

**ATTACHMENT A**

Draft Site Permit

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

SITE PERMIT FOR A  
SOLAR ENERGY GENERATING SYSTEM

IN  
DODGE COUNTY

ISSUED TO  
BYRON SOLAR, LLC

PUC DOCKET NO. IP-7041/GS-20-763

In accordance with the requirements of Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850 this ~~site~~ permit is hereby issued to:

**BYRON SOLAR, LLC**

The Permittee is authorized by this ~~site~~ permit to construct and operate an up to 200-megawatt solar energy generating system and associated facilities. The solar energy generating system and associated facilities shall be built and operated within the site identified in this permit and as portrayed in the official site maps, and in compliance with the conditions specified in this permit.

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

Approved and adopted this **XX** day of **XX**

BY ORDER OF THE COMMISSION

~~Daniel P. Wolf~~, Will Seuffert  
Executive Secretary

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**ATTACHMENTS**

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedure for Permitted Energy Facilities

Attachment 3 – Site Maps

**1 SITE PERMIT**

The Minnesota Public Utilities Commission (Commission) hereby issues this ~~site~~ permit to Byron Solar, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This permit authorizes the Permittee to construct and operate an up to 200-megawatt (MW) solar energy generating system and associated facilities in Dodge County, Minnesota, and as identified in the attached site maps, hereby incorporated into this document (Byron Solar Project, henceforth known as Project).

**1.1 Preemption**

Pursuant to Minn. Stat. § 216E.10, this permit shall be the sole site approval required for the location, construction, and operation of the solar energy generating system and this permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.

**2 PROJECT DESCRIPTION**

**~~2.1 Associated Facilities~~**

The Project is an up to 200 MW solar energy generating system with associated facilities to be located on approximately 1,800 acres. The primary components of the solar energy generating system and associated facilities include:

- (a) photovoltaic panels affixed to a linear ground-mounted single-axis tracking system tracking system;
- (b) power inverters and transformers;
- (c) belowground electrical collection and communication lines;
- (d) security fencing;
- (e) a project substation;
- (f) access roads and parking lot;
- (g) up to five weather stations;
- (h) an operation and maintenance building;
- (i) stormwater ponds;

**~~2.2 Project Location~~**

**2.1 Project Location**

The ~~p~~Project is located in the following:

<b>County</b>	<b>Township Name</b>	<b>Township</b>	<b>Range</b>	<b>Sections</b>
<u>Dodge</u>	<u>Canisteo</u>	<u>106N</u>	<u>16W</u>	<u>2, 3, 10, 11, 12, 12, 14, 15</u>
	<u>Mantorville</u>	<u>107N</u>	<u>16W</u>	<u>35</u>

## 2.2 Project Ownership

The Permittee shall identify the Project's ownership structure including any parent entity, majority or controlling interest to the Commission at least 14 days prior to the pre-construction meeting.

In the event of an ownership change, such as the sale of a parent entity, majority or controlling interest, the Permittee shall identify the new Project's ownership structure, provide the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with e-docket reference, or a revised version of the following to the Commission:

- (a) vegetation management plan, as described in Section 4.3.17;
- (b) complaint procedures, as described in Section 7 and Attachment 1;
- (c) emergency response plan, as described in Section 8.10; and
- (d) decommissioning plan, as described in Section 9.

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

## 3 DESIGNATED SITE

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

~~The layout represents~~ The site maps show the Project Boundary and the approximate location of photovoltaic tracker rows the solar energy generating system and associated facilities within the project boundary and identifies a layout Project Boundary. The Commission sought to locate the solar energy generating system and associated facilities in a way that seeks to minimize ~~minimizes~~ minimizes the overall potential human and environmental impacts of the ~~p~~Project, which were evaluated in the permitting process. The ~~p~~Project ~~b~~Boundary 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~~ The Permittee shall make any modification to the location of a photovoltaic tracker row the solar energy generating system or other associated facility depicted in the preliminary layout shall be done facilities in such a manner to have comparable overall human and environmental impacts and shall ~~be specifically identified~~ identify them in the site plan pursuant to Section 8.3.

## 4 GENERAL CONDITIONS

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

#### 4.1 Permit Distribution

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

Within 30 days of ~~permit~~ issuance of this permit, the Permittee shall provide all ~~affected~~ landowners within or adjacent to the Project Boundary with a copy of this permit and the complaint procedures. In no case shall the landowner receive this ~~site~~ permit and complaint procedures less than five days prior to the start of construction on their property. ~~An affected landowner is any landowner or designee that is within or adjacent to the permitted site.~~ The Permittee shall file with the Commission an affidavit of its permit and complaint procedures distribution within 30 days of issuance of this permit.

#### 4.2 Access to Property

The Permittee shall contact ~~the~~ landowners prior to entering ~~the property~~ or conducting maintenance within the ~~site~~ landowner's property, unless otherwise negotiated with the ~~affected~~ landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

#### 4.3 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the ~~[Site Permit Application date and title]~~, ~~and the~~ record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail.

