

Staff Briefing Papers

Meeting Date March 6, 2025 Agenda Item 3**

Company Enbridge Solar (Plummer), LLC

Docket No. IP7103/GS-22-451

In the Matter of the Application of Enbridge Solar (Plummer), LLC for a Site Permit for the up to 130 MW Plummer Solar Project in Red Lake County, MN

Issues

- 1. Should the Commission adopt the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation?
- 2. Should the Commission find that the environmental assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
- 3. Should the Commission issue a site permit for the up to 130-megawatt Plummer Solar Energy Generating System?

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✓ Relevant Documents

	Date
Enbridge Solar (Plummer), LLC Application (20 parts)	April 2, 2024
PUC Notice of Comment Period – Application Completeness	April 4, 2024
EERA Comments and Recommendations on Application Completeness	April 18, 2024
Enbridge Solar (Plummer) LLC Reply Comments	April 25, 2024

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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.

✓ Relevant Documents	Date
PUC Order – Application completeness	May 7, 2024
PUC Notice of Public Information and Environmental Assessment Scoping Meetings	May 14, 2024
Shaddix – Transcripts from Info/Scoping Meetings	June 10, 2024
IUOE Local 49 Comments	June 12, 2024
Enbridge Solar (Plummer) LLC Scoping Comments	June 13, 2024
Liuna MN/ND Comments	June 14, 2024
EERA Written Comments on the Scope of the Environmental Assessment	June 26, 2024
EERA Oral Comments on the Scope of the Environmental Assessment	June 26, 2024
OAH First Prehearing Order	June 28, 2024
EERA Environmental Assessment Scoping Decision	July 8, 2024
EERA Notice of Environmental Assessment Scoping Decision	July 11, 2024
PUC Sample Solar Site Permit	August 14, 2024
Enbridge Solar (Plummer), LLC SHPO Correspondence Letter (2 parts)	August 15, 2024
OAH Second Prehearing Order	October 18, 2024
EERA – Plummer Solar Environmental Assessment (5 parts)	October 28, 2024
PUC Notice of Public Hearings and Availability of Environmental Assessment	October 28, 2024
EERA Notification of EA to Agencies and THPO's (2 parts)	October 30, 2024
Enbridge Solar (Plummer, LLC Initial Comments	November 18, 2024
PUC Public Comment – Minnesota Pollution Control Agency	November 20, 2024
PUC Public Comment – Upper Sioux THPO	December 3, 2024
Minnesota Department of Natural Resources - Comments	December 6, 2024
IUOE Local 49 and NCSRC of Carpenters – Comments	December 6, 2024
EERA – EERA Hearing Comments	December 6, 2024
Enbridge Solar (Plummer), LLC Reply Comments	December 9, 2024
Enbridge Solar (Plummer), LLC Proposed Findings (2 parts)	December 17, 2024
EERA – Edits to Proposed Findings	January 8, 2025
EERA – EERA Response	January 8, 2025
OAH – Findings of Fact, Conclusions of Law, and Recommendations (ALJ Report)	February 4, 2025
Enbridge Solar (Plummer), LLC – Exceptions to ALJ Report	February 14, 2025
DOC EERA – Exceptions to ALJ Report	February 18, 2025

Attachments and Tables

Table 1: ALJ Proposed Site Permit Conditions

Attachment 1: Proposed Site Permit

I. STATEMENT OF ISSUES

- 1. Should the Commission adopt the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation?
- 2. Should the Commission find that the environmental assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
- 3. Should the Commission issue a site permit for the up to 130-megawatt Plummer Solar Energy Generating System?

II. PROJECT BACKGROUND

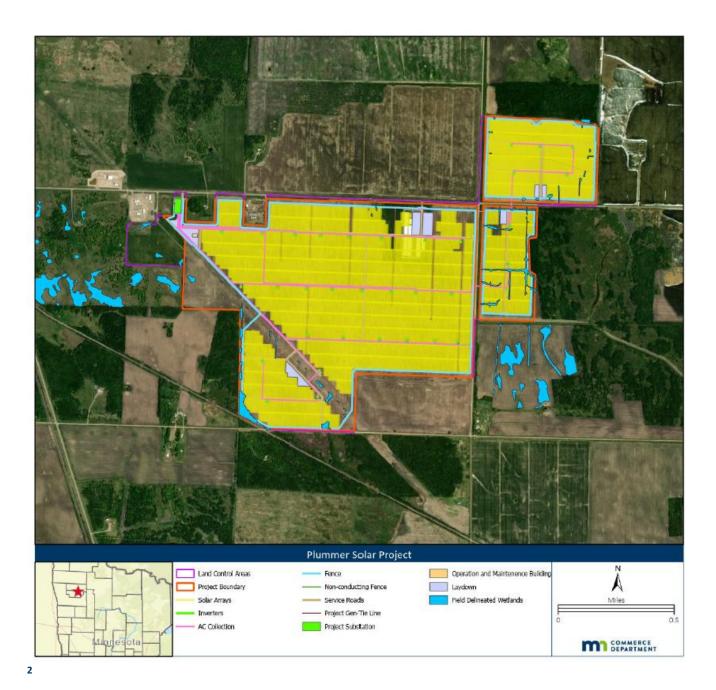
On April 2, 2024, Enbridge (Plummer) Solar, LLC (Plummer Solar or Applicant) submitted an application¹ for a Site Permit for their proposed solar project. Plummer Solar, LLC is proposing to construct an up to 130 MW solar energy generating system (Project) located in Emardville Township in Red Lake County, Minnesota. The proposed project would be located on 796.9 acres of an 855 acres site, of which the Applicant has 100% land control.

