



Lake Region

STATE COLLEGE

1801 College Drive, Devils Lake ND 58301

(701) 662-1600 * 1-800-443-1313 * fax (701) 662-1570
www.lrsc.nodak.edu * TDD (701) 662-1572

February 22, 2012

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

Subject: Additional Information for Application for a Certificate of Site
Compatibility

Dear Secretary Nitschke:

Lake Region State College conducted a Class III Cultural Resource Inventory on the proposed site(s), access road route, and collection line route. This has been completed and ND SHPO Ref.: 12-0213 has "No Historic Properties Affected. Letter of findings attached.

Lake Region State College (LRSC) worked with Enbridge to determine the set back from the Enbridge pipeline. LRSC agreed to move the turbine location to meet the requested setback from Enbridge. An email from Enbridge (Darryl Saylor) stating Enbridge's approve of the new site and a map is attached.

This move placed the turbine closer than 1.1 times the turbine height to the property lines to the south and east. LRSC contacted the landowners and they are supportive of the new turbine location and we have attached letters from the landowners.

Because the turbine site was moved more than 100 feet, LRSC was required to re-file for FAA approval. This was re-filed January 6th.

We respectfully request that the Application for Certificating of Site Compatibility for Lake Region State College be approved for the primary location in the SW $\frac{1}{4}$ of section 9 and alternate location in N $\frac{1}{2}$ of section 16 contingent on FAA approval.

Respectfully,

Doug Darling
Vice President Instructional Services



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

Jack Dalrymple
Governor of North Dakota

February 17, 2012

North Dakota
State Historical Board

Mr. Doug Darling
Vice President Instructional Services
Lake Region State College
1801 College Drive
Devils Lake ND 58301

Gereld Gerntholz
Valley City - President

Calvin Grinnell
New Town - Vice President

A. Ruric Todd III
Jamestown - Secretary

ND SHPO Ref.:12-0213 FAA/Lake Region State College Wind Turbine siting collection line route and access road in portions of [T154N R64W Section 9, 16, 21,22 and 27] Ramsey County, North Dakota

Albert I. Berger
Grand Forks

Diane K. Larson
Bismarck

Dear Mr. Darling,

Chester E. Nelson, Jr.
Bismarck

We reviewed ND SHPO Ref.:12-0213 FAA/Lake Region State College Wind Turbine siting collection line route and access road in portions of [T154N R64W Section 9, 16, 21,22 and 27] Ramsey County, North Dakota, and the associated report by KLJ, "Lake Region State College Wind Turbine: A Class III Cultural Resource Investigation in Ramsey County, North Dakota." We concur with a "No Historic Properties Affected" determination, provided the project follows the attached revised map with the road detouring site 32RY485 and the turbine sited as depicted.

Margaret Puetz
Bismarck

Sara Otte Coleman
Director
Tourism Division

Kelly Schmidt
State Treasurer

Thank you for the opportunity to review this project. 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 701-328-3576. E-mail: squinnell@nd.gov

