

Staff Briefing Papers

Meeting Date November 6, 2025

Agenda Item 4*

Company Avangrid Power, LLC

Docket No. IP-6728/WS-09-553

In the Matter of the Site Permit for Elm Creek Wind II, LLC 150 MW Project in Martin and Jackson Counties.

- Issues**
- Should the Commission issue an amended site permit for the repowering project?
 - If the site permit amendments are authorized, what additional conditions, if any, should the Commission impose?
 - Are there other issues or concerns related to this matter?

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✓ Relevant Documents

Date

Avangrid Power, LLC – Elm Creek II Repower Application (38 parts)	04/01/2025
Avangrid Power, LLC – Letter	06/10/2025
DOC-EERA – Comments, Recommendations, and Draft Site permit	06/20/2025
PUC – Notice of Public Information Meetings	07/18/2025
PUC EIP – Public Information Meeting Transcripts (in-person and virtual, 2 parts)	09/15/2025
PUC EIP – EIP Comments, Recommendations, and Amended Site permit	09/18/2025

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

Statement of the Issues

- Should the Commission issue an amended site permit for the repowering project?
- If the site permit amendments are authorized, what additional conditions, if any, should the Commission impose?
- Are there other issues or concerns related to this matter?

Statutes and Rules

Under Minn. Stat. § 216F.03, the siting of a large wind energy conversion system will be done in an orderly manner compatible with environmental preservation, sustainable development, and the efficient use of resources.

Under Minn. Stat. § 216F.04 (d), the Commission may place conditions in a permit and may deny, modify, suspend, or revoke a permit.

Minn. R. 7854.1300, subp. 2, provides that the Commission may amend a site permit for a large wind energy conversion system at any time if the Commission has good cause to do so.

Procedural Background

On April 1, 2025, Elm Creek Wind II, LLC (a subsidiary of Avangrid Power, LLC) submitted their Application for the Elm Creek Wind II Repower Project.

On June 20, 2025, the Energy Environmental Review and Analysis unit with the Department of Commerce (DOC EERA) filed Comments and Recommendations, recommending the Application be accepted as substantially complete.

On July 1, 2025, the DOC EERA Unit officially transferred to the Public Utilities Commission as part of the Energy Infrastructure Permitting Unit as the Environmental Review Staff (PUC EIP).

On July 18, 2025, the Commission issued a Notice of Public Meetings, with one in-person meeting to be held in Jackson County, Minnesota, and one virtual meeting.

On August 5 and 6, 2025, the Commission held the in-person and virtual meetings, respectively. Approximately 25 people attended the in-person meeting, and no members of the public attended the virtual meeting.

On August 22, 2025, Elm Creek Wind II, LLC, submitted their reply comments.

To request this document in another format such as large print or audio, call 651.296.0406 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

On September 18, 2025, PUC EIP Environmental Review Staff, formerly EERA, filed their Comments, Recommendations, and Amended Site Permit. PUC EIP Environmental Review Staff recommended that the Commission approve the Site Permit with the edits identified by PUC EIP, and recommended authorizing the repowering of the Elm Creek Wind II project.

