

November 17, 2025

VIA E-FILING

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

The Honorable Ann C. O'Reilly
Court of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, MN 55164-0620

**Re: In the Matter of the Application of Castle Rock Solar LLC for a Site Permit for the up to 150 MW Castle Rock Solar Project in Dakota County, Minnesota
Docket No. IP-7137/GS-24-267
CAH Docket No. 65-2500-40800**

Dear Ms. Bergman and Judge O'Reilly:

Castle Rock Solar LLC (Castle Rock Solar) hereby submits these reply comments in response to comments filed during the environmental assessment (EA) comment period for the above-captioned dockets regarding its Application for a Site Permit for the up to 150 megawatt (MW) solar energy generating system (Project). These comments primarily focus on: the state permitting process, coordination with local governments and landowners, the applicability of local ordinances and setbacks, emergency response and safety, vegetative screening, and energy costs. In addition, Drea Doffing and Susan Ferrozzo submitted written comments. Further, the Vermilion River Watershed commented on the EA, the Minnesota Pollution Control Agency (MPCA) indicated it had no comments on the EA, and the Minnesota Department of Natural Resources (MDNR) commented on a number of conditions in the draft site permit (or DSP), which was an attachment to the EA.

The comments are addressed, in turn, in these reply comments. Questions and comments already addressed by the Project's Application, those that are readily addressed by the EA or those which are not relevant to Project siting decisions are not addressed in these reply comments. These reply comments also address Castle Rock Solar's comments and proposed edits to the Draft Site Permit provided as Appendix C to the EA and summarized by the Minnesota Public Utilities Commission's (Commission) Energy Infrastructure Permitting (PUC EIP) staff in its comment letter.

1. State Process

a. State Permit Preemption

Several commenters asserted that the Project would need to comply with local zoning and land use rules. However, Minnesota Statutes Section 216E.10, subd. 1, provides that a permit issued under Chapter 216E will, “supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.” Nonetheless, Castle Rock Solar is committed to following local zoning, building, or land use rules, regulations, or ordinances to the extent practicable. In particular, Castle Rock Solar has applied Castle Rock Township solar setback requirements in effect at the time the application was submitted to the design of the Project, and the majority of the Project will be sited outside of the County’s designed floodplain or shoreland areas.¹ Two portions of the Project, comprised of electrical collection lines and communication cables, will be bored under or will aerially span County designed floodplain or shoreland areas associated with the South Branch Vermillion River to connect the northern and southern portions of the Project.²

Similarly, Mr. Mark Henry commented on the need for Castle Rock Solar to review and follow Castle Rock Township ordinance 2009-4. Castle Rock Solar reviewed the Castle Rock Township ordinances available on Castle Rock Township’s website and was unable to find ordinance 2009-4, but was able to find ordinance 2009-02, an *Ordinance Regulating Township Road Right-Of-Ways and Large Utility Projects Impacting Township Ordinance Regulating Township Road Right-Of-Ways*.³ Castle Rock Solar assumes this is the ordinance Mr. Henry was referring to in his comments as it governs the use of Castle Rock Township road rights-of-way “by requiring those undertaking utility projects in and near the Castle Rock Township’s rights-of-way to obtain a permit from Castle Rock Township. Specifically, a permit is required to “obstruct or excavate any right-of-way.” Castle Rock Solar contemplated that local road authority permits may be required⁴ and commits to working with Castle Rock Township to secure road right-of-way permits from Castle Rock Township and Dakota County, as necessary.

b. State Process

Minnesota Rules Section 7850.3700 governs the content requirements for EAs for large electric power generating plants, like the Project, that are permitted pursuant to the alternative permitting process. The EA scope should be determined during the scoping period, after which point, “the scope shall not be changed except upon a decision by the commissioner that substantial changes have been made in the project or substantial new information has arisen significantly affecting the potential environmental effects of the project or the availability of reasonable alternatives.”⁵ In

¹ Site Permit Application at 32-33 (Jan. 16, 2025) (eDockets No. [20251-214065-02](#)).

² Site Permit Application at 32-33 (Jan. 16, 2025) (eDockets No. [20251-214065-02](#)).

³ Ordinance 2009-02 available at [Ordinance_No._2009-2_An_ordinance_regulating_township_road_right-of-ways_and_large_utility_projects_impacting_township_right-of-ways.pdf](#) (reviewed on November 4, 2025)

⁴ Site Permit Application at 8, 31 (Jan. 16, 2025) (eDockets No. [20251-214065-02](#))

⁵ Minn. R. 7850.3700, subp. 3.

other words, the EA must address all of the factors in the rules and scoping decision, and should not analyze issues that are beyond the scoping decision.

The topics included in the EA are consistent with the scoping decision and generally consistent with EAs completed and found by the Commission to be adequate to address potential environmental impacts of solar facilities.⁶ The EA discussed each topic in depth, relying on the best available information and studies, which may at times be general data rather than site-specific data. Again, this practice is consistent with other recent EAs for other solar projects approved by the Commission. Moreover, the entire land area to be utilized by the Project was contemplated in the scoping decision and included in the EA. Notably, too, the MPCA and MDNR submitted comments indicating that they reviewed the EA and did not express any concern about the adequacy of the EA.⁷

Drea Droffing commented specifically that the EA was inadequate because it failed to consider impacts on the Vermillion River, specifically, that the EA failed to consider proposed horizontal directional drilling along the South Branch Vermillion River. The EA discussed impacts on the Vermillion River, including a discussion of horizontal directional drilling locations.⁸ The EA concluded that the use of horizontal directional drilling is a trenchless method that will “reduc[e] ground disturbance impacts to wetlands.”⁹

A few commenters also requested an Environmental Impact Statement (EIS) be prepared for the Project as part of the environmental review being conducted by the State for the Project. The Project is a large electric power generating plant powered by solar energy, *see* Minn. Stat. § 216E.04, subd. 2(8), and elected to use the alternative review process in Minn. Stat. § 215E.04.¹⁰ By statute, environmental review for the Project is conducted via an EA—not an EIS. Minn. Stat. § 216E.04, subd. 5 (“For the projects identified in subdivision 2 and following these procedures, .

⁶ *See generally* Sherco Solar 3 – EA, *In the Matter of the Application of Xcel Energy for a Site Permit for the up to 250 MW Sherco 3 Solar Energy Generating System in Sherburne County, Minnesota*, MPUC Docket No. E002/GS-23-217 (*In the Matter of Sherco Solar 3*) (Apr. 22, 2024); Order Issuing Site Permit, *In the Matter of Sherco Solar 3*, (July 31, 2024) (concluding that “the Environmental Assessment and the record created in this matter address the issues identified in the Scoping Decision”); Sherco Solar Project – EA, *In the Matter of the Application of Xcel Energy for a Site Permit for the up to 460-megawatt Sherco Solar Energy Generating System in Sherburne County*, MPUC Docket No. E002/GS-21-191 (*In the Matter of Sherco Solar*) (Mar. 15, 2022); Order Issuing Site and Route Permits at 3, *In the Matter of Sherco Solar* (Sept. 22, 2022) (concluding that “the environmental assessment and the record created in this matter address the issues identified in the scoping decision”); Hayward Solar Project –EA, *In the Matter of the Application of Hayward Solar LLC for a Certificate of Need and Site Permit under the Alternative Permitting Process for the up to 150 MW Hayward Solar Project in Freeborn County*, MPUC Docket Nos. IP7053/GS-21-113 and IP7053/CN-21-112 (*In the Matter of Hayward Solar*) (Mar. 2, 2022); Order Granting Certificate of Need and Issuing Site Permit at 3, *In the Matter of Hayward Solar* (Nov. 30, 2022) (finding “that the Environmental Assessment and the record created in this matter address the issues identified in the scoping decision”); Lake Wilson Solar EA, *In the Matter of the Applications of Lake Wilson Solar Energy LLC for a Certificate of Need and Site Permit for the Lake Wilson Solar Energy Center Project in Murray County, Minnesota*, MPUC Docket Nos. IP-7070/GS-21-792 & IP-7070/CN-21-791 (*In the Matter of Lake Wilson Solar*) (Oct. 18, 2023); Order Granting Certificate of Need and Issuing Site Permit, *In the Matter of Lake Wilson Solar* (Apr. 23, 2024).

⁷ MPCA Comments (Oct. 30, 2025) (eDockets No. [202510-224408-01](#)); MDNR Comments (Nov. 3, 2025) (eDockets No. [202511-224630-01](#)).

⁸ EA at 155 (Oct. 10, 2025) (eDockets No. [202510-223781-01](#)).

⁹ EA at 160 (Oct. 10, 2025) (eDockets No. [202510-223781-01](#)).

¹⁰ Site Permit Application at 9 (Jan. 16, 2025) (eDockets No. [20251-214065-02](#)).

