

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

**ENERGY INFRASTRUCTURE PERMITTING STAFF
COMMENTS AND RECOMMENDATIONS ON AN AMENDED SITE PERMIT**

Elm Creek II Wind Repower Project

Docket No. IP6728/WS-09-553

Date: September 18, 2025

Staff: Richard Davis | richard.davis@state.mn.us | (651) 539-1077

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

Issues Addressed: These comments and recommendations address whether an amended site permit should be issued for the repowering of the Elm Creek II Wind Project.

Documents Attached:

(1) Amended Site Permit

Additional documents and information, can be found on eDockets, for the site permit by searching “09” for year and “553” for number: <https://www.edockets.state.mn.us/EFiling/search.jsp> and the Energy Infrastructure Permitting webpage: <https://puc.eip.mn.gov/web/project/350>.

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Introduction and Background

Elm Creek Wind II, LLC (Permittee), a subsidiary of Avangrid Power, LLC, currently owns and operates the 150 megawatt (MW) Elm Creek II Wind Project (facility or project) in Martin and Jackson counties, Minnesota. The facility was granted a certificate of need (CN) from the Commission on February 19, 2010,¹ and the project was permitted by the Commission on February 25, 2010.² The facility currently includes 62 – 2.4 MW Mitsubishi MHI95 wind turbines and has been in operation for approximately 12 years.

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

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

On April 1, 2025, the Permittee filed an application to amend its site permit for the wind farm.³ The Permittee proposes to retrofit the existing wind facility by installing new, larger rotors, replacing components within the wind turbine nacelles, installing an adapter section to the top of the existing towers, and the turbine output will be between 2.2 to 2.4 MW.

Project Purpose

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

Project Description

The Permittee proposes to repower the wind farm's existing Mitsubishi wind turbines by:⁵

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

There would be no changes to turbine locations, meteorological towers, the underground electrical connection system, the project substation, or the project's point of interconnection to the grid. The electrical capacity of the individual wind turbines will be between 2.2 to 2.4 MW; the total permitted nameplate capacity of the wind facility will remain at 150 MW. Construction of the project would use existing turbine access roads; the Permittee indicates that some roads may need to be temporarily widened.

On June 10, 2025, the Permittee filed a letter indicating that due to equipment sourcing and availability they are still assessing equipment options to proceed with the proposed project

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

⁴ Amendment Application, Section 3

⁵ Amendment Application, Section 5.2

repowering as laid out in the Application. Although some equipment components may have to vary from what has been identified in the Application, the Permittee has committed to providing final equipment details in the pre-construction filing documents should an amended site permit be issued by the Commission. The Permittee has stated that if final equipment selection varies from that in the Application the resulting impacts associated with generation nameplate, turbine tip height, rotor diameter, setbacks, acoustic impacts, and shadow flicker will be equal to, or less than, those associated with the equipment proposed and described in the Application.⁶

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

Regulatory Process and Procedures

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

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

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

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

Application Completeness

EERA staff, now EIP staff, evaluated the application against the completeness requirements of Minnesota Rule, and recommended the application be considered complete on June 20, 2025.¹²

⁶ Letter. Avangrid Power, LLC. June 10, 2025. eDocket # [20256-219780-01](#)

⁷ Minnesota Statute 216F.04.

⁸ Minnesota Rule 7854.1300.

⁹ Id.

¹⁰ Minnesota Rule 7854.0500.

¹¹ Minnesota Statute 216B.243.

¹² Comments, DOC-EERA, Comments and recommendations, draft site permit. June 20, 2025. eDocket # [20256-220088-01](#).

Draft Amended Site Permit

Commission practice for LWECS repowering permit amendments has been to issue a complete, updated site permit for the repowered LWECS, as opposed to amendment language that must be interpreted by reference to the original site permit. In keeping with this practice, EERA staff, now EIP staff, prepared and filed a draft amended site permit for a repowered Elm Creek II Wind Project on June 20, 2025.¹³

Public Information Meeting and Comment Period

An in-person public information meeting was held on August 5, 2025, and a virtual public information meeting was held on August 6, 2025. The comment period associated with the public information meeting was open from July 18, 2025 to August 20, 2025.¹⁴

During the in-person public information meeting comments regarding concerns of soil compaction from equipment, broken agricultural drain tile, turbine noise, impacts to county/township roads as equipment is brought in, access roads and access road approaches, and a substantial number of comments concerning financial compensation and private contracts were made by attendees. There were a couple attendees that indicated they did not support the proposed project to repower the Elm Creek II Wind Project, and there were also a couple attendees that supported the project being repowered.¹⁵

The virtual meeting had very limited attendance. Minnesota Department of Transportation (MnDOT) staff were on the virtual meeting and requested some clarification on potential interference of the repowered turbines with the State radio communication system.¹⁶

No additional comments were received by staff during the comment period.