The Project will use approximately 293,448 photovoltaic solar panels mounted on single axis tracking systems and will include inverters, an electrical collection system, an operations and maintenance facility, a Project substation and interconnection facilities, electrical cables, conduit, switchgear, metering equipment, step-up transformers, a supervisory control and data acquisition system, access roads, weather stations, stormwater management systems, and other related equipment. The proposed project would interconnect to the grid through a short (<1,500 ft) aboveground 115 kV transmission line from the proposed project substation to an Otter Tail Power Company switching station.

The Project would generate an average of up to 253,500 megawatt hours (MWh) annually. Plummer Solar filed a Generator Interconnection Agreement application with Midcontinent Independent System Operator (MISO) in 2022 and expects to sign an agreement in early 2025. If permitted, the Applicant intends to begin construction in 2026 with commercial operations beginning on December 31, 2027.

Proposed Project Area

¹ Enbridge (Plummer) Solar, LLC Application for a Site Permit (20 parts): 20244-204918-02



III. STATUTES AND RULES

Site Permit

Minn. Stat. § 216E.03, subd. 1, provides that no person may construct a large electric generating plant without a site permit from the Commission and that a large electric generating plant may be constructed only on a site approved by the Commission. The proposed Plummer Solar project is defined as a large electric power generating plant under Minn. Stat. 216E.01, subd. 5, because it is a facility designed for and capable of operation at a capacity of 50-megawatts or more, and therefore, requires a site permit.

² Appendix B Figures Part 1 of 2: <u>20244-204918-04</u>

The proposed Plummer Solar Project is also defined as a solar energy generating system under Minn. Stat. § 216E.03, subd. 9a, because the primary purpose of the facility is to produce electricity by a combination of collecting, transferring, and converting solar-generated energy.

Minn. Stat. § 216E.02, subd. 1, requires that large electric power generating plants be located consistent with state policy and in a manner that minimizes adverse human and environmental impact while ensuring continuing electric power system reliability and integrity and ensuring that electric energy needs are met and fulfilled in an orderly and timely fashion.

In determining whether to issue a permit for a large electric power generating plant, the Commission must consider the factors contained under Minn. Stat. § 216E.03, subd. 7, and Minn. R. 7850.4100. Under Minn. R. 7850.4600, the Commission may impose conditions in any site permit for a large electric power generating plant as it deems appropriate and that are supported by the record.

Environmental Document

Minn. Stat. § 216E.04, subd. 5, requires preparation of an Environmental Assessment (EA) for projects being reviewed under the alternative permitting process. The Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) unit is responsible for preparing the EA on behalf of the Commission. The EA must provide information on the human and environmental impacts of the project and of alternative sites or routes; the feasibility of each alternative site or route considered; and mitigative measures that could reasonably be implemented to eliminate or minimize any adverse impacts identified.

Certificate of Need

In the 2023 legislative session, the Minnesota Legislature passed legislation affecting Minn. Stat. § 216B.243, subd. 8 (a) (7), creating an exemption for wind and solar projects from certificate of need requirements for projects for which a site permit application has been submitted by Independent Power Producer.

IV. PROCEDURAL HISTORY

On April 2, 2024, Plummer Solar filed their application for the proposed project.

On April 4, 2024, the Commission filed a Notice of Comment Period on Application Completeness.

On April 18, 2024, EERA filed Comments and Recommendations regarding application completeness and recommended the Commission find the application substantially complete.

On April 25, 2024, the Applicant submitted its reply comments and requested the Commission find their application complete and to authorize the use of the alternative permitting process.

On May 7, 2024, the Commission issued a Consent Order accepting the application as

substantially complete, requiring the Applicant to continue researching and adopting strategies to mitigate potential environmental impacts of the Project on minority groups, declining to appoint an Advisory Task Force, and requesting a full Administrative Law Judge report with findings, conclusions, and a recommendation from the Office of Administrative Hearings.

On May 29 and 30, the Commission and DOC EERA held in-person and virtual Public Information and Environmental Assessment Scoping Meetings, with a total of 4 members of the public offering comments.

On June 28, 2024, the Administrative Law Judge issued the first Prehearing order establishing the schedule for the proceeding.

On July 8, 2024, EERA filed the Environmental Assessment Scoping Decision for the Project.

On October 28, 2024, EERA filed the Environmental Assessment for the Project³. The Commission also filed a Notice of Public Hearings and Availability of Environmental Assessment.

On November 20 and 21, 2024, the Commission and EERA held one in-person public hearing at Plummer City Hall and one virtual public hearing with 4 total comments received by the public.

On December 17, 2024, the Applicant filed Proposed Findings of Fact, Conclusions of Law, and Recommendations, as well as a proposed change to the Draft Site Permit Special Condition 5.5.

On January 8, 2025, EERA filed its reply to hearing comments as well as their response and proposed edits to the Applicants proposed Findings.

On February 4, 2025, the administrative law Judge filed Findings of Fact, Conclusions of Law, and Recommendations for the Project.⁴

V. ALJ REPORT

The Commission requested an ALJ from the Office of Administrative Hearings to preside over a public hearing. The ALJ was charged with applying the siting criteria established in statute and rule and preparing a report containing findings of fact, conclusions of law, and a recommendation on the merits of the proposed project and on the conditions and provisions of a site permit.

