

Staff Briefing Papers

Meeting Date July 9, 2026

Agenda Item 3**

Company Lake Charlotte Solar, LLC and Lake Charlotte Storage, LLC

Docket No. IP7159/ESS-25-205 & IP7159/GS-25-206

In the Matter of Lake Charlotte Solar, LLC’s and Lake Charlotte Storage, LLC’s Joint Application for the Lake Charlotte 150 MW Solar Facility and 150 MW/600MWh Lake Charlotte Battery Energy Storage System Located in Rutland Township in Martin County, Minnesota

- Issues**
- Should the Commission adopt the Administrative Law Judge’s Findings of Fact, Conclusions of Law, and Recommendations?
 - Should the Commission find that the Environmental Assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
 - Should the Commission issue a site permit for the up to 150-megawatt Lake Charlotte Solar Project?
 - Should the Commission issue a site permit for the up to 150-megawatt Battery Energy Storage System for the Lake Charlotte Solar Project?

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✓ Relevant Documents

	Date
Initial Filing-Joint Site Permit Application, Lake Charlotte Solar, LLC (12 parts), Docket# 25-205, 25-206	06/03/2025
PUC Order Accepting Application as Complete	07/22/2025
PUC - Notice of Public Information and EA Scoping Meetings	08/07/2025
Public Comment – Nicole Howard-Lawton	09/04/2025

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

✓ **Relevant Documents**

	Date
Public Comment – Dennis Lawton (25-205)	09/08/2025
Public Comment – Tyler Utesch (25-205)	09/10/2025
Minnesota Department of Transportation – Comments	09/16/2025
Public Comment – Jennifer Moeller	09/16/2025
Public Comment - Dallyn Kotewa	09/16/2026
Minnesota Department of Natural Resources – Comments	09/16/2025
Minnesota Department of Natural Resources – Natural Heritage Review Letter	09/16/2025
Public Comment – Jacy Kosbab	09/17/2025
Public Comment – Brenda & Roger Kotewa	09/18/2025
PUC EIP – Oral Comments on the scope of the EA	09/23/2025
PUC EIP – Written Comments on the scope of the EA	09/23/2025
PUC EIP – PUC EIP Alternatives Identified Scoping Letter	09/25/2025
CAH Order for Prehearing Conference	09/25/2025
PUC Order - EA Scoping Decision	10/13/2025
CAH Order – First Prehearing Order	10/23/2025
PUC EIP - Environmental Assessment Scoping Decision	10/29/2025
PUC – Sample Solar Site Permit	02/03/2026
PUC – Sample BESS Site Permit	02/03/2026
PUC EIP Environmental Assessment (5 parts)	02/11/2026
PUC Notice of Public Hearings and EA Availability	02/11/2026
PUC EIP Distribution of EA to Agencies and THPOs	02/12/2026
Lake Charlotte Solar, LLC Testimony (2 parts)	02/18/2026
PUC – Public Comment from MPCA	03/06/2026
Lake Charlotte Solar, LLC and Lake Charlotte Storage, LLC – Hearing Exhibits	03/06/2026
Public Comment – Batch 10 Comments	03/12/2026
Public Comment – Jennifer Moeller	03/13/2026
Public Comment – Batch 1-17 Comments	03/13/2026
PUC EIP – Lake Charlotte Hearing Comments	03/13/2026
VMPWG – VMPWG Hearing Comments	03/13/2026
Minnesota DNR Comments	03/13/2026

✓ **Relevant Documents**

	Date
IBEW 343 and LIUNA MN and ND Comments	03/16/2026
Public Comment – Hugh Fraser	03/16/2026
Public Comment – Heather Helmich	03/16/2026
Public Comment - Isaac & Tania Wallace	03/16/2026
Public Comment - Carmen Anders Deling	03/17/2026
Public Comment - Morgan Johnson	03/18/2026
Public Comment - Kathy Meixell	03/18/2026
Lake Charlotte Solar, LLC and Lake Charlotte Storage, LLC – Response to Hearing Comments	03/25/2026
Lake Charlotte Solar, LLC and Lake Charlotte Storage, LLC – Letter with Proposed Findings of Fact, Conclusions of Law, and Recommendations	03/25/2026
Shaddix & Associates Stenographic Court Reporters - Transcripts of Fairmont Public Hearing on 2-25-26	03/26/2026
Shaddix & Associates Stenographic Court Reporters – Transcripts of Virtual Public Hearing Held on 2-24-26	03/26/2026
PUC EIP – PUC EIP Reply Comments and Findings of Fact	04/09/2026
PUC EIP – Attachment A – Edits to Proposed Findings of Fact	04/09/2026
CAH Report – Findings of Fact, Conclusions of Law, and Recommendation	05/26/2026
PUC EIP - PUC EIP Exceptions to ALJ Report	06/04/2026
Lake Charlotte Solar, LLC and Lake Charlotte Storage, LLC – Exceptions to ALJ Report	06/10/2026
IBEW 343 & LIUNA MN and ND – Exceptions to ALJ Report	06/10/2026

Attachment A: Project Map

Attachment B: Staff Recommended Draft Solar Site Permit

Attachment C: Staff Recommended Draft Energy Storage Site Permit

I. Statement of the Issues

- Should the Commission adopt the Administrative Law Judge’s Findings of Fact, Conclusions of Law, and Recommendations?
- Should the Commission find that the Environmental Assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
- Should the Commission issue a site permit for the up to 150-megawatt Lake Charlotte Solar Project?
- Should the Commission issue a site permit for the up to 150-megawatt Battery Energy Storage System for the Lake Charlotte Solar Project?

II. Background

Lake Charlotte, LLC (a wholly owned subsidiary of Geronimo Power, LLC) proposed to construct the Lake Charlotte Solar Facility (Solar Facility) and Battery Energy Storage System (BESS), collectively the Project, in Rutland Township, Martin County, Minnesota. The Solar Facility is proposed as a solar energy conversion facility with a 150-megawatt (MW) alternating current (AC) nameplate capacity. The associated BESS will consist of a stand-alone structure with a 150 MW / 600-megawatt hour (MWh) nameplate capacity and ancillary support infrastructure.

The BESS will function independently from the Solar Facility but will share the Project Substation and the gen-tie line. The BESS will charge its batteries with power from the existing electrical grid via the proposed gen-tie line and POI; however, the BESS may also charge its batteries with power generated by the Solar Facility.

The Point of Interconnection (POI) for the Solar Facility and BESS will be the Southern Minnesota Municipal Power Agency (SMMPA) Rutland Substation. Lake Charlotte proposed to construct a substation for the Project (i.e., the Project Substation) that will collect energy generated by the Solar Facility and move that energy to the POI via an approximately 365-foot long 161 kilovolt (kV) generation tie (gen-tie) transmission line.

According to the site permits application¹, the Project will serve growing customer demand for renewable energy resources and advance Minnesota’s mandate to provide 100% carbon-free electricity for the state by 2040.

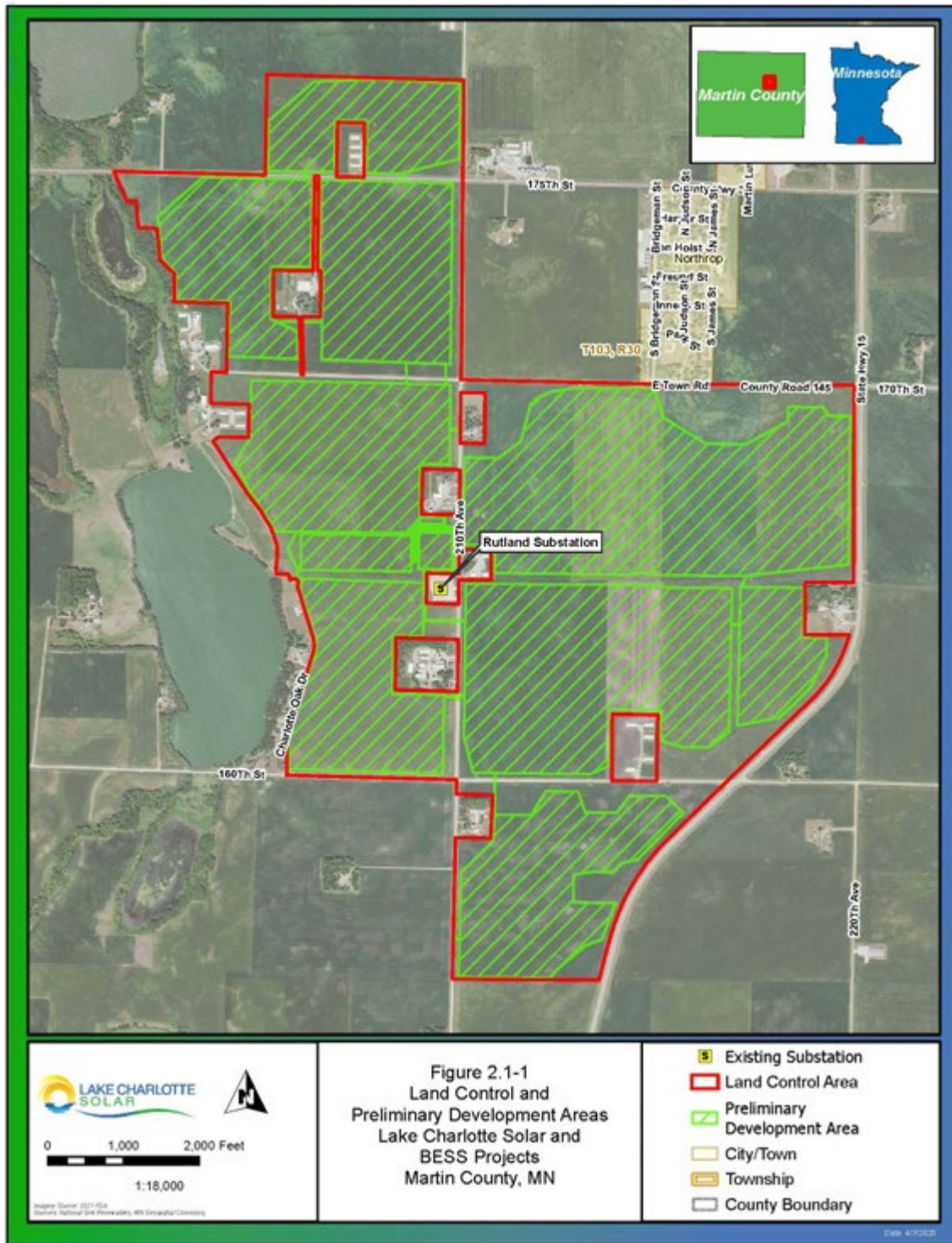
The Project footprint is approximately 1,277 acres, of which approximately 1,004 acres will be used for the operation of the Project. The Project will include: solar modules (also referred to as panels or arrays); inverters; transformers; a tracking rack system; an electrical collection system; access roads; security fencing; security cameras and lighting; a collector substation; an operations and maintenance building; parking; stormwater retention ponds; weather stations; temporary laydown areas, a 161 kilovolt (kV) transmission generation tie-line; BESS Facility and

¹ Lake Charlotte Solar, LLC [Joint Site Permits Application](#) at pg. 3, June 3, 2025.

associated equipment; and any ancillary equipment or buildings as necessary and typical of a solar farm. (See the attached Project Overview Map).

Lake Charlotte Solar has an executed Generator Interconnection Agreement with SMMPA and Midcontinent Independent System Operator, Inc (MISO) and is working to secure a Power Purchase Agreement, Build Transfer Agreement, Development Transfer Agreement, or other enforceable offtake agreements to sell the electricity, Renewable Energy Certificates, and capacity generated or stored by the Project. Construction is anticipated to begin in the third quarter of 2027 with a targeted completion date of the fourth quarter of 2028.

