



December 22, 2014

Mr. Kevin Shelley
Acting ND Field Supervisor
USFWS North Dakota Field Office
3425 Miriam Avenue
Bismarck, North Dakota 58501-7926

RE: Information Request for the Proposed Dickinson Wind Energy Center in Stark County, ND

Dear Mr. Shelley:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility for the proposed Dickinson Wind Energy Center (the Project), in accordance with North Dakota Century Code (NDCC) Section 49-22-07. As part of that application, we are conducting an investigation of property in Stark County east of Dickinson, North Dakota. This proposed Project would consist of approximately 150 megawatts (MW). The Project area shown in the attached figure is the primary focus of our investigation.

The Project would interconnect to the electrical grid via a 230-kV transmission line approximately 30 miles in length from the Project substation to the Belfield to Rhame 230-kV line approximately 10 miles southwest of the city of Dickinson. We will also prepare a separate application for a Certificate of Corridor Compatibility and Route Permit for the proposed transmission line.

The wind energy center would include portions of the following tracts:

County	Township	Range	Sections
Stark County	138 N	93 W	33
	139 N	92 W	14-19
	139 N	93 W	2-11, 13-24, 26-30
	139 N	94 W	1, 2, 10-15, 23-25
	149 N	93 W	16, 19-23, 26-35
	149 N	94 W	25-28, 33-36

The associated transmission line corridor includes the following tracts:

County	Township	Range	Sections
Stark County	139N	98W	20, 21, 22, 23, 24
	139N	97W	19, 20, 21, 22, 27, 26, 25
	139N	96W	24, 25, 26, 27, 28, 29, 30
	139N	95W	19, 20, 21, 22, 23, 24
	139N	94W	12, 13, 19, 20, 21, 22, 23, 24

Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting your agency for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office.

This information will be used to help guide Project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including, but not limited to, the U.S. Army Corps of Engineers and North Dakota Game and Fish Department.

NextEra Energy is developing the Project following the voluntary Final Land-Based Wind Energy Guidelines. A critical issues analysis (CIA) and site visit were completed as part of Tier 1 and Tier 2 assessments for the Project in 2013. Tier 3 assessments that are currently planned for the Project include spring avian migration surveys, raptor nest and grouse lek surveys, and bat acoustic monitoring. Desktop native prairie, whooping crane, and bat habitat assessments are also planned.

We would appreciate a response by January 23, 2015. Please contact me at (512) 213-8501 if you have any questions. Thank you for your assistance.













Respectfully submitted,

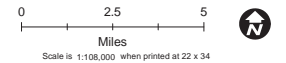
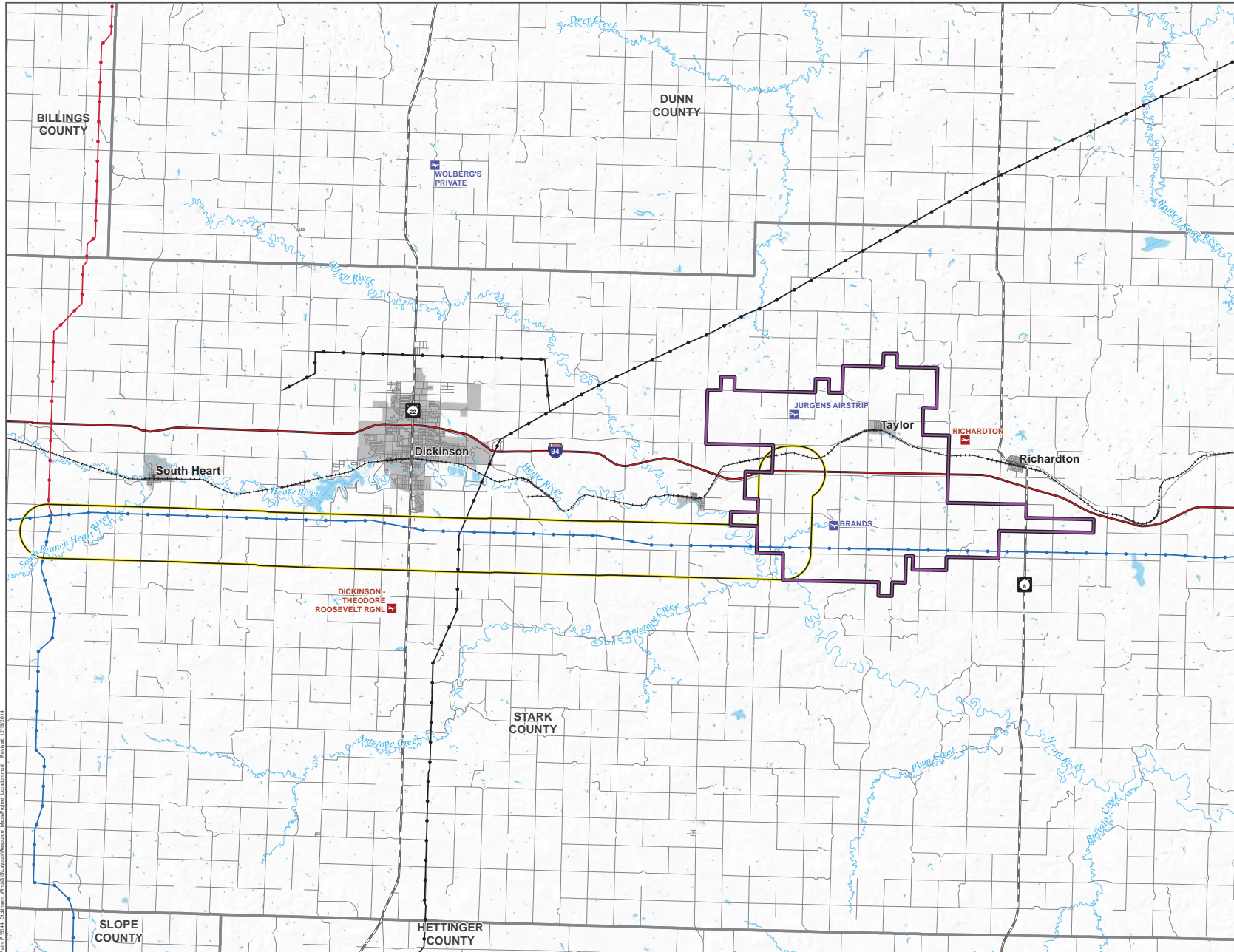


Anne-Marie Griger, AICP
Tetra Tech, Inc
8911 N. Capital of Texas Hwy, Bldg 2 Suite # 2310
Austin, TX 78759

Dickinson Wind Energy Center North Dakota Project Location

Legend

-  Project Boundary (11/10/14)
-  Proposed Transmission Line Corridor (12/18/14)
- Existing Electrical Transmission**
 -  115kV Transmission Line
 -  230kV Transmission Line
 -  345kV Transmission Line
- Transportation**
 -  Public Airport
 -  Private Airport
 -  Interstate Highway
 -  U.S. Highway
 -  State Highway
 -  Rail
 -  County Road



December 22, 2014

Mr. Larry Taborsky
 Director
 North Dakota Aeronautics Commission
 P. O. Box 5020
 Bismarck, North Dakota 58502-5020

RE: Information Request for the Proposed Dickinson Wind Energy Center in Stark County, ND

Dear Mr. Taborsky:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility for the proposed Dickinson Wind Energy Center (the Project), in accordance with North Dakota Century Code (NDCC) Section 49-22-07. As part of that application, we are conducting an investigation of property in Stark County east of Dickinson, North Dakota. This proposed Project would consist of approximately 150 megawatts (MW). The Project area shown in the attached figure is the primary focus of our investigation.

