

Additional Agency Correspondence

North Dakota Department of Agriculture

FLICKERTAIL
SOLAR PROJECT

December 9, 2024

Doug Goehring, Agriculture Commissioner
North Dakota Department Agriculture
600 East Boulevard Avenue, Dept 602
Bismarck, North Dakota 58505

Subject: Requesting Comments on Flickertail Solar Vegetation Management Plan

Dear Doug Goehring,

Per the October 19, 2023 letter sent to your office, Flickertail Solar Project, LLC is proposing to develop the Flickertail Solar Project (the Project) south of Colfax in Abercrombie Township, Richland County. The Project has submitted an Application for a Certificate of Site Compatibility (Certificate) to the North Dakota Public Service Commission (Case PU-24-351). As part of this application, Flickertail Solar Project had Tetra Tech, Inc. develop a vegetation management plan (VMP). As part of the development of the VMP, the draft document was sent to Mr. Jonathon Quast (NRCS District Conservationist - Wahpeton Field Office) and Ms. Jennifer Klostreich (Watershed Coordinator/District Manager - Richland Soil Conservation District) on September 27, 2024. Mr. Quast and Ms. Klostreich provided comments on the VMP on September 27, 2024. These comments were incorporated into a revised VMP, which was provided to Mr. Quast and Ms. Klostreich on October 7, 2024. On October 8, 2024, Mr. Quast thanked Tetra Tech for providing the revised VMP. No additional comments have been received from the NRCS or the Richland Soil Conservation District.

Included is the revised VMP provided to the NRCS and Richland Soil Conservation District on October 7, 2024. We would appreciate any comments on the VMP within 30 days of receiving this letter. If you require further information or have questions regarding this matter, please contact me at 612-643-2237 or at adam.holven@tetrattech.com

Sincerely,



Adam Holven
Tetra Tech, Inc

Enclosures: Flickertail Solar Project - Vegetation Management Plan

North Dakota Game & Fish Department



RE: Flickertail Solar - ND Game & Fish - PLOTS Program - APB Farms

From Schuler, Nick SAVI-DRN/X <nschuler@savionenergy.com>

Date Wed 3/5/2025 10:14 AM

To Francis, Curtis V. <cvfrancis@nd.gov>

Cc Martens, Christina SAVI-DRN/X <cmartens@savionenergy.com>; Kading, Kevin J. <kkading@nd.gov>

Got it, thanks for the response, Curtis and looking forward to reviewing the options that you, Kevin and the team put together.

Best,

Nick Schuler | Development Director
Regional Lead MISO & PJM
M: [847.902.7340](tel:847.902.7340) | Savion, LLC



From: Francis, Curtis V. <cvfrancis@nd.gov>

Sent: Wednesday, March 5, 2025 8:44 AM

To: Schuler, Nick SAVI-DRN/X <nschuler@savionenergy.com>

Cc: Martens, Christina SAVI-DRN/X <cmartens@savionenergy.com>; Kading, Kevin J. <kkading@nd.gov>

Subject: RE: Flickertail Solar - ND Game & Fish - PLOTS Program - APB Farms

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Good morning Nick,

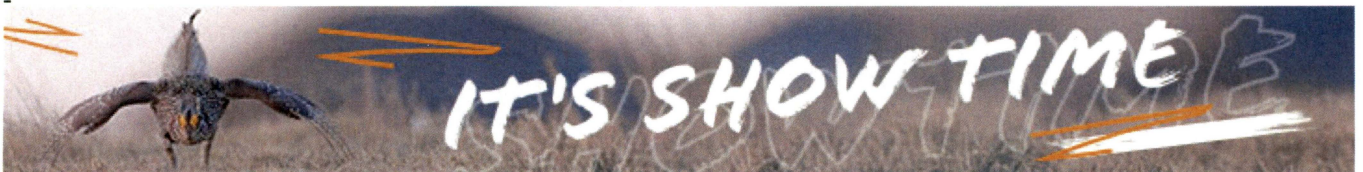
Thanks for reaching out. We have been working with our attorney to develop options for moving forward with the Sullivan and APB Farms/Fixen properties. We will plan to reach out and set up a follow up meeting once we have something back.

Thanks much,

Curtis Francis

East Region Supervisor - Private Lands

(701) 516-4548 (m) • cvfrancis@nd.gov • gf.nd.gov



From: nschuler@savionenergy.com <nschuler@savionenergy.com>
Sent: Monday, March 3, 2025 3:48 PM
To: Francis, Curtis V. <cvfrancis@nd.gov>
Cc: cmartens@savionenergy.com
Subject: RE: Flickertail Solar - ND Game & Fish - PLOTS Program - APB Farms

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Hi Curtis,

Reaching out to ask what timing is looking like on Game & Fish's end regarding the options for the APB Farms / Fixen's property entering into the PLOTS program?

Best Regards,

Nick Schuler | Development Director
Regional Lead MISO & PJM
M: [847.902.7340](tel:847.902.7340) | Savion, LLC



From: Schuler, Nick SAVI-DRN/X
Sent: Monday, February 3, 2025 8:32 AM
To: Francis, Curtis V. <cvfrancis@nd.gov>
Cc: Martens, Christina SAVI-DRN/X <cmartens@savionenergy.com>; ssfixen1@rrt.net
Subject: Flickertail Solar - ND Game & Fish - PLOTS Program - APB Farms

Hi Curtis,

I have included both Christina Martens from Savion and Steve and his wife Shelly Fixen to this email.

After reviewing the dates Monday, February 10, 2025, would work the best for all of us to schedule a meeting to discuss the PLOTS program and APB Farms property.

EXHIBIT 5

We have availability on the 10th between 1pm – 2pm CT, but we all are also available through 3:30pm CT if 1pm-2pm does not work for your team.

Please let me know if you would like me to schedule a team's call for this as I am than happy to do so.

Best Regards,

Nick Schuler | Development Director
Regional Lead MISO & PJM
M: 847.902.7340 | Savion, LLC



From: Mueller, Elisha K. <ekmueller@nd.gov>
Sent: Friday, February 21, 2025 4:16:18 PM
To: Kahl, Steven M. <smkahl@nd.gov>
Cc: Isakson, Patrick T. <pisakson@nd.gov>; Edens, Hanna K <hanna_edens@fws.gov>; Flannery, Sean SAVI-DRN/X <sflannery@savionenergy.com>
Subject: Case No. PU-24-351

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Hi Steven,

Attached is the North Dakota Game and Fish Department's comment letter for Flickertail Solar, Case No. PU-24-351. Please let me know if you have any questions.

Elisha Mueller
Conservation Biologist

(701) 328-6348 • ekmueller@nd.gov • gf.nd.gov



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February 21, 2025

Attn: Steven Kahl
Public Service Commission

RE: Case No. PU-24-351 - Proposed Flickertail Solar Project, Richland County, ND

Mr. Kahl,

The North Dakota Game and Fish Department (Department) was first introduced to the proposed Flickertail Solar Project (Project), a 300 MW solar facility requiring approximately 2,500 acres, in 2021. We have met with both Savion Energy and the consultants, Tetra Tech, since that time. The Project is a unique case, as it is one of the first solar projects to be introduced in North Dakota. There is much uncertainty of the risk solar projects pose to wildlife of the Great Plains, as much of the research focused on solar/wildlife interactions has taken place in the desert southwest. North Dakota hosts many rare and declining species, during migration and year-round, such as the Whooping Crane, the Northern Long Eared Bat, and our state bird, the Western Meadowlark. In order to protect these species, and in the absence of state specific guidelines or best management practices, general recommendations were made to avoid/minimize impacts based on the best science available at the time. These recommendations are as follows:

1. Site Selection

- a. Adhere to criteria laid out in 69-06-08-01 of the North Dakota Administrative Code, which specifies areas of exclusion and avoidance for energy conversion facilities (<https://www.ndlegis.gov/information/acdata/pdf/69-06-08.pdf>).
- b. Select a site with minimal risk to wildlife. Refer to Figure B11, Key Native Wildlife and Habitat Areas, in *Wind Energy Development in North Dakota – Best Management Practices*, to assess the potential risk of the site selected (<https://gf.nd.gov/node/4800>).
- c. Avoid areas of unstable land surfaces such as slopes and areas prone to erosion.
- d. Avoid state or federally owned/operated land (including, but not limited to, Wildlife Management Areas, Private Land Open To Sportsmen, National Wildlife Refuges, etc.)

2. Micro-sitting

- a. Habitat loss:
 - i. Focus on avoidance: micro-sitting sites away from native/unbroken habitat (grasslands, woodlands, and wetlands), before moving to mitigation strategies. Impacts to rare, unique, and declining species will be much greater if the habitat they depend on is disturbed or lost.
 - ii. Avoid installing new drain tile systems that may drain or hinder replenishment of adjacent wetlands or that flood adjacent wetlands during drastic precipitation events.
- b. Habitat fragmentation:
 - i. Consolidate all facilities and roads to the extent possible as to reduce habitat fragmentation.

Governor
Kelly Armstrong

Director
Jeb Williams

Deputy Director
Scott A. Peterson

- c. Threatened and Endangered species
 - i. Coordinate with the US Fish and Wildlife Service to assess and minimize risk to species listed under the Endangered Species Act.
3. Storm Water Management
 - a. The Department recommend a storm water management plan be put into place and the developer should work closely with the Department of Environmental Quality on any required permits or pollution prevention plans.
4. Pre-construction Monitoring
 - a. The Department recommends the developer consult *Wind Energy Development in North Dakota – Best Management Practices* for a list of applicable monitoring protocols to be done prior to construction. This will allow for a better understanding of the site's use by rare, unique, and declining species and, therefore, the risk.
5. Construction
 - a. Wildlife safe fencing should be used, and efforts should be taken to ensure wildlife is not trapped within the facility, such as constructing structures installed to allow animals to escape or checking for entrapped animals routinely.
 - b. Any lighting installed should be designed to minimize light pollution and initiatives that aim to reduce impacts to wildlife should be considered.
 - c. A plan for managing noxious weeds should be created and approved by the local weed board/s.
 - d. Wildlife friendly plantings should be utilized to the extent possible (I.e. native wildflower and grass seed mixes over non-native mixes and natural hedgerows versus fencing).
6. Post-construction Monitoring
 - a. A minimum of 2 years post-construction fatality monitoring should be completed.
7. Pollinator Opportunities
 - a. Solar farms offer a unique opportunity to incorporate pollinator habitat to energy development. The Bee & Butterfly Habitat Fund offers cost share opportunities for seed and monitoring for solar projects. We recommended investigating this opportunity further, as it may be a good fit for this project.
<https://www.beeandbutterflyfund.org/solar.html>
8. Voluntary Offsets
 - a. It is recommended that when impacts to unbroken grasslands, wetlands, and woodlands cannot be avoided, suitable replacements be applied back onto the landscape. Ensuring these habitats remain on the landscape is the only way to stem the decline of our state's rare and sensitive species and prevent listings through the Endangered Species Act, which could impact both the state and its citizens. The Department recommends that any acre of habitat broken due to development be replaced at a 1:1 ratio. For example, if 100 acres of native grasslands are going to be developed for solar energy, 100 acres of grasslands should be planted within the county to offset that impact. These plantings should also be protected for the life of the project.

The Department appreciates the initial coordination with the developer, in particular, efforts that have been made to minimize any disturbance to unbroken habitats. As of the date on this letter, the proposed project poses direct and indirect economic impacts to the Department's existing conservation plans and investments. These issues should be resolved prior to project construction.

