



## Staff Briefing Papers

**Meeting Date:** January 15, 2026

Agenda Item: \*2

**Company:** Minnesota Power

**Docket:** E-015/GS-24-425 and E-015/TL-24-426

In the Matter of the Joint Application of Minnesota Power for a Site and Route Permit for the 85-megawatt Boswell Solar Project and Associated 2.45-mile, 230-kilovolt Transmission Line in Itasca County, Minnesota

**Issues:**

- Should the Commission adopt the administrative law judge's findings of fact, conclusions of law, and recommendation?
- Should the Commission determine that the environmental assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
- Should the Commission grant a site permit for the up-to-85-megawatt Boswell Solar Project in Itasca County?
- Should the Commission grant a route permit for the 2.45-mile, 230-kilovolt transmission line associated with the Boswell Solar Project in Itasca County?

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

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**✓ Relevant Documents****Date**

Site and Route Permit Application to the Minnesota Public Utilities Commission for the Boswell Solar Project (16 parts, including three designated as Trade Secret)	12/30/2024
Order on Application Completeness and Process	02/18/2025
Sample Site Permit (24-425)	02/25/2025
Sample Route Permit (24-426)	02/25/2025
Letter Concerning State Historic Preservation Office Consultation	02/25/2025
Fond du Lac Band of Lake Superior Chippewa Scoping Comment Letter	04/01/2025
Minnesota Department of Natural Resources (DNR) Scoping Comment Letter (2 parts)	04/28/2025
Minnesota Department of Transportation (MnDOT) Scoping Comment Letter	05/05/2025
Order on Scoping Decision for the Environmental Assessment	05/20/2025
Environmental Assessment Scoping Decision	05/30/2025
Environmental Assessment (6 parts)	08/27/2025
Minnesota Power Direct Testimony and Schedule of Drew Janke	09/03/2025
DNR Public Hearing Comment Letter (2 parts)	09/24/2025
Minnesota Interagency Vegetation Management Planning Working Group Public Hearing Comment Letter	09/25/2025
Minnesota Public Utilities Commission Energy Infrastructure Permitting (EIP) Staff Public Hearing Comments and Recommendations	09/25/2025
Minnesota Power Comments on Environmental Assessment	09/25/2025
Minnesota Department of Agriculture (MDA) Comments on the Agricultural Impact Mitigation Plan	10/09/2025

**✓ Relevant Documents****Date**

Minnesota Power Response to Public Hearing Comments	10/16/2025
EIP Staff Reply Comments (2 parts)	10/30/2025
Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation (ALJ Report)	12/02/2025
EIP Staff Exceptions	12/10/2025
Minnesota Power Exceptions	12/12/2025

**Attachments**

Attachment A: Summary of Comments

Attachment B: Table 1 - Proposed Site and Route Permit Language

Attachment C: Proposed Site Permit

Attachment D: Proposed Route Permit

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**ISSUES**

- Should the Commission adopt the administrative law judge's findings of fact, conclusions of law, and recommendation?
- Should the Commission determine that the environmental assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
- Should the Commission grant a site permit for the up-to-85-megawatt Boswell Solar Project in Itasca County?
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**PROJECT BACKGROUND**

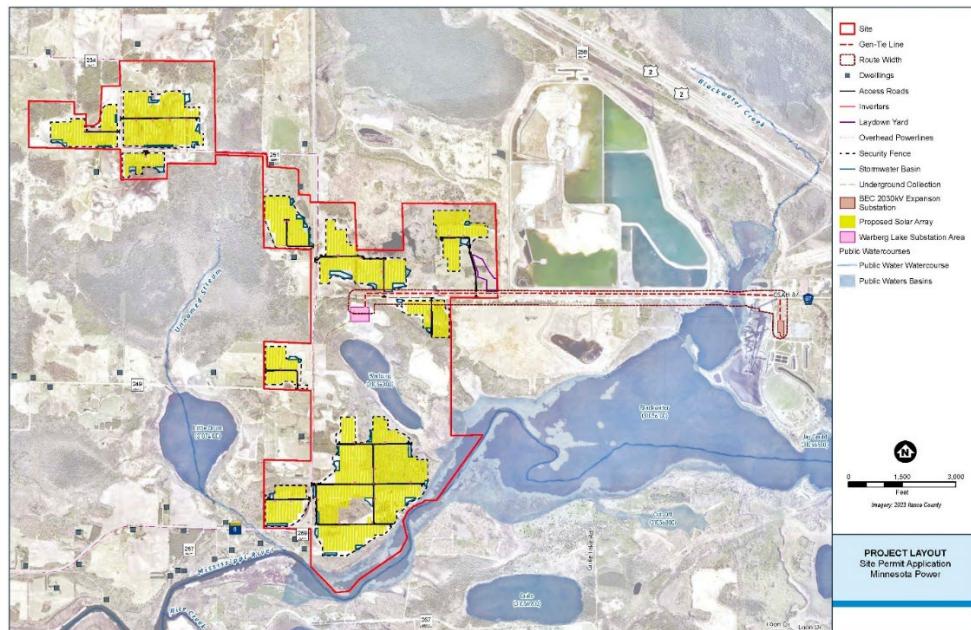
Minnesota Power has applied to the Minnesota Public Utilities Commission (Commission) for a site permit for the proposed up-to-85-megawatt Boswell Solar Project and a route permit for the associated 2.45-mile, 230-kilovolt transmission line. The project components would be

located in portions of the city of Cohasset, the Leech Lake Band of the Ojibwe Reservation, and Deer Lake Township in Itasca County, Minnesota.

The proposed project site would encompass approximately 1,345 acres of privately owned land within which would include a 499-acre solar facility footprint and transmission line right-of-way. The main components of the project include, single axis tracking photovoltaic arrays, electrical collector lines, inverters, transformers, security fencing, access roads, stormwater basins, meteorological stations, and a project substation (Warburg Lake Substation). The 2.45-mile, 230-kilovolt transmission line would interconnect the project substation to the existing Boswell Energy Center Substation. Minnesota Power proposes to start construction of the project in early 2026 and begin commercial operation in the third quarter of 2027.

As described in its application, Minnesota Power's 2021 Integrated Resource Plan included a Commission-approved settlement requiring the Company to procure up to 300 megawatts of regional solar. The project was selected through a request for proposal process which emphasized regional solar projects that are interconnected to Minnesota Power's system. In addition, Minnesota Power plans to file an 85-megawatt Surplus Interconnection Service request with the Midcontinent Independent System Operator (MISO) to share interconnection service with Boswell Unit 3 at the Boswell 230-kV Substation and expects to execute a Generator Interconnection Agreement following MISO's review.

### Project Overview Map



## RULES AND STATUTES

The Boswell Solar Project and associated high-voltage transmission line are being reviewed under Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. The joint site and route permit application was filed with the Commission prior to implementation of the new Minnesota Energy Infrastructure Permitting Act (Minnesota Statutes Chapter 216I) on July 1, 2025.

### **A. Site Permit**

The proposed Boswell Solar Project requires a site permit from the Commission because it is a large electric power generating plant, specifically a solar energy generating system, designed for or capable of operation at a capacity of 50 megawatts or more.<sup>1</sup> In deciding whether to issue a site permit for a solar energy generating system, the Commission must consider the factors under Minn. Stat. § 216E.03, subd. 7, and Minn. R. 7850.1400.

### **B. Route Permit**

The proposed 2.45-mile, 230-kilovolt transmission line associated with the Boswell Solar Project requires a route permit from the Commission because it is a high-voltage transmission line designed for and capable of operation at a nominal voltage of 100 kilovolts or more and is greater than 1,500 feet in length.<sup>2</sup> In deciding whether to issue a route permit for a high-voltage transmission line, the Commission must consider the factors under Minn. Stat. § 216E.03, subd. 7, and Minn. R. 7850.1400.

### **C. Certificate of Need**

A certificate of need is required for a large energy facility as defined in Minn. Stat. § 216B.2421, unless the facility qualifies for a statutory exemption.<sup>3</sup> The proposed Boswell Solar Project is exempt because it is intended to meet the requirements of Minn. Stat. § 216B.1691. The associated high-voltage transmission line does not require a certificate of need because it is less than ten miles in length and therefore is not defined as a large energy facility under the statute.

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<sup>1</sup> Minn. Stat. § 216E.01, subd. 5; Minn. Stat. § 216E.01, subd. 9a; and Minn. Stat. § 216E.03, subd. 1.

<sup>2</sup> Minn. Stat. § 216E.01, subd. 4; and Minn. Stat. § 216E.03, subd. 2.

<sup>3</sup> Minn. Stat. § 216B.243.

#### **D. Procedural Treatment of Application**

The Commission authorized the following procedures for reviewing the site permit application: review of the joint site and route permit application through alternative review process; and<sup>4</sup> requested that the Court of Administrative Hearings appoint an administrative law judge to serve as the hearing examiner for the public hearings, and provide findings of fact, conclusions of law, and recommendations in accordance with Minn. Stat. § 216E.04 subd. 6 and Minn. R. 7850.3800.

Pursuant to Minn. R. 7850.3700, projects being reviewed under the alternative process require the preparation of an environmental assessment. The environmental assessment must provide information on the human and environmental impacts of the proposed project and of alternative sites or routes; the feasibility of each alternative site or route considered; and mitigative measures that could reasonably be implemented to minimize, mitigate, or avoid any adverse impacts identified. At the time the Commission makes a final decision on whether to issue a site or a route permit, it must determine whether the environmental assessment and the record created at the public hearing addressed the issues identified in the scoping decision.

### **PROCEDURAL HISTORY**

On December 30, 2024, Minnesota Power filed a joint site and route permit application for the Boswell Solar Project.

On February 18, 2025, the Commission issued an order that accepted Minnesota Power's joint site and route permit application as complete; directed Minnesota Power to continue coordination with the Minnesota Department of Natural Resources (DNR) and U.S. Fish and Wildlife Service (USFWS) to avoid impacts to sensitive, rare, and unique natural resources; declined to appoint an advisory task force; requested appointment of an administrative law judge including preparation of findings of fact, conclusions of law, and recommendations; and delegated authority to its Executive Secretary to issue an authorization to Minnesota Power to initiate consultation with the Minnesota State Historic Preservation Office (SHPO).

On February 25, 2025, Commission staff filed a Sample Site Permit, a Sample Route Permit, and a SHPO Consultation Letter.

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<sup>4</sup> The Boswell Solar Project is eligible for alternative review under Minn. Stat. § 216E.04, because it is a large electric power generating plant powered by solar energy and the associated high-voltage transmission line is less than 30 miles in length (Minn. Stat. § 216E.04, subd. 2(4) and 2(8)).

On April 3, 2025, an online public information and environmental assessment scoping meeting was held via WebEx.

On April 21, 2025, an in-person public information and environmental assessment scoping meeting was held at the Cohasset Community Center in Cohasset, Minnesota.<sup>5</sup> Approximately 25 people were in attendance. A written comment period was open from March 19, 2025, through May 5, 2025. A summary of the comments received during scoping is included in **Attachment A** of these briefing papers.

On May 30, 2025, Department of Commerce Energy Environmental Review and Analysis (EERA) issued the Environmental Assessment Scoping Decision.

On August 27, 2025, EERA issued the Environmental Assessment.

On September 3, 2025, Minnesota Power filed the Direct Testimony and Schedule of Drew Janke.

On September 10, 2025, two in-person public hearings were held: one at the BENA Community Center on the Leech Lake Band of Ojibwe Reservation and one at the Cohasset Community Center in Cohasset, Minnesota. An online public hearing was held on September 11, 2025, and a written comment period remained open through September 25, 2025. A summary of the comments received during public hearing process is included in **Attachment A** of these briefing papers.

On September 24, 2025, the DNR filed public hearing comments.

On September 25, 2025, the Minnesota Interagency Vegetation Management Planning Working Group (VMPWG) filed public hearing comments.

On September 25, 2025, the Minnesota Public Utilities Commission Energy Infrastructure Permitting (EIP) staff filed public hearing comments which included recommended modifications to the draft decommissioning plan and identified modifications and additional special conditions to the proposed draft site permit.<sup>6</sup>

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<sup>5</sup> The in-person public information and environmental assessment scoping meeting was originally noticed for April 2, 2025; however, due to a winter storm warning that evening, the meeting needed to be rescheduled to April 21, 2025, and the written comment period was extended accordingly.

<sup>6</sup> On July 1, 2025, the Minnesota Department of Commerce Energy Environmental Review (EERA) staff

On September 25, 2025, Minnesota Power filed comments on the Environmental Assessment.

On October 9, 2025, Minnesota Department of Agriculture (MDA) filed comments on the Agricultural Impact Mitigation Plan (AIMP). MDA indicated that they have no additional concerns to be addressed.

On October 16, 2025, Minnesota Power filed its Response to Public Hearing Comments and Proposed Findings of Fact, Conclusions of Law, and Recommendations.

On October 30, 2025, EIP staff filed its Reply Comments and Responses to Proposed Findings of Fact.

On December 2, 2025, the administrative law judge filed the Findings of Fact, Conclusions of Law, and Recommendation (ALJ Report).

On December 10, 2025, EIP staff filed its Exceptions to ALJ Report.

On December 12, 2025, Minnesota Power filed its Exceptions to ALJ Report.

## **ADMINISTRATIVE LAW JUDGE REPORT**

To ensure a complete record, meaningful public participation, and thorough consideration of the issues, the Commission requested appointment of an administrative law judge (ALJ) from the Court of Administrative Hearings. The ALJ was tasked with presiding over the public hearings and preparing findings of fact, conclusions of law, and recommendations on the merits of the proposed project and any necessary site and route permit conditions.

Staff finds that the ALJ Report is well-organized around the applicable statutory and rule-based siting factors, that it ties each conclusion to specific record evidence, and that it addresses the main issues raised in comments during the environmental review scoping process and at the public hearings. In particular, the report describes the procedural requirements that were followed, evaluates the completeness of the environmental assessment, and explains the

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moved to the Minnesota Public Utilities Commission Energy Infrastructure Permitting (EIP) unit as directed by state law (Laws of Minn. 2024, ch. 126, art. 7). Although the application review process was initiated by EERA staff before July 1, 2025, EERA staff will finish the remaining evaluation as EIP staff. The review of this application began under and will continue under Minnesota Statute 216E (2023). To provide distinction between the analysts, existing Public Utilities Commission staff are identified as PUC staff and former EERA staff as EIP staff for transitional dockets like this one.

justifications for granting a site and route permit, including recommended special permit conditions.

Rather than repeat the ALJ's full analysis in these briefing papers, staff has summarized the recommendations below and refers the Commission to the ALJ Report for the complete analysis.<sup>7</sup>

#### **E. Environmental Assessment Completeness**

The ALJ concluded that the Environmental Assessment was complete and that it complied with Minn. R. 7850.3700, because both the Environmental Assessment and the record created during the public hearing process addressed the issues identified in the scoping decision.<sup>8</sup>

#### **F. Site and Route Permits**

The ALJ found that the proposed Boswell Solar Project meets the applicable statutory and rule criteria for issuance of both a site permit for the up-to-85-megawatt solar facility and a route permit for the 2.45-mile, 230-kilovolt transmission line, and recommended that the Commission issue the permits subject to the special conditions identified in the ALJ Report.<sup>9</sup>

In summary, the ALJ concluded that:<sup>10</sup>

- The evidentiary record demonstrates that the project satisfies the siting and routing factors in Minn. Stat. § 216E.04, subd. 8 (referencing Minn. Stat. § 216E.03, subd. 7) and Minn. R. 7850.4100, as well as all other applicable legal requirements.
- There is no feasible and prudent alternative to construction of the project, and the project is consistent with, and reasonably required for, the promotion of public health and welfare in light of the state's interest in protecting air, water, land, and other natural resources, as expressed in the Minnesota Environmental Rights Act.
- The proposed site for the up-to-85-megawatt solar facility represents the best site for the project; no alternative sites were identified or advanced during the scoping process.

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<sup>7</sup> Minnesota Court of Administrative Hearings; Findings of Fact, Conclusions of Law, and Recommendation (ALJ Report), 24-2500-40659 (December 1, 2025).

<sup>8</sup> ALJ Report at findings 291 and 292 and Conclusion 3.

<sup>9</sup> ALJ Report at 57.

<sup>10</sup> ALJ Report at conclusions 1-12.

- The proposed route for the 2.45-mile, 230-kilovolt transmission line represents the best route for the project; no alternative routes were identified or advanced during the scoping process.
- The special conditions (site permit conditions 5.1–5.12 and route permit conditions 6.1–6.4) are appropriate and necessary to mitigate potential impacts and ensure compliance with applicable requirements.

## G. Special Permit Conditions

The ALJ concluded that the record supported the inclusion of several special permit conditions and advised that they be incorporated into both a site and route permit. The proposed condition language for the site permit and route permit is provided in **Attachment B**, Table 1 of these briefing papers.

The special conditions as recommended by the ALJ and agreed upon by the Applicant and EIP staff address:

1. **Visual impacts** through a site-specific **Visual Screening Plan**, including coordination with landowners within 500 feet and a three-year establishment and maintenance obligation (**Attachment B, Table 1**: Condition SP1, Permit Section 5.1).
2. **Roadside vegetation management** through coordination with Minnesota Department of Transportation (MnDOT) along Highway 6 (**Attachment B, Table 1**: Condition SP2, Permit Section 5.2).
3. **Cultural resources and archaeological discoveries** through required consultation with the Leech Lake Band Ojibwe and the MnDOT on cultural resource matters (Table 1: Condition SP3, Section 5.3) and required development of an **Unanticipated Discoveries Plan** (**Attachment B, Table 1**: Condition SP5, Permit Section 5.5).
4. **Tribal engagement** through required engagement with Native American tribes, including the Leech Lake Band of Ojibwe on economic and workforce development opportunities (**Attachment B, Table 1**: Condition SP4, Permit Section 5.4).
5. **Lighting design requirements** to minimize upward light and potential impacts on wildlife (**Attachment B, Table 1**: Condition SP6, Permit Section 5.6).
6. **Construction-related impacts** through non-chloride dust control, wildlife-friendly erosion control materials, and avoidance or minimization of impacts to high-value biological resources (**Attachment B, Table 1**: Condition SP7, SP8, and SP9, Permit

Section 5.7, 5.8, and 5.9; and Condition RP1, RP2, and RP3, Permit Section 6.3, 6.4, and 6.1).

7. **Protected species** through compliance with U.S. Fish and Wildlife Service and DNR guidance on northern long-eared bats and bald eagles (**Attachment B, Table 1**: Condition SP10 and SP11, Permit Section 5.10 and 5.11).
8. **Tree removal and shoreline stability** through coordination with the DNR and Mississippi Headwaters Board on tree removal and erosion along the Mississippi River shoreline (**Attachment B, Table 1**: Condition SP12, Permit Section 5.12).
9. **Impacts to Blackwater Lake** through consultation with the DNR (**Attachment B, Table 1**: Condition RP4, Permit Section 6.2).

#### **H. Unresolved Items**

The ALJ addressed the following issues through findings and recommendations but left the ultimate determinations to the Commission.

##### *1. Tree Replacement Plan*

EIP Staff, in its September 25, 2025 Hearing Comments Letter, in response to public concern about tree removal, proposed special permit language that would require development of a tree replacement plan in coordination with the DNR, the Itasca County Soil and Water Conservation District, and the Mississippi Headwaters Board.

The ALJ concluded that this additional condition is not necessary in light of the Visual Screening Plan condition and Minnesota Power's separate commitment to donate approximately 150,000 seedlings to Itasca County over the next two years. In addition, the ALJ noted that Minnesota Power has identified concerns that additional tree planting in the immediate project area could conflict with potential future uses of the Boswell Energy Center property.<sup>11</sup>

However, if the Commission elects to require a tree replacement condition, the ALJ recommended revisions that would allow replanting anywhere within Itasca County rather than limiting it to areas near the project site. The ALJ further recommended that all costs associated with any tree replanting requirement should be made recoverable under the Renewable Resources Rider because those costs were not included in the approved Project budget.

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<sup>11</sup> ALJ Report at Findings 282.

**Attachment B, Table 1** provides the permit language and a comparison of the changes (See Condition SP15, Permit Section 5.13).

## 2. *Security Fencing*

The DNR indicated agreement with the standard permit condition that requires the Permittee to design the final security fence in coordination with the DNR (See Site Permit Section 4.3.32, Fencing). However, the record indicates that there is current disagreement between Minnesota Power and the DNR concerning fencing specifications.

Minnesota Power's current fencing proposal is for a seven-foot-tall security fence without barbed wire, and the installation of deer escape ramps, specifications recently approved by the DNR for Minnesota Power's Regal Solar Project.<sup>12</sup> However, the DNR is not in agreement with that proposal citing potential serious risk of injury and fatalities to deer and instead is advising at 10-foot-tall facility fence. Nonetheless, both Minnesota Power and the DNR are acceptable to the current permit language that would require further consultation.

## EXCEPTIONS

Under Minn. R. 7829.2700, exceptions to the ALJ Report must be filed within 15 days of the filing of the report for cases subject to statutory deadlines. In this case, the deadline for filing exceptions was December 17, 2025. Exceptions to the ALJ Report were filed by EIP staff and Minnesota Power.

### I. EIP Staff Exceptions

In its exceptions, EIP staff identified an additional modification that was included in the proposed draft site permit as Appendix C of the Environmental Assessment, but not explicitly listed with the ALJ's other permit condition recommendations. The modification is to the existing section on emergency response requirements that adds additional conditions related to mitigating potential flooding events (See **Attachment B, Table 1**, Condition SP13, Permit Section 8.12).

