

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Nancy Lange  
Dan Lipschultz  
Matthew Schuerger  
Katie J. Sieben  
John A. Tuma

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

Michelle Matthews  
Renewable Energy Systems  
330 2nd Avenue South, Suite 820  
Minneapolis, MN 55401

SERVICE DATE: May 25, 2018

DOCKET NO. IP-6984/WS-17-749

In the Matter of the Application of Flying Cow Wind, LLC for a Site Permit for the up to 152 MW Bitter Root Wind Project and Associated Facilities in Yellow Medicine County

The above-entitled matter was considered by the Commission on May 17, 2018, and the following disposition made:

- **Issued the draft site permit proposed by the Department of Commerce.**

The Commission agrees with and adopts the recommendations of the Department of Commerce, which are attached and hereby incorporated into the order. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Daniel P. Wolf  
Executive Secretary

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**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION****COMMENTS AND RECOMMENDATIONS OF THE  
MINNESOTA DEPARTMENT OF COMMERCE  
ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS**

DOCKET NO. IP-6984/WS-17-749

Date

April 19, 2018

EERA Staff.....William Cole Storm (651) 539-1844

In the Matter of the Application of Flying Cow Wind, LLC for a Large Wind Energy Conversion System (LWECS) Site Permit for the 152 MW Bitter Root Wind Project in Yellow Medicine County, Minnesota.

Issue(s) Addressed: These comments address whether the Commission should issue a Draft Site Permit (DSP) for the Bitter Root Wind Project, and what conditions are necessary in the DSP should the Commission issue one for this project.

## Documents Attached

## 1. Preliminary Draft Site Permit

Additional documents and information can be found on the EERA website <https://mn.gov/commerce/energyfacilities/Docket.html?Id=34766> or on eDockets <https://www.edockets.state.mn.us/EFiling/search.jsp> (Year "17" and Number "749").

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## Introduction and Background

Flying Cow Wind, LLC (Applicant) filed a Site Permit Application (SPA) with the Public Utilities Commission (Commission) for a Large Wind Energy Conversion System (LWECS) project on November 9, 2017, to build the Bitter Root Wind Project (Project) in Yellow Medicine County, Minnesota.<sup>1</sup>

Flying Cow Wind, LLC is a wholly-owned subsidiary of Renewable Energy Systems Americas Inc. (RES). RES, through its affiliates, develops renewable energy projects throughout the United States and Canada. RES is one of the top renewable energy companies in North America. The RES Group has constructed over 160 renewable energy projects with a global portfolio that exceeds 12 gigawatts. RES has been active in North America since 1997, has a renewable energy and energy storage construction portfolio that exceeds 10,000 MW and over 100 projects, and has constructed more than 1,000 miles of overhead transmission lines.

The Applicant has indicated they are pursuing approval of a Certificate of Need (CN) for the Project, and the CN application was filed with the Commission on October 19, 2017. The CN process and application for the Bitter Root Wind Project was assigned Docket number IP6984/CN-17-676.

### Project Location

Canby is the closest community to the Project. Portions of the Project are located in Florida, Fortier, and Norman Townships in Yellow Medicine County. The proposed Project is located in a portion of the state that has seen extensive development of LWECS over the past 10 years.

### Project Description

The Project Boundary encompasses approximately 22,888 acres, of which approximately 21,000 acres are currently leased for the Project. The November 9, 2017, original project design called for:

1. A wind turbine layout consisting of up to 37 turbines, depending on turbine specifications; the application described the use of Vestas V136 (3.45 MW and 4.2 MW) wind turbines; and
2. Associated facilities, including gravel access roads, an electrical collection system, temporary and permanent meteorological towers, a Project substation facility, an interconnection facility, a temporary batch plant for construction, a temporary staging/laydown construction area, and an operations and maintenance (O&M) facility.

On March 28, 2018, the Applicant submitted an addendum to the site permit application providing information regarding certain changes to the Project since the Application was filed on November 9, 2017; these changes were necessitated due to turbine and land availability.<sup>2</sup>

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<sup>1</sup> Site Permit Application and associated Figures and Appendices, Bitter Root Wind Project, Main Document of Site Permit Application, eDocket #201711-137275-01 to -10 and 201711-137275-01 to -10

<sup>2</sup> Addendum to the Site Permit Application, Bitter Root Wind Project. eDocket No.20183-141493—01 to -10

The Addendum to the Site Permit Application for the Bitter Root Wind Project provided a revised layout for the site. The Project layout in the original SPA included 37 turbine locations and 3 alternate locations (five 3.45 MW and thirty-two 4.2 MW turbines). The Applicant no longer plans to utilize any Vestas V136 4.2 MW turbines, but still plans to permit a Project nameplate capacity of approximately 152 MW. Accordingly, the revised Project layout contained within the Addendum includes 44 turbine locations and 8 alternate locations, all utilizing the Vestas V136 3.45 MW turbine. In addition to identifying 7 new turbine locations, the revised Project layout will also include adjustments to other turbine locations to allow for the new turbine locations and adjust for changes in land availability. All locations in the revised Project layout, however, are within the Project boundary identified in the original SPA, which remains unchanged.

The Applicant's goal is to commence commercial operation of the Project in the fall of 2019.

## **Regulatory Process and Procedures**

A Site Permit from the Commission is required to construct an LWECS, which is any combination of wind turbines and associated facilities with the capacity to generate five megawatts or more of electricity. This requirement became law in 1995. The Minnesota Wind Siting Act is found at Minnesota Statutes Chapter 216F. The rules to implement the permitting requirements for LWECS are in Minn. Rule 7854. The first two steps in the permitting process are 1) SPA Acceptance and 2) Issuing of the Draft Site Permit.

### **Application Acceptance**

Application acceptance is guided by Minnesota Rule 7854.0600. The Commission may elect to accept, conditionally accept, or reject the Application. If the Commission conditionally accepts or rejects an application, the Commission must advise the Applicant of the deficiencies in the application and the manner in which the deficiencies can be addressed.

Within 15 days of LWECS site permit application acceptance, the Applicant is required to provide notice of application acceptance. In addition to publishing this notice in a newspaper of general circulation in each county, the notice is distributed to the county board, each city council and each township board in each county where the LWECS is proposed to be located. This notice is also posted on eDockets. In practice this notice has been developed by the Applicant with assistance from EERA staff to ensure that the notice meets the requirements and intent of Minnesota Rule 7854.0600.

As a part of the notice requirements of Minnesota Rule 7854.0600, the Applicant must provide a copy of the accepted Application to each landowner within the site. The Applicant is also required to distribute the accepted application to the Minnesota Historical Society, the regional development commission(s) within which the LWECS is proposed to be located, the auditor of each county, and the clerk of each city and township in which the LWECS is proposed to be located. The auditors and clerks are to retain the application and make it available for public inspection on request. The Applicant is responsible for maintaining the application distribution list.

Once the SPA is determined to be complete, EERA staff distributes copies of the application to technical representatives from state agencies (e.g., Pollution Control Agency, Department of Natural Resources, Department of Transportation, Board of Water and Soil Resources, Department of Agriculture, and Department of Health) that may have “downstream” permitting or review authority over aspects of the project and to solicit comments for consideration from state agency reviewers for conditions in a Draft Site Permit (DSP), and if applicable (CN docket), issues to be considered in scoping for an Environmental Report (ER) for the Bitter Root Wind Project.

The Commission accepted the Site Permit Application as complete on January 4, 2018.<sup>3</sup>

### **Preliminary Determination on Draft Site Permit**

Minnesota Rule 7854.0800 states, “Within 45 days after acceptance of the application by the Commission, the Commission shall make a preliminary determination whether a permit may be issued or should be denied. If the preliminary determination is to issue a permit, the Commission shall prepare a draft site permit for the project. The draft site permit must identify the permittee, the proposed LWECS, and proposed permit conditions.”

Issuing a draft site permit does not confer an authority to construct an LWECS. The Commission may change, amend or modify the draft site permit in any respect before final issuance or may deny the site permit at a later date.

The Commission’s January 30, 2018 Order waived the 45 day requirement of the rule in order to allow time for public comments and state and federal agencies input on the content of the Draft Site Permit (DSP).

### **Public and Agency Participation**

A public meeting was held on February 27, 2018, in Canby to receive comments on the scope of the environmental report (CN docket) and to solicit public comment on the DSP (Site Permit docket).<sup>4</sup> Approximately 100 persons attended the meeting. A public comment period followed the meeting; the comment period closed on March 19, 2018. Seventeen members of the public commented during the Public Meeting. Forty two written comments were received during the comment period.<sup>5</sup>

Public comments, both oral and written, included remarks on where turbines would be located (which landowners would be selected for siting); would transmission lines be required (in this case transmission and a connection to the grid occur in South Dakota); where does the power from the project go (a final off-take agreement is not yet in place); government subsidies for the producer (Production Tax Credit); and potential impacts of the proposed Project on wildlife and livestock, human health, property values, aesthetics/visual, aviation, and recreation.

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<sup>3</sup> Commission Order, dated January 30, 2018, Accepting Bitter Root Wind Project SPA, eDocket No. 20181-139534-01

<sup>4</sup> Notice Public Information and Scoping Meeting, February 2, 2018. eDocket No.20183-139712-02

<sup>5</sup> <https://mn.gov/commerce/energyfacilities//resource.html?id=34792>

Four state agencies submitted written comments; the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Natural Resources (MNDNR), the Minnesota Department of Transportation (MNDOT), and the Department of Commerce – Division of Energy Resources (DER).

