

## RE: PUC EIP Staff Exceptions to ALJ Report

Boswell Solar Project

**PUC Docket No.** E015/GS-24-425 and TL-24-426

**CAH Docket No.** 24-2500-40659

Minnesota Public Utilities Commission Energy Infrastructure Permitting (EIP) staff<sup>1</sup> has reviewed the Findings of Fact, Conclusions of Law, and Recommendations (ALJ report) issued by Assistant Chief Administrative Law Judge Kristien R. E. Butler on December 2, 2025, for the Boswell Solar Project (project).<sup>2</sup>

EIP staff submits these exceptions to the ALJ report to provide additional information on permit conditions proposed by EIP staff. Staff provides these exceptions to expand upon one proposed modification to an existing site permit condition and one new special site permit condition that was proposed during the hearing comment period and to recommend their inclusion in the final site permit adopted by the Commission.

### Site Permit Standard Condition – Modification

In the Boswell Solar EA, EIP staff proposed modifying the standard site permit condition for emergency response due to the identified potential for flood risk within the proposed project site.<sup>3</sup> This modified language is included in the proposed draft site permit attached to the Boswell Solar EA.<sup>4</sup> EIP staff recommends that this modified language be included in the site permit to specifically mitigate the potential impacts of constructing and operating the project within an area with flood risk.<sup>5</sup>

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<sup>1</sup> On July 1, 2025, Department of Commerce Energy Environmental Review and Analysis (DOC EERA) unit staff moved to the Minnesota Public Utilities Commission Energy Infrastructure Permitting (PUC-EIP) unit as directed by state law (Laws of Minn. 2024, ch.126, art. 7). While DOC EERA staff initiated environmental review of this proposal prior to July 1, 2025, the environmental review is now being completed by PUC-EIP staff. For accuracy related to procedural history, references to previous filings by EERA will be identified as such, and “EIP” will be referenced throughout the remainder of this document.

<sup>2</sup> Court of Administrative Hearings, Findings of Fact, Conclusions of Law and Recommendation. Boswell Solar Project. December 2, 2025. eDockets no. [202512-225432-01](#).

<sup>3</sup> PUC-EIP, Boswell Solar Environmental Assessment (EA). October 27, 2025. eDockets no. [20258-222456-01](#) (through -06).

<sup>4</sup> PUC-EIP, Boswell Solar EA, Appendix C - Draft Site Permit and Draft Route Permit. October 27, 2025. eDockets no. [20258-222456-04](#).

<sup>5</sup> Court of Administrative Hearings, Findings of Fact, Conclusions of Law and Recommendation. Boswell Solar Project. p. 40. December 2, 2025. eDockets no. [202512-225432-01](#).

## 8.12 Emergency Response

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. The ERP shall include specific training and response plans for impacts related to 100-year storm and flooding events. The Permittee shall file the ERP, along with any comments from emergency responders to the Commission at least 14 days prior to the pre-construction meeting and a revised ERP, if any, at least 14 days prior to the pre-operation meeting. At least 14 days prior to the pre-operation meeting the Permittee shall file with the Commission an affidavit of the distribution of the ERP to emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the Project. The Permittee shall obtain and register the Project address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the Project.

### Site Permit Special Condition

EIP staff proposed the addition of a new site permit special condition for the replacement of trees that will be removed within the project area during the hearing comment period.<sup>6</sup> EIP staff proposed the following special condition to mitigate the potential impacts of permanent tree removal from the construction and operation of the project, such as through changes in local land use, aesthetics, and habitat.<sup>7</sup> The concern of tree removal was also raised by members of the public during the scoping meetings held in April 2025, and the public hearings held in September 2025 in Cohasset, Minnesota.<sup>8</sup>

## 5.13 Tree Replacement

The permittee in coordination with the DNR, the Itasca County Soil and Water Conservation District, and the Mississippi Headwaters Board, shall develop a plan to replace any trees that are removed for construction of the project by planting new trees near the project area, and file the plan with the Commission at least 14 days before the pre-construction meeting.

In the ALJ report, it is noted that this special condition is not necessary, given the inclusion of a visual screening plan in the draft site permit.<sup>9</sup> However, the ALJ report states that, “should special condition 5.13 be incorporated into the Site and Route Permit for the Project, it should be revised as follows and

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<sup>6</sup> PUC-EIP, Hearing Comments. September 25, 2025. eDockets no. [20259-223295-01](#).

<sup>7</sup> PUC-EIP, Boswell Solar Environmental Assessment (EA). October 27, 2025. eDockets no. [20258-222456-01](#).

<sup>8</sup> PUC-EIP, Boswell Solar EA Scoping Decision. May 30, 2025. eDockets no. [20255-219406-01](#); Court of Administrative Hearings, Findings of Fact, Conclusions of Law and Recommendation. Boswell Solar Project. December 2, 2025. eDockets no. [202512-225432-01](#).

<sup>9</sup> Court of Administrative Hearings, Findings of Fact, Conclusions of Law and Recommendation. Boswell Solar Project. December 2, 2025. eDockets no. [202512-225432-01](#).

Minnesota Power should be allowed to include the cost of compliance with this condition in its cost recovery filing for the Project.”

### **5.13 Tree Replacement**

The Applicant, in coordination with the MnDNR, the Itasca County Soil and Water Conservation District, and the Mississippi Headwaters Board, shall develop a plan to replace any trees that are removed for construction of the project by planting new trees in Itasca County and file the plan with the Commission at least 14 days before the pre-construction meeting.

EIP staff supports the proposed modification of language that was included in the ALJ report. EIP staff recommends the preceding modified language for Section 5.13 be incorporated into the site permit for the Boswell Solar Project to properly mitigate the potential impacts of permanent tree removal due to construction and operation of the project.

EIP staff appreciates the opportunity to provide these comments and exceptions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jessica Livingston".

Jessica Livingston  
Environmental Review Project Manager