CROWLEY | FLECK
ATTORNEYS

Erik J. Edison
100 West Broadway, Suite 250
P.O. Box 2798
Bismarck, ND 58502-2798
701.223.6585
ejedison@crowleyfleck.com

June 18, 2026

Via Electronic Mail & Hand Delivery

Mr. Brian Johnson
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

In re: Minnesota Power
Longspur Wind Project - Morton County
Siting Application
Case No. PU-25-304

-and-

Minnesota Power
Longspur Wind 230-kV Transmission Line - Morton & Mercer Counties
Siting Application
Case No. PU-25-305
OAH File No. 20260031
Our File No. 111345-000003

Dear Mr. Johnson:

Enclosed for filing on behalf of Minnesota Power, please find eight copies of the Proposed Findings of Fact, Conclusions of Law and Order in the above-referenced matter.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,

Erik J. Edison

EJE/lh
Enc.
cc: ALJ Hope L. Hogan (via email)
Zachary Pelham (via email)
Adam Renfandt (via email)
Jim Klempir (via email)
Alex Luman (via email)
Mitchell Bettenhausen (via email)
Casey Furey (via email)
Wade Mann (via email)

54 PU-25-304 Filed 06/18/2026 Pages: 19
Proposed Findings of Fact, Conclusions of Law and Order

Minnesota Power
Erik J. Edison, Crowley Fleck, PLLP

55 PU-25-305 Filed 06/18/2026 Pages: 19
Proposed Findings of Fact, Conclusions of Law and Order

Minnesota Power
Erik J. Edison, Crowley Fleck, PLLP

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Minnesota Power **Case No. PU-25-304**
202.5 MW Longspur Wind Project – Morton County
Siting Application

Minnesota Power **Case No. PU-25-305**
230kV Transmission Project – Morton & Mercer Counties
Siting Application

[PROPOSED] FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

_____, 2026

Appearances

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

Erik J. Edison and Wade C. Mann, Crowley Fleck PLLP, 100 West Broadway Avenue, Suite 250, Bismarck, North Dakota 58501, on behalf of Applicant Minnesota Power.

Zachary Pelham, Special Assistant Attorney General, 600 E. Boulevard Ave., Dept. 408, Bismarck, North Dakota 58505-0480, North Dakota Public Service Commission.

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

Preliminary Statement

On December 30, 2025, in Case No. PU-25-304, Minnesota Power filed an Application for a Certificate of Site Compatibility (Wind Application) for a 202.5 megawatt (MW) wind energy conversion facility and associated facilities known as the Longspur Wind Project (Wind Project), to be located in Morton County, North Dakota.

On December 30, 2025, in Case No. PU-25-305, Minnesota Power filed a Consolidated Application for a Certificate of Corridor Compatibility and Route Permit (Transmission Line Application) for an approximately 2.5-mile 230kV electric transmission line and associated facilities (Transmission Project), to be located in Morton and Mercer Counties, North Dakota.

On March 5, 2026, the North Dakota Public Service Commission (Commission) issued a Notice of Filings and Notice of Consolidated Public Hearing (Notice) for the Wind and Transmission Projects (collectively, the Projects) and scheduled a consolidated public hearing for May 18, 2026 at 10:00 a.m. Central Time, at the Glen Ullin City Auditorium, 119 Main Street North, Glen Ullin, North Dakota 58631.

The Notice identified the following issues to be considered with respect to the Applications:

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

2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?

3. Will the proposed facilities' locations 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 May 18, 2026, a public hearing on the Applications for the Projects was held as scheduled. Exhibits 1 through 16 were entered into the record at the hearing.

On June 12, 2026, Minnesota Power filed Late-Filed Exhibit 17.

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

Findings of Fact

1. Minnesota Power is a business unit of ALLETE, Inc., a Minnesota corporation. ALLETE, Inc. is authorized to do business in the State of North Dakota as evidenced by the Certificate of Good Standing issued by the North Dakota Secretary of State and filed with the Commission in Case No. PU-25-306.

2. Minnesota Power will own and operate the Projects.

Size, Type, and Preferred Location - Wind Project

3. The Wind Project consists of approximately 26,100 acres of land in Morton County, North Dakota as depicted in Exhibit 8, Attachment L (Wind Project Area). The Wind Project consists of up to 45 primary turbines and 12 alternative turbine locations and will have a nameplate capacity of up to 202.5 MW.

4. Minnesota Power anticipates utilizing Vestas 4.5 MW wind turbines. The Vestas 4.5 MW wind turbines will have a 370.7-foot hub height and measure 638.2 feet from the base of the tower to the tip of the upright blade. Each turbine will be grounded and shielded to prevent against lightning strike.

5. Additional facilities associated with the Wind Project include access roads to turbine locations, underground electrical collection and communication systems, a collection substation, an operations and maintenance (O&M) building, one permanent meteorological tower (MET), and one permanent Aircraft Detection Lighting System (ADLS) radar system tower.

