

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION**

**In the Matter of the Application of Gopher
State Solar, LLC, for a Site Permit for the
up to 200 MW Gopher State Solar Project
in Renville County, MN**

OAH Docket No. 24-2500-40416
MPUC Docket No. IP-7119/GS-24-106

**GOPHER STATE SOLAR'S
PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATIONS**

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION**

**In the Matter of the Application of Gopher
State Solar, LLC, for a Site Permit for the
up to 200 MW Gopher State Solar Project
in Renville County, MN**

TABLE OF CONTENTS

STATEMENT OF ISSUES	4
SUMMARY OF RECOMMENDATIONS	4
FINDINGS OF FACT.....	5
I. APPLICANT.....	5
II. PROCEDURAL HISTORY.....	5
III. DESCRIPTION OF THE PROJECT.....	9
IV. SITE LOCATION AND CHARACTERISTICS.....	9
V. PROJECT SCHEDULE.....	10
VI. SUMMARY OF PUBLIC COMMENTS	10
VII. PERMITTEE.....	13
VIII. CERTIFICATE OF NEED	1413
IX. SITE PERMIT CRITERIA	1413
X. APPLICATION OF SITING CRITERIA TO THE PROPOSED PROJECT.....	14
A. Human Settlement.....	14
B. Public Health and Safety.....	22
C. Land-Based Economies.	2423
D. Archaeological and Historic Resources.	2524
E. Natural Environment.....	2625
F. Rare and Unique Natural Resources.	32
G. Application of Various Design Considerations.	3635
H. Use of Existing Large Electric Power Generations.	36
I. Use of Existing Rights-of-Way.....	36
J. Electrical System Reliability.....	3736
K. Costs of Constructing, Operating, and Maintaining the Facility.	3736

Attachment A: EERA Recommended Revisions to Proposed Findings

L.	Adverse Human and Natural Environmental Effects that Cannot be Avoided.....	37
M.	Irreversible and Irretrievable Commitments of Resources.	38
XI.	SITE PERMIT CONDITIONS	39 38
XII.	NOTICE.....	44 43
XIII.	COMPLETENESS OF EA	44
	CONCLUSIONS OF LAW	45 44
	RECOMMENDATIONS.....	46 45

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR PUBLIC UTILITIES COMMISSION**

**In the Matter of the Application of Gopher
State Solar, LLC, for a Site Permit for the
up to 200 MW Gopher State Solar Project
in Renville County, MN**

OAH Docket No. 24-2500-40416
MPUC Docket No. IP-7119/GS-24-106

**GOPHER STATE SOLAR'S
PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATIONS**

This matter was assigned to Administrative Law Judge Kristien R. E. Butler to conduct a public hearing on the Site Permit Application (MPUC Docket No. IP-7127/GS-24-106) (Application) of Gopher State Solar, LLC (Gopher State Solar or Applicant) to construct an up to 200 megawatt (MW) photovoltaic (PV) solar energy generating facility located in Kingman, Osceola, and Bird Island Townships in Renville County, Minnesota (Project). The Minnesota Public Utilities Commission (Commission) also requested that the Administrative Law Judge prepare findings of fact and conclusions of law and provide recommendations, if any, on conditions and provisions of the proposed site permit.

Public hearings on the Application were held on March 31, 2025 (in-person), and April 1, 2025 (remote-access). The factual record remained open until April 11, 2025, for the receipt of written public comments.

Christina K. Brusven and Ryan Cox, Fredrikson & Byron, P.A., 60 South Sixth Street, Suite 1500, Minneapolis, Minnesota 55402, and Sergio Trevino, Vice President of Siting, and Zane Jones, Assistant Development Manager, appeared on behalf of Gopher State Solar.

Craig Janezich, Energy Facilities Planner, appeared on behalf of Commission Staff at the in-person and remote access hearings.

Jessica Livingston, Environmental Review Manager, appeared on behalf of the Department of Commerce (DOC), Energy Environmental Review and Analysis unit (EERA).

STATEMENT OF ISSUES

Has Gopher State Solar satisfied the criteria established in Minn. Stat. § 216E.03, subd. (2023) and Minn. R. 7850.4100 for a site permit for the Project?

SUMMARY OF RECOMMENDATIONS

The Administrative Law Judge concludes that Gopher State Solar has satisfied the applicable legal requirements and, accordingly, recommends that the Commission GRANT a site permit for the Project, subject to the conditions discussed below.

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

FINDINGS OF FACT

I. APPLICANT

1. Gopher State Solar is an indirect subsidiary of DESRI Holdings, L.P. (DESRI). DESRI and its affiliates acquire, own, and manage long-term contracted renewable energy assets in North America.¹
2. Ranger Power LLC (Ranger Power), a Delaware limited liability company specializing in the development of utility-scale renewable energy projects in the United States, is developing the Project on behalf of Gopher State Solar.²

II. PROCEDURAL HISTORY

3. On March 1, 2024, Gopher State Solar filed a Notice of its Intent to Submit a Site Permit Application for the Project under the alternative permitting procedures of Minn. R. 7850.2800 - .3900 in April of 2024.³
4. On August 19, 2024, Gopher State Solar submitted the Application for the Project.⁴ Applicant also submitted the Notice of Filing of Site Permit Application to persons interested in the Project, the Commission's Energy Facilities General List, Local Officials, Tribes, and Property Owners in accordance with Minnesota Rule 7850.2100.⁵
5. On August 21, 2024, the Commission filed a Notice of Comment Period regarding the completeness of the Application, requesting initial comments by September 4, 2024, reply comments by September 11, 2024, and supplemental comments by September 16, 2024. The notice requested comments on whether the Application was complete within the meaning of the Commission's rules; whether there were contested issues of fact with respect to the representations made in the Application; whether the Commission should appoint an advisory task force; whether the Commission should direct the Executive Secretary to issue an authorization to initiate a State Historic Preservation Office (SHPO) Consultation to the Applicant; and whether there were any other issues or concerns that should be considered.⁶
6. On September 4, 2024, EERA filed its Completeness Comments and Recommendations. EERA recommended that the Commission accept the Application as complete, require Gopher State Solar to continue coordinating with the Minnesota Department of Natural Resources (DNR) to avoid impacts to native prairie and conservation easements, not appoint an advisory

¹ Ex. GSS-4 at 2 (Application) and Gopher State Solar's Response to Public Hearing Comments (April 25, 2025) (eDocket No. _____).

² Ex. GSS-4 at 2 (Application).

³ Ex. GSS-1 (Notice of Intent to Submit a Site Permit Application Under Alternative Process).

⁴ Ex. GSS-4 (Application).

⁵ Ex. GSS-2 (Project Notice Under 7850.2100).

⁶ Ex. PUC-1 (Notice of Comment Period on Application Completeness).

task for at that time, and request a full Administrative Law Judge report with recommendations for the Project's public hearing.⁷

7. On September 11, 2024, Gopher State Solar submitted reply comments concerning Application completeness.⁸
8. On September 16, 2024, LIUNA Minnesota and North Dakota (LIUNA) filed supplemental comments concerning Application completeness.⁹
9. On September 16, 2024, Gopher State Solar submitted the Confirmation of Notice Compliance Filing for the Application.¹⁰
10. On September 24, 2024, the Commission issued an order finding the Application complete, requiring Gopher State Solar to continue coordination with the DNR to avoid impacts to native prairie and conservation easements, declining to appoint an advisory task force, and requesting a full Administrative Law Judge report with recommendations for the Project's public hearing.¹¹ The Commission also issued minutes from its September 24, 2024 consent calendar subcommittee meeting.¹²
11. On October 8, 2024, the Commission filed a sample solar permit.¹³
12. On October 14, 2024, the Commission published Notice of Public Information and Environmental Assessment (EA) Scoping Meetings scheduling meetings for October 28, 2024 (remote-access) and October 29, 2024 (in-person), opening a public comment period until November 15, 2024, and requesting responses to three questions regarding the Project: (1) What potential human and environmental impacts of the proposed project should be considered in the EA?; (2) Are there any methods to minimize, mitigate, or avoid potential impacts of the proposed project that should be considered in the EA?; and (3) Are there any unique characteristics of the proposed project that should be considered in the EA?¹⁴
13. On October 28-29, 2024, the Commission and EERA conducted Public Information and Scoping meetings. Three members of the public provided oral comments at these meetings.¹⁵
14. On October 28, 2024, the Commission filed an Affidavit of Publication of notice of the Public Information and Scoping meetings in the Renville County Register newspaper.¹⁶

⁷ Ex. EERA-1 Comments and Recommendations Regarding Application Completeness.

⁸ Ex. GSS-6 (Completeness Reply Comments).

⁹ LIUNA Completeness Comments (September 16, 2024) (eDocket No. [20249-209967-01](#)).

¹⁰ Ex. GSS-7 (Confirmation of Notice).

¹¹ Ex. PUC-2 (Order).

¹² Minutes – September 24, 2024 Consent (September 24, 2024) (eDocket No. [20249-210435-02](#)).

¹³ Ex. PUC-3 (Sample Permit).

¹⁴ Ex. PUC-4 (Notice of Public Information and Environmental Assessment Scoping Meetings).

¹⁵ Ex. EERA-5 Oral Public Comments on Scope of Environmental Assessment.

¹⁶ Ex. PUC-5 (Affidavit of Publication, Notice of Public Information and EA Scoping Meetings).

Attachment A: EERA Recommended Revisions to Proposed Findings

15. On November 14, 2024, the Administrative Law Judge issued an order for prehearing conference¹⁷, with a correction.¹⁸
16. On November 15, 2024, LIUNA¹⁹ and the DNR²⁰ filed scoping comments.
17. Also on November 15, 2024, Gopher State Solar filed scoping comments in response to questions or issues raised during the public information and scoping meetings.²¹
18. On November 26, 2024, EERA filed written public comments from Renville County on the scope of the Project,²² as well as a correction to the written public comments.²³ EERA also filed the transcripts from the in-person and the virtual Public Information and Scoping meetings.²⁴
19. On December 6, 2024, EERA filed the EA Scoping Decision for the Project²⁵ and the Notice of EA Scoping Decision.²⁶
20. On December 12, 2024, the Administrative Law Judge issued a scheduling order establishing a schedule for the proceedings.²⁷
21. On March 19, 2025, Gopher State Solar submitted the direct testimony of Sergio Trevino²⁸, accompanied by the Direct testimony Filing Letter.²⁹
22. On March 19, 2025, EERA filed the EA for the Project.³⁰ Also, the Commission filed a Notice of Public Hearings and Availability of Environmental Assessment,³¹ as well as a resubmission to include the Project Contact List providing for hearings on March 31, 2025 (in-person), and April 1, 2025 (remote-access). The Commission also requested comments from the public on (1) whether the Commission should grant a site permit for the proposed solar energy generating system, and (2) if granted, what additional conditions or requirements should be included in the site permit.³²
23. On March 27, 2025, EERA filed the notification of the publication of the EA to state agencies and Minnesota Tribal Nations' Tribal Historic Preservation Officers (THPOs).³³ Also, on

¹⁷ Order for Prehearing Conference (November 14, 2024) (eDocket No. [02411-211940-01](#)).

¹⁸ Corrected Order for Prehearing Conference (November 14, 2024) (eDocket No. [02411-211941-01](#)).

¹⁹ LIUNA Scoping Comments (November 15, 2024) (eDocket No. [02411-212029-01](#)).

²⁰ DNR Scoping Comments (November 15, 2024) (eDocket No. [02411-212014-01](#)).

²¹ Ex. GSS-8 (Scoping Comments).

²² Ex. EERA-4 Written Public Comments on Scope of Environmental Assessment.

²³ Ex. EERA-4 Written Public Comments on Scope of Environmental Assessment.

²⁴ Ex. EERA-5 Oral Public Comments on Scope of Environmental Assessment.

²⁵ Ex. EERA-6 Environmental Assessment Scoping Decision.

²⁶ Ex. EERA-7 Notice of Environmental Assessment Scoping Decision.

²⁷ Scheduling Order (December 18, 2024) (eDocket No. [02412-213175-01](#)).

²⁸ Ex. GSS-10 (Direct Testimony of Sergio Trevino with Schedules A-F).

²⁹ Ex. GSS-9 (Direct Testimony Filing Letter).

³⁰ Ex. EERA-8 Environmental Assessment (EA) (March 19, 2025).

³¹ Ex. PUC-6 (Notice of Public Hearings and Availability of EA).

³² Ex. PUC-7 (Notice of Public Hearings and Availability of ES – Resubmitted to Include Project Contact List).

³³ Ex. EERA-10 (EA Provided to Permitting Agencies and THPOs).

Attachment A: EERA Recommended Revisions to Proposed Findings

March 27, 2025, EERA filed a certificate of mailing of the EA and notices to two public libraries local to the Project.³⁴

24. On March 31, 2025, the Administrative Law Judge presided over a public hearing at Max's Grill and The Sheep Shedde Inn in Olivia, Minnesota. Three individuals provided verbal comments at this public hearing.³⁵ A remote public hearing was held via Webex on April 1, 2025. One person provided verbal comments at that public hearing.³⁶ Also, on April 1, 2025, EERA provided notice of the EA and upcoming public meetings via the Environmental Quality Board (EQB) Monitor ~~and notices to two public libraries local to the Project.~~³⁷
25. On April 2, 2025, the Commission filed the handout of the public hearing presentation.³⁸ The Commission also filed a written public comment submitted by Scott Refsland on behalf of Renville County.³⁹
26. On April 7, 2025, the Commission filed the Affidavit of Publication of the notice of public hearings and the EA's availability in the Renville County Register newspaper.⁴⁰
27. On April 10, 2025, the DNR filed public hearing comments.⁴¹
28. On April 11, 2025, LIUNA,⁴² IUOE Local 49 and North Central States Regional Council of Carpenters (NCSRCC),⁴³ Gopher State Solar,⁴⁴ and EERA⁴⁵ filed public hearing comments.
29. On April 15, 2025, EERA filed additional hearing comments.⁴⁶ The Commission filed a written public comment submitted by Shannon and Jen Visser.⁴⁷
30. On April 21, 2025, the Commission filed a public hearing comment submitted by the Minnesota Pollution Control Agency (MPCA).⁴⁸
31. On April 22, 2025, the Commission filed a revised public hearing comment from MPCA that includes the nine elements outlined in federal rule at 40 C.F.R. § 121.5(b) required to be included in a request for Section 401 Water Quality Certification.⁴⁹

³⁴ Ex. EERA-11 (Certificate of Mailing of EA to Public Libraries);

³⁵ See Olivia 6:00 p.m. Public Hearing Transcript (Olivia 6:00 p.m. Tr.) (March 31, 2025).

