

**USFWS**

## Griger, Anne Marie

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**From:** Sue Kvas <sue\_kvas@fws.gov>  
**Sent:** Wednesday, January 20, 2016 8:10 AM  
**To:** Griger, Anne Marie  
**Subject:** RE: Project shapefiles for Brady, Brady II, and Oliver III

Hey Anne-Marie,

I reviewed your project area and there are no USFWS interests in the areas you provided.

Thanks,

Sue

Susan Kvas  
Supervisory Fish and Wildlife Biologist  
US Fish & Wildlife Service  
Habitat and Population Evaluation Team – HAPET  
3425 Miriam Ave.  
Bismarck, ND 58503  
Office : 701-355-8541

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**From:** Griger, Anne Marie [mailto:[Anne-Marie.Griger@tetrattech.com](mailto:Anne-Marie.Griger@tetrattech.com)]  
**Sent:** Tuesday, January 19, 2016 11:14 AM  
**To:** [sue\\_kvas@fws.gov](mailto:sue_kvas@fws.gov)  
**Subject:** RE: Project shapefiles for Brady, Brady II, and Oliver III

Hello Sue,

Can you please let me know if you received this email from last week, or if you need me to re-send? I sent unzipped shapefiles.

Thank you,

Anne-Marie

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**From:** Griger, Anne Marie  
**Sent:** Monday, January 11, 2016 4:43 PM  
**To:** '[sue\\_kvas@fws.gov](mailto:sue_kvas@fws.gov)' <[sue\\_kvas@fws.gov](mailto:sue_kvas@fws.gov)>  
**Cc:** Farmer, Chris <[Chris.Farmer@tetrattech.com](mailto:Chris.Farmer@tetrattech.com)>; Wells, Kimberly ([Kimberly.Wells@nexteraenergy.com](mailto:Kimberly.Wells@nexteraenergy.com)) <[Kimberly.Wells@nexteraenergy.com](mailto:Kimberly.Wells@nexteraenergy.com)>; '[laura.nagy@dnvgl.com](mailto:laura.nagy@dnvgl.com)' <[laura.nagy@dnvgl.com](mailto:laura.nagy@dnvgl.com)>; McCall, Sarah <[Sarah.McCall@tetrattech.com](mailto:Sarah.McCall@tetrattech.com)>  
**Subject:** Project shapefiles for Brady, Brady II, and Oliver III

Hello Sue,

Can you please confirm there are no easements or fee-title lands within or near the Brady, Brady II, and Oliver III project areas? Shapefiles of each are attached. I believe that there are no easements west of the Missouri River in North Dakota, but wanted to confirm.

Thank you,

Anne-Marie

**Anne-Marie Griger, AICP** | Senior Environmental Planner

Direct: 512. 213.8501

[anne-marie.griger@tetratech.com](mailto:anne-marie.griger@tetratech.com)

**Tetra Tech, Inc.**

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

## Griger, Anne Marie

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**From:** Wells, Kimberly <Kimberly.Wells@nexteraenergy.com>  
**Sent:** Tuesday, January 26, 2016 9:02 AM  
**To:** Kevin Shelley (kevin\_shelley@fws.gov) (kevin\_shelley@fws.gov); Schumacher, John D. Farmer, Chris; Griger, Anne Marie; McCall, Sarah; Nagy, Laura; Hochmuth, Melissa; Trumbauer, Mark; Wells, Kimberly  
**Cc:**  
**Subject:** NextEra ND Wind Projects Meeting: Summary and Status Update

Kevin and John,

Happy New Year! Hope you both had a nice holiday break.

As a follow up to our meeting in December in Kevin's office, I am providing the following attachments per your suggestion:

- Draft meeting minutes for your review (Word document)
- Updated habitat maps for each of the three projects (Brady I/II combined and Oliver III) showing native prairie and forest cover (PDF files)
- Brief summary of methodology used for the desktop native prairie assessment followed by a field verification to support what is shown in maps (Word document)
- Updated shape files sets for each project for cross checking against your internal databases for skippers, whooping cranes, and Sprague's pipit occurrences (zipped shape files)

Note our minutes summarize the status of your suggestions including inquiries with your respective offices that have been completed or in progress. Our hearing with the PSC for Brady I has been scheduled for 3/2, so we would greatly appreciate receiving the results of your internal data base queries using these shape files as soon as possible. Chris Farmer with Tetra Tech will follow up with within the week to check in on that and discuss some of our questions regarding BBCS format and organization to address your suggestions.

Could you please confirm receipt of this email?

Thanks!

Kim

Kimberly Wells, Ph.D.  
Environmental Services Project Manager

**NEXtera** Energy Resources, LLC

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Houston, TX 77002

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832.538.7935 (mobile)

[Kimberly.Wells@NEE.com](mailto:Kimberly.Wells@NEE.com)



NextEra North Dakota Projects – Brady I, Brady II, Oliver III  
Meeting Summary  
16 December, 2015

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**In attendance:**

- Kevin Shelley, US Fish and Wildlife Service (USFWS)
- John Schumacher, ND Game and Fish (NDGF)
- Kim Wells, NextEra
- Melissa Hochmuth, NextEra
- Chris Farmer, Tetra Tech
- Laura Nagy, DNV GL

**Handouts provided during meeting and via email:**

- NEER ND Wind wildlife summary diligence 12112015.docx
- NEER Brady I map 12112015.pdf
- NEER Brady II map 12112015.pdf
- NEER Oliver III map 12112015.pdf

**Attachments to the meeting summary:**

- NEER Brady Wind I and II native prairie map
- NEER Oliver III native prairie map

**Introductions:**

The group gave introductions and then Kim and Melissa provided an overview of the Projects by walking through the NEER ND Wind Wildlife summary diligence document, which summarizes the due diligence completed, planned, and in progress for the Brady I, Brady II, and Oliver III Projects.