6. The power from the wind turbines will be run through an underground 34.5kV collection system. The collection system will terminate at the collector substation where the voltage will be stepped up from 34.5kV to transmission line voltages for interconnection to the transmission grid.

7. The Wind Project will interconnect to the grid at the existing Tri-County 230kV Substation in Mercer County, North Dakota utilizing the Transmission Project.

8. The Wind Project will have Supervisory Control and Data Acquisition (SCADA) system for remote monitoring, reporting, troubleshooting, and control of turbine equipment and performance.

9. Minnesota Power anticipates a December 2027 in-service date for commercial operation of the Wind Project.

10. The estimated cost to construct the Wind Project is approximately $780 million.

Size, Type, and Preferred Location - Transmission Project

11. The Transmission Project is an approximately 2.5-mile-long 230kV electric transmission line and associated facilities of which approximately 2.1 miles are located in Morton County and approximately 0.37 miles are located in Mercer County, North Dakota as depicted in Exhibit 2, Figure 15.

12. The Transmission Project corridor is generally 158 feet to 510 feet in width with the additional width to accommodate the crossing requirements of existing utilities (Transmission Project Corridor). The Transmission Project Corridor encompasses approximately 74 acres.

13. The Transmission Project will originate at the Wind Project collection substation in Morton County and terminate at the interconnection with the existing Tri-County 230kV Substation in Mercer County, North Dakota.

14. The Transmission Project will be constructed using approximately 18 transmission line structure locations, which primarily include steel monopole structures. The average

height of a single pole structure is 95 feet and will range from approximately 85 to 105 feet. All structure foundations will be concrete drilled piers. The span between structures will average approximately 750 feet.

15. Minnesota Power anticipates a December 2027 in-service date for commercial operation of the Transmission Project.

16. The estimated cost to construct the Transmission Project is approximately $10.9 million.

Study of Preferred Location - Wind Project

17. Minnesota Power conducted natural resource desktop and field surveys within the Wind Project Area. The surveys gathered information on soils, land use and vegetation, wetlands and waterbodies, woodlands, trees and shrubs, and wildlife, including protected species and critical habitats.

18. Minnesota Power filed the following environmental reports in support of the Wind Application which contain the results of various wildlife and habitat surveys and studies as follows. Results of the studies were used in siting to avoid or minimize impacts.

a. Avian Use Study: Minnesota Power conducted an avian use study to evaluate use of the Wind Project area by avian species, such as waterfowl, grassland nesting birds, raptors, and eagles. The assessment concluded relatively low avian use across seasons and limited activity by species of concern. Eagle use was limited within the Wind Project Area and no consistent eagle flight patterns were observed.

b. Sharp-tailed Grouse Lek Surveys: Minnesota Power conducted two years of sharp-tailed lek surveys to document the number and location of grouse leks within the Wind Project Area and a two-mile buffer of the Wind Project boundary to help inform avoidance and minimization efforts.

c. Northern Long-Eared Bat (NLEB) Surveys: Minnesota Power conducted a NLEB desktop habitat assessment and presence/probable absence surveys in support of the Wind Project. No NLEB were detected during United States Fish and Wildlife Service (USFWS) approved Presence/Probable Absence surveys or confirmed during the general bat acoustic surveys.

d. Dakota Skipper Habitat Assessment: Minnesota Power conducted a Dakota skipper habitat assessment. The assessment identified and described approximately 21 acres of suitable Dakota skipper habitat within survey areas within the Wind Project. The Wind Project has been sited to avoid impacts to all suitable Dakota skipper habitat.

e. Grassland Assessment: Minnesota Power conducted an unbroken grassland assessment to assess grassland types within the Wind Project Area and summarize the desktop assessment and field surveys. Unbroken grasslands are located within the Wind Project Area. All 45 primary wind turbines and 12 alternative turbine locations avoid unbroken grasslands.

f. Whooping Crane Habitat Assessment: Minnesota Power conducted a whooping crane habitat assessment to evaluate potential whooping crane habitat use within the Wind Project Area. The assessment concluded the probability of use is low in any given year and that impacts are unlikely.

g. Eagle and Raptor Nest Survey Reports: Minnesota Power conducted two years of aerial and ground-based surveys to document eagle and raptor nest locations. No eagle nests were identified within the Wind Project Area as a result of the surveys.

h. Wetlands and Waterbody Assessment: Minnesota Power conducted surveys to identify and describe wetlands and other waters delineated in the Wind Project Area. The Wind Project has been sited to avoid and minimize impacts to wetlands and other waters to the greatest extent practicable.

