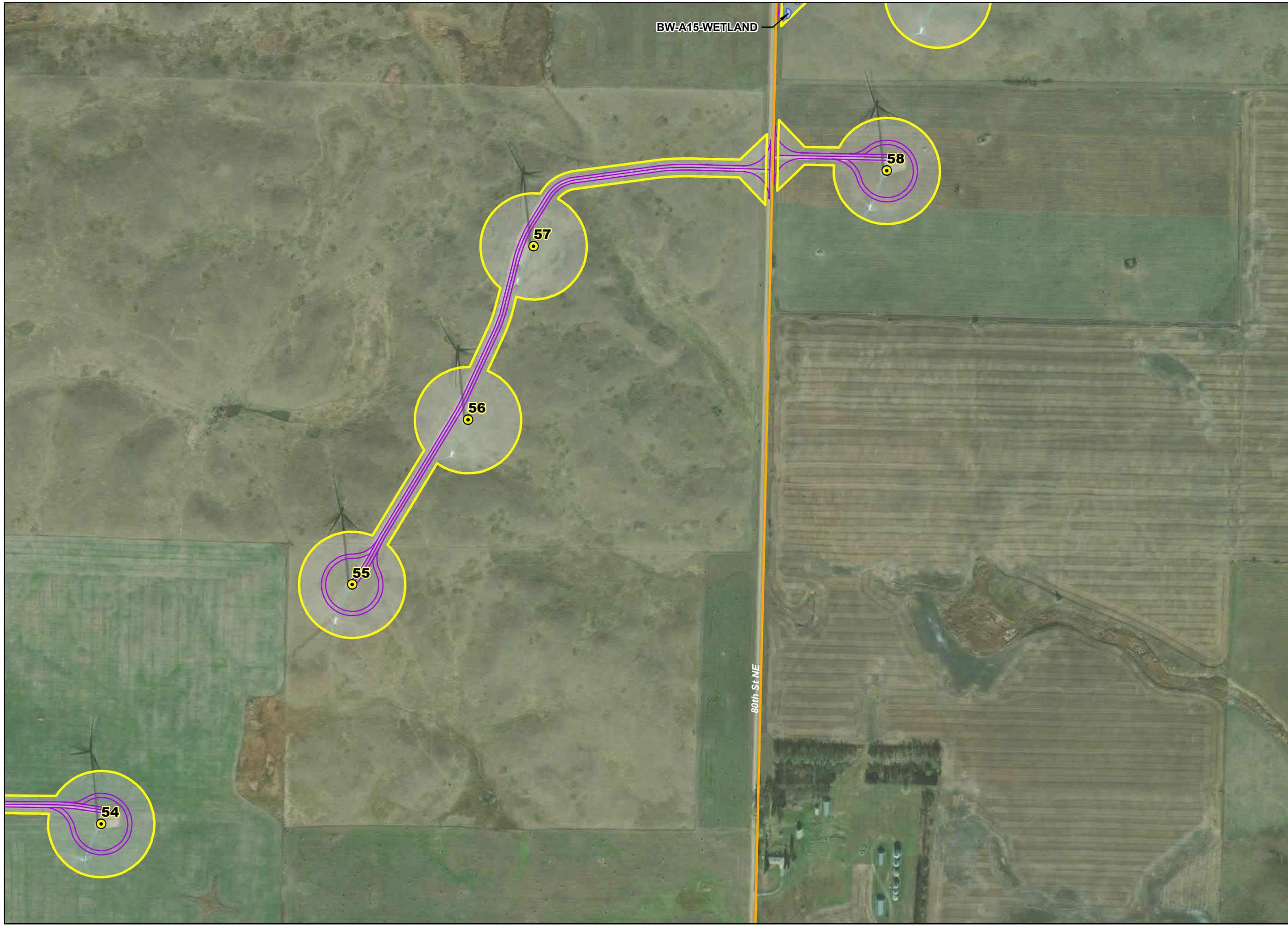
LEGEND

-  Turbine
-  Construction Easement
-  Access Road
-  Haul Route
-  Delineated Wetland

MAP 7 OF 14








**FIGURE 3
Wetland and Other
Waters Delineation Map**



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**BALDWIN
WIND ENERGY CENTER
BURLEIGH COUNTY
NORTH DAKOTA**

LEGEND

-  Turbine
-  Construction Easement
-  Access Road
-  Haul Route
-  Delineated Wetland

MAP 8 OF 14

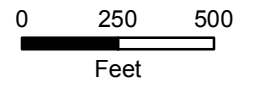
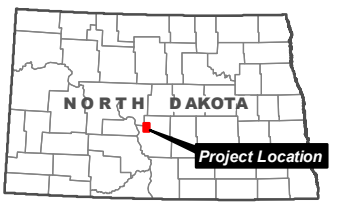
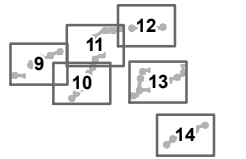
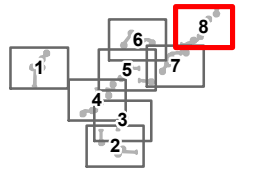


FIGURE 3






**Wetland and Other
Waters Delineation Map**



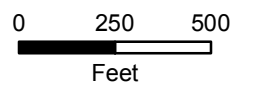
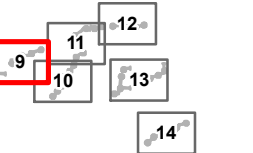
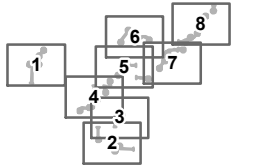
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**BALDWIN
WIND ENERGY CENTER
BURLEIGH COUNTY
NORTH DAKOTA**

