

North Dakota Department of Transportation

Grant Levi, P.E.
Director

Jack Dalrymple
Governor

October 8, 2014

Jeffrey Neal
Wanzek Construction, Inc.
2028 2nd Ave NW
West Fargo, ND 58078

REQUEST TO INSTALL AN APPROACH

Find enclosed approved Driveway Application & Permits No's 1406, 1407 & 1408 for the temporary drives to be located near RP's 28.9011, 30.371 and 30.546 along ND 9. The addition of the temporary driveways will require at a minimum 18" diameter CMP culverts.

These permits are temporary in nature, all locations are to be removed in their entirety and the area restored to current or better condition at the time of removal of the batch plant and laydown sites.

Work may commence on the construction of these drives. Keep in mind any requirements as indicated in the attachments to the permit.

If you should have any questions please contact me either by mail, telephone 701-845-8815 or email kbeach@nd.gov.

Thank You,

A handwritten signature in black ink, appearing to read "Kathy Beach".

Kathy Beach
Valley City District Maintenance Coordinator

Enclosures

DRIVEWAY APPLICATION & PERMIT

North Dakota Department of Transportation, Maintenance Division
SFN 5918 (Rev. 9-2013)

Permit Number 1 4 0 6

District Number 0 2

Applicant Wanzek Construction, Inc.		Telephone Number 701-492-1312	
Address 2028 2nd Avenue NW	City West Fargo	State ND	ZIP Code 58078

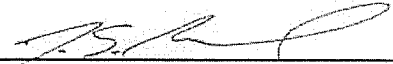
Driveway Information on State Highway Right of Way

Number of Driveways 1	<input type="checkbox"/> Private <input checked="" type="checkbox"/> Commercial	Direction <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W side of Route	HY 9
Location 47° 12' 38.16" N & 98° 33' 45.37" W / ~ 300' South of Intersection of Highway 9 & 14th St SE			
Town Courtenay	Highway Highway 9	Junction Hwy 9 & 14th St SE	Mile Marker Number 28.9011
Description of proposed work on state right of way and type of business served. Entrance to access temporary construction laydown yard that will house a temporary concrete batch plant. Entrance to be constructed out of native materials located within the confines of the laydown yard topped with aggregate.			

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:

Jeffrey Neal
Name (Type or Print)

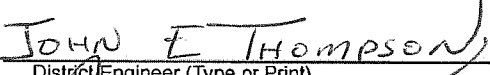
X 
Signature

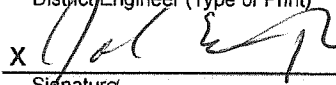
Project Manager
Title

9/26/14
Date

Permit granted:
10/8/2014
Date

**NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION**

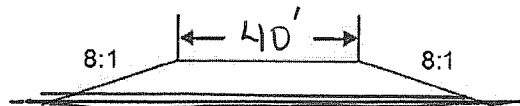

District Engineer (Type or Print)

X 
Signature

10/8/2014
Date

DRIVE REMOVED BY:
Construction shall be completed by:
Nov 1, 2016
Date

Sketch:



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 Applicants 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. Wetlands: 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 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 grounds of race, color, national origin, sex, age, disability/handicap, or income status**, shall be excluded from participation in, be 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 grounds of race, color, national origin, sex, age, disability/handicap, or income status**, shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, (3) that the Applicant shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the NDDOT shall have the right to terminate this Permit and to re-enter and repossess said land and the facilities thereon and hold the same as if said Permit had never been made or issued.

**The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.
12. Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.

DRIVEWAY APPLICATION & PERMIT

North Dakota Department of Transportation, Maintenance Division
SFN 5918 (Rev. 9-2013)

Permit Number 1 4 0 7

District Number 0 2

Applicant Wanzek Construction, Inc.		Telephone Number 701-492-1312	
Address 2028 2nd Avenue NW	City West Fargo	State ND	ZIP Code 58078

Driveway Information on State Highway Right of Way

Number of Driveways 1	<input type="checkbox"/> Private <input checked="" type="checkbox"/> Commercial	Direction <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W side of Route	HY 9
Location 47° 11' 20.55" N & 98° 33' 46.45" W / ~ 2430' North of Intersection of Highway 9 & 16th St SE			
Town Courtenay	Highway Highway 9	Junction Hwy 9 & 16th St SE	Mile Marker Number 30-371
Description of proposed work on state right of way and type of business served. Entrance to access temporary construction laydown yard that will house construction trailers and equipment/material. Entrance to be constructed out of native materials located within the confines of the laydown yard topped with aggregate.			

