

Memorandum

To	Emmons-Logan Wind, LLC	Pages	2
Subject	Emmons-Logan Wind Energy Center Addendum to the Application to the North Dakota Public Service Commission for a Certificate of Site Compatibility Summarizing Impacts to Wetlands Emmons and Logan Counties, North Dakota		
From	AECOM		
Date	November 5, 2018		

Introduction

Emmons-Logan Wind, LLC (Emmons-Logan Wind), a wholly owned, indirect subsidiary of NextEra Energy Resources, LLC, submitted an application for a Certificate of Site Compatibility to construct the Emmons-Logan Wind Energy Center (Project) in July 2018. The North Dakota Public Service Commission (Commission) has deemed the application complete and scheduled a public hearing for December 7, 2018. Due to recent requests by landowners and Emmons County, Emmons-Logan Wind is proposing to route two access roads that will result in new wetland impacts that were not disclosed in the application. This memorandum will serve as an addendum to the application and will describe the new proposed impacts and potential agency coordination, as well as permitting implications.

Wetland Impacts Discussion

In response to requests by landowners and Emmons County, Emmons-Logan Wind routed two access roads to run within existing section line county road rights-of-way (ROW). The county has yet to develop the ROW, but adjacent landowners utilize the ROW for private access, thus there are existing disturbances. The access road routes will minimize the loss and fragmentation of agricultural lands and will be located in areas that have been previously disturbed by vehicle traffic. As a result of the access road routes, the Project will permanently and temporarily impact five wetlands. Refer to **Figure 1. Impacted Wetlands Overview** and **Figure 2. Wetland Impacts Map**. The impacts are summarized in **Table 1** below.

Table 1. Wetland Impacts Summary Table

Wetland ID	Latitude	Longitude	Temporary Impacts (Acres)	Permanent Impacts (Acres)
EL-B09-WETLAND	46.384219°	-99.917008°	0.03	0.06
EL-C09-WETLAND	46.385117°	-99.914451°	0.01	0.00
EL-E01-WETLAND	46.386686°	-100.043584°	0.02	0.00
EL-E03-WETLAND	46.388748°	-100.043155°	0.08	0.06
EL-E04-WETLAND	46.393018°	-100.043311°	0.04	0.09

To minimize overall impacts to wetlands, Emmons-Logan Wind will utilize a construction easement width along the re-routed service roads that is narrower than the typical width for the Project. The majority of service roads and construction easements throughout the entirety of the Project have been routed to avoid wetlands; however, in this instance there was no reasonable alternative. The decision to route the service roads in the county easement along section lines was made at the request of landowners and Emmons County with the intent of minimizing impacts to agricultural land and to utilize areas that are already degraded due to vehicle use. Additionally, Emmons-Logan Wind is committed to minimizing construction and design impacts wherever feasible. Each of the wetlands will be flagged prior to construction so that contractors are aware of the boundaries. Sediment runoff into wetlands will be minimized and/or avoided through the use of Best Management Practices (BMPs). Areas where temporary impacts will occur will be re-graded and seeded to match the original contours and vegetation composition.

