

# **Appendix C**

## **2012 Issued Site Permit Conditions Summary Table**

Community Wind South Repower Project  
Nobles County, Minnesota

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**CWS Wind Project 2012 Site Permit Conditions Summary**

<b>Permit Section</b>	<b>Description</b>	<b>Condition Summary</b>	<b>Condition Modification Request?</b>
Cover		References authority for granting site permit. Also lists Permittee and provide brief description of the Project.	No.
Site Permit		Project summary.	Yes. Update applicant to Zephyr Wind, LLC and increase nameplate capacity to 33 MW.
1.0	Project Description	The up to 30.75 MW nameplate capacity LWECS Project authorized to be constructed in this permit will be developed and constructed by the Permittee. The Community Wind South Project will consist of up to 15 REpower 2.05 MW turbines (model MM92) with a hub height of up to 328 feet (100 meters) and a rotor diameter of 303.5 feet (92.5 meters).	Yes. Update nameplate capacity and turbine size.
3.0	Application Compliance	The Permittee shall comply with those practices set forth in its Site Permit Application, dated October 17, 2011, and the record of this proceeding unless this Permit establishes a different requirement in which case this Permit shall prevail.	Yes. Update date of the site permit amendment application.
4.1	Wind Access Buffer	Wind turbine towers shall not be placed less than five (5) rotor diameters (RD) on prevailing wind directions and three (3) RD on non-prevailing wind directions from the perimeter of the lands where the Permittee does not hold the wind rights, without the approval of the Commission.	
4.2	Residences	Wind turbine towers shall not be located closer than 1,200 feet (366 meters) from all residences or the distance required to comply with the noise standards pursuant to Minn. Rules, part 7030.0040, established by the Minnesota Pollution Control Agency (PCA), whichever is greater.	No.
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 PCA at all times at all appropriate locations.	No. Additional noise analysis has been completed on the repower turbines demonstrating the state noise standard will be met.
4.4	Roads	Wind turbine and meteorological towers shall not be located closer than 250 feet or as specified by special conditions in this permit at Section 13.1 [Nobles County Setback Regulations], whichever is more stringent, 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 in 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, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals.	No. Crane paths will be surveyed for wetlands and waterways in spring 2021.
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 unless addressed in a prairie protection and management plan and shall not be located in areas enrolled in the Native Prairie Bank Program.	No. Crane paths will be surveyed for native prairies in spring 2021.
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 328 feet (100 meters).	Yes. Request change to 345 feet due to addition of 7-meter spacer.
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 five (5) RD on prevailing wind directions and three (3) RD in non-prevailing wind directions. 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.
4.11	Meteorological Towers	Permanent towers for meteorological equipment shall be self-supporting. 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 where the Permittee holds the wind or other development rights.	No.
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 licensed private airports.	No.

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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 and associated facilities.	No.
4.14	Communication Cables	The Permittee shall place all supervisory control and data acquisition (SCADA) communication cables underground and within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner(s).	No.
4.15	Electrical Collector and Feeder Lines	Collector lines that carry electrical power from each individual transformer associated with a wind turbine to an internal project interconnection point and feeder lines that carry power from an internal project interconnection point to the Project substation or interconnection point on the electrical grid shall be buried underground. Any feeder lines that parallel public roads shall be placed within the public rights-of-way or on private land immediately adjacent to public roads.	No.
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, construction of the facilities; and (c) a plan for restoration of the site due to construction.	No.
5.2	Permit Distribution to Local Governments & Residents	Within fourteen (14) days of permit issuance, the Permittee shall send a 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. If applicable, the Permittee shall, within fourteen (14) days of permit issuance, send a 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 of this permit, the Permittee shall send a copy of the permit to each landowner within the Project boundary.	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	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.
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.	No.
5.7	Pre-Operation Compliance Meeting	At least fourteen (14) days 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.	No.
5.8	Complaints	At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall submit to the Commission the company's procedures to be used to receive and respond to complaints.	No.
6.1	Biological and Natural Resource Inventories	The Permittee, in consultation with DNR and other interested parties, shall 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.	No.
6.2	Shadow Flicker	At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall provide data on shadow flicker exposure on each residence of non-participating landowners and participating landowners.	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.	No.
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 signal reception and microwave signal patterns in the Project area.	No.
6.5	Wake Loss Studies	At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall provide to the Commission the pre-construction micro-siting analysis leading to the final tower locations and an estimate of total Project wake losses.	No.

