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September 11, 2026

Mr. Brian Johnson
Director of Administration/Executive Secretary
North Dakota Public Service Commission
State Capitol
600 East Boulevard, Dept. 408
Bismarck, ND 58505-0408

**RE: In the Matter of Flickertail Solar Project, LLC's Application for a
Certificate of Site Compatibility for the Flickertail Solar Project in
Richland County, North Dakota
Case No. PU-24-351
Compliance Filing**

Dear Mr. Johnson:

Otter Tail Power Company (Otter Tail Power) hereby submits to the North Dakota Public Service Commission (Commission) its Compliance Filing in the above-referenced matter.

The enclosed Tree and Shrub Mitigation Plan has been prepared in accordance with the Certificate for Site Compatibility Order #5 incorporating the March 5, 2025 Certificate Relating to Order Provisions – Energy Conversation Facility Siting which includes tree and shrub mitigation specifications requiring inventory, minimization, and mitigation of tree and shrub impacts associated with project construction.

The Plan contains both the preconstruction tree and shrub survey results and the proposed mitigation measures and is hereby submitted for your review and approval.

Please contact me at (218) 739-8349 or pvukonich@otpc.com if you have any questions regarding this filing.

Sincerely,

/s/ PAUL VUKONICH
Paul Vukonich
Manager Environmental Compliance

pdo
Enclosures
By electronic filing and U.S. mail

53 PU-24-351 Filed 09/11/2026 Pages: 83
Tree and Shrub Mitigation Plan

Flickertail Solar Project, LLC
Paul Vukonich, Mgr. Envir. Compliance

Abercrombie Solar

Tree and Shrub Mitigation Plan



September 2026

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- Appendix A – Results of preconstruction tree and shrub inventory
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- Appendix C – Landowner waivers
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1. EXECUTIVE SUMMARY

The Abercrombie Solar Tree Mitigation Plan was developed to satisfy the North Dakota Public Service Commission (PSC) Tree and Shrub Mitigation Specifications associated with the Abercrombie Solar Project (formerly Flickertail Solar) in Richland County, North Dakota. The plan documents preconstruction tree and shrub inventories, anticipated vegetation clearing, stakeholder consultation, mitigation calculations, and proposed replacement and conservation measures.

A preconstruction inventory conducted by Tetra Tech identified **14,773 trees and shrubs** within potential construction impact areas. Approximately **55% were invasive species, 39% were native species, and 6% were standing dead vegetation**. The project calculated a mitigation obligation equivalent to **19,555 replacement trees and shrubs**, consisting of a 2:1 replacement ratio for native vegetation and a 1:1 replacement ratio for invasive vegetation. The estimated replacement value totals approximately **\$349,113**.

Consultation with the North Dakota Game and Fish Department, Richland County Soil Conservation District, and the USDA Forest Service Dakota Prairie Grasslands - Sheyenne Ranger District informed the project's mitigation strategy. These agencies recommended focusing mitigation efforts on long-term ecological benefits, replacing native vegetation at a higher rate than invasive species, and emphasizing habitat improvements and sustainable conservation outcomes.

Otter Tail proposes a suite of alternative mitigation projects consistent with PSC provisions allowing habitat and conservation benefits in lieu of direct replanting. The proposed mitigation package totals approximately **\$349,200** and includes seven projects designed to provide long-term community, habitat, and conservation benefits.

Implementation is proposed between Fall 2026 and Spring 2028, with support from local partners including the Richland County Soil Conservation District, local governments, conservation organizations, neighboring landowners, and state agencies. A follow-up report will be provided to the PSC two years after implementation to document project outcomes and demonstrate how the mitigation measures achieved the plan's conservation objectives.

2. INTRODUCTION

On June 18, 2025 the North Dakota Public Service Commission (PSC) issued a Certificate of Site Compatibility (No. 70) for the Flickertail Solar Project, now known as Abercrombie Solar, located in Abercrombie Township, Richland County, North Dakota. The Certificate of Site Compatibility Order #5 incorporates by reference the March 5, 2025 Certificate Relating to Order Provisions - Energy Conversation Facility Siting which includes Tree and Shrub Mitigation Specifications requiring inventory, minimization, and mitigation of tree and shrub impacts associated with project construction. These Tree and Shrub Mitigation Specifications are presented below:

Inventory

Prior to cutting or clearing trees or shrubs for construction:

- *All trees one-inch or greater in diameter at breast height must be inventoried to record the location, number, and species.*
- *All shrubs and all coniferous trees of any diameter must be inventoried to record the location, number, and species.*

Clearing

The maximum width of tree and shrub removal is 50 feet, unless otherwise approved by the Commission.

Replacement

1. *Landowners must be given the option to have trees and shrubs that are removed from their property replaced on their property. The landowner may waive this option in writing. If the landowner waives this option, the company shall plant replacement trees and shrubs in an alternate location in the same region, if practical.*
2. *Trees and shrubs must be replaced on a minimum two-to-one basis. The company shall develop a Tree and Shrub Mitigation Plan (Plan) in consultation with landowners who are seeking replacement trees and shrubs and in accordance with USDA-NRCS-North Dakota Field Office Technical Guide: Windbreak and Woodland Tree Care and Management. The guidelines outlined in the Technical Guide shall be followed until filing of the Plan summary outlined in number 5 below.*
3. *The purpose of the company's Tree and Shrub Mitigation Plan is to create sustainable plantings, appropriate for the local soil and growing conditions that will provide long-term benefit to landowners, farmers and ranchers, the community, wildlife and the environment.*
4. *The Plan, including the proposed number, variety, type, location, and approximate date for plantings, shall be filed with and approved by the Commission.*

5. *Two years after completion of the plan, the company must file a summary documenting how the plan achieved the purpose outlined in number 3 above. The summary must also report the number of surviving replacement trees and shrubs.*
6. *The Commission will consider, on a limited basis as conditions warrant, mitigation plans that provide long-term wildlife habitat and conservation benefits but do not involve the replanting of trees and shrubs.*

The purpose of this Tree and Shrub Mitigation Plan (Plan) is to summarize the results of the preconstruction inventory, describe anticipated tree and shrub clearing associated with Project construction, and outline compliance with the PSC's replacement requirements, including mitigation strategies, replacement commitments and long-term objectives.

3. TREE AND SHRUB INVENTORY

3.1 Survey Methods

To comply with the inventory requirement of the Tree and Shrub Mitigation Specifications, the Abercrombie Solar Project retained Tetra Tech, Inc. to conduct a preconstruction tree and shrub inventory within areas where trees and shrubs may be removed for construction of the Project.

Tetra Tech reviewed the Project layout dated May 9, 2025, in combination with natural resource mapping completed in June 2024, to identify areas where Project facilities intersected wooded or shrubby habitats or were located within 25 feet of trees or shrubs. Eight potential tree and shrub removal areas (Removal Areas A through H) were identified within the approximately 3,144-acre Project Area.

Tree and shrub inventory surveys were conducted prior to leaf-off conditions. Surveys followed PSC requirements: all trees one inch or greater in diameter at breast height (DBH) were inventoried, and all shrubs and coniferous trees of any diameter were recorded. GPS points and polygons were used to document locations and densities. The inventory was completed between September 30 and October 10, 2025.

3.2 Survey Results

Inventory survey results are documented in the *Results of Preconstruction Tree and Shrub Inventory, Flickertail Solar Project* report dated December 17, 2025 and included in Appendix A. A summary of the inventory findings is presented below:

- A total of 14,773 trees and shrubs were inventoried.
- Dominant invasive species included Siberian elm, buckthorn (common & Dahurian), Russian olive, and Tatarian honeysuckle
- Dominant native species included chokecherry, American plum, green ash, and cottonwood
- Approximately 55 percent (8,117) of trees and shrubs were invasive species,
- Native species comprised approximately 39 percent (5,719) of trees and shrubs
- Approximately 6 percent (937) of trees and shrubs were standing dead.
- Removal Areas A through D were dominated by Siberian elm and other invasive species.
- Removal Areas E, F, and G were primarily native vegetation,
- Removal Area H consisted of scattered trees and shrubs in grassland and pasture.

4. TREE AND SHRUB CLEARING

The Project will minimize tree and shrub removal to the extent practicable and comply with PSC-approved clearing widths of 50 feet. The PSC has approved an exception of clearing areas up to 100 feet wide as depicted in Figure 1 to allow for continuous development in the parcels. Tree removal associated with the Project will be conducted in a planned, phased manner as part of overall site preparation activities. The objective of this work is to create a stable, open, and appropriately graded surface that allows for efficient solar array installation while minimizing environmental disturbance and maintaining regulatory compliance.

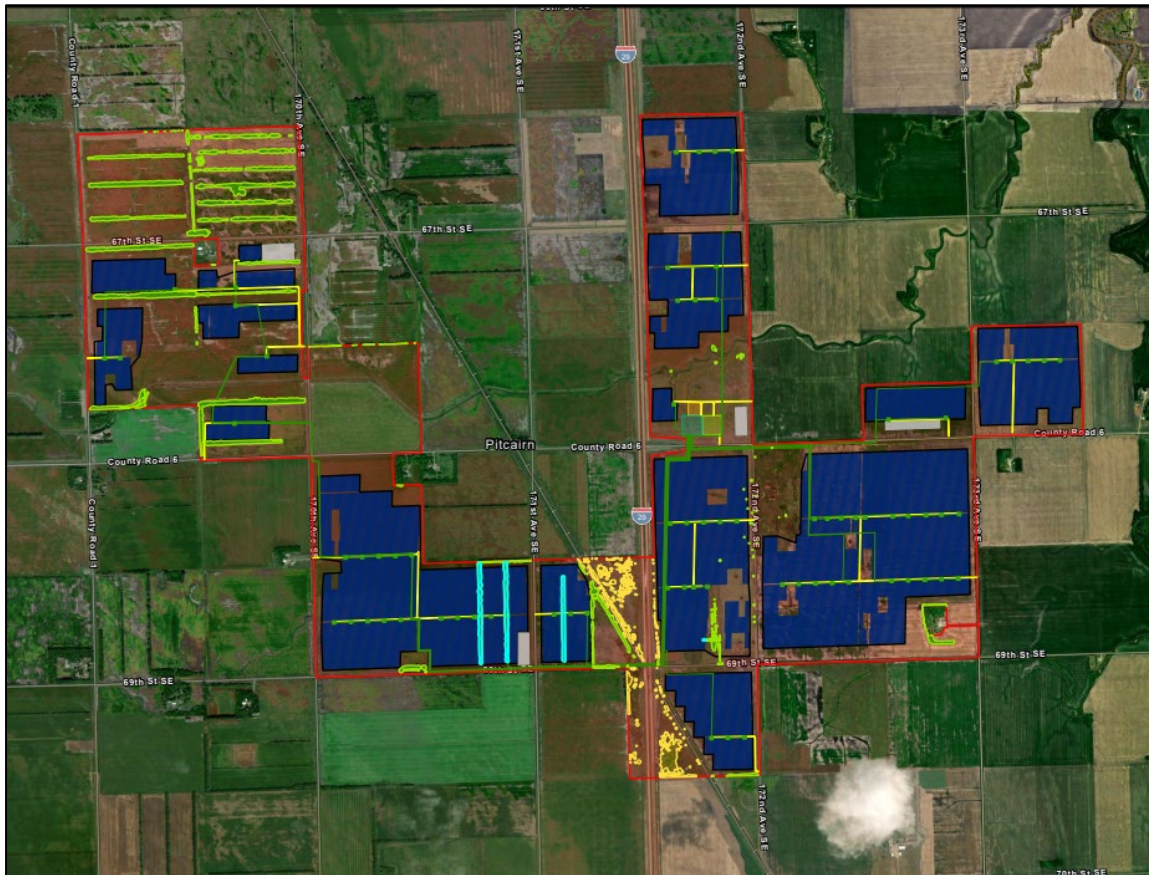


Figure 1 – Tree Clearing Areas Wider Than 50 Feet highlighted in light blue

Figure 2 through Figure 3D in Appendix A of the *Results of Preconstruction Tree and Shrub Inventory, Flickertail Solar Project* report depict the potential tree and shrub removal areas.

- Removal Areas A through D primarily consist of agricultural windbreaks.
- Removal Areas E and F consist of small property edge areas of primarily native vegetation.

- Removal Areas G and H have larger footprints but generally consist of scattered and dispersed trees and shrubs in a grassland/pasture environment.

Prior to any clearing activities, the Removal Areas will be staked to define the limits of disturbance. Sensitive features such as wetlands, drainageways, and designated buffer areas will be clearly delineated and avoided. Environmental permitting and compliance requirements, including erosion and sediment control measures, will be established before clearing begins.

Tree removal will proceed using a combination of mechanical and manual methods depending on site conditions. Vegetation, including trees, shrubs, and brush, will be cut at or near ground level using equipment such as forestry mulchers, excavators, and chainsaws. Trunks and larger woody material will be separated and either hauled off-site, stockpiled for reuse, or processed on-site through chipping or mulching. Smaller vegetation may be mulched in place to provide temporary ground cover and reduce erosion potential. Remaining stumps and root systems will be ground or removed as necessary to meet grading specifications and prevent regrowth, resulting in a uniform surface suitable for construction.

5. CONSULTATION

As part of mitigation planning, the Project team consulted with the North Dakota Game and Fish Department (NDGF) regarding tree and shrub replacement considerations. Based on this coordination, NDGF noted that replacement of standing dead trees and invasive species, such as Siberian elm, does not provide meaningful wildlife habitat benefits and, in some cases, may be inconsistent with broader habitat management objectives and the historical native landscape. Based on this input, the Project's mitigation strategy was developed to focus on actions that support long-term ecological health and local benefit. The approach emphasizes planting native or beneficial vegetation and creating habitat improvements that deliver clear, measurable conservation outcomes.

The Project team consulted with the Richland County Soil Conservation District (RCSCD) as part of mitigation planning regarding local site conditions and appropriate tree and shrub replacement strategies. The RCSCD recommended a two-to-one replacement ratio for native species and a one-to-one replacement ratio for invasive species.

RCSCD coordination also included discussion of suitable replacement species and stock sizes, whether invasive species and standing dead trees should be included in mitigation calculations, and identification of potential mitigation projects within the local area that would provide meaningful long-term conservation and community benefits. The RCSCD provided input on current tree and shrub pricing and availability to inform development of a mitigation approach that is both ecologically appropriate and cost-effective. This consultation helped ensure that the proposed mitigation measures align with local conservation priorities, practical implementation considerations, and long-term vegetation survivorship.

The USDA Forest Service Dakota Prairie Grasslands, Sheyenne Ranger District (the Forest Service) was consulted for guidance on potential mitigation projects and mitigation approaches. The Forest Service echoed the sentiment of the NDGF suggesting alternatives to traditional tree replacement such as native prairie restoration and removal of invasive trees and shrubs would be more appropriate for the ecoregion where the Project is located

Letters of support from the NDGF, RCSCD, and Forest Service are included in Appendix D.

6. MITIGATION CALCULATIONS & COST ESTIMATES

The total number of replacement trees and shrubs was calculated using the Tetra Tech preconstruction inventory report in Appendix A. Inventoried trees and shrubs were categorized as native, invasive, or standing dead and used as the basis for applying replacement ratios.

In coordination with the NDFG and the RCSCD, the Project team applied condition-specific replacement guidance to the inventory totals. Native trees and shrubs were assigned a two-to-one replacement ratio, invasive species a one-to-one ratio, and standing dead trees were not included in replacement calculations. These ratios reflect agency guidance prioritizing long-term ecological function and survivorship and were used to determine the overall replacement quantities presented in Table 1.

Table 1 – Tree & Shrub Replacement Calculations

Category	Replacement Ratio	Inventoried Quantity	Replacement Quantity
Native	2:1	5,719	11,438
Invasive	1:1	8,117	8,117
Dead	Not Replaced	937	0
Total		14,773	19,555

The detailed cost estimate for tree replacement can be found in Appendix B and includes planting stock, labor, and weed control fabric. Invasive species were reviewed for ecological niche with similar native species selected as replacements. Total replacement cost was calculated to be **\$349,113.24**.

7. PROPOSED MITIGATION MEASURES

Each of the three landowners where tree clearing will occur was contacted to offer a tree and shrub replacement option. All three landowners declined tree and shrub replacements. Written waivers are included in Appendix C. Given standard on-site tree and shrub replacement is not practicable or has been waived by landowners, Otter Tail proposes alternative mitigation measures consistent with replacement condition 6 of the Tree and Shrub Mitigation Specifications. Condition 6 states:

“The Commission will consider, on a limited basis as conditions warrant, mitigation plans that provide long-term wildlife habitat and conservation benefits but do not involve the replanting of trees and shrubs.”