##### 4.3.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this permit during construction of the ~~p~~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 with the Commission at least 14 days prior to ~~commencing the~~ pre-construction meeting. The Permittee shall provide the field representative's contact information to ~~affected~~ landowners, ~~residents~~ within or adjacent to the Project Boundary, local government units and other interested persons at least 14 days prior to ~~commencing pre-construction~~ meeting. The Permittee may change the field representative at any time upon notice to the Commission, ~~affected~~ 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 field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

#### 4.3.2 *Site Manager*

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

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

#### 4.3.3 *Employee Training ~~and Education~~ of Permit Terms and Conditions*

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

#### 4.3.4 *Independent Third-Party Monitor*

Prior to any construction, the Permittees shall propose a scope of work and identify one independent third party monitor on behalf of the Department of Commerce. The scope of work shall be developed in consultation with and approved by the Department of Commerce. This third-party monitor will report directly to and will be under the control of the Department of Commerce with costs borne by the Permittee. The Permittee shall file the scope of work, and the name, address, email, phone number, and emergency phone number of the third-party monitor with the Commission at least 14 days prior to the pre-construction meeting, and upon changes to the scope of work or third-party monitor contact information.

~~4.3.4 Public Services and Public Utilities~~4.3.5 *Public Services and Public Utilities*

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

~~4.3.5 Temporary Work Space~~4.3.6 *Temporary ~~Work Space~~ Workspace*

~~Temporary work space~~ The Permittee shall select temporary workspace and equipment staging areas shall be selected to that limit the removal and impacts to vegetation. ~~Temporary work space~~ The Permittee shall not site temporary workspace in wetlands or native prairie as defined in sections 4.3.10 and 4.3.11. ~~Temporary work space~~ The Permittee shall be sited site temporary workspace to comply with standards for development of the shorelands of public waters as defined in Section 4.3.10.

~~Temporary~~ The Permittee shall obtain temporary easements outside of the authorized site boundary will be obtained Project Boundary from affected landowners through rental agreements and ~~as these~~ are not provided for in this permit.

~~4.3.6 Noise~~4.3.7 *Noise*

The Permittee shall comply with noise standards established under Minn. R. 7030.0100 ~~0100~~ 0010 to 7030.0080, at all times and at all appropriate locations during operation of the ~~facility~~ Project. Construction and maintenance activities shall be limited to daytime working hours to the extent practicable ~~to ensure nighttime noise level standards will not be exceeded.~~

~~4.3.7 Aesthetics~~4.3.8 *Aesthetics*

The Permittee shall consider input pertaining to visual impacts from landowners and land management agencies. ~~Care~~ The Permittee shall be used use care to preserve the natural

landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the ~~project~~ Project during construction and operation.

#### ~~4.3.1 Topsoil Protection~~

#### 4.3.9 Topsoil Protection

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

#### ~~4.3.2 Soil Compaction~~

#### 4.3.10 Soil Compaction

The Permittee shall implement measures to minimize soil compaction of all lands ~~during all phases of the project's life~~ utilized for Project construction and shall confine travelled on by cranes, heavy equipment, and heavy trucks; even when soil compaction to as small an area as practicable minimization measures are used.

#### ~~4.3.3 Soil Erosion and Sediment Control~~

#### 4.3.11 Soil Erosion and Sediment Control

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

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

#### ~~4.3.4 Public Lands~~

#### 4.3.12 Public Lands

In no case shall ~~photovoltaic tracker rows and~~ the Permittee locate the solar energy generating system or associated facilities including foundations, access roads, underground cable, and

~~transformers, be located~~ in the public lands identified in Minn.R. 7850.4400, subp. 1, or in federal waterfowl production areas. ~~Photovoltaic tracker rows and~~ The Permittee shall not locate the solar energy generating system or associated facilities ~~shall not be located~~ in the public lands identified in Minn. R. 7850.4400, subp. 3, unless there is no feasible and prudent alternative.

#### ~~4.3.5 Wetlands and Water Resources~~

##### ~~4.3.13 Wetlands and Water Resources~~

~~Photovoltaic tracker rows and~~ The Permittee shall not place the solar energy generating system or associated facilities, including access roads, underground cable and transformers shall not be placed in public waters and public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources (DNR) and the United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetlands Conservation Act. ~~Photovoltaic tracker rows~~ The Permittee shall locate the solar energy generating system and associated facilities including foundations, access roads, underground cable and transformers, shall be located in compliance with the standards for development of the shorelands of public waters as identified in Minn. R. 6120.3300, and as adopted, Minn. R. 6120.2800, unless there is no feasible and prudent alternative.

