

**Office of Land Management**

395 John Ireland Boulevard  
Saint Paul, MN 55155  
MS 678

January 31, 2025

Logan Hicks, Environmental Review Manager  
Minnesota Department of Commerce  
85 7th Place East, Suite 280  
St. Paul MN 55101

RE: In the Matter of the Application of Benton Solar, LLC for a Site Permit for the 100 MW Solar Energy Generating System for the Benton Solar Project, the Application of Benton Solar, LLC for a Site Permit for the 100 MW Battery Energy Storage System for the Benton Solar Project, and the Application of Benton Solar, LLC for a Route Permit for a 115 kV High-Voltage Transmission Line Associated with the Benton Solar Project in Benton County, Minnesota  
Docket Numbers: IP7115/GS-23-423 (Solar Facility) IP7115/ESS-24-283 (Storage Facility) IP7115/TL-23-425 (Transmission Line)

Dear Mr. Hicks,

On December 26<sup>th</sup>, 2024, the Minnesota Public Utilities Commission (Commission) and the Minnesota Department of Commerce (DOC) issued a Notice of Public Information and Environmental Assessment Scoping Meetings on the Benton Solar, LLC (Applicant) joint application noted above (Project). The Minnesota Department of Transportation (MnDOT) has reviewed the application and other available materials regarding the proposed Project and submits the following comments and recommendations in response to the Notice.

Because of the Project's proximity to and potential impacts on TH 95, MnDOT would like to bring awareness to possible impacts on areas of concern or interest listed below. Other possible Project impacts, mitigative suggestions, recommendations, permit requirements, and guidance materials would typically be provided in a Utility Early Notification Memo (ENM) review attachment to this letter. However, the email exchange in April of 2023, as shown in [Appendix A](#) of the joint application (and subsequent .kmz file of the T-line route shared by the Applicant in August of 2023 – not shown in Appendix A), is the only communication MnDOT has had with the Applicant. Therefore, certain additional specifics around actual or perceived impacts cannot be provided at this time. Regarding the information MnDOT provides below, attention should be paid to requested deliverables as they may be required for future permit application approvals. Additional consultation may be required to address outstanding issues.

### Cultural Resources

The proposed site is within a known Cultural Resources Historically Sensitive Area that also encompasses the trunk highway (TH) right-of-way (ROW). Any MnDOT permits applied for will need to be reviewed by MnDOT's Office of Environmental Stewardship (OES) Cultural Resource Unit (CRU) prior to approval.

- The Applicant should provide summary of cultural field surveys and coordination with SHPO to date. If surveys have not been completed, provide an anticipated schedule for completion. If the

Applicant is aware of or becomes aware of significant cultural resources findings in or adjacent to MnDOT ROW, please contact our office at [CulturalResources.dot@state.mn.us](mailto:CulturalResources.dot@state.mn.us). In addition, the Applicant shall prepare a Post Review Discovery Plan (PRDP1) and submit to MnDOT for review and contact information for CRU staff must be included in the PRDP. This plan should outline the steps to be followed in the event of an unanticipated discovery of archaeological materials, human remains, or burials, and include language specific to the coordination with MnDOT when a discovery is on MnDOT ROW. MnDOT Cultural Resources Unit (CRU) staff should be notified within 24 hours in the event of an unanticipated find on or adjacent to MnDOT property during construction.

- Additional archaeological investigations (e.g., literature reviews, reconnaissance surveys [if warranted]) may be required where co-location is proposed or where temporary easement may be located within MnDOT ROW. Investigations should include in-field inspections to document areas of soil disturbance and to identify potentially unknown archaeological sites within areas of moderate to high archaeological potential. A PRDP should be developed for the project in advance of construction and provided to MnDOT CRU.

### Protected Species

The proposed site is within a protected wildlife area that also encompasses the TH ROW. Any MnDOT permits applied for will need to be reviewed by MnDOT's OES Protected Species Unit prior to approval.

- The Applicant should consult with the U.S. Fish and Wildlife Service (USFWS) with respect to listed species which may occur within the project area, and limit ground disturbances to the extent practical in areas of semi-natural or natural vegetation. State-listed threatened and endangered species may be in the vicinity. The Applicant should plan to consult with the Minnesota Department of Natural Resources (MnDNR) to identify recorded locations and conduct species-specific surveys to confirm locations prior to construction. MnDOT requests that copies of all biological field survey data/reports within its ROW be submitted with any permit applications for review.

### Access Road(s)

Because there is a direct connection between crash rates and access density on state trunk highways, the Applicant should plan to utilize access points from local roads whenever possible. Access from MnDOT ROW, whether at an existing driveway or new driveway is not guaranteed, and new highway access permits will be required in either case. MnDOT requests that the Applicant further consult with District Permitting and Traffic Control staff for more information about permit applications, processes, and requirements to ensure their chosen points of access have been reviewed by the MnDOT District 3 staff and are permissible. Currently, one of the two proposed points of access from TH 95 may not be permissible.

### Water Basin(s)

The Applicant should ensure that the location of the water basin near TH 95 ROW will not negatively impact existing land and infrastructure surrounding the project area. Specifically, water basin locations should not change peak runoff rates to the TH ROW. A MnDOT District Hydraulics Engineer may need to review the project to determine if a drainage permit is needed [MnDOT Drainage Permit Application](#). A drainage permit is required for all types of drainage changes on TH ROW.

Should the Commission issue permits for the Project, continued coordination with MnDOT staff is expected. Any MnDOT permits required as a part of this Project can be coordinated at an earlier time but may not be issued until the Commission has approved all necessary permits for this Project. All

applicable [permitting](#), [traffic control](#) and construction coordination efforts should be made through the appropriate MnDOT [district staff](#). MnDOT District Specialists should be given the opportunity to participate in pre-construction meetings as they apply to MnDOT- owned property.

Thank you for the opportunity to provide these comments.

Sincerely,

/s/ *Stacy Kotch Egstad*

Utility Routing and Siting Coordinator  
Minnesota Department of Transportation  
Office of Land Management  
[stacy.kotch@state.mn.us](mailto:stacy.kotch@state.mn.us)

cc: MnDOT Utility ENM Review Staff

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