No member of the public or any state agency recommended system or project alternatives to be considered in the Environmental Report.

Due to the filing of the Addendum to the Site Permit Application for the Bitter Root Wind project the public comment period was extended to April 13, 2018.<sup>6</sup>

Sixteen additional written comments were received during the extended comment period, including a supplemental comment letter from the MNDNR.<sup>7</sup> The majority of comments received from the general public were either expressions on the project itself (pro or con) or raised specific issues of concern (i.e., property values, aesthetics, noise, etc.).

## **EERA Staff Analysis and Recommendations**

EERA recommends that the Commission issue a Draft Site Permit (DSP) to Flying Cow Wind, LLC for the Bitter Root Wind Project.

EERA staff has prepared a preliminary DSP (PDSP), identifying the Permittee, the proposed LWECS, and additional proposed permit conditions. The PDSP is attached to these Comments and Recommendations. Commission approval and release of a DSP will initiate a formal public comment period and a Public Hearing.

The PDSP maps illustrate the turbine (and eight alternate) locations as proposed by the Applicant; it is EERA's understanding that individual turbines may be deleted and/or substituted with alternates as additional information becomes available and the process moves toward a final site permit decision.

EERA staff has taken public comments and agency comments into consideration during the development of the PDSP.

The majority of comments received during the public comment periods were either expressions on the project itself (pro or con) or raised specific issues of concern (i.e., property values, aesthetics, noise, etc.); the latter are items, as required by Minnesota Rule 7854.0500, Subpart 7, that are included in the Bitter Root Wind Project LWECS Site Permit Application. Additionally, since the Bitter Root Wind project also requires a Certificate of Need determination, these items will be included in the Environmental Report being prepared for that docket.<sup>8</sup>

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<sup>6</sup> Notice of Extended Comment Period, eDocket No. 20184-141655-01

<sup>7</sup> <https://mn.gov/commerce/energyfacilities//resource.html?id=34792>

<sup>8</sup> Environmental Report Scoping Decision for the Bitter Root Wind Project, eDocket 20184-142097-02

One item, resulting in a special condition recommendation in the PDSP, is the use of an aircraft detection lighting system (ADLS). The ADLS is designed to mitigate the impact of nighttime lights by deploying a radar-based system around a wind farm, turning lights on only when low-flying aircraft are detected nearby.<sup>9</sup> A requirement to add this feature to the Bitter Root Wind Project appears in the PDSP in Section 6.1 *Obstruction Marking and Lighting*.

The Minnesota Pollution Control Agency comments centered on the need for additional information within the record concerning the potential impacts to surface waters and floodplain resources, along with information on avoidance, minimization, and mitigation (BMPs) of said impacts.<sup>10</sup>

Section 9.16 *Surface Water and Floodplain Resources* (pages 63 – 70) of the Site Permit Application (SPA) describes the surface waters (and significant designations) and floodplains, and the potential impacts to these features within the project boundaries. Section 9.14.3 *Mitigative Measures* [soils] (pages 58 to 59) of the SPA discusses examples of best management practices (e.g., containment of excavated soils, protection of exposed soil, stabilization/restoration of disturbed areas, silt fencing, and revegetation) that may be part of the Stormwater Pollution Prevention Plan (SWPPP) and NPDES/CSW permit that the Applicant will be submitting to the MPCA, which is required by the PSDP (Section 5.2.6 *Soil Erosion and Sediment Control* of the PDSP).

It is EERA's understanding that both the MPCA and U.S. Army Corps of Engineers permits (see SPA Table 35, pages 106-107, for a list of "downstream" permits and approvals) will contain additional information of best management practices for the protection of surface waters and wetlands within the project boundaries.

The Minnesota Department of Transportation stated in its comments that wind farm construction work, including delivery/storage of structures, materials and/or equipment that may affect MNDOT right of way is of concern such that MNDOT requests that it be involved in planning and coordinating such activities. Additionally, MNDOT stated that the site permit should include language specifying that the Permittee shall obtain all relevant permits from road authorities relating to the transport of oversize materials and equipment related to the project over public roads, as well as installation of facilities that may be proposed to occupy portions of public road rights of way. Further, MNDOT noted that, based on the information provided in the Site Permit Application, trunk highway (TH) 68 intersects the project area. A bridge on TH 68, east of project site area, is tentatively scheduled for replacement during the 2020 construction season, potentially impacting delivery of wind turbine components should the LWES construction phase extend beyond that which is planned.<sup>11</sup>

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<sup>9</sup> <http://www.airporttech.tc.faa.gov/Download/Airport-Safety-Papers-Publications-Detail/dt/Detail/ItemID/563/PERFORMANCE-ASSESSMENT-OF-THE-LAUFER-WIND-AIRCRAFT-DETECTION-SYSTEM-AS-AN-AIRCRAFT-DETECTION-LIGHTIN>

<sup>10</sup> Public Comment – MPCA, eDocket No. 20183-141199-03

<sup>11</sup> Public Comment – MNDOT, eDocket No. 20183-141199-07

MNDOT requested the Applicant coordinate with their staff to address potential impacts to public roads during the construction and operation phases of the project. Section 5.2.12 of the PDSP addresses this issue, and specifies coordination with the appropriate local and state agencies. EERA staff recommends the Applicant begin this coordination as soon as possible to allow for appropriate agency input.

MNDOT recommended that the DSP include language requiring the Permittee to obtain all other necessary permits and approvals. This is a typical condition in LWECS Site Permits, and has been included in Section 5.5.2 of the PDSP.

The Minnesota Department of Natural Resources (MNDNR) comments included a correction for the MNDNR contact (from Kevin Mixon to Cynthia Warzecha), edits to the Draft Bird and Bat Conservation Strategy Plan contained as an appendix to the Site Permit Application, and on the appropriateness of siting specific turbines (T1, T20, TA8, TA9, and T39). Additionally, the MNDNR informed the record that they may have further comments once the 2017 wildlife surveys have been filed.<sup>1213</sup>

MNDNR recommended several edits to the language contained within the Avian and Bat Protection Plan (aka, Bird and Bat Conservation Strategy) submitted for this project (SPA Appendix H Draft Bird and Bat Conservation Strategy, October 12, 2017); EERA concurs with the MNDNR's recommendations. Section 7.5 of the PDSP recognizes that the Avian and Bat Protection Plan/Bird and Bat Conservation Strategy is not a static document and is designed to be amended as new data is submitted into the record and reviewed, and from information gathered from incident reports (quarterly and/or immediate) and/or the annual audit reports.

MNDNR recommended that turbine T1 not be sited at the proposed location as it is located adjacent to a large wetland complex, and that one of the alternate turbine sites be used instead. MNDNR also recommended that turbine T20 not be sited at the proposed location as it is located adjacent to a forested tract greater than 12 acres (plus an additional 7 acres adjacent to that), and that one of the alternate turbine sites be used instead. MNDNR commented further that turbines TA8, TA9, TA10, and T39 are located around a large complex of habitat that contains wetlands, grassland, forested areas, and streams. The MNDNR believes that this larger block of habitat is likely to support a diverse assemblage of birds and bats, with turbine TA9 being especially problematic due to its adjacency to a forested patch. The MNDNR recommends that the Applicant should further explore how to locate turbines at other locations or farther away from the habitat.

Turbine siting discussions and Agency coordination will continue for the remainder of the site permit docket (Draft Site Permit review and comment, Public hearing and comment period, and in the development of the final ABPP). If agreement between the DNR and the Applicant cannot be reached on turbine locations, EERA staff will provide recommendations on the issue during the Public Hearing reply comment period.

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<sup>12</sup> Public Comment – MNDNR, March 20, 2018. eDocket No. 20183-141199-05

<sup>13</sup> Public Comment – MNDNR, April 13, 2018. eDocket No. 20184-141977-01



The MNDNR also noted that it appears that an access road and collector line have been proposed through the Fortier 24 Native Prairie Bank Easement; depending on construction methodology and specifics of said agreement, this may be inconsistent with the intent of the easement.

The Minnesota Department of Commerce – Division of Energy Resources recommended that the Commission make the following findings in the Flying Cow Wind, LLC (Bitter Root Wind project) application for a certificate of need docket (IP6984/CN-17-676):

- Flying Cow Wind (FCW) has met each of the five criteria listed under Minnesota Rules, part 7849.0120 A and thus shown that “the probable result of denial would be an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant’s customers, or to the people of Minnesota and neighboring states;”
- FCW has met each of the four criteria listed under Minnesota Rules, part 7849.0120 B and thus shown that “a more reasonable and prudent alternative to the proposed facility has not been demonstrated by a preponderance of the evidence on the record;” and,
- FCW has shown that “the record does not demonstrate that the design, construction, or operation of the proposed facility, or a suitable modification of the facility, will fail to comply with relevant policies, rules, and regulations of other state and federal agencies and local governments.”

EERA staff encourages the Applicant to continue to maintain open communication and correspondence with all local, state, and federal agencies to insure an effective project review process

**STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION**

**PRELIMINARY DRAFT SITE PERMIT  
FOR A  
LARGE WIND ENERGY CONVERSION SYSTEM  
IN  
Yellow Medicine County**

**ISSUED TO  
FLYING COW WIND, LLC**

**PUC DOCKET NO. IP6984/WS-17-749**

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

**Flying Cow Wind, LLC  
330 2<sup>nd</sup> Avenue  
Suite 820  
Minneapolis, MN 55401**

The Permittee is authorized by this site permit to construct and operate a LWECS with a nameplate capacity of 152 MW, consisting of 44 turbine sites (Vestas V136 3.45 MW models). The Large Wind Energy Conversion System and associated facilities shall be built within the site identified in this permit and as portrayed on the official site maps, and in compliance with the conditions specified in this permit.

