

## **Appendix K      Applicant-Agency Correspondence**

## **Representative Project Notification Letter**

Month Day, 2023



Agency

Address 1

Address 2

Address 3

RE: Elk Creek Solar in Rock County, Minnesota

To whom it may concern:

Elk Creek Solar, LLC ("Elk Creek"), a wholly owned subsidiary of National Grid Renewables Development, LLC (NG Renewables) formally known as Geronimo Energy, received a Certificate of Need and Site Permit from the Minnesota Public Utilities Commission ("PUC") in December 2020 for up to 80 megawatts ("MW") solar energy generation facility ("Project") on 976 acres of land in Rock County, Minnesota. Due to significant delays to the Midcontinent Independent System Operator, Inc. ("MISO") interconnection review process for the project, Elk Creek was not able to meet its original target commercial operation date of December 31, 2021. MISO has completed its interconnection review process that will allow Elk Creek to interconnect up to 160 MW of power generation. Accordingly, Elk Creek is expanding the Project and will request the PUC allow an expansion of the Project from 80 MW to 160 MW. The purpose of this letter is to provide an update on the proposed Project and request your input regarding the proposed expansion of the Project.

Elk Creek is proposing to expand the PUC-approved solar array Project area, however the point of interconnection and its associated facilities necessary to interconnect the entire 160 MW to an existing 161-kilovolt substation adjacent to the Project will remain the same. Table 1 provides the sections of land within the original 80 MW Elk Creek Project boundary.

**Table 1: Sections within the Elk Creek original 80 MW Project Boundary**

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |

Table 2 provides the sections of land being added to the Project to construct an up to 160 MW Project. Elk Creek is adding approximately 500 acres of land to the Project.

Table 2: Sections added to the Project and to construct an up to 160 MW Project

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |
| MN    | Rock   | Magnolia            | 102      | 44    | 03         |

To facilitate your review, we have enclosed a map of Elk Creek's location, the PUC-approved Project Boundary and the additional land proposed to be added for the Project.

Elk Creek will seek PUC approval from the expansion in 2023 and anticipates construction beginning as early as Q2 2024 with intended completion by the end of 2025.

Any written agency comments provided in response to this letter will be incorporated into the PUC's review process.

If you require further information or have questions regarding this matter, please contact me at 937-554-4504 or at [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com).

Sincerely,



Marc Morandi  
Senior Permitting Specialist  
National Grid Renewables  
8400 Normandale Lake Blvd, Suite 1200  
Bloomington, MN 55437

Enclosure:  
Updated Elk Creek Location Map

May 10, 2023



«Name»

«Title»

«Company\_»

«Address»

«City», «State» «Zip»

RE: Elk Creek Solar in Rock County, Minnesota

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Sincerely,

A handwritten signature in black ink, appearing to read 'M. Morandi', is written over a light blue horizontal line.

Marc Morandi  
Senior Permitting Specialist  
National Grid Renewables  
8400 Normandale Lake Blvd, Suite 1200  
Bloomington, MN 55437

Enclosure:  
Updated Elk Creek Location Map

## **Federal Agencies**

April 14, 2023



Eric White  
USACE Project Manager  
Attn: Regulatory Branch, St. Paul Office  
180 5th St. East, Suite 700  
St. Paul, MN 55101

RE: Elk Creek Solar in Rock County, Minnesota

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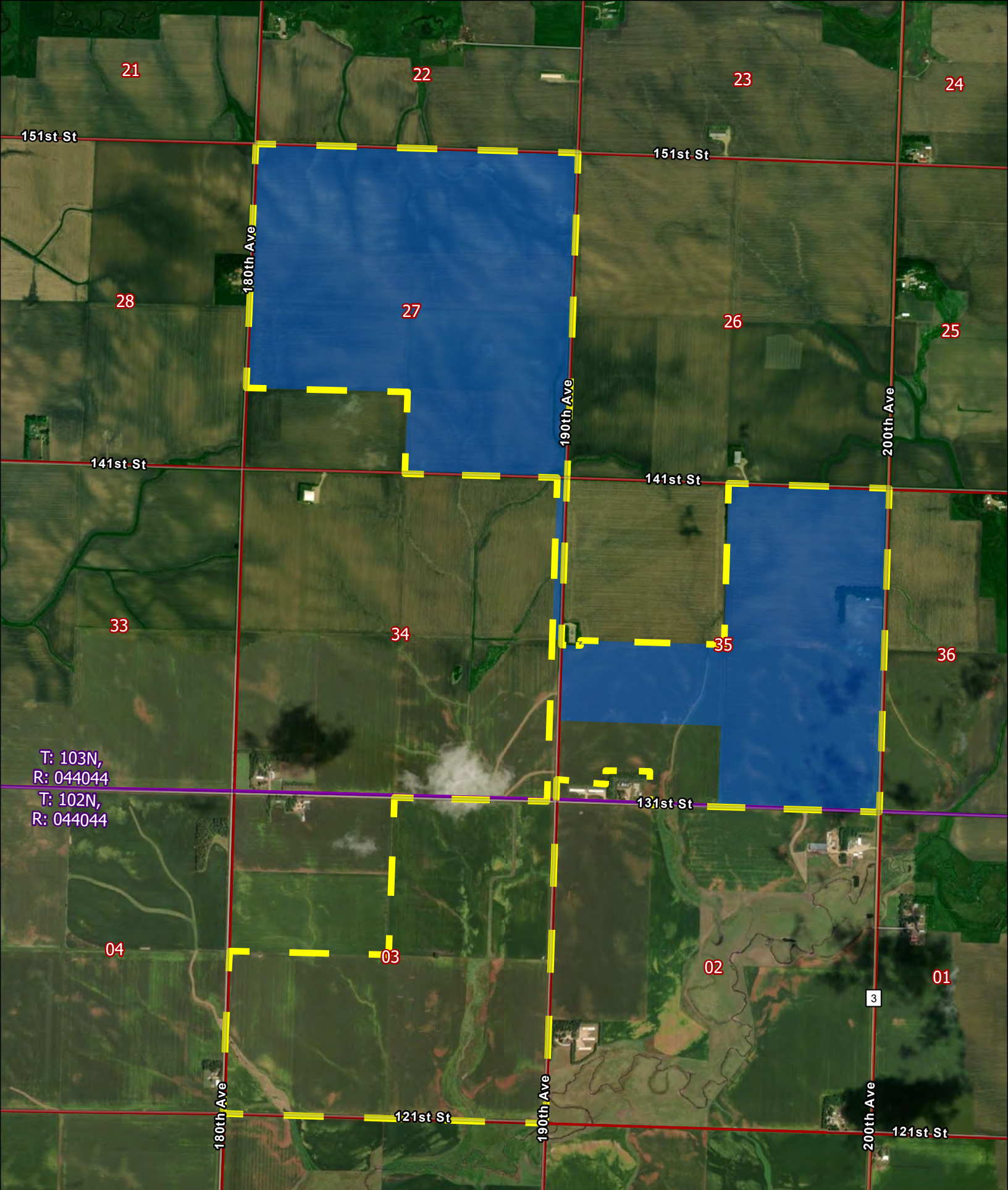
If you require further information or have questions regarding this matter, please contact me at 937-554-4504 or at [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com).

Sincerely,



Marc Morandi  
Senior Permitting Specialist  
National Grid Renewables  
8400 Normandale Lake Blvd, Suite 1200  
Bloomington, MN 55437

Enclosure:  
Updated Elk Creek Location Map



# Elk Creek Solar

- Sections
- Townships
- Original Permitted Boundary - 80MW
- Revised Project Boundary - 160MW

**From:** [Marc Morandi](#)  
**To:** [USACE\\_Requests\\_MN](#)  
**Subject:** RE: [External] RE: Elk Creek Solar  
**Date:** Thursday, April 20, 2023 1:54:31 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[NG\\_Renewables\\_Logo\\_Primary\\_RGB\\_small\\_b3464f9a-abea-443c-8d43-87fd96c8afec.png](#)  
[LinkedInIcon\\_8e0cea1f-d234-405f-8a61-4afe010bf11b.png](#)  
[TwitterIcon\\_ff6acde5-6940-4a01-92b6-0ef9db8c446d.png](#)  
[WebIcon\\_e1c44bce-dc58-4738-94a6-8941e49d8897.png](#)  
[Elk\\_Creek\\_Agency\\_Notification\\_Letter\\_USACOE.pdf](#)

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Hi Molly,

Please find the notification letter attached. I should also note that as a result of some design limitations, the project boundary will be changed slightly from what is shown in this letter. I'm planning on sending out an updated notification letter sometime around 5/5 (I'll be out of the office for about a week and a half) with the new project boundary, so you can likely wait to review until then. Thank you!

Marc



952.988.9000



**Marc Morandi**  
Sr Permitting Specialist

**P**  
**M** 937.554.4504

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**From:** USACE\_Requests\_MN <USACE\_Requests\_MN@usace.army.mil>  
**Sent:** Monday, April 17, 2023 10:36 AM  
**To:** Marc Morandi <mmorandi@nationalgridrenewables.com>  
**Cc:** USACE\_Requests\_MN <USACE\_Requests\_MN@usace.army.mil>  
**Subject:** [External] RE: Elk Creek Solar

You don't often get email from [usace\\_requests\\_mn@usace.army.mil](mailto:usace_requests_mn@usace.army.mil). [Learn why this is important](#)

Hello Marc,

It looks like when the email was sent to us it did not include the attachments. Could you please send the attachments that you mentioned? Thank you for in advance.

Sincerely,

Molly Stansberry  
(she/her/hers)  
Office Automation Assistant

Regulatory Division, St. Paul District  
U.S. Army Corps of Engineers

332 Minnesota Street, Suite E1500  
St. Paul, Minnesota 55101

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**From:** White, Eric J CIV USARMY CEPOA (USA) <[Eric.J.White@usace.army.mil](mailto:Eric.J.White@usace.army.mil)>  
**Sent:** Friday, April 14, 2023 4:58 PM  
**To:** Marc Morandi <[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)>  
**Cc:** USACE\_Requests\_MN <[USACE\\_Requests\\_MN@usace.army.mil](mailto:USACE_Requests_MN@usace.army.mil)>  
**Subject:** RE: Elk Creek Solar

Hi Marc,

I transferred from the St. Paul office. I'm ccing the Central Inbox for Minnesota on this email.  
Please direct future correspondence to there.  
Thanks,  
Eric

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**From:** Marc Morandi <[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)>  
**Sent:** Friday, April 14, 2023 1:15 PM  
**To:** White, Eric J CIV USARMY CEPOA (USA) <[Eric.J.White@usace.army.mil](mailto:Eric.J.White@usace.army.mil)>  
**Subject:** [URL Verdict: Neutral][Non-DoD Source] Elk Creek Solar

Hi Eric,

I am writing to provide you with an update on our Elk Creek Solar facility. As explained in the attached letter, we will be moving forward with permitting the project at 160 MW through the MN PUC. You likely previously worked with Melissa Schmit; I will be the Elk Creek point of contact going forward. If your agency has additional concerns with the new project boundary, please don't hesitate to reach out.

Thanks,  
Marc



952.988.9000



**Marc Morandi**  
Sr Permitting Specialist

**P**

**M** 937.554.4504

**E** [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)

8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437

May 10, 2023

Central Inbox, MN  
Attn: Regulatory Division, St. Paul District  
332 Minnesota St., Suite E1500  
St. Paul, MN 55101



RE: Elk Creek Solar in Rock County, Minnesota

To whom it may concern:

Several weeks ago, we sent a letter indicating that Elk Creek Solar, LLC is proposing to expand the existing PUC-approved solar array Project from 80 MW to 160 MW. After that letter was sent, a small alteration to the 160 MW project area was made to accommodate certain design constraints relating to Project substation location. As a result, the project boundary is 0.67 acres smaller than the previous letter specified. All other details in the previous letter are unchanged, including interconnection details and PLSS sections in which the project will be located.

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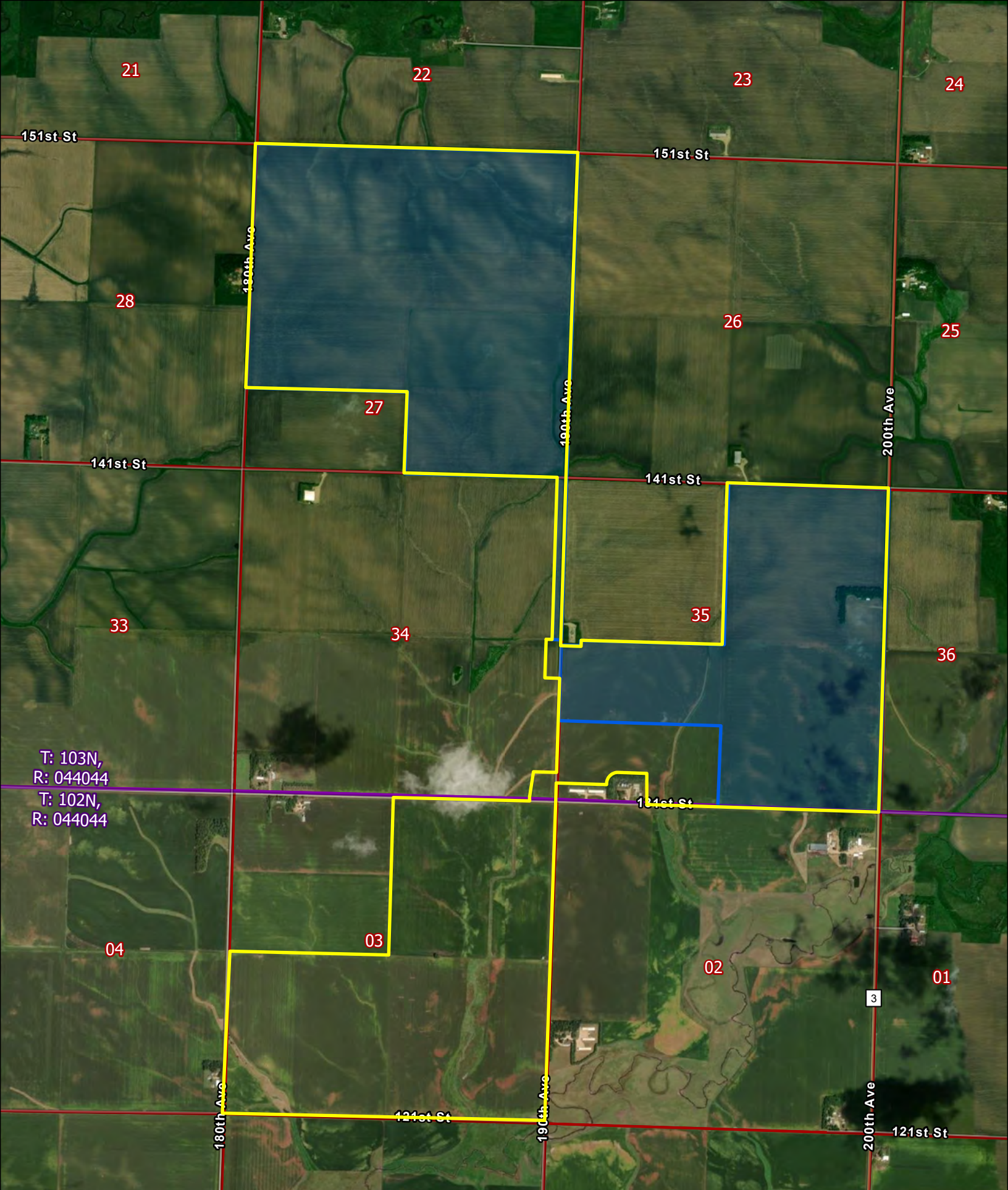
If you require further information or have questions regarding this matter, please contact me at 937-554-4504 or at [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'M Morandi'.

Marc Morandi  
Senior Permitting Specialist  
National Grid Renewables  
8400 Normandale Lake Blvd, Suite 1200  
Bloomington, MN 55437

Enclosure:  
Updated Elk Creek Location Map



# Elk Creek Solar

-  Sections
-  Townships
-  Revised Project Boundary - 160 MW
-  Original Permitting Boundary - 80MW



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Minnesota-Wisconsin Ecological Services Field Office  
3815 American Blvd East  
Bloomington, MN 55425-1659  
Phone: (952) 858-0793 Fax: (952) 646-2873



In Reply Refer To:  
Project code: 2023-0073271  
Project Name: Elk Creek Solar Project

April 24, 2023

Subject: Verification letter for 'Elk Creek Solar Project' for specified threatened and endangered species that may occur in your proposed project location consistent with the Minnesota-Wisconsin Endangered Species Determination Key (Minnesota-Wisconsin DKey).

Dear Angela Durand:

The U.S. Fish and Wildlife Service (Service) received on **April 24, 2023** your effect determination(s) for the 'Elk Creek Solar Project' (Action) using the Minnesota-Wisconsin DKey within the Information for Planning and Consultation (IPaC) system. You have submitted this key to satisfy requirements under Section 7(a)(2). The Service developed this system in accordance of with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 et seq.).

Based on your answers and the assistance of the Service's Minnesota-Wisconsin DKey, you made the following effect determination(s) for the proposed Action:

| Species                                                         | Listing Status         | Determination |
|-----------------------------------------------------------------|------------------------|---------------|
| Monarch Butterfly ( <i>Danaus plexippus</i> )                   | Candidate              | No effect     |
| Topeka Shiner ( <i>Notropis topeka</i> (=tristis))              | Endangered             | NLAA          |
| Tricolored Bat ( <i>Perimyotis subflavus</i> )                  | Proposed<br>Endangered | NLAA          |
| Western Prairie Fringed Orchid ( <i>Platanthera praeclara</i> ) | Threatened             | No effect     |

## **Determination Information**

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Minnesota and Wisconsin. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Minnesota-Wisconsin Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Minnesota-Wisconsin

Ecological Services Field Office may request additional information to verify the effects determination reached through the Minnesota-Wisconsin DKey.

### **Additional Information**

**Sufficient project details:** Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

**Future project changes:** The Service recommends that you contact the Minnesota-Wisconsin Ecological Services Field Office or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

**For non-Federal representatives:** Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. Please include the Federal action agency in additional correspondence regarding this project.

### **Species-specific information**

**Listed Plants:** You have indicated that your Action will have no effect (NE) on a threatened or endangered plant species. Although your Federal Endangered Species Act requirements are met, we recommend you contact the Minnesota or Wisconsin Department of Natural Resources regarding compliance with state law. **You may need a state permit if your Action will harm state-listed plants.**

**Bald and Golden Eagles:** Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the “taking” of bald and golden eagles and defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” The Eagle Act’s implementing regulations define disturb as “... to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

If you observe a bald eagle nest in the vicinity of your proposed project, you should follow the National Bald Eagle Management Guidelines (May 2007). For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit our regional eagle website or

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contact Margaret at Margaret\_Rheude@fws.gov. **If the Action may affect bald or golden eagles, additional coordination with the Service under the Eagle Act may be required.**

The following species and/or critical habitats may also occur in your project area and **are not** covered by this conclusion:

- Northern Long-eared Bat *Myotis septentrionalis* Endangered

**Coordination with the Service is not complete if additional coordination is advised above for any species.**

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**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

Elk Creek Solar Project

**2. Description**

The following description was provided for the project 'Elk Creek Solar Project':

Elk Creek is proposing to build a solar facility with up to 160 MW AC nameplate capacity in Sections 27, 34, and 35, Township 103 North, Range 44 West, and Section 3, Township 102 North, Range 44 West, Rock County, Minnesota. Project facilities will cover approximately 1,160 acres of the 1,522 acre Land Control Area. There are approximately 361 acres of the Land Control Area for which Elk Creek has site control, but are currently not contemplated for occupation by solar facilities. Elk Creek anticipates that construction will begin as early as Q2 of 2024, with commercial operation scheduled to begin in Q4 of 2025, following completion of construction and testing.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.6851532,-96.07809897142943,14z>



## QUALIFICATION INTERVIEW

1. This determination key is intended to assist the user in evaluating the effects of their actions on Federally listed species in Minnesota and Wisconsin. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Additionally, this key DOES NOT cover wind development, purposeful take (e.g., for research or surveys), communication towers that have guy wires or are over 450 feet in height, aerial or other large-scale application of any chemical (such as insecticide or herbicide), and approval of long-term permits or plans (e.g., FERC licenses, HCP's).

Click **YES** to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

*Yes*

2. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action?

*No*

3. Is the action being funded, authorized, or carried out by a Federal agency?

*Yes*

4. Are you the Federal agency or designated non-federal representative?

*No*

5. Does the action involve the installation or operation of wind turbines?

*No*

6. Does the action involve purposeful take of a listed animal?

*No*

7. Does the action involve a new communications tower?

*No*

8. Does the activity involve aerial or other large-scale application of ANY chemical, including pesticides (insecticide, herbicide, fungicide, rodenticide, etc)?

*No*

9. Does the action occur near a bald eagle nest?

**Note:** Contact the Minnesota or Wisconsin Department of Natural Resources for an up-to-date list of known bald eagle nests.

*No*

10. Will your action permanently affect local hydrology?

*No*

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11. Will your action temporarily affect local hydrology?

No

12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new stormwater outfall discharge, dams, other in-stream work, etc.)?

Yes

13. Does your project have the potential to impact the riparian zone or indirectly impact a stream/river (e.g., cut and fill; horizontal directional drilling; construction; vegetation removal; pesticide or fertilizer application; discharge; runoff of sediment or pollutants; increase in erosion, etc.)?

**Note:** Consider all potential effects of the action, including those that may happen later in time and outside and downstream of the immediate area involved in the action.

Endangered Species Act regulation defines "effects of the action" to include all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (50 CFR 402.02).

Yes

14. Will your action disturb the ground or existing vegetation?

**Note:** This includes any off-road vehicle access, soil compaction (enough to collapse a rodent burrow), digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application (herbicide, fungicide), vegetation management (including removal or maintenance using equipment or prescribed fire), cultivation, development, etc.

Yes

15. Will your action include spraying insecticides?

No

16. Does your action area occur entirely within an already developed area?

**Note:** Already developed areas are already paved, covered by existing structures, manicured lawns, industrial sites, or cultivated cropland, AND do not contain trees that could be roosting habitat. Be aware that listed species may occur in areas with natural, or semi-natural, vegetation immediately adjacent to existing utilities (e.g. roadways, railways) or within utility rights-of-way such as overhead transmission line corridors, and can utilize suitable trees, bridges, or culverts for roosting even in urban dominated landscapes (so these are not considered "already developed areas" for the purposes of this question). If unsure, select NO..

No

17. Will the stream be dewatered or diverted?

No

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18. Will work be conducted within the wetted portions of the stream?

No

19. Will the project permanently impair movement of Topeka shiner after the activity?

For example: an improperly placed culvert that does not allow upstream movement; blocked, dammed, or filled rivers, streams, or oxbows.

No

20. Does western prairie fringed orchid occur in the action area?

No

21. [Hidden Semantic] Does the action area intersect the monarch butterfly species list area?

**Automatically answered**

Yes

22. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project.

Are you making a "no effect" determination for monarch?

No

23. Is this project funded, authorized, or carried out by the U.S. Fish and Wildlife Service?

No

24. [Hidden semantic] Does the action intersect the Tricolored bat species list area?

**Automatically answered**

Yes

25. The tricolored bat was proposed for listing as endangered on September 13, 2022. During winter, tricolored bats hibernate in caves, abandoned mines, and abandoned tunnels ranging from small to large in size. During spring, summer and fall months, they roost primarily among leaf clusters of live or recently dead deciduous/hardwood trees.

What effect determination do you want to make for the tricolored bat (Only make a "may affect" determination if you think the project is likely to jeopardize the continued existence of the species)?

2. "May affect – not likely to adversely affect"

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**IPAC USER CONTACT INFORMATION**

Agency: Merjent, Inc.  
Name: Angela Durand  
Address: 1 Main Street SE  
Address Line 2: Suite 300  
City: Minneapolis  
State: MN  
Zip: 55414  
Email: angela.durand@merjent.com  
Phone: 6127463666

**LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Army Corps of Engineers

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## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Minnesota-Wisconsin Ecological Services Field Office  
3815 American Blvd East  
Bloomington, MN 55425-1659  
Phone: (952) 858-0793 Fax: (952) 646-2873



In Reply Refer To:  
Project code: 2023-0073271  
Project Name: Elk Creek Solar Project

May 23, 2023

Federal Nexus: yes  
Federal Action Agency (if applicable): Army Corps of Engineers

**Subject:** Technical assistance for 'Elk Creek Solar Project'

Dear Angela Durand:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on May 23, 2023, for 'Elk Creek Solar Project' (here forward, Project). This project has been assigned Project Code 2023-0073271 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

### **Ensuring Accurate Determinations When Using IPaC**

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.

### **Determination for the Northern Long-Eared Bat**

Based upon your IPaC submission and a standing analysis, your project is not reasonably certain to cause incidental take of the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

## Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate
- Topeka Shiner *Notropis topeka* (=tristis) Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered
- Western Prairie Fringed Orchid *Platanthera praeclara* Threatened

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species listed above. Note that if a new species is listed that may be affected by the identified action before it is complete, additional review is recommended to ensure compliance with the Endangered Species Act.

## Next Step

Consultation with the Service is necessary. The project has a federal nexus (e.g., Federal funds, permit, etc.), but you are not the federal action agency or its designated (in writing) non-federal representative. Therefore, the ESA consultation status is incomplete and no project activities should occur until consultation between the Service and the Federal action agency (or designated non-federal representative), is completed.

As the federal agency or designated non-federal representative deems appropriate, they should submit their determination of effects to the Service by doing the following.

1. Log into IPaC using an agency email account and click on My Projects, click "Search by record locator" to find this Project using **925-126768599**. (Alternatively, the originator of the project in IPaC can add the agency representative to the project by using the Add Member button on the project home page.)
2. Review the answers to the Northern Long-eared Bat Range-wide Determination Key to ensure that they are accurate.
3. Click on Review/Finalize to convert the 'not likely to adversely affect' consistency letter to a concurrence letter. Download the concurrence letter for your files if needed.

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place before project implements any changes which are final or commits additional resources.

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If you have any questions regarding this letter or need further assistance, please contact the Minnesota-Wisconsin Ecological Services Field Office and reference Project Code 2023-0073271 associated with this Project.

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**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

Elk Creek Solar Project

**2. Description**

The following description was provided for the project 'Elk Creek Solar Project':

Elk Creek is proposing to build a solar facility with up to 160 MW AC nameplate capacity in Sections 27, 34, and 35, Township 103 North, Range 44 West, and Section 3, Township 102 North, Range 44 West, Rock County, Minnesota. Project facilities will cover approximately 1,160 acres of the 1,522 acre Land Control Area. There are approximately 361 acres of the Land Control Area for which Elk Creek has site control, but are currently not contemplated for occupation by solar facilities. Elk Creek anticipates that construction will begin as early as Q2 of 2024, with commercial operation scheduled to begin in Q4 of 2025, following completion of construction and testing.

Note: Tree clearing for the Project will be limited to two isolated trees located in the southern unit. These isolated trees are located more than 2,000 feet from other forested/wooded habitat, and therefore, are considered unsuitable for the NLEB.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.6851532,-96.07809897142943,14z>



## DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

**Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve construction or operation of wind turbines?

**Note:** For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

---

6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

**Note:** This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

9. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

**Note:** Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

10. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

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11. Does the action area contain or occur within 0.5 miles of (1) talus or (2) anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs?

