

✓ Relevant Documents	Date
Hayward Solar Application Amendment (3 parts)	October 15, 2021
EERA Environmental Assessment Scoping Decision (2 parts)	November 30, 2021
Notice of Comment Period on the Merits of the Certificate of Need Application	February 15, 2022
EERA Environmental Assessment (5 parts)	March 2, 2022
DER Comments on CN Merits (21-112)	March 8, 2022
Notice of Environmental Assessment Availability, Public Hearings and Comment Period	March 11, 2022
Hayward Solar Testimony (3 parts)	March 22, 2022
Hayward Solar Reply Comments on CN Merits (21-112)	March 24, 2022
LIUNA Minnesota/North Dakota Reply Comments	March 24, 2022
Public Comments	March 31, 2022
North Central States Regional Council of Carpenters Reply Comments	April 15, 2022
EERA Comments from Public Hearing (21-113)	April 15, 2022
DNR Comments	April 15, 2022
Todd Hinrichs Public Comments	April 19, 2022
Hayward Solar Compliance Filing on Notice Requirements	April 22, 2022
Hayward Solar Reply Comments and Proposed Findings of Fact, Conclusions of Law, and Recommendations (2 parts)	April 25, 2022
Sydney and Lynn Koziolk Public Comment (2 parts)	April 27, 2022
EERA Reply Comments	May 5, 2022
OAH Findings of Fact, Conclusions of Law, and Recommendation (ALJ Report)	June 6, 2022
Hayward Solar LLC Exceptions to ALJ Report	June 17, 2022
EERA Exceptions to ALJ Report	June 17, 2022
Hayward Solar – Amended Decommissioning Plan	July 29, 2022
Notice of Comment Period on Amended Decommissioning Plan	August 3, 2022
EERA Comments on Amended Decommissioning Plan	August 22, 2022
Hayward Solar Reply Comments on Decommissioning Plan	September 6, 2022

Attachments

- Attachment 1: Exceptions Table**
- Attachment 2: Proposed Site Permit**

Table of Contents

I. Statement of the Issues	3
II. Project Background	3
III. Statutes and Rules.....	4
A. Certificate of Need.....	4
B. Site Permit.....	5
C. Environmental Assessment.....	5
IV. Procedural History and Comments Received	6
V. Certificate of Need Review	11
VI. Administrative Law Judge Report	12
VII. Exceptions to the ALJ Report	14
A. EERA Exceptions.....	14
B. Hayward Solar Exceptions.....	15
VIII. Staff Analysis	15
A. Supplemental Comment Period.....	15
B. Environmental Assessment.....	16
C. Certificate of Need Approval	16
D. ALJ Report	17
E. Proposed Site Permit	18
IX. Decision Options	20
Environmental Assessment.....	20
Certificate of Need	20
ALJ Report	21
Site Permit.....	21
Administrative.....	21

I. Statement of the Issues

1. Should the Commission find that the Environmental Assessment and the record on this Project adequately address the issues identified in the Scoping Decision?
2. Should the Commission grant a certificate of need for the Hayward Solar Project?
3. Should the Commission adopt the administrative law judge's Findings of Fact, Conclusions of Law, and Recommendation?
4. Should the Commission issue a site permit for the proposed solar photovoltaic electric generating facility?

II. Project Background

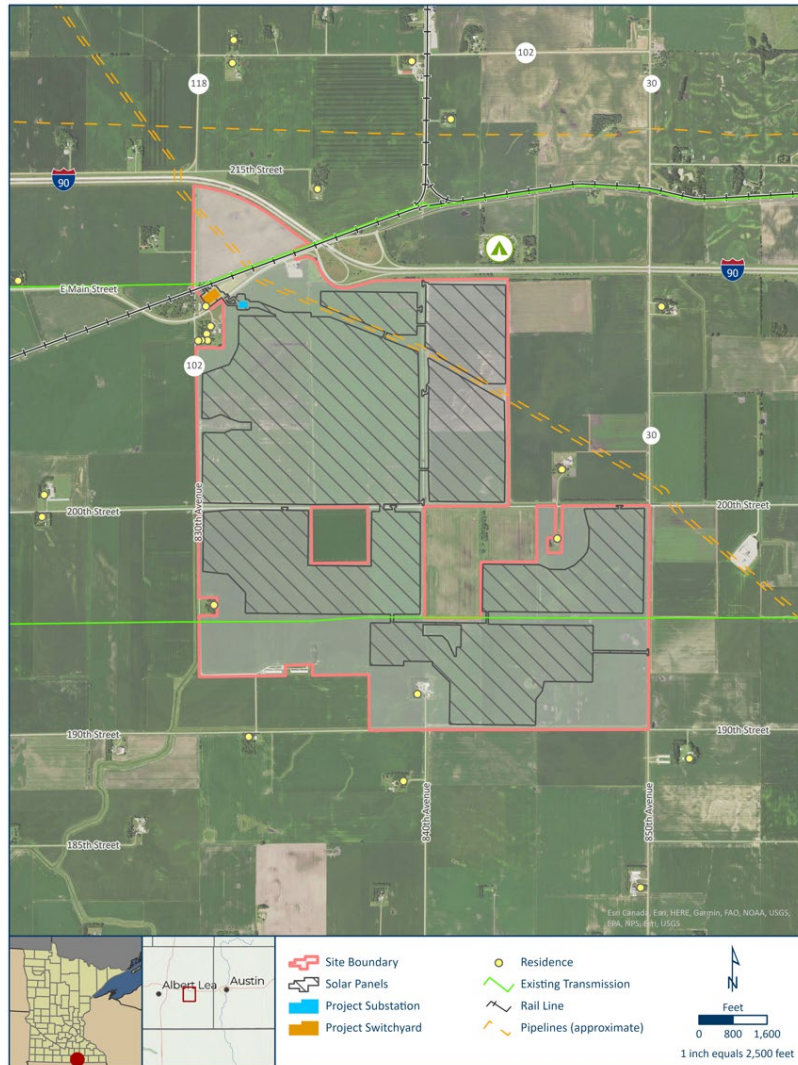
Hayward Solar LLC (Hayward Solar or Applicant), an independent power producer and a wholly owned indirect subsidiary of CD Clean Energy and Infrastructure VII JV, LLC has proposed to construct and operate an up to 150 megawatt (MW) alternating current nameplate capacity solar energy conversion facility and associated facilities in Hayward Township in Freeborn County (Project). Project facilities, including a transmission line, will occupy approximately 1,273 acres within the 1,972-acre Project Area.

The Project will utilize photovoltaic solar panels with a total equivalent generating capacity of 156.6 MW¹. In addition to the solar panels/arrays, the Project will include the following components: tracking racks, inverters, collection lines, a project substation, transformers, electrical wiring, stormwater collection ponds, supervisory control and data acquisition systems switchgear, metering equipment, overhead 650-foot 161-kilovolt (kV) Project Gen-Tie Line, operations and maintenance building, security fencing and gates, access roads, up to 120 weather stations, temporary laydown yards/staging areas, and ancillary equipment or buildings as necessary. The Project's Point of Interconnection is the new Southern Minnesota Municipal Power Agency (SMMPA) Switchyard via the existing SSMPA Hayward-Murphy Creek 161 kV high voltage transmission line.

The applicant stated that the Project is needed to provide energy and capacity to wholesale customers, including utilities in Minnesota and the region to meet a projected need for additional renewable energy. According to Hayward Solar, the Midcontinent Independent

¹ Hayward Solar is requesting a site permit and certificate of need for the nameplate capacity of the Project as measured at the point of interconnection. The applicant stated the preliminary design and Project layout takes into account applicable energy loss (approximately 2% AC losses) and would allow for a maximum of 150 MW AC of solar energy generation and transmission onto the grid as part of the interconnection request and generator interconnection agreement for the project.

System Operator (MISO) interconnection request is in the 2019 queue. Hayward Solar anticipates executing a Generator Interconnection Agreement with MISO prior to construction that would provide sufficient outlet capacity to accommodate all the energy generated by the Project. Hayward Solar plans to construct the Project on a schedule that would allow for an in-service date in the year 2023.



PROJECT AREA MAP

III. Statutes and Rules

A. Certificate of Need

Minn. Stat. § 216B.243, subd. 2, provides that no large energy facility shall be sited or constructed in Minnesota without the issuance of a Certificate of Need (CN) by the Commission. The Hayward Solar Project is defined as a large energy facility under Minn. Stat. § 216B.2421, subd. 2(1), because it is an electric power generating plant with a capacity of 50

megawatts or more with transmission lines interconnecting to the transmission system and therefore requires a certificate of need.

In assessing the need for a proposed large energy facility, the Commission must consider the factors listed under each of the criteria set forth in Minn. Stat. § 216B.243, subd. 3, and Minn. R. 7849.0120. Under Minn. R. 7849.0400, subp. 1, issuance of a certificate of need may be made contingent upon modifications required by the Commission.

B. Site Permit

Minn. Stat. § 216E.03, subd. 1, provides that no person may construct a large electric generating plant (LEGP) without a site permit from the Commission and that a large electric generating plant may be constructed only on a site approved by the Commission. The Hayward Solar Project is defined as a large electric power generating plant because it is a facility designed for and capable of operation at a capacity of at least 50 megawatts and therefore requires a site permit.

Minn. Stat. § 216E.04, Subd. 2(8) provides that LEGPs powered by solar energy are for review under an alternative review process under Minn. Stat. § 216E.04 and Minn. R. 7850.2800-3900.

