



414 Nicollet Mall
Minneapolis, MN 55401

February 2, 2026

—Via Electronic Filing—

The Honorable Megan J. McKenzie
600 North Robert Street
PO Box 64620
St. Paul, MN 55164

RE: REPLY COMMENTS AND PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF
LAW
IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY
D/B/A XCEL ENERGY FOR AN UP TO 135.5 MW BATTERY ENERGY STORAGE
SYSTEM SITE PERMIT FOR THE BLUE LAKE BATTERY ENERGY STORAGE
PROJECT IN SCOTT COUNTY, MINNESOTA.
DOCKET NO. E002/ESS-25-214 AND CAH 25-2500-41199

Dear Judge McKenzie:

Northern States Power Company, doing business as Xcel Energy, submits these Reply Comments and Proposed Findings of Fact and Conclusions of Law in the above-referenced docket.

We have electronically filed this document with the Minnesota Public Utilities Commission, and copies have been served on the parties on the attached service list. Please contact Jody Londo at (612) 216-7954 or Jody.L.Londo@xcelenergy.com if you have any questions regarding this filing.

Sincerely,

/s/ Jody Londo

JODY LONDO
DIRECTOR, REGULATORY AND STRATEGIC ANALYSIS

Enclosures
cc: Service List

STATE OF MINNESOTA
BEFORE THE
PUBLIC UTILITIES COMMISSION

Katie Sieben	Chair
Joseph Sullivan	Vice Chair
Audrey Partridge	Commissioner
Hwikwon Ham	Commissioner
John Tuma	Commissioner

In the Matter of the Application of Northern States Power Company d/b/a Xcel Energy for an up to 135.5 MW Battery Energy Storage System Site Permit for the Blue Lake Battery Energy Storage Project in Scott County, Minnesota

Docket No. E002/ESS-25-214

XCEL ENERGY'S RESPONSE TO PUBLIC HEARING COMMENTS

I. Introduction

Northern States Power Company, doing business as Xcel Energy (Xcel Energy) respectfully submits these comments responding to the written and oral public hearings comments submitted at the public hearing and through the January 20, 2026 comment deadline. Specifically, Xcel Energy responds to the comments submitted by the Commission's Energy Infrastructure Permitting (EIP) staff¹, the Minnesota Department of Natural Resources (DNR)², the Minnesota Interagency Vegetation

¹ EIP EA Comments (January 20, 2026) (eDocket No. [20261-227118-01](#)).

² DNR EA Comments (January 20, 2026) (eDocket No. [20261-227135-01](#)).

Management Planning Working Group (VMPWG)³, and Metropolitan Council (the “Met Council”)⁴ below.

II. Comments on Environmental Assessment and Project

In addition to the written comments, approximately four members of the public attended the public hearings (all attending the virtual hearing). One commenter, Nathan Runke from the International Union of Operators Local 49 (Local 49), provided oral comments. Mr. Runke stated that the Local 49 supported the project and the jobs it will create for its members, noting specifically that of the approximately 15,000 operators who live in the Midwest, approximately 5,000 live in the Twin Cities metro area, and this Project would provide a long-term work opportunity close to home for those members.⁵ Xcel Energy appreciates Mr. Runke’s comments and the support of the Local 49.

A. EIP’s Comments

EIP staff’s comments provide detailed feedback on the draft Decommissioning Plan and summarize EIP’s recommended modifications to the Draft Site Permit (DSP) that were included in the Environmental Assessment (EA).⁶ Xcel Energy responded to

³ VMPWG EA Comments (January 20, 2026) (eDocket No. [20261-227143-01](#)).

⁴ Metropolitan Council Comments (January 22, 2026) (eDocket No. [20261-227218-01](#)).

⁵ Virtual Public Hearing Transcript (January 13, 2026) (eDocket No. 20261-226795-02).

⁶ *See generally*, EIP EA Comments.

EIP's recommended permit conditions in its January 20, 2026 comments and does not repeat those comments here.⁷

EIP staff's recommendations on the Decommissioning Plan are similar to comments it has suggested for other recent Decommissioning Plans. Xcel Energy will continue to coordinate with EIP to incorporate the recommendations and revise the Decommissioning Plan prior to the start of construction.

B. Minnesota DNR's Comments

The Minnesota DNR submitted comments dated January 20, 2026 on the EA and DSP for the Project.⁸ The DNR notes that Xcel Energy's rare plant survey indicates no anticipated impacts to the state-listed threatened Louisiana broomrape or other state-listed plants and concludes that no further surveys are required, appreciating the Company's prompt attention to earlier concerns.⁹ The DNR supports the security fence design described in the EA but recommends a special permit condition requiring coordination with the DNR on the final fencing plan, modeled on special condition 5.7 used in the Snowshoe Energy Storage Project.¹⁰ Xcel Energy has no objection to this additional special condition.

⁷ Xcel Energy EA Comments (January 20, 2026) (eDocket No. [20261-227140-01](#)).

⁸ *See generally*, DNR EA Comments.

⁹ DNR EA Comments at 1.

¹⁰ DNR EA Comments at 1.

The DNR recommends that the Vegetation Management Plan (VMP) provide greater detail on reestablishment phases and specify plant species to be used, urging a diverse mix of native species suited to site conditions to reduce erosion and stormwater runoff; it supports DSP special condition 5.8 and offers continued coordination on VMP practices and seed mixes.¹¹ As noted below, Xcel Energy will continue to work with the VMPWG to finalize the VMP prior to the start of construction.

The DNR further supports DSP standard condition 4.3.28 to minimize lighting impacts, endorses plastic-free erosion control materials under standard condition 4.3.30, and agrees with the EA's dust control approach—particularly watering exposed surfaces—consistent with standard condition 4.3.29.¹² As stated in Xcel Energy's January 20, 2026 Comments, Xcel Energy does not object to these special conditions.

C. Vegetation Management Planning Working Group's Comments

VMPWG advised that no Commission action is recommended at this time and offered comments to support a VMP that will satisfy pre-construction compliance requirements for the Blue Lake BESS Project.¹³ For example, the VMPWG recommended modifications to the draft VMP to include short- and long-term management objectives, comprehensive descriptions of restoration and management activities (including site preparation, timing, seeding methods, and seed mixes),

¹¹ DNR EA Comments at 2.

¹² DNR EA Comments at 2.

¹³ *See generally*, VMPWG Hearing Comments.

monitoring and evaluation protocols, identified management tools and their timing, responsible third-party contractors, noxious weed and invasive species controls, and a marked-up site plan aligning revegetation areas with corresponding seed mixes.¹⁴ The VMPWG requests continued coordination with EIP staff and state agencies as the plan is finalized and emphasizes establishing goals, selecting appropriate seed mixes, and refining installation, management, and monitoring to meet permit conditions.¹⁵

Xcel Energy will continue to work with the VMPWG to finalize the VMP to align with the Commission’s DSP framework and agency guidance prior to the start of construction.

D. Metropolitan Council’s Comments

The Met Council reviewed the EA for the Project and found the EA to be complete and accurate with respect to regional concerns, identifying no major inconsistencies with Council policies.¹⁶ The Met Council concluded its review of the EA and indicated it would not take formal action.¹⁷ Nevertheless, Met Council highlighted two principal issues and recommendations.

First, given the site’s “very fast” infiltration characteristics (based on the Scott County Atlas Map, 2006), the Met Council cautioned that pollutants could move from

¹⁴ VMPWG Hearing Comments at 1-2.

¹⁵ VMPWG Hearing Comments at 4-5.

¹⁶ Metropolitan Council EA Comments at 1.

¹⁷ Metropolitan Council EA Comments at 1.

the surface to a depth of 10 feet within hours to weeks, potentially affecting groundwater quality, and therefore recommended extra precautions to avoid contamination, particularly during construction when soils are disturbed and construction-related pollutants could be mobilized.¹⁸ Condition 4.3.11 of the DSP requires that the permittee implement erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program.¹⁹

Second, under climate considerations, the Met Council recommended replacing removed non-native vegetation with native species to improve climate resilience and assist with stormwater management.²⁰ As noted above, Xcel Energy will continue to work with the VMPWG to finalize a VMP for the Project prior to the start of construction.

III. Conclusion

Xcel Energy appreciates the opportunity to provide these reply comments and respectfully submits that the record supports the issuance of a Site Permit for the Project, with the modified conditions discussed in Xcel Energy's previously filed EA comments on January 20, 2026 and these reply comments.

¹⁸ Metropolitan Council EA Comments at 2.

¹⁹ Environmental Assessment at Appendix C, Section 4.3.11(December 17, 2025) (eDocket No. [202512-225963-01](#)).

²⁰ Metropolitan Council EA Comments at 2.

Dated: February 2, 2026

Respectfully submitted,

/s/

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**STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION**

**In the Matter of the Application of
Northern States Power Company D/B/A
Xcel Energy for an up to 135.5 MW
Battery Energy Storage System Site Permit
for the Blue Lake Battery Energy Storage
Project in Scott County, Minnesota**

MPUC Docket No. E002/ESS-25-214
CAH Docket No. 25-2500-41199

**NORTHERN STATES POWER
COMPANY'S
PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATIONS**

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**NORTHERN STATES POWER
COMPANY'S PROPOSED FINDINGS OF
FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATIONS**

This matter was assigned to Administrative Law Judge Megan J. McKenzie to conduct a public hearing on the Site Permit Application (MPUC Docket No. E002/ESS-25-214) (Application) of Northern States Power Company D/B/A Xcel Energy (Xcel Energy or Applicant) to construct and operate an up to 135.5 megawatt (MW) Battery Energy Storage System (ESS) located in the City of Shakopee in Scott County, Minnesota (Project). The Minnesota Public Utilities Commission (Commission or PUC) also requested that the Administrative Law Judge prepare findings of fact and conclusions of law and provide recommendations, if any, on conditions and provisions of the proposed site permit.

Public hearings on the Application were held on January 6, 2026 (in-person) and January 7, 2026 (remote-access). The factual record remained open until January 20, 2026, for the receipt of written public comments.

Christina K. Brusven, Fredrikson & Byron, 60 South Sixth Street, Suite 1500, Minneapolis, Minnesota 55402, and Tyler Beemer, the Blue Lake BESS Project Manager, appeared on behalf of Xcel Energy.

Jacques Harvieux appeared on behalf of the Commission Staff at the in-person and remote-access hearing.

Suzanne Steinhauer appeared on behalf of the Commission Energy Infrastructure Permitting (EIP) staff.

STATEMENT OF ISSUES

Has Xcel Energy satisfied the criteria established in Minn. Stat. § 216E.03, subd. 7(b) (2023) and Minn. R. 7850.4100 for a site permit for the Project?

SUMMARY OF RECOMMENDATIONS

The Administrative Law Judge concludes that Xcel Energy has satisfied the applicable legal requirements and, accordingly, recommends that the Commission GRANT a site permit for the Project, subject to the conditions discussed below.

Based on the evidence in the hearing record, the Administrative Law Judge makes the following findings of fact:

FINDINGS OF FACT

I. APPLICANT

1. Xcel Energy is a public utility that provides electricity and energy services in parts of Minnesota, Wisconsin, South Dakota, North Dakota, and the upper peninsula of Michigan.¹

II. PROCEDURAL HISTORY

2. On May 22, 2025, Xcel Energy filed a Notice of its Intent to Submit a Site Permit Application for the Project under the alternative permitting procedures of Minn. R. 7850.2800 - .3900 in June of 2025.²
3. On June 20, 2025, Xcel Energy submitted the Application for the Project.³
4. On June 23, 2025, Xcel Energy submitted the Notice of Filing of Application to persons interested in the Project, the Commission's Energy Facilities General List, Local Officials, Tribes, and Property Owners in accordance with Minn. R. 7850.2100.⁴
5. On June 27, 2025, the Commission filed a Notice of Comment Period regarding the completeness of the Application, requesting initial comments by July 11, 2025, reply comments by July 18, 2025, and supplemental comments by July 25, 2025. The notice requested comments on whether the Application was complete within the meaning of the Commission's rules; whether the Commission should appoint an advisory task force; whether there are any contested issues of fact with respect to the representations made in the Application; whether the Commission should direct the Executive Secretary to issue an authorization to initiate a State Historic Preservation Office (SHPO) Consultation to the Applicant; and whether there were any other issues or concerns that should be considered.⁵
6. On July 11, 2025, EIP filed its Comments and Recommendations on Application Completeness. EIP recommended that the Commission accept the Application as complete only after Xcel Energy provides a public filing with a high-level breakout of anticipated

¹ Ex. App.-101 at 8 (Application).

² Ex. App.-100 (Notice of Intent for Alternative Review Process).

³ Ex. App.-101 at 8 (Application).

⁴ Ex. App.-102 (Project Notice Under 7850.2100).

