June 20, 2025

ELECTRONIC FILING

Will Seuffert, Executive Secretary
Public Utilities Commission
127 Seventh Place East, Suite 350
Saint Paul, MN 55101-2147

RE: **Comments and Recommendations on Application Acceptance**
Elm Creek II Wind Project Repower
Docket No. IP6728/WS-09-553

Dear Mr. Seuffert:

Attached are the comments and recommendations of the Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) staff on application acceptance in the following matter:

In the Matter of the Site Permit Amendment Application of Elm Creek Wind II, LLC for the Elm Creek II Wind Project in Martin and Jackson Counties, Minnesota.

The application was filed by:

Jeffrey J. Reinkemeyer, Mid Continent Development Senior Director
2701 NW Vaughn, Suite 300
Portland, OR 97210
Phone: 503-796-7000

EERA staff recommends the Minnesota Public Utilities Commission (Commission) accept the application for the proposed project as complete.

Sincerely,

Richard Davis
Environmental Review Manager

Enclosure

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COMMERCE DEPARTMENT

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS AND RECOMMENDATIONS OF MINNESOTA DEPARTMENT OF COMMERCE ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS

DOCKET NO. IP6728/WS-09-553

Date: June 20, 2025

EERA Staff: Richard Davis | 651-539-1846 | richard.davis@state.mn.us

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In the Matter of the Site Permit Amendment Application of Elm Creek Wind II, LLC for the Elm Creek II Wind Project in Martin and Jackson Counties, Minnesota.

Issues Addressed: These comments and recommendations address the completeness of the site permit amendment application, the application review process, and a draft site permit for the project.

Documents Attached:
(1) Draft Amended Site Permit
(2) Elm Creek II Wind – Project Area and Facilities, Map 2 – Amendment Application

Additional documents and information can be found on eDockets: https://www.edockets.state.mn.us/documents (09-553) and on the Department of Commerce's website: https://apps.commerce.state.mn.us/web/project/350.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-539-1530 (voice).

Introduction and Background

Elm Creek Wind II, LLC (applicant), a subsidiary of Avangrid Power, LLC, currently owns and operates the 150 megawatt (MW) Elm Creek II Wind Project (facility or project) in Martin and Jackson counties, Minnesota. The facility was granted a certificate of need (CN) from the Commission on February 19,

2010,[1] and the project was permitted by the Commission on February 25, 2010.[2] The facility currently includes 62 – 2.4 MW Mitsubishi MHI95 wind turbines and has been in operation for approximately 12 years.

On April 1, 2025, the applicant filed an application to amend its site permit for the wind farm.[3] The applicant proposes to retrofit the existing wind facility by installing new, larger rotors, replacing components within the wind turbine nacelles, installing an adapter section to the top of the existing towers, adjusting the current turbine output from 2.4 MW to 2.2 MW, and decreasing the total nameplate capacity below the currently permitted 150 MW.

Project Purpose

The applicant indicates that the retrofitting (repowering) of the wind facility will improve the efficiency of the project and will extend its useful life.[4] The facility currently has an Interconnection Agreement with Northern State Power and the Midcontinent Independent Systems Operator (MISO). The applicant is currently pursuing a power purchase agreement (PPA) for the energy output from the repowered facility, but the applicant will continue to sell energy generated at the facility into the MISO market to meet customers energy needs until a long-term PPA can be secured.

Project Description

The applicant proposes to repower the wind farm's existing Mitsubishi wind turbines by:[5]

- Replacing the turbine rotors (nose cone, hub, and blades), increasing the rotor diameter from 95 meters up to 120 meters.
- Replacing turbine nacelles and interior components.
- Installation of an adapter section at the top of the existing towers and connecting to the new nacelles, increasing the turbine tower height from 78 meters to 86 m.
- Installing a lighting mitigation system.

There would be no changes to turbine locations, meteorological towers, the underground electrical connection system, the project substation, or the project's point of interconnection to the grid. The

[1] Finding Environmental Report Adequate and Granting Certificate of Need(Docket #CN-09-471), Public Utilities Commission. February 19, 2010, eDocket Number 20102-47277-01

[2] Order Granting Site Permit, February 25, 2010, eDockets Number 20102-47467-01 (hereinafter Site Permit).

[3] Application to the Minnesota Public Utilities Commission for a Site Permit Amendment to Repower the Elm Creek II Wind Project, Avangrid Power, LLC. April 1, 2025, eDocket Numbers 20253-217028-01, 20253-217028-02, 20253-217028-03, 20253-217028-04, 20253-217028-05, 20253-217028-06, 20253-217028-07, 20253-217028-08, 20253-217028-09, 20253-217028-10, 20253-217028-11, 20253-217028-12, 20253-217028-13, 20253-217028-14, 20253-217028-15, 20253-217028-16, 20253-217028-17, 20253-217028-18, 20253-217028-19, 20253-217028-20, 20253-217028-21, 20253-217028-22, 20253-217028-23, 20253-217028-24, 20253-217028-25, 20253-217028-26, 20253-217028-27, 20253-217028-28, 20253-217028-29, 20253-217028-30, 20253-217028-31, 20253-217028-32, 20253-217028-33, 20253-217028-34, 20253-217028-35, 20253-217028-36, 20253-217028-37, 20253-217028-38 (trade secret – non-public), and 20253-217028-39. [hereinafter Amendment Application]

[4] Amendment Application, Section 3

[5] Amendment Application, Section 5.2

electrical capacity of the individual wind turbines will be decreased from 2.4 MW to 2.2 MW; the total nameplate capacity of the wind facility will decrease below the current permitted 150 MW. Construction of the project would use existing turbine access roads; the applicant indicates that some roads may need to be temporarily widened.

On June 10, 2025, the Applicant filed a letter indicating that due to equipment sourcing and availability they are still assessing equipment options to proceed with the proposed project repowering as laid out in the Application. Although some equipment components may have to vary from what has been identified in the Application, the Applicant has committed to providing final equipment details in the pre-construction filing documents should an amended site permit be issued by the Commission. The Applicant has stated that if final equipment selection varies from that in the Application the resulting impacts associated with generation nameplate, turbine tip height, rotor diameter, setbacks, acoustic impacts, and shadow flicker will be equal to, or less than, those associated with the equipment proposed and described in the Application.[6]

The applicant anticipates that construction of the project will begin in the second quarter 2026 with a possible commercial operation date as early as December 31, 2026.

Regulatory Process and Procedures

A site permit from the Commission is required to construct and operate a large wind energy conversion system (LWECS), which is any combination of wind turbines and associated facilities with the capacity to generate five MW or more of electricity.[7] Once issued, a site permit may be amended by the Commission if, after providing due process, it finds good cause to do so.[8] The Commission may amend the site permit on its own initiative or upon request.[9]

The Commission has, in recent dockets, considered LWECS site permit amendments to facilitate repowering of wind farms. Repowering can take many forms – from a "full repowering" where existing turbines are decommissioned and replaced with fewer, larger turbines, to a "partial repowering" where existing turbines are retrofitted in some manner.

To afford due process, and based on recent Commission practice, a permittee seeking to repower a wind farm must apply for a site permit amendment and have the application reviewed through a public meeting and comment period (Table 1). Amendment applications must have the same information as would be required for an LWECS site permit application.[10]

[6] Letter. Avangrid Power, LLC. June 10, 2025. eDocket # 20256-219780-01
[7] Minnesota Statute 216F.04.
[8] Minnesota Rule 7854.1300.
[9] Id.
[10] Minnesota Rule 7854.0500.

Table 1. Estimated Review Process Timeline for LWECS Repowering Permit Amendment

Approximate Day	Review Process Step
---	Filing of Site Permit Amendment Application
80	EERA Comments on Application Completeness and Proposed Draft Site Permit
95	Notice of Public Information Meeting and Comment Period
110	Public Information Meeting
125	End of Public Comment Period
140	EERA Comments on Site Permit Amendment
160 - 180	Commission Meeting for Decision

LWECS repowering projects do not require a certificate of need from the Commission if the repowering does not change the nameplate capacity of the project.[11]

EERA Staff Analysis and Comments

EERA staff has conferred with the applicant about the proposed repowering and has reviewed a draft permit amendment application. EERA staff believes that staff comments on the draft application have been addressed in the amendment application submitted to the Commission. Staff has evaluated the application against the completeness requirements of Minnesota Rule 7854.0500 (Table 2, below). Staff finds that the application contains appropriate and complete information with respect to these requirements, including descriptions of the proposed repowering and potential human and environmental impacts and mitigation measures. Accordingly, staff believes that the permit amendment application is substantially complete.