The proposed Project is subject to Minnesota Statutes Chapter 216E which requires that large electric power generating plants be located consistent with state policy and in a manner that minimizes adverse human and environmental impact while ensuring continuing electric power system reliability and integrity and ensuring that electric energy needs are met and fulfilled in an orderly and timely fashion. In determining whether to issue a permit for a large electric power generating plant, the Commission must consider the factors contained under Minn. Stat. § 216E.03, subd. 7, and Minn. R. 7850.4100. Under Minn. R. 7850.4600, the Commission may impose conditions in any site permit for a large electric power generating plant as it deems appropriate and that are supported by the record.

C. Environmental Assessment

Minn. R. 7850.3700, requires preparation of an Environmental Assessment (EA) for Projects being reviewed under the alternative site permitting process. EERA is responsible for preparing the environmental assessment on behalf of the Commission. The environmental assessment must provide information on the human and environmental impacts of the proposed Project and any alternative sites or routes, the feasibility of each alternative site or route considered, and mitigative measures that could reasonably be implemented to eliminate or minimize any adverse impacts identified.

Minn. R. 7849.1000 to 7849.2100, establishes the requirements concerning preparation of an Environmental Report (ER) for a large energy facility requiring a certificate of need. The ER must describe the human and environmental impacts of the proposed Project associated with the size, type, and timing of the Project; alternatives to the proposed Project; and measures to mitigate potential adverse impacts.

As per Minn. R. 7849.1900, EERA prepared an EA for both the CN and site permit applications in lieu of a separate environmental report for the CN application. In this instance, the procedures of part 7850.3700 must be followed in conducting the environmental review; and the EA must include the analysis of alternatives required in the ER under Minn. R. 7849.1500.

IV. Procedural History and Comments Received

On May 5, 2021, Hayward Solar filed applications for a certificate of need (CN) and a site permit for the Project.²

On May 6, 2021, Hayward Solar filed amendments to both dockets that replaced the figures in the CN application and amended those in the site permit application.

On June 29, 2021, the Commission issued its Order accepting the CN application as complete and directing the use of an informal review process. On the same day, the Commission issued an Order accepting the site permit application as complete, with the understanding that Hayward Solar will submit an amended decommissioning plan prior to the public hearing of the project. In the order the Commission also found an advisory task was not warranted for the Project, joint review of the CN and site permit applications was appropriate, that there were no current contested issues of fact, and a full report from the administrative law judge with recommendations was appropriate.

Commission and EERA staff held Public Information and Environmental Assessment Scoping Meetings in Albert Lea on August 11, 2021, and by remote access on August 12, 2021. Two commenters spoke in favor of the Project during the meeting in Albert Lea citing its economic benefits to the local community. Two commenters spoke during the remote access meeting with one commenter noting the positive economic benefits to the community, and the other

² Prior to its application filing, Hayward Solar requested exemptions from certain certificate of need application filing requirements. The Minnesota Department of Commerce Division of Energy Resources (DER) filed comments in response noting that several of the exemptions are like those requested in the past by other independent power producers, and recommending the Commission approve the request with certain modifications. The Commission approved the exemptions as provided in DER's comments at its March 18, 2021, Agenda Meeting. See *Hayward Solar Request for Exemption* e-Dockets No. [20212-170740-01](#), February 5, 2021, DER Comments, e-Dockets No. [20212-171093-01](#), February 18, 2022, and Commission Order, e-Dockets No. [20213-172146-01](#), March 24, 2021.

commenter noting that the Project's ground cover would help avoid potential soil impacts from wind and stormwater runoff.

On August 18, 2021, the Minnesota Department of Natural Resources (DNR) filed comments in the site permit docket identifying vegetation management, fencing, erosion control netting, and site suitability and soil limitations as factors that should be included in the scope of the Environmental Assessment (EA) for the Project. DNR also offered recommendations for potential mitigation actions for these factors.

On October 15, 2021, Hayward Solar filed amended applications in both dockets. The amendments revised the locations of the proposed new SMMPA switchyard, the point of interconnection (POI) equipment, SMMPA Line Tap, Project Gen-Tie Line, and access roads for the Project. The Applicant stated the amendments were submitted to accommodate a request from the participating landowner of the parcel where the above facilities would be located. The applicant noted that the Project area where the facilities were to be located remained substantially the same as submitted in the original applications. Hayward Solar emphasized it had secured the necessary land rights to accommodate the changes and that the specific planned point of interconnection would remain unchanged.

On November 30, 2021, EERA issued its *Environmental Assessment Scoping Decision*.

Commission staff filed a sample site permit on January 3, 2022, to provide interested parties examples of mitigation measures and permit conditions.³

On February 15, 2022, the Commission issued a *Notice of Comment Period on the Merits of the Certificate of Need Application*. Initial comments were accepted through March 16, 2022, and reply comments were accepted through March 23, 2022.

On March 2, 2022, EERA issued its EA of the Project. The EA provided an overview of the resources affected by the Project. The EA analyzed and described potential Project impacts and mitigation measures.

On March 8, 2022, DER filed its comments on the merits of the CN application which recommended the Commission consider impacts detailed in the Environmental Assessment, and if the impacts are acceptable, grant the certificate of need.

On March 11, 2022, the Commission and EERA jointly issued a *Notice of Environmental Assessment Availability, Public Hearings, and Comment Period*.

³ *Sample Site Permit*, e-Dockets No. [20221-181162-01](#), January 3, 2022.

On March 22, 2022, Hayward Solar filed the direct testimony of Michael Roth and Joseph Finocchiaro. Mr. Roth's testimony provided an overview of the proposed Project, including its layout and facility design, landowner coordination, and land use compatibility. Regarding the special conditions included in the sample site permit, the applicant agreed with the recommendation for development of a Vegetation Management Plan (VMP), but disagreed with the conditions related to landscaping, specific fencing, tree clearing and the use of an independent third-party construction inspector. Mr. Finocchiaro's testimony was filed in response to comments from DNR submitted during the EA scoping period. Mr. Finocchiaro addressed soil composition, historic wetland soils, wetland delineation, drainage systems, and construction within farmed wetland and/or historically wet areas.

On March 24, 2022, Hayward Solar provided reply comments on the merits of the certificate of need application expressing agreement with DER's analysis and recommendation to issue a certificate of need upon finding the impacts documented the EA acceptable.

Joint public hearings on the site permit and certificate of need applications for the Project were held on March 28, 2011 (remote access - telephone and internet) and March 29, 2022, (in-person) in the City of Albert Lea. The record remained open until April 15, 2022, for the receipt of written public comments. No members of the public spoke at the remote-access public hearing. Twelve members of the public spoke in support for the Project and its positive economic impacts at the in-person public hearing.

On March 31, 2022, more than a dozen written comments were filed in support of the Project addressing a range of topics, including economic benefits such as jobs, tax revenue, and income for landowners; positive impacts of native pollinator plantings; improved drainage; benefits to agricultural land by allowing the land to rest during the life of the Project; and the benefits of renewable energy.⁴ The Shell Rock River Watershed District (SRRWD) wrote in support of the project and in particular the vegetation and habitat management plans included in Hayward's site permit application.

On April 13, 2022, EERA filed comments on behalf of the interagency Vegetation Management Planning Work Group (VMPWG), a group comprised of state agencies involved with vegetation management.⁵ The comments included a recommendation that Hayward Solar continue to

⁴ A complete summary of public comments can be found on pages 14-18 of the ALJ Report, Findings of Fact, Conclusions of Law, and Recommendation, Minnesota Office of Administrative Hearings, e-Dockets No. [20226-186401-01](#), June 6, 2022.

⁵ The VMPWG includes members from the Department of Natural Resources, Pollution Control Agency, the Board of Water and Soil Resources, Department of Agriculture and EERA.

coordinate with the VMPWG as it finalizes the vegetation management plan, including the development of management objectives, seed mixes, and monitoring protocol.

On April 14, 2022, an additional batch of written comments in support of the Project were filed in the e-Dockets system. Commenters cited the Project's economic and environmental benefits as reasons for the Commission to issue a certificate of need and grant a site permit to Hayward Solar.

On April 15, 2022, EERA filed comments as part of its review of the sample site permit and the direct testimony of Hayward Solar. EERA recommended that the site permit be renumbered and include changes to Sections 4.3.8 (Beneficial Habitat) and 9.1 (Decommissioning Plan). EERA also recommended the permit include Special Permit Conditions for the following Sections: 5.1 (Vegetation Management Plan), 5.2 (Agricultural Impact Management Plan), 5.3 (Independent Monitor), 5.4 (Noise Coordination), 5.5 Snowmobile Trails, and 5.6 (Perimeter Fencing) as described below.

- Vegetation management plan (VMP) be moved from Section 4.3.8 to the special condition section and filed 14 days prior to pre-construction meetings for the Project.
- Changes to the compliance deadlines in sections related to beneficial habitat, the VMP, and the Agricultural Impact Mitigation Plan (AIMP).
- Requirements for the VMP, AIMP, and independent monitor be included as special permit conditions.
- Addition of a special permit conditions related to noise coordination, snowmobile trails, and perimeter fencing.
- Update the Decommissioning Plan (Section 9.1) as follows:
 - Incorporate the plan prior to operation to reflect the most recently approved version of the plan and final construction plans.
 - Include a site plan identifying the major components of the Project.
 - Include updated projections of the value of used solar panels
 - Update of the plan be filed every five years or upon transfer of the project.
 - An update of plans must indicate a net financial decommissioning surplus during operation.
 - Provide information on the use of generation output and describe any permits necessary for decommissioning.
 - Require a financial surety for decommissioning the Project be established no later than the tenth year of operation and provide for full decommissioning costs prior to the expiration of any power purchase agreement.
 - Require the anticipated beneficiary of the surety be identified.