The Project would interconnect to the electrical grid via a 230-kV transmission line approximately 30 miles in length from the Project substation to the Belfield to Rhame 230-kV line approximately 10 miles southwest of the city of Dickinson. We will also prepare a separate application for a Certificate of Corridor Compatibility and Route Permit for the proposed transmission line.

The wind energy center would include portions of the following tracts:

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This information will be used to help guide Project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including, but not limited to, the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and North Dakota Game and Fish Department.

We would appreciate a response by January 23, 2015. Please contact me at (512) 213-8501 if you have any questions. Thank you for your assistance.

Respectfully submitted,
TETRA TECH, INC.



Anne-Marie Griger, AICP



December 22, 2014

Mr. Doug Goehring
Agriculture Commissioner
North Dakota Department of Agriculture
600 East Boulevard Avenue, Department 602
Bismarck, North Dakota 58505-0020

RE: Information Request for the Proposed Dickinson Wind Energy Center in Stark County, ND

Dear Mr. Goehring:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility for the proposed Dickinson Wind Energy Center (the Project), in accordance with North Dakota Century Code (NDCC) Section 49-22-07. As part of that application, we are conducting an investigation of property in Stark County east of Dickinson, North Dakota. This proposed Project would consist of approximately 150 megawatts (MW). The Project area shown in the attached figure is the primary focus of our investigation.

The Project would interconnect to the electrical grid via a 230-kV transmission line approximately 30 miles in length from the Project substation to the Belfield to Rhame 230-kV line approximately 10 miles southwest of the city of Dickinson. We will also prepare a separate application for a Certificate of Corridor Compatibility and Route Permit for the proposed transmission line.

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We would appreciate a response by January 23, 2015. Please contact me at (512) 213-8501 if you have any questions. Thank you for your assistance.

Respectfully submitted,
TETRA TECH, INC.



Anne-Marie Griger, AICP



December 22, 2014

Dr. Terry Dwelle, M.D., M.P.H.T.M.
 State Health Officer
 North Dakota Department of Health
 600 East Boulevard Avenue
 Bismarck, North Dakota 58505-0200

RE: Information Request for the Proposed Dickinson Wind Energy Center in Stark County, ND

Dear Dr. Dwelle, M.D., M.P.H.T.M.:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility for the proposed Dickinson Wind Energy Center (the Project), in accordance with North Dakota Century Code (NDCC) Section 49-22-07. As part of that application, we are conducting an investigation of property in Stark County east of Dickinson, North Dakota. This proposed Project would consist of approximately 150 megawatts (MW). The Project area shown in the attached figure is the primary focus of our investigation.

The Project would interconnect to the electrical grid via a 230-kV transmission line approximately 30 miles in length from the Project substation to the Belfield to Rhame 230-kV line approximately 10 miles southwest of the city of Dickinson. We will also prepare a separate application for a Certificate of Corridor Compatibility and Route Permit for the proposed transmission line.

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This information will be used to help guide Project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including, but not limited to, the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and North Dakota Game and Fish Department.

We would appreciate a response by January 23, 2015. Please contact me at (512) 213-8501 if you have any questions. Thank you for your assistance.

Respectfully submitted,
TETRA TECH, INC.



Anne-Marie Griger, AICP



December 22, 2014

Mr. Larry Gangl
District Engineer
North Dakota Department of Transportation, Dickinson District
1700 Third Avenue West, Suite 101
Dickinson, ND 58601-3009

RE: Information Request for the Proposed Dickinson Wind Energy Center in Stark County, ND

Dear Mr. Gangl:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility for the proposed Dickinson Wind Energy Center (the Project), in accordance with North Dakota Century Code (NDCC) Section 49-22-07. As part of that application, we are conducting an investigation of property in Stark County east of Dickinson, North Dakota. This proposed Project would consist of approximately 150 megawatts (MW). The Project area shown in the attached figure is the primary focus of our investigation.

The Project would interconnect to the electrical grid via a 230-kV transmission line approximately 30 miles in length from the Project substation to the Belfield to Rhame 230-kV line approximately 10 miles southwest of the city of Dickinson. We will also prepare a separate application for a Certificate of Corridor Compatibility and Route Permit for the proposed transmission line.

The wind energy center would include portions of the following tracts:

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This information will be used to help guide Project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including, but not limited to, the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and North Dakota Game and Fish Department.

We would appreciate a response by January 23, 2015. Please contact me at (512) 213-8501 if you have any questions. Thank you for your assistance.

Respectfully submitted,
TETRA TECH, INC.



Anne-Marie Griger, AICP



December 22, 2014

Mr. Lance D. Gaebe
Commissioner
North Dakota Department of Trust Lands
P. O. Box 5523
Bismarck, North Dakota 58506-5523

RE: Information Request for the Proposed Dickinson Wind Energy Center in Stark County, ND

Dear Mr. Gaebe:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility for the proposed Dickinson Wind Energy Center (the Project), in accordance with North Dakota Century Code (NDCC) Section 49-22-07. As part of that application, we are conducting an investigation of property in Stark County east of Dickinson, North Dakota. This proposed Project would consist of approximately 150 megawatts (MW). The Project area shown in the attached figure is the primary focus of our investigation.

The Project would interconnect to the electrical grid via a 230-kV transmission line approximately 30 miles in length from the Project substation to the Belfield to Rhame 230-kV line approximately 10 miles southwest of the city of Dickinson. We will also prepare a separate application for a Certificate of Corridor Compatibility and Route Permit for the proposed transmission line.

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This information will be used to help guide Project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including, but not limited to, the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and North Dakota Game and Fish Department.

We would appreciate a response by January 23, 2015. Please contact me at (512) 213-8501 if you have any questions. Thank you for your assistance.

Respectfully submitted,
TETRA TECH, INC.



Anne-Marie Griger, AICP

December 22, 2014

Mr. Todd Sando
 State Engineer
 North Dakota State Water Commission
 900 East Boulevard, Dept. 770
 Bismarck, North Dakota 58505-0850

RE: Information Request for the Proposed Dickinson Wind Energy Center in Stark County, ND

Dear Mr. Sando:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility for the proposed Dickinson Wind Energy Center (the Project), in accordance with North Dakota Century Code (NDCC) Section 49-22-07. As part of that application, we are conducting an investigation of property in Stark County east of Dickinson, North Dakota. This proposed Project would consist of approximately 150 megawatts (MW). The Project area shown in the attached figure is the primary focus of our investigation.

The Project would interconnect to the electrical grid via a 230-kV transmission line approximately 30 miles in length from the Project substation to the Belfield to Rhame 230-kV line approximately 10 miles southwest of the city of Dickinson. We will also prepare a separate application for a Certificate of Corridor Compatibility and Route Permit for the proposed transmission line.

