

**STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION**

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

**IN STEARNS COUNTY MINNESOTA**

**ISSUED TO  
GETTY WIND COMPANY, LLC**

**PUC DOCKET NO. IP-6866/WS-11-831**

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

Getty Wind Company, LLC

Getty Wind Company, LLC is authorized to construct and operate up to a 40 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 thirty (30) years from the date of this approval.

Approved and adopted this \_\_\_\_\_ day of {Month} 2012

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) by calling 651.296.0406 (voice). Persons with hearing or speech disabilities may call us through Minnesota Relay at 1.800.627.3529 or by dialing 711.

## Table of Contents

<b>1.</b>	<b>PROJECT DESCRIPTION</b> .....	1
<b>2.</b>	<b>DESIGNATED SITE</b> .....	1
2.1	PROJECT BOUNDARY.....	1
2.2	TURBINE LAYOUT.....	1
<b>3.</b>	<b>APPLICATION COMPLIANCE</b> .....	2
<b>4.</b>	<b>SETBACKS AND SITE LAYOUT RESTRICTIONS</b> .....	2
4.1	WIND ACCESS BUFFER.....	2
4.2	RESIDENCES.....	2
4.3	NOISE.....	2
4.4	ROADS.....	3
4.5	PUBLIC LANDS.....	3
4.6	WETLANDS.....	3
4.7	NATIVE PRAIRIE.....	3
4.8	SAND AND GRAVEL OPERATIONS.....	4
4.9	WIND TURBINE TOWERS.....	4
4.10	TURBINE SPACING.....	4
4.11	METEOROLOGICAL TOWERS.....	4
4.12	AVIATION.....	4
4.13	FOOTPRINT MINIMIZATION.....	5
4.14	COMMUNICATION CABLES.....	5
4.15	ELECTRICAL COLLECTOR AND FEEDER LINES.....	5
<b>5.</b>	<b>ADMINISTRATIVE COMPLIANCE PROCEDURES</b> .....	6
5.1	SITE PLAN.....	6
5.2	NOTICE TO LOCAL RESIDENTS.....	6
5.3	NOTICE OF PERMIT CONDITIONS.....	7
5.4	FIELD REPRESENTATIVE.....	7
5.5	SITE MANAGER.....	7
5.6	PRE-CONSTRUCTION MEETING.....	7
5.7	PRE-OPERATION COMPLIANCE MEETING.....	7
5.8	COMPLAINTS.....	7
<b>6.</b>	<b>SURVEYS AND REPORTING</b> .....	8
6.1	BIOLOGICAL AND NATURAL RESOURCE INVENTORIES.....	8
6.2	SHADOW FLICKER.....	8
6.3	ARCHAEOLOGICAL RESOURCES.....	8
6.4	INTERFERENCE.....	9
6.5	WAKE LOSS STUDIES.....	9
6.6	NOISE.....	9
6.7	AVIAN AND BAT PROTECTION PLAN.....	10

6.8	PROJECT ENERGY PRODUCTION.....	11
6.9	WIND RESOURCE USE.....	11
6.10	EXTRAORDINARY EVENTS.....	11
<b>7.</b>	<b>CONSTRUCTION AND OPERATION PRACTICES.....</b>	<b>12</b>
7.1	SITE CLEARANCE.....	12
7.2	TOPSOIL PROTECTION.....	12
7.3	SOIL COMPACTION.....	12
7.4	LIVESTOCK PROTECTION.....	12
7.5	FENCES.....	12
7.6	DRAINAGE TILES.....	12
7.7	EQUIPMENT STORAGE.....	12
7.8	ROADS.....	13
7.9	CLEANUP.....	13
7.10	TREE REMOVAL.....	13
7.11	SOIL EROSION AND SEDIMENT CONTROL.....	14
7.12	RESTORATION.....	14
7.13	HAZARDOUS WASTE.....	14
7.14	APPLICATION OF HERBICIDES.....	14
7.15	PUBLIC SAFETY.....	15
7.16	EMERGENCY RESPONSE.....	15
7.17	TOWER IDENTIFICATION.....	15
7.18	FEDERAL AVIATION ADMINISTRATION LIGHTING.....	15
<b>8.</b>	<b>FINAL CONSTRUCTION.....</b>	<b>15</b>
8.1	AS-BUILT PLANS AND SPECIFICATIONS.....	15
8.2	FINAL BOUNDARIES.....	16
8.3	EXPANSION OF SITE BOUNDARIES.....	16
8.4	NOTIFICATION TO THE COMMISSION.....	16
<b>9.</b>	<b>DECOMMISSIONING, RESTORATION, AND ABANDONMENT.....</b>	<b>16</b>
9.1	DECOMMISSIONING PLAN.....	16
9.2	SITE RESTORATION.....	16
9.3	ABANDONED TURBINES.....	17
<b>10.</b>	<b>AUTHORITY TO CONSTRUCT LWECS.....</b>	<b>17</b>
10.1	WIND RIGHTS.....	17
10.2	POWER PURCHASE AGREEMENT.....	17
10.3	FAILURE TO COMMENCE CONSTRUCTION.....	18
10.4	PREEMPTION OF OTHER LAWS.....	18
10.5	OTHER PERMITS.....	18

<b>11.</b>	<b>COMMISSION POST-ISSUANCE AUTHORITIES</b> .....	19
11.1	PERIODIC REVIEW.....	19
11.2	MODIFICATION OF CONDITIONS.....	19
11.3	REVOCAION OR SUSPENSION OF PERMIT .....	19
11.4	MORE STRINGENT RULES .....	20
11.5	TRANFER OF PERMIT.....	20
11.6	RIGHT OF ENTRY.....	20
11.7	PROPRIETARY INFORMATION .....	20
<b>12.</b>	<b>EXPIRATION DATE</b> .....	20
<b>13.</b>	<b>SPECIAL CONDITIONS</b> .....	21
13.1	APPLICATION OF COUNTY STANDARDS.....	21
13.2	OVERHEAD COLLECTOR <u>FEEDER</u> LINES.....	21
13.3	SITE SPECIFIC BAT STUDY.....	21
13.4	AVIAN AND BAT POST CONSTRUCITON FATALITY MONITORING .....	22
13.5	PROJECT SUBSTATION.....	22
<hr/>		
<b>ATTACHMENT 1:</b>	Site Permit Map .....	23
<b>ATTACHMENT 2:</b>	Complaint and Handling Procedures for Large Wind Energy Conversion Systems .....	26
<b>ATTACHMENT 3:</b>	Compliance Filing Procedure for Permitted Energy Facilities .....	29
<b>ATTACHMENT 4:</b>	Permit Compliance Filings .....	30
<b>ATTACHMENT 5:</b>	<del>Draft Avian and Bat Protection Plan .....</del>	<del>.....</del>

## SITE PERMIT

This Site Permit for a Large Wind Energy Conversion System (LWECS) authorizes Getty Wind Company, LLC (Permittee) to construct and operate the Getty Wind Farm (Project), a 40 Megawatt (MW) nameplate capacity LWECS and associated facilities in Stearns County, on a site of approximately 7,600 acres in accordance with the conditions contained in this permit.

