DEPARTMENT OF TRANSPORTATION

Office of Land Management
395 John Ireland Boulevard MS 678
Saint Paul, MN 55155

May 5, 2025

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

Re: In the Matter of the Joint Application of Minnesota Power for a Site and Route Permit for the 85-Megawatt Boswell Solar Project and Associated 2.45-mile 230-kilovolt Transmission Line in Itasca County, Minnesota
Docket Number: GS-24-425/TL-24-426

Dear Ms. Livingston,

On March 19th, 2025, The Minnesota Public Utilities Commission (Commission) and the Minnesota Department of Commerce (DOC) issued a Notice of Public Information and Environmental Assessment Scoping Meetings for Minnesota Power's (Applicant) site and route permit applications for its proposed 85-megawatt Boswell Solar Project and associated 2.45-mile 230-kilovolt transmission line (Project) to be located in parts of the city of Cohasset, Leech Lake Band of the Ojibwe Reservation, and Deer Lake Township in Itasca County, Minnesota. The Minnesota Department of Transportation (MnDOT) has reviewed the application and other 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 6, MnDOT would like to note possible impacts on areas of concern or interest listed below. Other possible Project impacts, mitigative suggestions, recommendations, permit requirements, and guidance materials are also communicated in *Attachment 1* of this submission. Attention should be paid to MnDOT's requested deliverables as they may be required for future utility permit application approvals. Additional consultation may be required to address outstanding issues.

Water Basins

There are several proposed Project water basins near the TH ROW line. These locations may warrant a (modeling) review by our District 3 Hydraulics Engineer to ensure the proposed work will not change the peak runoff rates to the TH ROW. This review may be used to determine if a drainage permit from MnDOT would be required.

Access Roads

Because there is a direct connection between crash rates and access density on state trunk highways, project proposers should plan to utilize access points on local roads whenever possible. Access from MnDOT right-of-way whether at an existing driveway or new driveway is not guaranteed, and new highway access permits will be required in either case. In discussions with the Applicant, MnDOT has proposed two location changes to the current access road layout to 1) address proximity to other, existing accesses, and 2) address approach/driver sight safety concerns around proximity to the TH 6 curve in the southern portion of the Project area. MnDOT will continue its coordination to identify safe and permittable Project access locations along TH 6.

Project Area Mapping

To accurately reflect Project boundaries and aid in assessing other potential impacts to TH ROW, MnDOT requests that the Project Area or Project Boundary mapping does not overlap TH ROW limits in any way. Specifically, regarding TH ROW areas where the Applicant does not have land rights, clear and correct land lease/ownership boundaries should be displayed.

Should the Commission issue a Site Permit 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

