

Before the Minnesota Public Utilities Commission

State of Minnesota

In the Matter of the Application of Iron Pine Solar Power, LLC, for a Site Permit and Route  
Permit for the up to 325 MW Iron Pine Solar Project and 230 kV Gen-Tie Line in Pine County,  
Minnesota

MPUC Docket Nos. IP-7114/GS-23-414; IP-7114/TL-23-415

OAH Docket No.: 22-2500-40198

Direct Testimony of John Joseph Shannon

January 22, 2025

1 **I. INTRODUCTION AND QUALIFICATIONS**

2  
3 **Q. Please state your name and business address.**

4 A. My name is John Joseph (Joey) Shannon, and my business address is 510 Bering Drive,  
5 Suite 300, Houston, TX 77057.  
6

7 **Q. By whom are you employed and in what capacity?**

8 A. I am employed as Senior Director of Development by Swift Current Energy (Swift  
9 Current).  
10

11 **Q. Please briefly describe your educational background and professional experience.**

12 A. I have a Bachelor of Science degree in Mechanical Engineering from the Georgia Institute  
13 of Technology, and a Masters in Business Administration from Emory University's  
14 Goizueta Business School. Earlier in my career, I led the renewables development team at  
15 Talen Energy and held leadership positions at Calpine and NRG Energy. I have been  
16 employed by Swift Current since September 2023. My job duties include full oversight of  
17 renewable energy and battery storage projects that have not yet achieved start of  
18 construction.  
19

20 **Q. For whom are you testifying?**

21 A. I am testifying on behalf of Iron Pine Solar Power, LLC (Iron Pine Solar), an independent  
22 power producer and a wholly owned subsidiary of Swift Current, in support of its Joint  
23 Application for a Site Permit and Route Permit for the up to 325 megawatt (MW) solar  
24 energy generating system (Solar Project) and a 230 kilovolt (kV) high voltage transmission  
25 line (Gen-Tie Line) (together, the Project) in Pine County, Minnesota (Application).  
26

27 **Q. What is your role with respect to the Project?**

28 A. I am the lead developer for the Project. My duties include landowner and community  
29 engagement, overseeing environmental and engineering site surveys, permitting, power  
30 marketing, and managing the design and contracting of the Project.  
31

## II. TESTIMONY OVERVIEW

**Q. How is your Direct Testimony organized?**

**A.** My Direct Testimony is organized as follows:

- Section III: Project Overview
- Section IV: Project Updates
- Section V: Coordination with Minnesota State Historic Preservation Office & Interested Tribal Nations
- Section VI: Additional Stakeholder Coordination
- Section VII: Labor Coordination
- Section VIII: Environmental Assessment, Draft Site Permit, & Draft Route Permit

**Q. What schedules are attached to your Direct Testimony?**

**A.** The following schedules are attached to my Direct Testimony:

- Schedule 1: Resume
- Schedule 2: Updated Application Maps 1-14
- Schedule 3: Archaeological Reconnaissance Survey Report (dated August 1, 2024) (public and nonpublic)
- Schedule 4: October 16, 2024, correspondence from Minnesota State Historic Preservation Office

**Q. Are you also sponsoring the Application?**

**A.** Yes, I am sponsoring the entire Application.

## III. PROJECT OVERVIEW

**Q. Please describe the Solar Project.**

**A.** The proposed Solar Project is proposed to be up to 325 MW and will be situated on approximately 2,207 acres of predominantly agricultural land. The Solar Project will consist of solar panels, a racking system, combiner boxes, inverters, step-up transformers and associated substation equipment, meteorological (MET) stations, fencing, access roads and improvements to existing access roads or driveways as needed, stormwater

management systems, temporary laydown yards, temporary offices, electrical collection system, and an operations and maintenance facility. Additional detail regarding the Solar Project and associated facilities is provided in Section 5.0 of the Application.

**Q. Please describe the Gen-Tie Line.**

A. The proposed Gen-Tie Line will consist of an approximately one mile long, single circuit 230 kV transmission line and associated facilities, including a switchyard, and associated access road. The Gen-Tie Line will begin at the Solar Project substation then travel approximately one mile generally south then east to a new proposed switchyard, at which it will connect to the grid at the existing Minnesota Power Arrowhead-Bear Creek 230 kV transmission line. The Gen-Tie Line would have a maximum right-of-way width of 160 feet. Additional detail regarding the Gen-Tie Line and associated facilities is provided in Section 5.0 of the Application.