~~Construction~~ The Permittee shall construct in wetland areas ~~shall occur~~ during frozen ground conditions ~~to minimize impacts~~, 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. ~~Soil~~ The Permittee shall contain and manage soil excavated from the wetlands and riparian areas ~~shall be contained and managed~~ in accordance with all applicable wetland permits. ~~Wetlands~~ The Permittee shall access wetlands and riparian areas ~~shall be accessed~~ using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

~~Wetland~~ The Permittee shall restore wetland and water resource areas disturbed by construction activities ~~to shall be restored~~ pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. ~~All requirements of~~ The Permittee shall meet the USACE, DNR, and local units of government ~~shall be met~~ requirements.

#### ~~4.3.6 Native Prairie~~

##### ~~4.3.14 Native Prairie~~

~~Solar panels and associated facilities including foundations, access roads, collector and feeder lines, underground cable, and transformers shall not be placed~~ The Permittee shall not place the solar energy generating system or associated facilities in native prairie, as defined in Minn.

Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and shall not be located in areas enrolled in the Native Prairie Bank Program. ~~Construction-~~The Permittee shall not impact native prairie during construction activities, as defined in Minn. Stat. § 216E.01, ~~shall not impacts native prairie-~~ unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the ~~site boundaries-~~Project Boundary. The Permittee shall file the ~~plan-~~prairie protection and management plan with the Commission at least 30 days prior to submitting the site plan required by Section 8.3 of this permit. The prairie protection and management plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission.

#### *4.3.7 Vegetation Removal*

##### *4.3.15 Vegetation Removal*

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

#### *4.3.8 Beneficial Habitat*

##### *4.3.16 Beneficial Habitat*

The Permittee shall implement site restoration and management practices that provide for native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators; and ~~that enhances soil water retention and reduces storm water runoff and erosion.~~ The Permittee shall develop a vegetation management plan that incorporates, to the extent applicable and appropriate, the technical guidance and best management practices outlined in the DNR's Prairie Establishment and Maintenance Technical Guidance for Solar Projects<sup>1</sup>. ~~The vegetation management plan shall be filed at least 30 days prior to the pre-construction meeting-~~improve soil water retention and reduce storm water runoff and erosion. To ensure continued management and recognition of beneficial habitat, the Permittee is encouraged to ~~seek certification of-~~meet the standards for Minnesota's Habitat Friendly Solar Program by submitting project ~~by following guidance set forth by-~~plans, seed mixes, a completed project planning assessment form, and any other applicable documentation used to meet the Pollinator Plan provided by-standard to the Board of Water and Soil Resources (BWSR). ~~All-~~The Permittee shall file documents required ~~by the Board of Water and Soil~~

Resources for to be filed with BWSR for meeting and maintaining Habitat Friendly Solar Certification and maintenance of that certification should also be filed with the Commission.

#### 4.3.17 Vegetation Management Plan

The Permittee shall develop a vegetation management plan (VMP), in coordination with the Department of Commerce, DNR, BWSR, MPCA, and Agriculture, using best management practices established by the DNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the coordinating agencies with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall provide all landowners within the Project Boundary with copies of the VMP. The Permittee shall file with the Commission an affidavit of its distribution of the VMP to landowners at least 14 days prior to the pre-construction meeting.

The VMP must include the following:

- (a) management objectives addressing short term (year 0-5, seeding and establishment) and long term (year 5 through the life of the Project) goals;
- (b) a description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (broadcast, drilling, etc.), and the types of seed mixes to be used;
- (c) a description of how the site will be monitored and evaluated to meet management goals;
- (d) a description of the management tools used to maintain vegetation (e.g., mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities;
- (e) identification of the third-party (e.g., consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site;
- (f) identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized; and
- (g) a marked-up copy of the site plan showing how the site will be revegetated and that identifies the corresponding seed mixes.

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

#### 4.3.18 Agricultural Impact Mitigation Plan

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

#### *4.3.9 Application of Pesticides*

##### *4.3.19 Application of Pesticides*

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

#### *4.3.10 Invasive Species*

##### *4.3.20 Invasive Species*

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by ~~p~~Project construction activities. The Permittee shall develop an Invasive Species Prevention Plan to prevent the introduction and spread of invasive species on lands disturbed by ~~p~~Project construction activities and file with the Commission ~~30~~ at least 14 days prior to the pre-construction meeting.

#### *4.3.11 Noxious Weeds*

##### *4.3.21 Noxious Weeds*

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

#### *4.3.12 Roads*

##### *4.3.22 Roads*

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

activities associated with construction of the ~~facility Project~~. ~~Oversize~~ The Permittee shall not haul oversize or overweight loads associated with the ~~facility shall not be hauled across public roads~~ Project without required permits and approvals.

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

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

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

#### *4.3.13 Archaeological and Historic Resources*

##### *4.3.23 Archaeological and Historic Resources*

The Permittee shall make every effort to avoid impacts to ~~identified~~ archaeological and historic resources when constructing the ~~facility 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 ~~p~~Project impacts on the resource consistent with the SHPO and State Archaeologist requirements.