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

Approved and adopted this \_\_\_\_ day of \_\_\_\_\_

**BY ORDER OF THE COMMISSION**

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Daniel P. Wolf,  
Executive Secretary

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**ATTACHMENTS**

Official Site Permit Maps

Attachment A - Complaint Procedures for Permitted Energy Facilities

Attachment B - Compliance Filing Procedures for Permitted Energy Facilities

## **1.0 SITE PERMIT**

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Flying Cow Wind, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854. This permit authorizes the Permittee to construct and operate the Bitter Root Wind Project (Project), a 152 megawatt (MW) nameplate capacity Large Wind Energy Conversion System (LWECS) and associated facilities in Yellow Medicine. The LWECS and associated facilities shall be built within the site identified in this permit and as identified in the attached official site permit map(s), hereby incorporated into this document.

### **1.1 Preemption**

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

## **2.0 PROJECT DESCRIPTION**

The Flying Cow wind project, when fully constructed and operational will consist of 44 Vestas V136 3.45 MW (105 Meter hub height {345 ft}) wind turbines for a combined nameplate capacity of approximately 152 MW as identified in the site permit application for the Project. The project area includes approximately 22,888 acres in Florida, Fortier, and Norman townships in Yellow Medicine County. The Project currently hold lease agreements on 21,000 acres. Upon completion, the Project will permanently convert approximately 93 acres of land to wind turbines and associated facilities.

### **2.1 Associated Facilities**

Associated facilities include gravel access roads, an electrical collection system, temporary and permanent meteorological towers, a project substation facility, an interconnection facility, a temporary batch plant for construction, temporary staging/laydown construction areas, and an operations and maintenance (O&M) facility.

### **2.2 Project Location**

The project is located in the following townships and sections:

<b>County Name</b>	<b>Township Name</b>	<b>Township</b>	<b>Range</b>	<b>Sections</b>
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Yellow Medicine	Florida	115N	46W	29,30,31,32,33,34
Yellow Medicine	Fortier	114N	46W	3,4,5,6,7,8,9,10,11,13,14,15,16,17,18,19,20, 21,22,23,24,25,26,27,28,29,30,31,32,33,34, 35,36
Yellow Medicine	Norman	114N	45W	30,31

### **3.0 DESIGNATED SITE**

The site designated by the Commission for the Bitter Root Wind project is the site depicted on the official site permit maps attached to this permit. The Project area includes approximately 22,888 acres in Florida, Fortier, and Norman townships in Yellow Medicine County.

#### **3.1 Turbine Layout**

The preliminary wind turbine and associated facility layouts are shown on the official site maps attached to this permit. The preliminary layout represents the approximate location of wind turbines and associated facilities within the project boundary and identifies a layout that seeks to minimize the overall potential human and environmental impacts of the project, which were evaluated in the permitting process.

The final layout depicting the location of each wind turbine and associated facility shall be located within the project boundary. The project boundary serves to provide the Permittee with the flexibility to make minor adjustments (i.e., micro-siting) to the preliminary layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to the location of a wind turbine and associated facility depicted in the preliminary layout shall be done in such a manner to have comparable overall human and environmental impacts and shall be specifically identified in the site plan pursuant to Section 10.3.

### **4.0 SETBACKS AND SITE LAYOUT RESTRICTIONS**

#### **4.1 Wind Access Buffer**

Wind turbine towers shall not be placed less than five rotor diameters on the prevailing wind directions and three rotor diameters on the non-prevailing wind directions from the perimeter of the property where the Permittee does not hold the wind rights, without the approval of the Commission. This section does not apply to public roads and trails.

## **4.2 Residences**

Wind turbine towers shall not be located closer than 1,000 feet from all residences or the distance required to comply with the noise standards pursuant to Minn. R. 7030.0040, established by the Minnesota Pollution Control Agency, whichever is greater.

## **4.3 Noise**

The wind turbine towers shall be placed such that the Permittee shall, at all times, comply with noise standards established by the Minnesota Pollution Control Agency as of the date of this permit and at all appropriate locations. The noise standards are found 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 or its contractor may install and operate turbines as close as the minimum setback required in this permit, but in all cases shall comply with Minnesota Pollution Control Agency noise standards. The Permittee shall be required to comply with this condition with respect to all homes or other receptors in place as of the time of construction, but not with respect to such receptors built after construction of the towers.

## **4.4 Roads**

Wind turbines and meteorological towers shall not be located closer than 250 feet from the edge of the nearest public road right-of-way.

## **4.5 Public Lands**

Wind turbines and associated facilities including foundations, access roads, underground cable, and transformers, 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. Wind turbine towers shall also comply with the setbacks of Section 4.1.

## **4.6 Wetlands**

Wind turbines and associated facilities including foundations, access roads, underground cable and transformers, shall not be placed 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 and the United States Army Corps of Engineers, and local units of government as implementers of the Minnesota Wetlands Conservation Act.



#### **4.7 Native Prairie**

Wind turbines and associated facilities including foundations, access roads, collector and feeder lines, underground cable, and transformers shall not be placed in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and shall not be located in areas enrolled in the Native Prairie Bank Program. 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 Minnesota Department of Natural Resources if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the site boundaries. The Permittee shall file the plan 30 days prior to submitting the site plan required by Section 10.3 of this permit. The plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to 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 Minnesota Department of Natural Resources, and the Commission.

#### **4.8 Sand and Gravel Operations**

Wind turbines and all associated facilities, including foundations, access roads, underground cable, and transformers shall not be located within active sand and gravel operations, unless otherwise negotiated with the landowner.

#### **4.9 Wind Turbine Towers**

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 105 meters (345 feet) above grade measured at hub height.

#### **4.10 Turbine Spacing**

The turbine towers shall be constructed within the site boundary as shown in the official site maps. The turbine towers shall be spaced no closer than three rotor diameters in the non-prevailing wind directions and five rotor diameters on the prevailing wind directions. If required during final micro-siting of the turbine towers to account for site conditions, up to 20 percent of the towers may be sited closer than the above spacing but the Permittee shall minimize the need to site the turbine towers closer.

#### **4.11 Meteorological Towers**

Permanent towers for meteorological equipment shall be free standing. Permanent meteorological towers shall not be placed less than 250 feet from the edge of the nearest public road right-of-way and from the boundary of the Permittee's site control, or in compliance with the county ordinance regulating meteorological towers in the county the tower is built, whichever is more restrictive. Meteorological towers shall be placed on property the Permittee holds the wind or other development rights.

Meteorological towers shall be marked as required by the Federal Aviation Administration. There shall be no lights on the meteorological towers other than what is required by the Federal Aviation Administration. This restriction shall not apply to infrared heating devices used to protect the wind 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 public and private 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, Department of Aviation, and the Federal Aviation Administration. The Permittee shall notify owners of all known airports within six miles of the project prior to construction.

#### **4.13 Footprint Minimization**

The Permittee shall design and construct the LWECS so as to minimize the amount of land that is impacted by the LWECS. 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 turbine towers or inside the towers unless otherwise negotiated with the affected landowner.

### **5.0 GENERAL CONDITIONS**

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

#### **5.1 Notification**

Within 30 days of permit issuance, the Permittee shall send a copy of the permit and the complaint procedures to any regional development commission, county auditor and environmental office,

and city and township clerk in which any part of the site is located. Within 30 days of permit issuance, the Permittee shall provide all affected landowners with a copy of this permit and the complaint procedures. In no case shall the landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall contact landowners prior to entering the property or conducting maintenance within the site, unless otherwise negotiated with the affected landowner.

## **5.2 Construction and Operation Practices**

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the *Site Permit Application for the Bitter Root Wind Project*, November 9, 2017, and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail.

### **5.2.1 Field Representative**

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this permit during 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 14 days prior to commencing construction. The Permittee shall provide the field representative's contact information to affected landowners, residents, local government units and other interested persons 14 days prior to commencing construction. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, residents, local government units and other interested persons.

### **5.2.2 Site Manager**

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this 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 permit.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the site manager 14 days prior to commercial operation of the facility. The Permittee shall provide the site manager's contact information to affected landowners, residents, local government units and other interested persons 14 days prior to commercial operation of the facility. The Permittee may change the site manager at any time upon notice to

the Commission, affected landowners, residents, local government units and other interested persons.

### 5.2.3 Employee Training and Education of Permit Terms and Conditions

The Permittee shall inform all employees, contractors, and other persons involved in the construction and ongoing operation of the LWECS of the terms and conditions of this permit.

### 5.2.4 Topsoil Protection

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

### 5.2.5 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 practicable.

### 5.2.6 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 facility disturbs more than one acre of land, or is sited in an area designated by the Minnesota Pollution Control Agency as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater Permit from the Minnesota Pollution Control Agency that provides for the development of a Stormwater Pollution Prevention Plan (SWPPP) 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.