EERA staff notes that the amendment application includes description of the project's decommissioning and a draft decommissioning plan.[12] The applicant indicates that funds to support decommissioning of the project will be secured through a financial instrument, which would designate the Commission to use secured funds to decommission the project if the applicant would fail to decommission the project at its end of operational life.[13]

Draft Site Permit

Commission practice for LWECS repowering permit amendments has been to issue a complete, updated site permit for the repowered LWECS, as opposed to amendment language that must be interpreted by reference to the original site permit. In keeping with this practice, EERA staff has prepared and attached a draft site permit for a repowered Elm Creek II Wind Project. Staff has

[11] Minnesota Statute 216B.243.
[12] Amendment Application, Section 11 and Appendix O
[13] Amendment Application, Section 11 and Appendix O

prepared this draft site permit based on the Commission's LWECS site permit template and on recent LWECS permit amendments. Staff has modified the permit template to reflect the proposed repowering, including portions of the template where variances may be required for the project. These modifications are discussed further here.

Wind Access Buffer Setback

Commission LWECS permits require a wind access buffer setback from properties where permittees do not hold wind rights. The purpose of this setback is to protect against infringement of wind development rights on adjacent properties.

The site permit for the Elm Creek II Wind Project requires a 5 rotor diameter (RD) setback from properties on the prevailing wind direction and a 3 RD setback from properties on the non-pre-vailing wind directions.[14]

The applicant discusses wind access buffer setbacks in its permit amendment application.[15] The applicant notes that it is negotiating with affected landowners and attempting to obtain wind rights consistent with the Commission's current 3 RD X 5 RD setback.[16] The applicant notes that if it cannot obtain wind rights for a 3 RD X 5 RD setback from specific landowners in the project area, it will request a waiver of the setback for these properties, i.e., for specific turbine locations. The applicant indicates that it may request a waiver for up to 18 turbine locations; L1, N1, P1, Q1, S4, T1, T2, T3, U1, U2, U3, X13, X5, Y1, Y3, Z1, Z3, and Z4, which could include up to 20 non-participant parcels.

If repowered, turbines Q3 and Q4 would not comply with the wind access buffer setback (3 RD x 5 RD) from the Artz Wildlife Management Area (WMA). The applicant is currently working with the MnDNR to see if a wind rights agreement can be implemented to allow for the repowering of turbines Q3 and Q4. If a wind rights agreement can't be reached between the applicant and the MnDNR, turbines Q3 and Q4 will not be repowered and will continue to operate with existing equipment and the applicant will not seek a wind access buffer waiver for theses turbines and the associated parcels of land. EERA staff has had conversations with MnDNR staff regarding this issue, and at this time EERA does not believe that MnDNR will enter into a wind rights agreement for turbines Q3 and Q4.

EERA staff has included in the draft site permit the possibility of varying the 3 RD X 5 RD wind access buffer setback for select turbine locations, and also restrictions with respect to the Artz WMA (Section 4.1, Draft Site Permit).

[14] Site Permit, Section III.C.1
[15] Amendment Application, Sections 5.1 and 7.
[16] Id.

Internal Turbine Spacing

Commission LWECS permits require spacing wind turbine towers three times the rotor diameter in the non-prevailing wind direction and five rotor diameter in the prevailing wind direction, and up to 20 percent of the towers may be sited closer than the stated three by five rotor diameter internal turbine spacing. The applicant is requesting that 44 (approximately 77%) of their repowered turbine tower sites will be located within the 3 x 5 rotor diameter internal spacing; N1, N2, N3, N4, P1, P2, P3, P4, P5, P6, P7, P8, Q1, Q2, Q3, Q4, Q5, R1, R2, R3, R4, R5, S2, S3, T2, T3, U1, U2, U3, V1, V2, V3, V4, V5, V7, V8, V9, X1, X2, X3, X4, X5, Z2, and Z3.[17]

The internal turbine spacing setbacks are intended to ensure efficient use of the wind resource, long-term energy production, and reliability.[18] Reduced internal spacing of turbines could result in downwind turbulence and lower energy production.

The applicant has indicated that only one of the repowered turbines will be within five rotor diameters "upwind" in the predominant wind direction of the nearest wind turbine.[19] The applicant's wake loss analysis of the repowered wind turbine layout will have an estimated total wake loss of 8.7% for the entire project, which is in line with wind facilities currently operating within the State. The applicant has determined that no wind sector management curtailment will be necessary with the repowered internal spacing, and the original equipment manufacturer determined the repowered internal turbine spacing would be acceptable for operations with rotor diameters up to 120 meters.[20]

EERA staff has included a variance of the internal turbine spacing for 44 of the repowered turbines in the draft site permit (Section 4.2, Draft Site Permit).

Turbine Tower Lighting

Commission LWECS permits require lighting on turbine towers, and repowering projects seeking a site permit amendment must include light-mitigating technology that meetings the requirements in Chapter 14 of the Federal Aviation Administration (FAA) Advisory Circular 70/760-1.[21] This lighting functions as a collision avoidance measure for aircraft in the project area. Typical turbine lighting has consisted of a flashing red beacon on each turbine tower. Light-mitigating technologies either allow for individual turbine lights to not flash, or flash at a significantly reduced light intensity, unless and until an aircraft is detected by a radar near the project area. This lighting system is referred to as an aircraft detection lighting system (ADLS). The goal of an ADLS is to provide safety for aircraft flying in or near the project area while minimizing the negative aesthetic impact of multiple, flashing red lights for persons living near the project.

The applicant is proposing to install a lighting mitigation system as part of the repowering project.[22] The applicant is planning to install an ADLS system.[23] The ADLS system will include individual lights on

[17] Amendment Application, Section 5.1
[18] Minn Stat. 216F.03
[19] Amendment Application Section 5.1 and Appendix B
[20] Id.
[21] Minn Stat. 216F.084
[22] Amendment Application, Section 6.3.3
[23] Id.

each repowered turbine, and a freestanding ADLS tower. The applicant is currently proposed to install the ADLS tower within the existing project O&M property and will not result in any impacts to native prairie, wetlands, or other sensitive resources.[24] The final ADLS tower location is subject to FAA review and approval, approval of participating landowners, and the consideration of environmental conditions. EERA will review the final ADLS tower location during the pre-construction compliance review of the site plan.

EERA staff has included a special permit condition requiring a lighting mitigation system for the project in the draft site permit (Section 5.3.29, Draft Site Permit). The final ADLS tower location must be included in the pre-construction filing of the required site plans (Section 10.2, Draft Site Permit).

Electronic Communications

Commission LWECS permits require that wind farms not interfere with electronic communications in the project area, e.g., television, radio, internet, microwave communications. The applicant indicated that its analysis identified the rotor swept area of repowered turbines T1, T2, and U3 will intersect the LTD Broadband LLC Steve Johnson Farms to Sherburn Water Tower Fresnel zones.[25] The LTD Broadband LLC was licensed in 2018, after the construction of the Elm Creek II Wind Project in 2010. The LTD Broadband LLC currently interacts with the existing turbines T1, T1, and U3.[26]

Repowering these turbines will increase their rotor swept area and potential for interaction with the LTD Broadband LLC path, and if signal reliability is impacted the applicant has committed to working directly with LTD Broadband LLC to try and resolve the issues.[27] The applicant does not anticipate the remaining 59 turbine location will obstruct or interfere with any licensed, or applied for, non-federal microwave links.[28]

Analysis by the applicant indicates that no impacts to AM/FM radio or cellular services are anticipated by repowering the existing wind turbines.[29]

Land mobile radio (LMR) systems may experience temporary interference, but moving the handheld generally resolves the interference caused by wind turbines.[30]

The applicant acknowledges that television services may experience interference at the receiver location due to reflections and multipath effects caused by the motion of the wind turbine blades, and these potential impacts are most likely to occur when a wind turbine is located between the TV station transmitter location and the receiver location.[31] Typically, TV transmission facilities located 2 km (1.2 miles) or further outside of a LWECS do not tend to experience interference from operating wind turbines.[32] The applicant has identified the closest TV transmitters to the Elm Creek II Project

[24] Amendment Application, Section 6.3.3.
[25] Amendment Application, Section 8.6.3.1
[26] Amendment Application, Section 8.6.3.1
[27] Amendment Application, Section 8.6.3.1
[28] Amendment Application, Section 8.6.3.1
[29] Amendment Application, Section 8.6.3.1
[30] Amendment Application, Section 8.6.3.1
[31] Amendment Application, Section 8.6.3
[32] Amendment Application, Section 8.6.3

and they are 10.8 km (6.7 miles).[33] Because of the complexity in trying to predict TV signal interference the applicant identified all TV facilities within 175 km (108.7 miles) of the study area and determined that 18 TV stations have coverage that may overlap with the project.[34]

Should any receiver locations experience TV service interference the applicant has committed to implementing various mitigation measures and restoring services.[35]

EERA staff has noted in the draft site permit that turbines T1, T2, and U3 currently overlap the LTD Broadband LLC Steve Johnson Farms to Sherburn Water Tower Fresnel zones, and should any conflicts occur after repowering these turbines, Elm Creek II will be required to coordinate a resolution with LTD Broadband LLC (Section 5.3.18, Draft Site Permit).