Consistent with Condition 6 and in consideration of landowner preferences, Otter Tail proposes an alternative mitigation approach that provides continuing wildlife, community, and conservation value without direct tree and shrub replacement on project or project-adjacent land. Table 2 summarizes the proposed mitigation projects followed by a detailed discussion of each project.

Table 2 – Mitigation Project Summary

Project #	Project	Location	Project Partners	Estimated Cost
1	Community Orchard	Abercrombie Medicine Wheel	City of Abercrombie RCSCD	\$103,200
2	Windbreak Enhancements	City of Abercrombie	City of Abercrombie RCSCD	\$34,000
3	Windbreak Installation	Galchutt Legion Baseball Field	City of Galchutt RCSCD	\$3,000
4	Windbreak Installation	Project site along Hwy 172 – Kinneberg Property	Adjacent Landowner – Kinneberg RCSCD	\$4,000
5	Windbreak Installation	Flaa Property/Fort Abercrombie	Fort Abercrombie, Flaa Family, RCSCD	\$6,500
6	Tree Removal	APB Farms PLOTS Parcel	ND Game & Fish Dept	\$80,540
7	Tree Removal/Grassland Restoration	Sheyenne National Grasslands	U.S. Dept of Agriculture, Forest Service	\$83,040
Ongoing monitoring and tree replacements after year 1 (10% allocated)				\$34,920
	Total Costs			\$349,200

Mitigation projects were developed in consultation with local stakeholders including the City of Abercrombie, Galchutt American Legion, Fort Abercrombie State Historic Site, adjacent landowners, and the RCSCD to ensure consideration of community priorities and site-specific conditions. This collaborative approach helped inform project design and enhance local acceptance. The projects are also expected to deliver measurable environmental benefits, including improved habitat quality, reduced fugitive emissions or runoff, and enhanced long-term ecosystem resilience.

Otter Tail proposed to implement the mitigation plan in accordance with the following schedule assuming timely acceptance of this Plan by the PSC:

Table 3 – Project Implementation Schedule

Activity	Timeline
City of Abercrombie tree removal	Fall 2026 - Spring 2027
Funding contributions to ND Game & Fish Dept, Forest Service	Winter 2026/2027
Windbreak and orchard plantings	Spring 2027

The RCSCD has been a valuable partner in developing this Plan including providing local knowledge of soil conditions, expertise in tree/shrub establishment, introductions to local authorities, and ideas for mitigation projects. If approved by the Commission, Otter Tail intends to hire the Richland County Soil and Water Conservation District to execute the windbreak planting mitigation projects (projects #2 through #5).

7.1 Mitigation Project #1 – Community Orchard, City of Abercrombie

Description

Otter Tail proposes to provide \$103,200 for the establishment of a community orchard located on the north side of the City of Abercrombie. Abercrombie, ND is located approximately 2.6 miles northeast of the solar site. The proposed project was developed in consultation with the City of Abercrombie, RCSCD, and the local FFA chapter sited on an approximately two-acre site that also includes an existing non-historic medicine wheel maintained by the local Future Farmers of America (FFA) chapter. The North Country Trail also passes through the site.

Design

The community orchard design in Figure 2 features a diverse mix of fruit-bearing trees and native or naturalized shrubs, including varieties of apple, cherry, plum, and apricot trees, along with a variety of shrub species such as black currant, raspberry, and elderberry. Stock selection would prioritize hardiness, longevity, and compatibility with local soils and climate conditions. Bur oak trees along the walking path provide forage for wildlife while a row of linden on the north edge of the area (not pictured in Figure 2) bolster the existing windbreak.

A spacing of 15 feet will be provided between orchard rows. Spacing within each row will vary based on the species. A detailed breakdown of all species spacings is included below in Figure 3. Fruit-bearing trees will consist of larger stock and be hand-planted, mulched, and receive tubes as an animal damage deterrent. Staking will be provided as needed. A total of 169 trees and shrubs are anticipated for the planting.

A native prairie pollinator mix will be seeded on approximately 0.75 acres immediately north of the orchard planting to promote good pollination.

Costs associated with initial establishment and care including mulch, watering, labor, and tree tubes in the amount of \$50,000 are included in the total cost estimate (included in Appendix B). Summary of project costs area as follows:

- Tree/shrubs stock and planting: \$50,700
- Tree/shrub watering & maintenance (2 yrs): \$50,000
- Bench replacement/rehabilitation: \$1,000
- Signage: \$1,000
- Native pollinator seeding: \$500

Benefits

Fruit trees and shrubs provide fresh produce for local residents, forage for birds and other wildlife, and creates opportunities for community gatherings and shared experiences. Improved visual quality, pollinator resources, and small wildlife cover within the

community green space are other expected benefits. By transforming the underutilized park, the project aims to foster a welcoming environment where neighbors can spend time together, enjoy the harvest, and enhance both the beauty and ecological health of the area.



Figure 2 – Orchard Layout

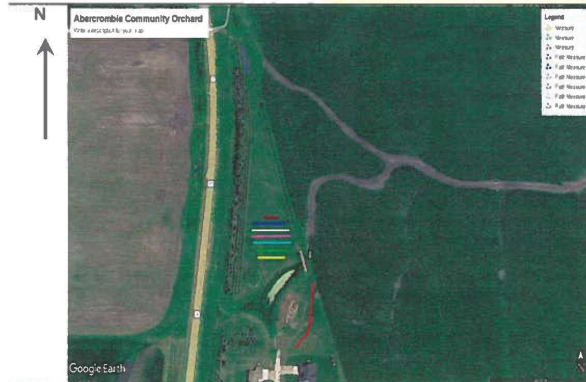
EASTERN ND - TREE AND SHRUB PLANTING WORKSHEET - MLRA 55A, 55B, 56, 102A

ND-CPA-4B, Rev. 2022

Name Medicine Wheel/ Stephan Gunness Address 6210-165th Ave Se Walcott, ND 58077 Phone # 701-640-0058 Date: June 16, 2026

Legal Description (Section-Township-Range): NW-4-134-48

Planned Soil Mapunit(s):



Conservation Tree & Shrub Group(s) CTSG 2 Page: 1 of 1

Type of Planting New ND One-Call Ticket #: See 391 Spec MLRA 56

Purpose: 391 - Plant Community Program See 391 Spec

Site Preparation Tilled/Herbicide Protected from livestock? Yes

Distance from Windward row to roads or bldgs. 200 feet

Notes: (Remarks on planting stock, site prep, operation & maintenance, and other pertinent information)

This project is part of the Flickertail Solar project. Project will become a community orchard for the community of Abercrombie. Row one will be the far north row of lindens separate from the orchard. The orchard area will start on south end with row 2 being the far north row. Tubes installed for animal damage and site will be mowed for maintenance so no fabric to be installed. Native grasses and a pollinator mixture will be added to the site north of the orchard to promote good pollination. Tree stock to be used will be taller than conservation grade. All trees to be handplanted in the medicine wheel area. Mulch to be put around trees to help with moisture and weed control. Row 9 will be the far south row south of the bridge. Elderberry will be planted on north side of row 2 approximately 75 ft long with Raspberries planted on south side of row 8 approximately 50 ft.

Planting No.	Planned Length	Planted Length	Planned dist from prev row	Row #	Primary Species of Tree or Shrub	Type or Variety	Alternating Specie	Type or Variety	CTSG	Planned Spacing in row	Row Spacing (installed)	Number Plannned (est)	Number Planted (installed)	Primary Specie: Height / Suitability	Alternating Specie: Height / Suitability
A	125		15	1	Basswood (American Linden)				CTSG 2	15		9		15-20	
	100		15	2	Currant, Black		Currant, Golden		CTSG 2	4		25		3-5	4-5
	125		15	3	Plum, American	toka	Plum, American		CTSG 2	10		13		8-10	8-10
	125		15	4	Apricot, Manchurian		Pear		CTSG 2	10		13		10-12	10-12
	125		15	5	Cherry, Black		Crabapple	Dolgo	CTSG 2	12		11		15-20	15-20
	125		15	6	Apple	Various			CTSG 2	12		11		15-20	
	125		15	7	Apple	Various			CTSG 2	12		11		15-20	
	100		15	8	Chokeberry, Black		Juneberry		CTSG 2	4		25		3-6	5-7
	100		15	9	Bur Oak				CTSG 2	15		7		25-30	
	75				Elderberry					4		19		6-8	
	50				Raspberries					2		25		3-4	
	1175											169			
	4060											126			
Totals															

By signing below, I certify that the design or installation meets the appropriate FOTG Specifications and site specific needs of the client.

Designed by: Keith Kinneberg Date: June 12, 2026 Planted by: _____ Date: _____

Approved by: _____ Date: _____ Start Time: _____ Temp: _____

Wind: _____ mph Direction: _____

Checkout by: _____ Date: _____ Soil Conditions (circle): dry/moist/wet clean till/scalp soft/firm/compacted

Certified by: _____ Date: _____ Trench closed (circle): poorly due to too dry very well poorly due to too wet

Figure 3 – Orchard Design Details and Alternate Species

7.2 Mitigation Project #2 - Windbreak Enhancements, City of Abercrombie

Description

Otter Tail proposes contributing \$34,000 for windbreak enhancements in the City of Abercrombie. Enhancements consist of removing a double row of dead and deteriorating ash trees along the west side of the city approximately 1,100 feet in length at a cost of \$18,000 and establishing strategically placed windbreak plantings along the north, south, and west sides of the city at a cost of \$16,000.

Dead Tree Removal

The current double row of dead and deteriorating ash trees along the west side of the city no longer offer substantial protection from wind or snow, and as standing dead specimens, may harbor nuisance or unwanted wildlife such as mice, rats, and raccoons. The dead tree rows also hinder access required for the installation and maintenance of new plantings. Tree waste, including stump removal or stump grinding, will be disposed of in accordance with local regulations. The removal of several dead trees in the community orchard area proposed in Mitigation Project #1 is also included in the removal scope.

Benefits

Tree removal will open the planting corridor allowing for more effective replanting of a new windbreak. This work will also reduce the risk of disease and pests and help prevent falling debris from damaging newly installed trees.

Windbreak Planting

Windbreak plantings are proposed along the north, south, and west sides of the city. The west windbreak planting, approximately 2,500 feet in



Figure 4 – Standing dead ash trees for proposed removal along Highway 81

length, is proposed to consist of a single row of American Linden spaced at 15 feet to serve as replacements for the removed dead ash trees. The north windbreak planting, approximately 1,600 feet in length is proposed to consist of one row of Common Lilac and one row of Common Hackberry. The two rows will be spaced 15 feet apart. Common Lilacs will be spaced at 4 feet and Common Hackberry spaced at 15 feet. The south windbreak planting, approximately 950 feet in length is proposed to consist of one row of

Nannyberry Viburnum planted at a 4 foot spacing. Locations for windbreak plantings are noted by the red lines in Figure 5.

Table 3 – Proposed Abercrombie Windbreaks

Location	Length (feet)	Rows	Tree/Shrub Count	Species
West	2,500	1	167	American Linden
North	1,600	2	400 45	Common Lilac Common Hackberry
South	950	1	238	Nannyberry Viburnum

Implementation of this mitigation measure is contingent upon consultation with individual landowners whose properties are adjacent to or within the proposed planting corridors. Each affected landowner would be contacted and provided with information regarding the purpose, design, and long-term expectations associated with the windbreak plantings, and no planting would occur without explicit landowner agreement.



Figure 5 – Abercrombie Windbreak Plantings

Initial landowner reception to this proposal has been favorable and Otter Tail expects nearly full landowner participation.



Figure 6 – North Windbreak Planting Location

Benefits

Proposed windbreak locations correspond to the predominant wind directions affecting the community and represent areas where tree and shrub plantings could deliver highest functional benefits while contributing to regional landscape resilience. The windbreaks are also expected to serve as living snow fences reducing drifting in problematic areas, most notably the north windbreak is expected to improve an area known for past drifting issues.



Figure 7 – South Windbreak Planting Location

7.3 Mitigation Project #3 - Windbreak Installation, Galchutt Legion Baseball Field

Description

Otter Tail proposed installation of a new windbreak planting along 300 feet of the south side of the Legion baseball field at a cost of \$3,000. The Legion field is located approximately 1.7 miles south of the solar site and immediately south of the City of Galchutt. The proposed windbreak would consist of two rows of trees oriented to intercept prevailing winds common to the area. Species selection would emphasize hardy, site-appropriate trees well suited to local soil and climate conditions, with consideration given to long-term survivorship, low maintenance requirements, and compatibility with adjacent land uses.

Design

The two rows will consist of White Poplar (southernmost row) and Common Hackberry (northernmost row) planted at a 15-foot spacing with a 15-foot distance between rows for a total of 40 trees. Weed control fabric will be installed to limit competition.



Figure 8 – Proposed Galchutt Windbreak Installation

Implementation of this mitigation measure would be coordinated with the Galchutt American Legion (landowner) and to confirm planting locations, access, and long-term maintenance responsibilities.



Figure 9 – Galchutt Legion baseball field outfield fence looking south

7.4 Mitigation Project #4 – Windbreak Installation, Adjacent Landowner

Description

Otter Tail proposes installation of a low-growing single row shrub planting along Highway 172 adjacent to the solar project on a participating landowner's property at a cost of \$4,000. The landowner is not affected by any Project tree removal but the landowner's residence is located adjacent to the solar site boundary. Adjacent landowner has expressed willingness to assume long-term maintenance responsibilities. See Figure 10 for shrub row placement (red line) extending approximately 2,500 feet in length.



Figure 10 – Adjacent Landowner Windbreak Installation

Design

Design consist of a single row of Nannyberry *Viburnum* planted at 4-foot spacing outside the solar site perimeter fence extending for approximately 2,500 feet. Space/right-of-way constraints make additional rows infeasible. Weed control fabric will be installed to decrease competition. The planting comprises a total of 625 shrubs.

Benefits

Shrubs will remain low enough at maturity to avoid shading or interfering with solar panels and associated operations, while still providing effective winter snow capture and year-round ground-level visual screening for the neighboring landowner.

7.5 Mitigation Project #5 – Windbreak Installation, Fort Abercrombie State Historic Site

Description

Otter Tail proposes installation of a three-row windbreak along the southern boundary of the Fort Abercrombie State Historic Site at a cost of \$6,500. Fort Abercrombie is located 3.3 miles east of the solar site. The planting, to consist of three tree rows, is proposed to be located on property adjacent to Fort Abercrombie owned by the Flaa family. While the Fort Abercrombie State Historic Site supports the projects, due to property restrictions, ground disturbance within the Fort Abercrombie boundaries is not permitted; however, the adjacent landowner has expressed willingness to site the windbreak on their property in a location that would offer effective protection to the Fort.



Figure 11 – Fort Abercrombie Windbreak Planting

Design

The three tree rows extend a distance of 1,200 feet in length and consist of Colorado Blue Spruce, Tatarian Maple, and Common lilac. Rows spacing is planned for 15 feet. Tree spacings for Colorado Blue Spruce, Tatarian Maple, and Common lilac are 15 feet, 8 feet, and 4 feet respectively for a total of 530 trees and shrubs. Weed control fabric will be installed during tree planting activities.

Benefits

Although the proposed tree line would be located outside of Fort-owned property, it would provide measurable and direct benefits to the Fort grounds serving as a windbreak and reducing crop residue blowing onto Fort property which has been a past concern. A letter of support from the Fort and landowner can be found in Appendix D.



Figure 12 – Fort Abercrombie Area

7.6 Mitigation Project #6 – Invasive Tree Removal and Native Seeding on local PLOTS Parcels

Description

In collaboration with the NDGF, Otter Tail proposes to fund NDGF in the amount of \$80,540 to cover 48.8 acres of native grass seed and establishment costs, 1,485 feet of invasive tree removal, rental and other upfront costs on a parcel of land located two miles northwest of the solar site.

Under a separate Private Land Open To Sportsmen (PLOTS) program mitigation agreement with the NDGF, Otter Tail funded an 80-acre PLOTS enrollment identified by the red square box in Figure 13. The landowner has proposed expanding the PLOTS opportunity by adding an additional 71 acres directly to the south of the existing PLOTS parcel which would create a total of 231 acres of continuous habitat and hunting opportunity.