**Brady I and II:**

- Melissa provided a description of Brady and Brady II. These projects are adjacent (Brady I in Stark County and Brady II primarily in Hettinger County) approximately 15 miles south of the city of Dickinson.
- Each project is 150 MW.
  - Brady I ~ 87 turbines.
  - Brady II ~ 72 turbines.
  - Projects will share a 19 mile, above-ground transmission (gen-tie) line.
  - Brady I
    - PPA with Basin Electric
    - Stark County Conditional Use Permit received on December 22, 2015
    - Submitted the PUC application for the wind farm and transmission line in December 2015.

- Brady II also has a PPA with Basin electric.
- Both Brady I and Brady II are expected to be operational by the end of 2016.

#### **Oliver III:**

- The existing Oliver complex has two operating sites, Oliver I and Oliver II.
- Oliver III is the third phase of this project, proposed to construct an additional 100 MW approximately 10 miles southeast of the existing complex.
- Oliver III is currently negotiating a PPA and was previously permitted through the Public Service Commission in 2011, so there is a larger amount of due diligence for this site.

#### **Brady I and II Discussion**

##### Eagles:

- The group reviewed the location of the eagle nests within 10 miles of the project boundaries. Kevin identified that this is an area with wintering golden eagles.
- Kevin asked John if the state collects wintering eagle data. John responded that they do not.
- Chris identified that winter eagle data collection is ongoing.

##### Dakota Skipper:

- Kevin identified that the presence/absence county-level information in the listing decision may not capture the current understanding of skipper presence.
- Kevin said that USFWS has assembled a skipper database that contains data through 2013. This database is not currently publically available, but Kevin offered to assess the nearest skipper locations if NextEra would provide him with shapefile of the project.
- Kim agreed to provide these files and asked if he was aware of any skippers within the project counties. He said he did not believe they had skippers documented in these counties.
- Kevin suggested that NextEra take a landscape look at potential skipper habitat, including potential connectivity. He recommended that the analysis use a minimum patch size of ¼ acres, which is equivalent to 1/10 hectare. He suggested evaluation of potential skipper habitat as starting with a desktop analysis, then evaluate the vegetation present in the potential locations followed by skipper surveys, as appropriate.

##### PLOTS (Private Lands Open to Sportsmen):

- John explained that PLOTS is an access easement and that if a landowner enters into an agreement he or she needs to contact the department and identify the acreages being removed from the agreement. He said that most PLOTS were usually in place for one year; however, if they were paid access, there would be a pro-rated amount that would need to be paid back. The state keeps an accurate list of PLOTS areas on their website.

##### Site Visit

- Kim offered that NextEra would be happy to provide a tour of their existing facilities located ~20-25 min north of Bismarck.

#### Prairie Dogs and Black-footed Ferrets:

- Kevin asked if prairie dog towns were mapped and Kim responded that there haven't been systematic surveys to date.
- John said that the state maintains a GIS layer of prairie dog towns and that Sandra would be the point-of-contact for those data. The state historically kept an atlas of prairie dog towns, but this has not been as well maintained in the last 10 years.
- Kevin said that he was aware of some significant prairie-dog towns in the New England area, up to several thousand acres, that might come into play for foraging golden eagles. At one point, this area was considered for black-footed ferret reintroduction, but there were not enough land owners to get the acreage.
- Kevin said that there was an unconfirmed report of black-footed ferrets in 2012 close to Dickinson; however, they were not confirmed during follow up surveys by the USFWS.
- NDGF provided shapefiles of documented prairie dog colonies and burrowing owls in and near the projects. There is a 43-acre prairie dog colony in the northeast portion of the Brady project area that was observed as unoccupied in 2011 and an 18-ac colony north of the Brady project area that was also observed as unoccupied in 2011. All documented occupied prairie dog colonies and burrowing owls were located over 5 miles to the west of both Brady and Brady II (none were located in the vicinity of Oliver III).

#### Easements:

- Kevin asked if the maps addressed all of the existing easements held by the USFWS for grassland easements, particularly in the vicinity of Hettinger County Waterfowl Production Area (WPA).
- NextEra and Tetra Tech received confirmation from Sue Kvas at USFWS that there are no USFWS interests (easements or WPA) within the boundary of the three projects or within 10 miles, with the exception of the Hettinger County WPA within 10 miles of Brady II.

#### Sage grouse:

- Kevin identified that the projects are on the edge of the sage grouse range and would most likely be an issue for Brady I. He believed that the 10-mile buffer was likely within the historic, but not the current range.
- Kevin suggested that NextEra query Aaron Robinson of NDGF regarding current sage grouse locations.

#### Northern long-eared bats:

- Kevin asked if the group had Dr. Erin Gillam's report on northern long-eared bats because her studies confirmed northern long-eared bats in western North Dakota. Kim asked if Kevin could share her report. Kevin emailed the report to the group during the meeting.

#### Brady I and II as separate projects vs. a singular project:

- Kevin said that he didn't see differences in environmental issues between the two Brady projects and that he would find the review easier if it was all done as part of one analysis.

- Kim explained that the projects were separated because of the separate permitting and financing processes but that she would discuss the idea with her legal team to evaluate that option.

