

August 19, 2015

VIA FEDERAL EXPRESS

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

RE: Rolette Power Development, LLC's Application for a Certificate of Site Compatibility for the Rolette Wind Power Project, Rolette County, North Dakota
Docket No. PU-15-124

Dear Mr. Nitschke:

At the June 29, 2015 public hearing on Rolette Power Development, LLC's ("Rolette Power") Application for a Certificate of Site Compatibility ("Application") for the Rolette Wind Power Project ("Project"), the North Dakota Public Service Commission ("Commission") requested additional information regarding an eagle nest reference in a letter to KLJ from the United States Fish and Wildlife Service ("USFWS") (*see* Appendix E to the Application, Hearing Exhibit No. 1). At the hearing, Rolette Power agreed to provide such information as a condition to an order granting a Certificate of Site Compatibility for the Project. As such, Rolette Power's proposed Findings of Fact, Conclusions of Law and Order, filed with the Commission on July 20, 2015, included the following provisions:

- Finding of Fact Paragraph No. 34 (on page 7): "At the public hearing, the Commission inquired regarding a reference by the USFWS in its 2013 consultation letter to eagle nests in proximity to the Project (*see* Appendix E of Hearing Exhibit No. 1). Rolette Power agreed to provide additional documentation regarding the presence or absence of eagle nests in proximity to the Project as a condition of this Order."
- Order Paragraph No. 16 (on page 11): "Rolette Power will submit additional documentation to the Commission regarding the presence or absence of eagle nests in proximity to the Project prior to beginning construction of the Project."

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Enclosed for filing in the above-referenced matter please find ten (10) copies of the Affidavit of Grady Wolf, which provides the eagle nest information requested by the Commission. Since the information is being provided prior to issuance of an order by the Commission, Rolette Power respectfully requests the following modifications to its proposed Findings of Fact, Conclusions of Law and Order:

- Modify proposed Finding of Fact Paragraph No. 34 (on page 7) as follows: “At the public hearing, the Commission inquired regarding a reference by the USFWS in its 2013 consultation letter to eagle nests in proximity to the Project (*see* Appendix E of Hearing Exhibit No. 1). ~~Rolette Power agreed to provide additional documentation regarding the presence or absence of eagle nests in proximity to the Project as a condition of this Order.~~ After further consultation with the USFWS and the NDGFD, on August 19, 2015, Rolette Power filed an affidavit with the Commission stating that: (1) three eagle nests are located in proximity to the Project Area (the closest being approximately 2.4 miles from the Project Area boundary), but no eagle nests are located within the Project Area; (2) since the eagle nests are located outside of the Project Area, Rolette Power has no plans to alter the Project layout from what was proposed at the June 29, 2015 public hearing due to the presence of the nests; and (3) Rolette Power will coordinate with the USFWS District Office in Bismarck regarding next steps concerning the eagle nests in proximity to the Project Area, including any potential mitigation measures that may be implemented.”
- Omit proposed Order Paragraph No. 16 (on page 11) in its entirety.

Electronic copies of this letter and the enclosed Affidavit were filed with the Commission today via e-mail. The original Affidavit and a copy of this letter will be hand-delivered to the Commission today, as well.

If you have any questions, please let me know.

Sincerely,



MOLLIE M. SMITH

MMS/ms
Enclosures

cc: Mr. John Schuh (w/ enclosure – via e-mail)
Mr. Jerry Lein (w/ enclosure – via e-mail)
Mr. Warren Enyart (w/ enclosure – via e-mail)
Mr. Grady Wolf (w/ enclosure – via e-mail)