

EERA recommended permit language, as per 03/19/18 filing, is in **red type**; Trimont responsive language is in **blue type**.

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
Title Page	<p>The Permittee is authorized by this site permit to construct and operate 107.2-Megawatt nameplate capacity Large Wind Energy Conversion System on the site identified in this site permit and in compliance with the conditions contained in this permit. The construction, operation, and maintenance of necessary associated facilities is also authorized by this site permit.</p>	<p>The Applicant’s description is apt, as the existing turbine locations will not change.</p> <p>If the Permittee were allowed to upgrade only the turbines that did not require exemption from the 3x5 setback, the size would be 105.1 MW. However, upgrading the nacelles but not the blades on the 12 turbines in question might produce another, unknown number. So EERA supports using the 107.2 nameplate capacity.</p>	<p>Trimont agrees with the EERA.</p>
1.0 Site Permit	<p>The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Trimont Wind I, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854. This permit authorizes the Permittee to retrofit their existing wind plant and operate the Trimont Wind Project (Project), a 107.2 megawatt (MW) nameplate capacity Large Wind Energy Conversion System (LWECS) and associated facilities in Martin and Jackson Counties (Project). The LWECS and associated facilities shall be built</p>		

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
	<p>within the site identified in this permit and as identified in the attached official site permit map(s), hereby incorporated into this document.</p>		
<p>2.0 Project Description</p>	<p>The 107.2-MW LWECS Project authorized to be constructed in this Permit is referred to as the Trimont Wind Project (“Project”). The Project will consist of up to 67 turbines, using 1.6 MW GE wind turbines with a maximum nameplate capacity of 107.2 MW. Turbines are interconnected by communication and electrical power collection facilities within the wind farm. These facilities will include transformers and underground collection lines and overhead feeder lines that will deliver wind-generated power to GRE’s Martin County Substation located in Section 19 in Cedar Township in Martin County. The retrofit turbine blades will have a 91 meter rotor diameter. There will be no changes to the Facility boundary, turbine locations, turbine towers, meteorological towers, or underground electrical collection system outside of the substation. Trimont Wind would establish and maintain settings in the Facility’s SCADA and windfarm management</p>	<p>EERA questions whether the last section in the Applicant’s amendment is necessary.</p> <p>The Application states the 107.2 MW will allow the Project to meet the requirements of its current power purchase agreement (PPA) more efficiently and predictably. However, ostensibly, approval of the larger nameplate capacity would allow for the possibility of a larger PPA in its next iteration.</p> <p>Regardless of the terms of any future PPA, the Commission has not historically addressed the details of MISO interconnection agreements in their site permits, and it’s not clear that it needs to do so here.</p>	<p>Trimont agrees with the EERA and proposes the following language:</p> <p>The 107.2-MW LWECS Project authorized to be constructed in this Permit is referred to as the Trimont Wind Project (“Project”). The Project will consist of up to 67 turbines, using 1.6 MW GE wind turbines with a maximum nameplate capacity of 107.2 MW. Turbines are interconnected by communication and electrical power collection facilities within the wind farm. These facilities will include transformers and underground collection lines and overhead feeder lines that will deliver wind-generated power to GRE’s Martin County Substation located in Section 19 in Cedar</p>

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
	<p>system to ensure the Facility does not exceed the net 105 MW limit at the point of interconnection. In the future, Trimont Wind may make a MISO interconnection request to increase its interconnection rights at the Facility to accommodate the 107.2 MW pursuant to processes and standards established in the MISO Tariff.</p>		<p>Township in Martin County. The retrofit turbine blades will have a 91 meter rotor diameter. There will be no changes to the Facility boundary, turbine locations, turbine towers, meteorological towers, or underground electrical collection system outside of the substation.</p> <p><del>Trimont Wind would establish and maintain settings in the Facility's SCADA and windfarm management system to ensure the Facility does not exceed the net 105 MW limit at the point of interconnection. In the future, Trimont Wind may make a MISO interconnection request to increase its interconnection rights at the Facility to accommodate the 107.2 MW pursuant to processes and standards established in the MISO Tariff.</del></p>