Also, EIP staff continued to recommend inclusion of a tree replacement plan as a permit condition. Although the ALJ concluded such a plan is not necessary, he provided recommended

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<sup>12</sup> *In the Matter of the Application of Regal Solar, LLC for a Site Permit for the up to 100 MW Regal Solar Project in Benton County, Minnesota, PUC Docket IP7003/GS-19-395.*

revised language for use if the Commission elects to impose the condition. EIP staff stated it supports the ALJ's modified language.

#### **J. Minnesota Power Exceptions**

Minnesota Power had no exceptions to the ALJ Report and stated it does not oppose EIP staff's proposed modification to the site permit language addressing potential flooding events, as described in its exceptions letter.

Minnesota Power also reiterated that a tree replacement plan condition is unnecessary, citing mitigation already provided through the visual screening plan requirement and its ongoing tree-planting program with Itasca County.

### **STAFF DISCUSSION**

The following issues are before the Commission:

- Whether to adopt the ALJ Report.
- Whether the Environmental Assessment is complete.
- Whether to grant a site and route permit for the Boswell Solar Project and identify any special permit conditions, as necessary.

Based on information in the joint permit application, the analysis provided in the Environmental Assessment, public comments, testimony, the ALJ Report, and other evidence in the record, staff provides the discussion below.

#### **K. ALJ Report**

Staff agrees with the findings, conclusions, and recommendations reached by the ALJ. Staff finds that the ALJ Report is a sound, comprehensive, and common sense ruling that is reflective of the case record in the permit proceeding. The ALJ Report documents that the procedural requirements were followed and presents findings of fact for each of the decision criteria that must be met for a site permit for a solar energy generating system and a route permit for a high-voltage transmission line.

### *1. Exceptions and Clarifications*

Comments submitted during the exceptions period were filed by EIP staff and Minnesota Power, and neither party had exceptions to the ALJ Report. EIP staff instead identified omitted site permit language addressing flooding event requirements and reiterated its support for a tree replacement plan condition. Minnesota Power agreed with the proposed flooding-related language but continued to oppose a tree replacement plan requirement.

PUC staff supports EIP staff's recommended flooding event provision, but does not recommend a tree replacement plan condition, as discussed below.

### **L. Environmental Assessment**

Staff agrees with the recommendation of the ALJ that the evidence in the record demonstrated that the Environmental Assessment and the record created during the public hearing process addressed the issues and alternatives raised in the Scoping Decision and is complete.

However, should the Commission decide the Environmental Assessment is not complete, it must identify the reasons it is not complete and request that the Environmental Assessment be revised or supplemented. In that case, a schedule for revising or supplementing the Environmental Assessment would need to be determined and the Commission would need to revisit its permit decisions after completion of the revised Environmental Assessment.

### **M. Site and Route Permit**

Staff agrees with the ALJ that the record demonstrates the applicable criteria for both the site permit and route permit have been met. Staff therefore recommends that the Commission issue Minnesota Power a site permit and a route permit to construct and operate the up-to-85-megawatt Boswell Solar Project and the associated 2.45-mile, 230-kilovolt transmission line, respectively.

Staff supports the special permit conditions recommended by the ALJ and supported by EIP staff and Minnesota Power, except for the tree replacement plan condition recommended by EIP staff.

### *1. Tree Replacement Plan*

For the reasons identified by the ALJ, namely, the Visual Screening Plan requirement and Minnesota Power's commitment to donate approximately 150,000 seedlings to Itasca County, staff agrees that a separate tree replacement plan is unnecessary. Although the Commission has imposed a similar requirement in at least one prior solar docket,<sup>13</sup> staff concludes countywide tree replacement would be difficult to administer and verify, could be applied inconsistently, and may not provide commensurate mitigation because the tree-removal concerns in this case relate primarily to screening value in the immediate project vicinity.

### *2. Security Fencing*

As discussed earlier, Minnesota Power and the DNR currently disagree on fencing specifications. However, both parties support the existing permit language, which requires additional consultation rather than prescribing a specific fence design. The Commission may wish to clarify this point.

## **N. Additional Items**

Staff has identified the following items that were inadvertently omitted from, or not expressly addressed in, the ALJ Report, but are discussed in the record through findings and comment letters. If the Commission grants the permits, staff recommends including these conditions and requirements in the permits and in the Commission's order, as indicated below.

### *1. Application of Pesticides*

Staff recommends that the sections of the site permit and route permit regarding application of pesticides be updated to include the standard permit language included in recent Commission-issued permits that identifies the Minnesota Department of Agriculture's Apiary Registry as an identification resource (See **Attachment B, Table 1**, Condition SP14 and RP5, Permit Section 4.3.19 and 5.3.11). This was also requested by Minnesota Power in its Direct Testimony of Drew Janke.

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<sup>13</sup> *In the Matter of the Application of Iron Pine Solar Power, LLC for a Site Permit for the Iron Pine Solar Power Project in Pine County, Minnesota*, PUC Docket IP-7114/GS-23-414.

## *2. Decommissioning Plan*

Staff recommends that the Commission include an ordering point requiring Minnesota Power to update the final decommissioning plan consistent with the recommendations in EIP staff's September 25, 2025 Hearing Comments Letter.

## COMMISSION DECISION OPTIONS

### **ALJ Report**

1. Adopt the administrative law judge's findings of fact, conclusions of law, and recommendations to the extent consistent with the decisions below.

### **Environmental Assessment**

2. Determine that the Environmental Assessment and the record created at the public hearing address the issues identified in the scoping decision.

*Or*

3. Determine that the Environmental Assessment and the record created at the public hearing do not address the issues identified in the scoping decision, identify the reasons, and direct staff to revise or supplement the Environmental Assessment.

*[If Environmental Assessment is determined to be complete, move on to next decisions.]*

### **Site Permit**

4. Grant a site permit to Minnesota Power for the up-to-85-megawatt Boswell Solar Energy Generating System with the standard conditions identified in the attached proposed site permit.

*And*

5. Adopt the following special and modified site permit conditions (See **Attachment B**, **Table 1** attached to these briefing papers):

- a. SP1: Visual Screening Plan (ALJ, EIP Staff, PUC Staff, Minnesota Power)
- b. SP2: Roadside Vegetation Management (ALJ, EIP Staff, PUC Staff, Minnesota Power, MnDOT)
- c. SP3: Cultural Resource Consultation (ALJ, EIP Staff, PUC Staff, Minnesota Power)
- d. SP4: Tribal Engagement (ALJ, EIP Staff, PUC Staff, Minnesota Power)
- e. SP5: Unanticipated Discoveries Plan (ALJ, EIP Staff, PUC Staff, Minnesota Power)

- f. SP6: Facility Lighting (ALJ, EIP Staff, PUC Staff, Minnesota Power, DNR)
- g. SP7: Dust Control (ALJ, EIP Staff, PUC Staff, Minnesota Power, DNR)
- h. SP8: Wildlife Friendly Erosion Control (ALJ, EIP Staff, PUC Staff, Minnesota Power, DNR)
- i. SP9: High Value Biological Resources (ALJ, EIP Staff, PUC Staff, Minnesota Power, DNR)
- j. SP10: Northern Long Eared Bat (ALJ, EIP Staff, PUC Staff, Minnesota Power)
- k. SP11: Bald Eagles (ALJ, EIP Staff, PUC Staff, Minnesota Power)
- l. SP12: Mississippi River (ALJ, EIP Staff, PUC Staff, Minnesota Power, DNR)
- m. SP13: Emergency Response (EIP Staff, PUC Staff)
- n. SP14: Application of Pesticides (PUC Staff, Minnesota Power)
- o. SP15: Tree Replacement Plan (EIP Staff)

Or

- 6. Deny a site permit for the up-to-85-megawatt Boswell Solar Energy Generating System.

*[If a site permit is granted, move on to next decisions.]*

#### **Route Permit**

- 7. Grant a route permit to Minnesota Power for the 2.45-mile 230-kilovolt transmission line associated with the Boswell Solar Energy Generating System with the standard conditions identified in the attached proposed route permit.

And

- 8. Adopt the following special and modified route permit conditions (See **Attachment B**, **Table 1** attached to these briefing papers):
  - a. RP1: Dust Control (ALJ, EIP Staff, PUC Staff, Minnesota Power, DNR)
  - b. RP2: Wildlife Friendly Erosion Control (ALJ, EIP Staff, PUC Staff, Minnesota Power, DNR)

- c. RP3: High Value Biological Resources (ALJ, EIP Staff, PUC Staff, Minnesota Power, DNR)
- d. RP4: Blackwater Lake (ALJ, EIP Staff, PUC Staff, Minnesota Power, DNR)
- e. RP5: Application of Pesticides (PUC Staff, Minnesota Power)

*Or*

- 9. Deny a route permit for the 2.45-mile 230-kilovolt transmission line associated with the Boswell Solar Energy Generating System.

*[If a route permit is granted, move on to next decisions.]*

#### **Decommissioning Plan Update**

- 10. Require Minnesota Power to update the final decommissioning plan for the Boswell Solar Project in accordance with the recommendations provided by EIP staff in its September 25, 2025 Hearing Comments Letter.

#### **Administrative**

- 11. Delegate authority to the Executive Secretary to modify the site and route permits and the ALJ Report to correct any typographic and formatting errors and to ensure consistency with the Commission's order.

**Staff Recommendation:** 1, 2, 4, 5 (a-n), 7, 8 (a-e), 10, and 11

## **SUMMARY OF COMMENTS**

This attachment summarizes comments submitted on Dockets GS-24-425 and TL-24-426, during the scoping comment period and public hearing comment period, including key issues raised and requested mitigation measures or permit conditions. Staff believes that the ALJ has addressed all of the issues and concerns identified in the record of comments.

### **I. Scoping Comments**

Staff provides a summary of comments received during scoping to provide context on how issues raised during this initial stage of the review process were considered and addressed during the public hearing process. The scoping comments were previously considered by the Commission and were incorporated into the record as part of the environmental assessment scoping decision and the environmental assessment itself. The comments are also considered in the ALJ Report.

#### **A. Public Scoping Comments**

Several union workers and skilled tradesman in attendance at the public meetings provided comments of overall support for the project citing the project's role in meeting state clean-energy targets, and Minnesota Power's commitment to union jobs, strong safety culture, family-supporting wages/benefits, and community involvement.<sup>1</sup>

Interested citizens and nearby landowners, Jeff Best, Keith Mann, and Wes Trout provided oral and or written comments expressing several concerns about the project. These included potential declines in property value and changes to aesthetics from panels located along multiple property lines, as well as questions about the use and placement of vegetative screening. They also raised concerns about the extent of mature tree and forest removal within the project area; potential loss of wildlife habitat; the use of herbicides; possible impacts from panel glare; the height, appearance, and location of perimeter fencing relative to neighboring properties; the risk of weather-related damage to panels and associated inspection protocols; and the need for clear points of contact for adjacent landowners if issues arise after construction.<sup>2</sup>

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<sup>1</sup> See also, ALJ Report at findings 69-72.

<sup>2</sup> See also, ALJ Report at findings 73, 74, 76, and 77; and Wes Trout and Jeff Best comment letters (Document ID 20255-218719-02).

Also suggested were some potential solutions to some of the identified impacts which included: significantly increasing setbacks between solar arrays and nearby homes (to ~800–1,000 feet where feasible); retaining as much existing mature forest as possible, particularly along the Mississippi River and between homes and the project; and installing dense, native vegetative screening (including some larger plantings for immediate coverage) to soften visual impacts.

## **B. Agency and Tribal Government Scoping Comments**

Written comments were received by the Fond du Lac Band of the Lake Superior Chippewa, the Minnesota Department of Transportation (MnDOT), and the DNR.

### *1. Tribal Governments*

The Fond du Lac Band of Lake Superior Chippewa indicated that the overall project design appeared acceptable but raised concern about the site's proximity to the Mississippi River and the potential volume of runoff from the solar panels.<sup>3</sup> Minnesota Power reported that regular meetings with Fond du Lac representatives have addressed these concerns through the incorporation of stormwater retention basins in the Project's Construction Stormwater Pollution Prevention Plan.<sup>4</sup>

Minnesota Power's preapplication engagement with the Mille Lacs Band of Ojibwe and the Leech Lake Band of Ojibwe focused on potential wetland and cultural resource impacts. In response, Minnesota Power committed to field-level wetland and cultural surveys, avoidance of sensitive resources where practicable, and conducting archaeological Phase I surveys prior to any activity at bore locations. Both Tribes requested to remain in consultation as the Project advances.<sup>5</sup> The Commission did not receive any comments from the Mille Lacs Band or the Leech Lake Band during the permit application review process.

### *2. Minnesota Department of Natural Resources*

The DNR recommended that the EA address fencing, dust control, lighting, erosion control, wildlife protection, dewatering permitting thresholds, land and water crossings requiring DNR

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<sup>3</sup> See also, ALJ Report at findings 119 and 120; and Fond du Lac Band of Lake Superior Chippewa Comment Letter (April 1, 2025) (Document ID [20254-217114-01](#)).

<sup>4</sup> See also, Minnesota Power, Direct Testimony of Drew Janke at 6, (September 30, 2025) (Document ID [20259-222676-03](#)).

<sup>5</sup> See also, Minnesota Power, Site and Route Permit Application for the Boswell Solar Project (December 30, 2024), Section 5 and Appendix H.

utility licenses, and potential impacts on Native Plant Communities, as well as coordination with the Office of School Trust Lands regarding state mineral ownership. The DNR also requested that construction and vegetation reestablishment practices be described in the EA to minimize stormwater runoff, stabilize soils, and support habitat, and that the Vegetation Management Plan be consistent with DNR technical guidance for solar projects.<sup>6</sup>

*3. Minnesota Department of Transportation*

MnDOT noted the project's proximity to Trunk Highway 6 and the potential need for consultation, requested review by its District 3 Hydraulics Engineer to confirm no increase in peak runoff to the highway right-of-way, encouraged use of local-road access points where feasible, and proposed adjustments to access road locations to address spacing and sight-distance safety concerns. MnDOT also requested that the final project boundary not overlap highway right-of-way limits and that land and lease boundaries be accurately depicted where the applicant does not hold rights within the right-of-way.<sup>7</sup>

**II. PUBLIC HEARING COMMENTS**

Staff provides the following summary of comments received during the public hearings to provide background on new issues raised, issues that continue to be raised, and issues that have been addressed. The comments are also considered in the ALJ Report.<sup>8</sup>

**A. Public Comments**

Below is a summary of oral comments from members of the public during the in-person and online hearings.<sup>9</sup> The Commission did not receive any written comments in this matter from members of the public.

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<sup>6</sup> See also, ALJ Report at findings 104 and 105; and DNR Scoping Comment Letter (April 28, 2025) (Document ID 20254-218237-01 and 20254-218237-02).

<sup>7</sup> See also, ALJ Report at Finding 112; and MnDOT Scoping Comment Letter (May 5, 2025) (Document ID 20255-218589-01).

<sup>8</sup> ALJ Report, Section VI.B.3 and VI.B.4 at 12-16.

<sup>9</sup> See also, ALJ report at findings 79-90; and BENA and Cohasset Public Hearing Transcripts (September 10, 2025) (Document ID 202511-224973-01 and 202511224973-02).

Commenter Name	Organization	Hearing Location	Summary of Concerns
Nathan Runke	IUOE Local 49/Carpenters	Bena and Cohasset	Union representative; supports Boswell Solar for local union jobs, tax base, and helping meet renewable energy goals. Recommends approval of site and route permits; no specific siting or environmental mitigation requested.
Allison Ahcan	Harris Township	Cohasset	Local official; asking whether any project facilities are actually located within Harris Township or if impacts are only indirect. No specific new conditions proposed.
Emily Meyer		Cohasset	Adjacent landowner; worried the project facilities and traffic will be very close to her home and yard; concerned about removal of existing trees/shrubs that provide screening; no specific new conditions proposed.
Jeff Best		Cohasset	Lives very close to proposed site; visual impact of panels, possible reduction in property value, and removal of roadside trees. Requested more and larger screening trees (including along the county road), a written planting/maintenance plan (watering and replacement), and possibility of shifting panels farther from his house/property line.
Gordon Warren		Cohasset	Lives across the river from the project; concerned about visibility of the solar panels from his home and overall visual character. Requested clear information on panel height and visibility from his property; no specific new conditions proposed.

Commenter Name	Organization	Hearing Location	Summary of Concerns
Mike Overend		Cohasset	Generally supportive of renewable energy; wants careful siting of any future expansion, and attention to environmental and potential agricultural uses. Asked about how much funding comes from federal programs and inclusion of energy storage. No specific new conditions proposed.
Keith Mann		Cohasset	Nearby landowner; concerned that panel siting and tracking may reduce his ability to build on his land, lower property value, and add construction noise/traffic; wants design that preserves buildability, value, and rural area.
Lisa Warren		Cohasset	Lives on the river opposite project; questions who is funding the project and how it will affect customer bills; concerned about extent of views of the facility from her home and potential environmental/river impacts. Requested conditions on visual screening and tree removal to be shared with the public.
Karen Noyce		Cohasset	Wants to understand how this solar proposal fits with Minnesota Power's BlackRock acquisition proposal and with the schedule for retiring coal units at Boswell.

**B. Agency Public Hearing Comments**

**1. Minnesota Department of Natural Resources**

The DNR indicated its support for several the standard and special permit conditions recommended by EIP staff in the draft site and route permits included as Appendix C of the Environmental Assessment.<sup>10</sup> Specifically, the DNR supported the following:

- Fencing (Site Permit Standard Condition 4.3.32);
- High Value Biological Resources (Site Permit Special Condition 5.9);
- Avian Protection (Route Permit Standard Condition 5.3.16);
- Beneficial Habitat (Site Permit Standard Condition 4.3.16);
- Vegetation Management Plan (Site Permit Standard Condition 4.3.17);
- Mississippi River [Floodplain] (Site Permit Special Condition 5.12);
- Lighting (Site Permit Special Condition 5.6);
- Dust (Site Permit Special Condition 5.7); and
- Wildlife Friendly Erosion Control (Site Permit Special Condition 5.8).

Although the DNR supports the site permit fencing condition requiring consultation, it did recommend that the Minnesota Power adhere to its fencing guidance and to construct a fence that reaches a height of at least 10 feet.

The DNR further recommended that the following site permit special conditions also be included in the route permit: High Value Biological Resources, Blackwater Lake [Floodplain], Dust, and Wildlife Friendly Erosion Control.

The DNR also indicated that certain construction activities may require a Water Appropriation Permit from its agency. Staff notes that site permit condition 4.5.2 requires a permittee to “obtain all required permits for the Project and comply with the conditions of those permits.”

## *2. Vegetation Management Planning Working Group (VMPWG)*

The VMPWG indicated that the draft Vegetative Management Plan (VMP) included as Appendix F of the Joint Site Permit Application appears to be achievable to meet the anticipated permit conditions. The VMPWG did not recommend any action by the Commission at this time, but expects that Minnesota Power will coordinate with the VMPWG as it finalizes the VMP and will address any outstanding items in its pre-construction VMP submittal, including the development of diverse native seed mixes and substitutions suitable for the site; refinement of

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<sup>10</sup> DNR Public Hearing Comment Letter (September 24, 2025) (Document ID 20259-223253-01 and 20259-223253-01).

the installation, management, and monitoring plans; and clarification of project-specific details and management units.<sup>11</sup>

*3. Minnesota Department of Agriculture (MDA)*

MDA's comments were limited to the Agricultural Impact Mitigation Plan (AIMP). After reviewing the final AIMP, MDA indicated that agricultural issues have been satisfactorily addressed.<sup>12</sup>

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<sup>11</sup> VMPWG Public Hearing Comment Letter (September 25, 2025) (Document ID 20259-223315-01).

<sup>12</sup> MDA Public Hearing Comment Letter (October 9, 2025) (Document ID 202510-223754-01).

