

From: Ryan Henning <ryan.henning@apexcleanenergy.com>
Sent: Monday, December 12, 2022 1:23 PM
To: Link, Greg W.; Mueller, Elisha K.
Cc: Sean Stocker; Scott Jansen; Chad LeBeau
Subject: FW: November 22, 2022 Meeting Summary
Attachments: Bowman Wind NDGFD Meeting Summary_November 22 2022.docx

Hi Greg and Elisha. I am refreshing this email in your inbox. We would like to get a communication back to the NDPSC this week, if possible. Therefore, can you please review the meeting notes and let us know if you have any suggested edits or comments.

Thanks,

-Ryan

RYAN HENNING
Apex Clean Energy, Inc.

From: Ryan Henning
Sent: Thursday, December 1, 2022 7:54 AM
To: Link, Greg W. <glink@nd.gov>; Mueller, Elisha K. <ekmueller@nd.gov>
Cc: Sean Stocker <sean.stocker@apexcleanenergy.com>; Scott Jansen <scott.jansen@apexcleanenergy.com>; Chad LeBeau <cwlebeau@west-inc.com>
Subject: November 22, 2022 Meeting Summary

Hi Greg and Elisha,

Apologies for the delay as I have been traveling, but please find attached the November 22, 2022 draft meeting summary. Please either make suggested edits directly into the document using track changes or we can schedule a call to discuss further.

Thanks again for your time last week.

Regards,

-Ryan

RYAN HENNING
Vice President - Environmental

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Bowman Wind NDGFD Meeting November 22, 2022

Attendees:

Greg Link NDGFD
Elisha Mueller NDGFD
Jesse Kolar NDGFD
Brian Johnson NDPSC
Ryan Henning Bowman Wind
Scott Jansen Bowman Wind
Sean Stocker Bowman Wind
Chad LeBeau Western EcoSystems Technology
Mollie Smith Fredrikson & Byron

Meeting Summary

Scott Jansen provided a permitting summary recap for Bowman Wind.

- NDPSC Certificate of Site Compatibility hearing conducted in August 2021. NDPSC conditioned their final permit application review upon issuance of a Conditional Use Permit from Bowman County.
- Bowman County Planning and Zoning and Board of County Commissioners hearing occurred in July 2022 and a Conditional Use Permit was issued.
- NDPSC discussed the Bowman Wind Certificate of Site Compatibility permit application in July and October. During the October discussion, the NDPSC commissioners requested that Bowman Wind reengage with the NDGFD to discuss the recommendations put forth in the July 21, 2021 agency communication letter.
- Bowman Wind sent a letter to the NDGFD on October 13, 2022 to request additional information specific to the NDGFD recommendations.
- The NDGFD provided an email communication on November 21, 2022 with the requested information.
- In person meeting between Bowman Wind and NDGFD occurred on November 22, 2022.

Two recommendations from the NDGFD July 21, 2021 letter that remained unresolved were discussed in more detail:

1. *All proposed turbines be removed from within greater sage-grouse PCA and at least 4 miles from known sage-grouse leks.*

Note: NDGFD provided information via November 21, 2022 email detailing that lek identification B6 was the previously active greater sage-grouse lek and turbines 45, 46, 48, 71, 73, and 41 occurred within a 4 mile buffer of the lek. This greater sage-grouse lek was last occupied in 2021.

Discussion: Discussion between both parties centered around the potential for impacts to occur to the remaining population of greater sage-grouse that has occurred within the 4 mile buffer of lek B6. It was acknowledged that the project had taken NDGFD input into consideration and

reduced potential impacts greatly by shifting the project area to its current location away from more suitable intact native sage-grouse habitat to the south and closer to the edge of the species range. However, NDGFD noted its main concern was with the two turbines (i.e., 71 and 73) sited approximately two miles from lek B6. NDGFD acknowledge these two turbines were sited in cultivated areas but are in close proximity to important greater sage-grouse connectivity habitat. In addition, the NDGFD acknowledged the other four turbines were sited near the 4-mile lek buffer mark and at the edge of the species range.

Resolution: NDGFD's recommendation remains to site turbines outside of a 4 mile lek buffer from active greater sage-grouse leks and outside of PCAs, as that is the current guidance in its 2014 Greater Sage-Grouse Conservation Plan. Based on the overall discussion, it was agreed that Bowman Wind would remove turbines 71 and 73 from the proposed layout to avoid potential impacts to habitat connectivity.

3. *In the absence of two years pre-construction sharp-tailed grouse surveys, all turbines should be sited off unbroken grasslands to avoid disturbance to any leks which may be present.*

Note: Bowman Wind provided that turbines 2, 6a, 42a, 25 and S6 were sited on unbroken grasslands.

Discussion: Both parties discussed the previous lek surveys that were undertaken and the NDGFD miscommunication that had occurred during previous agency coordination. Given the seasonal and temporal variation in sharp-tailed grouse lekking activity and Project's development timeline, discussion occurred on ways to minimize impacts to individual sharp-tailed grouse attending leks if they occurred in close proximity to these identified turbines.

Resolution: Bowman Wind will avoid all ground disturbing construction activities at turbine locations 2, 6a, 42a, 25, and S6 between March 15 and July 15.