

Updated Table Error! No text of specified style in document.-1: Potential Permits and Approvals

Administering Agency	Permit, Approval, or Consultation	Applicability for Project	Status
Federal			
U.S. Army Corps of Engineers	Federal Clean Water Act Section 404	Required if dredging or filling waters of the United States (WOTUS).	To be obtained prior to activity subject to permit, if needed.
U.S. Fish and Wildlife Service (USFWS)	Review for Threatened and Endangered Species	Consultation regarding potential impacts to species protected under the Endangered Species Act (ESA).	Coordination with the USFWS has been ongoing since October 2019.
Federal Aviation Administration (FAA)	Form 7460-1 Notice of Proposed Construction or Alteration (Determination of No Hazard)	Construction or alteration of structures higher than 200 feet AGL, structures near airports, or siting within line of sight of radar of an air defense facility.	Filed October 2021; to be obtained prior to construction of turbines.
	Notice of Actual Construction or Alteration (Form 7460-2)	Supplemental notice to FAA in advance of or after commencing construction of turbines.	Notice to be provided in advance of or after commencing construction of turbines, as appropriate.
	Marking and Lighting Recommendations	Required for approval of light-mitigating technology.	To be obtained prior to marking/lighting.
Federal Communications Commission	Radio Station Authorization/License	Typically required for operation of ADLS communications tower.	If needed, will be obtained prior to activity subject to permit.
	Registration	Typically required for operation of ADLS communications tower.	If needed, will be obtained prior to activity subject to permit.
State of North Dakota			
North Dakota Public Service Commission	Certificate of Site Compatibility	Required for construction of an energy conversion facility with a nameplate capacity greater than 0.5 MW.	In progress; to be obtained prior to construction.
North Dakota Department of	North Dakota Pollutant Discharge Elimination System (NDPDES) General Permit for	Required for stormwater discharges from construction activities disturbing greater than	To be obtained prior to activity subject to permit.

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Environmental Quality	Stormwater Discharge Related to Construction (includes Stormwater Pollution Prevention Plan [SWPPP])	one acre. Must also prepare a SWPPP.	
	401 Water Quality Certification	Required in conjunction with Section 404 permit for filling jurisdictional WOTUS.	Incorporated into Section 404 Nationwide Permits.
North Dakota State Water Commission, Office of the State Engineer	Temporary Water Permit	Required for temporary uses of water, with the exception of when the volume of water to be impounded, withdrawn, or diverted is less than 12.5 acre-feet (4,073,137 gallons) and the water is used for domestic, fish, livestock, wildlife, or recreational purposes.	To be obtained prior to activity subject to permit, if needed.
	Conditional Water Permit	Required for water uses where the use period will exceed 12 months, with the exception of when the volume of water to be impounded, withdrawn, or diverted is less than 12.5 acre-feet and the water is used for domestic, fish, livestock, wildlife, or recreational purposes.	To be obtained prior to activity subject to permit, if needed.
	Drainage Permit	Required prior to drainage of a waterbody, pond, lake, slough, or sheetwater, or any series thereof, that has a watershed area of at least 80 acres.	To be obtained prior to activity subject to permit, if needed.
North Dakota Highway Patrol	Oversize/Overweight Permit	Required to transport oversized/overweight loads within state-managed roadways.	To be obtained prior to transport of oversized/overweight loads, if needed.

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North Dakota Department of Transportation	Utility Occupancy Permit(s)	Required to install electrical lines within state-owned roadway ROW.	To be obtained prior to construction work within state roadway ROW, if needed.
	Highway Access Permit(s)	Required to construct driveway access/approach to state-owned roadway ROW.	To be obtained prior to construction or alteration of access/approach, if needed.
	Temporary Modification Permits	Required for temporary modifications to state-owned ROW.	To be obtained prior to temporary modifications subject to permit, if needed.
North Dakota State Electrical Board	Wiring Certificate and Inspection Approval	Required for installation of electrical facilities.	To be obtained prior to activity subject to permit.
North Dakota State Historic Preservation Office (SHPO) / State Historical Society of North Dakota (SHSND)	Cultural and Historic Resources Review, Review of State and National Registers of Historic Sites, and Archaeological Survey	Consultation required in connection with other agency permitting requirements, such as the Commission.	Class I, II, and III surveys have been completed for the majority of the Project, with minor areas to be surveyed in spring 2022. Site forms have been submitted to the SHSND December 2021 for survey work completed to-date.
Local Approvals			
Logan County	Wind Energy Facility Permit (Conditional Use Permit)	Required for construction of a wind energy facility within Logan County.	Approved May 11, 2022
	Building Permit(s)	Required to erect, construct, make structural changes, or move any structure.	If needed, to be obtained prior to construction of structures.
	Certificate(s) of Compliance	May be required in connection with building permits.	If needed, to be obtained in connection with building permit.
	Utility Permit(s)	Required to install electrical lines on/across county road ROW.	If needed, to be obtained prior to crossing and/or installation of electrical lines in county road ROW.

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	Approach/Driveway Permit(s)	May be required for the installation of approaches/driveways abutting county road ROW.	If needed, to be obtained prior to installation of approaches.
	Oversize/Overweight Permit	Transportation of oversize/overweight loads.	If needed, to be obtained prior to transporting oversize/overweight loads.
McIntosh County	Oversize/Overweight Permit	Transportation of oversize/overweight loads.	If needed, to be obtained prior to transporting oversize/overweight loads.
Township(s)	Utility Permit(s)	Installation of facilities in/across township road ROW.	If needed, to be obtained prior to crossing and/or installation of facilities in township road ROW.
	Driveway/Approach Permit(s)	Installation of approaches abutting township road ROW.	If needed, to be obtained prior to installation of approaches.
	Oversize/Overweight Permit	May be required for transportation of oversize/overweight loads.	If needed, to be obtained prior to transporting oversize/overweight loads.
Water Resource District(s) (WRD)	Utility Permit(s)	May be required to cross WRD-owned ROW and infrastructure.	If needed, to be obtained prior to installation of electrical lines across WRD-owned ROW and infrastructure.
Local Public Health Unit (Central Valley Health District)	Septic system permit/approval	May be required for installation of septic system (O&M facility).	If needed, to be obtained prior to construction of the septic system.
Existing Infrastructure Owner(s)	Crossing License(s)/Permit(s)	May be required to cross existing easements (e.g., railroad ROW).	If needed, to be obtained prior to crossing existing infrastructure and easements