

November 1, 2021

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: EERA Comments and Recommendations on Application Completeness
Community Wind South – Site Permit Amendment Application and Draft Site Permit
Docket No. IP-6871/WS-11-863

Dear Mr. Seuffert,

Attached are comments and recommendations of Department of Commerce, Energy Environmental Review and Analysis (EERA) staff in the following matter:

In the Matter of the Application for a Site Permit Amendment to Repower the Existing
30.75-Megawatt Community Wind South Wind Project in Nobles County, Minnesota.

The site permit amendment application was filed on September 30, 2021, by:

Richard Butt
Zephyr Wind, LLC
230 Park Avenue, Suite 1560
New York, NY 10169

EERA staff recommends acceptance of the site permit amendment application as substantially complete. EERA staff also recommends that the Commission review the project under the large wind energy conversion system permit amendment process and use of the attached draft site permit for public comment. EERA staff is available to answer any questions the Commission may have.

Sincerely,



Jamie MacAlister
Environmental Review Manager

Page intentionally left blank.



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS COMMENTS AND RECOMMENDATIONS

COMMUNITY WIND SOUTH PERMIT AMENDMENT AND REPOWER DOCKET No. IP-6871/WS-11-863

Date: November 1, 2021 Staff: Jamie MacAlister | jamie.macalister@state.mn.us | 651-539-1775

In the Matter of the Application for a Site Permit Amendment to Repower the Existing 30.75 MW Wind Project in Nobles County, Minnesota.

Issues Addressed: These comments and recommendations address: the completeness of the site permit amendment application, the application review process, and amendments and clarifications to the Draft Site Permit.

Documents Attached:

- (1) Project Overview Map
- (2) Turbine Layout

Additional documents and information can be found on eDockets: by searching “11” for year and “863” for number: <https://www.edockets.state.mn.us/EFiling/search.jsp> or on the Department of Commerce’s webpage: <https://apps.commerce.state.mn.us/eera/web/project/435>.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-539-1530 (voice).

Introduction and Background

On September 30, 2021 Zephyr Wind LLC (Community Wind South or the applicant) applied to the Commission for a site permit amendment to repower the existing Community Wind South in Nobles County, originally permitted in 2012.¹

Project Purpose

Community Wind South proposes to increase the efficiency and reliability of the project and extend its

¹ Application for a Site Permit Amendment, Community South Wind Repower Project, September 30, 2021, eDockets Numbers [20219-178379-02](#), [20219-178379-03](#), [20219-178379-04](#), [20219-178379-05](#), [20219-178379-06](#), [20219-178379-07](#), [20219-178379-08](#), [20219-178380-01](#), [20219-178380-02](#), [20219-178380-03](#), [20219-178380-04](#), [20219-178380-05](#), [20219-178380-06](#), [20219-178380-07](#), [20219-178380-08](#), [20219-178380-09](#), [20219-178381-01](#), [20219-178381-02](#), [20219-178381-03](#), [20219-178381-04](#) (hereinafter Amendment Application).

useful life by replacing the blades and nacelles of the existing 15 turbines.² Zephyr has an executed Generation Interconnection Agreement (GIA) with the Midcontinent System Operator (MISO) for a 25-year term with automatic one-year extensions and is in the process of negotiating an amended GIA to reflect the repower project. The amended GIA would be executed prior to commencement of construction.³

Project Description

Community Wind South proposes repowering the existing MM92 turbines using Vestas V110 turbines. Repowering includes removal of the old nacelles and blades, installing an adapter on top of the existing towers, followed by placement of new nacelles and blades. The repowered 2.2 MW turbines will replace the existing 2.05 MW turbines resulting in a name plate capacity of 33 MW. Despite the higher capacity rating, the project will be governed at the Point of Interconnect (POI) to maintain power delivery to the grid at or below the permitted 30.75 MW interconnection agreement with the Midcontinent Independent System Operator (MISO).⁴

The applicant indicates that minor facilities upgrades will be required for the Repower Project to comply with the requirements of the amended GIA and plans to utilize the existing foundations, towers and much of the electrical infrastructure and access roads.⁵ Minor upgrades to the electrical collection system may be needed to support the higher capacity turbines and the project substation/switchyard may require an expansion on one side to install new capacitor banks for each medium voltage circuit to meet voltage and power factor requirements as required by MISO.⁶ The applicant will not be moving or adding turbines to the project and the project boundary will not be altered.

The applicant has lease agreements for all 15 wind turbine locations and seeks to extend those terms, although the current lease agreements allow for the activities associated with repowering the project.⁷ Critically, several of the 3 RD x 5 RD wind access buffer setbacks extend outside the current project boundary within lands encumbered by wind lease agreements for the Nobles Wind Project owned and operated by Xcel Energy.⁸ Originally, the Community Wind South Project obtained rights to these overlapping wind access buffer setback areas via an acknowledgement and consent from Xcel. For the Repower Project, Zephyr is coordinating closely with Xcel Energy to finalize a mutual consent agreement and to obtain non-exclusive wind rights agreements directly from the affected landowners.⁹ Zephyr Wind anticipates that the project will be constructed and operational by December 2022.¹⁰

² Amendment Application, Section 1.2.

³ Amendment Application, Section 4.1.

⁴ Amendment Application, Section 1.2.

⁵ Amendment Application, Section 4.1.

⁶ Amendment Application, Section 1.2.

⁷ Amendment Application, Section 4.6

⁸ Id.

⁹ Id.

¹⁰ Amendment Application, Section 1.2, 10.8.

Table 1. Comparison of Changes Between Existing and Repowered Turbines

Design Feature	Existing 2.05 MW Wind Turbines	Repowered Vestas V110 2.2 MW Wind Turbines
Rated Capacity	2,050 kW	2,200 kW
Nameplate Capacity	30.75 MW	33 MW
Hub Height	323 ft (98.5 m)	345 ft (105.05 m)
Adapter	N/A	7 m adapter for Vestas turbines installed on top of existing towers
Total Height	475 ft (144.75 m)	525 ft (160.05 m)
Rotor Diameter	303 ft (92.5 m)	361 ft (110 m)
Design Life	Minimum of 20 years	Minimum of 20 years
Cut in Wind Speed	6.7 mph (3 m/s)	6.7 mph (3 m/s)

Regulatory Process and Procedures

A site permit from the Commission is required to construct and operate a large wind energy conversion system (LWECS), which is any combination of wind turbines and associated facilities with the capacity to generate five MW or more of electricity.¹¹ Once issued, an LWECS site permit may be amended by the Commission if, after providing due process, it finds good cause to do so.¹²

The Commission has, in recent dockets, considered LWECS site permit amendments to facilitate repowering of wind farms. Repowering can take many forms – from a “full repowering” where existing turbines are decommissioned and replaced with fewer, larger turbines, to a “partial repowering” where existing turbines are retrofitted in some manner.

To afford due process, and based on recent Commission practice, a permittee seeking to repower an existing wind farm must apply for a site permit amendment and have the application reviewed through a public meeting and comment period (Table 1). Amendment applications must have the same information as would be required for an LWECS site permit application.¹³

Table 2. Review Process for LWECS Repowering Permit Amendment

Approximate Day	Process Step
1	Filing of Site Permit Amendment Application
30	EERA Comments on Application Completeness and Proposed Draft Site Permit

¹¹ Minnesota Statute 216F.04.

¹³ Minnesota Statute 216B.243.

35	Notice of Public Information Meeting and Comment Period
50	Public Information Meeting
75	End of Public Comment Period
90	EERA Comments on Site Permit Amendment
95-115	Commission Meeting for Decision

LWECS repowering projects do not require a certificate of need from the Commission if the repowering does not change the nameplate capacity of the project.¹⁴

EERA Staff Analysis and Comments

Application Completeness

Energy Environmental Review and Analysis (EERA) staff has conferred with Zephyr Wind about the Community Wind South Project and reviewed a draft permit amendment application. EERA staff believes that staff comments on the draft application have been addressed in the amendment application submitted to the Commission. Staff has evaluated the application against the completeness requirements of Minnesota Rule 7854.0500 (Table 2). Staff finds that the application contains appropriate and complete information with respect to these requirements, including descriptions of the proposed repowering and potential human and environmental impacts and mitigation measures. Accordingly, staff believes that the permit amendment application is substantially complete.

Draft Decommissioning Plan

EERA staff notes that the amendment application includes a description of the project's decommissioning and a draft decommissioning plan.¹⁵ The applicant indicates that the form of financial assurance will be mutually agreed upon by Nobles County Board of Commissioners and Zephyr Wind. Currently, the timing and amount of this funding is uncertain. The timing and amount should be clarified by record development prior to the applicant's pre-construction filing of their decommissioning plan (discussed below).

Pre-construction Noise Modeling

Noise modelling to assess potential noise levels was completed using a ground factor of 0.5 and an uncertainty margin of 2 dBA.¹⁶ The model assumed turbines to be operating at the loudest hub height emission level. Noise modeling indicates that no occupied or unoccupied residential dwellings will be impacted by total L₅₀ sound levels exceeding 60 dBA during the daytime or 50 dBA during the nighttime and that turbine only L₅₀ sound levels will be equal to or less than 47 dBA.¹⁷

¹⁴ Minnesota Statute 216B.243.

¹⁵ Amendment Application, Appendix M.

¹⁶ Amendment Application, Appendix G.

¹⁷ Id. at 1.

Draft Site Permit

Commission practice for LWECS repowering permit amendments has been to issue a complete, updated site permit for the repowered LWECS, as opposed to amendment language that must be interpreted by reference to the original site permit. In keeping with this practice, EERA staff has prepared and attached a draft site permit for a repowered Community Wind South Wind Farm. Staff has prepared this draft site permit based on the Commission's LWECS site permit template and on recent LWECS permit amendments. Staff has modified the permit template to reflect the proposed repowering, including portions of the template where variances may be required for the project. These modifications are discussed further here.

