



Public Service Commission

State of North Dakota

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April 18, 2018

Mr. David Moeller, Senior Attorney
ALLETE, Inc.
30 West Superior Street
Duluth, MN 55802

Re. Keith Kessler Complaint, Case Nos. PU-13-127 & I-15-0195

Dear Mr. Moeller:

The attached staff memos and emails summarize and provide history regarding a complaint from Mr. Keith Kessler regarding the Bison IV wind project. In summary, Mr. Kessler alleges insufficient reclamation of Mr. Kessler's land.

I am aware that there have been settlement discussions with the Kesslers regarding these issues, but it appears those discussions have stalled. The purpose of this letter is to set a path forward towards resolving the reclamation issues.

The attached May 15, 2017 staff memo and maps detail remaining reclamation issues as was determined with Mr. Kessler during and following an April 14, 2017 staff visit to the Kessler ranch. The maps were provided by Mr. Kessler showing locations he identified where additional reclamation work needs to be done.

These reclamation issues need to be resolved with this coming spring thaw. Therefore, beginning May 1, 2018, please file weekly reclamation progress and status reports with the Commission in Case Nos. PU-13-127 & I-15-0195 until the reclamation is complete.

Please let me know if you have questions.

Thank you.

Jerry Lein
Staff Engineer.

109 PU-13-127 Filed: 4/18/2018 Pages: 6
Letter requesting weekly reclamation progress and status reports

Public Service Commission Staff

Jerry Lein

Lein, Jerry R.

From: Lein, Jerry R.
Sent: Monday, May 15, 2017 9:56 AM
To: 'rancher@westriv.com'; 'Wade Isaacson (ARR)'; 'smonroe@allete.com'
Cc: Schuh, John M.; Hamre, John G.; David Moeller (ALLETE) (dmoeller@allete.com); Daniel McCourtney (ALLETE) (dmccourtney@allete.com)
Subject: Kessler Site Visit.docx
Attachments: Kessler Site Visit.docx; doc18598820170515095607.pdf

Attached is a summary of remaining issues as discussed during our site visit to the Kessler ranch on April 14th. Please respond to confirm these issues or to let me know if I have missed anything.

Thank you.

Jerry Lein
701 328=1035

MEMORANDUM

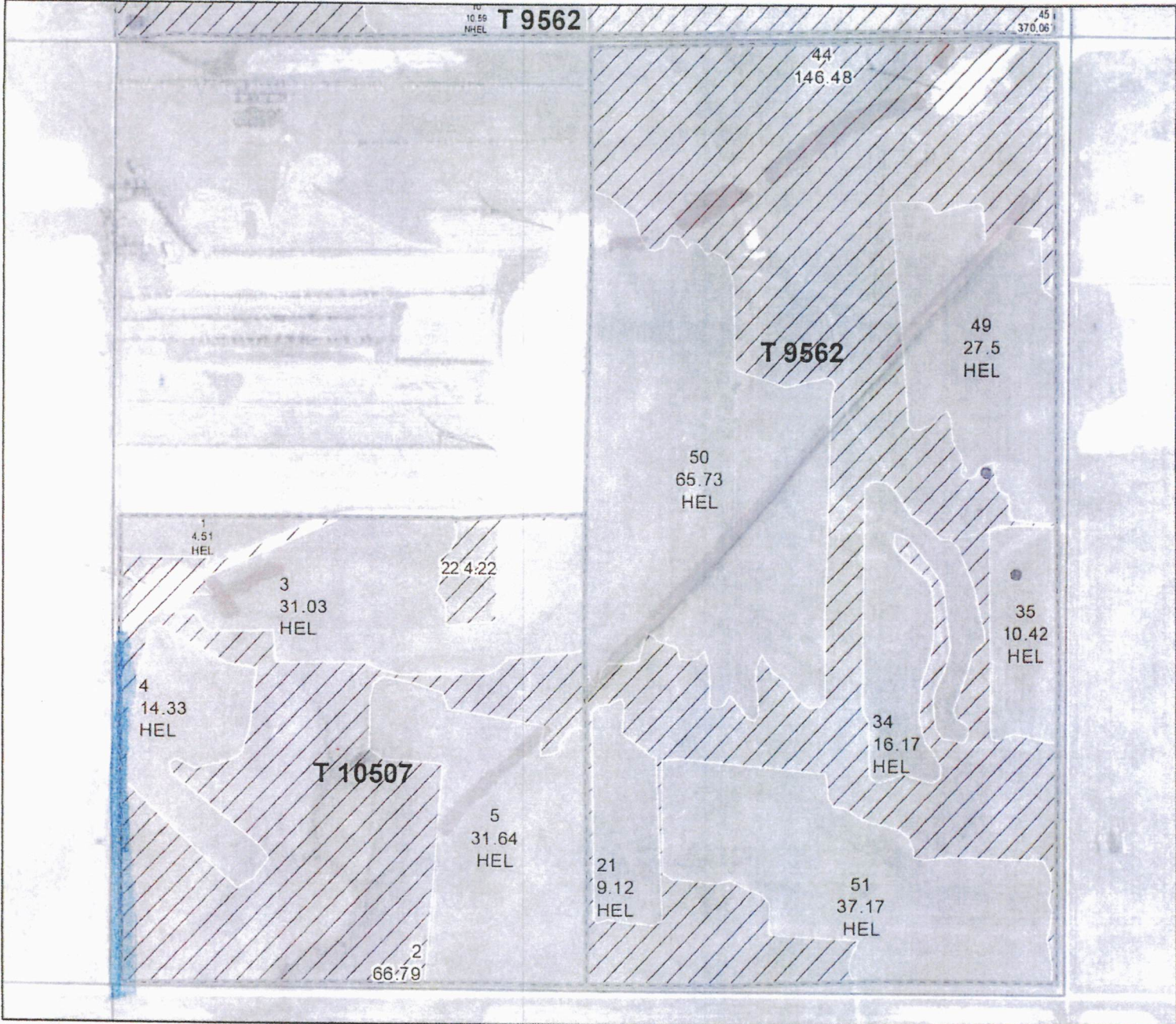
To: File Case No. I-195
Fr: John Shuh and Jerry Lein
Da: May 15, 2017
Re: Kessler Complaint re Bison 4 Project
Summary of Issues