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:

Jeffrey Neal
Name (Type or Print)

X *[Signature]*
Signature

Project Manager

Title

9/26/14
Date

Permit granted:

10/8/2014
Date

**NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION**

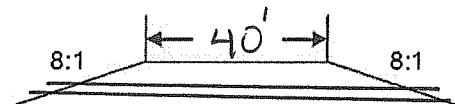
[Signature]
District Engineer (Type or Print)

X *[Signature]*
Signature

10/8/2014
Date

DRIVE REMOVED BY
Construction shall be completed by:
Nov 1, 2016
Date

Sketch:



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 Applicants 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. Wetlands: 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 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 grounds of race, color, national origin, sex, age, disability/handicap, or income status**, shall be excluded from participation in, be 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 grounds of race, color, national origin, sex, age, disability/handicap, or income status**, shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, (3) that the Applicant shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the NDDOT shall have the right to terminate this Permit and to re-enter and repossess said land and the facilities thereon and hold the same as if said Permit had never been made or issued.

**The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

12. Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.

DRIVEWAY APPLICATION & PERMIT

North Dakota Department of Transportation, Maintenance Division
 SFN 5918 (Rev. 9-2013)

Permit Number 1408

District Number 02

Applicant Wanzek Construction, Inc.		Telephone Number 701-492-1312	
Address 2028 2nd Avenue NW	City West Fargo	State ND	ZIP Code 58078

Driveway Information on State Highway Right of Way

Number of Driveways 1	<input type="checkbox"/> Private <input checked="" type="checkbox"/> Commercial	Direction	<input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W side of Route <u>HY 9</u>
Location 47° 11' 16.61" N & 98° 33' 46.49" W / ~ 2030' North of Intersection of Highway 9 & 16th St SE			
Town Courtenay	Highway Highway 9	Junction Hwy 9 & 16th St SE	Mile Marker Number <u>30.546</u>
Description of proposed work on state right of way and type of business served. Entrance to access temporary construction laydown yard that will house construction trailers and equipment/material. Entrance to be constructed out of native materials located within the confines of the laydown yard topped with aggregate.			

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:

Jeffrey Neal
 Name (Type or Print)

X [Signature]
 Signature
 Project Manager

Title

9/26/14
 Date

Permit granted:
10/8/2014
 Date

NORTH DAKOTA
 DEPARTMENT OF TRANSPORTATION

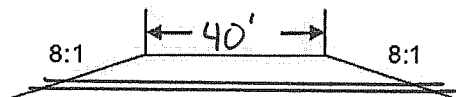
John E. Thompson
 District Engineer (Type or Print)

X [Signature]
 Signature

10/8/2014
 Date

Construction shall be completed by:
Nov 4, 2016
 Date

Sketch:



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.
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12. Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
09/26/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER MARSH USA, INC. TWO ALLIANCE CENTER 3560 LENOX ROAD, SUITE 2400 ATLANTA, GA 30326 Attn: Atlanta.CertRequest@marsh.com / Fax: 212-948-4321 605106--Cas-14-15 WANZE	CONTACT NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE NAIC #	
INSURED Wanzek Construction, Inc. 2028 2nd Ave NW West Fargo, ND 58078	INSURER A: ACE American Insurance Company 22667	
	INSURER B: N/A N/A	
	INSURER C: N/A N/A	
	INSURER D:	
	INSURER E: N/A N/A	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** ATL-003301572-01 **REVISION NUMBER: 2**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> SIR: \$250,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			XSL G27336589	09/15/2014	09/15/2015	EACH OCCURRENCE	\$ 1,750,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 250,000
							MED EXP (Any one person)	\$ SELF INSURED
							PERSONAL & ADV INJURY	\$ 1,750,000
							GENERAL AGGREGATE	\$ 20,000,000
							PRODUCTS - COMP/OP AGG	\$ 6,000,000
								\$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			ISA H08827667	09/15/2014	09/15/2015	COMBINED SINGLE LIMIT (Ea accident)	\$ 5,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below			N/A			WC STATUTORY LIMITS	OTHER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Re: 991-Courtenay Wind Project
The State of North Dakota, its agencies, officers, and employees (State) are included as Additional Insured with respect to the General and Auto Liability policies where required by written contract or agreement.

