

# AS-BUILT CONSTRUCTION INSPECTION REPORT

Sunflower Wind Project, LLC  
Sunflower Wind Project  
Morton and Stark Counties, North Dakota  
Case No. PU-14-105

*Prepared for:*

North Dakota Public Service Commission  
Jerry Lein  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505

*July 31, 2017*



600 S. 2<sup>nd</sup> Street, Suite 105  
Bismarck, ND 58504  
Tel 701-255-1475  
Fax 701-255-1477  
[www.carlsonmccain.com](http://www.carlsonmccain.com)

ENVIRONMENTAL • ENGINEERING • LAND SURVEYING

## **TABLE OF CONTENTS**

EXECUTIVE SUMMARY .....	1
BACKGROUND .....	2
1.1 Introduction .....	2
1.2 Purpose and Scope of Inspection .....	2
PROJECT REVIEW .....	3
2.1 Methods .....	3
2.2 Orders .....	3
2.3 Certification Relating to Order Provisions .....	3
CONCLUSION .....	16

## EXECUTIVE SUMMARY

The North Dakota Public Service Commission (Commission) has granted an order allowing construction of Sunflower Wind Project, LLC's - Sunflower Wind Project. The project consists of 52 2.0-MW Vestes wind turbines and a substation that connects to the U.S. Department of Energy, Western Are Power Administration's Dickinson-Mandan 230 KV transmission line.

The Commission issued its Finding of Fact, Conclusion of Law and Order of the Commission in Case No. PU- 14-105 dated June 25, 2014, granting a Certificate of Site Compatibility for an Energy Conversion Facility No. 39. The Project construction was reported as complete the week of November 26, 2016.

The Commission retained Carlson McCain, Inc. (Carlson McCain) to complete construction inspections applying engineering and science principles for the purpose of ensuring that the Project has been constructed in compliance with the siting laws (N.D.C.C. 49-22), rules (N.D. Administrative Code Article 69-09) and applicable Commission orders. An as-built construction inspection was completed on July 18, 2017

Overall, the Project appears to be constructed as designed with minimal impacts to the surrounding natural and human environment. Due to unusually dry conditions, revegetation of reclaimed areas has not been successful to date. Carlson McCain has identified the following issues to be resolved and recommends that the Commission request the following documentation:

- Monitor grassland revegetation efforts to ensure adequate ground cover for erosion control
- Monitor tree planting. Replace unsuccessful plantings.

The Commission will need to decide whether these recommendations are necessary to fulfill Project obligations. Carlson McCain is under contract to perform a reclamation and revegetation inspection next year.

After review of the Commission case docket and multiple site inspections, Carlson McCain has found the Hess Sunflower Wind Project (Case No. PU-14-105) has been constructed in compliance with the siting laws (N.D.C.C. 49-22) and rules (N.D. Administrative Code Article 69-06-08) and applicable Commission orders.

## **BACKGROUND**

### **1.1 Introduction**

The North Dakota Public Service Commission (Commission) has granted an order allowing construction of a Sunflower Wind Project, LLC – Sunflower Wind Project. The Wind Conversion Facility consists of a 7-acre temporary construction laydown yard, a 5.5-acre Substation, a 2-acre temporary concrete batch plant, and 52 wind turbine sites and associated access roads, crane walking paths and collection lines. The Project is located in Sections 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, and 31 of Township (T) 139 North (N), Range (R) 90 West (W), and Sections 24, 25, 26, and 36 of T139N, R91W approximately three miles south of Hebron, ND in Morton and Stark Counties.

The Commission issued its Finding of Fact, Conclusion of Law, and Order of the Commission in Case No. PU- 14-105 dated June 25, 2014, granting a Certificate of Site Compatibility for an Energy Conversion Facility No. 39. The Project construction was reported as complete the week of November 26, 2016.