³⁶ See WebEx 6:00 p.m. Public Hearing Transcript (WebEx 6:00 p.m. Tr.) (April 1, 2025).

³⁷ ~~Ex. EERA-11 (Certificate of Mailing of EA to Public Libraries);~~ Ex. EERA-12 (EQB Monitor Notice of EA Availability, Public Hearings, and Comment Period).

³⁸ Public Hearing Presentation (April 2, 2025) (eDocket No. 20254-217176-01).

³⁹ Comment by Scott Refsland (April 2, 2025) (eDocket 20254-217161-01).

⁴⁰ Affidavit of Publication (April 7, 2025) (eDocket No. 20254-217323-01).

⁴¹ Comment by DNR (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02);

⁴² Comment by LIUNA (April 11, 2025) (eDocket No. 20254-217560-01).

⁴³ Comment by IUOE Local 49 and NCSRCC (April 11, 2025) (eDocket No. 20254-217522-01).

⁴⁴ Gopher State Solar Hearing Comments (April 11, 2025) (eDocket No. 20254-217543-01).

⁴⁵ Comment by EERA (April 11, 2025) (eDocket No. 20254-217523-01).

⁴⁶ EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01).

⁴⁷ Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01).

⁴⁸ MPCA Public Hearing Comment (April 21, 2025) (eDocket No. 20254-217927-01).

⁴⁹ MPCA Revised Public Hearing Comment (April 22, 2025) (eDocket Nos. 20254-217972-01 and 20254-217968-01).

III. DESCRIPTION OF THE PROJECT

32. The Project consists of an up to 200 MW PV solar energy generating facility and associated infrastructure in Kingman, Osceola, and Bird Island Townships in Renville County, Minnesota.⁵⁰ The Project will include PV solar modules; single-axis trackers; inverters; an electrical collection system; an operations and maintenance (O&M) facility; electrical cables, conduit, switchgear, and metering equipment; step-up transformers; supervisory control and data acquisition (SCADA) system; access roads; a meteorological tower; stormwater management system; security fencing and gates; a Project substation and interconnection facilities; a short (<1,500 feet) aboveground 230 kilovolt (kV) generation interconnect (gen-tie) line; ancillary equipment or buildings as necessary; temporary facilities; and other infrastructure typical of a solar farm.⁵¹
33. The proposed Project will interconnect to the electrical grid via the Project's short (<1,500 feet) aboveground 230 kV transmission line from the Project substation to Great River Energy's existing 230 kV Panther Substation in Renville County, Minnesota.⁵²
34. The Project will provide up to 200 MW of capacity annually of reliable, renewable energy.⁵³

IV. SITE LOCATION AND CHARACTERISTICS

35. The Project is located within Kingman, Osceola, and Bird Island Townships in Renville County Minnesota.⁵⁴ The location is approximately 1.2 miles north of the city of Bird Island and approximately 2.55 miles northeast of the city of Olivia in Renville County, Minnesota. The solar facility is generally bounded by 870th Avenue to the north, 405th Street to the east, 830th Avenue to the south, and 365th Street to the west. The Project is intersected north to south by Main Street/County State Aid Highway 5 and east to west by 840th Avenue/County Road 70.⁵⁵
36. Gopher State Solar has 100 percent land control of the land control area⁵⁶, which is 1,645 acres of private land either under lease or easement. Based on preliminary Project design, 977 acres of the 1,645 acres are necessary to accommodate the Project infrastructure.⁵⁷
37. Land use in the Project Area⁵⁸ is predominantly agricultural but includes developed areas in the cities of Bird Island and Olivia and other residential areas, transportation corridors, and commercial and industrial uses. Land use within the area of land control is dominated by

⁵⁰ Ex. GSS-4 at 1 (Application).

⁵¹ Ex. GSS-2 at 1 (Project Notice Under 7850.2100).

⁵² Ex. GSS-4 at 8 (Application).

⁵³ Ex. GSS-4 at 1 (Application).

⁵⁴ Ex. GSS-4 at 1 (Application).

⁵⁵ Ex. GSS-4 at 23 (Application); Ex. EERA-8 at 37 (EA).

⁵⁶ The EA defines "land control area" as the 1645-acre area for which Gopher State Solar is assumed to have site control through ownership, a lease agreement, or an easement. The site permit application refers to this as the "Project Area." For this document, "land control area" applies to the area for the solar facility as well as area for collection corridors, substation and transmission lines. *See* Ex. EERA-8 at vi (EA).

⁵⁷ Ex. GSS-4 at 8 (Application).

⁵⁸ The EA defines "Project Area" as one mile from the land control area and collection line corridor. *See* Ex. EERA-8 at vii (EA).

agriculture; primarily corn and soybeans. Built features common to the area include residences and farmsteads, grain storage, and paved and gravel roads.⁵⁹

38. Approximately 1,107 acres are considered to be prime farmland, which will be taken out of production for the anticipated 40-year life of the Project but will not be permanently removed.⁶⁰ There is not a feasible and prudent alternative to the Project that satisfies the prime farmland exclusion rule in Minn. Rules 7850.4400, subp. 4.⁶¹

V. PROJECT SCHEDULE

39. Gopher State Solar plans to start construction in the second quarter of 2027,⁶² with commercial operations beginning in the fourth quarter of 2029.⁶³

VI. SUMMARY OF PUBLIC COMMENTS

40. The public information and environmental review scoping meetings were held on October 28 and 29, 2024. Three members of the public provided verbal comments during the Public Information and Environmental Assessment Scoping Meeting (in-person) held on October 29, 2024. Two commenters expressed concerns about setbacks, county tile lines, the total amount of the decommissioning bond, weed control, training of emergency response personnel, visual screening, noise, groundwater pollution, potential changes to weather patterns, and additional fire risk. The third commenter expressed trade union support for the Project.⁶⁴ No members of the public spoke during the Public Information and Environmental Assessment Scoping Meeting (remote-access) held on October 28, 2024.⁶⁵
41. During the scoping comment period ending November 15, 2024, written comments were filed by LIUNA,⁶⁶ the DNR,⁶⁷ and Renville County.⁶⁸ No site or system alternatives were recommended for study.
42. LIUNA's comments state that additional details will be needed in order to evaluate the Project's "local employment and economic impacts."⁶⁹ LIUNA also offers assistance in the form of assessing to what extent construction, operation and maintenance jobs created or preserved by the Project meet priorities established by the legislature.⁷⁰
43. The DNR's comments address potential environmental and wildlife impacts regarding fencing height, dust control during construction, lighting, bat populations, and the type of erosion

⁵⁹ Ex. EERA-8 at 37 (EA).

⁶⁰ Ex. GSS-4 at 9 (Application).

⁶¹ Ex. GSS-4 at 9 (Application).

⁶² Ex. GSS-4 at 3 (Application).

⁶³ Ex. GSS-10 at 4:18 (Direct Testimony of Sergio Trevino with Schedules A-F).

⁶⁴ Ex. EERA-5 (Oral Public Comments on the Scope of EA).

⁶⁵ Ex. EERA-5 (Oral Public Comments on the Scope of EA).

⁶⁶ LIUNA Scoping Comments (November 15, 2024) (eDocket No. [202411-212029-01](#)).

⁶⁷ DNR Scoping Comments (November 15, 2024) (eDocket No. [202411-212014-01](#)).

⁶⁸ Ex. EERA-4 (Written Public Comments on the Scope of Environmental Assessment).

⁶⁹ LIUNA Scoping Comments (November 15, 2024) (eDocket No. [202411-212029-01](#)).

⁷⁰ LIUNA Scoping Comments (November 15, 2024) (eDocket No. [202411-212029-01](#)).

control used. The DNR also recommended the utilization of a Vegetation Management Plan (VMP).⁷¹

44. Renville County's comments state that, according to the Application, county setbacks will not be met, and requests final setbacks meet required distances. The County's comments also address drain tile lines, the amount of financial surety available for decommissioning, weed control, training of local emergency personnel, as well as visual screening.⁷²
45. On November 15, 2024, Gopher State Solar filed scoping comments in response to public comments made by Scott Refsland, Environmental Services Director, Renville County; Stacy Karels, LIUNA; and Jen Visser, landowner, during the in-person public information and scoping meeting for the Project. Gopher State Solar's comments addressed the following topics: property line setbacks, decommissioning financial assurance, weed control, changes in ownership, road use, emergency response, socioeconomic benefits, noise, aesthetics/visual screening, glare, water quality impacts, property values, and fire risk.⁷³
46. On March 31 and April 1, 2025, the Judge presided over public hearings on the Application for the Project via in-person and remote means, respectively. Seventeen members of the public attended the in-person hearing in Olivia, Minnesota and three members of the public offered verbal comments. A representative of NCSRCC offered comments in support of the Project and the mentioned the socioeconomic benefits of the Project.⁷⁴ Renville County offered comments requesting revisions to Section 4.3.21 of the Draft Site Permit (DSP) regarding Noxious Weeds and requesting that a decommissioning assessment be performed by a third-party at the expense of Gopher State Solar.⁷⁵ Jen Visser offered several comments including, but not limited to, concerns about the aesthetic impacts, noise impacts, impacts to property values, glare, Project safety, benefits to the local community, and requesting that vegetative buffers grow quickly.⁷⁶
47. Nine members of the public attended the virtual public hearing, and one member of the public offered verbal comments. Luca Franco offered comments on behalf of LIUNA expressing strong support for the Project and commenting on the benefit to local workers.⁷⁷
48. The written public comment period remained open through April 11, 2025. Written comments were submitted by the Bois Forte Band of Chippewa, Renville County, DNR, LIUNA, EERA, and Shannon and Jen Visser.⁷⁸

⁷¹ DNR Scoping Comments (November 15, 2024) (eDocket No. [202411-212014-01](#)).

⁷² Ex. EERA-4 (Written Public Comments on the Scope of Environmental Assessment).

⁷³ Ex. GSS-8 (Scoping Comments).

⁷⁴ Olivia 6:00 p.m. Public Hearing Transcript (Olivia 6:00 p.m. Tr.) at 19-20 (March 31, 2025).

⁷⁵ Olivia 6:00 p.m. Public Hearing Transcript (Olivia 6:00 p.m. Tr.) at 20-23 (March 31, 2025).

⁷⁶ Olivia 6:00 p.m. Public Hearing Transcript (Olivia 6:00 p.m. Tr.) at 23-25 (March 31, 2025).

⁷⁷ See WebEx 6:00 p.m. Public Hearing Transcript at 18-20 (WebEx 6:00 p.m. Tr.) (April 1, 2025).

⁷⁸ Ex. PUC-8 (Public Comment – Randy Teboe); Comment by Scott Refsland (April 2, 2025) (eDocket [20254-217161-01](#)); Comment by DNR (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02); Comment by LIUNA (April 11, 2025) (eDocket No. 20254-217560-01); Comment by EERA (April 11, 2025) (eDocket No. 20254-217523-01); Comment by IUOE Local 49 and NCSRCC (April 11, 2025) (eDocket No. 20254-

49. On March 27, 2025, Randy Teboe submitted comments on behalf of the Bois Forte Band of Chippewa requesting to be notified if human remains are unanticipatedly discovered during construction.⁷⁹ EERA recommended the modification of EERA recommends modifying Draft Site Permit standard condition 4.3.23 to reflect the request of the Bois Fort Band with the following language:

4.3.23 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Project. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office (SHPO) 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 SHPO and State Archaeologist requirements.

Prior to construction, the Permittee shall train workers 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 and promptly notify local law enforcement and the State Archaeologist **and the Bois Fort Band of Chippewa**. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

- 49.50. On April 1, 2025, Scott Refsland, as Environmental Services Director for Renville County, provided comments requesting revision of the permit condition in the DSP relating to noxious weeds, specifically requesting the language be amended to ensure long-term management of noxious weeds beyond the construction phase. Mr. Refsland's comments also address Gopher State Solar's calculations of the decommissioning costs and request an independent decommissioning cost assessment be conducted by a third-party firm at the expense of Gopher State Solar, and that language be added to the decommissioning plan to allow for recovery of costs paid by Renville County in the event the funds in the Decommissioning Account are not sufficient to cover the full cost of decommissioning.⁸⁰

- 50.51. On April 10, 2025, the DNR filed public hearing comments recommending special permit conditions for facility lighting, dust control, wildlife friendly erosion control, and a VMP. DNR requested that the Project's security fence reach a minimum height of 10 feet around each grouping of solar arrays to prevent large wildlife from entering the solar facility and supported section 4.3.32 of the DSP requiring the permittee to coordinate the final security fencing design

217522-01); EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01); and Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01).

⁷⁹ Ex. PUC-8 (Public Comment – Randy Teboe).

⁸⁰ Comment by Scott Refsland (April 2, 2025) (eDocket [20254-217161-01](#)).

with the DNR and the DOC. DNR also requested a special permit condition requiring compliance with Minnesota state-listed endangered and threatened species laws.⁸¹

51.52. On April 11, 2025, LIUNA filed comments discussing local workforce utilization, stating that the Project will deliver sufficient net employment and economic benefits to meet statutory requirements, and urging the Commission to grant a site permit for the Project.⁸²

52.53. On April 11, 2025, EERA filed comments regarding the draft decommissioning plan, the draft VMP, and EERA's recommended special permit conditions.⁸³ IUOE Local 49 and NCSRCC also filed comments in support of the Project and stating that the Project is "critical to ensuring that the resources are available and permitted to meet our state's goals."⁸⁴

53.54. On April 15, 2025, EERA filed additional hearing comments recommending the addition of a special condition 5.9 (Migratory Birds) to the DSP incorporating the United States Fish and Wildlife Service (USFWS) recommended action to minimize disruption to migratory birds, including the Chimney Swift and the Northern Harrier, during their respective breeding seasons.⁸⁵ Also, the Commission filed comments submitted by Shannon and Jen Visser requesting the inclusion of the following site permit conditions: (1) requiring a tree line fence with 20-foot trees to block vision and possible sound associated with the Project on the Visser's property and the property surrounding the proposed Project; (2) free power for the entire site located at 83898 County Road 5, Bird Island, for the life of the house, regardless of ownership; and (3) requiring the use of an oil or dust reducer during construction on the gravel road between the Visser's property and the Project.⁸⁶

54.55. On April 21, 2025, MPCA filed comments stating that if a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers (USACE) for project related wetland impacts is necessary, then a MPCA Section 401 Water Quality Certification with conditions, waiver or denial must also be obtained as part of the permitting process. MPCA also commented that the EA should clarify that if the USACE Section 404 Permit or the Section 10 Permit is required and in accordance with Minnesota Statutes, the Project should include the MPCA as a regulator of all surface waters as defined by Minn. Stat. § 115.01, subd. 22.⁸⁷

55.56. On April 25, 2025, the Applicant filed a response to public hearing comments addressing the recommendations of EERA, DNR, MPCA, and the Vissers.⁸⁸

VII. PERMITTEE

56.57. The permittee for the Project is Gopher State Solar.⁸⁹

⁸¹ Comment by DNR (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02).

