

The logo for SWCA (Southwest Consulting & Associates) is positioned vertically on the left side of the page. It consists of the letters 'S', 'W', 'C', and 'A' in a large, stylized, light blue font, stacked one above the other.

Dakota Skipper (*Hesperia dacotae*) and Poweshiek Skipperling (*Oarisma poweshiek*) Survey Report for the Crowned Ridge II Wind Facility, Codington, Deuel, and Grant Counties, South Dakota

FEBRUARY 2019

PREPARED FOR

Crowned Ridge Wind II, LLC

PREPARED BY

SWCA Environmental Consultants

**DAKOTA SKIPPER (*HESPERIA DACOTAE*)
AND POWESHIEK SKIPPERLING (*OARISMA POWESHIEK*)
SURVEY REPORT FOR THE
CROWNED RIDGE II WIND FACILITY,
CODINGTON, DEUEL, AND GRANT COUNTIES,
SOUTH DAKOTA**

Prepared for

Crowned Ridge Wind II, LLC
700 Universe Boulevard
Juno Beach, Florida 33408

Prepared by

SWCA Environmental Consultants
116 North 4th Street
Bismarck, North Dakota 58501
(701) 258-6622
www.swca.com

SWCA Project No. 44512

February 2019

CONTENTS

1	Introduction.....	1
2	Methods.....	1
3	Results.....	3
4	Discussion.....	6
5	Literature Cited	9

Attachment

Attachment A. U.S. Fish and Wildlife Concurrence Letter

Figures

Figure 1. Project location and study area.	2
Figure 2. Potentially suitable habitat as identified through desktop assessment within the study area.	4
Figure 3. Field-assessed suitable habitat and adult presence/absence survey locations within the Crowned Ridge II study area.	5

Tables

Table 1. Survey Locations and Dates when First, Second, and Third Adult Protocol Presence/Absence Survey Rounds were Completed	7
Table 2. Butterfly Species Observed during Dakota Skipper and Poweshiek Skipperling Adult Presence/Absence Surveys, Crowned Ridge II Project.....	7
Table 3. Flowering Plant Species and Total Approximate Stem Counts Observed during Field Surveys	8

*Dakota Skipper (Hesperia dacotae) and Poweshiek Skipperling (Oarisma poweshiek) Survey Report for the
Crowned Ridge II Wind Facility, Codington, Deuel, and Grant Counties, South Dakota*

1 INTRODUCTION

Crowned Ridge Wind II, LLC, a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC, plans to develop an approximately 300-megawatt wind facility known as the Crowned Ridge II Wind Energy Facility (the project) in Codington, Deuel, and Grant Counties, South Dakota (see project boundary, Figure 1). The proposed project also includes an on-site generation tie line. This line is located within the project boundary. Crowned Ridge Wind II, LLC, has entered into a purchase and sale agreement under which it will permit and construct the project (including the on-site generation tie line) and, thereafter, transfer the project, along with its Facility Permits, to Northern States Power at the commercial operations date. For the purposes of this assessment, the study area consisted of an approximately 56,645-acre area (see study area, Figure 1).

The U.S. Fish and Wildlife Service (USFWS) indicated that the federally threatened Dakota skipper (*Hesperia dacotae*) and federally endangered Poweshiek skipperling (*Oarisma poweshiek*) butterflies have the potential to occur in Codington, Deuel, and Grant Counties. Therefore, NextEra contracted SWCA Environmental Consultants (SWCA) to conduct adult presence/absence protocol surveys for these two species within the study area. The purpose of this report is to document the methods and results of the surveys.

2 METHODS

To identify potentially suitable habitat for Dakota skippers and Poweshiek skipperlings, SWCA first downloaded and assessed plant community composition data from South Dakota State University (Bauman et al. 2016). These data were used to identify potentially undisturbed or native grasslands throughout the study area. Next, data developed in the first layer were overlaid with the National Land Cover Dataset (NLCD) to identify additional areas of potentially suitable habitat that the initial dataset did not identify. SWCA then completed an aerial photography interpretation at a ratio of roughly 1:20,000 m to determine areas of disturbance (agricultural fields, development, open water, etc.). Disturbed areas were omitted from the dataset. Results of the desktop assessment were reviewed and approved by one of SWCA's federally permitted Dakota skipper biologists.

SWCA then completed field surveys to verify results of the desktop habitat assessment. SWCA completed surveys between August 17, 2017, and June 28, 2018, in areas identified during the desktop assessment as potentially suitable and where landowner access was granted. Qualified biologists experienced with grassland plant identification completed these surveys based on habitat characteristics for Dakota skippers and Poweshiek skipperlings, as outlined in the published literature (Rigney 2013; Royer and Marrone 1992a, 1992b; Selby 2013; Skadsen 2003; USFWS 2014, 2016, 2018).

Biologists determined the presence of suitable Dakota skipper and Poweshiek skipperling habitat based on Type A and Type B habitat types described by the USFWS (2016). The Type A suitable habitat areas typically contain death camas (*Zigadenus elegans*), candle anemone (*Anemone cylindrica*), prairie lily (*Lilium philadelphicum*), black-eyed Susan (*Rudbeckia hirta*), and big bluestem (*Andropogon gerardii*). Typical Type B suitable habitat areas are characterized by big bluestem, little bluestem (*Schizachyrium scoparium*), and sideoats grama (*Bouteloua curtipendula*), with scattered purple prairie clover (*Dalea purpurea*), purple coneflower (*Echinacea angustifolia*), and prairie coneflower (*Ratibida columnifera*). Type B habitat may include other dominant native species, such as porcupine grass (*Hesperostipa spartea*) and prairie dropseed (*Sporobolus heterolepis*).

Biologists concluded that habitat was not suitable for Dakota skippers and Poweshiek skipperlings if the habitat being assessed was: in a wetland that did not have requisite Dakota skipper or Poweshiek skipperling plant species, or if the grassland was cultivated, lacked species richness, was qualitatively assessed as occurring in small or isolated patches, and/or was dominated by non-native upland species. These species include smooth brome (*Bromus inermis*), clover (*Trifolium* spp.), orchardgrass (*Dactylis*

Dakota Skipper (Hesperia dacotae) and Poweshiek Skipperling (Oarisma poweshiek) Survey Report for the Crowned Ridge II Wind Facility, Codington, Deuel, and Grant Counties, South Dakota