First, As noted above in Section 1. Site Selection, the Department recommends avoiding any state owned or operated land. However, a parcel of land enrolled in the PLOTS (Private Land Open To Sportsmen)

program falls within the project boundary. This parcel was originally enrolled into the program due to its location within the State Wildlife Action Plan - Sand Deltas and Beach Ridges focus area, a program funded by wildlife grants to the Department from the U.S. Fish and Wildlife Service. The Greater Prairie Chickens has a Level II conservation priority under North Dakota's Wildlife Action Plan. The land was identified as an important area to potentially connect habitats for remnant populations of Greater Prairie Chickens found 16 miles west in the Sheyenne National Grasslands to populations approximately 30 miles east in Western Minnesota. The project management plan includes a native tallgrass prairie mix designed to provide important nesting, brood rearing, and winter habitat for adult and juvenile Prairie Chickens as well as other grassland nesting birds. Additionally, this parcel provides recreational benefits, specifically walk in hunting access, due to its proximity to two large population centers of Fargo and Wahpeton. The Department has invested direct costs totaling \$164,596.20 for this parcel. This does not include signing, mapping, due diligence and other administrative expenses.

In lieu of avoiding the PLOTS parcel entirely, the Department has been approached by the developer to come up with a strategy to offset the impacts to both wildlife and the PLOTS program. The recommendation to remove this parcel from the program and replace it with one of equal wildlife value was made. However, these discussions are ongoing and there has been no definitive resolution at the time this letter was written.

Further, the Department recommends that two years of post-construction mortality monitoring (PCMM) be done so that the state can improve its understanding on how solar facilities might impact rare, declining, and sensitive species in North Dakota. It is our understanding that no PCMM plan has been developed yet.

With these concerns in mind, the Department recommend that Savion develop a wildlife conservation strategy prior to project construction. This strategy should outline how impacts to the PLOTS parcel will be addressed, as well as what the post construction mortality monitoring program will look like.

Thank you for the opportunity to comment on the proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Kreft", with a stylized flourish extending from the end.

Bruce Kreft
Chief, Conservation and Communications Division

Cc: Hanna Karevold, US Fish and Wildlife Service
Sean Flannery, Savion Energy

From: [Holven, Adam](#)
To: [Mueller, Elisha K.](#); [Kolar, Jesse L.](#)
Cc: ["Christina Martens"](#); [Gorman, Kim](#)
Subject: RE: Flickertail Solar - Lek Survey Results
Date: Tuesday, February 4, 2025 3:59:00 PM

Hi Elisha,

Thanks for providing feedback on the pre-construction surveys. We did conduct an Unbroken Grassland Assessment to identify potential areas of unbroken grasslands. Based on this assessment, there is no unbroken grassland present in the Project Area. The assessment can be found at: <https://www.psc.nd.gov/database/documents/24-0351/001-120.pdf>.

Additionally, this assessment is discussed in Sections 6.15 and 6.16 of the application submitted to the ND PSC for the Project (see <https://www.psc.nd.gov/database/documents/24-0351/001-010.pdf>).

Flickertail is avoiding direct impacts to wetlands, and there are no unbroken grasslands within the Project site. As such, Flickertail has not been contemplating offsets.

With respect to the PLOTS parcel located within the Project, Flickertail is actively coordinating with NDGF and the landowner to remove the PLOTS parcel from the program.

Flickertail is developing a site-specific post-construction monitoring plan. We can provide further details once the plan is complete.

Thanks for your time,
Adam

Adam C. Holven | Senior Archaeologist/Project Manager
Direct: 612.643.2237 | Main: 612.643.2200 | Fax: 612.643.2201
adam.holven@tetrattech.com

Tetra Tech

2001 Killebrew Drive, Suite 141 | Bloomington, Minnesota 55425 | www.tetrattech.com

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From: Mueller, Elisha K. <ekmueller@nd.gov>
Sent: Friday, January 17, 2025 2:45 PM
To: Holven, Adam <adam.holven@tetrattech.com>; Kolar, Jesse L. <jlkolar@nd.gov>
Cc: 'Christina Martens' <cmartens@savionenergy.com>; Gorman, Kim <Kim.Gorman@tetrattech.com>
Subject: RE: Flickertail Solar - Lek Survey Results

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Hi Adam,

Apologies if you did not receive a response to your last email, I am unsure of how that got missed. As for pre-construction surveys, the lek survey is the only on-the-ground survey we would recommend pre-construction. However, we also recommend a habitat analysis to determine the extent of disturbance to native/unbroken prairie. I think I recall going over the project boundaries' mapped grass for lek surveys, so I do believe this has already been done, but I can't seem to find anything in my files. We have the lek report which will help us in our letter to PSC, but if you could also provide the habitat analysis and construction layout (analysis of any native habitat that will be disturbed), as well as any voluntary offsets being proposed and plans for post construction mortality monitoring, that would be helpful.

And note on voluntary offsets, I just mention this because it is something we would like to have provided to us prior to our letter so that we can be sure to include it, I am not indicating there are necessarily offsets planned or that we expect there to be. However, if there is a plan for offsets (for example in this specific case, impacts to PLOTS), having that prior to submitting our letter would be helpful as well.

Please feel free to reach out if you have any other questions.

Elisha

From: Holven, Adam <adam.holven@tetrattech.com>
Sent: Friday, January 17, 2025 8:41 AM
To: Mueller, Elisha K. <ekmueller@nd.gov>; Kolar, Jesse L. <jlkolar@nd.gov>
Cc: 'Christina Martens' <cmartens@savionenergy.com>; Gorman, Kim <Kim.Gorman@tetrattech.com>
Subject: RE: Flickertail Solar - Lek Survey Results

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Good morning, Elisha

I hope you are doing well. It has been a while since our last communication and we are hoping you can assist us with tying up this communication.

Can you confirm if the NDGF is requesting any other pre-construction wildlife surveys for Flickertail Solar?

Thank you for your time,
Adam

Adam C. Holven | Senior Archaeologist/Project Manager
Direct: 612.643.2237 | Main: 612.643.2200 | Fax: 612.643.2201
adam.holven@tetrattech.com

From: Holven, Adam
Sent: Tuesday, July 9, 2024 4:22 PM
To: Mueller, Elisha K. <ekmueller@nd.gov>; Kolar, Jesse L. <jlkolar@nd.gov>
Cc: Christina Martens <cmartens@savionenergy.com>; Gorman, Kim <Kim.Gorman@tetrattech.com>
Subject: Flickertail Solar - Lek Survey Results

Hi Elisha and Jesse,

Please find attached the lek survey results for Flickertail Solar. Per our last discussion on April 2, the Project committed to undertaking this survey. No leks were identified during the survey.

Can you please confirm if the NDGF is requesting any other pre-construction wildlife surveys for Flickertail Solar?

Thanks,
Adam

Adam C. Holven | Senior Archaeologist/Project Manager
Direct: 612.643.2237 | Main: 612.643.2200 | Fax: 612.643.2201
adam.holven@tetrattech.com



Re: Flickertail Solar Vegetation Management and PSC Docket

From Martens, Christina SAVI-DRN/X <cmartens@savionenergy.com>

Date Fri 1/24/2025 11:09 AM

To Francis, Curtis V. <cvfrancis@nd.gov>

Cc Schuler, Nick SAVI-DRN/X <nschuler@savionenergy.com>

Curtis,

I wanted to reach out again to see if you had any comments or concerns on the proposed vegetation plan and to see if we could circle back up on the PLOTS discussion.

We are looking forward to having a hearing towards the end of Feb and would like to have a better understanding on how the removal of the Sullivan parcel will happen.

Christina Martens | Director of Permitting & Environmental

M: [816.266.6384](tel:816.266.6384) | Savion, LLC



From: Martens, Christina SAVI-DRN/X <cmartens@savionenergy.com>

Sent: Thursday, January 9, 2025 10:36 AM

To: Francis, Curtis V. <cvfrancis@nd.gov>

Cc: Schuler, Nick SAVI-DRN/X <nschuler@savionenergy.com>

Subject: Re: Flickertail Solar Vegetation Management and PSC Docket

Curtis,

I hope that you had a Merry Christmas and Happy New Year and got to spend some well-deserved time with family and friends.

I just wanted to reach out to keep the conversation going on the removal of the Sullivan parcel from the PLOTS program and potentially adding some of the Fixen property into the program. I would also be interested in any other thoughts you may have on other projects that could be partnerships for the tree replacement as mentioned on our call.

I also wanted to see if you had any questions or comments on the Vegetation Management Plan or anything else that has been submitted to date on the PSC Docket.

Christina Martens | Director of Permitting & Environmental



From: Francis, Curtis V. <cvfrancis@nd.gov>
Sent: Monday, December 23, 2024 9:36 AM
To: Martens, Christina SAVI-DRN/X <cmartens@savionenergy.com>
Subject: RE: Flickertail Solar Vegetation Management and PSC Docket

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Thank you very much for sharing this information, Christina. We will review it and plan to follow up with you and Nick in January.

Happy holidays to you as well.

Sincerely,

Curt

From: cmartens@savionenergy.com <cmartens@savionenergy.com>
Sent: Friday, December 20, 2024 4:02 PM
To: Francis, Curtis V. <cvfrancis@nd.gov>
Cc: nschuler@savionenergy.com
Subject: Flickertail Solar Vegetation Management and PSC Docket

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Curtis,

Attached please find the Vegetation Management Plan that has been submitted as part of the CSC for Flickertail Solar that we discussed yesterday. In addition, if you would like to review anything else here is a link to the Docket. [PSC: Docket PU-24-351.1 Detail](#). Additional studies that were completed and included in the application were a Lek Survey, Ground Nest Eagle Nest Survey, Unbroken Grassland Assessment, and a Wetland Delineation Survey. These are all available on the docket.

Once you review, please provide any comment or concerns that you might have. We look forward to continuing to discuss the potential for the PLOTS property and I would like to hear more about any potential projects or partnerships that we could be involved in as part of our tree mitigation.

Have a Merry Christmas and Happy New Year.

Christina Martens | Director of Permitting & Environmental
M: 816.266.6384 | Savion, LLC



From: nschuler@savionenergy.com
Sent: Friday, November 22, 2024 10:55 AM
To: cvfrancis@nd.gov
Cc: nschuler@savionenergy.com
Subject: RE: Flickertail Solar Project - Sullivan, et al - Public Access & Wildlife Habitat Development Agreement
Attachments: ND - Flickertail - Laverne Sullivan et al. - Consent Agreement (North Dakota Game Fish).6.27.23.docx; ND - Flickertail - Laverne Sullivan, et al. - Consent Agreement (North Dakota Game & Fish)_Savion.docx; RE: Flickertail Solar Project - Sullivan, et al - Public Access & Wildlife Habitat Development Agreement

Hi Curtis,

Hope all is well with you, your family, and your team at ND Game & Fish. I am reaching out to communicate a few updates.

To start, as you may recall I sent you some information on geotechnical and pile load testing on May 2, 2023, and wanted to communicate that we recently completed preliminary geotechnical and pile load testing across our project boundary, however we did carve out the Sullivan parcel that is part of the Plots program from the study to avoid any issues. Typically, the general contractor for the project will preform this same work again closer to the start of construction and likely will need to test the Sullivan parcel, but at this time I don't have a timeframe for that. Q3, or Q4 2025 may be an ideal time for this work (ideally post-harvest), but this has not been discussed yet, nor finalized.

Additionally, as you and your team may very well be aware of Flickertail Solar Project has officially submitted its Certificate of Site Compatibility (CSC) Application to ND PSC on October 8, 2024.

- Our application can be found at the following link: [PSC: Case PU-24-351 Detail](#).

Now the project has submitted its CSC application, and the project is increasing looking more favorable to be able to move into construction in early 2026 I wanted to renege with you and your team regarding the attached Consent Agreement and adding back in the Section 6, Early Termination language (discussed in the attached 1/8/24 email).

