REVISED
10/14/10

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

DOCKET NO. IP6846/WS-10-798

Meeting Date: October 14, 2010.....Agenda Item # 2

Company: Lake Country Wind Energy, LLC

Docket No. IP6846/WS-10-798

In the Matter of the Application of Lake County Wind Energy, LLC for a 41 Megawatt Large Wind Energy Conversion System in Kandiyohi and Meeker Counties.

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.....August 4, 2010
Site Permit Application, Revised Appendix A (Figures)..... September 16, 2010

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.

This document can be made available in alternative formats (i.e. large print or audio tape) by calling 651-201-2202. Citizens with hearing or speech disabilities may call us through Minnesota Relay at 1-800-627-3529 or by dialing 711.

DOCUMENTS ATTACHED

1. Proposed LWECS Site Map (Figure 1)
2. Proposed Draft Site Permit

Relevant documents and additional information can be found on eDockets (10-798) or the Commission's Energy Facilities Permitting website at: http://energyfacilities.puc.state.mn.us/Docket.html?Id=29189.

STATEMENT OF THE ISSUES

Should the Commission authorize distribution of a draft site permit for public comment?

INTRODUCTION AND BACKGROUND

Lake Country Wind Energy, LLC (Lake Country or applicant) made application to the Minnesota Public Utilities Commission (Commission) for a Large Wind Energy Conversion System (LWECS) site permit under the Wind Siting Act (Minnesota Statutes, Chapter 216F). The application is for the construction, operation, and maintenance of a proposed 41 MW wind farm and associated facilities.

PROJECT DESCRIPTION AND LOCATION

Lake Country proposes to construct the up to 41 megawatt (MW) wind farm on approximately 16,047 acres of agricultural land in Kandiyohi and Meeker counties, near the city of Atwater, Minnesota. Lake Country, in its LWECS site permit application, designated 16,047 acres of land as the project area. Upon completion of the project, approximately 19.4 acres of the 16,047 acres would be converted to turbines and associated infrastructure, as indicated by the applicant.

The project area, as described in the site permit, is irregular in shape and straddles the Kandiyohi and Meeker County line with U.S. Highway 12 bisecting the project area from east to west. The southern boundary approximates 15th Avenue SE and 30th Avenue SE in Kandiyohi County and 250th Street in Meeker County. The eastern boundary is one miles east of the Kandiyohi and Meeker County line or 525th Avenue in Meeker County. The northern-most boundary is one mile north of the boundary between Harrison and Gennessee townships in Kandiyohi County and 283rd St. in Meeker County. The western-most boundary is 120th Street in Kandiyohi County (*See* Figure 1).

Lake Country anticipates using an array of 20 REpower 2.05 MW MM92 wind turbines. The turbines would consist of 328 foot towers with 269 foot diameter rotors for a maximum wind turbine height of 479 feet. The project would also require the following associated facilities as identified in the permit application:

- pad mount transformers;
- collection lines;
- Supervisory Control and Data Acquisition (SCADA) communication lines;
- a project substation with switching and protection equipment, metering equipment, a small control house, and a 48 K transformer;
- turbine access roads;
- two temporary meteorological towers and one permanent meteorological tower; and
- an operations and maintenance facility (1 to 2 buildings with an approximate footprint of 3,000 to 5,000 square feet).

The project would interconnect to an existing Xcel Energy 69 kV transmission line with a proposed project substation in section 6 of Acton Township in Meeker County (*See* Figure 1). The project is expected to generate between 139,480 MW hours and 142,747 MW hours annually.

In accordance with Minnesota Statute 216B.1612, subdivision 2(g), the project qualifies as a community-based energy development project (C-BED). On February 17, 2009, the Meeker County Board of Commissioners indicated its support for the development of the Lake Country Wind Energy Project as a C-BED project.

REGULATORY PROCESS AND PROCEDURES

Pursuant to the Minnesota Wind Siting Act, a site permit from the Commission is required to construct a large wind energy conversion system (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.

Site Permit Application Decision

The applicant filed an application with the Commission for a LWECS site permit on August 4, 2010. The Commission, in their Order issued September 10, 2010, accepted the application as complete and indicated that, based on the information in the record to date, a certificate of need is not required.

As a condition of the application acceptance, the applicants filed revised site boundary maps (Appendix A of permit application) on September 10 and 16, 2010. Under Minnesota Rule 7854.1000, subpart 2, the Commission has 180 days to reach a final permit decision from the date an application is accepted.

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 in accordance with Minnesota Rule 7854.0600, subpart 2. This 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 by the applicant to the above identified parties on September 17, 2009. Recipients of this notice were told they could obtain a hard copy of the application by contacting Chuck Burdick with National Wind, Inc. A Notice of Application Acceptance was also published in the *West Central Tribune* on September 21, 2010, and the *Independent Review* on September 23, 2009.

In addition, the notice requirements of Minnesota Rule 7854.0600, subpart 3, require the applicant to provide a copy of the site permit 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, the auditor of each county, and the clerk of each city and township within which the LWECS is to be located.

On September 17, 2010, the applicant sent a Notice of Application Acceptance and a copy of the LWECS Site Permit Application on compact disc (CD) to each landowner within the proposed site, the Minnesota Historical Society, the Mid-Minnesota Development Commission, the auditor of each county, and the clerk of each city and township within which the LWECS is being proposed. The applicant also made a hard copy of the site permit available at Auditor's Offices in Kandiyohi and Meeker counties, the city offices in Atwater; the township offices in Acton, Harrison, and Gennessee townships, and at the public library in the city of Atwater.

In practice, EFP staff also distributes copies of the LWECS site permit application along with a memo requesting comments on the site permit application, to the technical representatives of state agencies that may have permitting or review authority over the proposed project. A Notice of Application Acceptance and a CD copy of the site permit application were distributed by EFP staff to the following agencies on September 11, 2009:

- Minnesota Pollution Control Agency
- Minnesota Department of Natural Resources
- Minnesota Department of Transportation
- Minnesota Department of Employment and Economic Development
- Board of Water and Soil Resources

Public Comment Period

EFP staff accepted public comments on the applicant's site permit application and on issues that should be considered in developing the draft site permit for this project through October 4, 2010. Energy Facility Permitting (EFP) staff received written comments from the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Natural Resources (DNR), and the Minnesota Department of Transportation (Mn/DOT).

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.

Commission issuance of 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. EFP 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, EFP 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 website.

<u>Public Meeting</u>
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 about the Commission's role in review and approval of LWECS and to ask questions of the applicant and EFP 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.

<u>Public Comment Period</u>
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.

Contested Case Hearing
Minnesota Rule 7854.0900, subpart 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.

EFP STAFF ANALYSIS AND COMMENTS

The EFP staff received three comment letters during the 24-day comment period on the Lake Country LWECS site permit application.

Minnesota Pollution Control Agency
The MPCA states in its October 4, 2010, comment letter that Diamond Lake is listed on the Total Maximum Daily Load list of impaired waters for both mercury and nutrients. Diamond Lake is located approximately 620 feet northwest of the project boundary between County Highway 4 and 165th Street in Harrison Township. The MPCA maintains that the impairment to Diamond Lake will dictate additional increased and permanent stormwater treatment both during and after construction.

The MPCA also indicates that should the project result in more than 50 acres of disturbed area and have a discharge point within one mile of an impaired water, the applicant would be required to submit a stormwater pollution prevention plan to the MPCA for review at least 30 days prior to commencing land disturbing activities.