### 5.2.7 Wetlands

Construction in wetland areas shall occur during frozen ground conditions to minimize impacts, to the extent feasible. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. Soil excavated from the wetlands and riparian areas shall be contained and managed in accordance with all applicable wetland permits. Wetlands and riparian areas shall be accessed using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

Wetland and water resource areas disturbed by construction activities shall be restored to pre-construction conditions, in accordance with all applicable wetland permits. Restoration of the wetlands will be performed by the Permittee in accordance with the requirements of applicable state and federal permits or laws and landowner agreements.

#### 5.2.8 Vegetation Management

The Permittee shall disturb or clear the project site only to the extent necessary to assure suitable access for construction, safe operation and maintenance of the project. The Permittee shall minimize the number of trees to be removed in selecting the site layout specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation, to the extent that such actions do not violate sound engineering principles.

#### 5.2.9 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, Minnesota Department of Natural Resources, and the U.S. Environmental Protection Agency. 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 or designee to obtain approval for the use of pesticide at least 14 days prior to any application on their property. The landowner may request that there be no application of pesticides on any part of the site within the landowner's property. The Permittee shall provide notice of pesticide application to affected landowners, and known beekeepers operating apiaries within three miles of the project site at least 14 days prior to such application.

#### 5.2.10 Invasive Species

The Permittee shall employ best management practices to avoid the potential spread of invasive species on lands disturbed by project construction activities. The Permittee shall develop an Invasive Species Prevention Plan to prevent the introduction and spread of invasive species on lands disturbed by project construction activities and file with the Commission 14 days prior to the pre-construction meeting.

### 5.2.11 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. The Permittee shall consult with landowners on the selection and use of seed for replanting. To the extent possible, the Permittee shall use native seed mixes.

### 5.2.12 Public Roads

At least 14 days prior to the pre-construction meeting, the Permittee shall identify all state, county, or township roads that will be used for the project and shall notify the Commission and the state, county, or township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these roads. Where practical, existing roadways shall be used for all activities associated with the project. Where practical, all-weather roads shall be used to deliver cement, turbines, towers, assembled nacelles, and all other heavy components to and from the turbine sites.

The Permittee shall prior to the use of such roads, make satisfactory arrangements with the appropriate state, county, or township governmental body having jurisdiction over roads to be used for construction of the project, for maintenance and repair of roads that may be subject to increased impacts due to transportation of equipment and project components. The Permittee shall notify the Commission of such arrangements upon request.

### 5.2.13 Turbine Access Roads

The Permittee shall construct the least 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, which 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.

### 5.2.14 Private Roads

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.

#### 5.2.15 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to identified archaeological and historic resources when constructing the LWECS. In the event that a resource is encountered, the Permittee shall contact and consult with the State Historic Preservation Office 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 State Historic Preservation Office and State Archaeologist requirements.

Prior to construction, workers shall be trained 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 at such location and promptly notify local law enforcement and the State Archaeologist. Construction at such location shall not proceed until authorized by local law enforcement and the State Archaeologist.

#### 5.2.16 Interference

At least 14 days prior to the pre-construction meeting, the Permittee shall submit to the Commission, an assessment of television and radio signal reception, microwave signal patterns, and telecommunications in the project area. The 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 so as to cause microwave, television, radio, telecommunications, or navigation interference in violation of Federal Communications Commission regulations or other law. In the event the project or its operations cause such interference, the Permittee shall take timely measures necessary to correct the problem.

#### 5.2.17 Livestock Protection

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

#### 5.2.18 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.

#### 5.2.19 Drainage Tiles

The Permittee shall take into account, avoid, promptly repair or replace all drainage tiles broken or damaged during all phases of project's life unless otherwise negotiated with affected landowner.

#### 5.2.20 Equipment Storage

The Permittee shall not locate temporary equipment staging areas on lands under its control unless negotiated with affected landowner. Temporary equipment staging areas shall not be located in wetlands or native prairie as defined in Sections 4.6 and 4.7.

#### 5.2.21 Restoration

The Permittee shall, as soon as practical following construction of each turbine, restore the areas affected by construction to the condition that existed immediately before construction began, to the extent possible. The time period to complete restoration may be no longer than 12 months after completion of the 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 advise the Commission in writing of the completion of such activities.

#### 5.2.22 Cleanup

All waste and scrap that is the product of construction shall be removed from the site and all premises on which construction activities were conducted and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.

#### 5.2.23 Pollution and Hazardous Waste

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



#### 5.2.24 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction.

#### 5.2.25 Public Safety

The Permittee shall provide educational materials to landowners adjacent to the site and, upon request, to interested persons about the project and any restrictions or dangers associated with the project. The Permittee shall also provide any necessary safety measures such as warning signs and gates for traffic control or to restrict public access. 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 construction at the site.

#### 5.2.26 Tower Identification

All turbine towers shall be marked with a visible identification number.

#### 5.2.27 Federal Aviation Administration Lighting

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

### **5.3 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.

### **5.4 Electrical Collector and Feeder Lines**

Collector lines that carry electrical power from each individual transformer associated with a wind turbine to an internal project interconnection point shall be buried underground. Collector lines shall be placed within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner.

Feeder lines that carry power from an internal project interconnection point to the project substation or interconnection point on the electrical grid may be overhead or underground. Feeder

line locations shall be negotiated with the affected landowner. Any overhead or underground feeder lines that parallel public roads shall be placed within the public rights-of-way or on private land immediately adjacent to public roads. If overhead feeder lines are located within public rights-of-way, the Permittee shall obtain approval from the governmental unit responsible for the affected right-of-way.

Collector and feeder line locations shall be located 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. Safety shields shall be placed on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines in the site plan pursuant to Section 10.3.

## **5.5 Other Requirements**

### **5.5.1 Safety Codes and Design Requirements**

The LW ECS and associated facilities shall be designed 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 report to the Commission on compliance with these standards upon request.

### **5.5.2 Other Permits and Regulations**

The Permittee shall comply with all applicable state rules and statutes. 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. A list of the permits known to be required is included in the permit application. At least 14 days prior to the preconstruction meeting, the Permittee shall submit a filing demonstrating that it has obtained such permits. The Permittee shall provide a copy of any such permit upon Commission request.

The Permittee shall comply with all terms and conditions of permits or licenses issued by the counties, cities, and municipalities affected by the project that do not conflict with or are not preempted by federal or state permits and regulations.

The Permittee shall comply with all terms and conditions of permits or licenses issued by federal, state, or tribal authorities including but not limited to the requirements of the MPCA (Section 401 Water Quality Certification, NPDES/ SDS stormwater permit for construction activity, and other site specific discharge approvals), DNR (License to Cross Public Lands and Water, Public Water Works Permit, and state protected species consultation), SHPO (Section 106 Historic Consultation

Act), FAA determinations, and Mn/DOT (Utility Access Permit, Highway Access Permit, Oversize and Overweight Permit, and Aeronautics Airspace Obstruction Permit).

The Permittee shall consult with the United States Fish and Wildlife Service (USFWS) to determine if an Eagle Incidental Take Permit under the Bald and Golden Eagle Protection Act (BGEPA) is appropriate for the construction and operation of the wind energy facility. The Permittee shall consult with the USFWS to determine if an Incidental Take Permit under the Endangered Species Act (ESA) is appropriate for the construction and operation of the wind energy facility.

## **6.0 SPECIAL CONDITIONS**

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

### **6.1 Obstruction Marking and Lighting**

The Permittee shall install an Aircraft Detection Lighting System (ADLS) which provides coverage for the Bitter Root Wind Project to mitigate the aesthetic and visual effects of the FAA's night-time aviation lighting requirements.

## **7.0 SURVEYS AND REPORTING**

### **7.1 Biological and Natural Resource Inventories**

The Permittee, in consultation with the Commission and the Department of Natural Resources, 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 project site and assess the presence of state- or federally-listed or threatened species. The results of the inventories shall be filed with the Commission at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this permit. The Permittee shall file with the Commission, any biological surveys or studies conducted on this project, including those not required under this permit.

### **7.2 Shadow Flicker**

At least 14 days prior to the pre-construction meeting, the Permittee shall provide data on shadow flicker for each residence of non-participating landowners and participating landowners within and outside of the project boundary potentially subject to turbine shadow flicker exposure. Information shall include the results of modeling used, assumptions made, and the anticipated levels of exposure from turbine shadow flicker for each residence. The Permittee shall provide

documentation on its efforts to avoid, minimize and mitigate shadow flicker exposure. The results of any modeling shall be filed with the Commission at least 14 days prior to the pre-construction meeting to confirm compliance with conditions of this permit.

### **7.3 Wake Loss Studies**

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the pre-construction micro-siting analysis leading to the final tower locations and an estimate of total project wake losses. As part of the annual report on project energy production required under Section 10.8 of the permit the Permittee shall file with the Commission any operational wake loss studies conducted on this project during the calendar year preceding the report.

### **7.4 Noise Studies**

The Permittee shall file a proposed methodology for the conduct of a post-construction noise study at least 14 days prior to the pre-construction meeting. The Permittee shall develop the post-construction noise study methodology in consultation with the Department of Commerce. The study must incorporate the Department of Commerce Noise Study Protocol to determine the operating LWECs noise levels at different frequencies and at various distances from the turbines at various wind directions and speeds. The Permittee must conduct the post-construction noise study and file with the Commission the completed post-construction noise study within 18 months of commencing commercial operation.

### **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 following the commencement of the operational phase of the project. Monitoring activities and results will be coordinated directly with MN DNR, USFWS, and the Commission. Detailed monitoring protocols, agency coordination, and any avoidance and minimization measures will be detailed in the project's ABPP.