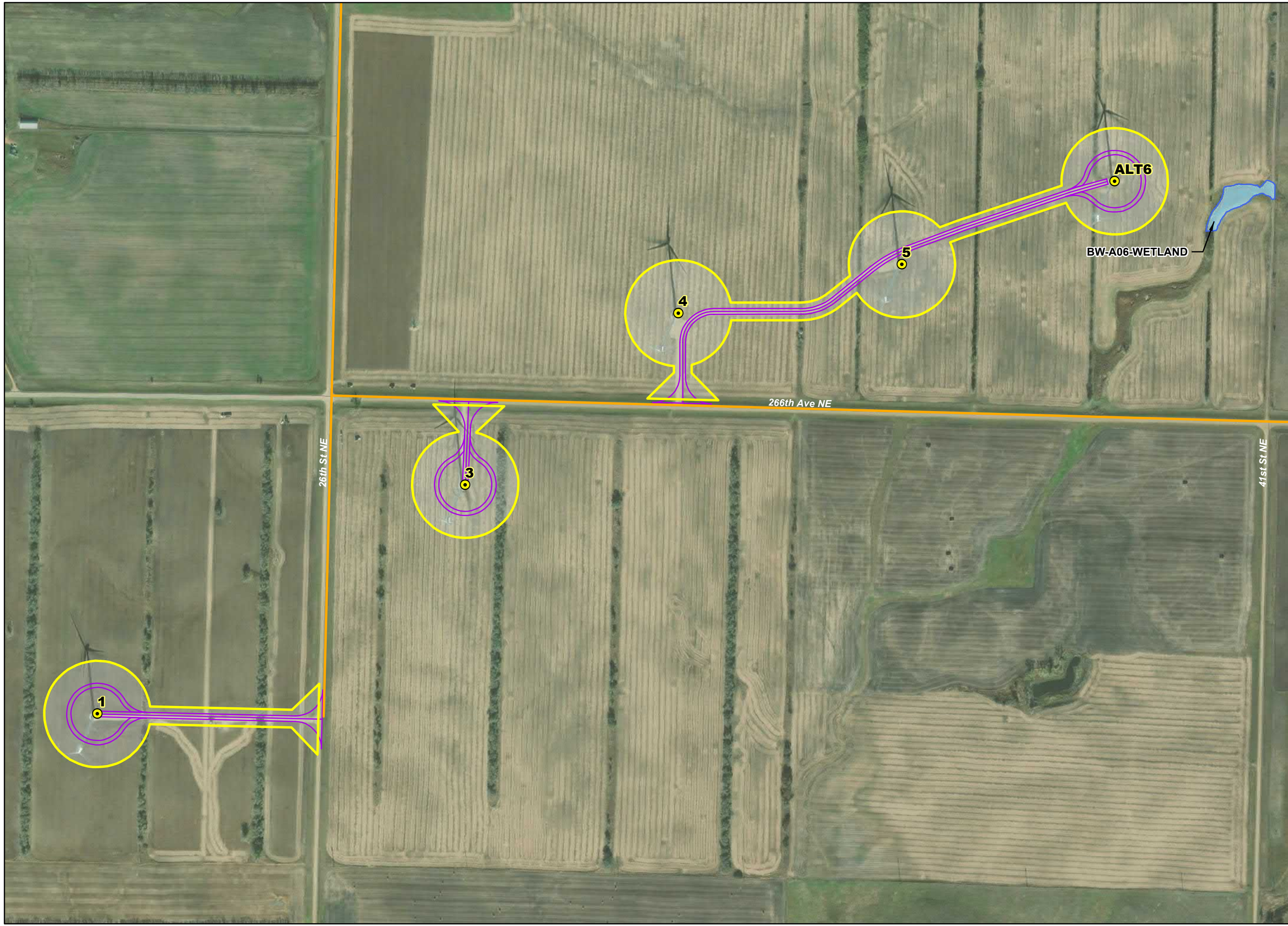
LEGEND

-  Turbine
-  Construction Easement
-  Access Road
-  Haul Route
-  Delineated Wetland

MAP 9 OF 14



**FIGURE 3
Wetland and Other
Waters Delineation Map**








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266th Ave NE

BALDWIN WIND ENERGY CENTER BURLEIGH COUNTY NORTH DAKOTA

LEGEND

-  Turbine
-  Construction Easement
-  Access Road
-  Haul Route
-  Delineated Wetland

MAP 10 OF 14

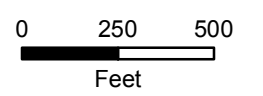
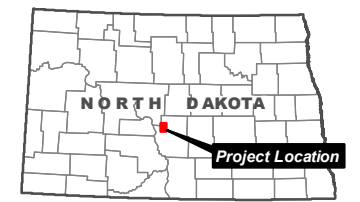
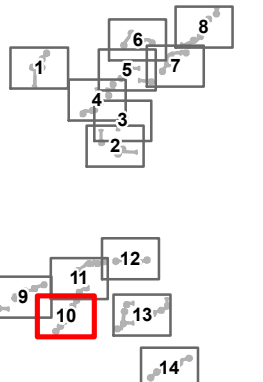
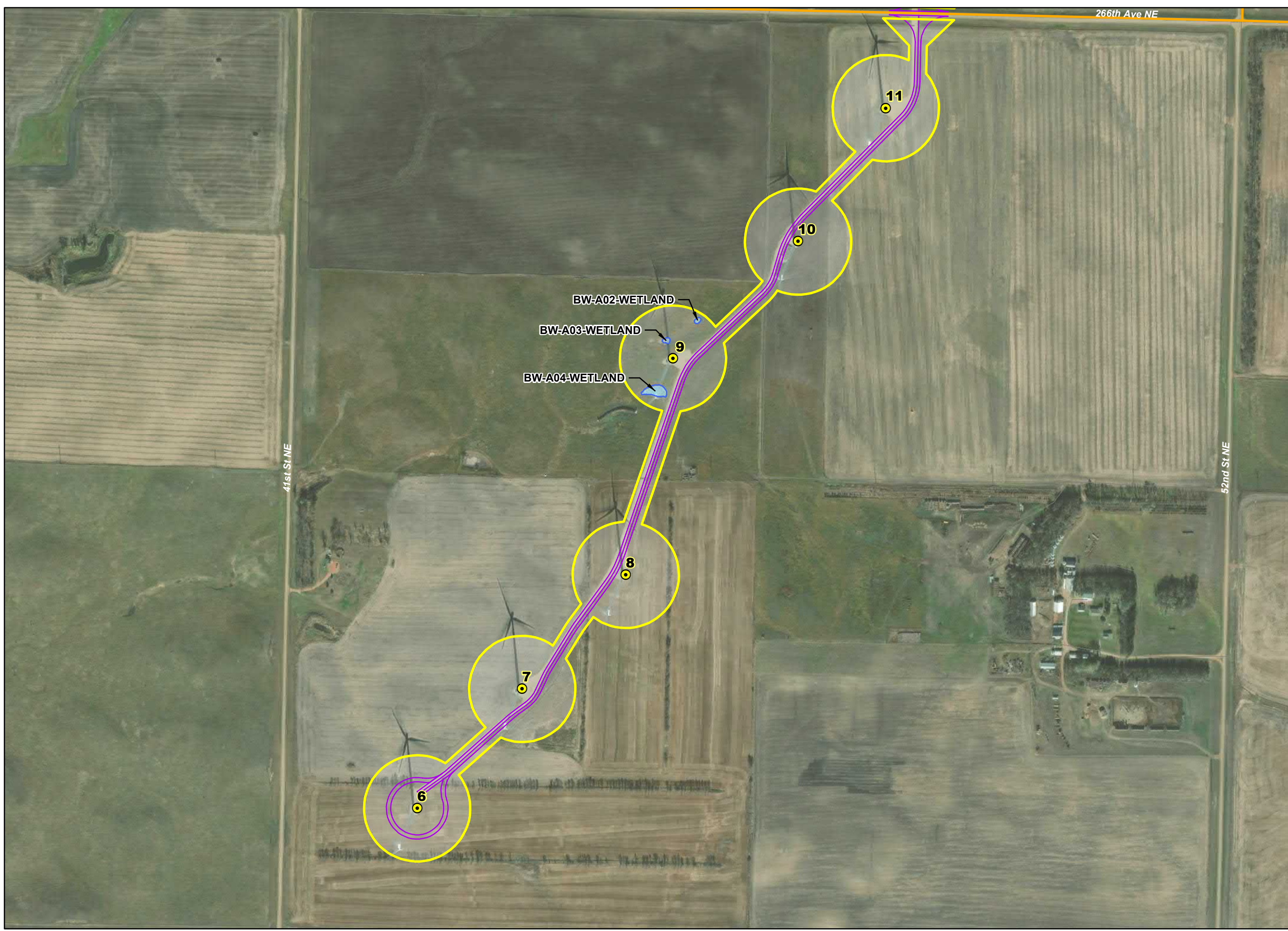


FIGURE 3

Wetland and Other Waters Delineation Map








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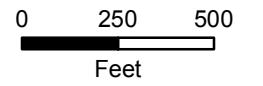
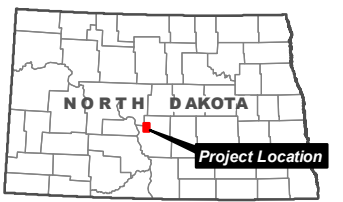
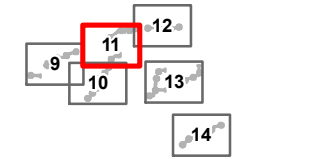
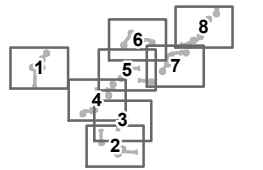


