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Minneapolis, MN 55401

August 31, 2022

**VIA ELECTRONIC FILING**

Mr. Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 Seventh Place East, Suite 350  
Saint Paul, MN 55101-2147

**Re: In the Matter of the Application for a Site Permit Amendment to Repower the Existing 200 Megawatt Pleasant Valley Wind Project in Dodge and Mower Counties, Minnesota  
MPUC Docket No. IP6828/WS-09-1197**

Dear Mr. Seuffert:

Northern States Power Company, doing business as Xcel Energy, (“Applicant”) respectfully submits these comments requesting additional clarifications and revisions to the proposed Draft Site Permit Amendment efiled by the Department of Commerce, Energy Environmental Review and Analysis (“DOC-EERA”) on June 21, 2022 (“Proposed Draft Site Permit”). A brief description of Xcel Energy’s proposed changes includes:

- Cover page – Minor clarification to read “This permit shall expire twenty-five (25) years from date of this amendment.”
- Section 1 – Revise the Project Description to reflect that the amended site permit authorizes repowering activities at the existing wind farm. Additionally, corrections are made to reflect the proposed rotor diameter of the Vestas V110 wind turbines and additional text is added to note that construction activities include installation of an aircraft detection lighting system (“ADLS”).
- Section 4.1 – Since filing the Application, Xcel Energy has successfully negotiated additional agreements with landowners, reducing the total number of wind turbines that Xcel Energy is requesting wind access buffer setback waivers from 25 to 22. Based on these agreements, Turbines 43, 44 and 92 can be removed from the waiver list. Additionally, in recent wind repower site permit amendment dockets, including Xcel Energy’s Nobles and Grand Meadow Repowers dockets, when granting wind access buffer setback waiver requests, the Commission has included language requiring the Permittee to extend a final offer to remaining landowners for the same amount and terms agreed to by other landowners in similar circumstances or their last offer, whichever is higher. Xcel Energy suggests similar language be added to the Pleasant Valley amended site permit for consistency.

- Section 5.7 – Suggest striking the requirement for a pre-operations meeting. Other repower projects have not had a pre-operations meeting given that the existing wind farm has been operating for many years prior to the repower activities.
- Section 6.2 - Suggest adding language from more recent site permits pertaining to a shadow flicker mitigation plan for any residences modeled to experience more than 30 hours of shadow flicker per year unless an alternate agreement has been reached with the landowner.
- Section 7.16 – Revise to remove reference to pre-operations meeting.
- Section 10.3 – Revise to reflect Xcel Energy’s plans to begin construction in May 2025, after spring road restrictions are lifted. Given the potential timing of a Commission decision in this docket, construction may begin just after the 2-year period contemplated in this section. Rather than requiring an automatic notice, Xcel Energy proposes revising this section to reflect the currently planned construction timeline.
- Section 12 - Correct to reflect the 25-year duration of the amended site permit.
- New Section 13.2 - Suggest adding a special condition requiring quarterly labor statistics reporting during construction, consistent with other recent site permits issued by the MPUC.
- Attachment 2 – Complaint Reporting – Update to reflect contact information for Xcel Energy. Additionally, the Applicant requests that Commission staff confirm the most recent version of the Commission’s standard complaint reporting procedures are included in the amended Site Permit.
- Attachment 4 – Update to remove references to pre-operations compliance requirements and make other conforming changes.

These proposed changes are reflected in the revised Draft Site Permit included as Attachment A. In Attachment A, all of DOC-EERA’s proposed changes have been accepted such that only Xcel Energy’s additional edits appear in as redline changes.

A copy of this filing is also being served upon the persons on the Official Service List of record. Please let me know if you have any questions regarding this filing.

Sincerely,

*/s/ Matt Langan*

Matt Langan  
Principal Agent, Siting and Land Rights  
Xcel Energy

~~EERA~~ XCEL ENERGY DRAFT SITE PERMIT AMENDMENT

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

LARGE WIND ENERGY CONVERSION SYSTEM SITE  
PERMIT FOR THE PLEASANT VALLEY WIND PROJECT

IN  
DODGE AND MOWER COUNTIES  
ISSUED TO

Northern States Power Company d/b/a Xcel Energy

PUC DOCKET NO. IP-6828/WS-09-1197

In accordance with Minnesota Statutes section 216F.04 this site permit is hereby issued to:

Northern States Power Company d/b/a Xcel Energy

Northern States Power Company d/b/a Xcel Energy is authorized to construct and operate up to 220 Megawatt Large Wind Energy Conversion System, the Pleasant Valley Wind Repower Project on the site identified in this site permit and in compliance with the conditions contained in this permit.

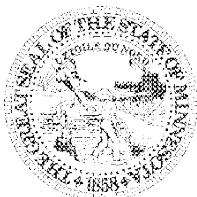
This permit shall expire ~~on~~ twenty five (25) years from the date of this amendment.

Approved and adopted this ~~[DATE]~~\_\_ day of ~~[MONTH,~~  
~~YEAR]~~\_\_\_\_, \_\_\_\_\_

BY ORDER OF THE COMMISSION

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William Seuffert  
Executive Secretary



This document can be made available in alternative formats (i.e., large print or audio) by calling 651-296-0406 (voice). Persons with hearing or speech disabilities may call us through their preferred Telecommunications Relay Service.

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## SITE PERMIT

This **SITE PERMIT** for a Large Wind Energy Conversion System (LWECS) authorizes Northern States Power Company d/b/a Xcel Energy (“Permittee”) to construct and operate the Pleasant Valley Wind Repower Project (“Project”), up to a 220 Megawatt (MW) nameplate capacity LWECS and associated facilities in Dodge and Mower counties, on a site of approximately 45,449 acres in accordance with the conditions contained in this permit.