Attachment 1: MnDOT OES & Functional Group Comments and Recommendations

ec: MnDOT Utility ENM Review Staff

2025

DEPARTMENT OF TRANSPORTATION

ATTACHMENT 1

MINNESOTA POWER: BOSWELL SOLAR PROJECT GS-24-425/TL-24-426

MNDOT OES & FUNCTIONAL GROUP COMMENTS

Resource	Comments
Federal and State-listed Protected Species	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 located along portions of the route along MnDOT right-of-way (ROW). We recommend the Applicant consult with the Minnesota Department of Natural Resources (MDNR) to identify recorded locations and conduct species-specific surveys prior to construction to confirm locations prior to identifying pole placement and temporary workspaces. MnDOT requests copies of all biological field survey data/reports within its ROW be submitted to MnDOT.
Federal and State-listed Protected Species	Herbicide use must be minimized during construction and future maintenance occurring on MnDOT ROW. If used, herbicide must be applied via hand-held spot treatments applied to individual plants. Avoid broadcast applications of herbicides without further consultation to MnDOT Office of Environmental Stewardship (OES). Restrict all activities to avoid the application of insecticides and fungicides on MnDOT ROW.
Federal and State-listed Protected Species	The Applicant must establish native vegetation in areas that are not proposed to be mowed more than once per year and must include mowing and spot treatment control to establish seeded vegetation, as described in the MnDOT Seeding Manual (see http://www.dot.state.mn.us/environment/erosion/vegetation.html).
Avian Protection	The Applicant should minimize tree clearing/trimming within MnDOT ROW to extent possible. Tree clearing may be restricted to winter months (November 15 - March 31). On MnDOT ROW, additional tree clearing restrictions will typically be included in MnDOT's utility permit. If construction activities occur within the nesting season for migratory birds, conduct pre-construction nest surveys. If active nests are discovered, implement a Migratory Bird Plan to avoid and minimize impacts.
Contaminated Materials Management	A review of the access points on MN6, and the storm water ponds for the Boswell Solar project was conducted and there are no known leak sites were identified at those different locations. It is possible that undiscovered or unknown contaminated and/or regulated materials exist in the permit area. Contaminated materials encountered during any work within MnDOT ROW is required to be managed in accordance with applicable federal/state and location regulations and/or guidance documents. It is the responsibility of the Permittee to identify the potential to encounter contaminated materials (soil/groundwater/vapor) within or adjacent to the proposed permit area. Further review will be conducted by MnDOT after an alternative is selected. If contaminated materials are encountered within the area, the Permittee or their consultant will immediately notify MnDOT's Environmental Investigation Unit (EIU) at john.berger@state.mn.us and report the contamination to the MN Duty Officer. The Permittee or their consultant will provide a summary of what and where contamination was encountered, along with proposed actions for management of contaminated materials. Actions completed with management of contaminated materials will be provided to MnDOT EIU including figures, analytical reports, field observations, disposal or reuse locations, and any other documentation.
Regulated Waste and Storage Tanks	It is the responsibility of the Applicant to report the presence of aboveground storage tanks (ASTs) within project limits. If ASTs are identified, contact MnDOT's Regulated Materials staff. Asbestos, solid waste, regulated and/or hazardous waste encountered during construction activities are required to be managed in accordance with applicable federal/state and local regulations and/or guidance documents.

Roadside Vegetation Management	Pesticides: Require Applicant to develop a Vegetation Management/Pesticide/Revegetation Plan and submit for MnDOT review/approval. Any proposed pesticides and application rates should be submitted to MnDOT for approval (NOTE: Use of herbicides or similar chemistries must be limited to spot treatments via hand tools only [i.e., no equipment mounted broadcast applications]). Other general conditions include the following: • Herbicide used on MnDOT ROW must be labeled for use on rights-of-way. • Pesticide applicators must be MN state- licensed as a Commercial Pesticide Applicator in Categories A and J (see: https://www.mda.state.mn.us/pesticide-fertilizer/pesticide-applicator-license-types) • Herbicide records for work on MnDOT's ROW must be provided to the local MnDOT District Office • Refer to Resource: Federally and State Listed Protected Species for further pesticide information. The more restrictive statements must be followed. Noxious/Invasive Weeds: Prior to construction, the Applicant should conduct a field survey for noxious weeds in all project workspaces. If any state prohibited or county designated noxious weeds (https://www.mda.state.mn.us/plants-insects/minnesota-noxious-weed-list) are identified within installation limits on MnDOT's ROW, the Applicant must submit its Invasive Species Prevention Plan to the OES-Roadside Vegetation Management Unit for review and approval. All efforts must be made to prevent transportation of propagative parts to new areas. Movement of propagative parts of these plants is prohibited by Minnesota Statutes, Section 18.82. If transportation of soil or plant parts from the site is necessary, a transportation permit will be required. Questions regarding noxious weed law or noxious weed transportation permits should be directed to the Minnesota Department of Agriculture at noxiousweeds.mda@state.mn.us. Native vegetation: Parking, staging, and operating equipment in this area should be kept to a minimum level to accomplish the installation. Parking of vehicles or equipment not directly required for the utility installation in this area should be restricted to the road surfaces. Failure to adhere to these recommendations may lead to unnecessary damage and compaction of native plants and soils. Restoration: If areas are disturbed on MnDOT's ROW, the area must be re-established MnDOT Seed Mix: Patch Mix at a rate of 30 lbs. per acre. Patch Mix components and rates can be found in the Guide to the New 2024 MnDOT Seed Mixes (https://edocs-public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=38590641). Any erosion control blanket must be free of plastic netting and on the MnDOT Approved Products List for Rolled Erosion Prevention products. In addition, any hydraulic mulch used up-slope of Public Waters must be free of plastic fiber additives. MnDOT reserves the right to conduct its own inspection on MnDOT ROW (during and post-construction) to verify restoration status prior to the Applicant filing their Notification of Restoration Completion with the Commission.
Wetlands Coordination	Any ground disturbance (e.g., fill, excavation, direct or indirect drainage) of regulated aquatic resources must comply with all applicable federal Clean Water Act Section 404, Minnesota Wetland Conservation Act (WCA), and MDNR Public Waters Work requirements. If ground-disturbing activities are proposed within MnDOT ROW, MnDOT may require an aquatic resource delineation to be performed throughout the areas of proposed disturbance. The delineation would require approval by MnDOT OES, as the Local Government Unit (LGU) responsible for administering the WCA within state TH ROW. The project must restore any temporary impacts and avoid, minimize, and mitigate any permanent impacts to delineated aquatic resources to the extent required by state and federal law. This includes implementing Best Management Practices (BMPs) during construction to minimize aquatic resource disturbance, including compaction, erosion, and sedimentation. MnDOT reserves the right to conduct field inspections within its ROW.
Water Permits - Federal Agencies, Floodplains	*If floodplains are crossed by the project: The Applicant should make efforts to avoid placement of structures or fill in floodplain areas in order to minimize adverse impacts and increased risk of flooding. The Applicant should engage with local floodplain permitting authorities to determine permitting and other requirements. The project may also involve work affecting waters of the US in which case a Section 404 authorization from the U.S. Army Corps of Engineers would be needed.