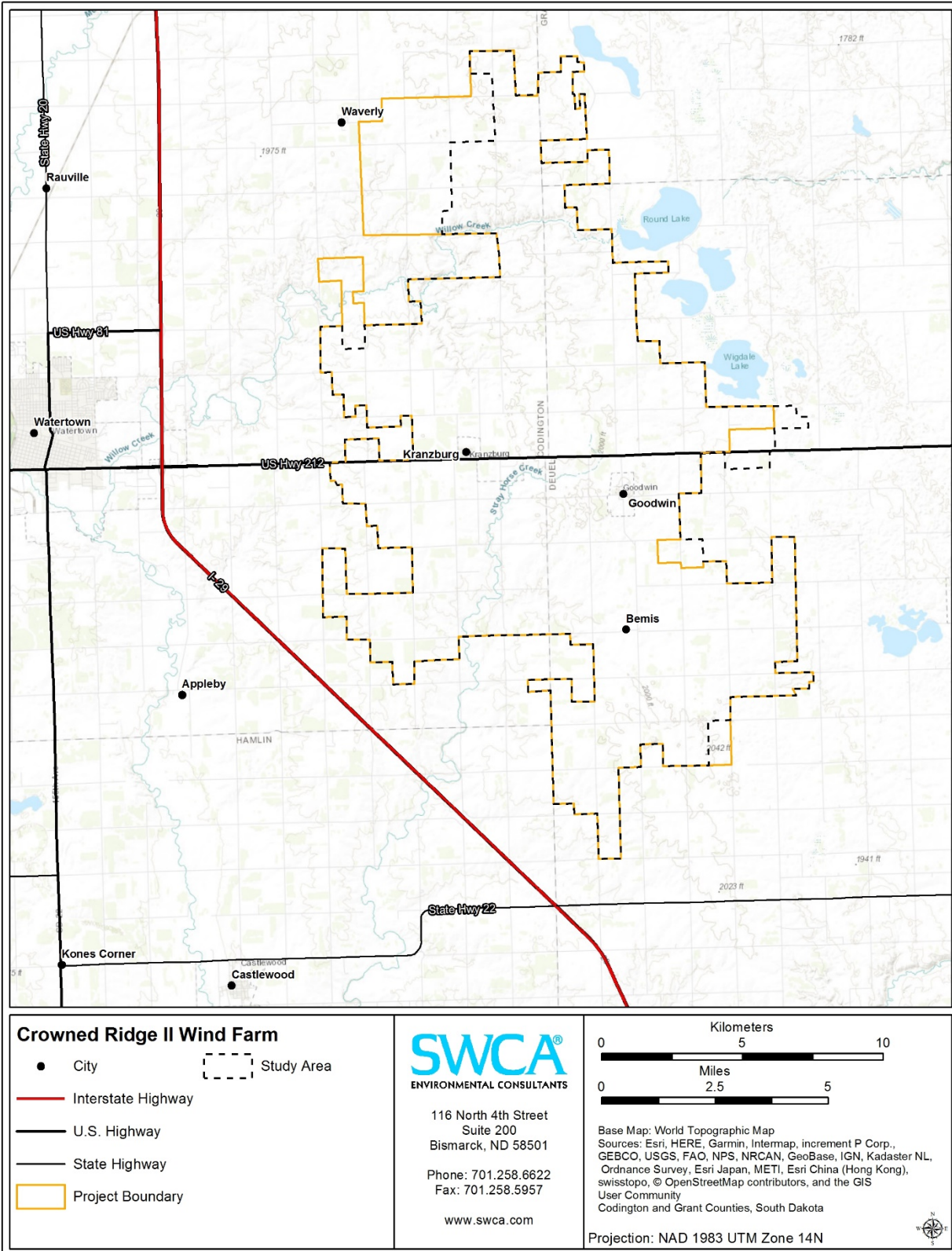


Figure 1. Project location and study area.

glomerata), or timothy (*Phleum pratense*). Relict native grassland areas may contain a high composition of porcupine grass (*Hesperostipa comata*) and some native forbs, but the requisite Dakota skipper or Poweshiek skipperling plant species may not be present.

SWCA then identified eligible adult presence/absence survey area as those areas containing field-verified suitable habitat where the habitat overlaps with workable space around proposed turbine locations. Of the eligible survey area, SWCA identified a subset of areas in which to complete adult presence/absence surveys (prioritizing the largest areas) (Table 1, Figures 2–3).

Within the adult presence/absence survey areas, SWCA completed three rounds of Dakota skipper and Poweshiek skipperling adult presence/absence surveys between June 28 and July 12, 2018, with 48 hours' spacing between each survey round. The surveys fell within the adult flight period for both species. Dr. David Lightfoot, an SWCA ecologist listed on SWCA's Scientific Recovery Permit for the Dakota skipper and Poweshiek skipperling (Permit Number TE64070B-1), led the surveys. Additional surveyors worked under direct supervision of Dr. Lightfoot.

SWCA followed the 2018 Dakota Skipper Survey Protocol (USFWS 2018) and used a modified "Pollard-style random walk" method to conduct the surveys (Royer et al. 1998). Prior to the survey, and per SWCA's federal permit conditions, SWCA obtained USFWS concurrence for proposed survey methods (Attachment A). Surveyors walked with insect nets at a rate of approximately 35 m per minute within the eligible survey areas (Figure 2). Surveyors scanned the area within a 5-m box (5 m on each side, within 5 m of the ground, or 5 m to the front) as they walked. Global positioning system (GPS) coordinates would have been recorded if Dakota skippers, Poweshiek skipperlings, or other sensitive butterfly species had been observed. SWCA recorded all observed butterfly species and conducted a general count of flowering plants.

SWCA conducted surveys between 10:00 a.m. and 5:30 p.m., Central Daylight Time. All surveys were conducted within the environmental constraints listed below, as outlined by the USFWS (2018).

- No surveys during fog, drizzle, or rain.
- No surveys at times of sustained or gusting winds that average greater than 30 km (19 miles) per hour measured over a 30-second period at a height of 1.2 to 1.8 m (4–6 feet) above ground level (Beaufort Scale of 5 or greater).
- No surveys when temperature in the shade at ground level measures less than 21 degrees Celsius (°C) (70 degrees Fahrenheit [°F]) when cloud cover is less than 50% or less than 30°C (86°F) when cloud cover is 50% or more.

3 RESULTS

Results of the desktop assessment indicated that there were approximately 5,483.9 acres of potentially suitable habitat within the entire Crowned Ridge II study area (Figure 2). Field surveys indicated only approximately 174.5 acres of suitable habitat were present in areas surveyed (Figure 3). Of the field-verified suitable habitat, 40.04 acres was selected for adult Dakota skipper and Poweshiek skipperling presence/absence surveys based on the criteria described in the Methods section of this report (Figure 3).

SWCA biologists assessed the habitat identified during the desktop review as primarily marginal, with a relatively low potential for Dakota skipper and Poweshiek skipperling population (either adult or larval) maintenance. However, Survey Site CR11-132 was dominated by a native plant community and is considered moderate quality habitat. Otherwise, eligible survey areas are characterized by few, scattered nectar species; occur in small, isolated patches; and/or lack requisite species richness. Type A and Type B habitat within the eligible survey areas consist of several grass species, including Kentucky bluegrass (*Poa pratensis*), needle and thread grass (*Hesperostipa comata*), green needle grass (*Nassella viridula*), little blue stem, Indian grass (*Sorghastrum nutans*), and big blue stem. Other species present include

Dakota Skipper (Hesperia dacotae) and Poweshiek Skipperling (Oarisma poweshiek) Survey Report for the Crowned Ridge II Wind Facility, Codington, Deuel, and Grant Counties, South Dakota

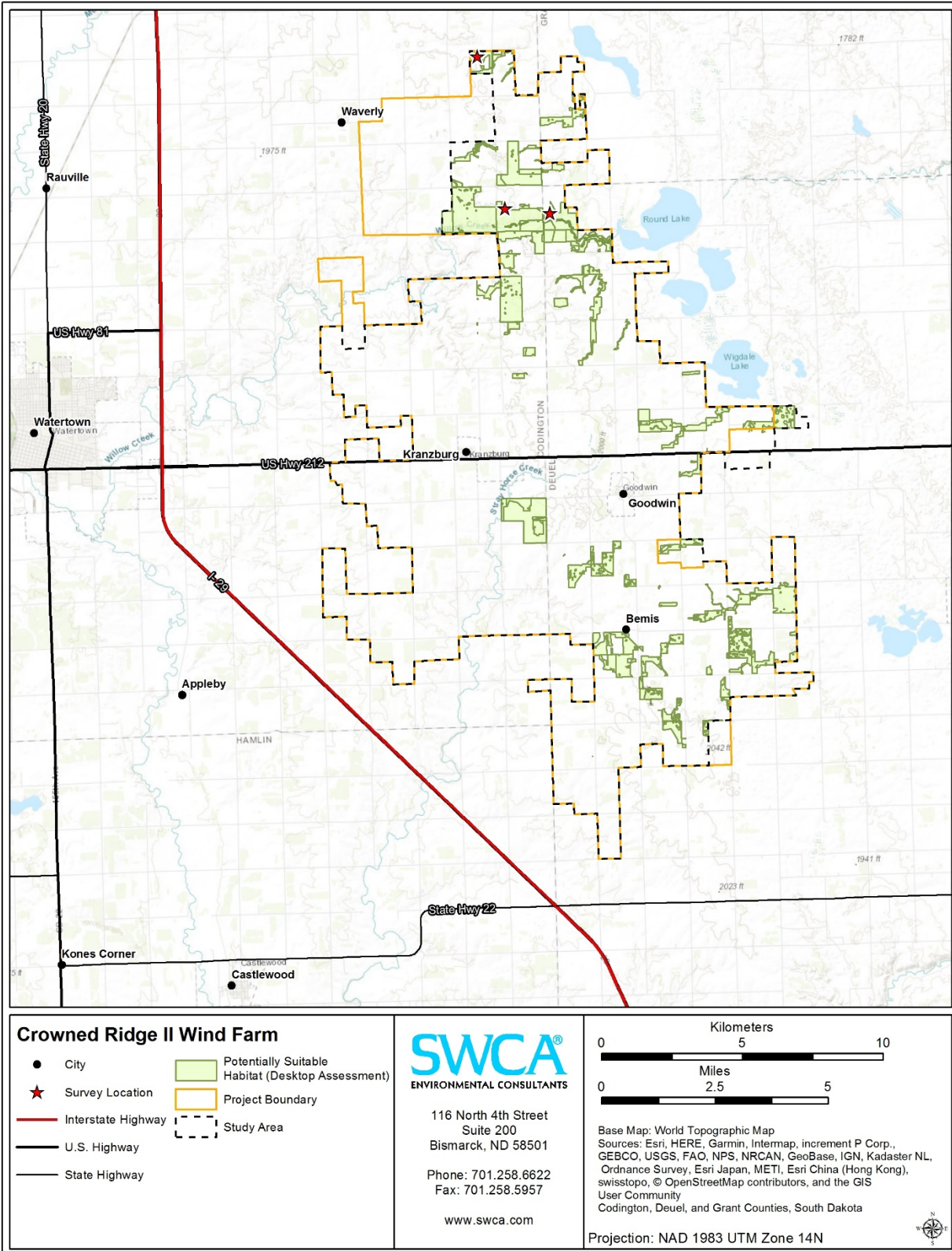


Figure 2. Potentially suitable habitat as identified through desktop assessment within the study area.