### SECTION 1

#### PROJECT DESCRIPTION

The up to 40 MW nameplate capacity LWECS Project authorized to be constructed in this permit will be developed and constructed by the Permittee. The Project will consist of up to ~~26~~ 23 Goldwind 87 1500 1.5 MW wind turbine generators (turbines), up to 21 Repower MM100 1.8 MW turbines, or up to 13 Vestas V112 3.0 MW turbines. The Permittee may modify the turbine selection with the Minnesota Public Utilities Commission's (Commission) approval. The rotor diameter is 285 to 367 feet (87 to 112 meters). Associated facilities include wind turbine access roads, communications cables, electrical collection system, a Project substation with Supervisory Control and Data Acquisition (SCADA) equipment, and two permanent meteorological towers. Turbines are interconnected by communication and overhead and underground 34.5 kV electrical power collection facilities within the wind farm that will deliver wind-generated power to the Project substation. The Permittee will seek local permitting for an Operations and Maintenance (O&M) building, and a 69 kV transmission line connecting the Project Substation with Xcel Energy's Black Oak Switching Station.

### SECTION 2

#### DESIGNATED SITE

##### 2.1 PROJECT BOUNDARY

The Project boundary is shown on the maps at **Attachments 1a – 3c**. The Project is located in the following townships:

Township Name	Sections	Township	Range
Sauk Centre	29, 30, 31, 32, 33	T126N	R34W
Getty	4, 5, 6, 7, 8, 9, 16, 17, 18, 20, 21	T125N	R34W

##### 2.2 TURBINE LAYOUT

Preliminary wind turbine and associated facility layouts are shown on the map at Attachments 1a-c. The preliminary layouts represent the approximate location of wind turbines of the types and sizes under consideration and associated facilities within the Project boundary and identify layouts that minimize the overall potential human and environmental impacts, which were

evaluated in the permitting process. The final layout depicting the location of each wind turbine and associated facility shall be located within the Project boundary. The Project boundary serves to provide the Permittee with the flexibility to make minor adjustments to the preliminary layout to accommodate landowner requests, unforeseen conditions encountered during the detailed engineering and design process, and federal and state agency requirements. Any modification of the location of a wind turbine and associated facility to a preliminary layout shall be done in such a manner to have comparable overall human and environmental impacts and shall be specifically identified in the site plan pursuant to Section 5.1. The Permittee shall submit the final site layout in the site plan pursuant to Section 5.1.

## **SECTION 3**

### **APPLICATION COMPLIANCE**

The Permittee shall comply with those practices set forth in its Site Permit Application, dated October 11, 2011, and the record of this proceeding unless this Permit establishes a different requirement in which case this Permit shall prevail.

Attachment 4 contains a summary of compliance filings required under this permit. ~~Attachment 4 which is provided solely for the convenience of the Permittee, and shall not be construed as a substitute for the conditions contained in this permit. If this permit conflicts or is not consistent with Attachment 4, the conditions in this permit will control.~~

## **SECTION 4**

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

#### **4.1 WIND ACCESS BUFFER**

Wind turbine towers shall not be placed less than five (5) rotor diameters (RD) on prevailing wind directions and three (3) RD on 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. This section does not apply to public roads and trails.

#### **4.2 RESIDENCES**

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

#### **4.3 NOISE**

The wind turbine towers shall be placed such that the Permittee shall comply with noise standards established as of the date of this permit by the PCA 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 these

noise standards. The Permittee or its contractor may install and operate turbines, as close as the minimum setback required in this permit, but in all cases shall comply with PCA noise standards. The Permittee shall be required to comply with this condition with respect to all homes or other receptors in place as of the time of construction, but not with respect to such receptors built after construction of the towers.

#### **4.4 ROADS**

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

#### **4.5 PUBLIC LANDS**

Wind turbines and associated facilities including foundations, access roads, underground cable, and transformers, shall not be located in public lands, including Waterfowl Production Areas, Wildlife Management Areas, Scientific and Natural Areas, or in county parks, and wind turbine towers shall also comply with the setbacks of Section 4.1.

#### **4.6 WETLANDS**

Wind turbines and associated facilities including foundations, access roads, underground cable, and transformers, shall not be placed in public waters wetlands, as defined in Minnesota Statutes section 103G.005, subdivision 15a, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources (DNR), the United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetland Conservation Act.

#### **4.7 NATIVE PRAIRIE**

The Permittee shall, in consultation with the Commission and DNR, prepare a Prairie Protection and Management Plan and submit it to the Commission and DNR at least fourteen (14) days prior to the pre-construction meeting if native prairie, as defined in Minnesota Statutes section 84.02, subdivision 5, is identified in any biological and natural resource inventories conducted pursuant to Section 6.1. The plan shall address steps to avoid impacts to native prairie and mitigation to unavoidable impacts of 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 placed in native prairie unless addressed in a prairie protection and management plan and shall not be located in areas enrolled in the Native Prairie Bank Program. Construction activities, as defined in Minnesota Statutes section 216E.01, shall not impact native prairie unless addressed in a Prairie Protection and Management Plan.

#### **4.8 SAND AND GRAVEL OPERATIONS**

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

#### **4.9 WIND TURBINE TOWERS**

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 100 meters (328 feet) above grade measured at hub.

#### **4.10 TURBINE SPACING**

The turbine towers shall be constructed within the site boundary as shown in **Attachments 1a-c**. The turbine towers shall be spaced no closer than three (3) RD in non-prevailing wind directions and five (5) RD on 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.

#### **4.11 METEOROLOGICAL TOWERS**

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

Meteorological towers shall be marked as required by the Federal Aviation Administration (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.

