

**AGENCY SCOPING LETTER**



December 21, 2017

Addressee Name  
Addressee Title  
Organization  
Address Line 1  
City, State Zip Code

Re: Information Request for the Proposed Aurora Wind Project and Associated Transmission Line in Williams and Mountrail Counties, ND

Dear Recipient:

Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) has been contracted by Aurora Wind Project, LLC (Aurora), a subsidiary of Tradewind Energy, Inc. (Tradewind), to assist with obtaining permits from the North Dakota Public Service Commission (NDPSC) for the proposed Aurora Wind Project (Wind Project) in Williams County, North Dakota, and an associated transmission line (Transmission Line Project) in Williams and Mountrail Counties, North Dakota. Two separate NDPSC applications will be prepared: (1) an Application for a Certificate of Site Compatibility for the proposed Wind Project; and (2) a Consolidated Application for a Certificate of Corridor Compatibility and Route Permit for the proposed Transmission Line Project.

The proposed Wind Project would be approximately 300 megawatts (MW); the proposed location of specific infrastructure has not yet been determined. The Wind Project would interconnect to the electrical grid via the existing Basin Electric Power Cooperative Tande 345-kilovolt (kV) Substation (Tande Substation), located in the Northeast Quarter of Section 29, Township 157 North, Range 94 West, Mountrail County, North Dakota. The current potential development area for the Wind Project is shown in the attached Figure 1.

The Wind Project area includes portions of the following tracts:

<b>County</b>	<b>Township</b>	<b>Range</b>	<b>Sections</b>
Williams	157 N	95 W	6, 7
Williams	157 N	96 W	1-18
Williams	157 N	97 W	1, 11-14
Williams	158 N	95 W	31
Williams	158 N	96 W	5-9, 15-22, 27-36
Williams	158 N	97 W	1-16, 22-28, 33-36
Williams	158 N	98 W	1, 4, 5



Addressee Name  
Organization  
December 21, 2017  
Page 2

<b>County</b>	<b>Township</b>	<b>Range</b>	<b>Sections</b>
Williams	159 N	96 W	31
Williams	159 N	97 W	14-36
Williams	159 N	98 W	13-15, 21-29, 32-36

The proposed Transmission Line Project would extend from the Wind Project substation in Williams County to the point of interconnection at the Tande Substation in Mountrail County. The Transmission Line would consist of approximately 25 miles of 345-kV overhead transmission line. The current potential development area and potential route for the Transmission Line Project are shown in the attached Figure 2.

The Transmission Line area includes the following tracts:

<b>County</b>	<b>Township</b>	<b>Range</b>	<b>Sections</b>
Mountrail	157 N	94 W	7, 8, 17-20, 29
Williams	157 N	95 W	7-18
Williams	157 N	96 W	3-16
Williams	158 N	96 W	19, 29-32
Williams	158 N	97 W	1, 2, 11-14, 23-26, 36

In conjunction with preparing the referenced applications, we are seeking input from your agency or entity regarding any sensitive resources, current or planned development, or property interests your agency or entity may have in or around the Project Areas that Aurora should consider as it moves forward with development. In addition, we ask that you provide information regarding any applicable permits that may be required from your office. At this point, the Project is not anticipated to require federal funding or to otherwise have a federal nexus. For your information, we have sent similar query letters to other agencies and entities, including, but not limited to, the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and North Dakota Game and Fish Department.



Addressee Name  
Organization  
December 21, 2017  
Page 3

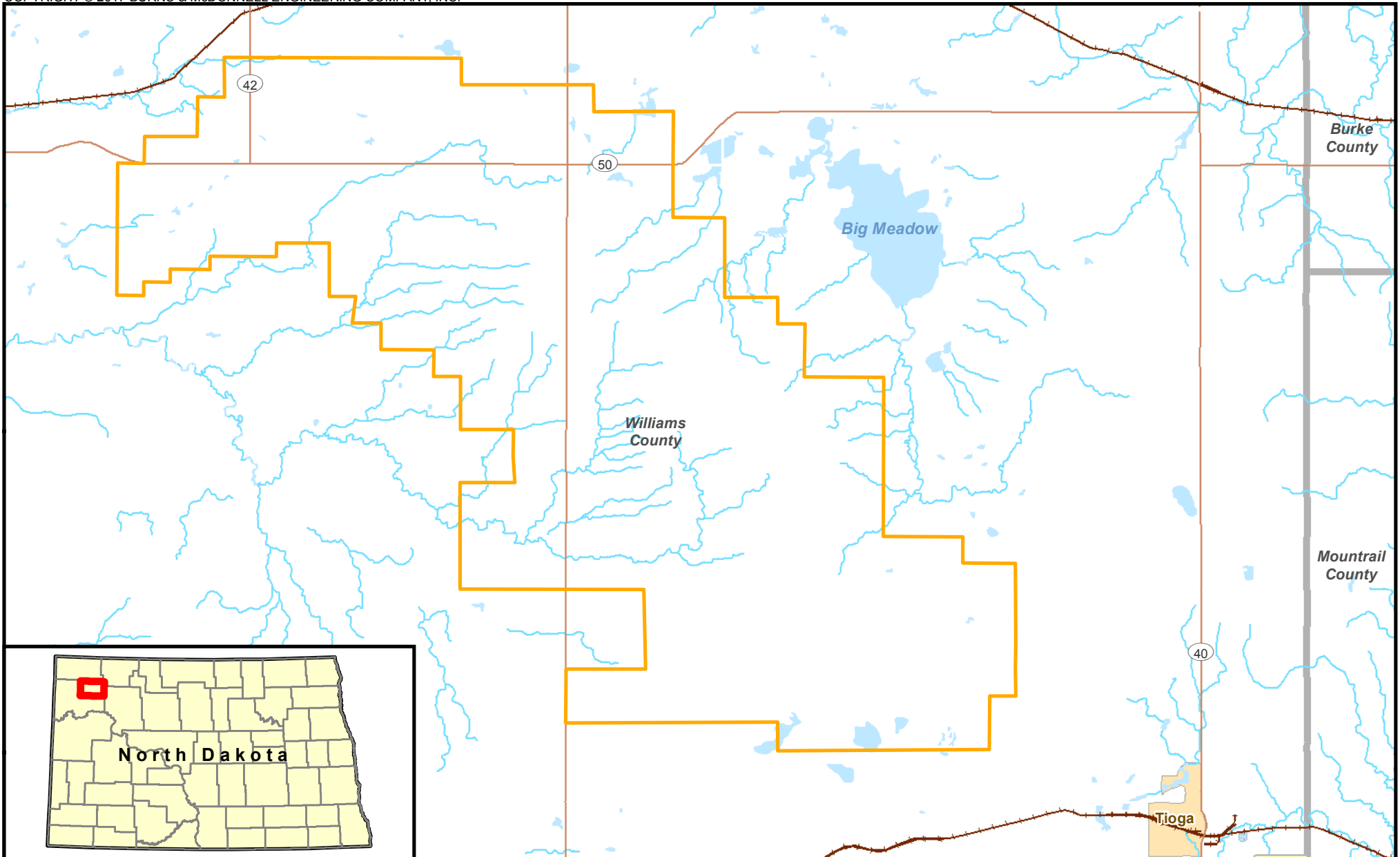
We would appreciate a response by January 21, 2018. Please contact me at (303) 474-2229 or [jbell@burnsmcd.com](mailto:jbell@burnsmcd.com) if you have any questions. Thank you for your assistance.

Sincerely,

Jennifer Bell  
Senior Environmental Scientist  
Burns & McDonnell  
9785 Maroon Circle, Suite 400  
Centennial, CO 80112

Attachment

cc: Jennifer Dean, Vice President, Environmental Studies & Permitting, Tradewind



- Proposed Wind Project Area
- Major Road
- County Boundary

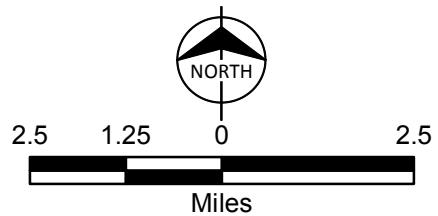
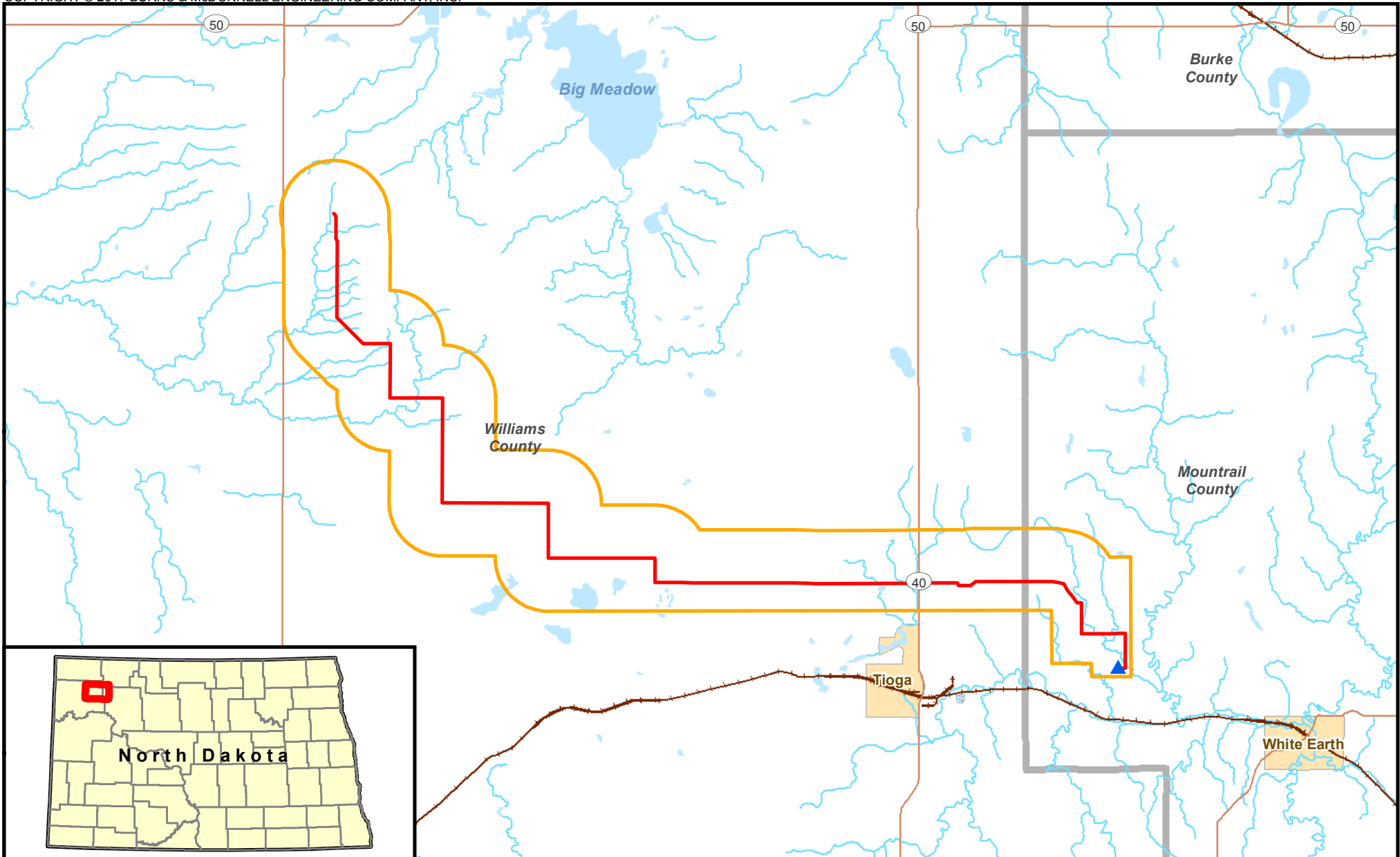


Figure 1  
Project Location Map  
Aurora Wind Project  
Aurora Wind Project, LLC  
Williams Co., ND



- Proposed Transmission Line Route
- Proposed Transmission Line Project Area
- Tande Substation

- Major Road
- County Boundary

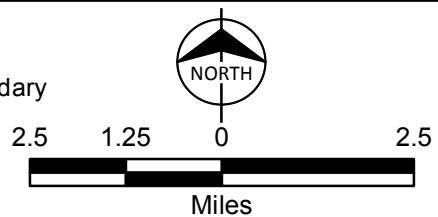


Figure 2  
Project Location Map  
Transmission Line Project  
Aurora Wind Project, LLC  
Williams and Mountrail Co., ND

Type	Title	First	Last	Title	Agency	Address	PO Box	City	State	Zip	Date Sent	Response	Date Received
State	Mr.	Jared	Wingo	Airport Planner	North Dakota Aeronautics Commission	2301 University Drive, Bldg. 22	PO Box 5020	Bismarck	ND	58502-5020	12/21/2017	Y	3/12/2018
State	Mr.	Wayne	Stenehjem	Attorney General	North Dakota Attorney General's Office	600 East Boulevard Avenue, Dept. 125		Bismarck	ND	58505-0040	12/21/2017	N	
State	Mr.	Doug	Goehring	Agriculture Commissioner	North Dakota Department of Agriculture	600 East Boulevard Avenue, Dept. 602		Bismarck	ND	58505-0020	12/21/2017	N	
State	Mr.	David	Glatt	Chief, Environmental Health Section	North Dakota Department of Health	918 E. Divide Avenue		Bismarck	ND	58501-1947	12/21/2017	Y	1/9/2018
State	Mr.	Jonathan	Alm	Executive Director	North Dakota Department of Human Services	600 East Boulevard Avenue, Dept. 325		Bismarck	ND	58505-0250	12/21/2017	Y	2/27/2018
State	Ms.	Michelle	Kommer	Labor Commissioner	North Dakota Department of Labor and Human Rights	600 East Boulevard Avenue, Dept. 406		Bismarck	ND	58505-0340	12/21/2017	Y	2/28/2018
State	Mr.	Wayne	Kutzer	Director & Executive Officer	North Dakota Department of Career & Technical Education	600 East Boulevard Avenue, Dept. 270		Bismarck	ND	58505-0610	12/21/2017	N	
State	Ms.	Sandra	McMerty	Deputy Commissioner	North Dakota Department of Commerce	1600 E. Century Avenue, Suite 2		Bismarck	ND	58503	12/21/2017	Y	3/5/2018
State	Mr.	Lance	Gaebe	Director	Energy Infrastructure & Impact Office	1707 North 9th Street	PO Box 5523	Bismarck	ND	58506-5523	12/21/2017	N	
State	Mr.	Greg	Link	Chief, Conservation & Communications	North Dakota Game and Fish Department	100 N. Bismarck Expressway		Bismarck	ND	58501-5095	12/21/2017	Y	1/8/2018
State	Mr.	Todd	Holweger	Permit Manager	North Dakota Industrial Commission	600 East Boulevard Avenue, Dept. 405		Bismarck	ND	58505-0840	12/21/2017	Y	1/19/2018
State	Governor	Doug	Burgum		North Dakota Office of the Governor	600 East Boulevard Avenue		Bismarck	ND	58505-0100	12/21/2017	N	
State	Mr.	Robert	Fode	Director	North Dakota Department of Transportation	608 East Boulevard Avenue		Bismarck	ND	58505-0700	12/21/2017	Y	1/24/2018
State	Ms.	Claudia	Berg	Director	North Dakota State Historical Society	612 East Boulevard Avenue		Bismarck	ND	58505	12/21/2017	Y	1/3/2018
State	Mr.	Scott	Davis	Executive Director	North Dakota Indian Affairs Commission	600 East Boulevard Avenue, Room 117		Bismarck	ND	58505	12/21/2017	Y	2/9/2018 (phone call)
State	Ms.	Michelle	Kommer	Labor Commissioner	Job Service North Dakota		PO Box 5507	Bismarck	ND	58506-5507	12/21/2017	Y	3/1/2018
State	Ms.	Jodi	Smith	Commissioner	North Dakota Department of Trust Lands	1707 North 9th Street	PO Box 5523	Bismarck	ND	58506-5523	12/21/2017	Y	4/4/2018
State	Mr.	Micael	Humann	Surface Division Manager	North Dakota Department of Trust Lands	1707 North 9th Street	PO Box 5523	Bismarck	ND	58506-5523	12/21/2017	Y	1/12/2018
State	Ms.	Melissa	Baker	Director	North Dakota Parks & Recreation	1600 E. Century Avenue, Suite 3	PO Box 5594	Bismarck	ND	58506-5594	12/21/2017	N	
State	Mr.	Bruce	Schmidt	Chair	North Dakota State Soil Conservation	2718 Gateway Avenue, Suite 304		Bismarck	ND	58503	12/21/2017	Y	2/27/2018
State	Mr.	Patrick	Fridgen	Director	North Dakota State Water Commission	900 East Boulevard Avenue, Dept. 770		Bismarck	ND	58505-0850	12/21/2017	Y	1/10/2018
State				Director	North Dakota Transmission Authority	600 East Boulevard Avenue, Dept. 405		Bismarck	ND	58505-0840	12/21/2017	N	
State				Director	North Dakota Pipeline Authority	600 East Boulevard Avenue, Dept. 405		Bismarck	ND	58505-0840	12/21/2017	N	
State	Mr.	Fred	Anderson	Geologist	North Dakota Geological Survey	600 East Boulevard Avenue, Dept. 405		Bismarck	ND	58505-0840	12/21/2017	Y	1/8/2018
Federal	Ms.	Christina	Adkins	Office of Assistant Secretary of Defense	U.S. Department of Defense	1400 Defense Pentagon		Washington	DC	20301-1400	12/21/2017	Y	1/8/2018
Federal	Ms.	Rhiannon	Scanlon	Office of Assistant Secretary of Defense	U.S. Department of Defense	1400 Defense Pentagon		Washington	DC	20301-1400	12/21/2017	Y	3/21/2018
Federal	Ms.	Steve	Sample	Deputy Director	U.S. Department of Defense	1400 Defense Pentagon		Washington	DC	20301-1400	12/21/2017	Y	3/19/2018
Federal	Mr.	Peter	Tenhula	Deputy Associate Administrator	U.S. Department of Commerce - National Telecommunications and Information Administration			Washington	DC	20230	12/21/2017	Y	7/12/2018
Federal	Mr.	Kory	Richardson	Refuge Manager	U.S. Fish and Wildlife Service, North Dakota Field Office	3425 Miriam Avenue		Bismarck	ND	58501-4481	12/21/2017	Y	4/24/2018
Federal	Ms.	Patricia	McQueary	Program Manager	U.S. Army Corps of Engineers, North Dakota Regulatory Office	3319 University Drive		Bismarck	ND	58504	12/21/2017	Y	1/9/2018
Federal	Mr.	Mark	Holzer	Program Manager	Federal Aviation Administration, Dakota-Minnesota Airports District	2301 University Drive, Bldg. 23B		Bismarck	ND	58504	12/21/2017	Y	2/27/2018
County	Mr.	Donald	Longmuir	Interim Planning & Zoning Administrator	Mountrail County Planning & Zoning Board		PO Box 248	Stanley	ND	58784-0248	12/21/2017	Y	10/4/2017
County	Mr.	Daniel	Uran	Mountrail County Commissioner			PO Box 1169	New Town	ND	58763-0875	12/21/2017	N	
County	Mr.	Arlo	Borud	Mountrail County Commissioner		309 3rd Street, SE	PO Box 542	Stanley	ND	58784-0542	12/21/2017	N	
County	Ms.	Trudy	Ruland	Mountrail County Commissioner		9380 33rd Lane NW		New Town	ND	58763-9536	12/21/2017	N	
County	Mr.	Wayne	Olson	Mountrail County Commissioner		4510 65th Avenue NW		Plaza	ND	58771	12/21/2017	N	
County	Mr.	Garry	Jacobson	Mountrail County Commissioner		6090 Old Highway 2		Berthold	ND	58718-9007	12/21/2017	N	
County	Mr.	Sam	Henderson	Planning & Zoning Division							12/21/2017	Y	2/7/2018
County	Mr.	Martin	Hanson	Williams County Commissioner		7853 139th Ave NW		Zahl	ND	58856	12/21/2017	N	
County	Mr.	Steve	Kemp	Williams County Commissioner		206 East Broadway		Williston	ND	58801	12/21/2017	N	
County	Mr.	Wayne	Aberle	Williams County Commissioner		1003 Sioux St		Williston	ND	58801	12/21/2017	N	
County	Mr.	David	Montgomery	Williams County Commissioner		222 14th St E		Williston	ND	58801	12/21/2017	N	
County	Mr.	Barry	Ramberg	Williams County Commissioner			PO Box 854	Tioga	ND	58852	12/21/2017	N	

**OTHER SCOPING LETTERS**

## Jennifer Dean

---

**From:** WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENM <samuele.warren.1@us.af.mil>  
**Sent:** Wednesday, December 20, 2017 4:09 PM  
**To:** Jennifer Dean  
**Subject:** RE: Aurora Wind Project, LLC - Williams County, ND

Minot has reviewed and sees no issues with your proposal. If your proposal changes please let us know and will review. Thanks/

sam

Sam Warren, CIV, DAF  
Chief of SABER /Construction Management  
General Engineer, Supervisor  
DSN: 453-4894  
Comm: 701-723-4894

---

**From:** Jennifer Dean [mailto:jdean@tradewindenergy.com]  
**Sent:** Wednesday, December 20, 2017 3:50 PM  
**To:** WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENM <samuele.warren.1@us.af.mil>  
**Subject:** [Non-DoD Source] RE: Aurora Wind Project, LLC - Williams County, ND

We plan to file a conceptual array with the FAA in early 2018. Review by the DoD Clearinghouse will be included with that effort and before we receive Determinations of No Hazard.



**Jennifer Dean**

Vice President, Environmental Studies & Permitting | Tradewind Energy, Inc.

P: [913.322.7428](tel:913.322.7428) | M: [913.219.5004](tel:913.219.5004)

---

**From:** WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENM [mailto:samuele.warren.1@us.af.mil]  
**Sent:** Wednesday, December 20, 2017 12:52 PM  
**To:** Jennifer Dean  
**Subject:** RE: Aurora Wind Project, LLC - Williams County, ND

Thanks Jennifer. Will take a look at the area. My initial look is that the area will be outside of our area of responsibilities. If there is an issue will get back with you.

I would like you to register your project with the DoD Siting Clearinghouse. This would help with any other military actions in the area that I may not know about. Here is the website.

<https://www.acq.osd.mil/dodsc/>

sam

Sam Warren, CIV, DAF  
Chief of SABER /Construction Management  
General Engineer, Supervisor

DSN: 453-4894  
Comm: 701-723-4894

---

**From:** Jennifer Dean [<mailto:jdean@tradewindenergy.com>]  
**Sent:** Wednesday, December 20, 2017 10:14 AM  
**To:** WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENM <[samuele.warren.1@us.af.mil](mailto:samuele.warren.1@us.af.mil)>  
**Subject:** [Non-DoD Source] Aurora Wind Project, LLC - Williams County, ND

Mr. Warren:

Tradewind Energy, Inc. is continuing development of the Aurora Wind Project in Williams County, North Dakota. You may recall we provided you some information last December regarding the general location of the Project area as well as information on the temporary meteorological towers that have a Conditional Use Permit through Williams County and have been filed with the FAA and with the North Dakota Aeronautics Commission.

We wanted to provide you with an updated Project area map, including the locations of the temporary meteorological towers. We have revised the Project boundary slightly. The location of the proposed transmission line extends into Mountrail County approximately 2 miles though the route is still in the process of being finalized; however, all wind energy turbines will be located northwest of the City of Tioga and entirely within Williams County.

Please let us know if you have any questions or need additional information.

Thank you,  
Jenni



**Jennifer Dean**

Vice President, Environmental Studies & Permitting | Tradewind Energy, Inc.

P: [913.322.7428](tel:913.322.7428) | M: [913.219.5004](tel:913.219.5004)

## Jennifer Dean

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**From:** Jennifer Dean  
**Sent:** Monday, December 12, 2016 11:54 AM  
**To:** 'WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENM'  
**Cc:** SPECHT, JOEY R GS-12 USAF AFGSC 5 CES/CENP  
**Subject:** RE: Aurora Wind Project, LLC - Williams County, ND  
**Attachments:** Aurora - Project area map - Dec12 2016.pdf

The Aurora project will be entirely within Williams County. Attached is a map of our general project area for Aurora in green. For reference, the Lindahl project is noted as well in the orange boundary.



### Jennifer Dean

Vice President, Environmental Studies & Permitting | Tradewind Energy, Inc.

P: [913.322.7428](tel:913.322.7428) | M: [913.219.5004](tel:913.219.5004)

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**From:** WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENM [<mailto:samuele.warren.1@us.af.mil>]  
**Sent:** Monday, December 12, 2016 11:26 AM  
**To:** Jennifer Dean  
**Cc:** SPECHT, JOEY R GS-12 USAF AFGSC 5 CES/CENP  
**Subject:** RE: Aurora Wind Project, LLC - Williams County, ND

Jenni,

Thanks for forwarding the information to me it is very much appreciated. I would also ask you to file any proposal you have with the DoD Siting Clearinghouse as they over look at the impact of energy development to the nation's defense mission.

<http://www.acq.osd.mil/dodsc/>

Will this development start impacting in Mountrail County or Burke Counties?

sam

Sam Warren, CIV, DAF  
Chief of SABER /Construction Management  
General Engineer, Supervisor  
DSN: 453-4894  
Comm: 701-723-4894

---

**From:** Jennifer Dean [<mailto:jdean@tradewindenergy.com>]  
**Sent:** Monday, December 12, 2016 11:10 AM  
**To:** WARREN, SAMUELE M CIV USAF AFGSC 5 CES/CENM <[samuele.warren.1@us.af.mil](mailto:samuele.warren.1@us.af.mil)>  
**Subject:** Aurora Wind Project, LLC - Williams County, ND

Mr. Warren:

Tradewind Energy, Inc. is in the process of developing the Aurora Wind Project, LLC in Williams County, North Dakota. You may recall that we also developed the Lindahl Wind Project, LLC, currently under construction in eastern Williams County.

Last week, the Williams County Commissioners granted Conditional Use Permits to install six temporary meteorological towers. The data collected by these towers will be used to support further development of a possible future wind energy facility in this general location. The locations for all six temporary meteorological towers have been filed with the North Dakota Aeronautics Commission (see attached). Though the height of the towers are below 200', once the temporary towers are installed, the final locations will also be filed with the FAA.

As development of the project continues, we will keep Minot AFB informed of our progress. Please let us know if you have any questions at this time. If you are not the appropriate contact, please forward this information and let me know to update my information.

We appreciate your time.

Thanks,  
Jenni

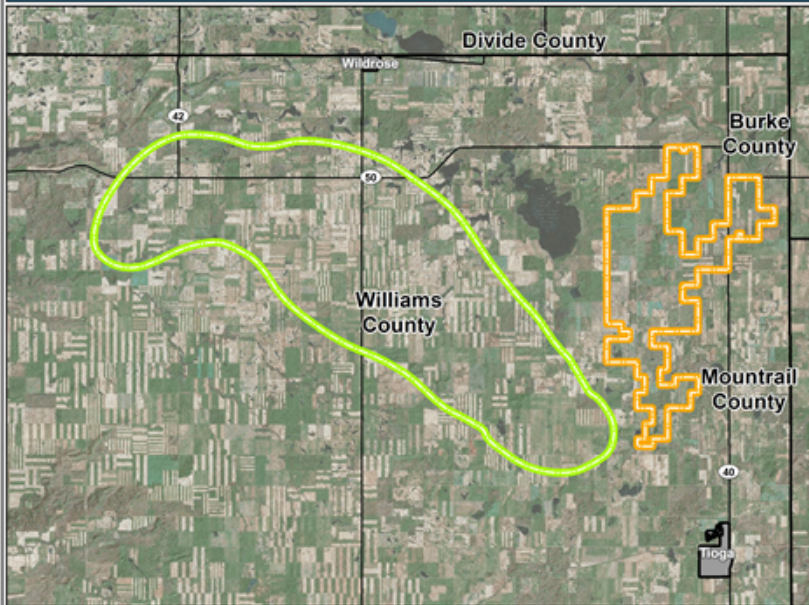


**Jennifer Dean**


Vice President, Environmental Studies & Permitting | Tradewind Energy, Inc.

P: [913.322.7428](tel:913.322.7428) | M: [913.219.5004](tel:913.219.5004)

# Aurora Wind Project



## Legend

-  Lindahl Wind Project
-  General Project Location



The following companies and organizations provided data that contributed to the production of this map.