⁵ Ex. PUC-300 (Notice of Comment Period on Application Completeness).

construction costs and financing as well as anticipated annual operations and maintenance costs. EIP also recommended that the Commission not appoint an advisory task for at that time and that it request a full Administrative Law Judge report with findings, conclusions, and recommendations for the Project's public hearing.⁶ International Union of Operating Engineers Local 49 (Local 49) and North Central States Regional Council of Carpenters (NCSRC) also filed reply comments concerning Application completeness.⁷

7. On July 16, 2025, Xcel Energy submitted Confirmation of Notice Compliance Filing for the Application.⁸
8. On July 18, 2025, Xcel Energy submitted reply comments concerning Application completeness.⁹
9. On July 24, 2025, EIP filed supplemental comments concerning Application completeness.¹⁰ EIP recommended that the Commission find the Application substantially complete and allow the environmental review and permitting process to begin.
10. On August 22, 2025, the Commission and EIP published Notice of Public Information and Environmental Assessment (EA) Scoping Meetings, scheduling the meetings for September 10, 2025 (remote-access) and September 11, 2025 (in-person), opening a public comment period until September 25, 2025, and requesting responses to two questions regarding the Project: (1) What potential human and environmental impacts of the proposed Project should be considered in the EA?; (2) Are there any methods to minimize, mitigate, or avoid these potential impacts that should be studied in the EA?¹¹
11. On August 28, 2025, Xcel Energy submitted a modified version of its Exhibit G to the Application.¹²
12. On September 5, 2025, the Commission filed a sample site permit.¹³
13. On September 10-11, 2025, the Commission and EIP conducted Public Information and EA Scoping meetings.¹⁴ No members of the public provided oral comments at these meetings.
14. On September 25, 2025, the Minnesota Department of Natural Resources (DNR) filed scoping comments.¹⁵

⁶ Ex. App.-104 (Completeness Reply Comments).

⁷ Local 49 and NCSRC Completeness Comments (July 11, 2025) (eDocket No. [20257-220856-01](#)).

⁸ Ex. App.-103 (Confirmation Notice).

⁹ Ex. App.-104 (Completeness Reply Comments).

¹⁰ Ex. EIP-201 (Supplemental Comments).

¹¹ Ex. PUC-303 (Notice of Public Information and EA Scoping Meetings).

¹² Ex. App.-105 (Appendix G Phase I Archaeological Survey).

¹³ Ex. PUC-306 (Sample Energy Storage System Site Permit).

¹⁴ Ex. EIP-203 (Oral Comments on Environmental Assessment Scope).

¹⁵ DNR Scoping Comments (September 25, 2025) (eDocket No. [20259-223282-01](#)).

15. On October 1, 2025, EIP filed the transcripts from the in-person and remote-access Public Information and EA Scoping meetings.¹⁶
16. On October 2, 2025, EIP staff filed recommendations on scoping alternatives, recommending the Commission authorize EIP staff to include only the site identified by Xcel Energy in its site permit application in the EA scoping decision.¹⁷
17. On October 21, 2025, the Commission filed an Order authorizing solely the site for the Project identified by Xcel Energy in its site permit application in the scoping decision for the environmental assessment.¹⁸
18. A prehearing conference was held on October 23, 2025.¹⁹
19. On October 24, 2025, EIP filed the EA Scoping Decision for the Project.²⁰
20. On October 30, 2025, the EIP filed the Notice of the EA Scoping Decision.²¹
21. On November 13, 2025, the Administrative Law Judge issued the First Prehearing Order establishing a schedule for the proceeding.²²
22. On December 10, 2025, Xcel Energy filed an Updated Appendix G.²³
23. On December 17, 2025, the EIP filed the EA for the Project.²⁴
24. On December 19, 2025, Xcel Energy submitted the Direct Testimony of Tyler Beemer with Schedules 1-2.²⁵
25. On December 23, 2025, the EIP filed the Notice of EA Availability to Agencies, Tribal Historic Preservation Offices, Tribal Governments, and Shakopee Public Library.²⁶ Additionally, the Commission filed its Notice of Public Hearings and Availability of EA.²⁷
26. The Commission filed the Public Hearing and Availability of EA Notice – EQB Monitor²⁸ and the Scoping Meeting Notice-EQB Monitor on December 26, 2025.²⁹

¹⁶ Ex. EIP-203 (Oral Comments on Environmental Assessment Scope).

¹⁷ Ex. EIP-204 (PUC EIP Staff Recommendations on Scoping Alternatives).

¹⁸ Ex. PUC-309 (Order Limiting Scope for EA).

¹⁹ Prehearing Transcript (October 27, 2025) (eDocket No. 202510-224276-01).

²⁰ Ex. PUC-310 (Scoping Decision for Blue Lake BESS Environmental Assessment).

²¹ Ex. PUC-311 (Notice of EA Scoping Decision).

²² First Prehearing Order (November 13, 2025) (eDocket No. [202511-224903-01](#)).

²³ Ex. App.-106 (Updated Appendix G).

²⁴ Ex. EIP-205 (EA).

²⁵ Ex. App.-107 (Direct Testimony of Tyler Beemer with Schedules 1-2).

²⁶ Ex. EIP-206 (Notice of EA Availability).

²⁷ Ex. PUC-312 (Notice of Public Hearings and Availability of Environmental Assessment).

²⁸ Ex. PUC-313 (Public Hearing and Availability of EA Notice – EQB Monitor).

²⁹ Ex. PUC-314 (Scoping Meeting Notice-EQB Monitor).

27. On January 2, 2026, the Commission filed the Affidavit of Publication – Notice of Public Hearing and Availability or EA.³⁰
28. On January 5, 2026, Xcel Energy submitted the Proposed Exhibit List.³¹
29. On _____, the Commission filed the presentation slides from the January 6 and 7, 2026 public hearing presentation.³²
30. On January 13, 2026, the in-person and virtual public hearing transcripts were filed.³³
31. On January 20, 2026, Xcel Energy submitted its EA comments.³⁴ EA and public comments were also submitted by Minnesota Interagency Vegetation Management Planning Working Group (VMPWG),³⁵ Minnesota Department of Natural Resources (DNR),³⁶ and EIP.³⁷
32. On January 22, 2026, the Metropolitan Counsel submitted its EA Comments.³⁸

III. DESCRIPTION OF THE PROJECT

33. The Project consists of an up to 135.5 MW alternating current battery energy storage system (ESS) with approximately 542 megawatt hours (MWh) of energy capacity on a site located in the City of Shakopee, Scott County, Minnesota.³⁹ The Project will include ESS units, medium voltage transformers, a main power transformer, inverters and electrical feeder lines, a 115 kilovolt (kV) transmission line generation interconnect (gen-tie) of less than 500 feet, Project substation, storage, access roads, fencing, and other minor equipment and appurtenant components typical of an ESS project.⁴⁰
34. The proposed Project will interconnect to the Project substation, and then to the adjacent existing Blue Lake Substation via the Midcontinent Independent System Operator (MISO) surplus interconnection process, which will have an interconnection limitation of up to 135.5 MW.⁴¹ Connecting the Project to the Point of Interconnection (POI) will require less than 500 feet of overhead 115 kV transmission line.⁴²

³⁰ Ex. PUC-315 (Affidavit of Publication).

³¹ Proposed Exhibit List - NSP (January 5, 2026) (eDocket No. [20261-226502-01](#)).

³² Public Hearing Presentation (DATE) (eDocket No. _____).

³³ Virtual Public Hearing Transcript (January 13, 2026) (eDocket No. 20261-226795-02); In-Person Public Hearing Transcript (January 13, 2026) (eDocket No. 20261-226795-01).

³⁴ Environmental Assessment Comments (January 20, 2026) (eDocket No. [20261-227140-01](#)). (EA Comments).

³⁵ VMPWG Hearing Comments (January 20, 2026) (eDocket No. [20261-227143-01](#)).

³⁶ DNR EA Comments (January 20, 2026) (eDocket No. [20261-227135-01](#)).

³⁷ EIP Staff EA Comments (January 20, 2026) (eDocket No. [20261-227118-01](#)).

³⁸ Metropolitan Council EA Comments (January 22, 2026) (eDocket No. [20261-227218-01](#)).

³⁹ Ex. App.-101 at 1 (Application).

⁴⁰ Ex. App.-101 at 1, 15 (Application).

⁴¹ Ex. App.-101 at 2, 18 (Application).

⁴² Ex. App.-101 at 16 (Application).

IV. SITE LOCATION AND CHARACTERISTICS

35. The Project is located in the eastern portion of the City of Shakopee, Scott County, Minnesota, immediately north of U.S. Highway 169 and south of County Road 101 (Highway 101). The Project is in Sections 1 and 11 of Township 11N, Range 22W.⁴³ The Project is located within the Eastern Broadleaf Forest Province (222), Minnesota, and NE Iowa Morainal (222M), and the Big Woods Subsection (222Mb).⁴⁴
36. Xcel Energy has 100 percent land control of the Project's location and Blue Lake Substation,⁴⁵ approximately 70 acres⁴⁶ of which 11.9 acres are currently designed to host Project components and for storing spare parts for the Project.⁴⁷
37. Land use in the Project area is predominately industrial business parks and commercial areas with residential areas located south of US 169.⁴⁸ Developed land use includes public roads and a railway owned by Chicago, Milwaukee, St. Paul, and Pacific Railroad Company.⁴⁹
38. The Project is not subject to Minn. R. 7850.4400, subp. 4 (prime farmland exclusion).⁵⁰ Additionally, the approximately 70-acre site proposed for the 135.5 MW Project does not exceed the 0.5 acre per MW use of prime farmland identified in the Rule, and no prime farmland is present in the Project site or Project Development Area.⁵¹

V. PROJECT SCHEDULE

39. Xcel Energy plans to begin construction in the second quarter of 2026, with a commercial operation date currently anticipated by the second quarter of 2027.⁵²

VI. SUMMARY OF PUBLIC COMMENTS

40. The Public Information and EA Scoping meetings were held on September 10 and 11, 2025. No members of the public provided oral comments during the Public Information and EA Scoping Meeting either in-person or remote access.⁵³
41. During the scoping comment period, DNR filed written comments recommending the Commission include special permit conditions related to state-listed endangered and threatened species, and commented on potential environmental impacts regarding security fencing, the

⁴³ Ex. App.-101 at 14 (Application).

⁴⁴ Ex. App.-101 at 43 (Application).

⁴⁵ Ex. App.-101 at 9 (Application).

⁴⁶ Ex. App.-101 at 1 (Application).

⁴⁷ Ex. App.-101 at 1-2 (Application).

⁴⁸ Ex. App.-101 at 43 (Application).

⁴⁹ Ex. App.-101 at 43 (Application).

⁵⁰ Laws of Minnesota 2023, chapter 60, article 12, section 67.

⁵¹ Ex. App.-101 at 20 (Application).

⁵² Ex. App.-101 at 9 (Application).

⁵³ Ex. EIP-203(Oral Comments on Environmental Assessment Scope).

vegetation management plan (VMP), lighting, dust control, and wildlife-friendly erosion control.⁵⁴

42. DNR recommended that Xcel Energy use a VMP consistent with DNR's *Prairie Establishment and Maintenance Technical Guidance for Solar Projects*.⁵⁵
43. DNR recommended the security fence reaches a minimum height of 10 feet around the Project in compliance with the agency's minimum height recommendation.⁵⁶
44. DNR recommended the lighting installed at the Project have a nominal correlated color temperature not to exceed 4,000 kelvin and the selection of lighting products that emit the lowest levels of blue hue, blacklight, and glare to minimize impacts to wildlife and insects. DNR acknowledges the Project is not a solar project, nevertheless it asserts the DNR's *Commercial Solar Siting Guidance* is relevant in advising the lighting-related measures.⁵⁷
45. DNR advised against using products that contain chloride as a dust suppression agent because they do not break down and may accumulate to levels that are toxic to wildlife and plants, and recommended the EA address fugitive dust levels and dust suppression measures that will be taken during construction and once the facility is operational.⁵⁸
46. DNR recommended the EA discuss wildlife friendly erosion control measures at the Project site. The DNR also recommended using biodegradable erosion control materials that are flexible and rectangular due to entanglement concerns of small wildlife. Specifically, erosion control blankets should be limited to "bio-netting" or "natural netting" types and should not contain plastic mesh or other plastic components. If the Applicant intends to use hydro-mulches, the DNR advised using hydro-mulches that do not contain synthetic fibers (plastic) and malachite green dyes which can pose toxicity concerns for fish, wildlife, and insects.⁵⁹
47. At the in-person public hearing on January 6, 2026, there were no attendees nor public comments. Approximately four members of the public attended the virtual public hearing on January 7, 2026. One commenter, Nathan Runke, representing the International Union of Operating Engineers Local 49 and its approximately 15,000 members (including over 5,000 in the Twin Cities metro area), expressed support for the project. He emphasized that it would create valuable job opportunities for construction workers, providing work close to home for many members.
48. Xcel Energy filed written comments on the EA during the public comment period acknowledging the EA is thorough and offered no substantive EA changes, while providing

⁵⁴ DNR Scoping Comments (September 25, 2025) (eDocket No. [20259-223282-01](#)).