Agency Coordination and Permitting

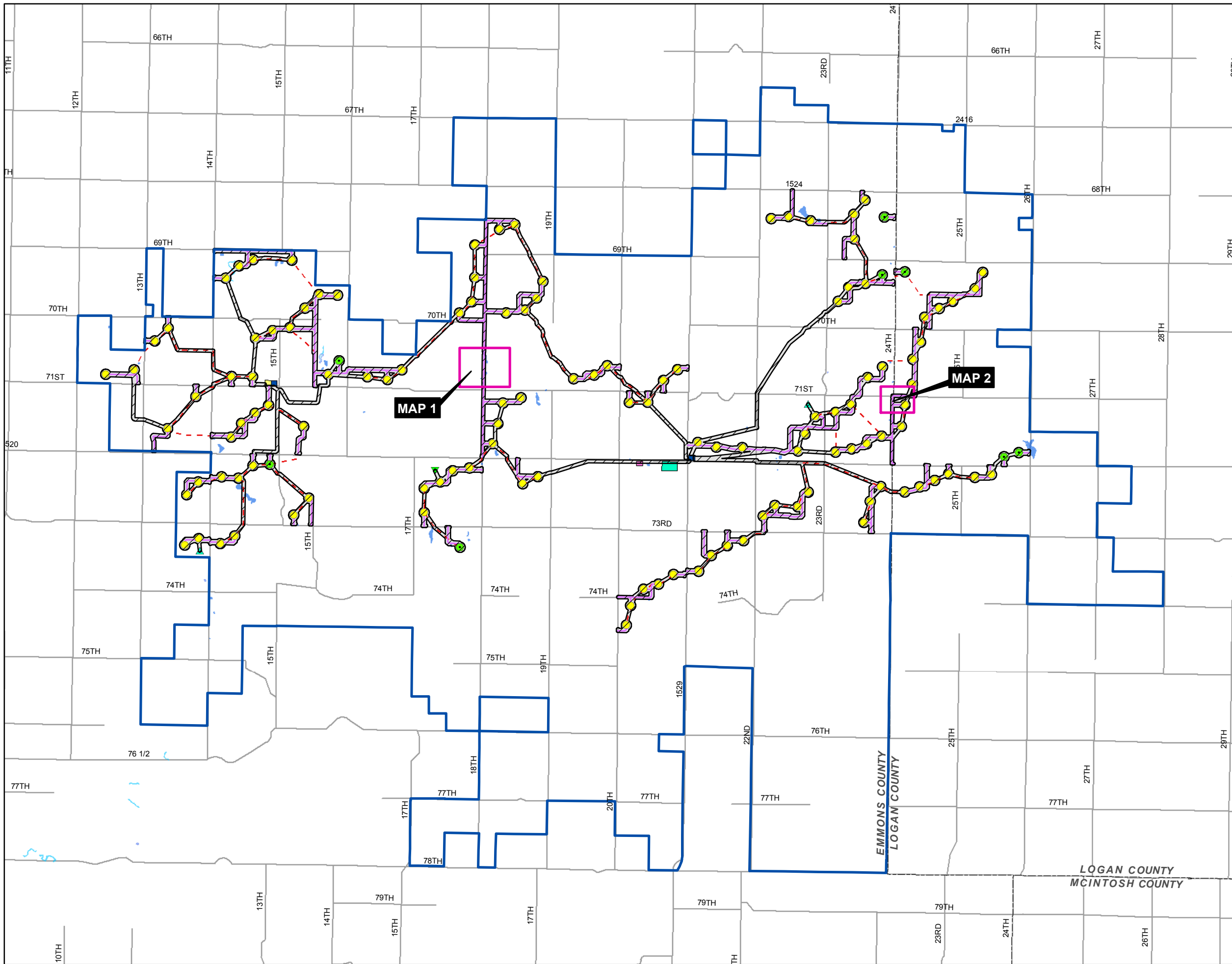
The U.S. Army Corps of Engineers (USACE) has jurisdiction of “waters of the U.S.” (WOTUS) under Section 404 of the Clean Water Act (CWA) and navigable waters under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (RHA). AECOM assessed the wetlands described herein and has determined that each of the five wetlands are likely isolated, non-jurisdictional wetlands. However, determinations regarding the jurisdiction of wetlands are ultimately made by USACE.

The USACE Nationwide Permit (NWP) 12: Utility Line Activities and 14: Linear Transportation Projects, authorize the discharge of dredged or fill material into non-tidal WOTUS given that there is not a loss of greater than one-half acre of WOTUS for any “single and complete project.” Each crossing of a wetland or waterbody at separate and distant locations is considered a “single and complete project” for purposes of NWP 12 and 14 authorization. A pre-construction authorization (PCN) is not required under NWP 12 for all permanent impacts less than 0.10 acres. Similarly, a PCN is not required for NWP 14 for all stream and pond impacts less than 0.10 acres. Since each of the five access road crossings are under 0.10 acres, a PCN is not anticipated. However, since impacts cannot be avoided for each of the five service road crossings, Emmons-Logan Wind will request a jurisdictional determination from the USACE to determine if the crossing would impact WOTUS and require a PCN if impacts are expected to exceed 0.10 acres at any crossing.

Coverage under the North Dakota Department of Health (NDDOH) National Pollution Discharge Elimination System (NPDES) general construction permit will be obtained prior to the start of construction. The NPDES permit requires a Stormwater Pollution Prevention Plan (SWPPP) that will address construction within and around surface waters, including wetlands, and will outline BMPs to prevent and minimize impacts to surface waters wherever possible.