#### **4.12 AVIATION**

The Permittee shall not place wind turbines or associated facilities in a location that could create an obstruction to navigable airspace of public and licensed private airports (as defined in Minnesota Rule 8800.0100, subparts 24a and 24b) in Minnesota, adjacent states, or providences. The Permittee shall apply the minimum obstruction clearance for licensed private airports pursuant to Minnesota Rule 8800.1900, subpart 5. Setbacks or other limitations shall be followed in accordance with the Minnesota Department of Transportation (DOT), Department of Aviation, and FAA. The Permittee shall notify owners of all known airports within six (6) miles of the Project prior to construction.

#### **4.13 FOOTPRINT MINIMIZATION**

The Permittee shall design and construct the LWECS so as to minimize the amount of land that is impacted by the LWECS. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, ~~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(s).

#### **4.14 COMMUNICATION CABLES**

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

#### **4.15 ELECTRICAL COLLECTOR AND FEEDER LINES**

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

Any feeder lines that parallel public roads shall be placed within the public rights-of-way or on private land immediately adjacent to public roads. If feeder lines are located within public rights-of-way, the Permittee shall obtain approval from the governmental unit responsible for the affected right-of-way.

Collector and feeder line locations shall be located in such a manner to minimize interference with agricultural operations, including, but not limited to, existing drainage patterns, drain tile, future tiling plans, and ditches. Safety shields shall be placed on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines in the site plan pursuant to Section 5.1.

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 [Recommended Practice for Inductive Coordination of Electric Supply and Communication Lines], IEEE 519 [Harmonic Specifications], IEEE 367 [Recommended Practice for Determining the Electric Power Station Ground Potential Rise and Induced Voltage from a Power Fault], and IEEE 820 [Standard Telephone Loop Performance Characteristics] 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.

## **SECTION 5 ADMINISTRATIVE COMPLIANCE PROCEDURES**

The following administrative compliance procedures shall be executed in accordance with the Permit Compliance Filings at Attachments 3 and 4.

### **5.1 SITE PLAN**

At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall submit to the Commission:

- (a) a site plan for all turbines, roads, electrical equipment, collector and feeder lines, and other associated facilities to be constructed;
- (b) engineering drawings for site preparation, construction of the facilities; and
- (c) a plan for restoration of the site due to construction.

Construction is defined under Minnesota Statutes section 216E.01. The Permittee may submit a site plan and engineering drawings for only a portion of the Project if the Permittee intends to commence construction on certain parts of the Project before completing the site plan and engineering drawings for other parts of the Project. The Permittee shall document, through GIS mapping, compliance with the setbacks and site layout restrictions required by this permit, including compliance with the noise standards pursuant to Minnesota Rules chapter 7030. In the event that previously unidentified environmental conditions are discovered during construction that by law or pursuant to conditions outlined in this permit would preclude the use of that site as a turbine site, the Permittee shall have the right to move or relocate turbine 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.

### **5.2 NOTICE TO LOCAL RESIDENTS**

Within fourteen (14) days of approval of this permit, the Permittee shall send a printed 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, within fourteen (14) days of permit approval, send a copy of this permit to each regional development commission, local fire district, soil and water conservation district, watershed district, and watershed management district office with jurisdiction in the county where the site is located. Within thirty (30) days of approval of this permit, the Permittee shall send a printed copy of the permit to each landowner within the Project boundary. In no case shall the landowner receive this site permit and complaint procedure, developed pursuant to Section 5.8, less than five (5) days prior to the start of construction on their property.

### **5.3 NOTICE OF PERMIT CONDITIONS**

Prior to the start of construction, the Permittee shall inform all employees, contractors, and other persons involved in the construction and ongoing operation of the Project of the terms and conditions of this permit.

### **5.4 FIELD REPRESENTATIVE**

At least fourteen (14) days prior to the pre-construction meeting and continuously throughout construction, including site restoration, the Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this permit during the construction phase of this Project. This person (or a designee) shall be accessible by telephone during normal working hours. This person's address, phone number, and emergency phone number shall be provided to the Commission, which 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.

### **5.5 SITE MANAGER**

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this permit during the commercial operation and decommissioning phases of this Project. The Permittee shall provide the Commission with the name, address, and phone number, and emergency phone number of the site manager prior to placing any turbine into commercial operation. This information shall be maintained current by informing the Commission of any changes, as they become effective.

### **5.6 PRE-CONSTRUCTION MEETING**

Prior to the start of any construction, the Permittee shall conduct a pre-construction meeting with the Field Representative and the State Permit Manager designated by the Commission to coordinate field monitoring of construction activities.

### **5.7 PRE-OPERATION COMPLIANCE MEETING**

At least fourteen (14) days prior to commercial operation, the Permittee shall conduct a pre-operation compliance meeting with the Site Manager and the State Permit Manager designated by the Commission to coordinate field monitoring of operation activities.

### **5.8 COMPLAINTS**

At least fourteen (14) 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 Project in accordance with the procedures provided in Attachments 2 and 3 of this permit.

## SECTION 6

### SURVEYS AND REPORTING

#### 6.1 BIOLOGICAL AND NATURAL RESOURCE INVENTORIES

The Permittee, in consultation with DNR and other interested parties, shall design and conduct pre-construction desktop and field inventories of potentially impacted native prairies, wetlands, and any other biologically sensitive areas within the site and assess the presence of state threatened, endangered, or species of special concern or federally listed species. The results of any surveys shall be submitted to the Commission and DNR at least ~~fourteen (14)~~ thirty (30) days prior to the pre-construction meeting to confirm compliance of conditions in this permit.

The Permittee shall provide to the Commission any biological surveys or studies conducted on this Project, including those not required under this permit.

#### 6.2 SHADOW FLICKER

At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall provide data on shadow flicker impacts on each residence of non-participating landowners and participating landowners. Information shall include the results of modeling used, assumptions made, and the anticipated levels of ~~impact~~ exposure from turbine shadow flicker on each residence. The Permittee shall provide documentation on its efforts to avoid, minimize and mitigate shadow flicker ~~impacts-exposure~~. The results of any modeling shall be submitted to the Commission at least fourteen (14) days prior to the pre-construction meeting to confirm compliance of conditions in this permit.

