

July 26, 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 Relating to Order Provisions ("Certification") attached to the North Dakota Public Service Commission's ("Commission") May 10, 2017 Order of Continuing Suitability for the New Frontier Wind Energy Project ("Project"), Meadowlark Wind I LLC ("Meadowlark") provides two (2) copies of the following documents:

1. Certification Regarding Layout Modifications, with Exhibits (per Certification Provision No. 38).

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

140 PU-11-69 Filed 07/26/2018 Pages: 61

Certification Regarding Layout Modifications with Supporting Documentation
Meadowlark Wind I LLC
Mollie Smith, Fredrikson&Byron, P.A.

Mr. Darrell Nitschke
July 26, 2018
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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.)
Joe Griffiths (via email – w/o encl.)

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4. Since filing the Modifications Certification, Meadowlark has made additional minor modifications to the Project layout. A figure comparing the layout as submitted with the Modifications Certification to the current Project layout is attached hereto as **Exhibit A**.

5. The layout modifications include the following:

- a. Crane walks/paths have been added to the final design.
- b. Additional temporary workspace areas outside of previously surveyed areas have been identified.

6. The Project layout complies with all requirements set forth in the Commission's Order.

7. Approximately 33.50 acres within which proposed modifications are planned are outside of the areas previously surveyed for cultural resources and wetlands. In accordance with Order Paragraph Nos. 5 and 6, Meadowlark completed Class III cultural resource field surveys and wetland delineations of the previously unsurveyed areas that will be impacted by Project construction activities.

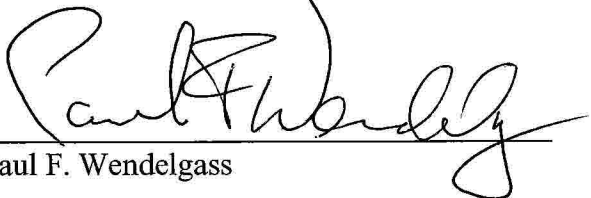
8. The Cultural Resources Addendum V Report for the New Frontier Wind Energy Project, McHenry County, North Dakota is attached hereto as **Exhibit B**. No cultural resources were identified within the newly surveyed areas, and no cultural resources will be impacted by the layout modifications. The cultural resource reports have been reviewed by the North Dakota State Historical Society, and a copy of its response is attached as **Exhibit C**.

9. The Evaluation of Wetlands Within Previously Un-Surveyed Areas of Project Layout (report dated July 24, 2018) is attached hereto as **Exhibit D**. One U.S. Army Corps of Engineers jurisdictional wetland area was identified during the field survey. However, the modifications shown in **Exhibit A** avoid the wetland area.

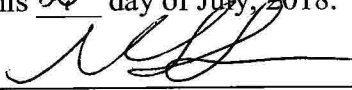
10. The Project layout modifications and associated construction activities will not affect any known exclusion or avoidance areas within the designated Project site.

11. With respect to the Project, including the layout modifications, Meadowlark will comply with the Commission's Order, including applicable siting laws and rules.

FURTHER AFFIANT SAYETH NOT.


