

September 25, 2025

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

RE: EIP Hearing Comments  
Boswell Solar Project  
**PUC Docket Numbers:** E-015/GS-24-425; E-015/TL-24-426  
**CAH Docket Number:** 24-2500-40659

Dear Consumer Affairs Office:

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

In these comments, EIP staff:

- Recommends modifications to the draft decommissioning plan,
- Summarizes changes between the sample site permit filed by the Minnesota Public Utilities Commission (Commission) and the proposed draft site permit (PDSP) included in Appendix C of the Environmental Assessment (EA) prepared for the project.<sup>1</sup>
- Recommends including an additional special condition to the proposed draft site permit (PDSP) included in Appendix C of the EA based on record development to date.

## Decommissioning Plan

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

### EIP Staff Comments on Boswell Solar Project Draft Decommissioning Plan

#### Dockets E015/GS-24-425 and TL-24-426

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<sup>1</sup> EIP staff also prepared a preliminary draft route permit for the project (Appendix D of the EA). EIP has not recommended special route permit conditions for the project. The only updates to the Commission-issued sample route permit were related to agency staff and the project description. Thus, the preliminary draft route permit is not discussed in these comments.

Section 9.1 of the site permit requires the permittee to file an updated decommissioning plan incorporating comments and information from the permit application process prior to construction. The EIP staff has reviewed the draft decommissioning plan (draft plan) for the proposed Boswell Solar Project included as Appendix G of the Site Permit Application filed December 30, 2024.<sup>2</sup>

EIP staff's review is guided by the recommendation of the Solar and Wind Decommissioning Working Group. As discussed in the Minnesota Department of Commerce staff recommendations in Docket 17-123 and in the Commission's draft guidance on decommissioning plans,<sup>3</sup> the decommissioning plan should serve as a stand-alone document to that describes the facility as it exists on the ground and how Minnesota Power will fulfil its obligation to remove the project components ant the end of the facility's life.

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

- **General Comments:**
  - The cover of the pre-construction version of the decommissioning plan should be updated to include the revised date.
  - Clarify whether Minnesota Power owns or leases all or portions of the site. The plan indicates that, with landowner approval, underground cables or access roads may remain after decommissioning. If Minnesota Power is the landowner, these caveats seem unnecessary.
  - Describe the project as it will exist on the ground, not as it is planned. For example, once the project is constructed, there will be a fence surrounding the site; there will no longer be an "anticipated development area."
  - Include the length of roads, not just the acreage, and the total length of fence in the project description.
- **Independent Preparer:** Partially meets EIP expectations. The cost estimate was prepared by Barr Engineering. EIP staff requests the pre-construction version of the plan clarify the author (Minnesota Power, Barr Engineering, some other entity) of the plan itself.
- **Decommissioning Objective:** The objective should link back to the permit language (Section 9.2 of the draft site permit) requiring the site be restored to pre-project conditions to the extent

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<sup>2</sup> Minnesota Power, December 30, 2024, *Boswell Solar Project: Site and Route Permit Application, Appendix G: Decommissioning Plan*, eDocket ID: [202412-213417-10](https://puc.eip.mn.gov/sites/default/files/2024-12/213417-10)

<sup>3</sup> Commission, *Draft Decommissioning Plan Guidance for Solar, Energy Storage, and Wind Generating Facilities Permitted by the Minnesota Public Utilities Commission*, April 2025, [https://puc.eip.mn.gov/sites/default/files/2025-06/DRAFT-EIPGuid\\_AppC-Decom.pdf](https://puc.eip.mn.gov/sites/default/files/2025-06/DRAFT-EIPGuid_AppC-Decom.pdf)

feasible. As indicated in Section 1.3 of the plan, as the project matures the objective may evolve in anticipation of a different use (e.g., commercial, industrial, or residential).

- **Scheduled Updates:** Meets EIP staff expectations. Section 6 clarifies that Minnesota Power will update the plan every five years, and the event of ownership changes, permit amendments, or repowering. EIP staff recommends the updates section of the plan include the revision history, including the date of the last plan and a link to the preceding plan.
- **Project Description:** EIP staff recommends that the pre-construction version of the plan be updated to include:
  - The township, range, and sections that comprise the site and the route for the transmission line.
  - Anticipated date of commercial operation (updated to the actual date in future updates). Remove the discussion of the project construction timeline in Section 2.1, as it is not relevant to the decommissioning plan and can be removed.
  - Anticipated project life.
  - The date and eDocket location of the site permit when issued. Future updates should also reference past decommissioning plans and provide a link to those plans.
  - A short statement on landownership at the time of construction. Clarify whether Minnesota Power owns or leases the entire site or portions of the site. Future updates should update the information if Minnesota Power purchases any additional parcels.
  - Move the discussion on potential repowering in section 1.3 to the project description.
  - More detailed maps of the project in Attachment 1, such as the detail maps in Appendix B of the Environmental Assessment (eDocket ID: [20258-222456-03](#)).
- **Use of Generation Output.** Meets EIP staff expectations. EIP staff notes that, for the purposes decommissioning, it is sufficient to clarify that the generation will be used by Minnesota Power. EIP staff recommends removing the statements concerning the project's consistency with Minnesota Power's Integrated Resource Plan or the State's carbon free standard; while these are important for the purposes of the Commission's review of the site and route permit applications, they are not relevant to the decommissioning plan.
- **Permits and Notifications:** EIP staff recommends that the pre-construction version of the permit identify a preliminary list of permits required for decommissioning. EIP staff anticipates that the required permits may change over time, but the periodic reviews provide an opportunity for the list to be updated.

