

December 19, 2023

Via Hand Delivery & Electronic Mail

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

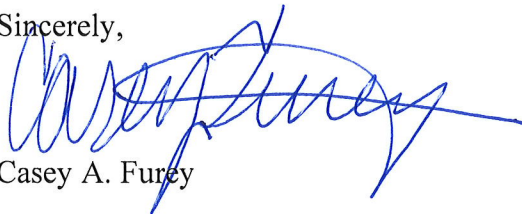
In re: Oliver Wind IV, LLC
Oliver Wind IV Wind Energy Center - Oliver County
Oliver Wind IV 345-kV Transmission Line - Oliver & Mercer Counties
Siting Applications
Case Nos. PU-23-317 & PU-23-318
OAH File Nos. 20230356 & 20230357
Our File No. 035218-000083

Dear Mr. Kahl:

Enclosed please find eight copies of Oliver Wind IV, LLC's Wildlife Coordination and Mitigation Measures Memorandum for filing in the above-referenced matters.

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

Sincerely,



Casey A. Furey

cc: ALJ Timothy Dawson(via email and USPS)
Brian Johnson (via email)
Robert Frank (via email)
Tracy Davis (via email)
Dina Brown (via email)
Erik Edison (via email)

13 PU-23-317 Filed 12/19/2023 Pages: 39
Wildlife Coordination and Mitigation Measures Memorandum
Oliver Wind IV, LLC
Casey Furey, Crowley Fleck, PLLP
15 PU-23-318 Filed 12/19/2023 Pages: 39
Wildlife Coordination and Mitigation Measures Memorandum
Oliver Wind IV, LLC
Casey Furey, Crowley Fleck, PLLP



MEMO

Date:

December 19, 2023

To:

Oliver Wind IV, LLC

From:

Merjent, Inc.

Subject:

Summary of Wildlife Avoidance, Minimization, and Mitigation Measures and Voluntary Offset Planning for Oliver Wind IV Wind Energy Center

Since 2019, NextEra Energy Resources, LLC (NextEra), through its subsidiaries Oliver Wind IV, LLC (Oliver Wind IV) and Red Butte Wind, LLC (Red Butte Wind, and together with Oliver Wind IV, NextEra), has maintained dialogue with the North Dakota Game and Fish Department (NDGFD) and U.S. Fish and Wildlife Service (USFWS), as well as recently with the North Dakota Department of Agriculture (NDDA), to discuss avoidance, minimization, mitigation, and voluntary offset measures for the Oliver Wind IV Energy Center (Wind Project) and associated 345-kV Transmission Line (Transmission Project, and together with the Wind Project, the Project). This dialogue has been beneficial in designing the currently proposed Wind Project and Transmission Project to have minimal environmental impact. Furthermore, Oliver Wind IV and NDDA have negotiated and expect to execute a Memorandum of Understanding (MOU) related to the agreed-upon habitat offsets.

WILDLIFE AGENCY COORDINATION SUMMARY

The following table summarizes noteworthy correspondence between Oliver Wind IV, NDGFD, USFWS, and NDDA as well as Oliver Wind IV's representatives including Western EcoSystems Technology, Inc. (WEST), Merjent Inc. (Merjent), and AECOM regarding the Project. Correspondence with NDGFD and USFWS previously filed with the North Dakota Public Service Commission is located in Appendix C18 of the Wind Project Application. Any additional correspondence is included in Attachment A hereto.

Correspondence Date	Summary of Correspondence
July 18, 2019	Meeting between NextEra, NDGFD, WEST, and AECOM at the NDGFD office and via phone. Discussion topics included Oliver Wind IV's purchase of the Project, a schedule update, an overview of previous meetings with the USFWS and NDGFD and the previous Project owner, an update on studies completed and to be completed, agency input discussion, and next steps.
August 16, 2019	NextEra mailed Project notification letters to the NDGFD and USFWS per Section 69-06-01-05 of the North Dakota Administrative Code.

Correspondence Date	Summary of Correspondence
August 28, 2019	Meeting between NextEra and NDGFD at the NDGFD office. Discussion topics included sharing turbine array, reduction in Project Area size and number of turbines, and offset expectations.
September 12, 2019	NextEra receives a response letter to the Project notification letter from the NDGFD.
October 17, 2019	NextEra receives a response letter to the Project notification letter from the USFWS.
July 14, 2022	Meeting between NextEra, NDGFD, USFWS, WEST, and Merjent at the NDGFD office and via online. Discussion topics included the split into two 200-MW phases (Oliver Wind IV Energy Center and Red Butte Wind Energy Center), a schedule update, an update on studies completed and to be completed, and next steps.
March 15, 2023	Meeting between Oliver Wind IV, NDGFD, WEST, and Merjent at the NDGFD office. Discussion topics included Project information update, schedule update, review of previous meetings with the USFWS and NDGFD, Project development update, and a review of wildlife and habitat surveys conducted since 2019 and in progress.
March 31, 2023	Oliver Wind IV mailed notification letters to the NDGFD and USFWS per Section 69-06-01-05 of the North Dakota Administrative Code.
May 9-11, 2023	USFWS requested shapefiles of the study area used in the notification letter. Merjent responded with the requested shapefiles on May 11.
June 23, 2023	Meeting between Oliver Wind IV, USFWS, WEST, and Merjent. Discussion topics included Project information update, schedule update, review of previous meetings with the USFWS and NDGFD, Project development update, and a review of wildlife and habitat surveys conducted since 2019 and in progress.
October 13 & 16, 2023	Oliver Wind IV emailed NDGFD a link to the Public Service Commission permit application. Oliver Wind IV also emailed shapefiles of the Project area, turbine locations, transmission line route, transmission line structures, and unbroken grassland layer. Oliver Wind IV requested confirmation from NDGFD that the Oliver Wind IV shape files sent on October 13, 2023 were received, and requested a meeting on November 1, 2023 to go over the voluntary offset calculations. NDGFD responded that they received the shapefiles, and the requested meeting date will work.
October 13, 24 & 30, 2023	Oliver Wind IV emailed USFWS a link to the Public Service Commission permit application. Oliver Wind IV also emailed shapefiles of the Project area, turbine locations, transmission line route, and transmission line structures. Oliver Wind IV checked with the USFWS that they were able to receive the shapefiles. USFWS confirmed they received the shapefiles.
November 1, 2023	Meeting between Oliver Wind IV, NDGFD, NDDA, WEST, and Merjent. Oliver Wind IV presented the proposed voluntary offset package for the Project. The presentation covered an overview of Project development, avoidance and minimization measures taken during Project siting, how the voluntary offset acres were calculated, an overview of the voluntary offset plan, and next steps.

