

**ATTACHMENT B**

Draft Site Permit

EERA Markup

**STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION**

**SITE PERMIT FOR A  
SOLAR ENERGY GENERATING SYSTEM**

**IN  
DODGE COUNTY**

**ISSUED TO  
BYRON SOLAR, LLC**

**PUC DOCKET NO. IP-7041/GS-20-763**

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

**BYRON SOLAR, LLC**

The Permittee is authorized by this permit to construct and operate an up to 200-megawatt solar energy generating system and associated facilities. The solar energy generating system and associated facilities shall be built and operated within the site identified in this permit and as portrayed in the official site maps, and in compliance with the conditions specified in this permit.

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

Approved and adopted this XX day of XX

BY ORDER OF THE COMMISSION

Will Seuffert  
Executive Secretary

To request this document in another format such as large print or audio, call 651-296-0406 or 800-657-3782 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email [consumer.puc@state.mn.us](mailto:consumer.puc@state.mn.us) for assistance

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**ATTACHMENTS**

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedure for Permitted Energy Facilities

Attachment 3 – Site Maps

## 1 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this permit to Byron Solar, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This permit authorizes the Permittee to construct and operate an up to 200-megawatt (MW) solar energy generating system and associated facilities in Dodge County, Minnesota, and as identified in the attached site maps, hereby incorporated into this document (Byron Solar Project, henceforth known as Project).

### 1.1 Preemption

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

## 2 PROJECT DESCRIPTION

The Project is an up to 200 MW solar energy generating system with associated facilities to be located on approximately 1,800 acres. The primary components of the solar energy generating system and associated facilities include:

- (a) photovoltaic panels affixed to a linear ground-mounted single-axis tracking system tracking system;
- (b) power inverters and transformers;
- (c) belowground electrical collection and communication lines;
- (d) security fencing;
- (e) a project substation;
- (f) access roads and parking lot;
- (g) up to five weather stations;
- (h) an operation and maintenance building;
- (i) stormwater ponds;

### 2.1 Project Location

The Project is located in the following:

County	Township Name	Township	Range	Sections
Dodge	Canisteo	106N	16W	2, 3, 10, 11, 12, 12, 14, 15
	Mantorville	107N	16W	35

## 2.2 Project Ownership

The Permittee shall identify the Project's ownership structure including any parent entity, majority or controlling interest to the Commission at least 14 days prior to the pre-construction meeting.

In the event of an ownership change ~~to a non-affiliated entity~~, such as the sale of a parent entity, majority or controlling interest, the Permittee shall identify the new Project's ownership structure, provide the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with e-docket reference, or a revised version of the following to the Commission:

- (a) vegetation management plan, as described in Section 4.3.17;
- (b) complaint procedures, as described in Section 7 and Attachment 1;
- (c) emergency response plan, as described in Section 8.10; and
- (d) decommissioning plan, as described in Section 9.

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

## 3 DESIGNATED SITE

The site designated by the Commission for the Project is the site depicted on the site maps attached to this permit.

The site maps show the Project Boundary and the approximate location of the solar energy generating system and associated facilities within the Project Boundary. The Commission sought to locate the solar energy generating system and associated facilities in a way that minimizes the overall potential human and environmental impacts of the Project, which were evaluated in the permitting process. The Project Boundary 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. The Permittee shall make any modification to the location of the solar energy generating system or associated facilities in such a manner to have comparable overall human and environmental impacts and shall specifically identify them 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 Project over the life of this permit.

#### **4.1 Permit Distribution**

Within 30 days of issuance of this permit, the Permittee shall send a copy of this permit and the complaint procedures to any regional development commission, county auditor and environmental office, and city and township clerk in which any part of the Project is located.

Within 30 days of issuance of this permit, the Permittee shall provide all landowners within or adjacent to the Project Boundary with a copy of this permit and the complaint procedures. In no case shall the landowner receive this permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall file with the Commission an affidavit of its permit and complaint procedures distribution within 30 days of issuance of this permit.

#### **4.2 Access to Property**

The Permittee shall contact the landowners prior to entering or conducting maintenance within the landowner's property, unless otherwise negotiated with the landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce 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 record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail.

##### *4.3.1 Field Representative*

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

The Permittee shall file the name, address, email, phone number, and emergency phone number of the field representative with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative'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 pre-construction meeting. The Permittee may change the field representative 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 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 permit during the commercial operation and decommissioning phases of the Project. This person shall be accessible by telephone or other means during normal business hours for the life of this permit.