- Attached are:
 - Consent Game & Fish version from June 27, 2023.
 - Consent Game & Fish version that Savion originally sent to you.

During our late January call, it was brought up, which we briefly discussed the possibility of facilitating replacement land to the program for the loss of the Sullivan parcel. We both had had some back forth on this point to determine if the Sullivan's had land elsewhere that would be eligible, and it turned out they unfortunately did not. However, we recently had a conversation with one of our landowners, Steve and Shelby Fixen who owns some land that is currently part of the Flickertail Solar Project that we don't believe is suitable for solar and currently we did not include project facilities on it within Figure 2 of our CSC Application. They are supportive of the project and communicated that they would be interested in a discussion to put 80 acres, being the N/2 of the SE/4 of Section 5-134N-49W, which is a portion of parcel 08000001801000 into the Plots program contingent upon them being treated like any other PLOTS participating landowner (receiving compensation) and timing tied to whether, or not the project moves into the construction and an early termination of the Sullivan PLOTS agreement is sought/made. On paper and being out there in person, the Fixen's property seems to be ideal for the recreational use. In addition to the project belief that their will be more habitat in this area due to the solar project then there has previously been, we believe this could be a good win-win for all that are involved to allow for recreation use/hunting in this area in light of the project seeking to purchase the Sullivan parcel and removing it from the PLOTS program.

EXHIBIT 5

Understanding with Thanksgiving quickly approaching that time is certainly limit, but I wanted to see if you and/or your team may have time the week of December 2nd, or December 9th to discuss this further with myself and my team if needed.

Sincerely,
Nick

From: Nick Schuler
Sent: Monday, January 29, 2024 9:57 AM
To: Francis, Curtis V. <cvfrancis@nd.gov>
Subject: RE: Flickertail Solar Project - Sullivan, et al - Public Access & Wildlife Habitat Development Agreement

Perfect, thanks Curtis!

Nick Schuler | Development Director
Regional Lead SPP & Northern MISO
M: [847.902.7340](tel:847.902.7340) | Savion, LLC



From: Francis, Curtis V. <cvfrancis@nd.gov>
Sent: Monday, January 29, 2024 9:56 AM
To: Nick Schuler <nschuler@savionenergy.com>
Subject: RE: Flickertail Solar Project - Sullivan, et al - Public Access & Wildlife Habitat Development Agreement

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Hi Nick,

Thanks much.

Below are the names of those that attended the meeting.

Kevin Kading – PLI Section Leader
Bruce Kreft – Conservation Supervisor
Elisha Mueller – Conservation Biologist
Curt Francis – PLI Supervisor
David Phillips – Attorney

Have a good one,

Curt

From: Nick Schuler <nschuler@savionenergy.com>
Sent: Tuesday, January 23, 2024 1:14:22 PM
To: Francis, Curtis V. <cvfrancis@nd.gov>
Subject: RE: Flickertail Solar Project - Sullivan, et al - Public Access & Wildlife Habitat Development Agreement

EXHIBIT 5

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Hi Curtis,

Really appreciate you organizing the call yesterday and for the you and the department and state being willing to work through a solution. Our team is excited to work through this and discuss the project and coordination more so later next week with a broader group.

I did want to see if you could provide me with the names/titles of those that were in attendance yesterday? Was difficult to hear through the Teams.

Thank you,

Nick Schuler | Development Director
Regional Lead SPP & Northern MISO
M: [847.902.7340](tel:847.902.7340) | Savion, LLC



From: Francis, Curtis V. <cvfrancis@nd.gov>

Sent: Friday, January 12, 2024 2:41 PM

To: Nick Schuler <nschuler@savionenergy.com>

Subject: RE: Flickertail Solar Project - Sullivan, et al - Public Access & Wildlife Habitat Development Agreement

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Good afternoon Nick,

Just wanted to follow up with you about a meeting. Would January 22nd or 19th work for your schedule? The 22nd would work better at our end but we will make the 19th work if the 22nd doesn't for you.

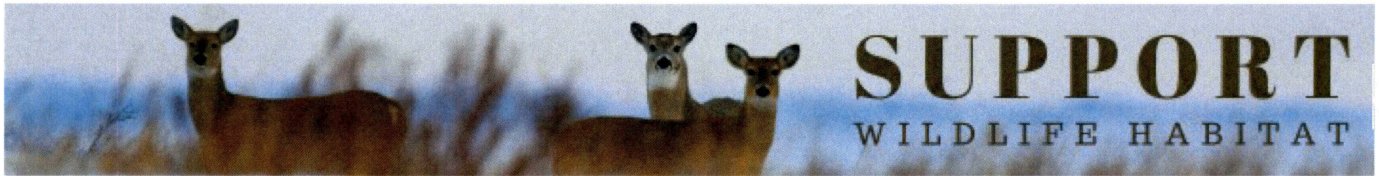
With that would you prefer an in-person meeting at our office or would a virtual Teams meeting be preferred?

Thanks much,

Curtis Francis

East Region Supervisor - Private Lands

(701) 516-4548 (m) • cvfrancis@nd.gov • gf.nd.gov



From: Nick Schuler <nschuler@savionenergy.com>

Sent: Monday, January 8, 2024 9:51 AM

To: Francis, Curtis V. <cvfrancis@nd.gov>

Subject: RE: Flickertail Solar Project - Sullivan, et al - Public Access & Wildlife Habitat Development Agreement

Importance: High

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Hi Curtis,

Hope you had a great holiday season and start of the new year!

Reaching back out to see if you and the state attorney will have time in the new future (ideally this month) to have a quick discussion with the goal of finalizing the Consent Agreement. I am taking a few days off this month (12th, 24th, 25th, 26th), but I have little travel going on besides those days to discuss.

Our biggest, and frankly only concern with the revised agreement that you provided to us is the deletion of the Early Termination of Public Access Agreement language shown below. Hoping that we can talk through getting this language added back in, or talking through a variation that may be more palatable for the State. I am more than happy to include our attorney and have you in the state attorney if you think that may help expediate this.

1. **Early Termination of Public Access Agreement.** Grantor acknowledges Grantee's right to purchase the Property pursuant to the Purchase Option and Grantee's need to terminate the Public Access Agreement prior to Grantee purchasing the Property. As such, Grantor shall work in good faith with Grantee and Owner to enter into an agreement for the termination of the Public Access Agreement at such time as may be reasonably requested by Grantee and/or Owner. Such termination will not be effective prior to Grantee closing the purchase of the Property. As full consideration for such termination, Grantee agrees to pay to Grantor, on behalf of Owner and pursuant to the terms thereof, a one-time lump sum payment equal to One Hundred Sixty-four Thousand Four Hundred Ninety-six and 20/100 Dollars (\$164,496.20) plus interest at the prime rate and plus any administrative expenses (including attorney's fees) paid or incurred by Grantor under the Public Access Agreement. The termination agreement contemplated by this paragraph shall be in a form reasonably acceptable to Grantor, Grantee and Owner.

Sincerely,

Nick Schuler | Development Director

Regional Lead SPP & Northern MISO
M: [847.902.7340](tel:847.902.7340) | Savion, LLC



From: Nick Schuler
Sent: Wednesday, October 11, 2023 9:53 AM
To: Francis, Curtis V. <cvfrancis@nd.gov>
Subject: RE: Flickertail Solar Project - Sullivan, et al - Public Access & Wildlife Habitat Development Agreement

Good morning Curtis,

That sounds like a plan, thanks for the follow up and looking forward to hearing from you next week.

Best,

Nick Schuler | Development Director
Regional Lead SPP & Northern MISO
M: [847.902.7340](tel:847.902.7340) | Savion, LLC



From: Francis, Curtis V. <cvfrancis@nd.gov>
Sent: Wednesday, October 11, 2023 6:37 AM
To: Nick Schuler <nschuler@savionenergy.com>
Subject: RE: Flickertail Solar Project - Sullivan, et al - Public Access & Wildlife Habitat Development Agreement

Good morning Nick,

I apologize for my delayed response. We are doing a lot of field work this time of year and I have been out of the office a bit. I will be out of the office the rest of this week. When I return next week I will look at my schedule and follow up with you about a call. I should be able to catch up with you some time next week.

Thanks much and look forward to our conversation.

Sincerely,

Curt

EXHIBIT 5

From: Nick Schuler <nschuler@savionenergy.com>
Sent: Tuesday, October 10, 2023 11:25 AM
To: Francis, Curtis V. <cvfrancis@nd.gov>
Subject: RE: Flickertail Solar Project - Sullivan, et al - Public Access & Wildlife Habitat Development Agreement

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello Curtis,

Wanted to follow up to see if you have any availability to discuss the agreement this week?

Best Regards,

Nick Schuler | Development Director
Regional Lead SPP & Northern MISO
M: [847.902.7340](tel:847.902.7340) | Savion, LLC



From: Nick Schuler
Sent: Thursday, October 5, 2023 2:59 PM
To: Francis, Curtis V. <cvfrancis@nd.gov>
Subject: RE: Flickertail Solar Project - Sullivan, et al - Public Access & Wildlife Habitat Development Agreement

Hi Curtis,

Apologize for the delay getting back to you, been dealing with a laundry list of personal/work things that have slowed me down of late.

Just left you a VM for you, but if it's easier to plan a time to talk via email that works for me as well.

Looking forward to speaking with you and I can also provide you with an update as to the status of the project.

Best Regards,

Nick Schuler | Development Director
Regional Lead SPP & Northern MISO
M: [847.902.7340](tel:847.902.7340) | Savion, LLC



From: Nick Schuler
Sent: Tuesday, August 29, 2023 12:50 PM
To: Francis, Curtis V. <cvfrancis@nd.gov>
Subject: RE: Flickertail Solar Project - Sullivan, et al - Public Access & Wildlife Habitat Development Agreement

Hi Curtis,

Now I can apologize for my slow response. Sorry, that's it has taken me so long to get back to you.

After reviewing and taking with our attorney we wanted to see what the reasoning was and if it's possible to add back in Section 6 from our original draft, or if there is suggested/preferred revision that the State's Attorney may have? How we drafted it originally should have been in line with what a termination/breach of contract should look like. The language is important to include as it shows the path forward in the event that the project is successful and we exercise the option to purchase the property. I'd be more than happy to schedule a call to discuss if necessary.

Thank you,

Nick Schuler | Development Director
Regional Lead SPP & Northern MISO
M: [847.902.7340](tel:847.902.7340) | Savion, LLC



From: Francis, Curtis V. <cvfrancis@nd.gov>
Sent: Tuesday, June 27, 2023 10:46 AM
To: Nick Schuler <nschuler@savionenergy.com>
Subject: RE: Flickertail Solar Project - Sullivan, et al - Public Access & Wildlife Habitat Development Agreement

[EXTERNAL MESSAGE] Please be mindful when clicking on links, opening attachments, and replying.

Good morning Nick,

I apologize for the slow response to this but we have been working with our State's Attorney on several projects and we just got this finished up.

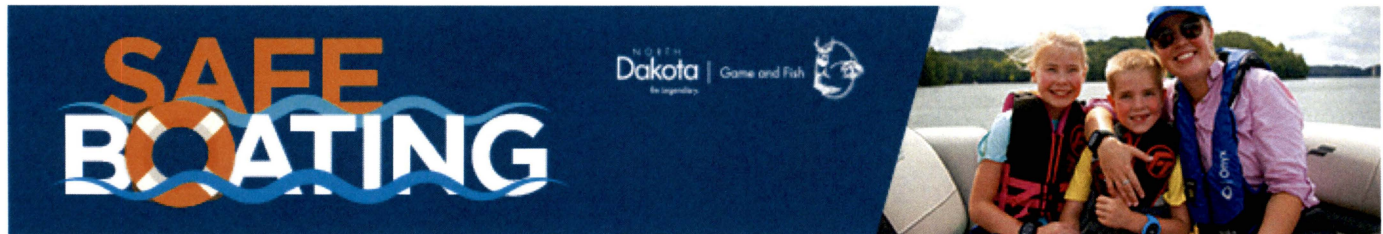
Our attorney reviewed your consent agreement and the language in our agreement and made a few alterations to the agreement you sent. I have attached the revised agreement for your review. You can let me know once you have had an opportunity to look it over and we can follow up if needed.