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

##### *4.3.14 Interference*



#### 4.3.24 Interference

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

#### ~~4.3.15 Restoration~~

#### 4.3.25 Restoration

The Permittee shall restore the areas affected by construction of the ~~solar facility~~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 ~~p~~Project. Within 60 days after completion of all restoration activities, the Permittee shall ~~advise~~notify the Commission in writing of the completion of such activities.

#### ~~4.3.16 Cleanup~~

#### 4.3.26 Cleanup

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

#### ~~4.3.17 Pollution and Hazardous Wastes~~

#### 4.3.27 Pollution and Hazardous Wastes

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

#### ~~4.3.18 Damages~~

#### 4.3.28 Damages

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

#### ~~4.3.19 Public Safety~~

#### 4.3.29 Public Safety

The Permittee shall provide educational materials to landowners within and adjacent to the site Project Boundary and, upon request, to interested persons about the ~~p~~Project and any restrictions or dangers associated with the ~~p~~Project. The Permittee shall also ~~provide~~ implement any necessary safety measures such as placing warning signs and gates for traffic control or to restrict public access. The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of ~~construction at the site~~ the construction of the Project. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

#### ~~4.3.20 Site Identification~~

#### 4.3.30 Site Identification

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

#### 4.3.31 Security Fencing

The Permittee shall design the security fence surrounding the solar energy generating system to minimize the visual impact of the Project. While maintaining compliance with the National Electric Safety Code, the Permittee shall coordinate with the DNR to further refine the appropriate fence design, identify ways to preclude wildlife entanglement in the security fence, and to ensure adequate deer escape technology. The Permittee shall submit the results of the coordination to the Commission as part of the site plan pursuant to Section 8.3.

#### 4.4 Feeder Lines

The Permittee must use a hybrid electrical collection system of aboveground and belowground conductors to balance direct and indirect aesthetic impacts, electrical interference potential, bird collisions and electrocution, and soil impacts.

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

~~Feeder line locations~~ The Permittee shall ~~be located~~ 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. ~~Safety~~ The Permittee shall place ~~safety~~ shields ~~shall be placed~~ on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the site plan pursuant to Section 8.3.

#### **~~4.5 Other Requirements~~**

##### **~~4.5.1 Safety Codes and Design Requirements~~**

#### **4.5 Safety Codes and Design Requirements**

The ~~Permittee shall design the~~ solar energy generating system and associated facilities ~~shall be designed~~ to meet or exceed all relevant local and state codes, Institute of Electrical and Electronics Engineers, Inc. (~~IEEE~~) standards, the National Electric Safety Code (~~NESC~~), and North American Electric Reliability Corporation (~~NERC~~) requirements. The Permittee shall ~~report to the Commission on~~ keep records of compliance with these standards and provide them upon the request of Department of Commerce or Commission staff.

##### **~~4.5.2 Other Permits and Regulations~~**

#### **4.6 Other Permits and Regulations**

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the ~~p~~Project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations. ~~A list of the permits known to be required is included in the permit application.~~ The Permittee shall submit a copy of such permits to the Commission upon request.

### **5 SPECIAL CONDITIONS**

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

#### **~~5.1 Landscaping Plan~~**

~~The Permittee shall develop a site specific landscaping plan that considers local government ordinances and setbacks, and that mitigates to the extent practical the visual impacts to all adjacent residences. The landscaping plan shall be filed at least 14 days prior to the pre-construction meeting. Within 14 days of approval of the final Landscaping Plan, the Permittee shall provide all affected landowners with copies of the plan.~~

#### **~~5.2 Vegetation Management Plan~~**

~~The Permittee shall develop a vegetation management plan in consultation with the DNR to the benefit of pollinators and other wildlife, and to enhance soil water retention and reduce storm water runoff and erosion. The vegetation management plan shall be filed at least 14 days prior to the pre-construction meeting. Within 14 days of approval of the final Vegetation Management Plan, the Permittee shall provide all affected landowners with copies of the plan.~~

### **5.3 Security Fence**

~~The security fence surrounding the facility shall be designed to minimize the visual impact of the project. While maintaining compliance with the NESC, the Permittee shall install an eight-foot wood pole and woven wire fence, or substantially similar, around the perimeter of the facility. This type of fence is commonly referred to as a “deer fence” or “agricultural fence.” The permittee shall consult with the DNR to insure the design of the facilities preserves or replaces identified natural wildlife, wetland, woodland or other corridors.~~

### **5.4 Tree Removal Timetables**

~~Tree removal required by the project shall be done between October 1st and March 30th to mitigate negative impacts to the northern long-eared bat and to minimize potential impacts on migratory birds, unless other appropriate time limitations on tree clearing are determined in consultation with the U.S. Fish and Wildlife Service (USFWS). The Permittee shall file an account of that consultation 14 days prior to the pre-construction meeting.~~

