

As-Built Inspection Report

Foxtail Wind Energy Center

Foxtail Wind, LLC

ND PSC Case No. PU-17-284

Prepared for:

North Dakota Public Service Commission
Public Utilities Division
State Capitol
600 East Boulevard – Dept. 408
Bismarck, ND 58505-0480



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As-Built Inspection Report
Keitu Engineers & Consultants, Inc.

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Executive Summary

The State of North Dakota, acting through its North Dakota Public Service Commission (Commission), Division of Public Utilities, has contracted Keitu Engineers & Consultants, Inc. (Keitu) to perform consulting services for an As-Built Siting Inspection. This report addresses the Orders established by the Commission and issues established in Case No. PU-17-284.

The Foxtail Wind Energy Center (Project) is a wind energy conversion facility located within approximately 20,000 acres in Dickey County, North Dakota. The purpose of the As-Built Inspection was to ensure the Project was constructed in compliance with the siting laws, rules, and the applicable Commission Order for the Project. Prior to the inspection, Keitu reviewed all Project documents to verify any and all aspects requiring site verification.

The site was visually inspected on March 4, 2021 by Keitu staff. The Project was well-maintained, secured, and in good condition. During the As-Built Inspection, the areas appeared to have been properly restored. Vegetation had not be reestablished in all areas due to poor growing conditions in 2020 and will be reseeded next spring. Overall, the Project appeared to be constructed as planned with numerous efforts to minimize impacts and to stay in compliance all with the siting laws, siting rules, and Commission Orders.

Introduction

The Project was approved in January, 2018 and construction began in June, 2018. Construction for the Project was completed in the fall of 2019 by Wanzek Construction and is operated by Xcel Energy. The Project consists of 75 turbines that are 2 MW turbines. The turbines have Supervisory Control and Data Acquisition (SCADA) communications technology to allow control and monitoring of the wind farm. The SCADA communications system permits automatic, independent operation and remote supervision allowing simultaneous control of turbines.

Associated facilities within the Project area include access roads, electrical collection systems, an operation and maintenance building, a substation, and a meteorological tower. Collection lines are buried 48 inches deep. Collection system cables terminate at an on-site collector substation, which includes a transformer to step up the voltage from 34.5 kV to 230 kV for interconnection to the transmission grid. The collection substation and switchyard will be collocated along 71st Ave SE, south of 91st St SE to connect the proposed Project to the MDU 230 kV Ellendale-Tatanka overhead transmission line. An O&M building will be constructed nearby on 91st Ave SE, just east of 72nd Ave SE.

The Project is under the jurisdiction of the North Dakota Public Service Commission, which issued its Certificate of Corridor Compatibility No. 53 for Case No. PU-17-284 on January 31, 2018.

Purpose and Scope of Inspection

The North Dakota Energy Conversion and Transmission Facility Act (North Dakota Century Code Chapter 49-22) authorizes the Public Service Commission to determine that the location, construction, and operation of jurisdictional energy conversion and transmission facilities will produce minimal adverse effects on the environment and welfare of the citizens of North Dakota. Construction Inspections ensure the Project is constructed in compliance with siting laws, rules, and the applicable Commission Order Amending Certificate and Permit (Order).

The Commission retained Keitu Engineers & Consultants, Inc. (Keitu) to complete an As-Built Construction Inspection of the Project. The inspection process included a review of the Consolidated Application for Certificate of Corridor Compatibility and Route Permit (Application), Order, Certification Relating to Order Provisions (Certification), and other applicable documents to determine Project-specific siting and construction requirements; a site visit and inspection of facilities; documentation of compliance; and a report summarizing findings. This report includes, but is not limited to, site visit observations, documentation of compliance deficiencies, and a summary of issues that should be addressed for the Project to be considered complete and in full compliance.

Methods

Keitu reviewed North Dakota siting laws and rules, the Application, Certification, and the Order for the Project to identify what Project-specific documentation was required for compliance. Keitu then reviewed Project documents in the PSC Online Case Search to identify those siting laws, rules, and Application and Order assertions that already had written verification, those that still required documentation, and those that required physical site verification.

