

Harmony Solar Project
Appendix I
Agency Outreach and Correspondence

**PROJECT NOTIFICATION LETTER
& MAILING LIST**



[Date]

[Name]

[Agency Name]

[Address]

[City, State Zip]

RE: Requested Comments on Harmony Solar in Cass County, North Dakota
PSC Case No. PU-18-219

Dear [Name]:

Harmony Solar ND, LLC (“Harmony”), a wholly owned subsidiary of National Grid Renewables Development, LLC (“National Grid Renewables”) is gathering information and requesting agency comments for a proposed utility scale solar energy project in Cass County, North Dakota (see enclosed map).

Harmony previously submitted an Application for a Certificate of Site Compatibility (“CSC”) to the North Dakota Public Service Commission (“PSC”) for a 200 megawatt solar energy conversion facility (the Project). CSC No. 58 was issued to Harmony for the construction, operation and maintenance of the solar facility on February 26, 2019 (PSC Case No. PU-18 219).

Harmony plans to seek a Certification Continuing Suitability from the PSC in 2024. The purpose of this letter is to provide an update on the proposed Project, seek your updated input regarding any permits and approvals that may be required, and identify interests your organization may have in the Project site or associated study area. Any written agency comments provided in response to this letter will be incorporated into the PSC’s review process.

Project facilities will include photovoltaic solar modules (panels) and racking, inverters, security fencing, laydown areas, a substation, an operations and maintenance facility, one-site underground electrical collection lines, at least two weather stations (up to 20 feet tall), access roads as required, and associated facilities. Harmony will interconnect to the Xcel Energy Bison Substation located in Section 11 of Township 140 N, Range 51 W via a 345 kV transmission line. The transmission line route will be under one mile in length and therefore will not be reviewed by the PSC.

Table 1 provides the sections of land Harmony is evaluated for siting the solar energy project.

Table 1: Sections within the Harmony Project Boundary

State	County	Civil Township	Township	Range	Sections
ND	Cass	Harmony	140N	51W	10, 11, 16



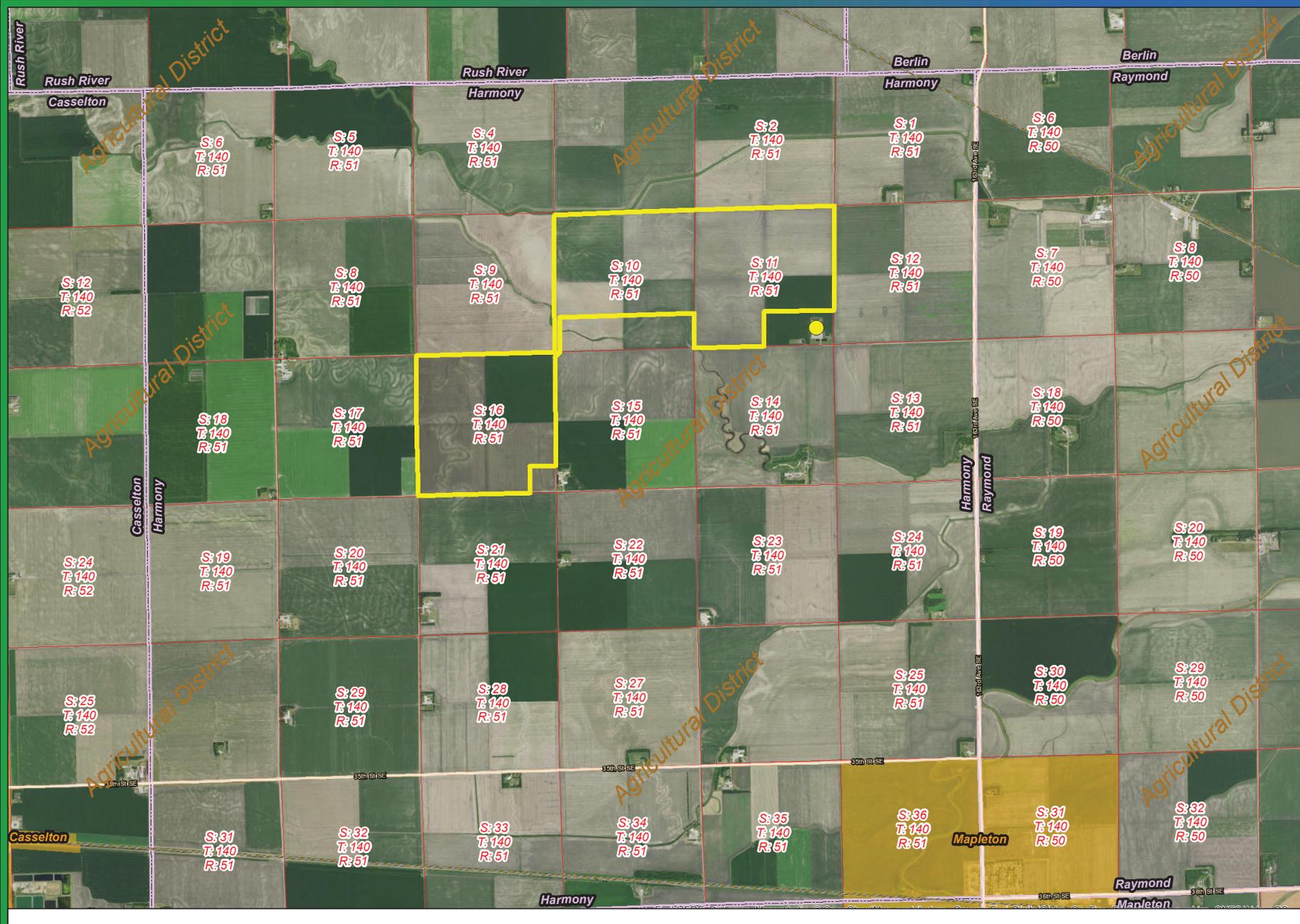
If you require further information or have questions regarding this matter, please contact me at 952-988-9000 or at melissa@nationalgridrenewables.com.

Sincerely,

A handwritten signature in black ink that reads "Melissa Schmit".

Melissa Schmit
Senior Director, Permitting

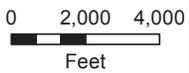
Enclosure:
Harmony Location Map



Harmony Solar

-  Bison Substation
-  Harmony Solar Project Area
-  Townships
-  Sections
-  Municipality

46.941875, -97.105109



**Harmony Solar Project
Agency Contact Information**

Name	Agency	Address	City	State	Zip
	United State Department of Defense	3400 Defense Pentagon, Room 5C646	Washington	DC	20301-3400
Heidi Riddle	USFWS - North Dakota Field Office	3425 Miriam Avenue	Bismarck	ND	58501-7926
	USFWS - North Dakota Field Office	3425 Miriam Avenue	Bismarck	ND	58501-7926
Benjamin D. Reile	United States Army Corps of Engineers	P.O. Box 527	Riverdale	ND	58565-0527
	Federal Aviation Administration	2301 University Avenue Building 23B	Bismarck	ND	58504
	Federal Bureau of Land Management North Dakota Field Office	99 23rd Avenue West, Suite A	Dickinson	ND	58601
	Military Aviation and Installation Assurance Siting Clearinghouse	3400 Defense Pentagon, Room 5C646	Washington	DC	20301-3400
Samuel Warren	Twentieth Air Force Ninety-First Missile Wing	300 Minuteman Drive	Minot Air Force Base	ND	58705
Joey Specht	Minot Air Force Base	300 Minuteman Drive	Minot Air Force Base	ND	58705
Lauren Kinker	Minot Air Force Base	300 Minuteman Drive	Minot Air Force Base	ND	58705
Bruce Johnson	Minot Air Force Base	300 Minuteman Drive	Minot Air Force Base	ND	58705
Trev Albright	Minot Air Force Base	300 Minuteman Drive	Minot Air Force Base	ND	58705
Kyle Slivnik	Grand Forks Air Force Base	344 6th Ave	Grand Forks AFB	ND	58205
Mark Hanson	Grand Forks Air Force Base	344 6th Ave	Grand Forks AFB	ND	58205
Lt. Colonel Aimee Haney	Grand Forks Air Force Base	344 6th Ave	Grand Forks AFB	ND	58205
Gaye Niemiller	Aeronautics Commission	P.O. Box 5020	Bismarck	ND	58502-5020
Matt Sagsveen	North Dakota Attorney General	600 E. Boulevard Avenue Department 125	Bismarck	ND	58505
Doug Goehring	North Dakota Department of Agriculture	600 E. Boulevard Avenue Department 602	Bismarck	ND	58505
Karl Rockeman	North Dakota Department of Health	600 E. Boulevard Avenue	Bismarck	ND	58505
Peter Wax	North Dakota Department of Health	600 E. Boulevard Avenue	Bismarck	ND	58505
	North Dakota Department of Human Services	600 E. Boulevard Avenue Department 325	Bismarck	ND	58505
	North Dakota Department of Labor and Human Rights	600 E. Boulevard Avenue Department 406	Bismarck	ND	58505
	North Dakota Department of Career and Technical Education	600 E. Boulevard Avenue, 15th Floor	Bismarck	ND	58505
	North Dakota Department of Commerce	1600 E. Century Avenue, Suite 6	Bismarck	ND	58503
Kevin Sonsalla	North Dakota Department of Commerce	1600 E. Century Avenue, Suite 6	Bismarck	ND	58503
	North Dakota Energy Infrastructure and Impact Office	1707 North 9th Street	Bismarck	ND	58501
Elisha Mueller	North Dakota Game and Fish Department	100 N. Bismarck Expressway	Bismarck	ND	58501-5095
	North Dakota Industrial Commission	600 E. Boulevard Avenue Department 405	Bismarck	ND	58505
Doug Burgum	North Dakota Governor's Office	600 E. Boulevard Avenue	Bismarck	ND	58505
Amy Davis	North Dakota Department of Transportation	608 East Boulevard Avenue	Bismarck	ND	58505-0700
Jen Einrem	North Dakota Department of Transportation	608 East Boulevard Avenue	Bismarck	ND	58505-0700
Emily Gustafson	North Dakota Department of Transportation	608 East Boulevard Avenue	Bismarck	ND	58505-0700
	North Dakota Department of Transportation	608 East Boulevard Avenue	Bismarck	ND	58505-0700
Lorna Meidinger	North Dakota State Historical Society of North Dakota	612 E. Boulevard Avenue, Suite 701	Bismarck	ND	58505
Brad Hawk	North Dakota Indian Affairs Commission	600 E. Boulevard Avenue, 1st Floor J Wing	Bismarck	ND	58505
Dale Erickson	Job Service of North Dakota	P.O. Box 5507	Bismarck	ND	58506
Jodi Smith	North Dakota Department of Trust Lands	1707 North 9th Street	Bismarck	ND	58501
Andrea Travniccek	North Dakota Department of Parks and Recreation	604 E. Boulevard Avenue	Bismarck	ND	58503-0649
Christi Fisher	North Dakota Natural Resources Conservation Service	P.O. BOX 1458	Bismarck	ND	58502-1458
Gerald Heiser	North Dakota State Water Commission	900 E. Boulevard	Bismarck	ND	58505
Steve Best	North Dakota State Water Commission	900 E. Boulevard	Bismarck	ND	58505
John Weeda	North Dakota Transmission Authority	600 E. Boulevard Avenue	Bismarck	ND	58505
Claire Vigesaa	North Dakota Transmission Authority	600 E. Boulevard Avenue	Bismarck	ND	58505
	North Dakota Pipeline Authority	600 E. Boulevard Avenue	Bismarck	ND	58505
	North Dakota Department of Environmental Quality	4201 Normandy Street	Bismarck	ND	58503-1324

**Harmony Solar Project
Agency Contact Information**

Name	Agency	Address	City	State	Zip
David Glatt	North Dakota Department of Environmental Quality	4201 Normandy Street	Bismarck	ND	58503-1324
Clint Boyd	North Dakota Geological Survey	1016 E. Calgary Avenue	Bismarck	ND	58503
Mr. Ed Murphy	North Dakota Geological Survey	1016 E. Calgary Avenue	Bismarck	ND	58503
Thomas Claes	North Dakota Forest Service	916 E. Interstate Avenue, Suite #4	Bismarck	ND	58503
Robert Wilson, Cass County Administrator	Cass County	211 9th St. S.	Fargo	ND	58103
Sean Fredricks	Rush River Water Resource District	1201 Main Ave W	West Fargo	ND	58078
Kurt Lysne	Rush River Water Resource District	1201 Main Ave W	West Fargo	ND	58078
Bill	Rush River Water Resource District	1201 Main Ave W	West Fargo	ND	58078

FEDERAL AGENCIES

U.S. Army Corps of Engineers



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, OMAHA DISTRICT
NORTH DAKOTA REGULATORY OFFICE
3319 UNIVERSITY DRIVE
BISMARCK, ND 58504

February 28, 2024

SUBJECT: NWO-2017-00021-BIS, Harmony Solar Project – Approved Jurisdictional Determination

Ms. Kathy Bellrichard
Tetra Tech, Inc.
2001 Killebrew Drive, Suite 141
Bloomington, Minnesota 55425

Dear Ms. Bellrichard:

This letter is in response to your request received on November 9, 2023, on behalf of Harmony Solar ND, LLC, regarding an approved jurisdictional determination for the Harmony Solar Project. The site is approximately 1,662-acres in size approximately four miles northeast of Casselton in Sections 10, 11, and 16, Township 140 North, Range 51 West, Cass County, North Dakota. Your request has been assigned the Corps Regulatory File Number referenced above. Please reference this file number on any correspondence to us or to other interested parties when referencing this project or concerning this request.

The U.S. Army Corps of Engineers (Corps) regulates the discharge of dredged and fill material into waters of the United States under Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344) and structures or work in, over, and under navigable waters of the United States under Section 10 of the Rivers and Harbors Act (RHA) (33 U.S.C. 403). The implementing regulations for these Acts are published in the Code of Federal Regulations at 33 CFR parts 330-332.

Based on our evaluation of the information provided and other available information, we have determined that the following aquatic resources within the review area are both jurisdictional and non-jurisdictional. The attached approved jurisdictional determination provides rationale for why these aquatic resources do and do not meet the definition of waters of the United States. Based on this determination, a Department of the Army permit is required for the discharge of dredged or fill material into Wetlands WA015 and WA011. This determination does not eliminate requirements to obtain any other applicable federal, state, tribal, or local permits.

Attached to this letter is the approved jurisdictional determination for your project site. This jurisdictional determination is valid for a 5-year period from the date of this letter, until **February 28, 2029**, unless new information warrants revision of the determination before the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR part 331. Enclosed you will find

a *Notification of Administrative Appeal Options and Process and Request for Appeal* (NAO-RFA) form. If you request to appeal this determination, you must submit a completed NAO-RFA form to the address listed on the form.

For an NAO-RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within **60 days of the date of the NAO-RFA**. Should you decide to submit an NAO-RFA form, it must be received at the Division Office by **April 28, 2024**. It is not necessary to submit an NAO-RFA form to the Division Office if you do not object to the determination in this letter.

In the event that you disagree with this approved jurisdictional determination, and you have **new information** not considered in the original determination, you may request reconsideration of this determination by contacting this office prior to initiating an appeal. To request this reconsideration based upon new information, you must submit the new information to this office so that it is received within 60 days of the date of the NAO-RFA.

The Corps' Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return by mail. Additionally, further information regarding the Omaha District Regulatory Program can be obtained by visiting our website at <https://www.nwo.usace.army.mil/Missions/Regulatory-Program/>.

If you have any questions concerning this jurisdictional determination, please contact Mr. Benjamin D. Reile at the above address, by phone at (701) 255-0015, ext. 2013, or by email at Benjamin.D.Reile@usace.army.mil and reference file number **NWO-2017-00021-BIS**.

Sincerely,

Benjamin D. Reile

Benjamin D. Reile
Senior Project Manager
North Dakota

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Harmony Solar	File Number: NWO-2017-0021-BIS	Date: 2/28/2024
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found in Corps regulations at 33 CFR Part 331 or at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/FederalRegulation.aspx>

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

US Army Corps of Engineers, North Dakota Regulatory Office
Attn: Benjamin N. Soiseth, Chief, North Dakota Section
3319 University Drive
Bismarck, ND 58504 Telephone (701) 255-0015, ext. 2001
CENWO-OD-RND@usace.army.mil

For questions about the appeal process, you may also contact:

U.S. Army Corps of Engineers, Northwestern Division
ATTN: Melinda Larsen, Regulatory Appeals Review Officer
1201 NE Lloyd Blvd.
Suite 400
Portland, OR 97232
Telephone: (503) 808-3888
Email: Melinda.M.Larsen@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NWO DISTRICT
3319 UNIVERSITY DRIVE
BISMARCK, ND 58504

NWO-OD-RND

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023),¹ [NWO-2017-00021-BIS](#)

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.² AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.³ For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),⁴ the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of “waters of the United States” found in the pre-2015 regulatory regime and consistent with the Supreme Court’s decision in *Sackett*. This AJD did not rely on the 2023 “Revised Definition of ‘Waters of the United States,’” as amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in this state due to litigation.

1. SUMMARY OF CONCLUSIONS.

¹ While the Supreme Court’s decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² 33 CFR 331.2.

³ Regulatory Guidance Letter 05-02.

⁴ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

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SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), NWO-2017-00021-BIS

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).
 - i. wetland WA001, is not a water of the United States, (non-adjacent/ pre-Sackett, pre-2015, this water would have been considered an “isolated water”)
 - ii. wetland WA015, is a water of the United States, Section 404 (Seasonal Relatively Permanent Water (RPW))
 - iii. wetland WA011, is a water of the United States, Section 404 (Seasonal RPW)

2. REFERENCES.

- a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).
- b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).
- c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court’s Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)
- d. *Sackett v. EPA*, 598 U.S. ___, 143 S. Ct. 1322 (2023)
- e. 1980s preamble language (including regarding waters and features that are generally non-jurisdictional) (51 FR 41217 (November 13, 1986) and 53 FR 20765 (June 6, 1988))
- f. *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001)

3. REVIEW AREA. [Harmony Solar Project, Cass County, North Dakota](#); review area encompasses approximately 1,662-acre site consisting of primarily wheat and soybean fields. The center of the project area is located in Sections 10, 11, and 16, Township 140 North, Range 51 West. Please see the attached [Project Location Map](#).

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS

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CONNECTED. Nearest downstream TNW is Red River of the North; which is a Section 10 waterway (see associated maps for path/distance to TNW).

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS. Resources WA011 and WA015 are seasonal relatively permanent waters that predictably flow every spring after snowmelt. Based on review of a variety of resources, these are the Lower Branch Rush River which flows east approximately 12.75-miles into the Sheyenne River, which then flows approximately 9.75-miles into the Red River of the North (TNW), which is a Section 10 waterway.
6. SECTION 10 JURISDICTIONAL WATERS⁵: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁶ N/A
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.
 - a. TNWs (a)(1): N/A
 - b. Interstate Waters (a)(2): N/A

⁵ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁶ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

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- c. Other Waters (a)(3): N/A
 - d. Impoundments (a)(4): N/A
 - e. Tributaries (a)(5): Tributaries WA011 and WA015 were both identified as wetlands in the delineation report; however, after careful analysis, these resources more adequately represent tributary systems that flow directly and directly into a TNW. Based on review of a variety of resources, these aquatic resources are seasonal relatively permanent waters that predictably flow every spring after snowmelt. Multiple resources (USGS, Stream Stats, DWR Flood Risk Maps) all indicate these are the Lower Branch Rush River system. Climate data for the closest town to the project area (Casselton) shows an average of 41-inches of snowfall per year, with an average of 92 days a year with over an inch of snow on the ground. Prevalence of wetlands within the channels is indicative of enough hydrology to be able to support the establishment of these wetlands. The snowpack data, flood risk inundation maps, aerial imagery showing discontinuous water, along with the hydrology indicators all support the determination of seasonal relatively permanent tributary systems that flow in a predictable seasonal manner.
 - f. The territorial seas (a)(6): N/A
- Adjacent wetlands (a)(7): N/A

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Wetland WA001 was identified as a roadside ditch wetland. After careful analysis and review of Google Earth imagery, flood risk inundation maps, and topography/elevation imagery on USGS Advanced Map Viewer, this wetland was determined to be a roadside ditch wetland. It is not connected to a larger wetland complex or tributary system outside of the roadside ditch. It is confined to the ditch of the roadway. Per the 2008 Rapanos Guidance, ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water are generally not waters of the U.S. because they are not tributaries. The wetland in question has formed in a low-lying depression within the manmade roadside ditch and is completely isolated and surrounded by uplands within the confines of the roadside ditch. The roadside ditch was excavated wholly in, and drains only uplands, and does not carry a relatively permanent flow of water between the subject wetland and the nearest RPW during review of all of all the years of aerial imagery available on Google Earth (1991-2023). The subject roadside ditch wetland does not have a continuous surface connection to a RPW or TNW. As a result of this case

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specific analysis, wetland WA001 is not regulated under Section 404 of the Clean Water Act.

- b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance. N/A
 - c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system. N/A
 - d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. N/A
 - e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in “*SWANCC*,” would have been jurisdictional based solely on the “Migratory Bird Rule.” Include the size of the aquatic resource or feature, and how it was determined to be an “isolated water” in accordance with *SWANCC*. N/A
 - f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court’s decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water). N/A
9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.
- a. Aquatic Resource Delineation Report for Harmony Solar delineated by Tetra Tech. on October 10, 2023.

NWO-OD-RND

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), NWO-2017-00021-BIS

- b. USGS Advanced Map Viewer <https://apps.nationalmap.gov/viewer/> Accessed January 31, 2024
- c. EPA Enviro Atlas <https://enviroatlas.epa.gov/enviroatlas/interactivemap/> Accessed January 31, 2024
- d. ND Department of Water Resources/FEMA Flood Risk Assessment Map Service
- e. Google Earth Pro 2009-2022 Accessed January 31, 2024
- f. Digital Globe <https://evwhs.digitalglobe.com> Accessed January 31, 2024
- g. Antecedent Precipitation Tool (APT) Accessed January 31, 2024

10. OTHER SUPPORTING INFORMATION.

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.



- Project Area
- WOTUS - Section 404***
- Non-Relatively Permanent Water / Non-Adjacent Wetland

* Suggestions regarding the jurisdiction of wetlands and waters are preliminary and must be verified by USACE.

