

July 6, 2018

VIA E-MAIL

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:

Enclosed please find a copy of a letter sent to the United States Fish and Wildlife Service ("USFWS") regarding disturbance to habitat identified as potentially suitable for the Dakota skipper. In the interest of transparency, Capital Power Corporation ("Capital Power") wants to inform the North Dakota Public Service Commission ("Commission") of the communication with the USFWS, and that Capital Power continues to coordinate with the USFWS to address any potential concerns. Capital Power will continue to update the Commission on its coordination with the USFWS as information is available.

If you have any questions, please let me know.

Sincerely,



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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June 19, 2018

Mr. Kevin Shelley
North Dakota Supervisor
U.S. Fish and Wildlife Service
North Dakota Field Office
3425 Miriam Avenue
Bismarck, North Dakota 58501

RE: New Frontier Wind Energy Project: Disturbance to Habitat Identified as Potentially Suitable for the Dakota skipper.

Dear Mr. Shelley:

Capital Power Corporation (“Capital Power”) is writing to advise the United States Fish and Wildlife Service (“USFWS”) of disturbance to habitat identified as potentially suitable for the Dakota skipper, a threatened species under the Endangered Species Act (“ESA”), during site preparation work for the New Frontier Wind Energy Project (the “Project”).

In October 2014, the Dakota skipper was listed as a threatened species under the Endangered Species Act of 1973 (“ESA”). In coordination between Capital Power and the USFWS, the USFWS indicated that the species is known to occur in McHenry County, North Dakota. To comply with the ESA and USFWS recommendations, Capital Power retained HDR to conduct flight surveys for the Dakota skipper. HDR conducted flight surveys to determine the presence or absence of the Dakota skipper during the peak flight period on tracts within the Project area. Three sets of flight surveys were conducted between June 29 and July 18, 2016.

In the initial Project design, and following discussion with the USFWS, Capital Power removed one turbine from identified potential habitat altogether to minimize any potential impact on the Dakota skipper and planned to avoid disturbance to the identified potential habitat. Capital Power also committed to minimizing traffic on Project access roads during the mobile flight period within 100 meters of the occupied Dakota skipper habitat, and adding magnesium chloride for dust abatement during construction, as necessary.

The Project contractor had been informed of these commitments, including the need to minimize traffic on Project areas and access roads within the 100-meter buffer area of the habitat during the mobile flight period (June 18 through July 14). Therefore, grading was conducted prior to this time-period in the area near Turbine 23. However, during the grading, the contractor infringed upon the southern edge of the habitat. On Friday, June 8, Capital Power was advised by our

contractors that approximately 0.533 acres of potentially suitable Dakota skipper habitat adjacent to the Turbine 23 site was disturbed during site grading.

Although this area of the habitat is heavily grazed, it does fall within the dispersal area identified by HDR during the 2016 field surveys. According to HDR, the area impacted maintains some native plant community character, but grazing has diminished the vegetative integrity and provided an opportunity for invasive and shrub species, such as leafy spurge, to move into the area. An outline of the identified potentially suitable habitat area is included as Attachment 1. The area impacted is within the blue circle, which was the original area cleared for cultural resources prior to the Dakota skipper study being conducted. Four boxes show the location of Dakota skipper sightings during the 2016 surveys, and all four locations are outside of the area impacted by grading activities.

Throughout this Project, Capital Power has worked closely with the USFWS, the North Dakota Game and Fish Department and other agencies to avoid, minimize, and/or mitigate impacts to the Dakota skipper, and Capital Power takes this incident very seriously. Capital Power and its contractors have reinforced the importance of avoiding disturbance in areas of identified habitat and are assessing additional potential actions to prevent any future disturbances. It should be noted that the Project infrastructure continues to be located outside any Dakota skipper habitat.

Following coordination with the USFWS, Capital Power plans to notify the North Dakota Game and Fish Department and the Public Service Commission of the incident.

