

**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

**ENERGY INFRASTRUCTURE PERMITTING STAFF  
COMMENTS AND RECOMMENDATIONS ON A PRELIMINARY DRAFT SITE PERMIT**

**Bent Tree North Wind Farm**

*Docket No. IP7145/WS-24-349*

**Date:** August 1, 2025

**Staff:** Richard Davis | [richard.davis@state.mn.us](mailto:richard.davis@state.mn.us) | (651) 539-1077

**In the Matter of Wisconsin Power & Light Company's Site Permit Application in Freeborn, Waseca, and Steele Counties, Minnesota**

**Issues Addressed:** These comments and recommendations address whether the Commission should issue a Draft Site Permit (DSP) for the Bent Tree North Wind Farm (Project) and what conditions are necessary in the DSP should the Commission determine to issue one for the project.

**Documents Attached:**

- (1) Preliminary Draft Site Permit – Redline Version
- (2) Preliminary Draft Site Permit – Clean Version
- (3) Maps of Proposed and Alternate Turbine Locations

Additional documents and information, can be found on eDockets, for the site permit by searching “24” for year and “349” for number: <https://www.edockets.state.mn.us/EFiling/search.jsp> and the Energy Infrastructure Permitting webpage: <https://puc.eip.mn.gov/web/project/16323>.

This document can be made available in alternative formats (i.e. large print or audio) by calling (651) 296-0406. Persons with hearing or speech impairment may call using their preferred telecommunications relay service.

---

## **Introduction and Background**

On April 3, 2025, Wisconsin Power & Light Company (WPL or applicant) submitted a site permit application<sup>1</sup> for the 153 megawatt (MW) Bent Tree North Wind Farm, which is proposed to consist of 34

---

<sup>1</sup> Wisconsin Power & Light. April 3, 2025. *Site Permit Application* -including text, maps, and appendices (Application), eDocket Nos. [20254-217223-05](#), [20254-217222-01](#), [20254-217222-02](#), [20254-217222-03](#), [20254-217222-04](#), [20254-217222-05](#), [20254-217222-06](#), [20254-217222-07](#), [20254-217222-08](#), [20254-217222-09](#), [20254-217222-10](#), [20254-217223-01](#), [20254-217223-02](#), [20254-217223-03](#), [20254-217223-04](#), [20254-217220-01](#), [20254-217220-02](#), [20254-217220-03](#), [20254-217220-04](#),

wind generators, to be constructed on 38 possible locations identified in the site permit application. As proposed all project facilities, infrastructure, and construction will occur within Freeborn County, Minnesota. Due to some of the possible turbine locations, and the site permit required wind access buffers, some lands within Waseca and Steele Counties have been included within the Project Area, but no construction is currently proposed to occur within Waseca or Steele Counties at this time.

The Minnesota Public Utilities Commission (Commission) issued an order on May 27, 2025 that the Application was accepted as complete, declined to appoint an advisory task force at the time, delegated authority to the Executive Secretary to authorize the applicant to consult with Minnesota State Historic Preservation Office, requested an Administrative Law Judge (ALJ) conduct a public hearing and provide a full report, waived time periods for draft site permit and final site permit decisions, and required the Applicant to coordinate with the Minnesota Department of Agriculture to prepare an agriculture impact mitigation plan.<sup>2</sup>

The Minnesota Public Utilities Commission (Commission) issued a Notice of Public Information Meetings on June 10, 2025.<sup>3</sup> The notice requests comments concerning the Commission's issuance of a draft site permit, potential human and environmental impacts of the proposed project to be considered, and possible minimization, mitigation, or avoidance of potential project related impacts.

## Project Purpose

The proposed Bent Tree North Wind Farm will generate up to 153 MW of electric energy; the Applicant states that the Project will generate power to meet the electrical needs of WPL's retail and wholesale customers in the State of Wisconsin.<sup>4</sup>

## Project Description

The Project will be located in Freeborn, Waseca, and Steele Counties, Minnesota, with a project area of 26,046 acres of land in total. Within the Project Area are lands within Waseca and Steele Counties that will not be constructed on, but are necessary to include as some of the proposed turbine locations will need the additional lands to satisfy the site permit requirement to provide the necessary wind access buffer. The project area includes lands within Freeborn Township, Hartland Township, and Bath Township in Freeborn County, Byron Township and New Richland Township in Waseca County, and Berlin Township in Steele County.<sup>5</sup>

The Project will have a nameplate wind energy capacity of up to a 153 MW. The applicant continues to assess its turbine options and is currently evaluating two wind turbine models with rated nameplate capacities of 4.5 MWs. Both turbine models being considered are Vestas V136 models, with the only physical variations between the two models being the hub height (112 m and 120 m) and the total height with the blade (180 m and 188 m). The proposed project would result in the construction and

---

[20254-217220-05](#), [20254-217221-01](#), 20254-217221-02 (Trade Secret), [20254-217221-03](#), [20254-217221-04](#), [20254-217221-05](#)

<sup>2</sup> Public Utilities Commission. May 27, 2025. *Order*, eDocket No. [20255-219281-01](#)

<sup>3</sup> Public Utilities Commission. June 10, 2025. *Notice of Public Information Meetings*, eDocket No. [20256-219763-01](#)

<sup>4</sup> Application, Section 2.0

<sup>5</sup> Application, Section 4.1

operation of 34 wind turbines. The applicant has included 34 primary turbine locations, and 4 alternative turbine locations in their application.<sup>6</sup>

A number of facilities will be constructed to support the operation of the wind turbines and facilitate the delivery of the electricity to consumers. The applicant is seeking approval from the Commission through the LWECS site permit for the following associated facilities:

- new gravel access roads,
- underground and/or aboveground electrical collection and communication lines,
- a Project substation,
- up to two permanent meteorological tower,
- a Aircraft Detection Lighting Systems (ADLS) tower (including gravel pad and adjacent concrete slab for the generator)<sup>7</sup>

The applicant is also seeking approval for the following temporary construction related activities and areas:

- improvements to existing public roads,
- crane paths and pads,
- turbine work areas,
- a laydown area (approximately 15 acres),
- a temporary concrete batch plant.<sup>8</sup>

An approximately six mile long, 161kV transmission line will be needed to connect the Bent Tree North project substation to its transmission grid point of interconnection (POI) at the existing ITC Midwest Freeborn Switching Station. ITC Midwest will apply separately for all necessary permits and approvals for the transmission line. ITC Midwest will also be constructing, owning, and operating the transmission line from the project substation to the POI.

At the time of the filing, WPL stated 74.2 percent of the land agreements have been acquired, or are pending, all secured agreements will allow access for construction and operation of the Project. Easement negotiations are ongoing. WPL is using wind easements that consist of a 7 year period for development, a 25 year initial operation term, and two 10 year extension options.<sup>9</sup>

### *Project Timing and Cost*

WPL anticipates commencement of construction to begin in the third quarter of 2027, and an anticipated commercial operation date (COD) in the fourth quarter of 2028.<sup>10</sup> Total project costs are anticipated to be \$453 million, and additional costs to interconnect to the transmission system will necessary, but the MISO studies to determine these costs are still ongoing.<sup>11</sup>

---

<sup>6</sup> Application, Section 5.1

<sup>7</sup> Application, Section 6.0

<sup>8</sup> Application, Section 6.0

<sup>9</sup> Application, Section 7.0

<sup>10</sup> Application, Section 10.8.5.

<sup>11</sup> Application, Section 10.7.

## Regulatory Process and Procedures

A site permit from the Commission is required to construct an LWECS, which is any combination of wind turbines and associated facilities with the capacity to generate five megawatts or more of electricity. This requirement became law in 1995. The Minnesota Wind Siting Act is found at Minnesota Statutes Chapter 216F. The rules to implement the permitting requirements for LWECS are in Minn. Rule 7854.

## Application and Acceptance

Application acceptance is guided by Minnesota Rule 7854.0600. The Commission accepted the Application as complete on May 27, 2025.<sup>12</sup>

## Certificate of Need

The Project does not require a Certificate of Need (CN), as the facility is exempt from CN requirements, because the site permit application has been submitted by WPL, an independent power producer (IPP).<sup>13</sup> WPL has no retail or wholesale customers in Minnesota, and the power generated at the Bent Tree North facility will be used for the electrical needs of WPL's retail and wholesale customers in Wisconsin.<sup>14</sup>

## Preliminary Determination on a Draft Site Permit

Minnesota Rule 7854.0800 states, Within 45 days after acceptance of the application by the Commission, the Commission shall make a preliminary determination whether a permit may be issued or should be denied. If the preliminary determination is to issue a permit, the Commission shall prepare a draft site permit for the project. The draft site permit must identify the permittee, the proposed LWECS, and proposed permit conditions.

Issuing a draft site permit (DSP) does not confer an authority to construct an LWECS. The Commission may change, amend, or modify the draft site permit in any respect before final issuance or may deny the site permit at a later date.

Commission staff entered a sample site permit into the project record on June 12, 2025.<sup>15</sup> The sample site permit does not confer any authority to construct an LWECS, but does provide the public and agencies with a better understanding of the types of conditions that may be included in a LWECS site permit.

## Public Participation

The Commission's Order of May 27, 2025 waived the 45-day requirement of the rule to allow time for public comments and state and federal agencies input on the content of the Draft Site Permit.

---

<sup>12</sup> Public Utilities Commission. May 27, 2025. *Order*, eDocket No. [20255-219281-01](#)

<sup>13</sup> Minn. Stat. 216B.243, subd. 8(7)

<sup>14</sup> Application, Section 2.0

<sup>15</sup> Public Utilities Commission, June 12, 2025. *Other – Sample Site Permit*, eDocket # [20256-219857-01](#)

Commission and EERA staff (EIP staff as of July 1, 2025) held an in-person public information meeting on June 24, 2025 and a virtual public information meeting on June 25, 2025. The purpose of the meetings was to:

- inform the public of the proposed project,
- provide an overview of the Commission's review of the proposed project,
- receive comments on potential impacts of the proposed Bent Tree North Wind Farm,
- receive comments on potential impacts and mitigation measures for consideration in the development of the LWECS DSP

### *Public Information and Scoping Meeting Comments<sup>16, 17</sup>*

One commentor indicated he was in support of the proposed project and believes it will be good for the local economy, farmers, the County, and the Townships. Another commentor also stated the proposed project would be beneficial for meeting current and future energy demands with the best and cheapest available energy sources.

Another commentor identified concerns with how tall the proposed turbines will be, and potential impacts to viewshed and the generation of shadow flicker. The commentor also brought up the question of where the energy generated by the turbines will go to be used. He wanted to know if the energy would be going to users in Wisconsin or is it someone else. He included a statement that he believes his quality of life will go downhill if the proposed turbines are built and operated.

Another public commentor indicated that he has been an advocate for wind energy for a long time, and it is better than solar panels because its easy to farm around turbines. He indicated that he believes generated energy goes to the first person that demands it, and the more energy going on the grid is better for everyone. He also stated that the height of the turbines shouldn't be a big concern because there are lots of things up in the sky; airplanes, big buildings, and birds flying by all the time.

Another public commentor indicated he opposed the proposed project and the turbine noise, blinking lights, and the drop in property values. He also doesn't like how the people that have turbines on their property are getting paid, but the people that live next to them have to look at them and don't get anything.

### *Public Written Comments<sup>18, 19, 20</sup>*

Multiple public commentors indicated support for the proposed project, and the need for a variety of energy generation sources. One commentor stated they believe the project will provide local economic

---

<sup>16</sup> Public Utilities Commission. Comment – In-person Public Information and Scoping Meeting Minutes – June 24, 2025. August 1, 2025. eDocket # [20258-221676-04](#)

<sup>17</sup> Public Utilities Commission. Comment – Virtual Public Information and Scoping Meeting Minutes – June 25, 2025. August 1, 2025. eDocket # [20258-221676-05](#)

<sup>18</sup> Public Utilities Commission. Public Comment – Thomas Schiltz Comments. July 6, 2025. eDocket # [20258-221676-01](#)

<sup>19</sup> Public Utilities Commission. Public Comment – Jerry Demmer Comments. July 8, 2025. eDocket # [20258-221676-02](#)

<sup>20</sup> Public Utilities Commission. Public Comment – Rachel Knudson Comments. July 9, 2025. eDocket # [20258-221676-03](#)

benefits and tax revenue for the county and the townships. Another commentor indicated the project will utilize the abundant wind resource in the project area to generate clean energy to help reduce climate change for future generations.

Another public commentor identified concerns with turbine setbacks from property lines and roads, as there is potential for noise impacts on local residents and the possibility of ice throw off the turbines hitting buildings and traffic. This commentor identified noise issues that occurred during operation of the existing Bent Tree Wind Farm, which resulted in the applicant purchasing a farmstead and home because the existing project was causing exceedances of the state noise standard at the residence. The commentor wants to know what measures are in place to mitigate potential noise impacts of the proposed project. The commentor raised concerns with the potential for catastrophic events occurring when there are tornados within the proposed project area and if a turbine is hit. The commentor identified concerns with road dust mitigation with the additional traffic during project construction, possible property value impacts, visual impacts on non-participants, television and cell phone interference, shadow flicker, “wind turbine syndrome”, and anxiety. The public commentor indicated the existing Bent Tree Wind farm has one of the highest bat fatalities rates in the state at 9.92 bats/MW. The commentor mentioned concerns with the proposed project’s plans to use a 4.5 MW wind turbine, and asked for examples of when turbines of this size have been built and operated between 1,300 to 1,600 feet of a residence.

The International Union of Operating Engineers Local 49 and the North Central States Regional Council of Carpenters<sup>21</sup>, and the Labors’ International Union of North America, Minnesota and North Dakota (LIUNA)<sup>22</sup> indicated their support for the proposed project, and identified the local economic and local union worker employment benefits that will result from the permitting and constructing the project. LIUNA’s requested that environmental review staff provide the Commission with documentation to the degree that past wind energy projects have successfully employed majority – local workforces.

The Albert Lea Economic Development Agency (ALEDA) submitted comments in support of the proposed project. ALEDA identified various positive local economic impacts; landowner lease payments, tax revenue generation, the hiring of local contractor, use of materials from local suppliers, and the use of local service industry businesses. ALEDA’s comments also identify the project’s importance in providing a more resilient and sustainable energy future in the State and the local area.<sup>23</sup>

### *Public Agency Comments*

Agency comment letters were provided by the Minnesota Department of Natural Resources (MN DNR), MN DNR – Natural Heritage Review, and MnDOT – Office of Land Management.