Alvin A. Jaeger
Secretary of State

Mark Zimmerman
Director
Parks and Recreation
Department

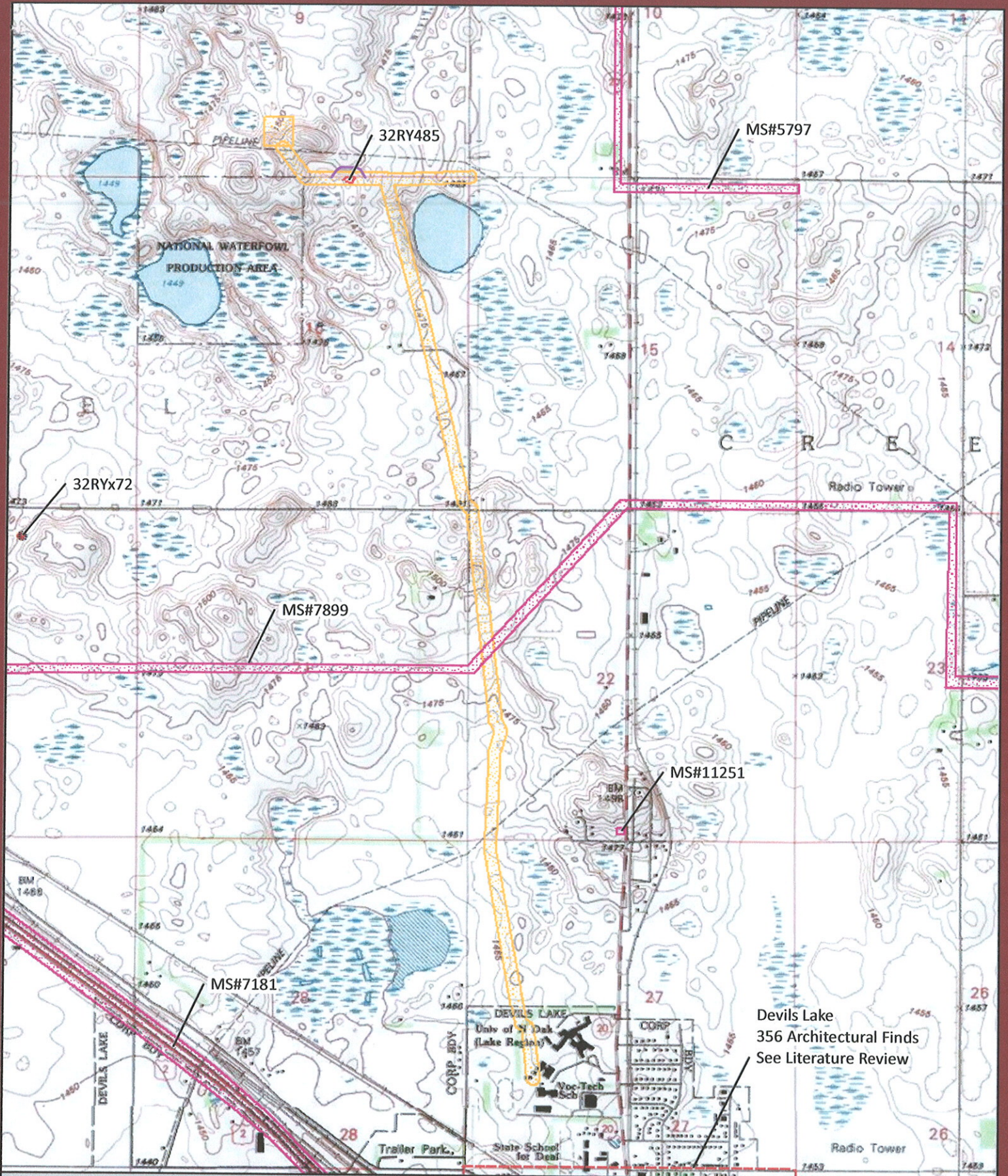
Sincerely,

Francis Ziegler
Director
Department of Transportation

Merlan E. Paaverud, Jr.
Director

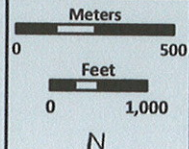
Merlan E. Paaverud, Jr.
State Historic Preservation Officer (North Dakota)

Accredited by the
American Association
of Museums since 1986



**Kadmas
Lee &
Jackson**

Lake Region Wind Turbine Topographic Map



- Isolated Find
- Reroute
- Turbines Location
- Previous Inventory
- Project Inventory

Devils Lake
356 Architectural Finds
See Literature Review

Darling, Doug

From: Darryl Sayler <Darryl.Sayler@enbridge.com>
Sent: Wednesday, January 04, 2012 3:44 PM
To: Darling, Doug
Subject: FW: LRSC Enbridge Pipeline Map
Attachments: 111221_MAP_LRSC_WTG_Pipeline_Distances.pdf

Doug,

Enbridge Pipelines agrees to location of Wind Tower shown in the attached map, Best of Luck with your project.

