

Staff Briefing Papers

Meeting Date: August 7, 2025

Agenda Item: *2

Company: Coneflower Energy, LLC

Docket: IP-7132/GS-24-215

In the Matter of the Application of Coneflower Energy, LLC for a Site Permit for the up to 235 MW Coneflower Solar Project in Lyon County, Minnesota

- Issues:**
- Should the Commission adopt the administrative law judge's findings of fact, conclusions of law, and recommendation?
 - Should the Commission determine that the environmental assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
 - Should the Commission grant a site permit for the 235-megawatt Coneflower Solar Project in Lyon County?

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✓ Relevant Documents	Date
Application for a Site Permit for the Coneflower Solar Project (18 parts)	08/19/2024
Order on Application Completeness	10/15/2024
Sample Site Permit	10/24/2024

The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

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Letter Concerning State Historic Preservation Office Consultation	10/24/2024
Environmental Assessment Scoping Decision	01/03/2025
Environmental Assessment (7 parts)	03/26/2025
Coneflower Energy, LLC Direct Testimony of Brie Anderson (2 parts)	04/11/2025
Minnesota Pollution Control Agency Hearing Comments	04/16/2025
Minnesota Department of Natural Resources (DNR) Hearing Comments (2 parts)	05/02/2025
International Union of Operating Engineers Local 49 and North Central States Regional Council of Carpenters Public Hearing Comments	05/05/2025
Department of Commerce Energy Environmental Review and Analysis (EERA) Hearing Comments	05/05/2025
Lyon County Planning and Zoning Soil and Water Conservation District Hearing Comments (Exhibit A)	05/06/2025
LIUNA Hearing Comments (3 parts)	05/06/2025
Coneflower Energy, LLC Response to Hearing Comments	05/19/2025
Department of Commerce Energy Environmental Review and Analysis (EERA) Reply Hearing Comments	05/27/2025
Administrative Law Judge Findings of Fact, Conclusions of Law, and Recommendation; and Exhibit List (2 parts)	06/26/2025
Coneflower Energy, LLC Exceptions	07/08/2025
Energy Infrastructure Permitting (EIP) Exceptions	07/11/2025
LIUNA Exceptions	07/14/2025

Attachments

Table 1: Exceptions to ALJ Report

Table 2: Proposed Site Permit Language
Attachment A: Proposed Site Permit

ISSUES

- Should the Commission adopt the administrative law judge's findings of fact, conclusions of law, and recommendation?
- Should the Commission determine that the environmental assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
- Should the Commission grant a site permit for the 235-megawatt Coneflower Solar Project in Lyon County?

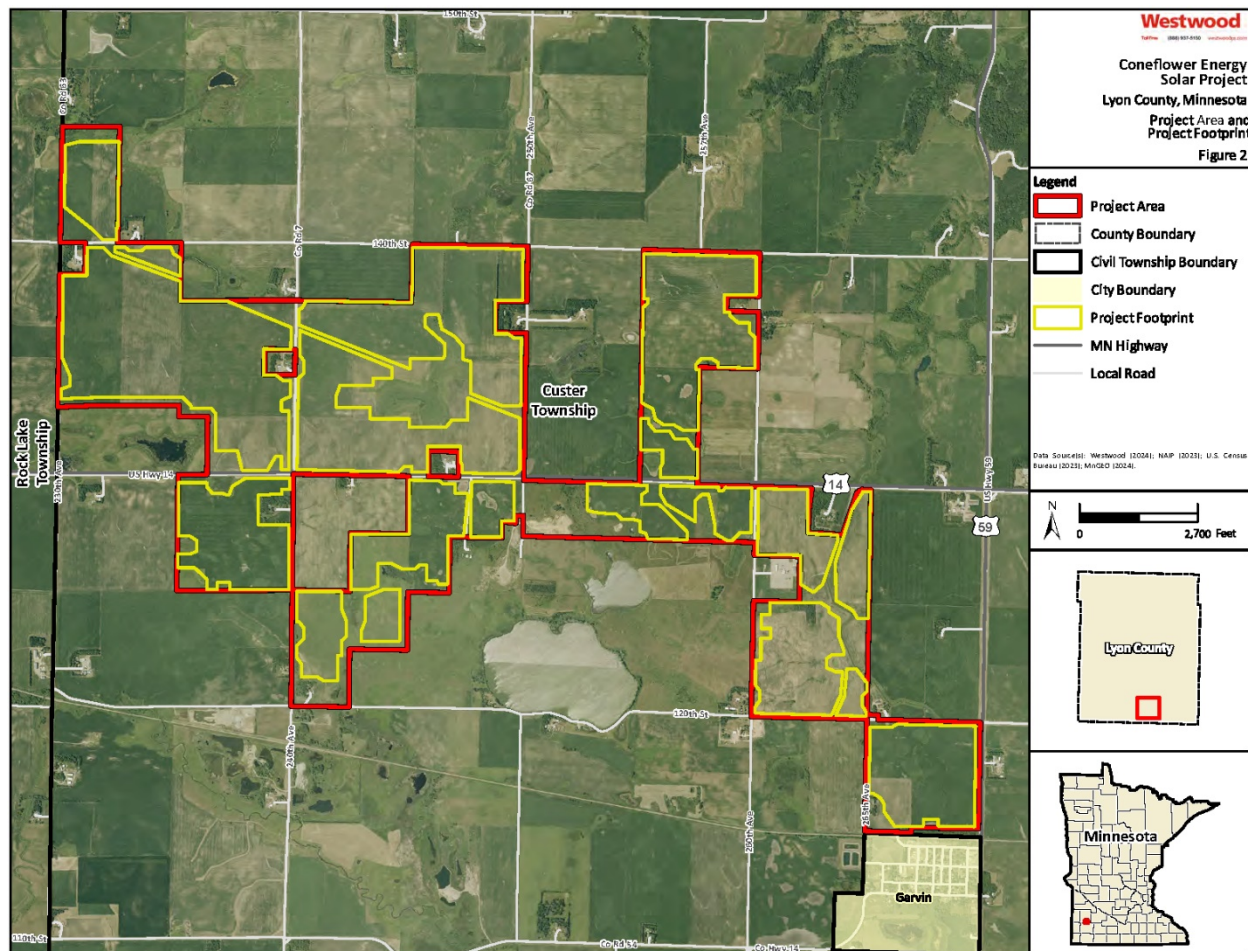
PROJECT BACKGROUND

Coneflower Energy, LLC (Coneflower Energy), an indirect wholly owned subsidiary of Apex Clean Energy Holdings, LLC, has applied for a site permit to construct an up to 235-megawatt (MW) solar energy generating system (Coneflower Solar Project or Project). The Coneflower Solar Project would be built in Custer Township, Lyon County, Minnesota, on approximately 1,723-acres of private property within a 2,299-acre land control area. The main components of the proposed Project include, but are not limited to, solar modules and tracking systems, electrical collector lines, inverters, security fencing, access roads, stormwater basins, an operation and maintenance building, and weather stations.

Coneflower Energy has proposed two options for facility interconnection: either a new 345 kV transmission line up to one mile long that would connect to Xcel Energy's to-be-constructed Garvin Substation, which was recently approved in a separate Commission proceeding (PUC Dockets CN-22-131 and TL-22-132) (Garvin Scenario), or a new switching station that would connect to the existing Lyon County to Lake Yankton 115 kV transmission line (MISO Scenario). Coneflower Solar indicated that it would apply for a route permit at a later date, if necessary.

Coneflower Energy anticipates beginning construction on the Project in the second quarter of 2026, obtaining a GIA from MISO in the spring of the same year, and having the Project operational by the end of 2027, assuming a site permit is granted. The Project is expected to cost \$550 million in total.

Project Overview Map



Source: Application for a Site Permit for the Coneflower Solar Project, Figure 2.

RULES AND STATUTES

A. Site Permit

The Commission must issue a site permit before a solar energy generating system may be constructed in Minnesota.¹ The proposed Coneflower Solar Project requires a site permit because it is a large electric power generating plant, specifically a solar energy generating system, designed and capable of operation at a capacity of 50 MW or more.² In deciding whether to issue a site permit for a solar energy generating system, the Commission must consider the factors under Minn. Stat. § 216E.03, subd. 7, and Minn. R. 7850.1400.

¹ Minn. Stat. § 216E.03, subd. 1

² Minn. Stat. § 216E.01, subd. 5, and Minn. Stat. § 216E.01, subd. 9a, respectively.

B. Certificate of Need

A certificate of need is required for a large energy facility, as defined in Minn. Stat. § 216B.2421, subd. 2,³ unless the facility qualifies for a statutory exemption from the certificate of need requirements. Pursuant to Minn. Stat. § 216B.243, subd. 8(a)(7), the Coneflower Solar Project is exempt from certificate of need requirements because a site permit is being applied for by an Independent Power Producer (IPP).

C. Procedural Treatment of Application

The Commission authorized the following procedures for reviewing the site permit application:

- review of the site permit application through alternative review process; and⁴
- requested that the Office of Administrative Hearings appoint an administrative law judge to serve as the hearing examiner for the public hearings, and provide findings of fact, conclusions of law, and recommendations on the merits of the site permit application, consistent with Minn. R. 7850.3800.

Pursuant to Minn. R. 7850.3700, projects being reviewed under the alternative process require the preparation of an environmental assessment. The environmental assessment must provide information on the human and environmental impacts of the proposed project and of alternative sites or routes; the feasibility of each alternative site or route considered; and mitigative measures that could reasonably be implemented to minimize, mitigate, or avoid any adverse impacts identified.

At the time the Commission makes a final decision on whether to issue a site permit, it must determine whether the environmental assessment and the record created at the public hearing addressed the issues identified in the scoping decision.

PROCEDURAL HISTORY

On August 19, 2024, Coneflower Energy filed a site permit application for the Coneflower Solar Project.

On October 15, 2024, the Commission issued an order that accepted Coneflower Energy's site permit application as complete, declined to appoint an advisory task force, requested

³ Minn. Stat. § 216B.243, subd. 2

⁴ The Coneflower Solar Project is eligible for alternative review under Minn. Stat. § 216E.04, subd. 2(8), as it is a large electric power generating plant powered by solar energy.

appointment of an administrative law judge including preparation of findings of fact, conclusions of law, and recommendations, and delegated authority to its Executive Secretary to issue an authorization to Coneflower Energy to initiate consultation with the Minnesota State Historic Preservation Office (SHPO).

On October 24, 2024, Commission staff filed a Sample Permit and a SHPO Consultation Letter.

On November 12 and 13, 2024, public information and environmental assessment scoping meetings were held in-person in Tracy, Minnesota, and online via WebEx, respectively. A written comment period was open through December 4, 2024.⁵

On January 3, 2025, Department of Commerce Energy Environmental Review and Analysis (EERA) issued the Environmental Assessment Scoping Decision.

On March 27, 2025, EERA issued the Environmental Assessment.

On April 22 and 23, 2024, public hearings were held in-person in Marshall, Minnesota, and online via WebEx, respectively. A written comment period was open through May 5, 2025.⁶

On April 11, 2025, Coneflower Energy filed the Direct Testimony of Brie Anderson.

On May 5, 2025, EERA filed its Hearing Comments which provided certain corrections to the Environmental Assessment, recommended modifications to the draft decommissioning plan, responded to Coneflower Energy's Direct Testimony, and provided a proposed draft site permit.

On May 19, 2025, Coneflower Energy filed its Response to Public Comments and Proposed Findings of Fact, Conclusions of Law, and Recommendations.

On May 27, 2025, EERA filed its Reply Comments and Responses to Proposed Findings of Fact.

On June 26, 2025, the administrative law judge filed her Findings of Fact, Conclusions of Law, and Recommendation (ALJ Report).

⁵ Comments received during the environmental assessment scoping period were summarized in the Environmental Assessment Scoping Decision (January 3, 2025); Document ID [20251-213531-01](#); and by the administrative law judge in the Office of Administrative Hearings; Findings of Fact, Conclusions of Law, and Recommendations (ALJ Report) at findings 49-56 (June 26, 2025); Document ID [20256-220318-01](#).

⁶ The administrative law judge summarized the comments received during the public hearing process in the ALJ Report at findings 57-66.

On July 8, 2025, Coneflower Energy filed exceptions to the ALJ Report.

On July 11, 2025, EERA filed exceptions to the ALJ Report.

On July 14, 2025, LIUNA filed exceptions to the ALJ Report.

ADMINISTRATIVE LAW JUDGE REPORT

To ensure robust record development, public participation, and examination of the issues, and as required by law, the Commission requested appointment of an administrative law judge from the Office of Administrative Hearings to preside over the public hearings and prepare findings of fact, conclusions of law, and recommendations on the merits of the proposed Project and site permit conditions, as necessary.

The ALJ report contained 334 findings and 14 conclusions of law, that determined all procedural requirements for processing the site permit application were satisfied. It also provided recommendations regarding the completeness of the Environmental Assessment, and the justifications of granting a site permit, including identification of additional site permit conditions.

Rather than repeat the ALJ's full analysis in these briefing papers, staff has summarized the recommendations below. Staff refers the Commission to the ALJ Report for the complete analysis.

D. Environmental Assessment Completeness

The administrative law judge concluded that the evidence in the record demonstrated that the Environmental Assessment and the record created during the public hearing process addressed the issues and alternatives raised in the Scoping Decision and, therefore, is complete.⁷

E. Site Permit

The administrative law judge concluded that:

- the record of the proceedings demonstrated that the criteria for a site permit as set forth in Minn. Stat. § 216E.03 and Minn. R. Ch. 7850 and all other applicable legal requirements have been satisfied; and

⁷ ALJ Report at findings 331-333 and Conclusion 7.

- the proposed Project, with the conditions recommended in the draft site permit as modified in findings 308-328, does not present a potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act and the Minnesota Environmental Policy Act.

The administrative law judge recommended that the Commission issue a site permit to Coneflower Energy to construct and operate the Coneflower Solar Project and associated facilities in Lyon County, Minnesota, and that the permit include the draft permit conditions as amended in the ALJ Report.