**Oliver III Discussion:**

Whooping crane:

- The group discussed that this project is closer to the center of the whooping crane corridor than the Brady projects.
- Kevin offered to review the project with respect to the whooping crane locations once he has the project shapefiles.

Northern long-eared bat:

- Kevin mentioned that because of the Mississippi River, the Oliver III project may have a higher probability of having northern long-eared bats than the other projects.

Sprague's pipet:

- Kevin said that USFWS has the listing decision for the Sprague's pipet and anticipates publishing a batch finding in the 1<sup>st</sup> quarter on 2016. He stated that USFWS will emphasize pre-listing considerations to avoid lethal or demographic consequences to unlisted species to avoid the need for additional listings.

**BBCS Considerations**

Items identified by Kevin as those that should be considered in the BBCS are as follows:

- Prairie obligate species
- Birds of conservation concern
- Northern long-eared bats
- Species found in post-construction mortality monitoring surveys
- Voluntary mitigation

**Voluntary Considerations**

- Kevin mentioned that if there appear to be potential impacts to species like prairie obligates; NextEra could consider a voluntary donation as compensatory mitigation.
- Options include USFWS conservation easements or potentially conservation banks, although these are in the early development. Kevin offered to put NextEra in touch with the person in charge of the easement program.
- Kim stated that she would be interested in talking with her to understand the cost and process so that NextEra could consider this for these or future projects.

**Action Items (Current Status)**

NextEra:

- Provide shapefiles of each project boundary and 10-mile buffer to USFWS and NDGFD (complete; sent on 01/11/16).
- Contact Sandra to get the prairie dog database and then evaluate prairie dog use in the vicinity of the project (complete; contacted on 01/11/16 and shapefiles received 01/20/16).
- Check to see if there are other easements near Hettinger WPA through NextEra's easement point person (complete; there are none, according to Sue Kvas at USFWS)
- Query Aaron Robinson regarding sage grouse locations (query sent on 01/11/16)
- Generate and share depiction of the grassland maps and forested areas for each project for landscape evaluation (transmitted with meeting summary)
- Have an internal discussion about the potential of separate or tiered BBCSs (discussions in progress as of 01/11/16)

USFWS:

- Share Erin Gillam's report on northern long-eared bats – (completed)
- Review the project shape files for locations of whooping cranes and Sprague's pipits (pending)
- Provide contact for USFWS' easement program manager to NextEra (pending)

## Native Prairie and Forest Cover Methods

January 26, 2016

The attached maps illustrate the forested areas in each project area, based on National Land Cover Database (NLCD) 2011 land cover, per U.S. Fish and Wildlife Service (USFWS) request. The maps also show the results of a native prairie habitat assessment prepared by Tetra Tech. The methodology of the assessment is described below.

NextEra Energy Resources, LLC (NextEra) contracted Tetra Tech, Inc. (Tetra Tech) to map potential habitat for the Dakota skipper (*Hesperia dacotae*) and Sprague's pipit (*Anthus spragueii*) at the proposed Brady Wind and Brady II Wind Energy Center project areas (project areas) in Stark and Hettinger counties, North Dakota. Potential habitat mapping consisted of two phases: desktop native prairie assessment and field verification surveys.

An initial desktop native prairie assessment of the proposed project areas was conducted in July of 2015. Areas that appeared to contain native prairie vegetation based on NLCD 2011 land cover, USDA cropland, and aerial imagery data were delineated.

A field verification survey of the proposed project areas was conducted on August 19, 2015 by a Tetra Tech biologist who visually assessed areas delineated as potential native prairie during the desktop habitat assessment. The survey was conducted from public rights of way and was intended to confirm the presence of native prairie and to classify the quality of potential Dakota skipper and/or Sprague's pipit habitat.

Classification of potential habitat for the Dakota skipper was based on several criteria described by USFWS (2014). Areas of native prairie were considered excellent or good potential Dakota skipper habitat if they:

- Contained a moderate or high diversity of native plant grass and forb species
- Included key plant species such as:
  - Little bluestem grass (*Schizachyrium scoparium*)
  - Sideoats grama (*Bouteloua curtipendula*)
  - Needlegrasses (e.g., *Hesperostipa* spp.)
  - Purple coneflower (*Echinacea angustifolia*)
  - upright prairie coneflower (*Ratibida columnifera*)
  - common gaillardia (*Gaillardia aristata*)
- Exhibited only moderate or light grazing
- Had relatively moderate or little encroachment by woody plant species

The main difference between areas classified as excellent versus good habitat for Dakota skipper was the relative diversity of native plant species (excellent habitat contained a high diversity of native plant species; good habitat contained a moderate diversity of native plant species); the presence of key plant species (excellent habitat contained key plant species; whereas, good quality habitat typically contained key plant species, but not in the abundance of excellent quality habitat); and grazing intensity (excellent habitat exhibited light or no grazing; whereas good quality habitat exhibited light to moderate grazing intensity).

Classification of potential Sprague's pipit habitat was based on criteria compiled from Ranchers Stewardship Alliance, Inc. (2014) and Western USFWS (2015). During the field verification surveys, areas of native prairie were considered potential Sprague's pipit habitat for if they:

- Included a predominance of native vegetation and/or a mix of native and non-native grasses and forbs of medium height (10-30 cm)
- Had low cover of trees or shrubs (<20 percent cover)
- Contained a medium density of vegetation (bare ground <30 percent)
- Did not contain high cover of litter
- Were not fragmented with cropland or linear features such as roads (Ranchers Stewardship Alliance, Inc. 2014)
- Were equal to or greater than 65 hectares (160 acres) in size; this characteristic was determined using GIS following field verification surveys (Western and USFWS 2015).