Project Overview Map



III. Procedural History

On June 3, 2025, the Commission received a joint site permit application from Lake Charlotte Solar, LLC to construct, own, and operate the Lake Charlotte Solar Project (Project).

On July 22, 2025, the Commission issued an Order accepting the joint site permits application as complete, declined to appoint an advisory task force, and referred the matters to the Court of Administrative Hearings (CAH) to conduct public hearings and to provide a full ALJ report with findings, conclusions, and recommendations.

On August 7, 2025, the Commission issued a *Notice of Public Information and Environmental Assessment Scoping Meetings*, scheduled for August 28 and September 2, 2025, with a comment period closing on September 17, 2025.

On September 16, 2025, Minnesota Department of Transportation submitted comments. On the same day, Minnesota Department of Natural Resources submitted comments and a Natural Heritage Review Letter.

ON September 23, 2025, PUC EIP filed the transcript of the oral comments received at the public meetings and the written comments on the scope of the Environmental Assessment (EA).

On September 25, 2025, PUC EIP filed the EA Alternatives Scoping Letter which did not identify any alternative sites for the Project.

On October 13, 2025, the Commission issued a consent order authorizing the PUC EIP staff to solely include in the scoping decision for the environmental analysis the site for the Energy Storage System project identified by Lake Charlotte Solar, LLC in its joint site permit application.

On October 23, 2025, the ALJ issued the first prehearing order setting the schedule for the site permits application review process.

On October 29, 2025, the PUC EIP issued the environmental assessment scoping decision.

On February 3, 2026, PUC EIP filed sample permits for the solar and BESS site permits.

On February 11, 2026, PUC EIP issued the environmental assessment. On the same day, PUC staff issued a notice of public hearings and availability of the Environmental Assessment, noticing hearings would be held on February 24 and 25, 2026 with the comment period ending on March 13, 2026.

On February 18, 2026, Lake Charlotte Solar, LLC filed direct testimony of Marta Lasch with Schedules A-D.

On March 6, 2026, Minnesota Pollution Control Agency filed a letter indicating they had no

comments, but future permit actions by the MPCA may be needed in order to construct the Project.

On March 12, 2026, Commission staff filed a batch of 10 individual public comments.

On March 13, 2026, Commission staff filed a batch of 17 individual public comments.

On March 13, 2026, PUC EIP submitted hearing comments.

On March 13, 2026, comments were received from the Minnesota Interagency Vegetation Management Planning Working Group and the Minnesota Department of Natural Resources.

On March 16, 2026, LIUNA MN and ND filled comments.

On March 25, 2026, Lake Charlotte, LLC submitted post-hearing comments and proposed findings of fact.

On April 9, 2026, PUC EIP submitted response to hearing comments and response and edits to Lake Charlotte Solar's proposed findings of fact.

On May 26, 2026, CAH filed the ALJ's Report.

On June 4, 2026, PUC EIP submitted exceptions.

On June 10, 2026, Lake Charlotte, LLC submitted exceptions.

On June 10, 2026, IBEW 343 and LIUNA MN and ND submitted exceptions.

IV. Statutes and Rules

A. Site Permits

Minn. Stat. § 216E.03, Subd. 1.² No person may construct a large electric generating plant or an energy storage system without a site permit from the commission. A large electric generating plant or an energy storage system may be constructed only on a site approved by the commission.

Minn. Stat. § 216E.01, Subd. 5.³ **Large electric power generating plant.** "Large electric power generating plant" shall mean electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more. The proposed Project is up to 150 MW. As a result, a site permit is required for the solar project.

² [Minn. Stat. § 216E.03, Subd. 1](#)

³ [Minn. Stat. § 216E.01, Subd. 5](#)

Minn. Stat. § 216E.01, Subd. 3.⁴ **Energy storage system.** "Energy storage system" means equipment and associated facilities designed with a nameplate capacity of 10,000 kilowatts or more that is capable of storing generated electricity for a period of time and delivering the electricity for use after storage. The proposed Project has an up to 150 MW BESS. As a result, a site permit is required for the BESS.

Minn. Stat. § 216E.04.⁵ Alternative Review of Applications. The Applicant chose to follow the alternative review process outlined in Minn. R. 7850.2800-.3900 and requires the commissioner of the Department of Commerce⁶ to prepare an environmental assessment on behalf of the Commission.

V. Discussion of the Record

A. Public Hearings

The Commission referred this matter to the Court of Administrative Hearings to conduct public hearings and to provide a full ALJ report with findings, conclusions, and recommendations.

A Notice of Public Hearings and Availability of Environmental Assessment was issued on February 11, 2026, for public hearings to be held on February 24 and 25, 2026. A comment period was open until March 13, 2026.

Throughout the comment period, the Commission received comments on the Project from members of the public, IBEW 343 and LIUNA, IUOE Local 49 and NCSRC of Minnesota, DNR, MnDOT, MPCA, and from Minnesota Interagency Vegetation Management Planning Working Group. The public comments or concerns expressed included the following topics:

- Minnesota Department of Natural Resources submitted two sets of comments on the application. The initial September 16, 2026 comments addressed the EA scoping comments:
 - Security Fencing - DNR recommended the security fence reaches a minimum height of 10 feet to prevent white-tailed deer and other large wildlife from entering the facility using smooth wire on top of the fence instead of barbed wire.
 - Vegetation Management Plan - The EA should discuss the construction and vegetation reestablishment phases to minimize stormwater runoff, stabilize soil, and support habitat and recommended the utilization of a vegetation management plan (VMP) throughout the permitted sites.

⁴ [Minn. Stat. § 216E.01, Subd. 3](#)

⁵ [Minn. Stat. § 216E.04](#)

⁶ Beginning July 1, 2025, Legislative changes transferred the Department of Commerce Energy Environmental Review and Analysis (EERA) staff to the Commission, Energy Infrastructure Permitting (PUC EIP) unit.

- Grant-in-Aid Trails - The proposed project may impact segment #161 of the Prairie Trail snowmobile trail.
- Lighting - The DNR recommended the EA discuss measures to mitigate the impacts lighting will have on wildlife.
- Dust - DNR recommended the EA address fugitive dust levels and dust suppression measures that will be taken during construction and once the solar facility and BESS are operational.
- Wildlife-Friendly Erosion Control - The EA should discuss the use of wildlife-friendly erosion control. Due to entanglement issues with small animals, the DNR recommends that erosion control blankets be limited to “bio-netting” or “natural netting” types, and specifically not products containing plastic mesh netting or other plastic components.
- The Natural Heritage Review performed for the project identified only minor impacts to landcover/habitat (wildlife habitat, including avian species) and no impacts to waterbodies, groundwater resources or any other categories.

DNR’s March 13, 2026 comments addressed the Environmental Assessment and the draft site permits (DSP) that were prepared for the project. DNR indicated support for proposed permit conditions 5.9 (surface waters), 4.3.32 (security fence), 5.8 (Prairieland Trail crossing), 4.3.16 and 4.3.17 (Vegetation Management Plan), 5.11 (Facility Lighting), 5.12 (Dust Control), and 5.13 (Wildlife Friendly Erosion Control), all conditions as written.

- MnDOT noted proximity of the Project to trunk highway (TH) 15 and highlighted potential impacts to several water basins in close proximity to the TH 15 and indicated that the Permittee should ensure that any basins located will not negatively impact existing land and infrastructure surrounding the project area. Specifically, water basins should not change peak runoff rates to the TH 15 ROW. Another area of potential impact is the vulnerability of snow traps which may trigger specific human and environmental impacts if adjacent land use alterations occur.
- Minnesota Pollution Control Agency indicated they reviewed the application and had no comments but that it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions.
- Minnesota Interagency Vegetation Management Planning Working Group (VMPWG) reviewed the draft VMP for the Project included as Appendix C of the Site Permits Application and did not recommend any action by the Commission at the time of comments, but indicated that Lake Charlotte Solar should work with the VMPWG to develop a VMP that is adequate to meet pre-construction compliance filing requirements.
- IBEW and LIUNA commented that the Applicant intends to build Lake Charlotte Solar Project under the Minnesota State Electrical Code which requires the use of Minnesota licensed electricians on most of the assembly and wiring as well as using other skilled construction labor to built the project and indicated support for the company’s commitment to prioritizing use of local labor and leveraging union partnerships to accomplish that objective.

- IUOE Local 49 and the North Central States Regional Council of Carpenters submitted early comments on the application (during application completeness) indicating support for the Project and their readiness to be part in Minnesota's transition to renewable energy by providing workforces specialized in all aspects of solar construction, from site preparation to pile driving and racking assembly to photovoltaic module installation and system integration.

The individual public comments received addressed the following topics or expressed concerns:

- Impacts to farmland and agricultural businesses that rely on the farmland producing a crop, property values, our region's natural beauty, contamination to lakes, wildlife, and water systems, county and private tile networking systems and land-locking the city of Northrop.
- The project would permanently alter the rural environment and the farming landscape that defines this community.
- Impacts to many hog barns on this project footprint, including limiting the land area where the farmers are going to haul and spread the manure.
- Glare from solar panels can cause highway traffic distraction.
- Clean-up costs if there is damage to the project from inclement weather, fire hazard, evacuation cost, toxic smoke if there is a battery fire.
- Stormwater runoff/erosion, land disturbance, contamination of groundwater, impacts to nearby wetlands, streams, and agricultural fields.
- Soil compaction, EMF, effects on birds and animals, have been farming for 60 years and lost land to housing and city expansion.
- Presence of Blanding Turtle in Martin County, listed as rare and threatened species that have been found on the waterway system that includes Lake Charlotte.
- Impact to prime farmland, and property values.
- The cost of decommissioning the project if it falls on the County is something that we cannot afford.
- Removing farmland from agricultural production for 25-30 years.
- Solar development should prioritize rooftops, commercial buildings, parking lots, brownfields, and other already-developed areas instead of converting productive farmland and placing industrial facilities next to people's homes.
- The landowners participating in the Lake Charlotte Solar and Storage projects indicated support for their development and asked the Commission to approve the site permits.
- Geronimo Power offered to sponsor the Fairmont High School Robotics Team by being Super Charged sponsor (highest level of sponsorship).
- The Project will provide economic benefits, including new tax revenue for the schools, Rutland Township, Martin County, and the State of Minnesota. It will create jobs during construction and permanent long-term operations jobs, create low-cost, clean energy for our future.

B. Agency, Tribal, and Stakeholder Coordination⁷

As part of their pre-application efforts, Lake Charlotte Solar initiated outreach to solicit feedback from federal, tribal, state, and local government agencies and other stakeholders in support of the Application. The engagement provided Lake Charlotte with valuable insight into landowner, agency, and Tribal Nation preferences regarding development of Project facilities. Table 6.0-1 identifies agencies, Tribal Nations, and stakeholders that were contacted through meetings or a notification letter and the date that responses were received, or meetings were held. The Project notification letter to agencies was sent on January 23, 2025.

Separately, Lake Charlotte contacted Tribal Nations from the Project notification mailing to agencies. The mailing to Tribal nations was sent on September 5, 2024, and included a request for Tribal Resources of Interest in Martin County, Minnesota to solicit input on any areas of interest to the Tribal Nations that should be considered in Project design and in this Joint Application. Representative letters from the Project notification and Tribal Nation mailings, as well as copies of any responses received are provided in Appendix A and summaries of responses received are provided in Sections 6.1 through 6.5.

Lake Charlotte received two responses from the tribal nations: the Shakopee Mdewakanton Sioux Community and the Upper Sioux Community. The Shakopee Mdewakanton Sioux Community responded that the Project being closer to the Upper and Lower Sioux Indian Communities, they will defer to the Lower Sioux Indian Community THPO regarding consultation for this Project. The Upper Sioux Community responded and requested to be notified if any rediscovered cultural resources or human remains are identified as a result of the cultural resources surveys or as a result of ground disturbance during construction.