Thanks much,

Curtis Francis

East Region Supervisor - Private Lands

(701) 516-4548 (m) • cvfrancis@nd.gov • gf.nd.gov



From: Nick Schuler <nschuler@savionenergy.com>

Sent: Tuesday, May 2, 2023 3:05 PM

To: Francis, Curtis V. <cvfrancis@nd.gov>

Subject: RE: Flickertail Solar Project - Sullivan, et al - Public Access & Wildlife Habitat Development Agreement

You don't often get email from nschuler@savionenergy.com. [Learn why this is important](#)

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Hi Curt,

Please see attached draft of a Consent Agreement by and between the State of North Dakota, through the North Dakota Game and Fish Department and the Flickertail Solar Project. We tried to keep this as short and concise as possible.

1. As previously discussed the main studies that we will need to conduct throughout the project and note just on the Sullivan property are in relation to environmental and engineering. In Section 2: Certain Restrictions on Grantee's Activities we can agree to limit any studies that may disturb the surface and in this case the two that may cause a disturbance are geotechnical work and pile load testing to the July 15th through August 31st timing constraint and we added language that if for some reason one of these studies needs to be conducted outside of that window then we would have to agree in writing. As for environmental studies we are proposing that we can perform those studies outside of July 15th through August 31st primarily due to i) these studies can be done by foot traffic only (no vehicles or heavy machinery required) and wouldn't disturb the surface ii) trying to avoid interference with harvest across the project, iii) if any specific species study is required that may have to happen outside of that time frame.
2. Section 4: Restoration is intended to address ND Game & Fish's concerns regarding potential for any damage and requires Grantee to be responsible to remedy any damage.

EXHIBIT 5

3. Section 6: Early Termination of Public Access Agreement it is important to the project to have this section to have some level of certainty that if the project is successful and we exercise the option to purchase the property that all parties will collaborate to have the Public Access Agreement terminated. We took a stab at the math and formula, which based off of our discussion and the Public Access Agreement itself seems to all line up outside of the unknown interest and any administrative fees.

Glad to talk through the agreement, and/or any of the below comments with you over a phone call.

Furthermore, in regards to the engineering studies we are confident that in the near term we can avoid the property for our preliminary geotechnical work and pile load testing, but if the project is looking to be successful then sometime prior to construction and potentially prior to exercising the purchase option we may need to conduct those studies on the property and will be restricted to July 15th through August 31st. Here is some additional information regarding those studies.

- Pile Load Test/CPT Location
 - This work consists of installing an I-beam into the ground and pulling/pushing on it to determine how well the ground holds the I-beam in place under that pressure. This helps us design the length and type of the posts that will hold up the solar panels. After the test is completed, all equipment is pulled out and any displaced soil is backfilled.
- Test Pit Location
 - This work consists of digging a small pit and taking soil samples at various levels. The pits are typically 8-10ft deep, 2ft wide and 5-8ft long. Once completed, the displaced soil is backfilled

PLT Pictures:

Possible Equipment Type to be Used for PLT:



Excavator and Vibratory Hammer used for Pile Installation

EXHIBIT 5



Bobcat E85 mini-excavator fitted with an Okada 1100H hydraulic impact hammer

The first picture here is the tension testing set up.

The piles are driven into the ground with enough head sticking out to attach various measurement devices. We are expecting 5-6 ft of head to be above the ground.

This test they will be trying to pull the pile out of the ground and measure its resistance.



This next picture is another pile nearby, but instead of pulling up, they will be pushing/pulling sideways to understand the soil properties against different loads.



EXHIBIT 5

The piles will be driven into the ground and given minimum 48 hours to acclimate to the soil, then the Geotech team will go back out to do the above testing.
After the testing, the piles will be removed.

Test Pit Pictures:





Bore Pictures:



Truck-mounted rotary drilling rig

Electrical Resistivity Test Picture:

EXHIBIT 5



Typical Tracks:



Sincerely,

Nick Schuler | Development Director
Regional Lead SPP & Northern MISO
M: 847.902.7340 | Savion, LLC



From: Nick Schuler
Sent: Monday, April 17, 2023 2:17 PM
To: Cvfrancis@ND.gov
Subject: Flickertail Solar Project - Sullivan, et al - Public Access & Wildlife Habitat Development Agreement

Hi Curt,

Thanks for answering my call and taking the time to discuss the Sullivan property, your agreement and our project/intentions with me.

For the sake of ensuring we are taking about the same agreement and property I have attached the document that we have by and between the Sullivan family and ND Game & Fish.

One point that you may, or may not be aware of is that the agreement we have been working through with the Sullivan's is a purchase option for the property. Additionally, we are likely at least 2 years (or even more) from being to be able to start construction on the project assuming the project is economical and all permits are obtained in the near-term.

I have reached out to my team to get a better understanding of our studies and any impact to the property that may arise from them. Once I have my team's feedback I will follow up with you.

Again, thanks for your time earlier today.

Nick Schuler | Development Director
Regional Lead SPP & Northern MISO
M: 847.902.7340 | Savion, LLC



From: IMCEAEX-_O=EXCHANGELABS_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29_CN=RECIPIENTS_CN=2EB91C26FD104C3EAF2F71AD80B70D00-NICK+20SCHULE@EURP120.PROD.OUTLOOK.COM
Sent: Monday, January 8, 2024 4:23 PM
To: cvfrancis@nd.gov
Subject: RE: Flickertail Solar Project - Sullivan, et al - Public Access & Wildlife Habitat Development Agreement

Hi sir, looks like I missed your call (not sure how that happened), but I can be available most of the day tomorrow besides (4:15pm – 5pm CT) for a call to catch up on this.

Best Regards,

Nick Schuler | Development Director
Regional Lead SPP & Northern MISO
M: [847.902.7340](tel:847.902.7340) | Savion, LLC



**TETRA TECH, INC.**

March 6, 2025

Andrew Robinson, State Archaeologist
Archaeology and Historic Preservation Division
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, North Dakota 58505-0830

Subject: **SHPO Reference #: 24-9003**
Revised Class III Cultural Resource Inventory Submittal
Flickertail Solar Project
Richland County, ND

Dear Mr. Robinson,

Tetra Tech, Inc., on behalf of Flickertail Solar Project, LLC, is pleased to submit this revised Class III Cultural Resource Inventory for the proposed Flickertail Solar Project located in Richland County, North Dakota. The revised report addresses comments provided in letters from the State Historical Society of North Dakota (SHSND) on October 11, 2024 and November 15, 2024, and comments provided Ms. Lorna Meidinger in email discussions in the winter of 2024/2025. The survey area for the revised report has been reduced from the previous report submittal to remove areas that will not be impacted by the Project (either permanent or temporary impacts). A Class III report detailing architectural resources with 0.5 mile (0.8 kilometer) of the Project's proposed solar arrays will be submitted separate from this report. This report is anticipated to be submitted to the SHSND in April 2025.

The electronic version of the revised report and associated survey area shapefile have been uploaded to the ND SHPO FTP under the following names:

- *Flickertail Solar Project_Class III CRM_Report 2025-03-06.pdf*
- *Flickertail Solar Project_Class III CRM_Report 2025-03-06.shp*



TETRA TECH, INC.

We appreciate your time and effort. If you have any questions, please contact me at 612-643-2237 or by email at adam.holven@tetrattech.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Holven', written in a cursive style.

Adam Holven
Project Manager

Enclosures

From: [Meidinger, Lorna B.](#)
To: [Holven, Adam](#)
Subject: RE: 24-9003 Flickertail Report 1
Date: Monday, February 24, 2025 1:19:09 PM

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We do not consider boring to be avoidance of cultural resources.

From: Holven, Adam <adam.holven@tetrattech.com>
Sent: Monday, February 24, 2025 11:24 AM
To: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Subject: RE: 24-9003 Flickertail Report 1

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Thanks Lorna,

Based on the Project proposed actions noted below (horizontal direction drill collection line under the drain; all associated work will be on private land outside of the easement), would the SHSND consider this avoidance without further evaluation?

Adam

Adam C. Holven | Senior Archaeologist/Project Manager
Direct: 612.643.2237 | Main: 612.643.2200 | Fax: 612.643.2201
adam.holven@tetrattech.com

Tetra Tech

2001 Killebrew Drive, Suite 141 | Bloomington, Minnesota 55425 | www.tetrattech.com

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From: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Sent: Thursday, February 20, 2025 3:37 PM
To: Holven, Adam <adam.holven@tetrattech.com>
Cc: Martens, Christina SAVI-DRN/X <cmartens@savionenergy.com>; Johnson, Justin A. <justinj@co.richland.nd.us>; Zajac, Alison R. <azajac@co.richland.nd.us>; Clark, Andrew <andrewclark@nd.gov>
Subject: RE: 24-9003 Flickertail Report 1

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Good afternoon Adam,

We have numerous drains that have been recorded so this is not setting precedence, it is following it. We have to identify historic resources as part of the process of assessing effects of proposed projects. We do that by looking at everything within the APE that is of age for consideration. Regardless of ownership, all infrastructure over the age of 50 years within the APE should be recorded unless it is a [ND SHPO Defined Non-Sites.pdf](#).

Respectfully,

Lorna Meidinger
Lead Historic Preservationist
State Historical Society of North Dakota
612 E Boulevard Ave
Bismarck, ND 58505
701.328.2089

From: Holven, Adam <adam.holven@tetrattech.com>
Sent: Thursday, February 20, 2025 9:35 AM
To: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Cc: Martens, Christina SAVI-DRN/X <cmartens@savionenergy.com>; Johnson, Justin A. <justinj@co.richland.nd.us>; Zajac, Alison R. <azajac@co.richland.nd.us>
Subject: RE: 24-9003 Flickertail Report 1

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Good morning, Lorna

We have initiated discussions with Richland County Water Resource District regarding the documentation of Pitcairn Creek in the Project Area. Pitcairn Creek is known as Drain 72 by the Richland County Water Resource District. Flickertail Solar Project proposes to horizontal direction drill collection line under the drain; all associated work will be on private land outside of the Richland County Water Resource District easement. Additionally, no other Project activities will occur in the Richland County Water Resource District easement for Drain 72. Therefore, the Project's proposed actions will not impact the Drain 72, either directly or indirectly.

Richland County Water Resource District maintains all county drains, including Drain 72 in the Project Area. These activities often require USACE permitting. We are concerned that recording

Drain 72 as requested by the SHSND will result in an unexpected permitting hardship on the District when they need to permit maintenance activities with the USACE. The Richland County Water Resource District is not aware of any of their drains being recorded with the SHSND and there is concern that recording Drain 72 will set a precedent that has the potential to cause additional permitting hardships in the future.

The Project and District feel Drain 72 is no different than any other existing infrastructure over 50 years old in the Project Area that is actively maintained by a private entity, or by a local, state, or federal agency, and we request that the SHSND reconsider their request to have Drain 72 recorded with the SHSND.

Please let us know if you would a call to further discuss.