Correspondence Date	Summary of Correspondence
November 17 – December 10, 2023	Oliver Wind IV provided the NDDA with a draft Memorandum of Understanding (MOU) for their review and comment. NDDA and Oliver Wind IV provided multiple edits and reviews of the MOU.
November 28, 2023	Oliver Wind IV provided the NDDA and NDGFD with draft meeting notes from the November 1, 2023 meeting for their review.
November 30, 2023	NDDA provided edits to the November 1, 2023 meeting notes.
December 1, 2023	NDGFD provided edits to the November 1, 2023 meeting notes.
December 8, 2023	Oliver Wind IV provided NDDA and NDGFD with the final meeting notes from the November 1, 2023, meeting.
December 8 & 14, 2023	Oliver Wind IV shared with the NDGFD a table and KMZ that shows the 14 Oliver Wind IV turbines that are sited in broken grasslands and fall within 2-miles of a sharp-tailed grouse lek. NDGFD confirmed that they received the files and requested Oliver Wind IV share the MOU.
December 12, 2023	NDDA sent Oliver Wind IV the comments on the MOU and stated they are ready to move forward with quantifying the mitigation acreage.
December 14, 2023	Oliver Wind IV sent the MOU to the NDGFD and NDDA and updated that Turbine 35 was dropped and activated Alternate Turbine 3. Oliver Wind IV also noted the mitigation offset acreage has been reduced from 705 to 665 acres of grassland habitat as a result.
December 18, 2023	Oliver Wind IV emailed the USFWS the Wildlife Conservation Strategy (WCS). Oliver Wind IV also informed USFWS that the Public Service Commission hearing date was scheduled for January 29, 2024. USFWS confirmed receipt of the WCS.
December 18, 2023	NDGFD provided edits and comments to the MOU.
December 19, 2023	NDDA acknowledged the NDGFD edits and comments via email. NDDA revised and updated the MOU. NDDA emailed the finalized and executed MOU with Oliver Wind IV.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES

Throughout development of the Project, Oliver Wind IV has integrated a comprehensive set of avoidance, minimization, and mitigation measures into the Project's design. Below is a list of Oliver Wind IV 's avoidance, minimization, and mitigation measures for the Project to achieve minimal adverse effects on the environment as stipulated in North Dakota Century Code Chapter 49-22.

General Environmental

1. Site turbines, access roads, and associated facilities off public recreational lands.
2. The Wind Project avoids all designated national parks, wilderness areas, wildlife areas, wildlife refuges, and inventoried roadless areas.
3. The Wind Project avoids all state parks, forests, forest management lands, game refuges, game management areas, management areas, nature preserves.

4. Provide contractors with static constraint maps and ensure compliance through onsite environmental construction monitoring.

Wetlands

5. Minimize impacts to wetlands and other waters to the extent practicable. Based on wetlands and other waters delineation surveys, the Project is expected to impact approximately 0.05 acre of wetlands.
6. Employ horizontal directional drilling where necessary to avoid permanent impacts to wetlands and other waters from collection line trenching.
7. Wetlands will be delineated and flagged prior to construction when in close proximity to Project features.
8. Maintain appropriate water and soil conservation practices during construction through the implementation of best management practices (BMPs). These practices include silt fencing, temporary reseeding, permanent seeding, mulching, filter strips, erosion blankets, grassed waterways and sod stabilization, and separation of topsoil and subsoil.

Unbroken Grassland

9. Site all turbines off unbroken grassland.
10. Avoid all direct, permanent impacts to unbroken grassland from construction of turbines, roads, MET tower, O&M facility, and collection substation, where possible.
11. Coordinate with local Natural Resource Conservation Service staff to revegetate noncropland and pasture areas temporarily disturbed during construction or operation of the Project with locally sourced native seed mixes appropriate to the region.
12. Reseed temporarily disturbed areas or restore to crop, based on the conditions of the area prior to construction and based on landowner preference.
13. Develop and implement a noxious weed prevention plan.
14. Alleviate compaction of soils if it occurs during construction.

Woodlands

15. Protect existing trees and shrubs by avoiding tree removal for the Project or if removal is necessary, replace following the Commission's Tree and Shrub Mitigation Criteria.

General Wildlife

16. Conduct one year of Tier 4a post-construction monitoring to better understand bird and bat impacts that are attributable to operations.
17. Once turbine construction is completed, implement NextEra's internal Wildlife Response and Reporting System (WRRS). The WRRS includes protocols to report and document bird and bat mortality during routine maintenance activities. If a dead or injured bird or bat is found, its location will be marked and reported to the Plant Lead/Site Supervisor. The dead or injured bird or bat will not be removed from the location where it was found.
18. Prepare a voluntary Wildlife Conservation Strategy (WCS) that includes an adaptive management approach, so that information gathered during post-construction monitoring can be used to inform future management decisions at the Project.
19. Implement a 25-mph speed limit on Project roads to minimize wildlife collisions.

Avian

20. Bury collection lines from the turbines to the collection substation to avoid collision risk in accordance with the Avian Power Line Interaction Committee (APLIC) suggested practices. The transmission Project will be built to avoid electrocution risk with line separation of greater than 60 inches.

21. Implement pad-mounted transformers to reduce risk of bird electrocution.
22. Site turbines at least two miles from known active eagle nests and 0.5 mile from confirmed sharp-tailed grouse leks.
23. For turbines sited on broken grasslands and within 2.0 miles of a prairie grouse lek, no construction activities will occur on unbroken/broken grasslands within 2.0 miles of the prairie-grouse lek from March 1 – June 30. If a 2.0-mile avoidance buffer cannot be maintained, then no construction activities will occur on unbroken/broken grasslands within 2.0 miles of the prairie-grouse lek within the first two hours after sunrise (*i.e.*, the time of day that most lekking occurs).
24. Avoid construction to the extent practicable within two miles of active eagle nest locations during the nesting season.
25. Construct wind turbines using tubular, monopole towers as opposed to a lattice structure, to minimize perching opportunities for raptors and other birds.
26. If any raptor nest is discovered during construction, the nest will be monitored to determine if there is a change in the nest activity status in order to avoid impacts that might have the potential to precipitate nest abandonment.

Threatened, Endangered, and Protected Species (Northern Long-eared Bats, Whooping Cranes, Dakota Skipper, and Eagles)

27. Given the Project's location within the USFWS North American whooping crane corridor, implement NextEra's internal guidance document determining whooping crane curtailment triggers during migratory periods as part of the WCS. These curtailment steps include shutting down all operational turbines when a whooping crane is identified within one mile of the Wind Project, with the turbines remaining shut down for 15 minutes following the departure of the whooping crane or until the whooping crane is observed moving away.
28. Provide the appropriate whooping crane identification guide materials to be in all Project maintenance and operations vehicles for reference.
29. The Project avoids areas critical to the life stages of threatened or endangered animal or plant species and areas where animal or plant species that are unique or rare to this state will be irreversibly damaged.
30. Site turbines at least 1,000 feet from suitable NLEB roosting habitat.
31. Implement a tree removal restriction for suitable NLEB habitat within three miles of NLEB positive locations from April 1 to October 31 unless an emergence survey clears trees for clearing.
32. Implement a turbine curtailment plan for NLEB.
33. Field-verified suitable Dakota skipper habitat has been and will continue to be avoided. High visibility fencing (e.g., snow fence) will be placed around field-verified suitable Dakota skipper habitat areas near construction to restrict construction equipment from disturbing these areas.
34. Provide contractors with training, spatial data, and static constraints maps that identify where field verified suitable Dakota skipper habitat is located and where construction equipment is restricted.
35. Educate construction contractors about threatened and endangered species and associated mitigative measures being implemented for each respective species.
36. Design utility lines, and mark with bird flight diverters, with respect to APLIC guidelines to prevent bird collision, as practicable.
37. Design utility lines to provide adequate raptor proofing as described in the APLIC guidelines on the structures in coordination with applicable state and federal agencies.

ADDITIONAL VOLUNTARY OFFSET MEASURES

Although environmental effects resulting from the construction and operation of the proposed Project have been minimized through the measures outlined in the previous section, Oliver Wind IV coordinated with NDGFD, USFWS, and the NDDA to provide voluntary offsets for potential indirect impacts to grassland breeding bird habitat. Oliver Wind IV and NDDA negotiated and expect to execute a MOU related to the agreed-upon habitat offsets. The MOU has been provided to NDGFD.

ATTACHMENT:

- A. Updated Correspondence with NDGFD, USFWS, and NDDA

Attachment A

Updated Correspondence with NDGFD, USFWS, and NDDA

**NextEra Energy Resources
North Dakota Projects
Wildlife Agency Meeting Notes**

Date: 23 June 2023
Time: 11:00 – 12:00h
Location: WebEx

Meeting Notes

Objective: Provide an update on the proposed development schedule of the original Red Butte Wind Project with timelines and PSC submission expectations. Additionally, NextEra wanted to provide brief updates on other Projects in North Dakota being proposed including: New Salem, Prairie Winds, Emmons-Logan Battery Storage, Northern Divide Battery Storage, North Dakota III Wind, and Moose Creek Wind.