### SECTION 1 PROJECT DESCRIPTION

The ~~up to 220 MW nameplate capacity LWECS authorized to be constructed in this permit will be developed and constructed by the Permittee. The Project will consist of up to~~ project is a repowering of the existing Pleasant Valley Wind Project. The repowering includes: (1) replacing the existing 100 Vestas V100 turbines with Vestas V110-2.2 MW wind turbine-generators on 311.7 foot (95 meter) towers with a rotor diameter of 328.1 feet (100 meters) having a combined nominal nameplate capacity of approximately 220 MW. Associated facilities will include wind 360.9 feet (110 meters); (2) replacing equipment within the turbine nacelles; and (3) installing a lighting detection system.

There are no changes to existing turbine access roads locations, turbine towers, underground electrical collection system, supervisory control and data acquisition (“SCADA”) wiring, feeder or collector lines, pad mounted turbine transformers, and up to two or two existing meteorological towers. Power will ultimately be delivered to the existing Pleasant Valley Substation. The nameplate capacity of the project will increase from 200 MW to 220 MW, but generation at the interconnection point remains at 200 MW per the MISO interconnection agreement.

### SECTION 2 DESIGNATED SITE

#### 2.1 PROJECT BOUNDARY

The Project boundary is shown on the map at Attachment 1. The Project is located in Mower and Dodge counties, in the townships of Hayfield (T105N, R17W) Sections 24, 25, and 32-36 ~~31, 34~~ and Vernon (T105N, R16W) ~~Sections~~ Sections 19, 20, and 29-32 in southern Dodge County and in the townships of Waltham (T104N, R17W) Sections 1-5, 10-15, 22-24, and 36,

Sargeant/City of Sargeant (T104N, R16W) Sections 18 and 19, Sargeant (T104N, R16W) Sections 5-11, 14-22, and 27-34, Red Rock (T103N, R17W) Sections 1 and 12, and Dexter (T103N, R16W) Sections 3-9, 14-30, and 33 in northern Mower County.

#### 2.2 TURBINE LAYOUT

The layout of wind turbine generators and associated facilities is shown in Attachment 1. This layout represents the location of existing wind turbines and associated facilities within the



Project boundary and identifies a layout that minimizes the overall potential human and environmental impacts, which were evaluated in the

initial permitting process. The final layout depicting the location of each wind turbine and associated facility is located within the Project boundary.

The Project boundary serves to provide the Permittee with the flexibility to do minor adjustments to the preliminary layout to accommodate landowner requests, unforeseen conditions encountered during the detailed engineering and design process, and federal and state agency requirements. Any modification of the location of a wind turbine and associated facility to a 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 5.1. The Permittee shall submit the final site layout in the site plan pursuant to Section 5.1.

### **SECTION 3 APPLICATION COMPLIANCE**

The Permittee shall comply with those practices set forth in its amended site permit application, dated April 29, 2022, and the record of this proceeding unless this permit establishes a different requirement in which case this permit shall prevail.

Attachment 4 contains a summary of compliance filings required under this permit, which is provided solely for the convenience of the Permittee. If this permit conflicts or is not consistent with Attachment 4, the conditions in this permit will control.

### **SECTION 4 SETBACKS AND SITE LAYOUT RESTRICTIONS**

#### **4.1 WIND ACCESS BUFFER**

Wind turbine towers shall not be placed less than five (5) rotor diameters (RD) on the prevailing wind directions and three (3) RD on the non-prevailing wind directions from the perimeter of the property where the Permittee does not hold the wind rights, -excepted those turbines listed in this section as having waivers from the Commission. This section does not apply to public roads and trails.

The Commission has waived the wind access buffer setbacks for ~~25~~22 turbines, including turbines 1, 3, 8-11, 24, 32, ~~43, 44,~~ 53-55, 58, 64, 66, 70, 77, 80, 85, ~~92,~~ and 96-99.

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

## **4.2 RESIDENCES**

In no case shall a wind turbine be located closer than 1,000 feet to a residence. Wind turbine towers shall not be located closer than 1,000 feet from residences of participating landowners or the distance required to comply with the noise standards pursuant to Minnesota Rule 7030.0040 established by the Minnesota Pollution Control Agency (MPCA), whichever is greater.

Wind turbine towers shall not be located closer than 1,500 feet from residences of non-participating landowners unless a waiver has been signed by the property owner(s) or the distance required to comply with the noise standards pursuant to Minnesota Rule 7030.0040 established by the MPCA, whichever is greater.

## **4.3 NOISE**

The wind turbine towers shall be placed such that the Permittee shall comply with noise standards established as of the date of this permit by the MPCA at all times 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 MPCA 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 turbine 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 Waterfowl Production Areas, Wildlife Management Areas, Scientific and Natural Areas or county parks, and 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 defined in Minnesota Statutes section 103G.005, subdivision 15a, 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.

## **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 Minnesota Statutes section 84.02, subdivision 5, or lands enrolled in the Native Prairie Bank program as provided for in Minnesota Statutes section 84.96, unless addressed in a prairie protection and management plan. Construction activities, as defined in Minnesota Statutes section 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 Minnesota Statute 84.02, subdivision 5, or lands enrolled in the Native ~~Prarie~~Prairie Bank Program, are identified within the site boundaries.

The Permittee shall file the plan with the site plan required by Section 5.1 of this permit. The plan shall address steps that will be taken to avoid impacts to native prairie and, if applicable, mitigation to unavoidable impacts to native prairie including 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.

#### **4.8 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 with notice given to the owner of the sand and gravel operation.

#### **4.9 WIND TURBINE TOWERS**

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 311.7 feet (95 meters) above grade measured ~~at~~ from the top of the foundation to hub height.