F. Site Permit Conditions

The administrative law judge concluded that the record supported the inclusion of several special permit conditions and advised that they be incorporated into a site permit, except for the conditions pertaining to a community impact mitigation agreement and fencing right-of-way setbacks.⁸

Staff has summarized the proposed site permit language in Table 2 of these briefing papers. Table 2 shows the proposed permit language on which the administrative law judge, EERA, and Coneflower Energy have reached an agreement: PC3 to PC17. The two permit conditions where there is controversy are PC1 (Community Impact Mitigation Agreement) and PC2 (Fencing Right-of-Way Setbacks), which are discussed more below.

1. Community Impact Mitigation Agreement

The Environmental Assessment included a discussion of the Project's potential impact on cultural values in rural areas. To mitigate these impacts the Environmental Assessment suggested the development of a benefits agreement.⁹ According to the Environmental Assessment, a benefits agreement could include “specific mitigation methods [that] would be determined by what the residents of Garvin and Custer Township value most about their community. . .”¹⁰ EERA developed the permit language below that requires development of a Community Impact Mitigation Plan as a way to mitigate impacts on rare and unique resources and cultural values.

⁸ ALJ Report at findings 308-328.

⁹ Environmental Assessment: Coneflower Solar Project at 65-67 (March 26, 2025), Document ID [20253-216823-01](#).

¹⁰ *Id.* at 167.

The Permittee shall enter into a Community Impact Mitigation Agreement with the city of Garvin and Custer Township that mitigates impacts to the community of Garvin.

Coneflower Energy argued against including the permit requirement for a Community Impact Mitigation Agreement, asserting that it is unnecessary and inappropriate for the Project, citing the record, which generally indicates that the solar farm will have several positive impacts and has community support.¹¹ Coneflower further stated that no similar requirement has been placed on other large electric power facilities in the area.¹²

Although, the administrative law judge stated that a “Community Impact Mitigation Agreement could be a valuable and important tool to address community concerns,” the judge ultimately found “that the record in this case does not support imposing a permit condition requiring such an agreement,” and recommended against including the language in a permit.¹³ In support of her recommendation, the administrative law judge generally offered that:

- the record does not show strong, unified community sentiment around any single, significant issue and community concerns are addressed through other permit conditions;
- the local governments were not parties to the case and did not participate by raising concerns, and requiring them to participate through a Community Impact Mitigation Agreement may raise procedural concerns; and
- the lack of specificity in the proposed agreement creates uncertainty about Coneflower Energy’s obligations and how non-compliance would be evaluated.¹⁴

2. Fencing Right-of-Way Setbacks

In response to the Minnesota Department of Natural Resources (DNR) scoping comments,¹⁵ EERA developed the permit language below regarding fencing and road right-of-way setbacks. The language below also includes the subsequent modifications proposed by Coneflower Energy. EERA did not agree with the modifications proposed by Coneflower Energy and

¹¹ ALJ Report at Finding 325.

¹² Coneflower Energy Response to Public Hearing Comments at 3-4.

¹³ ALJ Report at Finding 326.

¹⁴ *Id.* at Finding 327.

¹⁵ DNR Scoping Comments (December 4, 2024), Document ID [202412-212709-01](#). Staff notes that the DNR did not continue to raise this issue in its hearing comments of May 2, 2025 (Document ID [20255-218562-01](#)).

maintained that the changes are inconsistent with the DNR's recommendations and increase the risk of wildlife-vehicle collisions.

The Permittee shall apply a minimum setback of 50 feet from the perimeter fence to all paved road ROWs on US Highway 14 and County Road 7 where Project facilities are sited on both sides of the road to reduce the risk of vehicle collisions with wildlife.

The administrative law judge determined that Coneflower Energy's proposed modification to the language was reasonable and supported by the record, stating that the compromise:

"recognizes the presence of less-traveled roads in the Project area and instances in which Project facilities are located on only one side of the road. While the setback will be less than recommended by the DNR in some areas, the proposal is reasonable because it mitigates the risk of vehicle collisions with wildlife on more heavily traveled roads, while balancing the impact an increased setback would have on the available Project Footprint and efficient design of the Project."¹⁶

Furthermore, Coneflower Energy noted that the 50-foot setback restriction may have an impact on the Blowing Snow Control Plan, which it developed in collaboration with the Minnesota Department of Transportation (MnDOT).¹⁷

Staff suggests that the Commission may also want to consider the Lyon County Zoning Ordinances, which require a 25-foot setback of solar farms from road rights-of-way. Additionally, the current minimum setback between the road right-of-way and the proposed Project fence line is currently 38 feet.¹⁸

EXCEPTIONS

Under Minn. R. 7829.2700, exceptions to the ALJ Report must be filed within 15 days of the filing of the report for cases subject to statutory deadlines. In this case, the deadline for filing exceptions was July 11, 2025. Exceptions to the ALJ Report were filed by EERA, Coneflower Energy, and LIUNA.

¹⁶ ALJ Report at Finding 320.

¹⁷ Coneflower Energy Response to Public Hearing Comments at 3 (May 19, 2025), Document ID [20255-219084-01](#).

¹⁸ *Id.* at 41.

G. EERA Exceptions

In its exceptions, EERA recommended a few minor clarifying corrections to findings 38, 77, and 182 of the ALJ Report (see attached Table 1, IDs E1-E3). Also, EERA maintained its recommendation that a permit, if granted, should incorporate its proposed permit language regarding a Community Impact Mitigation Agreement and Fencing Right-of-Way Setbacks (see attached Table 2, IDs PC1 and PC2, respectively).

H. Coneflower Energy Exceptions

Coneflower Energy filed a letter indicating it had no exceptions to the ALJ Report except a minor modification to Finding 2, correcting the company name (see attached Table 1, ID E4).

I. LIUNA Exceptions

LIUNA did not specify any corrections in its exceptions; rather, it expressed general dissatisfaction with the ALJ's discussion regarding protections for local workers and communities. In particular, LIUNA pointed to the ALJ's failure to recognize the new permitting reform legislation under Minn. Stat. § 216I.05, subd. 11(b)(15) which states that the Commission "must consider a facility's local employment and economic impacts, and may reject or impose conditions on a site or route permit based on the local employment and economic impacts."

LIUNA alleged during the application review process that Apex Clean Energy Holdings, LLC (Coneflower's parent company), on a project in North Dakota known as Bowman Wind, made conditional commitments to prioritize local hiring but that the final workforce was sourced from outside the state, with local hiring accounting for less than 5 percent of the total workforce. LIUNA is concerned that the same issue may occur with the Coneflower Solar Project.¹⁹

To address its concerns, LIUNA suggested that the Commission include a permit condition that "requires Apex to file status reports on contractor selection and engagement with organized labor over workforce on a quarterly or other regular basis, and that the company be required to notify the Commission if it expects to exercise conditional language that would appear to allow the company to take a different path based on safety or other criteria to allow the Commission to ask questions and weigh in."²⁰

¹⁹ LIUNA Exceptions (July 11, 2025), Document ID [20257-220897-01](#).

²⁰ *Id.*

STAFF DISCUSSION

The following issues are before the Commission:

- Whether to adopt the ALJ Report.
- Whether the Environmental Assessment is complete.
- Whether to grant a site permit for the Coneflower Solar Project and identify any special permit conditions, as necessary.

Based on information in the site permit application, the analysis provided in the Environmental Assessment, public comments, testimony, the ALJ Report, and other evidence in the record, staff provides the discussion below.

J. ALJ Report

Staff agrees with the findings, conclusions, and recommendations reached by the ALJ. Staff finds that the ALJ Report is a sound, comprehensive, and common sense ruling that is reflective of the case record in the site permit proceeding. The ALJ Report documents that the procedural requirements were followed and presents findings of fact for each of the decision criteria that must be met for site permit for a solar energy generating system.

K. Exceptions and Clarifications

As detailed in these briefing papers, the exceptions to the ALJ Report recommended by EERA and Coneflower Energy were minor revisions or clarifications that did not affect the substance of the individual findings. Staff agrees with all the recommended modifications listed in Table 1 and attached to these briefing papers, except for EERA's suggested changes to Finding 38 (ID E1). Staff notes that such changes are unnecessary because that information is already provided in Finding 37.

L. Environmental Assessment

Staff agrees with the recommendation of the ALJ that the evidence in the record demonstrated that the Environmental Assessment and the record created during the public hearing process addressed the issues and alternatives raised in the Scoping Decision and is complete.

If the Commission decides the Environmental Assessment is not complete, it must identify the reasons it is not complete and request that the Environmental Assessment be revised or supplemented. In that case, a schedule for revising or supplementing the Environmental

Assessment would need to be determined and the Commission would need to revisit its decisions after completion of the revised Environmental Assessment.

M. Site Permit

Staff agrees with the ALJ that the record of the proceedings demonstrated that the criteria for a site permit have been satisfied and recommends that the Commission issue a site permit to Coneflower Energy to construct and operate the up to 235-megawatt Coneflower Solar Project.

Staff further agrees with the permit conditions recommended by the ALJ. For the same reasons provided by the ALJ, staff agrees that the permit language related to a Community Impact Mitigation Agreement (Table 2, PC1) should be excluded and the language related to Fencing Right-of-Way Setbacks as modified by Coneflower Energy (Table 2, PC2) is appropriate. Staff has presented the proposed site permit language in the attached Table 2.

N. Outstanding Items

Staff believes that the concerns raised by interested members of the public and state and local agencies, in this case, the DNR and MnDOT have been satisfactorily addressed during the review process in the Environmental Assessment and though the proposed special site permit conditions. Staff provides a discussion below of notable items or items that need further resolution.

1. Power Purchase Agreement Permit Condition

Staff recommends that the Commission include the standard permit language requiring a power purchase agreement or other enforceable mechanism for the sale of the electricity generated by the Project prior to the authorization of construction (see Table 2, ID PC18). The language, which is standard in permits for large wind energy conversion systems and solar energy generating facilities, was inadvertently omitted from the sample and draft permits.

2. LIUNA Request

As previously stated, LIUNA requested that the Commission add permit language that protects local workers and communities. Staff has prepared language for Commission consideration in an effort to address LIUNA's concerns. The language below is a modification to Section 5.8 of the draft site permit (see also Table 2, ID PC19).

The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:

(a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers, including updates on outreach efforts, negotiations, and any agreements or understandings reached with local labor organizations; and

(b) provide an account of:

i. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7;

ii. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and

iii. the total gross hours worked or total full-time equivalent workers.

Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

If the Permittee exercises any permit provisions or contractual terms that would allow deviation from engagement with local organized labor based on safety, efficiency, or other operational criteria, the Permittee shall notify the Commission in writing prior to taking such action. This notification shall include a detailed explanation of the rationale for the deviation and shall be submitted in sufficient time to allow Commission review, if necessary.

3. Bois Forte Band of Chippewa

The Bois Forte Band of Chippewa only provided comments during the Environmental Assessment scoping process, noting that it had no comments and that the project should proceed as planned, but requested that it be notified if human remains were discovered unexpectedly.²¹ In response to this request, EERA recommended a permit condition requiring the preparation of an Unanticipated Discovery Plan (see Table 2, ID PC3). Furthermore, section 4.3.23 of the draft permit address archaeological and historic resource mitigation measures, with requiring the permittee to avoid impacts to archaeological and historic resources whenever possible and to mitigate impacts when avoidance is not possible.

²¹ Bois Forte Band of Chippewa (November 8, 2024); Document ID [202411-211730-01](#).

COMMISSION DECISION OPTIONS

ALJ Report

1. Adopt the administrative law judge's findings of fact, conclusions of law, and recommendations to the extent consistent with the decisions below.

And

2. Adopt the following exceptions and clarifications to the ALJ Report (**See Table 1 attached to these briefing papers**):
 - a. E1 (EERA)
 - b. E2 (EERA)
 - c. E3 (EERA)
 - d. E4 (Coneflower)

Environmental Assessment

3. Determine that the Environmental Assessment and the record created at the public hearing address the issues identified in the scoping decision.

Or

4. Determine that the Environmental Assessment and the record created at the public hearing do not address the issues identified in the scoping decision, identify the reasons, and direct EERA to revise or supplement the Environmental Assessment.

[If Environmental Assessment is determined to be complete, move on to next decisions.]

Site Permit

5. Grant a site permit to Coneflower Energy, LLC for the up to 235-megawatt Coneflower Solar Project with the conditions identified in the proposed site permit.

And

6. Adopt the following special permit conditions (**See Table 2 attached to these briefing papers**):

- a. PC1: Community Impact Mitigation Agreement (EERA)
- b. PC2: Fencing ROW Setbacks **as proposed by EERA** (EERA), or
- c. PC2: Fencing ROW Setbacks **as modified by Coneflower** (ALJ and Coneflower)
- d. PC3: Unanticipated Discoveries Plan (ALJ, Coneflower, EERA, and Bois Forte)
- e. PC4: Wildlife Friendly Lighting (ALJ, Coneflower, EERA, and DNR)
- f. PC5: State-listed Endangered and Threatened Species (ALJ, Coneflower, EERA, and DNR)
- g. PC6: Vegetative Screening for Adjacent Residences (ALJ, Coneflower, and EERA)
- h. PC7: Noise Notification (ALJ, Coneflower, and EERA)
- i. PC8: US 14 Runoff Rates (ALJ, Coneflower, and EERA)
- j. PC9: Pipeline Location (ALJ, Coneflower, and EERA)
- k. PC10: Fire Risk Assessment (ALJ, Coneflower, and EERA)
- l. PC11: US 14 Snow Trap (ALJ, Coneflower, and EERA)
- m. PC12: County Ditch 29 Coordination (ALJ, Coneflower, EERA, and Lyon County)
- n. PC13: Non-Chloride Dust Suppression (ALJ, Coneflower, EERA, and DNR)
- o. PC14: Wildlife Friendly Erosion Control (ALJ, Coneflower, EERA, and DNR)
- p. PC15: Wildlife Permeable Fencing (ALJ, Coneflower, EERA, and DNR)
- q. PC16: Fence Visibility Markers (ALJ, Coneflower, EERA, and DNR)
- r. PC17: Northern Long-Eared Bat (ALJ, Coneflower, and EERA)
- s. PC18: Power Purchase Agreement (Staff)
- t. PC19: Labor Reporting (Staff)

Or

- 7. Deny a site permit for the 235-megawatt Coneflower Solar Project.

Administrative

- 8. Delegate authority to the Executive Secretary to modify the site permit and ALJ Report to correct any typographic and formatting errors and to ensure consistency with the Commission's order.