On Friday, April 14, we visited the Keith Kessler Ranch in response to complaints from the Kesslers regarding reclamation issues on their land and a turbine placed too close to a residence now occupied by their son. Present for the site visit were Mr and Mrs Kessler along with ALLETE ROW agents Wade Isaacson and Scott Monroe. What follows is a summary of issues:

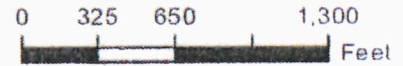
1. There are areas with washouts, ruts, rocks, weeds and other minor reclamation issues including a need for further de-compaction and reseeding along portions of crane walk paths. Mr. Kessler provided the attached map of his property detailing where these areas requiring further attention are located
2. MN Power replaced several segments of fence wire but there are numerous remaining areas with splices in fencing wire that Mr. Kessler believes should be replaced with new fencing.
3. There was a cattle guard on an access road to Turbine #441 that was not working because it had not been installed properly. There was also a question concerning whether a fence should be routed around or across the 441 turbine pad.
4. Turbine #441 is located within approximately 1200 feet of a residence occupied by the Kessler's son resulting in noise, shadow flicker and other issues at the residence. The residence was not occupied when Bison 4 was sited and constructed. Mr and Mrs Kessler state they informed the ROW agents before the turbine was sited that they did not want turbines near that residence because their son was planning to occupy it.

Noxious Weeds

Reclamation
Grass + Alfalfa
Reseeding
Farm 5722



S21 T141N R87W
2017 Program Year
Map Created March 08, 2017



- Unless Otherwise Noted:**
- Alfalfa = for Forage
 - Barley = Spring for Grain
 - Canola = Spring for Processing
 - Corn = Yellow for Grain
 - Flax = Common for Grain
 - Grass = GMA for Grazing
 - Mixed Forage = IGS for Grazing
 - Oats = Spring for Grain
 - Soybeans = Common for Grain
 - Sunflowers = Oil for Grain
 - Wheat = Spring for Grain
 - All fields are non-irrigated
 - Shares are 100% to operator

Common Land Unit

- Tract Boundary
- Non-Cropland
- Cropland
- PLS

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation
- Compliance Provisions

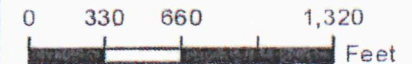
United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership, rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS). The imagery displayed on this map was collected in calendar year 2016.