#### **4.10 TURBINE SPACING**

The turbine towers shall be constructed within the site boundary as shown in Attachment 1. The turbine towers shall be spaced no closer than three (3) RD in the non-prevailing wind directions and five (5) RD 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 (FAA). There shall be no lights on the meteorological towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

#### **4.12 AVIATION**

The Permittee shall not place wind turbines or associated facilities in a location that could create an obstruction to navigable airspace of public and private airports (as defined in Minnesota Rule 8800.0100, subparts 24a and 24b) in Minnesota, adjacent states, or provinces. The Permittee shall apply the minimum obstruction clearance for private airports pursuant to Minnesota Rule 8800.1900, subpart 5.

Setbacks or other limitations shall be followed in accordance with the Minnesota Department of Transportation (Mn/DOT), Department of Aviation, and the FAA. The Permittee shall notify owners of all known airports within six (6) miles of the Project prior to construction.

#### **4.13 FOOTPRINT MINIMIZATION**

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

#### **4.14 COMMUNICATION CABLES**

The Permittee shall place all SCADA communication cables underground and within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner(s).

#### **4.15 ELECTRICAL COLLECTOR AND FEEDER LINES**

Collector and feeder lines comprise the electrical collection system. 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(s).

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(s).

Any overhead 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 5.1.

The Permittee must fulfill, comply with, and satisfy all Institute of Electrical and Electronics Engineers, Inc. (IEEE) standards applicable to this Project including, but not limited to, IEEE 776 [Recommended Practice for Inductive Coordination of Electric Supply and Communication Lines], IEEE 519 [Harmonic Specifications], IEEE 367 [Recommended Practice for Determining the Electric Power Station Ground Potential Rise and Induced Voltage from a Power Fault], and

IEEE 820 [Standard Telephone Loop Performance Characteristics] provided the telephone service provider(s) have complied with any obligations imposed on it pursuant to these standards. Upon request by the Commission, the Permittee shall report to the Commission on compliance with these standards.

## **SECTION 5 ADMINISTRATIVE COMPLIANCE PROCEDURES**

The following administrative compliance procedures shall be executed in accordance with the Permit Compliance Filings at Attachments 3 and 4. Submissions to the Commission must be made by electronic filing (eFiling).

### **5.1 SITE PLAN**

At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall submit to the Commission:

- (a) a repowering site plan for all turbines, roads, electrical equipment, collector and feeder lines, and other associated facilities to be constructed;
- (b) engineering drawings for site preparation and construction of the facilities; and
- (c) a plan for restoration of the site due to construction.

The Permittee may submit a repowering 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 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. In the event that previously unidentified environmental conditions are discovered during construction, which 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 turbine site. The Permittee shall notify the Commission of any turbines that are to be relocated before the turbine is constructed on the new site and demonstrate compliance with the setbacks and site layout restrictions required by this permit.

## **5.2 NOTICE TO LOCAL RESIDENTS**

Within fourteen (14) days of the amended permit issuance, the Permittee shall send a printed copy of the permit to the office of the auditor of each county in which the site is located and to the clerk of each city and township within the site boundaries. As applicable, the Permittee shall, within fourteen (14) days of permit issuance, send a printed copy of this permit to each

regional development commission, local fire district, soil and water conservation district, watershed district, and watershed management district office with jurisdiction in the county where the site is located. Within thirty (30) days of permit issuance, the Permittee shall send an abbreviated explanatory letter to each landowner within the Project boundary.

The letter shall summarize the changes to the permit and provide instructions for accessing the permit online and obtaining a printed copy. The Permittee shall have the letter approved by Commission staff before sending it. In no case shall the landowner receive this site permit and complaint procedure, developed pursuant to Section 5.8, less than five (5) days prior to the start of construction on their property.

## **5.3 NOTICE OF PERMIT CONDITIONS**

Prior to the start of construction, the Permittee shall inform all employees, contractors, and other persons involved in the construction and ongoing operation of the Project of the terms and conditions of this permit.

## **5.4 FIELD REPRESENTATIVE**

At least fourteen (14) days prior to the pre-construction meeting and continuously throughout construction, including site restoration, the Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this permit during the construction phase of this Project. This person (or a designee) shall be accessible by telephone during normal working hours. This person's address, phone number, and emergency phone number shall be filed with the Commission, which may make the number available to local residents and officials and other interested persons. The Permittee may change the field representative by notification to the Commission by eFiling.

## **5.5 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 this Project. The Permittee shall provide the Commission with the name, address, and phone number, and emergency phone number of the site manager fourteen (14) days prior to placing any turbine into commercial operation. This information shall be maintained current by informing the Commission of any changes by eFiling, as they become effective.

## **5.6 PRE-CONSTRUCTION MEETING**

Prior to the start of any repowering construction, representatives of the Permittee, the Field Representative, and the Department of Commerce State Permit Manager for this project shall

participate in a pre- construction meeting to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. The Permittee shall file with the Commission within fourteen (14) days following the pre-construction meeting a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the project's construction start date.

### **5.7 PRE-OPERATION COMPLIANCE MEETING**

~~Prior to beginning commercial operation following repowering construction, representatives of the Permittee, the Site Manager and the Department of Commerce State Permit Manager shall participate in a pre-operation compliance meeting to review compliance reporting requirements. The Permittee shall file with the Commission within fourteen (14) days following the pre-operation meeting a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the project's date of commercial operation.~~

### **5.7 5.8 COMPLAINTS**

At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall file with the Commission the company's procedures to be used to receive and respond to complaints. The Permittee shall report to the Commission all complaints received concerning any part of the Project in accordance with the procedures provided in Attachments 2 and 3 of this permit.

