January 18, 2017

Daniel Wolf  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
St. Paul, MN 55101-2147

RE: EERA Comments and Recommendations  
Preliminary Draft Site Permit  
Red Pine Wind Project, Lincoln County, Minnesota  
Docket No. IP-6646/WS-16-618

Dear Mr. Wolf,

Attached are comments and recommendations of Department of Commerce, Energy Environmental Review and Analysis (EERA) staff in the above matter.

Red Pine Wind Project, LLC has submitted an application pursuant to Minnesota Rule 7854.0400 for a Site Permit for a 200.1 megawatt wind project in Lincoln County, Minnesota.

The original application filing was made on September 16, 2016, which was subsequently amended and the revised application filing occurred on September 30, 2016.

Both the original and revised applications were filed by:

Shanelle Evens Montana, Project Developer  
Red Pine Wind Project, LLC, a subsidiary of EDF Renewable Energy, Inc.  
10 2nd Street NE  
Suite 400  
Minneapolis, MN  55413

These comments are based on EERA staff review of the revised Site Permit Application and the record to date. Additionally, staff has taken public and agency comments into consideration in development of the attached proposed Draft Site Permit. Staff is available to answer any questions the Commission may have.

Sincerely,

Richard Davis  
EERA Staff
Date: January 18, 2017

EERA Staff: Richard I. Davis ............................................................... 651-539-1846

In the Matter of the Application of Red Pine Wind Project, LLC for a Large Wind Energy Conversation System Site Permit for the 200.1 MW Red Pine Wind Project in Lincoln County, Minnesota.

Issue(s) Addressed: These comments address whether the Commission should issue a Draft Site Permit (DSP) for the Red Pine Wind Project, and whether additional conditions are necessary in addition to the permit conditions in the Site Permit Template.

Documents Attached

1. Preliminary Draft Site Permit with Preliminary Turbine Locations Maps

Additional documents and information can be found on the EERA website http://mn.gov/commerce/energyfacilities/Docket.html?Id=34580 or on eDockets https://www.edockets.state.mn.us/EFiling/search.jsp (Year "16" and Number "618").

This document can be made available in alternative formats; i.e. large print or audio tape by calling (651)539-1530.
Introduction and Background

Red Pine Wind Project, LLC (Applicant) filed an Application\textsuperscript{1} with the Public Utilities Commission (Commission) for a Large Wind Energy Conversion System (LWECS) Site Permit on September 16, 2016, to build the Red Pine Wind Project (Project) in Lincoln County, Minnesota. The Applicant revised portions of the Project, and subsequently filed a revised Application\textsuperscript{2} for an LWECS Site Permit on September 30, 2016.

Red Pine Wind Project, LLC is a wholly-owned subsidiary of EDF Renewable Energy, Inc. (EDF-RE). EDF-RE has developed two operating wind energy projects in Minnesota, including Fenton Wind Project and Wapsipinicon Wind Project.

The Applicant has indicated they had filed an application for a Certificate of Need (CN) for the Project, since then the Applicant has made offtake arrangements that are thought to qualify the Project for a CN exemption. The CN process and application for the Project was assigned Docket number IP-6959/CN-16-140.

Project Location

Ivanhoe and Arco are the closest communities to the Project. Portions of the Project are located in Ash Lake, Lake Stay, Limestone, Marble, and Royal Townships in Lincoln County. The proposed Project is located in a portion of the state that has seen extensive development of LWECS over the past 10 years.

Project Description

The Project Boundary encompasses approximately 42,097 acres, of which approximately 30,597 acres are currently leased for the Project.

The Project for which a permit is being requested includes:

1. A wind turbine layout consisting of 58 to 100 turbines, depending on turbine specifications; the application describes the possible use of Vestas V100, Vestas V117, or the Vestas V126 wind turbines; and

2. Associated facilities, including gravel access roads, an electrical collection system, permanent meteorological towers, a temporary staging/laydown construction area, and an operations and maintenance (O&M) facility.

3. The Hawks Nest Lake Substation (H081) facility and interconnection facility will also be associated facilities necessary for the Project. Both the substation and the interconnection facilities will be constructed by Northern States Power Company.

The Applicant’s goal is to commence construction of the Project in the spring of 2017, and achieve commercial operation by December 31, 2017.

\textsuperscript{1} Red Pine Wind Project. Site Permit Application and associated Figures and Appendices. Main Document of Site Permit Application, eDocket \# 20169-124946-02.
\textsuperscript{2} Red Pine Wind Project. Revised Site Permit Application and associated Figures and Appendices. Main Document of Revised Site Permit Application, eDocket \# 20169-125328-02.
Regulatory Process and Procedures

A site permit from the Commission is required to construct an LWECS, which is any combination of wind turbines and associated facilities with the capacity to generate five megawatts or more of electricity. This requirement became law in 1995. The Minnesota Wind Siting Act is found at Minnesota Statutes Chapter 216F. The rules to implement the permitting requirements for LWECS are in Minn. Rule 7854.

Application Acceptance
Application acceptance is guided by Minnesota Rule 7854.0600. The Commission may elect to accept, conditionally accept, or reject the Application. On November 29, 2016 the Commission accepted the Application as substantially complete, granted the Applicant provided necessary updated information regarding the project by November 23, 2016.³ Red Pine Wind Project, LLC provided necessary project updates by November 23, 2016.⁴

Preliminary Determination on Draft Site Permit
Minnesota Rule 7854.0800 states, “Within 45 days after acceptance of the application by the Commission, the Commission shall make a preliminary determination whether a permit may be issued or should be denied. If the preliminary determination is to issue a permit, the Commission shall prepare a draft site permit for the project. The draft site permit must identify the permittee, the proposed LWECS, and proposed permit conditions.”

Issuing a draft site permit does not confer an authority to construct an LWECS. The Commission may change, amend or modify the draft site permit in any respect before final issuance or may deny the site permit at a later date.

Certificate of Need
Minnesota Statute 216B.243, subd. 2 states that no large energy facility shall be sited or constructed in Minnesota without the issuance of a certificate of need (CN) by the Commission. The Project is over 50 MW, which meets the definition of a large energy facility. The Applicant has indicated they had initially filed an application for a Certificate of Need (CN) for the Project, since then the Applicant has made offtake arrangements that are thought to qualify the Project for a CN exemption. The CN process and application for the Project was assigned Docket number IP-6959/CN-16-140.

Public Participation
The Commission’s November 29, 2016 Order waived the 45 day requirement of the rule in order to allow time for public comments and state and federal agencies input on the content of the Draft Site Permit (DSP). Energy Environmental Review and Analysis (EERA) staff held a public meeting in Ivanhoe on December 13, 2016, to solicit public comment on the DSP. The public comment period was open through January 3, 2016.

³ Public Utilities Commission Order Finding the Application Complete, November 29, 2016, eDocket # 201611-126840-01
⁴ Red Pine Wind Project, LLC, Site Permit Application Addendum, November 23, 2016, eDocket #201611-126770-01
Approximately 40 people attended the December 13, 2016 public information meeting. Eight verbal comments/questions were received during the Public Information and Scoping Meeting, and no written comments were received during the public comment period. Additionally, comment letters were received from federal, state, and county agencies.

The verbal comments and questions provided at the Public Information and Scoping Meeting included a broad range of topics including: turbine access road placement, changes to the proposed project area due to bald eagle nest locations, the Mulder private airstrip and turbine locations, setbacks from non-participating landowners, setbacks from homes, discussion of the different easement types, wind easement transfer and potential conflicts with conservation programs, and building height restrictions on lands under easement. DOC-EERA staff, Commission staff, and EDF staff provided responses and clarifications to the majority of verbal comments and questions.5

DOC-EERA did not receive any written public comments in addition to comments received at the Public Information and Scoping Meeting.