1) Introductions

2) NextEra presented updated Red Butte Wind Energy Center (Project) information

- a. Original project was split into two: Oliver Wind IV (~200 MW) and Red Butte Wind (~200 MW)**
- b. Oliver Wind IV is on track to submit a PSC Application approximately August 2023 with a COD in Q4 2024**
 - i. Start construction in early April of 2024
 - ii. Numerous constraints have been examined and included in layout scenarios, including existing infrastructure and coal lease constraints.
 - iii. Wind project avoids the High Impact Area (NDGFD Key Wildlife Habitat Area).
 - iv. All unbroken grasslands are being avoided for turbine placement.
 - v. Turbines are sited to avoid eagle nest 2-mile buffers and sharp-tailed grouse leks by 0.5-mile.
 - vi. New overhead transmission line to a new Basin Electric substation near Leland Olds.
- c. Red Butte Wind is proposed approximately one year behind Oliver Wind IV with PSC Application submission in approximately August 2024, construction start in April 2025, and COD in Q4 2025**
- d. NextEra/WEST provided reference to previous meeting (July 15, 2022) for survey results.**
 - i. Oliver Wind IV (updates)
 1. Avian use survey coverage in 2022 was 30.5%.
 2. Eagles documented during avian use surveys. Eagle exposure minutes (2019 = 49 mins total; 2022 = 16 mins total).
 3. Most field surveys have been completed for the full area of development and have been discussed previously, including Presence/Absence and mist net surveys for NLEB following USFWS guidance published for their respective years.
 4. Additional DASK habitat surveys are being completed for the finalized construction layout this summer (2023).
 5. Development of a Wildlife Conservation Strategy (aka BBCS) is currently being developed.
 6. WHCR Habitat Assessment was updated using the Niemuth models analyzing use within the Project Area.
 - ii. Red Butte Wind (updates)
 1. This project is following approximately one year behind Oliver Wind IV.
 2. Additional studies are being evaluated based on project design and potential gaps in information.

e. USFWS Questions and Comments

i. Is the new overhead transmission line near high use models for WHCR?

1. Recommends marking the line.
2. D. Brown confirmed that the overhead transmission line will be marked with bird flight diverters.

ii. Are there any turbines on undisturbed grassland? Other infrastructure?

1. D. Brown confirmed that all turbine locations avoid undisturbed grasslands (this term applies to previously unbroken native prairie per NDGFD 2021 BMP for Wind).
2. D. Brown said they have minimized siting infrastructure in undisturbed grasslands.
3. Will rely on NDGFD analysis of grasslands for the project.
4. Will want to know impacts to undisturbed grasslands.

iii. Will the project avoid impacts to wetlands?

1. D. Brown: Avoiding impacts to wetlands.
2. D. Brown: If wetlands do need to be impacted, whenever possible, want to stay under the USACE NWP reporting threshold.

iv. Shaffer Loesch model

1. Recommending voluntary offsets to project with impacts to native grasslands.
2. Might not be as relevant to this project since the direct impacts are minimized.
3. May use the wetlands models as well; L. Churchill confirmed the project doesn't fall within the range of the wetlands model.

v. In advance of PSC Application, ask that companies provide BBCS (or other document) that outlines AMMs, voluntary offsets, etc.

1. Would like this document to comment on, at least 30 days prior to the PSC hearing.
2. Would comment to NextEra on BBCS, as opposed to the PSC. NextEra can file with PSC.
3. D. Brown: we are working on that document; NextEra calls it the Wildlife Conservation Strategy.

f. Additional North Dakota Projects

- i. Northern Divide Battery Storage – C. Cameron: battery storage for the Northern Divide Wind Energy Center, to be sited on agricultural land. Would include an approximately 20 ac location adjacent to the existing substation that would house storage for up to 100 MW. This is to help provide efficiencies for the wind project and more stable energy generation.
- ii. Emmons-Logan Battery Storage – C. Cameron: similar to the Northern Divide battery storage project; battery storage for the Emmons-Logan Wind Energy Center. This storage would impact approximately 20 ac adjacent to the existing substation on agricultural land.
- iii. New Salem – C. Cameron described New Salem was split into two projects (New Salem I and New Salem II).
- iv. Prairie Wind – C. Cameron: project to be approximately 200 MW in size with a PSC Application in 2025.
- v. Moose Creek Wind – C. Cameron: acquired from RES (previously named Glacier Ridge) and project previously obtained a PSC Permit. WAPA interconnection; working with WAPA on the NEPA process. 100 MW wind project (smaller than Glacier Ridge), several years out from construction.
- vi. North Dakota Wind III – C. Cameron: 800 MW wind project that would support a hydrogen fertilizer project near Spiritwood. Going through interconnection process right now; several years out from construction as well.

g. NLEB Strategy Discussion (Oliver Wind IV)

- i. Oliver Wind IV project will need to do tree clearing near prior NLEB detections (within 3-mile buffer).
 1. Trees within a windbreak need to be cleared.
 2. Have minimized amount of trees that need to be cleared.
 3. Cannot clear trees prior to receipt of PSC Order.
 4. NextEra would like strategy for tree clearing in April, and protocol for dealing with this issue. Want to avoid the need for a take permit.
 - a. H. Riddle: no firm answers today but would look at strategies from NextEra to avoid a federal nexus. Would like tree assessment to see if trees are suitable for roosting.
 - i. After April 1 timeframe, potentially do presence/absence. Hard to predict what the weather would be like.
 - ii. USFWS does not have past consultation examples due to recent uplisting status.
 - iii. Behavior of NLEB on the prairies is potentially different than eastern NLEB bats; USFWS is currently evaluating.
 5. Emergence survey could be a potential option.
 - a. H. Riddle: emergence survey could be an option; recommends looking at contingency options if bats are present.
- ii. The current plan is to clear trees outside of 3-mile buffer after April 1.

Summary of Action Items

- NextEra will send along WCS for USFWS review in advance of the PSC hearing (minimum 30 days).
- NextEra will continue to provide updates on project status.
- NextEra to provide a tree-removal strategy to ensure avoidance of any unauthorized 'take' of NLEB due to the removal of potential NLEB habitat within the 3-mile detection buffers.

Attendee List

Heidi Riddle (USFWS)

Dina Brown (NextEra)

Clay Cameron (NextEra)

Kevin Shelley (WEST)

Martin Piorkowski (WEST)

Lindsey Churchill (Merjent)

From: Mueller, Elisha K. <ekmueller@nd.gov>
Sent: Friday, October 13, 2023 2:32 PM
To: Brown, Dina <Dina.Brown@nexteraenergy.com>
Subject: RE: NextEra's Oliver Wind IV NDPSC permit application has been submitted

Hi Dina,

You can email us the files; we just cannot receive them zipped. So, you can either send them individually or rename a .zip file to .piz and then we can rename it on our end back to .zip and that should work around the safety wall. As for the meeting, November 2nd and 3rd would not work but I would be available earlier that week. We should be able to host, as long as we have a conference room available during the time that is decided, but that shouldn't be an issue.

Also, I do want to make sure we are on the same page, we are happy to meet and discuss your impact analysis and any voluntary mitigation plan you are proposing. However, if it is not in the permit application, it is not something we can consider for our letter to PSC.

