

March 5, 2024

**VIA E-MAIL AND FEDERAL EXPRESS**

Mr. Steven Kahl  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480

**RE: Badger Wind, LLC  
Amend - Badger Wind Project  
Siting Application - McIntosh and Logan Counties, North Dakota  
Case No. PU-24-087**

Dear Mr. Kahl:

Enclosed for filing in the above-referenced case on behalf of Badger Wind, LLC are an original and six (6) copies of the Wind Energy Facility Siting Permit / Conditional Use Permit issued by Logan County on February 23, 2024, for the Badger Wind Project, and a certificate of service.

Electronic copies of this letter and the enclosed documents were filed with the Commission today via e-mail.

If you have any questions, please let me know.

Sincerely,



MOLLIE M. SMITH

MMS/ms/81703165

Enclosures

cc: Judge Hope L. Hogan (via e-mail)  
Victor Schock (via e-mail)  
Mitchell Armstrong (via e-mail)  
Kevin Pranis (via e-mail)  
Mark Crowl (via e-mail)  
Andrew Krieger (via e-mail)

# LOGAN COUNTY ZONING COMMISSION

## PETITION FOR CONDITIONAL USE PERMIT

The undersigned, owner(s) of, (agent) for the property described below, do hereby petition to receive a conditional use permit for: \_\_\_\_\_

Construction of the Badger Wind projects components located in Logan County, North Dakota

Legal description of property and number of acres:

A listing of all sections within the project area is included in the Application for a Wind Energy Facility Siting Permit/Conditional Use Permit in Section 3.2. The project area within Logan County consists of 24,421 acres.

Describe briefly the purpose for this use:

In addition to its current agricultural use, the site will be used as a wind energy facility. More details are included in the Wind Energy Facility Siting Permit/Conditional Use Permit.

Describe or list the uses within 1/2 mile of this site (attach a drawing from the latest plat book):

The primary use of the land within 1/2 mile of the site is agricultural, and the wind project is located in an Agricultural District.

Describe the layout of the land, access point and the utilities on or near the site:

Full details and maps of the land and utilities are included within the Wind Energy Facility Siting Permit/Conditional Use Permit.

I further state that if this request is granted, I will abide by all conditions set forth by the Zoning Commission. Site plan and documents and other information required are attached.

Existing zoning: Agricultural Existing use of property: Agricultural

Signature of Applicant Mark D. Crowl

Action of Zoning Commission:

Approval

Denial

Date

2-23-24

Joe W. W. [Signature]  
Chairperson of Zoning Commission

**LOGAN COUNTY  
PERMIT**

for Zoning Changes, Conditional Uses and Site Approvals

Permit No. 2024-03  
Date: February 23, 2024

This **Conditional Use Permit** is issued to Badger Wind, LLC, 401 N Michigan Avenue, Suite 501, Chicago IL 60611

Permit to site, construct and operate the Badger Wind, LLC Energy Center located in Logan (and McIntosh) County, North Dakota, producing a nameplate capacity of up to 262.26 megawatts (MW). The proposed project will require the construction of one transmission line, and interconnect to the Wishek Junction 230-kV substation owned and operated by MDU and 103 potential wind turbine generators. It is projected that fifty-seven (57) turbines will be located in Logan County, along with access roads, up to one permanent MET tower, buried electrical collection lines and communication lines and aboveground junction boxes and/or underground splices, within the Townships of Hills, Red Lake, Johannesdale and Arvada in Logan County, North Dakota,

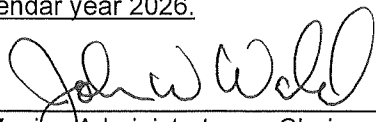
The applicant has met all requirements of the Logan County Zoning Regulations:

XXX  
Yes

\_\_\_\_\_  
No

Applicant is required to meet the conditions described below:

The Petition for Conditional Use Permit and appropriate fee have been filed; maps of the proposed sites were provided; a public hearing was held on the 14<sup>th</sup> day of February 2024 in the Meeting Room of the Logan County Courthouse at Napoleon, North Dakota, with several persons in attendance. At the hearing, Badger Wind, LLC representatives explained the proposed project, the anticipated commencement and completion dates along with explaining the setback requirements. The majority of the persons present were in favor of the proposed project, and **The Conditional Use Permit was thereafter granted on February 23, 2024** by the Board of Logan County Commissioners, subject to those reasonable restrictions set forth in Logan County Zoning Ordinance 6.11, signing of a new road use agreement, compliance with load pass restrictions and all work to be completed by the end of calendar year 2026.

  
\_\_\_\_\_  
Zoning Administrator, or Chairperson of the  
Logan County Zoning Commission

The ND State Building Code states: "Every (building) permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after issuance or if the work authorized on such permit is suspended or abandoned for a period of 180 days". The Logan County Zoning Regulations specify in Section 8.2.7.2 that, "No alternation of a conditional use shall be permitted unless approved by the Zoning Commission. Where the Zoning Commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the Zoning Commission action unless the use is commenced, construction is underway or the current owner possesses a valid building permit".

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**BADGER WIND, LLC**  
**AMEND – BADGER WIND PROJECT**  
**SITING APPLICATION – MCINTOSH AND**  
**LOGAN COUNTIES, NORTH DAKOTA**

**Case No. PU-24-087**

**CERTIFICATE OF SERVICE**

Alicia P. LaValla, being first duly sworn, does depose and state that on March 5, 2024, this Certificate of Service and true and correct copies of Badger Wind, LLC’s Filing Letter and Logan County Wind Energy Facility Siting Permit / Conditional Use Permit were sent by electronic mail to:

Steven Kahl  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
ndpsc@nd.gov

Victor Schock  
Director, Public Utilities Division  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
vschock@nd.gov

Mitchell Armstrong  
Special Assistant Attorney General  
ND Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
marmstrong@smithporsborg.com

Hope L. Hogan  
Administrative Law Judge  
Office of Administrative Hearings  
2911 North 14<sup>th</sup> Street, Suite 303  
Bismarck, ND 58503  
hlhogan@nd.gov

Mr. Kevin Pranis  
Marketing Manager  
LIUNA Minnesota & North Dakota  
81 E. Little Canada Road  
St. Paul, MN 55117  
kpranis@liunagro.com

and sent via Federal Express to:

Steven Kahl  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480  
(original and six (6) copies)

*Signed: /s/ Alicia P. LaValla*  
\_\_\_\_\_  
Fredrikson & Byron, P.A.  
60 South Sixth Street  
Suite 1500  
Minneapolis, MN 55402