Dakota Skipper (Hesperia dacotae) and Poweshiek Skipperling (Oarisma poweshiek) Survey Report for the Crowned Ridge II Wind Facility, Codington, Deuel, and Grant Counties, South Dakota

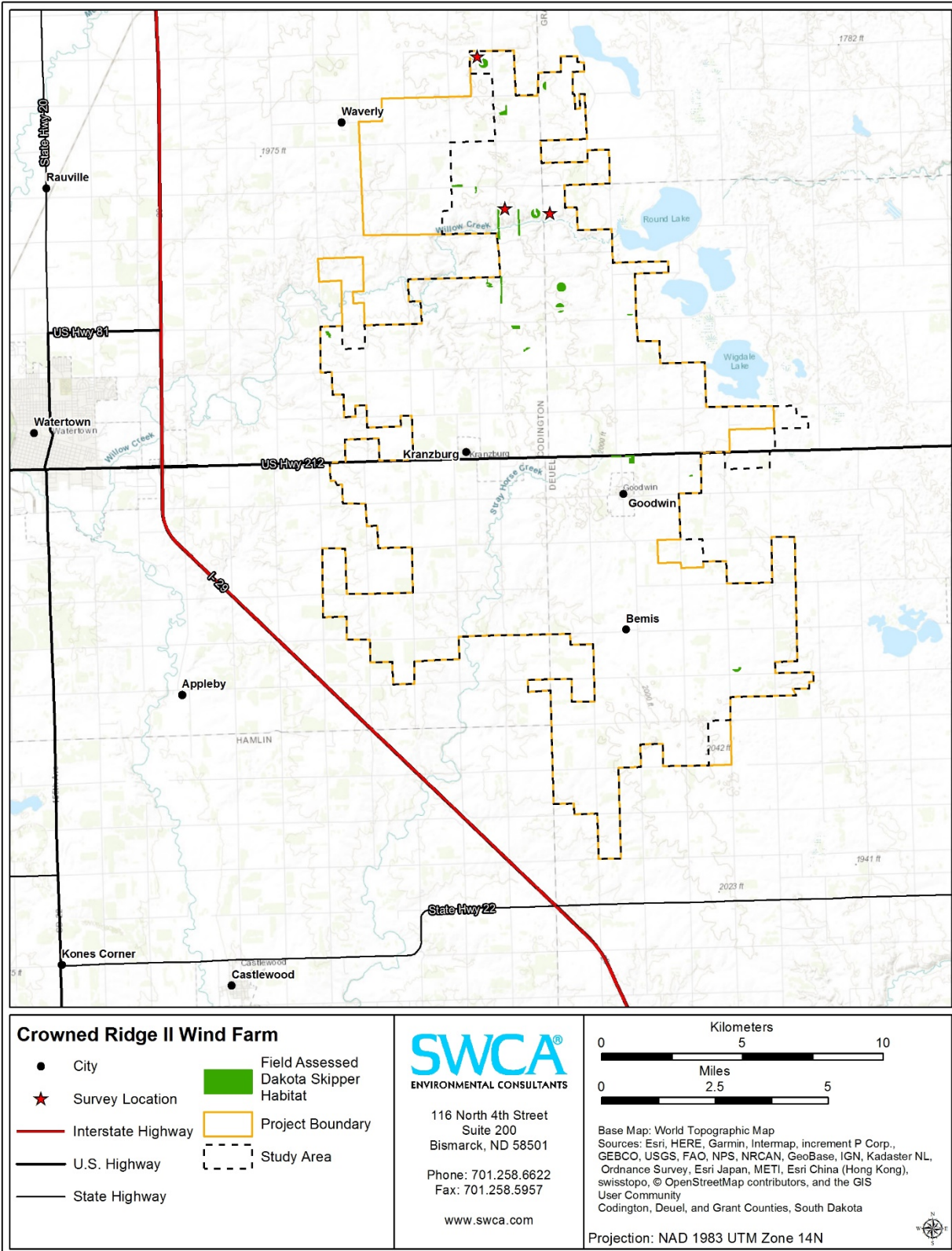


Figure 3. Field-assessed suitable habitat and adult presence/absence survey locations within the Crowned Ridge II study area.

sideoats grama, smooth brome, prairie coneflower, purple coneflower, death camas, purple prairie clover, and black-eyed Susan.

No Dakota skippers or Poweshiek skipperlings were observed during the adult surveys. Eleven butterfly species were observed during the adult surveys (Table 2). The most frequently observed species were the regal fritillary (*Speyeria idalia*, n = 221), meadow fritillary (*Boloria bellona*, n = 96), and clouded sulfur (*Colias philodice*, n = 71). These species were observed in 4 of the 9 survey days. July 8, 2018, had the highest number of total butterfly observations (n = 193), while 5 of the survey days had no butterfly observations (n = 0).

During the adult presence/absence surveys, SWCA biologists observed seven species of flowering plants within the eligible survey areas (Table 3). The dominant flowering plants observed were black-eyed Susan, daisy fleabane (*Erigeron annuus*), and yellow coneflower (*Echinacea paradoxa*). Five observations were made of flowering purple coneflower, which is the Dakota skipper's main nectar plant.

4 DISCUSSION

No Dakota skippers or Poweshiek skipperlings were observed during surveys. As described above, while the eligible survey areas were considered representative of the best quality habitat available within the study area, they primarily were marginal habitat. Survey Site CR11-123 is considered moderate quality habitat, though no Dakota skippers or Poweshiek skipperlings were observed during the survey at this site either. Because available habitat in the study area is very limited, available habitat is considered primarily marginal, and no Dakota skippers or Poweshiek skipperlings were documented during surveys, it is unlikely that impacts to either species will result from the project.

Dakota Skipper (*Hesperia dacotae*) and *Poweshiek Skipperling* (*Oarisma poweshiek*) Survey Report for the Crowned Ridge II Wind Facility, Codington, Deuel, and Grant Counties, South Dakota

Table 1. Survey Locations and Dates when First, Second, and Third Adult Protocol Presence/Absence Survey Rounds were Completed

Site (Turbine ID)	Location (Section, Township, Range)	Survey Acres	6/29	7/5	7/6	7/7	7/8	7/9	7/10	7/11	7/12	Dominant Plant Species
CR11-108	S6, T117N, R50W	13.4	1st	–	–	2nd	–	–	3rd	–	–	Kentucky bluegrass Sideoats grama Little bluestem Smooth brome Prairie coneflower
CR11-110	S1, T117N, R51W	4.73	1st	–	–	2nd	–	–	3rd	–	–	Smooth brome Kentucky bluegrass Big bluestem Indian grass Purple coneflower Prairie coneflower Death camas
CR11-132	S23, T118N, R51W	21.91	1st	–	–	–	2nd	–	–	3rd	–	Needle and thread grass Black-eyed Susan Little bluestem Purple coneflower Green needle grass Purple prairie clover
Total		40.04										

Table 2. Butterfly Species Observed during Dakota Skipper and Poweshiek Skipperling Adult Presence/Absence Surveys, Crowned Ridge II Project

