

## RE: PUC EIP Staff Recommended Exceptions to ALJ Report

Coneflower Solar Project

**PUC Docket No.** IP-7132/GS-24-215

**OA# Docket No.** 71-2500-40396

Minnesota Public Utilities Commission Energy Infrastructure Permitting (EIP) staff has reviewed the Findings of Fact, Conclusions of Law, and Recommendations (ALJ report) issued by Administrative Law Judge Jessica A. Palmer-Denig on June 26, 2025, for the Coneflower Solar Project (project).<sup>1</sup>

EIP appreciates the comprehensive analysis of the record and submits the following exceptions to the ALJ report to ensure the accuracy of the record and to reiterate staff recommendations made in reply comments.<sup>2</sup>

### 1. **Finding 38 – Description of the Project.** Finding 38 of the ALJ report states:

The Project will consist of PV panels, trackers, inverters, transformers, approximately 15 miles of gravel access roads, security fencing, above-ground and below-ground electric collection lines, a project substation, a switching station, an up to one mile 345 kV transmission line, and associated facilities. Coneflower Solar proposes to locate the solar facilities in blocks within the 2,299 acres of land that Applicant owns or has under lease. Based on preliminary design, Coneflower Solar anticipates approximately 1,723 acres within the 2,299-acre land control area will be developed for the solar facilities.

Because there are two interconnection scenarios for the project, EIP staff recommends that the finding be amended to read:

The Project will consist of PV panels, trackers, inverters, transformers, approximately 15 miles of gravel access roads, security fencing, above-ground and below-ground electric collection lines, a project substation, a switching station ([MISO Scenario](#)), ~~an up to one mile~~ [a short \(≤500 feet\) 115 kV transmission line \(MISO Scenario\) or a short \(≤1 mile\)](#) 345 kV transmission line ([Garvin Scenario](#)), and associated facilities. Coneflower Solar proposes to locate the solar facilities in

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<sup>1</sup> On July 1, 2025, Department of Commerce Energy Environmental Review and Analysis (DOC EERA) unit staff moved to the Minnesota Public Utilities Commission Energy Infrastructure Permitting (PUC EIP) unit as directed by state law (Laws of Minn. 2024, ch.126, art. 7). While DOC EERA staff initiated environmental review of this proposal prior to July 1, 2025, the environmental review is now being completed by PUC EIP staff. For accuracy related to procedural history, references to previous filings by EERA will be identified as such, and “EIP” will be referenced throughout the remainder of this document.

<sup>2</sup> EERA, Reply Comments, May 27, 2025, eDockets No. [20255-219274-01](#).

blocks within the 2,299 acres of land that Applicant owns or has under lease. Based on preliminary design, Coneflower Solar anticipates approximately 1,723 acres within the 2,299-acre land control area will be developed for the solar facilities.

2. **Finding 77 – Aesthetics.** Finding 77 of the ALJ report states:

The visible elements of the solar facility will consist of new PV arrays, transformers and inverters, up to five permanent weather stations, an O&M building (if on site), a new substation, a short 115 kV transmission line (MISO Scenario) or a short 345 kV transmission line (Garvin Scenario), a switchyard, and security fencing surrounding the Project.

Because the O&M building will be located on site and a switchyard is necessary only for the MISO Scenario, EIP staff recommends that the finding be amended to read:

The visible elements of the solar facility will consist of new PV arrays, transformers and inverters, up to five permanent weather stations, an O&M building ~~(if on site)~~, a new substation, a short 115 kV transmission line (MISO Scenario) or a short 345 kV transmission line (Garvin Scenario), a switchyard [\(MISO Scenario\)](#), and security fencing surrounding the Project.

3. **Finding 182 – Agriculture.** Finding 182 of the ALJ report states:

Prime farmland within the Project Footprint will be placed in a permanent cover of perennial vegetation (grasses, sedges, and forbes) according to seeding and management specifications in the VMP to the benefit of wildlife and the soil, regardless of which vegetation management strategy is implemented. Removing the land from agricultural production may be beneficial for limiting nitrogen infiltration (from manure and fertilizer applications) into groundwater supply, thereby improving groundwater quality. Upon decommissioning, the land can be restored to its pre-construction agricultural use, and Coneflower Solar anticipates that will occur.

The record indicates that ecosystem benefits of the project, including benefits to wildlife and soil, depend to a great extent on the seed mix used for the project and the vegetation management strategies employed.<sup>3</sup> EIP staff recommends that the finding be amended to read:

Prime farmland within the Project Footprint will be placed in a permanent cover of perennial vegetation (grasses, sedges, and forbes) according to seeding and management specifications in the VMP to the benefit of wildlife and the soil, ~~regardless of which vegetation management strategy is implemented.~~ [The extent of benefits to wildlife and the soil will be determined by the seed mix used and vegetation management strategies implemented.](#) Removing the land from agricultural production may be beneficial for limiting nitrogen infiltration (from manure and fertilizer applications) into groundwater supply, thereby improving groundwater quality. Upon decommissioning, the land can be restored to its pre-construction agricultural use, and Coneflower Solar anticipates that will occur.