DARRYL SAYLER
RIGHT OF WAY AGENT
ENBRIDGE PIPELINES (NORTH DAKOTA) LLC
701.857.0806 P | 701.340.4498 C

From: Darling, Doug [<mailto:doug.darling@lrsc.edu>]
Sent: Wednesday, December 21, 2011 11:49 AM
To: Darryl Sayler
Subject: FW: LRSC Enbridge Pipeline Map

Darryl – revised map from EAPC

Doug Darling
Vice President Instructional Services
Lake Region State College
1801 College Drive N.
Devils Lake, ND 58301
(701) 662-1506
(701) 662-1570 fax

From: Jay Haley [<mailto:JHaley@eapc.net>]
Sent: Wednesday, December 21, 2011 11:46 AM
To: Darling, Doug
Subject: FW: LRSC Enbridge Pipeline Map

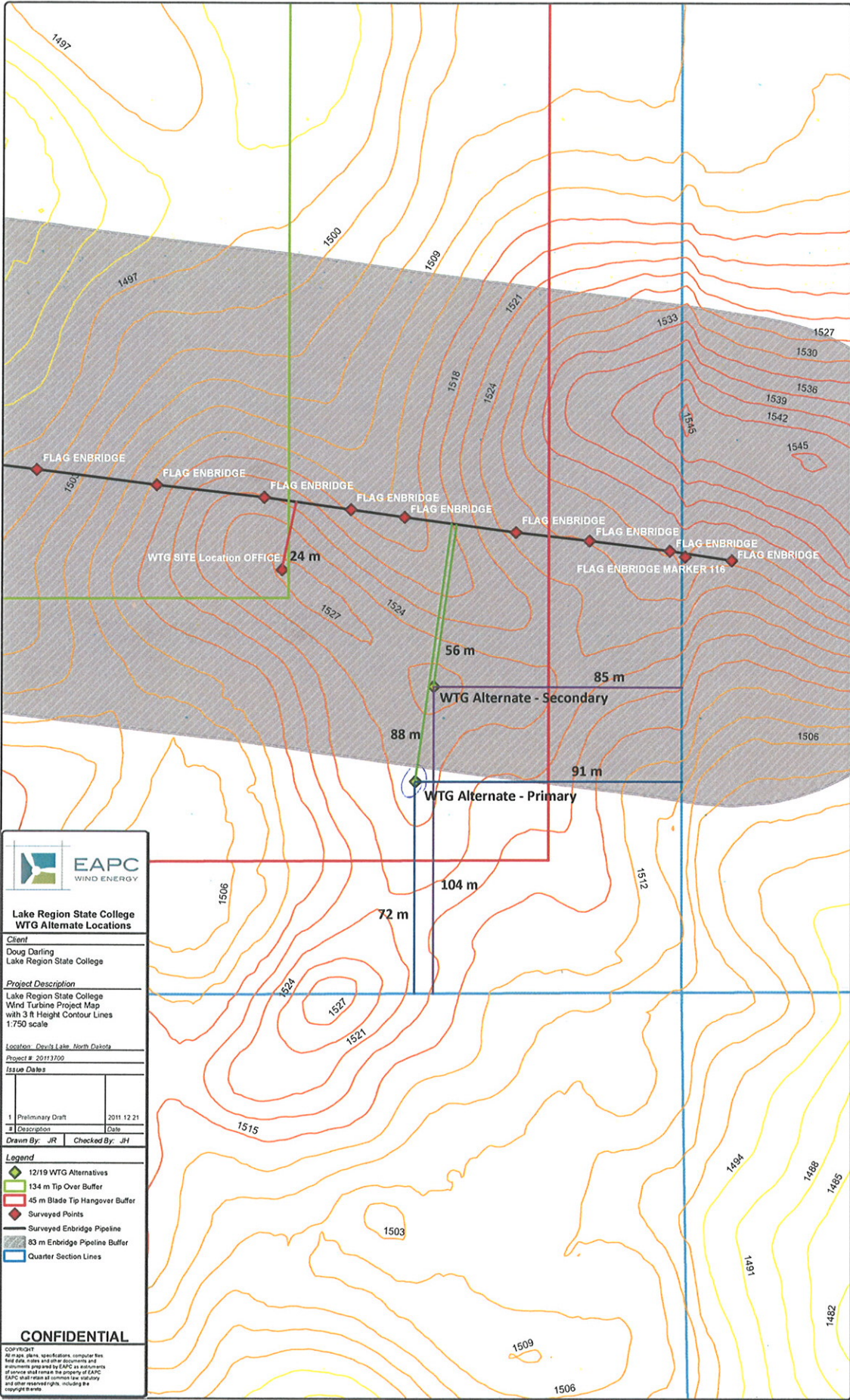
Map to send to Enbridge.

