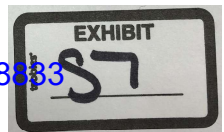


## PROPOSED PERMIT CONDITIONS

1. Applicant will obtain all governmental permits which reasonably may be required by any township, county, state agency, or federal agency, or any other governmental unit for construction and operation activity of the Project prior to engaging in the particular activity covered by that permit. Applicant shall file an affidavit with the Commission attesting that all permits were properly obtained prior to commercial operation.
2. Applicant shall (1) construct, operate, and maintain the Project in a manner consistent with descriptions in the Application, (2) Application supplements and corrections, (3) commitments made by Applicant in the Application and responses to data requests, (4) the Final Decision and Order Granting Permit to Construct Facility, and attached Permit Conditions (the "Permit"), (5) all applicable permits issued by a federal, state, or local agency with jurisdiction over the Project, and (6) evidence presented by Applicant at the evidentiary hearing.
3. Applicant agrees that the Commission's complaint process as set forth in ARSD Chapter 20:10:01 shall be available to landowners and other persons sustaining or threatened with damage as the result of Applicant's failure to abide by the conditions of the Permit or otherwise having standing to seek enforcement of the conditions of the Permit. Participating landowners may use the complaint process free from retribution or consequence regardless of any private easement term to the contrary.
4. At least 14 days prior to commencement of construction, Applicant shall provide each participating and non-participating landowner in the Project Area, using the addresses designated to receive the property tax bill sent by the county treasurer, with the following information:
  - a) A copy of the Permit;
  - b) Detailed safety information describing:
    - i. Reasonable safety precautions for existing activities on or near the Project;
    - ii. Known activities or uses that are presently prohibited near the Project; and
    - iii. Other known potential dangers or limitations near the Project;
  - c) Construction/maintenance damage compensation plans and procedures (only to participating landowners);
  - d) The Commission's address, website, and phone number;
  - e) Contact person for Applicant, including name, e-mail address, and phone number.
5. In order to ensure compliance with the terms and conditions of this Permit pursuant to SDCL 49-41B-33, it is necessary for the enforcement of this Order that all employees, contractors, and agents of Applicant involved in this Project shall be made aware of the terms and conditions of this Permit prior to the start of construction.
6. Except as otherwise provided in the Permit Conditions, Applicant shall comply with all



mitigation measures set forth in the Application and Applicant's commitments in its responses to data requests, and Applicant exhibits and testimony at the evidentiary hearing. Material modifications to the mitigation measures shall be subject to prior approval of the Commission.

7. Applicant will negotiate road use agreements with Deuel, Codington, and Grant Counties and all affected townships, if required. Applicant will comply with such road use agreements. When using haul roads specified in applicable road use agreements, Applicant shall take appropriate action to mitigate wind-blown particles created throughout the construction process, including implementation of dust control measures such as road watering, covering of open haul trucks when transporting material subject to being windblown, and the removal of any soils or mud deposits by construction equipment when necessary.
8. In accordance with applicable road use agreements or applicable law, Applicant shall comply with the following conditions regarding road protection:
  - a) Applicant shall acquire all necessary permits authorizing the crossing of federal, state, county, and township roads.
  - b) Applicant shall coordinate road closures with federal, state, and local governments and emergency responders.
  - c) Applicant shall implement a regular program of road maintenance and repair through the active construction period to keep paved and gravel roads in an acceptable condition for residents and the public.
  - d) After construction, Applicant shall repair and restore deteriorated roads resulting from construction traffic or compensate governmental entities for their repair and restoration of deteriorated roads, such that the roads are returned to their preconstruction condition.
  - e) Within 180 days of completing construction and reclamation of the Project, Applicant shall submit documentation to the Commission identifying that the roads were repaired in accordance with Condition 8 and to the satisfaction of affected townships and county. If the townships or county will not provide such documentation, then Applicant shall provide a report to the Commission on the outstanding road repair issues and how those issues have been or will be resolved.
  - f) Privately owned areas used as temporary roads or crane paths during construction will be restored to their preconstruction condition, except as otherwise requested or agreed to by the landowner.
  - g) Should Applicant need to widen any existing roadways during construction of the Project, Applicant shall return the roadways back to original width after completion of the Project, unless otherwise agreed upon with the federal, state, county, or township entities, or the landowner.
9. Applicant shall develop a Temporary Traffic Control Plan and provide signage, vehicle lighting, and/or flagging that identifies road closures and disturbances resulting from the Project in accordance with the most recent edition of the Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration. The Temporary Traffic Control Plan shall be filed with the Commission prior to the start of construction.