No

12. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?

(If unsure, answer "Yes.")

**Note:** If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags  $\geq 3$  inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

13. Will the action cause effects to a bridge?

No

14. Will the action result in effects to a culvert or tunnel?

No

15. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

**Note:** Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

No

16. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

No

17. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

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18. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

**Note:** For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.). .

No

19. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

20. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?

No

21. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

22. Will the action include drilling or blasting?

Yes

23. Will the drilling or blasting affect known or potentially suitable hibernacula, summer habitat, or active year-round habitat (where applicable) for the northern long-eared bat?

**Note:** In addition to direct impacts to hibernacula, consider impacts to hydrology or air flow that may impact the suitability of hibernacula. Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

24. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

25. Will the proposed action involve the use of herbicides or pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

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26. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat can be found at:

<https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

27. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

**Note:** Additional information defining suitable roosting habitat for the northern long-eared bat can be found at:

<https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

28. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

Yes

29. Has a presence/probable absence summer bat survey targeting the northern long-eared bat following the Service's [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area? If unsure, answer "No."

No

30. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

**Note:** A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property and has a diameter breast height of six inches or greater.

No

31. Are any of the trees proposed for cutting or other means of knocking down, bringing down, topping, or trimming suitable for northern long-eared bat roosting (i.e., live trees and/or snags  $\geq 3$  inches dbh that have exfoliating bark, cracks, crevices, and/or cavities)?

Yes

32. [Semantic] Does your project intersect a known sensitive area for the northern long-eared bat?

**Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your [state agency or USFWS field office](#)

**Automatically answered**

No

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33. Will all tree cutting/trimming or other knocking or bringing down of trees be restricted to the inactive season for the northern long-eared bat?

**Note:** Inactive Season dates for summer habitat outside of staging and swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Yes

34. Will the action cause trees to be cut, knocked down, or otherwise brought down across an area greater than 10 acres?

No

35. Will the action cause trees to be cut, knocked down, or otherwise brought down in a way that would fragment a forested connection (e.g., tree line) between two or more forest patches of at least 5 acres?

The forest patches may consist of entirely contiguous forest or multiple forested areas that are separated by less than 1000' of non-forested area. A project will fragment a forested connection if it creates an unforested gap of greater than 1000'.

No

36. Will the action result in the use of prescribed fire?

No

37. Will the action cause noises that are louder than ambient baseline noises within the action area?

Yes

38. Will the action cause noises during the active season in suitable summer habitat that are louder than anthropogenic noises to which the affected habitat is currently exposed?

Answer 'no' if the noises will occur only during the inactive period.

**Note:** Inactive Season dates for areas within a spring staging/fall swarming area can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

**Note:** Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

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## PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0.07

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the inactive (hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

0.07

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the active (non-hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

0

Will all potential northern long-eared bat (NLEB) roost trees (trees  $\geq 3$  inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

No

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

0.07

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0

Will any snags (standing dead trees)  $\geq 3$  inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

Will all project activities be completed by April 1, 2024?

No

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**IPAC USER CONTACT INFORMATION**

Agency: Private Entity  
Name: Angela Durand  
Address: 1 Main Street SE  
Address Line 2: Suite 300  
City: Minneapolis  
State: MN  
Zip: 55414  
Email: angela.durand@merjent.com  
Phone: 6127463666

**LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Army Corps of Engineers

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Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6744-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex5                                                                                  |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-41-32.99N NAD 83                                                                                        |
| Longitude: | 96-06-10.61W                                                                                               |
| Heights:   | 1553 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1571 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6744-OE.

**Signature Control No: 579121221-581677343**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6741-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex2                                                                                  |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-53.67N NAD 83                                                                                        |
| Longitude: | 96-05-37.01W                                                                                               |
| Heights:   | 1523 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1541 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6741-OE.

**Signature Control No: 579121212-581677344**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6755-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex16                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-41-19.43N NAD 83                                                                                        |
| Longitude: | 96-04-23.14W                                                                                               |
| Heights:   | 1541 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1559 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6755-OE.

**Signature Control No: 579121248-581677345**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6747-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex8                                                                                  |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-42-12.23N NAD 83                                                                                        |
| Longitude: | 96-05-34.06W                                                                                               |
| Heights:   | 1530 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1548 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6747-OE.

**Signature Control No: 579121229-581677346**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6748-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex9                                                                                  |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-41-19.79N NAD 83                                                                                        |
| Longitude: | 96-05-34.84W                                                                                               |
| Heights:   | 1535 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1553 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6748-OE.

**Signature Control No: 579121231-581677347**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6745-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex6                                                                                  |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-41-32.97N NAD 83                                                                                        |
| Longitude: | 96-06-46.48W                                                                                               |
| Heights:   | 1541 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1559 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6745-OE.

**Signature Control No: 579121223-581677348**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6750-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex11                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-52.68N NAD 83                                                                                        |
| Longitude: | 96-05-35.05W                                                                                               |
| Heights:   | 1528 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1546 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6750-OE.

**Signature Control No: 579121236-581677349**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6753-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex14                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-53.56N NAD 83                                                                                        |
| Longitude: | 96-04-59.18W                                                                                               |
| Heights:   | 1530 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1548 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6753-OE.

**Signature Control No: 579121243-581677350**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6742-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex3                                                                                  |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-41-19.80N NAD 83                                                                                        |
| Longitude: | 96-05-36.79W                                                                                               |
| Heights:   | 1531 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1549 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6742-OE.

**Signature Control No: 579121215-581677351**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6756-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex17                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-27.18N NAD 83                                                                                        |
| Longitude: | 96-04-23.47W                                                                                               |
| Heights:   | 1505 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1523 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6756-OE.

**Signature Control No: 579121251-581677352**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6743-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex4                                                                                  |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-41-19.89N NAD 83                                                                                        |
| Longitude: | 96-06-10.84W                                                                                               |
| Heights:   | 1538 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1556 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6743-OE.

**Signature Control No: 579121218-581677353**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6740-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex1                                                                                  |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-53.67N NAD 83                                                                                        |
| Longitude: | 96-05-38.38W                                                                                               |
| Heights:   | 1521 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1539 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6740-OE.

**Signature Control No: 579121210-581677354**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6754-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex15                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-41-19.64N NAD 83                                                                                        |
| Longitude: | 96-04-58.99W                                                                                               |
| Heights:   | 1560 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1578 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6754-OE.

**Signature Control No: 579121245-581677355**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6746-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex7                                                                                  |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-42-12.36N NAD 83                                                                                        |
| Longitude: | 96-06-45.72W                                                                                               |
| Heights:   | 1526 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1544 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6746-OE.

**Signature Control No: 579121226-581677356**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6758-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex19                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-32.48N NAD 83                                                                                        |
| Longitude: | 96-05-15.18W                                                                                               |
| Heights:   | 1517 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1535 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6758-OE.

**Signature Control No: 579121256-581677357**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6759-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex20                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-32.52N NAD 83                                                                                        |
| Longitude: | 96-05-21.51W                                                                                               |
| Heights:   | 1524 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1542 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6759-OE.

**Signature Control No: 579121258-581677358**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6757-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex18                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-27.44N NAD 83                                                                                        |
| Longitude: | 96-05-15.03W                                                                                               |
| Heights:   | 1514 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1532 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6757-OE.

**Signature Control No: 579121253-581677359**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6749-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex10                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-53.67N NAD 83                                                                                        |
| Longitude: | 96-05-35.05W                                                                                               |
| Heights:   | 1527 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1545 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6749-OE.

**Signature Control No: 579121234-581677360**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6751-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex12                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-52.67N NAD 83                                                                                        |
| Longitude: | 96-05-30.52W                                                                                               |
| Heights:   | 1533 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1551 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6751-OE.

**Signature Control No: 579121238-581677361**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6752-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex13                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-53.65N NAD 83                                                                                        |
| Longitude: | 96-05-30.51W                                                                                               |
| Heights:   | 1534 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1552 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6752-OE.

**Signature Control No: 579121241-581677362**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6760-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex21                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-30.49N NAD 83                                                                                        |
| Longitude: | 96-05-24.05W                                                                                               |
| Heights:   | 1519 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1537 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6760-OE.

**Signature Control No: 579121261-581677400**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6761-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex22                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-30.55N NAD 83                                                                                        |
| Longitude: | 96-05-35.25W                                                                                               |
| Heights:   | 1509 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1527 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6761-OE.

**Signature Control No: 579121263-581677404**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6762-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex23                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-39-36.14N NAD 83                                                                                        |
| Longitude: | 96-05-35.90W                                                                                               |
| Heights:   | 1474 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1492 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6762-OE.

**Signature Control No: 579121265-581677405**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6763-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex24                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-39-35.96N NAD 83                                                                                        |
| Longitude: | 96-06-47.52W                                                                                               |
| Heights:   | 1489 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1507 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6763-OE.

**Signature Control No: 579121267-581677407**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6764-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex25                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-02.10N NAD 83                                                                                        |
| Longitude: | 96-06-46.77W                                                                                               |
| Heights:   | 1514 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1532 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6764-OE.

**Signature Control No: 579121270-581677414**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
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Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6765-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex26                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-02.13N NAD 83                                                                                        |
| Longitude: | 96-06-11.46W                                                                                               |
| Heights:   | 1497 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1515 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6765-OE.

**Signature Control No: 579121272-581677417**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6766-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex27                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-27.55N NAD 83                                                                                        |
| Longitude: | 96-06-11.35W                                                                                               |
| Heights:   | 1515 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1533 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6766-OE.

**Signature Control No: 579121274-581677418**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6767-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex28                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-27.54N NAD 83                                                                                        |
| Longitude: | 96-05-41.07W                                                                                               |
| Heights:   | 1503 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1521 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6767-OE.

**Signature Control No: 579121277-581677421**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6769-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex30                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-32.28N NAD 83                                                                                        |
| Longitude: | 96-05-40.38W                                                                                               |
| Heights:   | 1502 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1520 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6769-OE.

**Signature Control No: 579121281-581677422**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6770-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex31                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-32.25N NAD 83                                                                                        |
| Longitude: | 96-05-35.24W                                                                                               |
| Heights:   | 1508 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1526 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6770-OE.

**Signature Control No: 579121298-581677423**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6768-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex29                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-28.17N NAD 83                                                                                        |
| Longitude: | 96-05-41.10W                                                                                               |
| Heights:   | 1502 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1520 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6768-OE.

**Signature Control No: 579121279-581677424**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6772-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex33                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-51.05N NAD 83                                                                                        |
| Longitude: | 96-05-38.40W                                                                                               |
| Heights:   | 1521 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1539 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6772-OE.

**Signature Control No: 579121309-581677428**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6773-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_Vertex34                                                                                 |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-53.67N NAD 83                                                                                        |
| Longitude: | 96-05-38.38W                                                                                               |
| Heights:   | 1521 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1539 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6773-OE.

**Signature Control No: 579121311-581677429**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-6774-OE

Issued Date: 04/18/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel Array_MaxElev                                                                                  |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-41-46.17N NAD 83                                                                                        |
| Longitude: | 96-05-53.50W                                                                                               |
| Heights:   | 1571 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1589 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/18/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-6774-OE.

**Signature Control No: 579121313-581677432**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-9185-OE

Issued Date: 05/19/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel New_Vertex2                                                                                    |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-45.24N NAD 83                                                                                        |
| Longitude: | 96-05-38.29W                                                                                               |
| Heights:   | 1514 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1532 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 11/19/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-9185-OE.

**Signature Control No: 584743852-587048723**

( DNE )

Fred Souchet  
Specialist



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AGL-9184-OE

Issued Date: 05/19/2023

Marc Morandi  
Elk Creek Solar, LLC  
8400 Normandale Lake Boulevard  
Suite 1200  
Bloomington, MN 55437

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

|            |                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------|
| Structure: | Solar Panel New_Vertex1                                                                                    |
| Location:  | Magnolia, MN                                                                                               |
| Latitude:  | 43-40-45.24N NAD 83                                                                                        |
| Longitude: | 96-05-35.02W                                                                                               |
| Heights:   | 1520 feet site elevation (SE)<br>18 feet above ground level (AGL)<br>1538 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 11/19/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7458, or [fred.souchet@faa.gov](mailto:fred.souchet@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-9184-OE.

**Signature Control No: 584743851-587048724**

( DNE )

Fred Souchet  
Specialist

## **State Agencies**

April 14, 2023



MN Dep't of Commerce  
Energy Facility Permitting  
Attn: Energy Environmental Review Director  
85 7th Place East, Suite 500  
St. Paul, MN 55101-2198

RE: Elk Creek Solar in Rock County, Minnesota

To whom it may concern:

Elk Creek Solar, LLC ("Elk Creek"), a wholly owned subsidiary of National Grid Renewables Development, LLC (NG Renewables) formally known as Geronimo Energy, received a Certificate of Need and Site Permit from the Minnesota Public Utilities Commission ("PUC") in December 2020 for up to 80 megawatts ("MW") solar energy generation facility ("Project") on 976 acres of land in Rock County, Minnesota. Due to significant delays to the Midcontinent Independent System Operator, Inc. ("MISO") interconnection queue review process for the project, Elk Creek was not able to meet its original target commercial operation date of December 31, 2021. MISO has completed its interconnection review process that will allow Elk Creek to interconnect up to 160 MW of power generation. Accordingly, Elk Creek is expanding the Project and will request the PUC allow an expansion of the Project from 80 MW to 160 MW. The purpose of this letter is to provide an update on the proposed Project and request your input regarding the proposed expansion of the Project.

Elk Creek is proposing to expand the PUC-approved solar array Project area, however the point of interconnection and its associated facilities necessary to interconnect the entire 160 MW to an existing 161-kilovolt substation adjacent to the Project will remain the same. Table 1 provides the sections of land within the original 80 MW Elk Creek Project boundary.

**Table 1: Sections within the Elk Creek original 80 MW Project Boundary**

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |

Table 2 provides the sections of land being added to the Project to construct an up to 160 MW Project. Elk Creek is adding approximately 500 acres of land to the Project.

Table 2: Sections added to the Project and to construct an up to 160 MW Project

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |
| MN    | Rock   | Magnolia            | 102      | 44    | 03         |

To facilitate your review, we have enclosed a map of Elk Creek's location, the PUC-approved Project Boundary and the additional land proposed to be added for the Project.

Elk Creek will seek PUC approval from the expansion in 2023 and anticipates construction beginning as early as Q2 2024 with intended completion by the end of 2025.

Any written agency comments provided in response to this letter will be incorporated into the PUC's review process.

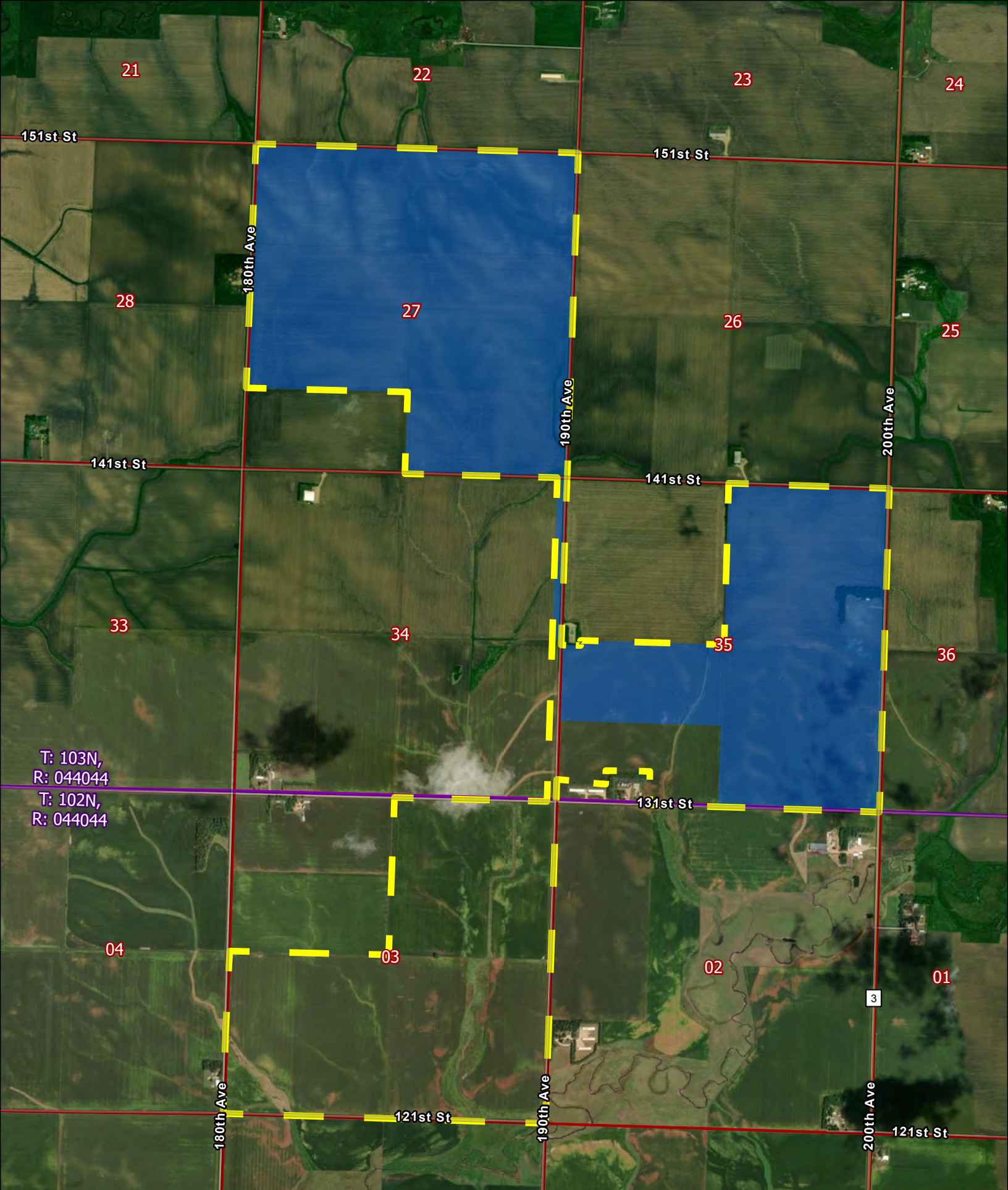
If you require further information or have questions regarding this matter, please contact me at 937-554-4504 or at [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com).

Sincerely,



Marc Morandi  
Senior Permitting Specialist  
National Grid Renewables  
8400 Normandale Lake Blvd, Suite 1200  
Bloomington, MN 55437

Enclosure:  
Updated Elk Creek Location Map



# Elk Creek Solar

- Sections
- Townships
- Original Permitted Boundary - 80MW
- Revised Project Boundary - 160MW



June 21, 2023

Mr. Will Seuffert  
Executive Secretary  
Public Utilities Commission  
121 Seventh Place East, Suite 350  
St. Paul, MN 55101-2147

RE: **Comments and Recommendations**  
**Application of Elk Creek Solar, LLC for an Amendment to Permit Conditions to the Elk**  
**Creek Solar Project's Site Permit in Rock County, Minnesota**  
**Docket No. IP-7009/GS-19-495**

Dear Mr. Seuffert:

Attached are the comments and recommendations of the Minnesota Department of Commerce Energy Environmental Review and Analysis (EERA) staff on the following matter:

**In the Matter of the Application of Elk Creek Solar, LLC for an Amendment to**  
**Permit Conditions to the Elk Creek Solar Project's Site Permit in Rock County,**  
**Minnesota**

On June 12, 2023, the Commission release notice of a comment period on Elk Creek Solar, LLC's request for an amendment to the permit conditions to the Elk Creek Solar Project's Site Permit.

EERA recommends that the Applicant's filing be treated as a site permit application for a new solar project, and that the Applicant restructure and refile the document as a stand-alone site permit application pursuant to Minn. Stat. § 216E.04.

Staff is available for questions.

Sincerely,

William Cole Storm  
Environmental Review Manager



## BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

### ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS COMMENTS AND RECOMMENDATIONS

#### In the Matter of the Application of Elk Creek Solar, LLC for an Amendment to Permit Conditions to the Elk Creek Solar Project's Site Permit in Rock County, Minnesota Docket No. IP-7009/GS-19-495

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**Date:** July 21, 2023

**Staff:** William Cole Storm | [bill.storm@state.mn.us](mailto:bill.storm@state.mn.us) | 651-539-1844

**Issues Addressed:** These comments and recommendations address the appropriate environmental review and permitting process for the project and the completeness of the project's application for a permit amendment.

Additional documents and information can be found on eDockets <https://www.edockets.state.mn.us/EFiling/search.jsp> (year="19" and either number "495")

This document can be made available in alternative formats, i.e., large print or audio tape by calling 651-539-1530.

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## Introduction and Background

On September 13, 2019, Elk Creek Solar, LLC (Applicant) submitted applications to the Commission for a certificate of need (CN) and a site permit for the Elk Creek Solar Project. The site permit application was reviewed under the alternative review provisions of Minnesota Rule Chapter 7850. The Commission issued Orders granting the CN and issuing the site permit on December 31, 2020, under Docket Nos. IP-7009/CN-19-351 and IP-7009/GS-19-495, respectively. The site permit authorized the permittee to construct and operate an up to 80 MW alternating current nameplate capacity solar energy conversion system and associated facilities on 976 acres in Vienna Township, Rock County, Minnesota.

On June 2, 2023, the Applicant submitted an application to the Minnesota Public Utilities Commission (Commission) requesting an *Amendment of Permit Conditions*, pursuant to Minnesota Rule Chapter 7850.4900, to the site permit previously issued for the Elk Creek Solar Project.

The Applicant is requesting Commission approval to increase the Elk Creek Solar project site boundary from 976 acres to 1,522 acres and the nameplate capacity of the project from 80 MW to 160 MW.

In its filing, the Applicant lays out three possible scenarios: 1) amendment of permit conditions; 2) a modified amendment process, which incorporates some elements of 7850.3700; and 3) treating the filing as a site permit application for a new project.

EERA conducted a review of the draft filing and provided comments to the Applicant on the environmental information contained within. EERA did not provide comments on the appropriate process for the environmental review and permitting of the project.

On June 12, 2023, the Commission issued notice of the Applicant's filing and requested comments on the appropriate environmental review and permitting process for the project.<sup>1</sup>

## **Regulatory Process & Procedures – Amendment of Permit Conditions**

The language in Minn. Rule 7850.4900 authorizes the Commission to “amend any of the conditions” in a site permit for large electric power generating plant facilities.<sup>2</sup> Neither the term “condition”, nor the scope of an amendment are defined in the rule.

The process for making such a request, requires that the person making the request submit an application to the Commission describing the amendment pursued and the reasons for the amendment. The Commission then issues a notice of the filing, along with notification of a minimum 10-day period for interested person to provide comments on the application or to request that the application be brought before the Commission for consideration.<sup>3</sup>

The Commission has 10-days following the close of the comment period to approve the amendment request or to bring the matter before the Commission for consideration. The Commission must notify the Applicant in writing of its decision.

## **Regulatory Process & Procedures – Site Permit**

As with the original Elk Creek Solar [I] Project (976 acres, 80 MW) site, a new Elk Creek Solar [II] Project (546 acres, 80 MW) site would require a site permit from the Commission.<sup>4</sup> Because the project would be powered by solar energy it qualifies for the alternative permitting process.<sup>5</sup> The new project would also be exempt from certificate of need requirements because it is a solar energy generating system, as defined in section 216E.01, subdivision 9a and would be developed and permitted by an independent power producer, the Applicant, under chapter 216E.<sup>6</sup>

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<sup>1</sup> Notice of Comment Period On Site Permit Amendment Request, June 12, 2023. Docket No. 20236-196477-01.

<sup>2</sup> Minn. Rule 7850.4900, subp.1.

<sup>3</sup> Minn. Rule 7850.4900, subp.2.

<sup>4</sup> Minn. Stat. 216E.03, subd. 1 and 2.

<sup>5</sup> Minn. Stat. 216E.04, subd. 2(8).

<sup>6</sup> On May 24, 2023, Governor Walz signed H.F. 2310 into law. H.F. 2310 amends Minn. Stat. Section 216B.243, subd. 8 to exempt projects permitted by independent power producers, such as Elk Creek, from certificate of need requirements. See H.F. 2310 lines 353.25- 355.14,

## Application and Acceptance

Site permit applications must provide specific information.<sup>7</sup> This includes, but is not limited to, information about the applicant, descriptions of the project and site, and discussion of potential human and environmental impacts and possible mitigation measures.<sup>8</sup> Under the alternative permitting process, an applicant is not required to propose alternative sites; however, if alternative sites were evaluated and rejected, the application must describe these sites and reasons for rejecting them.<sup>9</sup>

Upon receiving a site permit application, the Commission may accept it as complete, reject it and advise the applicant of its deficiencies, or accept it as complete but require the applicant submit additional information<sup>10</sup>. If the Commission determines the application is complete, environmental review begins.

The Commission is required to make a permit decision within six months from the date an application is accepted.<sup>11</sup> This time limit may be extended up to three months for just cause or upon agreement of the applicant.<sup>12</sup>

## Public Advisor

Upon acceptance of a site permit application the Commission must designate a public advisor.<sup>13</sup> The public advisor answers questions about the permitting process but cannot provide legal advice or act as an advocate for any person.

## Advisory Task Force

The Commission may appoint an advisory task force to aid in the environmental review process.<sup>14</sup> An advisory task force would assist Energy Environmental Review and Analysis (EERA) staff in identifying additional sites or particular impacts to evaluate in the environmental assessment (EA) prepared for the project.<sup>15</sup> If appointed, an advisory task force must include certain local government representatives.<sup>16</sup> The advisory task force expires upon completion of its charge or issuance of the scoping decision.<sup>17</sup>

Appointment of an advisory task force is not required. In the event no advisory task force is appointed citizens may request one be created.<sup>18</sup> If such a request is made, the Commission must make this determination at its next scheduled agenda meeting.<sup>19</sup>

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<sup>7</sup> Minn. Stat. 216E.04, subd. 3; Minn. R. 7850.3100.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Minn. R. 7850.3200.

<sup>11</sup> Minn. R. 7850.3900, subp. 1.

<sup>12</sup> Ibid.

<sup>13</sup> Minn. R. 7850.3400.

<sup>14</sup> Minn. Stat. 216E.08, subd. 1; Minn. R. 7850.3600, subp. 1.

<sup>15</sup> Minn. R. 7850.2400, subp. 3.

<sup>16</sup> Minn. Stat. 216E.08, subd. 1.

<sup>17</sup> Minn. R. 7850.2400, subp. 4.

<sup>18</sup> Minn. R. 7850.2400, at subp. 2.

<sup>19</sup> Ibid.

The decision whether to appoint an advisory task force does not need to be made at this time; however, a decision should be made as soon as practicable to ensure an advisory task force could complete its charge prior to issuance of the scoping decision.

## Environmental Review

The alternative permitting process requires completion of an environmental assessment (EA), which is prepared by EERA staff.<sup>20</sup> An EA contains an overview of the resources affected by the project and discusses potential human and environmental impacts and mitigation measures.<sup>21</sup> Under the alternative permitting process an EA is the only required state environmental review document.

