

Appendix B

Summary of 2014 Site Permit Conditions

| Pleasant Valley Wind Farm 2014 Site Permit (as Amended) Conditions Summary | | |
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| Permit Condition | Condition Summary | Condition Modification Request? |
| Cover | Brief project description and noted expiration date for the Site Permit. | Yes. Update the name of the permittee to Northern States Power Company d/b/a Xcel Energy; the nameplate capacity of the wind farm updated to 220 megawatts (MW); and the expiration date for the permit to be updated to 25 years following the date of amended Site Permit issuance. |
| Site Permit | Defines the scope of the project authorized by the Site Permit. | Yes. Update the nameplate capacity of the wind farm to 220 MW and update the acreage of the Project boundary to 45,449 acres. |
| Section 1 | Project Description | Yes. Update the nameplate capacity of the wind farm to 200 MW and individual turbine capacity. |
| Section 2 | Designated Site | Yes. Update the township, range, and section information as follows: <u>Mower Co.:</u> T103N, R16W, Sec. 3 - 9, 14 - 30, and 33 T103N, R17W, Sec. 1, 12 T104N, R16W, Sec. 5 - 11, 14 - 22, and 27 – 34 T104N, R17W, Sec. 1 - 5, 10 - 15, 22 - 24, and 36 <u>Dodge Co.:</u> T105N, 17W, Sec. 24, 25, and 32 – 36 T105N, R16W, Sec. 19, 20, and 29 - 32 |
| Section 3 | Application Compliance | |
| | The Permittee shall comply with those practices set forth in its second revised site permit application, dated February 5, 2010, 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. | Yes. Update reference to amended site permit application, dated April 29, 2022. The summary of compliance filings in Attachment 4 are captured in Sections 4 through 10. Requests for modifications are provided by section and subsection below. |
| 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, without the approval of the Commission. This section does not apply to public roads and trails. | Yes. Xcel Energy requests the Commission waive the wind access buffer setback for 25 turbines, including turbines 1, 3, 8-11, 24, 32, 43, 44, 53-55, 58, 64, 66, 70, 77, 80, 85, 92, and 96-99. |
| 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 nonparticipating 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. | No. |

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| 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. | No. |
| 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. | No. |
| 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. | No. |
| 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. | No. There are no public waters wetlands within the Project Area. While public waters are present within the Project Area, temporary construction workspaces will avoid these features. |
| 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. If native prairie is identified in any biological or natural resource inventories conducted pursuant to Section 6.1, or if lands defined as native prairie or lands enrolled in the Native Prairie Bank program have the potential to be impacted by construction activities, the Permittee shall, in consultation with the Commission and DNR, prepare and file a prairie protection and management plan at least thirty (30) days prior to the pre-construction meeting. | Yes. The Applicant requests the language be updated consistent with other recent projects <i>“Wind turbines and associated facilities including foundations, access roads, collector and feeder lines, underground cable, and transformers shall not be placed in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and shall not be located in areas enrolled in the Native Prairie Bank Program. Construction activities, as defined in Minn. Stat. § 216E.01, shall not impact native prairie unless addressed in a Prairie Protection and Management Plan. The Permittee shall prepare a Prairie Protection and Management Plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the site boundaries. The Permittee shall file the plan 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 mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission.”</i> |
| 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. | No. |
| 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. | No. |

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| 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. | No. Fifteen percent of the Repower Project turbines exceed this internal spacing threshold, below the 20 percent threshold. |
| 4.11 Meteorological Towers | <p>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.</p> <p>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.</p> | No. |
| 4.12 Aviation | <p>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.</p> <p>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.</p> | No. |
| 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). | No. |
| 4.14 Communication Cables | <p>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).</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>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.</p> | No. No changes to collector or feeder lines are anticipated. |

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| 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 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. | No. Xcel will submit repowering plans to the Commission prior to project repowering. |
| 5.2 Notice to Local Residents | Within fourteen (14) days of 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. | No. |
| 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. | No. |
| 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. | No. Xcel will designate a field representative. |
| 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. | No. |
| 5.6 Pre-construction Meeting | Prior to the start of any construction, representatives of the Permittee, the Field Representative, and the Department of Commerce State Permit Manager for this project shall participate in a preconstruction 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. | No. Xcel will conduct a preconstruction meeting, if deemed necessary by the Commission. |
| 5.7 Pre-Operation Compliance Meeting | Prior to commercial operation, 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. | No. |
| 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. | No. |
| 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 preconstruction 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. | No. Temporary construction workspaces will be surveyed for biological resources in spring/summer 2022. |

