

April 30, 2018

VIA E-MAIL AND FEDERAL EXPRESS

Mr. Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

**RE: Meadowlark Wind I LLC's Application for a Certificate of Site Compatibility
for the New Frontier Wind Energy Project in McHenry County, North Dakota
Case No. PU-11-69**

Dear Mr. Nitschke:

On March 24, 2018, Commission Staff submitted written comments regarding Meadowlark Wind I LLC's ("Meadowlark") request to amend the topsoil segregation requirement in Certification Provision No. 15, attached to the Commission's May 10, 2017 Order of Continuing Suitability. As authorized at the Commission's April 25, 2018 informal hearing on the request, Meadowlark submits the enclosed written response to Staff's comments. An electronic copy of this letter and the enclosed response were filed with the Commission today via e-mail, and an original and ten copies of each are enclosed.

If you have any questions, please let me know.

Sincerely,



MOLLIE M. SMITH

MMS/ms/63821929

Enclosures

cc: Jerry Lein (via e-mail)
Jack Schuh (via e-mail)
Todd Hartleben (via e-mail)
Chad Tucker (via e-mail)
Bill Behling (via e-mail)
Dan Moller (via e-mail)

Attorneys & Advisors
main 612.492.7000
fax 612.492.7077
fredlaw.com

Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota
55402-1425

120 PU-11-69 Filed 04/30/2018 Pages: 3

Response to Staff Comment regarding Late-Filed Exhibit 5

Meadowlark Wind I LLC

Mollie Smith, Fredrikson&Byron, P.A.

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Meadowlark Wind I, LLC
New Frontier Wind Energy Project–McHenry County
Siting Application**

Case No. PU-11-69

Response of Meadowlark Wind I LLC to Staff Comments

Meadowlark Wind I LLC (“Meadowlark”) requested the proposed language change with the intent of minimizing the disturbance of topsoil along the access roads for the Project. Utilizing the same approach that is and has been used for years in road construction for a variety of industries from county roads to mining to oil and gas to wind energy plants, our objective is to leave as much topsoil in place as possible while ensuring roads that are safe and durable. Likewise, two consequences are the conservation of high quality construction materials, such as aggregate, and a related reduction in truck traffic bringing tons of supplementary aggregate to the Project and ultimately removing it and disposing of it.

Although the leases associated with Meadowlark are 40+ years, there is no technical reason for the Project to be decommissioned at that time. Notwithstanding some new energy source there will still be a demand for power and the winds of North Dakota will continue to blow and generate power for the state, lease payments for landowners, and tax revenues for townships and counties. Given newer and more efficient designs, wind turbines are much more likely to be repowered than decommissioned, thereby extending the life of the project another 25 plus years in most cases.

We understand the importance and need to protect topsoil, both for today’s farmers and for future generations of farmers. We would like to remind the Commission that both Messrs. Kent Pedersen, Chairman of the McKenzie Soil Conservation District and Robert "Yabo" Gjellstad, Manager of South McHenry Soil Conservation District provided input suggesting that, in their opinion, leaving as much topsoil in place was prudent and that the approximately 6% cement powder stabilizer would not pose a problem when the road was reclaimed. Key to this is the ability to reclaim the road bed with the original topsoil after the aggregate is removed and what is left of the remaining stabilizer and soil is tilled, prior to the replacement of the original topsoil.

Meadowlark also wants to share the following information with the Commission. The North Dakota Department of Transportation Standard Specifications for Road and Bridge Construction (Standard Specifications) Adopted October 1, 2014, which includes supplemental specifications up through October 1, 2017, states the following under Section 203.04 as it pertains to excavation and embankment and specifically the construction requirements for topsoil (emphasis added):

*203.04.B – Topsoil: Remove topsoil to its full depth or a depth up to 6 inches, **whichever is less**, from all excavation and embankment areas. Do not remove the subsoil or other deleterious material with topsoil.... (Page 140).*

<http://www.dot.nd.gov/divisions/environmental/docs/supspecs/fullsupplementalspecswith10012017.pdf>

We appreciate the Commission and its Staff's time and assistance with this important matter. We understand opportunity can bring with it uncertainty. Our goal, with each project, is to establish a working relationship with landowners, both participating and nonparticipating, state and local government, and nearby communities, because that will benefit the people (both present and future generations), the land and the project. We are proud to be part of North Dakota's future and value a long and mutually successful working relationship with the people and businesses of McHenry County and the surrounding area.