Permittee's Comments and Draft Amended Site Permit Edits

The Permittee provided comments and proposed edits to the Draft Amended Site Permit submitted by former EERA staff.^{17,18} Some suggested edits were minor grammatical changes to the draft amended site permit.

Substantive comments and proposed edits include the following topics:

- Requested flexibility in turbine equipment and generation range
- Wind access buffer waivers being requested for 20 turbine locations.
- Fatality monitoring commitment

¹³ Comments, DOC-EERA, Comments and recommendations, draft site permit. June 20, 2025. eDocket # [20256-220088-01](#).

¹⁴ Notice, PUC, Notice of Public Information Meetings. July 18, 2025. eDocket # [20257-221133-01](#)

¹⁵ Public Comment, PUC EIP, Public Information Meeting – In-Person. August 5, 2025. eDocket # [20259-223025-01](#) (file date September 15, 2025)

¹⁶ Public Comment, PUC EIP, Public Information Meeting – Virtual. August 6, 2025. eDocket # [20259-223025-02](#) (file date September 15, 2025)

¹⁷ Letter, Elm Creek Wind II, LLC. August 22, 2025. eDocket # [20258-222351-01](#)

¹⁸ Comments, Elm Creek Wind II, LLC. August 22, 2025. eDocket # [20258-222351-02](#)

- Suggested changes to Section 5.3.15 of the Draft Permit
- Removal of field inventory requirements under Section 7.1 of the Draft Permit for existing wildlife management areas, scientific and natural areas, and recreational areas.
- Removal of the language “shall be considered public” in Sections 10.9 and 10.10 of the amended site permit. The Permittee believes that some or all of the information required to be filed under these sections may qualify as trade secret information, and they don’t believe it is appropriate for the amended site permit to predetermine that this information should be public.

Staff Analysis and Comments

EIP staff has reviewed the comments submitted by members of the public, other agencies, and the Permittee. Concerns and issues brought up by public commenters, except for specific details on financial agreements and contracts with the Permittee, were addressed in the draft amended site permit and should be carried forward in the amended site permit for the Commissioners consideration.

- Soil compaction from equipment – addressed in Section 5.3.7
- Broken agricultural drain tile – addressed in Section 5.3.21
- Turbine noise – addressed in Sections 4.3, 7.4, and 10.2
- Impacts to county/township roads – addressed in Section 5.3.14
- Access roads and access road approaches – addressed in Section 5.3.15

Although the amended site permit does not specifically address the details of private contracts between landowners and the Permittee, the amended site permit does include sections that address the Permittee’s requirement to develop and hold contracts with landowners to complete the project repowering construction activities and to operate the repowered turbines. Sections 4.1 (Wind Access Buffer), 5.3.26 (Damages), and 8.1 (Wind Rights) address the Permittee’s responsibility to demonstrate they have secured all necessary rights, including wind rights, to construct and operate the proposed repowering project.

MnDOT staff identified concerns that the repowered project may affect the State radio communication system. The Permittee did respond to MnDOT during the virtual public information meeting that the proposed repowering would not impact the State radio communication system.¹⁹ The Application for a Permit Amendment includes analysis which identified the rotor swept area of repowered turbines T1, T2, and U3 will intersect the LTD Broadband LLC Steve Johnson Farms to Sherburn Water Tower Fresnel zones.²⁰ The LTD Broadband LLC was licensed in 2018, after the construction of the Elm Creek II Wind Project in 2010. The LTD Broadband LLC currently interacts with the existing turbines T1, T2, and U3, and is anticipated to continue following turbine repowering.²¹ The Permittee does not anticipate any other microwave beam impacts caused by the

¹⁹ Public Comment, PUC EIP, Public Information Meeting – Virtual. August 6, 2025. eDocket # [20259-223025-02](#) (file date September 15, 2025)

²⁰ Amendment Application, Section 8.6.3.1

²¹ Amendment Application, Section 8.6.3.1

proposed repowering project, and no impacts to AM/FM radio or cell phone service are anticipated.²²

The Permittee stated they don't believe there will be any impact to the State radio communication system and committed to following up on the matter should any issues arise.²³

Permittee's Proposed Substantial Changes to the Draft Amended Site Permit

Staff generally agrees with the Permittee's substantive comments, except for the extensive deletions in Section 5.3.15 and the removal of the language "shall be considered public" in Section 10.9 and 10.10 of the amended site permit. Edits identified in red text and underlined have been included in the attached amended site permit, and edits identified in red text with a strikethrough have been deleted from the attached amended site permit.

Section 2 Project Description and Section 4.9 Wind Turbines

The Permittee has requested flexibility in turbine equipment and generation range of the repowered turbines to allow them to source and acquire the necessary equipment to complete the turbine upgrades. Staff has included edits to the amended site permit, Section 2 Project Description and Section 4.9 Wind Turbines to allow the Permittee flexibility to acquire and repower turbines and to allow the amended site permit to be updated once repowering components are selected.

