

**STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION**

**In the Matter of the Application of
Enbridge Solar (Plummer), LLC for a Site
Permit for the up to 130 MW Plummer
Solar Project in Red Lake County, MN**

OAH Docket No. 28-2500-40093
MPUC Docket No. IP-7103/GS-22-451

**PLUMMER SOLAR'S
PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATIONS**

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This matter was assigned to Administrative Law Judge Joseph C. Meyer to conduct a public hearing on the Site Permit Application (MPUC Docket No. IP-7103/GS-22-451) (Application) of Enbridge Solar (Plummer), LLC (Plummer Solar or Applicant) to construct an up to 130 megawatt (MW) solar energy generating system located in Emardville Township in Red Lake County, Minnesota (Project). The Minnesota Public Utilities Commission (Commission) also requested that the Administrative Law Judge prepare findings of fact and conclusions of law and provide recommendations, if any, on conditions and provisions of the proposed site permit.

Public hearings on the Application were held on November 20, 2024 (in-person) and November 21, 2024 (remote-access). The factual record remained open until December 9, 2024, for the receipt of written public comments.

Christina K. Brusven and Bridget A. Duffus, Fredrikson & Byron, P.A., 60 South Sixth Street, Suite 1500, Minneapolis, Minnesota 55402, and Heather Riome, Manager of Power Business Development, Jason Risdall, Manager of Regulatory Affairs; Adam Sullivan, Legal Counsel, Enbridge Energy, L. P., appeared on behalf of Plummer Solar.

Sam Lobby, 121 Seventh Place East, Suite 350, St. Paul, MN 55101 appeared on behalf of Commission Staff at the in-person and remote access hearings.

Jessica Livingston, 85 7th Place East, Suite 280, St. Paul, MN 55101 appeared on behalf of the Department of Commerce, Energy Environmental Analysis Review unit (EERA).

STATEMENT OF ISSUES

Has Plummer Solar satisfied the criteria established in Minn. Stat. § 216E.03, subd. 7 (2023) and Minn. R. 7850.4100 for a site permit for the Project?

SUMMARY OF RECOMMENDATIONS

The Administrative Law Judge concludes that Plummer Solar has satisfied the applicable legal requirements and, accordingly, recommends that the Commission GRANT a site permit for the Project, subject to the conditions discussed below.

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

FINDINGS OF FACT

I. APPLICANT

1. Plummer Solar is an independent power producer (IPP) and wholly-owned subsidiary of Enbridge Holdings (Green Energy) L.L.C.¹

II. PROCEDURAL HISTORY

2. On September 30, 2022, Plummer Solar filed a Notice of its Intent to Submit a Site Permit Application (Application) for the Project under the alternative permitting procedures of Minn. R. 7850.2800-.3900 in the fourth quarter of 2022.²
3. On March 5, 2024, Plummer Solar filed a second Notice of its Intent to Submit an Application for the Project under the alternative permitting procedures of Minn. R. 7850.2800-.3900 in late first quarter or early second quarter 2024.³
4. On April 2, 2024, Plummer Solar submitted the Application for the Project.⁴ Applicant also submitted the Notice of Filing of the Application to persons interested in the Project, the Commission's Energy Facilities General List, Local Officials, Tribes, and Property Owners in accordance with Minnesota Rule 7850.2100.⁵
5. On April 4, 2024, the Commission filed a Notice of Comment Period regarding the completeness of the Application, requesting initial comments by April 18, 2024, reply comments by April 25, 2024, and supplemental comments by April 30, 2024. The notice requested comments on whether the Application was complete within the meaning of the Commission's rules; whether the Commission should appoint an advisory task force; whether there were contested issues of fact with respect to the representations made in the Application; whether the Commission should direct the Executive Secretary to issue an authorization to initiate a State Historic Preservation Office (SHPO) Consultation to the Applicant; and whether there were any other issues or concerns that should be considered.⁶
6. On April 18, 2024, EERA filed its Completeness Comments and Recommendations. EERA recommended that the Commission accept the Application as complete, require Plummer Solar to continue researching and adopting strategies to mitigate the potential environmental impacts of the Project on minority groups or other groups of concern in the local community, take no

¹ Ex. PLU-3 at 1 (Application).

² Ex. PLU-1 (Notice of Intent to File under the Alternative Permitting Process).

³ Ex. PLU-2 (Notice of Intent to File under the Alternative Permitting Process).

⁴ Exs. PLU-3 through PLU-7 (Application and Appendices).

⁵ Ex. PLU-8 (Rule 7850.2100 Notice of Filing Site Permit).