NDGF plans to restore the parcel to historical ecological conditions through unwanted tree removal and conversion back to native grassland. Otter Tail's proposed funding to NDGF would allow for native grass seeding and tree removal on these 71 acres. Figure 14 displays the funded work to be performed on the parcel.

Benefits

The restored area will be managed by NDGF under a 15-year PLOTS agreement with the landowner, providing long-term habitat value and walk-in hunting access where public access is limited.

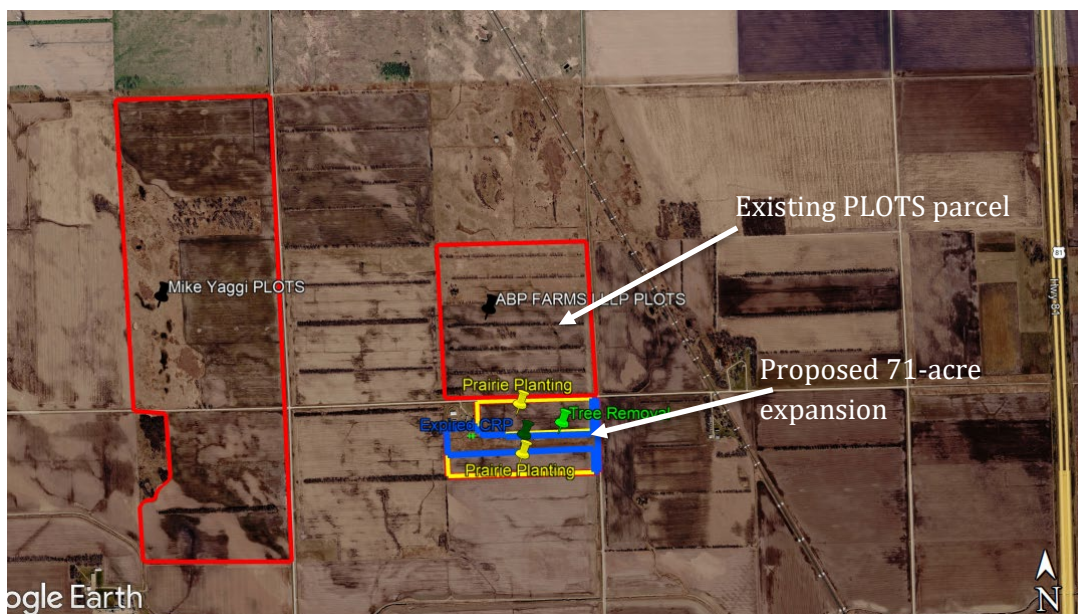


Figure 13 – APB Farms PLOTS parcel

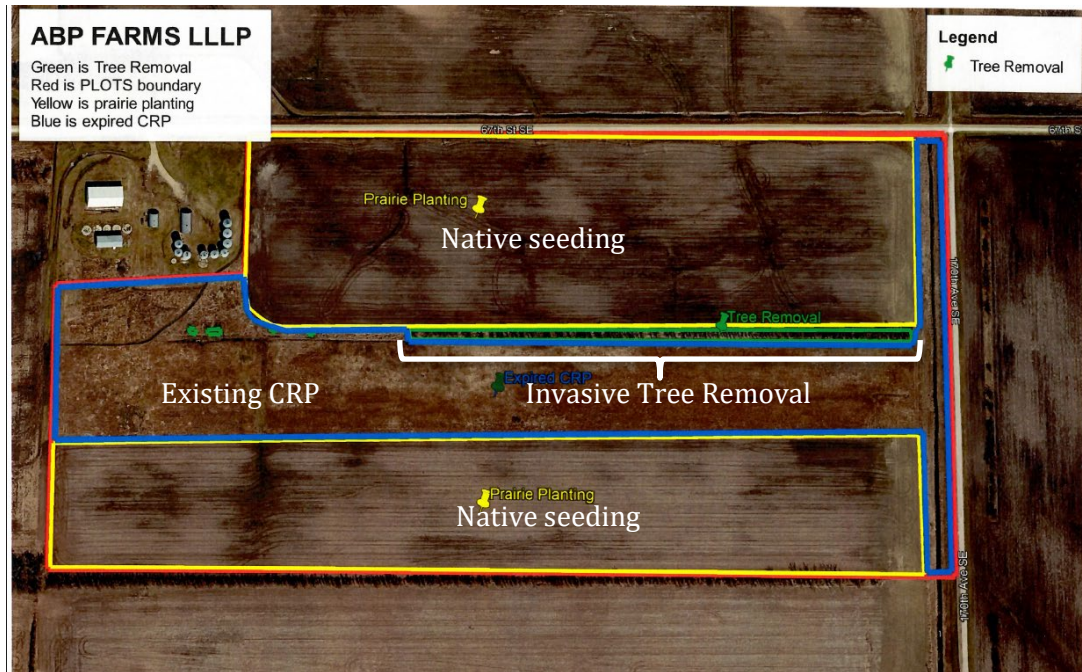


Figure 14 – APB Farms PLOTS parcel work description

7.7 Mitigation Project #7 – Sheyenne National Grasslands Tallgrass Prairie Restoration, U.S. Department of Agriculture, Forest Service

Description

Otter Tail is proposing to provide \$83,040 to the Dakota Prairie Grasslands, Sheyenne Ranger District for a restoration project within the Sheyenne National Grasslands. The Sheyenne National Grasslands, located approximately 19 miles west of the solar site, encompasses approximately 70,000 acres and is the largest public holding of tall grass prairie in the nation. Approximately 63,000 acres of the grassland has been allocated for Ecosystem Restoration. The Dakota Prairie Grassland's Land and Resource Management Plan (USDA Forest Service 2001) identifies several tools, or activities, to be utilized in the restoration process including: chemical treatments (herbicide), mechanical treatments (mowing and mastication), and prescribed fire to reduce encroaching woody vegetation and invasive weeds; and reseeding, interseeding, and planting to restore desired vegetation.

The Forest Service district implements the reduction programs effectively but often lacks funding for reseeding or interseeding. The Forest Service district is proposing to utilize the funds to support reseeding and interseeding efforts for approximately 730 acres within four separate pastures: Bromefield (10 acres), West A Annex (153 acres), Ekre Yearling (236 acres), and East A Northwest (328 acres) following the implementation of the scheduled reduction treatments (Figure 15). A breakdown of costs follows:

- Bromefield: \$1,840
- Ekre Yearling: \$22,850
- West A Annex: \$19,000
- East A Northwest: \$34,950
- 2nd year reseeding of all parcels: \$39,320 (\$4,400 contributed by Otter Tail)

The Forest Service district would utilize an advanced collection agreement to receive the funds, then contract the work. The reseeding or interseeding would be conducted over the course of two years, with one treatment per year, at each unit, following the respective reduction treatment. The district would utilize native grass and forbs seed mixes developed specifically for each unit and would broadcast or drill, depending on the terrain. It is anticipated that the work would be completed by fiscal year 2029.

Benefits

Establishing a diverse mix of native grasses and forbs suited to local conditions promotes long-term landscape resiliency and is expected to strengthen grassland function by improving native plant diversity, reducing opportunities for invasive species establishment, and expanding habitat and foraging resources for pollinators, birds, and other wildlife within the Sheyenne National Grasslands.

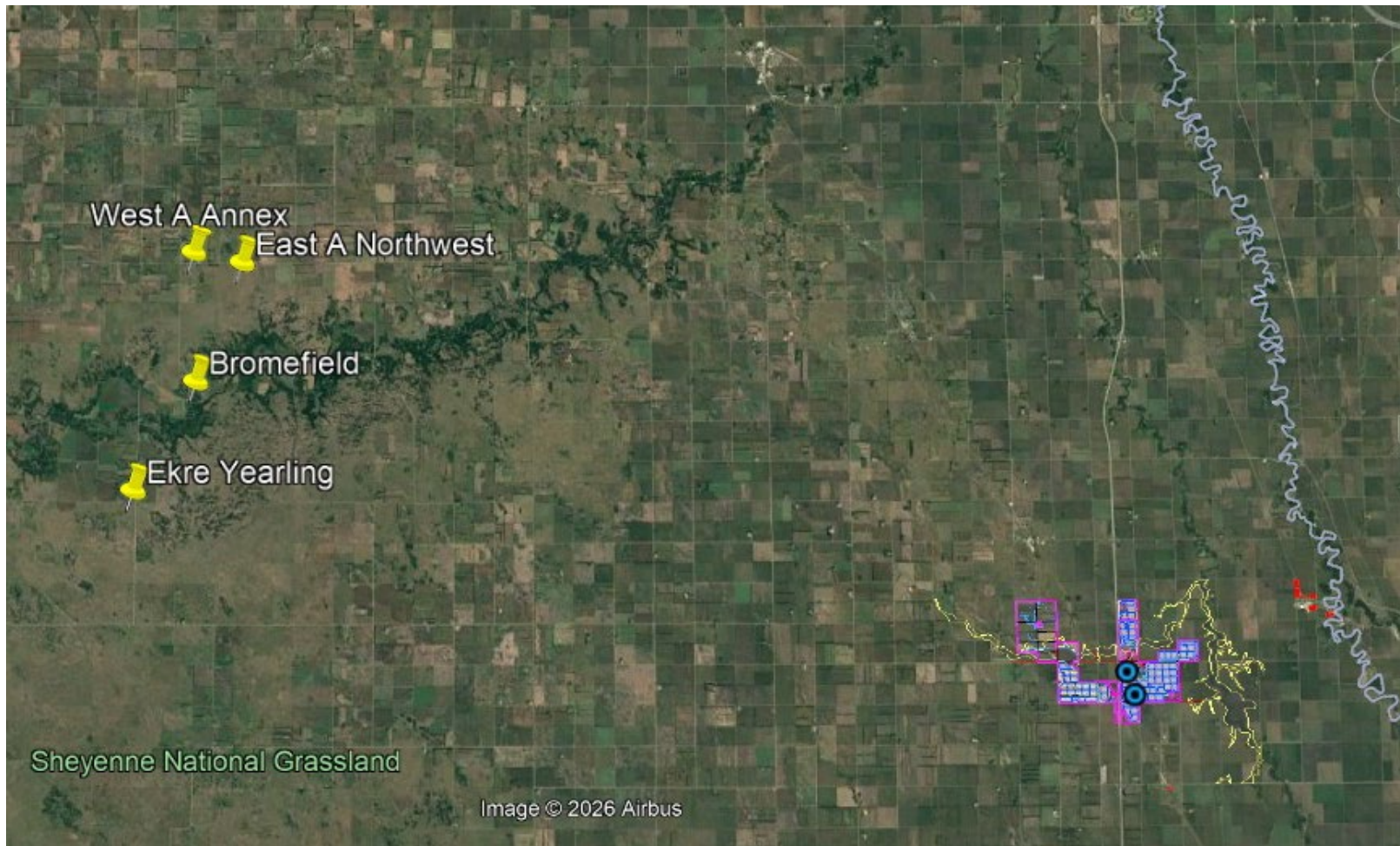


Figure 15 – Sheyenne National Grasslands Seeding Locations

8. DOCUMENTATION AND REPORTING

In accordance with replacement condition 5 of the Tree and Shrub Mitigation Specifications which reads:

5. Two years after completion of the plan, the company must file a summary documenting how the plan achieved the purpose outlined in number 3 above. The summary must also report the number of surviving replacement trees and shrubs.

Otter Tail will provide a summary to the PSC documenting status of the mitigation measures two years following implementation assessing tree and shrub survivorship and reporting how the mitigation measures achieved the stated purpose.

9. CONCLUSION

These community mitigation concepts align with the intent of the PSC's tree and shrub mitigation requirements by delivering durable ecological and community value without requiring direct tree and shrub replacement on project lands. By establishing windbreaks, a community orchard, and native habitat restoration, this plan supports the overall goals of tree mitigation consisting of providing long-term wildlife habitat and conservation benefits commensurate with traditional mitigation approaches.

Appendices

Appendix A – *Results of Preconstruction Tree and Shrub Inventory, Flickertail Solar Project*, Tetra Tech

Appendix B – Tree and shrub replacement cost estimates

Appendix C – Landowner waivers

Appendix D – Letters of support

APPENDIX A - Tree and Shrub Survey Results

To:	Ms. Christina Martens, Savion, LLC
From:	Adam Holven, Tetra Tech, Inc. Apryl Jennrich, Tetra Tech, Inc.
Date:	December 17, 2025
Subject:	Results of Preconstruction Tree and Shrub Inventory, Flickertail Solar Project, Abercrombie Township, Richland County, North Dakota

Flickertail Solar Project Solar, LLC (Flickertail Solar Project) proposes to develop the Flickertail Solar Project (the Project) on approximately 3,144 acres (Project Area) located predominantly in agricultural cropland north of Galchutt in Richland County, North Dakota (Attachment A: Figure 1). Tetra Tech, Inc. (Tetra Tech) was contracted to complete a tree and shrub inventory at locations in the Project Area where trees and shrubs are proposed to be removed. This inventory will assist Flickertail Solar Project in meeting requirements of the North Dakota Public Service Commission's (NDPSC's) tree and shrub mitigation specifications for the Project (Case No. PU-24-351; Attachment B), which indicates the following.

Prior to cutting or clearing trees or shrubs for construction:

- All trees one-inch or greater in diameter at breast height must be inventoried to record the location, number, and species.
- All shrubs and all coniferous trees of any diameter must be inventoried to record the location, number, and species.

The following sections outline the methods and results of the tree and shrub inventory.

METHODS

Tetra Tech reviewed the provided Project layout dated May 9, 2025, and natural resource areas mapped by Tetra Tech in June 2024 and identified 8 locations where natural resources areas containing trees or shrubs intersected Project facilities, or were within 25 feet of Project facilities. These eight locations were designated as potential tree and shrub removal areas (Attachment A Figure 2).

- Four of the potential tree and shrub removal areas (Areas A through D) are located west of U.S. Interstate 29 and total approximately 9,860 linear feet of tree rows (Attachment A: Figure 3A).
- One potential tree and shrub removal area (Area E) is located west of U.S. Interstate 29 and north of 69th Street Southeast and totals approximately 600 linear feet of tree row (Attachment A: Figure 3A). To provide Project flexibility, the northern 30 feet of this area was inventoried, which is beyond the 25-foot buffer for Project facilities.
- One potential tree and shrub removal area (Area F) is located east of U.S. Interstate 29 and west of 172nd Avenue Southeast and totals approximately 780 linear feet of tree row (Attachment A: Figure 3B). To provide Project flexibility, the entire tree row was inventoried, even though most portions are beyond the 25-foot buffer for Project facilities.

-
- One potential tree and shrub removal area (Area G) is located east of U.S. Interstate 29 and north of 69th Street Southeast and totals approximately 125 linear feet of tree row (Attachment A: Figure 3B).
 - There are eight potential tree and shrub removal areas east of U.S. Interstate 29 that are predominantly grassland or pasture (Attachment A: Figures 3C and 3D). These areas are collectively referred to as Area H. There is the potential for individual small trees or shrubs to be present in these areas. Tetra Tech reviewed these areas and inventoried trees and shrubs that are visible from the public road rights-of-way and within 25 feet of proposed development areas based on the Project layout dated May 9, 2025.

Tetra Tech completed a direct stem count of trees and shrubs within the potential tree and shrub removal areas from September 30 to October 10, 2025, prior to leaf-off conditions. Tree locations were recorded with a global positioning system (GPS) point for each individual tree. For areas with sparse shrub cover, a GPS point for each individual shrub was recorded. For areas with dense shrub cover, polygons of the extent of the shrubs were recorded, and an estimate of shrubs was made using a representative test plot within each polygon. The size of each representative test plot was established in the field based on the size of each shrub polygon. GPS points and polygons were collected with an Arrow 100 with sub-meter accuracy. Tetra Tech developed a geodatabase to collect the following information:

- Unique ID
- Location (Northing, Easting – North American Datum [NAD] 83, Zone 14)
- Species
- Condition (Live or Dead)
- Native or Invasive – the North Dakota Tree Handbook published by the North Dakota State University and North Dakota Forest Service (<https://www.ag.ndsu.edu/trees/n-d-tree-handbook>) and the Natural Resource Conservation Service US Department of Agriculture PLANTS Database: (<https://plants.usda.gov/>) were used to identify native or invasive species.

Trees and shrubs were marked with biodegradable spray paint to indicate that the tree or shrub had been inventoried. Field data was reviewed by the field lead periodically during the survey and upon completion of the survey.

