

## Staff Briefing Papers

**Meeting Date** August 7, 2025

**Agenda Item 1\***

**Company** Gopher State Solar LLC

**Docket No.** IP-7119/GS-24-106

**In the Matter of the Application of Gopher State Solar, LLC, for a Site Permit for the up to 200 MW Gopher State Solar Project in Renville County, MN**

- Issues**
- Should the Commission adopt the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendations?
  - Should the Commission find that the Environmental Assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
  - Should the Commission grant a site permit for the 200 MW Gopher State Solar Project in Renville County?

**Staff** Saarah Maxon      Saarah.Maxon@state.mn.us      651-201-2200

### ✓ **Relevant Documents**

#### **Date**

Gopher State Solar – Application (23 Parts)	08/19/2024
IUOE Local 49 and NCSRC of Carpenters - Comments	09/04/2024
EERA – Comments on Application Completeness	09/05/2024
Gopher State Solar – Completeness Reply Comments	09/11/2024
LIUNA Minnesota/North Dakota - Comments	09/16/2024
PUC – Order on Application Completeness (Consent)	09/24/2024
OAH – Order for Prehearing Conference	11/14/2024
Gopher State Solar – Scoping Comments	11/15/2024

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

✓ <b>Relevant Documents</b>	<b>Date</b>
EERA – Correction – Written Comments on the Scope of Environmental Assessment	11/26/2024
EERA – Decision on the Scope of Environmental Assessment	12/06/2024
Gopher State Solar – Testimony (2 parts)	03/19/2025
EERA – EA (5 parts)	03/19/2025
PUC – Public Comment – Randy Teboe, Bois Forte Band of Chippewa	03/26/2025
PUC – Public Comment - Scott Refsland	04/02/2025
DNR – Comments (2 parts)	04/10/2025
LIUNA Minnesota/North Dakota - Comments	04/11/2025
Gopher State Solar – Public Hearing Comments	04/11/2025
EERA – Public Hearing Comments	04/11/2025
IUOE Local 49 and NCSRC of Carpenters - Comments	04/11/2025
EERA - Additional Hearing Comments	04/15/2025
PUC - Public Comment – Shannon and Jen Visser	04/15/2025
MPCA - Comments	04/22/2025
Gopher State Solar – Response to Public Hearing Comments and Proposed FOF	04/25/2025
EERA – Reply Comments and Response to Applicant’s Proposed FOF	05/02/2025
EERA – Attachment A – EERA Edits to Proposed FOF	05/02/2025
ALJ Report – FOF, Conclusions of Law, and Recommendation	06/02/2025
EERA – Exceptions to ALJ	06/17/2025
Gopher State Solar – Exceptions to ALJ	06/17/2025

## BACKGROUND

On March 1, 2024, Gopher State Solar, LLC (Gopher State or Applicant) filed a notice of intent to submit a site permit application under the Alternative Process.

On August 19, 2024, the Public Utilities Commission (Commission or PUC) received an application from Gopher State to construct, own, and operate the Gopher State Solar Project.

On August 21, 2024, the Commission issued a Notice for Comment on Application Completeness.

On September 5, the Commission received comments from the Department of Commerce, Energy Environmental Review and Analysis (EERA). EERA staff recommended that Gopher State's application be accepted as substantially complete, that Gopher State continue coordination with the Minnesota Department of Natural Resources (DNR) to avoid impacts to native prairie and conservation easements, and that the matter be referred to the Office of Administrative Hearings (OAH) for a full report with findings, conclusions and recommendations.

On September 11, 2024, Gopher State filed reply comments, agreeing with EERA's recommendations.

On September 24, 2024, the PUC issued an Order determining that the application was complete through the consent order process.

On October 14, 2024, the PUC issued a Notice of Public Information and Environmental Scoping Meetings, scheduled for October 28-29, 2024, with a written comment period closing on November 15, 2024.

On October 29, 2024, the PUC received comments from the Laborers' International Union of America - Minnesota/North Dakota (LiUNA!), the DNR, members of the public, and Renville County.

On November 14, 2024, the OAH filed a prehearing order establishing a schedule for the review process.

On November 26, 2024, EERA filed additional comments from the Environmental Services Director for Renville County, Scott Refsland, regarding Project setbacks, decommissioning costs, weed control, ownership change, road use agreement, local emergency response, and vegetative screening.

On December 6, 2024, EERA filed its Scoping Decision on the Environmental Assessment (EA).

On March 19, 2024, Gopher State Solar filed direct testimony, EERA issued the EA, and the

Commission issued Notice of Public Hearings and the availability of the EA establishing a written comment period closing on April 11, 2025.

On March 27, 2025, EERA provided notification of the availability of the EA to agency representatives and Tribal Historic Preservation Officers (THPOs). The PUC received comments from the Bois Forte Band of Chippewa requesting notice if human remains are discovered.

On March 31 and April 2, 2025, in-person and virtual public hearings were held.

On April 10 and 11, 2025, comments were submitted from the DNR, LIUNA, Gopher State, EERA, the International Union of Operating Engineers Local 49 (IUOE Local 49), and North Central State Regional Council of Carpenters (NCSRC of Carpenters).

On April 15, the Commission received comments from adjacent property owners, Shannon and Jen Visser.

On April 22, 2025, the Minnesota Pollution Control Agency (MPCA) submitted comments to the Commission for consideration.

On April 25, 2025, Gopher State submitted a response to public hearing comments and proposed findings of fact, conclusions, and recommendations.

On May 2, 2025, EERA filed its response to public hearing comments and to the Applicant's proposed findings.

On June 2, 2025, the OAH issued the Findings of Fact, Conclusions of Law, and Recommendations.

On June 17, 2025, EERA and Gopher State submitted exceptions to the Administrative Law Judge (ALJ) report.

### Statement of Issues

- Should the Commission adopt the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation?
- Should the Commission determine that the Environmental Assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
- Should the Commission grant a site permit for the 200 MW Gopher State Solar Project in Renville County?

### Project Description

Gopher State submitted a site permit application for the construction and operation of the Gopher State Solar Project (Project), an up to 200 megawatts (MW) photovoltaic (PV) solar energy generating facility located in the Townships of Kingman, Osceola, and Bird Island in Renville County. The project will be situated on approximately 1,645 acres, with 977 acres allocated for solar panels and associated infrastructure. The Applicant has secured site control for the proposed project through leases or easements.

The Project will interconnect to Great River Energy's existing 230 kV Panther Substation as the Point of Interconnection (POI) and will require an approximately 1,300-foot 230 kV gen-tie transmission line and a new Project substation. The Project's main components include photovoltaic (PV) panels mounted on a single-axis tracking system, solar inverters, an operations and maintenance (O&M) building, and a substation. Other project components include inverters, step-up transformers, collector lines, security fencing and gates, access roads, stormwater treatment areas, transformers, switchgear, metering equipment, and ancillary equipment or buildings as necessary.

### Statutes and Rules

#### I. Certificate of Need

Under Minn. Stat. § 216B.243 Subd. 8(a)(7)<sup>1</sup> this project is exempt from a certificate of need as it is an independent power producer applying for a site permit for a solar generation facility.

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<sup>1</sup> [Minn. Stat. § 216B.243 Subd. 8\(a\)\(7\)](#)

## II. Site Permit

Under Minn. Stat. § 216E.03, Subd. 1<sup>2</sup> no person may construct a large electric generating plant or an energy storage system without a site permit from the commission. A large electric generating plant or an energy storage system may be constructed only on a site approved by the commission.

Under Minn. Stat. § 216E.01, Subd. 5<sup>3</sup> a "Large electric power generating plant" is defined as electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more. The Proposed project is up to 200 MW and as a result, a site permit is required.

Minn. Stat. § 216E.04.<sup>4</sup> Alternative Review of Applications. The Applicant chose to follow the alternative review process outlined in Minn. R. 7850.2800-.3900 which requires the commissioner of the Department of Commerce to prepare an environmental assessment on behalf of the Commission.

Minn Stat. § 216E.03, Subd. 7.<sup>5</sup> *Considerations in Designating Sites and Routes.*

## III. Route Permit

Minn. Stat. § 216E.01, Subd. 4<sup>6</sup>, defines a high-voltage transmission as a conductor of electric energy and associated facilities designed for and capable of operating at 100 kilovolts or more and greater than 1,500 feet in length. The proposed Project includes a 230 kV gen-tie line that is approximately 1,300 feet long. As a result, the Project does not require a route permit from the Commission.

## IV. ALJ REPORT<sup>7</sup>

To ensure a comprehensive review of the record and thorough application of the siting criteria established in statute and rule, an Administrative Law Judge (ALJ) from the Office of Administrative Hearings was assigned to conduct public hearings and prepare a report

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<sup>2</sup> [Minn. Stat. § 216E.03, Subd. 1](#)

<sup>3</sup> [Minn. Stat. § 216E.01, Subd. 5](#)

<sup>4</sup> [Minn. Stat. § 216E.04](#)

<sup>5</sup> [Minn Stat. § 216E.03, Subd. 7](#)

<sup>6</sup> [Minn. Stat. § 216E.01, Subd. 4](#)

<sup>7</sup> OAH, [Findings of Fact, Conclusions of Law, and Recommendation](#), 06/02/2025

containing findings of fact, conclusion of law, and a recommendation on the proposed Project.

The ALJ recommended that the Commission issue a site permit to Gopher State to construct and operate the up to 200 MW PV solar energy generating facility and associated infrastructure in Renville County and that the permit include special conditions as decided by the Commission. Commission staff has summarized the ALJ report in this briefing paper but refers the Commission to the full ALJ Report for a comprehensive review.

### **Public Hearings<sup>8</sup>**

On March 19, 2025, a notice was filed for public hearings to be held on March 31 and April 1, 2025. A comment period was open until April 11, 2025. Proper notice of public hearings was provided, and the public was given the opportunity to speak at the hearings and submit written comments.

Comments were received during public hearings and the open comment period on the following topics:

- Local socioeconomic impacts and utilization of local workforce
- Property line setbacks
- Decommissioning financial assurance
- Weed control
- Change in project ownership
- Road use
- Emergency response
- Noise
- Glare and aesthetics
- Vegetative screening
- Water quality impacts and maintenance
- Property values
- Fire risk
- Free power for adjacent property
- Dust control

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<sup>8</sup> Ibid., pp. 8-12.

### Environmental Assessment<sup>9</sup>

The ALJ concluded that the evidence in the record demonstrated the EA is complete and addressed the issues identified in the EA scoping decision. Additionally, the EA did not identify any unique or significant environmental impacts from the construction and operation of the project that could not be properly mitigated.

### Site Permit<sup>10</sup>

The ALJ determined the record showed that the Applicant has satisfied the criteria and met all other applicable legal requirements for a site permit outlined in Law and Rule (Minn. Stat. § 216E.03 and Minn. R. Ch. 7850). Additionally, the Project with permit conditions outlined in the ALJ Report, meets the permit criteria for a large electric power generating plant.

### Permit Conditions

The Applicant, EERA, DNR, Renville County, and public commenters provided numerous suggestions, feedback, and revisions on the proposed site permit conditions. The ALJ deemed several permit conditions reasonable as recorded in the ALJ Report. While some permit conditions were not included in the ALJ report, they received support from both the Applicant and EERA. Following the publication of the ALJ Report, the Applicant and EERA collaborated to further develop several permit conditions and submitted final language in their exceptions.<sup>11,12</sup>

Staff has provided the draft site permit, approved by the ALJ, with staff-supported revisions as an attachment to this briefing paper.

## V. Staff Discussion

After thorough review of the Application, public comments, EA, ALJ report, exceptions, and other relevant records, staff recommends that the Commission find the Environmental Assessment complete, adopt the ALJ's Findings of Fact, Conclusions of Law, and Recommendations, and issue a site permit for the Gopher State Solar project with the following staff-supported conditions:

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<sup>9</sup> Ibid., pp. 51.

<sup>10</sup> Ibid., pp. 52

<sup>11</sup> Gopher State Solar, [Exceptions to ALJ](#), 06/17/2025

<sup>12</sup> EERA, [Exceptions to ALJ](#), 06/17/2025



*Permit conditions supported by the ALJ:*

4.3.21 Noxious Weeds: The Permittee shall take all reasonable precautions against the spread of noxious weeds throughout the life of the Project, including during construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

5.1 Vegetative Screening Along Roadsides: The Permittee shall develop a vegetative screening plan for nonparticipating residences within or adjacent to Project facilities. Vegetative screening plans must comply with jurisdictional ROW management and/or setback requirements.

5.4 Decommissioning Plan: The permittee shall coordinate with Renville County to identify a third-party engineering firm, to be hired at Gopher State Solar's expense, to review the decommissioning plan prior to the pre-construction meeting and determine its consistency with Section 9.1 of this permit.

5.7 Northern Long Eared Bat: If potential impacts are identified, then the permittee shall comply with the USFWS guidance and requirements in effect regarding NLEB, including tree clearing restrictions if applicable.

5.9 Migratory Birds: The Permittee shall comply with the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) and, if impacts to migratory birds cannot be avoided, nesting locations shall be identified and appropriate mitigative measures will be implemented in consultation with the United States Fish and Wildlife Service prior to beginning construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

8.4 Status Reports: The Permittee shall file with the Commission monthly Construction Status Reports beginning with the pre-construction meeting and until completion of restoration. Construction Status Reports shall describe construction activities and progress, activities undertaken in compliance with this site permit, and shall include text and photographs.

If the Permittee does not commence construction of the Project within six months of this site permit issuance, the Permittee shall file with the Commission Pre-Construction Status Reports on the anticipated timing of construction every six months beginning in second quarter of 2027. The status updates shall include information on the Project's Midcontinent Independent System Operator (MISO) interconnection process, if applicable.

5.13 State-listed Species Prior to the start of construction, the Permittee shall resubmit a Natural Heritage Review and continue to consult with the MDNR regarding implementation of avoidance measures for state-protected threatened and endangered species. The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

*Permit conditions and modifications that were not included in the ALJ's report but received support and agreement from the Applicant and EERA filed in the exceptions:*

4.3.23 Archaeological and Historic Resources: The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Project. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office (SHPO) and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize Project impacts on the resource consistent with SHPO and State Archaeologist requirements.