Keitu Staff visited the Project area on March 4, 2021 to visually inspect the site. Digital photographs were taken showing typical Project infrastructure. The Project was in operation at the time of visit.

Orders

The following section includes discussion of a list of components of the Project that were asserted in the Order which could be documented during the As-Built Inspection to verify compliance with siting laws, rules and the Order for the Project, via either written documentation or physical site verification. Included are detailed findings and observations from Keitu personnel involved in the As-Built Inspection for the Project.

On October 4, 2017 the Commission deemed Foxtail's Application in Case No. PU-17-284 complete and scheduled a public hearing for November 30, 2017 at 11:00 a.m. Central Time, at the Fireside Restaurant, 415 1st Ave. N, Ellendale, North Dakota 58436.

- 1. Certificate of Site Compatibility for an Energy Conversion Facility No.53 is issued to Foxtail Wind, LLC for the construction, operation, and maintenance of an energy conversion facility known as the Foxtail Wind Energy Center corresponding to the Project area depicted in Hearing Exhibit 16.**

The ND PSC issued a Certificate of Site Compatibility No. 53 to Foxtail Wind, LLC on January 31, 2018 designating a site for the construction, operation and maintenance of a 150 MW Foxtail Wind Energy Center and associated facilities ("Foxtail") in Dickey County, North Dakota. On February 27, 2018, in Case No. PU-17-387, the Commission issued Certificate of Public Convenience and Necessity Number 5916 to North States Power ("NSP") authorizing it to acquire, construct, and operate Foxtail in Dickey County, North Dakota. On May 4, 2018, in Case No. PU-18-144, NSP filed an application to transfer Certificate of Site Compatibility Number 53 from Foxtail Wind, LLC to NSP. On May 23, 2018, NSP filed a revised application to transfer Certificate of Site Compatibility Number 53. On December 6, 2018 the Commission approved the transfer of Certificate of Site Compatibility Number 53 to NSP.

Order #1 is complete.

- 2. Within the permitted area, Foxtail Wind is authorized to site and construct up to 150 megawatts within the designated area consisting of up to 75 wind turbines in proposed and alternate locations, as identified in Hearing Exhibit 16, along with electric collection and communication lines, a project substation, access roads, an operations and maintenance building, an interconnection yard, and other associated facilities as identified in the application and at the hearing.**

Foxtail Wind has constructed 75 wind turbines with associated collection and communication lines, a substation, switchyard, and an operations and maintenance building. Foxtail did file a site modification with appropriate assessment materials to construct V 110 and V-120 turbines instead using V-110 and V-116 turbines originally planned for the Project. All project facilities appeared to be constructed within the area designated by permit. Order #2 was followed.

- 3. If modifications are made to the Project layout, Foxtail Wind shall complete a Class III cultural resource survey for any previously un-surveyed portions of the designated site affected by Project-related construction activities, in accordance with SHPO guidance; shall submit cultural resource findings to SHPO for review; and shall obtain and file a copy of SHPO's response with the Commission prior to beginning construction in said areas.**

Based on available information, the proper cultural survey guidelines were followed and documented. It is Keitu's opinion that Order #3 was followed.

- 4. If modifications are made to the Project layout, Foxtail Wind shall complete a wetland determination of any previously un-surveyed areas affected by Project-related activities, as necessary, and file the report with the Commission.**

Based on available information, wetland determinations were conducted and documented for construction of areas modified from the original Project layout. It is Keitu's opinion that Order #4 was followed.

- 5. If modifications made to the Project layout are not covered by the current noise analysis, Foxtail Wind shall conduct a sound analysis and file a report with the Commission to ensure the Project complies with the Commission's avoidance area sound requirement.**

Based on available information, Foxtail conducted and properly document sound analysis for modifications made to the original Project layout. It is Keitu's opinion that Order #5 was followed.

- 6. Foxtail Wind shall site Project turbines so as to meet a shadow flicker goal of 30 hours per year or less at each currently occupied residence, considering site-specific conditions, unless otherwise agreed to by the landowner.**

Based on available information, it is Keitu’s opinion that Order #6 was followed.