The ALJ recommended that the Commission issue a site permit to Plummer Solar for the up to 130-megawatt Plummer Solar Project application. The Report included several modifications to the sample solar permit and included a number of special permit conditions for inclusion in the site permit (See Table 1 following Decision Options). Staff refers the Commission to the ALJ Report for the complete analysis.

³ DOC EERA Environmental Assessment: 202410-211369-01

⁴ ALJ Report: <u>20252-214889-01</u>

The ALJ presented findings on each of the criteria, under Minn. Stat. § 216E.03, subd. 7, and Minn. R. 7850.4100, that must be considered when issuing a site permit for a large electric power generating plant.

In making the recommendation, the ALJ, as summarized by staff, concluded that:

- All notices required under Minnesota Statutes and Rules were provided.
- The procedural requirements of Minn. Stat. ch. 216E and Minn. R. ch. 7850 were substantially complied with.
- The Environmental Assessment and the record addressed the issues identified in the Scoping Decision to a reasonable extent considering the availability of information, and the Environmental Assessment included the items required by Minn. R. 7850.3700, subp. 4, and was prepared in compliance with the procedures in Minn. R. 7849.1900 and 7850.3700.
- The in-person public hearing held on the project was conducted near the proposed site and one virtual hearing was held the following evening, proper notice of the public hearings was provided, the public was given the opportunity to speak at the hearings and to submit written comments, and all other procedural requirements were met.
- The record in the proceeding demonstrated that the project satisfied the criteria for a site permit as set forth in Minn. Stat. § 216E.03 and Minn. R. Ch. 7850 and all other applicable legal requirements.
- The project, with the general permit conditions contained in the Sample Site Permit, satisfied the site permit criteria for a large electric power generating plant in Minn. Stat. § 216E.03 and met all other applicable legal requirements.
- The project, with the recommended conditions, does not present a potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act or the Minnesota Environmental Policy Act.
- The ALJ found that it is reasonable to make amendments to the draft site permit as described in the Findings of Fact, including the amendments to Sections 4.3.8, 4.3.17, 4.3.23, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10.
- The Project, with the ALJ's suggested revisions, satisfies the site permit criteria for a large electric power generating plant as stated in Minn. Stat. § 216E.03 and meets all other applicable legal requirements.

Staff has provided Table 1 and the proposed Draft Site Permit as attachments to these briefing papers.

VI. EXCEPTIONS TO ALI REPORT

Department of Commerce – EERA

The EERA Unit reviewed the ALJ Report and stated they had no exceptions to the report and agreed that it was an accurate reflection of the record for the Plummer Solar Project.

Plummer Solar, LLC

Plummer Solar filed a letter into the record stating they do not have any exceptions to the ALJ Report and agree that it serves as a comprehensive and detailed review of the record. They requested that the numbering of the special site permit conditions be confirmed and adjusted, but otherwise had no comments regarding the ALJ Report.

VII. STAFF ANALYSIS

The Commission has the following issues before it regarding Plummer Solar's site permit application:

- Whether to adopt the administrative law judge's findings of fact, conclusions of law, and recommendation;
- Whether the environmental assessment and the record created at the public hearings adequately addressed the issues identified in the scoping decision;
- Whether to issue a site permit for the Plummer Solar up to 130-megawatt solar energy generating system

ALJ Report

Staff agrees with the findings, conclusions, and recommendations reached by the ALJ. Staff finds that the ALJ Report is a sound and reasonable ruling that is reflective of the case record. The ALJ Report documents that the procedural requirements were followed and presents findings of fact for each of the decision criteria that must be met for the project. Therefore, staff recommends that the Commission approve the ALJ Report to the extent it is consistent with and necessary for the Commission's final decisions in these matters.

Alternatively, the Commission may, at its own discretion, modify or reject the ALJ Report.

Environmental Assessment

Staff agrees with the ALJ that the Environmental Assessment and the record at the public hearings addressed the issues identified in the Scoping Decision, and the Environmental Assessment included the items required by Minn. R. 7850.3700, subp. 4, and was prepared in compliance with the procedures in Minn. R. 7849.1900 and 7850.3700.

Staff further notes:

- The Environmental Assessment did not identify any unique or significant environmental impacts from the construction and operation of the project that could not be properly mitigated.
- No information was submitted into the record that contested the information and analysis contained in the Environmental Assessment.

Alternatively, if the Commission does not find the Environmental Assessment complete, it must identify the reasons it is not complete and request that the Environmental Assessment be revised or supplemented. In that case, a schedule for revising or supplementing the Environmental Assessment would need to be determined and the Commission would need to revisit its decisions after completion of the revised Environmental Assessment.

Site Permit

Staff agrees with the ALJ's conclusions that the procedural requirements and decision criteria set forth in Minn. Stat. Ch. 216E and Minn. R. Ch. 7850 have been satisfied and that the Commission should issue a site permit to Plummer Solar for the up to 130-megawatt Plummer Solar Project. Staff further agrees with the special permit conditions recommended by the ALJ for the site permit.

Staff notes that the proposed site permit attached to these briefing papers incorporate the special conditions recommended by the ALJ. If a permit is granted, they can be amended to include any additional modifications deemed appropriate by the Commission prior to issuance.

Staff has included a decision option that authorizes staff to correct typographic and formatting errors, improve consistency, and ensure agreement with the Commission's final order in the matter.

Alternatively, the Commission may, at its own discretion, deny a permit if it determines that the criteria have not been satisfied.

Public Comments

At both the Public Information and Environmental Assessment Scoping Meetings and the Public Hearings, as well as the associated written comment periods, members of the public were afforded the opportunity to submit oral and written comments into the record to aid in the Commission's decision making. There were no comments indicating major points of contention at either the Scoping Meetings or the Public Hearings.

