STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

DATE: August 12, 2013

TO: Interested Persons

FROM: PUC Commission Staff

DOCKET: IP6646/WS-13-216

RE: In the Matter of the Application of Stoneray Power Partners, LLC for a Site Permit for the Stoneray Wind Farm in Pipestone and Murray Counties, Minnesota

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Commission staff prepared the attached generic Large Wind Energy Conversion site permit template for the Stoneray Wind Project. In its July 24, 2013 Order in this Docket the Commission authorized its staff to enter the generic permit template into the record.

The attached template is designed to provide interested parties, persons and governmental agencies an opportunity to review standard permit language early in the review process in order to facilitate greater discussion of the proposed terms and conditions, and to allow time for the development of recommendations of different or additional permit language or special conditions specific to the proposed project. The generic permit template will also provide the administrative law judge with a foundation to build on during the hearing process and when preparing the final hearing report and recommendations.

If you have any questions, please direct them to Tricia DeBleeckere of the Commission staff at 651-201-2254 or *tricia.debleeckere@state.mn.us*.

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

SITE PERMIT FOR A
LARGE WIND ENERGY CONVERSION SYSTEM

IN
[COUNTY]

ISSUED TO
[PERMITTEE NAME]

PUC DOCKET NO. [NUMBER]

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

[Permittee Name]

[Permittee Name], is authorized to construct and operate up to a [number] 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 site permit shall expire thirty (30) years from the date of this approval.

Approved and adopted this ____ day of _____

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 loss or speech disabilities may call us through Minnesota Relay at 1-800-627-3529 or by dialing 711.

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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 [Permittee Name] (Permittee) to construct and operate the [Project Name] (Project), a [number] megawatt (MW) nameplate capacity LWECS and associated facilities in [county name] county on [x] acres in accordance with the conditions contained in this permit.

1.0 PROJECT DESCRIPTION

The up to [number] MW nameplate capacity LWECS Project authorized to be constructed in this permit will be developed and constructed by the Permittee. [Example Text – Change to suit project]

Within the site permit boundary, the 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 [no. of acres] of full easements and [acres] acres of participation agreements, totaling approximately [x] acres in sections of [township names] townships. Upon completion, the total project site would be converted to wind turbines and associated infrastructure for a total of approximately [x] square acres. Attachments [x] and [x].

2.0 DESIGNATED SITE

2.1 Project Boundary

The Project boundary is shown on the map at **Attachment [x]**. The Project is located in the following townships in [county name].

Township Name	Sections	Township	Range

Within the site permit boundary, the 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 [x] acres of full easements and [x] acres of participation agreements, totaling approximately [x] acres. Upon completion the total project site would be converted to wind turbines and associated infrastructure for a total of approximately [x] square acres.

2.2 Turbine Layout

The preliminary wind turbine and associated facility layouts on the maps at **Attachment [x]**. The preliminary layout represents the approximate location of wind turbines and associated facilities within the Project boundary and identifies a layout that minimizes the overall potential human and environmental impacts of the Project, 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 depicted in the 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 file the final site layout in the site plan pursuant to Section 5.1.

3.0 APPLICATION COMPLIANCE

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

Attachment [x] contains a summary of compliance filings, which is provided solely for the convenience of the Permittee. If this permit conflicts or is not consistent with **Attachment [x]**, the conditions in this permit will control.

4.0 SETBACKS AND SITE LAYOUT RESTRICTIONS

4.1 Wind Access Buffer

Wind turbine towers shall not be placed less than five (5) rotor diameters on the prevailing wind directions and three (3) rotor diameters on the non-prevailing wind directions from the perimeter of the property 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, part 7030.0040 established by the Minnesota Pollution Control Agency (MPCA), 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 MPCA at all times and 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 MPCA noise standards. The Permittee shall be required to comply with this condition with respect to all homes or other receptors in place as of the time of construction, but not with respect to such receptors built after construction of the towers.

4.4 Roads

Wind turbines 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, State Wildlife Management Areas, Scientific and Natural Areas or county parks. Wind turbines 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 15(a), except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources (DNR) and the United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetlands Conservation Act.

4.7 Native Prairie

The Permittee shall, in consultation with the Commission, Department of Commerce and DNR, prepare a Prairie Protection and Management Plan and file it with the Commission and DNR at least thirty (30) 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 taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, DNR 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. Wind turbines and associated facilities 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 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 [number] meters ([number] feet) above grade measured at hub height.

4.10 Turbine Spacing

The turbine towers shall be constructed within the site boundary as shown in **Attachment [x]**. The turbine towers shall be spaced no closer than three (3) rotor diameters in the non-prevailing wind directions and five (5) rotor diameters 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.