Jay Haley, PE
Partner/Mechanical Engineer

EAPC WIND ENERGY

701.775.3007 | Direct
701.775.3000 | Main
701.772.3605 | Fax
218.779.0404 | Cell

www.eapc.net



EAPC WIND ENERGY

**Lake Region State College
WTG Alternate Locations**

Client
Doug Darling
Lake Region State College

Project Description
Lake Region State College
Wind Turbine Project Map
with 3 ft Height Contour Lines
1:750 scale

Location Devils Lake, North Dakota

Project # 20113700

Issue Dates

1	Preliminary Draft	2011.12.21
2	Description	Date

Drawn By: JR *Checked By:* JH

Legend

- ◆ 12/19 WTG Alternatives
- 134 m Tip Over Buffer
- 45 m Blade Tip Hangover Buffer
- ◆ Surveyed Points
- Surveyed Enbridge Pipeline
- 83 m Enbridge Pipeline Buffer
- Quarter Section Lines

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0 55 110 220 Feet



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MAP OF

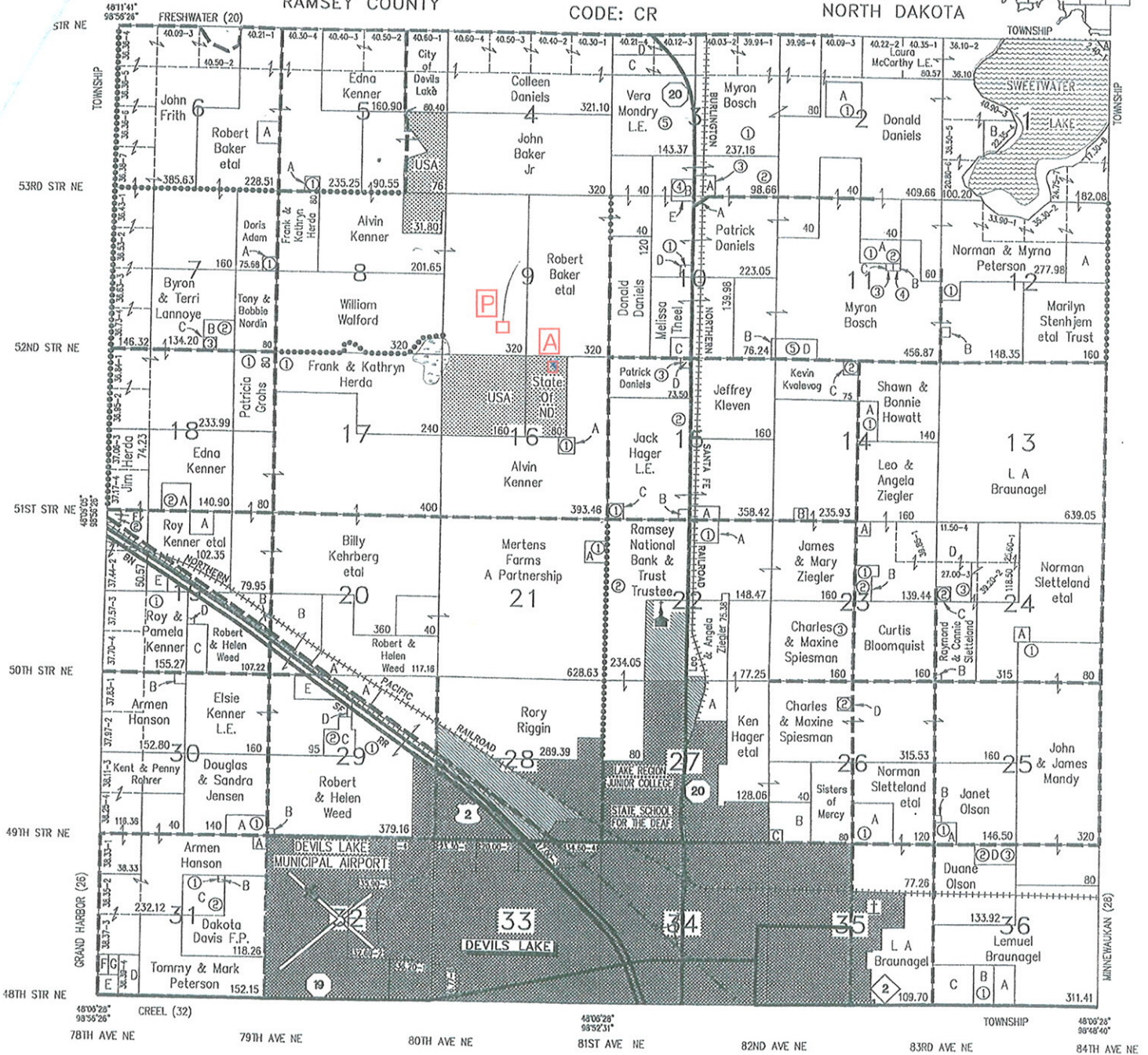
NORTH CREEL

TOWNSHIP: 154 N
RAMSEY COUNTY

MOLAND ATLAS COMPANY LLC COPYRIGHT 2007

CODE: CR

RANGE: 64 W
NORTH DAKOTA



SEE LETTERED SMALL TRACTS DIRECTORY FOLLOWING TOWNSHIP MAPS



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
3425 Miriam Avenue
Bismarck, North Dakota 58501

FEB 09 2012



Mr. Doug Darling
Vice President Instructional Services
Lake Region State College
1801 College Drive North
Devils Lake, North Dakota 58301

Re: Lake Region State College Single Turbine
Wind Energy Development Project, Devils
Lake, ND

Dear Mr. Darling:

This is in response to your October 31, 2011, email correspondence requesting fish and wildlife resource information in relation to a proposed single turbine wind energy development project at the Lake Region State College (LRSC) in Devils Lake, Ramsey County, North Dakota. The proposed project will consist of one 2.3 megawatt wind turbine and a collection line. We offer the following comments under the authority of and in accordance with the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) (MBTA), Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d, 54 Stat. 250), the Endangered Species Act (ESA) (16 U.S.C. 1531 et seq.), and the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57).

The U.S. Fish and Wildlife Service (Service) first provided comments on this proposal on March 17, 2010. According to a telephone conversation between you and Heidi Riddle of my staff on January 24, 2012, the site for the proposed tower has moved approximately 340 meters north of the original site and an underground collection line will be included. Ms. Riddle responded to your invitation to walk the route for the collection line in a November 3, 2011, email, stating that the Service did not need to walk the route. Based on the map you provided, the collection line appears to be primarily in agricultural croplands, and will be placed underground, avoiding potential impacts to whooping cranes and other migratory birds.