⁵⁵ DNR Scoping Comments (September 25, 2025) (eDocket No. [20259-223282-01](#)).

⁵⁶ DNR Scoping Comments (September 25, 2025) (eDocket No. [20259-223282-01](#)).

⁵⁷ DNR Scoping Comments (September 25, 2025) (eDocket No. [20259-223282-01](#)).

⁵⁸ DNR Scoping Comments (September 25, 2025) (eDocket No. [20259-223282-01](#)).

⁵⁹ DNR Scoping Comments (September 25, 2025) (eDocket No. [20259-223282-01](#)).

comments on the DSP. Xcel Energy asked the Commission to issue the Site Permit with the modified conditions described below.⁶⁰

49. During the EA comment period, the Vegetation Management Plan Working Group (VMPWG) filed written comments recommending the Commission do not act at this time; instead, it outlined revisions so the VMP meets pre-construction compliance and anticipated permit conditions, and requests continued coordination with EIP, agencies, and VMPWG through pre-construction review. The plan should clearly cover objectives, activities, responsible parties, tools, monitoring, invasive control, and marked-up site plans with seed mixes.⁶¹
50. During the EA comment period, the DNR submitted written comments concurring that Xcel Energy's rare plant survey shows a probable absence of state-listed species (including Louisiana broomrape), and no further surveys are required. It appreciates Xcel Energy's prompt response to its prior species-impact concern.⁶²
51. DNR supported the security fence design described in the EA but recommended a special condition requiring coordination of the final fencing plan with the DNR, modeled on Snowshoe Energy Storage Project special condition 5.7. This recommendation is based on potential wildlife impacts from fencing.⁶³
52. DNR requested a more detailed explanation of vegetation reestablishment phases and the types of species to be planted, recommending diverse native mixes suited to site conditions to minimize erosion and runoff. The DNR supports draft site permit special condition 5.8 and offers to coordinate on practices and seed mixes.⁶⁴
53. DNR supported standard condition 4.3.28 in the DSP to minimize lighting impacts, stating that this condition is considered sufficient as written, standard condition 4.3.30 requiring plastic-free erosion control materials to avoid harm to wildlife. and standard condition 4.3.29 for dust control, noting the EA's discussion of watering exposed surfaces as standard practice for reducing fugitive dust.⁶⁵
54. EIP submitted written comments on the EA during the public comment period indicating it supports technical updates reflecting the Energy Infrastructure Permitting Act and the correction of inadvertent photovoltaic terminology, together with project-specific conditions that enhance oversight and community and environmental protections.⁶⁶
55. EIP's proposed conditions include independent third-party monitoring; cultural resources safeguards, including an unanticipated discoveries plan; visual screening; pre-construction

⁶⁰ Xcel Energy EA Comments (January 20, 2026) (eDocket No. [20261-227140-01](#)).

⁶¹ VMPWG EA Comments (January 20, 2026) (eDocket No. [20261-227143-01](#)).

⁶² DNR EA Comments (January 20, 2026) (eDocket No. [20261-227135-01](#)).

⁶³ DNR EA Comments (January 20, 2026) (eDocket No. [20261-227135-01](#)).

⁶⁴ DNR EA Comments (January 20, 2026) (eDocket No. [20261-227135-01](#)).

⁶⁵ DNR EA Comments (January 20, 2026) (eDocket No. [20261-227135-01](#)).

⁶⁶ EIP EA Comments (January 20, 2026) (eDocket No. [20261-227118-01](#)).

noise modeling; post-construction noise studies with enforceable MPCA compliance; and a Hazard Mitigation Analysis consistent with industry standards.⁶⁷

56. Given the project's location in an environmental justice area, EIP also recommended a community benefit agreement with the City of Shakopee, coordination with SHPO, preparation of a VMP, an explicit cross-reference to the decommissioning plan, and annual availability reporting tailored to a stand-alone storage facility.⁶⁸
57. During the EA comment period, the Metropolitan Council (Met Council) submitted EA comments during the public comment period that stated it found the EA complete and accurate for regional concerns and not inconsistent with Council policies, exclaiming that it will not take formal action on the EA.⁶⁹
58. Met Council recommended that extra precautions be taken, especially during construction, because the Project site has a very fast infiltration rating, meaning pollutants could reach groundwater within hours to weeks.⁷⁰
59. Met Council recommended replanting areas where non-native vegetation is removed with native species so it can improve climate resilience and stormwater management.⁷¹
60. Xcel Energy submitted its response to public hearing comments submitted at the public hearing and through the January 20, 2026 comment deadline submitted by the EIP, DNR, VMPWG, and Met Council. Xcel Energy remains committed to working cooperatively with EIP as it prepares and submits its pre-construction filings, including updates to the decommissioning plan, and will continue to address the specific issues raised to support environmental protection, regulatory compliance, and transparent stakeholder communication. Furthermore, Xcel Energy will continue to work DNR, VMPWG, and Met Council to incorporate the recommendations, revise the decommissioning plan, and finalize the VMP prior to the start of construction.⁷²

VII. PERMITTEE

61. The permittee for the Project is Xcel Energy.⁷³

VIII. CERTIFICATE OF NEED

62. The Project does not require a certificate of need. Under Minn. Stat. § 216B.243, subd. 8(9), a certificate of need is not required for ESS.⁷⁴

⁶⁷ EIP EA Comments (January 20, 2026) (eDocket No. [20261-227118-01](#)).

⁶⁸ EIP EA Comments (January 20, 2026) (eDocket No. [20261-227118-01](#)).

⁶⁹ Metropolitan Council Comments (January 22, 2026) (eDocket No. [20261-227218-01](#)).

⁷⁰ Metropolitan Council Comments (January 22, 2026) (eDocket No. [20261-227218-01](#)).

⁷¹ Metropolitan Council Comments (January 22, 2026) (eDocket No. [20261-227218-01](#)).

⁷² Xcel Energy Response to Public Comments (February __, 2026) (eDocket No. _____).

⁷³ Ex. App.-101 at 8 (Application).

⁷⁴ Ex. App.-101 at 13 (Application).

IX. SITE PERMIT CRITERIA

63. ESS are governed by Minn. Stat. ch. 216E (2023) and Minn. R. ch. 7850. Minn. Stat. § 216E.01, subd. 3a (2023), defines an ESS as “equipment and associated facilities designed with a nameplate capacity of 10,000 kilowatts or more that is capable of storing generated electricity for a period of time and delivering the electricity for use after storage.”
64. A site permit is required prior to construction of the Project.⁷⁵
65. An ESS is eligible for the alternative permitting process under Minn. Stat. § 216E.04 (2023). Xcel Energy filed the Application under the alternative process established by the Commission in Minn. R. parts 7850.2800-7850.3900.⁷⁶
66. Under Minn. Stat. § 216E.04 (2023), for an ESS permitted under the alternative permitting process, EIP prepares an EA for the Commission containing information on the human and environmental impacts of the proposed Project and addresses mitigating measures. The EA is the only state environmental review document required to be prepared on the Project.
67. EIP is responsible for evaluating the Application and administering the environmental review process.⁷⁷

X. APPLICATION OF SITING CRITERIA TO THE PROPOSED PROJECT

A. Human Settlement

68. Minnesota law requires consideration of the Project’s effects on human settlement, including displacement of residences and businesses, noise created by construction and operation of the Project, and impacts to aesthetics, cultural values, recreation, and public services.⁷⁸

I. Aesthetics

69. The visible elements of the ESS will consist of battery energy storage units, transformers and inverters, a Project substation, a short transmission line, and security fencing surrounding the Project.⁷⁹
70. The Project is naturally screened by trees and bodies of water. There are existing rows of trees and shrubs in conjunction with varying elevations that provide screening from U.S. Highway 169 to the south of the site.⁸⁰

⁷⁵ Ex. App.-101 at 10 (Application).

⁷⁶ Ex. App-100 (Notice of Intent to Submit a Site Permit Application Under Alternative Review Process).

⁷⁷ Ex. EIP-205 (EA).

⁷⁸ Minn. R. 7850.4100, subp. A.

⁷⁹ Ex. App.-101 at 1, 15, 16 (Application).

⁸⁰ Ex. App.-101 at 44 (Application).

71. Exterior security lighting will be installed at the Project substation and within the ESS pad areas for safety and security.⁸¹
72. Lighting will be downward facing and will minimize blue hues to minimize impacts from facility lighting.⁸²
73. Given the Project's siting within an established industrial setting and its proximity to existing electrical facilities of similar scale and character, the Project would blend with the prevailing visual context and avoid introducing new or incompatible features. As a result, changes to viewsheds and overall visual character are anticipated to be minor, and the aesthetic impact intensity would be minimal.⁸³ The project will convert approximately eight acres from its current landcover into a BESS facility. Although the change will be noticeable, the facility is similar in appearance to the existing electric infrastructure and other industrial and commercial features in the project area.⁸⁴
74. Aesthetic impacts from the project are anticipated to be minimal. The gen-tie structures will be the most visible element of the facility as the BESS enclosures would be relatively difficult to see due to their relatively low height, the site's topography and distance from roads and residential areas. For motorists along US Highway 169, the view would be fleeting. Residents in the project vicinity, residents traveling local roads, and users of the Quarry Lake Park are likely to be more sensitive to aesthetic impacts, but the topography of the site, but the substation and transmission structures would be indiscernible from those of the adjoining Blue Lake Substation.⁸⁵
75. DSP Special Condition 5.1 would require Xcel Energy to develop a site-specific Visual Screening Plan to mitigate visual impacts to adjacent properties and public viewpoints, with stated objectives and detailed planting specifications (species, locations, installation, establishment, and maintenance), and to show on the Section 8.3 Site Plan any plantings within its site control. Xcel Energy would be required to ensure successful growth, health, and maintenance of the vegetation for three years. At least 14 days before the pre-construction meeting, it would also need to file the plan, documentation of coordination with adjacent landowners and entities with public viewpoints, and an affidavit confirming distribution of the plan to those parties.⁸⁶
76. In its EA Comments, Xcel Energy argues Special Condition 5.1 is overbroad because the EA finds visual impacts will be minimal given the project's siting in an industrial park amid existing electrical infrastructure. The project design already incorporates vegetative screening

⁸¹ Ex. App.-101 at 46 (Application).

⁸² Ex. App.-101 at 46 (Application).

⁸³ Ex. EIP-205 at 35 (EA).

⁸⁴ Ex. EIP-205 at 36 (EA).

⁸⁵ Ex. EIP-205 at 36 (EA).

⁸⁶ Ex. EIP-205 at 37 (EA).

along the western edge to address views from Quarry Lake Park, while the north is naturally screened by existing trees, the south abuts the Blue Lake Substation, and the east borders an active utility corridor that cannot be vegetated. In light of these existing conditions and constraints, broad screening for “adjacent properties and public viewpoints” is unnecessary. Xcel proposes narrowing the condition to address only public viewpoints within Quarry Lake Park and to coordinate solely with the City of Shakopee.⁸⁷

77. Accordingly, while existing conditions address many visual impact concerns, the record supports a limited special condition requiring the Permittee to develop and implement a site-specific Visual Screening Plan focused on mitigating visual impacts to public viewpoints within Quarry Lake Park.⁸⁸
78. The record demonstrates that Xcel Energy has taken steps to avoid and minimize visual impacts.⁸⁹

2. Noise

79. The Minnesota Pollution Control Agency (MPCA) has established standards for the regulation of noise levels. The most restrictive MPCA noise limits are 60–65 A-weighted decibels (dBA) during the daytime and 50–55 dBA during the nighttime.⁹⁰
80. In Minnesota, noise standards are based on noise area classifications (NAC) corresponding to the location of the listener, referred to as a receptor. NACs are assigned to areas based on the type of land use activity occurring at that location. Household units, designated camping and picnicking areas, resorts and group camps are assigned to NAC 1; recreational activities (except designated camping and picnicking areas) and parks are assigned to NAC 2; agricultural and related activities are assigned to NAC 3.⁹¹
81. The Project is in an industrial area. The primary noise receptors are the local residences. Although there are no residences within the site, there are residences in local proximity (within 2,000 feet).⁹² The local residential homes fall under NAC 1. Noise receptors could also include individuals working outside of the Project vicinity. Potential noise impacts from the Project are associated with ambient noise of the existing Blue Lake Peaking Plant, Blue Lake Substation, traffic on U.S. Highway 169 and local roads, railroads, industrial equipment/operations, wind, vehicle traffic, birdsong, and residences.⁹³

⁸⁷ Xcel Energy’s EA Comments at 2-4 (January 20, 2026) (eDocket No. [20261-227140-01](#)).

