



May 5, 2025

Consumer Affairs Office
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

RE: EERA Hearing Comments
Coneflower Solar Project
PUC Docket No. IP7132/GS-24-215
OAH Docket No. 71-2500-40396

Dear Consumer Affairs Office:

Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) staff offers the following comments on the Coneflower Solar Project (Project) proposed by Coneflower Energy, LLC (Coneflower Solar).

In these comments EERA:

- Recommends modifications to the draft decommissioning plan,
- Provides corrections to selected figures and references included in the Environmental Assessment (EA) prepared for the Project,
- Summarizes changes between the sample site permit filed by the Minnesota Public Utilities Commission (Commission) and the proposed draft site permit (PDSP) included as Appendix B of the EA,
- Responds to Coneflower Solar's direct testimony.

Decommissioning Plan

Site permits for wind and solar facilities issued by the Commission require permittees to file decommissioning plans prior to construction. The intent of the decommissioning plan is to ensure that the site is restored at the end of the energy facility's useful life, and that the restoration costs are borne by the permittee.

Section 9.1 of the site permit requires the permittee to file an updated decommissioning plan incorporating comments and information from the permit application process prior to construction.

EERA staff have reviewed the draft decommissioning plan (draft plan) for the proposed Coneflower Solar Project included as Appendix F of the Site Permit Application filed August 19, 2024.¹

EERA staff's review is guided by the recommendation of the Solar and Wind Decommissioning Working Group (SWDWG). As discussed in EERA staff's recommendations on decommissioning plans in Docket 17-123, the decommissioning plan should serve as a stand-alone document to orient the reader to the project as it is on the ground and how Coneflower Solar will fulfil its obligation to remove the project components at the end of the facility's life.

EERA Comments and Recommendations

EERA staff recommends that Coneflower Solar revise the draft plan to incorporate the following improvements for the pre-construction document:

- **General Comments:**
 - EERA recommends that Coneflower Solar settle on one short name for the permittee, whether it's "Coneflower" or "Coneflower Solar" or Coneflower Energy," and avoid referring to "project owner" as a responsible party. The more generic "project owner" is unnecessary since Section 2.1 of the site permit requires any new permittee to certify that it will comply with the terms of the permit. Decommissioning plan guidance recommends that decommissioning plans be revised if ownership transfers.
 - In general, replace references to "project area" with "site." The decommissioning plan is linked to the permitted site, defined in Minn. Stat. 216E.01, subd. 9 as the location of a large electric power generating plant, and identified in the site permit for the project. The term "project area" is useful when referring to the general project vicinity.
 - Should the Commission issue a site permit for the project, Coneflower Solar will then be the permittee, no longer the applicant, so replacing "applicant" with "permittee" is appropriate for the pre-construction version of the decommissioning plan.
 - Consider shortening the table of abbreviations by settling on one short name for the permittee and removing abbreviations that are used only one time (e.g., Apex, IPP, SDS, VPPA, etc.).
 - Define what is meant by medium voltage in the acronyms section.
- **Independent Preparer:** Meets EERA expectations. The plan and cost estimate have been prepared by Westwood Professional Services.
- **Decommissioning Objective:** Largely meets EERA expectations. EERA recommends the pre-construction version of the plan link the objective back to the permit language (Section 9.2 of the draft site permit) requiring the site be restored to pre-project conditions to the extent

¹ Coneflower Energy, LLC, August 19, 2024, *Site Permit Application, Appendix F: Decommissioning Plan*, eDocket No. [20248-209610-03](#)

feasible. As the project matures, the objective may evolve in anticipation of a different use (e.g., commercial, industrial, or residential).

