Badger Wind, LLC
Badger Wind Project
Docket No. PU-24-87

Late-Filed Exhibit No. 20 – Determinations of No Hazard

At the July 11, 2024 public hearing, Badger Wind, LLC ("Badger Wind") agreed to provide a copy of one of the Determinations of No Hazard ("DNH") issued by the Federal Aviation Administration ("FAA") for the current layout. Provided herewith is an example of one of the DNHs issued for the Project, and a list of the Aeronautical Study Numbers ("ASN") for the Project's DNHs. Badger Wind is in the process of obtaining a DNH for one remaining turbine position (T-96C), which was shifted in May 2024 from position T-96B (which had obtained a DNH from the FAA) to comply with setback requirements as a result of updates to the Project Area.

Aeronautical Study Number	Structure Name
2024-WTE-822-OE	T-1
2024-WTE-823-OE	T-2
2024-WTE-824-OE	T-3
2024-WTE-825-OE	T-4
2024-WTE-826-OE	T-5
2024-WTE-827-OE	T-6
2024-WTE-828-OE	T-7
2024-WTE-829-OE	T-8
2024-WTE-830-OE	T-9
2024-WTE-831-OE	T-10
2024-WTE-832-OE	T-11
2024-WTE-833-OE	T-12
2024-WTE-834-OE	T-13
2024-WTE-835-OE	T-14
2024-WTE-836-OE	T-15
2024-WTE-837-OE	T-16
2024-WTE-838-OE	T-17
2024-WTE-839-OE	T-18
2024-WTE-840-OE	T-19
2024-WTE-841-OE	T-20
2024-WTE-842-OE	T-21
2024-WTE-843-OE	T-22
2024-WTE-844-OE	T-23
2024-WTE-845-OE	T-24

Aeronautical Study Number	Structure Name
2024-WTE-846-OE	T-25
2024-WTE-847-OE	T-26
2024-WTE-848-OE	T-27
2024-WTE-849-OE	T-28
2024-WTE-850-OE	T-29
2024-WTE-851-OE	T-30
2024-WTE-852-OE	T-31
2024-WTE-853-OE	T-32
2024-WTE-854-OE	T-33-A
2024-WTE-855-OE	T-34
2024-WTE-856-OE	T-37
2024-WTE-857-OE	T-38
2024-WTE-858-OE	T-39
2024-WTE-859-OE	T-40
2024-WTE-860-OE	T-41
2024-WTE-861-OE	T-42
2024-WTE-862-OE	T-43
2024-WTE-863-OE	T-46
2024-WTE-864-OE	T-47
2024-WTE-865-OE	T-48
2024-WTE-866-OE	T-49
2024-WTE-867-OE	T-54
2024-WTE-868-OE	T-55
2024-WTE-869-OE	T-56
2024-WTE-870-OE	T-57
2024-WTE-871-OE	T-58
2024-WTE-872-OE	T-59
2024-WTE-873-OE	T-60
2024-WTE-874-OE	T-61
2024-WTE-875-OE	T-62
2024-WTE-876-OE	T-63
2024-WTE-877-OE	T-64
2024-WTE-878-OE	T-65B
2024-WTE-879-OE	T-66B
2024-WTE-880-OE	T-67B
2024-WTE-881-OE	T-68B
2024-WTE-882-OE	T-70-A

Aeronautical Study Number	Structure Name
2024-WTE-883-OE	T-71
2024-WTE-884-OE	T-72
2024-WTE-885-OE	T-73
2024-WTE-886-OE	T-73B
2024-WTE-887-OE	T-74
2024-WTE-888-OE	T-75
2024-WTE-889-OE	T-76
2024-WTE-890-OE	T-77
2024-WTE-891-OE	T-78
2024-WTE-892-OE	T-79
2024-WTE-893-OE	T-80
2024-WTE-894-OE	T-81
2024-WTE-895-OE	T-83
2024-WTE-896-OE	T-84
2024-WTE-897-OE	T-85
2024-WTE-898-OE	T-86
2024-WTE-899-OE	T-87
2024-WTE-900-OE	T-88
2024-WTE-901-OE	T-89
2024-WTE-902-OE	T-90
2024-WTE-903-OE	T-91
2024-WTE-904-OE	T-92
2024-WTE-905-OE	T-93
2024-WTE-906-OE	T-94
2024-WTE-907-OE	T-95
To be obtained	T-96C
2024-WTE-910-OE	T-98
2024-WTE-911-OE	T-99
2024-WTE-912-OE	T-105
2024-WTE-913-OE	T-106
2024-WTE-914-OE	T-107
2024-WTE-915-OE	T-108
2024-WTE-916-OE	T-109
2024-WTE-917-OE	T-110
2024-WTE-918-OE	T-111
2024-WTE-919-OE	T-113
2024-WTE-920-OE	T-114

Aeronautical Study Number	Structure Name
2024-WTE-921-OE	T-115
2024-WTE-922-OE	T-116
2024-WTE-923-OE	T-118
2024-WTE-924-OE	T-119
2024-WTE-925-OE	PMM_01
2024-WTE-926-OE	PMM_02A
2024-WTE-927-OE	PMM_02B
2024-WTE-928-OE	PMM_03B
2024-WTE-929-OE	PMM_03A

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2024-WTE-822-OE
Prior Study No.
2021-WTE-4912-OE

Issued Date: 06/27/2024

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**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Wind Turbine T-1
Location:	Wishek, ND
Latitude:	46-22-20.66N NAD 83
Longitude:	99-39-36.26W
Heights:	2047 feet site elevation (SE)
	599 feet above ground level (AGL)
	2646 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, white paint/synchronized red lights-Chapters 4,13(Turbines),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 12/27/2025 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before July 27, 2024. In the event an interested party files a petition for review, it must contain a full statement of the basis upon which the petition is made. Petitions can be submitted to the Manager, Rules and Regulations Group via email at OEPetitions@faa.gov, or via mail to Federal Aviation Administration, Air Traffic Organization, Rules and Regulations Group, Room 425, 800 Independence Ave, SW., Washington, DC 20591. FAA encourages the use of email to ensure timely processing.

This determination becomes final on August 06, 2024 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. Any questions regarding your petition, contact Rules and Regulations Group via telephone (202) 267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. This determination is valid for coordinates within one (1) second latitude/longitude and up to the approved AMSL height listed above. If a certified 1A or 2C accuracy survey was required to mitigate an adverse effect, any change in coordinates or increase in height will require a new certified accuracy survey and may require a new aeronautical study.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Additional wind turbines or met towers proposed in the future may cause a cumulative effect on the national airspace system. All information from submission of Supplemental Notice (7460-2 Part 2) will be considered the final data (including heights) for this structure. Any future construction or alteration, including but not limited to changes in heights, requires separate notice to the FAA.

Obstruction marking and lighting recommendations for wind turbine farms are based on the scheme for the entire project. ANY change to the height, location or number of turbines within this project will require a reanalysis of the marking and lighting recommendation for the entire project. In particular, the removal of previously planned or built turbines/turbine locations from the project will often result in a change in the marking/lighting recommendation for other turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur.

In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should

be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. The use of a NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Buck Reynolds, at (847) 294-7576, or Wayne.Reynolds@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-WTE-822-OE.

Signature Control No: 611179771-625757506 (DNH -WT)
Eric F Johnston
Manager, Obstruction Evaluation Group

Attachment(s)
Additional Information
Map(s)

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