⁸² Comment by LIUNA (April 11, 2025) (eDocket No. 20254-217560-01)

⁸³ Comment by EERA (April 11, 2025) (eDocket No. 20254-217523-01).

⁸⁴ Comment by IUOE Local 49 and NCSRCC (April 11, 2025) (eDocket No. 20254-217522-01).

⁸⁵ EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01).

⁸⁶ Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01).

⁸⁷ MPCA Public Hearing Comment (April 21, 2025) (eDocket No. 20254-217927-01).

⁸⁸ Gopher State Solar's Response to Public Hearing Comments (April 25, 2025) (eDocket No. _____).

⁸⁹ Ex. GSS-4 at 2 (Application).

VIII. CERTIFICATE OF NEED

~~57.58.~~ The Project is exempt from certificate of need requirements pursuant to Minn. Stat. § 216B.243, subd. 8(a)(8) because Gopher State Solar, an independent power producer, applied for a site permit to construct the Project.

IX. SITE PERMIT CRITERIA

~~58.59.~~ Large electric power generating plants (LEPGP) are governed by Minn. Stat. ch. 216E (2023) and Minn. R. ch. 7850. Minn. Stat. § 216E.01, subd. 5 (2023), defines a “large electric power generating plant” as “electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more.”

~~59.60.~~ On March 1, 2024, Gopher State Solar submitted information to the DOC requesting a size determination for the Project. On March 18, 2024, EERA informed Gopher State Solar that, based on the information provided, the Project is subject to the Commission’s siting authority under Minn. Stat. § 216E.02 (2023). Therefore, a site permit is required prior to construction of the Project.⁹⁰

~~60.61.~~ A LEPPG powered by solar energy is eligible for the alternative permitting process authorized by Minn. Stat. § 216E.04 (2023). Gopher State Solar filed the Application under the process established by the Commission in Minn. R. parts 7850.2800- 7850.3900.⁹¹

~~61.62.~~ Under Minn. Stat. § 216E.04 (2023), for a LEPPG permitted under the alternative permitting process, EERA prepares an EA for the Commission containing information on the human and environmental impacts of the proposed project and addresses mitigating measures. The EA is the only state environmental review document required to be prepared on the Project.

~~62.63.~~ EERA is responsible for evaluating the Application and administering the environmental review process.

X. APPLICATION OF SITING CRITERIA TO THE PROPOSED PROJECT⁹²

A. Human Settlement.

~~63.64.~~ Minnesota law requires consideration of the Project’s effects on human settlement, including displacement of residences and businesses, noise created by construction and operation of the Project, and impacts to aesthetics, cultural values, recreation, and public services.⁹³

1. Aesthetics.

⁹⁰ Ex. GSS-4 at Appendix G – Size Determination (Application).

⁹¹ Ex. GSS-1 (Notice of Intent to Submit a Site Permit Application Under Alternative Process).

⁹² See Minn. R. 7850.4100.

⁹³ Minn. R. 7850.4100, subp. A.

~~64-65.~~ The visible elements of the solar facility will consist of new PV solar modules, transformers and inverters, access roads, an O&M facility, a new substation, and security fencing surrounding the Project.⁹⁴

~~65-66.~~ The Project will be a noticeable change in the landscape, converting approximately 1,645 acres of agricultural fields into solar production. Although the change will be noticeable, there are other existing infrastructure features in the landscape including gravel roads and distribution lines. How an individual viewer perceives the change from a field of corn to a field of solar panels depends, in part on how a viewer perceives solar panels.⁹⁵

~~66-67.~~ For residents outside the Project vicinity and for others with low viewer sensitivity, such as travelers along U.S. Highway 212 and 71, aesthetic impacts are anticipated to be minimal. For these viewers, the solar panels would be relatively difficult to see due to distance, fencing and vegetation, or would be visible for a very short period. For residents in the Project vicinity and for others with high viewer sensitivity traveling on local roads in the Project vicinity, Main Street/County Road 5, aesthetic impacts are anticipated to be moderate to significant.⁹⁶

~~67-68.~~ Downward-facing security lighting will be installed outside the O&M facility and project substation for safety and security. Gopher State Solar indicates that lighting for the Project substation and O&M facilities will be consistent with Minnesota Department of Transportation (MnDOT) guidance for luminaries.⁹⁷

~~68-69.~~ Impacts from facility lighting can be minimized by using shielded and downward-facing light fixtures and using lights that minimize blue hue.⁹⁸

~~69-70.~~ The record demonstrates that Gopher State Solar has taken steps to avoid and minimize visual impacts. Further, Section 4.3.8 of the Site Permit requires the permittee to consider landowner input with respect to visual impacts and to use care to preserve the natural landscape.⁹⁹

~~70-71.~~ EERA proposed adding to the DSP Special Condition Section 5.1 requiring the permittee to coordinate with jurisdictional road management authorities to develop vegetative screening plans for state, county, and township roads adjacent to or bisecting the Project.¹⁰⁰ Gopher State Solar does not support this proposed special condition. Screening along all roadsides has not historically been required by the Commission and could be burdensome and unduly expensive, with unclear benefit. Furthermore, as stated in Sergio Trevino's Direct Testimony, Gopher State Solar had a call with Renville County staff on February 13, 2025, to discuss the County's scoping comments regarding decommissioning and vegetative screening. During Gopher State Solar's call with Renville County staff, it appears that Renville County staff recognized that placing vegetative screening along 6.5 miles of county roads would be impractical, and

⁹⁴ Ex. EERA-8 at 40 (EA).

⁹⁵ Ex. EERA-8 at 40-41 (EA).

⁹⁶ Ex. EERA-8 at 41 (EA).

⁹⁷ Ex. EERA-8 at 41 (EA).

⁹⁸ Ex. EERA-8 at 41 (EA).

⁹⁹ Ex. EERA-8 at 41 (EA).

¹⁰⁰ Ex. EERA-8 at Appendix C – Draft Site Permit (EA).

prioritizing screening in front of the non-participating residences adjacent to the Project would be more in-line with the County's interests.¹⁰¹

~~71.72.~~ Shannon and Jen Visser, nearby residents of the Project, also recommended screening from their property, requesting that 20-foot trees be planted to minimize aesthetic and potentially sound impacts from the Project.¹⁰² Gopher State Solar noted the challenges of replanting trees 20-feet tall but committed to working with the Vissers on a screening plan.¹⁰³

~~72.73.~~ EERA supports the inclusion of residences within or adjacent to Project facilities, and proposes modifying special condition 5.1 to include participating and non-participating residences. As such, ~~Gopher Solar proposed that the appropriate language for~~ Section 5.1 of the DSP ~~be modified is~~ as follows:

5.1 Vegetative Screening Along Roadsides

The Permittee shall ~~coordinate with jurisdictional road management authorities to develop~~ a vegetative screening plans for ~~state, county, and township roads adjacent to or bisecting nonparticipating residences within or adjacent to the Project facilities.~~ Vegetative screening plans must comply with jurisdictional ROW management and/or setback requirements.¹⁰⁴ The location of screening included in the vegetative screening plan shall be included in the Site Plan filed under Section 8.3 of this permit.

~~73.74.~~ ~~Gopher State Solar's~~ The proposed modifications to Section 5.1 of the DSP are reasonable and will minimize aesthetic impacts to ~~nonparticipating~~ residents near the Project.

2. Noise.

~~74.75.~~ The MPCA has established standards for the regulation of noise levels. The most restrictive MPCA noise limits are 60–65 dBA during the daytime and 50–55 dBA during the nighttime.¹⁰⁵

~~75.76.~~ In Minnesota, noise standards are based on noise area classifications (NAC) corresponding to the location of the listener, referred to as a receptor. NACs are assigned to areas based on the type of land use activity occurring at that location. Household units, designated camping and picnicking areas, resorts and group camps are assigned to NAC 1; recreational activities (except designated camping and picnicking areas) and parks are assigned to NAC 2; agricultural and related activities are assigned to NAC 3.¹⁰⁶

~~76.77.~~ The primary noise receptors are the local residences. There is one residence within the site, and 33 residences in local proximity (within 3,200 feet). The Project is in a rural, agriculturally dominated area. Rural residential areas have a typical daytime noise level of 40 dBA and a

¹⁰¹ Ex. GSS-10 at 10:2-3 and 12:20-24 (Direct Testimony of Sergio Trevino).

¹⁰² Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01).

¹⁰³ Gopher State Solar's Response to Public Hearing Comments (April 25, 2025) (eDocket No. _____).

¹⁰⁴ Gopher State Solar Public Hearing Comments at 3 (April 11, 2025) (eDocket No. 20254-217543-01).

¹⁰⁵ Minn. R. 7030.0040.

¹⁰⁶ Ex. EERA-8 at 42-43 (EA).

typical nighttime level of 34 dBA.⁸³ Residences are in NAC 1. Noise receptors could also include individuals working outside in the Project vicinity. Potential noise impacts from the Project are associated with construction noise and operational noise.¹⁰⁷

~~77.~~78. Distinct noise impacts during construction are anticipated to be negligible to significant depending on the activity occurring and equipment being used. Noise from construction will be temporary, intermittent, limited to daytime hours and localized.¹⁰⁸

~~78.~~79. Noise levels during operation of the Project are anticipated to be minimal.¹⁰⁹ The primary source of noise from the solar facility will be from inverters and transformers. In its noise analysis, Gopher State Solar assumed background ambient noise level of 40 dBA due to the rural land use category of the land control area.¹¹⁰ For the inverters, a sound pressure level of 40 dBA is detectable at 450 feet, whereas it is detectable at 19 feet from a transformer.¹¹¹ The nearest residence to an inverter will be 535 feet away, and the nearest residence to a transformer will be 926 feet away. As a result, the noise from the inverters are not projected to have any impact on nearby residences. At that distance from the transformer, the noise impacts from the transformer are 6 dBA, which is below the threshold of human hearing. As a result, the noise from the transformer is not projected to have any impact on nearby residences. During operation, Gopher State Solar anticipates that the Project will not generate an increase in ambient noise levels near the Project that exceed state noise standards.¹¹²

~~79.~~80. Sound control devices on vehicles and equipment (e.g., mufflers) conducting construction activities during daylight hours, and running vehicles and equipment only when necessary are common ways to mitigate construction noise impacts. Gopher State Solar indicates that construction will be limited to daylight hours, using construction equipment and vehicles with properly functioning mufflers and noise-control devices.¹¹³

~~80.~~81. The record demonstrates that Gopher State Solar has taken steps to avoid and minimize noise impacts. Further, Section 4.3.7 of the DSP requires the permittee to comply with noise standards established under Minnesota noise standards as defined under Minnesota Rule, part 7030.010 to 7030.0080, and to limit construction and maintenance activities to daytime hours to the extent practicable.¹¹⁴

3. *Cultural Values.*

~~81.~~82. The Project contributes to the growth of renewable energy and is likely to strengthen and reinforce this value in the area. The Project Area is not located within municipal areas where

¹⁰⁷ Ex. EERA-8 at 43 (EA).

¹⁰⁸ Ex. EERA-8 at 44 (EA).

¹⁰⁹ Ex. EERA-8 at 44 (EA).

¹¹⁰ Ex. GSS-4 at 29-31 (Application).

¹¹¹ Ex. GSS-4 at 29-31 (Application).

¹¹² Ex. EERA-8 at 44 (EA).

¹¹³ Ex. EERA-8 at 44 (EA).

¹¹⁴ Ex. EERA-8 at 44 (EA).

events typically occur, so impacts on community events are not anticipated.¹¹⁵ Impacts to cultural values are not anticipated.¹¹⁶

~~82.83.~~ There are no conditions included in the DSP that directly address mitigation for impacts to cultural values. Section 4.3.23 addresses impacts to cultural properties. No additional mitigation is proposed.¹¹⁷

4. *Land Use and Zoning.*

~~83.84.~~ Development of a solar farm in this area will temporarily change the land use from predominantly agricultural uses to energy generation for the life of the Project, at least 30 years. The change of land use will have a minimal to moderate impact on the rural character of the surrounding area, and a minimal impact on the county character as a whole.¹¹⁸

~~84.85.~~ The Project is designed to be consistent with the Renville County Comprehensive Plan and that the Project Area does not include any areas noted as future urban expansion areas or rural residential areas. It is not anticipated that the Project will prevent the future extension of utilities such as water, sewer, or other services.¹¹⁹

~~85.86.~~ Construction of the solar facility will potentially disturb approximately 1,149.1 acres of soil within the land control area, and 977 acres of that will be used for the solar facility project site.¹²⁰ Gopher State Solar has developed an Agricultural Impact Mitigation Plan (AIMP)¹²¹ and a VMP¹²² that will be implemented throughout the duration of the Project. The AIMP and VMP identify measures to avoid, minimize, mitigate, and/or repair potential negative agricultural impacts that may result from the construction operation, or decommissioning of the Project. The AIMP and VMP outline ensures the Project Area may be returned to future agricultural use after the end of the Project's useful life, including identifying best management practices (BMPs) that will be used during construction.¹²³

~~86.87.~~ Although the Project is subject to oversight by the State of Minnesota under the Minnesota Power Plant Siting Act, Gopher State Solar will continue to coordinate with Renville County and local Townships on other potential permits or agreements for the Project, such as a road use agreement for use of township and county roads.¹²⁴

~~87.88.~~ EERA proposed Special Condition Sections 5.2, 5.3, and 5.4 requiring the permittee to adhere to all Renville County renewable energy setback requirements and to adhere to Renville County fencing right-of-way (ROW) setbacks, to enter into a Road Use and Development Agreement with Renville County and affected Townships, and to coordinate with Renville

¹¹⁵ Ex. EERA-8 at 45 (EA).

¹¹⁶ Ex. GSS-4 at 42 (Application).

¹¹⁷ Ex. EERA-8 at 45 (EA).

¹¹⁸ Ex. EERA-8 at 47 (EA).

¹¹⁹ Ex. EERA-8 at 47 (EA).

¹²⁰ Ex. EERA-8 at 81 (EA).

¹²¹ Ex. GSS-4 at Appendix D – AIMP (Application).

¹²² Ex. GSS-4 at Appendix E – VMP (Application).

¹²³ Ex. EERA-8 at 47 (EA).

¹²⁴ Ex. EERA-8 at 48 (EA).