EERA conducts necessary public scoping meetings in conjunction with a public comment period to inform the content of the EA.<sup>22</sup> The commissioner of the Department of Commerce issues the scope of the EA,<sup>23</sup> and may include alternative sites suggested during the scoping process if they would aid the Commission in making a permit decision.<sup>24</sup>

## Public Hearing

The alternative permitting process requires a public hearing be held in the project area upon completion of the EA<sup>25</sup> in accordance with the procedures outlined in Minnesota Rule 7850.3800, subpart 3. If the site permitting process and CN determination are proceeding concurrently, the commission may order that a joint hearing be held to consider both siting and need.<sup>26</sup>

The hearing is typically presided over by an administrative law judge (ALJ) from the Office of Administrative Hearings (OAH). The Commission may request the ALJ provide a summary of the hearing (summary report), or request the ALJ provide findings of fact, conclusions of law, and recommendations regarding the site permit application (summary proceeding).

Requesting the ALJ to prepare findings, conclusions of law, and recommendations will extend the length of the permitting process.

## Final Decision

The Commission is required to make a site permit decision within six months from the date an application is accepted.<sup>27</sup> This time limit may be extended up to three months for just cause or upon agreement of the applicant.<sup>28</sup>

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<sup>20</sup> Minn. Stat. 216E.04, subd. 5; Minn. R. 7850.3700, subp. 1.

<sup>21</sup> Minn. Stat. 216E.04, subd. 5; Minn. R. 7850.3700, subp. 4.

<sup>22</sup> Minn. R. 7850.3700, subp. 2.

<sup>23</sup> Id. at subp. 3.

<sup>24</sup> Id. at subp. 2.

<sup>25</sup> Minn. R. 7850.3800, subp. 1.

<sup>26</sup> Minn. Stat. 216B.243, subd. 4 (stating that unless a joint hearing is not feasible or more efficient, or otherwise not in the public interest, a joint hearing shall be held).

<sup>27</sup> Minn. R. 7850.3900, subp. 1.

<sup>28</sup> Ibid.

## EERA Staff Analysis and Comments

As noted above, the Applicant, in its filing, has laid out three scenarios or options for the Commission's consideration. These scenarios are discussed here. The scenarios substantially overlap with the topics in the Commission's notice.

Option 1: Requested Amendment of Permit Conditions. This scenario is the preferred option of the Applicant and the first topic in the Commission's notice. EERA staff does not believe that Minnesota Rule 7850.4900, was designed for such large-scale changes to a permitted project. The proposed project would impact 546 additional acres and would double the capacity of the Elk Creek Project (from 80 MW to 160 MW). Changes of this scale constitute a new large electric power generating plant as defined in statute, therefore requiring a separate site permit, or at a minimum these changes to a project certainly warrant opening of scoping and other processes.

Option 2: Modified Amendment Process. To EERA staff's understanding, the purpose of the modified amendment process proposed by the Applicant is to save time. The Applicant estimates its modified amendment process would take 230 days to complete. The process focuses mainly on the environmental impacts of the additional land area. While EERA staff believes that stakeholders may have environmental concerns involving the additional land expansion, not all stakeholder concerns associated with solar development are land based (e.g., decommissioning) or even environmental for that matter (e.g., economic concerns). The modified process as laid out by the Applicant does not include a public scoping meeting or a public hearing, both of which are available under the Power Plant Siting Act, and thereby limits the participation these stakeholders could avail themselves to through the normal Alternative Review Process.

With respect to potential time savings, the anticipated timeline under the Alternative Review Process, if a summary of public testimony is requested from the Administrative Law Judge, is approximately 270 days, which is not substantially more than the estimated 230 days in the Applicant's modified amendment process.<sup>29</sup>

Option 3: Treat the Filing as a Site Permit Application. As previously stated, EERA staff reviewed a draft of the filing. While the environmental information and content appear complete, staff did comment that the presentation – trying to “cover two bases at once” (application for an amendment and a site permit application combined) with the document's emphasis on comparisons to the permitted site – made it difficult for the reader (stakeholders and “downstream” permitting agencies) to follow.

A comparable example of what appears, to EERA staff, as a more stakeholder-friendly approach is that being proposed for the Sherco 3 Solar Project (Docket No. E-002/GS-23-217).<sup>30</sup> EERA staff is currently reviewing the draft Sherco 3 Solar Project Site Permit Application. The Sherco 3 site is a 250 MW solar site proposed next to the permitted Sherco 1 and Sherco 2 solar sites, and will share some infrastructure (connector lines, interconnect, etc.) with these sites, but will be reviewed and permitted as a separate,

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<sup>29</sup> EERA Review and Comments Application Acceptance, November 12, 2021. eDocket No. 202111-179710-02.

<sup>30</sup> Xcel Energy Notice of Intent to File Site Permits Under the Alternative Process, June 16, 2023. eDocket No. 20236-196620-01.

solar project. To EERA staff's review, the Elk Creek [II] Project is substantially similar to the Sherco 3 Solar Project.

Beyond the appropriate process for the project, the Commission's notice also asked whether commenters were aware of any potential human/environmental impacts, mitigations, and other concerns associated with the Applicant's request. As anticipated, due to the proximity of the two sites, EERA found in its preliminary review of the draft filing that the environmental setting (land use, topography, hydrology, etc.) and human settlement (patterns, public services, demographics, aesthetics, recreation, and infrastructure, etc.) were very similar between the two sites. However, the very purpose of the Power Plant Siting Act and its processes (scoping meeting, scoping decision, development of the EA, and public hearing) are to ascertain and evaluate these potential issues and it may not be a realistic expectation to answer these questions in a 10-day comment period format.

## **EERA Staff Recommendations**

EERA recommends that the Applicant's filing be treated as a site permit application for a new solar project, and that the Applicant restructure and refile the document as a stand-alone site permit application pursuant to Minn. Stat. § 216E.04.

No new analysis should be required. The application could of course include a section on the original permitted site with comparative information as background in that section.

## **CERTIFICATE OF SERVICE**

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce**  
**Comments**

**Docket No. IP7009/GS-19-495**

Dated this **21<sup>st</sup>** day of **June 2023**

**/s/Sharon Ferguson**

[illegible]

| First Name | Last Name      | Email                              | Company Name                              | Address                                                         | Delivery Method    | View Trade Secret | Service List Name                          |
|------------|----------------|------------------------------------|-------------------------------------------|-----------------------------------------------------------------|--------------------|-------------------|--------------------------------------------|
| Melissa    | Schmit         | melissa@nationalgridrenewables.com | National Grid Renewables                  | 8400 Normandale Lake Blvd Ste 1200<br><br>Bloomington, MN 55437 | Electronic Service | No                | OFF_SL_19-495_Official Service List 19-495 |
| Will       | Seuffert       | Will.Seuffert@state.mn.us          | Public Utilities Commission               | 121 7 h PI E Ste 350<br><br>Saint Paul, MN 55101                | Electronic Service | Yes               | OFF_SL_19-495_Official Service List 19-495 |
| Janet      | Shaddix Elling | jshaddix@janetshaddix.com          | Shaddix And Associates                    | 7400 Lyndale Ave S Ste 190<br><br>Richfield, MN 55423           | Electronic Service | Yes               | OFF_SL_19-495_Official Service List 19-495 |
| William    | Storm          | bill.storm@state.mn.us             | Department of Commerce                    | Room 500<br>85 7th Place East<br>St. Paul, MN 551012198         | Electronic Service | No                | OFF_SL_19-495_Official Service List 19-495 |
| Cynthia    | Warzecha       | cynthia.warzecha@state.mn.us       | Minnesota Department of Natural Resources | 500 Lafayette Road<br>Box 25<br>St. Paul, Minnesota 55155-4040  | Electronic Service | No                | OFF_SL_19-495_Official Service List 19-495 |



**Fredrikson & Byron, P.A.**  
Attorneys and Advisors

60 South Sixth Street, Suite 1500  
Minneapolis, MN 55402-4400  
Main: 612.492.7000  
fredlaw.com

July 12, 2023

**VIA ELECTRONIC FILING**

Mr. Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 Seventh Place East, Suite 350  
Saint Paul, MN 55101-2147

Re: **In the Matter of the Application of Elk Creek Solar, LLC for a Site Permit  
Amendment for the up to 160 MW Elk Creek Solar Project in Rock County, Minnesota  
Docket No. IP-7009/GS-19-495**

Mr. Seuffert:

Elk Creek Solar, LLC (“Elk Creek”) has reviewed the Minnesota Department of Commerce, Energy Environmental Review Analysis (“EERA”) June 21, 2023, Comments and Recommendations on Application for Amendment of Permit Conditions (“EERA Comments”)<sup>1</sup> and the Minnesota Department of Natural Resources (“DNR”) June 28, 2023 Comments (“DNR Comments”)<sup>2</sup> regarding Elk Creek’s Application for an Amendment (“Amendment Application”)<sup>3</sup> to increase the nameplate capacity of the Commission permitted Elk Creek solar project from 80 megawatts (“MW”) alternating current (“AC”) to 160 MW AC by utilizing the previously permitted 976-acre area (“2020 Land Control Area”) together with the addition of approximately 546 acres (“Amendment Land Control Area”) of adjacent row crop agricultural land (the “Project”). Elk Creek appreciates the comments from EERA and DNR, but disagrees with their assessment that a new site permit process is necessary to fully review and consider the proposed amendments to the Project.

**EERA Comments**

The EERA Comments recommended the Commission review Elk Creek’s Amendment Application as a site permit application for a new solar project and that Elk Creek refile the document as a stand-alone site permit application pursuant to Minn. Stat. § 216E.04. EERA

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<sup>1</sup> Comments and Recommendations on Application for Amendment of Permit Conditions (June 21, 2023) eDocket ID. No. 20236-196723-01.

<sup>2</sup> Comments (June 28, 2023) eDocket ID. No.20236-196976-01.

<sup>3</sup> Application for an Amendment (June 2, 2023) eDocket ID Nos. 20236-196370-01, 20236-196370-02, 20236-196370-03, 20236-196370-04, 20236-196370-05, 20236-196370-06, 20236-196370-07, 20236-196370-08, 20236-196370-09, 20236-196371-01 and 20236-196371-02.

indicated, however, that no new analysis should be required to complete that application. EERA staff also indicated the application could include a section with comparative information between the original permitted site and the expansion area as background information.

EERA staff's conclusions were premised on the following general assessments outlined in EERA Comments.

Option 1: Requested Amendment of Permit Conditions.

EERA staff does not believe the amendment process specified in Minnesota Rule 7850.4900 was designed for Elk Creek's proposed scale of changes to a permitted site suggesting that changes of this scale constitute a separate site permit, or at a minimum, these changes warrant opening of a scoping or other process.

Option 2: Modified Amendment Process.

EERA staff is concerned that the modified process proposed by Elk Creek does not include a public scoping meeting or public hearing, thereby limiting the participation stakeholders could avail themselves to during the normal Alternative Review Process.

Option 3: Treat the Filing as a Site Permit Application.

EERA staff reviewed a draft of the filing and found the environmental information and content to be complete, but noted the comparisons to the original permitted site (i.e., the 2020 Land Control Area) may make it difficult for the reader to follow. EERA staff believes the proposed amendment is similar to the Sherco 3 solar project, which is a 250 MW project being proposed near the already permitted 460 MW Sherco Solar Project, because the Sherco 3 project is being proposed next to the permitted 460 MW Sherco Project and will share some infrastructure with the 460 MW Sherco Project.<sup>4</sup> EERA staff believes "the Elk Creek [II] Project<sup>5</sup> is substantially similar to the Sherco 3 Project."

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<sup>4</sup> At the time of this filing, no information is publicly available on the 'Sherco 3' project except for a Notice of Intent to File Site Permit Application Under the Alternative Process, dated June 16, 2023, eDocket ID. No. 20236-196620-01. However, in its application for a site permit for the 460 MW Sherco Solar Project, Xcel Energy noted the following: "both N[ational] G[rid] Renewables and Xcel Energy are independently seeking additional development opportunities in this area; however, none of those opportunities are part of the [460 MW] Project or anticipated to be constructed within the same 12-month period as the [460 MW] Project... Xcel Energy does not anticipate sharing any infrastructure with a future project, except that a future project may elect to build a substation adjacent to one of the two [460 MW] Project substations or construct an additional circuit on all or a portion of the West HVTL Project or the East HVTL Project. Any separate project will be completely independent from the [460 MW] Project proposed in this Application." See Sherco Solar Application at Section 2.1.6, eDocket ID No. 20214-173139-04. The 460 MW Sherco Solar Project started construction in May 2023 (see eDocket ID. No. 20234-195391-03). Accordingly, without a permit application submission by Sherco 3, it is highly unlikely it would be constructed within the same 12-month period as the 460 MW Sherco Solar Project and is therefore likely to be an independent project according to Minnesota Rule.

Potential human/environmental impacts, mitigations and other concerns.

EERA staff found that the environmental setting (land use, topography, hydrology, etc.) and human settlement (patterns, public services, demographics, aesthetics, recreation, and infrastructure, etc.) of the Amendment Land Control Area<sup>6</sup> is very similar to the 2020 Land Control Area. However, EERA staff suggested that it may not be realistic to ascertain and evaluate these potential issues in 10-day comment period format.

Schedule

EERA staff also commented on the potential timelines associated with the review of the application suggesting the anticipated timeline under the Alternative Review Process, if a summary of public testimony is requested from the Administrative Law Judge, is approximately 270 days. EERA staff claimed the full permit process is not substantially more than the estimated 230 days in Elk Creek's modified amendment process.

**Elk Creek Reply Comments to EERA Comments**

Elk Creek is not proposing or seeking a permit for a new Elk Creek [II] project as suggested by EERA staff in its comment letter. On May 19, 2023, prior to submitting the Application for a Site Permit Amendment, Elk Creek submitted a Size Determination Form to EERA, using the size determination criteria found in Minn. Stat. § 216E.021, outlining why the combined 160 MW project is one project for purposes of permitting under 216E (see public version of the Size Determination Form attached as Attachment A). For example, the entire 160 MW Project will utilize the same point of interconnect, two 80 MW Generator Interconnection Agreements (GIA), it will have common ownership and financing and will be constructed in one, continuous construction process.<sup>7</sup> EERA responded by letter dated May 24, 2023 that “[b]ased on information provided by [Elk Creek] and based on criteria established in the statute, the Department has determined that the [160 MW] Elk Creek solar project is not associated with other planned solar projects in a way that would require them to be combined into a single project. However, given that the [P]roject on its own has a generating capacity of 160 MW, the Department determines that the Elk Creek solar [P]roject is subject to the Public Utilities

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<sup>5</sup> There is no Elk Creek II Project being proposed by Elk Creek or any other entity. The Amendment Application is intended to site an additional 80 MW of nameplate capacity both within the 2020 Land Control Area and within the Amendment Land Control Area (i.e., land directly adjacent to the 2020 Land Control Area) to increase the nameplate capacity of the already permitted Elk Creek solar project.

<sup>6</sup> EERA staff refers to two Elk Creek sites in its comment letter: the original permitted site (i.e., 2020 Land Control Area) is referred to by EERA staff as Elk Creek Solar [I] Project (976 acres, 80 MW) and the Amendment Land Control Area is referred to by EERA staff as a new Elk Creek Solar [II] Project (546 acres, 80 MW). As noted above, Elk Creek's Amendment Application is to expand the already permitted 2020 Land Control Area with the Amendment Land Control Area, not to permit a new, separate site from that which was already permitted by the Commission.

<sup>7</sup> See Minn. Stat. § 216E.021

Commission's siting authority..." (See Attachment B). In other words, the characteristics of the expanded 160 MW Project make it one Project, not two separate projects, for purposes of permitting under Minn. Stat. § 216E. Accordingly, a new site permit for the Amendment Land Control Area is not appropriate.

Option 1: Requested Amendment of Permit Conditions.

Elk Creek disagrees with EERA staff that the amendment process specified in Minnesota Rule 7850.4900 was not designed for Elk Creek's proposed scale of changes to a permitted site. Elk Creek believes an amendment process, or a modified amendment process, are the most prudent options for the Commission to consider this Amendment Application request given the circumstances presented in Elk Creek's Amendment Application and in these reply comments. Under Minnesota Rule 7829.3200, the Commission can grant a variance to its rules upon making the following findings:

1. Enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
2. Granting the variance would not adversely affect the public interest; and
3. Granting the variance would not conflict with standards imposed by law.

The Commission could find the 10-day comment period and the 10-day timeline after the comment period is not sufficient to provide time to review the application, solicit comments, schedule a Commission meeting and prepare a written order.<sup>8</sup> Varying the timeline would not adversely affect the public interest and would instead serve the public interest by allowing more time for public comment on, and the consideration of, the application without requiring all interested parties to reevaluate the 2020 Land Control Area. Moreover, varying the deadline would not conflict with any standards imposed by law.

Option 2: Modified Amendment Process.

Elk Creek respectfully disagrees with EERA staff that the modified process proposed by Elk Creek would limit the participation stakeholders could avail themselves to during the normal Alternative Review Process because a scoping meeting or public hearing are not included. First, the Notice of Comment Period on Site Permit Amendment Request issued by the Commission on

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<sup>8</sup> In its Notice of Comment Period, dated June 12, 2023, the Commission already elected to vary the 10-day comment period required under rule and instead initiated an 18-day comment period. Elk Creek has no objection to the 18-day comment period. See eDocket ID. No. 20236-196477-01.

June 12, 2023<sup>9</sup> provided an 18-day comment period for interested parties to comment on two issues that address scoping matters:

1. Are there any potential human and environmental impacts associated with the proposed amendment of the site permit?
2. Are there methods to minimize, mitigate, or avoid the potential impacts associated with the proposed amendment?

By the close of the comment period, only the DNR raised a scoping related issue in response to question 1 above in the DNR Comments. A response to the DNR Comments is included below. Accordingly, no additional scoping related comment period is necessary or prudent in this circumstance given that a scoping meeting, scoping decision and environmental assessment were already prepared for the previously permitted 2020 Land Control Area and only one scoping related response was received during this comment period after the Commission solicited comments that would determine the scope of an environmental assessment.

In addition, Elk Creek proposed a 30-day comment period under a modified amendment process schedule that would not only allow time for written public comments, but would also allow time for a public meeting in or near the Project if desired by the Commission. The original permit process for the permitted 2020 Land Control Area provided a 45-day comment period after the Environmental Assessment (“EA”) was released. A shorter comment period is prudent in this circumstance if a supplement to the EA is issued. Accordingly, Elk Creek modified in potential alternative schedule to incorporate a public meeting into the 230-day process:

**Table 1. Draft Amendment Process Schedule**

| <b>Approximate Date</b> | <b>Permitting Day</b> | <b>Amendment Process Step</b>                                 |
|-------------------------|-----------------------|---------------------------------------------------------------|
| JUNE 2023               | 0                     | SITE PERMIT AMENDMENT APPLICATION SUBMITTED                   |
| JULY 2023               | 10                    | NOTICE OF COMMENT PERIOD                                      |
| SEPTEMBER 2023          | 60                    | REVISED SCOPING DECISION ISSUED                               |
| NOVEMBER 2023           | 120                   | EA SUPPLEMENT ISSUED; NOTICE OF COMMENT PERIOD                |
| <u>NOVEMBER 2023</u>    | <u>140</u>            | <u>PUBLIC MEETING</u>                                         |
| DECEMBER 2023           | 150                   | PUBLIC COMMENT PERIOD CLOSES                                  |
| DECEMBER 2023           | 157                   | APPLICANT RESPONSES TO COMMENTS                               |
| JANUARY 2024            | 177                   | EERA RESPONSES TO COMMENTS ON EA; TECHNICAL ANALYSIS; REPLIES |
| FEBRUARY 2024           | 200                   | COMMISSION STAFF PREPARED PROPOSED AMENDED SITE PERMIT        |
| MARCH 2024              | 230                   | COMMISSION CONSIDERS SITE PERMIT AMENDMENTS                   |

<sup>9</sup> Notice of Comment Period on Site Permit Amendment Request (June 12, 2023) eDocket ID. No. 20236-196477-01.

Option 3: Treat the Filing as a Site Permit Application.

Elk Creek agrees with EERA staff that the environmental information and application content are complete. Elk Creek does not agree with EERA staff that the inclusion of comparative information between the original permitted area and the expansion area in each section of the application made it difficult for the reader to follow. Elk Creek formatted the Amendment Application to provide all information required by applicable rule and guidance for solar facilities both as to the already permitted 2020 Land Control Area and the Amendment Land Control Area. This format informs the reader of the information already reviewed by EERA staff, other agencies, the public and the Commission in the original site permit together with the information about the Amendment Land Control Area. Elk Creek does not believe it to be prudent or efficient for stakeholders to review the entire 1,522-acre site in a vacuum without the benefit of having the information collected and reviewed during the 17-month initial site permit process readily available. The Commission and other interested parties should have easy access to information already considered in the original site permit process to avoid duplication of efforts and to put the Amendment Land Control Area in appropriate context.

Elk Creek disagrees with EERA staff that the proposed amendment is similar to the 250 MW Sherco 3 solar project, which appears to only be associated with the 460 MW Sherco solar project due their proximity to one-another.<sup>10</sup> As stated above, the characteristics of the 160 MW Project make it one complete Project for purposes of permitting under Minn. Stat. § 216E. Elk Creek has reduced row spacing and included more efficient (i.e., higher nameplate capacity) solar panels than that considered in the 2020 Site Permit, which has led to a reduction in the area required for the original 80 MW project and allowed use of portions of the 2020 Land Control Area to host portions of the additional 80 MW being added to the Project. The result is a more efficient design that requires less land than two standalone 80 MW projects. For example, the 2020 Site Permit design required approximately 8.5 acres per MW for Project facilities. The revised layout utilizing the 2020 Land Control Area and Amendment Land Control Area requires approximately 7.3 acres per MW.

Potential human/environmental impacts, mitigations and other concerns.

Elk Creek agrees with EERA staff that the environmental and human setting of the Amendment Land Control Area is very similar to the 2020 Site Control Area and that no new application content is necessary to assess or convey the information needed to evaluate Elk Creek's Amendment Land Control Area.

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<sup>10</sup> See Footnote 3.

### Schedule

Elk Creek disagrees with EERA staff that a full Alternative Review Process is approximately 270 days and is similar to the 230 days proposed by Elk Creek as an option for the Commission to consider. First, Elk Creek's proposed timeline starts from June 2, 2023, the date on which Elk Creek submitted its Amendment Application. The 270-day Alternative Review Process timeline does not officially start until an application is deemed complete. Accordingly, the time from application submittal until Commission consideration of an application under the full Alternative Review Process tends to be much longer than 270 days. For example, the time from application submittal until Commission consideration of the site permit requests for the 460-MW Sherco Solar Project and the 50 MW Louise Solar Project were 485 and 378 days, respectively.

### DNR Comments

Elk Creek appreciates the two comments provided by the DNR in its June 28, 2023, comment letter.

First, the DNR believes, based on a preliminary review, that the Amendment Land Control Area appears to have greater potential natural resource impacts than the 2020 Land Control Area. As depicted in Figure 1[1] of the Amendment Application, Elk Creek (a public water) and a Minnesota Biological Survey ("MBS") site of moderate biodiversity significance are near the southeast portion of the Amendment Land Control Area. The DNR believes a thorough evaluation is necessary to assess potential natural resource impacts associated with the previously unreviewed area.

Second, the DNR believes a site permit application that identifies and describes the Amendment Land Control Area as an independent project, rather than comparing it to the 2020 Land Control Area, would improve clarity. In addition, the DNR believes a site permit application and EA would be consistent with the process for the Sherco Solar 3 project, which will be reviewed and permitted as a separate project.

### **Elk Creek Reply to DNR Comments.**

Elk Creek respectfully disagrees with the DNR that the Amendment Land Control Area appears to have a greater potential for natural resource impacts than the 2020 Land Control Area. Similar to the Project design that was evaluated by EERA in its EA and approved by the Commission in the original Site Permit<sup>11</sup>, Elk Creek developed the current Project design to avoid impacts on environmental resources whenever possible such that potential environmental impacts will be equal to or less than that which was previously considered in the EA. For

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<sup>11</sup> Order Adopting Findings of Fact, Conclusions of Law, and Recommendations, Granting Certificate of Need, and Issuing Site Permit (December 31, 2020). E-docket ID No. 202012-169454-02. Available online at: <https://www.edockets.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={10BDB976-0000-CE36-9854-7D77F6B2C40B}&documentTitle=202012-169454-02>.

example, as noted by EERA staff in the EERA Comments, “*As anticipated, due to the proximity of the two sites, EERA found in its preliminary review of the draft filing that the environmental setting (land use, topography, hydrology, etc.) and human settlement (patterns, public services, demographics, aesthetics, recreation, and infrastructure, etc.) were very similar between the two sites.*”

Specifically as to Elk Creek (a public water), it is located outside of the Project in all circumstances and approximately 290 feet southeast of the nearest Project infrastructure in the Amendment Land Control Area and is further separated from the Amendment Land Control Area by 121<sup>st</sup> Street and 190<sup>th</sup> Avenue. Similarly, Elk Creek (a public water) is approximately 875 feet southeast of the nearest infrastructure in the 2020 Land Control Area and is further separated from the 2020 Land Control Area by 131<sup>st</sup> Street and County State Aid Highway 3. Moreover, the MBS site noted by DNR in its comment letter is located along Elk Creek (a public water) and is also outside of the Project boundary. Neither Elk Creek (a public water) nor the MBS are intersected by the Project and no impacts to these resources are anticipated.

Nonetheless, if the Commission considered independent environmental review necessary to evaluate this comment raised by the DNR, then a supplement to the EA would be more than adequate to provide the Commission with the information it needed to evaluate the potential for impacts and the potential need for mitigation under an amended site permit as to the Amendment Land Control Area. A completely new EA to analyze this narrow issue or to otherwise re-analyze the 2020 Land Control Area would be unnecessary and an inefficient use of time and resources.

As stated above, the 160 MW Project is one project for permitting under Minn. Stat. § 216E. The Amendment Land Control Area is not similar to the Sherco 3 solar project and a separate permit is not legally justified or necessary under the circumstances. Accordingly, a new site permit application just including the Amendment Land Control Area should not be required.

### **Conclusion**

In conclusion, Elk Creek respectfully requests the Commission either amend the site permit or pursue a modified process as proposed by Elk Creek in its June 2, 2023, Amendment Application. Either process is more efficient and prudent than a new site permit process, which would re-evaluate nearly 1,000 acres of land already considered by the Commission in the 17-month process that resulted in the issuance of a site permit for the original 2020 Land Control Area in 2020.

A copy of this filing is also being served upon the persons on the Official Service List of record. Please let me know if you have any questions regarding this filing.

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Sincerely,

FREDRIKSON & BYRON, P.A.

*/s/ Jeremy P. Duehr*

Jeremy P. Duehr

**Direct Dial:** 612.492.7413

**Email:** [jduehr@fredlaw.com](mailto:jduehr@fredlaw.com)

JPD:blj:79609982 v4

Minnesota Statute § 216E.021 requires combining proposed solar energy generating systems for permitting purposes when certain conditions exist. The Department of Commerce requires the information requested below to determine 1) whether proposed solar energy generating systems meet the definition of a large electric power generating plant and, therefore, are subject to the Public Utilities Commission's siting authority; or 2) whether large electric power generating plants that are solar energy generating systems should be combined for permitting purposes. Based on the information provided, Commerce staff may require additional information to make a determination.