Wind Access Buffer Setback

Commission LWECS permits require a wind access buffer setback from non-participating landowners where permittees do not hold wind rights. The purpose of this setback is to ensure the economic efficiency of the project and to protect against infringement of wind development rights on adjacent properties. The permit for the Community Wind South project requires a three-rotor diameter setback on non-prevailing wind direction and five-rotor diameter (3 RD x 5 RD) on prevailing wind direction from non-participating property lines.¹⁸

The applicant discusses wind access buffer setbacks in its permit amendment application.¹⁹ Zephyr Wind has wind rights for all 15 turbines, but notes that several of the 3 RD x 5 RD wind access buffer setbacks extend outside the current project boundary within lands encumbered by wind lease agreements for the Nobles Wind Project owned and operated by Xcel Energy.²⁰ Originally, the Community Wind South project obtained rights to the overlapping wind access buffer setback areas directly with Xcel. For the Repower, Zephyr is updating its approach; for parcels impacted by both projects, Zephyr is coordinating closely with Xcel Energy to finalize a mutual consent agreement and to obtain non-exclusive wind rights agreements directly from the affected landowners.²¹ With these additional agreements and Xcel's consent, Zephyr is expecting to have wind rights for the entire 3 RD x 5 RD wind access buffer area.²²

Turbine Tower Lighting

Commission LWECS permits require lighting on turbine towers that is approved by the Federal Aviation Administration (FAA).²³ This lighting functions as a collision avoidance measure for aircraft in the project area. Typically, this lighting has consisted of a flashing red beacon on each turbine tower.

Recently, the FAA has approved a lighting system which does not flash unless and until an aircraft is detected by radar near the project area. This lighting system is referred to as an aircraft detection lighting system (ADLS). The goal of an ADLS is to provide safety for aircraft flying in or near the project area while minimizing the negative aesthetic impact of multiple, flashing red lights for persons living near the project.

¹⁸ Draft Site Permit, Section 4.1; Original Site Permit, Section 4.10

¹⁹ Amendment Application, Section 4.6.

²⁰ Id.

²¹ Id.

²² Id.

²³ Draft Site Permit, Section 5.3.28

The applicant is including a 15-acre area to the repower layout to accommodate an Aircraft Detection Lighting System (ADLS).²⁴ Recent permits have included the possibility of installing a different lighting mitigation system – for example a light intensity dimming solution (LIDS) – if such a system obtains FAA approval. A LIDS system varies the intensity of turbine tower beacons based on visibility in the project area.

Formerly permitted as a special condition, EERA staff has now included a standard permit condition requiring a lighting mitigation system for the project in the draft site permit.²⁵ The applicant will “abide by the FAA’s recommendations regarding required obstruction lighting. All 15 turbines will be required to have synchronized red lights in accordance with the FAA’s issued Determinations of No Hazard. Zephyr will coordinate with the FAA regarding implementation of an ADLS system for the project that is appropriate for the project’s location and size.”²⁶

Avian and Bat Fatality Monitoring

Commission LWECs permits require monitoring of avian and bat fatalities associated with wind farm operations. The extent of this monitoring depends on the estimated risks to birds and bats associated with a specific site and proposed turbines. Based on pre-application meetings with the applicant and the Minnesota Department of Natural Resources, EERA staff has included two years of avian and bat fatality monitoring in the draft site permit.²⁷

Prairie Protection Plan

The 2012 Site Permit required a Prairie Protection Plan to the extent there were prairie impacts (Site Permit Condition C.6).²⁸ Surveys completed in 2012 within the Project area did not identify native prairie, and therefore assumed no impacts to native prairie. However, given that the field survey was conducted in February 2012, the survey likely did not accurately capture existing vegetation.²⁹ It is also possible that conditions have changed since the 2012 survey was completed. EERA staff recommend a Prairie Protection Plan for the repowering to address the extent of prairie on site and protection of native prairie during repowering and decommissioning of the project as reflected in the amended site permit. Survey work should be completed during the growing season.

Decommissioning Plan

Zephyr Wind submitted a Decommissioning Plan with the Amendment Application.³⁰ An approved decommissioning plan is not necessary before accepting the application. However, EERA believes further record development is needed and requests Zephyr Wind provide the following information:

- **Project description:**
 - Provide date and eDocket location of the site permit. Future updates should also include a link to past decommissioning plans.
- **Permits and Notifications:**
 - EERA expects the permit list to be more specific as the facility nears the end of useful life.

²⁴ Amendment Application, Section 5.0.

²⁵ Draft Site Permit Section 5.3.28

²⁶ Amendment Application, Section 8.4.1.

²⁷ Draft Site Permit Section 7.5.1

²⁸ Amendment Application, Section 8.18.2

²⁹ See *Native Prairie Site Review*, eDockets [20122-71818-01](#)

³⁰ Amendment Application Appendix M.

Current permit language requires the plan be provided to local governments and should be included in the final plan.

- **Tasks and Timing:** This detail provided is adequate, with a few exceptions.
 - **Waste disposal:** Include assumptions about waste disposal -what components can easily be disposed of locally and which might need specialized disposal locations.
 - **Blades:** Include more detail on the disposal assumption for the blades – where will they go and how will they be prepared? Add a line item in the cost estimate for this action.
 - **Changes in methodology:** The plan implies that any method (felling, disassembly, or other method) may be chosen by a successful bidder is inconsistent with the intent of the decommissioning plan. The manner of decommissioning must be consistent with the description provided in the decommissioning plan. If the manner of decommissioning changes, revise the decommissioning plan, cost estimate, and amount of financial assurance.
- **Cost Estimate:** Add separate lines for blade and nacelle disposal or clarify assumptions in the tasks and timing discussion.
- **Scheduled Updates** Remove reference to Table 3 of EERA recommendations when filed as a pre-construction document, as the relevance of that general reference will be outdated.
- **Financial Surety:** Consistent with the Solar and Wind Decommissioning Working Group recommendation, EERA recommends that financial assurance begin no later than year 10 and that the surety provide for full decommissioning costs prior to the expiration of any PPA. Given the facility initially came online in 2012, EERA recommends that the financial assurance should be established no later than the end of calendar year 2022, with financial assurance for the full decommissioning cost in place sometime prior to the expiration of the current PPA in 2032. This section should identify the type of surety anticipated (e.g., bond, LOC) and the beneficiary of that surety.

Zoning and Project Setbacks

Pursuant to the Minnesota Wind Siting Act (Act), the Commission has been given the responsibility and authority to accept, evaluate, and grant permits for wind projects in Minnesota. The Act provides that “No person may construct an LWECs without a site permit issued by the Public Utilities Commission” (Minn. Stat., Section 216F.04(a) (2020)). Furthermore, Minn. Stat., Section 216F.07 (2020) states that, “A permit under this chapter is the only site approval required for the location of an LWECs.” The site permit supersedes and preempts all zoning, building, or land use rules, regulations, or ordinances adopted by regional, county, local and special purpose government.” Applicants and the Commission, however, often make efforts to meet local planning and zoning requirements when siting large energy infrastructure.

In the Commission’s order approving the Community Wind South Site Permit on May 1, 2012, the Commission indicated that it agreed with and adopted the recommendations of the Department of Commerce, which were attached and incorporated by reference into the Commission order. With respect to the Nobles County wind regulations, the Department of Commerce noted that Zephyr Wind was not required to meet Nobles County setback rules for LWECs, but that “it appears that [Zephyr] has also designed the project to meet or exceed the setback requirements adopted by Nobles County for commercial turbines in its wind energy conversion system regulations (section 729.4 Setbacks).”³¹

³¹ Order Granting a Site Permit to Community Wind South, May 1, 2012, eDockets No. [20125-74352-01](#).

As a result, Special conditions were incorporated into Section 13.1 of the Site Permit applying certain Nobles County requirements for turbines to be set back from property lines, road rights-of-way, and wetlands. These requirements are more stringent than state standards and would not typically be applied to an LWECS. Upon review of these requirements, the Applicant has determined that the existing Project layout does not, in fact, fully comply with the Nobles County setback requirements. Specifically, there are encroachments on three property line setbacks, one right-of-way setback, and one wetland setback as follows:

- Turbine T-9 encroaches on the Nobles County setback distance to the public road right-of-way by approximately 23 feet.
- Turbine T-15 is located within 577 feet of a type III, IV, and V wetland based on National Wetlands Inventory desktop mapping instead of the 600 feet required by Nobles County Ordinance. This distance will be confirmed during wetland delineation activities.
- Turbines T-6, T-12 and T-13 exceed the County setback for property lines by 38, 39, and 38 feet, respectively.

Zephyr Wind reached out to Nobles County for comments on the encroachments. The Nobles County Planning and Zoning Administrator responded on September 28, 2021 (Appendix F). The County indicated that it does not object to these waiver requests and included the following feedback:

- With respect to T-9 and the road right-of-way setback, the county noted that the affected road is a minimum maintenance road and therefore it had no objection to waiving the right-of-way setback in this case.
- With respect T-15 and the wetland setback, the county indicated that it had no objection to a waiver request of 23 feet, but noted that if during the wetland delineation process, the encroachment was determined to be 40 feet or greater, that Zephyr should also seek a variance from Nobles County.

With respect to T-6, T-12, and T-13 and the non-participating property line setbacks, the county indicated that Zephyr should seek a variance from the county if it is unable to obtain participation agreements from the affected landowners. Zephyr is already in the process of seeking participation agreements from these landowners as these same parcels are affected by the wind access buffer setback and Zephyr expects to be able to obtain such agreements prior to starting construction.