County to develop a mutually agreeable decommissioning plan consistent with Section 9.1 of the DSP.¹²⁵ In its scoping comments, Gopher State Solar committed to entering into a road use agreement with the county and affected townships, as needed.¹²⁶ In its public hearing comments, Gopher State Solar stated that it would be willing to hire an independent third-party engineering firm agreeable to Renville County to review the decommissioning plan and estimate for consistency with the requirements of Section 9.1 of the DSP.¹²⁷ Further discussion of Gopher State Solar's comments on Special Condition Section 5.4 of the DSP is in Section XI below.

5. *Property Values.*

~~88-89.~~ Impacts to the value of specific properties within the Project vicinity are difficult to determine but could occur.¹²⁸

~~89-90.~~ To the extent that negative impacts do occur they are expected to be within one-half mile of the solar facility and to decrease with distance from the Project and with time. Aesthetic impacts that might affect property values would be limited to residences and parcels in the Project vicinity where the solar panels are easily visible.¹²⁹

~~90-91.~~ Gopher State Solar has committed to working with the Vissers, whose property is directly adjacent to the Project, to minimize impacts to their property through a screening plan. While the Vissers requested that Gopher State Solar project free electricity to their property throughout the life of the Project to minimize potential property value impacts, Gopher State Solar will sell all its power at wholesale and does not serve retail customers.¹³⁰

~~91-92.~~ Impacts to property values can be mitigated by reducing aesthetic impacts and impacts to future land use. Impacts can also be mitigated through individual agreements with neighboring landowners.¹³¹

6. *Tourism and Recreation.*

~~92-93.~~ Tourism in the Project Area is largely related to recreational activities including camping, hiking, biking, fishing, horseback riding, canoeing, snowmobiling, and hunting. There are no Wildlife Management Areas (WMAs), public water access sites, or federal or state parks within one mile of the Project Area. There is one snowmobile trail, the Renville County Drift Runner trail, that runs parallel to County Road 5 within the Project Area.¹³²

~~93-94.~~ Impacts to tourism and recreation are anticipated to be minimal and temporary. Due to construction, there will be short-term increases in traffic and noise that could potentially impact recreational activities in close proximity to the Project Area, including visitors at the

¹²⁵ Ex. EERA-8 at 48 (EA).

¹²⁶ Ex. GSS-8 (Scoping Comments).

¹²⁷ Gopher State Solar Public Hearing Comments at 4 (April 11, 2025) (eDocket No. 20254-217543-01).

¹²⁸ Ex. EERA-8 at 50 (EA).

¹²⁹ Ex. EERA-8 at 50 (EA).

¹³⁰ Gopher State Solar's Response to Public Hearing Comments (April 25, 2025) (eDocket No. _____).

¹³¹ Ex. EERA-8 at 50 (EA).

¹³² Ex. EERA-8 at 51 (EA).

snowmobile trail and the shooting range. There could also be a temporary increase in dust and visual impacts from construction equipment for local visitors. However, impacts will be temporary. Access to the snowmobile trail will remain open throughout the operation of the Project. No significant long-term impacts to recreational activities are anticipated.¹³³

94.95. Although the Project is not anticipated to disrupt nearby recreational activities, the applicant will coordinate with the Minnesota DNR, USFWS, Renville County, and Kingman, Osceola, and Bird Island Townships to ensure construction of the Project will not cause significant impacts to nearby natural resources.¹³⁴

95.96. Gopher State Solar will communicate with the operator of the shooting range along with other landowners near the land control area regarding any construction traffic that could temporarily affect local access.¹³⁵

96.97. If construction activity occurs during time of snow cover, Gopher State Solar will coordinate with the Renville County Drift Runners to minimize impacts to the trail and to determine procedures for informing the public of construction in the area.¹³⁶

7. Transportation and Public Services.

97.98. Potential impacts to the electrical grid, roads, and other utilities are anticipated to be short-term, intermittent, and localized during construction. Impacts to water (wells and septic systems), railroads, and airports are not expected to occur. Overall, construction-related impacts are expected to be minimal and are associated with possible traffic increases. During operation, negligible traffic increases would occur for maintenance. Impacts are unavoidable but can be minimized.¹³⁷

98.99. Gopher State Solar indicates that existing utilities will be marked prior to construction start. A well construction permit from the Minnesota Department of Health (MDH) would be required if a well is installed at the facility in the future.¹³⁸

99.100. Impacts to electrical infrastructure that cross the Project can be mitigated by appropriate coordination with the owners of the existing infrastructure and following industry best practices.¹³⁹

100.101. To minimize traffic impacts, Gopher State Solar will coordinate with local road authorities to schedule large material and or equipment deliveries to avoid periods when traffic volumes are high whenever practical. In addition, traffic control barriers and warning devices will be used when appropriate. Gopher State Solar states that safety requirements to maintain flow of

¹³³ Ex. EERA-8 at 51 (EA).

¹³⁴ Ex. EERA-8 at 51 (EA).

¹³⁵ Ex. EERA-8 at 51 (EA); Ex. GSS-4 at 42 (Application).

¹³⁶ Ex. EERA-8 at 51 (EA); Ex. GSS-4 at 42 (Application).

¹³⁷ Ex. EERA-8 at 52 (EA).

¹³⁸ Ex. EERA-8 at 54 (EA).

¹³⁹ Ex. EERA-8 at 54 (EA).

public traffic will be followed at all times and construction operations will be conducted to offer the least practical obstruction and inconvenience to public travel.¹⁴⁰

~~101.~~102. Gopher State Solar indicates that the Project is designed to avoid impacts to the existing pipeline located in the northeast portion of the Project. Gopher State Solar is in the process of determining the pipeline ROW width and location and is coordinating with the pipeline owner regarding crossing the ROW.¹⁴¹ Gopher State Solar can also avoid impacts to the pipeline from underground cable trenching and installation by ensuring the cabling is at a depth that avoids disturbance to the existing pipeline ROW.¹⁴²

8. *Socioeconomics.*

~~102.~~103. Potential impacts associated with construction will be positive, but minimal and short-term. Significant positive effects might occur for individuals. Impacts from operation will be long-term, positive, and moderate. The Project will not disrupt local communities or businesses and does not disproportionately impact low-income or minority populations. Adverse impacts are not anticipated.¹⁴³

~~103.~~104. Construction of the Project is likely to result in temporary increased expenditures for lodging, food and fuel, transportation, and general supplies at local businesses during construction. Construction of the Project will create local job opportunities for various trade professionals and will also generate and circulate income throughout the community by investing in local business expenditures as well as state and local taxes.¹⁴⁴

~~104.~~105. Specialized labor will be required for certain aspects of the Project, which may be necessary to import from other areas of Minnesota or neighboring states. Much of the workforce is expected to be comprised of Minnesota-licensed electricians, due to the work being considered electrical work under the Minnesota State Electrical Code.¹⁴⁵

~~105.~~106. Gopher State Solar will issue a Request for Proposal (RFP) to contractors for construction of the Project, including preferences for contractor bids that use local, construction craft employees to the greatest extent feasible in accordance with project budget, timeline, industry standards and requirements, and corporate safety policies. Gopher State Solar will require the selected contractor to work with labor unions, local subcontractors, or other vendors to implement a project construction staffing model that attempts to maximize local hiring and local economic benefits for the Project, while ensuring the Project is built safely, on time, and within the budget.¹⁴⁶

¹⁴⁰ Ex. GSS-4 at 44 (Application).

¹⁴¹ Ex. GSS-4 at 43-44 (Application).

¹⁴² Ex. EERA-8 at 55 (EA).

¹⁴³ Ex. EERA-8 at 55 (EA).

¹⁴⁴ Ex. EERA-8 at 56 (EA).

¹⁴⁵ Ex. EERA-8 at 57 (EA).

¹⁴⁶ Ex. EERA-8 at 58 (EA).

~~106.~~107. The Project is expected to create approximately 200 temporary construction jobs.¹⁴⁷ Gopher State Solar anticipates that the operation and maintenance of the facility will require approximately three to five long-term personnel.¹⁴⁸

~~107.~~108. In Direct Testimony, Gopher State Solar provided an updated estimated tax analysis, stating that the Project would pay an estimated \$32 million in taxes over its 40-year life, 58 percent of which would be directed to Renville County, 14 percent to the State, 14 percent to townships, and 13 percent to local schools. The Project is expected to pay approximately \$795,000 in taxes in the first year.¹⁴⁹

~~108.~~109. Socioeconomic impacts are anticipated to be positive overall. Adverse socioeconomic impacts will be limited to the temporary loss of agricultural production on the land currently farmed; however, Gopher State Solar indicates that these temporary losses are offset by agreements and payment to landowners through leases and easements or purchase contracts.¹⁵⁰

9. Environmental Justice.

~~109.~~110. The Project is not within an Environmental Justice Area, as there are no environmental justice communities that meet the defined criteria within the area. Therefore, there are no anticipated environmental justice impacts or concerns for the Project.¹⁵¹

~~110.~~111. The Project will not have disproportionately high and adverse human health or environmental effects on low-income, minority, or tribal populations.¹⁵² Additional mitigation is not proposed.¹⁵³

B. Public Health and Safety.

~~111.~~112. Minnesota law requires consideration of the Project's potential effect on health and safety.¹⁵⁴

1. Electric and Magnetic Fields.

~~112.~~113. Currently, there are no federal regulations regarding allowable extremely low frequency EMF (ELF-EMF) produced by power lines in the United States; however, state governments have developed state-specific regulations.¹⁵⁵

~~113.~~114. The Commission limits the maximum electric field under high voltage transmission lines in Minnesota to 8.0 kV/m. It has not adopted a standard for magnetic fields.¹⁵⁶

¹⁴⁷ Ex. GSS-4 at 41 (Application).

¹⁴⁸ Ex. EERA-8 at 58 (EA).

¹⁴⁹ Ex. GSS-10 at 5:12-23 (Direct Testimony of Sergio Trevino).

¹⁵⁰ Ex. EERA-8 at 59 (EA).

¹⁵¹ Ex. EERA-8 at 61 (EA).

¹⁵² Ex. EERA-8 at 59 (EA).

¹⁵³ Ex. EERA-8 at 61 (EA).

¹⁵⁴ Minn. Stat. § 216E.03, subd. 7(b)(1); Minn. R. 7850.4100, subp. B.

¹⁵⁵ Ex. EERA-8 at 63 (EA).

¹⁵⁶ Ex. GSS-4 at 28 (Application).

~~114.115.~~ The primary sources of EMF from the Project will be from the solar arrays, buried electrical collection lines, and the transformers installed at each inverter.¹⁵⁷

~~115.116.~~ No health impacts from EMF are anticipated. EMF diminishes with distance from a conductor or inverter. The nearest solar array is located approximately 566 feet from the nearest residence, the nearest inverter is located approximately 600 feet from the nearest residence and the nearest 34.5 kV collector line is approximately 600 feet from the nearest residence. At this distance both electric and magnetic fields will dissipate to background levels. No additional mitigation is proposed.¹⁵⁸

2. Public Safety and Emergency Services.

~~116.117.~~ The Project will be designed and constructed in compliance with applicable electric codes. Electrical inspections will ensure proper installation of all components, and the Project will undergo routine inspection. Electrical work will be completed by trained technicians.¹⁵⁹

~~117.118.~~ Precise PV system installation can reduce fire risk resulting from inaccurate construction methods, and proactive maintenance and monitoring of electrical equipment can identify risky system components before a fire occurs. Additionally, site vegetation will be controlled via mowing and/or grazing, preventing the accumulation of biomass and reducing fire hazard. The use of rotating PV arrays alongside vegetation removal techniques such as grazing can reduce fire hazards.¹⁶⁰ Gopher State Solar indicated that it will work with local emergency responders and other government officials to provide training and to establish points of contact and emergency response plans.¹⁶¹

~~118.119.~~ Construction is bound by federal and state Occupational Safety and Health Administration (OSHA) requirements for worker safety, and must comply with local, state, and federal regulations regarding installation of the facilities and qualifications of workers. Established industry safety procedures will be followed during and after construction of the Project. Gopher State Solar indicates that the Project will be fenced and locked to prevent unauthorized access, and signs will be posted to warn unauthorized persons not to enter fenced area due to the presence of electrical equipment.¹⁶²

~~119.120.~~ DNR recommended requiring at least 10-foot-tall perimeter fencing, noting that it will not issue a deer removal permit for facilities with woven wire fences lower than 10 feet. DNR also noted it supported a special condition requiring the Applicant to coordinate with DNR on finalizing a security fence design.¹⁶³ Gopher State Solar has stated that it designed its perimeter fencing to be 7-foot-tall security fencing in compliance with applicable National Electric Safety Code (NESC) requirements to prevent public and larger wildlife access.¹⁶⁴ Gopher State Solar has demonstrated that the perimeter fencing currently contemplated for the Project is

¹⁵⁷ Ex. EERA-8 at 64 (EA).

¹⁵⁸ Ex. EERA-8 at 64 (EA).

¹⁵⁹ Ex. EERA-8 at 67 (EA).

¹⁶⁰ Ex. EERA-8 at 67 (EA).

¹⁶¹ Ex. EERA-8 at 67 (EA).

¹⁶² Ex. EERA-8 at 67 (EA).

¹⁶³ Comment by DNR (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02).

¹⁶⁴ Ex. GSS-4 at 14 (Application).

reasonable and Section 4.3.32 of the DSP adequately addresses the security fencing, and the record does not contain any contrary evidence. The fencing proposed for the Project is consistent with other site permits issued by the Commission.¹⁶⁵

~~120.121.~~ The record demonstrates that Gopher State Solar has taken steps to avoid and minimize impacts to public safety and emergency services. Further, public safety is addressed in Sections 4.3.30, 5.6, 8.12, 8.13 and 9.1 of the DSP.¹⁶⁶

C. Land-Based Economies.

~~121.122.~~ Minnesota law requires consideration of the Project's potential effect on land-based economies – specifically, agriculture, forestry, tourism, and mining.¹⁶⁷

~~122.123.~~ The Project is not anticipated to impact forestry or mining.¹⁶⁸ Tourism is discussed in Section A (6) above.