---

<sup>21</sup> Operating Engineers Local 49 and North Central States Regional Council of Carpenters. Comments. July 8, 2025. eDocket # [20257-220727-01](#)

<sup>22</sup> LIUNA Minnesota and North Dakota. Comments. July 9, 2025. eDocket # [20257-220819-01](#)

<sup>23</sup> Public Utilities Commission. Public Comments – Albert Lea Economic Development Agency. July 8, 2025. eDocket # [20257-220760-01](#)

#### Minnesota Department of Natural Resources – Natural Heritage Review Comments<sup>24</sup>

The MN DNR – Natural Heritage Review staff conducted a review of the Natural Heritage Information System (NHIS) and provided comments with respect to potential impacts to rare species and other significant natural features within or in close proximity to the proposed Bent Tree North Wind project area. The NHIS review identified four sites of biodiversity significance within the proposed project area, and provide recommendations for the project to avoid or minimize impacts to sites of biodiversity significance and native plant communities. The NHIS review identified several state listed species of plants, threatened and special concern, and MN DNR staff recommended avoiding impacts to railroad right-of-way and native prairie areas to avoid impacts to state listed species. MN DNR staff indicated that if avoidance of state listed plant species can't be implemented during all phases of the proposed project the applicant will need to have surveys conducted and the applicant should contact NHIS review staff to confirm if avoidance measures will be implemented or are not feasible.

MN DNR NHIS staff identified records of trumpeter swan, a state listed special concern species, nesting within the proposed project area. MN DNR NHIS staff stated that they look forward to receiving results of any avian surveys conducted for the proposed project, and they provided additional recommendations on ways to minimize potential impacts to state-listed birds. The NHIS review letter identified four bat species that are state listed as special concern, one of those species is federally listed as endangered, northern long-eared bat (*Myotis septentrionalis*) and another one of those species is currently in the federal listing process tricolored bat (*Perimyotis subflavus*). The NHIS letter provides recommendations to avoid tree removal from June 1 through August 15, turbine siting away from forested areas, feathering turbine blades below cut-in species, and possibly increasing cut-in species to reduce potential impacts to all bats species. The NHIS letter provided additional recommendations for the applicant to use the DNR Rare Species Guide, U.S. Fish and Wildlife Service's (USFWS) online Information for Planning and Consultation (IPaC) tool, and the DNR'S Guidance for Commercial Wind Energy Projects.

#### Minnesota Department of Natural Resources Comments<sup>25</sup>

The MN DNR – Division of Ecological and Water Resources (MN DNR) provided comments supporting comments and recommendation provided by MN DNR NHIS staff. The MN DNR staff comments also identify the importance of the applicant's development of an Avian Bat Protection Plan (ABPP) in coordination with MN DNR staff. MN DNR also identified potential impacts of the proposed project on local snowmobile trails, and provided recommendations on wildlife-friendly erosion control, facility lighting, and fugitive dust control. MN DNR provides recommendations and identifies previously used site permit conditions that help to avoid or minimize these potential impacts.

#### Minnesota Department of Transportation – Office of Land Management Comments<sup>26</sup>

Minnesota Department of Transportation (MnDOT) acknowledges that some minimal impacts to state trunk highway (TH) right-of-way (ROW) and interests are anticipated to occur related to proposed project construction activities. MnDOT identified specific concerns with the proposed project collection line placement near the intersection of TH 13 and 325<sup>th</sup> Street, and further consultation with MnDOT

---

<sup>24</sup> Minnesota Department of Natural Resources. Comments – Natural Heritage Review Letter - Dated April 10, 2024 July 9, 2025. eDocket # [20257-220794-02](#)

<sup>25</sup> Minnesota Department of Natural Resources. Comments. July 9, 2025. eDocket # [20257-220794-01](#)

<sup>26</sup> MnDOT. Comments. July 9, 2025. eDocket # [20257-220773-01](#)



will be necessary to work through the collection line location in this area because as proposed it is unlikely to be permitted. MnDOT indicated the proposed project may need to acquire MnDOT permits, and the appropriate MnDOT staff will need to be consulted with and should be included in pre-construction meetings.

## Staff Analysis and Comments

Staff has taken public and agency comments into consideration during the development of the preliminary DSP (PDSP). The majority of comments received during the public comment periods express opinions on the merits of the proposed project or reference potential impacts of the proposed project. Several comments discuss issues that are already addressed and included in the generic sample permit and are carried forward in the PDSP.

Issues that have been identified in submitted comments are highlighted below, and the associated permit section(s), condition(s), and special condition(s) that address these issues are also indicated. The following section specifically addresses comments and topics of concern submitted by State agencies and the public during the public comment period. Staff has identified the issues that can be addressed appropriately through the State Permit process, and the applicable PDSP condition or special condition has been identified. If an issue is identified as not appropriate for inclusion in the PDSP, Staff has provided the reasons for not including the specific issue and a recommendation as to how, if possible, the issue can be addressed.

### *Issue 1*

Concerns about the height and size of the turbines to be used for the proposed project.

Staff acknowledges that the turbines to be used for the proposed project are larger than any turbines currently used at any facility permitted by the state. Setbacks from non-participating landowner properties do take turbine size into consideration as the wind access buffer is established based on the rotor diameter of the turbines to be constructed and operated.

The wind access buffer is included in condition 4.1 of the PDSP.

### *Issue 2*

Potential visual impacts (turbine lighting, non-turbine facility lighting, shadow flicker) associated with the proposed project.

The PDSP includes condition 5.3.29 to minimize the potential impacts of required FAA lighting of wind turbines by requiring the use of an Avian Detection Lighting System (ADLS), which will reduce the amount of visible flashing, red FAA turbine lights to times when aircrafts are detected in close proximity to the proposed project.

PDSP special condition 6.3 requires non-turbine and non-tower facility lighting shall be LED, shielded, and directed down towards the ground to minimize potential visual impacts and to minimize potential impacts to birds and insects.



PDSP condition 7.2 requires shadow flicker will be minimized to 30 hours per year at any one residence, and if it cannot, additional mitigation measures will be developed and a Shadow Flicker Management Plan will be developed for any residence that exceeds 30 hours of shadow flicker per year.

### *Issue 3*

Concerns about where the generated electricity from the proposed project is going to be used.

The energy put on the grid by the proposed project and the ultimate user of the energy are not relevant to the site permit conditions.

Energy goes onto the electrical grid in the form of electrons, and individual electrons are not “tagged” or marked in any way to see where those individual electrons are ultimately travelling to for use. An individual electron will come off the grid to be used at the first point of demand along the line, but utilities are not tracking the energy they are contributing to the grid and how much energy their customers are using from the grid by individual specific electrons.

### *Issue 4*

Concerns of potential impacts associated with ice throw from operating wind turbines.

Turbine setbacks from residences, roads, trails, and non-participating properties are included in conditions 4.1, 4.2, 4.4 and special condition 6.4 in the PDSP, and are generally considered to be adequate distances to reduce the risk of ice throw causing impacts to residences, roads (including traffic), trails, and non-participating properties.

### *Issue 5*

Concerns of potential impacts to human health (wind turbine syndrome, anxiety, etc) associated with the proposed project.

Conditions 4.2 Residences, 4.3 Noise, 5.6.1 Safety Codes and Design Requirements, 7.2 Shadow Flicker and 7.4 Noise Studies in the PDSP are intended to reduce potential human health impacts of the proposed project.

### *Issue 6*

Concerns of potential impacts associated with turbine related shadow flicker.

Shadow flicker assessments have been completed for residences within the project area that may be impacted by operating wind turbines, and there are residents that will experience over 30 hours of shadow flicker per year, regardless of turbine model selected.<sup>27</sup> The PDSP includes condition 7.4 specific to modeling the potential shadow flicker impacts, minimizing shadow flicker experienced at any residence to less than 30 hours of shadow flicker per year, and development of a Shadow Flicker Management Plan as will be necessary for the proposed project.

---

<sup>27</sup> Application, Section 8.5.6.1

### *Issue 7*

Potential noise impacts associated with the proposed project.

The applicant has completed noise modeling and identified the potential noise impacts of the proposed project on the residences within the project area.<sup>28</sup> Although some residents may experience an increase in sound levels caused by the wind turbines during operation, the modeling and analysis indicates no residence will experience an exceedance of the state noise standard during project operations. Turbine model Vestas V136 – 112 meter hub had a modeled maximum generated noise level of 45.5 dBA, and the turbine model Vestas V136 – 120 meter hub had a modeled maximum generated noise level of 45.4 dBA.<sup>29</sup>

PDSP conditions 4.3 and 7.4 include requirements for the proposed project to meet state noise standards and conduct noise monitoring after operation begins.

### *Issue 8*

Concerns about dust management with additional traffic during construction of the proposed project.

PDSP condition 5.3.14 requires the permittee to designate a specific truck route to be used during construction. The PDSP also contains special condition 6.1, which specifies the management of fugitive dust, and the use of non-chloride based dust suppressants.

### *Issue 9*

Concerns about potential impacts to property values associated with the proposed project.

At this time staff does not recommend the addition of any conditions or special conditions to the PDSP that specifically address property values.

Property values are impacted by multiple factors. Although some individual properties may experience reduced value due to their proximity to a wind turbine, there is currently no research that supports a documented and significant property value reduction that can be attributed directly to the presence of a wind turbine on a property or on the neighboring property.

### *Issue 10*

Concerns about potential interference of the proposed project with television and cell services.

Television service interference can occur if turbine structures are placed within the line of sight between television towers and receivers. Cell phone service generally doesn't experience interference from wind turbine facilities, and if there is interference it will be minimal and temporary due to the nature of how cell phone service works.

---

<sup>28</sup> Application, Section 8.4 and Appendix C

<sup>29</sup> Application, Section 8.4.2

PDSP condition 5.3.18 requires the permittee to operate the project in manner that does not interfere with television and cell services, and if interference is reported the permittee must correct the problem as soon as possible.

### *Issue 11*

Concerns about potential bat fatalities associated with operation of the proposed project.

One of the public commentors stated that the bat fatality rate at the existing Bent Tree facility is 9.9 bat fatalities per MW, which is accurate. The estimated 9.9 bat fatalities per MW is just slightly above average when compared to other operating wind facilities in Minnesota that have bat fatality data. Bat fatalities occur at all operating wind facilities in the State of Minnesota, and EIP staff is continually working with wind permittees to find ways to minimize those impacts while still allowing for energy production.

The NHIS letter provided recommendations to avoid tree removal from June 1 through August 15, turbine siting away from forested areas, feathering turbine blades below cut-in species, and possibly increasing cut-in species to reduce potential impacts to all bats species.

PDSP condition 5.3.10 requires the permittee to avoid or minimize tree removal during construction of the proposed project, and further specifies no tree clearing should occur June 1 through August 15. Feathering of turbines up to manufacture cut-in speed is required under PDSP condition 7.5.5. PDSP condition 7.5.2 requires an Avian Bat Protection Plan be developed, and annual auditing of the ABPP. The ABPP includes adaptive management, which allows for the development of operational mitigation strategies, including increasing cut-in speed if it is determined to be the best mitigation approach. The PDSP conditions 7.1, 7.5.1, 7.5.3, and 7.5.4 address pre-construction wildlife surveys, post-construction fatality monitoring, and fatality reporting requirements, respectively.

Should the proposed project be permitted, constructed, and operated, EIP staff is responsible for permit compliance and the review of post-construction fatality survey data and analysis. EIP staff, along with MN DNR, will review post-construction fatality survey reports and determine if the project should implement one or multiple minimization measures, such as, operational turbine curtailment, use of acoustic deterrents at turbines, raised turbine cut-in speeds, and smart or informed curtailment.

### *Issue 12*

Concerns and recommendations to avoid impacts to sites of biodiversity, native plant communities, state listed species, and railroad right-of-way. If potential impacts to state listed species, or their habitat can't be avoided, coordination of survey efforts with MN DNR will be necessary.

The PDSP includes conditions that avoid or minimize potential impacts to native habitats and vegetative cover. Conditions 4.7 Native Prairie, 4.6 and 5.3.9 Wetlands, and 5.3.10 Vegetation Removal. If potential impacts to state listed species, or their habitats are anticipated to occur, the necessary surveys, approvals, and/or permits are required by PDSP conditions 7.1 and 5.6.2.

### *Issue 13*

Concerns of potential impacts to trumpeter swans, and the applicant providing avian survey data gathered in the proposed project area.

The PDSP includes conditions 4.6, 5.3.9, and 5.3.10 to avoid or minimize impacts to habitat types that would be utilized for nesting by trumpeter swan. PDSP condition 7.1 requires avian survey data and reports to be filed in eDockets. Results of avian surveys conducted prior to permit application filing are located in section 8.20.4.3 and further discussed in the Bird and Bat Conservation Strategies (BBCS) in Appendix G of the site permit application.

### *Issue 14*

The NHIS letter provided additional recommendations for the applicant to use the DNR Rare Species Guide, U.S. Fish and Wildlife Service's (USFWS) online Information for Planning and Consultation (IPaC) tool, and the DNR's Guidance for Commercial Wind Energy Projects.

Staff supports these recommendations, but they are not specifically included in a PDSP condition.

### *Issue 15*

Concerns of potential impacts to snowmobile trails associated with the proposed project.

PDSP special condition 6.4 addresses turbine setbacks from existing snowmobile trails and necessary coordination with local snowmobile groups during project construction.

### *Issue 16*

Recommendation to utilize wildlife-friendly erosion control methods and materials during project construction.

PDSP special condition 6.2 includes specific language requiring the use of wildlife-friendly erosion control methods and materials.

### *Issue 17*

Concerns with the proposed project collection line placement near the intersection of TH 13 and 325<sup>th</sup> Street, and further consultation with MnDOT will be necessary to work through the collection line location in this area because as proposed it is unlikely to be permitted.

EIP staff recommends the applicant continue to consult with the appropriate MnDOT staff on this issue. PDSP condition 5.6.2 addresses the requirement to secure all necessary permits and approvals prior to construction, and PDSP condition 10.3 requires the Permittee to provide site plans (including collection line placement) for approval prior to the pre-construction meeting.