VI. ALJ Report - Findings of Fact, Conclusions of Law, and Recommendation

The ALJ was charged with applying the siting criteria established in statute and rule, and preparing a report that contained findings of fact, conclusions of law, and a recommendation on the proposed project. Commission staff will briefly summarize the ALJ Report in this briefing paper but refers the Commission to the full ALJ Report⁸ for a complete analysis.

A. Environmental Assessment

The ALJ stated the environmental assessment⁹ (EA) is complete if it and the record address the issues and alternatives identified in the Scoping Decision. The ALJ concluded that the evidence in the record demonstrates that the EA is complete because it addresses the issues raised in the EA Scoping Decision, provides responses to the substantive comments received during the

⁷ [Site Permit Application](#), 06/03/2025, at pg. 121

⁸ CAH, [ALJ Report](#), May 26, 2026.

⁹ CAH, ALJ's Report, at pg. 50

scoping process, and it was prepared in compliance with Minn. Stat. § 216E.04 and Minn. R. 7850.2900 to 7850.3900.

B. Solar and Battery Energy Storage Site Permits Conditions

The ALJ found that the record demonstrates that the Applicant has satisfied the criteria for a site permit outlined in Minn. Stat. § 216E, and Minn. R. Ch. 7850. Additionally, the ALJ found that the solar facility and battery energy storage system, with the permit conditions¹⁰ listed below, satisfy the site permit criteria under Minn. Stat. § 216E and Minn. R. Ch. 7850 and meet all other applicable legal requirements.

The ALJ stated that the EA and Draft Site Permits prepared by PUC EIP include various recommendations and potential site permit conditions specific to the Solar Facility and BESS. The Applicants responded to PUC EIP's recommendations and proposed permit conditions in the Direct Testimony of Marta Lasch, as well as in its written response. The ALJ concluded that the record in this matter supports the inclusion of the conditions identified in the Draft Site Permits, unless amended in the ALJ Report as follows:

1. All perimeter fencing should comply with condition 4.3.32 of the Solar DSP.
2. It is reasonable to consider possible driver distraction or solar glare impacts, even for panels with anti-reflective coatings. Further, section 5.2 of the DSP also addresses MnDOT's blowing snow concern. The Solar DSP language should be modified as follows:

5.2 Vegetation and Blowing Snow Control

The Permittee shall coordinate with the Minnesota Department of Transportation (MnDOT) regarding existing vegetation between the project area and State Trunk Highway 15. The Permittee shall retain or plant vegetation, as requested by MnDOT, necessary to reduce potential driver distraction, solar glare, and blowing snow.

The Permittee shall coordinate with MnDOT regarding vegetative, structural, and/or other snow fence designs necessary to ensure the safe operation of State Trunk Highway 15. The Permittee shall provide documentation of its coordination with MnDOT and illustrate the snow fence design, if any, for the project in the Site Plan filed under Section 8.3.

3. Lake Charlotte Solar proposed that Section 5.3 of the Solar Draft Site Permit be amended to remove reference to a post-construction noise study. The Solar Draft Site Permit does not require a post-construction noise study. Operational noise from the Solar Facility is anticipated to be minimal. PUC EIP supports the proposed revisions, and in its hearing comments, provided an additional revision of Section 5.3 to include a

¹⁰ CAH, ALJ's Report, at pg. 47

website for noticing construction activities. The Solar DSP language should be modified as follows:

5.3 Noise Notice

The Permittee shall provide notice to adjacent residences detailing when major noise-producing construction activities are planned to occur. The Permittee shall maintain a webpage identifying days, times and areas where construction crews will be doing pile driving during construction. The Permittee shall provide all neighboring landowners, the township, and the city of Northrop a link to the website prior to construction and shall update the website frequently during construction to keep landowners informed where pile driving will be occurring. The permittee shall file with the Commission the results of the noise study within 12 months of operation of the project.

4. Lake Charlotte Solar proposed that Section 5.7 of the Solar Draft Site Permit be amended to reflect that a Contaminated Sites Management Plan should be developed only if, upon further study by Lake Charlotte Solar, it is determined that contaminants exceeding applicable MPCA thresholds are documented within the site. PUC EIP supports the proposed revisions. The Solar DSP language should be modified as follows:

5.7 Contaminated Sites Management Plan

The Permittee shall file a contaminated site analysis of the site detailing the results of a Phase II Environmental Site Assessment of potential contaminated portions of the site at least 14 days prior to the pre-construction meeting. If the contaminated site analysis documents the presence of contaminants exceeding applicable Minnesota Pollution Control Agency thresholds, The Permittee shall develop a Contaminated Sites Management Plan to be followed in the event that contaminated materials are discovered during construction or operation of the project. The permittee will notify and coordinate with Minnesota Pollution Control Agency for proper removal and disposal of any contaminated materials and restoration of the land.

5. Lake Charlotte Solar proposed that Section 5.9 of the Solar Draft Site Permit be amended to reflect that there is no legal entity called the Blue Earth Watershed. DNR requested that it be removed from Section 5.9. PUC EIP staff supports this proposed revision. The Solar DSP language should be modified as follows:

5.9 Surface Waters

The Permittee shall consult with the MNDNR, and the Martin County Soil and Water Conservation District, ~~and the Blue Earth Watershed~~ regarding potential impacts to nearby surface waters due to construction activities, including but not limited to, erosion and sediment control.

6. Consistent with the Applicants' request to issue a site permit for the BESS to Lake Charlotte Storage, the Applicants proposed that BESS Draft Site Permit be amended to reflect that Lake Charlotte Storage will own and operate the BESS and, as such, the permittee in the BESS Draft Site Permit should be Lake Charlotte Storage, LLC. References to the permitted project in the BESS Draft Site Permit should be the up to 150 megawatt / 600 megawatt hour nameplate capacity Lake Charlotte Storage Battery Energy Storage System and associated facilities in Martin County, Minnesota. PUC EIP supports the proposed revisions.

Exceptions to the ALJ Report

A. PUC EIP

In the ALJ report, finding 275 describes the DNR's request to be removed from permit condition 5.9. However, the proposed special permit condition language continues to include the DNR, reflecting the permit condition language as originally written. EIP staff proposed a modification to the permit condition language to reflect both the applicant's request to remove the Blue Earth Watershed, and the DNR's request to be removed. EIP staff recommended the permit condition language adopted in the final Solar Site Permit read as follows:

5.9 Surface Waters

The Permittee shall consult with ~~the MNDNR, and~~ the Martin County Soil and Water Conservation District, ~~and the Blue Earth Watershed~~ regarding potential impacts to nearby surface waters due to construction activities, including but not limited to, erosion and sediment control.

EIP staff recommended that the above modified language for Section 5.9 be incorporated into the site permit for the Lake Charlotte Solar Project to properly mitigate the potential impacts on aquatic systems due to construction and operation of the project, and to reflect the changes requested by the applicant and DNR staff.

B. IBEW 343 & LIUNA Minnesota and North Dakota

IBEW 343 and LIUNA submitted exceptions¹¹ to clarify the record regarding the perceived discrepancies between the information provided by the Applicant in the record and statements made by Elk Creek Solar¹² outside this record regarding construction of the project under the Minnesota State Electrical Code. IBEW 343 and LIUNA proposed a revision to finding 85 from the ALJ Report, three new findings and a proposed permit condition to reflect the type of workforce that Lake Charlotte Solar should use to construct the Project.

¹¹ [IBEW 343 & LIUNA Exceptions to ALJ Report](#), 06/10/2026.

¹² Elk Creek Solar is a Geromino Power affiliate that was the Permittee in the Elk Creek Solar Project.

Amended Findings of Fact

85. On March 13, 2026, the International Brotherhood of Electrical Workers Local 343 (IBEW Local 343) and LIUNA Minnesota and North Dakota (LIUNA) submitted a written comment ~~in support of~~ stating that the Project has potential to deliver significant energy and socioeconomic benefits, but also noting an apparent inconsistency between information provided by Applicant in the record concerning installation workforce made by a different Geronimo affiliate in other cases.

85A. LIUNA and IBEW Local 343 noted in their comments that the Solar Facility would be installed by licensed electricians under the requirements of the Minnesota State Electrical Code according to the Initial Application and EA, but that Geronimo affiliate Elk Creek Solar had raised concerns in other proceedings regarding the feasibility of doing so on the Elk Creek Solar Project. LIUNA and IBEW Local 343 provided examples of past utility-scale projects built successfully in Minnesota by their members along with International Union of Operating Engineers Local 49, and indicated that they would be willing to meet with Applicants to address any concerns.

85B. On March 25, 2026, Applicants filed reply comments that referenced the comments filed by LIUNA and IBEW Local 343 but did not respond to the concerns raised regarding the apparent inconsistency between statements made by Applicants in this record and statements made by Elk Creek Solar outside the record.

159A Much of the workforce needed to construct a Solar Facility and BESS will be comprised of Minnesota licensed electricians who will perform assembly and wiring work under the Minnesota State Electrical Code.

Proposed permit condition

The workforce used to construct the Solar Facility shall meet the requirements of the Minnesota State Electrical Code for the assembly and wiring of solar installations.

C. Lake Charlotte Solar, LLC and Lake Charlotte Storage, LLC

In exceptions¹³ to the ALJ Report, Lake Charlotte Solar proposed the following revisions to ALJ findings regarding perimeter fencing, State Historic Preservation Office (SHPO) and Tribal Consultation, and BESS Augmentation:

Finding 43	The Applicants proposed fencing around the Solar Facility consisting of an agricultural woven wire fence that will extend approximately seven feet above grade. Barbed wire will not be used around the perimeter of the Solar Facility. In
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¹³ [Lake Charlotte Solar Exceptions to ALJ Report](#), 06/10/2026.

	place of barbed wire, one foot of three to four strands of smooth wire will be placed atop of the woven wire fence for a total height of approximately eight feet above grade. This proposal is not consistent with DNR recommendations. or DSP condition 4.3.32.
Finding 69	DNR recommended the security fence reach a minimum height of ten feet around each group of solar arrays to prevent white-tailed deer and other large wildlife from entering the facility and be designed in accordance with the DNR’s Fencing Handbook for 10ft Woven Wire Deer Exclusion Fence, and utilize a VMP throughout the permitted sites that is consistent with the DNR’s Prairie Establishment and Maintenance Technical Guidance for Solar Standards. In addition to security measures to protect human life, the security fence should consider safety and access by wildlife. The Solar DSP should require Applicants Lake Charlotte Solar to consult with and follow DNR recommendations for the on security/perimeter fence design.
Finding 181	The results of Tetra Tech’s additional investigation were provided to SHPO on February 10, 2026. SHPO reviewed Tetra Tech’s additional investigation report and responded it agreed that no impacts to archaeological and historic resources are anticipated for this Project. No response to the additional investigation from SHPO has been filed.
Finding 237	Lake Charlotte Storage recognizes that BESS components may lose efficiency over the Project’s life cycle. Lake Charlotte Storage will plan for and maintain the facility as needed to maintain efficient operations and in accordance with MISO requirements. The BESS Draft Site Permit provides a mechanism to allow Lake Charlotte Storage to augment the BESS overtime to maintain facility efficiency and capacity.

Consistent with the information from the Application, information provided in the EA and the revised finding 237, Lake Charlotte proposed the following new permit condition:

5.4 Battery Augmentation

The Permittee shall notify the Commission of scheduled augmentation at least 30 days prior to commencing augmentation activities. In its filing, the Permittee shall describe the number and types of batteries included in the augmentation. The Permittee shall indicate the location of the augmentation on the project Site Plan. In its filing the Permittee shall demonstrate compliance with the noise impact assessment submitted to the Commission as required in Section 5.1 of this permit.