Staff Recommendation: 1, 2b-d, 3, 5, 6c-t, and 8

Table 1: Exceptions to ALJ Report

ID	ALJ Report Location	Sponsor	Recommended Modification to ALJ Report Language
E1	Finding 38	EERA	The Project will consist of PV panels, trackers, inverters, transformers, approximately 15 miles of gravel access roads, security fencing, above-ground and below-ground electric collection lines, a project substation, a switching station (<u>MISO Scenario</u>), an up to one mile a short (≤ 500 feet) 115 kV transmission line (<u>MISO Scenario</u>) or a short (≤ 1 mile) 345 kV transmission line (<u>Garvin Scenario</u>), and associated facilities. Coneflower Solar proposes to locate the solar facilities in blocks within the 2,299 acres of land that Applicant owns or has under lease. Based on preliminary design, Coneflower Solar anticipates approximately 1,723 acres within the 2,299-acre land control area will be developed for the solar facilities.
E2	Finding 77	EERA	The visible elements of the solar facility will consist of new PV arrays, transformers and inverters, up to five permanent weather stations, an O&M building (if on site), a new substation, a short 115 kV transmission line (<u>MISO Scenario</u>) or a short 345 kV transmission line (<u>Garvin Scenario</u>), a switchyard (<u>MISO Scenario</u>), and security fencing surrounding the Project.
E3	Finding 182	EERA	Prime farmland within the Project Footprint will be placed in a permanent cover of perennial vegetation (grasses, sedges, and forbes) according to seeding and management specifications in the VMP to the benefit of wildlife and the soil, regardless of which vegetation management strategy is implemented. The extent of benefits to wildlife and the soil will be determined by the seed mix used and vegetation management strategies implemented. Removing the land from agricultural production may be beneficial for limiting nitrogen infiltration (from manure and fertilizer applications) into groundwater supply, thereby improving groundwater quality. Upon decommissioning, the land can be restored to its pre-construction agricultural use, and Coneflower Solar anticipates that will occur.
E4	Finding 2	Coneflower Energy	Apex Coneflower Solar was founded in 2009 and is headquartered in Charlottesville, Virginia.

Table 2: Proposed Site Permit Language

ID	Issue	Sponsor	Location in Draft Site Permit	Recommended Permit Language	Proposed Modifications	Comments
Contested Permit Language						
PC1	Community Impact Mitigation Agreement	EERA	NEW Special Condition under Section 5.16	<u>The Permittee shall enter into a Community Impact Mitigation Agreement with the city of Garvin and Custer Township that mitigates impacts to the community of Garvin.</u>	The Permittee shall enter into a Community Impact Mitigation Agreement with the city of Garvin and Custer Township that mitigates impacts to the community of Garvin.	<p>Coneflower Energy recommended removal of the special permit condition.</p> <p>The ALJ determined that the special permit condition was not supported by the record and recommended against inclusion (findings 324-328).</p> <p>Removal of the language was not supported by EERA.</p>
PC2	Fencing ROW Setbacks	EERA	NEW Special Condition under Section 5.9	<u>The Permittee shall apply a minimum setback of 50 feet from the perimeter fence to all road ROWs to reduce the risk of vehicle collisions with wildlife.</u>	The Permittee shall apply a minimum setback of 50 feet from the perimeter fence to all paved road ROWs on US Highway 14 and County Road 7 where <u>Project facilities are sited on both sides of the road</u> to reduce the risk of vehicle collisions with wildlife.	<p>The modification was recommended by Coneflower Energy.</p> <p>The ALJ determined that the modification was reasonable and that the record supported inclusion (Finding 320).</p> <p>The Coneflower Energy modification was not supported by EERA.</p>
Agreed Upon Permit Language						
PC3	Unanticipated Discoveries Plan	EERA	NEW Special Condition	<u>The Permittee shall develop an Unanticipated Discoveries Plan (UDP) to identify guidelines to be used in</u>	---	The permit language was supported by both Coneflower Energy and EERA.

ID	Issue	Sponsor	Location in Draft Site Permit	Recommended Permit Language	Proposed Modifications	Comments
			under Section 5.8	<u>the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during construction. This is in addition to and not in lieu of any other obligations that may exist under law or regulation relating to these matters. The UDP shall describe how previously unrecorded, non-human burial, archeological sites found during construction shall be marked and all construction work must stop at the discovery location. The Permittee shall file the UDP with the Commission at least 14 days prior to the preconstruction meeting.</u>		The ALJ concluded the language included important mitigation measures and was reasonable to include in the permit (conclusions 9 and 10).
PC4	Wildlife Friendly Lighting	EERA	NEW Special Condition under Section 5.10	<u>The Permittee shall use motion activated, down-lit lighting around and within the Project.</u>	The Permittee shall use motion activated <u>switch-controlled</u> , down-lit, <u>shielded</u> lighting around and within the Project.	<p>The modification to substitute “switch-controlled” was recommended by Coneflower Energy and the addition of “shielded” was recommended by EERA.</p> <p>The modifications were supported by both Coneflower Energy and EERA.</p> <p>The ALJ determined that the modifications were reasonable</p>

ID	Issue	Sponsor	Location in Draft Site Permit	Recommended Permit Language	Proposed Modifications	Comments
						and that the record supported inclusion (Finding 323).
PC5	State-listed Endangered and Threatened Species	DNR	NEW Special Condition under Section 5.17	<u>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.</u>	---	<p>The DNR's recommended permit language was supported by both Coneflower Energy and EERA.</p> <p>The ALJ determined that the record supported inclusion (Finding 312).</p>
PC6	Vegetative Screening for Adjacent Residences	EERA	NEW Special Condition under Section 5.1	<u>The Permittee shall supplement existing vegetative screening to minimize the views of project infrastructure at adjacent residences.</u>	---	<p>The permit language was supported by both Coneflower Energy and EERA.</p> <p>The ALJ concluded the language included important mitigation measures and was reasonable to</p>

ID	Issue	Sponsor	Location in Draft Site Permit	Recommended Permit Language	Proposed Modifications	Comments
						include in the permit (conclusions 9 and 10).
PC7	Noise Notification	EERA	NEW Special Condition under Section 5.2	<u>The Permittee shall provide notice to adjacent residences detailing when major noise producing construction activities are planned to occur.</u>	---	<p>The permit language was supported by both Coneflower Energy and EERA.</p> <p>The ALJ concluded the language included important mitigation measures and was reasonable to include in the permit (conclusions 9 and 10).</p>
PC8	US 14 Runoff Rates	EERA	NEW Special Condition under Section 5.3	<u>The Permittee shall coordinate with a MnDOT District Hydraulics Engineer for a review of the project to determine if a drainage permit is required.</u>	---	<p>The permit language was supported by both Coneflower Energy and EERA.</p> <p>The ALJ concluded the language included important mitigation measures and was reasonable to include in the permit (conclusions 9 and 10).</p>
PC9	Pipeline Location	EERA	NEW Special Condition under Section 5.4	<u>The Permittee shall coordinate with Northern Border Pipeline Company to determine the location of Northern Border's existing pipeline within the project area and to avoid potential impacts to this pipeline.</u>	---	<p>The permit language was supported by both Coneflower Energy and EERA.</p> <p>The ALJ concluded the language included important mitigation measures and was reasonable to include in the permit (conclusions 9 and 10).</p>

ID	Issue	Sponsor	Location in Draft Site Permit	Recommended Permit Language	Proposed Modifications	Comments
PC10	Fire Risk Assessment	EERA	NEW Special Condition under Section 5.5	<u>The Permittee shall develop and incorporate a project Fire Risk Assessment into the Emergency Response Plan required under Section 8.12 of this permit.</u>	---	<p>The permit language was supported by both Coneflower Energy and EERA.</p> <p>The ALJ concluded the language included important mitigation measures and was reasonable to include in the permit (conclusions 9 and 10).</p>
PC11	US 14 Snow Trap	EERA	NEW Special Condition under Section 5.6	<u>The Permittee shall incorporate the MnDOT Blowing Snow Control Team's recommended solar panel offsets into their final design to prevent snow drifts from blocking US 14 adjacent to the project.</u>	---	<p>The permit language was supported by both Coneflower Energy and EERA.</p> <p>The ALJ concluded the language included important mitigation measures and was reasonable to include in the permit (conclusions 9 and 10).</p>
PC12	County Ditch 29 Coordination	EERA	NEW Special Condition under Section 5.7	<u>The Permittee shall inform the Lyon County Drainage Authority of construction timelines and access plans in relation to County Ditch 29. The Permittee shall provide the Lyon County Drainage Authority with the contact information of the field representative.</u>	---	<p>The permit language was supported by both Coneflower Energy and EERA.</p> <p>The ALJ concluded the language included important mitigation measures and was reasonable to include in the permit (conclusions 9 and 10).</p>
PC13	Non-Chloride Dust Suppression	EERA	NEW Special Condition under Section 5.11	<u>The Permittee shall use dust suppression agents that do not contain chloride.</u>	---	<p>The permit language was supported by both Coneflower Energy and EERA.</p>



ID	Issue	Sponsor	Location in Draft Site Permit	Recommended Permit Language	Proposed Modifications	Comments
						The ALJ concluded the language included important mitigation measures and was reasonable to include in the permit (conclusions 9 and 10).
PC14	Wildlife Friendly Erosion Control	EERA	NEW Special Condition under Section 5.12	<u>The Permittee shall use erosion control materials that do not contain plastic or synthetic fibers or malachite green dye.</u>	---	<p>The permit language was supported by both Coneflower Energy and EERA.</p> <p>The ALJ concluded the language included important mitigation measures and was reasonable to include in the permit (conclusions 9 and 10).</p>
PC15	Wildlife Permeable Fencing	EERA	NEW Special Condition under Section 5.13	<u>The Permittee shall coordinate with the DNR on the design and use of small- to medium-sized animal permeable fencing around the Project.</u>	---	<p>The permit language was supported by both Coneflower Energy and EERA.</p> <p>The ALJ concluded the language included important mitigation measures and was reasonable to include in the permit (conclusions 9 and 10).</p>
PC16	Fence Visibility Markers	EERA	NEW Special Condition under Section 5.14	<u>The Permittee shall coordinate with the DNR on the installation of fence visibility markers in locations determined to pose a collision risk for low-flying birds.</u>	---	<p>The permit language was supported by both Coneflower Energy and EERA.</p> <p>The ALJ concluded the language included important mitigation measures and was reasonable to include in the permit (conclusions 9 and 10).</p>



ID	Issue	Sponsor	Location in Draft Site Permit	Recommended Permit Language	Proposed Modifications	Comments
PC17	Northern Long-Eared Bat	EERA	NEW Special Condition under Section 5.15	<u>The permittee shall comply with the USFWS guidance in effect regarding NLEB, including tree clearing restrictions if applicable.</u>	---	<p>The permit language was supported by both Coneflower Energy and EERA.</p> <p>The ALJ concluded the language included important mitigation measures and was reasonable to include in the permit (conclusions 9 and 10).</p>
Staff Proposed Permit Language						
PC18	Power Purchase Agreement	Commission Staff	---	<u>In the event the Permittee does not have a power purchase agreement or some other enforceable mechanism for the sale of the electricity generated by the Project at the time this site permit is issued, the Permittee shall file updates, annually from the date of permit issuance, on the status of a power purchase agreement or other enforceable mechanism for the sale of the electricity generated by the Project. The Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This site permit does not authorize construction of the Project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project. In the event the Permittee</u>	---	Commission staff notes this language is typically included in site permits for solar energy facilities but was inadvertently omitted from the Sample Site Permit and Draft Site Permit.

ID	Issue	Sponsor	Location in Draft Site Permit	Recommended Permit Language	Proposed Modifications	Comments
				<u>does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project within four years of the issuance of this site permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this site permit should be amended or revoked. No amendment or revocation of this site permit may be undertaken except in accordance with Minn. R. 7850.5100.</u>		
PC19	Labor Reporting	Commission Staff	EXISTING Labor Statistic Reporting under Section 8.5	<p>The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:</p> <p>(a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers, <u>including updates on outreach efforts, negotiations, and any agreements or understandings reached with local labor organizations</u>; and</p> <p>(b) provide an account of:</p>	---	Commission staff, in response to LIUNA's July 11, 2025 letter, modified the existing permit language under Section 8.5 in an attempt to address LIUNA's concerns.



ID	Issue	Sponsor	Location in Draft Site Permit	Recommended Permit Language	Proposed Modifications	Comments
				<p>i. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7;</p> <p>ii. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and</p> <p>iii. the total gross hours worked or total full-time equivalent workers.</p> <p>Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.</p> <p><u>If the Permittee exercises any permit provisions or contractual terms that would allow deviation from engagement with local organized labor based on safety, efficiency, or other operational criteria, the Permittee shall notify the Commission in writing prior to taking such action. This notification shall include a detailed explanation of the rationale for the deviation and shall be submitted in sufficient time to allow Commission review, if necessary.</u></p>		

Notes: The ALJ Report provides information on permit conditions at findings 308 to 328.

ATTACHMENT A

Proposed Site Permit

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**SITE PERMIT FOR
CONEFLOWER SOLAR PROJECT**

A SOLAR ENERGY GENERATING SYSTEM

**IN
LYON COUNTY**

**ISSUED TO
CONEFLOWER ENERGY, LLC**

PUC DOCKET NO. IP-7132/GS-24-215

In accordance with the requirements of Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850 this site permit is hereby issued to:

Coneflower Energy, LLC

Coneflower Energy, LLC is authorized by this site permit to construct and operate the Coneflower Solar Project, an up to 235-megawatt solar energy generating system located in Lyon County, Minnesota.

The solar energy generating system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

This site permit shall expire 30 years from the date of this approval.

Approved and adopted this ____ day of [Month, Year]

BY ORDER OF THE COMMISSION

Will Seuffert,
Executive Secretary

To request this document in another format such as large print or audio, call 651-296-0406 or 800-657-3782 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

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ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedures for Permitted Energy Facilities

Attachment 3 – Site Permit Maps

Proposed Site Permit

Coneflower Solar Project, PUC Docket IP-7132/GS-24-215

1 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Coneflower Energy, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This site permit authorizes the Permittee to construct and operate an up to 235-megawatt solar energy generating system located in Lyon County, Minnesota (Coneflower Solar Project, henceforth known as Project). The solar energy generating system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

1.1 Pre-emption

Pursuant to Minn. Stat. § 216E.10, this site permit shall be the sole site approval required for the location, construction, and operation of the solar energy generating system and this site permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose governments.