### *Issue 18*

The proposed project may need to acquire various MnDOT permits. Permit applications submitted to MnDOT – Office of Land Management, as part of the proposed projects, will not be issued until the Commission has issued approved a site permit, and authorized construction of the proposed project.

EIP staff will remain in contact with MnDOT – Office of Land Management to make sure their concerns are being met. The PDSP includes conditions 4.4 Roads, 5.3.13 Public Roads, and 5.6.2 Other Permits and Regulations, which provide protections and requirements specific to turbine setbacks to public roads, the use of and repair of public roads, and require the permittee to secure all necessary permits and approvals to proceed with project construction and operation.

## Modifications to Sample Permit

The redline version of the PDSP included as an attachment to these comments shows a number of strikeouts and additions made to the sample permit provided by Commission staff.<sup>30</sup> Most of these changes are minor technical changes that add items specific to the project (e.g. permittee name, project location, turbine models), makes minor corrections for clarity (e.g. replace “route” with “site”), or provide more clarity by identifying required filings with certain milestones (e.g. replacing “prior to construction” with “14 days prior to the pre-construction meeting”). These changes are consistent with LWECs site permits recently issued by the Commission.

For the Commission’s convenience, EIP staff provides the following table summarizing changes from the sample permit.

**Table 1. Modifications to Sample Permit**

Section Title	Section Number	Proposed Modification
Cover Page		updates with project-specific information
Contents		updates with new conditions added
Site Permit	1	updates with project-specific information
Project Description	2	updates with project-specific information
Associated Facilities	2.1	updates with project-specific information
Project Location	2.2	updates with project-specific information
Designated Site	3	updates with project-specific information
Wind Turbine Towers	4.9	updates with project-specific information
Meteorological Towers	4.11	Increased meteorological tower setback from public road ROW from 250 feet to 1.1 times the total tower height
Vegetation Removal	5.3.10	adds no tree removal to occur June 1 through August 15
Public Roads	5.3.13	adds examples of “satisfactory arrangements” the permittee shall make with state and local road authorities.
Special Condition	6.1	utilization of non-chloride dust control products
Special Condition	6.2	utilization of wildlife – friendly erosion control
Special Condition	6.3	non-turbine and non-tower facility lighting
Special Condition	6.4	Snowmobile trail setbacks and coordination with groups
Operational Phase Fatality Monitoring	7.5.1	requires a minimum of two years of post-construction monitoring.

<sup>30</sup> Public Utilities Commission, June 12, 2025. *Other – Sample Site Permit*, eDocket # [20256-219857-01](#)

Section Title	Section Number	Proposed Modification
Decommissioning	11.1	references the draft decommissioning plan provided in the application
Change in Ownership	14	clarifies the timeframe by which permittee must notify the Commission of its ownership structure

## EIP Staff Recommendation

EIP staff recommends the Commission issue a Draft Site Permit for the Bent Tree North Wind Farm and submits the attached preliminary Draft Site Permit for consideration. The preliminary DSP includes maps of anticipated turbine placements and access roads. This map may be updated based on additional data entered into the record following issuance of the Draft Site Permit, including additional information on final turbine type selection. Final permit conditions will also be open for discussion through the hearing by the Commission on issuing a final Site Permit.

EIP staff recommends the Commission request a full ALJ report including findings and recommendations, when it refers the matter to the OAH.

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

SITE PERMIT FOR

[PROJECT NAME] BENT TREE WIND FARM

A LARGE WIND ENERGY CONVERSION SYSTEM

IN

[COUNTY] FREEBORN, WASECA, AND STEELE COUNTIES, MINNESOTA

ISSUED TO

[PERMITTEE] WISCONSIN POWER & LIGHT COMPANY

PUC DOCKET NO. [Docket Number] IP7145/WS-24-349

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

[Permittee] Wisconsin Power & Light Company

The Permittee is authorized by this site permit to construct and operate a Large Wind Energy Conversion System of up to [number] 153 megawatts consisting of up to [number] 34 turbines. The Large Wind Energy Conversion System shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

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

Approved and adopted this \_\_\_\_ day of \_\_\_\_\_

BY ORDER OF THE COMMISSION

Will Seuffert Mike Bull,

Acting Executive Secretary

To request this document in another format such as large print or audio, call 651-296-0406 or 800-657-3782 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email [consumer.puc@state.mn.us](mailto:consumer.puc@state.mn.us) for assistance.



## CONTENTS

<b>1</b>	<b>SITE PERMIT .....</b>	<b>1</b>
1.1	Preemption .....	1
<b>2</b>	<b>PROJECT DESCRIPTION .....</b>	<b>1</b>
2.1	Associated Facilities .....	1
2.2	Project Location .....	2
2.3	Project Ownership.....	<del>33</del>
<b>3</b>	<b>DESIGNATED SITE.....</b>	<b>3</b>
3.1	Turbine Layout .....	3
<b>4</b>	<b>SETBACKS AND SITE LAYOUT RESTRICTIONS.....</b>	<b><del>44</del></b>
4.1	Wind Access Buffer .....	<del>44</del>
4.2	Residences.....	<del>44</del>
4.3	Noise .....	4
4.4	Roads.....	4
4.5	Public Lands.....	<del>55</del>
4.6	Wetlands .....	<del>55</del>
4.7	Native Prairie.....	<del>55</del>
4.8	Sand and Gravel Operations.....	5
4.9	Wind Turbines .....	<del>66</del>
4.10	Turbine Spacing.....	<del>66</del>
4.11	Meteorological Towers.....	6
4.12	Aviation .....	<del>77</del>
4.13	Footprint Minimization .....	<del>77</del>
<b>5</b>	<b>GENERAL CONDITIONS .....</b>	<b><del>77</del></b>
5.1	Site Permit Distribution .....	7
5.2	Access to Property.....	<del>88</del>
5.3	Construction and Operation Practices.....	<del>88</del>
5.3.1	Field Representative.....	<del>88</del>
5.3.2	Site Manager .....	8
5.3.3	Employee Training - Site Permit Terms and Conditions.....	<del>99</del>
5.3.4	Independent Third-Party Monitoring .....	<del>99</del>
5.3.5	Public Services and Public Utilities .....	<del>99</del>
5.3.6	Topsoil Protection .....	9
5.3.7	Soil Compaction.....	<del>1040</del>
5.3.8	Soil Erosion and Sediment Control .....	<del>1040</del>
5.3.9	Wetlands and Water Resources .....	10

5.3.10	Vegetation Removal .....	<del>1141</del>
5.3.11	Application of Pesticides .....	<del>1141</del>
5.3.12	Invasive Species .....	<del>1141</del>
5.3.13	Noxious Weeds.....	11
5.3.14	Public Roads .....	<del>1242</del>
5.3.15	Turbine Access Roads .....	<del>1242</del>
5.3.16	Private Roads.....	<del>1343</del>
5.3.17	Archaeological and Historic Resources .....	<del>1343</del>
5.3.18	Interference.....	13
5.3.19	Livestock Protection .....	<del>1444</del>
5.3.20	Fences .....	<del>1444</del>
5.3.21	Drainage Tiles .....	<del>1444</del>
5.3.22	Equipment Storage .....	14
5.3.23	Restoration .....	<del>1545</del>
5.3.24	Cleanup .....	<del>1545</del>
5.3.25	Pollution and Hazardous Waste .....	<del>1545</del>
5.3.26	Damages.....	<del>1545</del>
5.3.27	Public Safety .....	15
5.3.28	Turbine Identification .....	<del>1646</del>
5.3.29	Federal Aviation Administration Lighting .....	<del>1646</del>
5.4	Communication Cables.....	<del>1646</del>
5.5	Electrical Collector and Feeder Lines.....	<del>1646</del>
5.6	Other Requirements.....	<del>1747</del>
5.6.1	Safety Codes and Design Requirements .....	<del>1747</del>
5.6.2	Other Permits and Regulations.....	<del>1747</del>
<b>6</b>	<b>SPECIAL CONDITIONS .....</b>	<b>17</b>
6.1	Dust Control .....	<del>1848</del>
6.2	Wildlife-Friendly Erosion Control .....	<del>1848</del>
6.3	Non-turbine and Non-tower Facility Lighting .....	<del>1848</del>
6.4	Snowmobile Trails .....	<del>1848</del>
<b>7</b>	<b>SURVEYS AND REPORTING .....</b>	<b><del>1848</del></b>
7.1	Biological and Natural Resource Inventories .....	<del>1848</del>
7.2	Shadow Flicker .....	18
7.3	Wake Loss Studies .....	<del>1949</del>
7.4	Noise Studies .....	19
7.5	Avian and Bat Protection.....	<del>2020</del>

7.5.1	Operational Phase Fatality Monitoring.....	<del>2020</del>
7.5.2	Avian and Bat Protection Plan .....	<del>2020</del>
7.5.3	Quarterly Avian and Bat Incident Reports .....	20
7.5.4	Immediate Avian and Bat Incident Notification.....	<del>2121</del>
7.5.5	Turbine Operational Curtailment .....	21
<b>8</b>	<b>AUTHORITY TO CONSTRUCT LWECS .....</b>	<b>21</b>
8.1	Wind Rights .....	<del>2221</del>
8.2	Power Purchase Agreement .....	<del>2222</del>
8.3	Failure to Commence Construction .....	<del>2222</del>
<b>9</b>	<b>COMPLAINT PROCEDURES .....</b>	<b><del>2222</del></b>
<b>10</b>	<b>COMPLIANCE REQUIREMENTS .....</b>	<b><del>2323</del></b>
10.1	Pre-Construction Meeting .....	<del>2323</del>
10.2	Pre-Operation Meeting .....	<del>2323</del>
10.3	Site Plan.....	<del>2323</del>
10.4	Status Reports .....	<del>2424</del>
10.5	Labor Statistic Reporting .....	<del>2525</del>
10.6	Prevailing Wage.....	<del>2525</del>
10.7	In-Service Date .....	<del>2525</del>
10.8	As-Builts .....	25
10.9	GPS Data.....	<del>2626</del>
10.10	Project Energy Production.....	<del>2626</del>
10.11	Wind Resource Use .....	<del>2626</del>
10.12	Emergency Response .....	26
10.13	Extraordinary Events .....	<del>2727</del>
<b>11</b>	<b>DECOMMISSIONING, RESTORATION, AND ABANDONMENT .....</b>	<b><del>2727</del></b>
11.1	Decommissioning Plan .....	<del>2727</del>
11.2	Final Site Restoration .....	<del>2828</del>
11.3	Abandoned Turbines .....	<del>2828</del>
<b>12</b>	<b>COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE .....</b>	<b><del>2828</del></b>
12.1	Final Designated Site Boundaries .....	<del>2828</del>
12.2	Expansion of Designated Site Boundaries .....	28
12.3	Periodic Review .....	<del>2929</del>
12.4	Modification of Conditions .....	<del>2929</del>
12.5	More Stringent Rules.....	<del>2929</del>
12.6	Right of Entry.....	<del>2929</del>
12.7	Proprietary Information .....	<del>3029</del>

13	SITE PERMIT AMENDMENT .....	<del>3030</del>
14	TRANSFER OF SITE PERMIT .....	<del>3030</del>
15	REVOCATION OR SUSPENSION OF SITE PERMIT.....	<del>3130</del>
16	EXPIRATION DATE .....	<del>3131</del>

#### ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedure for Permitted Energy Facilities

Attachment 3 – Site Permit Maps

## 1 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to ~~[Permittee Name]~~ Wisconsin Power & Light Company (Permittee) pursuant to Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854. This site permit authorizes the Permittee to construct and operate an up to 153 megawatt (MW) Large Wind Energy Conversion System, consisting of 34 – 4.5 MW Vestas V136-112 or V136-120 wind turbines and associate facilities identified in this site permit. ~~A [Provide a description of the project as authorized by the Commission] ([Project Name, if applicable] Bent Tree North Wind Farm,~~ henceforth known as Project). The Large Wind Energy Conversion System shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

### 1.1 Preemption

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

## 2 PROJECT DESCRIPTION

~~[Provide a description of the project as authorized by the Commission].~~ The Bent Tree North Wind Farm is an up to 153 MW nameplate capacity LWECS to be constructed in Freeborn County, Minnesota, and necessary wind access buffer easements extending into Waseca and Steele Counties, Minnesota. The LWECS will consist of up to 34 – 4.5 MW, Vestas V136-112 or Vestas V136-120 turbines. The Project also includes up to four (4) alternate turbine locations that can be used should any of the primary turbine locations be determined to not be adequate for construction or operation.

### Example Language

~~The Project Name is an up to [number] MW nameplate capacity LWECS in [County], Minnesota. The LWECS will consist of up to [number of turbines, turbine size, and turbine manufacturer]. The Project also includes up to [number] alternate turbine locations that can be used should any of the primary turbine locations be determined to not be adequate for construction or operation.~~

### 2.1 Associated Facilities

~~[Provide a description of the project as authorized by the Commission]~~ Associated facilities for the Project will include the following:

**SAMPLE PRELIMINARY DRAFT SITE PERMIT** [Project Name and PUC Docket No. Bent Tree North Wind Farm – PUC Docket No. IP7145/WS-24-349]

- Gravel access roads
- Underground electric collection lines
- Underground communication lines
- Up to two (2) permanent meteorological towers
- Project substation
- Aircraft Detection Lighting System (ADLS)

Temporary disturbance areas associated with project construction will consist of:

- Crane paths and pads
- Individual turbine laydown and construction areas
- Laydown Area (15 acres)
- Concrete Bath Plant
- Collector line trenches
- Access roads
- Equipment stage areas

#### Example Language

Associated facilities for the Project will include the following:

- Gravel access roads
- Underground electric collection lines
- Underground communication lines
- Up to [number] permanent meteorological towers
- Project substation facility
- Operations and maintenance facility
- Lighting mitigation system
- Electrical switchyard
- An [number] foot long [number] kV transmission line from the Project substation to the point of interconnect.