Species		Survey Date (2018)									Total
Common Name	Scientific Name	6/28	6/29	7/5	7/6	7/7	7/8	7/9	7/10	7/12	
Monarch	<i>Danaus plexippus</i>	0	5	0	0	2	1	0	3	0	11
Regal fritillary	<i>Speyeria idalia</i>	0	15	0	0	47	70	0	89	0	221
Common wood nymph	<i>Cercyonis pegala nephele</i>	0	6	0	0	13	2	0	16	0	37
Meadow fritillary	<i>Boloria bellona</i>	0	11	0	0	11	65	0	9	0	96
Peck's skipper	<i>Polites peckius</i>	0	0	0	0	0	0	0	12	0	12
Long-dash skipper	<i>Polites mystic dacotah</i>	0	6	0	0	0	0	0	0	0	6
Clouded sulphur	<i>Colias philodice</i>	0	8	0	0	5	42	0	16	0	71
Variegated fritillary	<i>Euptoieta claudia</i>	0	1	0	0	7	6	0	15	0	29

Dakota Skipper (Hesperia dacotae) and Poweshiek Skipperling (Oarisma poweshiek) Survey Report for the Crowned Ridge II Wind Facility, Codington, Deuel, and Grant Counties, South Dakota

Species		Survey Date (2018)									Total
Common Name	Scientific Name	6/28	6/29	7/5	7/6	7/7	7/8	7/9	7/10	7/12	
Checkered white	<i>Pontia protodice</i>	0	1	0	0	0	6	0	0	0	7
Melissa blue	<i>Lycaeides melissa</i>	0	0	0	0	0	1	0	0	0	1
Common buckeye	<i>Junonia coenia</i>	0	1	0	0	0	0	0	0	0	1
Total		0	54	0	0	85	193	0	160	0	492

Table 3. Flowering Plant Species and Total Approximate Stem Counts Observed during Field Surveys

Plant Species	Scientific Name	Stem Count
Death camas	<i>Zigadenus elegans</i>	5
Purple coneflower	<i>Echinacea angustifolia</i>	5
Purple prairie clover	<i>Dalea purpurea</i>	10
Thistle	<i>Cirsium</i> spp.	12
Yellow coneflower	<i>Echinacea paradoxa</i>	150
Daisy fleabane	<i>Erigeron annuus</i>	300
Black-eyed Susan	<i>Rudbeckia hirta</i>	525

5 LITERATURE CITED

- Bauman, P., B. Carlson, and T. Butler. 2016. Quantifying Undisturbed (Native) Lands in Eastern South Dakota: 2013.1. Available at: http://openprairie.sdstate.edu/data_land-easternSD/1. Accessed April 2017.
- Rigney, C.L. 2013. Habitat Characterization and Biology of the Threatened Dakota Skipper (*Hesperia dacotae*) in Manitoba. Master of Science thesis. Manitoba, Canada: University of Winnipeg.
- Royer, R., J. Austin, and W. Newton. 1998. *Checklist and "Pollard Walk" Butterfly Survey Methods on Public Lands*. Paper 10. Jamestown, North Dakota: U.S. Geological Survey, Northern Prairie Wildlife Research Center.
- Royer, R., and G.M. Marrone. 1992a. *Conservation Status of the Poweshiek Skipper (Oarisma poweshiek) in North and South Dakota*. Denver, Colorado: U.S. Fish and Wildlife Service.
- . 1992b. *Conservation Status of the Dakota Skipper (Hesperia dacotae) in North and South Dakota*. Denver, Colorado: U.S. Fish and Wildlife Service.
- Selby, G. 2013. *U.S. Fish and Wildlife Service Region 3 2012 Minnesota Prairie Butterfly Surveys, Final Report*. Bloomington, Minnesota: U.S. Fish and Wildlife Service, Twin Cities Field Office.
- Skadsen, D.R. 2003. *Dakota Skipper Population Surveys for CCAA Development in the State of South Dakota*. Report 2003-20. Pierre: South Dakota Department of Game, Fish, and Parks Wildlife Division.
- U.S. Fish and Wildlife Service (USFWS). 2014. Poweshiek Skipperling (*Oarisma poweshiek*) Fact Sheet. U.S. Fish and Wildlife Service, Midwest Region.
- . 2016. *Guidance for Interagency Cooperation Under Section 7(a)(2) of the Endangered Species Act for the Dakota Skipper, Dakota Skipper Critical Habitat, and Poweshiek Skipperling Critical Habitat*, Version 1.1. U.S. Fish and Wildlife Service.
- . 2018. 2018 Dakota Skipper (*Hesperia dacotae*) North Dakota Survey Protocol. U.S. Fish and Wildlife Service, Mountain-Prairie Region. Available at: www.fws.gov/midwest/endangered/insects/dask/index.html. Accessed June 2018.

ATTACHMENT A

U.S. Fish and Wildlife Concurrence Letter



Sound Science. Creative Solutions.®

116 North 4th Street, Suite 200
Bismarck, North Dakota 58501
Tel 701.258.6622 Fax 701.258.5957
www.swca.com

June 14, 2018

Charlene Bessken
U.S. Fish and Wildlife Service
Ecological Services Office
420 South Garfield Avenue, Suite 400
Pierre, South Dakota 57501

Re: Notification for Dakota Skipper and Poweshiek skipperling Surveys at a Potential Wind Farm Project in Codington, Grant, and Deuel Counties, South Dakota

Dear Ms. Bessken:

SWCA Environmental Consultants (SWCA) is submitting this notification and approval request to the U.S. Fish and Wildlife Service (USFWS) South Dakota Ecological Services Office for Dakota skipper (*Hesperia dacotae*) and Poweshiek skipperling (*Oarisma poweshiek*) butterfly surveys at a potential wind farm project in Codington, Grant, and Deuel Counties, South Dakota, during the 2018 adult flight period, per the requirements of SWCA's Scientific Recovery Permit for these two species (TE64070B-1; enclosed).

The wind farm project has a potential construction start date of 2019. SWCA currently is working with our client, NextEra Energy Resources (NextEra) to identify the need and final location for surveys. SWCA's master service agreement with NextEra is enclosed with this letter. SWCA has met all prior reporting requirements for surveys of these species during past years; copies of the annual reports can be provided upon request. Please review and provide a concurrence letter to SWCA for these surveys.

The surveys will be conducted between approximately June 25 and July 15 by SWCA's Mr. Jake Powell who is listed on SWCA's permit. The survey protocols will follow the 2018 Dakota skipper survey protocols (<https://www.fws.gov/midwest/endangered/insects/dask/index.html>). The surveys will be conducted on field verified suitable habitat. The protocols will include three surveys, separated by 48 hours, conducted under the environmental conditions outlined in the protocol. Table 1 provides the legal location and acreage of the potentially suitable habitat. All areas are within Codington, Grant, and Deuel Counties, South Dakota. Final survey locations depend, in part, on results of habitat surveys that are currently ongoing, and on land access. Please note that not all areas listed in Table 1 will be surveyed. The total area where adult protocol surveys will be conducted is likely to be approximately 100 acres.



Table 1. Legal location and acreage details

Section	Township	Range	Acres (ac)
28, 29	119N	50W	37.0
27, 28	119N	50W	25.0
32, 5	119N, 118N	50W	48.4
33	118N	51	45.8
6, 1	117N	50W, 51W	49.7
25	118N	51	7.4
9, 10	118N	51	70.7
11, 14	117N	51W	54.9
5, 8, 9	119N	51W	74.6
9	119N	51W	47.5
7, 8	119N	51W	79.0
18	119N	51W	77.7
29	119N	50W	42.0
28	119N	51W	54.6
33	119N	50W	26.8
10	118N	51	62.4
9, 10	118N	51	50.9
22	118N	51	48.8
14, 23	118N	51	59.7
7, 8	119N	51	77.7
1	117N	51	42.5
18	117N	50	20.7
18	117N	50	29.4
			1,133.3

SWCA appreciates your time and consideration on this request. Please let me know if there are any questions. I can be contacted at jpowell@swca.com or 307-429-8922.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jake Powell', with a long, sweeping horizontal stroke extending to the right.

Jake Powell

Senior Ecologist, SWCA Environmental Consultants

Enclosures: NextEra Master Service Agreement, SWCA USFWS Scientific Recovery Permit

NATIVE ENDANGERED SPECIES RECOVERY
ENDANGERED WILDLIFE**Permit Number: TE64070B-1**

Effective: 03/12/2018 Expires: 12/31/2023

Issuing Office:

Department of the Interior
U.S. FISH & WILDLIFE SERVICE
Endangered Species Permit Office
5600 American Boulevard, West, Suite 990
Bloomington, MN 55437-1458
permitsR3ES@fws.gov

Chief - Endangered Species

Permittee:

SWCA, INC
dba SWCA ENVIRONMENTAL CONSULTANTS
116 NORTH 4TH STREET, SUITE 200
BISMARCK, ND 58501
U.S.A.