Reclamation
Cattle ground

Farm 5722

S15 T141N R87W
2017 Program Year

Map Created March 08, 2017



Unless Otherwise Noted:

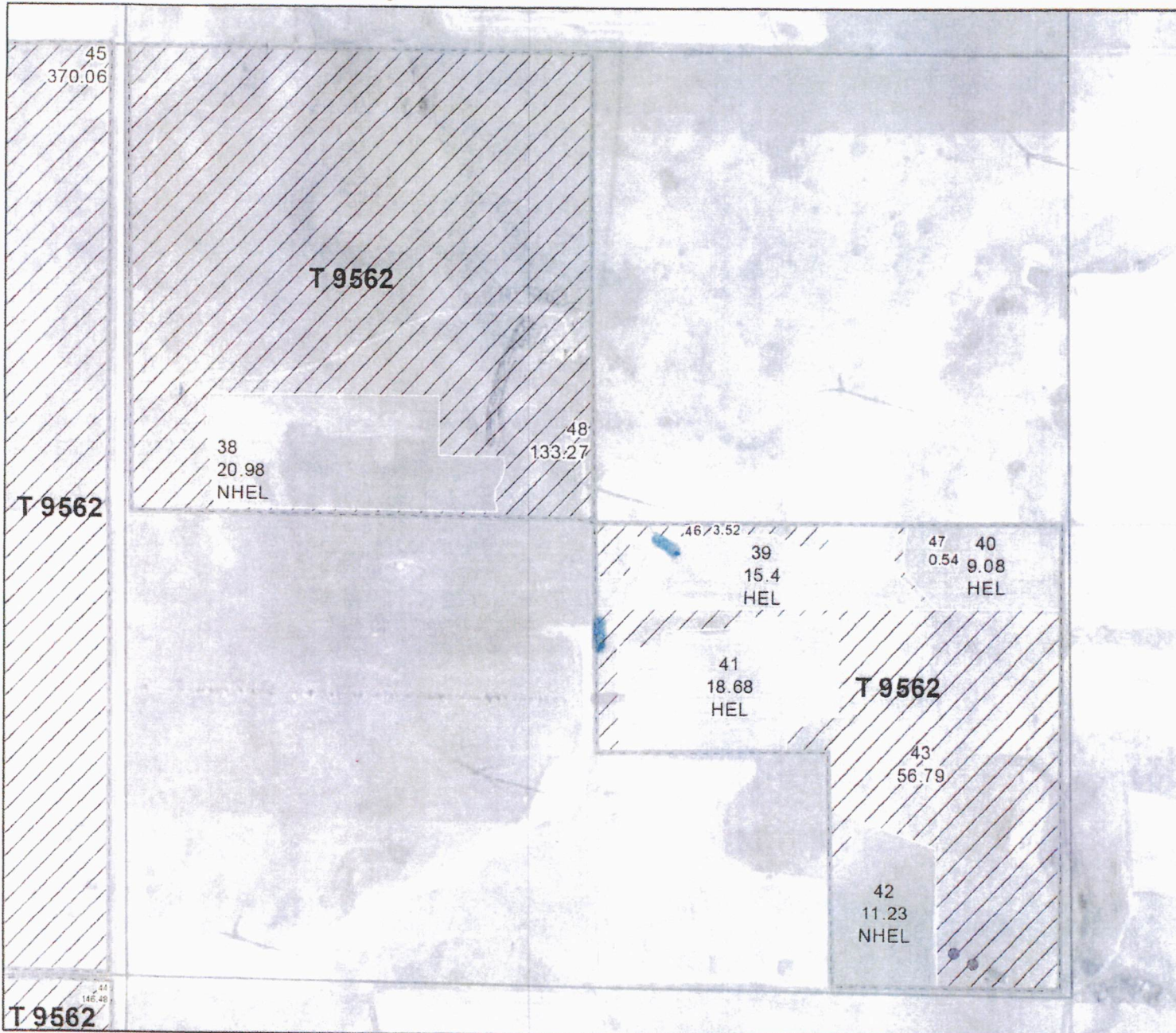
- Alfalfa = for Forage
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- Grass = GMA for Grazing
- Mixed Forage = IGS for Grazing
- Oats = Spring for Grain
- Soybeans = Common for Grain
- Sunflowers = Oil for Grain
- Wheat = Spring for Grain
- All fields are non-irrigated
- Shares are 100% to operator

Common Land Unit

- Tract Boundary
- Non-Cropland
- Cropland
- PLSS

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation
- Compliance Provisions