**Table 1**  
**Proposed Site and Route Permit Language**

Condition No.	Permit Type	Issue	Permit Section	Recommended Permit Language	Proposed Modifications	Comments
<b>Site Permit Conditions</b>						
SP1	Site Permit	Visual Screening Plan	5.1	<p><u>The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences and roadsides. The Visual Screening Plan shall at a minimum include:</u></p> <p><u>A. objectives for screening of nearby residences and roadsides; and</u></p> <p><u>B. a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance.</u></p> <p><u>The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3 of the Site Permit. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years.</u></p>	None	<p>NEW Special Condition recommended by EIP staff based on comments in the record.</p> <p>The condition was also recommended by ALJ and acceptable to Minnesota Power.</p>

Condition No.	Permit Type	Issue	Permit Section	Recommended Permit Language	Proposed Modifications	Comments
				<p><u>At least 14 days prior to the pre-construction meeting, the Permittee shall file:</u></p> <p><u>C. the Visual Screening Plan;</u></p> <p><u>D. documentation of coordination between landowners within 500 feet of the site boundary; and</u></p> <p><u>E. an affidavit of its distribution of the Visual Screening Plan to landowners within 500 feet of the site boundary.</u></p>		
SP2	Site Permit	Roadside Vegetation Management	5.2	<p><u>The Permittee shall consult with MnDOT regarding vegetation design and management between the Project area and State Highway 6. The Permittee shall retain or plant vegetation, as requested by MnDOT, necessary for safety requirements. The Permittee shall coordinate with MnDOT, necessary for safety requirements. The Permittee shall coordinate with MnDOT regarding vegetative designs and management necessary to ensure the safe operation of State Highway 6. The Permittee shall provide documentation of its coordination with MnDOT to the Commission in its Site Plan filed under Section 8.3 of the Site Permit.</u></p>		<p>NEW Special Condition recommended by EIP staff in response to MnDOT concern.</p> <p>The condition was also recommended by ALJ and acceptable to Minnesota Power.</p>

Condition No.	Permit Type	Issue	Permit Section	Recommended Permit Language	Proposed Modifications	Comments
SP3	Site Permit	Cultural Resource Consultation	5.3	<u>The Permittee shall consult with the Leech Lake Band Ojibwe and the Minnesota Department of Transportation (MnDOT) on cultural resource matters, including any cultural discoveries encountered during construction, and/or anticipated impacts to culturally relevant resources.</u>		NEW Special Condition recommended by EIP staff based on comments in the record.  Condition was also recommended by ALJ and acceptable to Minnesota Power.
SP4	Site Permit	Tribal Engagement	5.4	<u>The Permittee shall consult with local Native American tribes, including the Leech Lake Band of Ojibwe in order to provide meaningful Tribal involvement and economic and workforce development opportunities in the Project. The Permittee must document engagement with Tribal members, including any hiring of Tribal members and the utilization of Tribal businesses for the Project in its labor statistics reporting required under Section 8.5 of its Site Permit during the construction phase of the Project.</u>		NEW Special Condition recommended by EIP staff based on comments in the record.  Condition was also recommended by ALJ and acceptable to Minnesota Power.
SP5	Site Permit	Unanticipated Discoveries Plan	5.5	<u>The Permittee shall create an Unanticipated Discoveries Plan (UDP) to identify guidelines to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during</u>		NEW Special Condition recommended by EIP staff based on comments in the record.  Condition was also recommended by ALJ and acceptable to Minnesota Power.

Condition No.	Permit Type	Issue	Permit Section	Recommended Permit Language	Proposed Modifications	Comments
				<p><u>construction. The UDP shall describe how previously unrecorded, non-human burial, archeological sites found during construction shall be marked and all construction work must stop at the discovery location. The UDP shall include that if any archaeological materials or features are encountered during construction of the Project, all work must cease, and the Leech Lake Band of Ojibwe Tribal Historic Preservation Officer and the Heritage Sites Program Director must be contacted immediately to assess and execute mitigation procedures. Should human remains be encountered, all work must cease and the Cass County Sheriff, the Leech Lake Band of Ojibwe Tribal Historic Preservation Officer, and the Office of the State Archaeologist must be contacted immediately. The Permittee is required to file the UDP with the Commission at least 14 days prior to the preconstruction meeting.</u></p>		
SP6	Site Permit	Facility Lighting	5.6	<p><u>The Permittee shall use shielded and downward facing lighting and LED lighting that minimizes blue hue at the project substation and maintenance facility. Downward facing lighting must be clearly visible on the site plan submitted for the project.</u></p>		<p>NEW Special Condition recommended by EIP staff based on comments in the record.</p> <p>Condition was also recommended by ALJ and acceptable to Minnesota Power.</p>

Condition No.	Permit Type	Issue	Permit Section	Recommended Permit Language	Proposed Modifications	Comments
						Supported by DNR.
SP7	Site Permit	Dust Control	5.7	<u>The Permittee shall utilize non-chloride products for onsite dust control during construction.</u>		<p>NEW Special Condition recommended by EIP staff based on comments in the record.</p> <p>Condition was also recommended by ALJ and acceptable to Minnesota Power.</p> <p>Supported by DNR.</p>
SP8	Site Permit	Wildlife Friendly Erosion Control	5.8	<u>The Permittee shall use only “bio-netting” or “natural netting” types of erosion control materials and mulch products without synthetic fiber additives or malachite green dye.</u>		<p>NEW Special Condition recommended by EIP staff based on comments in the record.</p> <p>Condition was also recommended by ALJ and acceptable to Minnesota Power.</p> <p>Supported by DNR.</p>
SP9	Site Permit	High Value Biological Resources	5.9	<u>The Permittee shall comply with DNR recommendations provided in the Natural Heritage Review Letter to avoid or minimize impacts to high-value biological resources including native plant communities and sites of biodiversity significance. If impacts to resources occur, the Permittee must document the impact and consult with the DNR or the appropriate local government unit under</u>		<p>NEW Special Condition recommended by EIP staff based on comments in the record.</p> <p>Condition was also recommended by ALJ and acceptable to Minnesota Power.</p> <p>Supported by DNR.</p>

Condition No.	Permit Type	Issue	Permit Section	Recommended Permit Language	Proposed Modifications	Comments
				<u>the Wetland Conservation Act to determine mitigate strategies.</u>		
SP10	Site Permit	Northern Long Eared Bat	5.10	<u>The Permittee shall comply with the U.S. Fish and Wildlife Services and the DNR guidance and requirements in effect regarding the Northern Long Eared Bat, including the avoidance of tree removal from June 1 through August 15.</u>		NEW Special Condition recommended by EIP staff based on comments in the record.  Condition was also recommended by ALJ and acceptable to Minnesota Power.
SP11	Site Permit	Bald Eagles	5.11	<u>If the Permittee, in consultation with the U.S. Fish and Wildlife Service, determines a bald eagle nest must be removed for construction of the Project, the Permittee must file with the Commission the documentation authorizing any such nest removal at least 14 days prior to the pre-construction meeting.</u>		NEW Special Condition recommended by EIP staff based on comments in the record.  Condition was also recommended by ALJ and acceptable to Minnesota Power.
SP12	Site Permit	Mississippi River	5.12	<u>The Permittee must consult with the DNR and the Mississippi Headwaters Board regarding potential impacts to the Mississippi River due to construction activities, including tree removal and erosion on the shoreline. The Permittee shall provide documentation of its coordination with the DNR and the Mississippi Headwaters Board to the Commission in its Site Plan filed under Section 8.3 of the Site Permit.</u>		NEW Special Condition recommended by EIP staff based on comments in the record.  Condition was also recommended by ALJ and acceptable to Minnesota Power.  Supported by DNR.

Condition No.	Permit Type	Issue	Permit Section	Recommended Permit Language	Proposed Modifications	Comments
SP13	Site Permit	Emergency Response	8.12	<p>The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. <u>The ERP shall include specific training and response plans for impacts related to 100-year storm and flooding events.</u> 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.</p>		Modified standard condition recommended by EIP staff in its exceptions.
SP14	Site Permit	Application of Pesticides	4.3.19	<p>The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the MDA, DNR, and the U.S. Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be</p>		Proposed by PUC staff to be consistent with recent Commission-issued site permits and as requested by Minnesota Power in its Direct Testimony of Drew Janke.

Condition No.	Permit Type	Issue	Permit Section	Recommended Permit Language	Proposed Modifications	Comments
				<p>applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. <u>The Permittee shall use the MDA's Apiary Registry</u> (<a href="https://mn.beecheck.org/map">https://mn.beecheck.org/map</a>) to <u>identify known apiaries for purposes of compliance with this condition</u>. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commission staff.</p>		
SP15	Site Permit	Tree Replacement	5.13	<p><u>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</u></p>	<p>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 <u>in Itasca County near the project area</u>, and file the plan with the</p>	<p>NEW Special Condition recommended by EIP staff based on comments in the record.</p> <p>Deemed unnecessary by the ALJ, but if required by Commission, the ALJ recommended the modified language.</p>

Condition No.	Permit Type	Issue	Permit Section	Recommended Permit Language	Proposed Modifications	Comments
				<u>days before the pre-construction meeting.</u>	Commission at least 14 days before the pre-construction meeting.  <u>All costs associated with any tree replanting requirement shall be recoverable under the Renewable Resources Rider.</u>	Minnesota Power is not in agreement with condition.  EIP staff indicated that it supports the ALJ's modified language.
<b>Route Permit Conditions</b>						
RP1	Route Permit	Dust Control	6.3	<u>The Permittee shall utilize non-chloride products for onsite dust control during construction.</u>		NEW Special Condition recommended by EIP staff in response to DNR recommendation.  Condition was also recommended by ALJ and acceptable to Minnesota Power.
RP2	Route Permit	Wildlife Friendly Erosion Control	6.4	<u>The Permittee shall use only "bio-netting" or "natural netting" types of erosion control materials and mulch products without synthetic (plastic) fiber additives or malachite green dye.</u>		NEW Special Condition recommended by EIP staff in response to DNR recommendation.  Condition was also recommended by ALJ and acceptable to Minnesota Power.
RP3	Route Permit	High Value Biological Resources	6.1	<u>The Permittee shall comply with Minnesota Department of Natural Resources (DNR) recommendations provided in their Natural Heritage</u>		NEW Special Condition recommended by EIP staff in response to DNR recommendation.

Condition No.	Permit Type	Issue	Permit Section	Recommended Permit Language	Proposed Modifications	Comments
				<u>Review Letter to avoid or minimize impacts to high-value biological resources including native plant communities and sites of biodiversity significance. If impacts to resources occur, the permittee shall document the impact and consult with the DNR or the appropriate LGU under WCA to determine mitigation strategies.</u>		Condition was also recommended by ALJ and acceptable to Minnesota Power.
RP4	Route Permit	Blackwater Lake	6.2	<u>The Permittee shall consult with the Minnesota Department of Natural Resources (DNR) regarding potential impacts to Blackwater Lake due to construction activities, including tree removal and erosion on the shoreline.</u> <u>The Permittee shall provide documentation of its coordination with DNR to the Commission in its plan and profile filed under Section 9.2.</u>		NEW Special Condition recommended by EIP staff in response to DNR recommendation.  Condition was also recommended by ALJ and acceptable to Minnesota Power.
RP5	Route Permit	Application of Pesticides	5.3.11	The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the MDA, DNR, and the U.S. Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days		Proposed by PUC staff to be consistent with recent Commission-issued route permits and as requested by Minnesota Power in its Direct Testimony of Drew Janke.

Condition No.	Permit Type	Issue	Permit Section	Recommended Permit Language	Proposed Modifications	Comments
				<p>prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. <u>The Permittee shall use the MDA's Apiary Registry (<a href="https://mn.beecheck.org/map">https://mn.beecheck.org/map</a>) to identify known apiaries for purposes of compliance with this condition.</u> The Permittee shall keep pesticide communication and application records and provide them upon the request of Commission staff.</p>		

**Notes:** The ALJ Report provides information on permit conditions at findings 269 to 287.

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

SITE PERMIT FOR  
THE BOSWELL SOLAR PROJECT

A SOLAR ENERGY GENERATING SYSTEM

IN  
ITASCA COUNTY

ISSUED TO  
MINNESOTA POWER

PUC DOCKET NO. E015/GS-24-425

In accordance with the requirements of Minnesota Statutes Chapter 216I this site permit is hereby issued to:

**Minnesota Power**

Minnesota Power is authorized by this site permit to construct and operate the Boswell Solar Project, an up-to-85-megawatt solar energy generating system and associated facilities located in Itasca County, Minnesota.

The solar energy generating system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

This site permit shall expire 30 years from the date of this approval.

Approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_

BY ORDER OF THE COMMISSION

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Sasha Bergman,  
Executive Secretary

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### ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedures for Permitted Energy Facilities

Attachment 3 – Site Permit Maps

## 1 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Minnesota Power (Permittee) pursuant to Minnesota Statutes Chapter 216I. This site permit authorizes the Permittee to construct and operate an up-to-85-megawatt solar energy generating system in Itasca County, Minnesota (Project or Boswell Solar Project). The solar energy generating system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

### 1.1 Pre-emption

Pursuant to Minn. Stat. § 216I.18, this site permit shall be the sole site approval required for the location, construction, and operation of the solar energy generating system and this site permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose governments.

## 2 PROJECT DESCRIPTION

The Project site encompasses approximately 1,345 acres of privately owned land within which includes a 499-acre solar energy generating system footprint and transmission line right-of-way. The main components of the Project include, but are not limited to, single axis tracking photovoltaic arrays, electrical collector lines, inverters, transformers, security fencing, access roads, stormwater basins, meteorological stations, and a project substation.

The Project is located in the following:

County	Township Name	Township	Range	Section
Itasca	Leech Lake Band of Ojibwe	55N	27W	2
Itasca	Deer Lake Township	55N	27W	1, 11, 12
Itasca	City of Cohasset	55N	26W	6, 7, 18

### 2.1 Project Ownership

At least 14 days prior to the pre-construction meeting, the Permittee shall file a description of its ownership structure, identifying, as applicable:

- A. the owner(s) of the financial and governance interests of the Permittee;
- B. the owner(s) of the majority financial and governance interests of the Permittee's owners; and

- C. the Permittee's ultimate parent entity (meaning the entity which is not controlled by any other entity).

The Permittee shall notify the Commission of:

- D. a change in the owner(s) of the majority\* financial or governance interests in the Permittee; or
- E. a change in the owner(s) of the majority\* financial or governance interests of the Permittee's owners; or
- F. a sale which changes the ultimate parent entity of the Permittee

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

Also, in the event of an ownership change, the new Permittee must provide the Commission with a certification that it has read, understands and is able to comply with the conditions of this permit.

### **3 DESIGNATED SITE**

The site designated by the Commission for the Project is depicted on the site maps attached to this site permit (Designated Site). The site maps show the approximate location of photovoltaic tracker rows and associated facilities within the Designated Site and identify a layout that seeks to minimize the overall potential human and environmental impacts of the Project, as they were evaluated in the permitting process.

The Designated Site serves to provide the Permittee with the flexibility to make minor adjustments to the layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to the location of a photovoltaic tracker row or associated facility shall be done in such a manner as to have human and environmental impacts that are comparable to those associated with the layouts on the maps attached to this site permit. The Permittee shall identify any modifications in the Site Plan pursuant to Section 8.3.

### **4 GENERAL CONDITIONS**

The Permittee shall comply with the following conditions during construction and operation of the solar energy generating system over the life of this site permit.

#### **4.1 Site Permit Distribution**

Within 30 days of issuance of this site permit, the Permittee shall provide all affected landowners with a copy of this site permit and the complaint procedures. An affected landowner is any landowner or designee that is within or adjacent to the permitted site. In no case shall a landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall also provide a copy of this site permit and the complaint procedures to the applicable regional development commissions, county environmental offices, and city and township clerks. The Permittee shall file with the Commission an affidavit of its site permit and complaint procedures distribution within 30 days of issuance of this site permit.

#### **4.2 Access to Property**

The Permittee shall notify landowners prior to entering or conducting maintenance within their property, unless otherwise negotiated with the landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **4.3 Construction and Operation Practices**

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the permitting record for this Project unless this site permit establishes a different requirement in which case this site permit shall prevail.

##### **4.3.1 Field Representative**

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

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission

an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

#### **4.3.2 Site Manager**

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

The Permittee shall file the name, address, email, phone number, and emergency phone number of the site manager with the Commission within 14 days prior to the pre-operation meeting. The Permittee shall provide the site manager's contact information to landowners within or adjacent to the Project Boundary, local government units and other interested persons at least 14 days prior to the pre-operation meeting. The Permittee may change the site manager at any time upon notice to the Commission, landowners within or adjacent to the Project Boundary, local government units, and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its change to the site manager's contact information at least 14 days prior to the pre-operation meeting and upon changes to the site manager.

#### **4.3.3 Employee Training on Site Permit Terms and Conditions**

The Permittee shall train and educate all employees, contractors, and other persons involved in the construction and ongoing operation of the solar energy generating system of the terms and conditions of this site permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **4.3.4 Independent Third-Party Monitoring**

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct construction monitoring on behalf of the Commission. The scope of work shall be developed in consultation with Commission staff and approved by the Commission's Executive Secretary. This third-party monitor will report directly to and will be under the control of the Commission with costs borne by the Permittee.

The Permittee shall file with the Commission the approved scope of work and the name, address, email, and telephone number of the third party-monitor at least 30 days prior to beginning construction and upon any change in contact information that may occur during construction of the Project.

Commission staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed with the Commission in accordance with the approved scope of work.

#### **4.3.5 Public Services, Public Utilities, and Existing Easements**

During Project construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these shall be temporary, and the Permittee shall restore service promptly. Where any impacts to utilities have the potential to occur the Permittee shall work with both landowners and local entities to determine the most appropriate mitigation measures if not already considered as part of this site permit.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **4.3.6 Temporary Workspace**

The Permittee shall select temporary workspace and equipment staging areas that limit the removal and impacts to vegetation. The Permittee shall not site temporary workspace in wetlands or native prairie as defined in sections 4.3.13 and 4.3.14. The Permittee shall site temporary workspace to comply with standards for development of the shorelands of public waters as defined in Section 4.3.13. The Permittee shall obtain temporary easements outside of the authorized Project Boundary from affected landowners through rental agreements. Temporary easements are not provided for in this site permit.

#### **4.3.7 Noise**

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080, at all times and at all appropriate locations during operation of the Project. The Permittee shall limit construction and maintenance activities to daytime working hours to the extent practicable.

#### **4.3.8 Aesthetics**

The Permittee shall consider input pertaining to visual impacts from landowners and the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Project during construction and operation.

#### **4.3.9 Topsoil Protection**

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

#### **4.3.10 Soil Compaction**

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the Project's life and shall confine compaction to as small an area as feasible. The Permittee shall use soil decompaction measures on all lands utilized for Project construction and travelled on by heavy equipment (e.g., cranes and heavy trucks), even when soil compaction minimization measures are used.

#### **4.3.11 Soil Erosion and Sediment Control**

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program. If construction of the Project disturbs more than one acre of land or is sited in an area designated by the MPCA as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit from the MPCA that provides for the development of a Stormwater Pollution Prevention Plan that describes methods to control erosion and runoff.

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

#### **4.3.12 Public Lands**

In no case shall photovoltaic tracker rows and associated facilities including foundations, access roads, underground cable, and transformers, be located in the public lands identified in Minn. R. 7850.4400, subp. 1, or in federal waterfowl production areas. Photovoltaic tracker rows and associated facilities shall not be located in the public lands identified in Minn. R. 7850.4400, subp. 3, unless there is no feasible and prudent alternative.

#### **4.3.13 Wetlands and Water Resources**

The Permittee shall not place the solar energy generating system or associated facilities in public waters and public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources (DNR) and the United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetlands Conservation Act. The Permittee shall locate the solar energy generating system and associated facilities in compliance with the standards for development of the shorelands of public waters as identified in Minn. R. 6120.3300, and as adopted, Minn. R. 6120.2800, unless there is no feasible and prudent alternative.

The Permittee shall construct in wetland areas during frozen ground conditions, to the extent feasible, to minimize impacts. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. The Permittee shall contain and manage soil excavated from the wetlands and riparian areas in accordance with all applicable wetland permits. The Permittee shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. The Permittee shall meet the USACE, DNR, Minnesota Board of Water and Soil Resources, and local government wetland and water resource requirements.

#### **4.3.14 Native Prairie**

The Permittee shall not place the solar energy generating system or associated facilities in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and not located in areas enrolled in the Native Prairie Bank Program. The Permittee shall not impact native prairie during construction activities, as defined in Minn. Stat. § 216I.02, subd. 4, unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the Project Boundary. The Permittee shall file the prairie protection and management plan with the Commission at least 30 days prior to submitting the Site Plan required by Section 8.3 of this site permit. The prairie protection and management plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by

restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission.

#### **4.3.15 Vegetation Removal**

The Permittee shall disturb or clear vegetation within the Designated Site only to the extent necessary to assure the safe construction, operation, and maintenance of the Project. The Permittee shall minimize the number of trees removed within the Designated Site specifically preserving to the maximum extent practicable windbreaks, shelterbelts, and living snow fences.

#### **4.3.16 Beneficial Habitat**

The Permittee shall implement site restoration and management practices that provide for native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators; and that enhances soil water retention and reduces storm water runoff and erosion. To ensure continued management and recognition of beneficial habitat, the Permittee is encouraged to meet the standards for Minnesota's Habitat Friendly Solar Program by submitting project plans, seed mixes, a completed project planning assessment form, and any other applicable documentation used to meet the standard to the Board of Water and Soil Resources (BWSR). If the Permittee chooses to participate in Minnesota's Habitat-Friendly Solar Program, it shall file documents required to be filed with BWSR for meeting and maintaining Habitat Friendly Solar Certification with the Commission.

#### **4.3.17 Vegetation Management Plan**

The Permittee shall develop a vegetation management plan (VMP), in coordination with the Commission, and the Vegetation Management Working Group (VMWG), using best management practices established by the DNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the coordinating agencies with the Commission at least 14 days prior to the pre-construction meeting.

Landowner-specific vegetation requests resulting from individual consultation between the Company and a landowner need not be included in the VMP. The Permittee shall provide all landowners within the Designated Site copies of the VMP. The Permittee shall file with the Commission an affidavit of its distribution of the VMP to landowners at least 14 days prior to the pre-construction meeting.

The VMP must include the following:

- A. management objectives addressing short term (year 0-5, seeding and establishment) and long term (year 5 through the life of the Project) goals;
- B. a description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (e.g., broadcast, drilling, etc.), and the types of seed mixes to be used;
- C. a description of how the site will be monitored and evaluated to meet management goals;
- D. a description of the management tools used to maintain vegetation (e.g., mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities;
- E. identification of the third-party (e.g., consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site;
- F. identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized; and
- G. a marked-up copy of the Site Plan showing how the site will be revegetated and that identifies the corresponding seed mixes.

