

Additional Agency Correspondence

April 15, 2016 – May 5, 2016

for the

Brady II Wind Energy Center

Hettinger and Stark Counties, North Dakota

Prepared for

Brady Wind II, LLC
700 Universe Boulevard
Juno Beach, Florida 22408

Prepared by



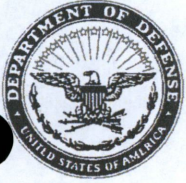
350 Indiana Street
Golden, CO 80401

May 2016

May 2016

Brady II Wind Energy Center
Certificate of Site Compatibility

U.S. Army Corps of Engineers



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

April 22, 2016

North Dakota Regulatory Office

[NWO-2015-2207-BIS]

Ms. Tara H. Low
Tetra Tech, Inc.
350 Indiana Street, Suite 500
Golden, Colorado 80401

Dear Ms. Low:

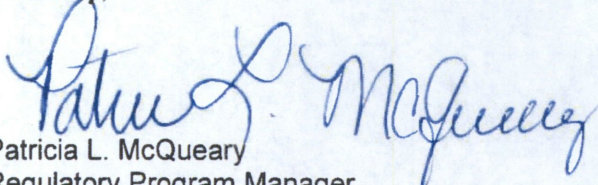
This is in response to your letter dated April 14, 2016, requesting comments on the proposed Brady II Wind Energy Center with a revised project area. The revised project is located in several sections of Hettinger and Stark counties, North Dakota, with a center coordinate around 46.612567°, -102.817240°.

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

Received

MAY - 2 2016

TETRA TECH
GOLDEN OFFICE

May 2016

Brady II Wind Energy Center
Certificate of Site Compatibility



U.S. Fish and Wildlife Service

Low, Tara

From: Low, Tara
Sent: Thursday, May 05, 2016 3:50 PM
To: 'kevin_Shelley@fws.gov'
Cc: 'Wells, Kimberly'; Martell, Mark
Subject: Brady II Wind Energy Center - Project Boundary Revision Letter
Attachments: 160413_Brady II Agency Letter USFWS.pdf

Hi Kevin,

I am working with Kim Wells on the proposed Brady II Wind Energy Center in North Dakota. On April 14th, we mailed you a letter describing changes that had been made to the project boundary. The letter was returned to us "Unable to Forward" - we sent to 3425 Miriam Avenue in Bismarck, ND 58501-7926.

I left a message with one of your office representatives today to confirm your mailing address, and will re-send the hard copy. In the meantime, we wanted to provide you with a copy via email, and it is attached.

Please don't hesitate to let me know if you have any questions.

Best,
Tara

Tara Low | Environmental Planner

Cell: 303.898.4615
tara.low@tetrattech.com

Tetra Tech, Inc.

350 Indiana Street, Suite 500 Golden, Colorado 80401 | www.tetrattech.com

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April 14, 2016

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

Subject: Boundary Area Revision #2 - Information Request for the Proposed Brady II Wind Energy Center in Hettinger and Stark Counties, North Dakota

Dear Mr. Shelley:

The purpose of this letter is to provide Revision #2 of the project boundary for the proposed Brady II Wind Energy Center (the Project). The Project area was first discussed in a letter to you dated November 18, 2015. A second letter was sent to you dated January 29, 2016, which identified revisions to the original boundary. The attached Figure 1 and Table 1 below identifies changes made to the Project area boundary since January 29, 2016. No additional changes to the Project boundary are anticipated at this time.

It should be noted that the Project maps and Project boundary definitions are have been updated as a result of clarifications requested by the North Dakota Public Service Commission (PSC). Specifically, the proposed Project boundary identified on Figure 1 has been further refined to identify a "Study Area" and a "Proposed Project Area." The Study Area applies to all areas investigated as part of the proposed Project and includes participating and non-participating landowners. The Proposed Project Area is defined as the locations within the Study Area for which Brady Wind II has negotiated easements with landowners and where proposed Project facilities are proposed to be located. Figure 2 shows the Study Area versus the Proposed Study Area and Table 2 identifies the differences between these two recently defined boundaries.