The main difference between areas classified as unlikely and potential Sprague's pipit habitat was the polygon size (potential habitat included grassland areas equal to or greater than 65 hectares [160 acres]) (Western and USFWS 2015); as well as the vegetation structure and composition (potential habitat had low tree and shrub cover, little bare ground and was not dominated by invasive plant species).

Key differences between Dakota skipper and Sprague's pipit habitat include:

- Polygon size: Sprague's pipit requires larger areas of intact grassland
- Presence of key plant species: Dakota skipper habitat typically require the presence of key plant species

Due to revisions in the proposed project areas following field verification surveys, not all portions of the proposed project areas were assessed via desktop in July. A desktop native prairie assessment was conducted in October and December 2015 for the expanded portions of the proposed project areas.

The attached figure displays the areas of excellent, good and potential habitat for Dakota skipper and Sprague's pipit within the proposed project areas based on desktop assessment and field verification surveys. Areas on the figures classified "Not Surveyed" include:

- Areas that could not be classified during field verification surveys due to lack of access or visibility
- Areas added to the Project Area after the field verification surveys took place that could not be classified based on desktop assessment only

#### References

Ranchers Stewardship Alliance, Inc. 2014. Vegetation Heterogeneity Indicators for Sprague's Pipit (*Anthus spragueii*) Habitat on Native Prairie Managed by Livestock Grazing, Preliminary. Prepared by Renny W. Grilz, P.Ag., Prairie Conservation Services. Aberdeen, SK.

USFWS. 2014. Endangered and Threatened Wildlife and Plants; Threatened Species Status for Dakota Skipper and Endangered Species Status for Poweshiek Skipperling. Final Rule. October 24, 2014.

Western and USFWS. 2015. Programmatic Biological Assessment for the Upper Great Plains Region Wind Energy Program. Western Area Power Administration and the U.S. Fish and Wildlife Service. April 2015.

# Brady /Brady II Wind Energy Center

Hettinger and Stark Counties, ND

## Dakota Skipper & Sprague's Pipit Habitat

### Legend

- Proposed Brady Wind Farm Boundary
- Proposed Brady II Wind Farm Boundary
- Proposed Brady Transmission Line
- Proposed Brady Switchyard Boundary
- Proposed Turbine Location
- Alternative Turbine Location
- Burrowing Owl (Occupied)
- Prairie Dog Colony (Occupied 2011)
- Prairie Dog Colony (Unoccupied 2011)

### Field Verified Habitat

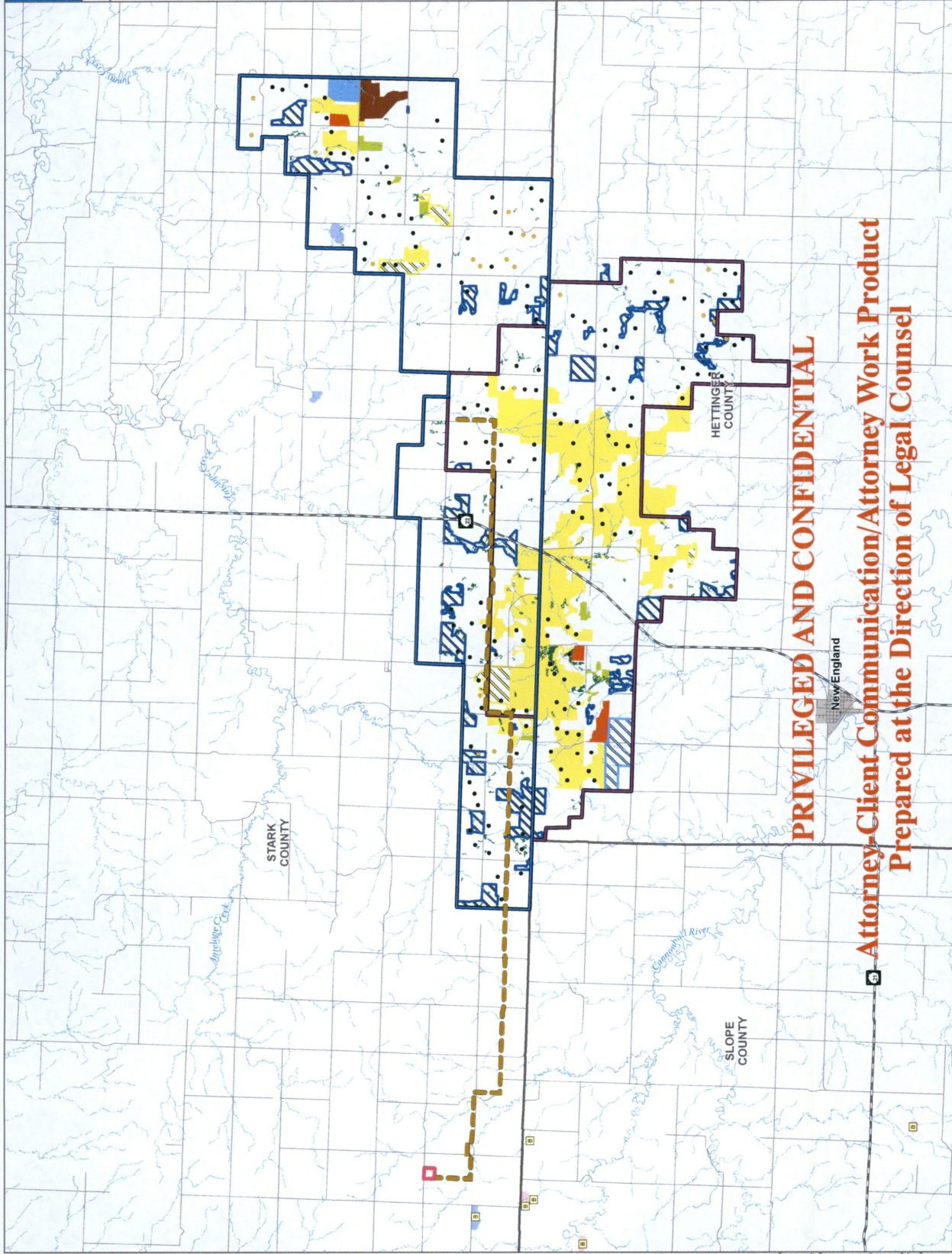
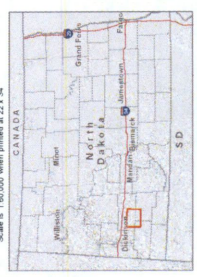
- Excellent - Dakota Skipper / Possible - Sprague's Pipit
- Excellent - Dakota Skipper Only
- Good Potential - Both Species
- Good Potential - Dakota Skipper Only
- Good Potential - Sprague's Pipit Only
- Good Potential - Both Species
- Good Potential - Dakota Skipper Only
- Good Potential - Sprague's Pipit Only
- Not Surveyed

