



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS AND RECOMMENDATIONS OF THE  
MINNESOTA OFFICE OF ENERGY SECURITY  
ENERGY FACILITY PERMITTING STAFF

DOCKET NO. IP-6824/WS-09-830

Meeting Date: October 22, 2009..... Agenda Item # \_\_\_\_

Company: West Stevens Wind, LLC

Docket No. IP-6824/WS-09-830

**In the Matter of the Site Permit Application for a 20 Megawatt (MW) Large Wind Energy Conversion System (LWECS) in Stevens County, Minnesota.**

Issue(s): Should the Commission authorize distribution of a draft site permit for public comment?

OES Staff: Scott Ek..... (651) 296-8813

**RELEVANT DOCUMENTS**

- Site Permit Application.....July 13, 2009
- Site Permit Application Supplemental/Amended Data (Revision A)..... August 27 and 31, 2009
- Minnesota Pollution Control Agency Comments on Application ..... September 17, 2009
- Minnesota Department of Natural Resources Comments on Application ..... September 30, 2009

The enclosed materials are work papers of the Office of Energy Security (OES) Energy Facility Permitting (EFP) staff. They are intended for use by the Minnesota Public Utilities Commission (Commission) and are based on information already in the record unless otherwise noted.

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## **DOCUMENTS ATTACHED**

Figure 1 – Proposed LWECS Site Location  
Proposed Draft Site Permit

Relevant documents and additional information can be found on eDockets (09-830) or the Commission's Energy Facilities Permitting website at: <http://energyfacilities.puc.state.mn.us/Docket.html?Id=24842>.

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## **STATEMENT OF THE ISSUES**

Should the Commission make a preliminary determination on whether a site permit may be issued or denied and authorize a draft LWECS site permit for distribution and public comment?

## **INTRODUCTION AND BACKGROUND**

West Stevens Wind, LLC (WSW or applicant) made application to the Minnesota Public Utilities Commission for a LWECS site permit under the Wind Siting Act (Minnesota Statutes, Chapter 216F) on July 13, 2009. The application is for the construction, operation, and maintenance of a proposed 20 MW wind farm and associated facilities. On August 27, 2009, the applicant filed supplemental and amended information to the initial application submittal.

The applicant is a Minnesota-based limited liability company owned by eight local entities. One of the eight WSW owners has a minor ownership interest in Carstensen Wind, LLC, and is the only WSW owner to have ownership or financial interest in another LWECS. WSW will own, manage and operate the project, including monitoring, maintenance, and repair activities. Mnioka, a Minnesota contracting and development company will manage construction and will be responsible for retaining general contractor services and certain specialty subcontractor for the project.

### **Project Description and Location**

The project is a proposed 20 MW wind farm to be located on approximately 2,880 acres of agricultural land just northwest of the city of Chokio in Stevens County, Minnesota (Figure 1). The project would consist of the following:

- Approximately 13 turbines (depending upon specifications)
- A permanent meteorological tower
- A project switchyard
- Transmission line interconnection point
- Permanent access roads

Pursuant to Minnesota Statute 216B.1612, subd. 2(g) the project qualifies as a community-based energy development project (C-BED).

## **REGULATORY PROCESS AND PROCEDURES**

Pursuant to the Minnesota Wind Siting Act, a site permit from the Commission is required to construct a LWECS, which is any combination of a wind charger, windmill, or wind turbine and associated facilities with a combined nameplate capacity of five MW or more that converts wind energy to electric energy. The rules to implement the permitting requirement for LWECS are found in Minnesota Rules 7854.0100 to 7854.1500.

### **Certificate of Need**

A certificate of need from the Commission for a large electric power generating plant is not required, as the project does not exceed 50 MW in size (Minnesota Statute 216B.2421).

### **Site Permit Application Acceptance**

The applicant filed an application with the Commission for a LWECS site permit on July 13, 2009. The Commission accepted the application as complete in an Order issued September 8, 2009.

### **Notice of Application Acceptance**

Within 15 days after the Commission's acceptance of a LWECS site permit application, the applicant is required to provide notice of the application. The notice is to be provided to the county board and each city council and township board in each county where the LWECS is proposed to be located and published in a newspaper of general circulation in each county. A Notice of Application Acceptance was distributed to the above identified parties on September 11 and 17, 2009. A Notice of Application Acceptance was published in the *Morris Sun Tribune* on September 19, 2009.

As a part of the notice requirements of Minnesota Rule 7854.0600, the applicant must provide a copy of the application to each landowner within the proposed site and to anyone upon request. The applicant is also required to distribute the application to the Minnesota Historical Society, the regional development commission(s), the auditor of each county, and the clerk of each city and township within which the LWECS is proposed to be located. The applicant sent a site application to the above identified parties on September 21, 2009.

In practice, OES staff also distributes copies of the application along with a cover memo requesting comments on the application or the project to technical representatives from state agencies (Pollution Control Agency, Department of Natural Resources, Minnesota Department of Transportation, Department of Employment and Economic Development, Board of Water and Soil Resources) that may have permitting or review authority over the project. A Notice of Application Acceptance was distributed to the above identified parties on September 11, 2009.

### **Public Comments**

Public comments were accepted through September 30, 2009. OES EFP staff received written comments from the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Natural Resources (DNR).

### **Preliminary Determination on Draft Site Permit**

In accordance with Minnesota Rule 7854.0800, the Commission shall make a preliminary determination on whether a permit may be issued or should be denied within 45 days after acceptance of the application.

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 does not authorize a person to construct a 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. OES staff will work with the public, local governmental units, and state agencies to identify issues, impacts and potential mitigation measures prior to bringing this matter back to the Commission for a final permit decision.

### **Public Participation Process**

If the Commission makes a preliminary determination that the draft site permit may be issued, the OES staff will implement the public participation process identified in Minnesota Rule 7854.0900. Notice of draft site permit availability and public information meeting is sent to all persons or agencies who received a copy of the permit application, is published in the *EQB Monitor* and in the county newspaper(s) where the project is proposed, and is posted on eDockets and on the Commission's energy facility permitting web page.

#### Public Meeting

A public meeting will be held at a convenient location in the vicinity of the proposed LWECS project. The meeting will provide the public an opportunity to learn about the proposed project and the Commission's role in review and approval of LWECS and to ask questions of the applicant and OES staff. The meeting is also an opportunity for the public to offer comments on the permit application and draft site permit, which serve as the environmental documents for the project.

#### Public Comment Period

A minimum 30-day public comment period commencing with the notice of the draft site permit availability in the *EQB Monitor* will afford any interested person an opportunity to submit comments on either the site permit application or the draft site permit. If necessary, the Commission may extend the public comment period to provide the public adequate time to review the application and other pertinent information in order to formulate complete comments on the draft site permit and the project.

Minnesota Rule 7854.0900, subp. 5, provides the opportunity for any person to request that a contested case hearing be held on the proposed LWECS project. The request must be filed within the time period established for submitting comments on the draft site permit and must include the issues to be addressed in a contested case hearing and the reasons a hearing is required to resolve these issues.

