

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

April 20, 2026

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

RE: In the Matter of the Joint Application of Summit Lake Solar, LLC for a Solar Energy Generating System Site Permit and a Battery Energy Storage System Site Permit for the up to 200 MW Summit Lake Solar Facility and the up to 200 MW Battery Energy Storage System in Nobles County, Minnesota. Docket Number: IP-7153/GS-25-89 and IP-7153/ESS-25-88

Ms. Bergman,

The Minnesota Department of Natural Resources (DNR) has reviewed the environmental assessment (EA) for Summit Lake Solar (Applicant) to construct a 200 MW energy generating system (solar facility) and a 200 MW battery energy storage system (BESS). Based on the review of the EA, the DNR offers the following comments.

Security Fencing

The EA states the largest impact associated with solar facilities are security fences. The EA states the fence design proposed by the Applicant may increase the risk of large wildlife, like deer, from getting trapped within the solar facility. Due to the deer entrapment concern, the DNR requests the Applicant adheres to The Agency's fencing guidance to construct a fence that reaches a height of at least 10 feet. Under the Applicant's proposed fence design, project operators would be responsible for safely removing deer that enter the solar facility without harassment, which includes chasing. If the solar facility's security fence is less than 10 feet, the Applicant must demonstrate how they will safely remove a deer in a timely manner and without harassment. Minnesota DNR Conservation Officers and DNR Wildlife staff will not be deployed to assist with removal if the security fence is under 10 feet. The DNR will also not issue a Takings Permit if the woven wire fence is lower than 10 feet. Our agency supports standard condition 4.3.32 of the draft site permit (DSP) requiring the permittee to design the final security fence in coordination with the DNR.

Phased and Connected Actions

In addition to the EA for the solar facility and BESS, the Applicant is proposing an adjacent data center, and an Alternative Urban Areawide Review is underway. The DNR is interested in whether the proposed solar facility and the data center will be considered phased actions, and/or connected actions. The DNR looks forward to understanding more about the relationship between these projects and any other related projects via the environmental review and permitting process.

State-listed Species

The DNR supports a special condition to require the Applicant to complete coordination with the DNR regarding rare species, including following the stated avoidance measures and the Takings Permit process if needed, before project activities begin. Our agency proposes the following special condition to be included in the site permits for the solar facility and BESS to ensure compliance with state endangered species laws which was included in the permitted Benton Solar Project (Docket Nos. IP-7155/GS-23-423, IP-7155/ESS-24-283): *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 EIP staff.*

Vegetation Management Plan (VMP)

The DNR supports standard conditions 4.3.16 and 4.3.17 in the solar facility's DSP. The DNR also supports standard condition 4.3.15 and special condition 5.8 in the BESS's DSP. Our agency commends the Applicant for committing to the Board of Water and Soil Resources' Habitat Friendly Solar Gold Standard for the solar array, permitter, and wet seed mixes. The DNR looks forward to continued coordination on the VMP to ensure successful vegetation establishment.

Special Conditions

The DNR supports special conditions 5.1, 5.2 and 5.3 included the DSP for the solar facility and BESS.

The DNR appreciates the opportunity to comment on the Summit Lake Solar project. Please contact me if you have questions about the DNR's comments.

Sincerely,

Martin

Donovan

Digitally signed by
Martin Donovan
Date: 2026.04.20
16:26:42 -05'00'

Martin Donovan

Review Planner

Martin.Donovan@state.mn.us

651-259-5402

CC: Haley Byron, Minnesota DNR

Equal Opportunity Employer