#### **7.5.2 Avian and Bat Protection Plan**

The Permittee shall comply with the provisions of their final avian and bat protection plan (ABPP) submitted for this project, and revisions resulting from the annual audit of ABPP implementation. The ABPP must address steps to be taken to identify and mitigate impacts to avian and bat species during the construction phase and the operation phase 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, by the 15th of March following each complete or partial calendar year of operation, file with the Commission an annual report detailing 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 Minnesota Department of Natural Resources and to the U.S. Fish and Wildlife Service at the time of filing with the Commission.

### 7.5.3 Quarterly Incident Reports

The Permittee shall submit quarterly avian and bat reports to the Commission. Quarterly reports are due by the 15th of January, April, July, and October commencing the day following commercial operation and terminating upon the expiration of this permit. Each report shall identify any dead or injured avian and bat species, location of find by turbine number, and date of find for the reporting period in accordance with the reporting protocols. If a dead or injured avian or bat species is found, the report shall describe the potential cause of the occurrence (if known) and the steps taken to address future occurrences. The Permittee shall provide a copy of the report to the Minnesota Department of Natural Resources and to the U.S. Fish and Wildlife Service at the time of filing with the Commission.

### 7.5.4 Immediate Incident Reports

The Permittee shall notify the Commission, U.S. Fish and Wildlife Service, and the Minnesota Department of Natural Resources within 24 hours of the discovery of any of the following:

- (a) five or more dead or injured birds or bats within a five day reporting period;
- (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(s).

In the event that one of the four discoveries listed above should be made, the Permittee must file with the Commission within seven days, a compliance report identifying the details of what was discovered, the turbine where the discovery was made, a detailed log of agencies and individuals contacted, and current plans being undertaken to address the issue.

### 7.5.5 Turbine Operational Curtailment

The Permittee shall operate all facility turbines so that all turbines are locked, or feathered, up to the manufacturer's standard cut-in speed from one-half hour before sunset to one-half hour after sunrise of the following day, from April 1 to October 31 of each year of operation.

All operating turbines at the facility must be equipped with operational software that is capable of allowing for adjustment of turbine cut-in speeds.

## 8.0 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 boundaries authorized by this permit. Nothing in this permit shall be construed to preclude any other person from seeking a permit to construct a wind energy conversion system in any area within the boundaries of the project covered by this permit if the Permittee does not hold exclusive wind rights for such areas.

### 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 permit is issued, the Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This 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 permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this permit should be amended or revoked. No amendment or revocation of this permit may be undertaken except in accordance with Minn. R. 7854.1300.

### 8.3 Failure to Commence Construction

If the Permittee has not completed the pre-construction surveys required under this permit and commenced construction of the project within two years of the issuance of this permit, the Permittee must advise the Commission of the reason construction has not commenced. In such event, the Commission shall make a determination as to whether this permit should be amended

or revoked. No revocation of this permit may be undertaken except in accordance with applicable statutes and rules, including Minn. R. 7854.1300.

## **9.0 COMPLAINT PROCEDURES**

Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The 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 permit (Attachment A).

## **10.0 COMPLIANCE REQUIREMENTS**

Failure to timely and properly make compliance filings required by this permit is a failure to comply with the conditions of this permit. Compliance filings must be electronically filed with the Commission. Attachment B to this permit contains a summary of compliance filings, which is provided solely for the convenience of the Permittee. If this permit conflicts, or is not consistent with Attachment B, the conditions in this permit will control.

### **10.1 Pre-Construction Meeting**

Prior to the start of any construction, the Permittee shall participate in a pre-construction meeting with the Department of 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 construction start date.

### **10.2 Pre-Operation Meeting**

At least 14 days prior to commercial operation of the facility, the Permittee shall participate in a pre-operation meeting with the Department of Commerce and Commission staff to coordinate field monitoring of operation activities for the project. Within 14 days following the pre-operation meeting, the Permittee shall file with the Commission, a summary of the topics reviewed and discussed and a list of attendees.

### **10.3 Site Plan**

At least 14 days prior to the pre-construction meeting, the Permittee shall provide the Commission, the Department and the Yellow Medicine County Environmental Office 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 site boundary and layout in relation to that approved by this 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. At the same time, the Permittee shall notify affected landowners and city and town clerks that the site plan is on file with the Commission and the Yellow Medicine County Environmental Office. 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 30 days has expired or until the Commission has advised the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit. If the Permittee intends to make any significant changes to its site plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission, the Department, the Yellow Medicine County Environmental Office, city and town clerks, and the affected landowners 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 permit.

In the event that previously unidentified human and environmental conditions are discovered during construction that by law or pursuant to conditions outlined in this permit would preclude the use of that site as a turbine site, the Permittee shall have the right to move or relocate turbine site. Under these circumstances, the Permittee shall notify the Commission, the Department, the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, the Yellow Medicine County Environmental Office, city and town clerks, and the affected landowners of any turbines that are to be relocated, and provide the previously unidentified environmental conditions and how the movement of the turbine mitigates the human and environmental impact at least five days before implementing the changes. No changes shall be made that would be in violation of any terms of this permit.

#### **10.4 Status Reports**

The Permittee shall file status reports with the Commission on progress regarding site construction. The Permittee need not report more frequently than monthly. Reports shall begin with the commencement of site construction and continue until completion of site restoration.

#### **10.5 Notification to the Commission**



At least three days before the project is to commence commercial operation, the Permittee shall file with the Commission the date on which the project will commence commercial operation and the date on which construction was completed.

### **10.6 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.

### **10.7 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 solar energy generating system.

### **10.8 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 outages, major repairs, or turbine performance improvements occurring in the previous year; and
- (f) any other information reasonably requested by the Commission.

This information shall be considered public and must be filed electronically.

### **10.9 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. This information shall be considered public and must be filed electronically.

### **10.10 Emergency Response**

The Permittee shall prepare an Emergency Response Plan in consultation with the emergency responders having jurisdiction over the facility prior to project construction. The Permittee shall submit a copy of the plan, along with any comments from emergency responders, to the Commission at least 14 days prior to the pre-construction meeting and a revised plan, if any, at least 14 days prior to the pre-operation meeting. The Permittee shall provide as a compliance filing confirmation that the Emergency Response Plan was provided to the emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the facility prior to commencement of construction. The Permittee shall obtain and register the facility address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the facility.

### **10.11 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.

## **11.0 DECOMMISSIONING, RESTORATION, AND ABANDONMENT**

### **11.1 Decommissioning Plan**

The Permittee shall submit a decommissioning plan to the Commission at least fourteen 14 days prior to the pre-operation meeting, and provide updates to the plan every five years thereafter. The 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 of 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 Site Restoration**

Upon expiration of this permit, or upon earlier termination of operation of the project, or any turbine within the project, the Permittee shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment to a depth of four feet. Any agreement for removal to a lesser depth or no removal shall be recorded with the county and shall show the locations of all such foundations. To the extent feasible, the Permittee shall restore and reclaim the site to its pre-project topography and topsoil quality. 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 submitted to the Commission prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within 18 months of termination.

## **11.3 Abandoned Turbines**

The Permittee shall advise the Commission of any turbines that are abandoned prior to termination of operation of the project. The project, or any turbine within the project, shall be considered abandoned after one year without energy production and the land restored pursuant to Section 11.2 unless a plan is developed and submitted to the Commission outlining the steps and schedule for returning the project, or any turbine within the project, to service.

## **12.0 COMMISSION AUTHORITY AFTER PERMIT ISSUANCE**

### **12.1 Final Boundaries**

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

### **12.2 Expansion of Site Boundaries**

No expansion of the site boundaries described in this 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 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 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 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 permit may be modified or amended for cause, including but not limited to the following:

- (a) violation of any condition in this 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 Commission's issuance of this 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**

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

- (a) to enter upon the facilities easement of the site 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; and
- (d) to examine and copy any documents pertaining to compliance with the conditions of this permit.

#### **12.7 Proprietary Information**

Certain information required to be filed with the Commission under this 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.

#### **13.0 PERMIT AMENDMENT**

This permit may be amended at any time by the Commission in accordance with Minn. R. 7854.1300, subp. 2. Any person may request an amendment of the conditions of this 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.

#### **14.0 TRANSFER OF PERMIT**

The Permittee may request at any time that the Commission transfer this permit to another person or entity. The Permittee shall provide the name and description of the person or entity to whom the permit is requested to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer. The person to whom the permit is to be transferred shall provide the Commission with such information as the Commission shall require to determine whether the new Permittee can comply with the conditions of the permit. The Commission may authorize transfer of the permit after affording the Permittee, the new Permittee, and interested persons such process as is required. The Commission may impose additional conditions on any new permittee as part of the approval of the transfer.

Within 20 days after the date of the notice provided in Section 10.5, the Permittee shall file a notice describing 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 immediately notify the Commission of:

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

The Permittee shall notify the Commission of:

- (a) the sale of a parent entity or a majority interest in the Permittee;
- (b) the sale of a majority interest of the Permittee's owners or majority interest of the owners;  
or

- (c) a sale which changes the entity with ultimate control over the Permittee.