The wind energy center would include portions of the following tracts:

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We would appreciate a response by January 23, 2015. Please contact me at (512) 213-8501 if you have any questions. Thank you for your assistance.

Respectfully submitted,
TETRA TECH, INC.



Anne-Marie Griger, AICP

December 22, 2014

Mr. Edward C. Murphy
 State Geologist
 North Dakota Geological Survey
 600 East Boulevard Avenue
 Bismarck ND 58505-0840

RE: Information Request for the Proposed Dickinson Wind Energy Center in Stark County, ND

Dear Mr. Murphy:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility for the proposed Dickinson Wind Energy Center (the Project), in accordance with North Dakota Century Code (NDCC) Section 49-22-07. As part of that application, we are conducting an investigation of property in Stark County east of Dickinson, North Dakota. This proposed Project would consist of approximately 150 megawatts (MW). The Project area shown in the attached figure is the primary focus of our investigation.

The Project would interconnect to the electrical grid via a 230-kV transmission line approximately 30 miles in length from the Project substation to the Belfield to Rhame 230-kV line approximately 10 miles southwest of the city of Dickinson. We will also prepare a separate application for a Certificate of Corridor Compatibility and Route Permit for the proposed transmission line.

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This information will be used to help guide Project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including, but not limited to, the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and North Dakota Game and Fish Department.

We would appreciate a response by January 23, 2015. Please contact me at (512) 213-8501 if you have any questions. Thank you for your assistance.

Respectfully submitted,
TETRA TECH, INC.



Anne-Marie Griger, AICP



December 22, 2014

Mr. Scott Davis
Executive Director
North Dakota Indian Affairs Commission
600 East Boulevard Avenue
1st Floor – Judicial Wing, Room #117
Bismarck, North Dakota 58505

RE: Information Request for the Proposed Dickinson Wind Energy Center in Stark County, ND

Dear Mr. Davis:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility for the proposed Dickinson Wind Energy Center (the Project), in accordance with North Dakota Century Code (NDCC) Section 49-22-07. As part of that application, we are conducting an investigation of property in Stark County east of Dickinson, North Dakota. This proposed Project would consist of approximately 150 megawatts (MW). The Project area shown in the attached figure is the primary focus of our investigation.

The Project would interconnect to the electrical grid via a 230-kV transmission line approximately 30 miles in length from the Project substation to the Belfield to Rhame 230-kV line approximately 10 miles southwest of the city of Dickinson. We will also prepare a separate application for a Certificate of Corridor Compatibility and Route Permit for the proposed transmission line.

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Respectfully submitted,
TETRA TECH, INC.



Anne-Marie Griger, AICP

December 22, 2014

Mr. Mark Zimmerman
 Director
 North Dakota Parks and Recreation Department
 1600 E. Century Ave, Suite 3
 Bismarck, North Dakota 58503

RE: Information Request for the Proposed Dickinson Wind Energy Center in Stark County, ND

Dear Mr. Zimmerman:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility for the proposed Dickinson Wind Energy Center (the Project), in accordance with North Dakota Century Code (NDCC) Section 49-22-07. As part of that application, we are conducting an investigation of property in Stark County east of Dickinson, North Dakota. This proposed Project would consist of approximately 150 megawatts (MW). The Project area shown in the attached figure is the primary focus of our investigation.

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Respectfully submitted,
TETRA TECH, INC.



Anne-Marie Griger, AICP

December 22, 2014

Merlan E. Paaverud, Jr.
 Director
 State Historical Society of North Dakota
 612 East Boulevard Avenue
 Bismarck, ND 58505

RE: Information Request for the Proposed Dickinson Wind Energy Center in Stark County, ND

Dear Mr. Paaverud:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility for the proposed Dickinson Wind Energy Center (the Project), in accordance with North Dakota Century Code (NDCC) Section 49-22-07. As part of that application, we are conducting an investigation of property in Stark County east of Dickinson, North Dakota. This proposed Project would consist of approximately 150 megawatts (MW). The Project area shown in the attached figure is the primary focus of our investigation.

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	139N	95W	19, 20, 21, 22, 23, 24
	139N	94W	12, 13, 19, 20, 21, 22, 23, 24

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Per Section 69-06-01-05 of the North Dakota Public Service Commission (PSC)'s administrative rules, we are consulting your agency for assistance in identifying concerns or issues within the boundaries of the tracts listed below that would influence a decision regarding the use of the land, as well as applicable permits that may be required from your office.

This information will be used to help guide Project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including, but not limited to, the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and North Dakota Game and Fish Department.

We would appreciate a response by January 23, 2015. Please contact me at (512) 213-8501 if you have any questions. Thank you for your assistance.

Respectfully submitted,
TETRA TECH, INC.



Anne-Marie Griger, AICP

December 22, 2014

Mr. Daniel Cimarosti
 Regulatory Program Manager
 U.S. Army Corps of Engineers Omaha District, North Dakota Regulatory Office
 1513 South 12th Street
 Bismarck, ND 58504

RE: Information Request for the Proposed Dickinson Wind Energy Center in Stark County, ND

Dear Mr. Cimarosti:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility for the proposed Dickinson Wind Energy Center (the Project), in accordance with North Dakota Century Code (NDCC) Section 49-22-07. As part of that application, we are conducting an investigation of property in Stark County east of Dickinson, North Dakota. This proposed Project would consist of approximately 150 megawatts (MW). The Project area shown in the attached figure is the primary focus of our investigation.

The Project would interconnect to the electrical grid via a 230-kV transmission line approximately 30 miles in length from the Project substation to the Belfield to Rhame 230-kV line approximately 10 miles southwest of the city of Dickinson. We will also prepare a separate application for a Certificate of Corridor Compatibility and Route Permit for the proposed transmission line.

The wind energy center would include portions of the following tracts:

County	Township	Range	Sections
Stark County	138 N	93 W	33
	139 N	92 W	14-19
	139 N	93 W	2-11, 13-24, 26-30
	139 N	94 W	1, 2, 10-15, 23-25
	149 N	93 W	16, 19-23, 26-35
	149 N	94 W	25-28, 33-36

The associated transmission line corridor includes the following tracts:

County	Township	Range	Sections
Stark County	139N	98W	20, 21, 22, 23, 24
	139N	97W	19, 20, 21, 22, 27, 26, 25
	139N	96W	24, 25, 26, 27, 28, 29, 30
	139N	95W	19, 20, 21, 22, 23, 24
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This information will be used to help guide Project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including, but not limited to, the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and North Dakota Game and Fish Department.

We would appreciate a response by January 23, 2015. Please contact me at (512) 213-8501 if you have any questions. Thank you for your assistance.

Respectfully submitted,
TETRA TECH, INC.

A handwritten signature in blue ink that reads "Anne-Marie Griger".

Anne-Marie Griger, AICP



December 22, 2014

Mr. Terry Steinwand
Director
North Dakota Game and Fish Department
100 N. Bismarck Expressway
Bismarck, ND 58501-5095

RE: Information Request for the Proposed Dickinson Wind Energy Center in Stark County, ND

Dear Mr. Steinwand:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility for the proposed Dickinson Wind Energy Center (the Project), in accordance with North Dakota Century Code (NDCC) Section 49-22-07. As part of that application, we are conducting an investigation of property in Stark County east of Dickinson, North Dakota. This proposed Project would consist of approximately 150 megawatts (MW). The Project area shown in the attached figure is the primary focus of our investigation.