Elisha

From: Brown, Dina <Dina.Brown@nexteraenergy.com>
Sent: Friday, October 13, 2023 2:58 PM
To: Mueller, Elisha K. <ekmueller@nd.gov>
Subject: FW: NextEra's Oliver Wind IV NDPSC permit application has been submitted

<p>***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****</p>
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Hi Elisha,

I am pleased to let you know that we recently submitted our NDPSC permit application for Oliver Wind IV. You can find the complete application here:

<https://www.psc.nd.gov/database/documents/23-0317/001-010.pdf>

I would like to provide shapefiles of our project area, turbine locations, and unbroken grasslands. (Please let me know how I can deliver to you as they don't seem to be able to be delivered via email.) No turbines are sited in unbroken grasslands. Let me know if there are other files that would be helpful.

Finally, I would like to set up a meeting with NDGFD and NDDA to discuss our grassland impacts analysis and our proposed voluntary mitigation plan. Are you available November 2? Or potentially any day that week? Would you be able to host the meeting?

Please let me know if you have any questions – happy to discuss.

Have a great weekend,
Dina

Dina E. Brown | Project Manager

Environmental Services | Central Region | NextEra Energy Resources, LLC

C: 281-570-7108 | Dina.Brown@nexteraenergy.com

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From: Mueller, Elisha K. <ekmueller@nd.gov>
Sent: Monday, October 16, 2023 2:38 PM
To: Brown, Dina <Dina.Brown@nexteraenergy.com>
Subject: RE: NextEra Oliver Wind IV shape files?

Hi Dina,

Thank you for the follow up email. I had meant to reply, but my Friday afternoon got away from me. Yes, I did receive the files. Thank you for sending them unzipped. And the 1st works well for my schedule.

Elisha

From: Brown, Dina <Dina.Brown@nexteraenergy.com>
Sent: Monday, October 16, 2023 3:00 PM
To: Mueller, Elisha K. <ekmueller@nd.gov>
Subject: NextEra Oliver Wind IV shape files?

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

Hi Elisha,

I sent an email out late Friday afternoon with the Oliver Wind IV shape files attached. Did you receive? They were not zipped.

Also, I asked if you could meet the afternoon of November 1 to go over our impact analysis and voluntary offsets. Just wanting to get the meeting scheduled – trying to get ahead of deer season!

Thanks,
Dina

Dina E. Brown
C: 281-570-7108

From: Riddle, Heidi L <heidi_riddle@fws.gov>
Sent: Monday, October 30, 2023 11:17 AM
To: Brown, Dina <Dina.Brown@nexteraenergy.com>
Subject: RE: [EXTERNAL] RE: NextEra's Oliver Wind IV NDPSC permit application has been submitted

Hi Dina,

Sorry, I am just seeing these! I apologize for the confusion.

Heidi

From: Brown, Dina <Dina.Brown@nexteraenergy.com>
Sent: Monday, October 30, 2023 12:05 PM
To: Riddle, Heidi L <heidi_riddle@fws.gov>
Subject: [EXTERNAL] RE: NextEra's Oliver Wind IV NDPSC permit application has been submitted

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Heidi,

Maybe you have a new email address? Trying one more time to connect via email. Will give you a call if I don't hear back from you.

Thanks,
Dina

From: Brown, Dina
Sent: Tuesday, October 24, 2023 7:40 AM
To: Riddle, Heidi L (<heidi_riddle@fws.gov> <heidi_riddle@fws.gov>

Subject: RE: NextEra's Oliver Wind IV NDPSC permit application has been submitted

Hi Heidi,

Just checking in that you were able to receive the shapefiles that I sent to you. Are there others that you would like to see?

Thanks,
Dina

From: Brown, Dina

Sent: Friday, October 13, 2023 3:56 PM

To: Riddle, Heidi L (heidi_riddle@fws.gov) <heidi_riddle@fws.gov>

Subject: NextEra's Oliver Wind IV NDPSC permit application has been submitted

Hi Heidi,

I am pleased to let you know that we recently submitted our NDPSC permit application for Oliver Wind IV. You can find the complete application here:

<https://www.psc.nd.gov/database/documents/23-0317/001-010.pdf>

I'm attaching shapefiles of our project area, turbine locations, transmission line route, and transmission line structures. Please let me know if there are other files that would be helpful and I will be happy to provide.

As I was preparing this email I realized that I had never sent out the meeting notes from when we met in June. Please find those notes attached. We are finalizing our Wildlife Conservation Strategy and plan to have that to you soon for your review.

Please let me know if you have any questions – happy to discuss.

Have a great weekend,
Dina

Dina E. Brown | Project Manager

Environmental Services | Central Region | NextEra Energy Resources, LLC

C: 281-570-7108 | Dina.Brown@nexteraenergy.com

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**Oliver Wind IV, LLC
Oliver Wind IV Energy Center
Voluntary Offset Package Presentation
Joint NDDA & NDGFD Meeting Notes**

Date: 01 November 2023

Time: 14:00 – 15:30h

Location: North Dakota Game and Fish Department, 100 N. Bismarck Expressway, Bismarck, ND 58501

Meeting Notes

Objective: Provide a presentation to North Dakota Game and Fish Department (NDGFD) and North Dakota Department of Agriculture (NDDA) outlining the proposed voluntary offset package for the Oliver Wind IV Energy Center (Project). The presentation covered an overview of Project development, avoidance and minimization measures taken during Project siting, how the voluntary offset acres were calculated, an overview of the voluntary offset plan, and next steps.

1) Introductions

2) NextEra representatives presented a summary of the Project development

- a. Original project consisted of one 400-MW project but ultimately was split into two: Oliver Wind IV (~200 MW) and Red Butte Wind (~200 MW)**
- b. Wildlife surveys and meetings with wildlife agencies from 2019-2023**
- c. Recently started meeting with NDDA due to new statutory change regarding NDDA involvement in mitigation projects**
- d. Submitted a Public Service Commission (PSC) application September 2023 with a planned COD in December 2024**
- e. NextEra discussed avoidance and minimization measures taken during siting of the Project**
 - i. Project boundary avoids: USFWS-designated Critical Habitat and NDGFD-designated High Impact Key Native Wildlife and Habitat Areas
 - ii. Turbines avoid unbroken grassland, sited at least 2 miles from known eagle nest, sited at least 0.5 mile from known sharp-tailed grouse leks
 - iii. Project infrastructure avoids Dakota skipper habitat
 - iv. Minimized (0.02 ac) direct wetland impact
- f. Merjent presented the method for calculating voluntary offset acres**
 - i. Voluntary offset acre calculations are based on potential displacement of grassland birds within unbroken grassland habitat
 - ii. Defined unbroken grassland as grasslands that have not been previously converted to another land cover type (e.g., cropland, infrastructure development)

- iii. Provided an overview of the Avian Impact Offset Method (AIOM) described by Shaffer et al (2019), which estimates the average displacement of grassland birds occurs within 300 meters of turbines at an average rate of 53%
- iv. Merjent's voluntary offset calculations are based on field verification of unbroken grasslands within the Project site
- v. 1,330 unbroken grassland acres within 300 meters of turbines and a 53% displacement rate = 705 offset acres

g. WEST provided an overview of the voluntary offset plan

- i. North Dakota Century Code section 4.1-01-21.1 – Environmental Impact Mitigation Fund, Draft Rule Article 7-19 Environmental Impact Mitigation, NDGFD Wind Energy Development in North Dakota Best Management Practices, PSC Siting Criteria, and NextEra's corporate responsibility
- ii. Determine an appropriate value for 705 acres of displacement offsets to be contributed to the Environmental Impact Mitigation Fund (Fund) for mitigation projects implemented by NDDA
- iii. Proposing NDDA use funds contributed by Oliver Wind IV for the establishment, restoration, enhancement, and/or preservation commensurate to the calculated offset acres; non-perpetual, e.g., 30-year easement/agreement on working lands; reasonable seed mixes, restoration/protection means, management and maintenance; and within general vicinity of the project (Oliver, Mercer, McLean, Morton, etc.) or as approved by NDDA