Best management practices should be followed concerning seed mixes, seeding rates, and cover crops.

#### **4.3.18 Agricultural Impact Mitigation Plan**

The Permittee shall develop an agricultural impact mitigation plan (AIMP) in coordination with the Minnesota Department of Agriculture (MDA). The Permittee shall provide landowners within the Designated Site a copy of the AIMP. The Permittee shall file with the Commission the AIMP and an affidavit of the AIMP distribution to landowners at least 14 days prior to the pre-construction meeting.

#### **4.3.19 Application of Pesticides**

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the MDA, DNR, and the U.S. Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards,

tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall use the MDA's Apiary Registry (<https://mn.beecheck.org/map>) to identify known apiaries for purposes of compliance with this condition. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commission staff.

#### **4.3.20 Invasive Species**

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by Project construction activities. The Permittee shall develop an Invasive Species Prevention Plan and file it with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.

#### **4.3.21 Noxious Weeds**

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **4.3.22 Roads**

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city, or township roads that will be used during the construction phase of the Project. Where practical, existing roadways shall be used for all activities associated with construction of the Project. Oversize or overweight loads associated with the Project shall not be hauled across public roads without required permits and approvals.

The Permittee shall locate all perimeter fencing and vegetative screening in a manner that does not interfere with routine road maintenance activities and allows for continued safe travel on public roads.

The Permittee shall construct the fewest number of site access roads required. Access roads shall not be constructed across streams and drainage ways without the required permits and

approvals. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **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, in accordance with Minn. Stat. Ch. 307 (Private Cemeteries Act), immediately halt construction and promptly notify local law enforcement and the State Archaeologist. 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 Commission staff.

#### **4.3.24 Interference**

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the Project, the Permittee shall take whatever action is necessary to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the Project. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **4.3.25 Drainage Tiles**

The Permittee shall avoid, promptly repair, or replace all drainage tiles broken or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner.

The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **4.3.26 Restoration**

The Permittee shall restore the areas affected by construction of the Project to the condition that existed immediately before construction began to the greatest extent possible. The time period to complete restoration may be no longer than 12 months after the completion of construction, unless otherwise negotiated with the affected landowner. Restoration shall be compatible with the safe operation, maintenance, and inspection of the Project. Within 60 days after completion of all restoration activities, the Permittee shall file with the Commission a Notice of Restoration Completion.

#### **4.3.27 Cleanup**

The Permittee shall remove and properly dispose of all construction waste and scrap from the right-of-way and all premises on which construction activities were conducted upon completion of each task. The Permittee shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities daily.

#### **4.3.28 Pollution and Hazardous Wastes**

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

#### **4.3.29 Damages**

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damage sustained during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **4.3.30 Public Safety**

The Permittee shall provide educational materials to landowners within and adjacent to the Designated Site and, upon request, to interested persons about the Project and any restrictions or dangers associated with the Project. The Permittee shall also implement any necessary safety measures such as placing warning signs and gates for traffic control or restricting public

access. The Permittee shall file with the Commission an affidavit of its public safety notifications at least 14 days before the pre-construction meeting.

The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of the construction of the Project.

#### **4.3.31 Site Identification**

The Permittee shall mark the solar energy generating system with a clearly visible identification number and or street address.

#### **4.3.32 Security Fencing**

The Permittee shall design the security fence surrounding the solar energy generating system to minimize the visual impact of the Project while maintaining compliance with the National Electric Safety Code. The Permittee shall develop a final fence plan for the specific site in coordination with the Commission and the DNR. The final fence plan shall be submitted to the Commission as part of the Site Plan pursuant to Section 8.3.

### **4.4 Feeder Lines**

The Permittee may use overhead or underground feeder lines to carry power from an internal Project interconnection point to the Project substation or interconnection point on the electrical grid. The Permittee shall place overhead and underground feeder lines that parallel public roads within the public right-of-way or on private land immediately adjacent to the road. The Permittee shall obtain approval from the landowner or government unit responsible for the affected right-of-way.

The Permittee shall locate feeder lines in such a manner as to minimize interference with agricultural operations including but not limited to existing drainage patterns, drain tile, future tiling plans, and ditches. The Permittee shall place safety shields on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the Site Plan pursuant to Section 8.3.

### **4.5 Other Requirements**

#### **4.5.1 Safety Codes and Design Requirements**

The Permittee shall design the solar energy generating system and associated facilities to meet or exceed all relevant local and state codes, the National Electric Safety Code, and North

American Electric Reliability Corporation requirements. This includes standards relating to clearances to ground, clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements. The Permittee shall keep records of compliance with these standards and provide them upon the request of Commission staff.

#### **4.5.2 Other Permits and Regulations**

The Permittee shall comply with all applicable state statutes and rules. The Permittee shall obtain all required permits for the Project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission an Other Permits and Regulations Submittal that contains a detailed status of all permits, authorizations, and approvals that have been applied for specific to the Project. The Other Permits and Regulations Submittal shall also include the permitting agency name; the name of the permit, authorization, or approval being sought; contact person and contact information for the permitting agency or authority; brief description of why the permit, authorization, or approval is needed; application submittal date; and the date the permit, authorization, or approval was issued or is anticipated to be issued.

The Permittee shall demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as such and an updated Other Permits and Regulations Submittal prior to commencing Project construction. The Permittee shall provide a copy of any such permits, authorizations, and approvals at the request of Commission staff.

### **5 SPECIAL CONDITIONS**

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

#### **5.1 Visual Screening Plan**

The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences and roadsides. The Visual Screening Plan shall at a minimum include:

- A. objectives for screening of nearby residences and roadsides; and**

B. a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance.

The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3 of the Site Permit. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years.

At least 14 days prior to the pre-construction meeting, the Permittee shall file:

C. the Visual Screening Plan;

D. documentation of coordination between landowners within 500 feet of the site boundary; and

E. an affidavit of its distribution of the Visual Screening Plan to landowners within 500 feet of the site boundary.

## **5.2 Roadside Vegetation Management**

The Permittee shall consult with the Minnesota Department of Transportation (MnDOT) regarding vegetation design and management between the Project area and State Highway 6. The Permittee shall retain or plant vegetation, as requested by MnDOT, necessary for safety requirements. The Permittee shall coordinate with MnDOT, necessary for safety requirements. The Permittee shall coordinate with MnDOT regarding vegetative designs and management necessary to ensure the safe operation of State Highway 6. The Permittee shall provide documentation of its coordination with MnDOT to the Commission in its Site Plan filed under Section 8.3 of the Site Permit.

## **5.3 Cultural Resource Consultation**

The Permittee shall consult with the Leech Lake Band Ojibwe and MnDOT on cultural resource matters, including any cultural discoveries encountered during construction, and/or anticipated impacts to culturally relevant resources.

## **5.4 Tribal Engagement**

The Permittee shall consult with local Native American tribes, including the Leech Lake Band of Ojibwe in order to provide meaningful Tribal involvement and economic and workforce development opportunities in the Project. The Permittee must document engagement with

Tribal members, including any hiring of Tribal members and the utilization of Tribal businesses for the Project in its labor statistics reporting required under Section 8.5 of its Site Permit during the construction phase of the Project.

#### **5.5 Unanticipated Discoveries Plan**

The Permittee shall create an Unanticipated Discoveries Plan (UDP) to identify guidelines to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during construction. The UDP shall describe how previously unrecorded, non-human burial, archeological sites found during construction shall be marked and all construction work must stop at the discovery location. The UDP shall include that if any archaeological materials or features are encountered during construction of the Project, all work must cease, and the Leech Lake Band of Ojibwe Tribal Historic Preservation Officer and the Heritage Sites Program Director must be contacted immediately to assess and execute mitigation procedures. Should human remains be encountered, all work must cease and the Cass County Sheriff, the Leech Lake Band of Ojibwe Tribal Historic Preservation Officer, and the Office of the State Archaeologist must be contacted immediately. The Permittee is required to file the UDP with the Commission at least 14 days prior to the preconstruction meeting.

#### **5.6 Facility Lighting**

The Permittee shall use shielded and downward facing lighting and LED lighting that minimizes blue hue at the project substation and maintenance facility. Downward facing lighting must be clearly visible on the site plan submitted for the project.

#### **5.7 Dust Control**

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

#### **5.8 Wildlife Friendly Erosion Control**

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

#### **5.9 High Value Biological Resources**

The Permittee shall comply with DNR recommendations provided in the Natural Heritage Review Letter to avoid or minimize impacts to high-value biological resources including native

plan communities and sites of biodiversity significance. If impacts to resources occur, the Permittee must document the impact and consult with the DNR or the appropriate local government unit under the Wetland Conservation Act to determine mitigate strategies.

#### **5.10 Northern Long Eared Bat**

The Permittee shall comply with the U.S. Fish and Wildlife Services (USFWS) and the DNR guidance and requirements in effect regarding the Northern Long Eared Bat, including the avoidance of tree removal from June 1 through August 15.

#### **5.11 Bald Eagles**

If the Permittee, in consultation with the USFWS, determines a bald eagle nest must be removed for construction of the Project, the Permittee must file with the Commission the documentation authorizing any such nest removal at least 14 days prior to the pre-construction meeting.

#### **5.12 Mississippi River**

The Permittee must consult with the DNR and the Mississippi Headwaters Board regarding potential impacts to the Mississippi River due to construction activities, including tree removal and erosion on the shoreline. The Permittee shall provide documentation of its coordination with the DNR and the Mississippi Headwaters Board to the Commission in its Site Plan filed under Section 8.3 of the Site Permit.

### **6 DELAY IN CONSTRUCTION**

If the Permittee has not commenced construction or improvement of the site within four years after the date of issuance of this site permit the Permittee shall file a Failure to Construct Report and the Commission shall consider revocation or suspension of this site permit in accordance with Minn. Stat. §§ 216I.14 and 216I.24.

### **7 COMPLAINT PROCEDURES**

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the complaint procedures that will be used to receive and respond to complaints. The complaint procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this site permit.

Upon request, the Permittee shall assist Commission staff with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

## **8 COMPLIANCE REQUIREMENTS**

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

### **8.1 Pre-Construction Meeting**

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

### **8.2 Pre-Operation Meeting**

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

### **8.3 Site Plan**

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission and provide the counties where the Project will be constructed, a Site Plan that includes specifications and drawings for site preparation and grading; specifications and locations of the solar energy generating system and associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the Designated Site, solar energy generating system, and associated facilities layout in relation to that approved by this site permit.

The Permittee may not commence construction until the earlier of (i) 30 days after the pre-construction meeting or (ii) or until the Commission staff has notified the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this site permit.

If the Commission notifies the Permittee in writing within 30 days after the pre-construction meeting that it has completed its review of the documents and planned construction, and finds that the planned construction is not consistent with this site permit, the Permittee may submit additional and/or revised documentation and may not commence construction until the Commission has notified the Permittee in writing that it has determined that the planned construction is consistent with this site permit.

If the Permittee intends to make any significant changes in its Site Plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission and county staff at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this site permit.

#### **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 the issuance of this site permit until the pre-construction meeting. The status updates shall include information on the Project's Midcontinent Independent System Operator (MISO) interconnection process, if applicable.

#### **8.5 Labor Statistic Reporting**

The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:

- A. detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers; and
- B. provide an account of:
  1. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7;

2. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and
3. the total gross hours worked or total full-time equivalent workers.

Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

#### **8.6 Prevailing Wage**

The Permittee, its contractors, and subcontractors shall pay no less than the prevailing wage rate as defined in Minn. Stat. § 177.42 and shall be subject to the requirements and enforcement provisions under Minn. Stat. §§ 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45. The Permittee shall keep records of contractor and subcontractor pay and provide them at the request of Commission staff.

#### **8.7 In-Service Date**

At least three days before the Project is to be placed into service, the Permittee shall notify the Commission of the date on which the Project will be placed into service and the date on which construction was completed.

#### **8.8 As-Builts**

Within 90 days after completion of construction, the Permittee shall submit to the Commission copies of all final as-built plans and specifications developed during the Project construction.

#### **8.9 GPS Data**

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (e.g., ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the Project.

#### **8.10 Right of Entry**

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

- A. To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- B. To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- C. To sample and monitor upon the facilities easement of the property.
- D. To examine and copy any documents pertaining to compliance with the conditions of this site permit.

### **8.11 Project Energy Production**

The Permittee shall, by February 1st following each complete or partial year of Project operation, file a report with the Commission on the monthly energy production of the facility including:

- A. the installed nameplate capacity of the permitted facility;
- B. the total daily energy generated by the facility in MW hours;
- C. the total monthly energy generated by the facility in MW hours;
- D. the monthly capacity factor of the facility;
- E. yearly energy production and capacity factor for the facility;
- F. the average monthly and average annual solar strength gradient measured in kWh/m<sup>2</sup>/Day observed at the facility;
- G. the operational status of the facility and any major outages, major repairs, or performance improvements occurring in the previous year; and
- H. any other information reasonably requested by the Commission.

The Permittee shall file this information in a format recommended by Commission staff. This information shall be considered public and must be filed electronically.

### **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.

### **8.13 Extraordinary Events**

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

### **8.14 Wildlife Injuries and Fatalities**

The Permittee shall report any wildlife injuries and fatalities to the Commission quarterly.

## **9 DECOMMISSIONING AND RESTORATION**

### **9.1 Decommissioning Plan**

The Permittee shall comply with the provisions of the most recently filed and accepted Decommissioning Plan. The initial version of the Decommissioning Plan was submitted for this Project as Appendix G of the Joint Site and Route Permit Application dated December 30, 2024. The Permittee shall file an updated Decommissioning Plan incorporating comments and information from the permit application process and any updates associated with the final construction plans with the Commission at least fourteen 14 days prior to the pre-construction meeting. The Permittee shall update and file the Decommissioning Plan with the Commission every five years following the commercial operation date.

The Decommissioning Plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The Decommissioning Plan shall provide an itemized breakdown of costs of decommissioning all Project components, which shall include labor and equipment. The Decommissioning Plan shall identify cost

estimates for the removal of solar panels, racks, underground collection cables, access roads, transformers, substations, and other Project components. The Decommissioning Plan may also include anticipated costs for the replacement of panels or repowering the Project by upgrading equipment.

The Permittee shall also submit the Decommissioning Plan to the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the Project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

### **9.2 Site Final Restoration**

Upon expiration of this site permit or upon termination of operation of the Project, the Permittee shall have the obligation to dismantle and remove from the site all solar panels, mounting steel posts and beams, inverters, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment in accordance with the most recently filed and accepted decommissioning plan. To the extent feasible, the Permittee shall restore and reclaim the site to pre-project conditions. Landowners may require the site be returned to agricultural production or may retain restored prairie vegetation, or other land uses as agreed to between the landowner and the Permittee. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be filed with the Commission prior to commencing restoration activities. The Permittee shall restore the site in accordance with the requirements of this condition and file a Notification of Final Restoration Completion to the Commission within 18 months of termination of operation of the Project.

### **9.3 Abandoned Solar Installations**

The Permittee shall notify the Commission of any solar equipment that is abandoned prior to termination of operation of the Project. Equipment shall be considered abandoned after one year without energy production and shall be decommissioned and the land shall be restored pursuant to sections 9.1 and 9.2, unless a plan is submitted to and approved by the Commission outlining the steps and schedule for returning the equipment to service.

## **10 COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE**

### **10.1 Final Designated Site Boundaries**

After completion of construction the Commission shall determine the need to adjust the final boundary of the Designated Site required for the Project. This site permit may be modified, after notice and opportunity for hearing, to represent the actual Designated Site required by the Permittee to operate the Project authorized by this site permit.

#### **10.2 Expansion of Designated Site Boundaries**

No expansion of the site boundary described in this site permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundary of the site for the Project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

#### **10.3 Periodic Review**

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

#### **10.4 Modification of Conditions**

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

- A. violation of any condition in this permit;
- B. endangerment of human health or the environment by operation of the Project; or
- C. existence of other grounds established by rule.

#### **10.5 More Stringent Rules**

The issuance of this site permit does not prevent the future adoption by the Commission of rules or orders more stringent than those now in existence and does not prevent the enforcement of these more stringent rules and orders against the Permittee.

### **11 SITE PERMIT AMENDMENT**

The Commission has the authority to modify this site permit at any time. The Permittee may request an amendment of the conditions of this site permit by submitting a request to the

Commission in writing describing the amendment sought and the reasons for the amendment. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required under Minn. Stat. § 216I.09.

## **12 TRANSFER OF SITE PERMIT**

The Permittee may request at any time that the Commission transfer this site permit to another person or entity (transferee). In its request, the Permittee must provide the Commission with:

- A. the name and description of the transferee;
- B. the reasons for the transfer;
- C. a description of the facilities affected; and
- D. the proposed effective date of the transfer.

The transferee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures filed for the Project and all conditions of this site permit.

The transferee must provide the Commission with the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with eDocket reference, or a revised version of the following:

- E. VMP as described in Section 4.3.17;
- F. complaint procedures, as described in Section 7 and Attachment 1;
- G. ERP, as described in Section 8.12; and
- H. Decommissioning Plan, as described in Section 9.1.

The Commission may authorize transfer of the site permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. Stat. § 216I.13.

## **13 REVOCATION OR SUSPENSION OF SITE PERMIT**

The Commission may initiate action to revoke or suspend this site permit at any time. The Commission shall act in accordance with the requirements of Minn. Stat. §§ 216I.14 and 216I.24, to revoke or suspend this site permit.

**14 EXPIRATION DATE**

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

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**ATTACHMENT C**

**ATTACHMENT 1**

Complaint Handling Procedures for Permitted Energy Facilities

**DRAFT**

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLAINT HANDLING PROCEDURES FOR  
PERMITTED ENERGY FACILITIES**

**A. Purpose**

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

**B. Scope**

This document describes complaint reporting procedures and frequency.

**C. Applicability**

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

**D. Definitions**

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

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

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

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

**E. Complaint Documentation and Processing**

1. The permittee shall designate a representative responsible for filing complaints to the Commission's eDocket system. This person's name, phone number and email address shall accompany all complaint submittals. The name and contact information for the representative shall be kept current in eDockets.
2. A person presenting the complaint should, to the extent possible, include the following information in their communications:
  - a. name, address, phone number, and email address;
  - b. initial date of the complaint;
  - c. tract, parcel number, or address of the complaint;
  - d. a summary of the complaint; and
  - e. whether the complaint relates to a permit violation, a construction practice issue, or other type of complaint.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
  - a. docket number and project name;
  - b. name of complainant, address, phone number and email address;
  - c. precise description of property or parcel number;
  - d. name of permittee representative receiving complaint and date of receipt;
  - e. nature of complaint and the applicable permit condition(s);
  - f. summary of activities undertaken to resolve the complaint; and
  - g. a statement on the final disposition of the complaint.

**F. Reporting Requirements**

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

**Immediate Reports:** All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Consumer Affairs Office at 1-800-657-3782 (voice messages are acceptable) or consumer.puc@state.mn.us. For e-mail reporting, the email

subject line should read “PUC EIP Complaint” and include the appropriate project docket number.

**Monthly Reports:** During project construction, restoration, and operation, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to the eDockets system. The eDockets system is located at: <https://efiling.web.commerce.state.mn.us/>. If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

If a project has submitted twelve consecutive months of complaint reports with no complaints, monthly reports can terminate by a letter to eDockets notifying the Commission of such action. If a substantial complaint is received (by the company or the Commission) following termination of the monthly complaint report, as noted above, the monthly reporting should commence for a period of six months following the most recent complaint or upon resolution of all pending complaints.

If a permittee is found to be in violation of this section, the Commission may reinstate monthly complaint reporting for the remaining permit term or enact some other commensurate requirement via notification by the Executive Secretary or some other action as decided by the Commission.

#### **G. Complaints Received by the Commission**

Complaints received directly by the Commission from aggrieved persons regarding the permit or issues related to site or route preparation, construction, cleanup, restoration, or operation and maintenance will be promptly sent to the permittee.

The permittee shall notify the Commission when the issue has been resolved. The permittee will add the complaint to the monthly reports of all complaints. If the permittee is unable to find resolution, the Commission will use the process outlined in the Unresolved Complaints Section to process the issue.

#### **H. Commission Process for Unresolved Complaints**

Complaints raising substantial and unresolved permit issues will be investigated by the Commission. Staff will notify the permittee and appropriate people if it determines that the complaint is a substantial complaint. With respect to such complaints, the permittee and

## ATTACHMENT C

complainant shall be required to submit a written summary of the complaint and its current position on the issues to the Commission. Staff will set a deadline for comments. As necessary, the complaint will be presented to the Commission for consideration.

### **I. Permittee Contacts for Complaints and Complaint Reporting**

Complaints may be filed by mail or email to the permittee's designated complaint representative, or to the Commission's Consumer Affairs Office at 1-800-657-3782 or consumer.puc@state.mn.us. The name and contact information for the permittee's designated complaint representative shall be kept current in the Commission's eDocket system.

**ATTACHMENT C**

**ATTACHMENT 2**

Compliance Filing Procedures for Permitted Energy Facilities

**DRAFT**

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLIANCE FILING PROCEDURE FOR  
PERMITTED ENERGY FACILITIES**

**A. Purpose**

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

**B. Scope and Applicability**

This procedure encompasses all known compliance filings required by the permit.

