

1707 North 9th Street
PO Box 5523
Bismarck, ND 58506-5523
Phone: (701) 328 - 2800
Fax: (701) 328 - 3650

www.land.nd.gov



Lance D. Gaebe, Commissioner

51
EXHIBIT

tabbles

51

April 10, 2015

DALE WEFLEN
10319 70th ST NW
TIOGA ND 58852

RE: Indian burial on trust land

Dear Dale Weflen:

Thank you for your letter and attachments dated April 8, 2015 concerning a possible burial site on trust land. The information has been forwarded to Trade Wind, the wind energy developer. Because archeological review is required for wind farm development, this information is timely and helpful.

Sincerely,

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

In regards to Bryce's comment
it was removed from section
36 not because
of setbacks.

53 PU-15-482 Filed: 10/8/2015 Pages: 10
Exhibit 51

Jodean Weflen

1

storage tanks on oil production pads are 25 feet at max height. The Study Area contains two communication towers and one overhead transmission line that transects the Study Area from north to south. No visually sensitive areas, such as National Parks, exist in or directly adjacent to the Study Area.

Land within the Study Area is utilized mainly for agricultural purposes. Crops in the Study Area consist mainly of wheat, canola, barley, soybeans and sunflowers, with limited amounts of alternative crops grown. The native vegetation in the Study Area is mainly composed of western wheatgrass, green needlegrass, blue-stem, and needle and thread along with prairie cordgrass and reedgrass occurring near wetlands. Wetlands of various hydrology, soils, and vegetation exist within the Study Area. In addition, small drainages exist within the Study Area.

Shadow Flicker

Shadow flicker may result during certain conditions when the combination of lighting, location, and rotation of turbine blades can cast flickering shadows, which can be a nuisance if cast upon inhabited homes or visually sensitive areas. EAPC conducted a shadow flicker analysis of the preliminary layout, which can be found in APPENDIX D. SOUND AND SHADOW FLICKER ANALYSIS.

6.6.1. Visual Impacts/Mitigation

Visual and aesthetic impacts would result from construction of the proposed Project. Measuring the aesthetic value of a specific landscape is difficult and may vary based on an individual's personal values, experiences, or preferences. The degree of visual contrast will vary based on the viewpoint distance and location in relation to the Project. Given the Project's location within the Bakken oil production region, there are several oil facilities visible throughout the Study Area.

No local, state, or federal guidelines exist that determine the threshold for shadow flicker. However, 30 hours of shadow flicker per year is a commonly cited target for wind projects, and Lindahl will target shadow flicker of 30 hours per year or less when siting Project turbines. EAPC's shadow flicker analysis concluded that only one residence would potentially have over 30 hours of shadow flicker per year for the turbine with the maximum shadow flicker potential. If the turbine with the maximum shadow flicker potential is ultimately used, mitigation measures will be employed to reduce shadow flicker to 30 hours per year or less at the affected residence, as necessary. All of the residences would be below 30 hours for a turbine with less shadow flicker potential than the maximum studied.

Additional impacts to adjacent land users may occur from tower lighting or marking. The FAA requires specific lighting depending on Project location. Mitigation options for such impacts are limited because the lighting and markings are designed to be visible to pilots. In order to minimize visual impacts to adjacent land users, wind turbine lighting will not exceed FAA lighting requirements unless warranted by the FAA (see the air traffic impacts discussion in SECTION 6.4.1. HUMAN HEALTH AND SAFETY IMPACTS/MITIGATION). Furthermore, the use of setback distances from occupied residences is anticipated to alleviate some of the direct visual impacts to adjacent residents by reducing the intensity of the lights through distance buffers.

6.7. Cultural and Archaeological Resources

Lindahl Wind has coordinated with the State Historical Society of North Dakota (SHSND). In a November 24, 2014 letter, SHSND requested that Lindahl Wind conduct a Class I Literature Review, a Class III Pedestrian Survey and a Class II Architectural History Reconnaissance Survey within the physical area of potential

effect (APE). The APE subject to the Class III Pedestrian Survey is defined as any ground surface areas directly disturbed or that have the potential to be disturbed by any construction or installation activities associated with the wind farm.

KLJ conducted a Class I Literature Review of the Study Area at the SHSND on October 30, 2014. The literature review revealed 96 previously recorded cultural resources identified during 18 previous inventories. Of these resources, 25 are located within the Project Area APE. These resources include⁵:

- ◆ 2 archaeological sites;
- ◆ 1 archaeological isolated find;
- ◆ 20 archaeological site leads; and
- ◆ 2 historical sites.