### **5.5 Independent Inspector**

~~The Permittee shall retain an independent third-party inspector, which could include a local unit of government with the inspection authority. The selection of the inspector and scope of the inspection effort shall be approved by the Department of Commerce and Commission’s Executive Secretary. The inspector shall oversee the construction process and ensure that the project conforms to the site permit terms, conditions, and the specifications outlined in the record. The inspector shall file a report at 30-day intervals with the Commission addressing compliance during construction and the first 60 days of operation.~~

### **5.1 Karst Geology**

The Permittee shall file a geotechnical investigation report prepared for the Project construction area by a third-party geotechnical engineer or authorized representative. The report shall include methodology, results, and conclusions drawn from the geotechnical investigation with recommendations on project design and construction. The Permittee shall file the geotechnical report with the with the Commission at least 14 days prior to the pre-construction meeting

The permittee shall not locate project infrastructure within 150 feet of documented active karst features and avoid all construction activity within 150 feet of documented active karst features.

Active karst is defined as areas underlain by carbonate bedrock with less than 50 feet of sediment cover.

## **5.2 Wildlife-Friendly Erosion Control**

The Permittee shall use only “bio-netting” or “natural netting” types and mulch products without synthetic (plastic) fiber additives.

## **5.3 Northern Long-Eared Bat (NLEB)**

For Project construction, the Permittee shall comply with the U.S. Fish and Wildlife Service guidance and requirements in effect regarding NLEB, including tree clearing restrictions if applicable.

## **5.4 Loggerhead Shrike**

The permittee shall avoid tree and shrub removal within suitable Loggerhead Shrike habitat during the April through July breeding season. If tree or shrub removal will occur within during the breeding season, the permittee shall coordinate with DNR to identify potentially suitable habitat and ensure that a qualified surveyor inspects the trees/shrubs for active nests prior to removal.

## **5.5 Visual Screening Plan**

As part of the VMP required under Section 4.3.17 of this permit, the Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences and address local government ordinances and setbacks.

The Permittee shall file documentation of coordination between landowners within 500 feet of the site boundary and Dodge County Office of Environmental Services at least 14 days prior to the pre-construction meeting with its VMP submittal. The Permittee shall provide a copy of the Visual Screening Plan to all landowners within 500 feet of the site boundary and Dodge County Environmental Services and shall file with the Commission an affidavit of its distribution of the Visual Screening Plan to landowners within 500 feet of the site boundary and Dodge County Environmental Services at least 14 days prior to the pre-construction meeting with its VMP submittal.

The Visual Screening Plan shall be developed in accordance with the Department of Commerce Guidance for Developing a Vegetation Establishment and Management Plan for Solar Facilities and shall include:

- a) management objectives for the screening of nearby residences;
- b) a description of planned restoration and vegetation management activities at the screening locations, including how the screening locations will be prepared, timing of

- activities, how planting will occur, the types of tree and shrub species to be used, plans for watering and other maintenance;
- c) a description of how the screening will be monitored and evaluated to meet management objectives;
  - d) a description of the management tools used to maintain screening vegetation (e.g., mowing, spot spraying, hand removal, etc.), including the timing and frequency of maintenance activities;
  - e) identification of the third-party (e.g., consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the screening;
  - f) identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized; and
  - g) a marked-up copy of the site plan showing how the location of the tree and shrub species.

## **6 DELAY IN CONSTRUCTION**

If the Permittee has not commenced construction or improvement of the site within four years after the date of issuance of this permit the Permittee shall file with the Commission a report on the failure to construct and the Commission shall consider suspension of ~~the~~ this permit in accordance with Minn. R. 7850.4700.

## **7 COMPLAINT PROCEDURES**

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

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

## **8 COMPLIANCE REQUIREMENTS**

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

### **8.1 Pre-Construction Meeting**

Prior to the start of any construction, the Permittee shall participate in a pre-construction meeting with the Department of Commerce and Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site

restoration activities. Within 14 days following the pre-construction meeting, the Permittee shall file ~~with the Commission,~~ a summary of the topics reviewed and discussed and a list of attendees with the Commission. The Permittee shall indicate in the filing the construction start date.

## 8.2 Pre-Operation Meeting

At least 14 days prior to commercial operation of the ~~facility-Project,~~ the Permittee shall participate in a pre-operation meeting with the Department of Commerce and Commission staff to coordinate field monitoring of operation activities for the ~~p~~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 with the Commission.

## 8.3 Site Plan

At least 30 days prior to the pre-construction meeting, the Permittee shall file with the Commission, and provide the Commission, the Department of Commerce, and the County(s) where the ~~site-Project~~ is located with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations ~~of photovoltaic panels and other structures to be constructed including all electrical equipment, pollution control equipment, fencing, roads, and other~~ the solar energy generating system and associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the ~~site boundary and~~ Project Boundary, solar energy generating system and associated facilities layout in relation to that approved by this permit.