**C. Definitions**

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

**D. Responsibilities**

1. The permittee shall file all compliance filings through the eDockets system. The eDockets system is located at: <https://efiling.web.commerce.state.mn.us/>

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

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

- a. Date
- b. Name of submitter/permittee
- c. Type of permit (site or route)
- d. Project location
- e. Project docket number
- f. Permit section under which the filing is made
- g. Short description of the filing

## ATTACHMENT C

3. The Commission may request a paper copy or USB drive of filings that are graphic intensive (e.g., maps and engineered drawings), in addition to being electronically filed. If requested, send a paper copy or USB drive to: Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147.

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**PERMIT COMPLIANCE FILINGS<sup>1</sup>**

PERMITTEE:

PERMIT TYPE:

PROJECT LOCATION:

PUC DOCKET NUMBER:

Filing Number	Permit Section	Description of Compliance Filing	Due Date

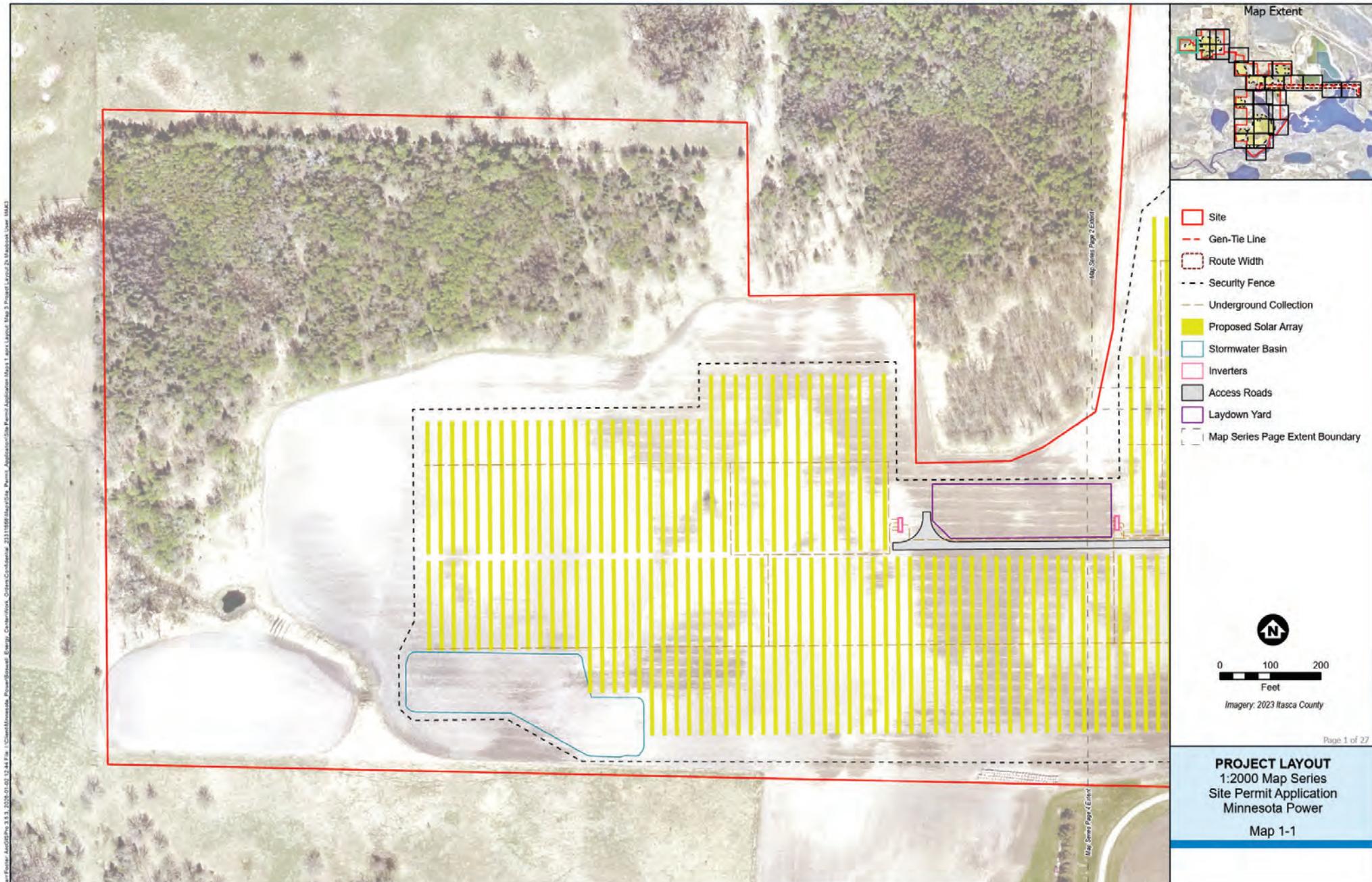
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<sup>1</sup> This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

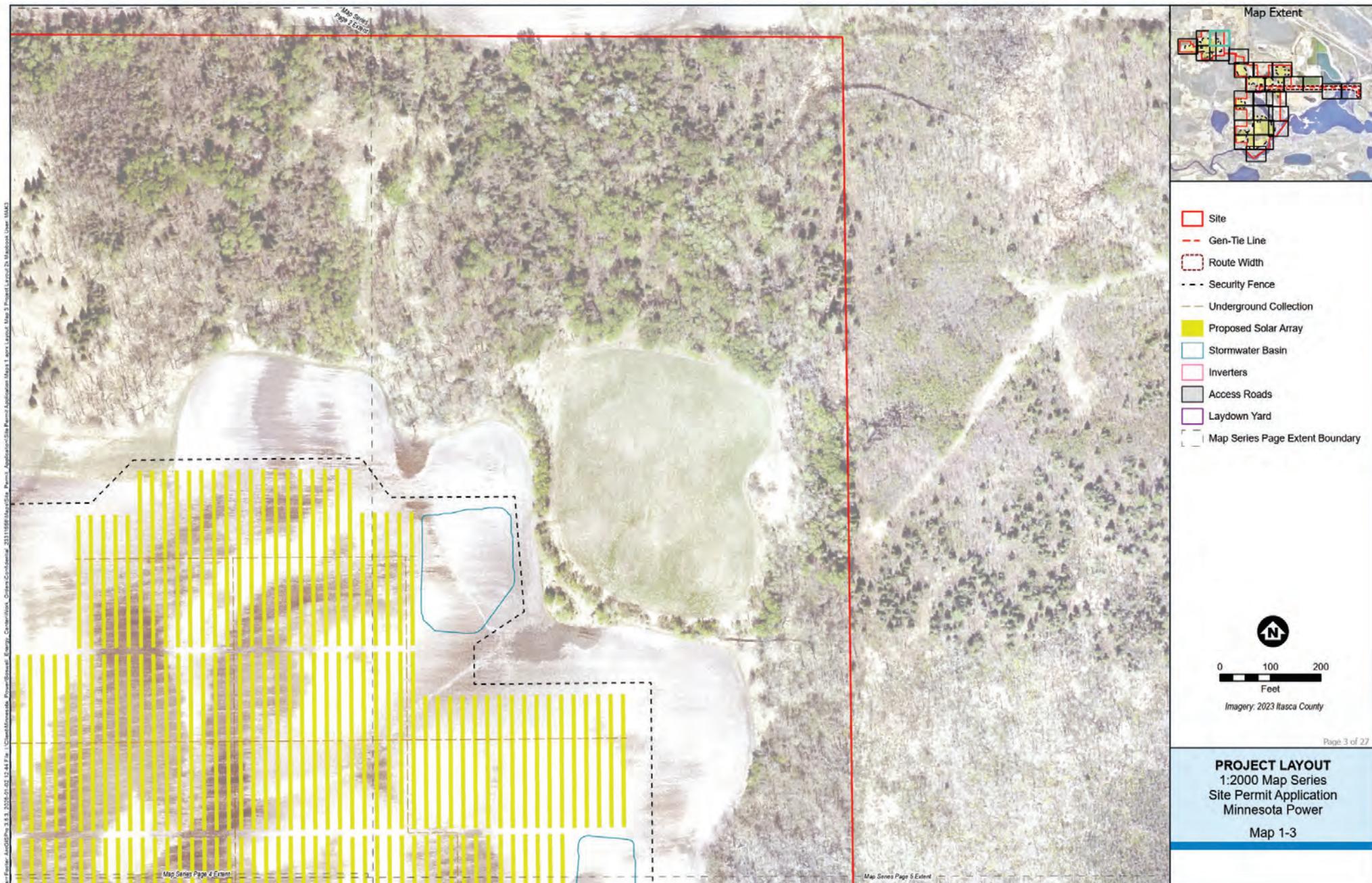
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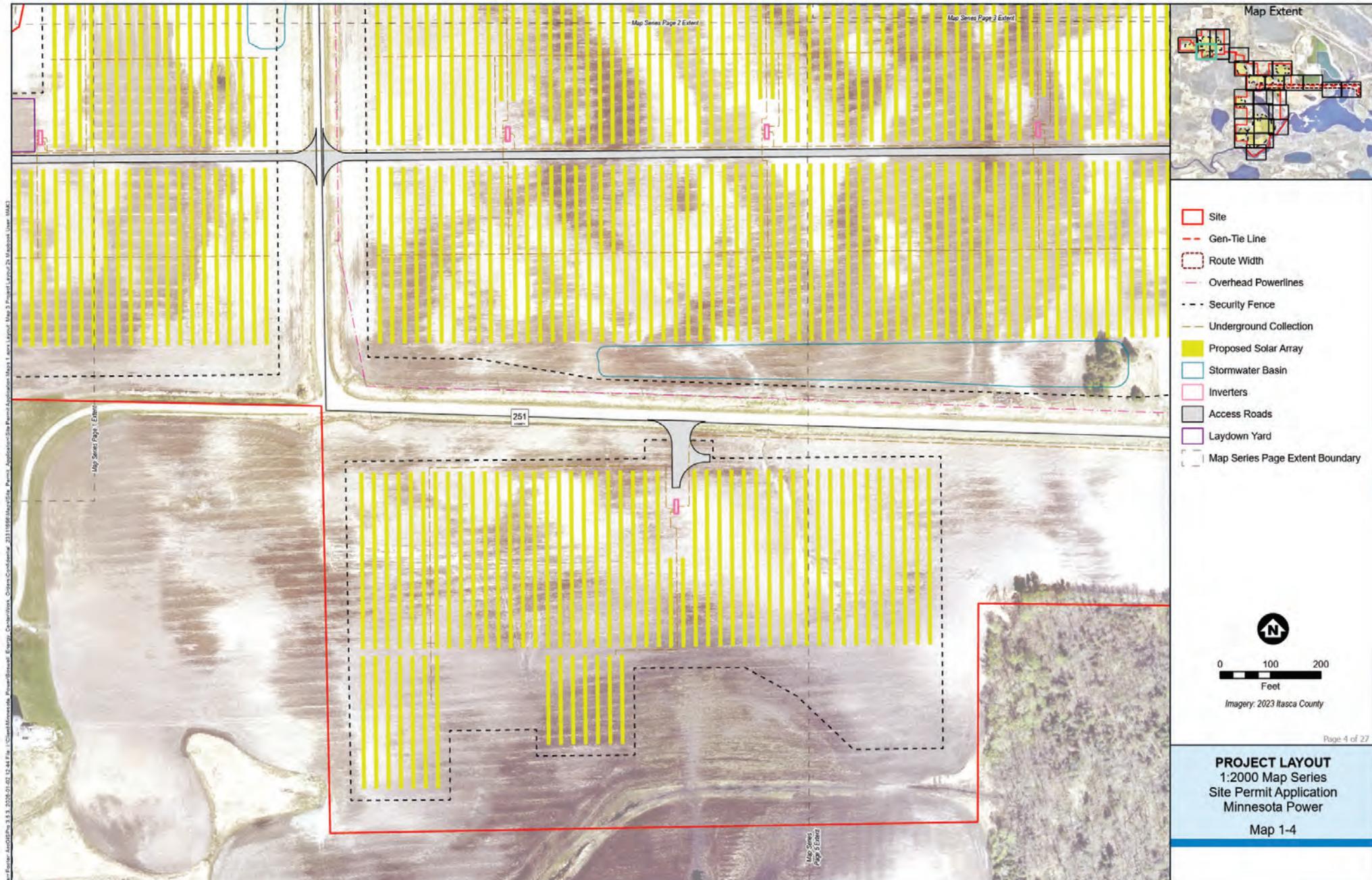
**ATTACHMENT 3**  
Site Permit Maps

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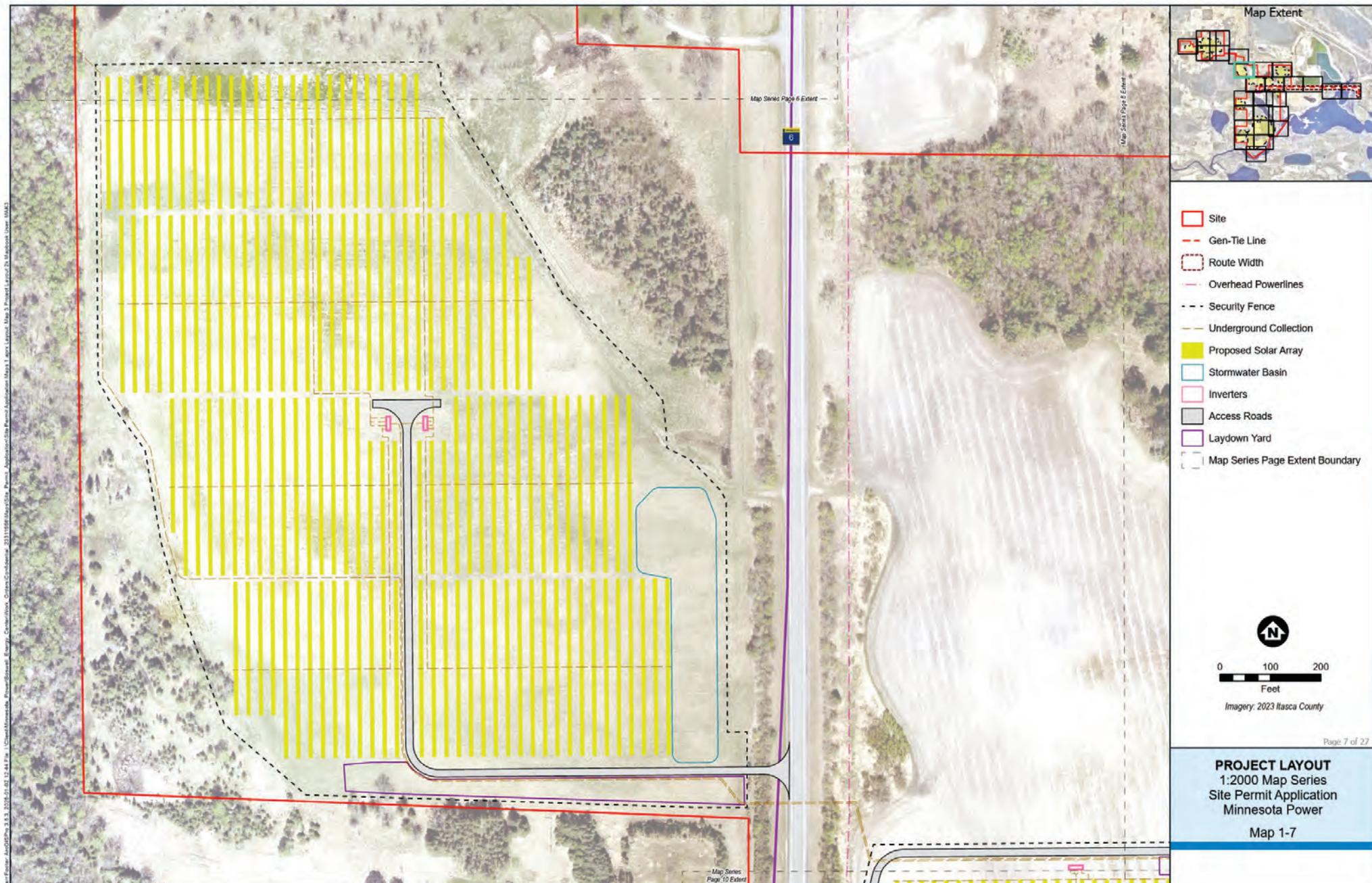