Agency comment letters were provided by the Minnesota Pollution Control Agency (MPCA), Minnesota Department of Transportation (MnDOT)6, and the Minnesota Department of Natural Resources (MN DNR)7,8.

MPCA indicated that they did not have any comments to provide regarding the project at this time.

MnDOT indicated that roads in close proximity to the proposed Red Pine Wind Project may have construction projects planned for them in the near future, or they may be impacted by project equipment delivery. Trunk Highways 19 and 23 and U.S. Highway 75 could be impacted by the Applicant’s project and plans to haul oversized loads and heavy equipment on these public highways. On-going coordination with MnDOT staff was recommended to ensure efficient delivery of materials to the project site. MnDOT also indicated that the proposed project is adjacent to The King of Trails Scenic Byway (U.S. Highway 75), and recommended mitigation for unavoidable impacts to the intrinsic qualities within the scenic byway corridors. It was recommended to contact the stakeholders group to discuss potential impacts to the King of Trails Scenic Byway. Additionally, MnDOT recommended that the proposed project’s draft site permit include language specifically requiring the Permittee to obtain all other necessary permits and approvals.

The MN DNR recommended that turbines no be located within the avoidance area identified near Hawk’s Nest Lake. MN DNR believes the turbine layout utilizing the V100 turbine model would be the most problematic with respect to avian and bat impacts, and MN DNR would prefer the Vestas 126 or 117 turbine models be utilized as they would result in the construction of fewer turbines. The MN DNR recommended the draft site permit include specific language that the wind turbine blades be feathered below the manufactures operational cut-in speed from a ½ hour prior to sunset to a ½ hour after sunrise, from July 1 to October 1, for the entire time period covered by this permit. MN DNR also indicated that

---

5 Public Information and Scoping Meeting Notes, January 13, 2017, eDocket # 20171-128113-01
6 MnDOT Comment Letter, January 3, 2017, eDocket # 20171-127793-01
7 MN DNR Comment Letter, January 3, 2017, eDocket # 20171-127777-01
8 MN DNR Preliminary Letter and Avoidance Area Map, January 3, 2017, eDocket # 20171-127777-02
all wetlands identified within the project area need to be reviewed to determine if there is the presence of any calcareous fens within the project area. If calcareous fens are identified within the project area, additional coordination with the MN DNR will be required. Additionally, MN DNR recommended that various edits be made to the project’s Avian and Bat Protection Plan (ABPP).\(^9\)

### EERA Staff Analysis and Recommendations

EERA staff has prepared a DSP, identifying the Permittee, the proposed LWECS, and additional proposed permit conditions. The proposed DSP is attached to these Comments and Recommendations. Commission approval of the DSP will initiate a formal public comment period and a Public Hearing.

EERA staff has taken public comments and agency comments into consideration during the development of the proposed DSP. Public comments referring to residence setbacks and private airstrips are addressed in the proposed DSP.

The proposed DSP, Section 4.2, identifies a residence setback of 1,000 feet or the distance necessary to comply with Minnesota Noise Standards. Section 4.12 of the proposed DSP includes language specific to restricted turbine and associated facilities placement so as not to create navigable airspace obstructions.

MnDOT requested the Applicant coordinate with their staff to address potential impacts to public roads during the construction and operation phases of the Project. Section 5.2.12 of the proposed DSP addresses this issue, and specifies coordination with the appropriate local and state agencies. EERA staff recommends the Applicant begin this coordination as soon as possible to allow for appropriate agency input.

MnDOT recommended that the DSP include language requiring the Permittee to obtain all other necessary permits and approvals. This is a typical condition in LWECS Site Permits, and has been included in Section 5.5.2 of the proposed DSP.

MnDOT identified The King of Trails Scenic Byway (U.S. Highway 75) directly adjacent to the proposed project area, and they have recommended coordinating with the local stakeholder group regarding potential project impacts to the Scenic Byway. Section 7.5 of the proposed DSP addresses the need for further coordination with MnDOT and the local stakeholder group with respect to The King of Trails Scenic Byway.

The MN DNR recommended the draft site permit include specific language that the wind turbine blades be feathered below the manufactures operational cut-in speed from a ½ hour prior to sunset to a ½ hour after sunrise, from July 1 to October 1, for the entire time period covered by this permit. Section 7.6.1 of the proposed DSP includes specific language regarding feathering turbine blades.

MN DNR has concerns that calcareous fens may be identified within the project area, and if this occurs additional coordination with the MN DNR would be required. Section 4.6.1 of the proposed DSP has been included to address potential impacts to calcareous fens.

---

\(^9\) MN DNR Comment Letter, January 3, 2017, eDocket # 20171-127777-01
MN DNR’s recommendation to include various edits be made to the project’s Avian and Bat Protection Plan (ABPP) is addressed in Section 7.6.2 of the proposed DSP.

EERA staff encourages the Applicant to continue to maintain open communication and correspondence with all local, state, and federal agencies to insure
STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

SITE PERMIT FOR A
LARGE WIND ENERGY CONVERSION SYSTEM

IN
LINCOLN COUNTY, MINNESOTA

ISSUED TO
RED PINE WIND PROJECT, LLC

PUC DOCKET NO. IP-6646/WS-16-618

In accordance with the requirements of Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854, this site permit is hereby issued to:

RED PINE WIND PROJECT, LLC

Red Pine Wind Project, LLC, is authorized by this site permit to construct and operate up to 200.1 megawatt nameplate capacity Large Wind Energy Conversion System in Lincoln County, Minnesota, on the site identified in this site permit and in compliance with the conditions contained in this permit. The construction, operation, and maintenance of necessary associated facilities is also authorized by this site 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

________________________________________________
Daniel P. Wolf,
Executive Secretary
CONTENTS

1.0 SITE PERMIT .................................................................................................................... 1
  1.1 Preemption ....................................................................................................................... 1
  1.2 Application Compliance ................................................................................................. 1

2.0 PROJECT DESCRIPTION ................................................................................................. 1
  2.1 Associated Facilities ........................................................................................................ 2
  2.2 Project Location ............................................................................................................... 2

3.0 DESIGNATED SITE .......................................................................................................... 2
  3.1 Turbine Layout ................................................................................................................. 2

4.0 SETBACKS AND SITE LAYOUT RESTRICTIONS ...................................................... 3
  4.1 Wind Access Buffer ......................................................................................................... 3
  4.2 Residences ........................................................................................................................ 3
  4.3 Noise ............................................................................................................................... 3
  4.4 Roads ............................................................................................................................... 3
  4.5 Public Lands .................................................................................................................... 4
  4.6 Wetlands .......................................................................................................................... 4
    4.6.1 Calcearous Fens ......................................................................................................... 4
  4.7 Native Prairie ................................................................................................................... 4
  4.8 Sand and Gravel Operations ............................................................................................ 5
  4.9 Wind Turbine Towers ...................................................................................................... 5
  4.10 Turbine Spacing ............................................................................................................ 5
  4.11 Meteorological Towers .................................................................................................. 5
  4.12 Aviation .......................................................................................................................... 6
  4.13 Footprint Minimization ................................................................................................... 6

