

FSA-153

U.S. DEPARTMENT OF AGRICULTURE

Farm Service Agency

(10-13-10)

1. TYPE ACTIVITY (See Instructions on Page 2) (check one)

A. Land Holding B. Land Acquisition C. Land Disposition

D. Land Use Change to Agriculture E. Land Use Change to Non-Agriculture

AGRICULTURAL FOREIGN INVESTMENT DISCLOSURE ACT REPORT

Read Instructions on Page 2 Before Filing in Any Data Below. (If Additional Space is Needed, Add information in Item 6, Page 2, or attach an additional sheet.)

ITEM		ITEM	
Tract Location and Description		5. Type of Interest Held in the Agricultural Land (Check one)	
A. Legal Description or FSA Tract Number See attached Exhibit A		A. Fee Interest (Ownership) Whole	
B. County or Parish Williams		B. Fee Interest (Ownership) Partial What Percent	
C. Number of Acres 320		C. Life Estate	
D. State North Dakota		D. Trust Beneficiary	
3. Owner or Lessee of Tract (In Item 2A) (See Page 2)		E. Purchase Contract	
A. Name: Mountrail Wind Project, LLC		F. Other (Check Box and Explain Below:)	
B. Tax ID No. (Nine Digits) 36-4880435		Long-term leasehold interest	
C. Legal Address (Street, City, State/Province, Country) Tradewind Energy, Inc. 16105 W. 113th Street, Suite 105 Lenexa, Kansas 66219		6. How was this Tract Acquired or Transferred?	
D. Type of Owner (If Item D1 is checked, skip Items D2 and D3.)		A. Cash Transaction	
1. Individual. (Indicate citizenship of husband and/or wife if applicable).		B. Credit or Installment Transaction	
a. Citizenship of individual(s)		C. Trade	
2. Government (Country)		D. Gift or Inheritance	
3. Organization		E. Foreclosure	
a. Type		F. Other (Check Box and Explain Below:)	
1) Corporation		Long-term leasehold interest	
2) Partnership		7. Value of Agricultural Land:	
3) Estate		A. Purchase Price of Land or if a land disposition, the original price paid by seller.	
4) Trust		B. Non-Purchase, Estimated Value at the Time of Acquisition	
5) Institution		C. What is the estimated current value or if a land disposition, the selling price of the tract of land?	
6) Association		D. How much of purchase price in Item 7A remains to be paid?	
7) Other (Check box and Explain):		8. Date of Acquisition or Transfer (See Instructions, Item 8, Page 2.)	
b. Government or country under whose law the organization is created U.S.A.		Month: 12 Day: 15 Year: 2021	
c. Principal place of business (For organizations only) Lenexa, KS		9. Current Land Use (Usual use of land for idle land, report as Other Agriculture).	
d. List on separate sheet, the Name, Address and Country of all foreign persons who individually or in the aggregate hold significant interest or substantial control ^{1/} in the person owning the land.		A. Crop: 252.00	
E. Complete only if Item 1C, Land Disposition, is checked.		B. Pasture: 37.00	
1. Name of Person Receiving Tract		C. Forest or Timber	
2. Address (Street, City, State/Province, Country)		D. Other Agriculture: 31.00	
3. Citizenship: USA <input type="checkbox"/> Foreign <input type="checkbox"/> Unknown <input type="checkbox"/>		E. Non-Agriculture	
4. Representative of Foreign Person (Completing form, if applicable)		F. Total Acres (Should equal Item 2C)	
A. Name Brian Doherty		320.00	
B. Address (Street, City, State/Province, Country) 16105 W. 113th Street, Suite 105 Lenexa, Kansas 66219		10. Intended Use as of This Date. Check one or more or enter "NA" if Item 1C or 1E above is checked.	
C. Telephone No. (Area Code): (913) 888-9463		A. No change. <input checked="" type="checkbox"/>	
D. Relationship of Representative to Foreign Person		B. Other Agriculture <input type="checkbox"/>	
1. Attorney <input type="checkbox"/>		C. Non-Agriculture <input type="checkbox"/>	
2. Manager <input checked="" type="checkbox"/>		11. Relationship of Owner to Producer. Check one or more items if applicable. Enter "NA" if Item 1C or 1E is checked.	
3. Agent <input type="checkbox"/>		A. Producer is:	
4. Other (Explain on Item 6, Page 2)		1. Owner <input checked="" type="checkbox"/>	
CERTIFICATION: I certify that the information entered in this report is complete and correct. I understand that falsification of reporting is subject to a civil penalty not to exceed 25% of the fair market value of the interest held in the tract of land.		2. Manager <input type="checkbox"/>	
A. SIGNATURE (Owner or Legally Authorized Representative)		3. Tenant or sharecropper (Item 11B must be completed.)	
14B. TITLE Mountrail Wind Project, LLC Brian Doherty, Authorized Representative		B. Rental agreement is: (Not applicable if Item 1C or 1E above is checked.)	
14C. DATE (MM-DD-YYYY) 03/02/2022		1. A crop share <input type="checkbox"/>	
		2. Cash or fixed rent <input type="checkbox"/>	
		12. The Producer on This Tract is: Check one or more. If not applicable for Item 11A, then enter "NA". (Not applicable if Item 1C or 1E above is checked.)	
		A. The same person as when the tract was acquired. <input checked="" type="checkbox"/>	
		B. A new person. <input type="checkbox"/>	

^{1/} Significant interest or substantial control as defined in 7 CFR Part 781.2(k)

