

Kodi J. Verhalen
612.977.8591
KVerhalen@Taftlaw.com

October 16, 2025

The Honorable Kristien R. E. Butler
Administrative Law Judge
Court of Administrative Hearings
P.O. Box 64620
St. Paul, MN 55461-0620

Re: In the Matter of the Joint Application of Minnesota Power for a Site and Route Permit for the 85-megawatt Boswell Solar Project and Associated 2.45 mile 230-kilovolt Transmission Line in Itasca County, Minnesota
Minnesota Power Response to Public Hearing Comments
MPUC Docket Nos. E015/GS-24-425 and E015/TL-24-426
CAH Docket No. 24-2500-40695

Dear Kristien R. E. Butler:

In accordance with the Amended Scheduling Order, ALLETE, Inc. d/b/a Minnesota Power (“Minnesota Power” or the “Company”) provides this response to the public hearing comments. Minnesota Power appreciates the participation of various stakeholders in the Site and Route Permit proceeding for the 85-megawatt (“85 MW”) Boswell Solar Project and Associated 2.45 mile 230 kilovolt (“230 kV”) transmission line in Itasca County, Minnesota (“Project”).

Minnesota Power provided responses to comments made during the September 10 and 11, 2025 public hearings in its letter filed September 25, 2025. Therefore, this letter responds to written comments received during the public comment period ending September 25, 2025 from the Minnesota Department of Natural Resources (“MnDNR”), the Minnesota Public Utilities Commission, (“Commission”) Energy Infrastructure Permitting unit (“PUC-EIP”), and the Vegetation Management Planning Working Group (“VMPWG”).

Minnesota Department of Natural Resources

The MnDNR filed comments on September 24, 2025.¹ With its comments filed on September 24, 2025, the MnDNR provided several comments and re-filed the Natural Heritage Review Letter originally filed on April 28, 2025.² Because the Natural Heritage Review Letter was previously filed and included in PUC-EIP's development of the Environmental Assessment ("EA"), Minnesota Power focuses this letter on responding to the new comments filed by the MnDNR on September 24, 2025.

Fencing

The MnDNR stated its support of Permit Condition 4.3.32 requiring Minnesota Power to design the final security fence in coordination with the MnDNR.³ As stated in the Direct Testimony of Drew Janke, the Company proposed a seven-foot tall security fence without barbed wire and installation of deer escape ramps for the Project's solar facility, which was recently approved by the MnDNR for another Minnesota Power solar facility.⁴ However, the MnDNR has stated its opposition to the installation of deer ramps.⁵ While Minnesota Power's proposal is consistent with prior approvals granted by the MnDNR, Minnesota Power does not object to Permit Condition 4.3.32.

High Value Biological Resources

The MnDNR stated its support of Special Condition 5.9 directing Minnesota Power to follow the recommendations included in the Natural Heritage Review Letter to avoid or minimize impacts to high value biological resources.⁶ The Company carefully considered high value biological resources during the development of the Project. The Project layout was intentionally developed to avoid impacts to these resources where practicable. Where avoidance was not practicable, efforts were made to minimize potential impacts, consistent with the recommendations in the Natural Heritage Review Letter. Minnesota Power does not object to Special Condition 5.9.

Avian Flight Diverters

The MnDNR stated its support for Permit Condition 5.3.16 directing Minnesota Power to coordinate with the MnDNR to identify the appropriate locations of avian flight diverters.⁷ Minnesota Power and the MnDNR have a long history of working together on

¹ MnDNR Public Hearing Comments (Sept. 24, 2025) (eDocket No. [20259-223253-01](#)).

² MnDNR Natural Heritage Review Letter (Sept. 24, 2025) (eDocket No. [20259-223253-02](#)).

³ MnDNR Public Hearing Comments at 1 (Sept. 24, 2025) (eDocket No. [20259-223253-01](#)).

⁴ Ex. MP-11 at 4 (Direct Testimony of Drew Janke) (Sept. 3, 2025) (eDocket No. [20259-222676-03](#)).

⁵ MnDNR Public Hearing Comments at 1-2 (Sept. 24, 2025) (eDocket No. [20259-223253-01](#)).

⁶ MnDNR Public Hearing Comments at 2 (Sept. 24, 2025) (eDocket No. [20259-223253-01](#)).

⁷ MnDNR Public Hearing Comments at 2 (Sept. 24, 2025) (eDocket No. [20259-223253-01](#)).

the placement of avian flight diverters on transmission lines. Minnesota Power does not object to Permit Condition 5.3.16.

