

Staff Briefing Papers

Meeting Date	February 26, 226	Agenda Item 1*
Company	Castle Rock Solar LLC	
Docket No.	IP-7137/GS-24-267	
	In the Matter of the Application of Castle Rock Solar LLC for a Site Permit for the up to 150-MW Castle Rock Solar Project in Dakota County, Minnesota.	
Issues	<ol style="list-style-type: none"> 1. Should the Commission adopt the Administrative Law Judge’s Finding of Fact, Conclusions of Law, and Recommendations? 2. Should the Commission find that the environmental assessment and the record created at the public hearings address the issues identified in the scoping decision? 3. Should the Commission issue a site permit for the up to 150-MW solar energy generating facility? 	
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✓ Relevant Documents

	Date
Castle Rock Solar LLC – Site Permit Application (18 parts)	January 15, 2025
IUOE Local 49 & NCSRC of Carpenters Comments	February 14, 2025
DOC EERA – Comments	February 14, 2025
Castle Rock Solar LLC – Reply Comments (4 parts)	February 21, 2025
DOC EERA – Response to Reply Comments	February 26, 2025
LIUNA Minnesota/North Dakota	February 27, 2025
Order Accepting Application as Complete	March 18, 2025
Castle Rock Solar LLC – Update on Project Area Description	April 22, 2025
MN DNR – Comments & Natural Heritage Review Letter (2 parts)	May 2, 2025
PUC EIP – Environmental Assessment Scoping Decision	July 9, 2025

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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.

✓ Relevant Documents

	Date
PUC – Notice of Legislative Changes	July 9, 2025
Castle Rock Solar, LLC – Compliance Filing – Acquisition Occurrence Notice	August 19, 2025
Castle Rock Solar, LLC – Other – Castle Rock Site Plan Update	September 15, 2025
Castle Rock Solar, LLC – Direct Testimony (2 parts)	October 10, 2025
PUC EIP – Environmental Assessment (9 parts)	October 10, 2025
Castle Rock Solar, LLC – Letter to the MPUC	October 17, 2025
Vermillion River Watershed Joints Powers Organization	October 29, 2025
MN – Vegetation Working Group – Hearing Comments	October 31, 2025
MN DNR – Comments	November 3, 2025
LIUNA Minnesota/North Dakota	November 4, 2025
Castle Rock Solar, LLC – Letter & Proposed Findings Conclusions of Law and Recommendations (2 parts)	November 17, 2025
PUC EIP – Reply Comments (2 parts)	December 1, 2025
Castle Rock Solar, LLC – Supplemental Comments	December 1, 2025
CAH – Findings of Fact, Conclusions of Law, and Recommendation	January 9, 2026
Castle Rock Solar LLC – Exceptions to ALJ Report	January 29, 2026

Attachments

Attachment A: Undisputed Special Permit Conditions List

Table 1: Exceptions to the ALJ Report

Table 2: Proposed Site Permit Language

Attachment B: Proposed Site Permit

Statement of Issues

1. Should the Commission adopt the Administrative Law Judge’s Findings of Fact, Conclusions of Law, and Recommendations?
2. Should the Commission find that the environmental assessment and the record created at the public hearings address the issues identified in the scoping decision?
3. Should the Commission issue a site permit for the up to 150-MW solar energy generating facility?

Project Description

The project is being proposed by Castle Rock Solar LLC (applicant), a wholly owned subsidiary of Atlantica North America, LLC, a subsidiary of Atlantica Sustainable Infrastructure, PLC. The proposed project would utilize between 934 – 1000 acres of the 1,384-acre project site.¹² Exact acreage developed for the project will depend on the project substation and final design of the overall project. Undeveloped acreage at the project site would be utilized by the underlying landowners at their discretion.

Approximately 1,000 feet of collection lines will be utilized to connect two PV array areas in the southwest corner of the project area and may also potentially host solar arrays depending on final landowner lease agreements.³

The applicant submitted an interconnection application into the 2021 MISO study cycle and has an active queue position that is currently working through the multi-step MISO study process. The applicant provided the following updated project timeline:

Activity	Site Permit Application Timeline
Site Permit Issued	First Quarter 2026
Generator Interconnection Agreement (GIA) Execution	First/Second Quarter 2026
Commencement of Construction	First Quarter 2028
Testing and Commissioning	Third/Fourth Quarter 2029
Operation	Fourth Quarter 2029

The applicant indicated that the site was chosen based on a variety of factors including willing landowners, environmental characteristics, and proximity to the point of interconnection. Future expansion could include a Battery Energy Storage System (BESS) within the project area, which would be applied for in a separate docket and application.⁴⁵ The project will consist of the following components: solar panels, combiner boxes, inverters, step-up transformers and associated substation equipment, MET stations, fencing, access roads, and improvements to existing access roads or driveways as needed, stormwater management systems, temporary laydown yards, temporary offices, electrical collection system, and O&M facility. Approximately 375,000 modules are estimated for the design of the project. The estimated cost of the project

¹ [Site Plan Update - September 15, 2025](#)

² [Applicant Direct Testimony - October 10, 2025](#)

³ [Page 9, Project Overview, Site Permit Application](#)

⁴ [In-Person Public Hearing Transcript](#)

⁵ [Public Hearing Reply Comments](#)

is \$380 million.

Pre-Application Outreach

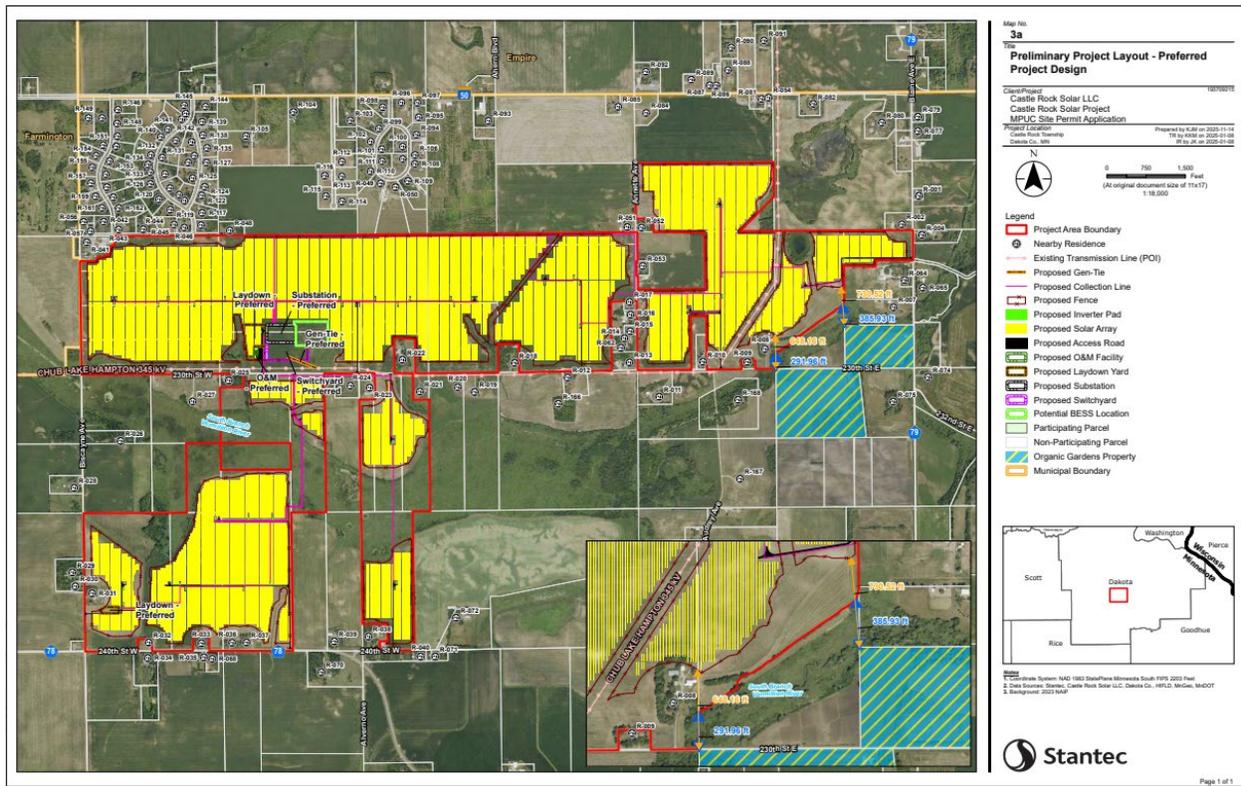
Throughout 2024 and into January 2025 the applicant coordinated with agencies and other stakeholders. In addition, as part of pre-application activities, the applicant sent letters to the 11 Minnesota Tribes, the Minnesota Indian Affairs Council, and the Tribes with interests in Dakota County, Minnesota as listed on the Tribal directory Tool.

The applicant stated that representatives from the above-mentioned Tribes noted there are no recorded or known burials in the area and that they have no concerns with the proposed project. Some correspondence also requested ongoing coordination regarding the project. The correspondence is contained in Appendix C of the application.⁶

In comments on the scope of the EA, the Leech Lake Band of Ojibwe (LLBO) submitted comments stating they do not have any recorded historic properties within the area, though highlighted that this does not mean there are not any cultural resources present. LLBO further stated that if any human remains or suspected human remains are encountered that all work ceases and the County Sheriff, Office of the State Archeologist, the LLBO, along with other interested parties, be notified.

⁶ [Appendix C - Tribal Correspondence](#)

Project Map



Statutes and Rules

Site Permit

Minn. Stat. § 216E.03, subd. 1, provides that no person may construct a large electric generating plant without a site permit from the Minnesota Public Utilities Commission (Commission) and that a large electric generating plant may be constructed only on a site approved by the Commission. The Castle Rock Solar Project is a large electric power generating plant because it is a facility designed for and capable of operation at a capacity of 50-megawatts or more.

Large electric power generating plants that are powered by solar energy are reviewed under the Alternative Review process under Minn. Stat. § 216E.04 and MN Rule 7850.2800 - .3900.

