

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben  
Hwikwon Ham  
Audrey C. Partridge  
Joseph K. Sullivan  
John A. Tuma

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

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

SERVICE DATE: February 18, 2025

DOCKET NO. E-015/GS-24-425;  
E-015/TL-24-426

The above-entitled matter has been considered by the Commission and the following disposition made:

- 1. Accepted Minnesota Power's joint site and route permit application as complete and directed Minnesota Power to continue coordination with the DNR and USFWS to avoid impacts to sensitive, rare, and unique natural resources.**
- 2. Declined to appoint an advisory task force at this time.**
- 3. Requested a full Administrative Law Judge's report with findings of fact, conclusions of law, and recommendations for the project's public hearing in accordance with Minn. Stat. § 216E.04 subd. 6 and Minnesota Rules 7850.3800.**
- 4. Delegated authority to the Executive Secretary to issue an authorization to the applicant to initiate consultation with the Minnesota State Historic Preservation Office (SHPO).**

**This decision is issued by the Commission's consent calendar subcommittee, under a delegation of authority granted under Minn. Stat. § 216A.03, subd. 8 (a). Unless a party, a participant, or a Commissioner files an objection to this decision within ten days of receiving it, it will become the Order of the full Commission under Minn. Stat. § 216A.03, subd. 8 (b).**

The Commission agrees with and adopts the recommendations of the Department of Commerce, which are attached and hereby incorporated into the Order.

BY ORDER OF THE COMMISSION



A handwritten signature in black ink that reads "Will Seuffert".

Will Seuffert  
Executive Secretary

To request this document in another format such as large print or audio, call 651.296.0406 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email [consumer.puc@state.mn.us](mailto:consumer.puc@state.mn.us) for assistance.



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January 21, 2025

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

RE: EERA Comments and Recommendations on Application Completeness  
Boswell Solar Project – Site and Route Permit Application  
Docket No. E015/GS-24-425 (Site Permit) and E015/TL-24-426 (Route Permit)

Dear Mr. Seuffert,

Attached are comments and recommendations of Department of Commerce, Energy Environmental Review and Analysis (EERA) staff in the following matter:

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

The combined site and route permit application was filed on December 30, 2024, by:

Drew Janke  
Minnesota Power  
30 West Superior Street  
Duluth, MN 55802

EERA staff recommend that the Commission accept Minnesota Power's application as substantially complete and require Minnesota Power to continue coordination with the DNR and USFWS to avoid impacts to sensitive, rare and unique natural resources. EERA staff is available to answer any questions the Commission may have.

Sincerely,

A handwritten signature in black ink that reads "Jessica Livingston".

Jessica Livingston  
Environmental Review Manager

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## BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

### ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS COMMENTS AND RECOMMENDATIONS

#### BOSWELL SOLAR PROJECT DOCKET Nos. E015/GS-24-425 AND E015/TL-24-426

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**Date:** January 21, 2025

**EERA Staff:** Jessica Livingston | 651-539-1823 | [jessica.livingston@state.mn.us](mailto:jessica.livingston@state.mn.us)

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

**Issues Addressed:** These comments and recommendations respond to the Minnesota Public Utilities Commission's January 7, 2025, *Notice of Comment Period on Application Completeness*.

#### Topics for Comment

- Does the joint site and route permit application contain the information required under Minn. R. 7850.3100?
- Should an advisory task force be appointed?
- Are there any additional procedural requirements that should be considered (e.g., public hearing process)?
- Should the Commission direct the Executive Secretary to issue an authorization to the applicant to initiate consultation with the Minnesota State Historic Preservation Office (SHPO)?
- Are there any additional issues or concerns related to this matter?

#### Documents Attached:

- (1) Table 1. Site Permit Application Completeness Requirements
- (2) Table 2. Route Permit Application Completeness Requirements
- (3) Table 3. Draft Permitting and Environmental Review Schedule
- (4) Project Overview Map

Additional documents and information can be found on:

- eDockets via <https://www.edockets.state.mn.us/EFiling/search.jsp> (24-425) and (24-426);
- The Department of Commerce's website via <http://mn.gov/commerce/energyfacilities>.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-539-1529 (voice).

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## Introduction and Background

On December 30, 2024, Minnesota Power filed a combined site permit and route permit application to construct and operate the Boswell Solar project, an 85 megawatt (MW) alternating current photovoltaic solar energy generating facility and associated 2.5 mile 230 kV transmission line to be located in parts of the city of Cohasset, the Leech Lake Band of the Ojibwe Reservation, and Deer Lake Township in Itasca County, Minnesota. On January 7, 2025, the Minnesota Public Utilities Commission (Commission) issued a notice soliciting comments on the completeness of the joint site and route permit application, the need for an advisory task force, additional procedural requirements to be considered, the need for the applicant to initiate consultation with the Minnesota State Historic Preservation Office (SHPO), and any additional issues or concerns.<sup>1</sup>