Tetra Tech has been contracted by Brady Wind II, LLC, an indirect, wholly owned subsidiary of NextEra Energy Resources, LLC, to prepare an application for a Certificate of Site Compatibility for the proposed Brady II 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 Hettinger and Stark counties north of the city of New England. This proposed Project would consist of approximately 150 megawatts (MW). The revised Project boundaries shown in the attached maps are the primary focus of our investigation.

Per Section 69-06-01-05 of the North Dakota 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 identify applicable permits that may be required from your office.

Table 1 identifies the revised Project boundaries. Changes in the Project location that have been made since January 29, 2016 are noted in the column to the right to facilitate your review of the new Project boundary.



Table 1

County	Township	Range	Sections Within Project Boundary (March 2016)	Changes since 1/29/16
Hettinger	136 N	95 W	18, 19	Sections 18, 19 added
	136 N	96 W	1-8, 10-13, 15, 18, 19, 22-24, 26, 27	Sections 9, 14 removed
	136 N	97 W	1-14, 17, 18, 24, 25, 36	Sections 7, 17, 18, 25, 36 added
Stark	137 N	95 W	31, 32	Section 32 added
	137 N	96 W	25, 26, 31-36	No change
	137 N	97 W	None	Section 36 removed

Table 2 identifies the locational differences between the Study Area and the Proposed Project Area. It should be noted that the Study Area matches the Project Boundary identified in Table 1.

Table 2

County	Township	Range	Sections Within Proposed Project Area (April 2016)	Additional Sections in the Study Area (March 2016)
Hettinger	136 N	95 W	18, 19	18, 19
	136 N	96 W	1-13, 15, 17, 18, 24, 25, 36	1-8, 10-13, 15, 18, 19, 22-24, 26, 27
	136 N	97 W	1-4, 6-8, 10-13, 15, 18, 19, 22-24	1-14, 17, 18, 24, 25, 36
Stark	137 N	95 W	31	31, 32
	137 N	96 W	25, 26, 34-36	25, 26, 31-36

Any information received 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. Desktop habitat analyses for bats and whooping cranes 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 native prairie identification, spring avian migration surveys, biweekly eagle use surveys, and raptor nest and grouse lek surveys.

We would appreciate a response by May 15, 2016. Please contact me at 303-980-3502 if you have any questions. Thank you for your assistance.

Respectfully submitted,

Tara H. Low
 Tetra Tech, Inc.
 350 Indiana Street Suite 500
 Golden, CO 80401

Kessler, Ellen

From: Martell, Mark
Sent: Thursday, April 21, 2016 12:59 PM
To: kevin_shelley@fws.gov
Cc: Wells, Kimberly; Chris Farmer (christopher.farmer@dnvgl.com); Hochmuth, Melissa; Low, Tara
Subject: Conference Call Notes - Brady II
Attachments: NextEra_TT_USFWS_Conference Call Notes-04122016.pdf

Attached are the notes from our conference call on April 12, discussing the newly discovered golden eagle nest south of the Brady II wind project.

Mark Martell | Senior Ecologist

Direct: 612-643-2245 | Cell: 612-961-3926

mark.martell@tetrattech.com

Tetra Tech, Inc. | Sciences

350 Indiana St., Suite 500, Golden, CO 80401

and

2001 Killebrew Dr. Suite 141, Bloomington, MN 55425

www.tetrattech.com

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CONFERENCE CALL NOTES
BRADY II WIND PROJECT
APRIL 12, 2016

In attendance:

- Kimberly Wells, NextEra
- Melissa Hochmuth, NextEra
- Kevin Shelley, U.S. Fish and Wildlife Service (USFWS)
- Mark Martell, Tetra Tech
- Chris Farmer, DNV GL

Background

The purpose of the call was to provide information to the USFWS regarding the recently discovered golden eagle nest (2015_39) just south of the southern boundary of the proposed Brady II project and receive feedback regarding next steps.

A golden eagle was found incubating in a small stick nest (2015-39) located in a tree just south of the proposed Brady II boundary during spring aerial raptor nest survey (March 29-30) conducted by Tetra Tech. The nest was first discovered in fall 2015 and based on overall size and shape along with stick size was classified as a small raptor (red-tailed hawk or ferruginous hawk) nest.

