OTTER TAIL CORPORATION

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Fargo, ND
58106-9156
Fax: 701-232-4108

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P.O. Box 496
Fergus Falls, MN
56538-0496
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April 6, 2010

Reply to Fergus Falls office
Direct: 218-998-7152

Mr. Darrell Nitschke
Director of Administration / Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard Avenue
Bismarck, ND 58505-0480

VIA OVERNIGHT MAIL

Re: Otter Tail Power Company
230 kV Electric Transmission Line - Sargent Cty
Siting Application
Case No. PU-09-674

Dear Mr. Nitschke:

Enclosed for filing, please find an original and seven copies of this letter and a December 9, 2009 letter from the United States Department of the Interior's Fish and Wildlife Service regarding this matter.

Due to an oversight, the federal agency response inadvertently was not included among the other agency responses received by Otter Tail, as set forth in Exhibit D to the January 12, 2010 Affidavit of Gary Welharticky (which accompanied Otter Tail's Application for Waiver of Procedures and Time Schedules filed on the same date).

While we regret this oversight, it is Otter Tail's intention (as recommended by the Fish and Wildlife Service) to utilize bird flight diverters on new facilities to be installed as a part of this reroute.

If you have any questions, please feel free to contact me at any time.

Sincerely,

Mark B. Bring
Associate General Counsel
MBB/nlo

Enclosures

23 PU-09-674 Filed 04/06/2010 Pages: 7
Letter Enclosing Copy of Comments of US Dept. of Interior's Fish & Wildlife Service
Otter Tail Power Company
Mark Bring, Assoc. Gnl. Counsel

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501

DEC 9 2009

Mr. Mark B. Bring, Associate General Counsel
Ottertail Corporation
215 S. Cascade Street
P.O. Box 496
Fergus Falls, Minnesota 58538-0496

Re: Line Reroute of .53 miles of
Hankinson-Ellendale 230-kV line

Dear Mr. Bring:

This is in response to your letter dated September 30, 2009, concerning Otter Tail Power Company's (Otter Tail) proposal to reroute a .53 mile portion of the Hankinson-Ellendale 230 kilovolt transmission line at Fiala Lake. The proposed project is located in Sargent County, North Dakota, at T. 130 N., R. 56 W., Section 14.

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.) (MBTA), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) (BGEPA), the Endangered Species Act (16 U.S.C. 1531 et seq.) (ESA), and the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57).

Threatened and Endangered Species

A list of federally endangered and threatened species that may be present within the proposed project's area of influence is enclosed. This list fulfills requirements of the Service under Section 7 of the Endangered Species Act. This list remains valid for 90 days.

The Aransas Wood Buffalo Population (AWBP) of endangered 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. This project proposal is located outside the primary sighting corridor for whooping cranes (see enclosed map); however, wetlands are present within one-mile of

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the proposed line route and there is a possibility that whooping cranes may use the area during their annual migrations.

Currently, collisions with 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. Whooping cranes roost in wetlands overnight and may take up to a mile to gain altitude when taking off. Therefore, we recommend that the proposed overhead lines be buried if at all possible. Due to the voltage of the proposed line, we understand that it may be problematic to bury certain lines. If these segments cannot be buried, we recommend that the new segment be marked with state-of-the-art visual line marking devices to minimize the potential for whooping crane collision mortality. The Service has developed recommendations for line marking based on the location of the overhead lines within the whooping crane migration corridor. For proposals outside of the primary sighting corridor, we recommend that all new lines within one-mile of wetlands be marked using state-of-the art line marking. Some of the available marking devices include: aerial marker spheres, swinging plates, spiral vibration dampers, and bird flight diverters.

High Value Habitat Avoidance

As part of the National Wildlife Refuge System, the Service administers fee title Refuge and Waterfowl Production Areas, as well as wetland and grassland easements, throughout North Dakota. A review of our county plat maps indicates that Service property interests are located in Section 14 (enclosure). Please contact Tewaukon Wetland Management District, 9754 143 ½ Avenue SE, Cayuga, North Dakota 57013; phone: 701/724-3598, for additional information on Service easements.

Construction activities should be conducted in a manner that will avoid/minimize impacts to the existing habitat in the project area. The following recommendations are intended to reduce construction related impacts.

- Schedule construction for late summer or fall/early winter so as not to disrupt waterfowl or other wildlife during the breeding season (February 1 to July 15). 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 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 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.

- Install and maintain appropriate erosion control measures to reduce sedimentation and water quality degradation of wetlands and streams near the project area.

- Reseed disturbed areas with native plant species immediately after construction to reduce erosion.

Thank you for the opportunity to comment on this project. If you require further information or the project plans change, please contact Heidi Kuska of my staff at (701) 250-4481 or at the letterhead address.