**Instructions:** Answer each question completely. Each question and answer must be clearly identified. Attach maps and supporting information as necessary. Return the signed and dated information to:

Ray Kirsch

Minnesota Department of Commerce  
 85 Seventh Place East, Suite 280  
 Saint Paul, MN 55101-2198

Phone: (651) 539-1853

Fax: (651) 539-0109

Email: [raymond.kirsch@state.mn.us](mailto:raymond.kirsch@state.mn.us)

Note: This form can be made available electronically, and submitted as an electronic document.

### ***A. Project Description***

Briefly describe the proposed project or projects, including name(s); need for the project(s); number of solar energy generating systems; alternating current nameplate capacity of the individual solar energy generating systems identified; and the combined alternating current nameplate capacity.

Elk Creek Solar, LLC (Elk Creek), a wholly-owned subsidiary of National Grid Renewables Development, LLC (NG Renewables) received a site permit and certificate of need from the Minnesota Public Utilities Commission, in December 2020, for an up to 80 MW solar energy generating system located in Rock County, Minnesota (Project). Due to uncertainties and significant delays to the Midcontinent Independent System Operator, Inc. ("MISO") interconnection queue review process for the project, Elk Creek was not able to meet its original target commercial operation date of December 31, 2021. MISO completed its interconnection review process in December 2022 and Elk Creek has determined it is more cost-effective to interconnect up to 160 MW of power generation. Accordingly, Elk Creek is expanding the Project and will submit a request to the PUC to allow an expansion of the Project from 80 MW to 160 MW. The Project area will be increased from approximately 970 acres to approximately 1,500 acres. The entire 160 MW will utilize the same point of interconnect, two 80 MW Generator Interconnection Agreements (GIA), it will have common ownership, and financing and will be constructed in one, continuous construction process. Elk Creek plans to construct the Project on a schedule that facilitates an in-service date as early as 2025.

The project is needed to meet the growing demand for additional renewable resources needed to meet the Renewable Energy Standard and carbon reduction standards set forth in Minnesota Statutes and other clean energy requirements in Minnesota and neighboring states.

### ***B. Project Design and Location***

Provide the following information regarding each solar energy generating system:

B-1. Describe the 1) solar generating equipment and associated facilities; 2) project boundary location(s) (county, township, and sections); 3) the area within the project boundary (acres); and 4) area within the project boundary that will be developed for the solar project (acres).

1) The Project's permanent facilities will include:

- Solar modules, inverters, and racking;
- Fencing;
- Access roads as required;
- Operations and maintenance (O&M) building;
- Substation facility;
- On-site underground electrical collection lines; and
- Up to five weather stations (up to 20 feet tall).

2) The Project was originally planned to be in Sections 27 and 34-35 in Township 103, Range 44, in Rock County, Minnesota. The expanded Project is planned to also be in Sections 27, 34, and 35\_\_\_\_\_ in Township 103N , Range 44W and Section 3 in Township 102N, Range 44W in Rock County, Minnesota.

3) The Project boundary includes approximately 1,500 acres.

4) Elk Creek currently anticipates utilizing most of the area within the Project boundary, except for areas that may be subject to applicable setbacks and public rights-of-way. A preliminary design is underway and is not available at this time. The exact acres utilized will depend on final design.

B-2. Describe the anticipated point of electrical interconnection. Describe interconnection requests and the status of each request. Provide any assigned project or queue interconnection numbers.

Elk Creek has two 80 MW MISO Generation Interconnection Queue positions [REDACTED] that will allow the interconnection of the up to 160 MW Project at the Magnolia 161kV Substation located in Rock County, Minnesota. The two queue positions [REDACTED] are in the MISO DPP-2018 West and MISO DPP-2019 West respectively. The nameplate capacity defined in the Generation Interconnection Application were originally larger but were later reduced to two 80 MW requests based on internal analyses that determined the combined up to 160 MW was optimal and financially feasible. The GIAs for [REDACTED] were finalized and executed in September 2022 and January 2023 respectively.

B-3. Provide a map showing the proposed facility boundary, the interconnection site, anticipated solar module layout, and associated facilities. "Associated facilities" includes access roads, operation and maintenance facilities, collector and feeder lines, and substations. Maps should be at 1:24,000 scale using an imagery basemap. The map must include a legend and scale bar.

See attached map.

### ***C. Project Characteristics***

*Provide the following information regarding each solar energy generating system:*

C-1. List and describe the entity responsible for constructing the project.

A construction contractor has not been selected for the Project.

C-2. List and describe the entity responsible for operating and maintaining the project.

Elk Creek Solar, LLC will be responsible for operating and maintaining the Project.

C-3. Describe the ownership structure, sales agreement(s), interconnection(s), revenue sharing, debt or equity financing, and any other characteristics of the solar energy generating system. Include a statement indicating whether these characteristics are “independent” or “shared.” If shared, indicate with what existing or proposed project.

Elk Creek will seek a sales agreement for this up to 160 MW facility independent of any other facility. Elk Creek’s previous sales agreement with Xcel Energy was transferred to other projects due to the extensive delays in the MISO interconnection process for Elk Creek’s interconnection request. Elk Creek does not currently have or anticipate sharing revenue, debt or equity financing with any other project.

C-4. Provide the anticipated schedule for completion, including dates for permitting, construction (start and end dates), and commercial operation.

Elk Creek plans to file a petition to amend the site permit and certificate of need in early summer 2023 so that it receives Commission approval of the project in early 2024. Construction is anticipated to begin as early as the fall of 2024 with commercial operation by the end of 2025.

#### ***D. Applicant Information***

D-1. Provide the name, address, email, and telephone number of the applicant and any authorized representative.

Elk Creek Solar, LLC  
8400 Normandale Lake Blvd., Suite 1200  
Bloomington, MN 55437  
952.988.9000

Representatives:

Marc Morandi  
National Grid Renewables Development, LLC  
8400 Normandale Lake Blvd., Suite 1200  
Bloomington, MN 55437  
Direct: 612.259.3095  
[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)

Jeremy Duehr  
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After June 1, 2023

Jeremy Duehr  
Fredrikson & Byron, P.A.

60 South Sixth Street, Suite 1500  
Minneapolis, MN 55402  
Phone: (612) 492-7413  
Fax: (612) 492 -7077  
Email: [jduehr@fredlaw.com](mailto:jduehr@fredlaw.com)

D-2. Provide the name, address, e-mail, and telephone number of the person or persons who would prepare the application to the Public Utilities Commission or to a Minnesota county or local unit of government, if such an application would be prepared by an agent or consultant of the applicant.

Monika Davis  
Merjent  
800 Washington Ave. N., Suite 315  
Minneapolis, MN 55401  
Direct: 612.924.3988  
[monika.davis@merjent.com](mailto:monika.davis@merjent.com)

D-3. Briefly describe the applicant's business entity including its ownership and financial structure.

Elk Creek Solar, LLC was formed for the purpose of developing this Project. Elk Creek Solar, LLC is solely owned by NG Renewables a utility-scale renewable energy development company headquartered in Bloomington, Minnesota. NG Renewables has developed multiple operating wind farms and solar projects throughout the United States. NG Renewables currently has approximately 1,300 MW of wind and solar projects under construction. NG Renewables has a multi-gigawatt development pipeline of wind and solar projects in various stages of development throughout the United States and 97 utility-scale and community solar projects completed. NG Renewables provides custom renewable energy development solutions for utilities, independent power purchasers and corporations looking to harness renewable energy for business growth. NG Renewables prides itself on developing wind farms and solar facilities that are farmer-friendly, community-driven, and beneficial for rural communities.

D-4. Provide the Minnesota Secretary of State organizational ID number for the applicant business entity, all subordinate entities, and all solar developer entities involved with the project.

Elk Creek Solar, LLC's Minnesota Secretary of State organizational identification number is 993058300053. Elk Creek Solar, LLC does not have any subordinate entities. Elk Creek Solar, LLC is solely owned by NG Renewables, the developer of the project.

D-5. Identify and provide contact information for the person or persons who would be the permittees, if different than the applicant, if the solar energy generating systems were permitted by the Public Utilities Commission or a Minnesota county.

The permittee is Elk Creek Solar, LLC, who is also the applicant.

### ***E. Other Projects in Minnesota***

E-1. Identify any planned or existing solar energy generating system(s) in Minnesota in which the applicant, or a principal, partner, or affiliate of the applicant, has an ownership or other financial interest. Describe any facilities identified, including their location, alternating current nameplate capacity, and their interconnection requests.

The following large solar energy projects are also currently being developed by National Grid Renewables:

- Louise Solar Project, LLC – Mower County, Minnesota. Louise Solar Project, LLC received a site permit and certificate of need for up to 50 MW of nameplate solar energy capacity. Queue # J523; 50 MWs; Interconnecting at ITC Midwest’s Adams 161 kV Substation in Mower County, MN. The project has an executed MISO GIA and is on a schedule that facilitates an in-service date in Q4 2024.
- Fillmore County Solar Project, LLC – Fillmore County, Minnesota. Fillmore County Solar Project, LLC received a Conditional Use Permit from Fillmore County for up to 45 MW of nameplate solar energy capacity. Queue # J718; 45 MWs; Interconnecting on Dairyland Power Cooperative’s Cherry Grove – Chester Tap 69 kV Line in Fillmore County, MN. The project has an executed MISO GIA and is on a schedule that facilitates an in-service date in Q4 2024.
- Regal Solar, LLC – Benton County, Minnesota. Regal Solar, LLC received a site permit and certificate of need for up to 100 MW of nameplate solar energy capacity with a plan to increase the nameplate capacity to 119.5 MW. Queue # J1611; 120 MWs; Interconnecting at GRE’s Langola 115kV Tap Substation in Benton County, MN. The project is in MISO’s 2020 DPP West study group, with an expected GIA Q3 2023. Regal Solar anticipates constructing its project on a schedule that facilitates an in-service date in 2025.

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The following existing community solar garden projects were developed by NG Renewables and other developers as part of Xcel’s Community Solar Garden program. The project entities were purchased by Nordic Solar, LLC and Phase 2 Nordic Solar, LLC and were then constructed and are operating. Individuals that have an ownership interest in NG Renewables have ownership interests in Nordic Solar, LLC and Phase 2 Nordic Solar, LLC.

- Koppelman Solar, LLC – Blue Earth County. 5 MW of nameplate solar-energy capacity. Commercial operation Q4 2017.
- Rengstorf Solar, LLC – Nicollet County. 5 MW of nameplate solar-energy capacity. Commercial operation Q4 2017.
- DodgeSun Solar, LLC – Dodge County. 5 MW of nameplate solar-energy capacity. Commercial operation Q4 2017.
- Kramer Solar, LLC – Renville County. 3 MW of nameplate solar-energy capacity. Commercial operation Q4 2017.
- WasecaSun Solar, LLC – Waseca County. 5 MW of nameplate solar-energy capacity. Commercial operation Q1 2018.
- Johnson Solar, LLC – Pipestone County. 4.7 MW of nameplate solar-energy capacity. Commercial operation Q1 2018.
- Marmas Solar, LLC – Sherburne County. 4 MW of nameplate solar-energy capacity. Commercial operation Q2 2018.
- St. Cloud Solar, LLC – Stearns County. 5 MW of nameplate solar-energy capacity. Commercial operation Q2 2018.
- Lindstrom Solar, LLC – Chisago County. 3 MW of nameplate solar-energy capacity. Commercial operation Q2 2018.
- Crux Solar, LLC – Renville County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Sagittarius Solar, LLC – Meeker County. 0.76 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Aquarius Solar, LLC – Lyon County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Leo Solar, LLC – Murray County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Auriga Solar, LLC – Murray County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Libra Solar, LLC – Pope County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Pisces Solar, LLC – Stearns County. 0.76 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Sagitta Solar, LLC – Chippewa County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Altair Solar, LLC – Waseca County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Aquila Solar, LLC – Pope County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Kaus Solar, LLC – Dodge County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Canopus Solar, LLC – Stearns County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Capricornus Solar, LLC – Stearns County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.

- Arcturus Solar, LLC – Le Sueur County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Cassiopeia Solar, LLC – Pope County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Deneb Solar, LLC – Kandiyohi County. 1 MW of nameplate solar-energy capacity. Commercial operation Q2 2019.
- Hydra Solar, LLC – Rice County. 1MW of nameplate solar-energy capacity. Commercial operation Q2 2022.

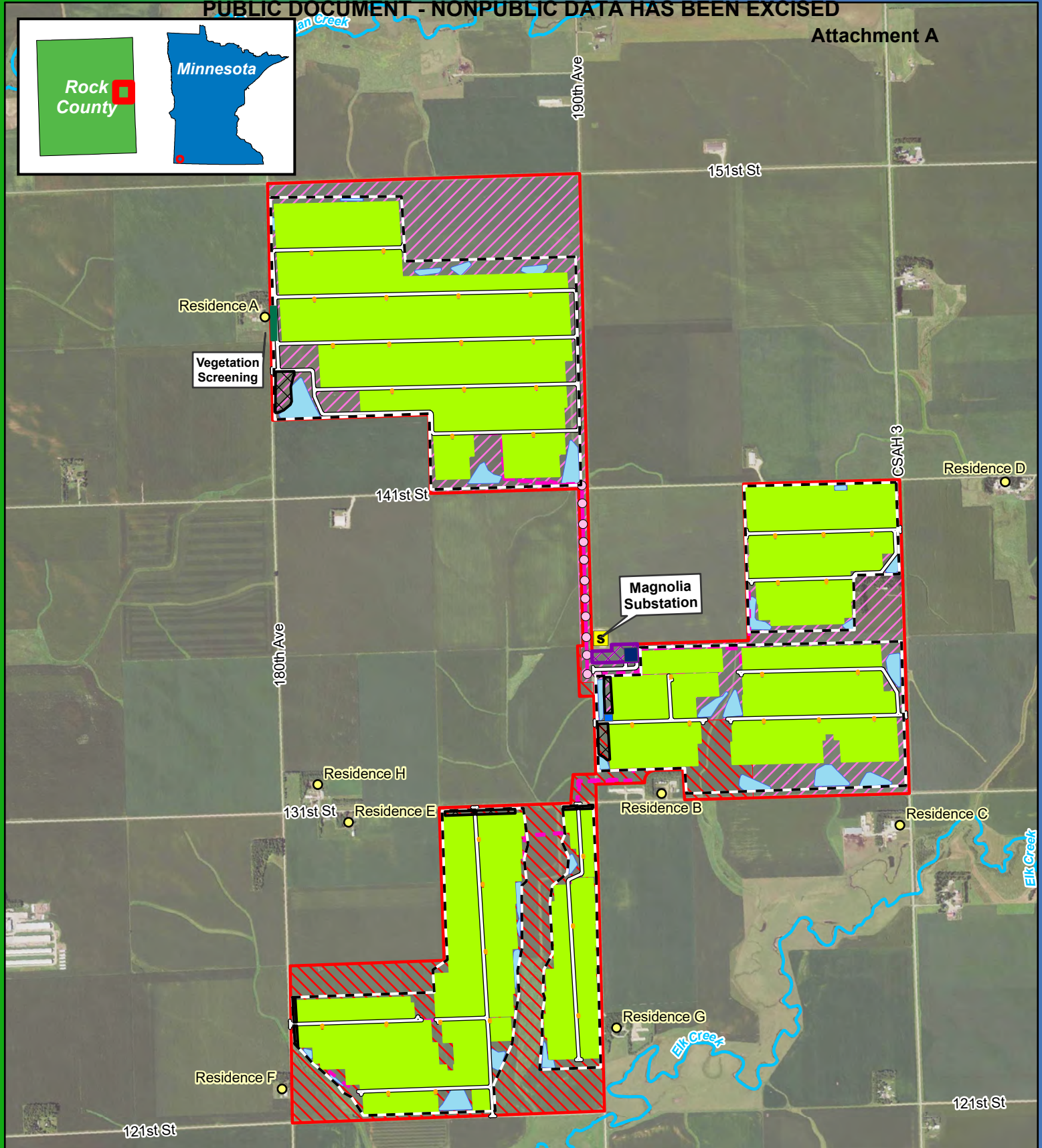
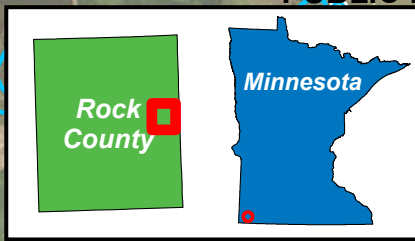
E-2. Identify any additional solar energy generating system(s) in Minnesota in which the applicant, or principal, partner, or affiliate of the applicant, has an ownership or other financial interest and is currently under construction or construction is planned to begin within 12 months of the proposed project(s) estimated completion date. Describe any facilities identified, including their location, alternating current nameplate capacity, and their interconnection requests.

National Grid Renewables continues to develop its Nordic Portfolio of solar gardens throughout the state of Minnesota. NG Renewable's Nordic 3 portfolio is under construction, and subsequent Nordic projects are in the queue.

National Grid Renewables no longer has any ownership interest in any portion of the up to 460 MW Sherco Solar Project, which is currently being constructed in Sherburne County, Minnesota. The up to 460 MW Sherco Solar project is entirely owned by Northern States Power Company, d/b/a Xcel Energy.

E-3. Identify any planned or existing solar energy generating system(s) in Minnesota which that shares any of the following with the proposed project: power purchase agreement, interconnection, sales, revenues, debt or equity financing, or other ownership or financial interests. Describe any facilities identified, including their location, alternating current nameplate capacity, and their interconnection requests.

NG Renewables does not have any planned or existing solar energy generating systems in Minnesota that share a power purchase agreement, sales, revenues, debt or equity financing with Elk Creek's proposed Project.



0 0.25 0.5 Miles

1:26,000

Data Source: Geronimo Energy, USGS, MN DOT,  
2017 FSA Imagery

**Figure 3**  
**Preliminary Project Layout**  
**Elk Creek Solar Project**  
**Rock County, MN**  
**43.67819, -96.09293**

- Adjacent Residence
- Ⓢ Existing Substation
- Permanent Weather Stations
- Pole
- Underground Collection Line
- Overhead Collection Line
- Vegetation Screening
- ▭ 2023 Land Control Area
- ▭ Amended Land Control
- ▭ 2020 Land Control Area
- ▭ Security Fence
- ▭ Access Road
- ▭ Solar Array
- ▭ Inverter
- ▭ Project Substation
- ▭ O&M Facility
- ▭ Associated Facilities
- ▭ Laydown Area
- ▭ NHD Stream
- ▭ Drainage Basin

May 24, 2023

Marc Morandi  
National Grid Renewables Development, LLC  
8400 Normandale Lake Blvd., Suite 1200  
Bloomington, MN 55437

Dear Mr. Morandi,

Thank you for submitting a solar size determination request for National Grid Renewables' proposed 160 MW Elk Creek solar project in Rock County.

The Department is responsible for reviewing such requests to determine "whether a combination of solar energy generating systems meets the definition of large electric power generating plant and is subject to the commission's siting authority jurisdiction" (Minnesota Statute 216E.021, Subd. a).

Based on information provided by National Grid Renewables, and based on criteria established in the statute, the Department has determined that the Elk Creek solar project is not associated with other planned solar projects in a way that would require them to be combined into a single project. However, given that the project on its own has a generating capacity of 160 MW, the Department determines that the Elk Creek solar project is subject to the Public Utilities Commission's siting authority and must seek approval for the project under the Power Plant Siting Act (Minnesota Statute 216E).

National Grid Renewables has the right to dispute this determination with the Chair of the Public Utilities Commission.

Please contact me with any questions.

Sincerely,



Ray Kirsch  
Energy Environmental Review and Analysis

cc: Bret Eknes, Public Utilities Commission  
Jeremy Duehr, Fredrikson & Byron, P. A.

---

**In the Matter of the Application of Elk Creek  
Solar, LLC for a Site Permit for the up to 80  
MW Elk Creek Solar Project in Rock County,  
Minnesota  
Docket No. IP-7009/GS-19-495**

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**CERTIFICATE OF SERVICE**

Breann L. Jurek certifies that on the 12<sup>th</sup> day of July 2023, she e-filed on behalf of Elk Creek Solar, LLC a true and correct copy of the following documents:

1. Elk Creek Solar, LLC's Reply Comments with Attachments A and B; and
2. Certificate of Service

to the Minnesota Public Utilities Commission, via edockets ([www.edockets.state.mn.us](http://www.edockets.state.mn.us)). Said document was also served on the Official Service List on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: July 12, 2023

*Signed: /s/ Breann L. Jurek*

---

Fredrikson & Byron, P.A.  
200 South Sixth Street  
Suite 4000  
Minneapolis, MN 55402

| First Name     | Last Name                      | Email                                | Company Name                       | Address                                                               | Delivery Method    | View Trade Secret | Service List Name                             |
|----------------|--------------------------------|--------------------------------------|------------------------------------|-----------------------------------------------------------------------|--------------------|-------------------|-----------------------------------------------|
| Michael        | Allen                          | michael.allen@allenergysolar.com     | All Energy Solar                   | 721 W 26th st Suite 211<br><br>Minneapolis,<br>Minnesota<br>55405     | Electronic Service | No                | OFF_SL_19-495_Official<br>Service List 19-495 |
| Generic Notice | Commerce Attorneys             | commerce.attorneys@ag.state.mn.us    | Office of the Attorney General-DOC | 445 Minnesota Street Suite 1400<br><br>St. Paul,<br>MN<br>55101       | Electronic Service | Yes               | OFF_SL_19-495_Official<br>Service List 19-495 |
| Jeremy         | Duehr                          | jduehr@fredlaw.com                   | Fredrikson & Byron, P.A.           | 60 S Sixth St Ste 1500<br><br>Minneapolis,<br>Minnesota<br>55402-4400 | Electronic Service | No                | OFF_SL_19-495_Official<br>Service List 19-495 |
| Bret           | Eknes                          | bret.eknes@state.mn.us               | Public Utilities Commission        | Suite 350<br>121 7th Place East<br>St. Paul,<br>MN<br>551012147       | Electronic Service | No                | OFF_SL_19-495_Official<br>Service List 19-495 |
| Sharon         | Ferguson                       | sharon.ferguson@state.mn.us          | Department of Commerce             | 85 7th Place E Ste 280<br><br>Saint Paul,<br>MN<br>551012198          | Electronic Service | No                | OFF_SL_19-495_Official<br>Service List 19-495 |
| Lucas          | Franco                         | lfranco@liunagroce.com               | LIUNA                              | 81 Little Canada Rd E<br><br>Little Canada,<br>MN<br>55117            | Electronic Service | No                | OFF_SL_19-495_Official<br>Service List 19-495 |
| Michael        | Kaluzniak                      | mike.kaluzniak@state.mn.us           | Public Utilities Commission        | Suite 350<br>121 Seventh Place East<br>St. Paul,<br>MN<br>55101       | Electronic Service | No                | OFF_SL_19-495_Official<br>Service List 19-495 |
| Jessica        | Palmer Denig                   | jessica.palmer-Denig@state.mn.us     | Office of Administrative Hearings  | 600 Robert St N<br>PO Box 64620<br>St. Paul,<br>MN<br>55164           | Electronic Service | No                | OFF_SL_19-495_Official<br>Service List 19-495 |
| Generic Notice | Residential Utilities Division | residential.utilities@ag.state.mn.us | Office of the Attorney General-RUD | 1400 BRM Tower<br>445 Minnesota St<br>St. Paul,<br>MN<br>551012131    | Electronic Service | Yes               | OFF_SL_19-495_Official<br>Service List 19-495 |
| Stephan        | Roos                           | stephan.roos@state.mn.us             | MN Department of Agriculture       | 625 Robert St N<br><br>Saint Paul,<br>MN<br>55155-2538                | Electronic Service | No                | OFF_SL_19-495_Official<br>Service List 19-495 |
|                |                                |                                      |                                    |                                                                       |                    |                   |                                               |

| First Name | Last Name      | Email                              | Company Name                              | Address                                                         | Delivery Method    | View Trade Secret | Service List Name                          |
|------------|----------------|------------------------------------|-------------------------------------------|-----------------------------------------------------------------|--------------------|-------------------|--------------------------------------------|
| Melissa    | Schmit         | melissa@nationalgridrenewables.com | National Grid Renewables                  | 8400 Normandale Lake Blvd Ste 1200<br><br>Bloomington, MN 55437 | Electronic Service | No                | OFF_SL_19-495_Official Service List 19-495 |
| Will       | Seuffert       | Will.Seuffert@state.mn.us          | Public Utilities Commission               | 121 7 h PI E Ste 350<br><br>Saint Paul, MN 55101                | Electronic Service | Yes               | OFF_SL_19-495_Official Service List 19-495 |
| Janet      | Shaddix Elling | jshaddix@janetshaddix.com          | Shaddix And Associates                    | 7400 Lyndale Ave S Ste 190<br><br>Richfield, MN 55423           | Electronic Service | Yes               | OFF_SL_19-495_Official Service List 19-495 |
| William    | Storm          | bill.storm@state.mn.us             | Department of Commerce                    | Room 500<br>85 7th Place East<br>St. Paul, MN 551012198         | Electronic Service | No                | OFF_SL_19-495_Official Service List 19-495 |
| Cynthia    | Warzecha       | cynthia.warzecha@state.mn.us       | Minnesota Department of Natural Resources | 500 Lafayette Road<br>Box 25<br>St. Paul, Minnesota 55155-4040  | Electronic Service | No                | OFF_SL_19-495_Official Service List 19-495 |



**Minnesota Department of Natural Resources  
Division of Ecological & Water Resources  
500 Lafayette Road  
St. Paul, MN 55155-4040**

June 28, 2023

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

**RE: In the Matter of the Application of Elk Creek Solar, LLC, for a Site Permit Amendment for the Elk Creek Solar Project in Rock County, PUC Docket Number: IP-7009/GS-19-495**

Dear Consumer Affairs Office:

The Minnesota Department of Natural Resources (DNR) has reviewed the site permit amendment application for the Elk Creek Solar Project. Our agency offers the following remarks:

Based on a high-level preliminary review, the *Amended Control Area* appears to have greater potential natural resource impacts than the *2020 Land Control Area*. As depicted in Figure 12 of the site permit amendment application, Elk Creek (a public water) and a Minnesota Biological Survey (MBS) site of moderate biodiversity significance are near the southeast portion of the *Amended Control Area*. A thorough evaluation is necessary to assess potential natural resource impacts associated with the previously unreviewed area.

A site permit application that identifies and describes the *Amended Control Area* as an independent project, rather than comparing it to the *2020 Land Control Area*, would improve clarity. Also, a site permit application and environmental assessment (EA) would be consistent with the process for the Sherco Solar 3 project, which will be reviewed and permitted as a separate project.

The DNR appreciates the opportunity to comment on the Elk Creek Solar Project. If you have questions about our agency's comments, I may be reached at [cynthia.warzecha@state.mn.us](mailto:cynthia.warzecha@state.mn.us) or 651-259-5078.

