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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 II, LLC  
PSC Case No. PU-16-042

Our File No. 035218-00027

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. 3; and
4. Class III Cultural Resource Inventory 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 the printed name.

Casey A. Furey

CAF:rw  
Enc.

**Brady Wind II, LLC**

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Brady Wind II, LLC  
Brady II Wind Energy Center – Hettinger & Stark Counties**

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

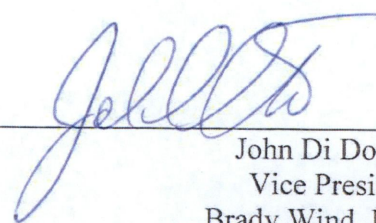
**CERTIFICATION RELATING TO N.D.C.C. § 49-22-03(3)(a)**

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

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

1. In an order dated July 6, 2016 issued in PU-16-042 (“Order”), the Public Service Commission (“Commission”) approved the Certificate of Site Compatibility No. 50 for the construction, operation and maintenance of a wind energy conversion facility in Hettinger and Stark Counties, North Dakota (“Project”).
2. In Order Provision No. 3, the Commission authorized Brady Wind II to construct up to 72 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, and one permanent and four temporary meteorological evaluation towers (“METs”).
3. Pursuant to Order Provision No. 1, on July 28, 2017, Brady Wind II filed a Certification Relating to N.D.C.C. § 49-22-03(3)(a) for the addition of three new temporary METs to the Project. *See* PU-17-297 Docket No. 1.
4. Brady Wind II 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.
5. Brady Wind II intends to engage in construction to improve the existing Project by installing ADLS on wind turbines and METs.
6. Construction to install the ADLS is required in order to fulfill Brady Wind II’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.

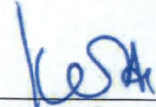
7. Pursuant to Order Provision No. 4, Brady Wind II completed a Class III Cultural Resource Survey on the previously un-surveyed land, and submitted the cultural resource findings to the State Historical Society of North Dakota ("NDSHPO") for review. Brady Wind II is filing Addendum No. 4 to Class III Cultural Resource Inventory concurrently with this Certification.
8. On July 31, 2017, Brady Wind II received a concurrence letter from NDSHPO concluding that there have been good faith efforts to identify and avoid impacts to "Significant Sites." Brady Wind II is also filing this concurrence letter along with this Certification.
9. Brady Wind II intends to begin construction to install the ADLS on October 9, 2017.
10. In accordance with N.D.C.C. § 49-22-03(3)(a), Brady Wind II 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 II previously obtained a Certificate of Site Compatibility as designated in Findings of Fact, Conclusions of Law and Order issued in Case No. PU-16-042.
  - c. The construction activities are for the installation of ADLS and will include the installation of a south radar tower, a service road, additional collection lines, and a temporary staging area.
  - d. As demonstrated previously in this case, an environmental analysis was conducted for Brady Wind II 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 ADLS will not permanently affect any known Exclusion or Avoidance Areas.
  - f. 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.
  - g. Pursuant to Order Provision No. 5, Brady Wind II completed an addendum ("Wetland Addendum 3") to the wetland determination previously filed with the Commission that includes the new determination. Brady Wind II files Wetland Addendum 3 concurrently with this Certification. No wetland or other waters of the U.S. features were identified within the Addendum 3 survey corridor. There will be no new permanent or temporary impacts to wetlands or waterbodies resulting from the installation of an ADLS.
11. Brady Wind II will continue to comply with the Order in PU-16-042 designating the site, and will continue to comply with all applicable federal, state, and local laws and rules.
12. Brady Wind II respectfully requests the Commission's written acknowledgement of receipt of this Certification.
13. Attachment 1 to Wetland Addendum 3, filed concurrently with this Certification, is a map showing the location of improvements required for ADLS installation.

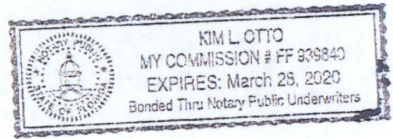
  
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John Di Donato  
Vice President  
Brady Wind, LLC  
(561) 267-5044  
[clay.cameron@nexteranergy.com](mailto:clay.cameron@nexteranergy.com)

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

On this 5 day of September, 2017, before me personally appeared John Di Donato, known to me to be the Vice President and representative of Brady Wind II, LLC, that is described within and executed, acknowledged, and affirmed to me as such.

