



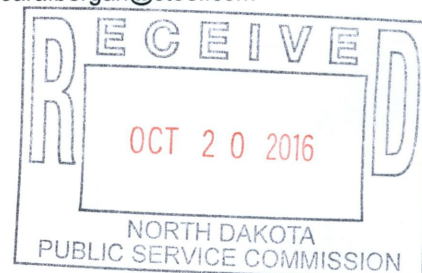
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October 20, 2016

VIA U.S. MAIL AND EMAIL

Mr. Darrell Nitschke
Executive Director
NORTH DAKOTA PUBLIC SERVICE COMMISSION
600 E. Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480
dnitschk@nd.gov



**Re: Glacier Ridge Wind Farm, LLC
PU-16-539**

Dear Mr. Nitschke:

On behalf of Glacier Ridge Wind Farm, LLC, we hereby submit its Findings of Fact, Conclusions of Law and Order in the above-referenced matter and Affidavit of Service.

Very truly yours,

STOEL RIVES LLP

A handwritten signature in blue ink, appearing to read "Sara E. Bergan", written over the typed name below it.

Sara E. Bergan

Enclosures

cc: Julie Prescott (via email)
Zachary Pelham (via email)
Patrick Ward (via email)

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

Glacier Ridge Wind Farm Application for
Certificate of Site Compatibility

CASE NO. PU-16-539

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

_____, 2016

Appearances

Commissioners Julie Fedorchak, Brian P. Kalk and Randy Christmann.

Sara Bergan, Esq. and Andrew Pieper, Esq., Stoel Rives LLP, 33 South Sixth Street, Suite 4200, Minneapolis, Minnesota 55402, on behalf of the Applicant, Glacier Ridge Wind Farm, LLC.

Zachary E. Pelham, Special Assistant Attorney General, 314 East Thayer Avenue, Bismarck, North Dakota 58502, on behalf of the North Dakota Public Service Commission.

Patrick J. Ward, Administrative Law Judge, Office of Administrative Hearings, 2911 North 4th Street, Suite 303, Bismarck, North Dakota 58503, as Procedural Hearing Officer.

Preliminary Statement

On July 19, 2016, Glacier Ridge Wind Farm, LLC (Glacier Ridge or Applicant) filed an application for a Certificate of Site Compatibility (Application) for a wind energy conversion facility known as the Glacier Ridge Wind Farm (Project) to be located in Barnes County, North Dakota.

On August 24, 2016, the North Dakota Public Service Commission (Commission) approved a motion that deemed the Application complete.

Also on August 24, the Commission issued a Notice of Filing and Public Hearing (Notice), scheduling a public hearing for September 27, 2016 at 9:00 a.m., at Vangstad Auditorium, Valley City State University, 101 College Street SW, Valley City, North Dakota 58702. The Notice identified the following issues to be considered with respect to the Application:

1. Will the location and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?
2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?

3. Will the proposed facility locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

Having allowed all interested persons an opportunity to be heard and having heard, reviewed, and considered all testimony and evidence presented, the Commission makes its:

FINDINGS OF FACT

1. Glacier Ridge is a Delaware limited liability company and a subsidiary of Renewable Energy Systems Americas, Inc. Glacier Ridge has been authorized to do business in the State of North Dakota since June 11, 2011, as evidenced by corporate papers filed with the Commission on July 27, 2016, in Case No. PU-16-539.