CERTIFICATE HOLDER CANCELLATION

North Dakota Department of Transportation 608 East Boulevard Avenue Bismarck, ND 58505-0700	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE of Marsh USA Inc. Manashi Mukherjee <i>Manashi Mukherjee</i>
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Risk Management Appendix

Small, Low-Risk Leases, Easements, Licenses, and Permits with Private Individuals, Companies, Corporations, Etc. (referred to as Recipient):

Recipient agrees to defend, indemnify, and hold harmless the state of North Dakota, its agencies, officers and employees (State), from and against claims based on the vicarious liability of the State or its agents, but not against claims based on the State's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Recipient to the State under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the State is necessary. Recipient also agrees to defend, indemnify, and hold the State harmless for all costs, expenses and attorneys' fees incurred if the State prevails in an action against the Recipient in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

Recipient shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools, or government self-retention funds authorized to do business in North Dakota, the following insurance coverages:

- 1) **Commercial general liability** insurance – minimum limits of liability required are **\$250,000 per person** and **\$1,000,000 per occurrence**. If it is not practical for Recipient to carry commercial general liability insurance, Recipient **may substitute farm liability insurance, renters insurance, or home owners insurance** in the amount of **at least \$300,000**.
- 2) If Recipient may use an automobile in relation to the attached agreement, Recipient must secure **automobile liability** insurance with a minimum limit of liability of **at least \$250,000**. The above limits may be satisfied through a policy or policies of insurance, primary and excess, including the so called umbrella or catastrophe form.
- 3) The State of North Dakota, its agencies, officers, and employees (State) shall be endorsed as an **additional insured** on the above policies.

The Recipient shall furnish a certificate of insurance coverage evidencing the requirements in 1 through 3 above to the undersigned State representative prior to commencement of this agreement.

Recipients' insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance, or self-retention maintained by the State.

The insolvency or bankruptcy of the insured Recipient shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Recipient from meeting the retention limit under the policy.

The Recipient must secure any necessary Workers Compensation coverage that may be required by State law.

When a portion of a Contract is sublet, the Recipient shall obtain insurance protection (as outlined above) to provide liability coverage to protect the Recipient and the State as a result of work undertaken by the Subcontractor or Sublessor. In addition, the Recipient shall ensure that any and all parties performing work under the Contract are covered by public liability insurance as outlined above. All Subcontractors or Sublessors performing work under the Contract are required to maintain the same scope of insurance required of the Recipient. The Recipient shall be held responsible for ensuring compliance with those requirements by all Subcontractors or Sublessors.

RM Consulted 2007
Revised 5-09





jneal
Sticky Note

~ Entrance for Temporary
Access Yard for Concrete Batc
Plant



**jneal
Sticky Note**
~ North Entrance to Temporary
Construction Laydown Yard /
Trailer Complex

**jneal
Sticky Note**
~ South Entrance to Temporal
Construction Laydown Yard /
Trailer Complex

From: [Chad Eken](#)
To: [Beach, Kathy A.](#); [Jeff Neal](#)
Subject: RE: Courtenay - Cultural Survey and Wetland Addendums
Date: Wednesday, October 08, 2014 10:11:18 AM

We would prefer a 30' width or possible a 40' width if that is possible.

Chad Eken | Senior Project Manager | Wind Energy | **Wanzek Construction, Inc.** |
a MasTec Company | p: 701-893-3688 | c: 701-212-5731 | f: 701-282-6166 | e: ceken@wanzek.com

ZERO
INJURIES

WANZEK "Safety-It's not just in your mind; it's in your hands"

From: Beach, Kathy A. [<mailto:kbeach@nd.gov>]
Sent: Wednesday, October 08, 2014 10:04 AM
To: Jeff Neal
Cc: Chad Eken
Subject: RE: Courtenay - Cultural Survey and Wetland Addendums

I will be finishing up the Driveway Applications today and I was wondering if you were looking at a 20' or 30' width?

Thanks,

Kathy

From: Jeff Neal [<mailto:jneal@wanzek.com>]
Sent: Tuesday, October 07, 2014 2:31 PM
To: Beach, Kathy A.
Cc: Chad Eken
Subject: FW: Courtenay - Cultural Survey and Wetland Addendums

Kathy,

Please find attached documents we received from the developer of the project, Geronimo Energy, in regards to the laydown yard areas.. Please advise if this is enough information to move forward with issuance of the driveway permits or if additional information needs to be provided. Thank you for your assistance with all of this.

