

April 11, 2025

**VIA eFILING**

Mr. Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
St. Paul, MN 55101-2147

The Honorable Kristien R. E. Butler  
Office of Administrative Hearings  
600 North Robert Street  
P.O. Box 64620  
Saint Paul, MN 55164-0620

**Re:     *Public Hearing Comments***

**In the Matter of the Application of Gopher State Solar, LLC for a Site Permit for the  
up to 200 MW Gopher State Solar Project in Renville County, MN  
MPUC Docket No. IP7127/GS-24-106  
OAH Docket No. 24-2500-40416**

Dear Mr. Seuffert and Judge Butler:

Gopher State Solar, LLC (Gopher State Solar), submits these public hearing comments regarding the Environmental Assessment (EA) and Draft Site Permit (DSP) published on March 19, 2025, for Gopher State Solar's Application for a Site Permit (Application) for an up to 200 megawatt (MW) alternating current photovoltaic solar energy generating facility and associated facilities in Renville County, Minnesota (Project). Pursuant to the Prehearing Order, dated December 18, 2024, Gopher State Solar also plans to file a response to public hearing and written comments by April 25, 2025.

Gopher State Solar has reviewed the EA and appreciates the Minnesota Department of Commerce Energy and Environmental Analysis unit (EERA) staff's analysis of potential benefits, impacts, and mitigation related to construction and operation of the Project. In these comments, Gopher State Solar provides a limited number of corrections and clarifications related to the EA and responses to conditions proposed in the DSP.

**1.       Comments on the EA.**

In an effort to ensure a clear record in this matter, Gopher State Solar identified a few clarifications and minor corrections to the content in the EA. The following paragraphs are organized according to the sections of the EA, not in any order of import.

Sections 1.2, 2.1.4, and 2.3 of the EA each state that construction is anticipated to begin in 2026 with an anticipated in-service date by the end of 2027. As stated by Sergio Trevino at the March 31, 2025 in-person public hearing, the anticipated construction start date is now the second quarter

of 2027 as opposed to 2026, and the in-service date is now estimated to take place in the fourth quarter of 2029 as opposed to 2027.<sup>1</sup>

Section 2.1.3 of the EA states that “[e]ach inverter will be located on a mounded ground gravel pad.”<sup>2</sup> Gopher State Solar is unclear what a “mounded ground gravel pad” is referring to and would like to clarify that, as stated in the Application, inverters are typically installed on skids.<sup>3</sup>

Section 2.1.3 of the EA also states that “[b]uried collector lines will be at least 4 feet deep and 1 to 2 feet wide, in accordance with the Agricultural Impact Mitigation Plan (AIMP).”<sup>4</sup> Gopher State Solar would like to clarify that the electrical collector line system cables have a diameter closer to 2-3 inches and will not be 1 to 2 feet wide. As stated in the AIMP, the electrical collector line system cables will be installed using a trenching machine, excavator, or equivalent to a depth of approximately 4 feet to account for existing utilities or other features.<sup>5</sup>

Section 3.4 of the EA states that a National Historic Preservation Act Section 106 Consultation is anticipated for the Project. Gopher State Solar does not anticipate that a Section 106 Consultation will be needed for the Project. As stated in Sergio Trevino’s Direct Testimony, the Minnesota State Historic Preservation Office (SHPO) has determined that no significant archaeological sites will be affected by this Project and that there are no properties listed in the National or State Registers of Historic Places, or within the Historic Sites Network, that will be affected by the Project.<sup>6</sup>

Section 4.3.8 of the EA states that “Gopher State Solar estimates that over the lifetime of the project, it will create an annual state and local benefit of approximately \$35,000,000 in total, with approximately \$4,879,289 in total benefit for the townships in which the project is located.”<sup>7</sup> As stated in Sergio Trevino’s direct testimony, “Gopher State Solar now estimates that the Project would pay an estimated \$32 million in taxes over its 40-year life, 58 percent of which would be directed to Renville County, 14 percent to the State, 14 percent to 22 townships, and 13 percent to local schools.”<sup>8</sup>

Section 4.7.8 of the EA states that the “[t]he monarch butterfly is a federal candidate species.”<sup>9</sup> The U.S. Fish and Wildlife Service (USFWS) has now proposed this species for listing as threatened.<sup>10</sup>

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<sup>1</sup> See Olivia 1:00 p.m. Public Hearing Transcript (Olivia 1:00 p.m. Tr.) (March 31, 2025); Ex. GSS-10 at 4:17-21 (Direct Testimony of Sergio Trevino).