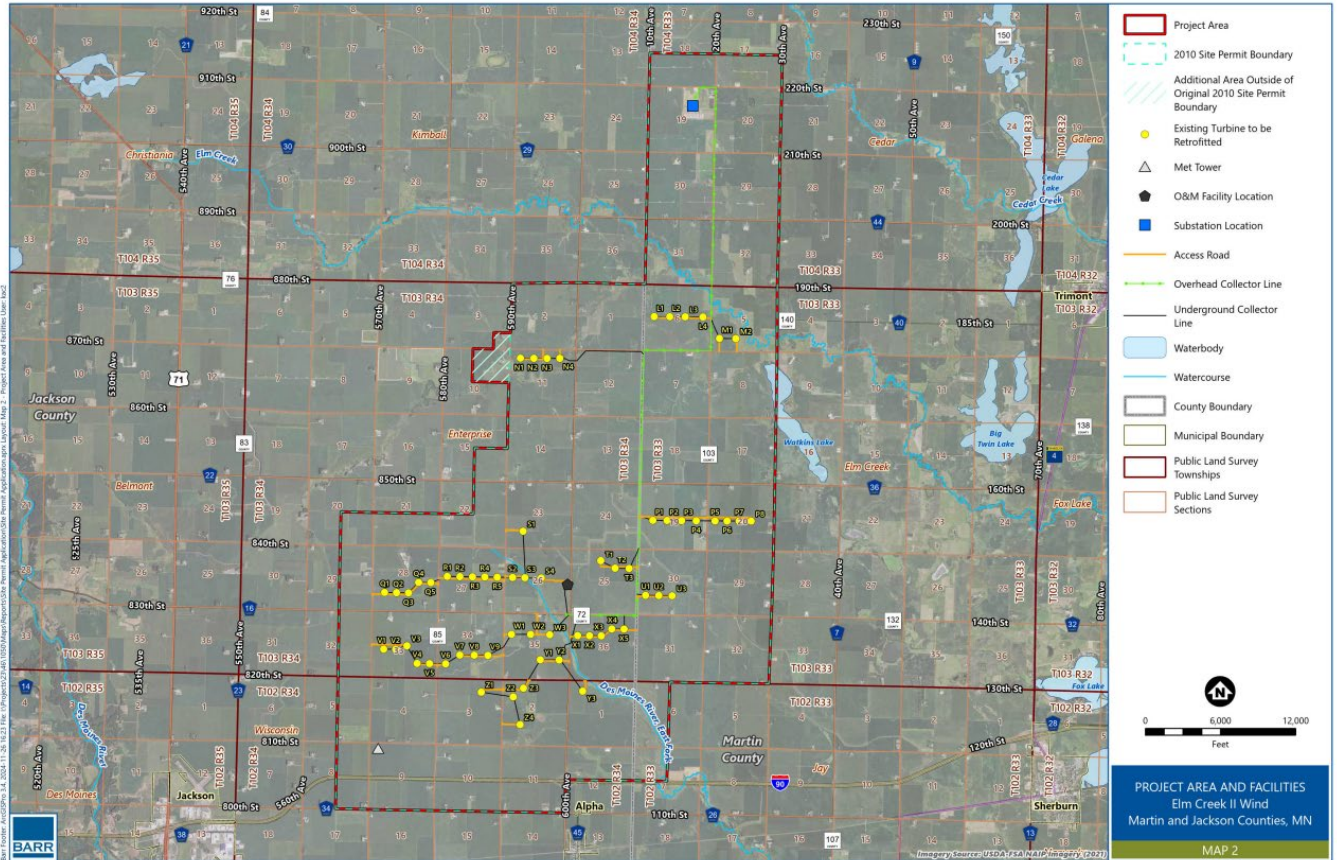
Project Description and Amendment Request

Elm Creek Wind II, LLC, (Elm Creek II) a subsidiary of Avangrid Power, LLC, submitted their Repower Application on April 1, 2025¹. Elm Creek II currently operates the existing 148.8-megawatt Large Wind Energy Conversion System, in Jackson and Martin Counties, Minnesota. The facility was originally permitted by the Commission on February 25, 2010, and began operations in December of 2010. The facility as originally permitted consists of 62 Mitsubishi MHI95 wind turbines with a capacity of 2.4 MW each. The Site Permit for the project expires on December 31, 2040.

Elm Creek Wind II, LLC, requested site permit amendments to increase the facility's efficiency and energy output, make changes to existing wind rights agreements, and extend the permit term and operational life of the facility. The proposed changes will consist of retrofitting existing equipment but will not involve changes to the turbine locations, MET tower, or substation. The requested changes will apply to all 62 turbines and will include:

- Extending the Permit expiration date from December 31, 2040 to December 31, 2056
- Replacing rotors (increase in size from 95 meters up to 120 meters);
- Replacing turbine nacelles and interior elements;
- Increasing hub height of existing turbines from 78 meters up to 86 meters;
- Increasing the tip height of existing turbines from 127.5 meters up to 146 meters;
- Adjust the current turbine output for existing turbines from 2.4 MW to 2.2 MW; and
- Decrease total nameplate capacity below the current permitted 150 megawatts

