



March 19, 2018

Mr. Dan Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul MN 55101

**In the Matter of the Site Permit Amendment Application for Repowering the Trimont Wind I Project in Martin and Jackson Counties
PUC Docket: IP6907/WS-13-258**

Dear Mr. Wolf:

Trimont Wind I, LLC (Trimont Wind), a subsidiary of Avangrid Renewables, LLC, appreciates the opportunity to provide proposed Findings of Fact and Conclusions and proposed Site Permits on its application (Application) to retrofit the existing wind turbines at the Trimont project in Jackson and Martin counties (Facility). The proposed Site Permit found in Attachment A amends the existing Environmental Quality Board issued permit to accommodate the retrofit for the Facility. The proposed Site Permit found in Attachment B accommodates the retrofit for the Facility based on the current public Utilities Commission permit templates.

Trimont Wind appreciates the Commission's consideration of the requested permit amendment. Please feel free to direct any questions, comments or consideration to adam.sokolski@avangrid.com, or 612-840-6511.

Sincerely,

Amy McGinty

Amy McGinty, Vice President, O&M Services
Avangrid Renewables, LLC

PROPOSED FINDINGS OF FACT AND CONCLUSIONS

**STATE OF MINNESOTA
BEFORE THE PUBLIC UTILITIES COMMISSION**

Nancy Lange	Chair
Dan Lipschultz	Commissioner
Matthew Schuerger	Commissioner
Katie Sieben	Commissioner
John Tuma	Commissioner

In the Matter of the Site Permit Amendment
Application for Repowering the Trimont
Wind I Project in Martin and Jackson Counties

MPUC Docket No. IP-6907/WS-13-258

PROPOSED FINDINGS AND CONCLUSIONS

PROCEDURAL HISTORY

The Minnesota Environmental Quality Board (“EQB”) issued Trimont Wind I, LLC (“Trimont Wind” or the “Company”) a Large Wind Energy Conversion System (“LWECS”) Site Permit (PUC Docket: IP6907/WS-13-258, EQB Permit: 03-72-LWECS-TRIMONT) on June 17, 2004 and amended it on October 21, 2004 (“Site Permit”).¹

On December 21, 2017, Trimont Wind filed an application for a permit amendment to retrofit the existing wind turbines and extend the expiration of the site permit (the “Application”).² The Company stated that it plans to replace or refurbish the major components of the wind farm’s turbines, including the blades, gearboxes, generators, and software for the purposes of increasing the wind energy Facility efficiency, reliability, energy output and prolonging the useful life of the Facility.

Specifically, Trimont Wind seeks an amendment to allow the retrofit project; increase the rotor diameter of all existing turbines from 77 meters (m) to 91m; increase the allowed turbine output from 1.5 to 1.6 MW; increase the nameplate capacity of the Facility from 100.5MW to 107.2 MW; and extend the permit expiration date from June 30, 2034 to 30 years from amended permit issuance. Trimont Wind also seeks an adjustment to the permitted wind access buffer setbacks for 21 turbines to accommodate the proposed rotor diameter increase.

On January 5, 2018, the Minnesota Department of Commerce Energy Environmental Review and Analysis (“DOC EERA”) issued comments and recommendations finding the Application to be complete and recommending a process for review of the Application.

¹ The Minnesota Legislature transferred the EQB’s permitting authority to the Commission in 2005.

²<https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=showPoup&documentId={F03BC860-0000-C313-8BBE-05F7948A55BA}&documentTitle=20181-138685-01>

On January 24, 2018, the Minnesota Public Utilities Commission (“Commission”) issued a “Notice of Public Information Meeting and Comment Period on the Trimont Wind I Project Site Permit Amendment Application,” (the “Notice”) stating that a meeting would be held on February 2, 2018, at Triumph Hall in Trimont, Minnesota to provide information about the proposed project and the state’s review process and to accept verbal or written comments.

The Notice also set forth an initial comment period closing on February 21, 2018 and a reply comment period closing on February 28, 2018. The Notice identified the following topics as open for comment:

1. Should the Commission approve the requested site permit amendments relating to the proposed project changes, including: turbine diameter, output, nameplate capacity, expiration date, permit term?
2. Should the Commission approve the modified setbacks?
3. Are there any other issues or concerns related to this matter?

On February 2, 2018, the Commission held a public information meeting at Triumph Hall in Trimont, Minnesota to provide information about the proposed project and the state’s review process and to accept verbal or written comments. A transcript of the February 2, 2018, public information hearing was electronically filed in the Commission’s eFiling system on February 22, 2018.³

On February 21, 2018, the Minnesota Department of Natural Resources (“DNR”) and the Mankato Building Trades filed comments on Trimont Wind’s permit amendment request.

DNR expressed concern that the increased rotor size could lead to increased visibility of the turbines to non-adjacent landowners and recommended that the Commission establish a standardized process for handling requests for adjustment of existing wind access buffers. The DNR also recommended that the Commission add a condition to the permit requiring feathering of the turbines at specified times to protect bats. It also addressed wetland permitting requirements.

Mankato Building Trades supported approval of the amendment and encouraged commercially reasonable efforts to maximize employment and utilization of responsible contractors and local skilled labor for this proposed retrofit project.

On February 28, 2018, DOC EERA filed a “Request for Extension of Time to File Comments.”

On February 28, 2018, the Commission issued a “Notice of Extended Comment Period” establishing that initial comments would be due by March 9, 2018 and reply comments would be due on March 19, 2018.

³<https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=eDocketsResult&userType=public#{4017BA61-0000-C318-96CC-9E3BCDB44ED1}>

On March 12, 2018, Trimont Wind filed Reply Comments addressing its request for minor (5m-69m) adjustment of the wind access buffer setback for 21 turbines, responding to the DNR's comments regarding feathering, agreeing that Trimont Wind would apply for any wetland permits needed for the project, agreeing that Trimont Wind would apply for any necessary road permits and enter into appropriate agreements around road use, and addressing job creation.