Sincerely,

*/s/ Cynthia Warzecha*  
Energy Projects Planner

EC: Mike Kaluzniak, Minnesota Public Utilities Commission  
Bill Storm, Minnesota Department of Commerce  
Haley Byron, Minnesota Department of Natural Resources

*Equal Opportunity Employer*

**From:** [Marc Morandi](#)  
**To:** [Byron, Haley \(DNR\)](#)  
**Cc:** [Warzecha, Cynthia \(DNR\)](#)  
**Subject:** RE: [External] Elk Creek Solar Expansion Environmental Review  
**Date:** Thursday, May 11, 2023 5:29:51 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[NG\\_Renewables\\_Logo\\_Primary\\_RGB\\_small\\_b3464f9a-abea-443c-8d43-87fd96c8afec.png](#)  
[LinkedInIcon\\_8e0cea1f-d234-405f-8a61-4afe010bf11b.png](#)  
[TwitterIcon\\_ff6acde5-6940-4a01-92b6-0ef9db8c446d.png](#)  
[WebIcon\\_e1c44bce-dc58-4738-94a6-8941e49d8897.png](#)  
[Elk\\_05112023.zip](#)

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Hi Haley,

Here are shapefiles of the two project boundaries. Please let me know if you have any issues with them.  
Thank you!

Marc



**Marc Morandi**  
Sr Permitting Specialist  
**P**  
**M** 937.554.4504

---

**From:** Byron, Haley (DNR) <Haley.Byron@state.mn.us>  
**Sent:** Thursday, May 11, 2023 3:38 PM  
**To:** Marc Morandi <mmorandi@nationalgridrenewables.com>  
**Cc:** Warzecha, Cynthia (DNR) <cynthia.warzecha@state.mn.us>  
**Subject:** RE: [External] Elk Creek Solar Expansion Environmental Review

If you could provide a shapefile of the original and revised boundaries that would help speed up the review process.

Thank you!

**Haley Byron**

Regional Environmental Assessment Ecologist | Southern Region EWR

**Minnesota Department of Natural Resources**

117 Rogers Street

Mankato, MN 56001

Phone: 507-389-8813

Email: [haley.byron@state.mn.us](mailto:haley.byron@state.mn.us)

[mndnr.gov](http://mndnr.gov)



---

**From:** Marc Morandi <[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)>  
**Sent:** Thursday, May 11, 2023 3:17 PM  
**To:** Byron, Haley (DNR) <[Haley.Byron@state.mn.us](mailto:Haley.Byron@state.mn.us)>  
**Cc:** Warzecha, Cynthia (DNR) <[cynthia.warzecha@state.mn.us](mailto:cynthia.warzecha@state.mn.us)>  
**Subject:** RE: [External] Elk Creek Solar Expansion Environmental Review

Hi Haley,

Yes, we're still planning on submitting an application later this month. I have attached an updated agency notification letter here and a KMZ with the new project boundary. Please let me know if you would prefer a shapefile instead.

Thanks,  
Marc



952.988.9000



**Marc Morandi**  
Sr Permitting Specialist

**P**

**M** 937.554.4504

---

**From:** Byron, Haley (DNR) <[Haley.Byron@state.mn.us](mailto:Haley.Byron@state.mn.us)>  
**Sent:** Thursday, May 11, 2023 1:58 PM  
**To:** Marc Morandi <[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)>  
**Cc:** Warzecha, Cynthia (DNR) <[cynthia.warzecha@state.mn.us](mailto:cynthia.warzecha@state.mn.us)>  
**Subject:** RE: [External] Elk Creek Solar Expansion Environmental Review

Hello Marc,

Just wanted to check back with you regarding the Elk Creek Solar project. Are you still planning on submitting the PUC application later this month?

Thank you,

**Haley Byron**

Regional Environmental Assessment Ecologist | Southern Region EWR

**Minnesota Department of Natural Resources**

117 Rogers Street

Mankato, MN 56001

Phone: 507-389-8813

Email: [haley.byron@state.mn.us](mailto:haley.byron@state.mn.us)

[mndnr.gov](http://mndnr.gov)



---

**From:** Marc Morandi <[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)>  
**Sent:** Friday, April 21, 2023 9:32 AM  
**To:** Byron, Haley (DNR) <[Haley.Byron@state.mn.us](mailto:Haley.Byron@state.mn.us)>  
**Subject:** RE: [External] Elk Creek Solar Expansion Environmental Review

**This message may be from an external email source.**

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

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Hi Haley,

Thank you for your response! I'll be sending out an updated agency notification letter sometime around 5/5 because we've had a slight project boundary alteration since I sent out my last letter, so there is no need for you to review until I provide that update.

The list of DNR Staff that I sent my last letter to and who will be included in the update are Rebecca Horton (I won't send her an update, I'll direct it to you instead), Dave Trauba, and Bill Schuna. I'll send you the boundary shapefiles with that update, and we'll be looking for a response prior to submitting our site permit application in late May, so potentially by 5/12 if possible.

Thanks,  
Marc



952.988.9000



**Marc Morandi**

Sr Permitting Specialist

**P**

**M** 937.554.4504

**E** [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)

8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437

---

**From:** Byron, Haley (DNR) <[Haley.Byron@state.mn.us](mailto:Haley.Byron@state.mn.us)>  
**Sent:** Wednesday, April 19, 2023 10:45 AM  
**To:** Marc Morandi <[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)>  
**Subject:** [External] Elk Creek Solar Expansion Environmental Review

You don't often get email from [haley.byron@state.mn.us](mailto:haley.byron@state.mn.us). [Learn why this is important](#)

Hello Marc,

The DNR will provide one response for the Elk Creek Solar Expansion. To help facilitate this response please

provide the following information:

1. List of DNR staff who received the notification letter
2. Project boundary shapefiles
3. Date you would like a response by

I also wanted to mention that the DNR recently updated their commercial solar siting guidance and includes the Minnesota Conservation Explorer (MCE). MCE helps expedite Natural Heritage Reviews and describes some of the permit conditions the PUC may include in their site permits

### **Updated DNR Commercial Solar Siting Guidance**

[https://files.dnr.state.mn.us/publications/ewr/commercial\\_solar\\_siting\\_guidance.pdf](https://files.dnr.state.mn.us/publications/ewr/commercial_solar_siting_guidance.pdf)

### **Minnesota Conservation Explorer**

[Home | Minnesota Conservation Explorer \(state.mn.us\)](#)

If you have any questions please contact me anytime.

Thank you!

### **Haley Byron**

Regional Environmental Assessment Ecologist | Southern Region EWR

### **Minnesota Department of Natural Resources**

117 Rogers Street

Mankato, MN 56001

Phone: 507-389-8813

Email: [haley.byron@state.mn.us](mailto:haley.byron@state.mn.us)

[mndnr.gov](http://mndnr.gov)



April 14, 2023



MN Dep't of Natural Resources  
Attn: Energy Project  
Planner's Office  
500 Lafayette Road  
St. Paul, MN 55155-4025

RE: Elk Creek Solar in Rock County, Minnesota

To whom it may concern:

Elk Creek Solar, LLC ("Elk Creek"), a wholly owned subsidiary of National Grid Renewables Development, LLC (NG Renewables) formally known as Geronimo Energy, received a Certificate of Need and Site Permit from the Minnesota Public Utilities Commission ("PUC") in December 2020 for up to 80 megawatts ("MW") solar energy generation facility ("Project") on 976 acres of land in Rock County, Minnesota. Due to significant delays to the Midcontinent Independent System Operator, Inc. ("MISO") interconnection review process for the project, Elk Creek was not able to meet its original target commercial operation date of December 31, 2021. MISO has completed its interconnection review process that will allow Elk Creek to interconnect up to 160 MW of power generation. Accordingly, Elk Creek is expanding the Project and will request the PUC allow an expansion of the Project from 80 MW to 160 MW. The purpose of this letter is to provide an update on the proposed Project and request your input regarding the proposed expansion of the Project.

Elk Creek is proposing to expand the PUC-approved solar array Project area, however the point of interconnection and its associated facilities necessary to interconnect the entire 160 MW to an existing 161-kilovolt substation adjacent to the Project will remain the same. Table 1 provides the sections of land within the original 80 MW Elk Creek Project boundary.

**Table 1: Sections within the Elk Creek original 80 MW Project Boundary**

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |

Table 2 provides the sections of land being added to the Project to construct an up to 160 MW Project. Elk Creek is adding approximately 500 acres of land to the Project.

**Table 2: Sections added to the Project and to construct an up to 160 MW Project**

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |
| MN    | Rock   | Magnolia            | 102      | 44    | 03         |

Elk Creek initially provided a letter notifying the DNR of the 80 MW project on February 26, 2019 and received a response from the DNR on March 15, 2019 with preliminary review comments, including standard recommendations from the Commercial Solar Siting Guidance document. Additional coordination occurred on June 14, 2019 with guidance from DNR on seeding and plant species and the recommendation that the Project consider the BWSR Habitat Friendly Solar Program. Further comments were received from the DNR during the Project's scoping and informational meeting including the recommendation that construction of the facility take place during drier months and outlined potential risks to Topeka shiner.

While the Project has expanded, the land control area remains primarily agricultural. The Project will continue to avoid impacts to Topeka shiner habitat. Critical habitat BMPs will still be implemented and DNR solar siting guidance will continue to be consulted and utilized when practicable. Additionally, Elk Creek is updating the Vegetation Management Plan for the project for the 160 MW area and will seek coordination and approval by the VMP Agency Working Group prior to construction. Please notify us if any additional concerns are identified during your review of the revised project boundary.

To facilitate your review, we have enclosed a map of Elk Creek's location, the PUC-approved Project Boundary and the additional land proposed to be added for the Project.

Elk Creek will seek PUC approval for the expansion in 2023 and anticipates construction beginning as early as Q2 2024 with intended completion by the end of 2025.

Any written agency comments provided in response to this letter will be incorporated into the PUC's review process.

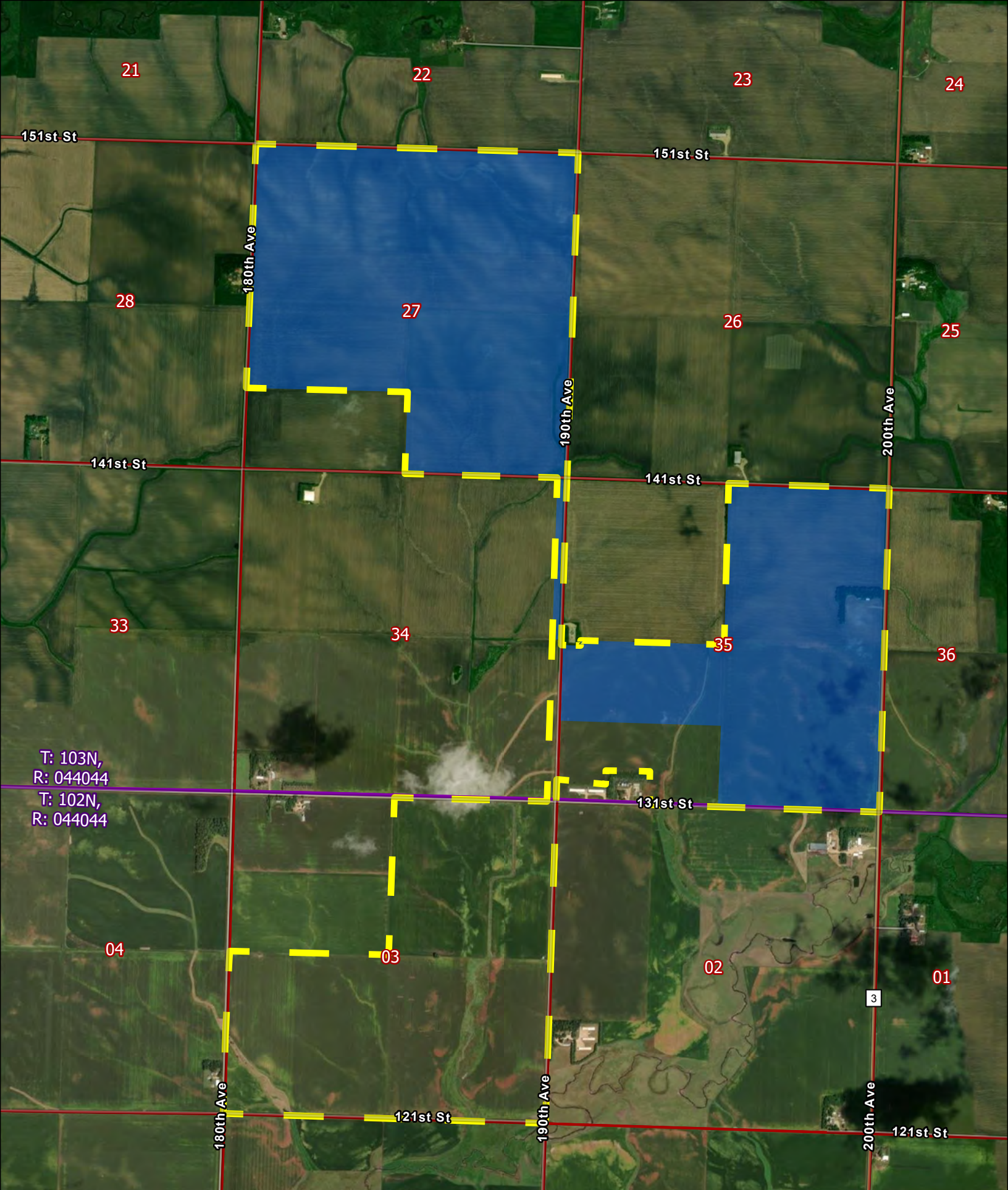
If you require further information or have questions regarding this matter, please contact me at 937-554-4504 or at [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com).

Sincerely,



Marc Morandi  
Senior Permitting Specialist  
National Grid Renewables  
8400 Normandale Lake Blvd, Suite 1200  
Bloomington, MN 55437

Enclosure:  
Updated Elk Creek Location Map



# Elk Creek Solar

- Sections
- Townships
- Original Permitted Boundary - 80MW
- Revised Project Boundary - 160MW

April 14, 2023



Bill Schuna  
Area Wildlife Supervisor  
MN DNR, Region 4  
2611 Broadway Ave  
Slayton, MN 56172

RE: Elk Creek Solar in Rock County, Minnesota

To whom it may concern:

Elk Creek Solar, LLC ("Elk Creek"), a wholly owned subsidiary of National Grid Renewables Development, LLC (NG Renewables) formally known as Geronimo Energy, received a Certificate of Need and Site Permit from the Minnesota Public Utilities Commission ("PUC") in December 2020 for up to 80 megawatts ("MW") solar energy generation facility ("Project") on 976 acres of land in Rock County, Minnesota. Due to significant delays to the Midcontinent Independent System Operator, Inc. ("MISO") interconnection review process for the project, Elk Creek was not able to meet its original target commercial operation date of December 31, 2021. MISO has completed its interconnection review process that will allow Elk Creek to interconnect up to 160 MW of power generation. Accordingly, Elk Creek is expanding the Project and will request the PUC allow an expansion of the Project from 80 MW to 160 MW. The purpose of this letter is to provide an update on the proposed Project and request your input regarding the proposed expansion of the Project.

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**Table 1: Sections within the Elk Creek original 80 MW Project Boundary**

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |

Table 2 provides the sections of land being added to the Project to construct an up to 160 MW Project. Elk Creek is adding approximately 500 acres of land to the Project.

**Table 2: Sections added to the Project and to construct an up to 160 MW Project**

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |
| MN    | Rock   | Magnolia            | 102      | 44    | 03         |

Elk Creek initially provided a letter notifying the DNR of the 80 MW project on February 26, 2019 and received a response from the DNR on March 15, 2019 with preliminary review comments, including standard recommendations from the Commercial Solar Siting Guidance document. Additional coordination occurred on June 14, 2019 with guidance from DNR on seeding and plant species and the recommendation that the Project consider the BWSR Habitat Friendly Solar Program. Further comments were received from the DNR during the Project's scoping and informational meeting including the recommendation that construction of the facility take place during drier months and outlined potential risks to Topeka shiner.

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Elk Creek will seek PUC approval for the expansion in 2023 and anticipates construction beginning as early as Q2 2024 with intended completion by the end of 2025.

Any written agency comments provided in response to this letter will be incorporated into the PUC's review process.

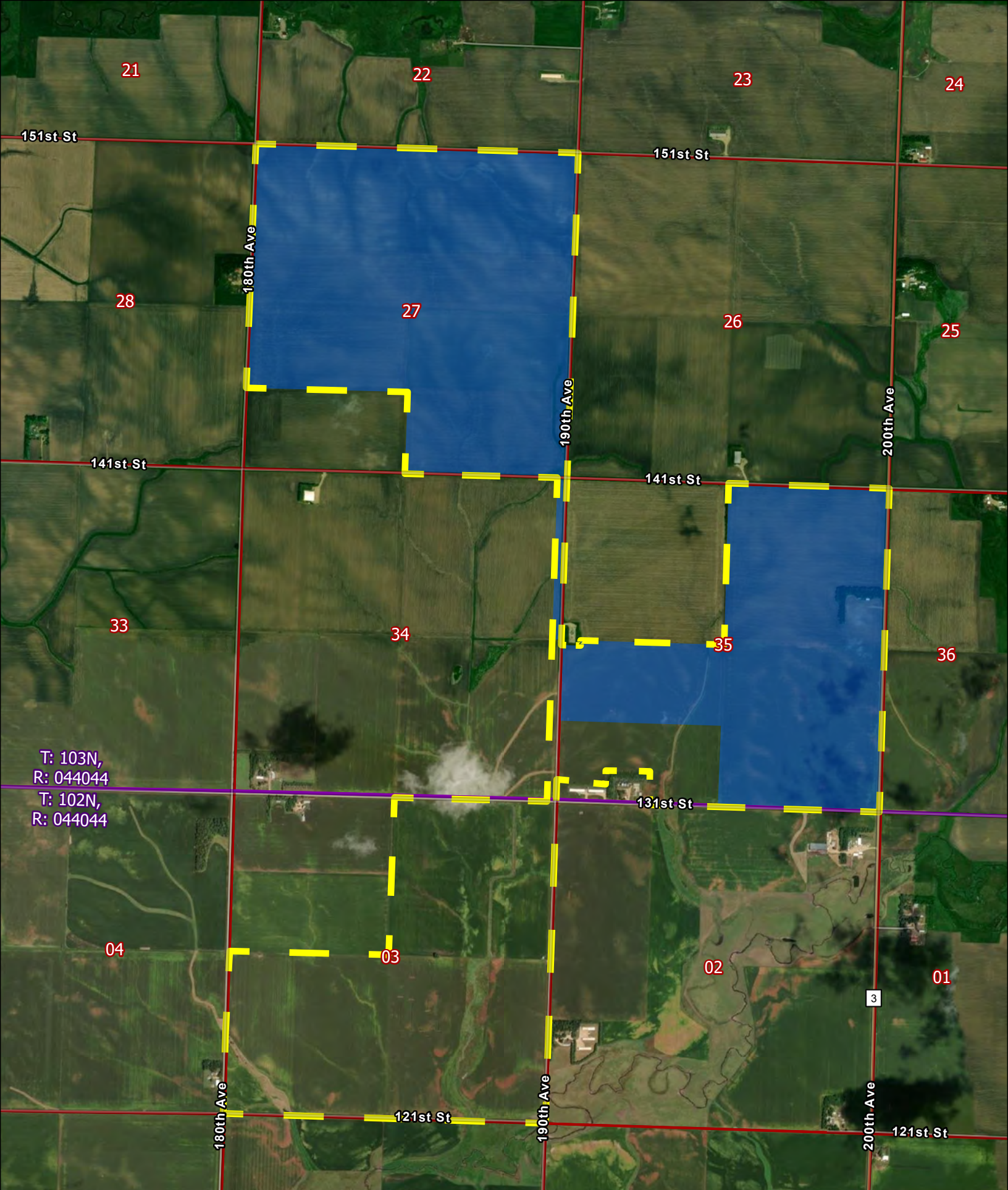
If you require further information or have questions regarding this matter, please contact me at 937-554-4504 or at [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com).

Sincerely,



Marc Morandi  
Senior Permitting Specialist  
National Grid Renewables  
8400 Normandale Lake Blvd, Suite 1200  
Bloomington, MN 55437

Enclosure:  
Updated Elk Creek Location Map



# Elk Creek Solar

- Sections
- Townships
- Original Permitted Boundary - 80MW
- Revised Project Boundary - 160MW

**From:** [Marc Morandi](#)  
**To:** ["Schuna, Bill \(DNR\)"](#)  
**Subject:** RE: [External] RE: Elk Creek Solar  
**Date:** Friday, May 12, 2023 6:04:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
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[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)

---

Hi Bill,

Thanks for the response! The area shown is the project boundary but will not be filled wall-to-wall with panels. In Section 3 and throughout the greater project area, the current proposed layout avoids all delineated streams and wetlands. Please let me know if you have further questions.

Have a great weekend,  
Marc

---

**From:** Schuna, Bill (DNR) <[bill.schuna@state.mn.us](mailto:bill.schuna@state.mn.us)>  
**Sent:** Friday, May 12, 2023 10:10 AM  
**To:** Marc Morandi <[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)>  
**Subject:** [External] RE: Elk Creek Solar

Hi Mark,

Thanks for sending this information. Are panels going to be built across the waterway in Section 3 as shown on your map?

Thanks,

Bill

---

**From:** Marc Morandi <[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)>  
**Sent:** Thursday, May 11, 2023 3:35 PM  
**To:** Schuna, Bill (DNR) <[bill.schuna@state.mn.us](mailto:bill.schuna@state.mn.us)>  
**Subject:** RE: Elk Creek Solar

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---

Hi Bill,

Several weeks ago, we sent a letter indicating that Elk Creek Solar, LLC is proposing to expand the existing PUC-approved solar array Project from 80 MW to 160 MW. After that letter was sent, a small alteration to the 160 MW project area was made to accommodate certain design constraints relating to Project substation location. As a result, the project boundary is 0.67 acres smaller than the previous letter specified.

All other details in the previous letter are unchanged, including interconnection details and PLSS sections in which the project will be located.

Please find an updated Agency Notification Letter attached and please let me know if you have any questions.

Thanks,  
Marc



952.988.9000



**Marc Morandi**  
Sr Permitting Specialist

**P**

**M** 937.554.4504

---

**From:** Marc Morandi <[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)>

**Sent:** Friday, April 14, 2023 4:13 PM

**To:** [bill.schuna@state.mn.us](mailto:bill.schuna@state.mn.us)

**Subject:** Elk Creek Solar

Hi Bill,

I am writing to provide you with an update on our Elk Creek Solar facility. As explained in the attached letter, we will be moving forward with permitting the project at 160 MW through the MN PUC. You likely previously worked with Melissa Schmit; I will be the Elk Creek point of contact going forward and will plan to coordinate with you on updating the Development Plan as we get closer to construction. Looking forward to working with you, and if you have any questions in the meantime, please don't hesitate to reach out.

Thanks,  
Marc



952.988.9000



**Marc Morandi**  
Sr Permitting Specialist

**P**

**M** 937.554.4504

**E** [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)

8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437

April 14, 2023



Dave Trauba  
Regional Wildlife Manager  
MN DNR, Region 4  
21371 State Hwy 15  
New Ulm, MN 56073

RE: Elk Creek Solar in Rock County, Minnesota

To whom it may concern:

Elk Creek Solar, LLC ("Elk Creek"), a wholly owned subsidiary of National Grid Renewables Development, LLC (NG Renewables) formally known as Geronimo Energy, received a Certificate of Need and Site Permit from the Minnesota Public Utilities Commission ("PUC") in December 2020 for up to 80 megawatts ("MW") solar energy generation facility ("Project") on 976 acres of land in Rock County, Minnesota. Due to significant delays to the Midcontinent Independent System Operator, Inc. ("MISO") interconnection review process for the project, Elk Creek was not able to meet its original target commercial operation date of December 31, 2021. MISO has completed its interconnection review process that will allow Elk Creek to interconnect up to 160 MW of power generation. Accordingly, Elk Creek is expanding the Project and will request the PUC allow an expansion of the Project from 80 MW to 160 MW. The purpose of this letter is to provide an update on the proposed Project and request your input regarding the proposed expansion of the Project.

Elk Creek is proposing to expand the PUC-approved solar array Project area, however the point of interconnection and its associated facilities necessary to interconnect the entire 160 MW to an existing 161-kilovolt substation adjacent to the Project will remain the same. Table 1 provides the sections of land within the original 80 MW Elk Creek Project boundary.

**Table 1: Sections within the Elk Creek original 80 MW Project Boundary**

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |

Table 2 provides the sections of land being added to the Project to construct an up to 160 MW Project. Elk Creek is adding approximately 500 acres of land to the Project.

**Table 2: Sections added to the Project and to construct an up to 160 MW Project**

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |
| MN    | Rock   | Magnolia            | 102      | 44    | 03         |

Elk Creek initially provided a letter notifying the DNR of the 80 MW project on February 26, 2019 and received a response from the DNR on March 15, 2019 with preliminary review comments, including standard recommendations from the Commercial Solar Siting Guidance document. Additional coordination occurred on June 14, 2019 with guidance from DNR on seeding and plant species and the recommendation that the Project consider the BWSR Habitat Friendly Solar Program. Further comments were received from the DNR during the Project's scoping and informational meeting including the recommendation that construction of the facility take place during drier months and outlined potential risks to Topeka shiner.

While the Project has expanded, the land control area remains primarily agricultural. The Project will continue to avoid impacts to Topeka shiner habitat. Critical habitat BMPs will still be implemented and DNR solar siting guidance will continue to be consulted and utilized when practicable. Additionally, Elk Creek is updating the Vegetation Management Plan for the project for the 160 MW area and will seek coordination and approval by the VMP Agency Working Group prior to construction. Please notify us if any additional concerns are identified during your review of the revised project boundary.

To facilitate your review, we have enclosed a map of Elk Creek's location, the PUC-approved Project Boundary and the additional land proposed to be added for the Project.

Elk Creek will seek PUC approval for the expansion in 2023 and anticipates construction beginning as early as Q2 2024 with intended completion by the end of 2025.

Any written agency comments provided in response to this letter will be incorporated into the PUC's review process.

