

April 25, 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: *Response to 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. IP7119/GS-24-106
OAH Docket No. 24-2500-40416**

Dear Mr. Seuffert and Judge Butler:

Gopher State Solar, LLC (Gopher State Solar)¹ respectfully submits these comments in response to the oral comments made at the public hearings held on March 31 and April 1, 2025, and the written public comments submitted during the public comment period ending April 11, 2025, on Gopher State Solar's Application for a Site Permit (Application) for the up to 200 megawatt (MW) photovoltaic (PV) solar energy generating facility and associated facilities (the Project) in Renville County, Minnesota. With this filing, Gopher State Solar also provides comments on conditions proposed in the Draft Site Permit (DSP).

During the comment period, written comments were submitted by the Bois Forte Band of Chippewa, Renville County, Minnesota Department of Natural Resources (MDNR), LIUNA Minnesota and North Dakota (LIUNA), IUOE Local 49 (Local 49) and North Central States Regional Council of Carpenters (NCSRCC), Minnesota Department of Commerce, Energy Environmental Review and Analysis staff (EERA), Shannon and Jen Visser, and the Minnesota Pollution Control Agency (MPCA).² Gopher State Solar appreciates the agency and public

¹ Gopher State Solar, LLC is an indirect subsidiary of DESRI Holdings, L.P.

² Ex. PUC-8 (Public Comment – Randy Teboe); Comment by Scott Refsland (April 2, 2025) (eDocket 20254-217161-01); Comment by MDNR (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02); Comment by LIUNA (April 11, 2025) (eDocket No. 20254-217560-01); Comment by EERA (April 11, 2025) (eDocket No. 20254-217523-01); Comment by Local 49 and NCSRCC (April 11, 2025) (eDocket No. 20254-217522-01); EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01); and Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01); and MPCA Public Hearing Comment (April 21, 2025) (eDocket No. 20254-217927-01).

participation in this docket and the opportunity to offer this response. Gopher State Solar responds to EERA's comments in Section I below; in Section II, Gopher State Solar responds to MDNR's comments. Section III includes Gopher State Solar's response to MPCA, and Section IV includes Gopher State Solar's response to other comments submitted during the comment period.

As an initial matter, the record demonstrates that the Project has been thoughtfully designed and sited to avoid and/or minimize human and environmental impacts to the greatest extent practicable. The Project makes efficient use of available land and the solar resource while minimizing adverse human and environmental impacts, and, overall, the Project complies with the Minnesota Public Utilities Commission's (Commission) siting criteria.

I. Response to EERA Comments.

On February 26, 2025, EERA submitted comments on Gopher State Solar's draft decommissioning plan, draft Vegetation Management Plan (VMP), and summarized EERA's recommended special permit conditions.³ Gopher State Solar responds to each topic in turn below.

A. Decommissioning Plan.

EERA provided comments on Gopher State Solar's draft decommissioning plan and made recommendations for revisions related to the cover of the plan, decommissioning objective, scheduled updates, project description, use of generation output, permits and notification, tasks and timing, cost estimate, and financial assurance. Gopher State Solar largely agrees with EERA's comments, but provides the following suggested modification and response to EERA's recommendations:

- **Use of Generation Output.** EERA recommended that the plan be revised to add brief text clarifying how the generation from the Project will be used. EERA recommended that if any portion of the output is to be sold through a power purchase agreement (PPA), the plan should include the off-taker and the expiration date of the PPA.

The off-taker and expiration date of the PPA has not been finalized at this time. Additionally, Gopher State Solar notes that the expiration of the PPA may be a trade secret term which may unnecessarily complicate the decommissioning plan, which is typically a public document and must be provided to the local unit of government. Also, Gopher State Solar interprets this request to be informational only, and not to suggest that the Project would otherwise be decommissioned at the end of the PPA term. Instead, Gopher State Solar believes that given the 30-year term of the site permit and the opportunity to remarket or repower the Project at the

³ Comment by EERA (April 11, 2025) (eDocket No. 20254-217523-01).

end of any initial PPA term, the more appropriate trigger for decommissioning continues to be the ceasing of operations.