On _____, 2018, the matter came before the Commission.

FINDINGS AND CONCLUSIONS

Under Minnesota Rules, the Commission may amend a Large Wind Energy Conversion System (LWECS) site permit at any time if there is good cause to do so.⁴

The Commission finds good cause to extend Trimont Wind's site permit's expiration date. This extension, and the proposed repowering project, will allow a renewable energy source to continue for an additional thirty (30) years without requiring construction of entirely new facilities. The Commission is not aware of any objections by neighboring landowners or other interested parties.

The Commission finds good cause to adjust the Wind Access Buffers for the Trimont Wind site permit to allow installation of up to 91 meter diameter rotors. Approval of the requested adjustments will increase the project's energy production which is consistent with the State of Minnesota's policy to site LWECS in an orderly manner compatible with environmental preservation, sustainable development, and the efficient use of resources.⁵ The Commission is not aware of any objections by neighboring landowners to the proposed adjustment.

The Commission also finds good cause to amend the Trimont Wind permit to incorporate conditions pertaining to restrictions on the construction and operation of a windfarm to protect the environment, public roads, and adjacent property. Some of the conditions are already included in the Trimont Wind permit but in a simpler, less developed form; others are entirely absent from the existing permit.

For the foregoing reasons, the Commission will approve the Trimont Wind requested permit amendment and will issue an updated LWECS site permit in the form attached.

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⁴ Minnesota Rules 7854.1300. The commission may amend a site permit for and LWECS at any time if the commission has good cause to do so.

⁵ Minnesota Statutes 216F.03.

ATTACHMENT A

SITE PERMIT

FOR

LARGE WIND ENERGY CONVERSION SYSTEM

IN

MARTIN AND JACKSON COUNTIES, MINNESOTA

ISSUED TO

TRIMONT WIND I, LLC PERMIT NO.

PUC DOCKET NO. IP6907/WS-13-258

EQB PERMIT NO. 03-72-LWECS-

TRIMONT

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

TRIMONT WIND I, LLC

Trimont Wind I, LLC is authorized to construct and operate a 107.2-Megawatt nameplate capacity Large Wind Energy Conversion System on the site identified in this Site Permit and in compliance with the conditions contained in this Permit. The construction, operation, and maintenance of necessary associated facilities is also authorized by this site permit.

This Permit shall expire 30 years from permit issuance

Dated: **XX**, 2018

David Wolf, Executive Secretary
Minnesota Public Utility Commission

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I. SITE PERMIT

This Site Permit for a Large Wind Energy Conversion System (Project) authorizes Trimont Wind I, LLC, (hereinafter “Permittee”) to retrofit their existing wind plant to 107.2 Megawatt (MW) Project and associated facilities in Martin and Jackson Counties, Minnesota, on a site of approximately 22,400 acres in accordance with the conditions contained in this Permit. The site boundary is shown on the map that is attached hereto as Figure 1.

II. PROJECT DESCRIPTION

The 107.2-Megawatt Project authorized to be constructed in this Permit is referred to as the Trimont Wind Project (“Project”). The Project will consist of up to 67 turbines, using 1.6 MW GE wind turbines with a maximum nameplate capacity of 107.2 MW. Turbines are interconnected by communication and electrical power collection facilities within the wind farm. These facilities will include transformers and underground collection lines and overhead feeder lines that will deliver wind-generated power to GRE’s Martin County Substation located in Section 19 in Cedar Township in Martin County. The retrofit turbine blades will have up to a 91 meter rotor diameter. There will be no changes to the Facility boundary, turbine locations, turbine towers, meteorological towers, or underground electrical collection system outside of the substation. Trimont Wind would establish and maintain settings in the Facility’s SCADA and windfarm management system to ensure the Facility does not exceed the net 105 MW limit at the point of interconnection. In the future, Trimont Wind may make a MISO interconnection request to increase its interconnection rights at the Facility to accommodate the 107.2 MW pursuant to processes and standards established in the MISO Tariff.

III. CONDITIONS

The following conditions shall apply to site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning and all other phases of the Project. The Minnesota Public Utilities Commission (Commission) preserves all available remedies for violation of any of these Permit conditions, including revocation or modification of the Permit.

A. GENERAL CONSTRUCTION CONDITIONS

1. SITE PLAN

Prior to commencing construction of the retrofit project, Trimont Wind will submit engineering information for turbine retrofits, access road modifications, and construction laydown areas to the Commission. There will be no changes to locations of turbines, access roads, electrical equipment, collector and feeder lines, and other associated facilities.

2. FIELD REPRESENTATIVE

Prior to the start of construction and continuously throughout construction and site restoration, the Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this Permit. This person (or a designee) shall be accessible by telephone during

normal business hours. This person's address, phone number and emergency phone number shall be provided to the Commission, who may make the number available to local residents and officials and other interested persons. The Permittee may change the field representative by notification to the Commission.

3. PRECONSTRUCTION MEETING

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

4. NOTICE OF PERMIT CONDITIONS

The Permittee shall inform all employees, contractors, and other persons involved in the construction of the Project of the terms and conditions of this Permit.

B. MITIGATION MEASURES

1. SITE CLEARANCE

The Permittee shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the Project.

2. TOPSOIL PROTECTION

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

3. COMPACTION

The Permittee shall implement measures to minimize compaction of all lands during all phases of the Project's life and shall confine compaction to as small an area as practicable.

4. LIVESTOCK PROTECTION

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

5. FENCES

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

continuity in the electric fence circuit.

6. DRAINAGE TILE

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

7. EQUIPMENT STORAGE

The Permittee shall not locate temporary equipment staging areas for site construction and restoration on cultivated land unless otherwise negotiated with the affected landowner. Temporary staging areas shall not be located in wetlands or native prairie.