### **STAFF ANALYSIS AND COMMENTS**

The OES EFP staff received two comment letters during the 22-day comment period on the WSW LWECS permit application.

#### **Minnesota Pollution Control Agency**

In a September 17, 2009, letter the MPCA indicates that a National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit is required from the MPCA prior to commencing construction of the project.

*OES EFP Response:* As identified in Table 12.1 in Section 12 of the site permit application, a General NPDES/SDS permit will be obtained from the MPCA prior to commencing ground disturbance. Paragraph III.B.9. of the draft site permit also addresses the requirement of a NPDES/SDS permit from the MPCA.

The MPCA also indicates that should the project result in over 50 acres of disturbed area and has a discharge point within one mile of an impaired water the applicant would be required to submit their Stormwater Pollution Prevention (SWPP) Plan to the MPCA for review at least 30 days prior to commencing land disturbing activities.

*OES EFP Response:* Paragraph III.B.9. of the draft site permit addresses this requirement.

### **Minnesota Department of Natural Resources**

In a September 30, 2009, letter the DNR indicated that the LW ECS permit application was unclear regarding project specific impacts to wetlands.

*OES EFP Response:* The LW ECS permit application states in Section 5.5.5 (Wetlands) that, “No permanent impacts to state public wetlands or state jurisdictional wetlands are anticipated. No permanent impacts to federal jurisdictional wetlands or Waters of the U.S. are anticipated. Should final site layout require either temporary or permanent impacts to jurisdictional wetlands or waters, exceeding any allowable threshold and requiring either pre-construction notification or permit authority, such notification or permit authority will be obtained.”

Paragraph III.C.6 of the draft permit states, “Wind turbines and associated facilities including foundations, access roads, underground cable and transformers, shall not be placed in public waters and public waters wetlands, as defined in Minnesota Statutes section 103G.005, subd. 15 and 15a.

In addition, Paragraph III.D.4. of the draft permit for the project would require the applicant, prior to commencing construction, to perform a wetland delineation survey of the LW ECS project site. The delineation would be used to provide data for preconstruction micro siting analysis and final site plan and for purposes of the Minnesota Wetland Conservation Act, and Section 401 and 404 of the Clean Water Act.

The DNR also identifies the potential for hydrologic problems to wetlands due to the placement of culverts used when constructing turbine access roads.

*OES EFP Response:* Paragraph III.B.8(a). of the draft permit would restrict the applicant from constructing access roads across streams, wetlands, and drainage ways without required permits and approvals from the Minnesota Department of Natural Resources (DNR), the U.S. Fish and Wildlife Service (USFWS), and/or U.S. Army Corps of Engineers (USACE). Should access roads need to be constructed across streams and drainage ways, the access roads would be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed.

In its letter the DNR identifies a grant-in-aid snowmobile trail that runs east-west through the proposed project boundaries. They request a turbine setback of at least 250 feet from the snowmobile trail in the interest of safety.

*OES EFP Response:* The DNR did not provide a map depicting the location of the snowmobile trail that runs east-west through the project boundary. Therefore the potential impacts of the requested 250-foot setback to the proposed project and/or the existing snowmobile trail can not accurately be evaluated. The DNR also does not specifically indicate what the safety concerns are with regards to the wind turbine siting and snowmobile trails. In the January 11, 2008, Order Establishing General Wind Permit Standards the Commission, under Item II.B.3 (Setbacks from Roads and Recreational Trails) states, “Setbacks are primarily to enhance the aesthetic enjoyment of the trail user; however, the needs and desires of the owner of the property through which the trail runs must also be considered” and further concluded that, “A case-by-case analysis is best suited in recognition of many types of permanent and temporary recreational trails situated across the state.” The OES recommends that this issue be more fully developed by the DNR as development of the record proceeds.

The DNR finally indicates concern over the additive impacts or cumulative impacts of this and other potential LWECS sites in the general area. They go on to state that little is known about the cumulative impacts of LWECS, and the potential impacts can be difficult to assess. As more information is gathered, the DNR may have more specific comments and recommendations regarding cumulative impacts.

*OES EFP Response:* Comment noted.

OES staff used the information in the application and experience with other LWECS projects as a guide for evaluating whether a draft site permit may be issued for the project or should be denied, pursuant to Minnesota Rules 7854.0800, subp. 1. OES staff finds that the available information is sufficient to conclude that it is appropriate to make a preliminary determination that a site permit may be issued for the project. The applicant has agreed to provide staff with any additional information. A draft site permit has been prepared by OES staff identifying the permittee and describing the proposed LWECS project and proposed permit conditions. The draft site permit is attached to these Comments and Recommendations. Commission approval of the draft site permit will allow for distribution and initiation of the public review process which includes a formal public comment period.

## **COMMISSION DECISION OPTIONS**

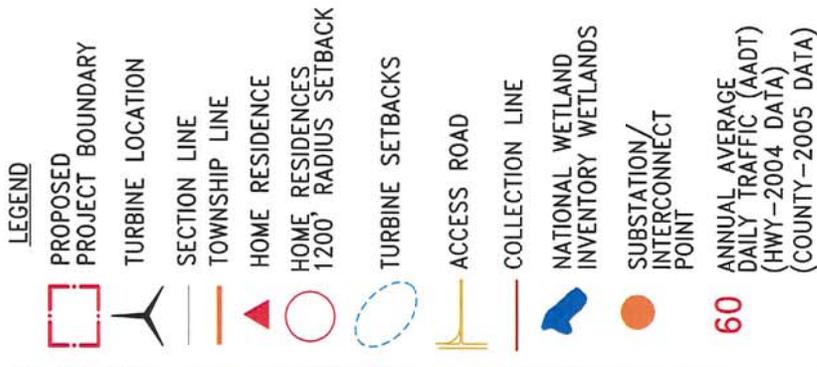
### **A. Preliminary Determination to Issue a Draft Site Permit**

1. Make a preliminary determination that a draft site permit may be issued.
2. Make a preliminary determination that a draft site permit should be denied.
3. Make some other decision deemed more appropriate.

### **B. Approve the Proposed Draft Site Permit for Distribution and Public Comment**

1. Approve the proposed draft site permit for distribution and public comment. Authorize OES EFP staff to implement the public participation process outlined in Minnesota Rules 7854.0900.
2. Amend or modify the proposed draft site permit for distribution and public comment. Authorize OES EFP staff to implement the public participation process found in Minnesota Rule 7854.0900.
3. Make some other decision deemed more appropriate.