Paul F. Wendelgass

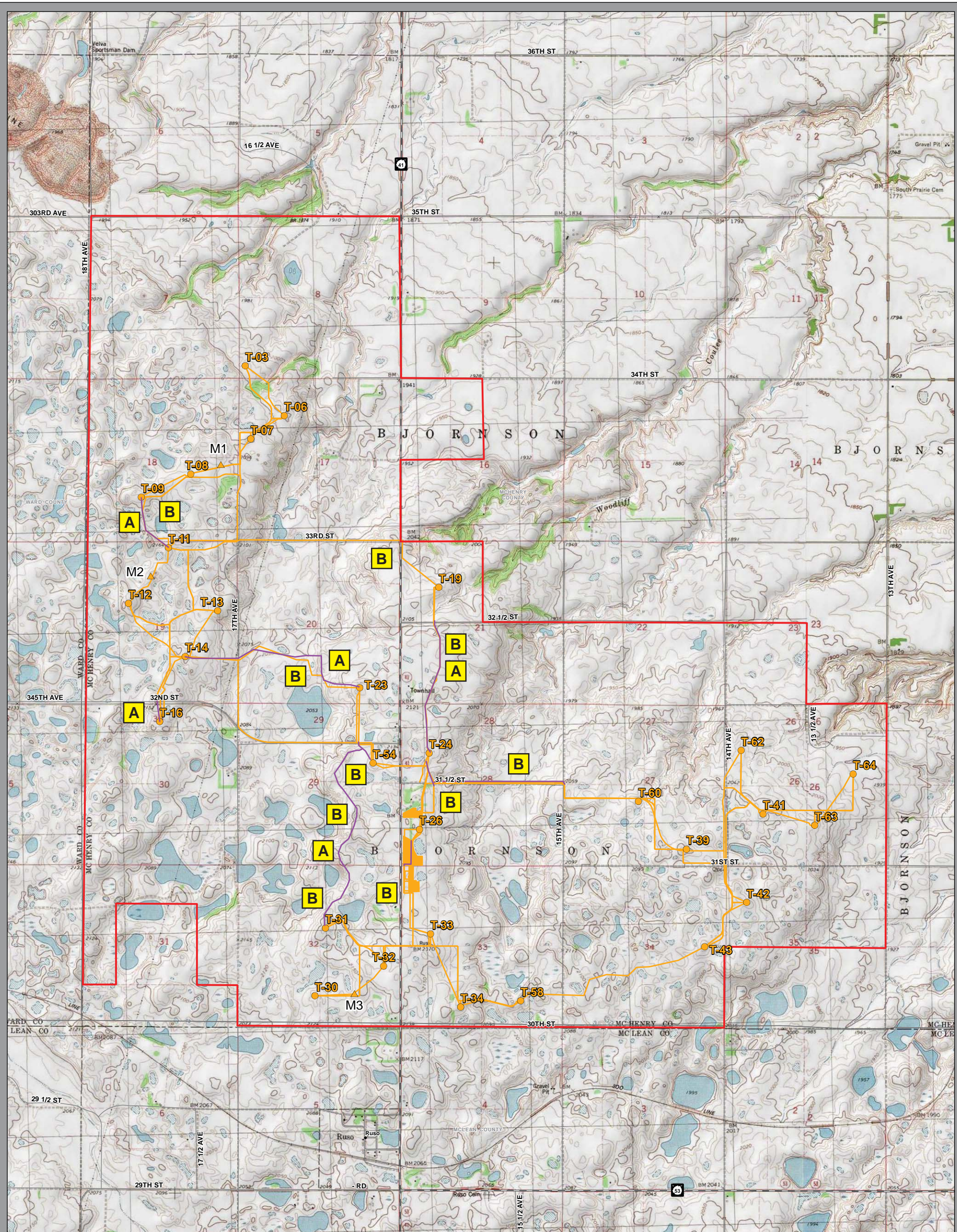
Subscribed and sworn to before me
this 26th day of July, 2018.


Notary Public Martin Sheehan



MARTIN SHEEHAN
Notary Public
Commonwealth of Massachusetts
My Commission Expires March 15, 2024

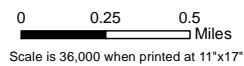
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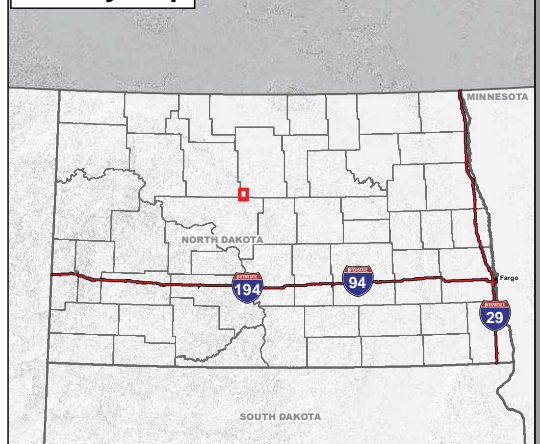
NEW FRONTIER WIND ENERGY PROJECT

29-Turbine Layout June 2018 and Updated 29-Turbine Layout July 2018

- Project Area
- 29-Turbine Layout (June 2018)**
- Turbine
- ▲ Met Tower
- Access Road
- Collector Line
- O & M Building
- Substation
- Laydown/Batch Plant
- Crane Walk/Path
- 29-Turbine Layout (July 2018)**
- Crane Walk/Path
- Layout Modifications**
- A – Crane Walk/Path Added to Final Design
- B – Additional temporary workspace areas outside of previously surveyed areas



Vicinity Map





**STATE
HISTORICAL
SOCIETY**
OF NORTH DAKOTA

July 19, 2018

Doug Burgum
Governor of North Dakota

**North Dakota
State Historical Board**

Terrance Rockstad
Bismarck - President

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Medora - Vice President

Steve C. Martens
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Daniel Stenberg
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*Director
Parks and Recreation
Department*