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

## 8.4 Status Reports

The Permittee shall ~~report to the Commission~~ file monthly status reports on progress during regarding site construction with the Commission. ~~The Permittee need not report more frequently than monthly.~~ Reports shall begin with the ~~submittal of the site plan for the project~~ issuance of this permit and continue until completion of restoration. Reports shall describe construction activities and progress, and activities undertaken in compliance with this permit. Reports shall include text and photographs.

### 8.5 Labor Statistic Reporting

The Permittee shall file quarterly reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the pProject. The reports shall:

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

### 8.6 In-Service Date

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

### 8.7 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 pProject.

### 8.8 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 solar energy generating system and associated facilities.

### 8.9 Project Energy Production

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

- (a) the installed nameplate capacity of the permitted facility-Project;
- (b) the total daily energy generated by the facility-Project in MW hours;
- (c) the total monthly energy generated by the facility-Project in MW hours;



- (d) the monthly capacity factor of the ~~facility-Project~~;
- (e) yearly energy production and capacity factor for the ~~facility-Project~~;
- (f) the average monthly and average annual solar strength gradient measured in kWh/m<sup>2</sup>/Day observed at the ~~facility-Project~~;
- (g) the operational status of the ~~facility-Project~~ and any major outages, major repairs, or performance improvements occurring in the previous year; and
- (h) any other information reasonably requested by the Commission.

This information shall be considered public and must be filed electronically.

### **8.10 Emergency Response**

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the ~~facility-Project~~ prior to ~~project~~-construction. The Permittee ~~submit a copy of the plan 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 ~~plan-ERP~~, if any, at least 14 days prior to the pre-operation meeting. At least 14 days prior to the pre-construction 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 facility prior to commencement of construction-Project~~. The Permittee shall obtain and register the ~~facility-Project~~ address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the ~~facility-Project~~.

### **8.11 Extraordinary Events**

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

### **8.12 Wildlife Injuries and Fatalities**

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

## **9 DECOMMISSIONING AND RESTORATION**

### **9.1 Decommissioning Plan**

The Permittee shall ~~submit a~~ comply with the provisions of the most recently filed and accepted decommissioning plan to. The initial version of the decommissioning plan was submitted for this Project as Appendix H of the August 30, 2021, Site Permit Application. The Permittee shall

file an updated decommissioning plan incorporating comments and information from the permit application process and any updates associated with the final construction plans, with the Commission at least fourteen 14 days prior to the pre-operation construction meeting. The Permittee shall update and provide updates to file the decommissioning plan with the Commission every five years thereafter, following the commercial operation date.

The decommissioning plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The decommissioning plan shall provide an itemized breakdown of costs of decommissioning all pProject components, which shall include labor and equipment. The decommissioning plan shall identify cost estimates for the removal of solar panels, racks, underground collection cables, access roads, transformers, substations, and other pProject components. The decommissioning plan may also include anticipated costs for the replacement of panels or repowering the pProject 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 pProject 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 pProject at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

## **9.2 Site Final Restoration**

Upon expiration of this permit or upon termination of operation of the pProject, the Permittee shall have the obligation to dismantle and remove from the site all solar panels, mounting steel posts and beams, inverters, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment. To the extent feasible, the Permittee shall restore and reclaim the site to pre-pProject 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 submitted to the Commission prior to ~~completion of~~ commencing restoration activities.

The ~~site-Permittee shall be restored~~ restore the site in accordance with the requirements of this condition and file a notification of final restoration completion to the Commission within 18 months of termination of operation of the Project.

### **9.3 ~~Solar Installations~~ Equipment**

The Permittee shall ~~advise~~ notify the Commission of any ~~solar facilities~~ equipment that ~~are~~ is abandoned prior to termination of operation of the ~~p~~Project, ~~or equipment within the project.~~ Equipment shall be considered abandoned after one year without energy production and the land restored pursuant to Section 9.2 unless a plan is submitted to and approved by the Commission outlining the steps and schedule for returning the ~~project, or any equipment within the project,~~ to service.

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

### **10.1 ~~Final Boundaries~~ Project Boundary**

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

### **10.2 ~~Expansion of Site Boundaries~~ Project Boundary**

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

### **10.3 Periodic Review**

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

### **10.4 Modification of Conditions**

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

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

### 10.5 More Stringent Rules

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

### 10.6 Right of Entry

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

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

## 11 SITE PERMIT AMENDMENT

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

## 12 PERMIT TRANSFER OF PERMIT

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

The Permittee may request at any time that the Commission transfer this 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 the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with e-docket reference, or a revised version of the following:

- (a) VMP, as described in Section 4.3.17;
- (b) complaint procedures, as described in Section 7 and Attachment 1;
- (c) ERP, as described in Section 8.10; and
- (d) decommissioning plan, as described in Section 9.