RESULTS

All locations were reviewed during a period with leaf-on conditions; there were no limitations to the identification or counting of tree and shrub species. In total, 14,773 trees and shrubs were inventoried within the potential tree and shrub removal areas, including 8,918 individuals or 60 percent consisting of invasive species (Table 1). Additionally, 937 individuals or 6 percent were observed to be standing dead trees or shrubs (Table 1).

Areas A through D were observed to be planted tree rows within agricultural cropland and predominantly consisted of mature Siberian elm with an understory of Siberian elm saplings, chokecherry shrubs, and American plum shrubs. Of the 13,030 tree and shrubs inventoried in Areas A through D, 8,856 individuals or 68 percent consisted of invasives, including common buckthorn, Dahurian buckthorn, Russian olive, Siberian elm, and Tatarian honeysuckle.

Area E was observed to be a vegetated area between agricultural cropland and a pond, dominated by gray dogwood and American plum. Of the 307 trees and shrubs inventoried in Area E, 35 individuals or 11 percent consisted of invasives, including Dahurian buckthorn or Tatarian honeysuckle.

Area F was observed to be a tree row located between two agricultural fields with a canopy of mature green ash and an understory dominated by chokecherry and American plum. Of the 1,173 trees and shrubs inventoried in Area F, 6 individuals or less than 1 percent consisted of invasives, including Tatarian honeysuckle.

Area G was observed to be a tree row of eastern cottonwood located in a pasture. All inventoried trees and shrubs in Area G were native.

Area H consisted of grasslands and pastures with limited trees and shrubs. Trees and shrubs were documented as individuals or small clusters in Area H and consisted primarily of eastern cottonwood and Russian olive. Of the 105 trees and shrubs inventoried in Area H, 23 individuals or 21 percent consisted of invasives, including Russian olive or Siberian elm.

ATTACHMENTS

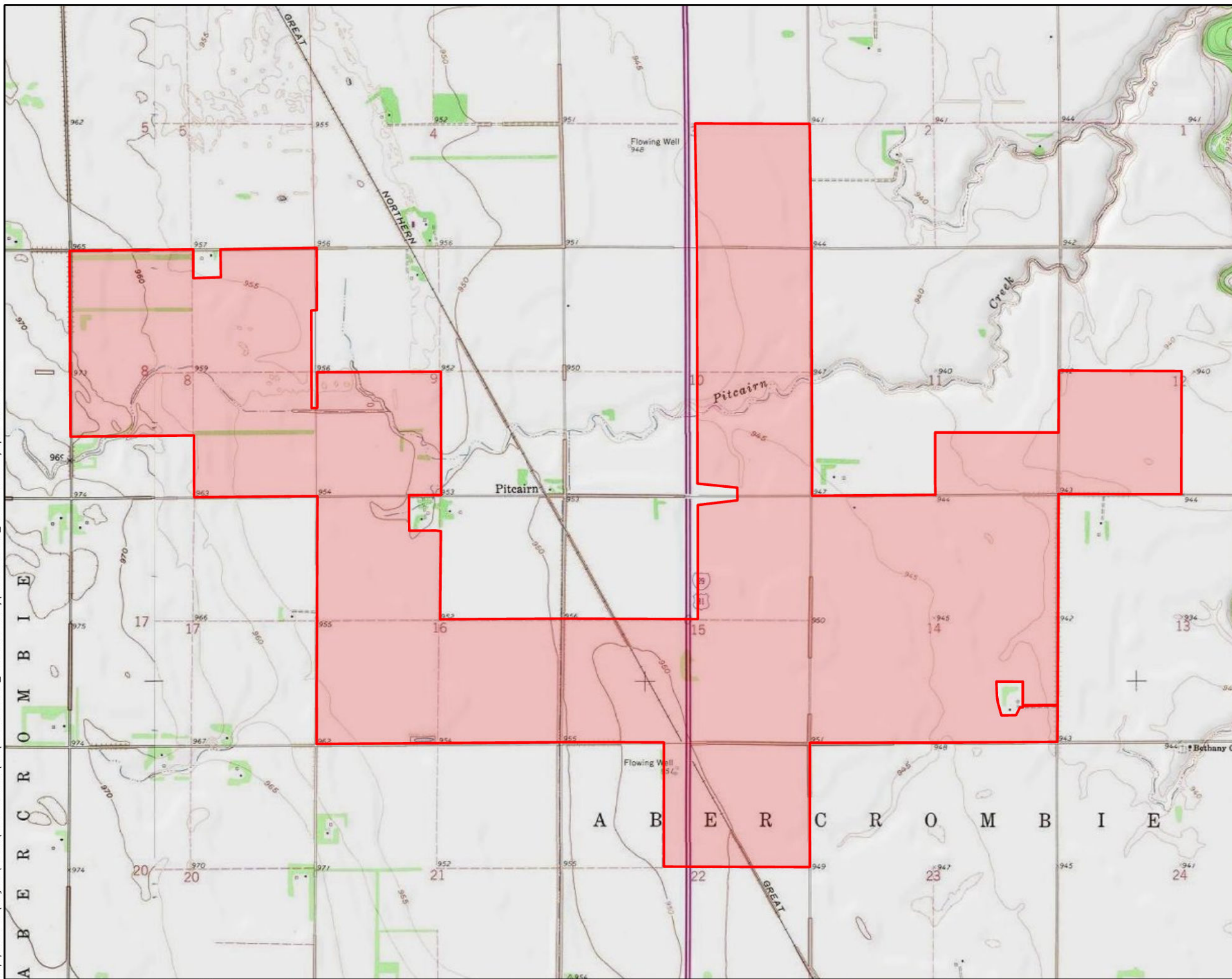
Attachment A: Figures

Attachment B: Flickertail Solar Project, LLC (Case No. PU-24-351) Findings Of Fact, Conclusions Of Law And Order

Attachment C: Summary of Tree and Shrub Species Observed by Removal Area.

ATTACHMENT A: Figures

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Project Area



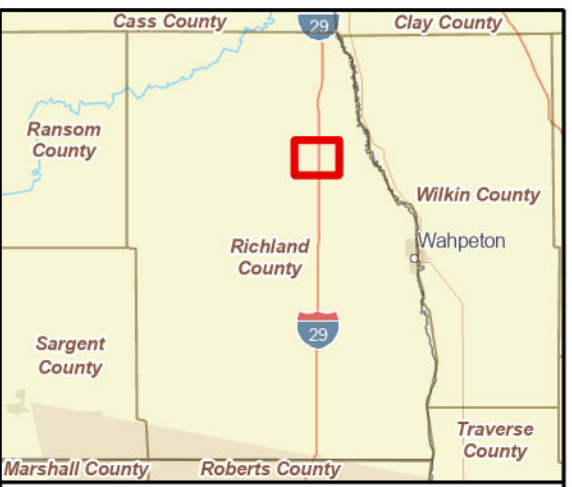
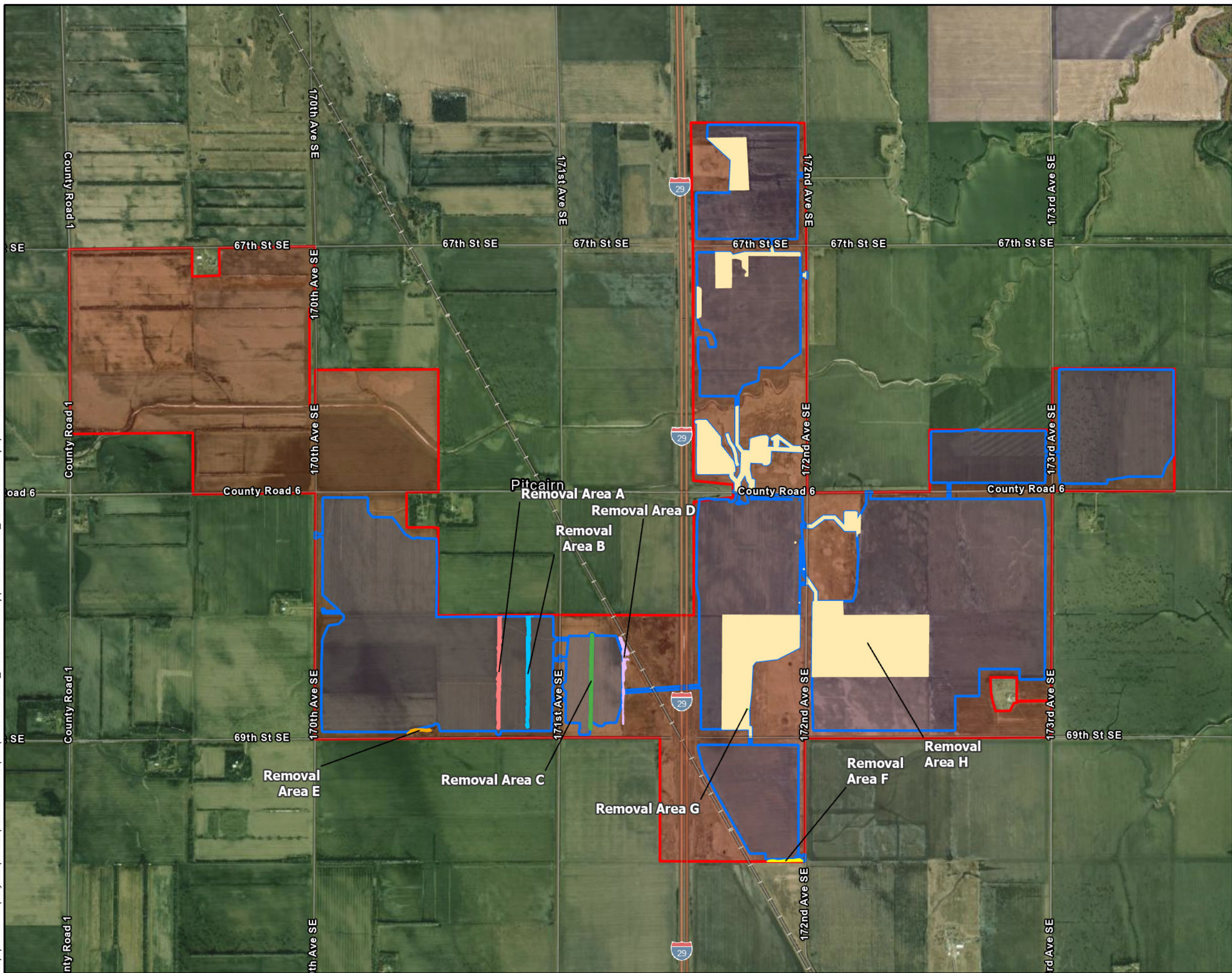
Figure 1
Project Location

Flickertail Solar Project
Abercrombie Township,
Richland County, North Dakota



Source: Map adapted from USA Topo Maps Server and Project data by Flickertail Solar Project, LLC. Scale: 1:35,000

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- Project Area
 - Project Facilities plus 25-foot Buffer
- Potential Tree and Shrub Removal Area**
- Removal Area A
 - Removal Area B
 - Removal Area C
 - Removal Area D
 - Removal Area E
 - Removal Area F
 - Removal Area G
 - Removal Area H

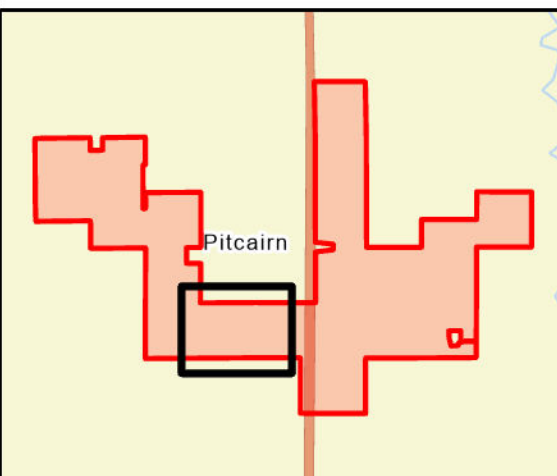


Figure 2
Potential Tree and Shrub Removal Areas

Flickertail Solar Project
Abercrombie Township,
Richland County, North Dakota



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- Project Area
- Project Facilities plus 25-foot Buffer
- Potential Tree and Shrub Removal Area**
- Removal Area A
- Removal Area B
- Removal Area C
- Removal Area D
- Removal Area E

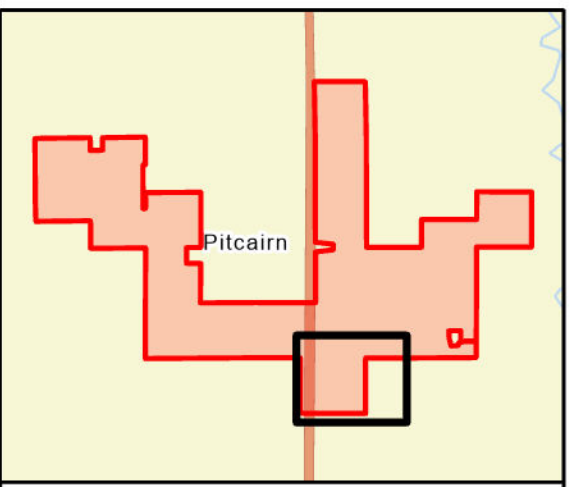
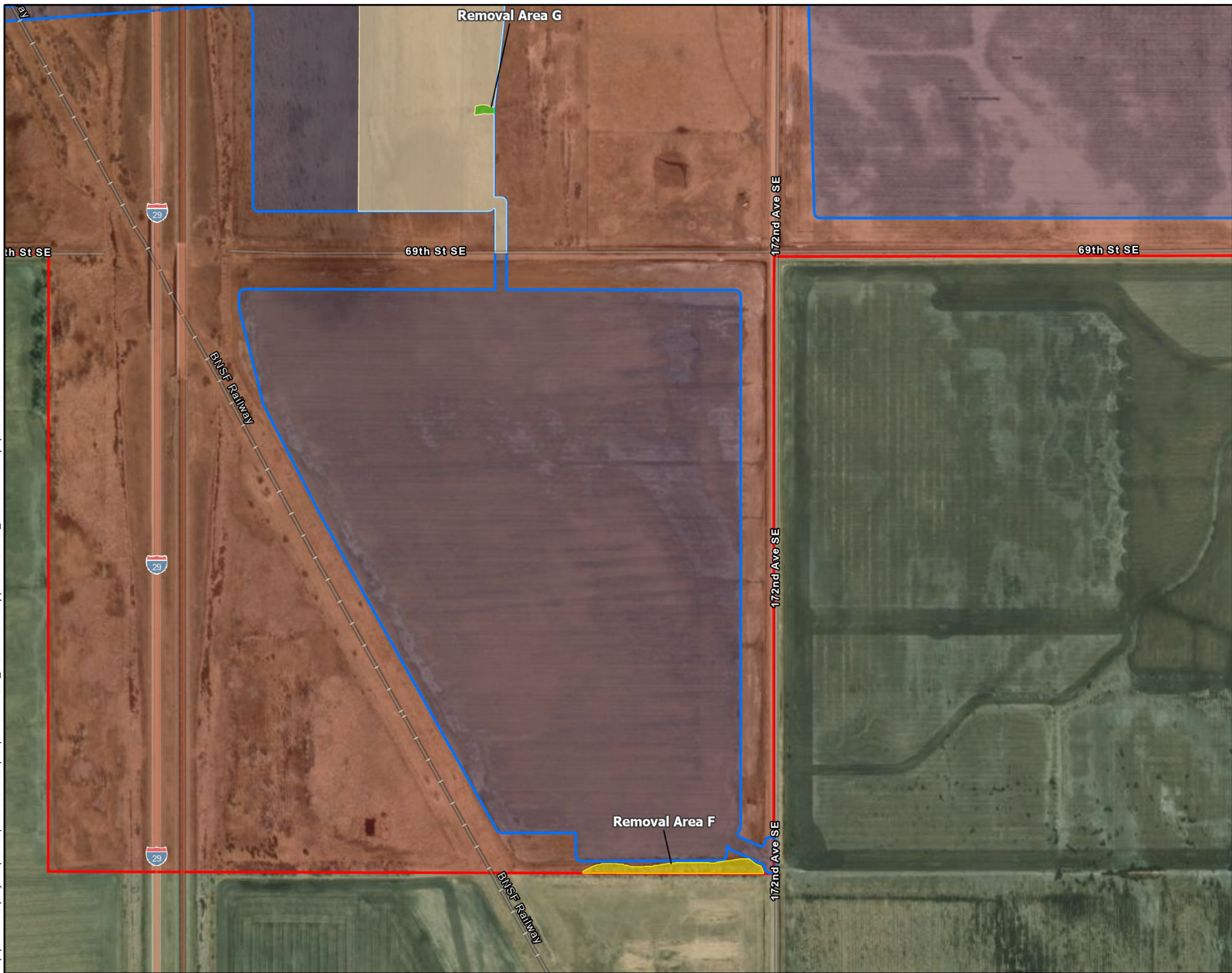