Minn. Stat. § 216E.02, subd. 1, requires that large electric power generating plants be located consistent with state policy and in a manner that minimizes adverse human and environmental impact while ensuring continuing electric power system reliability and integrity and ensuring that electric energy needs are met and fulfilled in an orderly and timely fashion.

In determining whether to issue a permit for a large electric power generating plant, the

Commission must consider the factors contained under Minn. Stat. § 216E.03, subd. 7, and Minn. R. 7850.4100. Under Minn. R. 7850.4600, the Commission may impose conditions in any site permit for a large electric power generating plant as it deems appropriate and that are supported by the record.

Alternative Review

Minn. Stat. § 216E.04, subd. 2, provides that several types of proposed projects qualify for the alternative review process including large electric power generating plants that are powered by solar energy; and high voltage transmission lines in excess of 200 kilovolts and less than 30 miles in length. Under the alternative review process, an environmental assessment is required rather than an environmental impact statement.

Environmental Document

Minn. Stat. § 216E.04, subd. 5, requires preparation of an Environmental Assessment (EA) for projects being reviewed under the alternative permitting process. Environmental review staff formerly at Minnesota Department of Commerce and now with PUC prepared the EA. The EA 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 eliminate or minimize any adverse impacts identified.

Certificate of Need

Under Minn. Stat. § 216B.243, subd. 8(a)(7), the project is exempt from CN requirements because it is a solar energy generating system, and the project is being developed and permitted by an independent power producer, Castle Rock Solar, under Minn. Stat. Chapter 216E.

Procedural History

On October 31, 2024, Castle Rock Solar filed a Notice of Intent to Submit a Site Permit Application under the alternative permitting procedures of Minn. Stat. § 216E.04 and Minn. R. 7850.2800 - .3900.

On January 16, 2025, Castle Rock Solar submitted the Application for the project.

On January 22, 2025, the Commission issued a Notice of Comment regarding the completeness of the Application, requesting initial comments by February 4, 2025, reply comments by February 11, 2025, and supplemental comments by February 18, 2025.

On January 31, 2025, Legalectric, Inc. requested an extension of the Comment Period on Application Completeness, asserting insufficient public notice and the need to include the general service list.

Also on January 31, 2025, Castle Rock Solar filed a Notice of Filing of Application to the official service list of the project and to persons interested in the project as identified in the Commission's Power Point Siting Act General List.

On February 3, 2025, the Commission issued a Notice of Extended Comment Period.

On February 12, 2025, Castle Rock Solar submitted a compliance filing regarding service of the Application.

On February 14, 2025, the International Union of Operating Engineers Local 49 (IUOE Local 49) and the North Central States Regional Council of Carpenters (NCSRC of Carpenters) filed comments.

Also on February 14, 2025, the DOC-EERA (PUC-EIP) filed comments recommending that the Commission accept the Application as substantially complete but requested additional information from the applicant including a discussion of greenhouse gas (GHG) emissions, Natural Heritage Information System (NHIS) data from the Minnesota Department of Natural Resources (MDNR), and additional information regarding the orientation of a private airstrip.

On February 21, 2025, Castle Rock Solar filed reply comments which included a discussion of GHG emissions associated with the construction, operation, and decommissioning of the project, NHIS data from the MDNR, and additional information about the orientation of the private airstrip. Castle Rock solar explained that the private airstrip is owned by a participating landowner, had not been used in 11 years, and that the landowner has no intention of restoring the airstrip.

On February 26, 2025, the DOC-EERA (PUC-EIP) filed supplemental comments indicating that Castle Rock Solar's reply comments adequately addressed the request for project GHG emissions, the NHIS report, and private airstrip information. PUC-EIP staff reiterated the recommendation that the Application be accepted as substantially complete.

On February 27, 2025, the Laborer's International Union of North America Minnesota and North Dakota (LIUNA) filed supplemental comments agreeing that the Application was substantially complete.

The Commission issued an Order on March 18, 2025, finding the Application complete.

On March 20, 2025, the Commission issued a letter authorizing the applicant to initiate

consultation with the SHPO pursuant to Minn. Stat. § 138.665.

On March 26, 2025, the Commission filed a Notice of Public Information and EA Scoping Meetings for April 16, 2025 (remote) and April 17, 2025 (in-person). The comment period was opened until May 2, 2025.

On May 6, 2025, the DOC-EERA (PUC-EIP) filed the oral public comments received during the in-person and remote-access Public Information and EA Scoping meetings. Two attendees provided comments at the remote-access hearing. Potential impacts and concerns related to the project that were raised included the use of local labor and wetland protection.

On April 17, 2025, approximately 13 people attended the in-person scoping meeting. Five attendees provided comments. Commenters identified a preference for use of local labor, discussed changes in tax revenue for the County based on the project, and asked questions about visual impacts, traffic and road impacts, impacts on a snowmobile trail in the project area, decommissioning, and water and septic use for the project.

One commenter, an owner/operator of an organic vegetable farm near the project area, identified that a certain amount of buffer zone is required for organic certification, and asked questions about the impacts of electrical cables and wiring on animals, birds, and people.

On April 22, 2025, the applicant filed an updated project area description. The applicant explained that on April 16, 2025, it signed lease agreements with the landowner of two additional parcels of land (parcel identification numbers PID 070090052013 and PID 070090029010), resulting in the addition of 77 acres of land to the project. The applicant requested that the additional land be considered and evaluated in the EA. Accordingly, approximately 1,384 acres were now under lease or easement agreement with Castle Rock Solar for the project.

On May 2, 2025, the Minnesota Department of Natural Resources (MDNR) filed scoping comments on the project. The MDNR also filed the Natural Heritage Review Letter.

On May 5, 2025, the Commission filed written public comments from Drea Doffing requesting an Environmental Impact Study (EIS) for the project.

On May 6, 2025, the DOC-EERA (PUC-EIP) filed the written public comments received on the scope of the EA for the project.

On July 9, 2025, the DOC-EERA (PUC-EIP) issued the EA Scoping Decision for the project. The Scoping Decision set forth the matters proposed to be addressed in the EA and identified certain issues outside the scope of the EA.

Also on July 9, 2025, the Commission filed a notice of legislative changes indicating that on July 1, 2025, the Department of Commerce Energy Environmental Review and Analysis (DOC-EERA) staff moved to the Commission Energy Infrastructure Permitting unit (PUC-ER in the ALJ report, PUC-EIP/DOC-EERA in eDockets).

On July 11, 2025, the PUC-EIP (DOC-EERA) filed the Notice of EA Scoping Decision.

The Administrative Law Judge (ALJ) filed a First Prehearing Order on July 21, 2025, which established a schedule for the proceedings.

On August 19, 2025, the applicant filed an acquisition occurrence notice compliance filing, indicating that Atlantica North America, LLC, is the new owner of the project. Atlantica North America, LLC is a wholly owned subsidiary of Atlantica Sustainable Infrastructure, PLC, the applicant's ultimate parent entity.

On September 15, 2025, the applicant filed an updated design of the Project utilizing the additional leased land to provide a visual representation of what the Project may look like when incorporating the newly leased land into the Project. An updated Project map illustrating the current Project design is provided.

At the request of the parties, the Administrative Law Judge issued an Amended Prehearing Order on September 30, 2025, setting an amended schedule for the proceedings to accommodate the additional time needed to complete the EA.

On October 7, 2025, a Notice of Public Hearings and Availability of EA was published.

On October 10, 2025, the PUC-EIP (DOC-EERA) filed the EA for the project with Appendices A through H on October 10, 2025.

Also on October 10, 2025, the applicant filed the Direct Testimony of Andrew Campbell.

On October 17, 2025, the applicant filed a letter providing background on an additional, supplemental notice letter that it sent to five landowners who were not included in the original notice letter. Supplemental notice letters were sent to three properties that had been sold or divided since the original notice was sent (Nicolai, Hall, and Johnson properties) and two letters were sent to properties that were near but not adjacent to the proposed Project (Becker and Lockling properties).

Between October 30 and November 10, 2025, the PUC received public comments from the Vermillion River Watershed Joint Powers Organization; the Minnesota Pollution Control Agency (MPCA); the PUC-EIP (DOC-EERA) (regarding applicant's decommissioning plan); the interagency Vegetation Management Planning Working Group; the MDNR; Drea Doffing; Susan Ferrozzo;

and LiUNA Minnesota/North Dakota.

The applicant filed a response to public comments on November 17, 2025.

On December 1, 2025, the PUC-EIP (DOC-EERA) filed a response to the public comments received and to the applicant's proposed findings of fact.

Also on December 1, 2025, the applicant filed supplemental comments regarding the buffer zone of the Lengsfeld Organic Garden.

On January 9, 2026, the ALJ filed her Findings of Fact Conclusions of Law & Recommendations (ALJ Report).

On January 21, 2026, the PUC-EIP filed a letter indicating it did not have any exceptions to the ALJ Report.

On January 29, 2026. Castle Rock Solar LLC filed exceptions to the ALJ Report.

LIUNA submitted late-filed comments supporting Castle Rock Solar's commitment to "maximize use of local, union construction workers to construct the Project to the greatest extent feasible" and supported the adoption of the original permit language proposed by the Commission's Energy Infrastructure Permitting staff.

Comments

Pre-Application Outreach

Throughout 2024 and into January 2025 the applicant coordinated with agencies and other stakeholders. In addition, as part of pre-application activities, the applicant sent letters to the 11 Minnesota Tribes, the Minnesota Indian Affairs Council, and the Tribes with interests in Dakota County, Minnesota as listed on the Tribal directory Tool.

The applicant stated that representatives from the above-mentioned Tribes noted there are no recorded or known burials in the area and that they have no concerns with the proposed project. Some correspondence also requested ongoing coordination regarding the project. The correspondence is contained in Appendix C of the application.

In comments on the scope of the EA, the Leech Lake Band of Ojibwe (LLBO) submitted comments stating they do not have any recorded historic properties within the area, though highlighted that this does not mean there are not any cultural resources present. LLBO further stated that if any human remains or suspected human remains are encountered that all work

ceases and the County Sheriff, Office of the State Archeologist, the LLBO, along with other interested parties, be notified.