Size, Type and Preferred Location of Facility

2. Glacier Ridge proposes to construct the Project within an approximately 25,605-acre project area (Project Area) approximately 5 miles northeast of Valley City, Barnes County, North Dakota. Glacier Ridge requests that the Project Area, as depicted in Late Filed Exhibit No. 29, be designated as the site for the Project.
3. Glacier Ridge selected the proposed site for the Project based on a number of factors, including: the identified need, the quality of the wind resource, landowner support, community input, agency coordination, compatibility with existing land use and environmental features, compliance with the Commission's siting criteria, compliance with Barnes County's requirements, and economic considerations.
4. The Project will have a nameplate capacity of up to 300.15 megawatts (MW), and the Project layout proposed by Glacier Ridge will consist of up to 87 wind turbines and related equipment. Glacier Ridge is currently planning to use Vestas V126 3.45 MW turbine generators.
5. In addition to turbines, associated Project facilities constructed within the Project Area will include access roads, electrical collection and communication systems and cabling, meteorological towers, an operation and maintenance building, and a substation.
6. Glacier Ridge may also construct a 345 kilovolt overhead generator tie line extending between 4 and 20 miles—depending on the point of interconnection selected—to facilitate the Project's interconnection. Should Glacier Ridge move forward with such a transmission line, Glacier Ridge will seek separate approval from the Commission for the transmission line and submit a Certificate of Corridor Compatibility and Route Permit application.
7. The turbine model has a hub height of 285 feet and a rotor diameter of 413 feet. Each turbine will be grounded and shielded for lightning protection. These turbines begin operation in wind speeds of 6.7 miles per hour and are designed to operate in wind speeds of up to 50.3 miles per hour.

8. Aggregate-surfaced access roads will be constructed approximately 20 feet in width and will connect each turbine to the public road system. During construction, some roads will be up to 68 feet in width.
9. The Project will utilize an operation and maintenance building, likely located adjacent to the Project substation planned for the central part of the Project Area.
10. The total anticipated cost to construct the Project is approximately \$375 million.

Agency Consultation

11. Section 49-22-16(4) of the North Dakota Century Code provides that a site shall not be designated that violates the rules of any state agency, and that compliance with an agency's rules shall be presumed if the agency fails to present its position with respect to the proposed facility at the public hearing. The federal, state, and local departments, agencies, and entities that were consulted and provided comment are as follows:
 - a. Federal – U.S. Fish and Wildlife Service (USFWS); U.S. Army Corps of Engineers (COE);
 - b. State – State Historical Society of North Dakota (SHSND); North Dakota Geological Survey (NDGS); North Dakota Department of Health (NDDH); North Dakota State Water Commission (NDSWC); North Dakota Game and Fish Department (NDGFD); North Dakota Department of Transportation (NDDOT); North Dakota Parks and Recreation Department; North Dakota Indian Affairs Commission; North Dakota Department of Trust Lands; North Dakota Department of Agriculture; North Dakota Aeronautics Commission; North Dakota Department of Commerce; and
 - c. Local – City of Valley City, North Dakota; Barnes County Soil Conservation District; Barnes County Municipal Airport Authority; Barnes County.
12. In addition to sending the initial consultation letter to the USFWS North Dakota Field Office, Glacier Ridge also exchanged email correspondence with the USFWS Valley City Wetland Management District regarding whether turbines may be placed on parcels with conservation easements. USFWS informed Glacier Ridge that turbines may be placed on parcels with wetland conservation easements provided that Glacier Ridge avoids impacting delineated wetlands and grass blocks protected by the easement.
13. The SHSND recommended a Class I (file search) and a Class III (pedestrian) survey for standing buildings and structures over 50 years old within a 2-mile radius of the individual turbine locations. After consultation with Glacier Ridge, SHSND concluded that it was not aware of any unique resources in the Project Area and that there were no special concerns for resources located beyond the 2-mile study area.
14. The NDGS responded to the initial consultation letter and notified Glacier Ridge that the agency did not have any properties in the Project Area.