Nobles County does not support fully removing references to the Nobles County setbacks from the Site Permit. The applicant “is comfortable maintaining such references so long as the specific waivers requested are granted.”³² The repowering does not contemplate moving any turbines and the applicant notes that it would not be feasible to do so without fundamentally re-designing and re-conceiving the scope of the repowering project. As a result, setbacks from property lines, road rights-of-way, and wetlands will not change. For these reasons, the applicant requests that the special conditions set forth in Section 13.1 of the issued Site Permit be removed or that waivers be granted for the instances described above in which existing facilities do not comply with the Nobles County setback requirements.

³² Amendment Application, Section 8.2.12.

EERA agrees that the best way to address compliance concerns with Nobles County setbacks is to obtain waivers from the county. Waivers for the encroachments listed above are to be obtained from Nobles County and efiled 14-days prior to construction.

Third Party Monitor

Permittees are required to “describe construction activities and progress and activities undertaken in compliance of this permit.” This occurs no more than monthly. Permittees are also required to appoint a Field Representative “responsible for overseeing compliance with the conditions of this permit during construction of the project.” This means that while permittees must provide status updates to the Commission concerning construction, they are not required to report on permit compliance related issues. Generally, compliance related issues are raised through public complaints. EERA increasingly believes relying on permittees to oversee their own permit compliance or relying on the public to act as a source of independent monitoring is inappropriate. Minnesota should, and must have, a more active role in ensuring compliance with the siting and routing permits it issues. As the entity with the delegated responsibility to “maintain compliance information on all active site and route permits” EERA has determined that it is most appropriate to gather this information directly through use of an independent agency monitor. This is best accomplished through a specific permit condition in the route permit.

Applicant Requested Site Permit Changes

Zephyr Wind requests the following changes to the amended site permit:³³

1. Term. Zephyr requests that the term of the permit be extended so that it extends 30 years from the date of approval of the amendment.
2. Site Permit Section: Change Applicant to Zephyr Wind, LLC and update nameplate capacity 33 MW.
3. Section 1.0 – Project Description: The Applicant requests the Project Description be updated to reflect the proposed Repower Project.
4. Section 3.0 – Application Compliance: Revise date of the site permit amendment application.
5. Section 4.9 – Request change of allowable tower height to 345 feet to accommodate the 7 m adapter.
6. Section 13.1 – 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 amended application

Other Amendments and Clarifications

EERA staff has amended and clarified additional items in the draft site permit to reflect the Commission’s LWECs site permit template, recent LWECs permit amendments, and the specifics of the Community Wind South Wind Farm. These items include:

- **Project Description.** EERA staff has included an appropriate project description³⁴
- **Turbine Layout.** EERA staff has amended the description of the turbine layout to note that it is not a preliminary layout. No turbines will be moved during the repowering; thus, the project’s turbine layout is final.

³³ Amendment Application, Section 1.3.

³⁴ Draft Site Permit Section 3

- **Other Permits and Regulations.** EERA staff has clarified that the permittee must submit a filing with a detailed status update of all permits, authorizations, and approvals required for the project via a filing with the Commission prior to the pre-construction meeting. The permittee must demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as much prior to commencing construction.³⁵
- **Biological and Natural Resource Inventories.** As the wind farm is already sited and constructed, EERA staff has amended this inventory requirement to include only new surveys conducted for the repowering project.³⁶
- **Wake Loss Studies.** Because the project's wind turbine towers are already sited and constructed, EERA staff has removed any discussion of micro-siting from this study requirement.³⁷
- **Noise Studies.** Because the wind farm is currently operational, EERA staff has clarified that the completed post-construction noise study must be filed within 18 months of the completion of the repowering project.³⁸
- **Pre-Operation Meeting and Decommissioning Plan.** Because the wind farm is currently operational, EERA staff has removed the requirement for a pre-operational meeting. A project's decommissioning plan is typically filed in advance of a pre-operational meeting. Because such a meeting will not occur, EERA staff has amended the plan's filing date to 14 days prior to the pre-construction meeting.³⁹
- **Site Plan.** Commission LWECS permits require permittees to submit their proposed site plans to the Commission prior to a pre-construction meeting. A permittee may not begin construction until the Commission has advised them in writing that the permittee's proposed site plan is consistent with the site permit or until 30 days has expired. EERA staff has clarified that this 30-day period begins with the pre-construction meeting. Since the wind farm is sited and constructed, EERA staff has removed language allowing movement of a turbine site based on previously unidentified human and environmental conditions.⁴⁰
- **In-Service Date.** As the wind farm is already operational, EERA staff has clarified that the requirement for notice of the project being in service refers to completion of the repowering project.⁴¹

³⁵ Id. at 3.0

³⁶ Id. at 7.1

³⁷ Id. at 7.3

³⁸ Id. at 7.4

³⁹ Id. at 11.1

⁴⁰ Id. at 10.2

⁴¹ Id. at 10.5

EERA Staff Recommendations

EERA staff recommends the following based on review of the site permit amendment application:

1. Acceptance of the permit amendment application as substantially complete. Review of the Amended Site Permit using the Commission's process for LWECs repowering permit amendments (Table 2 above), beginning with noticing and holding a public information meeting as soon as arrangements can be made.
2. Use of the attached draft site permit for public comment on the proposed repowering which includes the following:
 - a. Clarification of turbine lighting and installation of ADLS.
 - b. Allow the applicant to obtain waivers from Nobles County to address setback concerns and modify special condition 6.1 (13.1 in 2012 permit) to indicate that the provisions of 6.1 need not be complied with if waivers are obtained from Nobles County.
 - c. A requirement that the applicant submit verification of new lease agreements.
 - d. A requirement that the applicant submit a Prairie Protection and Management Plan that includes an updated prairie survey completed during the growing season.
 - e. A requirement that the applicant complete two years of post-construction avian and bat monitoring.
 - f. A requirement that the permittee submit a revised Decommissioning Plan addressing EERA comments prior to pre-construction meeting.
 - g. A requirement that the permit supply an independent monitor for repowering and site restoration. The proposed permit language allows flexibility in scaling the scope of the monitoring so that appropriately reflects the particular features of the Community Wind South re-power project construction activities.

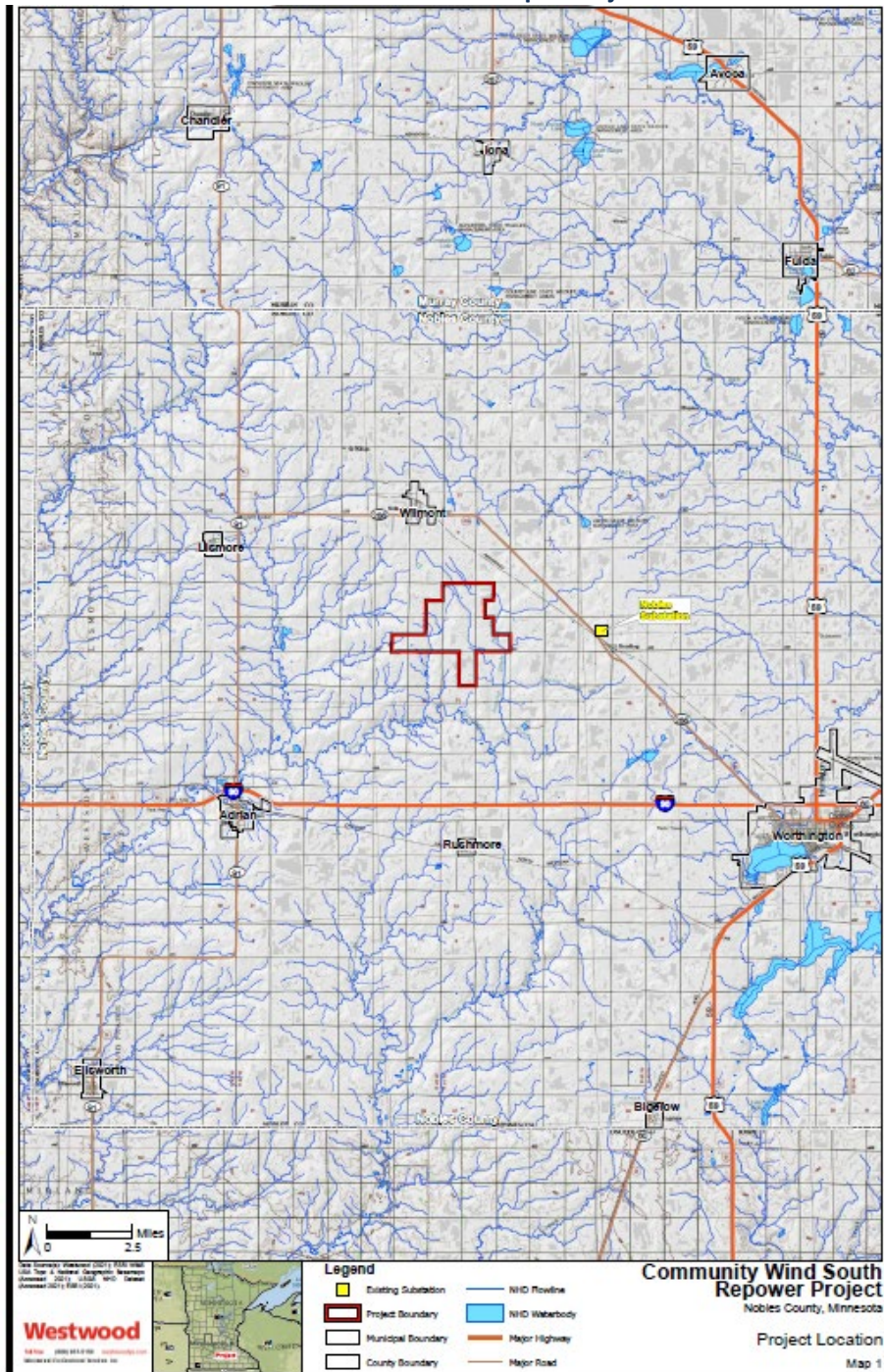
EERA has not made a recommendation regarding wind rights waivers at this time and will wait to receive public comment and input before developing a position on this request.