2 PROJECT DESCRIPTION

The Coneflower Solar Project is an up to 235-megawatt solar energy generating facility to be located on approximately 2,299 acres in Custer Township in Lyon County, Minnesota. The solar generating facility will take up 1,723 acres of the total land. The solar facility will consist of photovoltaic (PV) panels, trackers, inverters, transformers, access roads, security fencing, above-ground and below-ground electric collection lines and communication lines, a Project substation and associated interconnection facilities, conduit, metering, and switchgear, an operations and maintenance building, weather stations, a stormwater management system, and laydown yards. The solar facilities will be connected to the Project substation via 34.5 kilovolt (kV) below-ground electric collection lines. The collection corridor is estimated to comprise approximately 9.7 acres of the Project area. The Project is designed to have two interconnection scenarios. In the first scenario, the MISO scenario, the Project will connect to a utility-owned (Xcel Energy) switching station adjacent to the proposed Project substation. A short, aboveground, utility-owned 115 kV transmission line (<500 ft in length), will run from the switching station to the existing Lyon County to Lake Yankton 115 kV transmission line. In the Garvin Scenario, a short (≤ 1 mile) aboveground 345 kV transmission line will connect the Project substation to the proposed Garvin Substation from the Minnesota Energy Connection Project, a separate proceeding (PUC Docket E-002/TL-22-132). A route permit from the Commission, would be submitted later, if needed.

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The Project is located in the following:

County	Township Name	Township	Range	Section
Lyon	Custer	109N	41W	7, 16-22, and 27

2.1 Project Ownership

At least 14 days prior to the pre-construction meeting, the Permittee shall file a description of its ownership structure, identifying, as applicable:

- (a) the owner(s) of the financial and governance interests of the Permittee;
- (b) the owner(s) of the majority financial and governance interests of the Permittee's owners; and
- (c) the Permittee's ultimate parent entity (meaning the entity which is not controlled by any other entity).

The Permittee shall notify the Commission of:

- (a) a change in the owner(s) of the majority* financial or governance interests in the Permittee; or
- (b) a change in the owner(s) of the majority* financial or governance interests of the Permittee's owners; or
- (c) a sale which changes the ultimate parent entity of the Permittee

* When there are only co-equal 50/50 percent interests, any change shall be considered a change in majority interest.

Also, in the event of an ownership change, the new Permittee must provide the Commission with a certification that it has read, understands and is able to comply with the conditions of this permit.

3 DESIGNATED SITE

The site designated by the Commission for the Project is depicted on the site maps attached to this site permit (Designated Site). The site maps show the approximate location of photovoltaic tracker rows and associated facilities within the Designated Site and identify a layout that seeks to minimize the overall potential human and environmental impacts of the Project, as they were evaluated in the permitting process.

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The Designated Site serves to provide the Permittee with the flexibility to make minor adjustments to the layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to the location of a photovoltaic tracker row or associated facility shall be done in such a manner as to have human and environmental impacts that are comparable to those associated with the layouts on the maps attached to this site permit. The Permittee shall identify any modifications in the Site Plan pursuant to Section 8.3.

4 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the solar energy generating system over the life of this site permit.

4.1 Site Permit Distribution

Within 30 days of issuance of this site permit, the Permittee shall provide all affected landowners with a copy of this site permit and the complaint procedures. An affected landowner is any landowner or designee that is within or adjacent to the permitted site. In no case shall a landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall also provide a copy of this site permit and the complaint procedures to the applicable regional development commissions, county environmental offices, and city and township clerks. The Permittee shall file with the Commission an affidavit of its site permit and complaint procedures distribution within 30 days of issuance of this site permit.

4.2 Access to Property

The Permittee shall notify landowners prior to entering or conducting maintenance within their property, unless otherwise negotiated with the landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Minnesota Department of Commerce (Department of Commerce) staff or Commission staff.

4.3 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the permitting record for this Project unless this site permit establishes a different requirement in which case this site permit shall prevail.

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4.3.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this site permit during construction of the Project. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

4.3.2 Site Manager

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this site permit during the commercial operation and decommissioning phases of the Project. This person shall be accessible by telephone or other means during normal business hours for the life of this site permit.

The Permittee shall file the name, address, email, phone number, and emergency phone number of the site manager with the Commission within 14 days prior to the pre-operation meeting. The Permittee shall provide the site manager's contact information to landowners within or adjacent to the Project Boundary, local government units and other interested persons at least 14 days prior to the pre-operation meeting. The Permittee may change the site manager at any time upon notice to the Commission, landowners within or adjacent to the Project Boundary, local government units, and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its site manager's contact information at least 14 days prior to the pre-operation meeting and upon changes to the site manager.

4.3.3 Employee Training - Site Permit Terms and Conditions

The Permittee shall train and educate all employees, contractors, and other persons involved in the construction and ongoing operation of the solar energy generating system of the terms and conditions of this site permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

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4.3.4 Independent Third-Party Monitoring

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of the Department of Commerce. The scope of work shall be developed in consultation with and approved by the Department of Commerce. This third-party monitor will report directly to and will be under the control of the Department of Commerce with costs borne by the Permittee.

The Permittee shall file with the Commission the scope of work and the name, address, email, and telephone number of the third party-monitor at least 30 days prior to commencing any construction or right-of-way preparation and upon any change in contact information that may occur during construction of the Project and restoration of the right-of-way.

Department of Commerce staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed with the Commission in accordance with scope of work approved by the Department of Commerce.

4.3.5 Public Services, Public Utilities, and Existing Easements

During Project construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these shall be temporary, and the Permittee shall restore service promptly. Where any impacts to utilities have the potential to occur the Permittee shall work with both landowners and local entities to determine the most appropriate mitigation measures if not already considered as part of this site permit.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

4.3.6 Temporary Workspace

The Permittee shall select temporary workspace and equipment staging areas that limit the removal and impacts to vegetation. The Permittee shall not site temporary workspace in wetlands or native prairie as defined in sections 4.3.13 and 4.3.14. The Permittee shall site temporary workspace to comply with standards for development of the shorelands of public waters as defined in Section 4.3.13. The Permittee shall obtain temporary easements outside of the authorized Project Boundary from affected landowners through rental agreements. Temporary easements are not provided for in this site permit.

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4.3.7 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080, at all times and at all appropriate locations during operation of the Project. The Permittee shall limit construction and maintenance activities to daytime working hours to the extent practicable.

4.3.8 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners and the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Project during construction and operation.

4.3.9 Topsoil Protection

The Permittee shall implement measures to protect and segregate topsoil from subsoil on all lands utilized for Project construction unless otherwise negotiated with affected landowner.

4.3.10 Soil Compaction

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the Project's life and shall confine compaction to as small an area as feasible. The Permittee shall use soil decompaction measures on all lands utilized for Project construction and travelled on by heavy equipment (e.g., cranes and heavy trucks), even when soil compaction minimization measures are used.

4.3.11 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program. If construction of the Project disturbs more than one acre of land or is sited in an area designated by the MPCA as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit from the MPCA that provides for the development of a Stormwater Pollution Prevention Plan that describes methods to control erosion and runoff.

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by

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promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the Project shall be returned to pre-construction conditions.

4.3.12 Public Lands

In no case shall photovoltaic tracker rows and associated facilities including foundations, access roads, underground cable, and transformers, be located in the public lands identified in Minn. R. 7850.4400, subp. 1, or in federal waterfowl production areas. Photovoltaic tracker rows and associated facilities shall not be located in the public lands identified in Minn. R. 7850.4400, subp. 3, unless there is no feasible and prudent alternative.

4.3.13 Wetlands and Water Resources

The Permittee shall not place the solar energy generating system or associated facilities in public waters and public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources (DNR) and the United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetlands Conservation Act. The Permittee shall locate the solar energy generating system and associated facilities in compliance with the standards for development of the shorelands of public waters as identified in Minn. R. 6120.3300, and as adopted, Minn. R. 6120.2800, unless there is no feasible and prudent alternative.

The Permittee shall construct in wetland areas during frozen ground conditions, to the extent feasible, to minimize impacts. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. The Permittee shall contain and manage soil excavated from the wetlands and riparian areas in accordance with all applicable wetland permits. The Permittee shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. The Permittee shall meet the

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USACE, DNR, Minnesota Board of Water and Soil Resources, and local government wetland and water resource requirements.

4.3.14 Native Prairie

The Permittee shall not place the solar energy generating system or associated facilities in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and not located in areas enrolled in the Native Prairie Bank Program. The Permittee shall not impact native prairie during construction activities, as defined in Minn. Stat. § 216E.01, unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the Project Boundary. The Permittee shall file the prairie protection and management plan with the Commission at least 30 days prior to submitting the Site Plan required by Section 8.3 of this site permit. The prairie protection and management plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission.

4.3.15 Vegetation Removal

The Permittee shall disturb or clear vegetation within the Designated Site only to the extent necessary to assure the safe construction, operation, and maintenance of the Project. The Permittee shall minimize the number of trees removed within the Designated Site specifically preserving to the maximum extent practicable windbreaks, shelterbelts, and living snow fences.

4.3.16 Beneficial Habitat

The Permittee shall implement site restoration and management practices that provide for native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators; and that enhances soil water retention and reduces storm water runoff and erosion. To ensure continued management and recognition of beneficial habitat, the Permittee is encouraged to meet the standards for Minnesota's Habitat Friendly Solar Program by submitting project plans, seed mixes, a completed project planning assessment form, and any other applicable documentation used to meet the standard to the Board of Water and Soil Resources (BWSR). If the Permittee chooses to participate in Minnesota's Habitat-Friendly Solar Program, it shall file documents required to be filed with BWSR for meeting and maintaining Habitat Friendly Solar Certification with the Commission.

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4.3.17 Vegetation Management Plan

The Permittee shall develop a vegetation management plan (VMP), in coordination with the Department of Commerce, and the Vegetation Management Working Group (VMWG), using best management practices established by the DNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the coordinating agencies with the Commission at least 14 days prior to the pre-construction meeting.

Landowner-specific vegetation requests resulting from individual consultation between the Company and a landowner need not be included in the VMP. The Permittee shall provide all landowners within the Designated Site copies of the VMP. The Permittee shall file with the Commission an affidavit of its distribution of the VMP to landowners at least 14 days prior to the pre-construction meeting.

The VMP must include the following:

- (a) management objectives addressing short term (year 0-5, seeding and establishment) and long term (year 5 through the life of the Project) goals;
- (b) a description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (*e.g.*, broadcast, drilling, etc.), and the types of seed mixes to be used;
- (c) a description of how the site will be monitored and evaluated to meet management goals;
- (d) a description of the management tools used to maintain vegetation (*e.g.*, mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities;
- (e) identification of the third-party (*e.g.*, consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site;
- (f) identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized; and
- (g) a marked-up copy of the Site Plan showing how the site will be revegetated and that identifies the corresponding seed mixes.

Best management practices should be followed concerning seed mixes, seeding rates, and cover crops.

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4.3.18 Agricultural Impact Mitigation Plan

The Permittee shall develop an agricultural impact mitigation plan (AIMP) in coordination with the Minnesota Department of Agriculture (MDA). The Permittee shall provide landowners within the Designated Site a copy of the AIMP. The Permittee shall file with the Commission the AIMP and an affidavit of the AIMP distribution to landowners at least 14 days prior to the pre-construction meeting.

4.3.19 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the MDA, DNR, and the U.S. Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Department of Commerce staff or Commission staff.

4.3.20 Invasive Species

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by Project construction activities. The Permittee shall develop an Invasive Species Prevention Plan and file it with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.

4.3.21 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

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4.3.22 Roads

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city, or township roads that will be used during the construction phase of the Project. Where practical, existing roadways shall be used for all activities associated with construction of the Project. Oversize or overweight loads associated with the Project shall not be hauled across public roads without required permits and approvals.

The Permittee shall locate all perimeter fencing and vegetative screening in a manner that does not interfere with routine road maintenance activities and allows for continued safe travel on public roads.

The Permittee shall construct the fewest number of site access roads required. Access roads shall not be constructed across streams and drainage ways without the required permits and approvals. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

4.3.23 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Project. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office (SHPO) and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize Project impacts on the resource consistent with SHPO and State Archaeologist requirements.

Prior to construction, the Permittee shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

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4.3.24 Interference

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the Project, the Permittee shall take whatever action is necessary to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the Project. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

4.3.25 Drainage Tiles

The Permittee shall avoid, promptly repair, or replace all drainage tiles broken or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

4.3.26 Restoration

The Permittee shall restore the areas affected by construction of the Project to the condition that existed immediately before construction began to the greatest extent possible. The time period to complete restoration may be no longer than 12 months after the completion of construction, unless otherwise negotiated with the affected landowner. Restoration shall be compatible with the safe operation, maintenance, and inspection of the Project. Within 60 days after completion of all restoration activities, the Permittee shall file with the Commission a Notice of Restoration Completion.

4.3.27 Cleanup

The Permittee shall remove and properly dispose of all construction waste and scrap from the right-of-way and all premises on which construction activities were conducted upon completion of each task. The Permittee shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities daily.

4.3.28 Pollution and Hazardous Wastes

The Permittee shall take all appropriate precautions to protect against pollution of the environment. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all waste generated during construction and restoration of the Project.

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4.3.29 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damage sustained during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

4.3.30 Public Safety

The Permittee shall provide educational materials to landowners within and adjacent to the Designated Site and, upon request, to interested persons about the Project and any restrictions or dangers associated with the Project. The Permittee shall also implement any necessary safety measures such as placing warning signs and gates for traffic control or restricting public access. The Permittee shall file with the Commission an affidavit of its public safety notifications at least 14 days before the pre-construction meeting.

The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of the construction of the Project.

4.3.31 Site Identification

The Permittee shall mark the solar energy generating system with a clearly visible identification number and or street address.

4.3.32 Security Fencing

The Permittee shall design the security fence surrounding the solar energy generating system to minimize the visual impact of the Project while maintaining compliance with the National Electric Safety Code. The Permittee shall develop a final fence plan for the specific site in coordination with the Department of Commerce and the DNR. The final fence plan shall be submitted to the Commission as part of the Site Plan pursuant to Section 8.3.