### NLCD

- NLCD Forested Areas

### Hydrology (NHD 2014)

- Perennial Stream
- Intermittent Stream



**PRIVILEGED AND CONFIDENTIAL**  
**Attorney-Client Communication/Attorney Work Product**  
**Prepared at the Direction of Legal Counsel**

New England

Map 17-0173 Brady Wind II Environmental Impact Statement, Map 17-0173, Hettinger and Stark Counties, ND, Printed 12/2013



January 29, 2016

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

**Subject: Information Request for the Proposed Brady Wind Energy Center in Stark County, ND – Revised Project Area**

Dear Mr. Shelley:

This letter is to update the Project area discussed in a letter to you dated August 14, 2015. Tetra Tech has been contracted by NextEra Energy Resources, LLC to prepare an application for a Certificate of Site Compatibility for the proposed Brady 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 south of the city of Dickinson. 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 19 miles in length from the Project substation to the Belfield to Rhame 230-kV line approximately 20 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:

Township	Range	Sections
137 N	95 W	1, 2, 9-16, 19-24, 27-34
137 N	96 W	19-36
137 N	97 W	25-29, 32-36
138 N	95 W	35, 36

The associated transmission line corridor includes the following tracts:

Township	Range	Sections
137N	98W	27-29, 34-36
137N	97W	25, 31-36
137N	96W	25-30, 32, 33

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.

January 29, 2016  
Page 2

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, State Historical Society of North Dakota, and North Dakota Game and Fish Department (NDGF).

NextEra Energy is developing the Project following the voluntary Final Land-Based Wind Energy Guidelines. Desktop habitat analyses for bats and whooping crane are underway as part of Tier 1 and Tier 2 assessments for the Project. Tier 3 assessments that are currently planned or underway for the Project include fall and spring avian migration surveys, biweekly eagle use surveys, raptor nest and grouse lek surveys, and bat acoustic monitoring.

We requested documented eagle nest locations in the vicinity of the Project Area from the NDGF in May 2015 and conducted a ground-based summer nest inventory in June 2015, a fall nest inventory in November 2015, and a nest survey is currently underway in January 2016. There are no documented eagle nests within 3 miles of the Project Area.

We would appreciate a response by February 29, 2016. 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