Name and Title of Principal Officer:

SARAH BAER - DIRECTOR

Authority: Statutes and Regulations: 16 USC 1539(a); 50 CFR 17.22, 50 CFR 13.

Location where authorized activity may be conducted:

Throughout the range of the species in the States of Iowa, Michigan, Minnesota, North Dakota, South Dakota and Wisconsin.

Reporting requirements:

ANNUAL REPORT DUE: 01/31

See permit conditions for reporting requirements

Authorizations and Conditions:

Scientific Recovery Permit number TE64070B-1 replaces Sub-permit no. 17-20 issued on 06/29/2017. Sub-permit 17-20 is invalid as of 3/12/2018.

A. General Conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accord with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.

B. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local, tribal, or other federal law. Necessary state and/or local permits where applicable, must also be acquired and observed; this permit is invalid without such permits.

C. Valid for use by Kenneth J. Kingsley, David Lightfoot, and Jake Powell. Field assistants not named on this

NATIVE ENDANGERED SPECIES RECOVERY
ENDANGERED WILDLIFE**Permit Number: TE64070B-1**

Effective: 03/12/2018 Expires: 12/31/2023

permit may conduct activities pursuant to this permit only under the direct supervision of a named permittee listed below. "On-sight" supervision is defined as having the authorized individual at a distance that would allow this individual to immediately assist a supervised individual, as needed, while they are conducting an authorized activity.

D. ACCEPTANCE OF THIS PERMIT SERVES AS EVIDENCE THAT THE PERMITTEE AND ITS AUTHORIZED AGENTS UNDERSTAND AND AGREE TO ABIDE BY THE TERMS OF THIS PERMIT AND ALL SECTIONS OF TITLE 50 CODE OF FEDERAL REGULATIONS, PARTS 13 AND 17, PERTINENT TO ISSUED PERMITS. SECTION 11 OF THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED, PROVIDES FOR CIVIL AND CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH PERMIT CONDITIONS.

E. Permittee is authorized to take (capture, handle, and release) the following species for scientific research (presence/absence surveys, studies to document habitat use, and population monitoring) aimed at recovery of the species:

Dakota skipper (*Hesperia dacotae*)

Poweshiek skipperling (*Oarisma poweshiek*)

Rusty patched bumble bee (*Bombus affinis*)

F. Activities are authorized at the following locations:

F.1. Locations within Region 3 of the USFWS: Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin, upon receipt of written concurrence from the Field Supervisor, as outlined in Condition G.

F.2. Locations within Region 5 of the USFWS: Maine, Massachusetts, Virginia, and West Virginia, upon receipt of written concurrence from the Field Supervisor, as outlined in Condition G.

F.3. Locations within Region 6 of the USFWS: North Dakota and South Dakota upon receipt of written concurrence from the Field Supervisor, as outlined in Condition G.

G. Permittee shall notify and request approval from the USFWS Field Supervisor for the state in which activities are proposed to occur at least fifteen (15) days prior to conducting any activities. Contact information is available at: <https://www.fws.gov/midwest/endangered/permits/index.html> (located under 1. Recovery and Interstate Commerce Permits, For Fish and Wildlife Permit Holders). Your request for this site-specific approval must be in writing and must indicate:

G.1. Species for which proposed activities are being conducted.

G.2. Location of proposed activities, including project site, county, and state.

G.3. A full description of activities (i.e., proposed project, purpose and need, surveys, methods, etc.)

NATIVE ENDANGERED SPECIES RECOVERY
ENDANGERED WILDLIFE**Permit Number: TE64070B-1**

Effective: 03/12/2018 Expires: 12/31/2023

- G.4. Dates when the project is proposed to take place.
- G.5. Evidence that Permittee has received any required contracts to complete the activities.
- G.6. Whether all prior annual reporting requirements have been fulfilled.
- G.7. You may proceed with activities only upon receipt of written concurrence from the applicable USFWS Field Supervisor. *Your concurrence letter must be carried with this permit to authorize site-specific activities.*
- H. Permittees must adhere to the following conditions for all species:
- H.1. Accidental mortality, may not exceed one (1) specimen per species. In the event that this number is met, all species activities for this permit must cease (e.g. One rusty patched bumble is accidentally killed, all activities associated with Rusty patched bumble bee must cease, but activities associated with Dakota skippers and Poweshiek skipperlings may continue.). You must contact the Minnesota/Wisconsin Ecological Services Field Office (Condition L.2.) within two (2) business days and explain the incident and its circumstances. Your initial contact may be made by telephone; however, a written explanation must be provided within five (5) days of the incident to the following USFWS offices: Regional Recovery Permits Coordinator, Bloomington, Minnesota (Condition L.1.), the Minnesota/Wisconsin Ecological Services Field Office (Condition L.2.), and the Field Office for the state in which the activity occurred (Condition M.). Following mortality or injury of a species you may not resume activities, for that species, authorized by this permit without written permission of the U.S. Fish and Wildlife Service, Minnesota/Wisconsin Ecological Services Field Office (Condition L.2.).
- H.2. Any individuals found dead or killed accidentally (during authorized activities) may be salvaged. Prior to collecting specimen(s), you must photograph to document the condition. For Dakota skipper and Poweshiek skipperling specimens, also see additional procedures in Condition I.10. You must preserve the specimen(s) using standard museum practices including proper identification and indices [include date, complete scientific and common names, and geographic location (township, range, section, and UTM) where salvaged]. All specimens obtained under this permit remain the property of the United States Government and must clearly be identified as such. All specimens shall be sent to a public scientific or educational facility or museum in the state where the individuals were collected along with a copy of the permit(s) under which they were collected. When agreed upon in writing by the Minnesota/Wisconsin Ecological Services Field Office (Condition L.2.), specimens may be sent out of state to an alternate specialized educational facility or museum within the United States. A list of specimens collected (if any), pertinent location data, and the facility where specimen is curated shall be provided in your annual and final reports (Conditions K.1.e and K.2.g.)
- H.3. Upon any new discovery location, permittee shall notify the U.S. Fish and Wildlife Service Field Supervisors (Condition M.) and the Minnesota/Wisconsin Ecological Services Field Office (Condition L.2.) in writing of where the new discovery location occurred (previously undocumented sites only) within



fourteen (14) days of discovery unless otherwise specified by the Field Supervisor(s).

- I. In addition to Condition H, permittees must adhere to the following conditions for Dakota skipper and Poweshiek skipperling:
- I.1. To the extent practicable, identification of Dakota skippers and Poweshiek skipperlings shall be done in a manner that avoids capture.
 - I.2. Any specimens that must be captured for identification shall be handled in a manner that minimizes the likelihood of injury.
 - I.3. If it is necessary to capture specimens to facilitate identification, you may capture them in a soft butterfly net. All reasonable efforts must be made to allow the butterfly to walk freely inside the net and to avoid direct contact with the butterfly. This may be done, for example, by holding the net upside down and holding the bottom of the net upwards to allow the butterfly to walk up into the net - a pouch may be created in the upside-down net to facilitate close inspection by pinching the net below the butterfly while ensuring its free movement inside the net.
 - I.4. Captured butterflies may also be placed inside plastic jars by carefully coaxing them from the net into the jar. The jar must contain some type of tissue (preferred), paper towel, or soft cloth that the butterfly may stand or walk on while in the jar to facilitate visual inspection.
 - I.5. Any captured Dakota skippers or Poweshiek skipperlings shall be released as near to the capture site as possible and as soon as is practicable. Temporary holding of specimens for the purpose of species identification shall not exceed 5 minutes.
 - I.6. No mutilation (e.g., leg removal) or marking schemes are authorized.
 - I.7. Handling affects the behavior of some butterflies after their release. Permittee shall observe post-release behavior of any Dakota skippers or Poweshiek skipperlings that are captured and released. The behavior of each captured and released butterfly will be noted and reported annually as described in Condition K.1.c.
 - I.8. Collection of voucher specimens of Dakota skipper: This may occur only when the species is encountered in a county where it has not been previously recorded. A list of counties where the Dakota skipper has been documented can be found online at <https://www.fws.gov/midwest/endangered/insects/dask/pdf/CntyOccurrencesDASKNov2017.pdf>. In new counties, only one voucher specimen is permitted and collection of a female is discouraged if a male could be vouchered instead. In addition, dead or dying specimens (from natural causes) may be collected for voucher specimens regardless of geographic area, adhering to Condition H.2. Upon approval and review by the Minnesota/Wisconsin Ecological Services Field Office (Condition L.2.), any individuals accidentally killed or lethally injured may also be collected as voucher specimens. The number, location, cause of death (if known), sex, and any other information relevant to voucher specimen must be reported in the annual report as described in Condition K.1.d.
 - I.9. The collection of voucher specimens of Poweshiek skipperlings is strictly prohibited except for circumstances identified in Condition H.2.