**BALDWIN
WIND ENERGY CENTER
BURLEIGH COUNTY
NORTH DAKOTA**

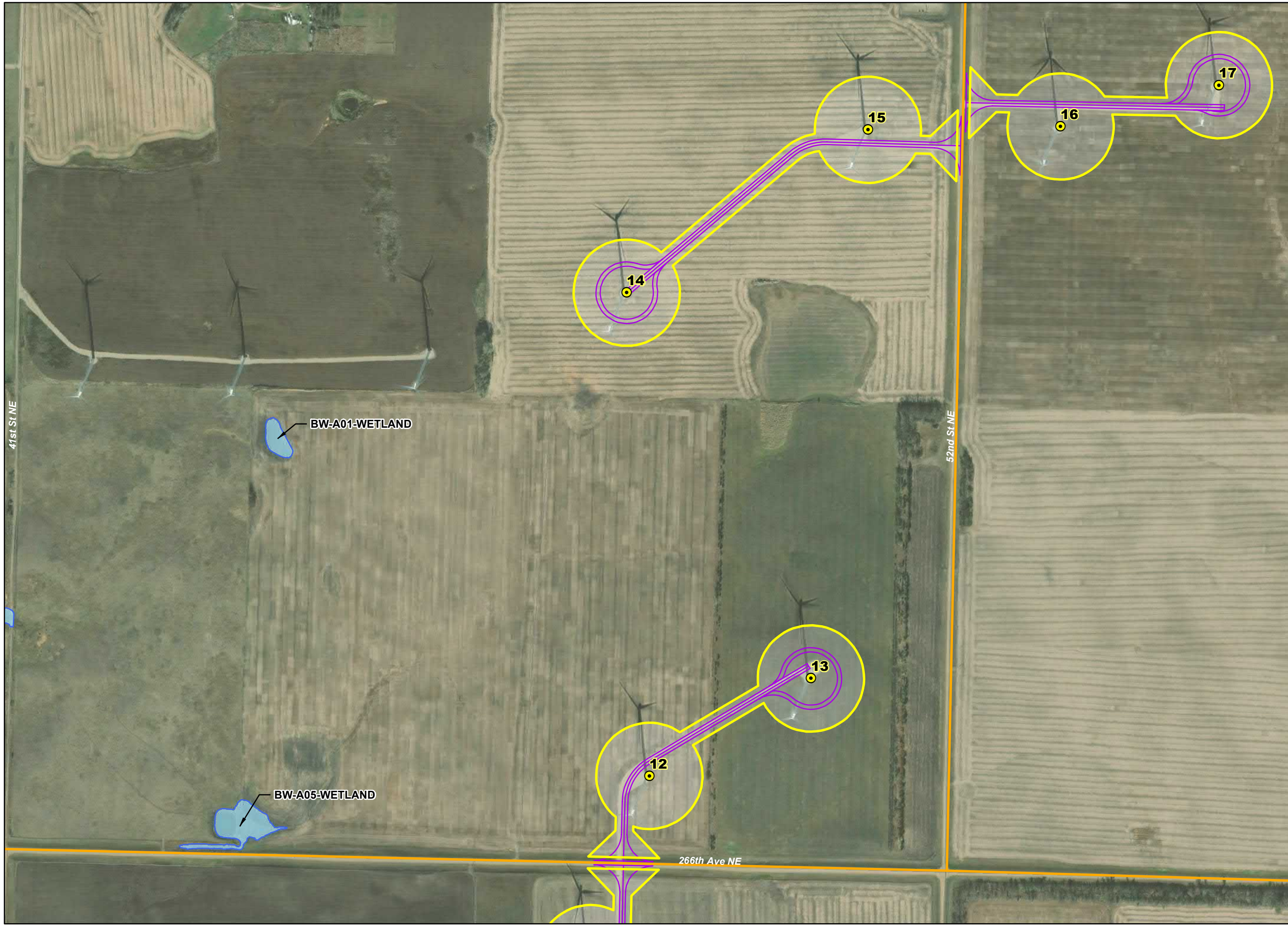
LEGEND

-  Turbine
-  Construction Easement
-  Access Road
-  Haul Route
-  Delineated Wetland

MAP 11 OF 14








**FIGURE 3
Wetland and Other
Waters Delineation Map**



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**BALDWIN
WIND ENERGY CENTER
BURLEIGH COUNTY
NORTH DAKOTA**

LEGEND

-  Turbine
-  Construction Easement
-  Access Road
-  Haul Route
-  Delineated Wetland

MAP 12 OF 14

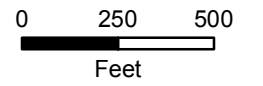
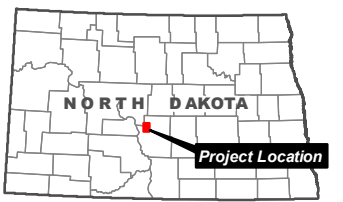
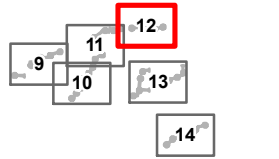
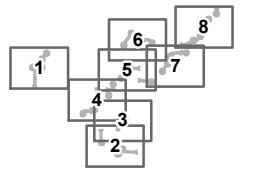


FIGURE 3

**Wetland and Other
Waters Delineation Map**








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**BALDWIN
WIND ENERGY CENTER
BURLEIGH COUNTY
NORTH DAKOTA**

LEGEND

-  Turbine
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-  Haul Route
-  Delineated Wetland