⁶ Ex. PUC-1 (Notice of Comment Period on Application Completeness).

action on an advisory task force, and request a full Administrative Law Judge report with recommendations for the Project’s public hearing.⁷

7. On April 25, 2024, Plummer Solar submitted reply comments concerning Application completeness.⁸
8. On April 29, 2024, Plummer Solar submitted the Confirmation of Notice Compliance Filing for the Application.⁹
9. On May 2, 2024, the Commission issued proposed consent items.¹⁰
10. On May 7, 2024, the Commission issued an order finding the Application complete, requiring Plummer Solar to continue researching and adopting strategies to mitigate the potential environmental impacts of the Project on minority groups or other groups of concern in the local community, declining to appoint an advisory task force, and requesting a full Administrative Law Judge report with recommendations for the Project’s public hearing.¹¹ The Commission also issued minutes from May 7 consent calendar subcommittee meeting.¹²
11. On May 14, 2024, the Commission published Notice of Public Information and Environmental Assessment (EA) Scoping Meetings scheduling meetings for May 29, 2024 (in-person) and May 30, 2024 (remote-access), opening up a public comment period until June 13, 2024, and requesting responses to three questions regarding the Project: (1) What potential human and environmental impacts of the proposed project should be considered in the environmental assessment?; (2) Are there any methods to minimize, mitigate, or avoid potential impacts of the proposed project that should be considered in the environmental assessment?; and (3) Are there any unique characteristics of the proposed project that should be considered in the EA?¹³
12. On May 29-30, 2024, the Commission and EERA conducted Public Information and Scoping meetings. Four members of the public provided oral comments at these meetings.¹⁴
13. On June 12, 2024, International Union of Operating Engineers Local 49 (IUOE Local 49) filed scoping comments.¹⁵
14. On June 13, 2024, Plummer Solar filed scoping comments in response to questions or issues raised during the public information and scoping meetings.¹⁶
15. On June 14, 2024, LIUNA Minnesota and North Dakota (LIUNA) filed scoping comments.¹⁷

⁷ Ex. EERA-1 (Comments and Recommendations on Application Completeness).

⁸ Ex. PLU-4 (Reply Comments regarding Application Completeness).

⁹ Ex. PLU-5 (Confirmation of Notice).

¹⁰ Consent Items (May 2, 2024) (eDocket No. [20245-206322-01](#)).

¹¹ Ex. PUC-2 (Order).

¹² Minutes – May 7, 2024 Consent (May 7, 2024) (eDocket No. [20245-206453-02](#)).

¹³ Ex. PUC-3 (Notice of Public Information and EA Scoping Meeting).

¹⁴ Ex. EERA-4 (Oral Public Comments on Scope of EA).

¹⁵ IUOE Local 49 Scoping Comments (June 12, 2024) (eDocket No. [20246-207649-01](#)).

¹⁶ Ex. PLU-6 (Plummer Solar Scoping Comments).

¹⁷ LIUNA Scoping Comments (June 14, 2024) (eDocket No. [20246-207687-01](#)).

16. On June 26, 2024, EERA filed written public comments from the International Brotherhood of Electrical Workers Local Union 1426, IUOE Local 49, LIUNA, and Minnesota Tribal Contractors Council on the scope of the EA for the Project.¹⁸ EERA also filed the transcripts from the in-person and the virtual Public Information and Scoping meetings.¹⁹
17. On June 28, 2024, the Administrative Law Judge issued a first prehearing order establishing a schedule for the proceedings.²⁰
18. On July 8, 2024, EERA filed the EA scoping decision for the Project.²¹
19. On July 11, 2024, EERA filed the Notice of EA Scoping Decision.²²
20. On August 14, 2024, the Commission filed a sample solar site permit.²³
21. On August 15, 2024, Plummer Solar filed additional correspondence with the SHPO and the Leech Lake Band of Ojibwe Tribal Historic Preservation Office (THPO) in support of the Application.²⁴
22. On October 18, 2024, the Administrative Law Judge issued a second prehearing order scheduling a prehearing conference for November 15, 2024.²⁵
23. On October 28, 2024, EERA filed the EA for the Project.²⁶ Also, the Commission filed a Notice of Public Hearings and Availability of Environmental Assessment providing for an in-person hearing on November 20, 2024, in Plummer, Minnesota and a remote hearing on November 21, 2024, via WebEx. The Commission also requested comments from the public on (1) whether the Commission should grant a site permit for the proposed solar energy generating system, and (2) if granted, what additional conditions or requirements should be included in the site permit. The Commission stated that it would accept written comments through December 6, 2024.²⁷
24. On October 30, 2024, EERA filed the notification of the publication of the EA to the THPO.²⁸ EERA also filed the notification of the publication of the EA to state and federal agencies.²⁹

¹⁸ Ex. EERA-3 (Written Public Comments on Scope of EA).

¹⁹ Ex. EERA-4 (Oral Public Comments on Scope of EA).

²⁰ Prehearing Order (June 28, 2024) (eDocket No. [20246-208079-01](#)).

²¹ Ex. EERA-5 (EA Scoping Decision).

²² Ex. EERA-6 (Notice of EA Scoping Decision).

²³ Ex. PUC-4 (Sample Solar Site Permit).

²⁴ Ex. PLU-7 (Additional Agency Correspondence Filing Letter with Public Attachments and Nonpublic Attachment A – SHPO Correspondence).

²⁵ Second Prehearing Order (Oct. 18, 2024) (eDocket No. [202410-211128-01](#)).

²⁶ Ex. EERA-7 (EA).

²⁷ Ex. PUC-5 (Notice of Public Hearings and Availability of EA).

²⁸ Ex. EERA-10 (EA Provided to Tribal Historic Preservation Officers).

²⁹ Ex. EERA-9 (EA Provided to Permitting Agencies).