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| 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 from turbine shadow flicker. | No. |
| 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. | No. Temporary construction workspaces will be surveyed for cultural resources in spring/summer 2022. |
| 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. | No. |
| 6.5 Wake Loss Studies | At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall file the preconstruction 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. | No. |
| 6.6 Noise | The Permittee shall file a proposal with the Commission at least fourteen (14) days prior to the pre-operation compliance meeting for the conduct of a post-construction noise study. Upon the approval of the Commission, the Permittee shall carry out the study. The study shall be designed 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 shall file the study within eighteen (18) months after commercial operation. | Yes. The Applicant requests the language be updated consistent with other recent projects <i>“The Permittee shall file a proposed methodology for the conduct of a post-construction noise study at least 14 days prior to the pre-construction meeting. The Permittee shall develop the post-construction noise study methodology in consultation with the Department of Commerce. The study must incorporate the Department of Commerce Noise Study Protocol to determine the operating LWECS noise levels at different frequencies and at various distances from the turbines at various wind directions and speeds. The Permittee must conduct the postconstruction noise study and file with the Commission the completed post-construction noise study within 18 months of completion of the repowering project.”</i> |
| 6.7 Avian and Bat Protection | | Yes. The Applicant requests the language be updated consistent with other recent projects <i>“The Permittee shall utilize a qualified third party to conduct a minimum of two full years of avian and bat fatality monitoring following the commencement of the operational phase of the project. Monitoring activities and results will be coordinated directly with the Minnesota Department of Natural Resources, U.S. Fish and Wildlife Service, 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).”</i> |

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| 6.7.1 Avian and Bat Protection Plan | <p>The Permittee shall, in consultation with the Commission and DNR, prepare an Avian Bat and Protection Plan and file it at least thirty (30) days prior to the pre-construction meeting. The plan shall 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 plan shall also include formal and informal monitoring, training, wildlife handling, documentation (e.g., photographs), and reporting protocols for each phase of the Project.</p> <p>The Permittee shall, by March 15 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.</p> <p>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 DNR and to the U.S. Fish and Wildlife Service (USFWS) at the time of filing with the Commission.</p> | <p>Yes. The Applicant requests the language be updated consistent with other recent projects <i>“The Permittee shall comply with the provisions of the March 2022, Bird and Bat Conservation Strategy 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 14 days before the preconstruction 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.</i></p> <p><i>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 the Minnesota Department of Natural Resources (DNR) and to the U.S. Fish and Wildlife Service (USFWS) at the time of filing with the Commission.”</i></p> |
| 6.7.2 Quarterly Incident Reports | <p>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)</p> | No. |

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| | 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 | <p>The Permittee shall notify the Commission, USFWS, and DNR within twenty-four (24) hours of the discovery of any of the following:</p> <ul style="list-style-type: none"> (a) five or more dead or injured non-protected or migratory avian or bat species within a five-day period; (b) an incident of one or more dead or injured state threatened, endangered, or species of special concern; (c) one or more dead or injured federally listed species; or (d) one or more bald eagles. | <p>Yes. The Applicant requests the language be updated consistent with other recent projects <i>“The Permittee shall notify the Commission, EERA, the USFWS, and the DNR within 24 hours of the discovery of any of the following:</i></p> <ul style="list-style-type: none"> <i>(a) five or more dead or injured birds or bats, at an individual turbine location, within a five day reporting period;</i> <i>(b) twenty or more dead or injured birds or bats, across the entire facility, within a five day reporting period;</i> <i>(c) one or more dead or injured state threatened, endangered, or species of special concern;</i> <i>(d) one or more dead or injured federally listed species, including species proposed for listing; or</i> <i>(e) one or more dead or injured bald or golden eagle(s).</i> <p><i>In the event that one of the five discoveries listed above should be made, the Permittee must file with the Commission within seven days, a compliance report identifying the details of what was 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.”</i></p> |
| 6.7.4 Turbine Operational Curtailment | N/A | <p>The Applicant requests that the following condition be added to Section 6.7, Avian and Bat Protection, <i>“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 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.”</i></p> |
| 6.8 Project Energy Production | <p>The Permittee shall by February 1st following each complete or partial year of Project operation file a report with the Commission including:</p> <ul style="list-style-type: none"> (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; | No. |