## Project Purpose

Minnesota Power indicates that the project will assist the State of Minnesota in meeting its renewable energy objectives,<sup>2</sup> as Minnesota Power also aims to deliver safe, reliable, affordable energy to customers across a smarter grid that is increasingly resilient.<sup>3</sup>

## Project Description

Minnesota Power proposes to construct, own, and operate an up to 85 MW solar energy generating facility, a 2.45 mile 230 kV transmission line (gen-tie line), and associated infrastructure in Itasca County, Minnesota. The project will occupy approximately 1,344.5 acres, 498 acres of which will be occupied by the solar panels, gen-tie line, and associated infrastructure (see Project Overview Map). The project will use photovoltaic solar panels mounted on single-axis tracking systems. A combination of above-ground and underground collection cables will gather and send the electric power generated by the solar panels to a project substation. The project substation will step-up the voltage transmitted from the project inverters from 34.5 kV to 230 kV, where it will be transmitted to the existing Boswell Energy Center Substation via a new 2.45 mile 230 kV transmission line, interconnecting with the electrical grid.<sup>4</sup>

Minnesota Power expects to sign a generator interconnection agreement (GIA) for the project with the Midcontinent Independent System Operator (MISO). Minnesota Power will enter the Interconnection Request for Surplus Interconnection Service in the second quarter of 2025 and expects to sign the GIA at the end of this process, which may take up to 270 calendar days to complete.<sup>5</sup> Minnesota Power will notify the Commission when the GIA has been executed.

## Regulatory Process and Procedures

In Minnesota, no person may construct a large electric power generating plant without a site permit from the Commission.<sup>6</sup> A large electric power generating plant is defined as a facility capable of operating at a capacity of 50 MW or more.<sup>7</sup> The Boswell Solar project will be capable of producing up to 85 MW and therefore requires a site permit from the Commission. Because the project is powered by

<sup>1</sup> Notice of Comment Period on Application Completeness, January 7, 2025, eDockets Number [20251-213606-01](#).

<sup>2</sup> Minnesota Statute 216B.1691.

<sup>3</sup> Site and Route Permit Application, Section 1.1.

<sup>4</sup> Site and Route Permit Application, Section 3.5.

<sup>5</sup> Site and Route Permit Application, Section 1.1

<sup>6</sup> Minnesota Statute 216E.03.

<sup>7</sup> Minnesota Statute 216E.01.

solar energy, the site permit application qualifies for Commission review under the alternative permitting process described in Minnesota Statute 216E.04, Subd. 2.

In Minnesota, a route permit from the Commission is required to construct a high-voltage transmission line (100 kV or more and is greater than 1,500 feet in length).<sup>8</sup> Because the project includes a high-voltage transmission line in excess of 200 kV and less than five miles in length, the route permit application qualifies for review under the alternative review process provided under Minnesota Statute 216E.04 and Minnesota Rules 7850.2800 to 7850.3900.<sup>9</sup>

The project is exempt from a Certificate of Need (CN) for the site permit under Minnesota Statute 216B.243, subd 9, which provides that a CN is not required for a “solar electric generation facility that is intended to be used to meet the obligations of section 216B.1691, subdivision 2a or 2g; provided that, after notice and comment, the commission determines that the facility is a reasonable and prudent approach to meeting a utility's obligations under that section.”<sup>10</sup> The project is also exempt from a CN for the route permit under Minnesota Statute 216B.243 subd 8(a)(10) because it meets the criteria of “transmission lines that directly interconnect large wind energy conversion systems, solar energy generating systems, or energy storage systems to the transmission system.”<sup>11</sup>

## Site Permit Application Acceptance

Site permit applications for large electric power generating plants must provide information about the applicant, a description of the project, and discussion of potential human and environmental impacts and mitigation measures.<sup>12</sup> Review under the alternative permitting process does not require an applicant to propose alternative sites in their permit application; however, if alternative sites were evaluated and rejected, the application must describe these sites and reasons for rejecting them.<sup>13</sup>

With an application, the Commission may accept it as complete, reject it and advise the applicant of the deficiencies, or accept it as complete upon filing of supplemental information.<sup>14</sup> The environmental review and permitting process begins when the Commission determines that a permit application is complete; the Commission has six months (or nine months, with just cause) from the date of this determination to reach a permit decision.<sup>15</sup>

## Route Permit Application Acceptance

Route permit applications for large HVTLS must provide information about the applicant, a description of the project, and discussion of potential human and environmental impacts and mitigation measures.<sup>16</sup> Review under the alternative permitting process does not require an applicant to propose alternative routes in their permit application; however, if alternative routes were evaluated and rejected, the application must describe these routes and reasons for rejecting them.<sup>17</sup>

<sup>8</sup> Minnesota Statute 216E.03, Subd. 2

<sup>9</sup> Minnesota Statute 216E.04, Subd. 2(4)

<sup>10</sup> Minnesota Statute 216B.243, Subd. 9

<sup>11</sup> Minnesota Statute 216B.243 Subd. 8(a)(10)

<sup>12</sup> Minnesota Rules 7850.1900 and 7850.3100.