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
2.1 Associated Facilities	There will be no changes to electrical equipment, collector and feeder lines, and other associated facilities. Existing access roads may have temporary construction to widen and add turning radii for deliveries and these access road improvements will be removed after construction.		
2.2 Project Location	<p>The Project is located in the following:</p> <p>Jackson County, Kimball T104 R34 11, 12, 13 14, 22, 23, 25, 26, 27, 28, 34, 36</p> <p>Martin County, Cedar T104 R33 7, 17, 18, 19, 20, 21, 29, 30</p>	There is no change from the original Project location.	Trimont agrees with the EERA.
3.0 Designated Site	The site designated by the Commission for the Trimont Wind Project is the site depicted on the official site permit maps attached to this permit.	The permit should include Figure 2. (Project Area and Facilities) from the Application (see attached).	Trimont agrees with the EERA.
3.1 Turbine Layout	The wind turbine and associated facility layouts are shown on the official site maps attached to this permit. Trimont Wind is not proposing to modify the turbine layout as a result of the proposed retrofitting activities. The Trimont Wind site layout was originally developed to minimize the overall potential human and environmental impacts of the Project, which were	<p>The language in this section was edited (and the second paragraph deleted) from the template by the Applicant to reflect the turbine layout has already been established and will not change under an amendment.</p> <p>Both the edits and the deletion are appropriate.</p>	Trimont agrees with the EERA.

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
	<p>evaluated in the permitting process. The location of each wind turbine and associated facilities is located within the Project boundary.</p> <p><del>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.</del></p>		
4.1 Wind Access Buffer	<p>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</p>	<p>The first paragraph is part of the generic template and should stand.</p> <p>The Applicant added the second paragraph to</p>	<p>For the reasons set forth in Trimont’s comments, the Commission should allow adjustments to the wind access</p>

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
	<p>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.</p> <p>Trimont Wind has stated that, as a result of the retrofit and increasing the rotor diameter from 77 meters to 91 meters, 21 turbines would not meet the wind access buffer setbacks. The distance of each turbine’s setback exceedance and the status of the adjacent non-participating parcel are detailed in Trimont Wind’s application for a site permit amendment. Because the wind access buffer setback exceedances for these turbines would not materially impair the wind or land rights of the adjacent parcels to which the applicant does not hold wind rights, the Commission grants the requested exceptions for turbines 1, 4, 6, 7, 12, 16, 22, 23, 24, 25, 34, 46, 47, 48, 52, 53, 55, 56, 57, 58, and 59.</p>	<p>address the wind access buffer of the retrofit larger turbine blades. Unless the Commission decides to support exemptions from the 3x5 setbacks from non-participating landowners, this language should not be included in the Amended Permit.</p>	<p>buffer for 20 of the turbines as requested by Trimont.</p> <p>Trimont has re-calculated the 3RD x 5RD setbacks based on an adjusted ellipse and GIS information.</p> <p>Trimont’s suggested language is revised accordingly:</p> <p>Trimont Wind has stated that, as a result of the retrofit and increasing the rotor diameter from 77 meters to 91 meters, <del>21</del> <u>20</u> turbines would not meet the wind access buffer setbacks <u>set forth in the Commission’s General Wind Permit Standards</u>. The distance of each turbine’s setback exceedance and the status of the adjacent non-participating parcel are detailed in the updated Table 7 and Figure 4 as provided. Because the wind access buffer setback exceedances for these turbines would not materially impair</p>

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
			the wind or land rights of the adjacent parcels to which the applicant does not hold wind rights, the Commission grants the requested exceptions for turbines <del>1, 4, 6, 7, 12, 16, 17, 18, 19, 22, 23, 24, 25,</del> 34, 46, 47, 48, <del>52, 53, 54, 55, 56, 57, 58,</del> and 59.
4.3 Noise	The wind turbine towers shall at all times, continue to comply with noise standards established by the Minnesota Pollution Control Agency as of the date of this permit and at all appropriate locations.	The first sentence of this section was edited to note that turbine placement is already completed, but compliance with noise standards will still be required.	Trimont agrees to the language proposed by the EERA.
4.9 Wind Turbine Towers	Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 80 meters (262 feet) above grade measured at hub height.	This is unchanged from the original permit.	
4.10 Turbine Spacing	The turbine towers are 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, up to 20 percent of the towers may be sited closer than the above spacing but the Permittee shall minimize the need to site	<p>The only change was to indicate the towers are already sited and constructed.</p> <p>The standing language arguably gives the Applicant flexibility to allow for greater setbacks due to larger turbine blades, providing these occur on Permittee controlled parcels.</p>	<p>Trimont requests that the percentage of turbines sited closer than the spacing described in the permit be increased to 30%, as set forth in the proposed language below:</p> <p>The turbine towers are within the site boundary as shown in the official site</p>

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
	the turbine towers closer.		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, up to <del>20</del> <u>30</u> 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.
5.2 Construction and Operation Practices	The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the Trimont Wind I LLC Project’s Site Permit Application dated December 2017, and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail.	This updates to the current Amendment Application rather than the original.	Trimont agrees with the EERA.
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	EERA does not agree with deleting the second paragraph of this standard language. While true the Permittee already has a site manager, there is benefit to re-informing the affected public when the changes go online. This language also preserves the requirement	Trimont agrees to the language proposed by the EERA.



Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
	<p>telephone or other means during normal business hours for the life of this permit.</p> <p><del>The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the site manager 14 days prior to commercial operation of the facility. The Permittee shall provide the site manager's contact information to affected landowners, residents, local government units and other interested persons 14 days prior to commercial operation of the facility. The Permittee may change the site manager at any time upon notice to the Commission, affected landowners, residents, local government units and other interested persons.</del></p>	<p>to notice the affected public when there is a change in site manager. EERA supports preserving the deleted language:</p> <p>The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the site manager 14 days prior to commercial operation of the facility. The Permittee shall provide the site manager's contact information to affected landowners, residents, local government units and other interested persons 14 days prior to commercial operation of the facility. The Permittee may change the site manager at any time upon notice to the Commission, affected landowners, residents, local government units and other interested persons.</p>	
5.2.9 Application of Pesticides	<p>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. All pesticides shall be applied in a safe and cautious manner. The landowner may request that there be no application of</p>	<p>There doesn't appear to be any justification for eliminating elements of this section. EERA recommends retaining the standard language:</p> <p>The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, Minnesota Department of Natural</p>	<p>Trimont agrees to the language proposed by the EERA.</p>

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
	pesticides on any part of the site within the landowner's property.	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 employ best management practices to avoid the potential spread of invasive species on lands disturbed by project construction activities.	The Applicant has eliminated the requirement to develop an Invasive Species Prevention Plan, presumably because the level of construction disturbance would be minimal compared to installing new turbine towers.	Trimont agrees with the EERA.

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
5.2.11 Noxious Weeds	<p>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.</p> <p><del>The Permittee shall consult with landowners on the selection and use of seed for replanting. To the extent possible, the Permittee shall use native seed mixes.</del></p>	<p>There doesn't appear to be any justification for eliminating the second part of this condition. EERA recommends retaining the standard language:</p> <p>The Permittee shall consult with landowners on the selection and use of seed for replanting. To the extent possible, the Permittee shall use native seed mixes.</p>	Trimont agrees to the language proposed by the EERA.
5.2.13 Turbine Access Roads	<p>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 ditches without required permits and approvals. When access roads are constructed across streams, drainage ways, or drainage ditches, the access roads shall be designed and constructed in a manner so runoff from the upper portions of the watershed</p>	<p>EERA is not certain why the section concerning fish passage was deleted, especially if no new access roads will be required. If any construction is planned, it seems unusual to delete this condition in particular. EERA would add back:</p> <p>Any access roads that are constructed across streams or drainage ditches shall be designed and constructed in a manner that maintains existing fish passage. Access roads that are constructed across grassed waterways, which provide drainage for surface waters that are ephemeral in nature, are not required to maintain or provide fish passage.</p>	Trimont agrees to the language proposed by the EERA.

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
	can readily flow to the lower portion of the watershed. ... Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.		
5.2.16 Interference	<del>television and radio signal reception,</del>	The Applicant performed these assessments when siting the turbine locations, none of which will change.	Trimont agrees with the EERA.
5.4 Electrical Collector and Feeder Lines	<del>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.</del>	The Applicant recommended eliminating this last sentence of the condition. This is reasonable as all feeder lines have already been constructed.	Trimont agrees with the EERA.
7.1 Biological and Natural Resource Inventories	<del>The Permittee, in consultation with the Commission and the 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</del>	The Application describes the evaluations of current conditions done in addition to the preconstruction surveys performed in 2004. This condition could be considered redundant.	Trimont agrees with the EERA.

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
	<p><del>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.</del></p>		
7.3 Wake Loss Study	<p>At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the final tower locations and an estimate of total project wake losses.</p>	<p>EERA agrees with deleting references to micro-siting in this condition. The Applicant has offered no reason why it should be exempted from the remaining standardized requirement for all permittees. EERA would add back in:</p> <p>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.</p>	<p>Trimont agrees to the language proposed by the EERA.</p>
7.5.1 Avian and Bat Protection	<p><del>The Permittee shall comply with the provisions of the Avian and Bat Protection Plan (ABPP) submitted for this project, and revisions resulting from the annual audit of ABPP implementation. The first annual audit and revision will be filed with the Commission 14 days before the preconstruction meeting and revisions should include any updates associated with final construction plans. The</del></p>	<p>EERA understands that the Permittee has a corporate-wide protection plan in place that should make the first paragraph of this condition unnecessary or redundant. However, there is nothing in the plan that nullifies the Commission’s expectation that permit holders conduct an annual audit of the plan and file its findings. EERA recommends retaining the second portion of the standard permit language:</p>	<p>Trimont deleted the language stricken below because it is not statistically appropriate to use estimators or calculate fatality estimates based on raw data gathered during operational monitoring of the sort Trimont conducts under its plan and proposes the following language:</p>