**Energy Facility Permitting Staff Recommendation:** Staff Recommends Options A1 and B1.



**NOTES:**

LAND USE: ALL LAND IS CROP LANDS UNLESS NOTED OTHERWISE

CULTURAL RESOURCES: NONE FOUND WITHIN PROPOSED PROJECT BOUNDARY

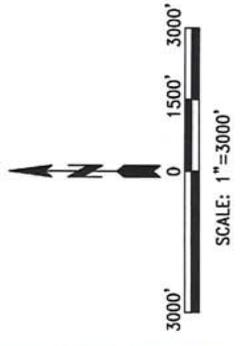
FLOOD PLAINS: NONE FOUND WITHIN PROPOSED PROJECT BOUNDARY

NATURAL HERITAGE: NONE FOUND WITHIN PROPOSED PROJECT BOUNDARY

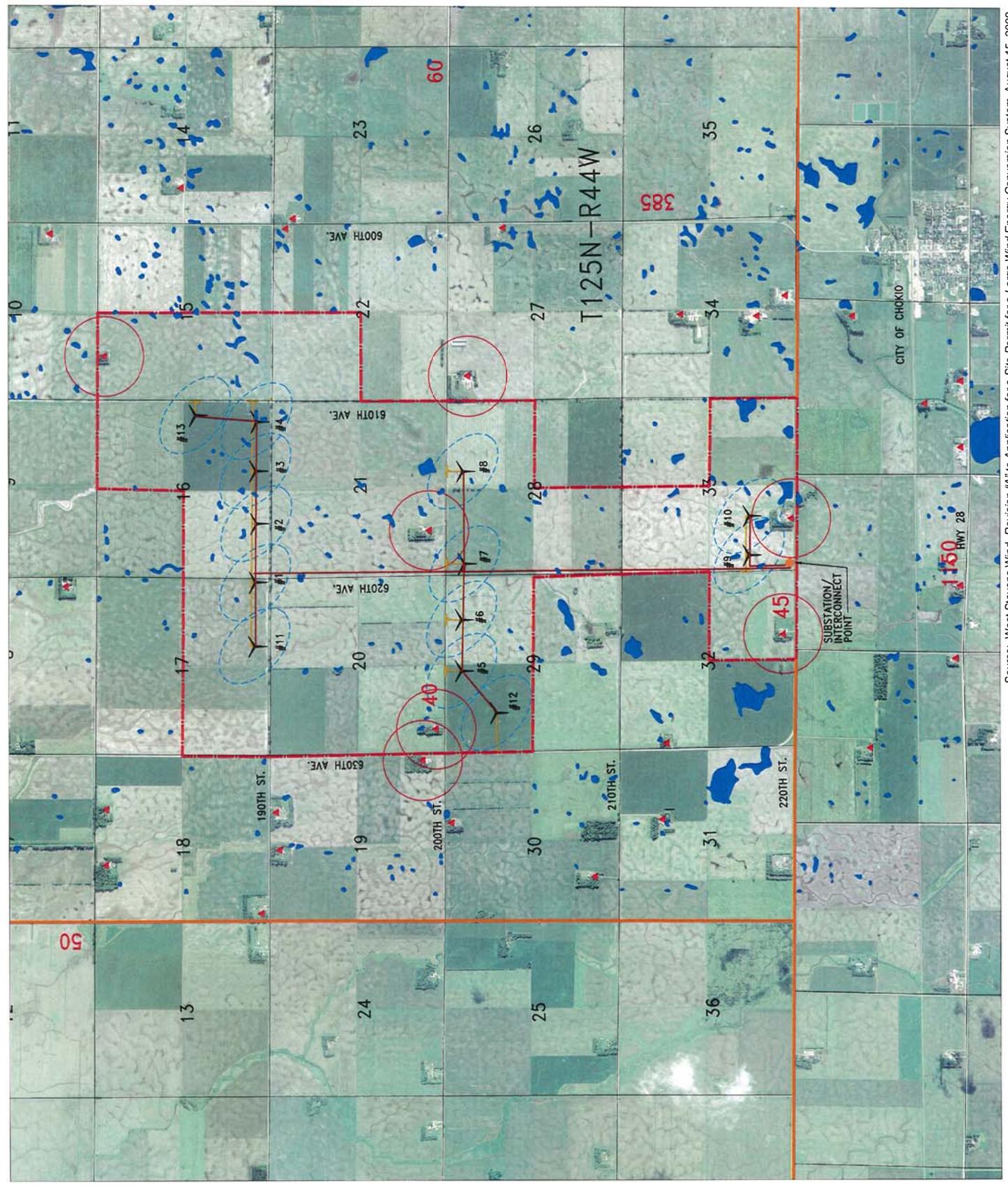
**DATA SOURCES:**

AAAT-MnDOT

WETLANDS-MN DEPARTMENT OF NATURAL RESOURCES



**Figure 1**



Source: West Stevens Wind, Revision "A" to Application for a Site Permit for a Large Wind Energy Conversion System, August 15, 2009.

West Steven Wind LWECs Project (Docket # 09-830)  
 Steven County  
 Chokio, Minnesota

**DRAFT**

**LARGE WIND ENERGY CONVERSION SYSTEM**

**SITE PERMIT**

**FOR**

**WEST STEVENS WIND PROJECT**

**IN**

**STEVENS COUNTY**

**PUC DOCKET NO. IP-6824/WS-09-830**

In accordance with Minnesota Statutes Section 216F.04 this site permit is hereby issued to:

**WEST STEVENS WIND, LLC**

West Stevens Wind, LLC is authorized to construct and operate up to a 20 Megawatt Large Wind Energy Conversion System on the site identified in this site permit and in compliance with the conditions contained in this permit.

This permit shall expire on:

Dated: \_\_\_\_\_

BY ORDER OF THE COMMISSION

\_\_\_\_\_  
BURL W. HAAR  
Executive Secretary

(S E A L)

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- ATTACHMENT 1:** Site Permit Map  
**ATTACHMENT 2:** Complaint and Handling Procedures for Large Wind Energy Conversion Systems  
**ATTACHMENT 3:** Compliance Filing Procedure for Large Wind Energy Conversion Systems  
**ATTACHMENT 4:** Permit Compliance Filings

## **I. SITE PERMIT**

This site permit for a Large Wind Energy Conversion System (LWECS) authorizes West Stevens Wind, LLC to construct up to a 20 Megawatt (MW) LWECS and associated facilities in Stevens County, on a site of approximately 2,880 acres (4.5 square miles) in accordance with the conditions contained in this permit. The site boundary is shown on the map that is attached (Attachment 1).

## **II. PROJECT DESCRIPTION**

This permit authorizes West Stevens Wind, LLC (Permittee) to construct and operate a 20 MW LWECS to be located in Everglade Township, Stevens County, Minnesota (Project). The Project will consist of up to 13 wind turbine generators (depending on turbine specifications). The Permittee anticipates using ten Suzlon S.88/2100 turbines, at 2 MW each, with a total output of approximately 20 MW. In addition, two alternative designs are under consideration which would consist of up to 13 GE 1.5 MW sle turbines, or eight Clipper Liberty 2.5 MW turbines, with the total output not exceeding 20 megawatts. Final turbine selection will be based on cost and availability of turbines at the time of construction. Turbines from Suzlon, GE, Clipper and Mitsubishi are being considered. The wind turbines will be mounted on single pedestal (not latticed) steel towers with the objective of an 80 meter hub height. Foundations for the towers will consist of a 2,500 square foot a concrete pad foundation excavated to a depth of approximately 10 feet below ground surface. The rotor diameter will be 80 to 83 meters, with fiberglass reinforced epoxy resin blades.