- **Cost Estimate.** EERA recommended that the cost estimate in Gopher State Solar's draft decommissioning plan be revised to include details of the gross and net costs as well as assumptions on transport and the salvage locations. EERA notes that the resale market for PV panels is not well established and using current pricing for used panels 25 years into the future is very speculative. EERA recommended that both gross and net costs be updated at five-year intervals.

Gopher State Solar is amenable to including more details on the gross and net costs as well as assumptions on transport and the salvage locations in the updated decommissioning plan that will be filed as part of the pre-construction filings for the Project. Also, as stated in the Application, "because of the uncertainty in predicting future decommissioning costs and salvage values, Gopher State Solar will review and update the decommission estimate every 5 years as described in the draft Decommissioning Plan..."⁴ Accordingly, Gopher State Solar is also amenable to including updated gross and net costs as part of the updated decommissioning estimate that will be filed with the Commission at five-year intervals.

B. VMP.

On behalf of the interagency Vegetation Management Planning Working Group (VMPWG), EERA also provided comments on the Project's draft VMP.⁵ EERA stated that the current panel height design does not meet expectations because it includes panels that could be as low as 18 inches off the ground. EERA recommends that the panel heights be adjusted to allow additional room for proper maintenance and snow removal.⁶ EERA also stated that the proposed seeding plan does not comply with an anticipated permit condition of perennial native vegetation being used on the majority of the site.⁷ Gopher State Solar appreciates the VMPWG's feedback. Gopher State Solar will work with the VMPWG on a seed mix that is compatible with the design of the Project's solar arrays but does not plan to change the design of the Project to adjust the height of the panels. It is reasonable to adjust the seed mix, as needed, to fit the design of the Project, but not to adjust the design to accommodate a vegetative preference. Gopher State Solar will address the remaining comments in pre-construction filings and remains committed to working with the VMPWG regarding the Project's VMP.

C. Draft Permit Conditions.

⁴ Ex. GSS-4 at 21 (Application).

⁵ Comment by EERA at 4-6 (April 11, 2025) (eDocket No. 20254-217523-01).

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

⁷ Comment by EERA at 5 (April 11, 2025) (eDocket No. 20254-217523-01).

In the comments, EERA summarizes the changes between the sample permit and EERA's proposed DSP included in Appendix C of the environmental assessment (EA).⁸ Gopher State Solar maintains its comments filed on April 11, 2025⁹ regarding conditions proposed in the DSP.¹⁰

Gopher State Solar proposed edits to Section 5.4 of the DSP in its hearing comments.¹¹ However, after further conversations with Renville County regarding the decommissioning plan following the public hearing, Gopher State Solar proposes the following revisions to Section 5.4 of the DSP:

5.4 Decommissioning Plan

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

In its additional hearing comments, EERA recommended the addition of a special condition 5.9 (Migratory Birds) to the DSP incorporating the United States Fish and Wildlife Service (USFWS) recommended action to minimize disruption to migratory birds, including the Chimney Swift and the Northern Harrier, during their respective breeding seasons.¹² Specifically, EERA proposed the addition of the following site permit special condition:

5.9 Migratory Birds

The Permittee shall, to the extent practicable, avoid impacts to marshes, wetlands, peatlands, tree nesting locations, and other migratory bird habitat during the Chimney Swift's breeding season of March 15 – August 25 and the Northern Harrier's breeding season of April 1 – September 15. If impacts are likely to occur during the breeding seasons, the Permittee shall confer with the United States Fish and Wildlife Service (USFWS) regarding mitigation measures. If impacts to migratory birds cannot be avoided, nesting locations shall be identified and appropriate mitigative measures implemented

⁸ Ex. EERA-8 at Appendix C (PDSP).

⁹ See Ex. IPS-10 at 8-18 (Direct Testimony of J. Shannon).

¹⁰ In its public hearing comments, Gopher State Solar provided comments on, and recommended edits to, the following conditions of the Draft Site Permit: 5.1 (Visual Screening Plan); 5.4 (Decommissioning Plan); 5.7 (Northern Long Eared Bat); and 8.4 (Status Reports). Gopher State Solar maintains its requested revisions except as stated otherwise in these comments.