- **Scheduled Updates:** Does not meet EERA expectations. Although Section 9 indicates Coneflower Solar's plans to update the decommissioning plan every five years, EERA recommends that the pre-construction version of the plan include this information under a new separate "Plan Update" heading to provide more transparency. In addition to regular five-year updates, the plan should also be updated in the event of ownership changes, permit amendments, or repowering. EERA also recommends the updates section of the plan include the revision history, including the date of the last plan and a link to the plan.
- **Project Description:** Partially meets EERA expectations. EERA recommends that the pre-construction version of the plan be updated to include:
 - Anticipated date of commercial operation (updated to the actual date in future updates).
 - The date and eDocket location of the site permit when issued. Future updates should also reference past decommissioning plans and provide a link to those plans.
 - Only include a description of the gen-tie line as it is shown in the site plans. Decommissioning of any gen-tie line (115 kV or 345 kV) should be described and included in the tasks and costs. If the gen-tie line has a route permit from the Commission, that permit information (docket number, date of permit, eDocket number of route permit) should be included.
 - Clarification on the use of public roads rights-of-way. It's unclear what the parenthetical reference to "with the exception of public road rights-of-way" in section 1 means. Are ROWs being developed as part of the project? Does the acreage reflect the exclusion of public rights-of-way?
 - A short statement on landownership at the time of construction. Clarify whether Coneflower Solar owns or leases the entire site or portions of the site. It's unclear whether Coneflower Solar will own or lease the project substation site.
 - A site map showing the location of project components (e.g. arrays, roads, cabling, gen-tie line, substation, O&M facility, inverter location, stormwater retention areas).
- **Use of Generation Output.** Does not meet EERA expectations at this time. EERA understands that the offtaker of the power is currently unknown. The pre-construction version of the plan should include a general statement of where the generation will be used. Examples include, but are not limited to:
 - Power Purchase Agreement (PPA). For any portion of the output sold through a PPA, the description should include the offtaker and the expiration date of any PPA(s).
 - Utility-owned generation portfolio.
- **Permits and Notifications:** Partially meets EERA expectation. EERA recommends combining sections 5 and 7 into a single "Notification and Permits" section. EERA recommends that the

pre-construction version of the plan include a list of permits required for decommissioning and identify the specific local governments that will be notified. EERA anticipates that the required permits may change over time, but the periodic reviews provide an opportunity for the list to be updated.

Section 9.1 of the draft permit requires the permittee provide the decommissioning plan to local governments, so plan to document compliance with that provision once the plan is filed as a pre-construction document.

- **Tasks and Timing:** Partially meets EERA expectations. EERA recommends additional information in several areas prior to filing as a pre-construction filing:
 - Describe how stormwater basins will be removed and those sites restored.
 - EERA appreciates the clarification of disposal assumptions in section 6.2. EERA anticipates these facilities may change as the project ages, but calling this information out in its own subsection makes it easier identify whether updates are needed.
 - Clarify the distinction being made in the statement “The underground cables around equipment pads will be completely removed up to a length of twenty-five (25) feet around the perimeter of pads.” In section 6.1.4
 - Provide some additional detail on the timeframe/schedule for decommissioning. A Gantt chart is not necessary at this time, but please provide some sense of sequencing and timing more detailed than a general statement of 60 weeks See, for example, section 2.3 of the 2021 decommissioning plan for [Sherco Solar project](#). The timeframe should be consistent with section 9.2 of the draft site permit, which requires the permittee to notify the Commission of final restoration within 18 months of the termination of the project.
 - Clarify how Coneflower Solar will balance its restoration goals of both minimizing disturbance or removal of native vegetation installed as part of the project and restoring the site to its pre-project condition, which is predominantly agricultural.
- **Cost Estimate:** Meets EERA expectations at this time. EERA appreciates the clarification of disposal assumptions in section 6.2 and the assumptions section of Attachment A.

EERA notes that the resale market for PV panels is not well established and using current resale values 30 years into the future is very speculative. EERA anticipates that the both the resale recycling markets for PV panels will become more stable over time and will continue to monitor for all solar projects. EERA recommend that both gross and net costs be updated at five year intervals.

