

July 19, 2024

Via Electronic Mail & Hand Delivery

Mr. Steve Kahl
Executive Director
North Dakota Public Service Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

In re: Oliver Wind IV, LLC
Oliver Wind IV Wind Energy Center - Oliver County
Siting Application
Case No. PU-23-317
Our File No. 035218-000083

Dear Mr. Kahl:

On behalf of Oliver Wind IV, LLC, please find enclosed for filing in the above-referenced matter eight copies of the executed Certification Relating to Modification of Wind Facility Pursuant to Certification Relating to Order Provision No. 37 with attached Exhibit 1 Site Plan Modification Memorandum. Also enclosed is a USB drive containing the associated GIS files. A ShareFile link to the GIS files is provided in the associated electronic filing correspondence.

Please feel free to call should you have any questions. Thank you.

Sincerely,

/s/ Casey A. Furey

Casey A. Furey

CAF/lh
enc.

cc: Robert Frank (via email)
Brian Johnson (via email)
Tracy Davis (via email)
Lindsey Churchill (via email)
Erik Edison (via email)

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Oliver Wind IV, LLC
200 MW Oliver Wind IV Energy Center
Oliver County
Siting Application**

Case No. PU-23-317

**CERTIFICATION RELATING TO MODIFICATION OF
WIND FACILITY PURSUANT TO
CERTIFICATION RELATING TO ORDER PROVISION NO. 37**

STATE OF FLORIDA)
) ss. AFFIDAVIT OF ANTHONY PEDRONI
COUNTY OF PALM BEACH)

Pursuant to Certification Relating to Order Provision No. 37, the undersigned, Anthony Pedroni declares:

1. I am more than eighteen years of age, competent to testify as a witness, and make this affidavit based on my personal knowledge and belief as to the facts set forth within. I am the Vice President, an authorized representative of Oliver Wind IV, LLC (“Oliver Wind IV”), with the authority to bind Oliver Wind IV to the following.

2. On September 28, 2023, in Case No. PU-23-317, Oliver Wind IV filed an Application for a Certificate of Site Compatibility (“Application”) for the construction and operation of the approximately 200-megawatt Oliver Wind IV Energy Center (the “Project”) located in Oliver County, North Dakota.

3. On April 29, 2024, the North Dakota Public Service Commission (“Commission”) issued Findings of Fact, Conclusions of Law and Order (“Order”) granting Oliver Wind IV Site Certificate No. 67 for the construction and operation of the Project.

4. Certification Relating to Order Provision No. 37(A) of the Certification Relating to Order Provisions Energy Conversion Facility Siting (“Certification Provision No. 37”) outlines the procedural process for filing and notifying the Commission of modifications to the Project occurring inside the designated site that affect no Commission Avoidance Areas.

5. Pursuant to Certification Provision No. 37, Oliver Wind IV provides written notice of proposed modifications to the Project Site Plan that occur wholly within the designated site as described herein.

6. The modifications relate to certain changes to the crane paths from Turbines 33 to 42 and Turbines 11 to 15 to avoid steep terrain, for additional workspace along the access road to Turbine

37 for turbine blade delivery, for additional workspace along the collection line between Turbines 43 and 53 to optimize collection line design west of Turbine 63 for boring the landslide deposit, and to the collection line between Turbines 31 and 36 for avoidance of a newly constructed communication tower. Additionally, minimal design revisions were made on collection lines for optimization within the existing construction easement.

7. In addition, modifications were made to accommodate requests of landowners. These landowner-requested modifications consisted of modifications to 16 access roads and two collection lines to reduce impacts on agricultural and cattle operations and to minimize tree removal.

8. A memorandum prepared by Oliver Wind IV's consultant is attached hereto as Exhibit 1 and discusses the Project Site Plan modifications in more detail.

9. Some of these Project Site Plan modifications required additional survey for areas outside of the previous survey corridors for wetlands, Dakota skipper, cultural, and Tribal resources. These additional surveys were conducted by Oliver Wind IV's consultants in April and May 2024, as described in more detail in the memorandum provided in Exhibit 1.

10. As described in this memorandum, a new wetland was delineated during the survey for the crane path modification. The crane path will temporarily cross approximately 0.07 acres of wetland; this is the narrowest crossing along a long, linear wetland area. For the rest of the Project Site Plan modifications, no new wetlands or other waters were documented during surveys. The Project Site Plan modifications will not result in new permanent wetland impacts.

11. The Project Site Plan modifications do not impact cultural or Tribal resources per a Class III Cultural Resources survey. Eleven newly identified archaeological resources were documented during surveys; however, the construction easements and permanent infrastructure shown on Attachments 1 and 3 avoid impacts to newly documented sites. Concurrence on the Class III Cultural Resources survey from the North Dakota State Historic Preservation Office was received on July 16, 2024 as provided in Attachment 2 to the memorandum in Exhibit 1.

12. There are no new permanent impacts to unbroken grasslands as the Project modifications are located in cropland or broken grassland. The crane path modification will have some temporary impact to unbroken grassland; however, the impact is similar to what was presented in the Project Application.

13. All of the above-described modifications are within areas covered by the Project's prior avian, bat, raptor, lek, and nest surveys and whooping crane assessment. These modifications do not change the results of those studies.

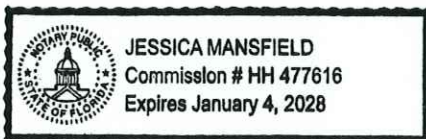
14. In accordance with Certification Provision No. 37:

- a) Activities associated with the Project's modifications will occur within the designated site and will not affect any known Exclusion or Avoidance Areas.
- b) No new Exclusion or Avoidance Areas were located in the additional survey areas.
- c) An updated Figure 13 map depicting the designated site and Project modifications is marked as Exhibit 1, Attachment 1 hereto. GIS shapefiles of the site modifications are also enclosed.
- d) Oliver Wind IV will continue to comply with the Commission's Order, law and rules designating the site.

Anthony Pedroni
Vice President
Oliver Wind IV, LLC

STATE OF FLORIDA)
) ss.
COUNTY OF PALM BEACH)

On this 19 day of July, 2024, before me personally appeared Anthony Pedroni, known to me to be the Vice President and an authorized representative of the limited liability company that is described in and that executed the within instrument, and acknowledged to me that such limited liability company executed the same.



Notary Public

Memorandum

To: North Dakota Public Service Commission

From: Oliver Wind IV, LLC

Subject: Case Number PU-23-317
Oliver Wind IV Energy Center
Modifications of Energy Conversion Facility Site Plan

Date: July 19, 2024

Introduction

Pursuant to Certification Relating to Order Provision Number 37, Oliver Wind IV, LLC (Oliver Wind IV) submits to the North Dakota Public Service Commission (Commission) this supporting documentation for proposed modifications to the Oliver Wind IV Energy Center Project (Project) Site Plan. The Project Site Plan modifications include modifications requested by the engineering and construction team and landowners. Details of the Project Site Plan modifications are provided in Attachment 1.

Project Site Plan Modifications – Engineering and Construction Team Requests

The construction team requested modifications to the crane paths from Turbines 33 to 42 and Turbines 11 to 15 to avoid steep terrain, for additional workspace along the access road to Turbine 37 for turbine blade delivery, for additional workspace along the collection line between Turbines 43 and 53, to optimize the collection line design west of Turbine 63 for boring to avoid the landslide deposit, and to the collection line between Turbines 31 and 36 for avoidance of a newly constructed communication tower. Additionally, minimal design revisions were made on collection lines for optimization within the existing construction easement.

Project Site Plan Modifications – Landowner Requests

Landowners requested modifications to a total of 16 access roads and two collection lines to reduce impacts on agricultural and cattle operations and minimize tree removal.

The access road to Turbine 6 has been modified to follow along the southern edge of the cropland. The access road to Turbine 8 has been modified to follow the southern edge of the cropland. The access road to Turbine 14 has been modified to follow the southern property line. The access road between Turbines 14 and 15 was dropped; the access road to Turbine 15 has been modified to follow the two track on the western edge of the property line and then the northern edge of the property line. The access roads to Turbines 27 and 28 have been modified to access from the west. The access road to Turbine 33 has been modified to follow the collection line north, then west along the southern edge of the cropland. The access road to Turbine 41 has been modified to run directly south of the turbine. The access road to Turbines 42 and 43 has been modified to follow the southern property line. The access road to Turbine 45 has been modified to run directly north of the turbine. The access road to Turbine 47 has been modified to follow the northern property line. The access road to Turbine 52 has been modified to follow the southern property line. The access road to Turbine 55 has been modified to avoid impacting a cattle underpass and run south of the turbine. The access road to Turbine 60 has been modified to run directly west of the turbine. The access road to Turbine 64 has been modified to run north, then west along the property line. The southern portion of the access road

to Turbine 65 has been modified to run along an existing two track. The access road to Alternative Turbine 1 has been modified to run directly south.