Wind turbines, access roads and associated facilities have been sited to avoid archaeological sites identified from the Class I Literature Review.

A meeting with the SHSND was held on December 10, 2014 to determine the visual APE for the architectural history survey. SHSND determined an APE for visual impacts and identified 53 locations that required architectural surveys to be conducted.

The Class II Architectural History reconnaissance survey, in compliance with NDCC Chapter 55-02-07, was conducted on January 20–22, 2015 for the 53 sites identified by SHSND in the Study Area. During the inventory, field-crew could only access and document 52 sites; therefore, a total of 51 architectural history sites and one potential historic district (McGregor) were documented. Of these 52 accessed sites, only 12 sites occur within the Project Area. Of the 12 sites, 7 were recommended for no further study and 5 were recommended potentially eligible for nomination to the National Register of Historic Places. SHSND has requested that cultural resource site forms be completed for all 12 sites. Lindahl Wind will continue to coordinate with SHSND to ensure that construction of access roads and Project facilities will not impact cultural resources that SHSND recommends for avoidance.



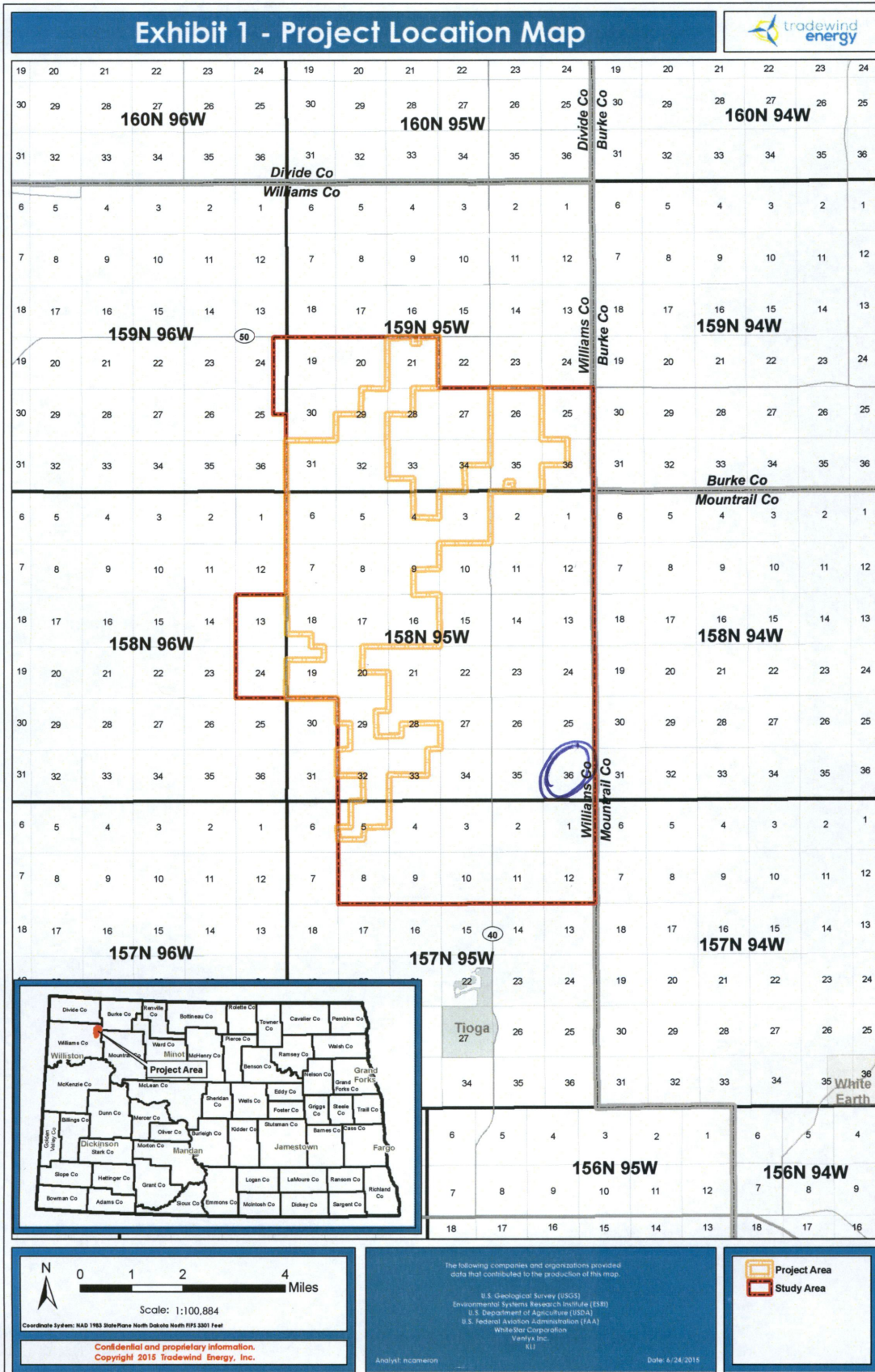
A Class III Pedestrian Inventory was conducted on April 13–22, 2015. Eighteen newly recorded cultural resources were documented within the Project Area.