Amended Site Permit, Section 2 Project Description

Repowered turbines will be ~~decreased~~ between ~~to~~ 2.2 and 2.4 MW output, ~~rotor diameter~~ rotor diameter will be increased up to 120 meters, hub height will be increased up to 86 meters, and tip height will be increased up to 146 meters.

Amended Site Permit, Section 4.9 Wind Turbines

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 865.2 meters (~~279.5-282~~ feet) above grade measured at hub height. ~~The wind turbine specifications in the table below were provided in the Permittee's April 1, 2025 Large Wind Energy Conversion System Site Permit Amendment Application for the Elm Creek II Wind Project in Jackson and Martin Counties, Minnesota.~~

The Permittee will be allowed flexibility, within reason, in the selection of the repowering component to allow for sourcing and availability considerations. The Permittee will provide information on the final selection of turbine repowering components at least 14 days before the pre-construction meeting. This section will be updated ~~update~~ to reflect final component selection. ~~before repowering construction can begin.~~

²² Amendment Application, Section 8.6.3.1

²³ Public Comment, PUC EIP, Public Information Meeting – Virtual. August 6, 2025. eDocket # [20259-223025-02](#) (file date September 15, 2025)

Section 4.1 Wind Access Buffer

The Permittee has requested wind access buffer waivers for 20 turbine locations. Staff has included edits to the amended site permit, Section 4.1 Wind Access Buffer to state the accurate number of waivers requested and to identify the turbines that will be covered by the issued waivers.

Amended Site Permit, Section 4.1 Wind Access Buffer

The Commission has waived the wind access buffer setbacks for ~~18~~ 20 turbines, including turbines L1, N1, P1, Q1, S4, T1, T2, T3, U1, U2, U3, X1, ~~X2, X3~~, X5, Y1, Y3, Z1, Z3, and Z4.

Section 7.5.1 Operational Phase Fatality Monitoring and Section 7.5.2 Avian and Bat Protection Plan

The Permittee indicated they have committed to two years of fatality monitoring in their Avian and Bat Protection Plan for the Elm Creek II Wind Repower Project. Staff acknowledges the Permittee's commitment, and the amended site permit addresses the fatality monitoring and the Avian and Bat Protection Plan in Section 7.5.1 and Section 7.5.2, respectively. Staff does not recommend any edits to Section 7.5.1 or Section 7.5.2 in the amended site permit.

Section 5.3.15 Turbine Access Roads

The Permittee has requested deletion of significant portions of Section 5.3.15 of the Amended Site Permit. Staff does not believe the Permittee's requested edits appropriately reflect the existing turbine access roads within the project site, or the Permittee's identified need to temporarily expand or upgrade existing access roads to complete the repowering. Staff has included edits to the amended site permit, Section 5.3.15 Turbine Access Roads, which will allow for existing turbine access roads to be maintained and allow necessary turbine access road temporary upgrades and widening to complete the permitted turbine repowering.

Amended Site Permit, Section 5.3.15 Turbine Access Roads

No new access roads will be developed as part of the repowering. Some temporary widening of the existing access roads may be required during the repowering of the turbines, and any widened access roads will be restored back to the original dimensions.

The Permittee shall ~~construct~~ widen the fewest number of turbine access roads necessary to safely and efficiently ~~operate~~ repower the Project, ~~and satisfy landowner requests.~~ Widened Aaccess roads shall ~~remain~~ be low profile, ~~roads~~ so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. Widening of existing Aaccess roads shall not be widened in a manner that will~~constructed a~~cross streams and drainage ditches without required permits and approvals.

~~When~~ If any existing access roads ~~are constructed that a~~cross streams, drainage ways, or drainage ditches, must be widened the temporarily widened access roads shall be ~~designed and constructed~~ widened in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed.

Any existing access roads that ~~are constructed a~~cross streams or drainage ditches shall be ~~designed and constructed~~ widened, if necessary, in a manner that maintains existing fish passage. Existing

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

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

Section 7.1 Biological and Natural Resources Inventories

The Permittee has requested edits to the field inventory requirements under Section 7.1 of the Amended Site Permit, to remove the requirement to complete field inventories of existing wildlife management areas, scientific and natural areas, and recreational areas. The desktop inventory of existing wildlife management areas, scientific and natural areas, and recreational areas was completed by the Permittee and included in their application for amendment of their site permit. The necessity for additional field inventories of these areas has not been identified by Staff or other agencies. Staff has included edits to clarify the Amended Site Permit, Section 7.1 Biological and Natural Resources Inventories.