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<sup>3</sup> EERA, Coneflower Solar Environmental Assessment, Section 4.7.3 (Soils), Section 4.7.6 (Vegetation), and Section 4.7.7 (Wildlife and Habitat), March 26, 2025, eDockets No. [20253-216823-01](#).

#### 4. **Special Condition 5.9**

The ALJ report recommends the adoption of Coneflower Solar’s revisions to proposed special condition 5.9. Proposed special condition 5.9 would require the permittee to apply a minimum setback of 50 feet from the perimeter fence to all road ROWs to reduce the risk of wildlife-vehicle collisions. Coneflower Solar objected to this condition and noted that a minimum setback distance of 50 feet is overbroad to protect wildlife and would negatively impact efficient energy production. Coneflower Solar noted that many roadways in the area are gravel and lightly traveled, making the wildlife-vehicle collision risk small, and that in many parts of the project the solar facilities are only located on one side of the road. Coneflower Solar proposed to limit the application of the 50 foot setback to paved road ROWs in areas where project facilities are located on both sides of the road.

EIP staff maintains their support for the original form of proposed special condition 5.9, which requires a minimum setback of 50 feet from the perimeter fence to all road ROWs. Traffic volume is not the only factor that influences the risk of wildlife-vehicle collisions.<sup>4</sup> There is a considerable amount of designated wildlife habitat both adjacent to and within the project boundaries. As a result, the immediate project area already faces a heightened risk of wildlife-vehicle collisions without project fencing due to the movement of wildlife between habitat fragments. Project fencing will further increase this collision risk, as larger wildlife are restricted to the passages between fence lines, limiting their openings for road crossings. In their comments, several members of the public raised concerns over the increased collision risk due to project fencing funneling wildlife onto local roads.<sup>5,6</sup> Applying a minimum setback of 50 feet from the perimeter fence to all road ROWs provides adequate travel corridors for wildlife and protects both the local wildlife and the local residents who use these roads. EIP supports the inclusion of special condition 5.9 in its original format, as this is consistent with the DNR’s recommendation:

##### **5.9 Fencing ROW setbacks**

The Permittee shall apply a minimum setback of 50 feet from the perimeter fence to all road ROWs to reduce the risk of vehicle collisions with wildlife.

#### 5. **Special Condition 5.16**

The ALJ report recommends the removal of proposed special condition 5.16, which would require the permittee to enter into a Community Impact Mitigation Agreement with the city of Garvin and Custer Township. Coneflower Solar objected to this condition and noted that the project will not

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<sup>4</sup> There is an extensive amount of scientific research demonstrating that wildlife-vehicle collision risk is influenced by a complex interaction of multiple factors. These factors include, but are not limited to, road properties, such as traffic volume and road substrate, wildlife traits, such as movement speed and activity patterns, driver characteristics, such as age and vehicle size, and landscape features, such as the degree of habitat fragmentation and proximity of habitat features (wetlands, lakes, forests, etc.).

<sup>5</sup> EERA, Written Comments on the Scope of Environmental Assessment, December 10, 2024, eDocket No. [202412-212858-01](#).

<sup>6</sup> EERA, Oral Comments on the Scope of Environmental Assessment, December 16, 2024, eDocket No. [202412-213040-01](#).

negatively impact the city of Garvin, its residents, or the area's cultural values. In addition, Coneflower Solar noted that members of the public provided comments in support of the project.

EIP maintains their support for this proposed special condition. To EIP staff's understanding, the members of the public who commented in support of the project were participating landowners who will directly benefit from this project. Local residents also commented in opposition to the project, raising concerns over topics related to local character such as aesthetics, agriculture, hunting, and nature.<sup>7,8</sup> The Environmental Assessment (EA) identified impacts related to community change that will result from the construction of this project, and noted that impacts to recreational resources could be addressed with a Community Impact Mitigation Agreement.<sup>9</sup> The EA also listed several general examples of mitigative measures that can be incorporated into a community benefits agreement.<sup>10</sup> EIP staff did not identify any specific mitigation measures with this condition, as they should be determined by the host community during the development of the agreement. This project will change the community, and a Community Impact Mitigation Agreement would provide targeted mitigation in the areas that the community of Garvin deems important. EIP supports the inclusion of special condition 5.16:

#### **5.16 Community Impact Mitigation Agreement**

The Permittee shall enter into a Community Impact Mitigation Agreement with the city of Garvin and Custer Township that mitigates impacts to the community of Garvin.

EIP staff appreciates the opportunity to provide these exceptions.

Sincerely,



Lauren Agnew  
Environmental Review Project Manager

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<sup>7</sup> EERA, Written Comments on the Scope of Environmental Assessment, December 10, 2024, eDocket No. [202412-212858-01](#).

<sup>8</sup> EERA, Oral Comments on the Scope of Environmental Assessment, December 16, 2024, eDocket No. [202412-213040-01](#).

<sup>9</sup> EERA, Coneflower Solar Environmental Assessment, Section 4.3.6, March 26, 2025, eDockets No. [20253-216823-01](#).

<sup>10</sup> EERA, Coneflower Solar Environmental Assessment, Section 4.3.3, March 26, 2025, eDockets No. [20253-216823-01](#).