Thank you,

Jeffrey Neal | Project Manager | Wind Energy Group | **Wanzek Construction, Inc.** |
p: 701-492-1312 | c: 903-393-9225 | e: jneal@wanzek.com

ZERO
INJURIES

WANZEK "Safety-It's not just in your mind; it's in your hands"

From: Patrick Smith [<mailto:Patrick@geronimoenergy.com>]

From: [Jeff Neal](#)
To: [Beach, Kathy A.](#)
Cc: [Chad Eken](#)
Subject: FW: Courtenay - Cultural Survey and Wetland Addendums
Date: Tuesday, October 07, 2014 2:31:58 PM
Attachments: [SHPO Response Letter 082814.pdf](#)
[Final Courtenay Wetland Report Addendum.pdf](#)
[Final Cultural Courtenay Addendum 080414.pdf](#)

Kathy,

Please find attached documents we received from the developer of the project, Geronimo Energy, in regards to the laydown yard areas.. Please advise if this is enough information to move forward with issuance of the driveway permits or if additional information needs to be provided. Thank you for your assistance with all of this.

Thank you,

Jeffrey Neal | Project Manager | Wind Energy Group | Wanzek Construction, Inc. |
p: 701-492-1312 | c: 903-393-9225 | e: jneal@wanzek.com

**ZERO
INJURIES**

WANZEK

"Safety-It's not just in your in mind; It's in your hands"

From: Patrick Smith [<mailto:Patrick@geronimoenergy.com>]
Sent: Monday, October 06, 2014 10:42 AM
To: Chad Eken
Cc: Joe M. Ibrahim; Jeff Neal; Jay L. Hesse; Michael P. Morris
Subject: Courtenay - Cultural Survey and Wetland Addendums

Chad,

Per our emails last week, attached are the wetland and cultural surveys for the laydown areas. The wetland report didn't find any wetland that would be impacted so it hasn't been transmitted to the Corps. If the DOT needs a letter back from the Corps concurring I can get that.

Patrick Smith
Director of Env. Planning
7650 Edinborough Way
Edina, MN 55435
Phone: 952-988-9000
Geronimo Energy



North Dakota Department of Transportation

Grant Levi, P.E.
Director

Jack Dalrymple
Governor

October 3, 2014

Jeff Neal
Project Manager – Wind Energy Group
Wanzek Construction, Inc.

REQUEST TO INSTALL AN APPROACH

It will be necessary for you to contact the United States Army Core of Engineers (USACE) at 701-255-0015 for an official Jurisdictional Determination of the proposed locations for the driveway located at RP 28.9011, 30.371 and 30.546 along ND Hwy 9.

Please forward any correspondence received from the USACE addressing the official Jurisdictional Determination concerns for consideration in the approval of the Driveway Application & Permit.

The proposed driveway may require the installation of culverts. If a culvert is needed at any of the locations the length will be provided on the approved permit.

I have provided a copy of the permit application for your use.

Please let me know if you have any questions.

Thank You,

A handwritten signature in black ink, appearing to read "Kathy Beach".

Kathy Beach
Valley City District Maintenance Coordinator

Enclosures

From: [Chad Eken](#)
To: [Beach, Kathy A.](#)
Subject: RE: Driveway Applications
Date: Friday, September 26, 2014 1:00:45 PM

In the description section we have done exactly that.

We are waiting our insurance certificate and will then send everything over at one time.

Thanks.

Chad Eken | Senior Project Manager | Wind Energy | **Wanzek Construction, Inc.** |
a MasTec Company | p: 701-893-3688 | c: 701-212-5731 | f: 701-282-6166 | e: ceken@wanzek.com

ZERO
INJURIES

WANZEK

"Safety-It's not just in your mind; it's in your hands"

From: Beach, Kathy A. [<mailto:kbeach@nd.gov>]
Sent: Friday, September 26, 2014 12:59 PM
To: Chad Eken
Subject: RE: Driveway Applications

Yes it is fine to email me the permits – make note on the permits that they are temporary

Thank You,

Kathy

From: Chad Eken [<mailto:ceken@wanzek.com>]
Sent: Friday, September 26, 2014 10:46 AM
To: Beach, Kathy A.
Subject: RE: Driveway Applications

Kathy,

Thank you for this information.