### **13 REVOCATION OR SUSPENSION OF THE SITE PERMIT**

The Commission may initiate action to revoke or suspend this permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7850.5100, to revoke or suspend the permit.

### **14 EXPIRATION DATE**

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

**ATTACHMENT 1**

Complaint Handling Procedures for Permitted Energy Facilities

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

**A. Purpose**

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site 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. For e-mail reporting, the email



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

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

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

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

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

Complaints received directly by the Commission from aggrieved persons regarding 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 persons if it determines that the

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

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

Complaints may be filed by mail or email to the permittee's designated complaint representative, or to the Commission's Public Advisor at 1-800-657-3782 or [publicadvisor.puc@state.mn.us](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.

SAMPLE PERMIT

**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.

SAMPLE PERMIT

Permit Compliance Filings<sup>1</sup>

Permittee: Byron Solar, LLC

Permit Type: Solar Energy Generating System

Project Location: Dodge County

PUC Docket Number: IP-7041/GS-20-763

Due Date		Compliance Filing Description (Permit Section)	
<b>Pre-Construction</b>	monthly after permit issuance	🔄	status report (8.4)
	w/in 30 days of permit issuance	①	distribution of permit and complaint procedures (4.1)
	as needed	⚠️	delay in construction report (6) - if no construction w/in 4 years of permit issuance
		⚠️	<i>if participating</i> habitat friendly solar certification documents (4.3.16)
	30 days prior to site plan submittal	⚠️	<i>if required</i> prairie protection and management plan (4.3.14)
	30 days prior to pre-construction meeting	①	site plan (8.3) with security fencing coordination results (4.3.31) collector and feeder line engineering drawings (4.4) ⚠️ significant changes to site plan must be filed at least 5 days before implementation (8.3)
	14 days prior to pre-construction meeting	①	identify project owner (2.2) ⚠️ submit changes
		①	identify field representative and affidavit of distribution (4.3.1) ⚠️ submit changes
		①	3 <sup>rd</sup> party monitor scope of work and contact info (4.3.4) ⚠️ submit changes
		①	VMP and affidavit of distribution (4.3.17) with visual screening plan (5.5)
		①	AIMP and affidavit of distribution (4.3.18)
		①	invasive species prevention Plan (4.3.20)
		①	ERP and affidavit of distribution (8.10)
①		updated decommissioning plan (9.1)	
14 days after pre-construction meeting	①	geotechnical investigation report (5.1)	
14 days after pre-construction meeting	①	pre-construction meeting summary (8.1)	

<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.

Due Date		Compliance Filing Description (Permit Section)	
Pre-Operation	as needed	▲	extraordinary events (8.11) notify w/in 24 hours and file report within 30 days
		▲	immediate complaint report (Attach 1) – report same day or next if substantial complaint received after business hrs
	monthly	🔄	status report (8.4)
		🔄	complaint report (Attach 1) – by the 15 <sup>th</sup> of each month, reduced recordkeeping possible
	quarterly	🔄	labor statistic report (8.5) – w/in 45 days of quarter end
	14 days prior to pre-operation meeting	①	designate site manager and affidavit of distribution (4.3.2)
		▲	Submit changes ERP and affidavit of distribution (8.10) – if revised from pre-construction meeting
	14 days after pre-operation meeting	①	pre-operation meeting summary (8.2)
at least 3 days before operation	①	notice of in-service date and construction completion (8.6)	

Restoration	as needed	▲	extraordinary events (8.11) notify w/in 24 hours and file report within 30 days
		▲	immediate complaint report (Attach 1) – report same day or next if substantial complaint received after business hrs
	monthly	🔄	status report (8.4)
		🔄	complaint report (Attach 1) – by the 15 <sup>th</sup> of the month, reduced recordkeeping possible
	w/in 90 days of construction end	①	as-builts (8.7)
		①	GPS data (8.8)
w/in 60 days of restoration completion	①	completion of restoration activities notification (4.3.25)	

Operation	as needed	▲	if participating, habitat friendly solar certification documents (4.3.16)
		▲	extraordinary events (8.11) notify w/in 24 hours and file report within 30 days
		▲	immediate complaint report (Attach 1) – report same day or next if substantial complaint received after business hrs
		▲	abandoned equipment notification (9.3)
	monthly	🔄	complaint report (Attach 1) – by the 15 <sup>th</sup> of each month reduced recordkeeping possible
	quarterly	🔄	wildlife injuries and fatalities (8.12)
	annually	🔄	project energy production report (8.9) – by Feb 1
	every 5 years	🔄	updated decommissioning plan (9.1)
w/in 18 months of permit termination	①	site restoration (9.2)	

