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September 5, 2017

*Via Hand Delivery*

Mr. Darrell Nitschke  
Executive Director  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480



In re: Brady Wind, LLC  
150 MW Wind Energy Center  
PSC Case No. PU-15-690

Our File No. 035218-00026

Dear Mr. Nitschke:

Enclosed for filing in the captioned case please find one original and seven copies of each of the following documents:

1. ADLS Certification;
2. NDSHPO Concurrence Letter;
3. Wetland Addendum No. 2; and
4. Class III Cultural Resource Addendum No. 4.

Please call should you have any questions.

Sincerely,

**CROWLEY FLECK PLLP**

A handwritten signature in blue ink, appearing to read "Casey A. Furey", written over a horizontal line.

Casey A. Furey

CAF:rw  
Enc.

**Brady Wind, LLC**

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Brady Wind, LLC  
Brady Wind Energy Center – Stark County**

**Case No. PU-17-\_\_**

**CERTIFICATION RELATING TO N.D.C.C. § 49-22-03(3)(a)**

STATE OF FLORIDA                    )  
  ) ss.  
COUNTY OF PALM BEACH         )

The undersigned, John Di Donato, Vice President, a representative of Brady Wind, LLC (“Brady Wind”) with authority to bind Brady Wind to the following, hereby certifies as follows:

1. In an order dated June 16, 2016 issued in PU-15-690 (“Order”), the Public Service Commission (“Commission”) approved the Certificate of Site Compatibility No. 48 for the construction, operation and maintenance of a wind energy conversion facility in Stark County, North Dakota (“Project”).
2. In Order Provision No. 2, the Commission authorized Brady Wind to construct up to 87 wind turbines producing a total nameplate capacity of 150 megawatts within the designated site, along with associated access roads, underground electrical collection systems and communications cables, an operations and maintenance building, an interconnection yard, and other associated facilities identified in the application and at the hearing including, meteorological evaluation towers (“METs”).
3. Brady Wind committed to use commercially reasonable efforts to install an Aircraft Detection and Lighting System (“ADLS”), subject to Federal Aviation Administration approval, on the Project as soon as practicable after commercial operations, but no later than December 31, 2018. *See* Order Finding of Fact No. 46.
4. Brady Wind intends to engage in construction to improve the existing Project by installing ADLS on wind turbines and METs.
5. Construction to install the ADLS is required in order to fulfill Brady Wind’s commitment to implement this technology within the Project. Improvements necessary for ADLS installation will be located as depicted on a map that is provided to the Commission along with this Certification.
6. Pursuant to Order Provision No. 4, Brady Wind completed a Class III Cultural Resource Survey on the previously un-surveyed land, and submitted the cultural resource findings to the State Historical Society of North Dakota (“NDSHPO”) for review. Brady Wind is filing Addendum No. 4 to Class III Cultural Resource Inventory concurrently with this Certification.

7. On July 27, 2017, Brady Wind received a concurrence letter from NDSHPO concluding that there have been good faith efforts to identify and avoid impacts to "Significant Sites." Brady Wind is also filing this concurrence letter along with this Certification.
8. Brady Wind intends to begin construction to install the ADLS on October 9, 2017.
9. In accordance with N.D.C.C. § 49-22-03(3)(a), Brady Wind certifies as follows:
  - a. The installation of an ADLS is an improvement to the Project.
  - b. The activities required to install the ADLS will be conducted wholly within the geographic location for which Brady Wind previously obtained a Certificate of Site Compatibility as designated in Findings of Fact, Conclusions of Law and Order issued in Case No. PU-15-690.
  - c. The construction activities are for the installation of ADLS and will include the installation of a north radar tower, a west radar tower, service roads, additional collection lines, and temporary staging areas.
  - d. As demonstrated previously in this case, an environmental analysis was conducted for Brady Wind that evaluated the wind energy conversion facility site relative to the Exclusion and Avoidance Areas set forth in N.D. Admin. Code § 69-06-08-01.
  - e. The north radar tower will cross through a negligible amount of prime farmland and will result in 0.07 acres of permanent impacts and 0.5 acres of temporary impacts.
  - f. Pursuant to N.D. Admin. Code § 69-06-08-01(1)(d), the exclusion to prime farmland does not apply in instances where the amount of 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.
  - g. The ADLS will not permanently affect any other known Exclusion or Avoidance Areas.
  - h. The wetland determination previously filed with the Commission does not include the area proposed for the ADLS improvements, and as a result, the performance of a new determination was required.
  - i. Pursuant to Order Provision No. 5, Brady Wind completed an addendum ("Wetland Addendum 2") to the wetland determination previously filed with the Commission that includes the new determination. Brady Wind files Addendum 2 concurrently with this Certification. No wetland or other waters of the U.S. features were identified within the Wetland Addendum 2 survey corridor. There will be no new permanent or temporary impacts to wetlands or waterbodies resulting from the installation of an ADLS.
10. Brady Wind will continue to comply with the Order in PU-15-690 designating the site, and will continue to comply with all applicable federal, state, and local laws and rules.
11. Brady Wind respectfully requests the Commission's written acknowledgement of receipt of this Certification.
12. Attachment 1 to Wetland Addendum 2, filed concurrently with this Certification, is a map showing the location of improvements required for ADLS installation.





