



MILLE LACS BAND OF OJIBWE DEPARTMENT OF NATURAL RESOURCES



May 14, 2024

Electronic submittal via publicadvisor.puc@state.mn.us

Will Seuffert, Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

Re: Docket No. E-002/GS-23-217: In the Matter of the Site Permit Under the Alternative Permitting Process for the Proposed up to 250 MW SherCo Solar 3 Project in Sherburne County, Minnesota

Dear Mr. Seuffert:

The Mille Lacs Band of Ojibwe (Band) appreciates this opportunity to provide the Minnesota Public Utilities Commissioner (PUC) with comments regarding XCEL Energy's 250-MW SherCo 3 Solar Energy Generating System in Sherburne County, Minnesota. The Band appreciates the PUC taking our previous two comment letters regarding this project. The Band also appreciates the Applicant taking our comments into consideration.

With this consideration, Michael Wilson, Tribal Historic Preservation Officer for the Band, was invited and conducted a site visit of the proposed project area on November 8, 2023. Based on the surface features that were visible, paired with project's 30% Design Grading Plans, Minnesota State Light Detection and Ranging (LiDAR) maps of the areas of interest along River Road and north of US Highway 10, and the Westwood Archeology Study report, our Tribal Historic Preservation Officer have found no issue at the time.

However, as stated in our August 31, 2023 comment letter, we strongly encourage the Applicant to work cooperatively with the Minnesota State Historic Preservation Office (SHPO) under State authority. Additionally, due to the high sensitivity of the area being our *Miigaadwining* (At the "Battling") due to the disputes between the Dakota and the Ojibwe that occurred in 1772 and 1773, the Band also strongly encourage the PUC to direct the SHPO to consult with Dakota and Ojibwe Tribal Historic Preservation Offices (THPOs) in Minnesota and beyond with historical ties to the area, and for the Applicant to have Tribal monitors on site once the project is

DISTRICT I

43408 Oodena Drive • Onamia, MN 56359
(320) 532-7439 • Fax (320) 532-7514

DISTRICT III

45749 Grace Lake Road • Sandstone, MN 55072
(218) 768-3311 • Fax (320) 384-6190

DISTRICT II

36666 State Highway 65 • McGregor, MN 55760
(320) 384-6240 • Fax (218) 768-3903

URBAN OFFICE

1404 E. Franklin Avenue • Minneapolis, MN 55404
(612) 872-1424 • Fax (612) 872-1257

deployed for construction, as to minimize any inadvertent discoveries of human remains in the area.

Additionally, as stated in our August 24, 2023, comment letter, we also encourage the Applicant to ensure the project site does not turn all of the fertile agricultural land in the project area entirely to an energy project exclusively, without making accommodations for other beneficial uses, such as for wildlife habitat. If the Applicant cannot ensure this diverse and vibrant use of land, then we ask the PUC to have the Applicant to reconsider, and bring back a more diverse and vibrant land-use that does not take valuable farmlands completely out of production by turning them exclusively into energy parks.

Once again, the Band appreciates and thanks the PUC for this opportunity for the Band to provide the PUC with our comments in the matter of the Site Permit Under the Alternative Permitting Process for the Proposed up to 250 MW SherCo Solar 3 Project in Sherburne County, Minnesota. If you would like to have further discussion on this matter, please request and arrange for a formal government-to-government consultation.

Sincerely,



Kelly Applegate
Commissioner of Natural Resources

cc: Susan Klapel, Executive Director, Mille Lacs Band of Ojibwe DNR
Michael Wilson, Tribal Historic Preservation Officer, Mille Lacs Band of Ojibwe DNR