NATIVE ENDANGERED SPECIES RECOVERY
ENDANGERED WILDLIFE**Permit Number: TE64070B-1**

Effective: 03/12/2018 Expires: 12/31/2023

- I.10. If collection of a voucher specimen of Dakota skipper (Conditions H.2. and I.9.) and/or Powesheik skipperling (Condition H.2.) occurs, please adhere to the following protocol: For each vouchered specimen, clip two legs and place in a 30mL or smaller vial filled with 95-100% ethanol (EtOH; not isopropyl alcohol). The remainder of the specimen shall be preserved according to the conditions noted in H.2., making note on the identification tag that two legs were removed and sent to the Minnesota/Wisconsin Field Office. The vial with legs should also have all proper identification and indices [include date collected, complete scientific and common names, and geographic location (township, range, section, and UTM) where salvaged, and a note identifying the specimen as property of the United States Government]. Double bag the vial and ship in a strong outer container with enough absorbent material to soak up any ethanol that might accidentally leak. Include a copy of permit(s) under which the sample(s) was collected when shipping vials. Label the outer shipping box "Samples. This package conforms to 49 CFR 173.4" Ship this package to the Minnesota/Wisconsin Field Office as soon as possible.
- J. In addition to Condition H. permittees must adhere to the following conditions for rusty patched bumble bee:
- J.1. Rusty patched bumble bees may be captured with aerial hand nets following the methodology, guidelines, and best practices included in the "Survey Protocols for the Rusty Patched Bumble Bee (*Bombus affinis*)" (Survey Protocols). Survey Protocols are available online at:
<https://www.fws.gov/midwest/endangered/insects/rpbb/guidance/>. Note that you must use the most up-to-date version of the Survey Protocol, available on the USFWS website page on February 28th of each year.
- J.2. For areas believed to be unoccupied by rusty patched bumble bee (See map online at:
<https://www.fws.gov/midwest/endangered/insects/rpbb/guidance/>), you are authorized to take (capture, release, and accidental mortality) only in the event that the species is captured accidental to lawful survey activities directed at other species (if using lethal survey methods such as bee bowl, pan, or cup traps, malaise traps, or blue vane traps). This permit does not authorize any activities for the specific purpose of lethal capture of rusty patched bumble bee. If rusty patched bumble bees are identified at a survey site, all lethal survey methods shall cease within a two (2) mile area and permittee shall contact the U.S. Fish and Wildlife Service in accordance with Condition H.1. Should accidental mortality occur you must document the capture and collect information outlined in Condition K.2.f. on the captured individual.
- J.3. For a permittee using approved, lethal protocols in areas where the lethal protocols are allowed (Condition J.2.), all rusty patched bumble bees need to be identified from samples annually, in time to be included in the annual report due January 31. In some cases, accidental mortality may not be discovered until specimens are identified by a bee taxonomist. In these cases the permit holder and/or taxonomists must take an initial look through samples to identify rusty patch bumble bees in order to include this information in the annual report. In the event that one or more rusty patched bumblebees are identified in a sample, all lethal survey activities must cease within two (2) miles of the capture location. The Minnesota/Wisconsin Ecological Services Field Office (Condition L.2.) must be contacted within two (2) business days of discovery of the specimen and the circumstances of collection. Initial contact may be made by telephone, however, a written explanation must be provided within five (5) days of the identification to the following USFWS offices: Regional Recovery Permits Coordinator, Bloomington, Minnesota (Condition L.1.), the Minnesota/Wisconsin Ecological Services Field Office (Condition L.2.), the Field Office for the state in which the activity occurred (Condition M.).



J.4. The collection of a voucher specimen of Rusty patched bumble bee is strictly prohibited except for circumstances identified in Condition H.2.

K. An annual report of all activities conducted under the authority of this permit is due by January 31 following each year this permit is in effect. In addition, copies of all publications and reports resulting from work conducted under this permit must be submitted as they become available. Failure to furnish any reports required by this permit is cause for permit revocation and/or denial of future permit applications.

K.1. Reporting requirements for Dakota Skipper and Poweshiek skipperling:

K.1.a A complete discussion of field procedures, data collection methods, results, and conclusions.

K.1.b. The date and location (state, county, locality, geographic coordinates, site characteristics) where each species was encountered.

K.1.c. A complete discussion of post-capture behavior, including, at a minimum, whether the specimen:

K.1.c.1. Flew to and perched on herbaceous vegetation, low shrubs, or to out-of-sight location in herbaceous vegetation (e.g., into plant litter or duff layer or into bases of grasses).

K.1.c.2. Flew into tall shrubs or trees and out-of-sight.

K.1.c.3. Flew away - did not see butterfly perch or fly into vegetation; or,

K.1.c.4. Post-release behavior unknown.

K.1.d. A complete description of injuries and/or mortalities to listed species while in your possession, the dates of occurrence, location, cause of death (if known), any circumstances surrounding the incidents, sex, numeric estimates of the mortalities broken down by lifestage (e.g., eggs, larvae, pupae, adults), and a description of any steps taken to reduce the likelihood that such injuries and/or mortalities will occur in the future.

K.1.e. Any other data you may have collected for individual butterflies, such as evidence of damage or injury, mortalities, locations where salvaged specimens are being kept.

K.1.f. Copies of any separate reports and/or publications resulting from work conducted under the authority of this permit.

K.1.g. Copies of all site specific authorization letters required under Condition G.

K.2. Reporting requirements for rusty patched bumble bee:

K.2.a. A description of locations (date, time, geographic locations (state, county, and geographic

NATIVE ENDANGERED SPECIES RECOVERY
ENDANGERED WILDLIFE**Permit Number: TE64070B-1**

Effective: 03/12/2018 Expires: 12/31/2023

coordinates using latitude and longitude in decimal degrees)) of areas surveyed, even if no rusty patched bumble bees were encountered.

- K.2.b. The date, time, geographic locations (state, county, and geographic coordinates using latitude and longitude in decimal degrees) of any rusty patched bumble bees encountered. While not required, we appreciate receiving information for other *Bombus* species captured, as this information could help indicate suitable habitat for rusty patched bumble bee.
- K.2.c. A description of the habitat conditions where the surveys took place (e.g., floral diversity and abundance, management practices and potential stressors).
- K.2.d. A description of field procedures, data collection methods, and survey effort.
- K.2.e. Photographs of the identifying characteristics for each individual federally-listed species. Photographs of other *Bombus* species observed are encouraged.
- K.2.f. A complete description of injuries or mortalities to listed species while in your possession, the dates of occurrence, location of occurrence, any circumstances surrounding the incidents, and a description of any steps taken to reduce the likelihood that such injuries and/or mortalities will occur in the future.
- K.2.g. Any other data you may have collected for individual rusty patched bumble bees, such as evidence of damage or injury, mortalities, locations where salvaged specimens are being kept.
- K.2.h. Copies of any separate reports and/or publications resulting from work conducted under the authority of this permit.
- K.2.i. Copies of all site specific authorization letters required under Condition G.

If no activities occurred over the course of the year, indication of such shall be submitted as an annual report.

L. Copies of your reports shall be sent to the offices listed below. When possible, electronic copies shall be submitted in lieu of hard copies in MS Word, Portable Document Format, Rich Text Format, or other file format that is compatible with the receiving office.