1. Agriculture.

~~123.124.~~ Agricultural use dominates the area of land control, with approximately 96 percent of the Project Area used for cultivated row crops (corn, soybeans, and sugar beets are the dominant crops).¹⁶⁹

~~124.125.~~ Approximately 98 percent of the Project development area is designated as prime farmland (1,107 acres), made up of 26 percent prime farmland (299 acres), 69 percent prime farmland if drained (787 acres), 2 percent prime farmland if protected from flooding or not frequently flooded during the growing season (21 acres), and 2 percent farmland of statewide importance (28 acres). With respect to potential impacts to prime farmland, Gopher State Solar indicates that no feasible or prudent alternatives to the Project exist.¹⁷⁰

~~125.126.~~ Potential impacts to agricultural producers are anticipated to be minimal to moderate — lost farming revenues will be offset by lease or easement agreements. A loss of farmland in Renville County would occur for the life of the Project. Potential impacts are localized and

¹⁶⁵ See, e.g., *In the Matter of the Application of Northern States Power Co. d/b/a Xcel Energy for a Site Permit for the up to 250 MW Sherco 3 Solar Energy Generating System in Sherburne County, Minnesota*, Order Issuing Site Permit, Site Permit at Section 4.3.32 (July 31, 2024) (PUC Docket No. E-002/GS-23-217) (eDocket No. 20247-209139-01); *In the Matter of the Application of Lake Wilson Solar Energy LLC for a Certificate of Need and a Site Permit for the up to 150 MW Lake Wilson Solar and Associated Battery Storage Project in Murray County, Minnesota*, Order Granting Certificate of Need and Issuing Site Permit, Site Permit at Section 4.3.31 (April 23, 2024) (PUC Docket No. IP-7070/GS-21-792) (eDocket No. 20244-205861-01); *In the Matter of the Application of Byron Solar, LLC for a Certificate of Need, Site Permit, and Route Permit for the up to 200 MW Byron Solar Project and 345 kV Transmission Line in Dodge and Olmsted Counties, Minnesota*, Order Granting Certificate of Need and Issuing Site and Route Permits, Site Permit at Section 4.3.31 (May 1, 2023) (PUC Docket No. IP-7041/GS-20-763) (eDocket No. 20235-195471-02).

¹⁶⁶ Ex. EERA-8 at 67 (EA).

¹⁶⁷ Minn. Stat. § 216E.03, subd. 7(b); Minn. R. 7850.4100, subp. C.

¹⁶⁸ Ex. EERA-8 at 104-105 (EA).

¹⁶⁹ Ex. EERA-8 at 68 (EA).

¹⁷⁰ Ex. EERA-8 at 68 (EA); Ex. GSS-4 at Appendix B – Prime Farmland Assessment (Application).

unavoidable but can be minimized.¹⁷¹ Further, agricultural mitigation and soil-related impacts are addressed in Sections 4.3.9, 4.3.10, 4.3.11, 4.3.16, 4.3.17, 4.3.18, 4.3.20, 4.3.21, and 4.3.29 of the DSP.

D. Archaeological and Historic Resources.

~~126.~~127. Minnesota law requires consideration of the Project’s potential effects on historic and archaeological resources.¹⁷²

~~127.~~128. Gopher State Solar conducted a desktop investigation and literature review using information from the SHPO and the Minnesota Office of the State Archeologist (OSA). The review queried the area within one mile of the land control area. As a result of this survey, no previously recorded archaeological sites or recorded historic structures were identified in the land control area or within one mile of the land control area.¹⁷³

~~128.~~129. Additionally, Gopher State Solar received a letter from the Minnesota SHPO stating that they “have determined that no significant archaeological sites will be affected by this project and that there are no properties listed in the National or State Registers of Historic Places, or within the Historic Sites Network, that will be affected by this project.”¹⁷⁴

~~129.~~130. In the Application, Gopher State Solar indicated that an Unanticipated Discoveries Plan will be prepared for reference during construction, and should an National Register of Historic Places (NRHP) eligible site be encountered, the applicant will coordinate with SHPO and OSA to avoid, minimize, or mitigate adverse effects.¹⁷⁵

~~130.~~131. Gopher State Solar noted in its public hearing comments that Section 3.4 of the EA states that a National Historic Preservation Act Section 106 Consultation is anticipated for the Project. However, Gopher State Solar does not anticipate that a Section 106 Consultation will be needed for the Project. As stated in Sergio Trevino’s Direct Testimony, the SHPO has determined that no significant archaeological sites will be affected by this Project and that there are no properties listed in the National or State Registers of Historic Places, or within the Historic Sites Network, that will be affected by the Project.¹⁷⁶

~~131.~~132. Section 4.3.23 of the DSP addresses archeological resources and requires the permittee to avoid impacts to archaeological and historic resources where possible and to mitigate impacts where avoidance is not possible. EERA recommended the modification of Section 4.3.23 to include the Bois Fort Band of Chippewa, reflecting the Bois Fort Band’s request to be notified upon the unanticipated discovery of human remains. No additional mitigation is proposed.¹⁷⁷

¹⁷¹ Ex. EERA-8 at 68 (EA).

¹⁷² Minn. Stat. § 216E.03, subd. 7(b); Minn. R. 7850.4100, subp. D.

¹⁷³ Ex. EERA-8 at 71-72 (EA); Ex. GSS-4 at 50-51 (Application).

¹⁷⁴ Ex. GSS-10 at 6:25-28, 7:1-2, and Schedule C (Direct Testimony of Sergio Trevino); Gopher State Solar Public Hearing Comments at 4 (April 11, 2025) (eDocket No. 20254-217543-01).

¹⁷⁵ Ex. EERA-8 at 52 (EA).

¹⁷⁶ Ex. GSS-10 at 6:25-28 and 7:1-2 (Direct Testimony of Sergio Trevino).

¹⁷⁷ Ex. EERA-8 at 72 (EA).

E. Natural Environment.

~~132.~~133. Minnesota law requires consideration of the Project's potential effects on the natural environment, including effects on air and water quality resources and flora and fauna.¹⁷⁸

1. Air Quality.

~~133.~~134. Minimal intermittent air emissions are expected during construction of the Project. Air emissions associated with construction are highly dependent upon weather conditions and the specific activity occurring. For example, traveling to a construction site on a dry gravel road will result in more fugitive dust than traveling the same road when wet. Once operational, the generating facility is not expected to generate criteria pollutants or carbon dioxide.¹⁷⁹

~~134.~~135. Exhaust emissions can be minimized by keeping vehicles and equipment in good working order and not running equipment unless necessary.¹⁸⁰

~~135.~~136. Gopher State Solar states that, when necessary, dust from construction traffic will be controlled using standard construction practices such as watering of exposed surfaces, covering of disturbed areas, and reduced speeds.¹⁸¹ Shannon and Jen Visser requested dust control measures near their property during construction, and Gopher State Solar has agreed to work with them to implement dust control on nearby roads during construction.¹⁸²

~~136.~~137. Gopher State Solar indicates that because soils in the Project site are not susceptible to wind erosion, which may create dust, construction-specific mitigation measures and BMPs related to dust control have not been proposed. If wind erosion becomes an issue during construction, standard industry practices may be implemented, including mulching exposed soils, wetting exposed soils, maintaining vegetative cover (both cover crops and permanent vegetation), and reducing vehicle speeds.¹⁸³

~~137.~~138. Construction of the Gopher State Solar Project will disturb more than 50 acres of soil. As a result, Gopher State Solar will prepare and submit a National Pollutant Discharge Elimination System (NPDES) / State Disposal System (SDS) Construction Stormwater (CSW) Permit application and Storm Water Pollution Prevention Plan (SWPPP) to MPCA for review and approval prior to construction in order to obtain coverage under the General Construction Stormwater Permit Program. Implementing this plan prior to construction can minimize the potential for fugitive dust emissions.¹⁸⁴

~~138.~~139. The AIMP identifies construction BMPs related to soils and vegetation that will help to avoid, minimize, mitigate, and/or repair potential negative agricultural impacts that may result from the construction, operation, and eventual decommissioning of the Gopher State Solar

¹⁷⁸ Minn. Stat. § 216E.03, subd. 7(b); Minn. R. 7850.4100, subp. E.

¹⁷⁹ Ex. EERA-8 at 74 (EA).

¹⁸⁰ Ex. EERA-8 at 74 (EA).

¹⁸¹ Ex. EERA-8 at 74 (EA).

¹⁸² Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01); Gopher State Solar's Response to Public Hearing Comments (April 25, 2025) (eDocket No. _____).

¹⁸³ Ex. EERA-8 at 74-75 (EA); Ex. GSS-4 at 53 (Application).

¹⁸⁴ Ex. EERA-8 at 75 (EA).

Project. Several sections of the draft plan indirectly mitigate impacts to air quality, including sections related to construction and vegetation removal, soils, erosion and sediment control, and restoration of the site to pre-construction conditions.¹⁸⁵

2. *Geology and Groundwater.*

~~139.~~140. The Project Area was reviewed for United States Environmental Protection Agency (EPA) designated sole source aquifers, wells listed on the Minnesota Well Index (MWI) and MDH Wellhead Protection Areas (WHPAs).¹⁸⁶ The MDH maintains the MWI, which provides basic information (e.g., location, depth, geology, construction, and static water level) for wells and borings drilled in Minnesota. The MWI does not identify any documented wells within the land control area, however, within one mile of the land control area there are 36 domestic wells documented as of 2022.¹⁸⁷

~~140.~~141. Potential impacts to geology and groundwater can occur directly or indirectly. Impacts to geological resources are likely to be minimal, due to the anticipated depth of construction being relatively shallow, and the absence of karst features. Gopher State Solar will complete a geotechnical study closer to the construction date to further inform the Project design, engineering, and construction techniques.¹⁸⁸

~~141.~~142. Construction of the Project will not require subsurface blasting, and newly fractured bedrock causing groundwater flow is not anticipated. There are no active wells within the land control area, and no WHPAs or DWSMAs. The nearest DWSMA is the 892.59-acre Bird Island DWSMA surrounding the 320.52-acre WHPA, located approximately 1.25 miles southeast of the land control area.¹⁸⁹ If potable water is required for the O&M building, a domestic well is likely to be installed. Gopher State Solar will acquire a domestic water permit and will hire an approved well drilling contractor prior to O&M building construction.¹⁹⁰

~~142.~~143. Gopher State Solar included permanent stormwater ponds in the Project design, in accordance with MPCA requirements. Stormwater ponds will be located completely outside of wetland areas.¹⁹¹

~~143.~~144. Gopher State Solar indicates that in accordance with the MPCA-approved SWPPP, the Project's construction contractor will implement BMPs such as silt fencing, or other erosion control devices, revegetation plans, and management of exposed soils to prevent erosion.¹⁹²

~~144.~~145. Any dewatering required during construction will be managed in accordance with the SWPPP and DNR temporary dewatering permit by discharging to the surrounding surface. If dewatering of more than 10,000 gallons per day or 1,000,000 gallons per year, a Water Appropriations Permit from DNR is required. Gopher State Solar will obtain a Water

¹⁸⁵ Ex. EERA-8 at 75 (EA); Ex. GSS-4 at Appendix D – AIMP (Application).

¹⁸⁶ Ex. GSS-4 at 56 (Application).

¹⁸⁷ Ex. GSS-4 at 77 (Application); Ex. EERA-8 at 76 (EA).

¹⁸⁸ Ex. GSS-4 at 56 (Application).

¹⁸⁹ Ex. GSS-4 at 55-57 (Application).

¹⁹⁰ Ex. GSS-4 at 55-57 (Application); Ex. EERA-8 at 77 (EA).

¹⁹¹ Ex. GSS-4 at 55-57 (Application); Ex. EERA-8 at 78 (EA).

¹⁹² Ex. GSS-4 at 55-57 (Application); Ex. EERA-8 at 79 (EA).

Appropriation Permit if dewatering that will exceed permit thresholds occurs during construction.¹⁹³

3. *Soils.*

~~145.146.~~ Primary impacts to soils include compaction from construction equipment, soil profile mixing during grading and pole auguring, rutting from tire traffic, and soil erosion. Impacts to soils are likely to be greatest with the belowground electrical collection system. Potential impacts will be positive and negative, and short- and long-term. Isolated moderate to significant negative impacts associated with high rainfall events could occur, such as from rutting. Because the soil at the solar facility would be maintained with native perennials and other beneficial vegetation, soil health would likely improve over the life of the Project.¹⁹⁴

~~146.147.~~ Construction of the solar facility will potentially disturb approximately 1,149.1 acres of soil within the land control area, and 977 acres of that will be used for the solar facility project site.¹⁹⁵

~~147.148.~~ Gopher State Solar is committed to ensuring the vitality of the soils during the construction, operation, and eventual decommissioning of the Project. Gopher State Solar indicates that operation guidelines will be developed in the SWPPP to mitigate heavy traffic on soils when wet to minimize potential compaction and rutting.¹⁹⁶

~~148.149.~~ Gopher State Solar also indicates that implementing the Project VMP and AIMP will further minimize and mitigate soil impacts. Additionally, in accordance with MPCA requirements, permanent stormwater ponds are included in the Project design.¹⁹⁷

~~149.150.~~ Sections 4.3.9, 4.3.11, 4.3.16, 4.3.17, and 4.3.18 of the DSP address soil-related impacts from the Project.¹⁹⁸

4. *Surface Water and Floodplains.*

~~150.151.~~ Project components within the western area of the site are planned to be constructed within the Buffalo Creek Watershed District, a component of the South Fork of the Crow River Watershed. This watershed includes many lakes, streams and wetlands, and eventually outlets to the Mississippi River near Dayton, Minnesota. The majority of project components are planned to be constructed within the Hawk Creek watershed within the Minnesota River Basin. This watershed contains several lakes, and lake recreational activities such as fishing, swimming, and boating are common in the area. There are no lakes or ponds within the Project site. The closest body of open water is Lake Lillian, located approximately 7.7 miles north of the Project Area. The surface waters within the Project site are limited to ditches, including four Public Ditches located within the Project Area. Ditches include Beaver Creek East Fork

¹⁹³ Ex. GSS-4 at 55-57 (Application); Ex. EERA-8 at 79 (EA).

¹⁹⁴ Ex. GSS-4 at 54 (Application); Ex. EERA-8 at 81 (EA).

¹⁹⁵ Ex. EERA-8 at 81 (EA); Ex. GSS-4 at Appendix D – AIMP (Application).

¹⁹⁶ Ex. EERA-8 at 81 (EA); Ex. GSS-4 at Appendix D – AIMP (Application).

¹⁹⁷ Ex. EERA-8 at 81 (EA); Ex. GSS-4 at Appendix D – AIMP (Application).