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

## 2.2 Project Location

The Project is located in the following:

County	Township Name	Township	Range	Section
Freeborn	Freeborn	T104N	R23W	1, 12, 13, and 24
Freeborn	Hartland	T104N	R22W	1 – 23

Formatted: Font: (Default) +Body (Calibri), 12 pt, Font color: Text 1

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"

Formatted Table

Formatted: Centered

Formatted: Centered

**SAMPLE PRELIMINARY DRAFT SITE PERMIT** [Project Name and PUC Docket No. Bent Tree North Wind Farm – PUC Docket No. IP7145/WS-24-349]

<u>Freeborn</u>	<u>Bath</u>	<u>T104N</u>	<u>R21W</u>	<u>3 – 9 and 16 – 18</u> ←
<u>Waseca</u>	<u>Byron</u>	<u>T105N</u>	<u>R23W</u>	<u>36</u> ←
<u>Waseca</u>	<u>New Richland</u>	<u>T105N</u>	<u>R22W</u>	<u>31 – 36</u> ←
<u>Steele</u>	<u>Berlin</u>	<u>T105N</u>	<u>R21W</u>	<u>31 – 34</u> ←

Formatted: Centered

Formatted: Centered

Formatted: Centered

Formatted: Centered

## 2.3 Project Ownership

At least 14 days prior to the pre-construction meeting, the Permittee shall file a description of its ownership structure, identifying, as applicable:

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

The Permittee shall notify the Commission of:

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

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

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

## 3 DESIGNATED SITE

The site designated by the Commission for the Project is depicted on the site maps attached to this permit. The Designated Site encompasses approximately [number]26,046 acres. Upon completion, the Project will occupy no more than [number]50 acres of land converted to wind turbines and associated facilities approved by this site permit. Within the Designated Site, the LWECs shall be located on lands for which the Permittee has obtained wind rights.

### 3.1 Turbine Layout



The site maps show the approximate location of wind turbines and associated facilities within the Designated Site and identify a layout that seeks to minimize the overall potential human and environmental impacts of the Project, as they were evaluated in the permitting process.

The Designated Site serves to provide the Permittee with the flexibility to make minor adjustments to the layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to the location of a turbine or associated facility shall be done in such a manner as to have human and environmental impacts that are comparable to those associated with the layouts on the maps attached to this site permit. The Permittee shall identify any modifications in the site plan pursuant to Section 10.3.

#### **4 SETBACKS AND SITE LAYOUT RESTRICTIONS**

##### **4.1 Wind Access Buffer**

Wind turbines shall be placed no closer than five rotor diameters on the prevailing wind direction and three rotor diameters on the non-prevailing wind direction from the perimeter of properties where the Permittee does not hold the wind rights, unless otherwise approved by the Commission. This section does not apply to public roads and trails.

##### **4.2 Residences**

Wind turbines shall be located no closer than 1,000 feet from residences existing at the time of this site permit issuance.

##### **4.3 Noise**

Wind turbines shall be located such that the Project will comply with the noise standards established 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 shall be required to comply with this condition with respect to all residences and other receptors existing at the time of this site permit issuance, but not with respect to such receptors built after construction of the turbines.

##### **4.4 Roads**

Wind turbines and meteorological towers shall be located no closer than ~~250 feet~~ 1.1 times the total height of the structure from the edge of the nearest public road right-of-way.

#### **4.5 Public Lands**

Wind turbines and associated facilities 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.

#### **4.6 Wetlands**

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

#### **4.7 Native Prairie**

Wind turbines and associated facilities shall not be located in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, or in areas enrolled in the Native Prairie Bank Program unless addressed in a Prairie Protection and Management Plan. Construction activities, as defined in Minn. Stat. § 216E.01, shall not impact native prairie unless addressed in a Prairie Protection and Management Plan.

The Permittee shall prepare a Prairie Protection and Management Plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the Designated Site. The Permittee shall file with the Commission the Prairie Protection and Management Plan 30 days prior to submitting the site plan required by Section 10.3 of this site permit. The Prairie Protection and Management Plan shall address steps that will be taken to avoid impacts to native prairie and mitigate unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission. The Permittee shall comply with the most recently filed Prairie Protection and Management Plan.

#### **4.8 Sand and Gravel Operations**

Wind turbines and associated facilities shall not be located within active sand and gravel operations, unless otherwise negotiated with the landowner.

#### 4.9 Wind Turbines

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to ~~[number]~~ 120 meters (~~[number]~~ 394 feet) above grade measured at hub height. The wind turbine specifications in the table below were provided in the Permittee's ~~[Date and Title of Site Permit Application]~~ April 3, 2025 Site Permit Application for the Bent Tree North Wind Farm.

*[Note: List of design features is for example only. Actual features may differ from project to project.]*

Design Feature	Turbine	
	<del>[Turbine Model 1]</del> Vestas V136 – 112	<del>[Turbine Model 2]</del> Vestas V136 - 120
Capacity (MW)	4.5	4.5
Total Height (m)	180 (591 feet)	188 (617 feet)
Hub Height (m)	112 (368 feet)	120 (394 feet)
Rotor Diameter (m)	136 (446 feet)	136 (446 feet)
Cut-in Wind Speed (m/s)	3	3
Rated Capacity Wind Speed (m/s)	14.5	14.5
Cut-out Wind Speed (m/s)	32	32
<del>Maximum Sustained Wind Speed (m/s)</del>		
Wind Swept Area (m <sup>2</sup> )	14,527	14,527
Rotor Speed (rpm)	5.6 – 14.0	5.6 – 14.0

#### 4.10 Turbine Spacing

Wind turbines shall be constructed within the Designated Site. The wind turbines shall be spaced no closer than five rotor diameters on the prevailing wind direction and three rotor diameters in the non-prevailing wind direction from one another. If required, up to 20 percent of the wind turbines may be sited closer than the above spacing, but the Permittee shall minimize the need to site the turbines closer.

#### 4.11 Meteorological Towers

Permanent towers for meteorological equipment shall be free standing. Permanent meteorological towers shall be located no less than ~~250 feet~~ 1.1 times the total tower height from the edge of the nearest public road right-of-way and the Designated Site boundary, or in compliance with the county ordinance regulating meteorological towers, whichever is more restrictive.

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

#### **4.12 Aviation**

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

#### **4.13 Footprint Minimization**

The Permittee shall design and construct the Project to minimize the amount of land that is impacted. 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 wind turbines or inside the wind turbines unless otherwise negotiated with the affected landowner.

### **5 GENERAL CONDITIONS**

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

#### **5.1 Site Permit Distribution**

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

file with the Commission an affidavit of its site permit and complaint procedures distribution within 30 days of issuance of this site permit.

## **5.2 Access to Property**

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

## **5.3 Construction and Operation Practices**

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

### **5.3.1 Field Representative**

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

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

### **5.3.2 Site Manager**

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

The Permittee shall file the name, address, email, phone number, and emergency phone number of the site manager with the Commission within 14 days prior to the pre-operation

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

### **5.3.3 Employee Training - Site Permit Terms and Conditions**

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

### **5.3.4 Independent Third-Party Monitoring**

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of the Commission. The scope of work shall be developed in consultation with and approved by Commission staff. This third-party monitor will report directly to and will be under the control of Commission staff with costs borne by the Permittee. Commission staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed in eDockets in accordance with scope of work approved by Commission staff.

### **5.3.5 Public Services and Public Utilities**

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

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

### **5.3.6 Topsoil Protection**

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

#### **5.3.7 Soil Compaction**

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the Project's life and shall confine compaction to as small an area as feasible. The Permittee shall use soil decompaction measures on all lands utilized for Project construction and travelled on by heavy equipment (e.g., cranes and heavy trucks), even when soil compaction minimization measures are used.

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

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

#### **5.3.9 Wetlands and Water Resources**

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



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

#### **5.3.10 Vegetation Removal**

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

No tree removal shall occur June 1 through August 15.

#### **5.3.11 Application of Pesticides**

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the MDA, DNR, and the U.S. Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commission staff.

#### **5.3.12 Invasive Species**

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by Project construction activities. The Permittee shall develop an Invasive Species Prevention Plan and file it with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.

#### **5.3.13 Noxious Weeds**

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent

vegetative cover on exposed soil, the Permittee shall select site-appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **5.3.14 Public Roads**

Where practical, the Permittee shall use existing roadways for activities associated with the Project and shall use all-weather roads to transport cement, turbines, towers, assembled nacelles, and all other heavy components. At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission a Public Road Use Report that:

- (a) includes a map that identifies which roads will be used for the Project;
- (b) identifies who has jurisdiction over the roads;
- (c) indicates whether inspections of the roads are required prior to Project construction; and
- (d) provides the status of Public Road Use Agreements or Public Road Development Agreements.

The Permittee must obtain and file with the Commission Public Road Use Agreements or Public Road Development Agreements before Project construction may begin. The Public Road Use Agreements or Public Road Development Agreements shall include: (1) written authorizations from governmental entities that have jurisdiction over roads used for the Project, and (2) maintenance and repair plans that may be required based on damages from Project construction.

#### **5.3.15 Turbine Access Roads**

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

Any access roads that are constructed across streams or drainage ditches shall be designed and constructed in a manner that maintains existing fish passage. Access roads that are constructed across grassed waterways that provide drainage for surface waters that are ephemeral in nature, are not required to maintain or provide fish passage. Access roads shall be constructed

in accordance with all necessary township, county or state road requirements and permits. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

The Permittee shall provide the local soil and water conservation district and participating landowners an opportunity to review and comment on access road plans in order to minimize the potential to pond and divert water creating gully erosion or the potential to cause damage or failure to existing conservation practices, such as terraces, sediment control basins or diversions prior to finalization and installation. The Permittee shall file documentation of turbine access road coordination at least 14 days prior to the pre-construction meeting.

#### **5.3.16 Private Roads**

The Permittee shall promptly repair private roads or lanes damaged during Project construction and operation unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **5.3.17 Archaeological and Historic Resources**

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

Prior to construction, the Permittee shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **5.3.18 Interference**

At least 14 days prior to the pre-construction meeting, the Permittee shall submit to the Commission an Interference Assessment of television and radio signal reception, microwave signal patterns, and telecommunications in the Project area. The Interference Assessment shall

be designed to provide data that can be used in the future to determine whether the turbines and associated facilities are the cause of disruption or interference of television or radio reception, microwave patterns, or telecommunications in the event residents should complain about such disruption or interference after the turbines are placed in operation. The Permittee shall be responsible for alleviating any disruption or interference of these services caused by the turbines or any associated facilities.

The Permittee shall not operate the Project in a manner that causes microwave, television, radio, telecommunications, or navigation interference in violation of Federal Communications Commission (FCC) regulations or other law. In the event the Project causes such interference, the Permittee shall take timely measures necessary to correct the problem. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **5.3.19 Livestock Protection**

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

#### **5.3.20 Fences**

The Permittee shall promptly replace or repair all fences and gates removed or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner. When the Permittee installs a gate where electric fences are present, the Permittee shall provide for continuity in the electric fence circuit. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **5.3.21 Drainage Tiles**

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

#### **5.3.22 Equipment Storage**

The Permittee shall locate temporary equipment staging areas only on lands where it has received permission from the landowner. Temporary equipment staging areas shall not be located in wetlands or native prairie as defined in Sections 4.6 and 4.7. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **5.3.23 Restoration**

The Permittee shall restore the areas affected by construction of the Project to the condition that existed immediately before construction began to the greatest extent possible. The time period to complete restoration may be no longer than 12 months after the completion of construction, unless otherwise negotiated with the affected landowner. Restoration shall be compatible with the safe operation, maintenance, and inspection of the Project. Within 60 days after completion of all restoration activities, the Permittee shall file with the Commission a Notice of Restoration Completion.

#### **5.3.24 Cleanup**

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

#### **5.3.25 Pollution and Hazardous Waste**

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

#### **5.3.26 Damages**

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

#### **5.3.27 Public Safety**

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

The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of the construction of the Project.

#### **5.3.28 Turbine Identification**

The Permittee shall mark all turbines and towers with a clearly visible identification number and the name of the Project.

#### **5.3.29 Federal Aviation Administration Lighting**

The Permittee shall mark turbines and towers as required by the FAA. There shall be no lights on turbines or towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment. The Permittee shall install and employ an FAA-approved lighting mitigation system, such as an aircraft detection lighting system (ADLS), light intensity dimming solution (LIDS), or other FAA-approved mitigation method. The Permittee shall describe the lighting mitigation system used for the Project in the Site Plan.

#### **5.4 Communication Cables**

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

#### **5.5 Electrical Collector and Feeder Lines**

The Permittee shall bury underground collector lines that carry electrical power from each individual transformer associated with a wind turbine to an internal Project interconnection point. The Permittee shall place collector lines within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner.

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

The Permittee shall locate feeder lines in such a manner as to minimize interference with agricultural operations including but not limited to existing drainage patterns, drain tile, future tiling plans, and ditches. The Permittee shall place safety shields on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the Site Plan pursuant to Section 10.3.

## **5.6 Other Requirements**

### **5.6.1 Safety Codes and Design Requirements**

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

### **5.6.2 Other Permits and Regulations**

The Permittee shall comply with all applicable state statutes and rules. The Permittee shall obtain all required permits for the Project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission an Other Permits and Regulations Submittal that contains a detailed status of all permits, authorizations, and approvals that have been applied for specific to the Project. The Other Permits and Regulations Submittal shall also include the permitting agency name; the name of the permit, authorization, or approval being sought; contact person and contact information for the permitting agency or authority; brief description of why the permit, authorization, or approval is needed; application submittal date; and the date the permit, authorization, or approval was issued or is anticipated to be issued.

The Permittee shall demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as such and an updated Other Permits and Regulations Submittal prior to commencing Project construction. The Permittee shall provide a copy of any such permits, authorizations, and approvals upon the request of Commission staff.

## **6 SPECIAL CONDITIONS**

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



[Add Special Conditions in accordance with the record of the docket.]

#### **6.1 Dust Control**

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

Formatted: Font: (Default) +Body (Calibri), 12 pt

#### **6.2 Wildlife-Friendly Erosion Control**

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

Formatted: Font: (Default) +Body (Calibri), 12 pt

#### **6.3 Non-turbine and Non-tower Facility Lighting**

▲ The Permittee shall use shielded downward facing lighting and LED lighting that minimizes blue hue at all Project facilities not related to necessary FAA lighting of turbines and meteorological towers.

Formatted: Font: (Default) +Body (Calibri), 12 pt

Formatted: Font: (Default) +Body (Calibri), 12 pt

#### **6.4 Snowmobile Trails**

▲ The Permittee shall locate all turbines at least 250 feet from existing snowmobile trails. The Permittee shall coordinate with local snowmobile groups regarding potential project related impacts to the snowmobiles trails with the Designated Site. Coordination with local snowmobile groups shall include discussions of potential construction timing and activities that could impact the trail and potential trail rerouting needs.

