



STATE OF NORTH DAKOTA  
DEPARTMENT OF AGRICULTURE  
600 E BOULEVARD AVE, DEPT 602  
BISMARCK, ND 58505-0020

DOUG GOEHRING  
COMMISSIONER

April 17, 2024

Chairman Randy Christmann  
North Dakota Public Service Commission  
600 E. Boulevard Ave., Dept 408  
Bismarck, ND 58505-0480

RE: Case No. PU-23-086  
(252 MW Badger Wind – Logan & McIntosh siting application)

Dear Chair Christmann,

Badger Wind, LLC (Badger Wind) is working with the North Dakota Department of Agriculture (NDDA) to achieve a net zero or beneficial environmental impact in relation to the proposed construction and operation of the Badger Wind Project (Project).

The Project is a 252-megawatt wind energy conversion facility located in Logan & McIntosh Counties, North Dakota. Badger Wind has sited the Project within Low and Medium Impact Wildlife Areas.

By adopting North Dakota's recommended siting practices, Badger Wind will substantially avoid adverse environmental impact. However, to address any potential residual indirect adverse impacts, Badger Wind has proposed in good faith to provide voluntary mitigation offsets.

Consequently, as part of their proposed Project, Badger Wind has elected to make a voluntary contribution to the Environmental Impact Mitigation Fund (Fund) administered by NDDA under N.D.C.C. § 4.1-01-21.1. NDDA will then oversee and guide the design and delivery of the mitigation offsets on working lands in North Dakota on behalf of Badger Wind.

Badger Wind has voluntarily agreed to contribute one million twenty-one thousand thirty-three dollars (\$1,021,033.00) for mitigation offset to the Fund pursuant to N.D.C.C. § 49-22-09.2. The funds originating from Badger Wind's contribution shall be expended in accordance with N.D.C.C. § 4.1-01-21.1. This \$1,021,033 contribution is currently projected to be deposited into the Fund in two equal installment payments, one at the onset of project construction start and the second after the Project becomes commercially operational.

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Agency Correspondence

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A fair and transparent basis for cooperatively estimating the mitigation offset of similar habitat for the Project was calculated using a multi-step formula utilizing pertinent land and multi-year conservation easement purchase prices. Information from regional and national grassland mitigation and restoration providers was also used to inform calculations to capture a range of costs for restoration activities such as diverse grassland/forb seeding, maintenance, and monitoring activities for the 30-year easement period.

The actual number of acres that can be protected or protected/restored through Badger Wind's contribution to the Fund will largely depend upon the participating landowners in the applicable region, the net environmental benefits from associated mitigation projects, and the individual efforts necessary to manage/restore the lands. Notwithstanding, the contributed funds will be prudently expended in accordance with statute and appropriate acres will be properly offset and mitigated.

Further, NDDA may be able to lower mitigation administrative and overhead costs, as appropriate, by partnering with local government conservation agencies and others to assist in implementing appropriate mitigation efforts.

We expect to complete all mitigation offsets within 5 years of completing construction and the Project becoming operational. The mitigation offset efforts will be implemented on private land acreage with willing landowners who, as appropriate, will be compensated financially for the initial habitat establishment, and as appropriate, throughout the duration of an associated conservation easement.

I believe these current cooperative mitigation efforts under N.D.C.C. § 4.1-01-21.1 – to create, restore, or mitigate similar habitat affected by the construction or operation of an energy conversion or transmission facility – will collectively achieve a net zero or beneficial environmental impact in relation to the proposed construction and operation of the Project.

Over the next several months, more detailed and tailored mitigation plans will be developed in relation to proposed expenditures of Badger Wind's \$1,021,033 voluntary contribution to the Fund.

Please let me know if you need any additional information.

Sincerely,



Doug Goehring  
North Dakota Agriculture Commissioner

cc: Commissioner Julie Fedorchak  
Commissioner Sheri Haugen-Hoffart  
Director Jeb Williams, North Dakota Game & Fish Department