

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Nancy Lange
Dan Lipschultz
Matthew Schuerger
Katie J. Sieben
John A. Tuma

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Application of Red Pine
Wind Farm, LLC for a Site Permit for the
200.1 Megawatt Red Pine Wind Project in
Lincoln County

ISSUE DATE: February 10, 2017

DOCKET NO. IP-6646/WS-16-618

ORDER ISSUING DRAFT SITE PERMIT

PROCEDURAL HISTORY

On September 16, 2016, Red Pine Wind Farm, LLC (Red Pine or Applicant) filed a site permit application for a 200.1-megawatt wind project in Lincoln County. Red Pine is an independent power producer based in Edina, and owned by EDF Renewable Energy, Inc.

On September 30, 2016, Applicant filed a revised application.

On November 29, 2016, the Commission found the application complete and referred the matter to the Office of Administrative Hearings for development of the record.

On December 13, 2016, the Energy and Environmental Review and Analysis Unit (EERA) of the Department of Commerce held a public information meeting to discuss the project and solicit comments along with a draft site permit.

On January 3, 2017, the Minnesota Department of Natural Resources (DNR) and the Minnesota Department of Transportation (DOT) filed comments on possible terms and conditions that could be incorporated into a draft site permit.

On January 18, 2017, the EERA filed comments along with a proposed draft site permit, and recommending that the Commission issue the draft permit.

On February 2, 2017, the Commission met to consider the matter.

FINDINGS AND CONCLUSIONS

I. The Proposed Project

Red Pine filed an application for a site permit for a Large Wind Energy Conversion System (LWECS) to be located in Lincoln County. The project would include 58 to 100 wind turbines, 2.0 to 3.45 megawatts in size, and associated facilities. Red Pine filed updated turbine information

indicating its selection of Vesta V-100 and V-110 two-megawatt turbines. Red Pine intends to interconnect the project to the 345-kilovolt Brookings County-Hampton transmission line.

Red Pine submitted its application for a site permit for the project under Minn. Stat. Ch. 216F and Minn. R. Ch. 7854, which require a site permit for construction of wind facilities with a combined nameplate capacity of 5,000 kilowatts (kW) or more. As part of the application and draft site permit, Red Pine submitted an analysis of potential environmental impacts, proposed mitigative measures, and adverse environmental effects of the project.¹

In addition, the permitting process requires the opportunity for public participation and authorizes the Commission to issue a draft site permit. After a draft site permit is issued, there is an opportunity for further public comment on the draft and on the proposed project.²

II. Draft Site Permit Comments

In its comments, the DNR proposed possible permit conditions to be included in a draft site permit and proposed use of Vesta 126 or 117 turbine models, as their use would result in construction of fewer turbines. DNR also recommended that the turbine blades be feathered below the manufacturer's cut-in speed one-half hour before sunset and after sunrise from July through September annually. Finally, the DNR requested that additional discussion and coordination with the agency be required if calcareous fens are present within the project footprint.

At the Commission meeting, the Applicant stated that it had discussed with DNR and agreed to its requested movement of turbines 43 and 59 to avoid certain high-risk habitats. The Applicant stated that it would take DNR's recent request regarding turbine 73 under consideration.

The DOT recommended that the permittee obtain all relevant permits and authorizations from road authorities relating to utility placement within the public right-of-way, and further recommended consultation with stakeholders regarding mitigation measures to be undertaken for any unavoidable impacts to the King of Trails Scenic Byway corridor.

The EERA filed comments and recommendations regarding a draft site permit with proposed permit conditions for the project. The EERA recommended that the Commission issue the draft site permit under Minn. R. 7854.0800, which requires a draft permit to identify the permittee, describe the project, and include proposed permit conditions. According to the EERA, issuance of the draft permit will initiate further public participation in the project; the draft permit will be available for public comment, including at a public hearing.

III. Commission Action

The Commission has reviewed the comments and draft site permit and appreciates the input of the EERA, DNR, and DOT. In consultation with the EERA, Commission staff has incorporated additional modifications to the proposed draft site permit. The draft site permit identifies Red Pine as the permittee, describes the proposed wind power project, and includes proposed permit conditions.

¹ See Minn. R. 7854.0500, subp. 7 and 7854.0800.

² Minn. R. 7854.0900, subp. 4.

The Commission concurs with the EERA that the opportunity for public input on the draft permit will assist in further development of the record. The Commission also concurs that the draft site permit filed by the EERA is an adequate basis for further development of the record and will therefore issue the draft permit as attached to this order.

Finally, the Commission will modify the following provisions of the draft site permit to ensure that the public is adequately informed.

5.1 Notification

Within 14 days of permit issuance, the Permittee shall send a copy of the permit and the complaint procedures to any regional development commission, the Lincoln County county Auditor and the Lincoln County 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. The Permittee shall contact landowners prior to entering the property or conducting maintenance within the site, unless otherwise negotiated with the affected landowner.

10.3 Site Plan

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

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

The Permittee may not commence construction until the 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 the Department, the Lincoln County Environmental Office and the affected landowners, city and town clerks 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.

In the event that previously unidentified environmental conditions are discovered during construction that by law or pursuant to conditions outlined in this permit would preclude the use of that site as a turbine site, the Permittee shall have the right to move or relocate the turbine site. Under these circumstances the Permittee shall notify the Commission, the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, the Department, the Lincoln County Environmental Office and the affected landowners, city and town clerks of any turbines that are to be relocated, the previously unidentified environmental conditions and how the movement of the turbine mitigates the environmental impact 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. and demonstrate compliance with the setbacks and site layout restrictions required by this permit before the turbine is constructed on the new site.

Accordingly, the Commission will issue the attached draft site permit for the Red Pine Wind Farm Project, as modified and proposed by the EERA staff, including the Commission staff's proposed changes,³ and the above modifications to sections 5.1 and 10.3 of the permit.

³ The Commission authorizes Commission staff to correct typographic errors, improve consistency and incorporate suggestions made by the Commission during the Commission meeting on this matter.