## **SECTION 6 SURVEYS AND REPORTING**

### **6.1 BIOLOGICAL AND NATURAL RESOURCE INVENTORIES**

The Permittee, in consultation with the Commission and DNR, shall design and conduct pre-construction desktop and field inventories of potentially impacted, native prairies, wetlands, and any other biologically sensitive areas within the site, and assess the presence of state threatened, endangered, or species of special concern or federally listed species. The results of these inventories shall be filed at least thirty (30) days prior to the pre-construction meeting to confirm compliance of conditions in this permit.

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

### **6.2 SHADOW FLICKER**

At least fourteen (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 ~~form~~[from](#) 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 minimize shadow flicker exposure. The results of any modeling shall be filed with the Commission at least fourteen (14) days prior to the pre-construction meeting to confirm compliance with conditions of this permit.

The Permittee shall develop a project wide Shadow Flicker Management Plan that reduces shadow flicker exposure to less than 30 hours per year for all occupied residences.

The Permittee may exclude from the Shadow Flicker Management Plan residences that exceed 30 hours per year by providing documentation that the landowners have reached an alternative agreement as it relates to shadow flicker. If agreement is reached with a landowner regarding shadow flicker after the pre-construction meeting the Permittee may remove that residence from coverage under the plan.

### **6.3 ARCHAEOLOGICAL RESOURCES**

The Permittee shall work with the State Historic Preservation Office (SHPO) and the State Archaeologist. The Permittee shall carry out a Phase 1 or 1A Archaeology survey for all proposed turbine locations, access roads, junction boxes, and other areas of Project construction impact to determine whether additional archaeological work is necessary for any part of the proposed Project. The Permittee shall contract with a qualified archaeologist to complete such surveys, and shall submit the results to the Commission, the SHPO, and the State Archaeologist at least fourteen (14) days prior to the pre-construction meeting.

The SHPO and the State Archaeologist will make recommendations for the treatment of any significant archaeological sites which are identified. Any issues in the implementation of these recommendations will be resolved by the Commission in consultation with SHPO and the State Archaeologist. In addition, the Permittee shall mark and preserve any previously unrecorded archaeological sites that are found during construction and shall promptly notify the SHPO, the State Archaeologist, and the Commission of such discovery. The Permittee shall not excavate at such locations until so authorized by the Commission in consultation with the SHPO and the State Archaeologist.

If human remains are encountered during construction, the Permittee shall immediately halt construction at that location and promptly notify local law enforcement authorities and the State Archaeologist. Construction at the human remains location shall not proceed until authorized by local law enforcement authorities or the State Archaeologist.

If any federal funding, permit, or license is involved or required, the Permittee shall notify the SHPO as soon as possible in the planning process to coordinate section 106 (36 C.F.R. part 800) review.

Prior to construction, 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 any archaeological sites are found during construction, the Permittee shall immediately stop work at the site and shall mark and preserve the site and notify the Commission the SHPO about the discovery. The Commission and the SHPO shall have three (3) working days from the time the agency is notified to conduct an inspection of the site if either agency shall choose to do so. On the fourth day after notification, the Permittee may begin work on the site unless the SHPO has directed that work shall cease. In such event, work shall not continue until the SHPO determines that construction can proceed.



## **6.4 INTERFERENCE**

At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall submit a plan to the Commission for conducting 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 assessment shall be completed and eFiled prior to installation of the turbines. 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.

## **6.5 WAKE LOSS STUDIES**

At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall file 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 6.8 of the permit the Permittee shall file any operational wake loss studies conducted on this Project during the calendar year preceding the report.

## **6.6 NOISE**

The Permittee shall file a proposed methodology for the conduct of a post-construction noise study at least fourteen (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 completion of the repowering project.

## **6.7 AVIAN AND BAT PROTECTION**

The Permittee shall utilize a qualified third party to conduct a minimum of two full years of avian and bat facility monitoring following the commencement of the operational phase of the project. Monitoring activities and results will be coordinated directly with the Minnesota Department of Natural Resources, U.S. Fish and Wildlife Services, the Department of Commerce, and the Commission. Detailed monitoring protocols, agency coordination, and any avoidance and minimization measures will be detailed in the project's Bird and Bat Conservation Strategy (BBCS).

### 6.7.1 AVIAN AND BAT PROTECTION PLAN

The Permittee shall, ~~shall~~ comply with the provisions of the March 2022 BBCS submitted for this project as part of the April 29, 2022, Site

Permit Amendment Application, and all necessary revisions that occur during the permit issuance process will be incorporated into a Permit Version. The Permit Version of the BBCS will be filed with the Commission at least 14 days before the pre-construction meeting and revisions will include any updates associated with final construction plans. The BBCS 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 BBCS 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 BBCS 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 BBCS 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 DNR and to the U.S. Fish and Wildlife Service (USFWS) at the time of filing with the Commission.

### 6.7.2 QUARTERLY INCIDENT REPORTS

The Permittee shall submit quarterly avian and bat reports to the Commission. Quarterly reports are due by the 15th of each 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 DNR and to the USFWS at the time of filing with the Commission.

### 6.7.3 IMMEDIATE INCIDENT REPORTS

The Permittee shall notify the Commission, EERA, the USFWS, and the DNR within twenty-four (24) hours of the discovery of any of the following:

- (a) five or more dead or injured birds or bats, at an individual turbine location, within a five -day reporting period;
- (b) twenty or more dead or injured birds or bats, across the entire facility, within a five day reporting period;

- (c) one or more dead or injured state threatened, endangered, or species of special concern;
- (d) one or more dead or injured federally listed species, including species proposed for listing; or
- (e) one or more dead or injured bald or golden eagle(s).

In the event that one of the five discoveries listed above should be made, the Permittee must file with the Commission within the seven days, a compliance report identifying the details of what discovered, the turbine where the discovery was made, a detailed log of agencies and individuals contacted, and current plans being undertaken to address the issue.