.. [t]he environmental assessment shall be the only state environmental review document required to be prepared on the project.”¹¹ Castle Rock Solar elected to use the alternative review process set forth in Minn. Stat. § 215E.04¹², accordingly, the EA prepared for the Project is the only environmental review document required to be prepared for the Project.

Accordingly, Castle Rock Solar respectfully requests that the Commission find the EA adequate, and the record developed during the public hearing process adequately address the issues identified in the scoping decision.

c. NEPA does not apply to this Site Permit Process

One commenter noted that, “[u]nder the National Environmental Policy Act (NEPA), federal agencies are responsible for conducting a EIS (environmental impact assessments) for their proposed actions. These assessments evaluate the potential environmental effects of major federal actions significantly affecting the environment. The Council on Environmental Quality (“CEQ”) oversees the implementation of NEPA and ensures agencies adhere to its requirements.”¹³ The Site Permit for Castle Rock Solar is issued by the Commission, which is not a federal agency, so NEPA does not apply. Instead—as discussed above—environmental review is completed pursuant to state law, as set forth in Minnesota Statutes, Chapter 216E.04, as discussed above.

2. Coordination with Local Governments and Landowners

Drea Doffing, a landowner who lives on the north side of the Project, and the Vermillion River Watershed Joint Powers Organization (VRWJPO) commented that the Site Plan should be provided to Castle Rock Township for review prior to construction.¹⁴ Castle Rock Solar indicated the Site Plan Condition in the Draft Site Permit can be amended to include a requirement that the Permittee also provide Castle Rock Township with a copy of the Site Plan prior to the pre-construction meeting. Castle Rock Solar does not oppose the amendment, and would propose the following change to Condition 8.3, in addition to a minor edit to reflect that the Project is located in one County, Dakota County:

8.3 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission, and provide ~~counties~~ the county and township where the Project will be constructed, 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

¹¹ The MPCA comment letter requested it be provided with the notice of decision on the need for an EIS. Because an EA is the only state environmental review document required for the Project, no notice of decision on the need for an EIS is required or will be provided by the Commission.

¹² Notice of Intent by Castle Rock Solar LLC to Submit a Site Permit Application under the Alternative Permitting Process (Oct. 31, 2024) (eDockets No. [202410-211493-01](#)).

¹³ Hearing Comments of Drea Doffing (Nov. 3, 2025) (eDockets No. [202511-224656-01](#)).

¹⁴ VRWJPO Comments at 3.

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, and the township 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.

3. Emergency Response & Safety

A few commenters asked questions about the plan in the event of an emergency at the Project, and about Project safety generally. In addition, Drea Doffing submitted comments expressing concern about the breakability of panels and toxic chemical leaching.¹⁵

Photovoltaic (PV) solar panels are nearly entirely encapsulated in glass and aluminum, which are not hazardous materials. If a PV solar panel is broken at the Project, the broken pieces and the remainder of the panel will be recycled or disposed of and replaced, thereby further reducing the risk for hazardous materials contained in the PV solar panels to leach into the environment.¹⁶ PV solar panels may contain small amounts of metals that are, by themselves, characterized as hazardous materials by the United States Environmental Protection Agency (EPA). When panels are disposed of at recycling facilities or landfills, the characteristics of those elements and the likelihood that they will leach from the PV solar panels into the environment must be determined and reported. Many manufacturers of PV solar panels are taking proactive actions to determine the potential for the metals contained in PV solar panels to leach from the panels during operation of the panel or if it is broken into pieces.

¹⁵ Comments of Drea Doffing (Nov. 3, 2025) (eDockets No. 202511-224656-01).

¹⁶ Direct Testimony of Andrew Campbell (Oct. 10, 2025) (eDockets No. [202510-223808-02](#)).

While it is too early to identify the PV panel manufacturer that will be used for the Project, Castle Rock Solar will ensure that Toxicity Characteristic Leaching Procedure (TCLP) testing has been performed on the panel models used for the Project.¹⁷ TCLP testing is the EPA-approved method for determining whether a hazardous substance (including arsenic, barium, cadmium, chromium, lead, mercury, selenium or silver) is likely to leach from a manufactured product into the ground and ground water.

In addition, the permit includes an Emergency Response Condition in the Draft Site Permit which requires preparation of an Emergency Response Plan (ERP) and consultation with emergency responders having jurisdiction over the Project before construction begins.¹⁸ Castle Rock Solar is committed to this consultation, and will develop an ERP as required by the Site Permit.

a. Batteries and Fire

One commenter, Susan Ferrozzo, submitted comments asking where batteries would be stored and identifying fire hazards associated with batteries. Castle Rock Solar has applied for a Site Permit for a Solar Farm, and any future addition of battery energy storage would require additional permitting.¹⁹ Additional information about batteries would be included if Castle Rock Solar applies for a site permit for a battery energy storage project, however, Castle Rock Solar notes that battery energy storage technology is evolving rapidly, and that the robust national codes that now govern battery energy storage systems and advancements in battery energy storage design have significantly improved fire safety and reduced risks.²⁰

4. Visual Impacts & Visual Screening Plan

Some commenters raised concerns about the visual impacts of the Project, particularly on local residents. The Draft Site Permit includes a condition that would require Castle Rock Solar to develop a site-specific Visual Screening Plan designed and managed to mitigate visual impacts to adjacent residences and roadsides.²¹ In addition to the requirement to develop a Visual Screening Plan, Castle Rock Solar is required to submit documentation of coordination between adjacent landowners and Castle Rock Solar in development of the screening plan. Castle Rock Solar is committed to complying with the proposed permit condition, and has been meeting with adjacent landowners to discuss Visual Screening and other methods to mitigate visual impacts. Castle Rock Solar knows the importance of working with the local community, and considers this just the start of its coordination with adjacent landowners.

¹⁷ Direct Testimony of Andrew Campbell (Oct. 10, 2025) (eDockets No. [202510-223808-02](#)).

¹⁸ Draft Site Permit, Condition 8.12 (Oct. 10, 2025) (eDockets No. [202510-223781-04](#)).

¹⁹ Castle Rock acknowledges a few inadvertent references to “Castle Rock BESS” in the EA, but it does not appear that the EA intended to review a BESS project, which Castle Rock has not proposed or otherwise submitted an application to the Commission.

²⁰ See *Battery Energy Storage: Blueprint for Safety*, American Clean Power (available at <https://cleanpower.org/wp-content/uploads/gateway/gateway/2025/03/ACP-Battery-Energy-Storage-Blueprint-for-Safety65.pdf>).

²¹ Draft Site Permit, Condition 5.1 (Oct. 10, 2025) (eDockets No. [202510-223781-04](#)).

a. Establishment of Vegetation

One commenter expressed concern about the establishment of vegetation. The Visual Screening Plan will include details about vegetation establishment and a plan to replace vegetation in the event establishment is not successful. In addition, Castle Rock Solar will continue to develop a Vegetation Management Plan (VMP) in consultation with the Vegetation Management Plan Working Group (VMPWG). A draft VMP was provided with Castle Rock Solar’s site permit application. The VMPWG provided comments on the VMP and Castle Rock Solar looks forward to working with the VMPWG to address its comments. The VMP will provide additional detail on Castle Rock Solar’s plan for vegetation management.

b. Impacts on Property Value

One commenter identified that he lives directly across the road from the north end of the Project. He expressed concern that the visual impacts will be significant for his residence. Castle Rock Solar has met with this commenter and—as with all area landowners—is committed to working with the landowner in the coming months to discuss the potential for visual impacts on his property, and to identify visual impact mitigation measures to address his concerns.

The potential for the Project to impact property values was evaluated in the EA, which analyzed data from other utility scale solar farms. The EA indicated that parcels adjacent to or near the Project “could experience minimal to moderate property value impacts,” but “significant negative impacts to property values in the project vicinity are not anticipated.”²² The EA further indicated that “[i]mpacts to property values can be mitigated by reducing aesthetic impacts and impacts to future land use.”²³ Section 5.1 of the Draft Site Permit requires Castle Rock Solar to develop a site-specific Visual Screening Plan as mitigation for potential visual impacts. As discussed, Castle Rock Solar does not object to Section 5.1 of the Draft Site Permit, and has started working with adjacent landowners to develop a Visual Screening Plan.

One comment requested an additional site permit condition making the Permittee liable for loss in property values. The Commission does not, and should not begin here, to condition project approvals on payment to landowners outside of a project footprint.²⁴

²² EA at 86–87 (Oct. 10, 2025) (eDockets No. [202510-223781-01](#)).

²³ EA at 87 (Oct. 10, 2025) (eDockets No. [202510-223781-01](#)).