Amended Site Permit, Section 7.1 Biological and Natural Resources Inventories

The Permittee, in consultation with the Commission and the DNR, shall design and conduct pre-construction desktop and field inventories of existing ~~wildlife management areas, scientific and natural areas, recreation areas,~~ native prairies, ~~and~~ forests, wetlands, and any other biologically sensitive areas within the Designated Site and assess the presence of state- or federally-listed or threatened species. The Permittee shall file with the Commission the results of any new inventories conducted to address the repowering of the Project, at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this site permit. The Permittee shall file with the Commission any biological surveys or studies conducted on this Project, including those not required under this site permit.

Section 10.9 Project Energy Production and Section 10.10 Wind Resource

The Permittee has requested removal of the language “shall be considered public” in Sections 10.9 and 10.10 of the Amended Site Permit. The Permittee believes that some or all of the information required to be filed under these sections may qualify as trade secret information, and they don’t believe it is appropriate for the Amended Site Permit to predetermine that this information should be public.

Staff does not support the removal of the language “shall be considered public” from Sections 10.9 and 10.10. The information included in these two sections has been identified as public in the most recently issued Site Permits and Amended Site Permits for LWECS projects and repowering projects, respectively. General project production and wind resource information has been included in the publicly available application requesting the site permit amendment. It is not clear to Staff why the application information would be available to the public, but project operational information of the same or a similar nature would be considered trade-secret. Additionally, Section 12.7 Proprietary Information in the Amended Site Permit allows the Permittee to protect trade secret or other proprietary information under the Data Practices Act or other law, as long as the Permittee satisfies requirements of the applicable law.

Other Edits and Clarifications

Staff has made additional edits to the Amended Site Permit, which are considered to be non-substantial and are intended to simply correct typos, grammatical errors and provide minor clarifications.

EIP Staff Recommendation

Staff recommends the Commission approve the attached Amended Site Permit with the edits identified in this letter and authorize Elm Creek II Wind to repower the existing wind energy facility as requested.

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**AMENDED SITE PERMIT FOR
ELM CREEK II WIND PROJECT**

A LARGE WIND ENERGY CONVERSION SYSTEM

IN

JACKSON AND MARTIN COUNTIES, MINNESOTA

**ISSUED TO
ELM CREEK WIND II, LLC**

PUC DOCKET NO. IP6728/WS-09-553

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

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

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

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

Approved and adopted this ____ day of _____

BY ORDER OF THE COMMISSION

Sasha Bergman
Executive Secretary

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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 Permit Maps

1 SITE PERMIT

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

1.1 Preemption

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

2 PROJECT DESCRIPTION

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

Repowered turbines will be between 2.2 and 2.4 MW output, rotor diameter will be increased up to 120 meters, hub height will be increased up to 86 meters, and tip height will be increased up to 146 meters.

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

2.1 Associated Facilities

The Project currently consists of the following associated facilities:

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

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

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

- Aircraft Detection Lighting System (ADLS), including one tower.
- Temporary crane paths (up to 50 feet wide)
- Temporary work areas around existing turbine towers
- Temporary laydown yards (two sites, up to 10 acres per site)
- Temporary improvement, including widening of existing gravel roads and public road intersections
- Upgrades to the existing 34.5 kV collector lines and installation of a new capacitor.

2.2 Project Location

The Project is located in the following:

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

2.3 Project Ownership

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

- (a) the owner(s) of the financial and governance interests of the Permittee;
- (b) the owner(s) of the majority financial and governance interests of the Permittee's owners; and

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- (c) the Permittee's ultimate parent entity (meaning the entity which is not controlled by any other entity).

The Permittee shall notify the Commission of:

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

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

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

3 DESIGNATED SITE

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

3.1 Turbine Layout

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

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

4 SETBACKS AND SITE LAYOUT RESTRICTIONS

4.1 Wind Access Buffer

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

The Commission has waived the wind access buffer setbacks for 20 turbines, including turbines L1, N1, P1, Q1, S4, T1, T2, T3, U1, U2, U3, X1, X2, X3, X5, Y1, Y3, Z1, Z3, and Z4.

These variances are granted on the condition that the permittee shall extend a final offer to the remaining landowners for the same amount and terms agreed to by other landowners in similar circumstances or their last offer, whichever is higher. The Permittee shall submit a compliance filing updating the Commission on the status of negotiations with landowners within 60 days and then every two months thereafter. At least 14 days before the preconstruction meeting, the permittee must make a compliance filing describing in detail the results of the negotiation. If no wind rights agreement is reached, the permittee acknowledges that this property will not be foreclosed from installing wind turbine generators on such property at a later date, even if such turbine generators cannot be installed on such property in compliance with the setbacks set forth in this section.

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

This section does not apply to public roads and trails.

4.2 Residences

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

4.3 Noise

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

4.4 Roads

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

4.5 Public Lands

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

4.6 Wetlands

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

4.7 Native Prairie

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

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

DNR, and the Commission. The Permittee shall comply with the most recently filed Prairie Protection and Management Plan.

4.8 Sand and Gravel Operations

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

4.9 Wind Turbines

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 86 meters (282 feet) above grade measured at hub height.