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

- **Tasks and Timing:** EIP staff recommends the pre-construction version of the plan include additional information in several areas:

- Describe how stormwater basins will be removed and those sites restored.
- Add a short section in the text that generally discusses assumptions for disposal and identifies recycling and landfill facilities in place at this time (see, for example, Section 2.5 of 2021 the [decommissioning plan](#) for Sherco Solar). EIP staff assumes these will change over time and can be updated during periodic updates to the plan.
- Provide some additional detail on the timeframe/schedule for decommissioning. A Gantt chart is not necessary at this time, but please provide some sense of sequencing and timing more detailed than a general statement of “within 12 months” indicated in Section 2.2. See, for example, section 2.3 of the 2021 decommissioning plan for [Sherco Solar project](#). The timeframe should be consistent with section 9.2 of the draft site permit, which requires the permittee to notify the Commission of final restoration within 18 months of the termination of the project.
- **Cost Estimate:** The cost estimates include line items for hauling; please clarify assumptions about hauling destinations in the pre-construction version of the plan. Section 5.2 of the plan anticipates the value of solar components to decrease over the life of the project. EIP staff anticipates that the both the resale recycling markets for PV panels will become more stable over time and will continue to monitor for all solar projects. EIP staff recommends that both gross and net costs be updated at five year intervals.
- **Financial Assurance:** The statement of intention to use net salvage rate in Section 6 meets EIP staff expectations. However, EIP staff recommends that the schedule included in this section be revised to clarify that 100 percent of the decommissioning costs will be met in year 25 following operations. The schedule as written indicates 25 percent of net depreciation costs in each of years 10, 15, 20, and 25.

## Site Permit Modifications

The Commission issued a sample site permit on February 25, 2025.<sup>4</sup> EIP staff included a Proposed Draft Site Permit (PDSP) as Appendix C of the Environmental Assessment (EA).<sup>5</sup> EIP staff’s PDSP indicated changes from the Commission-issued sample permit by underline and strikeout. In these comments, EIP staff summarizes the changes between the sample permit and EIP staff’s PDSP.<sup>6</sup>

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<sup>4</sup> Public Utilities Commission, Sample Site Permit, February 2, 2025, eDocket No. [20252-215752-01](#).

<sup>5</sup> PUC EIP, Environmental Assessment: Boswell Solar Project. Appendix C, Proposed Draft Site and Route Permits. August 27, 2025, eDocket No. [20258-222456-04](#).

<sup>6</sup> EIP staff also prepared a preliminary draft route permit for the project (Appendix D of the EA). EIP has not recommended special route permit conditions for the project. The only updates to the Commission-issued sample route permit were related to agency staff and the project description. Thus, the preliminary draft route permit is not discussed in these comments.

### *Updated Agency Staff*

EIP staff updated standard conditions that listed the Department of Commerce staff to read EIP staff in various sections throughout the proposed draft site permit, reflecting the recent change in legislation.<sup>7</sup>

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

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

### *Visual Screening Plan (Special Condition 5.1)*

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

### *Roadside Vegetation Management (Special Condition 5.2)*

EIP staff recommends a special condition requiring Minnesota Power to consult with the Minnesota Department of Transportation (MnDOT) regarding vegetation management between the project area and State Highway 6. The Permittee shall retain or plant vegetation, as requested by MnDOT, necessary for safety requirements, and shall coordinate with MnDOT regarding vegetative designs and management necessary to ensure the safe operation of State Highway 6.

### *Cultural Resource Consultation (Special Condition 5.3)*

EIP staff recommends a special condition requiring Minnesota Power to consult with the Leech Lake Band Ojibwe and the Minnesota Department of Transportation (MnDOT) on cultural resource matters, including any cultural discoveries encountered during construction, and/or anticipated impacts to culturally relevant resources.