#### 6.7.4 Turbine Operational Curtailment

The Permittee shall operate all facility turbines so that all turbines are locked or feathered up to the manufacturer's standard cut-in speed from one-half hour before sunset to one-half hour after sunrise of the following the day from April 1 to October 31 of each year of operation. All operating turbines at the facility must be equipped with operational software that is capable of allowing for adjustment of turbine cut-in speeds.

### 6.8 PROJECT ENERGY PRODUCTION

The Permittee shall by February 1st following each complete or partial year of Project operation file a report with the Commission 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 filed electronically.

### 6.9 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 filed electronically.

### 6.10 EXTRAORDINARY EVENTS

Within twenty-four (24) hours 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, collector or feeder line failure, and injured LWECS worker or private person. The Permittee shall, within thirty (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.

## **SECTION 7 CONSTRUCTION AND OPERATION PRACTICES**

### **7.1 SITE CLEARANCE**

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.

### **7.2 TOPSOIL PROTECTION**

The Permittee shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner(s).

### **7.3 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.

### **7.4 LIVESTOCK PROTECTION**

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

### **7.5 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(s). When the Permittee installs a gate where electric fences are present, the Permittee shall provide for continuity in the electric fence circuit.

### **7.6 DRAINAGE TILES**

The Permittee shall take into account the location of drainage tiles during Project layout and construction. The Permittee shall promptly repair or replace all drainage tiles broken or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner(s).

### **7.7 EQUIPMENT STORAGE**

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

### **7.8 ROADS**

### 7.8.1 PUBLIC ROADS

At least fourteen (14) 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 will be subject to extra wear and tear due to transportation of equipment and Project components. The Permittee shall notify the Commission of such arrangements upon request of the Commission.

### 7.8.2 TURBINE ACCESS ROADS

The Permittee shall construct the least number of turbine access roads it can. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class five gravel or similar material. Access roads shall not be constructed across streams and drainage ways without required permits and approvals from the DNR, USFWS, and/or USACE.

When access roads are constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. The access or intersection points with the public roadways shall be located in accordance with all necessary township, county or state road requirements and permits. The access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

### 7.8.3        ~~7.9~~ 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(s).

### 7.9 ~~7.10~~ CLEANUP

The Permittee shall remove all waste and scrap that is the product of construction, operation, restoration, and maintenance from the site and properly dispose of it upon completion of each task. Personal litter, bottles, and paper deposited by site personnel shall be removed on a daily basis.

### 7.10 ~~7.11~~ TREE REMOVAL

The Permittee shall minimize the removal of trees and the Permittee shall not remove groves of trees or shelter belts without notification to the Commission and the approval of the affected landowner(s).

### 7.11 ~~7.12~~ SOIL EROSION AND SEDIMENT CONTROL

The Permittee shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the Plan to the Commission at least fourteen (14) days prior to the pre-construction meeting. This Plan may be the same as the Storm Water Pollution Prevention Plan (SWPPP) submitted to the MPCA as part of the National Pollutant Discharge Elimination System (NPDES) permit application.

The Soil Erosion and Sediment Control Plan shall address what types of erosion control measures will be implemented during each Project phase and shall at a minimum identify: plans for grading, construction, and drainage of roads and turbine pads; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive re-vegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary Project activities; and measures to minimize the area of surface disturbance.

Other practices shall include containing excavated material, protecting exposed soil, and stabilizing restored material and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material. Erosion and sedimentation control measures shall be implemented prior to construction and maintained throughout the Project's life.

The Permittee shall develop an invasive species prevention plan to prevent the introduction 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.

### 7.12 ~~7.13~~ RESTORATION

The Permittee shall, as soon as practical following construction of each turbine, considering the weather and preferences of the affected landowner(s), restore the area affected by any Project activities to the condition that existed immediately before construction began, to the extent possible. The time period may be no longer than twelve (12) months after completion of construction of the turbine, unless otherwise negotiated with the affected landowner(s).

Restoration shall be compatible with the safe operation, maintenance, and inspection of the Project.

### 7.13 ~~7.14~~ HAZARDOUS WASTE

The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean-up, and disposal of hazardous wastes generated during any phase of the Project's life.

### 7.14 ~~7.15~~ APPLICATION OF HERBICIDES

The Permittee shall restrict herbicide use to those herbicides and methods of application approved by the Minnesota Department of Agriculture and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. The Permittee shall contact the landowner or his designee to obtain approval for the use of herbicide prior to

any application on their property. The landowner may request that there be no application of herbicides on any part of the site within the landowner's property. All herbicides shall be applied in a safe and cautious manner so as to not damage property, including crops, orchards, tree farms, or gardens. The Permittee shall also, at least fourteen (14) days prior to the application, notify beekeepers with an active apiary within one mile of the proposed application site of the day the company intends to apply herbicide so that precautionary measures may be taken by the beekeeper.

#### 7.15 ~~7.16~~ PUBLIC SAFETY

The Permittee shall provide educational materials to landowners within the site boundary 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 Minnesota Statutes section 216D.01, subdivision 11, to Gopher State One Call.

#### 7.16 ~~7.17~~ EMERGENCY RESPONSE

The Permittee shall prepare an emergency response plan (fire protection and medical emergency plan) in consultation with the emergency responders having jurisdiction over the area prior to Project construction. The Permittee shall submit a copy of the plan to the Commission at least fourteen (14) days prior to the pre-construction meeting ~~and a revised plan, if any, at least fourteen (14) days prior to the pre-operation compliance meeting~~. The Permittee shall also register the Project with the local governments' emergency 911 services.