> *EFP Response*
> As indicated in section 6.14 of the site permit application, the applicant will obtain a National Pollutant Discharge Elimination System (NPDES) Construction Stormwater permit from the MPCA prior to commencing construction of the project.
>
> The draft site permit at section III.B.9. would require the applicant to develop a soil erosion and sediment control plan for the project prior to construction. This plan may be the same as the stormwater pollution prevention plan required by the MPCA as part of the NPDES permit.

Minnesota Department of Natural Resources
In its October 4, 2010, comment letter the DNR advises that the current project area is considered a moderate risk for avian and bat fatality due to the presence of wetlands and lakes, large tracts of grassland habitat, eagle nests in the general vicinity, and migration through the area. The DNR also recommends targeted mortality monitoring, or inclusion of the site in a regional mortality study.

EFP Response
The applicant explains in section 6.17 of the site permit application that they have assessed the proposed project area for potential impacts to wildlife in accordance with *Wind Turbine Guidelines Advisory Committee Recommendations*[1] by conducting a Tier I and Tier II survey of the project area and based on the results a Tier 3 survey was necessary, as the project area contains lake and wetland habitat that may be used as congregation areas by bird species protected by the Bald and Golden Eagle Protection Act or the Migratory Bird Treaty Act, including the bald eagle and other waterbirds.

The applicant is in the process of finalizing an avian impact assessment (Tier 3) to better understand potential risks within the project area. As indicated in the application, the avian impact assessment will include a raptor nest search, monitoring of bald eagle nests within 2 miles of the project area, point-count surveys to determine species' presence in the project area and flight line surveys to document primary flight corridors within the project area. Bat surveys were not included as a part of the avian impact assessment because of the unlikelihood that species of concern, such as the northern myotis or eastern pipistrelle, inhabit the project area. The applicant has coordinated its avian assessment methodology with the DNR and the U.S. Fish and Wildlife Service and has received written confirmation from both agencies that the assessment methodology is appropriate in order to understand and avoid impacts to avian resources (*See* Appendix D of the site permit application).

The draft site permit at section III.C.2. would require the applicant to develop an avian and bat protection plan and make the plan available to the Commission at least 30 days prior to the pre-construction meeting. The plan will address steps to be taken to identify and mitigate impacts to avian and bat species during the construction and operation phases of the project. The plan will also address formal and informal monitoring, training, wildlife handling, documentation, and reporting protocols for each phase of the project.

The applicant will also be required to submit quarterly avian and bat fatality reports to the Commission. Each report shall identify any dead or injured avian or bat species, location of find by turbine number and date of the find for the reporting period in accordance with the reporting protocols.

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

[1] USFWS, *Wind Turbine Guidelines Advisory Committee Recommendations*, (March 4, 2010).

EFP Response
The January 11, 2008, Order Establishing General Wind Permit Standards, 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 EFP has not included this requested setback in draft site permit and suggests that this issue be explored as development of the record proceeds.

Minnesota Department of Transportation
In its October 1, 2010, comment letter, the Minnesota Department of Transportation (Mn/DOT) indicates that Table 13-1 of the site permit application adequately lists all necessary Mn/DOT permits that may be required for the project. They suggest that the authority reference (Minnesota Rules) for each permit be listed along with the permits. They also suggest that the permit include the following language, "the Permittee shall obtain all relevant permits or authorizations from road authorities relating to any electric cables and/or feeder lines that may be proposed to be placed in a public road right-of-way."

EFP Response
Section II.B.8. of the draft site permit states that the Permittee shall obtain all relevant permits or authorizations from the appropriate road authorities relating to any electric cables and/or feeder lines that may be proposed to be placed in a public road right-of-way.

EFP 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, subpart 1. EFP staff finds that the available information is sufficient to conclude that it is appropriate to make a preliminary determination that a draft 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 EFP 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.

Kandiyohi County and Meeker County ordinances governing LWECS sites have been incorporated into the draft site permit when the conditions are more restrictive than the Commission's General Siting Guidelines. These conditions along with voluntary setback conditions, identified in the site permit application, and instituted by the applicant have been incorporated into the draft site permit under the Special Conditions section.

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.

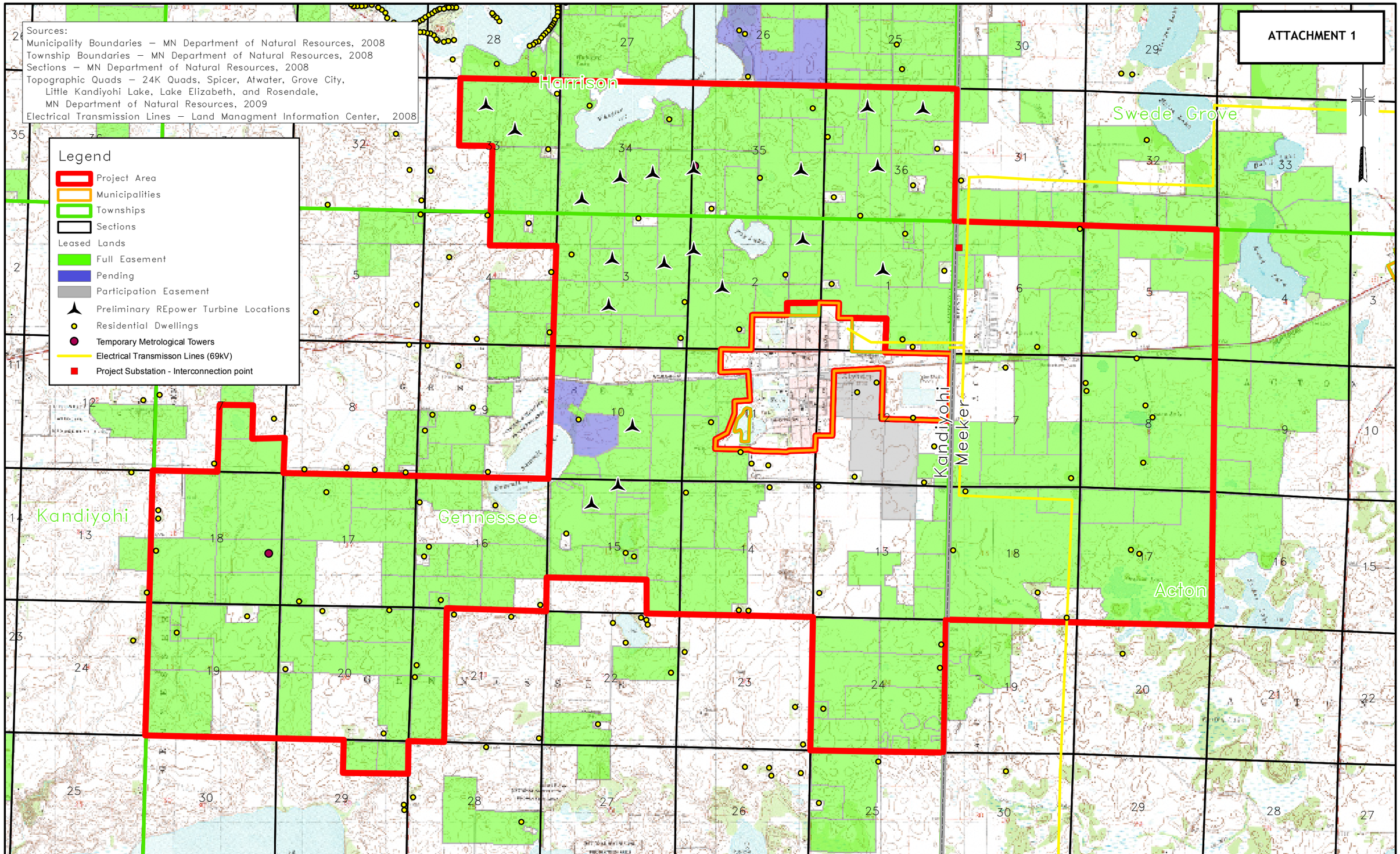
B. Approve the Proposed Draft Site Permit for Distribution and Public Comment