Table 3. Application Completeness Requirements

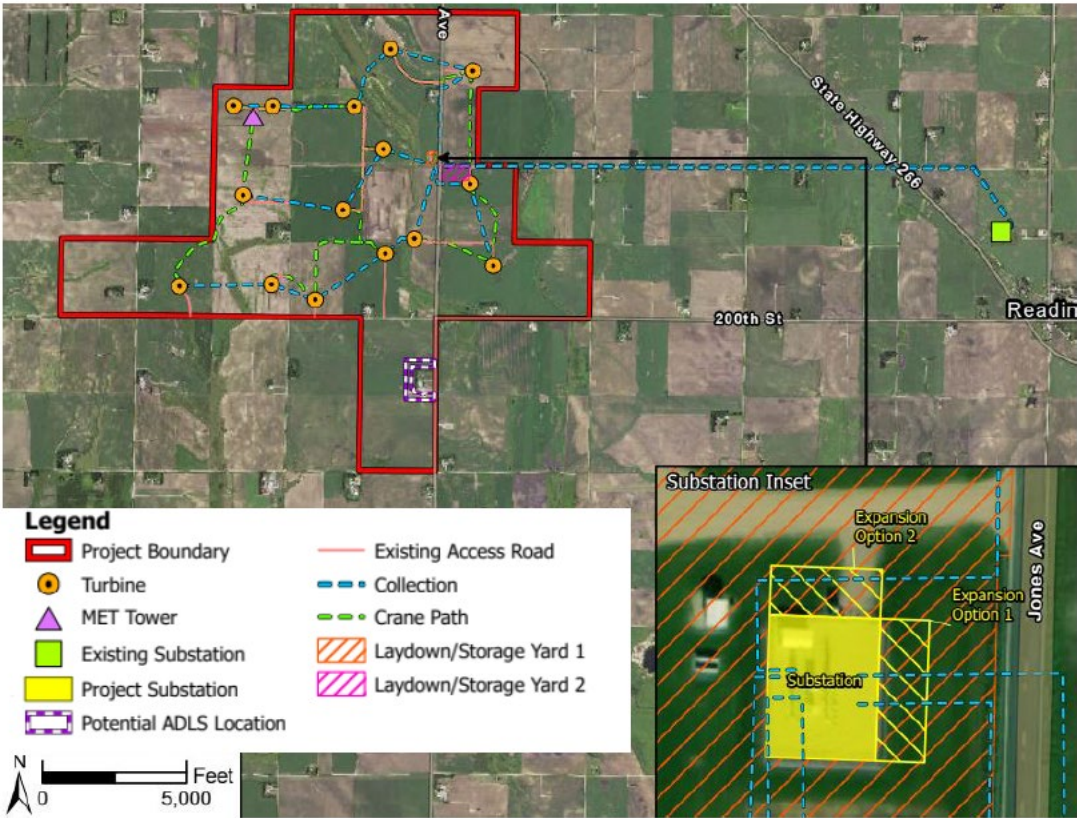
Minnesota Rule 7854.0500	Location in Site Permit Amendment Application	EERA Staff Comments
Subpart 1. Information regarding the applicant.	Section 1	Information is provided to satisfy this requirement.
Subpart 2. Certificate of need requirements.	Sections 1 and 2	Information is provided to satisfy this requirement. Northern Wind indicates that the project is exempt from a certificate of need per Minnesota Statute 216B.243, Subd. 8.
Subpart 3. Furtherance of state policy for wind farm siting.	Section 3	Information is provided to satisfy this requirement.
Subpart 4. Characteristics of the proposed site.	Sections 4 and 9, Appendix A	Information is provided to satisfy this requirement.
Subpart 5. Wind rights.	Sections 4 and 7	Information is provided to satisfy this requirement. Northern Wind currently has wind rights for the project.
Subpart 6. Project design.	Sections 5 and 6	Information is provided to satisfy this requirement. The applicant discusses project design relative to setback conditions and constraints.
Subpart 7. Human and environmental impacts.	Section 8	Information is provided to satisfy this requirement. The applicant discusses potential impacts and mitigation measures.
Subpart 8. Construction of the project.	Section 10	Information is provided to satisfy this requirement.
Subpart 9. Operation of the project.	Section 10.6	Information is provided to satisfy this requirement.
Subpart 10. Project costs.	Section 10.7	Information is provided to satisfy this requirement.
Subpart 11. Project schedule.	Section 10.8	Information is provided to satisfy this requirement.
Subpart 12. Energy projections.	Section 10.9	Information is provided to satisfy this requirement.

Minnesota Rule 7854.0500	Location in Site Permit Amendment Application	EERA Staff Comments
Subpart 13. Decommissioning and restoration.	10.10 and Appendix M	Information is provided to satisfy this requirement.
Subpart 14. Identification of other permits.	Section 11.10	Information is provided to satisfy this requirement.

Map 1 Project Location



Map 2 Existing Turbine Layout and Potential Laydown Yard Expansion Alternatives



STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

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

**IN
NOBLES COUNTY**

**ISSUED TO
ZEPHYR WIND**

PUC DOCKET NO. IP—6871/WS-11-863

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

ZEPHYR WIND

The Permittee is authorized by this site permit to construct and operate the Community Wind South Wind Farm, a Large Wind Energy Conversion System of up to 33 megawatts (MW) consisting of 15 turbines. The Large Wind Energy Conversion System and associated facilities shall be built within the site identified in this permit and as portrayed on the site maps and in compliance with the conditions specified in this permit.

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

Approved and adopted this ____ day of _____

BY ORDER OF THE COMMISSION

Will Seuffert, Executive Secretary

To request this document in another format such as large print or audio, call 651.296.0406 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

CONTENTS

1	SITE PERMIT	1
1.1	Preemption	1
2	PROJECT DESCRIPTION.....	1
2.1	Associated Facilities.....	2
2.2	Project Location.....	2
3	DESIGNATED SITE.....	2
3.1	Turbine Layout.....	2
4	SETBACKS AND SITE LAYOUT RESTRICTIONS	3
4.1	Wind Access Buffer	3
4.2	Residences	3
4.3	Noise	3
4.4	Roads	3
4.5	Public Lands	4
4.6	Wetlands.....	4
4.7	Native Prairie	4
4.8	Sand and Gravel Operations.....	5
4.9	Wind Turbine Towers	5
4.10	Turbine Spacing	5
4.11	Meteorological Towers.....	5
4.12	Aviation.....	6
4.13	Footprint Minimization.....	6
5	GENERAL CONDITIONS.....	6
5.1	Permit Distribution	6
5.2	Access to Property	7
5.3	Construction and Operation Practices.....	7
5.3.1	Field Representative	7
5.3.2	Site Manager	7
5.3.3	Employee Training and Education of Permit Terms and Conditions	8
5.3.4	Public Services and Public Utilities.....	8
5.3.5	Topsoil Protection	8
5.3.6	Soil Compaction	9
5.3.7	Soil Erosion and Sediment Control.....	9
5.3.8	Wetlands and Water Resources.....	9
5.3.9	Vegetation Removal.....	10
5.3.10	Application of Pesticides	10
5.3.11	Invasive Species.....	10
5.3.12	Noxious Weeds	11

5.3.13	Public Roads	11
5.3.14	Turbine Access Roads.....	11
5.3.15	Private Roads	12
5.3.16	Archaeological and Historic Resources	12
5.3.17	Interference	12
5.3.18	Livestock Protection.....	13
5.3.19	Fences	13
5.3.20	Drainage Tiles.....	13
5.3.21	Equipment Storage.....	13
5.3.22	Restoration.....	13
5.3.23	Cleanup	14
5.3.24	Pollution and Hazardous Waste.....	14
5.3.25	Damages.....	14
5.3.26	Public Safety.....	14
5.3.27	Tower Identification.....	14
5.3.28	Federal Aviation Administration Lighting	14
5.4	Communication Cables.....	15
5.5	Electrical Collector and Feeder Lines.....	15
5.6	Other Requirements.....	15
5.6.1	Safety Codes and Design Requirements	15
5.6.2	Other Permits and Regulations	16
6	SPECIAL CONDITIONS.....	16
6.1	Soil and Water Conservation District (SWCD) and Landowner Review of Plans.....	17
7	SURVEYS AND REPORTING.....	18
7.1	Biological and Natural Resource Inventories.....	18
7.2	Shadow Flicker.....	18
7.3	Wake Loss Studies	18
7.4	Noise Studies	18
7.5	Avian and Bat Protection.....	19
7.5.1	Operational Phase Fatality Monitoring.....	19
7.5.2	Avian and Bat Protection Plan	19
7.5.3	Quarterly Incident Reports	19
7.5.4	Immediate Incident Reports	20
7.5.5	Turbine Operational Curtailment.....	20
8	AUTHORITY TO CONSTRUCT LWECS	21
8.1	Wind Rights.....	21
8.2	Power Purchase Agreement	21
8.3	Failure to Commence Construction.....	21
9	COMPLAINT PROCEDURES.....	22