#### 7.17 ~~7.18~~ TOWER IDENTIFICATION

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

#### 7.18 ~~7.19~~ FEDERAL AVIATION ADMINISTRATION LIGHTING

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

The Permittee shall install and employ an FAA-approved lighting mitigation system, such as an aircraft detection lighting system (ADLS), light intensity dimming solution (LIDS), or other FAA- approved mitigation method. The Permittee shall describe the lighting mitigation system used for the project in its site plan.

## SECTION 8 FINAL CONSTRUCTION

### 8.1 AS-BUILT PLANS AND SPECIFICATIONS

Within sixty (60) days after completion of construction, the Permittee shall file with the Commission a copy of the as-built plans and specifications. The Permittee must also file this data

in a GIS compatible format so that the Commission can place it into the Minnesota Geospatial Information Office's geographic data clearinghouse located in the Office of Enterprise Technology.

## **8.2 FINAL BOUNDARIES**

After completion of construction, the Commission shall determine the need to adjust the final boundaries of the site required for this Project. If done, this permit may be modified, after notice and opportunity for public hearing, to represent the actual site required by the Permittee to operate the Project authorized by this permit. The final Project Area will be approximately 45,449 acres.

## **8.3 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.

## **8.4 NOTIFICATION TO THE COMMISSION**

At least three (3) 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.

# **SECTION 9 DECOMMISSIONING, RESTORATION, AND ABANDONMENT**

## **9.1 DECOMMISSIONING PLAN**

The Permittee shall comply with the provisions of the most recently filed and accepted decommissioning plan. The initial version of the decommissioning plan was submitted for this project as part of the April 29, 2022 Site Permit Amendment Application. The Permittee shall file an updated decommissioning plan, incorporating comments and information from the permitting process and any updates associated with the final construction plans, with the Commission 14 days before the pre-construction meeting. The 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 of the project in accordance with the requirements of Minn. R. 7854.0500, subp. 13. The decommissioning plan shall provide an itemized breakdown of costs 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, substations, and other project components. The plan may also include anticipated costs for the replacement of turbines or repowering the project by upgrading equipment.



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

## **9.2 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. 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(s) requesting that one or more roads, or portions thereof, be retained. 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. All such agreements between the Permittee and the affected landowner(s) 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 eighteen (18) months after expiration.

## **9.3 ABANDONED TURBINES**

The Permittee shall advise the Commission by a filing of any turbines that are abandoned prior to termination of operation of the Project. A 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 9.2 unless a plan is developed and filed with the Commission outlining the steps and schedule for returning the Project, or any turbine within the Project, to service.

# **SECTION 10 AUTHORITY TO CONSTRUCT LWECS**

## **10.1 WIND RIGHTS**

At least fourteen (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 of the LWECS authorized by this permit.

Nothing in this permit shall be construed to preclude any other person from seeking a permit to construct a LWECS 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.

## **10.2 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 applicable statutes and rules, including Minnesota Rule 7854.1300.

### **10.3 FAILURE TO COMMENCE CONSTRUCTION**

The Permittee plans to start construction in May 2025. If the Permittee has not completed the pre-construction surveys required under this permit and commenced construction of the Project ~~within~~ by the later of two years of the issuance of this permit or May 2025, 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 Minnesota Rule 7854.1300.

### **10.4 PREEMPTION OF OTHER LAWS**

Pursuant to Minnesota Statutes section 216F.07, this site permit shall be the only site approval required for the location 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. Nothing in this permit shall release the Permittee from any obligation imposed by law that is not superseded or preempted by law.

### **10.5 OTHER PERMITS**

The Permittee shall be responsible for acquiring any other federal, state, or local permits or authorizations that may be required to construct and operate a LWECS within the authorized site. The Permittee shall submit a copy of such permits and authorizations to the Commission upon request.

#### 10.5.1

#### ~~10.5.7~~ COMPLIANCE WITH FEDERAL AND STATE AGENCY PERMITS

The Permittee shall comply with all terms and conditions of permits or licenses issued by Federal, State, or Tribal authorities including but not limited to the requirements of the MPCA (Section 401 Water Quality Certification, NPDES/State Disposal System (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).

10.5.2

~~10.5.8~~ COMPLIANCE WITH COUNTY, CITY, OR MUNICIPAL PERMITS

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 preempted by federal or state permits and regulations.

**SECTION 11  
COMMISSION POST-ISSUANCE AUTHORITIES**

**11.1 PERIODIC REVIEW**

The Commission shall initiate a review of this permit and the applicable conditions at least once every five (5) 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.

~~11.2~~ **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.

**11.3 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; or
- (c) There has been a material violation of a provision of an applicable statute, rule, or an order of the Commission.

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 Minnesota Rule 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.

#### **11.4 MORE STRINGENT RULES**

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

#### **11.5 TRANSFER OF PERMIT**

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 to reach a decision. The Commission may impose additional conditions on any new Permittee as part of the approval of the transfer.

#### **11.6 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.

#### **11.7 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.

### **SECTION 12 EXPIRATION DATE**

This permit shall expire on [Insert Date], ~~thirty~~twenty-five (25) years from the date this permit is amended and issued.

### **SECTION 13 SPECIAL CONDITIONS**

Special conditions shall take precedence over any of the other conditions of this Permit if there should be a conflict between the two.

### **13.1 BLANDING'S TURTLE**

The Permittee shall follow the fact sheet of recommendations for avoiding and minimizing impacts to the Blanding's turtle. The summary of recommendations for avoiding and minimizing impacts to Blanding's turtle populations, including the attached colored photocopies of the Blanding's turtles, shall be made available to all contractors and its employees. Attachment 5 contains the fact sheet recommendations and summary.

### **13.2 LABOR STATISTICS 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.

ATTACHMENT 1: Site Permit Map

**ATTACHMENT 1:1**

MINNESOTA PUBLIC UTILITIES COMMISSION COMPLAINT HANDLING  
PROCEDURES  
FOR

LARGE WIND ENERGY CONVERSION SYSTEMS

A. **Purpose:**

To establish a uniform and timely method of reporting complaints received by the Permittee concerning Permit conditions for site preparation, construction, cleanup and restoration, operation, and resolution of such complaints.