U.S. Geological Survey (2010)  
Environmental Systems Research Institute (2014)  
U.S. Department of Agriculture (2014)  
Wildflower Communities



0 1 2 4  
Miles

Scale: 1:200,000

Date: 6/21/2016

Coordinate System:  
NAD 1983 StatePlane North Dakota North FIPS 3301 Feet

## Jennifer Dean

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**From:** Don Longmuir <DonL@co.mountrail.nd.us>  
**Sent:** Wednesday, October 04, 2017 10:04 AM  
**To:** Jennifer Dean  
**Subject:** FW: letter  
**Attachments:** Tradewind Energy.doc

**Importance:** High

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**From:** Don Longmuir  
**Sent:** Wednesday, October 04, 2017 10:00 AM  
**To:** 'Dave Iadarola'; 'jdean@tradwindenergy.com'  
**Cc:** Nathan Sem; Liz Hollowell; Wade Enget  
**Subject:** letter  
**Importance:** High

Please see attached letter. Sorry for the delay in getting this to you.  
don

*Donald W. Longmuir Jr.*

Donald W. Longmuir Jr., AICP  
Interim Planning & Zoning Administrator  
Interim Disaster Emergency Coordinator  
P.O. Box 248  
8103 61<sup>st</sup> Street NW  
Stanley, ND 58784-0248

**PLANNING & ZONING BOARD  
COUNTY OF MOUNTRAIL**

PO Box 248  
Stanley, North Dakota 58784-0248  
(701) 628-2909  
[dnl@co.mountrail.nd.us](mailto:dnl@co.mountrail.nd.us)  
[nathans@co.mountrail.nd.us](mailto:nathans@co.mountrail.nd.us)  
[lizh@co.mountrail.nd.us](mailto:lizh@co.mountrail.nd.us)

**Board Members:**  
TOM BIERI  
ARLO BORUD  
JOAN HOLLEKIM  
ROGER HOVDA  
BILL KLUG  
TRUDY RULAND  
CHARLIE SORENSON  
GARY WEISENBERGER  
LINDA WIENBAR

October 4, 2017

Jennifer Dean  
Vice President, Environmental Studies & Permitting  
Dave Iadarola,  
Development Manager  
Tradewind Energy  
16105 West 113<sup>th</sup> Street, Suite 105  
Lenexa, KS 66219

Dear Ms. Dean & Mr. Iadarola:

As a follow up to our meeting held on Tuesday, September 19<sup>th</sup> I providing the following information:

- Bicker Township (Township 158 North, Range 94 West) has their own planning & zoning authority and you will need to contact Jerome Rice, Chairman, 701.664.2381 (home) 701.641.3239 (cell), 7531 101<sup>st</sup> Avenue NW, Tioga, ND 58852-9670 or Roger Blestrud, Clerk/Treasurer, 701.664.2381 (home), 701.648.9674 (cell), 10175 74<sup>th</sup> Street NW, Tioga, ND 58852-9688;
- The non-refundable application fee for your project would be \$25,000 for up to twenty-five (25) towers plus \$1,000 per each proposed tower site beyond twenty-five (25);
- The collection boxes which were discussed would require a building permit for each structure;
- Article XI, Section L, Paragraph 2 line 3 on page 31 of the Mountrail County Zoning Ordinance Paragraph 2, line 3 contains a typographical error. This should read :...Turbines must be set back at least 1.5 times the turbine height from each antenna, tower, unoccupied structure or improvement with an estimated value over \$25,000.....”;
- Article XI, Section V on page 34 of the Mountrail County Zoning Ordinance requires a cash bond or letter of credit in the amount of \$250,000 for the project. There is no \$25,000 per tower requirement.

If you have any further questions please contact our office.

Sincerely,

*Donald W. Longmuir Jr.*

Donald W. Longmuir Jr., AICP  
Interim Planning & Zoning Administrator

**AURORA WIND PROJECT, LLC**  
a wholly-owned subsidiary of  
**Tradewind Energy, Inc.**

16105 West 113th Street, Suite 105  
Lenexa, Kansas 66219

April 10, 2018

Tioga City Commission  
City Hall  
16 1st St NE  
Tioga, ND 58852

RE: Aurora Wind Project, LLC's Conditional Use Permit and Variance Request  
Applications for the Aurora Wind Project and Associated Transmission Line

Dear Tioga City Commission:

Aurora Wind Project, LLC ("Aurora"), a wholly owned subsidiary of Tradewind Energy, is developing the proposed Aurora Wind Project ("Wind Project") and an associated 345 kilovolt ("kV") transmission line ("Transmission Line") to be located in Williams County, North Dakota (collectively, the "Project"). Aurora plans to file applications for conditional use permits and associated variances for the Project (the "Application") with the Williams County Planning and Zoning Division in the near future.

The Wind Project will produce up to 300 megawatts of wind energy, and components will include wind turbines, collection and communication systems, a substation, an operations and maintenance facility, access roads, and permanent meteorological towers. The associated Transmission Line will be approximately 22.9 miles long (with approximately 19.4 of those miles located in Williams County), and components will include single-pole steel structures, overhead electric conductors, overhead communication cables, and a switching station (located in Mountrail County). The Transmission Line will facilitate interconnection of the Wind Project to the electrical grid at the existing Basin Electric Power Cooperative Tande 345-kV Substation, located in the Northeast Quarter of Section 29, Township 157 North, Range 94 West, Mountrail County, North Dakota.

Enclosed is a map showing the proposed location of the Project in Williams County. As shown on the map, the Wind Project is approximately 6.70 miles from the City of Tioga, and the Transmission Line is (at its closest point) approximately 0.64 miles from the City of Tioga.

If you have any questions or comments regarding the Project or the Application, please feel free to contact me at (720)732-3154 or at [diadarola@tradewindenergy.com](mailto:diadarola@tradewindenergy.com).

Sincerely,



Dave Iadarola  
Development Manager  
Tradewind Energy Inc

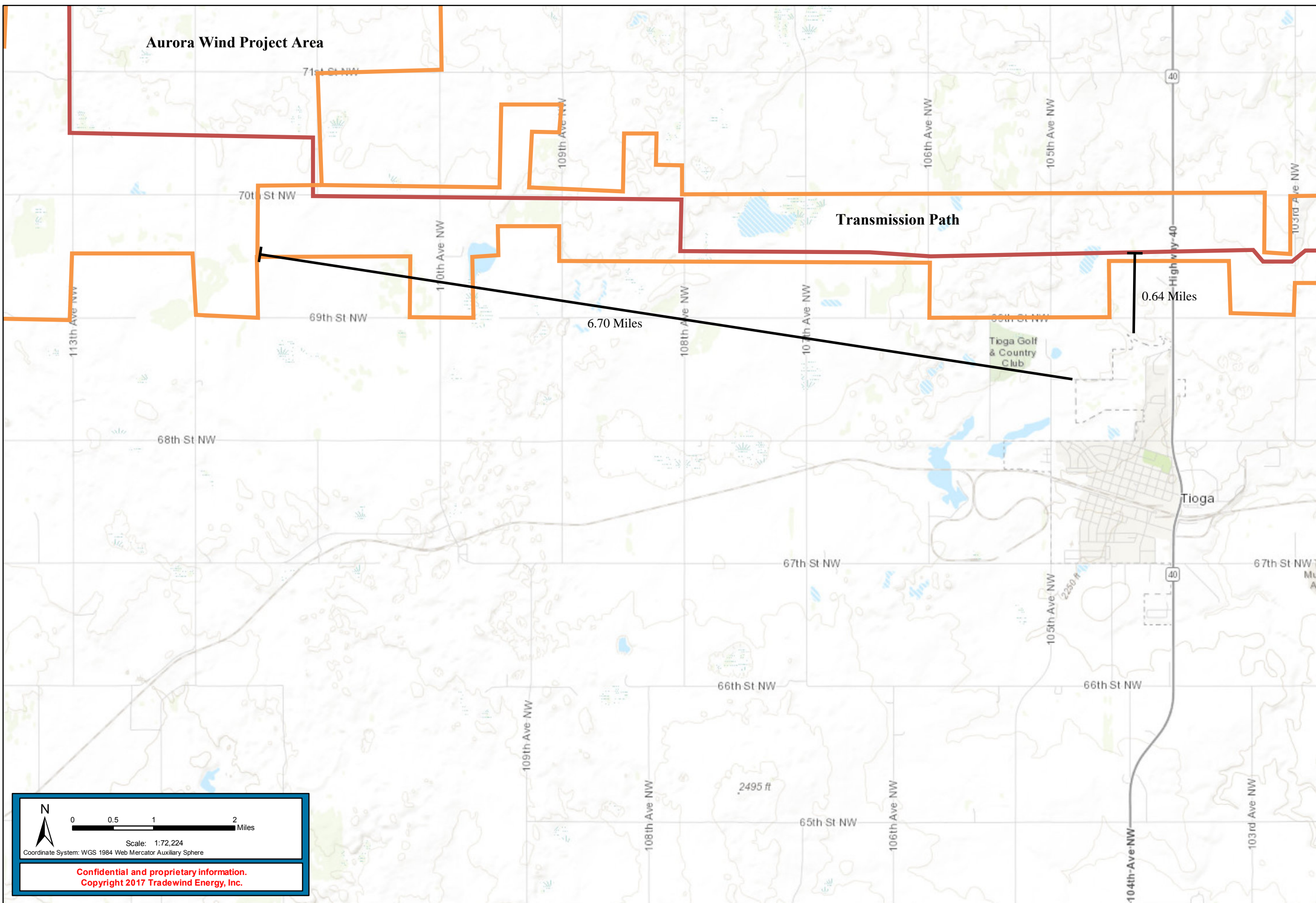
Enclosure

cc: Jennifer Dean, Tradewind Energy

# Aurora - City of Tioga



- Transmission Line
- Project Boundary



N  
0 0.5 1 2 Miles  
Scale: 1:72,224  
Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere  
**Confidential and proprietary information.  
Copyright 2017 Tradewind Energy, Inc.**

The following companies and organizations provided data that contributed to the production of this map.  
U.S. Geological Survey (USGS)  
Environmental Systems Research Institute (ESRI)  
U.S. Department of Agriculture (USDA)  
U.S. Federal Aviation Administration (FAA)  
Corelogic Solutions, LLC  
WhiteStar Corporation  
Ventyx Inc.  
Printed Date: 4/10/2018

AURORA WIND PROJECT, LLC

a wholly-owned subsidiary of

Tradewind Energy, Inc.

16105 West 113th Street, Suite 105

March 16, 2018

Tioga Airport Authority  
Chris Norgaard  
322 2nd Street SE

Subject: Request for Tioga Airport Authority Letter - Aurora Wind Project

Dear Mr. Norgaard,

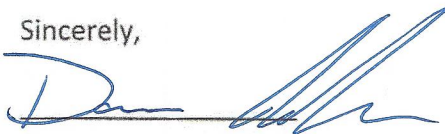
As discussed in our meeting on January 24<sup>th</sup>, 2018, Aurora Wind Project, LLC ("Aurora") is developing the proposed Aurora Wind Project ("Wind Project") to be located in Williams County, North Dakota and an associated 345 kilovolt ("kV") transmission line ("Transmission Line") to be located in Williams County and Mountrail County, North Dakota. Williams County has suggested the Wind Project document our meeting on January 24<sup>th</sup>, 2018 to discuss the potential Aurora Wind Project. At the meeting reviewed the project boundary map showing the proposed location of the Wind Project and the Transmission Line (collectively, the "Project") in Williams County and Mountrail County, including the townships in which the Project may be located.

The Wind Project will potentially produce up to 300 megawatts of wind energy, which will include components similar to the existing Lindahl Wind Project. The associated Transmission Line would be approximately 25 miles long and components would include single-pole steel structures, overhead electric conductors, overhead communication cables, and a switching station (located in Mountrail County). As we discussed in our meeting, Aurora plans to file applications for conditional use permits and associated variances for the Project with the Williams County Planning and Zoning Division in 2018.

As part of the permitting process, I respectfully request confirmation of our meeting regarding the project from the Tioga Airport Authority and in that meeting and upon initial review the Tioga Airport Authority did not have any formal objection to the project as long as the FAA determined there is no impact to the Tioga Airport's current approach paths or operational impacts to the Tioga Airport. If the above is accurate please sign below acknowledging the conversation we had on January 24<sup>th</sup>, 2018.

As we continue through the county permitting process, it is our understanding that the Tioga Airport Authority additional opportunities to provide comment on the proposed project. This initial correspondence is specifically requesting confirmation that the meeting on January 24<sup>th</sup> occurred and the above issues were discussed. If you have any questions, please do not hesitate to contact me at (720) 732-3154 or at diadarola@tradewindenergy.com.

Sincerely,



Dave Iadarola  
Development Manager  
Tradewind Energy, Inc.



Chris Norgaard  
President  
Tioga Airport Authority

January 15, 2018

Kim Overdorf  
South Meadow Township Chairman  
11001 77TH ST NW  
TIOGA, ND 58852-9447

**RE: Aurora Wind Farm Project**

Dear Kim:

Per previous conversations I am writing to confirm our upcoming Township meeting next week  
Thursday January 25<sup>th</sup>  
7:00 PM  
At your residence 11001 77<sup>th</sup> ST NW Tioga, ND 58852.

If this is not correct, please let me know right away.

Also, enclosed is a letter from Tradewind Energy that they would request be completed after the township meeting.

I want to again thank you for your cooperation and look forward to our meeting. If you have any questions please do not hesitate to contact me.

Sincerely,

DIAMOND RESOURCES CO.

Glenn Boyeff  
Agent Landman  
Toll Free 1-866-572-4523  
Cell Phone 701-570-7234  
Email: [glenn@diamondnd.com](mailto:glenn@diamondnd.com)

GB:slw  
Enc./Aurora

January 15, 2018

Kim Overdorf  
South Meadow Township Chairman  
11001 77TH ST NW  
TIOGA, ND 58852-9447

RE: Aurora Wind Project, LLC's Conditional Use Permit and Variance Request  
Applications for the Aurora Wind Project and Associated Transmission Line

Dear Kim:

At a meeting held on January \_\_\_\_, 2018, representatives of Aurora Wind Project, LLC ("Aurora") presented information to the \_\_\_\_\_ Board of Township Supervisors ("Township Board") regarding the proposed Aurora Wind Project ("Wind Project") and an associated 345 kilovolt ("kV") transmission line ("Transmission Line") to be located in Williams County, North Dakota. Aurora provided the enclosed map, which shows the proposed location of the Wind Project and the Transmission Line (collectively, the "Project") in Williams County, including the applicable townships.

Aurora indicated that the Wind Project would produce up to 300 megawatts of wind energy and components would include wind turbines, collection and communication systems, a substation, an operations and maintenance facility, access roads, and permanent meteorological towers. Aurora indicated that the associated Transmission Line would be approximately 25 miles long and components would include single-pole steel structures, overhead electric conductors, overhead communication cables, and a switching station (located in Mountrail County). The Transmission Line would facilitate interconnection of the Wind Project to the electrical grid at the existing Basin Electric Power Cooperative Tande 345-kV Substation, located in the Northeast Quarter of Section 29, Township 157 North, Range 94 West, Mountrail County, North Dakota.

Aurora informed the Township Board that it plans to file applications for conditional use permits and associated variances for the Project (collectively, the "Application") with the Williams County Planning and Zoning Division ("Planning and Zoning"). We understand the variances may include, among others, a variance from the turbine setback of 1,400 feet from structures, with the exception of existing occupied residences, on parcels owned by Project participants; and a variance to reduce the minimum turbine blade clearance requirement.

January 15, 2018

Page 2

Aurora requested that we provide comments to Planning and Zoning regarding the proposed Project and the planned Application. Therefore, pursuant to a decision made by the Township Board at its January \_\_\_\_, 2018 meeting, the Township Board provides the following comments regarding the proposed Project and the planned Application:

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If you have any questions, please let us know.

Sincerely,

\_\_\_\_\_  
\_\_\_\_\_  
Board of Township Supervisors, Chair

March 20, 2018

Mr. Sam Henderson  
Williams County Planning and Zoning  
206 East Broadway, 2<sup>nd</sup> Floor  
Williston, ND 58801

RE: Aurora Wind Project, LLC's Conditional Use Permit and Variance Request  
Applications for the Aurora Wind Project and Associated Transmission Line

Dear Mr. Henderson:

At a meeting held on February 22, 2018, representatives of Aurora Wind Project, LLC ("Aurora") presented information to the South Meadow Board of Township Supervisors ("Township Board") regarding the proposed Aurora Wind Project and an associated 345 kilovolt ("kV") transmission line ("Project") to be located in Williams County, North Dakota. Aurora explained that a portion of the Project would be located in South Meadow Township. Aurora also informed the Township Board that it plans to file applications for conditional use permits and associated variances for the Project (the "Application") with the Williams County Planning and Zoning Division ("Planning and Zoning").

Aurora requested that we provide comments to Planning and Zoning regarding the proposed Project and the planned Application. Therefore, we are providing this letter to Planning and Zoning to document that at the February 22, 2018 meeting, the Township Board voted 3-0 to support the Project.

If you have any questions, please let us know.

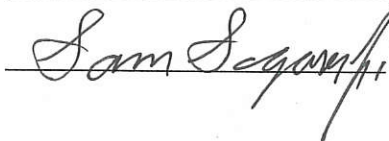
Sincerely,



Board of Township Supervisors, Chair



Board of Township Supervisor



Board of Township Supervisor

January 15, 2018

James Salveson  
Hazel Township Chairman  
11532 Hwy. 50  
Wildrose, ND 58795

**RE: Aurora Wind Farm Project**

Dear James:

Per previous conversations I am writing to confirm our upcoming Township meeting next week

Thursday January 25<sup>th</sup>  
1:00 PM  
Wildrose Fire Hall.

If this is not correct, please let me know right away.

Also, enclosed is a letter from Tradewind Energy that they would request be completed after the township meeting.

I want to again thank you for your cooperation and look forward to our meeting. If you have any questions please do not hesitate to contact me.

Sincerely,

DIAMOND RESOURCES CO.

Glenn Boyeff  
Agent Landman  
Toll Free 1-866-572-4523  
Cell Phone 701-570-7234  
Email: [glenn@diamondnd.com](mailto:glenn@diamondnd.com)

GB:slw  
Enc./Aurora

January 15, 2018

James Salveson  
Hazel Township Chairman  
11532 Hwy. 50  
Wildrose, ND 58795

RE: Aurora Wind Project, LLC's Conditional Use Permit and Variance Request  
Applications for the Aurora Wind Project and Associated Transmission Line

Dear Mr. Salveson:

At a meeting held on January \_\_\_\_, 2018, representatives of Aurora Wind Project, LLC ("Aurora") presented information to the \_\_\_\_\_ Board of Township Supervisors ("Township Board") regarding the proposed Aurora Wind Project ("Wind Project") and an associated 345 kilovolt ("kV") transmission line ("Transmission Line") to be located in Williams County, North Dakota. Aurora provided the enclosed map, which shows the proposed location of the Wind Project and the Transmission Line (collectively, the "Project") in Williams County, including the applicable townships.

Aurora indicated that the Wind Project would produce up to 300 megawatts of wind energy and components would include wind turbines, collection and communication systems, a substation, an operations and maintenance facility, access roads, and permanent meteorological towers. Aurora indicated that the associated Transmission Line would be approximately 25 miles long and components would include single-pole steel structures, overhead electric conductors, overhead communication cables, and a switching station (located in Mountrail County). The Transmission Line would facilitate interconnection of the Wind Project to the electrical grid at the existing Basin Electric Power Cooperative Tande 345-kV Substation, located in the Northeast Quarter of Section 29, Township 157 North, Range 94 West, Mountrail County, North Dakota.

Aurora informed the Township Board that it plans to file applications for conditional use permits and associated variances for the Project (collectively, the "Application") with the Williams County Planning and Zoning Division ("Planning and Zoning"). We understand the variances may include, among others, a variance from the turbine setback of 1,400 feet from structures, with the exception of existing occupied residences, on parcels owned by Project participants; and a variance to reduce the minimum turbine blade clearance requirement.

January 15, 2018

Page 2

Aurora requested that we provide comments to Planning and Zoning regarding the proposed Project and the planned Application. Therefore, pursuant to a decision made by the Township Board at its January \_\_\_\_, 2018 meeting, the Township Board provides the following comments regarding the proposed Project and the planned Application:

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If you have any questions, please let us know.

Sincerely,

\_\_\_\_\_  
\_\_\_\_\_  
Board of Township Supervisors, Chair

January 15, 2018

Arlon Peterson  
Big Stone Township Chairman  
12115 81<sup>st</sup> St. NW  
Alamo, ND 58830-9350

**RE: Aurora Wind Farm Project Township Meeting**

Dear Arlon:

Per previous conversations I am writing to confirm our upcoming Township meeting next week

Wednesday January 24<sup>th</sup>

9:00 AM

Mr. Wayne Deering's residence: 7826 125th Ave NW Alamo ND 58830-9332

If this is not correct, please let me know right away.

Also, enclosed is a letter from Tradewind Energy that they would request be completed after the township meeting.

I want to again thank you for your cooperation and look forward to our meeting. If you have any questions please do not hesitate to contact me.

Sincerely,

DIAMOND RESOURCES CO.

Glenn Boyeff  
Agent Landman  
Toll Free 1-866-572-4523  
Cell Phone 701-570-7234  
Email: [glenn@diamondnd.com](mailto:glenn@diamondnd.com)

GB:slw  
Enc./Aurora

January 15, 2018

Arlon Peterson  
Big Stone Township Chairman  
12115 81<sup>st</sup> St. NW  
Alamo, ND 58830-9350

RE: Aurora Wind Project, LLC's Conditional Use Permit and Variance Request  
Applications for the Aurora Wind Project and Associated Transmission Line

Dear Mr. Peterson:

At a meeting held on January \_\_\_\_, 2018, representatives of Aurora Wind Project, LLC ("Aurora") presented information to the \_\_\_\_\_ Board of Township Supervisors ("Township Board") regarding the proposed Aurora Wind Project ("Wind Project") and an associated 345 kilovolt ("kV") transmission line ("Transmission Line") to be located in Williams County, North Dakota. Aurora provided the enclosed map, which shows the proposed location of the Wind Project and the Transmission Line (collectively, the "Project") in Williams County, including the applicable townships.

Aurora indicated that the Wind Project would produce up to 300 megawatts of wind energy and components would include wind turbines, collection and communication systems, a substation, an operations and maintenance facility, access roads, and permanent meteorological towers. Aurora indicated that the associated Transmission Line would be approximately 25 miles long and components would include single-pole steel structures, overhead electric conductors, overhead communication cables, and a switching station (located in Mountrail County). The Transmission Line would facilitate interconnection of the Wind Project to the electrical grid at the existing Basin Electric Power Cooperative Tande 345-kV Substation, located in the Northeast Quarter of Section 29, Township 157 North, Range 94 West, Mountrail County, North Dakota.

Aurora informed the Township Board that it plans to file applications for conditional use permits and associated variances for the Project (collectively, the "Application") with the Williams County Planning and Zoning Division ("Planning and Zoning"). We understand the variances may include, among others, a variance from the turbine setback of 1,400 feet from structures, with the exception of existing occupied residences, on parcels owned by Project participants; and a variance to reduce the minimum turbine blade clearance requirement.

January 15, 2018

Page 2

Aurora requested that we provide comments to Planning and Zoning regarding the proposed Project and the planned Application. Therefore, pursuant to a decision made by the Township Board at its January \_\_\_\_, 2018 meeting, the Township Board provides the following comments regarding the proposed Project and the planned Application:

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If you have any questions, please let us know.

Sincerely,

\_\_\_\_\_  
\_\_\_\_\_  
Board of Township Supervisors, Chair

January 15, 2018

Richard Skor and Jennifer Skor  
Big Meadow Township Chairman and Clerk  
8 Hamlet Ave.  
Wildrose, ND 58795-9400

**RE: Aurora Wind Farm Project Township Meeting**

Dear Richard and Jennifer:

Per previous conversations I am writing to confirm our upcoming Township meeting next week,

Wednesday January 24<sup>th</sup>  
4:00 PM  
Wildrose Fire Hall.

If this is not correct, please let me know right away.

Also, enclosed is a letter from Tradewind Energy that they would request be completed after the township meeting.

I want to again thank you for your cooperation and look forward to our meeting. If you have any questions please do not hesitate to contact me.

Sincerely,

DIAMOND RESOURCES CO.

Glenn Boyeff  
Agent Landman  
Toll Free 1-866-572-4523  
Cell Phone 701-570-7234  
Email: [glenn@diamondnd.com](mailto:glenn@diamondnd.com)

GB:slw  
Enc./Aurora

January 15, 2018

Richard Skor and Jennifer Skor  
Big Meadow Township Chairman  
8 Hamlet Ave.  
Wildrose, ND 58795-9400

RE: Aurora Wind Project, LLC's Conditional Use Permit and Variance Request  
Applications for the Aurora Wind Project and Associated Transmission Line

Dear Richard & Jennifer:

At a meeting held on January \_\_\_\_, 2018, representatives of Aurora Wind Project, LLC ("Aurora") presented information to the \_\_\_\_\_ Board of Township Supervisors ("Township Board") regarding the proposed Aurora Wind Project ("Wind Project") and an associated 345 kilovolt ("kV") transmission line ("Transmission Line") to be located in Williams County, North Dakota. Aurora provided the enclosed map, which shows the proposed location of the Wind Project and the Transmission Line (collectively, the "Project") in Williams County, including the applicable townships.

Aurora indicated that the Wind Project would produce up to 300 megawatts of wind energy and components would include wind turbines, collection and communication systems, a substation, an operations and maintenance facility, access roads, and permanent meteorological towers. Aurora indicated that the associated Transmission Line would be approximately 25 miles long and components would include single-pole steel structures, overhead electric conductors, overhead communication cables, and a switching station (located in Mountrail County). The Transmission Line would facilitate interconnection of the Wind Project to the electrical grid at the existing Basin Electric Power Cooperative Tande 345-kV Substation, located in the Northeast Quarter of Section 29, Township 157 North, Range 94 West, Mountrail County, North Dakota.

Aurora informed the Township Board that it plans to file applications for conditional use permits and associated variances for the Project (collectively, the "Application") with the Williams County Planning and Zoning Division ("Planning and Zoning"). We understand the variances may include, among others, a variance from the turbine setback of 1,400 feet from structures, with the exception of existing occupied residences, on parcels owned by Project participants; and a variance to reduce the minimum turbine blade clearance requirement.

January 15, 2018

Page 2

Aurora requested that we provide comments to Planning and Zoning regarding the proposed Project and the planned Application. Therefore, pursuant to a decision made by the Township Board at its January \_\_\_\_, 2018 meeting, the Township Board provides the following comments regarding the proposed Project and the planned Application:

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If you have any questions, please let us know.

Sincerely,

\_\_\_\_\_  
\_\_\_\_\_  
Board of Township Supervisors, Chair

## Jennifer Dean

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**From:** Latham, Mark <mlatham@burnsmcd.com>  
**Sent:** Tuesday, March 13, 2018 5:03 PM  
**To:** redhawk@mhanation.com  
**Cc:** Dave Iadarola; Jennifer Dean; msmith@fredlaw.com; Bailey, Justin; Fulmer, John  
**Subject:** Aurora wind project  
**Attachments:** Aurora CR 3 Tribes Letter & Maps 03-18-2018.pdf

Dear Mr. Crowsbreast,

Please find attached a letter and map introducing the proposed Aurora wind project in Williams County, North Dakota. We would greatly appreciate your comments or input on this project. Hard copies of the letter and map have also been sent by mail.

Sincerely,

Mark

Mark A. Latham \ Burns & McDonnell  
Senior Cultural Resource Specialist \ Environmental Studies & Permitting Group  
o 816-822-3912 \ m 517-425-1338  
[mlatham@burnsmcd.com](mailto:mlatham@burnsmcd.com) \ [burnsmcd.com](http://burnsmcd.com)  
9400 Ward Parkway \ Kansas City, MO 64114

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March 13, 2018

Elgin Crows Breast  
Tribal Historic Preservation Officer (THPO)  
Mandan, Hidatsa, and Arikara Tribes / Three Affiliated Tribes  
404 Frontage Road  
New Town, ND 58763

Re: Aurora Wind Project

Dear Mr. Crows Breast:

Aurora plans to construct the Aurora Wind Project in Williams County, North Dakota, and an associated 345 kilovolt (kV) transmission line in Williams County and Mountrail County, North Dakota (see enclosed project location maps). The Project will be located within an approximately 60,000-acre project area, and the transmission line will be located along an approximately 26-mile-long route that terminates in western Mountrail County. The Project is designed to produce environmentally friendly and cost-effective energy for the region.

We are respectfully requesting that you review the enclosed information and provide your input regarding traditional cultural properties or other resources important to you in or near the project area so that potential impacts to these resources may be avoided or mitigated during the project planning process. No federal permits apply to this project at this time, and we are not seeking to establish formal tribal consultation required by any law. Rather, this outreach is a result of Aurora's desire to include interested tribes in the early stages of the project and to seek their input.

Please review this information and notify us of any constraints or concerns that you may have regarding this project. We would greatly appreciate your input regarding not only this project but also sites or properties in the immediate area that might be of cultural or religious significance to your Tribe. The Executive Director of the North Dakota Indian Affairs Commission has kindly offered to host a meeting about the project at his office in Bismarck for any tribes interested in the Project. Please let us know if you would like us to arrange that meeting.