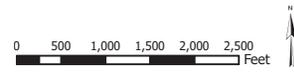
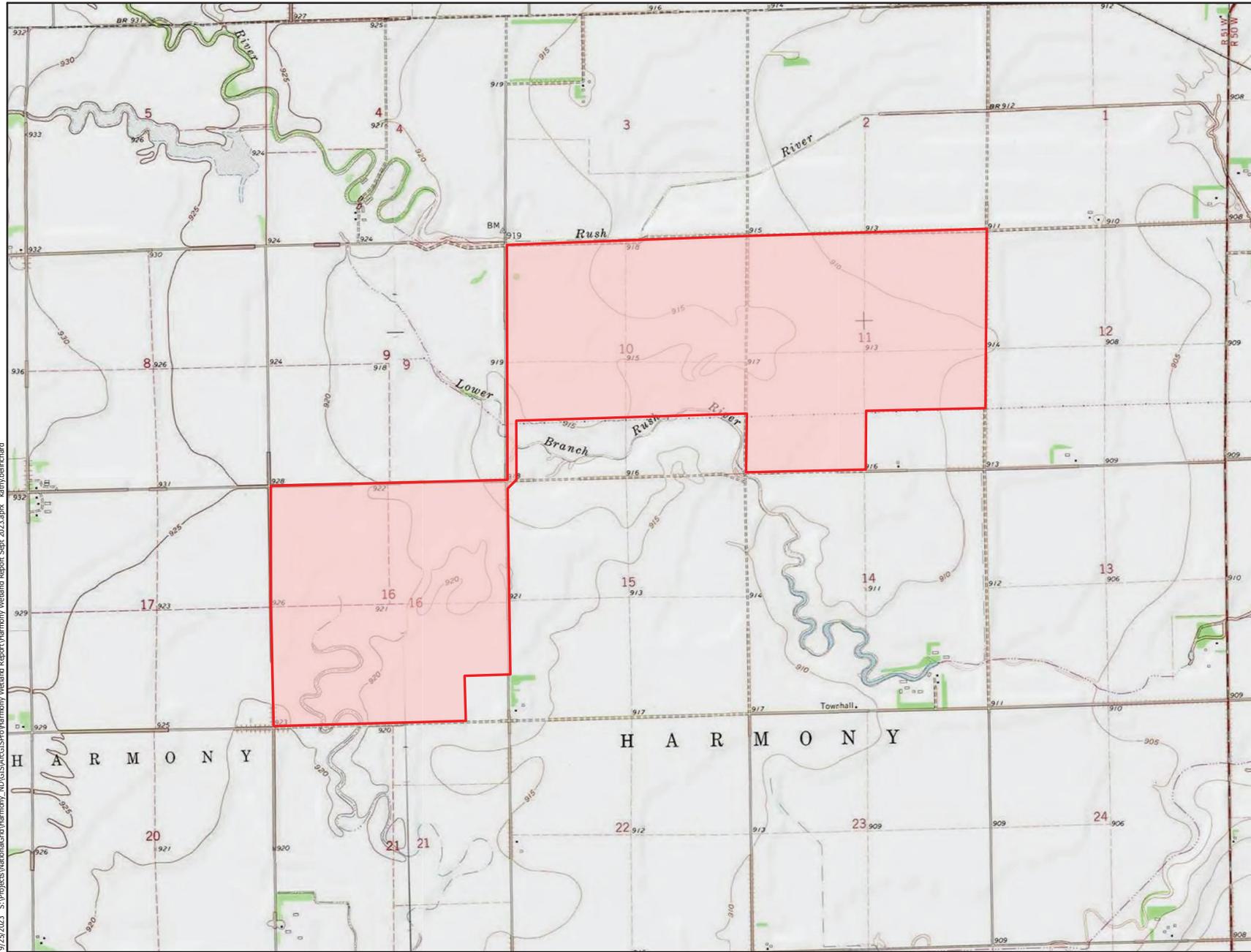


Figure 5
Wetlands and Waters
Jurisdiction
 Harmony Solar
 Cass County
 North Dakota





Project Area



Figure 1
Project Area Location

Harmony Solar
Cass County
North Dakota



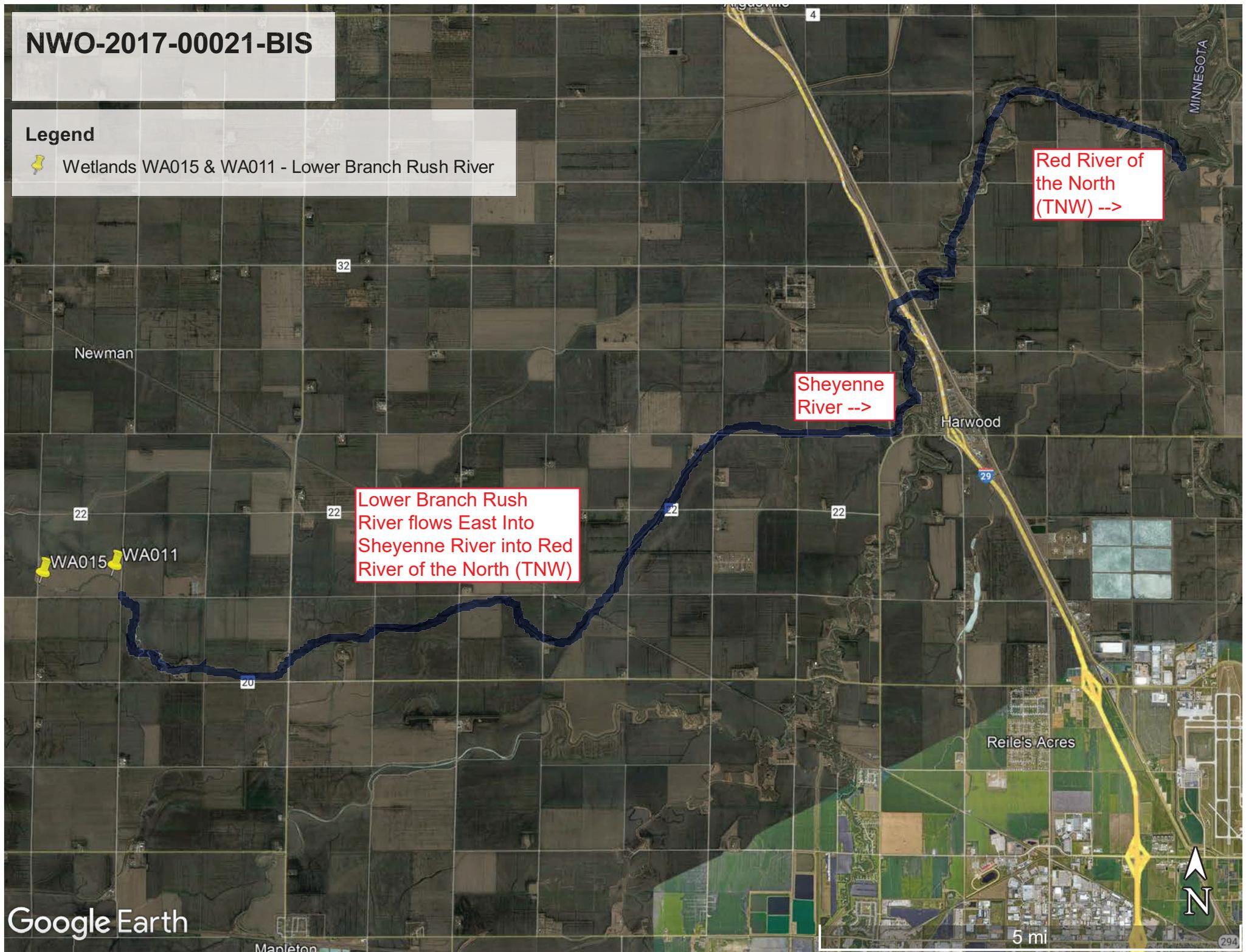
9/25/2023 5: Projects\National\Harmony_ND\GIS\ArcGISPro\Harmony Wetland Report\Harmony Wetland Report_Sep_2023.aprx kathybelrichard

Source: Map adapted from USA Topo Maps Server and Project data by Harmony Solar ND, LLC. Scale: 1:24,000

NWO-2017-00021-BIS

Legend

-  Wetlands WA015 & WA011 - Lower Branch Rush River





November 9, 2023

U.S. Army Corps of Engineers
North Dakota Regulatory Office
CENWO-OD-RND@usace.army.mil

**Subject: Approved Jurisdictional Determination Request
for the Proposed Harmony Solar Project in Cass County, North Dakota
NWO-2017-00021-BIS**

Harmony Solar ND, LLC is developing the proposed Harmony Solar Project (Project) located near the city of Casselton in Cass County, North Dakota. Tetra Tech completed wetlands and waters surveys for the Project to identify and delineate wetlands and other waters within a 1,662-acre area where the proposed solar energy facilities may be constructed. The results of the surveys were summarized in a report dated October 10, 2023 (attached). Harmony Solar ND, LLC would like to request an approved jurisdictional determination for the three wetlands identified during the surveys for the Project.

Your time and effort regarding this request are greatly appreciated. If you have questions or need additional information, please feel free to contact me at kathy.bellrichard@tetrattech.com or 612-643-2233.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathy Bellrichard', written over a horizontal line.

Kathy Bellrichard
Wetland Specialist

Attachments:
Wetland Delineation Survey report dated October 10, 2023
Harmony Approved JD Request Table dated November 9, 2023

Harmony Approved JD Request Table
November 9, 2023

Waters Name	Cowardin Code	Area (acres)	404 Jurisdiction Opinion	Waters Type	Latitude	Longitude
WA001	PEM	0.065	No	Isolated wetland	46.96335	-97.08405
WA011	PEM	0.095	No	Isolated wetland	46.95298	-97.09805
WA015	PEM	0.113	No	Isolated wetland	46.95156	-97.11518

U.S. Fish and Wildlife Service

From: [Gorman, Kim](#)
To: [Toso, Luke B](#); [Mueller, Elisha K.](#)
Cc: [Alia Mohammad](#); [Melissa Schmit](#); [Gorman, Kim](#); [Kosciuch, Karl](#)
Subject: [External] PSC Case No. PU-18-219 - Harmony Solar, Cass County, North Dakota - Proposed Additional Studies
Date: Wednesday, July 17, 2024 6:48:58 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)
[Harmony Solar PCM Study Plan_20240717.pdf](#)

Luke and Elisha,

National Grid Renewables (NGR) has proposed two studies at the Harmony Solar Project in Cass County, North Dakota. NGR has developed these studies to collect data consistent with the current questions in wildlife and solar energy interactions.

First, NGR has designed a focused post-construction fatality monitoring survey in response to the NDGF guidance letter dated February 23, 2024, recommending 2 years of fatality monitoring. NGR has proposed initiating a one-year study that will align with the time period when carcasses of aquatic habitat birds are most often detected (Kosciuch et al. 2020, Kosciuch et al. 2022). The surveys will focus on detecting large birds that include water-obligate species (e.g., grebes) and water-associated species (e.g., dabbling ducks). The statistically robust surveys will allow for a fatality estimate of large birds during the fall period. The data will provide wildlife agencies with important information on potential collision risk to these species at a PV solar facility developed in an agricultural landscape in North Dakota. The study results will be discussed with agencies when completed.

Second, NGR has voluntarily initiated a before-after bird community study designed to examine how changes in land cover coupled with the Project development influence the bird community. The pre-construction surveys have been completed and post-construction surveys will be completed in years 2 and 4 as discussed on the June 13, 2024, teleconference. Over three rounds of pre-construction surveys at 30-point count locations, seven total species were observed, and all are typically associated with agriculture. The revegetation plan will shift the plant community to a natural landscape and there are potential benefits to bird species richness at the Project. This voluntary study will provide much needed information on how bird communities respond to solar energy development and revegetation in an agricultural landscape.

Thank you for your continued partnership and please let us know if you have any questions.

Best,
Kimberely

****Note I will be out of the office from July 29 through August 2 and will return to the office**

on August 5.**

Kimberely Gorman | Vice President / Operations Manager

Pronouns: she, her, hers

Direct (612) 643-2224 | Business (612) 643-2200 | Mobile (612) 998-7468 | Fax (612) 643-2201

kim.gorman@tetrattech.com

Tetra Tech | *Leading with Science*®

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TETRA TECH



United States Department of the Interior



FISH AND WILDLIFE SERVICE
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, ND 58501-7926
Phone: (701) 250-4481 Fax: (701) 355-8513

In Reply Refer To:
Project Code: 2024-0113854
Project Name: Harmony Solar Project

07/10/2024 14:09:48 UTC

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through IPaC by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at: <https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see [Migratory Bird Permit | What We Do | U.S. Fish & Wildlife Service \(fws.gov\)](#).

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

North Dakota Ecological Services Field Office

3425 Miriam Avenue

Bismarck, ND 58501-7926

(701) 250-4481

PROJECT SUMMARY

Project Code: 2024-0113854

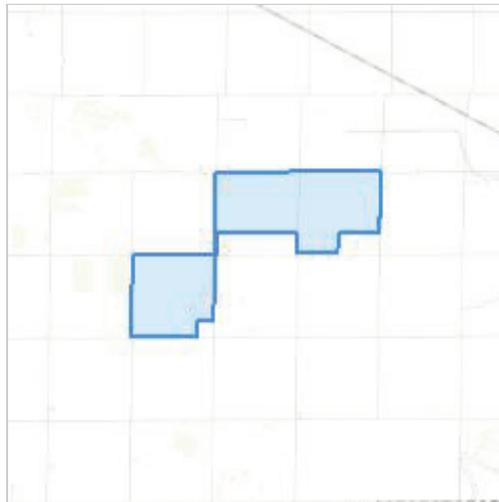
Project Name: Harmony Solar Project

Project Type: Power Gen - Solar

Project Description: Harmony Solar ND, LLC, a wholly owned subsidiary of National Grid Renewables Development, LLC is proposing a utility scale solar energy project in Cass County, North Dakota. Harmony previously submitted an Application for a Certificate of Site Compatibility to the North Dakota Public Service Commission for a 200 megawatt solar energy conversion facility. CSC No. 58 was issued to Harmony for the construction, operation and maintenance of the solar facility on February 26, 2019 (PSC Case No. PU-18-219). The 1,662-acre Project area (Project Area) is in the Agricultural District of Harmony Township and has not changed since the Commission considered the Project in 2018/2019 and issued the 2019 CSC. Project facilities remain similar to what was considered in the 2019 CSC, but Harmony has incorporated a different photovoltaic (PV) solar module (panel) into the Project layout than previously was considered.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@46.948854999999995,-97.12609341760215,14z>



Counties: Cass County, North Dakota

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none">This species only needs to be considered if the project includes wind turbine operations. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Angela Durand
Address: 1 Main Street SE
Address Line 2: Suite 300
City: Minneapolis
State: MN
Zip: 55414
Email: angela.durand@merjent.com
Phone: 6127463666

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers



United States Department of the Interior

FISH AND WILDLIFE SERVICE
North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, North Dakota 58501
(701) 250-4481, ndfieldoffice@fws.gov

In Reply Refer To:
Harmony Solar Project

December 18, 2023

Melissa Schmit
National Grid Renewables Development, LLC
8400 Normandale Lake Blvd, Ste 1200
Bloomington, MN 55437
melissa@nationalgridrenewables.com

Dear Ms. Schmit:

Thank you for the opportunity to provide input on the proposed Harmony Solar Project (Project) in Cass County, North Dakota. In the time since the U.S. Fish and Wildlife Service (Service) first reviewed this project in 2017, there have been some changes, including species' status updates, for your consideration. We appreciate the information provided regarding the Service's previous comments dated October 31, 2017, and respectfully request any reports that may result from wildlife/habitat studies for the Project.

Large-scale solar facilities are a relatively new addition to the landscape and research is ongoing to determine impacts to wildlife. Most research on the impacts of solar facilities on wildlife has occurred outside of the great plains grasslands. There is a potential opportunity to use the Harmony site to conduct a systematic study of wildlife impacts, similar to those done after the construction of wind energy facilities in the state. Information gained from such a study could be useful in future reviews of these types of projects.

Our first and foremost recommendation to all project proponents in North Dakota is to avoid grasslands and wetlands – two primary types of habitat in the state that support native species. We also recommend establishing buffers around sensitive habitats to prevent destructive impacts associated with project activities and possible displacement of wildlife. Choosing a project site dominated by cropland greatly increases the potential to avoid and reduce direct/indirect impacts to wildlife habitat and we support efforts toward that end. We recommend coordinating with North Dakota Game and Fish Department (Department) for information regarding impacts to grasslands. Additionally, we recommend addressing all Service trust resources and applicable avoidance, minimization, and offset measures in a Bird and Bat Conservation Strategy (BBCS) or similar document for our review.

Endangered Species Act

The following species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project (this list is considered valid for 90 days). For additional information, we invite you to use a new tool the Service has designed to help with the consultation process – the Information for Planning and Consultation (IPaC) database (<http://ecos.fws.gov/ipac>). The database provides guidance to help you determine where your action area is, whether endangered species may be found within the action area, and if your project and associated actions may affect listed species.

<u>Species</u>	<u>Status</u>	<u>Expected Occurrence</u>
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	Summer resident, seasonal migrant
Dakota skipper (<i>Hesperia dacotae</i>)	Threatened	Year round resident
Western Prairie-Fringed Orchid (<i>Platanthera praeclara</i>)	Threatened	Plant
Monarch Butterfly (<i>Danaus plexippus plexippus</i>)	Candidate	Habitats including fields, meadows, marshes, and along roadsides

Northern Long-eared Bat:

The northern long-eared bat is a medium-sized brown bat currently listed as endangered; the species' status was upgraded from threatened on November 30, 2022 (87 FR 16442). The northern long-eared bat is a medium-sized brown bat that roosts singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees in the summer and migrates to hibernacula (often caves) in the winter. White nose is considered a significant threat to this species, but individuals may be harmed by other activities such as modifications to hibernacula, timber harvest and human disturbance.

Dakota Skipper

The Dakota skipper (*Hesperia dacotae*) is a small prairie butterfly listed as a threatened species under the Endangered Species Act (see: <http://www.gpo.gov/fdsys/pkg/FR-2014-10-24/pdf/2014-25190.pdf>). Dakota skippers are obligate residents of high quality prairie ranging from wet-mesic tallgrass prairie to dry-mesic mixed grass prairie. In North Dakota, Dakota skippers inhabit dry-mesic hill prairies with abundant purple coneflower (*Echinacea angustifolia*), but also use mesic to wet-mesic tallgrass prairie habitats characterized by wood lily (*Lilium philadelphicum*) and mountain deathcamas (smooth camas; *Zigadenus elegans*). Their dispersal ability is very limited due in part to their short adult life span and single annual flight. Dakota skippers are known to occupy suitable habitats within your proposed project area.

Extirpation of Dakota skippers from a site may be permanent unless the site occurs within about 0.6 miles of another inhabited site that generates a sufficient number of emigrants. Avoidance of impacts to native prairie habitat is recommended to reduce the risk of adverse effects to this species. A survey protocol (2022) has been developed for North Dakota, however this species is difficult to detect and identify; only permitted surveyors can accurately conduct surveys for this species (June 10- July 25). Critical habitat has also been designated for this species in North Dakota; for survey protocols, additional details, and locations see the following website: <http://www.fws.gov/Midwest/endangered/insects/dask/index.html>.

Western Prairie-Fringed Orchid

The Western prairie fringed orchid (*Platanthera praeclara*) is known to occur in southeast North Dakota, however the life cycle of the plant often makes it difficult to detect. Although the plant is typically associated with intact tallgrass native prairie, the orchid has also been found on disturbed sites. Potential habitats generally include mesic upland prairies, wet prairies, sedge meadows, subirrigated prairies and swales in sand dune complexes. If these habitats exist within the proposed project area, surveys for the orchid should be considered prior to construction.

It is unclear to the Service if the proposed Project activities (construction and operation) would create new or increased water depletions. Our general understanding is that PV solar facilities likely use modest amounts of water during operation. Due to the proposed Project location within the range of the orchid, the Service recommends that construction activities (i.e., any associated borrow sites, ponded water, access roads, etc.) be further assessed to ensure they do not result in surface or groundwater depletion(s) that could indirectly impact the orchid.

Pesticide application in rights of ways and throughout solar facilities may have an adverse effect on the orchid, both directly and indirectly. The prairie fringed orchids depend on hawkmoths for pollination. Any threat to these insects, such as the use of insecticides, is a threat to the prairie fringed orchids.

Monarch Butterfly

On December 15, 2020, the monarch became a candidate for listing under the ESA. Candidate species are plants and animals for which the Service has sufficient information on their biological status and threats to propose them as endangered or threatened under the ESA, but for which the development of a proposed listing regulation is precluded by other higher priority listing activities.

The monarch is a large butterfly, easily recognized by their orange and black markings, that lives in a variety of open habitats throughout North America and various additional locations across the globe. They need milkweed (*Asclepias* spp.) for breeding and additional nectar sources for completing their life cycle. The monarch butterfly has declined by 80 percent in the last 20 years. There are many potential reasons for the butterfly's decline, including habitat loss at breeding and overwintering sites, disease, pesticides, logging at overwintering sites and climate change. Candidate species are not proposed for listing but are species for which the development and publication of proposed rules for listing are anticipated. The Service encourages cooperative conservation efforts for these species because they are, by definition, species that may warrant

future protection under the ESA. The Rights-of-Way as Habitat Working Group has identified a number of Best Management Practices (BMPs) for pollinator-friendly solar energy (<http://rightofway.erc.uic.edu/resources/best-management-practices/>). Additional resources on ways to improve habitats for the monarch are located at: <https://www.fws.gov/savethemonarch>.

Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act

While not all are listed as threatened or endangered, eagles and migratory birds have protections under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). The BGEPA prohibits take which is defined as, “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb” (50 CFR 22.3). Disturb is defined in regulations as, “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”. The MBTA makes it unlawful without a waiver to pursue, hunt, take, capture, kill, or sell birds listed as migratory birds, including eagles. The statute does not discriminate between live or dead birds and also grants full protection to any bird parts including feathers, eggs, and nests.

To minimize impacts on migratory birds, the Service has developed conservation measures that address specific project-related threats to birds (see <https://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservationmeasures.php>). We recommend development of a project-specific Bird and Bat Conservation Strategy (BBCS) to identify threats and conservation measures to address those threats. The Service’s Mountain-Prairie Regional Migratory Birds Office has developed an outline to assist wind developers assess project-related impacts to birds, bats and their habitats, and to work to avoid and minimize those impacts (attached). Although the document was developed for wind projects, it can be used for any type of project. Any voluntary offsets that are being proposed should also be included in the BBCS.

For eagles and other raptors, we recommend identifying nests within the project area plus a 2-mile buffer from solar infrastructure and transmission lines. During nesting periods, observe timing stipulations for construction activities located near nests. Raptors are likely to use any trees or rock escarpments for nesting or perching. The Eagle Conservation Plan Guidance (ECPG) that was developed for wind may be helpful in identifying potential concentration and use areas. By affording these areas a buffer when considering infrastructure placement, impacts to raptor species can be greatly reduced.

To avoid direct impacts during construction or ground disturbing activities, conduct a nesting bird survey or other necessary survey for nesting birds. If active nests are detected, the nest area shall be flagged, and no activity shall take place near the nest (at a distance determined through coordination with the Service and the Department) until the parties agree that construction can proceed with the incorporation of agreed-upon monitoring measures.

Despite the potential benefits of directly avoiding habitat, risk to wildlife still exists. Indirect impacts such as wildlife displacement in habitats adjacent to project facilities may occur, and direct impacts such as avian and bat collision mortality are anticipated regardless of the project location. Since grassland nesting birds and waterfowl are known to be displaced by turbines, we recommend buffering proposed wind energy facilities from grasslands and wetlands in the project area as much as possible. Peer-reviewed published literature described in the attached information (Shaffer et al. 2019, Loesch et al. 2013, Shaffer and Buhl 2016, and Leddy et al. 1999) can serve as your guide regarding appropriate distances needed to reduce/avoid this displacement. A buffer between facilities and any forested sites may also be prudent to reduce risk to bats that may use those habitats.

Eagle Guidance Documents

Golden eagles (*Aquila chrysaetos*) are year-round residents in western North Dakota and may be found throughout the state in winter or during migration. Bald eagles (*Haliaeetus leucocephalus*) occur throughout North Dakota in all seasons. Incidental take of eagles from actions such as electrocutions from power lines or wind turbine strikes are prohibited unless specifically authorized via an eagle incidental take permit from the Service.

The Service has developed guidance for the public regarding means to avoid take of bald and golden eagles:

- The 2007 *National Bald Eagle Management Guidelines* serve to advise landowners, land managers, and others who share public and private lands with bald eagles when and under what circumstances the protective provisions of BGEPA may apply. They provide conservation recommendations to help people avoid and/or minimize such impacts to bald eagles, particularly where they may constitute “disturbance,” which is prohibited by the BGEPA. <https://www.fws.gov/northeast/ecologicalservices/pdf/NationalBaldEagleManagementGuidelines.pdf>
- The 2013 *Eagle Conservation Plan Guidance, Module 1- Land-based Wind Energy, Version 2* is specific to wind energy development and provides in-depth guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities. Development of an Eagle Conservation Plan per these guidelines may serve as the basis for applying for an eagle incidental take permit for energy facilities. Applications for such eagle incidental take permits must include an Eagle Conservation Plan. <https://www.fws.gov/migratorybirds/pdf/management/eagleconservationplanguidance.pdf>

The Service also has promulgated new permit regulations under BGEPA:

- Eagle permit regulations, as allowed under BGEPA, were promulgated by the Service in 2009 (74 FR 46836; Sept. 11, 2009) and revised in 2016 (81 FR 91494; Dec. 16, 2016). The regulations authorize the limited take of bald and golden eagles where the take to be authorized is associated with otherwise lawful activities. These regulations also establish

permit provisions for intentional take of eagle nests where necessary to ensure public health and safety, in addition to other limited circumstances.

The revisions in 2016 included changes to permit issuance criteria and duration, definitions, compensatory mitigation standards, criteria for eagle nest removal permits, permit application requirements, and fees in order to clarify, improve implementation and increase compliance while still protecting eagles. <https://www.gpo.gov/fdsys/pkg/FR-2016-12-16/pdf/2016-29908.pdf>

- *U.S. Fish and Wildlife Service, Region 6, Recommended Approach for Development and Submission of Eagle Conservation Plans submitted to Region 6, Migratory Management Office in support of an Eagle Incidental Take Permit Application for Wind Energy Projects* – finalized in July 2019, this guidance replaces an earlier outline version of ECP recommendations by the Service’s Mountain-Prairie Region (Region 6) entitled “Final Outline and Components of an Eagle Conservation Plan (ECP) for Wind Development: Recommendations from the Service, Region 6”. The purpose of the new guidance is to eliminate unnecessary work and expense by permit applicants and shorten/streamline the process of applying for an eagle incidental take permit (EITP). The guidance will reduce the ECP process to only those items necessary for the Service to conclude that the ECP is sufficient to support the EITP application, and ensure that we have what we need both for our review of the application and our required NEPA compliance.

Wetlands

According to National Wetlands Inventory maps, available online at: <https://www.fws.gov/wetlands/>, wetlands exist within the proposed project area. If a project may impact wetlands or other important fish and wildlife habitats, the Service, in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321-4347) and other environmental laws and rules, recommends complete avoidance of these areas, if possible; then minimization of any adverse impacts; and finally, replacement of any lost acres; in that order. Alternatives should be examined and the least damaging practical alternative selected. If wetland impacts are unavoidable, a mitigation plan addressing the number and types of wetland acres to be impacted and the methods of replacement should be prepared and submitted to the resource agencies for review.

Overhead Power Lines

The construction of additional overhead power lines associated with energy facilities creates the threat of avian electrocution, particularly for raptors. Thousands of these birds, including endangered species, are killed annually as they attempt to utilize overhead power lines as nesting, hunting, resting, feeding, and sunning sites. The Service recommends the installation of underground, rather than overhead, power lines whenever possible/appropriate to minimize environmental disturbances. For all new overhead lines or modernization of old overhead lines, we recommend incorporating measures to prevent avian electrocutions. The publication entitled

Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 includes many measures to reduce risk to birds including pole extensions, modified positioning of live phase conductors and ground wires, placement of perch guards and elevated perches, elimination of cross arms, use of wood (not metal) braces, and installation of various insulating covers. You may obtain this publication by contacting the Edison Electric Institute via their website at: <http://www.eei.org/resourcesandmedia/products/Pages/products.aspx>, or by calling 202-508-5000.

Please note that utilizing just one of the "*Suggested Practices . . .*" methods may not entirely remove the threat of electrocution to raptors. In fact, improper use of some methods may increase electrocution mortality. Perch guards, for example, may be only partially effective as some birds may still attempt to perch on structures with misplaced or small-sized guards and suffer electrocution as they approach too close to conducting materials. Among the most dangerous structures to raptors are poles that are located at a crossing of two or more lines, exposed above-ground transformers, or dead end poles. Numerous hot and neutral lines at these sites, combined with inadequate spacing between conductors, increase the threat of raptor electrocutions. Perch guards placed on other poles has, in some cases, served to actually shift birds to these more dangerous sites, increasing the number of mortalities. Thus, it may be necessary to utilize other methods or combine methods to achieve the best results. The same principles may be applied to substation structures.

Please also note that the spacing recommendation within the "*Suggested Practices . . .*" publication of at least 60 inches between conductors or features that cause grounding may not be protective of larger raptors such as eagles. This measure was based on the fact that the skin-to-skin contact distance on these birds (i.e., talon to beak, wrist to wrist, etc.) is less than 60 inches. However, an adult eagle's wingspan (distance between feather tips) may vary from 66 to 96 inches depending on the species (golden or bald) and gender of the bird, and unfortunately, wet feathers in contact with conductors and/or grounding connections can result in a lethal electrical surge. Thus, the focus of the above precautionary measures should be: a) provide more than 96 inches of spacing between conductors or grounding features, b) insulate exposed conducting features so that contact will not cause raptor electrocution, and/or c) prevent raptors from perching on the poles in the first place.