## **15.0 REVOCATION OR SUSPENSION OF PERMIT**

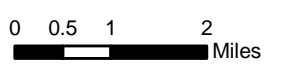
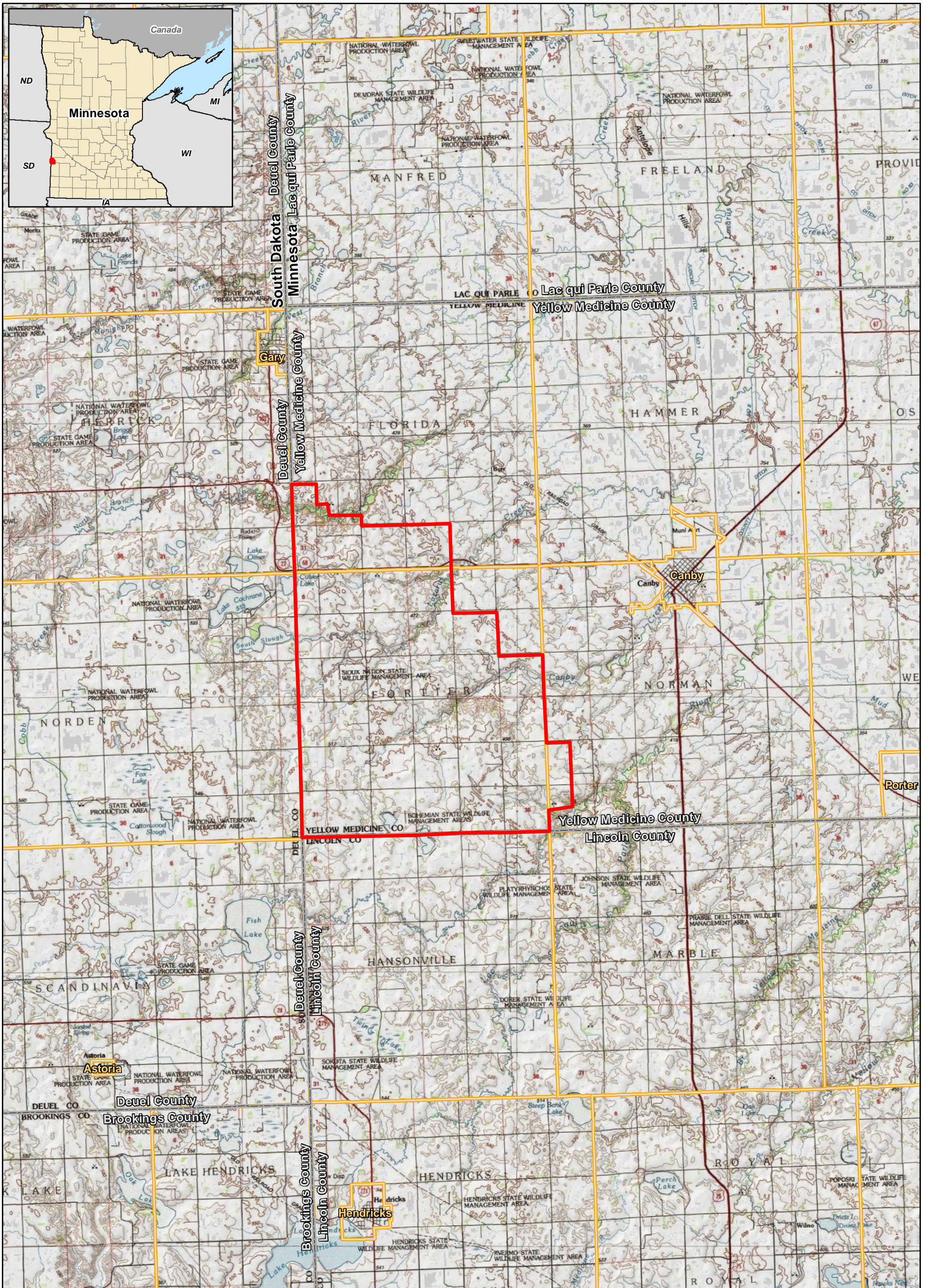
The Commission may take action to suspend or revoke this permit upon the grounds that:

- (a) a false statement was knowingly made in the application or in accompanying statements or studies required of the Permittee, and a true statement would have warranted a change in the Commission's findings;
- (b) there has been a failure to comply with material conditions of this permit, or there has been a failure to maintain health and safety standards;
- (c) there has been a material violation of a provision of an applicable statute, rule, or an order of the Commission; or
- (d) the Permittee has filed a petition with the Commission requesting that the permit be revoked or terminated.

In the event the Commission determines that it is appropriate to consider revocation or suspension of this permit, the Commission shall proceed in accordance with the requirements of Minn. R. 7854.1300 to determine the appropriate action. Upon a finding of any of the above, the Commission may require the Permittee to undertake corrective measures in lieu of having this permit suspended or revoked.

## **16.0 EXPIRATION DATE**

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



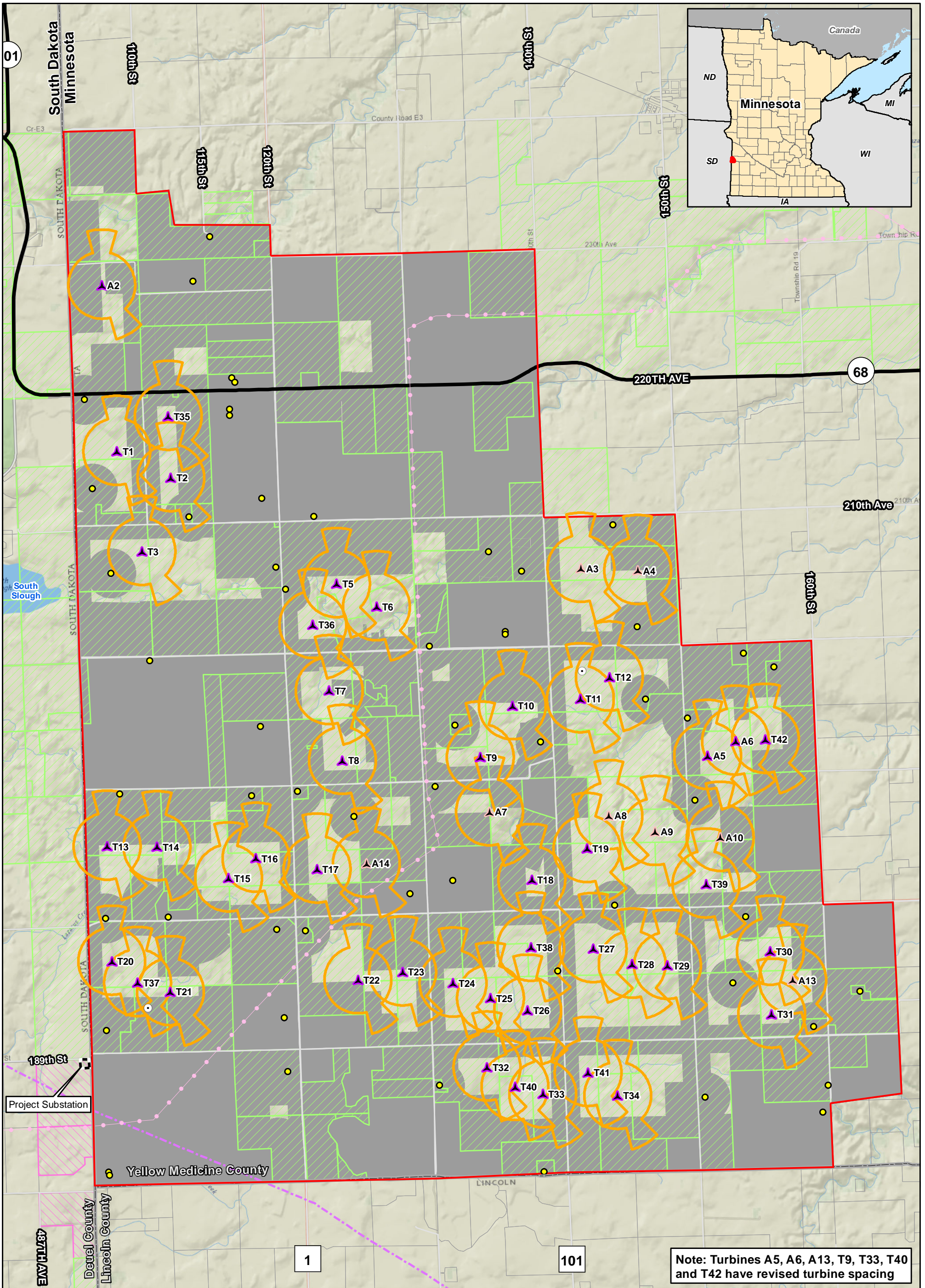
Data Source: RES Americas, USGS  
 Imagery Source: Copyright © 2013 National Geographic Society, i-cubed

**Figure 1**  
**Project Location**

**Bitter Root Wind Farm**  
**Flying Cow Wind, LLC**  
**Yellow Medicine County, Minnesota**

**Updated 3/28/2018**

- █ Project Area
- County Boundary
- City/Township



Note: Turbines A5, A6, A13, T9, T33, T40 and T42 have revised turbine spacing

RES AMERICAS  
powering change®

0 0.25 0.5 1 Miles

Data Source: RES Americas, USGS, MN DNR  
Imagery Source: National Geographic World Map