8. ROADS

(a) Public Roads

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

The Permittee shall, prior to the use of such roads, make satisfactory arrangements with the appropriate state, county or township governmental body having jurisdiction over roads to be used for construction of the Project for maintenance and repair of roads that will be subject to extra wear and tear due to transportation of equipment and Project components. The Permittee shall notify the Commission of such arrangements upon request of the Commission.

(b) Turbine Access Roads

The Permittee shall construct the smallest number of turbine access roads it can. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. When access roads are constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed.

(c) Private Roads

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

9. SOIL EROSION AND SEDIMENT CONTROL

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

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

10. CLEANUP

The Permittee shall remove all waste and scrap that is the product of construction, operation, restoration and maintenance from the site and properly dispose of it upon completion of each task. Personal litter, bottles, and paper deposited by site personnel shall be removed on a daily basis.

11. TREE REMOVAL

The Permittee shall minimize the removal of trees and the Permittee shall not remove groves of trees or shelter belts without notification to the Commission and the approval of the affected landowner.

12. RESTORATION

The Permittee shall, as soon as practical following construction of each turbine, considering the weather and preferences of the landowner, restore the area affected by any Project activities to the condition that existed immediately before construction began, to the extent possible. The time period may be no longer than six months after completion of construction of the turbine. Restoration shall be compatible with the safe operation, maintenance, and inspection of the Project.

13. HAZARDOUS WASTE

The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of hazardous wastes generated during any phase of the Project's life.

14. APPLICATION OF HERBICIDES

The Permittee shall restrict herbicide use to those herbicides and methods of application approved by the Minnesota Department of Agriculture and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. The Permittee shall contact the landowner or his designee to obtain approval for the use of herbicide prior to any application on their property. The landowner may request that there be no application of herbicides on any part of the site within the landowner's property. All herbicides shall be applied in a safe and cautious manner so as to not damage crops, orchards, tree farms, or gardens. The Permittee shall also, at least ten days prior to the application, notify beekeepers with an active, licensed apiary within one mile of the proposed application site of the day the company intends to apply herbicide so that precautionary measures may be taken by the beekeeper.

15. PUBLIC SAFETY

The Permittee shall provide educational materials to landowners within the site boundaries and, upon request, to interested persons, about the project and any restrictions or dangers associated with the Project. The Permittee shall also provide any necessary safety measures, such as warning signs and gates for traffic control or to restrict public access.

16. FIRE PROTECTION

The Permittee shall prepare a fire protection plan in consultation with the fire department having jurisdiction over the area prior to Project construction. The Permittee shall submit a copy of the plan to the Commission upon request.

17. TOWER IDENTIFICATION

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

C. SETBACKS

1. WIND ACCESS BUFFER

The Commission's General Wind Permit Standards hold that wind turbine towers shall not be placed less than five rotor diameters (RD) from all boundaries of wind and land rights on the predominant wind axis and three RD on the secondary wind axis where the Permittee does not hold the wind rights, without the approval of the Commission. This section does not apply to public roads and trails.

Trimont Wind has stated that, as a result of increasing the rotor diameter from 77 meters to 91 meters, 21 turbines would not meet the wind access buffer setbacks. The distance of each turbine's setback exceedance and the status of the adjacent non-participating parcel are detailed in Trimont Wind's application for a site permit amendment. The wind access buffer exceedances are minor and range from 16 to 226 feet (5 to 69 m) and all fall within the Commission's 250 foot road right-of-way setbacks. Because the wind access buffer setback exceedances for these turbines would not materially impair the wind or land rights of the adjacent parcels to which the applicant does not hold

wind rights, the Commission grants the requested adjustments for turbines 1, 4, 6, 7, 12, 16, 22, 23, 24, 25, 34, 46, 47, 48, 52, 53, 55, 56, 57, 58, and 59 as shown in attached Figure 4 from the LWECS Site Permit Amendment Application.

2. RESIDENCES

Wind turbine towers shall not be located closer than 500 feet from the nearest occupied dwelling.

3. ROADS

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

4. WILDLIFE MANAGEMENT AREAS

Wind turbines and associated facilities including foundations, access roads, underground cable, and transformers, shall not be located in State Wildlife Management Areas or Scientific and Natural Areas or in county parks. These areas may be used in establishing the wind access buffer required by paragraph III.C.1.

5. WETLANDS

Wind turbines and all associated facilities, including foundations, access roads, and transformers, shall not be placed in public waters wetlands, as defined in Minnesota Statute Chapter 103G. Trimont Wind has a 50-year license agreement with Minnesota DNR to construct, maintain, and operate underground electric collection and communication lines located under Public Waters at the Facility.

6. NATIVE PRAIRIE

Wind turbines and associated facilities including foundations, access roads, collector and feeder lines, underground cable, and transformers shall not be placed in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and shall not be located in areas enrolled in the Native Prairie Bank Program. Construction activities, as defined in Minn. Stat. § 216E.01, shall not impact native prairie unless addressed in a prairie protection and management plan.

7. OTHER

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

D. PRECONSTRUCTION SURVEYS

1. BIOLOGICAL PRESERVATION SURVEY

Trimont Wind conducted a preconstruction inventory of the biological resources potentially present within the Site Boundary in 2004. The findings from the original Biological Preservation Survey Report were previously provided to the Commission prior to the start of construction. ..

3. ARCHAEOLOGICAL RESOURCES

The Permittee shall make every effort to avoid impacts to identified archaeological and historic resources when constructing the facility. In the event that a resource is encountered, the Permittee shall contact and consult with the State Historic Preservation Office 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 State Historic Preservation Office and State Archaeologist requirements.