10. Applicant shall promptly report to the Commission the presence of any critical habitat of threatened or endangered species in the Project Area that Applicant becomes aware of and that was not previously reported to the Commission.
11. Applicant agrees to avoid direct impacts to cultural resources that are unevaluated, eligible for, or listed in the National Register of Historic Places (NRHP). When a NRHP unevaluated, eligible, or listed resource cannot be avoided, Applicant shall notify the South Dakota State Historic Preservation Office (SHPO) and the Commission prior to excavation of the area of the reasons that complete avoidance cannot be achieved in order to coordinate minimization and/or treatment measures.
12. Prior to the commencement of construction, Applicant agrees to develop an unanticipated discovery plan for cultural resources and comply with SDCL 34-27-25, 34-27-26, and 34-27-28 for the discovery of human remains.
13. Applicant shall file any amendments to the Level III Archaeological survey with the Commission and provide a copy of the survey to the SHPO prior to commercial operation. The survey report may contain confidential information and all confidential portions of the survey report shall be filed as confidential and not for public disclosure. If any potential adverse impacts to NRHP unevaluated, listed, or eligible cultural resources are identified in additional surveys, Applicant shall file with the Commission a report describing the SHPO-approved planned measures to ameliorate those impacts.
14. Applicant shall provide the Stormwater Pollution Prevention Plan (SWPPP) to the Commission when Applicant has a final design for the Project. The SWPPP will outline the water and soil conservation practices that will be used during construction to prevent or minimize erosion and sedimentation and be in a form consistent with the South Dakota Department of Environment and Natural Resources guidelines for such plans. The SWPPP will be completed before submittal of an application for a National Pollutant Discharge Elimination System (NPDES) general permit for construction activities. All contractors to be engaged in ground disturbing activities shall be given a copy of the SWPPP and the requirements shall be reviewed with them by Applicant prior to the start of construction.
15. Applicant shall repair and restore areas disturbed by the construction or maintenance of the Project. Except as otherwise agreed to by the landowner, restoration shall include the replacement of the original pre-construction topsoil or equivalent quality topsoil to its original elevation, contour, and compaction and re-establishment of original vegetation as close thereto as reasonably practical. In order to facilitate compliance with this Permit Condition, Applicant shall:
  - a) Strip the topsoil to the actual depth of the topsoil, or as otherwise agreed to by the landowner in writing (e-mail is sufficient), in all areas disturbed by the Project; however, with respect to access roads, Applicant may remove less than the actual depth of the topsoil to ensure roads remain low-profile and the contours align with the surrounding area;
  - b) Store the topsoil separate from the subsoil in order to prevent mixing of the soil types;
  - c) All excess soils generated during the excavation of the turbine foundations shall remain on the same landowner's land, unless the landowner requests, and the landowner agrees otherwise; and