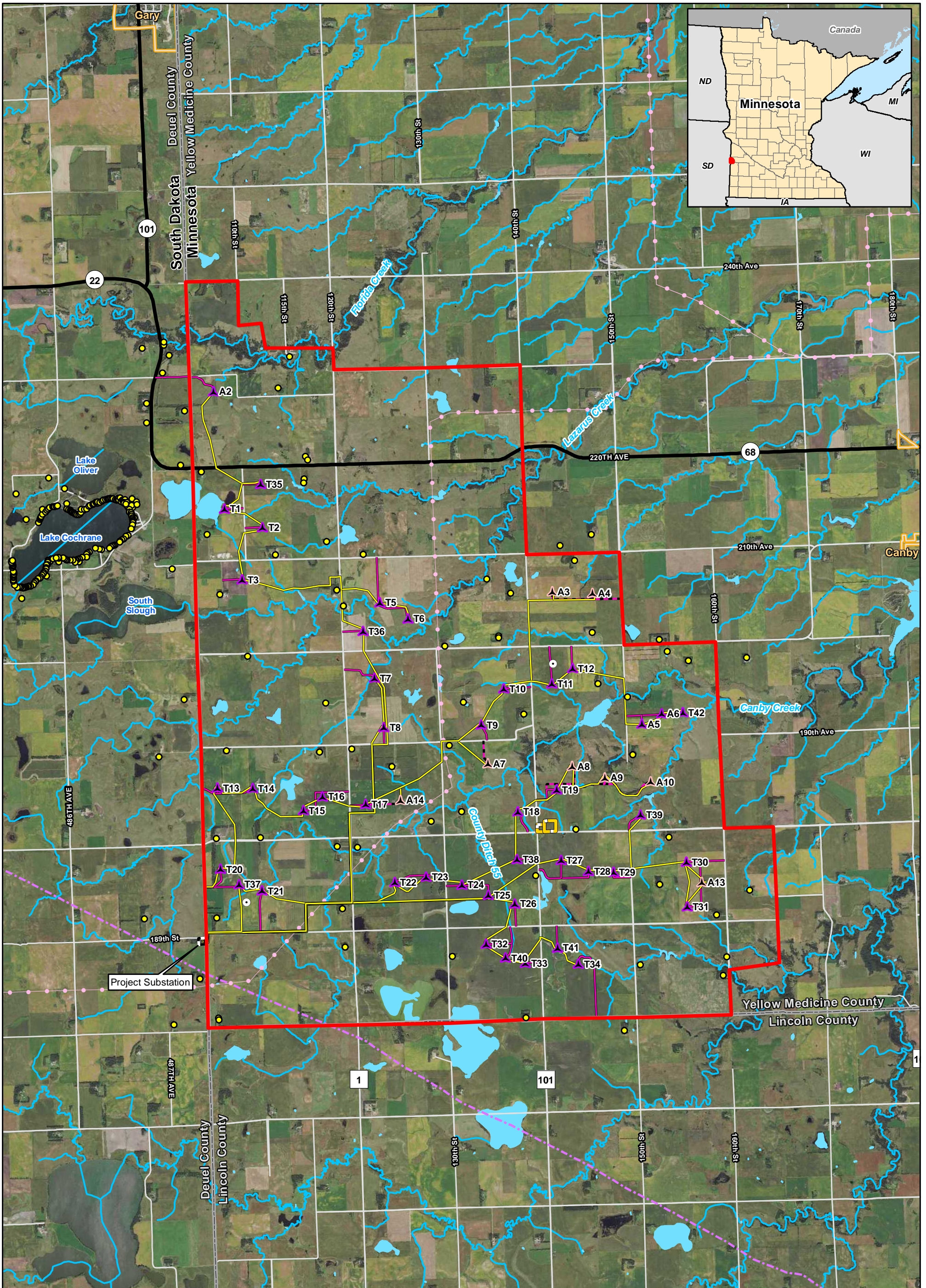
**Figure 2**  
**Turbine Layout and Constraints**

**Bitter Root Wind Farm**  
**Flying Cow Wind, LLC**  
**Yellow Medicine County, Minnesota**

**Updated 3/28/2018**

- Proposed Turbine
  - Proposed Alternate Turbine
  - Project Area
  - 3x5 Wind Access Buffer
  - Project Substation
  - Setbacks
  - Proposed Met Tower
  - Receptors within 10 Tip Heights of Proposed Turbines
  - Existing 115 kV Transmission Line
  - Existing Pipeline
- Status**
- Participants
  - Negotiating
  - Non-Participants
- \* Turbines are not to scale





**Figure 3a**  
**Project Area and Facilities**

**Bitter Root Wind Farm**  
**Flying Cow Wind, LLC**  
**Yellow Medicine County, Minnesota**

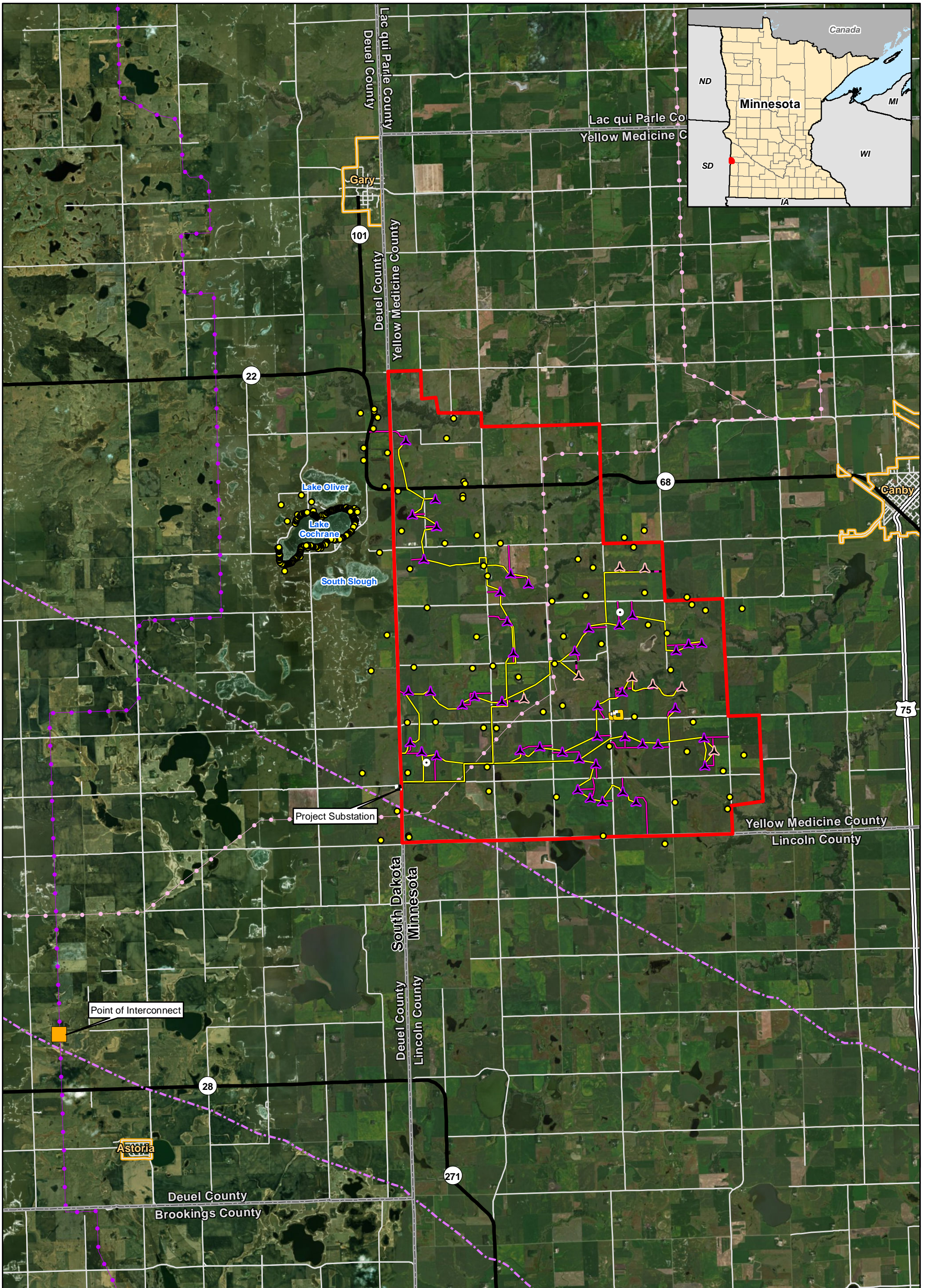
Updated 3/28/2018



0 0.25 0.5 1 Miles

Data Source: RES Americas, USGS, MNDOC, MNDNR  
 Imagery Source: 2015 Color FSA

- Proposed Turbine
- Proposed Alternate Turbine
- Proposed Met Tower
- Receptors within 10 Tip Heights of Proposed Turbines
- Project Area
- Proposed Facilities Boundary (OM Building and Laydown Yard)
- Project Substation
- Proposed Collection Line
- Proposed Access Road
- Proposed Alternate Access Road
- Lake, Pond or Reservoir
- 24k Stream or Ditch
- Existing 115 kV Transmission Line
- Existing Pipeline



**Figure 3b**  
**Project Area and Facilities and Transmission**  
**Point of Interconnect**

**Bitter Root Wind Farm**  
**Flying Cow Wind, LLC**  
**Yellow Medicine County, Minnesota**

Updated 3/28/2018

- |   |                                     |
|---|-------------------------------------|
| ▲ Proposed Turbine  | ■ Point of Interconnect             |
| ▲ Proposed Alternate Turbine                                  | — Proposed Collection Line          |
| ○ Proposed Met Tower  | — Proposed Access Road              |
| ● Receptors within 10 Tip Heights of Proposed Turbines        | — Proposed Alternate Access Road    |
| ■ Project Area  | — Existing 115 kV Transmission Line |
| □ Proposed Facilities Boundary (OM Building and Laydown Yard) | — Existing 345 kV Transmission Line |
| ■ Project Substation  | — Existing Pipeline                 |



0 0.75 1.5 Miles

Data Source: RES Americas, USGS, MNDNR, MNDNR  
 Imagery Source: 2015 Color FSA

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLAINT HANDLING PROCEDURES FOR  
PERMITTED ENERGY FACILITIES**

**A. Purpose**

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site preparation, construction, cleanup, restoration, operation, and maintenance.