⁸⁸ Xcel Energy EA Comments (January 20, 2026) (eDocket No. [20261-227140-01](#)); Ex. EIP-205 at 35 (EA); Ex. App.-101 at Figure 2 (Application).

⁸⁹ Ex. App.-101 at 46 (Application).

⁹⁰ Minn. R. 7030.0040.

⁹¹ Ex. EIP-205 at 38 (EA).

⁹² Ex. EIP-205 at 39 (EA).

⁹³ Ex. EIP-205 at 39 (EA); Ex. App.-101 at 63 (Application).

82. Distinct noise impacts during construction are anticipated to be moderate to significant depending on location. Noise from construction will be temporary and limited to daytime hours.⁹⁴
83. Noise levels during operation of the Project are anticipated to be minimal. The primary noise sources from the ESS facility will be the substation transformer, inverters, and the cooling equipment in the BESS containers.⁹⁵ In its noise analysis, Xcel Energy found the facility-only nighttime noise of 50 dBA, below the ambient noise of 64 and 70 dBA at the modeled residences. Because the modeled results are less than the ambient noise of 64 and 70 dBA at the modeled residences, primarily from highway traffic, the noise is not anticipated to be a significant contributor to total sound levels in the area and is not expected to have a perceptible impact at residences and other sensitive receptors.⁹⁶
84. Sound control devices on vehicles and equipment (e.g., mufflers) conducting construction activities during daylight hours, and running vehicles and equipment only when necessary are common ways to mitigate construction noise impacts.⁹⁷
85. The record demonstrates that Xcel Energy has taken steps to avoid and minimize noise impacts. Further, Section 4.3.7 of the Draft Site Permit (“DSP”) requires the permittee to comply with noise standards established under Minnesota noise standards as defined under Minnesota Rule, part 7030.010 to 7030.0080, and to limit construction and maintenance activities to daytime hours to the extent practicable.⁹⁸
86. DSP Special Condition 5.3 would require Xcel Energy to file a pre-construction noise modeling and impact assessment summarizing results from noise propagation modeling using the selected equipment and final layout prior to construction of the facility. This condition also requires the permittee to file an updated noise impact assessment prior to modifying the permitted facility.⁹⁹ As the EA notes, “the noise is not anticipated to be a significant contributor to total sound levels in the area and is not expected to have a perceptible impact at residences and other sensitive receptors.” The primary source of noise during operation will be the substation transformer, inverters, and the cooling equipment in the BESS containers. The modeling estimates facility-only nighttime noise of 50 dBA, below the ambient noise of 64 and 70 dBA at the modeled residences. Accordingly, transformer and inverter noise is consistent with existing noise in the area.¹⁰⁰
87. In its reply comments, Xcel Energy provided additional information to demonstrate that further modeling is not necessary to demonstrate compliance with the noise standards. Specifically,

⁹⁴ Ex. EIP-205 at 39 (EA).

⁹⁵ Ex. EIP-205 at 40 (EA).

⁹⁶ Ex. EIP-205 at 40 (EA).

⁹⁷ Ex. EIP-205 at 40 (EA).

⁹⁸ Ex. EIP-205 at 41 (EA); Ex. EIP-205 at Appendix C (Draft Site Permit).

⁹⁹ Ex. EIP-205 at 41 (EA).

¹⁰⁰ Ex. EIP-205 at 40 (EA).

Xcel Energy agrees to submit a pre-construction noise impact assessment based on final equipment selections and the approved site layout. However, it objects to the condition requiring updated noise assessments before any facility modification over the Project's life, arguing that this trigger is overbroad and burdensome because it could capture routine operational changes without material noise effects. Xcel Energy contends that the Project's industrial setting and the existing permit amendment requirement under Minn. Stat. § 216I.09 for significant changes already ensure ongoing compliance with Minnesota Noise Standards. Accordingly, Xcel Energy asks the Commission to delete the final sentence of Special Condition 5.3.¹⁰¹ The Administrative Law Judge finds that Xcel Energy's proposed modification to Special Condition 5.3 is reasonable based on the record.

88. Proposed Special Condition 5.4 would require Xcel Energy to submit, at least 14 days before the pre-construction meeting, a proposed methodology—developed in consultation with Commission staff—for a post-construction noise study, to conduct that study, and to file the completed study within 18 months after commencing commercial operation. It would also require that the BESS and associated facilities be sited and operated to comply at all times with MPCA noise standards, and that operations be modified or project components taken out of service as needed to ensure compliance.¹⁰²
89. Xcel Energy asserts that mandatory post-construction noise monitoring is unnecessary absent an unresolved complaint because the Project is located in an industrial area and modeling shows compliance with MPCA noise standards. It notes that the Commission has typically required noise monitoring only when there are unresolved noise complaints for other energy projects. Accordingly, Xcel proposes replacing Special Condition 5.4 with language that limits monitoring to situations involving unresolved complaints, requires coordination and protocol approval by Commission staff, and commits to provide results and implement mitigation if any violations are identified.¹⁰³
90. The record demonstrates that the Project is sited within an industrial area and that pre-construction noise modeling shows compliance with MPCA noise standards, rendering blanket post-construction noise monitoring unnecessary. Consistent with Commission practice to require monitoring only upon unresolved complaints, the Administrative Law Judge finds Xcel Energy's proposed alternative condition—limiting monitoring to unresolved complaints with coordination and approval by Commission staff and requiring mitigation for any violations—appropriate and sufficient to ensure compliance.¹⁰⁴

3. *Cultural Values.*

¹⁰¹ Xcel Energy's EA Comments at 4 (January 20, 2026) (eDocket No. [20261-227140-01](#)).

¹⁰² Ex. EIP-205 at 41 (EA).

¹⁰³ Xcel Energy's EA Comments at 5-7 (January 20, 2026) (eDocket No. [20261-227140-01](#)).

¹⁰⁴ Ex. EIP-205 at 39-40 (EA); *See, e.g., Order Granting Site Permit, In the Matter of the application of Otter Tail Power Company for a Site Permit for the up to 66 MW Solway Solar Project in Beltrami County, Minnesota.*

91. The Project is not anticipated to impact or alter the work life and leisure pursuits of residents or visitors in the Project area or affect land use in such a way as to impact the underlying culture or community unity of the area. Because of the relatively small size of the Project and the Project's location in an industrial area, impacts to cultural resources from the Project are anticipated to be minimal.¹⁰⁵
92. There are no conditions included in the DSP that directly address mitigation for impacts to cultural values. No additional mitigation is proposed.¹⁰⁶

4. *Land Use and Zoning.*

93. Development of an ESS in this area is consistent with the types of permitted uses in Shakopee's Light Industrial Zone, and the surrounding land uses. Thus, the Project makes good use of the land.¹⁰⁷
94. The Project would convert approximately 7.8 acres of land from its current landcover to impermeable surfaces for the life of the Project for energy storage. Xcel Energy intends to utilize best management practices (BMPs) as feasible to reduce the impact on land use.¹⁰⁸
95. Xcel Energy has developed a draft decommissioning plan¹⁰⁹ that will be implemented at the conclusion of the Project. The decommissioning plan outlines the plan to remove all Project-related infrastructure and restore and reclaim the site to pre-Project conditions to the extent feasible.¹¹⁰
96. EIP submitted EA comments on January 20, 2026 that largely focuses on the decommissioning plan. For the decommissioning plan, EIP recommends a stand-alone, current document that aligns with Commission guidance, accurately describes the constructed facility, expressly ties the objective to site restoration under the permit, and establishes a transparent five-year update cadence with a revision history and links. EIP further requests a clearer project description, identification of permits and notifications, detailed decommissioning tasks and sequencing, specified disposal and recycling pathways, and a more concrete schedule rather than generic statements. EIP also seeks expanded cost assumptions with periodic updates and a defined financial assurance mechanism to ensure end-of-life funds are available.¹¹¹
97. Xcel Energy submitted responsive comments on February 2, 2026 stating that it remains committed to working cooperatively with EIP as it prepares and submits its pre-construction filings, including updates to the decommissioning plan, and will continue to address the

¹⁰⁵ Ex. EIP-205 at 42 (EA).

¹⁰⁶ Ex. EIP-205 at 42 (EA).

¹⁰⁷ Ex. EIP-205 at 43 (EA); Ex. App.-101 at 14-15 (Application).

¹⁰⁸ Ex. EIP-205 at 43-44 (EA).

¹⁰⁹ Ex. App.-107 at Appendix E (Application).

¹¹⁰ Ex. EIP-205 at 44 (EA).

¹¹¹ EIP EA Comments (January 20, 2026) (eDocket No. [20261-227118-01](#)).

specific issues raised to support environmental protection, regulatory compliance, and transparent stakeholder communication.¹¹²

5. *Property Values.*

98. Impacts to the value of specific properties within the Project vicinity are difficult to determine but could occur.¹¹³
99. Because each landowner has a unique relationship and sense of value associated with their property a landowner’s assessment of potential impacts to their property’s value is often a deeply personal comparison of the property “before” and “after” a proposed project is constructed. The landowner’s judgments, however, do not necessarily influence the market value of a property.¹¹⁴
100. The Commission was unable to locate peer reviewed literature that addressed potential impacts to property values from stand-alone ESS.¹¹⁵
101. Impacts to the value of specific properties within the Project vicinity are difficult to determine. To the extent that negative impacts do occur they are expected to decrease with distance from the Project and with time. Aesthetic and noise impacts that might affect property values would be limited to residences and parcels in the Project vicinity, but there are no homes in the local vicinity—the nearest homes are located approximately 2,000 feet from the developed area.¹¹⁶
102. Impacts to property values can be mitigated by reducing aesthetic impacts and encumbrances to future land use. Impacts can also be mitigated through individual agreements with neighboring landowners.¹¹⁷
103. Xcel Energy will mitigate aesthetic impacts to residences by coordinating with the City of Shakopee on a tree screening plan along the 70th Street South corridor to provide visual screening of the Project from Quarry Lake Park and aid requests the City of Shakopee has made with regard to tree restoration.¹¹⁸

6. *Tourism and Recreation*

¹¹² Xcel Energy Response to Public Comments (February 2, 2026) (eDocket No. _____.)

¹¹³ Ex. EIP-205 at 44 (EA).

¹¹⁴ Ex. EIP-205 at 44 (EA).

¹¹⁵ Ex. EIP-205 at 44 (EA).

¹¹⁶ Ex. EIP-205 at 45 (EA).

¹¹⁷ Ex. EIP-205 at 45 (EA).

¹¹⁸ Ex. App.-101 at 45 (Application).

104. Tourism in the Project area is largely related to recreational activities at Quarry Lake Park, adjacent to the Project. The recreational activities may include boat and kayaking use, fishing, water skiing, playground usage, picnics, and paved trails.¹¹⁹
105. Impacts to Quarry Lake Park are possible due to proximity to the Project. Negative impacts to water quality may occur during construction due to runoff. Negative impacts to aesthetics may occur to individuals utilizing Quarry Lake during construction as well. These impacts are short-term and can be mitigated. Impacts to other recreation or tourism areas are not anticipated.¹²⁰
106. The Project is located on private and industrial land. Therefore, impacts are anticipated to be minimal and temporary.¹²¹
107. Impacts can also be mitigated by reducing impacts to natural landscapes and features during construction. The DSP includes several conditions that help minimize and mitigate impacts from the Project to recreational resources (in particular Quarry Lake Park).¹²²

7. Transportation and Public Services

108. Potential impacts to the electrical grid, roads and railroads, and other utilities are anticipated to be short-term, intermittent, and localized during construction. Impacts to water (wells and septic systems) are not expected to occur. Construction of the Project will require relocation of the access road to the Magellan pipeline valve site, but with proper marking to avoid work near underground utilities direct impacts to existing pipelines are not expected. Impacts to railroads and pipelines are not expected to occur. Overall, construction-related impacts are expected to be minimal, and are associated with possible traffic delays. During operation, negligible traffic increases would occur for maintenance. Impacts are unavoidable but can be minimized.¹²³
109. There are no anticipated impacts to geologic or groundwater resources from the Project. Xcel Energy has not identified any existing wells or septic fields on the site in its search of Minnesota Department of Health (MDH) or landowner records that would require additional groundwater permits (e.g., well construction permit).¹²⁴ If any previously unmapped wells are discovered, Xcel Energy will coordinate with MDH on how to proceed.¹²⁵
110. Xcel Energy is the electric provider serving the immediate vicinity and many of the industrial users surrounding the Project.¹²⁶ No long-term impacts to utilities will occur because of the

¹¹⁹ Ex. EIP-205 at 62 (EA).

¹²⁰ Ex. EIP-205 at 63 (EA).

¹²¹ Ex. EIP-205 at 63 (EA).

¹²² Ex. EIP-205 at 63-64 (EA).

¹²³ Ex. EIP-205 at 45 (EA).

¹²⁴ Ex. EIP-205 at 45 (EA).

¹²⁵ Ex. EIP-205 at 71 (EA).

¹²⁶ Ex. EIP-205 at 45 (EA).