The collection lines between Turbines 15 and 23 and between Turbines 66 and 56/57 have been modified to provide a more direct route to the turbines to reduce disturbance.

Surveys and Studies

Some of the Project Site Plan modifications required additional survey for areas outside of the previous survey corridors for wetlands, Dakota skipper (*Hesperia dacotae*), cultural, and tribal resources. Surveys for wetlands were completed by Merjent, Inc. (Merjent) in April and May 2024. Merjent utilized the same methodology outlined in the report filed with the Project Application (Appendix B6). Cultural resources surveys were completed by Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) in April and May 2024. Dakota skipper surveys were completed by Western EcoSystems Technology, Inc. (WEST) on May 23, 2024. WEST utilized the same methodology outlined in the report filed with the Project Application (Appendix B17). Survey for Dakota skipper was only required on crane path modification. All other Project Site Plan modifications were in cropland or broken grassland where no Dakota skipper habitat was present.

A new wetland was delineated during the survey for the crane path modification. The crane path will temporarily cross approximately 0.07 acres of wetland; this is the narrowest crossing along a long, linear wetland area. For the rest of the Project Site Plan modifications, no new wetlands or other waters were documented during surveys. The Project Site Plan modifications will not result in new permanent wetland impacts.

The Project modifications do not impact cultural or tribal resources per a Class III Cultural Resources survey. Eleven newly identified archaeological resources were documented during surveys; however, the construction easements and permanent infrastructure shown on Attachments 1 and 3 avoid impacts to newly documented sites. Concurrence on the Class III Cultural Resources survey from the North Dakota State Historic Preservation Office was received on July 16, 2024 (Attachment 2).

The Project Site Plan modifications are within the area covered by the avian, bat, raptor, lek, and nest surveys and the whooping crane desktop assessment and does not change the results of those studies. There are no new permanent impacts to unbroken grasslands as the Project modifications are located in cropland or broken grassland. The crane path modification will have some temporary impact to unbroken grassland; however, the impact is similar to what was presented in the Project Application. No new Exclusion or Avoidance Areas were located in the additional survey areas. The Project Site Plan modifications do not impact the Commission's Exclusion and Avoidance Criteria as presented in Tables 3.1-1 and 3.2-1 of the Project Application. The Project Site Plan modifications result in negligible changes to the total Project impacts calculations presented in Table 5.3-1 of the Project Application (Docket No. 1).

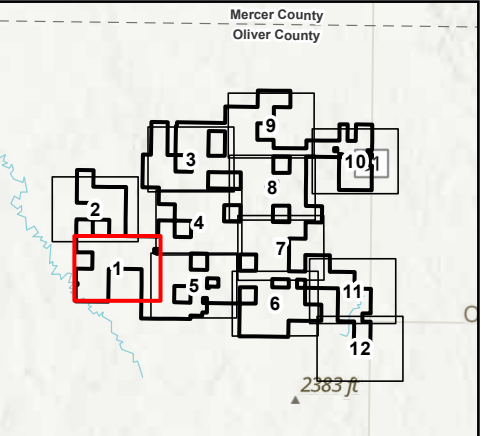
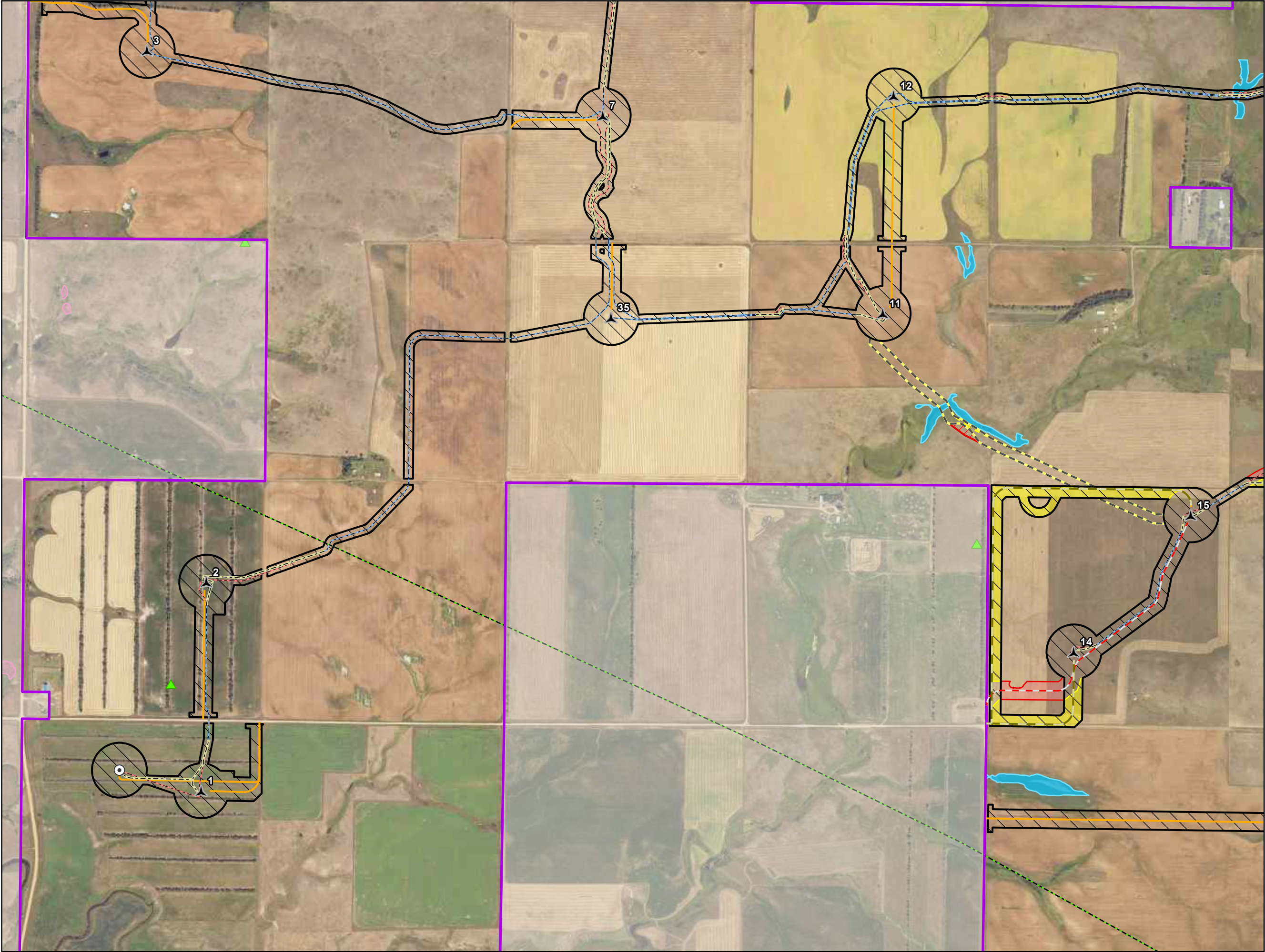
Conclusion

The Project Site Plan modifications comply with the Commission's Exclusion, Avoidance, Selection, and Policy Criteria and are consistent with the Project's Findings of Fact, Conclusions of Law and Order.

Attachments:

1. Site Plan Modification Map
2. North Dakota State Historic Preservation Office Concurrence
3. Electronic Submittal of GIS Shapefiles

Attachment 1
Site Plan Modification Map



Page 1 of 12

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Site Plan

Project Area	Primary Turbine
Construction Easement	MET Tower
Activated Construction Easement	Collection Line
Dropped Construction Easement	Activated Collection Line
Crane Path	Dropped Collection Line
Activated Crane Path	Access Road
Dropped Crane Path	Activated Access Road
	Dropped Access Road

Contractor will bore all wetlands, Dakota skipper habitat, and roads. Known archaeological sites are not depicted due to confidentiality.