MAP 13 OF 14

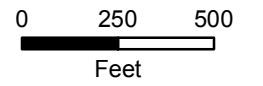
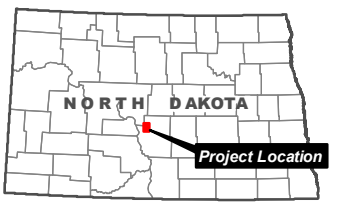
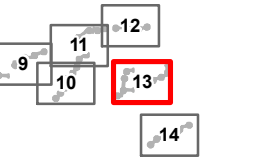
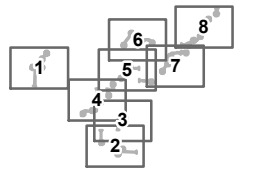
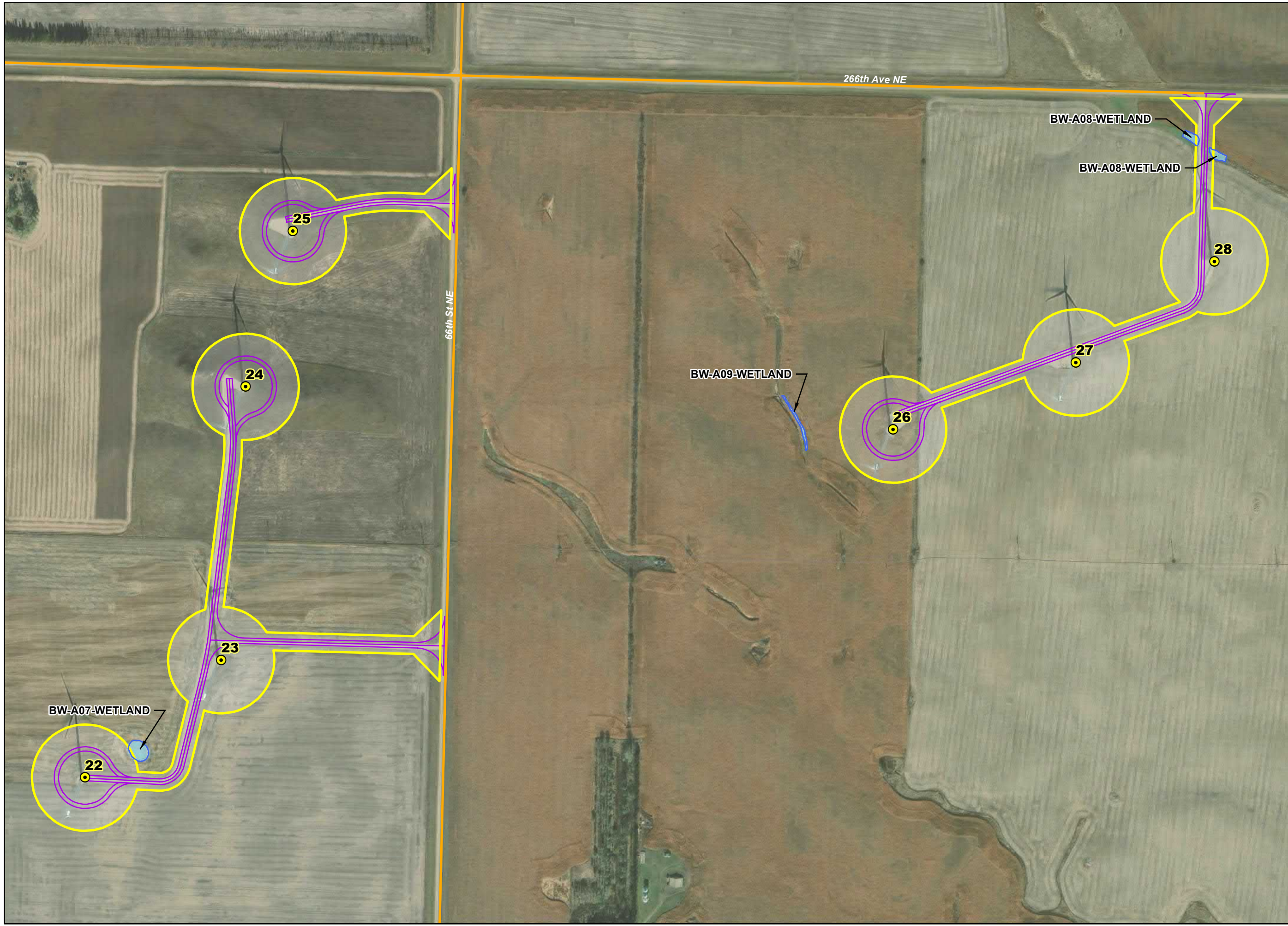


FIGURE 3






Wetland and Other Waters Delineation Map



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**BALDWIN
WIND ENERGY CENTER
BURLEIGH COUNTY
NORTH DAKOTA**

LEGEND

-  Turbine
-  Construction Easement
-  Access Road
-  Haul Route
-  Delineated Wetland

MAP 14 OF 14

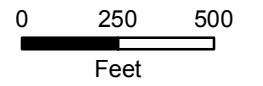
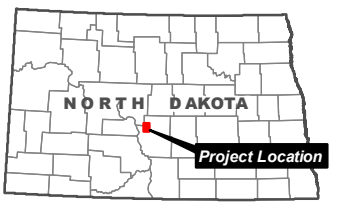
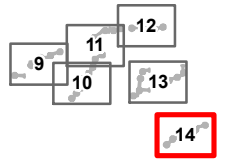
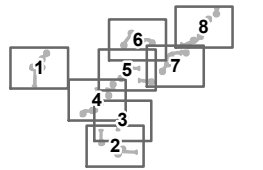
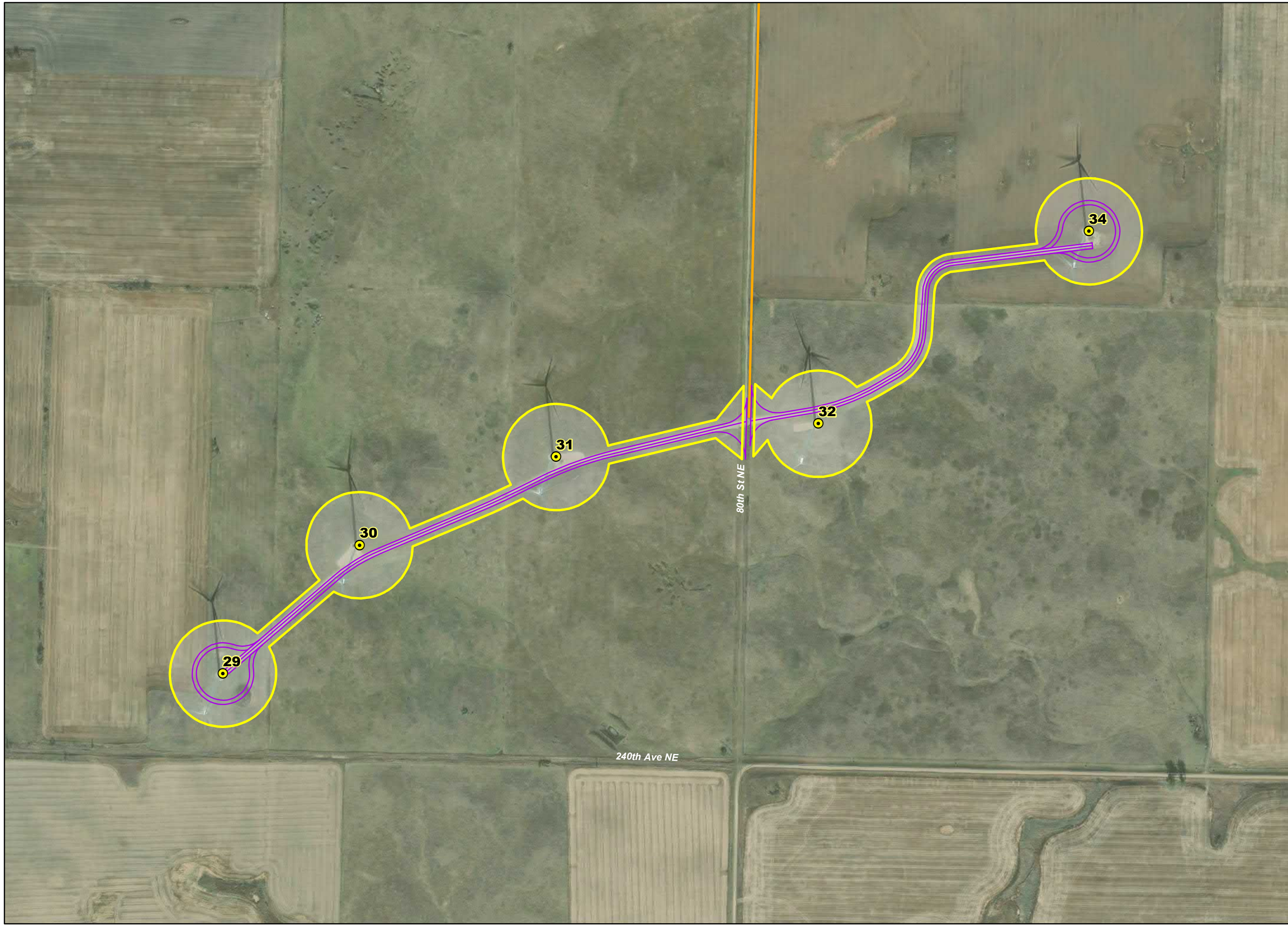