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TO: Brady Wind, LLC  
FROM: Tetra Tech, Inc.  
DATE: August 9, 2017  
SUBJECT: Brady Wind Energy Center – Wetlands and Other Waters of the United States Survey Addendum No. 2

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Brady Wind, LLC (Brady), a subsidiary of NextEra Energy Resources, LLC, contracted with Tetra Tech, Inc. (Tetra Tech) to conduct a wetlands and other waters of the U.S. (WoUS) survey within its operating Brady Wind Energy Center (Project) for two proposed radar aircraft detection towers (radar towers), located in Stark County, North Dakota. The results of the initial, pre-construction survey of turbines and associated facilities to support Public Services Commission (PSC) permitting were presented in a report dated January 2016 (Tetra Tech 2016a). Additional pre-construction modifications included the addition of turning radii and slight modifications to collection lines and crane paths (Addendum No. 1 – Tetra Tech 2016b). The current addendum (Addendum No. 2) presents the findings of a survey effort completed in June 2017 for two proposed radar towers as part of the Aircraft Detection Lighting System (ADLS) now required by the PSC (North Radar Tower and West Radar Tower), including staging areas (each approximately 125 feet by 125 feet) and service roads (100 foot wide corridor), herein known as the Addendum No. 2 Survey Corridor (Attachment 1: Figure 1).

This addendum includes a description of the methodology, results, and conclusions of the wetlands and other WoUS determination survey completed for the Addendum No. 2 Survey Corridor.

## **METHODS**

Tetra Tech conducted a desktop analysis of the Addendum No. 2 Survey Corridor to identify potential jurisdictional wetlands and other WoUS. Desktop analyses used the following sources of information: aerial photographs, the U.S. Geological Survey National Hydrography Dataset, U.S. Fish and Wildlife Service National Wetlands Inventory, and the National Resource Conservation Service Soil Survey Geographic database.

Wetland determinations for the Project generally followed the methodology found in the U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual (Environmental Laboratory 1987) and the Regional Supplement to the USACE Wetland Delineation Manual: Great Plains Region (Version 2.0; USACE 2010). Wetland presence/absence and boundaries were determined based on observations of vegetation, soils, and hydrology. For a site to be considered a wetland, there must be positive indication of dominance by hydrophytic vegetation, hydric soils and characteristic wetland hydrology. A transect was established in a representative

transition zone of each potential wetland. The transect consisted of one sample point in the potential wetland, and if wetland criteria were met, one point in non-wetland. Vegetation, soils, and hydrology data were recorded on data forms, and each potential wetland and sample point was photographed. Tetra Tech conservatively mapped wetlands and other WoUS to ensure the Project would remain below the USACE's Pre-Construction Notification (PCN) permitting thresholds. Observations of each potential wetland identified during the survey were documented using wetland determination forms that are on record at the Tetra Tech office in Bloomington, Minnesota.

A GIS specialist designed a geodatabase specifically for the Project that was used to (1) capture wetland and non-wetland feature location data in the field with Trimble Global Positioning System (GPS) technology and (2) manage and display features for quality control and electronic deliverables. The geodatabase was loaded on the Trimble Geo 7X handheld GPS with sub-meter accuracy running ESRI's ArcPad 10. The wetland scientists who captured the field data conducted a quality control review of the geodatabase to ensure the features collected corresponded with field observations.