**Q. Why did Iron Pine Solar choose the Project Area as presented in the Application to build the Project?**

A. Iron Pine Solar selected the proposed Project Area due to minimal impact to natural and cultural resources, proximity to the electrical grid and existing transmission infrastructure, strong solar resource, strong landowner support, and consistency with existing land uses. Additional detail regarding site selection is provided in Sections 3.0 and 4.0 of the Application.

#### **IV. PROJECT UPDATES**

**Q. Have there been any updates to the Project since the Application was filed?**

A. Yes. I have updates regarding the location of the temporary laydown yard, Generator Interconnection Agreement (GIA), Project schedule, and easement acquisition over a tax forfeit parcel, each of which I will discuss in further detail below.

**Q. Please describe the shift of the temporary laydown yard.**

A. Based on concerns from a neighboring landowner regarding traffic during construction, Iron Pine Solar has moved the location of the temporary laydown yard previously proposed

to be located in the southern portion of the Project to an area in the western portion of the Project adjacent to County Highway 61. This shift is reflected in the updated Application Maps 1-14 provided as **Schedule 2** to my testimony.

**Q. What is the status of executing a GIA for the Project?**

A. At the time of filing of the Application, Iron Pine Solar anticipated signing a GIA in Second Quarter 2025, but noted that expected signing could be delayed.<sup>1</sup> Now, based on the current Midcontinent Independent System Operator (MISO) Definitive Planning Phase schedule, Iron Pine Solar expects to sign a GIA for the Project in Fourth Quarter 2025.

**Q. Has the anticipated schedule for the construction and in-service of the Project changed from what was contemplated in the Application?**

A. Yes. As stated in Section 1.3 of the Application, Iron Pine Solar planned to commence construction in Second Quarter 2026, with operations commencing in Fourth Quarter 2027. However, due to the delays in the interconnection schedule, construction is now anticipated to start in Second Quarter 2027, with an in-service date in Fourth Quarter 2028.

**Q. In Iron Pine Solar's August 7, 2024 comments, Iron Pine Solar indicated that it had determined that there is a narrow parcel of tax forfeit land between road right-of-way and a participating parcel that is crossed by the proposed Gen-Tie Line for which Iron Pine Solar did not previously have an easement or other land rights. Do you have an update on this parcel?**

A. Yes. Iron Pine Solar obtained an easement from Pine County for the tax forfeit parcel on October 1, 2024.

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<sup>1</sup> Application at § 2.2.2.

118 **V. COORDINATION WITH MINNESOTA STATE HISTORIC PRESERVATION OFFICE**  
119 **& INTERESTED TRIBAL NATIONS**

120 **Q. The Commission authorized Iron Pine Solar to initiate consultation with the**  
121 **Minnesota State Historic Preservation Office (SHPO) related to the Project and**  
122 **directed Iron Pine Solar to inform the Commission of the status of that consultation**  
123 **with pre-filed testimony. Are you aware of that authorization?**

124 A. Yes. In this section of my Direct Testimony, I will provide an update regarding Iron Pine  
125 Solar's coordination with SHPO regarding the Project. I will also describe Iron Pine Solar's  
126 coordination with Tribal Nations regarding the Project.

127  
128 **Q. Do you have updates regarding SHPO coordination since the Application was filed?**

129 A. Yes. Since the Application was filed, a field survey of archaeological resources was  
130 conducted for the Project. An associated Archaeological Reconnaissance Survey report  
131 was submitted to SHPO on September 12, 2024. A copy of that report is included as  
132 **Schedule 3** to my Direct Testimony.

133  
134 **Q. What were the results of the Archaeological Reconnaissance Survey conducted for**  
135 **the Project?**

136 A. No sites eligible for listing in the National Register of Historic Places (NRHP) were  
137 identified in the Project Area.

138  
139 **Q. Has SHPO provided a response regarding the Archaeological Reconnaissance Survey**  
140 **conducted for the Project?**

141 A. Yes. On October 16, 2024, SHPO provided a letter noting that it has "determined that no  
142 significant archaeological sites will be affected by this project." SHPO also advised that  
143 the Unanticipated Discoveries Plan prepared for the Project was appropriate. This letter is  
144 attached to my Direct Testimony as **Schedule 4**.