²⁴ The Minnesota Supreme Court has rejected the idea that every kind of alleged injury to property near to necessary public projects equates to a legal claim for damages. Rather, such “inconveniences . . . are reasonably incident to the prosecution of necessary public enterprises, and as such must be and are borne by the public at large.” *Thomsen v. State by Head*, 170 N.W.2d 575, 579 (Minn. 1969) (citation omitted). The law recognizes that a different rule would result in an untenable situation, as “[t]he cost of compensating all owners of property adjacent or proximate to [such projects] affected by these side effects would be so prohibitive that it would effectively halt the construction of [such projects].” *Id.*

5. Organic Farm

The EA identified an Organic Farm is currently located south east of the Project Area, within 0.1 miles of the Project boundary proposed in the Site Permit Application and evaluated in the EA.²⁵ The EA identified that, “Herbicides sprayed in project parcels adjacent to” the organic farm, “particularly herbicides sprayed using the broadcast method, which uses a taller boom height, could drift” into the Organic Farm.²⁶ The EA concluded that there was potential for herbicide drift to harm the growing produce or to impact the farm’s Organic Certification. Accordingly, the Draft Site Permit includes three permit conditions intended to ensure herbicide use for the Project will not impact the organic certifications held by the Organic Farm.

Shortly after the Public Hearings, Castle Rock Solar reached out to the owners of the organic farm to discuss their buffer zones and any specific concerns, but has not yet received a response.

Castle Rock Solar notes, however, that U.S. Department of Agriculture (USDA) Organic Regulations require that the certified organic farm, not adjoining landowners, create and maintain a buffer zone between the organic uses and adjoining land uses “as part of the organic standards.” *See What are buffer zones and why does my farm need them?* USDA (available at <https://www.ams.usda.gov/sites/default/files/media/6%20Buffer%20Zones%20FINAL%20RGK%20V2.pdf>) (**Attachment A**). A buffer zone is “an area located between a certified production operation or portion of a production operation and an adjacent land area that is not maintained under organic management. A buffer zone must be sufficient in size or other features (e.g., windbreaks or a diversion ditch) to prevent contact by prohibited substances applied to adjacent land areas.” 7 C.F.R. § 205.2. In other words, in order for the Organic Farm to maintain its certifications and prevent herbicide drift from adjacent land uses, the Organic Farm must have a buffer, not adjacent land owners. Given that the choice to pursue organic certification is made by the landowner, it is untenable and not practicable for a governmental entity or certification body to impose buffer requirements on adjacent landowners that have not elected to certify their land as organic. According to the USDA, **buffers on organic farms are usually 50 feet, but they can increase or decrease in size based on risk.**²⁷

Nonetheless, Castle Rock Solar has reviewed and has determined that—to ensure that no herbicides applied to the Project vegetation would drift onto the neighboring organic farm—a portion of the southeast corner of the Project Area will be removed from the site permit boundary. (**Figure A; Attachment B**.) The area removed from the site permit boundary is within a County shoreland area and mapped floodplain areas so it cannot be used for the solar array. This means that the area removed from the site permit boundary (and any vegetated areas managed with herbicides will be at least 290 feet from the organic farm, which further expands any buffer already employed by the Organic Farm on its property. Castle Rock Solar had previously proposed to plant the area with native vegetation in accordance with the VMP, but will instead allow the underlying

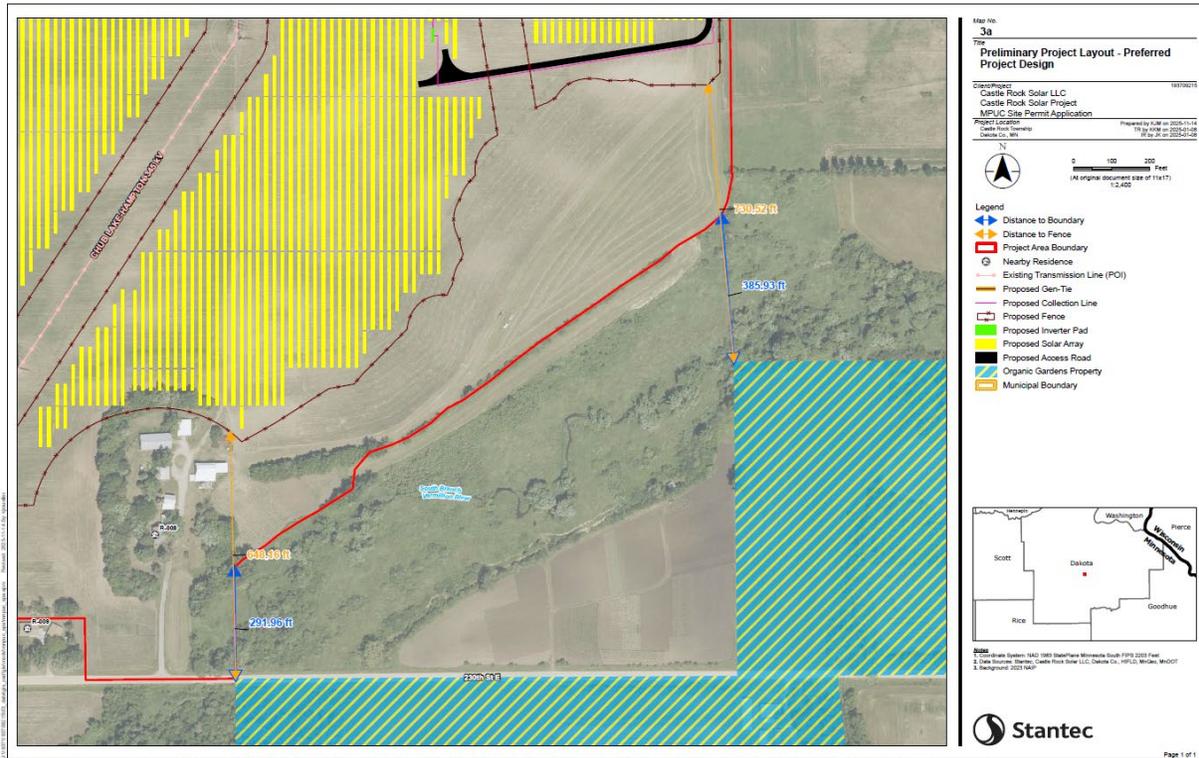
²⁵ EA at 123 (Oct. 10, 2025) (eDockets No. [202510-223781-01](#)).

²⁶ EA at 123 (Oct. 10, 2025) (eDockets No. [202510-223781-01](#)).

²⁷ Castle Rock attempted to contact the owner of the Organic Farm to determine the buffer width employed on the Organic Farm, but was unable to make contact with the owner.

landowner to continue to use the land however it sees fit. In addition, Castle Rock Solar notes that after site preparation, the draft VMP only calls for spot-spraying with appropriate herbicides.²⁸ Castle Rock Solar does not anticipate any use of broadcast herbicide application; thereby further reducing the risk of herbicide drift onto adjacent properties.

Figure A: Updated Site Permit Boundary



Based on these factors—Castle Rock Solar does not anticipate any impacts to the Organic Farm from Project activities. The Draft Site Permit contains a number of conditions related to the Organic Farm that Castle Rock Solar believes, in large part because of its self-imposed setback from the Organic Farm, are no longer necessary or otherwise prudent to impose on the Project. Each is discussed in turn.

First, the Draft Site Permit includes a condition to require an Organic Land Planning Document. Castle Rock Solar objects to this condition because the site permit boundary is already set back nearly 292 feet from the Organic Farm, at a minimum, which is well over the 50 feet generally recommended by USDA. Given this significant setback, an Organic Land Planning Document would not provide additional value—the setback alone will minimize potential for impacts on the organic farm.

²⁸ Application, Appendix E - VMP at 38 (Jan. 16, 2025) (eDockets No. 20251-214065-08).

5.9 Organic Land Planning Document

The Permittee shall develop an appendix for the AIMP titled Mitigative Actions for Organic Agricultural Land that describes herbicide application planning and considerations to minimize drift potential.

Second, Castle Rock Solar objects to the inclusion of a condition requiring an herbicide buffer zone within the Project that is consistent with the maximum recommended distance based on herbicides to be used on site. Castle Rock Solar has not yet identified which herbicides will be used on site, but regardless, herbicide active ingredient is not a major factor in drift potential and to Castle Rock Solar's knowledge, the manufacturers of herbicides do not provide 'maximum recommended distances' to avoid herbicide drift. On the contrary, potential for drift depends on factors such as wind speed, air temperature, humidity, droplet size, pressure applied, keeping the boom close to the ground, and the use of additives to prevent drift. The VMP prescribes the method and means by which herbicides should be used for the Project. If the herbicide is used by a licensed, trained technician, in accordance with the label application instructions under the correct environmental conditions, then drift should be minimal. Furthermore, if the USDA generally recommends a 50-foot buffer within an organic farm to prevent herbicide drift from adjacent land uses then the addition of a nearly 300 foot buffer between the Project and the Organic Farm should be more than enough to prevent herbicide drift from the Project reaching the Organic Farm. Accordingly, Castle Rock Solar believes special condition 5.10 is no longer necessary or prudent and requests that it not be included in the site permit.

