

**BHP Wind Project
Permitting and Compliance Status Matrix**

Agency	Permit/ Approval	Actions/ Status
FEDERAL		
US Army Corps of Engineers (USACE)	Wetland Delineation Approvals	Submitted wetland delineation, jurisdictional determination, and wetland permit package for wetland fill to Omaha District of the USACE on August 26, 2010. Received letter from the USACE on September 17, 2010 indicating the proposed wetland impacts qualify under Nationwide Permit 12. Once final design is in place the local USACE needs to be contacted for final approval and incorporation of any new NWP (Nationwide Permit) requirements.
	Jurisdictional Determination	
	Federal Clean Water Act Section 404 Permit	
US Fish and Wildlife Service (USFWS) (in coordination with SD Ecological Services Field Office)	Section 7 Endangered Species Act Finding	For Due Diligence Purposes, Developer voluntarily completed these studies: Critical Issues Analysis, Bird and Bat Assessment, Avian Survey Summary. Avian Survey Summary submitted to the USFWS (and the SDGFP) on July 13, 2010. Additional evaluations needed for recent bird additions to the Endangered Species Act. New guidance regarding impacts to eagles needs to be included and consultation with both the USFWS and SDGFP needs to be completed. USFWS Section 10 Endangered Species Incidental Take Permit must be completed. Consultation with USFWS needs to be completed to determine need for Habitat Conservation Plan for incidental taking of whooping cranes.
	Migratory Bird Treaty Act (MBTA) and Bald and Golden Eagle Protection Act (BGEPA) Consultation	
	Section 10 Endangered Species Incidental Take Permit	
US Department of Agriculture, (USDA), Farm Service Agency (FSA)	Form AD-1026, Highly Erodible Land Conservation (HELC) And Wetland Conservation Act (WCA)	Acquired landowners' releases and obtained CRP and FmHA loan information form Butte County FSA. -After researching for CRP and FSA mortgage information there are no CRP contracts and there are no FSA mortgages that exist.
	Conservation Reserve Program (CRP contract Amendment)	
US Department of Commerce, National Telecommunications and Information Administration (NTIA)	Federal Fixed Microwave Beam Path Clearance	On May 12, 2008 and October 6, 2010, no non-federal beams were identified within the project. Coordination with the NTIA initiated on October 8, 2010. Verify evaluation with final turbine layout.
Federal Aviation Administration (FAA)	Form 7460-1 Notice of Proposed Construction or Alteration (Determination of No Hazard)	Needed for structures over 200 feet tall. Obtained DNH tests for 5 turbines and 1 hub height met tower as a representative of the project layout. Submitted on October 27, 2010. Need to submit notice for all turbines when layout is finalized. The Final Powder River Training Complex EIS for expansion of military airspace needs to be reviewed to insure no conflicts.
	Notice of Actual Construction or Alteration (Form 7460-2)	To be submitted 10 days prior to construction or 5 days after construction reaches its greatest height.

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STATE		
SD State Historic Preservation Office (SHPO) of the South Dakota State Historical Society	Cultural and Historical Resources Review	SHPO recommended voluntary studies. Level I Search complete on February 26, 2010, and Level III Survey completed on July 27, 2010. Only minor lithic scatter were found in 2 locations. Submitted reports to the SHPO and the SD archaeological Research Center on September 7, 2010. No comment is expected. Need to determine if Class III survey is needed for transmission line route and need to determine if the survey that was completed covers whatever the final equipment layout is.
SD Natural Heritage Program (SDNHP) (in coordination with Game, Fish and Parks) (SDGFP)	State Endangered Species Permit	The SDNHP provided Threatened and Endangered Species (T&E) data and cleared the site on December 3, 2009. The survey needs to be re-evaluated with a current data set.
SD Department of Environment and Natural Resources (DENR) and EPA Region 8	Nat'l Pollutant Discharge Elimination System Permit (NPDES)/ General Permit for Storm Water Discharges	Storm Water Pollution Prevention Plan (SWPPP) and NPDES documents to be assembled and submitted during engineering.
	Water Right (Appropriation) Permit and/or Temporary Amendment of Existing Permit	Construction water will be supplied from landowner well, and O&M facility will be in Belle Fourche. Temporary construction amendment to be submitted on-line in the calendar year of construction.
	Above ground Storage Tank (AST) Registration Form	Contacted DENR on August 27, 2010. Storage will be identified during engineering. If triggered, notify the Groundwater Quality Program, Storage Tank Section. DENR review AST tank plans 30 days before installation.
	SPCC Plan	While no tanks will be at the turbine site(s), the turbines themselves contain sufficient volumes of oil to qualify for a spill plan. A spill plan will be developed and is required prior to erection of the units.
SD Department of Transportation	Highway Access Permit	State highway accesses will be identified during engineering phase.
	Tall Structure Permit	State application for Location of Aeronautical Hazard will be filed in coordination with FAA application.
SD Trucking Information Automated Permitting	Oversize/ Overweight Permit for State Highways	WTG vendor and /or EPC contractor will obtain oversize/overweight SD and other state permits

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LOCAL		
Butte County Highway Department	Application for Occupancy (Utility Permit)	Crossings will be identified during engineering. Applications done on-line.
	Construction Work Impact Permit	WTG vendor and/or EPC contractor will obtain permit. Application done on-line. Permit must be approved by County Board of Commissioners, and may require restoring roadways to equal or better than pre-construction conditions.
	Application to Construct an Approach to a County Road	Entrances will be identified during engineering. Application done on-line. Permit must be approved by County Board of Commissioners.
Butte County	Construction Projects involving buildings or structures.	Developer discussed process with County in September 2010. Permits are valid for 180 days. Permit will be submitted upon determination of final layout of site. Permits must be approved by the County Board of Commissioners.

Note: While not a specific permit requirement, Developer voluntarily completed a Phase I Environmental Site Assessment document to verify the project area does not contain Recognized Environmental Concerns (RECs) that would render the project unbuildable. The document was completed June 25, 2010. The Phase I ESA did not identify indications of historical conditions in connection with the Subject Properties.