19. Minnesota Power used the USFWS Information for Planning and Conservation tool and onsite surveys to identify the potential for occurrence of threatened or endangered species or their designated critical habitat within the Wind Project Area. This tool identified four threatened or endangered species that could potentially occur within the Wind Project: piping plover (threatened), rufa red knot (threatened), whooping crane (endangered), and Dakota skipper butterfly (threatened). The northern long eared bat (endangered) was identified in early project coordination as possibly occurring in the Wind Project Area. Minnesota Power's studies and surveys concluded the Wind Project lacks suitable habitat for the piping plover and rufa red knot and they are unlikely to occur. Impacts are not anticipated to the whooping crane, Dakota skipper butterfly, and NLEB based on Minnesota Power's siting and mitigation measures. No designated critical habitat for threatened or endangered species is located within the Wind Project.

20. Trees and shrubs are located within the Wind Project. Minnesota Power has sited the Wind Project to avoid impacts to trees and shrubs to the extent practicable. Tree or shrub removal and replacement will be coordinated with landowners and conducted in accordance with the Commission's Tree and Shrub Mitigation Specifications. Minnesota Power requested to clear trees and shrubs in 11 locations within the Wind Project that exceed the Commission's 50-foot clearance limitation as depicted in Late-Filed Exhibit 17.

21. Minnesota Power conducted a Class I Literature Search within a one-mile radius of the study area to identify previously recorded archaeological sites identified during previous surveys.

22. Minnesota Power conducted Class III Cultural Resource Inventories for archaeological resources for areas to be temporarily and permanently impacted by the Wind Project and submitted the reports to the North Dakota State Historical Preservation Office (SHPO). On December 22, 2025, and April 17, 2026, SHPO issued letters for archaeological resources located within the Wind Project and on April 17, 2026, SHPO determined there are no adverse direct effects on significant sites given the Wind Project is constructed as proposed.

23. Minnesota Power conducted an architectural history study of the Wind Project to assess potential visual impacts from proposed turbines on historically significant architectural resources inventory through a Class II Architectural Study. The study was conducted within two miles of wind turbine locations. The study concluded that no historically significant sites will be adversely affected by the Wind Project, due to existing impacts from nearby wind turbines and other existing infrastructure on the landscape. On April 17, 2026, SHPO accepted the report.

24. Minnesota Power conducted a sound study to assess whether sound levels from the Wind Project will exceed 45 A-weighted decibels (dBA) within 100 feet of an existing inhabited residence or community building (receptor) pursuant to N.D. Admin. Code § 69-06-08-01(4). The study included all 45 primary and 12 alternate turbine locations. All receptors, both participating and non-participating, are modeled below 45 dBA within 100 feet of the receptor. Accordingly, sound levels within 100 feet of an inhabited residence or community building will not exceed 45 dBA, unless waived in writing by the owner of such residence or building. The Wind Project meets the Commission's sound level requirements at all existing receptors identified in Exhibit 8, Attachment I. Minnesota Power will file an updated acoustic analysis prior to the commencement of construction that reflects the final Wind Project turbine array selected.

25. Minnesota Power conducted a shadow flicker analysis for the Wind Project. The analysis included all 45 primary and 12 alternate turbine locations. Based on the shadow flicker analysis, four receptors are modeled to exceed 30 hours per year of shadow flicker. Minnesota Power will file an updated shadow flicker analysis prior to the commencement of construction that reflects the final Wind Project turbine array selected. If the final shadow flicker analysis contains exceedances of the Commission's accepted 30 hour per year or less standard, Minnesota Power will either secure a written waiver from the owner of the residence or building, or will employ mitigative measures such as curtailment to meet 30 hours per year of shadow flicker or less at the existing receptors identified in Exhibit 8, Attachment J.

26. Minnesota Power evaluated North Dakota Geological Survey (NDGS) landslide mapping data to assess areas of potential geologic instability within the Wind Project. NDGS data identified several landslide deposits in the southeastern and western portions of the Wind Project Area. No infrastructure is located in areas where landslide deposits are present.

27. Minnesota Power conducted a microwave study and a telecommunications study to identify all published Federal Communications Commission microwave telecommunications systems in proximity of the Wind Project Area. Based on the results of this study, impacts to these systems are not anticipated from the Wind Project's turbines.

28. Minnesota Power has obtained Determinations of No Hazard from the Federal Aviation Administration (FAA) for all primary and alternate Wind Project turbines. Minnesota Power will obtain a Determination of No Hazard from the FAA for the ADLS radar tower prior to operation of the Project.

Study of Preferred Location - Transmission Project

29. The study corridor for the Transmission Project consisted of a one-mile-wide corridor centered on the Transmission Project route (Transmission Study Area).

30. Minnesota Power conducted a desktop evaluation on the Transmission Study Area for soils, wetlands and waterbodies, trees and shrubs, and protected species and critical habitats.