The Permittee shall file the name, address, email, phone number, and emergency phone number of the site manager with the Commission at least 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 of Permit Terms and Conditions*

The Permittee shall train all employees, contractors, and other persons involved in the Project construction and operation of the and conditions of this permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

#### *4.3.4 Independent Third-Party Monitor*

Prior to any construction, the Permittees shall propose a scope of work and identify one independent third party monitor 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. The Permittee shall file the scope of work, and the name, address, email, phone number, and emergency phone number of the third-party monitor with the Commission at least 14 days prior to the pre-construction meeting, and upon changes to the scope of work or third-party monitor contact information.

#### *4.3.5 Public Services and Public Utilities*

During construction, the Permittee shall minimize any disruption to public services and 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 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 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 4.3.10 and 4.3.11. The Permittee shall site temporary workspace to comply with standards for development of the shorelands of public waters as defined in Section 4.3.10.

The Permittee shall obtain temporary easements outside of the authorized Project Boundary from affected landowners through rental agreements as these are not provided for in this 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. Construction and maintenance activities shall be limited to daytime working hours to the extent practicable.

#### 4.3.8 *Aesthetics*

**[EERA STAFF PROPOSED VERSION]** The Permittee shall consider input pertaining to visual impacts from landowners and ~~land management agencies~~ 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.

~~**[BYRON SOLAR PROPOSED VERSION]** The Permittee shall consider input pertaining to visual impacts from landowners and land management agencies the local unit of government having direct zoning authority over the area in which the Project is located when developing the Visual Screening Plan required in Section 5.5. 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.

#### *4.3.10 Soil Compaction*

The Permittee shall implement measures to minimize soil compaction of all lands utilized for Project construction and travelled on by cranes, heavy equipment, and heavy trucks; ~~even when soil compaction minimization measures are used.~~

#### *4.3.11 Soil Erosion and Sediment Control*

The Permittee shall implement 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 re-vegetation and prevent erosion. The Permittee shall return all areas disturbed during construction of the Project to pre-construction conditions.

#### *4.3.12 Public Lands*

In no case shall the Permittee locate the solar energy generating system or associated facilities in the public lands identified in Minn.R. 7850.4400, subp. 1, or in federal waterfowl production areas. The Permittee shall not locate the solar energy generating system or associated facilities 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, and local units of government 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 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 minimize the number of trees removed in selecting the site layout specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and other vegetation, to the extent that such actions do not violate sound engineering principles or interfere with the safe operation of the Project.

#### *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 improve soil water retention and reduce 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 ~~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, DNR, BWSR, MPCA, and Agriculture, 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 provide all landowners within the Project Boundary with 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 (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) 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 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 Project Boundary with 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 pre-construction 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 request that there be no application within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating apiaries within three miles of the Project Boundary at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the Commission's request.

#### *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 to prevent the introduction and spread of invasive species on lands disturbed by Project construction activities and file with the Commission at least 14 days prior to the pre-construction meeting.

#### *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 or Commission staff.

#### *4.3.22 Roads*

The Permittee shall notify 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, the Permittee shall use existing roadways for all activities associated with construction of the Project. The Permittee shall not haul oversize or overweight loads associated with the Project 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. The Permittee shall not construct access roads across streams and drainage ways without the required permits and approvals. The Permittee shall construct access roads 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 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 the SHPO and State Archaeologist requirements.

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

#### *4.3.25 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 notify the Commission in writing of the completion of such activities.

#### *4.3.26 Cleanup*

The Permittee shall remove and properly dispose of all construction waste and scrap from the site 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 on a daily basis.

#### *4.3.27 Pollution and Hazardous Wastes*

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

#### *4.3.28 Damages*

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

#### *4.3.29 Public Safety*

The Permittee shall provide educational materials to landowners within and adjacent to the Project Boundary 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 to restrict public access. The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of 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 or Commission staff.



#### 4.3.30 Site Identification

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

#### 4.3.31 Security Fencing

**[EERA STAFF PROPOSED VERSION]** The Permittee shall design the security fence surrounding the solar energy generating system to minimize the visual impact of the Project. ~~W~~ while maintaining compliance with the National Electric Safety Code, ~~t~~ The Permittee shall develop a final fence plan for the site that is consistent with DNR guidance for commercial solar facilities and is done in coordination ~~coordinate~~ with EERA and the DNR ~~to further refine the appropriate fence design, identify ways to preclude wildlife entanglement in the security fence, and to ensure adequate deer escape technology.~~ The final fence plan Permittee shall be submitted ~~the results of the coordination~~ to the Commission as part of the site plan pursuant to Section 8.3.

