

## RE: PUC EIP Staff Exceptions to ALJ Report

Lake Charlotte Solar Project

**PUC Docket No.** IP-7159/GS-25-206 and ESS-25-205

**CAH Docket No.** 23-2500-41194

Minnesota Public Utilities Commission Energy Infrastructure Permitting (EIP) staff<sup>1</sup> has reviewed the Findings of Fact, Conclusions of Law, and Recommendations (ALJ report) issued by Administrative Law Judge Suzanne Todnem on May 26, 2026, for the Lake Charlotte Solar Project (project).<sup>2</sup> EIP staff appreciates Judge Todnem’s thorough analysis of the record.

EIP staff submits a single exception to the ALJ report regarding a special permit condition proposed by EIP staff.

### Site Permit Special Condition 5.9

EIP staff proposed special permit condition 5.9 (Surface Waters) to mitigate potential impacts on nearby aquatic resources, such as Lake Charlotte, from construction activities.<sup>3</sup> Throughout the hearing comment period, several modifications were proposed for this permit language, including modifications proposed by the applicant, the Minnesota Department of Natural Resources (DNR), and EIP staff. The applicant, Lake Charlotte Solar, proposed a modification to remove references to the Blue Earth Watershed, as this is not currently a legally recognized entity.<sup>4</sup> The DNR also requested that required coordination with the DNR be removed from the permit condition. DNR staff noted that concerns over potential impacts are largely addressed by existing permit conditions such as those requiring project VMP and wildlife friendly erosion control.<sup>5</sup>

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

<sup>2</sup> Court of Administrative Hearings, *Findings of Fact, Conclusions of Law and Recommendation. Lake Charlotte Solar Project*. May 26, 2026. eDockets no. [20265-232146-01](#).

<sup>3</sup> PUC-EIP, *Lake Charlotte Solar Environmental Assessment (EA)*. February 11, 2026. eDockets no. [20262-228055-01](#) (through -05).

<sup>4</sup> Lake Charlotte Solar, LLC, *Direct Testimony of M. Lasch*. February 18, 2026. eDockets no. [20262-228308-01](#).

<sup>5</sup> Minnesota Department of Natural Resources, *Hearing Comments*. March 13, 2026. eDockets no. [20263-229284-01](#).

In the ALJ report, finding 275 describes the DNR's request to be removed from this permit condition. However, the proposed special permit condition language continues to include the DNR, reflecting the permit condition language as originally written.<sup>6</sup> EIP staff propose a modification to the permit condition language to reflect both the applicant's request to remove the Blue Earth Watershed, and the DNR's request to be removed.<sup>7</sup> EIP staff recommend the permit condition language adopted in the final Solar Site Permit read as follows:

### 5.9 Surface Waters

The Permittee shall consult with ~~the MNDNR, and~~ the Martin County Soil and Water Conservation District, ~~and the Blue Earth Watershed~~ regarding potential impacts to nearby surface waters due to construction activities, including but not limited to, erosion and sediment control.

EIP staff recommend that the above modified language for Section 5.9 be incorporated into the site permit for the Lake Charlotte Solar Project to properly mitigate the potential impacts on aquatic systems due to construction and operation of the project, and to reflect the changes requested by the applicant and DNR staff.

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

Sincerely,



Jessica Livingston  
Environmental Review Project Manager

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<sup>6</sup> Court of Administrative Hearings, *Findings of Fact, Conclusions of Law and Recommendation. Lake Charlotte Solar Project*. May 26, 2026. eDockets no. [20265-232146-01](#).

<sup>7</sup> Lake Charlotte Solar, LLC, *Direct Testimony of M. Lasch*. February 18, 2026. eDockets no. [20262-228308-01](#); Minnesota Department of Natural Resources, *Hearing Comments*. March 13, 2026. eDockets no. [20263-229284-01](#).