Monitoring

- Tetra Tech has conducted ground-based monitoring of the nest
- Golden eagle sitting (incubating posture) on the nest
- Observed nest exchanges between male and female eagles.
- Biologists are mapping flight paths associated with the nest, and flights observed thus far have been to the South-southeast.

Local Prey Resource Availability

DNV GL/NextEra provided a description of prey resource inventory efforts and findings to date:

- Prairie dog towns – locations mapped and activity noted, but areal extent not known
- Mapping of land parcels belonging to cattle operations conducted
- Winter aerial surveys of ungulates conducted – looking for concentration areas

Avoidance Measures

- NextEra described willingness to commit to the ½ -mile nest buffer recommended by NDGF, and asked for Mr. Shelley's thoughts regarding this.
- NextEra asked if it would be beneficial to move or remove the nest in this situation

Feedback from Kevin Shelley:

- Should look to prey resources to help understand flight patterns and predict additional movements
- NDGF wildlife staff did a modeling effort for deer fawning areas focusing on woody draws, which could prove helpful in predicting deer natal areas here; they may also have data regarding the location of traditional natal areas for deer and pronghorn. The contact would be Jeb Williams, Chief of the Wildlife Division – 701-328-6686.
- Nest buffer size is variable and depends on space use; however he suggests using a 2-mile buffer as a starting point. The appropriate buffer may be larger or smaller, depending on movements of birds and location of prey resources.
- He has no inherent reservations about a smaller buffer, but thinks it needs to be based on information from the site
- Noted that juvenile mortality is the primary problem for golden eagles in ND, and most of the mortality comes from interaction with anthropogenic factors.
- There are permits that allow for nest removal, but the practice is generally frowned upon and discouraged
- There is uncertainty regarding the continued viability of a relocated nest
- Suggests increasing effort at nest observations to have a biologist follow adults when they leave the nest to identify prey resource locations – if artificial nest platforms are added, they may be most likely to succeed if located between current nest and prey areas
- He will ask for input from Migratory Birds regarding nest move or alternate nest platforms.

Action Items

- NextEra/Tetra Tech will follow-up with Mr. Williams of NDGF regarding ungulate study.
- NextEra/Tetra Tech will develop a protocol for extended monitoring the nest which will include attempts to determine foraging areas and extend through nestling fledging.
- USFWS will contact Migratory Birds office to get their input regarding nest removal or relocation and alternate nest platforms

May 2016

Brady II Wind Energy Center
Certificate of Site Compatibility



State Historical Society of North Dakota



**STATE
HISTORICAL
SOCIETY**
OF NORTH DAKOTA

Jack Dalrymple
Governor of North Dakota

North Dakota
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Parks and Recreation
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*Director
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Claudia J. Berg
Director

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May 3, 2016

Ms. Tara Low
Tetra Tech, Inc.
350 Indiana Street, Suite 500
Golden, Colorado 80401

ND SHPO Ref: 15-0591A PSC PU-15-690 "Brady Wind Energy Center: Class III Historic Architectural Resources Survey Hettinger, Slope, and Stark Counties, North Dakota"

Dear Ms. Low,

We reviewed ND SHPO Ref: 15-0591A PSC PU-15-690 "Brady Wind Energy Center: Class III Historic Architectural Resources Survey Hettinger, Slope, and Stark Counties, North Dakota," and find the report acceptable.

We concur with the report conclusions that the adverse visual effects for the project would be on 19 properties, (page 78 attached). We find that a vernacular architecture field school with Dr. Anna Andrzejewski (University of Wisconsin-Madison) and/or Professor. Tom Carter (University of Utah) would be acceptable mitigation. I understand that further work is forthcoming on architecture for Brady Wind II and it is probable that the field school would serve as mitigation for those properties as well.

Thank you for the opportunity to review this report. We look forward to future discussions on mitigation should the project move forward. Please include the ND SHPO reference number listed above in any further correspondence for this specific project. If you have any questions, please contact either Paul Picha at (701) 328-3574 or ppicha@nd.gov or Susan Quinnell at (701) 328-3576 or squinnell@nd.gov.

