



Natural Resources Conservation Service
1301 Suite 1 Business Loop East
Jamestown, ND 58401

October 31, 2011

Anne-Marie Griger, AICP
Tetra Tech, EC Inc
7800 Shoal Creek Blvd, Suite 253 East
Austin, Texas 78757

RE: Application to North Dakota Public Service Commission for a Certificate of Site Compatibility for Oliver III Wind Energy Center in Morton County, North Dakota

Dear Ms. Griger,

Michele Doyle, the District Conservationist in Mandan contacted me about your office requesting comments about issues related to the Project Area of the Site Compatibility for Oliver III Wind Energy Center in Morton County, North Dakota and how the development may affect land use and applicable permits that maybe required from her office. The Natural Resources Conservation Service (NRCS) concerns are in regards to prime farmlands, wetlands, and soil erosion in Morton County. NRCS policy regarding prime farmlands and wetlands is as follows.

Farmland Protection Policy Act (FPPA) – NRCS has a major responsibility with FPPA in documenting conversion of farmland (i.e., prime, statewide, and local importance) to non-agricultural use. If your proposed project does not include any federal funds FPPA does not apply; therefore, no further action is needed. If your project includes, any federal funds, FPPA may apply, and the form AD-1006 must be completed. Please follow the instructions below and complete the enclosed Farmland Conversion Impact Rating Form AD-1006 for all permanent structures. A fill-able, web based form Farmland Conversion Impact Rating Form AD-1006 is available at http://www.nrcs.usda.gov/Programs/fppa/pdf_files/AD1006.PDF to record the following information. Please complete Part I and Part III and return to me. I will also need a map of the sites at an appropriate scale so I can accurately assess the area (e.g., 1:20,000 or 1:24,000). If the farmland (i.e., prime, statewide, and local importance) is determined to be subject to the FPPA, I will then complete Parts II and IV. NRCS will measure the relative value of the site as farmland on a scale of 0 to 100, according to the information sources listed in CFR 658.5(a). If FPPA applies to this site, Form AD- 1006 will be returned to your agency for completion of Part VI, Site Assessment Criteria.

For the past year, NRCS has been monitoring Farmland Conversion Impact Ratings (Form AD-1006 and Form AD-106). Over this period of time, we have become concerned with how the forms are being completed, particularly Part IV – Site Assessment Criteria, which is consistently being scored below 60 points.



Ms. Griger
Page 2

As a general rule, if FPPA applies and the site is in agricultural production, rarely would it be appropriate for it to have a score of less than 60 points. According to CFR 658.4(g), your agency is requested to return a copy of the Form AD-1006, which Page 2 indicates, the final decision, to NRCS so we can meet our reporting requirements and for data collection process.

Wetlands - The Wetland Conservation Provisions of the 1985 Food Security Act, as amended, provide that if a USDA participant converts a wetland for the purpose of, or to have the effect of, making agricultural production possible, loss of USDA benefits could occur.

NRCS has developed the following guidelines for the installation of permanent structures where wetlands occur. If these guidelines are followed, the impacts to the wetland(s) will be considered minimal allowing USDA participants to continue to receive USDA benefits. Following are the requirements: 1) Disturbance to the wetland(s) must be temporary, 2) no drainage of the wetland(s) is allowed (temporary or permanent), 3) mechanized landscaping necessary for installation is kept to a minimum and preconstruction contours are maintained, 4) temporary side cast material must be placed in such a manner not to be dispersed in the wetland, and 5) all trenches must be backfilled to the original wetland bottom elevation.

NRCS would recommend that impacts to wetland(s) be avoided. If the alignment of the permanent structure requires construction in a wetland, NRCS can complete a certified wetland determination, if requested by the landowner/operator. In addition, care should be taken during the construction of the proposed project to minimize soil blowing and water erosion as these may cause negative impacts to adjacent farmlands.

If you have additional questions pertaining to FPPA, please contact me, at (701) 252-1460 EXT 115

Sincerely,

FREDERICK P. AZIZ
Area Resource Soil Scientist

Michele Doyle, DC, NRCS, Mandan, ND
Steven J. Sieler, SSL, NRCS, Bismarck, ND