5.10 Herbicide Buffer Zone

The Permittee shall establish an herbicide buffer zone within the project that is consistent with the maximum recommended distance based on the herbicides that will be used on site. The Permittee shall mark the buffer zone using appropriate signage and ensure that all employees and/or contractors who will be responsible for applying herbicides on the site are aware of the location and purpose of the buffer.

Finally, Castle Rock Solar objects to the proposed special condition 5.11, which would impose strict liability on Castle Rock Solar for any damages to crops or to decertification resulting from any herbicide drift that may impact the Organic Farm, whether applied by Castle Rock Solar or any other person or entity. This condition fails to acknowledge that herbicide drift can occur from other users of herbicides, such as application related to roads, aerial sprayers, utilities or other adjacent landowners, or even by mistake of Organic Farm employees. The permit condition would nonetheless appear to render Castle Rock Solar liable for damages:

5.11 Herbicide Damages

The Permittee shall be responsible for compensating Lengsfeld's Organic Gardens for any damages due to crops or decertification resulting from herbicide drift.

Castle Rock Solar has elected to remove the southeast corner of the Project Area, which will create a buffer between the Project and the Organic Farm. The setback and imposition of

methods and means to prevent herbicide drift, as prescribed by the VMP, will significantly and adequately reduce the risk of Castle Rock Solar harming the Organic Farm. Furthermore, Castle Rock Solar cannot control the actions of others that may apply herbicides adjacent to or on the Organic Farm. Put together, the likelihood of drift from the Project to the Organic Farm is extremely low. Moreover, it would be very difficult to prove who applied the herbicides that may be found on the Organic Farm or when they were applied. Accordingly, the inclusion of proposed special condition 5.11 is unnecessary and unreasonable. Castle Rock Solar requests that special permit condition 5.11 not be included in the site permit.

6. Local Craft Labor

a. Labor Statistics

A few commenters questioned whether labor for the Project would really be completed by local or Minnesota workers. In response to commenters questioning whether labor on renewable energy projects previously permitted by the Commission was truly completed by local workers, the Commission added a Labor & Statistics reporting requirement, which requires submission of reports that, “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.”²⁹

The Sherco Solar Projects were permitted by the Commission and are, collectively, the largest solar projects in Minnesota and are among the largest solar installations in the upper Midwest. The Sherco Solar projects are in the Becker area, in Sherburne County, Minnesota. Like Castle Rock Solar, these projects are also about an hour outside of the Twin Cities metropolitan area. These projects have reported that a vast majority of hours worked on the projects were either by Minnesota residents, or residents of states other than Minnesota, as follows:

	Sherco Solar 1-2³⁰	Sherco Solar 3³¹
Hours worked by Minnesota residents	655,181.95	50,198.00
Hours worked by residents of other states, who maintain a permanent	9,324.75	88.00

²⁹ Order – Issuing Site Permit, *In the Matter of Sherco Solar 3* (July 31, 2024) (Site Permit Condition 8.5 requires Labor Statistic Reporting); Site Permit, *In the Matter of Sherco Solar* (Sept. 22, 2022) (Site Permit Condition 8.5 requires Labor Statistic Reporting).

³⁰ Compliance Filing – Quarterly Labor Statistics Reporting, *In the Matter of Sherco Solar* (Aug. 15, 2025).

³¹ Compliance Filing – Quarterly Labor Statistics Reporting, *In the Matter of Sherco Solar 3* (Aug. 15, 2025).

residence within 150 miles		
Total Hours Worked	766,037.20	80,208.49
Percentage of hours performed by Minnesota Residents or Residents of other states, who maintain a residence within 150 miles	87%	63%

b. Labor for Castle Rock Solar

As for the Sherco Projects, the Draft Site Permit for Castle Rock Solar includes Condition 8.5, which requires Labor Statistic Reporting, as follows:

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, [including updates on outreach efforts, negotiations, and any agreements or understandings reached with local labor organizations](#); 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.

The Permittee shall notify the Commission in writing if the Permittee intends to deviate from its commitment to select a contractor that will maximize use of local, union construction employees to the greatest extent feasible. This notification shall include a detailed explanation of the rationale for the deviation.

The addition of the final paragraph goes beyond what has been required in prior permits, including the Sherco Solar Projects.³² Moreover, it goes beyond the commitments actually made by Castle Rock Solar in this record. Castle Rock Solar appreciates the Commission's interest in monitoring commitments made in the docket, and proposes that the condition be modified to reflect Castle Rock Solar's actual commitments made in the Application, which is to use local craft workers, local subcontractors, and local vendors to the extent feasible:³³

The Permittee shall notify the Commission in writing if the Permittee intends to deviate from its commitment to select a contractor that will maximize use of local, craft, ~~union~~ construction employees to the greatest extent feasible. This notification shall include a detailed explanation of the rationale for the deviation.

Although Castle Rock Solar has not committed to using union construction employees, Castle Rock Solar has initiated and held conversations with local union representatives and remains committed to continued conversations with the local labor unions, as well as its commitment to select a contractor that will maximize use of local, craft construction employees to the greatest extent feasible.

7. MDNR

MDNR submitted written comments on November 3, 2025, recommending special permit conditions for security fencing, karst features, loggerhead shrike protections, Northern long-eared bat protections, protections for sites of biodiversity significance, a dewatering plan, coordination about a snowmobile trail within the Project area, facility lighting, dust control, wildlife friendly erosion control, and a VMP.³⁴ MDNR requested that the Project's security fence reach a minimum

³² See Order – Issuing Site Permit, *In the Matter of Sherco Solar 3* (July 31, 2024) (Site Permit Condition 8.5 requires Labor Statistic Reporting); Site Permit, *In the Matter of Sherco Solar* (Sept. 22, 2022) (Site Permit Condition 8.5 requires Labor Statistic Reporting).

³³ Application (Jan. 16, 2025) (eDockets No. [20251-214065-02](#)). (“Castle Rock Solar’s request for proposal process will include preferences for BOP11 contractor bids that include the utilization of local craft workers and is expected to require 200-375 construction workers. The Project will consider all appropriate options for hiring labor, with a focus on meeting prevailing wage requirements of the IRA. To the extent practicable with the Project’s timelines, budget, and safety standards, Castle Rock Solar will select a BOP contractor that will consider local craft workers, local subcontractors, and local vendors during the construction phase of the Project to maximize local economic benefits.”)

³⁴ MDNR Hearing Comments (Nov. 3, 2025) (eDockets No. [202511-224630-01](#)).

height of 10 feet around each grouping of solar arrays to prevent large wildlife from entering the solar facility and supported section 4.3.32 of the DSP requiring the permittee to coordinate the final security fencing design with the MDNR.

a. Security Fencing

MDNR provided comments on the Solar Project's perimeter fence.³⁵ Castle Rock Solar appreciates MDNR's comments and will continue to coordinate with MDNR and Commission staff regarding the Project's security fence, as required Condition 4.3.32 of the DSP.

b. Karst Features

MDNR commented in support of Special Condition 5.14 of the DSP, which directs the Permittee to file a geotechnical report prior to construction and limits construction activity within 150 feet of documented karst features. MDNR recommended that Special Condition 5.14 also direct the Permittee to conduct a survey of surface karst features within the Project boundary that are mapped by the MDNR's Minnesota Regions Prone to Surface Karst Feature Development. MDNR also proposed requiring a survey for surface karst features within areas mapped by MDNR as Regions Prone to Surface Karst Feature Development and changing the condition to remove the definition of "active karst," as follows:

The Permittee shall survey for surface karst features within areas mapped by the DNR as Regions Prone to Surface Karst Feature Development. The Permittee shall not locate project infrastructure within 150 feet of documented active karst features and avoid all construction activity within 150 feet of documented active karst features. ~~Active karst is~~ Areas prone to surface karst feature development are defined as areas underlain by carbonate bedrock with less than 50 feet of sediment cover.

Castle Rock Solar has been unable to identify a scientific justification for the 150-foot radius buffer around active karst. It appears that the 150-radius buffer was derived from another project in the karst area of Minnesota, where a similar condition was added with minimal analysis.³⁶ Here, Castle Rock Solar notes that, the EA reached a general conclusion that, "generally, a minimum 150-foot radius buffer can be used from the edges around any potential karst features to reduce the risk of karst potential for the solar arrays," but did so without citing a source.³⁷ MDNR does not have a general karst setback regulation. Accordingly, the conclusion that a 150-foot buffer is required is incomplete and misleading. Best Management Practices (BMPs) for karst conditions vary based on a number of factors,³⁸ Castle Rock Solar believes that the 150-buffer referenced in the EA is a

³⁵ MDNR Hearing Comments (Nov. 3, 2025) (eDockets No. [202511-224630-01](#)).