- 7. In the event Wind Project modifications occur that are not covered by its current shadow flicker analysis, Foxtail Wind shall conduct a shadow flicker analysis and file a report with the Commission to ensure this requirement is met.**

Based on available information, it is Keitu’s opinion that Order #7 was followed.

- 8. The Certification Relating to Order Provisions- Wind Facility Siting with accompanying Tree and Shrub Mitigation specifications as filed with the Commission on November 13, 2017, are incorporated by reference and attached to this Order.**

Order #8 was followed.

Certification

The following section includes discussion of relevant items included in the Certification attached by reference to original Order. All certification points relevant to the As-Built Inspection Report are included.

- 1. Company understands and agrees that the Certificate of Corridor Compatibility will be issued by the Commission subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.**

Certification Point #1 was followed.

- 2. Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the proposed energy conversion facility including all city, township, and county zoning regulations.**

Based on available information, it is Keitu’s opinion that Certification Point #2 was followed.

- 3. Company understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the transmission facility that requires said license or permit.**

Based on available information, it is Keitu’s opinion that Certification Point #3 was followed.

- 4. Company understands and agrees that the Certificate of Site Compatibility is subject to suspension or revocation and may, in an appropriate and proper case, be**

suspended or revoked for failure to comply with the Commission’s order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.

Certification Point #4 was followed.

- 5. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission’s order and the Certificate of Site Compatibility, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.**

Certification Point #5 was followed.

- 6. Company understands and agrees that the authorizations granted by the Certificate of Site Compatibility for the energy conversion facility are subject to modification by order of the Commission if deemed necessary to protect further the public or the environment.**

Certification Point #6 as followed.

- 7. Company is aware that under North Dakota Century Code section 49-02-27 the Commission has rules for decommissioning of wind energy conversion facilities. Company agrees to comply with all decommissioning rules adopted by the Commission.**

Certification Point #7 was followed.

- 8. Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its constructive supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission’s order.**

Foxtail Wind held a preconstruction conference on May 11, 2018. Representatives from the Company, the construction supervisor, and the Commission were in attendance. Order #8 was followed.

- 9. Company understands and agrees that all cultural resource mitigation plans must be approved by the North Dakota State Historic Preservation Office prior to the start of any fieldwork and construction activity in the affected area.**

Based on available information, it is Keitu's opinion that Certification Point #9 was followed.

- 10. Company understands and agrees that topsoil removal will begin when the Commission's third party construction inspector is present at the Project site to observe that topsoil is properly removed and kept segregated from subsoil until replacement occurs. Company shall establish the date and time for the Commission's third-party construction inspector's topsoil removal oversight in the preconstruction conference.**

Keitu staff was on site when Project construction kicked off on June 20, 2018 to oversee topsoil removal and segregation. Keitu concluded that topsoil was being removed and segregated in accordance with PSC guidelines. Certification Point #10 was followed.

- 11. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the energy conversion facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated of construction activities on a monthly basis.**

Certification Point #11 was followed.

- 12. Company is aware that North Dakota law requires that all companies that own or operate electric generation of any size for the primary purpose of resale must comply with the standards of the National Electrical Safety Code in effect at the time of construction of the generation facility, and agrees to comply with that requirement.**

Based on available information, Keitu's opinion is that Certification Point #12 was followed.

- 13. Company agrees to construct and operate the energy conversion facility in accordance with all applicable safety requirements.**

Based on available information, it is Keitu's opinion that Certification Point #13 was followed.

- 14. Company understands and agrees that it shall bury all underground collection and feeder lines to a depth of at least 48 inches to the top of the lines.**

Based on available information, Keitu's opinion is that Certification Point #14 was followed.

- 15. Company understands and agrees that topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas, roadways, tower locations, and locations of associated facilities must be carefully stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed must**

first be stripped of topsoil. The stripped topsoil must not be stockpiled in natural drainages, and must be protected from water erosion. Care must be taken to protect topsoil from unnecessary compaction by heavy machinery. Unless otherwise approved by the Commission, topsoil must be removed before topsoil freezes in the late fall/early winter to the point that frost inhibits proper soil segregation. After backfilling with subsoil is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after subsoil is replaced.