- d) When revegetating non-cultivated grasslands, Applicant shall use a seed mix that is recommended by the Natural Resource Conservation Service (NRCS), or other land management agency, unless otherwise agreed upon with the landowner in writing.
16. Applicant shall work closely with landowners or land management agencies, such as the NRCS, to determine a plan to control noxious weeds and Applicant shall implement the plan.
17. Applicant shall stage construction materials in a manner that minimizes the adverse impact to landowners and land users as agreed upon between Applicant and landowner or Applicant and the appropriate federal, state, and/or local government agency. All excess (non-permanent) construction materials and debris shall be removed upon completion of the Project, unless the landowner agrees otherwise.
18. In order to mitigate interference with agricultural operations during and after construction, Applicant shall locate all structures, to the extent feasible and prudent, to minimize adverse impacts and interferences with agricultural operations, shelterbelts, and other land uses or activities. Applicant shall take appropriate precautions to protect livestock and crops during construction. Applicant shall repair all fences and gates removed or damaged during construction or maintenance unless otherwise agreed upon with the landowner or designee. Applicant shall be responsible for the repair of private roads damaged when moving equipment or when obtaining access to the right-of-way.
19. Applicant shall bury the underground collector system at a minimum depth of 48 inches, or deeper if necessary, to ensure the current land use is not impacted.
20. Applicant shall repair or replace all property removed or damaged during all phases of construction, including but not limited to, all fences, gates, and utility, water supply, irrigation, or drainage systems. Applicant shall compensate the owners for damages or losses that cannot be fully remedied by repair or replacement, such as lost productivity and crop and livestock losses. All repair, replacement and/or compensation described above shall be in accordance with the terms and conditions of written agreements between Applicant and affected landowners where such agreements exist.
21. Applicant shall, in the manner described in its written agreement with a landowner, indemnify and hold the landowner harmless for loss, damage, claim, or actions resulting from Applicant's use of the easement, including any damage resulting from any release, except to the extent such loss, damage claim, or action results from the negligence or willful misconduct of the landowner or his employees, agents, contractors, invitees, or other representatives.
22. Applicant may make turbine location adjustments of 250 feet or less from the turbine locations identified at the time the Permit is issued without prior Commission approval, so long as the specified noise and shadow flicker thresholds are not exceeded, cultural resource impacts and documented habitats for listed species are avoided, and wetland impacts are avoided or are in compliance with applicable U.S. Army Corps of Engineers (USACE) regulations. Prior to implementing the turbine location adjustment, Applicant will file in the docket an affidavit demonstrating compliance with the limitations set forth above. Any turbine location adjustment that does not comply with the aforesaid limitations, or turbine model change, shall be considered a "material change," and Applicant shall file a request for approval of the "material change" prior to making the adjustment pursuant to the following approval process:

Applicant will file with the Commission and serve on the official Service List a request for approval of the material change that includes:

- An affidavit describing the proposed turbine location adjustment, the reason for the location adjustment, the reason the location adjustment does not comply with one or more turbine flexibility limitations set forth above, and information regarding compliance with all other applicable requirements; and
  - A map showing both the approved location and the proposed location adjustment (in different colors).
  - Once received, Commission Staff shall have 10 calendar days within which to request further Commission review of the request
  - If no further review is requested, Applicant may proceed with the location adjustment.
  - If further review is requested, the Commission will issue a decision on Applicant's request at its next available regularly scheduled Commission meeting, subject to notice requirements, after the request for further review is made by Commission Staff.
23. Applicant may adjust locations and details of access roads, the collector and communications systems, meteorological tower(s), Aircraft Detection Lighting System facilities, the operations and maintenance facility, the Project Substation, and temporary facilities, so long as they are located on land leased for the Project, cultural resources are avoided or mitigated in consultation with the SHPO; documented habitats for listed species are avoided; wetland impacts are avoided or are in compliance with applicable USACE regulations; and all other applicable regulations and requirements are met.
24. If the Project causes interference with radio, television, or any other licensed communication transmitting or receiving equipment, Applicant shall take all appropriate action to minimize any such interference and shall make a good faith effort to restore or provide reception levels equivalent to reception levels in the immediate areas just prior to construction of the Project. This mitigation requirement shall not apply to any dwellings or other structures built after completion of the Project.
25. Applicant will provide Global Positioning System coordinates of structure locations to affected landowners at any time during the life of the Project. Coordinates will be provided in writing to landowners within 30 days of a request.
26. The Crowned Ridge Wind II Project (CRW II), exclusive of all unrelated background noise except for that associated with the pre-existing Crowned Ridge Wind I Project (CRW I), shall not generate a sound pressure level (10-minute equivalent continuous sound level, Leq) of more than 45 dBA as measured within 25 feet of any non-participating residence unless the owner of the residence has signed a waiver, or more than 50 dBA (10-minute equivalent continuous sound level, Leq) within 25 feet of any participating residence unless the owner of the residence has signed a waiver. The Project Owner shall, upon Commission formal request, conduct field surveys and provide monitoring data verifying compliance with specified noise level limits. If the measured wind turbine noise level exceeds a limit set forth above, then the Project Owner shall act in accordance with prudent operating practice to rectify the situation.