Lake Charlotte also proposed revised project descriptions in the BESS DSP and Solar DSP , consistent with information in the record and Findings 38-51 of the Report:

2. PROJECT DESCRIPTION

Lake Charlotte Storage proposes to construct and operate the Lake Charlotte Storage Battery

Energy Storage System with a 150 megawatt / 600 Megawatt Hour nameplate capacity and ancillary support infrastructure in Martin County, Minnesota. **In addition to batteries, racking, and enclosures, the facility will also include an access road, inverters and transformers, electrical collection and feeder lines, a project substation, a gen-tie line, an operations and maintenance building and fencing surrounding the perimeter of the facility.**

A 150 megawatt solar energy conversion facility to be located in Rutland Township in Martin County, Minnesota. The project will occupy approximately 1,277 acres of land, 1,004 acres of which will be developed for the project. The project will use photovoltaic solar panels mounted on a linear axis tracking system. **The Facility will consist of the photovoltaic (PV) panels, trackers, inverters, transformers, access roads, security fencing, stormwater retention ponds, a project substation, a gen-tie line, and an operations and maintenance building.**

Lastly, Lake Charlotte Solar responded to the PUC EIP exception indicating support for the revised permit condition 5.9 Surface Waters as proposed by PUC EIP staff.

On June 26, 2026, Lake Charlotte Solar submitted supplemental comments¹⁴ to respond to a new site permit condition proposed by the IBEW 343 and LIUNA for the Solar Facility and BESS Facility (the Project). Lake Charlotte Solar presented reasons why in their opinion the new permit condition regarding the project labor agreement allocations should be rejected. Staff refers to the comments of Lake Charlotte Solar for a full description of their position.

D. Northern Midwest Regional Council of Carpenters

On June 26, 2026, the Northern Midwest Regional Council of Carpenters submitted comments¹⁵ stating that they support Lake Charlotte Solar, LLC and the project because “of the developer’s deep history of working with local union workers and contributing to the local economy.”

Staff Discussion

The Commission has the following issues before it regarding the proposed Lake Charlotte Solar Project:

- Whether to adopt the ALJ’s Findings of Fact, Conclusions of Law, and Recommendation.
- Whether to find the environmental assessment is adequate.
- Whether to issue a site permit for the up to 150-MW Solar Facility.
- Whether to issue a site permit for the up to 150-MW BESS.

Based on information in Lake Charlotte Solar’s site permits application, the analysis provided in the EA, public comments, the ALJ’s Report, exceptions, and other evidence in the record, staff

¹⁴ [Lake Charlotte Solar Supplemental Comments](#), 06/26/2026.

¹⁵ [Northern Midwest Regional Council of Carpenters Comments](#), 06/26/2026.

provides the discussion below.

1. Environmental Assessment

Staff has reviewed the EA and agrees with the ALJ that PUC EIP conducted an appropriate environmental analysis of the project for purposes of these proceedings, and that the EA satisfies the requirements under Minn. Stat. § 216E and Minn. R. 7850.

- The EA did not identify any unique or significant environmental impacts from the construction and operation of the project that could not be properly mitigated.
- No information was submitted into the record that contested the information and analysis contained in the EA.

If the Commission does not find the EA complete, it must clearly identify the reasons it is not complete and request that the EA be revised or supplemented and the schedule for revising or supplementing the EA. The Commission would revisit the adequacy question after completion of the revised EA.

2. ALJ Report

Staff agrees with the findings, conclusions, and recommendations reached by the ALJ. Staff finds that the ALJ's Report is a sound, comprehensive, and common-sense ruling that is reflective of the case record. The ALJ's Report documents that the procedural requirements were followed and presents findings of fact for each of the decision criteria that must be met for a site permit for a large electric generating plant and a site permit for a battery energy storage system.

Staff has also reviewed the exceptions to the ALJ Report submitted by PUC EIP, IBEW 343 and LIUNA, and Lake Charlotte Solar. Staff agrees with PUC EIP's single exception which is also supported by the Applicants and not contested by any other party. Staff also agrees with the four exceptions as presented by the Applicants which were not contested by the other parties.

With respect to the exceptions submitted by the IBEW 343 and LIUNA, staff agrees in principle with the first three exceptions (revised 85, 85A, and 85B) to the extent that they do not change the overall intent, conclusions and recommendations that were presented by the ALJ in the Report. Staff defers to the Commission to determine the appropriateness of these exceptions and either approve or deny them.

Regarding the last exception (159A) and the associated proposed site permit condition that would require the Permittees to build the solar and BESS projects under the Minnesota State Electrical Code, staff's understanding as a Professional Engineer in the state of Minnesota has always been that all high-voltage, utility-scale generation resources that are built on the utility side of the meter are subject to the National Electrical Safety Code (NESC) and other applicable electrical codes such as those set by the North American Electric Reliability Corporation (NERC)

and the Institute of Electrical and Electronics Engineers (IEEE), and are not subject to the National Electrical Code (NEC) or the state approved electrical code, for states that have adopted their own electrical codes, such as Minnesota. The demarcation between applicability of the NESC and the NEC codes is the utility meter: NESC applies to facilities before and including the meter (utility side) and NEC applies to facilities behind the meter (customer side). Moreover, all generation site permits issued by the Commission include this general permit condition as standard language:

4.5.1 Safety Codes and Design Requirements

The Permittee shall design the solar energy generating system and associated facilities to meet or exceed all relevant local and state codes, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. This includes standards relating to clearances to ground, clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements. The Permittee shall keep records of compliance with these standards and provide them upon the request of Commission staff.

3. Proposed Draft Site Permits for the Solar Facility and BESS

Staff agrees with PUC EIP and the ALJ that the Commission should issue a site permit to Lake Charlotte Solar, LLC for the up to 150-MW Lake Charlotte Solar Project and issue a site permit to Lake Charlotte Storage, LLC for the up to 150-MW Battery Energy Storage System located in Martin County, Minnesota with the following special conditions as discussed in the ALJ Report and presented above in Section VI.B of these briefing papers.

The Draft Solar Site Permit proposed by PUC EIP as Appendix C to the Environmental Assessment includes special permit conditions 5.1 – 5.13 in Section 5. Similarly, the Draft Energy Storage Site Permit also included in Appendix C includes special permit conditions 5.1 – 5.3. The ALJ concluded that the record in this matter supports the inclusion of the conditions identified in the Draft Site Permits, unless amended in the ALJ Report as described in Section VI.B above of these briefing papers.

Staff agrees and supports all special conditions from the DSP as drafted by PUC EIP staff and as amended by the ALJ in the Report. In addition, staff supports the revised permit condition 5.9 as proposed by PUC EIP and agreed to by the Applicants. Staff also supports the clarifications to the permitted facilities and the correct legal names of the permittees as proposed by the Applicants in their exceptions for both site permits. Staff also supports including the additional permit condition 5.4 in the BESS Site Permit as proposed by the Applicants.

Lastly, staff does not support including IBEW 343 and LIUNA's permit condition for the solar facility submitted with their exceptions for the reasons described above.

Staff has prepared two draft site permits (clean versions), one each for the solar facility and the BESS that started with the EIP draft site permits and added the additional conditions as discussed above. If the Commission adopts IBEW 343 and LIUNA's permit condition for the Solar Site Permit, staff will add it to the permit prior to the Commission issuing the final permit for the Lake Charlotte Solar Project.

DECISION OPTIONS

Environmental Assessment

1. Determine that the Environmental Assessment and the record created in this matter address the issues identified in the Scoping Decision. (ALJ)

(OR)
2. Determine that the Environmental Assessment and the record created in this matter do not address the issues identified in the Scoping Decision and direct PUC EIP staff to prepare a supplement to the Environmental Assessment that addresses the identified deficiencies.

ALJ Report

3. Adopt the ALJ's Findings of Fact, Conclusions of Law, and Recommendation, to the extent it is consistent with the Commission's final decisions. (EIP, IBEW & LIUNA, Applicant)

(AND)
4. Adopt the following modification to the ALJ Report as identified in EIP's June 4, 2026 Exceptions to ALJ Report. (EIP)
 - A. Revised permit condition 5.9.
(AND)
5. Adopt the modifications to the ALJ Report as identified in Lake Charlotte Solar's June 10, 2026 Exceptions to ALJ Report related to the following: (Applicant)
 - A. Findings 43 and 69, perimeter fencing
 - B. Finding 181, State Historic Preservation Office and Tribal consultation
 - C. Finding 237, Battery Augmentation
 - D. Project descriptions
(AND)
6. Modify Finding 85 and adopt new findings 85A and 85B as identified in IBEW and LIUNA's June 10, 2026 Exceptions to ALJ Report. (IBEW & LIUNA)

(AND)
7. Adopt new Finding 159A identified in IBEW and LIUNA's June 10, 2026 Exceptions to ALJ

Report. (IBEW & LIUNA)

Solar Site Permit

8. Issue the Proposed Solar Energy Draft Site Permit as included with EIP's February 11, 2026 EA Filing (Attachment C) and recommended by the ALJ as the Site Permit for the 150 MW Lake Charlotte Solar Project in Martin County, Minnesota.

(AND)

9. Include the conditions recommended by the ALJ, EIP, and the Applicant and as prepared by Commission staff, as shown in the proposed Solar Project Site Permit attached to these briefing papers.

(AND/OR)

10. Include the following condition in the Solar Project Site Permit: "The workforce used to construct the Solar Facility shall meet the requirements of the Minnesota State Electrical Code for the Assembly and wiring of solar installations." (IBEW & LIUNA)

(OR)

11. Do not issue a site permit for the 150 MW Lake Charlotte Solar Project and state the reasons for the denial.

Battery Energy Storage Site Permit

12. Issue the Proposed Battery Energy Storage Draft Site Permit as included with EIP's February 11, 2026 EA Filing (Attachment C) and recommended by the ALJ as the Battery Energy Storage Site Permit for the 150 MW Lake Charlotte Storage Battery Energy Storage System in Martin County, Minnesota.

(AND)

13. Include the conditions recommended by the ALJ, EIP, and the Applicant and as prepared by Commission staff, as shown in the proposed Battery Energy Storage Site Permit attached to these briefing papers.

(OR)

14. Do not issue a site permit for the 150 MW Battery Energy Storage Site Permit and state the reasons for the denial.

Administrative

15. Delegate authority to the Executive Secretary to modify the permits to correct typographic and formatting errors, to reflect recent changes to infrastructure permitting legislation as applicable and to ensure consistency with the Commission's final order in the matter. (Staff)

Staff Recommendation: 1, 3, 4, 5, 8, 9, 12, 13, and 15.

Staff does not have a recommendation on decision option 6.

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**SITE PERMIT FOR
LAKE CHARLOTTE STORAGE BATTERY ENERGY STORAGE SYSTEM
AN ENERGY STORAGE SYSTEM**

**IN
MARTIN COUNTY**

**ISSUED TO
LAKE CHARLOTTE STORAGE, LLC**

PUC DOCKET NO. IP-7159/ESS-25-205

In accordance with the requirements of Minnesota Statutes Chapter 216E this site permit is hereby issued to:

Lake Charlotte Storage, LLC

Lake Charlotte Storage, LLC is authorized by this site permit to construct and operate the Lake Charlotte Storage Battery Energy Storage System Project, which includes a Battery Energy Storage System with a 150 megawatt / 600 Megawatt Hour nameplate capacity and ancillary support infrastructure in Martin County, Minnesota.

The energy storage system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

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

Approved and adopted this ____ day of [Month, Year]

BY ORDER OF THE COMMISSION

Sasha Bergman,
Executive Secretary

To request this document in another format such as large print or audio, call 651-296-0406 or 800-657-3782 (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.