Prior to construction, the Permittee shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist and [the Bois Forte Band of Chippewa](#). The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff. (See Tribal Participation section below for more details)

5.1 Vegetative Screening Along Roadsides: The Permittee shall develop a vegetative screening plan for ~~nonparticipating~~ residences within or adjacent to the Project facilities. Vegetative screening plans must comply with jurisdictional ROW management and/or setback requirements. [The location of screening included in the vegetative screening plan shall be included in the Site Plan filed under Section 8.3 of this permit.](#)

5.2 Renville County Setbacks: The Permittee shall adhere to all Renville County renewable energy setback requirements, except for drain tile, in which the Permittee shall adhere to the 40-foot drain tile setback to the extent practical.

5.3 Road Use and Development Agreement: The Permittee shall enter into a Road Use and Development Agreement with Renville County and affected Townships. The Permittee shall keep records of its Road Use and Development Agreement and provide them upon the request of Commission staff.

5.5 Ownership Change Notification: The permittee shall notify Renville County officials if there is an ownership change pursuant to Section 2.1 of this permit and shall provide the new contact information.

5.6 Emergency Response Training: The permittee shall work with and train with local emergency response teams that may have to enter the Project to ensure teams are aware of access points and can perform their duties safely.

5.8 Bald Eagle: If, in consultation with the U.S. Fish and Wildlife Service, a bald eagle nest must be removed for construction of the project, the Permittee shall file with the Commission the documentation authorizing any such nest removal at least 14 days prior to the pre-construction meeting.

5.9 Migratory Birds: The Permittee shall comply with the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) and, if impacts to migratory birds cannot be avoided, [or impacts are anticipated during the Chimney Swift's Probability of Presence period of the first week of June and third week of July or the Northern Harrier's Probability of Presence period in mid-march](#), nesting locations shall be identified and appropriate mitigative measures will be implemented in consultation with the United States Fish and Wildlife Service prior to beginning construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

5.10 Facility Lighting: The Permittee must use shielded and downward facing lighting and LED lighting that minimizes blue hue at the project substation and operations and maintenance facility. Downward facing lighting must be clearly visible on the site plan submitted for the project.

5.11 Dust Control: The Permittee shall utilize non-chloride products for onsite dust control during construction.

5.12 Wildlife Friendly Erosion Control: The Permittee shall use only "bio-netting" or "natural netting" types of erosion control materials and mulch products without synthetic (plastic) fiber additives or malachite green dye.

8.4 Status Reports: The Permittee shall file with the Commission monthly Construction Status Reports beginning with the pre-construction meeting and until completion of restoration. Construction Status Reports shall describe construction activities and progress, activities undertaken in compliance with this site permit, and shall include text and photographs.

If the Permittee does not commence construction of the Project within six months of this site permit issuance, the Permittee shall file with the Commission Pre-Construction Status Reports on the anticipated timing of construction every six months beginning ~~with in the issuance of this site permit until the pre-construction meeting second-~~ with in the issuance of this site permit until the pre-construction meeting ~~second-~~ quarter of 2027. The status updates shall include information on the Project's Midcontinent Independent System Operator (MISO) interconnection process, if applicable.

*Permit condition not included in the ALJ's report but recommended by Commission staff:*

8.15 Power Purchase Agreement: Order the Permittee to file updates, annually from the date of permit issuance, on the status of a power purchase agreement or other enforceable mechanism for the sale of the electricity generated by the Project. In the event the Permittee does not have a power purchase agreement or some other enforceable mechanism for the sale of the electricity generated by the Project at the time this site permit is issued, the Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This site permit does not authorize construction of the Project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project. In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project within four years of the issuance of this site permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this site permit should be amended or revoked. No amendment or revocation of this site permit may be undertaken except in accordance with Minn. R. 7850.5100.

Staff recommends this permit language for the inclusion of a power purchase agreement. A power purchase agreement will ensure that the project is not constructed without a willing purchaser of the power produced secured. The language provided above is included in staff's draft permit at section 8.15.

### **Tribal Participation** <sup>13</sup>

On March 27, 2025, EERA notified the Minnesota Tribal Nations' Tribal Historic Preservation Officers (THPOs) of the publication of the EA. The Bois Forte Band of Chippewa provided limited feedback with no comments regarding the Project at this time; however, requested that Gopher State Solar notify the tribe if human remains are unanticipatedly discovered during construction. In response to the tribe's request, EERA proposed modifying the permit condition

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<sup>13</sup> Ibid., pp. 10.

for (4.3.23) Archaeological and Historic Resources to specifically require notification to the Bois Forte Band of Chippewa.

### **Additional Comments for Consideration**

Commission staff agrees with the inclusion and modifications of the standard and special permit conditions as outlined above. However, some comments and concerns raised by the Visser's, Renville County, and the DNR, may not have been fully addressed by recommended permit conditions. Staff provides a summary of these additional comments below for the Commissioners' consideration:

#### **Shannon and Jen Visser<sup>14</sup>**

#### **I. Screening**

On April 11, 2024, Shannon and Jen Visser, landowners bordering the Project, submitted comments that requested that the site permit include a provision requiring Gopher State to install a tree line fence with 20-foot trees to block vision and possible sound associated with the site.

#### **II. Property Value and Energy Costs**

Included in the April 11 comment, the Visser's requested free power for the entire site located at 83898 County Road 5, Bird Island, for the life of the house, regardless of ownership, to mitigate potential reduction in their property value.

#### **III. Oil and Dust Reduction**

Included in the April 11 comment, the Visser's requested that the Applicant use oil or dust reducers on the gravel road between their property and the Project site.

The Applicant submitted a response on April 25, 2025, addressing all three concerns.<sup>15</sup>

- I. Regarding the Visser's screening request, Gopher State stated that they have performed a noise analysis at the Project site and do not believe that a tree line fence is necessary to block sound, as sound levels will be below the requirements of the Minnesota State Noise Standards. While Gopher State indicated that they are willing to work with the Visser's to develop and implement a screening plan, they believe replanting 20-foot

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<sup>14</sup> Jen Visser, [Public Comment](#), 04/11/2025

<sup>15</sup> Gopher State Solar, [Response to Public Hearing Comments](#) pp. 10-11, 04/25/2025

trees on the Visser's property and around the property surrounding the Project would be infeasible.

- II. In response to the Visser's request for free power, Gopher State stated that they cannot provide power directly to the Visser's residence from the project since all power will be sold wholesale but will work with the Vissers on other potential mitigative property value measures.
- III. Regarding oil and dust control concerns, Gopher State stated that dust will be controlled using standard construction practices such as watering of exposed surfaces, covering disturbed areas, and reduced speeds when necessary. However, since soils in the Project site are not susceptible to wind erosion, which may create dust, construction-specific mitigation measures and Best Management Practices related to dust control have not been proposed. If wind erosion becomes an issue during construction, Gopher State may implement standard industry practices, including mulching exposed soils, wetting exposed soils, maintaining vegetable cover (both cover crops and permanent vegetation), and reducing vehicle speeds.

Commissioners may want to seek clarification from the Applicant and the Visser's on whether they have had further discussions and reached an agreement on potential mitigative measures.

## **Renville County**

### **I. Setbacks**

On November 1, 2024, Renville County submitted comments regarding its concern over Gopher State Solar not meeting all county required setback requirements, specifically the 20-foot side and rear property line setback and 40-foot setback from the center of a county tile line.<sup>16</sup> The County requested that these setbacks be required in the final permit.

Additionally, the County requested that the Applicant be responsible to repair any damaged tile lines, public or private, for the life of the project if it is determined that the Project is the cause of the damage.

The Applicant submitted a response on November 15<sup>th</sup>, 2024, stating the Project will generally comply with County property line setbacks for non-participating landowners where possible; however, there are instances where project facilities are proposed to be 38 feet from county drain tile.<sup>17</sup>

No further comments regarding this special condition were recorded. Additionally, the ALJ Report did not include a recommendation addressing these concerns. While the DSP includes a

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<sup>16</sup> Renville County, [Correction - Written Comments on the Scope of Environmental Assessment](#), 11/26/2024

<sup>17</sup> Gopher State Solar, [Scoping Comments](#), 11/15/2024

standard condition outlining Applicant responsibility for restoration or compensation for damages sustained to drain tiles during construction (4.3.29), the language does not address distances from or damages to tiles over the life of the project.

The Commission may want to seek clarification whether Renville County agrees with the EERA and Applicant supported permit condition for Setbacks (5.2).

## II. Decommissioning Costs

On November 1, 2024, Renville County submitted comments regarding its concern over the Project's decommissioning costs and financial assurances.<sup>18</sup> Renville County stated the current County requirement is a \$200,000 bond for a 1 MW solar system and estimated that the Gopher State Solar Project would have a decommissioning cost of approximately \$20,861,320 including the recycling of panels. The County has requested that the financial assurance for the project be a minimum of \$21,000,000, starting at year one and reviewed every five years for updates as needed.

On April 1, 2025, Renville County submitted comments reiterating its concern over the Project's decommissioning costs and financial assurance.<sup>19</sup> The County requested that a third-party firm conduct an independent decommissioning cost assessment and that the following language be added to Gopher State Solar's decommissioning plan:

*"In the event that the Project Owner fails to fully decommission the Project and/or funds in the Decommissioning Account are insufficient to cover the full cost of decommissioning, the County shall have the right to recover the remaining decommissioning costs through all legally available remedies, including but not limited to:*

- *Placing a lien on the property or properties associated with the Project, pursuant to applicable state and local laws.*
- *Initiating legal action to obtain civil judgements or other court-ordered remedies against the Project Owner and, if applicable, the landowners, to recover outstanding decommissioning costs.*

*The Project Owner shall bear the primary responsibility for decommissioning. However, if recovery from the Project Owner is unsuccessful, landowners may also be held liable as permitted by law."*

While the permit condition language was modified to require the use of a third-party engineering firm hired by the Applicant, it is unclear whether the Applicant supports adding

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<sup>18</sup> Renville County, [Correction - Written Comments on the Scope of Environmental Assessment](#), 11/26/2024

<sup>19</sup> Scott Refsland, [Public Comment](#), 04/01/2025

language to the decommissioning plan to address the second suggestion from the County regarding insufficient funds. Additionally, the ALJ Report did not include a recommendation addressing this concern.

Commissioners may want to seek clarification from Renville County as to whether their concerns have been addressed.

### **III. Screening Barrier**

On November 1, 2024, Renville County submitted comments requesting that a screening barrier of trees be planted and maintained between the solar project and residences.<sup>20</sup> The County requested the Applicant be ordered to plant two rows of staggered evergreen trees, at least four feet tall, along roadways and in front of non-participating residences planted 20 feet on center or as recommended for the specific tree variety, within 30 days of Project completion. Additionally, the County requested that the Applicant be responsible for tree replacement for any trees that die or fail to properly screen the Project Site.

On November 15, 2024, the Applicant responded to the County's comments stating that the visual impacts of the Project will be limited to higher elevation points as well as immediately surrounding the land and will be mitigated by existing vegetative screening at most residences.<sup>21</sup> The Application also indicated that additional mitigative plantings depend on finalization of landowner agreements.

On June 17, 2025, the Applicant filed Exceptions agreeing to EERA's recommended revisions to permit condition language for Vegetative Screening (5.1) requiring them to develop a vegetative screening plan for all residences within or adjacent to Project facilities.

The Commission may want to seek clarification from the Applicant and Renville County as to whether all screening barrier concerns have been addressed.

## **DNR**

### **I. Security Fencing**

On April 10, 2025, the DNR submitted comments in support of permit condition 4.3.32 and recommended that security fencing be at least ten-feet tall to prevent large wildlife from entering the Project site.<sup>22</sup> The DNR also noted that they will not issue a deer removal permit if a security fence of less than 10 ft is installed.

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<sup>20</sup> Renville County, [Correction - Written Comments on the Scope of Environmental Assessment](#), 11/26/2024

<sup>21</sup> Gopher State Solar, [Scoping Comments](#), 11/15/2024

<sup>22</sup> DNR, [Comments](#), 04/10/2025



On April 25, 2025, the Applicant responded to the DNR's comments disagreeing with the need for a ten-foot fence stating the current Project fencing is designed to exclude deer and citing the need to minimize visual impact.<sup>16</sup> The applicant has stated that they will continue to work with the DNR and EERA regarding the Project's security fence.

The Commission may want to seek clarification from the Applicant and the DNR as to their current positions regarding the height of the fence.

## II. Modifications to Findings of Fact<sup>23</sup>

Staff supports correcting Findings of Fact numbers 23, 24, 50, 137, and 220, as the correct procedure as recommended by EERA.

EERA suggested Findings changes:

- Finding 23: On March 27, 2025, EERA filed the notification of the publication of the EA to state agencies and Minnesota Tribal Nations' Tribal Historic Preservation Officers (THPOs). [Also, on March 27, 2025, EERA filed a certificate of mailing of the EA and notices to two public libraries local to the Project.](#)
- Finding 24: On March 31, 2025, the Administrative Law Judge presided over a public hearing at Max's Grill and The Sheep Shedde Inn in Olivia, Minnesota. Three individuals provided verbal comments at this public hearing. A remote public hearing was held via Webex on April 1, 2025. One person provided verbal comments at that public hearing. Also, on April 1, 2025, EERA provided notice of the EA and upcoming public meetings via the Environmental Quality Board (EQB) Monitor ~~and notices to two public libraries local to the Project.~~
- Finding 50: On March 27, 2025, Randy Teboe submitted comments on behalf of the Bois Forte Band of Chippewa requesting the tribe be notified if human remains are unanticipatedly discovered during construction. [EERA recommended the modification of EERA recommends modifying Draft Site Permit standard condition 4.3.23 to reflect the request of the Bois Fort Band with the following language:](#)

[4.3.23 Archaeological and Historic Resources:](#) The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Project. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office (SHPO) and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize Project

<sup>23</sup> EERA, [Attachment A - EERA Edits to Proposed FOF](#), 04/02/2025

impacts on the resource consistent with SHPO and State Archaeologist requirements.

Prior to construction, the Permittee shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist and the Bois Fort Band of Chippewa. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce staff or Commission staff.

