

Appendix A

2010 Site Permit Modification Request Summary

2010 Site Permit Section	Description	2025 Repower Modification Request
Cover	Facility description including December 31, 2040 expiration date for the Site Permit.	Update the expiration date for the Site Permit to be 30 years following the expected date of the repowered Facility's new commercial operation date, December 31, 2056.
I. Site Permit	Describes the project authorized by the Site Permit.	Update the acreage of the Site Permit boundary to 30,432 acres.
II. Project Description	Detailed project description of facilities included in the Site Permit.	Update the associated facilities description as follows: <i>"Associated facilities will include wind turbine access roads, underground collection lines, SCADA wiring, feeder lines, pad nacelle mounted turbine transformers, a sonic detection and ranging unit, permanent meteorological towers, expansion of the Trimont Wind Electrical Substation, and an expanded or new Operations and Maintenance building, and an FAA approved lighting mitigation system."</i>
III. Conditions	Description of the conditions applicable to site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning and all other phases of the project. Elm Creek II will continue to meet the General Construction Conditions (sections III.A.1-4), Mitigation Measures (sections III.B.1-17), Setbacks (sections III.C.1-7), Preconstruction Surveys (sections III.D.1-3), Site Layout Restrictions (III.E.1-8), Studies (sections III.F.1-2), Decommissioning/Restoration/ Abandonment (sections III.G.1-3), Reporting (sections III.H.1-4), Final Construction (sections III.I.1-3), Authority to Construct LWECS (sections III.J.1-4), Miscellaneous (sections III.K.1-11), Expiration Date (section III.L), Special Conditions (sections III.M), and Permit Compliance Meeting (section III.12) with the following requests for modification:	

Appendix A

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III.B.12. Restoration	"The Permittee shall, as soon as practical following construction of each turbine, considering the weather and preferences of the landowner(s), restore the area affected by any LWECS activities to the condition that existed immediately before construction began, to the extent possible. The time period may be no longer than eight months after completion of construction of the turbine, unless otherwise negotiated with the affected landowner. Restoration shall be compatible with the safe operation, maintenance, and inspection of the LWECS."	Update the proposed restoration time period to twelve (12) months, consistent with other recently approved projects.
III.C.1. Wind Access Buffer	"Wind turbine towers shall not be placed less than 5 rotor diameters (RD) on the prevailing wind directions and 3 RD on the non-prevailing wind directions from the perimeter of the lands where the Permittee does not hold the wind rights, without the approval of the Commission."	Update to include: <i>"The Commission has waived the wind access buffer setbacks for 20 turbines, including turbines L1, N1, P1, Q1, S4, T1-3, U1-3, X1-3, X5, Y1, Y3, Z1, Z3-4."</i> <i>These variances are granted on the condition that the permittee shall extend a final offer to the remaining landowners for the same amount and terms agreed to by other landowners in similar circumstances or their last offer, whichever is higher. Elm Creek II shall submit a compliance filing updating the Commission on the status of negotiations with landowners within 60 days and then every two months thereafter. At least 14 days before the preconstruction meeting, the permittee must make a compliance filing describing in detail the results of the negotiation. If no wind rights agreement is reached, the permittee acknowledges that this property will not be foreclosed from installing wind turbine generators on such property at a later date, even if such turbine generators cannot be installed on such property in compliance with the setbacks set forth in this section."</i>

Appendix A

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III.E.4. Federal Aviation Administration	"Towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment."	Update to be consistent with other recently approved projects: <i>"The Permittee shall install and employ an FAA-approved lighting mitigation system, such as an aircraft detection lighting system (ADLS), light intensity dimming solution (LIDS), or other FAA approved mitigation method. The Permittee shall describe the lighting mitigation system used for the project in its site plan."</i>
III.E.5. Turbine Spacing	The turbine towers shall be constructed within the site boundaries as shown in Attachment 1. The turbine towers shall be spaced no closer than 3 RD in the non-prevailing wind directions and 5 RD on the prevailing wind directions. If required during final micro siting of the turbine towers to account for topographic conditions, up to 20 percent of the towers may be sited closer than the above spacing but the Permittee shall minimize the need to site the turbine towers closer.	Update Attachment 1 to show the updated Site Permit boundary. Update the condition language to include waivers for turbines: N1-4, P1-8, Q1-5, R1-5, S2-3, T2-3, U1-3, V1-5, V7-9, X1-5, Z2-3.
III.F.2. Noise	"The Permittee shall submit a proposal to the Commission for the conduct of a noise study. Upon the approval of the Commission the Permittee shall carry out the study. The study shall be designed to determine the noise levels at different frequencies and at various distances from the turbines at various wind directions and speeds."	Update to be consistent with other recently approved projects: <i>"The Permittee shall file a proposed methodology for the conduct of a post-construction noise study at least fourteen (14) days prior to the pre-construction meeting. The Permittee shall develop the post-construction noise study methodology in consultation with the Department of Commerce. The study must incorporate the Department of Commerce Noise Study Protocol to determine the operating LWECS noise levels at different frequencies and at various distances from the turbines at various wind directions and speeds. The Permittee must conduct the post construction noise study and file with the Commission the completed post-construction noise study within 18 months of the completion of the repowering project."</i>

Appendix A

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III.J.1. Wind Rights	"The Permittee shall advise the Commission of the obtaining of exclusive wind rights within the boundaries of the LWECS authorized by this Permit within 30 days of receiving such wind rights. The Permittee shall submit documentation of such exclusive wind rights if requested by the Commission."	Update to be consistent with other recently approved projects: <i>"At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall demonstrate that it has obtained the wind rights and any other rights necessary to construct and operate the Project within the boundaries of the LWECS authorized by this permit."</i> <i>Nothing in this permit shall be construed to preclude any other person from seeking a permit to construct a WECS in any area within the boundaries of the Project covered by this permit if the Permittee does not hold exclusive wind rights for such areas."</i>
III.L Expiration Date	"This Permit shall expire on December 31,2040."	Update the expiration date for the Site Permit to be 30 years following the expected date of the repowered Facility's new commercial operation date, December 31, 2056.