25. On November 7, 2024, DOC filed notice of public hearings and the EA’s availability in the EQB Monitor.³⁰
26. On November 18, 2024, Plummer Solar filed initial comments on the EA.³¹
27. On November 19, 2024, the Commission filed the Affidavit of Publication of the notice of public hearings and the EA’s availability in the Red Lake Falls Gazette newspaper.³² The Commission also filed a handout of the Public Hearing presentation.³³
28. On November 20, 2024, the Commission filed a public comment from the Minnesota Pollution Control Agency (MPCA) on the EA.³⁴ EERA also filed notification of the mailing of the EA to the Thief River Falls Public Library.³⁵
29. On November 20, 2024, Judge Meyer presided over a public hearing at the Plummer City Hall in Plummer, Minnesota. Four individuals provided oral comments at this public hearing.³⁶ A remote public hearing was held via Webex on November 21, 2024. No oral comments were made during that hearing.³⁷
30. Through the close of the public comment period on December 6, 2024, written comments were received from the MPCA, Upper Sioux Community THPO, Minnesota Department of Natural Resources (DNR), IUOE Local 49 and North Central States Regional Council of Carpenters (NCSRC of Carpenters), and EERA.³⁸
31. On December 9, 2024, Plummer Solar filed comments in response to the written and oral public comments offered during the public hearing comment period ending on December 6, 2024.³⁹

III. DESCRIPTION OF THE PROJECT

32. The Project consists of an up to 130 MW alternating current (AC) photovoltaic (PV) solar energy generating facility and associated facilities in Emardville Township in Red Lake County, Minnesota.⁴⁰ The Project will include solar panels and tracking racking systems; inverters; an electrical collection system; an operations and maintenance (O&M) facility; a Project substation and interconnection facilities; electrical cables, conduit, switchgear, and metering equipment; step-up transformers; supervisory control and data acquisition (SCADA)

³⁰ Ex. EERA-11 (EQB Monitor Notice of EA Availability, Public Hearings, and Comment Period).

³¹ Ex. PLU-9 (Initial Comments on EA).

³² Affidavit of Publication (Nov. 19, 2024) (eDocket No. [202411-212155-01](#)).

³³ Handout of Meeting Presentation (Nov. 19, 2024) (eDocket No. [202411-212154-01](#)).

³⁴ MPCA Comments on the EA (Nov. 20, 2024) (eDocket No. [202411-212195-01](#)).

³⁵ Notification of EA Mailed to Libraries (Nov. 20, 2024) (eDocket No. [202411-212175-01](#)).

³⁶ Plummer 6:00 p.m. Public Hearing Transcript (Plummer 6:00 p.m. Tr.) at 21-23, 23-30, 31-32, 32-34 (Nov. 20, 2024).

³⁷ See WebEx 6:00 p.m. Public Hearing Transcript (WebEx 6:00 p.m. Tr.) (Nov. 21, 2024).

³⁸ MPCA Comments (Nov. 20, 2024) (eDocket No. [202411-212195-01](#)); Upper Sioux Community THPO Comments (Dec. 3, 2024) (eDocket No. [202412-212649-01](#)); DNR Comments (Dec 6, 2024) (eDocket No. [202412-212797-01](#)); IUOE Local 49 and NCSRC of Carpenters (Dec 6, 2024) (eDocket No. [202412-212781-01](#)); EERA Hearing Comments (Dec 6, 2024) (eDocket No. [202412-212770-01](#)).

³⁹ Ex. PLU-10 (Plummer Solar Public Hearing Comments (Dec. 9, 2024) (eDocket No. [202412-212821-01](#))).

⁴⁰ Ex. PLU-3 at 1 (Application).

system; access roads; several weather stations; stormwater management system; a short (<1,500 ft) aboveground 115 kilovolt (kV) transmission line; fencing and gates; ancillary equipment or buildings as necessary; and temporary facilities such as laydown yards, temporary site offices, parking, improvements to public and private roads and driveways for delivery of materials and equipment, storage and staging of equipment prior to installation as needed.⁴¹

33. The proposed Project will interconnect via the Project's short (<1,500 ft) aboveground 115 kV transmission line from the Project substation to an Otter Tail Power Company switching station, which will allow for interconnection to the transmission system. The length of the transmission line depends on the location of the utility switching station which has not yet been finalized.⁴²
34. The Project will provide up to 130 MW of renewable power capacity and generate an average of up to approximately 253,500 megawatt hours (MWh) annually.⁴³

IV. SITE LOCATION AND CHARACTERISTICS

35. The Project is located in Emardville Township, in Red Lake County, Minnesota near the town of Plummer, Minnesota. US Highway 59 runs north-south about 0.8 mile west of the Project Site and County State Aid Highway (CSAH) 1/180th St SE runs east-west through the Project Site.⁴⁴
36. Plummer Solar has 100 percent land control for the Project, which is 855 acres of private land either under lease or owned by Plummer Solar and/or its affiliates, with the exception of the public road right-of-way (ROW) (Land Control Area). Based on preliminary Project design, Plummer Solar estimates that up to 796.9 acres of the 855 acres are necessary to accommodate the final design of the up to 130 MW Project (Project Site). The Project Site is generally defined as the area within the security fencing and includes the land needed for the Project components and for operation and maintenance of the Project.⁴⁵
37. The Project is proposed at up to 130 MW AC nameplate capacity. The capacity may be reduced depending on the outcome of studies underway with the Midcontinent Independent System Operator (MISO).⁴⁶
38. The Project has not made a final selection of solar panels but anticipates using approximately 293,448 PV panels.⁴⁷

V. PROJECT SCHEDULE

⁴¹ Ex. PLU-3 at 10 (Application).