Occupied Residence

Raptor Nest

Delineated Wetland and Other Water

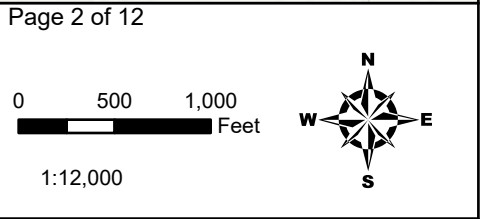
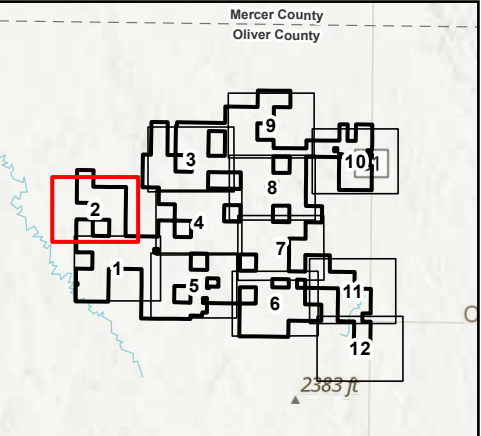
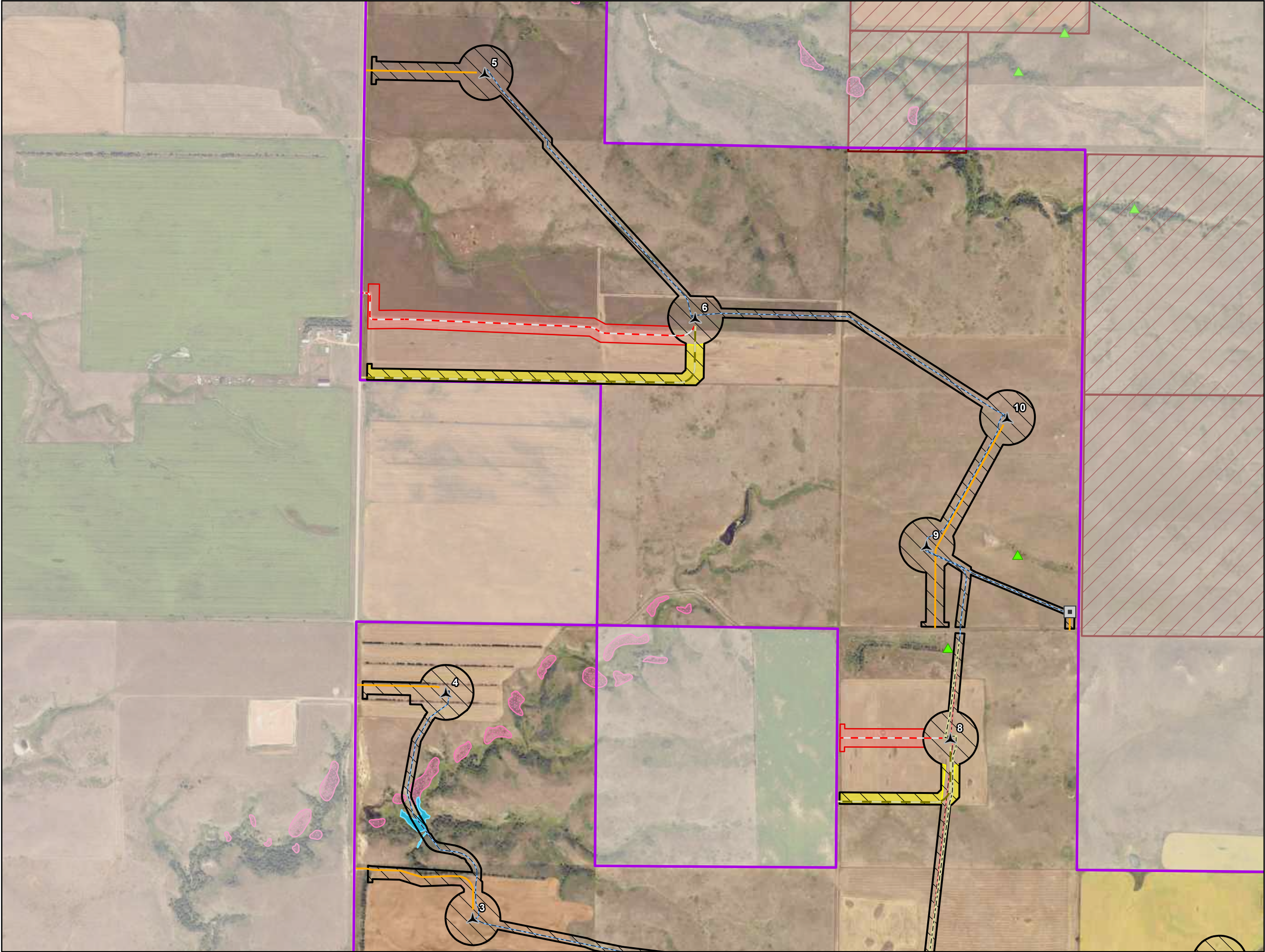
Landslide Deposit

Transmission Line

Attachment 1:
Site Plan
Modification Map
Page 1
Oliver Wind IV Energy Center
Oliver County, North Dakota

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Site Plan

Project Area	Collection Line
Construction Easement	Activated Collection Line
Activated Construction Easement	Dropped Collection Line
Dropped Construction Easement	Access Road
Primary Turbine	Activated Access Road
ADLS Radar Tower	Dropped Access Road

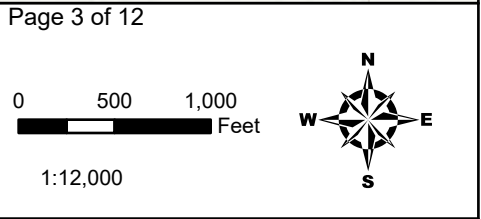
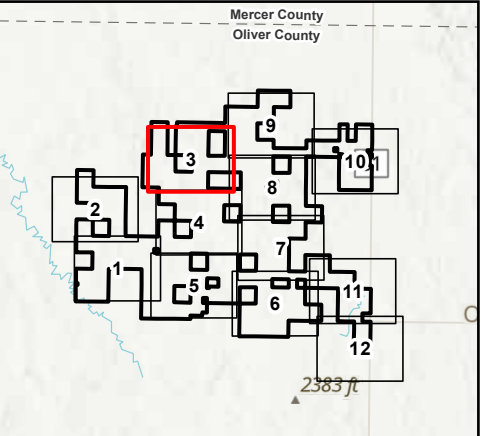
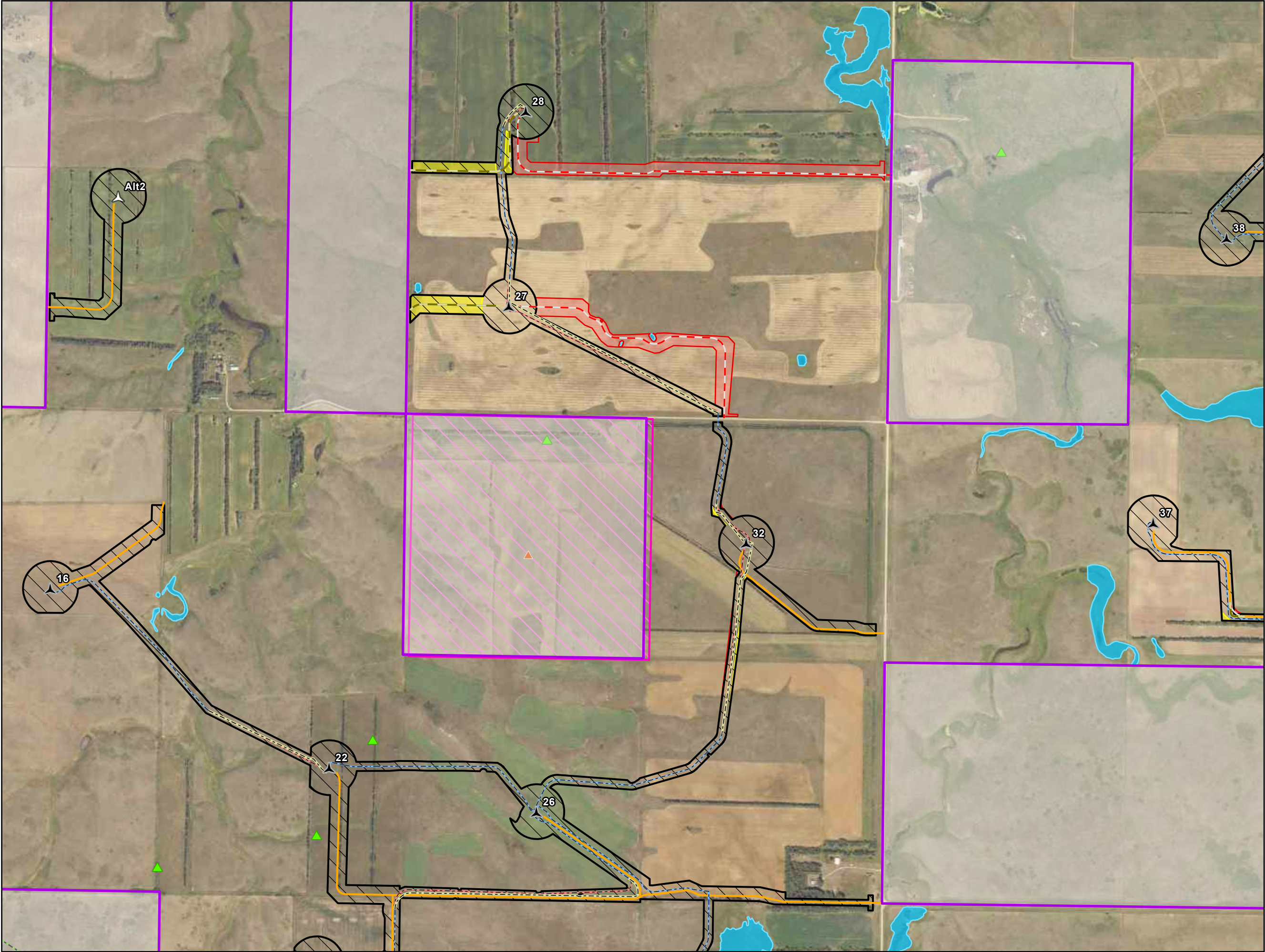
Contractor will bore all wetlands, Dakota skipper habitat, and roads. Known archaeological sites are not depicted due to confidentiality.