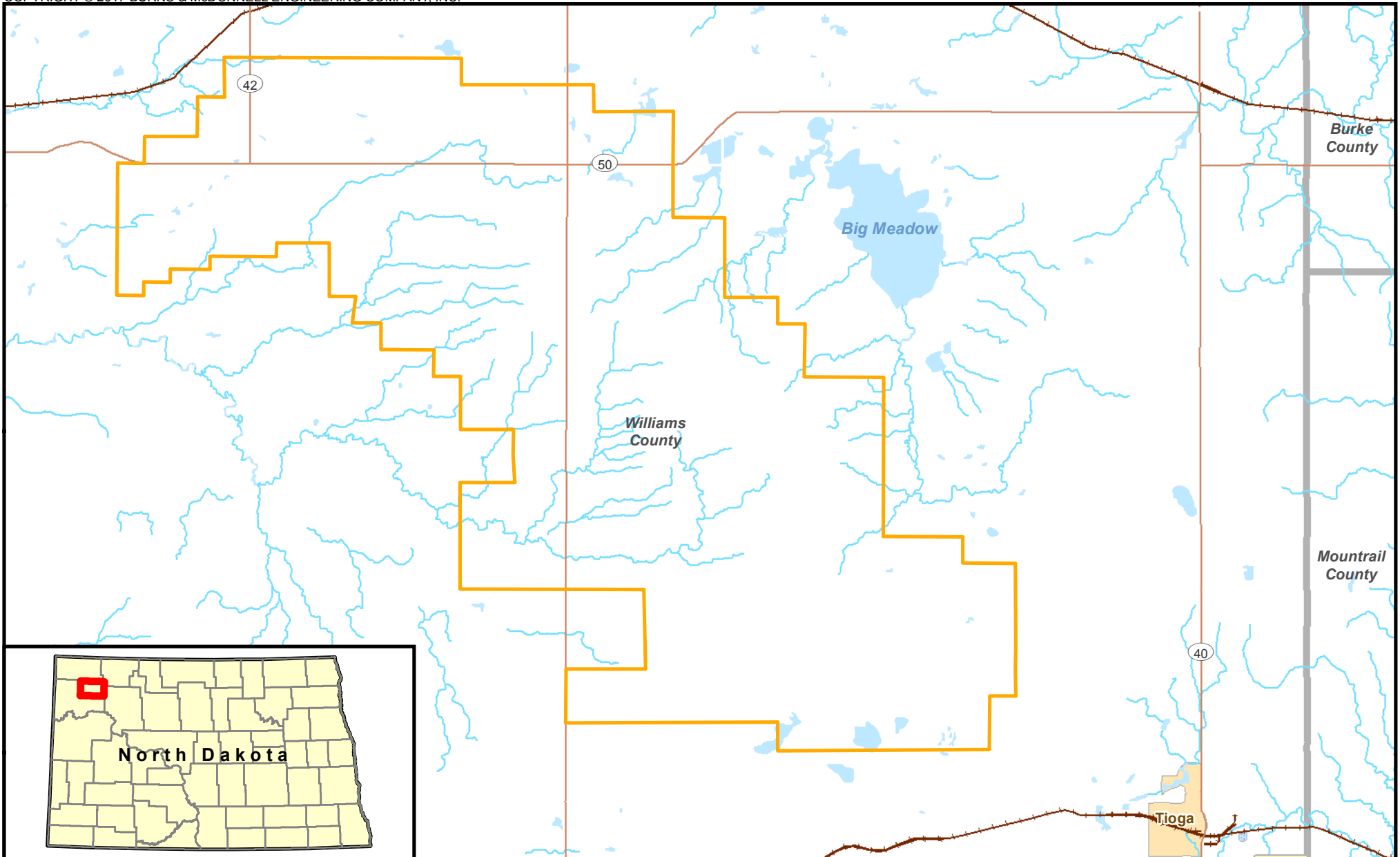
If you have any questions or need additional information, please contact me at (816) 822-3912.

Sincerely,

A handwritten signature in cursive script that reads "Mark A. Latham".

Mark A. Latham  
Senior Archaeologist  
Burns & McDonnell

Enclosure: Project Maps



- Proposed Wind Project Area
- Major Road
- County Boundary

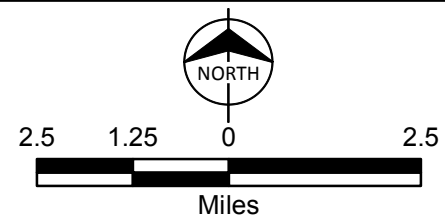
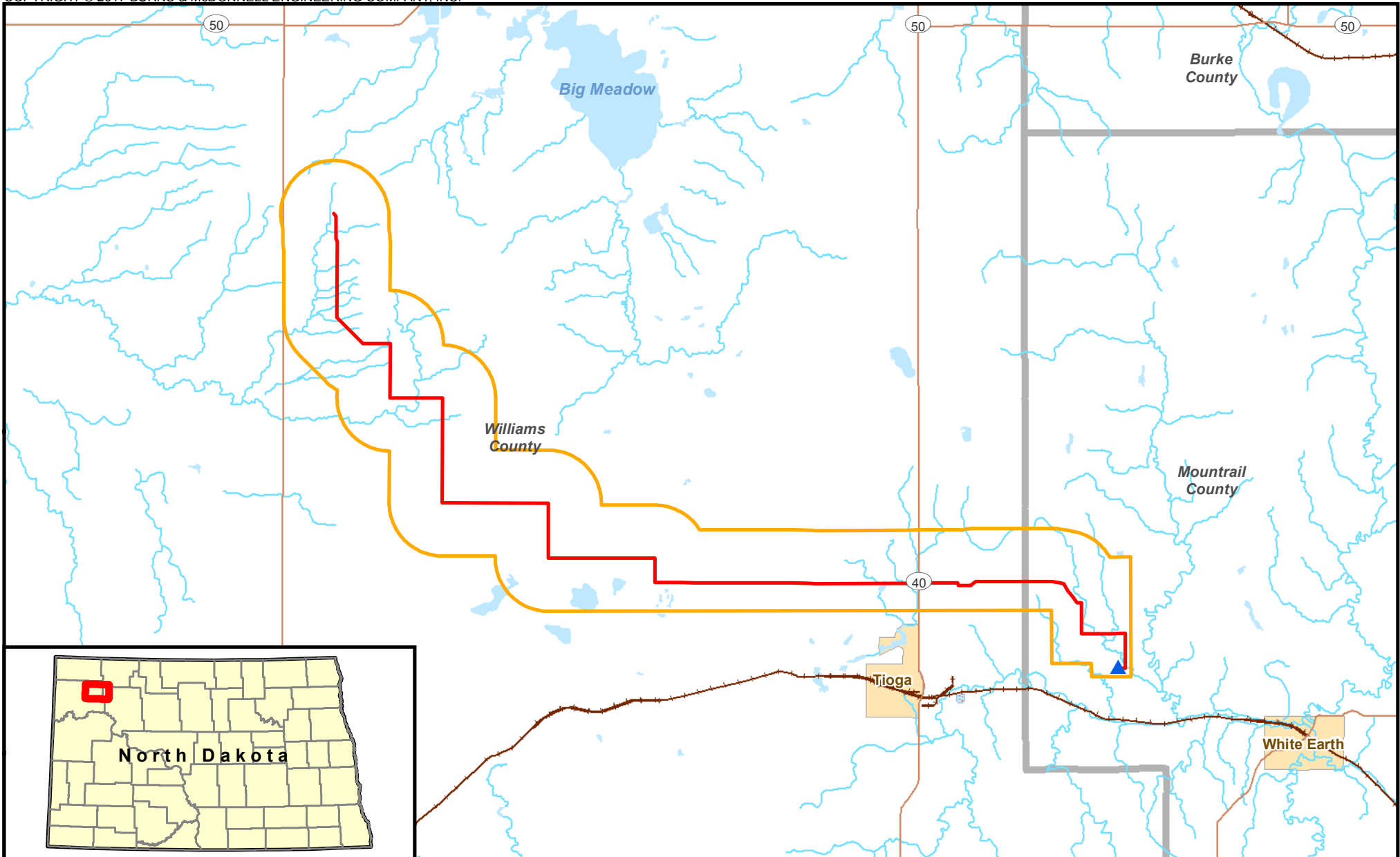


Figure 1  
Project Location Map  
Aurora Wind Project  
Aurora Wind Project, LLC  
Williams Co., ND



- Proposed Transmission Line Route
- Proposed Transmission Line Project Area
- Tande Substation

- Major Road
- County Boundary

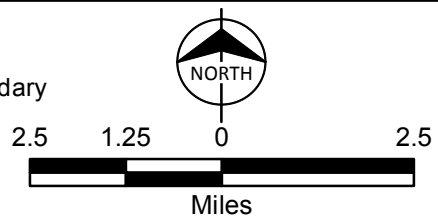


Figure 2  
Project Location Map  
Transmission Line Project  
Aurora Wind Project, LLC  
Williams and Mountrail Co., ND

## Jennifer Dean

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**From:** Latham, Mark <mlatham@burnsmcd.com>  
**Sent:** Tuesday, March 13, 2018 5:01 PM  
**To:** desjarlais.jeffery@yahoo.com  
**Cc:** Dave Iadarola; msmith@fredlaw.com; Jennifer Dean; Bell, Jennifer; Bailey, Justin; Fulmer, John  
**Subject:** Aurora Wind Project  
**Attachments:** Aurora CR Turtle Mountain Letter & Maps 03-18-2018.pdf

Dear Mr. Desjarlais

Please find attached a letter and map introducing the proposed Aurora wind project in Williams County, North Dakota. We would greatly appreciate your comments or input on this project. Hard copies of the letter and map have also been sent by mail.

Sincerely,

Mark

Mark A. Latham \ Burns & McDonnell  
Senior Cultural Resource Specialist \ Environmental Studies & Permitting Group  
o 816-822-3912 \ m 517-425-1338  
[mlatham@burnsmcd.com](mailto:mlatham@burnsmcd.com) \ [burnsmcd.com](http://burnsmcd.com)  
9400 Ward Parkway \ Kansas City, MO 64114

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March 13, 2018

Jess Desjarlais, Jr.  
Tribal Historic Preservation Officer  
Turtle Mountain Band of the Chippewa  
PO Box 900  
Belcourt, North Dakota 58316

Re: Aurora Wind Project

Dear Mr. Desjarlais:

Aurora plans to construct the Aurora Wind Project in Williams County, North Dakota, and an associated 345 kilovolt (kV) transmission line in Williams County and Mountrail County, North Dakota (see enclosed project location map). The Project will be located within an approximately 60,000-acre project area, and the transmission line will be located along an approximately 26-mile-long route that terminates in western Mountrail County. The Project is designed to produce environmentally friendly and cost-effective energy for the region.

We are respectfully requesting that you review the enclosed information and provide your input regarding traditional cultural properties or other resources important to you in or near the project area so that potential impacts to these resources may be avoided or mitigated during the project planning process. No federal permits apply to this project at this time, and we are not seeking to establish formal tribal consultation required by any law. Rather, this outreach is a result of Aurora's desire to include interested tribes in the early stages of the project and to seek their input.

Please review this information and notify us of any constraints or concerns that you may have regarding this project. We would greatly appreciate your input regarding not only this project but also sites or properties in the immediate area that might be of cultural or religious significance to your Tribe. The Executive Director of the North Dakota Indian Affairs Commission has kindly offered to host a meeting about the project at his office in Bismarck for any tribes interested in the Project. Please let us know if you would like us to arrange that meeting.

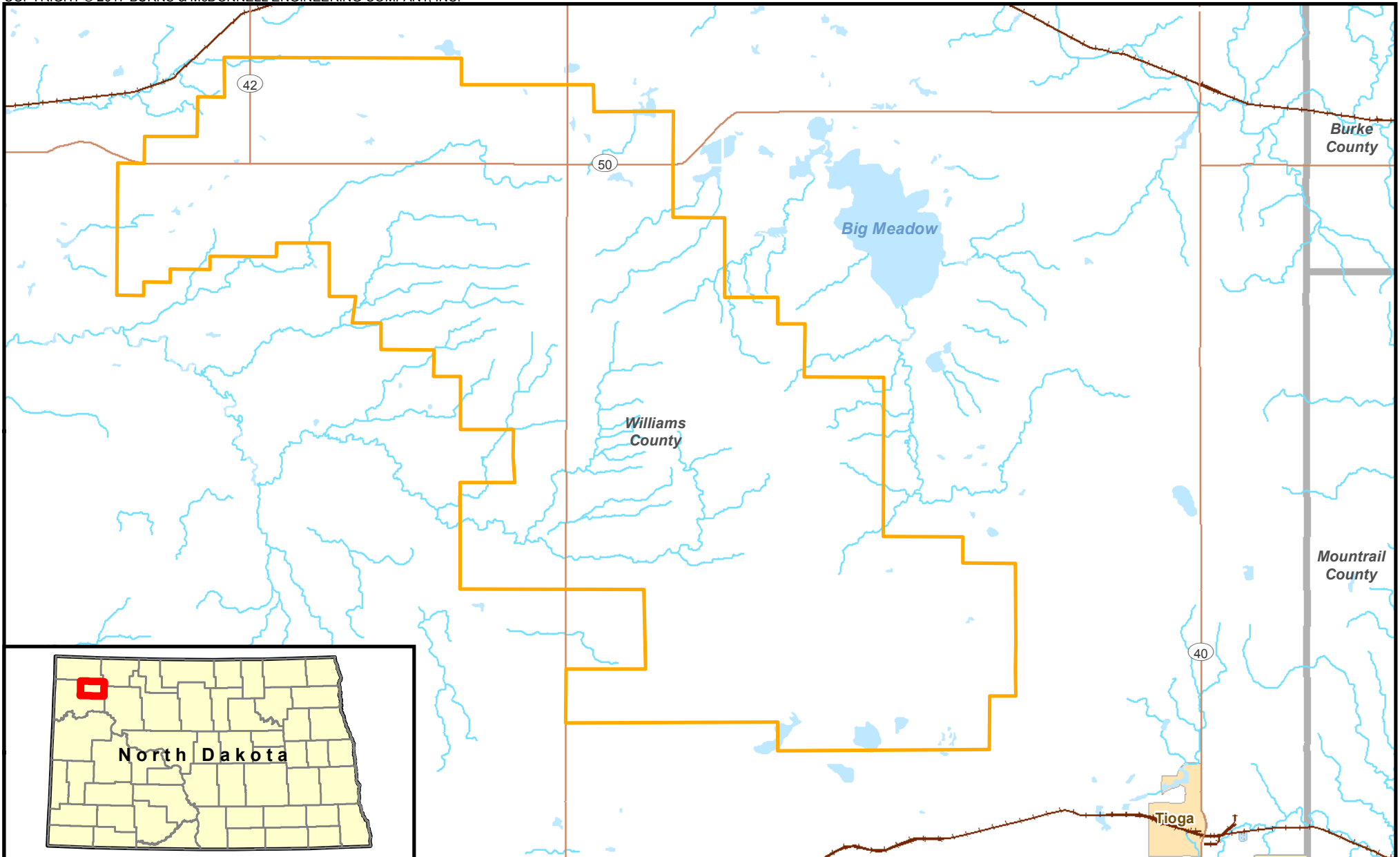
If you have any questions or need additional information, please contact me at (816) 822-3912.




Sincerely,

A handwritten signature in cursive script that reads "Mark A. Latham".

Mark A. Latham  
Senior Archaeologist  
Burns & McDonnell

Enclosure: Project Maps



-  Proposed Wind Project Area
-  Major Road
-  County Boundary

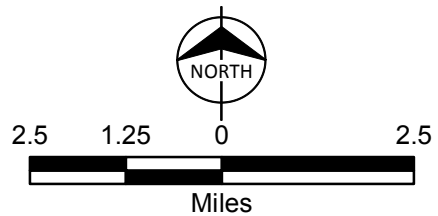
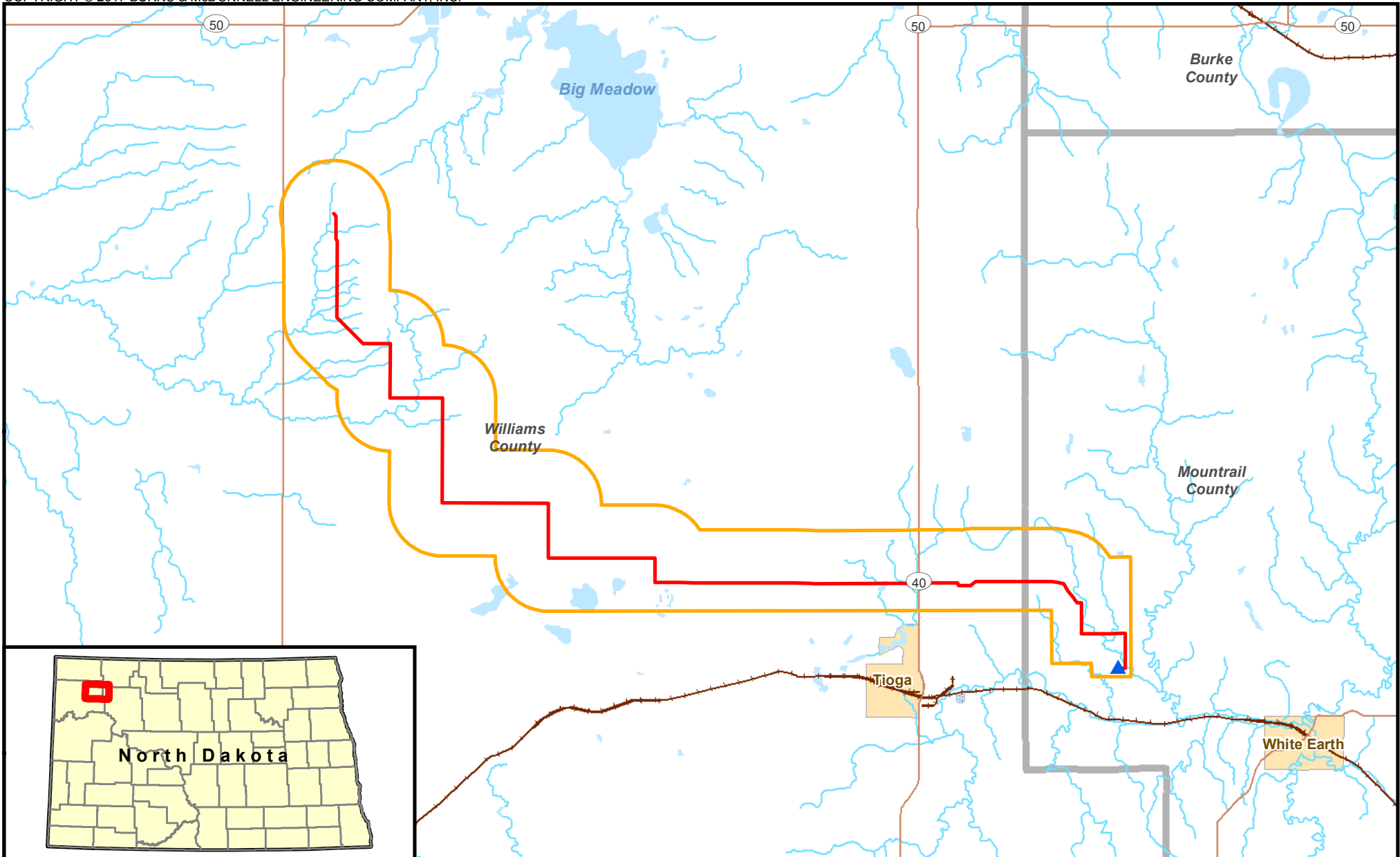


Figure 1  
Project Location Map  
Aurora Wind Project  
Aurora Wind Project, LLC  
Williams Co., ND



- Proposed Transmission Line Route
- Proposed Transmission Line Project Area
- Tande Substation

- Major Road
- County Boundary

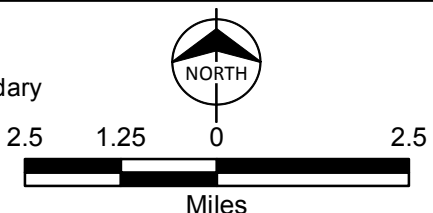


Figure 2  
Project Location Map  
Transmission Line Project  
Aurora Wind Project, LLC  
Williams and Mountrail Co., ND

**NORTH DAKOTA AERONAUTICS COMMISSION**



12 March 2018

Jennifer Bell  
Senior Environmental Scientist, Burns & McDonnell  
9785 Maroon Circle, Ste. 400  
Centennial, CO 80112

Dear Ms. Bell,

I am writing in response to the invitation for comments concerning Project: PROPOSED AURORA WIND PROJECT AND ASSOCIATED TRANSMISSION LINE IN WILLIAMS AND MOUNTRAIL COUNTIES, NORTH DAKOTA

Upon review of the proposed project sketch, the North Dakota Aeronautics Commission (NDAC) found two private and/or public use airports within the projects boundary. At this time, the NDAC recommends submitting FAA Form 7460-1s when turbine locations have been finalized. The two private and/or public use airports are as follows:

Tioga Municipal Airport – Tioga, ND (Verified Usage)  
Unknown Airport near Alamo, ND – Alamo, ND (Unverified Usage)

Please give the NDAC a call if you have any comments, concerns, and/or questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared L. Wingo".

Jared L. Wingo  
Airport Planner  
North Dakota Aeronautics Commission  
Office: (701) 328-9655  
Email: [jwingo@nd.gov](mailto:jwingo@nd.gov)



**Project Submission Success**  
**Project Name: AUROR-000452811-18**

Project AUROR-000452811-18 has been submitted successfully to the FAA.

Your filing is assigned Aeronautical Study Number (ASN):

- 2018-WTE-744-OE
- 2018-WTE-745-OE
- 2018-WTE-746-OE
- 2018-WTE-747-OE
- 2018-WTE-748-OE
- 2018-WTE-749-OE
- 2018-WTE-750-OE
- 2018-WTE-751-OE
- 2018-WTE-752-OE
- 2018-WTE-753-OE
- 2018-WTE-754-OE
- 2018-WTE-755-OE
- 2018-WTE-756-OE
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- 2018-WTE-799-OE
- 2018-WTE-800-OE
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- 2018-WTE-825-OE
- 2018-WTE-826-OE
- 2018-WTE-827-OE
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- 2018-WTE-885-OE
- 2018-WTE-886-OE
- 2018-WTE-887-OE
- 2018-WTE-888-OE
- 2018-WTE-889-OE

Please refer to the assigned ASN on all future inquiries regarding this filing.

Please return to the system at a later date for status updates.

It is the responsibility of each e-filer to exercise due diligence to determine if coordination of the proposed construction or alteration is necessary with their state aviation department. Please use the link below to contact your state aviation department to determine their requirements:

[State Aviation Contacts](#)

*To ensure e-mail notifications are delivered to your inbox please add noreply@faa.gov to your address book. Notifications sent from this address are system generated FAA e-mails and replies to this address will NOT be read or forwarded for review. Each system generated e-mail will contain specific FAA contact information in the text of the message.*



**NORTH DAKOTA DEPARTMENT OF HEALTH**



January 9, 2018

Ms. Jennifer Bell  
Senior Environmental Scientist  
Burns & McDonnell  
9785 Maroon Circle, Suite 400  
Centennial, CO 80112

Re: Proposed Aurora Wind Project and Associated Transmission Line  
Williams and Mountrail Counties in North Dakota

Dear Ms. Bell:

This department has reviewed the information concerning the above-referenced project submitted under date of December 21, 2017, with respect to possible environmental impacts.

This department believes that environmental impacts from the proposed construction will be minor and can be controlled by proper construction methods. With respect to construction, we have the following comments:

1. 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.
2. Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the storm water permit may be obtained from the Department's website or by calling the Division of Water Quality (701-328-5210). Also, cities may impose additional requirements and/or specific best management practices for construction affecting their storm drainage system. Check with the local officials to be sure any local storm water management considerations are addressed.
3. Some areas within the proposed construction area overly the Ray and West Wildrose glacial drift aquifers. In addition, several domestic and stock water supply wells may lie in close proximity to construction activities depending on specific locations within the extent of the project. Care should be taken to avoid spills of any materials that may have an adverse

Ms. Jennifer Bell

2.

January 9, 2018

effect on groundwater quality. All spills must be immediately reported to this Department and appropriate remedial actions performed.

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,

A handwritten signature in black ink, appearing to read "L. David Glatt". The signature is written in a cursive style with a large, looping initial "L".

L. David Glatt, P.E., Chief  
Environmental Health Section

LDG:cc  
Attach.



**Construction and Environmental Disturbance Requirements**

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

**Soils**

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

**Surface Waters**

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

**Fill Material**

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.

# Telephone Memo



Called: Jeff Thomas  
Organization: North Dakota Department of Energy Services/Division of Homeland Security  
Caller: Ryann Williams  
Organization: Burns and McDonnell Engineering Inc  
Subject of Call: Tier II Hazardous Site Locations

Call Date: 2/7/2018  
Call Time: 10:32 AM  
Phone No. Called: 701-328-8216

Project Name: Aurora Wind Project  
Project No.: 104200

Memo Prepared By: Ryann Williams  
Date Memo Issued: 2/8/2018

## Summary:

Requested site location information (latitude and longitude points) for Tier II Hazardous Waste Sites in Williams and Mountrail Counties, ND. The requested information was provided via email ([rewilliams@burnsmcd.com](mailto:rewilliams@burnsmcd.com)) shortly after the conversation ended.

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES**

## Bailey, Justin

---

**From:** Alm, Jonathan E. <jealm@nd.gov>  
**Sent:** Tuesday, February 27, 2018 1:50 PM  
**To:** Bravo-Cogar, Crystal G  
**Subject:** RE: response follow up

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

The North Dakota Department of Human Services (Department) will not be providing any input regarding the Aurora Wind Project Areas. The Department does not require any applicable permits regarding the project.

Thank you,

Jonathan Alm

---

**From:** Bravo-Cogar, Crystal G [<mailto:cbravocogar@burnsmcd.com>]  
**Sent:** Tuesday, February 27, 2018 11:49 AM  
**To:** -Info-DHS Executive Office  
**Subject:** response follow up

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

Dear Mr. Christopher Jones,

Good morning. This email is a follow up with you regarding a letter Burns & McDonnell mailed to the North Dakota Department of Human Services requesting input on any sensitive resources, current or planned development, or property interests your agency or entity may have in or around the Aurora Wind Project Areas. Our inquiry also included a request for information regarding any applicable permits that may be required from your office in consideration of the project. A copy of the letter is attached for your reference.

We want to ensure your input is considered as development moves forward. Please let us know whether or not you will be responding to this request. It would be greatly appreciated and we look forward to your response.

Sincerely,

Crystal G. Bravo-Cogar

**Crystal Bravo Cogar \ Burns & McDonnell**  
Senior Environmental Specialist  
o 303-474-2247 \ m 702-501-7735  
[cbravocogar@burnsmcd.com](mailto:cbravocogar@burnsmcd.com) \ [burnsmcd.com](http://burnsmcd.com)  
9785 Maroon Circle, Suite 400 \ Centennial, CO 80112

**NORTH DAKOTA DEPARTMENT OF LABOR AND HUMAN  
RIGHTS**

## Bailey, Justin

---

**From:** -Info-Labor Dept. <labor@nd.gov>  
**Sent:** Wednesday, February 28, 2018 7:51 AM  
**To:** Bravo-Cogar, Crystal G  
**Subject:** RE: response follow up

The North Dakota Department of Labor and Human Rights does not have any information to provide. We do not have any required permits.

### Loni G.

Administrative Officer  
Phone: 701.328.2660  
Fax: 701.328.2031

[North Dakota Department of Labor and Human Rights](#)

Email Confidentiality: This e-mail and any attachments thereto is intended only for use by the addressee(s) named therein and may contain legally privileged and/or confidential information subject to protection under the law. If you are not the intended recipient of this e-mail, you are hereby notified any dissemination, distribution or copying of this e-mail and any attachments is strictly prohibited. If you receive this email in error, please notify me immediately and permanently delete the original copy and any copy or printout of same. Thank you.

---

**From:** Bravo-Cogar, Crystal G [mailto:cbravocogar@burnsmcd.com]  
**Sent:** Tuesday, February 27, 2018 11:57 AM  
**To:** -Info-Labor Dept. <labor@nd.gov>  
**Subject:** response follow up

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

Dear Ms. Michelle Kommer,

Good morning. This email is a follow up with you regarding a letter Burns & McDonnell mailed to the North Dakota Department of Human Services requesting input on any sensitive resources, current or planned development, or property interests your agency or entity may have in or around the Aurora Wind Project Areas. Our inquiry also included a request for information regarding any applicable permits that may be required from your office in consideration of the project. A copy of the letter is attached for your reference.

We want to ensure your input is considered as development moves forward. Please let us know whether or not you will be responding to this request. It would be greatly appreciated and we look forward to your response.