At the Scoping Meetings, 4 members of the public asked questions or made comments including: setbacks from township roads, tax incentives for Emardville Township and the county, potential for a buffer from the project to impact surrounding hunting lands, potential for hunting bullets to impact solar panels and cause environmental issues, disposal of the solar panels after useful operating life, and impacts on the aesthetics of farmland. Additionally, during the written comment period the Commission received comments from IOUE Local 49, LIUNA, and the International Brotherhood of Electrical Workers Local Union No. 1426 that

supported the project and the potential for Union Labor to be used for the construction of the project. The Minnesota Tribal Contractors Council also submitted supportive comments into the record because of the potential for local job opportunities for Tribal Members and Tribal businesses, as well as ancillary benefits to the community from the Project.

At the Public Hearings, 4 members of the public asked questions or made comments including; the benefits of the project to Union labor and the positive interactions this individual had with the Applicant on previous projects, concerns about the potential disposal costs of panels at the end of the projects life, concerns about setbacks in ROW's and the ability to clear snow on roads, questions about weed control in the project area, and concerns about the potential wear or damage to township roads during the construction of the project. Written comments were also filed during the comment period which included a review of the project by the MPCA which had no comments, as well as a review of the project from the DNR related to suggested site permit conditions. IOUE Local 49 and NCSRC of Carpenters filed comments in support of the Project regarding its potential for job creation. EERA filed comments on the draft decommissioning plan, the draft VMP, and the proposed draft site permit. Plummer Solar filed comments in response to the comments made at the Public Hearings and also provided some corrections and clarifications to the EA and comments on conditions proposed in the Draft Site Permit.

Comments received at both the in-person and virtual meetings as well as during written comment periods helped to further develop the record for the Commission to make a final decision related to the issuance of a permit. Staff believes that the record developed through the EA, the ALJ report, and comments received from the public support the issuance of a site permit.

VIII. DECISION OPTIONS

ALJ Report

- **1.** Adopt the ALJ Report to the extent it is consistent with the Commission's decisions. (*Plummer Solar, EERA*)
- 2. Amend the ALJ Report as follows: [specify amendments]

Environmental Assessment

3. Determine that the Environmental Assessment and the record created in this matter address the issues identified in the Scoping Decision. (*Plummer Solar, EERA*)

[**Or**, if the Commission does not select Option 3, it must identify the reasons and request that the Environmental Assessment be revised or supplemented.]

4. Determine that the Environmental Assessment and the record created in this matter do not address the issues identified in the Scoping Decision for the following reasons: [identify the reasons]

and

5. Request that EERA prepare a supplement to the Environmental Assessment that addresses the identified deficiencies.

Site Permit

6. Issue the Proposed Site Permit attached to these briefing papers as the Site Permit for the up to 130-megawatt Plummer Solar, LLC project proposed in Red Lake County, Minnesota. (*Plummer Solar, EERA*)

or

7. Do not issue a site permit and state the reasons for the denial.

Administrative

8. Delegate authority to the Executive Secretary to modify the amended site permit to correct any typographic and formatting errors and ensure consistency with the Commission's order. (*Plummer Solar, EERA*)

Table 1: ALJ Proposed Site Permit Conditions

Subject	ALJ Finding	Recommended Permit Language
Aesthetics (4.3.8)	295	The Permittee shall consider input pertaining to visual impacts from adjacent landowners when developing the Visual Screening Plan required in Section 5.5 and the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Project during construction and operation
Visual Screening Plan (5.7)	296	The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences. The Visual Screening Plan shall at a minimum include: (a) objectives for screening of adjacent residences; and (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance. The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3. At least 14 days prior to the pre-construction meeting, the Permittee shall file: (a) the Visual Screening Plan; (b) documentation of coordination between landowners adjacent to the site boundary; and (c) an affidavit of its distribution of the Visual

		Screening Plan to landowners adjacent to the site boundary
Short-eared Owl and Marbled Godwit (5.5)	297	The Permittee shall, to the extent practicable, avoid impacts to prairie, wetlands, grasslands, shrub swamp, peatlands, and other suitable shorteared owl and marbled godwit habitat during the April through July migratory nesting season. If impacts are likely to occur during the migratory nesting season, the Permittee shall conduct surveys to verify that no nesting activity is present and confer with the Minnesota Department of Natural Resources regarding mitigation measures
Vegetation Management Plan (4.3.17)	298	The Permittee shall develop a vegetation management plan (VMP in coordination with the Department of Commerce, and the Vegetation Management Working Group (VMWG, using best management practices established by the DNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the coordinating agencies with the Commission at least 14 days prior to the preconstruction meeting. The Permittee shall also identify a third-party (e.g., consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site and file contact information with the Commission at least 14 days prior to the preconstruction meeting. Landowner-specific vegetation requests resulting from individual consultation between the Company and a landowner need not be included in the VMP. The Permittee shall provide all landowners within the Designated Site copies of the VMP. The Permittee shall file with the Commission an affidavit of its distribution of the VMP to landowners at least 14 days prior to the pre-construction meeting. The VMP must include the following:
		(a) management objectives addressing short

		term (year 0-5, seeding and establishment) and long term (year 5 through the life of the Project) goals; (b) a description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (e.g., broadcast, drilling, etc.), and the types of seed mixes to be used; (c) a description of how the site will be monitored and evaluated to meet management goals; (d) a description of the management tools used to maintain vegetation (e.g., mowing, snot
		to maintain vegetation (e.g., mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities; (e) identification of the third-party (e.g., consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site; (f) identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized; and (g) a marked-up copy of the Site Plan showing how the site will be revegetated and that identifies the corresponding seed mixes. Best management practices should be followed concerning seed mixes, seeding rates, and cover
Archeological and Cultural Resources(4.3.23)	299	The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Project. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office (SHPO) and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize Project impacts on the resource consistent with SHPO and State Archaeologist requirements.