Occupied Residence
Raptor Nest
Delineated Wetland and Other Water
Coal Lease
Landslide Deposit
Transmission Line

Attachment 1:
Site Plan
Modification Map
Page 2
Oliver Wind IV Energy Center
Oliver County, North Dakota

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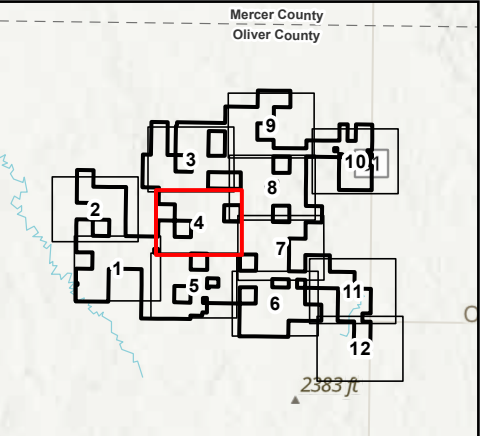
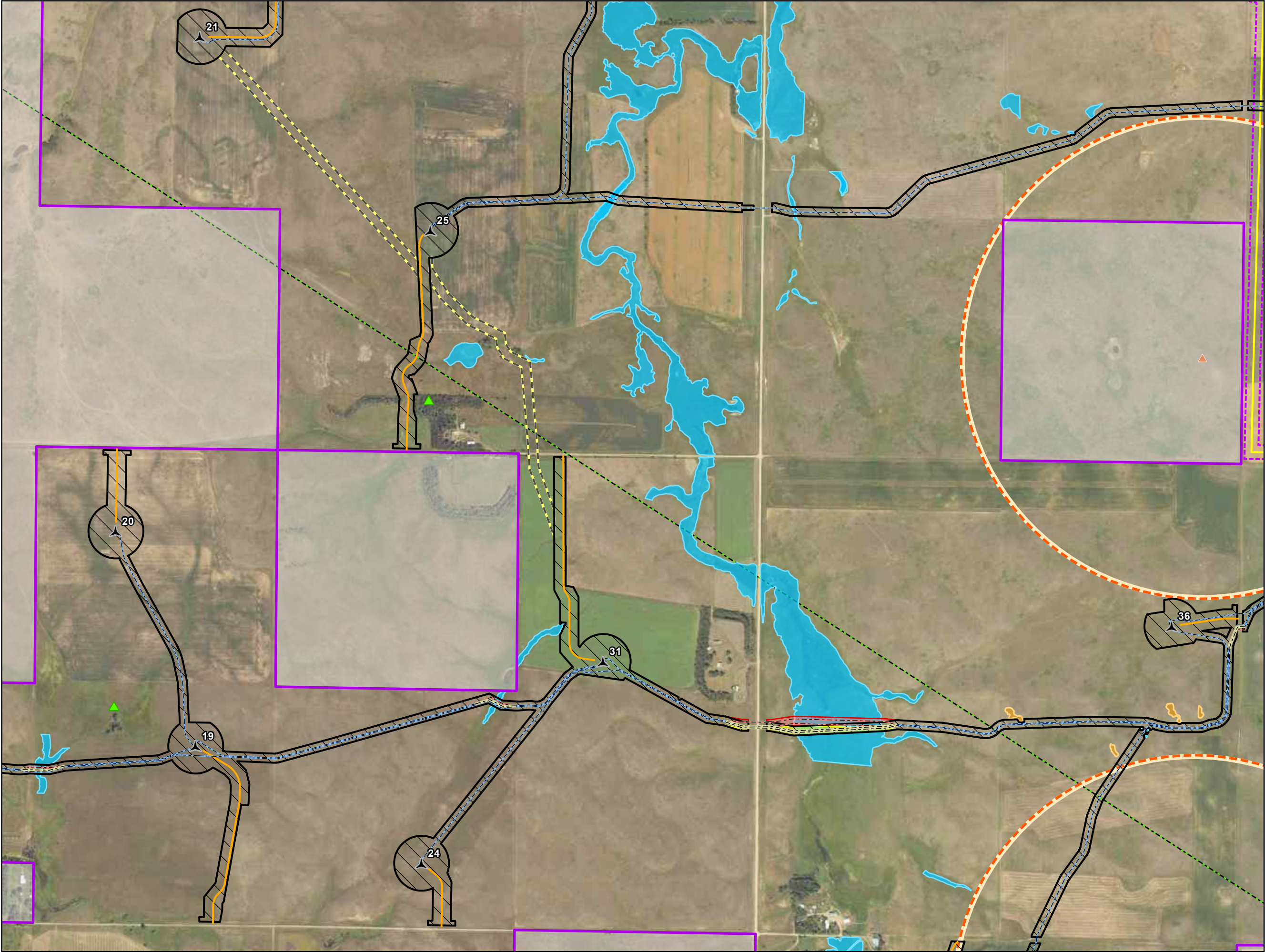
- Site Plan
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|---------------------------------|---------------------------|
| Project Area | Collection Line |
| Construction Easement | Activated Collection Line |
| Activated Construction Easement | Dropped Collection Line |
| Dropped Construction Easement | Access Road |
| Primary Turbine | Activated Access Road |
| Alternative Turbine | Dropped Access Road |

Contractor will bore all wetlands, Dakota skipper habitat, and roads. Known archaeological sites are not depicted due to confidentiality.

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| Occupied Residence |
| Raptor Nest |
| Confirmed Sharp-tailed Grouse Lek |
| Delineated Wetland and Other Water |
| State Trust Land |
| Transmission Line |

Attachment 1:
Site Plan
Modification Map
Page 3
Oliver Wind IV Energy Center
Oliver County, North Dakota





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Site Plan

Project Area	Collection Line
Construction Easement	Activated Collection Line
Activated Construction Easement	Dropped Collection Line
Dropped Construction Easement	Access Road
Crane Path	Transmission Line Route
Primary Turbine	Transmission Line Corridor

Contractor will bore all wetlands, Dakota skipper habitat, and roads. Known archaeological sites are not depicted due to confidentiality.