On April 15, 2022, DNR filed comments of its review of the EA. DNR advised that any required DNR permits would only be issued after a Hayward Solar received a site permit from the Commission. DNR requested the final permit include special permit conditions regarding Wildlife-Friendly Erosion Control and Facility Lighting:

[DNR Special Condition 1: The Permittee shall use only “bio-netting” or “natural netting” types of wildlife-friendly erosion control and mulch products without any synthetic \(plastic\) fiber additives.](#)

[DNR Special Condition 2: Permittees must use shielded and downward facing lighting and LED lighting that minimizes blue hue at the Project substation. Downward facing lighting must be clearly visible on the plan and profile submitted for the Project.](#)

On April 19, 2022, Todd Hinrichs provided comments stating that, as owner of the property expected to be used for the Project, he strongly supported the Project for economic, agronomic, and health reasons.

On April 22, 2022, Hayward Solar filed a letter documenting its compliance with the applicable notice requirements of both the CN and site permit dockets.

On April 25, 2022, Hayward Solar filed its reply comments and its proposed findings of fact, conclusions of law, and recommendation.

On April 27, 2022, two commenters provided identical but separate comments in support of the Project because of its benefits to pollinator habitat, improved drainage, soil quality and economic benefits to both landowners and the surrounding communities.

On May 5, 2022, EERA provided its reply comments and proposed revisions to the applicant’s proposed findings of fact, conclusions of law and recommendations. EERA requested that its April 13, 2022, and April 15, 2022, comments be added in the Summary of Public Comment Section. EERA proposed the following additional findings that documented its April 13, 2022, and April 15, 2022, filings, and provided additional modifications to its previous proposed site permit recommendations in those filings. Upon review of the applicant’s reply comments and consultation with DNR, EERA staff retracted its recommendation regarding a special permit condition requiring visibility markers on the Project’s perimeter to mitigate potential wildlife impacts (Section 5.9). EERA staff proposed copy edits to Finding 19 correcting a typographic error in the spelling of “EERA” and Finding 22 identifying EERA’s role in the Notice of Public Information and Environmental Assessment Scoping Meeting Notice. EERA proposed a conclusion be added that noted the EA of the Project and the record created at the public hearing addressed the issues identified in the EA scoping decision.

On May 25, 2022, Hayward Solar filed a Combined Final Exhibit List from the Public Hearing.

On June 6, 2022, the Office of Administrative Hearings filed its report – Findings of Fact, Conclusions of Law, and Recommendations (ALJ Report) recommending the Commission grant a certificate of need and issue a site permit for the Project with modifications to the sample site permit (see Section VI below).

Exceptions to the ALJ Report were filed by EERA and Hayward Solar on June 17, 2022 (see Section VII below).

On July 29, 2022, the applicant filed its Amended Decommissioning Plan.

On August 3, 2022, Staff issued a notice seeking comments on the applicant's Amended Decommissioning Plan.

On August 22, 2022, EERA filed its comments on the Amended Decommissioning Plan and recommended the Commission accept the plan.

On September 6, 2022, Hayward Solar filed reply comments agreeing with EERA's recommendations on the Amended Decommissioning Plan and requested the Commission grant a certificate of need and issue a site permit for the project.

V. Certificate of Need Review

On February 15, 2022, a Notice of Comment Period on the Merits of the Certificate of Need Application was issued which provided an initial comment period through March 16, 2022, and a reply period through March 23, 2022. Initial comments were received from the Department of Commerce Division of Energy Resources (DER) on March 8, 2022. Reply comments were received from Hayward Solar, the International Union of Operating Engineers Local 49 (IUOE), the North Central States Regional Council of Carpenters (NCSRCC), and the Laborers International Union of North America North Dakota and Minnesota (LIUNA).

DER's comments provided an analysis of the accuracy of the forecast of the stated need and broader reliability needs. DER concluded that Hayward's forecast of the need for the renewable energy expected to be produced by the proposed Project is reasonable based on several trends including retirement of coal generation units, a growing market for direct sales to consumers with large energy demands and the recognized emergence of markets for renewable energy.

DER agreed that the requisite reliability criteria would be evaluated by MISO engineers in the interconnection process.

DER determined that the project size, type, and timing are reasonable based on the forecasted solar energy needs for the region and Hayward Solar's economic incentives.

DER concluded that Hayward Solar had met the criteria under Minn. R. 7849.0120 to establish need for the Project and recommended that the Commission issue a certificate of need to Hayward Solar upon consideration of the EA and a determination that the Project's benefits to society are compatible with protecting the natural environment, socioeconomic environment, and human health. Specifically, DER recommended the Commission find that:

- the probable result of denial would be an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant's customers, or to the people of Minnesota and neighboring states;
- a more reasonable and prudent alternative to the proposed facility has not been demonstrated by a preponderance of the evidence in the record; and
- the record does not demonstrate that the design, construction, or operation of the proposed facility, or a suitable modification of the facility, will fail to comply with relevant policies, rules, and regulations of other state and federal agencies and local governments.

Comments during the comment reply period received from IOUE, NCSRCC and LIUNA were in support of the project and cited the need for renewable energy sources, reliable energy, quality employment, and the positive impacts on the local economies. IOUE, NCSRCC, and LIUNA also expressed support for Hayward Solar and their prioritization of using local labor as a development priority.

VI. Administrative Law Judge Report

On June 6, 2022, Administrative Law Judge Jim Mortenson issued Findings of Fact, Conclusions of Law, and Recommendation (ALJ Report) as requested by the Commission. The ALJ concluded that Hayward Solar has adequately addressed all the certificate of need requirements for which the Commission did not provide an exemption. Accordingly, the ALJ concluded that the Commissions should issue a certificate of need.

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

electric power generating plant and provided a summary of the public comments received during the proceeding. The ALJ recommended that the Commission issue a site permit to Hayward Solar to construct and operate the 150-megawatt Hayward Solar Project, and that the site permit include the amended permit conditions provided in Section III of the ALJ Report. In making the recommendation, the ALJ concluded that:

- The Commission and the Administrative Law Judge have jurisdiction over the application for a site permit for the up to 150 MW AC proposed Project pursuant to Minn. Stat. §§ 216E.02 and 216E.03.
- All notices required under Minnesota Statutes and Rules were provided.
- The Environmental Assessment and the record addressed the issues identified in the Scoping Decision to a reasonable extent considering the availability of information, and the Environmental Assessment include the items required by Minn. R. 7850.3700, subp. 4, and was prepared in compliance with the procedures of Minn. R. 7849.1900 and 7850.3700.
- The public hearings held on April 20 and 21, 2022, were conducted near the proposed site and routes, proper notice of the public hearings was provided, the public was given the opportunity to speak at the hearing and to submit written comments, and all other procedural requirements were met.
- The record in the proceeding demonstrated that the project satisfied the criteria for a site permit as set forth in Minn. Stat. §216E.03 and Minn. R. Ch. 7850 and all other applicable legal requirements.
- The project, with the general permit conditions contained in the Sample Site Permit has satisfied the site permit criteria for a large electric power generating plant in Minn. Stat. § 216E.03 and met all other applicable legal requirements.
- The project, with the recommended conditions, does not present a potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act or the Minnesota Environmental Policy Act.
- Hayward Solar, EERA, and the Commission have substantially complied with the procedural requirements of Minn. Stat. Ch. 216E and Minn. R. Ch. 7850.
- The Commission has the authority under Minn. Stat. § 216E.03 to place conditions in a site permit.
- The ALJ found that it is reasonable to amend the Sample Site Permit to include the changes to the following sections:
 - Section 4.3.8 (Beneficial Habitat) of the Sample Site Permit as proposed by EERA
 - Section 9.1 (Decommissioning Plan) of the Sample Site Permit as proposed by EERA
 - A special permit condition regarding the vegetation management plan as

proposed by EERA

- A special permit condition requiring development of an Agricultural Impact Mitigation Plan (AIMP) as proposed by EERA
- A special permit condition regarding the independent monitor as proposed by EERA
- A special permit condition regarding noise coordination as proposed by EERA
- A special permit condition regarding snowmobile trails as proposed by EERA
- A special permit condition regarding lighting at the Project substation and O&M building as proposed by DNR
- A special permit condition regarding wildlife-friendly erosion control as proposed by DNR

The ALJ concluded that the record in this proceeding demonstrated that Hayward Solar has satisfied the criteria for a Site Permit as set forth in Minn. Stat. § 216E.03 and Minn. R. Ch. 7850 and all other applicable legal requirements. The ALJ also concluded that the Project, with the permit conditions discussed above, satisfied the site permit criteria for an LEPGP in Minn. Stat. § 216E.03 and meets all other applicable legal requirements.

VII. Exceptions to the ALJ Report

Under Minn. R. 7829.2700, exceptions to the ALJ Report must be filed within 15 days of the filing of the report for cases subject to statutory deadlines. The ALJ Report was filed on June 6, 2022, therefore the filing deadline for exceptions was June 21, 2022. Staff has enclosed the red-lined changes of the exception filings as Attachment 1.