<sup>13</sup> Minnesota Rule 7850.3100.

<sup>14</sup> Minnesota Rule 7850.3200.

<sup>15</sup> Minnesota Statute 216E.04, Subd. 7.

<sup>16</sup> Minnesota Rules 7850.1900 and 7850.3100.

<sup>17</sup> Minnesota Rule 7850.3100.

With an application, the Commission may accept it as complete, reject it and advise the applicant of the deficiencies, or accept it as complete upon filing of supplemental information.<sup>18</sup> The environmental review and permitting process begins when the Commission determines that a permit application is complete; the Commission has six months (or nine months, with just cause) from the date of this determination to reach a permit decision.<sup>19</sup>

### **Public Advisor**

Upon acceptance of a route permit application, the Commission must designate a public advisor.<sup>20</sup> The public advisor answers questions about the permitting process but cannot provide legal advice or act as an advocate for any person.

### **Environmental Review**

Site and route permit applications are subject to environmental review conducted by Department of Commerce, Energy Environmental Review and Analysis (EERA) staff. Projects proceeding under the alternative permitting process require the preparation of an environmental assessment (EA).<sup>21</sup> An EA is a document which contains an overview of the resources affected by a proposed project and describes the potential human and environmental impacts and possible mitigation measures. An EA is the only state environmental review document required for site and route permit applications reviewed under the alternative permitting process.

EERA conducts public information and scoping meetings to inform the content of the EA.<sup>22</sup> The Commissioner of the Department of Commerce determines the scope of the EA,<sup>23</sup> and may include alternative sites or routes suggested during the scoping process if they would aid the Commission in making a permit decision.

### **Public Hearing**

Site and route permit applications under the alternative permitting process require that a public hearing be held in the project area after completion and release of the EA.<sup>24</sup> The hearing is typically presided over by an administrative law judge (ALJ) from the Office of Administrative Hearings.

The Commission may request that the ALJ solely provide a summary of public testimony. Alternately, the Commission may request that the ALJ provide a full report with findings of fact, conclusions of law, and recommendations regarding the project.

### **Advisory Task Force**

The Commission may appoint an advisory task force to aid the environmental review process.<sup>25</sup> An advisory task force must include representatives of local governmental units in the project area.<sup>26</sup> A task

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<sup>18</sup> Minnesota Rule 7850.3200.

<sup>19</sup> Minnesota Statute 216E.04, Subd. 7.

<sup>20</sup> Minnesota Rule 7850.3400.

<sup>21</sup> Minnesota Rule 7850.3700.

<sup>22</sup> Minnesota Rule 7850.3700, subp. 2.

<sup>23</sup> Id. at subp. 3.

<sup>24</sup> Minnesota Rule 7850.3800.

<sup>25</sup> Minnesota Statute 216E.08.

<sup>26</sup> Id.

force would assist EERA staff with identifying additional sites, routes, or impacts and mitigation measures to be evaluated in the EA. A task force expires upon issuance of the EA scoping decision.<sup>27</sup>

The Commission is not required to appoint an advisory task force for every project. If the Commission does not appoint a task force, citizens may request that one be appointed.<sup>28</sup> If such a request is made, the Commission must make this determination at its next regularly scheduled meeting. The decision whether to appoint an advisory task force does not need to be made at the time of application acceptance; however, it should be made as soon as practicable to ensure it can complete its charge prior to issuance of the EA scoping decision.

## **EERA Staff Analysis and Comments**

EERA staff provide the following analysis and comments in response to the Commission's notice requesting comments on completeness and other issues related to Minnesota Power's joint site and route permit application.

### **Application Completeness**

EERA staff conferred with Minnesota Power about the proposed project and reviewed a combined draft site permit and route permit application. EERA staff believes that staff comments on the draft application have largely been addressed in the site and route permit application submitted to the Commission. Staff evaluated the site and route permit application against the application completeness requirements of Minnesota Rule 7850.3100, which refers to 7850.1900, with the exception of proposing alternative sites (see Table 1 and Table 2). Staff find that the application is substantially complete with respect to these requirements. Staff notes a few sections of the application that warrant additional mention here, including impacts on rare and unique natural resources in the area.

In the site and route permit application, Minnesota Power identified several rare and unique natural resources existing near or within the project area. Federal rare species, such as the Canada lynx, the gray wolf, the northern long-eared bat, the monarch butterfly, and the bald eagle, and state rare species, including the small green wood orchid and the peregrine falcon, were listed as potentially occurring within the project site or a mile outside of it.<sup>29</sup> Several Minnesota Department of Natural Resources (DNR) High Value Natural Resources are identified within the project area and adjacent to the site, including several areas that are considered Sites of Biodiversity Significance (SBS), Wildlife Action Network corridors, and large blocks of forest that can provide wildlife habitat. Minnesota Power notes that the construction of the site will directly impact sensitive ecological resources, including the SBS and Wildlife Action Network corridors.<sup>30</sup>

EERA staff recommends that the Commission accept Minnesota Power's application as substantially complete and require Minnesota Power to continue coordination with the Minnesota Department of Natural Resources (DNR) and the U.S. Fish and Wildlife Service (USFWS) to mitigate impacts to rare and unique natural resources, including rare species, Sites of Biodiversity Significance, and Wildlife Action Network corridors.