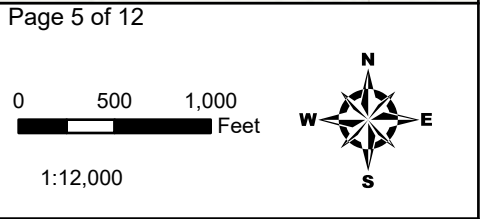
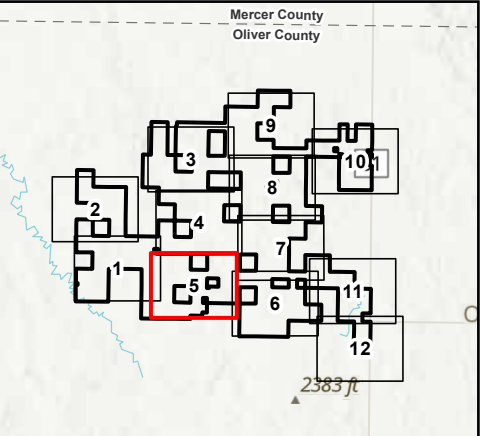
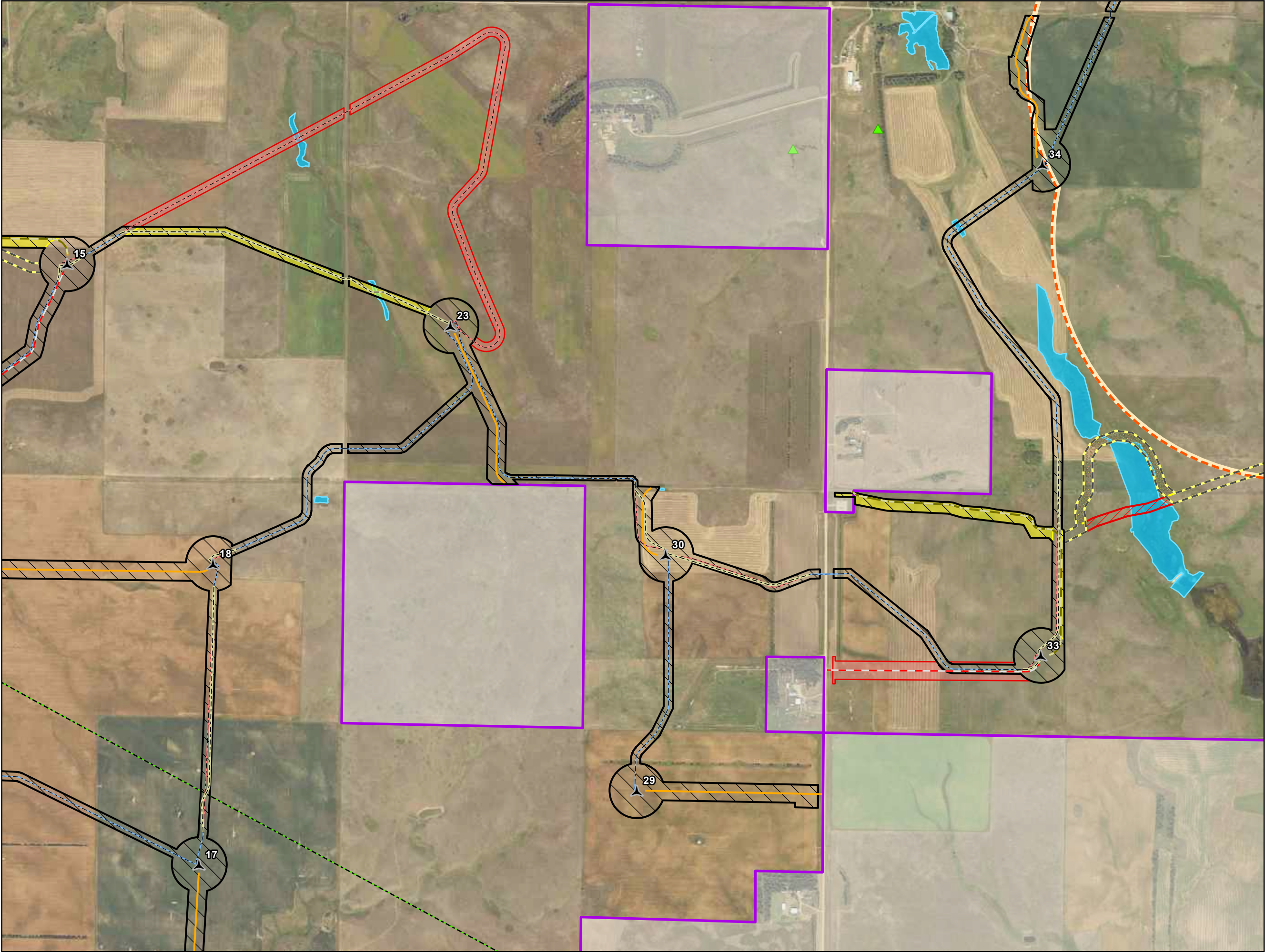
- Occupied Residence
- Raptor Nest
- Confirmed Sharp-tailed Grouse Lek
- Sharp-tailed Grouse Lek 0.5-mile Buffer
- Dakota Skipper Larvae Habitat
- Delineated Wetland and Other Water
- Transmission Line

**Attachment 1:
Site Plan
Modification Map
Page 4**

**Oliver Wind IV Energy Center
Oliver County, North Dakota**

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Site Plan

Project Area	Primary Turbine
Construction Easement	Collection Line
Activated Construction Easement	Activated Collection Line
Dropped Construction Easement	Dropped Collection Line
Crane Path	Access Road
Activated Crane Path	Activated Access Road
Dropped Crane Path	Dropped Access Road

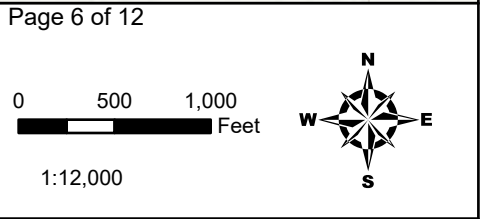
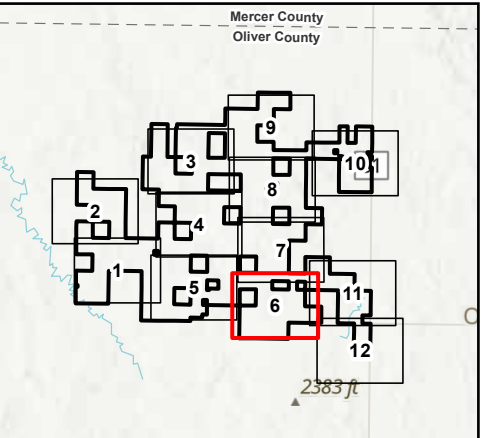
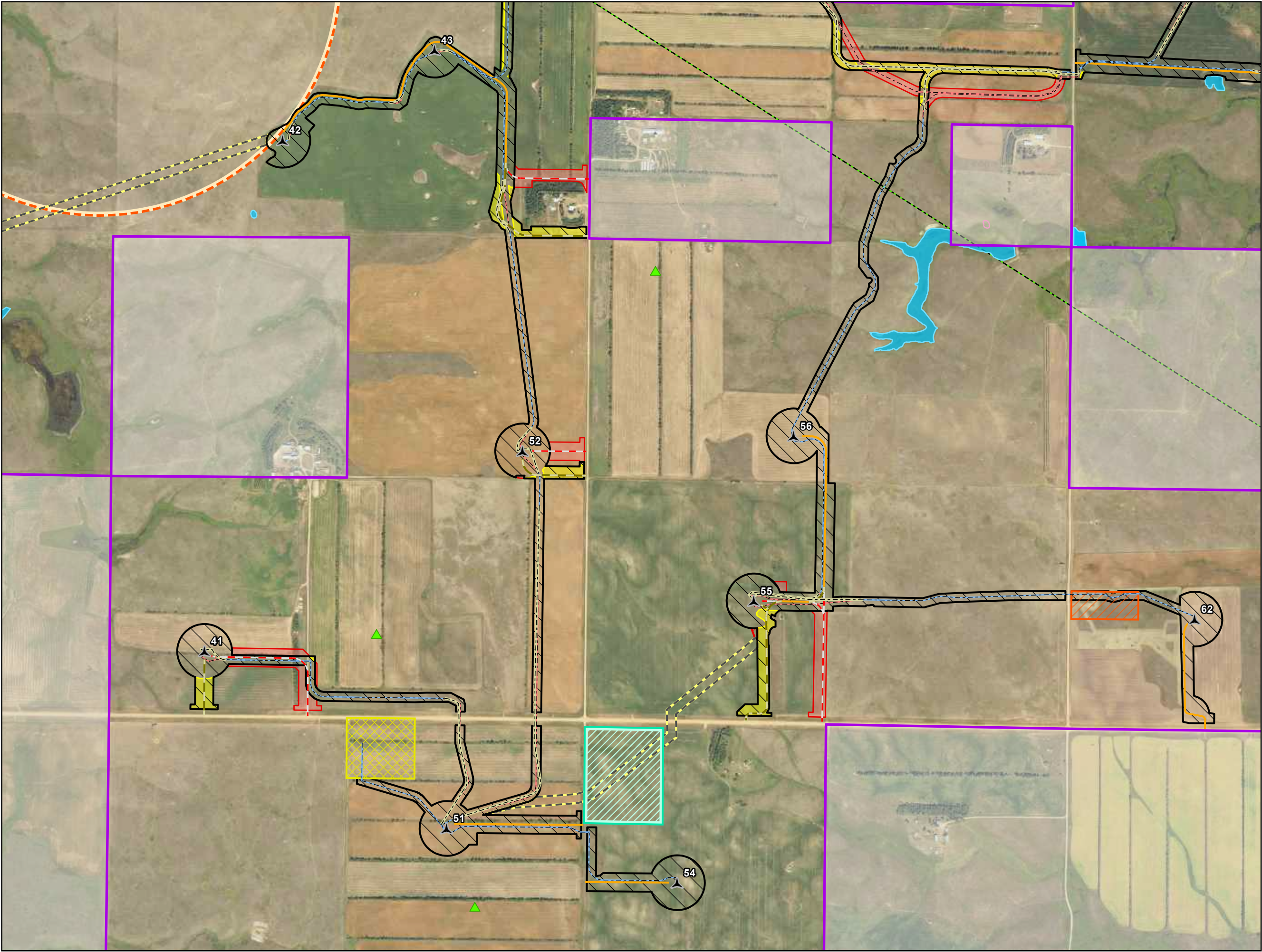
Contractor will bore all wetlands, Dakota skipper habitat, and roads. Known archaeological sites are not depicted due to confidentiality.