Project. The Project will impact existing utilities during the interconnection of the Project substation to the Blue Lake Substation.¹²⁷

111. The Land Control Area is accessible from 70th Street South, along the western boundary of the site. No impacts to roads are anticipated during the operation; negligible traffic increases would occur for maintenance.¹²⁸
112. The Project will border the Chicago, Milwaukee, St. Paul, and Pacific Railroad, which is along the Project's northern boundary between the site and Highway 101. The Project will avoid railroad property and railroad right of way (ROW).¹²⁹

8. *Socioeconomics.*

113. The potential impact intensity level is anticipated to be minimal and positive. Effects associated with construction will, overall, be short-term and minimal. Significant positive effects may occur for individuals. Impacts from operation will be long-term and negligible. Adverse impacts are not anticipated.¹³⁰
114. Construction of the Project is likely to result in increased expenditures for lodging, food and fuel, transportation, and general supplies at local businesses during construction. Construction of the Project will create local job opportunities for various trade professionals and will also generate and circulate income throughout the community by investing in local business expenditures as well as state and local taxes.¹³¹
115. The Project is expected to create approximately an average of 30 workers on site, with peak levels of up to 80, during the construction phase, and three long-term personnel during the operations phase.¹³²
116. Once the Project is operational, Xcel Energy will pay property tax payments of approximately \$3 million to the City of Shakopee and Scott County over the anticipated twenty-year life of the Project.¹³³
117. As socioeconomic impacts are anticipated to be positive in the short term and insignificant over the long-term operation of the Project.¹³⁴

9. *Environmental Justice.*

¹²⁷ Ex. EIP-205 at 47 (EA).

¹²⁸ Ex. EIP-205 at 47 (EA).

¹²⁹ Ex. EIP-205 at 46 (EA).

¹³⁰ Ex. EIP-205 at 48 (EA).

¹³¹ Ex. EIP-205 at 50 (EA).

¹³² Ex. EIP-205 at 50 (EA).

¹³³ Ex. EIP-205 at 50 (EA).

¹³⁴ Ex. EIP-205 at 51 (EA).

118. Environmental justice (EJ) means the “fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income in the development, implementation, and enforcement of environmental laws, regulations, and policies.”¹³⁵
119. In Minnesota, environmental justice areas are defined as census tracts:
- in which at least 40 percent of the population is nonwhite
 - in which at least 35 percent of households have income at or below 200 percent of the federal poverty level
 - in which at least 40 percent of the population has limited proficiency in English; or
 - which are located within Indian Country, which is defined as federally recognized reservations and other Indigenous lands.¹³⁶
120. Based on a demographic assessment of the affected community, the Project is not anticipated to have disproportionately high and adverse human health or environmental effects on low-income, minority, or tribal populations.¹³⁷
121. Section 5.6 of the DSP requires Xcel Energy to enter into a Community Benefit Agreement with the city of Shakopee that mitigates environmental justice impacts to the community.¹³⁸
122. Xcel Energy asserts that requiring a Community Benefits Agreement is inconsistent with the EA’s finding that the Project “is not anticipated to have disproportionately high and adverse human health or environmental effects on low-income, minority, or tribal populations.”¹³⁹
123. While the DSP suggests that Xcel Energy enter into an agreement with the City of Shakopee, the City has not raised this as an issue of concern.
124. Xcel Energy opposes Proposed Special Condition 5.6, stating that the record does not contain specific evidence relating to the issues that should be addressed in a Community Benefits Agreement. The lack of specificity about what an agreement might cover creates uncertainty about Xcel Energy’s obligations under the proposed permit condition and how non-compliance would be determined, particularly given that the Commission would be essentially requiring an independent local unit of government to enter into this agreement as well. Based on the record as a whole, the mere presence of the Project within an EJ community, without evidence of significant, specific potential negative impacts to the EJ community, is insufficient to require a Community Benefits Agreement. Xcel Energy requests the Commission decline to include proposed Special Condition 5.6 in the site permit for the

¹³⁵ Ex. EIP-205 at 51 (EA).

¹³⁶ Minn. Stat. § 116.065; Ex. EIP-205 at 51 (EA).

¹³⁷ Ex. EIP-205 at 51 (EA).

¹³⁸ Ex. EIP-205 at 77 (EA); Ex. EIP-205 at Appendix C (EA)

¹³⁹ Xcel Energy’s EA Comments at 8 (January 20, 2026) (eDocket No. [20261-227140-01](#)).

Project.¹⁴⁰The record here shows a mix of potential community impacts, many positive. Where there are potential impacts, conditions already included in the DSP help mitigate those impacts.¹⁴¹ Because the record does not indicate a disproportionate adverse impact to low-income, minority, or tribal populations, the Administrative Law Judge finds that a Community Benefits Agreement is not warranted here.

B. Public Health and Safety.

125. Minnesota law requires consideration of the Project's potential effect on health and safety.¹⁴²

1. Electric and Magnetic Fields (EMF).

126. Currently, there are no federal regulations regarding allowable extremely low frequency electro and magnetic fields (ELF-EMF) produced by power lines in the United States; however, state governments have developed state-specific regulations.¹⁴³

127. The Commission limits the maximum electric field under high voltage transmission lines in Minnesota to 8.0 kV/m. It has not adopted a standard for magnetic fields.¹⁴⁴

128. The primary sources of EMF from the facility will be from the buried electrical collection lines, the medium voltage transformers, and the gen-tie line between the Project substation and the Blue Lake Substation.¹⁴⁵

129. No health impacts from EMF are anticipated. EMF diminishes with distance from a conductor or inverter. The nearest home is approximately 2,000 feet from the Blue Lake substation and 2,025 from the nearest inverter. At these distances both electric and magnetic fields will dissipate to background levels. No additional mitigation is proposed.¹⁴⁶

2. Public Safety and Emergency Services

130. The Project will be designed and constructed in compliance with applicable electric codes. Electrical inspections will ensure proper installation of all components, and the Project will undergo routine inspection. Electrical work will be completed by trained technicians.¹⁴⁷

131. The inflow of temporary construction personnel could increase demand for emergency and public health services. On the job injuries of construction workers requiring

¹⁴⁰ Xcel Energy Environmental Assessment Comments at 8-9 (January 20, 2026) (eDocket No. [20261-227140-01](#)).

¹⁴¹ Ex. EIP-205 at 77 (EA).

¹⁴² Minn. Stat. § 216E.03, subd. 7(b)(1); Minn. R. 7850.4100, subp. B.

¹⁴³ Ex. EIP-205 at 57 (EA).

¹⁴⁴ Ex. App.-101 at 57 (Application).

¹⁴⁵ Ex. EIP-205 at 58 (EA).

¹⁴⁶ Ex. EIP-205 at 58 (EA).

¹⁴⁷ Ex. EIP-205 at 60 (EA).

assistance due to slips, trips or falls, equipment use, or electrocution can create a demand for emergency, public health, or safety services that would not exist if the Project were not to be built. Although no road closures are anticipated during construction, any temporary closures could impede police, fire, and other rescue vehicles' access to the site of an emergency.¹⁴⁸

132. The main safety hazard of a BESS is battery failure leading to thermal runaway which has the potential to spread to nearby batteries and containers, quickly presenting an emergency.¹⁴⁹
133. The National Fire Protection Association (NFPA) issued updated NFPA 855 Standard for the Installation of Stationary Energy Storage Systems in 2023 and will update again in 2026. NFPA standards require BESS facilities to prepare a hazard mitigation analysis (HMA) detailing the results of the equipment testing and the risks associated with the technology prior to installation of the BESS.¹⁵⁰
134. DSP Section 5.5 requires Xcel Energy to file a HMA detailing the testing results for the selected equipment and the risks associated with the technology at least 30 days prior to the pre-construction meeting.¹⁵¹
135. Xcel Energy will use lithium-ion phosphate (LFP) technology and Blue Lake's facility design uses modular containers that are tested by the manufacturer to ensure fire resistance. Modern BESS containers include explosion prevention systems to remove flammable gases during a thermal runaway event and relieve pressure to limit gas levels within the containers from reaching levels that can be flammable or explosive. The containers are spaced to minimize the potential for fire to spread to other containers. The BESS equipment is monitored remotely, tracking cell voltage and temperature to identify and isolate potential issues before they occur. The facility will also install fire detection systems at the containers to recognize incidents and disconnect and isolate failed equipment.¹⁵²
136. Construction is bound by federal and state Occupational Safety and Health Administration (OSHA) requirements for worker safety, and must comply with local, state, and federal regulations regarding installation of the facilities and qualifications of workers. Established industry safety procedures will be followed during and after construction of the Project. Crews will be trained and briefed on safety issues, reducing the risk of injury. The Project will be fenced to prevent unauthorized access.¹⁵³

¹⁴⁸ Ex. EIP-205 at 59 (EA).

¹⁴⁹ Ex. EIP-205 at 59 (EA).

¹⁵⁰ Ex. EIP-205 at 61 (EA).

¹⁵² Ex. EIP-205 at 60-61 (EA).

¹⁵² Ex. EIP-205 at 60-61 (EA).

¹⁵³ Ex. EIP-205 at 60 (EA).

137. The record demonstrates that Xcel Energy has taken steps to avoid and minimize impacts to public safety and emergency services. Further, public safety is addressed in Sections 4.3.27, 5.5, 8.12, 8.13, and 9.1 of the DSP.¹⁵⁴

C. Land-Based Economics.

138. Minnesota law requires consideration of the Project's potential effect on land-based economies – specifically, agriculture, forestry, tourism, and mining.¹⁵⁵

139. The Project is not anticipated to have impacts on agriculture, forestry, and mining.¹⁵⁶ The Project will have minimal impacts on tourism and recreation, as discussed in Section A(6) above.

D. Archaeological, Cultural, and Historic Resources.

140. Minnesota law requires consideration of the Project's potential effects on historic and archaeological resources.¹⁵⁷

141. Xcel Energy conducted a Phase I cultural resource field survey within the preliminary development area to identify previously recorded archaeological and historic architectural resources within the Project on April 14, 2025. This review also examined records from the Minnesota State Historic Preservation Office (SHPO) and Minnesota Office of the State Archeologist for an area within one mile of the site boundary. The literature review did not identify any previously recorded archaeological resources or National Register or Historic Places properties within one mile of the site.¹⁵⁸

142. Section 5.7 of the DSP requires the permittee to file correspondence from SHPO to ensure that SHPO recommendations on mitigation measures, including surveys, are in the record.¹⁵⁹

143. Xcel Energy has been in contact with Minnesota SHPO and provided SHPO with the Project's Phase I cultural resources report on August 26, 2025. On November 16, 2025, SHPO requested additional information to complete its review. Xcel Energy provided that information on December 5, 2025. SHPO's determination is pending.¹⁶⁰

144. Section 4.3.20 of the DSP requires the permittee to avoid impacts to archaeological and historic resources where possible and to mitigate impacts where avoidance is not possible.¹⁶¹

¹⁵⁴ Ex. EIP-205 at 61 (EA).

¹⁵⁵ Minn. Stat. § 216E.03, subd. 7(b); Minn. R. 7850.4100, subp. C.

¹⁵⁶ Ex. EIP-205 at 62 (EA).

¹⁵⁷ Minn. Stat. § 216E.03, subd. 7(b); Minn. R. 7850.4100, subp. D.

¹⁵⁸ Ex. EIP-205 at 65 (EA).

¹⁵⁹ Ex. EIP-205 at 65 (EA).

¹⁶⁰ Ex. App.-107 at 6-7 (Direct Testimony of Tyler Beemer with Schedules 1-2).

¹⁶¹ Ex. EIP-205 at 65 (EA).

E. Natural Resources.

145. Minnesota law requires consideration of the Project's potential effects on the natural environment, including effects on air and water quality resources and flora and fauna.¹⁶²

1. Air Quality.

146. Minimal intermittent air emissions are expected during construction of the Project. Air emissions associated with construction are highly dependent upon weather conditions and the specific activity occurring. For example, traveling to a construction site on a dry gravel road will result in more fugitive dust than traveling the same road when wet. Once operational, neither the generating facility nor the transmission line will generate criteria pollutants or carbon dioxide.¹⁶³

147. Exhaust emissions can be minimized by keeping vehicles and equipment in good working order and not running equipment unless necessary. Watering exposed surfaces, covering disturbed areas, and reducing speed limits on-site are all standard construction practices.¹⁶⁴

148. Section 4.3.29 of the DSP requires Xcel Energy to use non-chloride dust control products during construction. The DNR advises against the use of dust suppression agents containing chloride, as it does not break down and may accumulate to levels that are toxic to wildlife and plants.¹⁶⁵

149. As a component of the construction stormwater permit (CSW Permit) that will be obtained for the Project, a National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) CSW Permit and an associated Stormwater Pollution Prevention Plan (SWPPP) will be developed and implemented prior to construction in order to minimize the potential for fugitive dust emissions.¹⁶⁶

150. Xcel Energy will use BMPs during construction and operation of the Project to minimize dust and emissions.¹⁶⁷

2. Geology and Groundwater.

151. The Land Control Area was reviewed for wells listed on the Minnesota Well Index (MWI) and MDH Wellhead Protection Areas (WHPAs). The MDH maintains the MWI, which provides basic information (e.g., location, depth, geology, construction, and static water level) for wells and borings drilled in Minnesota. The MWI did not identify any wells within the site and it identified 102 wells (sealed and unsealed) within the Project area,

¹⁶² Minn. Stat. § 216E.03, subd. 7(b); Minn. R. 7850.4100, subp. E.