³⁶ *In the Matter of the Application of Byron Solar, LLC for a Certificate of Need, Site Permit, and Route Permit for the up to 200 MW Byron Solar Project and 345 kV Transmission Line in Dodge and Olmsted Counties, Minnesota*, Docket No. IP-7041/GS-20-763, Order (May 1, 2023).

³⁷ Environmental Assessment at 145 (eDockets No. [202510-223781-01](#)).

³⁸ Art Kalmes & Eric Mohring, *Sinkhole Treatment to Improve Water Quality and Control Erosion in Southeastern Minnesota*, Karst Geohazards, Beck (ed.) (1995) (available at <https://conservancy.umn.edu/server/api/core/bitstreams/6f615ae2-912a-4237-ae40-c170a189a35c/content>).

high-risk activity buffer, not a buffer to be used for all project features and less buffer distance may be adequate for some activities.³⁹ For example, a study performed by the U.S. Geological Survey found that a 50-foot setback is generally sufficient.⁴⁰

The EA does not fully reflect best practices for construction around karst geology. Instead, a MDNR recognized, best practices are to conduct a geology assessment that can be used to assess site-specific risks. A geology assessment is the best way to identify karst geology and should be used to determine appropriate setbacks and mitigation measures. Accordingly, Castle Rock Solar proposes the karst special condition be replaced with the following condition requiring a geotechnical investigation, and development site-specific setbacks in consultation with MDNR:

The Permittee shall conduct karst geology assessments in compliance with ASTM D8512-23 (Standard practice for Preliminary Karst assessments for land development) and detailed site investigations which may include geophysical and or geotechnical subsurface investigations. If the preliminary karst assessment indicates that karst features may impact, or be impacted by, the proposed site development, then a detailed site investigation which may include geophysical and/or geotechnical subsurface investigations may be recommended. If a karst feature is encountered, the Permittee shall report the findings to the Minnesota Department of Natural Resources (MDNR), and the Permittee shall develop appropriate mitigation measures in coordination with the MDNR.

c. Loggerhead Shrike

MDNR notes that the EA identifies potential impacts to loggerhead shrikes, a state-listed endangered species, if tree and shrub clearing occurs during the breeding season. Given their

³⁹ Castle Rock Solar understands, from working with its consultant, that in general karst reports and management plans include two types of buffers:

First, for any sinkholes designated as medium to high risk in our karst surveys, a 25 to 50 foot buffer measured from the outer edge (i.e., parapet) of the sinkhole, which is left in an “undisturbed natural state” meaning the buffer area is left untouched (no stripping, grubbing, cutting or removal of vegetation), is generally recommended.

Second, an activity buffer measured as a 150-foot radius from the center of the sinkhole in which the following activities are prohibited: (1) storage of fuel or chemicals, (2) parking of vehicles or equipment, (3) maintenance of vehicles or equipment, (4) or any other activity or material storage that could allow contaminants to enter the subsurface by drainage into the subsurface.

⁴⁰ See *Springs, Springsheds, and Karst*, A. Petersen & B. Vondracek, Water quality in relation to vegetative buffers around sinkholes in karst terrain, J. Soill & Water Conservation (2006) (available at <https://pubs.usgs.gov/publication/70028991>).

possible presence near the Project, MNDR supports special condition 5.24 of the DSP as written.⁴¹ Castle Rock Solar does not object to the inclusion of this condition.

The Permittee shall avoid tree and shrub removal during the Loggerhead Shrike breeding season, April through July. If avoidance is not feasible, the permittee must identify a qualified surveyor to conduct a survey for active nests before any trees or shrubs are removed. The qualified surveyor must be on the DNR certified list of surveyors and the surveys must be conducted in accordance with DNR survey requirements.

d. Northern Long-Eared Bat

MDNR notes that, because the EA indicates the northern long-eared bat, a state-listed species of special concern, may be present within or near the Project, MDNR supports special condition 5.23 of the DSP as written.⁴² Castle Rock Solar does not object to the inclusion of this condition.

The Permittee shall comply with the USFWS and DNR guidance and requirements in effect regarding NLEB, including tree clearing restrictions if applicable.

e. Sites of Biodiversity Significance

MDNR notes that, because the EA identifies multiple Minnesota Biological Surveys sites of biodiversity significance near or within the Project boundary, MDNR supports special condition 5.22 of the DSP as written.⁴³ Castle Rock Solar does not object to the inclusion of this condition.

The Permittee shall comply with DNR recommendations provided in the Natural Heritage Review Letter to avoid or minimize impacts to ecologically significant areas, including MBS site Castle Rock 10. The permittee shall inform the DNR of the method used to install the collection line crossings through Castle Rock 10 and implement any BMPs suggested by the DNR. If impacts to resources occur, the permittee shall document the impact and consult with the DNR to determine mitigation strategies.

f. Dewatering

MDNR provided comments on Castle Rock Solar's commitment to a dewatering plan and supports special condition 5.16 of the DSP as written.⁴⁴ Castle Rock Solar does not object to the inclusion of this condition.

⁴¹ MDNR Hearing Comments (Nov. 3, 2025) (eDockets No. [202511-224630-01](#)).

⁴² MDNR Hearing Comments (Nov. 3, 2025) (eDockets No. [202511-224630-01](#)).

⁴³ MDNR Hearing Comments (Nov. 3, 2025) (eDockets No. [202511-224630-01](#)).

⁴⁴ MDNR Hearing Comments (Nov. 3, 2025) (eDockets No. [202511-224630-01](#)).

The Permittee shall develop a Dewatering Plan and provide training to personnel directly involved with discharge activities. The plan shall be filed at least 14 days prior to the pre-construction meeting. All on-site personnel directly involved with discharge activities shall have access to the Dewatering Plan at all times while at the discharge locations.

g. Snowmobile Trail

MDNR requests Castle Rock Solar coordinate with the snowmobile trail associations regarding any impacts, such as temporary closure, rerouting, or safety concerns. Castle Rock Solar appreciates MDNR's comments and will coordinate with snowmobile trial associations regarding any impacts. MDNR supports special condition 5.3 of the DSP as written.⁴⁵ Castle Rock Solar does not object to the inclusion of this condition.

The Permittee shall work with the Dakota Trails Snowmobile Associated and associated snowmobile clubs responsible for maintaining Snowmobile Trail 123 to identify alternative routes and interconnection to trails in the area and develop a plan for rerouting the portion of Snowmobile Trail 123 that falls within the project fence. The Permittee will be responsible for sponsoring the reroute efforts.

Castle Rock Solar has proactively reached out to the snowmobile club that manages trails within the Project Area by sending a map to indicate which trails would be affected, and indicating a willingness to discuss a reroute. To date, Castle Rock Solar has not heard back. Castle Rock Solar will continue to work to contact the snowmobile club to discuss the Project and potential alternate routes.

h. Facility Lighting

MDNR notes that the EA specifies Castle Rock Solar will use motion-activated, down-lit lighting at the Project. MDNR supports special condition 5.19 of the DSP as written.⁴⁶ Castle Rock Solar does not object.

The Permittee shall use down-lit, shielded lighting around and within the Project. The nominal color temperature of Project lighting shall not exceed 4,000 Kelvin.

i. Dust Control

MDNR notes that the EA indicates that chloride, a frequently used dust control agent, harms aquatic wildlife by impacting reproduction and physiology and cause fatalities. MDNR supports

⁴⁵ MDNR Hearing Comments (Nov. 3, 2025) (eDockets No. [202511-224630-01](#)).

⁴⁶ MDNR Hearing Comments (Nov. 3, 2025) (eDockets No. [202511-224630-01](#)).

special condition 5.2 of the DSP as written.⁴⁷ Castle Rock Solar does not object to the inclusion of this condition.

[The Permittee shall use dust suppression agents that do not contain chloride.](#)

j. Wildlife Friendly Erosion Control

MDNR notes that, because the EA states plastic erosion control materials can harm wildlife and malachite green dye can enter water bodies and pose serious toxicity concerns for wildlife, MDNR supports special condition 5.8 as written.⁴⁸ Castle Rock Solar does not object to the inclusion of this condition.

[The Permittee shall use erosion control materials that do not contain plastic or synthetic fibers or malachite green dye.](#)

k. Vegetation Management Plan (VMP)

MDNR recommended continued coordination with the VMPWG, and noted its support for section 4.3.16 of the DSP encouraging the Applicant to meet the standards of the voluntary Minnesota Habitat Friendly Solar Program and requiring native perennial vegetation to create habitat and improve soil quality, and section 4.3.17 of the DSP to require the Applicant to develop a VMP in coordination with the VMPWG.⁴⁹ Castle Rock Solar is committed to coordination with the VMPWG. Although Castle Rock Solar has not committed to meet the standards of the voluntary Minnesota Habitat Friendly Solar Program, it will consider those standards during its development of the VMP.