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<sup>27</sup> Minnesota Rule 7850.3600.

<sup>28</sup> Id.

<sup>29</sup> Site and Route Permit Application, Section 4.5.8.

<sup>30</sup> Id.

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

Minnesota Power has provided a draft Vegetation Management Plan (VMP) submitted with the application (Appendix F). The VMP provides measurable and clearly defined long-term and short-term management objectives for the site. Minnesota Power intends to establish perennial vegetation throughout the project utilizing diverse native prairie species to the greatest extent practical. The VMP identifies land near that site designated as high value resources as defined by the DNR's Commercial Solar Siting Guidance. These include DNR Minnesota Biological Survey (MBS) mapped native plant communities (NPCs), DNR mapped Native Upland Prairie, and Sites of Biodiversity Significance (SBS) that are documented as having an MBS ranking of "below", "moderate", or "outstanding" within a 1-mile radius of the site.

Because several portions within and near the project area have been identified as potential sensitive, rare and unique natural resources, vegetation management will be important. Minnesota Power indicates that the short-term objectives of their vegetation management plan include establishing diverse, native perennial vegetation over 70 percent of the plantable areas within the site, establishing vegetation compatible with project operations and cost, and providing soil stability and improving soil health while also benefitting native pollinators. Long-term objectives include minimizing invasive species, noxious weeds, and other undesirable species in the site.<sup>31</sup>

### **Advisory Task Force**

EERA staff analyzed the merits of establishing an advisory task force for the Boswell Solar project and concludes that a task force is not warranted at this time.

In analyzing the need for an advisory task force for the project, EERA staff considered four characteristics: project size, project complexity, known or anticipated controversy, and sensitive resources.

- **Project Size.** The project will utilize a relatively large area of land – approximately 1344.5 acres. However, the concerns associated with such a large acreage are muted, to a great extent, by the fact that land access for the project has been obtained by Minnesota Power, assembled through voluntary leases or options for purchase. Minnesota Power has secured all necessary land rights for construction and operation of the project. On whole, this project-size factor weighs against a task force.
- **Project Complexity.** With respect to energy production and land use, the project is not complex. Though large solar electric projects are fairly new in Minnesota, they are relatively straightforward – solar panels are arranged to gather sunlight and create electric energy, which is then transferred to the electric transmission grid. Land use in the project area is agricultural and the topography is relatively flat. There are no special construction techniques or operational features that make the project complex. This project-complexity factor weighs against a task force.
- **Known or Anticipated Controversy.** To date, EERA staff have received no comments concerning the project, and there are currently no public comments in the record. Minnesota Power has conducted outreach with state and federal agencies as well as Minnesota tribal nations and local

<sup>31</sup> Appendix F – Vegetation Management Plan

governments in the project area.<sup>32</sup> Minnesota Power indicates that coordination with the Leech Lake Band of Ojibwe (LLBO) has occurred during project planning, and will be ongoing throughout the project. Because the project is partially on land within the LLBO reservation, ongoing coordination with tribal members will be necessary. Through coordination with LLBO, Minnesota Power conducted field-level surveys before submitting the Site and Route Permit Application to identify and avoid any potential impacts on both wetland and cultural resources. Minnesota Power has secured land control within the project area through a lease or options to purchase. The project area is comprised entirely of private land. On whole, EERA staff does not anticipate controversy with the project.

- **Sensitive Natural Resources.** There are several sensitive natural resources in the project area. The project area is located primarily on agricultural land, with scattered areas of forest, wetland, and waterbodies in the landscape.<sup>33</sup> The DNR recommends avoidance of Minnesota Biological Survey (MBS) Sites of Biodiversity Significance ranked “High” or “Outstanding,” none of which are present within the buildable project area, but are present adjacent to the project area. MBS sites to note include Blackwater Lake, which is ranked “Outstanding” and located within the southeastern edge of the site where the Gen-Tie Line will cross, and Little White Oak Lake, which is ranked “High” and located within one mile of the project boundary.<sup>34</sup> The DNR also recommends avoidance of rare native plant communities. There are no native plant communities within the site, however there are several adjacent to the project area, as well as areas of wildlife habitat.

There is one federally endangered species, the northern long-eared bat, two federally threatened species, the Canada lynx and gray wolf, and one federal candidate species, the monarch butterfly, identified as potentially present within the project area. There are no known occurrences of state threatened or endangered species within one mile of the project, however, there are two state special concern species within one mile of the project including the small green wood orchid, and the peregrine falcon.<sup>35</sup> Species of special concern are not protected by Minnesota’s endangered species regulations, although the DNR tracks and monitors them. In addition to the presence of wildlife, there are also several Wildlife Action Network corridors throughout the project area, as well as forest blocks containing wildlife habitat. On whole, potential impacts to sensitive natural resources do not weigh for or against a task force.