5.0 GENERAL CONDITIONS ................................................................................................ 6
  5.1 Notification ...................................................................................................................... 6
  5.2 Construction and Operation Practices ............................................................................ 7
    5.2.1 Field Representative ................................................................................................... 7
    5.2.2 Site Manager ............................................................................................................... 7
    5.2.3 Employee Training and Education of Permit Terms and Conditions ....................... 8
    5.2.4 Topsoil Protection ..................................................................................................... 8
    5.2.5 Soil Compaction ........................................................................................................ 8
    5.2.6 Soil Erosion and Sediment Control .......................................................................... 8
    5.2.7 Wetlands .................................................................................................................. 9
    5.2.8 Vegetation Management .......................................................................................... 9
    5.2.9 Application of Pesticides .......................................................................................... 9
    5.2.10 Invasive Species ....................................................................................................... 9
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.0 COMPLAINT PROCEDURES</td>
<td>19</td>
</tr>
<tr>
<td>10.0 COMPLIANCE REQUIREMENTS</td>
<td>19</td>
</tr>
<tr>
<td>10.1 Pre-Construction Meeting</td>
<td>19</td>
</tr>
<tr>
<td>10.2 Pre-Operation Meeting</td>
<td>20</td>
</tr>
<tr>
<td>10.3 Site Plan</td>
<td>20</td>
</tr>
<tr>
<td>10.4 Status Reports</td>
<td>21</td>
</tr>
<tr>
<td>10.5 Notification to the Commission</td>
<td>21</td>
</tr>
<tr>
<td>10.6 As-Builts</td>
<td>21</td>
</tr>
<tr>
<td>10.7 GPS Data</td>
<td>21</td>
</tr>
<tr>
<td>10.8 Project Energy Production</td>
<td>21</td>
</tr>
<tr>
<td>10.9 Wind Resource Use</td>
<td>22</td>
</tr>
<tr>
<td>10.10 Emergency Response</td>
<td>22</td>
</tr>
<tr>
<td>10.11 Extraordinary Events</td>
<td>22</td>
</tr>
<tr>
<td>11.0 DECOMMISSIONING, RESTORATION, AND ABANDONMENT</td>
<td>22</td>
</tr>
<tr>
<td>11.1 Decommissioning Plan</td>
<td>22</td>
</tr>
<tr>
<td>11.2 Site Restoration</td>
<td>23</td>
</tr>
<tr>
<td>11.3 Abandoned Turbines</td>
<td>23</td>
</tr>
<tr>
<td>12.0 COMMISSION AUTHORITY AFTER PERMIT ISSUANCE</td>
<td>23</td>
</tr>
<tr>
<td>12.1 Final Boundaries</td>
<td>23</td>
</tr>
<tr>
<td>12.2 Expansion of Site Boundaries</td>
<td>24</td>
</tr>
<tr>
<td>12.3 Periodic Review</td>
<td>24</td>
</tr>
<tr>
<td>12.4 Modification of Conditions</td>
<td>24</td>
</tr>
<tr>
<td>12.5 More Stringent Rules</td>
<td>24</td>
</tr>
<tr>
<td>12.6 Right of Entry</td>
<td>24</td>
</tr>
<tr>
<td>12.7 Proprietary Information</td>
<td>25</td>
</tr>
<tr>
<td>13.0 PERMIT AMENDMENT</td>
<td>25</td>
</tr>
<tr>
<td>14.0 TRANSFER OF PERMIT AND NOTICE OF OWNERSHIP CHANGE</td>
<td>25</td>
</tr>
<tr>
<td>15.0 REVOCATION OR SUSPENSION OF PERMIT</td>
<td>26</td>
</tr>
<tr>
<td>16.0 EXPIRATION DATE</td>
<td>26</td>
</tr>
</tbody>
</table>

**ATTACHMENTS**

Attachment A - Complaint Procedures for Permitted Energy Facilities
Attachment B - Compliance Filing Procedures for Permitted Energy Facilities
Site Maps
1.0 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Blazing Star Wind Farm, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216F and Minnesota Rules Chapter 7854. This permit authorizes Blazing Star Wind Farm, LLC to construct and operate the Red Pine Wind Project (Project), a 200.1 megawatt (MW) nameplate capacity Large Wind Energy Conversion System (LWECS) and associated facilities in Lincoln County, Minnesota. The LWECS and associated facilities shall be built within the site identified in this permit and as identified in the attached site permit map(s), hereby incorporated into this document.

1.1 Preemption

Pursuant to Minn. Stat. § 216F.07, this permit shall be the sole site approval required for the location, construction, and operation 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.

1.2 Application Compliance

The Permittee shall comply with those practices set forth in its Site Permit Application, dated September 16, 2016, more recent revisions, and the record of this proceeding unless this permit established a different requirement in which case this permit shall prevail.

Attachment B 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 B, the conditions in this permit will control.

2.0 PROJECT DESCRIPTION

The Red Pine Wind Project will be up to 200.1 MW LWECS, consisting of 58 to 100 wind turbines ranging in size from 2 to 3.4 MW. The LWECS will consist solely of one turbine model, or a combination of turbine models, selected from the following: Vestas V100, Vestas V117, or the Vestas V126 as identified in the Permittee’s Site Permit Application.

The initial project area included approximately 42,097 acres of land, of which the Project currently holds leases on 30,597 acres. Upon completion, the project site will include no more than 100 acres of land converted to wind turbines and associated facilities.
2.1 **Associated Facilities**

Associated facilities for the Project will include a project substation, an operation and maintenance building, turbine access roads, meteorological towers, underground communication and electrical collection lines, and a temporary staging/laydown construction area.

2.2 **Project Location**

The project is located in the following:

<table>
<thead>
<tr>
<th>County</th>
<th>Township Name</th>
<th>Township</th>
<th>Range</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lincoln</td>
<td>Ash Lake</td>
<td>111N</td>
<td>45W</td>
<td>5, 6, 12</td>
</tr>
<tr>
<td>Lincoln</td>
<td>Lake Stay</td>
<td>111N</td>
<td>44W</td>
<td>2-19, 21-28, 35, 36</td>
</tr>
<tr>
<td>Lincoln</td>
<td>Limestone</td>
<td>112N</td>
<td>44W</td>
<td>3-10, 13-36</td>
</tr>
<tr>
<td>Lincoln</td>
<td>Marble</td>
<td>113N</td>
<td>45W</td>
<td>36</td>
</tr>
<tr>
<td>Lincoln</td>
<td>Royal</td>
<td>112N</td>
<td>45W</td>
<td>1-3, 12, 13, 24, 25, 35, 36</td>
</tr>
</tbody>
</table>

3.0 **DESIGNATED SITE**

The site designated by the Commission in this permit is the site described below and shown on the site permit maps attached to this permit. 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 approximately 30,597 acres of land under easement and with participation agreements.

Upon completion the total project site would be converted to wind turbine and associated infrastructure locations for a total of up to approximately 100 acres.

3.1 **Turbine Layout**

The preliminary wind turbine and associated facility layouts are shown on the official site maps attached to this permit. The preliminary layout represents the approximate location of wind turbines and associated facilities within the project boundary and identifies a layout that seeks to minimize 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 requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to 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 10.3.

4.0 SETBACKS AND SITE LAYOUT RESTRICTIONS

4.1 Wind Access Buffer

Wind turbine towers shall not be placed less than five rotor diameters on the prevailing wind directions and three 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 Minn. R. 7030.0040, established by the Minnesota Pollution Control Agency, whichever is greater.

4.3 Noise

The wind turbine towers shall be placed such that the Permittee shall, at all times, comply with noise standards established by the Minnesota Pollution Control Agency as of the date of this permit 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 Minnesota Pollution Control Agency 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, but not limited to, 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 shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources and the United States Army Corps of Engineers, and local units of government as implementers of the Minnesota Wetlands Conservation Act.