15. The NDDH responded to the initial consultation letter and notified Glacier Ridge that it believed that environmental impacts from the proposed construction would be minor and could be controlled by proper construction methods. NDDH also stated that it believed the proposed activities are consistent with the State Implementation Plan for the control of air pollution for the State of North Dakota.
16. The NDSWC responded to the initial consultation letter and notified Glacier Ridge that there are no floodplains identified and/or mapped in the Project Area. In addition, the NDSWC informed Glacier Ridge that a Surface Drain permit is required if there are any wetlands to be filled that have a watershed of 80 acres or more.
17. Glacier Ridge met with representatives from the NDGFD, and there was general agreement that the studies and methods described by Glacier Ridge were the appropriate level of study for the Project. The NDGFD specifically noted that the Project's location minimizes impacts to native grasslands, and it was noted that Glacier Ridge is making an effort to site turbines 1.5 miles from a bald eagle nest.
18. The NDDOT informed Glacier Ridge that the Project will have no adverse effect on the NDDOT highways.
19. The COE did not express any concerns after receiving the initial consultation letter but did provide information on Section 10/404 permits should the Project require one.
20. Agency consultations and comments available before the Application was submitted are included in Appendix C of the Application. Additional agency feedback and consultation was filed by the Applicant and included as Exhibits 14-18. With the exceptions noted above, no comments to the Project were raised by state or federal agencies or local governmental entities.
21. Section 49-22-16(2) of the North Dakota Century Code provides that no energy conversion facility site shall be designated that violates any local land use, zoning, or building rules, regulations, or ordinances. Glacier Ridge obtained a conditional use permit for the Project from Barnes County in 2009, is in the process of renewing the conditional use permit (anticipated to be approved on November 1, 2016), and will comply with applicable Barnes County zoning ordinance requirements.

Siting Criteria

22. North Dakota Administrative Code (NDAC) Chapter 69-06-08 sets forth certain criteria to guide the Commission in evaluating the suitability of granting an application for a certificate of site compatibility. The criteria, as set forth in NDAC § 69-06-08-01, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria and Policy Criteria. With the exception of prime farmland and unique farmland, an energy conversion facility shall not be sited within an Exclusion Area. The exception for prime and unique farmland is that if the Commission finds the prime farmland and unique farmland to be removed from use for the life of the facility are of such small acreage as to be of negligible impact on agricultural production, then such exclusion shall not apply. An energy conversion facility must not be sited within an Avoidance Area

unless the applicant shows that under the circumstances there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a facility, the Commission may consider, among other things, the proposed management of adverse impacts, the orderly siting of facilities, system reliability and integrity, the efficient use of resources, and alternative sites. In accordance with the Commission's Selection Criteria, a site shall be approved if it is demonstrated that any significant adverse effects resulting from the location, construction and operation of the energy conversion facility will be at an acceptable minimum or that the effects will be managed and maintained at an acceptable minimum. In accordance with the Commission's Policy Criteria, preference may be given to an applicant demonstrating certain benefits of the proposed energy conversion facility pursuant to NDAC § 69-06-08-01(6).

Exclusion Areas

23. With respect to general Exclusion Areas, prime farmland is present within the Project Area. The Project will avoid such land to the extent practicable and is expected to permanently impact less than 0.3% of such land in the Project Area. The Commission finds the prime farmland that will be removed from use for the life of the facility is of such small acreage as to be of negligible impact on agricultural production.
24. No other general Exclusion Areas are present in the Project Area.
25. With respect to wind specific Exclusion Areas, the Project wind turbines must be at least 1.1 times the tip height from the property line of nonparticipating landowners, or at least 541 feet. The nearest proposed turbine to a non-participating parcel is Turbine 37, approximately 220 feet from the currently non-participating parcel to the north. Glacier Ridge is currently pursuing a participating agreement with this landowner. If the landowner does not sign an agreement or a waiver from the property line setback, Turbine 37 will either be shifted to meet the setback or will be replaced with an alternate. The rest of the turbines are over 541 feet from a non-participating property line.

Avoidance Areas

26. With respect to Avoidance Areas, historical resources not designated as Exclusion Areas are present in the Project Area. Glacier Ridge completed a Class I Cultural Resource File Search for the Project Area and is in the process of performing a Class III Cultural Resource Inventory for archaeology for all facilities and a Class III Cultural Resource Inventory for architecture for all structures over 50 years old and within 2 miles of the proposed turbine array. Glacier Ridge will avoid cultural resource sites, and construction setbacks will be implemented. An Unanticipated Discoveries Plan has been developed for unidentified resources encountered during construction and has been submitted to the SHSND as an appendix to the Class III Cultural Resource Inventory report for archeology.
27. A Wetlands and Other Waters Evaluation Report was completed for the Project Area. Wetlands are present within the Project Area, there will be no impacts to wetlands

within USFWS wetland easements, and permanent impacts on jurisdictional wetlands will be avoided and minimized as practicable.