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 781 and the Agricultural Foreign Investment Disclosure Act of 1978 (Pub. L. 95-460). The information will be used to ensure that a foreign person who acquires, disposes of, or holds an interest in United States agricultural land discloses such transactions and holdings to the Secretary of Agriculture and to determine the effects of such transactions and holdings on family farms and rural communities. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is mandatory. Failure to furnish the requested information or falsification of reporting will result in a determination of non-compliance with the program which is subject to a civil penalty not to exceed 25 percent of the fair market value, as determined by the Farm Service Agency on the date of the assessment of such penalty, of the foreign person's interest in the agricultural land with respect to which such violation occurred.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0097. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. **RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.**

DETERMINATION OF "FOREIGN PERSON" STATUS

DEFINITION: "Person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, trust, estate, or any other legal entity.

You are an "individual/foreign person" under the provisions of Pub. L. 95-460 and must complete the front side of this form (FSA-153) if your answer is "NO" to all the statements in Items 1, 2 and 3 below:		YES	NO
1. I AM a citizen of the United States.			X
2. I AM a citizen of the Northern Mariana Islands or the Trust Territories of the Pacific Islands.			X
3. I AM lawfully admitted to the United States for permanent residence, or paroled into the United States, under the Immigration and Nationality Act.			X
You are a "foreign person, organization or government," under the provisions of Pub. L. 95-460 and must complete the front side of this form (FSA-153) if your answer is "YES" to any of the statements in Items 4a, 4b and 5 below:		YES	NO
4. I AM a "person" other than an individual or government, which is created or organized under the laws of:			X
a. A foreign government of which has its principal place of business located outside the United States.			X
b. Any State of the United States, and in which significant interest or substantial control ^{1/} is held directly or indirectly by any foreign individual, government, or person.	X		
5. I AM a foreign government.			X

GENERAL INSTRUCTIONS

Complete this form for each tract of land. Report as a tract all acreages under the same ownership in each county or parish acquired or transferred on the same date. Land in different counties or parishes and land acquired or transferred on different dates must be reported as separate tracts.

Return the original and two (2) copies to the County Farm Service Agency (FSA) Office where the tract of land is located. Retain a copy for your records.

For the original disclosure on FSA-153 on the tract(s) of land owned by the same person within a county or parish, each subsequent change of ownership or use must be reported by filing another FSA-153.

ITEMS 1 AND 8 BELOW ARE TO BE USED AS INSTRUCTIONS ONLY. THESE INSTRUCTIONS ARE TO BE USED FOR INFORMATION AS YOU COMPLETE ITEMS 1 AND 8 ON PAGE 1.

ITEM 1. ONLY ONE BOX MAY BE CHECKED

If the tract of land to be listed under Item 2 on the front side of this document was:

- Owned on February 1, 1979, check **A. Land Holding** Reporting Date: *This document is required to be completed and returned by August 1, 1979.*

If the tract of land to be listed under Item 2 on the front page of this document was, on or after February 2, 1979:

- Acquired, check **B. Land Acquisition**

- Disposed of, check **C. Land Disposition**

- Changed from non-agricultural to agricultural use, check **D. Land Use Change to Agriculture**

- Changed from agricultural to non-agricultural, use check **E. Land Use Change to Non-Agriculture**

NOTE: REPORT DATE. If activity B, C, D or E is checked in Item 1 above, then return the completed FSA-153 within ninety (90) days from the date of the transaction.

ITEM 8. The date entered would be as follows for the activity checked in Item 1 above:

Box A or B – Date acquired.

Box C – Date disposed of.

Box D or E – Date land use changed.

6. Additional Information (Use additional sheets if more space is needed).

^{1/} Significant interest or substantial control as defined in 7 CFR Part 781.2(k)

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

EXHIBIT "A"

DESCRIPTION OF THE PROPERTY

THE FOLLOWING REAL PROPERTY LOCATED IN THE COUNTY OF WILLIAMS, STATE OF NORTH DAKOTA:

Tract 1:

The Southeast Quarter (SE $\frac{1}{4}$) of Section Ten (10), Township One Hundred Fifty-Eight (158) North, of Range Ninety-Six (96) West, Williams County, North Dakota

Tract 2:

The Southwest Quarter (SW $\frac{1}{4}$) of Section 11, in Township 158 North, Range 96 West, Williams County, North Dakota

Exhibit B

Information required pursuant to Question 3 D.(3)(d) –

Mountrail Wind Project, LLC, a Delaware limited liability company
c/o Tradewind Energy, Inc.
16105 W. 113th Street, Suite 105
Lenexa, Kansas 66219

Tradewind Energy, Inc., a Kansas corporation
16105 W. 113th Street, Suite 105
Lenexa, Kansas 66219

Enel Kansas, LLC, a Delaware limited liability company
c/o Enel North America, Inc. f/k/a Enel Green Power North America, Inc.
Attn.: General Counsel
100 Brickstone Square, Suite 300
Andover, Massachusetts 01810

Enel North America, Inc., a Delaware corporation f/k/a Enel Green Power North America, Inc.
Attn.: General Counsel
100 Brickstone Square, Suite 300
Andover, Massachusetts 01810

Enel Green Power S.p.A.
Viale Regina Margherita 125
00198 Rome, Italy

ENEL S.p.A.
Segretaria Societaria
Viale Regina Margherita 137
00198 Rome, Italy

ENEL S.p.A. is organized and was created pursuant to the laws of Italy.