Additional information regarding simple, effective ways to prevent raptor electrocutions on power lines is available in video form. *Raptors at Risk* may be obtained by contacting EDM International, Inc. at 4001 Automation Way, Fort Collins, Colorado, 80525-3479, Telephone No. (970) 204-4001.

In addition to electrocution, overhead power lines also present the threat of avian line strike mortality. Particularly in situations where these lines are adjacent to wetlands or where waters exist on opposite sides of the lines, we recommend marking them in order to make them more visible to birds. For more information on bird strikes, please see *Reducing Avian Collisions with Power Lines: The State of the Art in 2012* which, again, may be obtained by contacting the Edison Electric Institute via their website at: <http://www.eei.org/resourcesandmedia/products/Pages/products.aspx>, or by calling 202-508-5000.

While marking of power lines reduces line strike mortality, it does not preclude it entirely. Thus, marking of additional, existing, overhead lines is recommended to further offset the potential for avian line strike mortality.

Post Construction Monitoring

This report was prepared by the USGS and the Service to respond to a need for monitoring methodology guidance for evaluating wildlife mortalities at solar facilities. The publication, Mortality Monitoring Design for Utility-Scale Solar Power Facilities (Huso et al. 2016), provides a framework to produce consistent carcass search methods at solar facilities. This report discusses methods to account for sources of imperfect fatality detections at solar facilities to ensure that resulting data are sufficient for estimating mortality using newly formulated estimators.

Service Property Interests

As part of the National Wildlife Refuge System, the Service administers fee title Refuge and Waterfowl Production Areas, as well as wetland and grassland easements, throughout North Dakota. For exact locations of Service interest lands, please contact the appropriate Wetland Management Districts (WMD) for guidance regarding Service easements. For Cass County, please contact Kurt Tompkins at Valley City WMD at (701) 845-3466.

Additional Information

While some of the guidance documents above were developed specifically for wind energy projects, the information is largely applicable to other types of projects as well. We have included guidelines and methods to be applied to various components of a solar facility, including power lines in order to avoid, minimize, and/or compensate for impacts to trust resources and assist you in achieving compliance with federal laws.

If changes are made in the project plans or operating criteria, or if additional information becomes available, the Service should be informed so that the above determinations can be reconsidered.

Thank you for the opportunity to comment on this project proposal. If you have any additional questions or concerns, please contact Heidi Riddle of my staff, at (701) 319-6708 or heidi_riddle@fws.gov, or you can contact me at (720) 793-6797 or luke_toso@fws.gov.

Sincerely,

Luke Toso
North Dakota Deputy Field Supervisor

Enclosure

cc: Greg Link, NDGF, Bismarck, ND
Kurt Tompkins, USFWS, Tewaukon WMD
Dave Azure, USFWS, Eastern ND WMD Complex

Literature Cited

Fargione, J. J., Kiesecker, M. J., Slaats, S., Olm, S. 2012. Wind and wildlife in the Northern Great Plains: identifying low-impact areas for wind development.

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November 14, 2023

Heidi Riddle, Fish and Wildlife Biologist
US Fish and Wildlife Service North Dakota Ecological Services Field Office
3425 Miriam Avenue
Bismarck, North Dakota 58501

RE: Requested Comments on Harmony Solar in Cass County, North Dakota
PSC Case No. PU-18-219

Dear Heidi Riddle,

Harmony Solar ND, LLC (“Harmony”), a wholly owned subsidiary of National Grid Renewables Development, LLC (“National Grid Renewables”) is gathering information and requesting agency comments for a proposed utility scale solar energy project in Cass County, North Dakota (see enclosed map).

Harmony previously submitted an Application for a Certificate of Site Compatibility (“CSC”) to the North Dakota Public Service Commission (“PSC”) for a 200 megawatt solar energy conversion facility (the Project). CSC No. 58 was issued to Harmony for the construction, operation and maintenance of the solar facility on February 26, 2019 (PSC Case No. PU-18-219). The USFWS provided the enclosed response dated October 31, 2017 indicating no objections to the Project. Please note the project boundary and planned project facilities have not changed since your departments review in 2017.

Harmony plans to seek a Certification Continuing Suitability from the PSC in 2024. The purpose of this letter is to provide an update on the proposed Project, seek your updated input regarding any permits and approvals that may be required, and identify interests your organization may have in the Project site or associated study area. Any written agency comments provided in response to this letter will be incorporated into the PSC’s review process.

Project facilities will include photovoltaic solar modules (panels) and racking, inverters, security fencing, laydown areas, a substation, an operations and maintenance facility, one-site underground electrical collection lines, at least two weather stations (up to 20 feet tall), access roads as required, and associated facilities. Harmony will interconnect to the Xcel Energy Bison Substation located in Section 11 of Township 140 N, Range 51 W via a 345 kV transmission line. The transmission line route will be under one mile in length and therefore will not be reviewed by the PSC.

Table 1 provides the sections of land Harmony is evaluated for siting the solar energy project.

Table 1: Sections within the Harmony Project Boundary

State	County	Civil Township	Township	Range	Sections
ND	Cass	Harmony	140N	51W	10, 11, 16



If you require further information or have questions regarding this matter, please contact me at 952-988-9000 or at melissa@nationalgridrenewables.com.

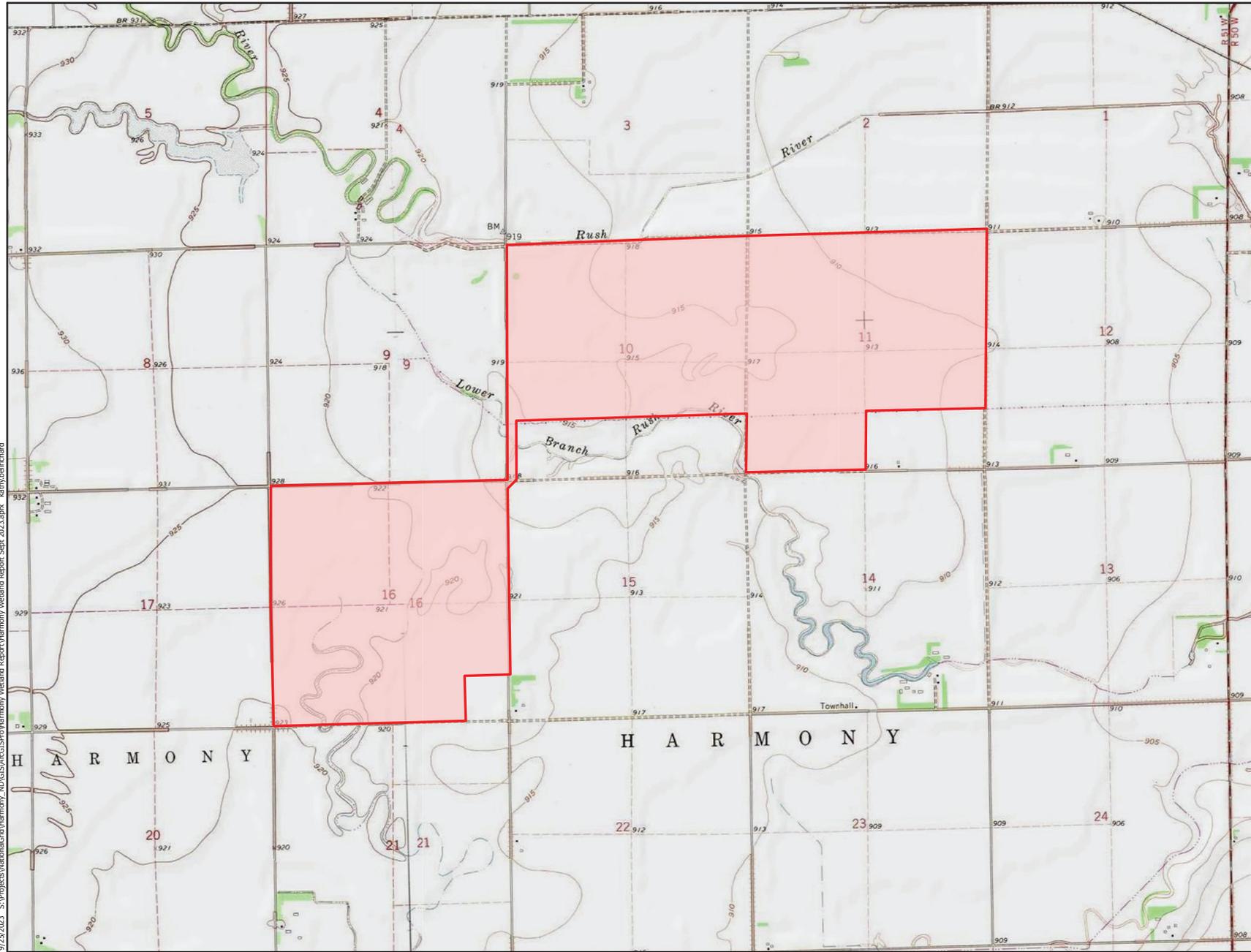
Sincerely,

A handwritten signature in black ink that reads "Melissa Schmit".

Melissa Schmit

Enclosures:

Harmony Location Map
USFWS Correspondence



Project Area



Figure 1
Project Area Location

Harmony Solar
Cass County
North Dakota



9/25/2023 5: Projects\NationalGrid\Harmony_ND\GIS\ArcGISPro\Harmony Wetland Report\Harmony Wetland Report_Sep_2023.aprx kathybelrichard

Source: Map adapted from USA Topo Maps Server and Project data by Harmony Solar ND, LLC. Scale: 1:24,000



September 25, 2017

Scott Larson
U.S. Fish and Wildlife Service
3425 Miriam Avenue
Bismarck, ND 58501

RE: Requesting Comments on Harmony Solar in Cass County, North Dakota

Dear Scott Larson,

Harmony Solar ND, LLC (“Harmony”), a wholly owned subsidiary of Geronimo Energy, LLC, is gathering information and requesting agency comments for a proposed utility scale solar energy project in Cass County, North Dakota.

Harmony will be submitting an Application for a Certificate of Corridor Compatibility to the North Dakota Public Service Commission (“PSC”).

The planned output for the Project is up to 200 megawatts of nameplate solar energy capacity. The Project’s permanent facilities will include:

- Solar modules, inverters and racking;
- Fencing;
- Access roads as required;
- Operations and maintenance (O&M) building;
- Substation facility;
- On-site underground electrical collection lines; and
- Up to two weather stations (up to 20 feet tall).

Harmony will interconnect to the Bison substation located in Section 11 of Township 140, Range 51 via a 345 kV transmission line. The transmission line route has not yet been determined, however it will be under one mile in length and therefore will not be reviewed by the PSC.

The racking layout, access roads and electrical connections have not been finalized at this time. Table 1 provides the sections of land Harmony is evaluating for siting the solar energy project.

Table 1: Sections within the Harmony Project Boundary

State	County	Civil Township Name	Township	Range	Sections
ND	Cass	Harmony	140 N	51 W	10, 11, 16



To facilitate your review, we have enclosed a map of Harmony's location and the associated project boundary.

Harmony will seek a Certificate of Site Compatibility from the North Dakota Public Service Commission (PSC) pursuant to Chapter 49-22 of the North Dakota Century Code and Article 69-06 of the North Dakota Administrative Code. Construction is anticipated to begin as early as spring of 2019 with intended completion by the end of 2020.

The purpose of this letter is to inform your organization of the proposed Project, seek your input regarding any permits and approvals that may be required, and identify interests your organization may have in the Project site or associated study area. Any written agency comments provided in response to this letter will be incorporated into the PSC's review process.

If you require further information or have questions regarding this matter, please contact me at 952-988-9000 or at melissa@geronimoenergy.com.

Sincerely,

Melissa Schmit
Senior Permitting Specialist

U.S. FISH AND WILDLIFE SERVICE
ND Ecological Services Field Office

Enclosure:
Harmony Location Map

This constitutes a report of the Department of the Interior prepared in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq). We have reviewed and have NO OBJECTION to this project.

10/31/2017
Date

North Dakota State Supervisor

Federal Aviation Administration



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5180-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_MaxElev
Location: Prosper, ND
Latitude: 46-56-56.83N NAD 83
Longitude: 97-08-12.83W
Heights: 928 feet site elevation (SE)
18 feet above ground level (AGL)
946 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5180-OE.

Signature Control No: 576549177-577728969

(DNE)

Fred Souchet
Specialist



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5181-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_Vertex1
Location: Prosper, ND
Latitude: 46-57-48.20N NAD 83
Longitude: 97-06-55.19W
Heights: 923 feet site elevation (SE)
18 feet above ground level (AGL)
941 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5181-OE.

Signature Control No: 576549195-577728973

(DNE)

Fred Souchet
Specialist



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5182-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_Vertex2
Location: Prosper, ND
Latitude: 46-57-48.86N NAD 83
Longitude: 97-04-21.84W
Heights: 912 feet site elevation (SE)
18 feet above ground level (AGL)
930 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5182-OE.

Signature Control No: 576549197-577728968

(DNE)

Fred Souchet
Specialist



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5183-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_Vertex3
Location: Prosper, ND
Latitude: 46-57-09.98N NAD 83
Longitude: 97-04-24.15W
Heights: 911 feet site elevation (SE)
18 feet above ground level (AGL)
929 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5183-OE.

Signature Control No: 576549198-577728962

(DNE)

Fred Souchet
Specialist



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5184-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_Vertex4
Location: Prosper, ND
Latitude: 46-57-10.02N NAD 83
Longitude: 97-05-01.80W
Heights: 914 feet site elevation (SE)
18 feet above ground level (AGL)
932 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5184-OE.

Signature Control No: 576549205-577728964

(DNE)

Fred Souchet
Specialist



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Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5185-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_Vertex5
Location: Prosper, ND
Latitude: 46-56-57.08N NAD 83
Longitude: 97-05-02.38W
Heights: 917 feet site elevation (SE)
18 feet above ground level (AGL)
935 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5185-OE.

Signature Control No: 576549208-577728963

(DNE)

Fred Souchet
Specialist



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Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5186-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_Vertex6
Location: Prosper, ND
Latitude: 46-56-57.13N NAD 83
Longitude: 97-05-40.48W
Heights: 914 feet site elevation (SE)
18 feet above ground level (AGL)
932 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5186-OE.

Signature Control No: 576549210-577728967

(DNE)

Fred Souchet
Specialist



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5187-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_Vertex7
Location: Prosper, ND
Latitude: 46-57-10.06N NAD 83
Longitude: 97-05-39.92W
Heights: 918 feet site elevation (SE)
18 feet above ground level (AGL)
936 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5187-OE.

Signature Control No: 576549211-577728965

(DNE)

Fred Souchet
Specialist



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5188-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_Vertex8
Location: Prosper, ND
Latitude: 46-57-09.71N NAD 83
Longitude: 97-06-53.52W
Heights: 916 feet site elevation (SE)
18 feet above ground level (AGL)
934 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5188-OE.

Signature Control No: 576549212-577728977

(DNE)

Fred Souchet
Specialist



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Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5189-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_Vertex9
Location: Prosper, ND
Latitude: 46-56-56.90N NAD 83
Longitude: 97-06-53.95W
Heights: 918 feet site elevation (SE)
18 feet above ground level (AGL)
936 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5189-OE.

Signature Control No: 576549213-577728966

(DNE)

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10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5190-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_Vertex10
Location: Prosper, ND
Latitude: 46-56-54.93N NAD 83
Longitude: 97-06-56.83W
Heights: 919 feet site elevation (SE)
18 feet above ground level (AGL)
937 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5190-OE.

Signature Control No: 576549217-577728978

(DNE)

Fred Souchet
Specialist



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Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5191-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_Vertex11
Location: Prosper, ND
Latitude: 46-56-14.34N NAD 83
Longitude: 97-06-57.38W
Heights: 920 feet site elevation (SE)
18 feet above ground level (AGL)
938 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5191-OE.

Signature Control No: 576549218-577728971

(DNE)

Fred Souchet
Specialist



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Southwest Regional Office
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10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5192-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_Vertex12
Location: Prosper, ND
Latitude: 46-56-14.30N NAD 83
Longitude: 97-07-11.99W
Heights: 920 feet site elevation (SE)
18 feet above ground level (AGL)
938 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5192-OE.

Signature Control No: 576549221-577728976

(DNE)

Fred Souchet
Specialist



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5193-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_Vertex13
Location: Prosper, ND
Latitude: 46-56-04.44N NAD 83
Longitude: 97-07-11.92W
Heights: 920 feet site elevation (SE)
18 feet above ground level (AGL)
938 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

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This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5193-OE.

Signature Control No: 576549222-577728970

(DNE)

Fred Souchet
Specialist



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5194-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_Vertex14
Location: Prosper, ND
Latitude: 46-56-04.28N NAD 83
Longitude: 97-08-13.27W
Heights: 924 feet site elevation (SE)
18 feet above ground level (AGL)
942 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

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SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

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This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5194-OE.

Signature Control No: 576549225-577728975

(DNE)

Fred Souchet
Specialist



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5195-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_Vertex15
Location: Prosper, ND
Latitude: 46-56-56.86N NAD 83
Longitude: 97-08-13.23W
Heights: 928 feet site elevation (SE)
18 feet above ground level (AGL)
946 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

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This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

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This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5195-OE.

Signature Control No: 576549226-577728974

(DNE)

Fred Souchet
Specialist



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-5196-OE

Issued Date: 03/27/2023

Melissa Schmit
Harmony Solar ND, LLC
8400 Normandale Lake Boulevard
Suite 1200
Bloomington, MN 55437

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Solar Panel Array_Vertex16
Location: Prosper, ND
Latitude: 46-56-56.89N NAD 83
Longitude: 97-06-56.83W
Heights: 919 feet site elevation (SE)
18 feet above ground level (AGL)
937 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/27/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

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This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or fred.souchet@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-5196-OE.

Signature Control No: 576549227-577728972

(DNE)

Fred Souchet
Specialist

U.S. Air Force

Alia Mohammad

From: Alia Mohammad
Sent: Wednesday, May 8, 2024 1:35 PM
To: samuele.warren.1@us.af.mil
Cc: Melissa Schmit
Subject: Harmony Solar - Project Review Request
Attachments: Harmony Solar Project Map.pdf; [External] RE: Harmony Solar - Project Review Request

Hello -

I am reaching out on behalf of Harmony Solar ND, LLC (“Harmony”), a wholly owned subsidiary of National Grid Renewables Development, LLC (“National Grid Renewables”). Harmony is gathering information and requesting agency comments for a proposed utility scale solar energy project in Cass County, North Dakota (see attached map).

Harmony previously submitted an Application for a Certificate of Site Compatibility (“CSC”) to the North Dakota Public Service Commission (“PSC”) for a 200 megawatt solar energy conversion facility (the Project). CSC No. 58 was issued to Harmony for the construction, operation, and maintenance of the solar facility on February 26, 2019 (PSC Case No. PU-18 219).

Harmony plans to seek a Certification Continuing Suitability from the PSC in 2024. The purpose of this letter is to provide an update on the proposed Project, seek your updated input regarding any permits and approvals that may be required, and identify interests your organization may have in the Project site or associated study area. Any written agency comments provided in response to this letter will be incorporated into the PSC’s review process.

Project facilities will include photovoltaic solar modules (panels) and racking, inverters, security fencing, laydown areas, a substation, an operations and maintenance facility, one-site underground electrical collection lines, at least two weather stations (up to 20 feet tall), access roads as required, and associated facilities. Harmony will interconnect to the Xcel Energy Bison Substation located in Section 11 of Township 140 N, Range 51 W via a 345 kV transmission line. The transmission line route will be under one mile in length and therefore will not be reviewed by the PSC.

Table 1 provides the sections of land Harmony is evaluated for siting the solar energy project.

Table 1: Sections within the Harmony Project Boundary

State	County	Civil Township	Township	Range	Sections
ND	Cass	Harmony	140N	51W	10, 11, 16

We received your contact information from Kyle Slivnik in the email correspondence attached. Please let me know if you have any additional questions or if I should be directing this review to someone else in your department.

Thank you,



952.988.9000



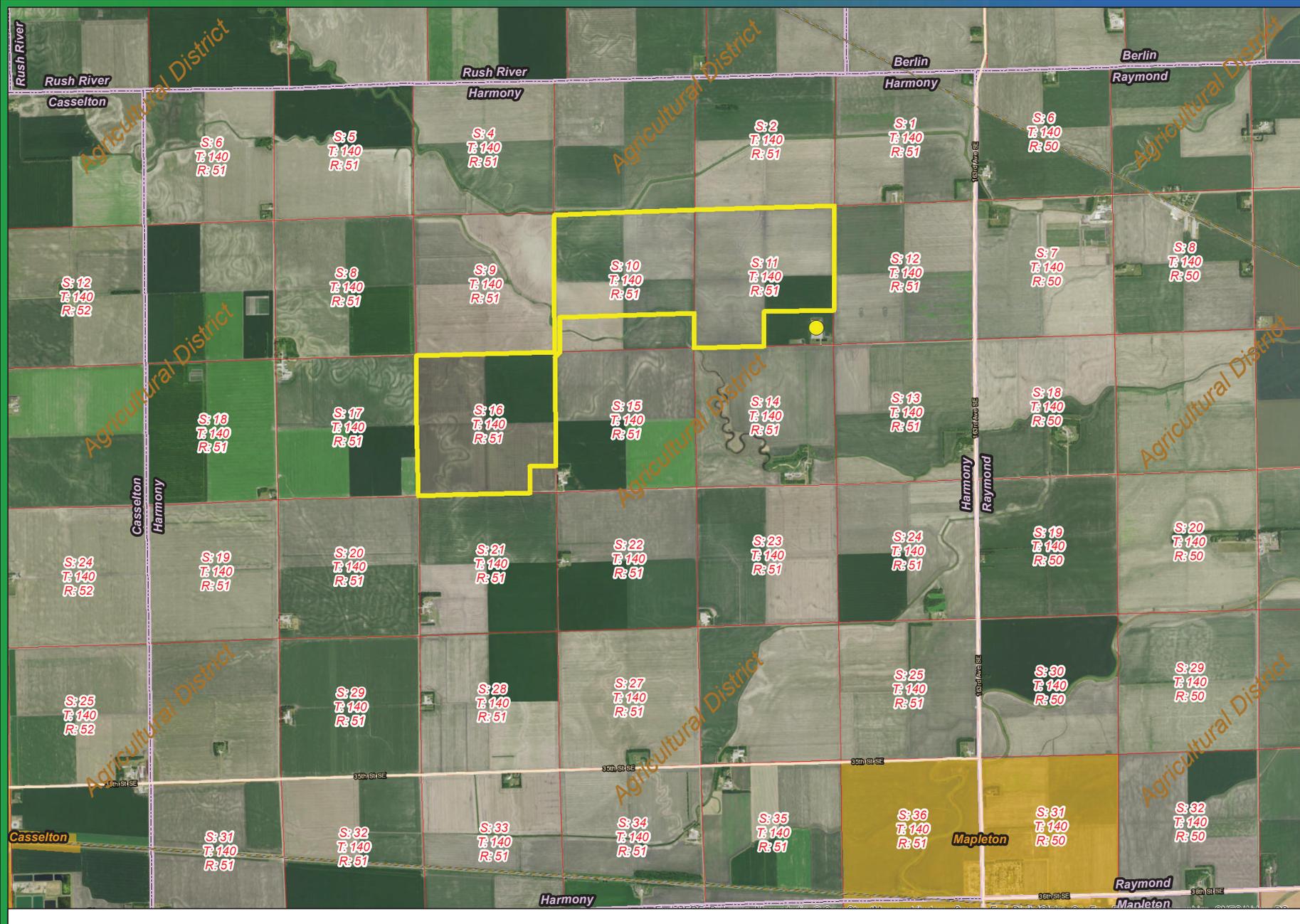
Alia Mohammad
Permitting Associate

P 612.474.2681

M 315.706.4145

E amohammad@nationalgridrenewables.com

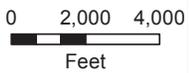
8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437



Harmony Solar

-  Bison Substation
-  Harmony Solar Project Area
-  Townships
-  Sections
-  Municipality

46.941875, -97.105109



From: [SLIVNIK, KYLE S CIV USAF ACC 319 CES/CENPL](#)
To: [Melissa Schmit](#)
Cc: [Alia Mohammad](#)
Subject: [External] RE: Harmony Solar - Project Review Request
Date: Wednesday, May 8, 2024 8:34:36 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good morning, Melissa,

My team and I appreciate the email and will review the proposal and will send any feedback that we may have.

A good place to start with the 91st would be Sam Warren, samuele.warren.1@us.af.mil, comprehensive planner at Minot AFB. They should be able to redirect you if for some reason they would not be responsible for reviewing these types of proposals at their installation.

A bit of housekeeping, Mr. Mark Hanson is no longer at Grand Forks AFB, so you can remove him from future correspondence. Lt Col. Haney is currently his replacement.

Thanks,

v/r
Kyle Slivnik
Community Planner
DSN 362-6164
Comm 701-747-6164

From: Melissa Schmit <melissa@nationalgridrenewables.com>
Sent: Tuesday, May 7, 2024 3:31 PM
To: SLIVNIK, KYLE S CIV USAF ACC 319 CES/CENPL <kyle.slivnik@us.af.mil>;
mark.hanson.4@us.af.mil; aimee.haney.l@us.af.mil
Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>
Subject: [Non-DoD Source] Harmony Solar - Project Review Request

You don't often get email from melissa@nationalgridrenewables.com. [Learn why this is important](#)

Hello-

I am reaching out on behalf of Harmony Solar ND, LLC ("Harmony"), a wholly owned subsidiary of National Grid Renewables Development, LLC ("National Grid Renewables"). Harmony is gathering information and requesting agency comments for a proposed utility scale solar energy project in Cass County, North Dakota (see attached map).

Harmony previously submitted an Application for a Certificate of Site Compatibility ("CSC") to the North Dakota Public Service Commission ("PSC") for a 200 megawatt solar energy conversion facility

(the Project). CSC No. 58 was issued to Harmony for the construction, operation and maintenance of the solar facility on February 26, 2019 (PSC Case No. PU-18 219).