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

4. ELECTROMAGNETIC INTERFERENCE

Trimont Wind conducted an assessment of the potential effects of the proposed turbine retrofits on microwave signals, communication towers, and government radar in 2017. No turbines were found to have potential obstruction with the microwave systems in the area.

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

E. SITE LAYOUT RESTRICTIONS

1. WIND TURBINE TOWERS

Trimont Wind is not proposing to modify the current hub height of the turbines (80 m) as a result of the proposed retrofitting activities.

2. METEOROLOGICAL TOWERS

Trimont Wind is not proposing to modify the existing meteorological tower as a result of the proposed retrofitting activities.

3. NOISE

The wind turbine towers shall continue to comply with noise standards established by the Minnesota Pollution Control Agency at all times at all appropriate locations. Turbines shall be modified or removed from service if necessary to comply with this condition. The Permittee or its contractor may operate turbines as close as the minimum setback required in this Permit, but in all cases shall comply with PCA standards.

4. FEDERAL AVIATION ADMINISTRATION

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

5. TURBINE SPACING

The turbine towers are constructed within the site as shown on the map attached as **Figure 1**. The retrofit construction will not change the location of turbines.

6. FOOTPRINT MINIMIZATION

The Permittee shall construct the Project so as to minimize the amount of land that is impacted by the Project.

7. ELECTRICAL CABLES

Electrical lines, known as collectors, and communication cables shall remain underground when located on private property. Collectors and cables shall also remain within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner. This paragraph does not apply to feeder lines.

8. FEEDER LINES

Overhead 34.5 kV electric lines, known as feeders, shall remain in their current location.

F. STUDIES

1. WAKE LOSS STUDIES

The Permittee shall provide a wake loss analysis to the Commission prior to construction.

2. NOISE

The Project will comply with the noise standards established by the Minnesota Pollution Control Agency as of the date of this permit. The noise standards are found in Minnesota Rules Chapter 7030. Turbine operation shall be modified if necessary to comply with these noise standards.

G. DECOMMISSIONING/RESTORATION/ABANDONMENT

1. DECOMMISSIONING PLAN

Prior to commencement of construction, the Permittee shall submit to the Commission a Decommissioning Plan describing the manner in which the Permittee anticipates decommissioning the project in accordance with the requirements of Minn. Rules part

7854.500, subp. 13. The Permittee shall ensure that it carries out its obligation 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 these requirements.

2. SITE RESTORATION

Upon expiration of this Permit, or upon earlier termination of operation of the Project, the Permittee shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables, foundations, buildings and ancillary equipment to a depth of four feet. To the extent possible the Permittee shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. Any agreement for removal to a lesser depth or for no removal shall be recorded with the county and shall show the locations of all such foundations. All such agreements between the Permittee and the affected landowner shall be submitted to the Commission prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within eighteen months after expiration.

3. ABANDONED TURBINES

The Permittee shall advise the Commission of any turbines that are abandoned prior to termination of operation of the Project. The Commission may require the Permittee to decommission any abandoned turbine.

H. REPORTING

1. PROJECT ENERGY PRODUCTION

The Permittee shall, by February 1 of each year, report to the Commission on the monthly energy production of the Project including:

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

This information shall be filed electronically and may be trade secret.

2. WIND RESOURCE USE

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

3. EXTRAORDINARY EVENTS

Within 24 hours of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include: tower collapse, turbine failure, thrown blade or hub, collector or feeder line failure, injured worker or private person, kills of threatened or endangered species, or discovery of an unexpectedly large number of dead birds of any variety on site. In the event of extraordinary avian mortality, the DNR shall also be notified within 24 hours. The Permittee shall, within 30 days of the occurrence, submit a report to the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

4. COMPLAINTS

Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700.

I. FINAL CONSTRUCTION

1. AS-BUILT PLANS AND SPECIFICATIONS

Within 60 days after completion of construction, the Permittee shall submit to the Commission a copy of the as-built plans and specifications. The Permittee must also submit this data in a format requested by the Department of Commerce.

2. FINAL BOUNDARIES

After completion of construction, the Commission shall determine the final boundaries of the site required for this project. This Permit shall be modified, after notice and opportunity for public hearing, to represent the actual site required by the Permittee to operate the project authorized by this Permit.

3. EXPANSION OF SITE BOUNDARIES

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

J. AUTHORITY TO CONSTRUCT PROJECT

1. WIND RIGHTS.

The Permittee shall advise the Commission of the obtaining of new exclusive wind rights within the boundaries of the Project authorized by this Permit within 30 days of receiving such wind rights. The Permittee shall submit documentation of such exclusive wind rights if requested by the Commission.

2. OTHER PERMIT APPLICATIONS.

Nothing in this Permit shall be construed to preclude any other person from seeking a site permit to construct a large wind energy conversion system in any area within the boundaries of the project covered by this Permit if the Permittee does not hold exclusive wind rights for such areas.

3. PREEMPTION OF OTHER LAWS

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

K. MISCELLANEOUS

1. PERIODIC REVIEW

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

2. FAILURE TO COMMENCE CONSTRUCTION

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

3. MODIFICATION OF CONDITIONS

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

- (a) Violation of any condition in this Permit;
- (b) Endangerment of human health or the environment by operation of the facility; or
- (c) Existence of other grounds established by rule.

4. REVOCATION OR SUSPENSION OF THE PERMIT

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

- (a) A false statement was knowingly made in the application or in accompanying statements or studies required of the applicant, and a true statement would have warranted a change in the board's findings;
- (b) There has been a failure to comply with material conditions of this Permit, or there has been a failure to maintain health and safety standards; or
- (c) There has been a material violation of a provision of an applicable statute or rule or an order of the Commission.