The Project would interconnect to the electrical grid via a 230-kV transmission line approximately 30 miles in length from the Project substation to the Belfield to Rhame 230-kV line approximately 10 miles southwest of the city of Dickinson. We will also prepare a separate application for a Certificate of Corridor Compatibility and Route Permit for the proposed transmission line.

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We would appreciate a response by January 23, 2015. Please contact me at (512) 213-8501 if you have any questions. Thank you for your assistance.

Respectfully submitted,
TETRA TECH, INC.

A handwritten signature in blue ink that reads "Anne-Marie Griger".

Anne-Marie Griger, AICP



December 22, 2014

Ms. Julie Hoff
Central Stark & Western Soil Conservation District
2948 4th Ave. West, Room "C"
Dickinson, ND 58601

RE: Information Request for the Proposed Dickinson Wind Energy Center in Stark County, ND

Dear Ms. Hoff:

Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility for the proposed Dickinson Wind Energy Center (the Project), in accordance with North Dakota Century Code (NDCC) Section 49-22-07. As part of that application, we are conducting an investigation of property in Stark County east of Dickinson, North Dakota. This proposed Project would consist of approximately 150 megawatts (MW). The Project area shown in the attached figure is the primary focus of our investigation.

The Project would interconnect to the electrical grid via a 230-kV transmission line approximately 30 miles in length from the Project substation to the Belfield to Rhame 230-kV line approximately 10 miles southwest of the city of Dickinson. We will also prepare a separate application for a Certificate of Corridor Compatibility and Route Permit for the proposed transmission line.

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December 22, 2014
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This information will be used to help guide Project development in a manner that identifies and avoids impacts to sensitive resources where practicable. We have sent similar query letters to other agencies including, but not limited to, the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and North Dakota Game and Fish Department.

We would appreciate a response by January 23, 2015. Please contact me at (512) 213-8501 if you have any questions. Thank you for your assistance.

Respectfully submitted,
TETRA TECH, INC.



Anne-Marie Griger, AICP

Griger, Anne Marie

From: Sue Kvas <sue_kvas@fws.gov>
Sent: Friday, December 19, 2014 3:13 PM
To: Griger, Anne Marie
Subject: RE: USFWS lands and easements in Stark County, ND

Hey Anne Marie,

No USFWS interests in the area you provided.

Happy Holidays to you as well.

Sue

From: Griger, Anne Marie [mailto:Anne-Marie.MarieGriger@tetrattech.com]
Sent: Friday, December 19, 2014 12:20 PM
To: Sue Kvas
Subject: USFWS lands and easements in Stark County, ND

Hello Sue,

Can you please let me know if there are any USFWS fee title lands or easements in or adjacent to the attached project area, or within a 2-mile buffer of the attached proposed transmission line route?

Thanks and happy holidays,

Anne-Marie

Anne-Marie Griger, AICP | Environmental Planner

Direct: 512. 213.8501

anne-marie.griger@tetrattech.com

Tetra Tech, Inc.

8911 N. Capital of Texas Hwy, Bldg 2 Suite # 2310
Austin, TX 78759



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

Jack Dalrymple
Governor of North Dakota

North Dakota
State Historical Board

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Grant Levi
*Director
Department of Transportation*

Claudia J. Berg
Director

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January 2, 2015

Ms. Anne-Marie Griger, AICP
Tetra Tech Inc
8911 N Capital of Texas Hwy, Building 2, Suite 2310
Austin, TX 78759

ND SHPO REF: 15-0591 ND PSC - NextEra Energy Resources, LLC Proposed
Dickinson Wind Energy Center 150MW and transmission line in Stark County, North
Dakota

Dear Ms. Griger,

We reviewed your preliminary information on ND SHPO REF: 15-0591 ND PSC - NextEra Energy Resources, LLC Proposed Dickinson Wind Energy Center 150MW and transmission line in Stark County, North Dakota. There is potential for unrecorded and recorded cultural resource properties in a variety of physiographic settings in the overall project area. As a potential federal/state undertaking, we encourage early agency consultation as part of the review process. Early consultation should also include tribal nations, North Dakota Indian Affairs, and any managers or owners of properties maintained for recreational or scenic value.

We recommend a Class I (file search), a Class III survey by a permitted architectural historian for standing structures in the visual Area of Potential Effect (APE). Susan Quinnell Review and Compliance Coordinator with ND SHPO will assist the permitted architectural historian with development of the visual APE, as each visual APE for large wind projects warrants individual review. Class III archeological (pedestrian) surveys will be warranted for all areas directly impacted by the project, **including crane paths**, access roads, staging areas, transmissions lines and turbine pads. As part of the Class III Inventory, NDCRS site updates should be submitted on all sites resurveyed. If the project APE changes, we will request additional inventories, surveys and consultation.

Thank you for the opportunity to review this project to date. We look forward to further review of cultural resource surveys and site forms, and updates as the project siting occurs. If you have any questions please contact Paul Picha, Chief Archaeologist (701) 328-3574 or Susan Quinnell, Review and Compliance Coordinator at (701) 328-3576, e-mail squinnell@nd.gov

Sincerely,

Claudia J. Berg
State Historic Preservation Officer (North Dakota) and
Director State Historical Society of North Dakota



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
1513 SOUTH 12TH STREET
BISMARCK ND 58504-6640

January 7, 2015

North Dakota Regulatory Office

Ms. Anne-Marie Griger
Tetra Tech Inc
8911 N Capital of Texas Highway
Building 2 Suite 2310
Austin, Texas 78759

Dear Ms. Griger:

This is in response to your letter dated December 22, 2014, requesting Department of the Army (DA), US Army Corps of Engineers (Corps) comments regarding a proposed Dickinson Wind Energy Center located in Stark County, North Dakota.

Corps regulatory offices administer Section 10 of the Rivers and Harbors Act (Section 10) and Section 404 of the Clean Water Act (Section 404). Section 10 regulates work in or affecting navigable waters. Section 404 regulates the discharge of dredge or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in the waters of the United States.

Nationwide Permit 12 authorizes activities for the construction of utility lines. A copy of this nationwide permit and conditions is enclosed. **The nationwide permit and conditions are submitted only for informational purposes and in no way is it, or this letter, to confirm that your activity complies with the nationwide permit and conditions.** As explained within Nationwide Permit 12, the permittee is required to submit a pre-construction notification to the Corps of Engineers prior to construction if any of seven criteria are met.

If your proposal would require a Section 10 and/or Section 404 permit, please complete and submit a Corps of Engineers permit application to the US Army Corps of Engineers, North Dakota Regulatory Office, 1513 South 12th Street, Bismarck, North Dakota 58504. If you are unsure if a permit is required, you may submit an application, or, a letter requesting a jurisdictional determination. Include a project location map, description of work, and construction methodology when submitting either.