¹ Elm Creek II Repower Application (38 Parts) – 04/01/2025: [20253-217028-01](#)



The proposed modifications are expected to decrease the facility's total nameplate capacity below the existing 148.8 megawatts. Although the repowering will result in a decrease in nameplate capacity, the retrofitted equipment will result in an increase in swept area and efficiency at lower wind speeds, correlating to an overall increase in annual energy production. The Applicant is currently pursuing a Power Purchase Agreement (PPA) for the repowered facility but will continue selling energy generated by the Project into the MISO market if a PPA is not immediately secured upon repowering.

In addition to the system modifications listed above, the permittee is requesting site permit amendments that will help them accomplish these system changes, which can be found in Appendix A². These changes include:

- Amending the site permit boundary to incorporate wind access buffer right requirements and slightly increase acreage from 30,399 acres to 30,432 acres³ (see "Map 2" in footnote for expanded boundary);
- Extend the permit expiration date from December 31, 2040, to December 31, 2056, which is 30 years from the Facility's expected repowered date of commercial operation (December 31, 2026);

² Avangrid Power, LLC – Initial Filing – 04/01/2025: [20253-217028-02](#)

³ Avangrid Power, LLC – Initial Filing, Map 2 (expanded site boundary map) – 04/01/2025: [20253-217028-18](#)

- Revise site permit section II with updated associated facility descriptions;
- Extend the restoration time period from site permit section III.B.12 from 8 months to 12 months, consistent with other recently approved projects;
- Grant waivers for wind access buffers (site permit section III.C.1) and turbine spacing requirements (site permit section III.E.5);
- Revise site permit section III.E.4 with lighting mitigation system description;
- Revise site permit section III.F.2 with updated noise submittal requirements; and
- Update site permit section III.J.1 with updated wind rights submittal requirements.

The Applicant believes the site permit modifications requested above are necessary for the repowering of the Elm Creek Wind II facility. With regard to wind rights, Elm Creek Wind II is looking to incorporate new wind-rights only agreements on 20 non-participating parcels, encompassing a total of 46.48 acres in order to accommodate the wind access buffers at the following 20 turbines: L1, N1, P1, Q1, Q3-4, S4, T1-3, U1-3, X1-3, X5, Y1, Y3, Z1, and Z3-4. These parcels are owned by 16 landowners, including four that are currently participating in the Project. Of the parcels, two are located outside the originally permitted 2010 site boundary, which is why Elm Creek II has requested amending the site permit boundary. As of the application filing, Elm Creek II was actively working with landowners to secure wind rights agreements. If unsuccessful, the permittee indicated that they would extend a best and final offer to these landowners before requesting the Commission grant a waiver from the wind access buffer setback requirements identified in Appendix C.

Summary of Comments Received

Public Comments

The in-person and virtual public meetings were held on August 5⁴ and 6⁵, respectively, and the associated comment period was open from July 18 through August 20, 2025. Approximately 25 people attended the in-person meeting. A MnDOT employee attended the virtual meeting, however no members of the public attended. Additionally, no written comments were received during the comment period.

The most common questions and comments received were related to compensation for participating landowners and private contracts. Others were related to concerns over large trucks hauling equipment on county or township roads, as well as concerns about drain tile and soil compaction from re-constructing temporary access roads to maintain equipment. Some attendees commented that compaction from the installation of temporary access roads caused lasting damage. Support for the Project was mixed among attendees.