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

5. PROPRIETARY INFORMATION

Certain information required to be submitted to the Commission under this Permit, including energy production and wake loss data, may constitute trade secret information or other type of proprietary information under the Data Practices Act or other law and is not to be made

available to persons outside the agency. The Permittee must satisfy requirements of applicable law to obtain the protection afforded by the law.

6. TRANSFER OF PERMIT

The Permittee may request at any time that the Commission transfer this permit to another person or entity. The Permittee shall provide the name and description of the person or entity to whom the permit is requested to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer. The person to whom the permit is to be transferred shall provide the Commission with such information as the Commission shall require to determine whether the new Permittee can comply with the conditions of the permit.

The Commission may authorize transfer of the permit after affording the Permittee, the new Permittee, and interested persons such process as is required. The Commission may impose additional conditions on any new permittee as part of the approval of the transfer. Within 20 days after the date of the notice provided in Section 10.5, the Permittee shall file a notice describing its ownership structure, identifying, as applicable:

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

The Permittee shall immediately notify the Commission of:

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

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

The Permittee shall notify the Commission of:

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

7. OTHER PERMITS

The Permittee shall be responsible for acquiring any other federal, state, or local permits or authorizations that may be required to construct and operate a Project within the authorized site. The Permittee shall submit a copy of such permits and authorizations to the Commission upon request.

8. SITE MANAGER

The Permittee shall designate a Site Manager who shall be the contact person for the Commission to contact with questions about the Project. The Permittee shall provide the Commission with the name, address, and phone numbers of the project site manager prior to placing any turbine into operation. This information shall be maintained current by informing the Commission of any changes as they become effective.

9. NOTICE TO LOCAL RESIDENTS

The Permittee shall, within ten working days of receipt of this Permit, send a copy of the Permit to the office of the auditor of each county in which the site is located and to the clerk of each city and township within the site boundaries. If applicable, the Permittee shall also, within 10 working days of issuance, send a copy of this Permit to each regional development commission, local fire district, soil and water conservation district, watershed district, and watershed management district office with jurisdiction in the county where the site is located. Within thirty days of issuance of this Permit, the Permittee shall send a copy of the Permit to each affected landowner within the site. In no case shall the affected landowner receive the site permit less than five days prior to the start of construction on their property.

10. RIGHT OF ENTRY

The Permittee shall allow representatives of the Commission to perform the following, upon presentation of credentials:

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

11. MORE STRINGENT RULES

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

L. EXPIRATION DATE

This Permit shall expire 30 years from amended permit issuance.

**ENVIRONMENTAL QUALITY BOARD
COMPLAINT REPORT PROCEDURES FOR
LARGE WIND ENERGY CONVERSION SYSTEMS**

1. Purpose

To establish a uniform and timely method of reporting complaints received by the Permittee concerning the Permit conditions for site preparation, construction, cleanup and restoration, and resolution of such complaints.

2. Scope

This reporting plan encompasses complaint report procedures and frequency.

3. Applicability

The procedures shall be used for all complaints received by the Permittee.

4. Definitions

Complaint - A statement presented by a person expressing dissatisfaction, resentment, or discontent as a direct result of the LWECS and associated facilities. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint - Any complaints submitted to the Permittee in writing that, if substantiated, could result in Permit modification or suspension pursuant to the applicable regulations.

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

5. Responsibilities

Everyone involved with any phase of the LWECS is responsible to ensure expeditious and equitable resolution of all complaints. It is therefore necessary to establish a uniform method for documenting and handling complaints related to this LWECS project. The following procedures will satisfy this requirement:

- A. The Permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
1. Name of the Permittee and project.
 2. Name of complainant, address and phone number.
 3. Precise property description or tract numbers (where applicable).
 4. Nature of complaint.
 5. Response given.
 6. Name of person receiving complaint and date of receipt.
 7. Name of person reporting complaint to the MEQB and phone number.
 8. Final disposition and date.
- B. The Permittee shall assign an individual to summarize complaints for transmittal to the MEQB.

6. Requirements

The Permittee shall report all complaints to the MEQB according to the following schedule:

Immediate Reports - All substantial complaints shall be reported to the MEQB by phone the same day received or on the following working day for complaints received after working hours. Such reports are to be directed to Wind Permit Compliance at the following: 651-296-2871 or 651-296-2878 or 1-800-657-3794. Voice messages are acceptable.

Monthly Reports

By the 15th of each month, a summary of all complaints, including substantial complaints received or resolved during the proceeding month, and a copy of each complaint shall be sent to Wind Permit Compliance, Minnesota Environmental Quality Board, 300 Centennial Building, 658 Cedar Street, St. Paul, MN 55155.

7. Complaints Received by the MEQB

Copies of complaints received directly by the MEQB from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the Permittee.

EXHIBIT 2

BEST MANAGEMENT PRACTICES

No tracked or wheeled vehicles should be allowed in streambeds. All mechanized work should be conducted from the banks.

Erosion control measures should receive the utmost attention if construction occurs upslope of creeks or streams. Silt fences should be installed adjacent to the stream, and additional devices such as silt fences or check bales should be installed upslope. Devices should be inspected frequently, particularly following precipitation, to ensure they are effective and in good repair. Repairs or replacements should be made promptly. Erosion control measures should remain in place until vegetation begins to recover.

Removal of riparian vegetation should be kept to a minimum, and should occur sequentially as needed over the length of the project. Areas of disturbed soils should be mulched and/or reseeded promptly, preferably with native grasses and forbs. The site should be inspected following spring green-up to ensure vegetation is recovering as expected.

Construction, demolition and /or removal activities in the vicinity of streams should be conducted to prevent materials from falling into the water. Any materials that fall into the water or into areas below the ordinary high water line should be retrieved promptly, by hand or by equipment working from the banks, and disposed of in a manner consistent with state and local ordinances.