**FACT SHEET
NATIONWIDE PERMIT 12
(2012)**

UTILITY LINE ACTIVITIES.

Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Utility lines: This NWP authorizes the construction, maintenance, or repair of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for the utility lines, in all waters of the United States, provided there is no change in pre-construction contours. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. The term "utility line" does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as

Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP's 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality. *Specifically for North Dakota, the North Dakota Department of Health has denied water quality certification for all projects proposed to affect Class 1 and 1a rivers or classified lakes, individual certification must be obtained. For project proposed to affect any other waters, the North Dakota Department of Health has issued water quality certification provided the attached Construction and Environmental Disturbance Requirements are followed.*

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification:* The PCN must be in writing and include the following information: (1) Name, address and telephone numbers of the prospective permittee; (2) Location of the proposed project; (3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans); (4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate; (5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan. (6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and (7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act. (c) *Form of Pre-Construction Notification:* The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also

**2012 Nationwide Permits
Regional Conditions
Omaha District
State of North Dakota**

The following Nationwide Permit regional conditions will be used in the State of North Dakota. Regional conditions are placed on Nationwide Permits to ensure projects result in less than minimal adverse impacts to the aquatic environment and to address local resources concerns.

Wetlands Classified as Peatlands – Revoked for Use

All Nationwide Permits, with the exception of 3, 5, 20, 32, 38 and 45, are revoked for use in peatlands in North Dakota.

Peatlands are saturated and inundated wetlands where conditions inhibit organic matter decomposition and allow for the accumulation of peat. Under cool, anaerobic, and acidic conditions, the rate of organic matter accumulation exceeds organic decay. Peatlands can be primarily classified into ombrotrophic bogs and minerotrophic fens; the latter subdivided into poor, moderate-rich, and extreme-rich fens, each with distinctive indicator species, community physiognomy, acidity, alkalinity, and base cation content.

Wetlands Classified as Peatlands – Pre-construction Notification Requirement

For Nationwide Permits 3, 5, 20, 32, 38, and 45 permittees must notify the Corps in accordance with General Condition 31 (Notification) prior to initiating any regulated activity impacting peatlands in North Dakota.

Waters Adjacent to Natural Springs – Pre-construction Notification Requirement

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 31 (Notification) for regulated activities located within 100 feet of the water source in natural spring areas in North Dakota. For purposes of this condition, a spring source is defined as any location where there is artesian flow emanating from a distinct point at any time during the growing season. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source.

Missouri River, including Lake Sakakawea and Lake Oahe within the State of North Dakota – Pre-construction Notification Requirement

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 31 (Notification) prior to initiating any regulated activity in the Missouri River, including Lake Sakakawea and Lake Oahe, within the State of North Dakota.

Nationwide Permit 11 – Temporary Recreational Structures - Boat Docks

- a. If future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- b. No boat dock shall be located on a sandbar or barren sand feature located in or along the banks of the Missouri River.
- c. The farthest point riverward on the dock located on the Missouri River proper shall not exceed a total length of 30 feet from the ordinary high water line found along the high bank out into the River. Information Note: Issuance of this permit does not supersede authorization required by the North Dakota State Engineer's Office.
- d. Any boat dock located on the Missouri River shall be anchored to the top of the high bank.
- e. Any boat dock located within an excavated bay or marina off the main river channel may be anchored to the bay or marina bottom with spuds.

Nationwide Permit 13 - Bank Stabilization

Permittees must notify the Corps in accordance with General Condition No. 31 (Notification) prior to initiating any regulated activity within the State of North Dakota.

Nationwide Permit 23 - Approved Categorical Exclusions

Permittees must notify the Corps in accordance with General Condition No. 31 (Notification) prior to initiating any regulated activity within the State of North Dakota. In addition to information required by General Condition 31, permittees must identify the approved categorical exclusion that applies and provide documentation that the project fits the categorical exclusion.

Nationwide Permit 27 - Aquatic Habitat Restoration, Establishment and Enhancement Activities

Permittees must notify the Corps in accordance with General Condition No. 31 (Notification) prior to initiating any regulated activity within the State of North Dakota.



Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

JAN - 9 2015

Mr. Justin Gilchrist
Resource Modeling Analyst
WindLogics
700 Universe Blvd.
Juno Beach, FL 33408

Re: Dickinson Project: Stark County, ND

Dear Mr. Gilchrist:

In response to your request on November 11, 2014, the National Telecommunications and Information Administration provided to the federal agencies represented in the Interdepartment Radio Advisory Committee (IRAC) the plans for the Dickinson Wind Energy Project, located in Stark County, North Dakota.

After a 45+ day period of review, no agencies had issues with turbine placement in this area.

While the IRAC agencies did not identify any concerns regarding radio frequency blockage, this does not eliminate the need for the wind energy facilities to meet any other requirements specified by law related to these agencies. For example, this review by the IRAC does not eliminate any need that may exist to coordinate with the Federal Aviation Administration concerning flight obstruction.

Thank you for the opportunity to review these proposals.

Sincerely,

Peter A. Tenhula
Acting Deputy Associate Administrator
Office of Spectrum Management



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>

January 12, 2015

Anne-Marie Griger
Tetra Tech, Inc.
8911 N Capital of Texas Hwy, Bldg. 2, STE 2310
Austin, TX 78759

Dear Ms. Griger:

This is in response to your request for review of environmental impacts associated with the Dickinson Wind Energy Center project located in Stark County, ND.

The proposed project has been reviewed by State Water Commission staff and the following comments are provided:

- The area is too broad to tell exactly whether or not it will affect an identified floodplain. However, there are floodplains identified and/or mapped where this proposed project is to take place. The areas are designated as Zone A. North Dakota has no formal 'permitting' authority as a state entity in National Flood Insurance Program (NFIP) identified floodplain areas. The permitting is always done by the local entity, which has jurisdiction in the area in question. Please work closely with the local Floodplain Administrator. Stark County Floodplain Administrator is: Bill Fahlsing; 66 Museum Drive W; Dickinson, ND 58601; 701-456-7605. The maps used to make this determination are: Panels #38089C0250E, 38089C0275E, 38089C0300E, 38089C0500E, 38089C0525E and 38089C0550E, Date 11/4/10. The City of Taylor Floodplain Administrator is: Eileen Gjermundson; PO Box 185; Taylor, ND 58656; 701-974-3764. The map used to make this determination is: Panel#38089C0268E, Date: 11/04/10.
- A surface drain permit may be needed for this project from the State Engineer if wetlands are filled. Please contact Dwight Comfort at 701-328-4960, if you have any questions regarding the permit. A permit application form is enclosed for your convenience.
- The ND State Water Commission (Commission) maintains a network of observation/monitor water wells throughout the state, and many are located close to public right-of-ways. The well location information can be obtained from the Commission's website at: <http://swc.nd.gov>; then click on "Map and Data Resources"; and then click on "Map Services". If water wells may be affected by your project or accidentally damaged, please contact the Water Appropriations Division of the Commission at 701-328-2754.
- It is the responsibility of the project sponsor to ensure that local, state and federal agencies are contacted for any required approvals, permits, and easements.
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.
- No sole-source aquifers have been designated in ND.

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 701-328-4967.