If present, stream and pond features were mapped along their ordinary high water mark (OHWM) as defined by the USACE. Once the OHWM was observed in the field by the team, the GPS unit was used to map this line where it would be crossed by planned elements of the Project infrastructure. For streams, observations of basin and channel features, flow characteristics, substrate, and the presence of aquatic vegetation and macroinvertebrates were documented using stream data forms that are on record at the Tetra Tech office in Bloomington, Minnesota.

## **RESULTS AND CONCLUSIONS**

The wetlands and other WoUS survey for the Addendum No. 2 Survey Corridor was conducted in June 2017. During this survey, Tetra Tech identified a topographic low area with stressed vegetation potentially resulting from wetland hydrology within the access road to the north radar tower location. One sample point (BR-UP-1R) was taken in the area of lowest elevation where the likelihood of meeting wetland criteria was greatest. The sample location did not meet any of the wetland criteria. Based on these observations, it was determined that this area is not a wetland (Attachment 1: Figure 1, Attachment 2: Photo Log, Attachment 3: Wetland Determination Form). No other potential wetland or other WoUS features were observed within the Addendum No. 2 Survey Corridor.

There would be no new permanent or temporary impacts to wetlands or other WoUS resulting from the proposed radar towers.

**REFERENCES**

- Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. Vicksburg, MS: U.S. Army Engineer Waterways Experiment Station. Available online at <http://el.erdc.usace.army.mil/wetlands/pdfs/wlman87.pdf>.
- Tetra Tech. 2016a. Wetlands and other Waters of the United States Delineation Report. Brady Wind Energy Center – Stark County, North Dakota.
- Tetra Tech. 2016b. Wetlands and Other Waters of the United States Survey Addendum. Brady Wind Energy Center – Stark County, North Dakota.
- U.S. Army Corps of Engineers (USACE). 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region. ERDC/EL TR-10-1, U.S. Army Engineer Research and Development Center, Vicksburg, MS.
- USACE. 2007. RGL 07-01 “Practices for Documenting Jurisdiction under Section 9 & 10 of the Rivers & Harbors Act (RHA) of 1899 and Section 404 of the Clean Water Act (CWA).” June 5. Available online at <http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl07-01.pdf>.
- USACE and U.S. Environmental Protection Agency (EPA). 2007. USACE Jurisdictional Determination Form Instructional Guidebook. May 12.

**ATTACHMENTS**

- Attachment 1 Figure 1-A: Wetland Survey Results (North Radar Tower)  
Figure 1-B: Wetland Survey Results (West Radar Tower)
- Attachment 2 Photo Log
- Attachment 3 Wetland Determination Form

## **Attachment 1 – Figures**

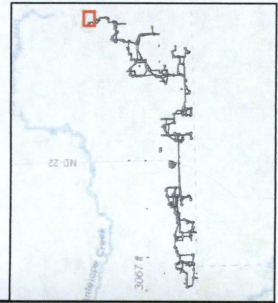
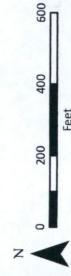
**Figure 1-A**  
**Brady**  
**Wind Energy Center**



**Addendum No. 2**  
**Wetland Survey Results**  
 STARK COUNTY, ND

- Proposed North Radar Tower
- Proposed Service Road
- Proposed Power Line
- Addendum No. 2 Survey Corridor
- Previously Surveyed for Wetlands
- Previously Inventoried Wetland\*
- Newly Identified Feature
- Upland/Swale

\*No previously inventoried wetlands are present within the previously surveyed areas shown on this map.



8/9/2017 5:49:00 PM \\proj\proj11\c\brady\Nextera\GIS\report\figure1a\addendum2\Wetlands\071217.mxd adm.hobens  
 Source: Map adapted from ArcGIS Map Server World Imagery. Project data provided by Nextera Energy - Radar towers (06/15/2017).



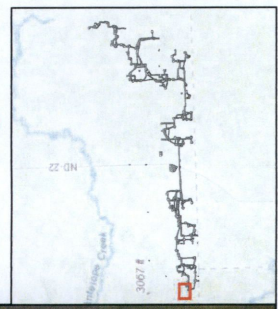
**Figure 1-B**  
**Brady I**  
**Wind Energy Center**

**NEXTERA ENERGY**  
RESOURCES

**Addendum No. 2**  
**Wetland Survey Results**  
 STARK COUNTY, ND

- ★ Proposed West Radar Tower
- Proposed Service Road
- Proposed Power Line
- Addendum No. 2 Survey Corridor
- Previously Surveyed for Wetlands
- Previously Inventoried Wetland\*
- NWI and NHD Data
- NWI Wetland
- NHD Stream or Waterbody

\*No previously inventoried wetlands are present within the previously surveyed areas shown on this map.



