

March 13, 2026

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

RE: EIP Hearing Comments
Lake Charlotte Solar Project
PUC Docket Numbers: IP-7159/GS-25-206 (Solar Facility) IP-7159/ESS-25-205 (Storage Facility)
CAH Docket Number: 23-2500-41194

Dear Consumer Affairs Office:

Minnesota Public Utilities Commission, Energy Infrastructure Permitting (EIP) staff offers the following comments on the Lake Charlotte Solar Project (project) proposed by Lake Charlotte Solar, LLC.

In these comments, EIP staff:

- Recommends modifications to the draft decommissioning plan,
- Summarizes changes between the sample site permits filed by the Minnesota Public Utilities Commission (Commission) and the proposed draft site permits (PDSP's) included in Appendix C of the Environmental Assessment (EA) prepared for the project.

Decommissioning Plan

Site permits for wind and solar facilities issued by the Commission require permittees to file decommissioning plans prior to construction. The intent of the decommissioning plan is to ensure that the site is restored at the end of the energy facility's useful life, and that the restoration costs are borne by the permittee.

Section 9.1 of the site permit requires the permittee to file an updated decommissioning plan incorporating comments and information from the permit application process prior to construction. EIP staff has reviewed the draft decommissioning plan (draft plan) prepared by Westwood for Lake Charlotte, LLC's (applicant) proposed Lake Charlotte Solar Project included as Appendix F of Site Permit Application filed June 3, 2025.¹

EIP staff's review is guided by the recommendation of the Solar and Wind Decommissioning Working Group. As discussed in the Minnesota Department of Commerce staff recommendations in Docket 17-

¹ Lake Charlotte Solar, LLC, June 3, 2025, *Appendix F: Decommissioning Plan: Lake Charlotte Solar Project, Martin County*, eDocket ID: [20256-219557-08](#)

123 and in the Commission’s draft guidance on decommissioning plans,² the decommissioning plan should serve as a stand-alone document to that describes the facility as it exists on the ground and how Lake Charlotte Solar will fulfil its obligation to remove the project components at the end of the facility’s life.

EIP Staff Comments and Recommendations

EIP staff recommends that the applicant revise the draft plan to incorporate several clarifications and additions prior to construction. Although some of this information is located elsewhere in the record, it should be included in the decommissioning plan for ease of use. EIP staff offer the following comments on the draft plan:

- **General Comments:**
 - The cover of the pre-construction version of the decommissioning plan should be updated to include the revised date and the PUC docket numbers for both the solar and BESS facilities.
 - The plan can reference the Commission’s *Decommissioning Plan Guidance for Solar, Energy Storage, and Wind Generating Facilities Permitted by the Minnesota Public Utilities Commission*, available on the Commission’s website, rather than EERA guidance for site permitting of solar farms, which has been superseded.
 - The pre-construction version of the decommissioning plan should include a map that depicts both the solar and BESS facilities.
 - Clarify whether Lake Charlotte Solar owns or leases all or portions of the sites (both for the solar and BESS facilities). The plan indicates that, with landowner approval, fencing, underground cables or access roads may remain after decommissioning. If Lake Charlotte Solar is the landowner, these caveats seem unnecessary.
 - Describe the project as it will exist on the ground, not as it is planned.
 - Use “Lake Charlotte Solar, LLC” rather than “Project Owner” as the actor who is responsible for carrying out and funding the decommissioning for the project. If ownership is transferred throughout the operating life of the project, the decommissioning plan should be revised to update the owner.
- **Independent Preparer:** Meets EIP staff expectations. The cost estimate was prepared by Westwood.
- **Decommissioning Objective:** Meets EIP staff expectations. The objective identified in Section 1,2 of the plan is consistent with Section 9.2 of the draft site permits which require that

² Commission, *Draft Decommissioning Plan Guidance for Solar, Energy Storage, and Wind Generating Facilities Permitted by the Minnesota Public Utilities Commission*, April 2025, https://puc.eip.mn.gov/sites/default/files/2025-06/DRAFT-EIPGuid_AppC-Decom.pdf

the sites be restored to pre-project conditions to the extent feasible. As the project matures the objective may evolve in anticipation of a different use (e.g., commercial, industrial, or residential).