Associated facilities will include wind turbine access roads, an underground communication system, an underground low- and high- voltage collector system, a supervisory control and data acquisition (SCADA) system, pad mounted turbine transformers, and a permanent meteorological tower. The underground electric power collection facilities (feeder lines) will be routed to a switchyard constructed on the existing Ottetail Power 41.6 kV line from Chokio to Graceville, Minnesota (Attachment 1).

## **III. CONDITIONS**

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

### **A. GENERAL CONSTRUCTION CONDITIONS**

#### **1. SITE PLAN**

Prior to commencing construction the Permittee shall submit to the Commission, a site plan for all turbines, roads, electrical equipment, collector and feeder lines and other associated facilities to be constructed. The Permittee shall also submit to the Commission, engineering drawings for site preparation, construction of the facilities, and a plan for restoration of the site due to construction.

The Permittee shall document compliance with the setbacks and site layout restrictions required by the permit. The Permittee may submit a site plan and engineering drawings for only a portion of the LWECS if the Permittee is prepared to commence construction on certain parts of the Project before completing the site plan and engineering drawings for other parts of the LWECS. In the event that previously unidentified environmental conditions are discovered during construction which by law or pursuant to conditions outlined in this permit would preclude the use of that site as a turbine site, the Permittee shall have the right to move or relocate turbine sites. The Permittee shall notify the Commission of any turbines that are to be relocated before the turbine is constructed on the new site.

## **2. FIELD REPRESENTATIVE**

Prior to the start of construction and continuously throughout construction and site restoration, the Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this permit. This person (or a designee) shall be accessible by telephone during normal business hours. This person's address, phone number and emergency phone number shall be provided to the Commission, who may make the number available to local residents and officials and other interested persons. The Permittee may change the field representative by notification to the Commission.

## **3. PRECONSTRUCTION MEETING**

Prior to the start of any construction, the Permittee shall conduct a preconstruction meeting with the person designated by the Commission to coordinate field monitoring of construction activities.

## **4. NOTICE OF PERMIT CONDITIONS**

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

# **B. MITIGATION MEASURES**

## **1. SITE CLEARANCE**

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

## **2. TOPSOIL PROTECTION**

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

### **3. SOIL COMPACTION**

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

### **4. LIVESTOCK PROTECTION**

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

### **5. FENCES**

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

### **6. DRAINAGE TILES**

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

### **7. EQUIPMENT STORAGE**

The Permittee shall not locate temporary equipment staging areas on lands under its control unless negotiated with landowner. Temporary staging areas shall not be located in wetlands or native prairie.

### **8. ROADS**

#### **(a) Public Roads**

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

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

**(b) Turbine Access Roads**

The Permittee shall limit the construction of turbine access roads to only those required for the construction and operation of the Project. Siting roads in areas with unstable soil will be avoided wherever possible. 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 over a fabric overlay. Access roads shall not be constructed across streams, wetlands, and drainage ways without required permits and approvals from the Minnesota Department of Natural Resources (DNR), the U.S. Fish and Wildlife Service (USFWS), and/or U.S. Army Corps of Engineers (USACE). When access roads are constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. Access roads shall also be constructed in accordance with all necessary township, county or state road requirements and permits.

**(c) Private Roads**

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

**(d) Temporary Road Radii**

The Permittee shall promptly repair and return to pre-construction condition, any temporary road radii backfills required to allow over-length and over-width project component deliveries through road intersections.

**9. SOIL EROSION AND SEDIMENT CONTROL**

Prior to construction the Permittee shall develop and submit to the Commission, a detailed soil erosion and sediment control plan that includes Best Management Practices to minimize impacts to soil, water, and vegetative resources. This plan may be the same as the Storm Water Pollution Prevention Plan (SWPPP) submitted to the Minnesota Pollution Control Agency (MPCA) as part of the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit application. Additionally, if the Project will result in over 50 acres of disturbed area and has a discharge point within one mile of an impaired water, the Permittee is required to submit their SWPPP to the MPCA for review at least 30 days prior to commencing land disturbing activities. A goal of the soil erosion and sediment control plan is to minimize soil erosion, to revegetate non-cropland and range land disturbed by construction in areas supporting wildlife conservation species, and wherever possible, to plant appropriate native species in cooperation with landowners and the DNR.

The soil erosion and sediment control plan shall address what types of erosion control measures will be implemented during each phase of the project and shall at a minimum identify plans for grading; construction and drainage of roads and turbine pads; identify necessary soil information; provide detailed design features to maintain downstream water quality; include a comprehensive revegetation plan to maintain and ensure adequate erosion control and slope stability; include plans to restore the site after temporary project activities; and provide measures to minimize the area of surface disturbance. Other practices shall include containing excavated material, protecting exposed soil, and stabilizing restored material and removal of silt fences or barriers once the area is established and stabilized. The plan shall identify methods for disposal or storage of excavated material. Erosion and sedimentation control measures shall be installed prior to construction and maintained throughout the Project's life.

#### **10. CLEANUP**

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

#### **11. TREE REMOVAL**

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

#### **12. RESTORATION**

The Permittee shall, as soon as practical following construction of each turbine, and considering the weather and preferences of the landowner, restore the area affected by any Project activities to the condition that existed immediately before construction began, to the extent possible. The time period for restoration may be no longer than 12 months after completion of construction of the turbine, unless otherwise negotiated with the landowner. Restoration shall be compatible with the safe operation, maintenance, and inspection of the project.

#### **13. HAZARDOUS WASTE**

The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of hazardous wastes generated during any phase of the project's life. A Spill Prevention and Countermeasure Control Plan (SPCCP) will be prepared and submitted to the Commission and MPCA prior to commencement of construction.

#### **14. APPLICATION OF HERBICIDES**

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

#### **15. PUBLIC SAFETY**

The Permittee shall provide educational materials to landowners within the site boundaries and, upon request, to other interested persons, about the project and any restrictions or dangers associated with the LWECs project. The Permittee shall also provide any necessary safety measures, such as warning signs and gates for traffic control or to restrict public access. The Permittee shall submit the location of all "underground facilities," as defined in Minnesota Statute 216D.01, subd. 11, to Gopher State One Call.

#### **16. FIRE PROTECTION**

The Permittee shall prepare a fire protection and medical emergency plan in consultation with the fire department having jurisdiction over the area prior to Project construction. The Permittee shall submit a copy of the plan to the Commission upon request. The Permittee shall also register the Project with local government emergency 911 services.

#### **17. TOWER IDENTIFICATION**

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

### **C. SETBACKS**

#### **1. WIND ACCESS BUFFER**

Wind turbine towers shall be placed at a minimum spacing of five rotor diameters (RD) in the prevailing wind direction and a minimum of three RDs in the non-prevailing wind direction from the perimeter of the lands where the Permittee does not hold the wind rights, unless otherwise approved by of the Commission.

#### **2. RESIDENCES**

Wind turbine towers shall be located at a minimum of 500 feet from the nearest residence, or the distance required to comply with the Minnesota Noise Pollution Control Rules (Minnesota Rules 7030.0010) for Noise Area Classification 1, whichever is greater (see also paragraph III.E.3).