Certification Point #15 was followed.

- 16. Company understands and agrees that all buried facility crossings of graded roads shall be bored unless the responsible governing agency specifically permits Company to open cut the road.**

Certification Point 16 was followed.

- 17. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.**

Based on available information, it is Keitu’s opinion that Order #17 has been followed.

- 18. Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made by the State Historical Society, a report of such examination is filed with the Commission.**

Based on available information, it is Keitu’s opinion that Certification Point #18 has been followed.

- 19. Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures are taken by Company.**

Based on available information, it is Keitu’s opinion that Certification Point #19 has been followed.

- 20. Company understands and agrees that the Commission has authority to stop Project construction activities in the event of a probable violation of the siting laws, siting**

rules, or applicable Commission Orders if, in the opinion of the Commission, construction activities are likely to result in irreparable or significant harm.

Based on available information, Keitu’s opinion is that Certification Point #20 has been followed.

21. Company agrees that it shall, as soon as practicable upon the completion of the construction of the energy conversion facility, restore the area affected by the activities to as near as is practicable to the condition as it existed prior to the beginning of construction.

It is Keitu’s opinion is that Certification Point #21 has been followed.

22. Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the energy conversion facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.

Certification Point #22 was followed.

23. Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.

Areas impacted by construction have been reclaimed to acceptable conditions; however, due to dry conditions during the growing season, some areas will be reseeded in 2021 to establish appropriate vegetative cover. Keitu’s opinion is that Certification Point #23 was followed.

24. Company will fulfill its obligation for reclamation and maintenance of the approved site continuing throughout the life of the energy conversion facility.

Based on available information, Keitu’s opinion is that Certification Point #24 has been followed.

25. Company will repair all fences and gates removed or damaged during all phases of construction and operation of the proposed energy conversion facility.

Based on available information, Keitu’s opinion is that Certification Point #25 was followed.

26. Company will repair or replace all drainage tile broken or damaged as a result of construction and operation of the proposed energy conversion facility.

Based on available information, Keitu’s opinion is that Certification Point #26 was followed.

27. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.

Based on available information, Keitu's opinion is that Certification Point #27 was followed.

28. Company understands and agrees that it shall work with landowners and residents to mitigate any increase in television and residential radio interference that results from the construction of the energy conversion facility.

Based on available information, it is Keitu's opinion that Certification Point #28 has been followed.

29. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.

Based on available information, Keitu's opinion is that Certification Point #29 was followed.

30. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the energy conversion facility.

Based on available information, Keitu's opinion is that Certification Point #30 was followed.

31. Company agrees to provide the Commission with engineering design drawings showing surveyed structure and collection substation locations prior to construction.

Certification Point #31 was followed.

32. Company understands and agrees that it shall advise the Commission as soon as reasonably possible of any extraordinary events which take place at the site of the energy conversion facility, including injuries to any person, a tower collapse, or a catastrophic turbine failure.

Based on available information, Keitu's opinion is that Certification Point #32 was followed.

33. Company agrees to report to the Commission, as soon as reasonably possible, the presence in or near the approved site of any critical habitat of threatened or endangered species that Company becomes aware of which were not previously reported to the Commission.

Based on available information, it is Keitu's opinion that Certification Point #33 was followed.

- 34. Company agrees to provide the Commission with both an electronic and a paper copy of the site approved by the Commission and the facility design specifications for the construction of the energy conversion facility showing the location of the energy conversion facility as built, and will provide this information within 3 months of the completion of the construction. Company also agrees to provide an electronic version of the site approved by the Commission and the facility design specifications for the construction of the energy conversion facility showing the location of the energy conversion facility as built that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.**

Based on available information, Keitu’s opinion is that Certification Point #34 was followed.

- 35. Company shall notify the Commission, as soon as reasonably possible, if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined.**

Based on available information, it is Keitu’s opinion that Certification Point #35 was followed.

- 36. Company agrees that it shall provide, if requested, educational material for landowners within the site boundaries about the proposed energy conversion facility and any restriction or danger concerning the proposed energy conversion facility.**

Based on available information, it is Keitu’s opinion that Certification Point #36 has been followed.