Attachments:

- Figure 1. Impacted Wetlands Overview
- Figure 2. Wetland Impacts Map (Pages 1 and 2)



- Legend**
- County Boundary County
 - Road
- Delineated Wetlands and Other Waters**
- Pond
 - Stream
 - Wetland
- Project Features**
- Emmons-Logan Wind Energy Center Project Area
 - Met Tower
 - Alternative Met Tower
 - Turbine
 - Alternative Turbine
 - Service Road
 - Crane Path
 - Construction Easement
 - Proposed Substation
 - Proposed O&M Building
 - Proposed Batch Plant
 - Proposed Laydown Yard

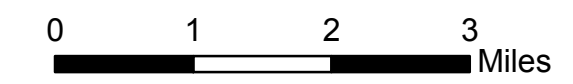
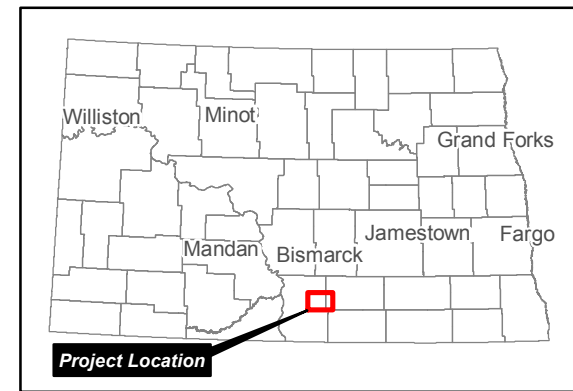
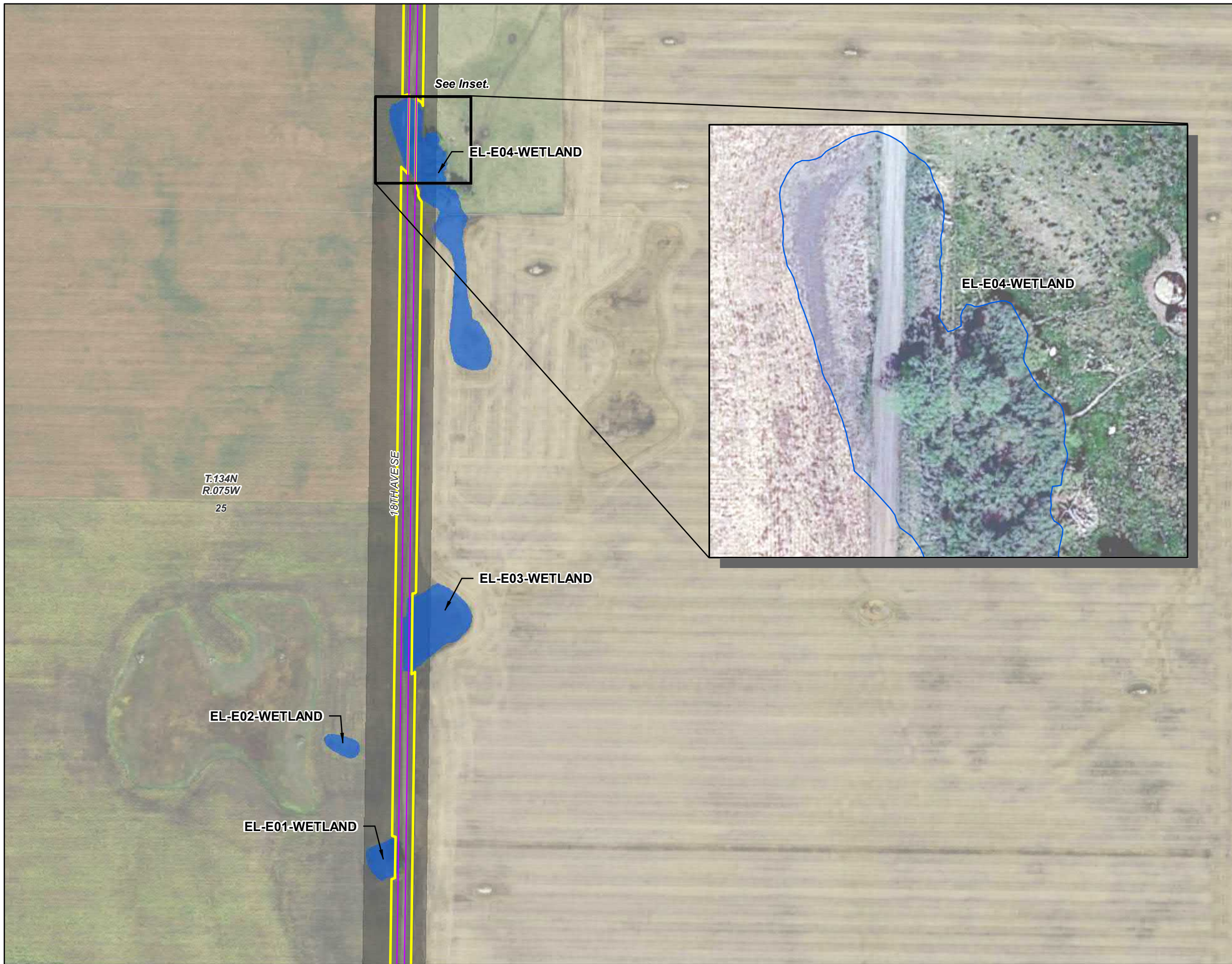