### **3. ROADS**

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

### **4. WILDLIFE MANAGEMENT AREAS**

Wind turbines and associated facilities including foundations, access roads, underground cable, and transformers, shall not be located in waterfowl production areas, state wildlife management areas or scientific and natural areas or in county parks.

### **5. WETLANDS**

Wind turbines and associated facilities including foundations, access roads, underground cable and transformers, shall not be placed in public waters or public waters wetlands, as defined in Minnesota Statutes section 103G.005, subd. 15 and 15a. However, electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to DNR, USFWS and/or USACE permits and approvals.

### **6. NATIVE PRAIRIE**

Upon request of the Commission, the Permittee shall, with the guidance of the DNR and any others selected by the Permittee, prepare a prairie protection and management plan and submit it to the Commission and DNR Commissioner 60 days prior to the start of Project construction. The plan shall address steps to be taken to identify native prairie within the Project area, measure to avoid impacts to native prairie, and measures to mitigate for impacts if unavoidable. Wind turbines and all associated facilities, including foundations, access roads, underground cable and transformers, shall not be placed in native prairie unless addressed in the prairie protection and management plan. Unavoidable impacts to native prairie shall be mitigated by restoration or management of other native prairie areas that are in degraded condition, or by conveyance of conservation easements, or by other means agreed to by the Permittee and Commission.

## **D. PRE-CONSTRUCTION SURVEYS AND STUDIES**

### **1. BIOLOGICAL PRESERVATION SURVEY**

The Permittee, in consultation with DNR and other interested parties, shall conduct a pre-construction inventory of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas within the site and assess the presence of state- or federally-listed or threatened species. The results of the survey shall be submitted to the Commission and DNR prior to the commencement of construction.

## **2. ARCHAEOLOGICAL RESOURCES**

The Permittee shall work with the State Historic Preservation Office (SHPO) at the Minnesota Historical Society (MHS) and the State Archaeologist. The Permittee shall carry out a Phase 1 or 1A archaeological survey for all proposed turbine locations, access roads, junction boxes, and other areas with project construction impacts to determine whether additional archaeological work is necessary for any part of the proposed Project. The Permittee shall contract with a qualified archaeologist to complete such surveys, and will submit the results to the Commission, the SHPO, and the State Archaeologist.

Prior to construction, workers shall be trained about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction.

The SHPO and the State Archaeologist will make recommendations for the treatment of any significant archaeological sites which are identified. Any issues in the implementation of these recommendations will be resolved by Commission in consultation with SHPO and the State Archaeologist. In addition, the Permittee shall mark and preserve any previously unrecorded archaeological sites that are found during construction and shall promptly notify the SHPO, the State Archaeologist, and the Commission of such discovery. The Permittee shall not excavate at such locations until so authorized by the Commission in consultation with the SHPO and the State Archaeologist.

If human remains are encountered during construction, the Permittee shall immediately halt construction at that location and promptly notify local law enforcement authorities and the State Archaeologist. Construction at the human remains location shall not proceed until authorized by local law enforcement authorities or the State Archaeologist.

If any federal funding, permit or license is involved or required, the Permittee shall notify the MHS as soon as possible in the planning process to coordinate section 106 (36 C.F.R. 800) review. The Commission and the MHS shall have three working days from the time the agency is notified to conduct an inspection of the site if either agency shall choose to do so. On the fourth day after notification, the Permittee may begin work on the site unless the MHS has directed that work shall cease. In such event, work shall not continue until the MHS determines that construction can proceed.

## **3. INTERFERENCE**

Prior to commencing construction, the Permittee shall submit a plan to the Commission for conducting an assessment of television signal reception and microwave signal patterns in the Project area. The assessment shall be designed to provide data that can be used in the future to determine whether the turbines and associated facilities are the cause of disruption or interference of television reception or microwave patterns in the event residents should complain about such disruption or interference after the turbines are placed in operation. The assessment shall be completed prior to installation of the turbines. The Permittee shall be responsible for correcting any disruption or interference of these services caused by the turbines or any associated facilities.

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

#### **4. WETLAND DELINEATION**

Prior to commencing construction, the Permittee shall perform a wetland delineation survey of the LWECS Project site. The delineation will be used to provide data for preconstruction micro siting analysis and final site plan and for purposes of the Minnesota Wetland Conservation Act, Section 401 and 404 of the Clean Water Act. The delineation shall be performed using technical guidance methods approved by the Minnesota Board of Soil and Water Resources (BWSR). The Permittee will contract with a BWSR Certified Wetland Delineator to complete such surveys, and will submit the results to the Commission, the BWSR, the local Soil and Water Resource District, and the USACE, as appropriate.

### **E. SITE LAYOUT AND DESIGN RESTRICTIONS**

#### **1. WIND TURBINE TOWERS**

Structures for wind turbines shall be self-supporting tubular towers. The towers may be between 60 meters (197 feet) and 80 meters (262 feet) above grade measured at the hub.

#### **2. METEOROLOGICAL TOWERS**

Permanent meteorological towers shall be free standing (no guy wires) and no taller than 80 meters in height. Temporary meteorological towers, which are those that will be removed no more than one year after the project in-service date, may be guyed if the landowner has given written permission and the guys are properly marked with safety shields.

New temporary and permanent meteorological towers shall be placed at a minimum of 250 feet from the edge of the nearest public road right-of-way and from the boundary of the Permittee's site control, or in compliance with the county ordinance regulating meteorological towers in the county the tower is built, whichever is more restrictive. Meteorological towers shall only be placed on lands on which the Permittee holds the wind or other development rights.

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

One permanent meteorological tower is authorized to be constructed for the project by this permit.

### **3. NOISE**

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

### **4. FEDERAL AVIATION ADMINISTRATION**

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

### **5. TURBINE SPACING**

The turbine towers shall be constructed within the project boundaries as shown in Figure 2. The turbine towers shall be spaced no closer than three RD in the non-prevailing wind directions and five RD in the prevailing wind directions. If required during final micro siting of the turbine towers to account for topographic conditions, up to 20 percent of the towers may be sited closer than the above spacing, but the Permittee shall minimize the need to site the turbine towers closer.

### **6. FOOTPRINT MINIMIZATION**

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

### **7. ELECTRICAL CABLES**

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

### **8. FEEDER LINES**

The Permittee shall place overhead or underground 34.5 kV electric lines, known as feeders, within public rights-of-way or on private land immediately adjacent to public rights-of-way if a public right-of-way exists, except as necessary to avoid or minimize human, agricultural, or environmental impacts. A change in feeder line locations may be made as long as feeders remain on public rights-of-way and approval has been obtained from the governmental unit responsible for the affected right-of-way.

When placing feeders on private property, the Permittee shall place the feeder in accordance with easements negotiated with the affected landowner. In all cases, the Permittee shall avoid routing feeder lines in locations which may interfere with agricultural operations. Notwithstanding any of the requirements in paragraph III.D., to conduct surveys before any construction can commence, the Permittee may begin immediately upon issuance of this permit to construct the 34.5 kV feeder lines that will be required as part of this project. The Permittee shall submit the site plan and engineering drawings required under paragraph III.A.1. for the feeder lines before commencing construction. Any guy wires on the structures for feeder lines shall be marked with safety shields.