Based on the assessment of the above factors, EERA staff believes that an advisory task force is not warranted for the project at this time.

## Contested Issue of Fact

Based on its review of Minnesota Power’s application and the record to date, EERA staff has not identified any contested issues of fact. Staff is unaware of any issues or concerns associated with the application or project that require a contested case hearing.

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<sup>32</sup> Site and Route Permit Application, Section 5.0.

<sup>33</sup> Site and Route Permit Application, Section 4.5.

<sup>34</sup> Id.

<sup>35</sup> Site Permit Application, Section 4.5.8.1

EERA staff recommends that the Commission request a full ALJ report for the project's public hearing. EERA staff believes that a full ALJ report with recommendations provides an unbiased, efficient, and transparent method to voice and resolve any issues that may emerge as the record is developed. Requiring a full ALJ report reduces the burden on staff and helps to ensure that the Commission has a robust record on which to base its decision. Additionally, a full ALJ report does not significantly lengthen the site permitting process. EERA staff has provided a draft schedule for the Boswell Solar permitting process, which includes a comparison of potential hearing work products and schedules – i.e., a summary of public testimony versus a full ALJ report with findings, conclusions, and recommendations (see Table 2).

## **EERA Staff Recommendations**

EERA staff recommends that:

- The Commission accept Minnesota Power's application as substantially complete and require Minnesota Power to continue coordination with the DNR and USFWS to avoid impacts to sensitive, rare and unique natural resources.
- The Commission not appoint an advisory task force for the project at this time.
- The Commission request a full ALJ report with findings, conclusions, and recommendations for the project's public hearing.
- The Commission direct the Executive Secretary to issue an authorization for the applicant to initiate consultation with the Minnesota State Historic Preservation Office (SHPO).

**Table 1. Site Permit Application Completeness Requirements**

Minnesota Rule 7850.1900, Subpart 1	Location in Site Permit Application	EERA Staff Comments
A. a statement of proposed ownership of the facility at the time of filing the application and after commercial operation;	1.2.1 and 1.2.2	Satisfactory. Minnesota Power is the owner of the project.
B. the precise name of any person or organization to be initially named as permittee or permittees and the name of any other person to whom the permit may be transferred if transfer of the permit is contemplated;	1.2	Satisfactory. Minnesota Power will be the permittee.
C. at least two proposed sites for the proposed large electric power generating plant and identification of the applicant's preferred site and the reasons for the preference;	Not applicable.	The project can use the alternative permitting process of Minnesota Statute 216E.04, which does not require providing this information via Minnesota Rule 7850.3100.
D. a description of the proposed large electric power generating plant and all associated facilities, including the size and type of the facility;	3.4	Satisfactory.
E. the environmental information required under subpart 3;	See Minnesota Rule 7850.1900, subpart 3 below.	
F. the names of the owners of the property for each proposed site;	Appendix C	Satisfactory.
G. the engineering and operational design for the large electric power generating plant at each of the proposed sites;	3.5	Satisfactory.

<b>Minnesota Rule 7850.1900, Subpart 1</b>	<b>Location in Site Permit Application</b>	<b>EERA Staff Comments</b>
H. a cost analysis of the large electric power generating plant at each proposed site, including the costs of constructing and operating the facility that are dependent on design and site;	3.10	Satisfactory.
I. an engineering analysis of each of the proposed sites, including how each site could accommodate expansion of generating capacity in the future;	3.8	Satisfactory.
J. identification of transportation, pipeline, and electrical transmission systems that will be required to construct, maintain, and operate the facility;	3.5	Satisfactory.
K. a listing and brief description of federal, state, and local permits that may be required for the project at each proposed site; and	2.5	Satisfactory.
L. a copy of the certificate of need for the project from the Commission or documentation that an application for a certificate of need has been submitted or is not required;	2.1	Satisfactory. A certificate of need is not required for the project per Minnesota Statute 216B.243, subdivision 9.
<b>Minnesota Rule 7850.1900, Subpart 3</b>	<b>Location in Site Permit Application</b>	<b>EERA Staff Comments</b>
A. a description of the environmental setting for each site or route;	4.1	Satisfactory.
B. a description of the effects of construction and operation of the facility on human settlement, including, but not limited to, public health and safety, displacement, noise, aesthetics, socioeconomic impacts, cultural values, recreation, and public services;	4.2	Satisfactory.