28. Woodlands are also present within the Project Area, but few impacts to the woodlands are anticipated, as trees and shrubs in the Project Area are sparse. All trees removed during construction will be replaced at a 2 to 1 ratio and in accordance with the Commission's tree and shrub mitigation specifications.
29. Glacier Ridge conducted acoustic modeling to estimate anticipated sound levels for the Project. The modeling shows that sound levels for the Project will comply with the Commission's Avoidance Area requirements and that sound levels within 100 feet of an inhabited residence or community building do not exceed 50 dBA.

Selection and Policy Criteria

30. The Project and associated facilities are anticipated to permanently occupy and disturb approximately 92 acres of land, or less than 1% of the total Project Area, during the life of the Project. No landowners will be displaced. Glacier Ridge will continue to work with landowners to minimize land use disruption from the siting of the facilities. Irrigation will not be impacted, as there is no irrigation currently occurring within the Project Area.
31. Glacier Ridge submitted evidence to demonstrate that any significant adverse effects resulting from the location, construction and operation of the Project as they relate to the Selection Criteria set forth in NDAC § 69-06-08-01(5) will be at an acceptable minimum or managed and maintained at an acceptable minimum.
32. Glacier Ridge submitted evidence to demonstrate its commitment to maximize the benefits of the proposed energy conversion facility as far as is possible to meet the Policy Criteria set forth in NDAC § 69-06-08-01(6).
33. During construction, the Project will likely result in a temporary increase in traffic on county and township roads. The increase in traffic during construction is not expected to be at a volume that will disrupt residents or travel in the Project Area. During operation, no adverse effects to transportation facilities or networks are anticipated. The Applicant will also enter into a road maintenance agreement with Barnes County.
34. The Project is not anticipated to have significant adverse impacts on the ability of the affected area to provide community services, such as housing, health care, educational services, police and fire protection, water and sewer, or solid waste management.
35. The Project is anticipated to benefit the local economy through the creation of construction and operation and maintenance jobs; easement payments to landowners; state and local tax revenue; and local expenditures for equipment, fuel, operating supplies, products and services.

Cultural Resources

36. Glacier Ridge performed a Class I Literature Review for archaeological resources within the anticipated construction footprint and a 1-mile buffer around the anticipated construction footprint. The file review, which included identification of archaeological sites recorded during previous surveys, was completed at the SHSND in May 2016. The Class I Literature Review identified no previously recorded archaeological resources, but did identify five previously recorded archaeological site leads, which refer to resources about which sufficient information is lacking to fully record and complete all necessary data fields on North Dakota Cultural Resources Survey site forms. Glacier Ridge will avoid direct impacts on all five site leads.
37. The Class I Literature Review identified no architectural resources within the anticipated construction footprint; however, one property was identified within the 2-mile buffer around proposed turbine locations. Glacier Ridge will avoid direct impacts on the property.
38. Project facilities will avoid cultural resource sites, and cultural resources are not expected to be impacted by the Project. An Unanticipated Discoveries Plan has been prepared for the Project.

Wildlife

39. Glacier Ridge conducted field studies to document wildlife and habitat in accordance with the voluntary USFWS Land-Based Wind Energy Guidelines. In addition, Glacier Ridge consulted multiple times with USFWS and NDGFD regarding the Project and planned wildlife survey protocols.
40. No eagle nests are known to be present in the Project Area. One bald eagle nest was observed 1,237 feet from the western boundary of the Project Area during the 2016 nest inventory. The nearest proposed turbine is 1.6 miles east of the nest. Two additional bald eagle nests are known to be within 10 miles of the Project Area.
41. Glacier Ridge is currently developing a voluntary Bird and Bat Conservation Strategy (BBCS), which includes an adaptive management approach, so that information gathered and experience gained from post-construction monitoring can be used to inform future management decisions at the proposed Project.
42. Glacier Ridge has agreed to also implement the following wildlife- and eagle-related mitigation measures:

- a. Avoid installing a Project turbine within 1.5 miles of any occupied eagle nest.
- b. Continue to coordinate with the NDGFD and USFWS regarding any new developments regarding nesting sites and eagle-related impacts.
- c. Bury the Project's electrical collection system in accordance with Avian Power Line Interaction Committee suggested practices.
- d. Conduct post-construction bird and bat mortality surveys for 1 year following construction of the Project.
- e. Limit vehicle speeds to 25 miles per hour on proposed Project roads during construction and operation to minimize wildlife collisions.