A. EERA Exceptions

On June 17, EERA filed its exceptions to the ALJ Report. EERA suggested the phrase “with consultation with [the Applicant]” be replaced by the words “and clarified by the applicant” in Conclusion 12 and Section 9.1 (Decommissioning Plan) of the site permit. EERA recommended replacing the words “with consultation with” in Conclusion 16, site permit Section 5.3, (Independent Monitor) and Conclusion 19 (Project Lighting) with the words “and modified by [the Applicant]”.

EERA stated it had conferred with Hayward Solar regarding the ALJ Report, and that Hayward Solar agreed regarding the changes proposed by EERA.

B. Hayward Solar Exceptions

On June 17, 2022, Hayward Solar filed its exceptions to the ALJ Report. Hayward Solar stated it provided comments and exceptions regarding the revised special conditions to the site permit in Findings 217, 220, and 223 and their associated Conclusions 12, 16, and 19 respectively.

The applicant had no objections to EERA's proposed edits of the Decommissioning Plan requirement but suggested the ALJ Report include the entirety of the text for Section 9.1 in the Site Permit and provided a redlined version of its proposed changes to Finding 217 and Conclusion 12.

The applicant recommended amending Finding 220 and site permit section 5.3 to define the scope of the independent third-party monitor's responsibilities and agencies involved in establishing that scope.

The applicant recommended amending Finding 223 and conclusion 19 with (regarding special permit conditions) to require that lighting specifications apply to both the project substation and O&M building. The draft permit term applied only to the project substation.

Hayward Solar requested that the Commission adopt the ALJ Report as modified in its exceptions and issue the site permit incorporating the permit conditions contained in the proposed revisions. Hayward Solar indicated that EERA had agreed with those proposed revisions.

VIII. Staff Analysis

Based on the information in Hayward Solar's certificate of need and site permit applications, the analysis provided in the EA, public comments, the ALJ Report, exceptions received in this matter, and other evidence in the record, staff provides the following discussion.

A. Supplemental Comment Period

In reviewing the record, staff determined that the applicant did not fully comply with the provision in the Commission's Order accepting the applications as complete in that the applicant did not file an amended decommissioning plan prior to the public hearing for the project as required. Once informed, Hayward Solar filed the Amended Decommissioning Plan on July 29, 2022. Staff subsequently issued a notice for comment to provide an opportunity for the public to comment on the Amended Decommissioning Plan. Comments were received from EERA stating the amended plan satisfied the Commission's site permit conditions.

B. Environmental Assessment

An application for a certificate of need typically requires preparation of an Environmental Report, while an application for a site permit requires preparation of an EA. Because Hayward Solar applied for both a certificate of need and a site permit, EERA prepared an EA in lieu of an ER pursuant to Minn. R. 7849.1900. Accordingly, the EA was prepared following the procedures under Minn. R. 7850.3700 and included the analysis of alternatives required in an ER.

Staff has reviewed the EA and believes that EERA conducted an appropriate environmental analysis of the project for purposes of these proceedings, and that the EA satisfies the requirements under Minn. R. 7850.3700 and Minn. R. 7849.1500.

- The EA did not identify any unique or significant environmental impacts from the construction and operation of the project that could not be properly mitigated.
- The EA discussed potential alternatives to the project such as 150-megawatt solar facility in a different location, a 150-megawatt large wind energy conversion system, and the no-build alternative.
- No information was submitted into the record that contested the information and analysis contained in the EA.
- The ALJ Report concluded that the EA and the record created at the public hearing addressed the issues identified in the scoping decision.

Therefore, staff recommends that the Commission find that the EA and the supporting record adequately address the issues identified in the scoping decision in accordance with Minn. R. 7850.3900, Subp 2.

If the Commission does not find the EA complete, it must identify the reasons it is not complete and request that the EA be revised or supplemented. A schedule for revising or supplementing the EA should then be identified and, upon completion of the revised EA, the Commission would need to evaluate the revised EA.

C. Certificate of Need Approval

The Commission directed that the certificate of need application be reviewed using the informal comment and reply review process. In its site permit application acceptance Order, the Commission determined the site permit application is appropriately processed jointly with the certificate of need application for the project.

Staff reviewed the docket and concluded that the actions taken to comply with the procedural requirements of Minn. R. 7829.1200 and 7829.2500 for review of a certificate of need application under the informal review process have been fulfilled.

Staff agrees with the conclusion of the ALJ and DER that Hayward Solar has demonstrated that the project meets the criteria set forth under Minn. R. 7849.0120 (A, B, and D). Staff further believes that based on a consideration of the factors set forth in Minn. R. 7849.0120 (C), the EA and the evidence in the record demonstrates that the project will provide benefits to society in a manner compatible with protecting the natural environment, socioeconomic environment, and human health. Staff asserts that the procedural requirements for informal review of a certificate of need application were conducted in accordance with Minn. R. 7829.1200 and Minn. R. 7829.2500. Therefore, staff agrees with the ALJ and DER that the Commission should issue a certificate of need to Hayward Solar for the 150-megawatt solar facility to be in Freeborn County, Minnesota.

If the Commission decides to issue a certificate of need it must make written findings with respect to the criteria set forth in Minn. R. 7849.0120. If the Commission denies the certificate of need application, it must state the reasons for the denial.

D. ALJ Report

The Commission referred the site permit application to the OAH for the appointment of an ALJ and requested the preparation of findings of fact, conclusions of law, and recommendations of a preferred site and permit conditions. The ALJ report incorporated several special permit conditions in response to requests from DNR, EERA and the Applicant.

Staff finds that the ALJ Report is overall a comprehensive and detailed review of the record in this proceeding. The ALJ Report documents that the procedural requirements were followed and presents findings of fact for each of the decision criteria that must be met for a site permit for a large electric generating plant.

Staff notes that the exceptions filed by EERA and Hayward Solar clarify the record and specific permit conditions. Both Hayward Solar and EERA agree on the exceptions. Staff agrees that the record and site permit are improved by the exceptions. Therefore, staff recommends that the

Commission approve the ALJ Report, as modified by the exceptions filed by Hayward Solar on June 17, 2022.

E. Proposed Site Permit

As a preliminary matter, staff notes that the Applicant filed an Amended Decommissioning Plan on July 29, 2022. Hayward Solar stated the document was completed on August 13, 2021 but was inadvertently not filed to the docket as required by the Commission's June 29, 2021 Order on the completeness of the site permit application.⁶ Because the document was not filed prior to the public hearings on the Project, the Applicant did not comply with this requirement. The applicant filed an Amended Decommissioning Plan on July 29, 2022.

Because the primary purpose of the requirement for an updated decommissioning plan was to provide the public with an opportunity to comment on the plan, staff issued a notice for comment on the Amended Decommissioning Plan on August 3, 2022. Staff notes that, because the applicant took immediate action when notified of the matter and no comments were received other than those of the applicant and EERA, the Commission should take no further action on the matter.

Staff has authored and included Special Permit Conditions 5.6 (Wildlife-Friendly Erosion Control) and 5.7 (Project Lighting at O&M Building and Project Substation) to address DNR's request and Conclusions 19 and 20 of the ALJ Report.

Should the Commission modify or propose additional permit conditions, staff will make the necessary modifications to ensure agreement with the Commission's final order in the matter.

Notwithstanding the failure to file an amended decommission plan as ordered, staff agrees with EERA and Hayward Solar that the Commission should issue a site permit with conditions for the Project. Staff agrees that the Sample Site Permit, as modified by the ALJ, the Applicant's subsequent exceptions, and staff's recommendations should be issued as the site permit for the Project.

Staff notes that the Commission's solar site permit template was updated during this review, and consequently the sample permit numbers used during the proceeding no longer correspond to the numbering in the enclosed site permit. Staff has included Decision Option 5.A to authorize Commission staff to modify the Proposed Site Permit to correct typographic and

⁶ In the Order, the Commission "Found that the site permit application for the Hayward Solar Project is substantially complete with the understanding that Hayward Solar will submit an amended decommissioning plan prior to the public hearing for the project".

formatting errors, improve consistency, and ensure agreement with the Commission's final order in the matter.

IX. Decision Options

Environmental Assessment

1. Determine that the Environmental Assessment and the record created in this matter address the issues identified in the Scoping Decision.
(Staff, ALJ, EERA, Hayward Solar)
2. Determine that the Environmental Assessment and the record created in this matter do not address the issues identified in the Scoping Decision and direct EERA to prepare a supplement to the Environmental Assessment that addresses the identified deficiencies.

Certificate of Need

3. Grant a certificate of need for the 150-megawatt Hayward Solar Project proposed in Freeborn County, Minnesota, finding that:
 - A. the factors set forth in Minn. R. 7849.0120(A), have been met and the probable result of denying the application would likely be an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant's customers, or to the people of Minnesota and neighboring states;
 - B. the factors set forth in Minn. R. 7849.0120(B), have been met and that a more reasonable and prudent alternative to the Project has not been demonstrated by a preponderance of the evidence in the record;
 - C. the factors set forth in Minn. R. 7849.0120(C), have been met and that the preponderance of the evidence in the record demonstrates that the Project will provide benefits to society in a manner compatible with protecting the natural and socioeconomic environments, including human health; and
 - D. the factors set forth in Minn. R. 7849.0120(D), have been met and that the record does not demonstrate that the design, construction, or operation of the proposed facility, or a suitable modification of the proposed facility, will fail to comply with relevant policies, rules, and regulations of other state and federal agencies and local governments.
(Staff, ALJ, DER, EERA, Hayward Solar)

4. Grant a certificate of need for the 150-megawatt Hayward Solar Project proposed in Freeborn County, Minnesota contingent upon modifications to the Project.
5. Deny a certificate of need for the 150-megawatt Hayward Solar Project proposed in Freeborn County, Minnesota.