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		workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist and the Upper Sioux Community THPO. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.
Facility Lighting (5.8)	300	Facility Lighting: The Permittee must use shielded and downward facing lighting and LED lighting that minimizes blue hue at the project substation and operations and maintenance facility. Downward facing lighting must be clearly visible on the site plan submitted for the project. Wildlife-Friendly Erosion Control: The Permittee shall use only "bio-netting" or "natural netting" types of erosion control materials and mulch products without synthetic (plastic) fiber additives.
Dust Control (5.9)	300	Dust Control: The Permittee shall utilize non- chloride products for onsite dust control during construction.
Wildlife-Friendly Erosion Control (5.10)	300	Wildlife-Friendly Erosion Control: The Permittee shall use only "bio-netting" or "natural netting" types of erosion control materials and mulch products without synthetic (plastic) fiber additives.
Tribal Engagement for Employment and Economic Opportunity (5.1)	301	The Permittee shall continue engagement with local Native American tribes in order to provide meaningful opportunities for tribal employment and economic opportunity throughout the project. The Permittee shall document tribal employment for the project in its labor statistics reporting required under Section 8.5 of this permit during the construction phase of the

		project.	
Contaminated	301	The Permittee shall follow its Contaminated	
Sites Management		Sites Management Plan in the event that	
Plan (5.2)		contaminated materials are discovered during	
		construction or operation of the project. The	
		permittee will notify and coordinate with	
		Minnesota Pollution Control Agency for proper	
		removal and disposal of any contaminated	
		materials and restoration of the land.	
Unanticipated	301	The Permittee shall develop an Unanticipated	
Discoveries Plan		Discoveries Plan (UDP) to be used in the event	
(5.3)		previously unrecorded archeological or historic	
		properties, or human remains, are encountered	
		during construction, or if unanticipated effects	
		to previously identified archaeological or	
		historic properties occur during construction.	
		The UDP shall describe how previously	
		unrecorded cultural resources or human	
		remains found during construction shall be	
		protected and examined. The Permittee shall	
		file the UDP with the Commission at least 14	
		days prior to the pre-construction meeting.	
Northern Long-	301	The Permittee shall comply with U.S. Fish and	
Eared Bat (5.4)		Wildlife Service guidance and requirements in	
		effect regarding Northern Long-eared Bats,	
		including tree clearing restrictions if applicable.	
Bald Eagle (5.5)	301	If, in consultation with the U.S. Fish and Wildlife	
		Service, a bald eagle nest must be removed for	
		construction of the project, the Permittee	
		shall file with the Commission the	
		documentation authorizing any such nest	
		removal at least 14 days prior to the pre-	
		construction meeting.	

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

SITE PERMIT FOR PLUMMER SOLAR PROJECT

A SOLAR ENERGY GENERATING SYSTEM

IN RED LAKE COUNTY

ISSUED TO Enbridge Solar (Plummer), LLC

PUC DOCKET NO. IP7103 / GS-22-451

In accordance with the requirements of Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850 this site permit is hereby issued to:

Enbridge Solar (Plummer), LLC

Enbridge Solar (Plummer), LLC is authorized by this site permit to construct and operate the Plummer Solar project, an up to 130 megawatt solar energy generating system located in Red Lake County, Minnesota.

The solar energy generating system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

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

Approved and adopted this day of [Month, Year]
BY ORDER OF THE COMMISSION
Will Seuffert,
Evecutive Secretary

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ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedures for Permitted Energy Facilities

Attachment 3 – Site Permit Maps

1 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Enbridge Solar (Plummer), LLC (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This site permit authorizes the Permittee to construct and operate a an up to 130 megawatt solar energy generating system located in Red Lake County, (Plummer Solar Project, henceforth known as Project). The solar energy generating system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

1.1 Pre-emption

Pursuant to Minn. Stat. § 216E.10, this site permit shall be the sole site approval required for the location, construction, and operation of the solar energy generating system and this site permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose governments.

2 PROJECT DESCRIPTION

The Plummer Solar Project is an up to 130 megawatt solar energy generating facility to be located on approximately 885 acres in Emardville Township, southeast of the city of Plummer in Red Lake County, Minnesota. The solar generating facility will utilize up to 797 acres of the project site. The solar facility will consist of:

- Photovoltaic (PV) panels, trackers, inverters, and transformers,
- Access roads, security fencing, above-ground and below-ground electric collection and communication lines,
- A project substation and interconnection facilities, conduit, metering and switchgear,
- An operation and maintenance facility,
- Up to seven weather stations, and
- A stormwater management system and laydown yards.

The solar facilities will be connected to the project substation via below ground 34.5 kilovolt (kV) electric collection lines. An above-ground 115 kV gen-tie line (<1,500 ft. in length), will run from the project substation to a new switching station on an existing Otter Tail Power 115 kV transmission line located adjacent to the project.