**[BYRON SOLAR PROPOSED VERSION]** ~~The Permittee shall design the security fence surrounding the solar energy generating system to minimize the visual impact of the Project. W while maintaining compliance with the National Electric Safety Code, tThe Permittee shall develop a final fence plan for the specific site that is within the parameters laid out in the 2016 Commercial Solar Siting Guidance and is done in coordination~~ ~~coordinate~~ ~~with EERA and the DNR to further refine the appropriate fence design, identify ways to preclude wildlife entanglement in the security fence, and to ensure adequate deer escape technology. The final fence plan~~ ~~Permittee shall be submitted~~ ~~the results of the coordination to the Commission as part of the site plan pursuant to Section 8.3.~~

#### 4.4 Feeder Lines

The Permittee ~~may~~ **must** use a hybrid electrical collection system of aboveground and belowground conductors to balance direct and indirect aesthetic impacts, electrical interference potential, bird collisions and electrocution, and soil impacts.

The Permittee may use overhead or underground feeder lines that 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 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, Institute of Electrical and Electronics Engineers, Inc. standards, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. The Permittee shall keep records of compliance with these standards and provide them upon the request of Department of Commerce or Commission staff.

#### **4.6 Other Permits and Regulations**

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the Project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations. The Permittee shall submit a copy of such permits to the Commission upon request.

### **5 SPECIAL CONDITIONS**

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

#### **5.1 Karst Geology**

The Permittee shall file a geotechnical investigation report prepared for the Project construction area by a third-party geotechnical engineer or authorized representative. The report shall include methodology, results, and conclusions drawn from the geotechnical investigation with recommendations on project design and construction. The Permittee shall file the geotechnical report with the Commission at least 14 days prior to the pre-construction meeting

The permittee shall not locate project infrastructure within 150 feet of documented active karst features and avoid all construction activity within 150 feet of documented active karst features. Active karst is defined as areas underlain by carbonate bedrock with less than 50 feet of sediment cover.

#### **5.2 Wildlife-Friendly Erosion Control**

The Permittee shall use only “bio-netting” or “natural netting” types and mulch products without synthetic (plastic) fiber additives.

### 5.3 Northern Long-Eared Bat (NLEB)

For Project construction, the Permittee shall comply with the U.S. Fish and Wildlife Service guidance and requirements in effect regarding NLEB, including tree clearing restrictions if applicable.

### 5.4 Loggerhead Shrike

The permittee shall avoid tree and shrub removal within suitable Loggerhead Shrike habitat during the April through July breeding season. If tree or shrub removal will occur within during the breeding season, the permittee shall coordinate with DNR to identify potentially suitable habitat and ensure that a qualified surveyor inspects the trees/shrubs for active nests prior to removal.

### 5.5 Visual Screening Plan

**[EERA STAFF PROPOSED VERSION 12/23/22]** 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 and consider local government ordinances and setbacks.

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 within 500 feet of the site boundary and Dodge County Office of Environmental Services, and
- c) an affidavit of its distribution of the Visual Screening Plan to landowners within 500 feet of the site boundary and Dodge County Environmental Services.

The Permittee shall work with landowners and use the Department of Commerce Guidance for Developing a Vegetation Establishment and Management Plan for Solar Facilities to develop the Visual Screening Plan. At minimum the Visual Screening plan shall include:

- a) management objectives for the screening of nearby residences;
- b) a description of planned restoration and vegetation management activities at the screening locations, including how the screening locations will be prepared, timing of activities, how planting will occur, the types of tree and shrub species to be used, plans for watering and other maintenance;
- c) a description of how the screening will be monitored and evaluated to meet management objectives; and
- d) a marked-up copy of the site plan showing the location of the tree and shrub species.

**[BYRON SOLAR PROPOSED VERSION]** As part of the VMP required under Section 4.3.17 of this permit, the 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 and address local government ordinances and setbacks.

The Permittee shall file documentation of coordination between landowners within 500 feet of the site boundary and Dodge County Office of Environmental Services at least 14 days prior to the pre-construction meeting with its VMP submittal. The Permittee shall provide a copy of the Visual Screening Plan to all landowners within 500 feet of the site boundary and Dodge County Environmental Services and shall file with the Commission an affidavit of its distribution of the Visual Screening Plan to landowners within 500 feet of the site boundary and Dodge County Environmental Services at least 14 days prior to the pre-construction meeting with its VMP submittal. The location of trees and shrubs included in the Screening Plan shall be included in the Site Plan filed under Section 8.3.