h. NDGFD Comments

- i. NDGFD agreed with the methodology used to calculate the offset acres; does not recommend using the desktop AIOM to determine offset acres, but doing the field verification (as was implemented)
- ii. E. Mueller requested to review the draft MOU
 - 1. D. Bialke responded that the final MOU will be available; he preferred the Ag Commissioner to review the draft MOU first before circulating it to a wider audience
- iii. E. Mueller noted that the Department recommends that funds be used for creation of (705 acres of) habitat, versus enhancement or protection.
 - 1. E. Mueller reiterated that NDGFD would need to get a letter to the PSC 30 days prior to the hearing; she was concerned on timing of offset plan/MOU being available to comment on in letter to PSC; indicating preference that offset plans be included in a PSC application appendix. . She noted that this is because the Department must assume that the permit application is complete and can only comment on what is in the application.
- iv. Sharp-tailed grouse lek avoidance
 - 1. E. Mueller asked how many turbines might be sited within broken grasslands if 2-mile avoidance buffer of sharp-tailed grouse leks was used for those turbines; and asked to received layout of which turbines fall within 2-mile avoidance buffer. She stated that, in these cases, there are other options that could be

considered including timing restrictions for construction. She stated that she was encouraged to see that all unbroken grasslands were being avoided for turbine placement.

2. L. Churchill explained that turbine layout was finalized prior to the 2-mile buffer recommendation; D. Brown said we can provide NDGFD with the turbine locations in broken grassland that are within 2 miles of known leks
- v. NextEra requested feedback on how the Northern Divide Wind mitigation is going
 1. NDGFD stated they are pleased with the progress that has been made
 2. Contractor has done good work

i. NDDA Comments

- i. D. Bialke says that the NDDA would like a timely, effective, and balanced proposal to implement the funding and implement any mitigation or offset project
- ii. More details on upcoming mitigation projects will be available early next year; thinks all parties will be happy with the path forward
- iii. NDDA is following the requirements set out in the new Century Code laws
- iv. D. Bialke commented companies can do mitigation projects outside of the mitigation fund, if they desire to do so

Summary of Action Items

- NextEra will send a draft MOU to NDDA for review in approximately 2 weeks; final MOU will be shared with NDGFD
- NextEra will continue to provide NDGFD and NDDA updates on Project status

Attendee List

Dutch Bialke (NDDA)

Adam Miller (NDDA)

Greg Link (NDGFD)

Bruce Kreft (NDGFD)

Elisha Mueller (NDGFD)

Dina Brown (NextEra Energy Resources, LLC)

Clay Cameron (NextEra Energy Resources, LLC)

Sarah Montone (NextEra Energy Resources, LLC)

Julia Fasano (NextEra Energy Resources, LLC)

Wayne Bertsch (NextEra Energy Resources, LLC)

Clayton Derby (WEST)

Lindsey Churchill (Merjent, Inc)

From: [Brown, Dina](#)
To: bialkej@nd.gov; admmiller@nd.gov
Cc: [Cameron, Clay](#); [Montone, Sarah](#); [Davis, Tracy C](#); [Casey A. Furey](#); [Clayton Derby \(cderby@west-inc.com\)](mailto:cderby@west-inc.com); [Lindsey Churchill](#); [Voeck, Julie](#)
Subject: EXTERNAL: Oliver Wind IV mitigation offset MOU with NDDOA
Date: Friday, November 17, 2023 11:33:50 AM
Attachments: [OliverWindIV NDDOA MOU 111723.docx](#)

CAUTION: This email originated from outside of Merjent.

Good morning, Dutch and Adam,

It was great sitting down with you both at the NDGFD offices on November 1. I really appreciate the collaborative approach that the entire group is taking as we develop mitigation offsets for our Oliver Wind IV project. At that meeting we committed to providing you with a draft Memorandum of Understanding (MOU) that outlines our approach. Please find the draft MOU attached for your review and comment. I'm hoping that we can come to agreement on the final MOU language by the first of December. At that time we can share the MOU with the NDGFD, as they requested.

Please let me know if you have any questions or comments. I look forward to continuing our work together.

Thank you and have a wonderful Thanksgiving holiday!
Dina

Dina E. Brown | Project Manager
Environmental Services | Central Region | NextEra Energy Resources, LLC
C: 281-570-7108 | Dina.Brown@nexteraenergy.com
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From: [Brown, Dina](#)
To: [bialkej@nd.gov](#); [admmiller@nd.gov](#); [glink@nd.gov](#); [bkreft@nd.gov](#); [Mueller, Elisha K. \(ekmueller@nd.gov\)](#)
Cc: [Cameron, Clay](#); [Montone, Sarah](#); [Lindsey Churchill](#); [Clayton Derby \(cderby@west-inc.com\)](#)
Subject: EXTERNAL: RE: Oliver Wind IV Voluntary Offset Meeting Notes
Date: Friday, December 8, 2023 12:58:01 PM
Attachments: [image001.jpg](#)
[OIV_NDGFD_NDDA_MeetingNotes_Final_20231208.docx](#)

CAUTION: This email originated from outside of Merjent.

Hello all,

Thank you for the comments on the draft meeting notes. I'm attaching the final version, with comments incorporated, for your records.

Have a good weekend,
Dina

From: Brown, Dina
Sent: Tuesday, November 28, 2023 3:07 PM
To: [bialkej@nd.gov](#); [admmiller@nd.gov](#); [glink@nd.gov](#); [bkreft@nd.gov](#); [Mueller, Elisha K. \(ekmueller@nd.gov\)](#) <[ekmueller@nd.gov](#)>
Cc: [Cameron, Clay](#) <[Clay.Cameron@nexteraenergy.com](#)>; [Montone, Sarah](#) <[Sarah.Montone@nexteraenergy.com](#)>; [Lindsey Churchill](#) <[lindsey.churchill@merjent.com](#)>; [Clayton Derby \(cderby@west-inc.com\)](#) <[cderby@west-inc.com](#)>
Subject: Oliver Wind IV Voluntary Offset Meeting Notes

Good Afternoon Everyone,

I very much appreciated meeting with you on November 1, 2023, to discuss the Oliver Wind IV voluntary offset approach. We have prepared meeting notes from our discussion and I wanted to circulate them to you so that you could provide any comments or edits. Our intent is to provide the meeting notes to the NDPSC in a filing prior to our hearing. With that goal in mind, if you could have any comments back to me by Monday, December 4, I would really appreciate it.

Thank you,
Dina

Dina E. Brown | Project Manager
Environmental Services | Central Region | NextEra Energy Resources, LLC
C: 281-570-7108 | Dina.Brown@nexteraenergy.com
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From: Bialke, Joseph P. <bialkej@nd.gov>
Sent: Thursday, November 30, 2023 11:34 AM
To: Dina.Brown@nexteraenergy.com
Cc: Miller, Adam M.; Link, Greg W.; Kreft, Bruce L.; Mueller, Elisha K.; Cameron, Clay; Montone, Sarah; Lindsey Churchill; Clayton Derby (cderby@west-inc.com)
Subject: EXTERNAL: FW: Oliver Wind IV Voluntary Offset Meeting Notes
Attachments: OIV_NDGFD_NDDOA_MeetingNotes_20231128.docx

CAUTION: This email originated from outside of Merjent.

Dina

Just a few tweaks/edits in track-changes for your consideration. Otherwise, in my view, it looks great.