The Project is located in the following:

County	Township Name	Township	Range	Section
Red Lake	Emardville	151	42	12, 13, 14, 15

2.1 Project Ownership

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

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

The Permittee shall notify the Commission of:

- (a) a change in the owner(s) of the majority* financial or governance interests in the Permittee; or
- (b) a change in the owner(s) of the majority* financial or governance interests of the Permittee's owners; or
- (c) a sale which changes the ultimate parent entity of the Permittee
- * When there are only co-equal 50/50 percent interests, any change shall be considered a change in majority interest.

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

3 DESIGNATED SITE

The site designated by the Commission for the Project is depicted on the site maps attached to this site permit (Designated Site). The site maps show the approximate location of photovoltaic tracker rows and associated facilities within the Designated Site and identify a layout that seeks to minimize the overall potential human and environmental impacts of the Project, as they were evaluated in the permitting process.

The Designated Site serves to provide the Permittee with the flexibility to make minor adjustments to the 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 photovoltaic tracker row or associated facility shall be done in such a manner as to have human and environmental impacts that are comparable to those associated with the layouts on the maps attached to this site permit. The Permittee shall identify any modifications in the Site Plan pursuant to Section 8.3.

4 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the solar energy generating system over the life of this site permit.

4.1 Site Permit Distribution

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

4.2 Access to Property

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

4.3 Construction and Operation Practices

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

4.3.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this site 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 at least 14 days prior to the preconstruction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

4.3.2 Site Manager

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

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

4.3.3 Employee Training - Site Permit Terms and Conditions

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

4.3.4 Independent Third-Party Monitoring

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

4.3.5 Public Services, Public Utilities, and Existing Easements

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

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

4.3.6 Temporary Workspace

The Permittee shall select temporary workspace and equipment staging areas that limit the removal and impacts to vegetation. The Permittee shall not site temporary workspace in wetlands or native prairie as defined in sections 4.3.13 and 4.3.14. The Permittee shall site temporary workspace to comply with standards for development of the shorelands of public waters as defined in Section 4.3.13. The Permittee shall obtain temporary easements outside of the authorized Project Boundary from affected landowners through rental agreements. Temporary easements are not provided for in this site permit.

4.3.7 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080, at all times and at all appropriate locations during operation of the Project. The Permittee shall limit construction and maintenance activities to daytime working hours to the extent practicable.

4.3.8 Aesthetics

The Permittee shall consider input pertaining to visual impacts from <u>adjacent</u> landowners <u>when</u> <u>developing the Visual Screening Plan required in Section 5.5</u> and the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Project during construction and operation.

4.3.9 Topsoil Protection

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

4.3.10 Soil Compaction

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

4.3.11 Soil Erosion and Sediment Control

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

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate revegetation and prevent erosion. All areas disturbed during construction of the Project shall be returned to pre-construction conditions.

4.3.12 Public Lands

In no case shall photovoltaic tracker rows and associated facilities including foundations, access roads, underground cable, and transformers, be located in the public lands identified in Minn. R. 7850.4400, subp. 1, or in federal waterfowl production areas. Photovoltaic tracker rows and associated facilities shall not be located in the public lands identified in Minn. R. 7850.4400, subp. 3, unless there is no feasible and prudent alternative.

4.3.13 Wetlands and Water Resources

The Permittee shall not place the solar energy generating system or associated facilities in public waters and public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources (DNR) and the United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetlands Conservation Act. The Permittee shall locate the solar energy generating system and associated facilities in compliance with the standards for development of the shorelands of public waters as identified in Minn. R. 6120.3300, and as adopted, Minn. R. 6120.2800, unless there is no feasible and prudent alternative.

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

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

4.3.14 Native Prairie

The Permittee shall not place the solar energy generating system or associated facilities in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and not located in areas enrolled in the Native Prairie Bank Program. The Permittee shall not impact native prairie during construction activities, as defined in Minn. Stat. § 216E.01, unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the Project Boundary. The Permittee shall file the prairie protection and management plan with the Commission at least 30 days prior to submitting the Site Plan required by Section 8.3 of this site permit. The prairie protection and management plan shall address steps that will be taken to avoid impacts to native prairie and 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 DNR, and the Commission.

4.3.15 Vegetation Removal

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

4.3.16 Beneficial Habitat

The Permittee shall implement site restoration and management practices that provide for native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators; and that enhances soil water retention and reduces storm water runoff and erosion. To ensure continued management and recognition of beneficial habitat, the Permittee is encouraged to meet the standards for Minnesota's Habitat Friendly Solar Program by submitting project plans, seed mixes, a completed project planning assessment form, and any other applicable documentation used to meet the standard to the Board of Water and Soil Resources (BWSR). If the Permittee chooses to participate in Minnesota's Habitat-Friendly Solar Program, it shall file documents required to be filed with BWSR for meeting and maintaining Habitat Friendly Solar Certification with the Commission.

4.3.17 Vegetation Management Plan

The Permittee shall develop a vegetation management plan (VMP), in coordination with the Department of Commerce, and the Vegetation Management Working Group (VMWG), using best management practices established by the DNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the coordinating agencies with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall also identify a third-party (e.g., consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site and

<u>file contact information with the Commission at least 14 days prior to the preconstruction</u> meeting

Landowner-specific vegetation requests resulting from individual consultation between the Company and a landowner need not be included in the VMP. The Permittee shall provide all landowners within the Designated Site copies of the VMP. The Permittee shall file with the Commission an affidavit of its distribution of the VMP to landowners at least 14 days prior to the pre-construction meeting.