<sup>2</sup> Ex. EERA-8 at 18 (EA).

<sup>3</sup> Ex. GSS-4 at 18 (Application).

<sup>4</sup> Ex. EERA-8 at 18 (EA).

<sup>5</sup> Ex. GSS-4 at Appendix – D, p. 10. (Application).

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

<sup>7</sup> Ex. EERA-8 at 58 (EA).

<sup>8</sup> Ex. GSS-10 at 5:18-23 (Direct Testimony of Sergio Trevino).

<sup>9</sup> Ex. EERA-8 at 105 (EA).

<sup>10</sup> See *Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for Monarch Butterfly and Designation of Critical Habitat* (Dec.12, 2024) available at: <https://www.fws.gov/species-publication-action/endangered-and-threatened-wildlife-and-plants-threatened-species-127>.

## 2. Comments on Conditions Proposed in the DSP.

Gopher State Solar provides the following comments on conditions proposed in the DSP.

### Section 5.1 Vegetative Screening

In Section 5.1 of the DSP, EERA proposes a special condition titled *Vegetative Screening Along Roadsides*:

The Permittee shall coordinate with jurisdictional road management authorities to develop vegetative screening plans for state, county, and township roads adjacent to or bisecting the Project. Vegetative screening plans must comply with jurisdictional ROW management and/or setback requirements.

Gopher State Solar does not support this proposed special condition. Screening along all roadsides has not historically been required by the Commission and could be burdensome and unduly expensive, with unclear benefit. Furthermore, as stated in Sergio Trevino's Direct Testimony, Gopher State Solar had a call with Renville County staff on February 13, 2025, to discuss the County's scoping comments regarding decommissioning and vegetative screening. During Gopher State Solar's call with Renville County staff, it appears that Renville County staff recognized that placing vegetative screening along 6.5 miles of county roads would be impractical, and prioritizing screening in front of the non-participating residences adjacent to the Project would be more in-line with the County's interests.<sup>11</sup> As such, Gopher Solar proposes that Section 5.1 of the DSP be modified as follows:

The Permittee shall ~~coordinate with jurisdictional road management authorities to develop~~ a vegetative screening plans for ~~state, county, and township roads adjacent to or bisecting~~ nonparticipating residences within or adjacent to the Project ~~the~~ facilities. Vegetative screening plans must comply with jurisdictional ROW management and/or setback requirements.

### Section 5.4 Decommissioning Plan

In Section 5.4 of the DSP, EERA proposes a special condition titled *Decommissioning Plan*:

The permittee shall coordinate with Renville County to develop a mutually agreeable decommissioning plan consistent with Section 9.1 of this permit.

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<sup>11</sup> Ex. GSS-10 at 10:2-3 and 12:20-24 (Direct Testimony of Sergio Trevino).

Gopher State Solar does not support this proposed special condition because it is vague, it does not address how disputes will be resolved, it does not reflect that the Project's Decommissioning Plan already complies with Commission requirements, and it could undermine the Commission's permitting authority with respect to the Project.

The Commission has substantial expertise in projects like this one, including regarding requirements related to decommissioning and financial assurance. The Commission generally applies similar decommissioning and financial assurance across solar projects.<sup>12</sup> The Project meets those requirements, and nothing in this record warrants deviating from those requirements and imposing additional and different conditions here. Gopher State Solar is concerned that requiring a "mutually agreeable" plan with Renville County may have the effect of the Project being subject to substantially different requirements than other solar projects permitted by the Commission.