Figure 3A
Potential Tree and Shrub Removal Areas A-E

Flickertail Solar Project
Abercrombie Township,
Richland County, North Dakota



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- Project Area
- Project Facilities plus 25-foot Buffer
- Potential Tree and Shrub Removal Area**
- Removal Area F
- Removal Area G
- Removal Area H

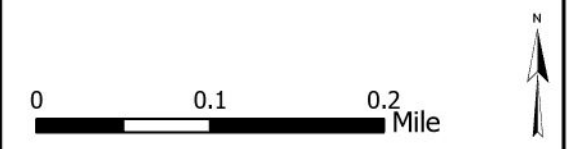
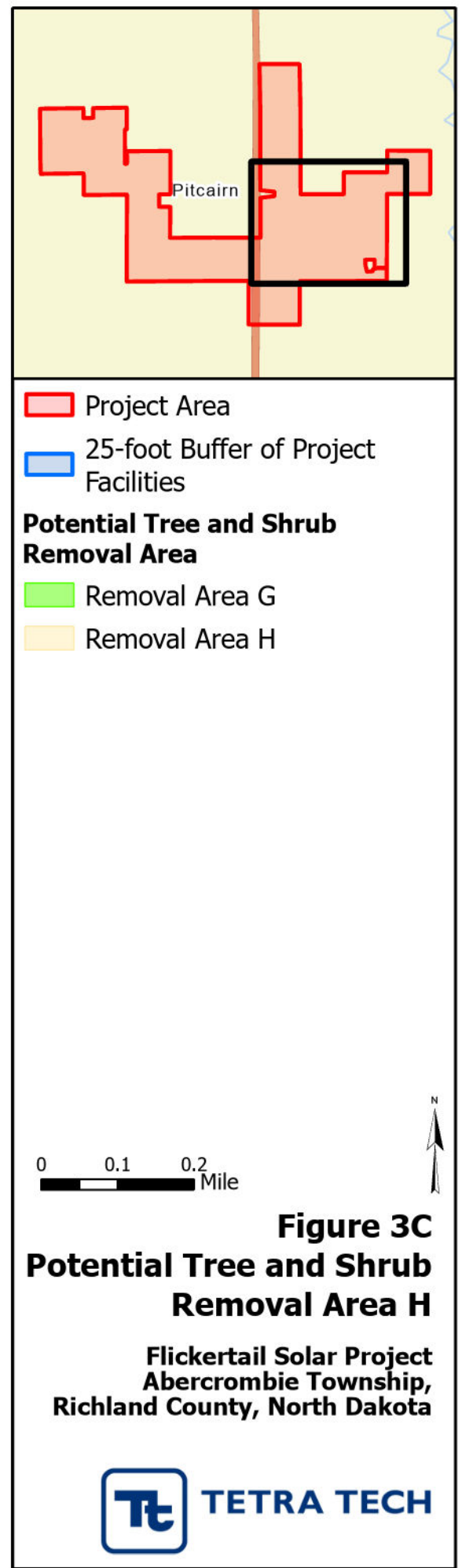
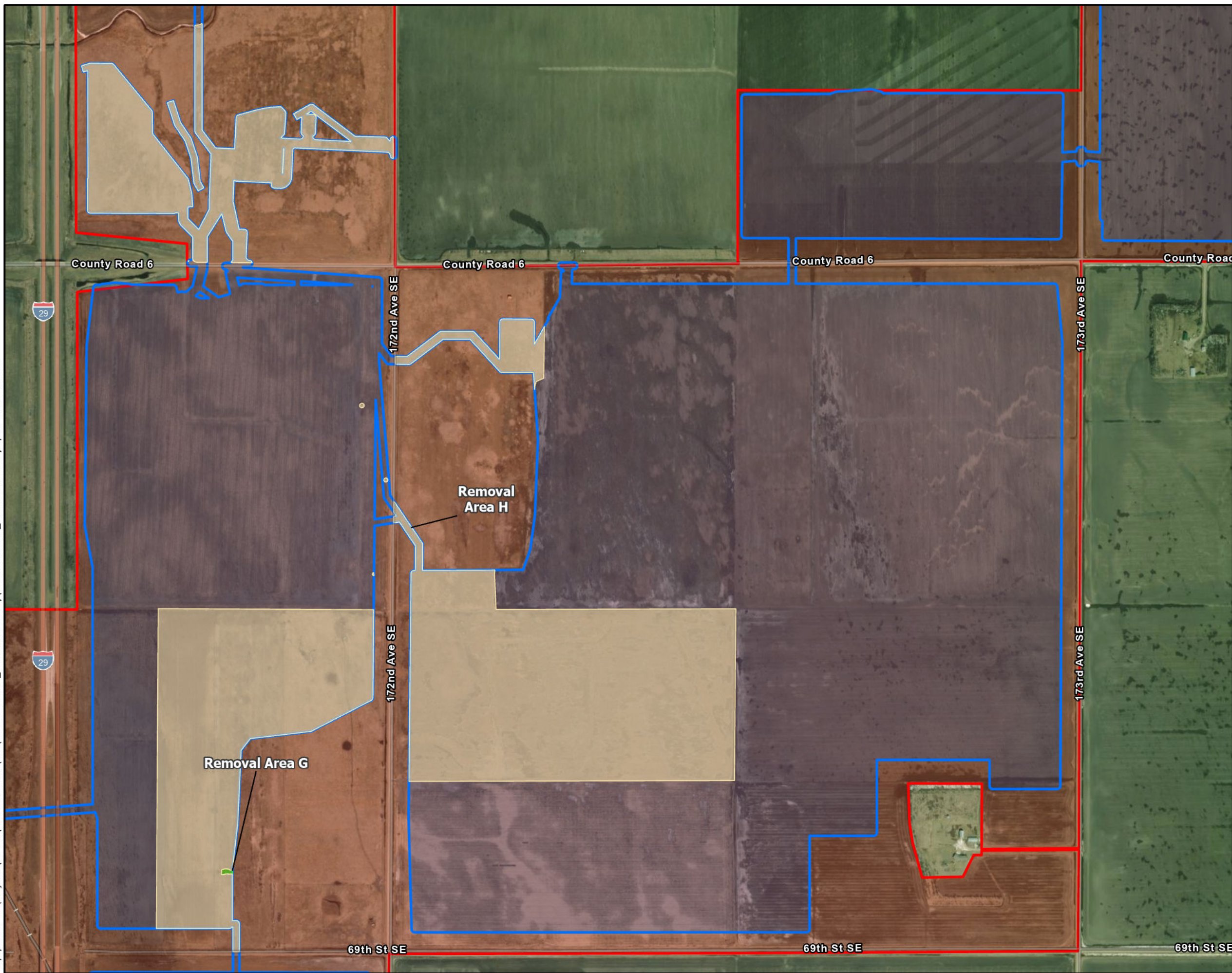


Figure 3B
Potential Tree and Shrub Removal Areas F and G

Flickertail Solar Project
Abercrombie Township,
Richland County, North Dakota

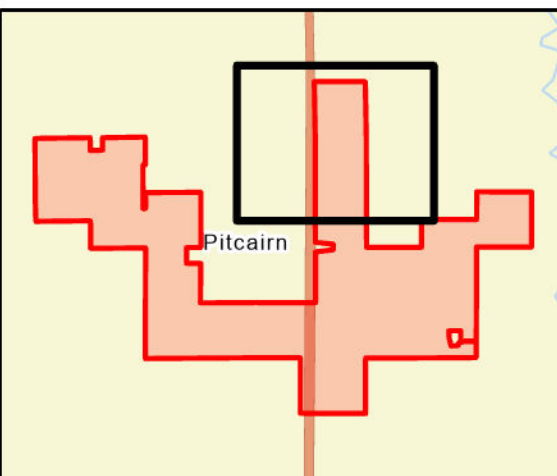


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Source: Map adapted from ESRI World Imagery Server and Project data by Flickertail Solar Project, LLC. Scale: 1:12,500

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- Project Area
- Project Facilities plus 25-foot Buffer
- Potential Tree and Shrub Removal Area
- Removal Area H



Figure 3D
Potential Tree and Shrub
Removal Area H

Flickertail Solar Project
Abercrombie Township,
Richland County, North Dakota



Source: Map adapted from ESRI World Imagery Server and Project data by Flickertail Solar Project, LLC. Scale: 1:12,500

ATTACHMENT B: Flickertail Solar Project, LLC (Case No. PU-24-351) Findings Of Fact, Conclusions Of Law And Order

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Flickertail Solar Project, LLC
Flickertail Solar Project – Richland County
Siting Application

Case No. PU-24-351

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

June 18, 2025

Commissioners Randy Christmann, Sheri Haugen-Hoffart, and Jill Kringstad.

Mollie M. Smith and Bridget Duffus, Fredrikson & Byron, P.A., 60 South 6th Street, Suite 1500, Minneapolis, MN 55402, on behalf of the Applicant, Flickertail Solar Project, LLC.

Brian Johnson, Special Assistant Attorney General, North Dakota Public Service Commission.

Hope L. Hogan, Administrative Law Judge, Office of Administrative Hearings, 2911 North 14th Street – Suite 303, Bismarck, ND 58503, as Procedural Hearing Officer.

Preliminary Statement

On October 8, 2024, Flickertail Solar Project, LLC (Flickertail) filed an Application for a Certificate of Site Compatibility (Application) for a 295.1 megawatt solar energy conversion facility and associated facilities to be located in Richland County, North Dakota (Project).

Also on October 8, 2024, Flickertail filed an Application for Protection of Information related to cultural resource location information.

On February 6, 2025, the North Dakota Public Service Commission (Commission) deemed the Application complete and issued a Notice of Filing and Notice of Hearing (Notice), scheduling a public hearing for March 24, 2025, at 10:00 a.m., at the Wahpeton Law Enforcement Center in the Community Room, 413 3rd Ave N, Wahpeton, North Dakota. The Notice identified the following issues to be considered:

1. Will the location and operation of the proposed Project produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

2. Is the proposed Project compatible with the environmental preservation and the efficient use of resources?

3. Will the proposed Project location minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

On February 21, 2025, the North Dakota Game and Fish Department (NDGF) filed comments concerning the Project.

On March 17, 2025, the State Historical Society of North Dakota (SHSND) filed comments concerning the Project.

On March 24, 2025, the public hearing was held as scheduled.

On June 5, 2025, Flickertail filed Late-Filed Exhibits 11 through 13.

Also on June 5, 2025, Flickertail filed a Motion to consider post-hearing filing for proposed late-filed exhibit 13.

Having allowed all interested persons an opportunity to be heard and having heard, reviewed, and considered all testimony and evidence presented, the Commission makes its:

Findings of Fact

1. Flickertail is a Delaware limited liability company, and is an indirect wholly-owned subsidiary of Savion, LLC (Savion).

2. Flickertail is authorized to do business in the State of North Dakota, as evidenced by the Certificate of Authority issued by the North Dakota Secretary of State (NDSOS) on May 10, 2018 and the Certificate of Good Standing issued by the NDSOS on August 20, 2024, filed in Case No. PU-24-348.

Size, Type and Preferred Location of Facility

3. The Project is a solar energy conversion facility that will deliver up to 295.1 megawatts (MW) alternating current (AC) to the grid.

4. Project facilities will include: photovoltaic (PV) solar panels; tracking racking systems; direct current (DC) electrical system; inverter skids (inverters, step-up transformers, and supervisory control and data acquisition (SCADA) system); an underground and aboveground AC electrical collection system; security fencing, gates, and equipment; access roads; an operations and maintenance (O&M) facility; a collector substation; main power transformers; control house for protective relay panels and site

controllers; meteorological (MET) equipment including but not limited to anemometer MET monitoring weather stations; stormwater basins and/or other stormwater/drainage measures (as needed); and additional temporary facilities, including laydown yard(s) and improvements to public roads and driveways.

5. Flickertail proposes to construct the Project within approximately 3,144 acres of land in Abercrombie Township in Richland County, North Dakota (Project Area). The Project Area is depicted on the updated figure 2 in late-filed exhibit 13.

6. The Project will interconnect to the grid via an approximately 530-foot long 230 kilovolt (kV) generation tie line extending from the Project's controller substation to a new switching station that will connect to Minnkota Power Cooperative Inc.'s (Minnkota) existing Frontier-Wahpeton 230 kV transmission line via a new standing switch station that will be permitted, constructed, and owned by Minnkota.

7. The Project includes a SCADA system for performance monitoring, energy reporting, and troubleshooting.

8. Flickertail anticipates Project construction may begin in the first quarter of 2026 and be completed by the end of 2028. Commercial operations may begin fourth quarter 2028.

9. The estimated cost of the Project is \$375 million.

Study of Preferred Location

10. Flickertail reviewed an area within a one-mile radius of the Project Area (Study Area) for its environmental analysis to provide a description of the natural and human environment in which the Project will be constructed including soils, land use, woodlands, wetlands, waterbodies, and wildlife.

11. Flickertail surveyed the Project Area for natural and cultural resources.

12. Woodlands comprise less than one percent of the total Project Area. If trees or shrubs are impacted by the Project, Flickertail will coordinate with landowners regarding tree removal and replacement and comply with the Commission's tree and shrub mitigation specifications.

13. Wetland surveys were completed for the Project. Flickertail has designed the Project to avoid wetland impacts. Where collection lines intersect a wetland, impacts will be avoided by boring beneath the wetland. In the event the Project layout changes from what is depicted in Updated Figure 2 in Late-Filed Hearing Exhibit No. 13, Flickertail will complete a wetland delineation of any previously unsurveyed areas, as necessary.

14. Flickertail conducted environmental studies of the Project Area, and impacts to wildlife are anticipated to be minimal. Among the studies conducted were:

- a. Unbroken Grassland Assessment. Flickertail conducted desktop and field verifications of potentially unbroken grasslands within the Project Area. There are no unbroken grasslands present in the Project Area.
- b. Ground-Based Eagle Nest Survey. Flickertail conducted a desktop review to identify potential eagle nesting habitat within the Project Area plus a 660-foot buffer, and a ground-based field survey of the potential eagle nesting habitat. No eagle nests were identified within the Project Area or 660-foot buffer. As of September 12, 2024, the closest known eagle nest was more than 3 miles from the Project Area.
- c. Sharp-tailed Grouse and Greater Prairie Chicken Lek Surveys. Based on consultation with NDGF, listening surveys were conducted in non-cultivated areas within the Project Area plus a one-mile buffer area. No active leks were observed during any observation period.

15. Flickertail conducted a Class I literature search of the Project Area plus a one-mile buffer and a Class III cultural resources inventory of all areas that will host facilities or be impacted by construction activities. The location of the one previously identified site lead was visited during pedestrian surveys, but the resource appears to no longer be present. Field surveys also identified two new sites within the Project Area. Both the site lead and the two new sites are unevaluated for listing on the National Register of Historic Places (NRHP). Flickertail has sited the Project facilities to avoid the site lead and the two new sites. The SHSND has reviewed and accepted the revised Class III cultural resources report.

16. In the event any element of the Project layout changes from the layout provided in Updated Figure 2 in Late-Filed Hearing Exhibit No. 13, Flickertail will do the following: complete Class III cultural resource survey work for any previously unsurveyed areas, per SHSND's guidance; submit the findings to SHSND for review; and obtain and file with the Commission a copy of SHSND's concurrence prior to beginning construction in those areas.

17. Flickertail conducted a Class III inventory of architectural resources within 0.5 mile the Project's solar arrays. During field surveys, the location of one previously identified site was visited, but the resource appears to no longer be present. An additional 13 resources were inventoried. Tetra Tech prepared a Class II Cultural Resources Inventory for Architectural Resources and recommended a finding of No Adverse Effect. The SHSND has reviewed and accepted the Class III architectural resources report.

18. Flickertail conducted a glare analysis to evaluate potential impacts to road traffic and receptors (consisting of 31 residences and one church) in the Project Area and Study Area. No glare is anticipated at any residences, community buildings, or roads.