10	COMPLIANCE REQUIREMENTS	22
10.1	Pre-Construction Meeting	22
10.2	Site Plan	22
10.3	Status Reports.....	23
10.4	Labor Statistic Reporting	23
10.5	In-Service Date.....	24
10.6	As-Builts	24
10.7	GPS Data	24
10.8	Project Energy Production.....	24
10.9	Wind Resource Use.....	25
10.10	Emergency Response.....	25
10.11	Extraordinary Events.....	25
11	DECOMMISSIONING, RESTORATION, AND ABANDONMENT	25
11.1	Decommissioning Plan.....	26
11.2	Site Restoration	26
11.3	Abandoned Turbines	27
12	COMMISSION AUTHORITY AFTER PERMIT ISSUANCE	27
12.1	Final Boundaries	27
12.2	Expansion of Site Boundaries	27
12.3	Periodic Review	27
12.4	Modification of Conditions	27
12.5	More Stringent Rules.....	28
12.6	Right of Entry	28
12.7	Proprietary Information.....	28
13	PERMIT AMENDMENT	28
14	TRANSFER OF PERMIT.....	29
15	REVOCAION OR SUSPENSION OF PERMIT.....	30
16	EXPIRATION DATE	30

ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedure for Permitted Energy Facilities

Attachment 3 – Site Map

Attachment 4 – DNR Flyers

1 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Zephyr Wind, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854. This permit authorizes the Permittee to construct and operate the Community Wind South Wind Farm, an up to 33 megawatt (MW) nameplate capacity Large Wind Energy Conversion System (LWECS) and associated facilities in Nobles County. The LWECS and associated facilities shall be built within the site identified in this permit and as identified in the attached site maps, hereby incorporated into this document.

1.1 Preemption

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

2 PROJECT DESCRIPTION

The project is a repowering of the existing Community Wind South's existing 15 REpower MM92 turbines with the Vestas V110 turbines will result in an increased rating capacity from 30.75 MW to 33 MW capacity. The repowering of all 15 turbines includes (1) removing the old nacelles and blades; (2) installing an adapter on top of the existing tower; (3) installing new nacelles and blades; (4) installation of a lighting mitigation system.

There are no changes to existing turbine locations, turbine towers, meteorological towers, the underground electrical connection system, or the project substation. The nameplate capacity of the wind farm increases from 30.75 MW to 33 MW, with generation at the interconnection point remaining at 30 MW per MISO agreement.

The project area includes approximately 3,111 acres of land, and the Permittee currently holds easements and participation agreements with all landowners within the project area. Upon completion of Project construction and restoration, the project site will include no more than 3,111 acres of land for wind turbines and associated facilities approved by this site permit.

2.1 Associated Facilities

Associated facilities include the following:

- a. gravel access roads
- b. underground collection lines
- c. underground communication line system
- d. one permanent meteorological tower
- e. a Project substation facility
- f. an operations and maintenance (O&M) facility
- g. a lighting mitigation system

Temporary disturbance areas to allow for the construction of the Project will include, crane paths, pull sites, access roads, a concrete batch plant, and a laydown yard.

2.2 Project Location

The project is in:

County Name	Township Name	Township	Range	Sections
Nobles	Summit Lake	103N	41W	17-20; 30
	Larkin	103N	42W	13; 23-24

3 DESIGNATED SITE

The site designated by the Commission for the Community Wind South Wind Farm is the site depicted on the site maps attached to this permit. The project area encompasses approximately 3,111 acres. Within the project boundary, the LWECS and associated facilities shall be located on lands for which the Permittee has obtained wind rights.

3.1 Turbine Layout

The wind turbine and associated facilities layout is shown on the site maps attached to this permit. The layout represents the location of wind turbines and associated facilities within the project boundary and identifies a layout that minimizes the overall potential human and environmental impacts of the project.

4 SETBACKS AND SITE LAYOUT RESTRICTIONS

4.1 Wind Access Buffer

Wind turbine towers shall not be placed less than five rotor diameters on the prevailing wind directions and three rotor diameters on the non-prevailing wind directions. For areas that extend outside the project boundary and overlap with lands encumbered by wind lease agreements for the Nobles Wind Project (owned and operated by Xcel Energy), the applicant shall provide verification of the mutual consent agreement with Xcel Energy and non-exclusive wind rights agreements from the affected landowners. This section does not apply to public roads and trails.

4.2 Residences

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

4.3 Noise

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

4.4 Roads

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

4.5 Public Lands

Wind turbines and associated facilities including foundations, access roads, underground cable, and transformers, shall not be located in publicly-owned lands that have been designated for recreational or conservation purposes, including, but not limited to, Waterfowl Production Areas, State Wildlife Management Areas, Scientific and Natural Areas or county parks, except in the event that the public entity owning those lands enters into a land lease and easement with the Permittee. Wind turbines towers shall also comply with the setbacks of Section 4.1.

4.6 Wetlands

Wind turbines and associated facilities including foundations, access roads, underground cable and transformers, shall not be placed in public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources (DNR) and the United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetlands Conservation Act.

4.7 Native Prairie

Wind turbines and associated facilities including foundations, access roads, collector and feeder lines, underground cable, and transformers shall not be placed in native prairie, as defined in 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 30 days prior to submitting the site plan required by Section 10.3 of this permit. The plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission.

4.8 Sand and Gravel Operations

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

4.9 Wind Turbine Towers

Structures for wind turbines are self-supporting tubular towers. The wind turbine specifications in the table below were provided in the Permittee's September 30, 2021, Site Permit Amendment Application:

Design Feature	Vestas V110 2.2 MW Wind Turbines
Capacity	2.2 MW
Number of Turbines	15
Total Height (ground to tip)	525 ft (160.05 m)
Hub Height	345 ft (105.05 m)
Rotor Diameter	361 ft (110 m)

4.10 Turbine Spacing

The turbine towers shall be constructed within the site boundary as shown on the 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 the turbine towers closer.

4.11 Meteorological Towers

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

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

4.12 Aviation

The Permittee shall not place wind turbines or associated facilities in a location that could create an obstruction to navigable airspace of private and public airports (as defined in Minn. R. 8800.0100, subp. 24(a) and 24(b)) in Minnesota, adjacent states, or provinces. The Permittee shall apply the minimum obstruction clearance for private airports pursuant to Minn. R. 8800.1900, subp. 5. Setbacks or other limitations shall be followed in accordance with the Minnesota Department of Transportation (MnDOT), Department of Aviation, and the FAA. The Permittee shall notify owners of all known airports within six miles about the project's anticipated construction start date at least 14 days prior to the pre-construction meeting.

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.

5 GENERAL CONDITIONS

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

5.1 Permit Distribution

Within 30 days of permit issuance, the Permittee shall send a copy of the permit and the complaint procedures to any regional development commission, county auditor and environmental office, and city and township clerk in which any part of the site is located.

Within 30 days of permit issuance, the Permittee shall provide all affected landowners with a copy of this permit and the complaint procedures. In no case shall the landowner receive this site permit and complaint procedures less than five days prior to the start of construction on

their property. An affected landowner is any landowner or designee that is within or adjacent to the permitted site.

5.2 Access to Property

The Permittee shall contact landowners prior to entering private property or conducting maintenance within the project site, unless otherwise negotiated with the affected landowner.

5.3 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the September 30, 2021, Site Permit Amendment Application, and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail.

5.3.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this permit during construction of the project. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, residents, local government units and other interested persons 14 days prior to commencing construction. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, Local Governmental Units and other interested persons.

5.3.2 Site Manager

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this permit during the commercial operation and decommissioning phases of the project. This person shall be accessible by telephone or other means during normal business hours for the life of this permit.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the site manager 14 days prior to the pre-operation meeting for 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, local government units and other interested persons.

5.3.3 Employee Training and Education of Permit Terms and Conditions

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

5.3.4 Third Party Monitor

Prior to any construction, the Permittees shall propose a scope of work and identify one independent third party agency monitor on behalf of the Department of Commerce. The scope of work shall be developed in consultation with and approved by the Department of Commerce. This third-party monitor will report directly to and will be under the control of the Department of Commerce with costs borne by the Permittee. The Permittee shall file the with the Commission the scope of work 30 days prior to commencing construction and the name, address, email, phone number, and emergency phone number of the third-party monitor 14 days prior to commencing any construction or right-of-way preparation and upon any change that may occur during the construction of the project and restoration of the right-of-way.

5.3.5 Public Services and Public Utilities

During construction, the Permittee shall minimize any disruption to public services and public utilities. To the extent disruptions to public services or public utilities occur these will be temporary, and the Permittee will restore service promptly. Where any impacts to utilities have the potential to occur the Permittee will work with both landowners and local agencies to determine the most appropriate mitigation measures if not already considered as part of this permit.

5.3.6 Topsoil Protection

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

5.3.7 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. Soil decompaction measures shall be utilized on all lands utilized for project construction and travelled on by cranes, heavy equipment, and heavy trucks; even when soil compaction minimization measures are used.

5.3.8 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the MPCA Construction Stormwater Program. If construction of the facility disturbs more than one acre of land, or is sited in an area designated by the MPCA as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit from the MPCA that provides for the development of a Stormwater Pollution Prevention Plan (SWPPP) that describes methods to control erosion and runoff.

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the facilities shall be returned to pre-construction conditions.

5.3.9 Wetlands and Water Resources

Construction in wetland areas shall occur during frozen ground conditions to minimize impacts, to the extent feasible. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. Soil excavated from the wetlands and riparian areas shall be contained and managed in accordance with all applicable wetland permits. Wetlands and riparian areas shall be accessed using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

Wetland and water resource areas disturbed by construction activities shall be restored to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. All requirements of the U.S. Army Corps of Engineers, Minnesota Department of Natural Resources, Minnesota Board of Water and Soil Resources, and local units of government shall be met.