¹⁹⁸ Ex. EERA-8 at 81-82 (EA).

and County Ditch 63 located in the south and west central portions of the Project, and Judicial Ditch 9 and an unnamed stream are located in the northeast portion of the Project.¹⁹⁹

~~151.~~152. Within the land control area, no 100-year floodplains are present, and the entire land control area is designated as Zone X - an area of minimal flood hazard.²⁰⁰

~~152.~~153. Gopher State Solar indicates that solar infrastructure will not be placed within delineated streams, including public waters and ditches. However, there will be four crossings where collector lines will be bored under three of the public ditches within the Project Area, creating the potential for indirect impacts. Direct impacts to rivers and streams are not anticipated.²⁰¹

~~153.~~154. Gopher State Solar will obtain the necessary permits, implement BMPs, and comply with the NPDES Construction General Permit during construction and will perform construction activities in compliance with local and state permits to prevent erosion and sedimentation near streams and surface waters.²⁰² BMPs to minimize the impact on surface waters can be utilized as a part of the SWPPP, including but not limited to sediment control, revegetation plans, and management of exposed soils to prevent sediment from entering waterbodies.²⁰³

~~154.~~155. MPCA filed comments stating that if a CWA Section 404 Permit from the USACE for project related wetland impacts is necessary, then a MPCA Section 401 Water Quality Certification with conditions, waiver or denial must also be obtained as part of the permitting process. MPCA also commented that the EA should clarify that if the USACE Section 404 Permit or the Section 10 Permit is required and in accordance with Minnesota Statutes, the Project should include the MPCA as a regulator of all surface waters as defined by Minn. Stat. § 115.01, subd. 22.²⁰⁴ Gopher State Solar does not expect a Section 404 Permit to be needed for the Project. As stated in the EA, the Project's site layout has been designed to avoid placing solar generation facility infrastructure in wetlands,²⁰⁵ however, if wetland impacts are identified in the final layout, Gopher State will coordinate with agencies such as the MPCA under Minn. Stat. § 115.01, subd. 22, USACE under Section 404 and 401 of the Federal Clean Water Act (CWA), and Renville County under the Minnesota Wetland Conservation Act (WCA).²⁰⁶

~~155.~~156. The record demonstrates that Gopher State Solar has taken steps to avoid and minimize surface water and floodplain impacts. Further, Sections 4.3.11, 4.3.13 and 4.3.16 of the DSP address potential impacts to surface waters.²⁰⁷

5. Wetlands.

¹⁹⁹ Ex. EERA-8 at 82 (EA).

²⁰⁰ Ex. EERA-8 at 83 (EA); Ex. GSS-4 at 58 (Application).

²⁰¹ Ex. EERA-8 at 84 (EA).

²⁰² Ex. GSS-4 at 60 (Application).

²⁰³ Ex. EERA-8 at 84 (EA).

²⁰⁴ MPCA Public Hearing Comment (April 21, 2025) (eDocket No. 20254-217927-01).

²⁰⁵ Ex. EERA-9 at 86 (EA).

²⁰⁶ Gopher State Solar's Response to Public Hearing Comments (April 25, 2025) (eDocket No. _____).

²⁰⁷ Ex. EERA-8 at 84 (EA).

~~156.~~157. Gopher State Solar contracted with Merjent, Inc. (Merjent) and completed an onsite wetland delineation in May and October of 2023 delineating wetlands across approximately 2,145 acres, including the Project Area and a buffer, utilized for wetland and other waterbody surveys totaling approximately 1.63 acres.²⁰⁸ The initial wetland survey submitted with the Application was amended to include additional wetlands, per request by Renville County. Gopher State Solar's updated wetland delineation report identified approximately 2.93 acres of wetlands within the Project site, including Seasonally Flooded Basins (Type 1: Inland Seasonally Flooded), Fresh (Wet) Meadows (Type 2: Inland Seasonally Flooded) and Hardwood Swamp (Type 7: Inland Wooded Hardwood Swamp).²⁰⁹

~~157.~~158. Although wetlands have been identified within the Project Area, the preliminary site layout for the solar facility avoids locating solar arrays and associated facilities in wetlands, including access roads. There may be potential for temporary, short-term impacts to wetlands that occur during installation of the electrical collection lines. Direct impacts to wetlands are not anticipated.²¹⁰

~~158.~~159. If wetland impacts are required for the final layout, coordination with the appropriate agency, such as the USACE under Section 404 and 401 of the CWA and Renville County under the Minnesota Wetland Conservation Act (WCA), would need to occur prior to construction. If unavoidable wetland impacts take place, impacts should be replaced in accordance with Section 404 of the Federal CWA and the Minnesota WCA.²¹¹

~~159.~~160. The record demonstrates that Gopher State Solar has taken steps to avoid and minimize impacts to wetlands. Further, Section 4.3.13 of the DSP prohibits placement of the solar energy generating system or associated facilities in public waters and public waters wetlands.²¹²

6. Vegetation.

~~160.~~161. The solar facility Project Area is located in the Minnesota River Prairie subsection of the North Central Glaciated Plains Section of the Prairie Parkland Province. This subsection consists of gently rolling ground moraine about 60 miles wide.²¹³

~~161.~~162. Gopher State Solar partnered with Merjent to conduct a desktop assessment and preliminary field review to identify potentially undisturbed grasslands within the Project Area that may contain native prairie. The desktop review used publicly available sources including aerial imagery and information from the Minnesota DNR, and identified one area of potential prairie. This area where potential prairie was recorded appeared to have been tilled in the past such that the native vegetation was disturbed. Gopher State Solar indicates that native prairie will be avoided during project design.²¹⁴

²⁰⁸ Ex. GSS-4 at 85 (Application).

²⁰⁹ Ex. EERA-8 at 85-86 (EA).

²¹⁰ Ex. EERA-8 at 86 (EA).

²¹¹ Ex. EERA-8 at 87 (EA).

²¹² Ex. EERA-8 at 87 (EA).

²¹³ Ex. EERA-8 at 87 (EA).

²¹⁴ Ex. EERA-8 at 87-88 (EA); Ex. GSS-4 at 63 (Application).

~~162.~~163. Construction of the solar facility will temporarily eliminate vegetative cover and create some additional impermeable surfaces. Removal of vegetative cover exposes soils and could result in soil erosion. Temporary or permanent removal of vegetation also has the potential to affect wildlife habitat. Most of the current land use within the Project Area is in cultivated, agricultural land (96 percent) with some areas of deciduous forest present primarily as windbreaks for residences. Gopher State Solar expects to avoid most forested areas, minimizing any required tree removal.²¹⁵

~~163.~~164. Agricultural land within the solar facility would be converted to perennial, low-growing vegetative cover, and will include native perennial seed mixes in addition to other vegetation that will be compatible with the Project's operations and beneficial to the site's native ecosystem, resulting in a net increase in vegetative cover for the life of the Project. Through the Project's VMP, vegetation maintenance was designed following best practice guidance from Minnesota's Board of Water and Soil Resources (BWSR).²¹⁶

~~164.~~165. Renville County provided comments requesting the revision of the permit condition in the DSP relating to noxious weeds, specifically requesting the language be amended to ensure long-term management of noxious weeds beyond the construction phase.²¹⁷ Specifically, the County proposed the following revisions to Section 4.3.21 of the DSP:

4.3.21 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds ~~during all phases of~~ throughout the life of the Project, including during construction.²¹⁸

~~165.~~166. In its response to public hearing comments, Gopher State Solar stated that it is supportive of the County's requested revisions to Section 4.3.21 of the DSP.²¹⁹

~~166.~~167. In its April 11, 2025, hearing comments, EERA provided additional comments on the VMP.²²⁰ Gopher State Solar has committed to working with the Vegetation Management Planning Work Group (VMPWG) to address these comments in the pre-construction filings for the Project.²²¹

~~167.~~168. The record demonstrates that Gopher State Solar has taken steps to avoid and minimize impacts to vegetation. Further, Sections 4.3.17, 4.3.15, 4.3.18, and 4.3.21 of the DSP address impacts to vegetation.²²²

7. *Wildlife and Habitat.*

²¹⁵ Ex. EERA-8 at 88 (EA).

²¹⁶ Ex. EERA-8 at 88 (EA).

²¹⁷ Comment by Scott Refsland (April 2, 2025) (eDocket [20254-217161-01](#)).

²¹⁸ Comment by Scott Refsland (April 2, 2025) (eDocket [20254-217161-01](#)).

²¹⁹ Gopher State Solar's Response to Public Hearing Comments (April 25, 2025) (eDocket No. _____).

²²⁰ Comment by EERA at 4-6 (April 11, 2025) (eDocket No. 20254-217523-01).

²²¹ Gopher State Solar's Response to Public Hearing Comments (April 25, 2025) (eDocket No. _____).

²²² Ex. EERA-8 at 89 (EA).

~~168.~~169. The Project Area landscape is dominated by agriculture and developed areas (roads, homes, and farmsteads). Landscape types and vegetation communities vary throughout the local vicinity. Small areas of deciduous forest, mostly along fence lines, and pockets of wetlands and grassland provide habitat for terrestrial and avian wildlife.²²³

~~169.~~170. The impact intensity level is expected to be minimal. Impacts could be positive or negative and depend on species type. Potential impacts will be short- and long-term and can be mitigated.²²⁴

~~170.~~171. Overall, the Project does not contribute to significant habitat loss or degradation, or create new habitat edge effects, and is anticipated to result in higher quality of habitat for wildlife, including pollinator species.²²⁵

~~171.~~172. The record demonstrates that Gopher State Solar has taken steps to avoid and minimize impacts to wildlife and habitat. Further, Sections 4.3.16, 4.3.32, and 8.14 of the DSP specify measures that will minimize impacts to wildlife.²²⁶

8. *Climate Change.*

~~172.~~173. The Project will help to shift energy production in Minnesota and the upper Midwest toward carbon-free sources. Construction emissions will have a short- term negligible increase in greenhouse gases (GHG) that contribute to climate change. Overall, the Project will generate energy that can be used to displace energy otherwise generated by carbon-fueled sources. The total GHG emissions produced by construction and operation of the Project will be minimal when compared to the reduction in GHG emissions long-term. The Project's design incorporates design elements that minimize impacts from the increase in extreme weather events such as increased flooding, storms, and wind events that are expected to accompany a warming climate.²²⁷

F. Rare and Unique Natural Resources.

~~173.~~174. Minnesota law requires consideration of the Project's potential effects on rare and unique natural resources.²²⁸

~~174.~~175. There are no Minnesota Biological Survey (MBS) sites of moderate, high, or outstanding biodiversity significance within the Project Area. There is the USFWS Waterfowl Production Area Litchfield Wetland Management District located approximately 3.5 miles northeast of the Project, which DNR characterizes as an MBS site of moderate biodiversity significance.²²⁹

~~175.~~176. Gopher State Solar has secured 100% land control within the Project Area through leases or easements, and the Project Area is comprised entirely of private land. However, there is the

²²³ Ex. EERA-8 at 90 (EA).

²²⁴ Ex. EERA-8 at 90 (EA).

²²⁵ Ex. EERA-8 at 92 (EA).

²²⁶ Ex. EERA-8 at 92 (EA).

²²⁷ Ex. EERA-8 at 97-98 (EA).

²²⁸ Minn. Stat. § 216E.03, subd. 7(b); Minn. R. 7850.4100, subp. F.

²²⁹ Ex. EERA-8 at 94-95 (EA).

presence of state-administered conservation easements on some properties within the Project Area, including BWSR-administered Conservation Reserve Enhancement Program (CREP) and Reinvest in Minnesota (RIM) easements.²³⁰

~~176.~~177. Gopher State Solar indicates that all RIM easements within the Project Area have been avoided, and all CREP easements have been avoided, with the exception of those that will be crossed by underground collector lines. Gopher State Solar plans to avoid impacts to the CREP easement lands by installing the collector lines beneath the ground surface using a directional bore. Gopher State Solar also indicates that it will coordinate with landowners and BWSR to develop an installation plan that will comply with the conditions of the CREP easements.²³¹

~~177.~~178. While the Project Area is primarily made up of agricultural lands with little forested habitat, the NLEB is limited to shelterbelts or windbreaks. The USFWS determined that no critical habitat has been designated for this species. Potential impacts to individual NLEB may occur if clearing or construction takes place when the species is roosting in its summer habitat, in trees outside of the hibernacula. Bats may be injured or killed if occupied trees are cleared during this active window. Tree clearing activities conducted when the species is in hibernation and not present in the landscape will not directly impact bats, however, could result in indirect impacts due to the removal of suitable roosting habitat. The preferred mitigation strategy to avoid impacts to the NLEB is avoidance of tree-clearing to the extent possible. When tree clearing is necessary, it should be done outside the pup rearing season from June 1 to July 31 and outside the active NLEB season from April 1 to October 31.²³²

~~178.~~179. EERA proposed adding to the DSP Special Condition Section 5.7 requiring the permittee to comply with the USFWS guidance and requirements in effect regarding NLEB, including tree clearing restrictions if applicable.²³³ Gopher State Solar proposes revisions to Section 5.7 of the DSP because, as stated in the EA, USFWS has determined that no critical habitat has been designated for this species.²³⁴ Additionally, the DNR did not comment on the need for a NLEB special condition for the Project in its scoping comments.²³⁵

~~179.~~180. Gopher State Solar noted in its public hearing comments that Section 4.7.8 of the EA states that the “[t]he monarch butterfly is a federal candidate species.”²³⁶ Gopher State Solar points out that the USFWS has now proposed this species for listing as threatened.²³⁷

~~180.~~181. Suitable habitat for monarchs may be present within the Project Area. Gopher State Solar indicates that should the USFWS determine the species should be listed and protections for the species coincide with project planning, permitting, and/or construction, Gopher State Solar

²³⁰ Ex. EERA-8 at 95 (EA).

²³¹ Ex. EERA-8 at 95-96 (EA).

²³² Ex. EERA-8 at 96 (EA).

²³³ Ex. EERA-8 at 97 (EA).

²³⁴ Ex. EERA-8 at 96 (EA).

²³⁵ See generally, DNR Scoping Comments (Nov. 15, 2024) (eDocket No. 202411-212014-01).

²³⁶ Ex. EERA-8 at 105 (EA).

