

June 20, 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:

In accordance with Certification Provision No. 3 attached to the North Dakota Public Service Commission's ("Commission") May 10, 2017 Order of Continuing Suitability for the New Frontier Wind Energy Project, Meadowlark Wind I LLC provides two (2) copies of North Dakota Department of Transportation Driveway Permit # 2018-06 (1806).

A copy of this letter is also enclosed. Electronic copies of this letter and the above-referenced document were filed with the Commission today via e-mail.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Mollie M. Smith".

MOLLIE M. SMITH

MMS/ms
Enclosures

cc: Jerry Lein (via e-mail – w/o encl.)
Todd Hartleben (via e-mail – w/o encl.)
Chad Tucker (via e-mail – w/o encl.)
Bill Behling (via e-mail – w/o encl.)
Dan Moller (via e-mail – w/o encl.)

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133 PU-11-69 Filed: 6/20/2018 Pages: 5
Compliance filing – DOT Driveway Permit

Meadowlark Wind I LLC

Mollie Smith, Fredrikson&Byron, P.A.

DRIVEWAY APPLICATION & PERMIT
 North Dakota Department of Transportation, Maintenance
 SFN 5918 (3-2016)

Permit Number			
1	8	0	6
District Number			
6	4		

Applicant Meadowlark Wind I LLC c/o Christopher K.			
Address Street #1200-10423 101 St. NW	City Edmonton	State AB	ZIP Code T5H0E9

Driveway Information on State Highway Right of Way

Number of Driveways 7	<input checked="" type="checkbox"/> Private <input type="checkbox"/> Commercial	Direction <input type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input checked="" type="checkbox"/> W	side of Route ND 41
Location 1.5 to 3.0 miles north of Ruso			
Town Ruso	Highway ND 41	Junction ND 41/ND 53	Mile Marker Number 59.5 - 61.6
Description of proposed work on state right of way and type of business served. Modification of existing and construction of two new drives to serve new wind farm and substation. See attachment for additional permit requirements and specifications. Drives are located at Reference Point (RP)/Stationing(Sta) on plan set F-4-041(0)59.) Drive modifications at RP 61.59/Sta 499+09 Rt, RP 60.847/Sta 539+00 Lt, RP 60.60/Sta 551+82 Rt, RP 60.094/Sta 578+57, and RP 59.55/Sta 605+00 Rt. New drives at RP 59.55/Sta 605+00 Lt and RP 59.949/Sta 586+25 Rt.			

Applicant agrees that any permit issued and any entrance built or work done shall be in accordance with plans attached hereto and made a part hereof, and Permit Specifications, printed on the reverse side of this sheet. If the applicant fails to construct the drive to the specified dimensions, including the proper culvert length and inslopes, the Department of Transportation, hereinafter referred to as NDDOT, will either cancel this permit and remove the drive or make the necessary corrections and the Applicant will reimburse NDDOT for such work.

APPLICANT

William R Behling
 Name (Type or Print)

X William R Behling
 Signature

Business Development Manager
 Title

June 8, 2018
 Date

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

James L Redding
 District Engineer (Type or Print)

X James L Redding
 Signature

6-18-18
 Date

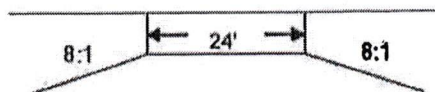
Permit granted

June 18, 2018
 Date

Construction shall be completed by

May 31, 2019
 Date

Sketch



Original to District File, copy to Applicant
 Please send completed form to Pavement Management Engineer

Modification of existing drives and addition of two new drives to serve the New Frontier Wind Project. Drives may be widened as shown on attachment sheet RD01-A and VS-01. Turning radiuses to accommodate over-length and over-width truck loads are permitted. The Permittee must maintain an 8:1 slope on all drives. Once the project is complete all drives must be returned to a maximum of 24' wide, have a minimum of 4" gravel and 8:1 slopes. All areas disturbed will be smoothly finished, spread with topsoil, seeded to grass, mulched with straw or hydromulch, and left in a neat appearing condition to the District Engineer. Erosion control devices must be installed prior to construction, and maintained during and after construction until at least 70% of original vegetation has been established. Drainage must be maintained. Culverts are to be extended if necessary to meet 8:1 slopes. Flared end sections are required. Stop signs are required at all entrances to highway during construction that are used as part of this project. All traffic control must be in accordance with MUTCD Standards.