The VMP must include the following:

- (a) management objectives addressing short term (year 0-5, seeding and establishment) and long term (year 5 through the life of the Project) goals;
- (b) a description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (e.g., broadcast, drilling, etc.), and the types of seed mixes to be used;
- (c) a description of how the site will be monitored and evaluated to meet management goals;
- (d) a description of the management tools used to maintain vegetation (e.g., mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities;
- (e) identification of the third party (e.g., consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site;
- (f)(e) identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized; and
- (g)(f) a marked-up copy of the Site Plan showing how the site will be revegetated and that identifies the corresponding seed mixes.

Best management practices should be followed concerning seed mixes, seeding rates, and cover crops.

4.3.18 Agricultural Impact Mitigation Plan

The Permittee shall develop an agricultural impact mitigation plan (AIMP) in coordination with the Minnesota Department of Agriculture (MDA). The Permittee shall provide landowners within the Designated Site a copy of the AIMP. The Permittee shall file with the Commission the AIMP and an affidavit of the AIMP distribution to landowners at least 14 days prior to the preconstruction meeting.

4.3.19 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the MDA, DNR, and the U.S. Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Department of Commerce staff or Commission staff.

4.3.20 Invasive Species

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

4.3.21 Noxious Weeds

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

4.3.22 Roads

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city, or township roads that will be used during the construction phase of the Project. Where practical, existing roadways shall be used for all activities associated with construction of the Project. Oversize or overweight loads associated with the Project shall not be hauled across public roads without required permits and approvals.

The Permittee shall locate all perimeter fencing and vegetative screening in a manner that does not interfere with routine road maintenance activities and allows for continued safe travel on public roads.

The Permittee shall construct the fewest number of site access roads required. Access roads shall not be constructed across streams and drainage ways without the required permits and approvals. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

4.3.23 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Project. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office (SHPO) and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize Project impacts on the resource consistent with SHPO and State Archaeologist requirements.

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

4.3.24 Interference

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the Project, the Permittee shall take whatever action is necessary to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the Project. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

4.3.25 Drainage Tiles

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

4.3.26 Restoration

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

4.3.27 Cleanup

The Permittee shall remove and properly dispose of all construction waste and scrap from the right-of-way and all premises on which construction activities were conducted upon completion of each task. The Permittee shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities daily.

4.3.28 Pollution and Hazardous Wastes

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

4.3.29 Damages

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

4.3.30 Public Safety

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

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

4.3.31 Site Identification

The Permittee shall mark the solar energy generating system with a clearly visible identification number and or street address.

4.3.32 Security Fencing

The Permittee shall design the security fence surrounding the solar energy generating system to minimize the visual impact of the Project while maintaining compliance with the National Electric Safety Code. The Permittee shall develop a final fence plan for the specific site in coordination with the Department of Commerce and the DNR. The final fence plan shall be submitted to the Commission as part of the Site Plan pursuant to Section 8.3.

4.4 Feeder Lines

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

The Permittee shall locate feeder lines in such a manner as to minimize interference with agricultural operations including but not limited to existing drainage patterns, drain tile, future tiling plans, and ditches. The Permittee shall place safety shields on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the Site Plan pursuant to Section 8.3.

4.5 Other Requirements

4.5.1 Safety Codes and Design Requirements

The Permittee shall design the solar energy generating system and associated facilities to meet or exceed all relevant local and state codes, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. This includes standards relating to clearances to ground, clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements. The Permittee shall keep records of compliance with these standards and provide them upon the request of Department of Commerce staff or Commission staff.

4.5.2 Other Permits and Regulations

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

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

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

5 SPECIAL CONDITIONS

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

5.1 Tribal Engagement for Employment and Economic Opportunity

The Permittee shall continue engagement with local Native American tribes in order to provide meaningful opportunities for tribal employment and economic opportunity throughout the project. The Permittee shall document tribal employment for the project in its labor statistics reporting required under Section 8.5 of this permit during the construction phase of the project.

5.2 Contaminated Sites Management Plan

The Permittee shall follow its Contaminated Sites Management Plan in the event that contaminated materials are discovered during construction or operation of the project. The permittee will notify and coordinate with Minnesota Pollution Control Agency for proper removal and disposal of any contaminated materials and restoration of the land.

5.3 Unanticipated Discoveries Plan

The Permittee shall develop an Unanticipated Discoveries Plan (UDP) to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during construction. The UDP shall describe how previously unrecorded cultural resources or human remains found during construction shall be protected and examined. The Permittee shall file the UDP with the Commission at least 14 days prior to the pre-construction meeting.

5.4 Northern Long-eared Bat

The Permittee shall comply with U.S. Fish and Wildlife Service guidance and requirements in effect regarding Northern Long-eared Bats, including tree clearing restrictions if applicable.

5.5 Short-eared Owl and Marbled Godwit

The Permittee shall, to the extent practicable, avoid impacts to prairie, wetlands, grasslands, shrub swamp, peatlands, and other suitable short-eared owl and marbled godwit habitat during the April through July nesting migratory season. If impacts are likely to occur during the nesting migratory season, the Permittee shall conduct surveys to verify that no nesting activity is present and confer with the Minnesota Department of Natural Resources regarding mitigation measures.

5.6 Bald Eagle

5.7 Visual Screening Plan

The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences.

The Visual Screening Plan shall at a minimum include:

- (a) objectives for screening of adjacent residences; and
- (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance.

The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3.

At least 14 days prior to the pre-construction meeting, the Permittee shall file:

- (a) the Visual Screening Plan;
- (b) documentation of coordination between landowners adjacent to the site boundary; and
- (c) an affidavit of its distribution of the Visual Screening Plan to landowners adjacent to the site boundary

5.8 Facility Lighting

The Permittee must use shielded and downward facing lighting and LED lighting that minimizes blue hue at the project substation and operations and maintenance facility. Downward facing lighting must be clearly visible on the site plan submitted for the project.

