

Casey A. Furey  
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December 4, 2018

*Via Hand Delivery and E-mail*

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

*E-mail: ndpsc@nd.gov*

**In re: Emmons-Logan Wind, LLC  
Emmons-Logan Wind Energy Center  
PU-18-280 and PU-18-281  
Our File No. 035218-000046**

Dear Mr. Nitschke:

Enclosed for filing in the above-referenced matter, please find an original and ten copies of the following:

- Updated Agency Correspondence Table;
- North Dakota Game and Fish Agency Correspondence – 11-28-18 – 11-30-18; and
- North Dakota Game and Fish Agency Correspondence – 10-24-18 – 11-02-18.

Sincerely,

**CROWLEY FLECK PLLP**

  
Casey A. Furey

CAF  
Enc.

cc: Zachary E. Pelham (via email)  
Jerry Lein (via email)

**32** **PU-18-281** Filed: 12/4/2018 Pages: 6  
**Updated agency correspondence table, ND Game and Fish correspondence**

Emmons-Logan Wind, LLC  
Casey Furey, Crowley Fleck, PLLP

**45** **PU-18-280** Filed: 12/4/2018 Pages: 6  
**Updated agency correspondence table, ND Game and Fish correspondence**

Emmons-Logan Wind, LLC  
Casey Furey, Crowley Fleck, PLLP

**Emmons-Logan Wind Energy Center (PU-18-280) & 230 kV Transmission Line (PU-18-281)  
Updated Agency Correspondence**

Coordination Date	Agency	Coordination Type	Summary
November 3, 2017 through October 3, 2018	United States Fish and Wildlife Service (USFWS)	Email	USFWS and Emmons-Logan Wind (ELW) discussed the project layout with regards to USFWS easements on properties where infrastructure would be located. Protected wetland basins along a collection route were provided by USFWS. ELW committed to avoiding protected wetland basins.
July 19, 2018	North Dakota Game and Fish Department (NDGFD) & USFWS	Email	ELW sent wildlife agency meeting agenda and wildlife reports.
August 23, 2018	NDGFD & USFWS	Email	ELW sent geospatial files of project infrastructure per request of the agencies.
September 20, 2018	NDGFD	Email	NDGFD questioned the placement of four turbines (72, 73, 74, and 118) in potentially unbroken grassland.
September 21, 2018	NDGFD	Email	ELW updated NDGFD of the field surveys both AECOM and WEST have conducted and evidence for broken grassland for turbine 72, 73, 74, and 118.
October 5, 2018	USFWS	Letter	USFWS provided information and recommendations regarding wildlife habitats and USFWS trust resources including federally listed species, eagles, birds of conservation concern, and other migratory birds that may occur in the Project Area and vicinity. Also included guidelines and methods to be applied to various components of a wind farm including turbines, meteorological towers, and power lines in order to avoid, minimize, and/or compensate for impacts to trust resources and assist in achieving compliance with Federal laws.
October 11, 2018	NDGFD	Email	NDGFD concurred with ELW's assessment of grassland type and turbine 72, 72, 72, and 118. NDGFD requested shapefiles containing ELW's native prairie assessment.
October 22, 2018	NDGFD	Email	ELW provided grassland shapefiles.
October 22, 2018	North Dakota State Historic Preservation Office (NDSHPO)	Letter	NDSHPO concurs with a "No Significant Sites" affected determination for the "Class III Intensive Cultural Resource Survey for the Emmons-Logan 230 kV Transmission Line in Emmons County" and finds the report acceptable.
October 24, 2018	NDGFD & USFWS	Email	ELW sent draft WCS and requested comments by November 14. Mentioned a draft mitigation strategy will be available soon for review with plans to discuss via teleconference prior to the North Dakota Public Service Commission (Commission) hearing scheduled for December 7, 2018.