Any crane movements across ND 41 shall be at night between the hours of 2AM and 4AM. Timber or steel plates shall be placed ahead of crane as it crosses the highway. Actions to minimize delay to traffic must be taken. The NDDOT must be informed of time and dates a minimum of 3 days before a crane movement a news releases may be published. MUTCD traffic control standards must be followed. Flaggers must talk to each driver that is stopped at the road closure stating what is happening and how long of a delay to expect. The driveway locations and planned modifications are listed below:

1. 32nd St. N. (East side of ND 41) – Temporary 90° Intersection Widening (Detail VS-01)

RP 61.590 Station 499+09

2. 32nd St. N. (West side of ND 41) - Temporary 90° Intersection Widening (Detail VS-01)

RP 60.847 Station 539+00

3. Existing 2 track road (East side of ND 41) – Existing road improvements and Temporary 90° Intersection Widening (Detail VS-01). Existing road improvements will involve permanent widening of the road to 16' (Detail RD01-A Typical Turbine Access Road Section)

RP 60.600 Station 551+82

4. Existing farm entrance –Laydown (East Side of ND 41) – Existing driveway improvements will involve temporary widening of the existing 20' driveway to 40' wide and adding 40' of culvert to the existing culvert.

RP 60.094 Station 578+57

5. New Access Road (West side of ND 41) – New Permanent Access (Detail RD01-A Typical Turbine Access Road Section) and Temporary 90° Intersection Widening (Detail VS-01)

RP 59.550 Station 605+00

6. Turbines 33-34 (East side of ND 41) – Existing Drive Way Improvement and Temporary 90° Intersection Widening (Detail VS-01)

RP 59.550 Station 605+00

7. O&M and Substation (East side of ND 41) – New Permanent Driveway

RP 59.949 Station 586+25

DRIVEWAY PERMIT SPECIFICATIONS

1. The total cost of all construction and maintenance of the work specified shall be borne by the Applicant, his grantees, successors, and assigns: except that the state will maintain the shoulder of the roadway.
2. The applicant shall be required to wear an ANSI/ISEA 107-2004 Class II high visibility garment while within the highway right-of-way as per the requirements of 23 CFR 634.
3. It is understood by the Applicant that the state does not assume any responsibility for the removal or clearance of snow, ice, or sleet, or the opening of windrows of such materials, upon any portion of the driveway even though snow, ice, or sleet is deposited or windrowed on said drive by its authorized representative engaged in normal winter maintenance operation.
4. No driveway shall be considered as completed until checked and approved by NDDOT. Surfacing may be omitted on field entrances if so specified in the application.
5. A driveway, as referred to in this permit, shall be the traveled area between the highway roadway surface and the adjacent right-of-way line. Said driveway shall be used only for the purpose of providing entrance to and exit from the Applicant's property.
6. No driveway, or improvement constructed on the highway right-of-way shall be altered or relocated without permission of the district engineer of NDDOT.
7. The Applicant agrees to perform all work in accordance with this permit, and to indemnify and hold harmless NDDOT, its officers, and employees from any and all liability, judgments, costs, expenses, and claims growing out of damages, or alleged damages, of any nature whatsoever, to any person or property arising out of performance or nonperformance of said work, or the existence of said driveways.
8. It is understood by the Applicant that the location, construction, and maintenance of driveways are under the supervision of NDDOT at all times, and that in granting this permit NDDOT waives none of its powers or rights to direct the removal, relocation, or proper maintenance in the future of any driveways within the right of way of the state highway.
9. The granting of this permit does not vest the Applicant with the exclusive use of the driveway. NDDOT retains the right to diminish and expand the use of the driveway as required in the interest of the safety of highway traffic.
10. Wetland: The applicant shall certify that no wetlands will be impacted by the installation of the driveway. If wetlands are impacted, the applicant shall coordinate with the US Army Corps of Engineers (USACE), North Dakota Regulatory Office to determine if a permit is required or mitigation is needed. Certification of avoidance, a wetland delineation, or a permit (if required) from the USACE shall be attached to the application.
11. The Applicant, for him or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that 1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, 2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, 3) that the Applicant will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities set forth in this Assurance.
12. That in the event of breach of any of the above non-discrimination covenants, NDDOT will have the right to terminate this Permit and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said Permit had never been made or issued.
13. Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
14. District Engineer to provide copy of approved permit to NDDOT, Planning and Asset Management, Pavement Management Division.