¹⁶³ Ex. EIP-205 at 67 (EA).

¹⁶⁴ Ex. EIP-205 at 68 (EA).

¹⁶⁵ Ex. EIP-205 at 68 (EA).

¹⁶⁶ Ex. App.-101 at 88 (Application).

¹⁶⁷ Ex. App.-101 at 88 (Application).

which are predominantly domestic wells and monitoring wells, with the remaining wells used for “other” purposes.¹⁶⁸

152. Potential impacts to geology and groundwater can occur directly or indirectly. Impacts to geological resources are likely to be minimal to moderate, depending on if excavation of bedrock is required. Direct impacts to groundwater are not anticipated.¹⁶⁹
153. Geotechnical soil testing will determine final installation process for the foundation structures. Similarly, the perimeter fence may require concrete foundations in some locations.¹⁷⁰
154. Because the Project will disturb more than one acre, Xcel Energy must obtain a CSW Permit from the PCA. The CSW Permit will identify BMPs for erosion prevention and sediment control. As part of the CSW Permit, Xcel Energy will also develop a SWPPP that describes construction activity, temporary and permanent erosion, and sediment controls, BMPs, and permanent stormwater management that will be implemented during construction and through the life of the Project. Implementation of the protocols outlined in the SWPPP will minimize the potential for soil erosion and detail stormwater management methods during construction and operation of the facility.¹⁷¹
155. Met Council submitted formal comments on the EA emphasizing the site’s “very fast” infiltration rating and recommended extra precautions to prevent groundwater contamination, particularly during construction when disturbed soils could allow rapid pollutant transport. It further recommended replacing removed non-native vegetation with native species to improve climate resilience and assist stormwater management. Ultimately, the Council found the EA complete and accurate with respect to regional concerns and generally consistent with Council policies.¹⁷²
156. Xcel Energy submitted reply comments on February 2, 2026 stating that it remains committed to working with the VMPWG to finalize a VMP for the Project prior to the start of construction.¹⁷³
157. Xcel Energy will install secondary containment for the Project substation’s main power transformer to contain any potential spills or leaks of transformer oil or other fluids and prevent impacting groundwater. An SPCCP will be required by the United States Environmental Protection Agency for construction and operation of the transformer.¹⁷⁴

¹⁶⁸ Ex. EIP-205 at 69 (EA).

¹⁶⁹ Ex. EIP-205 at 69 (EA).

¹⁷⁰ Ex. EIP-205 at 70 (EA).

¹⁷¹ Ex. EIP-205 at 70 (EA).

¹⁷² Metropolitan Council EA Comments (January 22, 2026) (eDocket No. [20261-227218-01](#)).

¹⁷³ Xcel Energy Response to Public Comments (February 2, 2026) (eDocket No. _____).

¹⁷⁴ Ex. EIP-205 at 70 (EA); Ex. App.-101 at 100 (Application).

158. Disturbance to groundwater flow from construction activities are not anticipated. Any dewatering required during construction will be managed in accordance with the SWPPP and discharged to the surrounding area, thereby allowing it to infiltrate back into the ground to minimize potential impacts. If dewatering involves more than 10,000 gallons per day or 1,000,000 gallons per year, Xcel Energy will obtain a Water Appropriations Permit from DNR.¹⁷⁵

3. *Soils.*

159. Primary impacts to soils include compaction from construction equipment, soil profile mixing during grading and pole augering, rutting from tire traffic, and soil erosion. Impacts to soils are likely to be greatest with the belowground electrical collection system. Potential impacts will be positive and negative, and short- and long-term. Isolated moderate to significant negative impacts associated with high rainfall events could occur.¹⁷⁶

160. Construction within the Land Control Area will disturb approximately 12 acres of land used for the ESS facility Project site.¹⁷⁷

161. Xcel Energy is committed to mitigating soil impacts by minimizing soil compaction, preserving topsoil, and establishing and maintaining appropriate vegetation in accordance with BMPs found in the requirements of the SWPPP and outlined in the Applicant's VMP.¹⁷⁸

162. Sections 4.3.9, 4.3.10, 4.3.11, and 5.8 of the DSP address soil-related impacts from the Project.¹⁷⁹

4. *Surface Water and Floodplains.*

163. The Project is expected to have a minimal impact on surface waters. Direct impacts to surface waters are not expected, however, indirect impacts to surface waters might occur. These impacts will be short-term, of a small size, and localized.¹⁸⁰

164. The Project is designed to avoid direct impacts to surface waters by siting away from surface waters.¹⁸¹

¹⁷⁵ Ex. EIP-205 at 71 (EA).

¹⁷⁶ Ex. EIP-205 at 72 (EA).

¹⁷⁷ Ex. EIP-205 at 72 (EA).

¹⁷⁸ Ex. App.-101 at 101-02 (Application).

¹⁷⁹ Ex. EIP-205 at 73 (EA).

¹⁸⁰ Ex. EIP-205 at 73 (EA).

¹⁸¹ Ex. EIP-205 at 74 (EA).

165. Standard construction management practices, including, but not limited to containment of excavated soils, protection of exposed soils, stabilization of restored soils, and controlling fugitive dust, would minimize the potential for eroded soils to reach surface waters.¹⁸²
166. Best management practices to minimize the impact on surface waters will be utilized as a part of the SWPPP, including but not limited to sediment control, revegetation plans, and management of exposed soils to prevent sediment from entering waterbodies.¹⁸³
167. The record demonstrates that Xcel Energy has taken steps to avoid and minimize surface water and floodplain impacts. Further, Section 4.3.11 of the DSP requires the permittee to “implement erosion prevention and sediment control practices recommended by the MPCA” and to obtain a CSW Permit. This section also requires the permittee to implement erosion and sediment control measures, grade contours to provide for proper drainage, and restore all disturbed areas to pre-construction conditions. Xcel Energy will also develop a SWPPP that complies with MPCA rules and guidelines.¹⁸⁴

5. *Wetlands.*

168. Xcel Energy sited the Project to avoid wetlands delineated to date.¹⁸⁵
169. Xcel Energy’s consultant completed a field delineation at the site in June 2024. The consultant evaluated potential wetland areas for the presence of hydric soils, wetland hydrology, and hydrophytic vegetation. The National Wetland Inventory (NWI) data identified forested and emergent wetlands within the northern portion of the property. The field delineation determined the forested wetlands from the NWI were not wetlands due to the lack of hydrophytic vegetation. One wetland was delineated within the emergent wetland from the NWI. The location of this wetland is within the site but is not within the preliminary development area. The results of this wetland delineation were approved by the City of Shakopee.¹⁸⁶
170. Although there are wetlands within the site, there are no wetlands within the Land Control Area. As such, construction and operation of the facility will not create direct impacts to wetlands. There may be potential for temporary, short-term impacts to wetlands outside the site if there is erosion resulting from construction.¹⁸⁷

¹⁸² Ex. EIP-205 at 74 (EA).

¹⁸³ Ex. EIP-205 at 74 (EA).

¹⁸⁴ Ex. EIP-205 at 74 (EA).

¹⁸⁵ Ex. EIP-205 at 75 (EA).

¹⁸⁶ Ex. EIP-205 at 75 (EA).

¹⁸⁷ Ex. EIP-205 at 75 (EA).

171. If wetland impacts are required for the final layout, coordination with the appropriate agency, such as the United States Army Corps of Engineers (USACE) under Section 404 and 401 of the Federal Clean Water Act (CWA) would occur prior to construction.¹⁸⁸

172. The record demonstrates that Xcel Energy has taken steps to avoid and minimize impacts to wetlands. Further, Section 4.3.13 of the DSP prohibits placement of the BESS or associated facilities in public waters and public waters wetlands.¹⁸⁹

6. *Vegetation.*

173. The Project is in the Big Woods (222 Mb) subsection of the Eastern Broadleaf Forest Province.¹⁹⁰

174. Construction of the facility will eliminate vegetative cover and create impermeable surfaces at the access road and the developed area of the facility. Xcel Energy estimates that approximately 7.8 acres will be converted to impermeable surfaces the life of the facility.¹⁹¹

175. Following construction, Xcel Energy plans to reestablish areas where non-native vegetation was removed using Minnesota state seed mix, which is a non-native grassland mix. Xcel Energy indicates it plans to reestablish areas where native vegetation was removed with appropriate native seed mixes.¹⁹²

176. The VMPWG submitted formal comments to promote a transparent record and guide a pre-construction VMP that satisfies draft site permit Section 5.8 requirements, while not recommending Commission action at this time.¹⁹³ The comments emphasize inclusion of complete Project and site descriptions; clear short- and long-term objectives by a management unit; explicit delineation of Vegetation Management Units versus Non-Vegetated units with impervious accounting; and detailed activity descriptions, third-party roles, invasive/noxious species controls, monitoring methods, and marked-up site plans with seed mixes. Technical refinements are requested on site preparation sequencing; vegetation installation and timing; cautious use of cover crops; preference for diverse native perennial seed mixes with substitution logic; potential vegetative screening using native species; specification of concrete/gravel quantities and characteristics; and herbicide protocols and invasive woody control methods. The VMPWG calls for qualified independent monitoring using quantitative and qualitative methods, annual growing-season reports to keep the VMP “alive,” and continued coordination with PUC

¹⁸⁸ Ex. EIP-205 at 75 (EA).

¹⁸⁹ Ex. EIP-205 at 75 (EA).

¹⁹⁰ Ex. EIP-205 at 76 (EA).

¹⁹¹ Ex. EIP-205 at 76 (EA).

¹⁹² Ex. EIP-205 at 77 (EA).

¹⁹³ VMPWG Hearing Comments (January 20, 2026) (eDocket No. [20261-227143-01](#)).

EIP and agencies to finalize the plan and ensure long-term compliance and restoration success.

177. Xcel Energy submitted reply comments on February 2, 2026 stating that it will continue to work with the VMPWG to finalize the VMP to align with the Commission's DSP framework and agency guidance prior to the start of construction.¹⁹⁴
178. DSP Section 5.6 is a special condition that requires the permittee to develop a VMP that defines how the land control area will be revegetated and monitored over the life of the Project.
179. The record demonstrates that Xcel Energy has taken steps to avoid and minimize impacts to vegetation. Further, Sections 4.3.15, 4.3.17, and 4.3.18 of the DSP address impacts to vegetation.

7. *Wildlife and Habitat.*

180. The Land Control Area is mostly vegetative cover (59 percent) which provides varied habitats for wildlife. Developed areas (41 percent) in the site provides less suitable habitat for wildlife.¹⁹⁵
181. The Project is located within the Mississippi Flyway, which is a major north-south migration route and within Eastern Tallgrass Prairie Bird Conservation Region. Field investigations in March 2026 identified minimal nesting habitat within the site and no stick nests observed. The limited forest habitat within the site represents suitable habitat for migratory birds, however, there is much greater habitat to the north of the site, along the Minnesota River. There are no waterfowl feeding and resting areas within one mile of the site. The northern portion of the site overlaps with the Lower Minnesota River Valley Important Bird Area (IBA), designated by the National Audubon Society. While the land control area overlaps this IBA, no permanent infrastructure will be built within this IBA.¹⁹⁶
182. The impact intensity level is expected to be minimal. Impacts could be positive or negative and depend on species type. Potential impacts will be short- and long-term and can be mitigated.¹⁹⁷
183. Overall, the Project does not contribute to significant habitat loss or degradation or create new habitat edge effects.¹⁹⁸

¹⁹⁴ Xcel Energy Response to Public Comments (February 2, 2026) (eDocket No. _____.)

¹⁹⁵ Ex. EIP-205 at 77 (EA).

¹⁹⁶ Ex. EIP-205 at 78 (EA).

¹⁹⁷ Ex. EIP-205 at 78 (EA).

¹⁹⁸ Ex. EIP-205 at 77 (EA).