#### 6.3 ARCHAEOLOGICAL RESOURCES

The Permittee shall work with the State Historic Preservation Office (SHPO) and the State Archaeologist. The Permittee shall carry out 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 shall contract with a qualified archaeologist to complete such surveys, and shall submit the results to the Commission, the SHPO, and the State Archaeologist at least fourteen (14) days prior to the pre-construction meeting.

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

If human remains are encountered during construction, the Permittee shall immediately halt construction at that location and promptly notify local law enforcement authorities and the State

Archaeologist. Construction at the human remains location shall not proceed until authorized by local law enforcement authorities or the State Archaeologist.

If any federal funding, permit, or license is involved or required, the Permittee shall notify the SHPO as soon as possible in the planning process to coordinate section 106 (36 C.F.R. part 800) review.

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 SHPO about the discovery. The Commission and the SHPO shall have three (3) working days from the time the agency is notified to conduct an inspection of the site if either agency chooses to do so. On the fourth day after notification, the Permittee may begin work on the site unless the SHPO has directed that work shall cease. In such event, work shall not continue until the SHPO determines that construction can proceed.

#### **6.4 INTERFERENCE**

At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall submit a plan to the Commission for conducting an assessment of television and radio signal reception, and-microwave signal patterns, and telecommunications in the Project area. The assessment shall be designed to provide data that can be used in the future to determine whether the turbines and associated facilities are the cause of disruption or interference of 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 Project so as to cause microwave, television, radio, telecommunications, or navigation interference in violation of Federal Communications Commission regulations or other law. In the event the Project or its operations cause such interference, the Permittee shall take timely measures necessary to correct the problem.

#### **6.5 WAKE LOSS STUDIES**

At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall provide to the Commission the pre-construction 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.

#### **6.6 NOISE**

The Permittee shall submit a proposal to the Commission at least fourteen (14) days prior to the pre-operation compliance meeting for the conduct of a post-construction noise study. Upon the approval of the Commission, the Permittee shall carry out the study. The study shall be designed

to determine the operating LWECS noise levels at different frequencies and at various distances from the turbines at various wind directions and speeds. The Permittee shall submit the study within eighteen (18) months after commercial operation.

## **6.7 AVIAN AND BAT PROTECTION PLAN**

### 6.7.1 AVIAN AND BAT PROTECTION PLAN

The Permittee shall comply with the provisions of the Revised Avian and Bat Protection Plan submitted for this Project on July 10, 2012 as detailed in Attachment 5. The plan addresses steps to be taken to identify, avoid, minimize and mitigate impacts to avian and bat species during the construction phase and the operation phase of the Project. The plan also includes formal and informal monitoring, training, wildlife handling, documentation (e.g., photographs), and reporting protocols for each phase of the Project.

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

### 6.7.2 QUARTERLY INCIDENT REPORTS

The Permittee shall submit quarterly avian and bat reports to the Commission. Quarterly reports are due by the 15<sup>th</sup> of each January, April, July, and October commencing the day following commercial operation and terminating upon the expiration of this permit. Each report shall identify any dead or injured avian and bat species, location of find by turbine number, and date of find for the reporting period in accordance with the reporting protocols. If a dead or injured avian or bat species is found, the report shall describe the potential cause of the occurrence and the steps taken to avoid future occurrences. The Permittee shall provide a copy of the report to DNR and to the U.S. Fish and Wildlife Service at the time of filing with the Commission.

### 6.7.3 IMMEDIATE INCIDENT REPORTS

The Permittee shall notify the Commission, U.S. Fish and Wildlife Service, and DNR within twenty-four (24) hours of the discovery of any of the following:

- (a) five or more dead or injured non-protected avian or bat species within a reporting period;
  - (b) one or more dead or injured migratory avian or bat species;
  - (c) one or more dead or injured state threatened, endangered, or species of special concern;
- ⊕

- (d) one or more dead or injured federally listed species; or-
- (e) one or more bald eagles.

## 6.8 PROJECT ENERGY PRODUCTION

The Permittee shall ~~submit a report no later than~~ by February 1<sup>st</sup> following each complete or partial year of Project operation submit a report to the Commission including. ~~The report shall include:~~

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

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

## 6.9 WIND RESOURCE USE

The Permittee shall, by February 1<sup>st</sup> following each complete or partial calendar year of operation, file with ~~upon the request of the Commission report to the Commission on the~~ monthly energy production of the Project and the average monthly and average annual wind speed collected at one permanent meteorological tower ~~selected by the Commission~~ during the preceding year or partial year of operation. ~~Section 11.7 shall apply to data provided pursuant to this section.~~

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

## 6.10 EXTRAORDINARY EVENTS

Within twenty-four (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, and injured LWECS worker or private person. The Permittee shall, within thirty (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.

## SECTION 7

### CONSTRUCTION AND OPERATION PRACTICES

#### 7.1 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.

#### 7.2 TOPSOIL PROTECTION

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

#### 7.3 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.

#### 7.4 LIVESTOCK PROTECTION

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

#### 7.5 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(s). When the Permittee installs a gate where electric fences are present, the Permittee shall provide for continuity in the electric fence circuit.

#### 7.6 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(s).

#### 7.7 EQUIPMENT STORAGE

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

## **7.8 ROADS**

### **7.8.1 PUBLIC ROADS**

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

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

### **7.8.2 TURBINE ACCESS ROADS**

The Permittee shall construct the least 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 five gravel or similar material. Access roads shall not be constructed across streams and drainage ways without required permits and approvals from the DNR, USFWS, and/or USACE. When access roads are constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. Access roads shall also be located and constructed in accordance with all necessary township, county, or state road requirements and permits.

### **7.8.3 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(s).

## **7.9 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.

## **7.10 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(s).

## **7.11 SOIL EROSION AND SEDIMENT CONTROL**

The Permittee shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the Plan to the Commission at least fourteen (14) days prior to the pre-construction meeting. This Plan may be the same as the Storm Water Pollution Prevention Plan (SWPPP) submitted to the PCA as part of the National Pollutant Discharge Elimination System (NPDES) permit application.

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.

## **7.12 RESTORATION**

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

## **7.13 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.

## **7.14 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 fourteen (14) 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.

### **7.15 PUBLIC SAFETY**

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

### **7.16 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 at least fourteen (14) days prior to the pre-construction meeting and a revised plan, if any, at least fourteen (14) days prior to the pre-operation compliance meeting. The Permittee shall also register the LWECS with the local governments' emergency 911 services.