Avian and Bat Fatality Monitoring

Commission LWECS permits require monitoring of avian and bat fatalities associated with wind farm operations. The extent of this monitoring depends on the estimated risks to birds and bats associated with a specific site and proposed turbines. The applicant has indicated that due to the existing facility and other wind facilities present on the landscape impacts to wildlife are anticipated to be minor and short-term for the continued operation of the project.[36] The applicant has committed to following mitigative measures identified in Section 5.18 – Wildlife of the current site permit and they have provided an updated Avian and Bat Protection Plan.[37] The applicant sited low fatality rates identified during standardized carcass searches conducted at Elm Creek I Wind (2009-2010), Elm Creek II Wind (2011-2012), and Trimont Wind (2021) as justification to not conduct post-construction fatality monitoring following the repowering of the Elm Creek II turbines.

EERA staff is recommending two years of standardized post-construction fatality monitoring for birds and bats at the repowered Elm Creek II facility. Field methods and modeling of fatality estimates have improved since the previous standardized searches conducted at Elm Creek I and Elm Creek II in 2009-2010 and 2011-2012, respectively. Additionally, with the federal listing of the northern long eared bat (NLEB), proposed listing of the tri-color bat, the current on-going review of the little brown bat for listing under the U.S. Endangered Species Act, and the inclusion of the hoary bat on the USFWS 2024-2028 National Domestic Listing Workplan[38], monitoring and establishing fatality estimates specifically for the repowered project seems appropriate and prudent.

EERA staff has included two years of avian and bat fatality monitoring, and the development of monitoring protocol in coordination with EERA, Commission, MnDNR, and USFWS staff, in the draft site permit (Section 7.5.1, Draft Site Permit).

[33] Amendment Application, Section 8.6.3
[34] Amendment Application, Section 8.6.3
[35] Amendment Application, Section 8.6.3.1
[36] Amendment Application, Section 8.20.5
[37] Amendment Application, Section 8.20.5 and Appendix M
[38] https://www.fws.gov/sites/default/files/documents/2024-05/national-domestic-listing-workplan-2024.pdf

Other Amendments and Clarifications

EERA staff has amended and clarified additional items in the draft site permit to reflect the Commission's most recent LWECS site permit template, recent LWECS permit amendments, and the specifics of the Elm Creek II Wind Project. EERA staff has updated permit language to remove "Commerce" and "EERA", and replace it with "Commission" or "Commission staff" to reflect the upcoming move of Commerce - EERA staff to the Public Utilities Commission on July 1, 2025. These items include, but are not limited to:

- ***Permittee and Project Description.*** EERA staff has included the current permittee and an appropriate project description (Sections 2 and 4.9, Draft Site Permit).

- ***Turbine Layout***. EERA staff has amended the description of the turbine layout to note that it is not a preliminary layout. No turbines will be moved during the repowering; thus, the project's turbine layout is final (Section 3.1, Draft Site Permit).

- ***Other Permits and Regulations.*** EERA staff has clarified that the permittee must demonstrate that they have all required permits for the project via a filing with the Commission prior to the pre-construction meeting (Section 5.6.2, Draft Site Permit).

- ***Biological and Natural Resource Inventories.*** As the wind farm is already sited and constructed, EERA staff has amended this inventory requirement to include only new surveys conducted for the repowering project (Section 7.1, Draft Site Permit).

- ***Wake Loss Studies.*** Because the project's wind turbine towers are already sited and constructed, EERA staff has removed any discussion of micro-siting from this study requirement, and included wake loss analysis for the proposed turbine repowering (Section 7.3, Draft Site Permit).

- ***Noise Studies.*** Because the wind farm is currently operational, EERA staff has clarified that the completed post-construction noise study must be filed within 18 months of the completion of the repowering project (Section 7.4, Draft Site Permit).

- ***Pre-Operation Meeting and.*** Because the wind farm is currently operational, EERA staff has removed the requirement for a pre-operational meeting.

- ***Decommissioning Plan***
  A project's decommissioning plan is typically filed in advance of a pre-operational meeting. Because such a meeting will not occur, EERA staff has amended the plan's filing date to 14 days prior to the pre-construction meeting (Section 11.1, Draft Site Permit).

- ***Site Plan.***
  Commission LWECS permits require permittees to submit their proposed site plans for review by the Commission prior to a pre-construction meeting. A permittee may not begin construction until the Commission has advised them in writing that the permittee's proposed site plan is consistent with the site permit or until 30 days has expired. EERA staff has clarified that this 30-day period begins with the pre-construction meeting (Section 10.2, Draft Site Permit).

  Because the wind farm is sited and constructed, and because the applicant does not propose moving any wind turbines as part of its repowering, EERA staff has removed language allowing movement of a turbine site based on previously unidentified human and environmental conditions (Section 10.2, Draft Site Permit).

- ***In-Service Date.***
  As the wind farm is already operational, EERA staff has clarified that the requirement for notice of the project being in service refers to completion of the repowering project (Section 10.6, Draft Site Permit).

- ***Waste Disposal Filings***
  EERA staff has added a permit condition to require filings that provide details on the recycling, reuse, and disposal of turbine blade and other project components being replaced during repowering. (Section 11.4, Draft Site Permit)

- ***Wind Access Buffer***
  EERA staff has included condition language to allow for coordination of wind access agreements with landowners and a Commission waiver if an agreement can't be reached for 18 turbines. Turbines Q3 and Q4 will not be issued a waiver from the Wind Access Buffer. (Section 4.1, Draft Site Permit)

- ***Wind Turbines***
  EERA staff has included proposed repowering turbine information from the Amendment Application, and acknowledges that the applicant has requested flexibility in the final selection of repowering components due to sourcing and availability issues.[39] (Section 2 and Section 4.9, Draft Site Permit)

- ***Turbine Spacing***
  EERA staff added condition language to allow for reduced internal spacing of 42 of the repowered turbines, and added language with respect to generation data to be included in the Annual Production Report. (Section 4.10, Draft Site Permit)

[39] Letter. Avangrid Power, LLC. June 10, 2025. eDocket # 20256-219780-01

EERA Staff Recommendation

EERA staff recommends acceptance of the permit amendment application as complete. EERA staff recommends that the application be reviewed according to the Commission's process for LWECS repowering permit amendments (Table 1, above), beginning with noticing and holding a public information meeting as soon as arrangements can be made. Further, EERA staff recommends that the attached draft site permit be used as starting point for public comment on the proposed repowering.

Table 2. Application Completeness Requirements

Minnesota Rule 7854.0500	Location in Site Permit Amendment Application	EERA Staff Comments
Subpart 1. Information regarding the applicant.	Section 1	Information is provided to satisfy this requirement.
Subpart 2. Certificate of need requirements.	Section 2	Information is provided to satisfy this requirement. The repowering is exempt from a certificate of need.
Subpart 3. Furtherance of state policy for wind farm siting.	Section 3	Information is provided to satisfy this requirement.
Subpart 4. Characteristics of the proposed site.	Sections 4, 5, 6, and 7	Information is provided to satisfy this requirement.
Subpart 5. Wind rights	Section 7	Information is provided to satisfy this requirement. The applicant discusses its negotiations with landowners to obtain wind rights consistent with the Commission's current 3 RD X 5 RD wind access buffer setback.
Subpart 6. Project design.	Sections 5 and 6	Information is provided to satisfy this requirement. The applicant discusses project design relative to setback conditions and constraints.
Subpart 7. Human and Environmental Impacts	Section 8	Information is provided to satisfy this requirement. The applicant discusses potential impacts and mitigation measures.
Subpart 8. Construction of the project.	Section 10	Information is provided to satisfy this requirement. The applicant discusses construction including the use and tower adapter section.

Minnesota Rule 7854.0500	Location in Site Permit Amendment Application	EERA Staff Comments
Subpart 9. Operation of the project.	Section 10.6	Information is provided to satisfy this requirement.
Subpart 10. Project costs.	Section 10.7	Information is provided to satisfy this requirement.
Subpart 11. Project schedule.	Section 10.8	Information is provided to satisfy this requirement.
Subpart 12. Energy projections.	Section 10.9	Information is provided to satisfy this requirement.
Subpart 13. Decommissioning and restoration.	Section 11	Information is provided to satisfy this requirement.
Subpart 14. Identification of other permits.	Section 12	Information is provided to satisfy this requirement.