If a field survey and monitoring data is requested by the Commission, the Project Owner shall submit the test protocol to the Commission prior to conducting the survey and sound monitoring for approval. The test protocol shall include and be implemented as follows:

- a) The post-construction monitoring survey shall be conducted following applicable American National Standard Institute (ANSI) methods.



- b) Sound levels shall be measured continuously for 14 days in an effort to capture a sufficient quantity of valid readings meeting the wind conditions delineated below in subpart (e). A sufficient quantity shall be defined as 0.5% of the total number of samples, or a minimum of 10 for a 14-day measurement period. As a precaution against the possibility that a sufficient number of valid readings are not automatically recorded during the chosen 14-day sampling period, 10 on/off tests shall be carried out during the survey period when both the CRW II and CRW I Projects are operating at full power production irrespective of the ground level wind speed. For the on/off tests, all units owned by CRW II and CRW I within at least 1 mile of the measurement position shall be shut down for a 10-minute period synchronized with the monitor's clocks (starting, for example, at the top of the hour or 10 minutes after, 20 minutes after, etc.) with the understanding that the Applicant may request Commission Staff to facilitate the curtailment of any CRW I turbines, and Commission Staff shall facilitate the coordination between CRW II and CRW I on any curtailment. The background level measured during the shutdown interval can then be subtracted from the average of the levels measured immediately before and after it to determine the Project-only sound level. The results from these tests may be used to make up for any shortfall in collecting 10 samples measured when the ground level wind speed is less than or equal to 5 m/s.
- c) Measurements shall be conducted at a select number of non-participating and participating residences with the highest expected noise levels and/or at specific residences identified in the Commission's formal request. At least 6 measurement locations total shall be selected.
- d) Measurements shall be conducted using sound level meters meeting ANSI Type 1 specifications. An anemometer shall be placed within 20 feet of each microphone, and at a height of approximately 2 meters above the ground.
- e) The measurement data shall be analyzed as follows:
- i. At a minimum, the closest five wind turbines associated with the CRW II and CRW I Projects will be operating for evaluation periods and when at least the closest wind turbine is operating at a condition at full (within one decibel of maximum sound power levels) acoustic emissions.
  - ii. Discard those samples measured when the 10-minute average ground wind speed is greater than 5 m/s.
  - iii. Discard those samples measured during periods with precipitation.
  - iv. If measured (total) sound levels exceed the sound level limits, determine Project-only sound levels by removing transient background noise (i.e. occasional traffic, activities of residents, farming activities, and wind gusts) based upon audio recordings, excessive wind gusts, personal observations, and/or comparison of sound level metrics.
  - v. If measured (total) sound levels exceed the sound level limits, determine Project-only sound levels by removing, continuous background noise. This approach requires wind turbine shut-downs, where the background noise is measured directly. The background sound level shall be measured with all turbines within at least 1 mile of the measurement location temporarily shut down. This would include turbines that are part of the CRW I Project for measurement positions in the northern part of the CRW II Project, with the understanding that the Applicant may request Commission Staff to facilitate the curtailment of any CRW I turbines, and Commission Staff shall facilitate the

coordination between CRW II and CRW I on any curtailment. Background noise levels will be subtracted from total noise levels measured during these wind conditions to calculate turbine-only noise levels.