Vegetation Management Plan

The MnDNR stated its support for Permit Condition 4.3.16 encouraging Minnesota Power to meet the standards of the Minnesota Habitat Friendly Solar Program and Permit Condition 4.3.17 requiring development of the Vegetation Management Plan (“VMP”) in coordination with the VMPWG.⁸ Minnesota Power has stated its intent to use pollinator species for Project vegetation when practicable.⁹ Further, Minnesota Power and the VMPWG have worked cooperatively on many projects over the years on development of VMPs. Minnesota Power does not object to Permit Condition 4.3.16 or Permit Condition 4.3.17.

Dewatering

The MnDNR stated its support for Special Condition 5.12 related to dewatering.¹⁰ As stated in the Direct Testimony of Drew Janke, Minnesota Power will obtain a water appropriations permit if dewatering at a rate of 10,000 gallons per day is necessary for construction of the Project.¹¹ Minnesota Power does not object to Special Condition 5.12.

Lighting/Dust Control/Wildlife Friendly Erosion Control

The MnDNR stated its support for Special Condition 5.6 (lighting), Special Condition 5.7 (non-chloride products for dust control), and Special Condition 5.8 (wildlife friendly erosion control).¹² As stated in the Direct Testimony of Drew Janke, Minnesota Power will incorporate these conditions into the final design of the Project.¹³ Minnesota Power does not object to Special Conditions 5.6, 5.7, or 5.8.

Minnesota Public Utilities Commission, Energy Infrastructure Permitting

PUC-EIP filed comments on September 25, 2025.¹⁴ These comments related to the decommissioning plan, PUC-EIP revisions to the sample site permit filed on February 25, 2025, and a proposal for a new Special Condition.¹⁵

⁸ MnDNR Public Hearing Comments at 2 (Sept. 24, 2025) (eDocket No. [20259-223253-01](#)). It is important to note that this Permit Condition encourages meeting the standards but does not require Minnesota Power to enroll in any particular program.

⁹ Ex. MP-2 at 75 (Boswell Solar Site and Route Permit Application) (Dec. 30, 2024) (eDocket No. [202412-213417-03](#)).

¹⁰ MnDNR Public Hearing Comments at 3 (Sept. 24, 2025) (eDocket No. [20259-223253-01](#)).

¹¹ Ex. MP-11 at 5 (Direct Testimony of Drew Janke) (Sept. 3, 2025) (eDocket No. [20259-222676-03](#)).

¹² MnDNR Public Hearing Comments at 3 (Sept. 24, 2025) (eDocket No. [20259-223253-01](#)).

¹³ Ex. MP-11 at 5 (Direct Testimony of Drew Janke) (Sept. 3, 2025) (eDocket No. [20259-222676-03](#)).

¹⁴ PUC-EIP Public Hearing Comments (Sept. 25, 2025) (eDocket No. [20259-223295-01](#)).

¹⁵ *Id.*

Decommissioning Plan

PUC-EIP identified several potential clarifications to the Project's decommissioning plan.¹⁶ Permit Condition 9.1 requires the Company to file an updated decommissioning plan at least 14 days prior to the pre-construction meeting with revisions every five years following the commercial operation date. Minnesota Power looks forward to PUC-EIP's review of the revised decommissioning plan to be filed prior to the pre-construction meeting in compliance with Permit Condition 9.1.

Site Permit Modifications

PUC-EIP outlined revisions it made to the sample site permit filed by the Commission on February 25, 2025, as reflected in the Proposed Draft Site Permit included as Appendix C of the EA.¹⁷ Minnesota Power has no objection to the modifications made to agency staff, updates made to the Project description, or the Special Conditions 5.1 through 5.12 identified in this section of the PUC-EIP's September 25, 2025 Comments.

Additional Site Permit Special Condition

PUC-EIP recommended a new special condition (Special Condition 5.13) related to tree replacement.¹⁸ Specifically, PUC-EIP recommends the condition in response to "concern over tree removal."¹⁹ Minnesota Power respectfully requests that Special Condition 5.13 not be incorporated into the Site or Route Permit for the Project.

Minnesota Power acknowledges that concern over tree removal was brought up several times during the public hearings. At this time, the Company estimates that approximately 140 acres of trees will be removed for the Project. The trees to be removed are on privately-owned properties, but Minnesota Power understands that landowners in the area have grown accustomed to seeing these properties in their current condition. Under Special Condition 5.1, Minnesota Power will be developing a Visual Screening Plan that will include the planting of trees around the perimeter of the solar facility security fencing in locations that will not negatively impact the performance of the solar facility to help address these concerns. Additionally, Minnesota Power has an ongoing tree planting program that would further mitigate tree removal impacts without a new permit condition being necessary for the Project. Specifically, through that program, the Company will be working with Itasca County and expects to donate approximately 150,000 tree seedlings to Itasca County over the next two years.

However, should any condition be required for the Project that mandates a tree replacement program for the Project separate from the work that is already being

¹⁶ *Id.* at 1-4.