At the recommendation of SHSND, a scoping package was sent to the Three Affiliated Tribes and the Turtle Mountain Band of Chippewa on February 2, 2015 requesting any comments or information regarding potential sensitive resources within or near the Study Area. As of the date of this Application, no response from either party has been received.

⁵ As outlined in Chapter 55 of the North Dakota Century Code, distribution of cultural resource data is prohibited.

original
48,806 Acres

39040
incorrect



Application for a Certificate of Site Compatibility for Tandish Wind Project, LLC
Tandish Wind Farm Project, July 2015



Exhibit A-1. Project Location Map

UNANTICIPATED DISCOVERY PLAN AND MONITORING PLAN FOR THE LINDAHL WIND PROJECT, WILLIAMS COUNTY, NORTH DAKOTA

For
Tradewind Energy, Inc.

March 2015

I. DESCRIPTION

Lindahl Wind Project, LLC. (Lindahl) has proposed the development of the Lindahl Wind Project consisting of an approximate 150 megawatt (MW) wind farm in Williams County, North Dakota. The wind farm will consist of up to 90 wind turbines depending on turbine model chosen for the Project. Construction is anticipated to begin in the summer of 2016 with commercial operation by the end of that year. No federal funding is anticipated.

Prior to construction, a Class II Architectural View-Shed survey and a Class III Cultural Resource Inventory will be conducted. The work will be completed in 2015. The Project has committed to avoidance of *significant* and *unevaluated* cultural resources during construction through the use of a 50-foot buffer around all identified resources. To continue moving forward with the proposed wind Project, KLJ and Lindahl have developed this discovery and monitoring plan to address the discovery and proper procedures if previously unidentified resources are encountered during construction.

II. UNANTICIPATED DISCOVERY PLAN

This discovery plan will apply to any cultural features discovered during the course of construction or construction monitoring. The discovery plan may be used in conjunction with a monitoring effort at some locations to ensure that any previously unrecorded features are identified and data recovered from them before they are disturbed by construction activities.

The discovery of single or sparse concentrations of cultural material by KLJ, Lindahl, and any subcontractor would not activate the terms of this discovery plan. The discovery plan, as written, is focused on the recovery of information from inadvertently exposed precontact and historic features, which may include: cache pits, fire-hearths, cairns, stone circles, post-molds, house floors, discrete *precontact* artifact concentrations, foundations, cellars, vaults, privy pits, or other definable remnants of historic structures.

Under non-burial circumstances, work will stop in the immediate area of the discovery. The Project's lead archaeologist will be contacted. The archaeologist will then advise the State Historical Society of North Dakota (SHSND) of the discovery. Any features encountered will be plotted on a map of the area (site map) and a USGS 7.5' quadrangle map. All features will be fully recorded and excavated in compliance with SHSND Guidelines and KLJ Excavation Standards. The features will be exposed in plan view, photographed, and mapped, then one-half of the feature will be expediently excavated (and bagged for screening) to expose the profile. The second half of the feature will be excavated after a profile has been photographed and illustrated. If fill sequences or strata are identified in



the profile or during the excavation of the first half, these units will be excavated and bagged separately.

A 10 percent sample of feature fill (matrix) will be reserved for floatation processing. The rest of the feature fill will be processed using standard screening methods through 1/4 inch mesh screen. After excavation of the feature is complete, photographs will be taken and any changes to the plan view of the feature will be added to the original illustration. A site form, or site form update, will be prepared and submitted to the SHSND.

Analysis of artifacts, float samples, and reporting will also be in compliance with SHSND Guidelines and KLJ Excavation Standards. Construction may recommence upon completion of the excavation.

A. Burials

Intentional, unauthorized disturbance of a human burial site under North Dakota State law is a Class C felony:

"Any person who knows or has reasonable grounds to believe that a human burial site, human remains, or burial goods, found in or on any land, shall refrain from any activity which might disturb or immediately cease any continued activity which might cause further disturbance of such burial, remains, or goods and shall, as soon as practicable, report the presence or discovery of the burial, remains, or goods, to the local law enforcement agency with jurisdiction in the area in which the burial, remains, or goods are located. A person is guilty of a class B misdemeanor who is required to make such report and willfully, as defined in section 12.1-02-02, fails to make the same. The requirements imposed in this subsection do not apply to any person engaged in the salvaging excavation or other disinterment of a human burial under authority of law." (23-06-27.5).