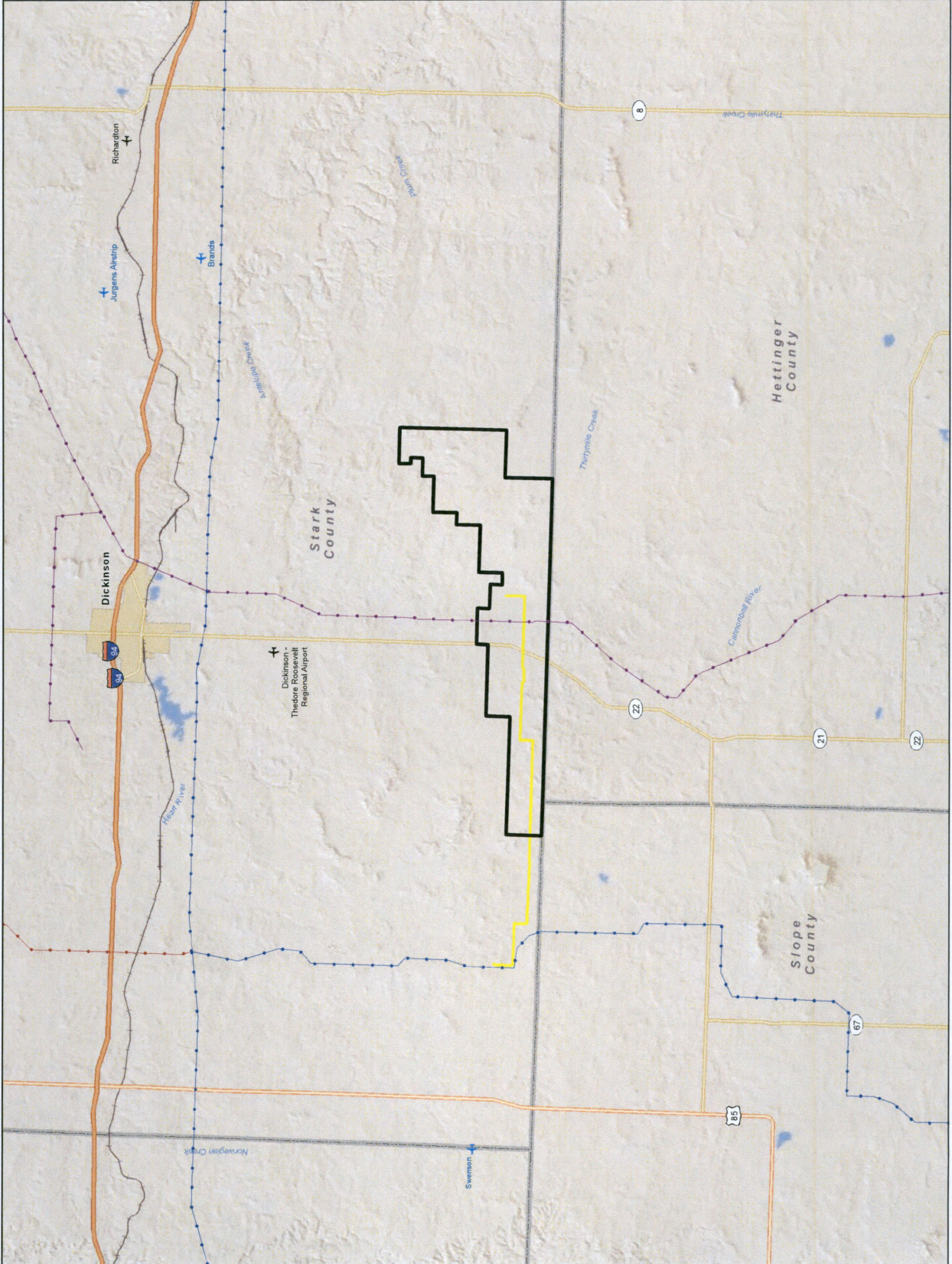
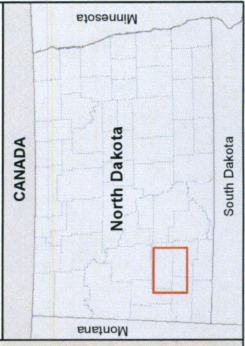
TETRA TECH

**Figure 1**  
**Project Vicinity**

Brady Wind Energy Center  
Stark County, North Dakota

**Legend**

-  Proposed Project Area
-  Proposed Transmission Line
-  Existing Transmission Lines
-  115KV Transmission Line
-  230KV Transmission Line
-  345KV Transmission Line
- Transportation**
-  Public Airport
-  Private Airport
-  Interstate
-  Highway
-  Major Road
-  Railroad
-  County Boundary
-  Urban Area



**Agency List for Brady PSC Application Inquiry Letters**

Mr. Kyle C. Wanner  
Director  
North Dakota Aeronautics Commission  
P. O. Box 5020  
Bismarck, North Dakota 58502-5020

Mr. Doug Goehring  
Agriculture Commissioner  
North Dakota Department of Agriculture  
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Bismarck, North Dakota 58505-0020

Dr. Terry Dwelle, M.D., M.P.H.T.M.  
State Health Officer  
North Dakota Department of Health  
600 East Boulevard Avenue  
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Mr. Larry Gangl  
District Engineer  
North Dakota Department of Transportation, Dickinson District  
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Mr. Lance D. Gaebe  
Commissioner  
North Dakota Department of Trust Lands  
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Bismarck, North Dakota 58506-5523

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

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

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

Mr. Mark Zimmerman  
Director  
North Dakota Parks and Recreation Department  
1600 E. Century Ave, Suite 3  
Bismarck, North Dakota 58503  
Ms. Julie Hoff  
Central Stark & Western Soil Conservation District  
2948 4<sup>th</sup> Ave. West, Room "C"  
Dickinson, ND 58601

Claudia J. Berg  
Director  
State Historical Society of North Dakota  
612 East Boulevard Avenue  
Bismarck, ND 58505

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

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

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



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## **RECORD OF CONVERSATION**

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TO: Kevin Shelley, USFWS

PHONE #: 701-250-4402

FROM: Chris Farmer

DATE: 02/03/2016

TIME: 1521

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**SUBJECT: Brady WCS Outline**

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CONVERSATION: – I called Mr. Shelley to obtain his feedback on the Brady Wildlife Conservation Strategy Outline, sent to him for comment on Friday, January 29. He was away at a meeting, so I left a message on his voicemail asking that he return my call to discuss the outline today or tomorrow.

## Griger, Anne Marie

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**From:** Kevin Shelley <kevin\_shelley@fws.gov>  
**Sent:** Wednesday, February 03, 2016 3:50 PM  
**To:** Farmer, Chris  
**Cc:** Kim Wells; Griger, Anne Marie  
**Subject:** RE: Brady Wind Project  
**Attachments:** Brady WCS Outline\_USFWS comments20160103.docx

Chris; I performed a cursory review and have a few comments for you and the other to contemplate in reply to your vmessage earlier today. I'll be in the Office both Th and Fr this week if you would like to discuss. More ideas may come to mind as I get more time to think critically, but a few ideas came to mind from my insights from other similar efforts.

