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Via Electronic Mail

July 24, 2020

Mr. Steve Kahl
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
ndpsc@nd.gov

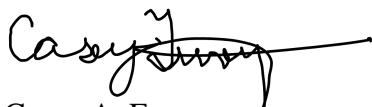
**In re: Northern Divide Wind, LLC
Northern Divide Wind 345-kV Transmission Line
Case No. PU-19-377
Our Matter No. 035218-000045**

Dear Mr. Kahl:

Enclosed for filing in the above-referenced matter please find electronic copies of Northern Divide Wind, LLC's Certification Relating to Modification of Transmission Facility Pursuant to Certification Relating to Order Provision No. 39 – Affidavit of Anthony Pedroni with Attachments 1-3 and corresponding GIS files.

Sincerely,

CROWLEY FLECK PLLP



Casey A. Furey

Enc.

cc: Tracy Davis (via e-mail)
Jerry Lein (via e-mail)
Patrick Fahn (via e-mail)
Brian Johnson (via e-mail)
John Schuh (via e-mail)

6. To accommodate a landowner request, Northern Divide Wind proposes minor shifts to the Project route and five accompanying pole structures 072 to 076 as depicted in Attachment 1 to the Modification Memorandum attached hereto.

7. The route modification occurs within areas previously surveyed for wildlife and avian species. Additional surveys for wetlands and cultural and tribal resources were completed in June 2020 for areas extending outside of previously surveyed areas.

8. As a result of the modification, the Project route now avoids directly spanning a majority of the wetland located between structure 075 and 076. Wetland features are identified on Attachment 1 to the Modification Memorandum. The wetland feature identified between modified pole structure 073 and 074 will be avoided during construction. Although wetlands are not a designated Avoidance Area for transmission facilities (*see* N.D. Admin. Code § 69-06-08-02(2)), Northern Divide Wind designed the Project to avoid wetland impacts and no wetland impacts will occur as a result of the route modification.

9. In June 2020 additional cultural and tribal surveys were completed for areas extending outside of Northern Divide Wind's prior survey area. No additional resources were identified within the area of the proposed corridor modification. The modifications will avoid impacts to cultural and tribal resources per a joint Class III Cultural Resources and tribal survey and corresponding concurrence from the North Dakota State Historic Preservation Office dated July 13, 2020. *See* Attachment 2 to Modification Memorandum.

10. Pursuant to Order Paragraph No. 5, Northern Divide Wind notified the North Dakota Game and Fish ("NDGF") of the proposed route modification. *See* Attachment 3 to Modification Memorandum. The modification area was previously included in Northern Divide Wind's wildlife and avian studies and is included within materials previously provided to the NDGF. The Project modifications will not result any new additional permanent impacts.

11. In accordance with Certification Provisions No. 39(a)-(e):

- a) Activities associated with the Project's route modifications will not affect any known Exclusion or Avoidance Areas.
- b) The length of the proposed route extending outside of the originally certificated corridor is 2,620 feet. A map depicting the designated corridor, corridor adjustment, designated route and route adjustment is marked as Attachment 1 to the Modification Memorandum. GIS shapefiles of the route modification are also enclosed.
- c) The modification is occurring at the request of the landowner of the area on which the adjustment is to be located and does not oppose the modification nor does any governmental entity within an interest in the adjustment area. *See* SHPO Concurrence Letter & NDGF Consultation, Attachments 2 & 3 to Modification Memorandum, respectively.


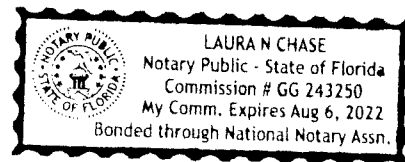
- d) The results of additional field studies conducted for areas outside of originally surveyed areas are set forth in the Modification Memorandum attached hereto. No known Exclusion or Avoidances are located within the proposed adjustment area.
- e) Northern Divide Wind will continue to comply with the Commission's order, law and rules designating the corridor and route.



Anthony Pedroni
Vice President
Northern Divide Wind, LLC

STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

On this 23rd day of July, 2020, before me personally appeared Anthony Pedroni, known to me to be the Vice President and an authorized representative of the limited liability company that is described in and that executed the within instrument, and acknowledged to me that such limited liability company executed the same.


Notary Public

Memorandum

To	North Dakota Public Service Commission
Subject	Case Number PU-19-377 Northern Divide 345-kV Transmission Line Modifications of Transmission Facility Route and Corridor
From	Northern Divide Wind, LLC
Date	July 23, 2020

Introduction

Pursuant to Certification Relating to Order Provision Number 39, Northern Divide Wind, LLC (Northern Divide Wind) submits to the North Dakota Public Service Commission (Commission) this supporting documentation for proposed modifications to the Northern Divide 345-kV Transmission Line (Project) and Project Route and Corridor (Attachments 1 through 4). The Project modifications include the relocation of five sequential pole structure locations 072 to 076 and as a result, modifications to the Project Route and Project Corridor.