4.6.1 Calcareous Fens

Should any calcareous fens be identified within the project area, the Permittee must work with MN DNR to determine if any impacts will occur during any phase of the Project. If project impacts to any calcareous fens are anticipated the Permittee must develop a Calcareous Fen Management Plan in coordination with the MN DNR, as specified in Minn. Stat. 103G.223. Should a Calcareous Fen Management Plan be required, the approved plan must be submitted to the Commission 30 days prior to submittal of the site plan required in Section 10.3 of this Permit.

4.7 Native Prairie

Wind turbines and associated facilities including foundations, access roads, collector and feeder lines, underground cable, and transformers shall not be placed in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and shall not be located in areas enrolled in the Native Prairie Bank Program. Construction activities, as defined in Minn. Stat. § 216E.01, shall not impact native prairie unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the Minnesota Department of Natural Resources if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the site boundaries. The Permittee shall file the plan 30 days prior to submitting the site plan required by Section 10.3 of this permit. The plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition,
by conveyance of conservation easements, or by other means agreed to by the Permittee, the Minnesota Department of Natural Resources, and the Commission.

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.

4.9 Wind Turbine Towers

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 95 meters (312 feet) above grade measured at hub height.

4.10 Turbine Spacing

The turbine towers shall be constructed within the site boundary as shown in the official site maps. The turbine towers shall be spaced no closer than three rotor diameters in the non-prevailing wind directions and five 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. There shall be no lights on the meteorological towers other than what is required by the Federal Aviation Administration. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

All meteorological towers shall be fitted with the necessary equipment to deploy/attach acoustic recording devices to monitor wildlife activity.
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 Minn. R. 8800.0100, subp. 24(a) and 24(b)) in Minnesota, adjacent states, or provinces. The Permittee shall apply the minimum obstruction clearance for private airports pursuant to Minn. R. 8800.1900, subp. 5. Setbacks or other limitations shall be followed in accordance with the Minnesota Department of Transportation, Department of Aviation, and the Federal Aviation Administration. The Permittee shall notify owners of all known airports within six 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.

5.0 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the LWECS and associated facilities over the life of this permit.

5.1 Notification

Within 14 days of permit issuance, the Permittee shall send a copy of the permit to any regional development commission, county auditor, and city and township clerk in which any part of the site is located. Within 30 days of permit issuance, the Permittee shall provide all affected landowners with a copy of this permit and the complaint procedures. In no case shall the landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall contact landowners prior to entering the property or conducting maintenance within the site, unless otherwise negotiated with the affected landowner.
5.2 Construction and Operation Practices

The Permittee shall follow those specific construction practices, operation practices, and material specifications described in the Red Pine Wind Project, LLC’s Site Permit Application for a LWECS to the Commission for a site permit for the Red Pine Wind Project, dated September 16, 2016, and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail.

5.2.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this permit during construction of the project. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative at least 14 days prior to commencing construction.

The Permittee shall provide the field representative’s contact information to affected landowners, residents, local government units and other interested persons 14 days prior to commencing construction. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, residents, local government units and other interested persons.

5.2.2 Site Manager

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

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the site manager at least 14 days prior to commercial operation of the facility. The Permittee shall provide the site manager’s contact information to affected landowners, residents, local government units and other interested persons 14 days prior to commercial operation of the facility. The Permittee may change the site manager at any time upon notice to the Commission, affected landowners, residents, local government units and other interested persons.
5.2.3 Employee Training and Education of Permit Terms and Conditions

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

5.2.4 Topsoil Protection

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

5.2.5 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.

5.2.6 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program.

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

If construction of the facility disturbs more than one acre of land, or is sited in an area designated by the MPCA as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater permit from the MPCA that provides for the development of a stormwater pollution prevention plan (SWPPP) that describes methods to control erosion and runoff.
5.2.7 Wetlands

Construction in wetland areas shall occur during frozen ground conditions to minimize impacts, to the extent feasible. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. Soil excavated from the wetlands and riparian areas shall be contained and managed in accordance with all applicable wetland permits. Wetlands and riparian areas shall be accessed using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

Wetland and water resource areas disturbed by construction activities shall be restored to pre-construction conditions, in accordance with all applicable wetland permits. Restoration of the wetlands will be performed by Permittee in accordance with the requirements of applicable state and federal permits or laws and landowner agreements.

5.2.8 Vegetation Management

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.

The Permittee shall minimize the number of trees to be removed in selecting the site layout specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation, to the extent that such actions do not violate sound engineering principles.

5.2.9 Application of Pesticides

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

5.2.10 Invasive Species
The Permittee shall develop an Invasive Species Prevention Plan to prevent the introduction of, or spread off 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.

5.2.11 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site appropriate seed certified to be free of noxious weeds. The Permittee shall consult with landowners on the selection and use of seed for replanting.

5.2.12 Public Roads

At least 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 may be subject to increased impacts due to transportation of equipment and project components. The Permittee shall notify the Commission of such arrangements upon request.

5.2.13 Turbine Access Roads

The Permittee shall construct the least number of turbine access roads necessary to safely and efficiently operate the project and satisfy landowner requests. 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 and constructed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. Any access roads that are constructed across streams shall be designed and constructed in a manner that maintains existing fish passage. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.
5.2.14 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.

5.2.15 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to identified archaeological and historic resources when constructing the LWECS. In the event that a resource is encountered, the Permittee shall contact and consult with the State Historic Preservation Office and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize project impacts on the resource consistent with State Historic Preservation Office and State Archaeologist requirements.

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

5.2.16 Interference

At least 14 days prior to the pre-construction meeting, the Permittee shall submit to the Commission, 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 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.
5.2.17 Livestock Protection

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

5.2.18 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.

5.2.19 Drainage Tiles

The Permittee shall take into account, avoid, promptly repair or replace all drainage tiles broken or damaged during all phases of project’s life unless otherwise negotiated with all affected landowners. The Permittee shall notify the Commission of such arrangements upon request.

5.2.20 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.

5.2.21 Restoration

The Permittee shall, as soon as practical following construction of each turbine, restore the areas temporarily affected by construction to the condition that existed immediately before construction began to the extent possible. The time period to complete restoration may be no longer than 12 months after completion of the construction, unless otherwise negotiated with the affected landowner. Restoration shall be compatible with the safe operation, maintenance and inspection of the project. Within 60 days after completion of all restoration activities, the Permittee shall advise the Commission in writing of the completion of such activities.

5.2.22 Cleanup

All waste and scrap that is the product of construction shall be removed from the site and all premises on which construction activities were conducted and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.
5.2.23 Pollution and Hazardous Waste

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

5.2.24 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction.

5.2.25 Public Safety

The Permittee shall provide educational materials to landowners adjacent to the site 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 Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of construction at the site.

5.2.26 Tower Identification

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

5.2.27 Federal Aviation Administration Lighting

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

5.3 Communication Cables

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

5.4 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.

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 10.3.

5.5 Other Requirements

5.5.1 Safety Codes and Design Requirements

The LWECS and associated facilities shall be designed to meet or exceed all relevant local and state codes, Institute of Electrical and Electronics Engineers, Inc. standards, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. The Permittee shall report to the Commission on compliance with these standards upon request.

5.5.2 Other Permits and Regulations

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations. A list of the permits known to be required is included in the permit application. The Permittee shall file documentation showing approval or issuance of such permits to the Commission.

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/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).

The Permittee shall consult with the United States Fish and Wildlife Service (USFWS) to determine if an Eagle Incidental Take Permit under the Bald and Golden Eagle Protection Act (BGEPA) is appropriate for the construction and operation of the wind energy facility. The Permittee shall consult with the USFWS to determine if an Incidental Take Permit under the Endangered Species Act (ESA) is appropriate for the construction and operation of the wind energy facility.