- 37. Company understands and agrees that it shall implement a procedure for how complaints concerning the proposed energy conversion facility will be handled by Company.**

Based on available information, it is Keitu’s opinion that Certification Point #37 has been followed.

- 38. Before conducting any construction activities for any modification within the designated site, the Company will file the name and contact information for a key contact person for the purposes of notice and communication during the site modification application and will use the following procedures:**
- a. Before conducting any construction activities for any modification within the designated site, and such construction activities will not affect any known exclusion or avoidance areas within the designated site, the Company will file certification and supporting documentation:**
 - i. Affirming that construction activities will not affect any known exclusion or avoidance areas within the designated site;**
 - ii. Including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated site and site modification(s); and**
 - iii. Affirming that Company will comply with the Commission’s order, law and rules designating the site.**
 - b. Before conducting any construction activities for any modification within the designated site, and such construction activities will not affect any known exclusion but may affect an avoidance area within the designated site, the Company will file:**
 - i. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:**
 - 1. The designated site and the site modification;**
 - 2. All exclusion and avoidance areas within the portion of the designated site containing the site modification.**
 - ii. Certification and supporting documentation affirming that construction activities will not affect any known exclusion area.**
 - iii. All field studies performed on the portion of the designated site containing the site modification;**
 - iv. Specific information about any mitigation measures Company will take within the modification area;**
 - v. Certification that each owner of real property on which the modification is to be located and any applicable governmental entity with an interest in the same modification area do not oppose the modification;**
 - vi. Certification that unless the Commission previously authorized the impact to the same avoidance area, that the Company has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist;**

vii. Certification that Company will comply with the Commission’s order, law and rules designating the site.

ADLS Statute

North Dakota Century Code (“N.D.C.C.”) Section 48-22-16.4(2) requires that “by December 31, 2019, every wind energy conversion facility for which the commission issued a certificate of site compatibility after June 5, 2016, must be equipped with a functioning light-mitigating technology system that complies with rules adopted by the commission.” *See also* North Dakota Administrative Code (“N.D.A.C”) Section 69-06-11-02(1). Neither N.D.C.C 49-22-16.4(2) nor N.D.A.C. 69-06-11-02(1) includes a specific mechanism for obtaining an extension of time for the December 31, 2019, deadline.

Pursuant to N.D.C.C. Section 49-22-21, “any person who willfully engages in any of the following conduct is subject to a civil penalty of not to exceed ten thousand dollars for such violation for each day the violations persist except that the maximum penalty may not exceed two hundred thousand dollars for any related series of violations:

b. Constructs, operates, or maintains an electric energy conversion facility or an electric transmission facility other than in compliance with the certificate or permit and any terms, conditions, or modifications contained therein.

c. Violates any provision of this chapter or any rule adopted by the Commission pursuant to this chapter.

ADLS Installation at Foxtail Energy Center

On January 2, 2020, NSP sent a letter to Staff stating that Foxtail went into commercial operation on December 31, 2019, and acknowledging that Foxtail ADLS was not yet operational, and requested an extension of the statutory deadline to complete installation of the ADLS. On January 3, 2020, Commission staff sent NSP a Notice of Noncompliance, noting that NSP had violated N.D.C.C. 49-22-16.4(2) and N.D.A.C. 69-06-11-02(1) by failing to have a functioning ADLS at Foxtail by December 31, 2019. The Notice of Noncompliance noted that NSP may be subject to civil penalty pursuant to N.D.C.C. 49-22-21, and that, in addition, the Commission may suspend or revoke the Certificate of Site Compatibility issued for Foxtail for operation in violation of N.D.C.C., N.D.A.C., or provisions of the Commission’s Order issuing the Certificate.