Sincerely,


Claudia J. Berg
Director, State Historical Society of North Dakota

Tetra Tech further recommends a finding of adverse effect for the Project on those 19 properties where both the Project and the property will be visible at the same time from the primary access point. These properties include: Sites 32SK180, 32SK1178, 32SK1169, 32SKX439, 32SK114, 32SK1172, 32SK169, 32SK1173, 32SK157, 32SK1174, 32SK156, 32SK1179, 32SK1180, 32SK1181, 32SK176, 32SK1182, 32SK1183, 32SK1187, and 32SK153.

7.0 REFERENCES CITED

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- Beardsley, R. K., P. Holder, A. D. Krieger, B. J. Meggers, J. B. Rinaldo, and P. Kutsche. 1956. Functional and Evolutionary Implications of Community Patterning. *Society for American Archaeology*, Memoir 11:129-157.
- Christensen, R., and Spath, C. 1990. *Consolidated Telephone Cooperative's South Area Fiber Optic Cable Route in Adams, Hettinger and Stark Counties, North Dakota. Cultural Resource Damage Assessment*. Manuscript No. 005314, on file at the North Dakota State Historic Preservation Office, Bismarck.
- Cole, J. 1982. *Centennial Roundup: A History of Dickinson, North Dakota*. Centennial Book Committee, Dickinson.
- Fredlund, D. 1973. *1971 Archaeological Survey, Western Energy Coal Company Lands, Rosebud County, Montana*. Montana Statewide Archaeological Survey, University of Montana. Submitted to Western Energy Coal Company, Butte, Montana.
- GLO (General Land Office) Survey Plat Maps of North Dakota. 1888. General Land Office Survey Plat Maps of North Dakota. Electronic document, <http://survey.swc.nd.gov/>, accessed January 18, 2016.
- GLO. 1892. General Land Office Survey Plat Maps of North Dakota. Electronic document, <http://survey.swc.nd.gov/>, accessed January 18, 2016.
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- GLO. 1896. General Land Office Survey Plat Maps of North Dakota. Electronic document, <http://survey.swc.nd.gov/>, accessed January 18, 2016.
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- Geo A. Ogle and Company. 1917. *Standard Atlas of Hettinger County, North Dakota*. Geo. A. Ogle and Company, Chicago, Illinois.
- Hess, J. A., R. Hybben, and W. Casey. 1992. *Coal Mining in the Coal-Bearing Region of North Dakota, 1870-1945*. SHSND, Bismarck, North Dakota.



**STATE
HISTORICAL
SOCIETY
OF NORTH DAKOTA**

Received

APR 25 2016

**TETRA TECH
GOLDEN OFFICE**

Jack Dalrymple
Governor of North Dakota

April 20, 2016

North Dakota
State Historical Board

Ms. Tara H. Low
Tetra Tech Inc
350 Indiana Street, Suite 500
Golden, CO 80401

Margaret Puetz
Bismarck - President

ND SHPO REF: 16-0443a ND PSC - Proposed Brady II Wind Energy Center Boundary
Revision #2 in Stark and Hettinger Counties, North Dakota

Gereld Gerntholz
Valley City - Vice President

Dear Ms. Low,

Albert I. Berger
Grand Forks - Secretary

Thank you for your information on the boundary changes to ND SHPO REF: 16-0443a
ND PSC - Proposed Brady II Wind Energy Center. Please continue with the survey
protocols outlined previously on this project, summarized below.

Calvin Grinnell
New Town

Diane K. Larson
Bismarck

We recommend a Class I (file search), and a Class III (pedestrian) survey by a permitted
architectural historian for standing buildings and structures (including cemeteries) over 50
years old in the visual Area of Potential Effect (APE). This is within a 2 mile radius of
individual turbine locations.

Chester E. Nelson, Jr.
Bismarck

A. Ruric Todd III
Jamestown

Class III archeological (pedestrian) surveys will be warranted for all areas directly impacted
by the project, **including crane paths, met towers**, 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.