- vi. As necessary, review of the frequency spectra of potential turbine-only samples to identify and remove outliers (spectral shape clearly differing from those samples measured under very low (less than 2 m/s) ground wind conditions, which are the samples most representative of turbine- only noise).
  - f) Compare the resulting turbine-only noise levels to the 45 and 50 dBA limits. Compliance shall be demonstrated if all samples are less than the limits.
27. Applicant agrees to use turbine locations CRII-94, CRII-97, CRII-134, and CRII-Alt 6 as primary turbines and relegate turbine locations CRII-13, CRII-72, CRII-77, and CRII-Alt 5 to alternative status. If during construction at an alternative turbine, Applicant determines that the location is not suitable for a turbine due to geotechnical, cultural, environmental issues or other constructability issues, Applicant shall file an affidavit with the Commission setting forth why the alternative turbine cannot be used and identifying which primary turbine will be used. If there is a dispute over the use of a primary turbine, Applicant and Commission Staff shall meet and attempt to resolve the dispute within 10 business days of the filing of the affidavit. If the dispute cannot be resolved within 10 business days, Applicant shall file a request for a material change with the Commission.
  28. Applicant shall seek input from local emergency response personnel to properly and effectively coordinate an emergency response plan consistent with local resources and response abilities. Upon completion of construction, a Project operation emergency response plan shall be provided to Commission Staff to make available to the general public on the Commission's website.
  29. Applicant agrees to undertake a minimum of two years of independently-conducted post-construction avian and bat mortality monitoring for the Project, and to provide a copy of the report and all further reports to the United States Fish and Wildlife Services, South Dakota Game, Fish & Parks (SD GF&P), and the Commission.
  30. Applicant shall file a Bird and Bat Conservation Strategy (BBCS) prior to beginning construction of the Project. The BBCS shall be implemented during construction and operation of the Project.
  31. At least 60 days prior to construction on property enrolled as a SD GF&P walk-in area, Applicant shall contact the SD GF&P to coordinate public access to the walk-in area that will be temporarily disrupted due to construction activities.
  32. If the Project is decommissioned, Applicant shall comply with Section 21 of the Application and the decommissioning plan set forth in Appendix N of the Application. The Commission shall be notified prior to the commencement of any decommissioning activities at the project.
  33. If Applicant is purchased by Northern States Power Company, doing business as Xcel Energy, as stated in Sections 1.0 and 3.0 of the Application, Xcel Energy will assume financial responsibility for decommissioning and provide funding for the decommissioning and removal of the Project. As a regulated electric utility, the projected financial cost of decommissioning will be reviewed when Xcel Energy requests recovery of the Project

investment and associated decommissioning cost from customers in a rate proceeding. The Commission may review and adjust the Project decommissioning cost recovered from customers in subsequent Xcel Energy rate proceedings using the most current information available regarding decommissioning.

In the event Xcel Energy does not purchase CRW II, at least 30 days prior to commencement of commercial operation, Applicant shall file an escrow agreement with the Commission for Commission approval that provides a decommissioning escrow account (the "Decommissioning Funding Account"). The escrow agreement shall incorporate the following requirements:

- a) The escrow account shall be funded by the Applicant annually at a rate of \$5,000 per turbine per year for the first 30 years, commencing no later than the commercial operation date.
- b) Beginning in year ten following commercial operation of the Project and each fifth year thereafter, the turbine owner shall submit to the Commission an estimated decommissioning date, if established, and estimated decommissioning costs and salvage values. Based on the verification of the information in the filing the Applicant may request and the Commission may determine that funds in escrow are sufficient to cover the costs of decommissioning and that reduced, or no additional deposits are required. The Commission also may determine that additional funding is required and may require additional funding equal to the estimated amount needed for decommissioning.
- c) All revenues earned by the Decommissioning Funding Account shall remain in the Decommissioning Account until such funds are used for decommissioning of the facility or are returned pursuant to Permit Condition 33(i) or Condition 33(j).
- d) A statement of the Decommissioning Funding Account shall be provided annually to the Commission and become a public record in this docket.
- e) The escrow account obligations will be those of CRW II and the escrow agreement shall include terms providing that the agreement binds CRW II's successors, transferees, and assigns. A sale of Project assets shall include the associated Permit that requires Commission approval per SDCL §49-41B-29.
- f) The escrow account agent shall be a South Dakota chartered state bank or a nationally chartered bank with an office located in South Dakota.
- g) The escrow agreement shall be subject to the laws of South Dakota and any disputes regarding the agreement shall be subject to venue in South Dakota.
- h) To minimize the risk that the escrow account would be subject to foreclosure, lien, judgment, or bankruptcy, the escrow agreement will be structured to reflect the following factors:
  - i. That CRW II agreed to the creation of the escrow account;
  - ii. CRW II exercises no (or the least amount possible of) control over the escrow;
  - iii. The initial source of the escrow account;
  - iv. The nature of the funds deposited into the escrow account;