- **Scheduled Updates:** Does not meet EIP staff expectations. Although Section 8.0 indicates an intent to update cost at five year intervals, Commission guidance anticipates that the decommissioning plan itself, not just the cost estimate, will be updated every five years, at any changes in ownership, and at other project changes such as repowering or other permit amendments. EIP staff recommends that the pre-construction version of the plan include this information under a new separate “Plan Update” heading to provide more transparency. In addition to regular five-year updates, the plan should also be updated in the event of ownership changes, permit amendments, or repowering. EIP staff also recommends the updates section of the plan include the revision history, including the date of the last plan and a link to the plan.
- **Project Description:** EIP staff recommends that the pre-construction version of the plan include a map of the projects and be updated to include several additional items in the project description (Section 1.1):
 - Anticipated date of commercial operation (updated to the actual date in future updates).
 - A brief description of how the projects connect to the transmission grid (length and voltage of gen-tie line).
 - The date and eDocket location of the site permit when issued. Future updates should also reference past decommissioning plans and provide a link to those plans.
 - A short statement on landownership at the time of construction. Clarify whether Lake Charlotte owns or leases the entire site or portions of the site. Future updates should update the information if Lake Charlotte Solar purchases any portion of the site; landowners other than Lake Charlotte Solar or an affiliate need not be identified.
 - A map of the projects, such as the detail maps in Appendix B of the Environmental Assessment (eDocket ID: [20262-228055-03](#)).
- **Use of Generation Output.** Does not meet EIP staff expectations. EIP understands that the offtaker of the power is currently unknown. The pre-construction version of the plan should include a general statement of where the generation will be used. Examples include, but are not limited to:
 - Power Purchase Agreement (PPA). For any portion of the output sold through a PPA, the description should include the offtaker and the expiration date of any PPA(s).
 - Utility-owned generation portfolio.
- **Permits and Notifications:** Meets EIP expectations at this time. Section 3 identifies a plan for notifying landowners and local governments prior to commencing decommissioning. Section 5 lists a number of permits that may be required. EIP staff anticipates that the required permits

may change over time, but the periodic reviews provide an opportunity for the list to be updated.

Section 9.1 of the draft permit requires the permittee to provide the decommissioning plan to local governments, so plan to document compliance with that provision once the plan is filed as a pre-construction document.

- **Tasks and Timing:** EIP staff recommends the pre-construction version of the plan include additional information in several areas:
 - Describe how stormwater basins and swales will be removed and those sites restored.
 - Add a short section in the text that generally discusses assumptions for disposal and identifies recycling and landfill facilities in place at this time (see, for example, Section 4.6 of the 2026 [decommissioning plan](#) for the Boswell Solar Project). This information is included parenthetically for several line items in attachment in portions of the cost detail in Attachment A, but EIP staff recommends providing a brief description of assumptions in the text of the plan. EIP staff assumes these will change over time and can be updated during periodic updates to the plan.
 - Provide some additional detail on the timeframe/schedule for decommissioning. A Gantt chart is not necessary at this time, but please provide some sense of sequencing and timing more detailed than a general statement of “60 – 70 weeks” indicated in Section 6. See, for example, section 2.3 of the 2021 decommissioning plan for [Sherco Solar project](#) or Table 2-1 of the decommissioning plan for the [Boswell Solar project](#). The timeframe should be consistent with section 9.2 of the draft site permits, which both require the permittee to notify the Commission of final restoration within 18 months of the termination of the project.
- **Cost Estimate:** Meets EIP staff expectations at this time. Section 7 summarizes anticipated decommissioning gross and net costs. The detailed cost estimate in Attachment A includes assumptions about transportation of components to recycling and disposal facilities.

EIP notes that the estimated salvage value of the PV modules represents approximately 65 percent of the total estimated salvage value for the project. EIP staff anticipates that both the resale and potential recycling markets for PV panels will become more stable over time and will continue to monitor for all solar projects. EIP staff recommends that both gross and net costs be updated at five year intervals.
- **Financial Assurance:** Meets EIP staff expectations at this time. The plan indicates that Lake Charlotte Solar anticipates establishing an escrow account or surety bond with Martin County as the beneficiary.