Thomas Sorel
*Director
Department of
Transportation*

Claudia J. Berg
Director

*Accredited by the
American Alliance
of Museums since 1986*

Stephen Anderson
Principal Archaeologist
Tetra Tech, Inc.
350 Indiana Street, Suite 500
Golden, CO 80401

ND SHPO Ref: 11-2377G PSC, PU-11-069 "A Cultural Resources Addendum V Report for the New Frontier Wind Energy Project, McHenry County, North Dakota"

Dear Mr. Anderson:

We reviewed ND SHPO Ref: 11-2377G PSC, PU-11-069 "A Cultural Resources Addendum V Report for the New Frontier Wind Energy Project, McHenry County, North Dakota," and find it acceptable. It represents a good faith effort to identify and avoid impacts to "Significant Sites."

We concur with a "No Significant Sites Affected" determination provided the project is of the nature stated and it takes place in locations described in the project documentation.

Thank you for the opportunity to review this project and we look forward to further consultation on it. Please include the ND SHPO reference number listed above in any further correspondence for this specific project. If you have any questions, please contact Susan Quinnell at (701) 328-3574 or squinnell@nd.gov.

Sincerely,

Claudia J. Berg
Director, State Historical Society of North Dakota



Memorandum

To: Bill Behling, Joe Griffiths, Bob Evans, Capital Power Corporation, Inc.
From: Ryan Sparhawk, Sarah McCall, Tetra Tech, Inc.
Date: July 24, 2018
Project: New Frontier Wind Energy Project
Subject: Evaluation of Wetlands within Previously Un-Surveyed Areas of Project Layout

Introduction

On May 10, 2017, the North Dakota Public Service Commission (PSC or Commission) issued the Order on Continuing Suitability (PSC Order) to Meadowlark Wind I, LLC (Meadowlark) for the New Frontier Wind Energy Project (Project) in McHenry County, North Dakota (Figure 1). Order Number 6 of the PSC Order states “If modifications are made to the Project layout, Meadowlark shall complete a wetland delineation of any previously un-surveyed areas affected by Project-related activities, as necessary, and file the report with the Commission”.

The Project layout was modified and Tetra Tech, Inc. (Tetra Tech), as requested by Meadowlark, has previously conducted follow-up wetlands and other waters of the United States (WOTUS) surveys to determine whether potential jurisdictional wetlands occurred within the portions of the revised Project layout that had not previously been surveyed:

- Project layout dated October 17, 2017, letter report was filed with the PSC on November 27, 2017.
- Project layout provided April 24th, 2018, letter report was filed with the PSC on May 2, 2018.
- Project layout provided June 13 - 18, 2018, letter report was filed with the PSC on July 3, 2018.

Meadowlark made minor modifications to the Project layout again in July 2018, and Tetra Tech has completed a fourth survey for potential jurisdictional wetlands and other WOTUS in previously un-surveyed areas of the Project. These wetland surveys were conducted on July 9 and July 10, 2018. This memorandum documents WOTUS surveys conducted on July 9 and July 10, 2018 for the modifications to the Project layout, as requested in the PSC Order.

In October 2011, HDR Engineering, Inc. (HDR) performed wetland and other WOTUS surveys for the Project. The Wetland Delineation Report for those surveys (HDR 2011) was submitted to the U.S. Army Corps of Engineers (USACE) in November 2011 (HDR 2011). An approved jurisdictional determination (JD) from the USACE was received on February 24, 2012; this JD was set to expire February 24, 2017. Meadowlark submitted a request to the USACE to re-verify the JD for an additional 5 years and the new JD from the USACE was received on December 8, 2016.

Methods

Prior to conducting the field surveys, Tetra Tech conducted a desktop analysis of the portions of the revised Project layout that had not previously been surveyed to identify potential jurisdictional wetlands and other WOTUS. The desktop analysis reviewed the following sources of information: results of the previous wetland delineation conducted for the project in 2011 by HDR 2011, aerial imagery, the U.S. Geological Survey (USGS) National Hydrography Dataset (NHD), the National Wetlands Inventory (NWI), and the data from the October 2017 and April 2018 survey efforts by Tetra Tech.

During this most current field survey (July 9-10, 2018), a Tetra Tech wetland scientist evaluated the previously un-surveyed areas of the most current Project layout and made one of three determinations:

- Upland—no wetland or other WOTUS present
- USACE Non-Jurisdictional wetland present
- USACE Jurisdictional wetland present

During the field survey, wetland boundaries were determined based on observations of dominant hydrophytic vegetation and the presence of characteristic wetland hydrology. No formal delineations of wetlands according to USACE methodology were undertaken because no new potentially jurisdictional wetlands were encountered. Observations of each wetland that was identified during the survey were documented through mapping of an observation point (NF-01, -02, etc.).