Sara Otte Coleman
Director
Tourism Division

Kelly Schmidt
State Treasurer

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

Alvin A. Jaeger
Secretary of State

Sincerely,

Mark Zimmerman
Director
Parks and Recreation
Department

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

Grant Levi
Director
Department of Transportation

Claudia J. Berg
Director

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May 2016

Brady II Wind Energy Center
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North Dakota State Water Commission



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>

April 25, 2016

Tara Low
Tetra Tech, Inc.
350 Indiana Street, STE 500
Golden, CO 80401

Received

APR 28 2016

**TETRA TECH
GOLDEN OFFICE**

Dear Ms. Low:

This is in response to your request for review of environmental impacts associated with the Boundary Revision #2 – Brady II Wind Energy Center project located in Hettinger and Stark Counties, ND.

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

- There are floodplains identified where this proposed project is to take place. The areas are designated to be in Zone A (see attached FIRMette). 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. The Floodplain Administrator for Stark County is: Bill Fahlsing; 701-456-7605; bfahlsing@starkcountynod.gov. The Floodplain Administrator for Hettinger County is: Ilene Hardmeyer; 701-824-4277 or 701-260-2452; ihardmeyer@nd.gov. The NFIP map used to make this determination is: Panel #38041C0250D, 38041C0275D, 38089C0700E & 38089C0725E. The NFIP maps are enclosed.
- The ND State Water Commission (Commission) maintains a network of observation/monitor water wells and the location of gaging stations throughout the state, and many are located close to public right-of-ways. The location information can be obtained from the Commission's website at: <http://swc.nd.gov>; then click on "Information and Education"; then click on "Maps/GIS and Data," then click on "Map Services;" then click on the "Ground and Surface Water Information" map. Please inform the Water Appropriations Division of the Commission at 701-328-2754, if gaging stations or water wells may be affected by the project or accidentally damaged.
- Please contact the Southwest Water Authority at 701-225-0241 regarding Southwest Pipeline Project infrastructure that is located in the project area. Crossing permits may be needed from the Southwest Water Authority to implement the project.
- 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.

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

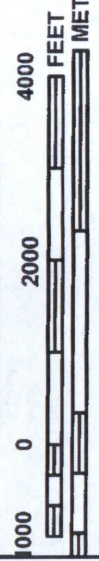
Sincerely,

Linda Weispfenning
Water Resource Planner

LW:dm/1570
Encl.