As stated in our March 17, 2010, response letter, the Service has provided comments on several wind project proposals throughout North Dakota. Typically, a wind farm involves the construction of several turbines, covers large expanses of land and has the potential to impact wildlife resources on a large scale, including destruction of native habitats, habitat fragmentation, and possible avoidance of habitat due to landscape level disturbance. We do not believe that the presence of one turbine will have landscape level impacts, but like any project, there are measures that can be implemented to minimize environmental impacts. Additional information is provided below.

Migratory Birds

The Migratory Bird Treaty Act prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. While the MBTA has no provision for allowing unintentional take, the Service realizes that some birds may be killed by wind power towers or power lines even if all reasonable measures to protect them are used. The Service's Office of Law Enforcement carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and industries that have taken effective steps to minimize their impacts on migratory birds, and by encouraging others to enact such programs. It is not possible to absolve individuals, companies, or agencies from liability even if they implement avian mortality avoidance or similar conservation measures. However, the Office of Law Enforcement focuses its resources on investigating and prosecuting individuals and companies that take migratory birds without regard for their actions or without following recommendations such as this to avoid take. The Service cooperates with developers to minimize impacts to migratory birds and to bald and golden eagles. Parties who wish to demonstrate they have taken all reasonable steps to protect migratory birds and bald and golden eagles are advised to incorporate the Services' recommendations into their project plans, sharing those plans with this office, and making any necessary modifications.

The BGEPA prohibits anyone without a permit issued by the Secretary of the Interior from taking bald eagles, including their parts, nests, or eggs. The Act provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof. The Act defines take as pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. "Disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available: 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagles return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment. Our records indicate the presence of bald eagle nests at Devils Lake.