1. Approve the proposed draft site permit for distribution and public comment. Authorize 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 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: Options A1 and B1.



office of energy security
Minnesota Department of Commerce

LARGE WIND ENERGY CONVERSION SYSTEM

SITE CONTROL

0 3,500 7,000 Feet

SCALE: 1" = 3,500'

OCTOBER 2010

FIGURE 1

DRAFT

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

DRAFT SITE PERMIT FOR CONSTRUCTION OF A

LARGE WIND ENERGY CONVERSION SYSTEM

IN KANDIYOHI AND MEEKER COUNTIES

ISSUED TO

LAKE COUNTRY WIND ENERGY, LLC

PUC DOCKET NO. IP6846/WS-10-798

In accordance with Minnesota Statutes Section 216F.04, this Site Permit is hereby issued to:

Lake Country Wind Energy, LLC

The Permittee is authorized to construct and operate up to a 41 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 _____.

Approved and adopted this ___ day of October, 2010

BY ORDER OF THE COMMISSION

_____
BURL W. HAAR
Executive Secretary

(S E A L)

This document can be made available in alternative formats (i.e., large print or audio tape) by calling 651-201-2202 (Voice). Persons with hearing or speech disabilities may call us through Minnesota Relay at (800) 627-3529 or by dialing 711.

CONTENTS

I. PROJECT DESCRIPTION 1
II. DESIGNATED SITE 2
A. SETBACK REQUIREMENTS 2
1. WIND ACCESS BUFFER 2
2. RESIDENCES 2
3. ROADS 2
4. PUBLIC LANDS 3
5. WETLANDS 3
6. NATIVE PRAIRIE 3
7. SAND AND GRAVEL OPERATIONS 3
B. SITE LAYOUT RESTRICTIONS 3
1. WIND TURBINE TOWERS 3
2. METEOROLOGICAL TOWERS 4
3. NOISE 4
4. FEDERAL AVIATION ADMINISTRATION 4
5. TURBINE SPACING 4
6. FOOTPRINT MINIMIZATION 5
7. COMMUNICATION CABLES 5
8. ELECTRICAL COLLECTOR AND FEEDER LINES 5
III. PROJECT IMPLEMENTATION REQUIREMENTS 6
A. COMPLIANCE PROCEDURES 6
1. SITE PLAN 6
2. FIELD REPRESENTATIVE 6
3. PRE-CONSTRUCTION MEETING 6
4. NOTICE OF PERMIT CONDITIONS 6
5. COMPLAINTS 7
6. NOTICE TO LOCAL RESIDENTS 7
7. SITE MANAGER 7
8. PRE-OPERATIONS COMPLIANCE MEETING 7
B. CONSTRUCTION MEASURES 7
1. SITE CLEARANCE 7
2. TOPSOIL PROTECTION 7
3. SOIL COMPACTION 7
4. LIVESTOCK PROTECTION 8
5. FENCES 8
6. DRAINAGE TILES 8
7. EQUIPMENT STORAGE 8
8. ROADS 8

9. SOIL EROSION AND SEDIMENT CONTROL 9
10. CLEANUP 9
11. TREE REMOVAL 10
12. RESTORATION 10
13. HAZARDOUS WASTE 10
14. APPLICATION OF HERBICIDES 10
15. PUBLIC SAFETY 10
16. EMERGENCY RESPONSE 11
17. TOWER IDENTIFICATION 11
C. SURVEYS AND REPORTING 11
1. BIOLOGICAL INVENTORY/SURVEY 11
2. AVIAN AND BAT PROTECTION PLAN 11
3. ARCHAEOLOGICAL RESOURCES 12
4. INTERFERENCE 12
5. WAKE LOSS STUDIES 13
6. NOISE 13
7. PROJECT ENERGY PRODUCTION 13
8. WIND RESOURCE USE 13
9. EXTRAORDINARY EVENTS 14
D. COMPLETION OF CONSTRUCTION 14
1. AS-BUILT PLANS AND SPECIFICATIONS 14
2. FINAL BOUNDARIES 14
3. EXPANSION OF SITE BOUNDARIES 14
E. DECOMMISSIONING/RESTORATION/ABANDONMENT 14
1. DECOMMISSIONING PLAN 14
2. SITE RESTORATION 14
3. ABANDONED TURBINES 15
IV. AUTHORITY TO CONSTRUCT LWECS 16
A. WIND RIGHTS 16
B. POWER PURCHASE AGREEMENT 16
C. FAILURE TO COMMENCE CONSTRUCTION 16
D. PREEMPTION OF OTHER LAWS 16
E. OTHER PERMITS 17
1. COMPLIANCE WITH FEDERAL AND STATE AGENCY PERMITS 17
2. COMPLIANCE WITH COUNTY, CITY OR MUNICIPAL PERMITS 17
V. COMMISSION POST-ISSUANCE AUTHORITIES 18
A. PERIODIC REVIEW 18
B. MODIFICATION OF CONDITIONS 18
C. REVOCATION OR SUSPENSION OF THE PERMIT 18
D. MORE STRINGENT RULES 18

E. TRANSFER OF PERMIT 19
F. RIGHT OF ENTRY 19
G. PROPRIETARY INFORMATION 19
VI. EXPIRATION DATE 20
VII. SPECIAL CONDITIONS 20
A. SHADOW FLICKER 20
B. ADDITIONAL SETBACKS 20
1. RESIDENCES 20
2. RIGHT-OF-WAY 20
3. SHORELAND MANAGEMENT DISTRICTS 20
C. MEEKER COUNTY DEVELOPMENT AGREEMENT 20

ATTACHMENTS

Attachment 1 - Project Boundaries and Anticipated Turbine Layout
Attachment 2 - Complaint Handling Procedures
Attachment 3 - Compliance Filing Procedures for Permitted Energy Facilities
Attachment 4 - Permit Compliance Filings

SITE PERMIT

This Site Permit for a Large Wind Energy Conversion System (LWECS) authorizes Lake Country Wind Energy, LLC, (hereinafter "Permittee") to construct the Lake Country Wind Project, a 41 Megawatt (MW) nameplate capacity LWECS and associated facilities in Kandiyohi and Meeker counties, on a site of approximately 16,047 acres and in accordance with the conditions contained in this Permit.

The Permittee shall comply with those practices set forth in its Site Permit Application, dated August 4, 2010, the revised site boundary maps (Appendix A) of the Site Permit Application, dated September 16, 2010, and the record of this proceeding unless this Permit establishes a different requirement in which case this Permit shall prevail.