184. The DNR submitted formal comments on the EA that focus on confirming no anticipated impacts to state-listed plants based on the Applicant's rare plant survey, concluding no further surveys are needed. DNR supports the EA-described security fence but, given potential wildlife impacts, recommends a special permit condition requiring coordination with the DNR on the final fencing plan, modeled on Snowshoe Energy Storage Project condition 5.7. The DNR seeks a more detailed VMP explaining reestablishment phases and intended species, urging a diverse mix of native plants to minimize erosion and runoff and endorsing DSP special condition 5.8. DNR also supports DSP standard conditions to minimize lighting impacts, require plastic-free, wildlife-safe erosion control, and manage fugitive dust through watering and related measures.¹⁹⁹
185. Xcel Energy submitted reply comments on February 2, 2026 stating that it has no objection to DNR's recommended special permit condition requiring coordination with the DNR on the Project's final fencing plan nor to standard conditions 4.3.28 or 4.3.29. Xcel Energy also affirmed that it will continue to work with VMPWG to finalize the VMP prior to the start of construction.²⁰⁰
186. The record demonstrates that Xcel Energy has taken steps to avoid and minimize impacts to wildlife and habitat. Further, Sections 4.3.30 and 8.14 of the DSP specify measures that will minimize impacts to wildlife.²⁰¹

8. *Climate Change.*

187. The Project will help shift energy production in Minnesota and the upper Midwest toward carbon-free sources. Construction emissions will have a short-term negligible increase in greenhouse gases that contribute to climate change. The Project's design incorporates design elements that minimize impacts from the increase in extreme weather events such as increase flooding, storms, and heat wave events that are expected to accompany a warming climate.²⁰²
188. ESS systems can enable greater integration of renewable energy and maintain grid stability and provide backup power during extreme weather events.²⁰³
189. The BESS enclosures selected for the Project are designed to withstand wind, flood, blizzard, and hail events. Final design will include a safety factor for snow and wind loads for components and equipment pads. Unlike wind turbines or solar panels mounted on

¹⁹⁹ DNR EA Comments (January 20, 2026) (eDocket No. [20261-227135-01](#)).

²⁰⁰ Xcel Energy Response to Public Comments (February 2, 2026) (eDocket No. _____).

²⁰¹ Ex. EIP-205 at 78 (EA).

²⁰² Ex. EIP-205 at 83 (EA).

²⁰³ Ex. EIP-205 at 84 (EA).

tracking systems, BESS enclosures are stationary and do not need to be stowed during high winds or hail.²⁰⁴

F. Rare and Unique Resources.

190. Minnesota law requires consideration of the Project's potential effects on rare and unique natural resources.²⁰⁵
191. Minnesota Biological Survey (MBS) systematically collects, interprets, and provides baseline data on the distribution and ecology of rare plants, rare animals, and native plant communities. There is an MBS site located within the Project area. The Dean's Lake MBS site covers a little less than half of the Land Control Area and has a rank of "High." Within this MBS, there are three zones of Native Plant Communities (NPC), listed as Dry Barrens Oak Savanna (Southern), Oak Subtype. There are no native prairies identified at the site.²⁰⁶
192. Xcel Energy conducted a supplemental species and habitat survey on September 26, 2025.²⁰⁷ This survey observed many non-native and problematic species including common buckthorn, bouncing bet, spotted knapweed, and Siberian elm. Furthermore, the area is characterized by moderate to significant disturbed habitats. There were no rare or unique species identified by this survey.²⁰⁸
193. Minnesota DNR reviewed the September 25, 2025 survey and concluded that impacts to state-listed species are not anticipated.²⁰⁹
194. The Northern Long Eared Bat (NLEB) is a federally listed species and state listed species of concern. The preferred mitigation strategy to avoid impacts to the NLEB is avoidance of tree-clearing to the extent possible. When tree clearing is necessary, it should be done outside the pup rearing season from June 1 to July 31 and outside the active NLEB season from April 1 to October 31. Xcel Energy anticipates further coordination with USFWS for concurrence that the Project is unlikely to adversely affect the NLEB based on general lack of high-quality or otherwise suitable habitat.²¹⁰
195. The tri-colored bat, also known as the eastern pipistrelle, is proposed for listing under the Endangered Species Act and is a state-listed species of concern. The USFWS proposed listing the species as endangered in September 2022. There are no known tri-colored bat maternity roost trees or hibernaculum in Scott County, but the species may still occur within or near the Project area. Xcel Energy anticipates further coordination with USFWS

²⁰⁴ Ex. EIP-205 at 85 (EA).

²⁰⁵ Minn. Stat. § 216E.03, subd. 7(b); Minn. R. 7850.4100, subp. F.

²⁰⁶ Ex. EIP-205 at 80 (EA).

²⁰⁷ Ex. App.-107 at 6 (Direct Testimony Tyler Beemer).

²⁰⁸ Ex. EIP-205 at 80 (EA).

²⁰⁹ Ex. EIP-205 at 80 (EA).

²¹⁰ Ex. EIP-205 at 81 (EA).

for concurrence that the Project is unlikely to adversely affect the tricolored bat based on general lack of high-quality or otherwise suitable habitat.²¹¹

196. The rusty patched bumble bee (RPBB) is a federally listed endangered species known to occur in Scott County. Xcel Energy anticipates further coordination with USFWS for concurrence that the Project is unlikely to adversely affect the RPBB based on general lack of high-quality or otherwise suitable habitat.
197. The monarch butterfly is a federal candidate species. The species is common throughout Minnesota during summer months and is most frequently found in habitats where milkweed and native plants are common, including roadside ditches, open areas, wet areas, and urban gardens. Xcel Energy received a no-effect determination for the monarch butterfly on April 4, 2025.²¹²
198. Bald eagles typically nest in mature trees near large lakes or streams. Although there is a forested area within the site, the location and the trees are not suitable nesting habitat for bald eagles. More suitable habitat is located north of the Project along the Minnesota River. Mitigation measures may include setbacks from nests, timing restrictions for construction activities, and possibly seeking a USFWS permit for removal of a nest. For this Project, impacts to the bald eagle are not anticipated.²¹³
199. The Louisiana broomrape is a state listed threatened species. It is common in the Great Plains but is very rare in Minnesota and in states further east. In Minnesota, it occurs in prairies and savannas, primarily in sandy soils or shallow stony soils over bedrock. Xcel Energy conducted a survey on September 26, 2025 that resulted in no observation of the Louisiana broomrape, therefore impacts are not anticipated.²¹⁴
200. Minnesota DNR reviewed the September 26, 2025 survey and determined that no impacts to state-listed species are anticipated, and no further surveys are requested.²¹⁵
201. Techniques for minimizing impacts to wildlife and vegetation also minimize impacts to rare species. Avoiding identified areas of species occurrence or preferred habitat is the preferred mitigation measure.²¹⁶
202. The record demonstrates that Xcel Energy has taken steps to avoid and minimize impacts to rare and unique resources.²¹⁷

²¹¹ Ex. EIP-205 at 81 (EA).

²¹² Ex. EIP-205 at 82 (EA); Ex. App.-101 at 113 (Application).

²¹³ Ex. EIP-205 at 82 (EA).

²¹⁴ Ex. EIP-205 at 82 (EA).

²¹⁵ Ex. EIP-205 at 82 (EA); Ex. App.-107 at Schedule 2 (Direct Testimony Tyler Beemer).

²¹⁶ Ex. EIP-205 at 83 (EA).

²¹⁷ Ex. EIP-205 at 83 (EA).

G. Application of Various Design Considerations.

203. Minnesota law requires consideration of the application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity.²¹⁸
204. Xcel Energy is not required to propose alternative sites pursuant to Minn. Stat. § 216E.04, subd. 2(9), and as specified in Minn. R. 7850.2800 to 7850.3900.²¹⁹ Xcel Energy selected the proposed Project site based on a variety of factors, including minimal environmental impacts, proximity to the electrical grid and existing transmission infrastructure, existing land ownership, and available capacity on the grid to which the Project will interconnect.²²⁰ The proposed Project site was identified based on these factors, and no specific alternative sites for the Project were considered.²²¹

H. Use of Existing Large Electric Power Generating Plant Sites.

205. Minnesota law requires consideration of the use of existing LEPGP.²²²
206. The Project will be connected to the Project substation and Xcel Energy's existing Blue Lake Substation, located adjacent to the Project site. The Project will connect to the electric grid and transfer electric energy from the grid to store in batteries when demand is low and then transferred back to the grid during outages or when demand is high. It will enhance the flexibility of a power system and can help integrate renewable generation technologies like wind and solar into the grid by storing energy when demand is low and discharging energy when demand is high.²²³
207. The Project will help Xcel Energy meet the need for approximately 600 MW of additional ESS capacity by 2030 and accommodate dispatchable resource needs. The primary value to the overall Xcel Energy system is that short-duration ESS will enable renewable integration, providing grid support, deferring some, but not all, traditional grid investments, and improving power quality.²²⁴
208. The Project makes fair use of existing electric infrastructure.²²⁵

I. Use of Existing Rights-of-Way.

209. Minnesota law requires consideration of the use of existing ROWs.²²⁶

²¹⁸ Minn. R. 7850.4100, subp. G.

²¹⁹ Ex. App.-101 at 21 (Application).

²²⁰ Ex. App.-101 at 21 (Application).

²²¹ Ex. App.-101 at 21 (Application).

²²² Minn. R. 7850.4100(I).

²²³ Ex. EIP-205 at 15 (EA).

²²⁴ Ex. App.-101 at 6 (Application).

²²⁵ Ex. EIP-205 at 15 (EA).

²²⁶ Minn. R. 7850.4100(H) and (J).

210. To minimize new ROW consistent with Minn. R. 7850.4100(H) and (J), the Project's interconnection will utilize the existing Blue Lake Substation and a short tap line with dead-end structures at the existing and Project substations and, if needed, up to two intermediate structures, thereby confining work largely within or immediately adjacent to existing electrical facilities. Substation site preparation, equipment installation, containment construction, and final grading and surfacing will occur within the established substation footprint, with final fencing and crushed rock extending only slightly beyond the fence line.²²⁷

J. Electrical System Reliability.

211. Minnesota law requires consideration of electrical system reliability.²²⁸

212. The Project will enhance the electrical system reliability by helping Xcel Energy to meet its need for approximately 600 MW of additional ESS capacity by 2030 to enable renewable integration, reduce curtailment of wind and solar during low-demand periods, and provide essential ancillary and reliability services necessary for safe and stable grid operations. In doing so, Xcel Energy supports Minnesota's transition to carbon-free resources while maintaining dependable grid performance.²²⁹

K. Cost of Constructing, Operating, and Maintaining the Facility.

213. Minnesota law requires consideration of the costs of constructing, operating, and maintaining a facility which are dependent on design and route.²³⁰ EIP concluded that this factor does not apply because the design of the proposed Project is the only design under consideration.²³¹

214. Xcel estimates the total installed capital cost to construct the Project to be approximately \$211 million. Actual costs will depend on final material and labor costs. Xcel Energy estimates annual operations and maintenance costs of approximately \$3–5 million exclusive of augmentation costs.²³²

L. Adverse Human and Natural Environmental Effects that Cannot be Avoided.

215. Minnesota law requires consideration of the adverse human and natural environmental effects that cannot be avoided.²³³ Resource impacts are unavoidable when an impact cannot be avoided even with mitigation strategies.²³⁴

²²⁷ Ex. EIP-205 at 20 (EA).

²²⁸ Minn. R. 7850.4100(K).

²²⁹ Ex. EIP-205 at 2-3 (EA).

²³⁰ Minn. Stat. § 216E.03, subd. 7(b)(6); Minn. R. 7850.4100, subp. M.

²³¹ Ex. EIP-205 at 11 (EA).

²³² Ex. EIP-205 at 24 (EA).

²³³ Minn. Stat. § 216E.03, subd. 7(b)(6); Minn. R. 7850.4100, subp. M.

²³⁴ Ex. EIP-205 at 85 (EA).

216. As discussed above, most of the unavoidable impacts are associated with construction and therefore temporary. Unavoidable adverse effects associated with construction of the Project (in some instances a specific phase of construction) would last through construction and include:

- Fugitive dust.
- Noise disturbance to nearby residents and recreationalists.
- Visual disturbance to nearby residents and recreationalists.
- Soil compaction and erosion.
- Vegetative clearing.
- Disturbance and temporary displacement of wildlife, as well as direct impacts to wildlife inadvertently struck or crushed.
- Minor amounts of marginal habitat loss.
- Possible traffic delays.²³⁵

217. Unavoidable adverse impacts associated with the operation would last as long as the life of the Project, and include:

- Visual impacts of the Project.
- Noise disturbance to nearby residents.
- Injury or death of birds and mammals from fencing.²³⁶

218. As discussed in detail above, the unavoidable impacts can be mitigated, and the DSP conditions will mitigate the unavoidable adverse impacts to the extent possible.

M. Irreversible and Irrecoverable Commitments of Resources.

219. Minnesota law requires consideration of the irreversible and irretrievable commitments of resources that are necessary for the Project.²³⁷ Resource commitments are irreversible when it is impossible or very difficult to redirect that resource to a different future use; an irretrievable commitment of resources means the resource is not recoverable for later use by future generations.²³⁸

220. Irreversible and irretrievable resource commitments are primarily related to Project construction, including the use of water, aggregate, hydrocarbons, steel, concrete, wood,

²³⁵ Ex. EIP-205 at 85 (EA).

