

**New/Revised Decision Options & Suggested Motion
Proposed by Commissioner Tuma
July 31, 2025**

DOCKET NUMBER	IP-7119/GS-23-477
ANALYST	Craig Janezich
DATE/TIME SUBMITTED	7/30/2025 – 10:12 a.m.
TITLE	Tuma suggested motion - Tuma new 5.m; new 5.n; Applicant's Alternative to 5.g; Applicant's Alternative to 5.k
ATTACHMENT	No
SUBJECT	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

Staff Note:

- 1, 2, and 5.a-f and h-i were previously filed in Staff Briefing Papers.
- 5.M was previously filed on July 8 and July 25, 2025.
- 5. N is a new alternative to previously filed Tuma New 5.L, in response to the Applicant's filing on 7/28/2025.
- Applicant's Alternatives to 5.g and 5.k are new, from the Applicant's language filed on 7/28/2025.

Commissioner Tuma proposes the following motion for the Commission's consideration:

ALJ Report

1. Adopt the ALJ Report to the extent it is consistent with the Commission's Decisions in this matter.
(Staff, **Applicant**)

Environmental Assessment

2. Find that the Environmental Assessment and the record address the issues identified in the scoping decision. (Staff, ALJ, EERA)

Site Permit

5. Issue a site permit to Birch Coulee Solar LLC for the up to 125 MW Birch Coulee Solar Project in Renville County with the conditions recommended by the ALJ, and with the following modifications as set forth in EERA's May 30, 2025 filing:

- a. Adopt the special permit condition for the Decommissioning Plan. (EERA, Applicant, Staff)
- b. Adopt the revised special permit condition for Fire Risk Assessment. (EERA, Staff, Applicant)
- c. Adopt the special permit condition for the Northern Long-eared Bat. (EERA, Applicant, Staff)
- d. Adopt an alteration to the permit for noxious weeds. (EERA, Applicant, Staff, Renville County)
- e. Adopt the special permit condition to provide notification to area landowners concerning project construction. (EERA, Staff, Applicant)
- f. Adopt the modified special permit condition for Road Use Agreement (EERA, Staff, Applicant)
- h. Adopt the special permit condition for Bald Eagles. (EERA, Staff, Applicant)
- i. Adopt the special permit condition for Renville County Setbacks. (EERA, Staff, Renville County, Applicant)

Tuma New 5.m:

Modify section 8.15 of the draft site permit as follows:

Order the Permittee to 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. 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 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 ~~two~~ 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. (Staff, Applicant)

Tuma New 5.n: *[Staff note: this is a new alternative to the previously filed Tuma 5.L]*

The Project shall be designed and constructed consistent with the ordered anticipated alignment of Xcel Energy Minnesota Energy Connection Project transmission line permitted by the Commission in Docket No. E-002/TL-22-132 that places the transmission line on the property line and south of the existing 69kV transmission line where the project borders land owned by Ms. Brazil-Johnson.

Applicant's Alternative to 5.g:

Modify Section 8.12 of the draft site permit as follows:

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. The ERP shall provide for training on responding to emergencies at the site for emergency responders having jurisdiction over the Project at the Permittee's expense. 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. (Applicant)

Applicant's Alternative to 5.k:

Modify Section 5.13 of the draft site permit as follows:

The Permittee shall maintain records of its community partnership efforts benefitting Renville County and/or the City of Franklin ~~with the Renville County 4-H club, local Women's Civic Club, and Franklin's Lion Club~~ and provide them upon request of Commission staff. (Applicant)

Additional Findings

6. Adopt EERA's modification to Findings 4 and additional Finding 36B. (EERA and Staff)
8. Adopt EERA's modifications to Findings 209 and 210. (only if 5f is selected) (EERA and Staff)

Administrative

10. Delegate the authority to the Executive Secretary to modify the proposed site permit to correct typographical or formatting errors and ensure consistency with the Commission's Order.
11. Authorize the Executive Secretary to modify or delete the ALJ Findings of Fact and Conclusions of Law identified herein and any other paragraphs as appropriate for consistency with this decision.