Occupied Residence
Raptor Nest
Confirmed Sharp-tailed Grouse Lek
Sharp-tailed Grouse Lek 0.5-mile Buffer
Delineated Wetland and Other Water
Transmission Line

Attachment 1:
Site Plan
Modification Map
Page 5
Oliver Wind IV Energy Center
Oliver County, North Dakota

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Site Plan

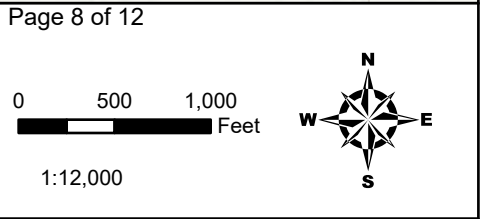
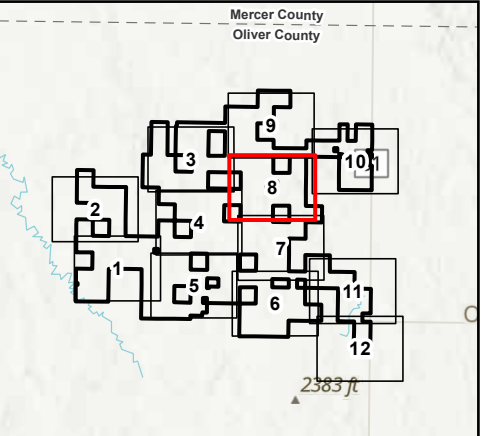
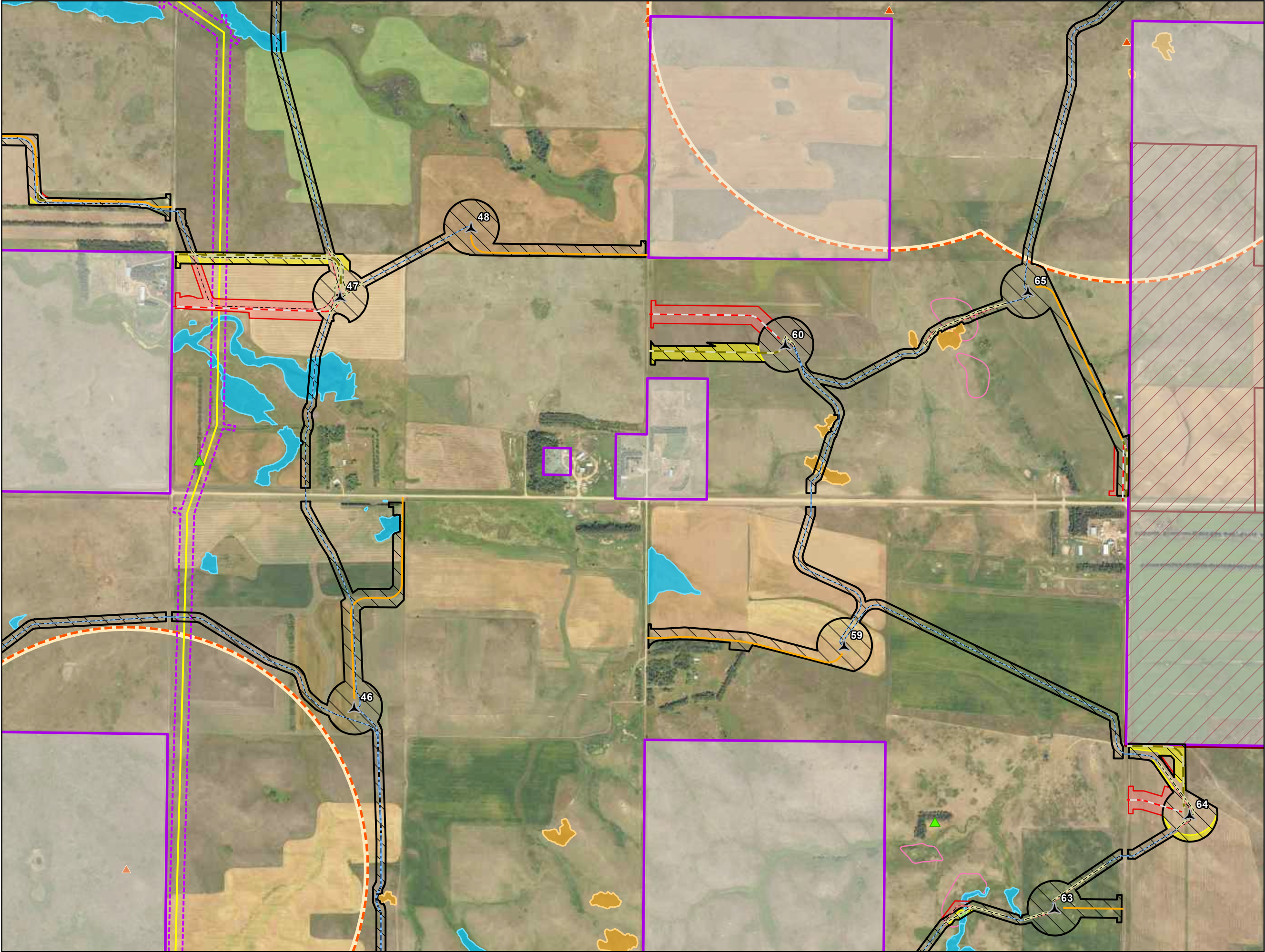
Project Area	O&M Facility
Construction Easement	Concrete Batch Plant
Activated Construction Easement	Construction Laydown Yard
Dropped Construction Easement	Primary Turbine
Crane Path	Collection Line
Dropped Crane Path	Activated Collection Line
	Dropped Collection Line
	Access Road

Contractor will bore all wetlands, Dakota skipper habitat, and roads. Known archaeological sites are not depicted due to confidentiality.

- Occupied Residence
- Raptor Nest
- Sharp-tailed Grouse Lek 0.5-mile Buffer
- Delineated Wetland and Other Water
- Landslide Deposit
- Transmission Line

Attachment 1:
Site Plan
Modification Map
Page 6
Oliver Wind IV Energy Center
Oliver County, North Dakota



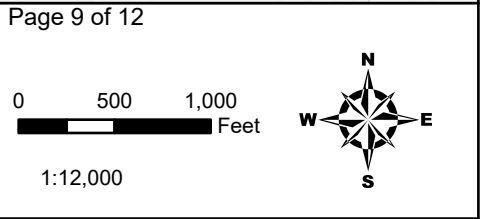
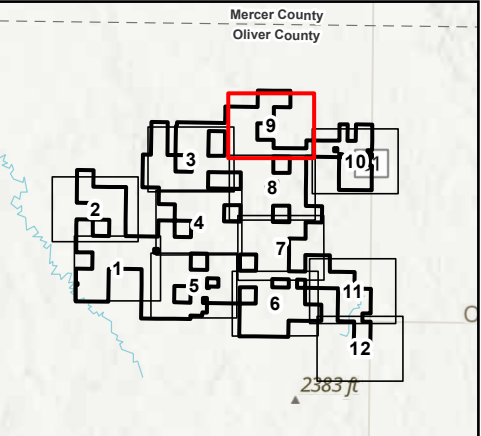
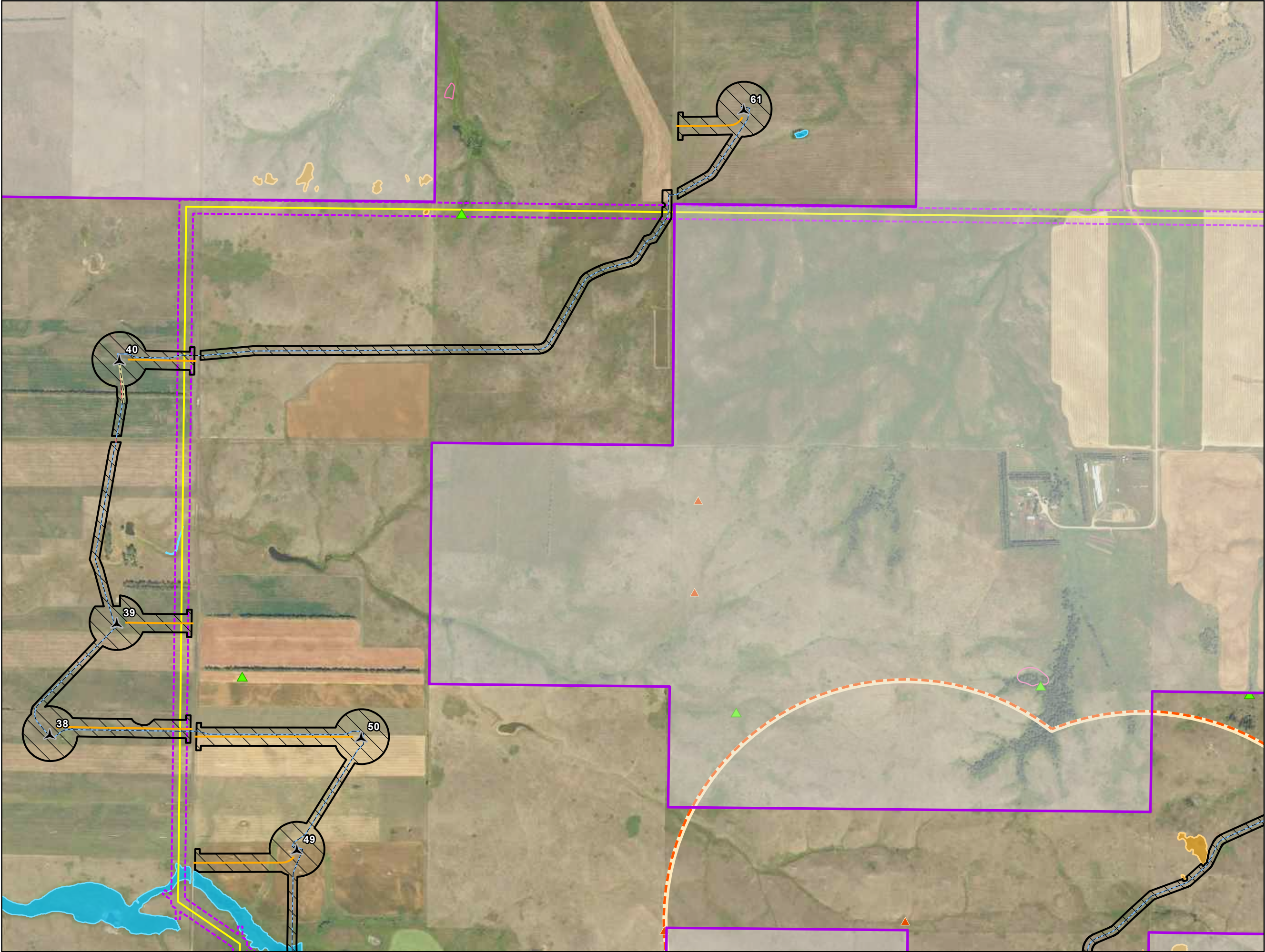