31. Minnesota Power filed the following environmental reports in support of the Transmission Application which contain the results of various wildlife and habitat surveys and studies that were conducted to include the Transmission Study Area. Results of the studies were used in siting to avoid or minimize impacts.

a. Sharp-tailed Grouse Lek Surveys: Minnesota Power conducted two years of sharp-tailed lek surveys to document number and location of grouse leks within the Transmission Project Corridor and a two-mile buffer of the Transmission Study Area to help inform avoidance and minimization efforts. No leks were identified within the Transmission Project Corridor.

b. Northern Long-Eared Bat (NLEB) Surveys: The northern long-eared bat habitat assessment, in accordance with communication from USFWS's North Dakota Ecological Field Office staff in 2024 and USFWS's 2024 Range-Wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines, included 30,696 acres which covered a majority of the Transmission Corridor. No NLEB were detected during USFWS approved Presence/Probable Absence surveys or confirmed during the bat acoustic surveys.

c. Dakota Skipper Habitat Assessment: Minnesota Power conducted a Dakota skipper habitat assessment within the Transmission Project Corridor. The assessment identified no suitable habitat.

d. Grassland Assessment: Minnesota Power conducted an unbroken grassland assessment to assess grassland types within the Transmission Line Corridor and summarize the desktop assessment and field surveys. The Transmission

Project has been sited to avoid impacts to unbroken grasslands to the greatest extent practicable. Two transmission lines structures are located within unbroken grasslands and minimal adverse impacts are anticipated.

e. Whooping Crane Habitat Assessment: Minnesota Power conducted a whooping crane habitat assessment to evaluate potential whooping crane habitat use. The assessment concluded the probability of use is low in any given year and that impacts are unlikely.

f. Eagle and Raptor Nest Survey Reports: Minnesota Power conducted two years of aerial and ground-based surveys to document eagle and raptor nest locations. No eagle nests were identified within the Transmission Study Area as a result of the surveys.

g. Wetlands and Waterbody Assessment: Minnesota Power conducted surveys to identify and describe wetlands and other waters delineated in the Transmission Project Corridor. The Transmission Project has been sited to span all wetlands, and no impacts are anticipated.

32. Minnesota Power used the U.S. Fish and Wildlife Service Information for Planning and Conservation tool and onsite surveys to identify the potential for occurrence of threatened or endangered species or their designated critical habitat within the Transmission Corridor. This tool identified four threatened or endangered species that could potentially occur within the Transmission Project Corridor: piping plover (threatened), rufa red knot (threatened), whooping crane (endangered), and Dakota skipper butterfly (threatened). Minnesota Power's studies and surveys concluded the Transmission Corridor lacks suitable habitat for the piping plover and rufa red knot. Impacts are not anticipated to the whooping crane and Dakota skipper butterfly based on Minnesota Power's siting and mitigation measures. No designated critical habitat for threatened or endangered species is located within the Transmission Corridor.

33. Trees and shrubs are located within the Transmission Project Corridor. Minnesota Power has sited the Transmission Project to avoid impacts to trees and shrubs to the extent practicable. Tree or shrub removal and replacement will be conducted in accordance with the Commission's Tree and Shrub Mitigation Specifications.

34. Minnesota Power conducted a Class I Literature Search for the Project Corridor plus a one-mile buffer to identify previously recorded archaeological sites identified during previous surveys.

35. Minnesota Power conducted Class III Cultural Resource Inventories for areas to be temporarily and permanently impacted by the Transmission Project and within the Transmission Project Corridor. The Class III reports were submitted to the SHPO. On December 22, 2025, and April 17, 2026, the SHPO issued letters for archaeological resources located within the Transmission Project Corridor and on April 17, 2026,

determined there are no adverse direct effects on significant sites given the Transmission Project is constructed as proposed.

36. Minnesota Power evaluated NDGS landslide mapping data to assess areas of potential geologic instability within the Transmission Project Corridor. No NDGS mapped landslides were identified within the Transmission Project Corridor.

Agency Consultations

37. Minnesota Power sent coordination letters to the federal, state, and local departments, agencies, and entities designated in N.D. Admin. Code § 69-06-01-05. The agencies and entities that provided comment in response are as follows:

a. Federal: U.S. Department of Agriculture and the Natural Resources Conservation Service;

b. State: North Dakota Aeronautics Commission; North Dakota Department of Transportation; State Historical Society of North Dakota; North Dakota Parks and Recreation Department; North Dakota Department of Environmental Quality; North Dakota Geological Survey; North Dakota Department of Agriculture; North Dakota Department of Game and Fish; North Dakota Department of Water Resources.

38. Minnesota Power has avoided, minimized, and/or mitigated impacts for all issues raised by local, state, and federal agencies and entities to the greatest extent practicable. Agency, department, and entity consultations are noted in the Application, exhibits, and testimony presented at the Projects' hearing.