²³⁷ See *Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for Monarch Butterfly and Designation of Critical Habitat* (Dec.12, 2024) available at: <https://www.fws.gov/species-publication-action/endangered-and-threatened-wildlife-and-plants-threatened-species-127>; Gopher State Solar Public Hearing Comments at 2 (April 11, 2025) (eDocket No. 20254-217543-01).

will review project activities for potential impacts to the species and develop appropriate avoidance and mitigation measures.²³⁸

~~181.~~182. Bald eagles typically nest in mature trees near large lakes or streams. Nesting habitat suitable for bald eagles is not known to be present in the Project site. However, if encounters with bald eagles do occur, consultation with the USFWS will be necessary. The USFWS will coordinate appropriate mitigation measures for bald eagles for the Project. Mitigation measures may include setbacks from nests, timing restriction for construction activities, and possibly seeking a USFWS permit for removal of a nest.²³⁹

~~182.~~183. EERA proposed the addition of a special condition incorporating the USFWS recommended action to minimize disruption to migratory birds, including the Chimney Swift and the Northern Harrier, during their respective breeding seasons. Gopher State Solar used the USFWS's Information, Planning, and Conservation (IPaC) system for their Application. In the USFWS's IPaC letter, the Chimney Swift and the Northern Harrier were identified as Birds of Conservation Concern (BCC) within the vicinity of the Project site.²⁴⁰ To comply with USFWS recommendations, EERA proposes the addition of the following site permit special condition:

5.9 Migratory Birds

The Permittee shall, to the extent practicable, avoid impacts to marshes, wetlands, peatlands, tree nesting locations, and other migratory bird habitat during the Chimney Swift's breeding season of March 15 – August 25 and the Northern Harrier's breeding season of April 1 – September 15. If impacts are likely to occur during the breeding seasons, the Permittee shall confer with the United States Fish and Wildlife Service (USFWS) regarding mitigation measures. If impacts to migratory birds cannot be avoided, nesting locations shall be identified and appropriate mitigative measures implemented in consultation with the USFWS prior to beginning construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.²⁴¹

~~183.~~184. As stated in its response to public hearing comments, Gopher State Solar believes that, if granted a Site Permit, this condition should require Gopher State to comply with the Migratory Bird Treaty Act and coordinate with the USFWS as needed prior to construction of the Project. Gopher State Solar believes that singling out specific migratory birds and their breeding seasons in Section 5.9 has the potential to become outdated prior to the start of construction. Accordingly, Gopher State Solar proposes the following revisions to Special Condition Section 5.9 of the DSP:

²³⁸ Ex. EERA-8 at 96 (EA).

²³⁹ Ex. EERA-8 at 97 (EA).

²⁴⁰ Ex. GSS-4 at Appendix K- Protected Species Documentation, p. 9-10 (Application).

²⁴¹ See EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01).

5.9 Migratory Birds

The Permittee shall comply with the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) and, to the extent practicable, avoid impacts to marshes, wetlands, peatlands, tree nesting locations, and other migratory bird habitat during the Chimney Swift's breeding season of March 15 – August 25 and the Northern Harrier's breeding season of April 1 – September 15. ~~If impacts are likely to occur during the breeding seasons, the Permittee shall confer with the United States Fish and Wildlife Service (USFWS) regarding mitigation measures.~~ If impacts to migratory birds cannot be avoided, , or impacts are anticipated during the Chimney Swift's breeding season of March 15 – August 25 and the Northern Harrier's breeding season of April 1 – September 15, nesting locations shall be identified and appropriate mitigative measures will be implemented in consultation with the United States Fish and Wildlife Service~~USFWS~~ prior to beginning construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.²⁴²

~~184.~~185. Gopher State Solar coordinated with the DNR to identify state-listed species, and received automated responses provided by the DNR that indicate the Project will not negatively affect any known occurrences of state rare features.²⁴³

~~185.~~186. In its public hearing comments, DNR requested the following special permit condition be included requiring the permittee to comply with Minnesota state-listed endangered and threatened species laws:

Prior to the start of construction, the Permittee shall resubmit a Natural Heritage Review and continue to consult with the MDNR regarding implementation of avoidance measures for state-protected threatened and endangered species. The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.²⁴⁴

²⁴² Gopher State Solar's Response to Public Hearing Comments (April 25, 2025) (eDocket No. _____).

²⁴³ Ex. EERA-8 at 97 (EA).

²⁴⁴ Comment by DNR (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02).

~~186.~~187. Gopher State Solar finds DNR’s recommended permit condition regarding state-listed endangered and threatened species laws to be reasonable and supports its inclusion in the DSP.²⁴⁵

~~187.~~188. Techniques for minimizing impacts to wildlife and vegetation also minimize impacts to rare species. Avoiding identified areas of species occurrence or preferred habitat is the preferred mitigation measure.²⁴⁶

~~188.~~189. The record demonstrates that Gopher State Solar has taken steps to avoid and minimize impacts to rare and unique resources. Further, Sections 5.7 and 5.8 of the DSP specify measures that will minimize impacts to wildlife.

G. Application of Various Design Considerations.

~~189.~~190. Minnesota law requires consideration of the application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity.²⁴⁷

~~190.~~191. Gopher State Solar is not required to analyze alternative sites pursuant to Minn. R. 7850.3100 unless it rejected alternative sites.²⁴⁸ Gopher State Solar selected the proposed Project site based on a variety of factors, including minimal environmental and prime farmland impacts, proximity to the electrical grid and existing transmission infrastructure, willing landowners, and available capacity of the grid to which the Project will interconnect. The proposed Project site was identified based on these factors, and no specific alternative sites for the Project were considered.²⁴⁹

H. Use of Existing Large Electric Power Generations.

~~191.~~192. Minnesota law requires consideration of the use of existing LEPGP.²⁵⁰

~~192.~~193. There are no existing LEPGP sites in the region.²⁵¹

I. Use of Existing Rights-of-Way.

~~193.~~194. Minnesota law requires consideration of the use of existing ROWs.²⁵²

~~194.~~195. The Project is adjacent to Great River Energy’s existing 230 kV Panther Substation, which already operates in the area and will be the point of interconnection (POI) to the grid for the Project.²⁵³ Existing infrastructure in the Project Area and vicinity includes two overhead

²⁴⁵ Gopher State Solar’s Response to Public Hearing Comments (April 25, 2025) (eDocket No. _____).

²⁴⁶ Ex. EERA-8 at 97 (EA).

²⁴⁷ Minn. R. 7850.4100, subp. G.

²⁴⁸ Ex. GSS-4 at 10 (Application).

²⁴⁹ Ex. GSS-4 at 10 (Application).

²⁵⁰ Minn. R. 7850.4100(I).

²⁵¹ Ex. EERA-8 at 52-55 (EA).

²⁵² Minn. R. 7850.4100(H) and (J).

²⁵³ Ex. EERA-8 at 16 (EA).

electric transmission lines, several lower-voltage electric distribution lines, one crude oil pipeline, and Great River Energy's 230 kV Panther Substation.²⁵⁴

J. Electrical System Reliability.

~~195.~~196. Minnesota law requires consideration of electrical system reliability.²⁵⁵

~~196.~~197. The solar panel modules selected for the Project are designed to withstand weather events typically experienced in the Project Area, as well as potentially more severe storms and periods of drought due to climate change. Gopher State Solar will procure equipment designed to ensure operational reliability across the range of anticipated environmental conditions for the lifetime of the Project (temperature, precipitation, wind, mechanical loading, etc.). The Project will be designed to comply with all applicable state and local building codes and industry standards.²⁵⁶

K. Costs of Constructing, Operating, and Maintaining the Facility.

~~197.~~198. Minnesota law requires consideration of the costs of constructing, operating, and maintaining a facility which are dependent on design and route.²⁵⁷

~~198.~~199. Gopher State Solar estimates the total cost to construct the Project to be in the range of \$187.75 to \$242.5 million. Project cost components include planning and permitting, design, procurement and construction, operation, decommissioning, interconnection, and the Project gen-tie line. Actual costs will depend on final material and labor costs, and salvage value from decommissioning.²⁵⁸

~~199.~~200. The estimated annual operation cost is \$1-2 million.²⁵⁹

L. Adverse Human and Natural Environmental Effects that Cannot be Avoided.

~~200.~~201. Minnesota law requires consideration of the adverse human and natural environmental effects that cannot be avoided.²⁶⁰

~~201.~~202. Unavoidable adverse effects associated with construction of the Project (in some instances a specific phase of construction) would last through construction and could include the following, absent avoidance or mitigation measures:

- Fugitive dust.
- Noise disturbance to nearby residents and recreationalists.

²⁵⁴ Ex. EERA-8 at 19, 52 (EA).

²⁵⁵ Minn. R. 7850.4100(K).

²⁵⁶ Ex. EERA-8 at 101 (EA).

²⁵⁷ Minn. Stat. § 216E.03, subd. 7(b)(10); Minn. R. 7850.4100, subp. K.

²⁵⁸ Ex. EERA-8 at 24 (EA).

²⁵⁹ Ex. EERA-8 at 24, Table 4 (EA).

²⁶⁰ Minn. Stat. § 216E.03, subd. 7(b)(6); Minn. R. 7850.4100, subp. M.

- Visual disturbance to nearby residents and recreationalists.
- Soil compaction and erosion.
- Vegetative clearing (loss of shelter belts).
- Disturbance and temporary displacement of wildlife, as well as direct impacts to wildlife inadvertently struck or crushed.
- Minor amounts of marginal habitat loss.
- Possible traffic delays.
- Minor GHG emissions from construction equipment and workers commuting.²⁶¹

202.203. Unavoidable adverse impacts associated with the operation would last as long as the life of the Project, and could include:

- Visual impacts of the Project.
- Cultural impacts due to a change in the sense of place for local residents.
- Loss of land for agricultural purposes.
- Injury or death of birds that collide with PV panels.
- Injury or death of wildlife from fencing.
- Infrequent vehicle trips from maintenance vehicles.
- Potential decrease to property values.²⁶²

M. Irreversible and Irretrievable Commitments of Resources.

203.204. Minnesota law requires consideration of the irreversible and irretrievable commitments of resources that are necessary for the Project.²⁶³ Resource commitments are irreversible when it is impossible or very difficult to redirect that resource to a different future use; an irretrievable commitment of resources means the resource is not recoverable for later use by future generations.

204.205. Irreversible and irretrievable resource commitments are primarily related to project construction, including the use of water, aggregate, hydrocarbons, steel, concrete, wood, and other consumable resources. Environmentally sensitive areas including wetlands and waterbodies have been avoided to the extent possible, and Gopher State Solar does not

²⁶¹ Ex. EERA-8 at 102 (EA).

²⁶² Ex. EERA-8 at 102-103 (EA).

²⁶³ Minn. Stat. § 216E.03, subd. 7(b)(11); Minn. R. 7850.4100, subp. N.

anticipate causing any irretrievable or irreversible impacts to these resources. Some, like fossil fuel use, are irretrievable. Others, like water use, are irreversible. Still others might be recyclable in part, for example, the raw materials used to construct PV panels would be an irretrievable commitment of resources, excluding those materials that may be recycled at the end of the panels' useful life. The commitment of labor and fiscal resources to develop, construct, and operate the Project is considered irretrievable. However, the Gopher State Solar indicates that these represent investments in sustainable development and clean energy infrastructure that will have a net positive effect on the economy and the environment.²⁶⁴

XI. SITE PERMIT CONDITIONS

~~205-206.~~ The Commission's Site Permit includes a number of proposed permit conditions, many of which have been discussed above. The conditions apply to site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning, and other aspects of the Project.

~~206-207.~~ The EA and EERA DSP included various recommendations and potential site permit conditions related to the Project,²⁶⁵ to which the Applicant responded in its written comments.²⁶⁶ Gopher State Solar agreed with EERA's recommended DSP conditions 5.2, 5.3, 5.5, 5.6, and 5.8.

~~207-208.~~ Renville County provided comments requesting the revision of Section 4.3.21 of the DSP relating to noxious weeds, specifically requesting the language be amended to ensure long-term management of noxious weeds beyond the construction phase.²⁶⁷ The County proposed the following revisions to Section 4.3.21 of the DSP:

4.3.21 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds ~~during all phases of~~ throughout the life of the Project, including during construction.²⁶⁸

~~208-209.~~ In its response to public hearing comments, Gopher State Solar stated that it is supportive of the County's requested revisions to Section 4.3.21 of the DSP.²⁶⁹

~~209-210.~~ The record supports the inclusion of Renville County's revisions to Section 4.3.21 of the DSP.

~~210-211.~~ Gopher State Solar proposes revisions to Section 5.1 of the DSP because screening along all roadsides has not historically been required by the Commission and could be burdensome and unduly expensive, with unclear benefit. Furthermore, as stated in Sergio Trevino's Direct Testimony, Gopher State Solar coordinated with Renville County staff on February 13, 2025,

²⁶⁴ Ex. EERA-8 at 103 (EA).

²⁶⁵ See EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01).

²⁶⁶ See Gopher State Solar Public Hearing Comments (April 11, 2025) (eDocket No. 20254-217543-01).

²⁶⁷ Comment by Scott Refsland (April 2, 2025) (eDocket [20254-217161-01](#)).

²⁶⁸ Comment by Scott Refsland (April 2, 2025) (eDocket [20254-217161-01](#)).

²⁶⁹ Gopher State Solar's Response to Public Hearing Comments (April 25, 2025) (eDocket No. _____).

to discuss the County's scoping comments regarding decommissioning and vegetative screening. Based on its coordination, Gopher State Solar stated that it appears that Renville County staff recognized that placing vegetative screening along 6.5 miles of county roads would be impractical, and prioritizing screening in front of the non-participating residences adjacent to the Project would be more in-line with the County's interests.²⁷⁰

~~211.212.~~ Shannon and Jen Visser requested the inclusion of a special condition in the DSP requiring the permittee to install a tree line fence with 20-foot trees to block vision and possible sound associated with the Project on the Visser's property and the property surrounding the proposed Project.²⁷¹ Gopher State Solar has committed to working with the Vissers, whose property is directly adjacent to the Project, to minimize impacts to their property through a screening plan.²⁷²

~~212.213.~~ As a result of comments from Renville County, EERA, and local residents, Gopher State Solar proposed the following revisions to Section 5.1 of the DSP:

5.1 Vegetative Screening

The Permittee shall ~~coordinate with jurisdictional road management authorities to develop a~~ vegetative screening plans for ~~state, county, and township roads adjacent to or bisecting nonparticipating residences within or adjacent to the~~ Project ~~facilities~~. Vegetative screening plans must comply with jurisdictional ROW management and/or setback requirements. The location of screening included in the vegetative screening plan shall be included in the Site Plan filed under Section 8.3 of this permit.²⁷³

~~213.214.~~ The record supports the inclusion of the Applicant's revisions to Section 5.1 of the DSP.

~~214.215.~~ Gopher State Solar does not support Special Condition Section 5.4 of the DSP because it is vague, it does not address how disputes will be resolved, it does not reflect that the Project's Decommissioning Plan already complies with Commission requirements, and it could undermine the Commission's permitting authority with respect to the Project.²⁷⁴ Gopher State Solar hired a third-party engineering firm to prepare the decommissioning plan included in the Application.²⁷⁵ The submitted plan analyses the cost of decommissioning the Project and Gopher State Solar has committed to posting a bond covering the decommissioning cost at the start of construction.²⁷⁶ The Project should not be required to comply with Renville County's preference for recycling. Gopher State Solar has engaged in extensive coordination with Renville County regarding the Project generally, including the County's comments regarding

²⁷⁰ Gopher State Solar Public Hearing Comments at 3 (April 11, 2025) (eDocket No. 20254-217543-01).