Harmony plans to seek a Certification Continuing Suitability from the PSC in 2024. The purpose of this letter is to provide an update on the proposed Project, seek your updated input regarding any permits and approvals that may be required, and identify interests your organization may have in the Project site or associated study area. Any written agency comments provided in response to this letter will be incorporated into the PSC’s review process.

Project facilities will include photovoltaic solar modules (panels) and racking, inverters, security fencing, laydown areas, a substation, an operations and maintenance facility, one-site underground electrical collection lines, at least two weather stations (up to 20 feet tall), access roads as required, and associated facilities. Harmony will interconnect to the Xcel Energy Bison Substation located in Section 11 of Township 140 N, Range 51 W via a 345 kV transmission line. The transmission line route will be under one mile in length and therefore will not be reviewed by the PSC.

Table 1 provides the sections of land Harmony is evaluated for siting the solar energy project.

Table 1: Sections within the Harmony Project Boundary

State	County	Civil Township	Township	Range	Sections
ND	Cass	Harmony	140N	51W	10, 11, 16

Please let me know if you have any additional questions or if I should be directing this review to someone else in your department.

I am also looking for a point of contact with the Twentieth Air Force Ninety-First Missile Wing to conduct a similar review. Would you happen to have a contact you can direct me to?

Thank you,



952.988.9000



Melissa Schmit

Senior Director, Permitting

P 612.259.3095

E melissa@nationalgridrenewables.com

8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437

From: [Melissa Schmit](#)
To: [JOHNSON, BRUCE A GS-12 USAF AFGSC 5 CES/CENP](#)
Cc: [Alia Mohammad](#)
Subject: Harmony Solar - Project Review Request
Date: Tuesday, March 19, 2024 4:28:39 PM
Attachments: [NG Renewables Logo Primary_RGB_small_b3464f9a-abea-443c-8d43-87fd96c8afec.png](#)
[LinkedInIcon_8e0cea1f-d234-405f-8a61-4afe010bf11b.png](#)
[TwitterIcon_ff6acde5-6940-4a01-92b6-0ef9db8c446d.png](#)
[WebIcon_e1c44bce-dc58-4738-94a6-8941e49d8897.png](#)
[Harmony Solar Project Map.pdf](#)
[RE Harmony Solar LLC - Cass County ND .msg](#)

Hi Bruce,

I am reaching out on behalf of Harmony Solar. Harmony previously submitted an Application for a Certificate of Site Compatibility (“CSC”) to the North Dakota Public Service Commission (“PSC”) for a 200 megawatt solar energy conversion facility (the Project). CSC No. 58 was issued to Harmony for the construction, operation and maintenance of the solar facility on February 26, 2019 (PSC Case No. PU-18 219).

Harmony plans to seek a Certification Continuing Suitability from the PSC in 2024 and I am reaching out to provide an update on the proposed project and seek your updated input. We coordinated on the project back in October of 2018 (email attached). Please note the project area has not changed since your prior review (map attached).

Project facilities will include photovoltaic solar modules (panels) and racking, inverters, security fencing, laydown areas, a substation, an operations and maintenance facility, one-site underground electrical collection lines, at least two weather stations (up to 20 feet tall), access roads as required, and associated facilities. Harmony will interconnect to the Xcel Energy Bison Substation located in Section 11 of Township 140 N, Range 51 W via a 345 kV transmission line. The transmission line route will be under one mile in length and therefore will not be reviewed by the PSC. Please let me know if you have any additional questions or if I should be directing this review to someone else in your department.

I am also looking for a point of contact with the Twentieth Air Force Ninety-First Missile Wing to conduct a similar review. Would you happen to have a contact you can direct me to?

Thank you,



952.988.9000



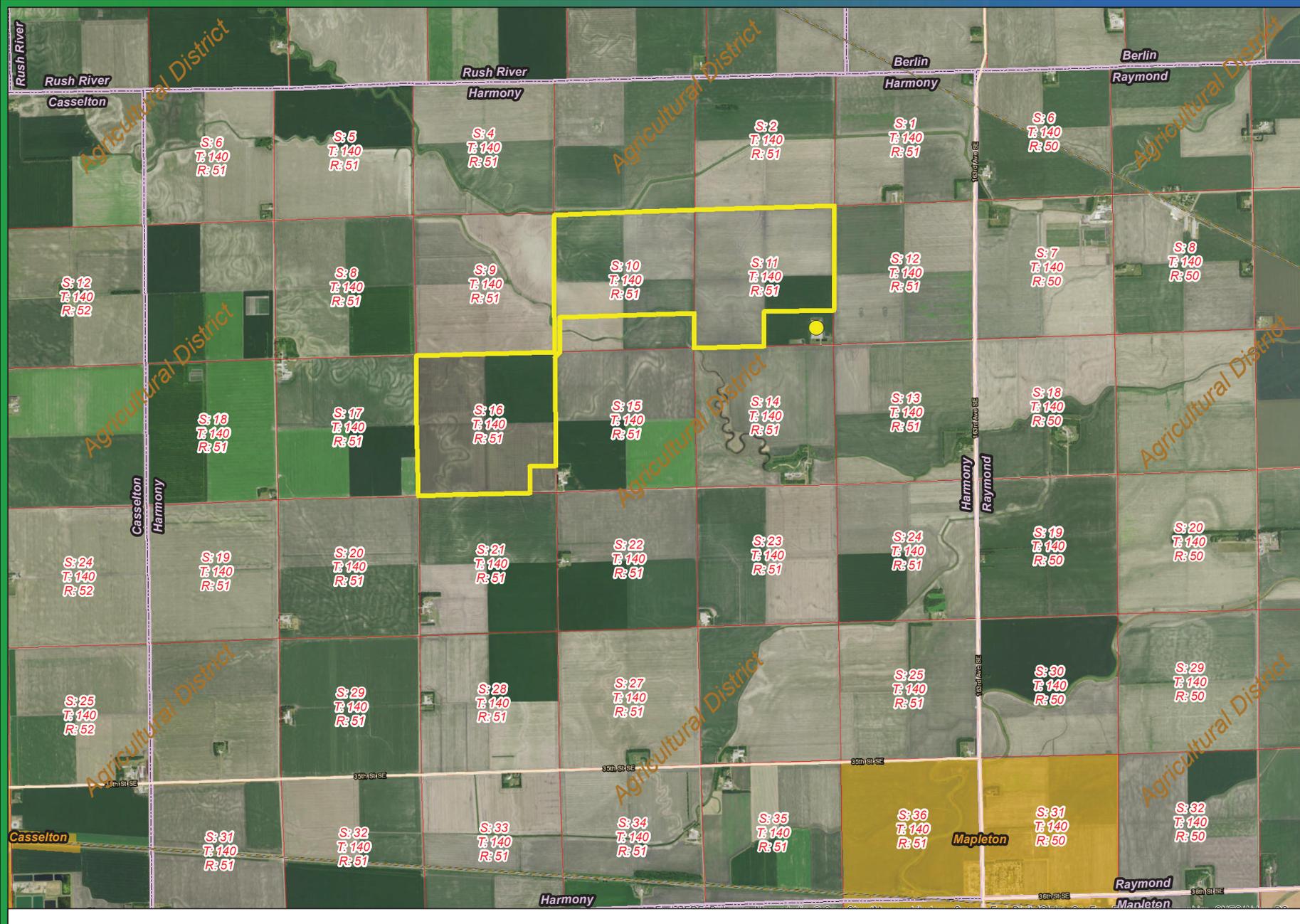
Melissa Schmit

Senior Director, Permitting

P 612.259.3095

E melissa@nationalgridrenewables.com

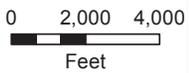
8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437



Harmony Solar

-  Bison Substation
-  Harmony Solar Project Area
-  Townships
-  Sections
-  Municipality

46.941875, -97.105109



From: [JOHNSON, BRUCE A GS-12 USAF AFGSC 5 CES/CENP](#)
To: [Melissa Schmit](#)
Subject: RE: Harmony Solar, LLC - Cass County, ND
Date: Tuesday, November 6, 2018 3:07:33 PM
Attachments: [image001.png](#)

Good Afternoon Ms. Schmit,

Minot AFB has completed its review of the proposal and has no concerns. Let me know if any of the parameters change.

V/r,
Bruce

From: JOHNSON, BRUCE A GS-12 USAF AFGSC 5 CES/CENP
Sent: Monday, October 29, 2018 2:21 PM
To: 'melissa@geronimoenergy.com' <melissa@geronimoenergy.com>
Subject: FW: Harmony Solar, LLC - Cass County, ND

Ms. Schmit,

I have just sent a reminder to the POC for air operations and received an automatic reply that he would be returning to Base on 11/5. Hopefully I will be able to get you a response early next week.

Let me know if you have any other questions or concerns.

V/r,
Bruce

From: JOHNSON, BRUCE A GS-12 USAF AFGSC 5 CES/CENP
Sent: Wednesday, October 24, 2018 8:40 AM
To: 'melissa@geronimoenergy.com' <melissa@geronimoenergy.com>
Subject: FW: Harmony Solar, LLC - Cass County, ND

Good Morning Ms. Schmit,

I have received the below message. The proposed development is currently being routed to other groups on Base that may have some input. I'll get back to you with any comments as soon as I can.

V/r,
Bruce

Bruce Johnson
Chief, Portfolio Optimization
DSN: 453-4693

Comm: (701) 723-4693

From: WARREN, SAMUELE M CIV USAF USAFE 48 CES/CEN
Sent: Wednesday, October 24, 2018 1:49 AM
To: melissa@geronimoenergy.com
Cc: PARMENTER, ROBERT L 2d Lt USAF AFGSC 5 CES/CEN <robert.parmenter@us.af.mil>; JOHNSON, BRUCE A GS-12 USAF AFGSC 5 CES/CENP <bruce.johnson.25@us.af.mil>; ALBRIGHT, TREV A GS-13 USAF AFGSC 5 CES/CEN <trev.albright@us.af.mil>
Subject: FW: Harmony Solar, LLC - Cass County, ND

Ms. Schmit,

I know longer work for Minot AFB and can't speak to their concerns anymore. In the cc'd line should be the contacts for Minot AFB and should be able to give you an answer to your question.

sam
Project Manager
RAF Lakenheath
DSN 314-226-1403

From: Melissa Schmit <melissa@geronimoenergy.com>
Sent: Tuesday, October 23, 2018 8:06 PM
To: WARREN, SAMUELE M CIV USAF USAFE 48 CES/CEN <samuele.warren.1@us.af.mil>
Subject: [Non-DoD Source] Harmony Solar, LLC - Cass County, ND

Mr. Warren,

Geronimo Energy is developing a utility scale solar energy project in Cass County, west of Fargo (Harmony Solar). The planned output for the Project is up to 200 megawatts of nameplate solar energy capacity. The Project's permanent facilities will include:

- Solar modules, inverters and racking;
- Fencing;
- Access roads as required;
- Operations and maintenance (O&M) building;
- Substation facility;
- On-site underground electrical collection lines; and
- Up to two weather stations (up to 20 feet tall)

A project notification letter was sent to Minot AFB in September 2017 requesting a review of the proposed project for permitting through the North Dakota Public Service Commission. I have attached a map of the project area – would you be able to review the area and identify any concerns from Minot AFB (ICBM and underground cabling)?

Thank you in advance for your review and please contact me if you have any additional questions.

Melissa Schmit

Permitting Manager

7650 Edinborough Way, Suite 725

Edina, MN 55435

Main: 952.988.9000

Direct: 612.259.3095

Cell: 952.237.3656

[Geronimo Energy](#)



STATE AGENCIES

North Dakota Game and Fish Department

From: [Gorman, Kim](#)
To: [Toso, Luke B](#); [Mueller, Elisha K.](#)
Cc: [Alia Mohammad](#); [Melissa Schmit](#); [Gorman, Kim](#); [Kosciuch, Karl](#)
Subject: [External] PSC Case No. PU-18-219 - Harmony Solar, Cass County, North Dakota - Proposed Additional Studies
Date: Wednesday, July 17, 2024 6:48:58 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)
[Harmony Solar PCM Study Plan_20240717.pdf](#)

Luke and Elisha,

National Grid Renewables (NGR) has proposed two studies at the Harmony Solar Project in Cass County, North Dakota. NGR has developed these studies to collect data consistent with the current questions in wildlife and solar energy interactions.

First, NGR has designed a focused post-construction fatality monitoring survey in response to the NDGF guidance letter dated February 23, 2024, recommending 2 years of fatality monitoring. NGR has proposed initiating a one-year study that will align with the time period when carcasses of aquatic habitat birds are most often detected (Kosciuch et al. 2020, Kosciuch et al. 2022). The surveys will focus on detecting large birds that include water-obligate species (e.g., grebes) and water-associated species (e.g., dabbling ducks). The statistically robust surveys will allow for a fatality estimate of large birds during the fall period. The data will provide wildlife agencies with important information on potential collision risk to these species at a PV solar facility developed in an agricultural landscape in North Dakota. The study results will be discussed with agencies when completed.

Second, NGR has voluntarily initiated a before-after bird community study designed to examine how changes in land cover coupled with the Project development influence the bird community. The pre-construction surveys have been completed and post-construction surveys will be completed in years 2 and 4 as discussed on the June 13, 2024, teleconference. Over three rounds of pre-construction surveys at 30-point count locations, seven total species were observed, and all are typically associated with agriculture. The revegetation plan will shift the plant community to a natural landscape and there are potential benefits to bird species richness at the Project. This voluntary study will provide much needed information on how bird communities respond to solar energy development and revegetation in an agricultural landscape.

Thank you for your continued partnership and please let us know if you have any questions.

Best,
Kimberely

****Note I will be out of the office from July 29 through August 2 and will return to the office**

on August 5.**

Kimberely Gorman | Vice President / Operations Manager

Pronouns: she, her, hers

Direct (612) 643-2224 | Business (612) 643-2200 | Mobile (612) 998-7468 | Fax (612) 643-2201

kim.gorman@tetrattech.com

Tetra Tech | *Leading with Science*®

2001 Killebrew Drive, Suite 141, Bloomington, Minnesota 55425 | tetrattech.com

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TETRA TECH



Agency Consultation – Project Updates

Teleconference

June 13, 2024

Attendees:

North Dakota Game and Fish: Elisha Mueller

USFWS North Dakota Ecological Services Field Office: Seth Jones

National Grid Renewables (NGR): Melissa Schmit, Alia Mohammed, Berit Cummings

Tetra Tech: Kimberely Gorman, Karl Kosciuch, Adam Holven

Discussion Summary

Tetra Tech provided the purpose of this meeting which was to discuss the response letter from Game and Fish outlining the revised guidance for solar projects in North Dakota. The only change in the project is the response letter from North Dakota Game and Fish and their recommendation for Post-Construction Mortality Monitoring (PCMM).

National Grid Renewables provided an update on the Harmony Solar project. This project is located in Cass County, North Dakota and was originally permitted in 2019 by the PUC and in 2017 by Harmony Township. Harmony Township has since provided several extensions. The construction period has since lapsed and while the conditions have not changed, recertification is necessary. The intended timeline for this project is to begin construction as early as mid-2025 and for the Commercial Operation Date (COD) to be in Quarter 4 of 2027.

Karl Kosciuch presented on avian mortality patterns at solar sites, the emerging research in this field, and the potential for future procedures. Research from the Southwestern United States, Alberta, and Wisconsin was presented. Early research on the Desert Sunlight site in California revealed notable bird fatalities, but these results were not present in additional research as tracked panels and anti-reflective coating have become commonplace. With this change in solar panels, no large-scale fatalities were found, most detections were of unknown cause and involved common ground-dwelling birds. The research from Alberta was presented in order to demonstrate results in a climate adjacent to that of North Dakota. Patterns in this study were similar to what was found in the Southwest with low mortality and no large fatality events.

Karl Kosciuch then continued by introducing the existing alternatives to fatality monitoring. This included what is outlined in the National Solar Research Plan by the Renewable Energy Wildlife Institute (REWI), which emphasizes an ecosystem-based approach for examining the relationships between solar sites and wildlife. This method allows for information beyond avian mortality to be recorded and considered. The possible benefits of using this approach at Harmony Solar were then noted, such as the opportunity to analyze how bird species respond to an ecosystem change from agriculture to revegetated land. The change in the bird community that



February 21, 2024

Melissa Schmit
8400 Normandale Lake BLVD
Suite 1200
Bloomington, MN 55437

RE: Harmony Solar Project, Cass County, ND. PSC Case No. PU-18-219

Dear Melissa Schmit:

Thank you for reaching out to the North Dakota Game and Fish Department (Department) about the proposed utility scale solar energy project in Cass County, North Dakota. Though the project has already been permitted, the Department appreciates the opportunity to provide input, as our understanding of and involvement in solar development has changed since the project was first introduced to us in 2017. Though we understand that much of this project is finalized, as a permit was granted in 2019, we would still like to include in this letter our list of recommendations for consideration. Based on the original permit application, it appears as if many of these concerns have been addressed already, but if there are any further questions or concerns, the Department would be happy to meet with National Grid Renewables Development LLC and discuss these recommendations further.

1. Site Selection

- a. Adhere to criteria laid out in 69-06-08-01 of the North Dakota Administrative Code, which specifies areas of exclusion and avoidance for energy conversion facilities (<https://www.ndlegis.gov/information/acdata/pdf/69-06-08.pdf>).
- b. Select a site with minimal risk to wildlife. Refer to Figure B11, Key Native Wildlife and Habitat Areas, in *Wind Energy Development in North Dakota – Best Management Practices*, to assess the potential risk of the site selected (<https://gf.nd.gov/node/4800>).
- c. Avoid areas of unstable land surfaces such as slopes and areas prone to erosion.
- d. Avoid state or federally owned/operated land (including, but not limited to, Wildlife Management Areas, Private Land Open To Sportsmen, National Wildlife Refuges, etc.)

2. Micro-sitting

- a. Habitat loss:
 - i. Focus on avoidance: micro-sitting sites away from native/unbroken habitat (grasslands, woodlands, and wetlands), before moving to

Governor
Doug Burgum

Director
Jeb Williams

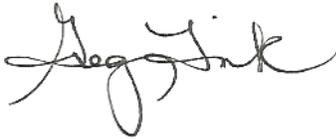
Deputy Director
Scott A. Peterson

- mitigation strategies. Impacts to rare, unique, and declining species will be much greater if the habitat they depend on is disturbed or lost.
- ii. Avoid installing new drain tile systems that may drain or hinder replenishment of adjacent wetlands or that flood adjacent wetlands during drastic precipitation events.
- b. Habitat fragmentation:
 - i. Consolidate all facilities and roads to the extent possible as to reduce habitat fragmentation.
 - c. Threatened and Endangered species
 - i. Coordinate with the US Fish and Wildlife Service to assess and minimize risk to species listed under the Endangered Species Act.
3. Storm Water Management
 - a. The Department recommend a storm water management plan be put into place and the developer should work closely with the Department of Environmental Quality on any required permits or pollution prevention plans.
 4. Pre-construction Monitoring
 - a. The Department recommends the developer consult *Wind Energy Development in North Dakota – Best Management Practices* for a list of applicable monitoring protocols to be done prior to construction. This will allow for a better understanding of the site's use by rare, unique, and declining species and, therefore, the risk.
 5. Construction
 - a. Wildlife safe fencing should be used, and efforts should be taken to ensure wildlife is not trapped within the facility, such as incorporating features designed to allow animals to escape or checking for entrapped animals routinely.
 - b. Any lighting installed should be designed to minimize light pollution and initiatives that aim to reduce impacts to wildlife should be considered.
 - c. A plan for managing noxious weeds should be created and approved by the local weed board/s.
 - d. Wildlife friendly plantings should be utilized to the extent possible (I.e. native wildflower and grass seed mixes over non-native mixes and natural hedgerows versus fencing).
 6. Post-construction Monitoring
 - a. A minimum of 2 years post-construction fatality monitoring should be completed.
 7. Pollinator Opportunities
 - a. Solar farms offer a unique opportunity to incorporate pollinator habitat to energy development. The Bee & Butterfly Habitat Fund offers cost share opportunities for seed and monitoring for solar projects. We recommended investigating this opportunity further, as it may be a good fit for this project.
<https://www.beeandbutterflyfund.org/solar.html>
 8. Voluntary Offsets
 - a. It is recommended that when impacts to unbroken grasslands, wetlands, and woodlands cannot be avoided, suitable replacements be applied back onto the landscape. Ensuring these habitats remain on the landscape is the only way to

stem the decline of our state's rare and sensitive species and prevent listings through the Endangered Species Act, which could impact both the state and its citizens. The Department recommends that any acre of habitat broken due to development be replaced at a 1:1 ratio. For example, if 100 acres of native grasslands are going to be developed for solar energy, 100 acres of grasslands should be planted within the county to offset that impact. These plantings should also be protected for the life of the project.

Thank you for the opportunity to comment on the proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Link". The signature is fluid and cursive, with the first name "Greg" being more prominent than the last name "Link".

Greg Link
Chief, Conservation and Communications Division

Cc: Heidi Riddle, US Fish and Wildlife Service
ND Public Service Commission

occurs between pre-construction and post-construction could also be evaluated using this method.

Elisha Mueller responded that she was in support of these studies but clarified that the Department will continue to prioritize recommending PCMM. She indicated that North Dakota's complex patchwork of grasslands and wetlands is crucial breeding and stopover habitat for a vast number of migratory water birds and as no study has been performed in North Dakota, or a comparable landscape, the risk from utility scale solar projects to wildlife is still quite uncertain. The Department believes the most responsible path forward would be to survey for mortality so that a better understanding of the risk these projects pose to wildlife can be developed. Elisha also indicated that what has been conducted for pre-construction has been sufficient and that no additional surveys are needed for this phase.

North Dakota Aeronautics Commission

From: [Dillin, Adam](#)
To: [Melissa Schmit](#)
Subject: [External] Harmony Solar
Date: Wednesday, March 13, 2024 3:35:04 PM

You don't often get email from adillin@nd.gov. [Learn why this is important](#)

Good afternoon,

The North Dakota Aeronautics Commission is always pleased to see innovative projects that help to enhance sustainability for our communities and improve the quality of life for our citizens.

Our agency's highest priorities are the safety of the flying public and the efficient operation of our airports. Taking a look at the map provided in your company's letter dated March 8, 2024, it appears that the project area will be 6-11 miles from the nearest public airports at Casselton, West Fargo, and Arthur, and should likely not directly impact those airfields. There is one small private airstrip located 4 miles northwest of the project, but that does not appear to be impacted either.

As this project advances, please make sure to follow Federal Aviation Administration obstruction evaluation procedures found at <https://oeaaa.faa.gov> to ensure all appropriate safety measures have been taken into consideration. The local FAA Airports District Office in Bismarck is also a helpful resource for input and comment.

We wish you success with this project.

Best regards,

Adam Dillin, CM, ACE, IACE

Airport Planner

North Dakota Aeronautics Commission

Tel: (701) 328-9657 Email: adillin@nd.gov Website: <https://aero.nd.gov>



North Dakota Department of Agriculture

From: [Melissa Schmit](#)
To: [Bialke, Joseph P.](#)
Cc: [Alia Mohammad](#); [Miller, Adam M.](#)
Subject: RE: [External] RE: Harmony Solar Project: Vegetation Management Plan
Date: Wednesday, June 5, 2024 1:31:07 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[041-010 \(1\).pdf](#)
[Harmony Veg Mgmt Plan June 2024.pdf](#)
[NG Renewables Logo Primary RGB small b3464f9a-abea-443c-8d43-87fd96c8afec.png](#)
[LinkedInIcon_8e0cea1f-d234-405f-8a61-4afe010bf11b.png](#)
[TwitterIcon_ff6acde5-6940-4a01-92b6-0ef9db8c446d.png](#)
[WebIcon_e1c44bce-dc58-4738-94a6-8941e49d8897.png](#)

Hi Dutch-

Thank you for your review comments. The Project also previously consulted with the North Dakota Seed Commission on the Vegetation Management Plan (summary of coordination attached from the project docket). The VMP includes seed tag compliance in Section 2.4 and we have updated that section to include a statement that if seed tags are not available, Harmony will have an analysis completed by the ND State Seed Department prior to planting (updated version is attached).

Thank you again for your time.



Melissa Schmit
Senior Director, Permitting

P 612.259.3095

952.988.9000



From: Bialke, Joseph P. <bialkej@nd.gov>
Sent: Wednesday, May 22, 2024 5:09 PM
To: Melissa Schmit <melissa@nationalgridrenewables.com>
Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>; Miller, Adam M. <admmiller@nd.gov>
Subject: RE: [External] RE: Harmony Solar Project: Vegetation Management Plan

Melissa

We've reviewed the attached documents and the below emails.

We recommend, to help verify noxious weed seed compliance, the Vegetation Management Plan include the maintenance of seed labels and certificates of analysis from the seed certification agency in the state from which the seed was obtained or, if no labels are available, to request an analysis by

the North Dakota State Seed Department prior to planting.

Other than that, it looks good.

Please let us know if we may further assist.

All the best,

Dutch

J.P. “Dutch” Bialke

General Counsel/Senior Policy Advisor

Special Assistant Attorney General

ND Department of Agriculture

600 E. Boulevard Ave., Dept. 602 | Bismarck, ND 58505-0020

P: 701.328.1496 | F: 701.328.4567

bialkej@nd.gov

www.nd.gov/ndda



From: Bialke, Joseph P.

Sent: Wednesday, May 22, 2024 11:06 AM

To: Melissa Schmit <melissa@nationalgridrenewables.com>; Miller, Adam M. <admmiller@nd.gov>

Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>

Subject: RE: [External] RE: Harmony Solar Project: Vegetation Management Plan

Melissa

Thank your for your email. I'll provide the below information to our Plant Industries division for their review.

In the interim, if there is anything else we can do to assist, please don't hesitate to contact me.