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

AMENDED SITE PERMIT FOR
ELM CREEK II WIND PROJECT

A LARGE WIND ENERGY CONVERSION SYSTEM

IN
JACKSON AND MARTIN COUNTIES, MINNESOTA

ISSUED TO
ELM CREEK WIND II, LLC

PUC DOCKET NO. IP6728/WS-09-553

In accordance with the requirements of Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854 this site permit is hereby issued to:

Elm Creek Wind II, LLC a subsidiary of Avangrid Power, LLC

The Permittee is authorized by this site permit to construct and operate a Large Wind Energy Conversion System of up to 148.8 megawatts consisting of up to 60 repowered turbines and two (2) turbines as they are currently operating. The Large Wind Energy Conversion System shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

This site permit shall expire 30 years from the date of this approval.

Approved and adopted this ____ day of _____

BY ORDER OF THE COMMISSION

_____
Will Seuffert,
Executive Secretary

CONTENTS

ATTACHMENTS

1 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Elm Creek Wind II, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854. This site permit authorizes the Permittee to construct and operate the repowered Elm Creek II Wind Project, henceforth known as theProject. The Large Wind Energy Conversion System shall be repowered and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

1.1 Preemption

Pursuant to Minn. Stat. § 216F.07, this site permit shall be the sole site approval required for the location, construction, and operation of the large wind energy conversion system and this site permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose governments.

2 PROJECT DESCRIPTION

The Elm Creek II Wind Project will be repowered, and is an up to 148.8 MW nameplate capacity LWECS in Jackson and Martin counties, Minnesota. The repowered LWECS will maintain the currently existing 62 turbine locations, all turbines with the exception of turbines Q3 and Q4 will be repowered as follows; replacement of rotors (nose cone, hub, and blades), replacement of nacelles and interior elements, and the installation of an adapter section at the top of the existing tower to raise the hub height.

Repowered turbines will be decreased to 2.2 MW output, rotor diameter will be increased to 120 meters, hub height will be increased to 86 meters, and tip height will be increased to 146 meters.

Turbines Q3 and Q4 will remain as currently constructed; rotor diameter of 95 meters, hub height of 78 meters, tip height of 127.5 meters, and an output of 2.4 MW.

2.1 Associated Facilities

The Project currently consists of the following associated facilities:

- Gravel access roads
- Underground electric collection lines
- Underground communication lines

- One permanent meteorological tower
- Project substation facility
- Operation and maintenance (O&M) facility

The following associated facilities will be added as part of the repowering:

- Aircraft Detection Lighting System (ADLS), including one tower.
- Temporary crane paths (up to 50 feet wide)
- Temporary work areas around existing turbine towers
- Temporary laydown yards (two sites, up to 10 acres per site)

2.2 Project Location

The Project is located in the following:

County	Township Name	Township	Range	Section
Jackson	Wisconsin	102	34	1, 2, 3, 4, 5, 8, 9, 10, 11, 12
Jackson	Enterprise	103	34	1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 36
Martin	Jay	102	33	6, 7
Martin	Elm Creek	103	33	5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, 32
Martin	Cedar	104	33	17, 18, 19, 20, 29, 30, 31, 32

2.3 Project Ownership

At least 14 days prior to the pre-construction meeting, the Permittee shall file a description of its ownership structure, identifying, as applicable:

(a) the owner(s) of the financial and governance interests of the Permittee;
(b) the owner(s) of the majority financial and governance interests of the Permittee's owners; and
(c) the Permittee's ultimate parent entity (meaning the entity which is not controlled by any other entity).

The Permittee shall notify the Commission of:

(a) a change in the owner(s) of the majority* financial or governance interests in the Permittee; or
(b) a change in the owner(s) of the majority* financial or governance interests of the Permittee's owners; or
(c) a sale which changes the ultimate parent entity of the Permittee

* When there are only co-equal 50/50 percent interests, any change shall be considered a change in majority interest.

Also, in the event of an ownership change, the new Permittee must provide the Commission with a certification that it has read, understands and is able to comply with the conditions of this permit.

3 DESIGNATED SITE

The site designated by the Commission for the Project is depicted on the site maps attached to this permit. The Designated Site encompasses approximately 30,432 acres, incorporating updated lands for wind access buffer rights. Upon completion, the Project will occupy no more than 80 acres of land converted to wind turbines and associated facilities approved by this site permit. Within the Designated Site, the LWECS shall be located on lands for which the Permittee has obtained wind rights.

3.1 Turbine Layout

The site maps show the location of existing wind turbines, existingassociated facilities, and new associated facilities within the Designated Site. Existing turbine layout minimized the overall potential human and environmental impacts of the Project, as they were evaluated and finalized in the original permitting process.

The Permittee shall identify any modifications in the site plan pursuant to Section 10.2.

4 SETBACKS AND SITE LAYOUT RESTRICTIONS

4.1 Wind Access Buffer

Wind turbines shall be placed no closer than five rotor diameters inthe prevailing wind direction and three rotor diameters in the non-prevailing wind direction from the perimeter of properties where the Permittee does not hold the wind rights, unless otherwise approved by the Commission.

The Commission has waived the wind access buffer setbacks for 18 turbines, including turbines L1, N1, P1, Q1, S4, T1, T2, T3, U1, U2, U3, X13, X5, Y1, Y3, Z1, Z3, and Z4.

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. The Permittee 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.

A wind access buffer waiver will not be issued for turbines Q3 or Q4.

This section does not apply to public roads and trails.

4.2 Residences

Wind turbines shall be located no closer than 1,000 feet from residences existing at the time of this site permit issuance.

4.3 Noise

Wind turbines shall be located such that the Project will comply with the noise standards established in Minnesota Rules Chapter 7030. Turbine operation shall be modified, or turbines shall be removed from service if necessary to comply with these noise standards. The Permittee shall be required to comply with this condition with respect to all residences and other receptors existing at the time of this site permit issuance, but not with respect to such receptors built after construction of the turbines.

4.4 Roads

Wind turbines and meteorological towers shall be located no closer than 250 feet from the edge of the nearest public road right-of-way.

4.5 Public Lands

Wind turbines and associated facilities shall not be located in publicly owned lands that have been designated for recreational or conservation purposes, including, but not limited to, Waterfowl Production Areas, State Wildlife Management Areas, Scientific and Natural Areas or county parks, except in the event that the public entity owning those lands enters into a land lease and easement with the Permittee.

4.6 Wetlands

Wind turbines and associated facilities shall not be located in public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources (DNR), United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetlands Conservation Act.

4.7 Native Prairie

Wind turbines and associated facilities shall not be located in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, or in areas enrolled in the Native Prairie Bank Program unless addressed in a Prairie Protection and Management Plan. Construction activities, as defined in Minn. Stat. § 216E.01, shall not impact native prairie unless addressed in a Prairie Protection and Management Plan.

The Permittee shall prepare a Prairie Protection and Management Plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the Designated Site. The Permittee shall file with the Commission the Prairie Protection and Management Plan 30 days prior to submitting the site plan required by Section 10.3 of this site permit. The Prairie Protection and Management Plan shall address steps that will be taken to avoid impacts to native prairie and mitigate unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission. The Permittee shall comply with the most recently filed Prairie Protection and Management Plan.

4.8 Sand and Gravel Operations

Wind turbines and associated facilities shall not be located within active sand and gravel operations, unless otherwise negotiated with the landowner.

4.9 Wind Turbines

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 85.2 meters (279.5 feet) above grade measured at hub height. The wind turbine specifications in the table below were provided in the Permittee's April 1, 2025 Large Wind Energy Conversion System Site Permit Amendment Application for the Elm Creek II Wind Project in Jackson and Martin Counties, Minnesota.

Design Feature	**Turbine**		
	Existing Turbines – MHI95	Repowered Turbine – Vestas V120	Repowered Turbine – Vestas V110
Capacity (MW)	2.4	2.2	2.2
Total Height (m)	127	145.2	140.2
Hub Height (m)	80	85.2	85.2
Rotor Diameter (m)	95	120	110
Cut-in Wind Speed (m/s)			
Rated Capacity Wind Speed (m/s)			
Cut-out Wind Speed (m/s)			
Maximum Sustained Wind Speed (m/s)			
Wind Swept Area (m^2)	7,088	11,310	9,503
Rotor Speed (rpm)			

The Permittee will be allowed flexibility, within reason, in the selection of the repowering component to allow for sourcing and availability considerations. This section will be updated update to reflect final component selection before repowering construction can begin.

4.10 Turbine Spacing

Wind turbines shall be constructed within the Designated Site. The wind turbines shall be spaced no closer than five rotor diameters in the prevailing wind direction and three rotor diameters in the non-prevailing wind direction from one another. The Commission authorizes the Permittee to complete the repowering of 42 turbines; N1, N2, N3, N4, P1, P2, P3, P4, P5, P6, P7, P8, Q1, Q2, Q5, R1, R2, R3, R4, R5, S2, S3, T2, T3, U1, U2, U3, V1, V2, V3, V4, V5, V7, V8, V9, X1, X2, X3, X4, X5, Z2, and Z3. These 42 repowered turbines will be within five times the rotor diameter in the prevailing wind direction or within three times the rotor diameter in the non-prevailing wind direction.