Labor Organizations

IUOE Local 49 & NCSRC

The IUOE Local 49 and the NCSRC submitted comments on February 14, 2025, expressing their appreciation to the applicant for meeting with them and looking forward to future conversations.

LIUNA

LIUNA filed comments on February 26, 2025, explaining that they had the opportunity to discuss plans for project construction and appreciate the applicant's willingness to work with them.

Public Information and Environmental Assessment Scoping Comments

On March 26, 2025, the Commission issued a notice of public information and environmental assessment scoping meetings. Meetings were held on April 16, 2025 (in-person) and April 17, 2025 (virtual) and comments were accepted until May 2, 2025.⁷ Comments were summarized above within the procedural history, more detail is found below for comments that were more than general in nature, and all comments are available in the transcripts.⁸

Minnesota Department of Natural Resources (DNR)

On May 2, 2025, the DNR filed comments⁹ and a Natural Heritage Review Letter. The DNR's comments asked that EERA address the following issues in the Environmental Assessment (EA):

Security Fencing. The DNR recommends a minimum height of 10-feet for the project's security fencing (the applicant proposed an 8-foot fence) and advised against the use of barbed wire. DNR further requested that the final security fence be designed in accordance with the DNR's Fencing Handbook. The DNR acknowledged that the design of the fence must follow the National Electrical Code requirements but asked that the applicant adhere to the DNR's guidelines to the maximum extent practicable.

⁷ [Scoping Meeting Notice](#)

⁸ [Scoping Meeting Transcripts](#)

⁹ [DNR Scoping Comments](#)

Karst Features. The DNR stated the project area is prone to surface karst¹⁰ feature development and asserted that the applicant must coordinate with geotechnical experts to limit any potential pollution.

Loggerhead Shrike. The Loggerhead Shrike, a state-listed endangered bird, has been documented in the area. If tree clearing cannot be avoided during breeding season of the bird, a qualified surveyor needs to conduct a survey for active nests before any trees or shrubs are removed.

Lighting. The DNR advises that the nominal color temperature of lighting installed does not exceed 4,000 kelvin. The Commercial Solar Siting Guidance also recommends lighting is downlit and shielded to minimize blue hue, backlight, and glare.

Dust Control. The DNR appreciates the applicant using dust control agents that do not contain chloride.

Wildlife-Friendly Erosion Control. The DNR recommends that erosion control blankets be limited to bio-netting or natural netting types.

Native Plant Communities. The DNR asked that native plant communities and measures to avoid or minimize impacts to them be discussed in the EA.

Vegetation Management Plan. The DNR asked that the EA discuss the construction and vegetation reestablishment phases to minimize stormwater runoff, stabilize soil, and support habitat. The DNR recommends the utilization of a vegetation management plan (VMP) throughout the permitted sites. The VMP should be consistent with the DNR's Prairie Establishment and Maintenance Technical Guidance for Solar Projects. The DNR further states that they understand that the application states that the bottom edge of the modules will be a minimum of 18 inches above grade at maximum tilt. The DNR advises increasing the height of the module to accommodate the growth of high diversity seed mixes.

Natural Heritage Review Letter. A Natural Heritage Review letter¹¹ was filed as part of the DNR's scoping comments. The letter further analyzes unique species and natural features of the proposed project area.

Ecologically Significant Areas. The DNR identified the proposed project site as being within a site of moderate biodiversity significance (MBS). The MBS site is mapped as a Sedge

¹⁰ A karst is a terrain with distinctive landforms and hydrology created primarily from the dissolution of soluble rocks. It is characterized by sinkholes, caves, springs, and underground drainage dominated by rapid conduit flow.

¹¹ [Natural Heritage Review](#)

Meadow¹² (WMn82b) Native Plant Community, which has a state conservation rank of Apparently Secure (S4), and provides the following recommendations:

1. As much as possible, operate within already-disturbed areas.
2. Avoid MBS Sites and native plant communities ranked S1, S2, or S3.
3. Retain a buffer between proposed activities and the MBS Site.
4. Minimize vehicular disturbance in the MBS Site (allow only vehicles/equipment necessary for construction activities).
5. Do not park equipment or stockpile supplies in the MBS Site.
6. Do not place spoil in the MBS Site or other sensitive areas.
7. Use effective erosion prevention and sediment control measures. Castle Rock Solar Project MCE-2024-00760 Page 2 of 4
8. Inspect and clean equipment prior to operation and follow recommendations to prevent the spread of invasive species.
9. Revegetate disturbed soil with native species suitable to the local habitat as soon after construction as possible.
10. Use only weed-free mulches, topsoils, and seed mixes. Of particular concern are birdsfoot trefoil (*Lotus corniculatus*) and crown vetch (*Coronilla varia*), two invasive species that are sold commercially and are problematic in prairies and disturbed open areas.

Loggerhead Shrike. The endangered species of bird has been documented in the area, and tree and shrub removal are required to be avoided during the breeding season, April through July.

Northern Long-Eared Bat. Bats, in general, can be found throughout Minnesota. To minimize impacts to the species the DNR recommends avoiding tree removal from June 1 through August 15.

Rusty Patched Bumble Bee. The bee may be impacted by a variety of land management activities in the project area. If applicable, the DNR recommends reseeding disturbed soils with native species of grasses and forbs using BWSR Seed Mixes or MnDOT Seed Mixes.

Leach Lake Band of Ojibwe

The LLBO submitted comments¹³ stating:

¹² Sedge meadows are dominated by grass-like plants called sedges. Annually, they will be wettest after snowmelt and spring rains. By the end of the summer, little or no standing water remains, earning these wetlands the nickname “dry marsh.” Sedge meadows are often found between uplands and lakes, rivers, or streams.

¹³ [LLBO Comments](#)

“I have reviewed the documentation. After careful consideration of our records, I have determined that the Leech Lake Band of Ojibwe does not have any recorded historic properties, within this area. ** This does not mean there are not any cultural resources present, at this time. **

The LLBO also stated the following:

“Should any human remains or suspected human remains be encountered, all work shall cease and the following personnel should be notified immediately: County Sheriff’s Office, Office of the State Archaeologist, and the Leech Lake Band of Ojibwe along with other interested parties.”

Staff notes that permit condition section 4.3.23 Archaeological and Historic Resources and 5.12 Unanticipated Discoveries Plan addresses notification if human remains are found.

Vermillion River Watershed Joint Powers Organization (VRWJPO)

The VRWJPO filed comments¹⁴ explaining they have reviewed the approved wetland delineation report. VRWJPO stated that it appears the project will place infrastructure in farmed wetlands and requested that the applicant work through the Wetland Conservation Act¹⁵ sequencing process to avoid and minimize impacts to onsite wetlands before seeking approval.

Gerald S Larson

Mr. Larson argued that the project should not be built on prime farmland. Mr. Larson provided information regarding the Castle Rock Township and the Mork Wetland suggesting that the applicant should build the project there. Staff notes that there are not many resources available regarding the Mork Wetland besides meeting minutes from the VRWJPO¹⁶. Though the AI overview states the “Mork Wetland Bank is a mitigation project located in Minnesota, involving easement and construction, with planning for 2026 involving the cities of Burnsville and Apple Valley. The project has faced development challenges from Castle Rock Township officials and the U.S. Army Corps of Engineers. It aims to provide wetland credits to offset impacts.”

Furthermore, staff notes the applicant states the following in their application regarding the Prime Farmland Rule:¹⁷

¹⁴ [VRWJPO Letter](#)

¹⁵ [Guidance on Reviewing Solar Panel Projects for Wetland Conservation Act \(WCA\) Compliance](#)

¹⁶ [Mork Wetland - VRWJO Meeting Minutes](#)

¹⁷ [Prime Farmland Rule Exemption](#)

“The Project is located directly adjacent to the City of Farmington, which, according to the 2020 federal census, had a population of approximately 23,632 people thereby qualifying as a second-class city (citation of: Minn. Stat. § 410.01). Accordingly, the Prime Farmland Rule does not apply within the City or the area within two miles of the City, which encompasses each of the two potential points of interconnection and approximately 740.6 acres (or 79%) of the Development Area. Castle Rock Solar sought landowners who were in the 2-mile buffer and avoided orderly annexation areas identified in the City of Farmington 2040 Comprehensive Plan, none of the Site Control Area is located within an orderly annexation area or is otherwise targeted for City growth through 2040 and beyond.”

Nate Runke

Mr. Runke commented at the in-person meeting on behalf of the International Union of Operating Engineers (IUOE) Local 49. In his comments he asks for a commitment from the applicant to use local labor and for the EA to also cover local labor usage and its impacts.

Evelyn Kaiser

Ms. Kaiser raised concerns and questions about how the project will affect the river, groundwater, soil, and air. She further expressed that she requires a certain amount of buffer from the project to keep the organic certification for her farm.

Public Hearing Comments

The Commission issued a Notice of Public Hearings and Availability of Environmental Assessment on October 10, 2025. Public hearings were held on October 22, 2025 (in-person) and October 23, 2025 (virtual), and a written comment period was opened until November 3, 2025.¹⁸ The oral comments made at both the in-person and virtual public hearings included the following topics: noise, visual screening, construction timing, whether/how the project’s power will serve the community, how other past projects affect this project, general health concerns, Vermillion River quality concerns, landowner compensation, project interconnection, power delivery, equipment sourcing, panel recyclability, ambient air temperature, labor sourcing, homeowner compensation, land procurement, project decommissioning, substation operation, dewatering, project buffer, land availability for livestock grazing, how local taxes are assessed regarding the project, applicable rights-of-way, emergency response plans and property values. Requests were specifically made by one attendee, Drea Doffing, orally and in writing which are

¹⁸ [Notice of Public Hearings](#)

summarized below. All comments are available in transcripts¹⁹²⁰ and also summarized in the ALJ report in paragraphs 68-75.