145  
146 **Q. Does the Project avoid impacts to identified cultural resources?**

147 A. Yes. There are no sites eligible for listing on the NRHP located in the Project Area.  
148 Additionally, during construction, if any unknown archaeological resources are

encountered, Iron Pine Solar will follow its Unanticipated Discoveries Plan, and discoveries will be reported to the SHPO.

**Q. Has Iron Pine Solar conducted additional outreach to interested Tribal Nations?**

A. Yes. Iron Pine Solar received a letter in June 2024 from the Leech Lake Band of Ojibwe noting that they have reviewed the Project and determined that the Leech Lake Band of Ojibwe does not have any recorded historic properties in this area. It was also requested that should any human remains or suspected human remains be encountered, all work shall cease, and they should be notified immediately. Additionally, on July 16, 2024, Iron Pine Solar met with representatives from the Mille Lacs Band of Ojibwe to discuss and address comments regarding the Project.

In October 2024, Iron Pine Solar provided copies of the Archaeological Reconnaissance Survey report to each of the eleven Tribes in Minnesota, the Minnesota Indian Affairs Council, and Tribes with historic interests in Pine County. Iron Pine Solar followed up via phone call the week of November 8, 2024, and again in January 2025 to confirm receipt of the report and to request if representatives had any resulting questions or concerns. To date, no comments have been received. Other communications with Tribes have included ensuring that Iron Pine Solar has up to date contacts for Tribal representatives.

**Q. Has SHPO provided a response regarding the Historic Architectural Survey Report conducted for the Project (Application Appendix J)?**

A. Yes. In its October 16, 2024, correspondence (**Schedule 4**), SHPO stated that it has “determined that there are no properties listed in the National or State Registers of Historic Places, or within the Historic Sites Network, that will be affected by [the Project].”

## **VI. ADDITIONAL STAKEHOLDER COORDINATION**

**Q. Has Iron Pine Solar conducted additional consultation with the Minnesota Department of Agriculture (MDA)?**

A. Yes. Following the filing of the Application, which included the draft Agricultural Impact Mitigation Plan (AIMP), Iron Pine Solar coordinated with the MDA to address the MDA’s

180 comments on the AIMP. Any revisions to the AIMP based on input from Iron Pine Solar's  
181 engineering, procurement, and construction (EPC) contractor will be provided to the MDA  
182 for review and comment. The final AIMP will be filed with the Commission prior to the  
183 pre-construction meeting in accordance with Section 4.3.18 of the Draft Site Permit.  
184

185 **Q. At the in-person scoping meeting, a neighboring landowner with property located**  
186 **adjacent to the northwestern corner of the Project Area expressed concerns regarding**  
187 **impacts to his property during construction and operation of the Project. Has Iron**  
188 **Pine Solar coordinated with that landowner to address those concerns?**

189 A. Yes. Iron Pine Solar coordinated with that landowner to discuss their concerns. Iron Pine  
190 Solar and the landowner have entered into a solar neighbor agreement that addresses their  
191 concerns, and I appreciate the family's engagement and coordination regarding the Project.  
192

193 **Q. As noted in the Application, a snowmobile trail runs through the western side of the**  
194 **Project. Please discuss Iron Pine Solar's coordination regarding the snowmobile trail.**

195 A. As discussed in the Application, according to the Minnesota Department of Natural  
196 Resources (MDNR) Interactive Snowmobile Trail map, Snowmobile Trail 187 (Pine Trails  
197 1, 2, & 3) runs north-south through the western side of the Project. Iron Pine Solar is  
198 coordinating with the Northern Pine Riders, the club which manages the trail, to coordinate  
199 regarding Snowmobile Trail 187.  
200

## 201 VII. LABOR COORDINATION

202 **Q. Has Iron Pine Solar coordinated with representatives of the Laborers' District**  
203 **Council of Minnesota and North Dakota (LIUNA), the International Union of**  
204 **Operating Engineers Local 49 (Local 49), and the North Central States Regional**  
205 **Council of Carpenters?**

206 A. Yes. Iron Pine Solar has met with representatives of interested labor organizations,  
207 including LIUNA, Local 49, and the North Central States Regional Council of Carpenters,  
208 to discuss the Project and the workforce that will be needed to construct the Project. Iron

Pine Solar appreciates the engagement of these organizations and looks forward to the socio-economic benefits that the Project will provide.<sup>2</sup>

**Q. What are Iron Pine Solar’s commitments regarding the workforce that will be needed for construction of the Project?**

A. As part of the request for proposal process, Iron Pine Solar will request a hiring plan from potential EPC contractors and is committed to a selection based on a strong preference for bids that utilize local, union construction craft employees to the greatest extent feasible, consistent with the Project’s timeline, safety requirements, and budget. The selected EPC contractor will work with labor unions and other stakeholders to implement a Project construction staffing model that maximizes local hiring and local economic benefits of the Project.