4.4 Feeder Lines

The Permittee may use overhead or underground feeder lines to carry power from an internal Project interconnection point to the Project substation or interconnection point on the electrical grid. The Permittee shall place overhead and underground feeder lines that parallel public roads within the public right-of-way or on private land immediately adjacent to the road.

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The Permittee shall obtain approval from the landowner or government unit responsible for the affected right-of-way.

The Permittee shall locate feeder lines in such a manner as to minimize interference with agricultural operations including but not limited to existing drainage patterns, drain tile, future tiling plans, and ditches. The Permittee shall place safety shields on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the Site Plan pursuant to Section 8.3.

4.5 Other Requirements**4.5.1 Safety Codes and Design Requirements**

The Permittee shall design the solar energy generating system and associated facilities to meet or exceed all relevant local and state codes, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. This includes standards relating to clearances to ground, clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements. The Permittee shall keep records of compliance with these standards and provide them upon the request of Department of Commerce staff or Commission staff.

4.5.2 Other Permits and Regulations

The Permittee shall comply with all applicable state statutes and rules. The Permittee shall obtain all required permits for the Project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission an Other Permits and Regulations Submittal that contains a detailed status of all permits, authorizations, and approvals that have been applied for specific to the Project. The Other Permits and Regulations Submittal shall also include the permitting agency name; the name of the permit, authorization, or approval being sought; contact person and contact information for the permitting agency or authority; brief description of why the permit, authorization, or approval is needed; application submittal date; and the date the permit, authorization, or approval was issued or is anticipated to be issued.

The Permittee shall demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as such and an updated Other Permits and Regulations Submittal prior to commencing Project construction. The Permittee shall provide a copy of any

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such permits, authorizations, and approvals at the request of Department of Commerce staff or Commission staff.

5 SPECIAL CONDITIONS

The special conditions shall take precedence over other conditions of this permit should there be a conflict.

5.1 Vegetative Screening for Adjacent Residences

The Permittee shall supplement existing vegetative screening to minimize the views of project infrastructure at adjacent residences.

5.2 Noise Notification

The Permittee shall provide notice to adjacent residences detailing when major noise producing construction activities are planned to occur.

5.3 US 14 Runoff Rates

The Permittee shall coordinate with a MnDOT District Hydraulics Engineer for a review of the project to determine if a drainage permit is required.

5.4 Pipeline Location

The Permittee shall coordinate with Northern Border Pipeline Company to determine the location of Northern Border's existing pipeline within the project area and to avoid potential impacts to this pipeline.

5.5 Fire Risk Assessment

The Permittee shall develop and incorporate a project Fire Risk Assessment into the Emergency Response Plan required under Section 8.12 of this permit.

5.6 US 14 Snow Trap

The Permittee shall incorporate the MnDOT Blowing Snow Control Team's recommended solar panel offsets into their final design to prevent snow drifts from blocking US 14 adjacent to the project.

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5.7 County Ditch 29 Coordination

The Permittee shall inform the Lyon County Drainage Authority of construction timelines and access plans in relation to County Ditch 29. The Permittee shall provide the Lyon County Drainage Authority with the contact information of the field representative.

5.8 Unanticipated Discoveries Plan

The Permittee shall develop an Unanticipated Discoveries Plan (UDP) to identify guidelines to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during construction. This is in addition to and not in lieu of any other obligations that may exist under law or regulation relating to these matters. The UDP shall describe how previously unrecorded, non-human burial, archeological sites found during construction shall be marked and all construction work must stop at the discovery location. The Permittee shall file the UDP with the Commission at least 14 days prior to the preconstruction meeting.

5.9 Fencing ROW Setbacks

The Permittee shall apply a minimum setback of 50 feet from the perimeter fence to paved road ROWs on US Highway 14 and County Road 7 where Project facilities are sited on both sides of the road to reduce the risk of vehicle collisions with wildlife.

5.10 Wildlife Friendly Lighting

The Permittee shall use switch-controlled, down-lit, shielded lighting around and within the Project.

5.11 Non-Chloride Dust Suppression

The Permittee shall use dust suppression agents that do not contain chloride.

5.12 Wildlife Friendly Erosion Control

The Permittee shall use erosion control materials that do not contain plastic or synthetic fibers or malachite green dye.

5.13 Wildlife Permeable Fencing

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The Permittee shall coordinate with the DNR on the design and use of small- to medium-sized animal permeable fencing around the Project.

5.14 Fence Visibility Markers

The Permittee shall coordinate with the DNR on the installation of fence visibility markers in locations determined to pose a collision risk for low-flying birds.

5.15 Northern Long-Eared Bat

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

5.16 State-listed Endangered and Threatened Species

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.

6 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the site within four years after the date of issuance of this site permit the Permittee shall file a Failure to Construct Report and the Commission shall consider suspension of this site permit in accordance with Minn. R. 7850.4700.

7 COMPLAINT PROCEDURES

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the complaint procedures that will be used to receive and respond to complaints. The complaint procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this site permit.

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Upon request, the Permittee shall assist Department of Commerce staff or Commission staff with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

8 COMPLIANCE REQUIREMENTS

Failure to timely and properly make compliance filings required by this site permit is a failure to comply with the conditions of this site permit. Compliance filings must be electronically filed with the Commission.

8.1 Pre-Construction Meeting

Prior to the start of construction, the Permittee shall participate in a pre-construction meeting with Department of Commerce staff and Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the anticipated construction start date.

8.2 Pre-Operation Meeting

At least 14 days prior to commercial operation of the Project, the Permittee shall participate in a pre-operation meeting with Department of Commerce staff and Commission staff to coordinate field monitoring of operation activities for the Project. Within 14 days following the pre-operation meeting, the Permittee shall file a summary of the topics reviewed and discussed and a list of attendees with the Commission.

8.3 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission, and provide the Department of Commerce, and the counties where the Project will be constructed with a Site Plan that includes specifications and drawings for site preparation and grading; specifications and locations of the solar energy generating system and associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the Designated Site, solar energy generating system, and associated facilities layout in relation to that approved by this site permit.

The Permittee may not commence construction until the earlier of (i) 30 days after the pre-construction meeting or (ii) or until the Commission staff has notified the Permittee in writing

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that it has completed its review of the documents and determined that the planned construction is consistent with this site permit.

If the Commission notifies the Permittee in writing within 30 days after the pre-construction meeting that it has completed its review of the documents and planned construction, and finds that the planned construction is not consistent with this site permit, the Permittee may submit additional and/or revised documentation and may not commence construction until the Commission has notified the Permittee in writing that it has determined that the planned construction is consistent with this site permit.

If the Permittee intends to make any significant changes in its Site Plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission, the Department of Commerce, and county staff at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this site permit.

8.4 Power Purchase Agreement

In the event the Permittee does not have a power purchase agreement or some other enforceable mechanism for the sale of the electricity generated by the Project at the time this site permit is issued, the Permittee shall file updates, annually from the date of permit issuance, on the status of a power purchase agreement or other enforceable mechanism for the sale of the electricity generated by the Project. The Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This site permit does not authorize construction of the Project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project. In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project within four years of the issuance of this site permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this site permit should be amended or revoked. No amendment or revocation of this site permit may be undertaken except in accordance with Minn. R. 7850.5100.

8.5 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.

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

8.6 Labor Statistic Reporting

The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:

- (a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers, including updates on outreach efforts, negotiations, and any agreements or understandings reached with local labor organizations; and
- (b) provide an account of:
 - i. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7;
 - ii. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and
 - iii. the total gross hours worked or total full-time equivalent workers.

Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

If the Permittee exercises any permit provisions or contractual terms that would allow deviation from engagement with local organized labor based on safety, efficiency, or other operational criteria, the Permittee shall notify the Commission in writing prior to taking such action. This notification shall include a detailed explanation of the rationale for the deviation and shall be submitted in sufficient time to allow Commission review, if necessary.

8.7 Prevailing Wage

The Permittee, its contractors, and subcontractors shall pay no less than the prevailing wage rate as defined in Minn. Stat. § 177.42 and shall be subject to the requirements and enforcement provisions under Minn. Stat. §§ 177.27, 177.30, 177.32, 177.41 to 177.435, and

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177.45. The Permittee shall keep records of contractor and subcontractor pay and provide them at the request of Department of Commerce staff or Commission staff.

8.8 In-Service Date

At least three days before the Project is to be placed into service, the Permittee shall notify the Commission of the date on which the Project will be placed into service and the date on which construction was completed.

8.9 As-Built

Within 90 days after completion of construction, the Permittee shall submit to the Commission copies of all final as-built plans and specifications developed during the Project construction.

8.10 GPS Data

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (*e.g.*, ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the Project.

8.11 Right of Entry

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

- (a) To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- (b) To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- (c) To sample and monitor upon the facilities easement of the property.
To examine and copy any documents pertaining to compliance with the conditions of this site permit.

8.12 Project Energy Production

The Permittee shall, by February 1st following each complete or partial year of Project operation, file a report with the Commission on the monthly energy production of the facility including:

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- (a) the installed nameplate capacity of the permitted facility;
- (b) the total daily energy generated by the facility in MW hours;
- (c) the total monthly energy generated by the facility in MW hours;
- (d) the monthly capacity factor of the facility;
- (e) yearly energy production and capacity factor for the facility;
- (f) the average monthly and average annual solar strength gradient measured in kWh/m²/Day observed at the facility;
- (g) the operational status of the facility and any major outages, major repairs, or performance improvements occurring in the previous year; and
- (h) any other information reasonably requested by the Commission.

The Permittee shall file this information in a format recommended by the Department of Commerce. This information shall be considered public and must be filed electronically.

8.13 Emergency Response

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. The Permittee shall file the ERP, along with any comments from emergency responders to the Commission at least 14 days prior to the pre-construction meeting and a revised ERP, if any, at least 14 days prior to the pre-operation meeting. At least 14 days prior to the pre-operation meeting the Permittee shall file with the Commission an affidavit of the distribution of the ERP to emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the Project. The Permittee shall obtain and register the Project address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the Project.

8.14 Extraordinary Events

Within 24 hours of discovery of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to fires, solar panel collapse, acts of sabotage, collector or feeder line failure, and injured worker or private person. The Permittee shall, within 30 days of the occurrence, file a report with the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

8.15 Wildlife Injuries and Fatalities

The Permittee shall report any wildlife injuries and fatalities to the Commission quarterly.

9 DECOMMISSIONING AND RESTORATION

9.1 Decommissioning Plan

The Permittee shall comply with the provisions of the most recently filed and accepted Decommissioning Plan. The initial version of the Decommissioning Plan was submitted for this Project as Appendix F to the Site Permit Application. The Permittee shall file an updated Decommissioning Plan incorporating comments and information from the permit application process and any updates associated with the final construction plans with the Commission at least fourteen 14 days prior to the pre-construction meeting.¹ The Permittee shall update and file the Decommissioning Plan with the Commission every five years following the commercial operation date.

The Decommissioning Plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The Decommissioning Plan shall provide an itemized breakdown of costs of decommissioning all Project components, which shall include labor and equipment. The Decommissioning Plan shall identify cost estimates for the removal of solar panels, racks, underground collection cables, access roads, transformers, substations, and other Project components. The Decommissioning Plan may also include anticipated costs for the replacement of panels or repowering the Project by upgrading equipment.

The Permittee shall also submit the Decommissioning Plan to the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the Project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

9.2 Site Final Restoration

Upon expiration of this site permit or upon termination of operation of the Project, the Permittee shall have the obligation to dismantle and remove from the site all solar panels, mounting steel posts and beams, inverters, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment in accordance with the most recently filed and accepted decommissioning plan. To the extent feasible, the Permittee shall restore and reclaim the site to pre-project conditions. Landowners may require the site be returned to agricultural production or may retain restored prairie vegetation, or other land uses as agreed

¹ For example, Minnesota Department of Commerce Energy Environmental Review, Hearing Comments (May 5, 2025); Document ID [20255-218595-01](#).

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to between the landowner and the Permittee. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be filed with the Commission prior to commencing restoration activities. The Permittee shall restore the site in accordance with the requirements of this condition and file a Notification of Final Restoration Completion to the Commission within 18 months of termination of operation of the Project.

9.3 Abandoned Solar Installations

The Permittee shall notify the Commission of any solar equipment that is abandoned prior to termination of operation of the Project. Equipment shall be considered abandoned after one year without energy production and shall be decommissioned and the land shall be restored pursuant to sections 9.1 and 9.2, unless a plan is submitted to and approved by the Commission outlining the steps and schedule for returning the equipment to service.

10 COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE**10.1 Final Designated Site Boundaries**

After completion of construction the Commission shall determine the need to adjust the final boundary of the Designated Site required for the Project. This site permit may be modified, after notice and opportunity for hearing, to represent the actual Designated Site required by the Permittee to operate the Project authorized by this site permit.

10.2 Expansion of Designated Site Boundaries

No expansion of the site boundary described in this site permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundary of the site for the Project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

10.3 Periodic Review

The Commission shall initiate a review of this site permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this site permit. No modification may be made except in accordance with applicable statutes and rules.

Proposed Site Permit

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10.4 Modification of Conditions

After notice and opportunity for hearing this site permit may be modified or amended for cause, including but not limited to the following:

- (a) violation of any condition in this permit;
- (b) endangerment of human health or the environment by operation of the Project; or
- (c) existence of other grounds established by rule.

10.5 More Stringent Rules

The issuance of this site permit does not prevent the future adoption by the Commission of rules or orders more stringent than those now in existence and does not prevent the enforcement of these more stringent rules and orders against the Permittee.

11 SITE PERMIT AMENDMENT

This site permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this site permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required under Minn. R. 7850.4900.

12 TRANSFER OF SITE PERMIT

The Permittee may request at any time that the Commission transfer this site permit to another person or entity (transferee). In its request, the Permittee must provide the Commission with:

- (a) the name and description of the transferee;
- (b) the reasons for the transfer;
- (c) a description of the facilities affected; and
- (d) the proposed effective date of the transfer.

The transferee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures filed for the Project and all conditions of this site permit.

Proposed Site Permit

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The transferee must provide the Commission with the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with eDocket reference, or a revised version of the following:

- (a) VMP as described in Section 4.3.17;
- (b) complaint procedures, as described in Section 7 and Attachment 1;
- (c) ERP, as described in Section 8.12; and
- (d) Decommissioning Plan, as described in Section 9.1.