### **1.2 Purpose and Scope of Inspection**

The North Dakota Energy Conversion and Transmission Facility Act (North Dakota Century Code Chapter 49-22) authorizes the Commission to determine that the location, construction, and operation of jurisdictional energy conversion and transmission facilities will produce minimal adverse effects on the environment and the welfare of citizens of North Dakota. Construction inspections ensure the project is constructed in compliance with the siting laws and rules and the applicable Commission Findings of Fact, Conclusions of Law, and Order (Order).

The Commission retained Carson McCain to complete a construction inspection of the Project. The inspection process included a review of the Siting Plan, Order, and other applicable documents to determine Project-specific siting and construction requirements; a site visit and inspection of facilities; documentation of compliance; and a report summarizing findings. This report includes, but is not limited to, documentation of site visit observations, documentation of compliance deficiencies, and a summary of issues that should be addressed for the Project to be considered complete and in full compliance.

## **PROJECT REVIEW**

### **2.1 Methods**

Carlson McCain reviewed North Dakota siting laws and rules, the Applications for the Certificate of Corridor Compatibility and Route Permit (Application), and the Order for the Project to identify what Project-specific documentation was required for compliance. Carlson McCain then reviewed Project documents in the Commission Online Case Search to identify those siting laws and rules and Application and Order assertions that had written verification, those that still required documentation, and those that required physical site verification.

Carlson McCain Inspector, Sean Garry, met with Paul Crossland, SunEdison – Assistant Project Manager, at the project site on July 18, 2016 and conducted the first construction inspection. On November 15, 2016 Carlson McCain Inspector, Mike Fettes, conducted a second construction inspection with Ryan Hartleben, Solas Energy Consulting – Project Manager. The final as-built construction inspection was performed by Carlson McCain Inspector, Chad Tucker, along with Jon Johnson of Solas Energy Consulting.

### **2.2 Orders**

The following section includes discussion of the list of components of the Project that were asserted in the Application and Order which could be documented during the post-construction inspection to verify compliance with siting laws, rules and the Order for the Project, by either written documentation or physical site verification.

On June 25, 2014 the Commission ordered:

1. The Hearing Officer's May 12, 2014 Recommended Findings of Fact, Conclusions of Law and Order, a copy of which is attached to and made a part of this order, is ADOPTED as the Public Service Commission's Findings of Fact, conclusions of Law and Order.
2. Certificate of Site Compatibility for an Energy Conversion Facility No. 39 is issued to Sunflower for the construction, operation and maintenance of an energy conversion facility known as the Sunflower Wind Energy Project.

### **2.3 Certification Relating to Order Provisions**

The Commission issued the Certificate of Site Compatibility for Sunflower Wind Project, LLC's Sunflower Wind Project – Morton and Stark Counties, Energy Conversion Facility No. 39 on June 25, 2014. Mr. Derek Harding, a representative of Sunflower Wind Project, LLC (Company) with authority to bind Company to requirements to be set forth by the Commission in its Order and certified the following:

- 1. Company understands and agrees that the Certificate of Site Compatibility will be issued by the Commission subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.**

*Docket #25 - Findings of Fact, Conclusions of Law and Order. No issues of blatant non-compliance with this order and conditions and criteria set forth in the applicable laws and rules have been found.*

*Order #1 is considered satisfied.*

- 2. Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.**

*Docket #44, Notice of intent to start construction, pre-construction conference call notes. Filed on December 12, 2014. The pre-construction conference call occurred on December 11, 2014.*

*Docket #44 also includes Final Environmental Assessment for the Sunflower Wind Project; Finding of No Significant Impact for the Sunflower Wind Project; State Historic Preservation Office Concurrence Letter; Limited construction Area Map; and Typical Road Section Detail.*

*Order #2 is considered satisfied.*

- 3. Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the proposed energy conversion facility including all city, township, and county zoning regulations.**

*Docket #3, Application for Certificate of Site Compatibility. Company agrees to comply with the Energy Conversion and Transmission Facility Siting Act Chapter 49-22, including all city, township, and county zoning regulations.*

*Docket #25. Finding of Fact, Conclusions of Law and Order. Company signs agreement acknowledging regulations and consent.*