- Finding 137: Section 4.3.23 of the DSP addresses archeological resources and requires the permittee to avoid impacts to archaeological and historic resources where possible and to mitigate impacts where avoidance is not possible. EERA recommended the modification of Section 4.3.23 to include the Bois Forte Band of Chippewa, reflecting the Bois Forte Band's request to be notified upon the unanticipated discovery of human remains. ~~No additional mitigation is proposed.~~
- Finding 220: As a result of comments from Renville County, EERA, and local residents, Gopher State Solar proposed the following revisions to Section 5.1 of the DSP:

5.1 Vegetative Screening: The Permittee shall develop a vegetative screening plan for residences within or adjacent to the Project facilities. Vegetative screening plans must comply with jurisdictional ROW management and/or setback requirements. The location of screening included in the vegetative screening plan shall be included in the Site Plan filed under Section 8.3 of this permit.

## DECISION OPTIONS

### ALJ Report

1. Adopt the ALJ Report to the extent it is consistent with the Commission's Decisions. (Staff)

### Environmental Assessment

2. Find that the Environmental Assessment and the record created at the public hearing address the issues identified in the Scoping Decision. (Applicant, ALJ, EERA, Staff)

Or

3. Find that the Environmental Assessment and the record do not address the issues identified in the scoping decision and request that PUC EIP<sup>24</sup>, within 30 days of the order, file a revision or supplement addressing the deficiencies.

### Site Permit

4. Issue a site permit to Gopher State Solar LLC for the up to 200 MW Gopher State Project in Renville County, Minnesota, with the conditions recommended by the ALJ.

Or

5. Issue a site permit to Gopher State Solar LLC for the up to 200 MW Gopher State Solar Project in Renville County with the conditions recommended by the ALJ, modified as follows:
  - A. Adopt the revised standard permit condition for Archaeological and Historic Resources (4.3.23). (Applicant, EERA, Staff)
  - B. Adopt the standard permit condition for Security Fencing with additional language requiring a 10-foot fence (4.3.32). (DNR)
  - C. Adopt the revised special permit condition for Vegetative Screening Along Roadsides (5.1). (Applicant, EERA, Staff)
  - D. Adopt the revised special permit condition for Vegetative Screening Along Roadsides with additional language requiring the Applicant to install 20-foot

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<sup>24</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). While DOC EERA staff initiated environmental review of this proposal prior to July 1, 2025, the environmental review is now being completed by PUC EIP staff.

trees along the Visser property (5.1). (Visser)

- E. Adopt the revised special permit condition for Vegetative Screening Along Roadsides with additional language requiring the Applicant to plant two rows of staggered evergreen trees, at least four feet tall, along roadways and in front of non-participating residences planted 20 feet on center or as recommended for the specific tree variety, within 30 days of Project completion. (5.1). (Renville County)
- F. Adopt the special permit condition for Renville County Setbacks (5.2). (Applicant, EERA, Staff)
- G. Adopt the special permit condition for Renville County Setbacks with additional language requiring the Applicant to be responsible to repair any damaged tile lines, public or private, for the life of the project if it is determined that the Project is the cause of the damage (5.2). (Renville County)
- H. Adopt the special permit condition for Renville County Setbacks with language requiring all Renville County Setback specified requirements to be met (5.2). (Renville County)
- I. Adopt the special permit condition for Road Use and Development Agreement (5.3). (Applicant, EERA, Staff)
- J. Adopt the special permit condition for Decommissioning Plan with the additional language requested by Renville County regarding a minimum of \$21,000,000 in financial assurances starting at year one with updates as needed (5.4). (Renville County)
- K. Adopt the special permit condition for Decommissioning Plan with the additional language requested by Renville County allowing the County to recover decommissioning costs through all legally available remedies if necessary (5.4). (Renville County)
- L. Adopt the revised special permit condition for Migratory Birds (5.9). (Applicant, EERA, Staff)
- M. Adopt the special permit condition for Facility Lighting (5.10). (Applicant, EERA, Staff)
- N. Adopt the special permit condition for Dust Control (5.11). (Applicant, EERA, Staff)
- O. Adopt the special permit condition for Wildlife Friendly Erosion Control (5.12). (Applicant, EERA, Staff)

- P. Adopt the revised standard permit condition for Status Reports (8.4). (Applicant, EERA, Staff)
- Q. Adopt the standard permit condition for Power Purchase Agreement (8.15). (Staff)
- R. Create a special permit condition requiring the Applicant to supply free power for the entire site located at 83898 County Road 5, Bird Island, for the life of the house, regardless of ownership. (Visser)

#### Administrative

- 6. Delegate authority to the Executive Secretary to modify the site permit to correct any typographic and formatting errors, to reflect recent changes to energy infrastructure permitting statutes as applicable, and to ensure consistency with the Commission's order.

#### Additional Findings

- 7. Adopt EERA's modification to Finding 23 (EERA and Staff)
- 8. Adopt EERA's modification to Finding 24 (EERA and Staff)
- 9. Adopt EERA's modification to Finding 50 (EERA and Staff)
- 10. Adopt EERA's modification to Finding 127 (EERA and Staff)
- 11. Adopt EERA's modification to Finding 220 (EERA and Staff)

**Staff Recommendations: 1, 2, 5A, 5C, 5F, 5I, 5L-5Q, 6, 7-11**

**STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION**

**SITE PERMIT FOR  
GOPHER STATE SOLAR PROJECT  
A SOLAR ENERGY GENERATING SYSTEM**

**IN  
RENVILLE COUNTY**

**ISSUED TO  
GOPHER STATE SOLAR, LLC**

**PUC DOCKET NO. IP7127/GS-24-106**

In accordance with the requirements of Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850 this site permit is hereby issued to:

**Gopher State Solar, LLC**

Gopher State Solar, LLC is authorized by this site permit to construct and operate the Gopher State Solar Project, an up to 200-megawatt solar project in Renville County, MN. The solar energy generating system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

This site permit shall expire 30 years from the date of this approval.

Approved and adopted this \_\_\_\_ day of [Month, Year]

BY ORDER OF THE COMMISSION

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Mike Bull,  
Acting Executive Secretary

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## ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedures for Permitted Energy Facilities

Attachment 3 – Site Permit Maps

## **1 SITE PERMIT**

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Gopher State Solar, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This site permit authorizes the Permittee to construct and operate an up to 200-megawatt solar project in Renville County, MN Gopher State Solar Project, henceforth known as Project). The solar energy generating system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

### **1.1 Pre-emption**

Pursuant to Minn. Stat. § 216E.10, this site permit shall be the sole site approval required for the location, construction, and operation of the solar energy generating system and this site permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose governments.

## **2 PROJECT DESCRIPTION**

The Project is an up to 200-megawatt solar energy generating facility to be located on approximately 1,665 acres in Kingman, Osceola, and Bird Island townships in Renville County, Minnesota. The solar energy generating system will consist of 977 acres occupied by the solar panels and associated infrastructure (see Project Overview Map). The primary components of the solar electric generating system include photovoltaic solar panels mounted on single axis tracking systems, belowground or aboveground collection cables, security fencing, access roads, a project substation, and a project gen-tie line. The project substation will be connected to the electrical grid at Great River Energy's existing Panther Substation via a short (<1,500 ft) 230 kilovolt overhead generation intertie transmission line.

The Project is located in the following:

County	Township Name	Township	Range	Section
Renville	Bird Island	115N	34W	1,2
Renville	Osceola	116N	33W	19,30
Renville	Kingman	116N	34W	23, 24, 25, 26, 34, 35, 36

### **2.1 Project Ownership**

At least 14 days prior to the pre-construction meeting, the Permittee shall file a description of its ownership structure, identifying, as applicable:

- (a) the owner(s) of the financial and governance interests of the Permittee;
- (b) the owner(s) of the majority financial and governance interests of the Permittee's owners; and
- (c) the Permittee's ultimate parent entity (meaning the entity which is not controlled by any other entity).

The Permittee shall notify the Commission of:

- (a) a change in the owner(s) of the majority\* financial or governance interests in the Permittee; or
- (b) a change in the owner(s) of the majority\* financial or governance interests of the Permittee's owners; or
- (c) a sale which changes the ultimate parent entity of the Permittee

\* When there are only co-equal 50/50 percent interests, any change shall be considered a change in majority interest.

Also, in the event of an ownership change, the new Permittee must provide the Commission with a certification that it has read, understands and is able to comply with the conditions of this permit.

### **3 DESIGNATED SITE**

The site designated by the Commission for the Project is depicted on the site maps attached to this site permit (Designated Site). The site maps show the approximate location of photovoltaic tracker rows and associated facilities within the Designated Site and identify a layout that seeks to minimize the overall potential human and environmental impacts of the Project, as they were evaluated in the permitting process.

The Designated Site serves to provide the Permittee with the flexibility to make minor adjustments to the layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to the location of a photovoltaic tracker row or associated facility shall be done in such a manner as to have human and environmental impacts that are comparable to those associated with the layouts on the maps attached to this site permit. The Permittee shall identify any modifications in the Site Plan pursuant to Section 8.3.

## **4 GENERAL CONDITIONS**

The Permittee shall comply with the following conditions during construction and operation of the solar energy generating system over the life of this site permit.

### **4.1 Site Permit Distribution**

Within 30 days of issuance of this site permit, the Permittee shall provide all affected landowners with a copy of this site permit and the complaint procedures. An affected landowner is any landowner or designee that is within or adjacent to the permitted site. In no case shall a landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall also provide a copy of this site permit and the complaint procedures to the applicable regional development commissions, county environmental offices, and city and township clerks. The Permittee shall file with the Commission an affidavit of its site permit and complaint procedures distribution within 30 days of issuance of this site permit.

### **4.2 Access to Property**

The Permittee shall notify landowners prior to entering or conducting maintenance within their property, unless otherwise negotiated with the landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

### **4.3 Construction and Operation Practices**

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the permitting record for this Project unless this site permit establishes a different requirement in which case this site permit shall prevail.

#### **4.3.1 Field Representative**

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this site permit during construction of the Project. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee may change the field

representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

#### **4.3.2 Site Manager**

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this site permit during the commercial operation and decommissioning phases of the Project. This person shall be accessible by telephone or other means during normal business hours for the life of this site permit.

The Permittee shall file the name, address, email, phone number, and emergency phone number of the site manager with the Commission within 14 days prior to the pre-operation meeting. The Permittee shall provide the site manager's contact information to landowners within or adjacent to the Project Boundary, local government units and other interested persons at least 14 days prior to the pre-operation meeting. The Permittee may change the site manager at any time upon notice to the Commission, landowners within or adjacent to the Project Boundary, local government units, and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its site manager's contact information at least 14 days prior to the pre-operation meeting and upon changes to the site manager.

#### **4.3.3 Employee Training - Site Permit Terms and Conditions**

The Permittee shall train and educate all employees, contractors, and other persons involved in the construction and ongoing operation of the solar energy generating system of the terms and conditions of this site permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **4.3.4 Independent Third-Party Monitoring**

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of the Commission. The scope of work shall be developed in consultation with and approved by the Commission. This third-party monitor will report directly to and will be under the control of the Commission with costs borne by the Permittee. Commission staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed with the Commission in accordance with the approved scope of work.

#### **4.3.5 Public Services, Public Utilities, and Existing Easements**

During Project construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these shall be temporary, and the Permittee shall restore service promptly. Where any impacts to utilities have the potential to occur the Permittee shall work with both landowners and local entities to determine the most appropriate mitigation measures if not already considered as part of this site permit.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **4.3.6 Temporary Workspace**

The Permittee shall select temporary workspace and equipment staging areas that limit the removal and impacts to vegetation. The Permittee shall not site temporary workspace in wetlands or native prairie as defined in sections 4.3.13 and 4.3.14. The Permittee shall site temporary workspace to comply with standards for development of the shorelands of public waters as defined in Section 4.3.13. The Permittee shall obtain temporary easements outside of the authorized Project Boundary from affected landowners through rental agreements. Temporary easements are not provided for in this site permit.

#### **4.3.7 Noise**

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080, at all times and at all appropriate locations during operation of the Project. The Permittee shall limit construction and maintenance activities to daytime working hours to the extent practicable.

#### **4.3.8 Aesthetics**

The Permittee shall consider input pertaining to visual impacts from landowners and the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Project during construction and operation.

#### **4.3.9 Topsoil Protection**

The Permittee shall implement measures to protect and segregate topsoil from subsoil on all lands utilized for Project construction unless otherwise negotiated with affected landowner.

#### **4.3.10 Soil Compaction**

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the Project's life and shall confine compaction to as small an area as feasible. The Permittee shall use soil decompaction measures on all lands utilized for Project construction and travelled on by heavy equipment (*e.g.*, cranes and heavy trucks), even when soil compaction minimization measures are used.

#### **4.3.11 Soil Erosion and Sediment Control**

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program. If construction of the Project disturbs more than one acre of land or is sited in an area designated by the MPCA as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit from the MPCA that provides for the development of a Stormwater Pollution Prevention Plan that describes methods to control erosion and runoff.

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the Project shall be returned to pre-construction conditions.

#### **4.3.12 Public Lands**

In no case shall photovoltaic tracker rows and associated facilities including foundations, access roads, underground cable, and transformers, be located in the public lands identified in Minn. R. 7850.4400, subp. 1, or in federal waterfowl production areas. Photovoltaic tracker rows and associated facilities shall not be located in the public lands identified in Minn. R. 7850.4400, subp. 3, unless there is no feasible and prudent alternative.

#### **4.3.13 Wetlands and Water Resources**

The Permittee shall not place the solar energy generating system or associated facilities in public waters and public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and

approvals by the Minnesota Department of Natural Resources (DNR) and the United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetlands Conservation Act. The Permittee shall locate the solar energy generating system and associated facilities in compliance with the standards for development of the shorelands of public waters as identified in Minn. R. 6120.3300, and as adopted, Minn. R. 6120.2800, unless there is no feasible and prudent alternative.