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

The Permittee will be allowed flexibility, within reason, in the selection of the repowering component to allow for sourcing and availability considerations. The Permittee will provide information on the final selection of turbine repowering components at least 14 days before the pre-construction meeting. This section will be updated to reflect final component selection.

4.10 Turbine Spacing

Wind turbines shall be constructed within the Designated Site. The wind turbines shall be spaced no closer than five rotor diameters in the prevailing wind direction and three rotor diameters in the non-prevailing wind direction from one another. The Commission authorizes

the Permittee to complete the repowering of 42 turbines; N1, N2, N3, N4, P1, P2, P3, P4, P5, P6, P7, P8, Q1, Q2, Q5, R1, R2, R3, R4, R5, S2, S3, T2, T3, U1, U2, U3, V1, V2, V3, V4, V5, V7, V8, V9, X1, X2, X3, X4, X5, Z2, and Z3. These 42 repowered turbines will be within five times the rotor diameter in the prevailing wind direction or within three times the rotor diameter in the non-prevailing wind direction.

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

4.11 Meteorological Towers

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

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

4.12 Aviation

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

4.13 Footprint Minimization

The Permittee shall design and construct the Project to minimize the amount of land that is impacted. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers, and monitoring systems shall, to the greatest extent feasible, be mounted on the

foundations used for wind turbines or inside the wind turbines unless otherwise negotiated with the affected landowner.

5 GENERAL CONDITIONS

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

5.1 Site Permit Distribution

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

5.2 Access to Property

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

5.3 Construction and Operation Practices

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

5.3.1 Field Representative

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

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

5.3.2 Site Manager

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

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

5.3.3 Employee Training - Site Permit Terms and Conditions

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

5.3.4 Independent Third-Party Monitoring

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of the Commission. The scope of work shall be developed in consultation with and approved by

Commission staff. This third-party monitor will report directly to and will be under the control of Commission staff with costs borne by the Permittee. Commission staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed in eDockets in accordance with scope of work approved by the Commission staff.

5.3.5 Public Services and Public Utilities

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

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

5.3.6 Topsoil Protection

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

5.3.7 Soil Compaction

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

5.3.8 Soil Erosion and Sediment Control

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

development of a Stormwater Pollution Prevention Plan that describes methods to control erosion and runoff.

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

5.3.9 Wetlands and Water Resources

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

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

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

5.3.10 Vegetation Removal

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

5.3.11 Application of Pesticides

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

5.3.12 Invasive Species

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

5.3.13 Noxious Weeds

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

5.3.14 Public Roads

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

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

Agreements.

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

5.3.15 Turbine Access Roads

No new access roads will be developed as part of the repowering. Some temporary widening of the existing access roads may be required during the repowering of the turbines, and any widened access roads will be restored back to the original dimensions.

The Permittee shall widen the fewest number of turbine access roads necessary to safely and efficiently repower the Project.. Widened access roads shall remain low profile, so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. Widening of existing access roads shall not be widened in a manner that will cross streams and drainage ditches without required permits and approvals.

If any existing access roads that cross streams, drainage ways, or drainage ditches, must be widened the temporarily widened access roads shall be widened in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed.

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

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

5.3.16 Private Roads

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

5.3.17 Archaeological and Historic Resources

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

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

5.3.18 Interference

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

The Permittee shall not operate the Project in a manner that causes microwave, television, radio, telecommunications, or navigation interference in violation of Federal Communications

Commission (FCC) regulations or other law. In the event the Project causes such interference, the Permittee shall take timely measures necessary to correct the problem. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

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

5.3.19 Livestock Protection

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

5.3.20 Fences

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

5.3.21 Drainage Tiles

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

5.3.22 Equipment Storage

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

5.3.23 Restoration

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

5.3.24 Cleanup

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

5.3.25 Pollution and Hazardous Waste

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

5.3.26 Damages

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

5.3.27 Public Safety

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

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

5.3.28 Turbine Identification

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

5.3.29 Federal Aviation Administration Lighting

The Permittee shall mark turbines and towers as required by the FAA. There shall be no lights on turbines or towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment. The Permittee shall install and employ an FAA-approved lighting mitigation system, such as an aircraft detection lighting system (ADLS), light intensity dimming solution (LIDS), or other FAA-approved mitigation method. The Permittee shall describe the lighting mitigation system used for the Project in the Site Plan.

5.4 Communication Cables

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

5.5 Electrical Collector and Feeder Lines

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

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

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

5.6 Other Requirements

5.6.1 Safety Codes and Design Requirements

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

5.6.2 Other Permits and Regulations

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

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

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

6 SPECIAL CONDITIONS

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

7 SURVEYS AND REPORTING

7.1 Biological and Natural Resource Inventories

The Permittee, in consultation with the Commission and the DNR, shall design and conduct pre-construction desktop and field inventories of existing native prairies, forests, wetlands, and any other biologically sensitive areas within the Designated Site and assess the presence of state- or federally-listed or threatened species. The Permittee shall file with the Commission the results of any new inventories conducted to address the repowering of the Project, at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this site permit. The Permittee shall file with the Commission any biological surveys or studies conducted on this Project, including those not required under this site permit.