A geographic information specialist (GIS) specialist designed a Project-specific geodatabase that was used to capture wetland and non-wetland feature location data in the field with GPS technology. To complete the field surveys, the geodatabase was loaded onto ESRI's GIS Collector App.

Results

A total of 18 previously un-surveyed areas were evaluated during field surveys conducted on June 9 and 10, 2018 (Table 1). Locational data was collected using GPS at each observation point. Photographs were taken and notes were collected in a field logbook. Of these 18 observation points, 14 were identified as upland areas with no wetlands or other WOTUS present. Three of the observation points came from portions of un-surveyed areas that contained USACE non-jurisdictional wetlands. One observation point was from a previously surveyed area that contains a USACE jurisdictional wetland.

Observation Point NF-12— This previously surveyed area is located approximately 3,200ft east/southeast of Turbine 24 and crosses approximately 160 feet of a USACE jurisdictional wetland at latitude 47.87043297, longitude -100.91280395 (Figure Observation Point NF-12).

Conclusions

A total of 18 previously un-surveyed areas were evaluated during field surveys conducted on July 9 and 10, 2018. Of the 18 observation points, 14 were identified as upland areas with no wetlands or other WOTUS present, three were identified as USACE non-jurisdictional wetlands, and one was identified as a USACE jurisdictional wetland.

Other than Observation Point NF-12 noted above, there were no other wetlands or other WoUS identified during the field survey that would likely be considered jurisdictional wetlands or other WoUS.

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New Frontier Wind Energy Project–Wetland Evaluation Report
Page 3

References

HDR (HDR Engineering, Inc.). 2011. Wetland Delineation Report for New Frontier Wind Farm McHenry County, North Dakota. November 2011. Prepared for Meadowlark Wind I LLC.

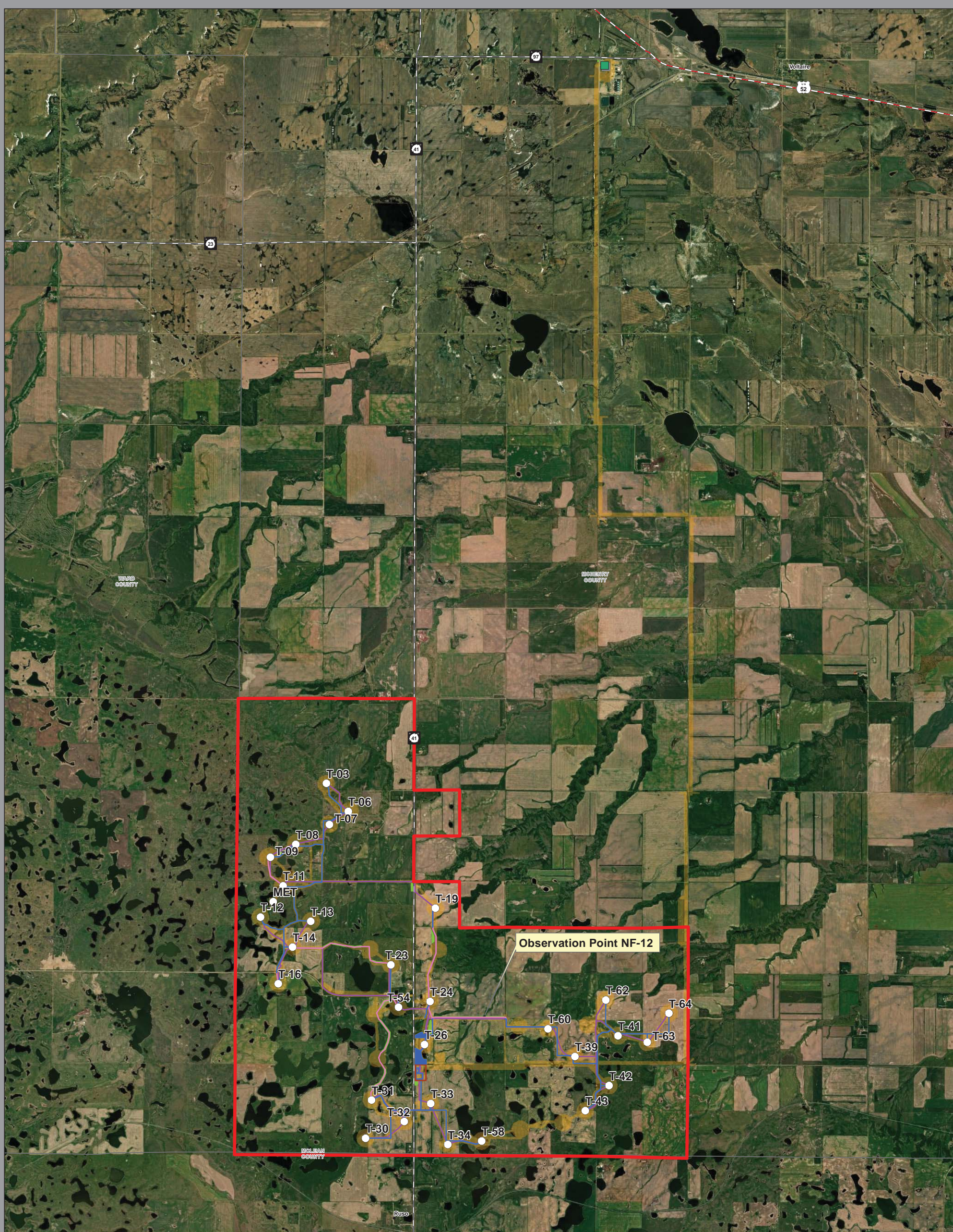
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 New Frontier Wind Energy Project–Wetland Evaluation Report
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Table 1:
 Field Observations for Wetlands in Previously Un-Surveyed Areas of the New Frontier Wind Energy Project