Sincerely,

for: Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

Enclosures

cc: Project Leader, Tewaukon WMD

FEDERAL ENDANGERED AND CANDIDATE SPECIES
FOUND IN SARGENT COUNTY
NORTH DAKOTA
December 2009

ENDANGERED SPECIES

Birds

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.

Mammals

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

CANDIDATE SPECIES

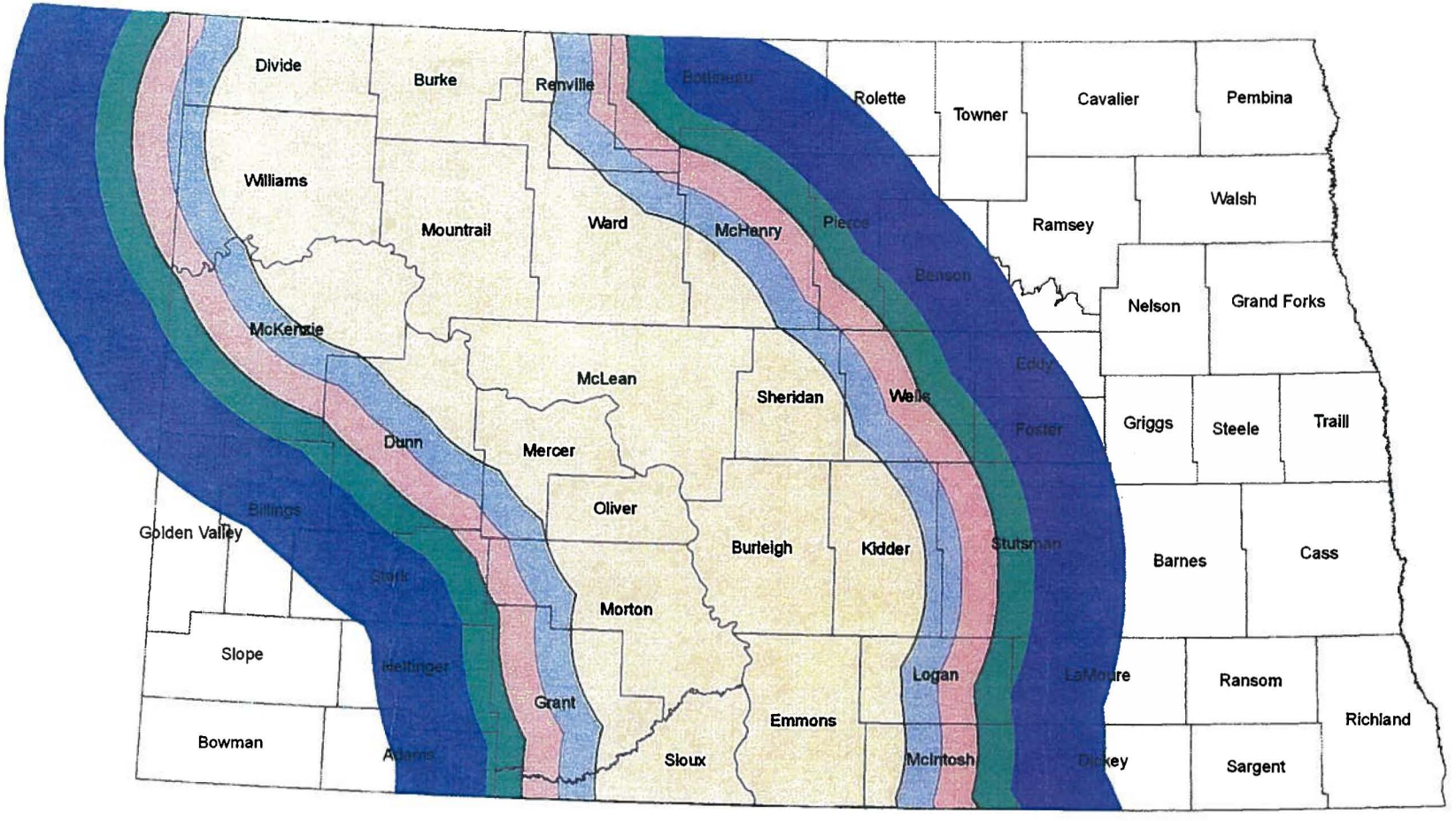
Invertebrates

Dakota skipper (Hesperia dacotae): Found in native prairie containing a high diversity of wildflowers and grasses. Habitat includes two prairie types: 1) low (wet) prairie dominated by bluestem grasses, wood lily, harebell, and smooth camas; 2) upland (dry) prairie on ridges and hillsides dominated by bluestem grasses, needlegrass, pale purple and upright coneflowers and blanketflower.