Thank you for the opportunity. K

Kevin Shelley, ND State Supervisor  
U.S. Fish and Wildlife Service  
Ecological Services  
3425 Miriam Ave.  
Bismarck, ND 58501  
*Office:* 701.250.4402 *Mobile:* 701.989.4233

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**From:** Farmer, Chris [mailto:[Chris.Farmer@tetrattech.com](mailto:Chris.Farmer@tetrattech.com)]  
**Sent:** Friday, January 29, 2016 4:21 PM  
**To:** Kevin Shelley  
**Cc:** Kim Wells; Griger, Anne Marie  
**Subject:** Brady Wind Project

Hi Kevin,

We have developed the attached outline of the Wildlife Conservation Strategy for the Brady Wind Energy Project based on the Region 6 outline and our meeting with you in December. I am hoping you can find some time to review it over the next few days, then I would like to call you near the middle of next week to gather feedback before working it into our WCS effort. Please let me know when might be a good time to follow-up with you.


-Chris

**Chris Farmer, Ph.D.** | National Discipline Lead - Biology

*Associate Editor, Journal of Raptor Research*  
Direct: 215.702.4121 | Main: 215.702.4000 | Cell: 617.834.8761  
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**Tetra Tech** | Sciences  
One Oxford Valley, Suite 200 | Langhorne, PA 19047 | [www.tetrattech.com](http://www.tetrattech.com)

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 **Think Green - Not every email needs to be printed.**



**TETRA TECH**

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***RECORD OF CONVERSATION***

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TO: Kevin Shelley, USFWS

PHONE #: 701-250-4402

FROM: Chris Farmer

DATE: 02/05/2016

TIME: 1703

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**SUBJECT: Brady WCS Outline**

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CONVERSATION: – I called Mr. Shelley to discuss his comments on the Brady Wildlife Conservation Strategy Outline. I contacted his voicemail, and I left a message indicating I will attempt to contact him regarding his comments on Monday. I also reminded him that we would like to learn any results of his comparison of the Project Boundary to the Service's location database for Dakota skippers and whooping cranes.



TETRA TECH

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## **RECORD OF CONVERSATION**

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TO: Kevin Shelley, USFWS

PHONE #: 701-355-8512

FROM: Chris Farmer

DATE: 02/08/2016

TIME: 1302

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**SUBJECT: Brady Wind Energy Project**

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CONVERSATION: – I called Mr. Shelley to discuss his comments on the Brady Wildlife Conservation Strategy Outline and to check on the status of USFWS action items from the meeting of December 16, 2015.

Mr. Shelley acknowledged that he has received Brady Project shapefiles from Anne-Marie Griger and intends to compare them to the USFWS databases of locations for whooping cranes and Dakota skipper. He has not yet made those comparisons, however, he will do so as soon as possible for the whooping crane. Regarding the Dakota skipper, he informed me that he had requested the most recent location database from the USFWS Region 3 office, but that it was not yet available to him. Update reports from ESA Section 10 permittees were due to Region 3 on January 31, 2016, and they were still updating the database. Mr. Shelley was doubtful that any update would be received prior to the Brady Project PSC meeting on March 2, 2016.

The discussion then turned to his input regarding the Wildlife Conservation Strategy outline Brady Wind shared with him on January 29, 2016. With respect to area-sensitive species, he told me that the North Dakota Field Office used to have a list of species it considered area sensitive on its website, but he was not sure whether it was still there since the website was migrated to a new host a few months ago. He suggested that we check for the list on the website, and if we cannot find it, contact him to request the list, which he feels should form the starting point for consideration of area sensitive species. He suggested that NDGF may also have some area-sensitive species information available in the recent update of its Wildlife Action Plan.

Regarding his comments on the definition of impact, he requested that we arrange a meeting or conference call involving USFWS and NDGF to discuss how this could be defined for the Project. His focus is on identifying and avoiding/minimizing impacts that have demographic consequences for species sensitive to anthropogenic influences. We discussed the difficulty of monitoring for demographic impacts within the scope of wind farm monitoring, and he suggested that engaging in a larger conversation would be the most productive path going forward. Mr. Shelley suggested that he would like additional future conversation involving Brady and the agencies as the Project Wildlife Conservation Strategy is developed.

I thanked Mr. Shelley for engaging with Brady Wind on this Project and told him that I would discuss next steps with Brady Wind. The call ended at 13:31 Eastern time.

CJF

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**NDGF**

## Griger, Anne Marie

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**From:** Robinson, Aaron C. <acrobinson@nd.gov>  
**Sent:** Wednesday, February 03, 2016 10:14 PM  
**To:** Griger, Anne Marie  
**Subject:** RE: Grouse info for Brady, Brady II and Oliver III projects

Anne – I looked through our database and the areas where you have the wind farms proposed do not overlap with our grouse census blocks. That does not mean that there are no grouse leks in the area, we just don't have the man power to survey the entire state. My recommendation would be to allow me to help design a survey protocol for both these areas. The oliver block it in prime grouse habitat and the Brady block is also in good sharp-tail habitat. Please give me a call so we can discuss this further.