The Permittee shall provide turbine efficiency and generation data in the Annual Production Reporting, so that turbines with reduced internal spacing can be evaluated in comparison to turbines with standard internal spacing.

4.11 Meteorological Towers

Permanent towers for meteorological equipment shall be free standing. Permanent meteorological towers shall be located no less than 250 feet from the edge of the nearest public road right-of-way and the Designated Site boundary, or in compliance with the county ordinance regulating meteorological towers, whichever is more restrictive.

Meteorological towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the meteorological towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the meteorological monitoring equipment.

4.12 Aviation

The Permittee shall not place wind turbines or associated facilities in a location that could create an obstruction to navigable airspace of private and public airports (as defined in Minn. R. 8800.0100, subp. 24(a) and 24(b)) in Minnesota, adjacent states, or provinces. The Permittee shall apply the minimum obstruction clearance for private airports pursuant to Minn. R. 8800.1900, subp. 5. Setbacks or other limitations shall be followed in accordance with the Minnesota Department of Transportation (MnDOT), Department of Aviation, and the FAA. At least 14 days prior to the pre-construction meeting, the Permittee shall notify owners of all known airports within six miles of the project of the anticipated construction start date. The Permittee shall file with the Commission an affidavit of its notification to airports at least 14 days prior to the pre-construction meeting.

4.13 Footprint Minimization

The Permittee shall design and construct the Project to minimize the amount of land that is impacted. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers, and monitoring systems shall, to the greatest extent feasible, be mounted on the foundations used for wind turbines or inside the wind turbines unless otherwise negotiated with the affected landowner.

5 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the LWECS over the life of this site permit.

5.1 Site Permit Distribution

Within 30 days of issuance of this site permit, the Permittee shall provide all affected landowners with a copy of this site permit and the complaint procedures. An affected landowner is any landowner or designee that is within or adjacent to the permitted site. In no case shall a landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall also provide a copy of this site permit and the complaint procedures to the applicable regional development commissions, county environmental offices, and city and township clerks. The Permittee shall file with the Commission an affidavit of its site permit and complaint procedures distribution within 30 days of issuance of this site permit.

5.2 Access to Property

The Permittee shall notify landowners prior to entering or conducting maintenance within their property, unless otherwise negotiated with the landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

5.3 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the permitting record for this Project unless this site permit establishes a different requirement in which case this site permit shall prevail.

5.3.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this site permit during repowering construction of the Project. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, local

government units and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

5.3.2 Site Manager

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this site permit during the commercial operation and decommissioning phases of the Project. This person shall be accessible by telephone or other means during normal business hours for the life of this site permit.

The Permittee shall file the name, address, email, phone number, and emergency phone number of the site manager with the Commission within 14 days of completing repowering construction activities. The Permittee shall provide the site manager's contact information to landowners within or adjacent to the Project Boundary, local government units and other interested persons within 14 days of the completion of repowering construction activities. The Permittee may change the site manager at any time upon notice to the Commission, landowners within or adjacent to the Project Boundary, local government units, and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its site manager's contact information within 14 days of completing repowering construction activities and upon changes to the site manager.

5.3.3 Employee Training - Site Permit Terms and Conditions

The Permittee shall train and educate all employees, contractors, and other persons involved in the construction and ongoing operation of the LWECS of the terms and conditions of this site permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

5.3.4 Independent Third-Party Monitoring

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of the Commission. The scope of work shall be developed in consultation with and approved by Commission staff. This third-party monitor will report directly to and will be under the control of Commission staff with costs borne by the Permittee. Commission staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed in eDockets in accordance with scope of work approved by the Commission staff.

5.3.5 Public Services and Public Utilities

During Project construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these shall be temporary, and the Permittee shall restore service promptly. Where any impacts to utilities have the potential to occur the Permittee shall work with both landowners and local entities to determine the most appropriate mitigation measures if not already considered as part of this site permit.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

5.3.6 Topsoil Protection

The Permittee shall implement measures to protect and segregate topsoil from subsoil on all lands utilized for Project construction unless otherwise negotiated with the affected landowner.

5.3.7 Soil Compaction

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the Project's life and shall confine compaction to as small an area as feasible. The Permittee shall use soil decompaction measures on all lands utilized for Project construction and travelled on by heavy equipment (*e.g.*, cranes and heavy trucks), even when soil compaction minimization measures are used.

5.3.8 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency Construction Stormwater Program. If construction of the Project disturbs more than one acre of land or is sited in an area designated by the Minnesota Pollution Control Agency (MPCA) as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit from the MPCA that provides for the development of a Stormwater Pollution Prevention Plan that describes methods to control erosion and runoff.

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats,

stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the facilities shall be returned to pre-construction conditions.

5.3.9 Wetlands and Water Resources

The Permittee shall construct in and travel within wetland areas during frozen ground conditions, to the extent feasible, to minimize impacts. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. The Permittee shall contain and manage soil excavated from the wetlands and riparian areas in accordance with all applicable wetland permits. The Permittee shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. The Permittee shall meet USACE, DNR, Minnesota Board of Water and Soil Resources, and local government wetland and water resource requirements.

The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

5.3.10 Vegetation Removal

The Permittee shall disturb or clear vegetation within the Designated Site only to the extent necessary to assure the safe construction, operation, and maintenance of the Project. The Permittee shall minimize the number of trees removed within the Designated Site specifically preserving to the maximum extent practicable windbreaks, shelterbelts, and living snow fences.

5.3.11 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the MDA, DNR, and the U.S. Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if

the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commission staff.

5.3.12 Invasive Species

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by Project construction activities. The Permittee shall develop an Invasive Species Prevention Plan and file it with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.

5.3.13 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil, the Permittee shall select site-appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

5.3.14 Public Roads

Where practical, the Permittee shall use existing roadways for activities associated with the Project and shall use all-weather roads to transport cement, turbines, towers, assembled nacelles, and all other heavy components. At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission a Public Road Use Report that:

(a) includes a map that identifies which roads will be used for the Project;
(b) identifies who has jurisdiction over the roads;
(c) indicates whether inspections of the roads are required prior to Project construction; and
(d) provides the status of Public Road Use Agreements or Public Road Development Agreements.

The Permittee must obtain and file with the Commission Public Road Use Agreements or Public Road Development Agreements before Project construction may begin. The Public Road Use Agreements or Public Road Development Agreements shall include: (1) written authorizations from governmental entities that have jurisdiction over roads used for the Project, and (2)

maintenance and repair plans that may be required based on damages from Project construction.

5.3.15 Turbine Access Roads

The Permittee shall construct the fewest number of turbine access roads necessary to safely and efficiently operate the Project and satisfy landowner requests. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. Access roads shall not be constructed across streams and drainage ditches without required permits and approvals. When access roads are constructed across streams, drainage ways, or drainage ditches, the access roads shall be designed and constructed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed.

Any access roads that are constructed across streams or drainage ditches shall be designed and constructed in a manner that maintains existing fish passage. Access roads that are constructed across grassed waterways that provide drainage for surface waters that are ephemeral in nature, are not required to maintain or provide fish passage. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

The Permittee shall provide the local soil and water conservation district and participating landowners an opportunity to review and comment on access road plans in order to minimize the potential to pond and divert water creating gully erosion or the potential to cause damage or failure to existing conservation practices, such as terraces, sediment control basins or diversions prior to finalization and installation. The Permittee shall file documentation of turbine access road coordination at least 14 days prior to the pre-construction meeting.

5.3.16 Private Roads

The Permittee shall promptly repair private roads or lanes damaged during Project construction and operation unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

5.3.17 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Project. In the event that a resource is encountered, the Permittee shall

consult with the State Historic Preservation Office (SHPO) and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize Project impacts on the resource consistent with SHPO and State Archaeologist requirements.

Prior to construction, the Permittee shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

5.3.18 Interference

At least 14 days prior to the pre-construction meeting, the Permittee shall submit to the Commission an Interference Assessment of television and radio signal reception, microwave signal patterns, and telecommunications in the Project area. The Interference Assessment shall be designed to provide data that can be used in the future to determine whether the turbines and associated facilities are the cause of disruption or interference of television or radio reception, microwave patterns, or telecommunications in the event residents should complain about such disruption or interference after the turbines are placed in operation. The Permittee shall be responsible for alleviating any disruption or interference of these services caused by the turbines or any associated facilities.

The Permittee shall not operate the Project in a manner that causes microwave, television, radio, telecommunications, or navigation interference in violation of Federal Communications Commission (FCC) regulations or other law. In the event the Project causes such interference, the Permittee shall take timely measures necessary to correct the problem. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

Turbines T1, T2, and U3 are known to overlap the LTD Broadband LLC Steve Johnson Farms to Sherburn Water Tower Fresnel zones. Turbines T1, T2, and U3 were constructed and operational prior to the LTD Broadband LLC beam path was licensed and put in place. The permittee shall coordinate with LTD Broadband LLC should any turbine interference occur.