8. Vermillion Watershed

VRWJPO submitted comments on the EA with questions about impacts of pole/piling placement on soil compaction, the impacts on the Vermillion River, and vegetation establishment (particularly under solar panels). VRWJPO's comments also indicated a few discrepancies in the EA between wetlands identified in figures and tables.

a. Soil Compaction, impacts on the Vermillion River, and Vegetation Establishment were addressed in the EA.

VRPJO commented that, on page nine of the EA, there were opportunities for additional discussion of soil impacts, surface water, and vegetation.⁵⁰ Page nine of the EA is a summary section. Section 4.7.3 (soils), section 4.7.4 (surface water), and section 4.7.6 (vegetation) of the

⁴⁷ MDNR Hearing Comments (Nov. 3, 2025) (eDockets No. [202511-224630-01](#)).

⁴⁸ MDNR Hearing Comments (Nov. 3, 2025) (eDockets No. [202511-224630-01](#)).

⁴⁹ MDNR Hearing Comments (Nov. 3, 2025) (eDockets No. [202511-224630-01](#)).

⁵⁰ VRWJPO Comments at 1 (Paragraphs 1-3).

EA discuss these items in additional depth. Accordingly, the EA adequately addresses each of these topics.

b. Wetland Identification

VRWJPO identified a few discrepancies between figures and tables in the EA, and expressed concern that vegetative screening or stormwater management were within wetland areas.⁵¹ It appears that these discrepancies are actually based on discrepancies between desktop resources and field delineations. Landcover data in the EA was based on the National Land Cover Database, which is a U.S. Geological Survey resource that provides spatial reference and descriptive data for land surface based on aerial imagery.⁵² But Castle Rock Solar also completed field delineations, which were approved by Dakota County.⁵³ The field delineated wetlands are a better indication of the actual location of wetlands than the National Land Cover Database, because a field delineation is completed by in-person investigation of the site.

Castle Rock Solar provided the field delineation shapefiles to PUC-ER, and it appears that Figures were created with National Land Cover Data *and* the field delineation data.

Further, Castle Rock Solar does not object to the inclusion of condition 5.18, which would require additional consultation with the Dakota County Soil and Water Conservation District and the VRWJPO.

5.18 Wetland Impacts

The Permittee shall consult with the Dakota County Soil and Water Conservation District and the Vermillion River Watershed Joint Powers Association regarding the project site plan and potential wetland impacts due to construction activities.

c. Agricultural Impact Management Plan

Finally, VRWJPO asked if the EA text should be updated to reflect that the applicant must submit an Agricultural Impact Management Plan (AIMP).⁵⁴ The EA accurately reflects that an AIMP was submitted with the Application as Appendix D.⁵⁵ Section 4.3.18 of the DSP also requires the permittee to develop an AIMP.⁵⁶ Accordingly, Castle Rock Solar does not believe any updates to the EA are required.

⁵¹ VRWJPO Comments at 2-3 (Paragraphs 4, 6-9 & 11)

⁵² EA at 163 (Oct. 10, 2025) (eDockets No. [202510-223781-01](#)).

⁵³ Application at 97-98.

⁵⁴ VRWJPO Comments at 2-3 (Paragraph 10) (Oct. 31, 2025) (eDockets No. [202510-224536-01](#)).

⁵⁵ EA at 123 (Oct. 10, 2025) (eDockets No. [202510-223781-01](#)).

⁵⁶ EA, Appendix C (eDockets No. [202510-223781-04](#)).

d. Stormwater and Erosion Control

VRWJPO also noted that Castle Rock Township has incorporated the VRWJPO's Watershed Management Plan into its local water management plan and ordinances.⁵⁷ As discussed above, a Site Permit issued by the Commission will, "supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government."⁵⁸ Nonetheless, Castle Rock Solar is committed to consultation with the Dakota County Soil and Water Conservation District and VRWJPO, including to incorporate the VRWJPO's Watershed Management Plan to the extent practicable.⁵⁹

9. Public Notice

Susan Ferrozzo asserted in comments that proper notice was not sent out for the public hearing.⁶⁰ She noted that she, and a number of her neighbors, did not receive notice of the hearing. As noted in an October 17, 2025 letter to the Commission, Castle Rock Solar sent public notice to all adjacent landowners as required by law.⁶¹ Ms. Ferrozzo is not an adjacent landowner, and accordingly she would not have received notice as an adjacent landowner. Regardless, Castle Rock Solar has attempted to contact Ms. Ferrozzo to discuss her questions, comments and concerns about the Project.

This filing has been e-filed through www.edocket.state.mn.us. A copy of this filing is also being served upon the persons on the Official Service List of record.

Please let me know if you have any questions regarding this filing.

Sincerely,

FREDRIKSON & BYRON, P.A.

/s/ Jeremy P. Duehr

Jeremy P. Duehr

Direct Dial: 612.492.7413

Email: jduehr@fredlaw.com

JPD

⁵⁷ VRWJPO Comments at 2 (Paragraph 5) (Oct. 31, 2025) (eDockets No. [202510-224536-01](#)).

⁵⁸ Minnesota Statutes Section 216E.10, subd. 1.

⁵⁹ VRWJPO also suggested two typographical changes to the EA. VRWJPO Comments at 3 (Paragraphs 12-13) (Oct. 31, 2025) (eDockets No. [202510-224536-01](#)). Castle Rock would not object to these changes, but notes that they appear to be stylistic, not substantive. In particular, Castle Rock notes that the EA adequately addresses invasive species spread and that DSP Section 4.3.20 will require the permittee to develop an Invasive Species Management Plan to prevent introduction and spread of invasive species during construction of the Project.

⁶⁰ Comments of Susan Ferrozzo (Nov. 10, 2025) (eDockets No. [202511-224802-01](#)).

⁶¹ Letter on Public Notice (Oct. 16, 2025) (eDockets No. [202510-224050-01](#)).

What are buffer zones and why does my farm need them?

Buffer zones are important components of a farm's organic system plan. Buffer zones are put in place to make sure that prohibited substances do not contaminate organic crops.

What is a buffer zone?

7 CFR 205.2

According to the USDA organic regulations, a buffer zone is “an area located between a certified production operation or portion of a production operation and an adjacent land area that is not maintained under organic management. A buffer zone must be sufficient in size or other features (e.g., windbreaks or a diversion ditch) to prevent contact by prohibited substances applied to adjacent land areas.”

Why do I need a buffer zone around my organic farm?

Simply put, a buffer zone is needed to protect organic crops from contaminants that may be used on adjacent properties.

What are the land requirements for my buffer zones?

7 CFR 205.202, Section C states:

“Any field or farm parcel from which harvested crops are intended to be sold, labeled, or represented as organic, must:

...(c) Have distinct, defined boundaries and buffer zones such as runoff diversions to prevent the unintended application of a prohibited substance to the crop or contact with a prohibited substance applied to adjoining land that is not under organic management.”

How do I know what the size of my buffer zones should be?

The organic standards do not specify how wide a buffer zone should be but state that the buffer zone be adequate to prevent the unintended application of a prohibited substance to organic crops. Check with a certifying agent for specific guidance on how wide the buffer zones should be. Many certifying agents use 50 feet as a common starting buffer width between organically managed crops and potential sources of contamination.

Are there any circumstances in which a buffer zone may not be necessary, reduced, or increased in size, from my proposed or existing buffer zone?

Yes, it is important to realize that no matter what the starting buffer is, the buffer may be reduced or eliminated, or even increased, based upon an evaluation of the buffer during the inspection process. “One size fits all” does not apply to buffers.

The size of a buffer zone may be reduced or eliminated for the following reasons:

1. The abutting land is clearly unmanaged pasture, field, or lawn.

2. A physical barrier such as a solid fence, hedgerow, or tall annual crop exists between the non-organic and organic growing areas.
3. The only pesticides, herbicides, or fungicides used on the non-organically managed land are allowed under the organic standards and there is no reason to expect movement of fertilizers in surface water from field to field.
4. Prohibited pesticides, herbicides, fungicides or fertilizers that are used on the non-organically managed fields are applied in such a manner as to produce minimal risk of drift. Examples include a soil-applied granular pesticide, a granular incorporated herbicide or pesticide, or a soil applied pesticide drench or liquid herbicide that is applied with large volumes of water and a nozzle design that produces large droplet size.
5. Prohibited pesticides, herbicides, fungicides, or fertilizers are applied at a time of the season when the organic crop is either not in the ground or has no marketable above ground parts present. The application is made with careful attention to weather conditions and equipment design so as to minimize the risk of drift.

The size of a buffer zone may be increased for the following reasons:

1. Prohibited pesticides, herbicides, fungicides or fertilizers that are used on the non-organically managed fields are applied in such a manner as to produce substantial risk of drift.
2. If the organic farm is downwind from the non-organic farm (risks from contamination are increased).
3. If water drains from the non-organic fields into the organic fields.
4. If there is aerial spraying with fine particulate nozzles.

Do my buffer zone plans need to be addressed in my farm's organic system plan?