Thanks,
Adam

Adam C. Holven | Senior Archaeologist/Project Manager
Direct: 612.643.2237 | Main: 612.643.2200 | Fax: 612.643.2201
adam.holven@tetrattech.com

Tetra Tech

2001 Killebrew Drive, Suite 141 | Bloomington, Minnesota 55425 | www.tetrattech.com

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From: [Meidinger, Lorna B.](#)
To: [Holven, Adam](#)
Subject: RE: 24-9003 Flickertail Report 1
Date: Thursday, December 12, 2024 11:51:17 AM

CAUTION: This email originated from an external sender. Verify the source before opening links or attachments.

Adam,

Our responses are below in green.

Respectfully,

Lorna Meidinger
Lead Historic Preservationist
State Historical Society of North Dakota
612 E Boulevard Ave
Bismarck, ND 58505
701.328.2089

From: Holven, Adam <adam.holven@tetrattech.com>
Sent: Monday, December 2, 2024 3:36 PM
To: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Subject: RE: 24-9003 Flickertail Report 1

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *********

Hi Lorna,

I am working on my responses to your letter with updates in the report, but I have some questions based on the comments.

- **Please include information pertaining to the historic farmsteads located within the project and the survey strategy to attempt to identify if any of the farmstead remnants remain.**
 - This is more of an update, opposed to a question, but relevant for your other bullets.
 - Under Section 4.2 of the report, we noted “Tetra Tech reviewed historical atlases, topographic quadrangles, and aerial photographs (Table 1) to identify the presence of structures, settlements, trails, roads, railroads, and other

manufactured features that may have been historically present within the Project Area.” I added the following statement to the report “Historic features, if documented, are georeferenced and loaded onto an Apple iPad operating ESRI Field Maps.”

- It is this office’s practice to conduct historical research ahead of field surveys to understand what potential resources may be in a Project Area.
- Under Section 5.2 of the report, I added the following paragraph.
 - The location of the 14 historically-documented structures within the Project Area were reviewed during the pedestrian survey. As noted in Section 4.2, historically-documented features are georeference and loaded on the Apple iPad operating ESRI Field Maps. As the crew chief (Please clarify the crew chiefs, per ND SHPO guidelines [2020, 8] a permitted PI must be directly involved in a minimum of 75% of the fieldwork) navigates through the Project Area, they will notify the survey crew when coming onto the location of a historically documented feature. Based on the time frame when the historically-documented features were reported (ca. 1890s to ca. 1950s) and their likely association with farming activities, medium to large artifact scatters consisting of glass, ceramics, iron, and masonry materials would be expected at locations with archaeological evidence. It is not uncommon for historically documented features of this timeframe and association to not have any archaeological evidence. Historical documents may be inaccurate and no actual residence was ever present; the duration of habitation may have been short and may not have resulted in leaving any perceptible archaeological evidence; structures may have been sold off for materials or moved off site; or burned and buried in place in below the plowzone.
- **Section 9 Farmstead. Based on the information within the report there is a high potential for buried materials associated with the farmstead. Please document the location on a site form and review for surface finding and potential subsurface.**
 - Are you referencing S18 in Appendix B – Historic Map Log? S18 was only observed on the 1952 and 1961 aerial photographs. It appears pre-channelized Pitcairn Creek went through the farm. Between 1961 and 1995, this section of Pitcairn Creek was channelized and S18 was converted to cropland. Yes, S18 as noted on your map.
 - Upon review of the landuse field data, this field had visibility of 75 to 100 percent; however, evidence of S18 was not observed.
 - Based on the information presented in the report, we do not feel that any statements regarding an increased potential for buried materials could be made

for S18. We also feel that re-survey is not warranted given the survey conditions under which the pedestrian survey was conducted were adequate for the identification of cultural materials on the surface.

Although the surface may not indicate the presence of the farmstead, as the location is aerial mapped with the farmstead outline visible through the 1990s. If justifications can be made through photographic evidence and other sources that the channel has destroyed the location, then no site form will be requested. If adequate justifications cannot be produced, an NDCRS form should be created. A site lead form may be acceptable if no photographs or details of the area are available. The location would be Unevaluated and recommended to be avoided or further work.

- **Near the Section 9 farmstead is an irrigation canal/ditch. Please confirm the age of the ditch and document accordingly.**
 - Channelized portions of Pitcairn Creek do intersect the Project Area. These efforts to channelize Pitcairn Creek appear to be 50 years old or older. Based on discussion with landowners, this occurred to facilitate drainage of agricultural field in the area and is maintained. Does the ND SHPO consider modification of existing drainages to represent an archaeological site?

We consider this to be an architectural resource as it had to be designed and constructed. Being over 50 years of age, it should be recorded. For long features like this, you only need to record what is within your survey area but you need to draw the boundary around the entire feature.

- **32Rlx61: The townsite may be visible on the 1904 map included in the report. The site area appears to extend to west beyond the currently drawn boundary. Is there potential for buried materials in that area?**
 - I have reviewed Map 3 (1904 30-minute USGS Topographic Quadrangle) in the report and do not see any evidence of the Barrett Townsite. One structure (S09) is present in the vicinity of Barrett Townsite, but there is no evidence to suggest S09 is the Barrett Townsite. S09 is also present on Maps 5 and 6, and it located adjacent to the railroad, in the approximate location U.S. Interstate 29. It is unlikely any intact material associated with S09 are present in the Project Area.

Based on historic and modern aerial imagery, the western portion of the overall location may have intact soils. There is potential for unknown features in this location. Therefore, the site boundary should be expanded to include the western portion (as outlines by tree rows and a visible line on lidar) and avoidance or further work is recommended.

- **32RI931: Based on the information provided in the report noting "it is possible that intact features may be present on site," the presence of a known historic farmstead, and a review of Historical Archaeology checklist in NDSHPO 2020 guidelines (24-26), specifically Question 4 regarding potential for intact buried**

deposits, the location is Unevaluated and evaluative testing is recommended if it cannot be avoided.

- Nearly all former farmsteads have intact features, whether it is be a privy, well, or foundations. The plowzone may truncate the tops of near surface features, but often there are intact portions of the features below the plowzone. Per Question 4 "Is there potential for intact buried deposits?" In my experience, I would say yes, but per the guidance in the manual, the potential would be unknown as there has been no previous subsurface testing. Would it be the preference of the ND SHPO if I remove the statement about **"it is possible that intact features may be present on site,"** since we have not conducted any subsurface testing? I can rephrase to the current status is unknown at this time.
- Even with the potential for intact deposits, is avoidance warranted at for former farmstead of this age? What additional information would subsurface testing provide for this site that we do not already know?

Avoidance is warranted due to the potential for intact subsurface deposits that may contain features such as foundations, privies, or artifact-rich contexts not visible on the surface. These deposits can provide valuable insights into the site's historical use, architectural practices, and material culture, as well as uncover unexpected elements like earlier occupations or unique features. Subsurface testing offers critical data, including potential for precise dating, stratigraphy, and environmental evidence, which surface investigations cannot capture.

Thank you for your time considering these questions. I would also note that the cover letter references Metcalf, and not Tetra Tech.

Thanks,
Adam

Adam C. Holven | Senior Archaeologist/Project Manager
Direct: 612.643.2237 | Main: 612.643.2200 | Fax: 612.643.2201
adam.holven@tetrattech.com

Tetra Tech
2001 Killebrew Drive, Suite 141 | Bloomington, Minnesota 55425 | www.tetrattech.com
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From: [Meidinger, Lorna B.](#)
To: [Holven, Adam](#)
Subject: RE: 24-9003 Flickertail Report 1
Date: Tuesday, December 3, 2024 8:48:44 AM

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Good morning Adam,

I will get these to the archaeologist who reviewed this report and get back to you once I hear the response.

Thank you for letting me know I had an error in my letter. As you can imagine, I start from an existing letter since we do thousands of reviews each year and I clearly missed updating that part. I will make sure future letters are correct.

Respectfully,

Lorna Meidinger
Lead Historic Preservationist
State Historical Society of North Dakota
612 E Boulevard Ave
Bismarck, ND 58505
701.328.2089

From: Holven, Adam <adam.holven@tetrattech.com>
Sent: Monday, December 2, 2024 3:36 PM
To: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Subject: RE: 24-9003 Flickertail Report 1

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Hi Lorna,

I am working on my responses to your letter with updates in the report, but I have some questions based on the comments.

- **Please include information pertaining to the historic farmsteads located within the project and the survey strategy to attempt to identify if any of the farmstead remnants remain.**
 - This is more of an update, opposed to a question, but relevant for your other

bullets.

- Under Section 4.2 of the report, we noted “Tetra Tech reviewed historical atlases, topographic quadrangles, and aerial photographs (Table 1) to identify the presence of structures, settlements, trails, roads, railroads, and other manufactured features that may have been historically present within the Project Area.” I added the following statement to the report “Historic features, if documented, are georeferenced and loaded onto an Apple iPad operating ESRI Field Maps.”
 - It is this office’s practice to conduct historical research ahead of field surveys to understand what potential resources may be in a Project Area.
- Under Section 5.2 of the report, I added the following paragraph.
 - The location of the 14 historically-documented structures within the Project Area were reviewed during the pedestrian survey. As noted in Section 4.2, historically-documented features are georeference and loaded on the Apple iPad operating ESRI Field Maps. As the crew chief navigates through the Project Area, they will notify the survey crew when coming onto the location of a historically documented feature. Based on the time frame when the historically-documented features were reported (ca. 1890s to ca. 1950s) and their likely association with farming activities, medium to large artifact scatters consisting of glass, ceramics, iron, and masonry materials would be expected at locations with archaeological evidence. It is not uncommon for historically documented features of this timeframe and association to not have any archaeological evidence. Historical documents may be inaccurate and no actual residence was ever present; the duration of habitation may have been short and may not have resulted in leaving any perceptible archaeological evidence; structures may have been sold off for materials or moved off site; or burned and buried in place in below the plowzone.
- **Section 9 Farmstead. Based on the information within the report there is a high potential for buried materials associated with the farmstead. Please document the location on a site form and review for surface finding and potential subsurface.**
 - Are you referencing S18 in Appendix B – Historic Map Log? S18 was only observed on the 1952 and 1961 aerial photographs. It appears pre-channelized Pitcairn Creek went through the farm. Between 1961 and 1995, this section of Pitcairn Creek was channelized and S18 was converted to cropland.
 - Upon review of the landuse field data, this field had visibility of 75 to 100 percent; however, evidence of S18 was not observed.
 - Based on the information presented in the report, we do not feel that any

statements regarding an increased potential for buried materials could be made for S18. We also feel that re-survey is not warranted given the survey conditions under which the pedestrian survey was conducted were adequate for the identification of cultural materials on the surface.

- **Near the Section 9 farmstead is an irrigation canal/ditch. Please confirm the age of the ditch and document accordingly.**
 - Channelized portions of Pitcairn Creek do intersect the Project Area. These efforts to channelize Pitcairn Creek appear to be 50 years old or older. Based on discussion with landowners, this occurred to facilitate drainage of agricultural field in the area and is maintained. Does the ND SHPO consider modification of existing drainages to represent an archaeological site?
- **32Rlx61: The townsite may be visible on the 1904 map included in the report. The site area appears to extend to west beyond the currently drawn boundary. Is there potential for buried materials in that area?**
 - I have reviewed Map 3 (1904 30-minute USGS Topographic Quadrangle) in the report and do not see any evidence of the Barrett Townsite. One structure (S09) is present in the vicinity of Barrett Townsite, but there is no evidence to suggest S09 is the Barrett Townsite. S09 is also present on Maps 5 and 6, and it located adjacent to the railroad, in the approximate location U.S. Interstate 29. It is unlikely any intact material associated with S09 are present in the Project Area.
- **32RI931: Based on the information provided in the report noting "it is possible that intact features may be present on site," the presence of a known historic farmstead, and a review of Historical Archaeology checklist in NDSHPO 2020 guidelines (24-26), specifically Question 4 regarding potential for intact buried deposits, the location is Unevaluated and evaluative testing is recommended if it cannot be avoided.**
 - Nearly all former farmsteads have intact features, whether it is be a privy, well, or foundations. The plowzone may truncate the tops of near surface features, but often there are intact portions of the features below the plowzone. Per Question 4 "Is there potential for intact buried deposits?" In my experience, I would say yes, but per the guidance in the manual, the potential would be unknown as there has been no previous subsurface testing. Would it be the preference of the ND SHPO if I remove the statement about **"it is possible that intact features may be present on site,"** since we have not conducted any subsurface testing? I can rephrase to the current status is unknown at this time.
 - Even with the potential for intact deposits, is avoidance warranted at for former

farmstead of this age? What additional information would subsurface testing provide for this site that we do not already know?

