

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Emmons-Logan Wind, LLC
Emmons-Logan Wind Energy Center – Emmons & Logan
Siting Application

Case No. PU-18-280

Emmons-Logan Wind, LLC
Emmons-Logan 230 kV Transmission Line – Emmons
Siting Application

Case No. PU-18-281

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **7th day of August 2019**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

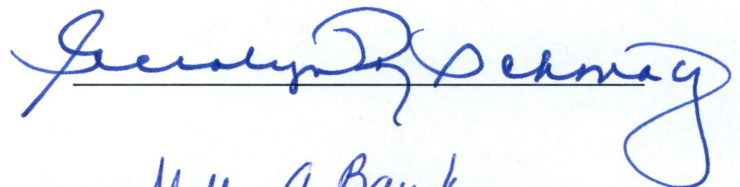
- **Order**

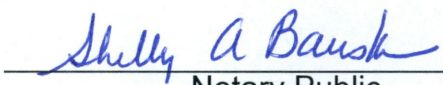
The envelope was addressed as follows:

Casey A. Furey
Wade C. Mann
Crowley Fleck Attorneys
PO Box 2798
Bismarck, ND 58502-2798
Cert. No. 7018 0680 0001 3737 7080

The address shown is the respective addressee's last reasonably ascertainable mailing address.

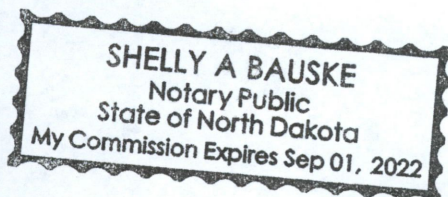
Subscribed and sworn to before me
this **7th day of August 2019**.





Notary Public

SEAL



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August 6, 2019

Preliminary Statement

On February 6, 2019, in Case No. PU-18-280, the Commission issued Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility No. 57 to Emmons-Logan Wind, LLC (Emmons-Logan) authorizing construction of the Emmons Logan Wind Energy Center in Emmons and Logan Counties.

Also on February 6, 2019, in Case No. PU-18-281, the Commission issued Findings of Fact, Conclusions of Law and Order issuing Corridor Certificate Number 208 and Route Permit Number 218 to Emmons-Logan authorizing construction of 6.85 miles of 230 kV electric transmission line and associated facilities in Emmons County.

On May 2, 2019, Emmons-Logan filed an application to replace the Tree and Shrub Mitigation Specifications incorporated into the Commission's February 6, 2019 Orders in Case Nos. PU-18-280 and PU-18-281 with the Commission's recently revised Tree and Shrub Mitigation specifications.

Also on May 2, 2019, in Case No. PU-18-280, Emmons-Logan filed a request to amend the Project's nameplate generating capacity from up to 298.1 to up to 299.4 MW.

On May 15, 2019 the Commission issued a Notice of Opportunity for Hearing that provided until July 3, 2019 for receiving written comments and hearing requests. No response was received.

Discussion

The Commission's Notice of Opportunity for Hearing identified that the issues to be considered in these matters are:

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1. Whether the Tree and Shrub Mitigation Specifications should be updated as requested?
2. Whether the nameplate generating capacity should be updated as requested?

Ordering Paragraph 4 in each of the Commission's February 6, 2019 Findings of Fact, Conclusions of Law and Orders in Case Nos. PU-18-280 and 281 ordered that the December 4, 2018 Tree and Shrub Mitigation Specifications may be modified upon the mutual agreement of the Commission and Emmons-Logan Wind. The Commission agrees that these specifications should be modified to reflect the Commission's recently revised Tree and Shrub Mitigation specifications.

Findings of Fact Nos. 4 and 5 of the Commission's February 6, 2019 Findings of Fact, Conclusions of Law and Order in Case No. PU-18-280 identified a project nameplate generating capacity of up to 298.1 MW using General Electric (GE) 1.715 and 2.5 MW turbines. Emmons-Logan now plans to use GE 1.715 and 2.72 MW turbines, resulting in an increased project generating capacity from up to 298.1 MW to up to 299.4 MW. The Commission finds Findings Nos. 4 and 5 should be amended to reflect these updates.

Order

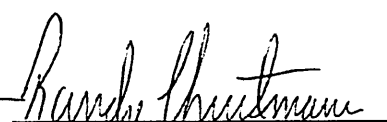
The Commission Orders:

1. The Tree and Shrub Mitigation Specifications accompanying the Certification Relating to Order Provisions attached to the Commission's February 6, 2019 Findings of Fact, Conclusions of Law and Orders in Case Nos. PU-18-280 and PU-18-281 are replaced in their entirety with the attached updated Tree and Shrub Mitigation Specifications.
2. Findings of Fact paragraphs 4 and 5 of the Commission's February 6, 2019 Findings of Fact, Conclusions of Law and Order in Case No. PU-18-280 are amended to reflect the revised turbine model and resulting capacity increase as described above.

PUBLIC SERVICE COMMISSION


Julie Fedorchak
Commissioner


Brian Kroshus
Chairman


Randy Christmann
Commissioner

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Tree and Shrub Mitigation Specifications

Inventory

Prior to cutting or clearing trees or shrubs for construction:

- All trees one-inch or greater in diameter at breast height must be inventoried to record the location, number, and species.
- All shrubs and all coniferous trees of any diameter must be inventoried to record the location, number, and species.

Clearing

The maximum width of tree and shrub removal is 50 feet, unless otherwise approved by the Commission.

Replacement

1. Landowners must be given the option to have trees and shrubs that are removed from their property replaced on their property. The landowner may waive this option in writing. If the landowner waives this option, the company shall plant replacement trees and shrubs in an alternate location in the same region, if practical.
2. Trees and shrubs must be replaced on a minimum two-to-one basis. The company shall develop a Tree and Shrub Mitigation Plan (Plan) in consultation with landowners who are seeking replacement trees and shrubs and in accordance with USDA-NRCS-North Dakota Field Office Technical Guide: Windbreak and Woodland Tree Care and Management. The guidelines outlined in the Technical Guide shall be followed until filing of the Plan summary outlined in number 5 below.
3. The purpose of the company's Tree and Shrub Mitigation Plan is to create sustainable plantings, appropriate for the local soil and growing conditions that will provide long-term benefit to landowners, farmers and ranchers, the community, wildlife and the environment.
4. The Plan, including the proposed number, variety, type, location, and approximate date for plantings, shall be filed with and approved by the Commission.
5. Two years after completion of the plan, the company must file a summary documenting how the plan achieved the purpose outlined in number 3 above. The summary must also report the number of surviving replacement trees and shrubs.
6. The Commission will consider, on a limited basis as conditions warrant, mitigation plans that provide long-term wildlife habitat and conservation benefits but do not involve the replanting of trees and shrubs.