Gopher State Solar hired a third-party engineering firm to prepare the decommissioning plan included in the Application.<sup>13</sup> The submitted plan analyses the cost of decommissioning the Project and Gopher State Solar has committed to posting a bond covering the decommissioning cost at the start of construction.<sup>14</sup> The Project should not be required to comply with Renville County's preference for recycling.

Gopher State Solar has engaged in extensive coordination with Renville County regarding the Project generally, including the County's comments regarding decommissioning.<sup>15</sup> As part of this coordination, and although Gopher State Solar is confident that its Decommissioning Plan and cost estimate were prepared appropriately, Gopher State Solar would be willing to hire an independent third-party engineering firm agreeable to Renville County to review the decommissioning plan and estimate for consistency with the requirements of Section 9.1 of the DSP. As such Gopher State Solar respectfully submits the following revisions:

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

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<sup>12</sup> See *In the Matter of the Application of Northern States Power Co. d/b/a Xcel Energy for a Site Permit for the up to 250 MW Sherco 3 Solar Energy Generating System in Sherburne County, Minnesota*, Order Issuing Site Permit, MPUC Docket No. E-002/GS-23-217 (July 31, 2024); *In the Matter of Elk Creek Solar, LLC for a Site Permit for the up to 160 MW Elk Creek Solar Project in Rock County, Minnesota*, Order Issuing Amended Site Permit, MPUC Docket No. IP-7009/GS-19-495 (June 11, 2024); and *In the Matter of the Application of Lake Wilson Solar Energy LLC for a Certificate of Need and a Site Permit for the up to 150 MW Lake Wilson Solar and Associated Battery Storage Project in Murray County, Minnesota*, Order Granting Certificate of Need and Issuing Site Permit, MPUC Docket Nos. IP-7070/CN-21-791, IP-7070/GS-21-792 (April 23, 2024).

<sup>13</sup> Ex. GSS-4 at Appendix F – Decommissioning Plan (Application).

<sup>14</sup> Ex. GSS-4 at Appendix F – Decommissioning Plan, p. 7-1 (Application).

<sup>15</sup> See Ex. GSS-10 at 8-12 (Direct Testimony of Sergio Trevino).

Gopher State Solar appreciates Renville County's ongoing coordination regarding the Project and the Decommissioning Plan and is committed to continuing coordination with Renville County going forward.

Section 5.7 Northern Long Eared Bat

In Section 5.7 of the DSP, EERA proposes a special condition titled *Northern Long Eared Bat* (NLEB):

The permittee shall comply with the USFWS guidance and requirements in effect regarding NLEB, including tree clearing restrictions if applicable.

Gopher State Solar does not support this special condition because, as stated in the EA, USFWS has determined that no critical habitat has been designated for this species.<sup>16</sup> Additionally, this condition seems overly restrictive because the Minnesota Department of Natural Resources (DNR) did not comment on the need for a NLEB special condition for the Project in its scoping comments.<sup>17</sup> Nevertheless, Gopher State Solar respectfully submits the following revisions to Section 5.7 of the DSP:

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

Section 8.4 Status Reports

In Section 8.4 of the DSP, EERA proposes a permit condition titled *Status Reports*:

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

If the Permittee does not commence construction of the Project within six months of this site permit issuance, the Permittee shall file with the Commission Pre-Construction Status Reports on the anticipated timing of construction every six months beginning with the issuance of this site permit until the pre-construction meeting. The status updates shall include information on the Project's

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<sup>16</sup> Ex. EERA-8 at 96 (EA).

<sup>17</sup> See generally, DNR Scoping Comments (Nov. 15, 2024) (eDocket No. 202411-212014-01).

Midcontinent Independent System Operator (MISO)  
interconnection process, if applicable.