5.3.19 Livestock Protection

The Permittee shall take precautions to protect livestock during all phases of the Project's life.

5.3.20 Fences

The Permittee shall promptly replace or repair all fences and gates removed or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner. When the Permittee installs a gate where electric fences are present, the Permittee shall provide for continuity in the electric fence circuit. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

5.3.21 Drainage Tiles

The Permittee shall avoid, promptly repair, or replace all drainage tiles broken or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

5.3.22 Equipment Storage

The Permittee shall locate temporary equipment staging areas only on lands where it has received permission from the landowner. Temporary equipment staging areas shall not be located in wetlands or native prairie as defined in Sections 4.6 and 4.7. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

5.3.23 Restoration

The Permittee shall restore the areas affected by construction of the Project to the condition that existed immediately before construction began to the greatest extent possible. The time period to complete restoration may be no longer than 12 months after the completion of construction, unless otherwise negotiated with the affected landowner. Restoration shall be compatible with the safe operation, maintenance, and inspection of the Project. Within 60 days after completion of all restoration activities, the Permittee shall file with the Commission a Notice of Restoration Completion.

5.3.24 Cleanup

The Permittee shall remove and properly dispose of all construction waste and scrap from the right-of-way and all premises on which construction activities were conducted upon completion

of each task. The Permittee shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities daily.

5.3.25 Pollution and Hazardous Waste

The Permittee shall take all appropriate precautions to protect against pollution of the environment. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all waste generated during construction and restoration of the Project.

5.3.26 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damage sustained during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

5.3.27 Public Safety

The Permittee shall provide educational materials to landowners within and adjacent to the Designated Site and, upon request, to interested persons about the Project and any restrictions or dangers associated with the Project. The Permittee shall also implement any necessary safety measures such as placing warning signs and gates for traffic control or restricting public access. The Permittee shall file with the Commission an affidavit of its public safety notifications at least 14 days before the pre-construction meeting.

The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of the construction of the Project.

5.3.28 Turbine Identification

The Permittee shall mark all turbines and towers with a clearly visible identification number and the name of the Project.

5.3.29 Federal Aviation Administration Lighting

The Permittee shall mark turbines and towers as required by the FAA. There shall be no lights on turbines or 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. 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 the Site Plan.

5.4 Communication Cables

The Permittee shall place all communication and supervisory control and data acquisition cables underground and within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner.

5.5 Electrical Collector and Feeder Lines

The Permittee shall bury underground collector lines that carry electrical power from each individual transformer associated with a wind turbine to an internal Project interconnection point. The Permittee shall place collector lines within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner.

The Permittee may use overhead or underground feeder lines to carry power from an internal project interconnection point to the project substation or interconnection point on the electrical grid. The Permittee shall place overhead and underground feeder lines that parallel public roads within the public right-of-way or on private land immediately adjacent to the road. The Permittee shall obtain approval from the landowner or government unit responsible for the affected right-of-way.

The Permittee shall locate feeder lines in such a manner as to minimize interference with agricultural operations including but not limited to existing drainage patterns, drain tile, future tiling plans, and ditches. The Permittee shall place safety shields on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the Site Plan pursuant to Section 10.2.

5.6 Other Requirements

5.6.1 Safety Codes and Design Requirements

The Permittee shall design the LWECS and associated facilities to meet or exceed all relevant local and state codes, Institute of Electrical and Electronics Engineers, Inc. standards, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

5.6.2 Other Permits and Regulations

The Permittee shall comply with all applicable state statutes and rules. The Permittee shall obtain all required permits for the Project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission an Other Permits and Regulations Submittal that contains a detailed status of all permits, authorizations, and approvals that have been applied for specific to the Project. The Other Permits and Regulations Submittal shall also include the permitting agency name; the name of the permit, authorization, or approval being sought; contact person and contact information for the permitting agency or authority; brief description of why the permit, authorization, or approval is needed; application submittal date; and the date the permit, authorization, or approval was issued or is anticipated to be issued.

The Permittee shall demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as such and an updated Other Permits and Regulations Submittal prior to commencing Project construction. The Permittee shall provide a copy of any such permits, authorizations, and approvals upon the request of Commission staff.

6 SPECIAL CONDITIONS

The special conditions shall take precedence over other conditions of this permit should there be a conflict.

[Add Special Conditions in accordance with the record of the docket]

7 SURVEYS AND REPORTING

7.1 Biological and Natural Resource Inventories

The Permittee, in consultation with the Commission and the DNR, shall design and conduct pre-construction desktop and field inventories of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas within the Designated Site and assess the presence of state- or federally-listed or threatened species. The Permittee shall file with the Commission the results of any new inventories conducted to address the repowering of the Project, at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this site permit. The Permittee

shall file with the Commission any biological surveys or studies conducted on this Project, including those not required under this site permit.

7.2 Shadow Flicker

The Permittee shall file with the Commission a Shadow Flicker Modeling Report at least 14 days prior to the pre-construction meeting. The Shadow Flicker Modeling Report shall contain:

(a) the predicted number of hours of shadow flicker at each existing residence in-place at the time of this site permit issuance that have the potential to be subject to shadow flicker;
(b) whether modeled residences are participating landowners;
(c) a description of the specific model used, and any modeling assumptions made; and
(d) a description of the Permittee's efforts to avoid, minimize and mitigate shadow flicker exposure.

If the Shadow Flicker Modeling Report predicts 30 hours or more of shadow flicker per year at any residence in-place at the time of this site permit issuance, the Permittee shall file with the Commission a Shadow Flicker Management Plan at least 14 days prior to the pre-construction meeting. The Shadow Flicker Management Plan shall contain a description of the Permittee's:

(a) efforts to avoid, minimize and mitigate shadow flicker exposure, which may include providing screening or turbine curtailment; and
(b) communication and new agreements with landowners that are predicted to experience 30 hours or more of shadow flicker per year.

The Commission may require the Permittee to install shadow flicker monitoring at any time during the life of this site permit.

7.3 Wake Loss Studies

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the wake loss analysis for the proposed turbine repowering and an estimate of total Project wake losses. As part of the Annual Project Energy Production Report required under Section 10.9 of this site permit the Permittee shall file with the Commission any operational wake loss studies conducted on the Project during the calendar year preceding the report.

7.4 Noise Studies

In consultation with Commission staff, the Permittee shall develop a post-construction noise monitoring protocol (Noise Monitoring Protocol) that is consistent with Commerce's Large Wind Energy Conversion Systems Noise Monitoring Protocol and Report guidance. The Permittee shall file the Noise Monitoring Protocol with the Commission at least 14 days prior to the pre-construction meeting.

The Permittee shall conduct a noise study according to the Noise Monitoring Protocol and file a Post-Construction Noise Monitoring Report with the Commission within 18 months of the completion of repowering the Project.

7.5 Avian and Bat Protection

7.5.1 Operational Phase Fatality Monitoring

The Permittee shall utilize a qualified third party to conduct a minimum of two full years of avian and bat fatality monitoring commencing full Project operation after completing repowering. Monitoring activities and results will be coordinated directly with the DNR, the U.S. Fish and Wildlife Service (USFWS), and Commission staff. Detailed monitoring protocols, agency coordination, and any avoidance and minimization measures will be detailed in the Avian and Bat Protection Plan (ABPP).

7.5.2 Avian and Bat Protection Plan

The Permittee shall review and update the Avian and Bat Protection Plan (ABPP) that was submitted as part of its Site Permit Amendment Application. The ABPP must address steps that will be taken to identify and mitigate impacts to avian and bat species during the construction and operation phases of the Project. The ABPP shall also include formal and incidental post-construction fatality monitoring, training, wildlife handling, documentation (*e.g.*, photographs), and reporting protocols for each phase of the Project. The Permittee shall file the updated ABPP with the Commission, and provide electronic copies to Commission staff, DNR, and FWS, at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed ABPP.

The Permittee shall, by the 15th of March following each complete or partial calendar year of operation, file with the Commission an annual report detailing the findings of its annual audit of ABPP practices. The annual report shall include summarized and raw data of bird and bat fatalities and injuries and shall include bird and bat fatality estimates for the project using agreed upon estimators from the prior calendar year. The annual report shall also identify any deficiencies or recommended changes in the operation of the Project or in the ABPP to reduce avian and bat fatalities and shall provide a schedule for implementing the corrective or

modified actions. The Permittee shall provide a copy of the report to the DNR and the USFWS at the time of filing with the Commission.