MAP SCALE 1" = 2000'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0250D

FIRM
FLOOD INSURANCE RATE MAP
HETTINGER COUNTY,
NORTH DAKOTA
AND INCORPORATED AREAS

PANEL 250 OF 950
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

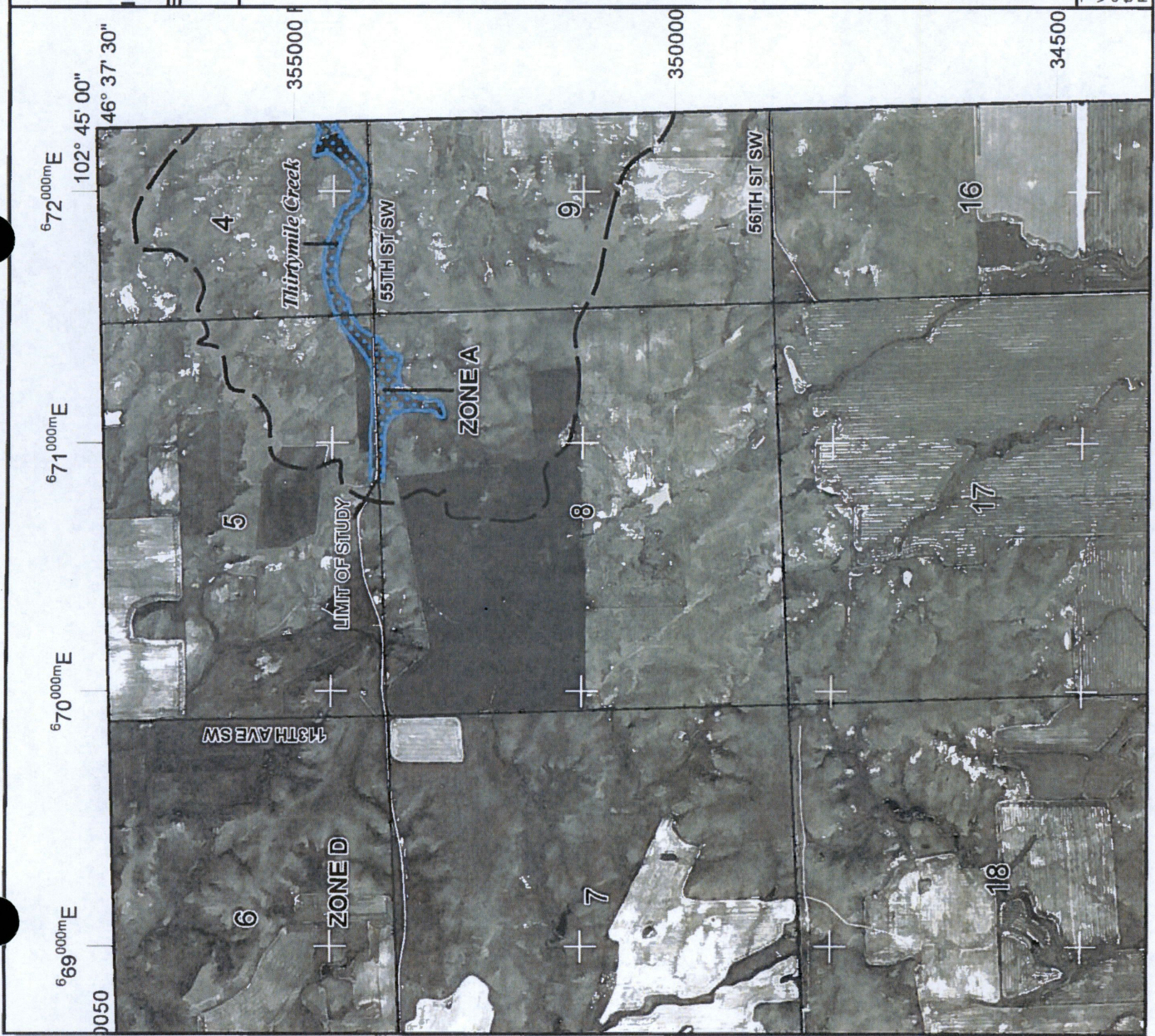
COMMUNITY	NUMBER	PANEL	SUFFIX
HETTINGER COUNTY Unincorporated Area	380293	0250	D
NEW ENGLAND, CITY OF	380242	0250	D

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
38041C0250D
EFFECTIVE DATE
MARCH 2, 2012

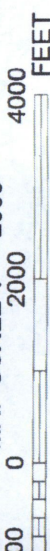
Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov





MAP SCALE 1" = 2000'