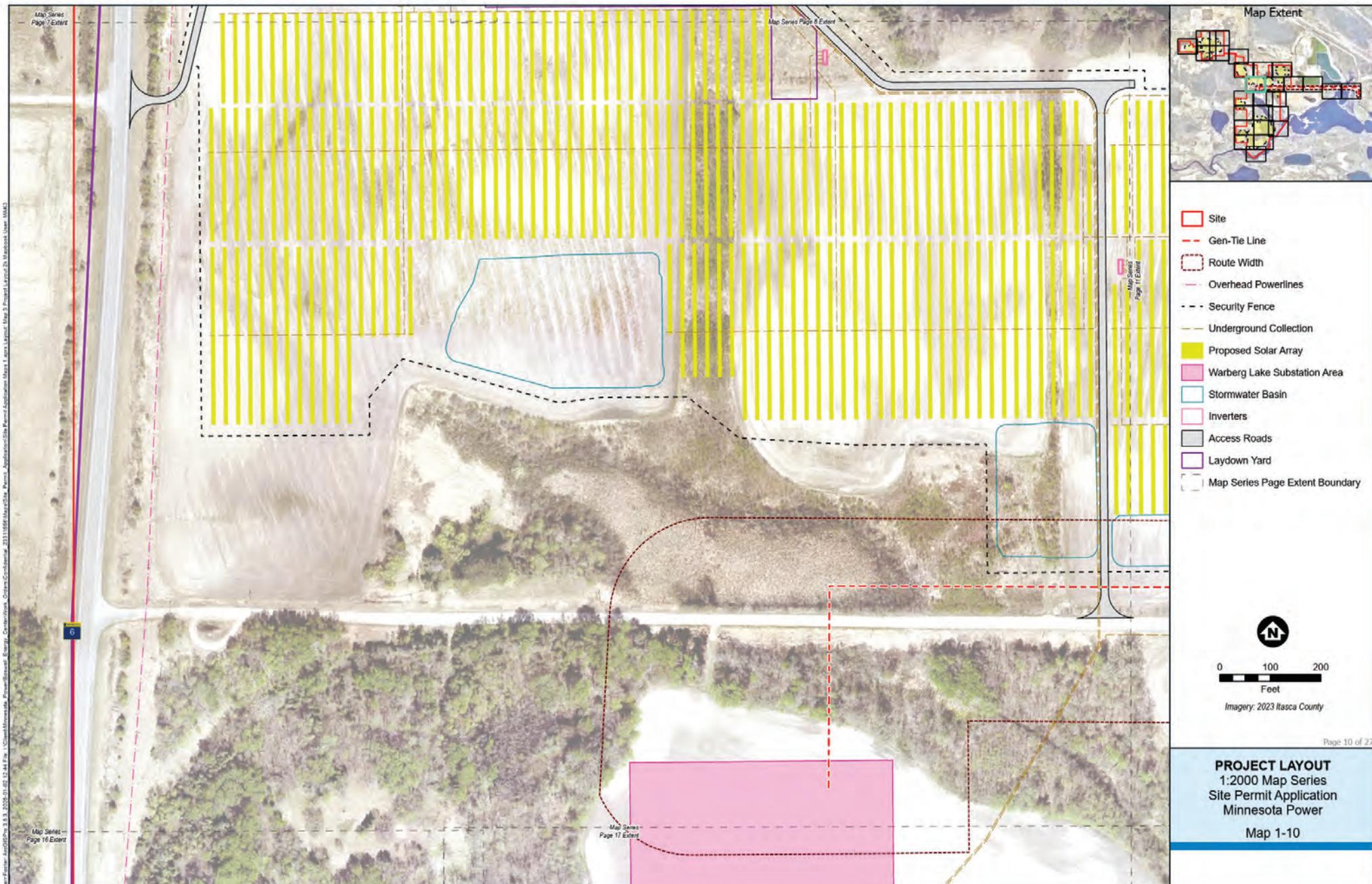


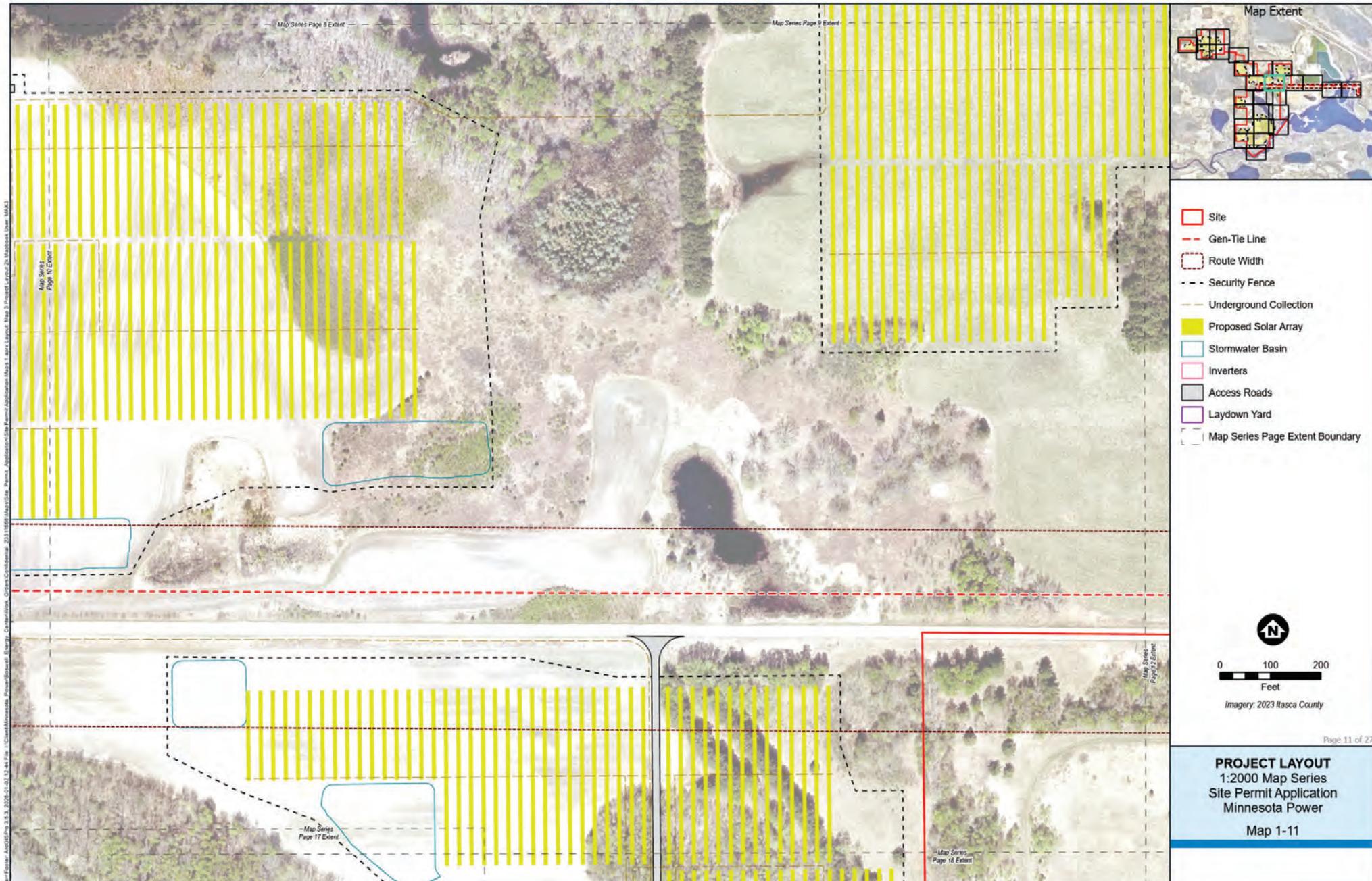








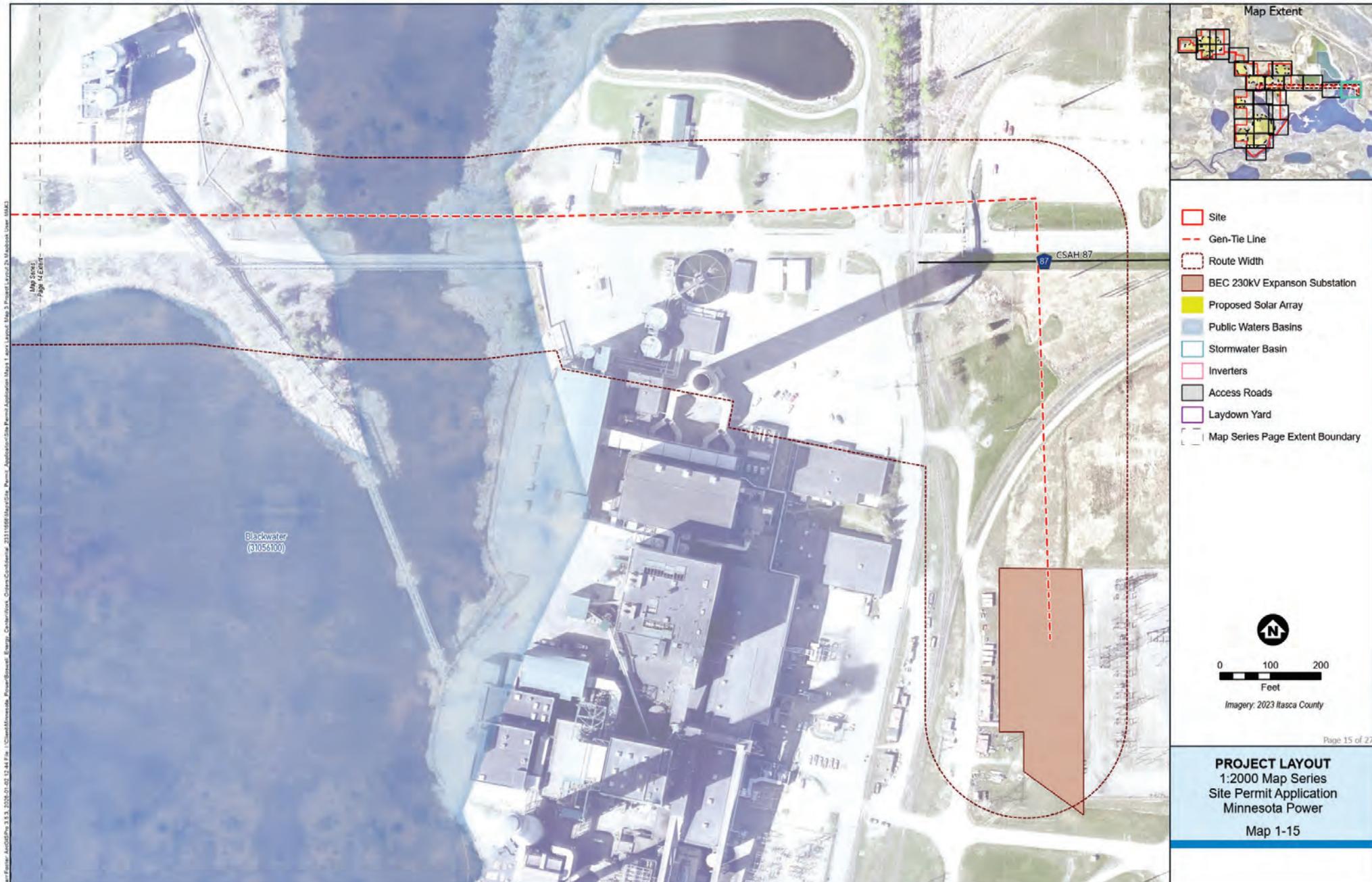




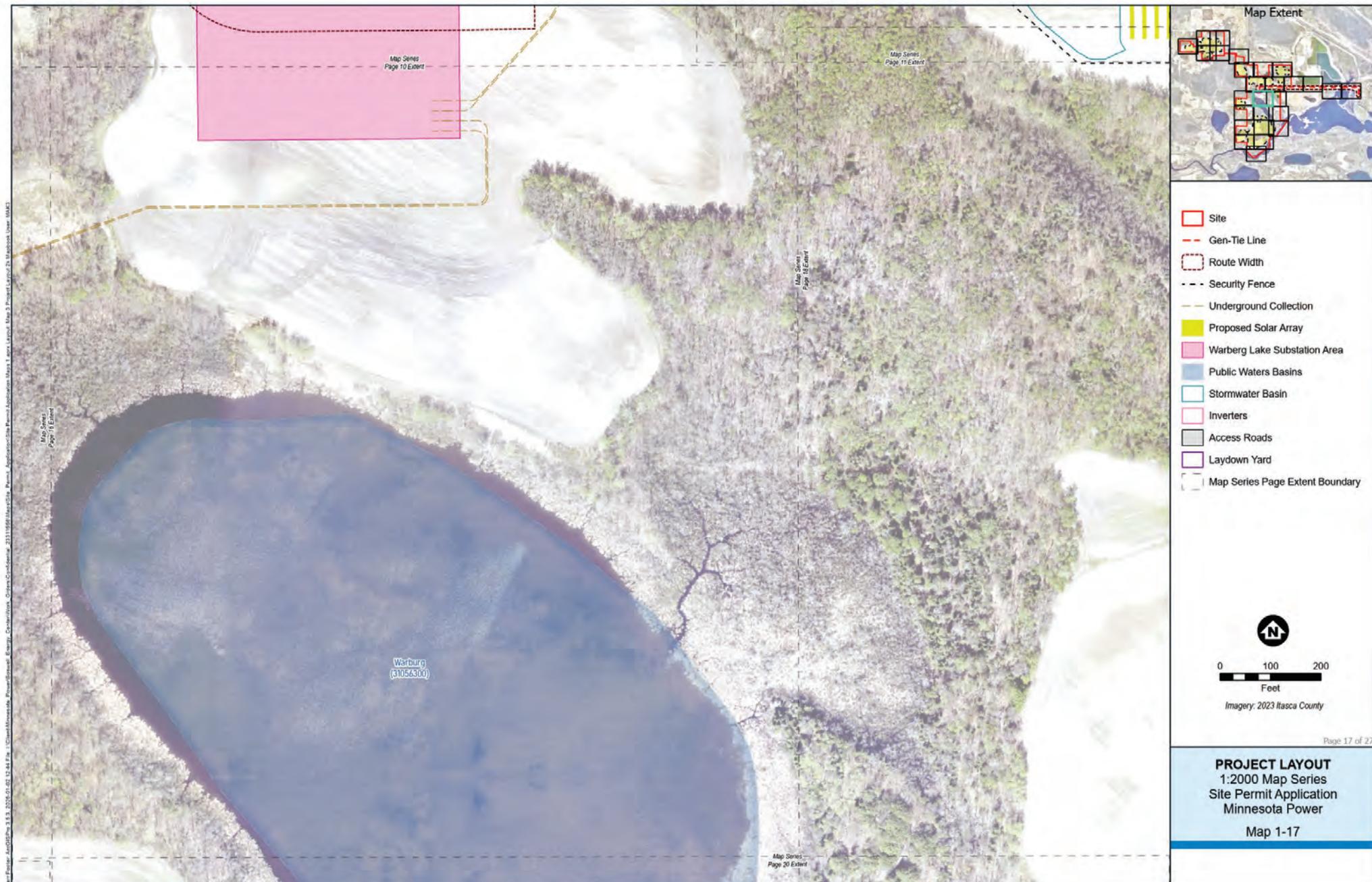






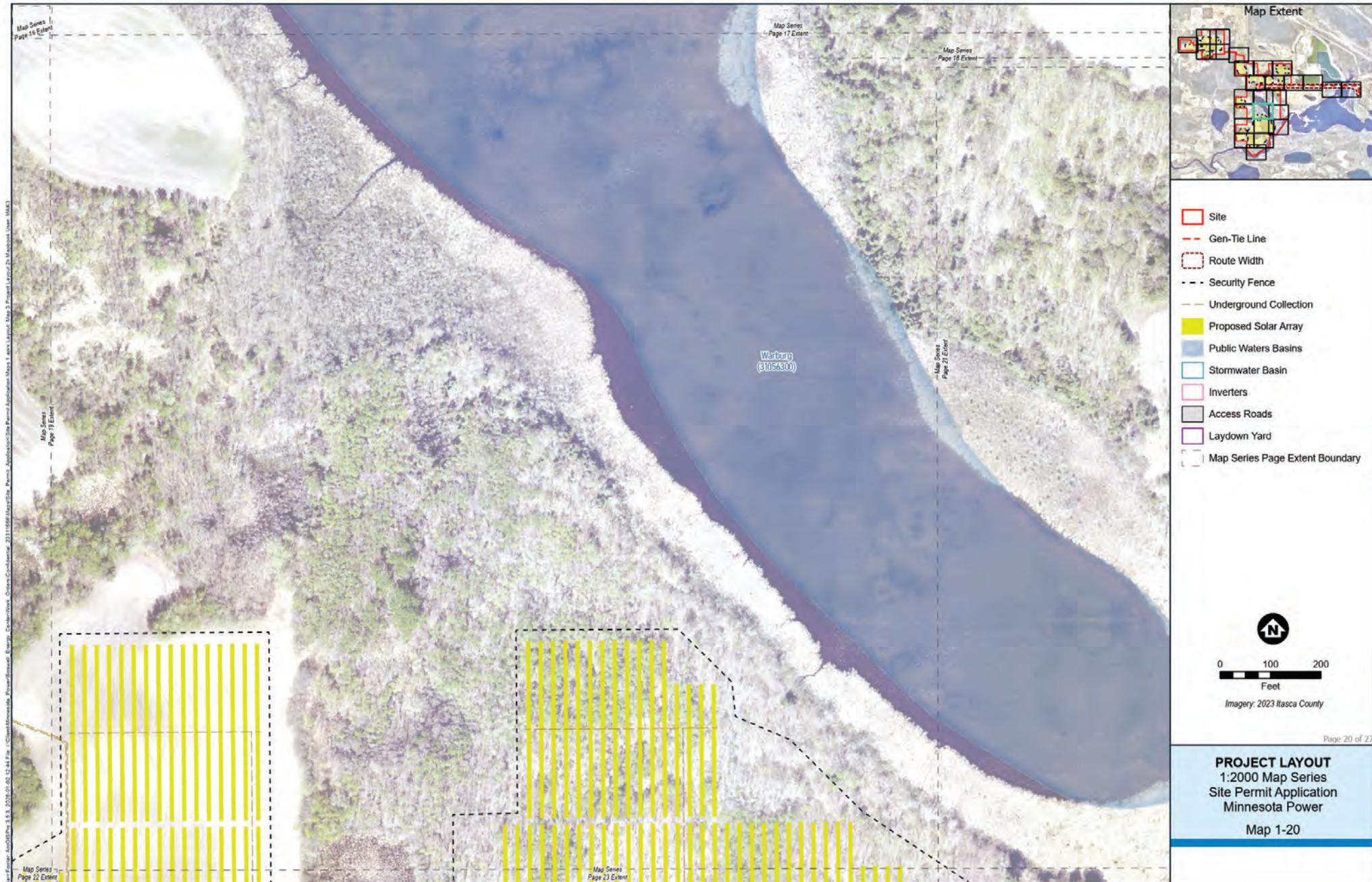


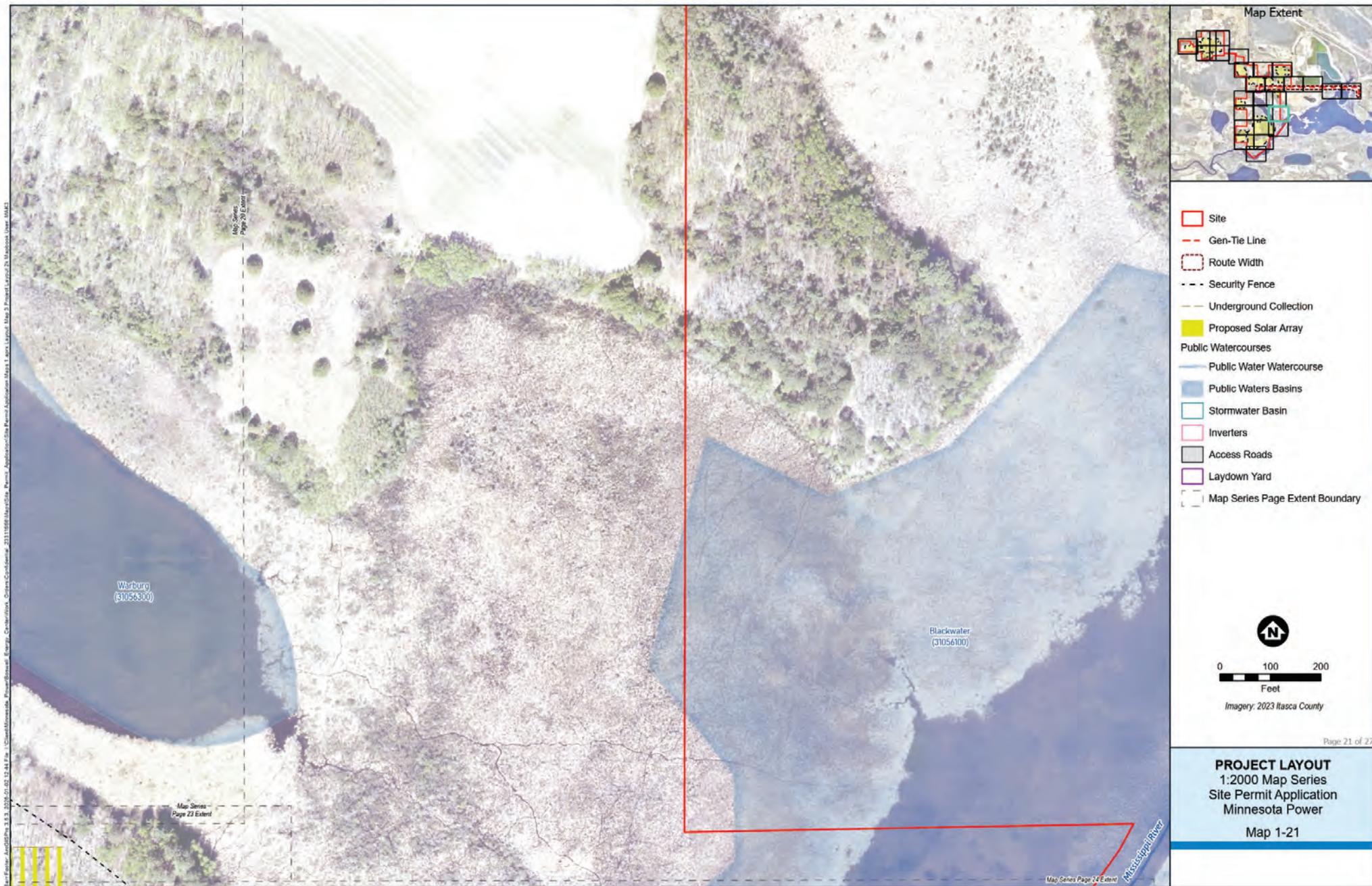


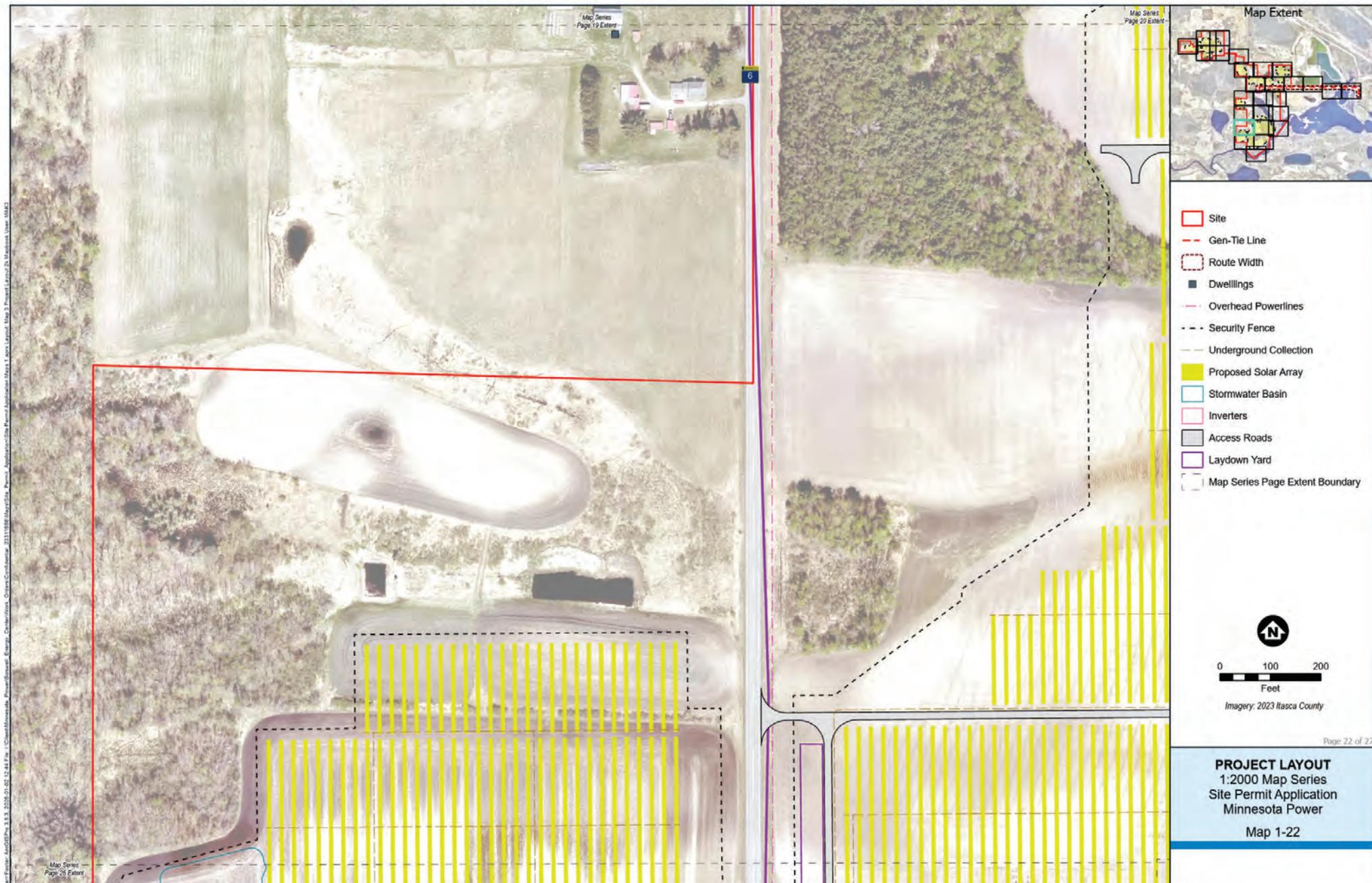


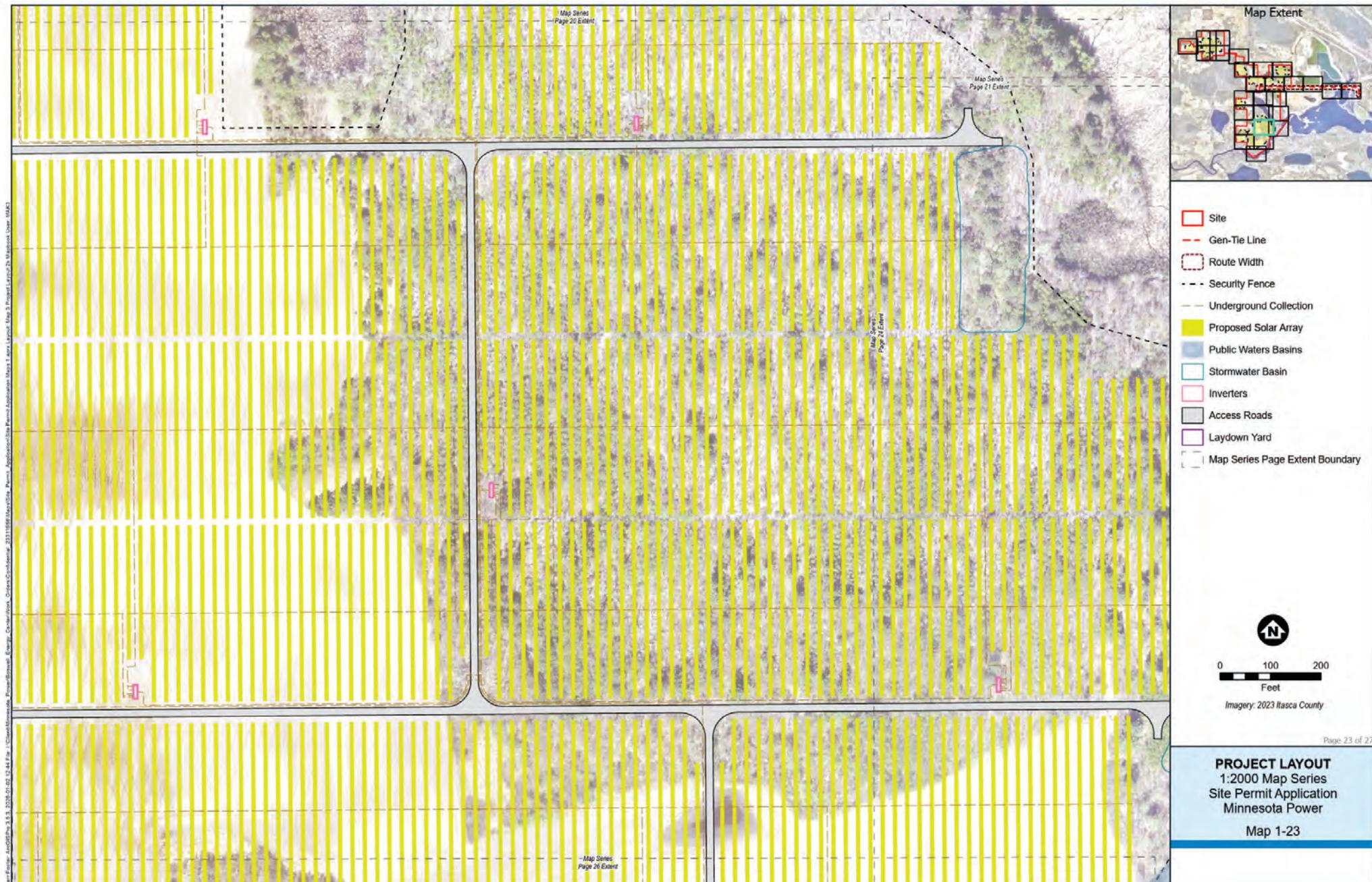


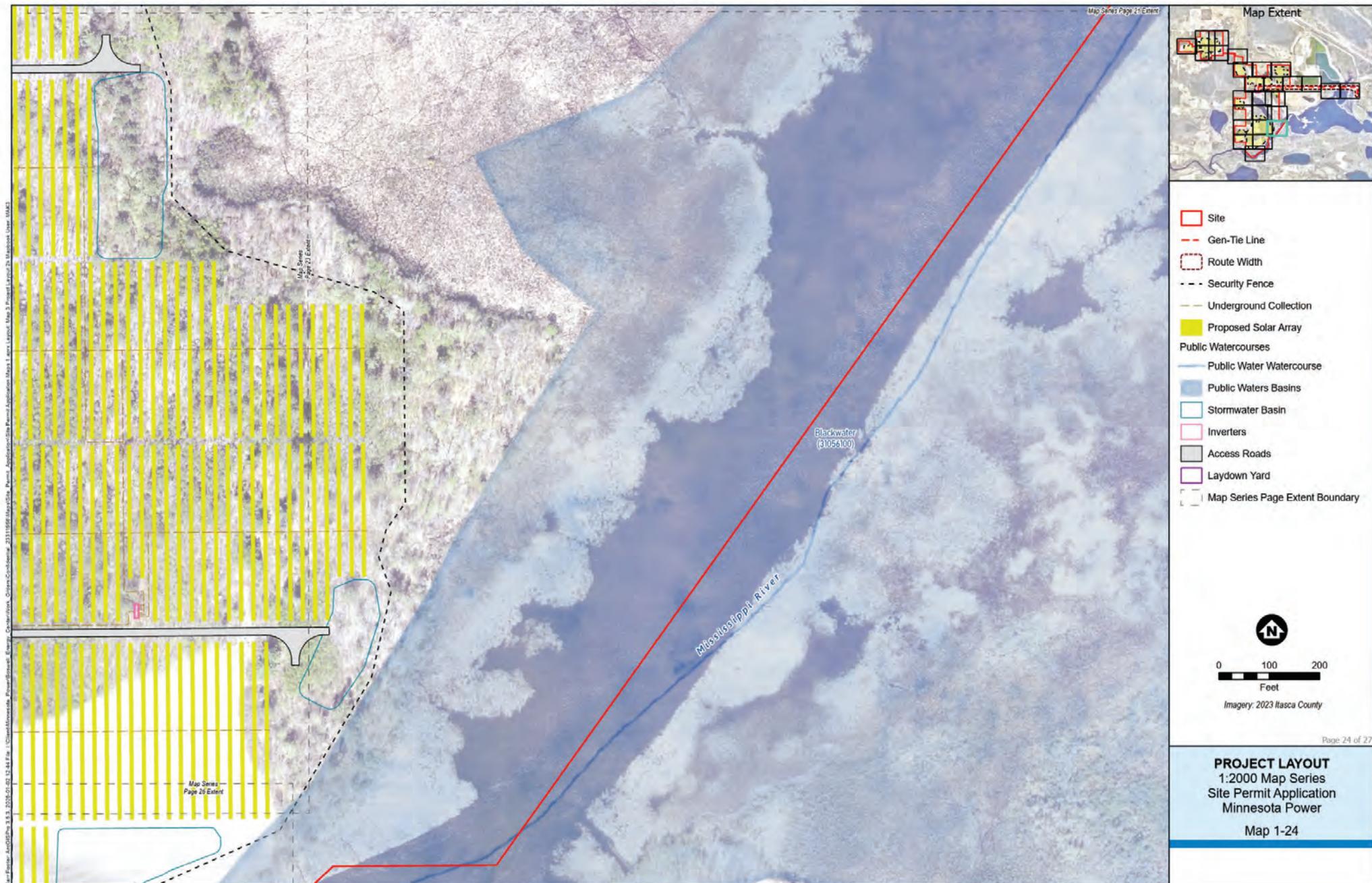


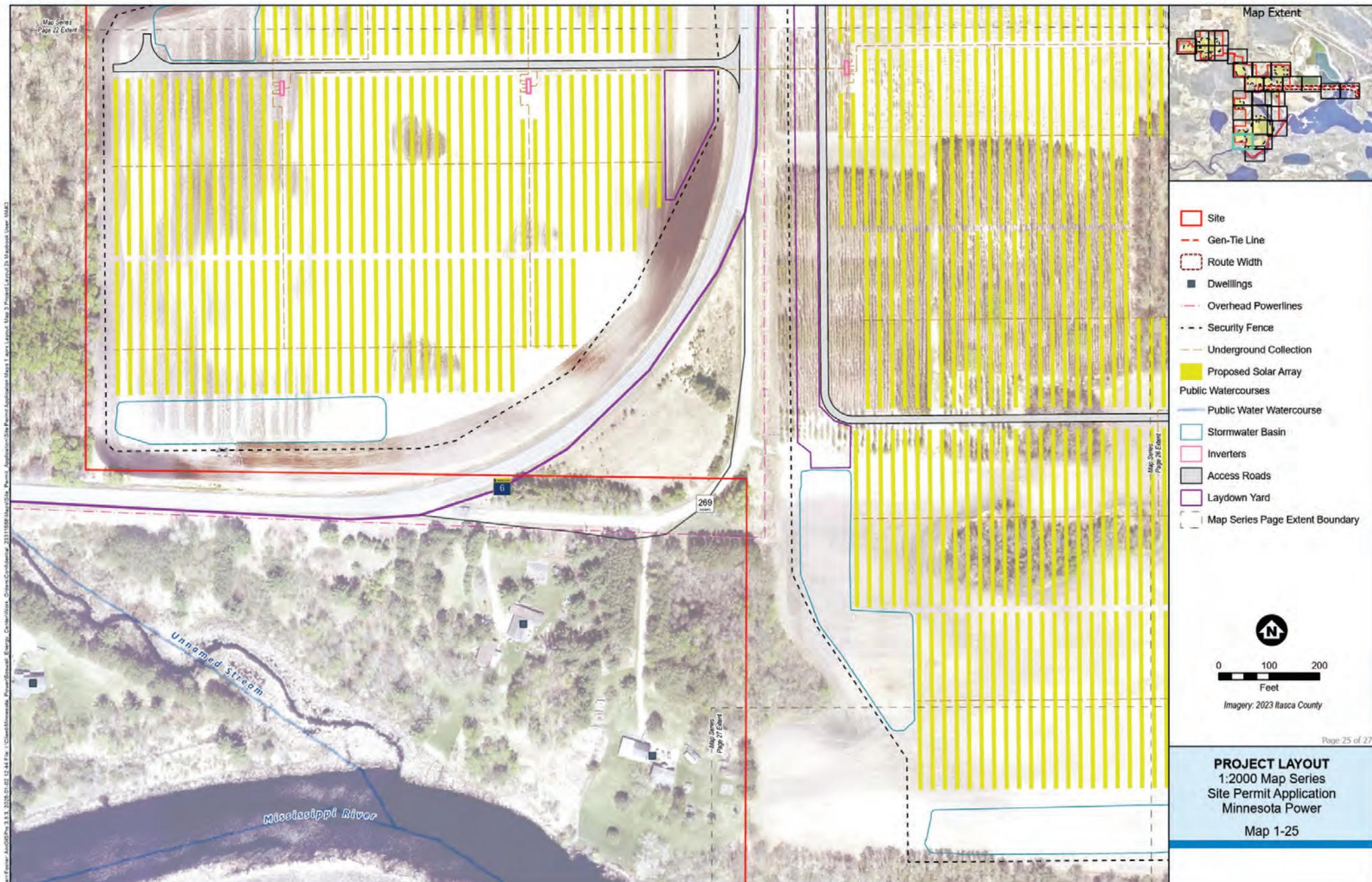


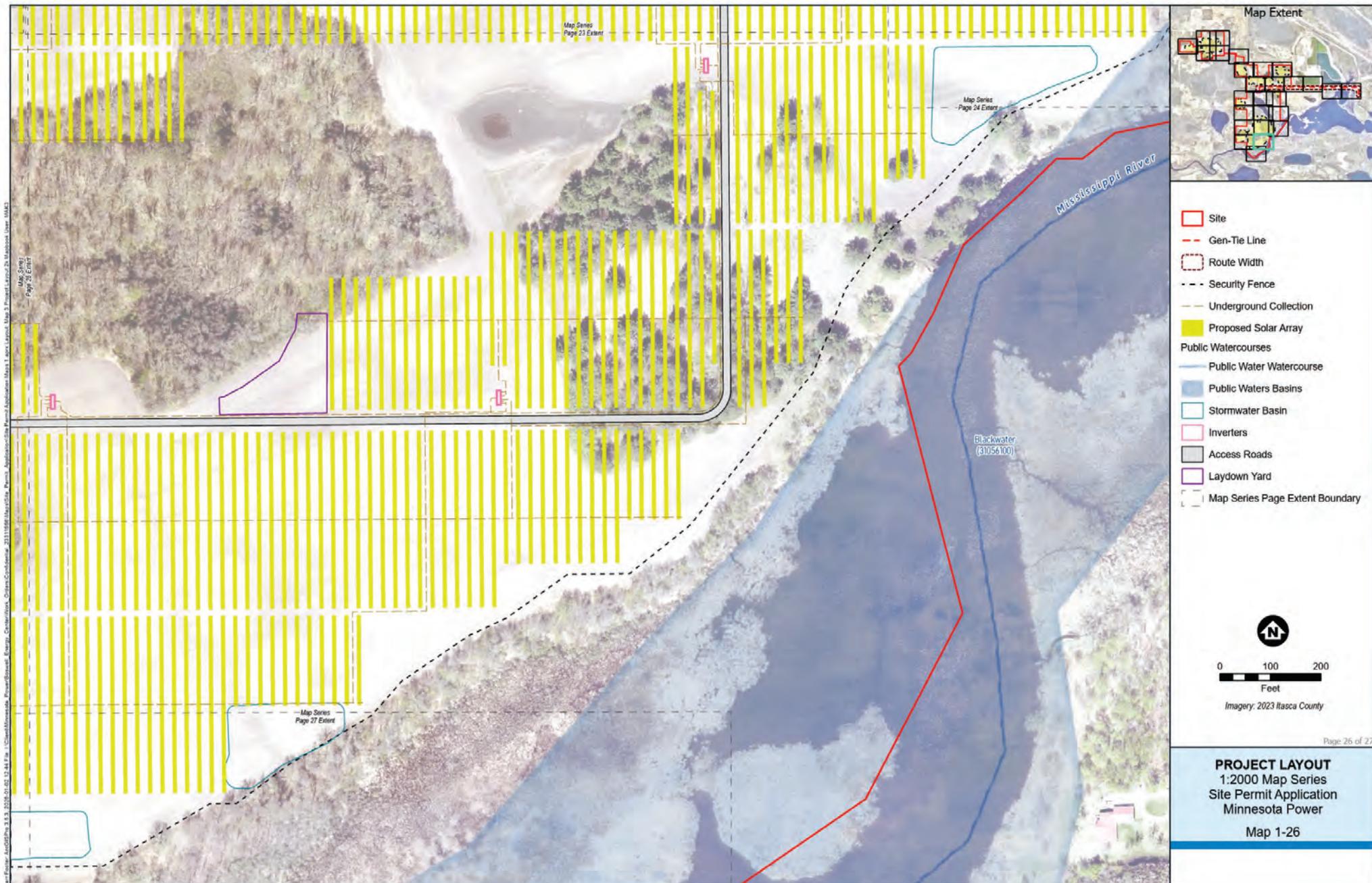


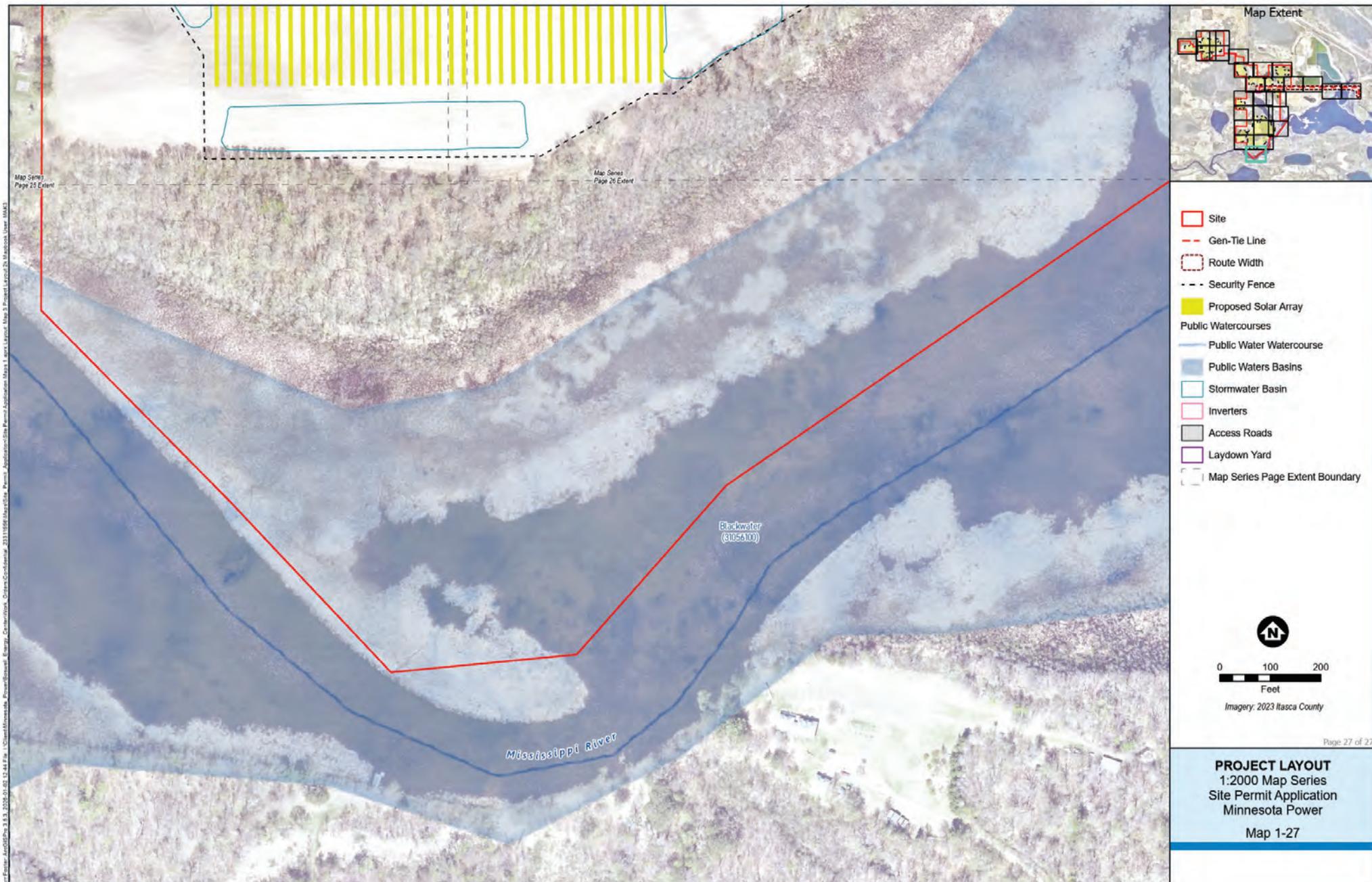












STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

ROUTE PERMIT FOR  
THE BOSWELL SOLAR PROJECT

A HIGH-VOLTAGE TRANSMISSION LINE AND ASSOCIATED FACILITIES

IN  
ITASCA COUNTY

ISSUED TO  
MINNESOTA POWER

PUC DOCKET NO. E015/TL-24-426

In accordance with the requirements of Minnesota Statutes Chapter 216I, this route permit is hereby issued to:

**Minnesota Power**

Minnesota Power is authorized by this route permit to construct and operate a new 2.45-mile 230-kilovolt transmission line interconnecting the new Boswell Solar Project to the existing Boswell Energy Center Substation.

The high-voltage transmission line shall be constructed within the route identified in this route permit and in compliance with the conditions specified in this route permit.

Approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_

BY ORDER OF THE COMMISSION

---

Sasha Bergman,  
Executive Secretary

To request this document in another format such as large print or audio, call 651-296-0406 or 800-657-3782 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

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## ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedures for Permitted Energy Facilities

Attachment 3 – Route Permit Maps

## 1 ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Minnesota Power (Permittee) pursuant to Minnesota Statutes Chapter 216I. This route permit authorizes the Permittee to construct and operate a new 2.45-mile 230-kilovolt transmission line interconnecting the new Boswell Solar Project to the existing Boswell Energy Center Substation (Project or Transmission Facility). The high-voltage transmission line shall be constructed within the route identified in this route permit and in compliance with the conditions specified in this route permit.

### 1.1 Pre-emption

Pursuant to Minn. Stat. § 216I.18, this route permit shall be the sole route approval required for construction of the transmission facilities and this route permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose governments.

## 2 TRANSMISSION FACILITY DESCRIPTION

The Project is a new 2.45-mile 230-kilovolt transmission line interconnecting the new Boswell Solar Project to the existing Boswell Energy Center Substation in Itasca County. The Transmission Facility is depicted on the route maps attached to this route permit.

The Transmission Facility is located in the following:

County	Township Name	Township	Range	Section
Itasca	City of Cohasset	55N	26W	7, 8, 9

### 2.1 Structures and Conductors

The structure and conductor types as described in the Permittee's route permit application are detailed in the table below.