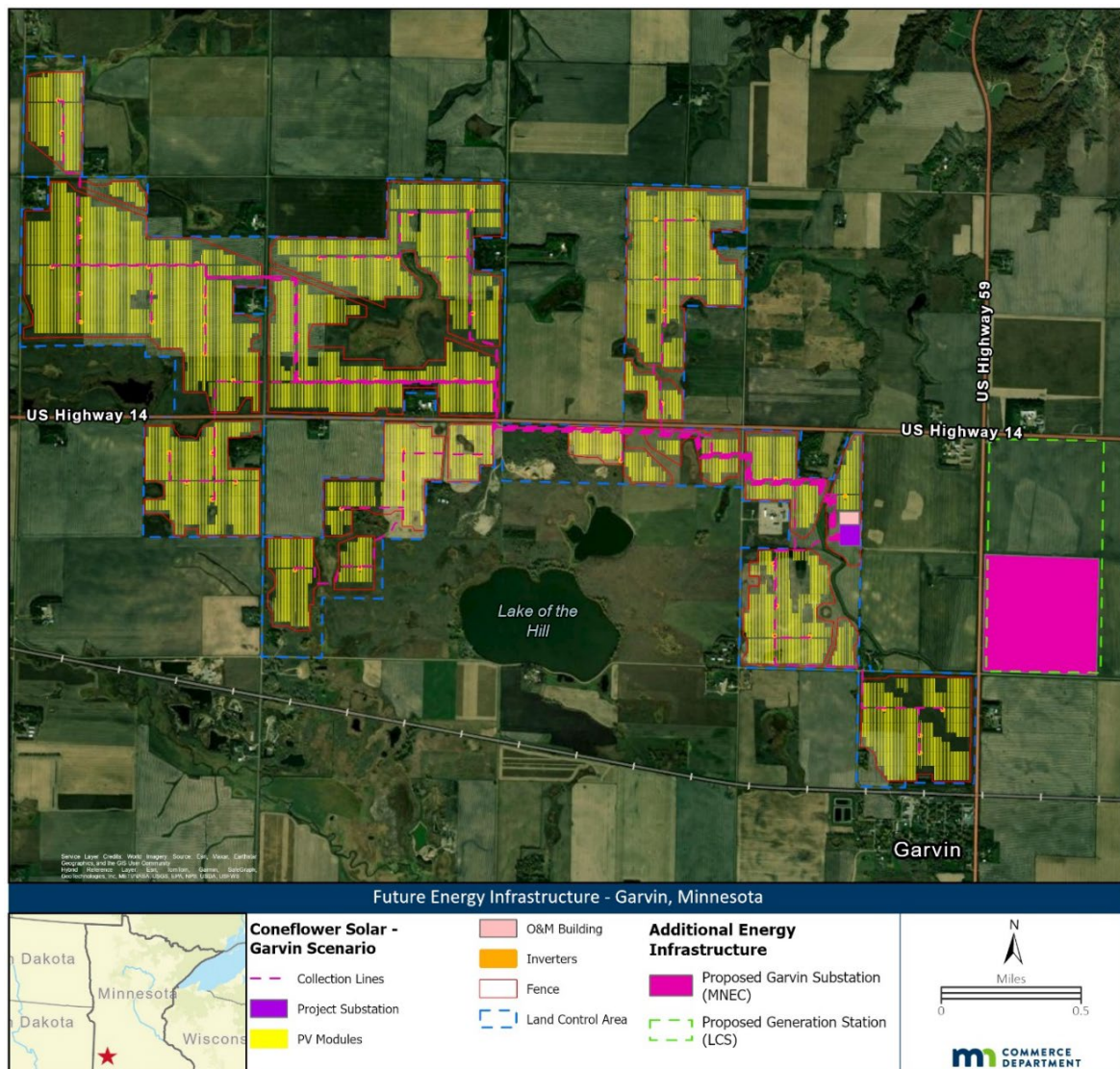
- **Financial Assurance:** Meets EERA expectations at this time. EERA notes that the plan anticipates naming the Commission, or its designee, as the beneficiary of the financial assurance. EERA anticipates bringing the matter to the Commission at the time to surety is established to allow the Commission to weigh in on the amount (gross or net costs), mechanism, and beneficiary.