19. Flickertail initiated correspondence with federal, state and local departments, agencies and entities as follows:

- a. Federal –Federal Aviation Administration, United States Department of the Army Corps of Engineers (USACE), United States Department of Defense, United States Fish and Wildlife Service (USFWS); United States Department of Agriculture – Natural Resources Conservation Service (USDA-NRCS);
- b. State – North Dakota Department of Agriculture; North Dakota Department of Environmental Quality; North Dakota Department of Transportation; North Dakota Department of Trust Lands; North Dakota Department of Water Resources; NDGF; North Dakota Geological Survey; North Dakota Parks and Recreation Department; North Dakota Soil Conservation Committee; SHSND; and
- c. Local – Richland County Noxious Weed Board; Richland County Soil Conservation District; Richland County Floodplain Administrator; Abercrombie Township; and Southern Valley Snowmobile Trail.

20. NDCC Section 49-22-16(2) provides that no energy conversion facility site shall be designated that violates any local land use, zoning or building rules, regulations or ordinances. Flickertail obtained a conditional use permit for the Project from Abercrombie Township on November 20, 2023, and will comply with applicable township zoning ordinance requirements.

Siting Criteria

21. North Dakota Administrative Code (NDAC) Chapter 69-06-08 sets forth criteria to guide the Commission in evaluating the suitability of granting an application for a certificate of site compatibility. These criteria are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

22. Flickertail's studies and surveys did not identify any Exclusion Areas within the Project Area.

23. NDAC Section 69-06-08-01(3) identifies various Avoidance Areas. An electric energy conversion facility must not be sited within an Avoidance Area unless the applicant shows that under the circumstances there is no reasonable alternative. In determining whether an Avoidance Area should be designated for a facility, the Commission may consider, among other things, the proposed management of adverse impacts; the orderly

siting of facilities; system reliability and integrity; the efficient use of resources; and alternative sites.

24. Cultural resources are present in the Project Area, but the Project has been sited to avoid cultural resource sites. An Unanticipated Discovery Plan has been developed and was reviewed by SHSND.

25. Floodplains associated with Pitcairn Creek are present in the west-central and east-central parts of the Project Area. Project facilities have been sited to avoid and/or minimize impacts to the 100-year floodplain to the extent practical. Two access roads are proposed to be placed within the 100-year floodplain, resulting in permanent impacts to the floodplain of 0.23 acres. The southern portion of the two access roads 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 northern portion of the two access roads aligns with an existing agricultural driveway to avoid impacts to a stream, which necessitates crossing the 100-year floodplain. The siting of these segments of access roads in the 100-year floodplain also avoids impacts to wetlands, treed areas, and streams. Since the access roads will have a gravel base and be constructed at grade, no increase to the base flood elevation in these areas is anticipated.

26. Trees and shrubs are located within the Project Area. The Project has been designed to minimize tree removal to the extent practical. Any tree and shrub removal and replacement will be conducted in accordance with the Commission's tree and shrub mitigation specifications. Flickertail may need to clear areas up to 100 feet wide as depicted in Figure 9 of Hearing Exhibit No. 3 to allow for continuous development in the parcels. Flickertail requested Commission approval to remove trees and/or shrubs from certain areas wider than 50 feet in the locations shown on Figure 9 of Hearing Exhibit No. 3.

27. Wetlands are present within the Project Area, but the Project has been sited to avoid permanent and temporary impacts to wetlands. Where electrical collection cables would intersect a wetland, temporary impacts will be avoided by boring or horizontal directional drilling beneath the wetland.

28. Flickertail's studies and surveys did not identify any other Avoidance Areas within the Project Area.

29. In accordance with the Commission's Selection Criteria, a site shall be approved if it is demonstrated that any significant adverse effects resulting from the location, construction, and operation of the energy conversion facility will be at an acceptable minimum or that the effects will be managed and maintained at an acceptable minimum. In accordance with the Commission's Policy Criteria, preference may be given to an applicant demonstrating certain benefits of the proposed energy conversion facility.

30. During construction, the Project will likely result in a temporary increase in traffic on public roads in the vicinity of the Project. The increase in traffic during construction is not expected to be at a volume that will significantly disrupt residents or travel near the Project Area. Flickertail will coordinate with applicable road authorities to obtain haul road and other required road-related permits, as needed. Flickertail will negotiate a road use and maintenance agreement with Abercrombie Township and, if needed, other relevant road authorities. County and township roads will be restored in accordance with the Certification Relating to Order Provisions – Energy Conversion Facility Siting (Hearing Exhibit No. 7). During operation, no adverse effects to transportation facilities or networks are anticipated.

31. The Project is not anticipated to have significant adverse impacts on the ability of the affected area to provide community services, such as housing, health care, educational services, police and fire protection, water and sewer, or solid waste management.

32. Based on sound output specifications provided by the technology manufacturers for the inverter, tracker, and main power transformer equipment currently being considered for the Project, sound levels will be less than 45 dBA between 450-524 feet from an inverter, at distances greater than 5 feet from a tracker, and at distances greater than 700 feet from a main power transformer. The nearest residence to an inverter is more than 1,100 feet away. The nearest residence to a tracker is approximately 588 feet away. The nearest residence to a main power transformer is more than 3,500 feet away.

33. The Project is anticipated to benefit the local economy through the creation of construction and operation and maintenance jobs; easement payments to landowners; state and local tax revenue; and local expenditures for equipment, fuel, operating supplies, products and services.

34. One parcel enrolled in the Private Land Open to Sportsmen (PLOTS) program administered by the NDGF is present within the Project Area. Flickertail is in the process of finalizing an arrangement with NDGF to remove the parcel from PLOTS and replace it with parcels in the northeast portion of the original Project Area. To accommodate this arrangement, Flickertail has updated the Project Area to remove the proposed PLOTS parcels from the Project boundary (see Late-Filed Hearing Exhibit No. 13 and accompanying figures).

35. Flickertail submitted evidence to demonstrate that any significant adverse effects resulting from the location, construction, and operation of the Project as they relate to the Selection Criteria set forth in Section 69-06-08-01(5) of the NDAC will be at an acceptable minimum or managed and maintained at an acceptable minimum.

36. Flickertail submitted evidence to demonstrate its commitment to maximize the benefits of the proposed energy conversion facility as far as is possible to meet the Policy Criteria set forth in Section 69-06-08-01(6) of the NDAC.

Additional Mitigative Measures

37. Flickertail has agreed to a number of measures to mitigate potential Project impacts, as indicated by the attached Certification Relating to Order Provisions – Energy Conversion Facility Siting, with accompanying Tree and Shrub Mitigation Specifications.

38. Flickertail will utilize best management practices to minimize impacts on ground and surface water, and to prevent soil erosion. Flickertail will implement appropriate erosion control measures, including obtaining coverage under the North Dakota Pollutant Discharge Elimination System General Stormwater Permit, which requires preparation of a Stormwater Pollution Prevention Plan. Construction of the Project is not anticipated to have a significant adverse impact on surface or ground water resources or soils.

39. Flickertail developed a Vegetation Management Plan for the Project. The Vegetation Management Plan identifies how the Project will establish stable ground cover, promote pollinator habitat, reduce the potential for erosion and runoff, and improve infiltration. Flickertail consulted with the USDA-NRCS and the Richland County Soil Conservation District on the proposed seed mixes, and the agencies provided positive feedback regarding the proposed seed mixes.

40. Flickertail will participate in the North Dakota One-Call Excavation Notice System.

41. Flickertail will coordinate with local authorities and service providers to determine appropriate safety precautions and standards. Flickertail will develop an emergency response plan.

42. Lightning and grounding protection for all Project facilities is designed and constructed to be compliant with all applicable National Electrical Code (NEC) and National Electric Safety Code (NESC) requirements.

43. Flickertail will comply with the Commission's decommissioning rules, including filing a decommissioning plan with the Commission prior to the commencement of operation of the Project, and performing decommissioning in accordance with all applicable rules and regulations.

From the foregoing Findings of Fact, the Commission now makes its:

Conclusions of Law

1. The Commission has jurisdiction over this proceeding under NDCC Chapter 49-22.

2. The Project proposed by Flickertail is an electric energy conversion facility as defined in NDCC Section 49-22-03(5).

3. The location, construction, and operation of the proposed electric energy conversion facility will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.
4. The proposed electric energy conversion facility is compatible with environmental preservation and the efficient use of resources.
5. The proposed electric energy conversion facility location will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion.
6. The Commission has jurisdiction to ensure compliance with National Electric Safety Code standards in the construction and operation of the proposed electric energy conversion facility.

From the foregoing Findings of Fact and Conclusions of Law, the Commission now makes its:

Order

The Commission orders:

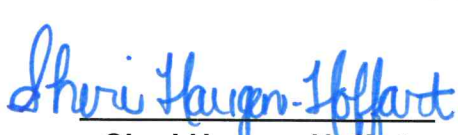
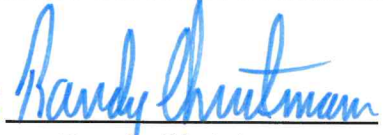
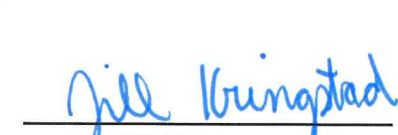
1. Flickertail shall construct, operate and maintain the facility in accordance with the Commission's findings of fact.
2. Certificate of Site Compatibility No. 70 is issued to Flickertail Solar Project, LLC, designating a site for the construction, operation, and maintenance of a solar energy conversion facility corresponding to the Project Area depicted in Updated Figure 2 in Late-Filed Hearing Exhibit No. 13.
3. If modifications are made to the Project layout, Flickertail will complete a Class III cultural resource survey for any previously unsurveyed portions of the designated site affected by Project-related construction activities, as necessary; will submit cultural resource findings to SHSND for review; and will obtain and file a copy of SHSND's response with the Commission prior to beginning construction in those areas.
4. If modifications are made to the Project layout, Flickertail will complete a wetland delineation of any previously unsurveyed areas affected by Project-related activities, as necessary.
5. The March 5, 2025, Certification Relating to Order Provisions – Energy Conversion Facility Siting (Certification) with accompanying Tree and Shrub Mitigation Specifications is incorporated by reference and attached to this Order.

6. Flickertail is authorized to clear trees and shrubs up to 100 feet wide in the areas depicted in Figure 9 of exhibit 3.

7. To the extent that there are any conflicts or inconsistencies between Flickertail Solar Project, LLC's application in this proceeding and the Certification, the Certification provisions control.

8. Prior to commencing construction of any portion of the Project, Flickertail shall obtain all other necessary licenses and permits for the construction of such portion and provide copies to the Commission.

PUBLIC SERVICE COMMISSION

		
Sheri Haugen-Hoffart	Randy Christmann	Jill Kringstad
Commissioner	Chair	Commissioner

PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA

Certificate of Site Compatibility
Number 70

This is to certify that the Commission has designated a site for Flickertail Solar Project, LLC for the construction, operation and maintenance of a solar energy conversion facility in Richland County, North Dakota.

The facility may be sited in this designated location in compliance with the energy conversion facility siting criteria. This certificate is issued in accordance with the Findings of Fact, Conclusions of Law and Order of the Commission in Case No. PU-24-351 dated June 18, 2025, and is subject to the conditions and limitations noted in that order.

Bismarck, North Dakota, June 18, 2025.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Secretary


Commissioner

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Flickertail Solar Project, LLC
Flickertail Solar Project – Richland County
Siting Application**

Case No. PU-24-351

**CERTIFICATION RELATING TO ORDER PROVISIONS
ENERGY CONVERSION FACILITY SITING**

I am Scott Zeimetz, a representative of Flickertail Solar Project, LLC (“Company”) with authority to bind Company to requirements to be set forth by the Commission in its Order and I certify the following:

1. Company understands and agrees that the Certificate of Site Compatibility will be issued by the Commission subject to the conditions and criteria set forth in Chapter 49-22 of the North Dakota Century Code and Chapter 69-06-08 of the North Dakota Administrative Code, and that Company shall be responsible for compliance with this order and conditions and criteria set forth in the applicable laws and rules.
2. Company agrees to comply with the rules and regulations of all other agencies having jurisdiction over any phase of the proposed energy conversion facility including all city, township, and county zoning regulations.
3. Company understands and agrees that it shall obtain all other necessary licenses and permits, and shall provide copies of all licenses and permits to the Commission prior to construction activity associated with the energy conversion facility that requires said license or permit.
4. Company understands and agrees that the Certificate of Site Compatibility is subject to suspension or revocation and may, in an appropriate and proper case, be suspended or revoked for failure to comply with the Commission’s order, the conditions and criteria of the certificate or subsequent modification, or failure to comply with the applicable statutes, rules, regulations, standards, and permits of other state or federal agencies.
5. Company agrees to maintain records that will demonstrate that it has complied with the requirements of the Commission’s order and the Certificate of Site Compatibility, and that it will preserve these records for Commission inspection at any reasonable time upon reasonable notice.
6. Company understands and agrees that the authorizations granted by the Certificate of Site Compatibility for the energy conversion facility are subject to modification by

EXHIBIT 7

order of the Commission if deemed necessary to protect further the public or the environment.

7. Company is aware that under North Dakota Century Code section 49-02-27 the Commission has rules for decommissioning of solar energy conversion facilities. Company agrees to comply with all decommissioning rules adopted by the Commission.

Construction:

8. Company agrees to hold a preconstruction conference prior to commencement of any construction, which must include a Company representative, its construction supervisor, and a representative of Commission Staff, to ensure that Company fully understands the conditions set forth in the Commission's order.
9. Company understands and agrees that all cultural resource mitigation plans must be approved by the North Dakota State Historic Preservation Office prior to the start of any fieldwork and construction activity in the affected area.
10. Company understands and agrees that topsoil removal will begin when the Commission's third party construction inspector is present at the Project site to observe that topsoil is properly removed and kept segregated from subsoil until replacement occurs. Company shall establish the date and time for the Commission's third-party construction inspector's topsoil removal oversight in the preconstruction conference.
11. Company agrees to inform the Commission and the Commission's third-party construction inspector of its intent to start construction on the energy conversion facility prior to the commencement of construction. Once construction has started, Company shall keep the Commission and the Commission's third-party construction inspector updated of construction activities on a monthly basis.
12. Company is aware that North Dakota law requires that all companies that own or operate electric generation of any size for the primary purpose of resale must comply with the standards of the National Electrical Safety Code in effect at the time of construction of the generation facility, and agrees to comply with that requirement.
13. Company agrees to construct and operate the energy conversion facility in accordance with all applicable safety requirements.
14. Company understands and agrees that it shall bury all underground lines to a depth of at least 48 inches to the top of the lines.
15. Company understands and agrees that topsoil, up to 12 inches, or topsoil to the depth of cultivation, whichever is greater, over and along trench areas, roadways, and

locations of associated facilities must be carefully stripped and segregated from the subsoil. Any area on which excavated subsoil will be placed must first be stripped of topsoil. The stripped topsoil must not be stockpiled in natural drainages, and must be protected from water erosion. Care must be taken to protect topsoil from unnecessary compaction by heavy machinery. Unless otherwise approved by the Commission, topsoil must be removed before topsoil freezes in the late fall/ early winter to the point that frost inhibits proper soil segregation. After backfilling with subsoil is completed, any excess subsoil must be placed over the excavation area, blending the grade into existing topography. Topsoil must be replaced over areas from which it was stripped only after the subsoil is replaced.

16. Company understands and agrees that all buried facility crossings of graded roads shall be bored unless the responsible governing agency specifically permits Company to open cut the road.
17. Company understands and agrees that staging areas or equipment shall not be located on land owned by a person other than Company unless otherwise negotiated with landowners.
18. Company understands and agrees that if any cultural resource, paleontological site, archeological site, historical site, or grave site is discovered during construction, it must be marked, preserved and protected from further disturbances until a professional examination can be made by the State Historical Society, and a report of such examination is filed with the Commission.
19. Company understands and agrees that construction must be suspended when weather conditions are such that construction activities will cause irreparable damage to roads or land, unless adequate protection measures are taken by Company.
20. Company understands and agrees that the Commission's third party construction inspector will be allowed ~~has authority~~ to stop Project construction activities to prevent an imminent hazard from occurring before the Commission could take formal action with respect to said activities. For purposes of this provision, "imminent hazard" means a condition that presents a substantial likelihood of death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment. Other Project construction activities would be allowed to continue in the event of a probable violation of the siting laws, siting rules, or applicable Commission Orders if, in the opinion of the Commission, construction activities are likely to result in irreparable or significant harm.

Restoration and Maintenance:

21. Company agrees that it shall, as soon as practicable upon the completion of the construction of the energy conversion facility, restore the area affected by the

EXHIBIT 7

activities to as near as is practicable to the condition as it existed prior to the beginning of construction.