5.3.10 Vegetation Removal

The Permittee shall disturb or clear vegetation on the project site only to the extent necessary to assure suitable access for construction, and for safe operation and maintenance of the project. The Permittee shall minimize the number of trees removed in selecting the site layout specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and other vegetation, to the extent that such actions do not violate sound engineering principles.

5.3.11 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture (MDA), DNR, and the U.S. Environmental Protection Agency (EPA). 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.

5.3.12 Invasive Species

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by project construction activities. The Permittee shall develop an Invasive Species Prevention Plan to prevent the introduction and spread of invasive species on lands disturbed by project construction activities and file with the Commission 14 days prior to the pre-construction meeting.

5.3.13 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil, the Permittee shall select site appropriate seed certified to be free of noxious weeds. The Permittee shall consult with landowners on the selection and use of seed for replanting. To the extent possible, the Permittee shall use native seed mixes.

5.3.14 Public Roads

At least 14 days prior to the pre-construction meeting, the Permittee shall identify all state, county, or township roads that will be used for the project and shall notify the Commission and the state, county, or township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these roads. Where practical, existing roadways shall be used for all activities associated with the project. Where practical, all-weather roads shall be used to deliver cement, turbines, towers, assembled nacelles, and all other heavy components to and from the turbine sites.

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

5.3.15 Turbine Access Roads

The Permittee shall construct the least number of turbine access roads necessary to safely and efficiently operate the project and satisfy landowner requests. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. Access roads shall not be constructed across streams and drainage 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 can readily flow to the lower portion of the watershed. 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. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

5.3.16 Private Roads

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

5.3.17 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to identified archaeological and historic resources when constructing the facility. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office (SHPO) and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize project impacts on the resource consistent with SHPO and State Archaeologist requirements.

Prior to construction, workers shall be trained about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction at such location and promptly notify local law enforcement and the State Archaeologist. Construction at such location shall not proceed until authorized by local law enforcement and the State Archaeologist.

5.3.18 Interference

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

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

5.3.19 Livestock Protection

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

5.3.20 Fences

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

5.3.21 Drainage Tiles

The Permittee shall take into account, avoid, promptly repair or replace all drainage tiles broken or damaged during all phases of project's life unless otherwise negotiated with the affected landowner.

5.3.22 Equipment Storage

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

5.3.23 Restoration

The Permittee shall, as soon as practical following construction of each turbine, restore the areas affected by construction to the condition that existed immediately before construction began, to the extent possible. The time period to complete restoration may be no longer than 12 months after the completion of construction, unless otherwise negotiated with the affected landowner. Restoration shall be compatible with the safe operation, maintenance and inspection of the project. Within 60 days after completion of all restoration activities, the Permittee shall advise the Commission in writing of the completion of such activities.

5.3.24 Cleanup

All waste and scrap that is the product of construction shall be removed from the site and all premises on which construction activities were conducted and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.

5.3.25 Pollution and Hazardous Waste

All appropriate precautions to protect against pollution of the environment shall be taken by the Permittee. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all wastes generated during construction, site restoration and operation of the facility.

5.3.26 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction.

5.3.27 Public Safety

The Permittee shall provide educational materials to landowners adjacent to the site and, upon request, to interested persons about the project and any restrictions or dangers associated with the project. The Permittee shall also provide any necessary safety measures such as warning signs and gates for traffic control or to restrict public access. The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of construction at the site.

5.3.28 Tower Identification

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

5.3.29 Federal Aviation Administration Lighting

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

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

5.4 Communication Cables

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

5.5 Electrical Collector and Feeder Lines

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

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

Collector and feeder line locations shall be located in such a manner as to minimize interference with agricultural operations including, but not limited to, existing drainage patterns, drain tile, future tiling plans, and ditches. Safety shields shall be placed on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines in the site plan pursuant to Section 10.3.

5.6 Other Requirements

5.6.1 Safety Codes and Design Requirements

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

5.6.2 Other Permits and Regulations

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations. A list of the permits known to be required is included in the permit application. At least 14 days prior to the pre-construction meeting, the Permittee shall submit a filing with a detailed status update of all permits, authorizations, and approvals that have been applied for specific to the project. The detailed status update shall include the permitting agency or authority, the name of the permit, authorization, or approval being sought, contact person and contact information for the permitting agency or authority, brief description of why the permit, authorization, or approval is needed, application submittal date, and the date the permit, authorization, or approval was issued or is anticipated to be issued.

The Permittee shall demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as such, prior to commencing project construction. The Permittee shall provide a copy of any such permits, authorizations, and approvals upon Commission request.

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.

6 SPECIAL CONDITIONS

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

6.1 Application of Nobles County Setback Regulations

The Permittee shall site all wind turbines and associated facilities in accordance with the following Nobles County Wind Energy Conversion System Regulations, (Section 729.4 Setbacks for Wind Turbines (Commercial) and Meteorological Towers):

Resource	Wind Turbines – Commercial WECS	Meteorological Towers
Property Lines	1.25 times the total height	The fall zone, as certified by a professional engineer + 10 feet or 1.1 times the total height
Road Rights-of-Way* [*The setback shall be measured from future rights-of-way if a planned change or expanded right-of-way is known.]	1 times the height, may be reduced for minimum maintenance roads or a road with an Average Daily Traffic Count of less than 10. (Or equivalent to centerline).	The fall zone, as certified by a professional engineer + 10 feet or 1 times the total height.* *Total height means from the base of the turbine to the tip of the blade at its highest point.
Wetlands, USFWS Types III, IV, and V	600 feet	600 feet

This permit condition will be waived upon receiving setback waivers from Nobles County regarding turbines T9, T-15, T-6, T-12, and T-13.

6.2 Soil and Water Conservation District (SWCD) and Landowner Review of Plans

The Permittee shall provide the local SWCD and participating landowners with the opportunity to review and comment on detailed access road, and all other infrastructure plans and designs in order to minimize the potential to pond and/or divert water creating gully erosion or the potential to cause damage or failure to existing conservation practices, such as terrace(s), sediment control basin(s) or diversion(s) prior to finalization and installation. The Permittee shall file documentation that condition 6.1 of this permit has been complied with at least two weeks prior to the pre-construction meeting.

7 SURVEYS AND REPORTING

7.1 Biological and Natural Resource Inventories

The Permittee shall file with the Commission, any biological surveys or studies conducted for the repowering of the Community Wind South Wind Farm, other than those studies included in the September 30, 2021, Site Permit Amendment Application, including those not required under this permit.

7.2 Shadow Flicker

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

7.3 Wake Loss Studies

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

7.4 Noise Studies

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 post-construction noise study and file with the Commission the completed post-construction noise study within 18 months of completion of the repowering project.

7.5 Avian and Bat Protection

7.5.1 Operational Phase Fatality Monitoring

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).

7.5.2 Avian and Bat Protection Plan

The Permittee shall comply with the provisions of the Bird and Bat Conservation Strategy submitted for this project as part of the September 30, 2021, 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.

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.

7.5.3 Quarterly Incident Reports

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

7.5.4 Immediate Incident Reports

The Permittee shall notify the Commission, EERA, the USFWS, and the DNR within 24 hours of the discovery of any of the following:

- (a) five or more dead or injured birds or bats, at an individual turbine location, within a five day reporting period;
- (b) twenty or more dead or injured birds or bats, across the entire facility, within a five day reporting period;;
- (c) one or more dead or injured state threatened, endangered, or species of special concern
- (d) one or more dead or injured federally listed species, including species proposed for listing; or
- (e) one or more dead or injured bald or golden eagle(s).

In the event that one of the four 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.

7.5.5 Turbine Operational Curtailment

The Permittee shall operate all facility turbines so that all turbines are locked or feathered up to the manufacturer's standard cut-in speed from one-half hour before sunset to one-half hour

after sunrise of the following 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.

8 AUTHORITY TO CONSTRUCT LWECs

8.1 Wind Rights

At least 14 days prior to the pre-construction meeting, the Permittee shall demonstrate that it has obtained the wind rights and any other rights necessary to construct and operate the project within the boundaries authorized by this permit. Nothing in this permit shall be construed to preclude any other person from seeking a permit to construct a wind energy conversion system in any area within the boundaries of the project covered by this permit if the Permittee does not hold exclusive wind rights for such areas.

8.2 Power Purchase Agreement

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

8.3 Failure to Commence Construction

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

9 COMPLAINT PROCEDURES

Fourteen (14) days prior to the pre-construction meeting the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this permit.

Upon request, the Permittee shall assist the Commission with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

10 COMPLIANCE REQUIREMENTS

Failure to timely and properly make compliance filings required by this permit is a failure to comply with the conditions of this permit. Compliance filings must be electronically filed with the Commission.

10.1 Pre-Construction Meeting

Prior to the start of any construction, the Permittee shall participate in a pre-construction meeting with the Department of Commerce and Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission, a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the construction start date.

10.2 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall provide the Commission, the Department of Commerce, and the Nobles County Environmental Services Office with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations of all turbines and other structures to be constructed including all electrical equipment, collector and feeder lines, pollution control equipment, fencing, roads, and other associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the site boundary and layout in relation to that approved by this permit. The Permittee shall document, through GIS mapping, compliance with the setbacks and site layout restrictions required by this permit, including compliance with the

noise standards pursuant to Minnesota Rules Chapter 7030. At the same time, the Permittee shall notify affected landowners and city and town clerks that the site plan is on file with the Commission and the Nobles County Environmental Services Office. The Permittee may submit a site plan and engineering drawings for only a portion of the project if the Permittee intends to commence construction on certain parts of the project before completing the site plan and engineering drawings for other parts of the project.