⁴² Ex. PLU-3 at 10 (Application).

⁴³ Ex. PLU-3 at 1 (Application).

⁴⁴ Ex. PLU-3 at 11 (Application).

⁴⁵ Ex. PLU-3 at 11 (Application).

⁴⁶ Ex. PLU-3 at 11 (Application).

⁴⁷ Ex. PLU-3 at 11 (Application).

39. Plummer Solar plans to start construction in 2026, with commercial operations beginning by December 31, 2027.⁴⁸

VI. SUMMARY OF PUBLIC COMMENTS

40. Four members of the public provided verbal comments during the Public Information and Environmental Assessment Scoping Meeting (in-person) held on May 29, 2024. The four commenters expressed concerns about setbacks from township roads, tax incentives for the Emardville Township and the county, potential for a buffer from the Project to impact surrounding hunting lands, potential for hunting bullets to impact solar panels and cause environmental issues, disposal of the solar panels after their life cycle, and the impacts on aesthetics of the farmland.⁴⁹
41. No members of the public spoke during the Public Information and Environmental Assessment Scoping Meeting (remote-access) held on May 30, 2024.⁵⁰
42. During the scoping comment period ending June 13, 2024, written comments were filed by LIUNA⁵¹ and IUOE Local 49.⁵² No site or system alternatives were recommended for study.
43. LIUNA's comments recognize with appreciation Plummer Solar's commitment to work with organized labor to maximize the local socioeconomic benefits of clean energy development.⁵³
44. The IUOE Local 49 filed comments recognizing Plummer Solar's commitment to use local contractors and union labor as well as Plummer Solar's commitment to use best efforts to support and deploy Native American, veteran, and diverse businesses and workforces for the Project.⁵⁴
45. On November 20 and 21, 2024, the Judge presided over public hearings on the Application for the Project via in-person and remote means, respectively.⁵⁵ Four individuals provided comments during the in-person hearing, and no individuals commented during the remote hearing. Public comments focused on Project setbacks, weed control measures, road use, decommissioning, and support for Plummer Solar's labor commitments. Plummer Solar responded to questions at the public hearings, as applicable.⁵⁶

⁴⁸ Ex. PLU-3 at 5 (Application).

⁴⁹ Ex. EERA-4 at 2 (Oral Public Comments on Scope of EA).

⁵⁰ Ex. EERA-4 at 48 (Oral Public Comments on Scope of EA).

⁵¹ Ex. EERA-3 at LIUNA Comments (Written Public Comments regarding EA Scoping).

⁵² Ex. EERA-3 at IUOE Local 49 Comments (Written Public Comments regarding EA Scoping).

⁵³ Ex. EERA-3 at LIUNA Comments (Written Public Comments regarding EA Scoping).

⁵⁴ Ex. EERA-3 at IUOE Local 49 Comments (Written Public Comments regarding EA Scoping).

⁵⁵ See Plummer 6:00 p.m. Public Hearing Transcript (Plummer 6:00 p.m. Tr.) (Nov. 20, 2024).

⁵⁶ See Plummer 6:00 p.m. Public Hearing Transcript (Plummer 6:00 p.m. Tr.) (Nov. 20, 2024) and WebEx 6:00 p.m. Public Hearing Transcript (WebEx 6:00 p.m. Tr.) (Nov. 21, 2024).

46. The written public comment period remained open through December 6, 2024. Four written comments were submitted.⁵⁷
47. MPCA filed comments stating that they had reviewed the EA and had no comments.⁵⁸
48. The Upper Sioux Community THPO filed comments stating that the Project is located in an area where the Dakota lived, prayed, hunted, gathered, battled, and buried their relatives. The Upper Sioux Community THPO determined that there were no concerns or further comments on the activities of the proposed Project. The Upper Sioux Community THPO indicated that their preference for Section 106 consultation would be to receive notification of rediscovered cultural resources and human remains. The Upper Sioux Community THPO also commented that if ground disturbance from the Project inadvertently uncovers any human remains, funerary objects or artifacts, then ongoing work must stop and the SHPO and the Upper Sioux Community THPO should be contacted as soon as possible.⁵⁹
49. DNR filed comments recommending that the Site Permit for the Project include a special permit condition that requires shielded and downward facing lighting and lighting that minimize blue hue. DNR also recommended a special permit condition requiring the permittee to utilize non-chloride products for onsite dust control during construction. DNR also recommended including a special condition requiring the use of wildlife-friendly erosion control measures. DNR also encouraged the Applicant to coordinate with the DNR area wildlife staff and the Department of Commerce to develop a satisfactory fencing plan. DNR also provided comments on Plummer Solar's Vegetation Management Plan (VMP) and encouraged continued coordination with the Vegetation Management Plan Working Group (VMPWG). DNR also noted it supports the section of Draft Site Permit encouraging the Applicant to meet the standards of the Minnesota Habitat Friendly Solar Program.⁶⁰
50. IUOE Local 49 and NCSRC of Carpenters filed comments indicating their support for the Project and stating that the Project will generate good paying jobs for local workers.⁶¹
51. EERA filed comments on the draft decommissioning plan, the draft VMP, and the changes between the sample site permit and the proposed Draft Site Permit. Regarding the decommissioning plan, EERA recommended a number of modifications to the draft decommissioning plan. EERA also provided comments on the Project's draft VMP on behalf of the VMPWG. EERA recommended revising the plan to clarify/provide additional info on visual screening plans, seedbed prep, grazing, herbicide, site prep, management, monitoring, and reporting. EERA also recommended that additional maps be added. Regarding the Draft Site Permit special conditions, EERA summarized the changes it made from the Commission's sample site permit, reflected in the Draft Site Permit included with the EA. EERA revised its