22. Company understands and agrees that all pre-existing township and county roads and lanes used during construction must be repaired or restored to a condition that is equal to or better than the condition prior to the construction of the energy conversion facility and that will accommodate their previous use, and that areas used as temporary roads or working areas during construction must be restored to their original condition.
23. Company understands and agrees that reclamation, fertilization, and reseeding is to be done according to the Natural Resources Conservation Service recommendations, unless otherwise specified by the landowner and approved by the Commission.
24. Company will fulfil its obligation for reclamation and maintenance of the approved site continuing throughout the life of the energy conversion facility.
25. Company will repair all fences and gates removed or damaged during all phases of construction and operation of the proposed energy conversion facility.
26. Company will repair or replace all drainage tile broken or damaged as a result of construction and operation of the proposed energy conversion facility.
27. Company agrees to comply with the Tree and Shrub Mitigation Specifications, attached.
28. Company understands and agrees that it shall work with landowners and residents to mitigate any increase in television and residential radio interference that results from the construction of the energy conversion facility.
29. Company understands and agrees that it shall remove all waste that is a product of construction and operation, restoration, and maintenance of the site, and properly dispose of it on a regular basis.
30. Company understands and agrees that it shall provide any necessary safety measures for traffic control or to restrict public access to the energy conversion facility.

Communication with Landowners and PSC:

31. Company agrees to provide the Commission with engineering design drawings showing surveyed structure and collection substation locations prior to construction.

EXHIBIT 7

32. Company understands and agrees that it shall advise the Commission as soon as reasonably possible of any extraordinary events which take place at the site of the energy conversion facility, including injuries to any person.
33. Company agrees to report to the Commission, as soon as reasonably possible, the presence in or near the approved site of any critical habitat of threatened or endangered species that Company becomes aware of and which were not previously reported to the Commission.
34. Company agrees to provide the Commission with both an electronic and a paper copy of the site approved by the Commission and the facility design specifications for the construction of the energy conversion facility showing the location of the energy conversion facility as built, and will provide this information within 3 months of the completion of the construction. Company also agrees to provide an electronic version of the site approved by the Commission and the facility design specifications for the construction of the energy conversion facility showing the location of the energy conversion facility as built that can be imported into ESRI GIS mapping software within 3 months of the completion of the construction. This electronic map data must be referenced to the North Dakota coordinate system of 1983, North and/or South zones US Survey feet (NAD 83) UTM Zone 13N or 14N feet (NAD 83), or geographic coordinate system (WGS 84) feet. The vertical data must be in the appropriate vertical datum for the coordinate system used. All submissions must specify the datum in which the data was developed.
35. Company shall notify the Commission, as soon as reasonably possible, if any damage, as defined by North Dakota Century Code Chapter 49-23, occurs to underground facilities during construction conducted under the certificate or permit issued in this proceeding. In the event of any damage to underground facilities, Company shall suspend construction in the vicinity of the damage until compliance with One-Call Excavation Notice System requirements under North Dakota Century Code Chapter 49-23 has been determined.
36. Company agrees that it shall provide, if requested, educational material for landowners within the site boundaries about the proposed energy conversion facility and any restriction or danger concerning the proposed energy conversion facility.
37. Company understands and agrees that it shall implement a procedure for how complaints concerning the proposed energy conversion facility will be handled by Company

Modification of Energy Conversion Facility or Energy Conversion Site Plan:

38. Before conducting any construction activities for any modification within the designated site, the Company will file the name and contact information for a key

EXHIBIT 7

contact person for the purposes of notice and communication during the site modification application and will use the following procedures:

- A. Before conducting any construction activities for any modification within the designated site, and such **construction activities will not affect any known exclusion or avoidance areas** within the designated site, the Company will file certification and supporting documentation:
 1. Affirming that construction activities will not affect any known exclusion or avoidance areas within the designated site;
 2. Including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying the designated site and site modification(s); and
 3. Affirming that Company will comply with the Commission's order, law and rules designating the site.
 - B. Before conducting any construction activities for any modification within the designated site, and such construction activities will not affect any known exclusion but **may affect an avoidance area** within the designated site, the Company will file:
 1. A specific description of the avoidance area expected to be impacted, including a map meeting the requirements of N.D. Admin. Code § 69-06-04-01(2)(n) identifying:
 - a. the designated site and the site modification;
 - b. all exclusion and avoidance areas within the portion of the designated site containing the site modification.
 2. Certification and supporting documentation affirming that construction activities will not affect any known exclusion area.
 3. All field studies performed on the portion of the designated site containing the site modification;
 4. Specific information about any mitigation measures Company will take within the modification area;
 5. Certification that each owner of real property on which the modification is to be located and any applicable governmental entity with an interest in the same modification area do not oppose the modification;
 6. Certification that unless the Commission previously authorized the impact to the same avoidance area, that the utility has good cause and a specific reason to impact the avoidance area and a reasonable alternative does not exist;
 7. Certification that Company will comply with the Commission's order, law and rules designating the site.
39. Company acknowledges and agrees that written authorization from the Commission for impacting the avoidance area is necessary prior to commencement of construction activity.

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Dated this 5th day of March, 2025.

Flickertail Solar Project, LLC

By 

Its Authorized Person

EXHIBIT 7

STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION

**Flickertail Solar Project, LLC
Flickertail Solar Project – Richland County
Siting Application**

Case No. PU-24-351

Tree and Shrub Mitigation Specifications

Inventory

Prior to cutting or clearing trees or shrubs for construction:

- All trees one-inch or greater in diameter at breast height must be inventoried to record the location, number, and species.
- All shrubs and all coniferous trees of any diameter must be inventoried to record the location, number, and species.

Clearing

The maximum width of tree and shrub removal is 50 feet, unless otherwise approved by the Commission.

Replacement

1. Landowners must be given the option to have trees and shrubs that are removed from their property replaced on their property. The landowner may waive this option in writing. If the landowner waives this option, the company shall plant replacement trees and shrubs in an alternate location in the same region, if practical.
2. Trees and shrubs must be replaced on a minimum two-to-one basis. The company shall develop a Tree and Shrub Mitigation Plan (Plan) in consultation with landowners who are seeking replacement trees and shrubs and in accordance with USDA-NRCS-North Dakota Field Office Technical Guide: Windbreak and Woodland Tree Care and Management. The guidelines outlined in the Technical Guide shall be followed until filing of the Plan summary outlined in number 5 below.
3. The purpose of the company's Tree and Shrub Mitigation Plan is to create sustainable plantings, appropriate for the local soil and growing conditions that will provide long-term benefit to landowners, farmers and ranchers, the community, wildlife and the environment.
4. The Plan, including the proposed number, variety, type, location, and approximate date for plantings, shall be filed with and approved by the Commission.
5. Two years after completion of the plan, the company must file a summary documenting how the plan achieved the purpose outlined in number 3 above. The summary must also report the number of surviving replacement trees and shrubs.
6. The Commission will consider, on a limited basis as conditions warrant, mitigation plans that provide long-term wildlife habitat and conservation benefits but do not involve the replanting of trees and shrubs.

**ATTACHMENT C: Summary of Tree and Shrub Species
Observed by Removal Area**

Table 1. Summary of Tree and Shrub Species Observed by Removal Area

Scientific Name	Common Name ^{1,2}	Growth Habit ²	Native/ Invasive ²	Area A		Area B		Area C		Area D		Area E		Area F		Area G		Area H		Total	
				Alive	Dead	Alive	Dead	Alive	Dead	Alive	Dead	Alive	Dead	Alive	Dead	Alive	Dead	Alive	Dead	Alive	Dead
<i>Acer negundo</i>	Boxelder	Tree	Native	0	0	2	0	1	0	0	0	0	0	1	0	0	0	0	0	4	0
<i>Celtis occidentalis</i>	Common Hackberry	Tree	Native	24	1	26	2	2	0	0	0	0	0	5	0	0	0	0	0	57	3
<i>Cornus racemosa</i>	Gray Dogwood	Shrub	Native	17	0	5	1	0	0	0	0	69	3	0	0	0	0	6	0	97	4
<i>Cornus sericea</i>	Redosier Dogwood	Shrub	Native	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0
<i>Elaeagnus angustifolia</i>	Russian Olive	Tree	Invasive	0	0	1	0	0	0	0	0	0	0	0	0	0	0	21	0	22	0
<i>Fraxinus pennsylvanica</i>	Green Ash	Tree	Native	52	15	11	2	0	0	0	0	2	0	105	13	0	0	2	0	172	30
<i>Lonicera tatarica</i>	Tatarian Honeysuckle	Shrub	Invasive	31	0	13	4	48	5	0	0	7	1	4	2	0	0	0	0	103	12
<i>Populus deltoides</i>	Cottonwood	Tree	Native	0	0	3	0	0	0	0	0	0	0	0	0	155	3	56	1	214	4
<i>Prunus americana</i>	American Plum	Shrub	Native	123	0	33	3	0	0	0	0	192	3	119	4	0	0	11	0	478	10
<i>Prunus virginiana</i>	Chokecherry	Shrub	Native	2,337	14	505	36	773	19	9	3	0	0	902	4	0	0	0	0	4,526	76
<i>Rhamnus cathartica</i>	Common Buckthorn	Tree	Invasive	20	1	86	10	2	0	0	0	0	0	0	0	0	0	0	0	108	11
<i>Rhamnus davurica</i>	Dahurian buckthorn	Tree, Shrub	Invasive	0	0	0	0	0	0	0	0	25	2	0	0	0	0	0	0	25	2
<i>Ribes americanum</i>	American Black Currant	Shrub	Native	66	0	0	0	0	0	0	0	0	0	4	1	0	0	0	0	70	1
<i>Ribes aureum</i>	Golden Currant	Shrub	Native	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
<i>Ribes triste</i>	Red Currant	Shrub	Native	18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18	0
<i>Salix amygdaloides</i>	Peachleaf Willow	Tree, Shrub	Native	0	0	0	0	0	0	0	0	0	0	4	0	0	0	2	0	6	0
<i>Salix cordata</i>	Heartleaf Willow	Shrub	Native	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0
<i>Salix petiolaris</i>	Meadow Willow	Tree, Shrub	Native	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	4	0
<i>Sambucus racemosa</i>	Red Elderberry	Tree, Shrub	Native	36	0	10	3	0	0	0	0	0	0	3	2	0	0	0	0	49	5
<i>Symphoricarpos occidentalis</i>	Western Snowberry	Shrub	Native	0	0	16	2	0	0	0	0	0	0	0	0	0	0	0	0	16	2
<i>Ulmus americana</i>	American Elm	Tree	Native	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	3	0
<i>Ulmus pumila</i>	Siberian Elm	Tree	Invasive	2,652	321	3,220	282	1,890	171	96	3	0	0	0	0	0	0	1	0	7,859	777
Total:				5,377	352	3,934	345	2,716	195	105	6	298	9	1,147	26	155	3	104	1	13,836	937

¹ North Dakota Tree Handbook (if species were listed): <https://www.ag.ndsu.edu/trees/n-d-tree-handbook>

² Natural Resource Conservation Service US Department of Agriculture PLANTS Database: <https://plants.usda.gov/>

Appendix B - Tree and shrub replacement cost estimates

RICHLAND SOIL CONSERVATION DISTRICT

1725 17th Ave. North
WAHPETON, ND 58075
11 PHONE (701) 642-5997 OPT. 3 ♦ FAX 1-855-813-7554



SUPERVISORS

MICHAEL HAVERLAND - WALCOTT
DAVID MUEHLER - HANKINSON
CARSON KLOSTERMAN - WYNDMERE

CHRIS WALBERG - LEONARD
BRAD TOUSSAINT - WAHPETON

February 13, 2026

Kristi Tostensen- OTPC

~~Re-Tree~~ Quote for Abercrombie Solar Project

Tree Species	Number of trees	Spacing in row	total footage planned
1. Boxelder	8	15 ft	120 ft
2. Hackberry	114	15 ft	1710 ft
3. Gray Dogwood	194	4 ft	776 ft
4. Redosier Dogwood	6	4ft	24 ft
5. Russian Olive	22	10 ft	220 ft
6. Green ash to be replaced by Hackberry	344	15 ft	5160 ft
7. Honeysuckle	103	4 ft	412 ft
8. Native Cottonwood	428	15 ft	6420 ft
9. American Plum	956	8 ft	7648 ft
10. Common Chokecherry	9052	8 ft	72,416 ft
11. Common Buckthorn replace with Caragana	108	4 ft	432 ft
12. Dahurian Buckthorn replace with Bur Oak	25	15 ft	375 ft
13. Black Currant	140	6 ft	840ft
14. Golden and Red Currant	38	6 ft	228 ft
15. Peachleaf Willow	12	10 ft	120 ft
16. Heartleaf Willow <u>replace with</u> Sandbar Willow	2	4 ft	8 ft
17. Meadow Willow replace with Laurelleaf willow	8	10 ft	80 ft
18. Elderberry	98	4 ft	392 ft
19. Western Snowberry <u>replace with</u> West. Sandcherry	32	4ft	128 ft
20. American Elm	6	18 ft	108 ft
21. Siberian Elm replace with Basswood (<u>Lindens</u>)	7859	15 ft	117,885 ft
Total	19,555		215,502 ft

We charge 50 cents a foot for machine planting and \$1 per foot if fabric is installed.

Thank You


Keith Kinneberg-District Technician

CONSERVATION - ~~DEVELOPMENT~~ - SELF-GOVERNMENT

All programs and services of the Richland Soil Conservation District are offered on a non-discriminatory basis, without regard to race, color, national origin, religion, sex, age or handicap.

RICHLAND SCD

Richland Soil Conservation
1725 17th Ave N.
Wahpeton, ND 58075

Estimate

Date	Estimate#
2/13/2026	3

Name / Address
Offier Tail Power Company Attn: Kristi Tostenson PO Box 496 Fergus Falls, MN 56538-0496

			Project
Description	Qty	Cost	Total
Feet of Trees (19,555 trees total)	215,502	0.50	107,751.00T
Feet of Fabric Applied by SCD	215,502	1.00	215,502.00T
Sales Tax		25,860.24	25,860.24
		Total	\$349,113.24

Customer Signature _____

APPENDIX C - Landowner waivers

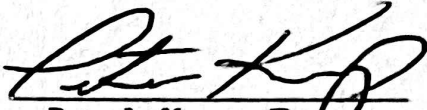
TREE AND SHRUB REPLACEMENT WAIVER

Flickertail Solar Project, LLC ("Flickertail") is developing the Flickertail Solar Project ("Project") in Abercrombie Township, Richland County, North Dakota. Flickertail is required to obtain a Certificate of Site Compatibility for the Project from the North Dakota Public Service Commission ("PSC") and, as a result, will be subject to the PSC's Tree and Shrub Mitigation Specifications ("Specifications"). Per the Specifications, the owner(s) of a Project parcel from which trees and/or shrubs are removed have the option of having replacement trees and shrubs planted on their property, either on the parcel from which the trees/shrubs were removed or on other property they own. However, landowners may waive these options, allowing replacement trees and/or shrubs to be planted off of their property.

The undersigned own the property described on the attached Exhibit A (the "Property") within the proposed Project site which has been leased to Flickertail. Trees and/or shrubs will or may be removed from the Property in conjunction with the Project. The undersigned hereby waives the option of having replacement trees and/or shrubs planted on the Property or on other property owned by the undersigned.

Dated this 20 day of march, 2025.

P. & K. KRUMP TRUST
U/A DATED FEBRUARY 2, 2022

By: 
Peter L. Krump, Trustee

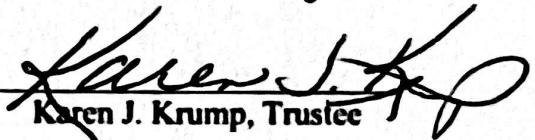
By: 
Karen J. Krump, Trustee

Exhibit A

DESCRIPTION OF THE PROPERTY

**THE FOLLOWING REAL PROPERTY LOCATED IN THE COUNTY OF RICHLAND,
STATE OF NORTH DAKOTA:**

The South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Fifteen (15), Township One Hundred Thirty-four (134), Range Forty-nine (49), LESS

Parcel No. 101 (Highway)

All that portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ (excepting Northern, Inc. Right of way) of Section 15, Township 134 N., Range 49 W., 5th P.M., lying within a strip of land located on the westerly side of the following described highway centerline as surveyed and stated over and across said SE $\frac{1}{4}$ SW $\frac{1}{4}$ (except the Burlington Northern, Inc. Right of way):

Beginning at a point east along the section line 32.5 ft., more or less, from the southeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ said point being the true point of beginning, where said strip is 275.0 ft. wide, thence running N 0°34'W 1,255.1 ft., more or less, to a point where said strip changes to 200.0 ft. in width, thence continuing N 0°34'W 66.0 ft., more or less, until said strip crosses the north line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$, where said highway centerline is 20.9 ft. east of the northeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Excepting all that portion lying within 33 feet of the section line.