Environmental Assessment Corrections

EERA issued the Coneflower Solar EA on March 26, 2025.² In these comments, EERA provides corrections to selected figures and references.

Figure 41. Future Garvin Area Infrastructure

Figure 41 has been corrected to include the following additional future energy infrastructure proposed for the Garvin area in separate proceedings – the Minnesota Energy Connection Project’s Proposed Garvin Substation ([Docket No. E002/TL-22-132](#)) and the Lyon County Station Project’s Proposed Generation Station ([Docket No. E002/CN-23-212](#)).



² DOC EERA, *Environmental Assessment: Coneflower Solar Project*, March 26, 2025, eDocket No. [20253-216823-01](#).

Reference 137 – Community Benefits Plan Guidance

The link provided for Reference 137 was incorrect, resulting in an inaccessible resource. The correct link to access Reference 137, *Guidance for Creating a Community Benefits Plan for the Bipartisan Infrastructure Law Energy Improvement in Rural or Remote Areas Fixed Award Grant Program*, is provided [here](#).

Site Permit Modifications

The Commission issued a sample site permit on October 24, 2024.³ EERA included a Proposed Draft Site Permit (PDSP) as Appendix B of the EA.⁴ EERA's PDSP indicated changes from the Commission-issued sample permit by underline and strikeout. In these comments, EERA summarizes the changes between the sample permit and EERA's PDSP.

Updated Project Description (Cover, Sections 1, 2 and 9)

EERA's P DSP updates the sample permit to include Project-specific information in the cover and in sections 1, 2 and 9.

Vegetative Screening for Adjacent Residences (Special Condition 5.1)

EERA recommends a special condition requiring Coneflower Solar supplement existing vegetative screening to minimize the views of Project infrastructure at adjacent residences.

Noise Notification (Special Condition 5.2)

EERA recommends a special condition requiring Coneflower Solar to inform nearby residences of active construction hours and provide notification prior to major noise-producing activities.

US 14 Runoff Rates (Special Condition 5.3)

EERA recommends a special condition requiring Coneflower Solar coordinate with a MnDOT District Hydraulics Engineer for a review of the Project to determine if a drainage permit is required.

Pipeline Location (Special Condition 5.4)

EERA recommends a special condition requiring Coneflower Solar to 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.

³ Public Utilities Commission, *Sample Site Permit*, October 24, 2024, eDocket No. [202410-211289-01](#).

⁴ DOC EERA, *Environmental Assessment: Coneflower Solar Project. Appendix B, Proposed Draft Site Permit*. March 26, 2025, eDocket No. [20253-216823-03](#).

Fire Risk Assessment (Special Condition 5.5)

EERA recommends a special condition requiring Coneflower Solar to develop a Project Fire Risk Assessment which will be incorporated and filed with the *Emergency Response Plan*.

US 14 Snow Trap (Special Condition 5.6)

EERA recommends a special condition requiring Coneflower Solar to 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.

County Ditch 29 Coordination (Special Condition 5.7)

EERA recommends a special condition requiring Coneflower Solar to inform the Lyon County Drainage Authority of construction timelines and access plans in relation to County Ditch 29 and provide the Lyon County Drainage Authority with the contact information of the Project's field representative.

Unanticipated Discoveries Plan (Special Condition 5.8)

EERA recommends a special condition requiring Coneflower Solar to prepare an Unanticipated Discoveries Plan outlining steps to be taken if previously unrecorded cultural resources or human remains are encountered during construction.

Fencing ROW Setbacks (Special Condition 5.9)

EERA recommends a special condition requiring Coneflower Solar to apply a minimum setback of 50 from the perimeter fence to road ROWs to minimize wildlife-vehicle collision risk.