## **Attachment 2 – Photo Log**

Brady Wind Energy Center

Wetlands and Other Water of the United States Survey Addendum No. 2

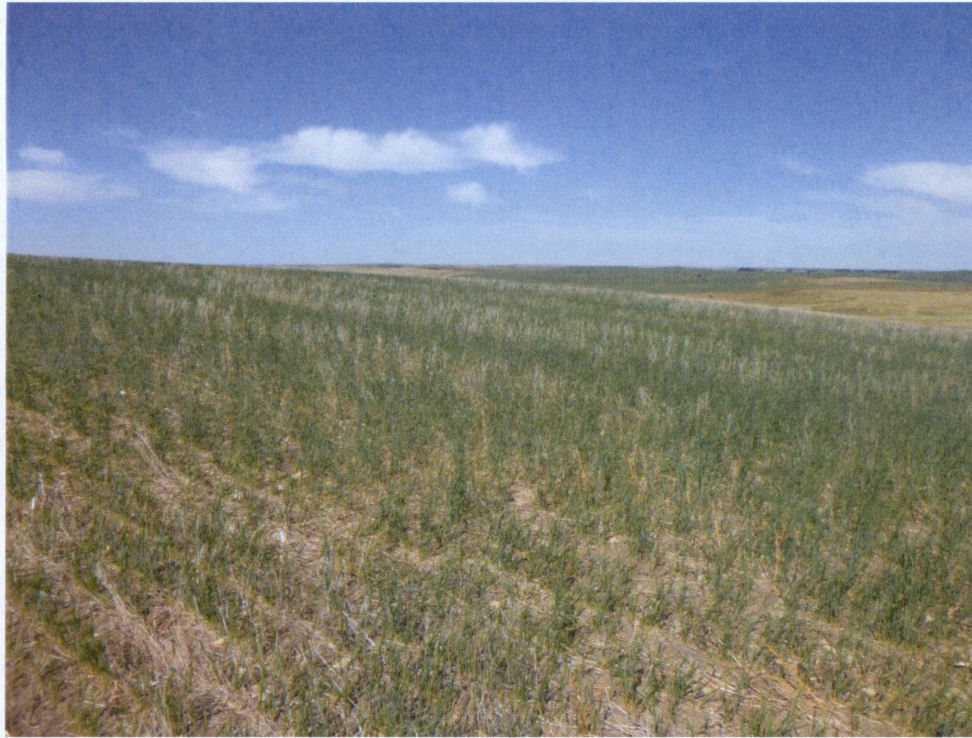


**Photograph 1 (West):** A view of the proposed service road to the North Radar Tower location from Turbine 80.

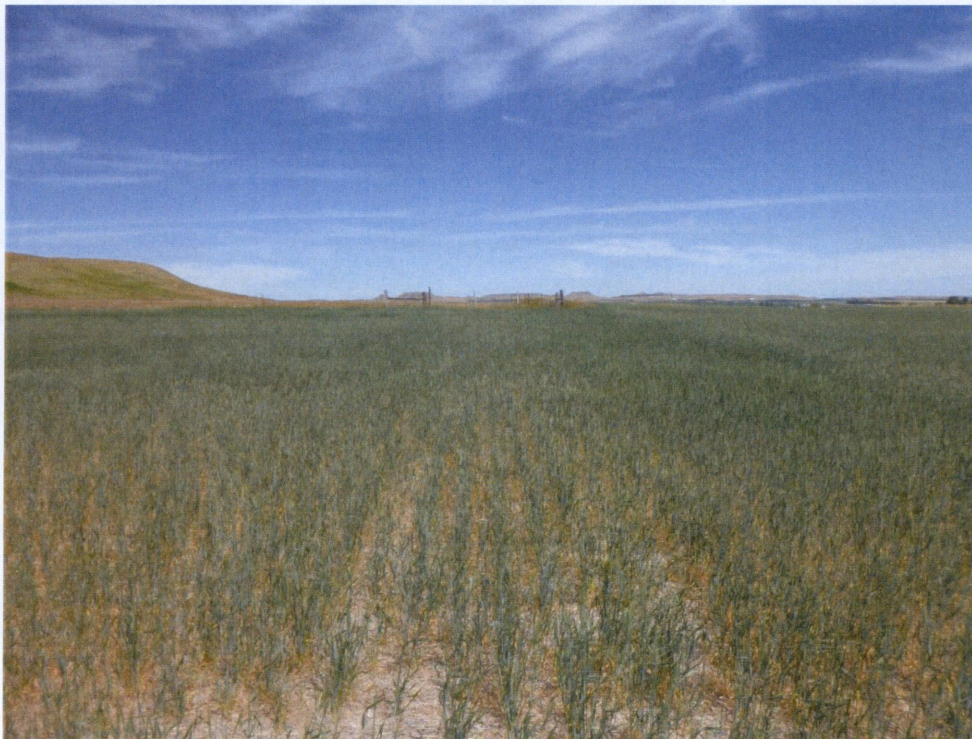


**Photograph 2 (South):** A view of proposed service road to the North Radar Tower location from the southwest corner of the proposed North Radar Tower staging area.

Brady Wind Energy Center  
Wetlands and Other Water of the United States Survey Addendum No. 2



**Photograph 3 (Northeast):** A view of the proposed North Radar Tower staging area from the southwest corner of the proposed North Radar Tower staging area.



**Photograph 4 (North):** A view of the proposed service road to West Radar Tower from Turbine 1.

Brady Wind Energy Center

Wetlands and Other Water of the United States Survey Addendum No. 2



**Photograph 5 (Northwest): A view of the proposed West Radar Tower staging area from the southeast corner of the proposed West Radar Tower staging area.**

**Attachment 3 - Wetland Determination  
Form**

**WETLAND DETERMINATION DATA FORM - Great Plains Region**

Project/Site Brady I North Radar City/County: Stark Sampling Date: 6/18/2017  
 Applicant/Owner: Next Era State: North Dakota Sampling Point: AW-1A  
 Investigator(s): GK/MK Section, Township, Range: T138N R95W S36  
 Landform (hillslope, terrace, etc.): Drainage swale Local relief (concave, convex, none): concave Slope (%): 0  
 Subregion (LRR): \_\_\_\_\_ Lat: 46°43'10.92" Long: 102°36'30.07" Datum: NAD84  
 Soil Map Unit Name: Gravel silty clay loam NWI Classification: NA

Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks) +  
 Are vegetation Y, soil N, or hydrology N significantly disturbed? Are "normal circumstances" present? (If  
 Are vegetation N, soil N, or hydrology N naturally problematic? needed, explain any answers in remarks.) \_\_\_\_\_

**SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic vegetation present?	<u>N</u>	<b>Is the sampled area within a wetland?</b> <u>N</u>
Hydric soil present?	<u>N</u>	
Indicators of wetland hydrology present?	<u>N</u>	
Remarks: <u>All of ND declared to be in drought, high fire risk</u>		

**VEGETATION -- Use scientific names of plants.**

Tree Stratum	(Plot size: _____)	Absolute % Cover	Dominant Species	Indicator Status	Dominance Test Worksheet
1	_____	_____	_____	_____	Number of Dominant Species that are OBL, FACW, or FAC: <u>0</u> (A) Total Number of Dominant Species Across all Strata: <u>0</u> (B) Percent of Dominant Species that are OBL, FACW, or FAC: <u>0.00%</u> (A/B)
2	_____	_____	_____	_____	
3	_____	_____	_____	_____	
4	_____	_____	_____	_____	
		<u>0</u>	= Total Cover		<b>Prevalence Index Worksheet</b> Total % Cover of: OBL species <u>0</u> x 1 = <u>0</u> FACW species <u>0</u> x 2 = <u>0</u> FAC species <u>0</u> x 3 = <u>0</u> FACU species <u>0</u> x 4 = <u>0</u> UPL species <u>0</u> x 5 = <u>0</u> Column totals <u>0</u> (A) <u>0</u> (B) Prevalence Index = B/A = _____
<b>Sapling/Shrub stratum</b> (Plot size: _____)					
1	_____	_____	_____	_____	
2	_____	_____	_____	_____	
3	_____	_____	_____	_____	
4	_____	_____	_____	_____	
5	_____	_____	_____	_____	
		<u>0</u>	= Total Cover		
<b>Herb stratum</b> (Plot size: _____)					
1	<u>wheat</u>	<u>5</u>	_____	_____	
2	<u>Annual ragweed</u>	<u>2</u>	_____	_____	
3	_____	_____	_____	_____	
4	_____	_____	_____	_____	
5	_____	_____	_____	_____	
6	_____	_____	_____	_____	
7	_____	_____	_____	_____	
8	_____	_____	_____	_____	
9	_____	_____	_____	_____	
10	_____	_____	_____	_____	
		<u>0</u>	= Total Cover		
<b>Woody vine stratum</b> (Plot size: _____)					
1	_____	_____	_____	_____	
2	_____	_____	_____	_____	
		<u>0</u>	= Total Cover		
% Bare Ground in Herb Stratum: _____					
Remarks: <u>stressed wheat in low area, point taken at lowest elevation, canola chaf &amp; dead weeds present</u>					