ALJ Report

6. Approve and adopt the ALJ's Findings of Fact, Conclusions of Law, and Recommendation, to the extent they are consistent with the Commission's final decisions.
7. Approve and adopt the ALJ's Findings of Fact, Conclusions of Law, and Recommendation with the revisions proposed by Hayward Solar in its June 17, 2022 Exceptions. *(Staff, Hayward Solar, EERA)*
8. If significant changes are necessary, amend the ALJ's Findings of Fact, Conclusions of Law, and Recommendation, as deemed appropriate.

Site Permit

9. Issue a site permit based on the June 6, 2022, ALJ's Report.
10. Issue a site permit based on the Sample Site Permit and amended by the ALJ Report, and the revisions proposed by Hayward Solar in its June 17, 2022, Exceptions. *(Staff, Hayward Solar, EERA)*
11. Do not issue a site permit for the 150-megawatt Hayward Solar Project.

Administrative

12. Authorize Commission staff to modify the Proposed Site Permit to correct typographic and formatting errors, improve consistency, and ensure agreement with the Commission's final order in the matter. *(Staff)*

Staff Recommendation: 1, 3, 7, 10, 12

**ATTACHMENT 1
EXCEPTIONS TABLE**

Description	Text	Sponsor(s)
<p>Decommissioning Plan:</p> <p>Conclusion 12 and Finding 217</p>	<p>It is reasonable to amend the Sample Site Permit to include the changes to Section 9.1 of the Sample Site Permit as proposed by EERA, with consultation with <u>and clarified by</u> the Applicant.</p> <p>=</p> <p>217. EERA provided suggested changes to Section 9.1, <u>which were clarified by the Applicant</u>, regarding the decommissioning plan, as follows:</p> <p style="padding-left: 40px;">9.1 Decommissioning Plan</p> <p><u>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 part of the May 5, 2021, site permit application. The Permittee shall file submit an updated decommissioning plan, incorporating comments and information from the permit issuance process and any updates associated with final construction plans, with to</u> the Commission at least fourteen 14 days prior to the pre-operation pre-construction meeting and provide updates to the plan every five years thereafter. <u>The decommissioning plan shall be updated every five years following the commercial operation date.</u></p> <p>The <u>decommissioning</u> plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. <u>The decommissioning plan shall provide an itemized breakdown of costs of decommissioning all project components, which shall include labor and equipment. The plan shall identify cost estimates for the removal of solar panels, racks, underground collection cables, access roads, transformers, substations, and other project components. The plan may also include anticipated costs for the replacement of panels or repowering the project by upgrading equipment.</u></p>	<p>Hayward Solar and EERA</p>

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.

EERA made the following additional comments for the benefit of the Applicant:

- Staff recommends that the plan include a site map identifying major components of the project.
- An updated plan should include a discussion of the use of generation output and should describe permits necessary for decommissioning the project.
- Staff notes that the plan indicates a net financial decommissioning surplus. This surplus is based on what EERA staff believes is a relatively high value for used solar panels at the project's end of life. Staff acknowledges the difficulty in estimating the value of used solar panels 30 years into the future. Staff recommends that the permittee continue to evaluate the value of used solar panels, at a minimum, on the five-year schedule required by the Commission's sample permit. A section should be added to the plan reflecting the Commission's required five-year update schedule. Further, the plan should note that it must be updated with any change of project ownership.
- Consistent with Solar and Wind Decommissioning Working Group recommendations, staff recommends that a financial surety for decommissioning the project be established no later than the tenth year of operation and that the surety provide for full decommissioning costs prior to the expiration of any power purchase agreement. A final, updated plan should discuss the anticipated beneficiary of the surety.

<p>Independent Monitor:</p> <p>Conclusion 16 and Finding 220</p>	<p>16. It is reasonable to amend the Sample Site Permit to include the special permit condition regarding the independent monitor as proposed by EERA, with consultation with and modified by the Applicant.</p> <p>=</p> <p>220. EERA proposed adding the following a special permit condition, which was amended by Applicant, requiring an independent monitor:</p> <p>5.3 Independent Monitor</p> <p>The Permittee shall employ an independent, third-party monitor to ensure compliance with this site permit. Prior to construction, and in consultation with Department of commerce, Energy Environmental Review and Analysis (EERA) staff and and the Minnesota Department of Agriculture (MDA), the Permittee shall <u>identify one independent, third party monitor for the construction phase and develop a scope of work for the monitor.</u> If the monitor will report to several agencies (e.g., the Minnesota Department of Agriculture and Commerce) the The scope of work must be developed in coordination with and approved by EERA staff and the MDA. all agencies. The scope of work must be approved by EERA and all agencies receiving monitoring reports. This third-party monitor will report directly to and will be under the control of the EERA staff and MDA, in coordination with the Permittee. All costs for the monitor will be borne by the Permittee.</p> <p>The Permittee shall file an approved scope of work for the monitor with the Commission 30 days prior to commencing construction. The Permittee shall file the name, address, email, phone number, and emergency phone number of the third-party monitor 14 days prior to commencing construction.</p>	

<p>Project Lighting: Conclusion 19 and Finding 223</p>	<p>19. It is reasonable to amend the Sample Site Permit to include the special permit condition regarding lighting at the Project substation and O&M building as proposed by DNR, with consultation with <u>and modified by</u> the Applicant.</p> <p>=</p> <p>223. In its April 14, 2022 comments, DNR recommended adding a special permit condition on lighting at the Project substation and O&M building. In its April 25, 2022 Reply Comments, Applicant proposed a minor modification to DNR's proposed condition. The combined special permit condition is, as follows:</p> <p>The DNR recommends a special permit condition to minimize visual impacts of the substation, as well as the operations and maintenance building, by using shielded and downward facing lighting and lighting that minimizes blue hue. LED lighting is often high in blue light, which is harmful to birds, insects, and fish. A similar special permit condition was included for the substation associated with the Frazee to Erie 115 kV Transmission Line Project (Docket TL-20-423): <i>Permittees must use shielded and downward facing lighting and LED lighting that minimizes blue hue at the project substation <u>and O&M building</u>. Downward facing lighting must be clearly visible on the plan and profile submitted for the project.</i></p>	<p>Hayward Solar and EERA</p>
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Ed. note – For clarity, footnotes referencing documents from the docket were removed from the red-lined text.

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

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

**IN
FREEBORN COUNTY**

**ISSUED TO
HAYWRD SOLAR LLC**

PUC DOCKET NO. IP-7053/GS-21-113

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

HAYWAYRD SOLAR LLC

The Permittee is authorized by this site permit to construct and operate an up to 150-megawatt solar energy generating system and associated facilities in Freeborn County. The solar energy generating system and associated facilities shall be built and operated within the site identified in this permit and as portrayed in the official site maps, and in compliance with the conditions specified in this permit.

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

Approved and adopted this ____ day of _____

BY ORDER OF THE COMMISSION

Will Seuffert,
Executive Secretary

CONTENTS

1	SITE PERMIT	1
1.1	Preemption	1
2	PROJECT DESCRIPTION.....	1
2.1	Associated Facilities	1
2.2	Project Location	1
3	DESIGNATED SITE.....	2
4	GENERAL CONDITIONS.....	2
4.1	Permit Distribution	2
4.2	Access to Property	3
4.3	Construction and Operation Practices.....	3
4.3.1	Field Representative.....	3
4.3.2	Site Manager	3
4.3.3	Employee Training and Education of Permit Terms and Conditions	4
4.3.4	Public Services and Public Utilities	4
4.3.5	Temporary Workspace	4
4.3.6	Noise.....	4
4.3.7	Aesthetics	5
4.3.8	Topsoil Protection	5
4.3.9	Soil Compaction.....	5
4.3.10	Soil Erosion and Sediment Control.....	5
4.3.11	Public Lands.....	6
4.3.12	Wetlands and Water Resources.....	6
4.3.13	Native Prairie	7
4.3.14	Vegetation Removal	7
4.3.15	Beneficial Habitat	7
4.3.16	Application of Pesticides	8
4.3.17	Invasive Species.....	8
4.3.18	Noxious Weeds.....	8
4.3.19	Roads	8
4.3.20	Archaeological and Historic Resources	9
4.3.21	Interference.....	9
4.3.22	Restoration	10
4.3.23	Cleanup.....	10
4.3.24	Pollution and Hazardous Wastes	10