Sincerely,

Linda Weispfenning
Water Resource Planner

LW:dm/1570
Encls.



APPLICATION FOR SURFACE DRAIN
OFFICE OF THE STATE ENGINEER
 Water Development Division
 SFN 2830 (8/11)

DATE RECEIVED
 BY OFFICE OF
 THE STATE ENGINEER

I, the undersigned, am applying for a permit under NDCC Section 61-32-03, to drain a pond, slough, lake, or sheetwater, or any series thereof, which has a watershed area comprising 80 acres or more.

No. _____
 (OSE USE ONLY)

This application must be accompanied by FSA aerial photos or equivalent showing the location of the proposed drain(s).

(1) WATER RESOURCE DISTRICT IN WHICH PROJECT IS LOCATED:					
(2) LEGAL DESCRIPTION - DRAIN CENTERLINE: [use separate sheet(s) if necessary]	1/4	SECTION	TOWNSHIP	RANGE	
	1/4	SECTION	TOWNSHIP	RANGE	
	1/4	SECTION	TOWNSHIP	RANGE	
(3) LEGAL DESCRIPTION - DRAIN OUTLET:	1/4	1/4	SECTION	TOWNSHIP RANGE	
(4) PURPOSE:					
(5) Drain Method: <input type="checkbox"/> Pumping <input type="checkbox"/> Filling <input type="checkbox"/> Gravity					
(6) DESCRIPTION OF AREA TO BE DRAINED:					
TOTAL Drainage Area	Acres	Project Drainage Area	Acres		
Water Area	Acres	Average Depth of Water	Feet		
(7) DESCRIPTION OF DRAIN:					
Pumping Rate (if applicable)	gpm	Fill Volume (if applicable)	cubic yards	Bottom Width (B)	Feet
TOTAL Length of Drain	Feet	Length of Drain Project	Feet	Side Slopes (S)	:1 Foot
(8) Anticipated completion date:	(9) Assessment drain? <input type="checkbox"/> YES <input type="checkbox"/> NO		Maximum Cut (D)		Feet
(10) Do you own the land to be drained in fee? <input type="checkbox"/> YES <input type="checkbox"/> NO If NO, give the name and address of the legal landowner(s):					

The filing of this application and its approval does not relieve the applicant and/or landowner(s) from any responsibility or liability for damages resulting from the construction, operation or failure of this drain.

APPLICANT'S CERTIFICATION

I understand that I must undertake and agree to pay the expense incurred in making an investigation. If the investigation discloses that the quantity of water to be drained will flood or adversely affect downstream lands, I will be required to obtain flowage easements and must file the easements in the office of the county recorder before a permit may be issued. My signature below acknowledges that I have read and agree to these statements, and will adhere to the conditions given on the back of this application.

NAME (PRINT OR TYPE):	DATE SUBMITTED:
ADDRESS:	PHONE NO:
CITY, STATE, ZIP CODE:	
SIGNATURE (Owner of the land on which the project is located or legal entity sponsoring project):	

FOR USE BY WATER RESOURCE DISTRICT AND STATE ENGINEER

- The Water Resource District Board has investigated according to NDAC Section 89-02-01-09.2.
- The proposed drainage (will will not) flood or adversely affect lands of downstream landowners.

This application is hereby:

Denied

Signature: _____
Chairman or Secretary of Water Resource District Board

Approved

Date: _____

(1) The State Engineer or Water Resource District Board may revoke or modify the project and the rights granted under the permit to protect the public health, safety, and welfare; to protect property; or to ensure the orderly control of water resources.

(2) Construction must be completed within two years from the date of final approval.

This application:

does involve drainage of state-wide or Interdistrict significance

does not involve drainage of state-wide or interdistrict significance

If the State Engineer has determined that this application does not involve drainage of state-wide or Interdistrict significance, approval by the Water Resource District Board constitutes a permit to drain.

If the State Engineer has determined that this application involves drainage of state-wide or interdistrict significance, approval by both the Water Resource District Board and the State Engineer must be given to constitute a permit to drain.

This application involving drainage of state-wide or interdistrict significance is:

Denied

Signature: _____
State Engineer

Approved

Date: _____

CONDITIONS:

(1) The State Engineer may revoke or modify the project and the rights granted under the permit to protect the public health, safety, and welfare; to protect property; or to ensure the orderly control of water resources.

(2) Construction must be completed within two years from the date of final approval.

Mail to:

Office of the State Engineer
900 East Boulevard Avenue, Dept 770
Bismarck, ND 58505



Jack Dalrymple, Governor
Mark A. Zimmerman, Director

1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@nd.gov
www.parkrec.nd.gov

January 21, 2015

Ms. Anne-Marie Griger
Tetra Tech, Inc
Bldg 2 Suite #2310
8911 N. Capital of Texas Hwy.
Austin, TX 78759

Re: Dickinson Wind Energy Center in Stark County, North Dakota

Dear Ms. Griger,

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced proposed Dickinson Wind Energy Center in Stark County, North Dakota

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage but may affect state Land and Water Conservation Fund (LWCF) project sites that we manage. A map with LWCF project locations has been attached. All LWCF sites received assistance from the federal LWCF program and are under protection of section 6(f) of the LWCF Act. Any property taken from within the 6f boundary of these sites must be replaced with property of equal market value. Should any public or private utilities need to be added or relocated on the LWCF recreational lands, the NDPRD must be consulted prior to any action taken. Please contact Kevin Stankiewicz (701-328-5364 or kstankiewicz@nd.gov if additional LWCF information is needed.

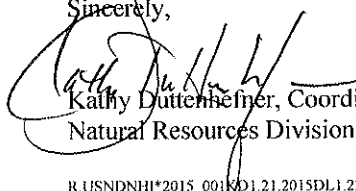
The Department is also responsible for coordinating the ND's Scenic Byways and Backways Program. This proposed project is along the Old Red/Old Ten Scenic Byway and as such we recommend any project development be completed with the least amount of or no visual impact to the immediate and distant views from the above mentioned Backways/Byways. Please contact Kevin Stankiewicz (701-328-5364 or kstankiewicz@nd.gov) if additional Byways and Backways information is needed

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, we several significant ecological communities documented within sections and in adjacent sections to project area. Please see the attached spreadsheet and map for more information on these occurrences. Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

It is our policy to charge requests for data services including data retrieval, data analysis, manual and computer searches, packaging and collection of data. An invoice for services provided has been enclosed.

We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact Kathy Duttonhefner (701-328-5370 or kgduttonhefner@nd.gov) of our staff. Thank you for the opportunity to comment on this proposed project.

Sincerely,


Kathy Duttonhefner, Coordinator
Natural Resources Division

R.USNDNHI*2015_001801.21.2015DL1.23.2015

.....
Play in our backyard!