Emmons-Logan Wind Energy Center (PU-18-280) & 230 kV Transmission Line (PU-18-281) Updated Agency Correspondence			
Coordination Date	Agency	Coordination Type	Summary
October 29, 2018	NDGFD & USFWS	Email	ELW followed up regarding confirmation of received draft WCS.
October 29, 2018	North Geological (NDGS)	Letter	NDGS noted the Project Area to be generally free of potentially problematic landslide areas. Only a few small slumped areas, located typically along stream-meanders, were found. These and other areas of landslides maps that have been completed across the state are available on their website.
October 30, 2018	NDGFD & USFWS	Email	NDGFD confirmed receipt of WCS and noted the portion that addresses offsets and/or compensation for habitat related impacts and asked that ELW initiate discussions as soon as possible.
November 2, 2018	NDGFD & USFWS	Email	ELW discussed working towards a voluntary offset proposal and mentioned receiving recommendations from the USFWS (in a letter dated October 5, 2018) on October 19th that differ from NDGFD recommendations. ELW commented they anticipated providing a revised WCS, including a proposed offset package and would follow-up to discuss.
November 2, 2018	NDGFD	Letter	NDGFD concurs with the USFWS's recommendation for offsets.
November 28, 2018	NDGFD & USFWS	Email	NDGFD requested update on status of voluntary offset package.
November 29, 2018	NDSHPO	Letter	NDSHPO concurs with a "No Significant Sites" affected determination provided the management and avoidance recommendation are followed in the "Class III: Intensive Cultural Resource Survey for the Emmons-Logan Wind Energy Center in Emmons and Logan Counties, North Dakota" and finds the report acceptable.
November 29, 2018	NDSHPO	Letter	NDSHPO concludes that there has been a good faith effort to identify and avoid impacts to "Significant Sites" in the "PSC Emmons-Logan: A Class II Architectural Reconnaissance Survey" and finds the report acceptable.
November 30, 2018	NDGFD & USFWS	Email	ELW replied to NDGFD's November 28 email that offset options are still being evaluated, and as part of the offset evaluation, ELW would like the opportunity to receive the Commission's input at the hearing, but remains committed to continued coordination with the wildlife agencies.

**From:** Jones, Dustin <Dustin.Jones@nexteraenergy.com>  
**Sent:** Friday, November 30, 2018 4:08 PM  
**To:** Link, Greg W.  
**Cc:** Schuh, John M.; Nitschke, Darrell D.; Scott Larson; Gates, Natalie; Dyke, Steve R.; Mueller, Elisha K.  
**Subject:** RE: Logan/Emmons Project

Greg,

We are still evaluating offset options. As part of our evaluation, we would like the opportunity to receive the Commission's input at the hearing. Thus, we are unable to provide additional details prior to the hearing. We have previously provided all of our wildlife reports, all requested geospatial data, and a draft of the Wildlife Conservation Strategy that details our comprehensive approach to siting including avoidance, minimization, and restoration measures. Our PSC application also includes summaries of our baseline studies and impact characterization. We remain committed to continued coordination with the wildlife agencies and will be back in touch as soon as we can after the hearing.

Sincerely,

Dustin

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**From:** Link, Greg W. <glink@nd.gov>  
**Sent:** Wednesday, 28 November, 2018 14:26  
**To:** Jones, Dustin <Dustin.Jones@nexteraenergy.com>  
**Cc:** Schuh, John M. <jschuh@nd.gov>; Nitschke, Darrell D. <dnitschk@nd.gov>; Scott Larson <scott\_larson@fws.gov>; Gates, Natalie <natalie\_gates@fws.gov>; Dyke, Steve R. <sdylke@nd.gov>; Mueller, Elisha K. <ekmueller@nd.gov>  
**Subject:** Logan/Emmons Project

CAUTION - EXTERNAL EMAIL

Dustin,

The PSC hearing date for the proposed Logan/Emmons wind project is fast approaching. In September, your company had indicated that it would be developing a voluntary offset for the impacts to grassland and wetland habitat. Your WCS for that project also referenced potential offset development. We have yet to hear anything more about the proposal you referenced. I think everyone was in agreement that, if possible, we wanted to avoid surprises and either be on the same page, or at a minimum, be apprised of your voluntary offset proposal for the Logan/Emmons project by the end of October. Obviously, that deadline has passed and we do not have word of your proposal.

Could you please provide us a status of any offset development for this project. Thank you.

G.Link

**Greg Link**  
Chief, Conservation and Communications Division  
North Dakota Game and Fish Department  
100 N. Bismarck Expressway  
Bismarck, ND 58501  
Phone: 701-328-6331  
FAX: 701-328-6352  
[glink@nd.gov](mailto:glink@nd.gov)

*"To protect, conserve and enhance fish and wildlife  
populations and their habitats"*

## Jones, Dustin

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**From:** Mueller, Elisha K. <ekmueller@nd.gov>  
**Sent:** Friday, 2 November, 2018 14:08  
**To:** Jones, Dustin; Dyke, Steve R.; Johnson, Sandra K.; scott\_larson@fws.gov; natalie\_gates@fws.gov  
**Cc:** Link, Greg W.; Cameron, Clay; Wells, Kimberly  
**Subject:** RE: Emmons-Logan DRAFT Wildlife Conservation Strategy  
**Attachments:** Follow up Letter.pdf

Dustin,

Please see the letter attached to clear up any confusion.