All the best,

Dutch

J.P. “Dutch” Bialke

General Counsel/Senior Policy Advisor
Special Assistant Attorney General
ND Department of Agriculture
600 E. Boulevard Ave., Dept. 602 | Bismarck, ND 58505-0020
P: 701.328.1496 | F: 701.328.4567
bialkej@nd.gov
www.nd.gov/ndda



From: Melissa Schmit <melissa@nationalgridrenewables.com>
Sent: Tuesday, April 30, 2024 3:39 PM
To: Bialke, Joseph P. <bialkej@nd.gov>; Miller, Adam M. <admmiller@nd.gov>
Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>
Subject: RE: [External] RE: Harmony Solar Project: Vegetation Management Plan

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello Joseph and Adam,

I am following up on the email below Shaun Quissell sent your way in March regarding Harmony Solar. I am looking for a review of our Vegetation Management Plan (VMP) that was reviewed by Shaun during our PSC permitting process. Our project VMP was updated based on Shaun's review and comments and as we prepare a recertification request for PSC we wanted to make sure your department has the opportunity to review and provide any additional comments.

Happy to have a call if easier for your schedule. Thanks in advance for your time and review.



Melissa Schmit
Senior Director, Permitting
P 612.259.3095

952.988.9000



From: Quissell, Shaun R. <squissell@nd.gov>
Sent: Monday, March 18, 2024 11:56 AM

To: Melissa Schmit <melissa@nationalgridrenewables.com>

Subject: [External] RE: Harmony Solar Project: Vegetation Management Plan

Melissa,

I have forwarded the information on to Joesph Bialke and Adam Miller for their review.

Thanks,

Shaun Quissell

Director

Grain and Livestock Licensing Division

North Dakota Dept. of Agriculture

Office: 701-328-4761

<http://www.nd.gov/ndda>



From: Melissa Schmit <melissa@nationalgridrenewables.com>

Sent: Monday, March 18, 2024 11:51 AM

To: Quissell, Shaun R. <squissell@nd.gov>

Cc: Goehring, Doug C. <goehring@nd.gov>; Alia Mohammad <amohammad@nationalgridrenewables.com>

Subject: RE: Harmony Solar Project: Vegetation Management Plan

Some people who received this message don't often get email from melissa@nationalgridrenewables.com. [Learn why this is important](#)

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Hi Shaun-

I am reaching out on behalf of Harmony Solar. Harmony previously submitted an Application for a Certificate of Site Compatibility ("CSC") to the North Dakota Public Service Commission ("PSC") for a 200 megawatt solar energy conversion facility (the Project). CSC No. 58 was issued to Harmony for the construction, operation and maintenance of the solar facility on February 26, 2019 (PSC Case No. PU-18 219).

Harmony plans to seek a Certification Continuing Suitability from the PSC in 2024. The Project area has not changed since your prior review and coordination on the Project's Vegetation Management

Plan (VMP) (see email chain below with our project counsel, Mollie Smith and attached exhibit that was filed with the PSC that contains the updated VMP). I am also copying Doug Goehrin from the most recent PSC service list, but wanted to reach back out to you as well, given our prior coordination.

The purpose of my outreach is to provide an update on the proposed Project, and seek your updated input, if any on the Vegetation Management Plan. Any comments provided will be incorporated into the PSC's review process.

Project facilities will include photovoltaic solar modules (panels) and racking, inverters, security fencing, laydown areas, a substation, an operations and maintenance facility, one-site underground electrical collection lines, at least two weather stations (up to 20 feet tall), access roads as required, and associated facilities. Harmony will interconnect to the Xcel Energy Bison Substation located in Section 11 of Township 140 N, Range 51 W via a 345 kV transmission line. The transmission line route will be under one mile in length and therefore will not be reviewed by the PSC. In addition to the post hearing coordination and updated VMP, I have also attached a project location map. Please let me know if you have any additional questions or if I should be directing this review to someone else in your department.

Thank you,



952.988.9000



Melissa Schmit

Senior Director, Permitting

P 612.259.3095

E melissa@nationalgridrenewables.com

8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437

From: Smith, Mollie <msmith@fredlaw.com>
Sent: Monday, November 26, 2018 6:00 PM
To: Quissell, Shaun R. <squissell@nd.gov>
Cc: Melissa Schmit <melissa@nationalgridrenewables.com>
Subject: RE: Harmony Solar Project: Vegetation Management Plan

Shaun:

Thank you for the feedback regarding the Vegetation Management Plan. Harmony plans to revise the Plan to address the comments noted in your e-mail.

Thanks.

Mollie



Mollie M. Smith
Attorney

msmith@fredlaw.com

Direct - 612-492-7270
Fax - 612-492-7077
Main - 612-492-7000

Fredrikson & Byron, P.A.
200 South 6th Street
Suite 4000
Minneapolis, MN 55402

[Biography](#) | [Download My Contact Info as V-Card](#)
WWW.FREDLAW.COM

From: Quissell, Shaun R. [<mailto:squissell@nd.gov>]
Sent: Monday, November 26, 2018 11:16 AM
To: Smith, Mollie
Cc: Melissa Schmit (Melissa@geronimoenergy.com)
Subject: RE: Harmony Solar Project: Vegetation Management Plan

Mollie,

Commissioner was able to review the materials and has a couple comments.

On page 6 item 2.7 Management during Establishment, he recommends that you add the county specific noxious weed listings of invasive or weeds of concerns to the list. Also as the state list does change maybe including some language to add to your management plan to monitor the listing.

On the seed listing, he was pleased with the species you have included. One species to pay attention to is Black eyed Susan, this species seed looks extremely close to Palmer Amaranth, the species that we are worried about spreading in North Dakota. This is the reasoning behind asking seed to be sourced from North Dakota companies.

Thank you for your patience while we review the management plan. If you need anything additional please let me know.

Shaun Quissell

Director

Government Affairs Division

North Dakota Dept. of Agriculture

Office: 701-328-4761

<http://www.nd.gov/ndda>



From: Smith, Mollie <msmith@fredlaw.com>
Sent: Monday, November 05, 2018 4:48 PM
To: Quissell, Shaun R. <squissell@nd.gov>
Cc: Melissa Schmit (Melissa@geronimoenergy.com) <Melissa@geronimoenergy.com>
Subject: Harmony Solar Project: Vegetation Management Plan

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Shaun:

It was nice to meet you last Thursday at the North Dakota Public Service Commission's public hearing on the Harmony Solar Project. Attached for your Department's review is a copy of the Vegetation Management Plan for the Project, which includes proposed seed mixes. If you have questions or comments regarding the Plan, please feel free to contact Melissa Schmit with Geronimo Energy directly. Melissa is copied here, and her direct phone number is 612-259-3095.

You indicated during your testimony that you could provide a list of North Dakota-licensed seed dealers that includes native prairie restoration seed suppliers. Could you please e-mail to me the list you referenced?

We look forward to further discussions with your Department. If you have any questions, please do not hesitate to contact me.

Thank you.

Mollie

STAFF BIOGRAPHIES | PRACTICE AREAS | CONTACT US

Fredrikson
& BYRON, P.A.

Mollie M. Smith
Attorney

msmith@fredlaw.com

Direct - 612-492-7270
Fax - 612-492-7077
Main - 612-492-7000

Fredrikson & Byron, P.A.
200 South 6th Street
Suite 4000
Minneapolis, MN 55402

Harmony Solar ND, LLC
Harmony Solar Project
Docket No. PU-18-219

Late-Filed Exhibit No. 13 – Quality Assurance on Seed from ND Seed Department

Harmony Solar ND, LLC (“Harmony Solar”), called the North Dakota Seed Commission regarding “certified vendors” for seed mixes. The North Dakota Seed Commission stated that they do not keep a list of certified vendors for seed mixes; rather, they only keep a list of certified vendors for agricultural crop seeds. The North Dakota Seed Commission referred Harmony Solar to Agazzi Seeding, a seed provider discussed below.

Harmony Solar then spoke with two reputable prairie restoration mix seed dealers that conduct business in North Dakota: Prairie Restorations in Moorhead, Minnesota; and Agazzi Seeding in Fargo, North Dakota. Both companies confirmed North Dakota does not have a certification process in place for the types of mixes to be used for the Harmony Solar Project (“Project”). Instead they ensure seed quality by testing each species going into a mix through an independent lab that has been certified by the Association of Official Seed Certifying Agencies (“AOSCA”).¹ The lab will provide seed tags, which are the industry standard for native seed sales.² The tag provides information about the seed, including the geographic origin, the percentage of Pure Live Seed (“PLS”), and germination/viability percentage. In addition to the tags provided on the mixes, Harmony Solar will request copies of the lab testing results from the seed suppliers. This approach aligns with the procedure set forth in Section 2.4 of the Vegetation Management Plan.

Both the North Dakota Department of Agriculture and the Cass County Board of County Commissioners raised concerns regarding Palmer amaranth (*see* Late-Filed Exhibit No. 11 and attached November 7, 2018 letter from Cass County). As noted above, in addition to obtaining AOSCA-certified seed mixes from reputable seed mix dealers, Harmony Solar will obtain copies of the lab testing results from the seed suppliers in order to confirm the absence of Palmer amaranth from the seed mixes to be used for the Project.

¹ See: <https://www.aosca.org/>.

² See: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs144p2_010411.pdf.



November 7, 2018

North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

County Administrator

Robert Wilson
701-241-5770

wilsonro@casscountynnd.gov

Re: Cass County Follow-Up Information: Harmony Solar

North Dakota Public Service Commission:

On Thursday, November 1st the North Dakota Public Service Commission (PSC) held a Public Hearing in Casselton to receive input about the proposed Harmony Solar project. I testified on behalf of Cass County and verbally expressed support for the project. The County previously submitted a letter of support as part of the initial permit application.

I was asked during my testimony if Cass County Commissioners are aware of the seed mixes that will be used on the site. I indicated I was not aware of conversations about the mixes, but I would check with Cass County Weed Control Officer, Mr. Stanley Wolf, share his feedback with the Commission and follow up with the PSC.

Mr. Wolf made the following statement, which the Commission asked me to provide as Cass County's position:

"Upon reviewing the Vegetation Management Plan for the Harmony Solar Project, it appears that the plan is appropriate for the location. My only addition to the plan is to have the seed sourced or produced from areas that do not have Palmer amaranth. Palmer amaranth is a very invasive non-native weed and is being considered to be added to the North Dakota Noxious Weed List. Due to its aggressive growth and prolific seed production, if Palmer amaranth is identified on the site a zero-tolerance weed management policy needs to be adopted with frequent scouting to identify and remove any Palmer amaranth plants prior to seed formation."

Please contact me if you need additional information.

Sincerely,

Robert Wilson
Cass County Administrator

cc: Melissa Schmit, Geronimo Energy
Jay L. Hesse, Geronimo Energy

Box 2806
211 Ninth Street South
Fargo, North Dakota 58103

www.casscountynnd.gov

From: [Melissa Schmit](#)
To: [Bialke, Joseph P.](#); admmiller@nd.gov
Cc: [Alia Mohammad](#)
Subject: RE: [External] RE: Harmony Solar Project: Vegetation Management Plan
Date: Wednesday, May 22, 2024 10:02:41 AM
Attachments: [Harmony Solar Dept of Ag post hearing coordination.PDF](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image008.png](#)
[Harmony Solar Project Map.pdf](#)
[NG Renewables Logo Primary RGB small b3464f9a-abea-443c-8d43-87fd96c8afec.png](#)
[LinkedInIcon_8e0cea1f-d234-405f-8a61-4afe010bf11b.png](#)
[TwitterIcon_ff6acde5-6940-4a01-92b6-0ef9db8c446d.png](#)
[WebIcon_e1c44bce-dc58-4738-94a6-8941e49d8897.png](#)

Hi Joseph and Adam,

Circling back on my message below regarding Harmony Solar and prior coordination with your department. As I mentioned below, during the PSC state permitting process we coordinated with Shaun Quissell on our Vegetation Management Plan. His comments and suggestions were incorporated in the attached. As we look towards recertifying our permit with the PSC, we are seeking your updated review. Please let me know if you have any questions or if a quick call would be helpful for additional background.

Thank you,



Melissa Schmit
Senior Director, Permitting

P 612.259.3095

952.988.9000



From: Melissa Schmit <melissa@nationalgridrenewables.com>
Sent: Tuesday, April 30, 2024 3:39 PM
To: Bialke, Joseph P. <bialkej@nd.gov>; admmiller@nd.gov
Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>
Subject: RE: [External] RE: Harmony Solar Project: Vegetation Management Plan

Hello Joseph and Adam,

I am following up on the email below Shaun Quissell sent your way in March regarding Harmony Solar. I am looking for a review of our Vegetation Management Plan (VMP) that was reviewed by Shaun during our PSC permitting process. Our project VMP was updated based on Shaun's review and comments and as we prepare a recertification request for PSC we wanted to make sure your department has the opportunity to review and provide any additional comments.

Happy to have a call if easier for your schedule. Thanks in advance for your time and review.



Melissa Schmit
Senior Director, Permitting

P 612.259.3095

952.988.9000



From: Quissell, Shaun R. <squissell@nd.gov>
Sent: Monday, March 18, 2024 11:56 AM
To: Melissa Schmit <melissa@nationalgridrenewables.com>
Subject: [External] RE: Harmony Solar Project: Vegetation Management Plan

Melissa,

I have forwarded the information on to Joesph Bialke and Adam Miller for their review.

Thanks,

Shaun Quissell

Director

Grain and Livestock Licensing Division

North Dakota Dept. of Agriculture

Office: 701-328-4761

<http://www.nd.gov/ndda>



From: Melissa Schmit <melissa@nationalgridrenewables.com>
Sent: Monday, March 18, 2024 11:51 AM
To: Quissell, Shaun R. <squissell@nd.gov>
Cc: Goehring, Doug C. <goehring@nd.gov>; Alia Mohammad <amohammad@nationalgridrenewables.com>
Subject: RE: Harmony Solar Project: Vegetation Management Plan

Some people who received this message don't often get email from melissa@nationalgridrenewables.com. [Learn why this is important](#)

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hi Shaun-

I am reaching out on behalf of Harmony Solar. Harmony previously submitted an Application for a Certificate of Site Compatibility ("CSC") to the North Dakota Public Service Commission ("PSC") for a 200 megawatt solar energy conversion facility (the Project). CSC No. 58 was issued to Harmony for the construction, operation and maintenance of the solar facility on February 26, 2019 (PSC Case No. PU-18 219).

Harmony plans to seek a Certification Continuing Suitability from the PSC in 2024. The Project area has not changed since your prior review and coordination on the Project's Vegetation Management Plan (VMP) (see email chain below with our project counsel, Mollie Smith and attached exhibit that was filed with the PSC that contains the updated VMP). I am also copying Doug Goehrin from the most recent PSC service list, but wanted to reach back out to you as well, given our prior coordination.

The purpose of my outreach is to provide an update on the proposed Project, and seek your updated input, if any on the Vegetation Management Plan. Any comments provided will be incorporated into the PSC's review process.

Project facilities will include photovoltaic solar modules (panels) and racking, inverters, security fencing, laydown areas, a substation, an operations and maintenance facility, one-site underground electrical collection lines, at least two weather stations (up to 20 feet tall), access roads as required, and associated facilities. Harmony will interconnect to the Xcel Energy Bison Substation located in Section 11 of Township 140 N, Range 51 W via a 345 kV transmission line. The transmission line route will be under one mile in length and therefore will not be reviewed by the PSC. In addition to the post hearing coordination and updated VMP, I have also attached a project location map. Please let me know if you have any additional questions or if I should be directing this review to someone else in your department.

Thank you,



952.988.9000



Melissa Schmit

Senior Director, Permitting

P 612.259.3095

E melissa@nationalgridrenewables.com

8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437

From: Smith, Mollie <msmith@fredlaw.com>

Sent: Monday, November 26, 2018 6:00 PM

To: Quissell, Shaun R. <squissell@nd.gov>

Cc: Melissa Schmit <melissa@nationalgridrenewables.com>

Subject: RE: Harmony Solar Project: Vegetation Management Plan

Shaun:

Thank you for the feedback regarding the Vegetation Management Plan. Harmony plans to revise the Plan to address the comments noted in your e-mail.

Thanks.

Mollie

STAFF BIOGRAPHIES | PRACTICE AREAS | CONTACT US



Mollie M. Smith
Attorney
msmith@fredlaw.com

Direct - 612-492-7270
Fax - 612-492-7077
Main - 612-492-7000

Fredrikson & Byron, P.A.
200 South 6th Street
Suite 4000
Minneapolis, MN 55402

[Biography](#) | [Download My Contact Info as V-Card](#)
WWW.FREDLAW.COM

From: Quissell, Shaun R. [<mailto:squissell@nd.gov>]

Sent: Monday, November 26, 2018 11:16 AM

To: Smith, Mollie

Cc: Melissa Schmit (Melissa@geronimoenergy.com)

Subject: RE: Harmony Solar Project: Vegetation Management Plan

Mollie,

Commissioner was able to review the materials and has a couple comments.

On page 6 item 2.7 Management during Establishment, he recommends that you add the county specific noxious weed listings of invasive or weeds of concerns to the list. Also as the state list does change maybe including some language to add to your management plan to monitor the listing.

On the seed listing, he was pleased with the species you have included. One species to pay attention to is Black eyed Susan, this species seed looks extremely close to Palmer Amaranth, the species that we are worried about spreading in North Dakota. This is the reasoning behind asking seed to be sourced from North Dakota companies.

Thank you for your patience while we review the management plan. If you need anything additional please let me know.

Shaun Quissell

Director

Government Affairs Division

North Dakota Dept. of Agriculture

Office: 701-328-4761

<http://www.nd.gov/ndda>



From: Smith, Mollie <msmith@fredlaw.com>

Sent: Monday, November 05, 2018 4:48 PM

To: Quissell, Shaun R. <squissell@nd.gov>

Cc: Melissa Schmit (Melissa@geronimoenergy.com) <Melissa@geronimoenergy.com>

Subject: Harmony Solar Project: Vegetation Management Plan

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Shaun:

It was nice to meet you last Thursday at the North Dakota Public Service Commission's public hearing on the Harmony Solar Project. Attached for your Department's review is a copy of the Vegetation Management Plan for the Project, which includes proposed seed mixes. If you have questions or comments regarding the Plan, please feel free to contact Melissa Schmit with Geronimo Energy directly. Melissa is copied here, and her direct phone number is 612-259-3095.

You indicated during your testimony that you could provide a list of North Dakota-licensed seed dealers that includes native prairie restoration seed suppliers. Could you please e-mail to me the list you referenced?

We look forward to further discussions with your Department. If you have any questions, please do not hesitate to contact me.

Thank you.

Mollie



Mollie M. Smith
Attorney

msmith@fredlaw.com

Direct - 612-492-7270
Fax - 612-492-7077
Main - 612-492-7000

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Minneapolis, MN 55402

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Harmony Solar ND, LLC
Harmony Solar Project
Docket No. PU-18-219

Late-Filed Exhibit No. 11 – Correspondence with North Dakota Department of Agriculture

At the public hearing, Mr. Shaun Quissell testified on behalf of the North Dakota Department of Agriculture (“Department”) regarding Harmony Solar ND, LLC’s (“Harmony Solar”) proposed Vegetation Management Plan (“Plan”) for the Harmony Solar Project. Following the public hearing, Harmony Solar provided a copy of the Plan to Mr. Quissell for the Department’s review. The Commissioner of the Department provided the following comments:

- “On page 6 item 2.7 Management during Establishment, [the Commissioner] recommends that you add the county specific noxious weed listings of invasive or weeds of concerns to the list. Also as the state list does change maybe including some language to add to your management plan to monitor the listing.”
- “On the seed listing, [the Commissioner] was pleased with the species you have included. One species to pay attention to is Black eyed Susan, this species seed looks extremely close to Palmer Amaranth, the species that we are worried about spreading in North Dakota. This is the reasoning behind asking seed to be sourced from North Dakota companies.”

Harmony Solar has revised Section 2.7 of the Plan to address the Commissioner’s comments. Copies of the correspondence with the Department, as well as the updated Plan, are provided herewith.

Smith, Mollie

From: Smith, Mollie
Sent: Tuesday, November 20, 2018 1:08 PM
To: 'Quissell, Shaun R.'
Cc: Melissa Schmit (Melissa@geronimoenergy.com)
Subject: RE: Harmony Solar Project: Vegetation Management Plan

Shaun:

Thank you very much for the update. We look forward to hearing from you, and please let us know if you have any questions as you review.

Thanks.

Mollie

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Mollie M. Smith
Attorney

msmith@fredlaw.com

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Fax - 612-492-7077
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200 South 6th Street
Suite 4000
Minneapolis, MN 55402

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WWW.FREDLAW.COM

From: Quissell, Shaun R. [<mailto:squissell@nd.gov>]
Sent: Tuesday, November 20, 2018 1:06 PM
To: Smith, Mollie
Cc: Melissa Schmit (Melissa@geronimoenergy.com)
Subject: RE: Harmony Solar Project: Vegetation Management Plan

Mollie,

I am still waiting to get comments back from the commissioner. I am hoping today or tomorrow to have time with him so we can draft them and get back to you. If I would need any more time I will let you know.

Thanks,

Shaun Quissell

Director

Government Affairs Division

North Dakota Dept. of Agriculture

Office: 701-328-4761

<http://www.nd.gov/ndda>



From: Smith, Mollie <msmith@fredlaw.com>
Sent: Tuesday, November 20, 2018 1:03 PM
To: Quissell, Shaun R. <squissell@nd.gov>
Cc: Melissa Schmit (Melissa@geronimoenergy.com) <Melissa@geronimoenergy.com>
Subject: RE: Harmony Solar Project: Vegetation Management Plan

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Shaun:

We have our deadline to submit late-filed exhibits coming up soon, so I wanted to check in again to see if the Department of Agriculture has any comments regarding Harmony's Vegetation Management Plan. If the Department has not had a chance to review yet, could you please let me know when you anticipate that the Department will be able to do so?

Thanks.

Mollie

STAFF BIOGRAPHIES | PRACTICE AREAS | CONTACT US

Fredrikson
& BYRON, P.A.

Mollie M. Smith
Attorney

msmith@fredlaw.com

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Fax - 612-492-7077
Main - 612-492-7000

Fredrikson & Byron, P.A.
200 South 6th Street
Suite 4000
Minneapolis, MN 55402

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WWW.FREDLAW.COM

From: Smith, Mollie
Sent: Wednesday, November 14, 2018 10:18 AM
To: 'Quissell, Shaun R.'

Cc: Melissa Schmit (Melissa@geronimoenergy.com)
Subject: RE: Harmony Solar Project: Vegetation Management Plan

Shaun:

I am just following up to see if the Department of Agriculture has any comments regarding Harmony's Vegetation Management Plan. Please let us know if you have questions, comments, or would like to discuss further.

Thank you.

Mollie

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Attorney
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Fax - 612-492-7077
Main - 612-492-7000

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200 South 6th Street
Suite 4000
Minneapolis, MN 55402

[Biography](#) | [Download My Contact Info as V-Card](#)
WWW.FREDLAW.COM

From: Quissell, Shaun R. [<mailto:squissell@nd.gov>]
Sent: Tuesday, November 06, 2018 8:34 AM
To: Smith, Mollie
Cc: Melissa Schmit (Melissa@geronimoenergy.com)
Subject: RE: Harmony Solar Project: Vegetation Management Plan

Mollie,

Thank you for the email and the information. I will get it in front of the Commissioner right away. As for the list of seed dealers, the Department of Agriculture does not directly deal with seed dealers, I mentioned in my testimony that you will be able to get a list of North Dakota Seed dealers from the State Seed Commission. Their phone number is 701-231-5400. If you need anything additional please let me know I would be glad to assist.

Thanks,

Shaun Quissell

Director
Government Affairs Division
North Dakota Dept. of Agriculture
Office: 701-328-4761
<http://www.nd.gov/ndda>



From: Smith, Mollie <msmith@fredlaw.com>
Sent: Monday, November 05, 2018 4:48 PM
To: Quissell, Shaun R. <squissell@nd.gov>
Cc: Melissa Schmit (Melissa@geronimoenergy.com) <Melissa@geronimoenergy.com>
Subject: Harmony Solar Project: Vegetation Management Plan

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Shaun:

It was nice to meet you last Thursday at the North Dakota Public Service Commission's public hearing on the Harmony Solar Project. Attached for your Department's review is a copy of the Vegetation Management Plan for the Project, which includes proposed seed mixes. If you have questions or comments regarding the Plan, please feel free to contact Melissa Schmit with Geronimo Energy directly. Melissa is copied here, and her direct phone number is 612-259-3095.

You indicated during your testimony that you could provide a list of North Dakota-licensed seed dealers that includes native prairie restoration seed suppliers. Could you please e-mail to me the list you referenced?

We look forward to further discussions with your Department. If you have any questions, please do not hesitate to contact me.

Thank you.

Mollie

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Minneapolis, MN 55402

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WWW.FREDLAW.COM

Smith, Mollie

From: Smith, Mollie
Sent: Monday, November 26, 2018 6:00 PM
To: Quissell, Shaun R.
Cc: Melissa Schmit (Melissa@geronimoenergy.com)
Subject: RE: Harmony Solar Project: Vegetation Management Plan

Shaun:

Thank you for the feedback regarding the Vegetation Management Plan. Harmony plans to revise the Plan to address the comments noted in your e-mail.

Thanks.

Mollie

STAFF BIOGRAPHIES | PRACTICE AREAS | CONTACT US



Mollie M. Smith
Attorney

msmith@fredlaw.com

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Minneapolis, MN 55402

[Biography](#) | [Download My Contact Info as V-Card](#)
WWW.FREDLAW.COM

From: Quissell, Shaun R. [<mailto:squissell@nd.gov>]
Sent: Monday, November 26, 2018 11:16 AM
To: Smith, Mollie
Cc: Melissa Schmit (Melissa@geronimoenergy.com)
Subject: RE: Harmony Solar Project: Vegetation Management Plan

Mollie,

Commissioner was able to review the materials and has a couple comments.

On page 6 item 2.7 Management during Establishment, he recommends that you add the county specific noxious weed listings of invasive or weeds of concerns to the list. Also as the state list does change maybe including some language to add to your management plan to monitor the listing.

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Thank you for your patience while we review the management plan. If you need anything additional please let me know.