The Service has coordinated with the Avian Power Line Interaction Committee (APLIC) to develop guidelines to assist companies in formulating Avian Protection Plans (APP). The guidelines can be accessed from APLIC's website at <http://www.aplic.org/>. These plans are utility specific and designed to reduce operational risks that result from avian interactions with electric utility facilities, but we suggest they may be adapted to wind energy facilities. Wind energy projects have the potential to negatively affect bats as well as avian species. Therefore, we encourage project developers to formulate an Avian and Bat Protection Plan (ABPP) if bats

migrate through or may be present in the project area. Some of the things that the Service looks for in an APP or ABPP are typically a statement of company policy confirming the company's commitment to work cooperatively towards the protection of migratory birds and bats; identification of the process under which the company will obtain and comply with all necessary permits, including, but not limited to, nest relocation, temporary possession, depredation, salvage/disposal, and scientific collection; discussion of the company's plan for monitoring and reporting all incidents of avian or bat injury or mortality; a commitment to make all reasonable efforts to construct and modify infrastructure to reduce the incidence of avian and bat mortality; a mechanism to review existing practices, ensuring quality control and allowing for adaptive management; and a plan for providing adequate training for all appropriate utility personnel. An APP or ABPP reporting system is important to help the company pinpoint areas of concern by tracking both the specific locations where mortalities may be occurring, as well as the extent of such mortalities and the remedial actions taken/planned to address identified problem areas.

To avoid impacts to migratory birds or other wildlife during the breeding season (February 1 to July 15), schedule construction for late summer or fall/early winter. If work is proposed to take place during the breeding season or at any other time which may result in the take of migratory birds or active nests, the Service recommends that the proponent arrange to have a qualified biologist conduct a field survey of the affected habitats to determine the absence or presence of nesting migratory birds. If nesting migratory birds are found, we request you contact this office, suspend construction, or take other measures, such as maintaining adequate buffers, to protect the birds until the young have fledged. The Service further recommends that field surveys for nesting birds, along with information regarding the qualification of the biologist(s) performing the surveys, and any avoidance measures implemented at the project site, be thoroughly documented and that such documentation be shared with the Service and maintained on file by the project proponent at least until such time as construction on the proposed project has been completed.

Fish and Wildlife Service Property Interests

The Service administers Waterfowl Production Areas owned in fee title as well as wetland and grassland easements throughout North Dakota. A January 9, 2012, email correspondence to Ms. Riddle from Roger Hollevoet with the Service's Devils Lake Wetland Management District indicated the project will not impact Service property interests.

Research, Monitoring, and Assessment

We encourage project proponents to conduct collision monitoring studies designed to determine the effect of several factors, such as site selection, turbine design, the layout of wind plants, wind plant operations, habitat alteration, and changes in available perching and nesting sites, on bird deaths. Annual reports outlining the results of these monitoring studies should be submitted to this office. The Avian Subcommittee of the National Wind Coordinating Committee (NWCC) has developed a guidance document to assist wind energy developers in designing studies that will produce credible and comparable results of avian interaction with wind power plants. The NWCC document, "Studying Wind Energy/Bird Interactions: A Guidance Document. Metrics and methods for determining or monitoring potential impacts on birds at existing and proposed

wind energy sites,” can be obtained by contacting the National Wind Coordination Committee, c/o RESOLVE, 1255 23rd Street, Suite 275, Washington, D.C. 20037, or by visiting their website at (www.nationalwind.org). The Service believes that the use of the LRSC’s biology students and staff to develop a pre-construction and post-construction monitoring plan, as well as an ABPP to address these factors will result in beneficial data. We recommend continued coordination on the development of this plan, as well as annual reporting.

Thank you for the opportunity to comment. If you require further information as project planning proceeds, please contact Heidi Riddle of my staff, or contact me directly, at (701) 250-4481, or at the letterhead address.

Sincerely,



Jeffrey K. Towner
Field Supervisor
North Dakota Field Office

Enclosures

cc: Project Leader, Devils Lake Wetland Management District
(Attn: R. Hollovoet)
Director, ND Game & Fish Department, Bismarck
(Attn: G. Link)



Lake Region

STATE COLLEGE

1801 College Drive North, Devils Lake ND 58301-1598

(701) 662-1600 + fax (701) 662-1570 + 1-800-443-1313
TDD (701) 662-1572 + www.lrsc.nodak.edu

January 9, 2012

Mr. Bob Baker
c/o Sheila Benson
2035 Victoria Garden Drive
Richmond, TX 77406

Subject: Letter of Agreement

Dear Mr. Baker:

Thank you for agreeing to our location in North Creel Township, Ramsey County, (154N-64W-W9) to install a 1.6M wind turbine.