North Dakota Natural Heritage Inventory
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
<i>Artemisia cana/pascoopyrum smithii</i> sparse shrubland	Silver Sage-western Wheatgrass Scrub	S2S3	GNR		139N098W - 27; 139N098W - 22; 139N098W - 26; 139N098W - 21; 138N098W - 03; 139N098W - 28; 139N098W - 33; 139N098W - 35; 139N098W - 34; 139N098W - 23	Stark	1976-07-06		M
<i>Astragalus vexilliflexus</i>	Bent-flowered Milkvetch	S3	G4		139N097W - 32	Stark	1985-09-18		S
<i>Bartramia longicauda</i>	Upland Sandpiper	SNRB	G5		139N094W - 14; 139N094W - 28; 139N094W - 26; 139N094W - 25; 139N094W - 27; 139N094W - 24; 139N093W - 30; 139N094W - 26; 138N094W - 02; 139N094W - 35; 139N094W - 23; 139N093W - 31; 139N094W - 36; 138N094W - 01	Stark	1994-06		M
<i>Bartramia longicauda</i>	Upland Sandpiper	SNRB	G5		139N094W - 34; 139N094W - 35; 139N094W - 24; 139N094W - 25; 139N094W - 23; 139N094W - 22; 139N094W - 36; 139N094W - 27; 139N094W - 26	Stark	1994-06		M
<i>Bartramia longicauda</i>	Upland Sandpiper	SNRB	G5		139N094W - 35; 138N094W - 01; 139N094W - 36; 139N093W - 31; 139N094W - 26; 138N094W - 02; 139N093W - 30; 139N094W - 25; 139N094W - 24; 138N093W - 06	Stark	1994-06		M
<i>Calamovilfa longifolia/carex filifolia</i> sand prairie	Upland Sandpiper	SNRB	G5		139N094W - 36	Stark	1985-05-01		S
<i>Cathartes aura</i>	Turkey Vulture	S4	G5		139N094W - 22; 139N094W - 14; 139N094W - 15; 139N094W - 21; 139N094W - 28; 139N094W - 23; 139N094W - 16; 139N094W - 27; 139N094W - 26	Stark	1994-06		M
Eroding great plains badlands	Badlands Slope	S4	GNR		139N097W - 32	Stark	1985-09-18		S
<i>Fraxinus pennsylvanica - ulmus americana/symphoricarpos</i> occidentalis forest	Western Floodplain Forest	S3	GNR		139N098W - 14; 139N098W - 11; 139N098W - 22; 139N097W - 07; 139N098W - 15; 139N098W - 13; 139N097W - 18; 139N098W - 10; 139N098W - 12; 139N098W - 23; 139N098W - 24	Stark	1976-09-12		M
<i>Fraxinus pennsylvanica - ulmus americana/symphoricarpos</i> occidentalis forest	Western Floodplain Forest	S3	GNR		139N098W - 14; 139N098W - 13; 139N098W - 11; 139N098W - 22; 139N098W - 12; 139N098W - 15; 139N098W - 23; 139N098W - 24; 139N098W - 10	Stark	1976-09-12		M
<i>Fraxinus pennsylvanica - ulmus americana/symphoricarpos</i> occidentalis forest	Western Floodplain Forest	S3	GNR		139N098W - 22; 139N098W - 15; 139N098W - 28; 139N098W - 26; 139N098W - 16; 139N098W - 10; 139N098W - 09; 139N098W - 27; 139N098W - 14; 139N098W - 11; 139N098W - 21; 139N098W - 23	Stark	1976-09-13		M
<i>Fraxinus pennsylvanica - ulmus americana/symphoricarpos</i> occidentalis forest	Western Floodplain Forest	S3	GNR		139N098W - 23; 139N098W - 25; 139N098W - 27; 139N098W - 14; 139N098W - 13; 139N098W - 15; 139N098W - 24; 139N098W - 35; 139N098W - 34; 139N098W - 26; 139N098W - 22	Stark	1976-09-13		M

North Dakota Natural Heritage Inventory
Rare Animal and Plant Species and Significant Ecological Communities

State Scientific Name	State Common Name	State Rank	Global Rank	Federal Status	Township Range Section	County	Last Observation	Estimated Representation Accuracy	Precision
Fraxinus pennsylvanica - ulmus americana/symphoricarpos occidentalis forest	Western Floodplain Forest	S3	GNR		139N098W - 27; 139N098W - 33; 139N098W - 28; 139N098W - 21; 139N098W - 34; 139N098W - 25; 139N098W - 22; 139N098W - 35; 139N098W - 24; 139N098W - 26; 139N098W - 36; 139N098W - 23	Stark	1976-07-06		M
Fraxinus pennsylvanica - ulmus americana/symphoricarpos occidentalis forest	Western Floodplain Forest	S3	GNR		139N098W - 27; 139N098W - 33; 139N098W - 28; 139N098W - 21; 139N098W - 34; 139N098W - 25; 139N098W - 22; 139N098W - 35; 139N098W - 24; 139N098W - 26; 139N098W - 36; 139N098W - 23	Stark	1976-07-05		M
Quercus macrocarpa/prunus virginiana northern ravine woodland	Bur Oak Upland Woodland	S3	GNR		139N094W - 36	Stark	1985-05-01		S
Stipa comata - bouteloua gracilis/carex filifolia prairie	Needle-and-thread Mixed Grass Prairie	S2	GNR		139N097W - 16; 140N098W - 34; 139N097W - 36; 139N097W - 27; 139N097W - 09; 139N098W - 36; 139N097W - 07; 140N097W - 36; 140N097W - 27; 139N097W - 29; 139N096W - 08; 138N097W - 10; 140N097W - 28; 140N097W - 19; 139N096W - 18; 140N097W - 29; 139N096W - 17;	Stark	1935-08-03		G
Stipa comata - bouteloua gracilis/carex filifolia prairie	Needle-and-thread Mixed Grass Prairie	S2	GNR		139N097W - 26; 139N097W - 36; 139N097W - 24; 139N097W - 22; 139N097W - 34; 139N097W - 35; 139N097W - 27; 139N097W - 23; 139N097W - 25	Stark	1977		M
Symphoricarpos occidentalis shrubland	Buckbrush Shrubland	S4	GNR		139N098W - 27; 139N098W - 25; 139N098W - 23; 139N098W - 36; 138N098W - 03; 138N098W - 02; 139N098W - 35; 139N098W - 22; 139N098W - 34; 139N098W - 26; 139N098W - 28; 139N098W - 33	Stark	1976-07-06		M
Vireo bellii	Bell's Vireo	S3	G5	PS	139N093W - 31; 138N093W - 19; 138N094W - 03; 138N094W - 13; 138N094W - 02; 138N093W - 22; 138N094W - 16; 138N093W - 04; 139N093W - 16; 139N093W - 07; 138N093W - 14; 138N093W - 05; 138N094W - 04; 139N094W - 27; 139N094W - 16; 139N094W - 09; 138N093W - 15	Stark	1967-08-22		G

North Dakota Natural Heritage Inventory Biological and Conservation Data Disclaimer

The quantity and quality of data collected by the North Dakota Natural Heritage Inventory are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in North Dakota have never been thoroughly surveyed, and new species are still being discovered. For these reasons, the Natural Heritage Inventory cannot provide a definite statement on the presence, absence, or condition of biological elements in any part of North Dakota. Natural Heritage data summarize the existing information known at the time of the request. Our data are continually upgraded and information is continually being added to the database. This data should never be regarded as final statements on the elements or areas that are being considered, nor should they be substituted for on-site surveys.