Two of these will be temporary and one could potentially be permanent but at this time I would say that all three will be temporary for construction. We will have some permanent driveways that will be submitted this winter.

Is it acceptable to email these permits to you?

Chad Eken | Senior Project Manager | Wind Energy | **Wanzek Construction, Inc.** |
a MasTec Company | p: 701-893-3688 | c: 701-212-5731 | f: 701-282-6166 | e: ceken@wanzek.com

ZERO
INJURIES

WANZEK

"Safety-It's not just in your mind; it's in your hands"



TETRA TECH

August 4, 2014

Patrick Smith
Geronimo Energy
7650 Edinborough Way, Suite 725
Edina, Minnesota 55435

Subject: **Wetlands and Waters Survey Addendum**
Courtenay Wind Farm
Stutsman County, North Dakota

Dear Mr. Smith:

Geronimo Energy (Geronimo) contracted with Tetra Tech, Inc., (Tetra Tech) to conduct a wetlands and waters survey of its proposed Courtenay Wind Farm project (the Project), located in Stutsman County, North Dakota. The results of this survey were presented in a report dated October 2013. This addendum to the October 2013 report presents the finding of additional survey efforts completed in the spring of 2014 for the proposed Courtenay Wind Farm construction laydown area and batch plant.

This Wetlands and Waters Survey Addendum provides a description of wetlands and other surface waterbodies identified within the survey corridor addition, which includes the 12-acre laydown area and the 4-acre batch plant sites. This report includes a description of the methods used to evaluate and delineate wetlands and waterbodies, agency consultation, survey results, and conclusions.

METHODS

Prior to and during the wetlands and waters survey, available information was reviewed to identify areas that may exhibit wetland and other surface water characteristics. These data layers were evaluated as a whole to make probable wetland and other waters determinations. Reviewed information included aerial photographs, the U.S. Geological Survey (USGS) National Hydrological Dataset (NHD), the National Wetlands Inventory (NWI), the Soil Survey Geographic database (SSURGO), and the Stutsman County Soil Survey.

The purpose of the wetlands and waters survey was to identify the presence and location of potential wetlands and other surface waters within the survey corridor. Wetlands were not delineated in accordance with the U.S. Army Corps of Engineers (USACE) Wetlands Delineation Manual¹ and the Regional Supplement². Approximate boundaries for potential wetlands identified within the survey corridor were estimated based on reviewed desktop data and visual indications of hydrology, hydrophytic vegetation and topography. Observations of each potential wetland identified during the survey were documented in a field notebook that is on record at the Tetra Tech office in Bloomington, Minnesota.

¹ Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. Vicksburg, MS: U.S. Army Engineer Waterways Experiment Station. Available online at <http://el.erdc.usace.army.mil/wetlands/pdfs/wlman87.pdf>.

² USACE. 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region. ERDC/EL TR-10-1, U.S. Army Engineer Research and Development Center, Vicksburg, MS.

A GIS specialist designed a geodatabase specifically for the Project that was used to capture wetland and non-wetland feature location data in the field using Trimble GPS technology, as well as to manage and display features for quality control and electronic deliverables. The geodatabase was loaded on a Trimble GeoExplorer 6000 Series hand-held GeoXH GPS with sub-meter accuracy running both ESRI's ArcPad 10 and Trimble GPS Correct Software Packages. After the field data were post-processed, the biologists who captured the field data conducted a quality control review of the geodatabase to ensure the features collected correspond with field observations

RESULTS AND CONCLUSIONS

The wetlands and waters survey for the survey corridor addition for the Project was conducted on May 23, 2014. During the wetlands and waters survey, Tetra Tech identified three additional seasonally flooded wetlands in the vicinity of the proposed batch plant and no new wetland or water features in the vicinity of the proposed laydown area. However, none of the wetlands identified will be impacted by the Project. Wetlands identified during the wetlands and waters survey are presented on **Figure 1** (attached).

Each wetland and water feature identified during the wetlands and waters survey was reviewed for potential USACE jurisdiction in accordance with USACE and Environmental Protection Agency (EPA) guidance^{3,4}. Application of the significant nexus criteria to the wetlands identified during the wetlands and waters survey found that none of the identified wetlands have a significant nexus to a traditional navigable water (TNW). Tetra Tech recommends that none of the wetlands identified during the wetlands and waters survey are subject to Section 404 jurisdiction. However, only the USACE can make the final determination on the jurisdiction of wetlands and waters.