Elisha

**From:** Jones, Dustin <Dustin.Jones@nexteraenergy.com>  
**Sent:** Friday, November 2, 2018 10:00 AM  
**To:** Dyke, Steve R. <sdylke@nd.gov>; Johnson, Sandra K. <sajohnson@nd.gov>; scott\_larson@fws.gov; natalie\_gates@fws.gov  
**Cc:** Link, Greg W. <glink@nd.gov>; Mueller, Elisha K. <ekmueller@nd.gov>; Cameron, Clay <Clay.Cameron@nexteraenergy.com>; Wells, Kimberly <Kimberly.Wells@nexteraenergy.com>  
**Subject:** RE: Emmons-Logan DRAFT Wildlife Conservation Strategy

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

Steve, thanks for your response. We have been working towards a voluntary offset proposal as discussed. However, we received recommendations from the USFWS on October 19th that differ from NDGFD recommendations, so that will take a little more time to incorporate. We are committed to working through the scenarios and note receiving differing recommendations with respect to offset calculation methods is challenging for an applicant with a late stage project.

We expect to provide a revised WCS, including our proposed offset package by late next week or early the follow week, then will follow-up shortly thereafter to discuss.

Dustin Jones | 737-221-1172

**From:** Dyke, Steve R. <sdylke@nd.gov>  
**Sent:** Tuesday, 30 October, 2018 12:35  
**To:** Jones, Dustin <Dustin.Jones@nexteraenergy.com>; Johnson, Sandra K. <sajohnson@nd.gov>; scott\_larson@fws.gov; natalie\_gates@fws.gov  
**Cc:** Link, Greg W. <glink@nd.gov>; Mueller, Elisha K. <ekmueller@nd.gov>  
**Subject:** RE: Emmons-Logan DRAFT Wildlife Conservation Strategy

**CAUTION - EXTERNAL EMAIL**

Dustin, yes we did receive your email. While we have not had time to review the entire document, we notice that the portion of the Draft WCS for Logan-Emmons that deals with offsets and/or compensation for habitat related impacts states the following... "to be updated based on resolution with agencies". We were of the understanding that the project sponsors were conducting internal meetings and would get back to us by Halloween (Oct. 31). As we are less

than 6 weeks away from the public meeting that has been scheduled (Dec. 7) for this project, we recommend Nextera initiate these discussions ASAP?

Also, as Dept. staff will be out of the office for considerable periods of time in Nov. & Dec. I would recommend that all correspondence on Emmons/Logan and Burke include Greg, Elisha, Sandra and myself. This will help us minimize inactivity when a particular staff member is out of the office. If you have questions, feel free to contact me.

Steve

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**From:** Jones, Dustin <[Dustin.Jones@nexteraenergy.com](mailto:Dustin.Jones@nexteraenergy.com)>  
**Sent:** Monday, October 29, 2018 6:49 PM  
**To:** Dyke, Steve R. <[sdyke@nd.gov](mailto:sdyke@nd.gov)>; Johnson, Sandra K. <[sajohnson@nd.gov](mailto:sajohnson@nd.gov)>; [scott\\_larson@fws.gov](mailto:scott_larson@fws.gov);  
[natalie\\_gates@fws.gov](mailto:natalie_gates@fws.gov)  
**Subject:** RE: Emmons-Logan DRAFT Wildlife Conservation Strategy

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Good evening, I just wanted to confirm that you received the draft WCS provided last week. Thanks.

Dustin Jones | 737-221-1172

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**From:** Jones, Dustin  
**Sent:** Wednesday, 24 October, 2018 05:01  
**To:** Steve Dyke <[sdyke@nd.gov](mailto:sdyke@nd.gov)>; Sandy Johnson <[sajohnson@nd.gov](mailto:sajohnson@nd.gov)>; [scott\\_larson@fws.gov](mailto:scott_larson@fws.gov); [natalie\\_gates@fws.gov](mailto:natalie_gates@fws.gov)  
**Cc:** Derby, Clayton <[cderby@west-inc.com](mailto:cderby@west-inc.com)>; Cameron, Clay ([Clay.Cameron@nexteraenergy.com](mailto:Clay.Cameron@nexteraenergy.com))  
<[Clay.Cameron@nexteraenergy.com](mailto:Clay.Cameron@nexteraenergy.com)>; Lindsey (Meyers) Churchill <[lindsey.meyers@aecom.com](mailto:lindsey.meyers@aecom.com)>  
**Subject:** Emmons-Logan DRAFT Wildlife Conservation Strategy

First, thank you for your time and input at our respective meetings on Aug 22 and Sept 19. Second, please find attached for your review and comment the Draft Wildlife Conservation Strategy for the Emmons-Logan Wind Energy Project. We respectfully request comments by Nov 14. A draft mitigation strategy will be available soon for review with plans to discuss via teleconference prior to the PSC hearing scheduled for Friday, December 7. We look forward to further collaboration.

Dustin Jones | Project Manager, Environmental Services, Mid Continent Region  
601 Travis, Suite 1900 | Houston, TX 77002  
O 713-951-5356 | C 737-221-1172 | [Dustin.Jones@nexteraenergy.com](mailto:Dustin.Jones@nexteraenergy.com)