Any fill materials that must be placed below the ordinary high water line should be clean and free of fine materials, and should be locally-sourced, if possible. Final grade ratios should not exceed 3:1. If necessary, Class III riprap should be installed over geotextile material, such that stream banks are protected from scour. Riprap or other materials that already exist onsite should be minimally disturbed.

The applicant should meet with construction contractors before commencing the project, to ensure that all permit provisions are clearly understood. If the project is modified so that protected waters will be affected, the Permittee should contact the DNR Area Hydrologist for Jackson County, Jim Sehl, at 507-831-2900, or for Martin County, Leo Getsfried, at 507-389-2151, before proceeding.

ATTACHMENT B

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

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

**IN
MARTIN AND JACKSON COUNTIES**

**ISSUED TO
TRIMONT WIND I, LLC PERMIT NO.
PUC DOCKET NO. IP6907/WS-13-258
EQB PERMIT NO. 03-72-LWECS-TRIMONT**

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

TRIMONT WIND I, LLC

The Permittee is authorized by this site permit to construct and operate 107.2-Megawatt nameplate capacity Large Wind Energy Conversion System on the site identified in this site permit and in compliance with the conditions contained in this permit. The construction, operation, and maintenance of necessary associated facilities is also authorized by this site permit.

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

Approved and adopted this ____ day of _____

BY ORDER OF THE COMMISSION

Daniel P. Wolf,
Executive Secretary

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ATTACHMENTS

Official Site Permit Maps

Attachment A - Complaint Procedures for Permitted Energy Facilities

Attachment B - Compliance Filing Procedures for Permitted Energy Facilities

1.0 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Trimont Wind I, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854. This permit authorizes the Permittee to retrofit their existing wind plant and operate the Trimont Wind Project (Project), a 107.2 megawatt (MW) nameplate capacity Large Wind Energy Conversion System (LWECS) and associated facilities in Martin and Jackson Counties (Project). The LWECS and associated facilities shall be built within the site identified in this permit and as identified in the attached official site permit map(s), hereby incorporated into this document.

1.1 Preemption

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

2.0 PROJECT DESCRIPTION

The 107.2-MW LWECS Project authorized to be constructed in this Permit is referred to as the Trimont Wind Project (“Project”). The Project will consist of up to 67 turbines, using 1.6 MW GE wind turbines with a maximum nameplate capacity of 107.2 MW. Turbines are interconnected by communication and electrical power collection facilities within the wind farm. These facilities will include transformers and underground collection lines and overhead feeder lines that will deliver wind-generated power to GRE’s Martin County Substation located in Section 19 in Cedar Township in Martin County. The retrofit turbine blades will have a 91 meter rotor diameter. There will be no changes to the Facility boundary, turbine locations, turbine towers, meteorological towers, or underground electrical collection system outside of the substation. Trimont Wind would establish and maintain settings in the Facility’s SCADA and windfarm management system to ensure the Facility does not exceed the net 105 MW limit at the point of interconnection. In the future, Trimont Wind may make a MISO interconnection request to increase its interconnection rights at the Facility to accommodate the 107.2 MW pursuant to processes and standards established in the MISO Tariff.

2.1 Associated Facilities

There will be no changes to electrical equipment, collector and feeder lines, and other associated facilities. Existing access roads may have temporary construction to widen and add turning radii for deliveries and these access road improvements will be removed after construction.

2.2 Project Location

The Project is located in the following:

County	Township Name	Township	Range	Section
Jackson County	Kimball	104	34	11, 12, 13 14, 22, 23, 25, 26, 27, 28, 34, 36
Martin County	Cedar	104	33	7, 17, 18, 19, 20, 21, 29, 30

3.0 DESIGNATED SITE

The site designated by the Commission for the Trimont Wind Project is the site depicted on the official site permit maps attached to this permit.

3.1 Turbine Layout

The wind turbine and associated facility layouts are shown on the official site maps attached to this permit. Trimont Wind is not proposing to modify the turbine layout as a result of the proposed retrofitting activities. The Trimont Wind site layout was originally developed to . minimize the overall potential human and environmental impacts of the Project, which were evaluated in the permitting process. The location of each wind turbine and associated facilities is located within the Project boundary.

4.0 SETBACKS AND SITE LAYOUT RESTRICTIONS

4.1 Wind Access Buffer

Wind turbine towers shall not be placed less than five rotor diameters on the prevailing wind directions and three rotor diameters on the non-prevailing wind directions from the perimeter of the property where the Permittee does not hold the wind rights, without the approval of the Commission. This section does not apply to public roads and trails.

Trimont Wind has stated that, as a result of the retrofit and increasing the rotor diameter from 77 meters to 91 meters, 21 turbines would not meet the wind access buffer setbacks. The distance of each turbine's setback exceedance and the status of the adjacent non-participating parcel are detailed in Trimont Wind's application for a site permit amendment. Because the wind access buffer setback exceedances for these turbines would not materially impair the wind or land rights of the adjacent parcels to which the applicant does not hold wind rights, the Commission grants

the requested exceptions for turbines 1, 4, 6, 7, 12, 16, 22, 23, 24, 25, 34, 46, 47, 48, 52, 53, 55, 56, 57, 58, and 59.

4.2 Residences

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

4.3 Noise

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

4.4 Roads

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

4.5 Public Lands

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

4.6 Wetlands

Wind turbines and associated facilities including foundations, access roads, underground cable and transformers, shall not be placed in public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or

feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources and the United States Army Corps of Engineers, and local units of government as implementers of the Minnesota Wetlands Conservation Act.

4.7 Native Prairie

Wind turbines and associated facilities including foundations, access roads, collector and feeder lines, underground cable, and transformers shall not be placed in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and shall not be located in areas enrolled in the Native Prairie Bank Program. Construction activities, as defined in Minn. Stat. § 216E.01, shall not impact native prairie unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the Minnesota Department of Natural Resources if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the site boundaries. The Permittee shall file the plan 30 days prior to submitting the site plan required by Section 10.3 of this permit. The plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the Minnesota Department of Natural Resources, and the Commission.