7.2 Shadow Flicker

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

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

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

- (a) efforts to avoid, minimize and mitigate shadow flicker exposure, which may include providing screening or turbine curtailment; and

- (b) communication and new agreements with landowners that are predicted to experience 30 hours or more of shadow flicker per year.

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

7.3 Wake Loss Studies

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

7.4 Noise Studies

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

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

7.5 Avian and Bat Protection

7.5.1 Operational Phase Fatality Monitoring

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

7.5.2 Avian and Bat Protection Plan

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

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

7.5.3 Quarterly Avian and Bat Incident Reports

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

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

7.5.4 Immediate Avian and Bat Incident Notification

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

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

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

7.5.5 Turbine Operational Curtailment

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

8 AUTHORITY TO CONSTRUCT LWECS

8.1 Wind Rights

At least 14 days prior to the pre-construction meeting, the Permittee shall demonstrate that it has obtained the wind rights and any other rights necessary to construct and operate the Project within the Designated Site authorized by this site permit. Nothing in this site permit shall be construed to preclude any other person from seeking a permit to construct a wind energy conversion system within the Designated Site covered by this permit if the Permittee does not hold exclusive wind rights for such areas.

8.2 Power Purchase Agreement

In the event the Permittee does not have a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project at the time this site permit is issued, the Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This site permit does not authorize construction of the Project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project. In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project within two years of the issuance of this amended site permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this site permit should be amended or revoked. No amendment or revocation of this site permit may be undertaken except in accordance with Minnesota Rule 7854.1300.

8.3 Failure to Commence Construction

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

9 COMPLAINT PROCEDURES

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

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

10 COMPLIANCE REQUIREMENTS

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

10.1 Pre-Construction Meeting

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

10.2 Site Plan

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

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

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

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

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

10.3 Status Reports

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

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

10.4 Labor Statistic Reporting

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

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

- iii. the total gross hours worked or total full-time equivalent workers.

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

10.5 Prevailing Wage

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

10.6 In-Service Date

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

10.7 As-Built

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

10.8 GIS and GPS Data

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

10.9 Project Energy Production

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

- a. the installed nameplate capacity of the permitted Project;
- b. the total monthly energy generated by the Project in MW hours;
- c. the monthly capacity factor of the Project;

- d. yearly energy production and capacity factor for the Project;
- e. the operational status of the Project and any major curtailments, outages, major repairs, or turbine performance improvements occurring in the previous year; and
- f. any other information reasonably requested by the Commission.

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

10.10 Wind Resource Use

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

10.11 Emergency Response

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

10.12 Extraordinary Events

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

11 DECOMMISSIONING, RESTORATION, AND ABANDONMENT

11.1 Decommissioning Plan

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

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

The Permittee shall also submit the Decommissioning Plan to the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the Project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

11.2 Final Site Restoration

Upon expiration of this site permit or upon termination of operation of the Project, the Permittee shall have the obligation to dismantle and remove from the site all turbines, towers, turbine generators, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment in accordance with the most recently filed and accepted Decommissioning Plan. To the extent feasible, the Permittee shall restore and reclaim the site to pre-project conditions. Landowners may require the site be returned to agricultural production or may retain restored prairie vegetation, or other land uses as agreed to between

the landowner and the Permittee. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be filed with the Commission prior to commencing restoration activities. The Permittee shall restore the site in accordance with the requirements of this condition and file a Notification of Final Restoration Completion to the Commission within 18 months of termination of operation of the Project.

11.3 Abandoned Turbines

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

11.4 Waste Disposal Filings

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

12 COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE

12.1 Final Designated Site Boundaries

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

12.2 Expansion of Designated Site Boundaries

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

12.3 Periodic Review

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

12.4 Modification of Conditions

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

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

12.5 More Stringent Rules

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

12.6 Right of Entry

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

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

12.7 Proprietary Information

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

13 SITE PERMIT AMENDMENT

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

14 TRANSFER OF SITE PERMIT

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

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

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

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

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

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

15 REVOCATION OR SUSPENSION OF SITE PERMIT

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

16 EXPIRATION DATE

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

ATTACHMENT 1

Complaint Handling Procedures for Permitted Energy Facilities

MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
PERMITTED ENERGY FACILITIES

A. Purpose

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

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

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

D. Definitions

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

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

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

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

E. Complaint Documentation and Processing

1. The permittee shall designate a representative responsible for filing complaints to the Commission's eDocket system. This person's name, phone number and email address shall accompany all complaint submittals. The name and contact information for the representative shall be kept current in eDockets.
2. A person presenting the complaint should, to the extent possible, include the following information in their communications:
 - a. name, address, phone number, and email address;
 - b. initial date of the complaint;
 - c. tract, parcel number, or address of the complaint;
 - d. a summary of the complaint; and
 - e. whether the complaint relates to a permit violation, a construction practice issue, or other type of complaint.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
 - a. docket number and project name;
 - b. name of complainant, address, phone number and email address;
 - c. precise description of property or parcel number;
 - d. name of permittee representative receiving complaint and date of receipt;
 - e. nature of complaint and the applicable permit condition(s);
 - f. summary of activities undertaken to resolve the complaint; and
 - g. a statement on the final disposition of the complaint.