Cultural Resources	As documented in the Early Notification Memo (ENM) for Utility Projects dated January 13, 2025, the Section titled “Cultural Resources (Historic Properties and Tribal Consultation) Review” contains no information. In the document titled “Utility ENM – Supplemental Information Checklist” under the “Non-GIS Information” section, there is a note to “See attached supplemental Information” regarding cultural resources and tribal resources. Appendix I contains the beginning pages of a report titled Phase I Archaeological Resource Investigation for Minnesota Power Project, Itasca County dated November 2024, Barr Engineering Company; the majority of the report has been redacted as it contains non-public data; the Executive Summary notes six archaeological sites were identified in the project boundaries in the course of the survey. None of the six archaeological sites are located within MnDOT Trunk Highway (TH) 6 ROW and are outside the purview of MnDOT comment. Appendix H – Agency Correspondence, does not include any response review letters to date from the MnSHPO, OSA, nor MIAC; included are several response review letters from Minnesota Tribal Nations. TH 6, a previously inventoried architecture-history property, is overlapped by the Project. TH 6 (XX-ROD-00052) was previously determined not eligible for the National Register. There are no previously recorded archaeological sites within MnDOT controlled lands intersected by the Project. The Applicant should provide summary of cultural field surveys and coordination with SHPO and other agencies and parties, as applicable, to date when submitting permit requests. If the Applicant is aware of or becomes aware of significant cultural resources findings in or adjacent to MnDOT R/W, please contact our office at CulturalResources.dot@state.mn.us. In addition, the Applicant shall prepare a Post Review Discovery Plan (PRDP1) and submit to MnDOT for review; 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 (CulturalResources.dot@state.mn.us) within 24 hours in the event of an unanticipated find on or adjacent to MnDOT property during construction.

FHWA National Scenic Byway Program	Under Title 23, USC, Section 162, National Scenic Byways Program; Scenic byways are designated as State, National or All-American because they possess one or more of six intrinsic qualities: scenic, cultural, recreational, natural, historic and archaeological qualities. An analysis of the physical and visual impact on each of these six intrinsic qualities should be conducted at each proposed crossing locations and/or collocated segments and where the proposed utility is within 7 miles of a byway to determine the route with the least adverse impact on the byway routes and corridors. At a minimum, this analysis should include: The southern project boundary is on the north bank of the Mississippi River and within the Mississippi Head Waters Board Jurisdiction. This organization should be consulted in regard to the impacts. There are 2 MnDNR Water Trails, one being The Vermillion to Jacobsen Water Trail. This portion of the river is classified as a serpentine river reach and has wild rice production. The nearest sovereign nation is the Leech Lake Band of Ojibwe, and they should be consulted. It is assumed that tree cover on the north shore of the Mississippi River will have to be cleared and maintained in perpetuality for the solar panels to operate. There are no impacts to the Avenue of Pines and the Edge of the Wilderness Scenic Byways. • Streetview Imagery or on-the-ground photographs • Photo / Visual Simulations (existing conditions and post-construction). During early planning phases of project, this may consist of typical drawings/photos of similar projects that have already been constructed. Later in Project design, this should include site-specific assessments depicting photo and visual simulations for users of the byway. Each scenic byway has a leaders' group and/or stakeholder group; these groups should be contacted as part of the environmental review process. Scenic easements and areas should be investigated to identify any prohibitions or limitations that apply to land uses in the vicinity of the scenic byway. Relevant state and federal regulations governing scenic byways can be found in the MnDOT Utility Accommodation on Highway Right of Way Policy and Coordination Manual (both of which can be accessed here: https://www.dot.state.mn.us/policy/operations/oe002.html), 23 U.S.C. s. 162, and 23 CFR s. 645.209 (h). Contact Info: Great River Road: Chris Miller, MN Mississippi River Parkway Commission, 651-341-4196 Avenue of Pines: Josh Bergstad, Principal Planner, ARDC, jbergstad@ardc.org. 218-529-7516 Edge of Wilderness: Northern Itasca Joint Powers Board, email nijpb@bigfork.net, phone 218-832-3161 Mississippi Headwaters Board, Tim Terrill, email timt@mississippiheadwaters.org, phone (218) 824-1189 MnDNR Region 2 (Water Trails), nancy.stewart@state.mn.us *If the project is within 7 miles of Great River Road, add this paragraph* The Minnesota Mississippi River Parkway Commission (MRPC), established by Minnesota Statutes, section 161.1419, is the governing body for the Great River Road (GRR) in Minnesota. Minnesota Statutes, section 161.142 requires the commissioner of Transportation to construct and improve the GRR and assist the MRPC in carrying out its functions and duties. Due to the location of the Project with respect to the GRR, we recommend the Project proponent consult directly with the MPRC if they have not already done so. Please contact MPRC at info@mnmississippiriver.com, and keep MnDOT scenic byways staff apprised of these discussions. Mitigation measures should be recommended for unavoidable impacts on intrinsic qualities within the scenic byway corridors.