ORDER

1. The Commission hereby issues the draft site permit as modified and attached hereto.
2. This order shall become effective immediately.

BY ORDER OF THE COMMISSION

Daniel P. Wolf
Executive Secretary



This document can be made available in alternative formats (e.g., large print or audio) by calling 651.296.0406 (voice). Persons with hearing loss or speech disabilities may call us through their preferred Telecommunications Relay Service.

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**SITE PERMIT FOR A
LARGE WIND ENERGY CONVERSION SYSTEM**

**IN
LINCOLN COUNTY, MINNESOTA**

**ISSUED TO
RED PINE WIND PROJECT, LLC**

PUC DOCKET NO. IP-6646/WS-16-618

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

RED PINE WIND PROJECT, LLC

The Permittee is authorized by this site permit to construct and operate up to 200.1-megawatt nameplate capacity Large Wind Energy Conversion System in Lincoln County, Minnesota. The Large Wind Energy Conversion System and associated facilities shall be built within the site identified in this permit and as portrayed on the official site maps, and in compliance with the conditions specified in this permit.

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

Approved and adopted this ____ day of _____

BY ORDER OF THE COMMISSION

Daniel P. Wolf,
Executive Secretary

CONTENTS

1.0	SITE PERMIT	4
1.1	Preemption	4
2.0	PROJECT DESCRIPTION.....	4
2.1	Associated Facilities	4
2.2	Project Location	4
3.0	DESIGNATED SITE.....	5
3.1	Turbine Layout.....	5
4.0	SETBACKS AND SITE LAYOUT RESTRICTIONS	5
4.1	Wind Access Buffer	5
4.2	Residences.....	6
4.3	Noise	6
4.4	Roads.....	6
4.5	Public Lands.....	6
4.6	Wetlands	6
4.6.1	Calcareous Fens	7
4.7	Native Prairie	7
4.8	Sand and Gravel Operations	7
4.9	Wind Turbine Towers	7
4.10	Turbine Spacing	8
4.11	Meteorological Towers	8
4.12	Aviation.....	8
4.13	Footprint Minimization.....	8
5.0	GENERAL CONDITIONS	9
5.1	Notification	9
5.2	Construction and Operation Practices.....	9
5.2.1	Field Representative.....	9
5.2.2	Site Manager	10
5.2.3	Employee Training and Education of Permit Terms and Conditions	10
5.2.4	Topsoil Protection.....	10
5.2.5	Soil Compaction.....	10
5.2.6	Soil Erosion and Sediment Control.....	10
5.2.7	Wetlands	11
5.2.8	Vegetation Management	11
5.2.9	Application of Pesticides	12
5.2.10	Invasive Species.....	12
5.2.11	Noxious Weeds	12

5.2.12	Public Roads	12
5.2.13	Turbine Access Roads.....	13
5.2.14	Private Roads	13
5.2.15	Archaeological and Historic Resources	13
5.2.16	Interference	14
5.2.17	Livestock Protection	14
5.2.18	Fences	14
5.2.19	Drainage Tiles.....	14
5.2.20	Equipment Storage.....	14
5.2.21	Restoration	15
5.2.22	Cleanup	15
5.2.23	Pollution and Hazardous Waste.....	15
5.2.24	Damages.....	15
5.2.25	Public Safety	15
5.2.26	Tower Identification.....	16
5.2.27	Federal Aviation Administration Lighting.....	16
5.3	Communication Cables.....	16
5.4	Electrical Collector and Feeder Lines.....	16
5.5	Other Requirements	17
5.5.1	Safety Codes and Design Requirements.....	17
5.5.2	Other Permits and Regulations	17
6.0	SPECIAL CONDITIONS.....	17
6.1	Scenic Byways.....	18
6.2	Operational Phase Fatality Monitoring.....	18
7.0	SURVEYS AND REPORTING	18
7.1	Biological and Natural Resource Inventories	18
7.2	Shadow Flicker	18
7.3	Wake Loss Studies.....	19
7.4	Noise	19
7.5	Avian and Bat Protection	19
7.5.1	Avian and Bat Protection Plan.....	19
7.5.2	Quarterly Incident Reports.....	20
7.5.3	Immediate Incident Reports.....	20
7.5.4	Turbine Operation Curtailment Requirements.....	20
8.0	AUTHORITY TO CONSTRUCT LWECS.....	21
8.1	Wind Rights	21
8.2	Power Purchase Agreement	21
8.3	Failure to Commence Construction	21

9.0	COMPLAINT PROCEDURES	22
10.0	COMPLIANCE REQUIREMENTS.....	22
10.1	Pre-Construction Meeting.....	22
10.2	Pre-Operation Meeting.....	22
10.3	Site Plan	22
10.4	Status Reports	23
10.5	Notification to the Commission.....	23
10.6	As-Builts	24
10.7	GPS Data.....	24
10.8	Project Energy Production	24
10.9	Wind Resource Use.....	24
10.10	Emergency Response	25
10.11	Extraordinary Events	25
11.0	DECOMMISSIONING, RESTORATION, AND ABANDONMENT	25
11.1	Decommissioning Plan	25
11.2	Site Restoration.....	26
11.3	Abandoned Turbines.....	26
12.0	COMMISSION AUTHORITY AFTER PERMIT ISSUANCE.....	26
12.1	Final Boundaries	26
12.2	Expansion of Site Boundaries.....	26
12.3	Periodic Review	27
12.4	Modification of Conditions.....	27
12.5	More Stringent Rules	27
12.6	Right of Entry	27
12.7	Proprietary Information	28
13.0	PERMIT AMENDMENT.....	28
14.0	TRANSFER OF PERMIT AND NOTICE OF OWNERSHIP CHANGE.....	28
15.0	REVOCATION OR SUSPENSION OF PERMIT	29
16.0	EXPIRATION DATE.....	29

FIGURES

Official Site Map

ATTACHMENTS

Attachment A - Complaint Procedures for Permitted Energy Facilities

Attachment B - Compliance Filing Procedures for Permitted Energy Facilities

1.0 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Blazing Star Wind Farm, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854. This permit authorizes Blazing Star Wind Farm, LLC to construct and operate the Red Pine Wind Project (Project), a 200.1-megawatt (MW) nameplate capacity Large Wind Energy Conversion System (LWECS) and associated facilities in Lincoln County, Minnesota. The LWECS and associated facilities shall be built within the site identified in this permit and as identified in the attached site permit map(s), hereby incorporated into this document.