Yes. Since the requirement to maintain buffer zones is part of the organic standards, buffer zones must be a component of a farm's organic system plan. Buffer zones will be checked at the organic inspection, and failure to maintain or establish buffer zones may be a reason for an operation to be denied certification. When writing an organic system plan, careful attention must be paid to how both airborne and waterborne contaminants may affect buffer zones.

Are both airborne contaminants and waterborne contaminants a concern with regards to buffer zones?

Yes, buffer zones to prevent both air and waterborne contaminants must be established. It is extremely important to consider the potential for spray drift, other sources of airborne contamination, and the drainage patterns of a farm. Contamination from these sources may be reason to deny certification.

To avoid the possibility of pesticide or herbicide drift onto organic fields, organic growing areas must be situated far enough from non-organically managed land and unmanaged land to prevent aerial drift and contamination from runoff.

What are examples of “non-organically managed land” and “unmanaged land”?

Non-organically managed land may include, but is not limited to: farm land, lawn, playgrounds, power line fields, nurseries, golf courses, and pastures. Unmanaged land may include, but is not limited to pasture, lawn, and fields.

Can I grow crops in the buffer zone or should I leave the buffer zone untouched?

Crops may be grown in a buffer zone but they may not be sold or represented as organic. Certifying agents may do pesticide residue testing at any point to verify that buffer zones are adequate.

Grass, permanent trees or shrubs may also be grown in the buffer zone, which can create a habitat for birds, wildlife, and beneficial insects. Significant height in a buffer could offer the added benefit of protecting fields and organic crops from contamination by aerial pesticides.

I operate an organic farm with intact and approved buffer zones. What should I do if someone is now developing a conventional farm next door?

USDA organic regulations 7 CFR 205.400(f)(1-2)

If there are applications of a prohibited substance on an adjacent property, then it is the responsibility of the certified farmer to immediately notify their certifying agent of the application, including drift, of a prohibited substance to any field, production unit, site, facility, livestock, or product that is part of an adjacent operation. Such notification may have an effect on the size of the buffer zone.

If there is no immediate danger of drift from prohibited substances than you may notify your certifying agent when you submit your annual organic system plan update.

Should I be concerned or am I responsible for reporting a change in my buffer zone if the farmer down the street has changed his spraying practices but the property does not adjoin mine?

If the drift of contaminants may affect your certified organic fields or crops, you should alert your certifying agent.

For Further Reading & Questions

The full text of the [USDA organic regulations](#) can be found online at the U.S. Government Publishing Office (GPO) website in the Electronic Code of Federal Regulations (e-CFR).

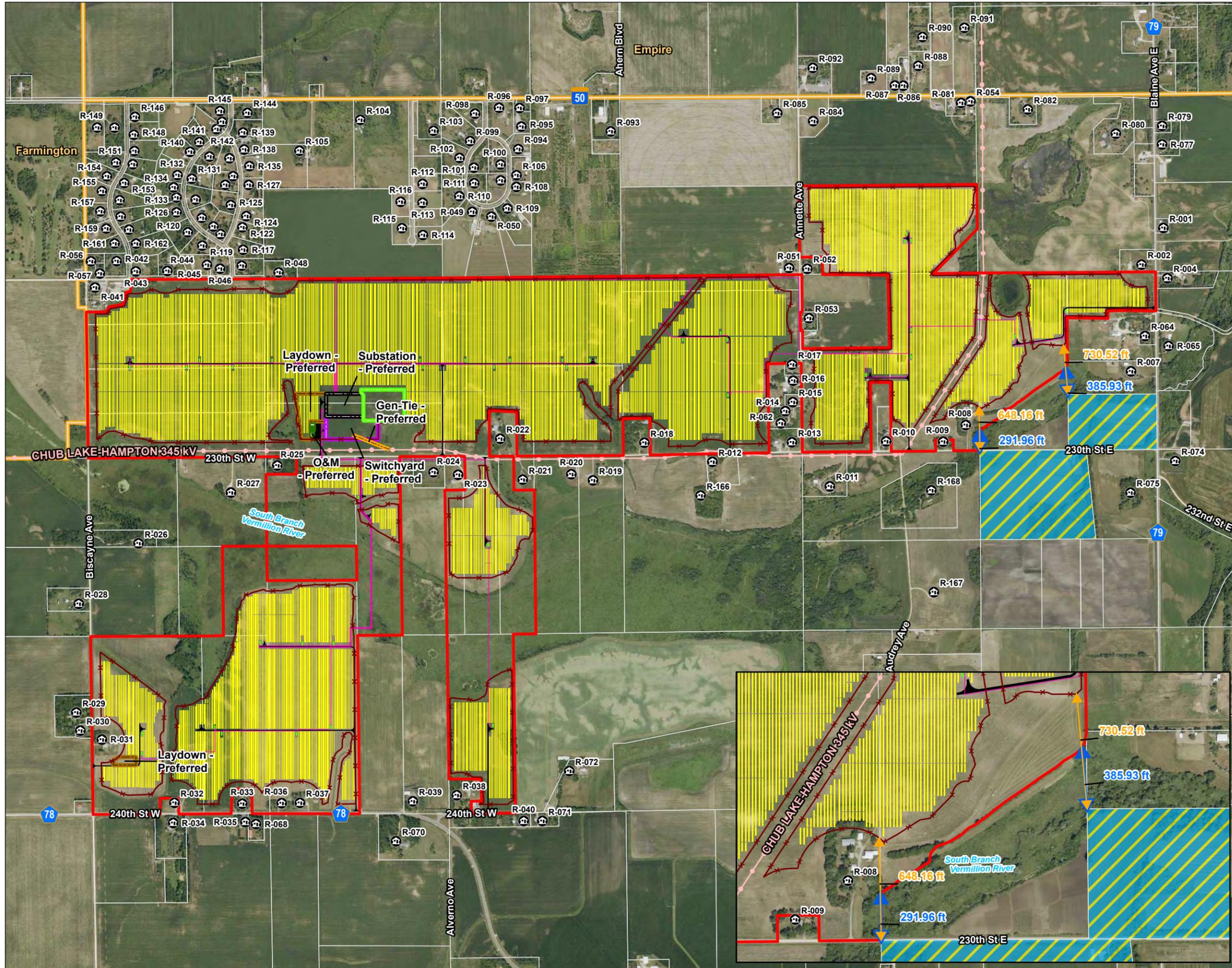
Specifically, these regulatory sections may be helpful to those with questions about buffer zones:

7 CFR 205.2	Definition of a buffer zone
7 CFR 205.202(c)	Land Requirements
7 CFR 205.400(f)(1-2)	General Requirements for Certification

For general information about the USDA's National Organic Program (NOP), visit www.ams.usda.gov/nop.

Further questions may be directed to your certifying agency.

This product was developed with support from U.S. Department of Agriculture's Agricultural Marketing Service, National Organic Program.



Map No.
3a

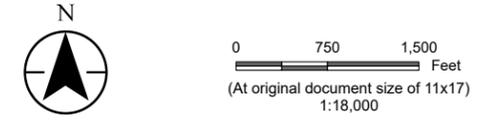
Title
Preliminary Project Layout - Preferred Project Design

Client/Project
Castle Rock Solar LLC
Castle Rock Solar Project
MPUC Site Permit Application

Project Location
Castle Rock Township
Dakota Co., MN

193709215

Prepared by KJM on 2025-11-14
TR by KKM on 2025-01-08
IR by JK on 2025-01-08



- Legend
- Project Area Boundary
 - Nearby Residence
 - Existing Transmission Line (POI)
 - Proposed Gen-Tie
 - Proposed Collection Line
 - Proposed Fence
 - Proposed Inverter Pad
 - Proposed Solar Array
 - Proposed Access Road
 - Proposed O&M Facility
 - Proposed Laydown Yard
 - Proposed Substation
 - Proposed Switchyard
 - Potential BESS Location
 - Participating Parcel
 - Non-Participating Parcel
 - Organic Gardens Property
 - Municipal Boundary