If human remains are discovered during construction or monitoring activities, the following will take place in accordance with procedures defined in North Dakota Administrative Code (N D A C) 40-02, in accordance with North Dakota Century Code (N D C C) 23-06-27 (Protection of human burial sites, human remains, and burial goods-Unlawful acts-Penalties-Exceptions):

- Work will immediately cease in the vicinity of the burial and the County Sheriff and SHSND will be contacted immediately.
- The SHSND shall inform the North Dakota State Health Department and Intertribal Reinterment Committee (ITRC).
- All appropriate respect will be shown for any burial discovered on the Project including efforts to ensure that the burial is protected from on-lookers and potential looting.
- At the discretion of the SHSND and/or the ITRC, the human remains and the immediate burial area may be protected by careful back fill or tarps.
- All areas within 50 feet of the burial will be protected from further disturbance until the above listed parties are notified, they consult on the Project, and they devise a scope of work under which the Project may proceed.



- The Project's archaeologist(s) will assist the SHSND and ITRC as requested but will not attempt to collect, further disturb, or study any human remains from the Project unless specifically directed to do so.

B. Disposition of Cultural Materials

With the exception of human remains and grave associated goods, cultural materials recovered from private lands in the state of North Dakota are the property of the landowner. With this in mind, the landowner has the right of first refusal. If the landowner does not wish to take possession following the analyzing and cataloging phase, the artifacts may be returned as closely as possible to where they were discovered, or curated/accessioned at the SHSND under KLJ's Curation Agreement. If reburied, the location(s) will be plotted with a GPS for future reference. If any tribe(s) requests recovered artifacts from a specific excavated feature, The Project will consult with the landowner to procure a Gift Agreement making a donation of the artifacts to the tribe(s). The artifacts will then be turned over to the tribe(s) along with a copy of the artifact catalog.

C. Safety Issues

Due to the use of heavy equipment in the Project area, personal safety is of concern. Safety Orientation will be completed and updated as/if needed, and First Aid kits and fire extinguishers will be carried in each Project or contractor vehicle, ATV, and UTV.

Personal protective equipment (PPE) will also be required. PPE shall include hard hats, steel-toed boots, and safety vests, which must be used at all times on the construction site(s). Each person is responsible for obtaining, using, and maintaining his/her PPE, and no archaeologist will be allowed on the construction site(s) without the equipment.

These procedures will also be followed if monitoring is deemed necessary at any location.

III. MONITORING PLAN

Monitoring during construction is not anticipated. However, in the event that it is deemed necessary at some locations by Project Representatives or the SHSND, the work will be led by a qualified archaeologist(s) (according to the Department of the Interior's Professional Qualification Standards [48 FR 22716, Sept. 1983] and North Dakota state law [NDCC Chapter 55-03-01, and NDCC Chapter 40-02-02]). No new ground disturbance shall occur before sunrise or after sunset.

A. Encountered Cultural Resources

If cultural resources are encountered during construction monitoring, the archaeologist shall signal the equipment operator(s) if equipment is operating in the immediate area. The archaeologist shall not enter the area until acknowledgement is received from the operator(s) and the equipment has stopped or moved from the area. The guidelines provided in the discovery plan shall then be implemented.



B. Methods

Monitoring will occur at selected areas if deemed necessary by the SHSND or Project Representatives. Areas previously plowed for agricultural activities may not be monitored. Because the purpose of the monitoring is to identify and recover data from subsurface features, material contained within any plow zone is not of as much importance. All monitoring activity will stay within the construction limits defined by the Project.

The archaeologist will closely observe the topsoil removal process and inspect each cut to ensure that subsurface features are identified. Once pre-Holocene soils are exposed, no further monitoring in the area will be required.

The archaeologist and the point of contact for the construction crew(s) will communicate to prevent unnecessary construction stoppages during the monitoring effort. The archaeologist, however, will retain the final decision on how the work will proceed within the Project area. The decisions of the archaeologist will be based on accepted archaeological procedures as outlined by the SHSND. The overall archaeological and monitoring effort will be conducted with the goal of keeping the construction on schedule while maintaining respect for any cultural resources in the area.