The Permittee shall construct in wetland areas during frozen ground conditions, to the extent feasible, to minimize impacts. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. The Permittee shall contain and manage soil excavated from the wetlands and riparian areas in accordance with all applicable wetland permits. The Permittee shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

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

#### **4.3.14 Native Prairie**

The Permittee shall not place the solar energy generating system or associated facilities in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and not located in areas enrolled in the Native Prairie Bank Program. The Permittee shall not impact native prairie during construction activities, as defined in Minn. Stat. § 216E.01, unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the Project Boundary. The Permittee shall file the prairie protection and management plan with the Commission at least 30 days prior to submitting the Site Plan required by Section 8.3 of this site permit. The prairie protection and management plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission.

#### **4.3.15 Vegetation Removal**



The Permittee shall disturb or clear vegetation within the Designated Site only to the extent necessary to assure the safe construction, operation, and maintenance of the Project. The Permittee shall minimize the number of trees removed within the Designated Site specifically preserving to the maximum extent practicable windbreaks, shelterbelts, and living snow fences.

#### **4.3.16 Beneficial Habitat**

The Permittee shall implement site restoration and management practices that provide for native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators; and that enhances soil water retention and reduces storm water runoff and erosion. To ensure continued management and recognition of beneficial habitat, the Permittee is encouraged to meet the standards for Minnesota's Habitat Friendly Solar Program by submitting project plans, seed mixes, a completed project planning assessment form, and any other applicable documentation used to meet the standard to the Board of Water and Soil Resources (BWSR). If the Permittee chooses to participate in Minnesota's Habitat-Friendly Solar Program, it shall file documents required to be filed with BWSR for meeting and maintaining Habitat Friendly Solar Certification with the Commission.

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

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

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

The VMP must include the following:

- (a) management objectives addressing short term (year 0-5, seeding and establishment) and long term (year 5 through the life of the Project) goals;
- (b) a description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (*e.g.*, broadcast, drilling, etc.), and the types of seed mixes to be used;
- (c) a description of how the site will be monitored and evaluated to meet management goals;

- (d) a description of the management tools used to maintain vegetation (*e.g.*, mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities;
- (e) identification of the third-party (*e.g.*, consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site;
- (f) identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized; and
- (g) a marked-up copy of the Site Plan showing how the site will be revegetated and that identifies the corresponding seed mixes.

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

#### **4.3.18 Agricultural Impact Mitigation Plan**

The Permittee shall develop an agricultural impact mitigation plan (AIMP) in coordination with the Minnesota Department of Agriculture (MDA). The Permittee shall provide landowners within the Designated Site a copy of the AIMP. The Permittee shall file with the Commission the AIMP and an affidavit of the AIMP distribution to landowners at least 14 days prior to the pre-construction meeting.

#### **4.3.19 Application of Pesticides**

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the MDA, DNR, and the U.S. Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commission staff.

#### **4.3.20 Invasive Species**

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by Project construction activities. The Permittee shall develop an Invasive Species Prevention Plan and file it with the Commission at least 14

days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.

#### **4.3.21 Noxious Weeds**

The Permittee shall take all reasonable precautions against the spread of noxious weeds throughout the life of the Project, including during construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **4.3.22 Roads**

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city, or township roads that will be used during the construction phase of the Project. Where practical, existing roadways shall be used for all activities associated with construction of the Project. Oversize or overweight loads associated with the Project shall not be hauled across public roads without required permits and approvals.

The Permittee shall locate all perimeter fencing and vegetative screening in a manner that does not interfere with routine road maintenance activities and allows for continued safe travel on public roads.

The Permittee shall construct the fewest number of site access roads required. Access roads shall not be constructed across streams and drainage ways without the required permits and approvals. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **4.3.23 Archaeological and Historic Resources**

The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Project. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office (SHPO) and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an

effort to minimize Project impacts on the resource consistent with SHPO and State Archaeologist requirements.

Prior to construction, the Permittee shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist and the Bois Forte Band of Chippewa. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **4.3.24 Interference**

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the Project, the Permittee shall take whatever action is necessary to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the Project. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **4.3.25 Drainage Tiles**

The Permittee shall avoid, promptly repair, or replace all drainage tiles broken or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **4.3.26 Restoration**

The Permittee shall restore the areas affected by construction of the Project to the condition that existed immediately before construction began to the greatest extent possible. The time period to complete restoration may be no longer than 12 months after the completion of construction, unless otherwise negotiated with the affected landowner. Restoration shall be compatible with the safe operation, maintenance, and inspection of the Project. Within 60 days after completion of all restoration activities, the Permittee shall file with the Commission a Notice of Restoration Completion.

#### **4.3.27 Cleanup**

The Permittee shall remove and properly dispose of all construction waste and scrap from the right-of-way and all premises on which construction activities were conducted upon completion of each task. The Permittee shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities daily.

#### **4.3.28 Pollution and Hazardous Wastes**

The Permittee shall take all appropriate precautions to protect against pollution of the environment. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all waste generated during construction and restoration of the Project.

#### **4.3.29 Damages**

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damage sustained during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

#### **4.3.30 Public Safety**

The Permittee shall provide educational materials to landowners within and adjacent to the Designated Site and, upon request, to interested persons about the Project and any restrictions or dangers associated with the Project. The Permittee shall also implement any necessary safety measures such as placing warning signs and gates for traffic control or restricting public access. The Permittee shall file with the Commission an affidavit of its public safety notifications at least 14 days before the pre-construction meeting.

The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of the construction of the Project.

#### **4.3.31 Site Identification**

The Permittee shall mark the solar energy generating system with a clearly visible identification number and or street address.

#### **4.3.32 Security Fencing**

The Permittee shall design the security fence surrounding the solar energy generating system to minimize the visual impact of the Project while maintaining compliance with the National

Electric Safety Code. The Permittee shall develop a final fence plan for the specific site in coordination with the DNR. The final fence plan shall be submitted to the Commission as part of the Site Plan pursuant to Section 8.3.

#### **4.4 Feeder Lines**

The Permittee may use overhead or underground feeder lines to carry power from an internal Project interconnection point to the Project substation or interconnection point on the electrical grid. The Permittee shall place overhead and underground feeder lines that parallel public roads within the public right-of-way or on private land immediately adjacent to the road. The Permittee shall obtain approval from the landowner or government unit responsible for the affected right-of-way.

The Permittee shall locate feeder lines in such a manner as to minimize interference with agricultural operations including but not limited to existing drainage patterns, drain tile, future tiling plans, and ditches. The Permittee shall place safety shields on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the Site Plan pursuant to Section 8.3.

#### **4.5 Other Requirements**

##### **4.5.1 Safety Codes and Design Requirements**

The Permittee shall design the solar energy generating system and associated facilities to meet or exceed all relevant local and state codes, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. This includes standards relating to clearances to ground, clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements. The Permittee shall keep records of compliance with these standards and provide them upon the request of Commission staff.

##### **4.5.2 Other Permits and Regulations**

The Permittee shall comply with all applicable state statutes and rules. The Permittee shall obtain all required permits for the Project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission an Other Permits and Regulations Submittal that contains a detailed status of all permits, authorizations, and approvals that have been applied for specific to the Project. The Other Permits and Regulations Submittal shall also include the permitting agency name; the

name of the permit, authorization, or approval being sought; contact person and contact information for the permitting agency or authority; brief description of why the permit, authorization, or approval is needed; application submittal date; and the date the permit, authorization, or approval was issued or is anticipated to be issued.

The Permittee shall demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as such and an updated Other Permits and Regulations Submittal prior to commencing Project construction. The Permittee shall provide a copy of any such permits, authorizations, and approvals at the request of Commission staff.

## **5 SPECIAL CONDITIONS**

The special conditions shall take precedence over other conditions of this permit should there be a conflict.

### **5.1 Vegetative Screening Along Roadsides**

The Permittee shall develop a vegetative screening plan for ~~nonparticipating~~ residences within or adjacent to Project facilities. Vegetative screening plans must comply with jurisdictional ROW management and/or setback requirements. ~~The location of screening including in the vegetative screening plan shall be included in the Site Plan filed under Section 8.3 of this permit.~~

### **5.2 Renville County Setbacks**

~~The Permittee shall adhere to all Renville County renewable energy setback requirements, except for drain tile, in which the Permittee shall adhere to the 40-foot drain tile setback to the extent practical.~~

### **5.3 Road Use and Development Agreement**

~~The Permittee shall enter into a Road Use and Development Agreement with Renville County and affected Townships. The Permittee shall keep records of its Road Use and Development Agreement and provide them upon the request of Commission staff.~~

### **5.4 Decommissioning Plan**

The Permittee shall coordinate with Renville County to identify a third-party engineering firm, to be hired at Gopher State Solar's expense, to review the decommissioning plan prior to the pre-construction meeting and determine its consistency with Section 9.1 of this permit.

### **5.5 Ownership Change Notification**

~~The permittee shall notify Renville County officials if there is an ownership change pursuant to Section 2.1 of this permit and shall provide the new contact information.~~

### **5.6 Emergency Response Training**

The permittee shall work with and train with local emergency response teams that may have to enter the Project to ensure teams are aware of access points and can perform their duties safely.

### **5.7 Northern Long Eared bat**

If potential impacts are identified, then the permittee shall comply with the USFWS guidance and requirements in effect regarding NLEB, including tree clearing restrictions if applicable.

### **5.8 Bald Eagle**

If, in consultation with the U.S. Fish and Wildlife Service, a bald eagle nest must be removed for construction of the project, the Permittee shall file with the Commission the documentation authorizing any such nest removal at least 14 days prior to the pre-construction meeting.

### **5.9 Migratory Birds**

The Permittee shall comply with the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) and, if impacts to migratory birds cannot be avoided, **or impacts are anticipated during the Chimney Swift's Probability of Presence period of the first week of June and third week of July or the Northern Harrier's Probability of Presence period in mid-march**, nesting locations shall be identified and appropriate mitigative measures will be implemented in consultation with the United States Fish and Wildlife Service prior to beginning construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

### **5.10 Facility Lighting**

The Permittee must use shielded and downward facing lighting and LED lighting that minimizes blue hue at the project substation and operations and maintenance facility. Downward facing lighting must be clearly visible on the site plan submitted for the project.

### **5.11 Dust Control**

The Permittee shall utilize non-chloride products for onsite dust control during construction.

### **5.12 Wildlife Friendly Erosion Control**

The Permittee shall use only "bio-netting" or "natural netting" types of erosion control materials and mulch products without synthetic (plastic) fiber additives or malachite green dye.

### **5.13 State-Listed Species**

Prior to the start of construction, the Permittee shall resubmit a Natural Heritage Review and continue to consult with the MDNR regarding implementation of avoidance measures for state-protected threatened and endangered species. The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute



(Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

## **6 DELAY IN CONSTRUCTION**

If the Permittee has not commenced construction or improvement of the site within four years after the date of issuance of this site permit the Permittee shall file a Failure to Construct Report and the Commission shall consider suspension of this site permit in accordance with Minn. R. 7850.4700.

## **7 COMPLAINT PROCEDURES**

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the complaint procedures that will be used to receive and respond to complaints. The complaint procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this site permit.

Upon request, the Permittee shall assist Commission staff with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

## **8 COMPLIANCE REQUIREMENTS**

Failure to timely and properly make compliance filings required by this site permit is a failure to comply with the conditions of this site permit. Compliance filings must be electronically filed with the Commission.

### **8.1 Pre-Construction Meeting**

Prior to the start of construction, the Permittee shall participate in a pre-construction meeting with Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the anticipated construction start date.

### **8.2 Pre-Operation Meeting**

At least 14 days prior to commercial operation of the Project, the Permittee shall participate in a pre-operation meeting with Commission staff to coordinate field monitoring of operation activities for the Project. Within 14 days following the pre-operation meeting, the Permittee shall file a summary of the topics reviewed and discussed and a list of attendees with the Commission.

### **8.3 Site Plan**

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission and the counties where the Project will be constructed with a Site Plan that includes specifications and drawings for site preparation and grading; specifications and locations of the solar energy generating system and associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the Designated Site, solar energy generating system, and associated facilities layout in relation to that approved by this site permit.

The Permittee may not commence construction until the earlier of (i) 30 days after the pre-construction meeting or (ii) or until the Commission staff has notified the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this site permit.

If the Commission notifies the Permittee in writing within 30 days after the pre-construction meeting that it has completed its review of the documents and planned construction, and finds that the planned construction is not consistent with this site permit, the Permittee may submit additional and/or revised documentation and may not commence construction until the Commission has notified the Permittee in writing that it has determined that the planned construction is consistent with this site permit.

If the Permittee intends to make any significant changes in its Site Plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission and county staff at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this site permit.

### **8.4 Status Reports**

The Permittee shall file with the Commission monthly Construction Status Reports beginning with the pre-construction meeting and until completion of restoration. Construction Status Reports shall describe construction activities and progress, activities undertaken in compliance with this site permit, and shall include text and photographs.

If the Permittee does not commence construction of the Project within six months of this site permit issuance, the Permittee shall file with the Commission Pre-Construction Status Reports on the anticipated timing of construction every six months beginning ~~with the issuance of this site permit until the pre-construction meeting in the second quarter of 2027.~~ The status updates shall include information on the Project's Midcontinent Independent System Operator (MISO) interconnection process, if applicable.

### **8.5 Labor Statistic Reporting**

The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:

- (a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers; and
- (b) provide an account of:
  - i. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7;
  - ii. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and
  - iii. the total gross hours worked or total full-time equivalent workers.

Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

### **8.6 Prevailing Wage**

The Permittee, its contractors, and subcontractors shall pay no less than the prevailing wage rate as defined in Minn. Stat. § 177.42 and shall be subject to the requirements and enforcement provisions under Minn. Stat. §§ 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45. The Permittee shall keep records of contractor and subcontractor pay and provide them at the request of Commission staff.

### **8.7 In-Service Date**

At least three days before the Project is to be placed into service, the Permittee shall notify the Commission of the date on which the Project will be placed into service and the date on which construction was completed.

### **8.8 As-Builts**

Within 90 days after completion of construction, the Permittee shall submit to the Commission copies of all final as-built plans and specifications developed during the Project construction.

#### **8.9 GPS Data**

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (*e.g.*, ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the Project.

#### **8.10 Right of Entry**

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

- (a) To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- (b) To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- (c) To sample and monitor upon the facilities easement of the property.  
To examine and copy any documents pertaining to compliance with the conditions of this site permit.