All consultation with, and recommendations provided by the USFWS, shall be filed with the Commission.

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.

6.0 SPECIAL CONDITIONS

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

7.0 SURVEYS AND REPORTING

7.1 Biological and Natural Resource Inventories

The Permittee, in consultation with the Commission and Minnesota Department of Natural Resources, 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 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.

7.2 Shadow Flicker
At least 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 to 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 14 days prior to the pre-construction meeting to confirm compliance with conditions of this permit.

7.3 Wake Loss Studies

At least 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 10.8 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.

7.4 Noise

The Permittee shall work with the Department of Commerce to develop a post – construction noise study protocol. The post-construction noise study protocol will be filled with the Commission at least 14 days prior to the pre-operation compliance meeting. 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 conduct the post-construction noise study and file the completed post-construction noise study within 18 months of beginning commercial operation.

7.5 Scenic Byways

The Permittee shall coordinate with MnDOT and Lincoln County Promotion and Tourism, or another designated local stakeholder, to identify project related impacts to The King of Trails Scenic Byway (U.S. Highway 75). The Permittee will work to avoid impacts to the Scenic Byway, and mitigation for unavoidable impacts will be developed in coordination with MnDOT, the local stakeholder group, and Department of Commerce.
7.6 Avian and Bat Protection

7.6.1 Operational Phase Fatality Monitoring

The Permittee shall utilize a qualified third party to conduct two full years of avian and bat fatality monitoring following the commencement of the operational phase of the project. Monitoring activities and results will be coordinated directly with MN DNR, USFWS, and the Commission. Detailed monitoring protocols, agency coordination, and any avoidance and minimization measures will be detailed in the project’s ABPP.

7.6.2 Avian and Bat Protection Plan

The Permittee shall comply with the provisions of their final avian and bat protection plan (ABPP) submitted for this project on [date], and revisions resulting from the annual audit of ABPP implementation. The ABPP must 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 ABPP shall also include formal and incidental post-construction fatality monitoring, training, wildlife handling, documentation (e.g., photographs), and reporting protocols for each phase of the project.

The Permittee shall, by the 15th of March 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 the Minnesota Department of Natural Resources and to the U.S. Fish and Wildlife Service at the time of filing with the Commission.

7.6.3 Quarterly Incident Reports

The Permittee shall submit quarterly avian and bat reports to the Commission. Quarterly reports are due by the 15th of 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 the Minnesota Department of Natural Resources and to the U.S. Fish and Wildlife Service at the time of filing with the Commission.
7.6.4 Immediate Incident Reports

The Permittee shall notify the Commission, U.S. Fish and Wildlife Service, and the Minnesota Department of Natural Resources within 24 hours of the discovery of any of the following:

(a) five or more dead or injured birds or bats within a five (5) reporting period;

(b) one or more dead or injured state threatened, endangered, or species of special concern;

(c) one or more dead or injured federally listed species, including species proposed for listings; or

(d) one or more dead or injured bald or golden eagle(s).

7.6.5 Turbine Operational Curtailment

The Permittee shall operate all facility turbines so that all turbines are locked, or feathered, up to the manufacturer’s standard cut-in speed, from ½ hour before sunset to ½ hour after sunrise, from April 1 to October 31, of each year of operation through the life of the project.

All operating turbines at the facility must be equipped with operational software that is capable of allowing for adjustment of turbine cut-in speeds.

8.0 AUTHORITY TO CONSTRUCT LWECs

8.1 Wind Rights

At least 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 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.

8.2 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 Minn. R. 7854.1300.

8.3 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 Minn. R. 7854.1300.

9.0 COMPLAINT PROCEDURES

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

10.0 COMPLIANCE REQUIREMENTS

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

10.1 Pre-Construction Meeting

Prior to the start of any construction, the Permittee shall participate in a pre-construction meeting with the Department of Commerce and Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission, a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the construction start date.
10.2 Pre-Operation Meeting

At least 14 days prior to commercial operation of the facility, the Permittee shall participate in a pre-operation meeting with the Department of Commerce and Commission staff to coordinate field monitoring of operation activities for the project. Within 14 days following the pre-operation meeting, the Permittee shall file with the Commission, a summary of the topics reviewed and discussed and a list of attendees.

10.3 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall provide the Commission with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations of all turbines and other structures to be constructed including all electrical equipment, collector and feeder lines, pollution control equipment, fencing, roads, and other associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the site boundary and layout in relation to that approved by this permit. 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. 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 may not commence construction until the 30 days has expired or until the Commission has advised the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit. If the Permittee intends to make any significant changes to its site plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this permit.

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 the 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.
10.4 Status Reports

The Permittee shall file with the Commission staff on progress regarding site construction. The Permittee need not report more frequently than monthly.

10.5 Notification to the Commission

At least three 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.

10.6 As-Builts

Within 60 days after completion of construction, the Permittee shall submit to the Commission, copies of all final as-built plans and specifications developed during the project.

10.7 GPS Data

Within 60 days after completion of construction, the Permittee shall submit to the Department of Commerce, in the format requested by the Department of Commerce, geo-spatial information (e.g., ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the LWECS.

10.8 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.

10.9 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.

10.10 Emergency Response

The Permittee shall prepare an Emergency Response Plan in consultation with the emergency responders having jurisdiction over the facility prior to project construction. The Permittee shall submit a copy of the plan, along with any comments from emergency responders, to the Commission at least 14 days prior to the pre-construction meeting and a revised plan, if any, at least 14 days prior to the pre-operation meeting. The Permittee shall provide as a compliance filing confirmation that the Emergency Response Plan was provided to the emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the facility prior to commencement of construction. The Permittee shall obtain and register the facility address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the facility.

10.11 Extraordinary Events

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

11.0 DECOMMISSIONING, RESTORATION, AND ABANDONMENT

11.1 Decommissioning Plan

The Permittee shall submit a decommissioning plan to the Commission at least fourteen 14 days prior to the pre-operation meeting, and provide updates to the plan every five (5) years thereafter. The plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration of the Project in accordance with the
requirements of Minn. R. 7854.0500, subpart 13. The decommissioning plan shall provide an itemized breakdown of costs of decommissioning all project components, which shall include labor and equipment. The plan shall identify cost estimates for the removal of turbines, turbine foundations, underground collection cables, access roads, crane pads, substation(s), and other project components. The plan may also include anticipated costs for the replace of turbines or repowering the project by upgrading equipment.

The Permittee shall also submit the decommissioning plan to the local unit of government having direct zoning authority over the area in which the project is located. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the 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.

11.2 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. 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. 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. All such agreements between the Permittee and the affected landowner shall be submitted to the Commission prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within 18 months of termination.

11.3 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 11.2 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.

12.0 COMMISSION AUTHORITY AFTER PERMIT ISSUANCE

12.1 Final Boundaries
After completion of construction, the Commission shall determine the need to adjust the final boundaries of the site required for this project in accordance with Minn. R. 7854.1300, subp. 1. 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.

12.2 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.

12.3 Periodic Review

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

12.4 Modification of Conditions

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

(a) violation of any condition in this permit;

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

(c) existence of other grounds established by rule.

12.5 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.

12.6 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.

12.7 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.

13.0 PERMIT AMENDMENT

The Commission may amend this permit at any time if the Commission has good cause to do so, in accordance with Minn. R. 7854.1300, Subp. 2.

14.0 TRANSFER OF PERMIT AND NOTICE OF OWNERSHIP CHANGE

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 in order to reach a decision. The Commission may impose additional conditions on any new Permittee as part of the approval of the transfer.

