

5. In response to the consultation letter from KLJ, the USFWS sent a letter in which it indicated that, based on USFWS data, “there is a documented eagle nest within the proposed project’s study boundary and several other bald eagle nests in proximity to your proposed project area.” A copy of the USFWS’s letter is provided in Appendix E to the Application (*see* Hearing Exhibit No. 1).

6. A response to the consultation letter was also received from the NDGFD on May 30, 2013, and the letter made no reference to bald eagle nests within or in proximity to the Project’s Study Area. A copy of the NDGFD’s letter is provided in Appendix E to the Application (*see* Hearing Exhibit No. 1). KLJ sent a follow-up e-mail to the NDGFD on June 18, 2015, and did not receive a response to that e-mail (*see* paragraph 11 below for a discussion of further KLJ-initiated consultation with NDGFD). A copy of the e-mail to the NDGFD is attached hereto as Exhibit A.

7. As I testified at the public hearing, Rolette Power requested additional information from the USFWS regarding the presence or absence of an eagle nest within the Project’s Study Area at in-person meetings prior to the public hearing on the Application, but the USFWS did not provide any additional information.

8. The NDGFD maintains an eagle nest database, to which KLJ has access via a license with the NDGFD. During environmental review of the Project, KLJ reviewed the NDGFD eagle nest database, which did not identify any eagle nests within or in proximity to the Project’s Study Area. In addition, KLJ did not identify any eagle nests within the Project Area during field surveys.

9. At the June 29, 2015 public hearing on Rolette Power’s Application, the North Dakota Public Service Commission (“Commission”) requested additional information regarding

the eagle nest reference in the USFWS's letter, and 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 as 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."

10. On July 14, 2015, KLJ consulted with Kevin Shelley with the USFWS regarding the USFWS's letter and the presence or absence of eagle nests within or in proximity to the Project's Study Area. Mr. Shelley directed KLJ to contact the NDGFD.

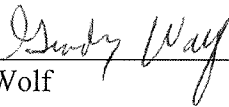
11. On July 16, 2015, I contacted Sandra Johnson with the NDGFD. On the same date, the NDGFD provided KLJ with eagle nest data, which indicates that a bald eagle nest is located within the Project's Study Area, and two bald eagle nests are located in proximity to the Project's Study Area. A map showing the approximate location of the three eagle nests, as well as the Project's Study Area and the Project Area, is attached hereto as Exhibit B.

12. The July 16, 2015 eagle nest data provided by the NDGFD was not included in the NDGFD eagle nest database to which KLJ has access via a license with the NDGFD.

13. Following receipt of the July 16, 2015 NDGFD eagle nest data, KLJ field-verified the location of the two eagle nests closest to the Project Area, both of which are active. One eagle nest is approximately 2.4 miles from the Project Area boundary, and the other eagle nest is approximately 4.5 miles from the Project Area boundary. No eagle nests are located within the Project Area.

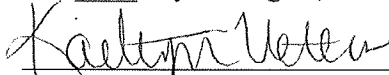
14. Rolette Power has been in contact with the USWFS District Office in Bismarck and will coordinate with that office regarding next steps concerning the eagle nests in proximity to the Project Area, including any potential mitigation measures that may be implemented. Since the eagle nests are located 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.

FURTHER AFFIANT SAYETH NOT.

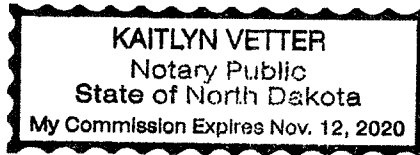


Grady Wolf

Subscribed and sworn to before me
this 19th day of August, 2015.