**B. Scope**

This document describes complaint reporting procedures and frequency.

**C. Applicability**

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

**D. Definitions**

**Complaint:** A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site preparation, cleanup or restoration or other site and associated facilities permit conditions. Complaints do not include requests, inquiries, questions or general comments.

**Substantial Complaint:** A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

**Unresolved Complaint:** A complaint which, despite the good faith efforts of the permittee and a person, remains unresolved or unsatisfactorily resolved to one or both of the parties.

**Person:** An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

## **E. Complaint Documentation and Processing**

1. The permittee shall designate an individual to summarize complaints for the Commission. This person's name, phone number and email address shall accompany all complaint submittals.
2. A person presenting the complaint should to the extent possible, include the following information in their communications:
  - a. name, address, phone number, and email address;
  - b. date of complaint;
  - c. tract or parcel number; and
  - d. whether the complaint relates to a permit matter or a compliance issue.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
  - a. docket number and project name;
  - b. name of complainant, address, phone number and email address;
  - c. precise description of property or parcel number;
  - d. name of permittee representative receiving complaint and date of receipt;
  - e. nature of complaint and the applicable permit condition(s);
  - f. activities undertaken to resolve the complaint; and
  - g. final disposition of the complaint.

## **F. Reporting Requirements**

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit. The permittee shall report all complaints to the Commission according to the following schedule:

**Immediate Reports:** All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Consumer Affairs Office at 1-800-657-3782 (voice messages are acceptable) or [consumer.puc@state.mn.us](mailto:consumer.puc@state.mn.us). For e-mail reporting, the email subject line should read "PUC EFP Complaint" and include the appropriate project docket number.

**Monthly Reports:** During project construction and restoration, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Daniel P. Wolf, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at:  
<https://www.edockets.state.mn.us/EFiling/home.jsp>

If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

**G. Complaints Received by the Commission**

Complaints received directly by the Commission from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the permittee.

**H. Commission Process for Unresolved Complaints**

Commission staff shall perform an initial evaluation of unresolved complaints submitted to the Commission. Complaints raising substantial permit issues shall be processed and resolved by the Commission. Staff shall notify the permittee and appropriate persons if it determines that the complaint is a substantial complaint. With respect to such complaints, each party shall submit a written summary of its position to the Commission no later than ten days after receipt of the staff notification. The complaint will be presented to the Commission for a decision as soon as practicable.

**I. Permittee Contacts for Complaints and Complaint Reporting**

Complaints may be filed by mail or email to:

[Name]

[Mailing Address]

[Phone]

[Email]

This information shall be maintained current by informing the Commission of any changes as they become effective.

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLIANCE FILING PROCEDURE FOR  
PERMITTED ENERGY FACILITIES**

**A. Purpose**

To establish a uniform and timely method of submitting information required by Commission energy facility permits.

**B. Scope and Applicability**

This procedure encompasses all known compliance filings required by permit.

**C. Definitions**

**Compliance Filing:** A filing of information to the Commission, where the information is required by a Commission site or route permit.

**D. Responsibilities**

1. The permittee shall file all compliance filings with Daniel P. Wolf, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the eDockets website. Permittees must register on the website to file documents.

2. All filings must have a cover sheet that includes:
  - a. Date
  - b. Name of submitter/permittee
  - c. Type of permit (site or route)
  - d. Project location
  - e. Project docket number
  - f. Permit section under which the filing is made
  - g. Short description of the filing

3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Daniel P. Wolf, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any electronically filed document.

DRAFT

**PERMIT COMPLIANCE FILINGS<sup>1</sup>**

PERMITTEE: Flying Cow Wind, LLC  
 PERMIT TYPE: LWECS Site Permit  
 PROJECT LOCATION: Yellow Medicine County, Minnesota  
 PUC DOCKET NUMBER: IP-6984/WS-17-749

Filing Number	Permit Section	Description of Compliance Filing	Due Date
1	4.7	Prairie Protection and Management Plan	30 days prior to submitting Site Plan, as deemed necessary
2	4.12	Notification to Airports	Prior to project construction
3	5.1	Notification of Permit and Complaint Procedures	30 days of permit issuance
4	5.2.1	Field Representative	14 days prior to commencing construction
5	5.2.2	Site Manager	14 days prior to commercial operation
6	5.2.6	National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater Permit	In accordance with Minnesota Pollution Control Agency
7	5.2.9	Notification of Pesticide Application	14 days prior to application
8	5.2.10	Invasive Species Protection Plan	14 days prior to pre-construction meeting
9	5.2.12	Identification of Roads	14 days prior to pre-construction meeting

<sup>1</sup> This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.



Filing Number	Permit Section	Description of Compliance Filing	Due Date
10	5.2.16	Assessment of Television and Radio Signal Reception, Microwave Signal Patterns, and Telecommunications	14 days prior to pre-construction meeting
11	5.2.21	Site Restoration	60 days after completion of restoration
12	5.2.25	Public Safety/Education Materials	Upon request
13	5.4	Engineered Drawings of Collector and Feeder Lines	Submit with the Site Plan
14	5.5.2	Filing Regarding Other Required Permits	14 days prior to pre-construction meeting
15	7.1	Biological and Natural Resource Inventories	30 days prior to pre-construction meeting
16	7.2	Shadow Flicker Data	14 days prior to pre-construction meeting
17	7.3	Wake Loss Studies	14 days prior to pre-construction meeting and annual wake loss with annual report
18	7.4	Post-Construction Noise Methodology	14 days prior to pre-construction meeting
19	7.4	Post-Construction Noise Study	18 months of commercial operation
20	7.5	First Annual Audit and Revision of Avian and Bat Protection Plan	14 days prior to pre-construction meeting
21	7.5	Annual Report - Avian and Bat Protection Plan	15th of March each year or partial year

Filing Number	Permit Section	Description of Compliance Filing	Due Date
22	7.5	Quarterly Incident Reports	15th of January, April, July, and October the day following commercial operation
23	7.5	Immediate Incident Reports	24 hours of discovery and a report within 7 days
24	8.1	Demonstration of Wind Rights	14 days prior to pre-construction meeting
25	8.2	Power Purchase Agreement	If not obtained within two years issuance of permit
26	8.3	Failure to Construct	If within two years issuance of permit
27	10.0	Complaint Procedures	Prior to start of construction
28	10.1	Pre-Construction Meeting Summary	14 days following meeting
29	10.2	Pre-Operation Meeting Summary	14 days following meeting
30	10.3	Site Plan	14 days prior to pre-construction meeting
31	10.4	Construction Status Reports	Monthly
32	10.5	Commercial Operation	3 days prior to commercial operation
33	10.6	As-Builts	90 days after completion of construction

Filing Number	Permit Section	Description of Compliance Filing	Due Date
34	10.7	GPS Data	90 days after completion of construction
35	10.8	Project Energy Production	February 1st following each complete or partial year of project operation
36	10.9	Wind Resource Use	February 1st following each complete or partial year of project operation
37	10.10	Emergency Response Plan	14 days prior to pre-construction meeting and revisions 14 days prior to pre-operation meeting
38	10.11	Extraordinary Event	Within 24 hours of discovery
39	11.1	Decommissioning Plan	14 days prior to pre-operation meeting
40	14.0	Notice of Ownership	14 days after operation

## **CERTIFICATE OF SERVICE**

I, Jamie Eschbach, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

### **Minnesota Public Utilities Commission ORDER**

Docket Numbers: **IP-6984/WS-17-749**  
Dated this **25th** day of **May, 2018**

/s/ Jamie R Eschbach

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1800 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_17-749_Official CC Service List
Ian	Dobson	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	OFF_SL_17-749_Official CC Service List
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_17-749_Official CC Service List
Sean	Flannery	sean.flannery@res-americas.com	Renewable Energy Systems Americas Inc.	12 South 6th Street Suite 930 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_17-749_Official CC Service List
Andrew	Gibbons	andrew.gibbons@stinson.com	Stinson Leonard Street	50 S 6th St Ste 2600 Minneapolis, MN 54002	Electronic Service	No	OFF_SL_17-749_Official CC Service List
Anne Marie	Griger	anne-marie.griger@res-group.com	Flying Cow Wind, LLC	11101 W 120th Ave Broomfield, Colorado 80021	Electronic Service	No	OFF_SL_17-749_Official CC Service List
James	LaFave	james.lafave@state.mn.us	Office of Administrative Hearings	PO Box 64620 St. Paul, MN 55164-0620	Electronic Service	Yes	OFF_SL_17-749_Official CC Service List
Michelle	Matthews	Michelle.Matthews@res-group.com	Renewable Energy Systems	330 2nd Ave S Ste 820 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_17-749_Official CC Service List
Janet	Shaddix Elling	ishaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield, MN 55423	Electronic Service	Yes	OFF_SL_17-749_Official CC Service List
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_17-749_Official CC Service List