Within 20 days after the date of the notice provided in Section 10.6, the Permittee shall file a notice describing its ownership structure, identifying, as applicable:

(a) the owner(s) of the financial and governance interests of the Permittee;
(b) the owner(s) of the majority financial and governance interests of the Permittee’s owners; and
(c) the Permittee’s ultimate parent entity (meaning the entity which is not controlled by any other entity).

The Permittee shall notify the Commission of:
(a) a change in owner(s) of the majority* financial or governance interests in the Permittee;
(b) a change in owner(s) of the majority* interest financial or governance interests of the Permittee’s owners, or,
(c) a sale which changes the parent entity of the Permittee.

*When there are only co-equal 50/50 percent interests, any change shall be considered a change in majority interest.

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.

15.0 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;

(c) there has been a material violation of a provision of an applicable statute, rule, or an order of the Commission; or

(d) the Permittee has filed a petition with the Commission requesting that the permit be revoked or terminated.

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 Minn. R. 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.

16.0 EXPIRATION DATE

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

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site preparation, construction, cleanup, restoration, operation, and maintenance.

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

D. Definitions

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

Substantial Complaint: A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A complaint which, despite the good faith efforts of the permittee and a person, remains unresolved or unsatisfactorily resolved to one or both of the parties.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.
E. **Complaint Documentation and Processing**

1. The permittee shall designate an individual to summarize complaints for the Commission. This person’s name, phone number and email address shall accompany all complaint submittals.

2. A person presenting the complaint should to the extent possible, include the following information in their communications:
   
   a. name, address, phone number, and email address;
   b. date of complaint;
   c. tract or parcel number; and
   d. whether the complaint relates to a permit matter or a compliance issue.

3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:

   a. docket number and project name;
   b. name of complainant, address, phone number and email address;
   c. precise description of property or parcel number;
   d. name of permittee representative receiving complaint and date of receipt;
   e. nature of complaint and the applicable permit condition(s);
   f. activities undertaken to resolve the complaint; and
   g. final disposition of the complaint.

F. **Reporting Requirements**

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit. The permittee shall report all complaints to the Commission according to the following schedule:

**Immediate Reports:** All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission’s Consumer Affairs Office at 1-800-657-3782 (voice messages are acceptable) or consumer.puc@state.mn.us. For e-mail reporting, the email subject line should read “PUC EFP Complaint” and include the appropriate project docket number.
Monthly Reports: During project construction and restoration, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Daniel P. Wolf, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at: https://www.edockets.state.mn.us/EFiling/home.jsp

If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

G. Complaints Received by the Commission

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

Commission staff shall perform an initial evaluation of unresolved complaints submitted to the Commission. Complaints raising substantial permit issues shall be processed and resolved by the Commission. Staff shall notify the permittee and appropriate persons 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. The complaint will be presented to the Commission for a decision as soon as practicable.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to:

[Name]
[Mailing Address]
[Phone]
[Email]

This information shall be maintained current by informing the Commission of any changes as they become effective.
A. **Purpose**

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

B. **Scope and Applicability**

This procedure encompasses all known compliance filings required by permit.

C. **Definitions**

**Compliance Filing:** A filing of information to the Commission, where the information is required by a Commission site or route permit.

D. **Responsibilities**

1. The permittee shall file all compliance filings with Daniel P. Wolf, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at: https://www.edockets.state.mn.us/EFiling/home.jsp

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

2. All filings must have a cover sheet that includes:

   a. Date
   b. Name of submitter/permittee
   c. Type of permit (site or route)
   d. Project location
   e. Project docket number
   f. Permit section under which the filing is made
   g. Short description of the filing
3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Daniel P. Wolf, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any electronically filed document.
PERMIT COMPLIANCE FILINGS

PERMITTEE: Red Pine Wind Project, LLC
PERMIT TYPE: LWECS Site Permit
PROJECT LOCATION: Lincoln County
PUC DOCKET NUMBER: IP-6646/WS-16-618

PRE-CONSTRUCTION MEETING

<table>
<thead>
<tr>
<th>Permit Section</th>
<th>Description</th>
<th>Due Date</th>
<th>Notes</th>
<th>eDocket Doc. ID</th>
<th>Date Filed</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.7</td>
<td>Native Prairie Protection Plan</td>
<td>30 days prior to Site Plan submittal.</td>
<td>Develop in consultation with Commission and DNR.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.3</td>
<td>Site Plan</td>
<td>14 days prior to pre-construction meeting.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.2.1</td>
<td>Field Representative</td>
<td>14 days prior to starting construction.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.0</td>
<td>Complaint Reporting Procedures</td>
<td>Prior to the start of construction.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.1</td>
<td>Biological &amp; Natural Resource Inventories</td>
<td>30 days prior to pre-construction Meeting.</td>
<td>Results may trigger need for a Native Prairie Protection Plan.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.2</td>
<td>Shadow Flicker Analysis</td>
<td>14 days prior to pre-construction meeting.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.2.15</td>
<td>Archaeological Resources</td>
<td>Prior to the start of construction and as recommended by the State Historic Preservation Office.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.2.16</td>
<td>Interference</td>
<td>14 days prior to pre-construction meeting.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.
### PRE-CONSTRUCTION MEETING (Cont.)

<table>
<thead>
<tr>
<th>Permit Section</th>
<th>Description</th>
<th>Due Date</th>
<th>Notes</th>
<th>eDocket Doc. ID</th>
<th>Date Filed</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.3</td>
<td>Wake Loss</td>
<td>14 days prior to pre-construction meeting</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.2.12</td>
<td>Road Identification</td>
<td>14 days prior to pre-construction meeting</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.2.6</td>
<td>Soil Erosion &amp; Sediment Control Plan</td>
<td>14 working days prior to pre-construction.</td>
<td>May be the same as NPDES SWPPP.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.10</td>
<td>Emergency Response</td>
<td>14 days prior to pre-construction meeting</td>
<td>Must register in 911 Program.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.1</td>
<td>Wind Rights</td>
<td>14 days prior to pre-construction meeting</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.6.1</td>
<td>Calcareous Fen Management Plan</td>
<td>30 days prior to Site Plan submittal.</td>
<td>Develop in consultation with DNR only if calcareous fens will be impacted.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### PRE-OPERATION COMPLIANCE MEETING