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
	<p>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.</p> <p>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</p>	<p>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.</p>	<p>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</p>

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
	<p><del>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.</del></p>		<p>and to the U.S. Fish and Wildlife Service at the time of filing with the Commission.</p>
<p>7.5.2 Quarterly Incident Reports</p>	<p>The Permittee shall submit <u>an annual</u> avian and bat report to the Commission commencing the day following retrofit commercial operation and terminating upon the expiration of this permit. ...</p>	<p>The Applicant should be expected to meet the same reporting guidelines as any other permittee.</p> <p><i>The Permittee shall submit <u>quarterly</u> avian and bat reports to the Commission. <u>Quarterly reports are due by the 15th of January, April, July, and October</u> commencing the day following retrofit commercial operation and terminating upon the expiration of this permit. ...</i></p>	<p>Trimont agrees to the language proposed by the EERA.</p>
<p>7.5.3 Immediate Incident Reports</p>	<p>The Permittee shall notify the Commission, U.S. Fish and Wildlife Service, and the Minnesota Department of Natural Resources within <u>48</u> hours of the discovery of any of the following:</p> <ul style="list-style-type: none"> <li>(a) five or more dead or injured birds or bats within a five day reporting period;</li> <li>(b) one or more dead or injured state threatened, endangered, or species of special concern;</li> </ul>	<p>The Applicant should be expected to meet the same notification guidelines as any other permittee.</p> <p><i>The Permittee shall notify the Commission, U.S. Fish and Wildlife Service, and the Minnesota Department of Natural Resources within <u>24</u> hours of the discovery of any of the following:</i></p> <ul style="list-style-type: none"> <li>(a) <i>five or more dead or injured birds or bats within a five day reporting period;</i></li> <li>(b) <i>one or more dead or injured state</i></li> </ul>	<p>Trimont agrees to the language proposed by the EERA except as follows. Trimont substituted “identification” for “discovery” to allow Trimont time to determine whether dead or injured birds or bats are subject to the reporting requirements in parts (b), (c) or (d). Trimont also substituted “the coordinates” for “turbine” where the discovery was made. Trimont also deleted</p>



Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
	<p>(c) one or more dead or injured federally listed species; or</p> <p>(d) one or more dead or injured bald or golden eagle(s).</p> <p>In the event that one of the four discoveries listed above should be made, the Permittee must file with the Commission within <u>thirty</u> days, a compliance report identifying the details of what was discovered, where the discovery was made, a detailed log of agencies and individuals contacted, and current plans, <u>if any</u>, being undertaken to address the issue</p>	<p>threatened, endangered, or species of special concern;</p> <p>(c) one or more dead or injured federally listed species, <u>including species proposed for listing</u>;</p> <p>or</p> <p>(d) one or more dead or injured bald or golden eagle(s).</p> <p>In the event that one of the four discoveries listed above should be made, the Permittee must file with the Commission within <u>seven</u> days, a compliance report identifying the details of what was discovered, <u>the turbine</u> where the discovery was made, a detailed log of agencies and individuals contacted, and current plans being undertaken to address the issue.</p>	<p>the reference to species proposed for federal listing, as those species are not yet subject to federal regulation. Trimont proposes the following language:</p> <p>The Permittee shall notify the Commission, U.S. Fish and Wildlife Service, and the Minnesota Department of Natural Resources within <u>24</u> hours of the <del>discovery</del> <u>identification</u> of any of the following:</p> <p>(a) five or more dead or injured birds or bats within a five day reporting period;</p> <p>(b) one or more dead or injured state threatened, endangered, or species of special concern;</p> <p>(c) one or more dead or injured federally</p>



Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
			<p>listed species, <del>including species proposed for listing</del>; or</p> <p>(d) one or more dead or injured bald or golden eagle(s).</p> <p>In the event that one of the four discoveries listed above should be made, the Permittee must file with the Commission within <u>seven</u> days, a compliance report identifying the details of what was discovered, <u>the turbine coordinates</u> where the discovery was made, a detailed log of agencies and individuals contacted, and current plans being undertaken to address the issue.</p>
7.5.4 Blade Feathering		<p>EERA suggests including this language as proposed by DNR and as included in recent Commission permits.</p> <p><i>All operating turbines at the facility must be equipped and operated with software</i></p>	<p>As presented in the Application, Trimont currently implements a voluntary strategy of feathering for all turbines up to the manufacturer's cut-in wind speed of</p>

