

October 30, 2025

Via eDockets

The Honorable Kristien R.E. Butler
Court of Administrative Hearings
600 North Robert Street
Saint Paul, MN 55164-0620

RE: EIP Reply Comments on Proposed Findings of Fact
Boswell Solar Project
PUC Docket Nos. E015/GS-24-425 and E015/TL-24-426
CAH Docket No. 24-2500-40659

Dear Judge Butler,

Minnesota Public Utilities Commission (Commission), Energy Infrastructure Permitting (EIP) staff offers the following comments on the Boswell Solar Project (project) proposed by Minnesota Power (applicant).

In these comments EIP staff:

- Responds to hearing comments and proposed permit conditions,
- Responds to Minnesota Power's Proposed Findings of Fact, Conclusions of Law, and Recommendations (Boswell Solar FOF).¹

1. Response to Hearing Comments

A. Minnesota Department of Natural Resources (DNR)

In its September 24, 2025, comments the Minnesota Department of Natural Resources (DNR) provided feedback on the Environmental Assessment (EA) and draft site and route permits prepared for the Boswell Solar Project. Comments address topics including fence design, avian flight diverters, the vegetation management plan, dewatering, floodplains, lighting, dust, and wildlife friendly erosion control.²

¹ Minnesota Power, *Proposed Findings of Fact, Conclusions of Law, and Recommendations*, October 16, 2025, eDocket No. [202510-224047-02](#).

² Minnesota Department of Natural Resources, Hearing Comments. September 24, 2025. eDocket No. [20259-223253-01](#).

Specifically, the DNR recommends the applicant construct a wildlife-friendly fence that reaches a height of at least 10 feet and offers support for permit condition 4.3.32 of the draft permit, which requires the Permittee to design the final security fence in coordination with DNR.³

The DNR also supports special condition 5.9 of the draft site permit, which requires the applicant to follow the recommendations provided by DNR in its Natural Heritage Review Letter to avoid or minimize impacts to high-value biological resources. The DNR recommends that a similar special condition be included in the route permit for the Boswell Solar Project, due to the presence of similar features in the landscape traversed by the project's transmission line. EIP staff supports the addition of a similar special condition in the route permit, and proposes the following language be included as a special condition in the route permit:

6.1 High Value Biological Resources

The Permittee shall comply with Minnesota Department of Natural Resources (DNR) recommendations provided in their Natural Heritage Review Letter to avoid or minimize impacts to high-value biological resources including native plant communities and sites of biodiversity significance. If impacts to resources occur, the permittee shall document the impact and consult with the DNR or the appropriate local governmental unit under the Wetland Conservation Act to determine mitigation strategies.

The DNR also provided comments on the potential for erosion and sediment issues due to vegetation clearing within a floodplain. The DNR supports the proposed special condition 5.12 of the draft site permit, which requires the applicant to coordinate with the DNR and the Mississippi Headwaters Board regarding potential impacts to the Mississippi River from construction activities. The DNR recommends that a similar special condition be included in the route permit for the Boswell Solar Project, due to the proposed route for the gen-tie line crossing over Blackwater Lake, which is rated outstanding for lakes of biological significance.⁴ EIP staff supports the addition of a similar special condition in the route permit, and proposes the following language be included as a special condition in the route permit:

6.2 Blackwater Lake

The Permittee shall consult with the Minnesota Department of Natural Resources (DNR) regarding potential impacts to Blackwater Lake due to construction activities, including tree removal and erosion on the shoreline. The Permittee shall provide documentation of its coordination with DNR to the Commission in its Site Plan filed under Section 8.3.

The DNR offered support for proposed special condition 5.7 of the draft site permit, requiring the Permittee to utilize non-chloride products for dust control measures. The DNR requested that a similar special condition be included in the Boswell Solar route permit for dust control products. EIP staff

³ Minnesota Department of Natural Resources, Hearing Comments. September 24, 2025. eDocket No. [20259-223253-01](#).

⁴ Id., p. 3.

supports the addition of a similar special condition in the route permit, and proposes the following language to be included as a special condition in the route permit:

6.3 Dust Control

The Permittee shall utilize non-chloride products for onsite dust control during construction.

The DNR also offered support for proposed special condition 5.8 of the draft site permit, which requires the Permittee to avoid erosion control materials that contain plastic fiber additives and malachite green dye. The DNR recommended that a similar permit condition be included in the route permit for the Boswell Solar Project to ensure wildlife friendly erosion control is used within the route. EIP staff supports the addition of a similar special condition in the route permit, and proposes the following language to be included as a special condition in the route permit:

6.4 Wildlife Friendly Erosion Control

The Permittee shall use only “bio-netting” or “natural netting” types of erosion control materials and mulch products without synthetic (plastic) fiber additives or malachite green dye.

2. Response to Proposed Findings of Fact, Conclusions of Law, and Recommendation (Boswell Solar FOF).

EIP staff has reviewed Minnesota Power’s proposed Findings of Fact, Conclusions of Law, and Recommendations (Boswell Solar FOF) and believes that they accurately reflect the environmental review and permitting process for the project.⁵ EIP staff recommends that the special conditions proposed by DNR (discussed above) be included in the final Boswell Solar route permit and reflected in the final Boswell Solar FOF. EIP staff believes the inclusion of these route permit special conditions reflects the record and supports public and agency interest in the proposed Boswell Solar project. The full text of EIP’s recommended revisions is shown in strikeout and underline in Attachment A.

EIP staff appreciates the opportunity to comment on the proposed project.

Sincerely,



Jessica Livingston
Environmental Review Manager

⁵ Minnesota Power, *Proposed Findings of Fact, Conclusions of Law, and Recommendations*, October 16, 2025, eDocket No. [202510-224047-02](#).