### **7.17 TOWER IDENTIFICATION**

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

### **7.18 FEDERAL AVIATION ADMINISTRATION LIGHTING**

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

## **SECTION 8**

### **FINAL CONSTRUCTION**

#### **8.1 AS-BUILT PLANS AND SPECIFICATIONS**

Within sixty (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 GIS compatible format so that the Commission can place it into the Minnesota Geospatial Information Office's geographic data clearinghouse located in the Department of Administration.

## **8.2 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.

## **8.3 EXPANSION OF SITE BOUNDARIES**

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

## **8.4 NOTIFICATION TO COMMISSION**

At least three (3) days before the Project is to commence commercial operation, the Permittee shall notify the Commission of the date on which the Project will commence commercial operation and the date on which construction was completed

# **SECTION 9**

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

### **9.1 DECOMMISSIONING PLAN**

At least fourteen (14) days prior to the ~~pre-construction~~operation compliance meeting, 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.

### **9.2 SITE RESTORATION**

Upon expiration of this permit, or upon earlier termination of operation of the Project, or any turbine within the Project, the Permittee shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment to a depth of four feet. To the extent feasible, the Permittee shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner(s) 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(s) shall be submitted to the Commission prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within eighteen (18) months after expiration, or upon earlier termination of the Project, or any turbine within the Project.

### **9.3 ABANDONED TURBINES**

The Permittee shall advise the Commission of any turbines that are abandoned prior to termination of operation of the Project. A Project, or any turbine within the Project, shall be considered abandoned after one (1) year without energy production and the land restored pursuant to Section 9.2 unless a plan is developed and submitted to the Commission outlining the steps and schedule for returning the Project, or any turbine within the Project, to service.

## **SECTION 10**

### **AUTHORITY TO CONSTRUCT LWECS**

#### **10.1 WIND RIGHTS**

At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall demonstrate that it has obtained the wind rights and any other rights necessary to construct and operate the Project within the boundaries of the LWECS authorized by this permit.

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

#### **10.2 POWER PURCHASE AGREEMENT**

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

#### **10.3 FAILURE TO COMMENCE CONSTRUCTION**

If the Permittee has not completed the pre-construction surveys required under ~~Section 5~~ this permit and commenced construction, as defined in Minnesota Statutes section 216E.01, 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 to whether this permit should be amended or revoked. No revocation of this permit may be undertaken except in accordance with applicable statutes and rules, including Minnesota Rule 7854.1300.

#### **10.4 PREEMPTION OF OTHER LAWS**

Pursuant to Minnesota Statutes section 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.

#### **10.5 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.

##### **10.5.1 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 PCA (Section 401 Water Quality Certification, National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) stormwater permit for construction activity, and other site specific discharge approvals), DNR (License to Cross Public Lands and Water, Public Water Works Permit, and state protected species consultation), SHPO (Section 106 Historic Consultation Act), FAA determinations, and DOT (Utility Access Permit, Highway Access Permit, Oversize and Overweight Permit, Aeronautics Airspace Obstruction Permit, and the Mn/DOT Utility Accommodation Policy).

##### **10.5.2 COMPLIANCE WITH COUNTY, CITY OR MUNICIPAL PERMITS**

The Permittee shall comply with all terms and conditions of permits, authorizations, or licenses issued by the counties, cities, and municipalities affected by the Project that do not conflict with or are not pre-empted by federal or state permits and regulations. These authorizations include, but are not limited to, compliance with Minnesota's Wetland Conservation Act.

## **SECTION 11**

### **COMMISSION POST-ISSUANCE AUTHORITIES**

#### **11.1 PERIODIC REVIEW**

The Commission shall initiate a review of this permit and the applicable conditions at least once every five (5) years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this permit. No modification may be made except in accordance with applicable statutes and rules.

#### **11.2 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.

#### **11.3 REVOCATION OR SUSPENSION OF PERMIT**

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

- (a) A false statement was knowingly made in the application or in accompanying statements or studies required of the Permittee, and a true statement would have warranted a change in the Commission's findings;
- (b) There has been a failure to comply with material conditions of this permit, or there has been a failure to maintain health and safety standards; 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 determines that it is appropriate to consider revocation or suspension of this permit, the Commission shall proceed in accordance with the requirements of Minnesota Rule 7854.1300 to determine the appropriate action. Upon a finding of any of the above, the Commission may require the Permittee to undertake corrective measures in lieu of having this permit suspended or revoked.

#### **11.4 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.

#### **11.5 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.

#### **11.6 RIGHT OF ENTRY**

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

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

#### **11.7 PROPRIETARY INFORMATION**

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

### **SECTION 12**

#### **EXPIRATION DATE**

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

## SECTION 13

### 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.

#### 13.1 APPLICATION OF COUNTY STANDARDS

The Permittee shall site all wind turbines and associated facilities consistent with the wind energy ordinances adopted by Stearns County. Stearns County has adopted more stringent standards than those identified in Section 4 of this permit for the following features:

- (a) Property Lines: Turbines shall have a setback of 1.1 times the total height, (as measured from the tip of the blade when the blade is extended perpendicular to the tower) from property lines. A recorded fall zone easement acceptable to Stearns County may be allowed in lieu of this setback, provided all other setbacks are met;
- (b) Occupied Structure – Participating Property Owner: Turbines shall be set back at least 500 feet and sufficient distance to meet the state noise standard, from occupied structures of participating property owners;
- (c) Occupied Structure – Non-Participating Property Owner: Turbines shall be set back at least 1,000 feet and sufficient distance to meet the state noise standard from occupied structures of non-participating property owners.
- (d) Shadow Flicker Modeling: Permittee shall incorporate assumptions identified in Stearns County Ordinance when modeling for shadow flicker.
- (e) Shoreland Overlay District: Turbines shall not be placed within areas designated by Stearns County as a "Shoreland Overlay District."

#### 13.2 OVERHEAD COLLECTOR FEEDER LINES

The Permittee shall use bird flight diverters on overhead ~~collector~~ feeder lines within or adjacent to delineated wetland areas and waterways. The Permittee shall provide DNR and the Commission with the location and spacing of proposed bird flight diverters at least fourteen (14) days prior to construction of overhead feeder lines.