DOC EERA Comments and Recommendations on Draft Site Permit (6/20/25)

The Department of Commerce Energy Environmental Review and Analysis Unit (DOC EERA),

⁴ Public Information Meeting on August 5, 2025 – In-Person – 09/18/2025: [20259-223025-01](#)

⁵ Public Information Meeting on August 6, 2025 – Virtual – 09/18/2025: [20259-223025-02](#)

submitted comments and recommendations⁶ regarding Elm Creek Wind II's repower application. In particular, Environmental Review Staff focused on:

Wind Access Buffer Setback

The Applicant discussed efforts to meet the Commission's current 3 RD x 5 RD (Rotor Diameter) setback requirements including negotiations with affected landowners. Specifically, the Applicant is attempting to secure wind rights for 20 turbines, including L1, N1, P1, Q1, Q3-4, S4, T1-3, U1-3, X1-3, X5, Y1, Y3, Z1, and Z3-4. Environmental Review Staff noted that the Applicant is pursuing wind rights for turbines Q3 and Q4, which are adjacent to the Artz Wildlife Management Area (WMA). Environmental Review Staff believe that wind rights will likely not be granted for turbines Q3 and Q4. If that occurs, the Applicant has committed to continue operations with the existing equipment to maintain compliance with the 3 RD x 5 RD setback requirement. Environmental Review Staff also noted that the Applicant has committed to extend a best and final offer to affected landowners before requesting the Commission grant a waiver from the wind access buffer setback requirements identified in Appendix C.

Internal Turbine Spacing

The Applicant requested that 44 of 62 turbines be located within the 3x5 rotor diameter spacing, including turbines: N1, N2, N3, N4, P1, P2, P3, P4, P5, P6, P7, P8, Q1, Q2, Q3, Q4, Q5, R1, R2, R3, R4, R5, S2, S3, T2, T3, U1, U2, U3, V1, V2, V3, V4, V5, V7, V8, V9, X1, X2, X3, X4, X5, Z2, and Z3. The Applicants performed a wake loss analysis of the repowered turbine layout and estimate a total wake loss of 8.7% for the entire project, which is consistent with other wind facilities currently permitted in Minnesota. The Applicant determined no wind sector management curtailment would be required with their internal turbine spacing and that existing equipment would accommodate turbines with a rotor diameter of up to 120 meters. Environmental Review Staff included a variance for the internal turbine spacing in section 4.2 of the Draft Site Permit.

Turbine Tower Lighting

The Applicant proposed to install an Aircraft Detection Lighting System (ADLS) that will include individual lights on each turbine. The ADLS will be constructed within the existing project boundary and will not result in any additional impacts to native prairie, wetlands, or other sensitive resources. Environmental Review Staff included a special permit condition requiring a lighting mitigation system for the Project in section 5.3.29 of the Draft Site Permit.

Electronic Communications

The Applicant noted in their application that the analysis performed on communications interference indicated that turbines T1, T2, and U3 will intersect with the LTD Broadband LLC Steve Johnson Farms to Sherburn Water Tower Fresnel zones, and that the increased turbine rotor length may increase the chance for interaction with the LTD Broadband LLC path. The Applicant indicated that they are committed to working directly with LTD Broadband LLC to resolve any issues. Separately, the Applicant noted that they do not anticipate impacts to AM/FM radio but if any interference with television or Land Mobile Radio communications are

⁶ DOC EERA Comments and Recommendations, Draft Site Permit – 06/20/2025: [20256-220088-01](#)

identified the Applicant has committed to working with any affected individuals. Environmental Review Staff noted that any conflicts that may arise after repowering will require Elm Creek Wind II, LLC to coordinate a resolution with LTD Broadband LLC or the impacted landowner in section 5.3.18 of the Draft Site Permit.

Avian and Bat Fatality Monitoring

Environmental Review Staff recommended that the site permit require two years of standardized post-construction monitoring for birds and bats at the repowered Elm Creek Wind II facility because modeling estimates have improved since the original site permit was granted. Additionally, other species, such as the northern long-eared bat and the little brown bat are now being considered for certain protections. Environmental Review Staff recommended a monitoring protocol be developed in coordination with PUC EIP Environmental Review Staff, MnDNR, and US Fish and Wildlife Service, which is included as section 7.5.1 of the draft site permit.