1.1 Preemption

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

2.0 PROJECT DESCRIPTION

The Red Pine Wind Project will be up to 200.1 MW LWECS, consisting of 58 to 100 wind turbines ranging in size from 2.0 to 3.45 MW. The LWECS will consist of the following turbine models: Vestas V100-2.0 MW, Vestas, V117-3.3, Vestas V126-3.45 and Siemens SWT 2.3 as identified in the Permittee’s Site Permit Application as amended.

The initial project area included approximately 44,657 acres of land, of which the Project currently holds leases on 32,824 acres. Upon completion, the project site will include no more than 100 acres of land converted to wind turbines and associated facilities.

2.1 Associated Facilities

Associated facilities for the Project will include a project substation, an operation and maintenance building, turbine access roads, meteorological towers, underground communication and electrical collection lines, and a temporary staging/laydown construction area.

2.2 Project Location

The project is located in the following:

County	Township Name	Township	Range	Section
--------	---------------	----------	-------	---------

Lincoln	Ash Lake	111N	45W	5, 6, 12
Lincoln	Lake Stay	111N	44W	2-19, 21-28, 35, 36
Lincoln	Limestone	112N	44W	3-10, 13-36
Lincoln	Marble	113N	45W	36
Lincoln	Royal	112N	45W	1-3, 12, 13, 24, 25, 35, 36

3.0 DESIGNATED SITE

The site designated by the Commission in this permit is the site described below and shown on the site permit maps attached to this permit. Within the site permit boundary, the project and associated facilities shall be located on lands for which the permittee has obtained wind rights.

Upon completion, the total project site would be converted to wind turbine and associated infrastructure locations for a total of up to approximately 100 acres.

3.1 Turbine Layout

The preliminary wind turbine and associated facility layouts are shown on the official site maps attached to this permit. The preliminary layout represents the approximate location of wind turbines 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 final layout depicting the location of each wind turbine and associated facility shall be located within the project boundary. The project boundary serves to provide the Permittee with the flexibility to make minor adjustments to the preliminary 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 wind turbine and 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 10.3.

4.0 SETBACKS AND SITE LAYOUT RESTRICTIONS

4.1 Wind Access Buffer

Wind turbine towers shall not be placed less than five rotor diameters on the prevailing wind directions and three rotor diameters on the non-prevailing wind directions from the perimeter of

the property where the Permittee does not hold the wind rights, without the approval of the Commission. This section does not apply to public roads and trails.

4.2 Residences

Wind turbine towers shall not be located closer than 1,000 feet from all residences or the distance required to comply with the noise standards pursuant to Minn. R. 7030.0040, established by the Minnesota Pollution Control Agency, whichever is greater.

4.3 Noise

The wind turbine towers shall be placed such that the Permittee shall, at all times, comply with noise standards established by the Minnesota Pollution Control Agency as of the date of this permit and at all appropriate locations. The noise standards are found in Minnesota Rules Chapter 7030. Turbine operation shall be modified or turbines shall be removed from service if necessary to comply with these noise standards. The Permittee or its contractor may install and operate turbines as close as the minimum setback required in this permit, but in all cases shall comply with Minnesota Pollution Control Agency noise standards. The Permittee shall be required to comply with this condition with respect to all homes or other receptors in place as of the time of construction, but not with respect to such receptors built after construction of the towers.

4.4 Roads

Wind turbines and meteorological towers shall not be located closer than 250 feet from the edge of the nearest public road right-of-way.

4.5 Public Lands

Wind turbines and associated facilities including foundations, access roads, underground cable, and transformers, shall not be located in public lands, including, but not limited to, Waterfowl Production Areas, State Wildlife Management Areas, Scientific and Natural Areas or county parks. Wind turbine towers shall also comply with the setbacks of Section 4.1.

4.6 Wetlands

Wind turbines and associated facilities including foundations, access roads, underground cable and transformers, shall not be placed in public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits

and approvals by the Minnesota Department of Natural Resources and the United States Army Corps of Engineers, and local units of government as implementers of the Minnesota Wetlands Conservation Act.

4.6.1 Calcareous Fens

Should any calcareous fens be identified within the project area, the Permittee must work with MN DNR to determine if any impacts will occur during any phase of the Project. If the project is anticipated to impact any calcareous fens, the Permittee must develop a Calcareous Fen Management Plan in coordination with the MN DNR, as specified in Minn. Stat. 103G.223. Should a Calcareous Fen Management Plan be required, the approved plan must be submitted to the Commission 30 days prior to submittal of the site plan required in Section 10.3 of this Permit.

4.7 Native Prairie

Wind turbines 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 Minnesota Department of Natural Resources 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 10.3 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 Minnesota Department of Natural Resources, and the Commission.

4.8 Sand and Gravel Operations

Wind turbines and all associated facilities, including foundations, access roads, underground cable, and transformers shall not be located within active sand and gravel operations, unless otherwise negotiated with the landowner.

4.9 Wind Turbine Towers

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 95 meters (312 feet) above grade measured at hub height.

4.10 Turbine Spacing

The turbine towers shall be constructed within the site boundary as shown in the official site maps. The turbine towers shall be spaced no closer than three rotor diameters in the non-prevailing wind directions and five rotor diameters on the prevailing wind directions. If required during final micro-siting of the turbine towers to account for topographic conditions, up to 20 percent of the towers may be sited closer than the above spacing but the Permittee shall minimize the need to site the turbine towers closer.

4.11 Meteorological Towers

Permanent towers for meteorological equipment shall be free standing. Permanent meteorological towers shall not be placed less than 250 feet from the edge of the nearest public road right-of-way and from the boundary of the Permittee's site control, or in compliance with the county ordinance regulating meteorological towers in the county the tower is built, whichever is more restrictive. Meteorological towers shall be placed on property the Permittee holds the wind or other development rights.