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

¹² EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01).

in consultation with the USFWS prior to beginning construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.¹³

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

5.9 Migratory Birds

The Permittee shall comply with the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) and, ~~to the extent practicable, avoid impacts to marshes, wetlands, peatlands, tree nesting locations, and other migratory bird habitat during the Chimney Swift's breeding season of March 15—August 25 and the Northern Harrier's breeding season of April 1—September 15. If impacts are likely to occur during the breeding seasons, the Permittee shall confer with the United States Fish and Wildlife Service (USFWS) regarding mitigation measures.~~ If impacts to migratory birds cannot be avoided, nesting locations shall be identified and appropriate mitigative measures will be implemented in consultation with the United States Fish and Wildlife Service ~~USFWS~~ prior to beginning construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.¹⁴

II. Response to MDNR Comments.

MDNR submitted written comments on April 10, 2025, recommending special permit conditions for facility lighting, dust control, wildlife friendly erosion control, and a VMP. MDNR requested that the Project's security fence reach a minimum height of 10 feet around each grouping of solar arrays to prevent large wildlife from entering the solar facility and supported section 4.3.32 of the DSP requiring the permittee to coordinate the final security fencing design with the MDNR and the Department of Commerce. MDNR also requested a special permit condition requiring compliance with Minnesota state-listed endangered and threatened species laws.¹⁵

¹³ See EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01).

¹⁴ See EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01).

¹⁵ MDNR Comments (Feb. 25, 2025) (eDocket No. 20252-215765-01).

A. Security Fencing.

MDNR provided comments on the Solar Project's perimeter fence. Gopher State Solar appreciates MDNR's comments and will continue to coordinate with MDNR and EERA regarding the Project's security fence. However, Gopher State Solar respectfully disagrees with MDNR's recommendations as to fence heights.

MDNR recommended at least ten-foot-tall security fencing to prevent large wildlife from entering the solar facility. As discussed in the Application and the EA, the fencing will "extend a maximum total height of approximately seven feet above grade and will consist of a lightweight agricultural woven wire fabric secured to wooden posts that will be directly embedded in the soil or set in concrete foundations."¹⁶ This type of fencing is designed to exclude deer. As noted in the EA, deer can jump many fences, although "they can become tangled in both smooth and barbed-wire fences, especially if the wires are loose or installed too closely together."¹⁷ However, there is nothing in the record supporting requiring a ten-foot-high security fence. Further, as reflected in Section 4.3.32 (Security Fencing) of the DSP, the security fence should be designed to "minimize the visual impact of the Project." Ten-foot-tall security fencing around the arrays would result in a greater visual impact, with no evidence that it would better exclude deer than Gopher State Solar's current design. Additionally, Gopher State Solar has designed its security fencing based on consultation with the participating landowners, as well as to comply with applicable National Electrical Safety Code (NESC) requirements.¹⁸ Gopher State Solar has demonstrated that the perimeter fencing currently contemplated for the Project is reasonable and Section 4.3.32 of the DSP adequately addresses the security fencing, and the record does not contain any contrary evidence. The fencing proposed for the Solar Project is consistent with other site permits issued by the Commission.¹⁹

B. Lighting.

MDNR recommended adding a special condition to the DSP related to lighting of the Project operations and maintenance facility, gates, and perimeter fence. MDNR provided an

¹⁶ Ex. GSS-4 at 14 (Application); Ex. EERA-8 at 18 (EA).

¹⁷ Ex. EERA-8 at 91 (EA).

¹⁸ Ex. GSS-4 at 14 (Application); Ex. EERA-8 at 18 (EA).

¹⁹ See, e.g., *In the Matter of the Application of Northern States Power Co. d/b/a Xcel Energy for a Site Permit for the up to 250 MW Sherco 3 Solar Energy Generating System in Sherburne County, Minnesota*, Order Issuing Site Permit, Site Permit at Section 4.3.32 (July 31, 2024) (PUC Docket No. E-002/GS-23-217) (eDocket No. 20247-209139-01); *In the Matter of the Application of Lake Wilson Solar Energy LLC for a Certificate of Need and a Site Permit for the up to 150 MW Lake Wilson Solar and Associated Battery Storage Project in Murray County, Minnesota*, Order Granting Certificate of Need and Issuing Site Permit, Site Permit at Section 4.3.31 (April 23, 2024) (PUC Docket No. IP-7070/GS-21-792) (eDocket No. 20244-205861-01); *In the Matter of the Application of Byron Solar, LLC for a Certificate of Need, Site Permit, and Route Permit for the up to 200 MW Byron Solar Project and 345 kV Transmission Line in Dodge and Olmsted Counties, Minnesota*, Order Granting Certificate of Need and Issuing Site and Route Permits, Site Permit at Section 4.3.31 (May 1, 2023) (PUC Docket No. IP-7041/GS-20-763) (eDocket No. 20235-195471-02).