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ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedures for Permitted Energy Facilities

Attachment 3 – Site Permit Maps

1 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Lake Charlotte Storage (Permittee) pursuant to Minnesota Statutes Chapter 216E. This site permit authorizes the Permittee to construct and operate a up to 150 megawatt / 600 Megawatt Hour BESS project located in Martin County, MN (Lake Charlotte Storage Battery Energy Storage System Project, henceforth known as Project). The energy storage system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

1.1 Pre-emption

Pursuant to Minn. Stat. § 216E.18, this site permit shall be the sole site approval required for the location, construction, and operation of the energy storage system and this site permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose governments.

2 PROJECT DESCRIPTION

Lake Charlotte Storage proposes to construct and operate the Lake Charlotte Storage Battery Energy Storage System with a 150 megawatt / 600 Megawatt Hour nameplate capacity and ancillary support infrastructure in Martin County, Minnesota. In addition to batteries, racking, and enclosures, the facility will also include an access road, inverters and transformers, electrical collection and feeder lines, a project substation, a gen-tie line, an operations and maintenance building and fencing surrounding the perimeter of the facility.

The Project is located in the following:

County	Township Name	Township	Range	Section
Martin	Rutland	103N	30W	5, 8, 9, 16, 17, 20, 21

2.1 Project Ownership

At least 14 days prior to the pre-construction meeting, the Permittee shall file a description of 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 notify the Commission of:

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

In the event of an ownership change, the new Permittee must provide the Commission with a certification that it has read, understands, and is able to comply with the conditions of this permit.

3 DESIGNATED SITE

The site designated by the Commission for the Project is depicted on the site maps attached to this site permit (Designated Site). The site maps show the approximate location of the energy storage system and associated facilities within the Designated Site and identify a layout that seeks to minimize the overall potential human and environmental impacts of the Project, as they were evaluated in the permitting process.

The Designated Site serves to provide the Permittee with the flexibility to make minor adjustments to the layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to the location of a photovoltaic tracker row or associated facility shall be done in such a manner as to have human and environmental impacts that are comparable to those associated with the layouts on the maps attached to this site permit. The Permittee shall identify any modifications in the Site Plan pursuant to Section 8.3.

4 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the energy storage system over the life of this site permit.

4.1 Site Permit Distribution

Within 30 days of issuance of this site permit, the Permittee shall provide all affected landowners with a copy of this site permit and the complaint procedures. An affected landowner is any landowner or designee that is within or adjacent to the permitted site. In no case shall a landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall also provide a copy of this site permit and the complaint procedures to the applicable regional development commissions, county environmental offices, and city and township clerks. The Permittee shall file with the Commission an affidavit of its site permit and complaint procedures distribution within 30 days of issuance of this site permit.

4.2 Access to Property

The Permittee shall notify landowners prior to entering or conducting maintenance within their property, unless otherwise negotiated with the landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the permitting record for this Project unless this site permit establishes a different requirement in which case this site permit shall prevail.

4.3.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this site 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 at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

4.3.2 Site Manager

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this site 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 site permit.

The Permittee shall file the name, address, email, phone number, and emergency phone number of the site manager with the Commission within 14 days prior to the pre-operation meeting. The Permittee shall provide the site manager's contact information to landowners within or adjacent to the Project Boundary, local government units and other interested persons at least 14 days prior to the pre-operation meeting. The Permittee may change the site manager at any time upon notice to the Commission, landowners within or adjacent to the Project Boundary, local government units, and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its change to the site manager's contact information within 14 days of the change to the site manager.

4.3.3 Employee Training - Site Permit Terms and Conditions

The Permittee shall train and educate all employees, contractors, and other persons involved in the construction and ongoing operation of the energy storage system of the terms and conditions of this site permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.4 Independent Third-Party Monitoring

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of the Commission. The scope of work shall be developed in consultation with and approved by Commission staff. This third-party monitor will report directly to and will be under the control of the Commission with costs borne by the Permittee.

The Permittee shall file with the Commission the approved scope of work and the name, address, email, and telephone number of the third party-monitor at least 14 days prior to beginning construction and upon any change in contact information that may occur during construction of the Project.

The Permittee shall keep records of compliance with this section and shall file status reports detailing the construction monitoring in accordance with the approved scope of work.

4.3.5 Public Services, Public Utilities, and Existing Easements

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

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.6 Temporary Workspace

The Permittee shall select temporary workspace and equipment staging areas that limit the removal and impacts to vegetation. The Permittee shall not site temporary workspace in wetlands or native prairie as defined in sections 4.3.13 and 4.3.14. The Permittee shall site temporary workspace to comply with standards for development of the shorelands of public waters as defined in Section 4.3.13. The Permittee shall obtain temporary easements outside of the authorized Project Boundary from affected landowners through rental agreements. Temporary easements are not provided for in this site permit.

4.3.7 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080, at all times and at all appropriate locations during operation of the Project. The Permittee shall limit construction and maintenance activities to daytime working hours to the extent practicable.

4.3.8 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners and the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Project during construction and operation.

4.3.9 Topsoil Protection

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

4.3.10 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 feasible. The Permittee shall use soil decompaction measures on all lands utilized for Project construction and travelled on by heavy equipment (*e.g.*, cranes and heavy trucks), even when soil compaction minimization measures are used.

4.3.11 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program. If construction of the Project 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 Construction Stormwater Permit from the MPCA that provides for the development of a Stormwater Pollution Prevention Plan 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 Project shall be returned to pre-construction conditions.

4.3.12 Public Lands

In no case shall the energy storage system and associated facilities including foundations, access roads, underground cable, and transformers, be located in the public lands identified in Minn. R. 7850.4400, subp. 1, or in federal waterfowl production areas. Photovoltaic tracker rows and associated facilities shall not be located in the public lands identified in Minn. R. 7850.4400, subp. 3, unless there is no feasible and prudent alternative.

4.3.13 Wetlands and Water Resources

The Permittee shall not place the energy storage system or associated facilities in public waters and 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 local units of government as implementers of the Minnesota Wetlands Conservation Act. The Permittee shall locate the energy storage system and associated facilities in compliance with the standards for development of the shorelands of public waters as identified in Minn. R. 6120.3300, and as adopted, Minn. R. 6120.2800, unless there is no feasible and prudent alternative.

The Permittee shall construct in wetland areas during frozen ground conditions, to the extent feasible, to minimize impacts. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. The Permittee shall contain and manage soil excavated from the wetlands and riparian areas in accordance with all applicable wetland permits. The Permittee shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. The Permittee shall meet the USACE, DNR, Minnesota Board of Water and Soil Resources, and local government wetland and water resource requirements.

4.3.14 Native Prairie

The Permittee shall not place the energy storage system or associated facilities in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and not located in areas enrolled in the Native Prairie Bank Program. The Permittee shall not impact native prairie during construction activities 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 Project Boundary. The Permittee shall file the prairie protection and management plan with the Commission at least 30 days prior to submitting the Site Plan required by Section 8.3 of this site permit. The prairie protection and management 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.

4.3.15 Vegetation Management

The Permittee shall disturb or clear vegetation within the Designated Site only to the extent necessary to assure the safe construction, operation, and maintenance of the Project. The Permittee shall minimize the number of trees removed within the Designated Site specifically preserving to the maximum extent practicable windbreaks, shelterbelts, and living snow fences.

4.3.16 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the 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 at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commission staff.

4.3.17 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 and file it with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.

4.3.18 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. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.19 Roads

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city, or township roads that will be used during the construction phase of the Project. Where practical, existing roadways shall be used for all activities associated with construction

of the Project. Oversize or overweight loads associated with the Project shall not be hauled across public roads without required permits and approvals.

The Permittee shall locate all perimeter fencing and vegetative screening in a manner that does not interfere with routine road maintenance activities and allows for continued safe travel on public roads.

The Permittee shall construct the fewest number of site access roads required. Access roads shall not be constructed across streams and drainage ways without the required permits and approvals. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.20 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Project. 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, the Permittee shall train workers 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, in accordance with Minn. Stat. Ch. 307 (Private Cemeteries Act), immediately halt construction and promptly notify local law enforcement and the State Archaeologist. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.21 Interference

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of

the Project, the Permittee shall take whatever action is necessary to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the Project. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.22 Drainage Tiles

The Permittee shall avoid, promptly repair, or replace all drainage tiles broken or damaged during all phases of the Project's life. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.23 Restoration

The Permittee shall restore the areas affected by construction of the Project to the condition that existed immediately before construction began to the greatest extent possible. The time period to complete restoration may be no longer than 12 months after the completion of construction. 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 file with the Commission a Notice of Restoration Completion.

4.3.24 Cleanup

The Permittee shall remove and properly dispose of all construction waste and scrap from the right-of-way and all premises on which construction activities were conducted upon completion of each task. The Permittee shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities daily.

4.3.25 Pollution and Hazardous Wastes

The Permittee shall take all appropriate precautions to protect against pollution of the environment. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all waste generated during construction, restoration, and operation of the Project.

4.3.26 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damage sustained during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.27 Public Safety

The Permittee shall provide educational materials to landowners within and adjacent to the Designated Site and, upon request, to interested persons about the Project and any restrictions or dangers associated with the Project. The Permittee shall also implement any necessary safety measures such as placing warning signs and gates for traffic control or restricting public access. The Permittee shall file with the Commission an affidavit of its public safety notifications at least 14 days before the pre-construction meeting.

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 the construction of the Project and shall file with the Commission confirmation of this provision upon its submission to Gopher State One.

4.3.28 Facility Lighting

The Permittee shall use shielded and downward facing lighting and LED lighting that minimizes blue hue.

4.3.29 Dust Control

The Permittee shall utilize non-chloride products for onsite dust control during construction.

4.3.30 Wildlife Friendly Erosion Control

The Permittee shall use only “bio-netting” or “natural netting” types of erosion control materials and mulch products without synthetic (plastic) fiber additives or malachite green dye.

4.3.31 Site Identification

The Permittee shall mark the energy storage system with a clearly visible identification number and/or street address.

4.4 Collector and Feeder Lines

The Permittee may use overhead or underground collector and feeder lines to carry power from an internal Project interconnection point to the energy storage system. The Permittee shall place overhead and underground collector and feeder lines that parallel public roads within the public right-of-way or on private land immediately adjacent to the road. The

Permittee shall obtain approval from the landowner or government unit responsible for the affected right-of-way.

The Permittee shall locate collector and feeder lines 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. The Permittee shall place safety shields on all guy wires associated with overhead collector and feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the Site Plan pursuant to Section 8.3.

4.5 Other Requirements

4.5.1 Safety Codes and Design Requirements

The Permittee shall design the energy storage system and associated facilities to meet or exceed all relevant local and state codes, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. This includes standards relating to clearances to ground, clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements. The Permittee shall keep records of compliance with these standards and provide them upon the request of Commission staff.

4.5.2 Other Permits and Regulations

The Permittee shall comply with all applicable state statutes and rules. 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.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission an Other Permits and Regulations Submittal that contains a detailed status of all permits, authorizations, and approvals that have been applied for specific to the Project. The Other Permits and Regulations Submittal shall also include the permitting agency name; 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 and an updated Other Permits and Regulations Submittal prior to commencing Project construction. The Permittee shall provide a copy of any such permits, authorizations, and approvals at the request of Commission staff.

5 SPECIAL CONDITIONS

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

5.1 Pre-construction Noise Modeling and Impact Assessment

The Permittee shall file a noise impact assessment at least 14 days prior to the pre-construction meeting. The noise impact assessment shall summarize the results from noise propagation modeling that incorporates noise inputs from the selected equipment and the facility layout shown in the site plans required in Section 8.3 of this permit. The permittee shall file an updated noise impact assessment including any revisions to selected equipment or facility layout prior to any modifications to the facility over its operating life.