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

All meteorological towers shall be fitted with the necessary equipment to install or attach acoustic recording devices to monitor wildlife activity.

4.12 Aviation

The Permittee shall not place wind turbines or associated facilities in a location that could create an obstruction to navigable airspace of public and private airports (as defined in Minn. R. 8800.0100, subp. 24(a) and 24(b)) in Minnesota, adjacent states, or provinces. The Permittee shall apply the minimum obstruction clearance for private airports pursuant to Minn. R. 8800.1900, subp. 5. Setbacks or other limitations shall be followed in accordance with the Minnesota Department of Transportation, Department of Aviation, and the Federal Aviation Administration. The Permittee shall notify owners of all known airports within six miles of the project prior to construction.

4.13 Footprint Minimization

The Permittee shall design and construct the project so as to minimize the amount of land that is impacted by the LWECS. Associated facilities located near turbines such as electrical/electronic boxes, transformers, and monitoring systems must, to the extent feasible, be mounted on the foundations used for turbine towers or inside the towers unless otherwise negotiated with the affected landowner.

5.0 GENERAL CONDITIONS

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

5.1 Notification

Within 14 days of permit issuance, the Permittee shall send a copy of the permit and the complaint procedures to any regional development commission, the Lincoln County Auditor, the Lincoln County 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. The Permittee shall contact landowners prior to entering the property or conducting maintenance within the site, unless otherwise negotiated with the affected landowner.

5.2 Construction and Operation Practices

The Permittee shall follow those specific construction practices, operation and maintenance practices, and material specifications described in the September 16, 2016 Site Permit Application as amended for a LWECS to the Commission for a site permit for the Red Pine Wind Project, dated September 16, 2016, and the record of the proceedings unless this permit establishes a different requirement.

5.2.1 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 at least 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.

5.2.2 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 at least 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, residents, local government units and other interested persons.

5.2.3 Employee Training and Education of Permit Terms and Conditions

The Permittee shall inform all employees, contractors, and other persons involved in the construction and ongoing operation of the LWECs of the terms and conditions of this permit.

5.2.4 Topsoil Protection

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

5.2.5 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.

5.2.6 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program.

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 must be graded as required such 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.

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 (NPDES)/State Disposal System (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.

5.2.7 Wetlands

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. Restoration of the wetlands will be performed by Permittee in accordance with the requirements of applicable state and federal permits or laws and landowner agreements.

5.2.8 Vegetation Management

The Permittee shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation and maintenance of the project.

The Permittee shall minimize the number of trees to be removed in selecting the site layout specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation, to the extent that such actions do not violate sound engineering principles.

5.2.9 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, Minnesota Department of Natural Resources, and the U.S. Environmental Protection Agency. 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.

5.2.10 Invasive Species

The Permittee shall develop an Invasive Species Prevention Plan to prevent the introduction or spread of invasive species on lands disturbed by Project construction activities. This requirement may be included as an element of the Soil Erosion and Sediment Control Plan.

5.2.11 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. The Permittee shall consult with landowners on the selection and use of seed for replanting.

5.2.12 Public Roads

At least 14 days prior to the pre-construction meeting, the Permittee shall identify all state, county, or township roads that will be used for the project and shall notify the Commission and the state, county, or township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these roads. Where practical, existing roadways shall be used for all activities associated with the project. Where practical, all-

weather roads shall be used to deliver cement, turbines, towers, assembled nacelles, and all other heavy components to and from the turbine sites.

The Permittee shall prior to the use of such roads, make satisfactory arrangements with the appropriate state, county, or township governmental body having jurisdiction over roads to be used for construction of the project, for maintenance and repair of roads that may be subject to increased impacts due to transportation of equipment and project components. The Permittee shall notify the Commission of such arrangements upon request.

5.2.13 Turbine Access Roads

The Permittee shall construct the least number of turbine access roads necessary to safely and efficiently operate the project and satisfy landowner requests. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. Access roads shall not be constructed across streams and drainage ways without required permits and approvals. When access roads are constructed across streams and drainage ways, the access roads shall be designed and constructed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. Any access roads that are constructed across streams shall be designed and constructed in a manner that maintains existing fish passage. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

5.2.14 Private Roads

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.

5.2.15 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to identified archaeological and historic resources when constructing the LWECs. In the event that a resource is encountered, the Permittee shall contact and consult with the State Historic Preservation Office 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 State Historic Preservation Office 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 at such location, 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.

5.2.16 Interference

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

The Permittee shall not operate the project so as to cause microwave, television, radio, telecommunications, or navigation interference in violation of Federal Communications Commission regulations or other law. In the event the project or its operations cause such interference, the Permittee shall take timely measures necessary to correct the problem.

5.2.17 Livestock Protection

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

5.2.18 Fences

The Permittee shall promptly replace or repair all fences and gates removed or damaged during all phases of the project's life unless otherwise negotiated with the affected landowner. When the Permittee installs a gate where electric fences are present, the Permittee shall provide for continuity in the electric fence circuit.

5.2.19 Drainage Tiles

The Permittee shall take into account, avoid, promptly repair or replace all drainage tiles broken or damaged during all phases of project's life unless otherwise negotiated with affected landowners. The Permittee shall notify the Commission of such arrangements up request.

5.2.20 Equipment Storage

The Permittee shall not locate temporary equipment staging areas on lands under its control unless negotiated with affected landowner. Temporary equipment staging areas shall not be located in wetlands or native prairie as defined in Sections 4.6 and 4.7.

5.2.21 Restoration

The Permittee shall, as soon as practical following construction of each turbine, restore the areas temporarily affected by construction 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 completion of the 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.

5.2.22 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.

5.2.23 Pollution and Hazardous Waste

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 restoration of the site.

5.2.24 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.

5.2.25 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.

5.2.26 Tower Identification

All turbine towers shall be marked with a visible identification number.