Vermillion River Watershed Joint Powers Organization (VRWJPO)

The VRWJPO filed comments during the public hearing comment period. Comments addressed the EA, specifically soils, surface water, vegetation, and potential impacts and mitigation, and requested edits to tables and figures.²¹ The VRWJPO asked for the following changes to the draft site permit (Appendix C):

1. Page 9: Please add that permittee must obtain a Township permit for land disturbing activities.
2. Page 22: Please add that the Township shall also be provided site plans for review and approval.

Staff notes the draft site permit contains Section 1.1 (Pre-emption) and Section 4.5.2 (Other Permits and Regulations) regarding the VRWJPO's proposed additions. Furthermore, staff notes 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.

Minnesota Pollution Control Agency (MPCA)

The MPCA filed comments explaining they have reviewed the EA and have no comments. They asked to be provided the notice of decision on the need for an Environmental Impact Statement (EIS). Staff notes pursuant to Minn. Ch. 7850 the only environmental document required to be completed for the proposed project is an EA.

PUC-EIP

Commission EIP staff filed comments regarding recommended modifications to the draft decommissioning plan, which is to be submitted prior to construction. EIP staff made general comments and also indicated that some areas did not meet expectations and requested more information and clarification for the following: The decommissioning objective, scheduled updates, the project description and what it should include, the use of generation output, permits and updates to the permits needed, tasks and timing, cost estimates, and financial

¹⁹ [In-Person Public Hearing Transcripts](#)

²⁰ [Virtual Public Hearing Transcripts](#)

²¹ [VRWJPO Public Hearing Comments](#)

assurance.²² PUC-EIP staff also summarized changes between the sample site permit filed by the Commission and the proposed draft site permit (PDSP) included in Appendix C of the EA where EIP staff made detailed recommendations for Site Permit modifications.

Vegetation Management Plan Working Group (VMPWG)

The VMPWG filed comments after reviewing the draft Vegetation Management Plan (VMP). The VMPWG did not recommend any actions be taken by the Commission but offered comments to facilitate transparency in the record and to arrive at a VMP that is adequate to meet pre-construction compliance filing requirements. The working group offered comments on the following: The two additional parcels, management areas, site preparation, seed installation, seed mixes, visual screening, mowing and haying, grazing, herbicide use and weed control, management, monitoring and reporting, the Habitat Friendly Solar Program, and Updates to the Vegetation Management Plan. Rather than paraphrase the comments here, staff recommends the Commission review the comments²³ in their entirety. VMPWG staff indicated in their comments that the plan for site restoration appears to be achievable to meet the applicant's objectives to:

1. Establish low-growing, regionally appropriate grasses within the arrays and associated buffers
2. Minimize the presence of noxious weeds and
3. Protect adjacent natural areas from impacts during construction and operation of the project facility.

VMPWG staff recommended that the applicant enroll the project in the State's Habitat Friendly Solar Program and concluded their comments by acknowledging that they understand that the applicant is still finalizing their VMP and recommended that the applicant continue to coordinate with the VMPWG.

LIUNA

The labor organization LIUNA filed public hearing comments. Among other things, LIUNA expressed hope that the workforce plan has not changed since the project has been acquired by new owners and that the commitments made by the former owners of the project will remain intact with Atlantica (new owners).

²² [PUC EIP Public Hearing Comments](#)

²³ [VMPWG Public Hearing Comments](#)

Drea Doffing

Drea Doffing submitted oral and written comments (summarized in the ALJ Report²⁴ at paragraph 73 and 82) during the comment period. Among other things, in her comments Ms. Doffing asked that the following special permit conditions be included in the site permit:

1. A larger project buffer (increased setbacks).
2. An Eco-disaster plan.
3. An Environmental Impact Statement (EIS).
4. The aquatic habitat of the Vermillion River be studied in the EIS.
5. The use of no glare solar panels.
6. The impacts to home values be studied in the EIS, and the values of those homes be guaranteed by the developer.
7. Pollution to groundwater be studied in the EIS.
8. Pre-construction drawings be provided to the Township.
9. Visual screening plans be provided to residents contiguous to the project and a copy provided to the Township government. Which upon review by the township and landowner of each property be approved on an individual basis (via homeowner signature). Working with all homeowners contiguous to the project with this screening plan before approving the pre-construction plans.

Castle Rock Solar Reply Comments

In their reply comments the applicant noted that the Commission's site permit approval supersedes and preempts all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose governments, but indicated that it is committed to following local zoning, building, or land use rules, regulations, or ordinances to the extent practicable. Specifically, they have incorporated setbacks that were local requirements at the time of the project application. More specifically 300 feet from dwellings and other sensitive receptors, 100 feet from property lines with a residential dwelling, and 100 feet from Interstate, State, and County Roads.²⁵ Regarding glare, it is a Castle Rock Township regulation that systems shall not create or cause unreasonable glare on other property or public roadways²⁶. The applicant also provided in their application²⁷ the solar panels have an antireflective coating which greatly reduces glare and glint from panels.

²⁴ [ALJ Report - Drea Doffing Comments](#)

²⁵ [Castle Rock Solar Application - Setbacks](#)

²⁶ [Environmental Assessment - Castle Rock Township and Dakota County Performance Standards for Solar Farms](#)

²⁷ [Castle Rock Solar Application - Glare](#)

Also, in addressing Ms. Doffing's comments the applicant asserted that the EA discussed the impacts to the Vermillion River including a discussion of horizontal directional drilling as a method that will reduce ground disturbance impacts to wetlands.

Regarding the Site Plan, the applicant agreed with the comments made by Ms. Doffing and the VRWJPO and requested that permit condition 8.3 be modified to include providing the site plan pre-construction filings to the county and township.

Regarding Emergency Response & Safety, the applicant asserted that Toxicity Characteristic Leaching Procedure (TCLP) testing will be conducted on the panel model once a manufacturer has been identified and reasserted that the draft site permit contains an Emergency Response Plan condition and is committed to consulting with emergency responders as part of this plan. Regarding Visual Impacts and Visual Screening Plan, the applicant reasserted that it is required to submit documentation of coordination between adjacent landowners and Castle Rock Solar in the development of the visual screening plan.

Regarding property values, the applicant in their reply comments referenced the EA stating that the EA found the project "could experience minimal to moderate property value impacts," but "significant negative impacts to property values in the project vicinity are not anticipated."

Lengsfeld's Organic Farm. Regarding the organic farm, the applicant replied noting that the current draft site permit contains three permit conditions intended to ensure herbicide use for the project will not impact the organic certifications held by the organic farm. To ensure that no herbicides applied to the project vegetation would drift onto the farm, the applicant removed a portion of the southeast corner of the project Area from the site permit boundary (updated maps have been attached to this document), increasing the buffer to an estimated 292-feet from the organic farm boundary. In making this gesture within their reply comments the applicant then proposed that the following previously mentioned special conditions, specifically 5.9 Organic Land Planning Document, 5.10 Herbicide Buffer Zone and 5.11 Herbicide Damages, be removed from the permit.

The applicant asserted that the USDA generally recommends a 50-foot buffer, and that the currently proposed "nearly 300-foot buffer" between the project and the Organic Farm should be more than enough to prevent herbicide drift from reaching the organic farm. PUC-EIP (DOC-EERA) staff in their reply comments indicated that they support removing sections 5.9, 5.10, and 5.11 from the DSP based upon the applicant's self-imposed setback. Supplemental comments²⁸ made by the applicant explained that they have also met with the owner of the organic farm. The owner confirmed that a 30-foot buffer zone is adequate to avoid impacts on the Organic Farm and noted that she had no additional concerns.

²⁸ [Castle Rock Supplemental Comments](#)

Local Craft Labor. The applicant submitted reply comments on the proposed local labor provisions in the draft site permit. The draft site permit provided the inclusion of “union” to Section 8.5. The applicant argued that the permit provision goes beyond the precedent set by the Sherco Solar projects and the applicant’s commitments made in their application and asked for “union” to be removed and “craft” to be added in its place. As further discussed below, the applicant filed exceptions reversing their position and supporting the original version of the permit condition as written by PUC-EIP and included in the draft site permit.

Karst Features. In response, the applicant asserted that the 150-foot buffer is incomplete and misleading, as buffer distances vary based on a number of factors and further stated that the 150-foot distance is for high-risk activity, and its use in another project (Byron Solar, GS-20-763) was added with minimal analysis.

Visual Screening Plan. PUC-EIP (DOC-EERA) staff proposed a modification to section 5.1 of the DSP to include providing the Visual Screening Plan to the townships prior to the pre-construction meeting.

Other Permit Conditions. Staff notes that the applicant and PUC-EIP did not dispute, object to, or offer any other changes to the other site permit conditions.

Susan Ferrozzo. Susan Ferrozzo submitted oral and written comments²⁹ during the comment period. Ms. Ferrozzo argued that homeowners in close proximity to the project should be compensated for the devaluation of their property. In addition, Ms. Ferrozzo asserted that she and her neighbors were improperly noticed or not noticed at all.

The applicant, in response, explained that Ms. Ferrozzo is not an adjacent landowner, and stated that all adjacent landowners have been properly noticed as required by law. The applicant also indicated that it has attempted to contact Ms. Ferrozzo to discuss her questions, comments, and concerns about the project.

Administrative Law Judge Report

The Commission requested an ALJ from the Court of Administrative Hearings preside over public hearings and prepare a report containing findings of fact, conclusions of law, and a recommendation on the merits of the proposed project, including on conditions to be included in the site permit. The ALJ’s recommended conditions are included in the attached table 2.

The ALJ recommended that the Commission issue a Site Permit to Castle Rock Solar LLC to construct and operate the project and associated facilities in Dakota County, Minnesota. In addition, the permit should include the draft permit conditions amended as addressed below.

²⁹ [Susan Ferrozzo Comments](#)

In the ALJ report's findings, the ALJ noted that Castle Rock Solar provided notice to the public and local governments in satisfaction of Minnesota statutory and rule requirements.