Formatted: Font: (Default) +Body (Calibri), 12 pt

Formatted: Font: (Default) +Body (Calibri), 12 pt

Formatted: Line spacing: single

### **7 SURVEYS AND REPORTING**

#### **7.1 Biological and Natural Resource Inventories**

The Permittee, in consultation with the Commission and the DNR, shall design and conduct pre-construction desktop and field inventories of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas within the Designated Site and assess the presence of state- or federally-listed or threatened species. The Permittee shall file with the Commission the results of the inventories at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this site permit. The Permittee shall file with the Commission any biological surveys or studies conducted on this Project, including those not required under this site permit.

#### **7.2 Shadow Flicker**

The Permittee shall file with the Commission a Shadow Flicker Modeling Report at least 14 days prior to the pre-construction meeting. The Shadow Flicker Modeling Report shall contain:

- (a) the predicted number of hours of shadow flicker at each existing residence in-place at the time of this site permit issuance that have the potential to be subject to shadow flicker;
- (b) whether modeled residences are participating landowners;
- (c) a description of the specific model used, and any modeling assumptions made; and
- (d) a description of the Permittee's efforts to avoid, minimize and mitigate shadow flicker exposure.

If the Shadow Flicker Modeling Report predicts 30 hours or more of shadow flicker per year at any residence in-place at the time of this site permit issuance, the Permittee shall file with the Commission a Shadow Flicker Management Plan at least 14 days prior to the pre-operation meeting. The Shadow Flicker Management Plan shall contain a description of the Permittee's:

- (a) efforts to avoid, minimize and mitigate shadow flicker exposure, which may include providing screening or turbine curtailment; and
- (b) communication and new agreements with landowners that are predicted to experience 30 hours or more of shadow flicker per year.

The Commission may require the Permittee to install shadow flicker monitoring at any time during the life of this site permit.

### **7.3 Wake Loss Studies**

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the pre-construction micro-siting analysis leading to the final turbine locations and an estimate of total Project wake losses. As part of the Annual Project Energy Production Report required under Section 10.8 of this site permit the Permittee shall file with the Commission any operational wake loss studies conducted on the Project during the calendar year preceding the report.

### **7.4 Noise Studies**

In consultation with Commission staff, the Permittee shall develop a post-construction noise monitoring protocol (Noise Monitoring Protocol) that is consistent with Commerce's Large Wind Energy Conversion Systems Noise Monitoring Protocol and Report guidance. The Permittee shall file the Noise Monitoring Protocol with the Commission at least 14 days prior to the pre-construction meeting.

The Permittee shall conduct a noise study according to the Noise Monitoring Protocol and file a Post-Construction Noise Monitoring Report with the Commission within 18 months of commencing commercial operation.

## **7.5 Avian and Bat Protection**

### **7.5.1 Operational Phase Fatality Monitoring**

The Permittee shall utilize a qualified third party to conduct a minimum of ~~[number]~~two (2) full years of avian and bat fatality monitoring commencing with Project operation. Monitoring activities and results will be coordinated directly with the DNR, the U.S. Fish and Wildlife Service (USFWS), and Commission staff. Detailed monitoring protocols, agency coordination, and any avoidance and minimization measures will be detailed in the Avian and Bat Protection Plan (ABPP).

### **7.5.2 Avian and Bat Protection Plan**

The Permittee shall review and update the Avian and Bat Protection Plan (ABPP) that was submitted as part of its Site Permit Application. The ABPP must address steps that will be taken to identify and mitigate impacts to avian and bat species during the construction and operation phases of the Project. The ABPP shall also include formal and incidental post-construction fatality monitoring, training, wildlife handling, documentation (e.g., photographs), and reporting protocols for each phase of the Project. The Permittee shall file the updated ABPP with the Commission, and provide electronic copies to DNR and USFWS, at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed ABPP.

The Permittee shall, by the 15th of March following each complete or partial calendar year of operation, file with the Commission an annual report detailing the findings of its annual audit of ABPP practices. The annual report shall include summarized and raw data of bird and bat fatalities and injuries and shall include bird and bat fatality estimates for the project using agreed upon estimators from the prior calendar year. The annual report shall also identify any deficiencies or recommended changes in the operation of the Project or in the ABPP to reduce avian and bat fatalities and shall provide a schedule for implementing the corrective or modified actions. The Permittee shall provide a copy of the report to the DNR and USFWS at the time of filing with the Commission.

### **7.5.3 Quarterly Avian and Bat Incident Reports**

The Permittee shall file quarterly Avian and Bat Incident Reports with the Commission, and provide electronic copies to DNR and USFWS. The quarterly Avian and Bat Incident Reports are due by the 15th of January, April, July, and October commencing the day following commercial

operation and terminating upon the expiration of this site permit. The Avian and Bat Incident Reports must include:

- (a) identification of dead or injured avian and bat species;
- (b) the location of the find, including identifying the nearest turbine;
- (c) the date of the find;
- (d) the potential cause of the death or injury; and
- (e) steps taken to avoid future occurrences.

#### **7.5.4 Immediate Avian and Bat Incident Notification**

The Permittee shall file an Immediate Avian and Bat Incident Notification with the Commission, and provide an electronic copy to the USFWS and the DNR within 24 hours of the discovery of any of the following:

- a. five or more dead or injured birds or bats at a single turbine during a single survey, or twenty or more dead or injured birds or bats across the entire facility during a single survey (potential mass casualty event).
- 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, including species proposed for listing; or
- d. one or more dead or injured bald or golden eagle.

Within seven days of filing the Immediate Avian and Bat Incident Notification, the Permittee shall file an Avian and Bat Incident Report with the Commission, and provide electronic copies to the DNR and the USFWS. The Avian and Bat Incident Report must include identification of dead or injured avian and bat species, including pictures; the location of the find, including identifying the nearest turbine; the date of the find; the potential cause of the death or injury; a detailed log of agencies and individuals contacted; and steps taken to avoid future occurrences.

#### **7.5.5 Turbine Operational Curtailment**

The Permittee shall lock or feather up to the manufacturer's standard cut-in speed all Project turbines from one-half hour before sunset to one-half hour after sunrise from April 1 to October 31. All turbines at the facility must be equipped with operational software that can allow for adjustment of turbine cut-in speeds.

### **8 AUTHORITY TO CONSTRUCT LWECs**

### **8.1 Wind Rights**

At least 14 days prior to the pre-construction meeting, the Permittee shall demonstrate that it has obtained the wind rights and any other rights necessary to construct and operate the Project within the Designated Site authorized by this site permit. Nothing in this site permit shall be construed to preclude any other person from seeking a permit to construct a wind energy conversion system within the Designated Site 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 site permit is issued, the Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This site permit does not authorize construction of the Project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project. In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project within two years of the issuance of this site permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this site permit should be amended or revoked. No amendment or revocation of this site permit may be undertaken except in accordance with Minn. R. 7854.1300.

### **8.3 Failure to Commence Construction**

If the Permittee has not commenced construction of the Project within two years after issuance of this site permit, the Permittee shall file a Failure to Construct Report and the Commission shall consider amendment or revocation of this site permit in accordance with Minn. R. 7854.1300.

## **9 COMPLAINT PROCEDURES**

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

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

## **10 COMPLIANCE REQUIREMENTS**

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

### **10.1 Pre-Construction Meeting**

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

### **10.2 Pre-Operation Meeting**

At least 14 days prior to commercial operation of the Project, the Permittee shall participate in a pre-operation meeting with Commission staff to coordinate field monitoring of operation activities for the Project. Within 14 days following the pre-operation meeting, the Permittee shall file 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 file with the Commission, and provide the counties where the Project will be constructed with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations of 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 Designated Site boundary and turbine layout in relation to that approved by this site 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. The Permittee shall notify affected landowners and city and township clerks that the site plan is on file with the

Commission and the counties where the Project will be constructed. The Permittee shall file with the Commission an affidavit of its notification to landowners and city and township clerks.

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 earlier of (i) 30 days after the pre-construction meeting or (ii) or until the Commission staff has notified the Permittee in writing that it has completed its review of the pre-construction documents and determined that the planned construction is consistent with this site permit.

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

If the Permittee intends to make any significant changes in its site plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission staff and county staff at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this site permit.

If previously unidentified human or environmental conditions are discovered during construction that by law or pursuant to conditions outlined in this site permit would preclude the use of that site as a turbine location, the Permittee shall have the right to relocate the turbine. Under these circumstances, the Permittee shall notify the Commission, the MPCA, the DNR, the county, city and township clerks, and the affected landowners of any turbines that are to be relocated and provide the previously unidentified environmental conditions and how the movement of the turbine mitigates the human or environmental impact at least five days before implementing the changes. No changes shall be made that would be in violation of any terms of this site permit.

#### **10.4 Status Reports**

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

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

#### **10.5 Labor Statistic Reporting**

The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:

- (a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers; and
- (b) provide an account of:
  - i. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7;
  - ii. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and
  - iii. the total gross hours worked or total full-time equivalent workers.

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

#### **10.6 Prevailing Wage**

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

#### **10.7 In-Service Date**

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

#### **10.8 As-Builts**



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

#### **10.9 GPS Data**

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

#### **10.10 Project Energy Production**

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

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

The Permittee shall file this information in a format recommended by Commission staff. This information shall be considered public and must be filed electronically.

#### **10.11 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 with the Project Energy Production Report. This information shall be considered public and must be filed electronically.

#### **10.12 Emergency Response**

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. The Permittee shall file the ERP, along with any comments from emergency responders to the Commission at

~~SAMPLE PRELIMINARY DRAFT SITE PERMIT~~ [Project Name and PUC Docket No. Bent Tree North Wind Farm – PUC Docket No. IP7145/WS-24-349]

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

#### **10.13 Extraordinary Events**

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

### **11 DECOMMISSIONING, RESTORATION, AND ABANDONMENT**

#### **11.1 Decommissioning Plan**

The Permittee shall comply with the provisions of the most recently filed and accepted Decommissioning Plan. The initial version of the Decommissioning Plan was submitted for this Project as part of the ~~[Identify Decommissioning Plan, e.g., Appendix XX to the Site Permit Application]~~ Decommissioning Plan, Appendix H to the April 3, 2025 Site Permit Application for Bent Tree North Wind Farm. The Permittee shall file an updated Decommissioning Plan, incorporating comments and information from the permitting process and any updates associated with the final construction plans, with the Commission 14 days before the pre-construction meeting. The Permittee shall update and file the Decommissioning Plan with the Commission every five years following the commercial operation date.

The Decommissioning Plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration 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 to 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 Final Site Restoration**

Upon expiration of this site permit or upon termination of operation of the Project, the Permittee shall have the obligation to dismantle and remove from the site all turbines, towers, turbine generators, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment in accordance with the most recently filed and accepted Decommissioning Plan. To the extent feasible, the Permittee shall restore and reclaim the site to pre-project conditions. Landowners may require the site be returned to agricultural production or may retain restored prairie vegetation, or other land uses as agreed to between the landowner and the Permittee. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be filed with the Commission prior to commencing restoration activities. The Permittee shall restore the site in accordance with the requirements of this condition and file a Notification of Final Restoration Completion to the Commission within 18 months of termination of operation of the Project.

#### **11.3 Abandoned Turbines**

The Permittee shall notify the Commission of any turbines that are abandoned prior to termination of operation of the Project. Equipment shall be considered abandoned after one year without energy production and shall be decommissioned and the land shall be restored pursuant to sections 11.1 and 11.2, unless a plan is submitted to and approved by the Commission outlining the steps and schedule for returning the equipment to service.

### **12 COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE**

#### **12.1 Final Designated Site Boundaries**

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

#### **12.2 Expansion of Designated Site Boundaries**

No expansion of the Designated Site boundaries described in this site permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundaries of the Designated 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 site permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this site permit. No modification may be made except in accordance with applicable statutes and rules.

### **12.4 Modification of Conditions**

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

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

### **12.5 More Stringent Rules**

The issuance of this 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.

### **12.6 Right of Entry**

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

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

## **12.7 Proprietary Information**

Certain information required to be filed with the Commission under this site 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 SITE PERMIT AMENDMENT**

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

## **14 TRANSFER OF SITE PERMIT**

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

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

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

The transferee must provide the Commission with the name and contact information for the site manager, as described in Section 5.3.2, and either a current version with eDocket reference, or a revised version of the following:

- (a) complaint procedures, as described in Section 9 and Attachment 1;
- (b) ERP, as described in Section 10.11; and
- (c) decommissioning plan, as described in Section 11.1.

The Commission may authorize transfer of the site permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. R. 7854.1400.

**15 REVOCATION OR SUSPENSION OF SITE PERMIT**

The Commission may initiate action to revoke or suspend this site permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7854.1300, to revoke or suspend this site permit.