#### **8.11 Project Energy Production**

The Permittee shall, by February 1st following each complete or partial year of Project operation, file a report with the Commission on the monthly energy production of the facility including:

- (a) the installed nameplate capacity of the permitted facility;
- (b) the total daily energy generated by the facility in MW hours;
- (c) the total monthly energy generated by the facility in MW hours;
- (d) the monthly capacity factor of the facility;
- (e) yearly energy production and capacity factor for the facility;
- (f) the average monthly and average annual solar strength gradient measured in kWh/m<sup>2</sup>/Day observed at the facility;
- (g) the operational status of the facility and any major outages, major repairs, or performance improvements occurring in the previous year; and
- (h) any other information reasonably requested by the Commission.

The Permittee shall file this information in a format recommended by the Commission. This information shall be considered public and must be filed electronically.

#### **8.12 Emergency Response**

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. The Permittee shall file the ERP, along with any comments from emergency responders to the Commission at least 14 days prior to the pre-construction meeting and a revised ERP, if any, at least 14 days prior to the pre-operation meeting. At least 14 days prior to the pre-operation meeting the Permittee shall file with the Commission an affidavit of the distribution of the ERP to emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the Project. The Permittee shall obtain and register the Project address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the Project.

#### **8.13 Extraordinary Events**

Within 24 hours of discovery of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to fires, solar panel collapse, acts of sabotage, collector or feeder line failure, and injured worker or private person. The Permittee shall, within 30 days of the occurrence, file a report with the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

#### **8.14 Wildlife Injuries and Fatalities**

The Permittee shall report any wildlife injuries and fatalities to the Commission quarterly.

#### **8.15 Power Purchase Agreement**

Order the Permittee to file updates, annually from the date of permit issuance, on the status of a power purchase agreement or other enforceable mechanism for the sale of the electricity generated by the Project. In the event the Permittee does not have a power purchase agreement or some other enforceable mechanism for the sale of the electricity generated by the Project at the time this site permit is issued, the Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This site permit does not authorize construction of the Project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project. In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project within four years of the issuance of this site permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine

whether this site permit should be amended or revoked. No amendment or revocation of this site permit may be undertaken except in accordance with Minn. R. 7850.5100.

Staff recommends this permit language for the inclusion of a power purchase agreement. A power purchase agreement will ensure that the project is not constructed without a willing purchaser of the power produced secured. The bulleted language above is included in staff's draft permit at section 8.15.

## **9 DECOMMISSIONING AND RESTORATION**

### **9.1 Decommissioning Plan**

The Permittee shall comply with the provisions of the most recently filed and accepted Decommissioning Plan. The initial version of the Decommissioning Plan was submitted for this Project as Appendix F in the Site Permit Application. The Permittee shall file an updated Decommissioning Plan incorporating comments and information from the permit application process and any updates associated with the final construction plans with the Commission at least fourteen 14 days prior to the pre-construction meeting. The Permittee shall update and file the Decommissioning Plan with the Commission every five years following the commercial operation date.

The Decommissioning Plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The Decommissioning Plan shall provide an itemized breakdown of costs of decommissioning all Project components, which shall include labor and equipment. The Decommissioning Plan shall identify cost estimates for the removal of solar panels, racks, underground collection cables, access roads, transformers, substations, and other Project components. The Decommissioning Plan may also include anticipated costs for the replacement of panels or repowering the Project by upgrading equipment.

The Permittee shall also submit the Decommissioning Plan to the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the Project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

### **9.2 Site Final Restoration**

Upon expiration of this site permit or upon termination of operation of the Project, the Permittee shall have the obligation to dismantle and remove from the site all solar panels, mounting steel posts and beams, inverters, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment in accordance with the most recently filed and accepted decommissioning plan. To the extent feasible, the Permittee shall restore and reclaim the site to pre-project conditions. Landowners may require the site be returned to agricultural production or may retain restored prairie vegetation, or other land uses as agreed to between the landowner and the Permittee. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be filed with the Commission prior to commencing restoration activities. The Permittee shall restore the site in accordance with the requirements of this condition and file a Notification of Final Restoration Completion to the Commission within 18 months of termination of operation of the Project.

### **9.3 Abandoned Solar Installations**

The Permittee shall notify the Commission of any solar equipment that is abandoned prior to termination of operation of the Project. Equipment shall be considered abandoned after one year without energy production and shall be decommissioned and the land shall be restored pursuant to sections 9.1 and 9.2, unless a plan is submitted to and approved by the Commission outlining the steps and schedule for returning the equipment to service.

## **10 COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE**

### **10.1 Final Designated Site Boundaries**

After completion of construction the Commission shall determine the need to adjust the final boundary of the Designated Site required for the Project. This site permit may be modified, after notice and opportunity for hearing, to represent the actual Designated Site required by the Permittee to operate the Project authorized by this site permit.

### **10.2 Expansion of Designated Site Boundaries**

No expansion of the site boundary described in this site permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundary of the site for the Project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

### **10.3 Periodic Review**

The Commission shall initiate a review of this site permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this site permit. No modification may be made except in accordance with applicable statutes and rules.

#### **10.4 Modification of Conditions**

After notice and opportunity for hearing this site permit may be modified or amended for cause, including but not limited to the following:

- (a) violation of any condition in this permit;
- (b) endangerment of human health or the environment by operation of the Project; or
- (c) existence of other grounds established by rule.

#### **10.5 More Stringent Rules**

The issuance of this site permit does not prevent the future adoption by the Commission of rules or orders more stringent than those now in existence and does not prevent the enforcement of these more stringent rules and orders against the Permittee.

### **11 SITE PERMIT AMENDMENT**

This site permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this site permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required under Minn. R. 7850.4900.

### **12 TRANSFER OF SITE PERMIT**

The Permittee may request at any time that the Commission transfer this site permit to another person or entity (transferee). In its request, the Permittee must provide the Commission with:

- (a) the name and description of the transferee;
- (b) the reasons for the transfer;
- (c) a description of the facilities affected; and
- (d) the proposed effective date of the transfer.



The transferee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures filed for the Project and all conditions of this site permit.

The transferee must provide the Commission with the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with eDocket reference, or a revised version of the following:

- (a) VMP as described in Section 4.3.17;
- (b) complaint procedures, as described in Section 7 and Attachment 1;
- (c) ERP, as described in Section 8.12; and
- (d) Decommissioning Plan, as described in Section 9.1.

The Commission may authorize transfer of the site permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. R. 7850.5000.

### **13 REVOCATION OR SUSPENSION OF SITE PERMIT**

The Commission may initiate action to revoke or suspend this site permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7850.5100, to revoke or suspend this site permit.

### **14 EXPIRATION DATE**

This site permit shall expire 30 years after the date this site permit was approved and adopted.

**ATTACHMENT 1**

**Complaint Handling Procedures for Permitted Energy Facilities**

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLAINT HANDLING PROCEDURES FOR  
PERMITTED ENERGY FACILITIES**

**A. Purpose**

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site or route preparation, construction, cleanup, restoration, operation, and maintenance.

**B. Scope**

This document describes complaint reporting procedures and frequency.

**C. Applicability**

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

**D. Definitions**

**Complaint:** A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site or route preparation, cleanup or restoration, or other permit conditions. Complaints do not include requests, inquiries, questions or general comments.

**Substantial Complaint:** A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

**Unresolved Complaint:** A complaint which, despite the good faith efforts of the permittee and a person, remains unresolved or unsatisfactorily resolved to one or both of the parties.

**Person:** An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private; however organized.

## **E. Complaint Documentation and Processing**

1. The permittee shall designate a representative responsible for filing complaints to the Commission's eDocket system. This person's name, phone number and email address shall accompany all complaint submittals. The name and contact information for the representative shall be kept current in eDockets.
2. A person presenting the complaint should, to the extent possible, include the following information in their communications:
  - a. name, address, phone number, and email address;
  - b. initial date of the complaint;
  - c. tract, parcel number, or address of the complaint;
  - d. a summary of the complaint; and
  - e. whether the complaint relates to a permit violation, a construction practice issue, or other type of complaint.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
  - a. docket number and project name;
  - b. name of complainant, address, phone number and email address;
  - c. precise description of property or parcel number;
  - d. name of permittee representative receiving complaint and date of receipt;
  - e. nature of complaint and the applicable permit condition(s);
  - f. summary of activities undertaken to resolve the complaint; and
  - g. a statement on the final disposition of the complaint.

## **F. Reporting Requirements**

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit, unless otherwise required below. The permittee shall report all complaints to the Commission according to the following schedule:

**Immediate Reports:** All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Public Advisor at 1-800-657-3782 (voice messages are acceptable) or [publicadvisor.puc@state.mn.us](mailto:publicadvisor.puc@state.mn.us). For e-mail reporting, the email

subject line should read “PUC EFP Complaint” and include the appropriate project docket number.

**Monthly Reports:** During project construction, restoration, and operation, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Will Seuffert, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>. If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

If a project has submitted twelve consecutive months of complaint reports with no complaints, monthly reports can terminate by a letter to eDockets notifying the Commission of such action. If a substantial complaint is received (by the company or the Commission) following termination of the monthly complaint report, as noted above, the monthly reporting should commence for a period of six months following the most recent complaint or upon resolution of all pending complaints.

If a permittee is found to be in violation of this section, the Commission may reinstate monthly complaint reporting for the remaining permit term or enact some other commensurate requirement via notification by the Executive Secretary or some other action as decided by the Commission.

#### **G. Complaints Received by the Commission**

Complaints received directly by the Commission from aggrieved persons regarding the permit or issues related to site or route preparation, construction, cleanup, restoration, or operation and maintenance will be promptly sent to the permittee.

The permittee shall notify the Commission when the issue has been resolved. The permittee will add the complaint to the monthly reports of all complaints. If the permittee is unable to find resolution, the Commission will use the process outlined in the Unresolved Complaints Section to process the issue.

#### **H. Commission Process for Unresolved Complaints**

Complaints raising substantial and unresolved permit issues will be investigated by the Commission. Staff will notify the permittee and appropriate people if it determines that the

complaint is a substantial complaint. With respect to such complaints, the permittee and complainant shall be required to submit a written summary of the complaint and its current position on the issues to the Commission. Staff will set a deadline for comments. As necessary, the complaint will be presented to the Commission for consideration.

**I. Permittee Contacts for Complaints and Complaint Reporting**

Complaints may be filed by mail or email to the permittee's designated complaint representative, or to the Commission's Public Advisor at 1-800-657-3782 or [publicadvisor.puc@state.mn.us](mailto:publicadvisor.puc@state.mn.us). The name and contact information for the permittee's designated complaint representative shall be kept current in the Commission's eDocket system.

**ATTACHMENT 2**

**Compliance Filing Procedures for Permitted Energy Facilities**

DRAFT PERMIT

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLIANCE FILING PROCEDURE FOR  
PERMITTED ENERGY FACILITIES**

**A. Purpose**

To establish a uniform and timely method of submitting information required by Commission energy facility permits.

**B. Scope and Applicability**

This procedure encompasses all known compliance filings required by permit.

**C. Definitions**

**Compliance Filing:** A filing of information to the Commission, where the information is required by a Commission site or route permit.

**D. Responsibilities**

1. The permittee shall file all compliance filings with Mike Bull, Acting Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the eDockets website. Permittees must register on the website to file documents.

2. All filings must have a cover sheet that includes:
  - a. Date
  - b. Name of submitter/permittee
  - c. Type of permit (site or route)
  - d. Project location
  - e. Project docket number
  - f. Permit section under which the filing is made
  - g. Short description of the filing



3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to Mike Bull, Acting Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147.

The Commission may request a paper copy of any electronically filed document.

DRAFT PERMIT

## PERMIT COMPLIANCE FILINGS<sup>1</sup>

PERMITTEE: Gopher State Solar, LLC

PERMIT TYPE: Solar Energy Generating System Site Permit

PROJECT LOCATION: Renville County

PUC DOCKET NUMBER: IP-7119/GS-24-106

Filing Number	Permit Section	Description of Compliance Filing	Due Date
	2.1	Project Ownership	14 days prior to the pre-construction meeting
	4.1	Site Permit Distribution	30 days after issuance of permit
	4.3.1	Field Representative	14 days prior to the pre-construction meeting
	4.3.2	Site Manager	14 days prior to the pre-operation meeting
	4.3.14	Native Prairie	30 days prior to submitting the Site Plan, if native prairie is identified
	4.3.17	Vegetation Management Plan	14 days prior to the pre-construction meeting
	4.3.18	Agricultural Impact Mitigation Plan	14 days prior to the pre-construction meeting
	4.3.19	Application of Pesticides	14 days prior to pesticide application
	4.3.20	Invasive Species	14 days prior to the pre-construction meeting

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<sup>1</sup> This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

Filing Number	Permit Section	Description of Compliance Filing	Due Date
	4.3.26	Restoration	60 days after completion of all restoration activities
	4.3.30	Public Safety	14 days prior to the pre-construction meeting
	4.3.32	Security Fencing	With Site Plan
	4.4	Feeder Lines	With Site Plan
	4.5.2	Other Permits and Regulations	14 days prior to the pre-construction meeting
	5.8	Bald Eagle	14 days prior to the pre-construction meeting
	6	Delay in Construction	Four years after issuance of site permit
	7	Complaint Procedures	14 days prior to the pre-construction meeting
	8.1	Pre-Construction Meeting	14 days after the pre-construction meeting
	8.2	Pre-Operation Meeting	14 days prior to commercial operation of the Project
	8.3	Site Plan	14 days prior to the pre-construction meeting
	8.4	Status Reports	Monthly