The ALJ concluded that:

- The Commission and the Administrative Law Judge have jurisdiction over the Application for a site permit for the up to 150 MW proposed project pursuant to Minn. Stat. § 216E.02 and 216E.03 (2023).
- Castle Rock Solar has substantially complied with the procedural requirements of Minn. Stat. Ch. 216E (2023) and Minn. R. Ch. 7850.
- PUC-ER (PUC-EIP) has conducted an adequate environmental analysis of the project for purposes of the site permit proceeding pursuant to Minn. R. 7850.3700 and that the EA prepared for the project, and the record created at the public hearing, address the issues identified in the EA scoping decision.
- Public hearings were held on October 22, 2025 (in-person) and October 23, 2025 (remote-access). Proper notice of the public hearings was provided, and the public was given an opportunity to speak at the hearings and to submit written comments.
- The Commission has the authority under Minn. Stat. § 216E.03 (2023) to place conditions in a LEPGP site permit. 9. The DSP, as revised by the PUC-ER (PUC-EIP), MDNR, and Castle Rock Solar, contains a number of important mitigation measures and other reasonable conditions.
- It is reasonable to amend the DSP to include the changes proposed by the PUC-ER (PUC-EIP), and the subsequent changes proposed by the MDNR, Castle Rock Solar, and PUC-ER (PUC-EIP), as described below in table 2.
- The record in this proceeding demonstrates that Castle Rock Solar has satisfied the criteria for a site permit as set forth in Minn. Stat. § 216E.03 (2023) and Minn. R. Ch. 7850 and all other applicable legal requirements.
- The project, with the permit conditions discussed below, satisfies the site permit criteria for an LEPGP in Minn. Stat. § 216E.03 (2023) and meets all other applicable legal requirements.
- The project, with the permit conditions discussed in the attached table 2, does not present a potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act and/or the Minnesota Environmental Policy Act.

Exceptions

On January 21, 2026, PUC-EIP filed a letter stating they had no exceptions to the ALJ report.

On January 29, 2025, Castle Rock Solar submitted its exceptions to the ALJ Report. Specifically, the applicant submitted exceptions to the use of power addressed in the ALJ report (paragraph 317), the karst permit condition (5.14), and the use of union labor permit condition (8.5), and updates to paragraphs (109, 125, 197, and 330) in the ALJ report to reflect their current intentions to use local, union labor. Castle Rock did not propose another revision to Special Condition 5.14 *Karst Geology* but instead stated that they would continue to work with PUC-ER (PUC-EIP) and MDNR to provide an update on those discussions before the Commission considers this matter. These exceptions are addressed in table(s) 1 and 2 attached to the briefing paper.

On February 2, 2026, LIUNA Minnesota & North Dakota filed a response to the applicant's exceptions stating the following, "LIUNA appreciates Atlantica's clarification that the company is committed to "maximize use of local, union construction workers to construct the Project to the greatest extent feasible." We also support Atlantica's recommendation that the Minnesota Public Utilities Commission ("Commission") adopt the original permit language proposed by the Commission's Energy Infrastructure Permitting staff."

Staff Discussion

Staff recommends that the Commission adopt the ALJ report and the inclusion of permit condition 8.12 (Modified Emergency Response Plan), which appears to have been inadvertently left out of recommendation by the ALJ. Staff Notes that the condition is mentioned in paragraphs 101, 188, 216, and 278. Section 8.12 of the DSP requires the permittee to prepare an Emergency Response Plan in coordination with local emergency responders. The condition further requires the permittee to include specific training and response plans for impacts related to 100-year storm and flooding events.

Whether to adopt the ALJ report

Staff agrees with the findings, conclusions, and recommendations reached by the ALJ. Staff finds that the ALJ Report is a sound and reasonable ruling that is reflective of the case record. 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 the project. Therefore, staff recommends that the Commission approve the ALJ Report to the extent it is consistent with and necessary for the Commission's final decisions in these matters.

Alternatively, the Commission may, at its own discretion, modify or reject the ALJ Report.

Whether to find the Environmental Assessment Complete

Staff agrees with the ALJ that the Environmental Assessment and the record created at the public hearings and during the subsequent comment period address the issues identified in the Scoping Decision. The Environmental Assessment includes the items required by Minn. R. 7850.3700, subpts. 3 and 4.

Staff further notes:

- The Environmental Assessment did not identify any unique or significant environmental impacts from the construction and operation of the project that could not be properly mitigated.
- No information was submitted into the record that contested the information and analysis contained in the Environmental Assessment.

If the Commission finds the Environmental Assessment incomplete, it must identify the reasons and request that it be revised or supplemented. In this case, a schedule for revising or supplementing the Environmental Assessment would need to be established, and the Commission would revisit its decisions once completed.

Whether to Issue a Site Permit

Staff agrees with the ALJ's conclusions that the procedural requirements and decision criteria set forth in Minn. Stat. Ch. 216E and Minn. R. Ch. 7850 have been satisfied and that the Commission should issue a site permit to Castle Rock Solar LLC, for the up to 150-megawatt Solar Facility. Staff further agrees with the PUC-EIP and Castle Rock Solar permit conditions recommended by the ALJ for the site permit.

One permit condition 5.14 **Karst Geology** remains in dispute. The language proposed by PUC EIP and adopted by the ALJ reads as follows:

The Permittee shall file a geotechnical investigation report prepared for the project construction area by a third-party geotechnical engineer or authorized representative. The report shall include methodology, results, and conclusions drawn from the geotechnical investigation with recommendations on project design and construction. The Permittee shall file the geotechnical report with the Commission at least 14 days prior to the pre-construction meeting.

The Permittee shall conduct a survey for surface karst features within areas mapped by the DNR as Minnesota Regions Prone to Surface Karst Feature Development. The Permittee shall file the survey results with the Commission and submit the survey results to the DNR at least 14

days prior to the pre-construction meeting.

The Permittee shall not locate project infrastructure within 150 feet of documented active karst features and avoid all construction activity within 150 feet of documented active karst features. Active karst is Areas prone to surface karst development are defined as areas underlain by carbonate bedrock with less than 50 feet of sediment cover.

Castle Rock Solar does not believe there is a scientific justification for the permit language in its original form or its modified language as indicated in their hearing reply comments and exceptions, and do not support its inclusion. They also proposed their own language. It reads as follows:

The Permittee shall conduct karst geology assessments in compliance with ASTM D8512-23 (Standard practice for Preliminary Karst assessments for land development) and detailed site investigations which may include geophysical and or geotechnical subsurface investigations. If the preliminary karst assessment indicates that karst features may impact, or be impacted by, the proposed site development, then a detailed site investigation which may include geophysical and/or geotechnical subsurface investigations may be recommended if a karst feature is encountered, the Permittee shall report the findings to the Minnesota Department of Natural Resources (MDNR), and the Permittee shall develop appropriate mitigation measures in coordination with the MDNR.

Staff notes that the proposed site permit attached to these briefing papers incorporate the PUC-EIP and Castle Rock Solar conditions recommended by the ALJ, and the Staff recommended permit conditions to Sections 4.3.23, 5.25 and 8.12. If a permit is granted, they can be amended to include any additional modifications deemed appropriate by the Commission prior to issuance.

Staff proposes and recommends a modified permit condition 4.3.23 (Archaeological and Historic Resources) to notify the LLBO and local law enforcement if human remains are found.

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), the Leech Lake Band of Ojibwe (LLBO), local law enforcement, 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.

Staff has also proposed Special Permit Condition 5.25 requiring a *Tree Replacement Plan* and the addition of a compliance requirement in Section 8 of the permit - Permit Condition 8.15

requiring a *Power Purchase Agreement* or other enforceable mechanism for the electricity generated by the project as follows:

5.25 Tree Replacement Plan

The Permittee, in coordination with Dakota County and the Minnesota Department of Natural Resources, develop a tree replacement plan to replace any trees that are removed for the construction of the Project and file the plan with the Commission at least 14 days before the pre-construction meeting. Replacement trees can be planted as part of the required Visual Screening Plan or may be planted on public lands with the permission of the public entity/owner.

8.15 Power Purchase Agreement

Order the Permittee to file updates, quarterly from the date of permit issuance, on the status of a power purchase agreement or other enforceable mechanism for the sale of the electricity generated by the Project. In the event the Permittee does not have a power purchase agreement or some other enforceable mechanism for the sale of the electricity generated by the Project at the time this site permit is issued, the Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This site permit does not authorize construction of the Project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project. In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project within four years of the issuance of this site permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this site permit should be amended or revoked.

There are 27 undisputed proposed permit conditions for the Castle Rock Solar project. A list of those conditions is provided as Attachment A to the briefing paper. Only one permit condition, regarding Karst Geology, remains in dispute.

Decision Options

ALJ Report

1. Adopt the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation to the extent they are consistent with the Commission's decision. (ALJ, PUC-EIP, Staff, applicant)

And

2. Adopt one or more of the following exceptions and clarifications to the ALJ Report (See Table 1 attached to briefing paper):
 - a. E1 (applicant, staff)
 - b. E2 (applicant, staff)
 - c. E3 (applicant, staff)
 - d. E4 (applicant, staff)
 - e. E5 (applicant, staff)

Environmental Assessment

3. Determine that the Environmental Assessment and the record created at the public hearings and subsequent comment period address the issues identified in the Scoping Decision. (ALJ, PUC-EIP, Staff, applicant)

[Or, if the Commission does not select Option 2, it must identify the reasons and request that the Environmental Assessment be revised or supplemented.]

4. Determine that the Environmental Assessment and the record created at the public hearings and the subsequent comment period do not address the issues identified in the Scoping Decision for the following reasons:
[identify the reasons] **and**
5. Request that PUC-EIP prepare a supplement to the Environmental Assessment that addresses the identified deficiencies.