Minnesota Rule 7850.1900, Subpart 1	Location in Site Permit Application	EERA Staff Comments
C. a description of the effects of the facility on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;	4.3	Satisfactory.
D. a description of the effects of the facility on archaeological and historic resources;	4.4	Satisfactory.
E. a description of the effects of the facility on the natural environment, including effects on air and water quality resources and flora and fauna;	4.5	Satisfactory. This section identifies and addresses the presence of the project within a wildlife habitat designated as an Important Bird Area (IBA). However, these areas may require additional attention throughout the environmental review and permitting process.
F. a description of the effects of the facility on rare and unique natural resources;	4.5.8	Satisfactory. This section identifies several federal and state-protected species, and rare and unique natural resources including DNR high-value natural resources and sites of biological significance near or within the project area. These areas may also require additional attention and coordination with the USFWS and DNR throughout the environmental review and permitting process.
G. identification of human and natural environmental effects that cannot be avoided if the facility is approved at a specific site or route; and	4.9	Satisfactory.
H. a description of measures that might be implemented to mitigate the potential human and environmental impacts identified in items A to G and the estimated costs of such mitigative measures.	4.0	Satisfactory. Generally discussed throughout the section by resource.

**Table 2. Route Permit Application Completeness Requirements**

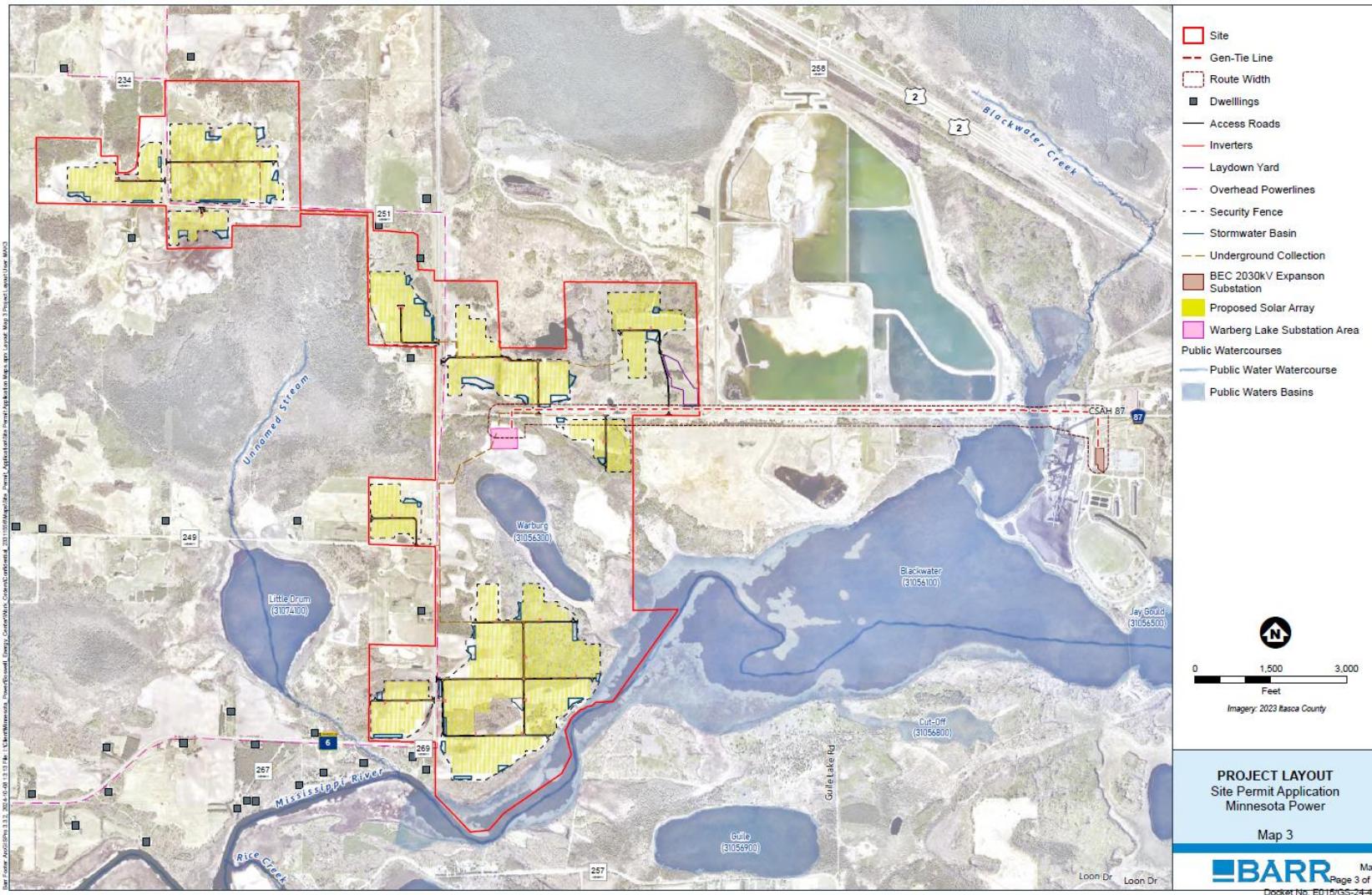
Minnesota Rule 7850.1900, Subpart 2	Location in Route Permit Application	EERA Staff Comments
A. a statement of proposed ownership of the facility at the time of filing the application and after commercial operation;	1.2.1 and 1.2.2	Satisfactory. Minnesota Power is the owner of the project.
B. the precise name of any person or organization to be initially named as permittee or permittees and the name of any other person to whom the permit may be transferred if transfer of the permit is contemplated;	1.2	Satisfactory. Minnesota Power will be the permittee.
C. at least two proposed routes for the proposed high voltage transmission line and identification of the applicant's preferred route and the reasons for the preference;	Not applicable.	The project can use the alternative permitting process of Minnesota Statute 216E.04, which does not require providing this information via Minnesota Rule 7850.3100.
D. a description of the proposed high voltage transmission line and all associated facilities including the size and type of the high voltage transmission line;	3.5	Satisfactory.
E. the environmental information required under subpart 3;	See Minnesota Rule 7850.1900, subpart 3 completeness in the table below.	
F. identification of land uses and environmental conditions along the proposed routes	4	Satisfactory.
G. the names of each owner whose property is within any of the proposed routes for the high voltage transmission line;	Appendix C	Satisfactory.
H. United States Geological Survey topographical maps or other maps acceptable to the commission showing the entire length of the high voltage transmission line on all proposed routes;	SPA Attached Maps	Satisfactory.
I. identification of existing utility and public rights-of-way along or parallel to the proposed routes that have the potential to share the right-of-way with the proposed line;	4.2.12	Satisfactory.