Environmental Assessment Unit / Environmental Review	Based on the current project design, there are four new access points proposed off Trunk Highway 6. Close coordination with MnDOT's Office of Land Management and District staff will be required and permits will be required for the new access/driveways, in addition to a Utility Accommodation permit for the placement of utility lines across or under MnDOT highways. Given that the project is partially located within the Leech Lake Band of Ojibwe reservation, continued close coordination with the Tribe will be required. Note that the Tribe may have unique protected cultural and biological resources outside of those recognized by the state of Minnesota, and specialized field surveys may be required. We also recommend Table 2-1 in the Applicant's Site and Route Permit Application be updated to include any required Tribal permits, approvals, and/or consolations. If the Project will involve any construction activities within MnDOT ROW, the Applicant (and/or their Contractor) must comply with the following, relating to the conduct of work on the Project or to individuals engaged in work for the Project or employed on the Project: (1) All applicable Tribal, State, and Federal laws and regulations (2) Orders and decrees of bodies and tribunals with lawful jurisdiction over the work (3) Such local ordinances as are applicable to the work MnDOT's Environmental Assessment Unit reserves the right to request copies of the Applicant's environmental permits for work within its ROW as well as any inspection reports completed by the Applicant and/or its contractor.
Soil Erosion and Sediment Control / Stormwater	Given the size of the Project, the Applicant will be required to obtain coverage under the Minnesota Pollution Control Agency's (MPCA) Construction Stormwater General Permit (MNR100001). If a portion of the final alignment is located within MnDOT ROW, we request that the Applicant submit a copy of its Construction Stormwater Pollution Prevention Plan (SWPPP)/erosion and sediment control details to MnDOT OES for review prior to filing its Notice of Intent for coverage under MPCA's MNR100001. In addition, MnDOT reserves the right to conduct inspections of the project for portions that are within MnDOT ROW during and/or after construction. The Applicant (and/or its contractor) will be the Owner on this permit for any work on MnDOT ROW - MnDOT will not be a co-permittee. Soil compaction caused by equipment traffic and haul roads on MnDOT ROW must be mitigated using techniques described in the MnDOT Facility Design Guide - MnDOT - Chapter 13. Temporary and permanent erosion and sediment control measures on MnDOT ROW must follow standards in the MnDOT Facility Design Guide - MnDOT - Chapter 13. Seeding on MnDOT ROW must follow standards in MnDOT Seeding Manual (https://www.dot.state.mn.us/environment/erosion/vegetation.html). Any erosion control blanket must be free of plastic netting and on the MnDOT Approved Products List for Rolled Erosion Prevention products. In addition, any hydraulic mulch used up-slope of Public Waters must be free of plastic fiber additives.
Env Modelling and Testing (Noise)	The Applicant needs to take all precautions to avoid impacts to existing noise mitigation devices (e.g., noise walls) and/or applications within MnDOT's ROW. If the Project has the potential to impact noise mitigation infrastructure, please notify MnDOT's Environmental Modelling and Testing Unit group for further guidance.
District Permitting Staff	Direct coordination with applicable District Permitting Staff will be required for all downstream MnDOT utility permits. MnDOT Permitting Policy and Guidance can be found at: http://www.dot.state.mn.us/utility/guidance.html.