Thank you for your time considering these questions. I would also note that the cover letter references Metcalf, and not Tetra Tech.

Thanks,
Adam

Adam C. Holven | Senior Archaeologist/Project Manager
Direct: 612.643.2237 | Main: 612.643.2200 | Fax: 612.643.2201
adam.holven@tetrattech.com

Tetra Tech

2001 Killebrew Drive, Suite 141 | Bloomington, Minnesota 55425 | www.tetrattech.com

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From: [Meidinger, Lorna B.](#)
To: [Holven, Adam](#)
Subject: 24-9003 Flickertail Report 1
Date: Friday, November 15, 2024 10:21:32 AM
Attachments: [24-9003 Revise Report1.pdf](#)

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Adam,

Attached are our comments regarding SHSND# 24-9003 for Flickertail Solar.

Respectfully,

Lorna Meidinger
Lead Historic Preservationist
State Historical Society of North Dakota
612 E Boulevard Ave
Bismarck, ND 58505
701.328.2089



November 15, 2024

Adam Holven
Tetra Tech, Inc.
2001 Killebrew Dr, Ste 141
Bloomington, MN 55425

SHSND Ref.: 24-9003 Flickertail Solar in portions of [T134N R49W Sections 3, 5, 8-12, 14-16, and 22] in Richland County, North Dakota

Dear Adam,

We reviewed the report for SHSND Ref: 24-9003, titled "Flickertail Solar Project, Richland County, North Dakota, Class III Cultural Resource Inventory for Archaeology and Architectural History" and find this SWCA Environmental Consultants report by Adam Holven, Abbie Kavouras, and Julia Mates needs revisions. Please address the comments below and resubmit the report.

- Ground Visibility/Snow: Photograph 4 appears to have snow cover. Please discuss the levels of snow cover and how that may have impacted survey per guidelines (2020, 17-18).
- Please include information pertaining to the historic farmsteads located within the project and the survey strategy to attempt to identify if any of the farmstead remnants remain.
- Section 9 Farmstead. Based on the information within the report there is a high potential for buried materials associated with the farmstead. Please document the location on a site form and review for surface finding and potential subsurface.
- Near the Section 9 farmstead is an irrigation canal/ditch. Please confirm the age of the ditch and document accordingly.
- 32RIx61: The townsite may be visible on the 1904 map included in the report. The site area appears to extend to west beyond the currently drawn boundary. Is there potential for buried materials in that area?
- 32RI931: Based on the information provided in the report noting "it is possible that intact features may be present on site," the presence of a known historic farmstead, and

25-9005

Page 2 of 2
Peterson to Holven
November 15, 2024

- a review of Historical Archaeology checklist in NDSHPO 2020 guidelines (24-26), specifically Question 4 regarding potential for intact buried deposits, the location is Unevaluated and evaluative testing is recommended if it cannot be avoided.
- ND SHPO marked the 1991 bridge records 32RI756 and 32RI757 as eligible under a thematic listing, not as being not eligible. It has been 34 years since this evaluation so that is not considered current. Likewise, the evaluation for bridge 32RI851 SHPO was done 18 years ago and is not considered current. Due to the time span and the significant change in bridge inventory in the state since those records were made, these resources should be treated as unevaluated unless a site visit and current evaluation is made. Revise this information in all places in the report.
- The header for "NRHP Status" in Table 3 is misleading as most of the resources only had recommendations. Revising it to match the header in Table 4 would be acceptable.

On a side note, we see you used the 1957-1962 aerial layer from the NDHUB. You can get the actual dates of the aerials if you review the same imagery at <https://aerial.dwr.nd.gov/> where it is not combined into one layer and more imagery is also available. This is not a required change but is often helpful for research.

As you are aware from our previous discussions, the project area as defined by the project proponent is not the full Area of Potential Effects (APE) that must be considered. We look forward to reading the revised report for the area covered within the current report as well as the second report for the rest of the APE.

Thank you for the opportunity to review this report. If you have any questions, please contact Lorna Meidinger, Lead Historic Preservation Specialist, at (701) 328-2089 or lbmeidinger@nd.gov.

Sincerely,



for William D. Peterson, PhD
Director, State Historical Society of North Dakota

From: [Meidinger, Lorna B.](#)
To: [Holven, Adam](#)
Cc: [Robinson, Andrew J.](#); [Clark, Andrew](#)
Subject: RE: 24-9003 Flickertail Solar
Date: Wednesday, October 23, 2024 3:48:05 PM

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Adam,

We received the files and document. I will enter this into our queue for review.

Respectfully,

Lorna Meidinger
Lead Historic Preservationist
State Historical Society of North Dakota
612 E Boulevard Ave
Bismarck, ND 58505
701.328.2089

From: Holven, Adam <adam.holven@tetrattech.com>
Sent: Wednesday, October 23, 2024 11:17 AM
To: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Cc: Robinson, Andrew J. <andrewrobinson@nd.gov>; Clark, Andrew <andrewclark@nd.gov>
Subject: RE: 24-9003 Flickertail Solar

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Hi Lorna,



The revised Class III should be arriving at the SHSND today and the pdf has been uploaded to the ftp site. As noted in the cover letter and the report, a sperate report outlining the standing structures within 0.5 mile of the proposed arrays will be submitted separately.

Thanks,
Adam

[Adam C. Holven](#) | Senior Archaeologist/Project Manager
Direct: 612.643.2237 | Main: 612.643.2200 | Fax: 612.643.2201
adam.holven@tetrattech.com

EXHIBIT 5

From: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Sent: Friday, October 18, 2024 8:53 AM
To: Holven, Adam <adam.holven@tetrattech.com>
Cc: Robinson, Andrew J. <andrewrobinson@nd.gov>; Clark, Andrew <andrewclark@nd.gov>
Subject: RE: 24-9003 Flickertail Solar

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Hi Adam,

We considered the topography of the project area, the massing of the panels, and previous research and experience by our staff for determining the APE. The height you give below is actually new information for us and taller than what we used when we ran a rough view analysis. We feel the 0.5 mile is appropriate.

Respectfully,

Lorna Meidinger
Lead Historic Preservationist
State Historical Society of North Dakota
612 E Boulevard Ave
Bismarck, ND 58505
701.328.2089

From: Holven, Adam <adam.holven@tetrattech.com>
Sent: Thursday, October 17, 2024 3:15 PM
To: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Cc: Robinson, Andrew J. <andrewrobinson@nd.gov>; Clark, Andrew <andrewclark@nd.gov>
Subject: RE: 24-9003 Flickertail Solar

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Hi Lorna,

Thanks for the insight from your office. Based on the overall height of the panels at maximum tilt (17 feet above the ground surface), would your office be open to a 0.25-mile review area from the panels? We have seen this distance used by the Illinois SHPO for review of solar project. I have seen the 0.5-mile review area used more for cell towers that are 200 feet or less. The Project has also signed good neighbor agreements with landowners living within a 0.25 mile of the Project, so that may be an easier avenue to request permission to access properties for photo-documenting structures.

I agree that separate reports would be the best approach. Do you have any issues with leaving the granary located within the Project Area in the Class III Inventory for Archaeology. My current title "Class III Cultural Resource Inventory for Archaeology and Architectural History" was intended to note that we did assess the granary located within the Project Area. We can note in the introduction that architectural resources outside the Project Area are covered in the Class III Cultural Resource Inventory for Architectural History.

Thanks,
Adam

Adam C. Holven | Senior Archaeologist/Project Manager
Direct: 612.643.2237 | Main: 612.643.2200 | Fax: 612.643.2201
adam.holven@tetrattech.com

Tetra Tech

2001 Killebrew Drive, Suite 141 | Bloomington, Minnesota 55425 | www.tetrattech.com

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From: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Sent: Thursday, October 17, 2024 11:12 AM
To: Holven, Adam <adam.holven@tetrattech.com>
Cc: Robinson, Andrew J. <andrewrobinson@nd.gov>; Clark, Andrew <andrewclark@nd.gov>
Subject: RE: 24-9003 Flickertail Solar

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Good morning Adam,

After discussion in our office, we believe the APE for the solar panels themselves is 0.5 miles. You do not need to do additional survey for archaeological resources within that zone, but you do need to do architectural survey. For Cultural Heritage sites, those would have been revealed during your file search and discussion on each site should be in your report. We recognize you may not have landowner permission for each architectural site but we do expect the survey to be done at the Class III level. If access is denied, those site records will be entered as site leads. They should still have the forms filled out as best as possible, with the best photographs you can get of each visible feature, and the normal background research conducted.

You can and probably should do the architecture and archaeology reports separately. It does need to be clear with your report titles and introduction that these are separate but related reports.

Respectfully,

Lorna Meidinger
Lead Historic Preservationist
State Historical Society of North Dakota
612 E Boulevard Ave
Bismarck, ND 58505
701.328.2089

From: Holven, Adam <adam.holven@tetrattech.com>
Sent: Monday, October 14, 2024 3:06 PM
To: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Subject: RE: 24-9003 Flickertail Solar

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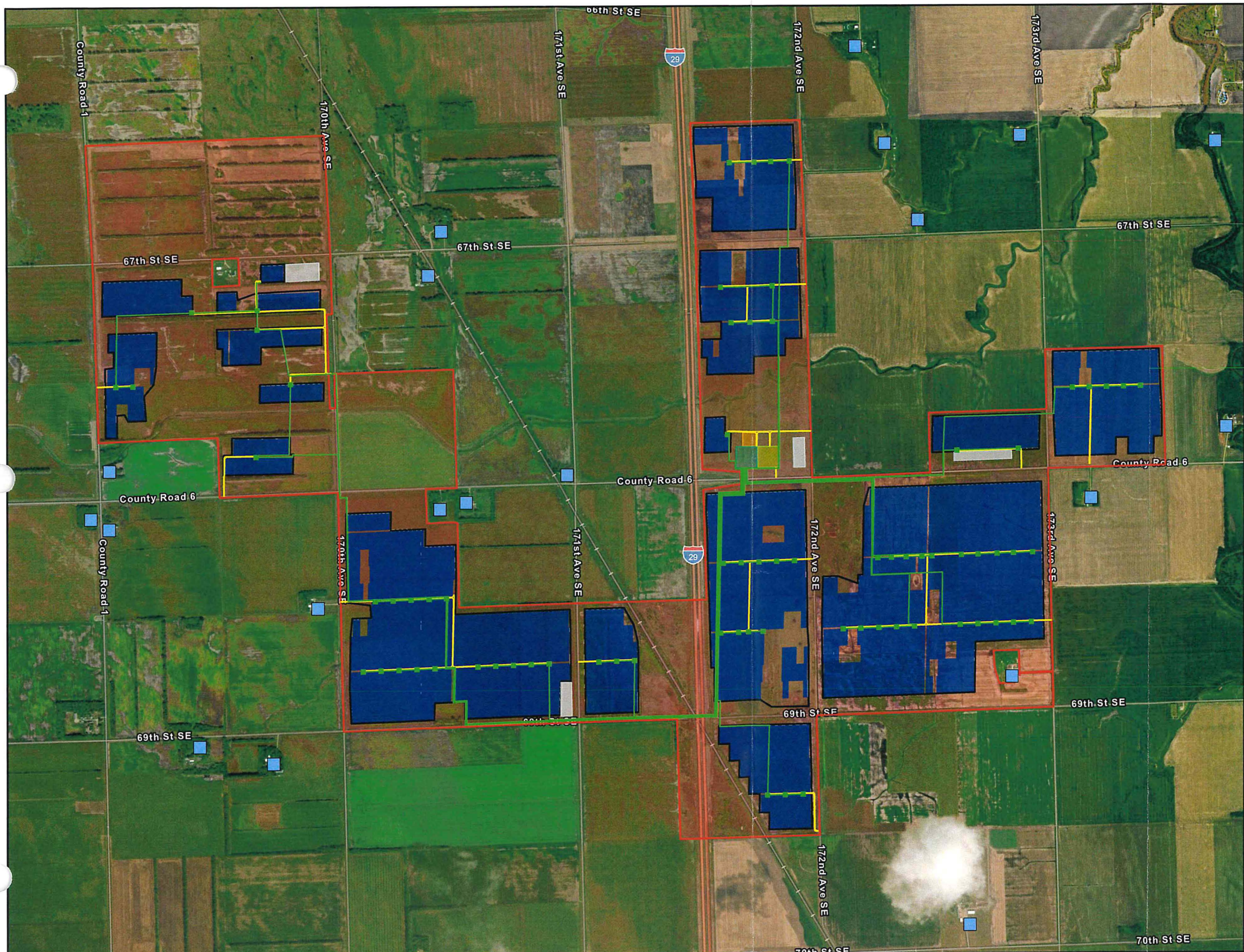
Thanks for the update.