5.2.27 Federal Aviation Administration Lighting

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

5.3 Communication Cables

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

5.4 Electrical Collector and Feeder Lines

Collector lines that carry electrical power from each individual transformer associated with a wind turbine to an internal project interconnection point shall be buried underground. Collector lines shall be placed within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner.

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. Feeder line locations shall be negotiated with the affected landowner. Any overhead or underground feeder lines that parallel public roads shall be placed within the public rights-of-way or on private land immediately adjacent to public roads. If overhead feeder lines are located within public rights-of-way, the Permittee shall obtain approval from the governmental unit responsible for the affected right-of-way.

Collector and 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 in the site plan pursuant to Section 10.3.

5.5 Other Requirements

5.5.1 Safety Codes and Design Requirements

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

5.5.2 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 file documentation showing approval or issuance of such permits to the Commission.

The Permittee shall comply with all terms and conditions of permits or licenses issued by federal or state authorities including, but not limited to, the requirements of the MPCA (Section 401 Water Quality Certification, NPDES/ SDS stormwater permit for construction activity, and other site specific discharge approvals), DNR (License to Cross Public Lands and Water, Public Water Works Permit, and state protected species consultation), SHPO (Section 106 Historic Consultation Act), FAA determinations, and Mn/DOT (Utility Access Permit, Highway Access Permit, Oversize and Overweight Permit, and Aeronautics Airspace Obstruction Permit).

The Permittee shall consult with the United States Fish and Wildlife Service (USFWS) to determine if an Eagle Incidental Take Permit under the Bald and Golden Eagle Protection Act (BGEPA) is appropriate for the construction and operation of the wind energy facility. The Permittee shall consult with the USFWS to determine if an Incidental Take Permit under the Endangered Species Act (ESA) is appropriate for the construction and operation of the wind energy facility. All consultation with, and recommendations provided by the USFWS, shall be included in the ABBP filed with the Commission.

The Permittee shall comply with all terms and conditions of permits or licenses issued by the counties, cities, and municipalities affected by the project that do not conflict with or are not pre-empted by federal or state permits and regulations.

6.0 SPECIAL CONDITIONS

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

6.1 Scenic Byways

The Permittee shall coordinate with Mn/DOT and Lincoln County Promotion and Tourism, or another designated local stakeholder, to identify project related impacts to The King of Trails Scenic Byway (U.S. Highway 75). The Permittee will work to avoid impacts to the Scenic Byway; and mitigation strategies for unavoidable impacts must be developed in coordination with Mn/DOT, the local stakeholder group, and Department of Commerce

6.2 Operational Phase Fatality Monitoring

The Permittee shall utilize a qualified third party to conduct two full years of avian and bat fatality monitoring following the commencement of the operational phase of the project. Monitoring activities and results will be coordinated directly with MN DNR, USFWS, and the Commission. Detailed monitoring protocols, agency coordination, and any avoidance and minimization measures will be detailed in the project's ABPP.

7.0 SURVEYS AND REPORTING

7.1 Biological and Natural Resource Inventories

The Permittee, in consultation with the Commission and Minnesota Department of Natural Resources, shall design and conduct pre-construction desktop and field inventories of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas within the project site and assess the presence of state- or federally-listed or threatened species. The results of the inventories shall be filed with the Commission at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this permit.

The Permittee shall file with the Commission, any biological surveys or studies conducted on this project, including those not required under this permit.

7.2 Shadow Flicker

At least 14 days prior to the pre-construction meeting, the Permittee shall provide data on shadow flicker for each residence of non-participating landowners and participating landowners within and outside of the project boundary subject to exposure to turbine shadow flicker.

Information shall include the results of modeling used, assumptions made, and the anticipated levels of exposure from turbine shadow flicker for each residence. The Permittee shall provide documentation on its efforts to avoid, minimize and mitigate shadow flicker exposure. The results of any modeling shall be filed with the Commission at least 14 days prior to the pre-construction meeting to confirm compliance with conditions of this permit.

7.3 Wake Loss Studies

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the pre-construction micro-siting analysis leading to the final tower locations and an estimate of total project wake losses. As part of the annual report on project energy production required under Section 10.8 of the permit the Permittee shall file with the Commission any operational wake loss studies conducted on this project during the calendar year preceding the report.

7.4 Noise

The Permittee must file a proposed methodology for the conduct of a post-construction noise study at least 14 days prior to the pre-construction meeting. The Permittee shall develop the post-construction noise study methodology in consultation with the Department of Commerce. The study must incorporate the Department of Commerce Noise Study Protocol to determine the operating LWECS noise levels at different frequencies and at various distances from the turbines at various wind directions and speeds. The Permittee must conduct the post-construction noise study and file with the Commission the completed post-construction noise study within 18 months of commencing commercial operation.

7.5 Avian and Bat Protection

7.5.1 Avian and Bat Protection Plan

The Permittee shall comply with the provisions of their final avian and bat protection plan (ABPP) submitted for this project on [*date to be determined*], and revisions resulting from the annual audit of ABPP implementation. The ABPP must address steps to be taken to identify and mitigate impacts to avian and bat species during the construction phase and the operation phase of the project. The ABPP shall also include formal and incidental post-construction fatality monitoring, training, wildlife handling, documentation (e.g., photographs), and reporting protocols for each phase of the project.

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

7.5.2 Quarterly Incident Reports

The Permittee shall submit quarterly avian and bat reports to the Commission. Quarterly reports are due by the 15th of January, April, July, and October commencing the day following commercial operation and terminating upon the expiration of this permit. Each report shall identify any dead or injured avian and bat species, location of find by turbine number, and date of find for the reporting period in accordance with the reporting protocols. If a dead or injured avian or bat species is found, the report shall describe the potential cause of the occurrence (if known) and the steps taken to address future occurrences. The Permittee shall provide a copy of the report to the Minnesota Department of Natural Resources and to the U.S. Fish and Wildlife Service at the time of filing with the Commission.