As stated by Sergio Trevino at the March 31, 2025 in-person public hearing, construction of the Project is expected to commence in the second quarter of 2027,<sup>18</sup> which is over 20 months after the tentative Commission hearing for this Project on July 31, 2025<sup>19</sup> and could be as much as 23 months after issuance of the site permit. The condition as proposed would require Gopher State Solar to provide a pre-construction status report to the Commission before the anticipated construction start date provided in the Application.<sup>20</sup> Accordingly, Gopher State Solar respectfully requests the following revisions to Section 8.4 of the DSP:

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

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

### **3. Conclusion.**

Gopher State Solar appreciates this opportunity to provide these comments to the EA and DSP. Consistent with the scheduling order, Gopher State Solar plans to provide responses to public comments on April 25, 2025.

These comments have been e-filed through [www.edocket.state.mn.us](http://www.edocket.state.mn.us). A copy of this filing is also being served as designated on the Official Service List on file with the Minnesota Public Utilities Commission. Please let me know if you have any questions regarding this filing.

Sincerely,

FREDRIKSON & BYRON, P.A.

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

<sup>19</sup> See OAH Scheduling Order (Dec. 18, 2024) (eDocket No. 202412-213175-01).

<sup>20</sup> Ex. GSS-4 at 18 (Application).

April 11, 2025  
Page 7

A handwritten signature in black ink, appearing to read 'CKB' followed by a long horizontal flourish.

Christina K. Brusven  
**Direct Dial:** (612) 492-7412  
**Email:** cbrusven@fredlaw.com

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

**MPUC Docket No. IP7127/GS-24-106  
OAH Docket No. 24-2500-40416**

***CERTIFICATE OF SERVICE***

Maia Martinez certifies that on the 11<sup>th</sup> day of April, 2025, she e-filed a true and correct copy of the public hearing comments on behalf of Gopher State Solar, LLC via eDockets ([www.edockets.state.mn.us](http://www.edockets.state.mn.us)):

Said documents were also served as designated on the Official Service Lists on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: April 11, 2025

*Signed: /s/ Maia Martinez*

Fredrikson & Byron, P.A.  
60 South Sixth Street  
Suite 1500  
Minneapolis, MN 55402



#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron		60 S 6th St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	24-106Official CC Service List
2	Kristien	Butler	kristien.butler@state.mn.us		Office of Administrative Hearings	PO Box 64620 Saint Paul MN, 55164 United States	Electronic Service		Yes	24-106Official CC Service List
3	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us		Office of the Attorney General - Department of Commerce	445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		Yes	24-106Official CC Service List
4	Ryan	Cox	rcox@fredlaw.com	Fredrikson & Byron, P.A.		60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	24-106Official CC Service List
5	Richard	Dornfeld	richard.dornfeld@ag.state.mn.us		Office of the Attorney General - Department of Commerce	Minnesota Attorney General's Office 445 Minnesota Street, Suite 1800 Saint Paul MN, 55101 United States	Electronic Service		No	24-106Official CC Service List
6	Sharon	Ferguson	sharon.ferguson@state.mn.us		Department of Commerce	85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	24-106Official CC Service List
7	Craig	Janezich	craig.janezich@state.mn.us		Public Utilities Commission	121 7th Pl E #350 St. Paul MN, 55101 United States	Electronic Service		No	24-106Official CC Service List
8	Rosanne	Koneval	rosanne@rangerpower.com	Gopher State Solar, LLC		320 N Sangamon Street, Suite 1025 Chicago IL, 60607 United States	Electronic Service		No	24-106Official CC Service List
9	Kevin	Pranis	kpranis@liunagroc.com	Laborers' District Council of MN and ND		81 E Little Canada Road St. Paul MN, 55117 United States	Electronic Service		No	24-106Official CC Service List
10	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		Yes	24-106Official CC Service List
11	Will	Seuffert	will.seuffert@state.mn.us		Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		Yes	24-106Official CC Service List
12	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates		7400 Lyndale Ave S Ste 190 Richfield MN, 55423 United States	Electronic Service		Yes	24-106Official CC Service List

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
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