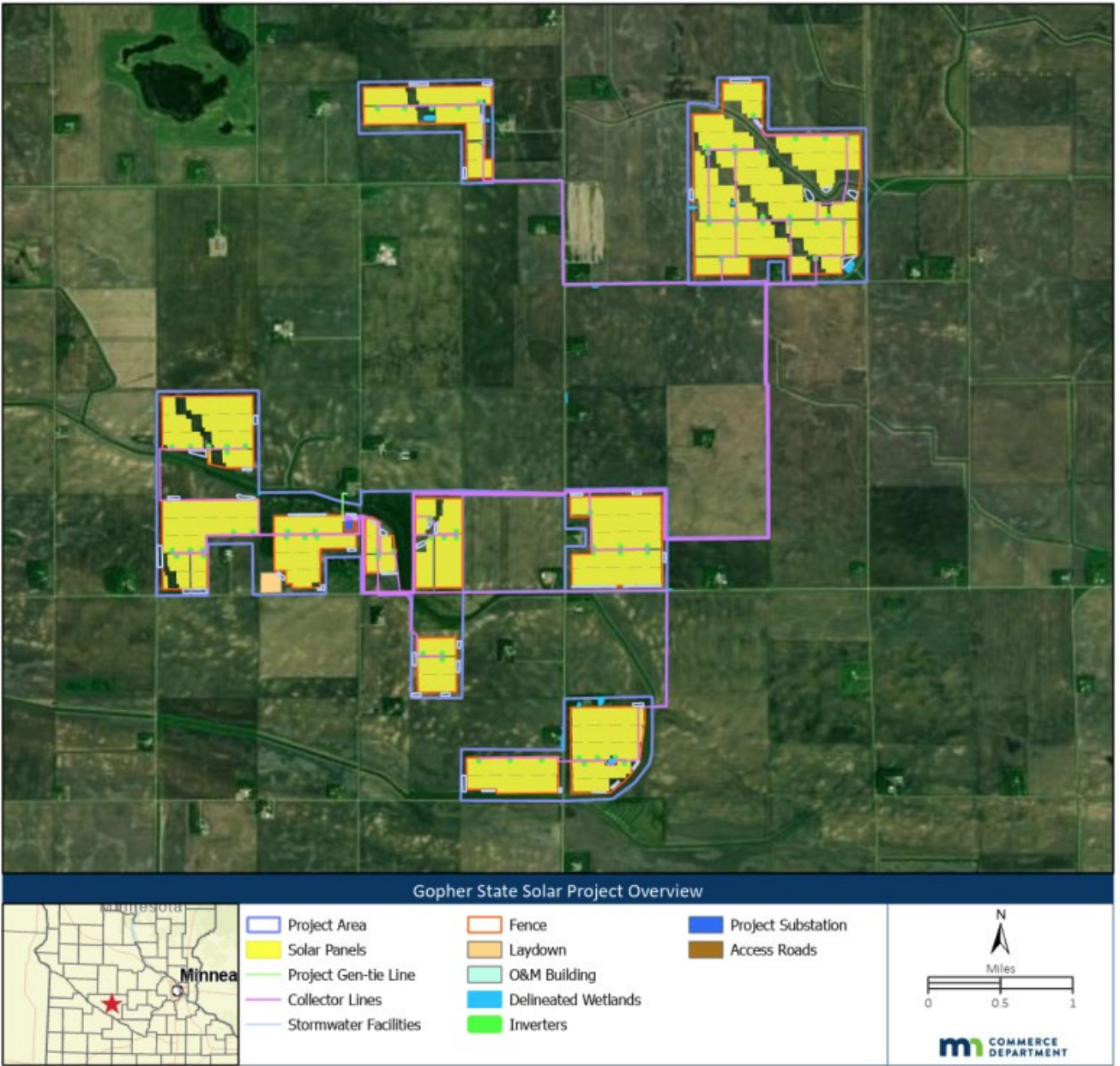
Filing Number	Permit Section	Description of Compliance Filing	Due Date
	8.5	Labor Statistic Reporting	Quarterly, within 45 days of the end of the quarter
	8.7	In-Service Date	3 days before
	8.8	As-Builts	90 days after completion of construction
	8.9	GPS Data	90 days after completion of construction
	8.11	Project Energy Production	February 1 <sup>st</sup> , following each complete or partial year of project operation
	8.12	Emergency Response	14 days prior to the pre-construction meeting
	8.13	Extraordinary Events	Notification within 24 hours of discovery and report 30 days after occurrence
	8.14	Wildlife Injuries and Fatalities	Quarterly
	8.15	Power Purchase Agreement	Annually
	9.1	Decommissioning Plan	14 days prior to the pre-construction meeting
	9.2	Site Final Restoration	Within 18 months of project termination
	10.3	Periodic Review	Every 5 years

Filing Number	Permit Section	Description of Compliance Filing	Due Date
	Complaint Reporting	Attachment 1 to Site Permit	Monthly Complaint Reports
	Complaint Reporting	Attachment 1 to Site Permit	Immediate Complaint Reports