5.2 Noise Studies and Noise Mitigation

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 Commission staff. The Permittee must conduct the postconstruction noise study and file with the Commission the completed post-construction noise study within 18 months of commencing commercial operation.

The BESS facilities and associated facilities shall be placed and operated such that the Permittee shall, at all times, comply with noise standards established by the MPCA. Operation of the facility shall be modified, or project components shall be removed from service if necessary to comply with these noise standards.

5.3 Hazard Mitigation Analysis

The Permittee shall file a Hazard Mitigation Analysis detailing the results of the equipment testing, and the risks associated with the technology at least 30 days prior to the preconstruction meeting

5.4 Battery Augmentation

The Permittee shall notify the Commission of scheduled augmentation at least 30 days prior to commencing augmentation activities. In its filing, the Permittee shall describe the number and types of batteries included in the augmentation. The Permittee shall indicate the location of the augmentation on the project Site Plan. In its filing the Permittee shall demonstrate compliance with the noise impact assessment submitted to the Commission as required in Section 5.1 of this permit.

6 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the site within four years after the date of issuance of this site permit the Permittee shall file a Failure to Construct Report and the Commission shall consider suspension of this site permit in accordance with Minn. Stat. § 216E.24.

7 COMPLAINT PROCEDURES

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the complaint procedures that will be used to receive and respond to complaints. The complaint 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 site permit.

Upon request, the Permittee shall assist Commission staff 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.

8 COMPLIANCE REQUIREMENTS

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

8.1 Pre-Construction Meeting

Prior to the start of construction, the Permittee shall participate in a pre-construction meeting with 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 anticipated construction start date.

8.2 Pre-Operation Meeting

At least 14 days prior to commercial operation of the Project, the Permittee shall participate in a pre-operation meeting with Commission staff to coordinate field monitoring of operation activities for the Project. Within 14 days following the pre-operation meeting, the Permittee shall file a summary of the topics reviewed and discussed and a list of attendees with the Commission.

8.3 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission and the counties where the Project will be constructed with a Site Plan that includes specifications and drawings for site preparation and grading; specifications and locations of the energy storage system and associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the Designated Site, energy storage system, and associated facilities layout in relation to that approved by this site permit.

The Permittee may not commence construction until the earlier of (i) 30 days after the pre-construction meeting or (ii) until the Commission staff has notified the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this site permit.

If the Commission notifies the Permittee in writing within 30 days after the pre-construction meeting that it has completed its review of the documents and planned construction, and finds that the planned construction is not consistent with this site permit, the Permittee may submit additional and/or revised documentation and may not commence construction until the Commission has notified the Permittee in writing that it has determined that the revised construction plan documentation is consistent with this site permit.

If the Permittee intends to make any significant changes in its Site Plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission and county staff 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 site permit.

8.4 Status Reports

The Permittee shall file with the Commission monthly Construction Status Reports beginning with the pre-construction meeting and until completion of restoration. Construction Status Reports shall describe construction activities and progress, activities undertaken in compliance with this site permit, and shall include text and photographs.

If the Permittee does not commence construction of the Project within six months of this site permit issuance, the Permittee shall file with the Commission Pre-Construction Status Reports on the anticipated timing of construction every six months beginning with the issuance of this site permit until the pre-construction meeting. The status updates shall include information on the Project's Midcontinent Independent System Operator (MISO) interconnection process, if applicable.

8.5 Labor Statistic Reporting

The Permittee shall file quarterly Labor Statistic 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 Labor Statistic 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.

The Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

8.6 Prevailing Wage

The Permittee, its contractors, and subcontractors shall pay no less than the prevailing wage rate as defined in Minn. Stat. § 177.42 and shall be subject to the requirements and enforcement provisions under Minn. Stat. §§ 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45. The Permittee shall keep records of contractor and subcontractor pay and provide them at the request of Commission staff.

8.7 In-Service Date

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

8.8 As-Builts

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

8.9 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 Project.

8.10 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.
To examine and copy any documents pertaining to compliance with the conditions of this site permit.

8.11 Emergency Response

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. The Permittee shall file the ERP, along with any comments from emergency responders to the Commission at least 14 days prior to the pre-construction meeting and a revised ERP, if any, at least 14 days prior to the pre-operation meeting. At least 14 days prior to the pre-operation meeting the Permittee shall file with the Commission an affidavit of the distribution of the ERP to emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the Project. The Permittee shall obtain and register the Project address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the Project.

8.12 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, 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.

8.13 Wildlife Injuries and Fatalities

The Permittee shall report any wildlife injuries and fatalities to the Commission quarterly.

9 DECOMMISSIONING AND RESTORATION

9.1 Decommissioning Plan

The Permittee shall comply with the provisions of the most recently filed and accepted Decommissioning Plan. The initial version of the Decommissioning Plan was submitted for this Project as [Identify Decommissioning Plan, e.g., Appendix XX to the Site Permit Application]. The Permittee shall file an updated Decommissioning Plan incorporating comments and information from the permit application process and any updates associated with the final construction plans with the Commission at least fourteen 14 days prior to the pre-construction meeting. The Permittee shall update and file the Decommissioning Plan with the Commission every five years following the commercial operation date.

The Decommissioning Plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The Decommissioning Plan shall provide an itemized breakdown of costs of decommissioning all Project components, which shall include labor and equipment.

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

9.2 Site Final Restoration

Upon expiration of this site permit or upon termination of operation of the Project, the Permittee shall have the obligation to dismantle and remove from the site all Project components in accordance with the most recently filed and accepted decommissioning plan. To the extent feasible, the Permittee shall restore and reclaim the site to pre-project conditions. Landowners may require the site be returned to agricultural production or may retain restored prairie vegetation, or other land uses as agreed to between the landowner and the Permittee. 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 filed with the Commission prior to commencing restoration activities. The Permittee shall restore the site in accordance with the requirements of this condition and file a Notification of Final Restoration Completion to the Commission within 18 months of termination of operation of the Project.

10 COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE

10.1 Expansion of Designated Site Boundaries

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

10.2 Periodic Review

The Commission shall initiate a review of this site 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 site permit. No modification may be made except in accordance with applicable statutes and rules.

10.3 Modification of Conditions

After notice and opportunity for hearing this site 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.

10.4 More Stringent Rules

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

11 SITE PERMIT AMENDMENT

This site permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this site 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 under Minn. Stat. § 216E.09.

12 TRANSFER OF SITE PERMIT

The Permittee may request at any time that the Commission transfer this site permit to another person or entity (transferee). In its request, the Permittee must provide the Commission with:

- (a) the name and description of the transferee;
- (b) the reasons for the transfer;
- (c) a description of the facilities affected; and
- (d) the proposed effective date of the transfer.

The transferee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures filed for the Project and all conditions of this site permit.

The transferee must provide the Commission with the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with eDocket reference, or a revised version of the following:

- (a) complaint procedures, as described in Section 7 and Attachment 1;
- (b) ERP, as described in Section 8.12; and
- (c) Decommissioning Plan, as described in Section 9.1.

The Commission may authorize transfer of the site permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. Stat. § 216E.13.

13 REVOCATION OR SUSPENSION OF SITE PERMIT

The Commission may initiate action to revoke or suspend this site permit at any time. The Commission shall act in accordance with the requirements of Minn. Stat. § 216E.24, to revoke or suspend this site permit.

14 EXPIRATION DATE

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

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**SITE PERMIT FOR
LAKE CHARLOTTE SOLAR PROJECT**

A SOLAR ENERGY GENERATING SYSTEM

**IN
MARTIN COUNTY**

**ISSUED TO
LAKE CHARLOTTE SOLAR, LLC**

PUC DOCKET NO. IP-7159/GS-25-206

In accordance with the requirements of Minnesota Statutes Chapter 216E this site permit is hereby issued to:

Lake Charlotte Solar, LLC

Lake Charlotte Solar, LLC is authorized by this site permit to construct and operate the Lake Charlotte Solar Project, which includes an up to 150 megawatt solar energy generating system located in Martin County, Minnesota.

The solar energy generating system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

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

Approved and adopted this ____ day of [Month, Year]

BY ORDER OF THE COMMISSION

Sasha Bergman,
Executive Secretary

To request this document in another format such as large print or audio, call 651-296-0406 or 800-657-3782 (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.

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ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedures for Permitted Energy Facilities

Attachment 3 – Site Permit Maps

1 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Lake Charlotte Solar, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216E. This site permit authorizes the Permittee to construct and operate a an up to 150 megawatt solar energy generating system located in Martin County, Minnesota (Lake Charlotte Solar Project, henceforth known as Project). The solar energy generating system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

1.1 Pre-emption

Pursuant to Minn. Stat. § 216E.18, this site permit shall be the sole site approval required for the location, construction, and operation of the solar energy generating system and this site permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose governments.

2 PROJECT DESCRIPTION

A 150 megawatt solar energy conversion facility to be located in Rutland Township in Martin County, Minnesota. The project will occupy approximately 1,277 acres of land, 1,004 acres of which will be developed for the project. The project will use photovoltaic solar panels mounted on a linear axis tracking system. A combination of above-ground and underground collection cables will gather and send the electric power generated by the solar panels to a project substation. The Facility will consist of the photovoltaic (PV) panels, trackers, inverters, transformers, access roads, security fencing, stormwater retention ponds, a project substation, a gen-tie line, and an operations and maintenance building.

The Project is located in the following:

County	Township Name	Township	Range	Section
Martin	Rutland	103N	30W	5, 8, 9, 16, 17, 20, 21

2.1 Project Ownership

At least 14 days prior to the pre-construction meeting, the Permittee shall file a description of 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 notify the Commission of:

- D. a change in the owner(s) of the majority* financial or governance interests in the Permittee; or
- E. a change in the owner(s) of the majority* financial or governance interests of the Permittee’s owners; or
- F. a sale which changes the ultimate 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.

Also, in the event of an ownership change, the new Permittee must provide the Commission with a certification that it has read, understands and is able to comply with the conditions of this permit.

3 DESIGNATED SITE

The site designated by the Commission for the Project is depicted on the site maps attached to this site permit (Designated Site). The site maps show the approximate location of photovoltaic tracker rows and associated facilities within the Designated Site and identify a layout that seeks to minimize the overall potential human and environmental impacts of the Project, as they were evaluated in the permitting process.

The Designated Site serves to provide the Permittee with the flexibility to make minor adjustments to the layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to the location of a photovoltaic tracker row or associated facility shall be done in such a manner as to have human and environmental impacts that are comparable to those associated with the layouts on the maps attached to this site permit. The Permittee shall identify any modifications in the Site Plan pursuant to Section 8.3.

4 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the solar energy generating system over the life of this site permit.

4.1 Site Permit Distribution

Within 30 days of issuance of this site permit, the Permittee shall provide all affected landowners with a copy of this site permit and the complaint procedures. An affected landowner is any landowner or designee that is within or adjacent to the permitted site. In no case shall a landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall also provide a copy of this site permit and the complaint procedures to the applicable regional development commissions, county environmental offices, and city and township clerks. The Permittee shall file with the Commission an affidavit of its site permit and complaint procedures distribution within 30 days of issuance of this site permit.

4.2 Access to Property

The Permittee shall notify landowners prior to entering or conducting maintenance within their property, unless otherwise negotiated with the landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the permitting record for this Project unless this site permit establishes a different requirement in which case this site permit shall prevail.

4.3.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this site 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 at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

4.3.2 Site Manager

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this site 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 site permit.

The Permittee shall file the name, address, email, phone number, and emergency phone number of the site manager with the Commission within 14 days prior to the pre-operation meeting. The Permittee shall provide the site manager's contact information to landowners within or adjacent to the Designated Site, local government units and other interested persons at least 14 days prior to the pre-operation meeting. The Permittee may change the site manager at any time upon notice to the Commission, landowners within or adjacent to the Designated Site, local government units, and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its site manager's contact information at least 14 days prior to the pre-operation meeting and upon changes to the site manager.