\_\_\_\_\_  
Expiration of Commission

  
\_\_\_\_\_  
Notary Public





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TO: Brady Wind II, LLC  
FROM: Tetra Tech, Inc.  
DATE: August 9, 2017  
SUBJECT: Brady II Wind Energy Center – Wetlands and Other Waters of the United States Survey Addendum No. 3

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Brady Wind II, LLC (Brady II), 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 II Wind Energy Center (Project) located in Hettinger and Stark Counties, 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 May 2016 (Tetra Tech 2016a). Additional pre-construction modifications included slight modifications to collection lines (Addendum No. 1 Tetra Tech 2016b). A second addendum dated May 2017 presented the results of an additional survey effort completed for three proposed meteorological (MET) towers (Addendum No. 2 Tetra Tech 2017). The current addendum (Addendum No. 3) presents the findings of a survey effort completed in June 2017 for one proposed radar tower as part of the Aircraft Detection Lighting System (ADLS) now required by the PSC (South Radar Tower), including one staging area (approximately 125 feet by 125 feet), service road (100 foot wide corridor), and collection line (50 foot wide corridor) herein known as the Addendum No. 3 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. 3 Survey Corridor.

## **METHODS**

Tetra Tech conducted a desktop analysis of the Addendum No. 3 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 would be established in a representative transition zone of each potential wetland, if present. The transect would consist of one sample point in the potential wetland, and if wetland criteria were met, one point in non-wetland. Vegetation, soils, and hydrology data would be recorded on data forms, and each potential wetland and sample point would be photographed. When present, Tetra Tech conservatively maps wetlands and other WoUS to ensure the Project would remain below the USACE's Pre-Construction Notification (PCN) permitting thresholds. If present, observations of each potential wetland identified during the survey would be 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. 3 Survey Corridor was conducted in June 2017. During this survey, Tetra Tech identified no wetland or other WoUS features within the Addendum No. 3 Survey Corridor. An upland swale was identified intersecting the western portion of the Addendum No. 3 Survey Corridor in two locations (Attachment 1: Figure 1, Attachment 2: Photo Log).

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

**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 II Wind Energy Center – Stark County, North Dakota.
- Tetra Tech. 2016b. Wetlands and Other Waters of the United States Survey Addendum. Brady II Wind Energy Center – Stark County, North Dakota.
- Tetra Tech. 2017. Wetlands and Other Waters of the United States Survey Addendum No. 2. Brady II 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: Wetland Survey Results

Attachment 2 Photo Log

## **Attachment 1 – Figures**

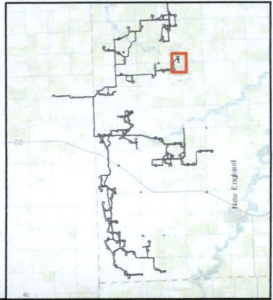
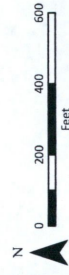
**Figure 1**  
**Brady II**  
**Wind Energy Center**



**Addendum No. 3**  
**Wetland Survey Results**  
 STARK AND HETTINGER COUNTIES, IN

- ★ Proposed South Radar Tower
- Proposed Service Road
- Proposed Power Line
- Addendum No. 3 Survey Corridor
- Previously Surveyed for Wetlands
- Previously Reviewed Feature
- ★ Upland/Swale
- Previously Inventoried Wetland\*
- NWI and NHD Data
- NWI Wetland
- NHD Stream or Waterbody
- Newly Identified Feature
- ★ Upland/Swale

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



Source: Map adapted from ArcGIS Map Server World Imagery. Project data provided by NextEra Energy. Radar tower [06/15/2017].

## **Attachment 2 – Photo Log**

Brady II Wind Energy Center South Radar Tower  
Wetlands and Other Water of the United States Survey Addendum No.3



**Photograph 1 (East):** A view of the proposed service road for South Radar Tower from the 110<sup>th</sup> Avenue SW right-of-way (ROW).



**Photograph 2 (Southeast):** A view of the proposed South Radar Tower staging area from the northwest corner of the proposed South Radar Tower staging area.

Brady II Wind Energy Center South Radar Tower  
Wetlands and Other Water of the United States Survey Addendum No.3



**Photograph 3 (Northwest):** A view of the proposed collection line extending northwest to T63.



**Photograph 4 (Northeast):** A view of upland swale intersecting the western portion of the proposed collection line extending from T63 to the proposed radar tower.