⁵⁷ MPCA Comments (Nov. 20, 2024) (eDocket No. [202411-212195-01](#)); Upper Sioux Community THPO Comments (Dec. 3, 2024) (eDocket No. [202412-212649-01](#)); DNR Comments (Dec 6, 2024) (eDocket No. [202412-212797-01](#)); IUOE Local 49 and NCSRC of Carpenters (Dec 6, 2024) (eDocket No. [202412-212781-01](#)); EERA Hearing Comments (Dec 6, 2024) (eDocket No. [202412-212770-01](#)).

⁵⁸ MPCA Comments (Nov. 20, 2024) (eDocket No. [202411-212195-01](#)).

⁵⁹ Upper Sioux Community THPO (Dec. 3, 2024) (eDocket No. [202412-212649-01](#)).

⁶⁰ DNR Comments (Dec 6, 2024) (eDocket No. [202412-212797-01](#)).

⁶¹ IUOE Local 49 and NCSRC of Carpenters (Dec 6, 2024) (eDocket No. [202412-212781-01](#)).

proposed special condition 5.5 on the short-eared owl and marbled godwit, noting that the reference in the original proposed language to avoiding impacts to habitat during migratory season was actually intended to be a recommendation to avoid impacts during nesting season (April – July).⁶²

52. On December 9, 2024, Plummer Solar filed comments in response to the public comments made at the public hearings and submitted during the public comment. Plummer Solar also provided additional corrections/clarifications to the EA and comments on conditions proposed in the Draft Site Permit. Plummer Solar identified additional clarification and minor corrections to the description in the EA of the Project’s interconnection. Plummer Solar noted it will consider EERA’s comments in preparing the updated decommissioning plan, but suggested a modification to EERA’s comments regarding the description of the use of generation output. Plummer Solar provided additional comments on the Draft Site Permit and recommended modifications to Sections 4.3.17 and 5.5. Plummer Solar responded to DNR’s December 6, 2024, comments stating that it does not object to special conditions recommended by DNR for facility lighting, dust control, and wildlife-friendly erosion control. Plummer Solar stated that it would continue to coordinate with MDNR and EERA regarding the Project’s perimeter fence. Plummer Solar reiterated its commitment to working with the VMPWG regarding the Project’s VMP. Plummer Solar also responded to comments made by the Red Lake County Environmental Services Officer at the public hearing regarding the Project’s setbacks, stating that the Project’s perimeter fence is appropriately set back from public road rights-of-way and county ditches and that the proposed design will allow adequate space for maintenance activities including snow removal and dredging. Plummer Solar also responded to public comments regarding decommissioning of the Project. Plummer Solar responded to questions from township and city representatives, explaining that the VMP and AIMP contain a plan for control of invasive and noxious weeds, that Plummer Solar would work with the appropriate road authority regarding work within road right-of-way, and that Plummer Solar would ensure that roads used by the Project during construction are repaired to at least pre-construction conditions, at Plummer Solar’s expense. Plummer Solar also responded to written comments from MPCA, the Upper Sioux Community THPO, LIUNA, and IUOE Local 49 and NCSRC of Carpenters.⁶³

VII. PERMITTEE

53. The permittee for the Project is Plummer Solar.⁶⁴

VIII. CERTIFICATE OF NEED

54. The Project is exempt from certificate of need requirements pursuant to Minn. Stat. § 216B.243, subd. 8(a)(8) because Plummer Solar, an IPP, applied for a site permit to construct the Project.

IX. SITE PERMIT CRITERIA

⁶² EERA Hearing Comments (Dec 6, 2024) (eDocket No. [202412-212770-01](#)).

⁶³ Ex. PLU-10 (Plummer Solar Public Hearing Comments (Dec. 9, 2024) (eDocket No. [202412-212821-01](#))).

⁶⁴ Ex. PLU-3 at 4 (Application).

4. Large electric power generating plants (LEPGP) are governed by Minn. Stat. ch. 216E (2023) and Minn. R. ch. 7850. Minn. Stat. § 216E.01, subd. 5 (2023), defines a “large electric power generating plant” as “electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more.”

5. On October 6, 2022, Plummer Solar submitted information to the Minnesota Department of Commerce requesting a size determination for the Project. On November 2, 2022, EERA informed Plummer Solar that, based on the information provided, the Project is subject to the Commission’s siting authority under Minn. Stat. § 216E.02 (2023). Therefore, a site permit is required prior to construction of the Project.⁶⁵

6. A LEPPG powered by solar energy is eligible for the alternative permitting process authorized by Minn. Stat. § 216E.04 (2023). Plummer Solar filed the Application under the process established by the Commission in Minn. R. parts 7850.2800- 7850.3900.⁶⁶

7. Under Minn. Stat. § 216E.04 (2023), for a LEPPG permitted under the alternative permitting process, EERA prepares an EA, for the Commission, containing information on the human and environmental impacts of the proposed project and addresses mitigating measures. The EA is the only state environmental review document required to be prepared on the Project.