4.3.25	Damages	10
4.3.26	Public Safety	10
4.3.27	Site Identification	11
4.4	Feeder Lines	11
4.5	Other Requirements	11
4.5.1	Safety Codes and Design Requirements	11
4.5.2	Other Permits and Regulations	11
5	SPECIAL CONDITIONS.....	12
5.1	Vegetation Management Plan	12
5.2	Agricultural Impact Mitigation Plan	13
5.3	Independent Monitor.....	13
5.4	Noise Coordination.....	13
5.5	Snowmobile Trails	13
5.6	Wildlife-Friendly Erosion Control	14
5.7	Project Lighting at O&M Building and Project Substation	14
6	DELAY IN CONSTRUCTION.....	14
7	COMPLAINT PROCEDURES.....	14
8	COMPLIANCE REQUIREMENTS	14
8.1	Pre-Construction Meeting	14
8.2	Pre-Operation Meeting.....	15
8.3	Site Plan.....	15
8.4	Status Reports.....	15
8.5	Labor Statistic Reporting.....	16
8.6	In-Service Date	16
8.7	As-Builts	16
8.8	GPS Data.....	16
8.9	Project Energy Production	16
8.10	Emergency Response	17
8.11	Extraordinary Events.....	17
8.12	Wildlife Injuries and Fatalities	18
9	DECOMMISSIONING AND RESTORATION	18
9.1	Decommissioning Plan	18
9.2	Site Restoration.....	20
9.3	Abandoned Solar Installations	20
10	COMMISSION AUTHORITY AFTER PERMIT ISSUANCE	20
10.1	Final Boundaries.....	20
10.2	Expansion of Site Boundaries.....	21

10.3	Periodic Review.....	21
10.4	Modification of Conditions	21
10.5	More Stringent Rules	21
10.6	Right of Entry	21
11	PERMIT AMENDMENT	22
12	TRANSFER OF PERMIT	22
13	REVOCATION OR SUSPENSION OF THE PERMIT	22
14	EXPIRATION DATE	22

ATTACHMENTS

- Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities
- Attachment 2 – Compliance Filing Procedure for Permitted Energy Facilities
- Attachment 3 – Site Maps

1 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Hayward Solar LLC (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This permit authorizes Hayward Solar LLC (Hayward Solar) to construct and operate an up to 150 MW solar energy generating system and associated facilities in Freeborn County and as identified in the attached site maps, hereby incorporated into this document (Hayward Solar Project or Project).

1.1 Preemption

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

2 PROJECT DESCRIPTION

Hayward Solar LLC, a wholly owned indirect subsidiary of CD Clean Energy and Infrastructure VII JV, LLC has proposed an up to 150 megawatt (MW) alternating current nameplate capacity solar energy conversion facility and associated facilities in Hayward Township in Freeborn County. Project facilities, including a transmission line, will occupy approximately 1,273 acres.

2.1 Associated Facilities

The project will utilize photovoltaic solar panels with a total equivalent generating capacity of 156.6MW. In addition to the solar panels/arrays, the Project will include the following components: tracking racks, inverters, collection lines, a Project Substation, transformers, electrical wiring, stormwater collection ponds, supervisory control and data acquisition systems switchgear, metering equipment, overhead 161-kilovolt (kV) Project Gen-Tie Line, operations and maintenance building, security fencing and gates, access roads, up to 120 weather stations, temporary laydown yards/staging areas, and ancillary equipment or buildings as necessary. A 34.5 kV collector system will be stepped up to the interconnection voltage of 161 kV by a transformer at the Project Substation and transmitted to the new Southern Minnesota Municipal Power agency Switchyard via an approximately 650-foot overhead Gen-Tie Line.

2.2 Project Location

The project is located in the following:

County	Township Name	Township	Range	Sections
Freeborn	Hayward	102N	20W	1, 2, 3, 11, 12, 13, 14, 15

3 DESIGNATED SITE

The site designated by the Commission for the Hayward Solar Project is the site depicted on the site maps attached to this permit. The site is generally described as follows: approximately 1,273 acres within the 1,972-acre Project Area.

The layout represents the approximate location of photovoltaic tracker rows and associated facilities within the project boundary and identifies a layout that seeks to minimize the overall potential human and environmental impacts of the project, which were evaluated in the permitting process. The project boundary serves to provide the Permittee with the flexibility to make minor adjustments to the layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to the location of a photovoltaic tracker row or other associated facility depicted in the preliminary layout shall be done in such a manner to have comparable overall human and environmental impacts and shall be specifically identified in the site plan pursuant to Section 8.3.

4 GENERAL CONDITIONS

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

4.1 Permit Distribution

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

Within 30 days of permit issuance, the Permittee shall provide all affected landowners with a copy of this permit and the complaint procedures. In no case shall the landowner receive this site permit and complaint procedures less than five days prior to the start of construction on

their property. An affected landowner is any landowner or designee that is within or adjacent to the permitted site.

4.2 Access to Property

The Permittee shall contact landowners prior to entering the property or conducting maintenance within the site, unless otherwise negotiated with the affected landowner.

4.3 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the May 5, 2021, *Application for a Large Electric Generating Facility*, as modified by the October 15, 2021, *Hayward Solar Application Amendment*, and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail.

4.3.1 Field Representative

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

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

4.3.2 Site Manager

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

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

4.3.3 Employee Training and Education of Permit Terms and Conditions

The Permittee shall inform and educate all employees, contractors, and other persons involved in the construction and ongoing operation of the solar energy generating system of the terms and conditions of this permit.

4.3.4 Public Services and Public Utilities

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

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction.

4.3.5 Temporary Workspace

Temporary workspace and equipment staging areas shall be selected to limit the removal and impacts to vegetation. Temporary workspace shall not be sited in wetlands or native prairie as defined in sections 4.3.12 and 4.3.13. Temporary workspace shall be sited to comply with standards for development of the shorelands of public waters as defined in Section 4.3.12. Temporary easements outside of the authorized site boundary will be obtained from affected landowners through rental agreements and are not provided for in this permit.

4.3.6 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0100 to 7030.0080, at all times at all appropriate locations during operation of the facility. Construction and maintenance activities shall be limited to daytime working hours to the extent practicable to ensure nighttime noise level standards will not be exceeded.

4.3.7 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners and land management agencies. Care shall be used to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the project during construction and operation.

4.3.8 Topsoil Protection

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

4.3.9 Soil Compaction

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the project's life and shall confine compaction to as small an area as practicable.

4.3.10 Soil Erosion and Sediment Control

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

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper

drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the facilities shall be returned to pre-construction conditions.

4.3.11 Public Lands

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

4.3.12 Wetlands and Water Resources

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

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

Wetland and water resource areas disturbed by construction activities shall be restored to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. All requirements of the USACE, DNR, and local units of government shall be met.

4.3.13 Native Prairie

Solar panels and associated facilities including foundations, access roads, collector and feeder lines, underground cable, and transformers shall not be placed in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and shall not be located in areas enrolled in the Native Prairie Bank Program. Construction activities, as defined in Minn. Stat. § 216E.01, shall not impact native prairie unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the site boundaries. The Permittee shall file the plan 30 days prior to submitting the site plan required by Section 8.3 of this permit. The plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission.

4.3.14 Vegetation Removal

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

4.3.15 Beneficial Habitat

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

4.3.16 Application of Pesticides

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

4.3.17 Invasive Species

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by project construction activities. The Permittee shall develop an Invasive Species Prevention Plan to prevent the introduction and spread of invasive species on lands disturbed by project construction activities and file with the Commission 30 days prior to the pre-construction meeting.

4.3.18 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 consult with landowners on the selection and use of seed for replanting.

4.3.19 Roads

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city or township roads that will be used during the construction phase of the project. Where practical, existing roadways shall be used for all activities associated with construction

of the facility. Oversize or overweight loads associated with the facility shall not be hauled across public roads without required permits and approvals.

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

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

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner.

4.3.20 Archaeological and Historic Resources

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

Prior to construction, workers shall be trained about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. Construction at such location shall not proceed until authorized by local law enforcement or the State Archaeologist.

4.3.21 Interference

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the project, the Permittee shall take whatever action is feasible to restore or provide reception

equivalent to reception levels in the immediate area just prior to the construction of the project.

4.3.22 Restoration

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

4.3.23 Cleanup

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

4.3.24 Pollution and Hazardous Wastes

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

4.3.25 Damages

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

4.3.26 Public Safety

The Permittee shall provide educational materials to landowners adjacent to the site and, upon request, to interested persons about the project and any restrictions or dangers associated with the project. The Permittee shall also provide any necessary safety measures such as warning

signs and gates for traffic control or to restrict public access. The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of construction at the site.

4.3.27 Site Identification

The solar site shall be marked with a visible identification number and or street address.

4.4 Feeder Lines

A hybrid electrical collection system of aboveground and belowground conductors must be utilized to balance direct and indirect aesthetic impacts, electrical interference potential, bird collisions and electrocution, and soil impacts.

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

Feeder line locations shall be located in such a manner as to minimize interference with agricultural operations including, but not limited, to existing drainage patterns, drain tile, future tiling plans, and ditches. Safety shields shall be placed on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the site plan pursuant to Section 8.3.

4.5 Other Requirements

4.5.1 Safety Codes and Design Requirements

The solar energy generating system and associated facilities shall be designed to meet or exceed all relevant local and state codes, Institute of Electrical and Electronics Engineers, Inc. (IEEE) standards, the National Electric Safety Code (NESC), and North American Electric Reliability Corporation (NERC) requirements. The Permittee shall report to the Commission on compliance with these standards upon request.

4.5.2 Other Permits and Regulations

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations. A list of the permits known to be required is included in the permit application. The Permittee shall submit a copy of such permits to the Commission upon request.

5 SPECIAL CONDITIONS

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

5.1 Vegetation Management Plan

The Permittee shall develop a vegetation management plan using best management practices established by the DNR and BWSR. The vegetation management plan shall be prepared in coordination with the Department of Commerce, DNR, BWSR, and MPCA. The vegetation management plan and documentation of the coordination efforts between the Permittee and the coordinating agencies shall be filed at least 14 days prior to the pre-construction meeting. The Permittee shall provide all affected landowners with a copy of the plan.

