

**Minnesota Department of Natural Resources
Division of Ecological & Water Resources
500 Lafayette Road
St. Paul, MN 55155-4040**

March 16, 2026

Sasha Bergman
Minnesota Public Utilities Commission
121 7th Place East
St. Paul, MN 55101

RE: In the Matter of the Joint Application of Midwater BESS, LLC for a Site Permit and Route Permit for the up to 150 MW Midwater Energy Storage Project and Associated 161 kV Transmission Line in Freeborn County, Minnesota: PUC Docket Number: IP-7138/ESS-24-294 and IP-7138/TL-24-295

Ms. Bergman,

The Minnesota Department of Natural Resources (DNR) has reviewed the environmental assessment (EA), draft site permit (DSP) and draft route permit (DRP) for Midwater BESS to construct a 150 MW battery energy storage system (BESS) and a 161 kV high voltage transmission line (HVTL). Based on the review of the relevant documents, the DNR offers the following comments.

Dust Suppression

The EA indicates fugitive dust will be generated during construction. Given the project's proximity to the Shell Rock River, the DNR emphasizes the importance of avoiding any chloride-based dust suppression agents because they do not break down and may accumulate to levels that are toxic to wildlife and plants. The DNR offers the following revision to special condition 5.17 to be consistent with site permits for solar facilities, such as the permitted Boswell Solar Project (Docket No. E-015/GS-24-425), and ensure chloride-based dust suppression agents are not used: *The Permittee shall utilize non-chloride products for onsite dust control during construction.*

The DNR advises the above recommended special condition is included in the final route permit, similar to the permitted Boswell Solar Project route permit (Docket No. E-015/TL-24-426).

State-listed Species

The DNR supports a special condition to require the Applicant to complete coordination with the DNR regarding rare species, including following the stated avoidance measures and the Takings Permit process if needed, before Project activities begin. Our agency proposes the following special condition

to ensure compliance with state endangered species laws which was included in the permitted Benton Solar Project's BESS facility (Docket No. IP-7155/ESS-24-283): *The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of EIP staff.*

The DNR requests a similar special condition related to state-listed species is included in the route permit, similar to the permitted Benton Solar HVTL (Docket No. IP-7155/TL-23-425)

Vegetation Management Plan

The DNR supports special condition 5.11 of the DSP as written. Our agency advises that a similar special condition is included in the route permit. Our agency's review of the seed mix identified non-native grasses. The DNR recommends replacing non-native species with native, site-specific species to promote pollinator habitat, soil health and prevent erosion. Most of the proposed project area is grassland that serves as an important habitat complex. Grasslands are critical reproduction habitat for both non-game species and game species. The project's VMP should explain how seed mixes and vegetation maintenance will mitigate habitat loss. Such an explanation includes incorporating wetland characteristics into the design of the water storage basins to minimize habitat loss and erosion. The final VMP should be developed in accordance with the DNR's [Prairie Establishment & Maintenance Technical Guidance for Solar Projects](#) to the extent practicable.

Security Fence

The DNR supports the modified security fence design as described in the EA. Our agency supports special condition 5.16 as written.

Avian Protection

The DNR supports standard condition 5.3.16 of the DRP as written.

Lighting

The DNR supports special condition 5.1 of the DSP as written.

Bio-Netting or Natural Netting

The DNR supports special condition 5.14 of the DSP as written. The DNR recommends the same special condition is included in the route permit.

The DNR appreciates the opportunity to comment on the Midwater BESS project. Please contact me if you have questions.

Sincerely,

Martin
Donovan

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Energy Review Planner

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CC: Haley Byron, Minnesota DNR

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