L.1. Regional Recovery Permits Coordinator

U.S. Fish and Wildlife Service - Midwest Region (Region 3)



Ecological Services - Endangered Species

5600 American Blvd. W., Suite 990

Bloomington, Minnesota 55437-1458

(612/713-5343; fax 612/713-5292)

permitsR3ES@fws.gov

L.2. Minnesota/Wisconsin Ecological Services Field Office

U.S. Fish and Wildlife Service - Midwest Region (Region 3)

Ecological Services - Endangered Species

4101 American Blvd. E.

Bloomington, MN 55425

(952/252-0052; fax 952/646-2873)

L.3. Regional Recovery Permits Coordinator

U.S. Fish and Wildlife Service - Northeast Region (Region 5)

Ecological Services - Endangered Species

300 Westgate Center Drive

Hadley, Massachusetts 01035-9589

(703/358-2402; fax 413/253-8482)

permitsR5ES@fws.gov

L.4. Regional Recovery Permits Coordinator

U.S. Fish and Wildlife Service - Mountain Prairie Region (Region 6)

Ecological Services - Endangered Species

P.O. Box 25486, DFC, MS 60120

Denver, Colorado 80225

(719/628-2670)

NATIVE ENDANGERED SPECIES RECOVERY
ENDANGERED WILDLIFE**Permit Number: TE64070B-1**

Effective: 03/12/2018 Expires: 12/31/2023

permitsR6ES@fws.gov

M. Additionally, based on geographic area where surveys were conducted, reports and publications shall be submitted to the offices listed under Field Office Contact Information at:

[<https://www.fws.gov/midwest/endangered/permits/index.html>](https://www.fws.gov/midwest/endangered/permits/index.html).

All correspondence related to this permit should reference the permit number shown above. Any questions you may have regarding this permit should be directed to Carlita Payne, the Region 3 Endangered Species Permits Coordinator at (612) 713-5339.

cc: FWS/Region 5 and 6 (Attn: Regional Recovery Permits Coordinator)
FWS/ES/ Endangered Species Coordinators IA-IL, IN, MI, MN-WI, OH
DNR, Endangered Species Coordinators IA, IL, MI, MN, OH, IN, WI

Vendor Information	
SWCA INC 3033 N CENTRAL AVENUE, STE 145 PHOENIX AZ 85012	Vendor Number: 3000046714 Phone Number: 602-274-3831 Fax Number: 6022743958
Contract Number 4600016659	
Contract Date: 03/12/2017 Validity Start date: 03/20/2017 Validity End Date: 02/28/2022	Incoterm: Payment Terms: Net 48 Days
General Information	
Questions of a commercial or contractual nature may be directed to DEPTULA JEFFREY JOHN Jeff.Deptula@nee.com, at (561) 681-3096 Ship To, Invoice To and Sales Tax information will be specified on each individual PO release against this Contract. This ENTERPRISE AGREEMENT ("EA") is entered into by and between NextEra Energy Resources, LLC ("NextEra"), and the legal entity named in the "Vendor Information" section above on this EA ("Supplier"). In this EA, NextEra and Supplier are sometimes referred to collectively as the "Parties" and individually as a "Party." For good and valuable consideration of one U.S. Dollar (\$1.00), the receipt and sufficiency of which is hereby acknowledged by the Parties, the Parties do hereby agree as follows: NextEra or any of its affiliated companies (each, a "NextEra Party") may, from time to time during the validity of this EA as described above (the "Term"), contract with Supplier for Supplier to provide specific material(s), equipment or service(s) as described in a purchase order release referencing this EA (each, a "Purchase Order Release"). Each Purchase Order Release will incorporate and be subject to the terms and conditions referenced below. The Parties expressly acknowledge and agree that, upon execution, acknowledgment or acceptance by Supplier of a Purchase Order Release, (i) each such Purchase Order Release creates a separate contractual relationship solely between the NextEra Party executing such Purchase Order Release (such NextEra Party is hereinafter referred to as the "Purchaser") and Supplier in relation to the materials, equipment and/or services described in such Purchase Order Release (the "Work"), except for any rights afforded to any NextEra Party under the Purchase Order Release, and (ii) Supplier will look solely to Purchaser for payment for the Work and the fulfillment of all other obligations of the Purchaser under the Purchase Order Release. THIS EA SHALL NOT BE CONSTRUED AS ANY (AND NEXTERA MAKES NO) REPRESENTATION, WARRANTY, COVENANT OR GUARANTEE OF ANY MINIMUM QUANTITY OF MATERIAL, EQUIPMENT OR SERVICES TO BE PROCURED OR SECURED FROM SUPPLIER BY NEXTERA OR ANY OTHER NEXTERA PARTY UNDER THIS EA OR ANY PURCHASE ORDER RELEASE OR OTHERWISE. THIS EA SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF FLORIDA (REGARDLESS OF CHOICE OF LAW RULES APPLICABLE UNDER THE LAWS OF FLORIDA OR ANY OTHER JURISDICTION). IN ANY LITIGATION ARISING FROM OR RELATED TO THIS EA, EACH PARTY HEREBY KNOWINGLY, VOLUNTARILY AND INTENTIONALLY WAIVES THE RIGHT IT MAY HAVE TO A TRIAL BY JURY WITH RESPECT TO ANY LITIGATION BASED HEREON, OR ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS EA, OR ANY COURSE OF CONDUCT, COURSE OF DEALING.	
Authorized Signature : /S/ Jeffrey John Deptula Ben Brodbeck Digitally signed by Ben Brodbeck DN: cn=Ben Brodbeck, o=Florida Power Light, ou=ISC, email=benjamin.brodbeck@fl.com, c=US	Date: 03/12/2017
Either party hereto may choose to transmit its order, release, or acknowledgment documents electronically by EDI, email, or facsimile (fax). The parties agree that any such document transmitted via EDI, email, or fax will be considered original and signed by a party when received electronically by the other party. Neither party will contest the validity or enforceability of such documents based upon their electronic delivery or signature.	

Contract Number: 4600016659
Vendor Name: SWCA INC

General Information

STATEMENTS (WHETHER ORAL OR WRITTEN) OR ACTIONS OF EITHER PARTY TO THIS EA. THIS PROVISION IS A MATERIAL INDUCEMENT FOR NEXTERA AND SUPPLIER TO ENTER INTO THIS EA. EACH PARTY AGREES THAT FINAL JUDGMENT IN ANY SUCH ACTION OR PROCEEDING SHALL BE CONCLUSIVE AND MAY BE ENFORCED IN ANY OTHER JURISDICTION BY SUIT ON THE JUDGMENT OR IN ANY OTHER MANNER PROVIDED BY APPLICABLE LAW.

In no event will either Party, or their respective parents, affiliates, successors or assigns, or its or their applicable shareholders, partners, assigns, directors, officers, agents or employees or representatives, be liable to the other Party under or in relation to this EA for consequential, special, exemplary, indirect, punitive or incidental losses or damages, including loss of use, cost of capital, loss of goodwill, lost revenues or loss of profit

USE / PURPOSE:

This EA shall be used for the specific Work as detailed in the "Description of Work" section below.

This EA shall commence on 3/20/17 and shall terminate on 2/28/2022 (the "Term").

SCOPE /DESCRIPTION OF WORK:

This EA is the Supplier's authority to furnish the necessary supervision, labor, equipment, materials, services and Consumables to perform the environmental services as listed below on behalf of the Purchaser:

In supporting the environmental services department development projects, the Supplier shall be capable of identifying and assisting with all necessary environmental permitting activities on a federal, state and local level in all areas of the United States that develops projects. This involves detailed local knowledge of the relevant permitting processes as well as applicable laws, ordinances, regulations, best management practices, and standards that must be addressed depending on the technology to be deployed and location. Supplier should have competent working knowledge and practical experience with applicable regulations and key entitlement agencies.

Excellent project management and communication skills with staff are critical. Project schedule software, as well as mapping software is essential (e.g., GIS, Google earth and other geographic tools). Environmental desktop studies, research into environmental issues specific to projects and substantial report writing will be required. Some project work may require intensive field work in often remote locations.

The range of services for supporting development projects includes, but is not limited to, the following:

Project Management

- * Cost estimating
- * Record keeping and management (e.g., administrative record, agency correspondence)
- * Document management
- * Expert Witness Support (noise, visual, shadow flicker, EMF)
- * Public Outreach support (open houses, public meetings, stakeholder consultations)

Early Stage Development Support

- * Development site selection and constraints analysis
- * Preliminary routing (linear facilities)
- * Environmental Critical Issues Analysis and/or Fatal Flaws Analysis (see template for content)
- * Phase I/II Environmental Site Assessment (including updates for project financing as needed)

Permitting Support

- * Federal Processes (e.g., NEPA EIS/EA)
- * State Processes (e.g., PSC, PUC, CEQA)
- * Provincial Processes (e.g., Canada REA)
- * Local permitting support (CUP, SUP, etc.)