Estimated Representation Accuracy

Value that indicates the approximate percentage of the Element Occurrence Representation (EO Rep) that was observed to be occupied by the species or community (versus buffer area added for locational uncertainty). Use of estimated representation accuracy provides a common index for the consistent comparison of EO reps, thus helping to ensure that aggregated data are correctly analyzed and interpreted.

Very high (>95%)

High (>80%, <= 95%)

Medium (>20%, <= 80%)

Low (>0%, <= 20%)

Unknown

(null) - Not assessed

Precision

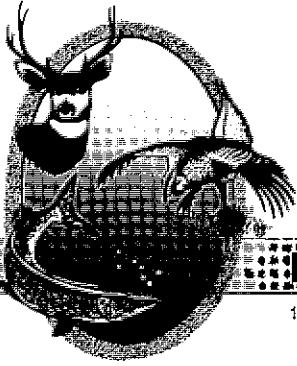
A single-letter code for the precision used to map the Element Occurrence (EO) on a U.S. Geological Survey (USGS) 7.5' (or 15') topographic quadrangle map, based on the previous Heritage methodology in which EOs were located on paper maps using dots.

S - Seconds: accuracy of locality mappable within a three-second radius; 100 meters from the centerpoint

M - Minute: accuracy of locality mappable within a one-minute radius; 2 km from the centerpoint

G - General: accuracy of locality mappable to map or place name precision only; 8 km from centerpoint

U - Unmappable



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

January 22, 2015

Anne-Marie Griger, AICP
Tetra Tech, Inc.
8911 N. Capital of Texas Hwy
Bldg. 2, Suite #2310
Austin, TX 78759

Dear Ms. Griger:

RE: Dickinson Wind Energy Center
Stark County, North Dakota

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns.

A primary concern with wind power development is the disturbance of native prairie associated with construction of turbines, access roads, and other associated facilities. We suggest the US Fish and Wildlife Service Land-Based Wind Energy Guidelines be implemented as appropriate during the development of this project.

The National Wetland Inventory indicates various wetlands located within the proposed project area. We recommend that any unavoidable wetland impacts be replaced in kind, above-ground appurtenances not be placed in wetland areas, and no alterations be made to existing drainage patterns.

We ask that collection lines be buried whenever possible, and any necessary overhead lines be marked when placed over perennial streams or sited in close proximity to wetland complexes to minimize possible avian impacts. The publication "Reducing Avian Collisions with Power Lines: the State of the Art in 2012" provides a range of management options which can be used to reduce avian losses.

We also recommend that routine monitoring for avian and bat mortality be included as part of the facility maintenance plan for the life of the project. We would appreciate being kept informed as this project progresses, and if possible, we would like the GPS coordinates for each turbine after the site has been established.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Link".

Greg Link
Chief

Conservation & Communication Division

js

January 29, 2015

ANNE-MARIE GRIGER, AICP
TETRA TECH, INC
8911 N CAPITAL OF TEXAS HWY
BLDG 2, SUITE #2310
AUSTIN, TX 78759

RE: Proposed Dickinson Wind Energy Center in Stark county, ND

Dear Ms. Griger:

This letter is in response for the request for comments dated December 22, 2014 (enclosed). We have reviewed the proposed Wind Energy Center as shown on the maps to see if it would impact school trust lands.

School trust lands were granted to the State by Congress at statehood in 1889 solely for the purpose of providing financial support for elementary and secondary schools in North Dakota. In order to provide that support to the schools, these lands are for oil and gas development as well as other minerals.

The proposed area does not contain any school trust land surface acres but contains a significant amount of minerals. When lands are sold, the Board of University and School Lands reserved the minerals which includes the hydrocarbon minerals as well as gravel and scoria. In North Dakota, the minerals are the dominant estate. Therefore if the transmission line or Wind Energy Center development affects the trust's ability to develop its minerals, the Wind Energy Center would have to pay compensate the trusts for lost royalty.

It is strongly recommended that the Proposed Dickinson Wind Energy Center consult with the North Dakota Oil and Gas commission to reduce the potential for conflicts between wind energy development and oil and gas development.

Sincerely,



Michael D. Brand, Ph.D
Director, Surface Management Division

Trust Mineral Ownership as Indicated by "Yes"
Transmission Line Corridor

Town	Range	Sec	Mineral Tracts	Mineral	Surface
139	98	20	None	NO	NO
		21	None	NO	NO
		22	None	NO	NO
		23	None	NO	NO
		24	None	NO	NO
139	97	19	None	NO	NO
		20	SE4	Yes	NO
		21	None	NO	NO
		22	None	NO	NO
		25	None	NO	NO
		26	None	NO	NO
		27	None	NO	NO
139	96	24	None	NO	NO
		25	None	NO	NO
		26	S2NW4, W2SE4, SW4	Yes	NO
		27	E2SE4	Yes	NO
		28	None	NO	NO
		29	None	NO	NO
		30	N2, SE4	Yes	NO
139	95	19	None	NO	NO
		20	None	NO	NO
		21	None	NO	NO
		22	None	NO	NO
		23	None	NO	NO
		24	None	NO	NO
139	94	12	None	NO	NO
		13	None	NO	NO
		19	None	NO	NO
		20	SE4	Yes	NO
		21	W2SE4, SW4	Yes	NO
		22	None	NO	NO
		23	None	NO	NO
		24	None	NO	NO

Trust Mineral Ownership as Indicated by "Yes"
Dickinson Wind Energy Center Tower Sites

Town	Range	Sec	Mineral Tracts	Mineral	Surface
140	94	36	All	Yes	NO
140	93	16	All	Yes	NO
139	94			NO	NO
139	93	2	E2, S2NW4, N2SW4	Yes	NO
139	93	11	N2	Yes	NO
139	93	16	All	Yes	NO
139	93	20	SE4	Yes	NO
139	93	28	SE4	Yes	NO
139	92	14	E2, SW4	Yes	NO
139	92	16	All	Yes	NO

TETRA TECH Inc.- NextEra Energy Resources, LLC

Dickinson Wind Energy Center in Stark County, ND
 Comments from the ND Department of Trust Lands, 1-28-15

There are no trust surface tracts associated with this project, only mineral tracts.



January 30, 2015

Anne-Marie Griger, AICP
Tetra Tech, Inc.
8911 N. Capital of Texas Hwy, Bldg 2, Suite 2310
Austin, TX 78759

Re: Proposed Dickinson Wind Energy Center
Stark County, North Dakota

Dear Ms. Griger:

This department has reviewed the information concerning the above-referenced project submitted under date of December 22, 2014, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

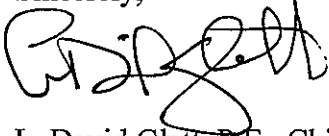
1. All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.
2. Aggregate to be used for road construction should not contain any erionite. Aggregate sources should be tested for erionite following guidelines found at www.ndhealth.gov/EHS/Erionite. For questions regarding erionite testing, please call Scott Radig at 701-328-5166.
3. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
4. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). Also, cities or counties may impose additional requirements and/or specific best management

practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.

The department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. David Glatt', written over a horizontal line.

L. David Glatt, P.E., Chief
Environmental Health Section

LDG:cc
Attach.



Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.