example for a recent docket. Gopher State Solar does not object to a special condition using the language provided by MDNR:

Facility Lighting

The Permittee must use shielded and downward facing lighting and LED lighting that minimizes blue hue at the project substation and operations and maintenance facility. Downward facing lighting must be clearly visible on the site plan submitted for the project.²⁰

C. Dust Control.

MDNR also recommended adding a special condition to the DSP related to the use of non-chloride products. MDNR provided an example for a recent docket. Gopher State Solar does not object to a special condition using the language provided by MDNR:

Dust Control

The Permittee shall utilize non-chloride products for onsite dust control during construction.²¹

D. Wildlife-Friendly Erosion Control.

MDNR also recommended adding a special condition to the DSP related to the use of wildlife-friendly erosion control measures and the use of mulch products without green dye. Gopher State Solar does not object to a special condition using the language provided by MDNR:

Wildlife-Friendly Erosion Control

The Permittee shall use only “bio-netting” or “natural netting” types of erosion control materials and mulch products without synthetic (plastic) fiber additives or malachite green dye.²²

E. VMP.

MDNR provided comments on the draft VMP. MDNR recommended continued coordination with the VMPWG and that the final VMP be developed in accordance with MDNR’s recently revised *Prairie Establishment & Maintenance Technical Guidance for Solar Projects*.²³

²⁰ Comment by MDNR at 2 (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02).

²¹ Comment by MDNR at 2 (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02).

²² Comment by MDNR at 2 (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02).

²³ Comment by MDNR at 2 (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02).

Gopher State Solar has reviewed this updated guidance. Gopher State Solar appreciates MDNR's recommendation and will continue to coordinate with the VMPWG on the Project's VMP.

F. State-listed endangered and threatened species.

In its public hearing comments, MDNR requested the following special permit condition be included in the Site Permit requiring the permittee to comply with Minnesota state-listed endangered and threatened species laws:

Prior to the start of construction, the Permittee shall resubmit a Natural Heritage Review and continue to consult with the MDNR regarding implementation of avoidance measures for state-protected threatened and endangered species. The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.²⁴

Gopher State Solar finds MDNR's recommended permit condition to be reasonable and supports its inclusion in the DSP.

III. Response to MPCA.

A. 401 Certification.

MPCA's public hearing comments state that if it is determined that a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers (USACE) for project related wetland impacts is necessary, then Gopher State Solar must also obtain a MPCA Section 401 Water Quality Certification with conditions, waiver or denial as part of the permitting process. MPCA also commented that the EA should clarify that if the USACE Section 404 Permit or the Section 10 Permit is required and in accordance with Minnesota Statutes, the Project should include the MPCA as a regulator of all surface waters as defined by Minn. Stat. § 115.01, subd. 22.²⁵

Gopher State Solar appreciates MPCA's review of the EA and its comments. Gopher State Solar does not expect that a Section 404 Permit will be needed for the Project. As stated in the EA, the Project's site layout has been designed to avoid placing solar generation facility infrastructure in wetlands,²⁶ however, if wetland impacts are identified in the final layout, Gopher

²⁴ Comment by MDNR (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02).

²⁵ MPCA Public Hearing Comment (April 21, 2025) (eDocket No. 20254-217927-01).

²⁶ Ex. EERA-9 at 86 (EA).

State Solar will coordinate with agencies such as the MPCA under Minn. Stat. § 115.01, subd. 22, USACE under Section 404 and 401 of the Federal Clean Water Act (CWA), and Renville County under the Minnesota Wetland Conservation Act (WCA).

IV. Response to Other Comments.

A. Response to Comments at Public Hearings.

At the in-person public hearing on March 31, 2025, comments were made by the NCSRCC, Renville County, and Jen Visser.²⁷ At the virtual public hearing on April 1, 2025, comments were made by Luca Franco on behalf of LIUNA.²⁸ NCSRCC offered comments in support of the Project and mentioned the socioeconomic benefits of the Project.²⁹ Gopher State Solar appreciates NCSRCC's support for the Project.