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 private airports (as defined in Minnesota Rules, part 8800.0100, subparts 24(a) and 24(b)) in Minnesota, adjacent states, or provinces. The Permittee shall apply the minimum obstruction clearance for private airports pursuant to Minnesota Rules, part 8800.1900, subpart 5. Setbacks or other limitations shall be followed in accordance with the Minnesota Department of Transportation (Mn/DOT), Department of Aviation, and the 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, 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.

4.14 Communication Cables

The Permittee shall place all communication and supervisory control and data acquisition (SCADA) 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. 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. Any overhead or underground 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 overhead 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 as 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 has 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.

5.0 ADMINISTRATIVE COMPLIANCE PROCEDURES

The following administrative compliance procedures require submissions to the Commission. Submissions must be made by electronic filing (eFiling).

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 and 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, subdivision 3. 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 and demonstrate compliance with the setbacks and site layout restrictions required by this permit before the turbine is constructed on the new site.

5.2 Permit Distribution to Local Governments and Residents

Within fourteen (14) days of permit issuance, 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. As applicable, the Permittee shall, within fourteen (14) days of permit issuance, send a printed 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 permit issuance, 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 shall be accessible by telephone during normal working hours. This person’s address, email, phone number, and emergency phone number shall be filed with

the Commission, which may make the contact information available to local residents and officials and other interested persons. The Permittee may change the field representative by notification to the Commission by eFiling.

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 file with the Commission the name, address, email, phone number, and emergency phone number of the site manager fourteen (14) days prior to placing any turbine into commercial operation. This information shall be maintained current by informing the Commission of any changes by eFiling, as they become effective.

5.6 Pre-Construction Meeting

Prior to the start of any construction, representatives of the Permittee, the Field Representative, the Department of Commerce Environmental Review Manager and Commission Staff shall participate in a pre-construction meeting to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. The Permittee shall file with the Commission within fourteen (14) days following the pre-construction meeting a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the Project's construction start date.

5.7 Pre-Operation Compliance Meeting

At least 14 days prior to commercial operation, the Permittee shall conduct a pre-operation compliance meeting with the Department of Commerce Environmental Review Manager and Commission Staff to coordinate field monitoring of operation activities. The Permittee shall file with the Commission within fourteen (14) days following the pre-operation meeting a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the project's date of commercial operation.

5.8 Complaints

At least 14 days prior to the pre-construction meeting, the Permittee shall file with 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 [x] and [x]** of this permit.

6.0 SURVEYS AND REPORTING

6.1 Biological and Natural Resource Inventories

The Permittee, in consultation with the Commission, the Department of Commerce and DNR, shall design and conduct pre-construction desktop and field inventories of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests,

wetlands, and any other biologically sensitive areas within the Project site and assess the presence of state- or federally-listed or threatened species. The results of the inventories shall be filed with the Commission at least thirty (30) days prior to the pre-construction meeting to confirm compliance of conditions in this permit.

The Permittee shall file with 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 for each residence of non-participating landowners and participating landowners within and outside of the project boundary subject to exposure form turbine shadow flicker. Information shall include the results of modeling used, assumptions made, and the anticipated levels of exposure from turbine shadow flicker for each residence. The Permittee shall provide documentation on its efforts to avoid, minimize and mitigate shadow flicker exposure. The results of any modeling shall be filed with the Commission at least fourteen (14) days prior to the pre-construction meeting to confirm compliance with conditions of 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 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 shall choose 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, 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 or radio reception, microwave patterns, or telecommunications in the event residents should complain about such disruption or interference after the turbines are placed in operation. The assessment shall be completed and filed 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 file with the Commission the pre-construction micro-siting analysis leading to the final tower locations and an estimate of total Project wake losses. As part of the annual report on Project energy production required under Section 6.8 of the permit the Permittee shall file with the Commission any operational wake loss studies conducted on this Project during the calendar year preceding the report.

6.6 Noise

The Permittee shall file a proposal with 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 carryout 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 file the study within eighteen (18) months after commercial operation.

6.7 Avian and Bat Protection

6.7.1 Avian and Bat Protection Plan

The Permittee shall, in consultation with the Commission, the Department of Commerce and DNR, prepare [finalize] an Avian Bat and Protection Plan (ABPP) [x]. The plan shall address steps to be taken to identify and mitigate impacts to avian and bat species during the construction phase and the operation phase of the Project. The plan shall also include 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 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 (USFWS) 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 15th 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 (if known) and the steps taken to address future occurrences. The Permittee shall provide a copy of the report to DNR and to the USFWS at the time of filing with the Commission.