39. Section 49-22-16(2)(a), N.D.C.C., provides that no energy conversion facility site shall be designated that violates any local land use, zoning, or building rules, regulations, or ordinances. Minnesota Power has obtained a special use permit from Morton County for the Wind Project, a copy of which is provided in Appendix D to the Wind Application. Minnesota Power additionally obtained a conditional use permit from Mercer County for the Transmission Project, a copy of which is provided in Appendix D to the Transmission Application.

Siting Criteria

40. The Commission has established criteria pursuant to N.D.C.C. § 49-22-05.1 to guide the Commission in evaluating the suitability of granting a Certificate of Site Compatibility. The criteria, as set forth in N.D. Admin. Code ch. 69-06-08, are classified as Exclusion Areas, Avoidance Areas, Selection Criteria, and Policy Criteria.

41. Minnesota Power evaluated the Projects with respect to the Exclusion, Avoidance, Selection, and Policy Criteria of the Commission set forth in N.D. Admin. Code § 69-06-

08-01 for the Wind Project, and N.D. Admin. Code § 69-06-08-02 for the Transmission Project.

42. An Exclusion Area is a geographic area that must be excluded in the consideration of a site for an electric energy conversion facility and a route for a transmission facility.

43. Minnesota Power's studies and surveys did not identify any Exclusion Areas within the Wind Project Area or the Transmission Project Corridor.

44. The Wind Project has been sited to comply with the Commission's wind turbine setbacks identified in N.D. Admin. Code § 69-06-08-01(2).

45. An Avoidance Area is a geographic area that may not be approved as a site for an electric energy conversion facility or in the routing of a transmission line unless the applicant demonstrates 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.

46. Minnesota Power's studies and surveys identified the following Avoidance Areas designated under N.D. Admin. Code § 69-06-08-01(3) within the Wind Project: historical resources, geologically unstable areas,100-year floodplains, and wetlands.

47. Minnesota Power's studies and surveys identified historical resources present within the Wind Project Area. Minnesota Power has sited the Wind Project to avoid impacts to historical resources.

48. Minnesota Power's studies and surveys identified geologically unstable areas within the Wind Project Area. Areas deemed as landslide deposits mapped by the North Dakota Geological Survey (NDGS) are within the Wind Project. Minnesota Power has sited the Wind Project to avoid impacts to geologically unstable areas. No wind turbines or associated Wind Project infrastructure has been sited within mapped landslide deposits.

49. Minnesota Power's studies and surveys identified 100-year floodplains within the Wind Project Area. Minnesota Power has sited Wind Project infrastructure to avoid these areas to the greatest extent practicable. Overall permanent impacts to 100-year floodplains are anticipated to be negligible and total approximately 2.17 acres. These areas are identified and discussed in Exhibit 8, Pre-Filed Testimony of Alexander Luman, Table 1 and Exhibit 8, Attachment M. Placement of infrastructure in the locations identified results from siting constraints to avoid impacts to other avoidance areas or sensitive features or are in response to landowner requests. For the reasons discussed in the Wind Project Application (Exhibit 1, Section 6.7.2, pgs. 58-59), pre-filed and hearing testimony, and supportive filings, there are no reasonable alternatives to avoid impacts to the locations identified. Permanent facility impacts are addressed below:

a.

TABLE 1				
Longspur Wind – Permanent Impacts in 100-Year Floodplain Avoidance Areas				
Floodplain Grouping ID	Project Infrastructure Type	**Impact Area (Acres)**	**Map Page**	**Basis for Unavoidable Impacts**
1	Access Road to T15, T16	0.056	20, 24	Linear floodplain area 1 cannot be avoided entirely; design minimizes impacts to broken and unbroken grasslands and to wetland and floodplains; design avoids farmstead to east; road on property line minimizes impacts to each property.
2	Access Road to T17	0.015	20, 24	Floodplain 2 cannot be avoided entirely; alignment follows the section line; design minimizes farming impacts and avoids an existing well water line.
3	T5	0.073	10	Floodplain 3 cannot be avoided entirely; turbine placement reduces potential impacts to floodplains further east and meets required setback distances from the west.
7	Access Road to T16	0.018	20	Access road alignment avoids removal of trees and is responsive to landowner preference.
10	Access Road to T13	0.014	14, 20	Access road alignment avoids impacts to farming practices and is responsive to landowner preference.
11	Access Road to T12	0.039	10, 15	Access road alignment follows an existing field road and minimizes impacts to farming practices while reducing overall infrastructure impacts.
16	Access Road to T47	0.005	11	Access road alignment is responsive to landowner preference and addresses safety concerns from area topography.
19	O&M Facility	0.382	6	O&M facility has been sited to avoid wetland impacts to the northwest and to avoid existing county infrastructure to the east.
32	Project Substation	0.159	1, 6	Substation has been sited to avoid wetland and cultural resource impacts to the southwest and avoids existing county infrastructure to the east.
50	Access Road to PMM1	0.0003	2	Direct route selected at the request of the landowner and minimizes impacts to farming operations.
52	PMM1	0.042	2	Met tower placed to meet setback requirements from existing turbines; allows for collection of meteorological data for the Wind Project.
55	T61	1.271	18, 19	Turbine placement reflects landowner preference and addresses safety concerns related to site topography.
56	Access Road to T40	0.008	13	Access road alignment minimizes disturbance to farming practices; impacted floodplain is in a road ditch and the access road alignment avoids larger floodplain areas in the farm field; crosses existing infrastructure at a constrained location.
57	Access Road to T27	0.0007	4, 8	Access road alignment creates a direct route to infrastructure, thereby minimizing disturbance to farming practices. Impacted floodplain is in a road ditch.
59	Access Road to T24	0.007	3	Access road alignment creates a direct route to infrastructure, thereby minimizing disturbance to farming practices. Alignment is responsive to landowner preference.

50. Minnesota Power's studies and surveys identified wetlands within the Wind Project Area. Minnesota Power has sited Wind Project infrastructure to avoid wetlands to the greatest extent practicable. Overall impacts to wetlands are anticipated to be negligible. These areas are identified and discussed in Exhibit 8, Pre-Filed Testimony of Alexander Luman, Table 2 and Exhibit 8, Attachment N. Placement of infrastructure in the locations identified results from siting constraints to avoid impacts to other avoidance areas or sensitive features or are in response to landowner requests. Temporary wetland impacts

will occur from crane paths and access roads and total approximately 2.22 acres. Permanent wetland acres total approximately 0.27 acres and are associated with access roads. Access road alignments for several turbines are constrained by existing roadways, topography, wetlands, waterbodies, and landownership limitations. In some locations, existing road curves or terrain cannot safely accommodate large construction equipment, necessitating alternate access routes. Where wetlands are present, access road alignments have been selected to minimize impacts using the most direct routes and crossing wetlands at their narrowest feasible points. For the reasons discussed in the Wind Project Application (Exhibit 1, Section 6.7.2, pgs. 56-58), pre-filed and hearing testimony, and supportive filings, there are no reasonable alternatives to avoid impacts to the locations identified. Permanent facility impacts are addressed below:

a. Wetland 012. An access road is anticipated to impact approximately 0.262 acres of this wetland. Due to higher topography north and south of the access road alignment, significant grading would be required to avoid the wetland resulting in greater impacts to the land. In addition, the access road alignment was requested by the applicable landowner to minimize impacts to farming practices.

b. Wetland 015. A permanent access road is anticipated to impact 0.0003 acres of this wetland. Wetland W015 is a farmed / cropped wetland, usually dry and farmable but intermittently (seasonally) wet. The access road alignment was requested by the applicable landowner.

c. Wetland 059. A permanent access road is anticipated to impact 0.08 acres of this wetland. Wetland W058 is a linear wetland that extends far north and south and cannot be avoided entirely. The crossing location is the least impactful routing option to surrounding land uses.

d. Wetland 063. A permanent access road is anticipated to impact 0.036 acres of this wetland. Wetland W063 is a linear wetland that extends far north and south and cannot be avoided entirely. The access road alignment minimizes impacts on grasslands and the crossing location represents the least impactful option to the wetland. The routing avoids the farmstead to the east, and is located on a property line to minimize additional land use impacts to each adjoining property.

e. Wetland 068. A permanent access road is anticipated to impact 0.611 acres of this wetland. The access road alignment was requested by the landowner as the least impactful to farming practices. Wetland W068 is a farmed wetland.

f. Wetland 069. A permanent access road is anticipated to impact 0.046 acres of this wetland. The access road alignment was requested by the landowner as the least impactful to farming practices. Wetland W069 is a farmed wetland.

51. Minnesota Power's studies and surveys identified the following Avoidance Areas designated under N.D. Admin. Code § 69-06-08-02(2) within the Transmission Project Corridor: historical resources. Minnesota Power has sited the Transmission Project to avoid impacts to historical resources.

52. In accordance with the Commission's Selection Criteria, as provided under N.D. Admin. Code §§ 69-06-08-01(5) and 69-06-08-02(3), sites, corridors, and routes shall be designated if it is demonstrated that any significant adverse effects resulting from the location, construction, and operation of the facility will be at an acceptable minimum, or that the effects will be managed and maintained at an acceptable minimum.

53. The Commission's Policy Criteria are set forth in N.D. Admin. Code §§ 69-06-08-01(6) and 69-06-08-02(4). The Commission may give preference to an application that demonstrates certain benefits of the facility.

54. The Projects will have positive economic impacts for the local community, including property and sales tax revenue, employment, and payment for the purchase of the land.