Regards,  
Aaron

\*\*\*\*\*

*Aaron Robinson*

Upland Game Management Supervisor  
North Dakota Game and Fish  
225 30th Ave. SW  
Dickinson, ND 58601  
Cell: 701-290-1370  
[acrobinson@nd.gov](mailto:acrobinson@nd.gov)  
[www.gf.nd.gov](http://www.gf.nd.gov)

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**From:** Griger, Anne Marie [mailto:Anne-Marie.Griger@tetrattech.com]  
**Sent:** Monday, January 11, 2016 3:37 PM  
**To:** Robinson, Aaron C. <acrobinson@nd.gov>  
**Cc:** Farmer, Chris <Chris.Farmer@tetrattech.com>; 'laura.nagy@dnvgl.com' <laura.nagy@dnvgl.com>; Wells, Kimberly (Kimberly.Wells@nexteraenergy.com) <Kimberly.Wells@nexteraenergy.com>; McCall, Sarah <Sarah.McCall@tetrattech.com>  
**Subject:** Grouse info for Brady, Brady II and Oliver III projects

Hello Aaron,

As follow up from a meeting that John Schumacher attended with our client NextEra, I would like to request information you have regarding sage grouse locations in Hettinger and Stark counties. I have attached shapefiles that show two project boundaries (Brady and Brady II), plus a 10-mile buffer around each. If you also have locations of other known grouse or grouse leks in the vicinity of these areas or near the Oliver III project in Morton and Oliver counties (shapefiles also attached), we would appreciate that information as well.

Thank you,

Anne-Marie  
**Anne-Marie Griger, AICP** | Senior Environmental Planner  
Direct: 512. 213.8501  
[anne-marie.griger@tetrattech.com](mailto:anne-marie.griger@tetrattech.com)

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

**USACE**



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

February 2, 2016

North Dakota Regulatory Office

[NWO-2016-0188-BIS]

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

Dear Ms. Griger:

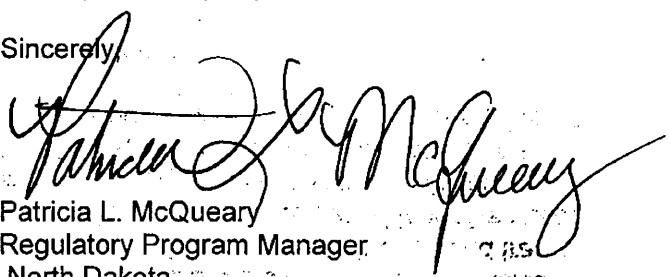
This is in response to your letter dated January 29, 2016, requesting comments on the proposed Brady Wind Energy Center with a revised project area. The revised project is located in multiple sections, townships and ranges of Stark County, North Dakota.

U. S. Army Corps of Engineers Regulatory Offices administer Section 10 of the Rivers and Harbors Act (Section 10) and Section 404 of the Clean Water Act (Section 404). A Section 10 permit would be required for work impacting navigable waters, this includes work over, through, or under Section 10 waters. Section 10 waters in North Dakota are the Missouri River (including Lake Sakakawea and Lake Oahe), Yellowstone River, James River (south of the railroad tracks in Jamestown, North Dakota), Bois de Sioux River, Red River of the North, and Upper Des Lacs Lake. A Section 404 permit would be required for 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 waters of the United States.

If the project requires a Section 10/404 permit, a permit application and instructions for completion may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/ObtainPermit.aspx>. If you do not have access to a computer, you may call this office and request a copy of the permit application and instructions be sent to you.

If we can be of further assistance or should you have any questions regarding our program, please do not hesitate to contact this office by letter or phone at (701) 255-0015.

Sincerely,

  
Patricia L. McQueary  
Regulatory Program Manager  
North Dakota

**SHSND**



**STATE  
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February 5, 2016

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

**ND SHPO REF: 15-1414 ND PSC - NextEra Energy Resources, LLC Proposed Brady  
Wind Energy Center in Stark County, North Dakota**

Dear Ms. Griger,

Thank you for your updated information on ND SHPO Ref: 15-1414, the Brady Wind Energy Center. As you know, 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, and North Dakota Indian Affairs as well as consideration for scenic areas (NDCC Section 49-22-09).

We recommend a Class I (file search), a Class III survey by a permitted architectural historian for standing structures over 50 years old in the visual Area of Potential Effect (APE). That is within a 2 mile radius of individual turbine locations. When the wind farm project develops to the point that turbine locations are defined, we would like to see a map of the turbine locations to see if there need to be any modifications to the 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

**ND DEPARTMENT OF TRUST LANDS**

## Griger, Anne Marie

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**From:** Haupt, Michael L. <mhaupt@nd.gov>  
**Sent:** Monday, February 15, 2016 10:21 AM  
**To:** Griger, Anne Marie  
**Subject:** Proposed Brady Wind Energy Center in Stark County and Brady II Wind Energy Center in Hettinger and Stark Counties

Anne-Marie,

Good morning! The Board of University and School Lands (Land Board) through its agency, the Department of Trust Lands (DTL) manages approximately 710,000 acres of land in North Dakota. The management of these lands by the Land Board was established by the enabling act and the ND State Constitution. The Land Board as the trustee is obligated to manage these lands to produce income for the common schools and 12 other trust funds. The Land Board has balanced land management concerns with its fiduciary responsibilities.

The ND School Trust has surface ownership on the W2 36-137-96, E2 36-137-97, NE4 36-137-98 Stark County Stark County that lie within the proposed project area. Tetra Tech or NextEra Energy can submit an online application on our web site at <https://land.nd.gov/surface/Right-of-Way.aspx>, in order to request review of any projects proposed for these tracts. Let me know if you have questions. Thanks.

### *Michael L. Haupt*

Land Management Professional, CPRM  
North Dakota Department of Trust lands  
1707 Nth 9th Street  
Bismarck ND 58506-5523  
701-328-1916  
[mhaupt@nd.gov](mailto:mhaupt@nd.gov)

Note: You can track the real time status of your right-of-way application 24/7 at <http://www.land.nd.gov/surface/right-of-way.aspx> using either the ROW number or by entering at least the first three letters of the company name. By checking this site you can find the name, telephone number and email address of the person working on the application as well as its current status in real time.