Shaun Quissell

Director

Government Affairs Division

North Dakota Dept. of Agriculture

Office: 701-328-4761

<http://www.nd.gov/ndda>



From: Smith, Mollie <msmith@fredlaw.com>

Sent: Monday, November 05, 2018 4:48 PM

To: Quissell, Shaun R. <squissell@nd.gov>

Cc: Melissa Schmit (Melissa@geronimoenergy.com) <Melissa@geronimoenergy.com>

Subject: Harmony Solar Project: Vegetation Management Plan

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Shaun:

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You indicated during your testimony that you could provide a list of North Dakota-licensed seed dealers that includes native prairie restoration seed suppliers. Could you please e-mail to me the list you referenced?

We look forward to further discussions with your Department. If you have any questions, please do not hesitate to contact me.

Thank you.

Mollie

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North Dakota Department of Environmental Quality

March 21, 2024

Melissa Schmit
Senior Director, Permitting
Harmony Solar
8400 Normandale Lake Blvd., Suite 1200
Bloomington, MN 55437

Re: Project Code: PSC PU-18-219, Harmony Solar Energy Project in Cass County

Dear Ms. Schmitt:

The North Dakota Department of Environmental Quality (Department) has reviewed the information concerning the above-referenced project received at the Department on March 11, 2024, with respect to possible environmental impacts.

1. Necessary measures should be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise should be dealt with in an efficient and effective manner.
2. Aggregate to be used for road construction should not contain any erionite. Aggregate sources should be tested for erionite following guidelines found at <https://deq.nd.gov/erionite>. For questions regarding erionite testing, please contact the Asbestos Program at 701-328-5166 or asbestos@nd.gov.
3. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
4. Projects disturbing one or more acres are required to have a permit to discharge stormwater runoff until the site is stabilized by the re-establishment of vegetation or other permanent cover. Further information on the stormwater permit may be obtained from the Department's website or by calling the Division of Water Quality at 701-328-5210. Check with the local officials to be sure any local stormwater management considerations are addressed. Stormwater runoff from the project area discharges to a 303(d) listed water body (Rush River) identified as impaired by sediment/siltation. Extra care should be taken to ensure construction activity does not affect the water body.

5. All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. As appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management. Further information on waste management and recycling is available from the Department's Division of Waste Management at 701-328-5166.

These comments are based on the information provided about the project in the above-referenced submittal. The U.S. Army Corps of Engineers may require a water quality certification from this Department for the project if the project is subject to their Section 404 permitting process. Any additional information which may be required by the U.S. Army Corps of Engineers under the process will be considered by this Department in our determination regarding the issuance of such a certification.

The Department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,



L. David Glatt, P.E., Director
North Dakota Department of Environmental Quality

LDG:ll
Attach.

Construction and Environmental Disturbance Requirements

The following are the minimum requirements of the North Dakota Department of Environmental Quality (Department) for projects that involve construction and environmental disturbance in or near waters of the State of North Dakota. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect waters of the state. All projects must be constructed to minimize the loss of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion and sediment loss using erosion and sediment controls. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, and land resources must be prohibited against compaction, vegetation loss and unnecessary damage.

Surface Waters

All construction must be managed to minimize impacts to aquatic systems. Follow safe storage and handling procedures to prevent the contamination of water from fuel spills, lubricants, and chemicals. Stream bank and stream bed disturbances must be contained to minimize silt movement, nutrient upsurges, plant dislocations, and any physical chemicals, or biological disruption. The use of pesticides or herbicides in or near surface waters is allowed under the Department's pesticide application permit with notification to the Department.

Fill Material

Any fill material placed below the ordinary high-water mark must be free of topsoil, decomposable materials, and persistent synthetic organic compounds, including, but not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill material. All temporary fills must be removed. Debris and solid waste must be properly disposed or recycled. Impacted areas must be restored to near original condition.

North Dakota Department of Transportation

March 14, 2024

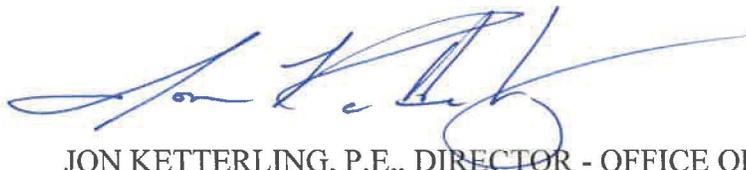
Melissa Schmitt
Senior Director, Permitting
Harmony Solar
8400 Normandale Lake Blvd., Suite 1200
Bloomington, MN 55437

PROPOSED UTILITY SCALE SOLAR ENERGY PROJECT, CASS COUNTY, NORTH
DAKOTA

We have reviewed your March 8, 2024, letter.

This project should have no adverse effect on the North Dakota Department of Transportation highways.

Additionally, if because of this project any work needs to be done on highway right of way, appropriate permits and risk management documents will need to be obtained from the Department of Transportation District Engineer, Aaron Murra at 701-239-8903.



JON KETTERLING, P.E., DIRECTOR - OFFICE OF PROJECT DEVELOPMENT

57\jk\js
c: Aaron Murra, Fargo District Engineer

LOCAL AGENCIES

Cass County

**Board of County
Commissioners**

Tony Grindberg
Chad Peterson
Mary Scherling
Jim Kapitan
Duane Breitling



PO Box 2806
211 Ninth Street South
Fargo, North Dakota 58108
701-241-5609
www.casscountynd.gov

July 1, 2024

North Dakota Public Service Commission
600 East Boulevard Avenue—Department 408
Bismarck, ND 58505-0480

RE: Letter of Support for Harmony Solar Project in Cass County

Dear Public Service Commissioners:

The Cass County Commission is aware and fully supports a permit, Certification Continuing Sustainability, that National Grid Renewables Development, LLC is submitting to the Public Service Commission for the Harmony Solar Project located in Harmony Township. National Grid Renewables Development has requested this letter of support, and Cass County offers its full support and endorsement of this important economic development opportunity.

Economic development of our rural communities and the responsible, well-planned growth of our tax base is of vital importance to Cass County and our local government partners. According to Harmony Solar, the capital investment of this project will be approximately \$320 million, bring in new jobs, and increase the tax base for local jurisdictions.

The Cass County Commission supports rural economic development and encourages the North Dakota Public Service Commission to consider the significant impact this project will have on rural Cass County.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Chad Peterson, Chairman
Cass County Commission

From: [Jay L. Hesse](#)
To: [Kaushagen, Taylor](#)
Cc: [Alia Mohammad](#); [Melissa Schmit](#); [Wilson, Robert](#)
Subject: RE: [External] RE: Harmony Solar - Update and Letter of Support Request
Date: Tuesday, June 25, 2024 10:36:56 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[Harmony Solar ND, LLC – Seeking Support for Certification Continuing Sustainability 2024 Memo.pdf](#)
[NG Renewables Logo Primary RGB_small_b3464f9a-abea-443c-8d43-87fd96c8afec.png](#)
[LinkedInIcon_8e0cea1f-d234-405f-8a61-4afe010bf11b.png](#)
[TwitterIcon_ff6acde5-6940-4a01-92b6-0ef9db8c446d.png](#)
[WebIcon_e1c44bce-dc58-4738-94a6-8941e49d8897.png](#)

Taylor,

Thanks for the email and following up. Please see the attached memo and let me know if this works or if you need anything else from us to get on the agenda...

Jay



952.988.9000



Jay L. Hesse

Senior Director, Development

P 952.358.5662

M 701.809.8431

From: Kaushagen, Taylor <KaushagenT@casscountynd.gov>
Sent: Tuesday, June 25, 2024 7:52 AM
To: Jay L. Hesse <jay@nationalgridrenewables.com>
Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>; Melissa Schmit <melissa@nationalgridrenewables.com>; Wilson, Robert <WilsonRo@casscountynd.gov>
Subject: RE: [External] RE: Harmony Solar - Update and Letter of Support Request

Some people who received this message don't often get email from kaushagent@casscountynd.gov. [Learn why this is important](#)

Good Morning,

The agenda deadline for the July 1 meeting was yesterday. If you'd still like to be on the agenda I need a memo with your request by end of day today.

Thank you.



Taylor Kaushagen
Commission Assistant
Cass County Commission Office
701-241-5609
kaushagent@casscountynd.gov

From: Kaushagen, Taylor
Sent: Wednesday, June 19, 2024 7:44 AM
To: Jay L. Hesse <jay@nationalgridrenewables.com>; Wilson, Robert <WilsonRo@casscountynynd.gov>
Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>; Melissa Schmit <melissa@nationalgridrenewables.com>
Subject: RE: [External] RE: Harmony Solar - Update and Letter of Support Request

Hi Jay,

Can you provide a memo with your request and any information you'd like to update the board on?

Thanks!



Taylor Kaushagen
Commission Assistant
Cass County Commission Office
701-241-5609
kaushagent@casscountynynd.gov

From: Jay L. Hesse <jay@nationalgridrenewables.com>
Sent: Tuesday, June 18, 2024 8:02 PM
To: Wilson, Robert <WilsonRo@casscountynynd.gov>; Kaushagen, Taylor <KaushagenT@casscountynynd.gov>
Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>; Melissa Schmit <melissa@nationalgridrenewables.com>
Subject: Re: [External] RE: Harmony Solar - Update and Letter of Support Request

CAUTION: EXTERNAL EMAIL

Robert,

Thanks for following up. I will plan on that and I will coordinate with you on the finer details.

Get [Outlook for iOS](#)



952.988.9000



Jay L. Hesse

Senior Director, Development

P 952.358.5662

M 701.809.8431

From: Wilson, Robert <WilsonRo@casscountynynd.gov>
Sent: Tuesday, June 18, 2024 7:57:24 PM
To: Jay L. Hesse <jay@nationalgridrenewables.com>; Kaushagen, Taylor <KaushagenT@casscountynynd.gov>
Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>; Melissa Schmit

<melissa@nationalgridrenewables.com>

Subject: RE: [External] RE: Harmony Solar - Update and Letter of Support Request

Jay,

We can have this on the next meeting agenda on July 1st for the Board to consider approval of an updated letter. It would be good to have you in person to make the updated request. It wouldn't need to be an extensive presentation. Very brief would be preferable, just enough for the Board to see and hear you – and answer any questions they may have. We'll follow up next week with more information.

Thanks,
Robert

From: Jay L. Hesse <jay@nationalgridrenewables.com>

Sent: Thursday, June 13, 2024 8:46 AM

To: Wilson, Robert <WilsonRo@casscountynod.gov>

Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>; Melissa Schmit <melissa@nationalgridrenewables.com>

Subject: RE: [External] RE: Harmony Solar - Update and Letter of Support Request

CAUTION: EXTERNAL EMAIL

Robert,

Thanks for following up.

It would be ideal to have an updated letter of support from the county by the first week of July if practical. If it makes sense for us to have another in person meeting with you and others we can do that. The major project requirement that we have made progress on since the last time was getting through the transmission interconnection study process with reasonable upgrade costs. We are currently working through a generator interconnection agreement and this will enable us to market the energy from the project to buyers with more certainty...

The projects economic benefits are very similar but the capital investment estimate has gone up to around \$320 million. The tax revenue policy has not changed and is still calculated by project capacity and energy generation so we still expect the project to pay around \$500k per year to the Central Cass and Mapleton School Districts, Cass County, Harmony Township and the State of ND. We are planning to start construction as early as mid 2025 but could also start in 2026 and we are shooting to have the project operational by Q4 2027. I can share more details with you on these topics as needed.

Thanks
Jay



952.988.9000



Jay L. Hesse

Senior Director, Development

P 952.358.5662

M 701.809.8431

From: Wilson, Robert <WilsonRo@casscountynynd.gov>
Sent: Friday, May 31, 2024 2:55 PM
To: Jay L. Hesse <jay@nationalgridrenewables.com>
Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>; Melissa Schmit <melissa@nationalgridrenewables.com>
Subject: [External] RE: Harmony Solar - Update and Letter of Support Request

Jay,

My apologies for not getting back to you sooner. I am circulating your request internally for an updated letter of support. Basically, I need to do my own due diligence to make sure something hasn't changed that would cause us to change our county position. (I'm not aware of anything.) What is the timeframe for needing this letter as well as permitting, design and potential construction? Also, could you update the total project value and economic impact estimates?

Thanks,
Robert

From: Jay L. Hesse <jay@nationalgridrenewables.com>
Sent: Wednesday, May 22, 2024 9:29 AM
To: Wilson, Robert <WilsonRo@casscountynynd.gov>
Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>; Melissa Schmit <melissa@nationalgridrenewables.com>
Subject: Harmony Solar - Update and Letter of Support Request

CAUTION: EXTERNAL EMAIL

Hi Robert,

I hope you are doing well. I know we have seen one another around town but haven't talked about Harmony Solar in a while. This is still an active project and we are making some good progress with the development including a clear path to an interconnection agreement to connect the project onto the grid.

I am reaching out on behalf of Harmony Solar, a wholly owned subsidiary of National Grid Renewables Development, LLC, formerly known as Geronimo. The purpose of my outreach is to provide an update on the proposed Project and seek a refreshed letter of support from Cass County for Harmony's 2024 certification with the state. I have also attached a pdf letter with a brief update and a copy of the previous letter of support at the end of the PDF for reference.

Harmony previously submitted an Application for a Certificate of Site Compatibility ("CSC") to the North Dakota Public Service Commission ("PSC") for a 200 megawatt solar energy conversion facility (the Project).

CSC No. 58 was issued to Harmony for the construction, operation, and maintenance of the solar facility on February 26, 2019 (PSC Case No. PU-18 219).

Harmony plans to seek a Certification Continuing Suitability from the PSC in 2024. The Project area has not changed since Cass County's review in 2017. Please find attached the letter of support (page 4 of the pdf) dated November 26, 2019.

Project facilities will include photovoltaic solar modules (panels) and racking, inverters, security fencing, laydown areas, a substation, an operations and maintenance facility, one-site underground electrical collection lines, at least two weather stations (up to 20 feet tall), access roads as required, and associated facilities. Harmony will interconnect to the Xcel Energy Bison Substation located in Section 11 of Township 140 N, Range 51 W via a 345 kV transmission line. The transmission line route will be under one mile in length and therefore will not be reviewed by the PSC. A project location map can be found on page 3 of the attached pdf. Please let me know if you have any additional questions.

Please let me know what questions or requests you may have of me or our team.

Thank you,



952.988.9000



Jay L. Hesse

Senior Director, Development

P 952.358.5662

M 701.809.8431

E jay@nationalgridrenewables.com

8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437



Memo

To: Cass County Board of County Commissioners
From: Jay Hesse on behalf of Harmony Solar ND, LLC
Date: 06/20/2024
Re: Harmony Solar ND, LLC – Seeking Support for Certification Continuing Sustainability 2024

I am reaching out on behalf of Harmony Solar, a wholly owned subsidiary of National Grid Renewables Development, LLC, formerly known as Geronimo. The purpose of my outreach is to provide an update on the proposed Project and seek a refreshed letter of support from Cass County for Harmony's 2024 certification with the state. We would like the letter to be addressed to the ND PSC, however our preference is to include letters of support in an appendix of our application instead of Cass County sending directly to the state. That way the PSC has all documents in one application package from Harmony Solar.

Harmony previously submitted an Application for a Certificate of Site Compatibility ("CSC") to the North Dakota Public Service Commission ("PSC") for a 200 megawatt solar energy conversion facility (the Project). CSC No. 58 was issued to Harmony for the construction, operation, and maintenance of the solar facility on February 26, 2019 (PSC Case No. PU-18 219).

Harmony plans to seek a Certification Continuing Suitability from the PSC in 2024. The Project area has not changed since Cass County's review in 2017. Please find attached the letter of support dated November 6, 2017.

The projects economic benefits are very similar, but the capital investment estimate has gone up to around \$320 million. The tax revenue policy has not changed and is still calculated by project capacity and energy generation, so we still expect the project to pay around \$500k per year to the Central Cass and Mapleton School Districts, Cass County, Harmony Township, and the State of ND. We are planning to start construction as early as mid-2025 but could also start in 2026. Our goal is to have the project in operation by Q4 2027.

Project facilities will include photovoltaic solar modules (panels) and racking, inverters, security fencing, laydown areas, a substation, an operations and maintenance facility, one-site underground electrical collection lines, at least two weather stations (up to 20 feet tall), access roads as required, and associated facilities. Harmony will interconnect to the Xcel Energy Bison Substation located in Section 11 of Township 140 N, Range 51 W via a 345 kV transmission line. The transmission line route will be under one mile in length and therefore will not be reviewed by the PSC. A project location map is attached.



Board of County Commissioners

Chad M. Peterson
Fargo, North Dakota

Rick Steen
Fargo, North Dakota

Vern Bennett
Fargo, North Dakota

Arland H. Rasmussen
West Fargo, North Dakota

Mary Scherling
Stanley Township, North Dakota

November 6, 2017

North Dakota Public Service Commission
600 East Boulevard Avenue – Dept. 408
Bismarck, ND 58505-0480

Re: Letter of Support for Harmony Solar Project in Cass County

Dear Public Service Commissioners:

The Cass County Commission is aware of and fully supports a permit application that Geronimo Energy plans to submit to the Public Service Commission for the Harmony Solar Project located in Harmony Township. Geronimo Energy has requested this letter of support, and Cass County offers its full support and endorsement of this important economic development opportunity.

Economic development of our rural communities and the responsible, well-planned growth of our tax base is of vital importance to Cass County and our local government partners. According to Geronimo Energy, the construction investment will be approximately \$294 Million. Roughly \$20 Million in local spending will occur during construction.

Once completed, twelve full-time equivalent positions will be needed to operate the project. The following taxing authorities will receive ongoing revenue that is expected to total \$500,000 annually: Central Cass and Mapleton School Districts, Cass County and Harmony Township.

The Cass County Commission supports rural economic development and encourages the North Dakota Public Service Commission to consider the significant impact this project will have on rural Cass County.

Sincerely,

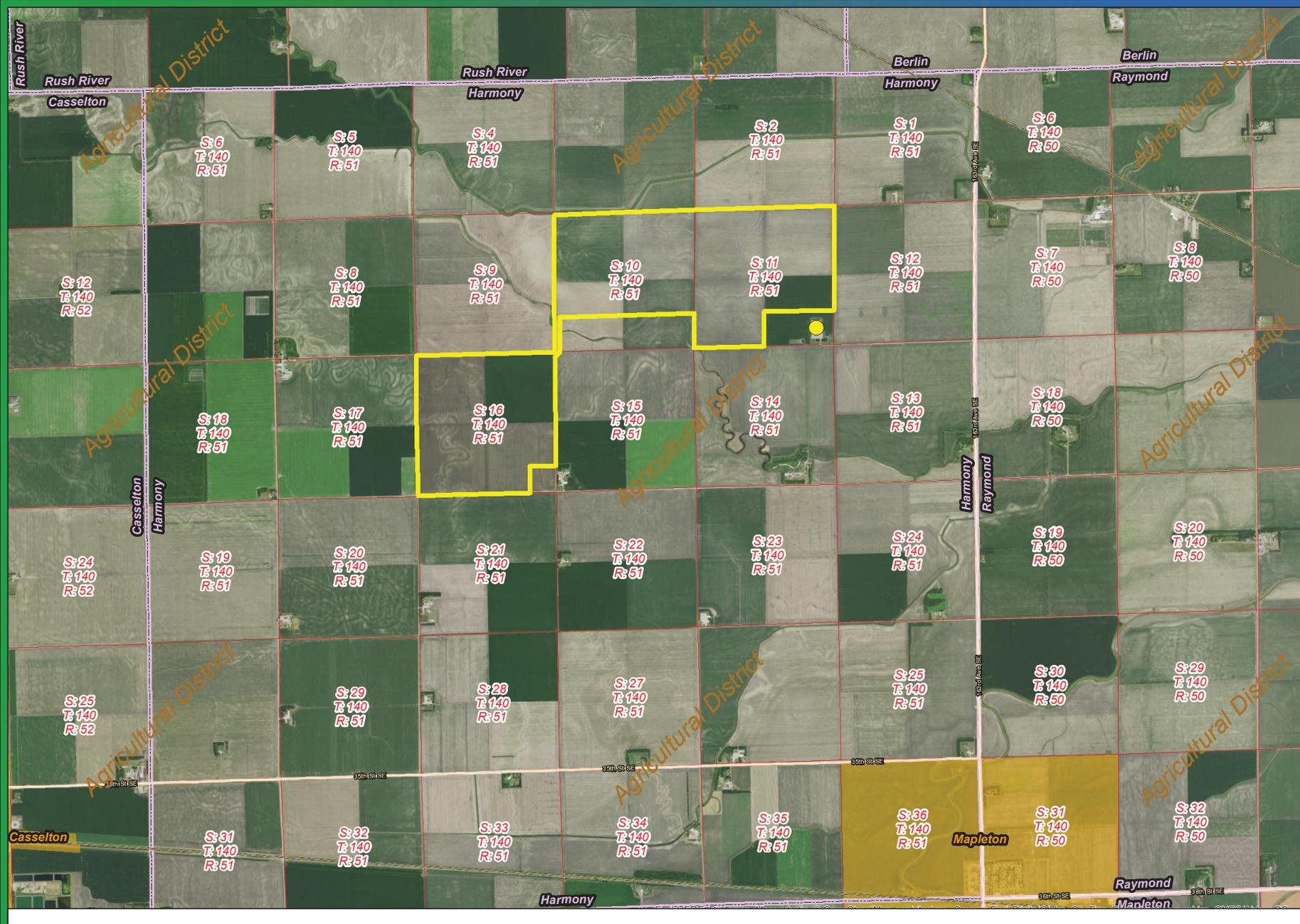
A handwritten signature in black ink, appearing to read "Chad Peterson", written over a circular scribble.

Chad Peterson, Chairman
Cass County Commission

Heather Worden
Commission Assistant

PO Box 2806
211 Ninth Street South
Fargo, North Dakota 58108

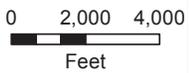
701-241-5609
Fax 701-241-5728
www.casscountynd.gov



Harmony Solar

-  Bison Substation
-  Harmony Solar Project Area
-  Townships
-  Sections
-  Municipality

46.941875, -97.105109



From: [Alia Mohammad](#)
To: [Aasand, Kyle](#)
Cc: [Melissa Schmit](#)
Subject: RE: [External] RE: Harmony Solar- Request for Review
Date: Friday, June 21, 2024 11:46:11 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[NG_Renewables_Logo_Primary_RGB_small_b3464f9a-abea-443c-8d43-87fd96c8afec.png](#)
[LinkedInIcon_8e0cea1f-d234-405f-8a61-4afe010bf11b.png](#)
[TwitterIcon_ff6acde5-6940-4a01-92b6-0ef9db8c446d.png](#)
[WebIcon_e1c44bce-dc58-4738-94a6-8941e49d8897.png](#)
[041-010 \(1\).pdf](#)
[Harmony Solar_Dept of Ag Coordination_June 2024.pdf](#)
[Harmony Veg Mgmt Plan_June 2024.pdf](#)
[Harmony Solar Project Map.pdf](#)

Hello Kyle,

I wanted to follow up on the email below. We are seeking a refreshed review of our Project's Vegetation Management Plan (VMP). Harmony Solar plans to seek a Certification of Continuing Suitability from the PSC in 2024, and your review will be incorporated into the PSC's review process. I have attached the following to this email:

- Prior coordination with your department:
 - An exhibit that was filed with the PSC in the project docket that contains prior correspondence from Cass County and Stanley Wolf with the Cass County Weed Control Department
- Recent coordination with the Department of Ag:
 - Email chain with Dept of Ag on the VMP
 - Updated VMP that incorporates the Dept of Ag recent review and comments
- Project map

If you'd like to discuss over the phone, we would be happy to set up a call. Please let us know if you have any questions in the meantime.

Thank you for your time,



952.988.9000



Alia Mohammad

Permitting Associate

P 612.474.2681

M 315.706.4145

E amohammad@nationalgridrenewables.com

8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437

From: Wilson, Robert <WilsonRo@casscountynynd.gov>
Sent: Wednesday, June 12, 2024 1:21 PM
To: Melissa Schmit <melissa@nationalgridrenewables.com>
Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>; Aasand, Kyle <AasandK@casscountynynd.gov>

Subject: [External] RE: Harmony Solar- Request for Review

Some people who received this message don't often get email from wilsonro@casscountynd.gov. [Learn why this is important](#)

Melissa,

Good afternoon. I have cc'd Kyle on this response for your follow-up. Beyond connecting with Kyle, are you seeking an updated letter of support from Cass County?

Thanks,
Robert

From: Melissa Schmit <melissa@nationalgridrenewables.com>
Sent: Thursday, June 6, 2024 3:54 PM
To: Wilson, Robert <WilsonRo@casscountynd.gov>
Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>
Subject: Harmony Solar- Request for Review

CAUTION: EXTERNAL EMAIL

Hello Robert-

I am reaching out on behalf of Harmony Solar. Harmony previously submitted an Application for a Certificate of Site Compatibility ("CSC") to the North Dakota Public Service Commission ("PSC") for a 200 megawatt solar energy conversion facility (the Project). CSC No. 58 was issued to Harmony for the construction, operation and maintenance of the solar facility on February 26, 2019 (PSC Case No. PU-18 219).

Harmony plans to seek a Certification of Continuing Suitability from the PSC in 2024 and I am seeking a refreshed review of the Project's Vegetation Management Plan (VMP). Please note the Project area has not changed since Cass County's prior review. Attached to this email you will find the following in addition to a project map:

- Prior coordination with your department:
 - An exhibit that was filed with the PSC in the project docket that contains prior correspondence from Cass County and Stanley Wolf with the Cass County Weed Control Department
- Recent coordination with the Department of Ag:
 - Email chain with Dept of Ag on the VMP
 - Updated VMP that incorporates the Dept of Ag recent review and comments

I see Kyle Aasand is the current Weed Control Officer, however I was unable to locate his email address through the county website. I am happy to coordinate with him directly if you can provide me with his contact information.

Any comments provided will inform additional updates to the VMP as needed, and be incorporated into the PSC's review process.

