

- b. Minor changes to an access road were made based on further site analysis and constructability.
- c. Minor changes to temporary road improvements (turning radii) were made based on further site analysis and constructability.
- d. Minor changes to a crane path were made based on further site analysis, optimization, and constructability.

5. The Project layout complies with all applicable setback requirements and all requirements set forth in the Commission's Order.

6. The current layout is covered by the Sound Assessment Update Tech Memorandum (filed with the First Certification on April 9, 2025) and the Updated Shadow Flicker Analysis Report (filed on July 24, 2024 as Exhibit No. 6). As indicated in the reports, the Project complies with the Commission's Avoidance Area Sound Requirement and Badger Wind's voluntary commitment of 30 hours per year or less of shadow flicker at occupied residences, absent a waiver.

7. Some of the modifications are covered by the Summary Memo: Class III Archaeological Survey, dated June 20, 2025, attached hereto as **Exhibit C**. The State Historical Society of North Dakota ("SHSND") issued acceptance letters for this report (included as **Exhibit C-1**). The remaining Project modifications are covered by the following: Class III Archaeological Survey Report (Addendum Fall 2024 Fieldwork), dated December 10, 2024, and associated SHSND acceptance letters, dated January 3, 2025 (filed with the First Certification on April 9, 2025); Addendum Class III Archaeology Survey Report, dated May 24, 2024 (Exhibit No. 8) and associated SHSND acceptance letter, dated June 24, 2024 (Exhibit No. 9); Archaeological Reconnaissance Survey Report, dated January 24, 2024 (Appendix L to Exhibit No. 1) and associated SHSND acceptance letter, dated April 11, 2024 (Exhibit No. 9); Updated Class III Cultural Resources Inventory Report, dated June 27, 2022 (Late-Filed Exhibit No. 33-A in Docket

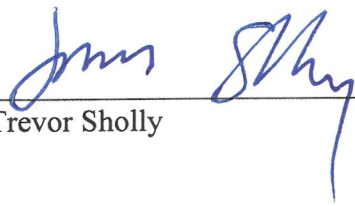
No. PU-22-086) and associated SHSND acceptance letter, dated July 26, 2022 (Late-Filed Exhibit No. 33-B in Docket No. PU-22-086); Supplemental 2022 Intensive Cultural Resources Inventory, dated June 27, 2022 (Late-Filed Exhibit No. 33-C in Docket No. PU-22-086) and associated SHSND acceptance letter, dated July 26, 2022 (Late-Filed Exhibit No. 33-D in Docket No. PU-22-086); and Intensive Cultural Resource Inventory of Collection Line Reroute, dated August 2, 2022 (Late-Filed Exhibit No. 33-E in Docket No. PU-22-086) and associated SHSND acceptance letter, dated August 29, 2022 (filed on February 16, 2024 in Docket No. PU-22-086). The Project layout modifications depicted in **Exhibit A** will not impact any National Register of Historic Places (“NRHP”) eligible, potentially eligible, or unevaluated cultural resource sites.

8. The Project modifications are covered by the following: Spring 2025 Wetland and Waterbody Delineation Report, dated May 23, 2025 (filed with the Third Certification on July 9, 2025); Fall 2024 Wetland and Waterbody Delineation Report, dated March 31, 2025 (filed with the First Certification on April 9, 2025); Wetland and Waterbody Delineation Report Technical Memorandum, dated June 19, 2024 (Exhibit No. 13); Wetland and Waterbodies Assessment, dated January 31, 2024 (Appendix N to Exhibit No. 1); Aquatic Resources Delineation Report, dated June 7, 2022 (Exhibit No. 15-A in Docket No. PU-22-086); and Aquatic Resources Report, dated January 3, 2022 (Exhibit No. 15-B in Docket No. PU-22-086). The Project layout modifications depicted in **Exhibit A** will not result in any permanent impacts to wetlands or waterbodies.

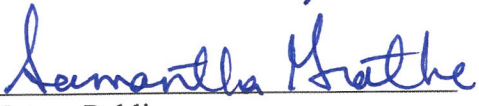
9. The Project layout modifications and associated construction activities will not affect any known exclusion or avoidance areas within the designated Project site.

10. With respect to the Project, including the layout modifications, Badger Wind will comply with the Commission’s Order, including applicable laws and rules designating the site.

FURTHER AFFIANT SAYETH NOT.


Trevor Sholly

Subscribed and sworn to before me
this 18 day of July, 2025.


Notary Public