As one of the four property co-owners of (154-64W-W9), I am obligated by the State of North Dakota Public Utilities Commission to provide a signed document for your support of our wind power project.

SERVICE

In our communications, you asked that I address the following concerns for your approval.

As president of Lake Region State College I am not aware of any of our stakeholders or external stakeholders considering individual or commercial wind power projects for the area in the vicinity of our proposed site(s) or in North Creel Township.

Lake Region State College is in total agreement that you retain your full rights to develop your property completely unrestricted by what we may decide to do on adjacent properties.

Please sign both copies and return one copy to my attention.

Thank you for supporting the Lake Region Wind Technician Program.

Sincerely,

Mike Bower, Ph.D.
President
Lake Region State College

ACCEPTED AND AGREED

Date: 11 Jan 2012

By: Robert M. Baker
Bob Baker



Lake Region

STATE COLLEGE

1801 College Drive North, Devils Lake ND 58301-1598

(701) 662-1600 + fax (701) 662-1570 + 1-800-443-1313
TDD (701) 662-1572 + www.lrsc.nodak.edu

January 9, 2012

Marilyn Jouini
5308 Tiburon Way
Sacramento, CA 95841

Subject: Letter of Agreement

Dear Ms. Jouini:

Thank you for agreeing to our location in North Creel Township, Ramsey County, (154N-64W-W9) to install a 1.6M wind turbine.

As one of the four property co-owners of (154-64W-W9), I am obligated by the State of North Dakota Public Utilities Commission to provide a signed document for your support of our wind power project.
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Please sign both copies and return one copy to my attention.

Thank you for supporting the Lake Region Wind Technician Program.

Sincerely,

Mike Bower, Ph.D.
President
Lake Region State College

ACCEPTED AND AGREED

Date: 1/11/2012

By: Marilyn B. Jouini
Marilyn Jouini



Lake Region

STATE COLLEGE

1801 College Drive North, Devils Lake ND 58301-1598

(701) 662-1600 + fax (701) 662-1570 + 1-800-443-1313
TDD (701) 662-1572 + www.lrscc.nodak.edu

January 9, 2012

Ms. Sheila Benson
2035 Victoria Garden Drive
Richmond, TX 77406

Subject: Letter of Agreement

Dear Ms. Benson:

Thank you for agreeing to our location in North Creel Township, Ramsey County, (154N-64W-W9) to install a 1.6M wind turbine.

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Thank you for supporting the Lake Region Wind Technician Program.

Sincerely,

Mike Bower

Mike Bower, Ph.D.
President
Lake Region State College

ACCEPTED AND AGREED

Date: 1/11/12

By: *Sheila Benson*
Sheila Benson



Lake Region

STATE COLLEGE

1801 College Drive North, Devils Lake ND 58301-1598

(701) 662-1600 + fax (701) 662-1570 + 1-800-443-1313
TDD (701) 662-1572 + www.lrsc.nodak.edu

January 9, 2012

Mr. Ray Baker
2342 springwood Lane
Kinston, NC 28504

Subject: Letter of Agreement

Dear Mr. Baker:

Thank you for agreeing to our location in North Creel Township, Ramsey County, (154N-64W-W9) to install a 1.6M wind turbine.

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Thank you for supporting the Lake Region Wind Technician Program.