~~The Visual Screening Plan shall be developed in accordance with the Department of Commerce Guidance for Developing a Vegetation Establishment and Management Plan for Solar Facilities and shall include:~~

- ~~a) management objectives for the screening of nearby residences;~~
- ~~b) a description of planned restoration and vegetation management activities at the screening locations, including how the screening locations will be prepared, timing of activities, how planting will occur, the types of tree and shrub species to be used, plans for watering and other maintenance;~~
- ~~c) a description of how the screening will be monitored and evaluated to meet management objectives;~~
- ~~d) a description of the management tools used to maintain screening vegetation (e.g., mowing, spot spraying, hand removal, 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 screening;~~
- ~~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 location of the tree and shrub species.~~
- ~~h)~~

#### **5.6 Snowmobile Trail**

The Permittee shall coordinate with local snowmobile trail association to reroute Snowmobile Trail 302. At least 14 days prior to the preconstruction meeting, the Permittee shall provide the Commission with documentation identifying efforts to reroute the snowmobile trail.

#### **5.7 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.

## **5.8 Dust Control**

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

## **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 permit the Permittee shall file with the Commission a report on the failure to construct and the Commission shall consider suspension of this permit in accordance with Minn. R. 7850.4700.

## **7 COMPLAINT PROCEDURES**

Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this permit.

Upon request, the Permittee shall assist the Commission 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 permit is a failure to comply with the conditions of this permit. Compliance filings must be electronically filed with the Commission.

### **8.1 Pre-Construction Meeting**

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

### 8.3 Site Plan

At least 30 days prior to the pre-construction meeting, the Permittee shall file with the Commission, and provide the Department of Commerce, and the County(s) where the Project is located with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations the solar energy generating system and associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the Project Boundary, solar energy generating system and associated facilities layout in relation to that approved by this permit.

The Permittee may not commence construction until ~~30 days has expired or until~~ the Commission 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 permit. If the Permittee intends to make any significant changes to its site plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this permit.

### 8.4 Status Reports

The Permittee shall file monthly status reports on progress regarding site construction with the Commission. Reports shall begin with the ~~pre-construction meeting issuance of this permit~~ and continue until completion of restoration. Reports shall describe construction activities and progress, and activities undertaken in compliance with this permit. Reports shall include text and photographs.

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

### 8.5 Labor Statistic Reporting

The Permittee shall file quarterly 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 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 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.

### **8.7 As-Builts**

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

### **8.8 GPS Data**

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

### **8.9 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 Project;
- (b) the total daily energy generated by the Project in MW hours;
- (c) the total monthly energy generated by the Project in MW hours;
- (d) the monthly capacity factor of the Project;
- (e) yearly energy production and capacity factor for the Project;
- (f) the average monthly and average annual solar strength gradient measured in kWh/m<sup>2</sup>/Day observed at the Project;
- (g) the operational status of the Project and any major outages, major repairs, or performance improvements occurring in the previous year; and
- (h) any other information reasonably requested by the Commission.

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

### **8.10 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-construction 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.

### **8.11 Extraordinary Events**

Within 24 hours of discovery of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to: fires, 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.

### **8.12 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 H of the August 30, 2021, 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 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 submitted to 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 Equipment**

The Permittee shall notify the Commission of any equipment that is abandoned prior to termination of operation of the Project. Equipment shall be considered abandoned after one year without energy production and the land restored pursuant to Section 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 Project Boundary**

After completion of construction the Commission shall determine the need to adjust the final Project Boundary required for the Project. This permit may be modified, after notice and

opportunity for hearing, to represent the actual Project Boundary required by the Permittee to operate the Project authorized by this permit.

### **10.2 Expansion of Project Boundary**

No expansion of the Project Boundary described in this permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the Project Boundary. 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 permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this permit. No modification may be made except in accordance with applicable statutes and rules.

### **10.4 Modification of Conditions**

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

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

### **10.5 More Stringent Rules**

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

### **10.6 Right of Entry**

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

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

**11 SITE PERMIT AMENDMENT**

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

**12 PERMIT TRANSFER**

The Permittee may request at any time that the Commission transfer this 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 the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with e-docket 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 8.10; and
- (d) decommissioning plan, as described in Section 9.

**13 REVOCATION OR SUSPENSION OF THE SITE PERMIT**

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

**14 EXPIRATION DATE**

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