The Permittee must fulfill, comply with, and satisfy all National Electric Safety Code (NESC) standards and Institute of Electrical and Electronics Engineers, Inc. (IEEE) standards applicable to this project, including but not limited to IEEE 776, IEEE 519, and IEEE 367, provided the telephone service provider(s) have complied with any obligations imposed on it pursuant to these standards. Upon request by the Commission, the Permittee shall report to the Commission on compliance with these standards.

## **F. POST-CONSTRUCTION STUDIES**

### **1. WAKE LOSS STUDIES**

The Permittee shall provide to the Commission, along with the site plan required by paragraph III.A.1., the preconstruction micro siting analysis leading to the final tower locations and an estimate of total project wake losses. The Permittee shall provide to the Commission any operational wake loss studies conducted on this Project.

### **2. NOISE**

The Permittee shall submit a proposal to the Commission for the conduct of a noise study. Upon the approval of the Commission, the Permittee shall carry out the study. The study shall be designed to determine the noise levels at various distances from the turbines at various wind directions and speeds.

## **G. DECOMMISSIONING/RESTORATION/ABANDONMENT**

### **1. DECOMMISSIONING PLAN**

Prior to commencement of construction, the Permittee shall submit to the Commission a Decommissioning Plan describing the manner in which the Permittee anticipates decommissioning the Project in accordance with the requirements of Minnesota Rules part 7854.0500, subp.13. 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.

## **2. SITE RESTORATION**

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

## **3. ABANDONED TURBINES**

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

# **H. REPORTING**

## **1. PROJECT ENERGY PRODUCTION**

The Permittee shall, by July 15 of each year, report to the Commission on the monthly energy production of the Project and the average monthly wind speed collected at the one permanent meteorological tower during the preceding year or partial year of operation. The report shall include copies of any Project production reports filed with the Midwest Independent System Operator (MISO), Midwest Area Power Pool (MAPP), the Federal Energy Regulatory Commission (FERC), or any other public regulatory agency. The Permittee shall describe the operational status and availability of the Project and any major outages, major repairs, or turbine performance improvements occurring in the previous year.

## **2. WIND RESOURCE USE**

Beginning the first full quarter following the commercial operation of the Project, the Permittee shall file a quarterly report (due January 15, April 15, July 15, and October 15) with the Commission that contains the following average hourly data for each hour of commercial operation in printed format or electronic format capable of computerized analysis as specified by the Commission. That data entails:

- The power output of each turbine;
- The wind speed and direction measured at all monitored heights at any temporary and permanent meteorological towers, connected to the SCADA system, owned or operated by the Permittee, in or within three miles of the project site boundary; and

- Temperature and any other meteorological parameters recorded at one permanent meteorological tower selected by the Commission.

After two years of commercial operation, the Commission may reduce or eliminate the requirements of this condition. The provisions of paragraph III.K.5. shall apply to the Commission's review of this data.

### **3. EXTRAORDINARY EVENTS**

Within 24 hours 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, collector or feeder line failure, injured LWECS worker or private person, kills of migratory, threatened or endangered species, or discovery of a large number dead birds or bats of any variety on site. In the event of bat and/or avian mortality the DNR shall also be notified within 24 hours. The Permittee shall, within 30 days of the occurrence, submit a report to the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

### **4. COMPLAINTS**

Prior to the start of construction, the Permittee shall submit to the Commission the company's procedures to be used to receive and respond to complaints. The Permittee shall report to the Commission all complaints received concerning any part of the LWECS in accordance with the procedures provided in Attachments 2 and 3 of this permit.

## **I. FINAL CONSTRUCTION**

### **1. AS-BUILT PLANS AND SPECIFICATIONS**

Within 60 days after completion of construction, the Permittee shall submit to the Commission a copy of the as-built plans and specifications. The Permittee must also submit this data in a geographic information system (GIS) compatible format so that the Commission can place it into the Minnesota Geospatial Information Office (MnGeo) data clearinghouse located in the Office of Geographic and Demographic Analysis.

### **2. FINAL BOUNDARIES**

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

### **3. EXPANSION OF SITE BOUNDARIES**

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

## **J. AUTHORITY TO CONSTRUCT LWECS**

### **1. WIND RIGHTS.**

The Permittee shall submit documentation to the Commission of exclusive wind rights obtained within the boundaries of the LWECS authorized by this permit within 30 days of receiving such wind rights.

### **2. OTHER PERMIT APPLICATIONS.**

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

### **3. PREEMPTION OF OTHER LAWS**

Pursuant to Minnesota Statute 216F.07, this site permit shall be the only site approval required for the location of this Project, and this permit shall supersede and preempt all zoning, building, and land use rules, regulations, and ordinances adopted by regional, county, local, and special purpose governments. Nothing in this permit shall release the Permittee from any obligation imposed by law that is not superseded or preempted by law.

### **4. POWER PURCHASE AGREEMENT**

This permit does not authorize construction of the project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project. In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the project within two years of the issuance of this permit, the Permittee must advise the Commission of the reason for not having such power purchase agreement or enforceable mechanism. In such event, the Commission may determine whether this permit should be amended or revoked. No amendment or revocation of this permit may be undertaken except in accordance with applicable statutes and rules, including Minnesota Statute 216F.05 and Minnesota Rule 7854.1300.

## **K. MISCELLANEOUS**

### **1. PERIODIC REVIEW**

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

## **2. FAILURE TO COMMENCE CONSTRUCTION**

If the Permittee has not completed the pre-construction surveys and studies required in paragraph III.D. and commenced construction of the project within two years of the issuance of this permit, the Permittee must advise the Commission of the reason construction has not commenced. In such event, the Commission may determine whether this permit should be amended or revoked. No revocation of this permit may be undertaken except in accordance with applicable statutes and rules, including Minnesota Statute 216F.05 and Minnesota Rule 7854.1300.

## **3. MODIFICATION OF CONDITIONS**

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

- Violation of any condition in this permit;
- Endangerment of human health or the environment by operation of the facility; or
- Existence of other grounds established by rule.

## **4. REVOCATION OR SUSPENSION OF THE PERMIT**

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

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

In the event the Commission shall determine that it is appropriate to consider revocation or suspension of this permit, the Commission shall proceed in accordance with the requirements of Minnesota Statute 216F.05 to determine the appropriate action. Upon a finding of any of the above, the Commission may require the Permittee to undertake corrective measures in lieu of having the permit suspended or revoked.

## **5. PROPRIETARY INFORMATION**

Certain information required to be submitted to the Commission under this permit, including energy production and waste loss data, may constitute trade secret information or other type of proprietary information under the Data Practices Act or other law and is not to be made available by the Commission. The Permittee must satisfy requirements of applicable law to obtain the protection afforded by the law.