Sincerely,

Mike Bower, Ph.D.
President
Lake Region State College

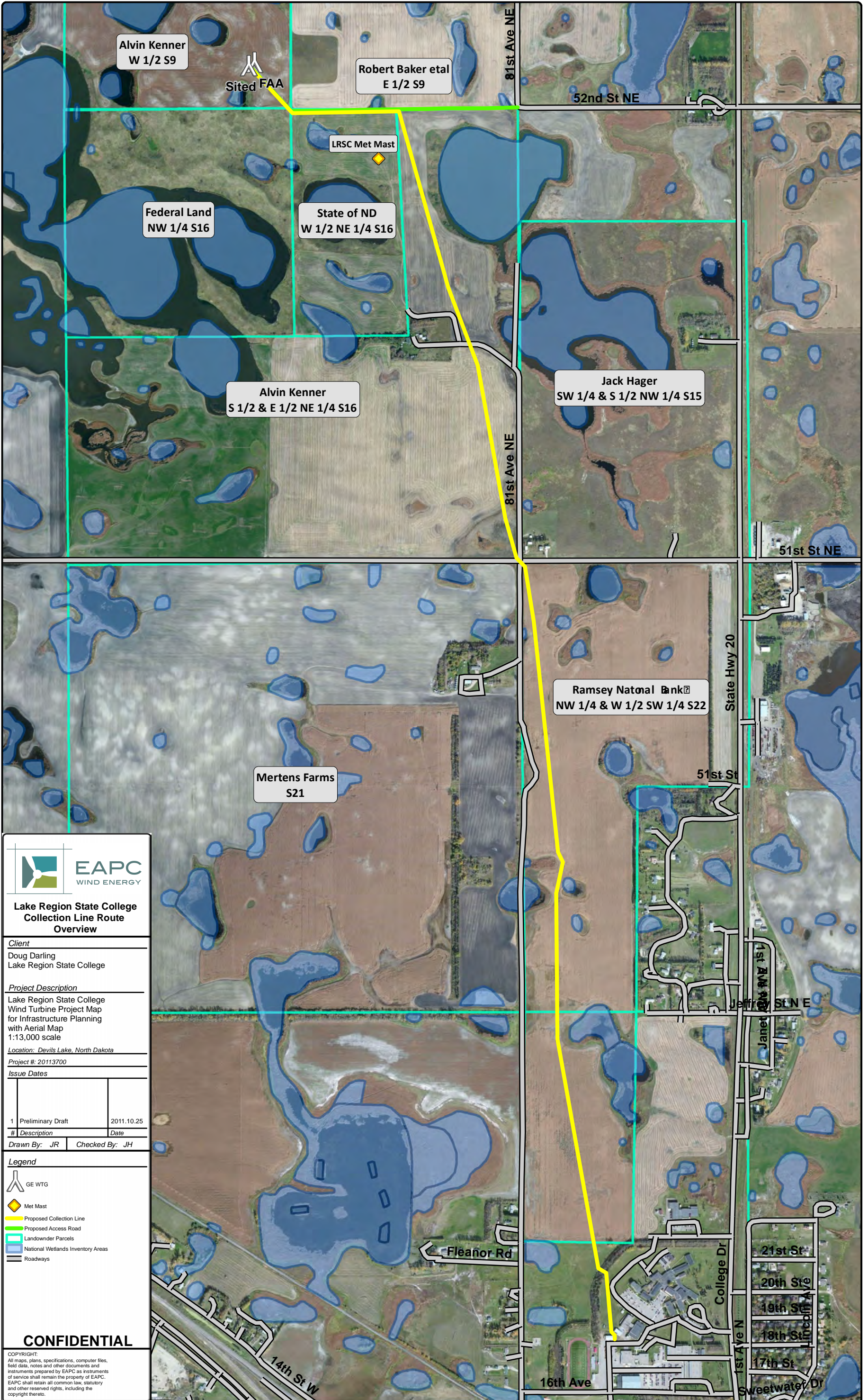
ACCEPTED AND AGREED

Date:

1/14/2012

By:

Ray Baker



EAPC WIND ENERGY

**Lake Region State College
Collection Line Route
Overview**

Client
Doug Darling
Lake Region State College

Project Description
Lake Region State College
Wind Turbine Project Map
for Infrastructure Planning
with Aerial Map
1:13,000 scale

Location: Devils Lake, North Dakota

Project #: 20113700

Issue Dates

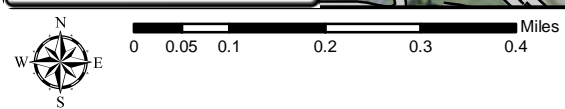
1	Preliminary Draft	2011.10.25
#	Description	Date
Drawn By: JR Checked By: JH		

Legend

- GE WTG
- Met Mast
- Proposed Collection Line
- Proposed Access Road
- Landowner Parcels
- National Wetlands Inventory Areas
- Roadways

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