Other Amendments and Clarifications Requested in the Application for Repower

<i>Permittee and Project Description</i>	Updated in Sections 2 and 4.9 of Draft Site Permit (DSP)
<i>Turbine Layout</i>	No turbines will be moved; layout is final; Section 3.1 DSP
<i>Other Permits and Regulations</i>	Other permits that must be acquired; Section 5.6.2 DSP
<i>Biological and Natural Resource Inventories</i>	Inventory requirement to include only new surveys; Section 7.1 DSP
<i>Wake Loss Studies</i>	Wake loss analysis only for proposed repowering; Section 7.3 DSP
<i>Noise Studies</i>	Post-construction noise study must be filed within 18 months of completion; Section 7.3 DSP)
<i>Pre-Operation Meeting</i>	Because it is currently in operation, the pre-operation meeting requirement was proposed to be removed
<i>Decommissioning Plan</i>	Must be filed 14 days prior to pre-construction meeting; Section 11.1 DSP
<i>Site Plan</i>	Adjusted requirements because the facility is already in operation; Section 10.2 DSP
<i>In-Service Date</i>	Project completion refers to the completion of repowering; Section 10.6 DSP
<i>Waste Disposal Filings</i>	Included a new permit requirement to account for turbine disposal; Section 11.4 DSP
<i>Wind Access Buffer</i>	Condition included to allow for wind access agreements with landowners and a Commission waiver if an agreement can't be reached; Section 4.1 DSP

<i>Wind Turbines</i>	Acknowledges flexibility in selection of repowering components due to sourcing availability issues; Section 2 and 4.9 DSP
<i>Turbine Spacing</i>	Allows for reduced internal spacing of 42 repowered turbines; Section 4.10 DSP

Elm Creek Wind II, LLC (8/22/25)

In response to Environmental Review Staff Comments and Recommendations on Draft Site Permit, the Applicant provided a red-lined version⁷ of Environmental Review Staff's initial comments and recommendations with a focus on the following:

- Equipment options are still being evaluated due to sourcing and availability issues; requested site permit modifications reflect the flexibility to acquire turbine generators ranging from 2.2 to 2.4 MW.
- Elm Creek Wind II, LLC, requested wind access buffer waivers for the following 20 turbines: L1, N1, P1, Q1, S4, T1, T2, T3, U1, U2, U3, X1, X2, X3, X5, Y1, Y3, Z1, Z3, and Z4.
- Elm Creek Wind II is committed to the Avian and Bat Protection Plan that requires two years of post-construction fatality monitoring.
- Section 5.3.15 of the DSP contains material inapplicable to a repower and requests appropriate modifications be applied.
- The Applicant proposes to eliminate field inventories of existing wildlife management areas, scientific and natural areas, and recreation areas from section 7.1 of the DSP.
- The Applicant requested removal of the language, "shall be considered Public", in the DSP in Sections 10.9 and 10.10 regarding certain information filed in the future. The Applicant argued that some or all information may qualify as trade secret.

PUC EIP Environmental Review Comments, Recommendations, and Amended Site Permit (9/18/25)

Following the Public Meeting, Environmental Review Staff reviewed all recorded comments and incorporated concerns as applicable into the amended draft site permit. Environmental Review Staff recommended the following conditions be carried forward for the Commission's consideration:

- Equipment causing soil compaction – Section 5.3.7
- Damage to agricultural drain tile – Section 5.3.21
- Turbine noise – 4.3, 7.4, and 10.2
- Impacts to County and Township roads – Section 5.3.14
- Access roads and access road approaches – Section 5.3.15

Members of the public voiced concern for financial agreements between the Applicant and participating landowners. While the Commission does not get involved in these arrangements the DSP does provide some property protections within it, including: Section 4.1 (Wind Access

⁷ Elm Creek Wind II, LLC – Comments – 08/22/2025: [20258-222351-02](#)

Buffer), Section 5.3.26 (Damages), and Section 8.1 (Wind Rights).

During the virtual public meeting a MnDOT representative asked questions about how the project may impact the State radio communications system. The Applicant responded they do not believe there will be any impact and committed to resolving any issues should they arise.