IV. REPORTING

If there are any unanticipated discoveries, monitoring, or processing of any recovered feature fill, cultural materials, or specialized samples, a professional quality report will be produced. The report will meet or exceed SHSND Guidelines. The report will be submitted to the SHSND for review and archiving. Copies of the report will also be provided to the Project Representatives and will be archived as part of the final Project file.

V. CONTACTS

- Tradewind Energy, Inc.
 - Brice D. Barton - 913-956-4070; cell 785-443-3434, bbarton@tradewindenergy.com
 - Jennifer Dean - 913-322-7428 cell 913-219-5004, jdean@tradewindenergy.com
- KLJ
 - Grady Wolf - 701-355-8726; cell 701-595-2881; grady.wolf@kljeng.com
 - Duane Klinner - 701-250-5902; cell 701-202-5780; duane.klinner@kljeng.com
- SHSND
 - Paul Picha - 701-328-3574; ppicha@nd.gov
 - Susan Quinnell - 328-3576; squinell@nd.gov
- Williams County Sheriff and Emergency Services (911)
 - Williams County Law Enforcement Center
223 East Broadway, Suite 301
Williston, North Dakota 58801
Phone: 701-577-7700



their
website.

Enel Green Power Sustainability Policy

Sustainability is part of Enel's culture: it drives a process of continuous and transversal improvement within the Company and is key to its mission of growth and development. Part of the company's approach to business is "respect for the environment" and "creating a better world for future generations" as evidenced in the company's mission statement. The company has taken a global position in policies of environmental sustainability. This is key to ensuring eco-friendly, reasonable priced, continuous and secure energy supplies to its customers. For this purpose, the Group uses best available technologies and is committed to continuous improvement.

In 2009, together with 59 other CEOs of power companies from 27 of Euroelectric's countries, Enel signed a declaration where it pledged to become carbon-neutral by 2050. For an eleventh year in a row, Enel was admitted to the prestigious Dow Jones Sustainability Index. The latter index includes just 10% of the 2,500 most important companies in the world, those which come top for sustainability. In 2014 The Enel Group was also admitted to the prestigious FTSE4Good index, which measures corporate behavior relating to environmental sustainability, relationships with stakeholders, respect for human rights, and quality of labor conditions.

Enel Green Power is also committed to promoting excellence in all activities carried out at the plants, following a philosophy that goes one step further than simply complying with applicable standards, and to making sure that management policies are implemented that incorporate the principles of ongoing improvement and safe risk management. The Company invests in innovative research and in the best available technologies that allow the reduction of GHG emissions and pollutants. The Research & Development program of Enel Green Power focuses on implementing at industrial level innovations stemming from all the technologies within the company scope of activities. Enel Green Power is interested in finding new efficient ways of generating renewable energy through the development of innovative technologies, benefiting also from being part of the Enel group and having access to an unrivalled knowledge base.

Enel Green Power is set on facing the management of Safety, Health and environmental aspects with a systemic approach and in view of continuous improvement, as regards both direct and indirect action.

Considering this commitment, the Group has set up an integrated Health, Safety and Environment management system, in accordance with the international regulations BS OHSAS 18001:2007 and UNI EN ISO 14001:2004. This management system has been adopted within the entire organisation and in all countries and is certified with a 100% coverage, in accordance with the aforesaid regulations.

The Integrated Management System aims at:

- integrating issues regarding health and safety at the workplace, as well as environmental protection, within the ordinary decision-making and management activities;*
- adopting technologies and procedures that continuously improve internal and external environmental conditions;*

- *making all the necessary efforts to eliminate risks for health and safety on the workplace, which could cause accidents or injuries to people and to avoid and reduce pollution by preventing accidents, controlling the materials that are used and waste that is generated, always respecting the established operational procedures;*
- *developing, through adequate information and training programmes, the skills of personnel engaged in various activities, under normal conditions and dangerous situations or emergencies, in view of raising the awareness on their role and their potential, both regarding the prevention of risks for health and safety and the achievement of targets and results of the environmental performance;*
- *promoting and maintaining an open dialogue with individuals, institutions and administrations on the effects of the Group's activities on communities and the environment, in order to favour protection and enhancement projects regarding internal and external health and safety.*

Specific and measurable objectives are annually defined and their actual achievement is verified by continuously monitoring the results that have been achieved, whose analysis is the basis for the Direction's periodic review. The company helps raise the awareness of the management and employees, at every level of the Group's organisation, so that they will be conscious of the commitment that has been made, will support its principles, will help achieve the objectives and will make the effort to maintain a high level of information and motivation aimed at successfully implementing the health, safety and environmental protection programme.