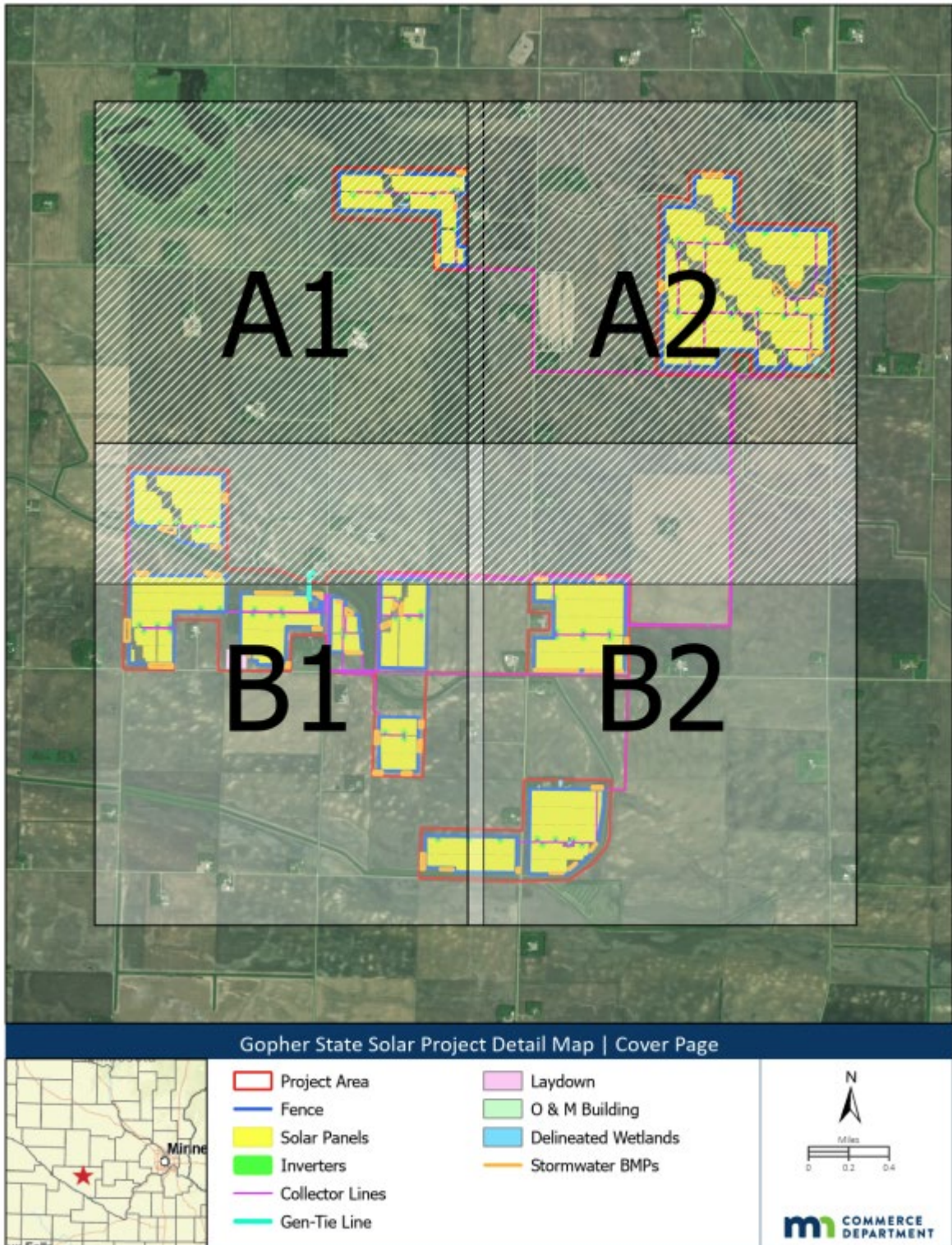
**ATTACHMENT 3**

Solar Energy Generating System Site Permit Maps

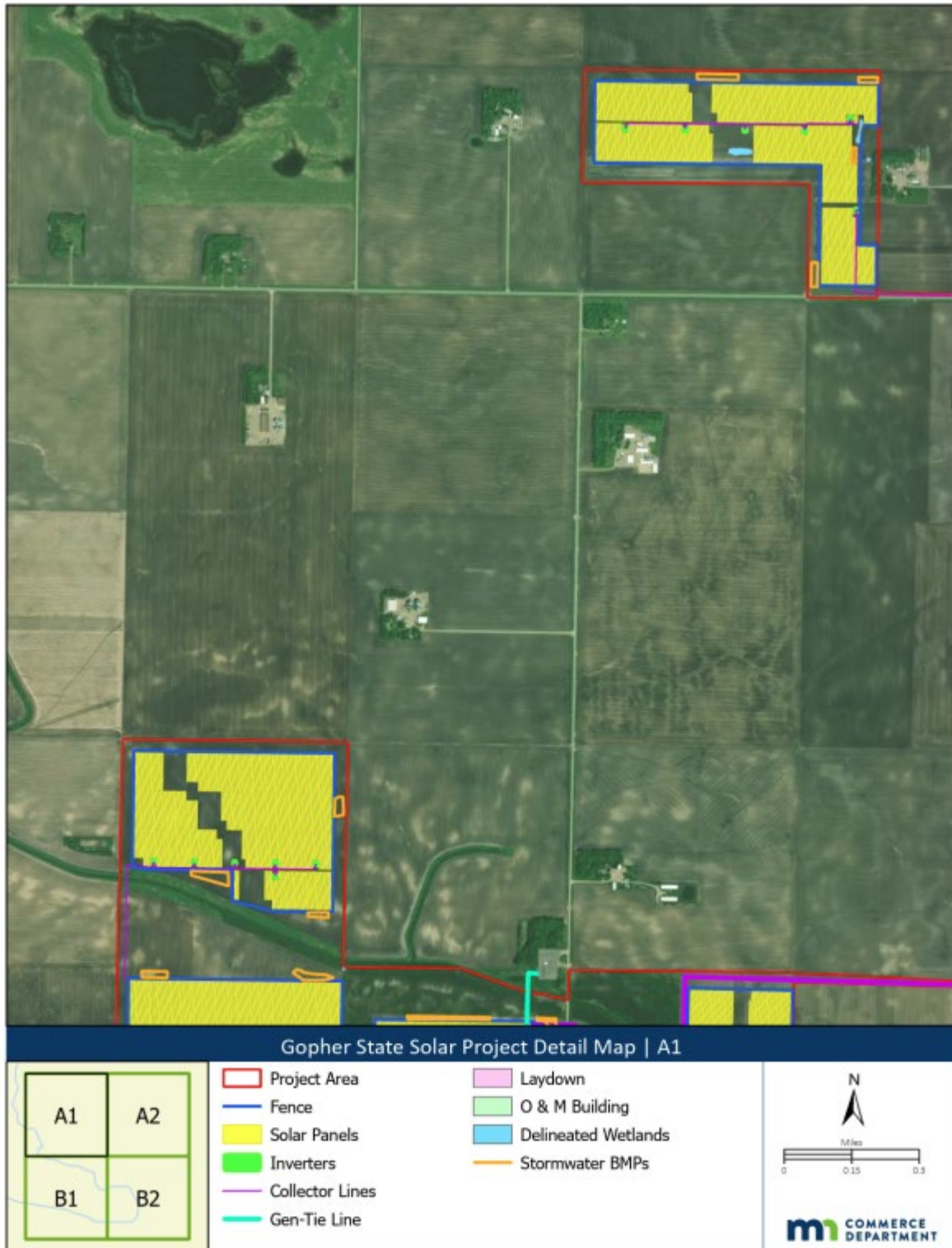
DRAFT PERMIT

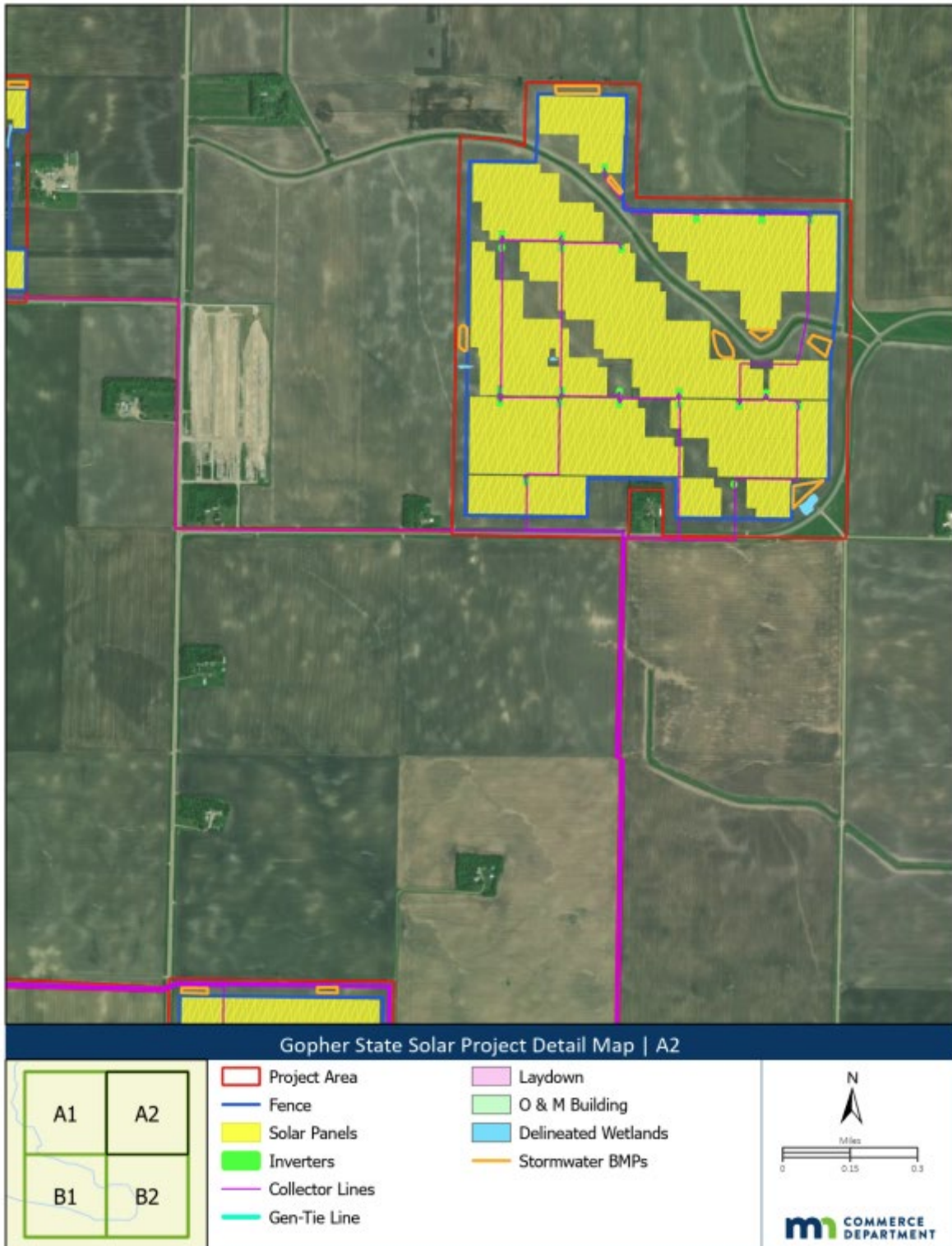




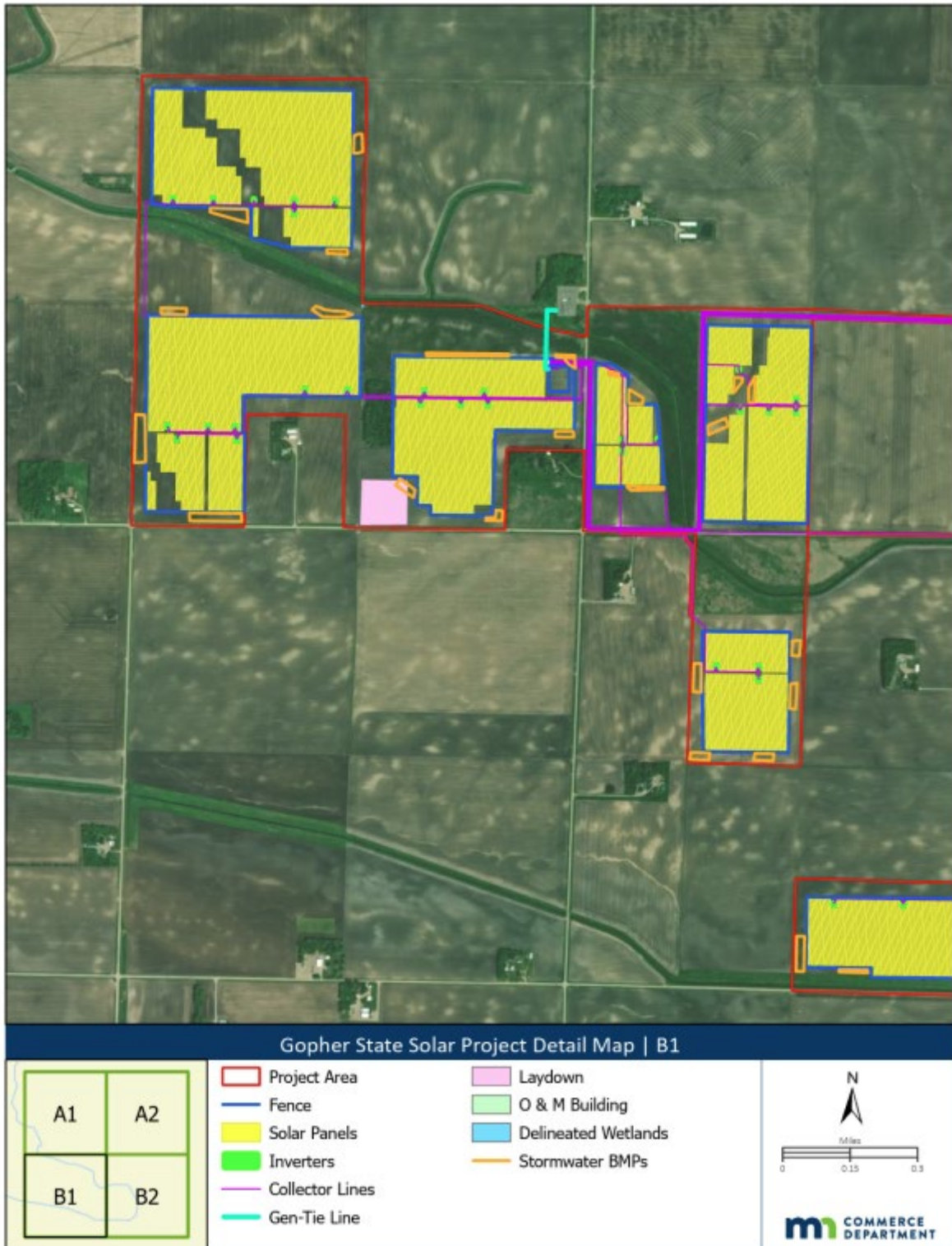


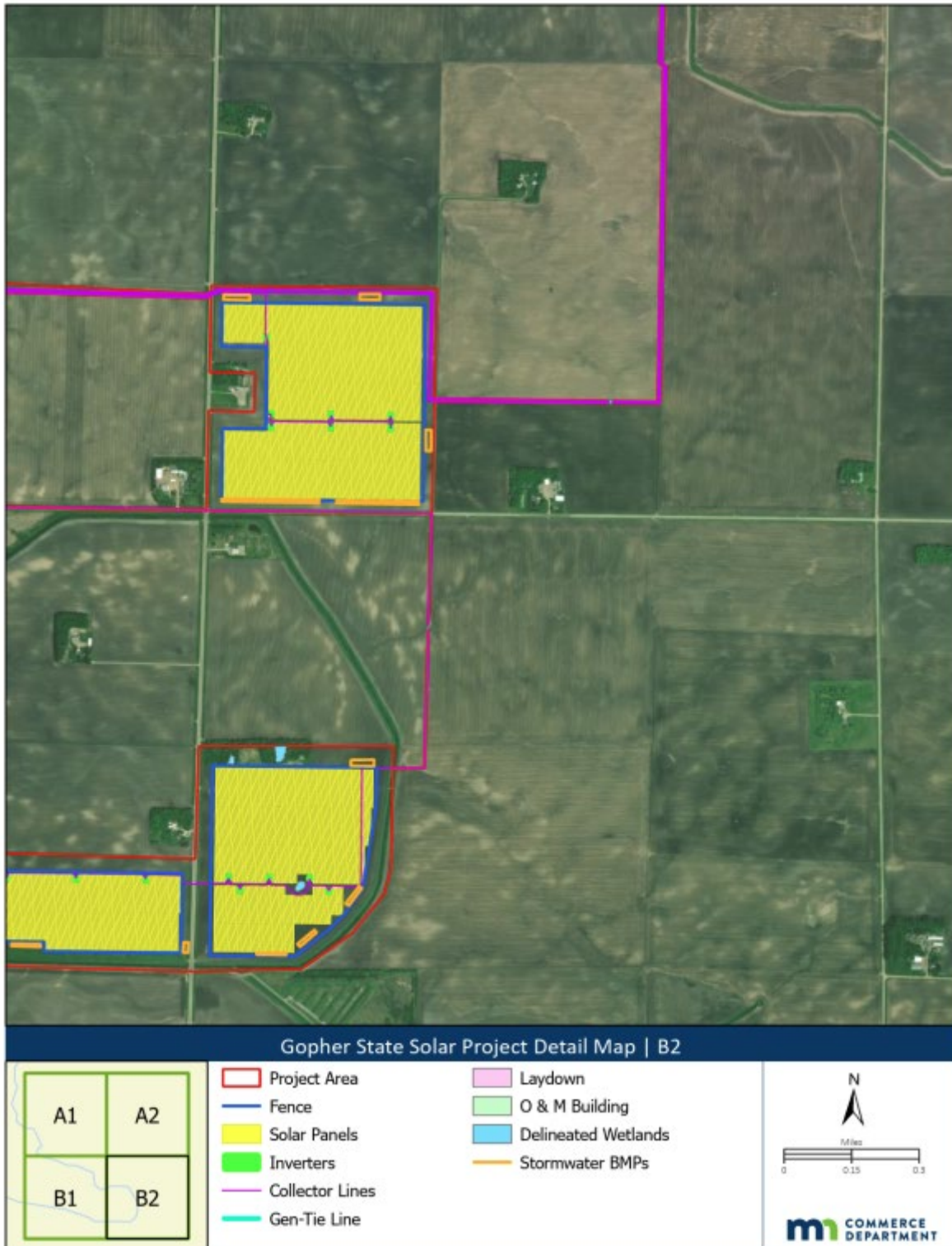


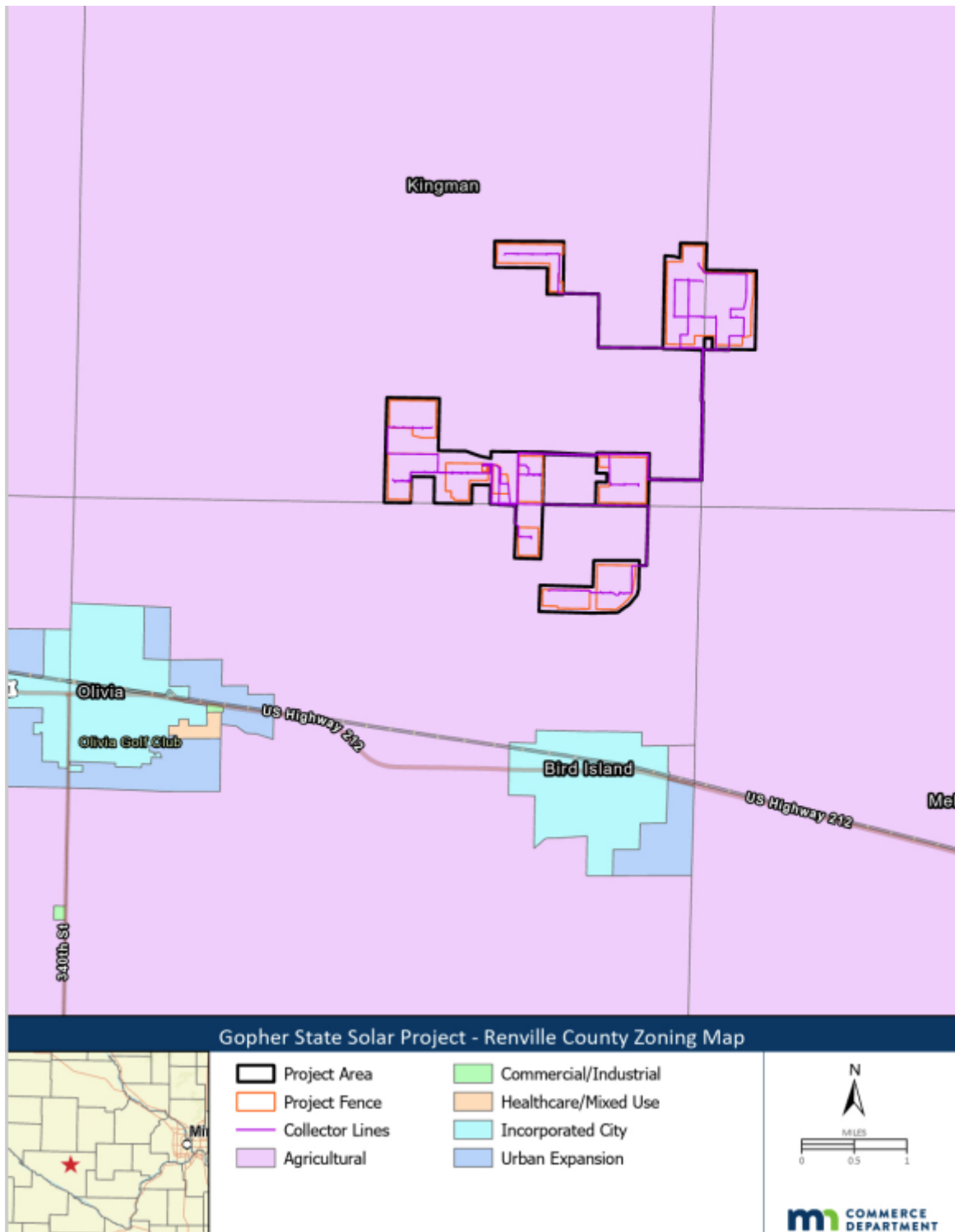




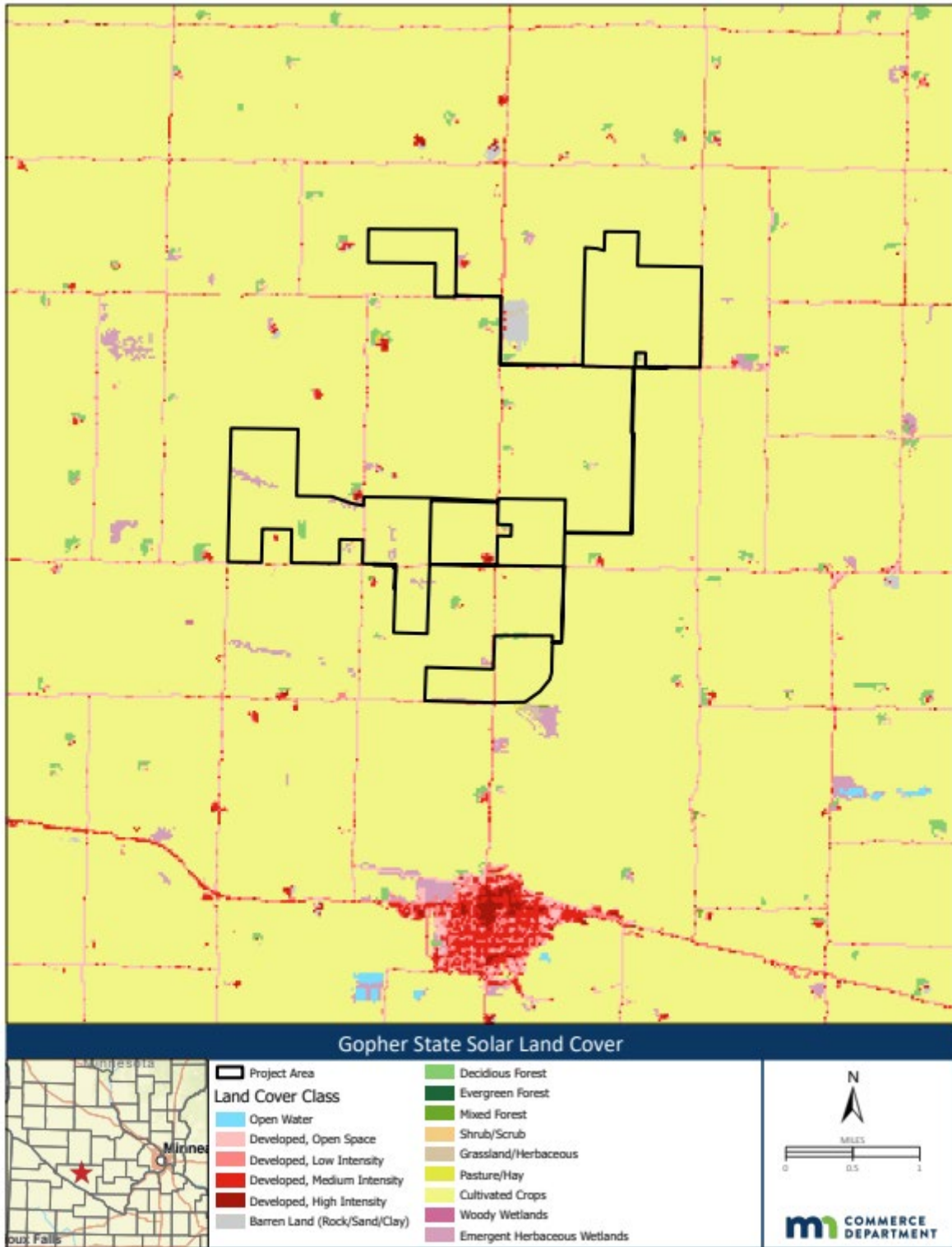


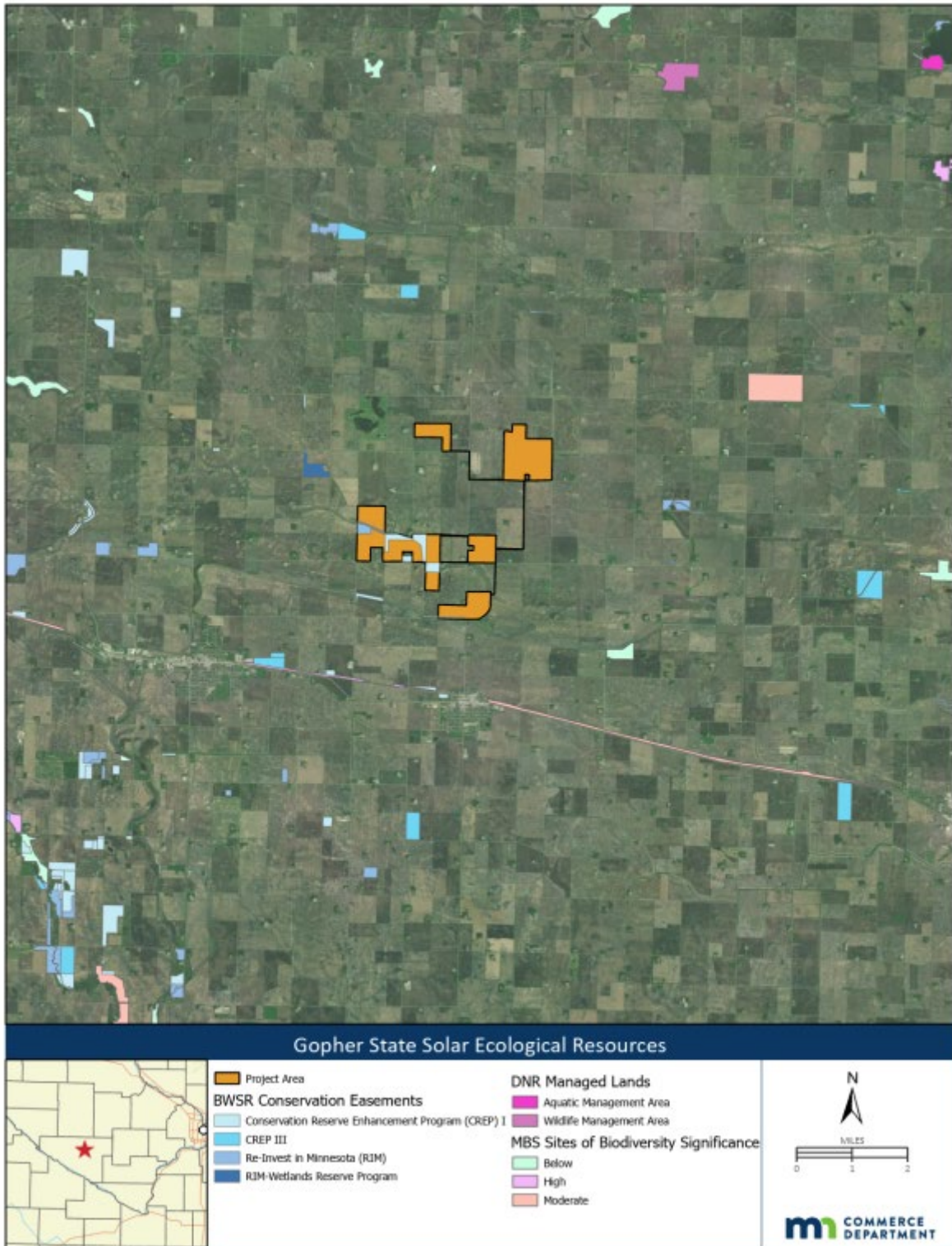




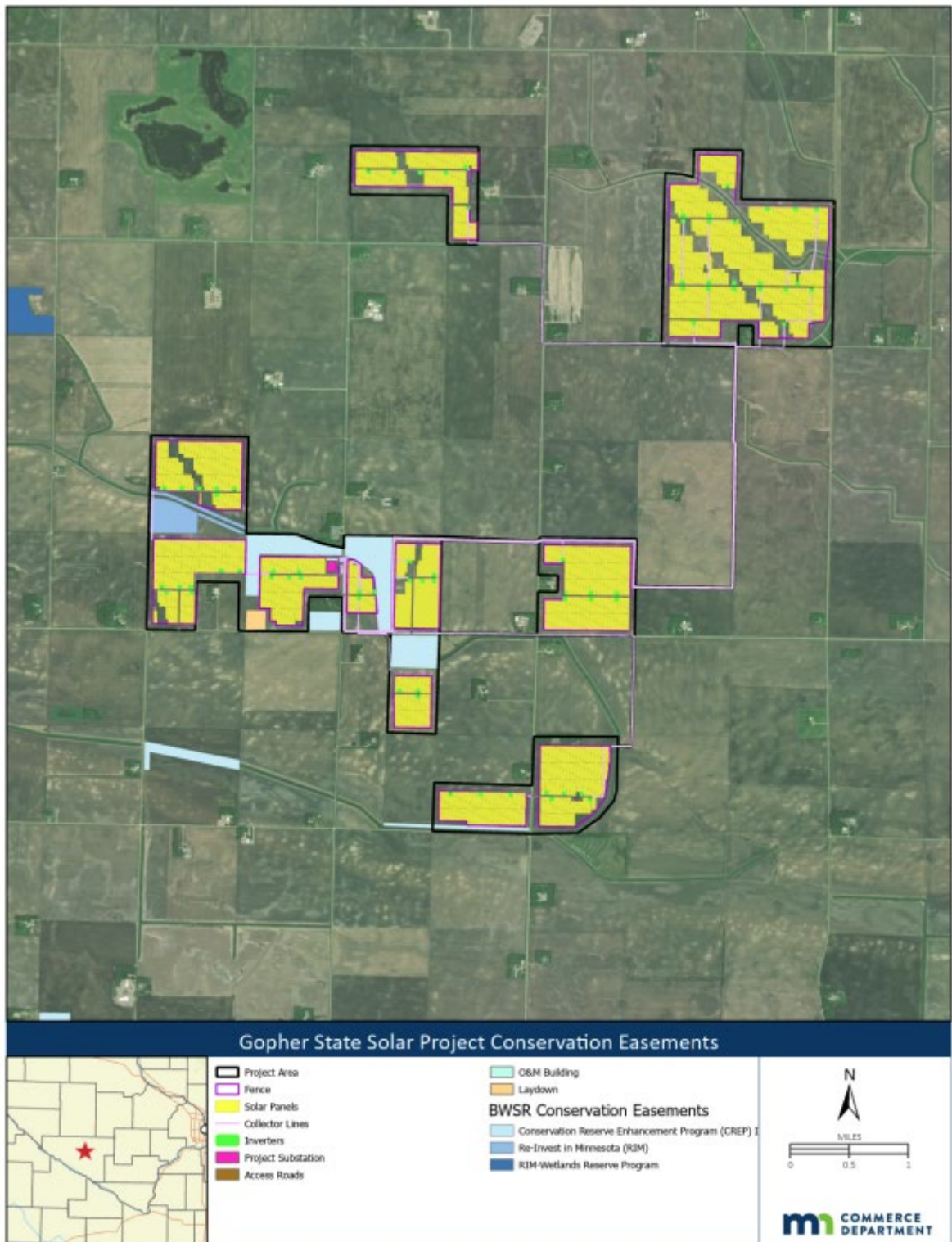