*Docket #44, Notice of intent to start construction implies that Company acknowledges all jurisdiction and zoning obligations.*

*Order #3 is considered satisfied.*

- 4. Company understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the energy conversion facility that require said license or permit.**

*Docket #3, Application for Certificate of Site Compatibility. Company agrees to comply with the Energy Conversion and Transmission Facility Siting Act Chapter 49-22, including all city, township, and county zoning regulations.*

*Docket #25. Finding of Fact, Conclusions of Law and Order. Company signs agreement acknowledging regulations and consent.*

*Docket Items #72 and #76 outline Permits acquired by Company.*

*Order #4 is considered satisfied.*

- 5. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the energy conversion facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated of construction activities on a weekly basis.**

*Docket Item #54 identifies Carlson McCain as the third-party inspector.*

*Docket #63, preconstruction conference minute, notice of intent to resume construction. Expectation between PSC, Company, and third-party construction inspector were outlined and documented.*

*Weekly progress reports were submitted by Company and filed in Docket items #64-71, #80-82, #90-92, #94, #96, #101, #104-106, #111-113, #115-116, and #118-122.*

*Order #5 considered satisfied pending submittal of outstanding documentation.*

- 6. Company understands and agrees that the Certificate of Site Compatibility is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission's order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting (item 6), acknowledging terms of the Certificate of Site Compatibility.*

*Order #6 considered satisfied.*

7. **Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission’s order and the Certificate of Site Compatibility, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting acknowledging terms of the Certificate of Site Compatibility.*

*Order #7 considered satisfied.*

8. **Company agrees to construct and operate the energy conversion facility in accordance with all applicable safety requirements.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting acknowledging terms of the Certificate of Site Compatibility.*

*Order #8 considered satisfied.*

9. **Company agrees to construct and operate the energy conversion facility in the manner described in Company’s application, in any late files exhibits, and supplemental materials, (Application). To the extent there are any conflicts or inconsistencies between Company’s Application and the provisions in this Certification Relating to Order Provisions, the Certification provisions control.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting acknowledging terms of the Certificate of Site Compatibility.*

*Revised Late-Filed Exhibit 4 is filed under Docket Item #22, dated June 12, 2014. A Supplemental Order was filed in Docket Item #49 on January 7, 2015*

*Order #9 considered satisfied.*

10. **Company agrees to report promptly to the Commission the presence in or near the approved site of any critical habitat of threatened species, endangered species, bald eagles, or golden eagles that Company becomes aware of and which were not previously reported to the Commission.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting acknowledging terms of the Certificate of Site*

*Compatibility. No critical habitat of threatened or endangered species, or bald or golden eagles were reported.*

*Order #10 considered satisfied.*

- 11. Company understands and agrees that all cultural resource mitigation plans must be submitted to the North Dakota State Historic Preservation Office and approved prior to the start of any fieldwork and construction activity in the affected area.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting acknowledging terms of the Certificate of Site Compatibility.*

*Docket Item #31, Concurrence letters from WAPA and the State Historical Society, was filed on October 7, 2014.*

*Section 5.11 of the Application for A Certificate of Site Compatibility {Docket Item #17} - Cultural, Historical, and Architectural Resources, identifies existing conditions, potential impacts, and mitigative measures implemented by the Company.*

*Order #11 considered satisfied.*

- 12. Company understands and agrees that if any cultural resources, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made by the State Historical Society, a report of such examination is filed with the Commission, and clearance of proceed is given by the Commission.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting acknowledging terms of the Certificate of Site Compatibility.*

*Section 5.11 of the Application for A Certificate of Site Compatibility {Docket Item #17} - Cultural, Historical, and Architectural Resources, identifies existing conditions, potential impacts, and mitigative measures implemented by the Company.*

*Order #12 considered satisfied.*

- 13. Company understands and agrees that all buried facility crossings of graded roads must be bored unless the responsible governing agency specifically permits Company to open cut the road.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting acknowledging terms of the Certificate of Site Compatibility.*