Iron Pine Solar is also fully committed to meeting and adhering to the prevailing wage and registered apprenticeship provisions contained in the federal Inflation Reduction Act, specifically with a focus on local hiring and local economic benefits for the Project to the extent practicable. Adherence to this legislation ensures that laborers employed by Iron Pine Solar’s selected EPC contractor will be paid wages at rates not less than the prevailing rates for jobs of a similar character in the locality in which such facility is located. In addition, the apprenticeship requirements impose rules regarding labor hours, apprentice-to-journey-worker ratios, and participation by qualified apprentices to further promote workforce development at the local level.

**VIII. EA, DRAFT SITE PERMIT, & DRAFT ROUTE PERMIT**

**Q. Have you reviewed the Environmental Assessment (EA) filed by EERA on January 8, 2025?**

A. Yes. I have reviewed the EA, including the Draft Site Permit and Draft Route Permit (included as Appendices B and G, respectively).

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<sup>2</sup> See Application at 55 (concluding that “[i]n general, the socioeconomic impacts associated with the Project will be positive,” and listing socioeconomic benefits of the Project).

237  
238 **Q. Do you have any comments concerning the EA?**

239 A. Yes. Iron Pine Solar appreciates EERA's thorough review and analysis of the Project, and  
240 my limited comments are provided in this section.  
241

242 **Q. The EA notes recommendations by MDNR related to wood turtles and Blanding's**  
243 **turtles.<sup>3</sup> What is your response to these recommendations?**

244 A. MDNR recommends: (a) coordination with MDNR on fencing strategies to keep turtles  
245 from entering the Project site; and (b) installation of a fence (permanent or temporary)  
246 around the perimeter after August 30 and before April 15.<sup>4</sup> Iron Pine Solar appreciates  
247 MDNR's coordination on this Project but respectfully disagrees that these measures are  
248 needed here. Although the species of turtles identified have been observed approximately  
249 three miles from the Project, there is no record of the species being observed in the Project  
250 Area or immediate vicinity. Likewise, based on a peat assessment conducted for the Project  
251 Area in May 2024, the Project Area is primarily peat, which is not typically suitable habitat  
252 for these species. Iron Pine Solar remains committed to continuing to coordinate with  
253 MDNR.  
254

255 **Q. The EA notes comments by MDNR that, if the Project will impact the Kettle River,**  
256 **rare mussel surveys and an avoidance plan may be required.<sup>5</sup> What is your response?**

257 A. The Project is not anticipated to impact the Kettle River due to its distance from the river  
258 (900 feet to 2,500 feet) and the presence of County Highway 61, a railroad, and Bonk Road  
259 that run north-south essentially parallel to the Kettle River between the Project Area and  
260 the Kettle River. Furthermore, Iron Pine will implement erosion and sediment control best  
261 management practices in accordance with the Stormwater Pollution Prevention Plan  
262 supporting the Project's National Pollutant Discharge Elimination System (NPDES)/State  
263 Disposal System (SDS) stormwater permit that will require Minnesota Pollution Control

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<sup>3</sup> EA at 97.

<sup>4</sup> It is unclear whether this recommendation relates to construction or operation of the Project.

<sup>5</sup> EA at 97-98.

Agency (MPCA) review and approval prior construction. Iron Pine Solar understands that, to the extent Project plans change such that impacts to the Kettle River are anticipated, Iron Pine Solar would need to comply with applicable protected species regulations.