Environmental Review Staff updated the amended draft site permit based on comments received from the public, agencies, and the Applicant. Table 1 (attached) shows a comparison between the draft site permit and the amended draft site permit which incorporates Environmental Review Staff's recommendations.

Staff Analysis

The major provisions in the amended draft site permit include changes agreed to by the Applicant and Environmental Review Staff. Beyond the technical and formatting changes, the amended draft site permit includes:

- A waiver for 20 turbine locations wind access buffers following a final best offer (Section 4.1)
- A variance for the internal turbine spacing (Section 4.2)
- Aircraft Detection Lighting System (Section 5.3.29)
- A commitment to resolve any potential communications issues with LTD Broadband LLC (Section 5.3.18)
- A commitment to monitor avian and bat fatalities for two years (Section 7.5.1)
- Allowing flexibility for turbine selection due to sourcing issues (Section 2 and 4.9)
- Addressing public concerns through permit conditions listed above
- Other changes to the permit that facilitate the requested site modifications, formatting changes, and other minor changes as applicable

EIP Permitting Staff agrees with EIP Environmental Review Staff and recommends granting the site permit amendment as modified in these briefing papers.

DECISION OPTIONS

Site Permit

- 1) Issue the Amended Site Permit for the Elm Creek Wind II Repower Project as recommended by PUC EIP Environmental Review Staff. (Staff, Applicant)

OR

- 2) Deny an Amended Site Permit for the Elm Creek Wind II Repower Project.

Administrative

- 3) Delegate authority to the Executive Secretary to modify the Findings of Fact and Conclusions of Law and Route Permit to correct any typographic and formatting errors and ensure consistency with the Commission's order. (Staff)

Staff Recommendation: 1, 3

Section	Draft Site Permit	Amended Site Permit
2 – Project Description	Repowered turbines will be decreased to 2.2 MW output, rotor diameter will be increased to 120 meters, hub height will be increased to 86 meters, and tip height will be increased to 146 meters.	Repowered turbines will be between 2.2 and 2.4 MW output, rotor diameter will be increased up to 120 meters, hub height will be increased up to 86 meters, and tip height will be increased up to 146 meters.
4.1 – Wind Access Buffer	The Commission has waived the wind access buffer setbacks for 18 turbines, including turbines L1, N1, P1, Q1, S4, T1, T2, T3, U1, U2, U3, X13, X5, Y1, Y3, Z1, Z3, and Z4.	The Commission has waived the wind access buffer setbacks for 20 turbines, including turbines L1, N1, P1, Q1, S4, T1, T2, T3, U1, U2, U3, X1, X2, X3, X5, Y1, Y3, Z1, Z3, and Z4.
4.9 -Wind Turbines	Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 85.2 meters (279.5 feet) above grade measured at hub height. The wind turbine specifications in the table below were provided in the Permittee’s April 1, 2025 Large Wind Energy Conversion System Site Permit Amendment Application for the Elm Creek II Wind Project in Jackson and Martin Counties, Minnesota. The Permittee will be allowed flexibility, within reason, in the selection of the repowering component to allow for sourcing and availability considerations. This section will be updated	Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 86 meters (282 feet) above grade measured at hub height. The wind turbine specifications in the table below were provided in the Permittee’s April 1, 2025 Large Wind Energy Conversion System Site Permit Amendment Application for the Elm Creek II Wind Project in Jackson and Martin Counties, Minnesota.

	update to reflect final component selection before repowering construction can begin.	
5.3.15 – Turbine Access Roads	The Permittee shall construct the fewest number of turbine access roads necessary to safely and efficiently operate the Project and satisfy landowner requests. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. Access roads shall not be constructed across streams and drainage ditches without required permits and approvals. When access roads are constructed across streams, drainage ways, or drainage ditches, the access roads shall be designed and constructed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. Any access roads that are constructed across streams or drainage ditches shall be designed and constructed in a manner that maintains existing fish passage. Access roads that are constructed across grassed waterways that provide drainage for surface waters that are ephemeral in	No new access roads will be developed as part of the repowering. Some temporary widening of the existing access roads may be required during the repowering of the turbines, and any widened access roads will be restored back to the original dimensions. The Permittee shall widen the fewest number of turbine access roads necessary to safely and efficiently repower the Project.. Widened access roads shall remain low profile, so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. Widening of existing access roads shall not be widened in a manner that willcross streams and drainage ditches without required permits and approvals. If any existing access roads that cross streams, drainage ways, or drainage ditches, must be widened the temporarily widened access roads shall be widened in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. Any existing access roads that cross streams or drainage ditches shall be widened, if necessary, in a manner that maintains existing fish passage. Existing access roads that are widened and cross grassed waterways that provide drainage for surface waters that are ephemeral in