District Planning Staff	State Highway current construction projects: Please note that MnDOT projects on state highways may affect travel routes to the project site, and/or may alter access points. To learn which projects might be in the area please review the current MnDOT construction projects website at https://www.dot.state.mn.us/construction/index.html and click on the district where your project is located. State Highway planned and future projects: MnDOT plans projects along state highways up to 10 years in advance. Please check the district in which your project is located (3A) at https://www.dot.state.mn.us/planning/10yearplan/district-chip.html https://edocs-public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=38722784 to see which projects might coincide with your project. Note that project timing can change, particularly for projects that are identified as being planned for 5 to 10 years in the future. You may also reach out to the district Planning contact or district Project Manager for more information. Access: Because there is a direct connection between crash rates and access density on state trunk highways, project proposers should plan to utilize access points on local roads whenever possible. Access from MnDOT right-of-way whether at an existing driveway or new driveway is not guaranteed, and new highway access permits will be required in either case. Please contact District Permitting staff for more information about permit applications, processes, and requirements.
Design Support / Safety and Operations Management	Powerlines: Lateral placement of utility poles or non-crashworthy appurtenances must be placed outside the roadway's clear zone and should avoid the need for traffic barrier shielding. Any side slope grading within the roadway clear zone must not result in a hazardous geometry for run-off vehicles. Place poles as far out of the clear zone as possible. Additional distance from the roadway is encouraged, for roadway and driver safety. Added poles must not be placed closer to the trunk highway than existing poles. Utility poles/devices must not obstruct intersection sight lines. Appurtenances protruding more than four inches above the ground line shall be located outside the clear zone and as close to the edge of the ROW as practical and must not obstruct intersection sight lines. Appurtenances within the roadway clear zone must be crashworthy. See MnDOT's Facility Design Guide - MnDOT - Chapter 10 for a definition of "crashworthy" and other pertinent information. Pipelines: Lateral placement of non-crashworthy appurtenances must be placed outside the roadway's clear zone and should avoid the need for traffic barrier shielding. Any side slope grading within the roadway's clear zone must not result in a hazardous geometry for run-off vehicles. Appurtenances protruding more than four inches above the ground line shall be located outside the clear zone and as close to the edge of the ROW as practical and must not obstruct intersection sight lines. Appurtenances within the roadway clear zone must be crashworthy. See MnDOT's Facility Design Guide - MnDOT - Chapter 10 for a definition of "crashworthy" and other pertinent information. Access Roads: Additional access points off of the trunk highway are discouraged and should be avoided. For proposed access roads, the transverse slope design for permanent access roads connected to the trunk highway must be 1V:6H or flatter on the roadside and 1V:10 or flatter if in the median. See Transverse Slopes in the MnDOT's Facility Design Guide - MnDOT - Chapter 10. For other technical components and requirements for utility owners regarding the location, design, and methods for installing, adjusting, accommodating, and maintaining utility facilities on such rights of way, please refer to MnDOT Utility Accommodation and Coordination Manual, found here: https://www.dot.state.mn.us/utility/projectdelivery.html. To understand why these rules and comments exist, intersection-related and roadway departure crashes are two of the leading types of fatal and serious injury crashes on Minnesota Roadways. These comments reflect measures needed to continue to prevent these types of crashes. To find out more about Minnesota safety efforts, please see our Strategic Highway Safety Plan. https://www.dot.state.mn.us/trafficeng/safety/shsp/
Blowing Snow Control / Snow Fences	Snow fences have been established in strategic locations across that state as a collaborative effort with landowners to trap snow from blowing across and accumulating on state highways. Based on our review, we have not identified living and/or structural snow fences of concern in the vicinity of your project. **If present, add the following** If the utility project adversely impacts a snow fence causing the loss of blowing snow control functionality, the utility will must work with MnDOT to find a blowing snow control solution. Please refer to http://www.dot.state.mn.us/environment/livingsnowfence/and Chapter 15D - Design for Blowing Snow Control found in MnDOT Facility Design Guide (Facility Design Guide - MnDOT) for more information. Snow Fence identified in area
Railroad	Railroads are private entities that conduct their own permitting process for utility impacts. MnDOT does not have jurisdiction in these areas. It is recommended that project coordination occurs directly with the affected railroad. MN Rail