One thing to note is that the Project Area is not the extent of the above-ground Project facilities. The attached map was submitted to the PSC as part of the application and shows the extent of the proposed panels, fences, O&M facility, and substations. Per Abercrombie Township setbacks (Fig 4), all solar facilities need to be at least 150 feet from the road centerlines and at least 500 foot from residences.

Thanks,
Adam

Adam C. Holven | Senior Archaeologist/Project Manager
Direct: 612.643.2237 | Main: 612.643.2200 | Fax: 612.643.2201
adam.holven@tetrattech.com

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2001 Killebrew Drive, Suite 141 | Bloomington, Minnesota 55425 | www.tetrattech.com
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- Occupied Residence
- Project Area and Project Facilities**
- Project Area
- PV Panels
- Fence
- Access Road
- Electrical Collection Cable
- Inverter
- Collector Substation
- Operations and Maintenance Facility
- Temporary Laydown Area
- Planned Minnkota Power Cooperative Facilities**
- Point of Interconnect Switching Station

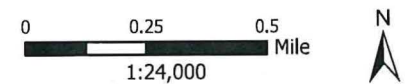
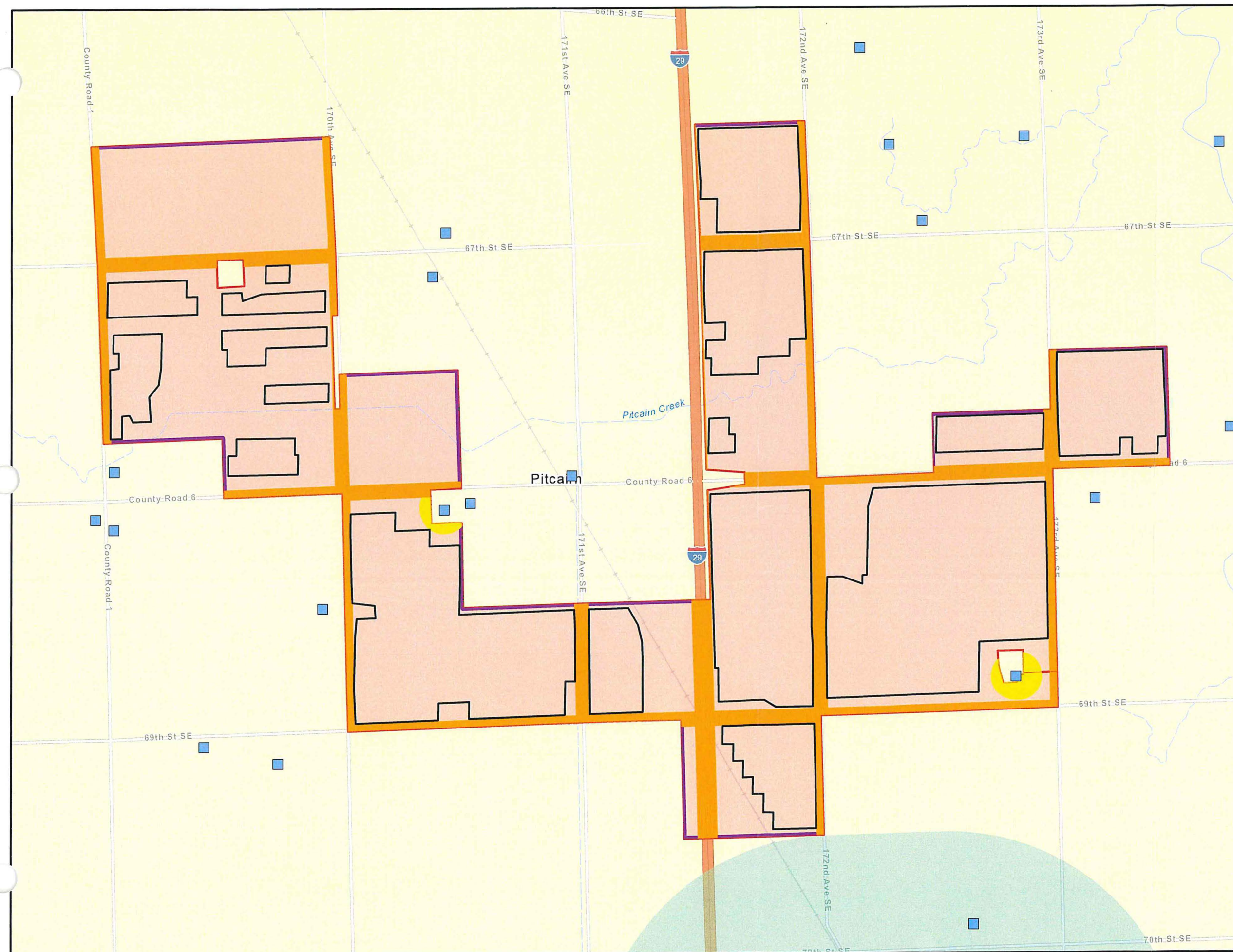


Figure 2
Project Facilities

Flickertail Solar Project
Richland County, North Dakota

FLICKERTAIL
SOLAR PROJECT



- Project Area
- Proposed Project Fence
- Occupied Residence
- Setbacks**
- Roads (150 feet from road centerline)
- Occupied Residence (500 feet from occupied residence)
- Rear and Side Yard (50 feet from lot line)
- Village of Galchutt (1 mile from the southwest quarter of section 26)

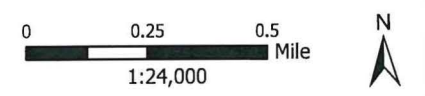


Figure 4
Project Setbacks

Flickertail Solar Project
Richland County, North Dakota

FLICKERTAIL
SOLAR PROJECT

From: [Meidinger, Lorna B.](#)
To: [Holven, Adam](#)
Subject: RE: 24-9003 Flickertail Solar
Date: Monday, October 14, 2024 2:47:23 PM

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WE had a discussion this morning and are going to run a view things in GIS. I will let you know once those are complete.

Lorna

From: Holven, Adam <adam.holven@tetrattech.com>
Sent: Monday, October 14, 2024 2:43 PM
To: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Subject: RE: 24-9003 Flickertail Solar

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Hi Lorna,

The 32Rix61 site update has been submitted electronically and a hard copy is on the way. I coordinated with Brittany on some questions I had on the update.

Are there any updates on the additional review of architectural resources outside the Project Area?

Thanks,
Adam

Adam C. Holven | Senior Archaeologist/Project Manager
Direct: 612.643.2237 | Main: 612.643.2200 | Fax: 612.643.2201
adam.holven@tetrattech.com

Tetra Tech

2001 Killebrew Drive, Suite 141 | Bloomington, Minnesota 55425 | www.tetrattech.com

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From: Holven, Adam <adam.holven@tetrattech.com>
Sent: Friday, October 11, 2024 2:35 PM
To: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Subject: RE: 24-9003 Flickertail Solar

Thanks, I will submit that site form update.

Adam



Adam C. Holven | Senior Archaeologist/Project Manager
Direct: 612.643.2237 | Main: 612.643.2200 | Fax: 612.643.2201
adam.holven@tetrattech.com

Tetra Tech

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From: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Sent: Friday, October 11, 2024 2:14 PM
To: Holven, Adam <adam.holven@tetrattech.com>
Subject: RE: 24-9003 Flickertail Solar

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I did find that 32Rlx61 is within the area marked as surveyed but we did not receive an updated site form.

Respectfully,

Lorna Meidinger
Lead Historic Preservationist
State Historical Society of North Dakota
612 E Boulevard Ave
Bismarck, ND 58505
701.328.2089

From: Holven, Adam <adam.holven@tetrattech.com>
Sent: Friday, October 11, 2024 10:34 AM
To: Meidinger, Lorna B. <lbmeidinger@nd.gov>
Subject: RE: 24-9003 Flickertail Solar

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Hi Lorna,

Attached is the email from Erica regarding the site forms.

Per our discussion, we will make the edits to the report per your letter and then wait for guidance from you on what is needed in terms of additional review of architectural resources outside the Project Area.

Thanks,
Adam

Adam C. Holven | Senior Archaeologist/Project Manager
Direct: 612.643.2237 | Main: 612.643.2200 | Fax: 612.643.2201
adam.holven@tetrattech.com

Tetra Tech

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From: [Scherr, Erica](#)
To: [Holven, Adam](#)
Subject: NDCRS: Flickertail Solar project
Date: Wednesday, August 21, 2024 11:07:13 AM
Attachments: [tetrattech08212024.pdf](#)

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Good morning,

Attached is the review letter for NDCRS forms submitted recently.

Thank you,
Erica

Erica Scherr
Historic Preservation Specialist
Archaeology & Historic Preservation
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505
701-328-2539 | escherr@nd.gov



August 21, 2024

Adam Holven
Project Manager
Tetra Tech, Inc.
2001 Killebrew Dr, St. 141
Bloomington, MN 55425

RE: Flickertail Solar project

Mr. Holven,

We have processed the request for NDCRS numbers. The field codes and assigned numbers are:

Field Code	Number
FT01	32RI930
FT02	32RIX408
FT03	32RIX409
FT04	32RI931
FT05	32RIX410
FT06	32RIX411

One comment was noted during the review of these forms.

FT04

- Line 2 of Legals: Sec. 10.

We have taken the liberty of making the change. There is no need to resubmit the form unless you wish to do so.

Sincerely,

Erica Scherr
Historic Preservation Specialist

From: [Meidinger, Lorna B.](#)
To: [Holven, Adam](#)
Subject: 24-9003 Flickertail Solar
Date: Friday, October 11, 2024 10:05:42 AM
Attachments: [24-9003 ReportIssues 20241011.pdf](#)

You don't often get email from lbmeidinger@nd.gov. [Learn why this is important](#)

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Adam,

Please see the attached letter regarding the report for SHSND# 24-9003 Flickertail Solar.