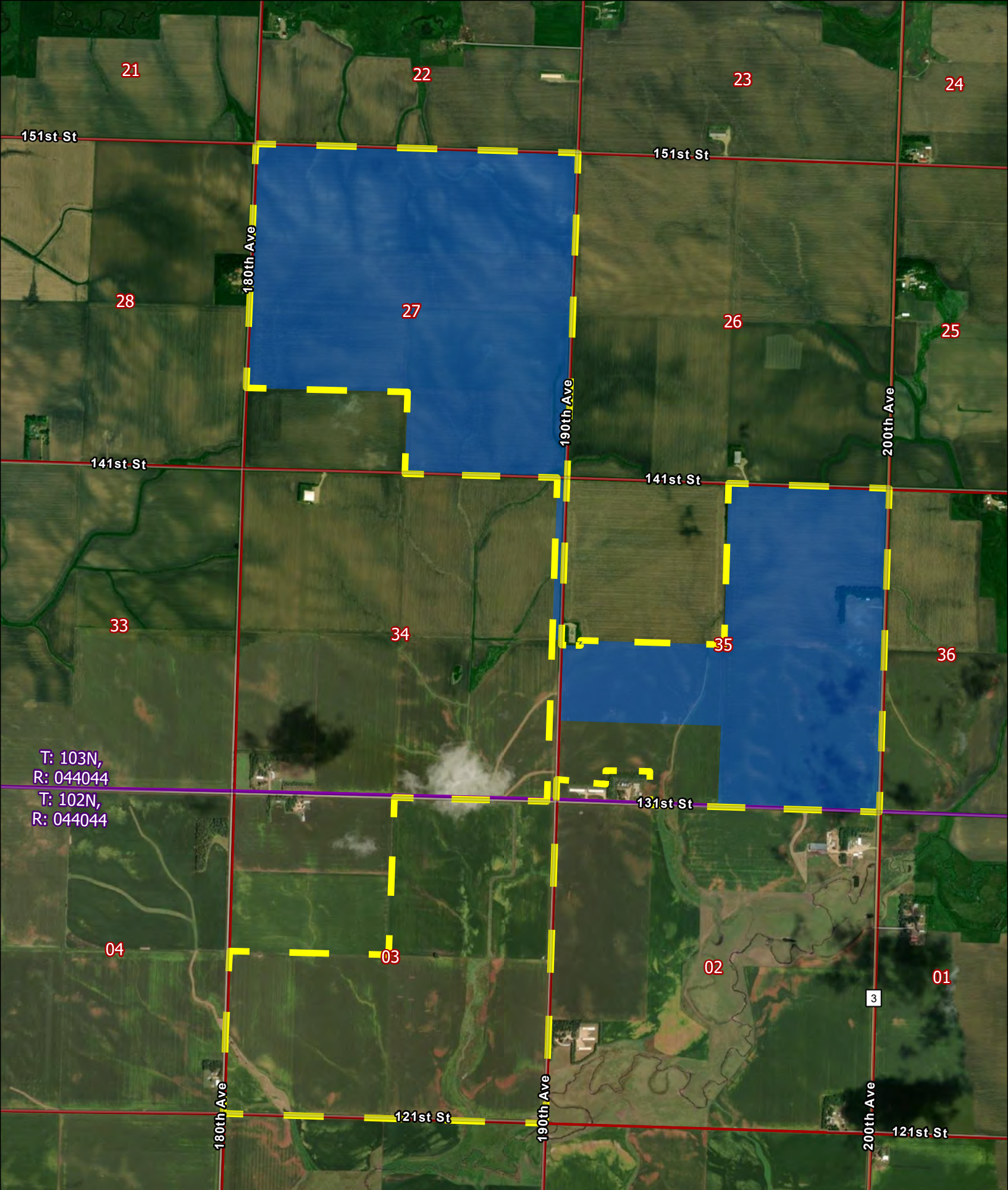
If you require further information or have questions regarding this matter, please contact me at 937-554-4504 or at [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com).

Sincerely,



Marc Morandi  
Senior Permitting Specialist  
National Grid Renewables  
8400 Normandale Lake Blvd, Suite 1200  
Bloomington, MN 55437

Enclosure:  
Updated Elk Creek Location Map



# Elk Creek Solar

- Sections
- Townships
- Original Permitted Boundary - 80MW
- Revised Project Boundary - 160MW

**From:** [Trauba, David R \(DNR\)](#)  
**To:** [Marc Morandi](#)  
**Cc:** [Byron, Haley \(DNR\)](#)  
**Subject:** [External] RE: Elk Creek Solar  
**Date:** Friday, May 12, 2023 10:12:42 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image007.png](#)  
[image009.png](#)  
[image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[Elk Creek Agency Notification Letter\\_MNDNR \(Trauba\)\\_051023.pdf](#)

---

Hi Marc – note in this email I have copied Haley Byron our new Regional Environmental Assessment Ecologist for the DNR Southern Region. Please work directly with Haley as this project proceeds.

I believe you may have received my contact information while this position was vacant. As the regional wildlife manager covering this area, any comments I may have on this project or others would be routed through Haley.

Thank you and have a great day. David

**David Trauba**

Regional Wildlife Manager | Southern Region

**Minnesota Department of Natural Resources**

21371 State Hwy 15

New Ulm, MN 56073

Phone: 507-233-1229

Email: [david.trauba@state.mn.us](mailto:david.trauba@state.mn.us)

[mndnr.gov](http://mndnr.gov)



---

**From:** Marc Morandi <[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)>  
**Sent:** Thursday, May 11, 2023 3:33 PM  
**To:** Trauba, David R (DNR) <[david.trauba@state.mn.us](mailto:david.trauba@state.mn.us)>  
**Subject:** RE: Elk Creek Solar

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Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

---

Hi Dave,

Several weeks ago, we sent a letter indicating that Elk Creek Solar, LLC is proposing to expand the existing PUC-approved solar array Project from 80 MW to 160 MW. After that letter was sent, a small alteration to the 160 MW project area was made to accommodate certain design constraints relating to Project substation location. As a result, the project boundary is 0.67 acres smaller than the previous letter specified. All other details in the previous letter are unchanged, including interconnection details and PLSS sections in which the project will be located.

Please find an updated Agency Notification Letter attached and please let me know if you have any questions.

Thanks,  
Marc



952.988.9000



**Marc Morandi**

Sr Permitting Specialist

**P**

**M** 937.554.4504

---

**From:** Marc Morandi <[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)>

**Sent:** Friday, April 14, 2023 4:13 PM

**To:** [David.Traub@state.mn.us](mailto:David.Traub@state.mn.us)

**Subject:** Elk Creek Solar

Hi David,

I am writing to provide you with an update on our Elk Creek Solar facility. As explained in the attached letter, we will be moving forward with permitting the project at 160 MW through the MN PUC. You likely previously worked with Melissa Schmit; I will be the Elk Creek point of contact going forward and will plan to coordinate with you on updating the Development Plan as we get closer to construction. Looking forward to working with you, and if you have any questions in the meantime, please don't hesitate to reach out.

Thanks,  
Marc



952.988.9000



**Marc Morandi**

Sr Permitting Specialist

**P**

**M** 937.554.4504

**E** [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)

8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437



Minnesota Department of Natural Resources  
Division of Ecological & Water Resources  
500 Lafayette Road, Box 25  
St. Paul, MN 55155-4025

July 5, 2023

Correspondence # MCE 2023-00287

Angela Durand  
Merjent, Inc.

RE: Natural Heritage Review of the proposed Elk Creek Solar Project (2023),  
T102N R44W Section 3, T103N R44W Sections 27, 34-35; Rock County

Dear Angela Durand,

As requested, the [Minnesota Natural Heritage Information System](#) has been reviewed to determine if the proposed project has the potential to impact any rare species or other significant natural features. Based on the project details provided with the request, the following rare features may be impacted by the proposed project:

*Federally Protected Species*

- Topeka shiner (*Notropis topeka*), a federally-listed endangered and state-listed special concern species, and plains topminnow (*Fundulus sciadicus*), a state-listed threatened species, have been documented in several places in Elk Creek in the vicinity of the proposed project. These fish species are adversely impacted by actions that alter stream hydrology or decrease water quality. Stringent erosion and sediment control practices must be implemented and maintained near the stream and any of its tributaries during project construction and operation.
- Please visit the [DNR Rare Species Guide](#) for more information on the habitat use of these species and recommended measures to avoid or minimize impacts. For further assistance with these species, please contact the appropriate [DNR Regional Nongame Specialist](#) or [Regional Ecologist](#).
- To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online [Information for Planning and Consultation \(IPaC\) tool](#).

### *Environmental Review and Permitting*

- For additional information regarding solar projects, please see [Commercial Solar Siting Guidance](#) and [Prairie Establishment & Maintenance Technical Guidance for Solar Projects](#) documents.
- Please include a copy of this letter and the MCE-generated Final Project Report in any state or local license or permit application. Please note that measures to avoid or minimize disturbance to the above rare features may be included as restrictions or conditions in any required permits or licenses.

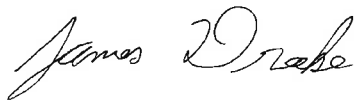
The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location and project description provided with the request. If project details change or the project has not occurred within one year, please resubmit the project for review within one year of initiating project activities.

The Natural Heritage Review does not constitute project approval by the Department of Natural Resources. Instead, it identifies issues regarding known occurrences of rare features and potential impacts to these rare features. Visit the [Natural Heritage Review website](#) for additional information regarding this process, survey guidance, and other related information. For information on the environmental review process or other natural resource concerns, you may contact your [DNR Regional Environmental Assessment Ecologist](#).

Thank you for consulting us on this matter and for your interest in preserving Minnesota's rare natural resources.

Sincerely,

A handwritten signature in cursive script that reads "James Drake".

James Drake  
Natural Heritage Review Specialist  
[James.F.Drake@state.mn.us](mailto:James.F.Drake@state.mn.us)



## Formal Natural Heritage Review - Cover Page

See next page for results of review. A draft watermark means the project details have not been finalized and the results are not official.

**Project Name:** Elk Creek Solar Project (2023)

**Project Proposer:** Elk Creek Solar, LLC

**Project Type:** Power, Solar

**Project Type Activities:** Waterbody, watercourse, streambed impacts (e.g., discharge, runoff, sedimentation, fill, excavation);Wetland impacts (e.g., discharge, runoff, sedimentation, fill, excavation);Other

**TRS:** T102 R44 S2, T102 R44 S3, T102 R44 S4, T103 R44 S21, T103 R44 S22, T103 R44 S26, T103 R44 S27, T103 R44 S28, T103 R44 S34, T103 R44 S35

**County(s):** Rock

**DNR Admin Region(s):** South

**Reason Requested:** PUC Site or Route Application, Local Government Permit

**Project Description:** Elk Creek Solar is currently developing the Elk Creek Solar Project, an up to 160 MW solar PV facility located in eastern Rock County, Minnesota. The ...

**Existing Land Uses:** The Project is in a rural area of Rock County, and as such the primary land use in the 2023 Land Control Area is agricultural (96.1 percent). The remainder ...

**Landcover / Habitat Impacted:** Based on the USGS GAP landcover data, the 2023 Preliminary Development Area would predominately affect agricultural land (98.5 percent) and impacts to ...

**Waterbodies Affected:** Waterbodies - Elk Creek has designed the solar facility to minimize impacts to waterbodies and drainageways. A SWPPP will be developed for the Project ...

**Groundwater Resources Affected:** Impacts on groundwater resources, including aquifers, are not anticipated as water supply needs will be quite limited. It is probable that operations ...

**Previous Natural Heritage Review:** Yes, ERDB#: ERDB 20200017

**Previous Habitat Assessments / Surveys:** No

### SUMMARY OF AUTOMATED RESULTS

| Category                                      | Results              | Response By Category                |
|-----------------------------------------------|----------------------|-------------------------------------|
| Project Details                               | No Comments          | No Further Review Required          |
| Ecologically Significant Area                 | No Comments          | No Further Review Required          |
| State-Listed Endangered or Threatened Species | Needs Further Review | State-protected Species in Vicinity |
| State-Listed Species of Special Concern       | Comments             | Recommendations                     |

| Category                 | Results  | Response By Category          |
|--------------------------|----------|-------------------------------|
| Federally Listed Species | Comments | Visit IPaC for Federal Review |



April 24, 2023

**Project Name:** Elk Creek Solar Project (2023)

**Project Proposer:** Elk Creek Solar, LLC

**Project Type:** Power, Solar

**Project ID:** MCE #2023-00287

**AUTOMATED RESULTS: FURTHER REVIEW IS NEEDED**

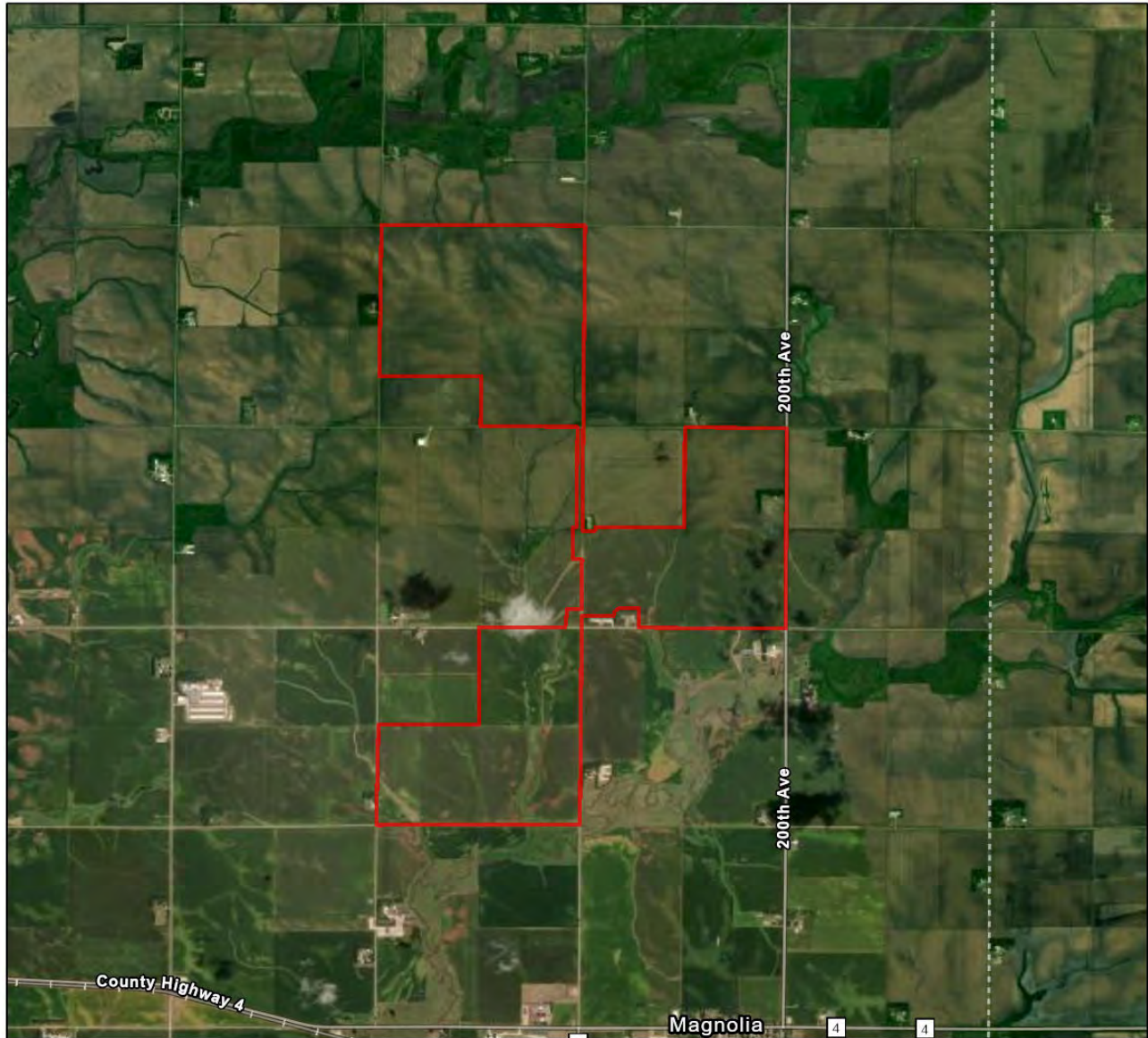
As requested, the above project has undergone an automated review for potential impacts to rare features. Based on this review, one or more rare features may be impacted by the proposed project and further review by the Natural Heritage Review Team is needed. You will receive a separate notification email when the review process is complete and the Natural Heritage Review letter has been posted.

Please refer to the table on the cover page of this report for a summary of potential impacts to rare features. For additional information or planning purposes, use the Explore Page in Minnesota Conservation Explorer to view the potentially impacted rare features or to create a Conservation Planning Report for the proposed project.

If you have additional information to help resolve the potential impacts listed in the summary results, please attach related project documentation in the Edit Details tab of the Project page. Relevant information includes, but is not limited to, additional project details, completed habitat assessments, or survey results. This additional information will be considered during the project review.

# Elk Creek Solar Project (2023)

## Aerial Imagery With Locator Map



0 0.3 0.6 1.2 1.8 2.4 Miles

Project Boundary

Project Type: Power, Solar

Project Size (acres): 1,522.89

County(s): Rock

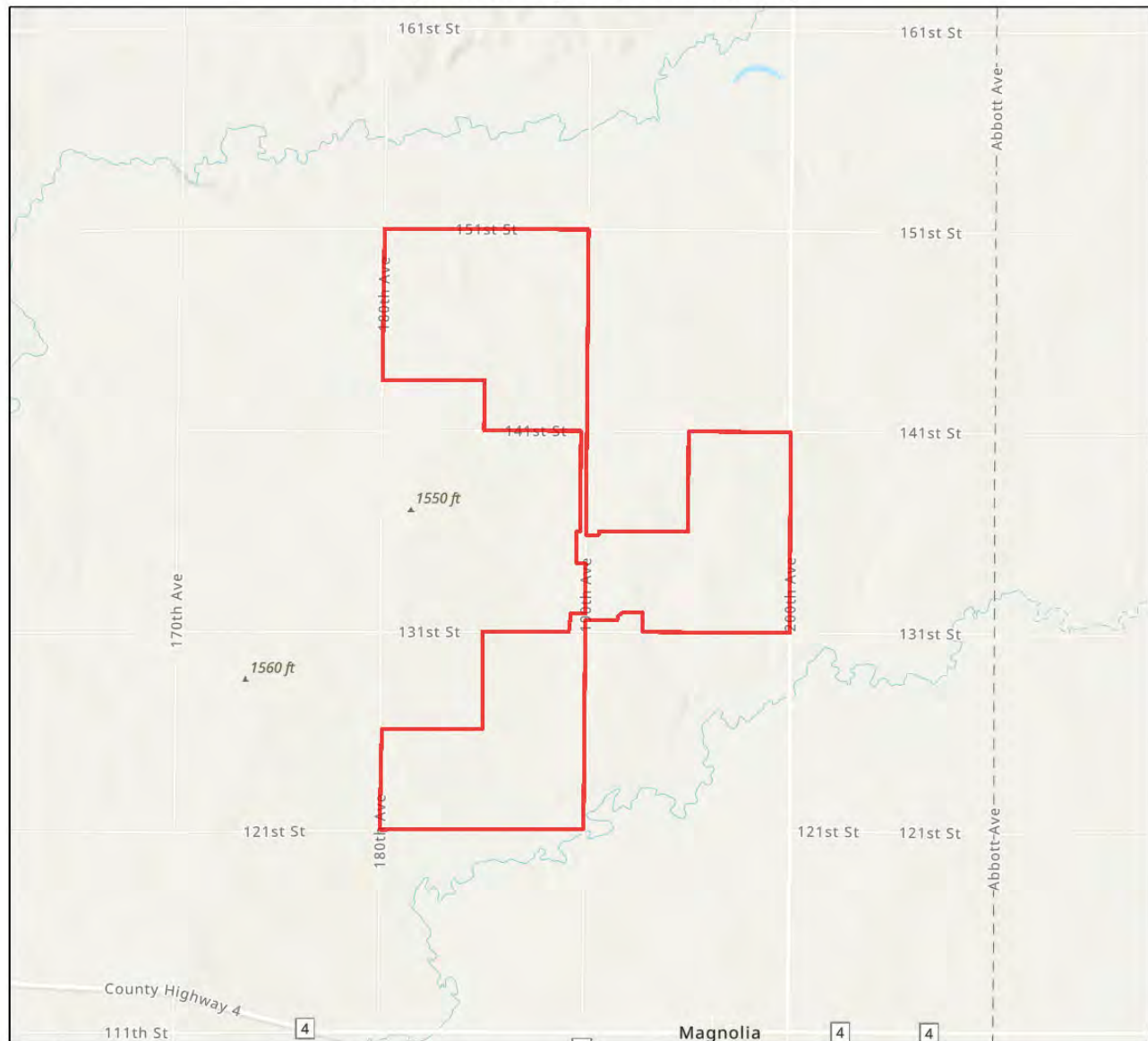
TRS: T102 R44 S2, T102 R44 S3, T102 R44 S4, T103 R44 S21, T103 R44 S22 +

Earthstar Geographics  
Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,  
EPA, NPS, USDA



# Elk Creek Solar Project (2023)

## USA Topo Basemap With Locator Map



0 0.3 0.6 1.2 1.8 2.4 Miles

Project Boundary

Project Type: Power, Solar

Project Size (acres): 1,522.89

County(s): Rock

TRS: T102 R44 S2, T102 R44 S3, T102 R44 S4, T103 R44 S21, T103 R44 S22 +

Esri, NASA, NGA, USGS, FEMA  
Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,  
EPA, NPS, USDA



**From:** [Marc Morandi](#)  
**To:** [Monika Davis](#)  
**Cc:** [Duehr, Jeremy](#); [Melissa Schmit](#)  
**Subject:** EXTERNAL: FW: [External] RE: Elk Creek AIMP Review  
**Date:** Thursday, May 25, 2023 11:20:26 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[NG\\_Renewables\\_Logo\\_Primary\\_RGB\\_small\\_b3464f9a-abea-443c-8d43-87fd96c8afec.png](#)  
[LinkedInIcon\\_8e0cea1f-d234-405f-8a61-4afe010bf11b.png](#)  
[TwitterIcon\\_ff6acde5-6940-4a01-92b6-0ef9db8c446d.png](#)  
[WebIcon\\_e1c44bce-dc58-4738-94a6-8941e49d8897.png](#)  
[Elk\\_Creek\\_Solar\\_AIMP\\_DRAFT\\_05012023\\_-\\_SR\\_edits.pdf](#)

**CAUTION:** This email originated from outside of Merjent.

Hi everyone,

Just received an email from Steve Roos. Only one comment on the AIMP. Please see his other comments below on how the AIMP might change based on how the PUC processes the application.

Thanks,  
Marc



952.988.9000



**Marc Morandi**  
Sr Permitting Specialist

**P**

**M** 937.554.4504

---

**From:** Roos, Stephan (MDA) <stephan.roos@state.mn.us>  
**Sent:** Thursday, May 25, 2023 12:15 PM  
**To:** Marc Morandi <mmorandi@nationalgridrenewables.com>  
**Subject:** [External] RE: Elk Creek AIMP Review

Hi Marc,

I've finished reviewing the revised AIMP for Elk Creek and only have one comment so far. I haven't sent it back to you yet as I'm waiting to hear if the PUC will accept your application as an "amended application" based on the original or if they will require a new application.

The difference will affect the portion of the AIMP that deals with environmental monitors (section 4.1). Depending on the PUC's decision this section will either remain in the plan (amended application) or be removed (new application) as, with new applications, the EERA is assuming responsibility for specifying the roles and duties of monitors for energy projects, including the agricultural environmental monitor. In the long run, this change could offer a simpler and more economic approach for project proposers by consolidating environmental monitoring into one 'package'. BTW – this is the section where my one comment is.

I'd be happy to conditionally approve the AIMP, with my edit incorporated, based on the outcome of the PUC's decision. I just want to be clear that should this be deemed a new application, MDA is happy to see

section 4.1 revised to indicate that EERA is the responsible agency, or, we'd allow the section to be removed entirely from this document if EERA chooses to have a separate environmental monitoring plan that includes our concerns.

I've attached a copy of your AIMP with my requested edit. Overall, the plan is very well done. Once the PUC makes a decision on what their approach will be, I will submit a comment letter to the docket approving the plan.

Steve

**Steve Roos**

**Environmental Planner**

Energy and Environment Section  
Agricultural Marketing and Development Division  
Minnesota Department of Agriculture  
625 Robert Street North  
Saint Paul, MN 55155-2538  
Ph: 651-201-6631 office



[www.mda.state.mn.us](http://www.mda.state.mn.us)

---

**From:** Marc Morandi <[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)>

**Sent:** Thursday, May 25, 2023 7:47 AM

**To:** Roos, Stephan (MDA) <[stephan.roos@state.mn.us](mailto:stephan.roos@state.mn.us)>

**Subject:** RE: Elk Creek AIMP Review

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---

Hi Steve,

I wanted to check in with you again and see if you were able to review the AIMP for Elk Creek. Looking forward to seeing your comments!

Thanks,  
Marc



952.988.9000



**Marc Morandi**

Sr Permitting Specialist

**P**

**M** 937.554.4504

---

**From:** Marc Morandi <[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)>

**Sent:** Wednesday, May 17, 2023 11:43 AM

**To:** Roos, Stephan (MDA) <[stephan.roos@state.mn.us](mailto:stephan.roos@state.mn.us)>

**Subject:** Elk Creek AIMP Review

Hi Steve,

It was nice speaking with you on the VMP working group meeting yesterday! I wanted to check in on your review for the AIMP for Elk Creek. I wanted to check to see if you had any immediate questions or concerns, and just get an update. I appreciate your work on this!

Thanks,  
Marc



952.988.9000



**Marc Morandi**

Sr Permitting Specialist

**P**

**M** 937.554.4504

**E** [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)

8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437

April 14, 2023



Stacy Kotch Egstad  
Utility Routing and Siting Coordinator  
Minnesota Department of Transportation  
395 John Ireland Blvd  
St. Paul, MN 55155

RE: Elk Creek Solar in Rock County, Minnesota

Ms. Stacy Kotch Egstad:

Elk Creek Solar, LLC ("Elk Creek"), a wholly owned subsidiary of National Grid Renewables Development, LLC (NG Renewables) formally known as Geronimo Energy, received a Certificate of Need and Site Permit from the Minnesota Public Utilities Commission ("PUC") in December 2020 for up to 80 megawatts ("MW") solar energy generation facility ("Project") on 976 acres of land in Rock County, Minnesota. Due to significant delays to the Midcontinent Independent System Operator, Inc. ("MISO") interconnection review process for the project, Elk Creek was not able to meet its original target commercial operation date of December 31, 2021. MISO has completed its interconnection review process that will allow Elk Creek to interconnect up to 160 MW of power generation. Accordingly, Elk Creek is expanding the Project and will request the PUC allow an expansion of the Project from 80 MW to 160 MW. The purpose of this letter is to provide an update on the proposed Project and request your input regarding the proposed expansion of the Project.

Elk Creek is proposing to expand the PUC-approved solar array Project area, however the point of interconnection and its associated facilities necessary to interconnect the entire 160 MW to an existing 161-kilovolt substation adjacent to the Project will remain the same. Table 1 provides the sections of land within the original 80 MW Elk Creek Project boundary.

**Table 1: Sections within the Elk Creek original 80 MW Project Boundary**

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |

Table 2 provides the sections of land being added to the Project to construct an up to 160 MW Project. Elk Creek is adding approximately 500 acres of land to the Project.

**Table 2: Sections added to the Project and to construct an up to 160 MW Project**

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |
| MN    | Rock   | Magnolia            | 102      | 44    | 03         |

In response to our original notification to the Minnesota Department of Transportation for the 80 MW boundary, it was noted that because the Project was not in proximity to a state trunk highway, only oversize/overweight would apply to the Project. With the expanded boundary, the Project continues to be located away from state trunk highways. Accordingly, we consider all previous comments received as resolved pending Elk Creek or its contractors securing necessary oversize/overweight permits as needed during construction. Please notify us if any additional concerns are identified during your review of the new project boundary.

To facilitate your review, we have enclosed a map of Elk Creek's location, the PUC-approved Project Boundary and the additional land proposed to be added for the Project.

Elk Creek will seek PUC approval from the expansion in 2023 and anticipates construction beginning as early as Q2 2024 with intended completion by the end of 2025.

Any written agency comments provided in response to this letter will be incorporated into the PUC's review process.