The Commission may authorize transfer of the site permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. R. 7850.5000.

13 REVOCATION OR SUSPENSION OF SITE PERMIT

The Commission may initiate action to revoke or suspend this site permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7850.5100, to revoke or suspend this site permit.

14 EXPIRATION DATE

This site permit shall expire 30 years after the date this site permit was approved and adopted.

ATTACHMENT 1

Complaint Handling Procedures for Permitted Energy Facilities

PROPOSED PERMIT

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site or route preparation, construction, cleanup, restoration, operation, and maintenance.

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

D. Definitions

Complaint: A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site or route preparation, cleanup or restoration, or other permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A complaint which, despite the good faith efforts of the permittee and a person, remains unresolved or unsatisfactorily resolved to one or both of the parties.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private; however organized.

E. Complaint Documentation and Processing

1. The permittee shall designate a representative responsible for filing complaints to the Commission's eDocket system. This person's name, phone number and email address shall accompany all complaint submittals. The name and contact information for the representative shall be kept current in eDockets.
2. A person presenting the complaint should, to the extent possible, include the following information in their communications:
 - a. name, address, phone number, and email address;
 - b. initial date of the complaint;
 - c. tract, parcel number, or address of the complaint;
 - d. a summary of the complaint; and
 - e. whether the complaint relates to a permit violation, a construction practice issue, or other type of complaint.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
 - a. docket number and project name;
 - b. name of complainant, address, phone number and email address;
 - c. precise description of property or parcel number;
 - d. name of permittee representative receiving complaint and date of receipt;
 - e. nature of complaint and the applicable permit condition(s);
 - f. summary of activities undertaken to resolve the complaint; and
 - g. a statement on the final disposition of the complaint.

F. Reporting Requirements

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit, unless otherwise required below. The permittee shall report all complaints to the Commission according to the following schedule:

Immediate Reports: All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Public Advisor at 1-800-657-3782 (voice messages are acceptable) or publicadvisor.puc@state.mn.us. For e-mail reporting, the email

subject line should read “PUC EFP Complaint” and include the appropriate project docket number.

Monthly Reports: During project construction, restoration, and operation, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Will Seuffert, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>. If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

If a project has submitted twelve consecutive months of complaint reports with no complaints, monthly reports can terminate by a letter to eDockets notifying the Commission of such action. If a substantial complaint is received (by the company or the Commission) following termination of the monthly complaint report, as noted above, the monthly reporting should commence for a period of six months following the most recent complaint or upon resolution of all pending complaints.

If a permittee is found to be in violation of this section, the Commission may reinstate monthly complaint reporting for the remaining permit term or enact some other commensurate requirement via notification by the Executive Secretary or some other action as decided by the Commission.

G. Complaints Received by the Commission

Complaints received directly by the Commission from aggrieved persons regarding the permit or issues related to site or route preparation, construction, cleanup, restoration, or operation and maintenance will be promptly sent to the permittee.

The permittee shall notify the Commission when the issue has been resolved. The permittee will add the complaint to the monthly reports of all complaints. If the permittee is unable to find resolution, the Commission will use the process outlined in the Unresolved Complaints Section to process the issue.

H. Commission Process for Unresolved Complaints

Complaints raising substantial and unresolved permit issues will be investigated by the Commission. Staff will notify the permittee and appropriate people if it determines that the

complaint is a substantial complaint. With respect to such complaints, the permittee and complainant shall be required to submit a written summary of the complaint and its current position on the issues to the Commission. Staff will set a deadline for comments. As necessary, the complaint will be presented to the Commission for consideration.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to the permittee's designated complaint representative, or to the Commission's Public Advisor at 1-800-657-3782 or publicadvisor.puc@state.mn.us. The name and contact information for the permittee's designated complaint representative shall be kept current in the Commission's eDocket system.

ATTACHMENT 2

Compliance Filing Procedures for Permitted Energy Facilities

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of submitting information required by Commission energy facility permits.

B. Scope and Applicability

This procedure encompasses all known compliance filings required by permit.

C. Definitions

Compliance Filing: A filing of information to the Commission, where the information is required by a Commission site or route permit.

D. Responsibilities

1. The permittee shall file all compliance filings with Will Seuffert, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at:
<https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the eDockets website. Permittees must register on the website to file documents.

2. All filings must have a cover sheet that includes:
 - a. Date
 - b. Name of submitter/permittee
 - c. Type of permit (site or route)
 - d. Project location
 - e. Project docket number
 - f. Permit section under which the filing is made
 - g. Short description of the filing

3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Will Seuffert, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any electronically filed document.

PROPOSED PERMIT

PERMIT COMPLIANCE FILINGS¹

PERMITTEE:

PERMIT TYPE:

PROJECT LOCATION:

PUC DOCKET NUMBER:

Filing Number	Permit Section	Description of Compliance Filing	Due Date

¹ This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

PROPOSED PERMIT

ATTACHMENT 3
Site Permit Maps

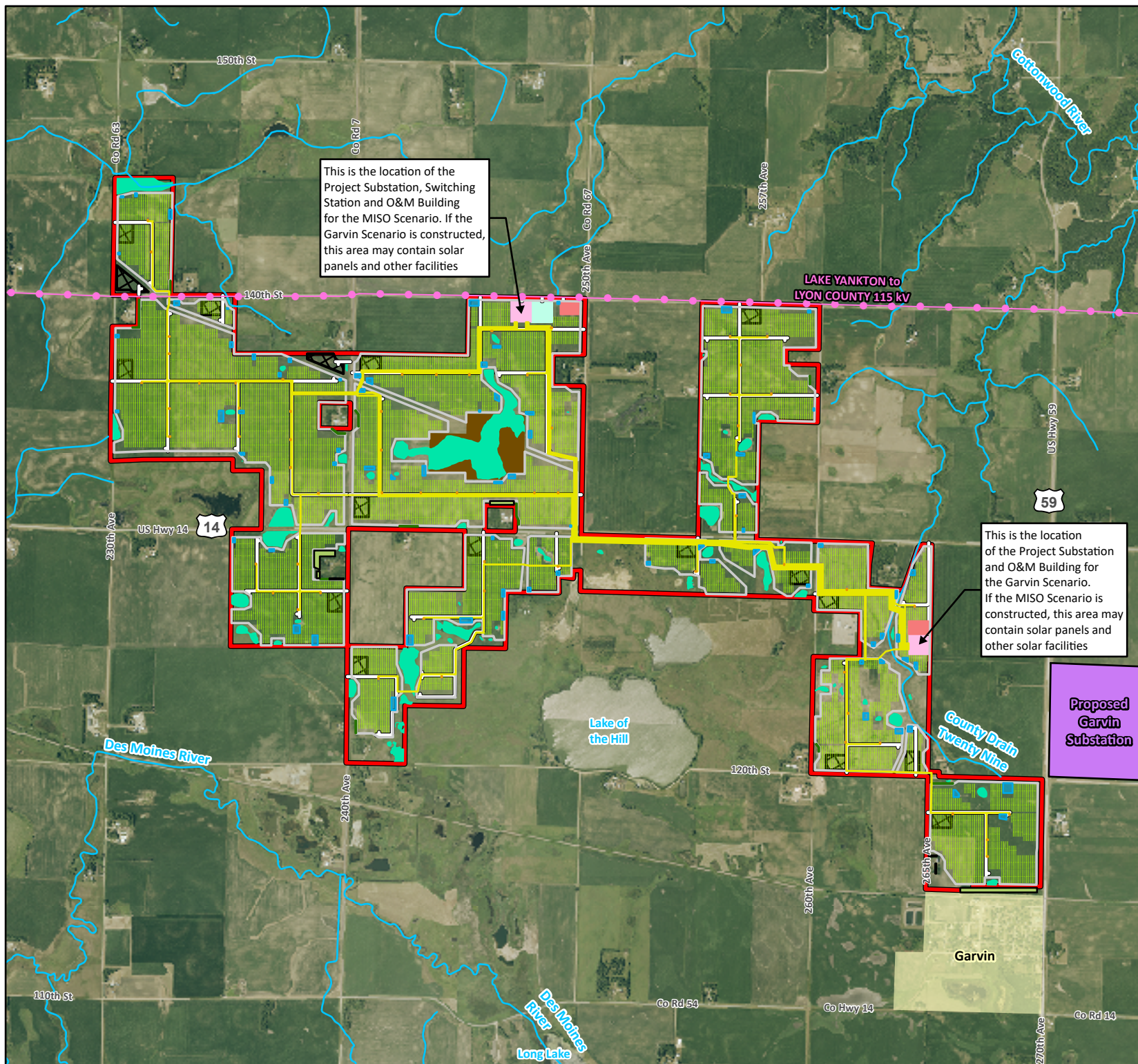
Coneflower Solar Project

Lyon County, Minnesota

Project Layout

PUC Docket: IP-7132/GS-24-215

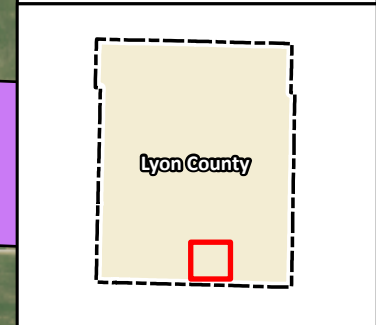
Figure 1



- Legend**
- | | |
|----------------------------|-----------------------------------|
| Project Area | Stormwater Basin |
| County Boundary | Temporary Laydown Yard |
| City Boundary | Existing Vegetative Buffer |
| RIM Reserve Easement | Proposed Vegetative Buffer |
| Solar Array | Field Delineated Wetland (2023) |
| Access Road | Underground Collection Line |
| O&M Building | Interconnecting Transmission Line |
| Substation | NHD Flowline |
| Proposed Garvin Substation | |
| Switching Station | |
| Inverter | |

*Underground collection lines and access roads are displayed for both the MISO and Garvin Scenarios.

Data Source(s): Westwood (2025); NAIP (2023); U.S. Census Bureau (2023); MnGEO (2024); NHD (2023).



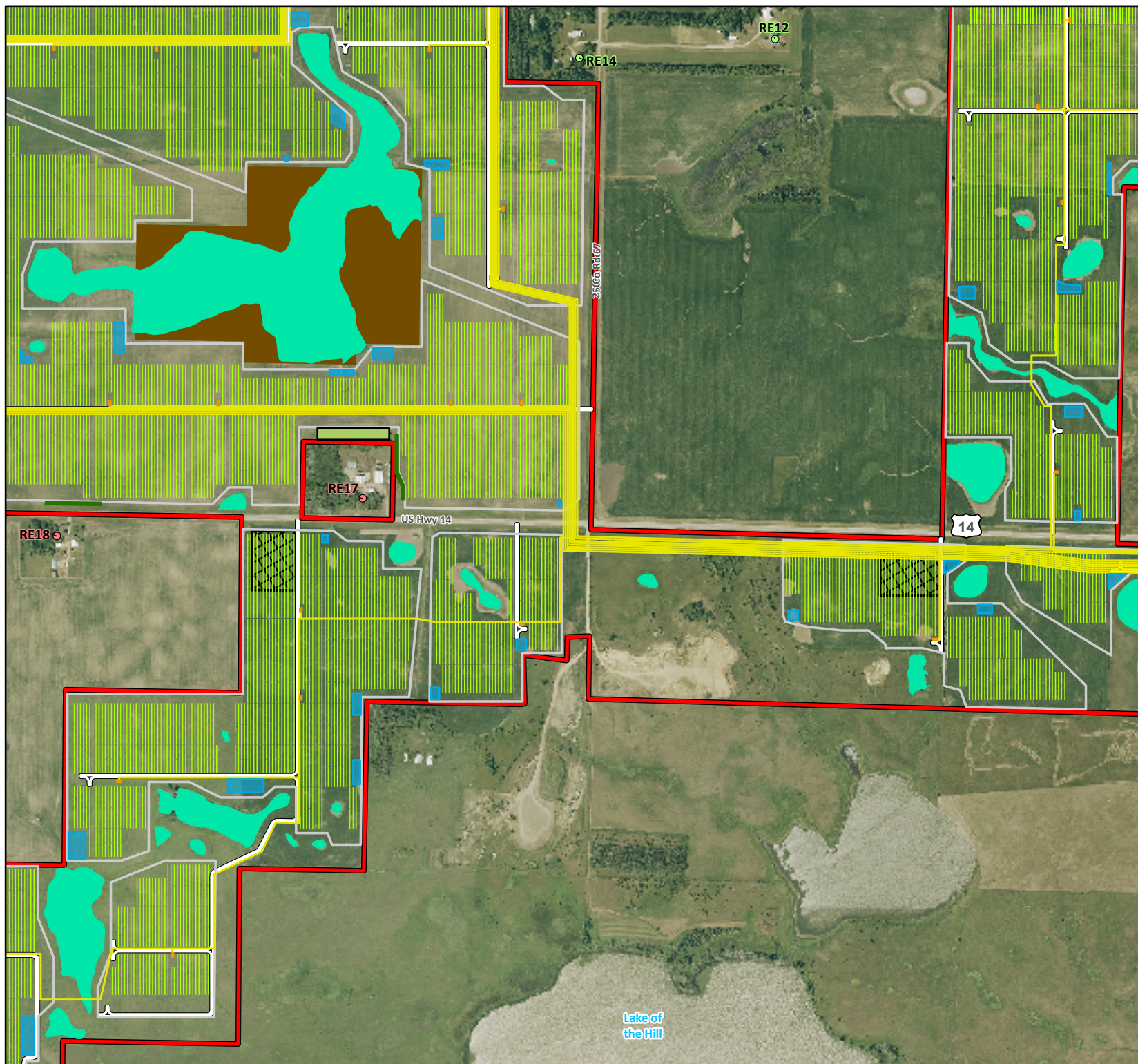
Coneflower Solar Project

Lyon County, Minnesota

Detailed Project Layout

PUC Docket: IP-7132/GS-24-215

Figure 2

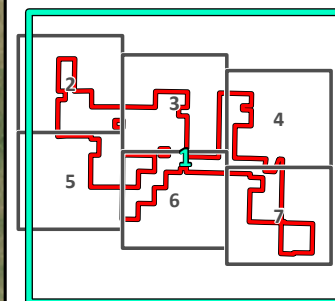


Legend

- Project Area
- RIM Reserve Easement
- Solar Array
- Security Fence
- Access Road
- Inverter
- Stormwater Basin
- Temporary Laydown Yard
- Existing Vegetative Buffer
- Proposed Vegetative Buffer
- Field Delineated Wetland (2023)
- Underground Collection Line
- Participating Residence
- Nonparticipating Residence

*Underground collection lines and access roads are displayed for both the MISO and Garvin Scenarios.