4.8 Sand and Gravel Operations

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

4.9 Wind Turbine Towers

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 80 meters (262 feet) above grade measured at hub height.

4.10 Turbine Spacing

The turbine towers are within the site boundary as shown in the official site maps. The turbine towers shall be spaced no closer than three rotor diameters in the non-prevailing wind directions and five rotor diameters on the prevailing wind directions. If required, up to 20 percent of the

towers may be sited closer than the above spacing but the Permittee shall minimize the need to site the turbine towers closer.

4.11 Meteorological Towers

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

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

4.12 Aviation

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

4.13 Footprint Minimization

The Permittee shall design and construct the LWECS so as to minimize the amount of land that is impacted by the LWECS. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers, and monitoring systems shall, to the greatest extent feasible, be mounted on the foundations used for turbine towers or inside the towers unless otherwise negotiated with the affected landowner.

5.0 GENERAL CONDITIONS

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

5.1 Notification

Within 30 days of permit issuance, the Permittee shall send a copy of the permit and the complaint procedures to any regional development commission, county auditor and environmental office, and city and township clerk in which any part of the site is located. Within 30 days of permit issuance, the Permittee shall provide all affected landowners with a copy of this permit and the complaint procedures. In no case shall the landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall contact landowners prior to entering the property or conducting maintenance within the site, unless otherwise negotiated with the affected landowner.

5.2 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the Trimont Wind I LLC Project's Site Permit Application dated December 2017, and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail.

5.2.1 Field Representative

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

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

5.2.2 Site Manager

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

5.2.3 Employee Training and Education of Permit Terms and Conditions

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

5.2.4 Topsoil Protection

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

5.2.5 Soil Compaction

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the project's life and shall confine compaction to as small an area as practicable.

5.2.6 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency Construction Stormwater Program.

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

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

5.2.7 Wetlands

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

Wetland and water resource areas disturbed by construction activities shall be restored to pre-construction conditions, in accordance with all applicable wetland permits. Restoration of the wetlands will be performed by the Permittee in accordance with the requirements of applicable state and federal permits or laws and landowner agreements.

5.2.8 Vegetation Management

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

5.2.9 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, Minnesota Department of Natural Resources, and the U.S. Environmental Protection Agency. All pesticides shall be applied in a safe and cautious manner. The landowner may request that there be no application of pesticides on any part of the site within the landowner's property.

5.2.10 Invasive Species

The Permittee shall employ best management practices to avoid the potential spread of invasive species on lands disturbed by project construction activities.

5.2.11 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.

5.2.12 Public Roads

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

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

5.2.13 Turbine Access Roads

The Permittee shall construct the least number of turbine access roads necessary to safely and efficiently operate the project and satisfy landowner requests. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. Access roads shall not be constructed across streams and drainage ditches without required permits and approvals. When access roads are constructed across streams, drainage ways, or drainage ditches, the access roads shall be designed and constructed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

5.2.14 Private Roads

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

5.2.15 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to identified archaeological and historic resources when constructing the LWECS. In the event that a resource is encountered, the Permittee shall contact and consult with the State Historic Preservation Office 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 State Historic Preservation Office and State Archaeologist requirements.

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

5.2.16 Interference

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

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

5.2.17 Livestock Protection

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

5.2.18 Fences

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

5.2.19 Drainage Tiles

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

5.2.20 Equipment Storage

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

5.2.21 Restoration

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

5.2.22 Cleanup

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

5.2.23 Pollution and Hazardous Waste

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

5.2.24 Damages

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

5.2.25 Public Safety

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

5.2.26 Tower Identification

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

5.2.27 Federal Aviation Administration Lighting

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

5.3 Communication Cables

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

5.4 Electrical Collector and Feeder Lines

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

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

Collector and feeder line locations shall be located in such a manner as to minimize interference with agricultural operations including, but not limited, to existing drainage patterns, drain tile, future tiling plans, and ditches.

5.5 Other Requirements

5.5.1 Safety Codes and Design Requirements

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

5.5.2 Other Permits and Regulations

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations. A list of the permits known to be required is included in the permit application. At least 14 days prior to the preconstruction meeting, the Permittee shall submit a filing demonstrating that it has obtained such permits. The Permittee shall provide a copy of any such permit upon Commission request.

The Permittee shall comply with all terms and conditions of permits or licenses issued by the counties, cities, and municipalities affected by the project that do not conflict with or are not preempted by federal or state permits and regulations.

6.0 SPECIAL CONDITIONS

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

7.0 SURVEYS AND REPORTING

7.1 Shadow Flicker

At least 14 days prior to the pre-construction meeting, the Permittee shall provide data on shadow flicker for each residence of non-participating landowners and participating landowners within and outside of the project boundary potentially subject to turbine shadow flicker exposure. Information shall include the results of modeling used, assumptions made, and the anticipated

levels of exposure from turbine shadow flicker for each residence. The Permittee shall provide documentation on its efforts to avoid, minimize and mitigate shadow flicker exposure. The results of any modeling shall be filed with the Commission at least 14 days prior to the pre-construction meeting to confirm compliance with conditions of this permit.

7.2 Wake Loss Studies

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the final tower locations and an estimate of total project wake losses.

7.3 Noise Studies

The Permittee shall file a proposed methodology for the conduct of a post-construction noise study at least 14 days prior to the pre-construction meeting. The Permittee shall develop the post-construction noise study methodology in consultation with the Department of Commerce. The study must incorporate the Department of Commerce Noise Study Protocol to determine the operating LWECs noise levels at different frequencies and at various distances from the turbines at various wind directions and speeds. The Permittee must conduct the post-construction noise study and file with the Commission the completed post-construction noise study within 18 months of commencing commercial operation.