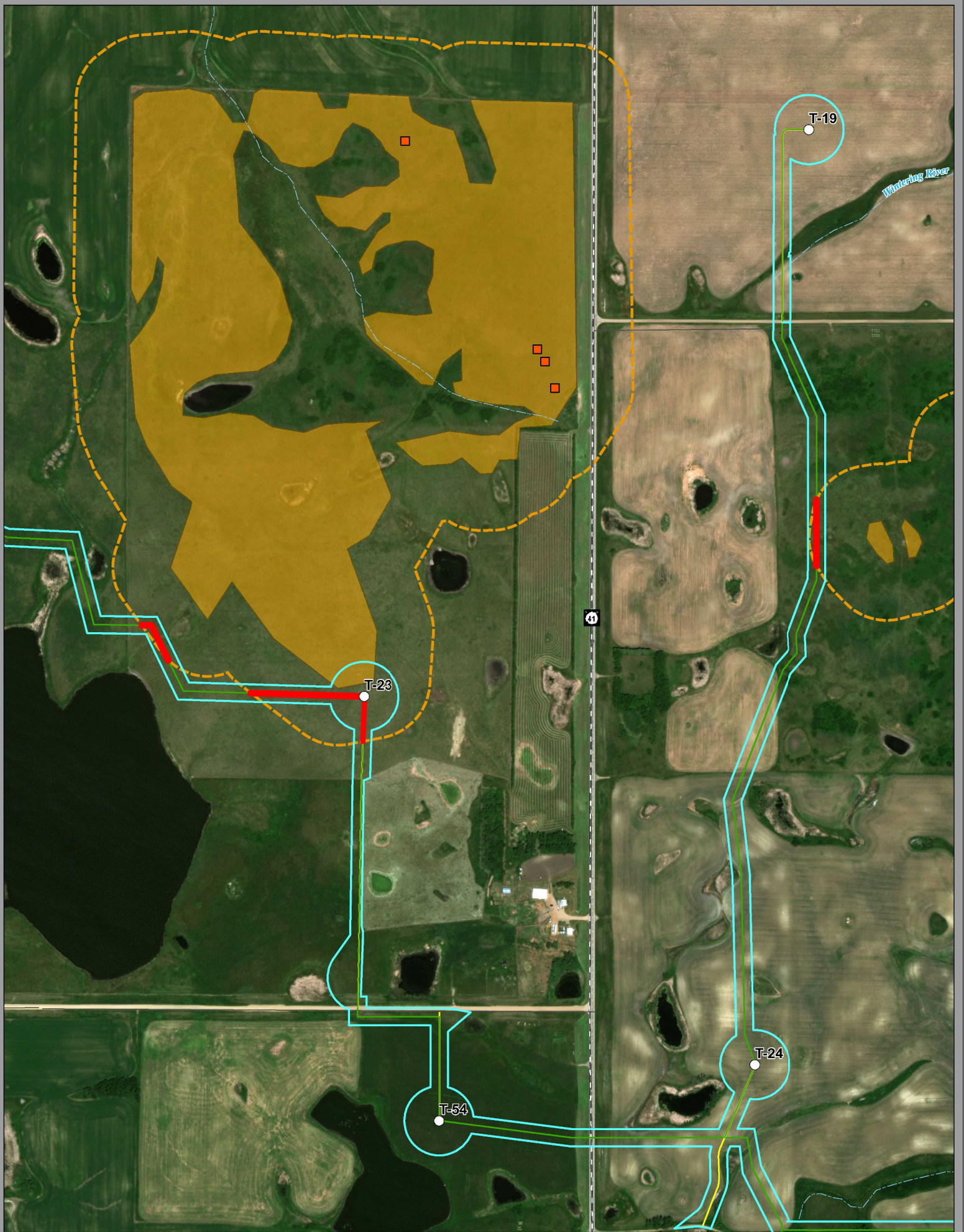
Should you have any questions, please do not hesitate to call me at 508-734-0919.

Sincerely,

William R. Behling

William R. Behling
Business Development Manager

cc: J. Griffiths, D. Moller, M. Hall, P. Wendelgass, J. Walker – Capital Power
M. Smith – Fredrikson & Byron
S. McCall – Tetra Tech, Inc.



NEW FRONTIER WIND ENERGY PROJECT
Dakota Skipper Habitat Restrictions

- Turbine
 - Access Road
 - ▭ Disturbance Limit
- Hydrology**
- Perennial Stream
 - Intermittent Stream

- Dakota Skipper**
- Dakota Skipper Occurrence
 - ▭ Dakota Skipper Suitable Habitat
 - - - 100 m buffer - restrictions from June 18 through July 14
 - Dakota Skipper Habitat Intersection

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 Scale is 1:36,000 when printed at 11"x17"



Vicinity Map