Site Permit Modifications

The Commission issued sample site permits on February 3, 2026.³ EIP staff included a Proposed Draft Site Permit (PDSP) for both the solar facility and the BESS as Appendix C of the Environmental Assessment (EA).⁴ EIP staff's PDSPs indicated changes from the Commission-issued sample permits by underline and strikeout. In these comments, EIP staff summarizes the changes between the sample permits and EIP staff's PDSPs for both the Solar Site Permit and the BESS Site Permit.

Solar Site Permit

Updated Project Description (Cover, Sections 1, 2 and 14)

EIP staff's proposed PDSP updates the sample permit to include project-specific information on the cover page and in sections 1, 2, 9, and 14.

Visual Screening Plan (Special Condition 5.1)

EIP staff recommends a special condition requiring Lake Charlotte Solar to develop a site-specific Visual Screening Plan. The plan shall be designed and managed to mitigate visual impacts to adjacent residences and roadsides, and at a minimum shall include objectives for screening of nearby residences and roadsides, a description of the types of trees and shrub species to be used, the location of plantings and plans for installation, establishment, and maintenance.

Vegetation and Blowing Snow Control (Special Condition 5.2)

EIP staff recommends a special condition requiring Lake Charlotte Solar to consult with the Minnesota Department of Transportation (MnDOT) regarding existing vegetation between the project area and State Trunk Highway 15. The condition requires Lake Charlotte Solar to retain or plant vegetation, as requested by MnDOT, necessary to reduce potential driver distraction, solar glare, and blowing snow. In addition, Lake Charlotte Solar would be required to coordinate with MnDOT regarding vegetative, structural, and/or other snow fence designs necessary to ensure the safe operation of State Trunk Highway 15, and provide its documentation of its coordination with MnDOT and illustrate the snow fence design for the project in the Site Plan filed under Section 8.3.

Noise Notice (Special Condition 5.3)

EIP staff recommends a special condition requiring Lake Charlotte Solar to provide notice to adjacent residences detailing when major noise-producing construction activities are planned to occur. EIP staff recommend updating this special permit condition to include the following language:

³ Public Utilities Commission, Sample BESS Site Permit, February 3, 2026, eDocket No. [20262-227811-01](#); Sample Solar Site Permit, February 3, 2026, eDocket No. [20262-227812-01](#).

⁴ PUC EIP, Environmental Assessment: Lake Charlotte Solar Project. Appendix C, Proposed Draft Site Permits. February 11, 2026, eDocket No. [20262-228055-04](#).

The Permittee shall provide notice to adjacent residences detailing when major noise producing construction activities are planned to occur. The Permittee shall maintain a webpage identifying days, times and areas where construction crew will be doing pile driving during construction. The Permittee shall provide all neighboring landowners, the township, and the City of Northrop a link to the website prior to construction and shall update the website frequently during construction to keep landowners informed where pile driving will be occurring. The permittee shall file with the Commission the results of the noise study within 12 months of operation of the project.

Cultural Resource Consultation (Special Condition 5.4)

EIP staff recommends a special condition requiring Lake Charlotte Solar to consult the Minnesota Department of Transportation (MnDOT) and local Native American tribes on cultural resource matters, including any cultural discoveries encountered during construction, and/or anticipated impacts to culturally relevant resources.

Road Use Agreement (Special Condition 5.5)

EIP staff recommends a special condition requiring Lake Charlotte Solar to coordinate with Martin County and Rutland Township to develop a road use agreement including requirements for maintenance and repair as necessary to ensure the safe operation of local roads within Martin County and Rutland Township.

Unanticipated Discoveries Plan (Special Condition 5.6)

EIP staff recommends a special condition requiring Lake Charlotte Solar to develop an Unanticipated Discoveries Plan (UDP) to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during construction. The UDP is required to describe how previously unrecorded, nonhuman burial, archeological sites found during construction shall be marked and all construction work must stop at the discovery location. The UDP is also required to include that if any archaeological materials or features are encountered during construction of the project, all work must cease, and the Office of the State Archaeologist must be contacted immediately to assess and execute mitigation procedures. The UDP should note that if human remains be encountered, all work must cease, and the Martin County Sheriff and the Office of the State Archaeologist must be contacted immediately. The permittee is required to file the UDP with the Commission at least 14 days prior to the preconstruction meeting.