I. PROJECT DESCRIPTION

The up to 41 MW nameplate capacity LWECS authorized to be constructed in this Permit will be developed and constructed by the Permittee. The project will consist of an array of 20 REpower 2.05 MW MM92 wind turbines. The turbines will consist of 328 foot towers with 269 foot diameter rotors for a maximum height of 479 feet. The project will also require the following associated facilities as identified in the Site Permit Application:

- pad mount transformers;
- collection lines;
- Supervisory Control and Data Acquisition (SCADA) communication lines;
- a project substation with switching and protection equipment, metering equipment, a small control house, and a 48 K transformer;
- access roads;
- two temporary meteorological towers and one permanent meteorological tower; and
- an operations and maintenance facility

The project will interconnect to an existing Xcel Energy 69 kV transmission line with a proposed project substation in section 6, of Acton Township, in Meeker County. The project is expected to generate between 139,480 MW and 142,747 MW annually.

In accordance with Minnesota Statute 216B.1612, subdivision 2(g), the project qualifies as a community-based energy development project (C-BED). On February 17, 2009, the Meeker County Board of Commissioners indicated its support for the development of the Lake Country Wind Energy Project as a C-BED project.

DRAFT

II. DESIGNATED SITE

The approved LWECS site permit boundary and anticipated project layout are shown on the map that is attached hereto as Attachment 1.

Within the site permit boundary, the Lake Country Wind Project and associated facilities shall be located on lands for which the Permittee has obtained wind rights. Wind rights or easements have been obtained by the Permittee and include 12,526 acres of full easements and 294 acres of participation agreements, totaling 12,820 acres in sections of Acton, Gennessee, and Harrison townships. Upon completion, the project site would be converted to wind turbines and associated infrastructure for a total of approximately 19.4 square acres. (Attachment 1).

Turbine locations, associated facilities, and meteorological towers shall be located as shown in Attachment 1 of this Permit. This site permit will provide the Permittee with the flexibility to make minor adjustments of specific facilities.

The wind turbine and associated facility layout shown on Attachment 1 represents the anticipated locations of wind turbines and associated facilities that were evaluated in the permitting process and identifies a layout that minimizes the overall potential human and environmental impacts of the project. As such, this permit anticipates that the actual project design and layout will generally conform to this anticipated layout unless changes are necessary to accommodate landowner requests, unforeseen conditions encountered during the detailed engineering and design process, and federal and state agency requirements. Any design and layout modifications shall have comparable overall human and environmental impacts and shall be specifically identified in the site plan pursuant to paragraph III.A.1.

A. SETBACK REQUIREMENTS

1. WIND ACCESS BUFFER

Wind turbine towers shall not be placed less than 5 rotor diameters (RD) on the prevailing wind directions and 3 RD on the non-prevailing wind directions from the perimeter of the lands where the Permittee does not hold the wind rights, without the approval of the Commission.

2. RESIDENCES

Wind turbine towers shall not be located closer than 500 feet from the nearest residence, participating or non-participating, or the distance required to comply with the noise standards established by the Minnesota Pollution Control Agency (MPCA) at paragraph II.B.3, whichever is greater.

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.

DRAFT

4. PUBLIC LANDS

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 and wind turbines shall also comply with the setbacks of II.A.1.

5. WETLANDS

Wind turbines and associated facilities including foundations, access roads, underground cable and transformers, shall not be placed in public waters wetlands as defined in Minnesota Statutes section 103G.005, subparts 15a. However, electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to Minnesota Department of Natural Resources (MnDNR), United States Fish and Wildlife Service (USFWS) and/or United States Army Corps of Engineers (Corps) permits and approvals.

6. NATIVE PRAIRIE

Wind turbines and associated facilities including foundations, access roads, collector and feeder lines, overhead and underground cable, and transformers, shall not be placed in native prairie, as defined in Minnesota Statutes section 84.02, subdivision 5, unless addressed in a prairie protection and management plan. The Permittee shall, with the guidance of the Commission and MnDNR prepare a prairie protection and management plan and submit it to the Commission and MnDNR Commissioner at least ten working days prior to the pre-construction meeting if native prairie could be impacted. The plan shall address steps 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 and Commission. Wind turbines and associated facilities including foundations, access roads, collector and feeder lines, underground cable, and transformers shall not be located in areas enrolled in the Native Prairie Bank Program.

7. SAND AND GRAVEL OPERATIONS

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

B. SITE LAYOUT RESTRICTIONS

1. WIND TURBINE TOWERS

Structures for wind turbines shall be self-supporting towers consisting of four conical tubular steel sections with a steel door at the base of the tower; interior lighting; electrical, control, and communication cables; a control system located at the bottom of the tower; and a safety ladder or lift with fall arresting safety system for access to the nacelle. Tower surfaces are sandblasted, coated for protection against corrosion, and painted with non-glare paint. The towers will be up to 328 feet above grade measured at the hub.

DRAFT

2. METEOROLOGICAL TOWERS

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

3. NOISE

The wind turbines 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. Turbine operation shall be modified or turbines shall be 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 turbine construction, but not with respect to such receptors built after construction of the towers.

4. FEDERAL AVIATION ADMINISTRATION

Wind turbines shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the turbines 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 site boundary as shown in Attachment 1. The turbine towers shall be spaced no closer than 3 RD in the non-prevailing wind directions and 5 RD on 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.

DRAFT

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, step-up 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. COMMUNICATION CABLES

The Permittee shall place all supervisory control and data acquisition (SCADA) cables underground and within or adjacent to the land necessary for turbine access roads unless an alternate location is contractually permitted by the affected landowner(s).

8. ELECTRICAL COLLECTOR AND FEEDER LINES

Collector lines that carry electrical power from transformers associated with individual wind turbines to an internal project interconnection point shall be buried underground and placed within or adjacent to the land necessary for turbine access roads unless an alternate location is contractually permitted by the affected landowner(s).

Feeder lines that carry power from an internal project interconnection point to the project substation or interconnection point on the electrical grid may be overhead or underground. Underground and overhead feeder line locations shall be negotiated with the affected landowner(s).

Collector and feeder lines shall be located so as to mitigate any adverse effects on agricultural operations, including but not limited to existing drainage patterns, drain tile, future tiling plans and ditches.

The Permittee shall place overhead feeder lines within public road rights-of-way or on private land immediately adjacent to public rights-of-way. The Permittee shall obtain all relevant permits or authorizations from the appropriate road authorities relating to any electric cables and/or feeder lines that may be proposed to be placed in a public road right-of-way. Safety shields shall be placed on all guy wires associated with overhead feeder line.

The Permittee shall submit the site plan and engineering drawings required under paragraph III.A.1, for all collector and feeder lines before commencing construction.

The Permittee must fulfill, comply with, and satisfy all 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.

DRAFT

III. PROJECT IMPLEMENTATION REQUIREMENTS

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

A. COMPLIANCE PROCEDURES

1. SITE PLAN

At least ten working days prior to the pre-construction meeting 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 and 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 the turbine site. The Permittee shall notify the Commission of any turbines that are to be relocated before the turbine is constructed on the new site and demonstrate compliance with the setbacks and site layout restrictions required by this Permit.

2. FIELD REPRESENTATIVE

At least ten working days prior to the pre-construction meeting and continuously throughout construction and site restoration, the Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this Permit during all phases of this Project. This person (or a designee) shall be accessible by telephone during normal business hours. This person's address, email, 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 through eDockets.