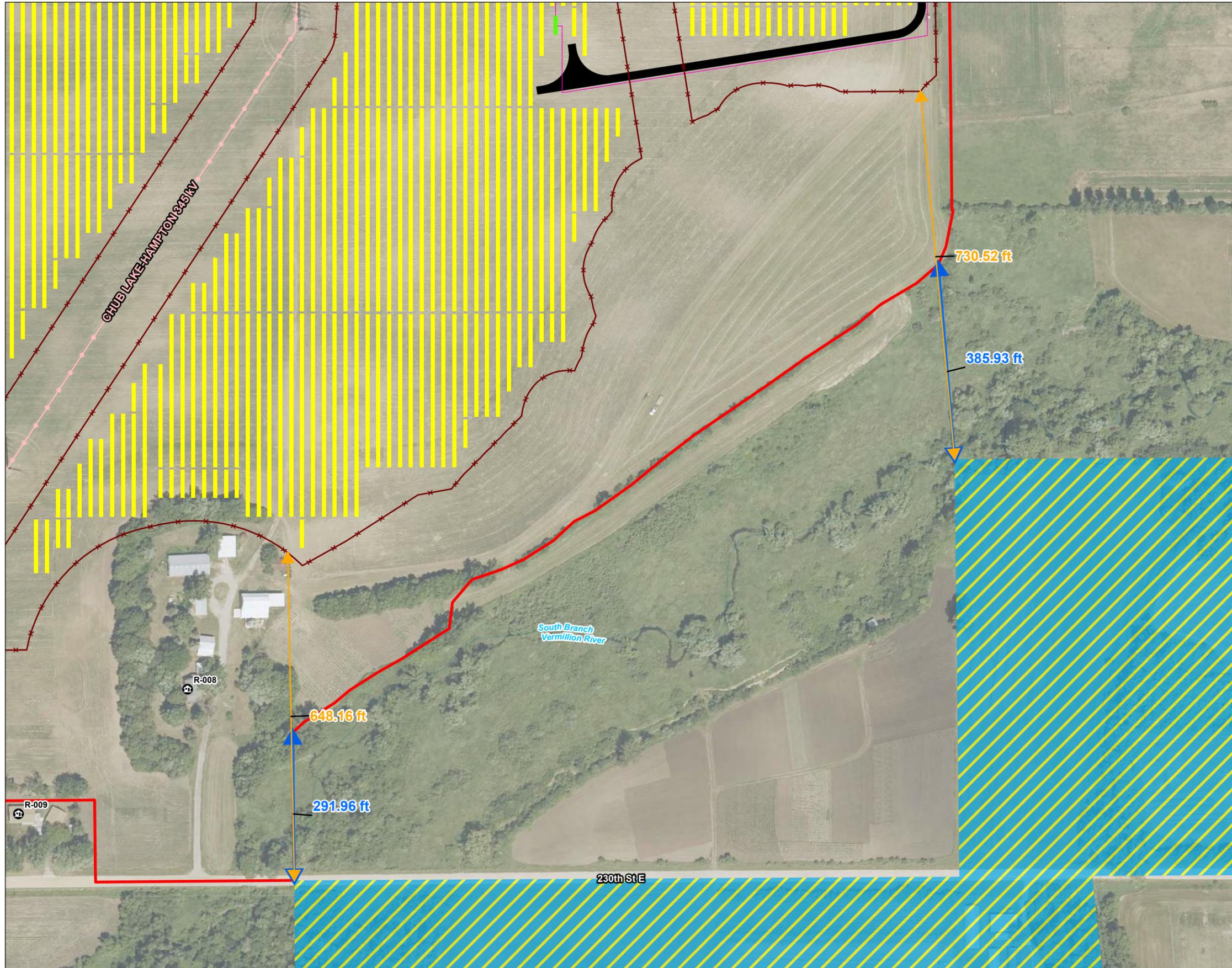


Notes

1. Coordinate System: NAD 1983 StatePlane Minnesota South FIPS 2203 Feet
2. Data Sources: Stantec, Castle Rock Solar LLC, Dakota Co., HIFLD, MnGeo, MnDOT
3. Background: 2023 NAIP



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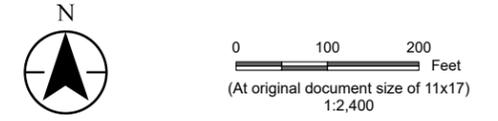
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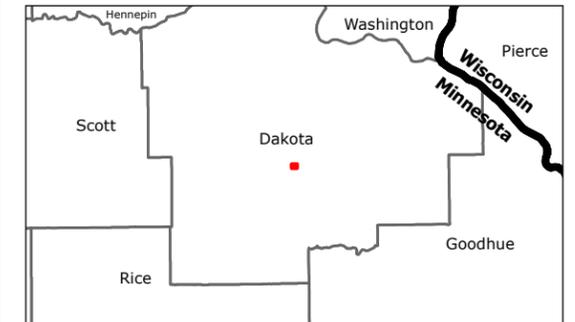
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Project Location
Castle Rock Township
Dakota Co., MN

Prepared by KJM on 2025-11-14
TR by KKM on 2025-01-08
IR by JK on 2025-01-08



- Legend
- Distance to Boundary
 - Distance to Fence
 - Project Area Boundary
 - Nearby Residence
 - Existing Transmission Line (POI)
 - Proposed Gen-Tie
 - Proposed Collection Line
 - Proposed Fence
 - Proposed Inverter Pad
 - Proposed Solar Array
 - Proposed Access Road
 - Organic Gardens Property
 - Municipal Boundary



Notes

1. Coordinate System: NAD 1983 StatePlane Minnesota South FIPS 2203 Feet
2. Data Sources: Stantec, Castle Rock Solar LLC, Dakota Co., HIFLD, MnGeo, MnDOT
3. Background: 2023 NAIP



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**In the Matter of the Application of Castle
Rock Solar LLC for a Site Permit for the
up to 150 MW Castle Rock Solar Project in
Dakota County, Minnesota**

CERTIFICATE OF SERVICE

**MPUC Docket No.: IP-7137/GS-24-267
CAH Docket No. 65-2500-40800**

Breann L. Jurek certifies that on the 17th day of November, 2025, she e-filed on behalf of Castle Rock Solar LLC, a true and correct copy of its Reply Comments, with Attachments A and B, with the Minnesota Public Utilities Commission via eDockets (www.edockets.state.mn.us).

Said document was also served as designated on the Official Service List on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: November 17, 2025

Signed: /s/ Breann L. Jurek

Fredrikson & Byron, P.A.
60 South Sixth Street
Suite 1500
Minneapolis, MN 55402

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Lauren	Agnew	lauren.agnew@state.mn.us		Department of Commerce	85 7th Place East, Suite 280 Saint Paul MN, 55101 United States	Electronic Service		No	24-267 Official CC Service List
2	Sasha	Bergman	sasha.bergman@state.mn.us		Public Utilities Commission		Electronic Service		No	24-267 Official CC Service List
3	Ron	Boyd	ron.boyd@solarstonepartners.com	SolarStone Development LLC		1681 Villa Ct. Marco Island FL, 34145 United States	Electronic Service		No	24-267 Official CC Service List
4	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us		Office of the Attorney General - Department of Commerce	445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		No	24-267 Official CC Service List
5	Jeremy	Duehr	jduehr@fredlaw.com	Fredrikson & Byron, P.A.		60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	24-267 Official CC Service List
6	Sharon	Ferguson	sharon.ferguson@state.mn.us		Department of Commerce	85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	24-267 Official CC Service List
7	Jacques	Harvieux	jacques.harvieux@state.mn.us		Public Utilities Commission	121 7th Place East Suite 350 Saint Paul MN, 55101-2147 United States	Electronic Service		No	24-267 Official CC Service List
8	Derek	Hasek	derek.hasek@solarstonepartners.com			3316 Highland Ave Wayzata MN, 55391 United States	Electronic Service		No	24-267 Official CC Service List
9	Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA		60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-267 Official CC Service List
10	Jennifer	Kamm	jennifer.kamm@stantec.com	Stantec		One Carlson Parkway, Suite 100 Plymouth MN, 55447 United States	Electronic Service		No	24-267 Official CC Service List
11	Molly	Leisen	mleisen@fredlaw.com	Fredrikson & Byron P.A.		60 South Sixth Street Suite 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-267 Official CC Service List
12	Ryan	MacWilliams	rmacwilliams@matrixrenewables.com	Matrix Renewables USA LLC		800 Brickell Ave, Suite 901 Miami FL, 33131 United States	Electronic Service		No	24-267 Official CC Service List
13	Ann	O'Reilly	ann.oreilly@state.mn.us		Office of Administrative Hearings	PO Box 64620 St. Paul MN, 55101 United States	Electronic Service		Yes	24-267 Official CC Service List

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
14	Carol A.	Overland	overland@legalelectric.org	Legalelectric - Overland Law Office		1110 West Avenue Red Wing MN, 55066 United States	Electronic Service		No	24-267 Official CC Service List
15	Shantal	Pai	spai@fredlaw.com	Fredrikson and Byron, P.A.		60 South Sixth Street Suite 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-267 Official CC Service List
16	Kevin	Pranis	kpranis@liunagroc.com	Laborers' District Council of MN and ND		81 E Little Canada Road St. Paul MN, 55117 United States	Electronic Service		No	24-267 Official CC Service List
17	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		No	24-267 Official CC Service List
18	Nathaniel	Runke	nrunke@local49.org			611 28th St. NW Rochester MN, 55901 United States	Electronic Service		No	24-267 Official CC Service List
19	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates		7400 Lyndale Ave S Ste 190 Richfield MN, 55423 United States	Electronic Service		Yes	24-267 Official CC Service List