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| Project Area | Activated Collection Line |
| Construction Easement | Dropped Collection Line |
| Activated Construction Easement | Access Road |
| Dropped Construction Easement | Activated Access Road |
| Primary Turbine | Dropped Access Road |
| Collection Line | Transmission Line Route |
| | Transmission Line Corridor |

- Contractor will bore all wetlands, Dakota skipper habitat, and roads. Known archaeological sites are not depicted due to confidentiality.
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| Occupied Residence | Dakota Skipper Larvae Habitat |
| Raptor Nest | Delineated Wetland and Other Water |
| Confirmed Sharp-tailed Grouse Lek | Coal Lease |
| Sharp-tailed Grouse Lek 0.5-mile Buffer | Landslide Deposit |

Attachment 1:
Site Plan
Modification Map
Page 8
Oliver Wind IV Energy Center
Oliver County, North Dakota





Site Plan

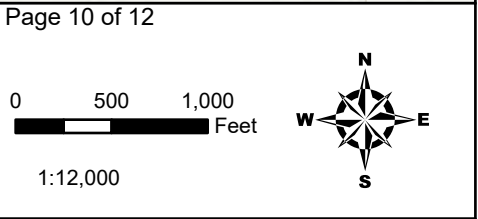
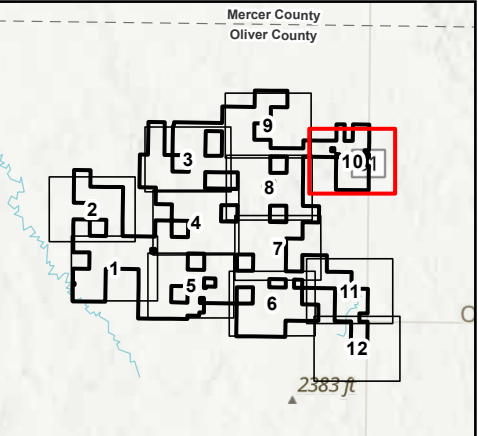
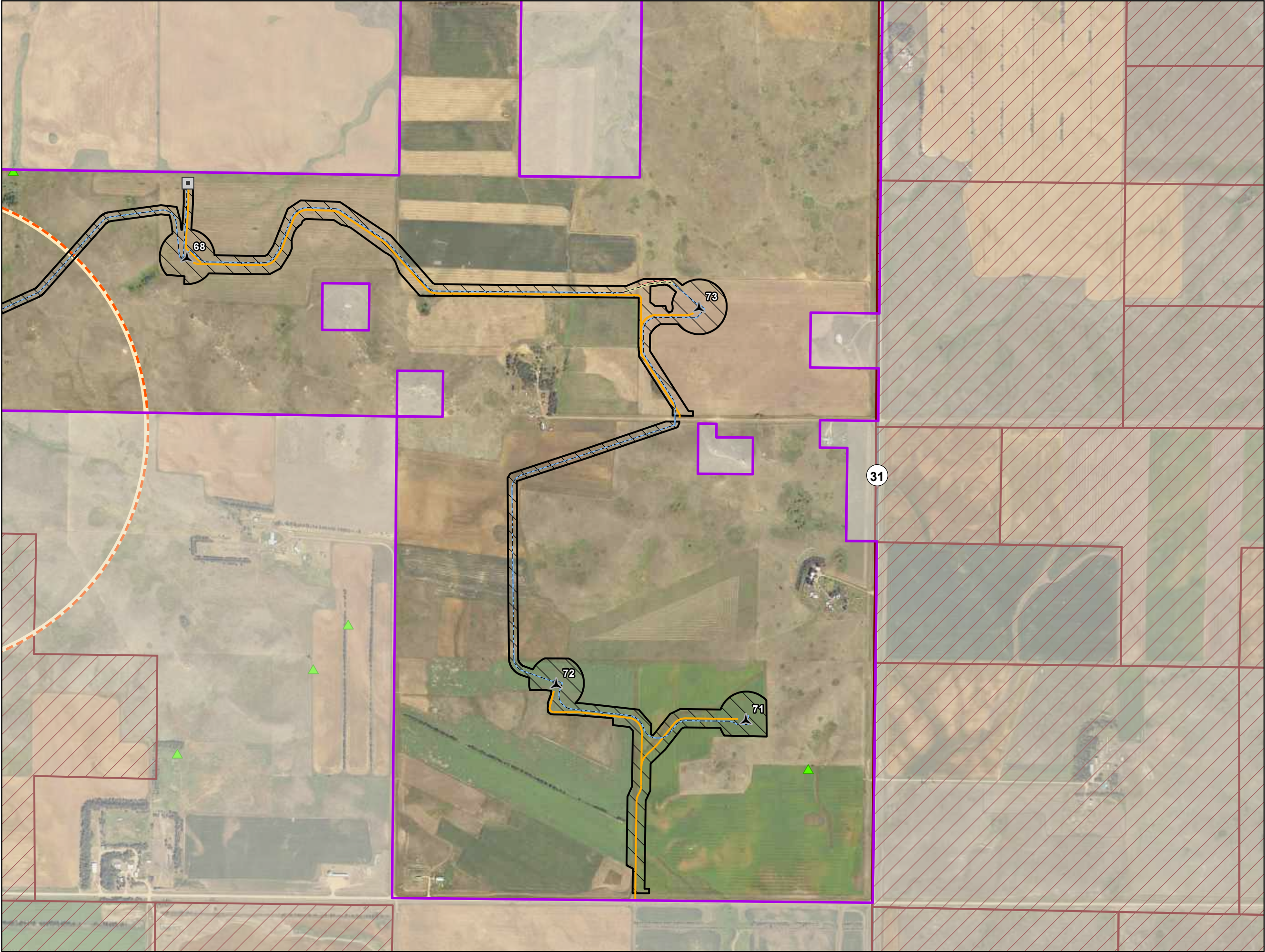
Project Area	Dropped Collection Line
Construction Easement	Access Road
Primary Turbine	Transmission Line Route
Collection Line	Transmission Line Corridor
Activated Collection Line	

Contractor will bore all wetlands, Dakota skipper habitat, and roads. Known archaeological sites are not depicted due to confidentiality.