3. PRE-CONSTRUCTION MEETING

Prior to the start of any construction, the Permittee shall conduct a preconstruction meeting with the state permit manager designated by the Commission to coordinate permit compliance 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.

DRAFT

5. COMPLAINTS

At least ten working days prior to the pre-construction meeting, 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.

6. NOTICE TO LOCAL RESIDENTS

The Permittee shall, within ten working days of receipt of this Permit, send a copy of the Permit to the office of the auditor of each county in which the site is located and to the clerk of each city and township within the site boundaries. If applicable, the Permittee shall also, within 10 working days of issuance, send a copy of this Permit to each regional development commission, local fire district, soil and water conservation district, watershed district, and watershed management district office with jurisdiction in the county where the site is located. Within 30 days of issuance of this Permit, the Permittee shall send a copy of the Permit to each landowner within the site permit boundary. In no case shall the landowner receive the site permit and complaint procedure less than five days prior to the start of construction on their property.

7. SITE MANAGER

The Permittee shall designate an operations site manager for overseeing compliance with the conditions of this permit during the operation and decommissioning phases of this Project. The Permittee shall provide the Commission with the name, address, email, and phone numbers of the site manager prior to commercial operation. This information shall be maintained current by informing the Commission through eDockets of any changes, as they become effective.

8. PRE-OPERATIONS COMPLIANCE MEETING

At least ten working days prior to the start of commercial operation, the Permittee shall conduct a permit compliance meeting with the state permit manager designated by the Commission to coordinate permit compliance activities.

B. CONSTRUCTION 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 and segregate topsoil from subsoil in cultivated 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.

DRAFT

4. LIVESTOCK PROTECTION

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

5. FENCES

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

6. DRAINAGE 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

At least ten working days prior to the pre-construction meeting, the Permittee shall identify all state, county or township roads that will be used for the LWECS 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 LWECS. 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 LWECS for maintenance and repair of roads that will be subject to extra wear and tear due to transportation of equipment and LWECS components. The Permittee shall notify the Commission of such arrangements upon request of the Commission.

(b) Turbine Access Roads

The Permittee shall construct the smallest number of turbine access roads it can. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material.

DRAFT

Access roads shall not be constructed across streams and drainage ways without required permits and approvals from the Minnesota Department of Natural Resources (MnDNR), United States Fish and Wildlife Services (USFWS), and/or United States Army Corps of Engineers (Corps). 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.

9. SOIL EROSION AND SEDIMENT CONTROL

At least ten working days prior to the pre-construction meeting the Permittee shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the Plan to the Commission. This Plan may be the same as the Storm Water Pollution Prevention Plan submitted to the Minnesota Pollution Control Agency (MPCA) as part of the National Pollutant Discharge Elimination System (NPDES) permit application. A goal of the Soil Erosion and Sediment Control Plan is to minimize soil erosion, to re-vegetate non-cropland areas disturbed by construction with wildlife conservation species, and, wherever possible, to plant appropriate native species in cooperation with landowners.

The Soil Erosion and Sediment Control Plan shall address what types of erosion control measures will be implemented during each Project phase, and shall at a minimum identify plans for grading, construction and drainage of roads and turbine pads; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive re-vegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary project activities; and 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 when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material. Erosion and sedimentation control measures shall be implemented prior to construction and maintained throughout the project's life.

The Permittee shall develop an invasive species prevention plan to prevent the introduction of invasive species on lands disturbed by project construction activities. This requirement may be included as an element of the Soil Erosion and Sediment Control Plan.

10. CLEANUP

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

DRAFT

11. TREE REMOVAL

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

12. RESTORATION

The Permittee shall, as soon as practical following construction of each turbine, considering the weather and preferences of the landowner, restore the area affected by any LWECS activities to the condition that existed immediately before construction began, to the extent possible. The time period may be no longer than twelve 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 LWECS.

13. HAZARDOUS WASTE

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

14. APPLICATION OF HERBICIDES

The Permittee shall restrict herbicide use to those herbicides and methods of application approved by the Minnesota Department of Agriculture and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. The Permittee shall contact the landowner or his designee to obtain approval for the use of herbicide prior to any application on their property. The landowner may request that there be no application of herbicides on any part of the site within the landowner's property. All herbicides shall be applied in a safe and cautious manner so as to not damage property, including 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 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, Subdivision 11, to Gopher State One Call.

DRAFT

16. EMERGENCY RESPONSE

The Permittee shall prepare an emergency response plan (fire protection and medical emergency plan) in consultation with the emergency responders having jurisdiction over the area prior to LWECS construction. The Permittee shall submit a copy of the plan to the Commission upon request. The Permittee shall also register the LWECS with the local governments' emergency 911 services.

17. TOWER IDENTIFICATION

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

C. SURVEYS AND REPORTING

1. BIOLOGICAL INVENTORY/SURVEY

The Permittee, in consultation with DNR and Commission, shall conduct a pre-construction desktop and field inventory of potentially impacted, if any, native prairies, wetlands, and any other biologically sensitive areas within the site and assess the presence of state- or federally-listed or threatened species. The results shall be submitted to the Commission and MnDNR ten working days prior to the preconstruction meeting.

The Permittee shall provide to the Commission any biological surveys or studies conducted on this project.

2. AVIAN AND BAT PROTECTION PLAN

The Permittee shall prepare an avian and bat protection plan and submit it to the Commission at least 30 days prior to the pre-construction meeting. The plan shall address steps to be taken to identify and mitigate impacts to avian and bat species during the construction and operation phases of the project. The plan shall also address formal and informal monitoring, training, wildlife handling, documentation (e.g., photographs), and reporting protocols for each phase of the project.

The Permittee shall submit quarterly avian and bat fatality reports to the Commission. Quarterly reports are due by the 15th of each January, April, July, and October following commercial operation and terminating upon the expiration of this permit. Each report shall identify any dead or injured avian or bat species, location of find by turbine number and date of the find for the reporting period in accordance with the reporting protocols.

In the event of five or more dead or injured non-protected avian or bat species or any state or federally listed species (threatened, endangered, species of special concern, or federally listed species or migratory bird species) are recorded within the vicinity of the rotor swept area of any turbine, the MnDNR, USFWS and Commission shall be notified within 24 hours.

DRAFT

3. 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 file a Phase 1 or 1A Archaeology survey for all proposed turbine locations, access roads, junction boxes and other areas of project construction impact to determine whether additional archaeological work is necessary for any part of the proposed Project. The Permittee will contract with a qualified archaeologist to complete such surveys, and will submit the results to the Commission, the SHPO and the State Archaeologist at least ten working days prior to pre-construction meeting, as necessary.

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.

Prior to construction, construction workers shall be trained about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If any archaeological sites are found during construction, the Permittee shall immediately stop work at the site and shall mark and preserve the site and notify the Commission and the MHS about the discovery. 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.

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 CFR Part 800) review.

4. INTERFERENCE

At least 10 working days prior to the pre-construction meeting the Permittee shall submit an analysis evaluating the effects of the Project upon Federal Communication Commission (FCC) licensed radio frequency facilities due to construction of the Project.

DRAFT

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 alleviating 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 law. In the event the LWECS and its associated facilities or its operations cause such interference, the Permittee shall take timely measures necessary to correct the problem.

5. WAKE LOSS STUDIES

At least ten working days prior to the pre-construction meeting, the Permittee shall provide the Commission with a 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.