Minnesota Rule 7850.1900, Subpart 2	Location in Route Permit Application	EERA Staff Comments
J. the engineering and operational design concepts for the proposed high voltage transmission line, including information on the electric and magnetic fields of the transmission line;	3.5 and 4.2.2	Satisfactory.
K. cost analysis of each route, including the costs of constructing, operating, and maintaining the high voltage transmission line that are dependent on design and route;	3.10	Satisfactory.
L. a description of possible design options to accommodate expansion of the high voltage transmission line in the future;	3.8	Satisfactory.
M. the procedures and practices proposed for the acquisition and restoration of the right-of-way, construction, and maintenance of the high voltage transmission line;	3.6	Satisfactory.
N. a listing and brief description of federal, state, and local permits that may be required for the proposed high voltage transmission line; and	2.5	Satisfactory.
O. a copy of the Certificate of Need or the certified HVTL list containing the proposed high voltage transmission line or documentation that an application for a Certificate of Need has been submitted or is not required.	2.1	A certificate of need not required for the project per Minnesota Statute 216B.243, subdivision 8(a)(10).

**Table 3. Draft Permitting and Environmental Review Schedule**

Permitting Day	Process Step (Summary of Public Testimony)	Process Step (Full ALJ Report)
0	Site Permit Application Filed	
	Comment Period on Application Completeness	
	Reply Comment Period	
	Commission Considers Application Completeness	
1	Application Acceptance Order	
5	Public Information and Scoping Meeting Notice	
30	Public Information and Scoping Meeting	
60	Scoping Decision Issued	
170	EA Issued   Notice of EA Availability and Public Hearing	
190	Public Hearing	
200	Public Hearing Comment Period Closes	
210	Applicant Responses to Hearing Comments	
220	Applicant Proposes Findings	
230	EERA Responses to Comments on EA; Technical Analysis; Replies to Applicant Proposed Findings	
230	ALJ Submits Summary of Public Testimony	NA
260	Commission Prepares Findings and Proposed Site Permit	ALJ Submits Full Report
275	NA	Exceptions to ALJ Report
280	Commission Considers Site Permit Issuance	NA
290	NA	Commission Prepares Proposed Site Permit
310	NA	Commission Considers Site Permit Issuance

## Project Overview Map





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January 30, 2025

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

RE: EERA Supplemental Comments and Recommendations on Application Completeness  
Boswell Solar Project – Site and Route Permit Application  
Docket No. E015/GS-24-425 (Site Permit) and E015/TL-24-426 (Route Permit)

Dear Mr. Seuffert,

On January 21, 2025, Department of Commerce, Energy Environmental Review and Analysis (EERA) staff submitted comments regarding the completeness of Minnesota Power's Site and Route Permit Application for the Boswell Solar Project.<sup>1</sup> In its comments, EERA recommended that the Commission:

- (1) Accept Minnesota Power's application as substantially complete and require Minnesota Power to continue coordination with the DNR and USFWS to avoid impacts to sensitive, rare and unique natural resources,
- (2) Not appoint an advisory task force for the project at this time,
- (3) Request a full ALJ report with findings, conclusions, and recommendations for the project's public hearing, and
- (4) Direct the Executive Secretary to issue an authorization for the applicant to initiate consultation with the Minnesota State Historic Preservation Office (SHPO).

On January 28, 2025, Minnesota Power submitted reply comments to the Commission responding to the January 21, 2025, comments filed by EERA.<sup>2</sup> Minnesota Power concurred with all of EERA's recommendations except EERA's recommendation for a full ALJ report with findings, conclusions, and recommendations.