4.3.3 Employee Training

The Permittee shall train and educate all employees, contractors, and other persons involved in the construction and ongoing operation of the solar energy generating system of the terms and conditions of this site permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.4 Independent Third-Party Monitoring

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of the Commission. The scope of work shall be developed in consultation with Commission staff and approved by the Commission's Executive Secretary. This third-party monitor will report directly to and will be under the control of the Commission with costs borne by the Permittee.

The Permittee shall file with the Commission the scope of work and the name, address, email, and telephone number of the third party-monitor at least 30 days prior to commencing any construction or right-of-way preparation and upon any change in contact information that may occur during construction of the Project and restoration of the right-of-way.

Commission staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed with the Commission in accordance with the approved scope of work.

4.3.5 Public Services, Public Utilities, and Existing Easements

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

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.6 Temporary Workspace

The Permittee shall select temporary workspace and equipment staging areas that limit the removal and impacts to vegetation. The Permittee shall not site temporary workspace in wetlands or native prairie as defined in sections 4.3.13 and 4.3.14. The Permittee shall site temporary workspace to comply with standards for development of the shorelands of public waters as defined in Section 4.3.13. The Permittee shall obtain temporary easements outside of the authorized Project Boundary from affected landowners through rental agreements. Temporary easements are not provided for in this site permit.

4.3.7 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080, at all times and at all appropriate locations during operation of the Project. The Permittee shall limit construction and maintenance activities to daytime working hours to the extent practicable.

4.3.8 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners and the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Project during construction and operation.

4.3.9 Topsoil Protection

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

4.3.10 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 feasible. The Permittee shall use soil decompaction measures on all lands utilized for Project construction and travelled on by heavy equipment (*e.g.*, cranes and heavy trucks), even when soil compaction minimization measures are used.

4.3.11 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program. If construction of the Project 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 Construction Stormwater Permit from the MPCA that provides for the development of a Stormwater Pollution Prevention Plan 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 Project shall be returned to pre-construction conditions.

4.3.12 Public Lands

In no case shall photovoltaic tracker rows and associated facilities including foundations, access roads, underground cable, and transformers, be located in the public lands identified in Minn. R. 7850.4400, subp. 1, or in federal waterfowl production areas. Photovoltaic tracker rows and associated facilities shall not be located in the public lands identified in Minn. R. 7850.4400, subp. 3, unless there is no feasible and prudent alternative.

4.3.13 Wetlands and Water Resources

The Permittee shall not place the solar energy generating system or associated facilities in public waters and 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. The Permittee shall locate the solar energy generating system and associated facilities in compliance with the standards for development of the shorelands of public waters as identified in Minn. R. 6120.3300, and as adopted, Minn. R. 6120.2800, unless there is no feasible and prudent alternative.

The Permittee shall construct in wetland areas during frozen ground conditions, to the extent feasible, to minimize impacts. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. The Permittee shall contain and manage soil excavated from the wetlands and riparian areas in accordance with all applicable wetland permits. The Permittee shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. The Permittee shall meet the USACE, DNR, Minnesota Board of Water and Soil Resources, and local government wetland and water resource requirements.

4.3.14 Native Prairie

The Permittee shall not place the solar energy generating system or associated facilities in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and not located in areas enrolled in the Native Prairie Bank Program. The Permittee shall not impact native prairie during construction activities 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 Project Boundary. The Permittee shall file the prairie protection and management plan with the Commission at least 30 days prior to submitting the Site Plan required by Section 8.3 of this site permit. The prairie protection and management 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.

4.3.15 Vegetation Removal

The Permittee shall disturb or clear vegetation within the Designated Site only to the extent necessary to assure the safe construction, operation, and maintenance of the Project. The Permittee shall minimize the number of trees removed within the Designated Site specifically preserving to the maximum extent practicable windbreaks, shelterbelts, and living snow fences.

4.3.16 Beneficial Habitat

The Permittee shall implement site restoration and management practices that provide for native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators; and that enhances soil water retention and reduces storm water runoff and erosion. To ensure continued management and recognition of beneficial habitat, the Permittee is encouraged to meet the standards for Minnesota's Habitat Friendly Solar Program by submitting project plans, seed mixes, a completed project planning assessment form, and any other applicable documentation used to meet the standard to the Board of Water and Soil Resources (BWSR). If the Permittee chooses to participate in Minnesota's Habitat-Friendly Solar Program, it shall file documents required to be filed with BWSR for meeting and maintaining Habitat Friendly Solar Certification with the Commission.

4.3.17 Vegetation Management Plan

The Permittee shall develop a vegetation management plan (VMP), in coordination with the Vegetation Management Working Group (VMWG), using best management practices established by the DNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the coordinating agencies with the Commission at least 14 days prior to the pre-construction meeting.

Landowner-specific vegetation requests resulting from individual consultation between the Company and a landowner need not be included in the VMP. The Permittee shall provide all landowners within the Designated Site copies of the VMP. The Permittee shall file with the Commission an affidavit of its distribution of the VMP to landowners at least 14 days prior to the pre-construction meeting.

The VMP must include the following:

- A. management objectives addressing short term (year 0-5, seeding and establishment) and long term (year 5 through the life of the Project) goals;

- B. a description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (*e.g.*, broadcast, drilling, etc.), and the types of seed mixes to be used;
- C. a description of how the site will be monitored and evaluated to meet management goals;
- D. a description of the management tools used to maintain vegetation (*e.g.*, mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities;
- E. identification of the third-party (*e.g.*, consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site;
- F. identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized; and
- G. a marked-up copy of the Site Plan showing how the site will be revegetated and that identifies the corresponding seed mixes.

Best management practices should be followed concerning seed mixes, seeding rates, and cover crops.

4.3.18 Agricultural Impact Mitigation Plan

The Permittee shall develop an agricultural impact mitigation plan (AIMP) in coordination with the Minnesota Department of Agriculture (MDA). The Permittee shall provide landowners within the Designated Site a copy of the AIMP. The Permittee shall file with the Commission the AIMP and an affidavit of the AIMP distribution to landowners at least 14 days prior to the pre-construction meeting.

4.3.19 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the 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 at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall use the MDA's Apiary Registry (<https://mn.beecheck.org/map>) to identify known apiaries for purposes of compliance with this

condition. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commission staff.

4.3.20 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 and file it with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.

4.3.21 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. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.22 Roads

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city, or township roads that will be used during the construction phase of the Project. Where practical, existing roadways shall be used for all activities associated with construction of the Project. Oversize or overweight loads associated with the Project shall not be hauled across public roads without required permits and approvals.

The Permittee shall locate all perimeter fencing and vegetative screening in a manner that does not interfere with routine road maintenance activities and allows for continued safe travel on public roads.

The Permittee shall construct the fewest number of site access roads required. Access roads shall not be constructed across streams and drainage ways without the required permits and approvals. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

4.3.23 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Project. 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.

The Permittee shall develop an Unanticipated Discoveries Plan (UDP) to identify guidelines to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during construction. This is in addition to and not in lieu of any other obligations that may exist under law or regulation relating to these matters. The Permittee shall file the UDP with the Commission at least 14 days prior to the preconstruction meeting.

The Permittee shall train workers 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, in accordance with Minn. Stat. Ch. 307 (Private Cemeteries Act), immediately halt construction and promptly notify local law enforcement and the State Archaeologist. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.24 Interference

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the Project, the Permittee shall take whatever action is necessary to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the Project. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.25 Drainage Tiles

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

The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.26 Restoration

The Permittee shall restore the areas affected by construction of the Project to the condition that existed immediately before construction began to the greatest 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 file with the Commission a Notice of Restoration Completion.

4.3.27 Cleanup

The Permittee shall remove and properly dispose of all construction waste and scrap from the right-of-way and all premises on which construction activities were conducted upon completion of each task. The Permittee shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities daily.

4.3.28 Pollution and Hazardous Wastes

The Permittee shall take all appropriate precautions to protect against pollution of the environment. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all waste generated during construction and restoration of the Project.

4.3.29 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damage sustained during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.30 Public Safety

The Permittee shall provide educational materials to landowners within and adjacent to the Designated Site and, upon request, to interested persons about the Project and any restrictions or dangers associated with the Project. The Permittee shall also implement any necessary safety measures such as placing warning signs and gates for traffic control or restricting public

access. The Permittee shall file with the Commission an affidavit of its public safety notifications at least 14 days before the pre-construction meeting.

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 the construction of the Project.

4.3.31 Site Identification

The Permittee shall mark the solar energy generating system with a clearly visible identification number and or street address.

4.3.32 Security Fencing

The Permittee shall design the security fence surrounding the solar energy generating system to minimize the visual impact of the Project while maintaining compliance with the National Electric Safety Code. The Permittee shall develop a final fence plan for the specific site in coordination with the DNR. The final fence plan shall be submitted to the Commission as part of the Site Plan pursuant to Section 8.3.

4.4 Feeder Lines

The Permittee may use overhead or underground feeder lines to carry power from an internal Project interconnection point to the Project substation or interconnection point on the electrical grid. The Permittee shall place overhead and underground feeder lines that parallel public roads within the public right-of-way or on private land immediately adjacent to the road. The Permittee shall obtain approval from the landowner or government unit responsible for the affected right-of-way.

The Permittee shall locate feeder lines 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. The Permittee shall place safety shields on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the Site Plan pursuant to Section 8.3.

4.5 Other Requirements

4.5.1 Safety Codes and Design Requirements

The Permittee shall design the solar energy generating system and associated facilities to meet or exceed all relevant local and state codes, the National Electric Safety Code, and North

American Electric Reliability Corporation requirements. This includes standards relating to clearances to ground, clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements. The Permittee shall keep records of compliance with these standards and provide them upon the request of Commission staff.

4.5.2 Other Permits and Regulations

The Permittee shall comply with all applicable state statutes and rules. 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.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission an Other Permits and Regulations Submittal that contains a detailed status of all permits, authorizations, and approvals that have been applied for specific to the Project. The Other Permits and Regulations Submittal shall also include the permitting agency name; 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 and an updated Other Permits and Regulations Submittal prior to commencing Project construction. The Permittee shall provide a copy of any such permits, authorizations, and approvals at the request of Commission staff.

5 SPECIAL CONDITIONS

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

5.1 Visual Screening Plan

The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences. The Visual Screening Plan shall at a minimum include:

- (a) objectives for screening of nearby residences; and
- (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance.

The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee’s site control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years.

At least 14 days prior to the pre-construction meeting, the Permittee shall file:

- (a) the Visual Screening Plan;
- (b) documentation of coordination with landowners adjacent to the project site; and
- (c) an affidavit of its distribution of the Visual Screening Plan to landowners adjacent to the project site.

5.2 Vegetation and Blowing Snow Control

The Permittee shall coordinate with the Minnesota Department of Transportation (MnDOT) regarding existing vegetation between the project area and State Trunk Highway 15. The Permittee shall retain or plant vegetation, as requested by MnDOT, necessary to reduce potential driver distraction, solar glare, and blowing snow.

The Permittee shall coordinate with MnDOT regarding vegetative, structural, and/or other snow fence designs necessary to ensure the safe operation of State Trunk Highway 15. The Permittee shall provide documentation of its coordination with MnDOT and illustrate the snow fence design, if any, for the project in the Site Plan filed under Section 8.3.

5.3 Noise Notice

The Permittee shall provide notice to adjacent residences detailing when major noise-producing construction activities are planned to occur. The Permittee shall maintain a webpage identifying days, times and areas where construction crews will be doing pile driving during construction. The Permittee shall provide all neighboring landowners, the township, and the city of Northrop a link to the website prior to construction and shall update the website frequently during construction to keep landowners informed where pile driving will be occurring.