6. 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 operating wind farm noise levels at different frequencies and at various distances from the turbines at various wind directions and speeds.

7. PROJECT ENERGY PRODUCTION

The Permittee shall submit a report no later than February 1st following each complete year of project operation. The report shall include: a) the rated nameplate capacity of the permitted LWECS project; b) the total monthly energy generated by the LWECS in Megawatt Hours; c) the monthly capacity factor; d) yearly energy production and capacity factor; e) the operational status of the Project and any major outages, major repairs, or turbine performance improvements occurring in the previous year; and any other information reasonably requested by the Commission. This information will be considered public and must be submitted electronically.

8. WIND RESOURCE USE

The Permittee shall upon the request of the Commission report to the Commission on the monthly energy production of the Project and the average monthly wind speed collected at one permanent meteorological tower selected by the Commission during the preceding year or partial year of operation.

The provisions of paragraph V.G. shall apply to the Commission's review of data provided pursuant to III.C.8.

DRAFT

9. 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. 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.

D. COMPLETION OF 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's (MnGeo) geographic data clearinghouse located in the Department of Administration.

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.

E. DECOMMISSIONING/RESTORATION/ABANDONMENT

1. DECOMMISSIONING PLAN

Prior to commercial operation, the Permittee shall submit to the Commission a Decommissioning Plan documenting the manner in which the Permittee anticipates decommissioning the Project in accordance with the requirements of Minnesota Rules 7854.0500, subpart 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 depth of four feet.

DRAFT

A LWECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Commission outlining the steps and schedule for returning the LWECS to service. 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 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.

DRAFT

IV. AUTHORITY TO CONSTRUCT LWECS

A. WIND RIGHTS

The Permittee shall demonstrate at the time it submits its site plan (at least 10 working days prior to pre-construction meeting) that the Permittee has obtained the wind rights necessary to construct and operate the Project within the boundaries authorized by this LWECS permit.

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

B. 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 PUC of the reason for not having such power purchase agreement or enforceable mechanism. In such event, the PUC 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.

C. FAILURE TO COMMENCE CONSTRUCTION

If the Permittee has not completed the pre-construction surveys required in paragraph III.C and has not commenced construction of the LWECS within two years of the issuance of this Permit, the Permittee must advise the Commission of the reason construction has not commenced. In such event, the Commission shall make a determination as 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.

D. 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.

DRAFT

E. 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.

1. COMPLIANCE WITH FEDERAL AND STATE AGENCY PERMITS

The Permittee shall comply with all terms and conditions of permits or licenses issued by Federal, State, or Tribal authorities including but not limited to the requirements of the Minnesota Pollution Control Agency (Section 401 Water Quality Certification, SDS Discharge/Construction Storm Water, Site Specific Discharge Approvals); Department of Natural Resources (License to Cross Public Water, State Protected Species Consultation, and Public Water Works); MN State Historic Preservation Office (Section 106 Historic Consultation Act); MnDOT (Utility Access Permit, Highway Access Permit and Oversize and Overweight Permit).

2. COMPLIANCE WITH COUNTY, CITY OR MUNICIPAL PERMITS

The Permittee shall comply with all terms and conditions of permits or licenses issued by the Counties, Cities and Municipalities affected by the project that do not conflict or are not pre-empted by Federal or State permits and regulations.

DRAFT

V. COMMISSION POST-ISSUANCE AUTHORITIES

A. 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.

B. MODIFICATION OF CONDITIONS

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

(a) violation of any condition in this Permit;

(b) endangerment of human health or the environment by operation of the facility; or

(c) existence of other grounds established by rule.

C. REVOCATION OR SUSPENSION OF THE PERMIT

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

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

(b) there has been a failure to comply with material conditions of this Permit, or there has been a failure to maintain health and safety standards; or

(c) 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.

D. 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.

DRAFT

E. 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.

F. 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:

(a) To enter upon the facilities easement of the site property for the purpose of obtaining information, examining records, and conducting surveys or investigations.

(b) To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.

(c) To sample and monitor upon the facilities easement of the property.

(d) To examine and copy any documents pertaining to compliance with the conditions of this Permit.

G. PROPRIETARY INFORMATION

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

DRAFT

VI. EXPIRATION DATE

This Permit shall expire 30 years after final permit issuance.

VII. 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.

A. SHADOW FLICKER

At least ten working days prior to the pre-construction meeting, the applicant shall provide data on shadow flicker impacts at the time it submits the final site plan and profile. Information shall include, but not be limited to, the results of modeling used (if any), assumptions made, and the anticipated levels of impact from turbine shadow flicker on participating and non-participating residents, and efforts taken to minimize impacts.

B. ADDITIONAL SETBACKS

The Permittee has voluntarily committed to meet or exceed setbacks required by the Commission and Kandiyohi and Meeker counties as follows:

1. RESIDENCES

The Permittee has committed to a minimum 1,200 foot setback from residential dwellings.

2. RIGHT-OF-WAY

The Permittee has committed to and incorporated Meeker County's right-of-way setback of 1 x turbine height plus 3 meters (489 feet) from all public rights-of-way. The Permittee has committed to a setback of 400 feet from all unpaved township roads and of 528 feet from all other public rights-of-way in Kandiyohi County.