F. Reporting Requirements

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

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

Monthly Reports: During project construction, restoration, and operation, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Sasha Bergman, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>. If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

If a project has submitted twelve consecutive months of complaint reports with no complaints, monthly reports can terminate by a letter to eDockets notifying the Commission of such action. If a complaint is received (by the company or the Commission) following termination of the monthly complaint report, as noted above, the monthly reporting should commence for a period of six months following the most recent complaint or upon resolution of all pending complaints.

If a permittee is found to be in violation of this section, the Commission may reinstate monthly complaint reporting for the remaining permit term or enact some other commensurate requirement via notification by the Executive Secretary or some other action as decided by the Commission.

G. Complaints Received by the Commission

Complaints received directly by the Commission from aggrieved persons regarding the permit or issues related to site or route preparation, construction, cleanup, restoration, or operation and maintenance will be promptly sent to the permittee.

The permittee shall notify the Commission when the issue has been resolved. The permittee will add the complaint to the monthly reports of all complaints. If the permittee is unable to find resolution, the Commission will use the process outlined in the Unresolved Complaints Section to process the issue.

H. Commission Process for Unresolved Complaints

Complaints raising substantial and unresolved permit issues will be investigated by the Commission. Staff will notify the permittee and appropriate people if it determines that the complaint is a substantial complaint. With respect to such complaints, the permittee and complainant shall be required to submit a written summary of the complaint and its current position on the issues to the Commission. Staff will set a deadline for comments. As necessary, the complaint will be presented to the Commission for consideration.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to the permittee's designated complaint representative, or to the Commission's Public Advisor at 1-800-657-3782 or publicadvisor.puc@state.mn.us. The name and contact information for the permittee's designated complaint representative shall be kept current in the Commission's eDocket system.

ATTACHMENT 2

Compliance Filing Procedures for Permitted Energy Facilities

MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE FOR
PERMITTED ENERGY FACILITIES

A. Purpose

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

B. Scope and Applicability

This procedure encompasses all known compliance filings required by permit.

C. Definitions

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

D. Responsibilities

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

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

2. All filings must have a cover sheet that includes:

- a. Date
- b. Name of submitter/permittee
- c. Type of permit (site or route)
- d. Project location

- e. Project docket number
 - f. Permit section under which the filing is made
 - g. Short description of the filing
3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Sasha Bergman, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147

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

PERMIT COMPLIANCE FILINGS

PERMITTEE: Elm Creek Wind II, LLC

PERMIT TYPE: Amended Site Permit - Repower

PROJECT LOCATION: Jackson and Martin Counties

PUC DOCKET NUMBER: IP6728/WS-09-553

Filing Number	Permit Section	Description of Filing	Due Date
1	4.1 Wind Access Buffer	Status of Negotiations	First, within 60 days of permit issuance and update every two (2) months after
2	4.1 Wind Access Buffer	Detailed Results of Negotiations	At least 14 days before the pre-construction meeting
3	4.7 Native Prairie	Prairie Protection and Management Plan	30 days prior to submitting the Site Plan (Section 10.3)
4	4.9 Wind Turbines	Final Selection of Turbine Repowering Components	At least 14 days before the pre-construction meeting
5	4.12 Aviation	Notification of owners of all known airports within six (6) miles and affidavit of notifications	At least 14 days before the pre-construction meeting
6	5.1 Site Permit Distribution	Copy of Issued Site Permit and complaint procedures to affected landowners and affidavit of distribution	Within 30 days of site permit issuance
7	5.3.1 Field Representative	Identify field representative and contact information	At least 14 days before the pre-construction meeting
8	5.3.2 Site Manager	Identify site manager and contact information	Within 14 days of completing repowering construction activities
9	5.3.11 Application of Pesticides	Contact Landowner Prior to Application	At least 14 days before pesticide application
10	5.3.11 Application of Pesticides	Contact any landowners and beekeepers operating known apiaries within three (3) miles	At least 14 days before pesticide application
11	5.3.12 Invasive Species	Invasive Species Prevention Plan	At least 14 days before the pre-construction meeting
12	5.3.14 Public Roads	Public Road Use Report	At least 14 days before the pre-construction meeting
13	5.3.14 Public Roads	Public Road Use Agreements or Public Road Development Agreements	Prior to beginning project construction