Sincerely,

Crystal G. Bravo-Cogar

**Crystal Bravo Cogar \ Burns & McDonnell**  
Senior Environmental Specialist  
o 303-474-2247 \ m 702-501-7735  
[cbravocogar@burnsmcd.com](mailto:cbravocogar@burnsmcd.com) \ [burnsmcd.com](http://burnsmcd.com)

**NORTH DAKOTA DEPARTMENT OF COMMERCE**

## Bailey, Justin

---

**From:** McMerty, Sandra L. <smcmerty@nd.gov>  
**Sent:** Monday, March 5, 2018 8:36 AM  
**To:** Bravo-Cogar, Crystal G  
**Cc:** Schneider, John F.; Schuler, Jay P.  
**Subject:** FW: response follow up  
**Attachments:** TWEAurora Department of Commerce.pdf; ATT00001.htm

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Crystal,

Thank you for your inquiry regarding input on any sensitive resources, current or planned development, or property interests our agency might have with interest on the Aurora Wind Project Areas. We don't have knowledge of any projects that are in conflict, but recommend visiting with the Williams and Mountrail economic development offices if you have not already.

There are no permits required by our agency for your projects at this time. However, if you wish to seek certain tax incentives from the state of North Dakota, a primary sector certification may be necessary and can be sought from this agency. More information about incentives and primary sector certification can be found at:

<https://www.business.nd.gov/finance/TaxIncentives>

Thank you for your patience in our response and please let me know if you have any further questions.

Sandy

Sandra McMerty  
Deputy Commissioner/Senior Marketing & Communications Manager  
**NORTH DAKOTA DEPARTMENT OF COMMERCE**  
p: 701-328-5371 / [smcmerty@nd.gov](mailto:smcmerty@nd.gov) / [www.NDCommerce.com](http://www.NDCommerce.com)



Begin forwarded message:

**From:** "Bravo-Cogar, Crystal G" <[cbravocogar@burnsmcd.com](mailto:cbravocogar@burnsmcd.com)>  
**Date:** February 27, 2018 at 11:24:02 AM MST  
**To:** "[jpschuler@nd.gov](mailto:jpschuler@nd.gov)" <[jpschuler@nd.gov](mailto:jpschuler@nd.gov)>  
**Subject:** response follow up

<p><b>CAUTION:</b> This email originated from an outside source. Do not click links or open attachments unless you know they are safe.</p>
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Dear Mr. Schuler,

Good morning. This email is a follow up with you regarding a letter Burns & McDonnell mailed to the North Dakota Department of Commerce requesting input on any sensitive resources, current or planned development, or property interests your agency or entity may have in or around the Aurora Wind Project Areas. Our inquiry also included a request for information regarding any applicable permits that may be required from your office in consideration of the project. A copy of the letter is attached for your reference.

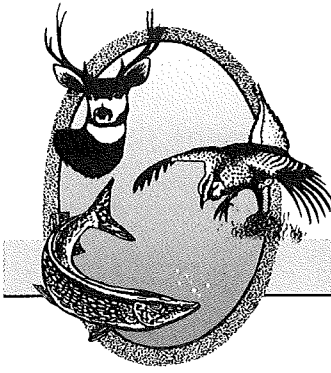
We want to ensure your input is considered as development moves forward. Please let us know whether or not you will be responding to this request. It would be greatly appreciated and we look forward to your response.

Sincerely,

Crystal G. Bravo-Cogar

**Crystal Bravo Cogar \ Burns & McDonnell**  
Senior Environmental Specialist  
☎ 303-474-2247 \ 📠 702-501-7735  
[cbravocogar@burnsmcd.com](mailto:cbravocogar@burnsmcd.com) \ [burnsmcd.com](http://burnsmcd.com)  
9785 Maroon Circle, Suite 400 \ Centennial, CO 80112

**NORTH DAKOTA GAME AND FISH DEPARTMENT**



"VARIETY IN HUNTING AND FISHING"

## **NORTH DAKOTA GAME AND FISH DEPARTMENT**

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

GOVERNOR, *Doug Burgum*

DIRECTOR, *Terry Steinwand*

DEPUTY, *Scott A. Peterson*

8 January 2018

Jennifer Bell  
Senior Environmental Scientist  
Burns & McDonnell  
9785 Maroon Circle, Suite 400  
Centennial, CO 80112

Dear Ms. Bell:

RE: Information Request for the Proposed Aurora Wind Project and Associated Transmission Line in Williams and Mountrail Counties, ND

As the pressures of energy development on North Dakota's landscape increase, the North Dakota Game and Fish Department (Department) has taken an active role with the U.S. Fish and Wildlife Service and Energy partners in developing voluntary state specific wind energy guidelines. The purpose of these guidelines is to ensure only environmentally responsible and sustainable projects that benefit both our local communities and our wildlife are pursued, while also providing improved predictability in the permitting process. During this transition, the Department has committed to assisting each individual developer with incorporating these new guidelines.

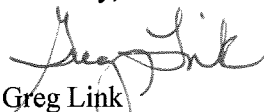
The primary concern with wind power development, and the force driving the creation of new guidelines, is the disturbance of unbroken, native habitats associated with the construction of turbines, access roads, and other associated facilities. Native prairie is the most endangered ecosystem in North Dakota and the majority of our native species, in particular, our species of conservation concern, are linked to prairie. Disturbance, fragmentation, and the loss of native prairie have adversely impacted a wide variety of North Dakota's wildlife and these negative impacts will only continue to compound as more development takes place on the landscape. The remaining tracts of unbroken prairie are becoming more and more vital to many declining bird and pollinator species and we highly recommend avoiding these grasslands to the extent possible.

Prairie Pothole wetlands are the most productive wildlife habitat in North Dakota and, thus, must also be considered during the planning and siting of a project. A significant number of waterfowl, shorebirds, and whooping cranes utilize the resources in the region of the Aurora Project. Because these wetlands are of such considerable value to many different species, any disturbance that reduces the value and/or hydrological function should also be avoided to the extent possible. We also recommend that no alterations be made to existing drainage patterns.

The Department has a number of resources available for the benefit of the developer and consultant, including maps and information on native habitats, priority areas, and sensitive species. The Department received a data request for eagle nests and other sensitive species within 10 miles of the project area from your consulting firm, WEST, Inc. on December 21, 2017. On January 2, 2018, the Department queried the database and there were no known locations of eagle nests or grouse leks. However, nesting bald eagles are increasing significantly in North Dakota and leks are only surveyed by Department staff in designated census blocks. Therefore, the Department highly recommends that surveys be conducted for raptor nests and sharp-tailed grouse leks within the project area. Core native habitat layers are available via Esri REST Services <https://gf.nd.gov/maps/data> then selecting North Dakota Game and Fish Department Species Range and Habitats. Finally, the Department also recommends working with the U.S. Fish and Wildlife Service, as any state guidelines do not relieve the developer of its obligations to comply with any applicable federal regulations.

In our initial review of the project, we would like to commend Aurora Wind Project, LLC and Tradewind Energy, Inc., as the majority of the project appears to be within a relatively low sensitive area with respects to native habitats. However, depending on the placement of turbines, roads, and associated infrastructure, there may still be a need to develop an offset plan for the direct and indirect impacts due to disturbance of unbroken, native prairie and wetland habitats. The Department would appreciate being kept informed as the project progresses and, if possible, we would like the spatial data for roads and turbine locations after the site has been established. Please contact Sandra Johnson, Conservation Biologist at 701-328-6327 for any other data requests.

Sincerely,



Greg Link  
Chief, Conservation & Communications Division

em

cc: Kevin Shelley, US Fish and Wildlife Service ESA

## Jennifer Dean

---

**From:** Clayton Derby <cderby@west-inc.com>  
**Sent:** Tuesday, January 02, 2018 10:30 AM  
**To:** Jennifer Dean  
**Subject:** Fwd: Eagle Nest Locations

Hi Jenni

Happy New Year!

See below regarding no known bald or golden eagle nests within 10 miles of the Aurora project.

**Clayton Derby**  
**CSO / Wildlife Biologist**



Western Ecosystems Technology, Inc.  
Environmental & Statistical Consultants  
4007 State Street, Suite 109  
Bismarck, ND 58503  
(701) 250-1756  
(701) 426-5072 Cell  
(701) 250-1761 Fax  
[cderby@west-inc.com](mailto:cderby@west-inc.com)  
[www.west-inc.com](http://www.west-inc.com)

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----- Forwarded message -----

**From:** Johnson, Sandra K. <[sajohnson@nd.gov](mailto:sajohnson@nd.gov)>  
**Date:** Tue, Jan 2, 2018 at 9:35 AM  
**Subject:** RE: Eagle Nest Locations  
**To:** Clayton Derby <[cderby@west-inc.com](mailto:cderby@west-inc.com)>

Clayton,

There are no known bald or golden eagle nests within 10 miles of the project area. We do not have a grouse census block in this area so there are no known leks in the database.

Native or unbroken prairie is present in the project area and these areas should be avoided or minimized to the extent possible to preclude impacts to species of conservation priority.

Sandy

*Sandy Johnson*

*Conservation Biologist*

*North Dakota Game and Fish Department*

*100 N. Bismarck Expwy.*

*Bismarck, ND 58501-5095*

Phone: [701-328-6382](tel:701-328-6382)

[sajohnson@nd.gov](mailto:sajohnson@nd.gov)

<http://gf.nd.gov/>

**From:** Clayton Derby [mailto:[cderby@west-inc.com](mailto:cderby@west-inc.com)]

**Sent:** Friday, December 22, 2017 9:27 AM

**To:** Johnson, Sandra K. <[sajohnson@nd.gov](mailto:sajohnson@nd.gov)>

**Subject:** Re: Eagle Nest Locations

---

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

---

Someday maybe I will remember that!

See attached.

**Clayton Derby**

**CSO / Wildlife Biologist**



Western Ecosystems Technology, Inc.  
Environmental & Statistical Consultants

[4007 State Street, Suite 109](#)

[Bismarck, ND 58503](#)

[\(701\) 250-1756](#)

[\(701\) 426-5072](#) Cell

[\(701\) 250-1761](#) Fax  
[cderby@west-inc.com](mailto:cderby@west-inc.com)

[www.west-inc.com](http://www.west-inc.com)

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On Fri, Dec 22, 2017 at 7:04 AM, Johnson, Sandra K. <[sajohnson@nd.gov](mailto:sajohnson@nd.gov)> wrote:

Darn state email system...can you please send unzipped or change extension to .piz.

Thanks,

Sandy

*Sandy Johnson*

*Conservation Biologist*

*North Dakota Game and Fish Department*

100 N. Bismarck Expwy.

Bismarck, ND 58501-5095

Phone: [701-328-6382](tel:701-328-6382)

[sajohnson@nd.gov](mailto:sajohnson@nd.gov)

<http://gf.nd.gov/>

**From:** Clayton Derby [mailto:[cderby@west-inc.com](mailto:cderby@west-inc.com)]

**Sent:** Thursday, December 21, 2017 3:22 PM

**To:** Johnson, Sandra K. <[sajohnson@nd.gov](mailto:sajohnson@nd.gov)>

**Subject:** Eagle Nest Locations

An attachment has been removed from this message in accordance with the State of North Dakota Information Technology Department's Email Service Level Agreement (<https://www.nd.gov/itd/services/email/email-service-level-agreement>). The attachment is NOT recoverable.

Please contact your IT support staff or the ITD Service Desk with any concerns. You can submit an incident ticket to ITD via the web at [www.nd.gov/itd/support](http://www.nd.gov/itd/support) or by phone at [701-328-4470](tel:701-328-4470).

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

Hello Sandy

Hope you are well.

Attached please find a shapefile of the proposed Aurora Wind Project near Tioga. I am requesting a search of your database for any eagle nest locations within 10 miles, as well as other locational information on other sensitive species, that can help in project siting to avoid and minimize impacts.

If needed, please provide me a copy of your data sharing agreement for signature.

Thank you

**Clayton Derby**

**CSO / Wildlife Biologist**



Western Ecosystems Technology, Inc.  
Environmental & Statistical Consultants

[4007 State Street, Suite 109](#)

[Bismarck, ND 58503](#)

[\(701\) 250-1756](#)

[\(701\) 426-5072](#) Cell

[\(701\) 250-1761](#) Fax  
[cderby@west-inc.com](mailto:cderby@west-inc.com)

[www.west-inc.com](http://www.west-inc.com)

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Please consider the environment before printing.

## Jennifer Dean

---

**From:** Clayton Derby <cderby@west-inc.com>  
**Sent:** Monday, August 13, 2018 12:02 PM  
**To:** Kevin Shelley; JOHN SCHUMACHER  
**Cc:** Jennifer Dean; Katherine Moratz  
**Subject:** Re: Aurora Meeting Materials  
**Attachments:** Aurora\_Aug 16 2018\_Agency Memo Final.pdf

With attachment this time.

**Clayton Derby**  
**CSO / Wildlife Biologist**



Western EcoSystems Technology, Inc.  
Environmental & Statistical Consultants  
4007 State Street, Suite 109  
Bismarck, ND 58503  
(701) 250-1756  
(701) 426-5072 Cell  
(701) 250-1761 Fax  
[cderby@west-inc.com](mailto:cderby@west-inc.com)  
[www.west-inc.com](http://www.west-inc.com)

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Please consider the environment before printing.

On Mon, Aug 13, 2018 at 11:21 AM, Clayton Derby <[cderby@west-inc.com](mailto:cderby@west-inc.com)> wrote:  
Hello Kevin and John

Attached please find a summary memo and a few figures to help lead the Aurora Wind Project meeting at 1 pm this Thursday, August 16. Please note that the meeting will be at the NDGFD office.

See you on Thursday.

**Clayton Derby**  
**CSO / Wildlife Biologist**



**Western EcoSystems Technology, Inc.**  
**Environmental & Statistical Consultants**

4007 State Street, Suite 109

Bismarck, ND 58503

(701) 250-1756

(701) 426-5072 Cell

(701) 250-1761 Fax

[cderby@west-inc.com](mailto:cderby@west-inc.com)

[www.west-inc.com](http://www.west-inc.com)

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## ENVIRONMENTAL & STATISTICAL CONSULTANTS

4007 State Street, Suite 109, Bismarck, ND 58503  
Phone: 701-250-1756 ♦ www.west-inc.com ♦ Fax: 701-250-1761

**TO: USFWS and NDGFD**  
**RE: Aurora Wind Energy Project Survey Update**  
**DATE: August 16, 2018**

Western EcoSystems Technology, Inc. (WEST) has been assisting Aurora Wind Project, LLC (Aurora), a subsidiary of Tradewind Energy, Inc., in implementing Tier 2 and 3 actions as described in the USFWS Wind Energy Guidelines (WEG) and USFWS Eagle Conservation Planning Guidance (ECPG) for the proposed Aurora Wind Energy Project (Project). The Project as currently planned encompasses approximately 44,000 acres and is located in Williams and Mountrail counties, North Dakota (Figure 1). The purpose of this memo is to facilitate a discussion related to the completed Tier 2 and Tier 3 wildlife surveys and future survey work at the Project.

### **Tier 2 Efforts:**

1. Site Characterization Study
  - Review of biological resources with respect to potential Project development
  - Anticipated low adverse impacts to bird and bat species
2. Whooping Crane Habitat Analysis
  - Assess potential suitability of wetlands within the Project
  - Project had smallest average sized wetlands and the second smallest total wetland acreage and number of basins compared to four adjacent reference areas
  - Project located with the defined whooping crane corridor but all facilities are outside the non-covered lands from WEWAG effort
  - Project falls within unoccupied stopover site use intensity cells
  - No whooping cranes documented in Project area from the USFWS sighting database. Whooping cranes observed during point counts, see Tier 3.
  - Potential to migrate over or through the Project
3. Stage 1 Site Assessment of Eagle Use/Risk
  - Assess if Project is known or likely to be used by eagles
  - Golden eagles uncommon
  - Bald eagles possible since some potential habitat exists (wetland complexes, grasslands) but overall the area lacks nesting habitat
  - NDGFD reports no known bald or golden eagle nests within 10 miles
  - No significant adverse impacts expected

### **Tier 3 Efforts:**

#### 1. Eagle/Avian Use Surveys

- 2 years of surveys
- 1 hour fixed-point surveys at 33 points
- 700 60-minute fixed point surveys
- 4 bald and 2 golden eagles observed during fixed-point surveys
- Anticipated low risk
- Do not plan to seek an eagle permit
- Total of 12 whooping cranes observed flying above rotor swept height with flocks of sandhill cranes on April 24, 2018.
- 

#### 2. Eagle/Raptor Nest Surveys

- 2 years of aerial surveys
- Meandering aerial transects of potential suitable habitat
- Eagle nests within 10 miles and non-eagle raptors within 1 mile of boundary
- No eagle nests observed

#### 3. Sharp-tailed Grouse Lek Surveys

- Road-based surveys in 2018
- 3 surveys from early April to early May
- Limited overall grassland blocks within and adjacent to Project (Figure 3) for lekking, brood rearing, etc.
- 52 points along public roads/trails around grasslands >80 acres
- 5 minutes of observations at each point
- 3 leks observed (2 confirmed and 1 potential; Figure 3)
- Turbines adjusted such that no leks within 1 mile of proposed turbine locations

### **Future Efforts:**

#### 1. Construction and Operations

- Operations personnel training for whooping crane identification and shutdown procedures if within 2 miles of turbines.
- Transmission line to be marked with bird diverters
- Post-construction fatality monitoring (Tier 4 surveys)
- Development of Bird and Bat Conservation Strategy (BBCS)

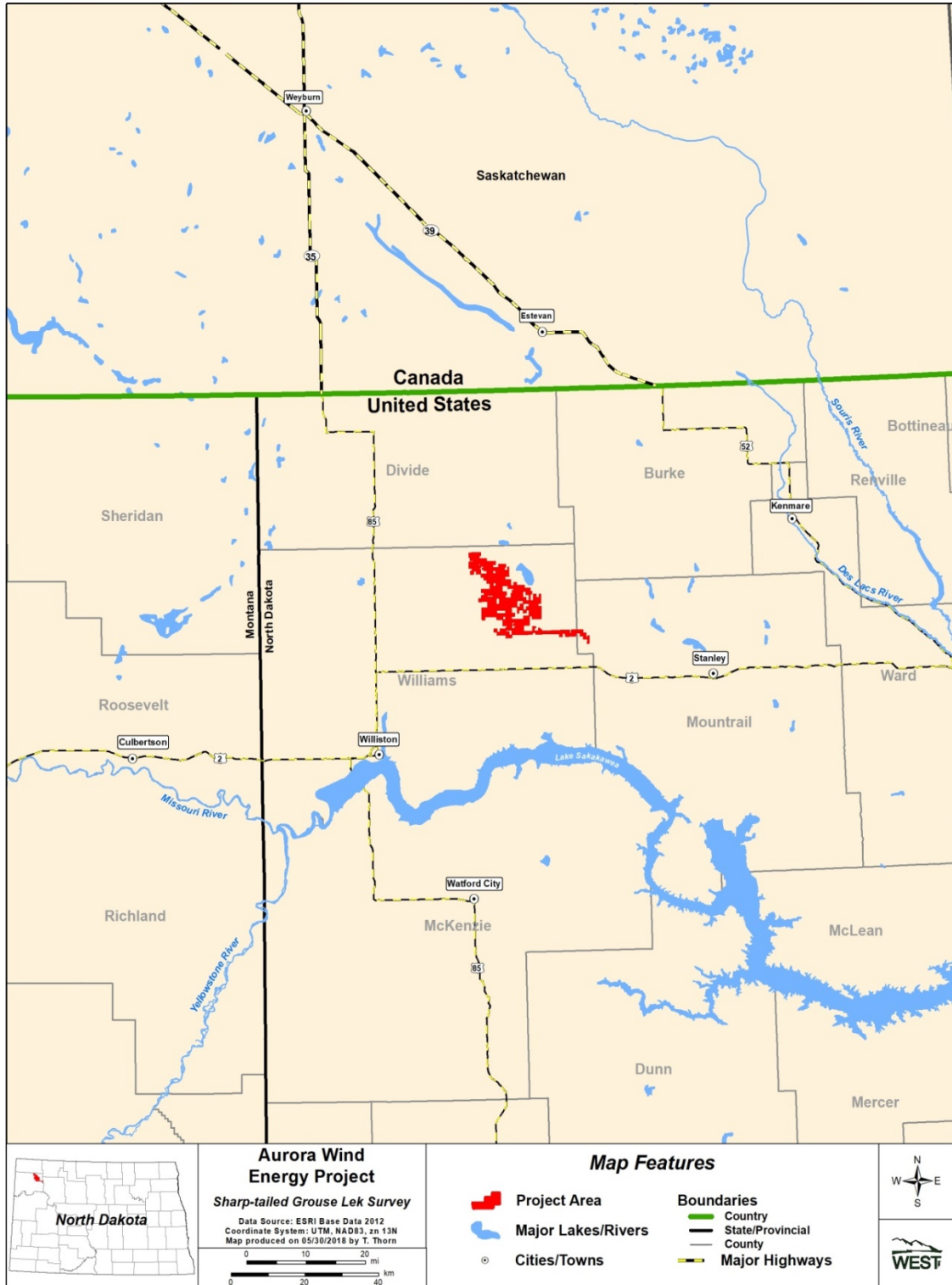


Figure 1. Location and current boundary of the Aurora Wind Energy Project in Williams and Mountrail counties, North Dakota.

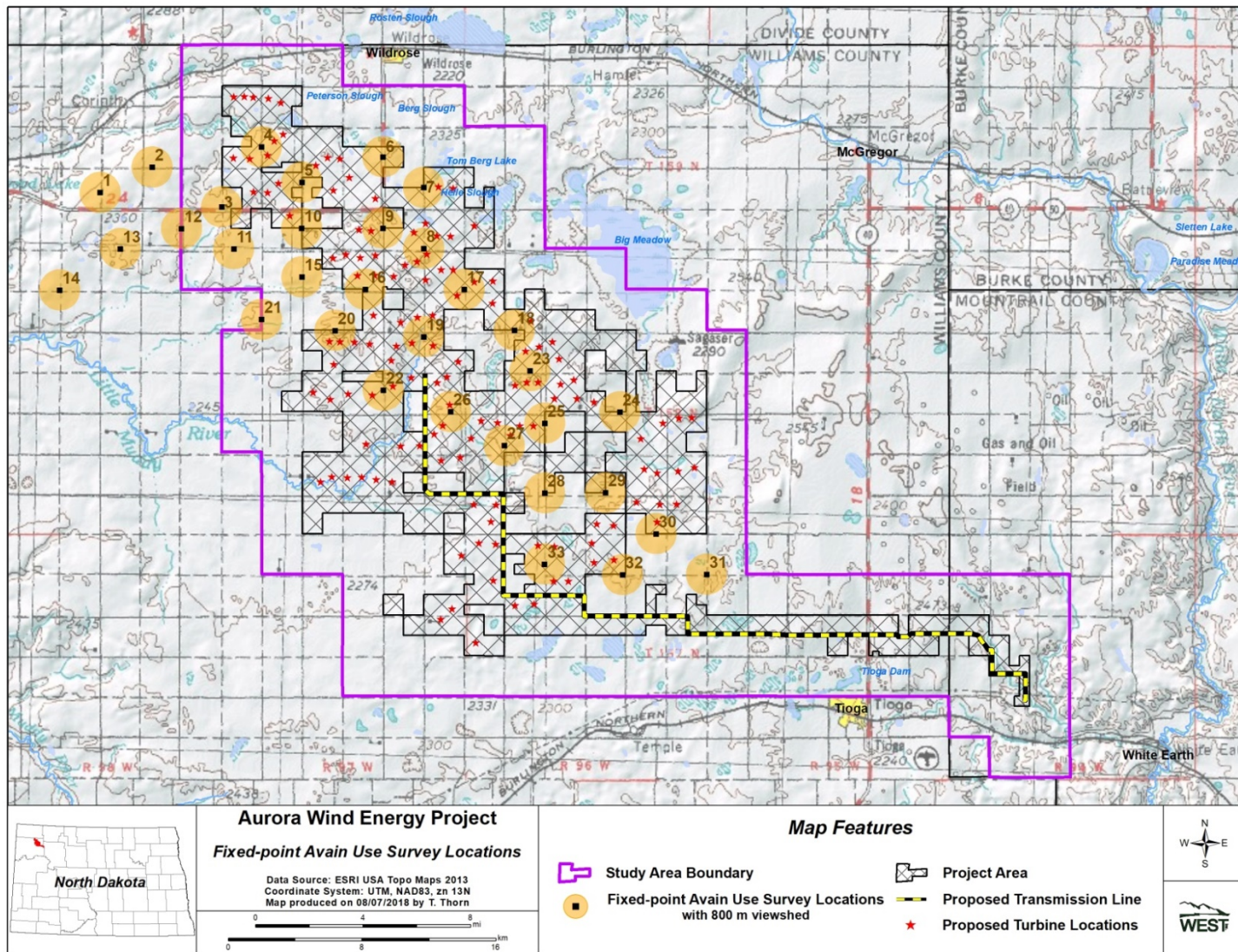


Figure 2. Fixed-point survey locations, proposed turbine locations, and proposed transmission line within the Aurora Wind Energy Project in Williams and Mountrail counties, North Dakota.

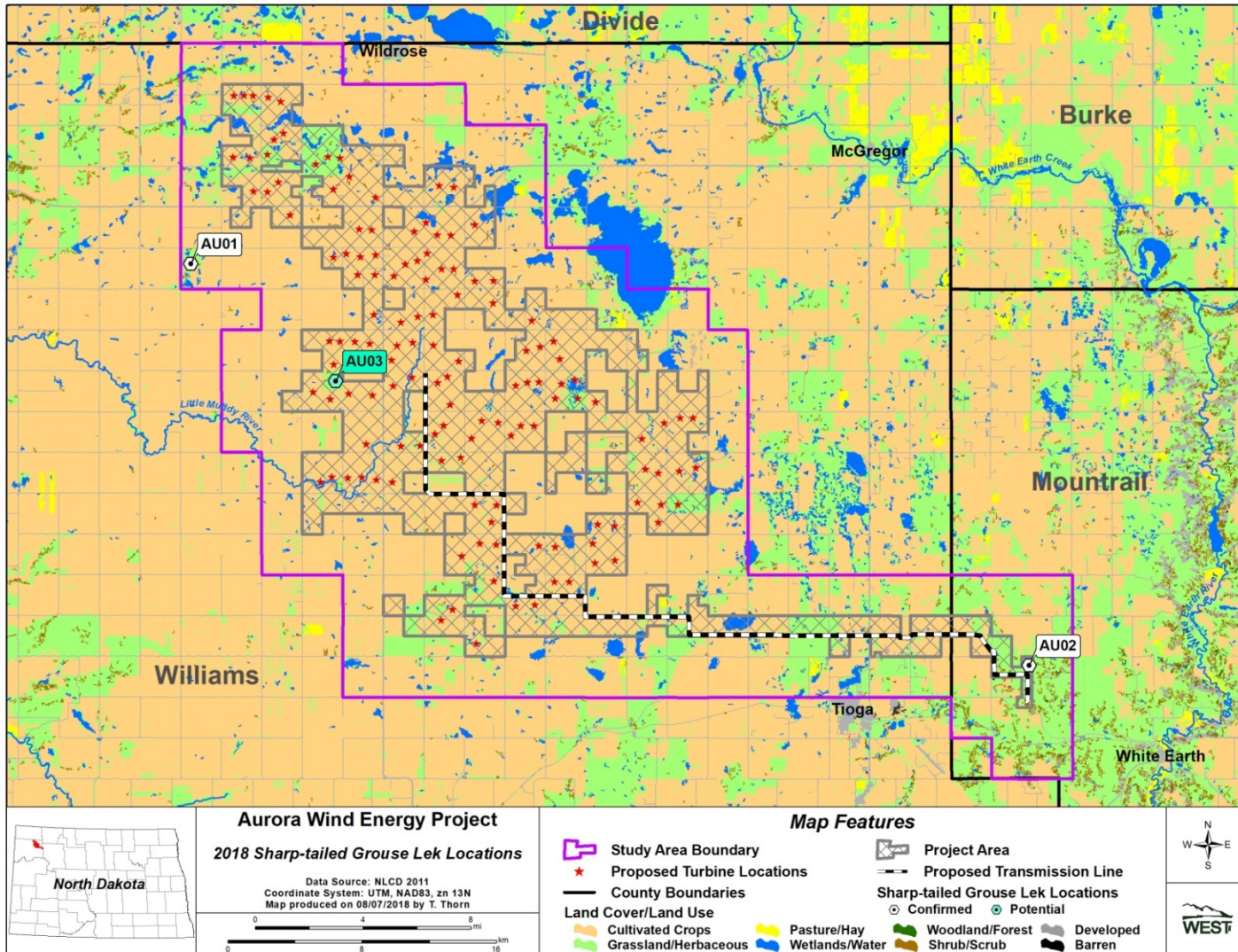


Figure 3. Sharp-tailed grouse lek locations, proposed turbine locations, and proposed transmission line within the Aurora Wind Energy Project, Williams and Mountrail counties, North Dakota.

## Jennifer Dean

---

**From:** Clayton Derby <cderby@west-inc.com>  
**Sent:** Friday, September 21, 2018 2:54 PM  
**To:** Dyke, Steve (NDGF)  
**Cc:** Kevin Shelley; JOHN SCHUMACHER; Jennifer Dean; Katherine Moratz; Scott\_Larson@fws.gov  
**Subject:** Re: Aurora Wind Meeting  
**Attachments:** Aurora\_USFWS-NDGFD Meeting Notes\_081618 Final Update.pdf; Aurora\_A031\_299.9MW--GE2.5x108\_GE2.3x13\_2018-07-26.zip

Hello Group

Steve, thank you for the suggested additions, I have put those ideas into the discussion section. The updated notes are attached for your files.