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<sup>7</sup> On July 1, 2025, Department of Commerce Energy Environmental Review and Analysis (DOC EERA) unit staff moved to the Minnesota Public Utilities Commission Energy Infrastructure Permitting (PUC EIP) unit as directed by state law (Laws of Minn. 2024, ch.126, art. 7) and in response to permitting reform under Minnesota Statute 216I (2024).

The review of this application began under and will continue under Minnesota Statute 216E (2023). DOC EERA staff initiated environmental review of this proposal prior to July 1, 2025, and will continue to exclusively perform environmental review duties for this application under 216E (2023) as EIP staff. Likewise, analyst staff at the PUC will continue to exclusively perform analyst duties on this application as PUC staff.

*Tribal Engagement (Special Condition 5.4)*

EIP staff recommends a special condition requiring Minnesota Power to continue engagement with local Native American tribes, including the Leech Lake Band of Ojibwe, in order to provide meaningful Tribal involvement and economic and workforce development opportunities in the Boswell Solar project.

*Unanticipated Discoveries Plan (Special Condition 5.5)*

EIP staff recommends a special condition requiring Minnesota Power to create an Unanticipated Discoveries Plan (UDP) to identify guidelines to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archeological or historic properties occur during construction. The UDP shall describe how previously unrecorded, non-human burial, archeological sites found during construction shall be marked and all construction work must stop at the discovery location. The UDP shall include that if any archeological materials or features are encountered during construction of the project, all work must cease and the Leech Lake Tribal Historic Preservation Officer (THPO) and the Heritage Sites Program Director must be contacted immediately to assess and execute mitigation procedures. Should human remains be encountered, all work must cease and the Cass County Sheriff, the Leech Lake THPO, and the Office of the State Archaeologist must be contacted immediately. The permittee is required to file the UDP with the Commission at least 14 days prior to the preconstruction meeting.

*Facility Lighting (Special Condition 5.6)*

EIP staff recommends a special condition requiring Minnesota Power to use shielded and downward facing lighting and LED lighting that minimizes blue hue at the project substation and operations and maintenance facility.

*Dust Control (Special Condition 5.7)*

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

*Wildlife Friendly Erosion Control (Special Condition 5.8)*

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

*High Value Biological Resources (Special Condition 5.9)*

EIP staff recommends a special condition requiring Minnesota Power to comply with Minnesota Department of Natural Resources (DNR) recommendations provided in their Natural Heritage Review Letter to avoid or minimize impacts to high-value biological resources including native plant communities and sites of biodiversity significance. If impacts to resources occur, the permittee shall document the impact and consult with the DNR or the appropriate LGU under the Wetland Conservation Act to determine mitigation strategies.

*Northern Long-Eared Bat (NLEB) (Special Condition 5.10)*

EIP staff recommends a special condition requiring Minnesota Power to comply with the US Fish and Wildlife Service (USFWS) and DNR guidance and requirements in effect regarding NLEB, including the avoidance of tree removal from June 1 through August 15.

*Bald Eagle (Special Condition 5.11)*

EIP staff recommends a special condition that if, in consultation with the U.S. Fish and Wildlife Service, a bald eagle nest must be removed for construction of the project, Minnesota Power shall file with the Commission the documentation authorizing any Bald Eagle nest removal at least 14 days prior to the pre-construction meeting.

*Mississippi River (Special Condition 5.12)*

EIP staff recommends a special condition requiring Minnesota Power to consult with DNR and the Mississippi Headwaters Board regarding potential impacts to the Mississippi River due to construction activities, including tree removal and erosion on the shoreline.

## Additional Site Permit Special Condition

EIP staff recommends including an additional special condition related to tree removal based on record development throughout the permitting process. At public meetings for the project, concern over tree removal was brought up several times, including at scoping meetings,<sup>8</sup> and in public comments.<sup>9</sup> To properly address tree removal impacts that will occur during construction of the project, EIP staff propose including the following special condition:

*Tree Replacement (Special Condition 5.13)*

The permittee in coordination with the DNR, the Itasca County Soil and Water Conservation District, and the Mississippi Headwaters Board, shall develop a plan to replace any trees that are removed for construction of the project by planting new trees near the project area, and file the plan with the Commission at least 14 days before the pre-construction meeting.

EIP appreciates the opportunity to comment on the proposed project.

Sincerely,



Jessica Livingston  
EIP Environmental Review Manager

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<sup>8</sup> Department of Commerce EERA, Boswell Solar Project Scoping Decision. May 30, 2025. eDockets no. [20255-219406-01](#).

<sup>9</sup> Written Public Comments on the Scope of Environmental Assessment, Boswell Solar Project. May 8, 2025. eDockets no. [20255-218719-02](#).