<table>
<thead>
<tr>
<th>Permit Section</th>
<th>Description</th>
<th>Due Date</th>
<th>Notes</th>
<th>eDocket Doc. ID</th>
<th>Date Filed</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.2</td>
<td>Pre-operation compliance meeting</td>
<td>14 days prior to commercial operation.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.4</td>
<td>Noise Study Protocol</td>
<td>14 days prior to pre-operation meeting.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.10</td>
<td>Revised Emergency Response Plan</td>
<td>14 day prior to pre-operation meeting.</td>
<td>Must register in 911 Program.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.1</td>
<td>Decommissioning Plan</td>
<td>14 days prior to pre-operation meeting.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permit Section</td>
<td>Description</td>
<td>Due Date</td>
<td>Notes</td>
<td>eDocket Doc. ID</td>
<td>Date Filed</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------------------------------------</td>
<td>-----------------------------------</td>
<td>----------------------------------------------------------</td>
<td>----------------</td>
<td>------------</td>
</tr>
<tr>
<td>5.1</td>
<td>Notice to Local Government Units</td>
<td>Within 14 days of permit issuance.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1</td>
<td>Notice to Landowners</td>
<td>Within 30 days of permit issuance.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.2.2</td>
<td>Site Manager</td>
<td>14 days prior to prior to commercial operation.</td>
<td>Update contact information as necessary.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.0</td>
<td>Complaints</td>
<td>Complaint submittals on the 15th of each month or within 24 hours.</td>
<td>Must eFile report even if no complaints.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.6</td>
<td>Noise Study Results</td>
<td>Within 18 months of Commercial Operation.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.5.3</td>
<td>Avian and Bat Protection Plan</td>
<td><strong>Final Due Before Permit Issuance</strong> with continued updates as necessary thereafter. Annual Audit due 3/15 each year.</td>
<td>In coordination with Commission, MN DNR, and USFWS.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.5.4 &amp; 7.5.5</td>
<td>Avian and Bat Reporting Requirements</td>
<td>Quarterly reports due and within 24 hours of discovery of certain species.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.8</td>
<td>Project Energy Production</td>
<td>Due 2/1 each year.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.9</td>
<td>Wind Resource Use</td>
<td>Due 2/1 each year.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.11</td>
<td>Extraordinary Events</td>
<td>Within 24 hours and report on occurrence of event within 30 days.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.6 &amp; 10.7</td>
<td>As Builts and GPS Data</td>
<td>Within 60 days of completion of construction.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.2</td>
<td>PPA or Enforceable Mechanism</td>
<td>Within 2 years of permit issuance.</td>
<td>If no PPA or enforceable mechanism at permit issuance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.3</td>
<td>Failure to Start Construction</td>
<td>Within 2 years of permit issuance.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