USFWS CONSULTATION

Tetra Tech consulted with the U.S. Fish and Wildlife Service (USFWS) Chase Lake Wetland Management District regarding wetland basins in the vicinity of the proposed laydown area, which is located on a USFWS easement tract. Mr. Neil Shook, Chase Lake Refuge Manager, was the primary point of contact during the consultation.

Tetra Tech provided Mr. Shook with the GIS shapefiles of the identified wetlands and project facilities (laydown area and batch plant) to review and confirm that no basins are located within the proposed laydown area. Mr. Shook responded on July 29, 2014 and indicated that he had reviewed Tetra Tech's survey results and concurred that there are no USFWS protected wetlands within the boundary of the laydown area. **However, there are several NWI mapped wetlands just west of the proposed laydown area and Mr. Shook indicated that construction and maintenance of the laydown area should be conducted in such a way that these wetlands are not indirectly impacted.**

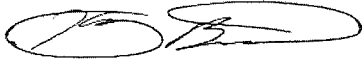
³ USACE. 2007. RGL 07-01 "Practices for Documenting Jurisdiction under Section 9 & 10 of the Rivers & Harbors Act (RHA) of 1899 and Section 404 of the Clean Water Act (CWA)." June 5. Available online at <http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl07-01.pdf>.

⁴ USACE and EPA. 2007. USACE Jurisdictional Determination Form Instructional Guidebook. May 12.

If you should have any questions or comments concerning this report, please feel free to contact Wetland Specialist Kathy Bellrichard at 612 643-2233 or kathy.bellrichard@tetrattech.com, or Senior Project Manager Kimberly Gorman at 612-643-2224 or kim.gorman@tetrattech.com.

Sincerely,

TETRA TECH



Kathy Bellrichard
Wetland Specialist



For

Kimberely Gorman
Senior Project Manager

Attachments: Figure 1: Wetland Survey Results



8/4/2014 8:11 AM S:\Projects\Geronimo\Courtenay\GIS\WetlandReport\072014.mxd kathybell@tetra

Source: NAIP 2012 Aerial, PLS, Tiger Road data, NW1 Wetlands, USFWS Wetland Easements. Project boundary and substation (6/5/13); turbines (7/24/13), access roads (10/10/13) and primary collection (8/5/13) provided by Geronimo Energy, and wetland survey data collected by Tetra Tech through September 2013. Projection: UTM NAD 83, Zone 14 North.

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- Facility Layout 07/24/13
 - Proposed Turbine Location
- Facility Layout 10/10/13
 - Proposed Access Road
 - Proposed Access Road Alt
- Primary Layout 8/5/13
 - Proposed Collection Line
 - Proposed Batch Plant
 - ▨ Proposed Laydown Area
 - ☞ Surveyed Wetland/Water Feature
 - ☞ Drainage Ditch/Swale
 - ☞ National Wetland Inventory
 - Survey Corridor
 - Project Boundary
 - USFWS Wetland Easement

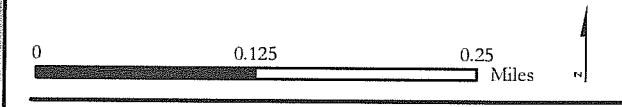


Figure 1: Wetland Survey Results
 Courtenay Wind Farm
 Stutsman County, North Dakota





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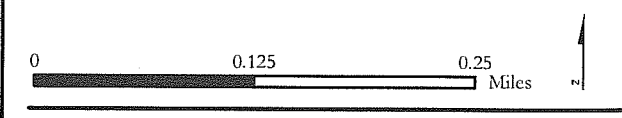


Figure 1: Wetland Survey Results
Courtenay Wind Farm
Stutsman County, North Dakota



Source: NAIP 2012 Aerial, PLS, Tiger Road data, NWI Wetlands, USFWS Wetland Easements. Project boundary and substation (6/5/13), turbines (7/24/13), access roads (10/10/13) and primary collection (8/5/13) provided by Geronimo Energy, and wetland survey data collected by Tetra Tech through September 2013. Projection: UTM NAD 83, Zone 14 North.