Notary Public



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From: Alex Nisbet <Alex.Nisbet@kljeng.com>
Sent: Thursday, June 18, 2015 9:14 AM
To: 'glink@nd.gov'
Subject: Rolette Wind Power Project
Attachments: PSC_REV_Project_Location.pdf

Greg,

On behalf of Rolette Power Development LLC., KLJ sent NDGF a scoping letter for the proposed project approximately two years ago. A hearing with the PSC will be held on June 29th and we are reaching out to all agencies that provided us with responses to the original scoping package. I have provided a brief description of the project below and attached a project location map. We are reaching out to your agency to ensure that interested parties are informed of the proposed project and are given the opportunity to provide additional comments.

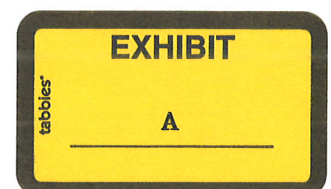
Rolette Power Development, LLC is submitting an application for a Certificate of Site Compatibility to the North Dakota Public Service Commission to construct the Rolette Wind Power Project. The project would encompass an approximately 14,720 acre project area and would be located approximately three miles south of the City of Rolette, in Rolette County, North Dakota. The project would generate approximately 100 megawatts (MW) of electricity and would result in the construction of up to 59 wind turbines, depending on capacity of the turbines that are placed.

Please let me know if your agency has any issues or concerns with the proposed project. Thank you for your time.