Observation Point ID	Upland—no wetland or other WOTUS present	USACE Non-Jurisdictional wetland present	USACE Jurisdictional wetland present	Notes
NF-01	X			Roadside swale - no wetland features present, no stream bed or bank
NF-02	X			Upland, no wetlands features present. Adjacent to non-JD wetland
NF-03	X			Cultivated field, no wetlands present
NF-04	X			Crane walk occurs in FWP Wetland Easement section. Crane walk does not travel through any wetlands
NF-05	X			Crane walk, no wetland features.
NF-06	X			Cultivated field, no wetland features. Crane walk occurs in FWP Wetland Easement section. Crane walk does not travel through easement wetlands
NF-07	X			Cultivated field
NF-08	X			Cultivated field
NF-09	X			Roadside Swale, no wetland features
NF-10		X		Non-JD wetland between ag-fields, <i>Phleum pratense</i> , <i>Typha laifolia</i>
NF-11	X			Cultivated wheat field
NF-12			X	Crane walk, previously mapped USACE Jurisdictional wetland, occurs on 32 nd street, approximately 3,200ft east/southeast of T-24.
NF-13		X		Non-JD wetland, feature is prairie pothole. Located in proposed road re-alignment
NF-14		X		Non-JD wetland, feature is prairie pothole. Located in proposed road re-alignment
NF-15	X			Cultivated field, soybean
NF-16	X			Transmission line adjustment, upland, no wetland features
NF-17	X			Transmission line adjustment, upland, canola field
NF-18	X			Transmission line adjustment, upland

Figures

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NEW FRONTIER WIND ENERGY PROJECT

Figure 1: Project Overview

- Project Area
- Access Road
- Collector Line
- Crane Path
- Switchyard/O&M Leased Parcel

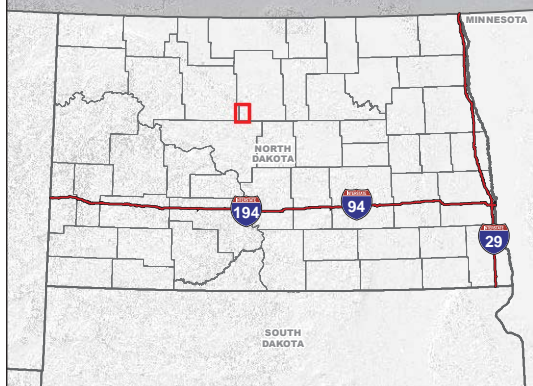
***Project layout provided June 18th – July 9th, 2018*

- Additional area to be surveyed week of 7/9/18
- Previous survey 7/2/18

0 0.5 1 Miles
Scale is 64,000 when printed at 11"x17"



Vicinity Map





NEW FRONTIER WIND ENERGY PROJECT

Observation Point NF-12

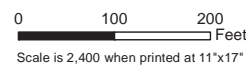
- Project Area
- Access Road
- Collector Line
- Crane Path

***Project layout provided June 18th – July 9th, 2018*

- Additional area to be surveyed week of 7/9/18
- Previous survey 7/2/18

Hydrology

- Perennial Stream
- Intermittent Stream
- Canal Ditch
- USACE Jurisdictional Wetland



Vicinity Map