Soils

43. The U.S. Department of Agriculture has mapped over 35 soil map units within the Project Area. In order to minimize erosion during and after construction, Glacier Ridge will implement best management practices for erosion and sediment control.
44. Although Glacier Ridge will work to avoid excavation of frozen topsoil in accordance with the certification provisions, Glacier Ridge anticipates that some construction may happen in late fall or early winter when topsoil in the Project Area might be frozen, and has requested permission from the Commission to do so, in accordance with the certification provisions.

Shadow Flicker

45. A detailed shadow flicker analysis was conducted for the Project, using realistic modeling assumptions. Based on the shadow flicker analysis, potential shadow flicker levels are expected to be at or below 30 hours per year at 43 of the 47 receptors included in the analysis. Of the four receptors that modeling showed may receive more than 30 hours of flicker per year, three are on property owned by landowners who are participating in the Project and have provided easements for such shadow flicker in their easement agreements with Glacier Ridge. Taking into account cloud cover and wind direction at the site of the non-participating receptor, the maximum predicted shadow flicker on the one non-participating receptor was 44 hours per year. Glacier Ridge will either obtain a waiver from the non-participating landowner prior to beginning construction, or alter the layout so that 30 hours or less per year are predicted for that landowner.

Additional Measures to Minimize Impact

46. Glacier Ridge has agreed to a number of steps to mitigate any potential Project impacts, as indicated by the attached Certification Relating to Order Provisions – Energy Conversion Facility Siting with accompanying Tree and Shrub Mitigation specifications, dated October 4, 2016 (Certification).

47. Glacier Ridge will develop a lighting and marking plan for the turbines and meteorological towers in accordance with Federal Aviation Administration (FAA) and state requirements.
48. Glacier Ridge will install motion-activated lighting or down-shield lighting on other proposed Project facilities that require lighting at night, to avoid potential to draw birds and bats toward the facility.
49. Subject to FAA approval, Glacier Ridge will evaluate technologies capable of reducing night lighting from the Project and use commercially reasonable efforts to install such technology as soon as practicable after commercial operation.
50. Prior to beginning construction on any parcel within the Project Area, all necessary land rights and site control agreements will have been obtained with respect to that parcel.
51. Glacier Ridge will install a supervisory control and data acquisition system for the Project, which will allow turbines to be continuously monitored and controlled both on-site and remotely at a control center located in Broomfield, Colorado or another appropriate location determined by Glacier Ridge.
52. Glacier Ridge will coordinate with local authorities and first responders regarding emergency response measures as part of the commissioning activities.
53. Glacier Ridge will utilize best management practices to minimize impacts on ground and surface water, and to prevent soil erosion. Erosion control measures required under the National Pollution Discharge Elimination System permit and the associated Stormwater Pollution Prevention Plan will be implemented. Construction of the Project is not anticipated to have a significant adverse impact on surface or ground water resources or soils. Temporarily disturbed areas will be restored and reseeded.
54. Glacier Ridge will continue to coordinate with the USFWS and the NDGFD to determine potential wildlife mitigation and/or minimization measures.
55. In accordance with the Commission's rules, Glacier Ridge will file a decommissioning plan with the Commission prior to the commencement of operation of the Project, and decommissioning will be performed in accordance with all applicable rules and regulations.

From the foregoing Findings of Fact, the Commission makes its:

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over this proceeding under North Dakota Century Code Chapter 49-22.
2. The wind energy conversion facility proposed by Glacier Ridge is an energy conversion facility as defined in North Dakota Century Code § 49-22-03(5).