Line Type	Conductor Type	Structure		Foundation Diameter (feet)	Height (feet)	Span (feet)
		Type	Material			
230-kilovolt, Single-Circuit	1780 kcmil ACSS	Monopole with Davit Arms	Steel	8	65-110	196-571
230-kilovolt,	1780 kcmil ACSS	Monopole with Davit Arms	Steel	6.5-10	100-140	494-850

Double-Circuit						
230-kilovolt, Single-Circuit	1780 kcmil ACSS	H-Frame	Wood	N/A	60-100	N/A

## 2.2 Substations and Associated Facilities

The associated facilities authorized by this Route Permit include a new Project Substation (Warburg Substation), approximately 4.8 acres in size, to be located near the center of the Project Site and enclosed by an 8-foot chain-link security fence topped with three strands of barbed wire. The Warburg Substation will include equipment such as breakers, transformers, lightning protection, and control systems. In addition, the existing Boswell Energy Center 230-kilovolt Substation will be expanded by approximately 1.6 acres.

## 3 DESIGNATED ROUTE

The route designated by the Commission is depicted on the route maps attached to this route permit (Designated Route). The Designated Route is generally described as follows:

[Description will be updated according to the Commission's decision in this matter.]

The Designated Route includes an anticipated alignment and a right-of-way. The right-of-way is the physical land needed for the safe operation of the transmission line. The Permittee shall locate the alignment and associated right-of-way within the Designated Route unless otherwise authorized by this route permit or the Commission. The Designated Route provides the Permittee with flexibility for minor adjustments of the alignment and right-of-way to accommodate landowner requests and unforeseen conditions.

Any modifications to the Designated Route or modifications that would result in right-of-way placement outside the Designated Route shall be specifically reviewed by the Commission in accordance with Minn. Stat. § 216I.09 and Section 10 of this route permit.

## 4 RIGHT-OF-WAY

This route permit authorizes the Permittee to obtain a new permanent right-of-way for the transmission line up to 130 feet in width. The permanent right-of-way is typically 65 feet on both sides of the transmission line measured from its centerline or alignment.

The anticipated alignment is intended to minimize potential impacts relative to the criteria identified in Minn. Stat. § 216I.05, subd. 11. The final alignment must generally conform to the anticipated alignment identified on the route maps unless changes are requested by individual landowners and agreed to by the Permittee or for unforeseen conditions that are encountered or as otherwise provided for by this route permit.

Any right-of-way or alignment modifications within the Designated Route shall be located so as to have comparable overall impacts relative to the factors in Minn. Stat. § 216I.05, subd. 11, as does the right-of-way and alignment identified in this route permit and shall be specifically identified and documented in and approved as part of the plan and profile submitted pursuant to Section 9.2 of this route permit.

Where the transmission line parallels existing highway and other road rights-of-way, the transmission line right-of-way shall occupy and utilize the existing right-of-way to the maximum extent possible; consistent with the criteria in Minn. Stat. § 216I.05, subd. 11, and the other requirements of this route permit; and for highways under the jurisdiction of the Minnesota Department of Transportation (MnDOT), the procedures for accommodating utilities in trunk highway rights-of-way.

## 5 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the Transmission Facility over the life of this route permit.

### 5.1 Route Permit Distribution

Within 30 days of issuance of this route permit, the Permittee shall provide all affected landowners with a copy of this route permit and the complaint procedures. An affected landowner is any landowner or designee that is within or adjacent to the Designated Route. In no case shall a landowner receive this route permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall also provide a copy of this route permit and the complaint procedures to the applicable regional development commissions, county environmental offices, and city and township clerks. The Permittee shall file with the Commission an affidavit of its route permit and complaint procedures distribution within 30 days of issuance of this route permit.

### 5.2 Access to Property

The Permittee shall notify landowners prior to entering or conducting maintenance within their property, unless otherwise negotiated with the landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

### **5.3 Construction and Operation Practices**

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the permitting record for this Transmission Facility unless this route permit establishes a different requirement in which case this route permit shall prevail.

#### **5.3.1 Field Representative**

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

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

#### **5.3.2 Employee Training on Route Permit Terms and Conditions**

The Permittee shall train all employees, contractors, and other persons involved in the Transmission Facility construction regarding the terms and conditions of this route permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **5.3.3 Independent Third-Party Monitoring**

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of the Commission. The scope of work shall be developed in consultation with Commission staff and approved by the Commission's Executive Secretary. This third-party monitor will report directly to and will be under the control of the Commission with costs borne by the Permittee.

The Permittee shall file with the Commission the scope of work and the name, address, email, and telephone number of the third party-monitor at least 30 days prior to commencing any construction or right-of-way preparation and upon any change in contact information that may occur during construction of the Project and restoration of the right-of-way.

Commission staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed with the Commission in accordance with the approved scope of work.

#### **5.3.4 Public Services, Public Utilities, and Existing Easements**

During Transmission Facility construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these shall be temporary, and the Permittee shall restore service promptly. Where any impacts to utilities have the potential to occur the Permittee shall work with both landowners and local entities to determine the most appropriate mitigation measures if not already considered as part of this route permit.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **5.3.5 Temporary Workspace**

The Permittee shall limit temporary easements to special construction access needs and additional staging, or lay-down areas required outside of the authorized right-of-way. Temporary space shall be selected to limit the removal and impacts to vegetation. The Permittee shall obtain temporary easements outside of the authorized transmission line right-of-way from affected landowners through rental agreements. Temporary easements are not provided for in this route permit.

The Permittee may construct temporary driveways between the roadway and the structures to minimize impact using the shortest route feasible. The Permittee shall use construction mats to minimize impacts on access paths and construction areas. The Permittee shall submit the location of temporary workspaces and driveways with the plan and profile pursuant to Section 9.2.

#### **5.3.6 Noise**

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080. The Permittee shall limit construction and maintenance activities to daytime working hours to the extent practicable.

### **5.3.7 Aesthetics**

The Permittee shall consider input pertaining to visual impacts from landowners or land management agencies prior to final location of structures, rights-of-way, and other areas with the potential for visual disturbance. The Permittee shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Transmission Facility during construction and maintenance. The Permittee shall work with landowners to locate the high-voltage transmission line to minimize the loss of agricultural land, forest, and wetlands, and to avoid homes and farmsteads. The Permittee shall place structures at a distance, consistent with sound engineering principles and system reliability criteria, from intersecting roads, highways, or trail crossings.

### **5.3.8 Soil Erosion and Sediment Control**

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program. If construction of the Transmission Facility disturbs more than one acre of land or is sited in an area designated by the MPCA as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit from the MPCA that provides for the development of a Stormwater Pollution Prevention Plan that describes methods to control erosion and runoff.

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

### **5.3.9 Wetlands and Water Resources**

The Permittee shall develop wetland impact avoidance measures and implement them during construction of the Transmission Facility. Measures shall include spacing and placing the power

poles at variable distances to span and avoid wetlands, watercourses, and floodplains. Unavoidable wetland impacts as a result of the placement of poles shall be limited to the immediate area around the poles. To minimize impacts, the Permittee shall construct in wetland areas during frozen ground conditions where practicable and according to permit requirements by the applicable permitting authority. When construction during winter is not possible, the Permittee shall use wooden or composite mats to protect wetland vegetation.

The Permittee shall contain soil excavated from the wetlands and riparian areas and not place it back into the wetland or riparian area. The Permittee shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts. The Permittee shall not place staging or stringing set up areas within or adjacent to wetlands or water resources, as practicable. The Permittee shall assemble power pole structures on upland areas before they are brought to the site for installation.

The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. The Permittee shall meet the U.S. Army Corps of Engineers (USACE), Minnesota Department of Natural Resources (DNR), Minnesota Board of Water and Soil Resources, and local units of government wetland and water resource requirements.

### **5.3.10 Vegetation Management**

The Permittee shall minimize the number of trees to be removed in selecting the right-of-way specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation in areas such as trail and stream crossings where vegetative screening may minimize aesthetic impacts, to the extent that such actions do not violate sound engineering principles or system reliability criteria.

The Permittee shall remove tall growing species located within the transmission line right-of-way that endanger the safe and reliable operation of the transmission line. The Permittee shall leave undisturbed, to the extent possible, existing low growing species in the right-of-way or replant such species in the right-of-way to blend the difference between the right-of-way and adjacent areas, to the extent that the low growing vegetation will not pose a threat to the transmission line or impede construction.

### **5.3.11 Application of Pesticides**

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture (MDA), DNR, and the U.S.

Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall use the MDA's Apiary Registry (<https://mn.beecheck.org/map>) to identify known apiaries for purposes of compliance with this condition. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commission staff.

#### **5.3.12 Invasive Species**

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by Transmission Facility construction activities. The Permittee shall develop an Invasive Species Prevention Plan and file it with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.

#### **5.3.13 Noxious Weeds**

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **5.3.14 Roads**

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city, or township roads that will be used during the construction phase of the Transmission Facility. Where practical, existing roadways shall be used for all activities associated with construction of the Transmission Facility. Oversize or overweight loads associated with the Transmission Facility shall not be hauled across public roads without required permits and approvals.

The Permittee shall construct the fewest number of site access roads required. Access roads shall not be constructed across streams and drainage ways without the required permits and approvals. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner.

#### **5.3.15 Archaeological and Historic Resources**

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

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, in accordance with Minn. Stat. Ch. 307 (Private Cemeteries Act), immediately halt construction and promptly notify local law enforcement and the State Archaeologist. 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 Commission staff.

#### **5.3.16 Avian Protection**

The Permittee in cooperation with the DNR shall identify areas of the transmission line where bird flight diverters will be incorporated into the transmission line design to prevent large avian collisions attributed to visibility issues. Standard transmission design shall incorporate adequate spacing of conductors and grounding devices in accordance with Avian Power Line Interaction Committee standards to eliminate the risk of electrocution to raptors with larger wingspans that may simultaneously come in contact with a conductor and grounding devices. The Permittee shall submit documentation of its avian protection coordination with the plan and profile pursuant to Section 9.2.

#### **5.3.17 Drainage Tiles**

The Permittee shall avoid, promptly repair, or replace all drainage tiles broken or damaged during all phases of the Transmission Facility's life unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **5.3.18 Restoration**

The Permittee shall restore the right-of-way, temporary workspaces, access roads, abandoned right-of-way, and other public or private lands affected by construction of the Transmission Facility. Restoration within the right-of-way must be compatible with the safe operation, maintenance, and inspection of the transmission line. Within 60 days after completion of all restoration activities, the Permittee shall file with the Commission a Notice of Restoration Completion.

#### **5.3.19 Cleanup**

The Permittee shall remove and properly dispose of all construction waste and scrap from the right-of-way and all premises on which construction activities were conducted upon completion of each task. The Permittee shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities daily.

#### **5.3.20 Pollution and Hazardous Wastes**

The Permittee shall take all appropriate precautions to protect against pollution of the environment. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all waste generated during construction and restoration of the Transmission Facility.

#### **5.3.21 Damages**

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

### **5.4 Electrical Performance Standards**

#### **5.4.1 Grounding**

The Permittee shall design, construct, and operate the transmission line in a manner so that the maximum induced steady-state short-circuit current shall be limited to five milliamperes root mean square (rms) alternating current between the ground and any non-stationary object within the right-of-way, including but not limited to large motor vehicles and agricultural equipment. All fixed metallic objects on or off the right-of-way, except electric fences that parallel or cross the right-of-way, shall be grounded to the extent necessary to limit the induced short-circuit current between ground and the object so as not to exceed one milliampere rms under steady state conditions of the transmission line and to comply with the ground fault conditions specified in the National Electric Safety Code. The Permittee shall address and rectify any induced current problems that arise during transmission line operation.

#### **5.4.2 Electric Field**

The Permittee shall design, construct, and operate the transmission line in such a manner that the electric field measured one meter above ground level immediately below the transmission line shall not exceed 8.0 kV/m rms.

#### **5.4.3 Interference with Communication Devices**

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the Transmission Facility, the Permittee shall take whatever action is necessary to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the Transmission Facility. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

### **5.5 Other Requirements**

#### **5.5.1 Safety Codes and Design Requirements**

The Permittee shall design the transmission line and associated facilities to meet or exceed all relevant local and state codes, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. This includes standards relating to clearances to ground, clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements.

#### **5.5.2 Other Permits and Regulations**

The Permittee shall comply with all applicable state statutes and rules. The Permittee shall obtain all required permits for the Transmission Facility and comply with the conditions of

those permits unless those permits conflict with or are preempted by federal or state permits and regulations.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission an Other Permits and Regulations Submittal that contains a detailed status of all permits, authorizations, and approvals that have been applied for specific to the Transmission Facility. The Other Permits and Regulations Submittal shall also include the permitting agency name; the name of the permit, authorization, or approval being sought; contact person and contact information for the permitting agency or authority; brief description of why the permit, authorization, or approval is needed; application submittal date; and the date the permit, authorization, or approval was issued or is anticipated to be issued.

The Permittee shall demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as such and an updated Other Permits and Regulations Submittal prior to commencing construction. The Permittee shall provide a copy of any such permits, authorizations, and approvals at the request of Commission staff.

## 6 SPECIAL CONDITIONS

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

### 6.1 Dust Control

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

### 6.2 Wildlife Friendly Erosion Control

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

### 6.3 High Value Biological Resources

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

### 6.4 Blackwater Lake

The Permittee shall consult with the Minnesota Department of Natural Resources (DNR) regarding potential impacts to Blackwater Lake due to construction activities, including tree removal and erosion on the shoreline. The Permittee shall provide documentation of its coordination with DNR to the Commission in its plan and profile filed under Section 9.2.

## 7 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the route within four years after the date of issuance of this route permit the Permittee shall file a Failure to Construct Report and the Commission shall consider suspension of this route permit in accordance with Minn. Stat. § 216I.24.

## 8 COMPLAINT PROCEDURES

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the complaint procedures that will be used to receive and respond to complaints. The complaint procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this route permit.

Upon request, the Permittee shall assist Commission staff with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

## 9 COMPLIANCE REQUIREMENTS

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

### 9.1 Pre-Construction Meeting

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

### 9.2 Plan and Profile

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission, and provide the counties where the Transmission Facility, or portion of the Transmission Facility, will be constructed with a plan and profile of the right-of-way and the specifications and drawings for right-of-way preparation, construction, structure specifications and locations, cleanup, and restoration for the Transmission Facility. The documentation shall include maps depicting the plan and profile including the right-of-way, alignment, and structures in relation to the route and alignment approved by this route permit.

The Permittee may not commence construction until the earlier of (i) 30 days after the pre-construction meeting or (ii) until the Commission staff has notified the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this route permit.

If the Commission notifies the Permittee in writing within 30 days after the pre-construction meeting that it has completed its review of the documents and planned construction, and finds that the planned construction is not consistent with this route permit, the Permittee may submit additional and/or revised documentation and may not commence construction until the Commission has notified the Permittee in writing that it has determined that the planned construction is consistent with this route permit.

If the Permittee intends to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission and county staff at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this route permit.

### **9.3 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 route permit, and shall include text and photographs.

If the Permittee does not commence construction of the Transmission Facility within six months of this route permit issuance, the Permittee shall file with the Commission Pre-Construction Status Reports on the anticipated timing of construction every six months beginning with the issuance of this route permit until the pre-construction meeting.

### **9.4 In-Service Date**

At least three days before the Transmission Facility is to be placed into service, the Permittee shall notify the Commission of the date on which the Transmission Facility will be placed into service and the date on which construction was completed.

#### **9.5 As-Builts**

Within 90 days after completion of construction, the Permittee shall submit to the Commission copies of all final as-built plans and specifications developed during the Transmission Facility construction.

#### **9.6 GPS Data**

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (e.g., ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the Transmission Facility and each substation connected.

#### **9.7 Right of Entry**

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

- A. To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- B. To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- C. To sample and monitor upon the facilities easement of the property.
- D. To examine and copy any documents pertaining to compliance with the conditions of this route permit.

### **10 ROUTE PERMIT AMENDMENT**

The Commission has the authority to modify this route permit at any time. The Permittee may request an amendment of the conditions of this route permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required under Minn. Stat. § 216I.09.

**11 TRANSFER OF ROUTE PERMIT**

The Permittee may request at any time that the Commission transfer this route permit to another person or entity (transferee). In its request, the Permittee must provide the Commission with:

- A. the name and description of the transferee;
- B. the reasons for the transfer;
- C. a description of the facilities affected; and
- D. the proposed effective date of the transfer.

The transferee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures filed for the Transmission Facility and all conditions of this route permit. The Commission may authorize transfer of the route permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. Stat. § 216I.13.

**12 REVOCATION OR SUSPENSION OF ROUTE PERMIT**

The Commission may initiate action to revoke or suspend this route permit at any time. The Commission shall act in accordance with the requirements of Minn. Stat. §§ 216I.14 and 216I.24, to revoke or suspend this route permit.

**ATTACHMENT D**

**ATTACHMENT 1**

Complaint Handling Procedures for Permitted Energy Facilities

**DRAFT**

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLAINT HANDLING PROCEDURES FOR  
PERMITTED ENERGY FACILITIES**

**A. Purpose**

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

**B. Scope**

This document describes complaint reporting procedures and frequency.

**C. Applicability**

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

**D. Definitions**

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

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

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

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

**E. Complaint Documentation and Processing**

1. The permittee shall designate a representative responsible for filing complaints to the Commission's eDocket system. This person's name, phone number and email address shall accompany all complaint submittals. The name and contact information for the representative shall be kept current in eDockets.
2. A person presenting the complaint should, to the extent possible, include the following information in their communications:
  - a. name, address, phone number, and email address;
  - b. initial date of the complaint;
  - c. tract, parcel number, or address of the complaint;
  - d. a summary of the complaint; and
  - e. whether the complaint relates to a permit violation, a construction practice issue, or other type of complaint.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
  - a. docket number and project name;
  - b. name of complainant, address, phone number and email address;
  - c. precise description of property or parcel number;
  - d. name of permittee representative receiving complaint and date of receipt;
  - e. nature of complaint and the applicable permit condition(s);
  - f. summary of activities undertaken to resolve the complaint; and
  - g. a statement on the final disposition of the complaint.

**F. Reporting Requirements**

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

**Immediate Reports:** All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Consumer Affairs Office at 1-800-657-3782 (voice messages are acceptable) or consumer.puc@state.mn.us. For e-mail reporting, the email

subject line should read "PUC EIP Complaint" and include the appropriate project docket number.

**Monthly Reports:** During project construction, restoration, and operation, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to the eDockets system. The eDockets system is located at: <https://efiling.web.commerce.state.mn.us/>. If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

If a project has submitted twelve consecutive months of complaint reports with no complaints, monthly reports can terminate by a letter to eDockets notifying the Commission of such action. If a substantial complaint is received (by the company or the Commission) following termination of the monthly complaint report, as noted above, the monthly reporting should commence for a period of six months following the most recent complaint or upon resolution of all pending complaints.

If a permittee is found to be in violation of this section, the Commission may reinstate monthly complaint reporting for the remaining permit term or enact some other commensurate requirement via notification by the Executive Secretary or some other action as decided by the Commission.

#### **G. Complaints Received by the Commission**

Complaints received directly by the Commission from aggrieved persons regarding the permit or issues related to site or route preparation, construction, cleanup, restoration, or operation and maintenance will be promptly sent to the permittee.

The permittee shall notify the Commission when the issue has been resolved. The permittee will add the complaint to the monthly reports of all complaints. If the permittee is unable to find resolution, the Commission will use the process outlined in the Unresolved Complaints Section to process the issue.

#### **H. Commission Process for Unresolved Complaints**

Complaints raising substantial and unresolved permit issues will be investigated by the Commission. Staff will notify the permittee and appropriate people if it determines that the complaint is a substantial complaint. With respect to such complaints, the permittee and

## ATTACHMENT D

complainant shall be required to submit a written summary of the complaint and its current position on the issues to the Commission. Staff will set a deadline for comments. As necessary, the complaint will be presented to the Commission for consideration.

### **I. Permittee Contacts for Complaints and Complaint Reporting**

Complaints may be filed by mail or email to the permittee's designated complaint representative, or to the Commission's Consumer Affairs Office at 1-800-657-3782 or consumer.puc@state.mn.us. The name and contact information for the permittee's designated complaint representative shall be kept current in the Commission's eDocket system.

**ATTACHMENT D**

**ATTACHMENT 2**

Compliance Filing Procedures for Permitted Energy Facilities

DRAFT

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLIANCE FILING PROCEDURE FOR  
PERMITTED ENERGY FACILITIES**

**A. Purpose**

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

**B. Scope and Applicability**

This procedure encompasses all known compliance filings required by the permit.

**C. Definitions**

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

**D. Responsibilities**

1. The permittee shall file all compliance filings through the eDockets system. The eDockets system is located at: <https://efiling.web.commerce.state.mn.us/>

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

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

- a. Date
- b. Name of submitter/permittee
- c. Type of permit (site or route)
- d. Project location
- e. Project docket number
- f. Permit section under which the filing is made
- g. Short description of the filing

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3. The Commission may request a paper copy or USB drive of filings that are graphic intensive (e.g., maps and engineered drawings), in addition to being electronically filed. If requested, send a paper copy or USB drive to: Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147.

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**PERMIT COMPLIANCE FILINGS<sup>1</sup>**

PERMITTEE:

PERMIT TYPE:

PROJECT LOCATION:

PUC DOCKET NUMBER:

Filing Number	Permit Section	Description of Compliance Filing	Due Date

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<sup>1</sup> This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

**ATTACHMENT D**

**ATTACHMENT 3**  
Route Permit Maps

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