Figure 1
Impacted Wetlands Overview
Emmons-Logan Wind Energy Center
Emmons and Logan Counties, ND





- Legend**
- Delineated Wetlands**
- Wetland
- Project Features**
- Emmons-Logan Wind Energy Center Project Area
 - Construction Easement
 - Survey Corridor
 - Service Road

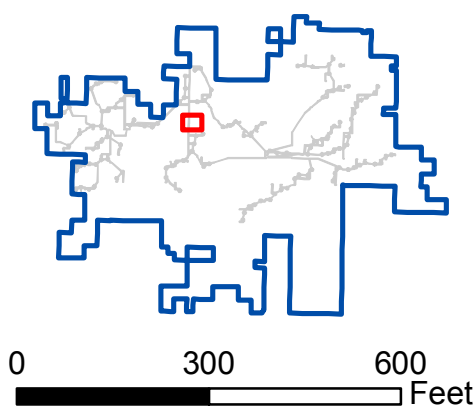
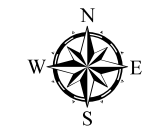
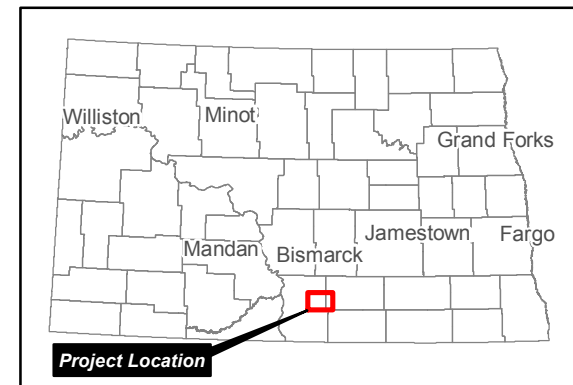
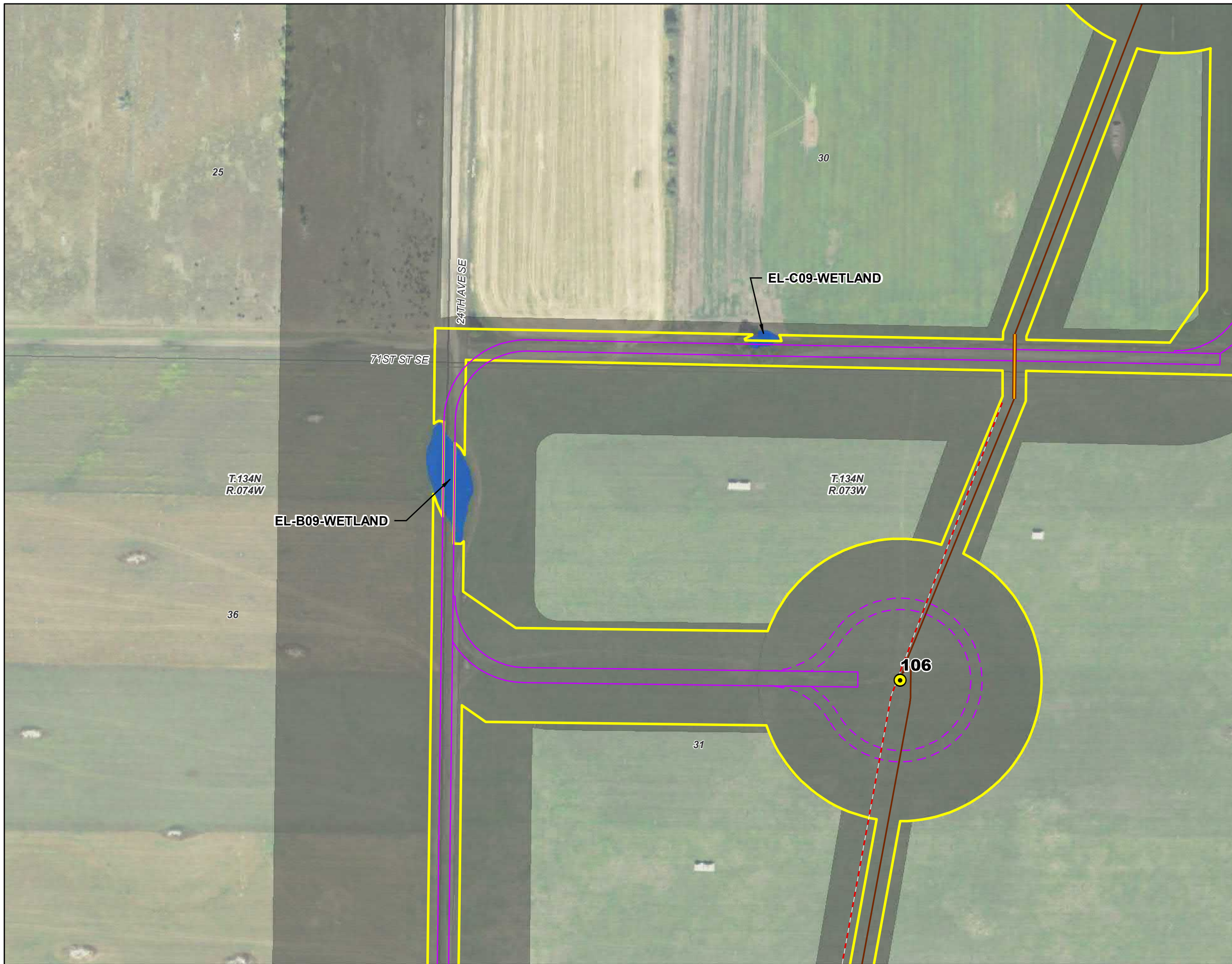


Figure 2
Wetland Impacts Map 1