*Construction inspections (Docket Items #73 and #127) indicate no graded roads were cut through during construction.*

*Order #13 considered satisfied.*

- 14. Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the energy conversion facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting acknowledging terms of the Certificate of Site Compatibility.*

*Order #14 considered satisfied*

- 15. Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or lands, unless adequate protection measures approved by the Commission are taken.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting, acknowledging terms of the Certificate of Site Compatibility. Weekly progress reports indicate that construction was halted at least once due to wet conditions.*

*Order #15 considered satisfied.*

- 16. Company understands and agrees that where available, at least 12 inches of topsoil over and along trench areas, roadways, tower locations, and locations of associated facilities shall be stripped and shall be segregated from the subsoil and be replaced only after the subsoils is replaced. Any area on which excavated subsoil will be placed must first be stripped of topsoil. After backfilling with subsoil is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting acknowledging terms of the Certificate of Site Compatibility.*

*Construction inspections (Docket Items #73 and #127) indicate topsoil was stripped and separated and then replaced once excavations were complete.*

*Order #16 considered satisfied.*

- 17. Company understands and agrees that it shall bury all underground collection and feeder lines to a depth of at least 48 inches to the top of the lines.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting acknowledging terms of the Certificate of Site Compatibility*

*Order #17 considered satisfied.*

- 18. Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.**

*Reseeding Plan was filed under Docket Item # 117.*

*The as-built inspection indicated that, due to abnormally dry conditions, reseeding was not successful through the majority of the disturbance areas.*

*Order #18 will be considered satisfied once the reclamation and revegetation inspection is complete and with the Company commitment to monitor and maintain the Site as necessary.*

- 19. Company understands and agrees that its obligation for reclamation and maintenance of the approved site will continue throughout the life of the energy conversion facility.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting, acknowledging terms of the Certificate of Site Compatibility*

*Order #19 considered satisfied with vegetation establishment. A one-year post construction inspection will be conducted to verify*

- 20. Company is aware that North Dakota law requires that all companies that own or operate electric generation of any size for the primary purpose of resale must comply with the standards of the National Electrical Safety Code in effect at the time of construction of the generation facility, and agrees to comply with that requirement.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting, acknowledging terms of the Certificate of Site Compatibility.*

*Per Docket Item #17, Section 3.1.5, Company has entered ad 20-year power purchase agreement with Basin Electric – dated November 6, 2013*

*Order #20 considered.*

**21. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.**

*Tree and Shrub Mitigation Plan, Replacement Plan, and landowner contact letters are filed in Docket Item #124*

*The Memorandum was filed with the PSC November 30, 2016.*

*Order #21 considered satisfied pending the revegetation inspection.*

**22. Company understands and agrees that it shall repair or replace all fences and gates removed or damaged during all phases of construction and operation of the proposed energy conversion facility.**

*Construction inspections (Docket Items #73 and #127) indicate fences were replaced if impacted by construction activities.*

*Order #22 considered satisfied.*

**23. Company understands and agrees that it shall repair or replace all drainage tile broken or damaged as a result of construction and operation of the proposed energy conversion facility.**

*No drain tile was damaged during construction activities*

*Order #23 considered satisfied.*

**24. Company understands and agrees that it shall work with landowners and residents to mitigate any increase in television and residential radio interference that results from the construction of the energy conversion facility.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting, acknowledging terms of the Certificate of Site Compatibility.*

*Order #24 considered satisfied.*

- 25. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting, acknowledging terms of the Certificate of Site Compatibility. A 15-acre Laydown Yard was constructed for temporary storage of construction material, equipment and construction office per Docket Item #17.*

*Inspections indicated Company followed guidelines per Docket Items #73 and #127)*

*Order #25 considered satisfied.*

- 26. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.**

*Construction Inspections indicated waste was disposed of properly.*

*Order #26 considered satisfied.*

- 27. Company agrees that it shall, as soon as practicable upon the completion of the construction of each wind turbine, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.**