Contract Number: 4600016659
Vendor Name: SWCA INC

General Information

Air

- * Air quality studies and/or monitoring
- * Air emissions modeling
- * New Source Permitting
- * Greenhouse gas emissions modeling/inventory

Biological Resources

- * Avian studies and/or monitoring (pre- and post- construction)
- * Bat studies and/or monitoring (pre- and post- construction)
- * Other Wildlife studies and/or monitoring (pre- and post- construction)
- * Listed Species strategy/permitting
- * Plant studies and/or monitoring (pre- and post- construction)
- * Mitigation strategy/planning
- * Species Relocation
- * Consultation with US Fish and Wildlife Service and state-specific wildlife agencies

Cultural and Architectural History Resources

- * Cultural resource studies/archaeology desktop studies and field surveys
- * Architectural History studies
- * Tribal consultation and ethnographic studies
- * Consultation with State Historic Preservation Office
- * Historic Preservation and Mitigation
- * Unanticipated Discoveries Plan for construction compliance

Environmental Compliance

- * Environmental mitigation support
- * Drafting of environmental compliance plans
- * Construction worker training programs targeting environmental issues
- * Onsite Construction compliance support
- * Decommissioning compliance support

Geological Resources

- * Soil/sediment surveys and testing

Acquisition Due Diligence

- * Assistance in document review and data gap analysis
- * Risk assessments

Wetlands and water resources (ground water and surface water)

- * Water quantity and quality studies and/or monitoring
- * Formal Wetlands delineation
- * Jurisdictional wetlands permitting
- * Consultation with US Army Corps of Engineers for jurisdictional waters and/or state environmental agencies
- * Storm water pollution prevention plan (SWPPP)
- * Spill Prevention, Control, and Countermeasure (SPCC) Plan
- * FEMA Floodplain permitting
- * Water quantity and quality studies

Noise, Shadow Flicker, and Visual

- * Acoustic receptor modeling, mapping, pre-and post- construction monitoring and technical studies
- * Shadow flicker modeling studies
- * Visual simulations

Contract Number: 4600016659
Vendor Name: SWCA INC

General Information

* Preparation of glint-glare studies

All Work shall be in accordance with the requirements identified in the following documents incorporated into and made a part of this EA:

TERMS AND CONDITIONS:

All Work performed under this Purchase Document (Release) shall be performed in accordance with the terms and conditions of the following exhibits:

STANDARD PURCHASER TERMS AND CONDITIONS FOR CONSULTING SERVICES (NON FLORIDA), REV. 12/15/16

NextEra Supplier Code of Conduct date 8/21/14

NextEra Contractor Safety Requirements Rev. 11/13/11

NextEra Safe & Secure Workplace Requirements Rev 4/7/15

COMPANY REPRESENTATIVE:

All Work shall be subject to the approval and acceptance of the Purchaser's Company Representative, as identified in each Purchase Document (Release).

The Supplier's Company Representative is:

Mr. Steve Stielstra

Office number: 650-440-4160, x6402

Mobile number: 650-868-6861

Email: sstielstra@swca.com

SCHEDULE / DELIVERY:

All Work performed under this Contract shall be performed in accordance with the schedule requirements identified in each Purchase Document (Release)..

SCHEDULE OF COSTS / PRICING / COMPENSATION:

Labor Services shall be confirmed based on the rates listed below.

* No overtime or double time is authorized for the Work.

Equipment rental shall be per the attached Supplier's Rate Sheet "SWCA Equipment Rates_Standard_PDS"

* Automobile mileage shall be reimbursed at current GSA rate.

* Reasonable customary travel and living expenses, when authorized by Purchaser, shall be reimbursed at cost or at the IRS/GSA Per Diem rate as approved by Purchaser.

* For Purchaser pre-approved additional materials, third party rentals or leases, Supplier shall be paid at cost plus five (5) percent.

* For Purchaser pre-approved additional subcontracted work with affiliate companies of Supplier will be invoiced at actual cost with no adder.

Pricing is firm for the original Term of this Contract.

AUTHORIZATION/WORK INSTRUCTIONS:

Authority to commence Work on site will be issued via a Purchase Document (Release) serving as Notice to Proceed, Notice of Commencement, or its equivalent.

NOTE: Purchaser does have the option to do a conventional release in lieu of E Receiving.

Contract Number: 4600016659
Vendor Name: SWCA INC

General Information

INVOICING:

Supplier shall perform electronic confirmations in lieu of submitting actual invoices for work performed.

Electronic confirmations shall be submitted by Supplier via the FPL.com Supplier Portal and shall include any applicable, or required, attachments (documentation of charges, lien waivers, etc.).

Electronic confirmations shall be reviewed by FPL personnel. Electronic confirmations which are entered incorrectly or without proper documentation shall be rejected, with explanation, and returned to Supplier for re-submittal by Supplier.

Electronic Invoices must itemize charges with supporting documentation for all applicable billing rates and any other costs authorized by the Purchase Document (Release).

Failure to comply shall result in invoice processing delays at the expense of the Supplier.

All expenses invoiced in excess of \$25.00 must be accompanied by the original receipt.

SALES TAX:

Sales tax applicability shall be set forth in each Purchase Document (Release).

SPECIAL/OUT OF SCOPE INSTRUCTIONS:

Changes in the scope of a Purchase Document (Release) will be performed only upon approval by the Purchaser's Company Representative and receipt of an authorized Change Form.

Purchaser reserves the right to bid each identified out of scope task via any method at its discretion.

Payment terms for all Supplier invoices shall be net 48 days for electronic funds transfer (FEDI).

INSURANCE:

It is understood and agreed that the Supplier is not covered by any Purchaser provided insurance program. See the attached terms and conditions for insurance requirements. If specifically requested by Purchaser, the Supplier must provide proof of insurance via an ACORD form or other Certificate of Insurance before commencement of on-site Work.

ATTACHMENTS:

STANDARD PURCHASER TERMS AND CONDITIONS FOR CONSULTING SERVICES (NON FLORIDA), REV. 12/15/16

NextEra Supplier Code of Conduct date 8/21/14

NextEra Contractor Safety Requirements Rev. 11/13/11

NextEra Safe & Secure Workplace Requirements Rev 4/7/15

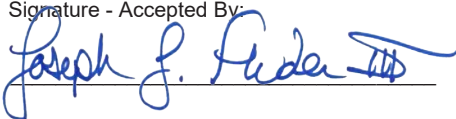
Rate Sheet "SWCA Equipment Rates_Standard_PDS"

ACKNOWLEDGEMENT:

You are required to sign and submit an acknowledgement copy of this Contract prior to beginning Work. FAILURE TO RETURN THIS ACKNOWLEDGEMENT SHALL RESULT IN PAYMENT OF YOUR INVOICES BEING DELAYED.

As a duly authorized representative, the undersigned acknowledges and accepts the terms of this Contract, its attachments and references.

Signature - Accepted By:



Name: Joseph J. Fluder III

Title: Chief Operating Officer



United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Dakota Ecological Services

IN REPLY REFER TO:
TE64070B-1 Skipper
Permit

420 South Garfield Avenue, Suite 400
Pierre, South Dakota 57501-5408

June 18, 2018

Jake Powell, Senior Ecologist
SWCA Environmental Consultants
1892 South Sheridan Avenue
Sheridan, Wyoming 82801

Dear Mr. Powell:

This letter provides your site specific authorization per condition F.3 of Federal Endangered Species Permit No. TE64070B-1. Under this condition you are to notify the U.S. Fish and Wildlife Service (Service) Field Supervisor for the state in which activities are proposed to occur at least 30 days prior to conducting any activities.

The information required under condition F.3 was provided to the Service in a letter dated June 14, 2018. In summary, SWCA is working with NextEra Energy Resources (NextEra) to identify the need and final location for surveys for Dakota skipper and Poweshiek skipperling in Codington, Grant, and Deuel counties, South Dakota, during the 2018 adult flight period. Surveys will be conducted between approximately June 25 and July 15 by Mr. Jake Powell. The survey protocols will follow the 2018 Dakota skipper survey protocols (<https://www.fws.gov/midwest/endangered/insects/dask/index.html>). The surveys will be conducted on field verified suitable habitat.

All survey activities should conform to the conditions of your Service permit TE64070B-1. Please report your data from this survey to the USFWS South Dakota Field Office .

As stated in your permit, your concurrence letter must be carried with this permit to authorize site-specific activities. If you have any questions, please feel free to call Charlene Bessken at 605-224-8693 x 231.

Sincerely,

Scott V. Larson
Field Supervisor
South Dakota Field Office