

**Minnesota Department of Natural Resources
Division of Ecological & Water Resources
500 Lafayette Road
St. Paul, MN 55155-4040**

September 12, 2025

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

- RE: In the Matter of the Application of Benton Solar, LLC for a Site Permit for the 100 MW Solar Energy Generating System for the Benton Solar Project in Benton County, Minnesota
Docket Number: IP7115/GS-23-423 (Solar Facility)**
- RE: In the Matter of the Application of Benton Solar, LLC for a Site Permit for the 100 MW Battery Energy Storage System for the Benton Solar Project in Benton County, Minnesota
Docket Number: IP7115/ESS-24-283 (Storage Facility)**
- RE: In the Matter of the Application of Benton Solar, LLC for a Route Permit for a 115 kV High Voltage Transmission Line Associated with the Benton Solar Project in Benton County, Minnesota
Docket Number: IP7115/TL-23-425 (Transmission Line)**

Consumer Affairs Staff,

The Minnesota Department of Natural Resources (DNR) has reviewed the Environmental Assessment (EA) for Benton Solar (Applicant) to construct a 100 MW solar energy generating system (solar facility), a 100 MW battery energy storage system (BESS), and a 115 kV high-voltage transmission line (HVTL). Based on the review of the EA, the DNR offers the following comments:

Blanding's turtles

As stated in the Natural Heritage Review Letters (MCE 2024-00427 and MCE 2024-00434), Blanding's turtles, a state-listed threatened species, have been documented in the vicinity of the project and avoidance measures are required during construction and project operations. Blanding's turtle avoidance measures were absent from the EA and draft permit. Portions of the project area contain

sandy soil with low grassy vegetation which is ideal nesting habitat for Blanding's turtles. The Applicant must follow the avoidance measures detailed in the most recent Natural Heritage Review Letters to ensure compliance with Minnesota Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). Our agency recommends the following permit condition to ensure the Permittee will comply with applicable DNR requirements related to Blanding's turtles and other state-listed species which was included in the permitted Plummer Solar Project (Docket GS-22-451): *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.*

Northern Long-eared Bats

The DNR supports a special condition of the draft site permit requiring the Permittee to comply with our agency's tree clearing restrictions from June 1 to August 15 to protect northern long-eared bats (NLEB), a state-listed species of special concern. Chapter 4 of the EA and the two Natural Heritage Review Letters indicate disturbances to hibernacula and destruction or degradation to habitat such as tree removal can adversely impact NLEB populations. Adhering to the DNR's recommendation ensures roosting bats like the NLEB are not directly impacted by construction. Our agency recommends the following special condition: *The Permittee shall comply with the DNR's tree clearing recommendation from June 1 to August 15 to minimize impacts to northern-long eared bats.*

Fencing

The EA states the security fence surrounding the solar facility will reach a maximum height of 10 feet. The DNR appreciates certain areas of the security fence will adhere to our agency's security fence guidance but recommends the security fence reaches a minimum of 10 feet throughout the entire solar facility due to the challenges of safely removing deer without injury. The Applicant should note that the DNR will not issue a white-tailed deer removal permit for facilities with woven wire fences lower than 10 feet. The final fence design should be constructed in accordance with the DNR's [Fencing Handbook for 10 ft Woven Wire Deer Exclusion Fence](#). Our agency supports permit condition 4.3.32 directing the Permittee to coordinate the final fence design with the DNR and the Commission.

Lighting

The EA indicates the Applicant will install motion-activated and down-lit lighting at the solar facility and BESS. The DNR proposes the following special condition to ensure the Applicant installs down-lit lighting, which was included in the permitted Birch Coulee Solar Project (GS-23-477): *The permittee shall use motion activated, down-lit, shielded lighting around and within the Project and coordinate*

with MnDOT on Approved Products for Luminaries with respect to approved Uplight ratings and nominal color temperatures.

Wildlife-Friendly Erosion Control

The EA states biodegradable erosion control materials can minimize impacts to wildlife. The DNR recommends erosion control blankets be limited to “bio-netting” or “natural netting” types, and specifically not products containing plastic mesh netting or other plastic components. Furthermore, hydro-mulch products may contain small synthetic (plastic) fibers and malachite green dye. Synthetic fibers and malachite green dye may enter water bodies and pose toxicity concerns to fish and wildlife. The DNR recommends the following special permit condition like the permitted Birch Coulee Solar Project (GS-23-477): *The permittee shall use erosion control materials that do not contain plastic or synthetic fibers or malachite green dye.*

Dust Control

The EA states that the project will generate fugitive dust from travel on unpaved roads, grading, and excavation. The EA discusses watering exposed surfaces at the project site as a standard construction practice for reducing fugitive dust. Products containing calcium chloride or magnesium chloride are commonly used dust control agents. Chloride products that are released into the environment do not break down and accumulate to levels that are toxic to plants and wildlife. To ensure chloride products are not used at the project site, the DNR recommends a special permit condition which was included in the permitted Birch Coulee Solar Project (GS-23-477): *The Permittee shall utilize non-chloride products for onsite dust control during construction.*

Vegetation Management Plan

The DNR appreciates the Applicant’s continued coordination with the Vegetation Management Plan Working Group (VMPWG) to refine the project’s Vegetation Management Plan (VMP). The DNR supports section 4.3.16 of the draft site permit encouraging the Applicant to meet the standards of the Minnesota Habitat Friendly Solar Program and requiring native perennial vegetation to create habitat and improve soil quality. Our agency also supports section 4.3.17 of the draft permit to require the Applicant to develop a VMP in coordination with the VMPWG. The final VMP should be developed in accordance with the DNR’s [*Prairie Establishment & Maintenance Technical Guidance for Solar Projects*](#).

The VMP should include a seed mix of native grasses and forbs planted within the solar facility, along the HVTL right-of-way, outside of the BESS project area, and stormwater basins. Planting native grasses and forbs will minimize erosion, create pollinator and wildlife habitat, and improve soil health. The Applicant’s VMP describes a diverse seed mix of native grasses and forbs for the solar facility and buffer areas. The Applicant should provide additional information on the seed mixes and vegetation management practices for the HVTL right-of-way and the storm water basins.

Dewatering

The EA states dewatering will be required if the water table is reached during construction. A DNR Water Appropriation Permit is required for dewatering activities during construction if the water pumped exceeds 10,000 gallons in a day and/or one million gallons in one year. The DNR General Permit for Temporary Appropriation may be used for the dewatering if the dewatering volume is less than 50 million gallons and the time of the appropriation is less than one year. A DNR Water Appropriation Permit can be applied for in [MNDNR Permitting and Reporting System \(MPARS\)](#).

The DNR appreciates the opportunity to comment on the Benton Solar Project. Please contact me if you have questions.

Sincerely,

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CC: Melissa Collins, Minnesota Department of Natural Resources

Attachments: Natural Heritage Review Letter

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