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6.6	Noise	The Permittee shall submit a proposal to 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.	No.
6.7	Avian and Bat Protection Plan	The Permittee shall prepare an Avian and Bat Protection Plan in consultation with the DNR and DOC and submit it to the Commission at least fourteen (14) days prior to the pre-construction meeting.	No.
6.8	Project Energy Production	The Permittee shall submit a report no later than February 1st following each complete year of Project operation.	No.
6.9	Wind Resource Use	The Permittee shall upon request of the Commission report to the Commission on the monthly energy production of the Project and the average monthly wind speed collected at one permanent meteorological tower selected by the Commission during the preceding year or partial year of operation.	No. Monthly wind speeds will be collected at one permanent meteorological tower.
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.	No.
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.
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.	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.	No.
7.6	Drainage Tile	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.	No.
7.7	Equipment Storage	The Permittee shall not locate temporary equipment staging areas on lands under its control unless negotiated with landowner. Temporary staging areas shall not be located in wetlands or native prairie.	No. The laydown yard and staging areas will be surveyed for wetlands and native prairies prior to construction.
7.8.1	Public Roads	At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall identify all state, county, or township roads that will be used for the Project and shall notify the Commission and the state, county, or township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these roads.	No.
7.8.2	Turbine Access Roads	The Permittee shall construct the smallest 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 5 gravel or similar material.	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.	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.	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 PUC and the approval of the affected landowner.	No.
7.11	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.	No.
7.12	Restoration	The Permittee shall, as soon as practical following construction of each turbine, considering the weather and preferences of the landowner, 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).	No.

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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 MDA and the USEPA. 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 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.	No.
7.15	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.	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 LWECS 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 LWECS 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	FAA 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.
8.1	As-built Plans and Specifications	Within sixty (60) days after completion of construction, the Permittee shall submit to the Commission and the Department of Commerce a copy of the as-built plans and specifications. The Permittee must also submit this data in a GIS compatible format to the Commission and the Department of Commerce so that the Department of Commerce can place it into the Minnesota Geospatial Information Office's geographic data clearinghouse located in the Department of Administration.	No.
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.	No. No change to the current project boundary is proposed. Wind Access Only leases will be added and are being offered to the landowners outside of the project boundary to satisfy setback requirements.
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. No expansion of the current Project boundary is proposed.
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	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.	No.
9.3	Abandoned Turbines	The Permittee shall advise the Commission 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 submitted to the Commission outlining the steps and schedule for returning the Project, or any turbine within the Project, to service.	No.
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.	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.	No. The Project currently has a PPA with Xcel Energy.

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10.3	Failure to Commence Construction	If the Permittee has not completed the pre-construction surveys required under Section 5 and commenced construction, as defined in Minn. Stat. § 216E.01, of the LWECS within two years of permit issuance, the Permittee must advise the Commission of the reason construction has not commenced.	No.
10.4	Preemption of Other Laws	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.	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 PCA, DNR, SHPO, FAA determinations, and DOT.	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 or are not preempted by federal or state permits and regulations.	No.
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 facility; 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. In the event the Commission determines that it is appropriate to consider revocation or suspension of this permit, the Commission shall proceed in accordance with the requirements of Minn. Rules, part 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.	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; (d) To sample and monitor upon the facilities easement of the property; and (e) To examine and copy any documents pertaining to compliance with the conditions of this permit.	No.
11.7	Proprietary Information	Certain information required to be submitted to the Commission under this permit, including energy production and wake loss data, may constitute trade secret information or other type of proprietary information under the Data Practices Act or other law and is not to be made available by the Commission.	No.
12.0	Expiration Date	This permit shall expire thirty (30) years after the date this permit was approved and adopted.	No.
13.0	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.	No.
13.1	Application of Nobles County Setback Regulations	The Permittee shall site all wind turbines and associated facilities in accordance with the Nobles County Wind Energy Conversion System Regulations, (Section 729.4 Setbacks for Wind Turbines (Commercial) and Meteorological Towers.	Yes. Remove requirement to comply with Nobles County Setback Regulations or, in the alternative, grant waivers for the facilities described in Section 8.2.1.2 of the 2021 Site Permit Application.