5.9 Dust Control

The Permittee shall utilize non-chloride products for onsite dust control during construction.

5.10 Wildlife-Friendly Erosion Control

The Permittee shall use only "bio-netting" or "natural netting" types of erosion control materials and mulch products without synthetic (plastic) fiber additives.

6 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the site within four years after the date of issuance of this site permit the Permittee shall file a Failure to Construct

Report and the Commission shall consider suspension of this site permit in accordance with Minn. R. 7850.4700.

7 COMPLAINT PROCEDURES

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

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

8 COMPLIANCE REQUIREMENTS

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

8.1 Pre-Construction Meeting

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

8.2 Pre-Operation Meeting

At least 14 days prior to commercial operation of the Project, the Permittee shall participate in a pre-operation meeting with Department of Commerce staff 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 a summary of the topics reviewed and discussed and a list of attendees with the Commission.

8.3 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission, and provide the Department of Commerce, and the counties where the Project will be constructed with a Site Plan that includes specifications and drawings for site preparation and grading; specifications and locations of the solar energy generating system and associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the Designated Site, solar energy generating system, and associated facilities layout in relation to that approved by this site permit.

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

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

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

8.4 Status Reports

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

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

8.5 Labor Statistic Reporting

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

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

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

8.6 Prevailing Wage

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

8.7 In-Service Date

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

8.8 As-Builts

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

8.9 GPS Data

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

8.10 Right of Entry

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

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

8.11 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 facility including:

- (a) the installed nameplate capacity of the permitted facility;
- (b) the total daily energy generated by the facility in MW hours;
- (c) the total monthly energy generated by the facility in MW hours;
- (d) the monthly capacity factor of the facility;
- (e) yearly energy production and capacity factor for the facility;
- (f) the average monthly and average annual solar strength gradient measured in kWh/m²/Day observed at the facility;
- (g) the operational status of the facility and any major outages, major repairs, or performance improvements occurring in the previous year; and
- (h) any other information reasonably requested by the Commission.

The Permittee shall file this information in a format recommended by the Department of Commerce. This information shall be considered public and must be filed electronically.

8.12 Emergency Response

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. The Permittee shall file the ERP, along with any comments from emergency responders to the Commission at least 14 days prior to the pre-construction meeting and a revised ERP, if any, at least 14 days prior to the pre-operation meeting. At least 14 days prior to the pre-operation meeting the Permittee shall file with the Commission an affidavit of the distribution of the ERP to emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the Project. The Permittee shall obtain and register the Project address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the Project.

8.13 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, solar panel collapse, 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.

8.14 Wildlife Injuries and Fatalities

The Permittee shall report any wildlife injuries and fatalities to the Commission quarterly.

9 DECOMMISSIONING AND RESTORATION

9.1 Decommissioning Plan

The Permittee shall comply with the provisions of the most recently filed and accepted Decommissioning Plan. The initial version of the Decommissioning Plan was submitted for this Project as [Appendix I to the Site Permit Application. The Permittee shall file an updated Decommissioning Plan incorporating comments and information from the permit application process and any updates associated with the final construction plans with the Commission at least fourteen 14 days prior to the pre-construction meeting. The Permittee shall update and file the Decommissioning Plan with the Commission every five years following the commercial operation date.

The Decommissioning Plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The Decommissioning Plan shall provide an itemized breakdown of costs of decommissioning all Project components, which shall include labor and equipment. The Decommissioning Plan shall identify cost

estimates for the removal of solar panels, racks, underground collection cables, access roads, transformers, substations, and other Project components. The Decommissioning Plan may also include anticipated costs for the replacement of panels 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.

9.2 Site Final Restoration

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

9.3 Abandoned Solar Installations

The Permittee shall notify the Commission of any solar equipment that is abandoned prior to termination of operation of the Project. Equipment shall be considered abandoned after one year without energy production and shall be decommissioned and the land shall be restored pursuant to sections 9.1 and 9.2, unless a plan is submitted to and approved by the Commission outlining the steps and schedule for returning the equipment to service.

10 COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE

10.1 Final Designated Site Boundaries

After completion of construction the Commission shall determine the need to adjust the final boundary of the Designated Site required for the Project. This site permit may be modified, after notice and opportunity for hearing, to represent the actual Designated Site required by the Permittee to operate the Project authorized by this site permit.

10.2 Expansion of Designated Site Boundaries

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

10.3 Periodic Review

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

10.4 Modification of Conditions

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

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

10.5 More Stringent Rules

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

11 SITE PERMIT AMENDMENT

This site permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this site permit by submitting a request to the Commission in

writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required under Minn. R. 7850.4900.

12 TRANSFER OF SITE PERMIT

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

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

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

The transferee must provide the Commission with the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with eDocket reference, or a revised version of the following:

- (a) VMP as described in Section 4.3.17;
- (b) complaint procedures, as described in Section 7 and Attachment 1;
- (c) ERP, as described in Section 8.12; and
- (d) Decommissioning Plan, as described in Section 9.1.

The Commission may authorize transfer of the site permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. R. 7850.5000.

13 REVOCATION OR SUSPENSION OF SITE PERMIT

The Commission may initiate action to revoke or suspend this site permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7850.5100, to revoke or suspend this site permit.

14 EXPIRATION DATE

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