²³⁶ Ex. EIP-205 at 85 (EA).

²³⁷ Minn. Stat. § 216E.03, subd. 7(b)(11); Minn. R. 7850.4100, subp. N.

²³⁸ Ex. EIP-205 at 86 (EA).

and other consumable resources. Some, like fossil fuel use, are irretrievable. Others, like water use, are irreversible. Still others might be recyclable in part, for example, the raw materials used to construct batteries and enclosures would be an irretrievable commitment of resources, excluding those materials that may be recycled at the end of useful life. The commitment of labor and fiscal resources to develop, construct, and operate the Project is considered irretrievable.²³⁹

221. As discussed above, the DSP addresses the irreversible and irretrievable commitments of resources with permit conditions, to the extent possible.

XI. SITE PERMIT CONDITIONS

222. The Draft Site Permit includes a number of proposed permit conditions, many of which have been discussed above. The conditions apply to site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning, and other aspects of the Project. The Administrative Law Judge recommends the Commission issue a permit reflecting the proposed conditions in the DSP with the exceptions described in this Section XI.

223. Based on the EA, which concludes that the Project's siting within an industrial park amid existing electrical infrastructure will result in minimal visual impact, Special Condition 5.1 should be limited to viewpoints within Quarry Lake Park. The Project design already incorporates targeted vegetative screening along the western boundary to address views from Quarry Lake Park, with additional natural screening to the north, the Blue Lake Substation to the south, and an active utility corridor to the east that precludes vegetation. Requiring a broader, site-wide visual screening plan for adjacent properties and various public viewpoints would be disproportionate to the low impact identified in the record and unnecessary given existing design measures. Accordingly, the record supports tailoring Special Condition 5.1 to Quarry Lake Park.²⁴⁰

224. The Administrative Law Judge finds that the record does not support inclusion of the final sentence of proposed Special Condition 5.3 because it is overbroad and unduly burdensome, requiring updated noise impact assessments for any equipment or layout modification regardless of whether such changes could affect Project sound levels. The Project's industrial setting and the existing requirement under Minn. Stat. § 216I.09 to seek a permit amendment for significant Project changes provide sufficient safeguards to ensure ongoing compliance with applicable Minnesota Noise Standards. Requiring pre-construction modeling based on final equipment selections is adequate to verify

²³⁹ Ex. EIP-205 at 86 (EA).

²⁴⁰ See Ex. EIP-205 at 35 (EA); see Ex. App.-101 at Figure 2 (Application); see Xcel Energy EA Comments (January 20, 2026) (eDocket No. [20261-227140-01](#)).

compliance, and the permit amendment process ensures further review if material changes occur. Accordingly, the additional ongoing filing requirement is not warranted.

225. Based on the record, including the Project's siting within an established industrial area and un rebutted noise modeling demonstrating compliance with applicable MPCA noise standards, the Administrative Law Judge finds that a blanket requirement for post-construction noise monitoring is not warranted. The Commission's recent practice has been to require targeted noise monitoring where there are unresolved noise complaints, rather than imposing routine monitoring in the absence of evidence suggesting noncompliance. Consistent with that approach, the Administrative Law Judge concludes that Special Condition 5.4 should be modified as proposed by the Applicant, to require noise monitoring only to address unresolved noise complaints, with any monitoring protocols coordinated with and approved by Commission staff and appropriate mitigation implemented if a violation is identified.²⁴¹
226. The record does not support imposing Special Condition 5.6. Although the Project is located in an EJ community, the EA concludes the Project is not anticipated to have disproportionately high and adverse human health or environmental effects, and existing permit conditions already mitigate potential impacts. The City of Shakopee has not identified a specific need for an agreement, and the proposed condition lacks sufficient specificity to define obligations or enforceable standards, while effectively requiring action by an independent local government. On this record, a Community Benefit Agreement is not justified and the Administrative Law Judge does not recommend including Special Condition 5.6.²⁴²
227. In its comments on the EA and DSP, the DNR requests inclusion of a new special condition requiring Xcel Energy to coordinate the final Project fencing plan with the DNR, modeled on Special Condition 5.7 from the Snowshoe Energy Storage Project. Xcel Energy states that it does not object to this additional special condition and agrees to such coordination regarding the final fencing plan. The Administrative Law Judge finds Xcel Energy's position reasonable. Accordingly, the Administrative Law Judge recommends including a special condition requiring coordination with the DNR on the final fencing plan, consistent with the DNR's request and Xcel Energy's stated position.

XII. NOTICE

228. Minnesota statutes and rules require an applicant to provide certain notice to the public and local governments before and during the Application process.²⁴³ Xcel Energy

²⁴¹ See Ex. EIP-205 at 39-40 (EA); see Ex. App.-101 at 62-66, Appendix F (Application); See, e.g., Order Granting Site Permit, *In the Matter of the application of Otter Tail Power Company for a Site Permit for the up to 66 MW Solway Solar Project in Beltrami County, Minnesota*.

²⁴² See Ex. EIP-205 at 8, 50-51, 53-54 (EA).

²⁴³ Minn. Stat. § 216E.03, subps. 3a, 4; Minn. R. 7850.3300; Minn. R. 7850.2122, subps. 2, 4.

provided notices to the public and local governments in satisfaction of Minnesota statutory and rule requirements.²⁴⁴

229. Minnesota statutes and rules also require the Commission and EIP to provide certain notice to the public throughout the site permit application process.²⁴⁵ The Commission and EIP provided the notices in satisfaction of Minnesota statutes and rules.²⁴⁶

XIII. COMPLETENESS OF EA

230. The EA process is the alternative environmental review approved by the Environment Quality Board (EQB) for ESSs. The Commission is required to determine the completeness of the EA. An EA is complete if it and the record address the issues and alternatives identified in the Scoping Decision.²⁴⁷

231. Xcel Energy provided limited number of clarifications related to draft site permit conditions discussed in the EA, and those clarifications are supported by the record.²⁴⁸

232. The evidence in the record demonstrates that the EA is complete because the EA and the record created at the public hearing and during the subsequent comment period address the issues and alternatives raised in the Scoping Decision.²⁴⁹

CONCLUSIONS OF LAW

1. Any of the foregoing Findings of Fact more properly designated as Conclusions of Law are hereby adopted as such.
2. The Commission and the Administrative Law Judge have jurisdiction over the Application for a site permit for the up to 135.5 MW proposed Project pursuant to Minn. Stat. §§ 216E.02 and 216E.03 (2023).
3. The Commission accepted the Application as complete on August 12, 2025.²⁵⁰
4. Xcel Energy has substantially complied with the procedural requirements of Minn. Stat. Ch. 216E (2023) and Minn. R. Ch. 7850.

²⁴⁴ Ex. App.-100 (Notice of Intent to Submit a Site Permit Application Under Alternative Review Process); Ex. App.-102 (Project Notice Under 7850.2100); Ex. App.-103 (Confirmation Notice).

²⁴⁵ Minn. Stat. § 216E.03, subps. 3a, 4; Minn. R. 7850.3300; Minn. R. 7850.2100, subps. 2, 4.

²⁴⁶ Ex. PUC-300 (Notice of Comment Period on Application Completeness); Ex. PUC-303 (Notice of Public Information and EA Scoping Meetings); Ex. PUC-312 (Notice of Public Hearings and Availability of EA); Ex. PUC-308 (Affidavit of Publication of Notice of Public Information and Scoping Meetings); Ex. PUC-315 (Affidavit of Publication of Notice of Public Hearings and Availability of EA); Ex. PUC-303 (Notice of Public Information and EA Scoping Meetings); Ex. PUC-311 (Notice of EA Scoping Decision); Ex. PUC-312 (Notice of Public Hearings and Availability of EA); Ex. EIP-206 (Notice of EA to Permitting Agencies and THPOs); Ex. PUC-313 (Notification of EA Availability, EQB Monitor).

²⁴⁷ Minn. R. 4410.4400, subp. 3; Minn. R. 7850.3900, subp. 2.

²⁴⁸ Ex. App.-107 (Direct Testimony of Tyler Beemer with Schedules 1-2); Xcel Energy's EA Comments (January 20, 2026) (eDocket No. [20261-227140-01](#)).

²⁴⁹ Ex. PUC-310 (EA Scoping Decision).

²⁵⁰ Ex. PUC-302 (Order).

5. The Commission has substantially complied with the procedural requirements of Minn. Stat. Ch. 216E (2023) and Minn. R. Ch. 7850.
6. EIP has conducted an appropriate environmental analysis of the Project for purposes of the Site Permit proceeding pursuant to Minn. R. 7850.3700.
7. Public hearings were held on January 6, 2026 (in-person) and January 7, 2026 (remote-access). Proper notice of the public hearings was provided, and the public was given an opportunity to speak at the hearings and to submit written comments.
8. The EA prepared for the Project and the record created at the public hearing address the issues identified in the EA scoping decision.
9. The Commission has the authority under Minn. Stat. § 216E.03 (2023) to place conditions in an ESS site permit.
10. The DSP, as revised by EIP staff, DNR, and Xcel Energy, contains a number of important mitigation measures and other reasonable conditions.
11. It is reasonable to amend the DSP to include the changes proposed by EIP staff in the EA and to include the subsequent changes proposed by Xcel Energy as described above.
12. The record in this proceeding demonstrates that Xcel Energy has satisfied the criteria for a Site Permit as set forth in Minn. Stat. § 216E.03 (2023) and Minn. R. Ch. 7850 and all other applicable legal requirements.
13. The Project, with the permit conditions discussed above, satisfies the Site Permit criteria for an ESS in Minn. Stat. § 216E.03 (2023) and meets all other applicable legal requirements.
14. The Project, with the permit conditions discussed above, does not present a potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act and/or the Minnesota Environmental Policy Act.
15. Any of the foregoing conclusions of law which are more properly designated findings of fact are hereby adopted as such.

RECOMMENDATIONS

Based upon these Conclusions, the Administrative Law Judge recommends that the Commission issue a Site Permit to Xcel Energy to construct and operate the Project and associated facilities in Scott County, Minnesota and that the permit includes the draft permit conditions amended as set forth in the Conclusions above.

THIS REPORT IS NOT AN ORDER AND NO AUTHORITY IS GRANTED HEREIN. THE MINNESOTA PUBLIC UTILITIES COMMISSION WILL ISSUE THE ORDER THAT MAY ADOPT OR DIFFER FROM THE PRECEDING RECOMMENDATION.

Dated: _____

Megan J. McKenzie
Administrative Law Judge

Certificate of Service

IN THE MATTER OF THE APPLICATION OF NORTHERN STATES
POWER COMPANY D/B/A XCEL ENERGY FOR AN UP TO 135.5
MW BATTERY ENERGY STORAGE SYSTEM SITE PERMIT FOR THE
BLUE LAKE BATTERY ENERGY STORAGE PROJECT IN SCOTT
COUNTY, MINNESOTA

DOCKET NO. E002/ESS-25-214

Stephanie Mayers certifies that on the 2nd day of February, 2026, she e-filed on behalf of Northern States Power Company, doing business as Xcel Energy true and correct copies of the following documents:

1. Xcel Energy's Response to Public Hearing Comments;
2. Proposed Findings of Fact, Conclusions of Law, and Recommendations; and
3. Certificate of Service.

A copy has also been served on the individuals listed on the attached official service lists of record.

Executed on: February 2, 2026

Signed: /s/ Stephanie Mayers
401 Nicollet Mall
Minneapolis, MN 55401

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45	Nate	Mathews	nathan.mathews@whiteearth-nsn.gov	White Earth Nation		PO Box 418 White Earth MN, 56569 United States	Electronic Service		No	Tribal Government Contacts
46	Jacob	McArthur	jacob.mcarthur@whiteearth-nsn.gov	White Earth Nation		PO Box 418 White Earth MN, 56569 United States	Electronic Service		No	Tribal Government Contacts
47	April	McCormick	aprilm@grandportage.com	Grand Portage Band of Lake Superior Chippewa		PO Box 428 Grand Portage MN, 55605 United States	Electronic Service		No	Tribal Government Contacts
48	Wendy	Merrill	wendy.merrill@millelacsband.com	Mille Lacs Band of Ojibwe		null null, null United States	Electronic Service		No	Tribal Government Contacts
49	Valentina	Mgeni	valentina.mgeni@piic.org	Prairie Island Indian Community		Prairie Island Indian Community 5636 Sturgeon Lake Road Welch MN, 55089 United States	Electronic Service		No	Tribal Government Contacts
50	Cole W.	Miller	cole.miller@shakopeedakota.org	Shakopee Mdewakanton Sioux Community		Shakopee Mdewakanton Sioux Community 2330 Sioux Trail NW Prior Lake MN, 55372 United States	Electronic Service		No	Tribal Government Contacts
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