The vegetation management plan must include the following:

- Management objectives addressing short term (Year 0-5, seeding and establishment) and long term (Year 5 through the life of the permit) goals.
- A description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (broadcast, drilling, etc.), and the types of seed mixes to be used.
- A description of how the site will be monitored and evaluated to meet management goals.
- A description of the management tools used to maintain vegetation (e.g., mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities.
- Identification of the third-party (e.g., consultant, contractor, site manager, etc.) responsible for restoration, monitoring, and long-term vegetation management of the site.

- Identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized.
- A site plan showing how the site will be revegetated and that identifies the corresponding seed mixes. Best management practices should be followed concerning seed mixes, seeding rates, and cover crops.

5.2 Agricultural Impact Mitigation Plan

The Permittee shall develop an agricultural impact mitigation plan (AIMP) in coordination with the MDA. The AIMP shall be filed at least 14 days prior to the pre-construction meeting. The Permittee shall provide all affected landowners with a copy of the plan.

5.3 Independent Monitor

Prior to construction, and in consultation with Department of Commerce, Energy Environmental Review and Analysis (EERA) staff and the Minnesota Department of Agriculture (MDA), the Permittee shall identify one independent, third-party monitor for the construction phase and develop a scope of work for the monitor. The scope of work must be developed in coordination with and approved by EERA staff and the MDA. All costs for the monitor will be borne by the Permittee.

The Permittee shall file an approved scope of work for the monitor with the Commission 30 days prior to commencing construction. The Permittee shall file the name, address, email, phone number, and emergency phone number of the third-party monitor 14 days prior to commencing construction.

5.4 Noise Coordination

The Permittee shall coordinate with local residents, including the KOA campground north of I-90, regarding potential noise impacts prior to the installation of any foundation posts. The Permittee shall take reasonable measures to minimize the noise impacts associated with installation of the posts.

5.5 Snowmobile Trails

The Permittee shall coordinate with local snowmobile trail associations to reroute Freeborn County Trail 133 and any associated snowmobile trails impacted by the project.

5.6 Wildlife-Friendly Erosion Control

The permittee shall use only “bio-netting” or “natural netting” types of wildlife-friendly erosion control and mulch products without any synthetic (plastic) fiber additives.

5.7 Project Lighting at O&M Building and Project Substation

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

6 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the site within four years after the date of issuance of this permit the Permittee shall file a report on the failure to construct and the Commission shall consider suspension of the permit in accordance with Minn. R. 7850.4700.

7 COMPLAINT PROCEDURES

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

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

8 COMPLIANCE REQUIREMENTS

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

8.1 Pre-Construction Meeting

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

8.2 Pre-Operation Meeting

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

8.3 Site Plan

At least 30 days prior to the pre-construction meeting, the Permittee shall provide the Commission, the Department of Commerce, and Freeborn County Environmental Services with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations of photovoltaic panels and other structures to be constructed including all electrical equipment, pollution control equipment, fencing, roads, and other associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the site boundary and layout in relation to that approved by this permit.

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

8.4 Status Reports

The Permittee shall report to the Commission on progress during site construction. The Permittee need not report more frequently than monthly. Reports shall begin with the submittal of the site plan for the project and continue until completion of restoration. Reports

shall describe construction activities and progress, and activities undertaken in compliance with this permit. Reports shall include text and photographs.

8.5 Labor Statistic Reporting

The Permittee shall file quarterly reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the project. The reports shall (a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers, and (b) provide an account of: (i) the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7; (ii) the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the project; and (iii) the total gross hours worked or total full-time equivalent workers. Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

8.6 In-Service Date

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

8.7 As-Builts

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

8.8 GPS Data

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

8.9 Project Energy Production

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

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

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

8.10 Emergency Response

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

8.11 Extraordinary Events

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

8.12 Wildlife Injuries and Fatalities

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

9 DECOMMISSIONING AND RESTORATION

9.1 Decommissioning Plan

~~The Permittee shall submit a decommissioning plan to the Commission at least fourteen 14 days prior to the pre-operation meeting and provide updates to the plan every five years thereafter. The plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The decommissioning plan shall provide an itemized breakdown of costs of decommissioning all project components, which shall include labor and equipment. The plan shall identify cost estimates for the removal of solar panels, racks, underground collection cables, access roads, transformers, substations, and other project components. The plan may also include anticipated costs for the replacement of panels or repowering the project by upgrading equipment.~~

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

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 part of the May 5, 2021, site permit application. The Permittee shall file submit an updated decommissioning plan, incorporating comments and information from the permit issuance process and any updates associated with final construction plans, with ~~to~~ the Commission at least fourteen 14 days prior to the ~~pre-operation~~ pre-

construction meeting ~~and provide updates to the plan every five years thereafter.~~ The decommissioning plan shall be updated every five years following the commercial operation date.

The decommissioning plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The decommissioning plan shall provide an itemized breakdown of costs of decommissioning all project components, which shall include labor and equipment. The plan shall identify cost estimates for the removal of solar panels, racks, underground collection cables, access roads, transformers, substations, and other project components. The plan may also include anticipated costs for the replacement of panels or repowering the project by upgrading equipment.

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

- EERA staff recommends that the plan include a site map identifying major components of the project.
- An updated plan should include a discussion of the use of generation output and should describe permits necessary for decommissioning the project.
- EERA staff notes that the plan indicates a net financial decommissioning surplus. This surplus is based on what EERA staff believes is a relatively high value for used solar panels at the project's end of life. Staff acknowledges the difficulty in estimating the value of used solar panels 30 years into the future. Staff recommends that the permittee continue to evaluate the value of used solar panels, at a minimum, on the five-year schedule required by the Commission's sample permit. A section should be added to the plan reflecting the Commission's required five-year update schedule. Further, the plan should note that it must be updated with any change of project ownership.
- Consistent with Solar and Wind Decommissioning Working Group recommendations, EERA staff recommends that a financial surety for

[decommissioning the project be established no later than the tenth year of operation and that the surety provide for full decommissioning costs prior to the expiration of any power purchase agreement. A final, updated plan should discuss the anticipated beneficiary of the surety.](#)

9.2 Site Restoration

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

9.3 Abandoned Solar Installations

The Permittee shall advise the Commission of any solar facilities that are abandoned prior to termination of operation of the project. The project, or any equipment within the project, shall be considered abandoned after one year without energy production and the land restored pursuant to Section 9.2 unless a plan is submitted to and approved by the Commission outlining the steps and schedule for returning the project, or any equipment within the project, to service.

10 COMMISSION AUTHORITY AFTER PERMIT ISSUANCE

10.1 Final Boundaries

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

10.2 Expansion of Site Boundaries

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

10.3 Periodic Review

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

10.4 Modification of Conditions

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

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

10.5 More Stringent Rules

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

10.6 Right of Entry

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

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

11 PERMIT AMENDMENT

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

12 TRANSFER OF PERMIT

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

13 REVOCATION OR SUSPENSION OF THE PERMIT

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

14 EXPIRATION DATE

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

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 Will Seuffert, 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 substantial 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 one year 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 persons 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 Will Seuffert, 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) Will Seuffert, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

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

PERMIT COMPLIANCE FILINGS¹

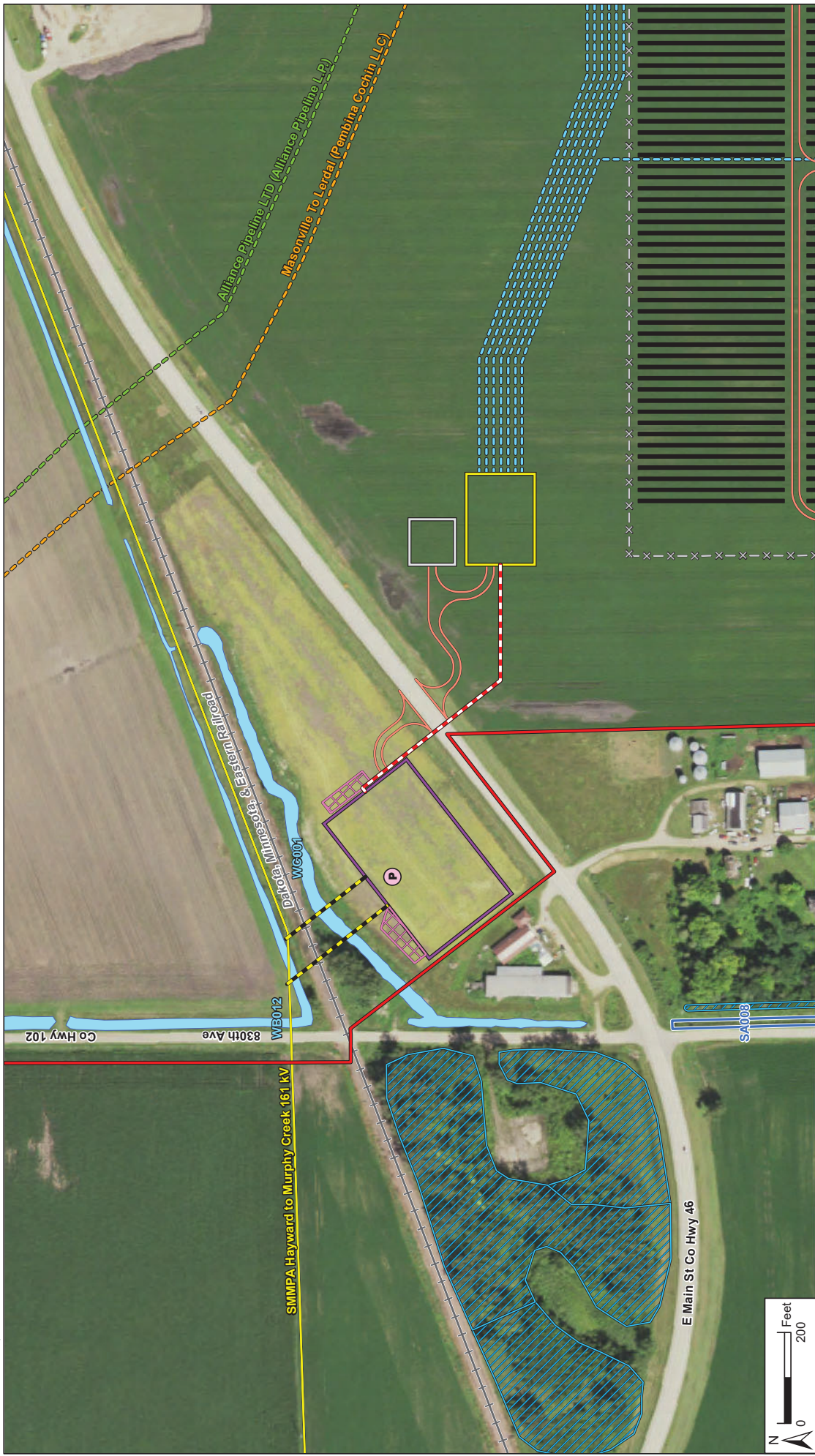
PERMITTEE: Hayward Solar LLC
 PERMIT TYPE: Solar Site Permit
 PROJECT LOCATION: Hayward Township, Freeborn County
 PUC DOCKET NUMBER: IP-7053/GS-21-113