The Permittee may not commence construction until the Commission has advised the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit. If the Permittee intends to make any significant changes to its site plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission, the Department, the Nobles County Environmental Services Office, city and town clerks, and the affected landowners at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this permit.

10.3 Status Reports

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 restoration. Reports shall describe construction activities and progress and activities undertaken in compliance with this permit. Reports shall include text and photographs.

10.4 Labor Statistic Reporting

The Permittee shall file quarterly reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the project. The reports shall (a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers, and (b) provide an account of: (i) the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7; (ii) the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the project; and (iii) the total gross hours worked or total full-time equivalent workers. Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

10.5 In-Service Date

At least three days before the final, repowered turbine is placed into service, the Permittee shall notify the Commission of the date on which the final, repowered turbine will be placed into service and the date on which construction was completed.

10.6 As-Builts

Within 90 days after completion of construction, the Permittee shall submit copies of all final as-built plans and specifications developed during the project.

10.7 GPS Data

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (*e.g.*, ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the LWECS.

10.8 Project Energy Production

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

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

The permittee shall file this information in a format recommended in the Department's guidance on energy production reporting. This information shall be considered public and must be filed electronically. This information shall be considered public and must be filed electronically.

10.9 Wind Resource Use

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

10.10 Emergency Response

The Permittee shall prepare an Emergency Response Plan in consultation with the emergency responders having jurisdiction over the facility prior to project construction. The Permittee shall submit a copy of the plan, along with any comments from emergency responders, to the Commission at least 14 days prior to the pre-construction meeting and a revised plan, if any, at least 14 days prior to the pre-operation meeting.

The Permittee shall provide as a compliance filing confirmation that the Emergency Response Plan was provided to the emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the facility prior to commencement of construction. The Permittee shall obtain and register the facility address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the facility.

10.11 Extraordinary Events

Within 24 hours of discovery of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to fires, tower collapse, thrown blade, acts of sabotage, collector or feeder line failure, and injured worker or private person. The Permittee shall, within 30 days of the occurrence, file a report with the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

11 DECOMMISSIONING, RESTORATION, AND ABANDONMENT

11.1 Decommissioning Plan

The Permittee shall comply with the provisions of the most recently filed and accepted Decommissioning Plan. The initial version of the Decommissioning Plan was submitted for this project as part of the September 30, 2021 Site Permit Amendment Application. The Permittee shall file an updated decommissioning plan, incorporating comments and information from the permit issuance process and any updates associated with the final construction plans, with the Commission 14 days before the pre-construction meeting. The decommissioning plan shall be updated every five years following the commercial operation date.

The plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration of the project in accordance with the requirements of Minn. R. 7854.0500, subp. 13. The decommissioning plan shall provide an itemized breakdown of costs of decommissioning all project components, which shall include labor and equipment. The plan shall identify cost estimates for the removal of turbines, turbine foundations, underground collection cables, access roads, crane pads, substations, and other project components. The plan may also include anticipated costs for the replacement of turbines or repowering the project by upgrading equipment.

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

11.2 Site Restoration

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

landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be submitted to the Commission prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within 18 months of termination.

11.3 Abandoned Turbines

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

12 COMMISSION AUTHORITY AFTER PERMIT ISSUANCE

12.1 Final Boundaries

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

12.2 Expansion of Site Boundaries

No expansion of the site boundaries described in this permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundaries of the site for the project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

12.3 Periodic Review

The Commission shall initiate a review of this permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this permit. No modification may be made except in accordance with applicable statutes and rules.

12.4 Modification of Conditions

After notice and opportunity for hearing, this permit may be modified or amended for cause, including but not limited to the following:

- (a) violation of any condition in this permit;
- (b) endangerment of human health or the environment by operation of the project; or
- (c) existence of other grounds established by rule.

12.5 More Stringent Rules

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

12.6 Right of Entry

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

- (a) To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- (b) To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- (c) To sample and monitor upon the facilities easement of the property.
- (d) To examine and copy any documents pertaining to compliance with the conditions of this permit.

12.7 Proprietary Information

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

13 PERMIT AMENDMENT

This permit may be amended at any time by the Commission in accordance with Minn. R. 7854.1300, subp. 2. Any person may request an amendment of the conditions of this permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required.

14 TRANSFER OF PERMIT

The Permittee may request at any time that the Commission transfer this permit to another person or entity. The Permittee shall provide the name and description of the person or entity to whom the permit is requested to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer. The person to whom the permit is to be transferred shall provide the Commission with such information as the Commission shall require to determine whether the new permittee can comply with the conditions of the permit. The Commission may authorize transfer of the permit after affording the Permittee, the new permittee, and interested persons such process as is required. The Commission may impose additional conditions on any new permittee as part of the approval of the transfer.

Within 20 days after the date of the in-service notice provided in Section 10.5, the Permittee shall file a notice describing its ownership structure, identifying, as applicable:

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

The Permittee shall immediately notify the Commission of:

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

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

The Permittee shall notify the Commission of:

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

15 REVOCATION OR SUSPENSION OF PERMIT

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

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

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

16 EXPIRATION DATE

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

Attachment 1

Complaint Handling Procedures for Permitted Energy Facilities

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site preparation, construction, cleanup, restoration, operation, and maintenance.

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

D. Definitions

Complaint: A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site preparation, cleanup or restoration or other route and associated facilities permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A complaint which, despite the good faith efforts of the permittee and a person, remains unresolved or unsatisfactorily resolved to one or both of the parties.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

E. Complaint Documentation and Processing

1. The permittee shall designate a representative responsible for filing complaints to the Commission's eDocket system. This person's name, phone number and email address shall accompany all complaint submittals. The name and contact information for the representative shall be kept current in eDockets.
2. A person presenting the complaint should to the extent possible, include the following information in their communications:
 - a. name, address, phone number, and email address;
 - b. initial date of complaint;
 - c. tract, parcel number, or address of the complaint;
 - d. a summary of the complaint; and
 - e. whether the complaint relates to a permit violation, a construction practice issue, or other type of complaint.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
 - a. docket number and project name;
 - b. name of complainant, address, phone number and email address;
 - c. precise description of property or parcel number;
 - d. name of permittee representative receiving complaint and date of receipt;
 - e. nature of complaint and the applicable permit condition(s);
 - f. activities undertaken to resolve the complaint; and
 - g. a statement on the final disposition of the complaint.

F. Reporting Requirements

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit, unless otherwise required below. The permittee shall report all complaints to the Commission according to the following schedule:

Immediate Reports: All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Public Advisor at 1-800-657-3782 (voice messages are acceptable) or publicadvisor.puc@state.mn.us. For e-mail reporting, the email subject line should read "PUC EFP Complaint" and include the appropriate project docket number.

Monthly Reports: During project construction, restoration, and operation, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Will Seuffert, Executive Secretary, Public Utilities

Commission, using the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>. If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

If a project has submitted twelve consecutive months of complaint reports with no complaints, monthly reports can terminate by a letter to eDockets notifying the Commission of such action. If a substantial complaint is received (by the company or the Commission) following termination of the monthly complaint report, as noted above, the monthly reporting should commence for a period of one year following the most recent complaint or upon resolution of all pending complaints.

If a permittee is found to be in violation of this section, the Commission may reinstate monthly complaint reporting for the remaining permit term or enact some other commensurate requirement via notification by the Executive Secretary or some other action as decided by the Commission.

G. Complaints Received by the Commission

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

The permittee shall notify the Commission when the issue has been resolved. The permittee will add the complaint to the monthly reports of all complaints. If the permittee is unable to find resolution, the Commission will use the process outlined in the Unresolved Complaints Section to process the issue.

H. Commission Process for Unresolved Complaints

Complaints raising substantial and unresolved permit issues will be investigated by the Commission. Staff will notify the permittee and appropriate persons if it determines that the complaint is a substantial complaint. With respect to such complaints, the permittee and complainant shall be required to submit a written summary of the complaint and its current position on the issues to the Commission. Staff will set a deadline for comments. As necessary, the complaint will be presented to the Commission for consideration.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to the permittee's designated complaint representative, or to the Commission's Public Advisor at 1-800-657-3782 or publicadvisor.puc@state.mn.us. The name and contact information for the permittee's designated complaint representative shall be kept current in the Commission's eDocket system.

Attachment 2

Compliance Filing Procedures for Permitted Energy Facilities

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

A. Purpose

To establish a uniform and timely method of submitting information required by Commission energy facility permits.

B. Scope and Applicability

This procedure encompasses all known compliance filings required by permit.

C. Definitions

Compliance Filing: A filing of information to the Commission, where the information is required by a Commission site or route permit.

D. Responsibilities

1. The permittee shall file all compliance filings with Daniel P. Wolf, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>

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

2. All filings must have a cover sheet that includes:
 - a. Date
 - b. Name of submitter/permittee
 - c. Type of permit (site or route)
 - d. Project location
 - e. Project docket number
 - f. Permit section under which the filing is made
 - g. Short description of the filing
2. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Will Seuffert, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 280, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any electronically filed document.