Minnesota Power stated that it believes a summary report of the public hearing comments would be sufficient and appropriate, rather than a full ALJ report. Minnesota Power stated that it understands the Commission may conclude that a full ALJ report would be helpful to the Commission, and should the Commission order this approach, requested that the full ALJ report be developed within the 310-day timeline included by EERA in its comments.

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<sup>1</sup> EERA, Comments and Recommendations, January 21, 2025, eDocket no. [20251-214171-01](#)

<sup>2</sup> Minnesota Power, Reply Comments, January 28, 2025, eDocket no. [20251-214477-01](#)

EERA staff continues to recommend a full ALJ report for the project. As noted in EERA's initial comments, a full ALJ report provides an unbiased, efficient, and transparent method to voice and resolve any issues that may emerge as the record is developed. Further, a full ALJ report reduces the burden on staff and helps to ensure that the Commission has a robust record on which to base its decision.

EERA staff's recommendation is consistent with EERA recommendations for other recent solar projects, as well as Commission orders requiring full ALJ reports for these projects, including Solway Solar (24-309),<sup>3</sup> Coneflower Solar (24-215),<sup>4</sup> and Gopher State Solar (24-106).<sup>5</sup>

Finally, EERA staff believes that the environmental review and permitting process for the Boswell Solar Project can be completed in a timely manner, particularly with the use of the Commission's consent agenda process.

EERA staff is available to answer any questions the Commission may have.

Sincerely,



Jessica Livingston  
Environmental Review Manager

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<sup>3</sup> Minnesota Public Utilities Commission, Order, January 28, 2025 ([Solway Solar, eDocket no. 24-309](#))

<sup>4</sup> Minnesota Public Utilities Commission, Order, October 15, 2024 ([Coneflower Solar, eDocket no. 24-215](#))

<sup>5</sup> Minnesota Public Utilities Commission, Order, September 24, 2024 ([Gopher State Solar, eDocket no. 24-106](#))

## **CERTIFICATE OF SERVICE**

I, Hannah Olson, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

### **Minnesota Public Utilities Commission ORDER**

Docket Number E-015/GS-24-425; E-015/TL-24-426  
Dated this 18th day of February, 2025

/s/ Hannah Olson

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	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		No	Official 24-425	
2	MP Regulatory	Compliance	mpregulatorycompliance@mnpower.com	Minnesota Power	30 W Superior St. Duluth MN, 55802 United States	Electronic Service		No	Official 24-425	
3	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	Official 24-425	
4	Drew	Janke	djanke@mnpower.com	Minnesota Power	30 W Superior St Duluth MN, 55802 United States	Electronic Service		No	Official 24-425	
5	Jennifer	Kuklenski	jkuklenski@mnpower.com	Minnesota Power	30 West Superior Street Duluth MN, 55082 United States	Electronic Service		No	Official 24-425	
6	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	Official 24-425	
7	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		No	Official 24-425	
8	Will	Seuffert	will.seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		No	Official 24-425	
9	Tammy	Sundbom	tsundbom@mnpower.com	Minnesota Power	null null, null United States	Electronic Service		No	Official 24-425	
10	Kodi	Verhalen	kverhalen@taftlaw.com	Taft Stettinius & Hollister LLP	80 S 8th St Ste 2200 Minneapolis MN, 55402 United States	Electronic Service		No	Official 24-425	
11	Sarah	Whiting	swhiting@mnpower.com	Minnesota Power	30 W Superior St. Duluth MN, 55802 United States	Electronic Service		No	Official 24-425	

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2	MP Regulatory	Compliance	mpregulatorycompliance@mnpower.com	Minnesota Power	30 W Superior St. Duluth MN, 55802 United States	Electronic Service		No	Official 24-426	
3	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	Official 24-426	
4	Drew	Janke	djanke@mnpower.com	Minnesota Power	30 W Superior St Duluth MN, 55802 United States	Electronic Service		No	Official 24-426	
5	Jennifer	Kuklenski	jkuklenski@mnpower.com	Minnesota Power	30 West Superior Street Duluth MN, 55082 United States	Electronic Service		No	Official 24-426	
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8	Will	Seuffert	will.seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		No	Official 24-426	
9	Tammy	Sundbom	tsundbom@mnpower.com	Minnesota Power	null null, null United States	Electronic Service		No	Official 24-426	
10	Kacey	Trout	dctrout@paulbunyan.net		41753 County Road 23 Cohasset MN, 55721 United States	Electronic Service		No	Official 24-426	
11	Kodi	Verhalen	kverhalen@taftlaw.com	Taft Stettinius & Hollister LLP	80 S 8th St Ste 2200 Minneapolis MN, 55402 United States	Electronic Service		No	Official 24-426	
12	Sarah	Whiting	swhiting@mnpower.com	Minnesota Power	30 W Superior St. Duluth MN, 55802 United States	Electronic Service		No	Official 24-426	

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