Contaminated Sites Management Plan (Special Condition 5.7)

EIP staff recommends a special condition requiring Lake Charlotte Solar to develop a Contaminated Sites Management Plan to be followed in the event that contaminated materials are discovered during construction or operation of the project. The permittee will notify and coordinate with Minnesota Pollution Control Agency for proper removal and disposal of any contaminated materials and restoration of the land.

Snowmobile Trail (Special Condition 5.8)

EIP staff recommends a special condition requiring Lake Charlotte Solar to work with the Blizzard snowmobile club and associated snowmobile clubs responsible for maintaining segment 161 of the Prairieland Trail to identify alternative routes and interconnection to trails in the

area, and develop a plan for rerouting portions of Segment 161 that may fall within the project area, with Lake Charlotte Solar responsible for sponsoring the reroute efforts.

Surface Waters (Special Condition 5.9)

EIP staff recommends a special condition requiring Lake Charlotte Solar to consult with Minnesota Department of Natural Resources (DNR) and the Martin County Soil and Water Conservation District, and the Blue Earth Watershed regarding impacts to nearby surface waters due to construction activities, including but not limited to, erosion and sediment control.

Stormwater Basins (Special Condition 5.10)

EIP staff recommends a special condition requiring Lake Charlotte Solar to consult with the Minnesota Department of Transportation (MnDOT) and the Minnesota Pollution Control Agency (MPCA) to conduct a review of stormwater basin designs. Stormwater basins should be designed to not negatively impact existing land and infrastructure surrounding the project area, including peak runoff rates to the Trunk Highway 15 Right of Way.

Facility Lighting (Special Condition 5.11)

EIP staff recommends a special condition requiring Lake Charlotte Solar to use shielded and downward facing lighting and LED lighting that minimizes blue hue at the project substation and operations and maintenance facility. Downward facing lighting must be clearly visible on the site plan submitted for the project.

Dust Control (Special Condition 5.12)

EIP staff recommends a special condition requiring Lake Charlotte Solar to utilize non-chloride products for onsite dust control during construction.

Wildlife Friendly Erosion Control (Special Condition 5.13)

EIP staff recommends a special condition requiring Lake Charlotte Solar to use only “bio-netting” or “natural netting” types of erosion control materials and mulch products without synthetic (plastic) fiber additives or malachite green dye.

BESS Site Permit

Updated Project Description (Cover, Sections 1, 2 and 14)

EIP staff’s proposed PDSP updates the sample permit to include project-specific information on the cover page and in sections 1, 2, 9, and 14. EIP staff also proposes updating the project-specific information to list “Lake Charlotte Storage, LLC (Lake Charlotte Storage)” as the permittee, as opposed to “Lake Charlotte Solar, LLC (Lake Charlotte Solar)”, as currently listed in the PDSP for the BESS site.

Pre-construction Noise Modeling and Impact Assessment (Special Condition 5.1)

EIP staff recommends a special condition requiring Lake Charlotte Solar to file a noise impact assessment at least 14 days prior to the pre-construction meeting. The noise impact assessment is required to summarize the results from noise propagation modeling that incorporates noise

inputs from the selected equipment and the facility layout shown in the site plans required in Section 8.3 of the site permit. The permittee is required to file an updated noise impact assessment including any revisions to selected equipment or facility layout prior to any modifications to the facility over its operating life.

Noise Studies and Noise Mitigation (Special Condition 5.2)

EIP staff recommends a special condition requiring Lake Charlotte Solar to file a proposed methodology for the conduct of a post-construction noise study at least 14 days prior to the pre-construction meeting. The permittee is required to develop the noise methodology in consultation with Commission staff, and must conduct the postconstruction noise study and file the completed study with the Commission within 18 months of commencing commercial operation. The BESS facilities and associated facilities shall be placed and operated such that the Permittee shall, at all times, comply with noise standards established by the MPCA. Operation of the facility shall be modified, or project components shall be removed from service if necessary to comply with these noise standards.

Hazard Mitigation Analysis (Special Condition 5.3)

EIP staff recommends a special condition requiring Lake Charlotte Solar to file a Hazard Mitigation Analysis detailing results of the equipment testing, and the risks associated with the technology at least 30 days prior to the preconstruction meeting.

EIP appreciates the opportunity to comment on the proposed project.

Sincerely,

A handwritten signature in cursive script that reads "Jessica Livingston".

Jessica Livingston

EIP Environmental Review Manager