	nature, are not required to maintain or provide fish passage. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff. The Permittee shall provide the local soil and water conservation district and participating landowners an opportunity to review and comment on access road plans in order to minimize the potential to pond and divert water creating gully erosion or the potential to cause damage or failure to existing conservation practices, such as terraces, sediment control basins or diversions prior to finalization and installation. The Permittee shall file documentation of turbine access road coordination at least 14 days prior to the pre-construction meeting.	nature, are not required to maintain or provide fish passage. Any temporary widening of existing access roads shall be completed in accordance with all necessary township, county or state road requirements and permits. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff. The Permittee shall provide the local soil and water conservation district and participating landowners an opportunity to review and comment on plans to temporarily widen existing access roads in order to minimize the potential to pond and divert water creating gully erosion or the potential to cause damage or failure to existing conservation practices, such as terraces, sediment control basins or diversions prior to finalization and installation. The Permittee shall file documentation of coordination regarding the temporary widening of existing turbine access roads at least 14 days prior to the pre-construction meeting.
7.1 – Biological and Natural Resource Inventories	The Permittee, in consultation with the Commission and the DNR, shall design and conduct preconstruction 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	The Permittee, in consultation with the Commission and the DNR, shall design and conduct pre-construction desktop and field inventories of existing native prairies, forests, wetlands, and any other biologically sensitive areas within the Designated Site and assess the presence of state- or federally-listed or threatened species. The Permittee shall file with the Commission the results of any new inventories conducted to address the

	within the Designated Site and assess the presence of state- or federally-listed or threatened species. The Permittee shall file with the Commission the results of any new inventories conducted to address the repowering of the Project, at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this site permit. The Permittee shall file with the Commission any biological surveys or studies conducted on this Project, including those not required under this site permit.	repowering of the Project, at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this site permit. The Permittee shall file with the Commission any biological surveys or studies conducted on this Project, including those not required under this site permit.
7.5.1 – Operational Phase Fatality Monitoring	The Permittee shall utilize a qualified third party to conduct a minimum of two full years of avian and bat fatality monitoring commencing full Project operation after completing repowering. Monitoring activities and results will be coordinated directly with the DNR, the U.S. Fish and Wildlife Service (USFWS), and Commission staff. Detailed monitoring protocols, agency coordination, and any avoidance and minimization measures will be detailed in the Avian and Bat Protection Plan (ABPP).	No changes recommended by EIP staff. The Permittee indicated they have committed to two years of fatality monitoring in their Avian and Bat Protection Plan for the Elm Creek II Wind Repower Project. Staff acknowledges the Permittee's commitment, and the amended site permit addresses the fatality monitoring and the Avian and Bat Protection Plan in Section 7.5.1 and Section 7.5.2, respectively. Staff does not recommend any edits to Section 7.5.1 or Section 7.5.2 in the amended site permit.
7.5.2 – Avian and Bat Protection Plan	The Permittee shall review and update the Avian and Bat Protection Plan (ABPP) that was submitted as part of its Site Permit Amendment Application. The ABPP must address steps that	No changes recommended by EIP staff. The Permittee indicated they have committed to two years of fatality monitoring in their Avian and