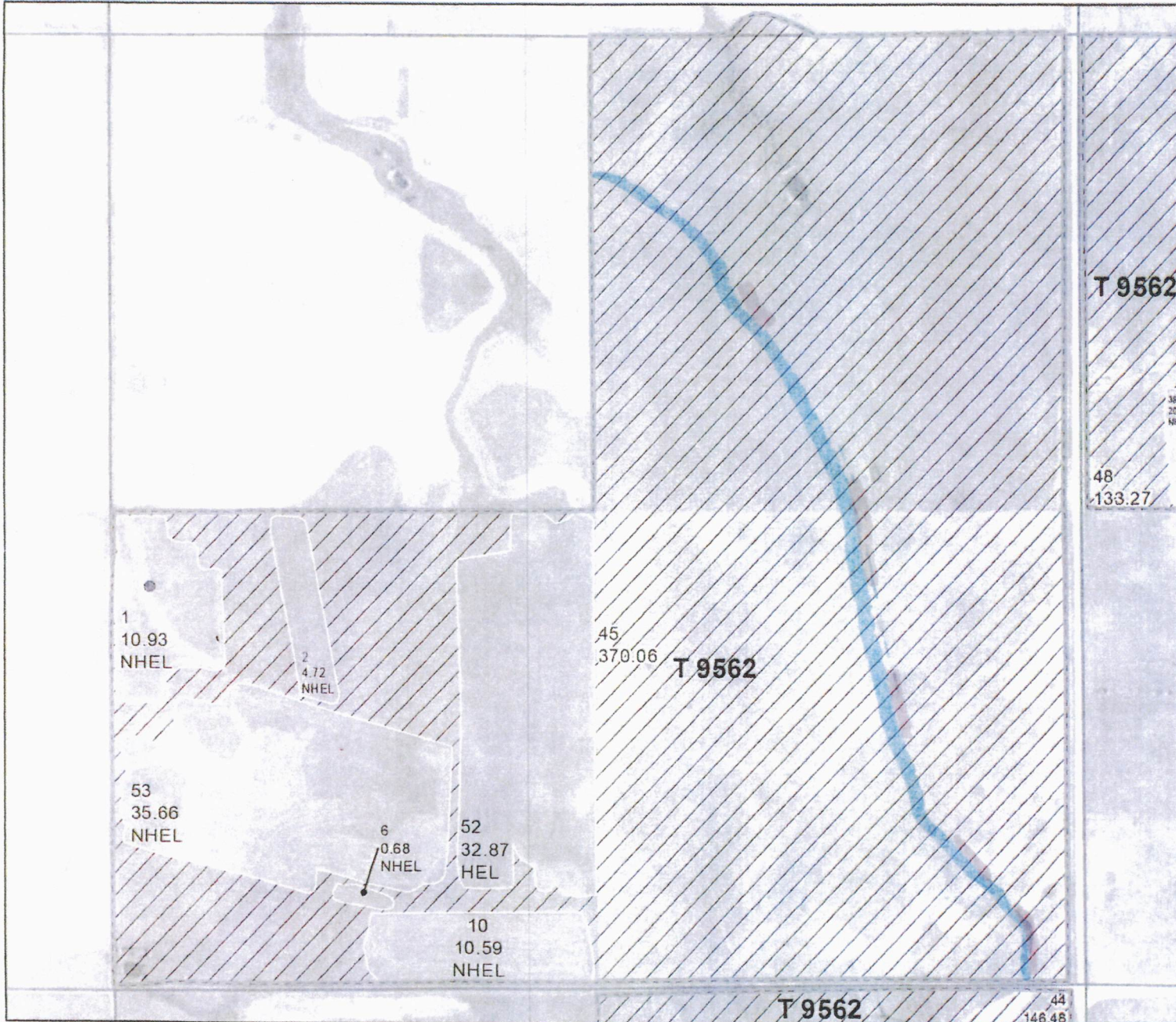
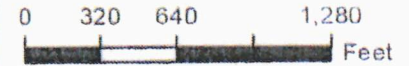


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Reclamation
Crain walk
completion

Farm 5722

S16 T141N R87W
2017 Program Year
Map Created March 08, 2017



- Unless Otherwise Noted:**
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 - Flax = Common for Grain
 - Grass = GMA for Grazing
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 - Oats = Spring for Grain
 - Soybeans = Common for Grain
 - Sunflowers = Oil for Grain
 - Wheat = Spring for Grain
- All fields are non-irrigated
Shares are 100% to operator

Common Land Unit

- Tract Boundary
- Non-Cropland
- Cropland
- PLSS

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation
- Compliance Provisions

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