Occupied Residence
Raptor Nest
Confirmed Sharp-tailed Grouse Lek
Sharp-tailed Grouse Lek 0.5-mile Buffer
Dakota Skipper Larvae Habitat
Delineated Wetland and Other Water
Landslide Deposit

Attachment 1:
Site Plan
Modification Map
Page 9
Oliver Wind IV Energy Center
Oliver County, North Dakota

For Environmental Review Purposes Only



Site Plan

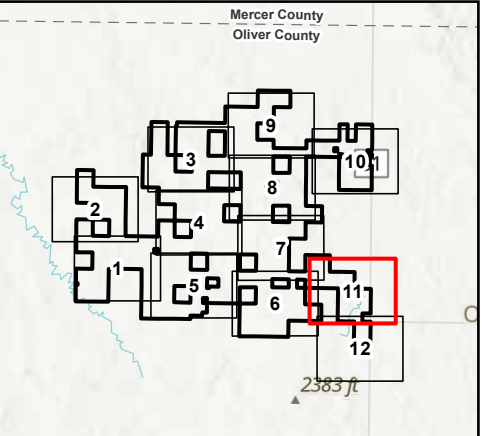
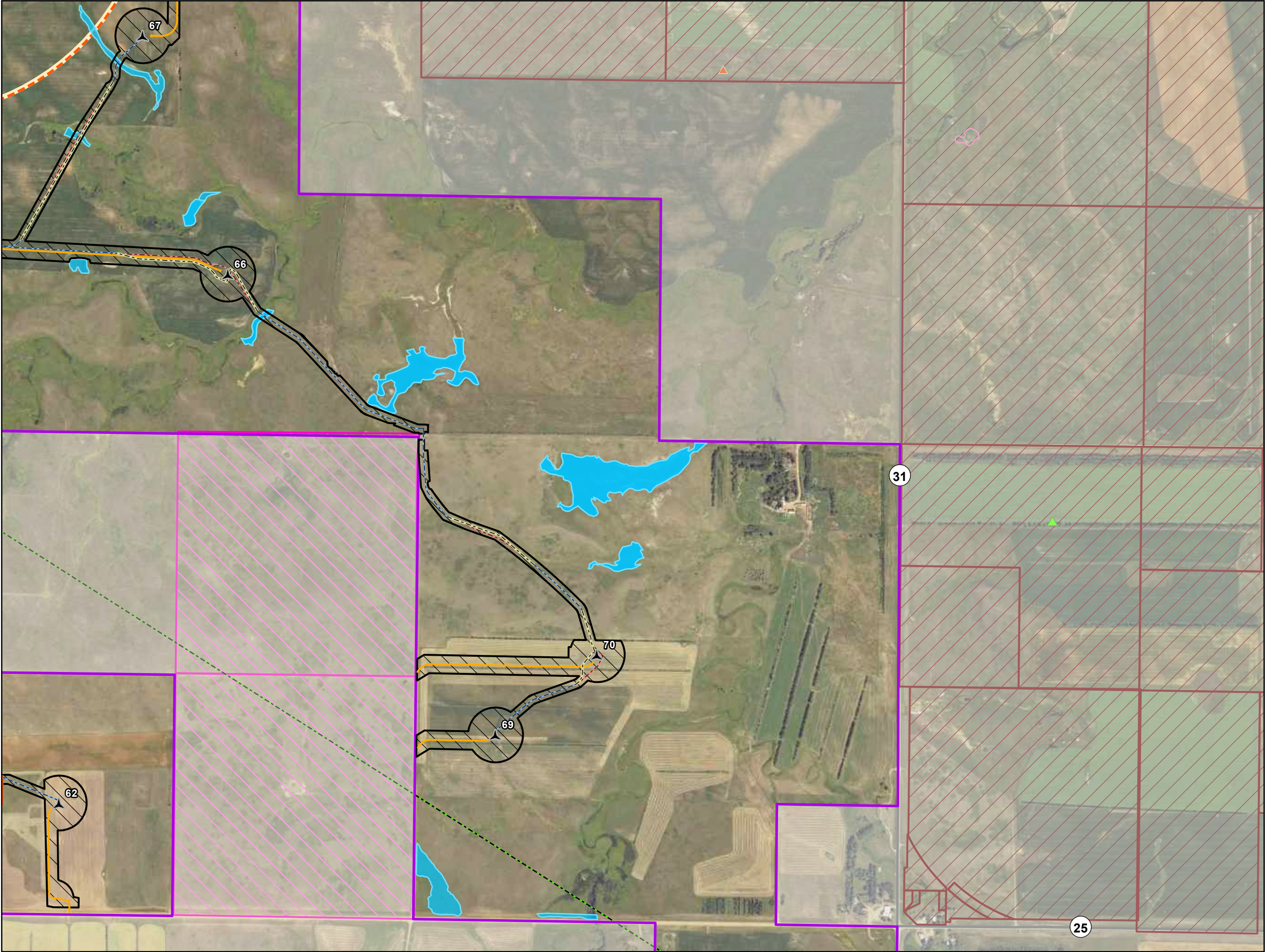
- Project Area
- Construction Easement
- Primary Turbine
- ADLS Radar Tower
- Collection Line
- Activated Collection Line
- Dropped Collection Line
- Access Road

Contractor will bore all wetlands, Dakota skipper habitat, and roads. Known archaeological sites are not depicted due to confidentiality.

- Occupied Residence
- Raptor Nest
- Sharp-tailed Grouse Lek 0.5-mile Buffer
- Coal Lease
- State/Federal Highway

Attachment 1:
Site Plan
Modification Map
Page 10
Oliver Wind IV Energy Center
Oliver County, North Dakota

For Environmental Review Purposes Only



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- Site Plan
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| Project Area | Collection Line |
| Construction Easement | Activated Collection Line |
| Concrete Batch Plant | Dropped Collection Line |
| Primary Turbine | Access Road |

- Contractor will bore all wetlands, Dakota skipper habitat, and roads. Known archaeological sites are not depicted due to confidentiality.
- | | |
|---|-----------------------|
| Occupied Residence | Coal Lease |
| Raptor Nest | State Trust Land |
| Confirmed Sharp-tailed Grouse Lek | Landslide Deposit |
| Sharp-tailed Grouse Lek 0.5-mile Buffer | Transmission Line |
| Delineated Wetland and Other Water | State/Federal Highway |

Attachment 1:
Site Plan
Modification Map
Page 11
Oliver Wind IV Energy Center
Oliver County, North Dakota



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Attachment 2

North Dakota State Historic Preservation Office Concurrence



July 16, 2024

Melinda McCarthy
Burns and McDonnell Engineering Company
3255 Greensboro Drive
Suite 104
Bismarck, ND 58503

SHSND Ref: 23-0203 Oliver Wind IV Energy Center and Transmission Line, PU-23-317 and PU-23-318 in Mercer and Oliver Counties, North Dakota

Dear Melinda,

Based on your submission on behalf of Oliver Wind IV, LLC regarding the cultural resources potentially impacted by the project's proposed wind energy center in the addendum areas in T142N R85W Sections 6-9, 17-18, 20, 22, T142N R86W Sections 1, 4-5, 9-14, T143N R85W Sections 29-33, and T143N R86W Sections 22-23, 25, 32, & 35, it is our determination there are no adverse direct effects on significant sites provided sites CHFOL171, 32OL1031, 32OL1036, 32OLX518, 32OL1034, 32OL1033, 32OL1029, 32OL1030, 32OL1032, and 32OL1035 are avoided following the measures recommended in the report.

Thank you for the opportunity to review this project under North Dakota cultural resources consultation. This letter does not serve as federal agency consultation or SHPO consultation for compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (36 CFR Part 800), or the National Environmental Policy Act, as amended, (42 U.S.C. §§ 4321- 4347).

If you have any questions, please contact Lorna Meidinger, Lead Historic Preservation Specialist at lbmeidinger@nd.gov or (701) 328-2089.

Sincerely,

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

23-0203



July 16, 2024

Melinda McCarthy
Burns and McDonnell Engineering Company
3255 Greensboro Drive
Suite 104
Bismarck, ND 58503

SHSND Ref: 23-0203 Oliver Wind IV Energy Center and Transmission Line, PU-23-317 and PU-23-318 in portions of 168 sections in Mercer and Oliver Counties, North Dakota

Dear Melinda,

We received the report for SHSND Ref: 23-0203 titled "Oliver Wind IV Energy Center Addendum: A Class III Cultural Resource Inventory in Oliver County, North Dakota" and find this Burns and McDonnell Engineering Company report by Christina M. Huling acceptable. We will add it to our Manuscript Collection.

Thank you for the opportunity to review this report. Please be advised that acceptance of this report does not constitute concurrence with the determinations therein. If you have any questions, please contact either Margie Patton, Research Archeologist, at (701) 328-3576 or mmpatton@nd.gov or Lorna Meidinger, Lead Historic Preservation Specialist, at (701) 328-2089 or lbmeidinger@nd.gov.

Sincerely,

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

23-0203

Attachment 3

Electronic Submittal of GIS Shapefiles

[Submitted electronically]