7.5.3 Immediate Incident Reports

The Permittee shall notify the Commission, U.S. Fish and Wildlife Service, and the Minnesota Department of Natural Resources within 24 hours of the discovery of any of the following:

- (a) five or more dead or injured birds or bats within a five (5) reporting period;
- (b) one or more dead or injured state threatened, endangered, or species of special concern;
- (c) one or more dead or injured federally listed species, including species proposed for listings; or
- (d) one or more dead or injured bald or golden eagle(s).

7.5.4 Turbine Operation Curtailment Requirements

All operating turbines at the facility must be equipped and operated with software enabling adjustment of turbine cut-in speeds. The Permittee shall operate all facility turbines so that all

turbines are programmed to be locked or feathered at wind speeds up to the manufacturer's standard cut-in speed, from one-half hour before sunset to one-half hour after sunrise, from April 1 to October 31 of each year of operation through the life of the project.

8.0 AUTHORITY TO CONSTRUCT LWECS

8.1 Wind Rights

At least 14 days prior to the pre-construction meeting, the Permittee shall demonstrate that it has obtained the wind rights and any other rights necessary to construct and operate the project within the boundaries authorized by this permit.

Nothing in this permit shall be construed to preclude any other person from seeking a permit to construct a wind energy conversion system in any area within the boundaries of the project covered by this permit if the Permittee does not hold exclusive wind rights for such areas.

8.2 Power Purchase Agreement

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

8.3 Failure to Commence Construction

If the Permittee has not completed the pre-construction surveys required under this permit and commenced construction of the project within two years of the issuance of this permit, the Permittee must advise the Commission of the reason construction has not commenced. In such event, the Commission shall make a determination as to whether this permit should be amended or revoked. No revocation of this permit may be undertaken except in accordance with applicable statutes and rules, including Minn. R. 7854.1300.

9.0 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.

10.0 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. Attachment B to this permit contains a summary of compliance filings, which is provided solely for the convenience of the Permittee. If this permit conflicts, or is not consistent with Attachment B, the conditions in this permit will control.

10.1 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.

10.2 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.

10.3 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall provide the Commission, the Department of Commerce and the Lincoln County Environmental Office with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations of all turbines and other structures to be constructed including all electrical equipment, collector and feeder lines, pollution control equipment, fencing, roads, and other associated facilities; and procedures for cleanup and restoration. The documentation shall include

maps depicting the site boundary and layout in relation to that approved by this permit. The Permittee shall document, through GIS mapping, compliance with the setbacks and site layout restrictions required by this permit, including compliance with the noise standards pursuant to Minnesota Rules Chapter 7030. At the same time, the Permittee shall notify the affected landowners and city and town clerks that the site plan is on file with the Commission and the Lincoln County Office.

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

The Permittee may not commence construction until the 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, the Department of Commerce, the Lincoln County Environmental Office and the affected landowners, city and town clerks 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.

In the event that previously unidentified environmental conditions are discovered during construction that by law or pursuant to conditions outlined in this permit would preclude the use of that site as a turbine site, the Permittee shall have the right to move or relocate the turbine site. Under these circumstances, the Permittee shall notify the Commission, the MPCA, DNR, Department of Commerce, the Lincoln County Environmental Office and the affected landowners, city and town clerks of any turbines that are to be relocated, the previously unidentified environmental conditions and how the movement of the turbine mitigates the environmental impact 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.

10.4 Status Reports

The Permittee shall file with the Commission staff on progress regarding site construction. The Permittee need not report more frequently than monthly.

10.5 Notification to the Commission

At least three days before the project is to commence commercial operation, the Permittee shall file with the Commission the date on which the project will commence commercial operation and the date on which construction was completed.

10.6 As-Builts

Within 60 days after completion of construction, the Permittee shall submit to the Commission, copies of all final as-built plans and specifications developed during the project.

10.7 GPS Data

Within 60 days after completion of construction, the Permittee shall submit to the Department of Commerce, in the format requested by the Department of Commerce, geo-spatial information (e.g., ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the LWECS.

10.8 Project Energy Production

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

- (a) the installed nameplate capacity of the permitted project;
- (b) the total monthly energy generated by the project in MW hours;
- (c) the monthly capacity factor of the project;
- (d) yearly energy production and capacity factor for the project;
- (e) the operational status of the project and any major outages, major repairs, or turbine performance improvements occurring in the previous year; and
- (f) any other information reasonably requested by the Commission.

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

10.9 Wind Resource Use

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

10.10 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.

10.11 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, tower collapse, thrown blade, acts of sabotage, collector or feeder line failure, and injured worker or private person. The Permittee shall, within 30 days of the occurrence, file a report with the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

11.0 DECOMMISSIONING, RESTORATION, AND ABANDONMENT

11.1 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 (5) years thereafter. The plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration of the Project in accordance with the requirements of Minn. R. 7854.0500, subpart 13. 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 turbines, turbine foundations, underground collection cables, access roads, crane pads, substation(s), and other project components. The plan may also include anticipated costs for the replace of turbines or repowering the project by upgrading equipment.

The Permittee shall also submit the decommissioning plan to the local unit of government having direct zoning authority over the area in which the project is located. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its

requirements to properly decommission the project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

11.2 Site Restoration

Upon expiration of this permit, or upon earlier termination of operation of the project, or any turbine within the project, the Permittee shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment to a depth of four feet. Any agreement for removal to a lesser depth or no removal shall be recorded with the county and shall show the locations of all such foundations. To the extent feasible, the Permittee shall restore and reclaim the site to its pre-project topography and topsoil quality. 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.

11.3 Abandoned Turbines

The Permittee shall advise the Commission of any turbines that are abandoned prior to termination of operation of the project. The project, or any turbine within the project, shall be considered abandoned after one (1) year without energy production and the land restored pursuant to Section 11.2 unless a plan is developed and submitted to the Commission outlining the steps and schedule for returning the project, or any turbine within the project, to service.

12.0 COMMISSION AUTHORITY AFTER PERMIT ISSUANCE

12.1 Final Boundaries

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

12.2 Expansion of Site Boundaries

No expansion of the site boundaries 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 boundaries of the site for the project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

12.3 Periodic Review

The Commission shall initiate a review of this 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.