**16 EXPIRATION DATE**

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

**STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION**

**SITE PERMIT FOR  
BENT TREE WIND FARM  
A LARGE WIND ENERGY CONVERSION SYSTEM**

**IN  
FREEBORN, WASECA, AND STEELE COUNTIES, MINNESOTA**

**ISSUED TO  
WISCONSIN POWER & LIGHT COMPANY**

**PUC DOCKET NO. IP7145/WS-24-349**

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

**Wisconsin Power & Light Company**

The Permittee is authorized by this site permit to construct and operate a Large Wind Energy Conversion System of up to 153 megawatts consisting of up to 34 turbines. The Large Wind Energy Conversion System shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

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

Approved and adopted this \_\_\_\_ day of \_\_\_\_\_

BY ORDER OF THE COMMISSION

---

Mike Bull,  
Acting Executive Secretary

## CONTENTS

<b>1</b>	<b>SITE PERMIT .....</b>	<b>1</b>
1.1	Preemption .....	1
<b>2</b>	<b>PROJECT DESCRIPTION .....</b>	<b>1</b>
2.1	Associated Facilities .....	1
2.2	Project Location .....	2
2.3	Project Ownership.....	2
<b>3</b>	<b>DESIGNATED SITE .....</b>	<b>3</b>
3.1	Turbine Layout .....	3
<b>4</b>	<b>SETBACKS AND SITE LAYOUT RESTRICTIONS.....</b>	<b>3</b>
4.1	Wind Access Buffer .....	3
4.2	Residences.....	3
4.3	Noise .....	4
4.4	Roads.....	4
4.5	Public Lands.....	4
4.6	Wetlands .....	4
4.7	Native Prairie.....	4
4.8	Sand and Gravel Operations.....	5
4.9	Wind Turbines .....	5
4.10	Turbine Spacing.....	5
4.11	Meteorological Towers.....	6
4.12	Aviation .....	6
4.13	Footprint Minimization .....	6
<b>5</b>	<b>GENERAL CONDITIONS .....</b>	<b>7</b>
5.1	Site Permit Distribution .....	7
5.2	Access to Property.....	7
5.3	Construction and Operation Practices.....	7
5.3.1	Field Representative.....	7
5.3.2	Site Manager .....	8
5.3.3	Employee Training - Site Permit Terms and Conditions.....	8
5.3.4	Independent Third-Party Monitoring .....	8
5.3.5	Public Services and Public Utilities .....	9
5.3.6	Topsoil Protection .....	9
5.3.7	Soil Compaction.....	9
5.3.8	Soil Erosion and Sediment Control .....	9



5.3.9	Wetlands and Water Resources .....	10
5.3.10	Vegetation Removal .....	10
5.3.11	Application of Pesticides .....	10
5.3.12	Invasive Species.....	11
5.3.13	Noxious Weeds.....	11
5.3.14	Public Roads .....	11
5.3.15	Turbine Access Roads .....	12
5.3.16	Private Roads.....	12
5.3.17	Archaeological and Historic Resources .....	12
5.3.18	Interference.....	13
5.3.19	Livestock Protection .....	13
5.3.20	Fences .....	13
5.3.21	Drainage Tiles .....	14
5.3.22	Equipment Storage.....	14
5.3.23	Restoration.....	14
5.3.24	Cleanup .....	14
5.3.25	Pollution and Hazardous Waste .....	14
5.3.26	Damages.....	15
5.3.27	Public Safety .....	15
5.3.28	Turbine Identification .....	15
5.3.29	Federal Aviation Administration Lighting .....	15
5.4	Communication Cables.....	15
5.5	Electrical Collector and Feeder Lines.....	16
5.6	Other Requirements.....	16
5.6.1	Safety Codes and Design Requirements .....	16
5.6.2	Other Permits and Regulations.....	16
<b>6</b>	<b>SPECIAL CONDITIONS .....</b>	<b>17</b>
6.1	Dust Control .....	17
6.2	Wildlife-Friendly Erosion Control .....	17
6.3	Non-turbine and Non-tower Facility Lighting .....	17
6.4	Snowmobile Trails .....	17
<b>7</b>	<b>SURVEYS AND REPORTING .....</b>	<b>17</b>
7.1	Biological and Natural Resource Inventories.....	17
7.2	Shadow Flicker .....	18
7.3	Wake Loss Studies .....	18
7.4	Noise Studies.....	19

7.5	Avian and Bat Protection.....	19
7.5.1	Operational Phase Fatality Monitoring.....	19
7.5.2	Avian and Bat Protection Plan .....	19
7.5.3	Quarterly Avian and Bat Incident Reports .....	20
7.5.4	Immediate Avian and Bat Incident Notification.....	20
7.5.5	Turbine Operational Curtailment .....	21
<b>8</b>	<b>AUTHORITY TO CONSTRUCT LWECS .....</b>	<b>21</b>
8.1	Wind Rights .....	21
8.2	Power Purchase Agreement.....	21
8.3	Failure to Commence Construction .....	21
<b>9</b>	<b>COMPLAINT PROCEDURES .....</b>	<b>22</b>
<b>10</b>	<b>COMPLIANCE REQUIREMENTS .....</b>	<b>22</b>
10.1	Pre-Construction Meeting .....	22
10.2	Pre-Operation Meeting .....	22
10.3	Site Plan.....	23
10.4	Status Reports .....	24
10.5	Labor Statistic Reporting .....	24
10.6	Prevailing Wage.....	25
10.7	In-Service Date .....	25
10.8	As-Builts .....	25
10.9	GPS Data.....	25
10.10	Project Energy Production.....	25
10.11	Wind Resource Use .....	26
10.12	Emergency Response .....	26
10.13	Extraordinary Events .....	26
<b>11</b>	<b>DECOMMISSIONING, RESTORATION, AND ABANDONMENT .....</b>	<b>26</b>
11.1	Decommissioning Plan .....	26
11.2	Final Site Restoration .....	27
11.3	Abandoned Turbines.....	27
<b>12</b>	<b>COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE .....</b>	<b>28</b>
12.1	Final Designated Site Boundaries .....	28
12.2	Expansion of Designated Site Boundaries .....	28
12.3	Periodic Review .....	28
12.4	Modification of Conditions.....	28
12.5	More Stringent Rules.....	28
12.6	Right of Entry.....	29

12.7	Proprietary Information .....	29
<b>13</b>	<b>SITE PERMIT AMENDMENT .....</b>	<b>29</b>
<b>14</b>	<b>TRANSFER OF SITE PERMIT .....</b>	<b>29</b>
<b>15</b>	<b>REVOCATION OR SUSPENSION OF SITE PERMIT.....</b>	<b>30</b>
<b>16</b>	<b>EXPIRATION DATE .....</b>	<b>30</b>

#### **ATTACHMENTS**

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedure for Permitted Energy Facilities

Attachment 3 – Site Permit Maps

## **1 SITE PERMIT**

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Wisconsin Power & Light Company (Permittee) pursuant to Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854. This site permit authorizes the Permittee to construct and operate an up to 153 megawatt (MW) Large Wind Energy Conversion System, consisting of 34 – 4.5 MW Vestas V136-112 or V136-120 wind turbines and associate facilities identified in this site permit. (Bent Tree North Wind Farm, henceforth known as Project). The Large Wind Energy Conversion System shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

### **1.1 Preemption**

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

## **2 PROJECT DESCRIPTION**

The Bent Tree North Wind Farm is an up to 153 MW nameplate capacity LWECS to be constructed in Freeborn County, Minnesota, and necessary wind access buffer easements extending into Waseca and Steele Counties, Minnesota. The LWECS will consist of up to 34 – 4.5 MW, Vestas V136-112 or Vestas V136-120 turbines. The Project also includes up to four (4) alternate turbine locations that can be used should any of the primary turbine locations be determined to not be adequate for construction or operation.

### **2.1 Associated Facilities**

Associated facilities for the Project will include the following:

- Gravel access roads
- Underground electric collection lines
- Underground communication lines
- Up to two (2) permanent meteorological towers
- Project substation
- Aircraft Detection Lighting System (ADLS)

Temporary disturbance areas associated with project construction will consist of:

- Crane paths and pads
- Individual turbine laydown and construction areas

- Laydown Area (15 acres)
- Concrete Bath Plant
- Collector line trenches
- Access roads
- Equipment stage areas

## **2.2 Project Location**

The Project is located in the following:

County	Township Name	Township	Range	Section
Freeborn	Freeborn	T104N	R23W	1, 12, 13, and 24
Freeborn	Hartland	T104N	R22W	1 – 23
Freeborn	Bath	T104N	R21W	3 – 9 and 16 – 18
Waseca	Byron	T105N	R23W	36
Waseca	New Richland	T105N	R22W	31 – 36
Steele	Berlin	T105N	R21W	31 – 34

## **2.3 Project Ownership**

At least 14 days prior to the pre-construction meeting, the Permittee shall file a description of its ownership structure, identifying, as applicable:

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

The Permittee shall notify the Commission of:

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

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

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

### **3 DESIGNATED SITE**

The site designated by the Commission for the Project is depicted on the site maps attached to this permit. The Designated Site encompasses approximately 26,046 acres. Upon completion, the Project will occupy no more than 50 acres of land converted to wind turbines and associated facilities approved by this site permit. Within the Designated Site, the LWECS shall be located on lands for which the Permittee has obtained wind rights.

#### **3.1 Turbine Layout**

The site maps show the approximate location of wind turbines and associated facilities within the Designated Site and identify a layout that seeks to minimize the overall potential human and environmental impacts of the Project, as they were evaluated in the permitting process.

The Designated Site serves to provide the Permittee with the flexibility to make minor adjustments to the layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to the location of a turbine or associated facility shall be done in such a manner as to have human and environmental impacts that are comparable to those associated with the layouts on the maps attached to this site permit. The Permittee shall identify any modifications in the site plan pursuant to Section 10.3.

### **4 SETBACKS AND SITE LAYOUT RESTRICTIONS**

#### **4.1 Wind Access Buffer**

Wind turbines shall be placed no closer than five rotor diameters on the prevailing wind direction and three rotor diameters on the non-prevailing wind direction from the perimeter of properties where the Permittee does not hold the wind rights, unless otherwise approved by the Commission. This section does not apply to public roads and trails.

#### **4.2 Residences**

Wind turbines shall be located no closer than 1,000 feet from residences existing at the time of this site permit issuance.

#### **4.3 Noise**

Wind turbines shall be located such that the Project will comply with the noise standards established 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 shall be required to comply with this condition with respect to all residences and other receptors existing at the time of this site permit issuance, but not with respect to such receptors built after construction of the turbines.

#### **4.4 Roads**

Wind turbines and meteorological towers shall be located no closer than 1.1 times the total height of the structure from the edge of the nearest public road right-of-way.

#### **4.5 Public Lands**

Wind turbines and associated facilities 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.

#### **4.6 Wetlands**

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

#### **4.7 Native Prairie**

Wind turbines and associated facilities shall not be located in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, or in areas enrolled in the Native Prairie Bank Program unless addressed in a Prairie Protection and Management Plan. Construction activities, as defined in Minn. Stat. § 216E.01, shall not impact native prairie unless addressed in a Prairie Protection and Management Plan.

The Permittee shall prepare a Prairie Protection and Management Plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the Designated Site. The Permittee shall file with the Commission the Prairie Protection and Management Plan 30 days prior to submitting the site plan required by Section 10.3 of this site permit. The Prairie Protection and Management Plan shall address steps that will be taken to avoid impacts to native prairie and mitigate unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission. The Permittee shall comply with the most recently filed Prairie Protection and Management Plan.

#### **4.8 Sand and Gravel Operations**

Wind turbines and associated facilities shall not be located within active sand and gravel operations, unless otherwise negotiated with the landowner.

#### **4.9 Wind Turbines**

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 120 meters (394 feet) above grade measured at hub height. The wind turbine specifications in the table below were provided in the Permittee's April 3, 2025 Site Permit Application for the Bent Tree North Wind Farm.

Design Feature	Turbine	
	Vestas V136 – 112	Vestas V136 - 120
Capacity (MW)	4.5	4.5
Total Height (m)	180 (591 feet)	188 (617 feet)
Hub Height (m)	112 (368 feet)	120 (394 feet)
Rotor Diameter (m)	136 (446 feet)	136 (446 feet)
Cut-in Wind Speed (m/s)	3	3
Rated Capacity Wind Speed (m/s)	14.5	14.5
Cut-out Wind Speed (m/s)	32	32
Wind Swept Area (m <sup>2</sup> )	14,527	14,527
Rotor Speed (rpm)	5.6 – 14.0	5.6 – 14.0

#### **4.10 Turbine Spacing**

Wind turbines shall be constructed within the Designated Site. The wind turbines shall be spaced no closer than five rotor diameters on the prevailing wind direction and three rotor



diameters in the non-prevailing wind direction from one another. If required, up to 20 percent of the wind turbines may be sited closer than the above spacing, but the Permittee shall minimize the need to site the turbines closer.

#### **4.11 Meteorological Towers**

Permanent towers for meteorological equipment shall be free standing. Permanent meteorological towers shall be located no less than 1.1 times the total tower height from the edge of the nearest public road right-of-way and the Designated Site boundary, or in compliance with the county ordinance regulating meteorological towers, whichever is more restrictive.

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

#### **4.12 Aviation**

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

#### **4.13 Footprint Minimization**

The Permittee shall design and construct the Project to minimize the amount of land that is impacted. 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 wind turbines or inside the wind turbines unless otherwise negotiated with the affected landowner.

## **5 GENERAL CONDITIONS**

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

### **5.1 Site Permit Distribution**

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

### **5.2 Access to Property**

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

### **5.3 Construction and Operation Practices**

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

#### **5.3.1 Field Representative**

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

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at

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

### **5.3.2 Site Manager**

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

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

### **5.3.3 Employee Training - Site Permit Terms and Conditions**

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

### **5.3.4 Independent Third-Party Monitoring**

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of the Commission. The scope of work shall be developed in consultation with and approved by Commission staff. This third-party monitor will report directly to and will be under the control of Commission staff with costs borne by the Permittee. Commission staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed in eDockets in accordance with scope of work approved by Commission staff.

### **5.3.5 Public Services and Public Utilities**

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

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

### **5.3.6 Topsoil Protection**

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

### **5.3.7 Soil Compaction**

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the Project's life and shall confine compaction to as small an area as feasible. The Permittee shall use soil decompaction measures on all lands utilized for Project construction and travelled on by heavy equipment (e.g., cranes and heavy trucks), even when soil compaction minimization measures are used.

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

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling

vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the facilities shall be returned to pre-construction conditions.

### **5.3.9 Wetlands and Water Resources**

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

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

### **5.3.10 Vegetation Removal**

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

No tree removal shall occur June 1 through August 15.

### **5.3.11 Application of Pesticides**

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the MDA, DNR, and the U.S. Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at

least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commission staff.

#### **5.3.12 Invasive Species**

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by Project construction activities. The Permittee shall develop an Invasive Species Prevention Plan and file it with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.

#### **5.3.13 Noxious Weeds**

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil, the Permittee shall select site-appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **5.3.14 Public Roads**

Where practical, the Permittee shall use existing roadways for activities associated with the Project and shall use all-weather roads to transport cement, turbines, towers, assembled nacelles, and all other heavy components. At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission a Public Road Use Report that:

- (a) includes a map that identifies which roads will be used for the Project;
- (b) identifies who has jurisdiction over the roads;
- (c) indicates whether inspections of the roads are required prior to Project construction;  
and
- (d) provides the status of Public Road Use Agreements or Public Road Development Agreements.