Site Permit

6. Issue the Proposed Site Permits attached to these briefing papers for the Castle Rock Solar Project in Dakota County, Minnesota. (ALJ, PUC-EIP, Staff, applicant)

And

7. Adopt the following permit conditions (see Table 2 attached to these briefing papers):

- a. P1: Karst Geology **as modified by PUC-EIP and the DNR** (PUC-EIP, ALJ)
- b. P2: Beneficial Habitat (DNR, PUC-EIP, applicant, ALJ)
- c. P3: Vegetation Management Plan (DNR, PUC-EIP, applicant, ALJ)
- d. P4: Security Fencing (DNR, PUC-EIP, applicant, ALJ)
- e. P5: Visual Screening Plan **as modified by PUC-EIP** (PUC-EIP, applicant, ALJ)
- f. P6: Noise Notification for Adjacent Residences (DNR, PUC-EIP, applicant, ALJ)
- g. P7: Snowmobile Trail 123 (DNR, PUC-EIP, applicant, ALJ)
- h. P8: Well Protection Plan (DNR, PUC-EIP, applicant, ALJ)
- i. P9: Road Use Agreement (DNR, PUC-EIP, applicant, ALJ)
- j. P10: Pipeline Siting and Protection Plan (PUC-EIP, applicant, ALJ)
- k. P11: Fire Safety Protocol (PUC-EIP, applicant, ALJ)
- l. P12: Emergency Response Training (PUC-EIP, applicant, ALJ)
- m. P16: Unanticipated Discoveries Plan (PUC-EIP, applicant, ALJ)
- n. P17: Spill Notification (PUC-EIP, applicant, ALJ)
- o. P18: Bedrock Excavation Plan (PUC-EIP, applicant, ALJ)
- p. P19: Dewatering Plan (DNR, PUC-EIP, applicant, ALJ)
- q. P20: Fuel Storage Prevention (PUC-EIP, applicant, ALJ)
- r. P21: Wetland Impacts (PUC-EIP, applicant, ALJ)
- s. P22: Facility Lighting (DNR, PUC-EIP, applicant, ALJ)
- t. P23: Dust Suppression (DNR, PUC-EIP, applicant, ALJ)
- u. P24: Wild-life Friendly Erosion Control (DNR, PUC-EIP, applicant, ALJ)
- v. P25: Ecologically Significant Areas (DNR, PUC-EIP, applicant, ALJ)
- w. P26: Northern Long-Eared Bat (DNR, PUC-EIP, applicant, ALJ)
- x. P27: Loggerhead Shrike (DNR, PUC-EIP, applicant, ALJ)
- y. P28: Site Plan **as modified by the applicant** (PUC-EIP, applicant, ALJ)
- z. P29: Labor Statistics Reporting (PUC-EIP, LIUNA, applicant, ALJ)
- aa. P30: Emergency Response Plan **as modified by PUC-EIP** (PUC-EIP, applicant)
- bb. P31: Archaeological and Historic Resources **as modified by Staff** (staff)
- cc. P32: Power Purchase Agreement **as proposed by Staff.** (staff)
- dd. P33: Tree Replacement **as proposed by Staff.** (staff)

Or

- 8. Do not issue a site permit.

Administrative

- 9. Delegate authority to the Executive Secretary to modify the Site and Route Permits to correct any typographic and formatting errors, to reflect recent changes in energy infrastructure permitting legislation as applicable, and to ensure consistency with the Commission's order.

Staff Recommendation: 1, 2a-e, 3, 6, 7a-dd and 9

Attachment A

Undisputed Special Conditions (Agreed Upon by the ALJ, the Applicant and PUC-EIP)

- a. P2: Beneficial Habitat (DNR, PUC-EIP, applicant, ALJ)
- b. P3: Vegetation Management Plan (DNR, PUC-EIP, applicant, ALJ)
- c. P4: Security Fencing (DNR, PUC-EIP, applicant, ALJ)
- d. P5: Visual Screening Plan **as modified by PUC-EIP** (PUC-EIP, applicant, ALJ)
- e. P6: Noise Notification for Adjacent Residences (DNR, PUC-EIP, applicant, ALJ)
- f. P7: Snowmobile Trail 123 (DNR, PUC-EIP, applicant, ALJ)
- g. P8: Well Protection Plan (DNR, PUC-EIP, applicant, ALJ)
- h. P9: Road Use Agreement (DNR, PUC-EIP, applicant, ALJ)
- i. P10: Pipeline Siting and Protection Plan (PUC-EIP, applicant, ALJ)
- j. P11: Fire Safety Protocol (PUC-EIP, applicant, ALJ)
- k. P12: Emergency Response Training (PUC-EIP, applicant, ALJ)
- l. P16: Unanticipated Discoveries Plan (PUC-EIP, applicant, ALJ)
- m. P17: Spill Notification (PUC-EIP, applicant, ALJ)
- n. P18: Bedrock Excavation Plan (PUC-EIP, applicant, ALJ)
- o. P19: Dewatering Plan (DNR, PUC-EIP, applicant, ALJ)
- p. P20: Fuel Storage Prevention (PUC-EIP, applicant, ALJ)
- q. P21: Wetland Impacts (PUC-EIP, applicant, ALJ)
- r. P22: Facility Lighting (DNR, PUC-EIP, applicant, ALJ)
- s. P23: Dust Suppression (DNR, PUC-EIP, applicant, ALJ)
- t. P24: Wild-life Friendly Erosion Control (DNR, PUC-EIP, applicant, ALJ)
- u. P25: Ecologically Significant Areas (DNR, PUC-EIP, applicant, ALJ)
- v. P26: Northern Long-Eared Bat (DNR, PUC-EIP, applicant, ALJ)
- w. P27: Loggerhead Shrike (DNR, PUC-EIP, applicant, ALJ)
- x. P28: Site Plan **as modified by the applicant** (PUC-EIP, applicant, ALJ)
- y. P29: Labor Statistics Reporting (PUC-EIP, LIUNA, applicant, ALJ)
- z. P30: Emergency Response Plan **as modified by PUC-EIP** (PUC-EIP, applicant)

Table 1 Exceptions

Table 1: Exceptions to ALJ Report			
ID	ALJ Report Location	Sponsor	Recommended Modification to ALJ Report
E1	317	Castle Rock Solar	Castle Rock Solar states that it will select solar panel modules for the Project that are designed to withstand weather events typically experienced in the area. The Project is designed to produce 150 MW of energy which will be transmitting into the larger energy grid to be used outside of Minnesota.
E2	109	Castle Rock Solar	With respect to the comments from LiUNA!, Applicant notes that it reviewed Labor & Statistics reporting data submitted in recent dockets. It noted that condition 8.5 of the DSP includes a Labor Statistics Reporting requirement goes beyond what has been required of other solar projects in Minnesota, including the Sherco Solar Projects. Applicant proposes that condition 8.5 be modified to remove the word “union” from the commitment for using local employees. And after continued conversations with LiUNA! <u>The Applicant states that it has only committed to using local, <u>union craft workers</u>, local subcontractors, and local vendors to the extent feasible. It has not committed to using union construction employees.</u>
E3	125	Castle Rock Solar	With respect to Applicant’s concerns regarding section 8.5 of the DSP (labor statistics reporting), the PUC-ER did not oppose removing the word “union” from the section (in other words, not requiring Applicant to maximize the use of local union construction employees to the greatest extent possible). <u>and after continued conversations with LiUNA! Castle Rock Solar intends to select a contractor that will maximize use of local, <u>union construction workers to construct the project to the greatest extent feasible.</u></u>
E4	197	Castle Rock Solar	To the extent feasible, Castle Rock Solar will select a contractor that will consider maximize the use of <u>local, <u>union craft</u> workers</u> , local subcontractors, and local vendors during the construction phase, but will not commit to the use of union labor. Job opportunities created during the construction phase include general skilled and specialized labor positions, equipment operators, and licensed electricians. Long-term positions during the operations and maintenance phase include skilled labor to operate and maintain the Project, snow plowing, and access road and landscape maintenance.
E5	330	Castle Rock Solar	Castle Rock Solar also agrees with PUC-EIP’s inclusion of permit condition 8.5 proposed an amendment to Condition 8.5 of the DSP, to reflect its commitment to maximize use of local, <u>union, craft labor, but not union labor</u> , in relevant part, as follows: The Permittee shall notify the Commission in writing if the Permittee intends to deviate from its commitment to select a contractor that will maximize use of local, <u>craft, union</u> <u>construction employees to the greatest extent feasible.</u> This notification shall include a detailed explanation of the rationale for the deviation.

Proposed Permit Condition Table 2

ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
Contested Permit Condition Language							
P1	Karst Geology	344	DNR, PUC-EIP	5.14	<p>The Permittee shall file a geotechnical investigation report prepared for the project construction area by a third-party geotechnical engineer or authorized representative. The report shall include methodology, results, and conclusions drawn from the geotechnical investigation with recommendations on project design and construction. The Permittee shall file the geotechnical report with the Commission at least 14 days prior to the pre-construction meeting.</p> <p>The Permittee shall not locate project infrastructure within 150 feet of documented active karst features and avoid all construction activity within 150 feet of documented active karst features. Active karst is defined as areas underlain by carbonate bedrock with less than 50 feet of</p>	<p>The Permittee shall file a geotechnical investigation report prepared for the project construction area by a third-party geotechnical engineer or authorized representative. The report shall include methodology, results, and conclusions drawn from the geotechnical investigation with recommendations on project design and construction. The Permittee shall file the geotechnical report with the Commission at least 14 days prior to the pre-construction meeting.</p> <p><u>The Permittee shall conduct a survey for surface karst features within areas mapped by the DNR as Minnesota Regions Prone to Surface Karst Feature Development. The Permittee</u></p>	<p>The ALJ determined that the special permit condition as modified by PUC-EIP and the DNR (provided in the column to the left) is supported by the record.</p> <p>Castle Rock Solar does not believe there is a scientific justification for the permit language in its original form or its modified language as indicated in their hearing reply comments and exceptions, and do not support its inclusion. They also proposed their own language. It reads as follows: <u>The Permittee shall conduct karst geology assessments in compliance with ASTM D8512-23 (Standard practice for Preliminary Karst</u></p>