FIGURE 3

**Wetland and Other
Waters Delineation Map**



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Appendix A
Shadow Flicker Assessment Results

Baldwin Wind Energy Center Improvement Project
Shadow Flicker Assessment Results

Receptor ID	Participating Landowner	Nearest Baldwin Turbine ID ¹	Distance to Nearest Baldwin Turbine (feet)	Receptor Coordinates (UTM Zone 14, NAD 83)		Cumulative Assessment with Operation of Baldwin (existing) and Wilton I & II Turbines (hours/year)	Cumulative Assessment with Operation of Baldwin (Project) and Wilton I & II Turbines (hours/year)
				Easting (m)	Northing (m)		
R01	No	64	7,278	376087.66	5230597.28	0	0
R02	No	64	7,286	376151.27	5230576.61	0	0
R03	No	64	4,817	375737.41	5229923.29	0	0
R04	No	64	10,281	378094.63	5229863.58	0	0
R05	No	64	1,775	375370.90	5229069.70	0	0
R06	No	64	9,840	378243.92	5228836.04	0	0
R07	No	64	4,785	376437.93	5227691.05	0	0
R08	No	61	9,041	377189.31	5226633.95	0	0
R09	No	58	5,147	375439.46	5226221.35	0	0
R10	No	55	9,008	375510.63	5224877.80	0	0
R11	Yes	60	2,505	373971.67	5228156.72	5	7
R12	No	55	2,839	373895.84	5225840.49	2	3
R13	No	52	11,015	371826.35	5231131.58	0	0
R14	No	52	12,301	369984.42	5230962.90	0	0
R15	No	52	8,030	370690.63	5229874.14	0	0
R16	No	38	1,497	368984.47	5227360.12	18	21
R17	Yes	43	2,360	372340.04	5224177.49	10	12
R18	Yes	42	1,642	371175.37	5223952.79	12	14
R19	Yes	39	1,544	371058.69	5223952.79	4	7
R20	Yes	54	1,570	372305.61	5225678.36	14	18
R21	No	45	2,773	370086.16	5225610.84	4	5
R22	No	44	3,298	369687.66	5225587.06	0	0
R23	No	38	5,670	367391.42	5228163.31	0	0
R24	No	38	4,790	367554.79	5227938.65	0	0
R25	No	35	4,121	367279.49	5227381.05	0	0

Baldwin Wind Energy Center Improvement Project
Shadow Flicker Assessment Results

Receptor ID	Participating Landowner	Nearest Baldwin Turbine ID ¹	Distance to Nearest Baldwin Turbine (feet)	Receptor Coordinates (UTM Zone 14, NAD 83)		Cumulative Assessment with Operation of Baldwin (existing) and Wilton I & II Turbines (hours/year)	Cumulative Assessment with Operation of Baldwin (Project) and Wilton I & II Turbines (hours/year)
				Easting (m)	Northing (m)		
R26	Yes	35	1,665	367916.29	5226010.76	0	0
R27	Yes	35	1,696	367895.52	5226007.08	0	0
R28	No	38	10,259	367600.42	5229946.28	0	0
R29	No	35	11,266	364828.99	5227360.80	0	0
R30	No	35	8,026	365778.55	5225832.62	0	0
R31	No	35	8,829	365875.31	5224994.09	0	0
R32	No	35	9,184	366056.63	5224578.29	0	0
R33	No	35	11,172	366283.78	5223600.30	0	0
R34	No	41	11,411	374937.04	5222431.32	0	0
R35	No	41	10,757	374627.02	5221973.45	0	0
R36	No	41	9,633	374358.54	5222212.80	0	0
R37	No	41	6,617	373479.81	5222493.23	0	0
R38	No	40	3,828	372287.60	5222294.93	0	0
R39	Yes	40	1,676	371314.50	5222595.43	0	0
R40	No	21	11,235	375512.90	5220743.63	0	0
R41	No	21	10,156	375400.09	5220256.92	0	0
R42	Yes	28	9,311	376191.57	5217490.91	0	0
R43	No	34	6,642	376135.84	5215778.83	0	0
R44	No	34	4,599	375123.27	5214158.73	0	0
R45	No	34	10,742	376240.15	5212638.08	0	0
R46	No	34	11,924	376179.36	5212151.22	0	0
R47	No	28	3,944	374517.54	5216887.26	0	0
R48	Yes	21	5,551	372578.63	5220692.33	10	10
R49	Yes	21	5,394	372695.66	5220639.05	9	9
R50	Yes	21	2,366	372748.38	5218306.94	0	0

Baldwin Wind Energy Center Improvement Project
Shadow Flicker Assessment Results

Receptor ID	Participating Landowner	Nearest Baldwin Turbine ID ¹	Distance to Nearest Baldwin Turbine (feet)	Receptor Coordinates (UTM Zone 14, NAD 83)		Cumulative Assessment with Operation of Baldwin (existing) and Wilton I & II Turbines (hours/year)	Cumulative Assessment with Operation of Baldwin (Project) and Wilton I & II Turbines (hours/year)
				Easting (m)	Northing (m)		
R51	Yes	23	2,849	372330.61	5215997.44	0	0
R52	Yes	29	2,004	372119.29	5214624.41	3	4
R53	No	29	6,040	371881.42	5212795.45	0	0
R54	No	29	5,938	371898.00	5212827.63	0	0
R55	No	29	10,803	372236.47	5211185.53	0	0
R56	Yes	24	2,083	371086.22	5217193.26	6	8
R57	No	22	2,741	371029.08	5215594.85	0	0
R58	No	29	12,380	369495.02	5212462.94	0	0
R59	Yes	8	2,659	370203.29	5216574.25	7	8
R60	Yes	8	2,742	370225.16	5216532.17	5	5
R61	Yes	4	4,157	367503.76	5219037.68	5	5
R62	Yes	ALT6	4,333	368371.10	5219346.92	29	29
R63	No	14	2,757	369217.90	5219077.13	8	9
R64	Yes	14	2,593	369303.05	5219093.53	11	13
R65	Yes	7	1,295	368881.44	5216650.44	13	16
R66	No	6	2,700	368827.69	5215438.67	0	0
R67	No	6	9,248	367687.46	5213752.23	0	0
R68	No	6	12,314	367618.18	5212754.05	0	0
R69	No	6	12,575	367577.65	5212687.52	0	0
R70	No	6	11,509	366828.91	5213510.97	0	0
R71	No	6	13,420	365902.83	5213611.00	0	0
R72	No	6	15,115	365327.34	5213491.78	0	0
R73	No	6	15,013	365218.89	5213700.84	0	0
R74	No	1	10,683	364208.73	5215152.78	0	0
R75	No	1	9,518	363926.25	5216900.28	0	0