Terms of Consent Agreement

NSP and Staff engaged in good faith settlement discussions regarding this Matter resulting in this Consent Agreement. Having agreed that settlement of this Matter will avoid further administrative proceedings or litigation and that entry of this Consent Agreement is the most appropriate means of resolving this Matter, the Staff and NSP agree on the following terms, subject to the approval and acceptance of the Commission:

1. Staff and NSP agree to settle the Matter on the following terms:

- a. NSP acknowledges that Foxtail did not have a functioning ADLS by December 31, 2019, and therefore did not comply with N.D.C.C. 49-22-16.4(2) and N.D.A.C. 69-06-11-02(1).
 - b. Subject to the provisions of this Agreement, NSP agrees to a civil penalty, payable to the North Dakota Public Service Commission, of \$10,000 for not complying with the ADLS statute.
2. There are no covenants, promises, undertakings, or understandings related to the resolution of the Matter other than those specifically set forth in this Agreement and Order.
 3. This agreement may be executed in counterparts and duplicate copies, each which shall be deemed to be an original, and which, when taken together, shall constitute one and the same instrument.
 4. The undersigned on behalf of NSP is authorized to act on behalf of NSP and bind NSP for purposes of this Consent Agreement, and knows and fully understands the content and effect of this Consent Agreement.

The Consent Agreement was signed by a representative of NSP on June 10, 2020 and Commission Staff on June 11, 2020. Receipt #10,642 shows a payment of \$10,000 from NSP to the Public Service Commission. Foxtail completed construction of the ADLS, which became operational on April 7, 2020. A brief service outage to the system due to heavy ice conditions was reported by NSP to the Commission on February 8, 2021. The system was restored swiftly on February 9, 2021.

Turbine Modifications

On August 13, 2018, NSP filed a Site Modification to install Vesta V-110 and V-120 turbines instead of the original plan of installing V-110 and V-116 turbines. Assessments for acoustic, shadow flicker, wetland determinations, archeological surveys, and cultural resources surveys were attached.

With acknowledgement to the Consent Agreement regarding the ADLS system, Certification Point #38 has been followed.

39. Company acknowledges and agrees that written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction facility.

Certification Point #39 has been followed

Conclusions

Information regarding the issue and Consent Agreement in regards to the ADLS system is documented in this report for Certification Point #38. That issue appears to have been resolved and is currently in compliance.

Overall, the Project appeared to be constructed as designed with minimal impacts to the surrounding environment. The Project site was in good condition, well maintained, and appeared to be constructed in compliance with the siting laws, siting rules, and applicable Commission Orders.

Reclamation is still occurring onsite due to poor weather conditions during the 2020 growing requiring some areas to be reseeded in 2021.

Management Review

The services performed by Keitu and its staff for this project have been conducted in a manner consistent with the degree of care and technical skill appropriately exercised by professionals currently practicing in this area under similar time and budget constraints.

Recommendations and findings contained in this report represent our professional judgment and are based upon available information and technically accepted practices at the present time and location. Other than this, no warranty is implied or expressed.



Jaimee Antognazzi, Operations Manager

3/26/2021

Date

Report Photo #1: Overview of Turbine Sites 1-25

North East Elevation

📍 206°SW (T) 📍 46°9.541'N, 98°56.658'W ±13ft ▲ 1988ft



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Report Photo #2: Operations and Maintenance Building

West Elevation

📍 93°E (T) 📍 46°5.916'N, 98°52.858'W ±9ft ▲ 1996ft



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Report Photo #3: Project Switchyard

North Elevation

☉ 181°S (T) ● 46°5.405'N, 98°54.168'W ±13ft ▲ 2038ft



Report Photo #4: Project Substation

East Elevation

☉ 260°W (T) ● 46°5.273'N, 98°54.126'W ±19ft ▲ 2004ft



Report Photo #5: Transmission Line

North West Elevation

🌐 123°SE (T) 📍 46°5.274'N, 98°54.123'W ±13ft ▲ 2001ft



Report Photo #6: Turbine Site 74

North East Elevation

🌐 206°SW (T) 📍 46°2.318'N, 98°52.545'W ±13ft ▲ 2089ft



Report Photo #7: Overview of Turbine Sites 59-75



Report Photo #8: Turbine Site 73



Report Photo #9: Access Road between Turbine Sites 70 and 71



Report Photo #10: Overview of Turbine Sites 25-40



Project Map:

