



Wilton IV Wind Public Hearing
Draft Environmental Impact Statement (EIS)

April 10, 2013 6-8 PM Wilton Memorial Hall

Thank you for your interest in the proposed Wilton IV Wind Energy Center. Please complete the appropriate sections of this form to be included on the EIS mailing list and/or to provide comments.

Please Print Contact Info Below

Name: Warren Opp Organization:
E-mail address: opphoney@westriv.com Daytime Phone No. (optional): 701-597-3170
Street Address: 4715 Hwy 21 City / State / Zip Code: Flasher, N.D. 58535

Please indicate any questions, comments or concerns you have about the proposed project in the comment section below (continue on separate sheet if necessary).

I have been in favor of this project since the beginning five years ago please stop wasting time and get this project up and running. I am a land owner in this project area, and would like to see it done. ASAP!

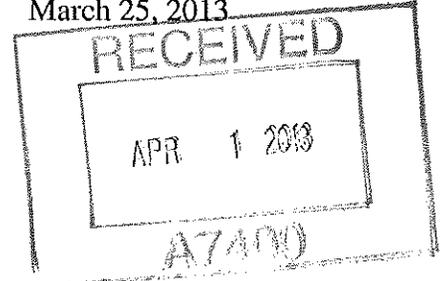
Thank you for your time and interest.

Thanks
Warren Opp



Natural Resources Conservation Service
PO Box 1458
Bismarck, ND 58502-1458

March 25, 2013



Department of Energy
Western Area Power Administration
PO Box 281213
Lakewood, Colorado 80228-8213

Re: Wilton IV Wind Energy Center -- Notice of availability of Draft Environmental Impact Statement and Public Hearing

Dear Sirs:

The Natural Resources Conservation Service (NRCS) has reviewed your letter dated March 21, 2013, concerning the proposed Wilton IV Wind Energy Center in Burleigh County, North Dakota near the towns of Wilton, Regan, and Baldwin.

Farmland Protection Policy Act

NRCS has a major responsibility with the Farmland Protection Policy Act (FPPA) in documenting conversion of farmland (i.e., prime, statewide importance and local importance) to non-agriculture use. It is not clear from your letter whether federal funding will be used for this project. If the project is supported by federal funding or actions, FPPA will apply and the form AD-1006 must be completed for all areas removed from permanent production. A negative response is not required.

Wetlands

The Wetland Conservation Provisions of the 1985 Food Security Act, as amended, provide that if a USDA participant converts a wetland for the purpose, or to have the effect of making agricultural production possible, loss of USDA benefits could occur. The NRCS has developed the following guidelines for the installation of permanent structures where wetlands occur. If these guidelines are followed the impacts to the wetland will be considered minimal allowing USDA participants to continue to receive USDA benefits. Following are the requirements:

- Disturbance to the wetland must be temporary.
- No drainage of wetland is allowed (temporary or permanent).
- Mechanized landscaping necessary for installation is kept to a minimum and preconstruction contours are maintained.
- Temporary side cast material must be placed in such a manner not to be dispersed in the wetland.
- All trenches must be backfilled to the original wetland bottom elevation.

Helping People Help the Land

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Department of Energy

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NRCS would recommend that impacts to wetlands be avoided. If the alignment of the permanent structure requires construction in a wetland, NRCS can complete a certified wetland determination if requested by the land owner/operator.

If you have additional questions pertaining to FPPA, please contact Steve Sieler, Liaison Soil Scientist, NRCS, Bismarck, ND at 701-530-2019.

Sincerely,

A handwritten signature in black ink, appearing to read "W. D. Bott". The signature is stylized and somewhat cursive.

WADE D. BOTT
State Soil Scientist

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

| | | | |
|--|--|---|-----------------------------|
| PART I (To be completed by Federal Agency) | | Date Of Land Evaluation Request | |
| Name Of Project | | Federal Agency Involved | |
| Proposed Land Use | | County And State | |
| PART II (To be completed by NRCS) | | Date Request Received By NRCS | |
| Does the site contain prime, unique, statewide or local important farmland? <i>(If no, the FPPA does not apply -- do not complete additional parts of this form).</i> | | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Major Crop(s) | | Acres Irrigated | Average Farm Size |
| Farmable Land In Govt. Jurisdiction Acres: _____ % | | Amount Of Farmland As Defined in FPPA Acres: _____ % | |
| Name Of Land Evaluation System Used | | Name Of Local Site Assessment System | |
| | | Date Land Evaluation Returned By NRCS | |

| | | | | |
|---|---|--------|--------|--------|
| PART III (To be completed by Federal Agency) | Alternative Site Rating | | | |
| | Site A | Site B | Site C | Site D |
| | | | | |
| | A. Total Acres To Be Converted Directly | | | |
| B. Total Acres To Be Converted Indirectly | | | | |
| C. Total Acres In Site | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | |
|--|--|--|--|--|
| PART IV (To be completed by NRCS) Land Evaluation Information | | | | |
| A. Total Acres Prime And Unique Farmland | | | | |
| B. Total Acres Statewide And Local Important Farmland | | | | |
| C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted | | | | |
| D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value | | | | |

| | | | | |
|---|---|---|---|---|
| PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points) | 0 | 0 | 0 | 0 |
|---|---|---|---|---|

| | | | | | |
|--|-------------------|---|---|---|---|
| PART VI (To be completed by Federal Agency) Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b)) | Maximum Points | | | | |
| 1. Area In Nonurban Use | | | | | |
| 2. Perimeter In Nonurban Use | | | | | |
| 3. Percent Of Site Being Farmed | | | | | |
| 4. Protection Provided By State And Local Government | | | | | |
| 5. Distance From Urban Builtup Area | | | | | |
| 6. Distance To Urban Support Services | | | | | |
| 7. Size Of Present Farm Unit Compared To Average | | | | | |
| 8. Creation Of Nonfarmable Farmland | | | | | |
| 9. Availability Of Farm Support Services | | | | | |
| 10. On-Farm Investments | | | | | |
| 11. Effects Of Conversion On Farm Support Services | | | | | |
| 12. Compatibility With Existing Agricultural Use | | | | | |
| TOTAL SITE ASSESSMENT POINTS | 160 | 0 | 0 | 0 | 0 |

| | | | | | |
|---|-----|---|---|---|---|
| PART VII (To be completed by Federal Agency) | | | | | |
| Relative Value Of Farmland (From Part V) | 100 | 0 | 0 | 0 | 0 |
| Total Site Assessment (From Part VI above or a local site assessment) | 160 | 0 | 0 | 0 | 0 |
| TOTAL POINTS (Total of above 2 lines) | 260 | 0 | 0 | 0 | 0 |

| | | | |
|-----------------------|-------------------|---|--|
| Site Selected: | Date Of Selection | Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| Reason For Selection: | | | |

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 - Federal agencies involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form.

Step 2 - Originator will send copies A, B and C together with maps indicating locations of site(s), to the Natural Resources Conservation Service (NRCS) local field office and retain copy D for their files. (Note: NRCS has a field office in most counties in the U.S. The field office is usually located in the county seat. A list of field office locations are available from the NRCS State Conservationist in each state).

Step 3 - NRCS will, within 45 calendar days after receipt of form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland.

Step 4 - In cases where farmland covered by the FPPA will be converted by the proposed project, NRCS field offices will complete Parts II, IV and V of the form.

Step 5 - NRCS will return copy A and B of the form to the Federal agency involved in the project. (Copy C will be retained for NRCS records).

Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form.

Step 7 - The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agency's internal policies.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

Part I: In completing the "County And State" questions list all the local governments that are responsible for local land controls where site(s) are to be evaluated.

Part III: In completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

Part VI: Do not complete Part VI if a local site assessment is used.

Assign the maximum points for each site assessment criterion as shown in § 658.5 (b) of CFR. In cases of corridor-type projects such as transportation, powerline and flood control, criteria #5 and #6 will not apply and will be weighed zero, however, criterion #8 will be weighed a maximum of 25 points, and criterion #11 a maximum of 25 points.

Individual Federal agencies at the national level, may assign relative weights among the 12 site assessment criteria other than those shown in the FPPA rule. In all cases where other weights are assigned relative adjustments must be made to maintain the maximum total weight points at 160.

In rating alternative sites, Federal agencies shall consider each of the criteria and assign points within the limits established in the FPPA rule. Sites most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, adjust the site assessment points to a base of 160. Example: if the Site Assessment maximum is 200 points, and alternative Site "A" is rated 180 points:

Total points assigned Site A = $180 \times 160 = 144$ points for Site "A."

Maximum points possible 200



Wilton IV Wind Public Hearing
Draft Environmental Impact Statement (EIS)

Aprillo, 2013 6-8 PM Wilton Memorial Hall

Thank you for your interest in the proposed Wilton IV Wind Energy Center. Please complete the appropriate sections of this form to be included on the EIS mailing list and/or to provide comments.

Please Print Contact Info Below

Name:

Ed Meendering, Deputy Refuge Manager

Organization:

U.S. Fish and Wildlife Service

E-mail address:

Edward.Meendering@fws.gov

Daytime Phone No. (optional):

701-387-4397 ext 18

Street Address:

12000 353rd St. SE

City / State / Zip Code:

Moffit, ND 58560

Please indicate any questions, comments or concerns you have about the proposed project in the comment section below (continue on separate sheet if necessary).

Long Lake National Wildlife Refuge does not manage any wetland, grassland or FmHA easements within the project location. There are easements in the N1/2 of 19, N1/2 of 20, SW1/4 of 17, SE1/4 of 9, W1/2 of 10, SE1/4 of 11 and NE1/4 of 24, T. 141N., R. 78W. If the project location changes or there's work outside the project area, such as overhead lines, please contact Long Lake NWR at the number listed above.

Four horizontal lines for providing comments.

Thank you for your time and interest.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

MAY 06 2013

Ref: EPR/N

Mr. Matt Marsh
Upper Great Plains Regional Office
Western Area Power Administration
P.O. Box 35800
Billings, MT 59107-5800

Re: Wilton IV Wind Energy Center
Draft Environmental Impact Statement
CEQ # 20130067

Dear Mr. Marsh:

The U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the Wilton IV Wind Energy Center (Wilton IV) Draft Environmental Impact Statement (Draft EIS) prepared by the U.S Department of Energy Western Area Power Administration (Western). Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609. It is the EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project, which includes a rating of the environmental impact of the proposed action and the adequacy of the NEPA document.

Based on the EPA's procedures for evaluating potential environmental impacts on proposed actions and the adequacy of the information present, the EPA is rating the proposed action LO (Lack of Objections). A full description of the EPA's rating system is included as an enclosure.

PROJECT DESCRIPTION

NextEra Energy Resources, LLC (NextEra) is proposing to expand its wind turbine generation facilities 12 miles north of Bismarck in Burleigh County, North Dakota. Proposed Wilton IV project components are: (1) 62 wind turbines with a total rated capacity of 99 megawatts (MW); (2) 24.6 miles of 36-foot-wide, all weather access roads to each turbine site; (3) underground electrical collection lines from each turbine; (4) fiber optic communications cables from each turbine; (5) up to two meteorological towers; and (6) a collection substation and a 240-foot overhead 230-kilovolt tie-line that would interconnect with

Western's power transmission system. The proposed project is located immediately adjacent to three recently constructed facilities – Wilton Wind I with 33 turbines built in 2007, Wilton Wind II with 33 turbines in 2009, and Baldwin Wind Energy Center with 64 turbines in 2010. The Wilton IV project is located on private land, mostly agricultural.

Western's Federal actions are to execute an interconnection agreement for the Wilton IV project and to approve NextEra's request to lift the administrative 50 average annual MW cap on the existing wind projects in the area and to modify their existing contracts to reflect this change. The project's purpose is to provide renewable energy to meet the region's energy requirements and North Dakota's voluntary renewable portfolio objectives.

General Comments

The key issues identified in EPA's scoping comment letter dated August 31, 2011, were (1) impacts associated with overall surface disturbance, (2) impacts on wetlands and riparian areas, and (3) water quality impacts to surface water and groundwater resources. The environmental protection measures proposed by NextEra in Section 2.3.10 have addressed most of these concerns. For example, NextEra has committed to documenting noxious weeds during routine inspections and implementing measures to remove, control the spread of noxious weeds and revegetate with regionally native species throughout the life of the project.

Regarding wetlands, the Draft EIS states on page 3-18 that no permanent impacts to wetlands or waters of the U.S. are anticipated, but there will be temporary impacts to 1.3 acres of jurisdictional wetlands and 0.01 acres of non-jurisdictional wetlands during trenching for collection line installation. This statement was based on wetland delineations of the project area performed between 2009 and 2012. Eight potentially jurisdictional features were identified within the project area. No determination has been made by either the U.S. Army Corps of Engineers (Corps) or the EPA, the agencies responsible for determinations of jurisdictional features. The EPA recommends that Western contact Daniel Cimarosti, Regulatory Program Manager, North Dakota Regulatory Office, Omaha District of the Corps at 701-255-0015 to request a jurisdictional determination to verify assumptions made in this Draft EIS regarding the applicability of Nationwide Permit 12 and notification and mitigation thresholds. Furthermore, if the determination is made by the Corps that these are jurisdictional wetlands, the EPA recommends that NextEra use horizontal drilling for most wetlands to reduce wetlands impacts.

Finally, the water quality issues raised by the EPA have been addressed in this Draft EIS. NextEra will obtain a stormwater runoff permit from the state health department prior to construction and develop a stormwater pollution prevention plan to ensure that surface water would not be adversely affected by runoff from areas disturbed during construction.

Thank you for your thoughtful consideration of EPA's scoping comments and the opportunity to provide comments on the Wilton IV Wind Energy Center Draft EIS. If you have any questions or would like to discuss our comments or rating, please contact me at 303-312-6925 or Carol Anderson of my staff at 303-312-6058.

Sincerely,



Suzanne J. Bohan

Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

Enclosure:
EPA's Rating System

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO -- Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC -- Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO -- Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU -- Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 -- Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 -- Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new, reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 -- Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment, February, 1987.



Jack Dabrymple, Governor
Mark A. Zimmerman, Director

1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@nd.gov
www.parkrec.nd.gov

May 1, 2013

Mr. Matthew Blevins
Upper Great Plains Regional Office
PO Box 35800
Billings, MT 59107-5800

Re: Wilton IV Wind Energy Center

Dear Mr. Blevins,

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced proposed Wilton IV Wind Energy Center in Burleigh County, North Dakota.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, several ecological communities have been documented adjacent to project area. Please see the attached spreadsheet and map for more information on these occurrences.

Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

We appreciate your commitment to rare plant, animal and ecological community conservation, management and inter-agency cooperation to date. For additional information please contact Kathy Duttonhefner (701-328-5370 or kgduttonhefner@nd.gov) of our staff. Thank you for the opportunity to comment on this proposed project.

Sincerely,

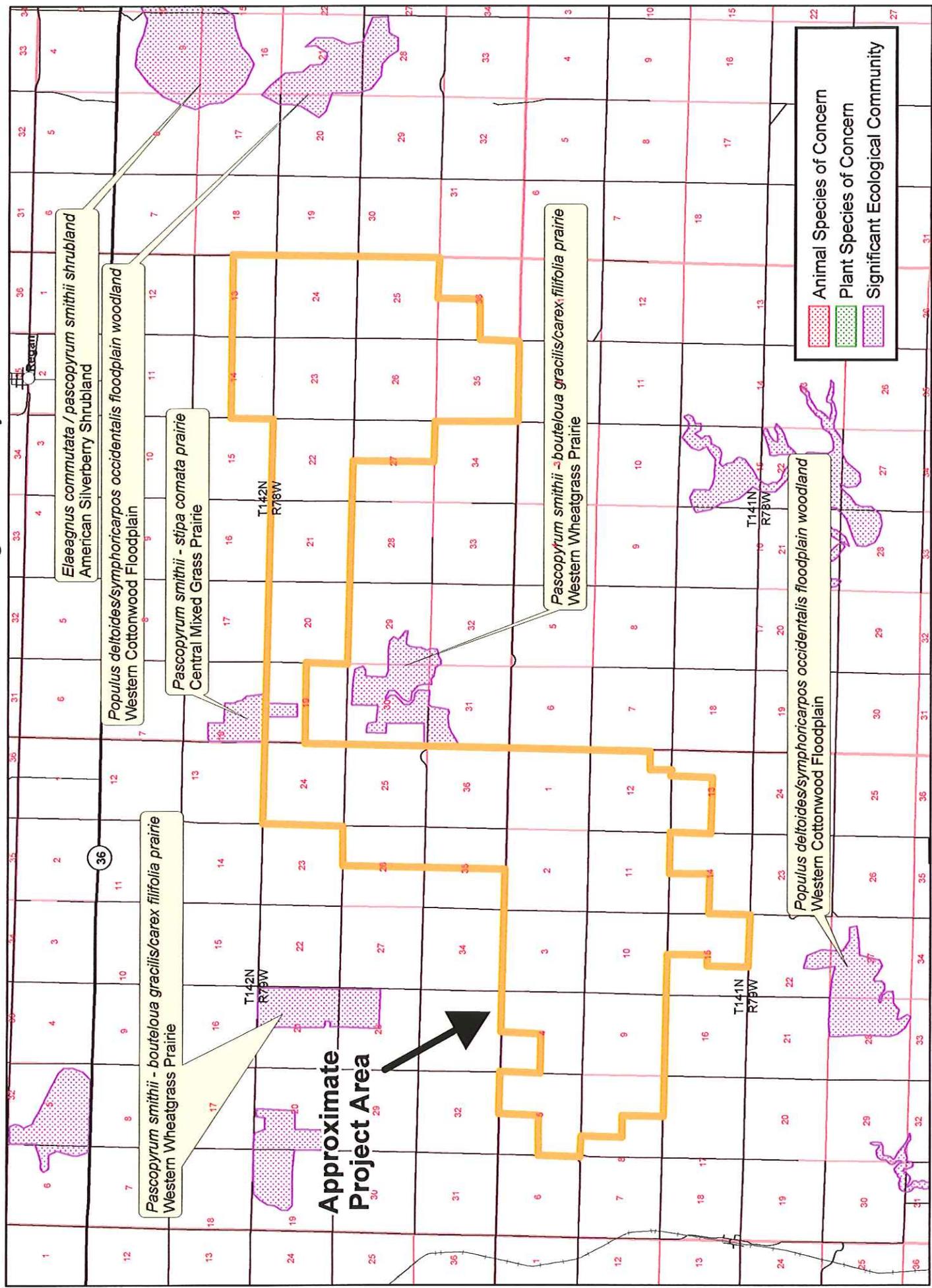
A handwritten signature in black ink, appearing to read "Kathy Duttonhefner".

Jesse Hanson, Manager
Planning and Natural Resources Division

R.USNDNHI*2013_054KD5/1/2013DL5.6.2013

.....
Play in our backyard!

North Dakota Parks and Recreation Department North Dakota Natural Heritage Inventory



North Dakota Natural Heritage Inventory
 Rare Animal and Plant Species and Significant Ecological Communities

| State Scientific Name | State Common Name | State Rank | Global Rank | Federal Status | Township Range Section | County | Last Observation | Estimated Representation Accuracy | Precision |
|--|--------------------------------|------------|-------------|----------------|---|----------|------------------|-----------------------------------|-----------|
| <i>Elaeagnus commutata</i> / <i>pascopyrum</i> smithii shrubland | American Silverberry Shrubland | SNR | G3? | | 142N077W - 08; 142N077W - 11; 142N077W - 03; 142N077W - 02; 142N077W - 15; 142N077W - 17; 142N077W - 10; 142N077W - 16; 142N077W - 09 | Burleigh | 2010-08-16 | Low | |
| <i>Pascopyrum smithii</i> - <i>bouteloua gracilis</i> /carex filifolia prairie | Western Wheatgrass Prairie | S3S4 | GNR | | 142N078W - 29; 142N078W - 31; 142N078W - 30; 142N078W - 32 | Burleigh | 2010-08-10 | Low | |
| <i>Pascopyrum smithii</i> - <i>bouteloua gracilis</i> /carex filifolia prairie | Western Wheatgrass Prairie | S3S4 | GNR | | 142N079W - 21; 142N079W - 28 | Burleigh | 2010-08-10 | Low | |
| <i>Pascopyrum smithii</i> - <i>stipa comata</i> prairie | Central Mixed Grass Prairie | S2 | GNR | | 142N078W - 18; 142N078W - 19 | Burleigh | 2010-08-10 | Low | |
| <i>Populus deltoides</i> /symphoricarpos occidentalis floodplain woodland | Western Cottonwood Floodplain | S3 | GNR | | 141N079W - 27; 141N079W - 33; 141N079W - 21; 141N079W - 28; 141N079W - 22 | Burleigh | 2010-08-11 | Low | |
| <i>Populus deltoides</i> /symphoricarpos occidentalis floodplain woodland | Western Cottonwood Floodplain | S3 | GNR | | 142N077W - 20; 142N077W - 28; 142N077W - 16; 142N077W - 21; 142N077W - 17 | Burleigh | 2010-08-16 | Low | |

North Dakota Natural Heritage Inventory Biological and Conservation Data Disclaimer

The quantity and quality of data collected by the North Dakota Natural Heritage Inventory are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in North Dakota have never been thoroughly surveyed, and new species are still being discovered. For these reasons, the Natural Heritage Inventory cannot provide a definite statement on the presence, absence, or condition of biological elements in any part of North Dakota. Natural Heritage data summarize the existing information known at the time of the request. Our data are continually upgraded and information is continually being added to the database. This data should never be regarded as final statements on the elements or areas that are being considered, nor should they be substituted for on-site surveys.

Estimated Representation Accuracy

Value that indicates the approximate percentage of the Element Occurrence Representation (EO Rep) that was observed to be occupied by the species or community (versus buffer area added for locational uncertainty). Use of estimated representation accuracy provides a common index for the consistent comparison of EO reps, thus helping to ensure that aggregated data are correctly analyzed and interpreted.

Very high (>95%)

High (>80%, <= 95%)

Medium (>20%, <= 80%)

Low (>0%, <= 20%)

Unknown

(null) - Not assessed

Precision

A single-letter code for the precision used to map the Element Occurrence (EO) on a U.S. Geological Survey (USGS) 7.5' (or 15') topographic quadrangle map, based on the previous Heritage methodology in which EOs were located on paper maps using dots.

S - Seconds: accuracy of locality mappable within a three-second radius; 100 meters from the centerpoint

M - Minute: accuracy of locality mappable within a one-minute radius; 2 km from the centerpoint

G - General: accuracy of locality mappable to map or place name precision only; 8 km from centerpoint

U - Unmappable



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Denver Federal Center, Building 67, Room 118
Post Office Box 25007 (D-108)
Denver, Colorado 80225-0007



May 9, 2013

9043.1
ER 13/0175

Mr. Matt Marsh
Upper Great Plains Regional Office
Western Area Power Administration
P.O. Box 35800,
Billings, MT 59107-5800

Dear Mr. Marsh:

The Department of the Interior has reviewed the Draft Environmental Impact Statement (DEIS) prepared by the Western Area Power Administration (WAPA) for the Wilton IV Wind Energy Center, in Burleigh County, North Dakota, and offers the following comments provided by the U.S. Fish and Wildlife Service.

The U.S. Fish and Wildlife Service (USFWS) submits the following comments based on its special expertise and pursuant to its authorities under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. § 1531 *et seq.*); the Migratory Bird Treaty Act (MBTA), (16 U.S.C. § 703 *et seq.*); the Bald and Golden Eagle Protection Act (BGEPA), (16 U.S.C. § 668 *et seq.*); and the National Environmental Policy Act (NEPA)(42 U.S.C. § 4321 *et seq.*).

GENERAL COMMENTS

The USFWS has several concerns in the way the proposal is framed and the way that NEPA terms and concepts are applied, and believes Western should consider issuing a revised draft for review.

Purpose and Need

The first concern is how the purpose and need statement of the DEIS is framed. The DEIS characterizes the “purpose and need” for action simply as Western’s responsibility to respond to interconnection requests. We the USFWS believes that this approach fails to incorporate the underlying goals of the action.

Under the Council of Environmental Quality's (CEQ) regulations the DEIS must "briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action" (40 CFR 1502.13)" (emphasis added)." The purpose and need is critical for context and understanding of the need for action, and provides the framework for "reasonable alternatives."

The Department of Energy guidance¹ explains: "Write the statement of purpose and need to identify the problem or opportunity to which the agency is responding. Recognize that the statement will determine the range of reasonable alternatives."

Based on the descriptions of action in the DEIS, we believe the underlying purpose and need for action, and the problem or opportunity to which Western is responding, would be more accurately stated as: 1) to provide for transmission of energy generated by the proposed wind energy project; and, 2) to provide for the transmission of increased amounts of energy generated by three "Existing Projects." We recommend that the purpose and need statement be revised.

Alternatives:

Another concern is that the DEIS lacks any action alternatives other than the proposed action. NEPA requires agencies to consider alternatives to their proposed action as a means to identify potentially lower impacts, and CEQ describes the alternatives requirement of NEPA as the "heart" of environmental impact statements. The absence of other alternatives may indicate the purpose and need statement should be reframed.

Scope of Action:

The DEIS interprets the "proposed action" as simply the "Federal action" (that is, Western's execution of agreements). Separately though, the DEIS states that the action would also involve interconnecting Wilton IV at the Hilken Switching Station. This reinforces our opinion that the interconnection agreements are only parts of larger intended actions, and that the description of the proposed actions as a whole should be redefined to include increasing the amount of power transmission from Wilton IV and Existing Projects. We believe the proposed action should include interconnection and transmission of power generated by new and existing wind generation facilities.

In addition, CEQ's regulations require that the scope of Environmental Impact Statements include connected, similar, and cumulative activities. We recommend that the EIS clarify specifically how Western interpreted connected and cumulative actions.

Bald and Golden Eagles

The avian surveys completed for the proposed project indicate that both bald and golden eagles occur in the project area, but the DEIS does not address the potential for eagle take or mitigation of any anticipated take.

¹ DOE Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements: <http://energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/G-DOE-greenbook.pdf>

The EIS should thoroughly discuss the potential of the project to affect eagles (for example, from turbine blade strikes) and should address measures to avoid, minimize, and compensate for potential impacts to eagles. The Bald and Golden Eagle Protection Act (BGEPA) prohibits knowingly taking, or taking with wanton disregard for the consequences of an activity, any bald or golden eagle or their body parts, nests, chicks or eggs, which includes collection, possession, molestation, disturbance, or killing. The term “disturb” is defined as “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior” (50 CFR 22.3). The BGEPA provides for permits in a limited number of situations to “take” eagles. Please consult the USFWS’ Ecological Services Field Office in Bismarck, North Dakota if you anticipate the “take” of any eagle as defined above.

Migratory Birds

The DEIS briefly states that a variety of direct and indirect impacts to migratory birds and bats would occur as a result of the actions, and states Wilton IV has developed a Bird and Bat Conservation Strategy (BBCS). However, the BBCS is not included in the DEIS nor has it been circulated for public and agency review. This information is integral to the analysis of project impacts because it provides the basis to demonstrate whether the proposal has considered all practicable means to avoid or minimize harm to migratory birds protected by the MBTA.²

The USFWS recommends Western circulate the BBCS and other supporting information for agency and public review and comment for a minimum 45-day period. The information should be sufficient for reviewers to determine whether appropriate methods of impact analyses were followed, or will be followed, and that conclusions as to impacts of the proposed action are appropriately supported by the methodology and analyses used or proposed to be used. This review process should occur before the EIS is finalized.

The President’s Executive Order (Number 13186) for Protection of Migratory Birds—and the MOU between the USFWS and Department Energy that implement the Order—outline specific responsibilities of Federal agencies to protect migratory birds. The information provided in the BBCS should be sufficient to ensure that the responsibilities of Western and the USFWS will be met. Following the review, the BBCS and any comments received and Western’s responses should be included as appendices of the EIS.

SPECIFIC COMMENTS

1. Pg. ES-2, Executive Summary, first item – The DEIS states that Wilton IV would establish a post-construction monitoring program during spring and fall whooping crane migration seasons for 3 years post-construction to detect the possible presence of whooping cranes within the proposed project area.

² This is necessary to insure that environmental information is available to public officials and citizens, and of high quality. Accurate scientific analysis expert agency comments, and public scrutiny are essential to implementing NEPA (40 CFR §1500.1)

Comment: Whooping cranes that may occur in the project area after the 3-year monitoring period would also be at risk of collision. The USFWS recommends that Wilton IV commit to spring and fall monitoring in the proposed project area for the life of the project to provide for protection of migrating whooping cranes.

2. Pg. ES-2, Executive Summary, second item, last sentence – The DEIS states that if any dead whooping cranes are observed in the proposed project area, turbines would be shut down and Wilton IV would request consultation with the USFWS.

Comment: Because Western is the Federal action agency, the EIS should be corrected to state that interagency consultation under section 7(a)(2) of the ESA would occur between Western and the USFWS, and would be initiated at the request of Western.

3. Pg. ES-3, Executive Summary, last paragraph concerning potential impacts to whooping cranes.

Comment: The likelihood of whooping crane occurrence in the project area may be low but it is not zero. The EIS should include a discussion of the collision risk for any whooping crane that may use habitat in the project area. Although avian surveys conducted for the project did not observe any whooping cranes in the project area, only a portion of the surveys occurred during the whooping crane migration period. For clearer context, the EIS should include a discussion of the difficulty in surveying and detecting this rare and highly endangered migratory species.

4. Pg. ES-4, Executive Summary, second paragraph – Comment: In the biological assessment (BA) prepared for ESA interagency consultation, Western states that the proposed Federal action results in no physical change to the existing environment. Western states due to their lack of authority and discretion concerning the siting, construction, operation, or decommissioning of the Project, they are powerless to enforce the outcome of interagency consultation.

The Project description in the BA separates the Federal proposed action and the Wilton IV project. The Effects section of the BA describes effects to listed and candidate species solely for construction, operation, maintenance, and decommissioning of Wilton IV, separate from the Federal action.

The USFWS has previously advised Western that they have discretion under section 7(a)(2) of the Act to consult on interconnection actions since they have the ability to deny requests for interconnection to their system. The USFWS and the Department of the Interior, Office of the Solicitor have indicated that Western is misinterpreting the Section 7(a)(2) regulations. Discretion, for purposes of triggering consultation, is not the equivalent of having authority. Therefore, Western must include direct and indirect effects, as well as interrelated and interdependent activities, when making an “effect” determination. All direct, indirect, and cumulative effects as well as interrelated and interdependent actions must be described. The USFWS has discussed with Western that all effects (as defined under the consultation regulations) must be analyzed, regardless of who is responsible for those effects. By not considering all effects of the project within the entire action area, Western is making incorrect effects determinations.

5. Pg. ES-4, Executive Summary, fourth paragraph, last sentence – Comment: The EIS should analyze the potential for the project to impact migrating interior least terns as well as breeding least terns.
6. Pg. ES-4, Executive Summary, fifth paragraph, second sentence – Comment: The EIS should include a discussion of the difficulty in surveying for a rare and highly endangered migratory species.
7. Pg. ES-4, Executive Summary, last paragraph, sixth sentence – Comment: The statement that plovers tend to fly lower than the rotor swept height of the turbines proposed for this project is unsupported. Please provide support for this statement or delete this statement.
8. Pg. ES-5, Executive Summary, first full sentence – Comment: Separate effects determinations under the Endangered Species Act should be made for each threatened or endangered species as well as designated critical habitat.
9. Pg. 1-1, Introduction, fifth paragraph – See General Comment #1.
10. Pg. 1-3, Figure 1, Project Location Map – Comment: The Project Area does not appear to be marked on the map; correction is needed.
11. Pg. 2-1, Western's Federal Proposed Action, second paragraph – See General Comment #1.
12. Pg. 2-3, Project Location, fifth paragraph, first sentence – Comment: The EIS should discuss whether the USFWS's Voluntary Land-Based Wind Energy Guidelines (Guidelines) were used to select the site for development. Adherence to the Guidelines is voluntary and does not relieve any individual, company, or agency of the responsibility to comply with all applicable wildlife laws and regulations. However, if a violation occurs, such as through take of a migratory bird, the USFWS will consider a developer's documented efforts to communicate with the USFWS and adhere to the Guidelines. Site selection is often the most important means for reducing potential impacts to wildlife. If the Guidelines were not used in site selection, the EIS should describe alternate methods that the applicant used.

The USFWS' Guidelines also address possible impacts to species of habitat fragmentation concern. The DEIS does not indicate whether these impacts were considered. The North Dakota Field Office has posted information on its website on 11 avian species of habitat fragmentation concern: Baird's sparrow, bobolink, chestnut-collared longspur, grasshopper sparrow, greater prairie chicken, greater sage grouse, harrier, sedge wren, sharp-tailed grouse, Sprague's pipit, and upland sandpiper. The USFWS recommends that impacts to these species, at a minimum, be assessed in the FEIS.
13. Pg. 2-30, Environmental Protection Measures, second paragraph, fourth item – See Specific Comment # 1.

14. Pg. 2-30, Environmental Protection Measures, second paragraph, fifth item, third sentence – See Specific Comment # 2.
15. Pg. 2-31, Environmental Protection Measures, last paragraph – See General Comment #1.
16. Pg. 3-1, Affected Environment and Environmental Consequences, second paragraph – See General Comment #1.
17. Pg. 3-2, Affected Environment and Environmental Consequences, last paragraph, second sentence – See General Comment #1.
18. Executive Order 13186 and the Department of Energy/USFWS MOU implementing the Executive Order identify avian species of particular interest as Birds of Conservation Concern (BCC).³ We recommend that BCC for the project area (near the boundary of Bird Conservation Regions 11 and 17) be described in the Affected Environment section, and that analyses of the potential impacts to these bird species and mitigation be fully discussed in the Potential Impacts section.
19. Pg. 3-32, Sensitive Wildlife Species, first and second paragraphs – Comment: If the list of threatened and endangered species being used by Western is greater than 90 days old, Western should request a current list from the USFWS. The current species list for Burleigh County does not include the gray wolf, and Sprague's pipit has been added to the list of candidate species.
20. Pg. 3-33, Sensitive Wildlife Species, Gray Wolf – See Specific Comment #17.
21. Pg. 3-34, Sensitive Wildlife Species, State-listed Species, second and third paragraphs – See General Comment # 2.
22. Pg. 3-35, Bats, first paragraph, fifth sentence – Comment: Bats are known to use habitats near palustrine wetlands for foraging and will roost in shelterbelts and old abandoned buildings. Both of these types of habitats are available in the project area and in the surrounding area. There are abandoned coal mines in the vicinity that may also provide roosting habitat.
23. Pg. 3-35, Potential Impacts of the Proposed Project, first paragraph, first sentence – Comment: The text should be clarified to add that loss of individuals from a population could be significant at local or regional wildlife population levels. In addition, the text should be revised to indicate that incremental impacts may cumulatively contribute to significant adverse impacts to local or regional populations, and to species.

³ Birds of Conservation Concern 2008. United States Department of Interior, Fish and Wildlife Service, Division of Migratory Bird Management, Arlington, Virginia. 85pp. Available at: <http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/BCC2008/BCC2008.pdf>

24. Pg. 3-35, Potential Impacts of the Proposed Project, first paragraph, second sentence –
Comment: The potential take of a single threatened or endangered species is a significant impact that must be addressed through formal section 7 consultation.
25. Pg. 3-35, Potential Impacts of the Proposed Project, third paragraph, third sentence –
Comment: The discussion of wildlife displacement effects of wind facilities should be expanded. U.S. Geological Survey studies of grassland breeding birds have shown that the grasshopper sparrow and clay colored sparrow avoid wind facilities.
26. Pg. 3-35, Potential Impacts of the Proposed Project, third paragraph –
Comment: A discussion of the MBTA should be included in this section.
27. Pg. 3-35, Potential Impacts of the Proposed Project, third paragraph, the text states that appropriate buffers would be implemented by consulting with wildlife biologists. –
Comment: The buffer distance is a mitigation measure and relates directly to project impacts, so if the buffer distance is known the rationale should be set forth. If the buffer distance is not currently known, this section of the document should explain the investigation or analysis that will be conducted to make those determinations.
28. Pg. 3-35, Potential Impacts of the Proposed Project, fourth paragraph, last sentence –
Comment: A number of bird species wintering in North Dakota would be exposed to risk of collision from operating wind turbines. Other species migrate to the area from higher latitudes to overwinter. The overwintering and winter-time immigrant species should be identified, and potential for these species to be impacted should be discussed.
29. Pg. 3-36, Potential Impacts of the Proposed Project, first paragraph, second sentence –
Comment: The EIS should discuss the potential for migratory bird mortality, and estimate the number of bird mortalities that may occur as a result of project construction and operation.
30. Pg. 3-36, Whooping Crane, first paragraph, last sentence – Comment: Whooping cranes have been recorded using habitats near the existing Wilton and Baldwin project areas. The information contained in a December 28, 2011, Whooping Crane Migration and Monitoring Report, Wilton Expansion Wind Energy Facility and Baldwin Wind Energy Facility, Burleigh County, North Dakota (prepared for NextEra Energy Resources by WEST Inc.) documents whooping crane use of available habitats in proximity to the existing operational wind facilities. The information in this report (and other reports available from USFWS upon request) should be used to assess the effects of Project construction and operation, or an explanation should be provided why the information was not considered relevant.
31. Pg. 3-36, Whooping Crane, last paragraph – See Specific Comment # 4.
32. Pg. 3-38, Bats – See Specific Comment # 20.

33. Cumulative Impacts: We recommend that a more thorough analysis of cumulative impacts to BCC be conducted--as described in the cumulative effects guidance of CEQ.⁴ Rather than assessing cumulative impacts to birds in Burleigh County alone, we recommend the context for cumulative impacts analysis of birds be based on Bird Conservation Regions (i.e., BCRs 11, and 17). We believe it would be particularly appropriate to focus on impacts of grassland habitat conversion and fragmentation, and the potential for wind projects to kill birds.

If you have any questions regarding USFWS comments, please contact Terry Ellsworth, in the USFWS' Ecological Services Field Office in Bismarck, North Dakota, at (701) 355-8505.

Sincerely,

A handwritten signature in black ink that reads "Robert F. Stewart". The signature is written in a cursive style with a long horizontal stroke at the end.

Robert F. Stewart
Regional Environmental Officer

⁴ "Considering Cumulative Effects under the National Environmental Policy Act," Council on Environmental Quality, January 1997.

BEFORE WESTERN AREA POWER ADMINISTRATION

In the Matter of
Wilton IV Wind Energy Center

TRANSCRIPT OF
PUBLIC HEARING

Taken At
Wilton Memorial Hall
105 Dakota Avenue
Wilton, North Dakota
April 10, 2013

BEFORE MR. GARY HOFFMAN
-- HEARING OFFICER --

1 (The proceedings herein were had and made
2 of record, commencing at 6:01 p.m., Wednesday,
3 April 10, 2013, as follows:)

4 MR. HOFFMAN: We'll go ahead and get
5 started. I'm Gary Hoffman. I'm an attorney with
6 Western Area Power Administration's Office of
7 General Counsel. I'm located out of Lakewood,
8 Colorado. I'll be the hearing officer for the
9 portion of this evening's meeting that's called a
10 public hearing. We're holding the public hearing
11 here at the Wilton Memorial Hall at 105 Dakota
12 Avenue in Wilton, North Dakota.

13 Can everyone hear me okay? We're just
14 getting started.

15 The purpose of this evening's public
16 hearing is to receive formal oral comments on the
17 draft environmental impact statement for the Wilton
18 IV Wind Energy Center Project. Western Area Power
19 Administration -- I'm going to refer to it as
20 Western so I'm not repeating myself so much -- is
21 an agency within the Department of Energy, and
22 Western is the lead federal agency under NEPA,
23 which is -- the type of review that we're doing is
24 called an environmental impact statement under
25 NEPA, or the National Environmental Policy Act.

1 Another federal agency, the United States
2 Fish and Wildlife Service, which is within the
3 Department of Interior, has asked to be a
4 cooperating agency under NEPA, and Western granted
5 them that status just in the last week or two.

6 This part of tonight's meeting, the public
7 hearing portion, is not a question and answer
8 forum. Prior to the start of this public hearing,
9 representatives from Western, from NextEra Energy,
10 and from Tetra Tech were available to discuss the
11 project with you. For those of you that may have
12 arrived later and haven't had an opportunity to
13 have your questions answered, those folks will be
14 around after the end of this public hearing and
15 you're welcome to ask questions then.

16 I'd like to go ahead and introduce the
17 representatives of the different parties that are
18 here this evening. For Western Area Power
19 Administration in the very back of the room is Rod
20 O'Sullivan. Rod has got his hand raised. He's an
21 environmental protection specialist for Western.

22 Also in the back of the room is Nick Stas.
23 He's Western's Upper Great Plains Region's
24 supervisory environmental specialist.

25 In between Rod and Nick is Tom Atkinson.

1 He's an environmental protection specialist out of
2 Western's Bismarck office.

3 NextEra Energy Resources, we have four
4 people with us this evening. Allen Wynn. Allen is
5 waving in the back of the room. He's the
6 environmental project manager for this project.
7 Paul Dockery seated in the middle there. He's a
8 project developer. Deanna Julsen over here to your
9 right is the land specialist. And then we have Ted
10 Weisman, the permitting specialist.

11 Tetra Tech is the consultant that's
12 assisting in preparing the environmental impact
13 statement. Tracey Dubuque, who you met when you
14 came in the door, is from Tetra Tech.

15 There are two components within this draft
16 environmental impact statement. NextEra, on behalf
17 of its subsidiary Wilton Wind IV, LLC, which I'm
18 going to refer to as Wilton IV, has requested an
19 interconnection of its proposed Wilton IV project
20 to Western Area Power Administration's power
21 transmission system. Wilton IV proposes to
22 construct, own, and operate a wind turbine
23 generating facility in Burleigh County, North
24 Dakota. It would consist of up to 62 wind turbine
25 generators, those with a total nameplate capacity

1 of approximately 99 megawatts.

2 In addition to the wind turbines, the
3 project would include access roads; the underground
4 power collection lines from the turbines to the
5 collection substation; operation and maintenance
6 facilities; some equipment that we call the
7 supervisory control and data acquisition equipment
8 and metering equipment; up to two meteorological
9 towers; and approximately 240 feet of a 230-kV, or
10 kilovolt, overhead tie line from the collector
11 substation to the point of interconnection.

12 The second component of the Draft EIS is
13 that NextEra has also requested that their existing
14 interconnection contracts with Western Area Power
15 for the Wilton I Energy Center, formerly known as
16 Burleigh County Wind, for Wilton II Energy Center,
17 and also for the Baldwin Wind Energy Center, which
18 I'm going to collectively call those projects the
19 existing projects -- they've requested that the
20 cap -- the administrative cap on how much power
21 those can produce be lifted from the current 50
22 average megawatt production cap, that's in a year,
23 annual average.

24 This public hearing is to receive comments
25 from the public on the Draft EIS.

1 As I've just stated a few minutes ago, the
2 applicant, NextEra, has proposed to physically
3 interconnect with Western's transmission system, so
4 Western needs to make a determination whether to
5 allow that physical interconnection and to grant an
6 interconnection contract. In making that decision,
7 it obviously needs to consider the environmental
8 impacts through NEPA and it considers its existing
9 policies, regulations, and laws in making that
10 decision. Western must also decide whether to
11 allow the modification of the existing
12 interconnection contracts for those existing wind
13 projects to lift that administrative 50 average
14 annual megawatt production cap.

15 As you entered the room this evening, we
16 asked that you sign in. On that sign-in sheet
17 there was a place if you wished to speak, that you
18 could circle that. If you didn't circle it, we're
19 still going to let you speak. Last I looked we
20 only had one name, but there may be others since I
21 last looked.

22 Again, this is not going to be a time for
23 you all to ask questions of me or for the other
24 representatives, but rather it's for us to take
25 your comments. If you haven't signed in, we'd ask

1 that you do so before you leave this evening. We
2 want to make sure we know who all was here.

3 If you have written comments with you this
4 evening, you can leave those with the court
5 reporter. If you want to give written and oral
6 comments tonight, you're welcome to do that.

7 If you want to give written comments after
8 tonight, you're welcome to do that by either email,
9 facsimile, or regular mail. The emails and the
10 facsimiles need to be received by May 6th of 2013.
11 If you send it by regular mail, it needs to be
12 postmarked by May 6th, 2013. All written comments
13 and the oral comments become part of the
14 administrative record for the project.

15 As you came in the room, on the table
16 there is a form that's provided for you should you
17 want to give written comments or fax them, mail
18 them. You don't have to use this form, but it has
19 the mailing address on the back. Those comments
20 would go to Matt Marsh, Western Area Power
21 Administration, Upper Great Plains Region, P.O. Box
22 35800, that would be Billings, Montana, 59107-5800.
23 If you want to send them by email, we've got Matt
24 Marsh's email address on the front of this form,
25 but it's MMarsh@wapa.gov. The fax number is also

1 on this and that fax number is 406-255-2900. So be
2 sure to pick up one of these forms if you want to
3 give written comments after tonight's hearing.

4 We do have a court reporter with us this
5 evening that will be recording not only my words
6 word for word, but also the comments that you
7 provide. You may contact Mr. Marsh if you would
8 like a copy of that transcript for that hearing.
9 Our court reporter tonight is Denise Andahl with
10 Emineth & Associates.

11 All substantive comments that are received
12 this evening and throughout the public comment
13 period will be addressed in the final environmental
14 impact statement. The public comments do assist
15 the decisionmaker, in this case Western, by
16 identifying the concerns and values of the
17 interested parties. Upon the expiration of the
18 public comment period, which ends May 6th, 2013,
19 the final environmental impact statement will be
20 prepared. It is anticipated that that final
21 environmental impact statement will be issued
22 during the summer -- or late summer into the fall
23 of this year.

24 Following the issuance of that final
25 environmental impact statement -- it is actually

1 filed with the U.S. Environmental Protection
2 Agency -- there's a 30-day waiting period after it
3 is filed before any decisions are made by Western.
4 Again, Western's decisions are considering whether
5 to approve the interconnection request of NextEra
6 and whether to modify those existing
7 interconnection contracts for the existing projects
8 to raise or lift that administrative 50 average
9 annual megawatt production cap for those projects.

10 The decision made by Western will be in
11 the form of something called a record of decision.
12 That record of decision is anticipated to be in the
13 fall 2013 time period.

14 I'm going to go ahead and call on our
15 first speaker. Again, we may have had more. And
16 if I mispronounce the name, I apologize in advance.
17 We had Dean Goetz, Goetz.

18 MR. GOETZ: Goetz.

19 MR. HOFFMAN: Goetz.

20 MR. GOETZ: I guess I really didn't have
21 anything to say. I just thought I may comment.

22 MR. HOFFMAN: Okay. We'll do the spelling
23 since I said that. Your last name is spelled
24 G-o-e-t-z?

25 MR. GOETZ: G-o-e-t-z, correct.

1 MR. HOFFMAN: Again, I didn't even have a
2 chance to run over and check the other list. Is
3 there anyone that would like to come up and give an
4 oral comment this evening?

5 MR. HILKEN: Sir.

6 MR. HOFFMAN: Yes.

7 MR. HILKEN: Excuse me for not getting up.

8 MR. HOFFMAN: Can I bring you the
9 microphone so everyone else can hear your comments?

10 MR. HILKEN: Well, I'll probably holler.

11 MR. HOFFMAN: Okay.

12 MR. HILKEN: If that's all right.

13 MR. HOFFMAN: It's so the court reporter
14 can get your words. Do you mind doing that?

15 MR. HILKEN: I know her. She'll be able
16 to hear me.

17 MR. HOFFMAN: Okay. Could you state your
18 name and spell your name for us?

19 MR. HILKEN: E. Gene Hilken. What else?
20 Are you ready to go?

21 MR. HOFFMAN: Yes, sir.

22 MR. HILKEN: Now, maybe I should have
23 gotten some of this information from you before,
24 but part of this says lift administrative 50
25 average annual MW production caps. Now, what's the

1 MW production caps?

2 MR. HOFFMAN: Okay. I'll go ahead and
3 answer that one because it explains what I've said.
4 We're not here to answer questions, but to take
5 comments. But MW stands for megawatts. That's the
6 amount of energy that's produced by the existing
7 projects, and two of them, I think the first two,
8 were limited to 50 average megawatts. The third
9 one was also capped at 50 average megawatts annual
10 production per year.

11 MR. HILKEN: Thank you on that. You want
12 me to -- any other comments to wait a while, huh?

13 MR. HOFFMAN: Now is the time to give a
14 comment if you want -- any comments you want to
15 give orally, and you can also give them again in
16 writing later on.

17 MR. HILKEN: I discussed some of this
18 earlier, but why is the Western Area Power
19 Administration -- that doesn't cover our other
20 electrical connections, but it does just this here
21 particular one, and the answer to me was that
22 there's 62 towers and they had to go to the Western
23 Area Power Administration. You're not covering the
24 number I, number II, and number III what they've
25 done already.

1 MR. HOFFMAN: Let me go ahead and clarify.
2 Again, this isn't a question and answer, but
3 obviously I haven't clarified it enough. The first
4 three projects were considered by Western. They
5 were granted interconnection requests. Those were
6 in the past years. They've asked Western to raise
7 the cap that's part of the interconnection request.
8 Does that help?

9 MR. HILKEN: So the other ones aren't in
10 this, just this project?

11 MR. HOFFMAN: And, again, I probably
12 didn't make that clear enough. There are two parts
13 to the environmental impact statement, the draft
14 that's been given out. One is for this fourth
15 project for it to interconnect. The other part is
16 for the other three projects that are already
17 interconnected to lift the production cap that's on
18 them in their current interconnection contracts
19 with Western.

20 MR. HILKEN: Thank you very much.

21 MR. HOFFMAN: Does anyone have any
22 comments they'd like to get up and -- we don't want
23 you to be shy. That's why we came out here to put
24 the meeting on.

25 We put on there that we were going to be

1 available until eight. Some people may come in a
2 little later. I don't know, if no one else is
3 going to speak right now, that we'll wait around
4 until eight, but what I would like to do is to just
5 go off the record here for maybe 10 or 15 minutes
6 to see if anyone wants to come in and we'll ask
7 them if they want to give comments. And if any of
8 you want to give a comment at that time, we'll do
9 that. But right now we'll take about 15 minutes.

10 If you have some questions in the meantime
11 for any of the representatives, they're here to
12 answer those for you. Okay. We'll be back --
13 let's see, it's now almost 6:20. We'll go back
14 on -- I'll do about 6:35.

15 (Recess taken.)

16 MR. HOFFMAN: We'll go back on the record
17 here. It's about 6:30 right now. So we're back on
18 the part -- the formal part of the public hearing
19 and we want to give anyone who may have come in
20 late or any of you that didn't want to take the
21 opportunity to provide an oral comment to go ahead
22 and do that now if you would like.

23 Any takers for an oral comment tonight?

24 Yes, sir.

25 MR. HILKEN: I don't want to interfere.

1 E. Gene Hilken, 302 Fourth Street South. I'm only
2 asking the question. Apparently environmentally
3 people are pushing the towers for production of
4 electricity. Is that going to interfere with any
5 particular thing, or is any group, Western Power or
6 whoever, trying to hold back on maybe the plans --
7 are trying to hold back or whatever so they can use
8 their coal-fired plants that we got?

9 MR. HOFFMAN: Western hasn't made any
10 decision on the interconnection requests or on
11 lifting these production caps. Western, since it's
12 a federal agency and since this private project for
13 NextEra wants to interconnect to the federal grid,
14 the electricity grid, Western is required to go
15 through the NEPA process and consider the
16 environmental impacts. So that's what the
17 environmental -- the draft environmental impact
18 statement addresses. We're here for comments to
19 see if anybody has things additionally or
20 differently, other concerns so we can consider
21 those as part of that review of the NEPA process.

22 Western is not a part of whether -- we
23 aren't a part of the project as it's presented to
24 us. The applicants bring the project to us and
25 we're asked to consider the interconnection.

1 Does anyone else have a comment -- oral
2 comment they would like to give this evening?

3 Before I end the public hearing portion of
4 this meeting, I do want to remind you that you can
5 provide written comments to Western either by email
6 or regular mail or by fax. The email and fax have
7 to be received by Western by May 6th, 2013. Mailed
8 written comments need to be postmarked by May 6th,
9 2013. Again, we have a form for you to use. Even
10 if you don't use the form, it does contain the
11 address, the email address, and the fax number. So
12 we encourage you to take one of those in case you
13 do want to give us one of those.

14 If no one else wants to speak, we're going
15 to go ahead and end the public hearing.

16 We've got one more person.

17 MR. SPITZER: Jake Spitzer. My only
18 question is, how much of this is going to be
19 subsidized by the government? What percentage?
20 And what happens when the subsidy quits?

21 MR. HOFFMAN: And you've asked some
22 questions. Again, we're not here to answer
23 questions, but we can address that comment.

24 The entity has not -- NextEra has not
25 asked for any money from Western. It's not

1 CERTIFICATE OF COURT REPORTER

2
3 I, Denise M. Andahl, a Registered
4 Professional Reporter,

5 DO HEREBY CERTIFY that I recorded in
6 shorthand the foregoing proceedings had and made of
7 record at the time and place hereinbefore
8 indicated.

9 I DO HEREBY FURTHER CERTIFY that the
10 foregoing typewritten pages contain an accurate
11 transcript of my shorthand notes then and there
12 taken.

13 Bismarck, North Dakota, this 16th day of
14 April, 2013.

15
16 -----
17 Denise M. Andahl
18 Registered Professional Reporter
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| | | | |
|---|--|--|---|
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