Renville County offered comments requesting revisions to Section 4.3.21 of the DSP regarding Noxious Weeds and requesting that a decommissioning assessment be performed by a third-party at the expense of Gopher State Solar.³⁰ Gopher is supportive of the County's requested revisions to Section 4.3.21 of the DSP³¹ and as stated in the April 11, 2025 public hearing comments, 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.³²

Jen Visser offered several comments including, but not limited to, concerns about the aesthetic impacts, noise impacts, impacts to property values, glare, Project safety, benefits to the local community, and requesting that vegetative buffers grow quickly.³³ Gopher State Solar responded to Jen Visser's comments at the in-person public hearing and provides a detailed response to her written comments in Section IV(B) below.

B. Response to Written Comments.

1. *Comments by the Bois Forte Band of Chippewa.*

Randy Teboe, the Cultural Resource Coordinator for the Bois Forte Band of Chippewa, submitted comments stating that he had reviewed the project and determined that the Bois Forte

²⁷ Olivia 6:00 p.m. Public Hearing Transcript (Olivia 6:00 p.m. Tr.) at 19-20, 20-23, and 23-25 (March 31, 2025).

²⁸ See WebEx 6:00 p.m. Public Hearing Transcript at 18-20 (WebEx 6:00 p.m. Tr.) (April 1, 2025).

²⁹ Olivia 6:00 p.m. Public Hearing Transcript (Olivia 6:00 p.m. Tr.) at 19-20 (March 31, 2025).

³⁰ Olivia 6:00 p.m. Public Hearing Transcript (Olivia 6:00 p.m. Tr.) at 20-23 (March 31, 2025).

³¹ See Comment by Scott Refsland (April 2, 2025) (eDocket 20254-217161-01).

³² Gopher State Solar Public Hearing Comments at 4 (April 11, 2025) (eDocket No. 20254-217543-01).

³³ Olivia 6:00 p.m. Public Hearing Transcript (Olivia 6:00 p.m. Tr.) at 23-25 (March 31, 2025).

Band of Chippewa did not have a comment but would like to be notified if human remains are unanticipatedly discovered.³⁴ Gopher State Solar appreciates the Bois Forte Band of Chippewa's comments and will notify the tribe if human remains are discovered during Project construction activities. Additionally, should human remains be identified, Gopher State Solar will follow the procedures as outlined in United States Code, Title 25, Section 3001 "Native American Graves and Repatriation Act" and Minnesota Statutes Chapter 307, "Private Cemeteries" in coordination with the Office of the State Archaeologist and Minnesota Indian Affairs Council.³⁵

2. *Comments by Shannon and Jen Visser.*

Shannon and Jen Visser submitted comments requesting the inclusion of the following site permit conditions: (1) requiring a tree line fence with 20-foot trees to block vision and possible sound associated with the Project on the Visser's property and the property surrounding the proposed Project; (2) free power for the entire site located at 83898 County Road 5, Bird Island, for the life of the house, regardless of ownership; and (3) requiring the use of an oil or dust reducer during construction on the gravel road between the Visser's property and the Project.³⁶

i. *Tree Line Fence.*

The Vissers requested that Gopher State Solar be required to install a tree line fence with 20-foot trees on the Vissers property and the property surrounding the Project to block vision and possible sound associated with the solar system.³⁷

As stated in its scoping comments and the EA, Gopher State Solar performed a noise analysis assuming a background ambient noise level of 40 A-weighted decibels (dBA) due to the rural land use category of the Project Area.³⁸ For the inverters, a sound pressure level of 40 dBA is detectable at 450 feet, whereas for it is detectable at 19 feet from a transformer.³⁹ Gopher State Solar expects that the noise levels will be below 40 dBA at distances greater than 450 feet from the Project.⁴⁰ The nearest proposed inverter is located more than 1,400 feet from the Visser's residence, and Gopher State Solar expects the noise levels to be well below the Minnesota State Noise Standards at Jen Visser's residence. As such, Gopher State Solar does not believe that a tree line fence is necessary to block sound from the Project.

Additionally, replanting 20-foot-tall trees on the Visser's property and the property surrounding the Project would be extremely challenging and impractical. However, Gopher State

³⁴ Ex. PUC-8 (Public Comment – Randy Teboe).