All the best,

Dutch

J.P. "Dutch" Bialke

General Counsel/Senior Policy Advisor

Special Assistant Attorney General

ND Department of Agriculture

600 E. Boulevard Ave., Dept. 602 | Bismarck, ND 58505-0020

P: 701.328.1496 | F: 701.328.4567

bialkej@nd.gov

www.nd.gov/ndda



From: Brown, Dina <Dina.Brown@nexteraenergy.com>

Sent: Tuesday, November 28, 2023 4:07 PM

To: Bialke, Joseph P. <bialkej@nd.gov>; Miller, Adam M. <admmiller@nd.gov>; Link, Greg W. <glink@nd.gov>; Kreft, Bruce L. <bkreft@nd.gov>; Mueller, Elisha K. <ekmueller@nd.gov>

Cc: Cameron, Clay <Clay.Cameron@nexteraenergy.com>; Montone, Sarah <Sarah.Montone@nexteraenergy.com>; Lindsey Churchill <lindsey.churchill@merjent.com>; Clayton Derby (cderby@west-inc.com) <cderby@west-inc.com>

Subject: Oliver Wind IV Voluntary Offset Meeting Notes

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Good Afternoon Everyone,

I very much appreciated meeting with you on November 1, 2023, to discuss the Oliver Wind IV voluntary offset approach. We have prepared meeting notes from our discussion and I wanted to circulate them to you so that you could provide any comments or edits. Our intent is to provide the meeting notes to the NDPSC in a filing prior to our hearing. With that goal in mind, if you could have any comments back to me by Monday, December 4, I would really appreciate it.

Thank you,
Dina

Dina E. Brown | Project Manager
Environmental Services | Central Region | NextEra Energy Resources, LLC
C: 281-570-7108 | Dina.Brown@nexteraenergy.com
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From: Mueller, Elisha K. <ekmueller@nd.gov>
Sent: Friday, December 1, 2023 6:52 PM
To: Brown, Dina; Bialke, Joseph P.; Miller, Adam M.; Link, Greg W.; Kreft, Bruce L.
Cc: Cameron, Clay; Montone, Sarah; Lindsey Churchill; Clayton Derby (cderby@west-inc.com)
Subject: EXTERNAL: RE: Oliver Wind IV Voluntary Offset Meeting Notes
Attachments: OIV_NDGFD_NDDOA_MeetingNotes_20231128 (002).docx

CAUTION: This email originated from outside of Merjent.

Hi Dina,

Here are a few edits.

Also, I have not received the turbines that fall within the buffer for the grouse leks, if that could still be sent my way, that would be helpful.

Thank you.

Elisha

From: Brown, Dina <Dina.Brown@nexteraenergy.com>
Sent: Tuesday, November 28, 2023 4:07 PM
To: Bialke, Joseph P. <bialkej@nd.gov>; Miller, Adam M. <admmiller@nd.gov>; Link, Greg W. <glink@nd.gov>; Kreft, Bruce L. <bkreft@nd.gov>; Mueller, Elisha K. <ekmueller@nd.gov>
Cc: Cameron, Clay <Clay.Cameron@nexteraenergy.com>; Montone, Sarah <Sarah.Montone@nexteraenergy.com>; Lindsey Churchill <lindsey.churchill@merjent.com>; Clayton Derby (cderby@west-inc.com) <cderby@west-inc.com>
Subject: Oliver Wind IV Voluntary Offset Meeting Notes

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Good Afternoon Everyone,

I very much appreciated meeting with you on November 1, 2023, to discuss the Oliver Wind IV voluntary offset approach. We have prepared meeting notes from our discussion and I wanted to circulate them to you so that you could provide any comments or edits. Our intent is to provide the meeting notes to the NDPSC in a filing prior to our hearing. With that goal in mind, if you could have any comments back to me by Monday, December 4, I would really appreciate it.

Thank you,
Dina

Dina E. Brown | Project Manager
Environmental Services | Central Region | NextEra Energy Resources, LLC
C: 281-570-7108 | Dina.Brown@nexteraenergy.com
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From: [Brown, Dina](#)
To: [Mueller, Elisha K. \(ekmueller@nd.gov\)](#)
Cc: [bkreft@nd.gov](#); [Clayton Derby \(cderby@west-inc.com\)](#); [Lindsey Churchill](#)
Subject: EXTERNAL: Oliver Wind IV broken grasslands and leks
Date: Friday, December 8, 2023 12:46:31 PM
Attachments: [image001.jpg](#)
[OIV Turbines - Broken Grassland win 2-mi of Leks.kmz](#)
[Oliver Wind IV broken grassland turbine leks 20231208.xlsx](#)

CAUTION: This email originated from outside of Merjent.

Hi Elisha,

As requested, please find attached a kmz and table showing the 14 Oliver Wind IV turbines that are sited in broken grasslands and fall within 2-miles of a sharp-tailed grouse lek. Let me know if you have any questions or need additional information.

Thanks,
Dina

Dina E. Brown | Project Manager
Environmental Services | Central Region | NextEra Energy Resources, LLC
C: 281-570-7108 | Dina.Brown@nexteraenergy.com
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From: [Bialke, Joseph P.](#)
To: [Brown, Dina](#)
Cc: [Cameron, Clay](#); [Montone, Sarah](#); [Davis, Tracy C](#); [Casey A. Furey](#); [Clayton Derby \(cderby@west-inc.com\)](#); [Lindsey Churchill](#); [Voeck, Julie](#); [Bodine, Thomas H.](#); [Miller, Adam M.](#); [Kevin Shelley](#)
Subject: EXTERNAL: RE: Oliver Wind IV mitigation offset MOU with NDDOA
Date: Tuesday, December 12, 2023 12:59:14 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[OliverWindIV_NDDA_MOU.docx](#)

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Dina

No issues with your final edits. I accepted the remaining track-changes.

Attached is the final version. In my view, it is looking pretty darn good.

I believe we are ready to move forward with appropriately quantifying the mitigation acreage.

Looking forward to continuing this important work.

All the best,

Dutch

J.P. "Dutch" Bialke

General Counsel/Senior Policy Advisor

Special Assistant Attorney General

ND Department of Agriculture

600 E. Boulevard Ave., Dept. 602 | Bismarck, ND 58505-0020

P: 701.328.1496 | F: 701.328.4567

bialkej@nd.gov

www.nd.gov/ndda



From: Brown, Dina <Dina.Brown@nexteraenergy.com>

Sent: Sunday, December 10, 2023 9:58 PM

To: Bialke, Joseph P. <bialkej@nd.gov>

Cc: Cameron, Clay <Clay.Cameron@nexteraenergy.com>; Montone, Sarah <Sarah.Montone@nexteraenergy.com>; Davis, Tracy C <Tracy.C.Davis@nexteraenergy.com>; Casey

A. Furey <cfurey@crowleyfleck.com>; Clayton Derby (cderby@west-inc.com) <cderby@west-inc.com>; Lindsey Churchill <lindsey.churchill@merjent.com>; Voeck, Julie <Julie.Voeck@nexteraenergy.com>; Bodine, Thomas H. <tbodine@nd.gov>; Miller, Adam M. <admmiller@nd.gov>; Bodine, Thomas H. <tbodine@nd.gov>

Subject: RE: Oliver Wind IV mitigation offset MOU with NDDOA

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Hi Dutch,

We've reviewed your comments on the Oliver Wind IV-NDDA MOU and had just a few refinements. Please see attached. I will reach out late Monday morning to discuss the reasoning behind our refinements. We are hoping to get this to NDGFD early to mid-week this week so that they may have a chance to review prior to submitting comments to the NDPSC. Really appreciate your efforts to help us reach this goal.