Minnesota Department of Commerce
Comments and Recommendations

Docket No. IP646/WS-16-618

Dated this 18th day of January 2017

/s/Sharon Ferguson
<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
<th>Email</th>
<th>Company Name</th>
<th>Address</th>
<th>Delivery Method</th>
<th>View Trade Secret</th>
<th>Service List Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sarah</td>
<td>Beimers</td>
<td><a href="mailto:sarah.beimers@mnhs.org">sarah.beimers@mnhs.org</a></td>
<td>Minnesota Historical Society</td>
<td>345 Kellogg Boulevard West St. Paul, MN 55102</td>
<td>Electronic Service</td>
<td>No</td>
<td>OFF_SL_16-618_Official OAH Service List</td>
</tr>
<tr>
<td>David</td>
<td>Bell</td>
<td><a href="mailto:david.bell@state.mn.us">david.bell@state.mn.us</a></td>
<td>Department of Health</td>
<td>POB 64975 St. Paul, MN 55164</td>
<td>Electronic Service</td>
<td>No</td>
<td>OFF_SL_16-618_Official OAH Service List</td>
</tr>
<tr>
<td>Sara</td>
<td>Bergan</td>
<td><a href="mailto:sebergan@stoel.com">sebergan@stoel.com</a></td>
<td>Stoei Rives LLP</td>
<td>33 South Sixth Street #700 Suite 4200 Minneapolis, MN 55402</td>
<td>Electronic Service</td>
<td>No</td>
<td>OFF_SL_16-618_Official OAH Service List</td>
</tr>
<tr>
<td>Tamara</td>
<td>Cameron</td>
<td><a href="mailto:Tamara.Cameron@usace.army.mil">Tamara.Cameron@usace.army.mil</a></td>
<td>U.S. ARMY CORPS OF ENGINEERS</td>
<td>180 5th St #700 Saint Paul, MN 55101</td>
<td>Electronic Service</td>
<td>No</td>
<td>OFF_SL_16-618_Official OAH Service List</td>
</tr>
<tr>
<td>Sharon</td>
<td>Ferguson</td>
<td><a href="mailto:sharon.ferguson@state.mn.us">sharon.ferguson@state.mn.us</a></td>
<td>Department of Commerce</td>
<td>85 7th Place E Ste 500 Suite 4200 Saint Paul, MN 551012198</td>
<td>Electronic Service</td>
<td>No</td>
<td>OFF_SL_16-618_Official OAH Service List</td>
</tr>
<tr>
<td>Travis</td>
<td>Germundson</td>
<td><a href="mailto:travis.germundson@state.mn.us">travis.germundson@state.mn.us</a></td>
<td>Board of Water &amp; Soil Resources</td>
<td>520 Lafayette Rd Saint Paul, MN 55155</td>
<td>Electronic Service</td>
<td>No</td>
<td>OFF_SL_16-618_Official OAH Service List</td>
</tr>
<tr>
<td>Kari</td>
<td>Howe</td>
<td><a href="mailto:kari.howe@state.mn.us">kari.howe@state.mn.us</a></td>
<td>DEED</td>
<td>332 Minnesota St, #E200 1ST National Bank Bldg St. Paul, MN 55101</td>
<td>Electronic Service</td>
<td>No</td>
<td>OFF_SL_16-618_Official OAH Service List</td>
</tr>
<tr>
<td>Sarah</td>
<td>Johnson Phillips</td>
<td><a href="mailto:sjphillips@stoel.com">sjphillips@stoel.com</a></td>
<td>Stoel Rives LLP</td>
<td>33 South Sixth Street Suite 4200 Minneapolis, MN 55402</td>
<td>Electronic Service</td>
<td>No</td>
<td>OFF_SL_16-618_Official OAH Service List</td>
</tr>
<tr>
<td>First Name</td>
<td>Last Name</td>
<td>Email</td>
<td>Company Name</td>
<td>Address</td>
<td>Delivery Method</td>
<td>View Trade Secret</td>
<td>Service List Name</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------</td>
<td>-------------------------------</td>
<td>----------------------------------</td>
<td>----------------------------------------------</td>
<td>-----------------</td>
<td>-------------------</td>
<td>------------------------------------</td>
</tr>
<tr>
<td>Karen</td>
<td>Kromar</td>
<td><a href="mailto:karen.kromar@state.mn.us">karen.kromar@state.mn.us</a></td>
<td>MN Pollution Control Agency</td>
<td>520 Lafayette Rd 5th Floor</td>
<td>Electronic</td>
<td>No</td>
<td>OFF_SL_16-618_Official</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>St. Paul, MN 55155</td>
<td>Service</td>
<td></td>
<td>OAH Service List</td>
</tr>
<tr>
<td>John</td>
<td>Lindell</td>
<td><a href="mailto:john.lindell@ag.state.mn.us">john.lindell@ag.state.mn.us</a></td>
<td>Office of the Attorney General-RUD</td>
<td>1400 BRM Tower 445 Minnesota St</td>
<td>Electronic</td>
<td>Yes</td>
<td>OFF_SL_16-618_Official</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>St. Paul, MN 551012130</td>
<td>Service</td>
<td></td>
<td>OAH Service List</td>
</tr>
<tr>
<td>Nicole</td>
<td>Nordquist</td>
<td><a href="mailto:nicole.nordquist@edf-re.com">nicole.nordquist@edf-re.com</a></td>
<td>EDF Renewable Energy</td>
<td>10 2nd Street NE Suite 400</td>
<td>Electronic</td>
<td>No</td>
<td>OFF_SL_16-618_Official</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Minneapolis, MN 5513</td>
<td>Service</td>
<td></td>
<td>OAH Service List</td>
</tr>
<tr>
<td>Bob</td>
<td>Patton</td>
<td><a href="mailto:bob.patton@state.mn.us">bob.patton@state.mn.us</a></td>
<td>MN Department of Agriculture</td>
<td>625 Robert St N</td>
<td>Electronic</td>
<td>No</td>
<td>OFF_SL_16-618_Official</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Saint Paul, MN 55143</td>
<td>Service</td>
<td></td>
<td>OAH Service List</td>
</tr>
<tr>
<td>Margaret</td>
<td>Rheude</td>
<td><a href="mailto:Margaret_Rheude@fws.gov">Margaret_Rheude@fws.gov</a></td>
<td>U.S. Fish and Wildlife Service</td>
<td>Twin Cities Ecological Services Field Office</td>
<td>Electronic</td>
<td>No</td>
<td>OFF_SL_16-618_Official</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4101 American Blvd. E. Bloomington, MN</td>
<td>Service</td>
<td></td>
<td>OAH Service List</td>
</tr>
<tr>
<td>Jamie</td>
<td>Schrenzel</td>
<td><a href="mailto:jamie.schrenzel@state.mn.us">jamie.schrenzel@state.mn.us</a></td>
<td>Minnesota Department of Natural Resources</td>
<td>500 Lafayette Road</td>
<td>Electronic</td>
<td>No</td>
<td>OFF_SL_16-618_Official</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>St. Paul, MN 55155</td>
<td>Service</td>
<td></td>
<td>OAH Service List</td>
</tr>
<tr>
<td>Cynthia</td>
<td>Warzecha</td>
<td><a href="mailto:cynthia.warzecha@state.mn.us">cynthia.warzecha@state.mn.us</a></td>
<td>Minnesota Department of Natural Resources</td>
<td>500 Lafayette Road</td>
<td>Electronic</td>
<td>No</td>
<td>OFF_SL_16-618_Official</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Box 25 St. Paul, Minnesota</td>
<td>Service</td>
<td></td>
<td>OAH Service List</td>
</tr>
<tr>
<td>Daniel P</td>
<td>Wolf</td>
<td><a href="mailto:dan.wolf@state.mn.us">dan.wolf@state.mn.us</a></td>
<td>Public Utilities Commission</td>
<td>121 7th Place East Suite 350</td>
<td>Electronic</td>
<td>Yes</td>
<td>OFF_SL_16-618_Official</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>350 St. Paul, MN 551012147</td>
<td>Service</td>
<td></td>
<td>OAH Service List</td>
</tr>
<tr>
<td>Jonathan</td>
<td>Wolfgram</td>
<td><a href="mailto:Jonathon.Wolfgram@state.mn.us">Jonathon.Wolfgram@state.mn.us</a></td>
<td>Department of Public Safety</td>
<td>445 Minnesota Street Suite 147</td>
<td>Electronic</td>
<td>No</td>
<td>OFF_SL_16-618_Official</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>St. Paul, MN 55101-1547</td>
<td>Service</td>
<td></td>
<td>OAH Service List</td>
</tr>
<tr>
<td>First Name</td>
<td>Last Name</td>
<td>Email</td>
<td>Company Name</td>
<td>Address</td>
<td>Delivery Method</td>
<td>View Trade Secret</td>
<td>Service List Name</td>
</tr>
<tr>
<td>------------</td>
<td>------------</td>
<td>------------------------------</td>
<td>---------------------------------------------------</td>
<td>----------------------------------------------------</td>
<td>--------------------------</td>
<td>-------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Sarah</td>
<td>Beimers</td>
<td><a href="mailto:sarah.beimers@mnhs.org">sarah.beimers@mnhs.org</a></td>
<td>Minnesota Historical Society</td>
<td>345 Kellogg Boulevard West St. Paul, MN 55102</td>
<td>Electronic Service</td>
<td>No</td>
<td>SPL_SL_16-618_WS-16-618</td>
</tr>
<tr>
<td>David</td>
<td>Bell</td>
<td><a href="mailto:david.bell@state.mn.us">david.bell@state.mn.us</a></td>
<td>Department of Health</td>
<td>POB 64975 St. Paul, MN 55164</td>
<td>Electronic Service</td>
<td>No</td>
<td>SPL_SL_16-618_WS-16-618</td>
</tr>
<tr>
<td>Tamara</td>
<td>Cameron</td>
<td><a href="mailto:Tamara.Cameron@usace.army.mil">Tamara.Cameron@usace.army.mil</a></td>
<td>U.S. ARMY CORPS OF ENGINEERS</td>
<td>180 5th St #700 Saint Paul, MN 55101</td>
<td>Electronic Service</td>
<td>No</td>
<td>SPL_SL_16-618_WS-16-618</td>
</tr>
<tr>
<td>Travis</td>
<td>Germundson</td>
<td><a href="mailto:travis.germundson@state.mn.us">travis.germundson@state.mn.us</a></td>
<td>Board of Water &amp; Soil Resources</td>
<td>520 Lafayette Rd Saint Paul, MN 55155</td>
<td>Electronic Service</td>
<td>No</td>
<td>SPL_SL_16-618_WS-16-618</td>
</tr>
<tr>
<td>Kari</td>
<td>Howe</td>
<td><a href="mailto:kari.howe@state.mn.us">kari.howe@state.mn.us</a></td>
<td>DEED</td>
<td>332 Minnesota St, #E200 1ST National Bank Bldg St. Paul, MN 55101</td>
<td>Electronic Service</td>
<td>No</td>
<td>SPL_SL_16-618_WS-16-618</td>
</tr>
<tr>
<td>Karen</td>
<td>Kromar</td>
<td><a href="mailto:karen.kromar@state.mn.us">karen.kromar@state.mn.us</a></td>
<td>MN Pollution Control Agency</td>
<td>520 Lafayette Rd Saint Paul, MN 55155</td>
<td>Electronic Service</td>
<td>No</td>
<td>SPL_SL_16-618_WS-16-618</td>
</tr>
<tr>
<td>Bob</td>
<td>Patton</td>
<td><a href="mailto:bob.patton@state.mn.us">bob.patton@state.mn.us</a></td>
<td>MN Department of Agriculture</td>
<td>625 Robert St N Saint Paul, MN 55155-2538</td>
<td>Electronic Service</td>
<td>No</td>
<td>SPL_SL_16-618_WS-16-618</td>
</tr>
<tr>
<td>Margaret</td>
<td>Rheude</td>
<td><a href="mailto:Margaret_Rheude@fws.gov">Margaret_Rheude@fws.gov</a></td>
<td>U.S. Fish and Wildlife Service</td>
<td>Twin Cities Ecological Services Field Office 4101 American Blvd. E. Bloomington, MN 55425</td>
<td>Electronic Service</td>
<td>No</td>
<td>SPL_SL_16-618_WS-16-618</td>
</tr>
<tr>
<td>Cynthia</td>
<td>Warzecha</td>
<td><a href="mailto:cynthia.warzecha@state.mn.us">cynthia.warzecha@state.mn.us</a></td>
<td>Minnesota Department of Natural Resources</td>
<td>500 Lafayette Road Box 25 St. Paul, Minnesota 55155-4040</td>
<td>Electronic Service</td>
<td>No</td>
<td>SPL_SL_16-618_WS-16-618</td>
</tr>
<tr>
<td>First Name</td>
<td>Last Name</td>
<td>Email</td>
<td>Company Name</td>
<td>Address</td>
<td>Delivery Method</td>
<td>View Trade Secret</td>
<td>Service List Name</td>
</tr>
<tr>
<td>------------</td>
<td>-------------</td>
<td>---------------------------------</td>
<td>-------------------------------------</td>
<td>-----------------------------------------------------------</td>
<td>-------------------</td>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Jonathan</td>
<td>Wolfgram</td>
<td><a href="mailto:Jonathan.Wolfgram@state.mn.us">Jonathan.Wolfgram@state.mn.us</a></td>
<td>Department of Public Safety</td>
<td>445 Minnesota Street Suite 147</td>
<td>Electronic Service</td>
<td>No</td>
<td>SPL_SL_16-618_WS-16-618</td>
</tr>
</tbody>
</table>