Baldwin Wind Energy Center Improvement Project
Shadow Flicker Assessment Results

Receptor ID	Participating Landowner	Nearest Baldwin Turbine ID ¹	Distance to Nearest Baldwin Turbine (feet)	Receptor Coordinates (UTM Zone 14, NAD 83)		Cumulative Assessment with Operation of Baldwin (existing) and Wilton I & II Turbines (hours/year)	Cumulative Assessment with Operation of Baldwin (Project) and Wilton I & II Turbines (hours/year)
				Easting (m)	Northing (m)		
R76	No	1	3,536	365754.30	5216984.92	0	0
R77	No	1	3,526	365972.80	5217778.86	0	0
R78	No	1	2,304	366612.17	5217781.37	1	2
R79	No	3	3,168	366678.54	5218086.28	0	0
R80	Yes	1	11,550	364108.00	5219360.85	0	0
R81	No	39	7,959	368981.77	5221951.68	0	0
R82	No	4	11,141	366328.38	5220859.41	0	0
R83	No	4	11,241	366179.35	5220819.05	0	0
R84	No	4	11,434	366072.79	5220826.09	0	0
R85	No	44	9,863	367477.99	5223170.07	0	0
R86	No	41	7,362	373623.07	5222264.71	0	0
R87	Yes	59	1,510	373819.41	5227615.96	17	20
R88	Yes	59	1,451	373817.29	5227585.95	15	18
R89	Yes	36	1,875	368970.05	5226141.72	3	5
R90	No	29	7,586	371891.00	5212275.00	0	0
R91	No	29	7,272	371897.51	5212376.37	0	0
R92	No	29	12,445	369493.94	5212424.59	0	0
R93	No	1	7,927	365624.92	5215016.43	0	0
R94	No	6	11,985	366721.17	5213404.85	0	0
R95	No	1	2,937	367282.28	5216350.39	0	0
R96	No	3	3,340	366654.03	5218134.41	0	0
R97	No	1	6,668	364848.88	5217617.87	0	0

¹ The turbine numbering in this table uses the original turbine numbers from the Application. During construction, turbines Alt1 and Alt6 were construction instead of turbines 2 and 33.

Appendix B
Acoustic Assessment Results

Baldwin Wind Energy Center Improvement Project
Acoustic Assessment Results

Receptor ID	Participating Landowner	Nearest Baldwin Turbine ID ¹	Distance to Nearest Baldwin Turbine (feet)	Receptor Coordinates (UTM Zone 14, NAD 83)		Cumulative Assessment with Operation of Baldwin (Existing) and Wilton I & II (Leq, dBA)	Cumulative Assessment with Operation of Baldwin (Project) and Wilton I & II (Leq, dBA)
				Easting (m)	Northing (m)		
R01	No	64	7,278	376087.66	5230597.28	32	33
R02	No	64	7,286	376151.27	5230576.61	32	33
R03	No	64	4,817	375737.41	5229923.29	36	37
R04	No	64	10,281	378094.63	5229863.58	29	29
R05	No	64	1,775	375370.90	5229069.70	45	45
R06	No	64	9,840	378243.92	5228836.04	29	30
R07	No	64	4,785	376437.93	5227691.05	38	39
R08	No	61	9,041	377189.31	5226633.95	33	34
R09	No	58	5,147	375439.46	5226221.35	39	40
R10	No	55	9,008	375510.63	5224877.80	36	37
R11	Yes	60	2,505	373971.67	5228156.72	46	46
R12	No	55	2,839	373895.84	5225840.49	44	45
R13	No	52	11,015	371826.35	5231131.58	31	32
R14	No	52	12,301	369984.42	5230962.90	29	30
R15	No	52	8,030	370690.63	5229874.14	34	34
R16	No	38	1,497	368984.47	5227360.12	46	47
R17	Yes	43	2,360	372340.04	5224177.49	45	46
R18	Yes	42	1,642	371175.37	5223952.79	48	49
R19	Yes	39	1,544	371058.69	5223952.79	48	49
R20	Yes	54	1,570	372305.61	5225678.36	48	48
R21	No	45	2,773	370086.16	5225610.84	45	45
R22	No	44	3,298	369687.66	5225587.06	43	44
R23	No	38	5,670	367391.42	5228163.31	36	36
R24	No	38	4,790	367554.79	5227938.65	38	38
R25	No	35	4,121	367279.49	5227381.05	39	39

Baldwin Wind Energy Center Improvement Project
Acoustic Assessment Results

Receptor ID	Participating Landowner	Nearest Baldwin Turbine ID ¹	Distance to Nearest Baldwin Turbine (feet)	Receptor Coordinates (UTM Zone 14, NAD 83)		Cumulative Assessment with Operation of Baldwin (Existing) and Wilton I & II (Leq, dBA)	Cumulative Assessment with Operation of Baldwin (Project) and Wilton I & II (Leq, dBA)
				Easting (m)	Northing (m)		
R26	Yes	35	1,665	367916.29	5226010.76	46	47
R27	Yes	35	1,696	367895.52	5226007.08	46	46
R28	No	38	10,259	367600.42	5229946.28	30	30
R29	No	35	11,266	364828.99	5227360.80	27	27
R30	No	35	8,026	365778.55	5225832.62	31	32
R31	No	35	8,829	365875.31	5224994.09	30	31
R32	No	35	9,184	366056.63	5224578.29	30	31
R33	No	35	11,172	366283.78	5223600.30	34	34
R34	No	41	11,411	374937.04	5222431.32	39	39
R35	No	41	10,757	374627.02	5221973.45	41	42
R36	No	41	9,633	374358.54	5222212.80	41	41
R37	No	41	6,617	373479.81	5222493.23	42	42
R38	No	40	3,828	372287.60	5222294.93	45	45
R39	Yes	40	1,676	371314.50	5222595.43	48	48
R40	No	21	11,235	375512.90	5220743.63	43	43
R41	No	21	10,156	375400.09	5220256.92	45	45
R42	Yes	28	9,311	376191.57	5217490.91	39	39
R43	No	34	6,642	376135.84	5215778.83	36	36
R44	No	34	4,599	375123.27	5214158.73	37	37
R45	No	34	10,742	376240.15	5212638.08	28	29
R46	No	34	11,924	376179.36	5212151.22	27	28
R47	No	28	3,944	374517.54	5216887.26	41	42
R48	Yes	21	5,551	372578.63	5220692.33	50	50
R49	Yes	21	5,394	372695.66	5220639.05	49	49
R50	Yes	21	2,366	372748.38	5218306.94	47	47

Baldwin Wind Energy Center Improvement Project
Acoustic Assessment Results

Receptor ID	Participating Landowner	Nearest Baldwin Turbine ID ¹	Distance to Nearest Baldwin Turbine (feet)	Receptor Coordinates (UTM Zone 14, NAD 83)		Cumulative Assessment with Operation of Baldwin (Existing) and Wilton I & II (Leq, dBA)	Cumulative Assessment with Operation of Baldwin (Project) and Wilton I & II (Leq, dBA)
				Easting (m)	Northing (m)		
R51	Yes	23	2,849	372330.61	5215997.44	45	45
R52	Yes	29	2,004	372119.29	5214624.41	45	45
R53	No	29	6,040	371881.42	5212795.45	34	35
R54	No	29	5,938	371898.00	5212827.63	34	35
R55	No	29	10,803	372236.47	5211185.53	28	29
R56	Yes	24	2,083	371086.22	5217193.26	47	48
R57	No	22	2,741	371029.08	5215594.85	43	43
R58	No	29	12,380	369495.02	5212462.94	30	30
R59	Yes	8	2,659	370203.29	5216574.25	47	47
R60	Yes	8	2,742	370225.16	5216532.17	47	46
R61	Yes	4	4,157	367503.76	5219037.68	50	50
R62	Yes	ALT6	4,333	368371.10	5219346.92	49	49
R63	No	14	2,757	369217.90	5219077.13	50	50
R64	Yes	14	2,593	369303.05	5219093.53	50	50
R65	Yes	7	1,295	368881.44	5216650.44	51	50
R66	No	6	2,700	368827.69	5215438.67	43	42
R67	No	6	9,248	367687.46	5213752.23	33	33
R68	No	6	12,314	367618.18	5212754.05	29	29
R69	No	6	12,575	367577.65	5212687.52	29	29
R70	No	6	11,509	366828.91	5213510.97	30	30
R71	No	6	13,420	365902.83	5213611.00	30	30
R72	No	6	15,115	365327.34	5213491.78	28	29
R73	No	6	15,013	365218.89	5213700.84	29	29
R74	No	1	10,683	364208.73	5215152.78	27	27
R75	No	1	9,518	363926.25	5216900.28	35	35