PERMIT COMPLIANCE FILINGS¹**PERMITTEE:** ZEPHYR WIND, LLC**PERMIT TYPE:** LARGE WIND ENERGY CONVERSION SYSTEM**PROJECT LOCATION:** NOBLES COUNTY**PUC DOCKET NUMBER:** WS-11-863

Filing Number	Permit Section	Description of Compliance Filing	Due Date
1	4.7	Prairie Protection and Management Plan	30 days prior to submitting site plan, as necessary
2	4.12	Notification to Airports	Prior to project construction
3	5.1	Distribution of Permit and Complaint Procedures	Within 30 days of permit issuance
4	5.3.1	Field Representative	14 days prior to pre-construction meeting
5	5.3.2	Site Manager	14 days prior to pre-construction meeting
6	5.3.7	NPDES/SDS and SWPPP Permits	In accordance with the Minnesota Pollution Control Agency
7	5.3.10	Landowner Notification of Pesticide Application	14 days prior to application
8	5.3.10	Invasive Species Protection Plan	14 days prior to pre-construction meeting
9	5.3.13	Identification of Roads and Road Agreement	14 days prior to pre-construction meeting
10	5.3.17	Assessment of Interference with Electronic Communications	14 days prior to pre-construction meeting
11	5.3.22	Site Restoration	60 days after completion of restoration
12	5.3.26	Public Safety / Education Materials	Upon request
13	5.6.2	Other Permits and Regulations	14 days prior to pre-construction meeting

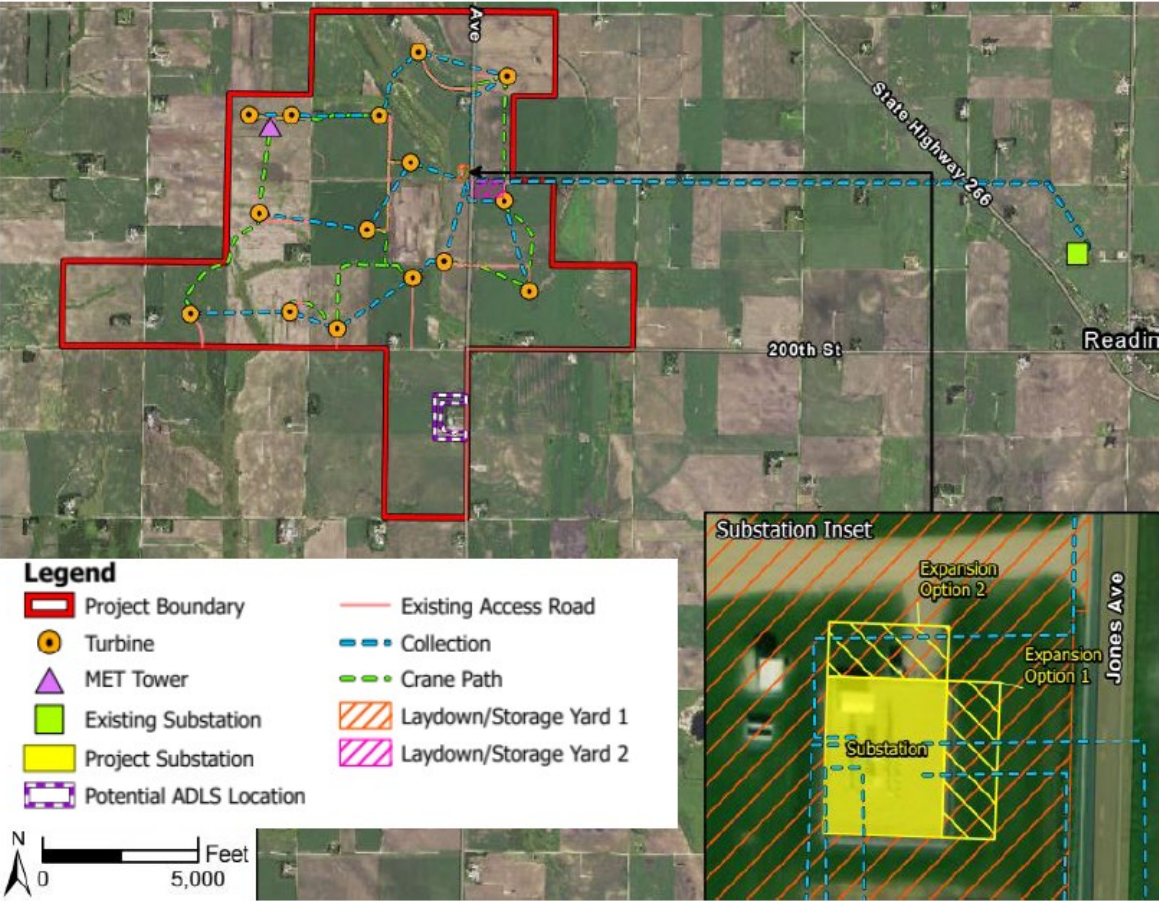
¹This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

Filing Number	Permit Section	Description of Compliance Filing	Due Date
14	6.1	Lighting Mitigation	With site plan; 14 days prior to pre-construction meeting
15	7.1	Biological and Natural Resource Inventories	Upon completion
16	7.2	Shadow Flicker Data	14 days prior to pre-construction meeting
17	7.3	Wake Loss Studies	14 days prior to pre-construction meeting and with annual report
18	7.4	Post-Construction Noise Methodology	14 days prior to pre-construction meeting
19	7.4	Post-Construction Noise Study	Within 18 months of completion of the repowering project
20	7.5.1	Avian and Bat Fatality Monitoring Results	Upon completion of monitoring
21	7.5.1	Avian and Bat Protection Plan Audits	14 days prior to pre-construction meeting, and 15th of March each year or partial year
22	7.5.3	Quarterly Incident Reports	15th of January, April, July and October
23	7.5.4	Immediate Incident Reports	Within 24 hours of discovery and a report within 7 days
24	8.1	Demonstration of Wind Rights	14 days prior to pre-construction meeting
25	8.2	Power Purchase Agreement Notification	Within 60 days of the expiration of the PPA
26	9.0	Complaint Procedures	14 days prior to pre-construction meeting
27	10.1	Pre-Construction Meeting Summary	Within 14 days following the meeting
28	10.3	Site Plan	14 days prior to pre-construction meeting

Filing Number	Permit Section	Description of Compliance Filing	Due Date
29	10.3	Construction Status Reports	Monthly
30	10.4	Labor Statistic Reporting	Within 45 days of the end of each quarter
31	10.5	Notice of In-Service Date	3 days before final, repowered turbine is placed into service
32	10.6	As-Builts	Within 90 days of completion of construction
33	10.7	GPS Data	Within 90 days of completion of construction
34	10.8	Project Energy Production	February 1st of each year
35	10.9	Wind Resource Use	February 1st of each year
36	10.1	Emergency Response Plan	14 days prior to pre-construction meeting
37	10.11	Extraordinary Event	Within 24 hours of discovery
38	11.1	Decommissioning Plan	14 days prior to pre-construction meeting
39	14	Ownership Structure	Within 20 days of in-service notice

Attachment 3 Map

Turbine Layout and Potential Laydown Yard Expansion Alternatives



Attachment 4

DNR Erosion Control and Invasive Species Prevention

Standard Erosion Control and Invasive Species Prevention Best Practices

17 Take precautions when working near waterbodies to prevent sedimentation and erosion:

- Erodible surfaces should not be left exposed for greater than one day. For example, work should not commence late in the week if it will be left unfinished over a weekend.
- Work should not commence if rain is predicted.
- All wheeled or tracked construction equipment should be restricted to work areas above the stream bank.
- Fill material should not be stockpiled in the floodplain.
- Backfill placed below Ordinary High Water (OHW) should consist of clean granular material free of fines, silts, soils, and mud.
- Use [Best Practices for DNR General Public Waters Work Permit GP 2004-0001: Species Protection](#). Refer to pages: 3, 11, 14, 16, 25, 33, and 34 as relevant to a particular project.
- Vegetative “grout” should be incorporated with any installed rip rap (see page 33 of above link).
- [Native species planting/seeding](#) should be used.
- DNR Public Waters Work Permit may be required. Permit requirements must be followed.

18 Use wildlife friendly erosion control:

- Biodegradable netting should be used, preferably natural materials with short degradation periods.
- Erosion control blankets should be limited to bio-netting or natural netting types due to the risk of entanglement and death of small animals. [2018 MnDOT Standards Specifications for Construction](#) identify acceptable materials in Category 3N or 4N mulches.
- Do not use products that require UV-light to degrade (also called “photodegradable”), as they do not degrade properly when covered/shaded.
- Do not use products containing plastic mesh netting or other plastic components.
- Do not use mulch products that contain synthetic (plastic) fiber additives near waterbodies.
- See [Wildlife Friendly Erosion Control](#) for more information.

19 Take active steps to prevent invasive species introduction and spread:

- Clean all equipment (including but not limited to: vehicles, clothing, and gear) at a site prior to moving to another site. All soil, aggregate material, mulch, vegetation, seeds, animals, etc. need to be removed using a hand tool, brush, compressed air, pressure washer, or otherwise.
- If equipment is not cleaned before arriving to a work site, then clean the equipment in the parking or staging area, ensuring no material is deposited at the new site. Material cleaned from equipment should be disposed of legally.
- All equipment (including but not limited to: waders, tracked vehicles, barges, boats, turbidity curtain, sheet pile, and pumps) used for work in an “infested water” must be adequately decontaminated. See [Watercraft Decontamination Manual](#) for more information.
- See [Come Clean, Leave Clean](#) for more detailed guidance. This guidance is required for those working on DNR lands as part of grant or contract or are working under a permit, your grant, contract, or permit.

Referenced Links

https://files.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_chapter1.pdf <https://bwsr.state.mn.us/seed-mixes>

<https://files.dnr.state.mn.us/eco/nongame/wildlife-friendly-erosion-control.pdf>
<http://www.dot.state.mn.us/pre-letting/spec/2018/2018-spec-book-final.pdf>
<https://www.dnr.state.mn.us/invasives/dnrlands.html>
<https://www.dnr.state.mn.us/invasives/dnrlands.html>
https://files.dnr.state.mn.us/natural_resources/invasives/mndnr_ais_decontamination_handbook.pdf

07/07/2020