The Permittee must obtain and file with the Commission Public Road Use Agreements or Public Road Development Agreements before Project construction may begin. The Public Road Use Agreements or Public Road Development Agreements shall include: (1) written authorizations from governmental entities that have jurisdiction over roads used for the Project, and (2) maintenance and repair plans that may be required based on damages from Project construction.

### **5.3.15 Turbine Access Roads**

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

Any access roads that are constructed across streams or drainage ditches shall be designed and constructed in a manner that maintains existing fish passage. Access roads that are constructed across grassed waterways that provide drainage for surface waters that are ephemeral in nature, are not required to maintain or provide fish passage. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

The Permittee shall provide the local soil and water conservation district and participating landowners an opportunity to review and comment on access road plans in order to minimize the potential to pond and divert water creating gully erosion or the potential to cause damage or failure to existing conservation practices, such as terraces, sediment control basins or diversions prior to finalization and installation. The Permittee shall file documentation of turbine access road coordination at least 14 days prior to the pre-construction meeting.

### **5.3.16 Private Roads**

The Permittee shall promptly repair private roads or lanes damaged during Project construction and operation unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

### **5.3.17 Archaeological and Historic Resources**

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

Prior to construction, the Permittee shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **5.3.18 Interference**

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

The Permittee shall not operate the Project in a manner that causes microwave, television, radio, telecommunications, or navigation interference in violation of Federal Communications Commission (FCC) regulations or other law. In the event the Project causes such interference, the Permittee shall take timely measures necessary to correct the problem. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **5.3.19 Livestock Protection**

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

#### **5.3.20 Fences**

The Permittee shall promptly replace or repair all fences and gates removed or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner. When the Permittee installs a gate where electric fences are present, the Permittee shall provide for continuity in the electric fence circuit. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.



#### **5.3.21 Drainage Tiles**

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

#### **5.3.22 Equipment Storage**

The Permittee shall locate temporary equipment staging areas only on lands where it has received permission from the landowner. Temporary equipment staging areas shall not be located in wetlands or native prairie as defined in Sections 4.6 and 4.7. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **5.3.23 Restoration**

The Permittee shall restore the areas affected by construction of the Project to the condition that existed immediately before construction began to the greatest extent possible. The time period to complete restoration may be no longer than 12 months after the completion of construction, unless otherwise negotiated with the affected landowner. Restoration shall be compatible with the safe operation, maintenance, and inspection of the Project. Within 60 days after completion of all restoration activities, the Permittee shall file with the Commission a Notice of Restoration Completion.

#### **5.3.24 Cleanup**

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

#### **5.3.25 Pollution and Hazardous Waste**

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

### **5.3.26 Damages**

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

### **5.3.27 Public Safety**

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

The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of the construction of the Project.

### **5.3.28 Turbine Identification**

The Permittee shall mark all turbines and towers with a clearly visible identification number and the name of the Project.

### **5.3.29 Federal Aviation Administration Lighting**

The Permittee shall mark turbines and towers as required by the FAA. There shall be no lights on turbines or towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment. The Permittee shall install and employ an FAA-approved lighting mitigation system, such as an aircraft detection lighting system (ADLS), light intensity dimming solution (LIDS), or other FAA-approved mitigation method. The Permittee shall describe the lighting mitigation system used for the Project in the Site Plan.

## **5.4 Communication Cables**

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

## **5.5 Electrical Collector and Feeder Lines**

The Permittee shall bury underground collector lines that carry electrical power from each individual transformer associated with a wind turbine to an internal Project interconnection point. The Permittee shall place collector lines within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner.

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

The Permittee shall locate feeder lines in such a manner as to minimize interference with agricultural operations including but not limited to existing drainage patterns, drain tile, future tiling plans, and ditches. The Permittee shall place safety shields on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the Site Plan pursuant to Section 10.3.

## **5.6 Other Requirements**

### **5.6.1 Safety Codes and Design Requirements**

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

### **5.6.2 Other Permits and Regulations**

The Permittee shall comply with all applicable state statutes and rules. The Permittee shall obtain all required permits for the Project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations.

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

name of the permit, authorization, or approval being sought; contact person and contact information for the permitting agency or authority; brief description of why the permit, authorization, or approval is needed; application submittal date; and the date the permit, authorization, or approval was issued or is anticipated to be issued.

The Permittee shall demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as such and an updated Other Permits and Regulations Submittal prior to commencing Project construction. The Permittee shall provide a copy of any such permits, authorizations, and approvals upon the request of Commission staff.

## **6 SPECIAL CONDITIONS**

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

### **6.1 Dust Control**

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

### **6.2 Wildlife-Friendly Erosion Control**

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

### **6.3 Non-turbine and Non-tower Facility Lighting**

The Permittee shall use shielded downward facing lighting and LED lighting that minimizes blue hue at all Project facilities not related to necessary FAA lighting of turbines and meteorological towers.

### **6.4 Snowmobile Trails**

The Permittee shall locate all turbines at least 250 feet from existing snowmobile trails. The Permittee shall coordinate with local snowmobile groups regarding potential project related impacts to the snowmobiles trails with the Designated Site. Coordination with local snowmobile groups shall include discussions of potential construction timing and activities that could impact the trail and potential trail rerouting needs.

## **7 SURVEYS AND REPORTING**

### **7.1 Biological and Natural Resource Inventories**

The Permittee, in consultation with the Commission and the DNR, shall design and conduct pre-construction desktop and field inventories of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas within the Designated Site and assess the presence of state- or federally-listed or threatened species. The Permittee shall file with the Commission the results of the inventories at least 30 days prior to the pre-construction meeting to confirm compliance of conditions in this site permit. The Permittee shall file with the Commission any biological surveys or studies conducted on this Project, including those not required under this site permit.

## **7.2 Shadow Flicker**

The Permittee shall file with the Commission a Shadow Flicker Modeling Report at least 14 days prior to the pre-construction meeting. The Shadow Flicker Modeling Report shall contain:

- (a) the predicted number of hours of shadow flicker at each existing residence in-place at the time of this site permit issuance that have the potential to be subject to shadow flicker;
- (b) whether modeled residences are participating landowners;
- (c) a description of the specific model used, and any modeling assumptions made; and
- (d) a description of the Permittee's efforts to avoid, minimize and mitigate shadow flicker exposure.

If the Shadow Flicker Modeling Report predicts 30 hours or more of shadow flicker per year at any residence in-place at the time of this site permit issuance, the Permittee shall file with the Commission a Shadow Flicker Management Plan at least 14 days prior to the pre-operation meeting. The Shadow Flicker Management Plan shall contain a description of the Permittee's:

- (a) efforts to avoid, minimize and mitigate shadow flicker exposure, which may include providing screening or turbine curtailment; and
- (b) communication and new agreements with landowners that are predicted to experience 30 hours or more of shadow flicker per year.

The Commission may require the Permittee to install shadow flicker monitoring at any time during the life of this site permit.

## **7.3 Wake Loss Studies**

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the pre-construction micro-siting analysis leading to the final turbine locations and

an estimate of total Project wake losses. As part of the Annual Project Energy Production Report required under Section 10.8 of this site permit the Permittee shall file with the Commission any operational wake loss studies conducted on the Project during the calendar year preceding the report.

#### **7.4 Noise Studies**

In consultation with Commission staff, the Permittee shall develop a post-construction noise monitoring protocol (Noise Monitoring Protocol) that is consistent with Commerce's Large Wind Energy Conversion Systems Noise Monitoring Protocol and Report guidance. The Permittee shall file the Noise Monitoring Protocol with the Commission at least 14 days prior to the pre-construction meeting.

The Permittee shall conduct a noise study according to the Noise Monitoring Protocol and file a Post-Construction Noise Monitoring Report with the Commission within 18 months of commencing commercial operation.

#### **7.5 Avian and Bat Protection**

##### **7.5.1 Operational Phase Fatality Monitoring**

The Permittee shall utilize a qualified third party to conduct a minimum of two (2) full years of avian and bat fatality monitoring commencing with Project operation. Monitoring activities and results will be coordinated directly with the DNR, the U.S. Fish and Wildlife Service (USFWS), and Commission staff. Detailed monitoring protocols, agency coordination, and any avoidance and minimization measures will be detailed in the Avian and Bat Protection Plan (ABPP).

##### **7.5.2 Avian and Bat Protection Plan**

The Permittee shall review and update the Avian and Bat Protection Plan (ABPP) that was submitted as part of its Site Permit Application. The ABPP must address steps that will be taken to identify and mitigate impacts to avian and bat species during the construction and operation phases of the Project. The ABPP shall also include formal and incidental post-construction fatality monitoring, training, wildlife handling, documentation (*e.g.*, photographs), and reporting protocols for each phase of the Project. The Permittee shall file the updated ABPP with the Commission, and provide electronic copies to DNR and USFWS, at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed ABPP.

The Permittee shall, by the 15th of March following each complete or partial calendar year of operation, file with the Commission an annual report detailing the findings of its annual audit of ABPP practices. The annual report shall include summarized and raw data of bird and bat

fatalities and injuries and shall include bird and bat fatality estimates for the project using agreed upon estimators from the prior calendar year. The annual report shall also identify any deficiencies or recommended changes in the operation of the Project or in the ABPP to reduce avian and bat fatalities and shall provide a schedule for implementing the corrective or modified actions. The Permittee shall provide a copy of the report to the DNR and USFWS at the time of filing with the Commission.

### **7.5.3 Quarterly Avian and Bat Incident Reports**

The Permittee shall file quarterly Avian and Bat Incident Reports with the Commission, and provide electronic copies to DNR and USFWS. The quarterly Avian and Bat Incident Reports are due by the 15th of January, April, July, and October commencing the day following commercial operation and terminating upon the expiration of this site permit. The Avian and Bat Incident Reports must include:

- (a) identification of dead or injured avian and bat species;
- (b) the location of the find, including identifying the nearest turbine;
- (c) the date of the find;
- (d) the potential cause of the death or injury; and
- (e) steps taken to avoid future occurrences.

### **7.5.4 Immediate Avian and Bat Incident Notification**

The Permittee shall file an Immediate Avian and Bat Incident Notification with the Commission, and provide an electronic copy to the USFWS and the DNR within 24 hours of the discovery of any of the following:

- a. five or more dead or injured birds or bats at a single turbine during a single survey, or twenty or more dead or injured birds or bats across the entire facility during a single survey (potential mass casualty event).
- 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, including species proposed for listing; or
- d. one or more dead or injured bald or golden eagle.

Within seven days of filing the Immediate Avian and Bat Incident Notification, the Permittee shall file an Avian and Bat Incident Report with the Commission, and provide electronic copies to the DNR and the USFWS. The Avian and Bat Incident Report must include identification of

dead or injured avian and bat species, including pictures; the location of the find, including identifying the nearest turbine; the date of the find; the potential cause of the death or injury; a detailed log of agencies and individuals contacted; and steps taken to avoid future occurrences.

#### **7.5.5 Turbine Operational Curtailment**

The Permittee shall lock or feather up to the manufacturer's standard cut-in speed all Project turbines from one-half hour before sunset to one-half hour after sunrise from April 1 to October 31. All turbines at the facility must be equipped with operational software that can allow for adjustment of turbine cut-in speeds.

### **8 AUTHORITY TO CONSTRUCT LWECS**

#### **8.1 Wind Rights**

At least 14 days prior to the pre-construction meeting, the Permittee shall demonstrate that it has obtained the wind rights and any other rights necessary to construct and operate the Project within the Designated Site authorized by this site permit. Nothing in this site permit shall be construed to preclude any other person from seeking a permit to construct a wind energy conversion system within the Designated Site 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 site permit is issued, the Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This site permit does not authorize construction of the Project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project. In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project within two years of the issuance of this site permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this site permit should be amended or revoked. No amendment or revocation of this site permit may be undertaken except in accordance with Minn. R. 7854.1300.

#### **8.3 Failure to Commence Construction**

If the Permittee has not commenced construction of the Project within two years after issuance of this site permit, the Permittee shall file a Failure to Construct Report and the Commission



shall consider amendment or revocation of this site permit in accordance with Minn. R. 7854.1300.

## **9 COMPLAINT PROCEDURES**

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

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

## **10 COMPLIANCE REQUIREMENTS**

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

### **10.1 Pre-Construction Meeting**

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

### **10.2 Pre-Operation Meeting**

At least 14 days prior to commercial operation of the Project, the Permittee shall participate in a pre-operation meeting with Commission staff to coordinate field monitoring of operation activities for the Project. Within 14 days following the pre-operation meeting, the Permittee shall file 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 file with the Commission, and provide the counties where the Project will be constructed with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations of 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 Designated Site boundary and turbine layout in relation to that approved by this site 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. The Permittee shall notify affected landowners and city and township clerks that the site plan is on file with the Commission and the counties where the Project will be constructed. The Permittee shall file with the Commission an affidavit of its notification to landowners and city and township clerks.

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 earlier of (i) 30 days after the pre-construction meeting or (ii) or until the Commission staff has notified the Permittee in writing that it has completed its review of the pre-construction documents and determined that the planned construction is consistent with this site permit.

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

If the Permittee intends to make any significant changes in its site plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission staff and county staff at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this site permit.

If previously unidentified human or environmental conditions are discovered during construction that by law or pursuant to conditions outlined in this site permit would preclude the use of that site as a turbine location, the Permittee shall have the right to relocate the

turbine. Under these circumstances, the Permittee shall notify the Commission, the MPCA, the DNR, the county, city and township clerks, and the affected landowners of any turbines that are to be relocated and provide the previously unidentified environmental conditions and how the movement of the turbine mitigates the human or environmental impact at least five days before implementing the changes. No changes shall be made that would be in violation of any terms of this site permit.

#### **10.4 Status Reports**

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

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

#### **10.5 Labor Statistic Reporting**

The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:

- (a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers; and
- (b) provide an account of:
  - i. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7;
  - ii. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and
  - iii. the total gross hours worked or total full-time equivalent workers.

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

#### **10.6 Prevailing Wage**

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

#### **10.7 In-Service Date**

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

#### **10.8 As-Builts**

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

#### **10.9 GPS Data**

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

#### **10.10 Project Energy Production**

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

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

The Permittee shall file this information in a format recommended by Commission staff. This information shall be considered public and must be filed electronically.

#### **10.11 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 with the Project Energy Production Report. This information shall be considered public and must be filed electronically.