Also attached is the final layout shapefile for your review. We would be available and open to have further discussions with the group on any letter responses developed to have a "no surprises" understanding before public hearings on the PSC applications (I believe that was the term used by Steve during the meeting?).

Have a great weekend.

**Clayton Derby**  
**CSO / Wildlife Biologist**



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Environmental & Statistical Consultants  
4007 State Street, Suite 109  
Bismarck, ND 58503  
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On Thu, Sep 13, 2018 at 2:40 PM Dyke, Steve R. <[sdyke@nd.gov](mailto:sdyke@nd.gov)> wrote:

Clayton, thanks for sharing the meeting notes. I suggest for your consideration the following items for inclusion into the meeting notes.

1. Could post construction collision survey \$ be better spent on offsets for habitat restoration efforts.
2. How there is a lack of 'vendors' in the state for habitat creation/restoration. The ND Natural Resource Trust might be positioned to help in that effort.

Additionally, while it may or may not have been discussed at the meeting, our agency strongly encourages the project sponsors provide us with the turbine locations and road alignments well before notice of a PSC public hearing on the project.

Steve

**From:** Clayton Derby <[cderby@west-inc.com](mailto:cderby@west-inc.com)>  
**Sent:** Wednesday, September 12, 2018 3:10 PM  
**To:** Kevin Shelley <[Kevin\\_Shelley@fws.gov](mailto:Kevin_Shelley@fws.gov)>; Dyke, Steve R. <[sdyke@nd.gov](mailto:sdyke@nd.gov)>; Schumacher, John D. <[jdschumacher@nd.gov](mailto:jdschumacher@nd.gov)>  
**Cc:** Jennifer Dean <[jdean@tradewindenergy.com](mailto:jdean@tradewindenergy.com)>; Katherine Moratz <[kmoratz@west-inc.com](mailto:kmoratz@west-inc.com)>  
**Subject:** Aurora Wind Meeting

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

Hello

Attached please find meeting notes and referenced material from the Aurora Wind Project meeting held on August 16, 2018.

Thank you,

**Clayton Derby**

**CSO / Wildlife Biologist**

Western EcoSystems Technology, Inc.  
Environmental & Statistical Consultants

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## MEETING NOTES

<b>SUBJECT:</b> Wildlife survey result update for agencies	
<b>PROJECT:</b> Aurora Wind Project	<b>MEETING LOCATION:</b> NDGFD Office
<b>MEETING DATE:</b> August 16, 2018	<b>NOTES BY:</b> K. Moratz and C. Derby

### ATTENDEES

Steve Dyke, NDGFD

John Schumacher, NDGFD

Elisha Mueller, NDGFD

Kevin Shelley, USFWS

Jennifer Dean, Aurora

Dave Iadarola, Aurora

Haileigh Shull, Aurora

Katherine Moratz, WEST

Clayton Derby, USFWS

### TOPICS DISCUSSED

#### Project Overview

Dave Iadarola, Aurora Wind Project, LLC (Aurora), provided a brief review of the Aurora Wind Project (Project) location in northwestern North Dakota. The Project is mainly in eastern Williams County with approximately 3 miles of overhead transmission line that will connect to the existing Tande Substation in Mountrail County. The Project is anticipated to be up to 300MW and has obtained Conditional Use Permits in both Williams and Mountrail counties. The Project permitted up to 131 turbine locations which includes alternates. The 345 kV overhead transmission line is anticipated to be approximately 25 miles in total length. Jenni Dean, Aurora, briefly discussed a tentative timeline of the Public Service Commission (PSC) application for a Certificate of Site Compatibility (CSC) and Route Permit and hearings. At this time, the Project is targeting a mid to late September 2018 application submittal to the PSC for a CSC and anticipates public hearings to occur in January 2019. The Project noted it had received a letter from the North Dakota Game and Fish Department (NDGFD) in May 2018. To date, no correspondence has been received from the United States Fish & Wildlife Service (USFWS).

#### Tier 2 and Tier 3 Review

Clayton Derby reviewed efforts completed to date at the Project (see attached "Aurora Wind Energy Project Survey Update" memo attached and previously provided electronically to USFWS and NDGFD on August 13, 2018). This synopsis included a brief review of efforts previously discussed at the February 8, 2017, agency meeting, including the Tier 2 site characterization study, Stage 1 site assessment of eagle use and risk, and year one eagle/avian use and raptor nest surveys. Additionally, Clayton provided an update on results of the year two avian use and raptor nest surveys. Clayton also provided results of the sharp-tailed grouse lek

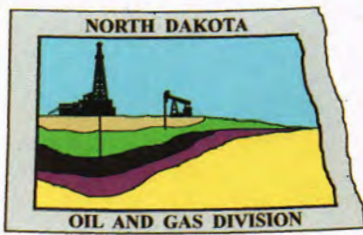
surveys, a survey that was conducted in response to the May 22, 2018, NDGFD letter. In response to the 2018 lek survey, the Project has moved wind turbines to be more than one mile from these lek locations. In addition, wetland and cultural work is ongoing at the Project and is largely complete based in the current design. In an effort to minimize potential risk to existing avian stopover resources, the Project has analyzed the quality of wetlands into three categories: 1) all wetlands greater than 0.5 acres in size, 2) all wetlands considered to be high quality (smaller than 0.5 acres but located in non-agricultural fields and dominated by higher quality, non-invasive wetland species, and 3) all other wetlands. The Project is currently evaluating Project infrastructure as it relates to these categories of wetlands for siting. The Project has also coordinated with USFWS's easement office three times regarding information on wetland and grassland easements in the area as the Project design has evolved.

Clayton then outlined future efforts to be conducted at the Project that will be outlined in the Project's Bird and Bat Conservation Strategy (BBCS). As additional micrositing and design changes are finalized, the Project will continue to coordinate with USFWS's easement office to note protected basins and grasslands in relation to Project infrastructure. In addition to the above siting efforts, the Project and agencies noted the location of the area in regards to the migration corridor of the Whooping crane. The Project committed to marking 100% of the overhead transmission line with bird diverters. Additional monitoring efforts to minimize potential risk to migrating Whooping cranes will be noted in the BBCS. The Project committed to sharing a draft version of the BBCS with both agencies for review and comment.

### Discussion

Both USFWS and NDGFD asked questions regarding the efforts completed; however questions were minimal. Questions and discussion included the future development steps for the Project and the PSC process. The group also discussed options for providing funds for habitat offsets instead of conducting expensive post-construction fatality monitoring studies, but agreement that currently there is a general lack of "vendors" in the state that can receive these funds and effectively implement habitat restoration or enhancement efforts. The North Dakota Natural Resource Trust may be one vendor that could be investigated to serve this purpose. Both agencies provided positive remarks on the siting of the Project within a fragmented landscape. All parties voiced a willingness to continue to work together as the Project continues to develop. Another agency meeting could potentially occur before the PSC hearing to discuss any additional topics regarding infrastructure placement if all parties are interested.

**NORTH DAKOTA INDUSTRIAL COMMISSION**



# Oil and Gas Division

Lynn D. Helms - Director      Bruce E. Hicks - Assistant Director

**Department of Mineral Resources**

Lynn D. Helms - Director

**North Dakota Industrial Commission**

[www.dmr.nd.gov/oilgas/](http://www.dmr.nd.gov/oilgas/)

January 19, 2018

Jennifer Bell  
Senior Environmental Scientist  
Burns & McDonnell  
9785 Maroon Circle, Suite 400  
Centennial, CO 80112

RE: NDIC wells within Aurora wind project

Dear Jennifer,

Please note the attached GIS shapefile which indicates that there are 79 wells located within the total project area. An excel workbook is also included, which should help you with additional queries.

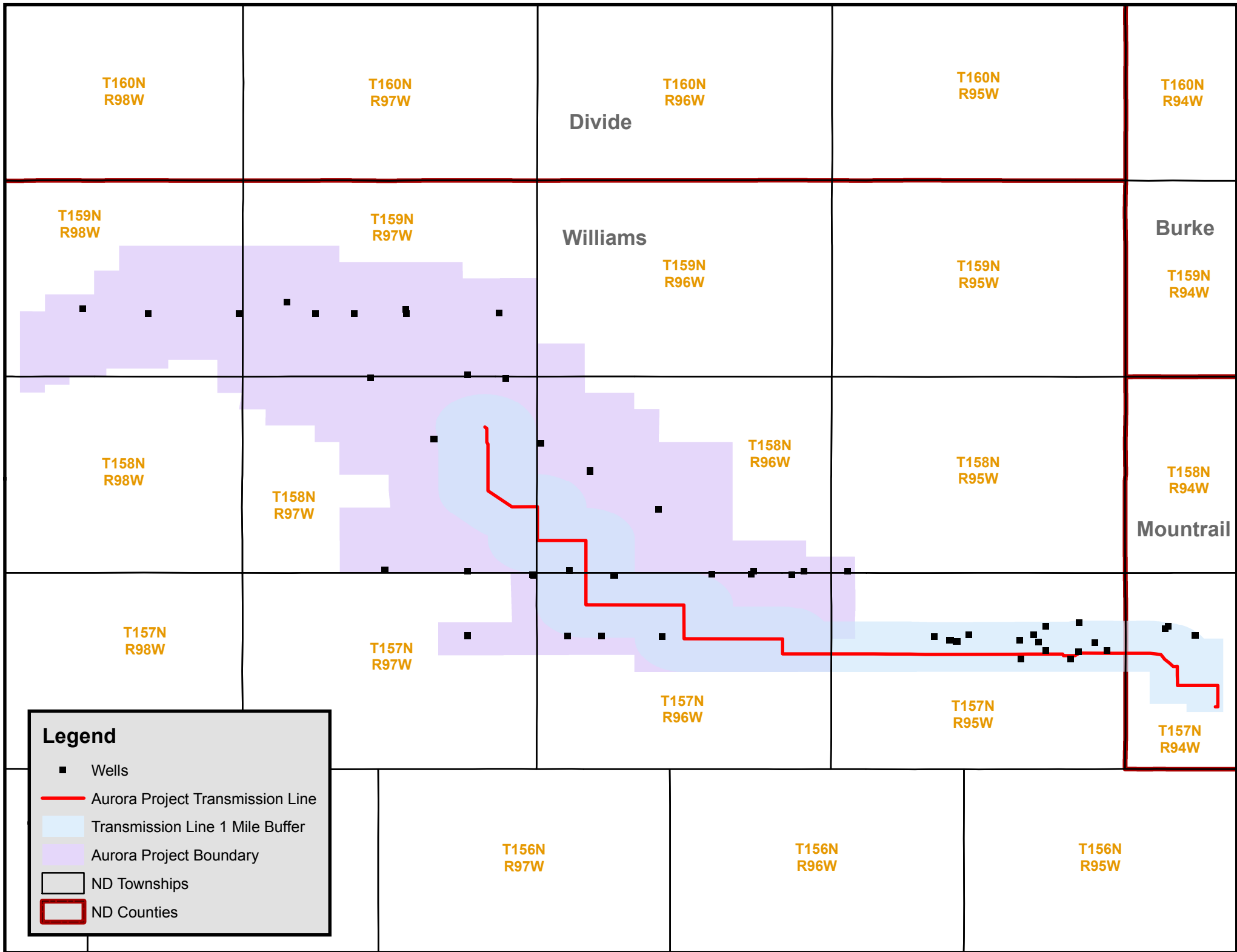
Should you have additional questions, feel free to call.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd L. Holweger". The signature is stylized and extends to the right.

Todd L. Holweger  
Permit Manager

*Attachments sent via email*



**Legend**

- Wells
- Aurora Project Transmission Line
- Transmission Line 1 Mile Buffer
- Aurora Project Boundary
- ND Townships
- ND Counties

T160N  
R98W

T160N  
R97W

Divide

T160N  
R96W

T160N  
R95W

T160N  
R94W

T159N  
R98W

T159N  
R97W

Williams

T159N  
R96W

T159N  
R95W

Burke

T159N  
R94W

T158N  
R98W

T158N  
R97W

T158N  
R96W

T158N  
R95W

T158N  
R94W

Mountrail

T157N  
R98W

T157N  
R97W

T157N  
R96W

T157N  
R95W

T157N  
R94W

T156N  
R97W

T156N  
R96W

T156N  
R95W

## Bailey, Justin

---

**From:** Bell, Jennifer  
**Sent:** Thursday, January 4, 2018 11:23 AM  
**To:** 'Holweger, Todd L.'  
**Subject:** RE: NDIC info  
**Attachments:** 2017\_12\_20\_Aurora\_A006R0\_OHTransmission\_export.zip; 2017\_12\_20\_Aurora\_A006R0\_OHTransmission\_export\_1miBuffer.zip; 2017\_12\_20\_Aurora\_ProjectBdry.shp.zip

Hi Todd,

As requested, please see attached shapefiles for your use in reviewing the Aurora Wind Project and associated transmission line.

Thank you,

**Jennifer Bell** \ Burns & McDonnell  
Senior Environmental Scientist  
O 303-474-2229 \ F 303-721-0563  
jbell@burnsmcd.com \ burnsmcd.com  
9785 Maroon Circle \ Suite 400 \ Centennial, CO 80112

---

**From:** Holweger, Todd L. [mailto:tholweger@nd.gov]  
**Sent:** Wednesday, January 03, 2018 10:39 AM  
**To:** Bell, Jennifer <jbell@burnsmcd.com>  
**Subject:** NDIC info

Jennifer;

Please send the shape files for the Figure 1 & 2 "project location maps". We will evaluate and give you our spatial info as appropriate.

Thanks,

**Todd L. Holweger**  
Permit Manager  
[NDIC-DMR-OGD](#)  
(701) 328-8024

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION**



# North Dakota Department of Transportation

Thomas K. Sorel  
*Director*

Doug Burgum  
*Governor*

January 24, 2018

Jennifer Bell  
Senior Environmental Scientist  
Burns & McDonnell  
9400 Ward Parkway  
Kansas City, MO 64114

PROPOSED AURORA WIND PROJECT AND ASSOCIATED TRANSMISSION LINE,  
MOUNTRAIL AND WILLIAMS COUNTIES, NORTH DAKOTA

We have reviewed your December 21, 2017, letter.

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

However, 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, Joel Wilt at 701-774-2700.

ROBERT A. FODE, P.E., DIRECTOR - OFFICE OF PROJECT DEVELOPMENT

57rafjs

c: Joel Wilt, Williston District Engineer

**NORTH DAKOTA STATE HISTORICAL SOCIETY**



**STATE  
HISTORICAL  
SOCIETY  
OF NORTH DAKOTA**

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*Governor of North Dakota*

North Dakota  
State Historical Board

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*Bismarck - President*

Gereld Gerntholz  
*Valley City - Vice President*

H. Patrick Weir  
*Medora - Secretary*

Calvin Grinnell  
*New Town*

Albert I. Berger  
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Steve C. Martens  
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Melissa Baker  
*Director  
Parks and Recreation Department*

Thomas Sorel  
*Interim Director  
Department of Transportation*

Claudia J. Berg  
*Director*

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American Alliance  
of Museums since 1986*

January 3, 2018

Ms. Jennifer Bell  
Senior Environmental Scientist  
Burns & McDonnell  
9785 Maroon Circle, Suite 400  
Centennial, CO 80112

**ND SHPO REF: 18-0244 ND Public Service Commission – Proposed 300 MW  
Aurora Wind Project & Associated Transmission Line in Williams and  
Mountrail Counties, North Dakota**

Dear Ms. Bell,

Thank you for your preliminary information on ND SHPO REF: 18-0244 ND Public Service Commission – Proposed 300 MW Aurora Wind Project & Associated Transmission Line. We recommend survey for cultural resources as follows:

- A current Class I (file search) to determine any additional recorded cultural resources in the project area.
- A Class III (pedestrian) survey by a permitted architectural historian for standing buildings and structures (including cemeteries) over 50 years old in the visual Area of Potential Effect (APE). This is within a 2 mile radius of individual turbine locations. The purpose is to evaluate any architectural or structural features that may be eligible for nomination to the National Register of Historic Places. At least three out of the seven aspects of integrity used to evaluate historic properties could be impacted by the proposed project: the setting, feeling, and association of historic sites.
- A Class III archaeological survey of all areas of direct impact including crane paths, met towers, access roads, turbine locations and staging areas, unless the footprint has been recently surveyed for cultural resources.

We look forward to seeing project representatives here on January 23, 2018, 10:30 am, Central Time.

Thank you for the opportunity to review preliminary information on this project. If you have questions please contact or Susan Quinnell at squinnell@nd.gov or (701) 328-3576.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Berg', written in a cursive style.

Claudia J. Berg

Director, State Historical Society of North Dakota

A handwritten signature in black ink, appearing to read 'J.', written in a cursive style.

## Jennifer Dean

---

**From:** Fulmer, John <jfulmer@burnsmcd.com>  
**Sent:** Monday, January 29, 2018 4:30 PM  
**To:** Picha, Paul R.; Quinnell, Susan L.  
**Cc:** Latham, Mark; Harris, Brandy M; Jennifer Dean; Dave Iadarola  
**Subject:** Aurora Wind Project (NDSHS #18-0244) -- Meeting Notes from 1/23  
**Attachments:** 2018-01-29\_Aurora Wind Project SHPO Meeting Notes\_BMcD\_Cultural.pdf

Hi Paul and Susan –

Thank you both for taking the time to meet with Tradewind and Burns & McDonnell last week about the upcoming Aurora Wind Project. Please find attached a memo with our notes from the meeting. If we missed or misunderstood anything, please let us know and we will revise and resend the document.

Thanks again for your attention to this project. We look forward to working with you.

JF

**John Fulmer**

Cultural Resources Section Manager  
Environmental Services  
Burns & McDonnell  
9400 Ward Parkway  
Kansas City, MO 64114  
Direct: 816.822.3986  
Cell: 832.671.1838

# Meeting Notes



Meeting Subject: Aurora Wind Project Cultural Resources Surveys: Project Introduction and Planning Meeting  
Meeting Date: January 23, 2018  
Start Time: 10:30 AM  
End Time: 11:30 AM  
Location: State Historical Society of North Dakota, 612 East Boulevard Avenue, Bismarck, North Dakota  
Project Name: Aurora Wind Project (NDSHS #18-0244)  
Project No.: 104200

## Attendees

Paul Picha  
Susan Quinnell  
Jennifer Dean  
David Iadarola  
Mark Latham  
Brandy Harris

## Organization

NDSHS  
NDSHS  
Tradewind Energy, Inc.  
Tradewind Energy, Inc.  
Burns & McDonnell  
Burns & McDonnell

Notes Prepared By: Brandy Harris  
Date Notes Issued: January 29, 2018

## Meeting Notes:

Representatives from the project sponsor (Tradewind Energy, Inc.), their cultural resources consultant (Burns & McDonnell), and the North Dakota State Historical Society (NDSHS) were present. The purpose of the meeting was to initiate coordination regarding a proposed wind project in Williams and Mountrail Counties, North Dakota. Though there is no federal nexus for the project, compliance with North Dakota Public Service Commission requirements is required to attain state permits. Paul Picha (Chief Archaeologist) and Susan Quinnell (Review and Compliance Coordinator) were introduced to the project and asked for input regarding survey methods, report requirements, etc. The discussion is summarized below.

### **Archaeology**

1. First step is completion of a Class I Survey according to state standards summarizing the results of the records review and identifying previously recorded resources within the project area and a larger study area. The resources will include archaeological sites, architectural resources, and previous surveys.
2. NDSHS will require 100 percent survey of all previously un-surveyed areas potentially subject to direct impacts including turbine pads, ancillary facilities, access roads, construction laydown areas, etc. Surveys conducted up to approximately 20 years ago can still be considered valid but should be coordinated with NDSHS on case-by-case basis.
3. Survey cannot occur if snow is present but is permissible if ground is still frozen.
4. Mr. Picha suggested adding buffers around the proposed project footprint to account for minor shifts or design changes and indicated survey should represent a good faith effort to

January 29, 2018

Page 2

identify surface and near-surface resources. This effort would include a pedestrian survey with judgmental shovel probing in areas with low ground surface visibility. Emphasized North Dakota prefers term “shovel probe” to “shovel test.” Methods for determining where to excavate shovel probes should be outlined in the report; however, Mr. Picha suggested excavating at least one shovel probe at each proposed wind turbine location.

5. No shovel probes should be excavated in or around surface rock feature sites such as stone circles and cairns.
6. If sites are located, NDSHS recommends at least a 50-foot buffer if a site is to be avoided, larger if feasible. Specifically, it is imperative to avoid any rock feature sites, even by spanning. Emphasized importance of specifically describing how site boundaries were determined (extent of surface expression, topography, shovel probes, etc.) to facilitate avoidance.
7. Use of datums to mark site locales is no longer required; sub-meter GPS is accepted instead.
8. NDSHS cannot force project proponents to consult with tribes, but encouraged coordination with the Indian Affairs Commission.
9. NDSHS never conducts eligibility testing on historic-period archaeological sites as they feel their significance is usually based on their historic associations. As a result, chain of title and archival research is required to assess their significance. Exceptions may be remnants that display distinctive architectural features associated with particular ethnic groups.
10. NDSHS prefers to allow report submittal until design is complete or near complete. They do not like receiving multiple addenda to reports. Regarding formatting, NDSHS indicated both archaeology and architectural resources can be discussed in the same report and that photographs, figures, etc. can be attached as appendices rather than imbedded in the text. A cultural history section is not required as per their standards; however, one will be included on request of Tradewind.
11. Report needs to include an unanticipated discoveries plan that addresses both archaeological sites and human remains.

## **Historic-Age Architectural Resources**

12. Survey should document all buildings, structures, objects, etc. 50-years-of age or older from project’s anticipated letting date within a 2-mile buffer.
13. Resource documentation forms only need to be completed/submitted for those resources assessed as potentially eligible for inclusion on the National Register of Historic Places (NRHP). Ms. Quinnell agreed that an interim submittal with photos and an inventory table could help facilitate accurate determinations. She emphasized that eligibility standards are different in North Dakota as historic depopulation trends mean some resources that would be ubiquitous in other areas may be distinct or rare here. Photographs of all resources should be included in the report regardless of their eligibility status.

January 29, 2018

Page 3

14. Visual effects assessments are only required for the wind turbines. As a result, the 2-mile buffer can be based on that array without including the proposed transmission line.
15. For any communities that extend into the survey area, Ms. Quinnell indicated one resource form with streetscapes and overviews is acceptable rather than individual documentation of every building, structure, etc.
16. NDSHS has developed historic contexts for a number of themes and resource types; Ms. Quinnell mentioned that in addition to historic-age farm complexes, the survey should be cognizant of oil wells and other extraction related equipment, as well as iron crosses in cemeteries. The latter are considered NRHP eligible. With regard to farm complexes, the barn is likely to be the eligible component if one is present.

### **Action Items**

- a. Initiate Class I Survey once preliminary design is accomplished.
- b. Get list of federally-recognized tribes that may have interest in the area from Ms. Quinnell and initiate contact with the Indian Affairs Commission.

## Jennifer Dean

---

**From:** Quinnell, Susan L. <squinnell@nd.gov>  
**Sent:** Monday, January 29, 2018 4:44 PM  
**To:** Fulmer, John; Picha, Paul R.  
**Cc:** Latham, Mark; Harris, Brandy M; Jennifer Dean; Dave Iadarola  
**Subject:** RE: Aurora Wind Project (NDSHS #18-0244) -- Meeting Notes from 1/23  
**Attachments:** Tribal Historic Preservation Officers in North Dakota.docx

Hello All,

Here is an updated list of THPO offices in North Dakota. Thank you for the meeting notes.

Susan Quinnell  
Review and Compliance Coordinator  
ND State Historic Preservation Office  
State Historical Society of North Dakota  
North Dakota Heritage Center  
612 East Boulevard Avenue  
Bismarck ND 58505-0830

701-328-3576  
701-328-3710 FAX

---

**From:** Fulmer, John [mailto:jfulmer@burnsmcd.com]  
**Sent:** Monday, January 29, 2018 4:30 PM  
**To:** Picha, Paul R.; Quinnell, Susan L.  
**Cc:** Latham, Mark; Harris, Brandy M; Jennifer Dean (jdean@tradewindenergy.com); Dave Iadarola  
**Subject:** Aurora Wind Project (NDSHS #18-0244) -- Meeting Notes from 1/23

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

Hi Paul and Susan –

Thank you both for taking the time to meet with Tradewind and Burns & McDonnell last week about the upcoming Aurora Wind Project. Please find attached a memo with our notes from the meeting. If we missed or misunderstood anything, please let us know and we will revise and resend the document.

Thanks again for your attention to this project. We look forward to working with you.

JF

**John Fulmer**  
Cultural Resources Section Manager  
Environmental Services  
Burns & McDonnell  
9400 Ward Parkway  
Kansas City, MO 64114  
Direct: 816.822.3986  
Cell: 832.671.1838

## **Tribal Historic Preservation Officers in North Dakota** 1/29/2018

This list does not include all tribes to be consulted on North Dakota projects, only those with lands on reservations in North Dakota. Tribes in adjacent states and beyond may also have cultural ties to project areas in North Dakota. See:

<http://www.nathpo.org/aboutthpos.htm>  
<http://www.nathpo.org>  
<http://www.achp.gov/thpo.html>  
[https://grantsdev.cr.nps.gov/THPO\\_Review/index.cfm](https://grantsdev.cr.nps.gov/THPO_Review/index.cfm)

### **North Dakota**

#### **Mandan, Hidatsa & Arikara Nation**

Elgin Crows Breast, THPO  
404 Frontage Road  
New Town, ND 58763

Tel: 701.862.2474  
Fax: 701.862.2490  
Email: redhawk@mhanation.com

#### **Spirit Lake Tribe of Fort Totten**

Dr. Erich Longie, THPO  
PO Box 76  
Fort Totten, ND 58335

FCC Compliance Tel: 701.766.4031  
THPO Tel: 701.766.4032  
THPO Cell 701.230.7029  
Fax: 701.766.4053  
Email: thpo@gondtc.com

#### **Standing Rock Sioux Tribe**

Jon Eagle, THPO  
PO Box D  
Fort Yates, ND 58538

Tel: 701.854.8645  
Fax: 701.854.2138  
Email: j.eagle@standingrock.org

#### **Turtle Mountain Band of Chippewa**

Elaine Nadeau, THPO  
PO Box 900  
Belcourt, ND 58316

Tel: 701.477.2640  
Fax: 701.477.3593  
Email: emnadeau76@gmail.com

#### **Sisseton-Wahpeton Oyate**

Dianne Desrosiers, THPO  
PO Box 907  
Sisseton, SD 57262

Tel: 605.698.3584  
Fax: 605.698.4283  
Email: dianned@swo-nsn.gov  
Website: www.swo-nsn.gov

## **Tribal Historic Preservation Officers in North Dakota** 1/29/2018

This list does not include all tribes to be consulted on North Dakota projects, only those with lands on reservations in North Dakota. Tribes in adjacent states and beyond may also have cultural ties to project areas in North Dakota. See:

<http://www.nathpo.org/aboutthpos.htm>  
<http://www.nathpo.org>  
<http://www.achp.gov/thpo.html>  
[https://grantsdev.cr.nps.gov/THPO\\_Review/index.cfm](https://grantsdev.cr.nps.gov/THPO_Review/index.cfm)

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Fax: 701.854.2138  
Email: j.eagle@standingrock.org

#### **Turtle Mountain Band of Chippewa**

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PO Box 900  
Belcourt, ND 58316

Tel: 701.477.2640  
Fax: 701.477.3593  
Email: emnadeau76@gmail.com

#### **Sisseton-Wahpeton Oyate**

Dianne Desrosiers, THPO  
PO Box 907  
Sisseton, SD 57262

Tel: 605.698.3584  
Fax: 605.698.4283  
Email: dianned@swo-nsn.gov  
Website: www.swo-nsn.gov

**NORTH DAKOTA INDIAN AFFAIRS COMMISSION**

## Jennifer Dean

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**From:** Fulmer, John <jfulmer@burnsmcd.com>  
**Sent:** Friday, February 09, 2018 5:03 PM  
**To:** Jennifer Dean  
**Cc:** Bailey, Justin; Latham, Mark  
**Subject:** Aurora Wind Project -- Call with ND Indian Affairs Commission

Hi Jenni –

I had a call today at 2:30 PM with:

Scott J. Davis Sr  
Commissioner  
North Dakota Indian Affairs  
[600 E. Boulevard Ave.](#)  
[1<sup>st</sup> Floor Judicial Wing, RM 117](#)  
[Bismarck ND 58505-0300](#)  
Office [701-328-2428](#)  
Fax [701-328-1537](#)  
[www.nd.gov/indianaffairs](http://www.nd.gov/indianaffairs)

The following is a summary of the main points discussed on the call:

- Scott thanked me (and TWE) for consulting with him – he said with no federal tie-in that it was not legally required to consult at all but he said it was the right thing to do and was very pleased that TWE was considering tribal consultation for the Aurora Project.
- He mentioned DAPL several times as an example of what happens when consultation is not done well or respectfully.
- He mentioned the recent NextEra project as a model of how it should be done.
- I said that for the Lindahl Project that consultation was with the Mandan-Arikara-Hidatsa and the Turtle Mountain Band of the Chippewa and asked if those would be the appropriate tribes to consult with on Aurora. He said, “Yes, that would be good.”
- I asked if he thought we should consult with any other tribes. He said that the Lakota and Dakota (both are divisions of the Sioux) had been in Williams County as well and that we could consult with all of them if we wanted and he could provide all necessary contact information.
- He went on to say that there were bad players that we should avoid. He mentioned particularly Tim Mentz (if you google him you will see that he was very involved in DAPL). But also said there were other Native American firms that we should avoid and he could steer us away from the bad ones.
- He said Jon Eagle (THPO -- Standing Rock Sioux Tribe) and Elgin Crows Breast (THPO -- Mandan-Arikara-Hidatsa) were good people to deal with. He said the THPO for the Turtle Mountain Band of the Chippewa was very green and did not have a cultural resources background. He said he was going to talk to the tribe about that.
- He recommended a meeting in Bismarck with the THPOs and offered to facilitate the meeting. I told him I would talk to TWE and get back to him.