8. EERA is responsible for evaluating the Application and administering the environmental review process.

X. APPLICATION OF SITING CRITERIA TO THE PROPOSED PROJECT⁶⁷

A. Effects on Human Settlement.

55. Minnesota Rule 7850.4100, subparagraph A requires consideration of the Project’s effects on human settlement, including displacement of residences and businesses, noise created by construction and operation of the Project, and impacts to aesthetics, cultural values, recreation, and public services.⁶⁸

1. Displacement.

56. There are no residences, business, or structures such as barns or sheds located within the area of land control, and none will be displaced by the Project. As such, no mitigation is proposed.⁶⁹

2. Aesthetics.

⁶⁵ Ex. PLU-3, Appendix C - Solar Size Determination Form and Response (Application).

⁶⁶ Ex. PLU-1 (Notice of Intent to Submit a Site Permit).

⁶⁷ See Minn. R. 7850.4100.

⁶⁸ Minn. R. 7850.4100, subp. A.

⁶⁹ Ex. EERA-7 at 92 (EA).

57. The visible elements of the solar facility will consist of new PV arrays, transformers and inverters, up to seven weather stations, an O&M facility, a new substation and a short transmission line, and security fencing surrounding the Project.⁷⁰
58. The Project will be a change in the landscape, converting approximately 769.9 acres of agricultural fields into solar production. Although the change will be noticeable, there are other existing infrastructure features in the landscape including gravel roads, transmission and distribution lines, and substations. The Project will be immediately adjacent to an existing substation and pump station facilities that have long operated in the area. How an individual viewer perceives the change from a field of corn to a field of solar panels depends, in part, on how a viewer perceives solar panels.⁷¹
59. For residents outside the Project vicinity and for others with low viewer sensitivity, such as travelers along U.S. Highway 59 N, aesthetic impacts are anticipated to be minimal.⁷² For residents in the Project vicinity and for others with high viewer sensitivity traveling on local roads in the Project vicinity, such as 180th Street SE, aesthetic impacts are anticipated to be moderate to significant.⁷³
60. Aesthetics impacts can be minimized by locating the facilities so that they are not immediately adjacent to homes, ensuring that damage to natural landscapes during construction is minimized, and shielding the facilities from view by terrain or vegetation. Impacts from facility lighting can be minimized by using shielded and downward facing light fixtures and using lights that minimizes blue hue.⁷⁴ While relatively few trees exist within the Project Area, Plummer Solar has designed the Project to avoid tree clearing to the extent practicable, which will help to break up the view of the arrays in some areas. The distance from the closest residence to a solar array is 320 feet; the next-closest residence is located 702 feet from a solar array.⁷⁵ As noted in the Application, nearby residences are at least partially surrounded by natural vegetation screening.⁷⁶ Plummer Solar is in discussions with the most affected, nearest landowner about potential addition of vegetation screening and how to address concerns.⁷⁷
61. Plummer Solar will work with adjacent landowners to determine the need for additional vegetation screening and landscaping to minimize aesthetic impacts of the Project. Aesthetic impacts can also be mitigated through individual agreements with neighboring landowners (sometimes referred to as good neighbor agreements).⁷⁸ Plummer Solar has committed to working with all landowners adjacent to the Project to develop a visual screening plan and implement screening that is specific to the particular landowner.⁷⁹

⁷⁰ Ex. EERA-7 at 40 (EA).

⁷¹ Ex. EERA-7 at 40 (EA).

⁷² Ex. EERA-7 at 41 (EA).

⁷³ Ex. EERA-7 at 41 (EA).

⁷⁴ Ex. EERA-7 at 41 (EA).

⁷⁵ Ex. PLU-3 at 44 (Application).

⁷⁶ Ex. PLU-3 at 41-45 (Application).

⁷⁷ Ex. PLU-3 at 44 (Application); Ex. PLU-9 at 6 (Initial Comments on EA).

⁷⁸ Ex. EERA-7 at 41 (EA).

⁷⁹ Ex. PLU-9 at 6 (Initial Comments on EA).

62. In its initial comments on the EA, Plummer Solar proposes adding the following special condition:

5.7 Visual Screening Plan

The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences.

The Visual Screening Plan shall at a minimum include:

- (a) objectives for screening of adjacent residences; and
- (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance.

The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3.