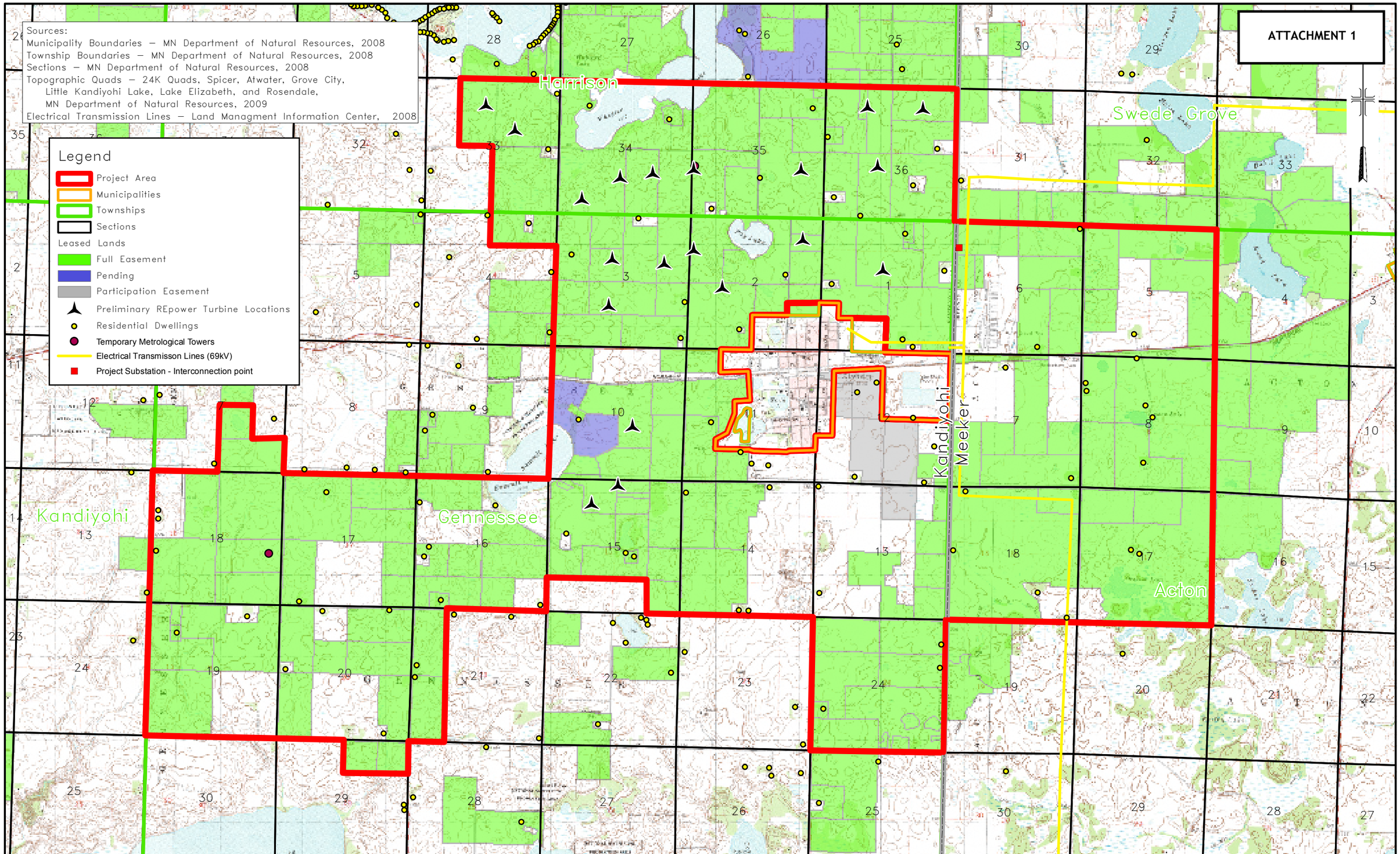
3. SHORELAND MANAGEMENT DISTRICTS

The Permittee has excluded turbines from the shoreland management districts in Kandiyohi and Meeker counties. The Permittee has incorporated Meeker County's ordinance of 3 x 5 RD setbacks from all of Meeker County's public water basins and other wetlands greater than 5 acres in size.

C. MEEKER COUNTY DEVELOPMENT AGREEMENT

The Permittee will enter into a development agreement with Meeker County to ensure that the project is consistent with the existing policies and ordinances of Meeker County that are relevant to the County's permitting authorities.

DRAFT



office of energy security
Minnesota Department of Commerce

LARGE WIND ENERGY CONVERSION SYSTEM

SITE CONTROL

0 3,500 7,000 Feet

SCALE: 1" = 3,500'

OCTOBER 2010

FIGURE 1

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 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 at 1-800-657-3794 (voice messages are acceptable) or by e-mail to: DOC.energypermitcompliance@state.mn.us.

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.

Permittee Contacts for Complaints:

Mailing Address. Complaints filed by mail shall be sent to one of the addresses below:

Chuck Burdick
Lake Country Wind Energy
706 2nd Avenue South, Suite 1200
Minneapolis, MN 55402

Telephone: 612-746-6638

email: cburdick@nationalwind.com

ATTACHMENT 3

MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURES
FOR PERMITTED ENERGY FACILITIES

1. Purpose

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

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.

All filings must have a cover sheet that includes:

- Date
- Name of submitter / permittee
- Type of Permit (Site or Route)
- Project Location
- Project Docket Number
- Permit Section Under Which the Filing is Made
- Short Description of the Filing

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 7th Place East, Suite 350, St. Paul, MN, 55101-2147, and 2) Department of Commerce, Energy Facility Permitting, 85 7th Place East, Suite 500, St. Paul, MN, 55101-2198. Additionally, the Commission may request a paper copy of any eFiled document.

PERMIT COMPLIANCE FILINGS[1]

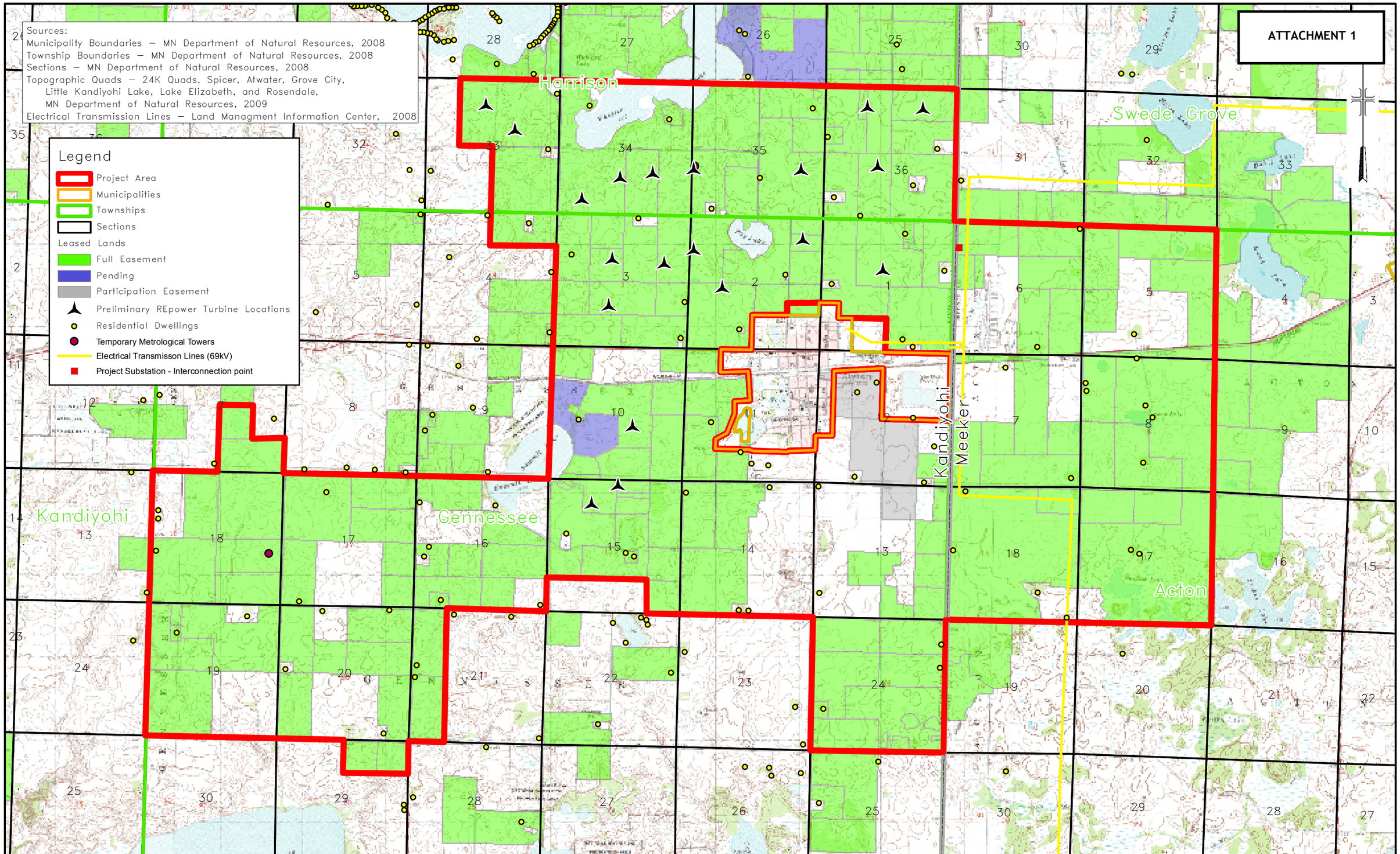
PERMITTEE: Lake Country Wind Energy Project, LLC
PERMIT TYPE: LWECS Site Permit
PROJECT LOCATION: Kandiyohi and Meeker Counties
DOCKET NUMBER: IP6846/WS-10-798