³⁵ Ex. GSS-4 at 52 (Application).

³⁶ Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01).

³⁷ Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01).

³⁸ Ex. GSS-4 at 29-31 (Application).

³⁹ Ex. GSS-4 at 29-31 (Application).

⁴⁰ Ex. GSS-8 at 3-4 (Scoping Comments); Ex. EERA-8 at 44 (EA).

Solar is willing to work with the Visser's to develop and implement a screening plan that mitigates visual impacts specific to the Visser's residence.

ii. Property Value.

The Vissers expressed concern about a possible decrease in their property value due to the Project and requested that Gopher State Solar be required to provide free power for the entire site located at 83898 County Road 5, Bird Island, for the life of the house, regardless of ownership.⁴¹

As discussed in the EA, based on EERA's analysis of other utility-scale solar projects, significant negative impacts to property values in the Project vicinity are not anticipated.⁴² While impact could occur, the value of specific properties within the Project vicinity are difficult to determine.⁴³ For example, the EA describes several recent studies on potential property value impacts and notes that the "Chisago County Environmental Services and Zoning found that home sales exceeded assessed value near the 100 MW North Star solar facility at a rate comparable to the general real estate market in the area."⁴⁴ The value of each property will depend on its unique characteristics. Gopher State Solar cannot provide power directly to the Visser's residence from the Project, as it will sell all its power at wholesale, but is willing to work with the Vissers on other potential mitigative measures.

iii. Dust Control.

The Vissers expressed concerns regarding fugitive dust emissions related to the construction and operation of the Project and requested that Gopher State Solar be required to use an oil or dust reducer during construction on the gravel road between the Visser's property and the Project.⁴⁵ Gopher State Solar agrees to work with the Vissers to implement dust control on nearby roads during construction of the Project. As stated in the Application, dust from construction traffic will be controlled using standard construction practices such as watering of exposed surfaces, covering of disturbed areas, and reduced speeds when necessary.⁴⁶ Because soils in the project site are not susceptible to wind erosion, which may create dust, construction-specific mitigation measures and Best Management Practices related to dust control have not been proposed. If wind erosion becomes an issue during construction, Gopher State Solar may implement standard industry practices, including mulching exposed soils, wetting exposed soils, maintaining vegetable cover (both cover crops and permanent vegetation), and reducing vehicle speeds.⁴⁷

⁴¹ Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01).

⁴² Ex. EERA-8 at 50 (EA).

⁴³ Ex. EERA-8 at 50 (EA).

⁴⁴ Ex. EERA-8 at 50 (EA).

⁴⁵ Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01).

⁴⁶ Ex. GSS-4 at 53 (Application); Ex. EERA-8 at 74-75 (EA).

⁴⁷ Ex. GSS-4 at 53 (Application); Ex. EERA-8 at 74-75 (EA).

3. *Comments by Labor Organizations.*

Local 49, NCSRCC,⁴⁸ and LIUNA⁴⁹ filed written comments expressing support for the Project. The comments recognized the Project's ability to provide economic and labor benefits for local workforces. Gopher State Solar appreciates these organizations' support.

V. **Conclusion.**

Gopher State Solar appreciates this opportunity to provide this response to the public comments. Because the record supports doing so, Gopher State Solar respectfully requests that the Administrative Law Judge recommend that the Commission issue a site permit for the Project.

These comments have been e-filed through www.edocket.state.mn.us. A copy of this filing is also being served upon the persons on the Official Service List of record.

Sincerely,

FREDRIKSON & BYRON, P.A.

/s/ Christina K. Brusven

Christina K. Brusven
Direct Dial: 612.492.7412
Email: cbrusven@fredlaw.com

⁴⁸ Comment by Local 49 and NCSRCC (April 11, 2025) (eDocket No. 20254-217522-01).

⁴⁹ Comment by LIUNA (April 11, 2025) (eDocket No. 20254-217560-01).

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OAH Docket No. 24-2500-40416**

CERTIFICATE OF SERVICE

Abby Goshgarian certifies that on the 25th day of April, 2025, she e-filed a true and correct copy of the response to public hearing comments on behalf of Gopher State Solar, LLC via eDockets (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 25, 2025

Signed: /s/ Abby Goshgarian

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 |