At least 14 days prior to the pre-construction meeting, the Permittee shall file:

- (a) the Visual Screening Plan;
- (b) documentation of coordination between landowners adjacent to the site boundary; and
- (c) an affidavit of its distribution of the Visual Screening Plan to landowners adjacent to the site boundary.⁸⁰

63. Plummer Solar proposed modifications to section 4.3.8 (Aesthetics) of the Draft Site Permit to focus the condition on adjacent landowners who are most affected by the visual screening plan by revising the condition to include a reference to the visual screening plan special condition proposed above, as the visual screening plan will be developed as a result of Plummer Solar's efforts to consider input pertaining to visual impacts from adjacent landowners. Additionally, Plummer Solar proposed removing the reference to considering input from the local unit of government in developing the screening plan, noting that the site permit preempts all local ordinances. ~~and this language seems to suggest influence from local zoning controls in the absence of applicable standards.~~

EERA noted that local government input into visual impact mitigation measures is a standard permit condition that applies to all Commission-permitted solar farms. Accordingly, the appropriate language for Section Plummer Solar proposed the following edits to section 4.3.8 of the Draft Site Permit is as follows:

4.3.8 Aesthetics

⁸⁰ Ex. PLU-9 at 6 (Initial Comments on EA).

The Permittee shall consider input pertaining to visual impacts from adjacent landowners when developing the Visual Screening Plan required in Section 5.5 ~~and the local unit of government having direct zoning authority over the area in which the Project is located and the local unit of government having direct zoning authority over the areas 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.

64. Down-lit security lighting will be installed at the gates to the facility as well as outside the O&M facility and Project substation, and along the perimeter fence as necessary for safety and security. Lighting will be motion-activated and down lit to minimize impacts and effects.⁸¹ Shielded and downward facing lighting and LED lighting that minimizes blue hue will be used at project substation and O&M facility. Impacts to light-sensitive land uses are not anticipated given the Project's rural location coupled with minimal required lighting for operations.⁸²
65. The Draft Site Permit has a general condition in section 4.3.8 that addresses the potential visual impacts from the Project.⁸³

3. Noise.

66. The MPCA has established standards for the regulation of noise levels. The most restrictive MPCA noise limits are 60–65 A-weighted decibels (dBA) during the daytime and 50–55 dBA during the nighttime.⁸⁴
67. In Minnesota, noise standards are based on noise area classifications (NAC) corresponding to the location of the listener, referred to as a receptor. NACs are assigned to areas based on the type of land use activity occurring at that location. Household units, designated camping and picnicking areas, resorts and group camps are assigned to NAC 1; recreational activities (except designated camping and picnicking areas) and parks are assigned to NAC 2; agricultural and related activities are assigned to NAC 3.⁸⁵
68. Potential noise impacts from the Project are associated with construction noise and operational noise.⁸⁶ The most significant source of construction noise is expected to be the pile driving equipment associated with installation of the foundations for the solar arrays. Federal Highway Administration Construction guidance was used to estimate the noise from power hammers to be approximately 90 dBA at 50 feet (the minimum setback from neighboring property lines).⁸⁷ Scaled to daytime noise level standards, this corresponds to NAC-1 compliant levels at 800 feet, and most residences are further than this from the Project area. The noise from

⁸¹ Ex. PLU-3 at 24 (Application).

⁸² Ex. EERA-7 at 41 (EA).

⁸³ Ex. EERA-7 at 41 (EA).

⁸⁴ Minn. R. 7030.0040.

⁸⁵ Ex. EERA-7 at 42 (EA).

⁸⁶ Ex. EERA-7 at 43 (EA).

⁸⁷ Ex. PLU-3 at 39(Application).

construction activities would dissipate with distance and be audible at varying dBAs, depending on the locations of the equipment and receptor.⁸⁸

69. Construction noise could exceed state noise standards at select times and locations but are not anticipated.⁸⁹ Exceedances would be short-term and confined to daytime hours. Even without an exceedance, noise impacts will occur. Rhythmic pounding of foundations posts would be disruptive even if the noise associated with that activity is within state standards. If Plummer Solar elects to install a helical pile based on conditions at the site, the installation would take longer but would be quieter.⁹⁰
70. Other construction activities, for example, installation of solar panels, are anticipated to have minimal noise impacts.⁹¹
71. Noise levels during operation of the Project are anticipated to be negligible. The primary source of noise from the solar facility will be from inverters and transformers, although some minor noise may be generated from the short transmission line. Noise levels are expected to be intermittent throughout the day and lower during non-daylight hours.⁹² For residential areas, there is an expected maximum level of 44 dBA within 320 feet, the distance of the nearest home to an inverter, well below the daytime L50 dBA noise standard of 60 dBA and the nighttime standard of 50 dBA. Noise from routine maintenance activities is anticipated to be negligible to minimal. Noise from the electrical collection system is not expected to be perceptible.⁹³
72. Common methods for mitigating noise impacts include placing sound control devices on vehicles and equipment (e.g., mufflers), conducting construction activities during daylight hours, and running vehicles and equipment only when necessary.⁹⁴
73. Section 4.3.7 in the Draft Site Permit addresses noise from the Project.⁹⁵ No additional mitigation is proposed.⁹⁶

4. Cultural Values.

74. Construction and operation of the Project is not anticipated to impact or alter the work and leisure pursuits of residents in the Project area in such a way as to impact the underlying culture of the area. Therefore, no mitigation is proposed.⁹⁷

⁸⁸ Ex. EERA-7 at 43 (EA).

⁸⁹ Ex. PLU-9 at 3-4 (Initial Comments on EA).

⁹⁰ Ex. EERA-7 at 44 (EA).

⁹¹ Ex. EERA-7 at 44 (EA).

⁹² Ex. PLU-9 at 3 (Initial Comments on EA).

⁹³ Ex. EERA-7 at 44 (EA).