Project facilities will include photovoltaic solar modules (panels) and racking, inverters, security fencing, laydown areas, a substation, an operations and maintenance facility, one-site underground

electrical collection lines, at least two weather stations (up to 20 feet tall), access roads as required, and associated facilities. Harmony will interconnect to the Xcel Energy Bison Substation located in Section 11 of Township 140 N, Range 51 W via a 345 kV transmission line.

Thank you in advance for your time and review. Please let me know if you need any additional information or if a call would be helpful.



952.988.9000



Melissa Schmit

Senior Director, Permitting

P 612.259.3095

E melissa@nationalgridrenewables.com

8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437

Harmony Solar ND, LLC
Harmony Solar Project
Docket No. PU-18-219

Late-Filed Exhibit No. 13 – Quality Assurance on Seed from ND Seed Department

Harmony Solar ND, LLC (“Harmony Solar”), called the North Dakota Seed Commission regarding “certified vendors” for seed mixes. The North Dakota Seed Commission stated that they do not keep a list of certified vendors for seed mixes; rather, they only keep a list of certified vendors for agricultural crop seeds. The North Dakota Seed Commission referred Harmony Solar to Agazzi Seeding, a seed provider discussed below.

Harmony Solar then spoke with two reputable prairie restoration mix seed dealers that conduct business in North Dakota: Prairie Restorations in Moorhead, Minnesota; and Agazzi Seeding in Fargo, North Dakota. Both companies confirmed North Dakota does not have a certification process in place for the types of mixes to be used for the Harmony Solar Project (“Project”). Instead they ensure seed quality by testing each species going into a mix through an independent lab that has been certified by the Association of Official Seed Certifying Agencies (“AOSCA”).¹ The lab will provide seed tags, which are the industry standard for native seed sales.² The tag provides information about the seed, including the geographic origin, the percentage of Pure Live Seed (“PLS”), and germination/viability percentage. In addition to the tags provided on the mixes, Harmony Solar will request copies of the lab testing results from the seed suppliers. This approach aligns with the procedure set forth in Section 2.4 of the Vegetation Management Plan.

Both the North Dakota Department of Agriculture and the Cass County Board of County Commissioners raised concerns regarding Palmer amaranth (*see* Late-Filed Exhibit No. 11 and attached November 7, 2018 letter from Cass County). As noted above, in addition to obtaining AOSCA-certified seed mixes from reputable seed mix dealers, Harmony Solar will obtain copies of the lab testing results from the seed suppliers in order to confirm the absence of Palmer amaranth from the seed mixes to be used for the Project.

¹ See: <https://www.aosca.org/>.

² See: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs144p2_010411.pdf.



November 7, 2018

North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0480

County Administrator

Robert Wilson
701-241-5770

wilsonro@casscountynnd.gov

Re: Cass County Follow-Up Information: Harmony Solar

North Dakota Public Service Commission:

On Thursday, November 1st the North Dakota Public Service Commission (PSC) held a Public Hearing in Casselton to receive input about the proposed Harmony Solar project. I testified on behalf of Cass County and verbally expressed support for the project. The County previously submitted a letter of support as part of the initial permit application.

I was asked during my testimony if Cass County Commissioners are aware of the seed mixes that will be used on the site. I indicated I was not aware of conversations about the mixes, but I would check with Cass County Weed Control Officer, Mr. Stanley Wolf, share his feedback with the Commission and follow up with the PSC.

Mr. Wolf made the following statement, which the Commission asked me to provide as Cass County's position:

"Upon reviewing the Vegetation Management Plan for the Harmony Solar Project, it appears that the plan is appropriate for the location. My only addition to the plan is to have the seed sourced or produced from areas that do not have Palmer amaranth. Palmer amaranth is a very invasive non-native weed and is being considered to be added to the North Dakota Noxious Weed List. Due to its aggressive growth and prolific seed production, if Palmer amaranth is identified on the site a zero-tolerance weed management policy needs to be adopted with frequent scouting to identify and remove any Palmer amaranth plants prior to seed formation."

Please contact me if you need additional information.

Sincerely,

Robert Wilson
Cass County Administrator

Box 2806
211 Ninth Street South
Fargo, North Dakota 58103

cc: Melissa Schmit, Geronimo Energy
Jay L. Hesse, Geronimo Energy

From: [Melissa Schmit](#)
To: [Bialke, Joseph P.](#)
Cc: [Alia Mohammad](#); [Miller, Adam M.](#)
Subject: RE: [External] RE: Harmony Solar Project: Vegetation Management Plan
Date: Wednesday, June 5, 2024 1:30:24 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[NG Renewables Logo Primary RGB small b3464f9a-abea-443c-8d43-87fd96c8afec.png](#)
[LinkedInIcon_8e0cea1f-d234-405f-8a61-4afe010bf11b.png](#)
[TwitterIcon_ff6acde5-6940-4a01-92b6-0ef9db8c446d.png](#)
[WebIcon_e1c44bce-dc58-4738-94a6-8941e49d8897.png](#)
[041-010 \(1\).pdf](#)
[Harmony Veg Mgmt Plan June 2024.pdf](#)

Hi Dutch-

Thank you for your review comments. The Project also previously consulted with the North Dakota Seed Commission on the Vegetation Management Plan (summary of coordination attached from the project docket). The VMP includes seed tag compliance in Section 2.4 and we have updated that section to include a statement that if seed tags are not available, Harmony will have an analysis completed by the ND State Seed Department prior to planting (updated version is attached).

Thank you again for your time.



Melissa Schmit
Senior Director, Permitting

P 612.259.3095

952.988.9000



From: Bialke, Joseph P. <bialkej@nd.gov>
Sent: Wednesday, May 22, 2024 5:09 PM
To: Melissa Schmit <melissa@nationalgridrenewables.com>
Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>; Miller, Adam M. <admmiller@nd.gov>
Subject: RE: [External] RE: Harmony Solar Project: Vegetation Management Plan

Melissa

We've reviewed the attached documents and the below emails.

We recommend, to help verify noxious weed seed compliance, the Vegetation Management Plan include the maintenance of seed labels and certificates of analysis from the seed certification agency in the state from which the seed was obtained or, if no labels are available, to request an analysis by

the North Dakota State Seed Department prior to planting.

Other than that, it looks good.

Please let us know if we may further assist.

All the best,

Dutch

J.P. “Dutch” Bialke

General Counsel/Senior Policy Advisor

Special Assistant Attorney General

ND Department of Agriculture

600 E. Boulevard Ave., Dept. 602 | Bismarck, ND 58505-0020

P: 701.328.1496 | F: 701.328.4567

bialkej@nd.gov

www.nd.gov/ndda



From: Bialke, Joseph P.

Sent: Wednesday, May 22, 2024 11:06 AM

To: Melissa Schmit <melissa@nationalgridrenewables.com>; Miller, Adam M. <admmiller@nd.gov>

Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>

Subject: RE: [External] RE: Harmony Solar Project: Vegetation Management Plan

Melissa

Thank your for your email. I'll provide the below information to our Plant Industries division for their review.

In the interim, if there is anything else we can do to assist, please don't hesitate to contact me.

All the best,

Dutch

J.P. “Dutch” Bialke

General Counsel/Senior Policy Advisor
Special Assistant Attorney General
ND Department of Agriculture
600 E. Boulevard Ave., Dept. 602 | Bismarck, ND 58505-0020
P: 701.328.1496 | F: 701.328.4567
bialkej@nd.gov
www.nd.gov/ndda



From: Melissa Schmit <melissa@nationalgridrenewables.com>
Sent: Tuesday, April 30, 2024 3:39 PM
To: Bialke, Joseph P. <bialkej@nd.gov>; Miller, Adam M. <admmiller@nd.gov>
Cc: Alia Mohammad <amohammad@nationalgridrenewables.com>
Subject: RE: [External] RE: Harmony Solar Project: Vegetation Management Plan

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello Joseph and Adam,

I am following up on the email below Shaun Quissell sent your way in March regarding Harmony Solar. I am looking for a review of our Vegetation Management Plan (VMP) that was reviewed by Shaun during our PSC permitting process. Our project VMP was updated based on Shaun's review and comments and as we prepare a recertification request for PSC we wanted to make sure your department has the opportunity to review and provide any additional comments.

Happy to have a call if easier for your schedule. Thanks in advance for your time and review.



Melissa Schmit
Senior Director, Permitting
P 612.259.3095

952.988.9000



From: Quissell, Shaun R. <squissell@nd.gov>
Sent: Monday, March 18, 2024 11:56 AM

To: Melissa Schmit <melissa@nationalgridrenewables.com>

Subject: [External] RE: Harmony Solar Project: Vegetation Management Plan

Melissa,

I have forwarded the information on to Joesph Bialke and Adam Miller for their review.

Thanks,

Shaun Quissell

Director

Grain and Livestock Licensing Division

North Dakota Dept. of Agriculture

Office: 701-328-4761

<http://www.nd.gov/ndda>



From: Melissa Schmit <melissa@nationalgridrenewables.com>

Sent: Monday, March 18, 2024 11:51 AM

To: Quissell, Shaun R. <squissell@nd.gov>

Cc: Goehring, Doug C. <goehring@nd.gov>; Alia Mohammad <amohammad@nationalgridrenewables.com>

Subject: RE: Harmony Solar Project: Vegetation Management Plan

Some people who received this message don't often get email from melissa@nationalgridrenewables.com. [Learn why this is important](#)

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Hi Shaun-

I am reaching out on behalf of Harmony Solar. Harmony previously submitted an Application for a Certificate of Site Compatibility ("CSC") to the North Dakota Public Service Commission ("PSC") for a 200 megawatt solar energy conversion facility (the Project). CSC No. 58 was issued to Harmony for the construction, operation and maintenance of the solar facility on February 26, 2019 (PSC Case No. PU-18 219).

Harmony plans to seek a Certification Continuing Suitability from the PSC in 2024. The Project area has not changed since your prior review and coordination on the Project's Vegetation Management

Plan (VMP) (see email chain below with our project counsel, Mollie Smith and attached exhibit that was filed with the PSC that contains the updated VMP). I am also copying Doug Goehrin from the most recent PSC service list, but wanted to reach back out to you as well, given our prior coordination.

The purpose of my outreach is to provide an update on the proposed Project, and seek your updated input, if any on the Vegetation Management Plan. Any comments provided will be incorporated into the PSC's review process.

Project facilities will include photovoltaic solar modules (panels) and racking, inverters, security fencing, laydown areas, a substation, an operations and maintenance facility, one-site underground electrical collection lines, at least two weather stations (up to 20 feet tall), access roads as required, and associated facilities. Harmony will interconnect to the Xcel Energy Bison Substation located in Section 11 of Township 140 N, Range 51 W via a 345 kV transmission line. The transmission line route will be under one mile in length and therefore will not be reviewed by the PSC. In addition to the post hearing coordination and updated VMP, I have also attached a project location map. Please let me know if you have any additional questions or if I should be directing this review to someone else in your department.

Thank you,



952.988.9000



Melissa Schmit

Senior Director, Permitting

P 612.259.3095

E melissa@nationalgridrenewables.com

8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437

From: Smith, Mollie <msmith@fredlaw.com>
Sent: Monday, November 26, 2018 6:00 PM
To: Quissell, Shaun R. <squissell@nd.gov>
Cc: Melissa Schmit <melissa@nationalgridrenewables.com>
Subject: RE: Harmony Solar Project: Vegetation Management Plan

Shaun:

Thank you for the feedback regarding the Vegetation Management Plan. Harmony plans to revise the Plan to address the comments noted in your e-mail.

Thanks.

Mollie



Mollie M. Smith
Attorney

msmith@fredlaw.com

Direct - 612-492-7270
Fax - 612-492-7077
Main - 612-492-7000

Fredrikson & Byron, P.A.
200 South 6th Street
Suite 4000
Minneapolis, MN 55402

[Biography](#) | [Download My Contact Info as V-Card](#)
WWW.FREDLAW.COM

From: Quissell, Shaun R. [<mailto:squissell@nd.gov>]
Sent: Monday, November 26, 2018 11:16 AM
To: Smith, Mollie
Cc: Melissa Schmit (Melissa@geronimoenergy.com)
Subject: RE: Harmony Solar Project: Vegetation Management Plan

Mollie,

Commissioner was able to review the materials and has a couple comments.

On page 6 item 2.7 Management during Establishment, he recommends that you add the county specific noxious weed listings of invasive or weeds of concerns to the list. Also as the state list does change maybe including some language to add to your management plan to monitor the listing.

On the seed listing, he was pleased with the species you have included. One species to pay attention to is Black eyed Susan, this species seed looks extremely close to Palmer Amaranth, the species that we are worried about spreading in North Dakota. This is the reasoning behind asking seed to be sourced from North Dakota companies.

Thank you for your patience while we review the management plan. If you need anything additional please let me know.

Shaun Quissell

Director

Government Affairs Division

North Dakota Dept. of Agriculture

Office: 701-328-4761

<http://www.nd.gov/ndda>



From: Smith, Mollie <msmith@fredlaw.com>
Sent: Monday, November 05, 2018 4:48 PM
To: Quissell, Shaun R. <squissell@nd.gov>
Cc: Melissa Schmit (Melissa@geronimoenergy.com) <Melissa@geronimoenergy.com>
Subject: Harmony Solar Project: Vegetation Management Plan

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Shaun:

It was nice to meet you last Thursday at the North Dakota Public Service Commission's public hearing on the Harmony Solar Project. Attached for your Department's review is a copy of the Vegetation Management Plan for the Project, which includes proposed seed mixes. If you have questions or comments regarding the Plan, please feel free to contact Melissa Schmit with Geronimo Energy directly. Melissa is copied here, and her direct phone number is 612-259-3095.

You indicated during your testimony that you could provide a list of North Dakota-licensed seed dealers that includes native prairie restoration seed suppliers. Could you please e-mail to me the list you referenced?

We look forward to further discussions with your Department. If you have any questions, please do not hesitate to contact me.

Thank you.

Mollie

STAFF BIOGRAPHIES | PRACTICE AREAS | CONTACT US

Fredrikson
& BYRON, P.A.

Mollie M. Smith
Attorney

msmith@fredlaw.com

Direct - 612-492-7270
Fax - 612-492-7077
Main - 612-492-7000

Fredrikson & Byron, P.A.
200 South 6th Street
Suite 4000
Minneapolis, MN 55402



March 14, 2024

Robert Wilson
Cass County Courthouse
211 9th St. S.
Fargo, ND 58103

RE: Requested Comments on Harmony Solar in Cass County, North Dakota
PSC Case No. PU-18-219

Dear Robert Wilson:

Harmony Solar ND, LLC (“Harmony”), a wholly owned subsidiary of National Grid Renewables Development, LLC (“National Grid Renewables”) is gathering information and requesting agency comments for a proposed utility scale solar energy project in Cass County, North Dakota (see enclosed map).

Harmony previously submitted an Application for a Certificate of Site Compatibility (“CSC”) to the North Dakota Public Service Commission (“PSC”) for a 200 megawatt solar energy conversion facility (the Project). CSC No. 58 was issued to Harmony for the construction, operation and maintenance of the solar facility on February 26, 2019 (PSC Case No. PU-18 219). Cass County provided the enclosed letter of support dated November 6, 2017. Please note the project boundary and planned project facilities have not changed since your county’s review in 2017.

Harmony plans to seek a Certification Continuing Suitability from the PSC in 2024. The purpose of this letter is to provide an update on the proposed Project, seek your updated input regarding any permits and approvals that may be required, and identify interests your organization may have in the Project site or associated study area. Any written agency comments provided in response to this letter will be incorporated into the PSC’s review process.

Project facilities will include photovoltaic solar modules (panels) and racking, inverters, security fencing, laydown areas, a substation, an operations and maintenance facility, one-site underground electrical collection lines, at least two weather stations (up to 20 feet tall), access roads as required, and associated facilities. Harmony will interconnect to the Xcel Energy Bison Substation located in Section 11 of Township 140 N, Range 51 W via a 345 kV transmission line. The transmission line route will be under one mile in length and therefore will not be reviewed by the PSC.

Table 1 provides the sections of land Harmony is evaluated for siting the solar energy project.

Table 1: Sections within the Harmony Project Boundary

State	County	Civil Township	Township	Range	Sections
ND	Cass	Harmony	140N	51W	10, 11, 16



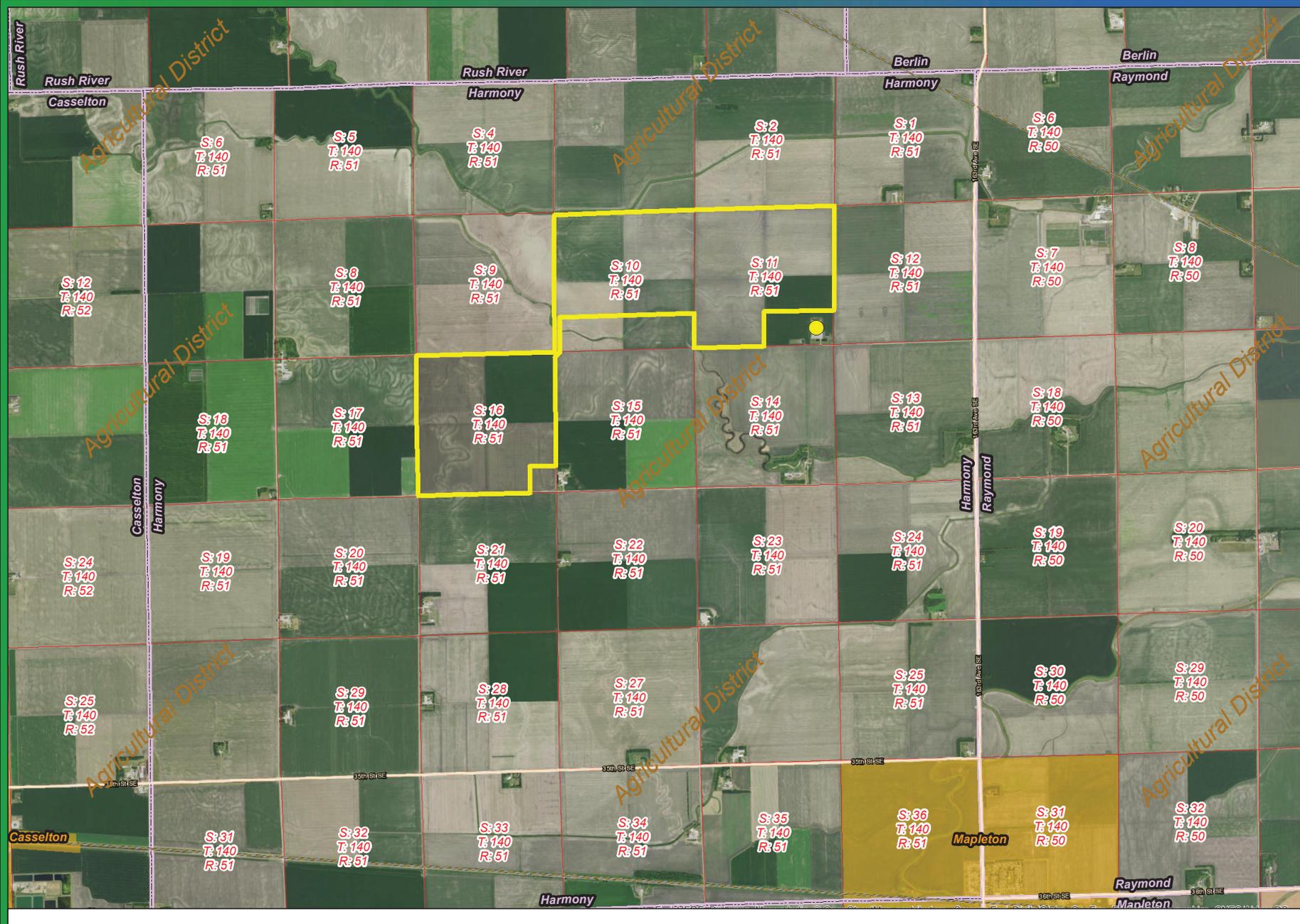
If you require further information or have questions regarding this matter, please contact me at 952-988-9000 or at melissa@nationalgridrenewables.com.

Sincerely,

A handwritten signature in black ink that reads "Melissa Schmit".

Melissa Schmit
Senior Director, Permitting

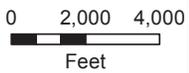
Enclosure:
Harmony Location Map
Cass County Correspondence



Harmony Solar

-  Bison Substation
-  Harmony Solar Project Area
-  Townships
-  Sections
-  Municipality

46.941875, -97.105109





Board of County Commissioners

Chad M. Peterson
Fargo, North Dakota

Rick Steen
Fargo, North Dakota

Vern Bennett
Fargo, North Dakota

Arland H. Rasmussen
West Fargo, North Dakota

Mary Scherling
Stanley Township, North Dakota

November 6, 2017

North Dakota Public Service Commission
600 East Boulevard Avenue – Dept. 408
Bismarck, ND 58505-0480

Re: Letter of Support for Harmony Solar Project in Cass County

Dear Public Service Commissioners:

The Cass County Commission is aware of and fully supports a permit application that Geronimo Energy plans to submit to the Public Service Commission for the Harmony Solar Project located in Harmony Township. Geronimo Energy has requested this letter of support, and Cass County offers its full support and endorsement of this important economic development opportunity.

Economic development of our rural communities and the responsible, well-planned growth of our tax base is of vital importance to Cass County and our local government partners. According to Geronimo Energy, the construction investment will be approximately \$294 Million. Roughly \$20 Million in local spending will occur during construction.

Once completed, twelve full-time equivalent positions will be needed to operate the project. The following taxing authorities will receive ongoing revenue that is expected to total \$500,000 annually: Central Cass and Mapleton School Districts, Cass County and Harmony Township.

The Cass County Commission supports rural economic development and encourages the North Dakota Public Service Commission to consider the significant impact this project will have on rural Cass County.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Peterson", written over a circular scribble.

Chad Peterson, Chairman
Cass County Commission

Heather Worden
Commission Assistant

PO Box 2806
211 Ninth Street South
Fargo, North Dakota 58108

701-241-5609
Fax 701-241-5728
www.casscountynd.gov

Harmony Township

From: Tom Roden <tomroden@gmail.com>

Sent: Wednesday, July 17, 2024 9:43:58 AM

To: Jay L. Hesse <jay@nationalgridrenewables.com>

Subject: [External] Re: Harmony Solar ND, LLC – Seeking Support for Certification Continuing Sustainability 2024

Hello Jay.

The CUP from Harmony Township is still active.

Tom Roden
Harmony Township Chair

On Wed, Jul 10, 2024 at 7:47 AM Jay L. Hesse <jay@nationalgridrenewables.com> wrote:

Tom,

Harmony Solar is going through the process to recertify the ND PSC permit. As a part of this process we are looking to get updated communication from stakeholders that previously provided input/support on the initial application process. We received a letter of support from Harmony Township back on April 2nd, 2018 (attached) and we'd like to request your confirmation from you that the Harmony Township CUP is still active and there are no known changes of the township's support for the project. If you could kindly respond to this email, it would be greatly appreciated.

You can also give me a call if you have questions. I have outlined the project details below:

- Harmony Solar, a wholly owned subsidiary of National Grid Renewables Development, LLC, formerly known as Geronimo
- Harmony previously submitted an Application for a Certificate of Site Compatibility (“CSC”) to the North Dakota Public Service Commission (“PSC”) for a 200 megawatt solar energy conversion facility (the Project). CSC No. 58 was issued to Harmony for the construction, operation, and maintenance of the solar facility on February 26, 2019 (PSC Case No. PU-18 219).
- Harmony plans to seek a Certification Continuing Suitability from the PSC in 2024. The Project area has not changed since Harmony Township’s review in 2018.
- Project facilities will include photovoltaic solar modules (panels) and racking, inverters, security fencing, laydown areas, a substation, an operations and maintenance facility, one-site underground electrical collection lines, at least two weather stations (up to 20 feet tall), access roads as required, and associated facilities. Harmony will interconnect to the Xcel Energy Bison Substation located in Section 11 of Township 140 N, Range 51 W via a 345 kV transmission line. The transmission line route will be under one mile in length and therefore will not be reviewed by the PSC.
- A project location map is attached.

If you have any questions, please don’t hesitate to reach out.

Thank you,



Jay L. Hesse
Senior Director, Development

952.988.9000



P 952.358.5662
M 701.809.8431
E jay@nationalgridrenewables.com

Rush River Water Resource District

From: [Kurt Lysne](#)
To: [Melissa Schmit](#); [Sean M. Fredricks](#); [wahejl@aol.com](#); [Hinkemeyer, Melissa](#)
Cc: [Alia Mohammad](#); [Jay L. Hesse](#); [Kip Krueger](#); [Alexa Ducioame](#)
Subject: RE: [External] RE: Harmony Solar Update
Date: Monday, May 20, 2024 9:56:21 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[RE - Harmony Solar - Rush River Water Resource District Coordination.pdf](#)
[Harmony Solar Project Map.pdf](#)

You don't often get email from kurt.lysne@mooreengineeringinc.com. [Learn why this is important](#)

Hi Melissa,

Thanks for reaching out. I do not have any new information to share beyond the attached correspondence from 2017. If the project is finalized as shown on the attached map, the project owner will need a Utility Permit from the Rush River Water Resource District for crossing in the SW ¼ Section 10, and any work withing the Rush River WRD easement in the SE ¼ Section 10 or SW ¼ Section 11. A copy of the latest permit application can be found here:

<https://www.casscountynd.gov/home/showpublisheddocument/8184/638505950644830000>.

Please reach out to me as you're finalizing your plans and I'd be happy to review and answer any questions.

Thanks,
Kurt

Kurt Lysne, PE*, CFM

Market Leader / Senior Engineer
moore engineering, inc.

*Licensed in ND & MN

Phone 701.282.4692 | Fax 701.282.4530
Direct 701.499.5856 | Cell 218.205.3324
925 10th Ave E, Suite 1, West Fargo, ND 58078
kurt.lysne@mooreengineeringinc.com | www.mooreengineeringinc.com

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From: Melissa Schmit <melissa@nationalgridrenewables.com>

Sent: Tuesday, May 7, 2024 3:19 PM

To: Sean M. Fredricks <SFredricks@OhnstadLaw.com>; wahejl@aol.com; Hinkemeyer, Melissa <hinkemeyerm@casscountynd.gov>

Cc: Kurt Lysne <kurt.lysne@mooreengineeringinc.com>; Alia Mohammad <amohammad@nationalgridrenewables.com>; Jay L. Hesse <jay@nationalgridrenewables.com>; Kip rueger <kkruieger@nationalgridrenewables.com>

Subject: RE: [External] RE: Harmony Solar Update

Thanks Sean and Bill.