Filing Number	Permit Section	Description of Compliance Filing	Due Date
1	4.1	Permit Distribution	Within 30 days of permit issuance
2	4.3.1	Field Representative	14 days prior to commencing construction
3	4.3.2	Site Manager	14 days prior to commercial operation
4	4.3.13	Prairie Protection and Management Plan	30 days prior to Site Plan filing
5	4.3.15	Beneficial Habitat	As required by BWSR
6	4.3.17	Invasive Species	14 days prior to pre-construction meeting
7	4.3.22	Site Restoration	60 days after completion of all restoration activities
8	5.1	Vegetation Management Plan	14 days prior to pre-construction meeting
9	5.2	Agricultural Impact Mitigation Plan	14 days prior to pre-construction meeting

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

Filing Number	Permit Section	Description of Compliance Filing	Due Date
10	5.3	Independent Monitor	14 days prior to commencing construction
11	8.1	Pre-construction Meeting Summary	14 days after pre-construction meeting
12	8.2	Pre-operation Meeting Summary	14 days after pre-operation meeting
13	8.3	Site Plan	30 days prior to pre-construction meeting
14	8.5	Labor Statistic Report	45 days of the end of each quarter during construction
15	8.6	In-Service and Construction Completion Dates	3 days prior to in-service date
16	8.7	As-Builts	90 days after construction completion
17	8.8	GPS Data	90 days after construction completion
18	8.9	Project Energy production	February 1 st annually during project operation
19	8.10	Emergency Response Plan	14 days prior to pre-construction meeting and updates 14 days prior to pre-operation meeting
20	8.11	Extraordinary Events	30 days of occurrence
21	9.1	Decommissioning Plan	14 days prior to pre-construction meeting

ATTACHMENT 3
Site Maps



Legend

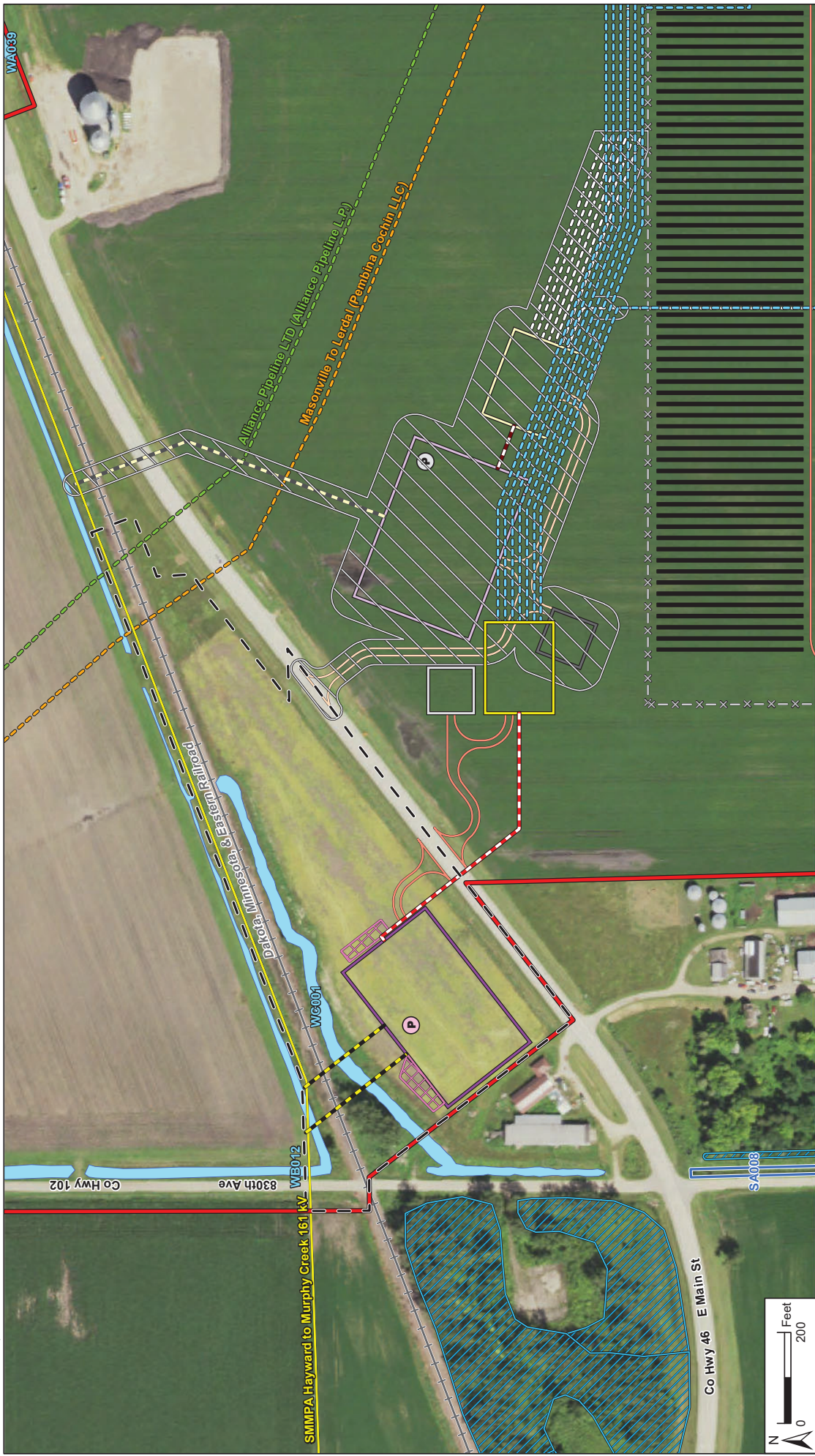
- Project Area
- Proposed Project
- Solar Array Layout
- Proposed Project Fence Boundary
- Amended Proposed Project Substation
- Amended SMMPA Line Tap
- Amended SMMPA Line Gen-Tie
- Amended Proposed Project Underground Collection Line
- Amended POI
- Amended Proposed Project Water Basin
- Amended Proposed Project Named NHD Flowline
- Amended Proposed Project NW1 Wetland
- Existing Transmission Line
- Existing Natural Gas Pipeline
- Existing Crude Oil Pipeline
- Railroad
- Field Delineated Wetland (2021)
- Field Delineated Waterway (2021)

Hayward Solar Project
Freeborn County, Minnesota

Project Interconnection Facilities

Amended FIGURE 3 (October, 2021)

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Legend

- Amended Project Area
- Amended Area Added to Initial SPA Project Area
- Replaced Project Utilities Area
- Proposed Project Solar Array Layout

- Amended SMMPA Line Tap
- Amended Project Gen-Tie Line
- Amended Project Access Road
- Amended Project Underground Collection Line
- Initial SPA SMMPA Line Tap
- Initial SPA Project Gen-Tie Line
- Initial SPA Project Access Road
- Initial SPA Project Underground Collection Line

- Amended POI
- Amended Proposed Project Substation
- Amended SMMPA Switchyard
- Amended Proposed Project O&M Building
- Initial SPA POI
- Initial SPA Proposed Project Substation
- Initial SPA SMMPA Switchyard
- Initial SPA Proposed Project O&M Building

- Proposed Project Fence Boundary
- Amended Proposed Project Water Basin
- Named NHD Flowline
- NWI Wetland
- Existing Transmission Line
- Existing Natural Gas Pipeline
- Existing Crude Oil Pipeline
- Railroad
- Field Delineated Wetland (2021)
- Field Delineated Waterway (2021)

Hayward Solar Project
Freeborn County, Minnesota
Previous & Current Project Interconnection Facilities

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