

November 15, 2024

VIA eFILING

Jessica Livingston
Minnesota Department of Commerce
85 7th Place East, Suite 280
St. Paul, MN 55101

Re: Scoping Comments

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

Dear Ms. Livingston:

Gopher State Solar, LLC (Gopher State Solar), submits these scoping comments in response to public comments made during the in-person public information and scoping meeting held in Olivia, Minnesota, on October 29, 2024.¹

Three members of the public spoke at the meeting: Scott Refsland, Environmental Services Director, Renville County; Stacy Karels, LIUNA; and Jen Visser, landowner. These commenters offered the following topics for consideration within the scope of the Environmental Assessment (EA): property line setbacks, decommissioning financial assurance, weed control, changes in ownership, road use, emergency response, socioeconomic benefits, noise, aesthetics/visual screening, glare, water quality impacts, property values, and fire risk. Based on the draft outline for the EA, Gopher State Solar understands the scoping decision is likely to include most, if not all, of these topics.

Gopher State Solar offers the following additional information as it relates to these topics and asks the Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) unit to consider this information when determining the scope and preparing the EA.

County Property Line Setbacks

Renville County noted that the proposed 200 MW solar energy generating facility and associated infrastructure, known as the Gopher State Solar Project (Project) generally complies with County property line setbacks and requested that the Commission consider certain permit conditions/requirements related to the Project. Gopher State Solar will setback Project

¹ No public comments were made during the virtual public information and scoping meeting held on October 28, 2024.

infrastructure at least 20 feet from non-participating landowners' property lines. No such setback is applied to participating landowner property lines. Refer to the attached Land Control figure for additional information on participating and non-participating landowners.

Mr. Refsland also noted that there are instances where Project facilities are proposed 38 feet, rather than 40 feet, from county drain tile. Based on the preliminary site design, panels encroach on the drain tile setback three times and the fence line crosses the drain tile setback 12 times. Given the block structure of solar panels, Gopher State Solar designed the Project to materially comply with the 40-foot setback, and, while it's possible that final design will be able to accommodate the 40-foot setback in every instances, Gopher State Solar asks that the EA consider the tradeoffs associated with application of this setback if it means that an entire block of panels cannot be sited due to a minor encroachment on this 40-foot setback.

Decommissioning Financial Assurance

Gopher State Solar's proposed decommissioning costs were calculated using current pricing, are in line with other proposed solar projects' decommissioning costs, and will be re-evaluated every 5 years. Gopher State Solar's estimated decommissioning costs amount to approximately \$35,000 per megawatt (MW), which is similar to the estimated decommissioning costs for the Birch Coulee Solar Project (approximately \$27,000 per MW) and the Byron Solar Project (approximately \$42,000 per MW).²

Weed Control

Minimizing invasive species, noxious weeds, and other undesirable species is a main objective of the Vegetation Management Plan (VMP), which was included as Appendix E of the Gopher State Solar Site Permit Application (Application). Specifically, invasive species and noxious weed management is discussed in Section 5.0.

Aesthetics

The Application includes the following discussion of aesthetic impacts, glare, and screening:

² See *In the Matter of the Application of Birch Coulee Solar LLC for a Site Permit for the up to 125 MW Birch Coulee Solar Project in Renville County, Minnesota*, MPUC Docket No. IP-7119/GS-23-477, Site Permit Application – Appendix G at 8 (July 29, 2024); *In the Matter of the Application of Byron Solar, LLC for a Certificate of Need, Site Permit, and Route Permit for the up to 200 MW Byron Solar Project and 345 kV Transmission Line in Dodge and Olmsted Counties, Minnesota*, MPUC Docket No. IP-7041/GS-20-763, Combined Site and Route Permit Application – Appendix H at 1-5.

Aesthetics

Impacts to aesthetics are described in Section 4.2.6.2 of the Application:

“Solar arrays will occupy most of the disturbed area of the Project. Electrical transformers and inverters, a Project substation, an O&M building, and access roads will use the rest of the disturbed area. Most of the facility, including the solar arrays, will be low-profile, typically less than 15 feet tall. While the proposed substation and O&M building are similar in visual impacts to existing electrical facilities and buildings in the area, the Project solar arrays will create new aesthetic impacts, changing the viewscape in these areas from crops to solar arrays.

Since the Project Area is generally flat with existing trees around rural residences and outbuildings and with vegetative cover along wind rows, the visual impact of the Project is expected to be limited to higher elevation points, as well as immediately surrounding land.”

Glare

The potential for glare impacts is discussed in Section 4.2.6.2 of the Application:

“Rows of PV solar modules together with perennial vegetation will be constructed over most of the Preliminary Development Area. PV solar modules use dark anti-reflective glass panels that are designed to absorb sunlight to produce electricity. PV solar modules commonly used for this type of project absorb up to 98 percent of the incoming sunlight depending on the angle of the sun, glass texture, and use of anti-reflective coatings. Therefore, during operation of the facility, there will be little glare from the PV solar modules used for the Project.”

