

November 6, 2024

VIA eFILING

Ms. Lauren Agnew
Environmental Review Manager
Minnesota Department of Commerce
85 7th Place East, Suite 280
St. Paul, MN 55101

**Re: In the Matter of the Application of Birch Coulee Solar LLC for a Site Permit for the up to 125 MW Birch Coulee Solar Project in Renville County, Minnesota
MPUC Docket No. IP7119/GS-23-477**

Dear Ms. Agnew:

Birch Coulee Solar LLC (Birch Coulee Solar) submits these comments in response to comments submitted during the scoping comment period in the above-captioned matter, which closed on October 25, 2024.

During the October 9-10, 2024, scoping meetings, members of the public provided comments regarding vegetation management, screening, property values, and similar topics. Birch Coulee Solar does not object to their inclusion within the scope of the environmental assessment (EA) that the Department of Commerce, Energy Environmental Review and Analysis (EERA) will prepare for the Birch Coulee Solar Project (Project).

Written comments were submitted by Minnesota Department of Natural Resources (MDNR),¹ Minnesota Department of Transportation (MnDOT),² Operating Engineers Local 49 and North Central States Regional Council of Carpenters (Local 49),³ LIUNA Minnesota and North Dakota (LIUNA),⁴ Renville County,⁵ and members of the public.⁶

¹ MDNR Scoping Comments (Oct. 25, 2024) (eDocket No. 202410-211346-01).

² MnDOT Scoping Comments (Oct. 24, 2024) (eDocket No. 202410-211275-01).

³ Local 49 Scoping Comments (Oct. 25, 2024) (eDocket No. 202410-211340-01).

⁴ LIUNA Scoping Comments (Oct. 25, 2024) (eDocket No. 202410-211350-01).

⁵ Written Comments on the Scope of the EA at 3-5 (Nov. 1, 2024) (eDocket No. 202411-211553-01).

⁶ Written Comments on the Scope of the EA at 6-23 (Nov. 1, 2024) (eDocket No. 202411-211553-01).

MDNR requested that the EA include analysis of the following topics: security fencing; dust; lighting; bats, and wildlife-friendly erosion control. Birch Coulee Solar does not object to these topics being analyzed in the EA and looks forward to further coordination with MDNR regarding the Project.

MnDOT requested that the EA include analysis of Project access, protected species, and blowing snow control. Birch Coulee Solar likewise does not object to these topics being analyzed in the EA and will coordinate with MnDOT further regarding this Project, particularly with respect to Project access. Regarding MnDOT's comments on blowing snow control, Birch Coulee Solar notes that the Project area does not include the parcel outlined in blue in MnDOT's comments. Thus, Birch Coulee Solar does not currently anticipate that the Project will result in vegetation removal or alteration on this parcel.

Local 49 and LIUNA provided comments requested that the EA include analysis of the economic benefits of the Project and, particularly, potential benefits to local labor. Birch Coulee Solar also does not object to these topics being studied in the EA.

Birch Coulee Solar also provides further detail regarding the potential use of local labor for the Project in these comments. Specifically, Birch Coulee Solar anticipates issuing a Request for Proposal to an Engineering, Procurement and Construction (EPC) contractor to construct the Project. Birch Coulee Solar will include preferences for contractor bids that utilize local construction craft employees while being consistent with the Project's budget, timeline, industry standards and requirements, and corporate safety policies. The selected EPC contractor will work with labor unions, local subcontractors, or other vendors to implement a Project construction staffing model that attempts to maximize local hiring and local economic benefits for the Project to the extent practicable, while ensuring the Project is safely built on time and on budget.⁷

Renville County provided comments, filed on November 1, 2024, noting that the Project generally complies with County setbacks and requesting that the Commission consider certain permit conditions / requirements related to the Project. Birch Coulee Solar appreciates Renville County's engagement regarding the Project and does not object to the EA considering the topics identified by Renville County. Birch Coulee Solar looks forward to continued coordination with Renville County as the Project proceeds.

Members of the public submitted written comments, filed on November 1, 2024, generally expressing support for the Project, as well as identifying certain topics for inclusion in the EA,

⁷ See, e.g., *In the Matter of the Application of Lake Wilson Solar Energy LLC for a Certificate of Need and a Site Permit for the up to 150 MW Lake Wilson Solar and Associated Battery Storage Project in Murray County, Minnesota*, MPUC Docket Nos. IP-7070/CN-21-791 and IP-7070/GS-21-792, Site Permit Application at 40 (Feb. 9, 2023); *In the Matter of the Application of Gopher State Solar, LLC for a Site Permit for the up to 200 MW Gopher State Solar Project in Renville County, MN*, MPUC Docket No. IP-7119/GS-24-106, Site Permit Application at 39 (Aug. 19, 2024).

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including wetland analysis. Wetlands were addressed in Birch Coulee Solar's application, and Birch Coulee Solar likewise anticipates that potential wetland impacts will be analyzed in the EA.

Birch Coulee Solar appreciates EERA's consideration of these comments and is available to answer any questions that EERA may have during its preparation of the EA.

Please let me know if you have any questions regarding this filing.

Sincerely,

FREDRIKSON & BYRON, P.A.

/s/ Lisa Agrimonti

Lisa Agrimonti

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In the Matter of the Application of Birch Coulee Solar LLC for a Site Permit for the up to 125 MW Birch Coulee Solar Project in Renville County, Minnesota MPUC Docket No. IP7119/GS-23-477

CERTIFICATE OF SERVICE

Maia Martinez certifies that on the 6th day of November, 2024, she e-filed a true and correct copy of the comments on behalf of Birch Coulee Solar LLC via eDockets (www.edockets.state.mn.us):

Said documents were also served as designated on the Official Service Lists on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: November 6, 2024

Signed: /s/ Maia Martinez

Fredrikson & Byron, P.A.

60 South Sixth Street

Suite 1500

Minneapolis, MN 55402

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Lisa	Agrimonti	lagrimonti@fredlaw.com	Fredrikson & Byron, P.A.	60 South Sixth Street Suite 1500 Minneapolis, MN 55402-4400	Electronic Service	No	OFF_SL_23-477_Official
Lauren	Colwell	lauren.colwell@aes.com	Birch Coulee Solar LLC	2180 S 1300 E Suite 500 Salt Lake City, UT 84106	Electronic Service	No	OFF_SL_23-477_Official
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_23-477_Official
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_23-477_Official
Scott	Groux	scott.groux@aes.com	Birch Coulee Solar LLC	2180 S 1300 E Suite 500 Salt Lake City, UT 84106	Electronic Service	No	OFF_SL_23-477_Official
Stacy	Kotch Egstad	Stacy.Kotch@state.mn.us	MINNESOTA DEPARTMENT OF TRANSPORTATION	395 John Ireland Blvd. St. Paul, MN 55155	Electronic Service	No	OFF_SL_23-477_Official
Jordan	Levin	jordan.levin@aes.com	Birch Coulee Solar LLC	2180 S 1300 E Suite 500 Salt Lake City, UT 84106	Electronic Service	No	OFF_SL_23-477_Official
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 55101-2131	Electronic Service	Yes	OFF_SL_23-477_Official
Nathaniel	Runke	nrunke@local49.org	International Union of Operating Engineers Local 49	611 28th St. NW Rochester, MN 55901	Electronic Service	No	OFF_SL_23-477_Official
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_23-477_Official