I got the impression Scott had been very instrumental in the successful NextEra project and that he was proud that almost everything had gone smoothly. He did mention that Tim Mentz had been involved in that project early on and that eventually NextEra had to ask him to leave. I also got the impression that the tribes would want to participate in

the surveys (and presumably would expect to be paid for their labor). He emphasized that a meeting up front was a very good idea. I asked if he thought someone from TWE should be there and he said that would be good.

Let me know how you want to move forward. Mark Latham has a good record of respectful and successful tribal consultation and would be a good person to be at the meeting.

Have a great weekend,

JF

**John Fulmer**

Cultural Resources Section Manager

Environmental Services

Burns & McDonnell

9400 Ward Parkway

Kansas City, MO 64114

Direct: 816.822.3986

Cell: 832.671.1838

**JOB SERVICE NORTH DAKOTA**

## Bailey, Justin

---

**From:** Koenig, Karla D. <kkoenig@nd.gov> on behalf of Kommer, Michelle L. <mkommer@nd.gov>  
**Sent:** Thursday, March 1, 2018 10:15 AM  
**To:** Bravo-Cogar, Crystal G  
**Subject:** RE: response follow up

Ms. Bravo-Cogar,

Please accept my apologies for a delayed response. We routinely receive similar inquiries and they typically do not request an affirmative response. I am not aware of any interest either agency has in this project. I will note that if the project cost will exceed \$50 million dollars, it will fall under a statutorily required Large Construction Project Risk Bond with the Unemployment Insurance program administered by Job Service North Dakota. Although this is not related to the permitting process, it is a requirement that will need to be met prior to the start of actual project construction. If you would like further information relating to this, please contact the Job Service North Dakota Tax Unit at 701-328-2814. I am not able to provide you business or legal advice as to permitting your project or operations.

Regards,

Michelle Kommer  
Labor Commissioner

---

**From:** Bravo-Cogar, Crystal G [mailto:cbravocogar@burnsmcd.com]  
**Sent:** Wednesday, February 28, 2018 1:37 PM  
**To:** Kommer, Michelle L. <mkommer@nd.gov>  
**Subject:** response follow up

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

Dear Ms. Michelle Kommer,

Good morning. This email is a follow up with you regarding a letter Burns & McDonnell mailed to the Job Service North Dakota and North Dakota Department of Labor and Human Rights requesting input on any sensitive resources, current or planned development, or property interests your agency or entity may have in or around the Aurora Wind Project Areas. Our inquiry also included a request for information regarding any applicable permits that may be required from your office in consideration of the project. A copy of each letter is attached for your reference.

We want to ensure your input is considered as development moves forward. Please let us know whether or not you will be responding to this request. It would be greatly appreciated and we look forward to your response. Thank you in advance for your time and consideration.

Sincerely,

Crystal G. Bravo-Cogar

**Crystal Bravo Cogar \ Burns & McDonnell**

**NORTH DAKOTA DEPARTMENT OF TRUST LANDS**

1707 North 9th Street  
PO Box 5523  
Bismarck, ND 58506-5523  
Phone: (701) 328 – 2800  
Fax: (701) 328 – 3650

<https://land.nd.gov>



Jodi A. Smith, Commissioner

January 12, 2018

JENNIFER BELL  
SENIOR ENVIRONMENTAL SCIENTIST  
BURNS & MCDONNELL  
9785 MAROON CIRCLE, SUITE 400  
CENTENIAL CO 80112

Re: Information Request for the Proposed Aurora Wind Project and Associated Transmission Line  
in Williams and Mountrail Counties, ND

Dear Ms. Bell:

We are in receipt of your December 21, 2017, letter regarding a request for information for the proposed Aurora Wind Project and associated transmission lines in Williams and Mountrail Counties, North Dakota.

There are common schools trust fund surface interests that are managed by the North Dakota Department of Trust Lands on behalf of the Board of University and School Lands which are included in the Wind Project Area. These surface interests are as follows:

<i>County</i>	<i>Township</i>	<i>Range</i>	<i>Section</i>	<i>Subdivisions</i>
Williams	158	96	16	NE4, SE4
Williams	158	96	36	NE4, NW4
Williams	158	97	16	NE4
Williams	159	97	16	NE4, NW4, SE4, SW4
Williams	159	97	36	SE4, SW4
Williams	159	98	16	NE4, NW4, SE4, SW4
Williams	159	98	36	NW4

The following surface interests appear to be included in the Transmission Line Area:

Williams	157	95	16	NE4, NW4, SE4, SW4
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In September of 2016, an application for a Wind Farm Easement Agreement was received from Brad Peterson of Diamond Resources on behalf of Tradewind Energy for the Aurora Wind Project. The application remains in pending status until more details are received for this project. A separate application will need to be submitted for the Transmission line. None of the surface tracts within the project area have been evaluated for inclusion in the wind farm project.

Prior to the Board considering a Wind Energy Easement Agreement an onsite inspection of the trust property is required. The inspection would include review of wind tower locations, associated access road, collection lines, construction crane access paths and transmission line corridors, as well as the following items which may be considered in the review of an easement application:

1. Financial benefit to the trusts;
2. Availability of alternate encumbrance site or route;
3. The least environmentally damaging site or route regardless of property ownership;

Jennifer Bell  
January 12, 2018  
Page -2-

4. Physical stability of the landscape;
5. Other potential future uses for the trust lands, including urban development;
6. Potential mineral and other material development including oil, gas, coal, cement materials, sodium sulfate, sand and gravel, road material, building stone, chemical substances, metallic ores, uranium ores, or colloidal or other clays;
7. Feasibility for reclamation;
8. Maintenance of existing wetlands and water flows;
9. Any cultural, historical, archeological, and paleontological resources;
10. Federally listed threatened and endangered species;
11. Location of the proposed route or site in relation to section lines, quarter section lines and corridors;
12. Potential liability to the trusts;
13. Applicant's past encumbrances on trust lands;
14. Applicant's financial stability; and
15. Any other information relevant to the application which would assist in the determination.

Any proposed wind tower locations would be subject to review and approval by the Board of University and School Lands. The Board of University and School Lands will not move forward with the completion of Wind Energy Easement Agreements until site inspection and review has been completed and all local and state approvals have been obtained.

If you have any questions, feel free to contact our office at 701-328-2800.

Sincerely,



Michael Humann  
Surface Division Manager

cc: Brad Pederson  
Diamond Resources  
PO Box 1938  
Williston, ND 58802-1938

March 12, 2018

North Dakota Department of Trust Lands  
c/o Michael Humann  
Surface Division Manager  
1707 N. 9<sup>th</sup> St.  
Bismarck, ND 58501

RE: Aurora Wind Project, LLC's Local and State Permit Applications for the Aurora Wind Project and Associated Transmission Line

Dear Mr. Humann:

Aurora Wind Project, LLC ("Aurora") is developing the proposed 300 Megawatt (MW) Aurora Wind Project ("Wind Project") and an associated 345 kilovolt ("kV") transmission line ("Transmission Line") to be located in Williams County, North Dakota (collectively, the "Project"). Common schools trust fund surface interests that are managed by the North Dakota Department of Trust Lands ("Department") on behalf of the Board of University and School Lands ("Board") are included in the Wind Project Area. These surface interests are as follows:

<b>County</b>	<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>Subdivisions</b>
Williams	158	96	16	NE4, SE4
Williams	158	96	36	NE4, NW4
Williams	158	97	16	NE4
Williams	159	97	16	NE4, NW4, SE4, SW4
Williams	159	97	36	SE4, SW4
Williams	159	98	16	NE4, NW4, SE4, SW4
Williams	159	98	36	NW4

In addition, the following surface interests are included only in the Transmission Line Area:

Mr. Michael Humann  
March 12, 2018  
Page 2

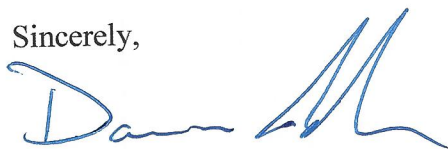
<b>County</b>	<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>Subdivisions</b>
Williams	157	95	16	NE4, NW4, SE4, SW4

In September of 2016, an application for a Wind Farm Easement Agreement was submitted to the Department by Brad Pederson of Diamond Resources on behalf of Tradewind Energy and Aurora for the Project. The Project will submit to the Department an application for a Transmission Line Easement Agreement for the Transmission Line once the route is finalized. As we understand it, a prerequisite for further consideration of Aurora's pending applications, and completion of the requested agreements, is the Board requires the Project to have obtained all local and state approvals, and to complete a site inspection/review.

The Project has been under development since 2016 to the present. During this period the Project has been leasing, performing environmental reviews, collecting wind data, and preparing to submit permit applications to Williams County, Mountrail County and to the North Dakota Public Service Commission. If approved, the project will host approximately 150 turbines within the project area. The Project is reviewing various turbine sizes ranging from 2.0 MW machines to 4.0 MW machines. Design is not yet complete for the project area, but the Project will work to ensure production from the State Trust Lands is maximized. The Transmission Line is expected to utilize a 150' wide easement, which is anticipated to run through the NE4 and NW4 of Section 16, Township 157 North, Range 95 West.

If you have any questions or require any further information, please feel free to contact me at (720) 732-3154 or at [didarola@tradewindenergy.com](mailto:didarola@tradewindenergy.com).

Sincerely,



Dave Iadarola  
Development Manager  
Tradewind Energy, Inc.

cc: Brad Pederson  
Diamond Resources  
PO Box 1938  
Williston, ND 58802-1938

April 2, 2018

KYLE OVERLAND  
9540 137TH AVE NW  
FORTUNA ND 58844

RE: Notification of application - **Wind Tower Site** - (ROW #7930) in:  
**Williams County**  
Township 159 North, Range 98 West  
Section 36: **NW4**

Dear **KYLE OVERLAND**:

As lessee of the above described property you are being notified that the North Department of Trust Lands has received an application from Aurora Wind Project, LLC, proposing Wind Tower Sites on the above described property.

The Department of Trust Lands is presently processing this application. As part of this process the Department of Trust Lands, in conjunction with Aurora Wind, will be conducting a guided inspection on the above listed tracts for siting purposes during the upcoming field season. This inspection process should not disrupt your management of the property.

If a Wind Energy Easement Agreement is approved as a result of this process, wind towers may be constructed on the above described property.

Sincerely,



Michael Humann  
Surface Division Manager

cc: **Brad Pederson**  
**Diamond Resources**  
**PO Box 1938**  
**Williston ND, 58802-1938**

April 2, 2018

CAITLIN HOLM  
904 JUNIPER  
OAKES ND 58474

COPY

RE: Notification of application - **Wind Tower Site** - (ROW #7930) in:  
**Williams County**  
Township 159 North, Range 97 West  
Section 36: **SE4**  
Township 159 North, Range 97 West  
Section 36: **SW4**

Dear **CAITLIN HOLM**:

As lessee of the above described property you are being notified that the North Department of Trust Lands has received an application from Aurora Wind Project, LLC, proposing Wind Tower Sites on the above described property.

The Department of Trust Lands is presently processing this application. As part of this process the Department of Trust Lands, in conjunction with Aurora Wind, will be conducting a guided inspection on the above listed tracts for siting purposes during the upcoming field season. This inspection process should not disrupt your management of the property.

If a Wind Energy Easement Agreement is approved as a result of this process, wind towers may be constructed on the above described property.

Sincerely,



Michael Humann  
Surface Division Manager

cc: Brad Pederson  
Diamond Resources  
PO Box 1938  
Williston ND, 58802-1938

April 2, 2018

RYAN WOLLA  
225 RIVER ST  
TIOGA ND 58852

COPY

RE: Notification of application - **Wind Tower Site** - (ROW #7930) in:  
**Williams County**  
Township 158 North, Range 96 West  
Section 16: **NE4**  
Township 158 North, Range 96 West  
Section 16: **SE4**

Dear **RYAN WOLLA**:

As lessee of the above described property you are being notified that the North Department of Trust Lands has received an application from Aurora Wind Project, LLC, proposing Wind Tower Sites on the above described property.

The Department of Trust Lands is presently processing this application. As part of this process the Department of Trust Lands, in conjunction with Aurora Wind, will be conducting a guided inspection on the above listed tracts for siting purposes during the upcoming field season. This inspection process should not disrupt your management of the property.

If a Wind Energy Easement Agreement is approved as a result of this process, wind towers may be constructed on the above described property.

Sincerely,



Michael Humann  
Surface Division Manager

cc: Brad Pederson  
Diamond Resources  
PO Box 1938  
Williston ND, 58802-1938

April 2, 2018

LEROY GOEBEL  
607 7TH AVE W  
WILLISTON ND 58801

COPY

RE: Notification of application - **Wind Tower Site** - (ROW #7930) in:  
**Williams County**  
Township 158 North, Range 97 West  
Section 16: **NE4**

Dear **LEROY GOEBEL**:

As lessee of the above described property you are being notified that the North Department of Trust Lands has received an application from Aurora Wind Project, LLC, proposing Wind Tower Sites on the above described property.

The Department of Trust Lands is presently processing this application. As part of this process the Department of Trust Lands, in conjunction with Aurora Wind, will be conducting a guided inspection on the above listed tracts for siting purposes during the upcoming field season. This inspection process should not disrupt your management of the property.

If a Wind Energy Easement Agreement is approved as a result of this process, wind towers may be constructed on the above described property.

Sincerely,



Michael Humann  
Surface Division Manager

cc: Brad Pederson  
Diamond Resources  
PO Box 1938  
Williston ND, 58802-1938

April 2, 2018

ALDEN HEWSON  
8183 119TH AVE NW  
WILDROSE ND 58795

COPY

RE: Notification of application - **Wind Tower Site** - (ROW #7930) in:  
**Williams County**  
Township 159 North, Range 97 West  
Section 16: **NE4**  
Township 159 North, Range 97 West  
Section 16: **NW4**  
Township 159 North, Range 97 West  
Section 16: **SE4**  
Township 159 North, Range 97 West  
Section 16: **SW4**

Dear **ALDEN HEWSON**:

As lessee of the above described property you are being notified that the North Department of Trust Lands has received an application from Aurora Wind Project, LLC, proposing Wind Tower Sites on the above described property.

The Department of Trust Lands is presently processing this application. As part of this process the Department of Trust Lands, in conjunction with Aurora Wind, will be conducting a guided inspection on the above listed tracts for siting purposes during the upcoming field season. This inspection process should not disrupt your management of the property.

If a Wind Energy Easement Agreement is approved as a result of this process, wind towers may be constructed on the above described property.

Sincerely,



Michael Humann  
Surface Division Manager

cc: Brad Pederson  
Diamond Resources  
PO Box 1938  
Williston ND, 58802-1938

1707 North 9th Street  
PO Box 5523  
Bismarck, ND 58506-5523  
Phone: (701) 328 – 2800  
Fax: (701) 328 – 3650

<https://land.nd.gov>



Jodi A. Smith, Commissioner

April 4, 2018

DAVE IADAROLA  
TRADEWIND ENERGY INC  
16105 W 113TH ST SUITE 105  
LENEXA KS 66219

Re: Aurora Wind Project, LLC's proposed Aurora Wind Project located in:  
**Williams County** (ROW#7930 and ROW#8236)

Township 157 North, Range 95 West

Section 16: N2

Township 158 North, Range 96 West

Section 16: E2

Township 158 North, Range 96 West

Section 36: N2

Township 158, Range 97 West

Section 16: NE4

Township 159 North, Range 97 West

Section 16: ALL

Township 159 North, Range 97 West

Section 36: S2

Township 159 North, Range 98 West

Section 36: NW4

Dear Mr. Iadarola:

The Department of Trust Lands (DTL) received Aurora Wind Project, LLC's ("Aurora" or "Project") applications for a wind energy easement agreement and electric transmission line easement located in Williams County northwest of Tioga, North Dakota. We look forward to conducting an onsite inspection of the above described trust property with Aurora to review proposed wind tower locations, associated access roads, collection lines, construction crane access paths and a transmission line location.

The Project's possible location partly on State Trust Land was discussed by the Board of University and School Lands (Board) during its March 29, 2018 meeting. The Board understands that Aurora's applications for local, county, and state regulatory approval will include the above described tracts that it manages.

The Board has not yet granted Aurora easements for wind towers or appurtenances for the locations and a transmission line location, however, upon local, county and state regulatory approval the Board will consider a wind energy easement agreement and electric transmission line easement with Aurora Wind Project, LLC, regarding the location and potential use of the referenced trust land.

After the necessary permits are obtained, the DTL will evaluate and negotiate with Aurora a recommended wind energy easement and terms for Board consideration and possible approval.

If you have any questions, please contact me at (701) 328-2800 or Michael Humann at [mhumann@nd.gov](mailto:mhumann@nd.gov).

Sincerely,

A handwritten signature in cursive script that reads "Jodi Smith".

Jodi Smith  
Commissioner

cc: Brad Pederson  
Diamond Resources  
PO Box 1938  
Williston ND, 58802-1938

**NORTH DAKOTA STATE SOIL CONSERVATION**

## Bailey, Justin

---

**From:** Schmidt, Bruce <bruce.schmidt@ndsu.edu>  
**Sent:** Tuesday, February 27, 2018 3:24 PM  
**To:** Bravo-Cogar, Crystal G  
**Subject:** Re: response follow up

Thank you for the follow up email. The SSCC has no required permits for this proposed project.

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**From:** Bravo-Cogar, Crystal G <cbravocogar@burnsmcd.com>  
**Sent:** Tuesday, February 27, 2018 7:23:32 PM  
**To:** Schmidt, Bruce  
**Subject:** response follow up

Dear Mr. Schmidt,

Good morning. The attached letter was sent to North Dakota State Soil Conservation requesting input on any sensitive resources, current or planned development, or property interests your agency or entity may have in or around the Aurora Wind Project Areas. Our inquiry also included a request for information regarding any applicable permits that may be required from your office in consideration of the project.

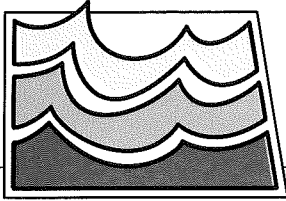
I was referred to you by calling the main phone number for the State Soil Conservation office. We want to ensure your input is considered as development moves forward. Please let us know whether or not you will be responding to this request. It would be greatly appreciated and we look forward to your response.

Sincerely,

Crystal G. Bravo-Cogar

**Crystal Bravo Cogar** \ Burns & McDonnell  
Senior Environmental Specialist  
O 303-474-2247 \ M 702-501-7735  
[cbravocogar@burnsmcd.com](mailto:cbravocogar@burnsmcd.com) \ [burnsmcd.com](http://burnsmcd.com)  
9785 Maroon Circle, Suite 400 \ Centennial, CO 80112

**NORTH DAKOTA STATE WATER COMMISSION**



# North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850  
(701) 328-2750 • TTY 1-800-366-6888 or 711 • FAX (701) 328-3696 • <http://swc.nd.gov>

January 10, 2018

Jennifer Bell  
Senior Environmental Scientist  
Burnes & McDonnell  
9785 Maroon Circle, STE 400  
Centennial, CO 80112

Dear Ms. Bell:

This is in response to your request for a review of the environmental impacts associated with the Proposed Aurora Wind Project and Associated Transmission Line located in Williams and Mountrail Counties, ND.

The proposed project has been reviewed by State Water Commission staff, and the following comments are provided:

- Initial review indicates the project does not require a conditional or temporary permit for water appropriation. However, if surface water or groundwater will be diverted for construction of the project, a water permit will be required per North Dakota Century Code (NDCC) § 61-04-02. Please consult with the Water Appropriations Division of the Office of the State Engineer (OSE) at 701-328-2754 if you have questions regarding this comment.

The State Water Commission (SWC) maintains a network of observation wells across the state for monitoring the water levels and quality in glacial and bedrock aquifers. These wells are often installed in road and highway rights-of-way to limit inconvenience to the adjacent landowners. SWC observation wells have a yellow protective casing extending between 1 and 3 feet above ground surface, and their locations are marked with a stake. If an observation well is encountered during project activities and must be removed, please contact the Water Appropriations Division. The SWC hopes to keep all observation wells, but otherwise will ensure the well is properly abandoned.

- There are no floodplains identified and/or mapped where this proposed project is to take place. A floodplain development permit would not be required relative to the National Flood Insurance Program.

Thank you for the opportunity to provide review comments. If you have any questions, please call Jared Huibregtse at 701-328-4967.

Sincerely,

Patrick Fridgen, Director  
Planning and Education Division

PF:dm/1570

DOUG BURGUM, GOVERNOR  
CHAIRMAN

GARLAND ERBELE, P.E.  
CHIEF ENGINEER-SECRETARY

**U.S. DEPARTMENT OF DEFENSE**

## Jennifer Dean

---

**From:** Bell, Jennifer <jbell@burnsmcd.com>  
**Sent:** Tuesday, January 09, 2018 3:14 PM  
**To:** Jennifer Dean  
**Subject:** FW: Proposed Aurora Wind Project Informal Review

Jennifer Bell \ Burns & McDonnell  
Senior Environmental Scientist  
O 303-474-2229 \ F 303-721-0563  
jbell@burnsmcd.com \ burnsmcd.com  
9785 Maroon Circle \ Suite 400 \ Centennial, CO 80112

-----Original Message-----

From: Adkins, Cristina M CTR (US) [mailto:cristina.m.adkins.ctr@mail.mil]  
Sent: Monday, January 08, 2018 8:40 AM  
To: Bell, Jennifer <jbell@burnsmcd.com>  
Subject: Proposed Aurora Wind Project Informal Review

Good Morning Ms. Bell,

My name is Cristina Adkins with the DoD Siting Clearinghouse. We received your letter regarding the Proposed Aurora Wind Project and Associated Transmission Line in Williams and Mountrail Counties, ND. We are the office within the Department of Defense that oversees the mission compatibility evaluation process for proposed energy projects submitted by developers. We will be completing an Informal Review of your project and will be providing you a preliminary determination of your projects impacts, if any, on military operations conducted in the area. Further information about our review process can be viewed at [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.acq.osd.mil\\_dodsc\\_index.html&d=DwICAg&c=pgTKN5yjcEYSPUPpeP-zuA&r=8mBt5IMITyn4Fz6GRtcgMtGWfEV5GSmmwdcGKt6nT68&m=Xm-z1oLK9heTpA1mLlnhrIxFUI5x6pthqlrO2el0nGI&s=73hye5T0slRZX9kvSmTW-CPsO-WoPW0eyXAS9g-J8c4&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.acq.osd.mil_dodsc_index.html&d=DwICAg&c=pgTKN5yjcEYSPUPpeP-zuA&r=8mBt5IMITyn4Fz6GRtcgMtGWfEV5GSmmwdcGKt6nT68&m=Xm-z1oLK9heTpA1mLlnhrIxFUI5x6pthqlrO2el0nGI&s=73hye5T0slRZX9kvSmTW-CPsO-WoPW0eyXAS9g-J8c4&e=).

However to complete the review, we are requesting additional information/clarification. You noted the location of wind turbines have not yet been determined, however is it possible to provide a single geographic coordinate (Lat/Longs in DMS) in each county tract listed for a more accurate assessment? Is there an estimate yet on the number and height of turbines?

I will be responsible for tracking your submitted projects as it goes through the DoD Siting Clearinghouse's informal review process, so if you have any further questions on our review process or would like a status update please feel free to contact me.

V/r,

Cristina Adkins  
DoD Siting Clearinghouse  
Office of the Assistant Secretary of Defense (Energy, Installations & Environment)  
703-571-9057

E-mail: cristina.m.adkins.ctr@mail.mil

Corporate E-mail: osd.dod-siting-clearinghouse@mail.mil

[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_www.acq.osd.mil\\_dodsc\\_&d=DwICAg&c=pgTKN5yjcEYSPUPpeP-zuA&r=8mBt5IMITyn4Fz6GRtcgMtGWfEV5GSmmwdcGKt6nT68&m=Xm-z1oLK9heTpA1mLlnhrIxFUI5x6pthqlrO2el0nGI&s=56DEhpdwXMN4m5P-8tVR1yQgc9kl8KEGxqg\\_ugZOrPM&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.acq.osd.mil_dodsc_&d=DwICAg&c=pgTKN5yjcEYSPUPpeP-zuA&r=8mBt5IMITyn4Fz6GRtcgMtGWfEV5GSmmwdcGKt6nT68&m=Xm-z1oLK9heTpA1mLlnhrIxFUI5x6pthqlrO2el0nGI&s=56DEhpdwXMN4m5P-8tVR1yQgc9kl8KEGxqg_ugZOrPM&e=)

## Bailey, Justin

---

**From:** Scanlon, Rhiannon G CTR (US) <rhiannon.g.scanlon.ctr@mail.mil>  
**Sent:** Wednesday, March 21, 2018 10:33 AM  
**To:** Bell, Jennifer  
**Subject:** Informal Review Response  
**Attachments:** IR Aurora WindTransmission Line Project - Williams County, ND - Response....pdf

Ms. Bell,

I have attached an informal review response letter for the Aurora Wind and Transmission Line project. Please feel free to contact me or Steve Sample (steven.j.sample4.civ@mail.mil) if you have any questions.

V/r,  
Rhiannon Scanlon

DoD Siting Clearinghouse  
571-372-6876  
rhiannon.g.scanlon.ctr@mail.mil  
osd.dod-siting-clearinghouse@mail.mil



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

3400 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3400

ENERGY,  
INSTALLATIONS  
AND ENVIRONMENT

March 19, 2018

Jennifer Bell  
Burns & McDonnell  
9785 Maroon Circle, Suite 400  
Centennial, CO 80112  
jbell@burnsmcd.com

Dear Ms. Bell,

As requested, the Department of Defense (DoD) Siting Clearinghouse coordinated within DoD an informal review of your company's proposed project. The results of our informal review indicated that the 300MW Aurora Wind and Transmission Line Project located in Williams and Mountrail Counties, North Dakota, as proposed, will have potential impacts on military operations conducted in this area.

I request that you contact Frederick Shepherd, Chief of the NORAD Radar Interference Branch, at 719-556-3260 or frederick.l.shepherd.civ@mail.mil, to discuss this proposed project. It is my hope that your continued cooperation will help us preserve the operational, training, and testing capabilities of our nation's Armed Forces.

Please note that this informal review by the DoD Siting Clearinghouse does not constitute an action under 49 United States Code Section 44718 and that DoD is not bound by the conclusion arrived at under this informal review. Please contact me at steven.j.sample4.civ@mail.mil or at 703-571-0076 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "SJS", is located below the "Sincerely," text.

Steven J. Sample  
Deputy Director  
DoD Siting Clearinghouse

**U.S. FISH AND WILDIFE SERVICE, NORTH DAKOTA FIELD OFFICE**

## Jennifer Dean

---

**From:** Clayton Derby <cderby@west-inc.com>  
**Sent:** Tuesday, April 24, 2018 11:00 AM  
**To:** Jennifer Dean  
**Subject:** Fwd: [EXTERNAL] Aurora - t-line structures easement request

Hi Jenni

No easements in the t-line corridor.

**Clayton Derby**  
**CSO / Wildlife Biologist**



Western Ecosystems Technology, Inc.  
Environmental & Statistical Consultants  
4007 State Street, Suite 109  
Bismarck, ND 58503  
(701) 250-1756  
(701) 426-5072 Cell  
(701) 250-1761 Fax  
[cderby@west-inc.com](mailto:cderby@west-inc.com)  
[www.west-inc.com](http://www.west-inc.com)

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**From:** Richardson, Kory <[kory\\_richardson@fws.gov](mailto:kory_richardson@fws.gov)>  
**Date:** Tue, Apr 24, 2018 at 9:26 AM  
**Subject:** Re: [EXTERNAL] Aurora - t-line structures easement request  
**To:** Clayton Derby <[cderby@west-inc.com](mailto:cderby@west-inc.com)>  
**Cc:** Terri Thorn <[tthorn@west-inc.com](mailto:tthorn@west-inc.com)>

Clayton - I have reviewed the proposed transmission line and structure placement. No easement protected wetlands or grasslands are impacted. I greatly appreciate your effort in avoiding easement protected areas. Don't hesitate to contact me as you continue to work on development of the proposed Aurora Wind Farm. Thanks.