**Q. Section 4.8.7.3 of the EA and Draft Site Permit Section 4.3.17 both state that the Vegetation Management Plan (VMP) must include identification of the third-party (e.g., consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site.<sup>6</sup> What is your response?**

A. The *Guidance for Developing a Vegetation Establishment and Management Plan for Solar Facilities* requires that a qualified third-party independent agency monitor with sufficient experience should complete the vegetation monitoring to ensure an unbiased reporting of vegetation establishment, but does not require that the monitor be identified in the VMP. Iron Pine Solar agrees to identify a monitor but believes it is more appropriate to do so through a compliance filing, which can be easily updated, rather than the VMP. Iron Pine Solar requests that Section 4.3.17 (Vegetation Management Plan) of the Draft Site Permit be revised to clarify that identification of a third-party monitor does not need to be contained within the VMP. Iron Pine Solar will still be obligated to identify a third-party monitor and provide the information to the Commission. The proposed revisions are as follows:

#### **4.3.17 Vegetation Management Plan**

The Permittee shall develop a vegetation management plan (VMP), in coordination with the Department of Commerce, and the Vegetation Management Working Group (VMWG), using best management practices established by the DNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the coordinating agencies with the Commission at least 14 days prior to the pre-construction meeting.

The Permittee shall also identify a third-party (e.g., consultant,

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<sup>6</sup> EA at 89.

contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site and file contact information with the Commission at least 14 days prior to the preconstruction meeting.

Landowner-specific vegetation requests resulting from individual consultation between the Company and a landowner need not be included in the VMP. The Permittee shall provide all landowners within the Designated Site copies of the VMP. The Permittee shall file with the Commission an affidavit of its distribution of the VMP to landowners at least 14 days prior to the pre-construction meeting.

The VMP must include the following:

(a) management objectives addressing short term (year 0-5, seeding and establishment) and long term (year 5 through the life of the Project) goals;

(b) a description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (e.g., broadcast, drilling, etc.), and the types of seed mixes to be used;

(c) a description of how the site will be monitored and evaluated to meet management goals;

(d) a description of the management tools used to maintain vegetation (e.g., mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities;

~~(e) identification of the third party (e.g., consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site;~~

~~(f)~~ identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized; and

~~(g)~~ a marked-up copy of the Site Plan showing how the site will be revegetated and that identifies the corresponding seed mixes.

Best management practices should be followed concerning seed mixes, seeding rates, and cover crops.

**Q. EERA recommended including in the Draft Site Permit special condition Section 5.1 (Visual Screening Plan) requiring the permittee to develop and implement a visual screening plan with adjacent residences. What is your response?**

A. As noted in the Application, Iron Pine Solar has committed to coordinating with adjacent residences regarding potential addition of vegetation screening and how to address concerns, if requested by the landowner.<sup>7</sup> Iron Pine Solar has been and is committed to continuing to work with adjacent residences to develop a visual screening plan and implement screening that is specific to the particular landowner. Iron Pine Solar has no objection to a special condition requiring it to develop and implement a visual screening plan with adjacent residences. However, Iron Pine Solar proposes minor edits to the special condition proposed by EERA to make the documentation required to be filed consistent with the rest of the special condition and the intent of the condition to focus on visual screening for adjacent residences. Requiring documentation of coordination with landowners within 500 feet of the Project site is inconsistent with the language of the special condition (“[t]he Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences”), and has potentially unintended consequences of requiring the applicant to provide documentation of coordination with landowners who are not only not adjacent to the site, but are in fact located on the other side of Interstate 35 and Highway 61. The proposed revisions are as follows:

#### **5.1 Visual Screening Plan**

The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences.

The Visual Screening Plan shall at a minimum include: (a) objectives for screening of nearby residences; and (b) a description of the types of trees and shrub species to be used,

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<sup>7</sup> Application at 49.

the location of plantings, and plans for installation, establishment, and maintenance. The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years.

At least 14 days prior to the pre-construction meeting, the Permittee shall file:

- (a) the Visual Screening Plan;
- (b) documentation of coordination with ~~landowners~~ residences adjacent to ~~within 500 feet of~~ the project site;
- and
- (c) an affidavit of its distribution of the Visual Screening Plan to ~~landowners~~ residences adjacent to ~~within 500 feet of~~ the project site.