- v. The recipient of its remainder following the completion of decommissioning activities (if any);
  - vi. The target of all its benefit; and
  - vii. The purpose and its creation.
- i) Account funds are to be paid to the Project owner at the time of decommissioning, and shall be paid out as decommissioning costs are incurred and paid.
  - j) If the Project owner fails to execute the decommissioning requirement found in this section of the Permit Conditions, the account shall be payable to the landowner who owns the land on which associated Project facilities are located as the landowner incurs and pays decommissioning costs.
34. The Project shall be equipped with an operating Aircraft Detection Lighting System approved by the Federal Aviation Administration (FAA) that will be operated in accordance with the applicable FAA requirements starting with the commercial operation date and for the life of the Project, subject to normal maintenance and forced outage.
35. Shadow flicker at residences shall not exceed 30 hours per year unless the owner of the residence has signed a waiver. Prior to construction, Applicant shall obtain and file with the Commission a waiver for any occupied structure which will experience more than thirty hours of shadow flicker per year. If no waiver is obtained, Applicant shall file a mitigation plan with the Commission prior to construction and obtain Commission approval of the mitigation plan.
36. Applicant will use two methods to detect icing conditions on turbine blades: (1) sensors that will detect when blades become imbalanced or create vibration due to ice accumulation; and (2) meteorological data from on-site permanent meteorological tower(s), on-site anemometers, and other relevant meteorological sources that will be used to determine if ice accumulation is occurring. These control systems will either automatically shut down the turbine(s) in icing conditions (per the sensors) or Applicant will manually shut down turbine(s) if icing conditions are identified (using meteorological data). Turbines will not return to normal operation until the control systems no longer detect an imbalance or when weather conditions either remove icing on the blades or indicate icing is no longer a concern. Applicant will pay for any documented property damage caused by ice thrown from a turbine.
37. Turbines shall be set back at least 1.1 times the tip height, with a minimum set back distance of 500 feet, from any surrounding property line. However, if the owner of the wind turbine tower has a written agreement with an adjacent land owner allowing the placement of the tower closer to the property line, the tower may be placed closer to the property line shared with that adjacent land owner.
38. Applicant shall implement the avoidance, minimization, and mitigation measures identified as follows for Traditional Cultural Properties (TCPs):
- a) Implement standard avoidance or resource protection practices (e.g., barrier fencing, contractor training) for TCPs, where feasible, in collaboration with the Sisseton-Wahpeton Oyate, Yankton Sioux, Rosebud Sioux and Spirit Lake Tribal Historic Preservation Officers (THPOs) and Applicant;

