



April 15, 2025

Consumer Affairs Office
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

RE: EERA Additional Hearing Comments
Gopher State Solar Project
PUC Docket No. IP7127/GS-24-106
OA H Docket No. 24-2500-40416

Dear Consumer Affairs Office:

Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) offers the following additional comment and recommendation on the Gopher State Solar Project (Project) proposed by Gopher State Solar, LLC (Gopher State Solar).

EERA staff acknowledges that the hearing comment period for the project has closed, and provides this comment as an additional resource into the record. EERA staff believes this comment is necessary to reflect information provided by the United States Fish and Wildlife Service (USFWS) that was, inadvertently, not included in the Environmental Assessment (EA) for this project.

Migratory Birds (Special Condition 5.9)

EERA recommends the addition of a special condition incorporating the United States Fish and Wildlife Service (USFWS) recommended action to minimize disruption to migratory birds, including the Chimney Swift and the Northern Harrier, during their respective breeding seasons. The Chimney Swift and the Northern Harrier are migratory birds protected under the Migratory Bird Treaty Act. Gopher State Solar used the USFWS's Information, Planning, and Conservation (IPaC) system for their Site Permit Application. In the USFWS's IPaC letter, the Chimney Swift and the Northern Harrier were identified as Birds of Conservation Concern (BCC) within the vicinity of the Project site.¹ To comply with USFWS recommendations, EERA proposes the addition of the following site permit special condition:

5.9 Migratory Birds

The Permittee shall, to the extent practicable, avoid impacts to marshes, wetlands, peatlands, tree nesting locations, and other migratory bird habitat during the Chimney Swift's breeding season of March 15 – August 25 and the Northern Harrier's breeding season of April 1 – September 15. If impacts are likely to occur during the breeding seasons, the Permittee shall confer with the United States Fish and Wildlife Service

¹ Gopher State Solar, Site Permit Application (SPA): Appendix K, Protected Species Documentation. EdoCKET no. [20248-209583-10](#).

(USFWS) regarding mitigation measures. If impacts to migratory birds cannot be avoided, nesting locations shall be identified and appropriate mitigative measures implemented in consultation with the USFWS prior to beginning construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

EERA appreciates the additional opportunity to comment on the proposed project..

Sincerely,

A handwritten signature in purple ink that reads "Jessica Livingston". The signature is fluid and cursive, with the first name "Jessica" and last name "Livingston" clearly legible.

Jessica Livingston
EERA Environmental Review Manager