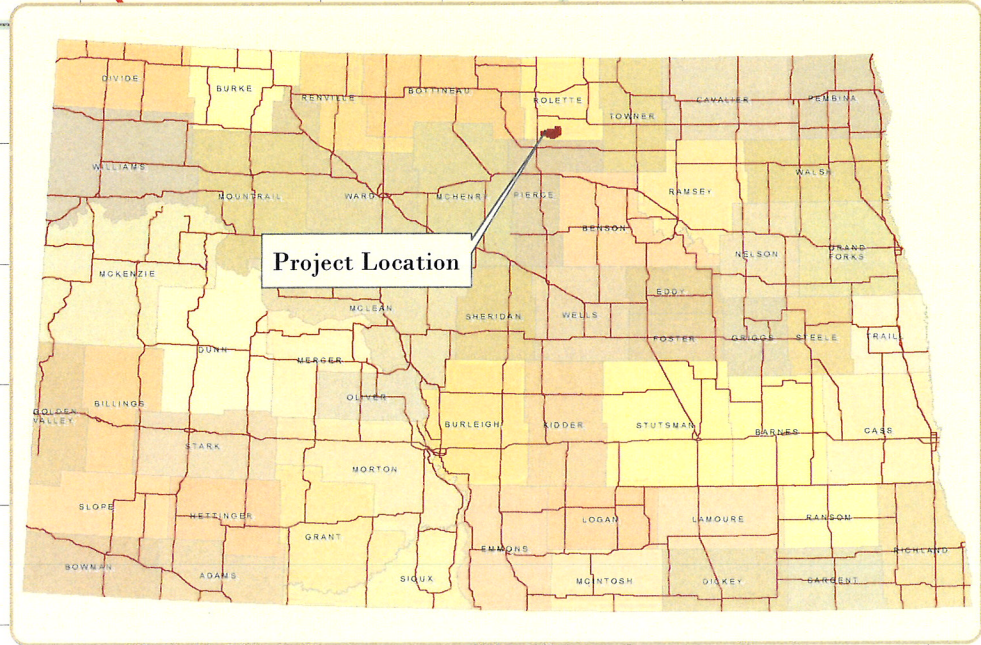
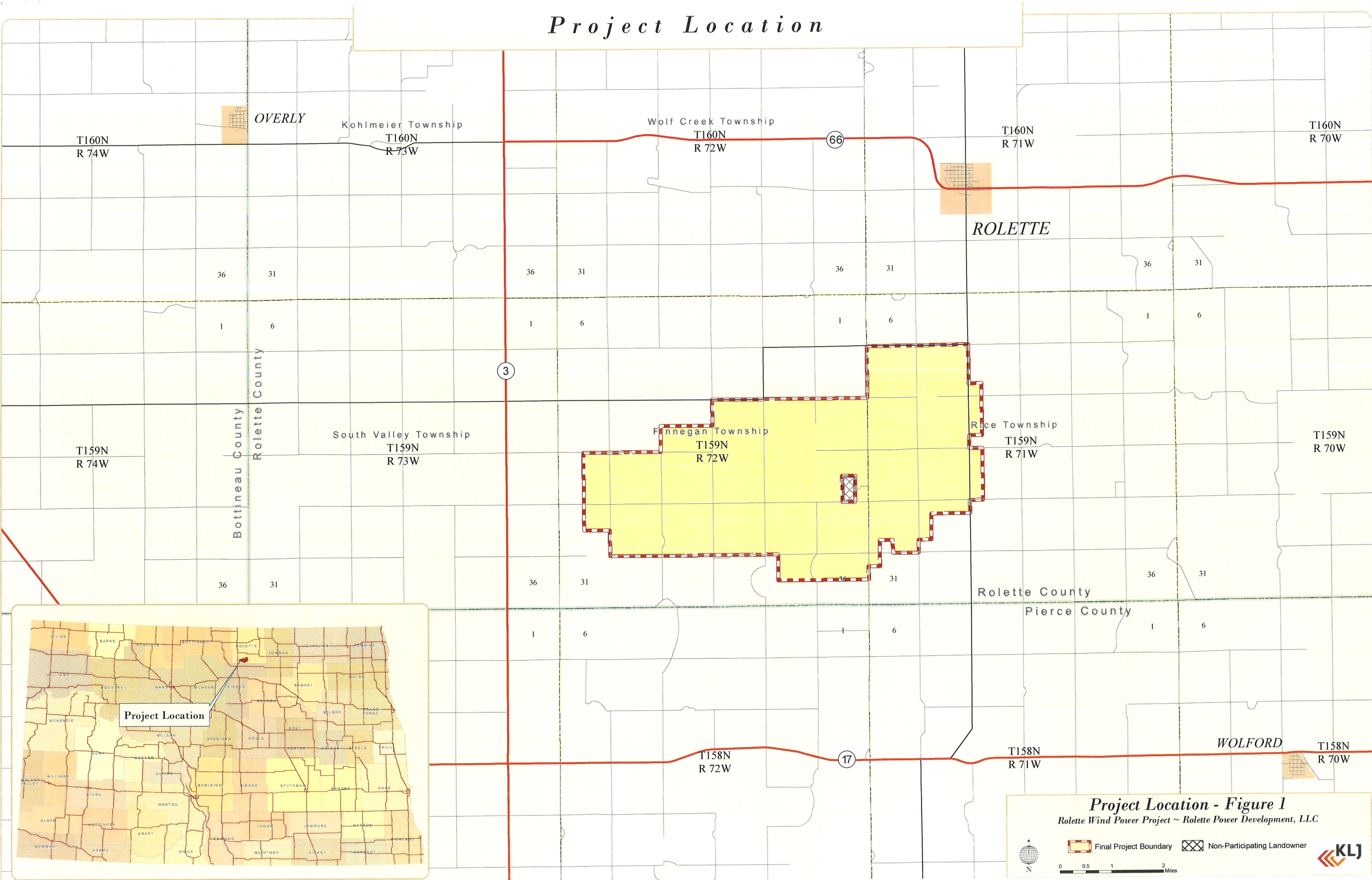
Alex Nisbet



701-775-1109 Direct
701-989-4884 Cell
2750 Gateway Drive, Suite A
Grand Forks, ND 58203
kljeng.com