55. The Projects will not have significant adverse impacts on public services or health and safety in the affected area.

56. During construction, the Projects may result in a temporary increase in traffic on county roads. Minnesota Power will enter into a road use agreement with Morton County to minimize impacts to roads. Minnesota Power will implement dust mitigation measures as needed during construction to minimize impacts. During operation, no adverse effects to transportation facilities or networks are anticipated.

57. The Projects are not anticipated to have a significant adverse impact on surface or ground water resources or soils. Temporarily disturbed areas will be restored and seeded.

58. The Projects will not have a significant adverse impact on the Selection Criteria set forth in N.D. Admin. Code. §§ 69-06-08-01(5) and 69-06-08-02(3). Additionally, Minnesota Power committed to maximizing certain of the benefits of the Projects to the extent practicable to meet the Policy Criteria set forth in N.D. Admin. Code §§ 69-06-08-01(6) and 69-06-08-02(4).

Measures to Minimize Impacts

59. Minnesota Power has agreed to take certain steps to mitigate the impact of the Wind Project and Transmission Project as indicated in the Certifications Relating to Order Provisions with accompanying Tree and Shrub Mitigation Specifications, filed with the Commission as Exhibit 3 and Exhibit 4, respectively.

60. Minnesota Power incorporated the United States Fish and Wildlife Service's voluntary Land Based Wind Energy Guidelines ("WEGs") five-tiered approach and recommendations set forth in developing the Wind Project to avoid, minimize, and mitigate potential adverse effects.

61. Minnesota Power has developed a voluntary Wildlife Conservation Strategy to help evaluate risk to wildlife, document efforts taken to reduce potential impacts through avoidance, minimization, and mitigation efforts, and establish post-construction monitoring efforts. Minnesota Power provided the Wildlife Strategy to NDGFD for review 100 days prior to the NDPSC hearing as requested, and no additional mitigation was requested.

62. Minnesota Power has followed NDGFD Key Wind Energy Development in North Dakota Best Management Practices guidance, including no siting of turbines in nesting habitat, such as broken and unbroken grasslands, within a two-mile buffer from sharp-tailed grouse leks. Additionally, Minnesota Power will avoid the installation of collection lines in nesting habitat within one mile of leks during the breeding season to minimize potential disturbance to lekking or nesting.

63. Minnesota Power will voluntarily implement line marking on the Transmission Line in accordance with Avian Power Interaction Committee (APLIC) recommended best practices to avoid and minimize potential impacts to avian species. Minnesota Power coordinated its transmission line marking strategy with NDGFD.

64. Minnesota Power has coordinated with the USFWS and NDGFD since December of 2024 regarding wildlife studies, and Wind Project avoidance and minimization related to potential impacts to wildlife and avian species and habitat.

65. Minnesota Power will conduct a raptor nest survey prior to the start of construction to identify active raptor nests, and implement avoidance buffers, to the extent practicable.

66. Minnesota Power will conduct training regarding whooping crane identification and siting reporting. All employees and contractors working in the field will participate in whooping crane training prior to working on site. In the event a whooping crane is observed or reported within one mile of active construction, all construction activities within 1-mile of the reported whooping crane will halt until the bird(s) have departed for at least 15 minutes.

67. Minnesota Power has implemented extensive avoidance, minimization, and mitigation measures to avoid and minimize environmental and wildlife impacts during construction and operations of the Projects. These measures are discussed in detail in Exhibit 8, Attachment F, pages 5 – 10.

68. Through Minnesota Power's design and siting of the Wind Project, and the avoidance, minimization, and restoration measures outlined in the Application, supporting materials, and in its testimony, it has achieved the minimal adverse impact threshold for impacts to wildlife.

69. To further mitigate indirect impacts, Minnesota Power has entered into a voluntary Memorandum of Understanding with the NDDA to provide compensatory mitigation to the NDDA's Voluntary Compensatory Mitigation Fund for the Agriculture Department to develop and implement mitigation offsets in relation to the Wind Project.

70. Minnesota Power developed a noxious weed management plan to manage the spread of weeds during the Projects' construction and restoration. Minnesota Power submitted the plan to Mercer and Morton County's weed control officers and the plan has been approved in both counties.

71. Minnesota Power has sited the Project to comply with the Commission and Morton County's setbacks. Based on the current Wind Project layout, as depicted in Hearing Exhibit No. 2, all Project turbines are located at least 1,915 feet (three times maximum turbine tip height) from currently occupied residences of nonparticipating landowners. The distance to the nearest existing non-participating residence to a turbine is approximately 2,100 feet.

72. Subject to FAA approval, Minnesota Power will install and operate an ADLS or other technology suitable to the Commission on the Wind Project in accordance with N.D.C.C.§ 49-22-16.4.