U.S. Fish and Wildlife Service

North Dakota and Montana Whooping Crane Migration Corridor

Central Flyway of the United States



Legend
Percent of Central Flyway Confirmed Sightings

- 75%
- 80%
- 85%
- 90%
- 95%

Miles
0 10 20 40 60 80

N W E S

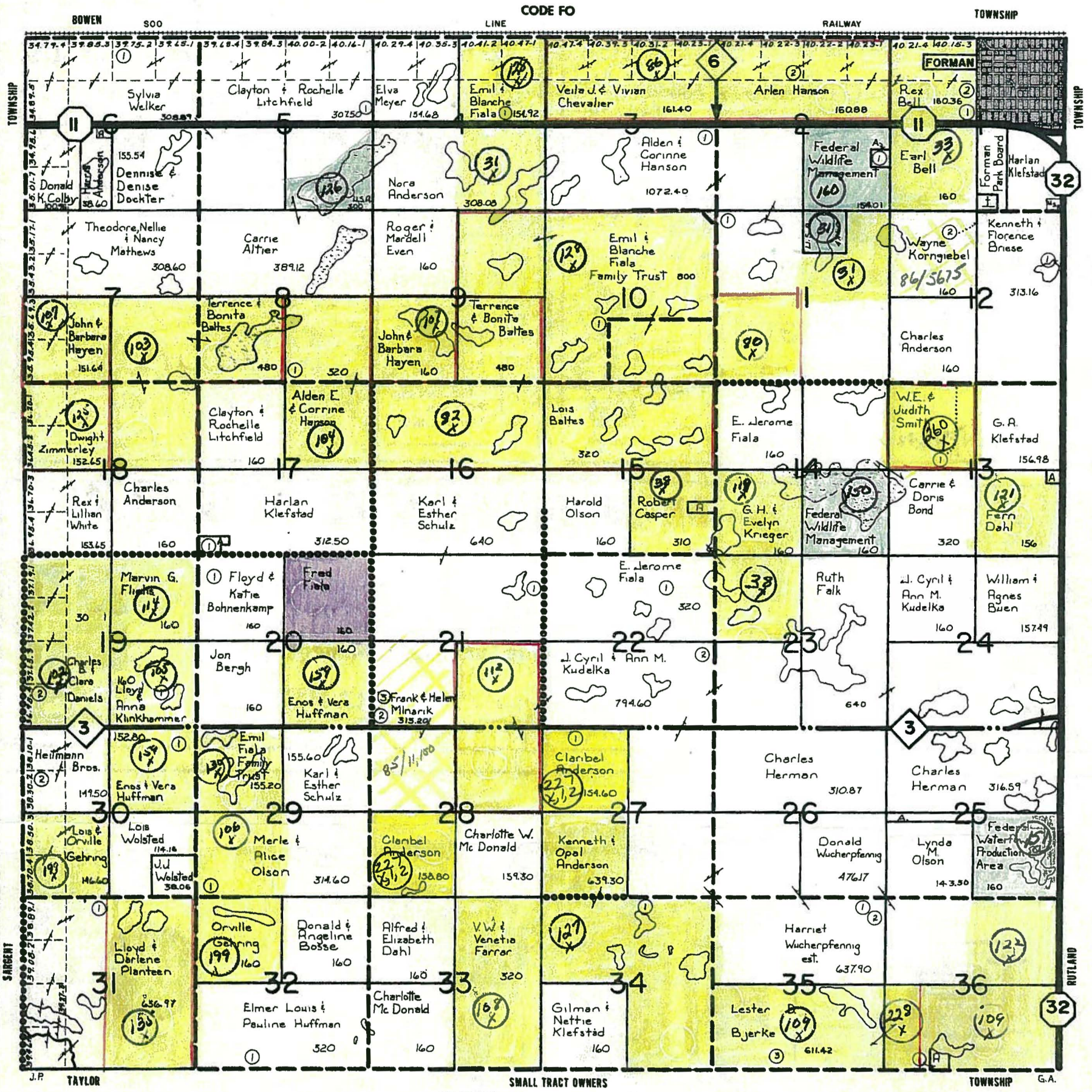
Produced for Ecological Services
Grand Island, NE
Current to: 2007

MIDLAND ATLAS CO. INC. MILBANK, SOUTH DAKOTA

MAP OF FORMAN

MIDLAND PUBLISHING & PRINTING

TOWNSHIP 130 N — RANGE 56 W



SEC	LOT	NAME	ACRES
2	A	Emil & Adeline Evanson	8.75
6	A	Harris & Hermina Anderson	10.00
13	A	Dennis R. Hankel	5.60
15	A	Fred Fiala	10.00
17	A	Bill Erickson	7.60
25	A	J. Cyril Kudelka	10.00
36	A	Heilmann Bros.	13.60

FmHP Easements