Proposed Permit Condition Table 2							
ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
					sediment cover.	<p><u>shall file the survey results with the Commission and submit the survey results to the DNR at least 14 days prior to the pre-construction meeting.</u></p> <p>The Permittee shall not locate project infrastructure within 150 feet of documented active karst features and avoid all construction activity within 150 feet of documented active karst features. Active karst is <u>Areas prone to surface karst development are defined as areas underlain by carbonate bedrock with less than 50 feet of sediment cover.</u></p>	<p><u>assessments for land development) and detailed site investigations which may include geophysical and or geotechnical subsurface investigations. If the preliminary karst assessment indicates that karst features may impact, or be impacted by, the proposed site development, then a detailed site investigation which may include geophysical and/or geotechnical subsurface investigations may be recommended if a karst feature is encountered, the Permittee shall report the findings to the Minnesota Department of Natural Resources (MDNR), and the Permittee shall develop appropriate mitigation measures in coordination with the MDNR.</u></p>

Proposed Permit Condition Table 2							
ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
							The ALJ concluded the above language provided by the applicant is insufficient.
Agreed Upon Permit Condition Language							
P2	Beneficial Habitat	327	DNR, PUC-ER	4.3.16	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	--	The PUC-ER and Administrative Law Judge concur that these provisions should remain in the site permit as written in the DSP. (DNR, PUC-EIP, applicant)

Proposed Permit Condition Table 2							
ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
					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.		
P3	Vegetation Management Plan	327	DNR, PUC-EIP	4.3.17	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	--	The PUC-ER and Administrative Law Judge concur that these provisions should remain in the site permit as written in the DSP. (DNR, PUC-EIP, applicant)

Proposed Permit Condition Table 2							
ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
					<p>Commission at least 14 days prior to the pre-construction meeting.</p> <p>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:</p> <p>(a) management objectives addressing short term (year 0-5, seeding and establishment) and long term (year 5 through the</p>		

Proposed Permit Condition Table 2							
ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
					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		

Proposed Permit Condition Table 2							
ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
					<p>restoration, monitoring, and long-term vegetation management of the</p> <p>(f) identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized; and</p> <p>(g) a marked-up copy of the Site Plan showing how the site will be revegetated and that identifies the corresponding seed mixes.</p> <p>Best management practices should be followed concerning seed mixes, seeding rates, and cover crops.</p>		
P4	Security Fencing	327	DNR, PUC-EIP	4.3.32	The Permittee shall design the security fence surrounding the solar energy generating system to minimize the visual impact of the Project while maintaining		The PUC-ER and Administrative Law Judge concur that these provisions should remain in the site permit as

Proposed Permit Condition Table 2							
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					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.	--	written in the DSP. (DNR, PUC-EIP, applicant)
P5	Visual Screening Plan	336	PUC-EIP	5.1	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,	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	In response to public comments, the PUC-ER proposed an amendment to DSP Special Condition 5.1, to require providing copies of the vegetative screening plans to the township. The ALJ concluded the record supports the inclusion of Special Condition 5.1, as amended by the PUC-ER (PUC-EIP). (PUC-EIP, applicant)

Proposed Permit Condition Table 2							
ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
					<p>establishment, and maintenance.</p> <p>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. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years.</p> <p>At least 14 days prior to the pre-construction meeting, the Permittee shall file:</p> <p>(a) the Visual Screening Plan; (b) documentation of coordination between adjacent landowners; and (c) an affidavit of its distribution of the Visual Screening Plan to adjacent landowners.</p>	<p>be used, the location of plantings, and plans for installation, establishment, and maintenance.</p> <p>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. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years.</p> <p>At least 14 days prior to the pre-construction meeting, the Permittee shall file <u>with the Commission and provide the township where the project will be constructed:</u></p> <p>(a) the Visual Screening</p>	

Proposed Permit Condition Table 2

ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
						Plan; (b) documentation of coordination between adjacent landowners; and (c) an affidavit of its distribution of the Visual Screening Plan to adjacent landowners.	
P6	Noise Notification for Adjacent Residences	344	PUC-EIP	5.2	The Permittee shall provide notice to adjacent residences detailing when major noise-producing construction activities are planned to occur.	--	The ALJ concluded the condition is reasonable and supported by the record. (DNR, PUC-EIP, applicant)
P7	Snowmobile Trail 123	327, 344	DNR, PUC-EIP	5.3	The Permittee shall work with the Dakota Trails Snowmobile Associated and associated snowmobile clubs responsible for maintaining Snowmobile Trail 123 to identify alternative routes and interconnection to trails in the area and develop a plan for rerouting the portion of Snowmobile Trail 123 that falls within the project fence. The Permittee will be responsible for sponsoring the reroute efforts.	--	The ALJ concluded the condition is reasonable and supported by the record. (DNR, PUC-EIP, applicant)

Proposed Permit Condition Table 2

ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
P8	Well Protection Plan	344	PUC-EIP	5.4	The Permittee shall develop and implement a standard Well Protection Plan for any wells within the site that will continue to be used during construction. The permittee shall file the standard Well Protection Plan at least 14 days prior to the pre-construction meeting. The permittee shall file notice when a Well Protection Plan is implemented for an individual well. The individual notice shall include information on how project landscaping will ensure that stormwater will not flow directly to the well.	--	The ALJ concluded the condition is reasonable and supported by the record. (DNR, PUC-EIP, applicant)
P9	Road Use Agreement	344	PUC-EIP	5.5	The Permittee shall coordinate with Dakota County and Castle Rock Township to develop a road use agreement that addresses road use during construction. The agreement shall consider school bus routing, school and commuter traffic, and traffic during the Dakota County Fair, along with any other relevant traffic considerations, based on	--	The ALJ concluded the condition is reasonable and supported by the record. (DNR, PUC-EIP, applicant)

Proposed Permit Condition Table 2							
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					the timing and duration of construction.		
P10	Pipeline Siting and Protection Plan	344	PUC-EIP	5.6	The Permittee shall coordinate with Flint Hills Resources and Magellan Pipeline Company to determine the location of each existing pipeline within the land control area. The permittee shall coordinate with Flint Hills Resources and Magellan Pipeline Company to develop a pipeline protection plan for each pipeline within the site that details how impacts to each pipeline will be avoided. The pipeline protection plans shall include crossing plans, minimum cover requirements for access roads, minimum separation requirements for collection line crossings, and the BMPs that will be implemented during construction. The permittee shall file each pipeline protection plan at least 14 days prior to the pre-construction meeting.	--	The ALJ concluded the condition is reasonable and supported by the record. (PUC-EIP, applicant)

Proposed Permit Condition Table 2							
ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
P11	Fire Safety Protocol	344	PUC-EIP	5.7	The Permittee shall develop a Fire Safety Protocol and make it available to local fire departments.	--	The ALJ concluded the condition is reasonable and supported by the record. (PUC-EIP, applicant)
P12	Emergency Response Training	344	PUC-EIP	5.8	The Permittee shall organize and hold cooperation and training meetings with local emergency response providers to maintain familiarity with site facilities and clear channels of communication.	--	The ALJ concluded the condition is reasonable and supported by the record. (PUC-EIP, applicant)
P13	Organic Land Planning Document	335	Castle Rock Solar, PUC-EIP	5.9	The Permittee shall develop an appendix for the AIMP titled Mitigative Actions for Organic Agricultural Land that describes herbicide application planning and considerations to minimize drift potential.	The Permittee shall develop an appendix for the AIMP titled Mitigative Actions for Organic Agricultural Land that describes herbicide application planning and considerations to minimize drift potential.	Castle Rock Solar amended the Project Area to create a sufficient buffer and effectively reduce concerns about herbicide drift from the Project to the organic farm, the PUC-ER agreed that the proposed DSP conditions related to the Organic Farm (Sections 5.9, 5.10, and 5.11) are no longer necessary. The Administrative Law Judge relies on the PUC-ER expertise and concurs with the removal of these three

Proposed Permit Condition Table 2							
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							special conditions. (PUC-EIP, applicant)
P14	Herbicide Buffer Zone	335	Castle Rock Solar, PUC-EIP	5.10	The Permittee shall establish an herbicide buffer zone within the project that is consistent with the maximum recommended distance based on the herbicides that will be used on site. The Permittee shall mark the buffer zone using appropriate signage and ensure that all employees and/or contractors who will be responsible for applying herbicides on the site are aware of the location and purpose of the buffer.	The Permittee shall establish an herbicide buffer zone within the project that is consistent with the maximum recommended distance based on the herbicides that will be used on site. The Permittee shall mark the buffer zone using appropriate signage and ensure that all employees and/or contractors who will be responsible for applying herbicides on the site are aware of the location and purpose of the buffer.	Castle Rock Solar amended the Project Area to create a sufficient buffer and effectively reduce concerns about herbicide drift from the Project to the organic farm, the PUC-ER agreed that the proposed DSP conditions related to the Organic Farm (Sections 5.9, 5.10, and 5.11) are no longer necessary. The Administrative Law Judge relies on the PUC-ER expertise and concurs with the removal of these three special conditions. (PUC-EIP, applicant)
P15	Herbicide Damages	335	Castle Rock Solar, PUC-EIP	5.11	The Permittee shall be responsible for compensating Lengsfeld's Organic Gardens for any damages due to crops or decertification resulting from herbicide drift.	The Permittee shall be responsible for compensating Lengsfeld's Organic Gardens for any damages due to crops or decertification resulting from herbicide drift.	Castle Rock Solar amended the Project Area to create a sufficient buffer and effectively reduce concerns about herbicide drift from the Project to the organic farm, the PUC-ER agreed