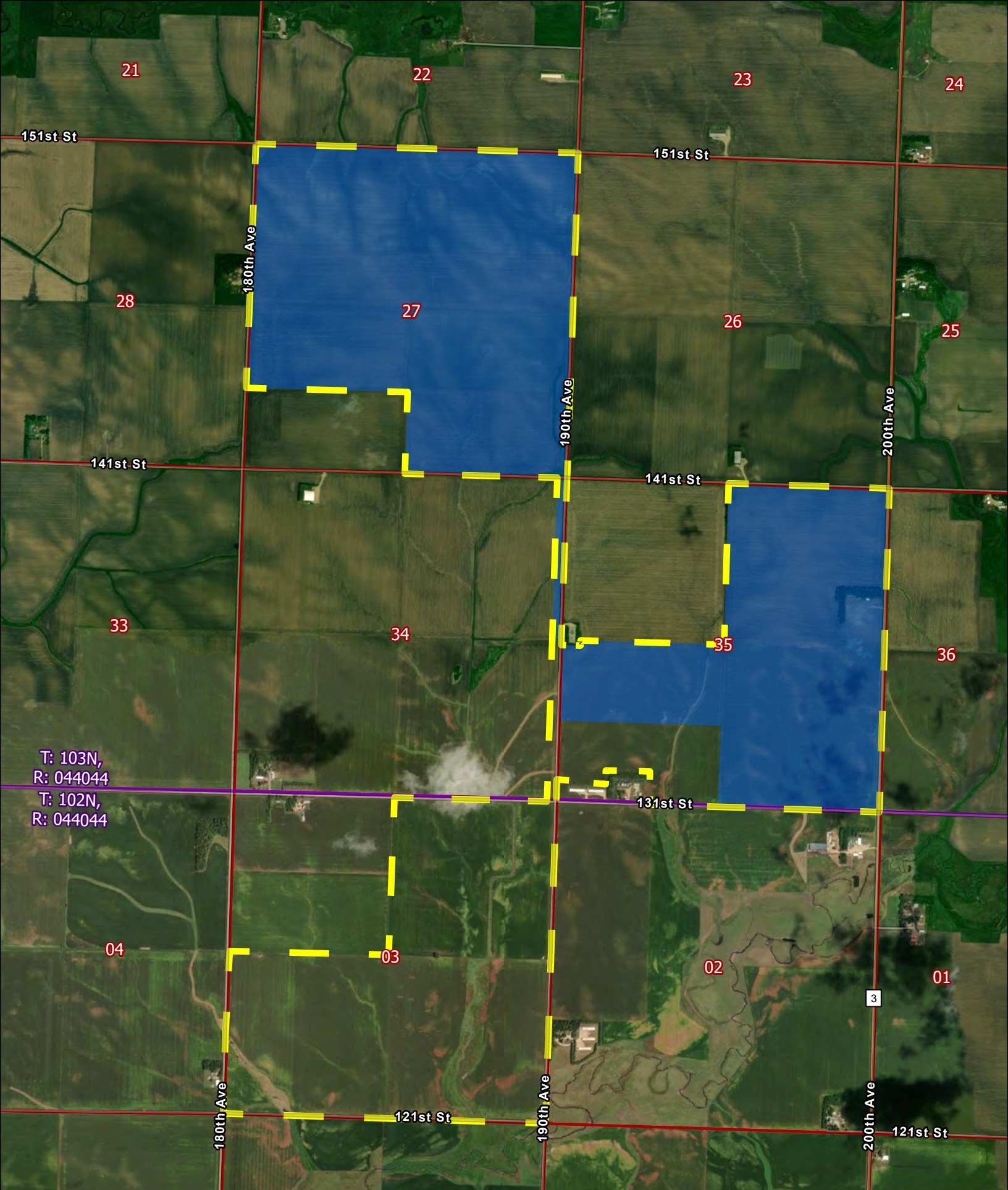
If you require further information or have questions regarding this matter, please contact me at 937-554-4504 or at [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com).

Sincerely,



Marc Morandi  
Senior Permitting Specialist  
National Grid Renewables  
8400 Normandale Lake Blvd, Suite 1200  
Bloomington, MN 55437

Enclosure:  
Updated Elk Creek Location Map



# Elk Creek Solar

- Sections
- Townships
- Original Permitted Boundary - 80MW
- Revised Project Boundary - 160MW

**From:** [Kotch Egstad, Stacy \(DOT\)](#)  
**To:** [Marc Morandi](#)  
**Subject:** [External] RE: Elk Creek Solar  
**Date:** Friday, May 12, 2023 9:42:14 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)

---

Good Morning Marc,

While the project boundary doesn't look to directly affect MnDOT ROW, associated facilities such as collection lines or HVTL lines may, depending on proposed locations.

Would there be a shapefile in the formats listed below available to forward my way? If available, I will be able to provide a more detailed response for addition to your PUC Site Permit Application.

- A Shapefile (.zip, ZIP archive containing all shapefile files)
- A CSV File (.csv, with address or latitude, longitude and comma, semi-colon or tab delimited)
- A KML File (.kml)
- A GPX File (.gpx, GPS Exchange Format)
- A GeoJSON File (.geo.json or .geojson)
- A maximum of 1000 features is allowed

Thank you,

*Stacy Kotch Egstad*

Utility Routing & Siting Coordinator | Office of Land Management

**Minnesota Department of Transportation**

395 John Ireland Blvd Mailstop 678

St. Paul, MN. 55155

O: 651-366-4635

[mndot.gov/](http://mndot.gov/)



---

**From:** Marc Morandi <[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)>

**Sent:** Thursday, May 11, 2023 3:59 PM

**To:** Kotch Egstad, Stacy (DOT) <[stacy.kotch@state.mn.us](mailto:stacy.kotch@state.mn.us)>

**Subject:** RE: Elk Creek Solar

**This message may be from an external email source.**

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

---

Hi Stacy,

Several weeks ago, we sent a letter indicating that Elk Creek Solar, LLC is proposing to expand the existing PUC-approved solar array Project from 80 MW to 160 MW. After that letter was sent, a small alteration to the 160 MW project area was made to accommodate certain design constraints relating to Project substation location. As a result, the project boundary is 0.67 acres smaller than the previous letter specified. All other details in the previous letter are unchanged, including interconnection details and PLSS sections in which the project will be located.

Please find an updated Agency Notification Letter attached and please let me know if you have any questions.

Thanks,  
Marc



952.988.9000



**Marc Morandi**

Sr Permitting Specialist

**P**

**M** 937.554.4504

---

**From:** Marc Morandi <[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)>

**Sent:** Friday, April 14, 2023 4:16 PM

**To:** [stacy.kotch@state.mn.us](mailto:stacy.kotch@state.mn.us)

**Subject:** Elk Creek Solar

Hi Stacy,

I am writing to provide you with an update on our Elk Creek Solar facility. As explained in the attached letter, we will be moving forward with permitting the project at 160 MW through the MN PUC. You likely previously worked with Melissa Schmit; I will be the Elk Creek point of contact going forward. If your agency has additional concerns with the new project boundary, please don't hesitate to reach out.

Thanks,  
Marc



952.988.9000



**Marc Morandi**

Sr Permitting Specialist

**P**

**M** 937.554.4504

**E** [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)

8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437

**From:** [Marc Morandi](#)  
**To:** [Kotch Egstad, Stacy \(DOT\)](#)  
**Subject:** RE: [External] RE: Elk Creek Solar  
**Date:** Tuesday, May 23, 2023 12:16:00 PM  
**Attachments:** [image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[NG\\_Renewables\\_Logo\\_Primary\\_RGB\\_small\\_b3464f9a-abea-443c-8d43-87fd96c8afec.png](#)  
[LinkedInIcon\\_8e0cea1f-d234-405f-8a61-4afe010bf11b.png](#)  
[TwitterIcon\\_ff6acde5-6940-4a01-92b6-0ef9db8c446d.png](#)  
[WebIcon\\_e1c44bce-dc58-4738-94a6-8941e49d8897.png](#)  
[Elk Creek - Shapefiles.zip](#)

---

Hi Stacy,

Sorry for the delay in getting this to you. Please find attached the shapefiles for our proposed layout. Please keep in mind that this layout is subject to change based on agency feedback and engineering requirements.

Let me know if you have any difficulty accessing the files or other questions/comments. Thank you for your feedback!

Marc



952.988.9000



**Marc Morandi**

Sr Permitting Specialist

**P**

**M** 937.554.4504

---

**From:** Kotch Egstad, Stacy (DOT) <stacy.kotch@state.mn.us>  
**Sent:** Friday, May 12, 2023 9:42 AM  
**To:** Marc Morandi <mmorandi@nationalgridrenewables.com>  
**Subject:** [External] RE: Elk Creek Solar

Good Morning Marc,

While the project boundary doesn't look to directly affect MnDOT ROW, associated facilities such as collection lines or HVTL lines may, depending on proposed locations.

Would there be a shapefile in the formats listed below available to forward my way? If available, I will be able to provide a more detailed response for addition to your PUC Site Permit Application.

- A Shapefile (.zip, ZIP archive containing all shapefile files)
- A CSV File (.csv, with address or latitude, longitude and comma, semi-colon or tab delimited)
- A KML File (.kml)
- A GPX File (.gpx, GPS Exchange Format)
- A GeoJSON File (.geo.json or .geojson)

- A maximum of 1000 features is allowed

Thank you,

*Stacy Kotch Egstad*

Utility Routing & Siting Coordinator | Office of Land Management

**Minnesota Department of Transportation**

395 John Ireland Blvd Mailstop 678

St. Paul, MN. 55155

O: 651-366-4635

[mndot.gov/](http://mndot.gov/)



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**Sent:** Thursday, May 11, 2023 3:59 PM

**To:** Kotch Egstad, Stacy (DOT) <[stacy.kotch@state.mn.us](mailto:stacy.kotch@state.mn.us)>

**Subject:** RE: Elk Creek Solar

**This message may be from an external email source.**

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Hi Stacy,

Several weeks ago, we sent a letter indicating that Elk Creek Solar, LLC is proposing to expand the existing PUC-approved solar array Project from 80 MW to 160 MW. After that letter was sent, a small alteration to the 160 MW project area was made to accommodate certain design constraints relating to Project substation location. As a result, the project boundary is 0.67 acres smaller than the previous letter specified. All other details in the previous letter are unchanged, including interconnection details and PLSS sections in which the project will be located.

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Thanks,  
Marc



952.988.9000



**Marc Morandi**

Sr Permitting Specialist

**P**

**M** 937.554.4504

---

**From:** Marc Morandi <[mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)>

**Sent:** Friday, April 14, 2023 4:16 PM

**To:** [stacy.kotch@state.mn.us](mailto:stacy.kotch@state.mn.us)

**Subject:** Elk Creek Solar

Hi Stacy,

I am writing to provide you with an update on our Elk Creek Solar facility. As explained in the attached letter, we will be moving forward with permitting the project at 160 MW through the MN PUC. You likely previously worked with Melissa Schmit; I will be the Elk Creek point of contact going forward. If your agency has additional concerns with the new project boundary, please don't hesitate to reach out.

Thanks,  
Marc



952.988.9000



**Marc Morandi**

Sr Permitting Specialist

**P**

**M** 937.554.4504

**E** [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)

8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437



**DEPARTMENT OF  
ADMINISTRATION**

STATE HISTORIC PRESERVATION OFFICE

July 3, 2019

Mr. Garrett Knudsen  
Area M Consulting  
7302 Claredon Drive  
Edina, MN 55439

RE: Geronimo Energy - Elk Creek 1 Solar Project  
T103 R44 S27, 34, 35  
Vienna Twp., Rock County  
SHPO Number: 2019-1895

Dear Mr. Knudsen:

Thank you for the opportunity to comment on the above project. It has been reviewed pursuant to the responsibilities given the State Historic Preservation Office by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have reviewed the cultural resources survey report that was prepared for this project. Based on the results of the survey, we conclude that there are no properties listed in the National or State Registers of Historic Places, and no known or suspected archaeological properties in the area that will be affected by this project.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

Please contact our Environmental Review Program at (651) 201-3285 if you have any questions on our review of this project.

Sincerely,

Sarah J. Beimers  
Environmental Review Program Manager

July 5, 2019

Mr. Garrett Knudsen  
Area M Consulting  
7302 Claredon Drive  
Edina, MN 55439

RE: Geronimo Energy - Elk Creek 2 Solar Project  
T102 R44 S3; T103 R44 S33-35  
Rock County  
SHPO Number: 2019-1896

Dear Mr. Knudsen:

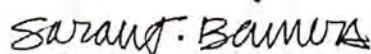
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Please contact our Environmental Review Program at (651) 201-3285 if you have any questions on our review of this project.

Sincerely,



Sarah J. Beimers  
Environmental Review Program Manager

# Minnesota Wetland Conservation Act

## Notice of Decision

|                                                                 |                                                      |
|-----------------------------------------------------------------|------------------------------------------------------|
| Local Government Unit (LGU)<br><b>Rock County SWCD/Land Mgt</b> | Address<br><b>311 W Gabrielson, Luvene, MN 56156</b> |
|-----------------------------------------------------------------|------------------------------------------------------|

### 1. PROJECT INFORMATION

|                                                              |                                        |                                       |                                            |
|--------------------------------------------------------------|----------------------------------------|---------------------------------------|--------------------------------------------|
| Applicant Name<br><b>Elk Creek Solar LLC</b>                 | Project Name<br><b>Elk Creek Solar</b> | Date of Application<br><b>6/10/19</b> | Application Number<br><b>2019-26/27/35</b> |
| <input checked="" type="checkbox"/> Attach site locator map. |                                        |                                       |                                            |

Type of Decision:

|                                                              |                                       |                                    |                                     |
|--------------------------------------------------------------|---------------------------------------|------------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> Wetland Boundary or Type | <input type="checkbox"/> No-Loss      | <input type="checkbox"/> Exemption | <input type="checkbox"/> Sequencing |
| <input type="checkbox"/> Replacement Plan                    | <input type="checkbox"/> Banking Plan |                                    |                                     |

Technical Evaluation Panel Findings and Recommendation (if any):

|                                             |                                                  |                               |
|---------------------------------------------|--------------------------------------------------|-------------------------------|
| <input checked="" type="checkbox"/> Approve | <input type="checkbox"/> Approve with conditions | <input type="checkbox"/> Deny |
| Summary (or attach):                        |                                                  |                               |

### 2. LOCAL GOVERNMENT UNIT DECISION

|                                              |                                                                   |                                 |
|----------------------------------------------|-------------------------------------------------------------------|---------------------------------|
| Date of Decision: <b>7/9/19</b>              |                                                                   |                                 |
| <input checked="" type="checkbox"/> Approved | <input type="checkbox"/> Approved with conditions (include below) | <input type="checkbox"/> Denied |

LGU Findings and Conclusions (attach additional sheets as necessary):

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Findings: Elk Creek Solar LLC is proposing to develop a new solar energy production facility in Rock County, Minnesota. The 970 acre Project Area is located in Section 27, 26, and 35 of Township 103 Range 44 (Vienna) in Rock County, Minnesota. One wetland was identified and delineated within the Project area.</p> <p>Conclusion: The TEP panel has reviewed the delineation report completed by HDR and concurs with the findings. No comments were submitted during the public comment period.</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

For Replacement Plans using credits from the State Wetland Bank:

|                |                   |        |                                                               |
|----------------|-------------------|--------|---------------------------------------------------------------|
| Bank Account # | Bank Service Area | County | Credits Approved for Withdrawal (sq. ft. or nearest .01 acre) |
|----------------|-------------------|--------|---------------------------------------------------------------|

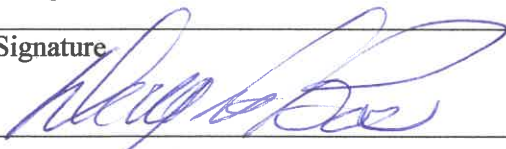
**Replacement Plan Approval Conditions.** In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- ☐ **Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- ☐ **Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.
- ☐ **Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

**Wetlands may not be impacted until all applicable conditions have been met!**

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.

|                                                                                                  |                               |                                                                                 |
|--------------------------------------------------------------------------------------------------|-------------------------------|---------------------------------------------------------------------------------|
| Name<br><b>Douglas Bos</b>                                                                       | Title<br><b>Asst Director</b> |                                                                                 |
| Signature<br> | Date<br><b>7/9/19</b>         | Phone Number and E-mail<br><b>507-283-8862</b><br><b>doug.bos@co.rock.mn.us</b> |

**THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT.** Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

### 3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

|                                                                                                             |                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Appeal of an LGU staff decision. Send petition and \$_____ fee (if applicable) to: | <input type="checkbox"/> Appeal of LGU governing body decision. Send petition and \$500 filing fee to:<br>Executive Director<br>Minnesota Board of Water and Soil Resources<br>520 Lafayette Road North<br>St. Paul, MN 55155 |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

#### 4. LIST OF ADDRESSEES

- ☒ SWCD TEP member: **Mike Walgrave**
  - ☒ BWSR TEP member: **John Hansel**
  - ☐ LGU TEP member (if different than LGU Contact):
  - ☒ DNR TEP member: **Ryan Doornbos**
  - ☐ DNR Regional Office (if different than DNR TEP member)
  - ☐ WD or WMO (if applicable):
  - ☐ Applicant and Landowner (if different)
  - ☐ Members of the public who requested notice:
- 
- ☐ Corps of Engineers Project Manager
  - ☐ BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

#### 5. MAILING INFORMATION

- For a list of BWSR TEP representatives: [www.bwsr.state.mn.us/aboutbwsr/workareas/WCA\\_areas.pdf](http://www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf)
- For a list of DNR TEP representatives: [www.bwsr.state.mn.us/wetlands/wca/DNR\\_TEP\\_contacts.pdf](http://www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf)
- Department of Natural Resources Regional Offices:

|                                                                                                                             |                                                                                                                  |                                                                                                                     |                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <b>NW Region:</b><br>Reg. Env. Assess. Ecol.<br>Div. Ecol. Resources<br>2115 Birchmont Beach Rd.<br>NE<br>Bemidji, MN 56601 | <b>NE Region:</b><br>Reg. Env. Assess. Ecol.<br>Div. Ecol. Resources<br>1201 E. Hwy. 2<br>Grand Rapids, MN 55744 | <b>Central Region:</b><br>Reg. Env. Assess. Ecol.<br>Div. Ecol. Resources<br>1200 Warner Road<br>St. Paul, MN 55106 | <b>Southern Region:</b><br>Reg. Env. Assess. Ecol.<br>Div. Ecol. Resources<br>261 Hwy. 15 South<br>New Ulm, MN 56073 |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|

For a map of DNR Administrative Regions, see: [http://files.dnr.state.mn.us/about\\_dnr/dnr\\_regions.pdf](http://files.dnr.state.mn.us/about_dnr/dnr_regions.pdf)

- For a list of Corps of Project Managers: [www.mvp.usace.army.mil/regulatory/default.asp?pageid=687](http://www.mvp.usace.army.mil/regulatory/default.asp?pageid=687)  
or send to:

US Army Corps of Engineers  
St. Paul District, ATTN: OP-R  
180 Fifth St. East, Suite 700  
St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:  
Minnesota Board of Water and Soil Resources  
Wetland Bank Coordinator  
520 Lafayette Road North  
St. Paul, MN 55155

#### 6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

|                          |
|--------------------------|
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |

## **Rock County and Local Government Units**

April 14, 2023



Rock County  
Board of Commissioners  
PO Box 509  
Luverne, MN 56156

RE: Elk Creek Solar in Rock County, Minnesota

To whom it may concern:

Elk Creek Solar, LLC ("Elk Creek"), a wholly owned subsidiary of National Grid Renewables Development, LLC (NG Renewables) formally known as Geronimo Energy, received a Certificate of Need and Site Permit from the Minnesota Public Utilities Commission ("PUC") in December 2020 for up to 80 megawatts ("MW") solar energy generation facility ("Project") on 976 acres of land in Rock County, Minnesota. Due to significant delays to the Midcontinent Independent System Operator, Inc. ("MISO") interconnection queue review process for the project, Elk Creek was not able to meet its original target commercial operation date of December 31, 2021. MISO has completed its interconnection review process that will allow Elk Creek to interconnect up to 160 MW of power generation. Accordingly, Elk Creek is expanding the Project and will request the PUC allow an expansion of the Project from 80 MW to 160 MW. The purpose of this letter is to provide an update on the proposed Project and request your input regarding the proposed expansion of the Project.

Elk Creek is proposing to expand the PUC-approved solar array Project area, however the point of interconnection and its associated facilities necessary to interconnect the entire 160 MW to an existing 161-kilovolt substation adjacent to the Project will remain the same. Table 1 provides the sections of land within the original 80 MW Elk Creek Project boundary.

**Table 1: Sections within the Elk Creek original 80 MW Project Boundary**

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |

Table 2 provides the sections of land being added to the Project to construct an up to 160 MW Project. Elk Creek is adding approximately 500 acres of land to the Project.

**Table 2: Sections added to the Project and to construct an up to 160 MW Project**

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |
| MN    | Rock   | Magnolia            | 102      | 44    | 03         |

To facilitate your review, we have enclosed a map of Elk Creek's location, the PUC-approved Project Boundary and the additional land proposed to be added for the Project.

Elk Creek will seek PUC approval from the expansion in 2023 and anticipates construction beginning as early as Q2 2024 with intended completion by the end of 2025.

Any written agency comments provided in response to this letter will be incorporated into the PUC's review process.

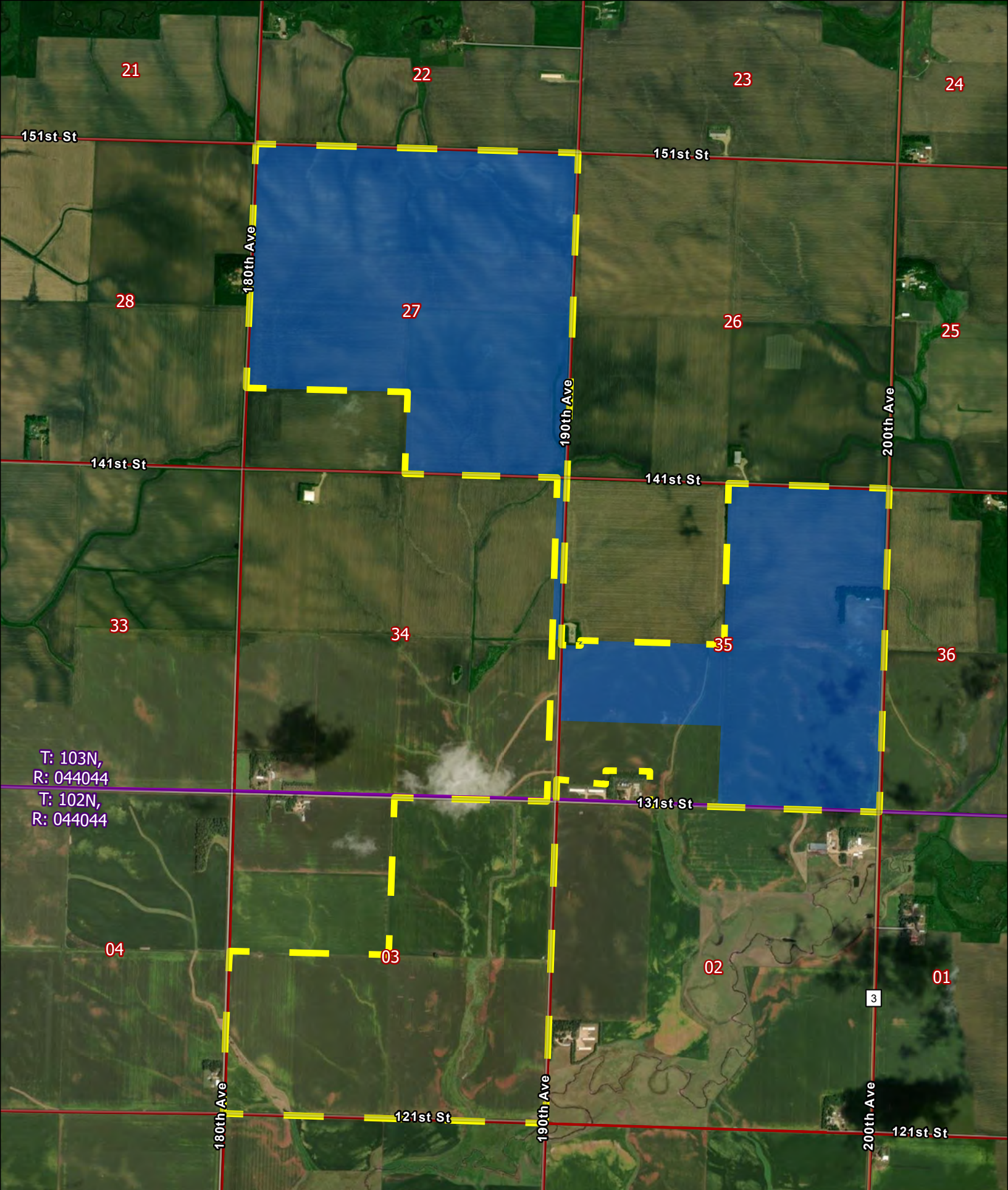
If you require further information or have questions regarding this matter, please contact me at 937-554-4504 or at [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com).

Sincerely,



Marc Morandi  
Senior Permitting Specialist  
National Grid Renewables  
8400 Normandale Lake Blvd, Suite 1200  
Bloomington, MN 55437

Enclosure:  
Updated Elk Creek Location Map



# Elk Creek Solar

- Sections
- Townships
- Original Permitted Boundary - 80MW
- Revised Project Boundary - 160MW

# **ROCK COUNTY BOARD OF COMMISSIONERS**

Gary Overgaard, District 1  
Stan Williamson, District 2  
Greg Burger, District 3  
Sherri Thompson, District 4  
Jody Reisch, District 5



21 March 2023

Minnesota Public Utilities Commission  
121 7<sup>th</sup> Pl E #350  
St. Paul, MN 55101

Re: Letter of Support for the Elk Creek Solar Projects in Rock County

Dear Commissioners,

On behalf of the Rock County Board of Commissioners, I am writing to express our support for the 160 megawatt (MW) Elk Creek Solar Project, which is currently being developed by National Grid Renewables in Rock County, Minnesota. We believe the Elk Creek Solar Project represents cost effective renewable energy generation, and we look forward to the project adding economic development to our region.

We believe this project will bring significant economic development and will have a long-term financial benefit to the area. Once constructed, the Elk Creek Solar will provide a boost in the local economy through production tax payments to Rock County and the local Township, also to the local school districts through the proposed Education Fund. We also anticipate there will be full-time local jobs created to support the development.

Overall, we are excited about the economic benefits of the Elk Creek Solar Project, as well as the beneficial community impact the project will have while providing clean renewable energy.

Respectfully,

Handwritten signature of Sherri Thompson in blue ink.

Sherri Thompson, Chair  
Rock County Board of Commissioners

# ROCK COUNTY ECONOMIC DEVELOPMENT AUTHORITY

PO Box 509  
Luverne, MN 56156  
507-283-5065

March 20, 2023

Minnesota Public Utilities Commission  
121 7th Pl E #350  
St. Paul, MN 55101

Re: Letter of Support for the Elk Creek Solar Projects in Rock County

Dear Commissioners,

On behalf of the Rock County Economic Development Authority, I am writing to express our support for the 160 megawatt (MW) Elk Creek Solar Project, which is currently being developed by National Grid Renewables in Rock County, Minnesota. We believe the Elk Creek Solar Project represents cost effective renewable energy generation, and we look forward to the project adding economic development to our region.