## **6. TRANSFER OF PERMIT**

The Permittee may not transfer this permit without the approval of the Commission. If the Permittee desires to transfer this permit, the holder shall advise the Commission in writing of such desire. The Permittee shall provide the Commission with such information about the transfer as the Commission requires to reach a decision. The Commission may impose additional conditions on any new Permittee as part of the approval of the transfer.

## **7. OTHER PERMITS**

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

## **8. SITE MANAGER**

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

## **9. NOTICE TO LOCAL RESIDENTS**

The Permittee shall, within ten working days of receipt of this permit, send a copy of the permit to the office of the auditor of each county in which the site is located and to the clerk of each city and township within the site boundaries. If applicable, the Permittee shall also, within ten working days of issuance, send a copy of this permit to each regional development commission, local fire district, soil and water conservation district, watershed district, and watershed management district office with jurisdiction in the county where the site is located. Within 30 days of issuance of this permit, the Permittee shall send a copy of the permit to each affected landowner within the site. In no case shall the affected landowner receive the site permit less than five days prior to the start of construction on their property.

## **10. RIGHT OF ENTRY**

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

- To enter upon the facilities easement of the site property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.

- To sample and monitor upon the facilities easement of the property; and
- To examine and copy any documents pertaining to compliance with the conditions of this permit.

#### **11. MORE STRINGENT RULES**

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

#### **12. PERMIT COMPLIANCE MEETING**

Prior to the start of commercial operation, the Permittee shall conduct a permit compliance meeting with the person designated by the Commission to coordinate permit compliance activities.

#### **L. EXPIRATION DATE**

This permit shall expire on \_\_\_\_\_.

#### **IV. SPECIAL CONDITIONS**

Special conditions shall take precedence over any of the other conditions of this permit if there should be a conflict between the two. No special conditions have been identified.

**LEGEND**

- PROPOSED PROJECT BOUNDARY
- TURBINE LOCATION
- SECTION LINE
- TOWNSHIP LINE
- HOME RESIDENCE
- HOME RESIDENCES 1200' RADIUS SETBACK
- TURBINE SETBACKS
- ACCESS ROAD
- COLLECTION LINE
- NATIONAL WETLAND INVENTORY WETLANDS
- SUBSTATION/INTERCONNECT POINT
- 60

**NOTES:**

LAND USE: ALL LAND IS CROP LANDS UNLESS NOTED OTHERWISE

CULTURAL RESOURCES: NONE FOUND WITHIN PROPOSED PROJECT BOUNDARY

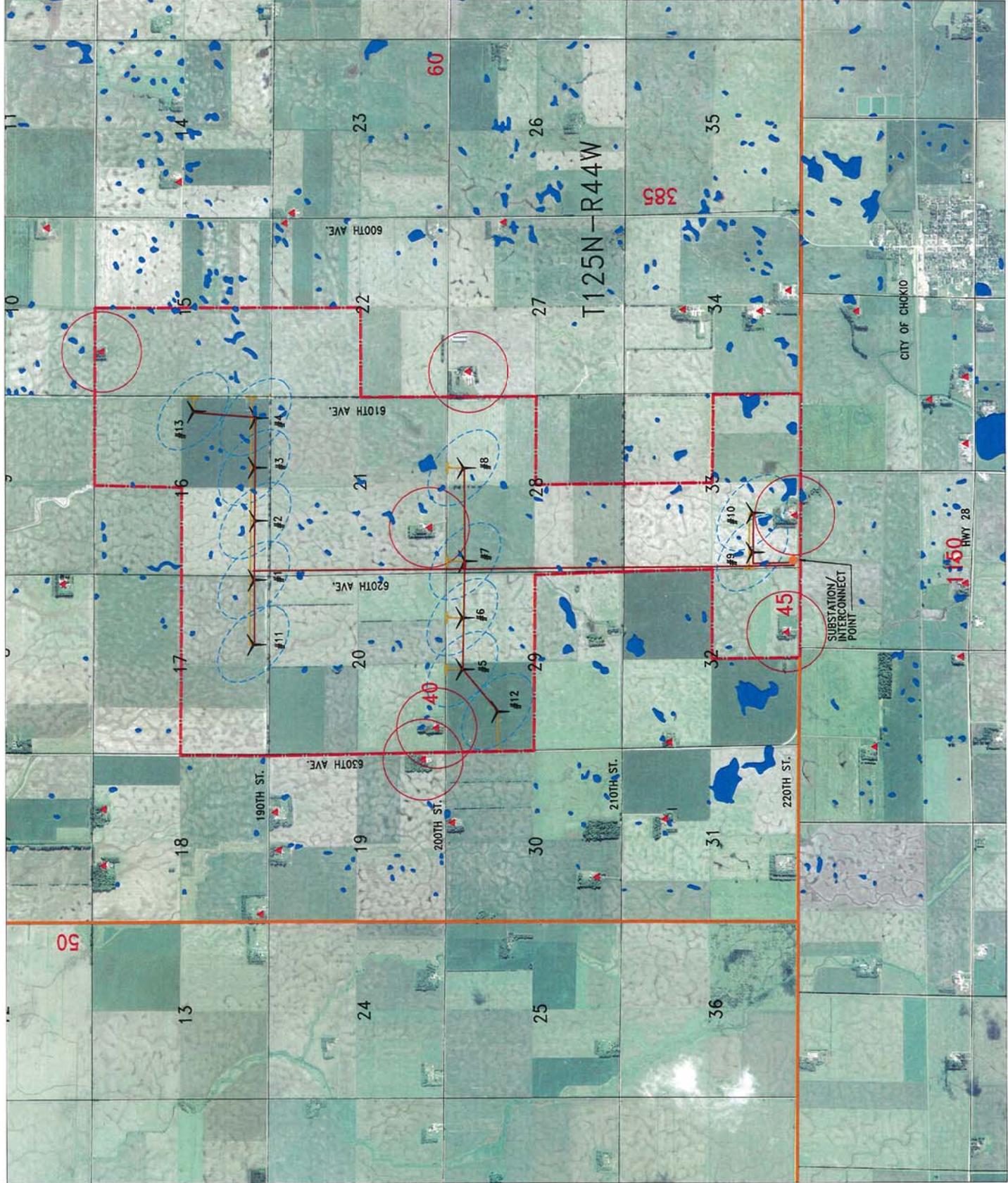
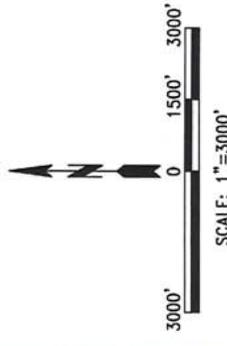
FLOOD PLAINS: NONE FOUND WITHIN PROPOSED PROJECT BOUNDARY

NATURAL HERITAGE: NONE FOUND WITHIN PROPOSED PROJECT BOUNDARY

**DATA SOURCES:**

AAAT-MnDOT

WETLANDS-MN DEPARTMENT OF NATURAL RESOURCES



Source: West Stevens Wind, Revision "A" to Application for a Site Permit for a Large Wind Energy Conversion System, August 15, 2009.