*During Construction Inspections (Docket Items #73 and #127) restoration activities were in a timely manner.*

*Weekly progress report that restoration was completed in a timely manner.*

*Order #27 considered satisfied.*

- 28. Company agrees that it shall provide, if requested, educational material for landowners within the site boundaries about the proposed energy conversion facility and any restriction or danger concerning the proposed energy conversion facility.**

*Docket Item #17 states “Sunflower has been working with the participating landowners within the Project area since 2009. Initial easements were signed at that time to allow the preliminary wind evaluation and other due diligence. Over time, additional landowners have joined and are participating in the Project. Sunflower has kept in close communication with landowners through Project updates, landowner*

*meetings, and mailings to keep them aware of the progress. Sunflower notified all landowners within the Project boundary and up to 1.5 miles outside of the Project boundary, inviting them to attend the three meetings discussed in Section 1.6.1. In addition, Sunflower advertised the two NEPA process scoping meeting invitations in the newspapers, and broadcast notices on the radio, including Dickinson Press, Bismarck Tribune, Hebron Herald, Bismarck KBMR-AM, RBMR-AM, KFYZ-AM, RFYZ-AM, KXMR-AM, and RXMR-AM”.*

*Order #28 considered satisfied.*

- 29. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the energy conversion facility.**

*In the Application for A Certificate of Site Compatibility (Docket Item #17), Section 5.7.2, Company outlines that it will obtain necessary permits and safety protocols will be implemented to ensure safe travel in the project area.*

*Order #29 considered satisfied.*

- 30. Company understands and agrees that it shall advise the Commission of any extraordinary events which take place at the site of the energy conversion facility, including injuries to any person, the death of any threatened or endangered species, a tower collapse, or a catastrophic turbine failure, within five business days of such event.**

*Docket Item #114 indicates that one accident occurred during construction. A subcontractor fell 10 feet off a ladder.*

*Order #30 considered satisfied.*

- 31. Company understands and agrees that it shall advise the Commission of the discovery of a large number of dead birds or bats on the site within five business days of such event.**

*No reports of dead birds or bats have been documented with the PSC. During the as-built inspection, biologists were observed on site conducting surveys.*

*Order #31 considered satisfied.*

- 32. Company understands and agrees that it shall implement a procedure for how complaints concerning the proposed energy conversion facility will be handled by Company**

*Per Docket Item #110, Company has an open door policy at the project site and all landowners have been invited to the site to meet the team. A Complaint Form has been filed. Company settles complaints within a 48 hour period.*

*Order #32 considered satisfied.*

- 33. Company agrees to provide the Commission with engineering design drawings showing surveyed structure and collection substation locations prior to construction.**

*Company submitted Docket Item #62 (Structure layout, CUP and SUP approvals, notice to start construction), detailing structure layout with coordinates for all of the physical structures.*

*Order #33 is considered satisfied.*

- 34. Company understands and agrees that it shall inform the Commission in writing of any plans to modify the energy conversion facility, or of any plans to modify the site plan for the energy conversion facility. Company understands and agrees to obtain written approval from the Commission prior to any modifications to the site plan or the energy conversion facility, associated facilities, and roadway locations. Approval may be granted after notice and opportunity for hearing.**

*Company submitted three requests for site revisions. Docket Items #84, #88, and #95. The requests were for 3 access road reroutes, 1 crane route modification, and 1 access ramp.*

*Order #34 considered satisfied.*

- 35. Company agrees to provide the Commission with both an electronic and a paper copy of the site approved by the Commission and the facility design specifications for the construction of the energy conversion facility showing the location of the energy conversion facility as built, and will provide this information within 3 months of the completion of the construction. Company also agrees to provide an electronic version of the site approved by the Commission and the facility design specifications for the construction of the energy conversion facility showing the location of the energy conversion facility as built that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the**

**appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.**

*An As-Built Survey (Docket Item #136) was conducted in June 2014 and July-August 2015. NAD83 Datum reference was used.*