Kory

On Tue, Apr 24, 2018 at 7:46 AM, Clayton Derby <[cderby@west-inc.com](mailto:cderby@west-inc.com)> wrote:

Hello Kory

I hope that spring is going well for you in NW ND. I believe it may have finally arrived here in Bismarck.

Late 2017/early 2018 I sent you a request regarding easement information for the Aurora wind farm. Thank you for providing that information. The company has now identified a potential transmission line route, see attached map and shapefile. Can you please check you records to determine if there are any easements within the route, both grassland and wetland.

Thank you.

**Clayton Derby**  
**CSO / Wildlife Biologist**



Western Ecosystems Technology, Inc.  
Environmental & Statistical Consultants  
4007 State Street, Suite 109  
Bismarck, ND 58503  
(701) 250-1756  
(701) 426-5072 Cell  
(701) 250-1761 Fax  
[cderby@west-inc.com](mailto:cderby@west-inc.com)  
[www.west-inc.com](http://www.west-inc.com)

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--

Kory Richardson  
Refuge Manager  
Lostwood WMD Complex  
8315 Hwy 8  
Kenmare, ND 58746

Office: 701-848-2722 x13  
Fax: 701-848-2702  
Cell: 701-339-1451

## Jennifer Dean

---

**From:** Clayton Derby <cderby@west-inc.com>  
**Sent:** Monday, August 13, 2018 12:02 PM  
**To:** Kevin Shelley; JOHN SCHUMACHER  
**Cc:** Jennifer Dean; Katherine Moratz  
**Subject:** Re: Aurora Meeting Materials  
**Attachments:** Aurora\_Aug 16 2018\_Agency Memo Final.pdf

With attachment this time.

**Clayton Derby**  
**CSO / Wildlife Biologist**



Western EcoSystems Technology, Inc.  
Environmental & Statistical Consultants  
4007 State Street, Suite 109  
Bismarck, ND 58503  
(701) 250-1756  
(701) 426-5072 Cell  
(701) 250-1761 Fax  
[cderby@west-inc.com](mailto:cderby@west-inc.com)  
[www.west-inc.com](http://www.west-inc.com)

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On Mon, Aug 13, 2018 at 11:21 AM, Clayton Derby <[cderby@west-inc.com](mailto:cderby@west-inc.com)> wrote:  
Hello Kevin and John

Attached please find a summary memo and a few figures to help lead the Aurora Wind Project meeting at 1 pm this Thursday, August 16. Please note that the meeting will be at the NDGFD office.

See you on Thursday.

**Clayton Derby**  
**CSO / Wildlife Biologist**



**Western EcoSystems Technology, Inc.**  
**Environmental & Statistical Consultants**

4007 State Street, Suite 109

Bismarck, ND 58503

(701) 250-1756

(701) 426-5072 Cell

(701) 250-1761 Fax

[cderby@west-inc.com](mailto:cderby@west-inc.com)

[www.west-inc.com](http://www.west-inc.com)

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## ENVIRONMENTAL & STATISTICAL CONSULTANTS

4007 State Street, Suite 109, Bismarck, ND 58503  
Phone: 701-250-1756 ♦ www.west-inc.com ♦ Fax: 701-250-1761

**TO: USFWS and NDGFD**  
**RE: Aurora Wind Energy Project Survey Update**  
**DATE: August 16, 2018**

Western EcoSystems Technology, Inc. (WEST) has been assisting Aurora Wind Project, LLC (Aurora), a subsidiary of Tradewind Energy, Inc., in implementing Tier 2 and 3 actions as described in the USFWS Wind Energy Guidelines (WEG) and USFWS Eagle Conservation Planning Guidance (ECPG) for the proposed Aurora Wind Energy Project (Project). The Project as currently planned encompasses approximately 44,000 acres and is located in Williams and Mountrail counties, North Dakota (Figure 1). The purpose of this memo is to facilitate a discussion related to the completed Tier 2 and Tier 3 wildlife surveys and future survey work at the Project.

### **Tier 2 Efforts:**

1. Site Characterization Study
  - Review of biological resources with respect to potential Project development
  - Anticipated low adverse impacts to bird and bat species
2. Whooping Crane Habitat Analysis
  - Assess potential suitability of wetlands within the Project
  - Project had smallest average sized wetlands and the second smallest total wetland acreage and number of basins compared to four adjacent reference areas
  - Project located with the defined whooping crane corridor but all facilities are outside the non-covered lands from WEWAG effort
  - Project falls within unoccupied stopover site use intensity cells
  - No whooping cranes documented in Project area from the USFWS sighting database. Whooping cranes observed during point counts, see Tier 3.
  - Potential to migrate over or through the Project
3. Stage 1 Site Assessment of Eagle Use/Risk
  - Assess if Project is known or likely to be used by eagles
  - Golden eagles uncommon
  - Bald eagles possible since some potential habitat exists (wetland complexes, grasslands) but overall the area lacks nesting habitat
  - NDGFD reports no known bald or golden eagle nests within 10 miles
  - No significant adverse impacts expected

### **Tier 3 Efforts:**

#### 1. Eagle/Avian Use Surveys

- 2 years of surveys
- 1 hour fixed-point surveys at 33 points
- 700 60-minute fixed point surveys
- 4 bald and 2 golden eagles observed during fixed-point surveys
- Anticipated low risk
- Do not plan to seek an eagle permit
- Total of 12 whooping cranes observed flying above rotor swept height with flocks of sandhill cranes on April 24, 2018.
- 

#### 2. Eagle/Raptor Nest Surveys

- 2 years of aerial surveys
- Meandering aerial transects of potential suitable habitat
- Eagle nests within 10 miles and non-eagle raptors within 1 mile of boundary
- No eagle nests observed

#### 3. Sharp-tailed Grouse Lek Surveys

- Road-based surveys in 2018
- 3 surveys from early April to early May
- Limited overall grassland blocks within and adjacent to Project (Figure 3) for lekking, brood rearing, etc.
- 52 points along public roads/trails around grasslands >80 acres
- 5 minutes of observations at each point
- 3 leks observed (2 confirmed and 1 potential; Figure 3)
- Turbines adjusted such that no leks within 1 mile of proposed turbine locations

### **Future Efforts:**

#### 1. Construction and Operations

- Operations personnel training for whooping crane identification and shutdown procedures if within 2 miles of turbines.
- Transmission line to be marked with bird diverters
- Post-construction fatality monitoring (Tier 4 surveys)
- Development of Bird and Bat Conservation Strategy (BBCS)

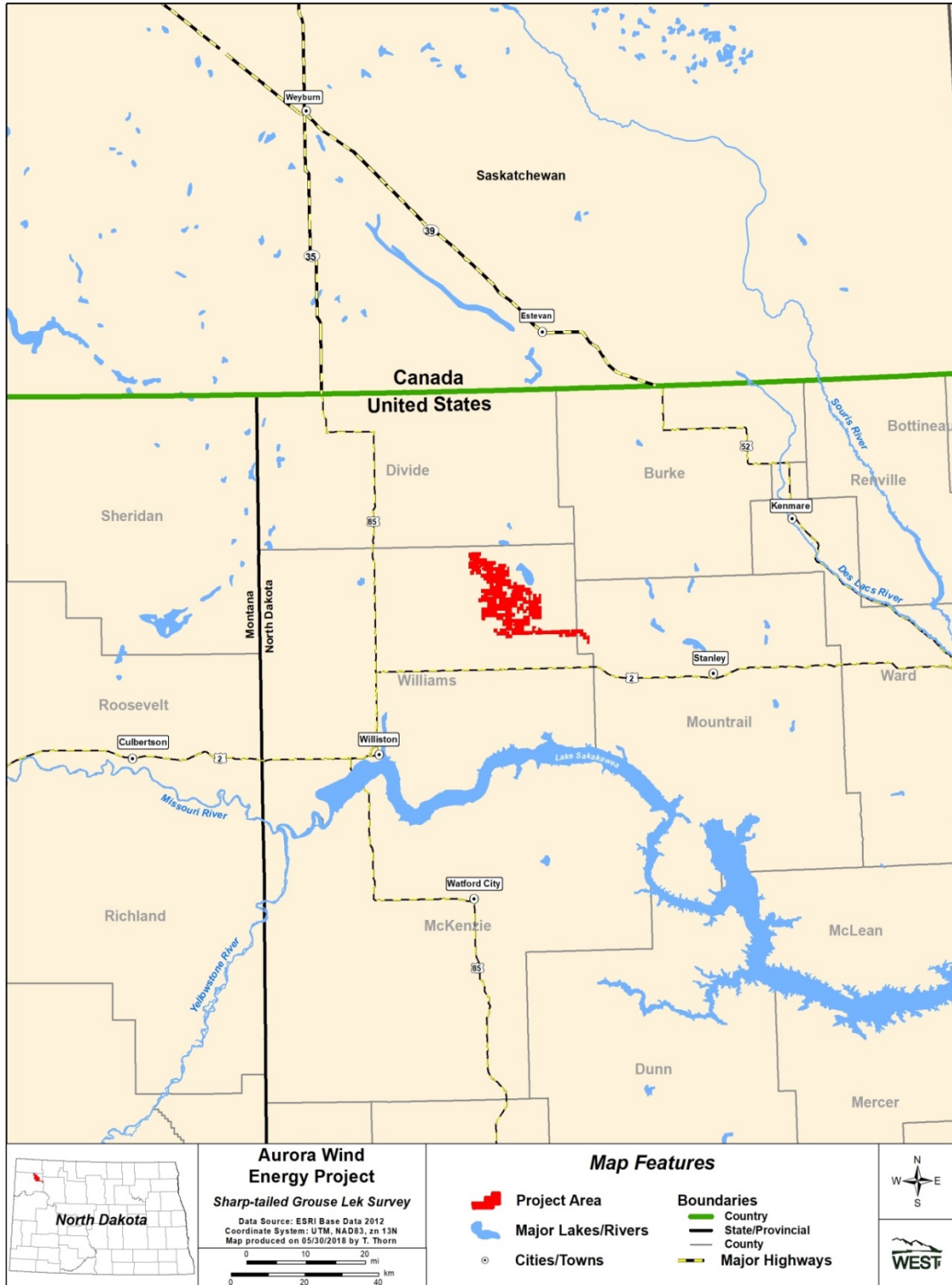


Figure 1. Location and current boundary of the Aurora Wind Energy Project in Williams and Mountrail counties, North Dakota.

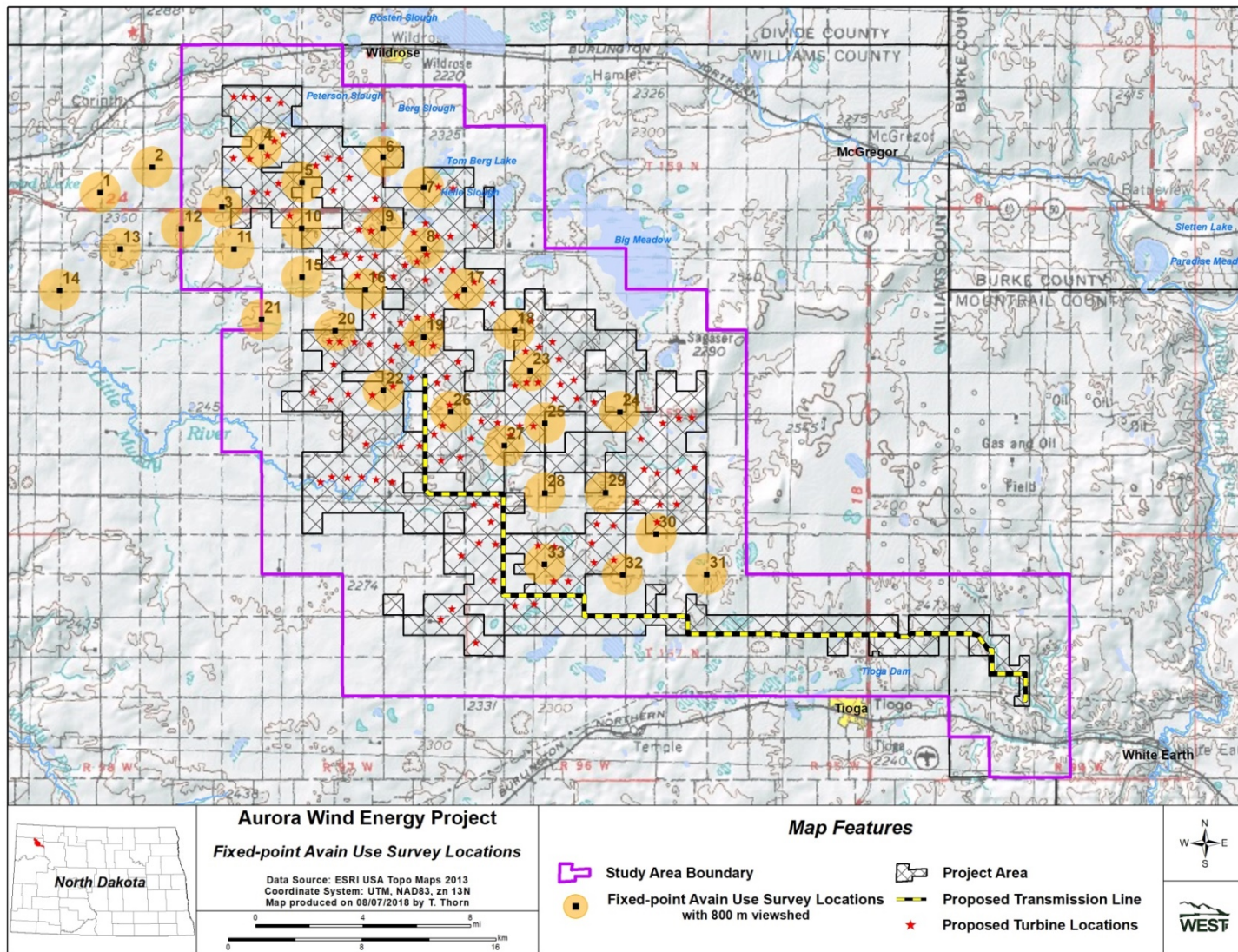


Figure 2. Fixed-point survey locations, proposed turbine locations, and proposed transmission line within the Aurora Wind Energy Project in Williams and Mountrail counties, North Dakota.

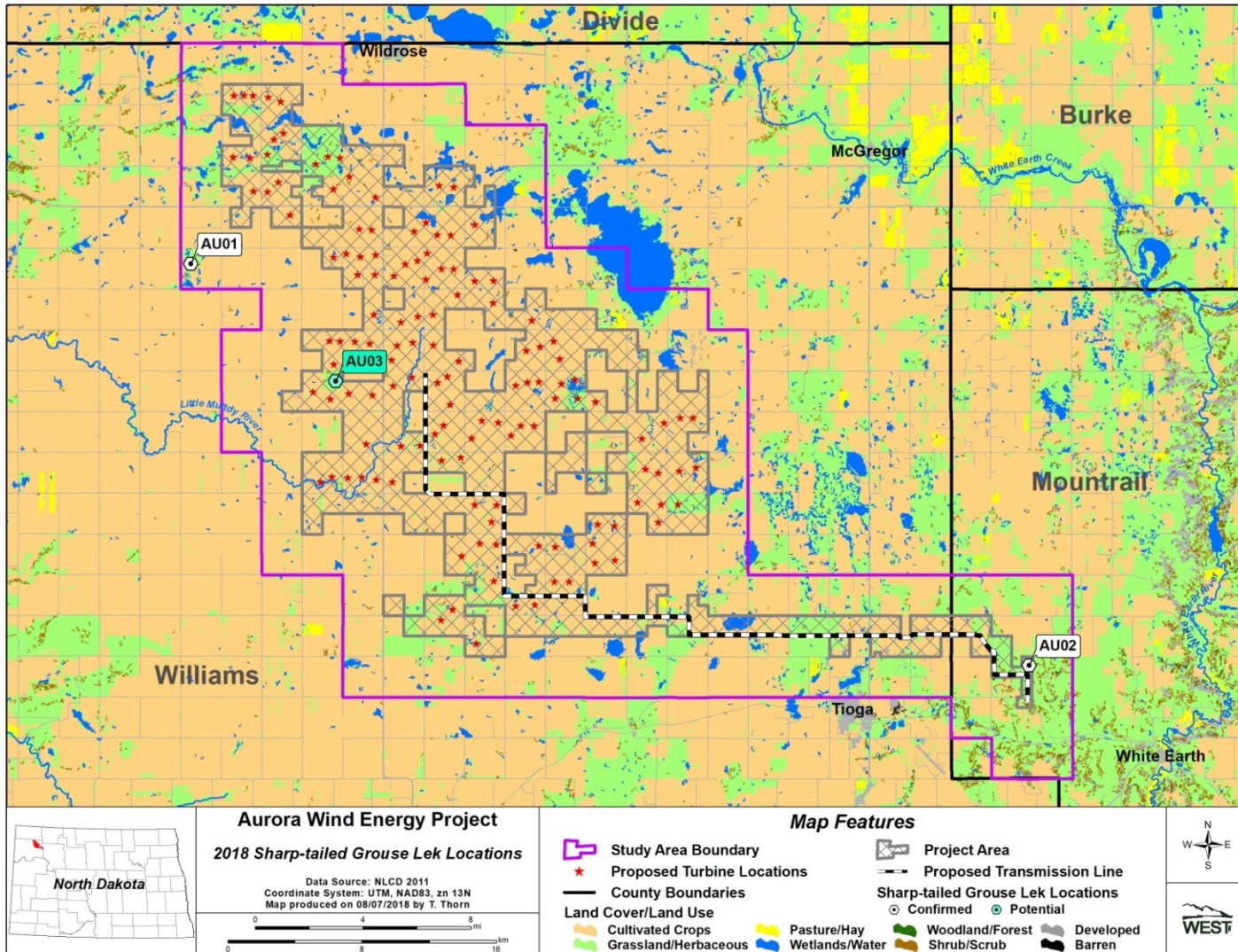


Figure 3. Sharp-tailed grouse lek locations, proposed turbine locations, and proposed transmission line within the Aurora Wind Energy Project, Williams and Mountrail counties, North Dakota.

## Jennifer Dean

---

**From:** Clayton Derby <cderby@west-inc.com>  
**Sent:** Thursday, August 23, 2018 3:55 PM  
**To:** Jennifer Dean; Katherine Moratz  
**Subject:** Fwd: [EXTERNAL] Fwd: Updated Aurora design

Jenni - see review of easement information from USFWS refuge office.

**Clayton Derby**  
**CSO / Wildlife Biologist**



Western EcoSystems Technology, Inc.  
Environmental & Statistical Consultants  
4007 State Street, Suite 109  
Bismarck, ND 58503  
(701) 250-1756  
(701) 426-5072 Cell  
(701) 250-1761 Fax  
[cderby@west-inc.com](mailto:cderby@west-inc.com)  
[www.west-inc.com](http://www.west-inc.com)

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**From:** Kory Richardson <[kory\\_richardson@fws.gov](mailto:kory_richardson@fws.gov)>  
**Date:** Thu, Aug 23, 2018 at 3:47 PM  
**Subject:** Re: [EXTERNAL] Fwd: Updated Aurora design  
**To:** Clayton Derby <[cderby@west-inc.com](mailto:cderby@west-inc.com)>

Clayton - I have reviewed the proposed wind tower locations, access roads, crane paths, collection lines, intersections, fiber optic sections, lay down yards, substation, transmission lines and structures associated with the proposed Aurora Wind Project. I see no obvious issues or impacts to USFWS wetland and grassland easements; or Waterfowl Production Areas. A tremendous effort was obviously put forth to avoid direct impacts to USFWS property interests. I greatly appreciate your work.

I see two areas on wetland easement that may or may not be actual wetlands (I can't tell for sure from the aerial imagery etc.) that could potentially be impacted by an access road, collection line or crane path. Once staking

of access roads etc. is complete I would like to take a closer look at those "questionable" sites in the field. On area is 159-97-20, S1/2N1/2 (Williams 210X); and 159-97-21, N1/2N1/2 (Williams 142X,1).

Thank you for the opportunity to review the various components of the Aurora Wind Farm. If you have any questions or concerns please don't hesitate to contact me.

Kory

On Tue, Aug 7, 2018 at 8:05 AM Clayton Derby <[cderby@west-inc.com](mailto:cderby@west-inc.com)> wrote:

Hi Kory

Thanks for the past reviews for the Aurora wind project regarding wetland and grassland easements. The project has developed a more refined layout with all the various constraints - road/house setbacks, avoidance of easements, etc. Can you please take another look at this more refined layout to confirm that it avoids all the basins within the wetland easements as well as all the grassland easements? I know that easements are always a bit in motion with new ones coming in and want to make sure a current review has been completed.

Thank you,

**Clayton Derby**  
**CSO / Wildlife Biologist**



Western EcoSystems Technology, Inc.  
Environmental & Statistical Consultants  
[4007 State Street, Suite 109](mailto:cderby@west-inc.com)  
[Bismarck, ND 58503](mailto:cderby@west-inc.com)  
(701) 250-1756  
(701) 426-5072 Cell  
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--

Kory Richardson  
Refuge Manager  
Lostwood WMD Complex  
8315 Hwy 8  
Kenmare, ND 58746

Office: 701-848-2722 x13

Fax: 701-848-2702

Cell: 701-339-1451

## Jennifer Dean

---

**From:** Clayton Derby <cderby@west-inc.com>  
**Sent:** Friday, September 21, 2018 2:54 PM  
**To:** Dyke, Steve (NDGF)  
**Cc:** Kevin Shelley; JOHN SCHUMACHER; Jennifer Dean; Katherine Moratz; Scott\_Larson@fws.gov  
**Subject:** Re: Aurora Wind Meeting  
**Attachments:** Aurora\_USFWS-NDGFD Meeting Notes\_081618 Final Update.pdf; Aurora\_A031\_299.9MW--GE2.5x108\_GE2.3x13\_2018-07-26.zip

Hello Group

Steve, thank you for the suggested additions, I have put those ideas into the discussion section. The updated notes are attached for your files.

Also attached is the final layout shapefile for your review. We would be available and open to have further discussions with the group on any letter responses developed to have a "no surprises" understanding before public hearings on the PSC applications (I believe that was the term used by Steve during the meeting?).

Have a great weekend.

**Clayton Derby**  
**CSO / Wildlife Biologist**



Western EcoSystems Technology, Inc.  
Environmental & Statistical Consultants  
4007 State Street, Suite 109  
Bismarck, ND 58503  
(701) 250-1756  
(701) 426-5072 Cell  
(701) 250-1761 Fax  
[cderby@west-inc.com](mailto:cderby@west-inc.com)  
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On Thu, Sep 13, 2018 at 2:40 PM Dyke, Steve R. <[sdyke@nd.gov](mailto:sdyke@nd.gov)> wrote:

Clayton, thanks for sharing the meeting notes. I suggest for your consideration the following items for inclusion into the meeting notes.

1. Could post construction collision survey \$ be better spent on offsets for habitat restoration efforts.
2. How there is a lack of 'vendors' in the state for habitat creation/restoration. The ND Natural Resource Trust might be positioned to help in that effort.

Additionally, while it may or may not have been discussed at the meeting, our agency strongly encourages the project sponsors provide us with the turbine locations and road alignments well before notice of a PSC public hearing on the project.

Steve

**From:** Clayton Derby <[cderby@west-inc.com](mailto:cderby@west-inc.com)>  
**Sent:** Wednesday, September 12, 2018 3:10 PM  
**To:** Kevin Shelley <[Kevin\\_Shelley@fws.gov](mailto:Kevin_Shelley@fws.gov)>; Dyke, Steve R. <[sdyke@nd.gov](mailto:sdyke@nd.gov)>; Schumacher, John D. <[jdschumacher@nd.gov](mailto:jdschumacher@nd.gov)>  
**Cc:** Jennifer Dean <[jdean@tradewindenergy.com](mailto:jdean@tradewindenergy.com)>; Katherine Moratz <[kmoratz@west-inc.com](mailto:kmoratz@west-inc.com)>  
**Subject:** Aurora Wind Meeting

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

Hello

Attached please find meeting notes and referenced material from the Aurora Wind Project meeting held on August 16, 2018.

Thank you,

**Clayton Derby**

**CSO / Wildlife Biologist**

Western EcoSystems Technology, Inc.  
Environmental & Statistical Consultants

4007 State Street, Suite 109

Bismarck, ND 58503

(701) 250-1756

(701) 426-5072 Cell

(701) 250-1761 Fax  
[cderby@west-inc.com](mailto:cderby@west-inc.com)

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**ENVIRONMENTAL & STATISTICAL CONSULTANTS**

4007 State Street, Suite 109, Bismarck, ND 58503  
Phone: 701-250-1756 ♦ www.west-inc.com ♦ Fax: 701-250-1761

## MEETING NOTES

<b>SUBJECT:</b> Wildlife survey result update for agencies	
<b>PROJECT:</b> Aurora Wind Project	<b>MEETING LOCATION:</b> NDGFD Office
<b>MEETING DATE:</b> August 16, 2018	<b>NOTES BY:</b> K. Moratz and C. Derby

### ATTENDEES

Steve Dyke, NDGFD

John Schumacher, NDGFD

Elisha Mueller, NDGFD

Kevin Shelley, USFWS

Jennifer Dean, Aurora

Dave Iadarola, Aurora

Haileigh Shull, Aurora

Katherine Moratz, WEST

Clayton Derby, USFWS

### TOPICS DISCUSSED

#### Project Overview

Dave Iadarola, Aurora Wind Project, LLC (Aurora), provided a brief review of the Aurora Wind Project (Project) location in northwestern North Dakota. The Project is mainly in eastern Williams County with approximately 3 miles of overhead transmission line that will connect to the existing Tande Substation in Mountrail County. The Project is anticipated to be up to 300MW and has obtained Conditional Use Permits in both Williams and Mountrail counties. The Project permitted up to 131 turbine locations which includes alternates. The 345 kV overhead transmission line is anticipated to be approximately 25 miles in total length. Jenni Dean, Aurora, briefly discussed a tentative timeline of the Public Service Commission (PSC) application for a Certificate of Site Compatibility (CSC) and Route Permit and hearings. At this time, the Project is targeting a mid to late September 2018 application submittal to the PSC for a CSC and anticipates public hearings to occur in January 2019. The Project noted it had received a letter from the North Dakota Game and Fish Department (NDGFD) in May 2018. To date, no correspondence has been received from the United States Fish & Wildlife Service (USFWS).

#### Tier 2 and Tier 3 Review

Clayton Derby reviewed efforts completed to date at the Project (see attached “Aurora Wind Energy Project Survey Update” memo attached and previously provided electronically to USFWS and NDGFD on August 13, 2018). This synopsis included a brief review of efforts previously discussed at the February 8, 2017, agency meeting, including the Tier 2 site characterization study, Stage 1 site assessment of eagle use and risk, and year one eagle/avian use and raptor nest surveys. Additionally, Clayton provided an update on results of the year two avian use and raptor nest surveys. Clayton also provided results of the sharp-tailed grouse lek

surveys, a survey that was conducted in response to the May 22, 2018, NDGFD letter. In response to the 2018 lek survey, the Project has moved wind turbines to be more than one mile from these lek locations. In addition, wetland and cultural work is ongoing at the Project and is largely complete based in the current design. In an effort to minimize potential risk to existing avian stopover resources, the Project has analyzed the quality of wetlands into three categories: 1) all wetlands greater than 0.5 acres in size, 2) all wetlands considered to be high quality (smaller than 0.5 acres but located in non-agricultural fields and dominated by higher quality, non-invasive wetland species, and 3) all other wetlands. The Project is currently evaluating Project infrastructure as it relates to these categories of wetlands for siting. The Project has also coordinated with USFWS's easement office three times regarding information on wetland and grassland easements in the area as the Project design has evolved.

Clayton then outlined future efforts to be conducted at the Project that will be outlined in the Project's Bird and Bat Conservation Strategy (BBCS). As additional micrositing and design changes are finalized, the Project will continue to coordinate with USFWS's easement office to note protected basins and grasslands in relation to Project infrastructure. In addition to the above siting efforts, the Project and agencies noted the location of the area in regards to the migration corridor of the Whooping crane. The Project committed to marking 100% of the overhead transmission line with bird diverters. Additional monitoring efforts to minimize potential risk to migrating Whooping cranes will be noted in the BBCS. The Project committed to sharing a draft version of the BBCS with both agencies for review and comment.

### Discussion

Both USFWS and NDGFD asked questions regarding the efforts completed; however questions were minimal. Questions and discussion included the future development steps for the Project and the PSC process. The group also discussed options for providing funds for habitat offsets instead of conducting expensive post-construction fatality monitoring studies, but agreement that currently there is a general lack of "vendors" in the state that can receive these funds and effectively implement habitat restoration or enhancement efforts. The North Dakota Natural Resource Trust may be one vendor that could be investigated to serve this purpose. Both agencies provided positive remarks on the siting of the Project within a fragmented landscape. All parties voiced a willingness to continue to work together as the Project continues to develop. Another agency meeting could potentially occur before the PSC hearing to discuss any additional topics regarding infrastructure placement if all parties are interested.