Data Source(s): Westwood (2025); NAIP (2023); U.S. Census Bureau (2023); MnGEO (2024); NHD (2023).



Coneflower Solar Project














Lyon County, Minnesota

Detailed Project Layout

PUC Docket: IP-7132/GS-24-215

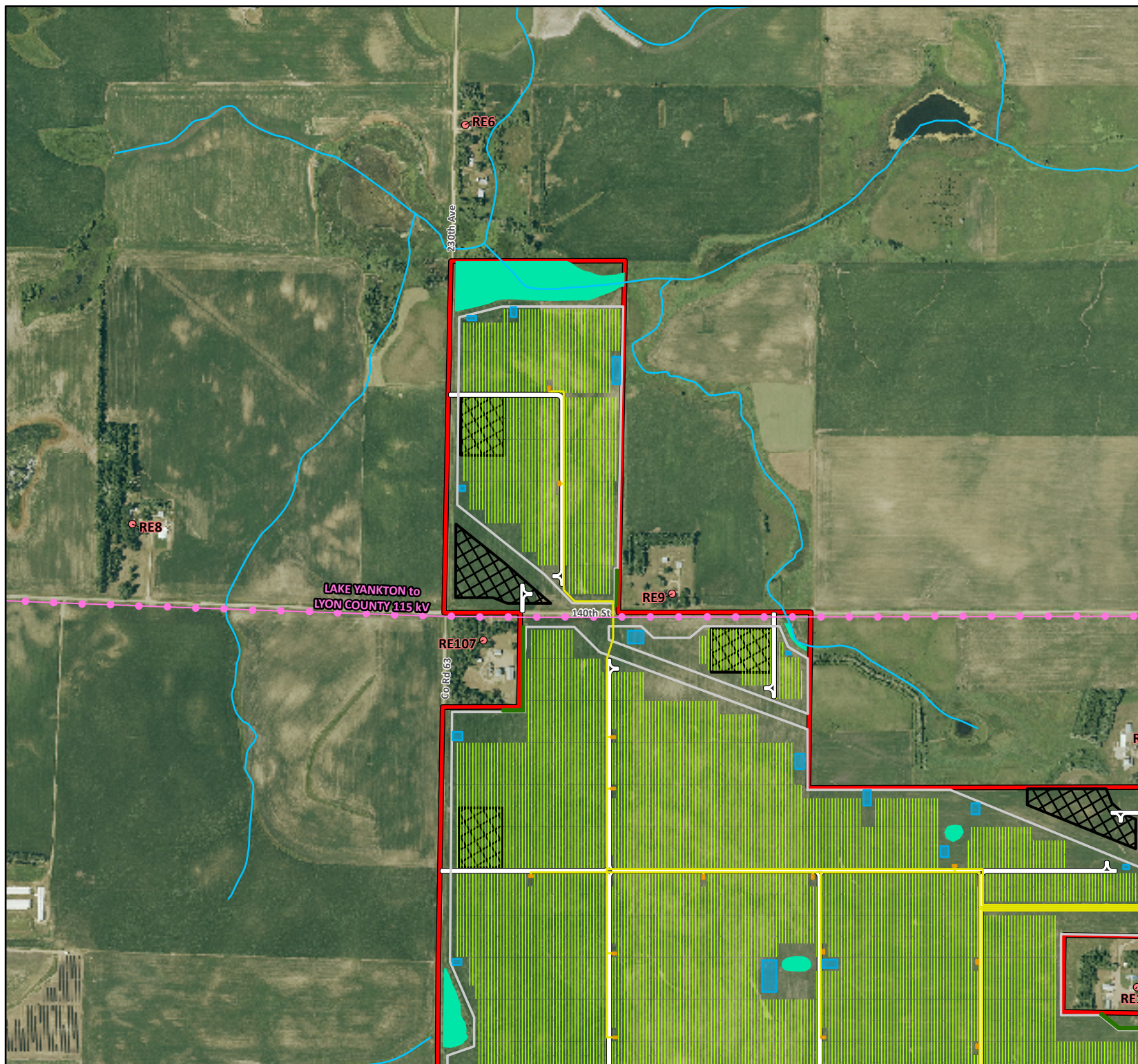
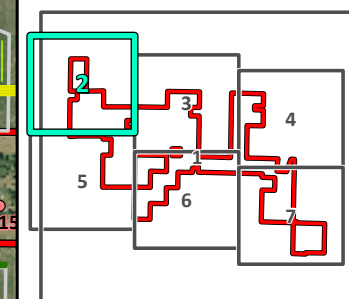
Figure 3

Legend

-  Project Area
-  Solar Array
-  Security Fence
-  Access Road
-  Inverter
-  Stormwater Basin
-  Temporary Laydown Yard
-  Proposed Vegetative Buffer
-  Field Delineated Wetland (2023)
-  Underground Collection Line
-  Interconnecting Transmission Line
-  NHD Flowline
-  Nonparticipating Residence

*Underground collection lines and access roads are displayed for both the MISO and Garvin Scenarios.

Data Source(s): Westwood (2025); NAIP (2023); U.S. Census Bureau (2023); MnGEO (2024); NHD (2023).



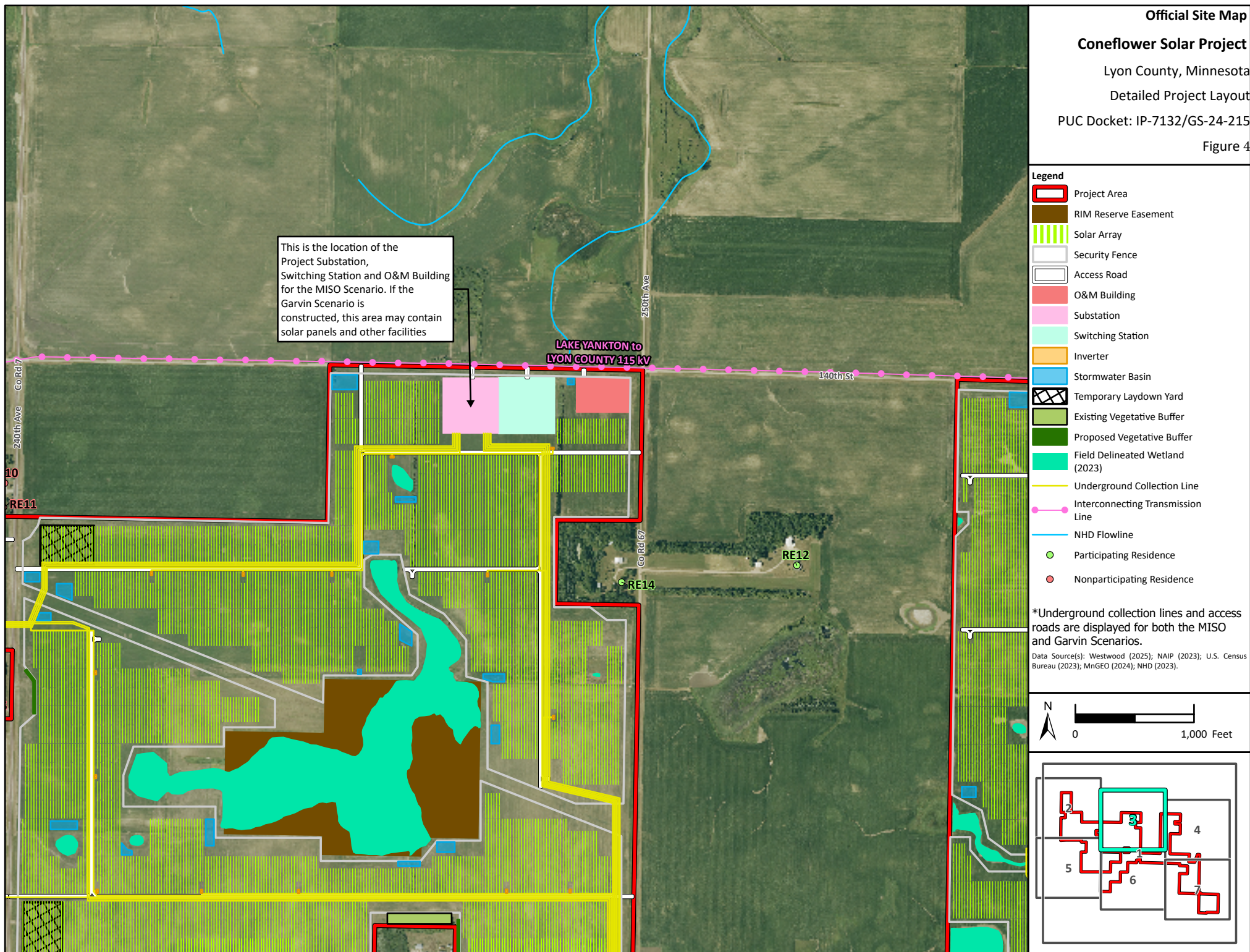
Coneflower Solar Project

Lyon County, Minnesota

Detailed Project Layout

PUC Docket: IP-7132/GS-24-215

Figure 4



Coneflower Solar Project

Lyon County, Minnesota

Detailed Project Layout

PUC Docket: IP-7132/GS-24-215

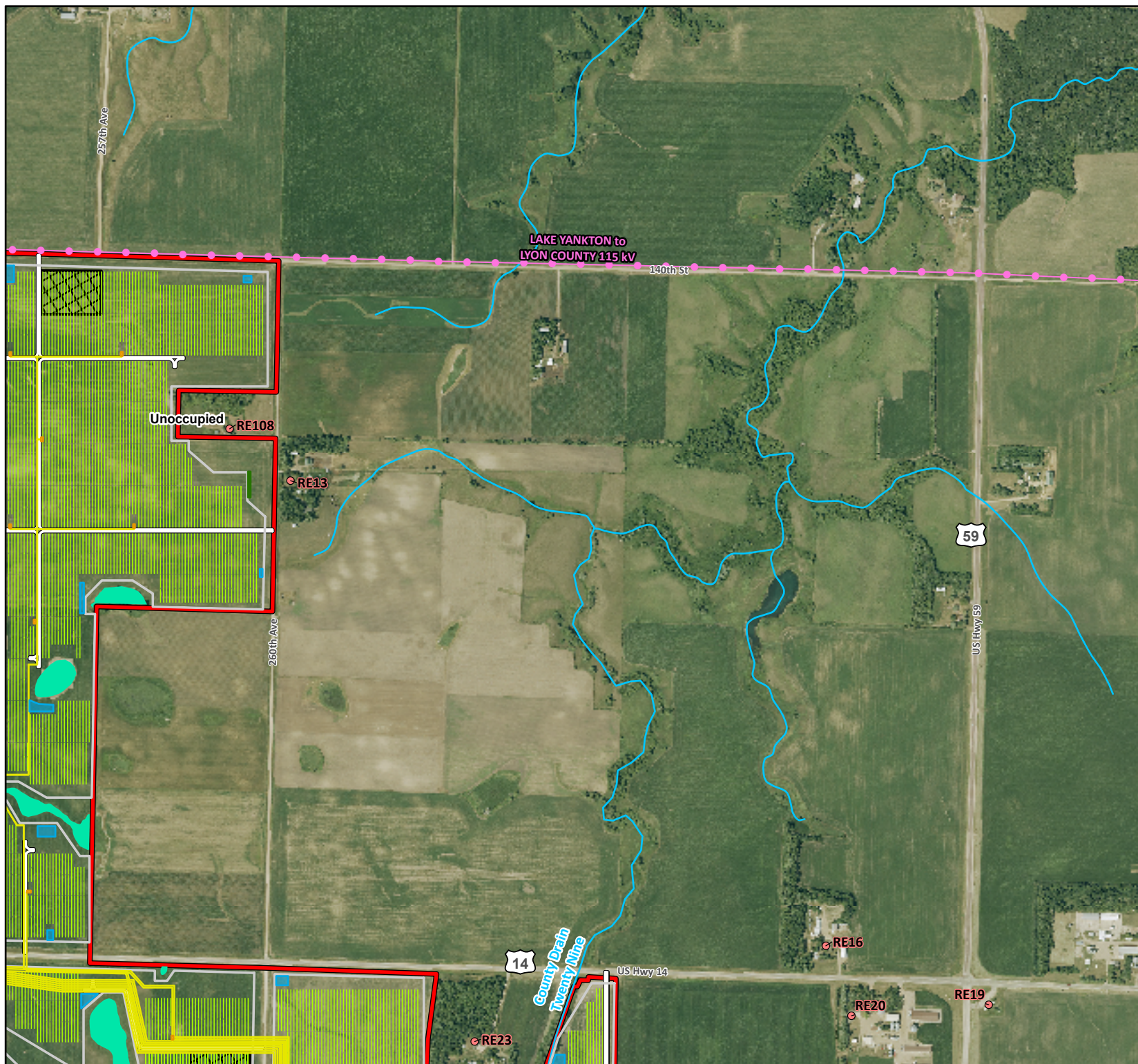
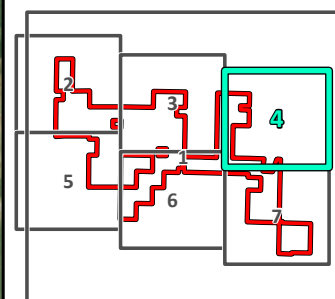
Figure 5

Legend

-  Project Area
-  Solar Array
-  Security Fence
-  Access Road
-  Inverter
-  Stormwater Basin
-  Temporary Laydown Yard
-  Proposed Vegetative Buffer
-  Field Delineated Wetland (2023)
-  Underground Collection Line
-  Interconnecting Transmission Line
-  NHD Flowline
-  Nonparticipating Residence

*Underground collection lines and access roads are displayed for both the MISO and Garvin Scenarios.

Data Source(s): Westwood (2025); NAIP (2023); U.S. Census Bureau (2023); MnGEO (2024); NHD (2023).