73. The Wind Project's operations will be managed by on-site operations staff and remotely via the SCADA system. Remote staff will control, monitor, operate, and maintain the Wind Project by means of a SCADA computer software program and can shut down turbines if necessary. The Wind Project will be monitored 24 hours a day, 7 days a week.

74. Minnesota Power has prepared an Unanticipated Discoveries Plan that outlines the procedure utilized to address any unanticipated discoveries of cultural resources, including possible human remains during construction of the Projects.

75. Minnesota Power will participate in the North Dakota One-Call Excavation Notice System.

76. The Projects will be constructed pursuant to National Electrical Safety Code (NESC) and National Electric Code (NEC) requirements.

77. Minnesota Power will comply with the Commission's decommissioning rules for the Wind Project, including the financial assurance and decommissioning plan requirements.

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

Conclusions of Law

1. The Commission has jurisdiction over Minnesota Power and the subject matter of the Applications under N.D.C.C. ch. 49-22.

2. Minnesota Power is a utility as defined in North Dakota Century Code § 49-22-03(16).

3. The Wind Project proposed by Minnesota Power is an electric energy conversion facility as defined in N.D.C.C. § 49-22-03(6)(a).

4. The Transmission Project proposed by Minnesota Power is an electric transmission facility as defined in N.D.C.C. § 49-22-03(7).

5. The Applications submitted by Minnesota Power for the Wind Project and the Transmission Project meet the site evaluation criteria as required by N.D.C.C. ch. 49-22.

6. The Commission concludes the Wind Project has negligible impacts on wetlands and 100-year floodplains. For the reasons set forth in the record, there are no reasonable alternatives to the negligible impacts identified.

7. The location, construction, and operation of the Projects will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota.

8. The Projects 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.

9. The location, construction, and operation of the Projects are compatible with environmental preservation and the efficient use of resources.

10. The location, construction, and operation of the Projects are compatible with environmental preservation and the efficient use of resources.

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

Order

The Commission orders:

1. Certificate of Site Compatibility for an Energy Conversion Facility No. __ is issued to Minnesota Power, designating a site for the construction, operation, and maintenance

of a wind energy conversion facility known as the Longspur Wind Project corresponding to the Wind Project Area depicted in Exhibit 8, Attachment L.

2. Within the permitted site, Minnesota Power is authorized to site and construct up to 45 wind turbines in proposed and alternative locations along with electric and communication lines, a substation, access roads, an operations and maintenance building, and other associated facilities in Morton County, North Dakota, as identified in Exhibit 8, Attachment L.

3. Minnesota Power shall site Wind Project turbines to meet the shadow flicker limit of 30 hours per year or less at each currently inhabited residence unless otherwise agreed to by the landowner. When a final turbine array is selected, or in the event Wind Project modifications occur that are not covered by the Wind Project's current shadow flicker analysis, Minnesota Power shall conduct further shadow flicker analysis to ensure this requirement is met unless otherwise agreed to by the landowner.

4. Minnesota Power shall comply with the Commission's Avoidance Area sound requirement of 45 dBA. When a final turbine array is selected, or in the event Wind Project modifications occur that are not covered by the Wind Project's current sound analysis, Minnesota Power shall conduct an acoustic analysis and file a report with the Commission that shows the predictive model results comply with the Commission's Avoidance Area sound requirement at all currently existing receptors, unless otherwise agreed to by the landowner.

5. Certificate of Corridor Compatibility No. __ is issued to Minnesota Power designating a corridor ranging from 158 feet to 510 feet in width, for the construction, operation, and maintenance of the Longspur 230kV transmission line and associated facilities in Morton and Mercer Counties, North Dakota, as depicted in Exhibit 2, Figure 15.

6. Route Permit No. __ is issued to Minnesota Power designating a route in Morton and Mercer Counties, North Dakota, for the construction and operation of an approximately 2.5-mile long 230kV transmission line. The designated route for this purpose is as depicted in Exhibit 2, Figure 15.

7. Minnesota Power's Certifications Relating to Order Provisions with accompanying Tree and Shrub Mitigation Specifications, filed with the Commission as Exhibits 3 and 4, are incorporated by reference and attached to this Order. The Tree and Shrub Mitigation Specifications may be modified upon the mutual agreement of the Commission and Minnesota Power. The Commission authorizes Minnesota Power to clear trees and shrubs in areas exceeding 50 feet in width in the 11 locations designated in Late-Filed Exhibit 17.

8. To the extent there are any conflicts or inconsistencies between Minnesota Power's Applications and the Certifications, the Certifications' provisions control.

9. Minnesota Power shall obtain all necessary licenses and permits prior to commencing construction on such portion of the Projects for which the license and/or permit is required, and shall provide copies of such licenses and permits to the Commission prior to construction of such portion.

PUBLIC SERVICE COMMISSION

Sheri Haugen-Hoffart **Commissioner**	**Randy Christmann** **Chair**	**Jill Kringstad** **Commissioner**