Project Modifications

The modifications to the structure locations are the result of a landowner request. Northern Divide Wind has communicated with the applicable landowner regarding the relocation of the structures and no objections were received. As a result of the modifications, the Project Route will now avoid directly spanning a majority of the wetland located between structure 075 and 076. The location of the guyed structure will switch from structure 077 to structure 076. Additionally, modifications to the structure locations includes structure 072 relocated 39 feet north, structure 073 relocated 77 feet north, structure 074 relocated 107 feet north, structure 075 relocated 191 feet northeast, and structure 076 relocated 315 feet northeast (Attachment 1). The relocated structure 072 is located within the Project Corridor presented in the Project Application, and structures 073 to 076 are relocated just outside of and adjacent to the original certificated Corridor. The route modification extends approximately 2,620 feet outside of the original Project Corridor. The changes will be submitted on the as-built drawings to the Burke County Commission per the requirements in the Conditional Use Permit.

Surveys for wetlands, cultural, and tribal resources were completed for the Project modifications within the new Project Corridor. Wetland surveys were completed on June 1, 2020 by AECOM. AECOM utilized the same methodology outlined in the Project's January 2020 Wetlands and Other Waters Delineation Report. No new wetlands or waterbodies were documented during the survey. One previously delineated wetland extended from the previous corridor into the new corridor (Attachment 1). The modifications are designed to avoid wetland impacts.

Modifications do not impact cultural or tribal resources per a Class III Cultural Resources and tribal survey. The cultural resources surveys were completed on June 1, 2020 by AECOM. AECOM utilized the same methodology outlined in the Project's February 3, 2020 Archaeological Survey Report Summary. No new sites were documented during surveys. Concurrence on the Class III Cultural Resources survey from the North Dakota State Historic Preservation Office (SHPO) was received on July 13, 2020 (Attachment 2).

On July 17, 2020 Northern Divide Wind notified the North Dakota Game and Fish Department (NDGFD) of the Project modifications (Attachment 3). The Project modifications are within the area covered by the existing avian, raptor, lek, and nest surveys and the whooping crane and bat habitat desktop assessments and does not change the results of those studies. No Exclusion or Avoidance Areas are crossed by the modified Project Route or are located within the modified Project Corridor. The Project modifications will not result any new additional permanent impacts, nor will it impact the Commission's Exclusion and Avoidance Criteria as presented in Tables 3-1 and 3-2 of the Project Application (Docket No. 1). The Project modification results in negligible changes to the total Project impacts calculations presented in Table 1-5 of the Project Application.

Conclusion

The Project modification complies with the Commission's Exclusion, Avoidance, Selection, and Policy Criteria and is consistent with the Project's Findings of Fact, Conclusions of Law and Order.

Attachments:

1. Project Modifications Map
2. SHPO Concurrence Letter
3. NDGFD Consultation
4. Electronic submittal of GIS shapefiles

Attachment 2. SHPO Concurrence Letter



July 13, 2020

Principal Investigator Melinda McCarthy
AECOM
1000 East Calgary Ave, Suite 1
Bismarck, ND 58501

ND SHPO Ref: 19-0490 Northern Divide Wind Energy Center in Burke and Mountrail Counties, North Dakota

Dear Principal Investigator McCarthy,

We reviewed the addendum for ND SHPO Ref: 19-0490 Northern Divide Wind Energy Center in Burke and Mountrail Counties, North Dakota titled Northern Divide Wind Energy Center and Transmission Line Addendum: A Class III Cultural Resource Inventory in Burke County, North Dakota by Melinda McCarthy & Christina Huling of AECOM and concur there are no significant sites in the area covered by the report.

Thank you for the opportunity to review this project under North Dakota cultural resources consultation. This letter does not serve as federal agency consultation or SHPO consultation for compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (36 CFR Part 800), or the National Environmental Policy Act, as amended, (42 U.S.C. §§ 4321- 4347).

If you have any questions please contact Lorna Meidinger, Historic Preservation Specialist at (701) 328-2089 or lbmeidinger@nd.gov

Sincerely,

for Bill Peterson, Ph.D.
Director, State Historical Society of North Dakota

19-0490

Attachment 3. NDGFD Consultation

From: [Jones, Dustin](#)
To: [Greg Link](#)
Cc: [Sandy Johnson](#); [Steve Dyke](#); [Davis, Tracy C](#); [Casey A. Furey](#); [Cameron, Clay](#)
Subject: RE: Northern Divide Transmission Modification Notice
Attachments: [NDW_TLine_Modifications.pdf](#)

Mr. Link,

Northern Divide Wind (NDW) provides notice that it proposes a minor modification to the NDW Transmission Line (Project) route and corridor. The modification

- (1) Is a result of a landowner request.
- (2) Includes the relocation of five sequential pole structure locations 072 to 076 (see attachment).
- (3) Will now avoid directly spanning a majority of a wetland located between structure 075 and 076.
- (4) Is within the Project area covered by the avian, raptor, lek, and nest surveys and the whooping crane and bat habitat desktop assessments and does not change the results of those studies.
- (5) Will not result any new additional permanent impacts.

NDW plans to file the modifications with the Public Service Commission by July 17, 2020, after which it will be available for review on the docket.

Sincerely,

Dustin Jones | Environmental Services Project Manager
NextEra Energy Resources, LLC | 708 Main, 10th Floor | Houston, TX 77002
O: 713-951-5356 | C: 737-221-1172 | Dustin.Jones@nexteraenergy.com

Attachment 4. Electronic submittal of GIS shapefiles

[Submitted electronically]