METRIC

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0700E

FIRM FLOOD INSURANCE RATE MAP
STARK COUNTY, NORTH DAKOTA AND INCORPORATED AREAS

PANEL 700 OF 850
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

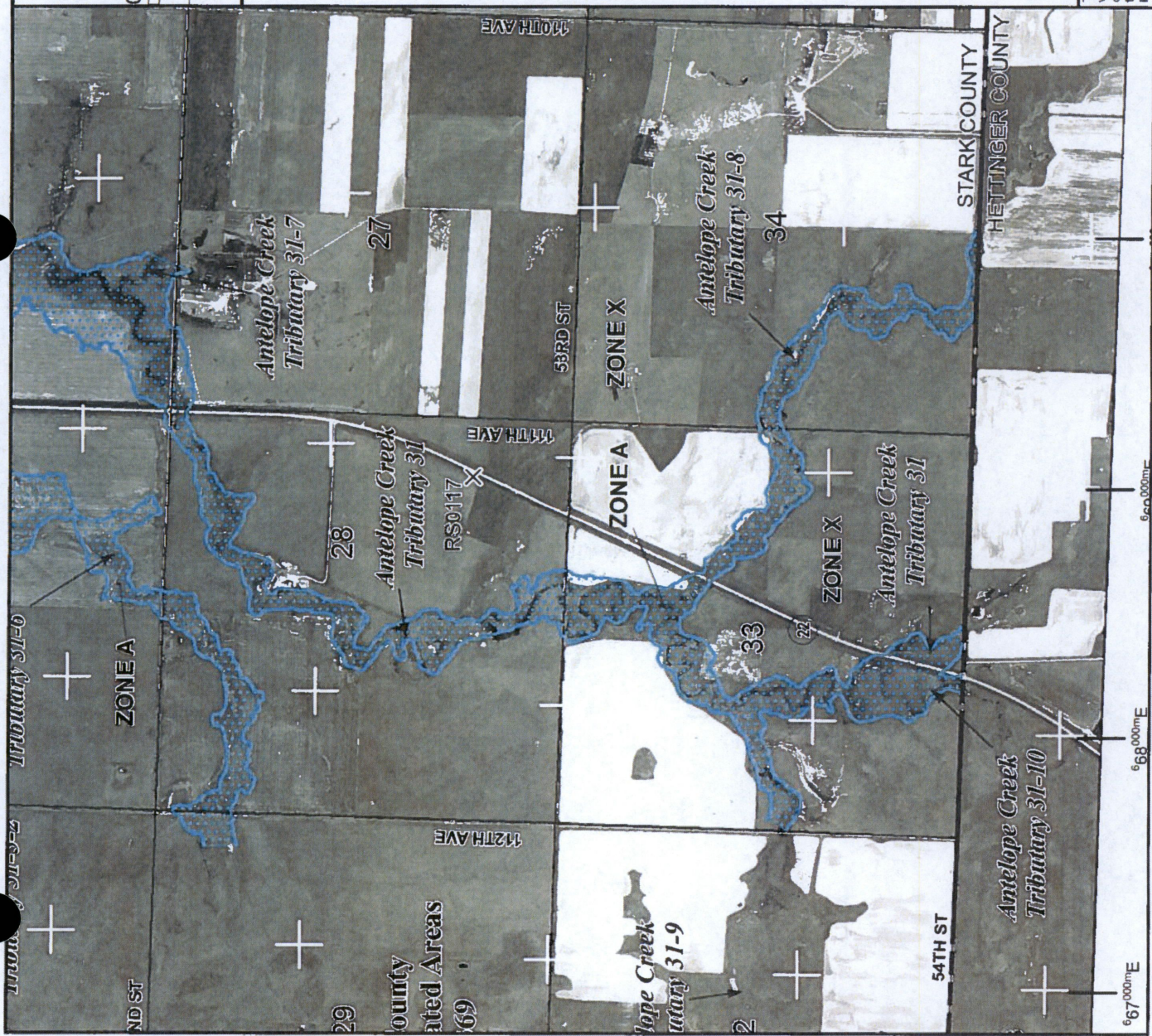
CONTAINS:
COMMUNITY: STARK COUNTY
NUMBER: 385369
PANEL: 0700
SUFFIX: E

Notice to User: The Map Number shown below should be used for all insurance applications. The Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
38089C0700E
EFFECTIVE DATE
NOVEMBER 4, 2010

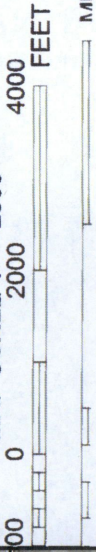
Federal Emergency Management Agency



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MAP SCALE 1" = 2000'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0725E

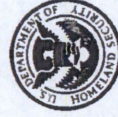
FIRM
FLOOD INSURANCE RATE MAP

**STARK COUNTY,
NORTH DAKOTA
AND INCORPORATED AREAS**

PANEL 725 OF 850
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:
COMMUNITY: STARK COUNTY
NUMBER: 380369
PANEL SUFFIX: 0725 E

Notice to User: The Map Number shown below should be used when placing orders for insurance applications for the subject community.