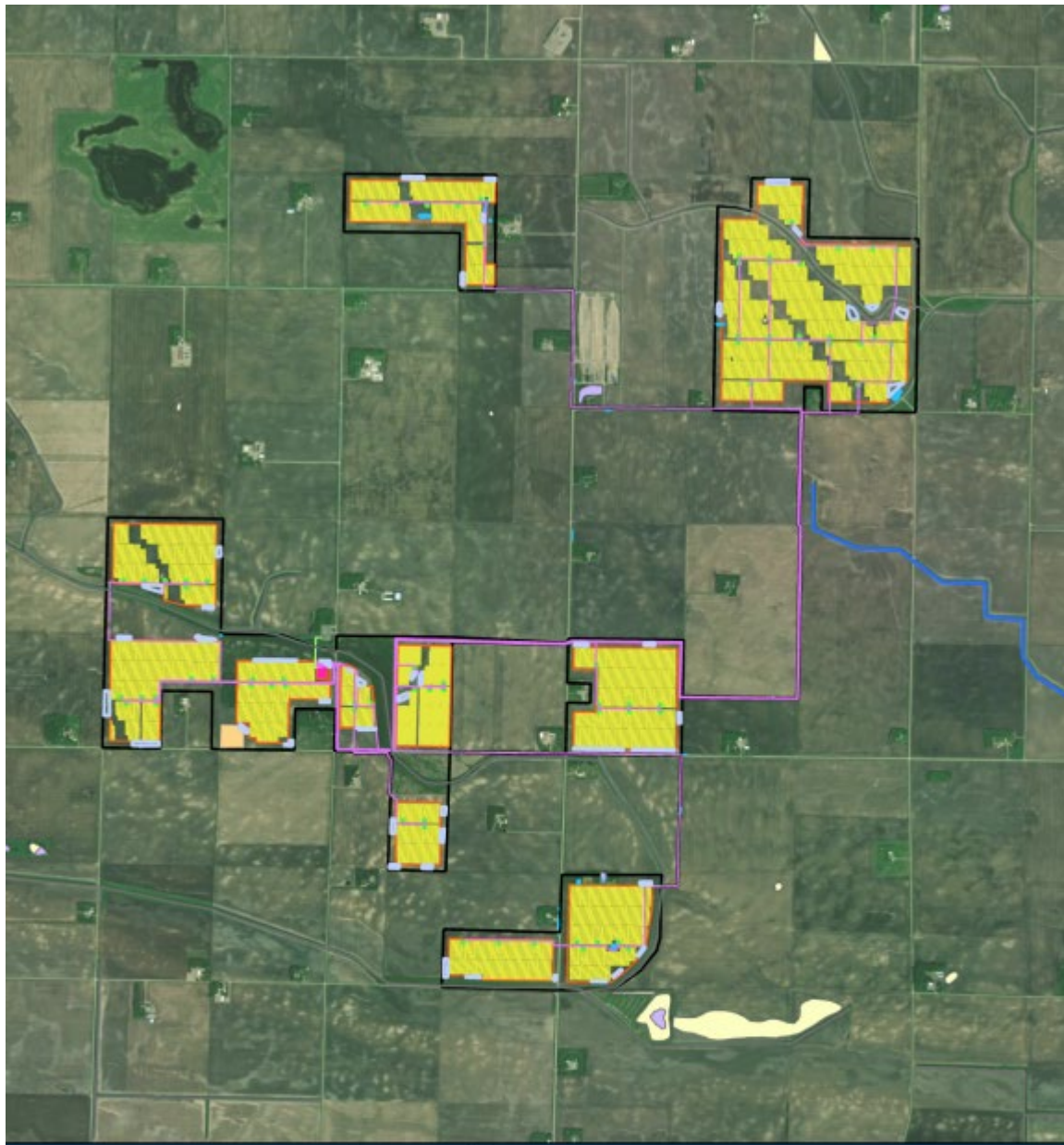










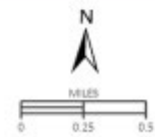


Gopher State Solar Project Water Resources



- Public Watercourses
- Project Gen-tie Line
- Stormwater Facilities
- Collector Lines
- Project Area
- Fence
- Solar Panels
- Inverters
- Laydown

- Project Substation
- O&M Building
- Delineated Wetlands
- Access Roads
- NWI WETLANDS**
  - Freshwater Emergent Wetland
  - Freshwater Forested/Shrub Wetland
  - Freshwater Pond
  - Riverine



**m** COMMERCE  
DEPARTMENT