- b) Make reasonable efforts to identify participating landowners who may be willing to work with the tribes on site preservation, accessibility, and protection of TCPs on their property;
  - c) Conduct site revisits prior to construction;
  - d) Help facilitate post-construction site revisits for tribes with the landowners; and
  - e) Identify and implement education/interpretation opportunities regarding tribal resource preservation and/or Native American perspectives which may include sensitivity training when needed.
39. For purposes of this Project and the commitments herein, “residences,” “business(es),” “structures,” “schools,” “churches,” “cemeteries,” and “public buildings” shall include only those that are in existence and in use as of the date of the Commission’s order issuing a permit.
40. Applicant shall construct and operate the Project in accordance with the terms and conditions of the Permit and in accordance with applicable laws. Failure to do so may lead to the revocation or suspension of the Permit pursuant to SDCL 49-41B-33. If an individual turbine is constructed or operated in a materially different manner than what is approved in the terms and conditions of the Permit then removal of the turbine may be ordered by the Commission unless an exemption is obtained from the Commission pursuant to Condition 41.
41. The terms and conditions of the Permit shall be made a uniform condition of construction and operation, subject only to an affirmative written request for an exemption addressed to the Commission. A request for an exemption shall clearly state which particular condition should not be applied and the reason for the requested exemption. The Commission shall evaluate such requests on a case-by-case basis, which evaluation shall be completed within 60 days unless exigent circumstances require action sooner.
42. Applicant shall provide a copy of the Commission’s Final Decision and Order Granting Permit to Construct Facility; Notice of Entry and attached Permit Conditions in this docket to the affected county, townships, and municipalities in the Project Area.
43. At least 30 days prior to the commencement of construction work in the field for the Project, Applicant will provide to Commission Staff the following information:
- a) the most current preconstruction design, layout, and plans, including the turbine model;
  - b) a sound level analysis showing compliance with the applicable sound level requirements;
  - c) a shadow flicker analysis showing the anticipated shadow flicker levels will not exceed applicable requirements per year at any residence, absent a waiver agreement executed by the residence owner(s);
  - d) should Applicant decide at a later point to use a different turbine model, it shall provide the information required in parts a-c above. Applicant shall also demonstrate that in selecting locations for the other turbines, it considered how to

reduce impacts on non-participating landowners; and

- e) additional Project preconstruction information as Commission Staff requests.
44. At least 30 days prior to commencement of construction, Applicant shall submit the identity and qualifications of a public liaison officer to the Commission for approval to facilitate the exchange of information among Applicant, including its contractors, landowners, local communities, and residents, and to facilitate prompt resolution of complaints and problems that may develop for landowners, local communities, and residents as a result of the Project. Applicant shall file with the Commission its proposed public liaison officer's credentials for approval by the Commission prior to the commencement of construction. After the public liaison officer has been approved by the Commission, the public liaison officer may not be removed by Applicant without the approval of the Commission. The public liaison officer shall be afforded regular access to Applicant's on-site Project manager, its executive Project manager, and to the contractors' on-site managers and shall be available at all times to Commission Staff via mobile phone to respond to complaints and concerns communicated to the Commission Staff by concerned landowners and others. Within 10 working days of when Applicant's public liaison officer has been appointed and approved, Applicant shall provide contact information for him/her to all landowners in the Project Area and to law enforcement agencies and local governments in the vicinity of the Project. The public liaison officer's contact information shall be provided to landowners in each subsequent written communication with them. If the Commission determines that the public liaison officer has not been adequately performing the duties set forth for the position in this Order, the Commission may, upon notice to Applicant and the public liaison officer, take action to remove the public liaison officer. The public liaison's services shall terminate after the Project completes final reclamation of disturbed land, unless the appointment is terminated earlier than set forth above, or extended, by order of the Commission.
45. Prior to the construction of the Project, Applicant will notify public safety agencies by providing a schedule and the location of work to be performed within their jurisdiction. The agencies contacted will include the South Dakota Department of Public Safety, the sheriffs of Codington County, Deuel County, and Grant County, and the Codington County, Deuel County, and Grant County Offices of Emergency Management.
46. Within 90 days after the Project's commercial operation date, Applicant shall submit a report to the Commission that provides the following information:
- a) as-built location of structures and facilities, including drawings clearly showing compliance with the setbacks required by state and local governments set forth in Table 13.1 of the Application;
  - b) ArcGIS shapefiles of the final turbine and facility layout;
  - c) the status of remedial activities for road damage, landowner property damage, crop damage, environmental damage, or any other damage resulting from Project construction activities; and,
  - d) a summary of any known landowner complaints and Applicant's plan for resolving those complaints.