Tract contains 5.99 acres, more or less, and is shown on plat as shaded area; AND

Parcel No. 101A (Highway)

A tract of land lying in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 134 N., Range 49 W., lying northeasterly of the Burlington Northern Inc. right of way and westerly of a strip of land lying westerly of the following described highway centerline:

Beginning at a point east along the second line 32.5 ft., more or less, from the southeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$, said point being the true point of beginning, where said strip is 275.0 ft. wide, thence running N 0°34'W 1,255.1 ft., more or less, to a point where said strip changes to 200.0 ft. in width, thence continuing N 0°34'W 66.0 ft., more or less, until said strip crosses the north line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$, 20.9 ft. east of the northeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Tract contains 4.33 acres, more or less, and is shown on plat as shaded area.

TREE AND SHRUB REPLACEMENT WAIVER

Flickertail Solar Project, LLC ("Flickertail") is developing the Flickertail Solar Project ("Project") in Abercrombie Township, Richland County, North Dakota. Flickertail must obtain a Certificate of Site Compatibility for the Project from the North Dakota Public Service Commission ("PSC") and, as a result, will be subject to the PSC's Tree and Shrub Mitigation Specifications ("Specifications"). Per the Specifications, the owner(s) of a Project parcel from which trees and/or shrubs are removed have the option of having replacement trees and shrubs planted on their property, either on the parcel from which the trees/shrubs were removed or on other property they own. However, landowners may waive these options, allowing replacement trees and/or shrubs to be planted off of their property.

The undersigned own property leased to Flickertail and within the proposed Project site, which is described in the attached **Exhibit A** (the "Property"). Trees and/or shrubs will or may be removed from the Property in conjunction with the Project. The undersigned hereby waive the option of having replacement trees and/or shrubs planted on the Property or on other property owned by the undersigned.

[Remainder of page intentionally left blank.]

Dated this 16TH day of September, 2025.

Earl R. Myhre
Earl R. Myhre

Sandra K. Sletmoen

Jeremy R. Brudwick

Mark E. Myhre

Norma J. Brudwick

Chad Myhre

Dennis L. Brudwick

Gary J. Myhre

Matthew Myhre
Matthew Myhre

Denise Myhre

Dated this ____ day of _____, 2025.

Earl R. Myhre

Sandra K. Sletmoen



Jeremy R. Brudwick

Mark E. Myhre

Norma J. Brudwick

Chad Myhre

Dennis L. Brudwick

Gary J. Myhre

Matthew Myhre

Denise Myhre

Dated this ____ day of _____, 2025.

Earl R. Myhre

Sandra K. Sletmoen

Jeremy R. Brudwick

Mark E. Myhre

Norma J. Brudwick

Norma J. Brudwick

Chad Myhre

Dennis L. Brudwick

Dennis L. Brudwick

Gary J. Myhre

Matthew Myhre

Denise Myhre

Dated this 22 day of Sept., 2025.

Earl R. Myhre

Sandra K. Sletmoen
Sandra K. Sletmoen

Jeremy R. Brudwick

Mark E. Myhre

Norma J. Brudwick

Chad Myhre

Dennis L. Brudwick

Gary J. Myhre

Matthew Myhre

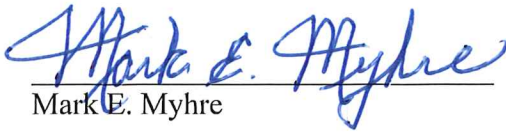
Denise Myhre

Dated this ____ day of _____, 2025.

Earl R. Myhre

Sandra K. Sletmoen

Jeremy R. Brudwick



Mark E. Myhre

Norma J. Brudwick

Chad Myhre

Dennis L. Brudwick

Gary J. Myhre

Matthew Myhre

Denise Myhre

Dated this ____ day of _____, 2025.

Earl R. Myhre

Sandra K. Sletmoen

Jeremy R. Brudwick

Mark E. Myhre

Norma J. Brudwick

Chad Myhre



Dennis L. Brudwick

Gary J. Myhre

Matthew Myhre

Denise Myhre

Dated this ____ day of _____, 2025.

Earl R. Myhre

Sandra K. Sletmoen

Jeremy R. Brudwick

Mark E. Myhre

Norma J. Brudwick

Chad Myhre

Dennis L. Brudwick

Gary J. Myhre

Matthew Myhre

Denise Myhre

Exhibit A

DESCRIPTION OF THE PROPERTY

THE FOLLOWING REAL PROPERTY LOCATED IN THE COUNTY OF
RICHLAND, STATE OF NORTH DAKOTA:

The Southeast Quarter (SE $\frac{1}{4}$) of Section Fifteen (15), in Township One Hundred Thirty-four, Range Forty-nine (49), excepting therefrom such portion previously reserved and/or taken for highway purposes.

TREE AND SHRUB REPLACEMENT WAIVER

Flickertail Solar Project, LLC ("Flickertail") is developing the Flickertail Solar Project ("Project") in Abercrombie Township, Richland County, North Dakota. Flickertail is required to obtain a Certificate of Site Compatibility for the Project from the North Dakota Public Service Commission ("PSC") and, as a result, will be subject to the PSC's Tree and Shrub Mitigation Specifications ("Specifications"). Per the Specifications, the owner(s) of a Project parcel from which trees and/or shrubs are removed have the option of having replacement trees and shrubs planted on their property, either on the parcel from which the trees/shrubs were removed or on other property they own. However, landowners may waive these options, allowing replacement trees and/or shrubs to be planted off of their property.

The undersigned own the property described on the attached Exhibit A (the "Property") within the proposed Project site which has been leased to Flickertail. Trees and/or shrubs will or may be removed from the Property in conjunction with the Project. The undersigned hereby waives the option of having replacement trees and/or shrubs planted on the Property or on other property owned by the undersigned.

Dated this 20 day of March, 2025.


Lynn Syvertsen

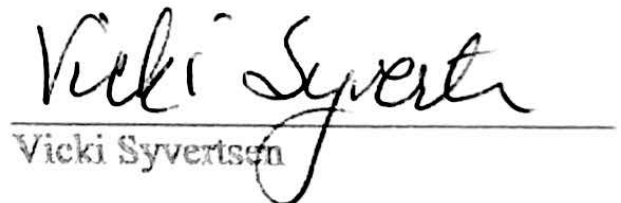

Vicki Syvertsen

Exhibit A

DESCRIPTION OF THE PROPERTY

THE FOLLOWING REAL PROPERTY LOCATED IN THE COUNTY OF RICHLAND,
STATE OF NORTH DAKOTA:

The South Half of the Southeast Quarter (S½SE¼) and the Northeast Quarter of the Southeast Quarter (NE¼SE¼) of Section Sixteen (16) in Township One Hundred Thirty-four (134) north of Range Forty-nine (49) West, of the Fifth Principal Meridian, in Richland County, State of North Dakota, containing 120 acres, LESS a tract of land described as follows:

Starting at a point 2 rods west and 2 rods north of the southeast corner of Section Sixteen (16), Township One Hundred Thirty-four (134), Range Forty-nine (49) thence north a distance of 158 rods; thence west a distance of 3 rods; thence south a distance of 158 rods; thence east a distance of 3 rods to the point of beginning, containing 3.0 acres more or less.

APPENDIX D – Letters of Support

March 25, 2026

To whom it may concern.

A proposal for tree planting with Ottertail Power Company was presented for a property in Abercrombie township adjacent to the Fort Grounds in Abercrombie. The Fort is part of the ND Historical Society. We are asking for consideration to have this planting be included in the Flickertail Solar project being implemented in said township. The landowner south and adjacent to the Fort ground has and is willing to add three rows of trees to his property to help the Fort ground with several problems.

The trees would add protection to the Fort grounds with snow drifting, debris from adjacent fields blowing in and causing excessive work to clean up. Corn stalks and other crop residue pile up within the Fort grounds. This project would also help with wildlife habitat and hopefully deter critters from entering the Fort ground area where there has been damage caused by animals. Soil erosion is also a concern as dirt drifting often leaves mounds of dirt within Fort ground area. Adding the trees will also enhance visual buffering and help to preserve operations within the Fort grounds without impacting the restricted area of the Fort.

Due to property restrictions the Fort does not allow ground disturbance of any kind due to possible artifacts present as well as preserving the existing buildings and marked areas of former buildings. The Fort is very high in visitor attendance so keeping the grounds nice looking is a priority. We are asking for consideration to be included in the Flickertail Solar project with Ottertail Power Company.

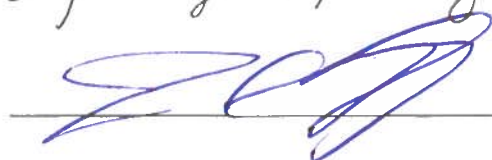
Sincerely:



Richland County ND Soil and Conservation *Keith Kinneberg*



Fort Abercrombie Site Manager *Lenny Krueger*



Adjacent Landowner *John Flaa*



Galchutt American Legion Post 282

17295 67th St. SE
Wahpeton, ND 58075

June 17, 2026

To whom it may concern,

A proposal for a windbreak planting at the Galchutt American Legion baseball field has been presented as part of the Abercrombie Solar Tree and Shrub Mitigation Plan.

The proposed project would install a windbreak along approximately 360 feet on the south side of the Legion baseball field, consisting of two rows of trees placed to help reduce prevailing winds. The field is an important community space, and we see this project as a practical way to improve conditions for those who use it.

The windbreak is expected to help reduce wind exposure on the field, limit blowing debris and snow drifting, and make the area more comfortable for players and spectators. The plan to use hardy, site-appropriate trees that require limited maintenance is also important to us as we consider long-term upkeep.

We are willing to work with Otter Tail Power Company to confirm planting locations, access, and maintenance responsibilities as the project moves forward.

Overall, we support inclusion of this windbreak planting as part of the Abercrombie Solar mitigation plan. We believe it will provide lasting benefits to the baseball field and the Galchutt community.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Kinneberg". The signature is fluid and cursive, with a long horizontal stroke at the end.

Keith Kinneberg

Adjunct *SAL*

Galchutt American Legion



RICHLAND SOIL CONSERVATION DISTRICT

1725 17th Ave. N.
WAHPETON, ND 58075

☎ PHONE (701) 642-5997 OPT. 3 ♦ FAX 1-855-813-7554



SUPERVISORS

MICHAEL HAVERLAND – WALCOTT
DAVID MUEHLER – HANKINSON
CARSON KLOSTERMAN – WYNDMERE

CHRIS WALBERG – LEONARD
BRAD TOUSSAINT – WAHPETON

June 17, 2026

To Whom It May Concern:

The Richland Soil Conservation District (SCD) is writing in support of the windbreak and community orchard projects included in the Abercrombie Solar Tree and Shrub Mitigation Plan.

We have provided input into these mitigation efforts and believe the proposed projects are practical, locally appropriate, and aligned with long-term conservation goals.

Richland SCD is willing to assist with implementation of the windbreak plantings and would be prepared to carry out installation activities. This work would include assisting with final layout, species selection, site preparation, planting, and initial establishment practices to help ensure successful growth and long-term performance of the windbreaks.

For the community orchard project, SCD is available to provide technical support as needed. This may include guidance on species and variety selection, planting layout, soil preparation, and establishment practices to support long-term survivorship and productivity.

We appreciate the opportunity to be involved and support inclusion of these projects as part of the mitigation plan.

Sincerely,

Jennifer Klostreich
District Manager/ Watershed Coordinator
Richland Soil Conservation District

CONSERVATION – DEVELOPMENT – SELF-GOVERNMENT

All programs and services of the Richland Soil Conservation District are offered on a non-discriminatory basis, without regard to race, color, national origin, religion, sex, age or handicap.



July 16, 2026

Otter Tail Power Company
PO Box 496
Fergus Falls, MN 56537

Subject: Letter of Support – Abercrombie Solar Tree and Shrub Mitigation Plan

To whom it may concern:

The North Dakota Game and Fish Department's mission is to protect, conserve, and enhance fish and wildlife populations and their habitats for sustained public consumptive and nonconsumptive use. The Department's Private Land Initiative (PLI) is the mechanism for delivering this mission on the private landscape. A primary component of PLI is the Private Land Open To Sportsmen (PLOTS) program, which creates or enhances habitat on private lands and provides walk-in public access for hunting. We appreciate the opportunity to provide input on the proposed Tree and Shrub Mitigation Plan developed to address vegetation impacts associated with construction of the Abercrombie Solar Project in Richland County, North Dakota.

Based on our review, the Department supports the overall mitigation approach presented in the Plan. We appreciate Otter Tail Power Company's innovative strategy emphasizing long-term ecological benefits and grassland habitat improvement rather than standard tree replacement, which, if placed in unsuitable areas, can negatively affect grassland-dependent species.

The Department would specifically like to acknowledge and support Mitigation Project #6 – Invasive Tree Removal and Grassland Restoration on PLOTS lands in the area. Under this proposal, Otter Tail Power Company would provide funding to support removal of invasive trees and restoration of grassland habitat on PLOTS lands near the project location. The Department has a primary project identified for enrollment in the PLOTS Program for 15 years, northwest of the project area, that includes 48.8 acres of native grass restoration and approximately 1,485 feet of tree removal. Additionally, the Department has two other proposed projects in the area that include 238 acres of native grass restoration and approximately 20 acres of scattered invasive tree removal where funding could be utilized.

From a wildlife management perspective, removal of encroaching and invasive woody vegetation from native grassland systems provides substantial habitat benefits. Grassland restoration improves conditions for upland game birds, grassland-dependent wildlife species, pollinators, and other native fauna. Long-term management of the property through a PLOTS agreement ensures enduring conservation value while maintaining walk-in public access for hunting. As described in the Plan, the restored area would be managed under a 15-year PLOTS agreement with the landowner, providing sustained habitat benefits and public access. Mitigation Project #6 also contributes to landscape-scale habitat enhancement in an area where grassland conservation remains a priority.

Accordingly, the North Dakota Game and Fish Department supports the Abercrombie Solar Tree and Shrub Mitigation Plan and encourages the Commission to consider the habitat and conservation benefits associated with the proposed mitigation measures. Please contact the Department if you have any questions regarding this letter.

Kevin Kading

Kevin Kading
Private Lands Section Leader
North Dakota Game and Fish Department

Governor
Kelly Armstrong

Director
Jeb Williams

Deputy Director
Casey Anderson



Forest Service

Dakota Prairie Grasslands

Sheyenne Ranger District
1601 Main Street
P.O. Box 946
Lisbon, ND 58054
701-404-8950
Fax: 701-404-8953

File Code: 6100

Date: 09/11/2026

Otter Tail Power Company
PO Box 496
Fergus Falls, MN 56537

Subject: Letter of Support – Abercrombie Solar Tree and Shrub Mitigation Plan

To Whom It May Concern,

The Sheyenne National Grasslands (the Grasslands) is pleased to support the Abercrombie Solar Tree and Shrub Mitigation Plan and the proposed Sheyenne Grasslands Restoration project identified as Mitigation Project #7 (the project). The project proposes funding to support grassland restoration activities within the Grasslands via the reseeding, interseeding, and planting of native grasses and forbs as part of our larger landscape-level treatments for invasive species and hazardous fuels reduction. The Grassland is actively working to reduce the encroachment of woody vegetation, and appreciates the applicants' and the North Dakota Public Service Commission's interest in pursuing mitigation alternatives to tree planting for projects located in grassland ecosystems.

We appreciate the opportunity to partner on this initiative and are willing to work with Otter Tail Power Company to implement the restoration activities associated with this project, subject to final project planning, funding agreements, and applicable approvals. The proposed work aligns with our shared goals of improving native habitat, enhancing ecosystem resilience, and supporting long-term conservation outcomes across North Dakota's grassland landscapes.

We look forward to collaborating on this effort and helping ensure the successful delivery of meaningful habitat restoration benefits within the Sheyenne Grasslands.

Respectfully,

**AIDAN
MCCARTY**

Digitally signed by
AIDAN MCCARTY
Date: 2026.09.11
10:57:38 -05'00'

Aidan McCarty
District Ranger
Sheyenne Ranger District – Dakota Prairie Grasslands