Baldwin Wind Energy Center Improvement Project
Acoustic Assessment Results

Receptor ID	Participating Landowner	Nearest Baldwin Turbine ID ¹	Distance to Nearest Baldwin Turbine (feet)	Receptor Coordinates (UTM Zone 14, NAD 83)		Cumulative Assessment with Operation of Baldwin (Existing) and Wilton I & II (Leq, dBA)	Cumulative Assessment with Operation of Baldwin (Project) and Wilton I & II (Leq, dBA)
				Easting (m)	Northing (m)		
R76	No	1	3,536	365754.30	5216984.92	41	41
R77	No	1	3,526	365972.80	5217778.86	43	44
R78	No	1	2,304	366612.17	5217781.37	46	46
R79	No	3	3,168	366678.54	5218086.28	47	47
R80	Yes	1	11,550	364108.00	5219360.85	40	40
R81	No	39	7,959	368981.77	5221951.68	44	44
R82	No	4	11,141	366328.38	5220859.41	41	41
R83	No	4	11,241	366179.35	5220819.05	41	41
R84	No	4	11,434	366072.79	5220826.09	40	40
R85	No	44	9,863	367477.99	5223170.07	37	38
R86	No	41	7,362	373623.07	5222264.71	42	42
R87	Yes	59	1,510	373819.41	5227615.96	49	49
R88	Yes	59	1,451	373817.29	5227585.95	49	49
R89	Yes	36	1,875	368970.05	5226141.72	46	46
R90	No	29	7,586	371891.00	5212275.00	32	32
R91	No	29	7,272	371897.51	5212376.37	32	32
R92	No	29	12,445	369493.94	5212424.59	30	30
R93	No	1	7,927	365624.92	5215016.43	32	33
R94	No	6	11,985	366721.17	5213404.85	30	30
R95	No	1	2,937	367282.28	5216350.39	42	43
R96	No	3	3,340	366654.03	5218134.41	47	47
R97	No	1	6,668	364848.88	5217617.87	41	41

¹ The turbine numbering in this table uses the original turbine numbers from the Application. During construction, turbines Alt1 and Alt6 were construction instead of turbines 2 and 33.

Appendix C
North Dakota State Historic Preservation Office Concurrence
Letter



November 19, 2019

Mr. Alexander Neumiller
AECOM
1000 East Calgary Ave, Ste 1
Bismarck, ND 58503

ND SHPO Ref.: 20-0094 Baldwin Wind Energy Center Repower: A Class III Cultural Resources Inventory, Burleigh County, North Dakota in portions of [T142N R79W Sections 4, 19-22, 27-30, 35, T142N R80W Section 25, and T143N R79W Sections 14, 21-23, 26-28, 30, 32, 33]

Dear Mr. Neumiller,

We reviewed ND SHPO Ref.: 20-0094 Baldwin Wind Energy Center Repower: A Class III Cultural Resources Inventory, Burleigh County, North Dakota in portions of [T142N R79W Sections 4, 19-22, 27-30, 35, T142N R80W Section 25, and T143N R79W Sections 14, 21-23, 26-28, 30, 32, 33] and we concur with a determination of "No Historic Properties Affected" for this project provided it takes place in the location and in the manner described in the documentation and provided all the following sites are avoided: 32BL00658, 32BL00666, 32BL00667, 32BL00670, 32BL00672, 32BL00675, 32BL00676, and 32BL00677.

Thank you for the opportunity to review this project. Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions please contact Lorna Meidinger, Historic Preservation Specialist at (701) 328-2089 or lmeidinger@nd.gov

Sincerely,

for Claudia J. Berg
State Historic Preservation Officer
(North Dakota)

STATE OF NORTH DAKOTA

GRASS LAKE TOWNSHIP

COUNTY OF BURLEIGH

CONDITIONAL USE PERMIT
CONSTRUCTION AND OPERATION OF A TRANSMISSION
LINE, COLLECTION SYSTEM, AND WIND TURBINE
FACILITY

A hearing was conducted under the authority of the Grass Lake Township Zoning Ordinance on September 11, 2019 in the back room of the City Hall in Wilton, North Dakota.

As a result of that hearing, this Conditional Use Permit ("**Permit**") is granted to Baldwin Wind, LLC, a Delaware limited liability company ("**Permittee**") for the purposes as referenced above, and contingent on the following conditions:

I. Township Costs.

A. The costs incurred by Grass Lake Township (the "**Township**") associated with the application for this Permit and any meeting or hearing associated therewith shall be paid by Permittee. Such costs shall be forwarded to Permittee by the Law Firm of Kelsch, Kelsch, Ruff & Kranda and payment shall be made to the Law Firm on behalf of Township.

II. Road Maintenance.

A. To avoid damage to Township roads, the Permittee hereby agrees to directionally bore underground lines.

B. Road maintenance shall remain with Township, except for any required repair of Township roads as a result of Permittee's activity.

C. As a condition of this Permit, "as-built" surveys shall be supplied to Township as developed.

D. Permittee agrees to provide required temporary assistance in the spring of 2020 to ensure roads are usable by Township personnel during the interim period. Such temporary assistance shall include and not be limited to such activity as interim gravelling.

E. Permittee shall use crates/mats for all crane walks, with the exception of the project's access roads.

F. Permittee shall control dust control by the application of water only and shall not use calcium chloride or magnesium chloride on Township roads without the prior consent of Township.

G. The Township acknowledges that any new re-established turning radiuses on Township roads will remain.

III. Setbacks.

A. Any turbine facilities involving a signed participation or easement agreements with Permittee, shall be setback a distance as required at the time of the granting of this Permit by appropriate regulatory agencies, the North Dakota Public Service Commission, or Permittee itself.

B. All turbine facilities located in the Township shall be located at least one-half (½) mile from any non-participating residence in the township existing at the time of the granting of this Permit.

IV. Remediation and Assistance.

A. Permittee agrees to utilize the Minneapolis Board of Trade methodology for remediation of any crop damage occurring during construction, utilizing the last three (3) years of yield information.

B. Permittee agrees to assist and work with any Township residents who encounter TV reception difficulties associated with the wind turbine construction and/or

operation, including reimbursing residents for satellite service.

C. Within a reasonable time following the Township's request, Permittee shall repair or replace any fences, gates or cattle guards damaged or removed in connection with Permittee's activities on the Township property. Fences removed from the Township property, if replaced, shall be re-built by Permittee at its expense in mutually agreeable locations. Once completed, all replacement fences, gates and cattle guards shall be owned and maintained by the Township. Permittee will repair or replace the cattle guard on access road to Turbine #81 and repair or replace the gate at Turbine #79.

D. Permittee and any Township landowners shall lock the gates and use the same padlock and key. Copies of the key will be in the possession of the Permittee and the Township landowner where the gate is located.

V. Penalties.

A. In addition to potential revocation of the Permit or authority referenced in Section 58-03-14, the Permittee agrees to a \$200.00 per violation per day penalty for any violations of this Permit.

VI. Conditional Use Permit.

A. The Permit is issued in accordance with the hearing held on [insert date] for 27 wind turbines, with 5 alternate locations. Any major variation from the numbers as represented in this Permit (such as use of alternate locations totaling more towers than paid for with the permit fee) may result in increased fees or re-application as a major modification requiring a new Permit.

VII. Fees.


A. A fee of \$1,000.00 plus attorney fees, expenses from extra meetings and one-tenth (1/10th) of one percent (1%) of the construction costs as a result of building of facilities (wind towers, access roads, transmission lines) will be charged by the Township.