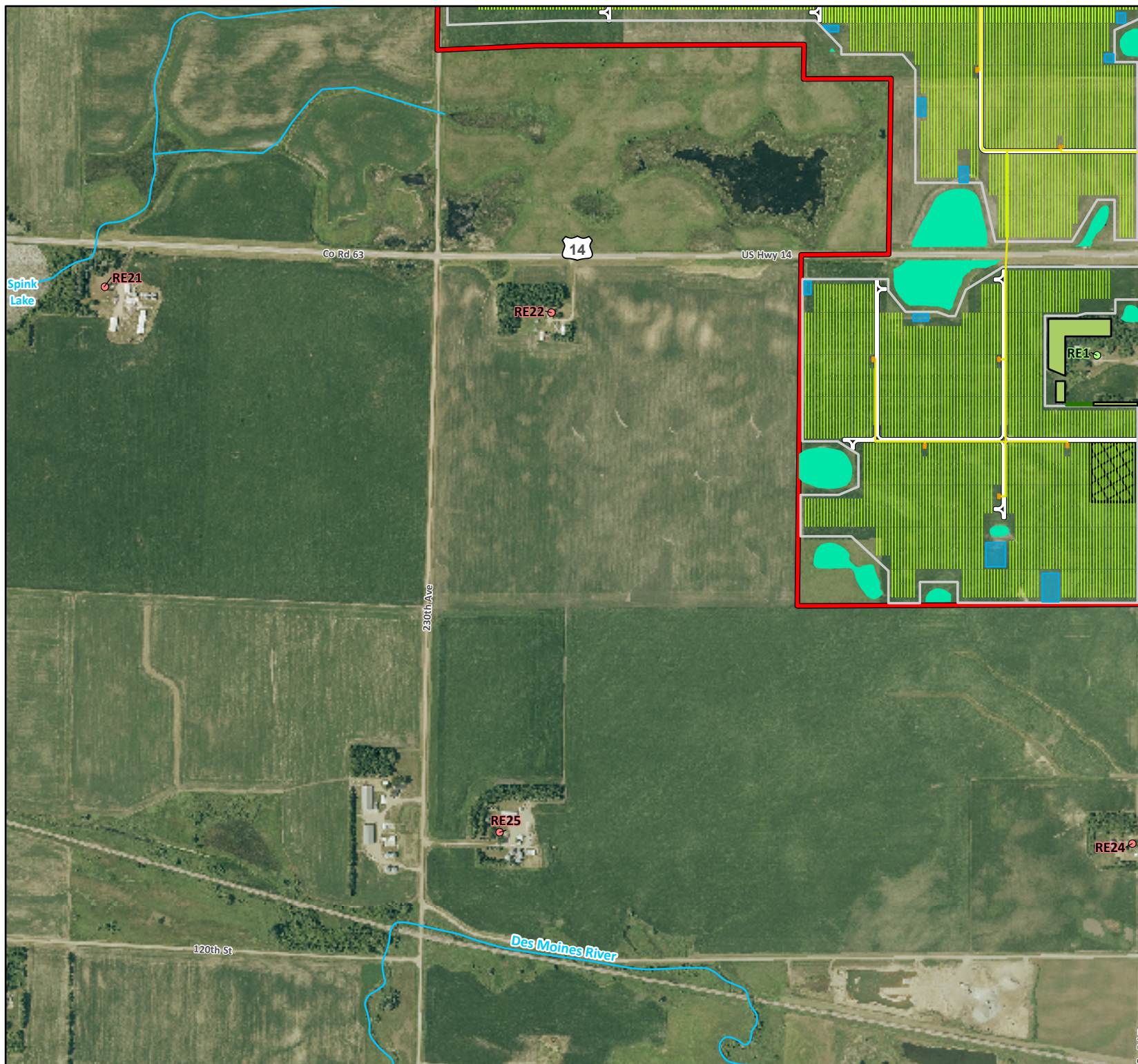
Coneflower Solar Project

Lyon County, Minnesota

Detailed Project Layout

PUC Docket: IP-7132/GS-24-215

Figure 6

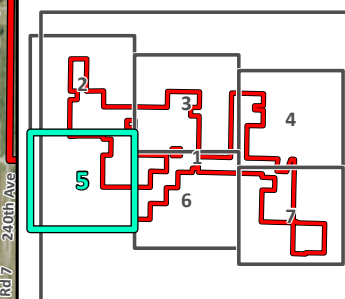


Legend

- Project Area
- Solar Array
- Security Fence
- Access Road
- Inverter
- Stormwater Basin
- Temporary Laydown Yard
- Existing Vegetative Buffer
- Proposed Vegetative Buffer
- Field Delineated Wetland (2023)
- Underground Collection Line
- NHD Flowline
- Participating Residence
- Nonparticipating Residence

*Underground collection lines and access roads are displayed for both the MISO and Garvin Scenarios.

Data Source(s): Westwood (2025); NAIP (2023); U.S. Census Bureau (2023); MnGEO (2024); NHD (2023).



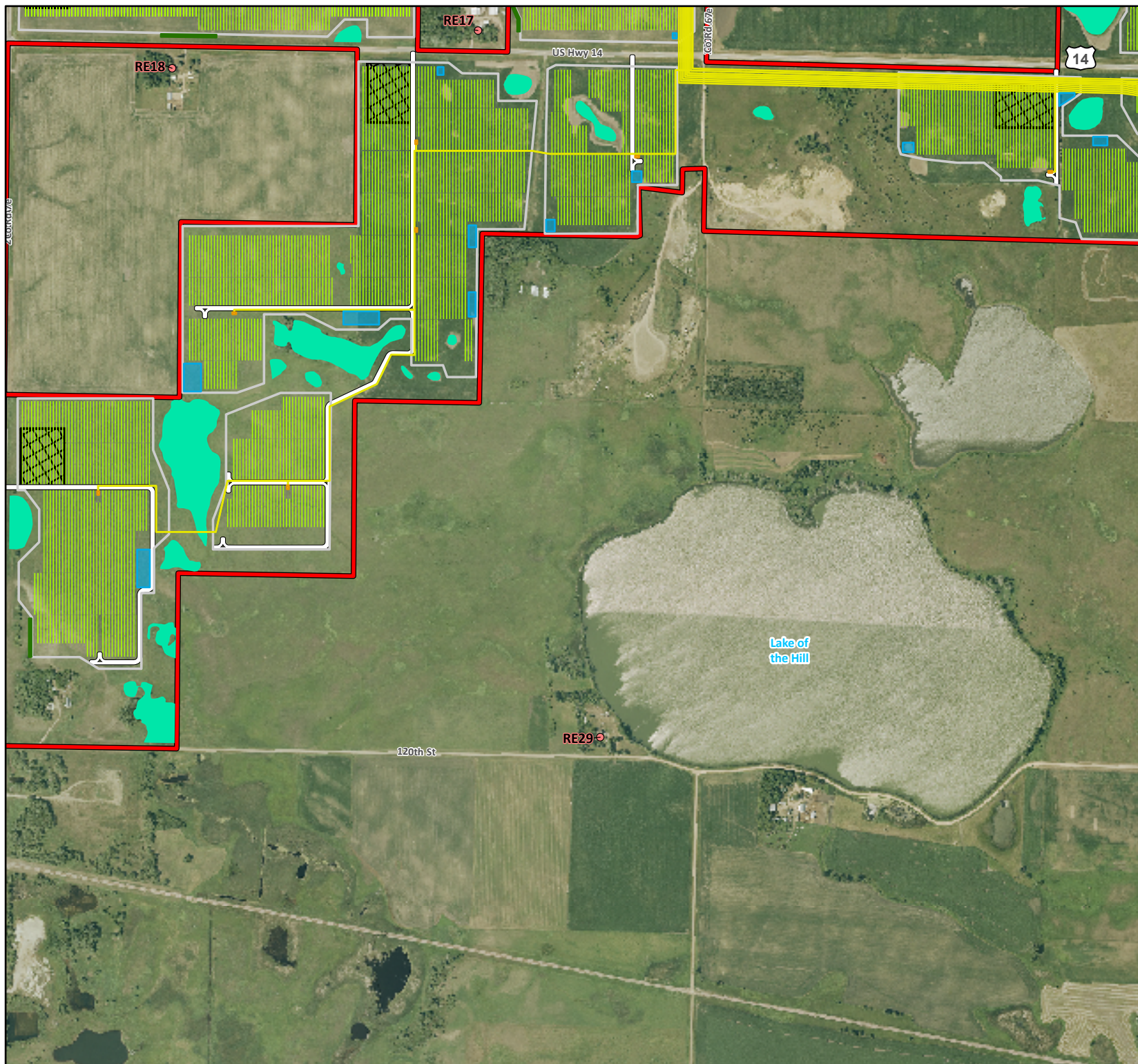
Coneflower Solar Project

Lyon County, Minnesota

Detailed Project Layout

PUC Docket: IP-7132/GS-24-215

Figure 7

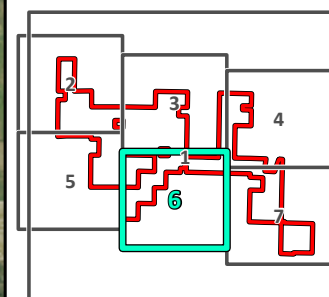


Legend

- Project Area
- Solar Array
- Security Fence
- Access Road
- Inverter
- Stormwater Basin
- Temporary Laydown Yard
- Proposed Vegetative Buffer
- Field Delineated Wetland (2023)
- Underground Collection Line
- Nonparticipating Residence

*Underground collection lines and access roads are displayed for both the MISO and Garvin Scenarios.

Data Source(s): Westwood (2025); NAIP (2023); U.S. Census Bureau (2023); MnGEO (2024); NHD (2023).



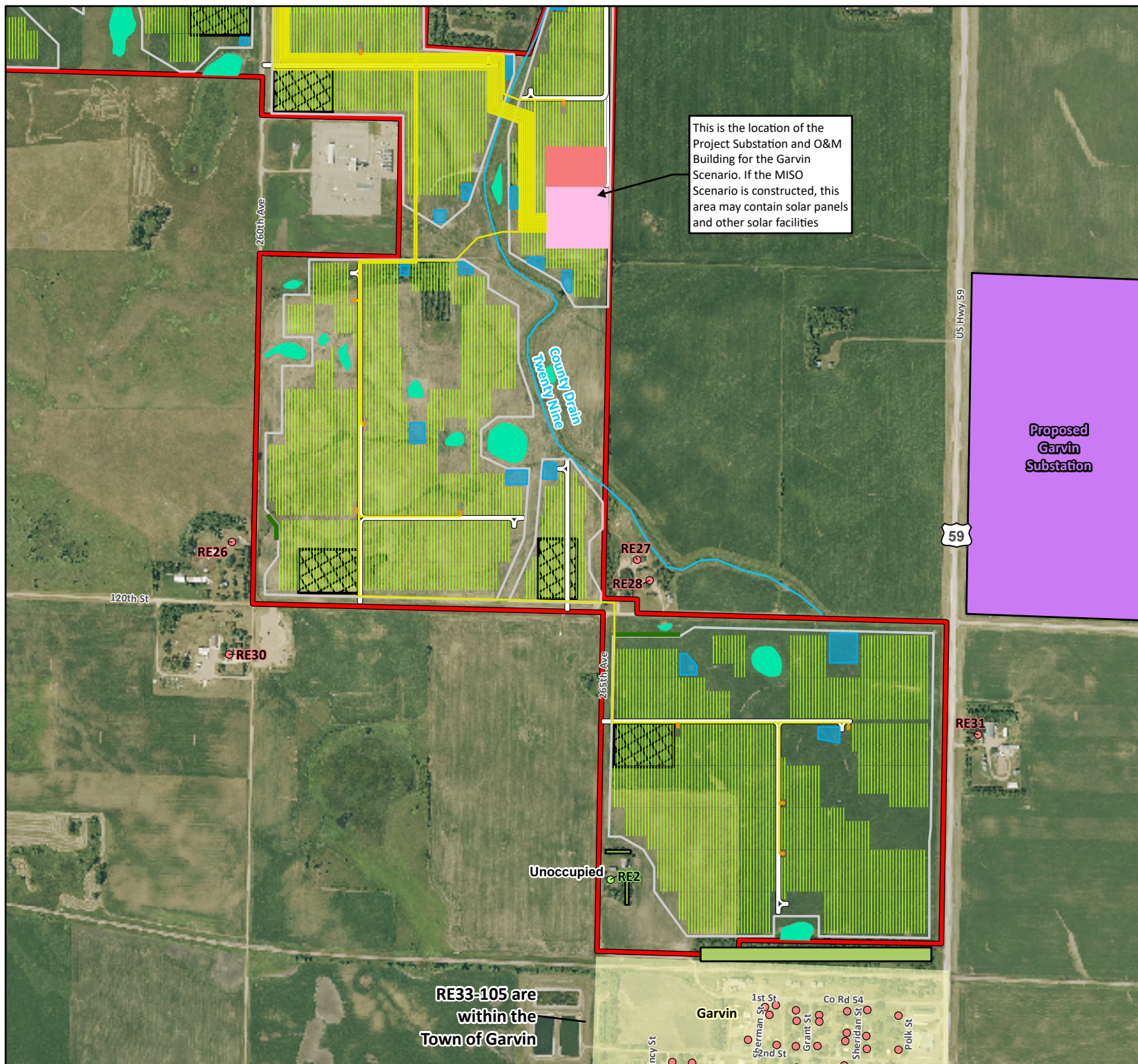
Coneflower Solar Project

Lyon County, Minnesota

Detailed Project Layout

PUC Docket: IP-7132/GS-24-215

Figure 8



Legend

- Project Area
- City Boundary
- Solar Array
- Security Fence
- Access Road
- O&M Building
- Substation
- Proposed Garvin Substation
- Inverter
- Stormwater Basin
- Temporary Laydown Yard
- Existing Vegetative Buffer
- Proposed Vegetative Buffer
- Field Delineated Wetland (2023)
- Underground Collection Line
- NHD Flowline
- Participating Residence
- Nonparticipating Residence

*Underground collection lines and access roads are displayed for both the MISO and Garvin Scenarios.

Data Source(s): Westwood (2025); NAIP (2023); U.S. Census Bureau (2023); MnGEO (2024); NHD (2023).