Wildlife Friendly Lighting (Special Condition 5.10)

EERA recommends a special condition requiring Coneflower Solar use motion activated, down-lit, lighting around and within the Project.

Non-Chloride Dust Suppression (Special Condition 5.11)

EERA recommends a special condition requiring Coneflower Solar to use dust suppression agents that do not contain chloride.

Wildlife Friendly Erosion Control (Special Condition 5.12)

EERA recommends a special condition requiring Coneflower Solar to use erosion control materials that do not contain plastic or synthetic fibers or malachite green dye.

Wildlife Permeable Fencing (Special Condition 5.13)

EERA recommends a special condition requiring Coneflower Solar to design and use small- to medium-sized animal permeable fencing around the Project in coordination with the DNR.

Fence Visibility Markers (Special Condition 5.14)

EERA recommends a special condition requiring Coneflower Solar to install fence-visibility markers in locations determined to pose a collision risk for low-flying birds in coordination with the DNR.

Northern Long-Eared Bat (Special Condition 5.15)

EERA recommends a special condition requiring Coneflower Solar to comply with the U.S. Fish and Wildlife Service (USFWS) guidance in effect regarding the northern long-eared bat (NLEB), a federally-listed species, including tree clearing restrictions.

Community Impact Mitigation Agreement (Special Condition 5.16)

EERA recommends a special condition that Coneflower Solar shall enter into a Community Impact Mitigation Agreement with the city of Garvin and Custer Township to mitigate impacts to the community of Garvin.

Response to Coneflower Solar Direct Testimony

On April 11, 2025, Coneflower Solar submitted its direct testimony.⁵ In the testimony, Coneflower Solar made comments in regard to the draft site permit issued as Appendix B with the EA. The four comments are summarized as followed:

- The draft site permit currently lists Renville County as the host county, and should be updated to list Lyon County as the host county.
- Section 5.9 of the draft site permit includes a special permit condition requiring a minimum setback of 50 feet from the perimeter fence to road ROWs to reduce wildlife-vehicle collision risk. The special condition should be revised to apply only to paved roads with fencing on both sides of the road. This revision takes into account the Blowing Snow Control plan that Coneflower Solar has developed with the Minnesota Department of Transportation and the inherent reduced collision risk along gravel roads due to the reduced speeds for safe travel.
- Section 5.10 of the draft site permit includes a special permit condition requiring the use of motion activated, down-lit lighting around and within the Project to reduce impacts to wildlife. The special condition should be revised to replace the term motion activated with switch-controlled. The Project will not use motion activated lighting, as these lights can turn on needlessly due to passing animals. Instead, the Operations and Maintenance team will switch the lights on when necessary.
- Section 5.16 of the draft site permit includes a special permit condition requiring Coneflower Solar to enter into a Community Impact Mitigation Agreement with the host community to mitigate Project impacts. The special condition should be removed, as negative impacts to the City of Garvin, its residents, or its cultural values are not anticipated.

In regard to the first comment, EERA supports correcting the draft site permit to refer to Lyon County as the host county. Regarding the second comment, EERA notes that special permit condition 5.9 reflects

⁵ Coneflower Energy, LLC, *Direct Testimony of Brie Anderson with Schedules A-D*, April 11, 2025, eDockets No. [20254-217535-02](#).

the suggestion made by the Minnesota Department of Natural Resources and supports its inclusion in the draft site permit in the unmodified form.

Regarding the third comment, EERA supports revising special permit condition 5.10 to replace “motion activated” with “switch-controlled.” Finally, regarding the fourth comment, EERA supports the inclusion of special permit condition 5.16 in the draft site permit. EERA believes the permit condition is supported by the analysis in the EA particularly with respect to cultural values and cumulative potential effects.

EERA appreciates the opportunity to comment on the proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren Agnew". The signature is fluid and cursive, with the first name "Lauren" being more prominent than the last name "Agnew".

Lauren Agnew
EERA Environmental Review Manager