12.4 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.

12.5 More Stringent Rules

The Commission's 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.

12.6 Right of Entry

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

- (a) to enter upon the facilities easement of the site 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; and

- (d) to examine and copy any documents pertaining to compliance with the conditions of this permit.

12.7 Proprietary Information

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

13.0 PERMIT AMENDMENT

The Commission may amend this permit at any time if the Commission has good cause to do so, in accordance with Minn. R. 7854.1300, Subp. 2.

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.

14.0 TRANSFER OF PERMIT AND NOTICE OF OWNERSHIP CHANGE

The Permittee may not transfer this permit without the approval of the Commission. If the Permittee desires to transfer this permit, the holder shall advise the Commission in writing of such desire. The Permittee shall provide the Commission with such information about the transfer as the Commission requires in order to reach a decision. The Commission may impose additional conditions on any new Permittee as part of the approval of the transfer.

Within 20 days after the date of the notice provided in Section 10.6, the Permittee shall file a notice describing its ownership structure, identifying, as applicable:

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

The Permittee shall notify the Commission of:

- (a) a change in owner(s) of the majority* financial or governance interests in the Permittee;

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

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

The Permittee shall notify the Commission of:

- (a) the sale of a parent entity or a majority interest in the Permittee,
- (b) the sale of a majority interest of the Permittee's owners or majority interest of the owners, or,
- (c) a sale which changes the entity with ultimate control over the Permittee.

15.0 REVOCATION OR SUSPENSION OF PERMIT

The Commission may take action to suspend or revoke this permit upon the grounds that:

- (a) a false statement was knowingly made in the application or in accompanying statements or studies required of the Permittee, and a true statement would have warranted a change in the Commission's findings;
- (b) there has been a failure to comply with material conditions of this permit, or there has been a failure to maintain health and safety standards;
- (c) there has been a material violation of a provision of an applicable statute, rule, or an order of the Commission; or
- (d) the Permittee has filed a petition with the Commission requesting that the permit be revoked or terminated.

In the event the Commission determines that it is appropriate to consider revocation or suspension of this permit, the Commission shall proceed in accordance with the requirements of Minn. R. 7854.1300 to determine the appropriate action. Upon a finding of any of the above, the Commission may require the Permittee to undertake corrective measures in lieu of having this permit suspended or revoked.

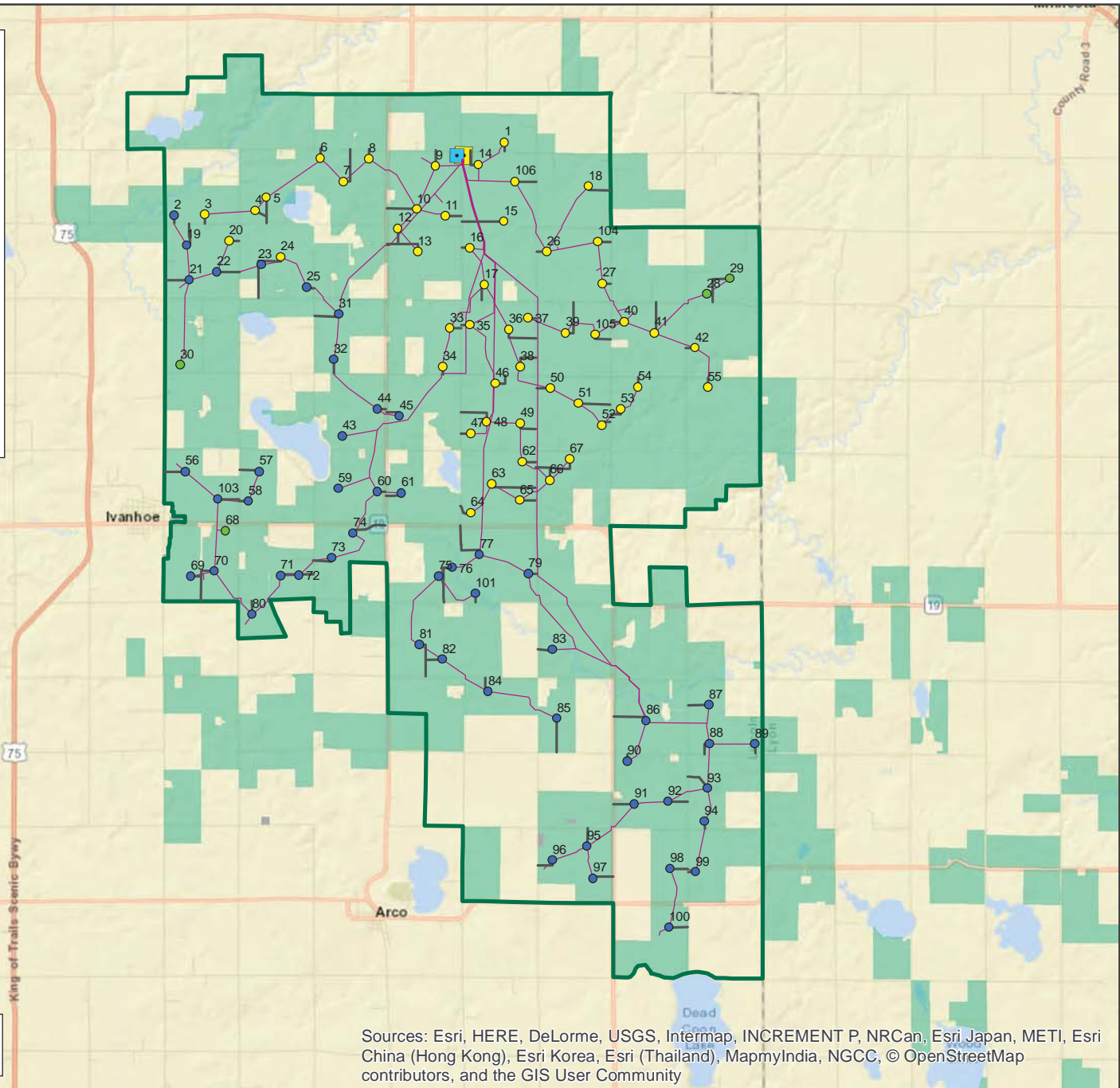
16.0 EXPIRATION DATE

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

Microsited Turbine Layout

Scenario 38

- Vestas V100 (50)
- V110 (50)
- Alternate (4)
- Preliminary Access Road
- Preliminary Collection
- Proposed Interconnection Substation
- Proposed Project Substation
- Project Participant
- Expected Project Participant
- Red Pine Project Boundary