Screening

Screening is discussed in Section 4.2.6.3 of the Application:

“Since the visual impact of the Project is expected to be limited to higher elevation points, as well as immediately surrounding land, it will be mitigated to an extent by existing vegetative screening at most residences and additional mitigative plantings pending finalization of landowner agreements.”

Noise

After the public meeting adjourned, Gopher State Solar representatives had an opportunity to speak informally with Ms. Visser regarding potential noise impacts at their property. The Visser property is No. 20 shown on Table 4.2.6.1-1 of the Application. The nearest proposed inverter is located more than 1,400 feet from their residence. Based on Gopher State Solar’s noise analysis, operational noise levels will be below 40 A-weighted decibels at distances greater than 450 feet,

indicating that noise levels at this location are expected to be well below the Minnesota State Noise Standards at this location.

Water Quality Impacts

The potential for groundwater impacts is discussed in Section 4.5.2 of the Application:

“Impacts to groundwater resources are not anticipated during facility operation of the Project as water supply needs will be limited.”

“Large quantities of hazardous material have the potential to spill or leak into the soil and groundwater. If hazardous materials are used or stored during construction and operation they will be labelled, stored, and disposed of in accordance with applicable requirements. Additionally, all hazardous materials stored, including portable and permanent aboveground storage tanks, will have the appropriate containment required by regulations. PV solar module washing activities will use ionized water. All herbicide applications for vegetation management will follow applicable regulatory use and management requirements.

Some solar panels are considered hazardous waste if they exhibit toxicity, ignitability, reactivity, or corrosivity; however, they are typically considered hazardous waste if heavy metals such as lead and cadmium leach at a concentration that would fail the toxic characteristic leaching procedures (TCLP). A final panel selection has not been made for the Project; however, if the panels contain heavy metals, Gopher State Solar will develop a spill prevention, control, and countermeasure (SPCC) plan for the Project to address releases should panels break or become damaged.”

Emergency Response

Gopher State Solar will work with local emergency responders and other government officials to establish local points of contact responsible for the safe operations of the Project and to coordinate access in the event of an emergency response at the facility.

Protected Species

To prepare the Application, Merjent reviewed the United States Fish and Wildlife Service’s (USFWS) Information for Planning and Consultation (IPaC) website for a list of federally listed threatened and endangered species, candidate species, and designated critical habitat that have been documented within the Project area. An Official Species List was obtained on July 30, 2024, and they are valid for 90 days.

Merjent reviewed the Project in IPaC again on October 24, 2024, and the northern long-eared bat (*Myotis septentrionalis*) is no longer included on the Official Species List and should be removed from discussion of potential impacts to federally listed species in the EA.

Other Requests

In addition to some of the other topics discussed above, Mr. Refsland made several other requests. Namely, he asked that Gopher State Solar enter into a road use agreement with the county and townships; notify the county of changes in Project ownership; and provide training to local first responders. Gopher State Solar agrees that each of these requests is reasonable and commits to entering into a road use agreement with the county and affected townships, as needed, prior to the start of construction; providing notice to the county in conjunction with any notices required under Section 2.1 of the Sample Site Permit; and providing first responder training prior to the start of construction and periodically over the life of the Project.

A copy of this filing is also being served as designated on the Official Service List on file with the Minnesota Public Utilities Commission. Please let me know if you have any questions regarding this filing.

Sincerely,

FREDRIKSON & BYRON, P.A.

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

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

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CERTIFICATE OF SERVICE

Maia Martinez certifies that on the 15th day of November, 2024, she e-filed a true and correct copy of the scoping comments on behalf of Gopher State Solar, LLC via eDockets (www.edockets.state.mn.us):

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

Executed on: November 15, 2024

Signed: /s/ Maia Martinez

Fredrikson & Byron, P.A.

60 South Sixth Street

Suite 1500

Minneapolis, MN 55402

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	60 S 6th St Ste 1500 Minneapolis, MN 55402-4400	Electronic Service	No	OFF_SL_24-106_Official CC Service List
Kristien	Butler	Kristien.Butler@state.mn.us	Office of Administrative Hearings	PO Box 64620 Saint Paul, MN 55164	Electronic Service	Yes	OFF_SL_24-106_Official CC Service List
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_24-106_Official CC Service List
Ryan	Cox	rcox@fredlaw.com	Fredrikson & Byron, P.A.	60 S Sixth St Ste 1500 Minneapolis, MN 55402-4400	Electronic Service	No	OFF_SL_24-106_Official CC Service List
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_24-106_Official CC Service List
Rosanne	Koneval	rosanne@rangerpower.com	Gopher State Solar, LLC	320 N Sangamon Street, Suite 1025 Chicago, IL 60607	Electronic Service	No	OFF_SL_24-106_Official CC Service List
Kevin	Pranis	kpranis@liunagro.com	Laborers' District Council of MN and ND	81 E Little Canada Road St. Paul, MN 55117	Electronic Service	No	OFF_SL_24-106_Official CC Service List
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 55101-2131	Electronic Service	Yes	OFF_SL_24-106_Official CC Service List
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_24-106_Official CC Service List
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield, MN 55423	Electronic Service	Yes	OFF_SL_24-106_Official CC Service List