

# NORTH DAKOTA GAME & FISH DEPARTMENT

*"Variety in Hunting and Fishing"*

GOVERNOR, Doug Burgum

DIRECTOR, Terry Steinwand  
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December 20, 2017

ND Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

RE: Case PU-17-284 Foxtail Wind Energy Center – Dickey County, North Dakota

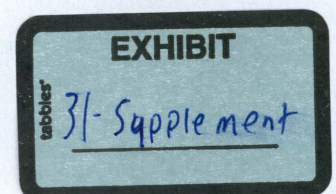
In a November 6, 2017 letter to the PSC, the North Dakota Game and Fish Department (Department) acknowledged NextEra's important role of assisting in the development of state specific wind energy guidelines for offsetting impacts to fish and wildlife resources, but expressed a number of concerns specific to the Foxtail project due to the loss of some of the highest value, unbroken prairie remaining in the state. The Department recommended NextEra develop an offset package for the permanent impact of roads and turbine pads that are to be constructed within unbroken prairie habitat  $\geq 160$  acres and any CRP-SAFE tracts (a program designed to maintain or increase populations of high-value or high priority wildlife species). The Department recommended that this offset package include direct effects of development features (i.e. turbines, roads, buildings), as well as indirect effects of the fragmentation of the unbroken prairie habitat of up to 100 meters from new or improved roads and 200 meters of turbine sites.

Since the Foxtail project hearing, NextEra and the Department have been working collaboratively in an attempt to address this offset package. Using peer reviewed literature and existing, vetted mitigation guidelines, the Department determined what we believe is an appropriate offset for the loss of high value, native grassland habitat associated with the Foxtail project. However, we also recognize and acknowledge the development of state voluntary guidelines were in a transitional period and not fully agreed upon when this project was filed and heard.

NextEra has committed to a financial contribution for long-term, "on-the-ground" offsets for the direct disturbance of 293.6 acres and indirect disturbance of 2004.5 acres resulting from the Foxtail project.

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Supplement to Late Filed Exhibit 31

Foxtail Wind, LLC



This equates to less than 60% of the economic value of the acreage (based on \$500/ac.) recommended for offsets by the Department. However, because a comprehensive framework for determining offsets has not been completely developed and finalized, full compensation of impacts on this project would not be reasonable at this time. We anticipate this science-based framework to be completed and shared with wind interests in the very near future. The Department intends to use it to determine wildlife resource impacts and recommend avoidance, minimization, and full offsets for future wind development. We commend NextEra's commitment to the stewardship of our wildlife resources and their collaborative spirit as we move forward with these state guidelines. In good faith, the Department believes that the project should move forward.

Sincerely,

A handwritten signature in cursive script that reads "Terry Steinwand". The signature is written in black ink and is positioned above the printed name and title.

Terry Steinwand  
Director

CC: North Dakota Governor's Office  
Kimberly Wells, NextEra Energy Resources, Inc.  
Kevin Shelley, US Fish and Wildlife Service ESA  
Representative Mike Brandenburg, District 28