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

**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 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 preparation, cleanup or restoration or other site and associated facilities 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 an individual to summarize complaints for the Commission. This person's name, phone number and email address shall accompany all complaint submittals.
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. date of complaint;
 - c. tract or parcel number; and
 - d. whether the complaint relates to a permit matter or a compliance issue.
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. activities undertaken to resolve the complaint; and
 - g. 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. 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 Consumer Affairs Office at 1-800-657-3782 (voice messages are acceptable) or consumer.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 and restoration, 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 Daniel P. Wolf, 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.

G. Complaints Received by the Commission

Complaints received directly by the Commission from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the permittee.

H. Commission Process for Unresolved Complaints

Commission staff shall perform an initial evaluation of unresolved complaints submitted to the Commission. Complaints raising substantial permit issues shall be processed and resolved by the Commission. Staff shall notify the permittee and appropriate persons if it determines that the complaint is a substantial complaint. With respect to such complaints, each party shall submit a written summary of its position to the Commission no later than ten days after receipt of the staff notification. The complaint will be presented to the Commission for a decision as soon as practicable.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to:

Shanelle Montana, Project Developer
Red Pine Wind Project, LLC
10 2nd Street NE, Suite 400
Minneapolis, MN 55413
Phone: (612) 486-4533
Fax: (612) 746-0777
Email: Shanelle.Montana@edf-re.com

This information shall be maintained current by informing the Commission of any changes as they become effective.

**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 Daniel P. Wolf, 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

ATTACHMENT B

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) Daniel P. Wolf, 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.

DRAFT

ATTACHMENT B

PERMIT COMPLIANCE FILINGS¹

PERMITTEE: Red Pine Wind Project, LLC
 PERMIT TYPE: LWECS Site Permit
 PROJECT LOCATION: Lincoln County
 PUC DOCKET NUMBER: IP-6646/WS-16-618

PRE-CONSTRUCTION MEETING

Permit Section	Description	Due Date	Notes	eDocket Doc. ID	Date Filed
4.7	Native Prairie Protection Plan	30 days prior to Site Plan submittal.	Develop in consultation with Commission and DNR.		
10.3	Site Plan	14 days prior to pre-construction meeting.			
5.2.1	Field Representative	14 days prior to starting construction.			
9.0	Complaint Reporting Procedures	Prior to the start of construction.			
7.1	Biological & Natural Resource Inventories	30 days prior to pre-construction Meeting.	Results may trigger need for a Native Prairie Protection Plan.		
7.2	Shadow Flicker Analysis	14 days prior to pre-construction meeting.			
5.2.15	Archaeological Resources	Prior to the start of construction and as recommended by the State Historic Preservation Office.			
5.2.16	Interference	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.

ATTACHMENT B

PRE-CONSTRUCTION MEETING (Cont.)

Permit Section	Description	Due Date	Notes	eDocket Doc. ID	Date Filed
7.3	Wake Loss	14 days prior to pre-construction meeting.			
5.2.12 & 6.1	Road Identification	14 days prior to pre-construction meeting.	Document consultation on Scenic Byways		
5.2.6	Soil Erosion & Sediment Control Plan	14 working days prior to pre-construction.	May be the same as NPDES SWPPP.		
10.10	Emergency Response	14 days prior to pre-construction meeting.	Must register in 911 Program.		
8.1	Wind Rights	14 days prior to pre-construction meeting.			
4.6.1	Calcareous Fen Management Plan	30 days prior to Site Plan submittal.	Develop in consultation with DNR only if calcareous fens will be impacted.		

PRE-OPERATION COMPLIANCE MEETING

Permit Section	Description	Due Date	Notes	eDocket Doc. ID	Date Filed
10.2	Pre-operation compliance meeting	14 days prior to commercial operation.			
7.4	Noise Study Protocol	14 days prior to pre-operation meeting.			
10.10	Revised Emergency Response Plan	14 day prior to pre-operation meeting.	Must register in 911 Program.		
11.1	Decommissioning Plan	14 days prior to pre-operation meeting.			

ATTACHMENT B

OTHER REQUIREMENTS

Permit Section	Description	Due Date	Notes	eDocket Doc. ID	Date Filed
5.1	Notice to Local Government Units	Within 14 days of permit issuance.			
5.1	Notice to Landowners	Within 30 days of permit issuance.			
5.2.2	Site Manager	14 days prior to prior to commercial operation.	Update contact information as necessary.		
9.0	Complaints	Complaint submittals on the 15 th of each month or within 24 hours.	Must eFile report even if no complaints.		
7.4	Noise Study Results	Within 18 months of Commercial Operation.			
7.5.1	Avian and Bat Protection Plan	Final Due Before Permit Issuance with continued updates as necessary thereafter. Annual Audit due 3/15 each year.	In coordination with Commission, MN DNR, and USFWS.		
7.5.2 & 7.5.3	Avian and Bat Reporting Requirements	Quarterly reports due and within 24 hours of discovery of certain species.			
10.8	Project Energy Production	Due 2/1 each year.			
10.9	Wind Resource Use	Due 2/1 each year.			
10.11	Extraordinary Events	Within 24 hours and report on occurrence of event within 30 days.			
10.6 & 10.7	As Builts and GPS Data	Within 60 days of completion of construction.			
8.2	PPA or Enforceable Mechanism	Within 2 years of permit issuance.	If no PPA or enforceable mechanism at permit issuance.		
8.3	Failure to Start Construction	Within 2 years of permit issuance.			