¹⁷ PUC-EIP Public Hearing Comments (Sept. 25, 2025) (eDocket No. [20259-223295-01](#)).

¹⁸ *Id.* at 7.

¹⁹ *Id.*

undertaken, Minnesota Power respectfully requests a modification to the proposed Special Condition and that the Commission authorize the recovery of the cost of implementation of this Special Condition from Minnesota Power customers, as the costs (currently estimated to be more than \$50,000) were not included in estimates approved by the Commission in the Boswell Cost Recovery Docket.²⁰ As to the modification, Minnesota Power requests the ability to plant trees under a tree replacement program within Itasca County and not be limited to “near” the Project area.

Minnesota Power continues to evaluate opportunities for the beneficial use of the property around the existing Boswell Energy Center for future generation use to support Minnesota Power customer needs. By limiting the replacement geographically to “near” the Project area, Minnesota Power is concerned that future development may necessitate removal of trees planted under this program. Given Minnesota Power’s existing tree planting program and relationship with Itasca County in addition to the permit requirement to develop a Visual Screening Plan, Minnesota Power respectfully requests the following revision to Special Condition 5.13 if this condition is necessary for the Project:

The permittee in coordination with the DNR, the Itasca County Soil and Water Conservation District, and the Mississippi Headwaters Board, shall develop a plan to replace any trees that are removed for construction of the project by planting new trees ~~near the project area~~ in Itasca County, and file the plan with the Commission at least 14 days before the preconstruction meeting.

In summary, due to the Company’s existing tree planting program with Itasca County, Special Condition 5.13 is unnecessary for the Project. However, should such a condition be necessary for the Project, Minnesota Power requests that it be affirmatively allowed to recover the costs of complying with the Special Condition and that the planting of new trees occur in Itasca County and not be limited to “near” the Project area.

Minnesota Vegetation Management Planning Working Group

Comments on behalf of the VMPWG were filed by EIP on September 25, 2025.²¹ The VMPWG provided multiple comments relating to potential revisions to the VMP for the Project.²² Permit Condition 4.3.17 requires Minnesota Power to develop the VMP in coordination with the EIP and the VMPWG and file the VMP with the Commission at least 14 days prior to the pre-construction meeting.²³ Minnesota Power looks forward to

²⁰ *In the Matter of the Petition of Minnesota Power for Approval of Investments and Expenditures in the Boswell Solar Project for Recovery through Minnesota Power’s Renewable Resources Rider under Minn. Stat. § 216B.1645, Docket No. E015/M-24-344, ORDER APPROVING INVESTMENT IN SOLAR PROJECT AND COST RECOVERY VIA RIDER* (May 23, 2025).

²¹ VMPWG (Vegetation Management Plan Letter) (Sept. 25, 2025) (eDocket No. [20259-223315-01](#)).

²² *Id.*

²³ Ex. PUC-EIP-6 at 8 (Boswell Solar EA Appendix C – Draft Site Permit and Draft Route Permit) (Aug. 27, 2025) (eDocket No. [20258-222456-04](#)).

continuing its work on the VMP in coordination with the VMPWG prior to filing its VMP with the Commission prior to commencing construction.

Within its recommendations relating to potential revisions to the VMP, the VMPWG states that it “recommends that [Minnesota Power] enroll this project in the state’s Habitat Friendly Solar Program. Enrollment in the program will highlight the habitat establishment at the project and make the site eligible for MRETs credits.”²⁴ Minnesota Power has evaluated this request and concluded that enrollment in the Habitat Friendly Solar Program is not necessary to make the Project eligible for MRETs credits.

Minnesota Power does not object to Permit Condition 4.3.16, which “encourage[s]” Minnesota Power to meet the standards of the Minnesota Habitat Friendly Solar Program, but does not require enrollment in the Habitat Friendly Solar Program. Minnesota Power has stated its intent to incorporate pollinator species into the vegetation plan for the Project.²⁵ Enrollment in the program requires ongoing certification inspections that will unnecessarily increase the operating and maintenance cost of the Project for Minnesota Power’s customers. Therefore, Minnesota Power respectfully requests that Permit Condition 4.3.16 be left unchanged and no additional requirement for the Project to enroll in the program be adopted.

Conclusion

Minnesota Power respectfully requests that the Administrative Law Judge find that the standard and special conditions already proposed in the EA already address the scope of mitigation measures necessary for the Project. Please contact me with any questions.

Sincerely,

Taft Stettinius & Hollister LLP



Kodi J. Verhale

²⁴ VMPWG at 6 (Vegetation Management Plan Letter) (Sept. 25, 2025) (eDocket No. [20259-223315-01](#)).

²⁵ Ex. PUC-EIP-6 at 8 (Boswell Solar EA Appendix C – Draft Site Permit and Draft Route Permit) (Aug. 27, 2025) (eDocket No. [20258-222456-04](#)).