**Hydrophytic Vegetation Indicators:**  
 \_\_\_\_\_ Rapid test for hydrophytic vegetation  
 \_\_\_\_\_ Dominance test is >50%  
 \_\_\_\_\_ Prevalence index is ≤3.0\*  
 \_\_\_\_\_ Morphological adaptations\* (provide supporting data in Remarks or on a separate sheet)  
 \_\_\_\_\_ Problematic hydrophytic vegetation\* (explain)  
 \_\_\_\_\_  
 \*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

**Hydrophytic vegetation present?** \_\_\_\_\_

**SOIL**

Sampling Point: AW-1A

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type*	Loc**		
0-3	10YR 4/1	100	—	—	—	—	Silt loam	
3-12	10YR 2/2	100	—	—	—	—	"	

\*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, CS = Covered or Coated Sand Grains.      \*\*Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)		Indicators for Problematic Hydric Soils:	
<input type="checkbox"/> Histisol (A1)	<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> 1 cm Muck (A9) (LRR I, J)	
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> Coast Prairie Redox (A16) (LRR F, G, H)	
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Dark Surface (S7) (LRR G)	
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Mucky Mineral (F1)	<input type="checkbox"/> High Plains Depressions (F16)	
<input type="checkbox"/> Stratified Layers (A5) (LRR F)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> (LRR H outside of MLRA 72 & 73)	
<input type="checkbox"/> 1 cm Muck (A9) (LRR F, G, H)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Reduced Vertic (F18)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Redox Dark Surface (F6)	<input type="checkbox"/> Red Parent Material (TF2)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Depleted Dark Surface (F7)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Redox Depressions (F8)	<input type="checkbox"/> Other (explain in remarks)	
<input type="checkbox"/> 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)	<input type="checkbox"/> High Plains Depressions (F16)		
<input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) (LRR F)	<input type="checkbox"/> (MLRA 72 & 73 of LRR H)		

\*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed): Type: _____ Depth (inches): _____	Hydric soil present? <u>N</u>
--	-------------------------------

Remarks:

**HYDROLOGY**

Wetland Hydrology Indicators:	
Primary Indicators (minimum of one is required; check all that apply)	Secondary Indicators (minimum of two required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Salt Crust (B11)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Invertebrates (B13)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) (where not tilled)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Thin Muck Surface (C7)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Inundation Visible on Aerial Imagery	
<input type="checkbox"/> Water-Stained Leaves (B9)	
	<input type="checkbox"/> Surface Soil Cracks (B6)
	<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)
	<input type="checkbox"/> Drainage Patterns (B10)
	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) (where tilled)
	<input type="checkbox"/> Crayfish Burrows (C8)
	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
	<input checked="" type="checkbox"/> Geomorphic Position (D2)
	<input type="checkbox"/> FAC-Neutral Test (D5)
	<input type="checkbox"/> Frost-Heave Hummocks (D7) (LRR F)

<b>Field Observations:</b> Surface water present?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water table present?      Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation present?        Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ (includes capillary fringe)	Indicators of wetland hydrology present? <u>N</u>
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Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Wetland Delineation Photographs, Brady I Wind Energy Center North Radar Tower  
Wetlands and Other Water of the United States Survey Addendum No. 2



**Photograph 1 (South):** A view of stressed vegetation observed within a topographic low area within the proposed service road.



**Photograph 2 (NA):** A view of non-wetland sample point BR-UP-1R.