**Q. Do you have any comments regarding Draft Site Permit Section 4.3.8 (Aesthetics)?**

A. Yes. Iron Pine Solar recommends focusing Section 4.3.8 on adjacent landowners who are most affected by the visual screening plan (discussed above) by revising the condition to include a reference to the visual screening plan special condition, as the visual screening plan will be developed as a result of Iron Pine Solar's efforts to consider input pertaining to visual impacts from adjacent landowners. Accordingly, Iron Pine Solar proposes the following edits to Section 4.3.8 of the Draft Site Permit:

#### **4.3.8 Aesthetics**

The Permittee shall consider input pertaining to visual impacts from adjacent landowners when developing the Visual Screening Plan required in Section 5.1 and the local unit of government having direct zoning authority over the area in which the Project is located.

The Permittee shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of

the natural surroundings in the vicinity of the Project during construction and operation.

**Q. Do you have any comments regarding Draft Site Permit Section 4.3.13 (Wetlands and Water Resources) and Draft Route Permit Section 5.3.9 (Wetlands and Water Resources)?**

A. Yes. Both of these conditions include language requiring the use of wooden or composite mats to protect wetland vegetation when construction during winter is not possible. See Draft Site Permit Section 4.3.13 (“...When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. ...”); Draft Route Permit at Section 5.3.9 (“... When construction during winter is not possible, the Permittee shall use wooden or composite mats to protect wetland vegetation. ...”). Iron Pine Solar notes that the majority of the Project site is farmed wetlands. Farmed wetlands are emergent wetlands that are actively planted in crops, cultivated, and regularly traversed by heavy farm equipment as part of the overall agricultural field; farmed wetlands do not contain traditional or native emergent wetland vegetation or habitat qualities and they are considered low quality water features. All of the wetlands in the preliminary footprint of the Solar Project are farmed wetlands. Farmed wetlands do not contain wetland vegetation.

There are options under the United States Army Corps of Engineers (USACE) and the Minnesota Wetland Conservation Act permit conditions other than using equipment mats that are commonly employed on construction projects and are sufficiently protective of wetland vegetation, including the use of low ground weight equipment or segregating non-saturated wetland topsoil during construction and replacing it post-construction. These measures, like equipment mats, aid in protecting the wetland soil structure, helping to ensure the wetlands are properly restored. Iron Pine Solar is committed to avoiding and minimizing impacts and complying with all applicable USACE and Minnesota Wetland Conservation Act requirements. Accordingly, Iron Pine Solar proposes the following revisions to Section 4.3.13 of the Draft Site Permit and Section 5.3.9 of the Draft Route Permit:

**4.3.13 Wetlands and Water Resources**

415 The Permittee shall not place the solar energy generating system or  
416 associated facilities in public waters and public waters wetlands, as  
417 shown on the public water inventory maps prescribed by Minnesota  
418 Statutes Chapter 103G, except that electric collector or feeder lines  
419 may cross or be placed in public waters or public waters wetlands  
420 subject to permits and approvals by the Minnesota Department of  
421 Natural Resources (DNR) and the United States Army Corps of  
422 Engineers (USACE), and local units of government as implementers  
423 of the Minnesota Wetlands Conservation Act. The Permittee shall  
424 locate the solar energy generating system and associated facilities in  
425 compliance with the standards for development of the shorelands of  
426 public waters as identified in Minn. R. 6120.3300, and as adopted,  
427 Minn. R. 6120.2800, unless there is no feasible and prudent  
428 alternative.

429 The Permittee shall construct in wetland areas during frozen ground  
430 conditions, to the extent feasible, to minimize impacts. When  
431 construction during winter is not possible, wooden or composite  
432 mats [or other industry best practices](#) shall be used to protect wetland  
433 vegetation [in accordance with USACE and Minnesota Wetlands](#)  
434 [Conservation Act requirements](#). The Permittee shall contain and  
435 manage soil excavated from the wetlands and riparian areas in  
436 accordance with all applicable wetland permits. The Permittee shall  
437 access wetlands and riparian areas using the shortest route possible  
438 in order to minimize travel through wetland areas and prevent  
439 unnecessary impacts.

440 The Permittee shall restore wetland and water resource areas  
441 disturbed by construction activities to pre-construction conditions in  
442 accordance with the requirements of applicable state and federal  
443 permits or laws and landowner agreements. The Permittee shall  
444 meet the USACE, DNR, Minnesota Board of Water and Soil

Resources, and local government wetland and water resource requirements.