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 Commission under Minn. Rule 7829.1500 or 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 LWECS and associated facilities site permit conditions. Complaints do not include requests, inquiries, questions, or general comments.

Substantial Complaint: A written Complaint alleging a violation of a specific Site 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(s), remains to both or one of the parties unresolved or unsatisfactorily resolved.

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 e-mail 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 of Complainant, address, phone number, and e-mail address;
  - b. Date of Complaint;
  - c. Tract or parcel number; and
  - d. Whether the complaint relates to (1) a Site Permit Matter, (2) an LWECs or associated facility issues, or (3) 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 e-mail address;
  - c. Precise description or parcel number;
  - d. Name of Permittee representative receiving Complaint and date of receipt;
  - e. Nature of Complaint and the applicable Site Permit condition(s);
  - f. Activities undertaken to resolve the Complaint; and
  - g. Final disposition of the Complaint.

**F. Reporting Requirements:**

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 or consumer.puc@state.mn.us. Voice messages are acceptable.

**Monthly Reports:** By the 15th of each month, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be eFiled to William Seuffert, Executive Secretary, Public Utilities Commission, using the Minnesota Department of Commerce eDocket system (see eFiling instructions attached to this permit).

If no Complaints were received during the preceding month, the permittee shall submit (eFile) a summary indicating that no complaints were received.

Permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit.

**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 site manager and or the Permittee's representative.

**H. Commission Process for Unresolved Complaints:**

**Initial Screening:** Commission staff shall perform an initial evaluation of unresolved Complaints submitted to the Commission. Complaints raising substantial LWECs Site Permit issues shall be processed and resolved by the Commission. Staff shall notify Permittee and appropriate person(s) 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 (10) days after receipt of the Staff notification. Staff shall present Briefing Papers to the Commission, which shall resolve the Complaint within twenty (20) days of submission of the Briefing Papers.

**I. Permittee Contacts for Complaints:**

**Mailing Address:** Complaints filed by mail shall be sent to the address below:

~~Pleasant Valley Wind, LLC c/o Renewable Energy Systems Americas Inc. 11101 W.  
120th Ave., Suite 400~~

~~Broomfield, CO 80021~~

Trevor Seely

Xcel Energy

1414 W. Hamilton Ave.

Eau Claire, WI 54701

**Tel:** ~~303715-439737-4281~~2466

**Email:** ~~joe.grennan@res-americas.com~~trevor.r.seely@xcelenergy.com

Permittee will eFile the Project's Complaint Contact information within 14 days of the Order granting a site permit and will include the Project's Complaint Contact information in the mailing to landowners and local governments.

**MINNESOTA PUBLIC UTILITIES COMMISSION COMPLIANCE FILING  
PROCEDURE  
FOR PERMITTED ENERGY FACILITIES**

1. **Purpose**  
To establish a uniform and timely method of submitting information required by the Commission energy facility permits.
2. **Scope and Applicability**  
This procedure encompasses all compliance filings required by permit.
3. **Definitions**  
**Compliance Filing** – A sending (filing) of information to the Commission, where the information is required by a Commission site or route permit.
4. **Responsibilities**  
A) The permittee shall eFile all compliance filings with William Seuffert, Executive Secretary, Public Utilities Commission, through the Department of Commerce (DOC) eDocket system. The system is located on the DOC website:  
<https://www.edockets.state.mn.us/EFiling/home.jsp>

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

A) All filings must have a cover sheet that includes:

- 1) Date
  - 2) Name of submitter / permittee
  - 3) Type of Permit (Site or Route)
  - 4) Project Location
  - 5) Project Docket Number
  - 6) Permit Section Under Which the Filing is Made
  - 7) Short Description of the Filing
- B) Filings that are graphic intensive (e.g., maps, plan and profile) must, in addition to being eFiled, be submitted as paper copies and on CD. Copies and CDs should be sent to: 1) William Seuffert, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN, 55101- 2147, and 2) Department of Commerce, Energy Facility Permitting, 85 7th Place East, Suite 500, St. Paul, MN, 55101-2198. Additionally, the Commission may request a paper copy of any eFiled document.

PERMIT COMPLIANCE FILINGS<sup>1</sup>

**PERMITTEE:** Xcel Energy  
**PERMIT TYPE:** LWECS Site Permit  
**PROJECT LOCATION:** Pleasant Valley Wind Project, Dodge and Mower County  
**COMMISSION DOCKET NUMBER:** IP-6828/WS-09-1197

## PRE-CONSTRUCTION MEETING

<b>Filing Number</b>	<b>Permit Section</b>	<b>Description</b>	<b>Due Date</b>	<b>Notes</b>
<b>1</b>	4.7	Native Prairie Protection Plan	<del>30 days prior to pre-construction meeting, if</del> <u>Filed with the Site Plan</u> required under Section 5.1.	Develop in consultation with Commission and DNR.
<b>2</b>	5.1	Site Plan	14 days prior to pre-construction meeting.	
<b>3</b>	5.4	Field Representative	14 days prior to pre-construction meeting.	
	<u>5.6</u>	<u>Summary of Pre-construction meeting</u>	<u>14 days following the pre-construction meeting.</u>	
<b>4</b>	5.8	Complaint Reporting Procedures	14 days prior to pre-construction meeting and complaint submittals on the 15th of each month or within 24 hours.	
<b>5</b>	6.1	Biological & Natural Resource Inventories	30 days prior to pre-construction Meeting.	Results may trigger need for a Native Prairie Protection Plan.
<b>6</b>	6.2	Shadow Flicker Analysis <u>and Shadow Flicker Mitigation Plan</u>	14 days prior to pre-construction meeting.	