6.7.3 Immediate Incident Reports

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

(a) the installed nameplate capacity of the permitted Project;

(b) the total monthly energy generated by the Project in MW hours;

(c) the monthly capacity factor of the Project;

(d) yearly energy production and capacity factor for the Project;

(e) the operational status of the Project and any major outages, major repairs, 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 filed electronically.

6.9 Wind Resource Use

The Permittee shall, by February 1st following each complete or partial calendar year of operation, file with the Commission the average monthly and average annual wind speed collected at one permanent meteorological tower during the preceding year or partial year of operation. This information shall be considered public and must be filed 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, file a report with the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

7.0 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 Project.

7.2 Topsoil Protection

The Permittee shall implement measures to protect and segregate topsoil from subsoil on all 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. 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.

7.7 Equipment Storage

The Permittee shall not locate temporary equipment staging areas on lands under its control unless negotiated with affected landowner. Temporary equipment 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 5 gravel or similar material. Access roads shall not be constructed across streams and drainage ways without required permits and approvals. 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 be 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.

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.

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 MPCA 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.

7.12 Invasive Species

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.

7.13 Restoration

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

7.14 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.

7.15 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 to obtain approval for the use of herbicide prior to any application on the property. The landowner may request that there be no application of herbicides on any part of the site within the landowner's property. All herbicides shall be applied in a safe and cautious manner so as to not damage 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 Permittee intends to apply herbicide so that precautionary measures may be taken by the beekeeper.

7.16 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.

7.17 Emergency Response

The Permittee shall prepare an Emergency Response Plan (fire protection and medical emergency) in consultation with the emergency responders having jurisdiction over the area prior to Project 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 Project with the local governments' emergency 911 services.

7.18 Tower Identification

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

7.19 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.

8.0 FINAL CONSTRUCTION

8.1 As-Built Plans and Specifications

Within sixty (60) days after completion of construction, the Permittee shall file with the Commission a copy of the as-built plans and specifications. The Permittee must also file 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 Office of Enterprise Technology.

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 the Commission

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

9.0 DECOMMISSIONING, RESTORATION, AND ABANDONMENT

9.1 Decommissioning Plan

At least fourteen (14) days prior to the pre-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, part 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 requesting that one or more roads, or portions thereof, be retained. Any agreement for removal to a lesser depth or 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 eighteen (18) months after expiration.

9.3 Abandoned Turbines

The Permittee shall advise the Commission of any turbines that are abandoned prior to termination of operation of the Project. The 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.

10.0 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 authorized by this permit.

Nothing in this permit shall be construed to preclude any other person from seeking a permit to construct a Wind Energy Conversion System (WECS) 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 commitment. 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 Rules, part 7854.1300.

10.3 Failure to Commence Construction

If the Permittee has not completed the pre-construction surveys required under this permit and commenced construction of the Project within two years of the issuance of this permit, the Permittee must advise the Commission of the reason construction has not commenced. In such event, the Commission 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 Rules, part 7854.1300.

10.4 Preemption of Other Laws

Pursuant to Minnesota Statutes, section 216F.07, this 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 MPCA (Section 401 Water Quality Certification, 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 Mn/DOT (Utility Access Permit, Highway Access Permit, Oversize and Overweight Permit, and Aeronautics Airspace Obstruction Permit).

10.5.2 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 with or are not pre-empted by federal or state permits and regulations.

11.0 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 Project; 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 Rules, part 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 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.

The Permittee shall notify the Commission of:

(a) The sale of a parent entity or a majority interest in the Permittee,

(b) The sale of a majority interest of the Permittee's owners or majority interest of the owners, or,

(c) A sale which changes the entity with ultimate control over the Permittee.

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

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

11.7 Proprietary Information

Certain information required to be filed with the Commission under this permit may constitute trade secret information or other type of proprietary information under the Data Practices Act or other law. The Permittee must satisfy requirements of applicable law to obtain the protection afforded by the law.

12.0 EXPIRATION DATE

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

13.0 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 Avian and Bat Protection Plan Special Provision

[x]

13.2 Application of County Standards

The Permittee shall site all wind turbines and associated facilities consistent with the wind energy ordinances adopted by [x] count[ies].

13.3 Blanding's Turtle [Potential Language]

The Permittee shall follow the fact sheet of recommendations for avoiding and minimizing impacts to the Blanding's turtle. The summary of recommendations for avoiding and minimizing impacts to Blanding's turtle populations, including the attached colored photocopies of the Blanding's turtles, shall be made available to all contractors and its employees. Attachment [x] contains the fact sheet recommendations and summary.