Warm regards,
Dina

Dina E. Brown
C: 281-570-7108

From: Bialke, Joseph P. <bialkej@nd.gov>

Sent: Thursday, November 30, 2023 8:24 AM

To: Brown, Dina <Dina.Brown@nexteraenergy.com>

Cc: Cameron, Clay <Clay.Cameron@nexteraenergy.com>; Montone, Sarah <Sarah.Montone@nexteraenergy.com>; Davis, Tracy C <Tracy.C.Davis@nexteraenergy.com>; Casey A. Furey <cfurey@crowleyfleck.com>; Clayton Derby (cderby@west-inc.com) <cderby@west-inc.com>; lindsey.churchill <lindsey.churchill@merjent.com>; Voeck, Julie <Julie.Voeck@nexteraenergy.com>; Bodine, Thomas H. <tbodine@nd.gov>; Miller, Adam M. <admmiller@nd.gov>; Bodine, Thomas H. <tbodine@nd.gov>

Subject: RE: Oliver Wind IV mitigation offset MOU with NDDOA

Dina

Thank you for our pleasant conversation this morning. As discussed, I greatly appreciate your patience in me getting the draft Oliver Wind – NDDA MOU back to you.

I reviewed it and have made some proposed clarifying edits in track-changes.

Attached is both the track-change version and a clean version. Please review and let me know what

you think. Going forward, if possible, let's work off the attached clean version.

Just a quick aside, as I mentioned, I'll be out of the country for all next week, returning to the office on December 11. Please feel free to work directly with Tom or Adam in my absence.

All the best,

Dutch

J.P. "Dutch" Bialke

General Counsel/Senior Policy Advisor

Special Assistant Attorney General

ND Department of Agriculture

600 E. Boulevard Ave., Dept. 602 | Bismarck, ND 58505-0020

P: 701.328.1496 | F: 701.328.4567

bialkej@nd.gov

www.nd.gov/ndda



From: Bialke, Joseph P. <bialkej@nd.gov>

Sent: Wednesday, November 22, 2023 2:52 PM

To: Brown, Dina <Dina.Brown@nexteraenergy.com>; Miller, Adam M. <admmiller@nd.gov>

Cc: Cameron, Clay <Clay.Cameron@nexteraenergy.com>; Montone, Sarah <Sarah.Montone@nexteraenergy.com>; Davis, Tracy C <Tracy.C.Davis@nexteraenergy.com>; Casey A. Furey <cfurey@crowleyfleck.com>; Clayton Derby (cderby@west-inc.com) <cderby@west-inc.com>; Lindsey Churchill <lindsey.churchill@merjent.com>; Voeck, Julie <Julie.Voeck@nexteraenergy.com>

Subject: Re: Oliver Wind IV mitigation offset MOU with NDDOA

Dina

Thanks for the email. We're reviewing the proposed draft MOU, and will reply back next week. We very much look forward to working with you!

Happy Thanksgiving!

All the best,

Dutch

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From: Brown, Dina <Dina.Brown@nexteraenergy.com>
Sent: Friday, November 17, 2023 11:33:12 AM
To: Bialke, Joseph P. <bialkej@nd.gov>; Miller, Adam M. <admmiller@nd.gov>
Cc: Cameron, Clay <Clay.Cameron@nexteraenergy.com>; Montone, Sarah <Sarah.Montone@nexteraenergy.com>; Davis, Tracy C <Tracy.C.Davis@nexteraenergy.com>; Casey A. Furey <cfurey@crowleyfleck.com>; Clayton Derby (cderby@west-inc.com) <cderby@west-inc.com>; Lindsey Churchill <lindsey.churchill@merjent.com>; Voeck, Julie <Julie.Voeck@nexteraenergy.com>
Subject: Oliver Wind IV mitigation offset MOU with NDDOA

Some people who received this message don't often get email from dina.brown@nexteraenergy.com. [Learn why this is important](#)

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Good morning, Dutch and Adam,

It was great sitting down with you both at the NDGFD offices on November 1. I really appreciate the collaborative approach that the entire group is taking as we develop mitigation offsets for our Oliver Wind IV project. At that meeting we committed to providing you with a draft Memorandum of Understanding (MOU) that outlines our approach. Please find the draft MOU attached for your review and comment. I'm hoping that we can come to agreement on the final MOU language by the first of December. At that time we can share the MOU with the NDGFD, as they requested.

Please let me know if you have any questions or comments. I look forward to continuing our work together.

Thank you and have a wonderful Thanksgiving holiday!

Dina

Dina E. Brown | Project Manager

Environmental Services | Central Region | NextEra Energy Resources, LLC

C: 281-570-7108 | Dina.Brown@nexteraenergy.com

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From: [Brown, Dina](#)
To: [Lindsey Churchill](#); [Dirk Churchill](#)
Subject: EXTERNAL: FW: Oliver Wind IV broken grasslands and leks
Date: Thursday, December 14, 2023 4:26:35 PM

CAUTION: This email originated from outside of Merjent.

Additional correspondence.

From: Brown, Dina
Sent: Thursday, December 14, 2023 2:53 PM
To: Mueller, Elisha K. <ekmueller@nd.gov>
Cc: Kreft, Bruce L. <bkreft@nd.gov>
Subject: RE: Oliver Wind IV broken grasslands and leks

Thanks, Elisha. Been working hard to get the MOU out to you. I just sent an email to the entire group with the MOU attached. Please let me know if you do not receive.

Best,
Dina

From: Mueller, Elisha K. <ekmueller@nd.gov>
Sent: Thursday, December 14, 2023 11:51 AM
To: Brown, Dina <Dina.Brown@nexteraenergy.com>
Cc: Kreft, Bruce L. <bkreft@nd.gov>
Subject: RE: Oliver Wind IV broken grasslands and leks

Hi Dina,

Yes I was able to get the files, thank you for checking. We are working on NDGF's comment letter for the project now. Has there been any further discussion on sharing the MOU with us? I see that a hearing is set for January 29th, so we have just about two weeks to submit our letter.

Elisha

From: Brown, Dina <Dina.Brown@nexteraenergy.com>
Sent: Thursday, December 14, 2023 9:00 AM
To: Mueller, Elisha K. <ekmueller@nd.gov>
Cc: Kreft, Bruce L. <bkreft@nd.gov>
Subject: FW: Oliver Wind IV broken grasslands and leks

******* CAUTION:** This email originated from an outside source. Do not click links or open

attachments unless you know they are safe. *****

Hi Elisha,

Just confirming that you received the files. I know that we have had some file transfer issues in the past.

Thanks,
Dina

From: Brown, Dina

Sent: Friday, December 8, 2023 11:46 AM

To: Mueller, Elisha K. (ekmueller@nd.gov) <ekmueller@nd.gov>

Cc: bkreft@nd.gov; Clayton Derby (cderby@west-inc.com) <cderby@west-inc.com>; Lindsey Churchill <lindsey.churchill@merjent.com>

Subject: Oliver Wind IV broken grasslands and leks

Hi Elisha,

As requested, please find attached a kmz and table showing the 14 Oliver Wind IV turbines that are sited in broken grasslands and fall within 2-miles of a sharp-tailed grouse lek. Let me know if you have any questions or need additional information.

Thanks,
Dina

Dina E. Brown | Project Manager

Environmental Services | Central Region | NextEra Energy Resources, LLC

C: 281-570-7108 | Dina.Brown@nexteraenergy.com

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From: Brown, Dina <Dina.Brown@nexteraenergy.com>
Sent: Thursday, December 14, 2023 3:49 PM
To: bialkej@nd.gov; admmiller@nd.gov; glink@nd.gov; bkreft@nd.gov; Mueller, Elisha K. (ekmueller@nd.gov)
Cc: Cameron, Clay; Montone, Sarah; Clayton Derby (cderby@west-inc.com); Lindsey Churchill
Subject: EXTERNAL: Oliver Wind IV voluntary offset MOU with NDDA
Attachments: OliverWindIV_NDDA_MOU_final 121423.docx

CAUTION: This email originated from outside of Merjent.