[Signatures on Next Page]

Dated his 11 day of September, 2019.

Township:

Grass Lake Township

By: 
Dan Johnson, Chairman

By: 
Watson Johnson, Supervisor

By: 
Donald Noon, Supervisor



Ecklund Township



Board

- Randy Schafer – Supervisor
- Donald Sorch Jr – Supervisor
- Gary Vennie - Supervisor
- Misty Schafer - Clerk
- Doreen Sorch - Treasurer

CONDITIONAL USE PERMIT NO. 2019-002

Notice of a special meeting of the Ecklund Township Board of Supervisors (“Board”) for the purpose of considering the issuance of a conditional use permit (“Conditional Use Permit”) to applicant, Baldwin Wind Energy, LLC (“Wind Operator”) for the repowering of 64 constructed and operating wind turbines within Ecklund Township (“Township”), was published in the Bismarck Tribune on September 21, 2019, and the Leader News on September 19, 2019.

The Board met in special session on October 1, 2019 at Wilton, North Dakota, and received the recommendations and final report of the Township Zoning Commission regarding the application. The Zoning Commission recommendation and final report was that a Conditional Use Permit be granted to Wind Operator.

Ecklund Township is zoned for agricultural uses, with other compatible uses to be allowed after issuance of a Conditional Use Permit in the discretion of the Township Board. The application for a Conditional Use Permit is to allow for the repowering of 64 constructed and operating wind turbines in Ecklund Township, Burleigh County, North Dakota, as shown on the attached exhibit.

The Board considered the recommendation of the township zoning commission and, having discretion to allow Wind Operator in accordance with the township's zoning ordinance, upon resolution duly made, seconded and adopted, GRANTS a conditional use permit to Wind Operator subject to the following conditions:

- 1. LAND USE AND BUILDING TYPE:** Wind Turbines
- 2. BUILDING LOCATION:** N/A

3. TEMPORARY STRUCTURES: No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the tract may be used as a residence at any time, nor is any residence of a temporary character permitted.

4. DWELLING: No dwelling.

5. LIVESTOCK AND POULTRY: No animals.

6. EASEMENTS: Easements for installation and maintenance of utilities and drainage facilities must be reserved, there may not be placed or retained any structure, planting or other material which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area and all improvements in it shall be maintained continuously, except for those improvements for which a public authority or utility company is responsible. No utility may be placed on the boundary line of the easement.

7. OIL AND MINING OPERATIONS: No oil drilling, oil development. Oil operations, oil refining, quarrying or mining operations of any kind may be permitted. No derrick or other structure designed for use in boring for oil or natural gas may be erected, maintained or permitted.

8. GARBAGE AND REFUSE DISPOSAL: Property may not be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste must be kept in covered, sanitary containers. Incinerators and outside burning are prohibited.

9. SUBDIVISION OF LOTS: No lot may be further subdivided.

10. NUISANCES: No noxious or offensive activity may be carried on upon property, nor may any nuisance be maintained.

11. PET CONTROL REQUIREMENT: N/A

12. SEWAGE DISPOSAL: N/A

13. ROADS: Following the repowering of the wind turbines, Wind Operator will restore all roads in Ecklund Township to as good as or better condition by repairing any damages caused by Wind Operator during the process of repowering. Wind Operator will apply 500 yards of gravel per mile on any and all gravel roads used during the repowering and 200 yards of gravel per mile on any and all section lines used during the repowering. Gravel quality will be approved by the Township. Graveling can be done after road restrictions come off in the spring and will be done by July 15th or a \$500 per day late fee will be applied.

14. AGRICULTURAL INCIDENTS: Nothing in this Conditional Use Permit may be construed to restrict or limit any of the normal incidents of ranching or farming in those areas of Ecklund Township where the wind turbines are located, including noise, dust, odors, and traffic.

15. MODIFICATION, ENFORCEMENT AND SEVERANCE: This permit may be modified only by the act of the Board or such other government body acting in accordance with North Dakota law. The failure to comply with any condition of this Conditional Use Permit is a violation of the permit and may be cause for revocation of the permit or such other remedy as is available for the enforcement of this

permit and Ecklund Township zoning ordinances. Wind Operator is responsible for all costs which are incurred to comply with this permit. If any provision of this permit is determined by a court with jurisdiction over the matter to be unenforceable, the offending provision is to be struck from this permit and the balance of the conditions are to be construed to continue in effect and to be enforceable.

16. ATTORNEYS FEES: To the extent permitted by law, if the Township is the prevailing party, a court may award the Township such reasonable attorney fees as the Township incurs to enforce the conditions of this permit against Wind Operator in violation of any condition of this permit. An award of attorney fees is to be in addition to other relief awarded by the court.

17. FEE: The fee for this permit is five hundred dollars (\$500.00) PLUS one tenth of one percent of the value of the dwellings, other buildings which are constructed or upgrades and additions. Applicant has paid five hundred dollars (\$500.00) of the fee. One tenths of one percent of the estimated value of the dwellings and other buildings to be constructed on property as estimated by the state building inspector must be paid before construction.

18. CONSENT: Wind Operator must acknowledge and agree to the conditions of this permit by filing a signed copy of the permit with the Clerk of the Board before commencing construction of any improvement on the properties. There is no additional fee for this filing.

All conditions and limitations of this permit run with the above described land and shall be binding on the applicant, Wind Operator, and its successors and assigns.



Ecklund Township



Conditional Use Permit Signature Page

Board

Randy Schafer - Supervisor
Donald Sorch Jr - Supervisor

Gary Vennie - Supervisor
Misty Schafer - Clerk

Doreen Sorch - Treasurer

Ecklund Township Board of Supervisors:

Randy Schafer

Randy Schafer, Supervisor

State of ND
County of Burleigh

This record was acknowledged before me on December 2nd 2019 by _____
(Date)

Randy Schafer

(Names(s) of Individual(s))

Misty Schafer

Notary Public

MISTY SCHAFER
Notary Public
State of North Dakota
My Commission Expires Dec 7, 2022

Donald Sorch

Donald Sorch, Supervisor

State of ND
County of Burleigh

This record was acknowledged before me on December 2nd 2019 by _____
(Date)

Donald Sorch

(Names(s) of Individual(s))

Misty Schafer

Notary Public

MISTY SCHAFER
Notary Public
State of North Dakota
My Commission Expires Dec 7, 2022

Gary Vennie

Gary Vennie, Supervisor

State of ND
County of Burleigh

This record was acknowledged before me on December 2nd 2019 by _____
(Date)

Gary Vennie

(Names(s) of Individual(s))

Misty Schafer

Notary Public

MISTY SCHAFER
Notary Public
State of North Dakota
My Commission Expires Dec 7, 2022



Ecklund Township



Board

- Randy Schafer – Supervisor
- Donald Sorch Jr – Supervisor
- Gary Vennie - Supervisor
- Misty Schafer - Clerk
- Doreen Sorch - Treasurer

Dated this _____ day of December, 2019, Ecklund Township Board of Supervisors

Randy Schafer, Supervisor

Donald Sorch, Jr., Supervisor

Gary Vennie, Supervisor

The foregoing Ecklund Township Conditional Use Permit, Consisting of Four Pages, including this Page was acknowledged by: Randy Schafer, Donald Sorch Jr., and Gary Vennie, before me this _____ day of December, 2019.

Notary Public, Burleigh County, North Dakota

My Commission Expires:

Accepted and Agreed:

Baldwin Wind Energy, LLC

By:



Daniel Gerard, Vice President