Proposed Permit Condition Table 2							
ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
							<p>that the proposed DSP conditions related to the Organic Farm (Sections 5.9, 5.10, and 5.11) are no longer necessary.</p> <p>The Administrative Law Judge relies on the PUC-ER expertise and concurs with the removal of these three special conditions. (PUC-EIP, applicant)</p>
P16	Unanticipated Discoveries Plan	344	PUC-EIP	5.12	The Permittee shall amend the Unanticipated Discoveries Plan contact list to include accurate contact information for the Permittee and the Leech Lake Band of Ojibwe. In the event that human remains or suspected human remains are encountered, the Leech Lake Band of Ojibwe must be contacted immediately. The Permittee shall keep records of compliance with the Unanticipated Discoveries Plan and provide them upon request of Commission staff. The Permittee is required to file the	--	<p>The ALJ concluded the condition is reasonable and supported by the record. (PUC-EIP, applicant)</p>

Proposed Permit Condition Table 2

ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
					updated Unanticipated Discoveries Plan with the Commission at least 14 days prior to the preconstruction meeting.		
P17	Spill Notification	344	PUC-EIP	5.13	The Permittee shall notify the city of Hastings and nearby domestic well users in the event of a spill or leak of potential contaminants. The Permittee shall include notifying the city of Hastings and nearby domestic well users in the Spill Prevention, Control, and Countermeasure Plan.	--	The ALJ concluded the condition is reasonable and supported by the record. (PUC-EIP, applicant)
P18	Bedrock Excavation Plan	344	PUC-EIP	5.15	The Permittee shall develop a Bedrock Excavation Plan in the event that bedrock excavation is necessary. The plan shall detail the excavation protocols, necessary equipment, BMPs, and monitoring techniques to ensure the structural integrity of the bedrock is maintained. The plan shall identify appropriate response procedures in the event that bedrock is fractured or otherwise damaged during excavation. The plan shall be filed at least 14 days prior to the pre-	--	The ALJ concluded the condition is reasonable and supported by the record. (PUC-EIP, applicant)

Proposed Permit Condition Table 2							
ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
					construction meeting. Details on bedrock excavation shall be included in the monthly Construction Status Reports required by Section 8.4 .		
P19	Dewatering Plan	327, 344	PUC-EIP	5.16	The Permittee shall develop a Dewatering Plan and provide training to personnel directly involved with discharge activities. The plan shall be filed at least 14 days prior to the pre-construction meeting. All on-site personnel directly involved with discharge activities shall have access to the Dewatering Plan at all times while at the discharge locations.	--	The ALJ concluded the condition is reasonable and supported by the record. (DNR, PUC-EIP, applicant)
P20	Fuel Storage and Spill Prevention	344	PUC-EIP	5.17	The Permittee shall refuel and service equipment at least 100 feet from waterbodies, utilize secondary containment for fuel storage, maintain a spill kit on site, and inspect equipment for leaks daily. If it is not possible to conduct such activities greater than 100 feet from the watercourse, these activities shall occur within a containment area that is capable of preventing the	--	The ALJ concluded the condition is reasonable and supported by the record. (PUC-EIP, applicant)

Proposed Permit Condition Table 2							
ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
					accidental release of a deleterious substance from entering a water body or contaminating soils or vegetation.		
P21	Wetland Impacts	344	PUC-EIP	5.18	The Permittee shall consult with the Dakota County Soil and Water Conservation District and the Vermillion River Watershed Joint Powers Association regarding the project site plan and potential wetland impacts due to construction activities.	--	The ALJ concluded the condition is reasonable and supported by the record. (PUC-EIP, applicant)
P22	Facility Lighting	327, 344	PUC-EIP	5.19	The Permittee shall use down-lit, shielded lighting around and within the Project. The nominal color temperature of Project lighting shall not exceed 4,000 Kelvin.	--	The ALJ concluded the condition is reasonable and supported by the record. (DNR, PUC-EIP, applicant)
P23	Dust Suppression	327, 344	PUC-EIP	5.20	The Permittee shall use dust suppression agents that do not contain chloride.	--	The ALJ concluded the condition is reasonable and supported by the record. (DNR, PUC-EIP, applicant)
P24	Wild-life Friendly Erosion Control	327, 344	DNR	5.21	The Permittee shall use erosion control materials that do not contain plastic or synthetic fibers or malachite green dye.	--	The ALJ concluded the condition is reasonable and supported by the record. (DNR, PUC-EIP, applicant)

Proposed Permit Condition Table 2

ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
P25	Ecologically Significant Areas	327, 344	DNR	5.22	The Permittee shall comply with DNR recommendations provided in the Natural Heritage Review Letter to avoid or minimize impacts to ecologically significant areas, including MBS site Castle Rock 10. The permittee shall inform the DNR of the method used to install the collection line crossings through Castle Rock 10 and implement any BMPs suggested by the DNR. If impacts to resources occur, the permittee shall document the impact and consult with the DNR to determine mitigation strategies.	--	The ALJ concluded the condition is reasonable and supported by the record. (DNR, PUC-EIP, applicant)
P26	Northern Long-Eared Bat	327, 344	DNR	5.23	The Permittee shall comply with the USFWS and DNR guidance and requirements in effect regarding NLEB, including tree clearing restrictions if applicable.	--	The ALJ concluded the condition is reasonable and supported by the record. (DNR, PUC-EIP, applicant)
P27	Loggerhead Shrike	327, 344	DNR, PUC-EIP	5.24	The Permittee shall avoid tree and shrub removal during the Loggerhead Shrike breeding season, April through July. If avoidance is not feasible, the permittee must identify a		The ALJ concluded the condition is reasonable and supported by the record. (DNR, PUC-EIP, applicant)

Proposed Permit Condition Table 2							
ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
					qualified surveyor to conduct a survey for active nests before any trees or shrubs are removed. The qualified surveyor must be on the DNR certified list of surveyors and the surveys must be conducted in accordance with DNR survey requirements.	--	
P28	Site Plan	329, 345	Castle Rock Solar	8.3	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.	At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission and provide the <u>counties the county and township</u> 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	In response to public comments, Castle Rock Solar proposed an amendment to the Site Plan condition 8.3 to require providing the Site Plan to the township, in addition to the County. PUC-ER (PUC-EIP) supports the inclusion of Section 8.3, as amended by applicant, and the Administrative Law Judge concurs. (PUC-EIP, applicant)

Proposed Permit Condition Table 2

ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
					<p>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.</p> <p>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.</p>	<p>associated facilities layout in relation to that approved by this site permit.</p> <p>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.</p> <p>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</p>	

Proposed Permit Condition Table 2							
ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
					<p>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.</p>	<p>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. 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, <u>and the township staff</u> 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.</p>	
P29	Labor Statistics Reporting	332, 345	PUC-EIP, Castle Rock Solar	8.5	The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the		Castle Rock Solar originally proposed the exclusion of "union" and the inclusion

Proposed Permit Condition Table 2

ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
					<p>end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:</p> <ul style="list-style-type: none"> (a) detail the Permittee’s efforts and the site contractor’s efforts to hire Minnesota workers, including updates on outreach efforts, negotiations, and any agreements or understandings reached with local labor organizations; and (b) provide an account of: <ul style="list-style-type: none"> i. 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; ii. the gross number of hours worked by or full-time equivalent 	<p>--</p>	<p>of “craft” in its place. In their exceptions, they indicated they will select a contractor that maximizes the use of local, union labor, and proposed reverting to the language provided in the draft site permit and originally proposed by PUC-EIP.</p> <p>In paragraph 332 of the report the ALJ recommended the inclusion of 8.5, but did not make a recommendation on the proposed amendment.</p> <p>In paragraph 345 of the report the ALJ states the 8.5 as amended by the applicant is reasonable and supported by the record.</p> <p>(PUC-EIP, applicant)</p>

Proposed Permit Condition Table 2							
ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
					<p>workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and</p> <p>iii. the total gross hours worked or total full-time equivalent workers.</p> <p>Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.</p> <p>The Permittee shall notify the Commission in writing if the Permittee intends to deviate from its commitment to select a contractor that will maximize use of local, union construction employees to the greatest extent feasible. This notification shall include a detailed explanation of the rationale for the deviation.</p>		

Proposed Permit Condition Table 2

ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
P30	Modified Emergency Response Plan	188, 216, 278	PUC-EIP	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. 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>	<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 pipeline strike and damage events and 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</p>	<p>While the modifications and permit condition are mentioned in the ALJ report, staff notes the ALJ did not make a recommendation on its inclusion. Staff believes this was done inadvertently. Staff notes the applicant does not object to its inclusion and Staff believes it is supported by the record. (PUC-EIP, applicant)</p>

Proposed Permit Condition Table 2							
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						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.	
Staff Proposed Permit Language							
P31	4.3.23 Archaeological and Historic Resources	N/A	Commission Staff	4.3.23	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	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), <u>the Leech Lake Band of Ojibwe (LLBO), local law enforcement</u> , and the State Archaeologist. Where feasible, avoidance of the resource is required. Where	Commission staff in response to the concerns made by the LLBO modified existing permit language to address mentioned concerns. (Staff)

Proposed Permit Condition Table 2

ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
					SHPO and State Archaeologist requirements.	not feasible, mitigation must include an effort to minimize Project impacts on the resource consistent with SHPO and State Archaeologist requirements.	
P32	Power Purchase Agreement	N/A	Commission Staff	8.15	Order the Permittee to file updates, quarterly from the date of permit issuance, on the status of a power purchase agreement or other enforceable mechanism for the sale of the electricity generated by the Project. In the event the Permittee does not have a power purchase agreement or some other enforceable mechanism for the sale of the electricity generated by the Project at the time this site permit is issued, the Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This site permit does not authorize construction of the Project until the Permittee has obtained a power purchase		

Proposed Permit Condition Table 2							
ID	Issue	ALJ Report Finding	Sponsor	Location in Draft Permit	Recommended Permit Condition Language	Proposed Modification	Comments
					agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project. In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project within four years of the issuance of this site permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this site permit should be amended or revoked. No amendment or revocation of this site permit may be undertaken except in accordance with Minn. R. 7850.5100.		
P33	Tree Replacement			5.25	The permittee in coordination with the Department of Natural Resources, Dakota County, and Castle Rock Township, develop a plan to replace any trees that are removed for the construction of		

Proposed Permit Condition Table 2							
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					the Project and file the plan with the Commission at least 14 days before the pre-construction meeting.		