3. The application submitted by Glacier Ridge meets the site evaluation criteria required by the North Dakota Century Code Chapter 49-22.
4. The location, construction and operation of the Project will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota and is otherwise compatible with the environmental preservation and the efficient use of resources.
5. The proposed energy conversion facility location will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.
6. The Commission has jurisdiction to ensure compliance with the National Electric Safety Code standards in the construction and operation of the proposed energy conversion facility.

From the foregoing Findings of Fact and Conclusions of Law, the Commission now makes its:

ORDER

The Commission orders:

1. Certificate of Site Compatibility No. __ for an Energy Conversion Facility is issued to Glacier Ridge Wind Farm, LLC, designating a site for a wind energy conversion facility that corresponds to the Project Area depicted in Late Filed Exhibit No. 29.
2. Within the designated site, Glacier Ridge is authorized to site, construct, operate, and maintain wind turbines and associated equipment, access roads, an operation and maintenance building, a substation, permanent meteorological towers, and a system of underground collection lines and communication cables, as well as any other associated facilities identified in the Application, at the hearing and in supplemental filings.
3. Glacier Ridge shall comply with the provisions of the Certification, except that Glacier Ridge is hereby authorized to remove frozen topsoil in the Project Area during the first year in accordance with Certification No. 31 and in accordance with the plans included in Late Filed Exhibit No. 30.
4. Glacier Ridge shall comply with the following commitments:
 - a. Glacier Ridge shall construct no more than 87 turbines within the Project Area;
 - b. Glacier Ridge shall construct no more than 300.15 MW within the Project Area;
and
 - c. Glacier Ridge shall renew the conditional use permit with Barnes County and comply with applicable Barnes County and Commission setbacks, except in such

cases where Glacier Ridge receives a variance from Barnes County that does not conflict with Commission setback requirements.

5. In the event the Project layout is modified, Glacier Ridge shall complete a Class III cultural resource survey for any previously unsurveyed areas affected by the Project-related activities, in accordance with the North Dakota State Historic Preservation Office (NDSHPO) guidance, and shall submit cultural resource findings to NDSHPO for review and obtain and file a copy of NDSHPO's response with the Commission prior to beginning construction in affected areas.
6. In the event the Project layout is modified, Glacier Ridge shall complete a wetland determination of any previously unsurveyed areas affected by the Project-related activities, as necessary, and file the report with the Commission.
7. Glacier Ridge shall locate turbines such that shadow flicker at any currently inhabited residence is 30 hours or less per year, unless otherwise agreed to by the landowner.
8. In the event Project modifications occur that would change its existing acoustic or shadow flicker analysis, Glacier Ridge shall conduct a revised acoustic and/or shadow flicker analysis as necessary and file the results of that analysis with the Commission.
9. Glacier Ridge shall obtain, and file copies with the Commission of, NDSHPO responses regarding the field survey report of architectural resources prior to beginning construction of the Project.
10. Glacier Ridge shall file with the Commission copies of its BBCS as well as the results of the post-construction monitoring done during the first year of Project operation.
11. The October 4, 2016 Certification is incorporated by reference and attached to this Order.
12. To the extent that there are any conflicts or inconsistencies between Glacier Ridge's application in this proceeding and the Certification, the Certification provisions control.

PUBLIC SERVICE COMMISSION

Randy Christmann

Commissioner

Julie Fedorchak

Chairman

Brian P. Kalk

Commissioner

AFFIDAVIT OF SERVICE

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Sharla R. Backer, of the City of Lonsdale, County of Rice in the State of Minnesota, being duly sworn on oath, deposes and says that on the 20th day of October, 2016, I served the following:

Findings of Fact, Conclusions of Law and Order

on the following parties by mailing to each of them a copy thereof, enclosed in an envelope, postage pre-paid, and by depositing the same in the United States Mail, directed to said parties at their last known post office address as follows:

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Bismarck, ND 58505-0840

Sharla Backer

Sharla R. Backer

Subscribed and sworn to before me
on this 20th day of October, 2016.

Jeffrey E. Feidt
Notary Public



88941243-1-006178440009