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLAINT HANDLING PROCEDURES  
FOR  
LARGE WIND ENERGY CONVERSION SYSTEMS**

**A. Purpose:**

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

**B. Scope:**

This document describes Complaint reporting procedures and frequency.

**C. Applicability:**

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

**D. Definitions:**

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

Substantial Complaint: A written Complaint alleging a violation of a specific Site 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(s), remains to both or one of the parties unresolved or unsatisfactorily resolved.

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 document all Complaints by maintaining a record of all applicable information concerning the Complaint, including the following:

- a. Name of complainant, address, phone number, and e-mail address.
  - b. Precise property description or parcel number.
  - c. Name of Permittee representative receiving Complaint and date of receipt.
  - d. Nature of Complaint and the applicable Site Permit conditions(s).
  - e. Activities undertaken to resolve the Complaint.
  - f. Final disposition of the Complaint.
2. The Permittee shall designate an individual to summarize Complaints for substantial to the Commission. This person's name, phone number and e-mail address shall accompany all complaint submittals.
  3. A Person presenting the Complaint should to the extent possible, include the following information in their communications:
    - a. Name, address, phone number, and e-mail address.
    - b. Date
    - c. Tract or parcel
    - d. Whether the complaint relates to (1) a Site Permit matter, (2) a LWECS and associated facility issue, or (3) a compliance issue.

**F. Reporting Requirements:**

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 Wind Permit Compliance, 1-800-657-3794, or by e-mail to: [DOC.energypermitcompliance@state.mn.us](mailto:DOC.energypermitcompliance@state.mn.us), or. Voice messages are acceptable.

**Monthly Reports:** By the 15th of each month, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be Filed to Dr. Burl W. Haar, Executive Secretary, Public Utilities Commission, using the Minnesota Department of Commerce eDocket system (see eFiling instructions attached to this permit).

If no Complaints were received during the preceding month, the permittee shall submit (eFile) a summary indicating that no complaints were received.

**G. Complaints Received by the Commission or OES:**

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

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

**Initial Screening:** Commission staff shall perform an initial evaluation of unresolved Complaints submitted to the Commission. Complaints raising substantial LWECS Site Permit issues shall be processed and resolved by the Commission. Staff shall notify Permittee and appropriate person(s) if it determines that the Complaint is a Substantial Complaint. With respect to such Complaints, each party shall submit a written summary of its position to the Commission no later than ten days after receipt of the Staff notification. Staff shall present Briefing Papers to the Commission, which shall resolve the Complaint within twenty days of submission of the Briefing Papers.

**I. Permittee Contacts for Complaints:**

**Mailing Address:** Complaints filed by mail shall be sent to:

ATTN: Keith L. Thorstad  
West Stevens Wind, LLC  
P.O. BOX 321  
Chokio, MN 56221  
(320) 324-7122  
[Mnioka@fedtel.net](mailto:Mnioka@fedtel.net)

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLIANCE FILING PROCEDURE  
FOR PERMITTED LARGE WIND ENERGY CONVERSION SYSTEMS**

**1. Purpose**

To establish a uniform and timely method of submitting information required by the Commission large wind energy conversion systems (LWECS) site permits.

**2. Scope and Applicability**

This procedure encompasses all compliance filings required by permit.

**3. Definitions**

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

**4. Responsibilities**

- A) The permittee shall eFile all compliance filings with Dr. Burl Haar, Executive Secretary, Public Utilities Commission, through the Department of Commerce (DOC) eDocket system. The system is located on the DOC website:  
<https://www.edockets.state.mn.us/EFiling/home.jsp>

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

- B) All filings must have a cover sheet that includes:

- 1) Date
- 2) Name of submitter / permittee
- 3) Type of Permit (Site or Route)
- 4) Project Location
- 5) Project Docket Number
- 6) Permit Section Under Which the Filing is Made
- 7) Short Description of the Filing

- C) Filings that are graphic intensive (e.g., maps, plan and profile) must, in addition to being eFiled, be submitted as paper copies and on CD. Copies and CDs should be sent to: 1) Dr. Burl W. Haar, Executive Secretary, Minnesota Public Utilities Commission, 121 7<sup>th</sup> Place East, Suite 350, St. Paul, MN, 55101-2147, and 2) Department of Commerce, Energy Facility Permitting, 85 7<sup>th</sup> Place East, Suite 500, St. Paul, MN, 55101-2198. Additionally, the Commission may request a paper copy of any eFiled document.

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

**PERMITTEE:** West Stevens Wind, LLC  
**PERMIT TYPE:** LWECS Site Permit  
**PROJECT LOCATION:** Stevens County  
**DOCKET NUMBER:** IP-6824/WS-09-830

<b>Filing Number</b>	<b>Condition</b>	<b>Description</b>	<b>Due Date</b>	<b>Notes</b>
1	A.1.	Site Plan	Prior to starting construction	
2	A.1.	Engineering Drawings	Prior to starting construction	Site Preparation, Facility Construction, and Site Restoration
3	A.2.	Field Representative	Prior to and throughout construction	
4	B.8.	Roads	Prior to starting construction	Identify access roads and obtain road damage agreements before starting construction
5	B.9.	Soil and Sediment Control Plan	Prior to starting construction	Storm Water Pollution Prevention Plan
6	B.13.	Spill Prevention and Countermeasure Control Plan	Prior to starting construction	
7	B.15.	Educational Materials	Submit Upon Request	
8	B.15.	Submit Location of all underground utilities	Prior to and throughout construction	Gopher State One Call
9	B.16	Fire Protection Plan	Submit Upon Request.	Must Register in 911 Program
10	C.6.	Native Prairie Protection Plan	60 days prior to the start of construction, if required	

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

<b>Filing Number</b>	<b>Condition</b>	<b>Description</b>	<b>Due Date</b>	<b>Notes</b>
<b>11</b>	D.1.	Biological Survey	Prior to starting construction	
<b>12</b>	D.2	Archaeological Resources	Prior to starting construction and as Recommended by the State Historic Preservation Office	
<b>13</b>	D.3.	Interference	Prior to starting construction	
<b>14</b>	D.4.	Wetland Delineation	Prior to starting construction	
<b>15</b>	F.1.	Operational Wake Loss Studies	Include with site plan or operation studies if performed	
<b>16</b>	F.2.	Noise Study Proposal and Noise Study	Post construction	
<b>17</b>	G.1.	Decommissioning Plan	Prior to starting construction	
<b>18</b>	H.1.	Project Energy Production	July 15 <sup>th</sup> of each year	
<b>19</b>	H.2.	Commercial Operation Data Report (Wind Resource Use)	Within 3 months after Operation and Quarterly on the 15 <sup>th</sup> of each month	
<b>20</b>	I.1.	As-Built Plans	Within 60 days after completion of construction	Also in GIS format to MnGeo
<b>21</b>	J.1.	Wind Rights	Within 30 days of Acquiring. Upon Request.	
<b>22</b>	K.2.	Failure to Start Construction	Within 2 years of Permit Issuance	
<b>23</b>	K.8	Site Manager	Prior to Operation	
<b>24</b>	Complaints	Report	Due Each Month or within 24 hours	