MAP NUMBER
38089C0725E

EFFECTIVE DATE
NOVEMBER 4, 2010

Federal Emergency Management Agency



676⁰⁰⁰⁰mE

677⁰⁰⁰⁰mE


678⁰⁰⁰⁰mE

679⁰⁰⁰⁰mE

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May 2016

Brady II Wind Energy Center
Certificate of Site Compatibility



North Dakota Game and Fish Department

Kessler, Ellen

From: Martell, Mark
Sent: Thursday, April 21, 2016 10:25 AM
To: Johnson, Sandra K.; Low, Tara
Cc: Wells, Kimberly; Young, Rich
Subject: RE: Raptor Nest in Brady Wind Project
Attachments: RTHA nest 46.6N_102.7W_TetraTech.JPG

Sandy,

Thank you for providing us with the report of a raptor nest located at: 46.626939 -102.710975.

Tetra Tech/NextEra had a biologist observe the site from a public roadway and he was able to confirm the presence of a nest at that location. The biologist was able to positively identify an incubating dark phase red-tailed hawk at the nest. He saw this bird leave the nest for a short period and return – allowing him to confirm his identification. He also observed a second red-tailed hawk flying in the vicinity of the nest.

I have attached a photo of the nest taken through a spotting scope.

Mark Martell | Senior Ecologist
Direct: 612-643-2245 | Cell: 612-961-3926
mark.martell@tetrattech.com

Tetra Tech, Inc. | Sciences

350 Indiana St., Suite 500, Golden, CO 80401
and
2001 Killebrew Dr. Suite 141, Bloomington, MN 55425
www.tetrattech.com

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Think Green - Not every email needs to be printed.

From: Johnson, Sandra K. [mailto:sajohnson@nd.gov]
Sent: Monday, April 18, 2016 4:06 PM
To: Low, Tara <tara.low@tetrattech.com>; Martell, Mark <Mark.Martell@tetrattech.com>
Subject: Raptor Nest in Brady Wind Project

Hi Tara and Mark,

There is another nest within the footprint of the Brady Wind project that was not included in the data Anne-Marie sent. It is located at: 46.626939 -102.710975. One of the local landowners had seen a large raptor in it last week and over the weekend another landowner believes he saw a golden eagle in it. Do you still have surveyors in the area that could confirm the status of this nest?

Thanks,
Sandy

*Sandy Johnson
Conservation Biologist
North Dakota Game and Fish Department*

100 N. Bismarck Expwy.
Bismarck, ND 58501-5095
Phone: 701-328-6382
sajohnson@nd.gov
<http://gf.nd.gov/>



May 2016

Brady II Wind Energy Center
Certificate of Site Compatibility

North Dakota Department of Trust Lands

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

April 27, 2016

TARA H LOW
TETRA TECH INC
350 INDIANA STREET SUITE 500
GOLDEN CO 80401

RE: Brady II Wind Energy Center in Hettinger and Stark Counties North Dakota
Hettinger County
Township 136 North, Range 96 West
Section 16: NW4, SE4
Township 136 North, Range 97 West
Section 36: SW4
Stark County
Township 137 North, Range 96 West
Section 16: W2

Dear Ms. Low,

We received a letter recently regarding boundary Revision #2 – Information Request for the Proposed Brady II Wind Energy Center. The purpose of the letter is to provide Revision #2 of the project boundary for the proposed Brady II Wind Energy. The letter indicates there are school trust land tracts within project boundaries and the proposed project area. Even though the Board of University and School Lands is a non-participating landowner, this letter is being sent to inform Tetra Tech, Inc. that the above school trust lands should not be shown as being part of the project boundaries or proposed project area. We do not want to be shown as being encumbered by the wind farm project as this could affect future development of the above described school trust lands. Please remove these tracts from any tables and or data base that would show these tracts to be within the project boundaries and the proposed project area.

Should there be a need to access and/or obtain a right-of-way across the above described school trust lands please complete an on-line right-of-way application. Our on-line right-of-way application is located at the following web address:

<https://land.nd.gov/surface/surfaceapps/row/rowapplicationform.aspx>

Please contact me at 701-328-2800 if you have any questions. Thank you.

Sincerely,

Michael Humann
Surface Division Manager

Received

MAY - 2 2016

TETRA TECH
GOLDEN OFFICE