#### 13.3 SITE-SPECIFIC BAT STUDY

The Avian and Bat Protection Plan in Section 6.7 shall include provision for a site-specific study characterizing bat activity and species present within the Project area developed in consultation with the Commission, DNR, and USFWS. The ABPP shall outline the monitoring protocol and data to be analyzed in the bat study. The Permittee shall submit a report summarizing the findings of the study and recommendations for further actions to the Commission no later than December 15, 2012. Need for additional studies shall be based on review of this compliance filing.

### **13.4 AVIAN AND BAT POST-CONSTRUCTION FATALITY MONITORING**

The Permittee shall, in consultation with DNR, design and implement a post-construction avian and bat fatality survey consistent with the DNR Draft Avian and Bat Monitoring Protocol for a site considered to be of moderate risk to wildlife. The survey design shall be filed with the Commission no later than ninety (90) days prior to commercial operation of the Project. The survey shall be conducted for a minimum of one complete field season starting March 15 and ending November 15 after the commencement of commercial operation. At a minimum, fatality monitoring must include:

- 1) Twenty percent of the turbines will be searched (minimum 10 and maximum 25)
- 2) 160 meter square search plot centered on the base of the turbine (80 meters in each direction from the turbine base).
- 3) Two search days per week
- 4) 75 searcher efficiency trials
- 5) 50 carcass removals
- 6) Minimum search time of 1-2 hours per turbine

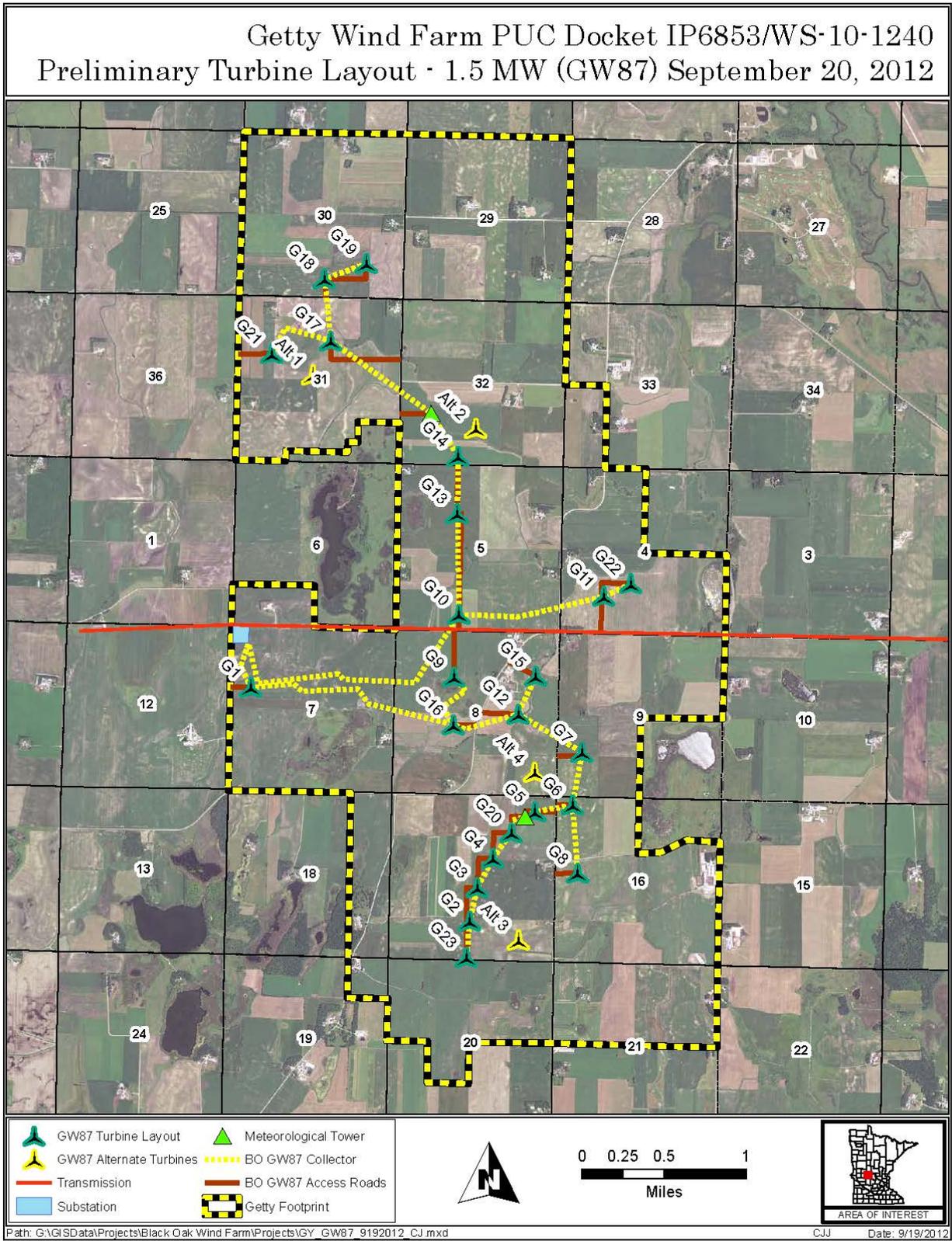
Monitoring results shall be submitted to Commission, DNR, and USFWS monthly. Monthly results shall be provided in an Excel spreadsheet and include summarized and raw data..

### **13.5 PROJECT SUBSTATION**

The location of the Project Substation shall comply with the setback requirements set forth in Stearns County Land Use and Zoning Ordinance.