7.4 Avian and Bat Protection

7.4.1 Quarterly Incident Reports

The Permittee shall submit an annual avian and bat report to the Commission commencing the day following retrofit commercial operation and terminating upon the expiration of this permit. Each report shall identify any dead or injured avian and bat species, location of find by turbine number, and date of find for the reporting period in accordance with the reporting protocols. If a dead or injured avian or bat species is found, the report shall describe the potential cause of the occurrence (if known) and the steps taken to address future occurrences. The Permittee shall provide a copy of the report to the Minnesota Department of Natural Resources and to the U.S. Fish and Wildlife Service at the time of filing with the Commission.

7.4.2 Immediate Incident Reports

The Permittee shall notify the Commission, U.S. Fish and Wildlife Service, and the Minnesota Department of Natural Resources within 48 hours of the discovery of any of the following:

- (a) five or more dead or injured birds or bats within a five day reporting period;
- (b) one or more dead or injured state threatened, endangered, or species of special concern;
- (c) one or more dead or injured federally listed species; or
- (d) one or more dead or injured bald or golden eagle(s).

In the event that one of the four discoveries listed above should be made, the Permittee must file with the Commission within thirty days, a compliance report identifying the details of what was discovered, where the discovery was made, a detailed log of agencies and individuals contacted, and current plans, if any, being undertaken to address the issue.

8.0 AUTHORITY TO CONSTRUCT LWECS

8.1 Wind Rights

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

8.2 Power Purchase Agreement

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

8.3 Failure to Commence Construction

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

9.0 COMPLAINT PROCEDURES

Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this permit (Attachment A).

10.0 COMPLIANCE REQUIREMENTS

Failure to timely and properly make compliance filings required by this permit is a failure to comply with the conditions of this permit. Compliance filings must be electronically filed with the Commission. Attachment B to this permit contains a summary of compliance filings, which is provided solely for the convenience of the Permittee. If this permit conflicts, or is not consistent with Attachment B, the conditions in this permit will control.

10.1 Pre-Construction Meeting

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

10.2 Pre-Operation Meeting

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

10.3 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall provide the Commission and the Department with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations of all turbines and other structures to be constructed including all electrical equipment, collector and feeder lines, pollution control equipment, fencing, roads, and other associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the site boundary and layout in relation to that approved by this permit. The Permittee shall document, through GIS mapping, compliance with the setbacks and site layout restrictions required by this permit, including compliance with the noise standards pursuant to Minnesota Rules Chapter 7030. At the same time, the Permittee shall notify affected landowners and city and town clerks that the site plan is on file with the Commission. The Permittee may submit a site plan and engineering drawings for only a portion of the project if the Permittee intends to commence construction on certain parts of the project before completing the site plan and engineering drawings for other parts of the project.

The Permittee may not commence construction until the 30 days has expired or until the Commission has advised the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit. If the Permittee intends to make any significant changes to its site plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission, the Department, city and town clerks, and the affected landowners at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this permit.

10.4 Notification to the Commission

At least three days before the project is to commence commercial operation, the Permittee shall file with the Commission the date on which the project will commence commercial operation and the date on which construction was completed.

10.5 GPS Data

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

10.6 Project Energy Production

The Permittee shall, by February 1 of each year, report to the Commission on the monthly energy production of the Project including:

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

This information shall be filed electronically and may be trade secret.

10.7 Wind Resource Use

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

10.8 Extraordinary Events

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

11.0 DECOMMISSIONING, RESTORATION, AND ABANDONMENT

11.1 Decommissioning Plan

The Permittee shall submit a decommissioning plan to the Commission at least fourteen 14 days prior to the pre-operation meeting, and provide updates to the plan every ten years thereafter. The plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration of the project in accordance with the requirements of Minn. R. 7854.0500, subp. 13. The decommissioning plan shall provide an itemized breakdown of costs of decommissioning all project components, which shall include labor and equipment. The plan

shall identify cost estimates for the removal of turbines, turbine foundations, underground collection cables, access roads, crane pads, substations, and other project components. The plan may also include anticipated costs for the replacement of turbines or repowering the project by upgrading equipment.

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

11.2 Site Restoration

Upon expiration of this permit, or upon earlier termination of operation of the project, or any turbine within the project, the Permittee shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment to a depth of four feet. Any agreement for removal to a lesser depth or no removal shall be recorded with the county and shall show the locations of all such foundations. To the extent feasible, the Permittee shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be submitted to the Commission prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within 18 months of termination.

11.3 Abandoned Turbines

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

12.0 COMMISSION AUTHORITY AFTER PERMIT ISSUANCE

12.1 Final Boundaries

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

12.2 Expansion of Site Boundaries

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

12.3 Periodic Review

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

12.4 Modification of Conditions

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

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

12.5 More Stringent Rules

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

12.6 Right of Entry

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

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

12.7 Proprietary Information

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

13.0 PERMIT AMENDMENT

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

14.0 TRANSFER OF PERMIT

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

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

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

The Permittee shall immediately notify the Commission of:

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

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

The Permittee shall notify the Commission of:

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

15.0 REVOCATION OR SUSPENSION OF PERMIT

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

- (a) a false statement was knowingly made in the application or in accompanying statements or studies required of the Permittee, and a true statement would have warranted a change in the Commission's findings;

- (b) there has been a failure to comply with material conditions of this permit, or there has been a failure to maintain health and safety standards;
- (c) there has been a material violation of a provision of an applicable statute, rule, or an order of the Commission; or
- (d) the Permittee has filed a petition with the Commission requesting that the permit be revoked or terminated.

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

16.0 EXPIRATION DATE

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

GENERIC PERMIT TEMPLATE