14	5.3.18 Interference	Interference Assessment	At least 14 days before the pre-construction meeting
15	5.3.23 Restoration	Notice of Restoration Completion	Within 60 days after completion of all restoration activities
16	5.3.27 Public Safety	Educational materials to landowners and an affidavit of service	At least 14 days before the pre-construction meeting
17	5.5 Electrical Collector and Feeder Lines	All collector and feeder lines identified in the Site Plan (Section 10.2)	At least 14 days before the pre-construction meeting
18	5.6.2 Other Permits and Regulations	Other Permits and Regulations Submittal	At least 14 days before the pre-construction meeting
19	5.6.2 Other Permits and Regulations	Other Permits and Regulations Submittal	Prior to beginning project construction
20	7.1 Biological and Natural Resource Inventories	Any new inventories or surveys	At least 30 days prior to the pre-construction meeting
21	7.2 Shadow Flicker	Shadow Flicker Modeling Report	At least 14 days before the pre-construction meeting
22	7.2 Shadow Flicker	Shadow Flicker Management Plan	At least 14 days before the pre-construction meeting
23	7.3 Wake Loss Studies	Wake Loss Analysis	At least 14 days before the pre-construction meeting
24	7.4 Noise Studies	Noise Monitoring Protocol	At least 14 days before the pre-construction meeting
25	7.4 Noise Studies	Post- Construction Noise Monitoring Report	Within 18 months of the completion of repowering
26	7.5.2 Avian and Bat Protection Plan	Updated ABPP or BBCS	At least 14 days before the pre-construction meeting
27	7.5.2 Avian and Bat Protection Plan	Annual Audit of ABPP or BBCS – Including annual report of fatality data and analysis	15 th of March, each complete or partial calendar year of operation
28	7.5.3 Quarterly Avian and Bat Incident Reports	Avian and Bat Incident Reports	15 th of January, April, July, and October of every year of operation
29	7.5.4 Immediate Avian and Bat Incident Notification	Immediate Avian and Bat Incident Notification	Within 24 hours of identified discovery events
30	7.5.4 Immediate Avian and Bat Incident Notification	Avian and Bat Incident Report	Within seven (7) days of filing an Immediate Avian and Bat Incident Notification
31	8.1 Wind Rights	Demonstration of Wind Rights	At least 14 days before the pre-construction meeting
32	8.2 Power Purchase Agreement	Power Purchase Agreement or another enforceable mechanism	As soon as obtained
33	9 Complaint Procedures	Complaint Procedures	At least 14 days before the pre-construction meeting
34	10.1 Pre-Construction Meeting	Pre-construction Meeting Summary	Within 14 days of holding the pre-construction meeting

35	10.2 Site Plan	Site Plans (Signed)	At least 14 days before the pre-construction meeting
36	10.3 Status Reports	Construction Status Reports	Monthly – from the pre-construction meeting until the completion of restoration
37	10.4 Labor Statistics Reporting	Labor Statistics Reports	Quarterly – within 45 days of the end of each quarter through completion of restoration
38	10.6 In-Service Date	Placed into service notification	At least three (3) days before the final repowered turbine is placed into service
39	10.7 As-Builts	As-built Plans	Within 90 days after the completion of construction
40	10.8 GIS and GPS Data	Geo-spatial Information	Within 90 days after the completion of construction
41	10.9 Project Energy Production	Project Energy Production Reporting	February 1 st of every complete or partial year of operation
42	10.10 Wind Resource Use	Collected wind speed data	February 1 st of every complete or partial year of operation
43	10.11 Emergency Response	Emergency Response Plan (ERP)	At least 14 days prior to the pre-construction meeting
44	10.11 Emergency Response	Revised Emergency Response Plan (If necessary)	At least 14 days prior to the completion of construction on the final repowered turbine
45	10.2 Extraordinary Events	Discovery of Occurrence	Within 24 hours of discovery that an extraordinary event occurred
46	10.2 Extraordinary Events	Extraordinary Event Report	Within 30 days of the extraordinary events occurring
47	11.1 Decommissioning Plan	Decommissioning Plan	At least 14 days before the pre-construction meeting
48	11.1 Decommissioning Plan	Updated Decommissioning Plan	Every five (5) years following the date that all repowered turbines are commercial operational
49	11.2 Final Site Restoration	Notice of Final Restoration Completion	Within 18 months of termination of operation of the project
50	11.4 Waste Disposal Filings	Plan for disposal of or reuse of turbine blades and other components	At least 14 days before the pre-construction meeting
51	11.4 Waste Disposal Filings	Update on blade and component disposal or reuse	After turbine repowering has been completed
52	14 Transfer of Site Permit	Request to transfer the site permit	As needed, at any time

ATTACHMENT 3

LWECS Amended Site Permit Maps