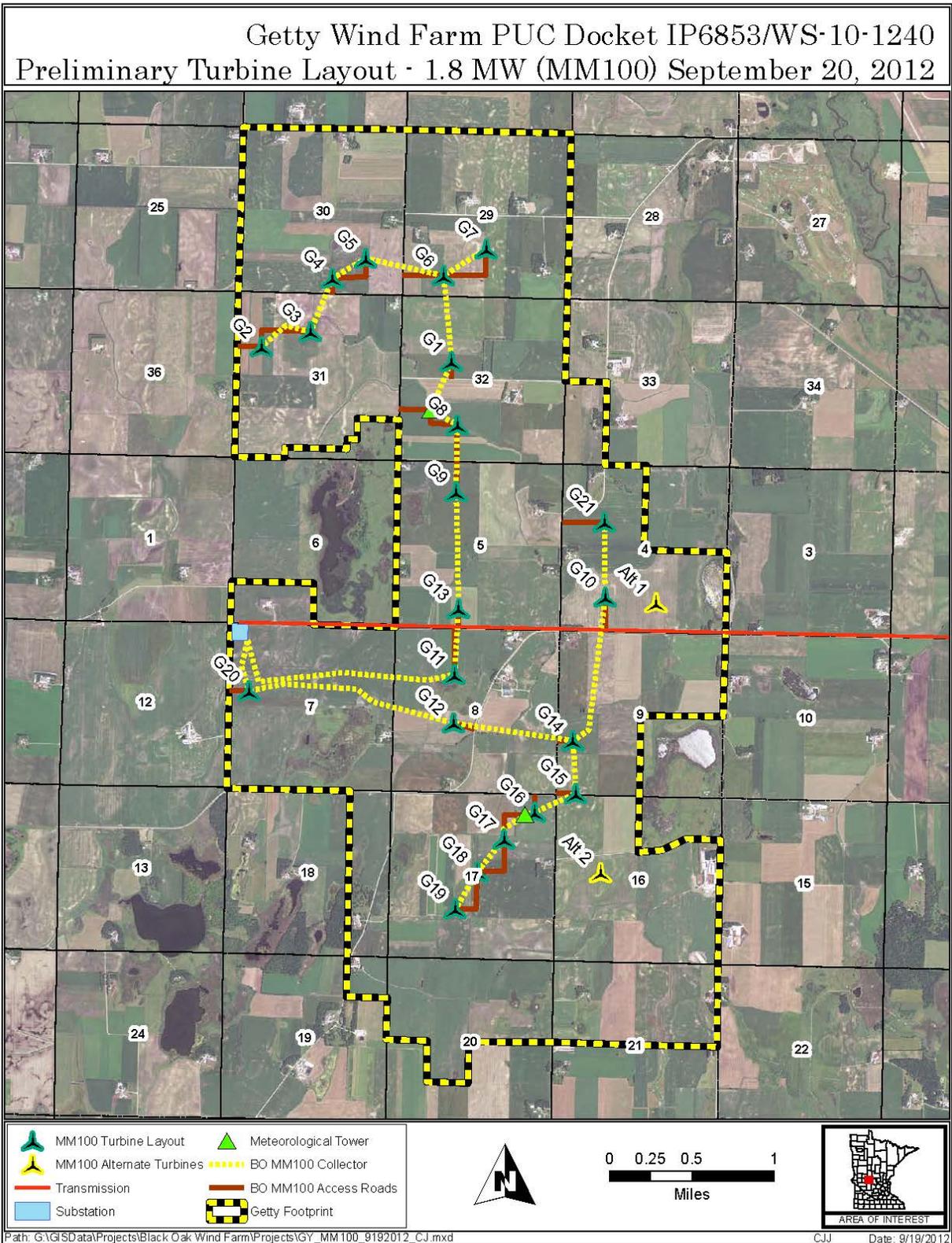
ATTACHMENT 1: SITE PERMIT MAPS

Attachment 1a



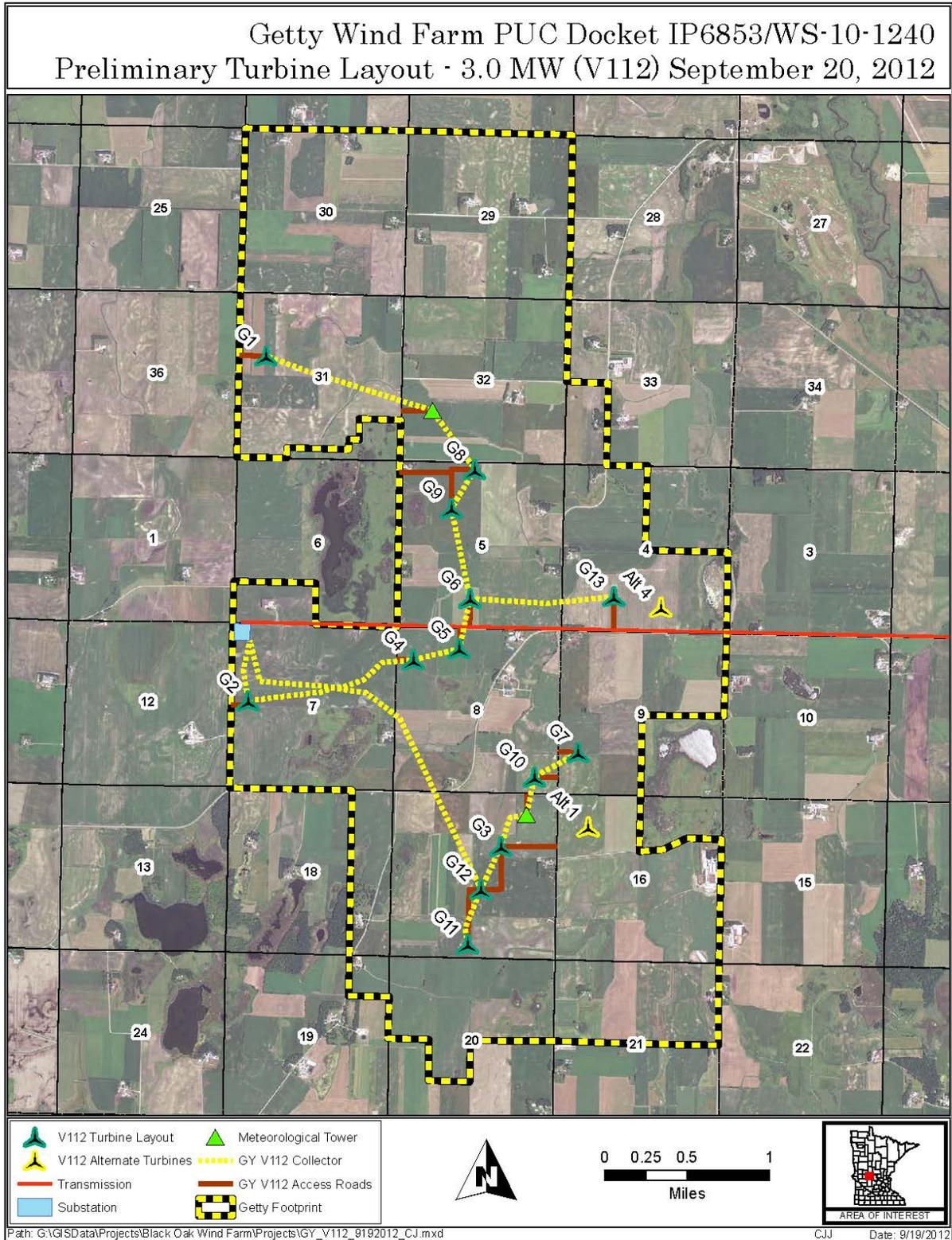
ATTACHMENT 1: SITE PERMIT MAPS

Attachment 1b



ATTACHMENT 1: SITE PERMIT MAPS

Attachment 1c



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 and all complaints received by the Commission under Minn. Rule 7829.1500 or 7829.1700 relevant to this Permit.

