

Public Notice

RESOLUTION GRANTING WEF SITING PERMIT

WHEREAS, on June 4, 2026, Flickertail Wind, LLC submitted an application (Application) for a Wind Energy Facility (WEF) Siting Permit for the Flickertail Wind Project (Project) located in Eddy County, North Dakota ("County") pursuant to Article 10 of the County's Zoning Ordinance (amended March 10, 2026) ("Zoning Ordinance").

WHEREAS, on July 2, 2026, the County's Zoning Commission held a public hearing on and considered the Application and, thereafter, recommended issuance of a WEF Siting Permit to Flickertail Wind, LLC ("Recommendation").

WHEREAS, also on July 2, 2026, the County's Board of County Commissioners considered the Application and the Zoning Commission's Recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Eddy County Board of County Commissioners, based on record presented, including the Application, public hearing testimony, and Zoning Commission recommendation, that:

(1) the Application submitted by Flickertail Wind, LLC demonstrates that the Flickertail Wind Project will meet all applicable requirements of the Zoning Ordinance, including the requirements of Article 10; and

(2) a WEF Siting Permit is issued to Flickertail Wind, LLC for the Flickertail Wind Project, subject to the following conditions:

(a) Each wind turbine shall be set back at least 5,280 feet (1 mile) from existing nonparticipating inhabited primary residences (measured from the center of the turbine monopole). This setback may be waived in writing by the owner of the existing nonparticipating inhabited primary residence.

(b) Unless otherwise required by North Dakota law or the North Dakota Public Service Commission ("PSC"), Developer shall use crane-down methods to remove rotors and blades during decommissioning of any Project wind turbines within the County. Developer shall not use controlled demolition or toppling methods for removal of rotors or blades.

(c) Developer shall enter into road use agreements with Eddy County and any townships within the County with authority over roads to be used as haul roads for Project construction prior to the commencement of Project construction, and both Developer and the Township agree to be reasonable in negotiating and implementing a road use agreement. For purposes of this provision, construction means clearing of land, excavation, or other action affecting the environment of the site, but does not include activities incident to preliminary engineering or environmental studies.

(d) Developer shall use reasonable efforts to minimize lighting on wind turbines and associated buildings and facilities within the Township, including the use of a Federal Aviation Administration-approved aircraft detection lighting system ("ADLS") to the extent commercially available and authorized for the Project by applicable law.

(e) The Project shall comply with the PSC's applicable rules and any Certificate of Site Compatibility conditions regarding sound and shadow flicker. Developer will notify Eddy County if the PSC issues a formal notice of noncompliance to the Project regarding sound or shadow flicker.

(f) The Project shall comply with all applicable requirements of the Zoning Ordinance, including Section 10.1.3.4, which

states: Within 90 days of completion of wind energy facility construction, the permittee shall submit to the Zoning Commission an updated and final USGS topographical map, or survey if available, providing all information pursuant to 10.1.3.1.2 and demonstrating actual compliance with the requirements and conditions of the permit.

(g) Developer shall provide a surety bond to the County in an amount not less than \$500,000 and not more than \$1,000,000, in a form reasonably acceptable to the County, to secure Developer's compliance with the WEF design requirements in Section 10.1.4 and 10.1.5 of the County's Zoning Ordinance (as amended March 6, 2026) ("Ordinance"), subject to the terms in Section 2.1(a) and (d) of this Resolution ("Design Requirements"). The surety bond shall remain in effect until the Project's compliance with the Design Requirements is demonstrated pursuant to Section 10.1.3.4 of the County's Ordinance.

APPROVED BY EDDY COUNTY BOARD OF COUNTY COMMISSIONERS:

By: /s/ Dave Gehrtz

Date: 7-13-26

Chairman, Board of County Commissioners

ATTEST

By: /s/ Bobbie Indergaard

Date: 7-13-26

Auditor

The motion to approve the foregoing resolution was made by Commissioner James F. Allmaras and seconded by Commissioner Dave Gehrtz and upon a vote being taken thereon:

The following voted YEA: James F. Allmaras, Dave Gehrtz, and Glenda Collier

The following voted NAY: ----

Whereupon the Chairman declared the resolution adopted.

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