5.4 Cultural Resource Consultation

The Permittee shall consult the Minnesota Department of Transportation (MnDOT) and local Native American tribes on cultural resource matters, including any cultural discoveries encountered during construction, and/or anticipated impacts to culturally relevant resources.

5.5 Road Use Agreement

The Permittee shall coordinate with Martin County and Rutland Township to develop a road use agreement. The road use agreement shall include requirements for maintenance and repair as necessary to ensure the safe operation of local roads within Martin County and Rutland Township.

5.6 Unanticipated Discoveries Plan

The Permittee shall develop an Unanticipated Discoveries Plan (UDP) to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during construction. The UDP shall describe how previously unrecorded, non-human burial, archeological sites found during construction shall be marked and all construction work must stop at the discovery location. The UDP shall include that if any archaeological materials or features are encountered during construction of the project, all work must cease, and the Office of the State Archaeologist must be contacted immediately to assess and execute mitigation procedures. Should human remains be encountered, all work must cease, and the Martin County Sheriff and the Office of the State Archaeologist must be contacted immediately. The permittee is required to file the UDP with the Commission at least 14 days prior to the preconstruction meeting.

5.7 Contaminated Sites Management Plan

The Permittee shall file a contaminated site analysis of the site detailing the results of a Phase II Environmental Site Assessment of potential contaminated portions of the site at least 14 days prior to the pre-construction meeting. If the contaminated site analysis documents the presence of contaminants exceeding applicable Minnesota Pollution Control Agency thresholds, the Permittee shall develop a Contaminated Sites Management Plan to be followed in the event that contaminated materials are discovered during construction or operation of the project. The permittee will notify and coordinate with Minnesota Pollution Control Agency for proper removal and disposal of any contaminated materials and restoration of the land.

5.8 Snowmobile Trail

The Permittee shall work with the Blizzard Snowmobile Club and associated snowmobile clubs responsible for maintaining Segment 161 of the Prairieland Trail to identify alternative routes and interconnection to trails in the area and develop a plan for rerouting portions of Segment 161 that may fall within the project area. The Permittee will be responsible for sponsoring the reroute efforts.

5.9 Surface Waters

The Permittee shall consult with the Martin County Soil and Water Conservation District regarding potential impacts to nearby surface waters due to construction activities, including but not limited to, erosion and sediment control.

5.10 Stormwater Basins

The Permittee shall consult with MnDOT and the MPCA to conduct a review of stormwater basin designs. Stormwater basins designs shall not negatively impact existing land and infrastructure surrounding the project area, including peak runoff rates to the Trunk Highway 15 Right of Way.

5.11 Facility Lighting

The Permittee must use shielded and downward facing lighting and LED lighting that minimizes blue hue at the project substation and operations and maintenance facility. Downward facing lighting must be clearly visible on the site plan submitted for the project.

5.12 Dust Control

The Permittee shall utilize non-chloride products for onsite dust control during construction.

5.13 Wildlife Friendly Erosion Control

The Permittee shall use only “bio-netting” or “natural netting” types of erosion control materials and mulch products without synthetic (plastic) fiber additives or malachite green dye.

6 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the site within four years after the date of issuance of this site permit the Permittee shall file a Failure to Construct Report and the Commission shall consider suspension of this site permit in accordance with Minn. Stat. § 216E.24.

7 COMPLAINT PROCEDURES

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the complaint procedures that will be used to receive and respond to complaints. The complaint 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 site permit.

Upon request, the Permittee shall assist Commission staff 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.

8 COMPLIANCE REQUIREMENTS

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

8.1 Pre-Construction Meeting

Prior to the start of construction, the Permittee shall participate in a pre-construction meeting with 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 anticipated construction start date.

8.2 Pre-Operation Meeting

At least 14 days prior to commercial operation of the Project, the Permittee shall participate in a pre-operation meeting with Commission staff to coordinate field monitoring of operation activities for the Project. Within 14 days following the pre-operation meeting, the Permittee shall file a summary of the topics reviewed and discussed and a list of attendees with the Commission.

8.3 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission and provide the counties where the Project will be constructed with a Site Plan that includes specifications and drawings for site preparation and grading; specifications and locations of the solar energy generating system and associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the Designated Site, solar energy generating system, and associated facilities layout in relation to that approved by this site permit.

The Permittee may not commence construction until the earlier of (i) 30 days after the pre-construction meeting or (ii) until Commission staff has notified the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this site permit.

If the Commission notifies the Permittee in writing within 30 days after the pre-construction meeting that it has completed its review of the documents and planned construction, and finds

that the planned construction is not consistent with this site permit, the Permittee may submit additional and/or revised documentation and may not commence construction until the Commission has notified the Permittee in writing that it has determined that the planned construction is consistent with this site permit.

If the Permittee intends to make any significant changes in its Site Plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission and county staff 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 site permit.

8.4 Status Reports

The Permittee shall file with the Commission monthly Construction Status Reports beginning with the pre-construction meeting and until completion of restoration. Construction Status Reports shall describe construction activities and progress, activities undertaken in compliance with this site permit, and shall include text and photographs.

If the Permittee does not commence construction of the Project within six months of this site permit issuance, the Permittee shall file with the Commission Pre-Construction Status Reports on the anticipated timing of construction every six months beginning with the issuance of this site permit until the pre-construction meeting. The status updates shall include information on the Project's Midcontinent Independent System Operator (MISO) interconnection process, if applicable.

8.5 Labor Statistic Reporting

The Permittee shall file quarterly Labor Statistic 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 Labor Statistic Reports shall:

- A. detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers; and
- B. provide an account of:
 - 1) 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;
 - 2) 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
 - 3) the total gross hours worked or total full-time equivalent workers.

The Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

8.6 Prevailing Wage

The Permittee, its contractors, and subcontractors shall pay no less than the prevailing wage rate as defined in Minn. Stat. § 177.42 and shall be subject to the requirements and enforcement provisions under Minn. Stat. §§ 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45. The Permittee shall keep records of contractor and subcontractor pay and provide them at the request of Commission staff.

8.7 In-Service Date

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

8.8 As-Builts

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

8.9 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 Project.

8.10 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 site permit.

8.11 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 facility including:

- A. the installed nameplate capacity of the permitted facility;
- B. the total daily energy generated by the facility in MW hours;
- C. the total monthly energy generated by the facility in MW hours;
- D. the monthly capacity factor of the facility;
- E. yearly energy production and capacity factor for the facility;
- F. the average monthly and average annual solar strength gradient measured in kWh/m²/Day observed at the facility;
- G. the operational status of the facility and any major outages, major repairs, or performance improvements occurring in the previous year; and
- H. any other information reasonably requested by the Commission.

The Permittee shall file this information in a format recommended by the Department of Commerce. This information shall be considered public and must be filed electronically.

8.12 Emergency Response

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. The Permittee shall file the ERP, along with any comments from emergency responders to the Commission at least 14 days prior to the pre-construction meeting and a revised ERP, if any, at least 14 days prior to the pre-operation meeting. At least 14 days prior to the pre-operation meeting the Permittee shall file with the Commission an affidavit of the distribution of the ERP to emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the Project. The Permittee shall obtain and register the Project address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the Project.

8.13 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, solar panel collapse, 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.

8.14 Wildlife Injuries and Fatalities

The Permittee shall report any wildlife injuries and fatalities to the Commission quarterly.

8.15 Power Purchase Agreement

In the event the Permittee does not have a power purchase agreement or some other enforceable mechanism for the sale of the electricity generated by the Project at the time this site permit is issued, the Permittee shall file updates, annually from the date of permit issuance, on the status of a power purchase agreement or other enforceable mechanism for the sale of the electricity generated by the Project. The Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This site 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 four years of the issuance of this site permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this site permit should be amended or revoked. No amendment or revocation of this site permit may be undertaken except in accordance with Minn. Stat. §§ 216E.09, 216E.14, and 216E.24.

9 DECOMMISSIONING AND RESTORATION

9.1 Decommissioning Plan

The Permittee shall comply with the provisions of the most recently filed and accepted Decommissioning Plan. The initial version of the Decommissioning Plan was submitted for this Project as [Identify Decommissioning Plan, e.g., Appendix XX to the Site Permit Application]. The Permittee shall file an updated Decommissioning Plan incorporating comments and information from the permit application process and any updates associated with the final construction plans with the Commission at least fourteen 14 days prior to the pre-construction meeting. The Permittee shall update and file the Decommissioning Plan with the Commission every five years following the commercial operation date.

The Decommissioning Plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The Decommissioning Plan shall provide an itemized breakdown of costs of decommissioning all Project components, which shall include labor and equipment. The Decommissioning Plan shall identify cost estimates for the removal of solar panels, racks, underground collection cables, access roads, transformers, substations, and other Project components. The Decommissioning Plan may also include anticipated costs for the replacement of panels or repowering the Project by upgrading equipment.

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

9.2 Site Final Restoration

Upon expiration of this site permit or upon termination of operation of the Project, the Permittee shall have the obligation to dismantle and remove from the site all solar panels, mounting steel posts and beams, inverters, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment in accordance with the most recently filed and accepted decommissioning plan. To the extent feasible, the Permittee shall restore and reclaim the site to pre-project conditions. Landowners may require the site be returned to agricultural production or may retain restored prairie vegetation, or other land uses as agreed to between the landowner and the Permittee. 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 filed with the Commission prior to commencing restoration activities. The Permittee shall restore the site in accordance with the requirements of this condition and file a Notification of Final Restoration Completion to the Commission within 18 months of termination of operation of the Project.

9.3 Abandoned Solar Installations

The Permittee shall notify the Commission of any solar equipment that is abandoned prior to termination of operation of the Project. Equipment shall be considered abandoned after one year without energy production and shall be decommissioned and the land shall be restored pursuant to sections 9.1 and 9.2, unless a plan is submitted to and approved by the Commission outlining the steps and schedule for returning the equipment to service.

10 COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE

10.1 Final Designated Site Boundaries

After completion of construction the Commission shall determine the need to adjust the final boundary of the Designated Site required for the Project. This site permit may be modified, after notice and opportunity for hearing, to represent the actual Designated Site required by the Permittee to operate the Project authorized by this site permit.

10.2 Expansion of Designated Site Boundaries

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

10.3 Periodic Review

The Commission shall initiate a review of this site 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 site permit. No modification may be made except in accordance with applicable statutes and rules.

10.4 Modification of Conditions

After notice and opportunity for hearing this site 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.

10.5 More Stringent Rules

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

11 SITE PERMIT AMENDMENT

The Commission has the authority to modify this route permit at any time. The Permittee may request an amendment of the conditions of this site permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required under Minn. Stat. § 216E.09.

12 TRANSFER OF SITE PERMIT

The Permittee may request at any time that the Commission transfer this site permit to another person or entity (transferee). In its request, the Permittee must provide the Commission with:

- A. the name and description of the transferee;
- B. the reasons for the transfer;
- C. a description of the facilities affected; and
- D. the proposed effective date of the transfer.

The transferee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures filed for the Project and all conditions of this site permit.

The transferee must provide the Commission with the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with eDocket reference, or a revised version of the following:

- E. VMP as described in Section 4.3.17;
- F. complaint procedures, as described in Section 7 and Attachment 1;
- G. ERP, as described in Section 8.12; and
- H. Decommissioning Plan, as described in Section 9.1.

The Commission may authorize transfer of the site permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. Stat. § 216E.13.

13 REVOCATION OR SUSPENSION OF SITE PERMIT

The Commission may initiate action to revoke or suspend this site permit at any time. The Commission shall act in accordance with the requirements of Minn. Stat. §§ 216E.14 and 216E.24, to revoke or suspend this site permit.

14 EXPIRATION DATE

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

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