Kurt- I have attached the most recent coordination with Mike Opat as well as a location map of the Harmony Solar Project for your reference. Design has not been finalized, however the easements previously provided have been incorporated into our preliminary design. We expect the project will need to cross under one easement with a collection line and would coordinate with Rush River on that authorization prior to construction. Any new information beyond what is attached that we should be aware of is appreciated. Please let me know if you have any questions and thank you for your time and feedback.

Thanks,



Melissa Schmit
Senior Director, Permitting

P 612.259.3095

952.988.9000



From: Sean M. Fredricks <SFredricks@OhnstadLaw.com>

Sent: Tuesday, May 7, 2024 2:48 PM

To: wahejl@aol.com; Melissa Schmit <melissa@nationalgridrenewables.com>; Melissa Hinkemeyer <hinkemeyerm@casscountynynd.gov>

Cc: Kurt Lysne <kurt.lysne@mooreengineeringinc.com>

Subject: [External] RE: Harmony Solar Update

You don't often get email from sfredricks@ohnstadlaw.com. [Learn why this is important](#)

Greetings, Melissa. Kurt Lysne is the Board's engineer; I am copying Kurt.

I cannot recall if we had Utility Permits for you but we can review.

Regards,

Sean M. Fredricks

Attorney at Law

OHNSTAD TWICHELL, P.C.

444 Sheyenne Street, Suite 102

P.O. Box 458

West Fargo, North Dakota 58078-0458

Tel. (701) 282-3249

Fax (701) 282-0825

sfredricks@ohnstadlaw.com

www.ohnstadlaw.com



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From: wahejl@aol.com <wahejl@aol.com>

Sent: Tuesday, May 7, 2024 1:46 PM

To: Melissa Schmit <melissa@nationalgridrenewables.com>; Melissa Hinkemeyer <hinkemeyerm@casscountynod.gov>; Sean M. Fredricks <SFredricks@OhnstadLaw.com>

Subject: Re: Harmony Solar Update

Hello,

We contract engineering services with both Moore engineering and Houston Engineering now.

Our legal counsel, Sean Fredricks will direct you to the appropriate person and entity.

On Tuesday, May 7, 2024 at 01:42:47 PM CDT, Melissa Schmit <melissa@nationalgridrenewables.com> wrote:

Hi Bill-

It has been a while since we last spoke – I hope all is well. Since our last correspondence, Geronimo Energy was acquired by National Grid – but we are the same people doing the same work as National Grid Renewables.

I am reaching out regarding Harmony Solar (200 MW solar facility in Harmony Township). We coordinated with you and Mike Opat back in 2017 on the Rush River WRD easements and potential permits. Harmony Solar received its state permit from the ND PSC in 2019 and will be seeking recertification later this year. I was planning to reach out to Mike to refresh our coordination and make sure the information we exchanged several years back remains accurate. Before I reach out to Mike, I wanted to make sure he is still the correct engineering point of contact for the Rush River WRD.

Thanks,



952.988.9000



Melissa Schmit

Senior Director, Permitting

P 612.259.3095

E melissa@nationalgridrenewables.com

8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

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From: Mike Opat
To: [Melissa Schmit](#)
Subject: RE: Harmony Solar - Rush River Water Resource District Coordination
Date: Tuesday, February 14, 2017 2:54:51 PM
Attachments: [image001.png](#)
[8 Bk X-4 Pg 15 - WRD ROW Drawing.pdf](#)
[8 Bk X-4 Pg 15 - WRD ROW Drawing .notes.pdf](#)

Melissa,

The attached PDF includes a few scanned pieces of the overall Lower Rush River (a.k.a. Cass County Drain #2) right of way map on file at the courthouse. This is all we have on file here in our office and I don't believe the water resource district office has anything else on file. I also attached another version with some notes indicating what we believe the section numbers and quarter-quarters. I would recommend obtaining the actual right of way documents from the county recorder's office to official verify the right of widths and locations. The Book and Page information is included in the file name and that should help with the search.

Let me know if you have any questions.

Michael M. Opat, PE, CFM

Senior Project Manager

moore engineering, inc.

Phone 701.282.4692 | Fax 701.282.4530

Direct 701.499.5867 | Cell 507.251.7847

925 10th Ave E, West Fargo, ND 58078

mopat@mooreengineeringinc.com | www.mooreengineeringinc.com

From: Melissa Schmit [<mailto:melissa@geronimoenergy.com>]

Sent: Tuesday, February 7, 2017 11:09 AM

To: Mike Opat

Cc: (Lewisc@casscountynd.gov); Sean Fredricks (sfredricks@ohnstadlaw.com); Bill Hejl (WAHEJL@aol.com)

Subject: RE: Harmony Solar - Rush River Water Resource District Coordination

Hi Michael,

Thank you for the information pertaining to potential approvals required for the Harmony Solar Project. At this point we have a preliminary design and specific impacts are unknown. I will keep you updated as development continues and will be in touch once the array design is further along to determine what permits will be required. In the meantime, please let me know if I can provide you with information or answer questions the Rush River Water Resource District may have on the Project.

Thank you,

Melissa Schmit

Senior Permitting Specialist

7650 Edinborough Way, Suite 725
Edina, MN 55435
Main: 952.988.9000
Direct: 612.259.3095
Cell: 952.237.3656

[Geronimo Energy](#)



From: Mike Opat [<mailto:MOpat@mooreengineeringinc.com>]
Sent: Friday, January 27, 2017 1:59 PM
To: Melissa Schmit
Cc: (Lewisc@casscountynnd.gov); Sean Fredricks (sfredricks@ohnstadlaw.com); Bill Hejl (WAHEJL@aol.com)
Subject: Harmony Solar - Rush River Water Resource District Coordination

Melissa,

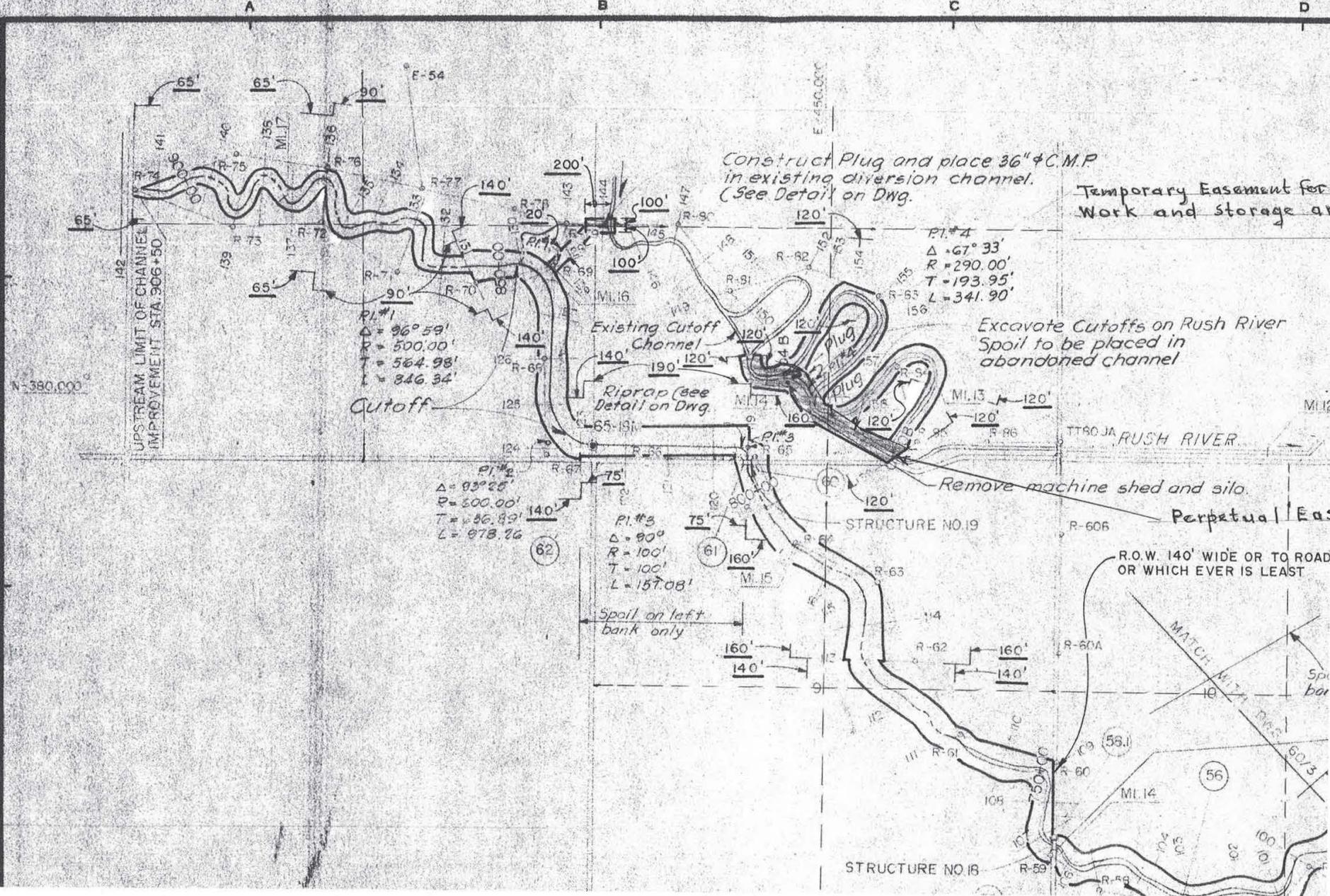
I serve as the engineer for the Rush River Water Resource District and Chairman Hejl passed along your correspondence pertaining to the Harmony Solar project and potential permits that may be required from the Rush River WRD. Without seeing a detailed plan of what you are planning to construct it is tough for us to say what you will need for permits. At this point we can tell you that you'll need a surface drainage permit if you construct any new drains or ditches with a contributing watershed area of 80 acres or more. Improvements (i.e. deepening or widening) of any existing drains may also require a permit. Likewise, subsurface drainage (i.e. tile) facets of your project could require a permit as well. You may also need a Utility Permit from the WRD if you add any inlets into the Rush or Lower Rush Rivers. Construction permits may be required from the Office of the State Engineer if dams, dikes or levees are constructed and they meet certain size thresholds.

Please feel free to contact me with any questions. Thank you.

Michael M. Opat, PE, CFM
Senior Project Manager
moore engineering, inc.

Phone 701.282.4692 | Fax 701.282.4530
Direct 701.499.5867 | Cell 507.251.7847
925 10th Ave E, West Fargo, ND 58078
mopat@mooreengineeringinc.com | www.mooreengineeringinc.com

CORPS OF ENGINEERS



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Temporary Easement for
work and storage areas.



Staffs on Rush River
placed in
channel

MI 12

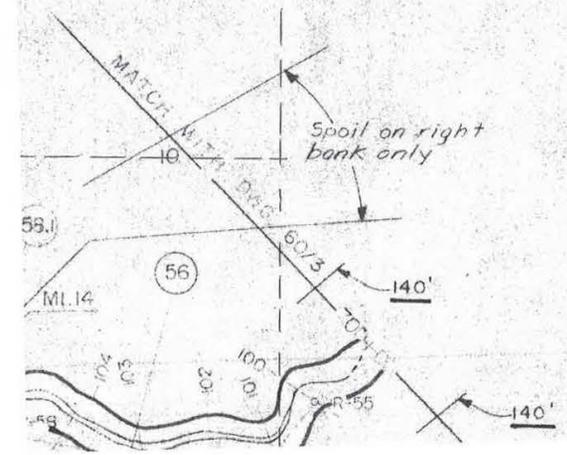
RUSH RIVER

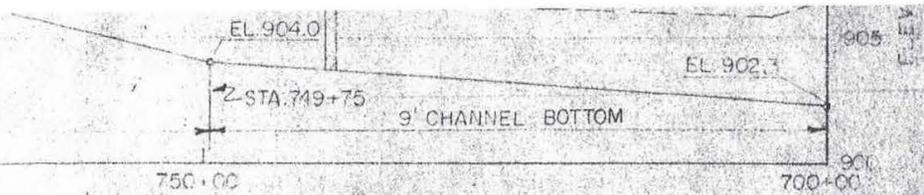
shed and silo.

Perpetual Easement

R.O.W. 140' WIDE OR TO ROAD
OR WHICH EVER IS LEAST

Spoil on right
bank only





5' CHANNEL BOTTOM

800+00

750+00

700+00

PROFILE

ALONG C. OF CHANNEL IMPROVEMENT
LOWER BRANCH

CUTOFF & TRAVERSE-MAIN STEM

STATION	AZIMUTH	DISTANCE	COORDINATES	
			N	E
0+00B	54°34'	269.42	379,490.74	451,049.02
	BEGINNING		379,334.54	450,829.50
	118°27'	990.00		
9+90.00	END		379,806.17	449,959.06
FOLLOWS NATURAL CHANNEL FOR 90.0'				
0+80.00	BEGINNING		379,862.50	449,894.96
	150°03'	252.46		
3+32.46			380,081.25	449,768.95
	150°03'	193.95		
			380,249.30	449,672.13
	82°30'	193.95		
6+74.36B	END		380,223.98	449,479.84
	15°16'	931.76		
			379,325.19	449,234.50

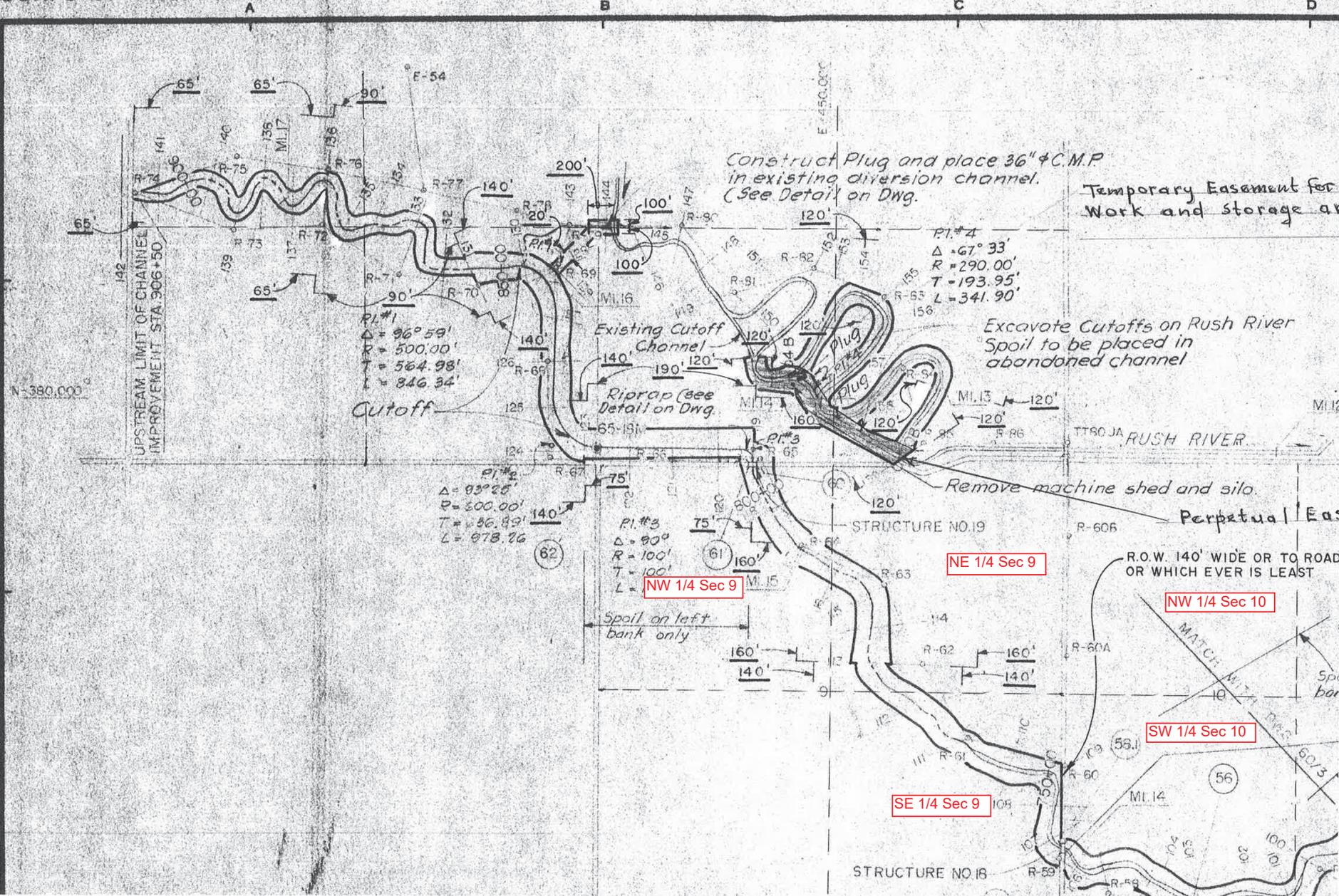


SYMBOL	DESCRIPTION	DATE	APPROVAL
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CHECKED BY:			
SUBMITTED BY:			
CHIEF F.M.S.S. BRANCH			
APPROVED:	DATE: SEPT. 1971		
CHIEF ENGR. DIVISION		SCALE: AS SHOWN	SPEC. NO.
REAL ESTATE REQUIREMENTS		DRAWING NUMBER R23c-N-11/3	
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CORPS OF ENGINEERS



UPSTREAM LIMIT OF CHANNEL IMPROVEMENT STA. 906+50

N=380,000

Construct Plug and place 36" C.M.P. in existing diversion channel. (See Detail on Dwg.)

Temporary Easement for Work and Storage ar

PI.#4
 $\Delta = 67^{\circ} 33'$
 $R = 290.00'$
 $T = 193.95'$
 $L = 341.90'$

Excavate Cutoffs on Rush River Spoil to be placed in abandoned channel

Existing Cutoff Channel
Riprap (see Detail on Dwg.)

Remove machine shed and silo.

Perpetual Eas

Cutoff

PI.#1
 $\Delta = 96^{\circ} 59'$
 $R = 500.00'$
 $T = 564.98'$
 $L = 846.34'$

PI.#2
 $\Delta = 83^{\circ} 25'$
 $R = 500.00'$
 $T = 56.89'$
 $L = 978.26'$

PI.#3
 $\Delta = 90^{\circ}$
 $R = 100'$
 $T = 100'$
 $L =$

NE 1/4 Sec 9

NW 1/4 Sec 9

NW 1/4 Sec 10

SW 1/4 Sec 10

SE 1/4 Sec 9

R.O.W. 140' WIDE OR TO ROAD OR WHICH EVER IS LEAST

MATCH WITH DWG. 5013

STRUCTURE NO. 18

STRUCTURE NO. 19

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Temporary Easement for
work and storage areas.



Staffs on Rush River
placed in
channel

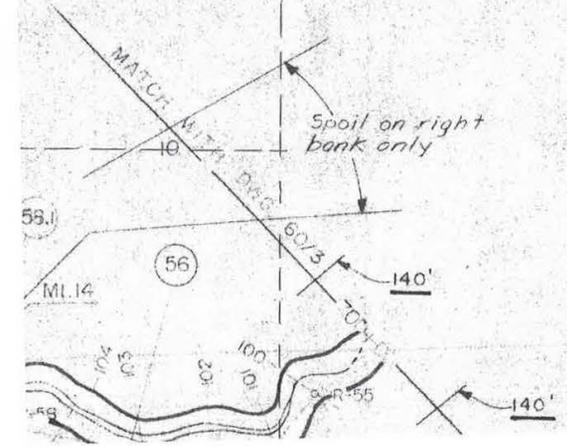
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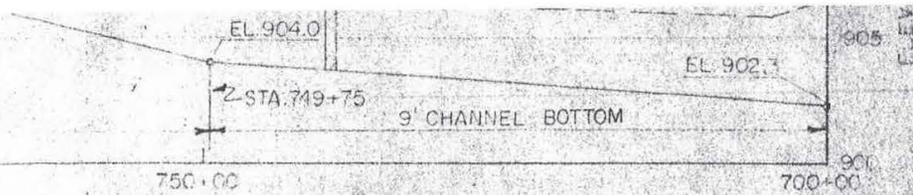
RUSH RIVER

shed and silo.

Perpetual Easement

R.O.W. 140' WIDE OR TO ROAD
OR WHICH EVER IS LEAST





PROFILE

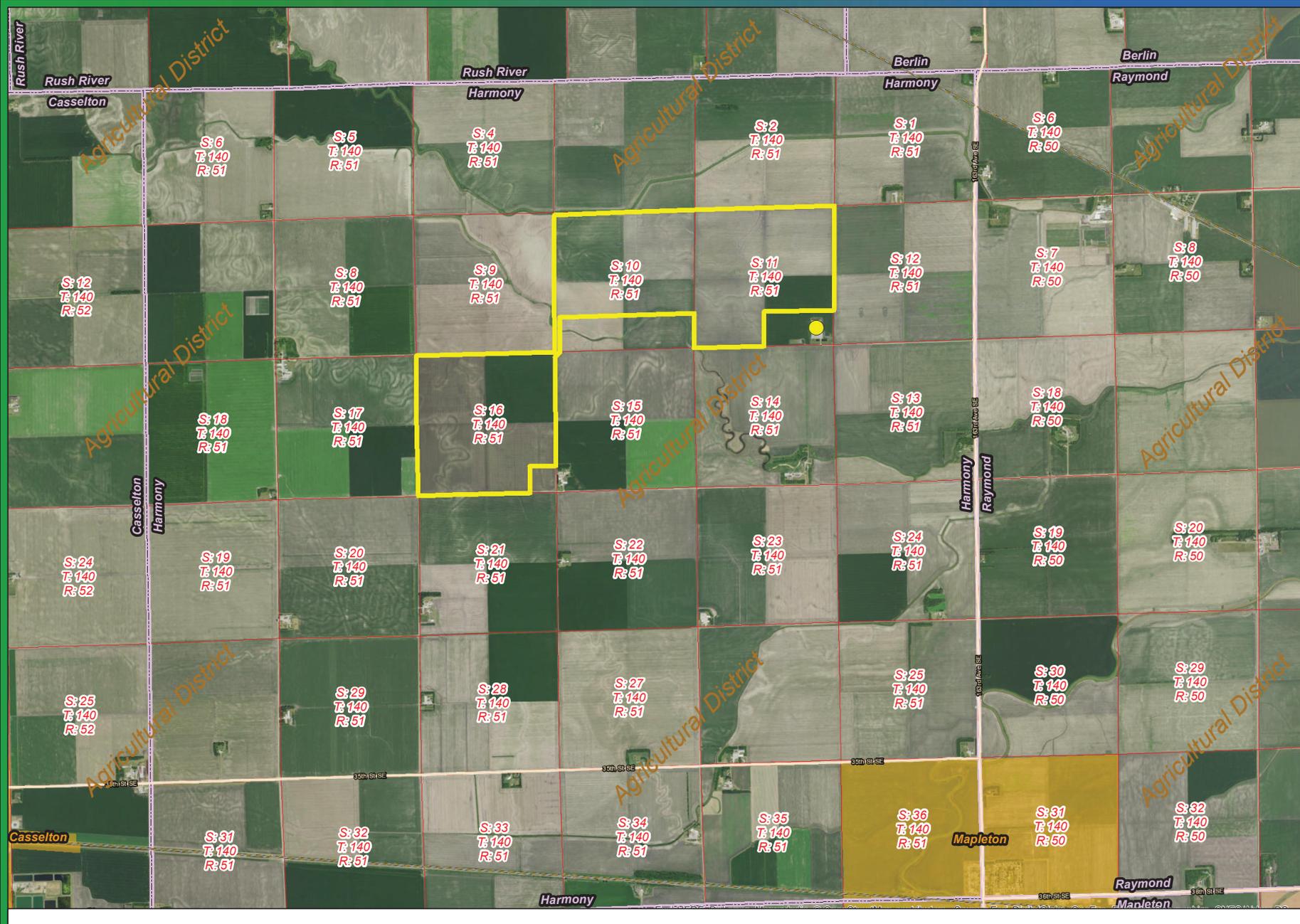
ALONG C. OF CHANNEL IMPROVEMENT
LOWER BRANCH

CUTOFF & TRAVERSE-MAIN STEM

STATION	AZIMUTH	DISTANCE	COORDINATES	
			N	E
0+00B	54°34'	269.42	379,490.74	451,049.02
	BEGINNING		379,334.54	450,829.50
	118°27'	990.00		
9+90.00	END		379,806.17	449,959.06
FOLLOWS NATURAL CHANNEL FOR 90.0'				
0+80.00	BEGINNING		379,862.50	449,894.96
	150°03'	252.46		
3+32.46			380,081.25	449,768.95
	150°03'	193.95		
			380,249.30	449,672.13
	82°30'	193.95		
6+74.36B	END		380,223.98	449,479.84
	15°16'	931.76		
			379,325.19	449,234.50



SYMBOL	DESCRIPTION	DATE	APPROVAL
U. S. ARMY ENGINEER DISTRICT, ST. PAUL CORPS OF ENGINEERS ST. PAUL, MINNESOTA			
DESIGNED BY:	FLOOD CONTROL LOWER BRANCH RUSH RIVER, NORTH DAKOTA CHANNEL IMPROVEMENT LOWER BRANCH ALIGNMENT & PROFILE STA. 700+00 TO STA. 906+50		
DRAWN BY: A.P.			
CHECKED BY:			
SUBMITTED BY:			
CHIEF F.M. 55 BRANCH			
APPROVED:	DATE: SEPT. 1971		
CHIEF ENGR. DIVISION		SCALE: AS SHOWN	SPEC. NO.
REAL ESTATE REQUIREMENTS		DRAWING NUMBER R23c-N-11/3	
		SHEET OF	



Harmony Solar

-  Bison Substation
-  Harmony Solar Project Area
-  Townships
-  Sections
-  Municipality

46.941875, -97.105109