²⁷¹ Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01).

²⁷² Gopher State Solar's Response to Public Hearing Comments (April 25, 2025) (eDocket No. _____).

²⁷³ Ex. GSS-10 at 10:2-3 and 12:20-24 (Direct Testimony of Sergio Trevino); Gopher State Solar Public Hearing Comments at 3 (April 11, 2025) (eDocket No. 20254-217543-01).

²⁷⁴ Gopher State Solar Public Hearing Comments at 4 (April 11, 2025) (eDocket No. 20254-217543-01).

²⁷⁵ Ex. GSS-4 at Appendix F – Decommissioning Plan (Application).

²⁷⁶ Ex. GSS-4 at Appendix F – Decommissioning Plan, p. 7-1 (Application).

decommissioning.²⁷⁷ As part of this coordination, and although Gopher State Solar is confident that its Decommissioning Plan and cost estimate were prepared appropriately, Gopher State Solar would be willing to hire an independent third-party engineering firm agreeable to Renville County to review the decommissioning plan and estimate for consistency with the requirements of Section 9.1 of the DSP.²⁷⁸ As such Gopher State Solar proposes the following revisions Section 5.4 of the DSP:

5.4 Decommissioning Plan

The permittee shall coordinate with Renville County to ~~develop a mutually agreeable decommissioning plan consistent~~ identify a third-party engineering firm, to be hired at Gopher State Solar's expense, to review the decommissioning plan prior to the pre-construction meeting and determine its consistency with Section 9.1 of this permit.²⁷⁹

~~215.216.~~ The record supports the inclusion of the Applicant's revisions to Section 5.4 of the DSP.

~~216.217.~~ Gopher State Solar proposes revisions to Section 5.7 of the DSP because, as stated in the EA, USFWS has determined that no critical habitat has been designated for this species.²⁸⁰ Additionally, the DNR did not comment on the need for a NLEB special condition for the Project in its scoping comments.²⁸¹ Nevertheless, Gopher State Solar respectfully submits the following revisions to Section 5.7 of the DSP:

5.7 Northern Long Eared Bat

~~If~~ If potential impacts are identified, then the permittee shall comply with the USFWS guidance and requirements in effect regarding NLEB, including tree clearing restrictions if applicable.²⁸²

~~217.218.~~ The record supports the inclusion of the Applicant's revisions to Section 5.7 of the DSP.

~~218.219.~~ EERA recommended the addition of a special condition 5.9 (Migratory Birds) to the DSP incorporating the USFWS recommended action to minimize disruption to migratory birds, including the Chimney Swift and the Northern Harrier, during their respective breeding seasons.²⁸³ Specifically, EERA proposed the addition of the following site permit special condition:

5.9 Migratory Birds

²⁷⁷ See Ex. GSS-10 at 8-12 (Direct Testimony of Sergio Trevino).

²⁷⁸ Gopher State Solar Public Hearing Comments at 4 (April 11, 2025) (eDocket No. 20254-217543-01).

²⁷⁹ Gopher State Solar's Response to Public Hearing Comments (April 25, 2025) (eDocket No. _____).

²⁸⁰ Ex. EERA-8 at 96 (EA).

²⁸¹ See generally, DNR Scoping Comments (Nov. 15, 2024) (eDocket No. 202411-212014-01).

²⁸² Gopher State Solar Public Hearing Comments at 5 (April 11, 2025) (eDocket No. 20254-217543-01).

²⁸³ EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01).

The Permittee shall, to the extent practicable, avoid impacts to marshes, wetlands, peatlands, tree nesting locations, and other migratory bird habitat during the Chimney Swift's breeding season of March 15 – August 25 and the Northern Harrier's breeding season of April 1 – September 15. If impacts are likely to occur during the breeding seasons, the Permittee shall confer with the United States Fish and Wildlife Service (USFWS) regarding mitigation measures. If impacts to migratory birds cannot be avoided, nesting locations shall be identified and appropriate mitigative measures implemented in consultation with the USFWS prior to beginning construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.²⁸⁴

~~219.220.~~ Similar to DNR's recommendation for state-listed species discussed below, Gopher State Solar believes that, if granted a Site Permit, this condition should require Gopher State to comply with the Migratory Bird Treaty Act and coordinate with the USFWS as needed prior to construction of the Project. Gopher State Solar believes that singling out specific migratory birds and their breeding seasons in Section 5.9 has the potential to become outdated prior to the start of construction. Accordingly, Gopher State Solar proposes the following revisions to Special Condition Section 5.9 of the DSP:

5.9 Migratory Birds

The Permittee shall comply with the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) and, ~~to the extent practicable, avoid impacts to marshes, wetlands, peatlands, tree nesting locations, and other migratory bird habitat during the Chimney Swift's breeding season of March 15 – August 25 and the Northern Harrier's breeding season of April 1 – September 15. If impacts are likely to occur during the breeding seasons, the Permittee shall confer with the United States Fish and Wildlife Service (USFWS) regarding mitigation measures.~~ If impacts to migratory birds cannot be avoided, or impacts are anticipated during the Chimney Swift's breeding season of March 15 – August 25 and the Northern Harrier's breeding season of April 1 – September 15 nesting locations shall be identified and appropriate mitigative measures will be implemented in consultation with the United States Fish and Wildlife Service~~USFWS~~ prior to beginning construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.²⁸⁵

~~220.221.~~ Gopher State Solar's proposal is reasonable and the record supports the inclusion of Section 5.9 in the DSP with Gopher State Solar's suggested revisions.

²⁸⁴ See EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01).

²⁸⁵ Gopher State Solar's Response to Public Hearing Comments (April 25, 2025) (eDocket No. _____).

~~221.222.~~ Gopher State Solar proposes revisions to Section 8.4 of the DSP because, as stated by Sergio Trevino at the March 31, 2025 in-person public hearing, construction of the Project is expected to commence in the second quarter of 2027,²⁸⁶ which is over 20 months after the tentative Commission hearing for this Project on July 31, 2025²⁸⁷ and could be as much as 23 months after issuance of the site permit. The condition as proposed would require Gopher State Solar to provide a pre-construction status report to the Commission before the anticipated construction start date provided in the Application.²⁸⁸ Accordingly, Gopher State Solar respectfully requests the following revisions to Section 8.4 of the DSP:

8.4 Status Reports

The Permittee shall file with the Commission monthly Construction Status Reports beginning with the pre-construction meeting and until completion of restoration. Construction Status Reports shall describe construction activities and progress, activities undertaken in compliance with this site permit, and shall include text and photographs.

If the Permittee does not commence construction of the Project within six months of this site permit issuance, the Permittee shall file with the Commission Pre-Construction Status Reports on the anticipated timing of construction every six months beginning ~~with~~ in the issuance of this site permit until the pre-construction meeting second quarter of 2027. The status updates shall include information on the Project's Midcontinent Independent System Operator (MISO) interconnection process, if applicable.²⁸⁹

~~222.223. The record supports the inclusion of the Applicant's revisions to Section 8.4 of the DSP~~

EERA does not support Gopher State Solar's proposed modification to Section 8.4 of the DSP. EERA notes that Section 8.4 is an important part of the Site Permit, as it ensures the Commission and other entities with permitting authority are updated on status of the project. This permit condition is regularly included in permits issued by the Commission, e.g., Plummer Solar Project Site Permit.²⁹⁰ EERA supports Section 8.4 of the Site Permit as presented in the DSP.²⁹¹

²⁸⁶ See Olivia 1:00 p.m. Tr. (March 31, 2025); Ex. GSS-4 at 18 (Application).

²⁸⁷ See OAH Scheduling Order (Dec. 18, 2024) (eDocket No. [202412-213175-01](#)).

²⁸⁸ Ex. GSS-4 at 18 (Application).

²⁸⁹ Gopher State Solar Public Hearing Comments at 5-6 (April 11, 2025) (eDocket No. 20254-217543-01).

²⁹⁰ PUC, Plummer Solar Corrected Site Permit, April 16, 2025, eDocket No. 20254-217785-01

²⁹¹ EERA, Gopher State Solar EA, Appendix C – Proposed Draft Site Permit (DSP), March 19, 2025, eDocket No. [20253-216593-04](#).

223.224. DNR requested the inclusion of the following special permit condition requiring compliance with Minnesota state-listed endangered and threatened species laws:

Prior to the start of construction, the Permittee shall resubmit a Natural Heritage Review and continue to consult with the MDNR regarding implementation of avoidance measures for state-protected threatened and endangered species. The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.²⁹²

224.225. In its response to hearing comments, Gopher State Solar found DNR's recommended permit condition regarding state-listed endangered and threatened species laws to be reasonable and supported its inclusion in the DSP.²⁹³

225.226. The record supports the inclusion of DNR's proposed special condition in the DSP.

XII. NOTICE

226.227. Minnesota statutes and rules require an applicant to provide certain notice to the public and local governments before and during the site permit application process.²⁹⁴ Gopher State Solar provided notices to the public and local governments in satisfaction of Minnesota statutory and rule requirements.²⁹⁵

227.228. Minnesota statutes and rules also require the EERA and the Commission to provide certain notice to the public throughout the site and route permit application processes.²⁹⁶ The EERA and the Commission provided the notices in satisfaction of Minnesota statutes and rules.²⁹⁷

XIII. COMPLETENESS OF EA

²⁹² Comment by DNR (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02).

²⁹³ Gopher State Solar's Response to Public Hearing Comments (April 25, 2025) (eDocket No. _____).

²⁹⁴ Minn. Stat. § 216E.03, subps. 3a, 4; Minn. R. 7850.3300; Minn. R. 7850.2100, subps. 2, 4.

²⁹⁵ Ex. GSS-1 (Notice of Intent to Submit a Site Permit Application Under Alternative Process); GSS-2 (Project Notice Under 7850.2100); and GSS-7 (Confirmation of Notice).

²⁹⁶ Minn. Stat. § 216E.03, subps. 3a, 4; Minn. R. 7850.3300; Minn. R. 7850.2100, subps. 2, 4.

²⁹⁷ Ex. PUC-4 (Notice of Public Information and Environmental Assessment Scoping Meetings); PUC-5 (Affidavit of Publication, Notice of Public Information and Environmental Assessment Scoping Meetings); PUC-6 (Notice of Public Hearings and Availability of Environmental Assessment); PUC-7 (Notice of Public Hearings and Availability of Environmental Assessment – Resubmitted to Include Project Contact List); PUC-9 (Affidavit of Publication, Notice of Public Hearings and Availability of Environmental Assessment); EERA-2 (Notice of Public Information and Environmental Assessment Scoping Meetings); EERA-3 (Notice of Scoping Meetings to EQB Monitor); EERA-7 (Notice of Environmental Assessment Scoping Decision); EERA-9 (Notice of EA Availability, Public Hearings, and Comment Period); and EERA-12 (EQB Monitor Notice of EA Availability, Public Hearings, and Comment Period).

~~228-229~~. The EA process is the alternative environmental review approved by the EQB for LEPGPs. The Commission is required to determine the completeness of the EA. An EA is complete if it and the record address the issues and alternatives identified in the Scoping Decision.²⁹⁸

~~229-230~~. Gopher State Solar proposed clarifications to numerous sections of the EA and those clarifications are supported by the record.²⁹⁹

~~230-231~~. The evidence in the record demonstrates that the EA is complete because the EA and the record created at the public hearing and during the subsequent comment period address the issues and alternatives raised in the Scoping Decision.³⁰⁰

CONCLUSIONS OF LAW

1. Any of the forgoing Findings of Fact more properly designated as Conclusions of Law are hereby adopted as such.
2. The Commission and the Administrative Law Judge have jurisdiction over the application for a site permit for the up to 200 MW proposed Project pursuant to Minn. Stat. §§ 216E.02 and 216E.03 (2023).
3. The Commission accepted the Application as substantially complete on September 24, 2024.³⁰¹
4. Gopher State Solar has substantially complied with the procedural requirements of Minn. Stat. Ch. 216E (2023) and Minn. R. Ch. 7850.
5. The Commission has substantially complied with the procedural requirements of Minn. Stat. Ch. 216E (2023) and Minn. R. Ch. 7850.
6. EERA has conducted an appropriate environmental analysis of the Project for purposes of the Site Permit proceeding pursuant to Minn. R. 7850.3700.
7. Public hearings were held on March 31, 2025 (in-person) and April 1, 2025 (remote-access). Proper notice of the public hearings was provided, and the public was given an opportunity to speak at the hearings and to submit written comments.
8. The EA prepared for the Project and the record created at the public hearing address the issues identified in the EA scoping decision.
9. The Commission has the authority under Minn. Stat. § 216E.03 (2023) to place conditions in a LEPGP site permit.
10. The DSP, as revised by EERA staff and Gopher State Solar, contains a number of important mitigation measures and other reasonable conditions.

²⁹⁸ Minn. R. 4410.4400, subp. 3; Minn. R. 7850.3900, subp. 2.

²⁹⁹ See Gopher State Solar Public Hearing Comments (April 11, 2025) (eDocket No. 20254-217543-01).

³⁰⁰ Ex. EERA-7 (EA Scoping Decision).

³⁰¹ Ex. PUC-2 (Order).

11. It is reasonable to amend the DSP to include the changes proposed by EERA staff in the EA and the subsequent changes proposed by Gopher State Solar as described above.
12. The record in this proceeding demonstrates that Gopher State Solar has satisfied the criteria for a Site Permit as set forth in Minn. Stat. § 216E.03 (2023) and Minn. R. Ch. 7850 and all other applicable legal requirements.
13. The Project, with the permit conditions discussed above, satisfies the Site Permit criteria for an LEPGP in Minn. Stat. § 216E.03 (2023) and meets all other applicable legal requirements.
14. The Project, with the permit conditions discussed above, does not present a potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act and/or the Minnesota Environmental Policy Act.
15. Any of the foregoing conclusions of law which are more properly designated findings of fact are hereby adopted as such.

RECOMMENDATIONS

Based upon these Conclusions, the Administrative Law Judge recommends that the Commission issue a Site Permit to Gopher State Solar to construct and operate the Project and associated facilities in Renville County, Minnesota and that the permit include the draft permit conditions amended as set forth in the Conclusions above.

THIS REPORT IS NOT AN ORDER AND NO AUTHORITY IS GRANTED HEREIN. THE MINNESOTA PUBLIC UTILITIES COMMISSION WILL ISSUE THE ORDER THAT MAY ADOPT OR DIFFER FROM THE PRECEDING RECOMMENDATION.

Dated: _____

Kristien R. E. Butler
Administrative Law Judge