*Order #35 considered satisfied.*

- 36. Company is aware that under North Dakota Century Code section 49-02-27 the Commission has rules for decommissioning of wind energy conversion facilities. Company agrees to comply with all decommissioning rules adopted by the Commission.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting, acknowledging terms of the Certificate of Site Compatibility.*

*Docket Item #17, Application for A Certificate of Site Compatibility – Section 4.4, outlines the decommissioning and restoration plan for the wind project.*

*Order #36 considered satisfied.*

- 37. Company understands and agrees that the authorizations granted by the Certificate of Site Compatibility for the energy conversion facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting, acknowledging terms of the Certificate of Site Compatibility.*

*Order #37 considered satisfied.*

- 38. Company understands and agrees that in the event Company desires to construct, within any site granted by a Certificate of Site Compatibility in this proceeding, an energy conversion facility that was not requested in Company's application in this proceeding, Company shall apply for a Certificate of Site Compatibility for the facility.**

*Company signed Docket #25, under Certification Relating to Order Provisions – Energy Conversion Facility Siting, acknowledging terms of the Certificate of Site Compatibility.*

*Order #38 considered satisfied.*

- 39. Company shall notify the Commission, as soon as reasonably possible, if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined and clearance to proceed has been given by the Commission.**

*During the As-Built Inspection, Mr. Jon Johnson (Construction Manager – Solas Energy Consulting US, stated that an underground fiber optic cable was damaged during construction. A One-Call had been in place; however, the damaged line was not marked. The damage was reported to the owner of the fiber optic cable and repaired.*

*Order #39 considered satisfied.*

- 40. The certificate of site compatibility is subject to suspension or revocation and may, after hearing, be suspended or revoked for failure to comply with the Commission's order, requirements of the One-Call Excavation Notice System under North Dakota Century Code Chapter 49-23, the conditions and criteria of the certificate or permit or subsequent modification, or failure to comply with applicable statutes, or rules, regulations, standards, and permits of other state or federal agencies.**

*Jon Johnson, Construction Manager - Solas Energy Consulting US, verbally acknowledge that One-Calls were placed for construction activities involving ground construction.*

*Order #40 considered satisfied.*

## CONCLUSION

Overall, the Project appears to be constructed as designed with minimal impacts to the surrounding natural and human environment. Due to unusually dry conditions, revegetation of reclaimed areas has not been successful to date. Carlson McCain has identified the following issues to be resolved and recommends that the Commission request the following documentation:

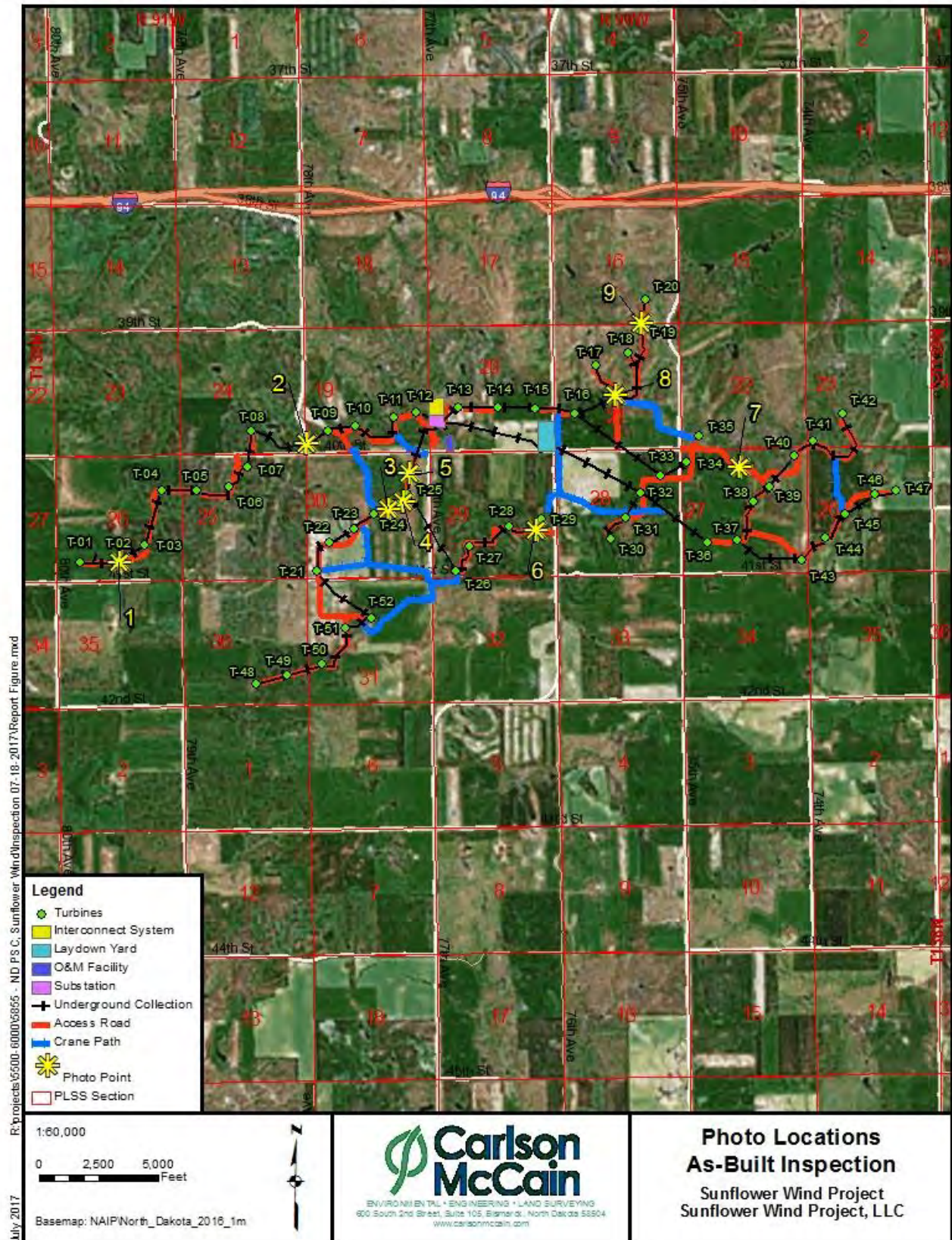
- Monitor grassland revegetation efforts to ensure adequate ground cover for erosion control
- Monitor tree planting. Replace unsuccessful plantings.

The Commission will need to decide whether these recommendations are necessary to fulfill Project obligations. Carlson McCain is under contract to perform a reclamation and revegetation inspection next year.

Pending results of the reclamation and revegetation inspection, Carlson McCain has found the Sunflower Wind Project (Case No. PU-14-105) has been constructed in compliance with the siting laws (N.D.C.C. 49-22) and rules (N.D. Administrative Code Article 69-06-08) and applicable Commission orders.

APPENDIX A

FIGURES





**Photograph 1. View of tree replacement planting in the NW1/4 of Section 26, T139N, R91W. The trees appeared to be poor health due to dry conditions.**



**Photograph 2. View looking east along the underground collection line located in the SW1/4 of Section 19, T139N, R90W. Turbines 09, 10, 11, 12 can be seen.**



**Photograph 3.** View looking northeast along the access road in Section 30, T139N, R90W. Turbine 24 is nearest. Note the lack of vegetative growth in the disturbed area along the road.



**Photograph 4.** View looking southwest along the access road in Section 30, T139N, R90W.



**Photograph 5. View of water diversion erosion control device placed in the access road along with a French drain.**



**Photograph 6. View paralleling underground collection line in the E1/2 of Section 29, T139N, R39W.**



**Photograph 7. View looking West from the N1/2 of Section 27, T139N, R90W. Turbine 35 is the nearest turbine.**



**Photograph 8. View looking west along an underground collection line in the southwest 1/4 of Section 21, T139N, R39W.**



**Photograph 9. View looking southwest from the Section line between Section 16 and Section 21, T139N, R90W. Turbines 18 and 19 can be seen.**