	will be taken to identify and mitigate impacts to avian and bat species during the construction and operation phases of the Project. The ABPP shall also include formal and incidental postconstruction fatality monitoring, training, wildlife handling, documentation (e.g., photographs), and reporting protocols for each phase of the Project. The Permittee shall file the updated ABPP with the Commission, and provide electronic copies to Commission staff, DNR, and FWS, at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed ABPP. The Permittee shall, by the 15th of March following each complete or partial calendar year of operation, file with the Commission an annual report detailing the findings of its annual audit of ABPP practices. The annual report shall include summarized and raw data of bird and bat fatalities and injuries and shall include bird and bat fatality estimates for the project using agreed upon estimators from the prior calendar year. The annual report shall also identify any	Bat Protection Plan for the Elm Creek II Wind Repower Project. Staff acknowledges the Permittee's commitment, and the amended site permit addresses the fatality monitoring and the Avian and Bat Protection Plan in Section 7.5.1 and Section 7.5.2, respectively. Staff does not recommend any edits to Section 7.5.1 or Section 7.5.2 in the amended site permit.
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	deficiencies or recommended changes in the operation of the Project or in the ABPP to reduce avian and bat fatalities and shall provide a schedule for implementing the corrective or modified actions. The Permittee shall provide a copy of the report to the DNR and the USFWS at the time of filing with the Commission.	
10.9 – Project Energy Production	The Permittee shall, by February 1st following each complete or partial year of Project operation, file a report with the Commission on the monthly energy production of the Project including: a. the installed nameplate capacity of the permitted Project; b. the total monthly energy generated by the Project in MW hours; c. the monthly capacity factor of the Project; d. yearly energy production and capacity factor for the Project; e. the operational status of the Project and any major curtailments, outages, major repairs, or turbine performance improvements occurring in the previous year; and f. any other information reasonably requested by the Commission. The Permittee shall file this information in a format recommended by Commission staff. This	No changes recommended by EIP staff. The Permittee has requested removal of the language “shall be considered public” in Sections 10.9 and 10.10 of the Amended Site Permit. The Permittee believes that some or all of the information required to be filed under these sections may qualify as trade secret information, and they don’t believe it is appropriate for the Amended Site Permit to predetermine that this information should be public. Staff does not support the removal of the language “shall be considered public” from Sections 10.9 and 10.10. The information included in these two sections has been identified as public in the most recently issued Site Permits and Amended Site Permits for LWECS projects and repowering projects, respectively. General project production and wind resource information has been included in the publicly available application requesting the site permit amendment. It is not clear to Staff why the

	information shall be considered public and must be filed electronically.	application information would be available to the public, but project operational information of the same or a similar nature would be considered trade-secret. Additionally, Section 12.7 Proprietary Information in the Amended Site Permit allows the Permittee to protect trade secret or other proprietary information under the Data Practices Act or other law, as long as the Permittee satisfies requirements of the applicable law.
10.10 – Wind Resource Use	The Permittee shall, by February 1st following each complete or partial calendar year of operation, file with the Commission the average monthly and average annual wind speed collected at one permanent meteorological tower during the preceding year or partial year of operation with the Project Energy Production Report. This information shall be considered public and must be filed electronically.	No changes recommended by EIP staff. The Permittee has requested removal of the language “shall be considered public” in Sections 10.9 and 10.10 of the Amended Site Permit. The Permittee believes that some or all of the information required to be filed under these sections may qualify as trade secret information, and they don’t believe it is appropriate for the Amended Site Permit to predetermine that this information should be public. Staff does not support the removal of the language “shall be considered public” from Sections 10.9 and 10.10. The information included in these two sections has been identified as public in the most recently issued Site Permits and Amended Site Permits for LWECS projects and repowering projects, respectively. General project production and wind resource information has been included in the publicly available application requesting the site permit amendment. It is not clear to Staff why the

		application information would be available to the public, but project operational information of the same or a similar nature would be considered trade-secret. Additionally, Section 12.7 Proprietary Information in the Amended Site Permit allows the Permittee to protect trade secret or other proprietary information under the Data Practices Act or other law, as long as the Permittee satisfies requirements of the applicable law.
Other edits and clarifications	EIP Staff has made additional edits to the Amended Site Permit, which are considered to be non-substantial and are intended to simply correct typos, grammatical errors and provide minor clarifications.	