**U.S. ARMY CORPS OF ENGINEERS, NORTH DAKOTA REGULATORY OFFICE**



**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, OMAHA DISTRICT  
NORTH DAKOTA REGULATORY OFFICE  
3319 UNIVERSITY DRIVE  
BISMARCK ND 58504-7565

January 9, 2018

NWO-2018-00069-BIS

Burns & McDonnell  
Attn: Ms. Jennifer Bell  
9785 Maroon Circle, Suite 400  
Centennial, Colorado 80112

Dear Ms. Bell:

This is in response to your solicitation letter dated December 21, 2017, requesting Department of the Army (DA), United States Army Corps of Engineers (Corps) comments on the proposed Aurora Wind Project and Associated Transmission Line project. The project is located in Township 157 North, Range 94, 95, 96, and 97 West, Township 158 North, Range 95, 96, 97, and 98 West, and Township 159 North, Range 96, 97, and 98 West, Williams and Mountrail Counties, North Dakota.

Corps Regulatory Offices administers Section 404 of the Clean Water Act. Section 404 of the Clean Water Act regulates the discharge of dredge or fill material (temporarily or permanently) in waters of the United States. Waters of the United States may include, but are not limited to, rivers, streams, ditches, coulees, lakes, ponds, and their adjacent wetlands. Fill material includes, but is not limited to, rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mines or other excavation activities and materials used to create any structure or infrastructure in waters of the United States.

Enclosed for your information is the fact sheet for Nationwide Permit 12, Utility Line Activities. Utility lines are already authorized by Nationwide Permit 12 provided the utility line can be placed without any change to pre-construction contours and all other proposed construction activities and facilities are in compliance with the Nationwide's permit conditions and 401 Water Quality Certification. On Tribal Lands, Water Quality Certification is denied for all Nationwide Permits. Applicants must work with EPA to obtain individual water quality certification. Please note the pre-construction notification requirements on page 2 of the fact sheet. If a project involves any one of the seven notification requirements, the project proponent must submit a DA application. Furthermore, a project must also be in compliance with the "Regional Conditions for Nationwide Permits within the State of North Dakota", found on pages 18 thru 21 of the fact sheet.

In the event your project(s) requires approval from the U.S. Army Corps of Engineers and cannot be authorized by Nationwide Permit(s), a Standard or Individual Permit will be required. A project that requires a Standard or Individual Permit is intensely reviewed and will require the issuance of a public notice. A Standard or Individual Permit generally requires a minimum of 120 days for processing but based on the project impacts and comments received through the public notice may extend well beyond 120 days.

This correspondence letter does not approve the proposed construction work or does not verify the proposed project complies with the Nationwide Permit(s).

If any of these projects require a Section 404 permit, please complete and submit the enclosed Department of the Army permit application (ENG Form 4345) to the U.S. Army Corps of Engineers, North Dakota Regulatory Office, 3319 University Drive, Bismarck, North Dakota 58504 or to the email address below. If you are unsure if a permit is required, you may submit an application; include a project location map, description of work, and construction methodology.

The North Dakota Regulatory office can accept (and prefers) electronic submissions to the following email: [CENWO-OD-RND@usace.army.mil](mailto:CENWO-OD-RND@usace.army.mil).

If we can be of further assistance or should you have any questions regarding our program, please do not hesitate to contact this office by letter or phone at (701) 255-0015.

Sincerely,



Patricia L. McQueary  
Regulatory Program Manager  
North Dakota

Enclosure

ENG Form 4345  
Permit Completion Instructions  
Fact Sheet NWP 12

U.S. Army Corps of Engineers (USACE)  
**APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT**  
 33 CFR 325. The proponent agency is CECW-CO-R.

*Form Approved -  
 OMB No. 0710-0003  
 Expires: 01-08-2018*

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

**PRIVACY ACT STATEMENT**

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <http://dpcl.dod.mil/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

**(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)**

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
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**(ITEMS BELOW TO BE FILLED BY APPLICANT)**

5. APPLICANT'S NAME First -                      Middle -                      Last - Company - E-mail Address -			8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First -                      Middle -                      Last - Company - E-mail Address -		
6. APPLICANT'S ADDRESS: Address- City -                      State -                      Zip -                      Country -			9. AGENT'S ADDRESS: Address- City -                      State -                      Zip -                      Country -		
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence                      b. Business                      c. Fax			10. AGENTS PHONE NOS. w/AREA CODE a. Residence                      b. Business                      c. Fax		

**STATEMENT OF AUTHORIZATION**

11. I hereby authorize, \_\_\_\_\_ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

\_\_\_\_\_  
SIGNATURE OF APPLICANT                      DATE

**NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY**

12. PROJECT NAME OR TITLE (see instructions)

13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable) Address
15. LOCATION OF PROJECT Latitude: °N                      Longitude: °W	City -                      State-                      Zip-

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)  
 State Tax Parcel ID                      Municipality  
 Section -                      Township -                      Range -

17. DIRECTIONS TO THE SITE

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

**USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
-------------------------------	-------------------------------	-------------------------------

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres  
or  
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete?  Yes  No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address-

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF AGENT

\_\_\_\_\_  
DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

## Instructions for Preparing a Department of the Army Permit Application

**Blocks 1 through 4.** To be completed by Corps of Engineers.

**Block 5. Applicant's Name.** Enter the name and the E-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 5.

**Block 6. Address of Applicant.** Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked Block 6.

**Block 7. Applicant Telephone Number(s).** Please provide the number where you can usually be reached during normal business hours.

**Blocks 8 through 11.** To be completed, if you choose to have an agent.

**Block 8. Authorized Agent's Name and Title.** Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, or any other person or organization. Note: An agent is not required.

**Blocks 9 and 10. Agent's Address and Telephone Number.** Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

**Block 11. Statement of Authorization.** To be completed by applicant, if an agent is to be employed.

**Block 12. Proposed Project Name or Title.** Please provide name identifying the proposed project, e.g., Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center.

**Block 13. Name of Waterbody.** Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

**Block 14. Proposed Project Street Address.** If the proposed project is located at a site having a street address (not a box number), please enter it here.

**Block 15. Location of Proposed Project.** Enter the latitude and longitude of where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked Block 15.

**Block 16. Other Location Descriptions.** If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality that the site is located in.

**Block 17. Directions to the Site.** Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known

**Block 18. Nature of Activity.** Describe the overall activity or project. Give appropriate dimensions of structures such as wing walls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 18.

**Block 19. Proposed Project Purpose.** Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

**Block 20. Reasons for Discharge.** If the activity involves the discharge of dredged and/or fill material into a wetland or other waterbody, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

**Block 21. Types of Material Being Discharged and the Amount of Each Type in Cubic Yards.** Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc.

**Block 22. Surface Areas of Wetlands or Other Waters Filled.** Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper marked Block 22.

**Block 23. Description of Avoidance, Minimization, and Compensation.** Provide a brief explanation describing how impacts to waters of the United States are being avoided and minimized on the project site. Also provide a brief description of how impacts to waters of the United States will be compensated for, or a brief statement explaining why compensatory mitigation should not be required for those impacts.

**Block 24. Is Any Portion of the Work Already Complete?** Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps permit, identify the authorization, if possible.

**Block 25. Names and Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site.** List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the waterbody or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked Block 24.

**Information regarding adjacent landowners is usually available through the office of the tax assessor in the county or counties where the project is to be developed.**

**Block 26. Information about Approvals or Denials by Other Agencies.** You may need the approval of other federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

**Block 27. Signature of Applicant or Agent.** The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

## **DRAWINGS AND ILLUSTRATIONS**

### **General Information.**

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number.

Please submit one original, or good quality copy, of all drawings on 8½ x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). **While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.**

**FACT SHEET  
NATIONWIDE PERMIT 12  
(2017)**

**UTILITY LINE ACTIVITIES**

Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

**Utility lines:** This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of utility lines, including outfall and intake structures. There must be no change in pre-construction contours of waters of the United States. A “utility line” is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and internet, radio, and television communication. The term “utility line” does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area. Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

**Utility line substations:** This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities. Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

**Access roads:** This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or

geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows. This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit. This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre- construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if any of the following criteria are met: (1) The activity involves mechanized land clearing in a forested wetland for the utility line right-of-way; (2) a section 10 permit is required; (3) the utility line in waters of the United States, excluding overhead lines, exceeds 500 feet; (4) the utility line is placed within a jurisdictional area (i.e., water of the United States), and it runs parallel to or along a stream bed that is within that jurisdictional area; (5) discharges that result in the loss of greater than 1/10- acre of waters of the United States; (6) permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or (7) permanent access roads are constructed in waters of the United States with impervious materials. (See general condition 32.) (Sections 10 and 404)

Note 1: Where the utility line is constructed or installed in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, a copy of the NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

Note 2: For utility line activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Utility line activities must comply with 33 CFR 330.6(d).

Note 3: Utility lines consisting of aerial electric power transmission lines crossing navigable waters of the United States (which are defined at 33 CFR part 329) must comply with the applicable minimum clearances specified in 33 CFR 322.5(i).

Note 4: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 5: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

Note 6: This NWP authorizes utility line maintenance and repair activities that do not qualify for the Clean Water Act section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 7: For overhead utility lines authorized by this NWP, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 8: For NWP 12 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

### **Nationwide Permit General Conditions**

**Note:** To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/ or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

## **1. Navigation.**

(a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

## **2. Aquatic Life Movements.**

No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

## **3. Spawning Areas.**

Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

## **4. Migratory Bird Breeding Areas.**

Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

## **5. Shellfish Beds.**

No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

## **6. Suitable Material.**

No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

#### **7. Water Supply Intakes.**

No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

#### **8. Adverse Effects from Impoundments.**

If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

#### **9. Management of Water Flows.**

To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

#### **10. Fills Within 100-Year Floodplains.**

The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

#### **11. Equipment.**

Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

#### **12. Soil Erosion and Sediment Controls.**

Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

**13. Removal of Temporary Fills.**

Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

**14. Proper Maintenance.**

Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

**15. Single and Complete Project.**

The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

**16. Wild and Scenic Rivers.**

(a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

**17. Tribal Rights.**

No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

**18. Endangered Species.**

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will

directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district

engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide Web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

### **19. Migratory Birds and Bald and Golden Eagles.**

The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

### **20. Historic Properties.**

(a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought

from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/ THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

## **21. Discovery of Previously Unknown Remains and Artifacts.**

If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid

construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

## **22. Designated Critical Resource Waters.**

Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP's 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

## **23. Mitigation.**

The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns.

Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWP. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2- acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee- responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

#### **24. Safety of Impoundment Structures.**

To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

#### **25. Water Quality.**

Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality. *Specifically for North Dakota, the North Dakota Department of Health has denied water quality certification for all projects proposed to affect Class I and IA, II and Class III rivers and streams or classified lakes listed in Appendices I and II of the standards, individual certification must be obtained. For project proposed to affect any other waters, the North Dakota Department of Health has issued water quality certification provided the attached Construction and Environmental Disturbance Requirements are followed. The Standards may be found at <http://www.legis.nd.gov/information/acdata/pdf/33-16-02.1.pdf?2016031115632> On Tribal Lands, Water Quality Certification is denied for all Nationwide Permits. Applicants must work with EPA to obtain individual water quality certification. Contact: USEPA, Region 8,*

401 Certification Program – 8WP-AAP, 1595 Wynkoop Street, Denver, Colorado 80202-1129.  
(303-312-6909)

**26. Coastal Zone Management.**

In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

**27. Regional and Case-By-Case Conditions.**

The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

**28. Use of Multiple Nationwide Permits.**

The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

**29. Transfer of Nationwide Permit Verifications.**

If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_ (Transferee) \_\_\_\_\_ (Date)

**30. Compliance Certification.**

Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

### **31. Activities Affecting Structures or Works Built by the United States.**

If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

### **32. Pre-Construction Notification.**

(a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

- (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
- (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division

engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWP 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed activity;
- (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
- (4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
- (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation,

especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act.

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination:

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) All NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13

activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

### **Further Information**

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

**2017 NATIONWIDE PERMITS  
REGIONAL CONDITIONS  
OMAHA DISTRICT  
STATE OF NORTH DAKOTA**

The following Nationwide Permit Regional Conditions will be used in the State of North Dakota. Regional conditions are placed on Nationwide Permits to ensure projects result in no more than minimal adverse impacts to the aquatic environment and to address local resource concerns.

1. **Wetlands Classified as Peatlands – Revoked for use**

All Nationwide Permits, with the exception of 3, 5, 20, 32, 38 and 45, are revoked for use in peatlands. Peatlands are permanently or seasonally saturated and inundated wetlands where conditions inhibit organic matter decomposition and allow for the accumulation of peat. Under cool, anaerobic, and acidic conditions, the rate of organic matter accumulation exceeds organic decay.

2. **Wetlands Classified as Peatlands – Preconstruction Notification Requirement**

For Nationwide Permits 3, 5, 20, 32, 38 and 45 permittees must notify the Corps in accordance with General Condition 32 (Pre-Construction Notification) prior to initiating any regulated activity impacting peatlands.

3. **Waters Adjacent to Natural Springs – Preconstruction Notification Requirement**

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 32 (Pre-Construction Notification) for regulated activities located within 100 feet of the water source in natural spring areas. For purposes of this condition, a spring source is defined as any location where there is flow emanating from a distinct point at any time during the growing season. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source.

4. **Missouri River, including Lake Sakakawea and Lake Oahe – Pre-construction Notification Requirement**

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 32 (Pre-Construction Notification) prior to initiating any regulated activity occurring in or under the Missouri River, including Lake Sakakawea and Lake Oahe. In addition, any activity occurring in an off channel area (marinas, bays, etc.) of any of these waterbodies, a preconstruction notification is required.

5. **Spawning Areas**

Spawning restrictions and important fish habitat areas, if applicable, can be accessed on the North Dakota Game & Fish Department's website at:

<http://gf.nd.gov/gnf/conservation/docs/spawning-restriction-exclusions.pdf>

No regulated activity within the Red River of the North shall occur between 15 April and 1 July. Spawning season restrictions do not apply to projects involving dredging or other discharges of less than 25 cubic yards of material in any jurisdictional water.

**6. Counter-Sinking Culverts and Associated Riprap – All Nationwide Permits**

In streams with intermittent or perennial flow and a stable stream bed, culvert stream crossings shall be installed with the culvert invert set below the natural streambed according to the table below. This regional condition does not apply in instances where the lowering of the culvert invert would allow a headcut to migrate upstream of the project into an unaffected stream reach or result in lowering the elevation of the stream reach.

Riprap inlet and outlet protection shall be placed to match the height of the culvert invert.

Culvert Type	Drainage Area	Minimum Distance Culvert Invert Shall Be Lowered Below Stream Flow Line
All culvert types	≤ 100 acres	Not required
Pipe diameter <8.0 ft	100 to 640 acres	0.5 ft
Pipe diameter <8.0 ft	>640 acres	1.0 ft
Pipe diameter ≥ 8.0 ft	All drainage sizes	1.0 ft
Box culvert	All drainage sizes	1.0 ft

**REGIONAL CONDITIONS APPLICABLE TO SPECIFIC NATIONWIDE PERMITS**

**Nationwide Permit 7 – Outfall Structures and Associated Intake Structures and Nationwide Permit 12 – Utility Line Activities.**

**Intake Structures** – Intake screens with a maximum mesh opening of ¼-inch must be provided, inspected annually, and maintained. Wire, Johnson-like, screens must have a maximum distance between wires of 1/8-inch. Water velocity at the intake screen shall not exceed ½-foot per second.

Pumping plant sound levels will not exceed 75 dB at 50 feet.

Intakes located in Lake Sakakawea, above river mile 1519, and on the Yellowstone River, are subject to the following conditions:

- The intakes shall be floating.
- At the beginning of the pumping season, the intake shall be placed over water with a minimum depth of 20 feet.
- If the 20-foot depth is not attainable, then the intake shall be located over the deepest water available.

- If the water depth falls below six feet, the intake shall be moved to deeper water or the maximum intake velocity shall be limited to ¼ foot per second.

Intakes located in Lake Sakakawea, below river mile 1519, and the Missouri River below Garrison Dam are subject to the following conditions:

- The intakes shall be submerged.
- At the beginning of the pumping season, the intake will be placed at least 20 vertical feet below the existing water level.
- The intake shall be elevated 2 to 4 feet off the bottom of the river or reservoir bed.
- If the 20-foot depth is not attainable, then the intake velocity shall be limited to ¼-foot per second with intake placed at the maximum practicable attainable depth.

Intakes and associated utility lines that are proposed to cross sandbars in areas designated as piping plover critical habitat are prohibited.

#### **Utility Lines**

- Any temporary open trench associated with utility lines are to be closed within 30 days of excavation. This time limit may be extended by notifying the North Dakota Regulatory Office and receiving a written response that the extension is acceptable.

#### **Nationwide Permit 11 – Temporary Recreational Structures – Boat Docks**

To ensure that the work or structure shall not cause unreasonable obstruction to the free navigation of the navigable waters, the following conditions are required:

- No boat dock shall be located on a sandbar or barren sand feature. The farthest point riverward of a dock shall not exceed a total length of 30 feet from the ordinary high watermark. Information Note: Issuance of this permit does not supersede authorization required by the North Dakota State Engineer's Office.
- Any boat dock shall be anchored to the top of the high bank.
- Any boat dock located within an excavated bay or marina that is off the main river channel may be anchored to the bay or marina bottom with spuds.

Section 10 Waters located in the State of North Dakota are:

Bois de Sioux River  
James River  
Missouri River  
Red River of the North  
Upper Des Lacs Lake  
Yellowstone River

#### **Nationwide Permit 13 – Bank Stabilization**

Permittees must notify the Corps in accordance with General Condition No. 32 (Pre-Construction Notification) prior to initiating any regulated activity. The notification must also include photo evidence of erosion in the area. Prohibited materials found at

<http://www.nwo.usace.army.mil/Media/FactSheets/FactSheetArticleView/tabid/2034/Article/487696/prohibited-restricted-materials.aspx> cannot be used in waters of the United States.

### **Nationwide Permit 23 – Approved Categorical Exclusions**

Permittees must notify the Corps in accordance with General Condition No. 32 (Pre-Construction Notification) prior to initiating any regulated activity. In addition to information required by General Condition 32 (Pre-Construction Notification), permittees must identify the approved categorical exclusion that applies and provide documentation that the project fits the categorical exclusion.

### **GENERAL CONDITIONS (REGIONAL ADDITIONS)**

#### **General Condition 32 Notification– Pre-construction Notification**

Prospective permittees should be aware that a field aquatic resources delineation may be required for applications where notification is required in accordance with General Condition 32 (Pre-Construction Notification) and/or mitigation may be required. Specific guidelines outlining the aquatic resources delineation process in the State of North Dakota and the Corps 1987 Wetland Delineation Manual and applicable Regional supplements to the Manual can be accessed on the North Dakota Regulatory Office's website at:

<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/NorthDakota.aspx>



**NORTH DAKOTA**  
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION  
Gold Seal Center, 918 E. Divide Ave.  
Bismarck, ND 58501-1947  
701.328.5200 (fax)  
www.ndhealth.gov



### Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

#### **Soils**

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

#### **Surface Waters**

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

#### **Fill Material**

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.

Environmental Health  
Section Chief's Office  
701.328.5150

Division of  
Air Quality  
701.328.5188

Division of  
Municipal Facilities  
701.328.5211

Division of  
Waste Management  
701.328.5166

Division of  
Water Quality  
701.328.5210

**FEDERAL AVIATION ADMINISTRATION, DAKOTA-MINNESOTA AIRPORTS  
DISTRICT**

## Bailey, Justin

---

**From:** Mark.Holzer@faa.gov  
**Sent:** Tuesday, February 27, 2018 2:42 PM  
**To:** Bravo-Cogar, Crystal G  
**Subject:** RE: Message from www.faa.gov: Comment/Question For Bismarck Airports District Office

Crystal

The FAA process for filing airspace cases for Wind Turbines can be found in this link:

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_oeaaa.faa.gov\\_oeaaa\\_external\\_searchAction.jsp-3Faction-3DshowWindTurbineFAQs&d=DwIGaQ&c=pgTKN5yjcEYSPUPpeP-zuA&r=hD9OpAUq6WVro9GmlsOiyz6sOGIXMFUPLNUVMhleE&m=gkTXpH41hp5YERWk7jG2LOgySqB1ur6Q\\_KduAueNxVs&s=N-3FjtZSbF6ETtZqkqqiDQnna-zNteYPBU-NEAx76Tg&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__oeaaa.faa.gov_oeaaa_external_searchAction.jsp-3Faction-3DshowWindTurbineFAQs&d=DwIGaQ&c=pgTKN5yjcEYSPUPpeP-zuA&r=hD9OpAUq6WVro9GmlsOiyz6sOGIXMFUPLNUVMhleE&m=gkTXpH41hp5YERWk7jG2LOgySqB1ur6Q_KduAueNxVs&s=N-3FjtZSbF6ETtZqkqqiDQnna-zNteYPBU-NEAx76Tg&e=)

Good luck in this process.

Mark J. Holzer

Program Manager

Federal Aviation Administration

Dakota Minnesota Airports District Office

2301 University Drive, Bldg 23B

Bismarck, ND 58504

701.323.7393

-----Original Message-----

From: cbravocogar@burnsmcd.com [mailto:cbravocogar@burnsmcd.com]

Sent: Tuesday, February 27, 2018 2:35 PM

To: Holzer, Mark (FAA) <Mark.Holzer@faa.gov>

Subject: Message from www.faa.gov: Comment/Question For Bismarck Airports District Office

This email was sent through the Federal Aviation Administration's public website. You have been contacted via an email link on the following page: [www.faa.gov/airports/great\\_lakes/about\\_airports/dma-ado/](http://www.faa.gov/airports/great_lakes/about_airports/dma-ado/)

Message:

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Hi. I believe we spoke this morning regarding scoping for a proposed wind energy facility in NW North Dakota. I am looking to send an inquiry letter to the correct person in the FAA regarding the project, including any concerns or permitting required to move the project forward. The letter was previously sent to Laurie Suttmeier, but no response was received. Would you be able to help me, please? Thank you.

Crystal

**MONTRAIL COUNTY PLANNING & ZONING BOARD**

## Jennifer Dean

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**From:** Don Longmuir <DonL@co.mountrail.nd.us>  
**Sent:** Wednesday, October 04, 2017 10:04 AM  
**To:** Jennifer Dean  
**Subject:** FW: letter  
**Attachments:** Tradewind Energy.doc

**Importance:** High

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**From:** Don Longmuir  
**Sent:** Wednesday, October 04, 2017 10:00 AM  
**To:** 'Dave Iadarola'; 'jdean@tradwindenergy.com'  
**Cc:** Nathan Sem; Liz Hollowell; Wade Enget  
**Subject:** letter  
**Importance:** High

Please see attached letter. Sorry for the delay in getting this to you.  
don

*Donald W. Longmuir Jr.*

Donald W. Longmuir Jr., AICP  
Interim Planning & Zoning Administrator  
Interim Disaster Emergency Coordinator  
P.O. Box 248  
8103 61<sup>st</sup> Street NW  
Stanley, ND 58784-0248

**PLANNING & ZONING BOARD  
COUNTY OF MOUNTRAIL**

PO Box 248  
Stanley, North Dakota 58784-0248  
(701) 628-2909  
[dnl@co.mountrail.nd.us](mailto:dnl@co.mountrail.nd.us)  
[nathans@co.mountrail.nd.us](mailto:nathans@co.mountrail.nd.us)  
[lizh@co.mountrail.nd.us](mailto:lizh@co.mountrail.nd.us)

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GARY WEISENBERGER  
LINDA WIENBAR

October 4, 2017

Jennifer Dean  
Vice President, Environmental Studies & Permitting  
Dave Iadarola,  
Development Manager  
Tradewind Energy  
16105 West 113<sup>th</sup> Street, Suite 105  
Lenexa, KS 66219

Dear Ms. Dean & Mr. Iadarola:

As a follow up to our meeting held on Tuesday, September 19<sup>th</sup> I providing the following information:

- Bicker Township (Township 158 North, Range 94 West) has their own planning & zoning authority and you will need to contact Jerome Rice, Chairman, 701.664.2381 (home) 701.641.3239 (cell), 7531 101<sup>st</sup> Avenue NW, Tioga, ND 58852-9670 or Roger Blestrud, Clerk/Treasurer, 701.664.2381 (home), 701.648.9674 (cell), 10175 74<sup>th</sup> Street NW, Tioga, ND 58852-9688;
- The non-refundable application fee for your project would be \$25,000 for up to twenty-five (25) towers plus \$1,000 per each proposed tower site beyond twenty-five (25);
- The collection boxes which were discussed would require a building permit for each structure;
- Article XI, Section L, Paragraph 2 line 3 on page 31 of the Mountrail County Zoning Ordinance Paragraph 2, line 3 contains a typographical error. This should read :...Turbines must be set back at least 1.5 times the turbine height from each antenna, tower, unoccupied structure or improvement with an estimated value over \$25,000.....”;
- Article XI, Section V on page 34 of the Mountrail County Zoning Ordinance requires a cash bond or letter of credit in the amount of \$250,000 for the project. There is no \$25,000 per tower requirement.

If you have any further questions please contact our office.

Sincerely,

*Donald W. Longmuir Jr.*

Donald W. Longmuir Jr., AICP  
Interim Planning & Zoning Administrator

**WILLIAMS COUNTY PLANNING & ZONING BOARD**

# Telephone Memo



Called: Sam Henderson  
Organization: Williams County North Dakota Development Services Department,  
Planning and Zoning Division  
Caller: Ryann Williams  
Organization: Burns and McDonnell Engineering Inc  
Subject of Call: Floodplain Maps

Call Date: 2/7/2018  
Call Time: 11:45 AM  
Phone No. Called: 701-577-4565

Project Name: Aurora Wind Project  
Project No.: 104200

Memo Prepared By: Ryann Williams  
Date Memo Issued: 2/8/2018

## Summary:

Confirmed with Sam Henderson that FEMA is in the process of mapping the floodplains in Williams and Mountrail Counties, and therefore this data cannot be currently viewed. Sam indicated that, because of this, there is no publicly accessible data and it can be assumed that the Study Area is not in an identified floodplain.

**NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION**



JUL 12 2018

Mr. Frank O'Brien  
COMSEARCH  
19700 Janelia Farm Blvd.  
Ashburn, VA 20147

Re: Aurora Wind Project: Williams County, ND

Dear Mr. O'Brien:


In response to your request on May 1, 2018, the National Telecommunications and Information Administration provided to the federal agencies represented in the Interdepartment Radio Advisory Committee (IRAC) the plans for the Aurora Wind Project, located in Williams County, North Dakota.

After a 45 day period of review, no agencies had issues with turbine placement in this area.

While the IRAC agencies did not identify any concerns regarding radio frequency blockage, this does not eliminate the need for the wind energy facilities to meet any other requirements specified by law related to these agencies. For example, this review by the IRAC does not eliminate any need that may exist to coordinate with the Federal Aviation Administration concerning flight obstruction.

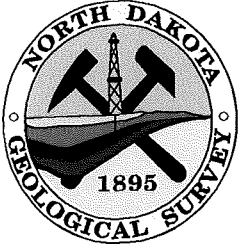
Thank you for the opportunity to review these proposals

Sincerely,



Peter A. Tenhula  
Deputy Associate Administrator  
Office of Spectrum Management

**NORTH DAKOTA GEOLOGIC SURVEY**



# North Dakota Geological Survey

Edward C. Murphy - State Geologist

Department of Mineral Resources

Lynn D. Helms - Director

North Dakota Industrial Commission

[www.state.nd.us/ndgs](http://www.state.nd.us/ndgs)

January 8, 2018

Jennifer Bell  
Senior Environmental Scientist  
Burns & McDonnell  
9785 Maroon Circle, Suite 400  
Centennial, CO 80112

Re: Information Request – Proposed Aurora Wind Project and Associated Transmission Line – Williams and Mountrail Co.

The North Dakota Geological Survey appreciates the notification and opportunity to review and provide comment on your upcoming project work. Your information request letter sent to us, dated December 21, 2017, was reviewed by our office on January 8, 2018. Regarding the proposed projects at and along the locations described in the letter, our agency would not have any properties in the described project areas under ownership nor of current property interest.


We have identified a few localized landslide areas in the vicinity of the proposed project areas through previous geological mapping work that should be noted.

Areas of landslide maps at the 1:100,000 and 1:24,000 scale, along with supporting GIS data, and recent LiDAR data and mapping products, are available on our website at: <https://www.dmr.nd.gov/ndgs/landslides/>

Please feel free to contact us at (701) 328-8000 or via email at [fjanderson@nd.gov](mailto:fjanderson@nd.gov) at any time if there are any additional questions or comments.

Sincerely,

North Dakota Geological Survey:

  
Fred J. Anderson  
Geologist

FJA\