 Emmons-Logan Wind Energy Center
 Emmons and Logan Counties, ND





- Legend**
- Delineated Wetlands**
- Wetland
- Project Features**
- Emmons-Logan Wind Energy Center Project Area
 - Construction Easement
 - Survey Corridor
 - Proposed Turbine
 - Crane Path
 - Collection Line
 - Collection Line Bore Location
 - Service Road
 - Temporary Service Road Turnaround

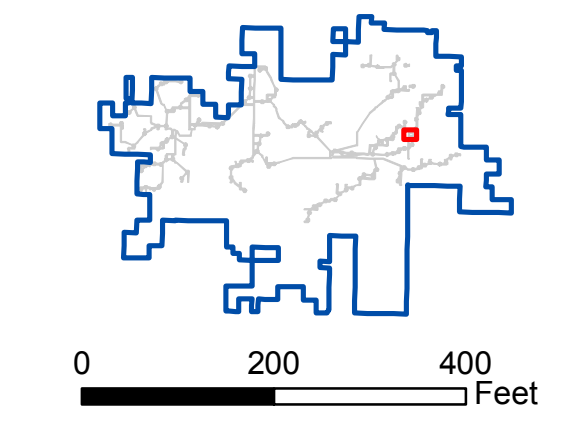


Figure 2
Wetland Impacts Map 2
 Emmons-Logan Wind Energy Center
 Emmons and Logan Counties, ND