Project Location

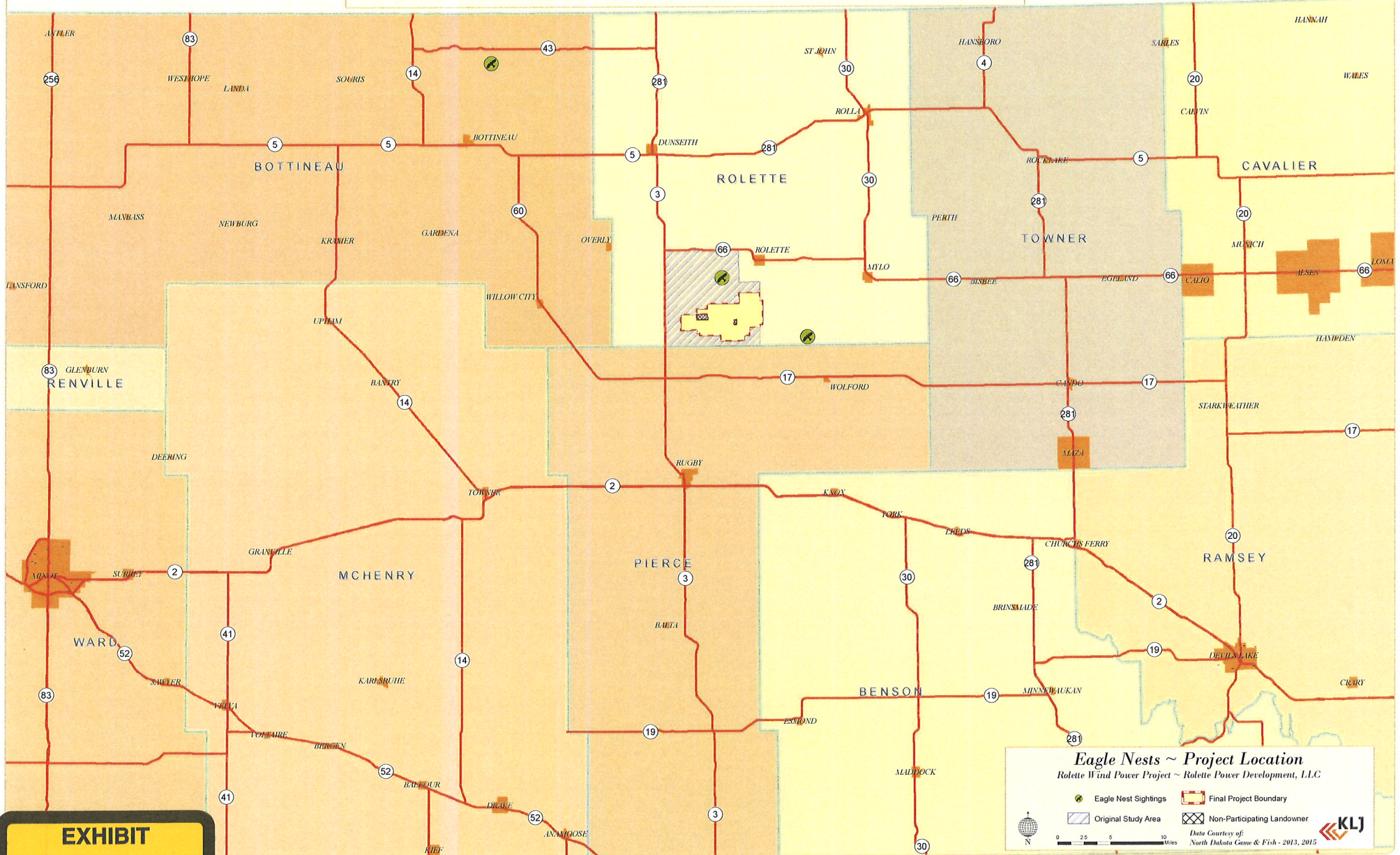


Project Location - Figure 1
Rolette Wind Power Project ~ Rolette Power Development, LLC

0 0.5 1 2 Miles

Final Project Boundary Non-Participating Landowner

Eagle Nests ~ Project Location



EXHIBIT

B