All,

As we discussed in our meeting on November 1, 2023, we have worked with NDDA to develop a Memorandum of Understanding (MOU) that outlines our commitments to provide voluntary mitigation offsets for residual indirect impacts to grassland breeding birds. We committed to sharing the MOU, once developed, with everyone at the meeting. Please find the MOU attached.

Please note that the mitigation offset acreage has been reduced from 705 to 665 acres of grassland habitat. We had to drop Turbine 35 and activate Alternate Turbine 3 due to landowner issues. The same methodology discussed at our November 1 meeting was applied to determine the revised offset acreage.

Please let me know if you have any questions.

Thank you,
Dina

Dina E. Brown | Project Manager
Environmental Services | Central Region | NextEra Energy Resources, LLC
C: 281-570-7108 | Dina.Brown@nexteraenergy.com
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From: Brown, Dina <Dina.Brown@nexteraenergy.com>
Sent: Monday, December 18, 2023 11:00 AM
To: Lindsey Churchill
Subject: EXTERNAL: FW: WCS for Oliver Wind IV - email 1/2

CAUTION: This email originated from outside of Merjent.

From: Brown, Dina
Sent: Monday, December 18, 2023 9:21 AM
To: Riddle, Heidi L (heidi_riddle@fws.gov) <heidi_riddle@fws.gov>
Subject: WCS for Oliver Wind IV - email 1/2

Good Morning Heidi,

I am pleased to provide the Wildlife Conservation Strategy for NextEra's Oliver Wind IV project (main body attached). The WCS is quite large so the appendix had to be split from the main body of the document and will be provided in a separate email. Can you please confirm receipt of both documents?

As you know, we submitted the applications for certificates of site compatibility and route permit to the NDPSC in late September. The NDPSC has recently scheduled our hearing for January 29, 2024.

Please let me know if you have any questions. I am happy to discuss or even set up a call if necessary.

Thanks,
Dina

Dina E. Brown | Project Manager
Environmental Services | Central Region | NextEra Energy Resources, LLC
C: 281-570-7108 | Dina.Brown@nexteraenergy.com
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From: Brown, Dina <Dina.Brown@nexteraenergy.com>
Sent: Monday, December 18, 2023 10:59 AM
To: Lindsey Churchill; Elizabeth Baumgartner; Dirk Churchill
Subject: EXTERNAL: FW: [EXTERNAL] WCS for Oliver Wind IV - email 2/2

CAUTION: This email originated from outside of Merjent.

From: Riddle, Heidi L <heidi_riddle@fws.gov>
Sent: Monday, December 18, 2023 9:43 AM
To: Brown, Dina <Dina.Brown@nexteraenergy.com>
Subject: RE: [EXTERNAL] WCS for Oliver Wind IV - email 2/2

Hello Dina,

I received both documents. Thank you for sending, and for the info re: the PSC hearing.

Wishing you a Happy Holiday Season!

Heidi Riddle, CWB®
Fish and Wildlife Biologist
USFWS North Dakota Ecological Services Field Office
3425 Miriam Ave
Bismarck, ND 58501
(701) 319-6708
heidi_riddle@fws.gov

From: Brown, Dina <Dina.Brown@nexteraenergy.com>
Sent: Monday, December 18, 2023 10:23 AM
To: Riddle, Heidi L <heidi_riddle@fws.gov>
Subject: [EXTERNAL] WCS for Oliver Wind IV - email 2/2

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Heidi,

Attaching the appendices for the WCS, as discussed in my previous email. Please confirm receipt.

Thanks,
Dina

Dina E. Brown | Project Manager
Environmental Services | Central Region | NextEra Energy Resources, LLC
C: 281-570-7108 | Dina.Brown@nexteraenergy.com
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From: Mueller, Elisha K. <ekmueller@nd.gov>
Sent: Monday, December 18, 2023 12:56 PM
To: Brown, Dina; Bialke, Joseph P.; Miller, Adam M.; Link, Greg W.; Kreft, Bruce L.
Cc: Cameron, Clay; Montone, Sarah; Clayton Derby (cderby@west-inc.com); Lindsey Churchill
Subject: EXTERNAL: RE: Oliver Wind IV voluntary offset MOU with NDDA
Attachments: OliverWindIV_NDDA_MOU_final 121423.docx; Grassland Reconstruction for Energy Offsets_draft ekm.docx

CAUTION: This email originated from outside of Merjent.

Hi Dina,

Thank you for sharing the draft MOU. I have attached our edits to this email. Please send over the signed copy when you can. I am also attaching a draft guidance document for grassland reconstruction for energy offsets. These are the standards that have been used for NextEra's previous projects and thought this might be helpful.

Elisha

From: Brown, Dina <Dina.Brown@nexteraenergy.com>
Sent: Thursday, December 14, 2023 3:49 PM
To: Bialke, Joseph P. <bialkej@nd.gov>; Miller, Adam M. <admmiller@nd.gov>; Link, Greg W. <glink@nd.gov>; Kreft, Bruce L. <bkreft@nd.gov>; Mueller, Elisha K. <ekmueller@nd.gov>
Cc: Cameron, Clay <Clay.Cameron@nexteraenergy.com>; Montone, Sarah <Sarah.Montone@nexteraenergy.com>; Clayton Derby (cderby@west-inc.com) <cderby@west-inc.com>; Lindsey Churchill <lindsey.churchill@merjent.com>
Subject: Oliver Wind IV voluntary offset MOU with NDDA

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

All,

As we discussed in our meeting on November 1, 2023, we have worked with NDDA to develop a Memorandum of Understanding (MOU) that outlines our commitments to provide voluntary mitigation offsets for residual indirect impacts to grassland breeding birds. We committed to sharing the MOU, once developed, with everyone at the meeting. Please find the MOU attached.

Please note that the mitigation offset acreage has been reduced from 705 to 665 acres of grassland habitat. We had to drop Turbine 35 and activate Alternate Turbine 3 due to landowner issues. The same methodology discussed at our November 1 meeting was applied to determine the revised offset acreage.

Please let me know if you have any questions.

Thank you,
Dina

Dina E. Brown | Project Manager

Environmental Services | Central Region | NextEra Energy Resources, LLC

C: 281-570-7108 | Dina.Brown@nexteraenergy.com

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From: Bialke, Joseph P. <bialkej@nd.gov>
Sent: Tuesday, December 19, 2023 9:34 AM
To: Brown, Dina
Cc: Cameron, Clay; Montone, Sarah; Clayton Derby (cderby@west-inc.com); Lindsey Churchill; Mueller, Elisha K.; Miller, Adam M.; Link, Greg W.; Kreft, Bruce L.
Subject: EXTERNAL: Oliver Wind IV voluntary offset MOU with NDDA
Attachments: NDDA-Oliver Wind IV MOU (Final).pdf

CAUTION: This email originated from outside of Merjent.

Dina

Great working with everyone on finalizing this MOU. Excellent collaboration. I appreciate the final suggested clarified edits – which I implemented as we discussed and as appropriate.

In my view, we have a solid path forward. As further discussed, NDAA will keep NextEra apprised of how funds contributed by NextEra are expended in relation to mitigation efforts.

Please sign and return the attached MOU. The Commissioner will timely submit a letter to the PSC in support of the Oliver IV wind project and detailing these mitigation efforts.

Once again, thank you for partnering with NDDA. Please let me know if you have any questions or if I can provide you any additional information.

All the best,

Dutch

J.P. “Dutch” Bialke

General Counsel/Senior Policy Advisor

Special Assistant Attorney General

ND Department of Agriculture

600 E. Boulevard Ave., Dept. 602 | Bismarck, ND 58505-0020

P: 701.328.1496 | F: 701.328.4567

bialkej@nd.gov

www.nd.gov/ndda

