

infrastructure will be removed, and how and when the land will be restored. Consider the following:

- Process and timeframe for structure removal
- Regrading or removal of access roads
- Testing, process and depth of decompaction
- Surface and subsurface rock removal
- Replacement of top soil
- Reseeding of vegetation
- Correction of drainage issues and removal or modification of surface or subsurface drainage structures to minimize erosion
- Financial assurances should be described in the wind energy contract for land restoration and all decommissioning processes for the project

Wind Energy Facility Siting and Property Rights Authority

The Energy Conversion and Transmission Facility Siting Act's (NDCC §49-22) primary purpose is to ensure minimum adverse affects on the environment and on the welfare of the citizens of this state. The Public Service Commission's primary authority is to issue certificates of site compatibility and route permits. Counties, townships and cities may also have wind energy zoning ordinances. Please check state and local jurisdictions for laws and ordinances regulating location, permitting and construction of wind energy projects.

Point of Contact

Clearly identify the wind energy developer contact who you will be working with throughout the entire life cycle of the project.

Wind Energy Reclamation and Restoration Problems? WE CAN HELP!

The North Dakota Department of Agriculture, in cooperation with the Public Service Commission, has developed a program that connects landowners experiencing wind energy reclamation and restoration issues with an independent ombudsman.

The role of the ombudsman is to help landowners and wind energy developers identify and bring resolution to reclamation and restoration problems. Problems addressed in the early stages have a higher degree of resolution and can often be resolved before further erosion of confidence and a loss of productivity exists.

If you are not getting an adequate response for wind energy property reclamation and restoration problems, contact the North Dakota Department of Agriculture at 1-800-242-7535 or go to our website at www.nd.gov/ndda to request assistance in resolving them.



Agriculture Commissioner
Doug Goehring



North Dakota
Department of Agriculture
1-800-242-7535
701-328-2231
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North Dakota
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1-877-245-6685
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The North Dakota Department of Agriculture and the Public Service Commission are equal opportunity employers and providers.



PROPERTY OWNER TIPS FOR SUCCESSFULLY WORKING WITH WIND ENERGY DEVELOPERS ON RECLAMATION & RESTORATION



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Property owners are in the best position to identify concerns or potential problems that may occur from wind energy development. Consider the following as you work with the developer to successfully site wind energy infrastructure on your land. Your efforts will improve communication and avoid many issues before problems occur.

Contracts and Legal Counsel

It is important for property owners to stay engaged and informed when approached by a wind energy developer. Property owners should seek legal advice from counsel before entering into any contract. Property owners also need to ensure that property reclamation and restoration (decommissioning) issues are adequately addressed in detail before signing any contract. All contracts that affect property rights should be in writing and reviewed by legal counsel.

Landowner Considerations for Site Development

If you have concerns with any aspect of the site development, work with the wind energy developer to determine, adjust or evaluate the location of turbines, construction pads and other structures and the route for underground or overhead distribution lines. Carefully consider current and future land use needs which may be impacted by wind energy infrastructure and agreement restrictions.

Inventory Natural Resources

Document, inventory and photograph the landscape before and after site development. This will be helpful in determining your landscape restoration goals. Consider the

following:

- **Identify current and future land use**
 - Farmland, rangeland, pasture and hay land
 - Roads and access points
 - Livestock utilization
 - Corrals, fences and gates
 - Outbuildings and other structures (e.g. barns and bins)
 - Diversions, ditches and tiling
- **Consider vegetation, soil and topography**
 - Plant communities and species
 - Noxious weed control
 - Topsoil depth
 - Subsoil and rock
 - Slope
 - Sensitive areas (e.g. wetlands delineation, bodies of water, floodplains and unique natural features)

Construction

Wind energy construction may affect the use of your land during and after construction. Consider the following:

- Location of permanent and temporary structures
- Timeframe for construction
- Construction easement width
- Permanent easement width
- Temporary construction pads
- Access road development
- Permanent pad burial depth
- Above or underground distribution lines (route and depth)
- Type of underground distribution line burial
 - Trenched
 - Plowed
 - Backhoed

- Erosion control
- Dust control
- Culverts to maintain natural drainage patterns
- Construction site cleanup

Reclamation After Construction is Complete

Returning your land to its original condition after construction is complete is very important. Your wind energy contract should set the plan for achieving your reclamation goals, and outline how and when they will be completed following construction. Property owners need to work closely with a designated wind energy developer contact to inspect and monitor reclamation activities. Consider the following:

- General construction cleanup
- Re-establishment of vegetation
- Weed control
- Topographic feature recovery
- Installation and operation of erosion control measures
- Repair of disturbed area slumping or compaction
- Fence and gate installation or repair
- Disturbed areas should be monitored until acceptable and documented to ensure land reclamation goals are met
- Determine the duration and frequency of reclamation monitoring and maintenance

Property Owner Considerations For Site Restoration After Decommissioning

Your wind energy contract should address what will happen after the site is decommissioned. The contract should describe how the