<sup>1</sup> This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. However, it is not a substitute for the permit; the language of the permit controls.

7	6.3	Archaeological Resources	14 days prior to pre-construction meeting and as recommended by the State Historic Preservation Office.	
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**~~PRE-CONSTRUCTION MEETING~~**

Filing-Number	Condition	Description	Due-Date	Notes
8	6.4	Interference	14 days prior to pre-construction meeting.	
9	6.5	Wake Loss	14 days prior to pre-construction meeting and may be included with site plan or operation studies if performed.	
	<u>6.6</u>	<u>Noise Study Protocol</u>	<u>14 days prior to pre-construction meeting.</u>	
10	<del>6.7</del> <u>6.7.1</u>	Avian and Bat Protection Plan	<del>30</del> 14 days prior to pre-construction meeting.	Develop in consultation with Commission and DNR.
11	7.8	Roads	14 days prior to pre-construction meeting.	
12	7.11	Soil Erosion and Sediment Control Plan	14 days prior to pre-construction.	
13	7.16	Emergency Response	14 days prior to pre-construction meeting. Must register in 911 Program.	
14	<del>10.1</del>	<del>Wind Rights</del>	<del>14 days prior to pre-construction meeting.</del>	

**~~PRE-OPERATION COMPLIANCE MEETING~~**

Filing-Number	Permit-Section	Description	Due-Date	Notes
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<b>15</b>	5.7	<del>Pre-operation compliance meeting</del>	<del>14 days prior to commercial pre-operation.</del>	
<b>16</b>	6.6.1	Noise Study Protocol <u>Decommissioning Plan</u>	14 days prior to pre-operation meeting.	
<b>17</b>	9.110.1	<del>Decommissioning Plan</del> <u>Wind Rights</u>	14 days prior to pre-operation construction meeting.	

### OTHER REQUIREMENTS

<b>Filing Number</b>	<b>Permit Section</b>	<b>Description</b>	<b>Due Date</b>	<b>Notes</b>
<b>18</b>	5.2	Notice to Landowners and Governmental Units	Within 14 days of permit approval to local units of government and within 30 days to landowners.	
<b>19</b>	5.5	Site Manager	14 days prior to prior to commercial operation.	Update contact information as necessary.
<b>20</b>	6.6	Noise Study Results	Within 18 months of Commercial Operation, if required.	
<b>21</b>	6.7.1	Annual Audit Report of ABPP	By March 15th following each complete or partial year of operation.	
	6.7.2	Quarterly Incident Reports	By the 15th of each January, April, July, and October.	
	6.7.3	Immediate Incident Report	Within 24 hours of discovery.	
<b>22</b>	6.8	Project Energy Production	Due 2/1 each year.	
<b>23</b>	6.9	Wind Resource Use	February 1st following each partial or complete year of operation.	
<b>24</b>	6.10	Extraordinary Events	Within 24 hours and report on occurrence of event within 30 days.	

<b>25</b>	8.1	As Builts	Within 60 days of completion of construction.	
<b>26</b>	8.4	Notification of Commercial Operation	At least 3 days prior to commencement of commercial operation.	
<b>27</b>	10.2	PPA or Enforceable Mechanism	Within two years of permit issuance.	If no PPA or other enforceable mechanism at time of permit issuance.
	<u>13.2</u>	<u>Labor Statistics Reporting</u>	<u>Quarterly during construction</u>	

**ATTACHMENT 5**

**ATTACHMENT 5  
FOLLOWS THIS PAGE**

**In the Matter of the Application for a  
Site Permit Amendment to Repower  
the Existing 200 Megawatt Pleasant  
Valley Wind Project in Dodge and  
Mower Counties, Minnesota**

**MPUC Docket No. IP6828/WS-09-1197**

**CERTIFICATE OF SERVICE**

Malinda M. Maier certifies that on the 31st day of August 2022, she e-filed true and correct copy the following documents on behalf of Xcel Energy, via eDockets (www.edockets.state.mn.us).

1. Comments;
2. Attachment A – Xcel Energy’s Proposed Revisions to DOC-EERA’s Draft Site Permit Amendment; and
3. Certificate of Service.

Said documents were also served as designated on the Official Service Lists on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: August 31, 2022

*Signed: /s/ Malinda M. Maier*

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Fredrikson & Byron,  
P.A. 200 South Sixth  
Street Suite 4000  
Minneapolis, MN 55402



First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400  St. Paul, MN 55101	Electronic Service	No	OFF_SL_9-1197_Official
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280  Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_9-1197_Official
James	Hartson			59931 300th Street  Waltham, MN 55982	Paper Service	No	OFF_SL_9-1197_Official
Eric	Lee	N/A		27503 670th Ave  Dexter, MN 55926	Paper Service	No	OFF_SL_9-1197_Official
Brian	Meloy	brian.meloy@stinson.com	STINSON LLP	50 S 6th St Ste 2600  Minneapolis, MN 55402	Electronic Service	No	OFF_SL_9-1197_Official
Peter	Reinarts	preinarts@myclearwave.net	Olmsted Wind Truth	11748 Hwy 30 SW  Hayfield, MN 55940	Paper Service	No	OFF_SL_9-1197_Official
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	No	OFF_SL_9-1197_Official
Christine	Schwartz	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7  Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_9-1197_Official
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350  Saint Paul, MN 55101	Electronic Service	No	OFF_SL_9-1197_Official
Dawayne	Skov	N/A		700 1st St NW, #258  Austin, MN 55912	Paper Service	No	OFF_SL_9-1197_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources	500 Lafayette Road Box 25 St. Paul, Minnesota 55155-4040	Electronic Service	No	OFF_SL_9-1197_Official