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
		<p>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.</p>	<p>three meters/second (m/s), from one-half hour before sunset to one-half hour after sunrise, between July 15<sup>th</sup> and October 15<sup>th</sup>, when temperatures are over 50° Fahrenheit. This is the time of year and temperature when bats are most likely to be active at the project as determined through post-construction studies at the adjacent Elm Creek I &amp; II facilities. Trimont proposes to implement this same protocol with the repowered GE 1.6 turbine, which has a cut-in speed of 3.0 m/s. Trimont contends that implementing feathering from July 15<sup>th</sup> through October 15<sup>th</sup> and including a temperature threshold will minimize excessive wear on the turbine equipment while providing adequate protection to bats.</p>
10.3 Site Plan	At least 14 days prior to the pre-construction meeting, the Permittee shall provide the Commission, the Department and <del>the County</del>	This language should be included to make the information conveniently available to local residents and local environmental	Trimont agrees to the language proposed by the EERA.

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
	<p><del>in which site is located</del> Environmental Office ...</p> <p>... the Permittee shall notify affected landowners and city and town clerks that the site plan is on file with the Commission and the <del>{County in which site is located}</del> Environmental Office ...</p>	<p>officers.</p> <p>At least 14 days prior to the pre-construction meeting, the Permittee shall provide the Commission, the Department and the Martin and Jackson county Environmental Offices ...</p> <p>... the Permittee shall notify affected landowners and city and town clerks that the site plan is on file with the Commission and the Martin and Jackson county Environmental Offices ...</p>	
10.3 Site Plan (cont.)	<p><del>In the event that previously unidentified human and 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 turbine site. Under these circumstances, the Permittee shall notify the Commission, the Department, the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, the {County in which site is located} Environmental Office, city and town clerks, and the affected landowners of any turbines that are to be relocated, and provide</del></p>	<p>As all the turbine locations are established, it is appropriate to delete this requirement.</p>	<p>Trimont agrees with the EERA.</p>

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
	<p><del>the previously unidentified environmental conditions and how the movement of the turbine mitigates the human and environmental impact at least five days before implementing the changes. No changes shall be made that would be in violation of any terms of this permit.</del></p>		
10.4 Status Reports	<p><del>The Permittee shall file status reports with the Commission on progress regarding site construction. The Permittee need not report more frequently than monthly. Reports shall begin with the commencement of site construction and continue until completion of site restoration.</del></p>	<p>Not having to erect turbines does not diminish that this is a major construction project. The permit should include this provision for status reporting.</p> <p><i>The Permittee shall file status reports with the Commission on progress regarding site construction. The Permittee need not report more frequently than monthly. Reports shall begin with the commencement of site construction and continue until completion of site restoration.</i></p>	Trimont agrees with the EERA.
10.6 As-Built	<p><del>Within 90 days after completion of construction, the Permittee shall submit copies of all final as-built plans and specifications developed during the project.</del></p>	As-Built should not be necessary, as the footprint, turbines and collector lines will not be altered.	Trimont agrees with the EERA.
10.8 Project Energy Production	<p>... This information shall be filed electronically and may be <u>trade secret</u>.</p>	The Permittee has a similar provision in its EQB issued Site Permit. The Commission, however, has consistently held that these data are public, especially at the summary level at which they are reported.	Trimont respectfully disagrees with the EERA.

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
		... This information shall be considered <u>public</u> and must be filed electronically.	
10.9 Wind Resource Use	... This information shall be filed electronically and may be <u>trade secret</u> .	The Commission has also been consistent on public data on wind resource use as well.  ... This information shall be considered <u>public</u> and must be filed electronically.	Trimont respectfully disagrees with the EERA.
10.10 Emergency Response	<del>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</del>	There is no Emergency Response Plan filed in eDocket 13-258. If one exists, it should be efiled. However, including this permit condition would account for that, make sure an up-to-date plan is in place, and provide the confirmation that the appropriate parties are informed.  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	Trimont agrees to the language proposed by the EERA.

Section	Applicant Recommended Edits	EERA Comments	Trimont Wind I, LLC Response to EERA Comments
	<p><del>acceptable to the emergency responders and PSAP having jurisdiction over the facility.</del></p>	<p>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.</p>	

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