Key: 🔄 recurring submittal ① one-time submittal ▲ situation-dependent submittal

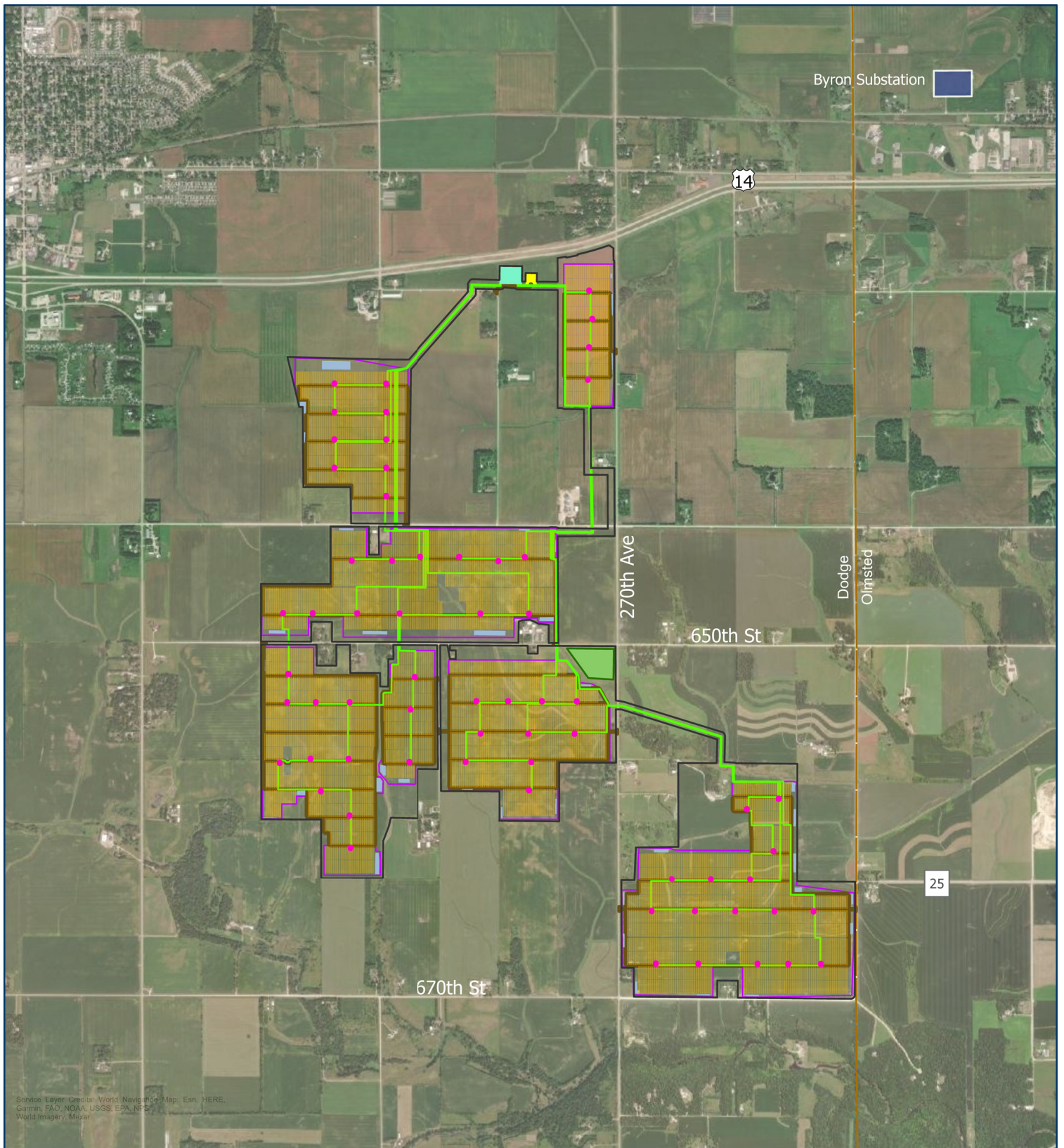
<b>Final Restoration</b>	①	final restoration agreements with landowners (9.2) – before beginning restoration
	①	notification of final restoration completion (9.2) – within 18 months of project termination

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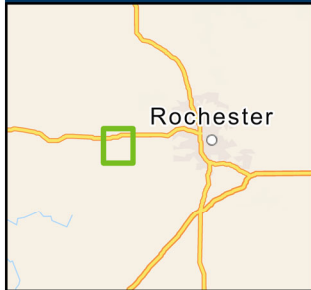













**ATTACHMENT 3**

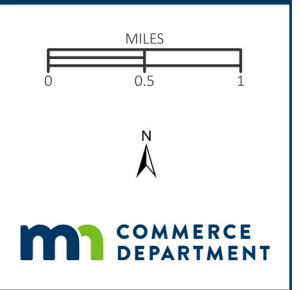
Site Map



### Byron Solar Project



	Solar Facility Boundary		Laydown Yard
	Array Racks		Access Roads
	Inverters		O&M Building
	Proposed Project Substation		Fence
	Collection		Byron Substation
	Stormwater Basins		



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