7.5.3 Quarterly Avian and Bat Incident Reports

The Permittee shall file quarterly Avian and Bat Incident Reports with the Commission, and provide electronic copies to DNR, and the FWS. The quarterly Avian and Bat Incident Reports are due by the 15th of January, April, July, and October commencing the day following the completion of repowering and full commencement of operation and terminating upon the expiration of this site permit. The Avian and Bat Incident Reports must include:

(a) identification of dead or injured avian and bat species;
(b) the location of the find, including identifying the nearest turbine;
(c) the date of the find;
(d) the potential cause of the death or injury; and
(e) steps taken to avoid future occurrences.

7.5.4 Immediate Avian and Bat Incident Notification

The Permittee shall file an Immediate Avian and Bat Incident Notification with the Commission, and provide an electronic copy to Commerce, the USFWS, and the DNR within 24 hours of the discovery of any of the following:

a. five or more dead or injured birds or bats at a single turbine during a single survey, or twenty or more dead or injured birds or bats across the entire facility during a single survey (potential mass casualty event).
b. one or more dead or injured state threatened, endangered, or species of special concern;
c. one or more dead or injured federally listed species, including species proposed for listing; or
d. one or more dead or injured bald or golden eagle.

Within seven days of filing the Immediate Avian and Bat Incident Notification, the Permittee shall file an Avian and Bat Incident Report with the Commission, and provide electronic copies to the DNR and FWS. The Avian and Bat Incident Report must include identification of dead or injured avian and bat species, including pictures; the location of the find, including identifying the nearest turbine; the date of the find; the potential cause of the death or injury; a detailed log of agencies and individuals contacted; and steps taken to avoid future occurrences.

7.5.5 Turbine Operational Curtailment

The Permittee shall lock or feather up to the manufacturer's standard cut-in speed all Project turbines from one-half hour before sunset to one-half hour after sunrise from April 1 to October 31. All turbines at the facility must be equipped with operational software that can allow for adjustment of turbine cut-in speeds.

8 AUTHORITY TO CONSTRUCT LWECS

8.1 Wind Rights

At least 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 Designated Site authorized by this site permit. Nothing in this site permit shall be construed to preclude any other person from seeking a permit to construct a wind energy conversion system within the Designated Site covered by this permit if the Permittee does not hold exclusive wind rights for such areas.

8.2 Power Purchase Agreement

In the event the Permittee does not have a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project at the time this site permit is issued, the Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This site permit does not authorize construction of the Project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project. In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project within two years of the issuance of this site permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this site permit should be amended or revoked. No amendment or revocation of this site permit may be undertaken except in accordance with Minnesota Statute 216I.09.

8.3 Failure to Commence Construction

If the Permittee has not commenced construction of the Project within four years after issuance of this site permit, the Permittee shall file a Failure to Construct Report and the Commission shall consider amendment or revocation of this site permit in accordance withMinnesota Statute 216I.20.

9 COMPLAINT PROCEDURES

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the complaint procedures that will be used to receive and respond to complaints. The complaint procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this site permit.

Upon request, the Permittee shall assist Commission staff with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

10 COMPLIANCE REQUIREMENTS

Failure to timely and properly make compliance filings required by this site permit is a failure to comply with the conditions of this site permit. Compliance filings must be electronically filed with the Commission.

10.1 Pre-Construction Meeting

Prior to the start of any construction, the Permittee shall participate in a pre-construction meeting with Commerce and Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission, a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the anticipated construction start date.

10.2 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission, and provide the counties where the Project will be constructed with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations of all turbines and other structures to be constructed including all electrical equipment, collector and feeder lines, pollution control equipment, fencing, roads, and other associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the Designated Site boundary and turbine layout in relation to that approved by this site permit. The Permittee shall document, through GIS mapping, compliance with the setbacks and site layout restrictions required by this permit, including compliance with the noise standards pursuant to Minnesota Rules Chapter 7030. The Permittee shall notify

affected landowners and city and township clerks that the site plan is on file with the Commission and the counties where the Project will be constructed. The Permittee shall file with the Commission an affidavit of its notification to landowners and city and township clerks.

The Permittee may submit a site plan and engineering drawings for only a portion of the Project if the Permittee intends to commence construction on certain parts of the Project before completing the site plan and engineering drawings for other parts of the Project.

The Permittee may not commence construction until the earlier of (i) 30 days after the pre-construction meeting or (ii) or until the Commission staff has notified the Permittee in writing that it has completed its review of the pre-construction documents and determined that the planned construction is consistent with this site permit.

If the Commission notifies the Permittee in writing within 30 days after the pre-construction meeting that it has completed its review of the documents and planned construction, and finds that the planned construction is not consistent with this site permit, the Permittee may submit additional and/or revised documentation but may not commence construction until the Commission has notified the Permittee in writing that it has determined that the planned construction is consistent with this site permit.

If the Permittee intends to make any significant changes in its site plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission, and county staff at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this site permit.

10.3 Status Reports

The Permittee shall file with the Commission monthly Construction Status Reports beginning with the pre-construction meeting and until completion of restoration. Construction Status Reports shall describe construction activities and progress, activities undertaken in compliance with this site permit, and shall include text and photographs.

If the Permittee does not commence construction of the Project within six months of this site permit issuance, the Permittee shall file with the Commission Pre-Construction Status Reports on the anticipated timing of construction every three months beginning with the issuance of this site permit until the pre-construction meeting. The status updates shall include information on the Project's Midcontinent Independent System Operator (MISO) interconnection process, if applicable.

10.4 Labor Statistic Reporting

The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:

(a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers; and
(b) provide an account of:
    i. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7;
    ii. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and
    iii. the total gross hours worked or total full-time equivalent workers.

The Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

10.5 Prevailing Wage

The Permittee, its contractors, and subcontractors shall pay no less than the prevailing wage rate as defined in Minn. Stat. § 177.42 and shall be subject to the requirements and enforcement provisions under Minn. Stat. §§ 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45. The Permittee shall keep records of contractor and subcontractor pay and provide them at the request of Commission staff.

10.6 In-Service Date

At least three days before the Project's final repowered turbine is to be placed into service, the Permittee shall notify the Commission of the date on which the Project will be placed into service and the date on which construction was completed.

10.7 As-Builts

Within 90 days after completion of construction, the Permittee shall submit copies of all final as-built plans and specifications developed during the Project.

10.8 GIS and GPS Data

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (*e.g.*, ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the Project.

10.9 Project Energy Production

The Permittee shall, by February 1st following each complete or partial year of Project operation, file a report with the Commission on the monthly energy production of the Project including:

a. the installed nameplate capacity of the permitted Project;
b. the total monthly energy generated by the Project in MW hours;
c. the monthly capacity factor of the Project;
d. yearly energy production and capacity factor for the Project;
e. the operational status of the Project and any major curtailments, outages, major repairs, or turbine performance improvements occurring in the previous year; and
f. any other information reasonably requested by the Commission.

The Permittee shall file this information in a format recommended by Commission staff. This information shall be considered public and must be filed electronically.

10.10 Wind Resource Use

The Permittee shall, by February 1st following each complete or partial calendar year of operation, file with the Commission the average monthly and average annual wind speed collected at one permanent meteorological tower during the preceding year or partial year of operation with the Project Energy Production Report. This information shall be considered public and must be filed electronically.

10.11 Emergency Response

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. The Permittee shall file the ERP, along with any comments from emergency responders to the Commission at least 14 days prior to the pre-construction meeting and a revised ERP, if any, at least 14 days prior to thecompletion of construction on the final repowered turbine. At least 14 days prior to the completion of construction on the final repowered turbine the Permittee shall file with the Commission an affidavit of the distribution of the ERP to emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the Project. The Permittee shall obtain

and register the Project address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the Project.

10.12 Extraordinary Events

Within 24 hours of discovery of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to fires, tower collapse, thrown blade, acts of sabotage, collector or feeder line failure, and injured worker or private person. The Permittee shall, within 30 days of the occurrence, file a report with the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

11 DECOMMISSIONING, RESTORATION, AND ABANDONMENT

11.1 Decommissioning Plan

The Permittee shall comply with the provisions of the most recently filed and accepted Decommissioning Plan. The initial version of the Decommissioning Plan was submitted for this Project as Appendix 0 to the Large Wind Energy Conversion System Site Permit Amendment Application filed with the Commission on April 1, 2025. The Permittee shall file an updated Decommissioning Plan, incorporating comments and information from the permitting process and any updates associated with the final construction plans, with the Commission 14 days before the pre-construction meeting. The Permittee shall update and file the Decommissioning Plan with the Commission every five years following the commercial operation date of all of the repowered turbines.

The Decommissioning Plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration of the project in accordance with the requirements of Minn. R. 7854.0500, subp. 13. The Decommissioning Plan shall provide an itemized breakdown of costs to decommissioning all project components, which shall include labor and equipment. The plan shall identify cost estimates for the removal of turbines, turbine foundations, underground collection cables, access roads, crane pads, substations, and other project components. The plan may also include anticipated costs for the replacement of turbines or repowering the Project by upgrading equipment.