We believe this project will bring significant economic development and will have a long-term financial benefit to the area. Once constructed, the Elk Creek Solar will provide a boost in the local economy through production tax payments to Rock County and the local Township, also to the local school districts through the proposed Education Fund. We also anticipate there will be full-time local jobs created to support the development.

Overall, we are excited about the economic benefits of the Elk Creek Solar Project, as well as the beneficial community impact the project will have while providing clean renewable energy.

Respectfully,



Kyle Oldre,

Rock County Economic Development Authority

**From:** [Marc Morandi](#)  
**To:** [Kyle Oldre](#)  
**Subject:** RE: [External] RE: Elk Creek Solar  
**Date:** Thursday, April 20, 2023 1:57:59 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[NG Renewables Logo Primary RGB\\_small\\_b3464f9a-abea-443c-8d43-87fd96c8afec.png](#)  
[LinkedInIcon\\_8e0cea1f-d234-405f-8a61-4afe010bf11b.png](#)  
[TwitterIcon\\_ff6acde5-6940-4a01-92b6-0ef9db8c446d.png](#)  
[WebIcon\\_e1c44bce-dc58-4738-94a6-8941e49d8897.png](#)

---

Hi Kyle,

Sorry for the delayed response. The current number that I have for total investment on this project would be around \$275 million. I will also note that I'll be sending an updated notification letter sometime around 5/5 with a slightly different project boundary (about 3 additional acres near the substation) than was shown in the letter that I sent last Friday due to some design constraints. I'll be out of the office next week and through 5/2, but please let me know if you have any questions!

Thanks,  
Marc



952.988.9000



**Marc Morandi**  
Sr Permitting Specialist

**P**  
**M** 937.554.4504

---

**From:** Kyle Oldre <Kyle.oldre@co.rock.mn.us>  
**Sent:** Friday, April 14, 2023 5:31 PM  
**To:** Marc Morandi <mmorandi@nationalgridrenewables.com>  
**Subject:** [External] RE: Elk Creek Solar

Thanks for the update, could you give me a ball park on what the total investment in this project will be?  
Thanks, Kyle Oldre Rock County Administrator

---

**From:** Marc Morandi [<mailto:mmorandi@nationalgridrenewables.com>]  
**Sent:** Friday, April 14, 2023 4:08 PM  
**To:** Kyle Oldre  
**Subject:** Elk Creek Solar

**ROCK COUNTY SECURITY NOTICE:**

This email originated from an external sender. Exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information please contact support.

Hi Kyle,

I am writing to provide you with an update on our Elk Creek Solar facility. As explained in the attached

letter, we will be moving forward with permitting the project at 160 MW through the MN PUC. You likely previously worked with Melissa Schmit on the executed Elk Creek Development Agreement with Rock County; I will be the Elk Creek point of contact going forward and will plan to coordinate with you on updating the Development Plan as we get closer to construction. Looking forward to working with you, and if you have any questions in the meantime, please don't hesitate to reach out.

Thanks,  
Marc



952.988.9000



Marc Morandi

Sr Permitting Specialist

P

M 937.554.4504

E [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com)

8400 Normandale Lake Boulevard, Suite 1200 | Bloomington, MN 55437

April 14, 2023



Rock County  
Land Management Office  
Attn: Planning & Zoning  
311 West Gabrielson Road  
Luverne, MN 56156

RE: Elk Creek Solar in Rock County, Minnesota

To whom it may concern:

Elk Creek Solar, LLC ("Elk Creek"), a wholly owned subsidiary of National Grid Renewables Development, LLC (NG Renewables) formally known as Geronimo Energy, received a Certificate of Need and Site Permit from the Minnesota Public Utilities Commission ("PUC") in December 2020 for up to 80 megawatts ("MW") solar energy generation facility ("Project") on 976 acres of land in Rock County, Minnesota. Due to significant delays to the Midcontinent Independent System Operator, Inc. ("MISO") interconnection queue review process for the project, Elk Creek was not able to meet its original target commercial operation date of December 31, 2021. MISO has completed its interconnection review process that will allow Elk Creek to interconnect up to 160 MW of power generation. Accordingly, Elk Creek is expanding the Project and will request the PUC allow an expansion of the Project from 80 MW to 160 MW. The purpose of this letter is to provide an update on the proposed Project and request your input regarding the proposed expansion of the Project.

Elk Creek is proposing to expand the PUC-approved solar array Project area, however the point of interconnection and its associated facilities necessary to interconnect the entire 160 MW to an existing 161-kilovolt substation adjacent to the Project will remain the same. Table 1 provides the sections of land within the original 80 MW Elk Creek Project boundary.

**Table 1: Sections within the Elk Creek original 80 MW Project Boundary**

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |

Table 2 provides the sections of land being added to the Project to construct an up to 160 MW Project. Elk Creek is adding approximately 500 acres of land to the Project.

Table 2: Sections added to the Project and to construct an up to 160 MW Project

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |
| MN    | Rock   | Magnolia            | 102      | 44    | 03         |

To facilitate your review, we have enclosed a map of Elk Creek's location, the PUC-approved Project Boundary and the additional land proposed to be added for the Project.

Elk Creek will seek PUC approval from the expansion in 2023 and anticipates construction beginning as early as Q2 2024 with intended completion by the end of 2025.

Any written agency comments provided in response to this letter will be incorporated into the PUC's review process.

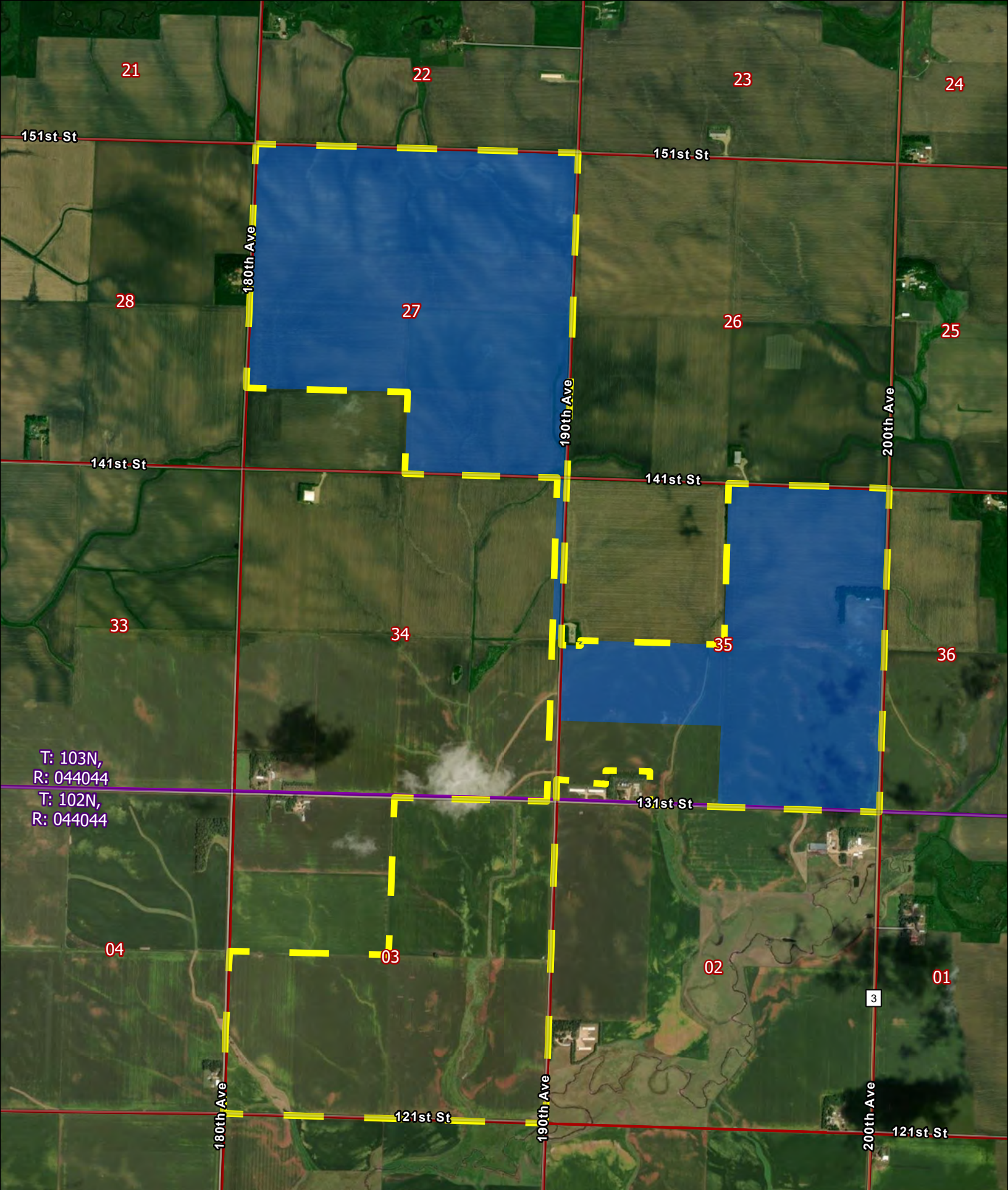
If you require further information or have questions regarding this matter, please contact me at 937-554-4504 or at [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com).

Sincerely,



Marc Morandi  
Senior Permitting Specialist  
National Grid Renewables  
8400 Normandale Lake Blvd, Suite 1200  
Bloomington, MN 55437

Enclosure:  
Updated Elk Creek Location Map



# Elk Creek Solar

Sections

Townships

Original Permitted Boundary - 80MW

Revised Project Boundary - 160MW



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305 East Luverne Street, PO Box 659 • Luverne, MN 56156 • P 507.449.2388 • F 507.449.5034 • [www.CityOfLuverne.org](http://www.CityOfLuverne.org)

April 18, 2023

Elk Creek Solar  
Geronimo Wind Energy  
7650 Edinborough Way, Ste 7825  
Edina, MN 55435

To Whom it may Concern:

The City of Luverne would like to express our support for the Elk Creek Solar Project that is proposed to be developed in Rock County, MN. Developing renewable energy and boosting local economies are important factors that contribute to the overall economic well-being in our region.

Creating jobs and improving the tax base in the county are critical components of economic development, and we are pleased to learn about the opportunities that Geronimo Energy is bringing to Rock County.

We look forward to this project moving forward and are excited about its many possibilities. If we may be of any other assistance, please contact us at 507-449-2388.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick T. Baustian".

Patrick T. Baustian  
Mayor  
City of Luverne

A handwritten signature in black ink, appearing to read "Jill Wolf".

Jill Wolf  
City Administrator  
City of Luverne

**From:** [Eric Hartman](#)  
**To:** [Monika Davis](#)  
**Subject:** EXTERNAL: RE: Request for Zoning Information and Renewable Energy Ordinance  
**Date:** Thursday, April 6, 2023 1:42:34 PM  
**Attachments:** [image001.png](#)  
[Renewable Energy Ordinance As Amended 06.29.2020.docx](#)

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**CAUTION:** This email originated from outside of Merjent.

Monika:

I have attached a copy of the Ordinance on Renewable Energy.

Sections 1-16, 21-28, and 33-36 of Vienna Township are predominantly zoned as A-2, General Agriculture, with overlay districts of Floodplain and Shoreland. Section 17-20 and 29-32 are A-1, Limited Agriculture. The west half of Section 1 and the east half of section 2 contains the City of Kenneth with their own zoning controls.

As far as Magnolia Township is concerned, A-2, General Agriculture is the predominant zoning, again with overlay districts of Floodplain and Shoreland. The I-90 corridor is A-1, Limited Ag, and contains those areas ¼ mile on either side of the centerline of I-90. The City of Magnolia is in a small portion of the SW ¼ of Section 12, but encompasses the entire SE ¼ of Section 11, NW ¼ of Section 13, and the NE ¼ of Section 14. West of Magnolia, on the south side of County Highway 4, includes a couple tracts of General Industry under the County Zoning controls.

If you have some specific tracts in mind, I can provide some maps of those tracts with the applicable zoning. I will also check with my GIS technician and see if he does have the entire county zoning map in an electronic format.

If there is anything else I can provide, please ask.

Eric Hartman  
Rock County

---

**From:** Monika Davis [mailto:monika.davis@merjent.com]  
**Sent:** Thursday, April 6, 2023 1:29 PM  
**To:** Eric Hartman  
**Subject:** Request for Zoning Information and Renewable Energy Ordinance

**ROCK COUNTY SECURITY NOTICE :**

This email originated from an external sender. Exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information please contact support.

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Hi, Eric.

Thanks again for taking my call earlier today. As I explained on the phone, I'm looking for a current copy of Rock County's Renewable Energy Ordinance and for zoning information in the following areas:

- Township 103 North, Range 44 West, in Vienna Township
- Township 102 North, Range 44 West, in Magnolia Township

Thanks so much for your help. Have a pleasant afternoon!

Monika

**Monika H. Davis**

612.924.3988 direct

612.600.8010 mobile

monika.davis@merjent.com



1 Main Street SE, Suite 300

Minneapolis, MN 55414

612.746.3660

www.merjent.com

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May 10, 2023



Tom Skattum  
Chairman  
Magnolia Township  
1686 101st St  
Luverne, MN 56156

RE: Elk Creek Solar in Rock County, Minnesota

To whom it may concern:

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Elk Creek is proposing to expand the PUC-approved solar array Project area, however the point of interconnection and its associated facilities necessary to interconnect the entire 160 MW to an existing 161-kilovolt substation adjacent to the Project will remain the same. Table 1 provides the sections of land within the original 80 MW Elk Creek Project boundary.

**Table 1: Sections within the Elk Creek original 80 MW Project Boundary**

| State | County | Civil Township Name | Township | Range | Sections   |
|-------|--------|---------------------|----------|-------|------------|
| MN    | Rock   | Vienna              | 103      | 44    | 27, 34, 35 |

Table 2 provides the sections of land being added to the Project to construct an up to 160 MW Project. Elk Creek is adding approximately 500 acres of land to the Project.

**Table 2: Sections added to the Project and to construct an up to 160 MW Project**

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In 2020, Magnolia and Vienna Townships executed Resolutions that approved the Rock County Engineer to act on its behalf and negotiate/execute a final Development Agreement with Elk Creek Solar, and to make the final determination that the provisions of the agreement have been met. Elk Creek executed a Development Agreement with Rock County in September 2021 for the 80 MW project. As we work with Rock County to update the agreement to reflect the 160 MW project, we will seek an updated Resolution as well.

To facilitate your review, we have enclosed a map of Elk Creek's location, the PUC-approved Project Boundary and the additional land proposed to be added for the Project.

Elk Creek will seek PUC approval from the expansion in 2023 and anticipates construction beginning as early as Q2 2024 with intended completion by the end of 2025.

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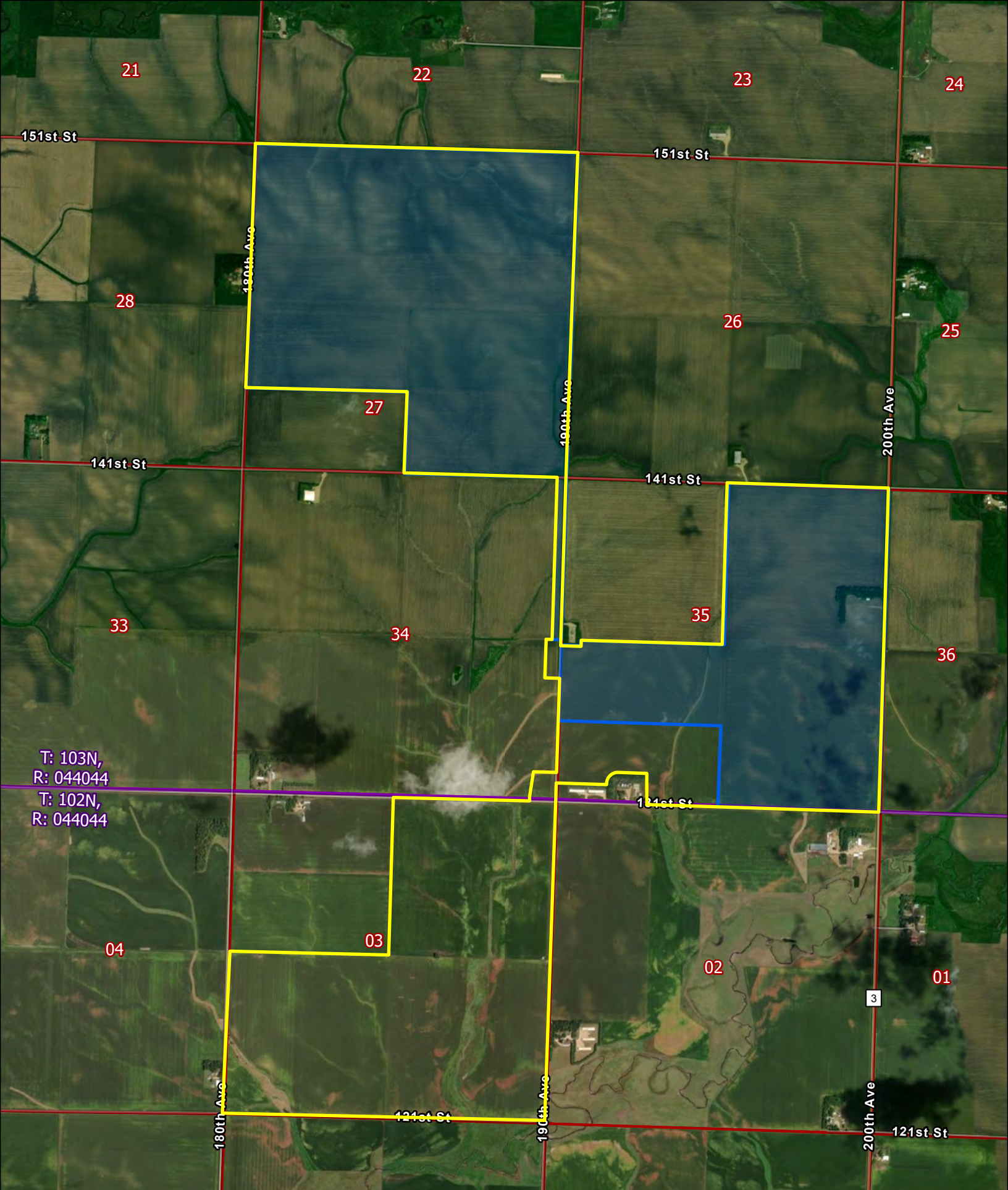
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Sincerely,



Marc Morandi  
Senior Permitting Specialist  
National Grid Renewables  
8400 Normandale Lake Blvd, Suite 1200  
Bloomington, MN 55437

Enclosure:  
Updated Elk Creek Location Map



# Elk Creek Solar

- Sections
- Townships
- Revised Project Boundary - 160 MW
- Original Permitting Boundary - 80MW

May 10, 2023



Kraig Rust  
Chairman  
Vienna Township  
2005 151st St  
Kenneth, MN 56147

RE: Elk Creek Solar in Rock County, Minnesota

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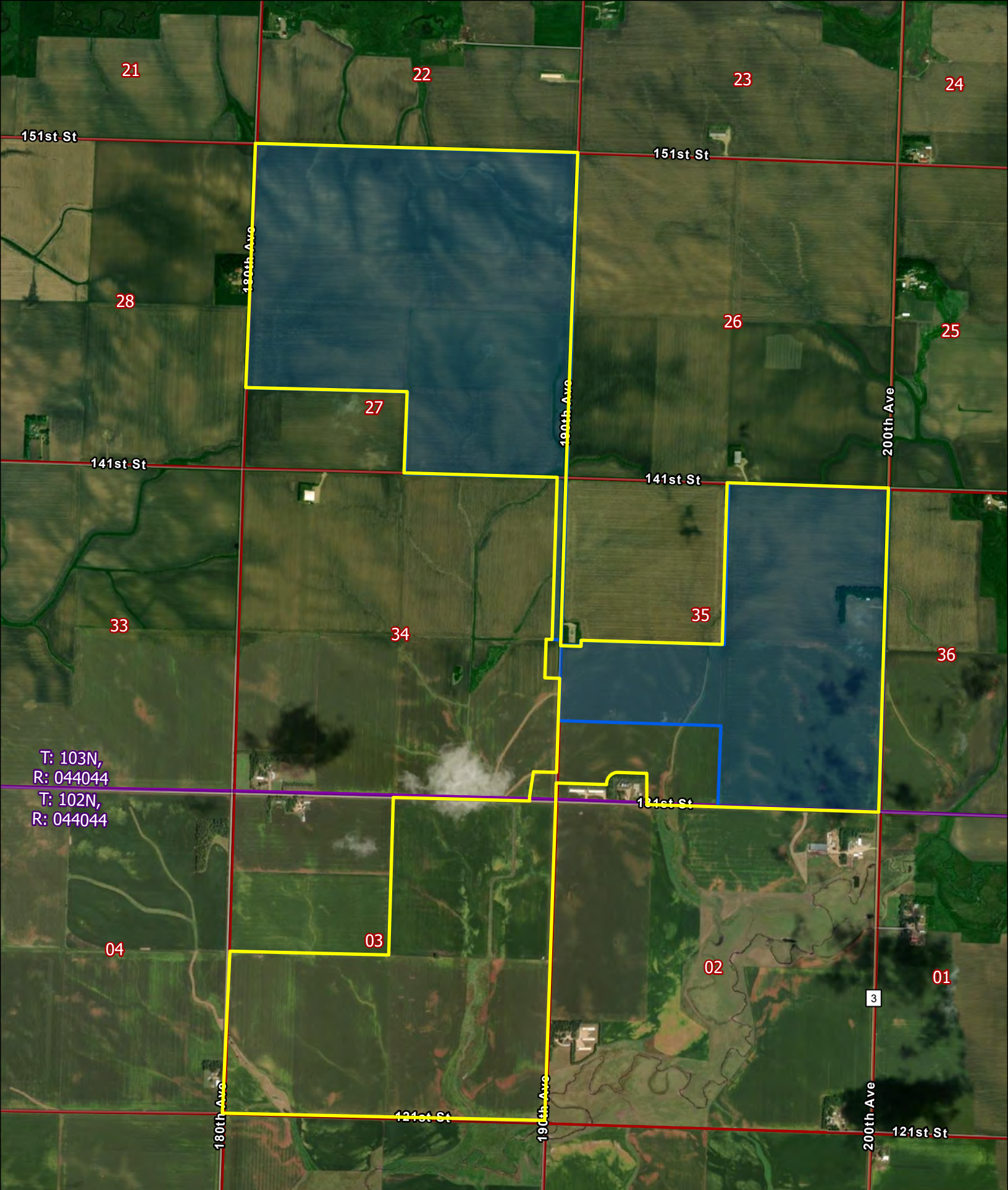
If you require further information or have questions regarding this matter, please contact me at 937-554-4504 or at [mmorandi@nationalgridrenewables.com](mailto:mmorandi@nationalgridrenewables.com).

Sincerely,



Marc Morandi  
Senior Permitting Specialist  
National Grid Renewables  
8400 Normandale Lake Blvd, Suite 1200  
Bloomington, MN 55437

Enclosure:  
Updated Elk Creek Location Map



# Elk Creek Solar

- Sections
- Townships
- Revised Project Boundary - 160 MW
- Original Permitting Boundary - 80MW

November 22, 2023

Adam Holven  
Principal Investigator  
Tetra Tech, Inc.  
2001 Killebrew Dr, Suite 141  
Bloomington, MN 55425

RE: Elk Creek Solar; Addendum No. 1  
Rock County  
SHPO Number: 2024-0065

Dear Adam Holven:

Thank you for continuing consultation on the above referenced project. Information received on October 9, 2023, has been reviewed pursuant to the responsibilities given the State Historic Preservation Office by the Minnesota Historic Sites Act (Minn. Stat. 138.665-666) and the Minnesota Field Archaeology Act (Minn. Stat. 138.40).

As stated in your correspondence, the currently proposed Elk Creek Solar Project includes portions of a previous iteration of the Elk Creek Solar 1 project (SHPO No 2019-1895), portions of the Elk Creek Solar 2 project (SHPO No 2019-1896), and previously un-surveyed land. The Elk Creek Solar 1 and Elk Creek Solar 2 projects were surveyed by Area M Consulting back in 2019, and we concluded that there were no properties listed in the National or State Registers of Historic Places, and no known or suspected archaeological properties that would be affected by the projects as they were proposed at that time.

According to your October 9<sup>th</sup> submission, the Elk Creek Solar 1 and Elk Creek Solar 2 projects have now been combined to form the current Elk Creek Solar Project (Project) (SHPO No 2024-0065), and the submitted addendum survey report presents the results of the investigation of an approximately 79-acre parcel added to the Project following the completion of the previous surveys, and investigations of the locations of former farmsteads or structures identified within the current Project area (totaling approximately 30 acres).

We have reviewed the submitted report, *Addendum No. 1: Phase I Cultural Resources Survey Elk Creek Solar Rock County, Minnesota* (August 8, 2023) (Report) as prepared by Tetra Tech, Inc. According to the Report, one archaeological site was identified as a result of the Phase I survey, site **21RK0107**. We disagree with your determination that site **21RK0107** is not eligible for listing in the National Register of Historic Places (NRHP). Based on the documentation provided, we do not believe that there is sufficient information to justify your determination that the site is not eligible for listing in the NRHP, and therefore we consider the site **unevaluated**. The site appears to be a farmstead occupied by a single person or family for a brief period of time, which suggests that it may be able to provide additional information about that short time period and therefore may be eligible under Criterion D. An evaluation of this site should include the types and counts of artifacts identified, whether there are diagnostic or

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MINNESOTA STATE HISTORIC PRESERVATION OFFICE

50 Sherburne Avenue ■ Administration Building 203 ■ Saint Paul, Minnesota 55155 ■ 651-201-3287

[mn.gov/admin/shpo](https://mn.gov/admin/shpo) ■ [mnsppo@state.mn.us](mailto:mnsppo@state.mn.us)

AN EQUAL OPPORTUNITY AND SERVICE PROVIDER

unusual artifacts, and an assessment of the potential for subsurface features via subsurface investigation. Please note that the Report as prepared does not appear to follow the guidelines outlined in the *SHPO Manual for Archaeological Projects in Minnesota* (Anfinson 2005) because it has not identified the name of the Principal Investigator, key project personnel, the survey dates, a justification of the field methods based on the field conditions, or the research objectives of the study. However, based on the cover letter, we understand that Adam Holven was the Principal Investigator for the Project. Please keep these factors in mind in the preparation of future reports.

Based on information that is available to us at this time, we conclude that there no properties listed in the National or State Registers of Historic Places that will be affected by the proposed Project. Provided that the Project will avoid impacts to site **21RK0107** as stated, we agree that no significant archaeological sites will be affected by the Project as it is currently proposed.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

If you have any questions regarding our review of this project, please contact Kelly Gragg-Johnson, Environmental Review Program Specialist, at 651-201-3285 or [kelly.graggjohnson@state.mn.us](mailto:kelly.graggjohnson@state.mn.us).

Sincerely,



Sarah J. Beimers  
Environmental Review Program Manager