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| | <p>(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.</p> <p>This information shall be filed electronically.</p> | |
| 6.9 Wind Resource | 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. | No. |
| 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. | No. |
| 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 LWECS. | No. Site clearing will be minimal and only to allow for temporary workspaces at turbine pads, staging area, access road widening, and minor road upgrades for turbine delivery. |
| 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). | No. |
| 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. | No. |
| 7.4 Livestock Protection | The Permittee shall take precautions to protect livestock during all phases of the Project's life. | No. |
| 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. | No. |
| 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). | No. |
| 7.7 Equipment Storage | The Permittee shall not locate temporary equipment staging areas on lands under its control unless negotiated with landowner(s). Temporary staging areas shall not be located in wetlands or native prairie as defined in Sections 4.6 and 4.7. | No. Staging areas will be surveyed for wetlands and native prairie prior to construction. |
| 7.8 Roads | | |
| 7.8.1. Public Roads | <p>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.</p> <p>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.</p> | No. |

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| 7.8.2 Turbine Access Roads | <p>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.</p> <p>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.</p> | No. No new access roads will be required. |
| 7.8.3 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). | No. |
| 7.9 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. | No. |
| 7.10 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). | No. Only minimal, if any, tree clearing is anticipated for crane movements. |
| 7.11 Soil Erosion and Sediment Control | <p>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.</p> <p>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.</p> | No. A SWPPP and an invasive species prevention plan will be prepared and submitted in accordance with the requirements of the original site permit. |
| 7.12 Restoration | The Permittee shall, as soon as practical following construction of each turbine, considering the weather and preferences of the 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. | No. |
| 7.13 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. | No. |
| 7.14 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. | No. |
| 7.15 Public Safety | The Permittee shall provide educational materials to landowners within the site boundaries and, upon request, to interested persons, about the Project and any restrictions or dangers associated with the Project. | No. |
| 7.16 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. | No. |
| 7.17 Tower Identification | All turbine towers shall be marked with a visible identification number. | No. |
| 7.18 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. | No. |
| 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. | No. |

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| 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. | Yes. The Applicant requests that the Commission approve a smaller Project boundary of 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. | No. |
| 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. | No. |
| Section 9 Decommissioning, Restoration, and Abandonment | | |
| 9.1 Decommissioning Plan | At least fourteen (14) days prior to the pre-operation compliance meeting, the Permittee shall submit to the Commission a Decommissioning Plan documenting the manner in which the Permittee anticipates decommissioning the Project in accordance with the requirements of Minnesota Rules 7854.0500, subpart 13. | No. |
| 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. The site shall be restored in accordance with the requirements of this condition within 18 months after expiration. | No. |
| 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. | No. |
| 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 WECS 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. | No. |
| 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. | No. |
| 10.3 Failure to Commence Construction | If the Permittee has not completed the pre-construction surveys required under this permit and commenced construction of the Project within two years of the issuance of this permit, the Permittee must advise the Commission of the reason construction has not commenced. In such event, the Commission shall make a determination as to whether this permit should be amended or revoked. No revocation of this permit may be undertaken except in accordance with applicable statutes and rules, including Minnesota Rule 7854.1300. | No. |

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| 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. | No. |
| 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. | No. |
| 10.5.1 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). | No. |
| 10.5.2 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. | No. |
| 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. | No. |
| 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. | No. |
| 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. | No. |
| 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. | No. |
| 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. | No. |
| 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; | No. |

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| | (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. | No. |
| Section 12 Expiration Date | This permit shall expire on February 20, 2043, thirty (30) years from the date this permit was first amended. | Yes. The Applicant requests that the expiration date for the permit be changed to 25 years following the date of permit amendment issuance. |
| 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. | Yes. The Applicant requests that this special condition be removed. Section 13.1 should be removed because the repower project does not involve the same ground disturbing activities required for the initial construction of the Project. |
| 13.2 Avian and Bat Surveys | The Permittee shall file with the Commission avian and bat surveys, as referenced in its application, thirty (30) days after completion or thirty (30) days prior to the pre-construction meeting, whichever occurs first, and document how results will be used to inform micro-siting and the Avian and Bat Protection Plan required pursuant to Section 6.7. | Yes. The Applicant requests that this special condition be removed. Section 13.2 should be removed because it will be replaced by the newer language provided in Section 6.7 and 6.7.1 described above. |