The Permittee shall also submit the Decommissioning Plan to the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the Project at the appropriate time. The Commission

may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

11.2 Final Site Restoration

Upon expiration of this site permit or upon termination of operation of the Project, the Permittee shall have the obligation to dismantle and remove from the site all turbines, towers, turbine generators, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment in accordance with the most recently filed and accepted Decommissioning Plan. To the extent feasible, the Permittee shall restore and reclaim the site to pre-project conditions. Landowners may require the site be returned to agricultural production or may retain restored prairie vegetation, or other land uses as agreed to between the landowner and the Permittee. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be filed with the Commission prior to commencing restoration activities. The Permittee shall restore the site in accordance with the requirements of this condition and file a Notification of Final Restoration Completion to the Commission within 18 months of termination of operation of the Project.

11.3 Abandoned Turbines

The Permittee shall notify the Commission of any turbines that are abandoned prior to termination of operation of the Project. Equipment shall be considered abandoned after one year without energy production and shall be decommissioned and the land shall be restored pursuant to sections 11.1 and 11.2, unless a plan is submitted to and approved by the Commission outlining the steps and schedule for returning the equipment to service.

11.4 Waste Disposal Filings

Permittee shall recycle turbine blades and project components that are replaced through the repower to the extent practical and make a compliance filing at least 14 days before the pre-construction meeting outlining the method for disposal or reuse of the existing turbine blades and other components, providing the estimated cost, options considered, evaluation conducted, option selected or rejected, and the timing for disposal or reuse. After repowering is completed, the Permitee shall provide an update to the disposal compliance filing describing actual costs, timing, and methods for disposal or reuse

12 COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE

12.1 Final Designated Site Boundaries

After completion of construction, the Commission shall determine the need to adjust the final boundaries of the Designated Site required for this Project in accordance with Minn. R. 7854.1300, subp. 1.

12.2 Expansion of Designated Site Boundaries

No expansion of the Designated Site boundaries described in this site permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundaries of the Designated Site for the Project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

12.3 Periodic Review

The Commission shall initiate a review of this site permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this site permit. No modification may be made except in accordance with applicable statutes and rules.

12.4 Modification of Conditions

After notice and opportunity for hearing, this site permit may be modified or amended for cause, including but not limited to the following:

a. violation of any condition in this site permit;
b. endangerment of human health or the environment by operation of the Project; or
c. existence of other grounds established by rule.

12.5 More Stringent Rules

The issuance of this site permit does not prevent the future adoption by the Commission of rules or orders more stringent than those now in existence and does not prevent the enforcement of these more stringent rules and orders against the Permittee.

12.6 Right of Entry

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

a. to enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations;
b. to bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations;
c. to sample and monitor upon the facilities easement of the property; or
d. to examine and copy any documents pertaining to compliance with the conditions of this site permit.

12.7 Proprietary Information

Certain information required to be filed with the Commission under this site permit may constitute trade secret information or other type of proprietary information under the Data Practices Act or other law. The Permittee must satisfy requirements of applicable law to obtain the protection afforded by the law.

13 SITE PERMIT AMENDMENT

This site permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this site permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required under Minnesota Statute 216I.09.

14 TRANSFER OF SITE PERMIT

The Permittee may request at any time that the Commission transfer this site permit to another person or entity (transferee). In its request, the Permittee must provide the Commission with:

(a) the name and description of the transferee;
(b) the reasons for the transfer;
(c) a description of the facilities affected; and
(d) the proposed effective date of the transfer.

The transferee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures filed for the Project and all conditions of this site permit.

The transferee must provide the Commission with the name and contact information for the site manager, as described in Section 5.3.2, and either a current version with eDocket reference, or a revised version of the following:

(a) complaint procedures, as described in Section 9 and Attachment 1;
(b) ERP, as described in Section 10.11; and
(c) decommissioning plan, as described in Section 11.1.

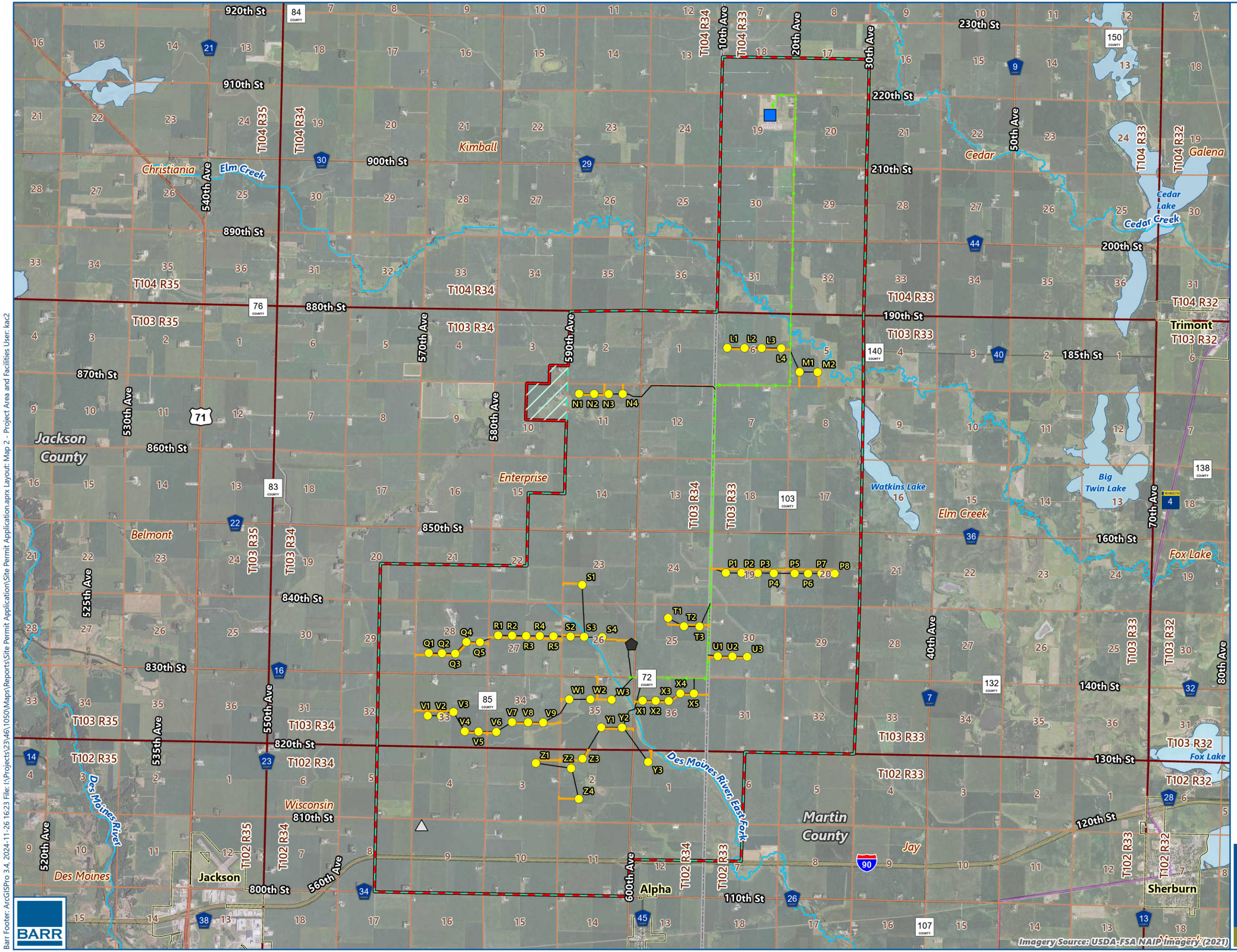
The Commission may authorize transfer of the site permit after affording the Permittee, the transferee, and interested persons such process as is required under Minnesota Statute 216I.13.

15 REVOCATION OR SUSPENSION OF SITE PERMIT

The Commission may initiate action to revoke or suspend this site permit at any time. The Commission shall act in accordance with the requirements of Minnesota Statute 216I.24, to revoke or suspend this site permit.

16 EXPIRATION DATE

This site permit shall expire 30 years after the date this site permit was approved and adopted.



Project Area

2010 Site Permit Boundary

Additional Area Outside of Original 2010 Site Permit Boundary

Existing Turbine to be Retrofitted

Met Tower

O&M Facility Location

Substation Location

Access Road

Overhead Collector Line

Underground Collector Line

Waterbody

Watercourse

County Boundary

Municipal Boundary

Public Land Survey Townships

Public Land Survey Sections

0 6,000 12,000

Feet

PROJECT AREA AND FACILITIES
Elm Creek II Wind
Martin and Jackson Counties, MN

MAP 2

BARR