Respectfully,

Lorna Meidinger
Lead Historic Preservationist
State Historical Society of North Dakota
612 E Boulevard Ave
Bismarck, ND 58505
701.328.2089



October 11, 2024

Adam Holven
Tetra Tech, Inc.
2001 Killebrew Dr, Ste 141
Bloomington, MN 55425

SHSND Ref.: 24-9003 Flickertail Solar in portions of [T134N R49W Sections 3, 5, 8-12, 14-16, and 22] in Richland County, North Dakota

Dear Adam,

We started reviewing the report for SHSND Ref: 24-9003, titled "Flickertail Solar Project, Richland County, North Dakota, Class III Cultural Resource Inventory for Archaeology and Architectural History" by Adam Holven, Abbie Kavouras, and Julia Mates but stopped the review after recognizing several major issues. Please address the comments below and resubmit the revised report.

- It is inappropriate to cut out all of the architecture as it is in the area of potential effects and there are numerous built resources that need to be part of the survey.
- Consultants do not make determinations of eligibility, please revise all language throughout the report to reflect these are only recommendations.
- Although the report claims site form updates were completed and sent to us, we have never received them. These are required to be accepted before we will review the next version of your report.
- 12PI0061 does not exist in North Dakota.
- Our review was stopped after noting these issues from the first couple pages. Please ensure your report follows our guidelines <https://www.history.nd.gov/hp/hpforms.html> before resubmitting.

Thank you for the opportunity to review this report. If you have any questions, please contact Lorna Meidinger, Lead Historic Preservation Specialist, at (701) 328-2089 or lbmeidinger@nd.gov.

Sincerely,


for William D. Peterson, PhD
Director, State Historical Society of North Dakota

24-9003

Richland County

From: [Lambrecht, Brett D.](#)
To: [Holven, Adam](#)
Cc: [Christina Martens](#); [Perry Miller](#); [Nathan Berseeth](#); [Tim Campbell](#)
Subject: RE: Flickertail Solar Project - Additional Follow-Up
Date: Friday, January 24, 2025 11:04:18 AM

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Adam, Each Richland County Township has jurisdiction over their Flood Plain Management under FEMA.

I would ask you to reach out to the Township of Abercrombie Township Chair: John Flaa 701-640-6322

If you run into questions or road blocks , Just get back to me and I can help problem solve working with the Township.

Thanks,
Brett Lambrecht
Emergency Management -Director
U.S. Dept. Homeland Security
Flood Plain Administrator
Richland County
418 2nd Avenue North
Wahpeton, ND 58075
701-642-7788
701-642-7776 (fax)
blambrecht@co.richland.nd.us

From: Holven, Adam <adam.holven@tetrattech.com>
Sent: Thursday, January 23, 2025 2:15 PM
To: Lambrecht, Brett D. <blambrecht@co.richland.nd.us>
Cc: Christina Martens <cmartens@savionenergy.com>
Subject: RE: Flickertail Solar Project - Additional Follow-Up

Good afternoon, Brett

I wanted to follow-up and see if you had a chance to review the information sent over last November regarding the Flickertail Solar Project. We would like to understand if your agency has concerns with the proposed impacts to 100-year floodplains outlined below.

Thanks for your time,

Adam

Adam C. Holven | Senior Archaeologist/Project Manager
Direct: 612.643.2237 | Main: 612.643.2200 | Fax: 612.643.2201
adam.holven@tetrattech.com

Tetra Tech

2001 Killebrew Drive, Suite 141 | Bloomington, Minnesota 55425 | www.tetrattech.com

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From: Holven, Adam
Sent: Monday, November 25, 2024 1:14 PM
To: blambrecht@co.richland.nd.us
Cc: Christina Martens <cmartens@savionenergy.com>
Subject: Flickertail Solar Project - Additional Follow-Up

Hello Brett,

Per the January 25, 2024 letter sent to your office, Flickertail Solar Project, LLC is proposing to develop the Flickertail Solar Project (the Project) south of Colfax in Abercrombie Township, Richland County. The Project has recently submitted an Application for a Certificate of Site Compatibility (Certificate) to the North Dakota Public Service Commission ([Case PU-24-351](#)). Based on the proposed site plans submitted with the Certificate, limited impacts to the Federal Emergency Management Agency (FEMA) Zone A flood hazard area along Pitcairn Creek are proposed (see attached map).

These impacts include:

- Approximately 6,539 linear feet of electrical collection cable totaling 5.7 acres of temporary impacts will be trenched or horizontal directional drilled/bored in the 100-year floodplain. No permanent change to surface topography is expected.
- Two access roads totaling approximately 505 linear feet and 0.23 acre of permanent impacts are proposed to be placed within the 100-year floodplain. The southernmost access road has no alternative but to cross the 100-year floodplain because the floodplain extends between the adjacent public roads and the array on the participating parcel. The northernmost access road utilized an existing agricultural driveway to avoid impacts to a stream, which necessitates crossing the 100-year floodplain. The access road will have a gravel base and be constructed at grade; therefore, no increase to the base flood elevation in the area is anticipated.

Based on these descriptions, we would like to understand what information you would need to formally review these impacts. If you any concerns with these proposed impacts, we would also like to discuss those concerns with you.

Thanks,
Adam

Adam C. Holven | Senior Archaeologist/Project Manager
Direct: 612.643.2237 | Main: 612.643.2200 | Fax: 612.643.2201
adam.holven@tetrattech.com

Tetra Tech

2001 Killebrew Drive, Suite 141 | Bloomington, Minnesota 55425 | www.tetrattech.com

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Abercrombie Township



Re: Flickertail Solar Project - Floodplain

From Martens, Christina SAVI-DRN/X <cmartens@savionenergy.com>

Date Wed 3/5/2025 12:28 PM

To Steven Fixen (ssfixen1@rrt.net) <Abertownship@outlook.com>; John Flaa <John.flaa@proseed.net>

Cc Schuler, Nick SAVI-DRN/X <nshuler@savionenergy.com>

John & Steven,

Hope that you are both doing well and I look forward to hopefully seeing you at the upcoming Flickertail Hearing.

I just wanted to follow up on this email and confirm that the below floodplain impacts for the construction of the Flickertail Solar Project do not require any additional permits from the Township as they are not increasing the base flood plain elevation.

Christina Martens | Director of Permitting & Environmental
M: [816.266.6384](tel:816.266.6384) | Savion, LLC



From: Martens, Christina SAVI-DRN/X

Sent: Wednesday, February 5, 2025 11:05 AM

To: Steven Fixen (ssfixen1@rrt.net) <Abertownship@outlook.com>; John Flaa <John.flaa@proseed.net>

Cc: Schuler, Nick SAVI-DRN/X <nshuler@savionenergy.com>

Subject: Flickertail Solar Project - Floodplain

Hello John & Steven,

As you know Flickertail Solar Project, LLC is still proposing to develop the Flickertail Solar Project (the Project) in Abercrombie Township, Richland County. The Project has recently submitted an Application for a Certificate of Site Compatibility (Certificate) to the North Dakota Public Service Commission ([Case PU-24-351](#)). Based on the proposed site plans submitted with the Certificate, limited impacts to the Federal Emergency Management Agency (FEMA) Zone A flood hazard area along Pitcairn Creek are proposed (see attached map).

These impacts include:

- Approximately 6,539 linear feet of electrical collection cable totaling 5.7 acres of temporary impacts will be trenched or horizontal directional drilled/bored in the 100-year floodplain. No permanent change to surface topography is expected.

EXHIBIT 5

- Two access roads totaling approximately 505 linear feet and 0.23 acre of permanent impacts are proposed to be placed within the 100-year floodplain. The southernmost access road has no alternative but to cross the 100-year floodplain because the floodplain extends between the adjacent public roads and the array on the participating parcel. The northernmost access road utilized an existing agricultural driveway to avoid impacts to a stream, which necessitates crossing the 100-year floodplain. The access roads will have a gravel base and be constructed at grade; therefore, no increase to the base flood elevation in the area is anticipated.

The above information was previously provided to Brett Lambrecht, the Richland County Floodplain Director and Emergency Management Director. He indicated that each Richland County Township has jurisdiction over their own Floodplain Management under FEMA. He suggested that we reach out to John as the Abercrombie Township chair. I have included both of you as I thought it may be more of a zoning issue handled by Steven.

Based on the information provided we would like to understand what you may need to formally review these impacts, and if there is a formal process or additional information required for your review.

If you any questions or concerns please reach out, we would be happy to discuss these potential temporary impacts with you.

Christina Martens | Director of Permitting & Environmental
M: [816.266.6384](tel:816.266.6384) | Savion, LLC



Southern Valley Snowmobile Trail

From: [Jay](#)
To: [Holven, Adam](#)
Cc: [Christina Martens](#)
Subject: Re: Flickertail Solar Project - Request for Comment on Southern Valley Snowmobile Trail
Date: Monday, November 25, 2024 4:50:09 PM

CAUTION: This email originated from an external sender. Verify the source before opening links or attachments.

Adam, I did run this past our trail coordinator Dave Ward. He doesn't see another approach being an issue with us.

Sent from my iPhone

On Nov 25, 2024, at 1:54 PM, Holven, Adam <adam.holven@tetratech.com> wrote:

Hello,

Flickertail Solar Project, LLC is proposing to develop the Flickertail Solar Project (the Project) south of Colfax in Abercrombie Township, Richland County. The Project has recently submitted an Application for a Certificate of Site Compatibility (Certificate) to the North Dakota Public Service Commission ([Case PU-24-351](#)). During this process, a segment of the Southern Valley Snowmobile Trail was identified on the west side of the proposed Project Area along the County Road 1 (169th Avenue Southeast) right-of-way (see attached Figure). Per agreement with Abercrombie Township, aboveground Project components, including fencing and solar panels, will be set back at least 150 feet from the centerline of county and state highways.

One driveway access is proposed to cross the Southern Valley Snowmobile Trail between 67th Street Southeast and 68th Street Southeast (see attached Figure). This driveway access will be similar to existing agricultural driveways located along the trail. We would like to understand if your club has concerns with the proposed driveway.

Thanks,
Adam

[Adam C. Holven](#) | Senior Archaeologist/Project Manager
Direct: 612.643.2237 | Main: 612.643.2200 | Fax: 612.643.2201
adam.holven@tetratech.com

Tetra Tech

EXHIBIT 5

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March 14, 2025

Public Service Commission
600 E. Boulevard Ave., Dept 408
Bismarck, ND 58505-0480

SHSND Ref.: 24-9003 Flickertail Solar, PU-24-351 in portions of [T134N R49W Sections 3, 5, 8-12, 14-16, and 22] in Richland County, North Dakota

Dear Sir or Madam,

We recently received one of two expected reports regarding the cultural resources within the area of potential effect for the Flickertail Solar project, PU-24-351. We will not be able to fully review this first report prior to the hearing scheduled for March 24th. We recommend no decision be made until both reports have been completed and effects on cultural resources can be considered.

Please include the SHSND Reference number listed above in further correspondence for this specific project. If you have any questions please contact Lorna Meidinger, Lead Historic Preservation Specialist at (701) 328-2089 or lbmeidinger@nd.gov.

Sincerely,

for William D. Peterson, PhD
Director, State Historical Society of North Dakota

18 PU-24-351 Filed 03/17/2025 Pages: 1
Agency Correspondence

State Historical Society of North Dakota (SHS)
William Peterson, Director

24-9003



March 14, 2025

Public Service Commission
600 E. Boulevard Ave., Dept 408
Bismarck, ND 58505-0480

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Sincerely,

for William D. Peterson, PhD
Director, State Historical Society of North Dakota

18 PU-24-351 Filed 03/17/2025 Pages: 1
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State Historical Society of North Dakota (SHS)
William Peterson, Director

24-9003