#### **10.12 Emergency Response**

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

#### **10.13 Extraordinary Events**

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

### **11 DECOMMISSIONING, RESTORATION, AND ABANDONMENT**

#### **11.1 Decommissioning Plan**

The Permittee shall comply with the provisions of the most recently filed and accepted Decommissioning Plan. The initial version of the Decommissioning Plan was submitted for this Project as part of the Decommissioning Plan, Appendix H to the April 3, 2025 Site Permit Application for Bent Tree North Wind Farm. The Permittee shall file an updated Decommissioning Plan, incorporating comments and information from the permitting process

and any updates associated with the final construction plans, with the Commission 14 days before the pre-construction meeting. The Permittee shall update and file the Decommissioning Plan with the Commission every five years following the commercial operation date.

The Decommissioning Plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration 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 to 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 Final Site Restoration**

Upon expiration of this site permit or upon termination of operation of the Project, the Permittee shall have the obligation to dismantle and remove from the site all turbines, towers, turbine generators, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment in accordance with the most recently filed and accepted Decommissioning Plan. To the extent feasible, the Permittee shall restore and reclaim the site to pre-project conditions. Landowners may require the site be returned to agricultural production or may retain restored prairie vegetation, or other land uses as agreed to between the landowner and the Permittee. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be filed with the Commission prior to commencing restoration activities. The Permittee shall restore the site in accordance with the requirements of this condition and file a Notification of Final Restoration Completion to the Commission within 18 months of termination of operation of the Project.

### **11.3 Abandoned Turbines**

The Permittee shall notify the Commission of any turbines that are abandoned prior to termination of operation of the Project. Equipment shall be considered abandoned after one

year without energy production and shall be decommissioned and the land shall be restored pursuant to sections 11.1 and 11.2, unless a plan is submitted to and approved by the Commission outlining the steps and schedule for returning the equipment to service.

## **12 COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE**

### **12.1 Final Designated Site Boundaries**

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

### **12.2 Expansion of Designated Site Boundaries**

No expansion of the Designated Site boundaries described in this site permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundaries of the Designated 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 site permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this site permit. No modification may be made except in accordance with applicable statutes and rules.

### **12.4 Modification of Conditions**

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

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

### **12.5 More Stringent Rules**

The issuance of this 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.

## **12.6 Right of Entry**

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

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

## **12.7 Proprietary Information**

Certain information required to be filed with the Commission under this site 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 SITE PERMIT AMENDMENT**

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

## **14 TRANSFER OF SITE PERMIT**

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

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



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

The transferee must provide the Commission with the name and contact information for the site manager, as described in Section 5.3.2, and either a current version with eDocket reference, or a revised version of the following:

- (a) complaint procedures, as described in Section 9 and Attachment 1;
- (b) ERP, as described in Section 10.11; and
- (c) decommissioning plan, as described in Section 11.1.

The Commission may authorize transfer of the site permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. R. 7854.1400.

## **15 REVOCATION OR SUSPENSION OF SITE PERMIT**

The Commission may initiate action to revoke or suspend this site permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7854.1300, to revoke or suspend this site permit.

## **16 EXPIRATION DATE**

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

**ATTACHMENT 1**

**Complaint Handling Procedures for Permitted Energy Facilities**

Preliminary Draft Site Permit

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

**A. Purpose**

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

**B. Scope**

This document describes complaint reporting procedures and frequency.

**C. Applicability**

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

**D. Definitions**

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

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

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

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

## **E. Complaint Documentation and Processing**

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

## **F. Reporting Requirements**

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

**Immediate Reports:** All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Public Advisor at 1-800-657-3782 (voice messages are acceptable) or [publicadvisor.puc@state.mn.us](mailto:publicadvisor.puc@state.mn.us). For e-mail reporting, the email

subject line should read "PUC EFP Complaint" and include the appropriate project docket number.

**Monthly Reports:** During project construction, restoration, and operation, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Will Seuffert, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>. If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

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

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

#### **G. Complaints Received by the Commission**

Complaints received directly by the Commission from aggrieved persons regarding the permit or issues related to site or route preparation, construction, cleanup, restoration, or operation and maintenance will be promptly sent to the permittee.

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

#### **H. Commission Process for Unresolved Complaints**

Complaints raising substantial and unresolved permit issues will be investigated by the Commission. Staff will notify the permittee and appropriate people if it determines that the

complaint is a substantial complaint. With respect to such complaints, the permittee and complainant shall be required to submit a written summary of the complaint and its current position on the issues to the Commission. Staff will set a deadline for comments. As necessary, the complaint will be presented to the Commission for consideration.

**I. Permittee Contacts for Complaints and Complaint Reporting**

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

**ATTACHMENT 2**

Compliance Filing Procedures for Permitted Energy Facilities

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

**A. Purpose**

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

**B. Scope and Applicability**

This procedure encompasses all known compliance filings required by permit.

**C. Definitions**

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

**D. Responsibilities**

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

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

2. All filings must have a cover sheet that includes:
  - a. Date
  - b. Name of submitter/permittee
  - c. Type of permit (site or route)
  - d. Project location
  - e. Project docket number
  - f. Permit section under which the filing is made
  - g. Short description of the filing



3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Will Seuffert, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

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

Preliminary Draft Site Permit  
**SAMPLE PERMIT**

## PERMIT COMPLIANCE FILINGS<sup>1</sup>

PERMITTEE:

PERMIT TYPE:

PROJECT LOCATION:

PUC DOCKET NUMBER:

Filing Number	Permit Section	Description of Compliance Filing	Due Date

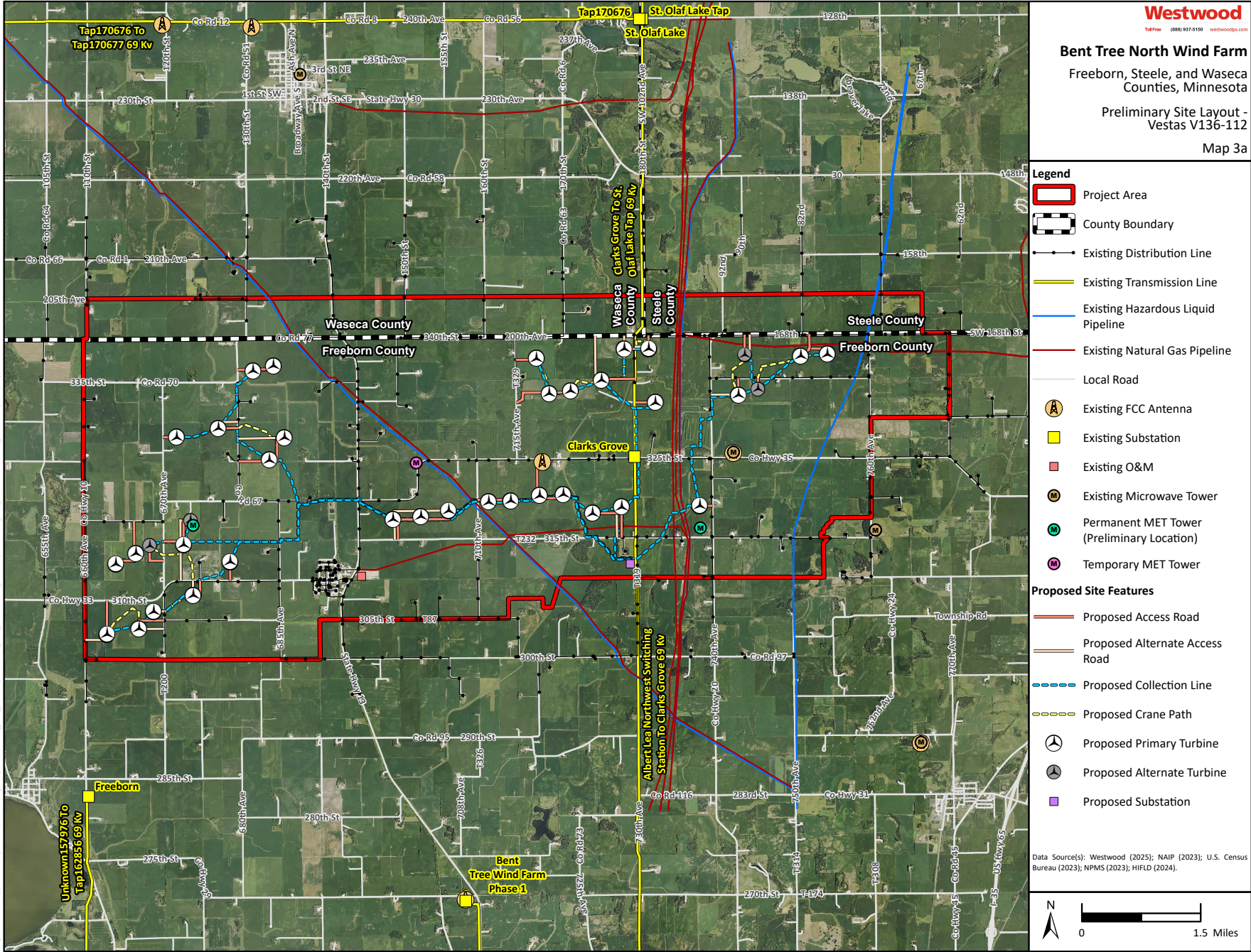
---

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

**ATTACHMENT 3**  
LWECS Site Permit Maps

SAMPLE PERMIT

© 2025 Westwood Professional Services, Inc.


















Map 3b: Preliminary Site Layout – Vestas V136-120  
Bent Tree North Wind Farm

Freeborn, Steele, and Waseca  
Counties, Minnesota








Preliminary Site Layout -  
Vestas V136-120

Map 3b

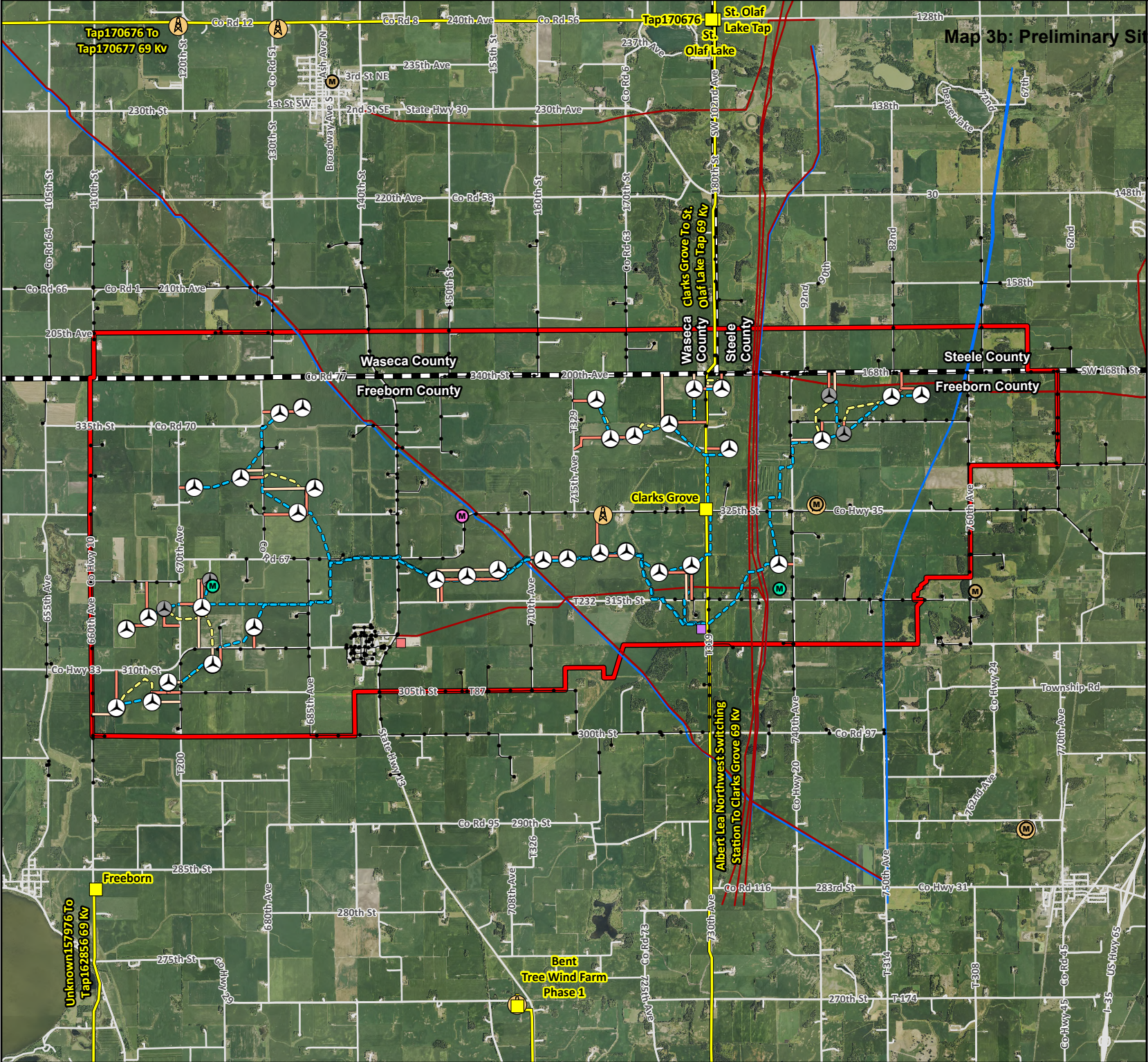
Legend

-  Project Area
-  County Boundary
-  Existing Distribution Line
-  Existing Transmission Line
-  Existing Hazardous Liquid Pipeline
-  Existing Natural Gas Pipeline
-  Local Road
-  Existing FCC Antenna
-  Existing Substation
-  Existing O&M
-  Existing Microwave Tower
-  Permanent MET Tower (Preliminary Location)
-  Temporary MET Tower

Proposed Site Features

-  Proposed Access Road
-  Proposed Alternate Access Road
-  Proposed Collection Line
-  Proposed Crane Path
-  Proposed Primary Turbine
-  Proposed Alternate Turbine
-  Proposed Substation

Data Source(s): Westwood (2025); NAIP (2023); U.S. Census Bureau (2023); NPMS (2023); HIFLD (2024).



Map Document: \\westwoodps.local\Global Projects\0035761.00\GIS\_ArcPro\0035761\_040\_SPAExhibits\_250117.aprx 1/23/2025 12:59 PM (Maldonado)