Filing Number	Condition	Description	Due Date	Notes
1	II.A	Setback Requirements Map and Text	Ten working days prior to pre-construction meeting, illustrating or describing setbacks from residences and roads.	
2	II.A.6.	Native Prairie Protection Plan	Ten working days prior to pre-construction meeting, if plan is required.	
3	III.A.1	Site Plan	Ten working days prior to pre-construction meeting.	
4	III.A.2	Field Representative	Ten working days prior to pre-construction meeting.	
5	III.A.5	Complaint Reporting Procedures	Ten working days prior to pre-construction meeting and complaint submittals on the 15th of each month or within 24 hours.	
6	III.A.6	Notice to Landowners and Governmental Units	Within 10 days of permit issuance.	
7	III.A.7	Site Manager	Prior to commercial operation.	
8	III.A.8.	Pre-operation compliance meeting	Ten working days prior to commercial operation.	
9	III.B.8	Roads	Ten working days prior to pre-construction meeting. Obtain road damage agreements prior to construction.	

[1] 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.

Filing Number	Condition	Description	Due Date	Notes
10	III.B.9	NPDES permit and Soil Erosion and Sediment Control Plan	Ten working days prior to pre-construction meeting.	
11	III.B.15	Public Safety & Educational Materials	Submit upon request.	
12	III.B.16	Emergency Response Plan	Submit upon request. Must register in 911 program.	
13	III.C.1.	Biological Inventory/ Survey	Ten working days prior to pre-construction meeting.	
14	III.C.2	Avian and Bat Protection Plan	At least 30 working days prior to pre-construction meeting.	
15	III.C.3	Archaeological Resources	Ten working days prior to pre-construction meeting and as recommended by the State Historic Preservation Office.	
16	III.C.4.	Interference	Ten working days prior to pre-construction meeting.	
17	III.C.5	Wake Loss	Ten working days prior to pre-construction meeting and may be included with site plan or operation studies, if performed.	
18	III.C.6	Noise Study Proposal	Ten working days prior to pre-construction meeting.	
19	III.C.8	Wind Resource Use	Upon request of the Commission.	
20	III.D.1	As-Builts	Within 60 days of completions of construction.	
21	III.E. 1&3	Decommissioning Plan & Site Restoration	Prior to commercial operation.	

Filing Number	Condition	Description	Due Date	Notes
22	III.E.7.	Project Energy Production	No later than February 1st of each year or quarterly. Submitted electronically.	
23	IV.A	Wind Rights	Ten working days prior to pre-construction meeting.	
24	IV.C.	Failure to Start Construction	Within 2 years of permit issuance.	
25	VII.A	Shadow Flicker Analysis	Ten working days prior to pre-construction meeting.	



office of energy security
Minnesota Department of Commerce

LARGE WIND ENERGY CONVERSION SYSTEM

SITE CONTROL

0 3,500 7,000 Feet

SCALE: 1" = 3,500'

OCTOBER 2010

FIGURE 1

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 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 at 1-800-657-3794 (voice messages are acceptable) or by e-mail to: DOC.energypermitcompliance@state.mn.us.

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.

Permittee Contacts for Complaints:

Mailing Address. Complaints filed by mail shall be sent to one of the addresses below:

Chuck Burdick
Lake Country Wind Energy
706 2nd Avenue South, Suite 1200
Minneapolis, MN 55402

Telephone: 612-746-6638

email: cburdick@nationalwind.com

ATTACHMENT 3

MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURES
FOR PERMITTED ENERGY FACILITIES

1. Purpose

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

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.

All filings must have a cover sheet that includes:

- Date
- Name of submitter / permittee
- Type of Permit (Site or Route)
- Project Location
- Project Docket Number
- Permit Section Under Which the Filing is Made
- Short Description of the Filing

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 7th Place East, Suite 350, St. Paul, MN, 55101-2147, and 2) Department of Commerce, Energy Facility Permitting, 85 7th Place East, Suite 500, St. Paul, MN, 55101-2198. Additionally, the Commission may request a paper copy of any eFiled document.

PERMIT COMPLIANCE FILINGS[1]

PERMITTEE: Lake Country Wind Energy Project, LLC
PERMIT TYPE: LWECS Site Permit
PROJECT LOCATION: Kandiyohi and Meeker Counties
DOCKET NUMBER: IP6846/WS-10-798

Filing Number	Condition	Description	Due Date	Notes
1	II.A	Setback Requirements Map and Text	Ten working days prior to pre-construction meeting, illustrating or describing setbacks from residences and roads.	
2	II.A.6.	Native Prairie Protection Plan	Ten working days prior to pre-construction meeting, if plan is required.	
3	III.A.1	Site Plan	Ten working days prior to pre-construction meeting.	
4	III.A.2	Field Representative	Ten working days prior to pre-construction meeting.	
5	III.A.5	Complaint Reporting Procedures	Ten working days prior to pre-construction meeting and complaint submittals on the 15th of each month or within 24 hours.	
6	III.A.6	Notice to Landowners and Governmental Units	Within 10 days of permit issuance.	
7	III.A.7	Site Manager	Prior to commercial operation.	
8	III.A.8.	Pre-operation compliance meeting	Ten working days prior to commercial operation.	
9	III.B.8	Roads	Ten working days prior to pre-construction meeting. Obtain road damage agreements prior to construction.	

[1] 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.

Filing Number	Condition	Description	Due Date	Notes
10	III.B.9	NPDES permit and Soil Erosion and Sediment Control Plan	Ten working days prior to pre-construction meeting.	
11	III.B.15	Public Safety & Educational Materials	Submit upon request.	
12	III.B.16	Emergency Response Plan	Submit upon request. Must register in 911 program.	
13	III.C.1.	Biological Inventory/ Survey	Ten working days prior to pre-construction meeting.	
14	III.C.2	Avian and Bat Protection Plan	At least 30 working days prior to pre-construction meeting.	
15	III.C.3	Archaeological Resources	Ten working days prior to pre-construction meeting and as recommended by the State Historic Preservation Office.	
16	III.C.4.	Interference	Ten working days prior to pre-construction meeting.	
17	III.C.5	Wake Loss	Ten working days prior to pre-construction meeting and may be included with site plan or operation studies, if performed.	
18	III.C.6	Noise Study Proposal	Ten working days prior to pre-construction meeting.	
19	III.C.8	Wind Resource Use	Upon request of the Commission.	
20	III.D.1	As-Builts	Within 60 days of completions of construction.	
21	III.E. 1&3	Decommissioning Plan & Site Restoration	Prior to commercial operation.	

Filing Number	Condition	Description	Due Date	Notes
22	III.E.7.	Project Energy Production	No later than February 1st of each year or quarterly. Submitted electronically.	
23	IV.A	Wind Rights	Ten working days prior to pre-construction meeting.	
24	IV.C.	Failure to Start Construction	Within 2 years of permit issuance.	
25	VII.A	Shadow Flicker Analysis	Ten working days prior to pre-construction meeting.	