### **5.3.9 Wetlands and Water Resources**

The Permittee shall develop wetland impact avoidance measures and implement them during construction of the Transmission Facility. Measures shall include spacing and placing the power poles at variable distances to span and avoid wetlands, watercourses, and floodplains. Unavoidable wetland impacts as a result of the placement of poles shall be limited to the immediate area around the poles. To minimize impacts, the Permittee shall construct in wetland areas during frozen ground conditions where practicable and according to permit requirements by the applicable permitting authority. When construction during winter is not possible, the Permittee shall use wooden or composite mats [or other industry best practices](#) to protect wetland vegetation [in accordance with USACE and Minnesota Wetlands Conservation Act requirements](#).

The Permittee shall contain soil excavated from the wetlands and riparian areas and not place it back into the wetland or riparian area. The Permittee shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts. The Permittee shall not place staging or stringing set up areas within or adjacent to wetlands or water resources, as practicable. The Permittee shall assemble power pole structures on upland areas before they are brought to the site for installation.

The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. The Permittee shall meet the USACE, Minnesota Department of Natural Resources

(DNR), Minnesota Board of Water and Soil Resources, and local  
units of government wetland and water resource requirements.

**Q. The EA recommends that “the permitted site not include any area within the Kettle River Wild and Scenic District.”<sup>8</sup> What is your response?**

A. Although portions of the Project Area are located within Zone WS – Kettle River Wild & Scenic River Zone, the land within this zone was excluded from the Development Area and no Project facilities will be placed within that zone. However, Iron Pine Solar requests that this area not be excluded from the permitted Project Area because the land is under voluntary easement and, although it will not be hosting Project facilities, may be needed as part of the Project Area for purposes of setbacks.

**Q. Alternatively, the EA recommends including in the Draft Site Permit Special Condition Section 5.2 (Kettle River Wild and Scenic River District), providing that if temporary workspace is required and permitted within the Kettle River Wild and Scenic River District, then the permittee must consult with Pine County and complete all work in accordance with the Pine County Kettle River Wild and Scenic River Ordinance. What is your response?**

A. Iron Pine Solar has no objection to this special condition. As discussed previously, no activities are anticipated to occur in this district. In the unlikely event this changes, Iron Pine Solar would comply with all applicable regulations.

**Q. EERA recommended including in the Draft Site Permit Special Condition Section 5.3 (Snowmobile Trail 187), which requires the permittee to coordinate with the Northern Pine Riders snowmobile club to re-route “snowmobile trail 187 and any other snowmobile trails impacted by the project.” What is your response?**

A. Iron Pine Solar has no objection to a special condition requiring it to coordinate with the Northern Pine Riders snowmobile club regarding Snowmobile Trail 187 (Pine Trails 1, 2, and 3), but requests that any such condition be limited to Snowmobile Trail 187 (Pine Trails

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<sup>8</sup> EA at 44.

1, 2, and 3) and not specifically require a re-route, but rather allow the Northern Pine Riders and Iron Pine Solar reach an agreement regarding the appropriate solution, whether it be a re-route or some other solution. Accordingly, Iron Pine Solar proposes the following edits to special condition Section 5.3 of the Draft Site Permit:

### **5.3 Snowmobile Trail 187**

The Permittee shall coordinate with the Northern Pine Riders snowmobile club ~~regarding to reroute~~ snowmobile trail 187 ~~and any other snowmobile trails impacted by the project.~~

**Q. EERA recommended including in the Draft Site Permit Special Condition Section 5.4 (Vegetation and Blowing Snow Control), which requires the permittee to “coordinate with the Minnesota Department of Transportation (MnDOT) regarding existing vegetation between the project area and Interstate 35”, to “retain or plant vegetation, as requested by MnDOT, necessary to reduce potential driver distraction, solar glare, and blowing snow”, and to “coordinate with MnDOT regarding vegetative, structural, and/or other snow fence designs necessary to ensure the safe operation of Interstate 35”. What is your response?**

**A.** Iron Pine Solar has no objection to this special condition. Iron Pine Solar will continue to coordinate with MnDOT.

**Q. EERA recommended including in the Draft Route Permit Special Condition Section 6.1 (Interstate 35 Crossing), which requires the permittee to coordinate with MnDOT regarding the crossing of Interstate 35. What is your response?**

**A.** Iron Pine Solar has no objection to this special condition. Iron Pine Solar has and will continue to coordinate with MnDOT.

## **IX. CONCLUSION**

**Q. Does this conclude your Direct Testimony?**

**A.** Yes.