D. **Definitions:**

**Complaint:** A verbal or written statement presented to the Permittee by a person expressing dissatisfaction or concern regarding site 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:

## ATTACHMENT 2: LWECS COMPLAINT HANDLING PROCEDURES

Page 2 of 3

- 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 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) an LWECS and associated facility issue, or (3) a compliance issue.

### F. **Reporting Requirements:**

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

**Immediate Reports:** All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to Wind Permit Compliance, 1-800-657-3794, or by e-mail to: [DOC.energypermitcompliance@state.mn.us](mailto:DOC.energypermitcompliance@state.mn.us), Voice messages are acceptable.

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

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

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

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

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

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

**I. Permittee Contact for Complaints:**

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

Roland Jurgens  
Getty Wind Company, LLC  
PO Box 321  
Chokio, MN 56221

**Tel:** (320) 324-7122

**email:** [rjurgens@mnioka.com](mailto:rjurgens@mnioka.com)

## ATTACHMENT 3: COMPLIANCE FILING PROCEDURES

### MINNESOTA PUBLIC UTILITIES COMMISSION COMPLIANCE FILING PROCEDURE 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**

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

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

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

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

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

**ATTACHMENT 4: PERMIT COMPLIANCE FILINGS**

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

**PERMITTEE:** Getty Wind Company, LLC  
**PERMIT TYPE:** LWECS Site Permit  
**PROJECT LOCATION:** Stearns County  
**COMMISSION DOCKET:** IP-6866/WS-11-831

**PRE-CONSTRUCTION MEETING**

<b>Permit Section</b>	<b>Description</b>	<b>Due Date</b>	<b>Notes</b>	<b>eDocket Doc. ID</b>	<b>Date Filed</b>
4.7	Native Prairie Protection Plan	14 days prior to pre-construction meeting, if required.	Develop in consultation with Commission and DNR.		
5.1	Site Plan	14 days prior to pre-construction meeting.			
5.4	Field Representative	14 days prior to pre-construction meeting.			
5.8	Complaint Reporting Procedures	14 days prior to pre-construction meeting.			
6.1	Biological & Natural Resource Inventories	14 days prior to pre-construction Meeting.	Results may trigger need for a Native Prairie Protection Plan.		
6.2	Shadow Flicker Analysis	14 days prior to pre-construction meeting.			
6.3	Archaeological Resources	14 days prior to pre-construction meeting and as recommended by the State Historic Preservation Office.			
6.4	Interference	14 days prior to pre-construction Meeting.			
6.5	Wake Loss	14 days prior to pre-construction meeting.			

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

**ATTACHMENT 4: PERMIT COMPLIANCE FILINGS**

7.8	Road Identification	14 days prior to pre-construction meeting.			
7.11	Soil Erosion & Sediment Control Plan	14 days prior to pre-construction.	May be the same as NPDES SWPPP.		
7.16	Emergency Response	14 days prior to pre-construction meeting. Must register in 911 Program.			
9.1, 9.2, & 9.3	Decommissioning Plan	14 days prior to commercial operation.			
10.1	Wind Rights	14 days prior to pre-construction meeting.			

**PRE-OPERATION COMPLIANCE MEETING**

Permit Section	Description	Due Date	Notes	eDocket Doc. ID	Date Filed
5.7	Pre-operation compliance meeting	14 days prior to commercial operation.			
6.6	Noise Study Protocol	14 days prior to pre-operation meeting.			
9.1 & 9.3	Decommissioning Plan	14 days prior to pre-operation meeting.			

**OTHER REQUIREMENTS**

Permit Section	Description	Due Date	Notes	eDocket Doc. ID	Date Filed
5.2	Notice to Landowners & Government Units	Within 30 days of permit issuance.			
5.5	Site Manager	14 days prior to prior to commercial operation.	Update contact information as necessary.		
5.8	Complaints	Complaint submittals on the 15 <sup>th</sup> of each month or within 24 hours.	Must eFile report even if no complaints.		
6.6	Noise Study Results	Within 18 months of Commercial Operation.			

**ATTACHMENT 4: PERMIT COMPLIANCE FILINGS**

**OTHER REQUIREMENTS**

6.7	<u>Avian and Bat Reporting Requirements</u>	<u>Quarterly reports due and within 24 hours of discovery of certain species.</u>			
6.7.1	<u>Annual Audit Report of ABPP</u>	<u>By March 15<sup>th</sup> following each complete or partial year of operation</u>			
6.7.2	<u>Quarterly Incident Reports</u>	<u>By the 15<sup>th</sup> of January, April, July, and October</u>			
6.7.3	<u>Immediate Incident Reports</u>	<u>Within 24 hours of discovery</u>			
6.8	Project Energy Production	Due 2/1 each year.			
6.9	Wind Resource Use	<u>Upon request of the Commission. February 1<sup>st</sup> following each complete or partial year of operation</u>			
6.10	Extraordinary Events	Within 24 hours and report on occurrence of event within 30 days.			
8.1	As Builts	Within 60 days of completion of construction.			
8.4	Notification of Commercial Operation	At least 3 days prior to commencement of commercial operation			
10.2	PPA or Enforceable Mechanism	Within 2 years of permit issuance.	If no PPA or other enforceable mechanism at time of permit issuance.		
10.3	Failure to Start Construction	Within 2 years of permit issuance.			
13.3	<u>Site Specific Bat Study</u>	<u>December 15, 2012</u>			
13.4	<u>Avian and Bat Post-Construction Monitoring – Survey Design</u>	<u>90 days prior to commercial operation of the Project</u>			
13.4	<u>Avian and Bat Post-Construction Monitoring –</u>	<u>Monthly so long as monitoring is being conducted</u>			

**ATTACHMENT 4: PERMIT COMPLIANCE FILINGS**

	<u>Monitoring Results</u>				
--	---------------------------	--	--	--	--

Proposed