⁹⁴ Ex. EERA-7 at 44 (EA).

⁹⁵ Ex. EERA-7, Appendix C at 5 (Draft Site Permit).

⁹⁶ Ex. EERA-7 at 44 (EA).

⁹⁷ Ex. EERA-7 at 45 (EA).

75. There are no conditions included in the Draft Site Permit that directly address mitigation for impacts to cultural values. Section 4.3.24 addresses impacts to cultural properties.⁹⁸

5. Land Use and Zoning.

76. Land use impacts are anticipated to be long-term and localized. The proposed solar facility is considered available land use ordinances and comprehensive land use plans, where appropriate.⁹⁹
77. During the public hearing, the Red Lake County Environmental Services Officer asked several questions regarding the setbacks from the Project to various public roads, ditches, and nearby homes and businesses.¹⁰⁰ The County did not make any specific recommendations as to such setbacks, and Enbridge responded to these inquiries during the public hearing and in comments following the meeting.¹⁰¹ Plummer Solar has demonstrated that the setbacks included in its Application are reasonable, and the record does not include any contrary evidence.
78. Construction of the Project will change land use from agricultural to solar energy production for a minimum of 30 years. After the Project's useful life, the land control area could be restored to pre-Project conditions by implementing appropriate restoration measures.¹⁰² Impacts can be minimized by using best practices to protect land and water quality.¹⁰³
79. The Project would convert approximately 884 acres of cultivated cropland to solar energy production. Plummer Solar intends to utilize best practices as feasible to reduce the impact on land use and water resources in congruence with the Red Lake County Comprehensive Local Water Management Plan. Although the Project is subject to oversight by the Commission, Plummer Solar will continue to coordinate with Red Lake County and Emardville Township on other potential permits for the Project.¹⁰⁴
80. The Draft Site Permit addresses preservation and restoration of agricultural land in Sections 4.3.17, 4.3.18, 9.0, and 9.2.¹⁰⁵

6. Property Values.

81. Impacts to property values within the local vicinity could occur; however, changes to a specific property's value are difficult to determine. Because of this uncertainty, impacts to specific properties in the Project vicinity could be minimal to moderate and decrease with distance and over time.¹⁰⁶ Impacts to property values can be mitigated by reducing aesthetic impacts and

⁹⁸ Ex. EERA-7 at 45 (EA).

⁹⁹ Ex. EERA-7 at 12 (EA).

¹⁰⁰ Plummer 6:00 p.m. Public Hearing Transcript (Plummer 6:00 p.m. Tr.) at 26-28 (Nov. 20, 2024).

¹⁰¹ Ex. PLU-10 at 6-7 (Plummer Solar Public Hearing Comments (Dec. 9, 2024) (eDocket No. [202412-212821-01](#))).

¹⁰² Ex. PLU-9 at 3 (Initial Comments on EA).

¹⁰³ Ex. EERA-7 at 45 (EA).

¹⁰⁴ Ex. EERA-7 at 47 (EA).

¹⁰⁵ Ex. EERA-7 at 47 (EA).

¹⁰⁶ Ex. EERA-7 at 47 (EA).

strains to future land use. Impacts can also be mitigated by Plummer Solar through individual agreements with neighboring landowners, such as a visual screening plan.¹⁰⁷

7. Tourism and Recreation.

82. Tourism in the Project area is largely related to recreational activities including hunting, wildlife viewing and snowmobiling. Activities in the Project area are associated with, wildlife management areas (WMAs), snowmobile trails, and county and city parks.¹⁰⁸
83. Impacts to tourism and recreation can be direct or indirect. Direct impacts are impacts that directly impede the use of a recreational resource, for example, closing of a trail to facilitate project construction. Indirect impacts reduce the enjoyment of a recreational resources but do not prevent use, for example, aesthetic impacts visible from a scenic overlook.¹⁰⁹
84. During construction, unavoidable short-term impacts will occur as construction equipment and vehicle traffic will create noise, dust, and visual impacts. These impacts will be intermittent and localized.¹¹⁰
85. There are no WMAs, public water access sites, or state parks within one mile of the Project area. The nearest WMA is the Emardville WMA, located approximately 2 miles north of the Project. The Oriniak and Gervais WMAs are located approximately 5 miles from the Project. There are a few local parks, including Omar Sundrug Memorial Park approximately 7 miles southeast in the City of Oklee, and Sportsman Park, Riverside Park, and Voyageur's View Campground located in the City of Red Lake Falls located approximately 12 miles west of the Project. There is also a private hunting company located approximately one mile south of the Project. There is one state snowmobile trail less than one mile west of the Project area, the Riverland snowmobile trail which follows Highway 59.¹¹¹
86. Impacts to tourism and recreation are anticipated to be minimal and temporary. Due to construction, there will be short-term increases in traffic and noise that could potentially impact recreational activities in close proximity to the Project area, including visitors at the snowmobile trail and the private hunting company. However, impacts will be temporary. No significant long term impacts to recreational activities are anticipated.¹¹²
87. Because impacts to recreational activities are anticipated to be minimal and temporary, no additional mitigation measures are proposed.¹¹³

¹⁰⁷ Ex. EERA-7 at 49 (EA).

¹⁰⁸ Ex. EERA-7 at 49-50 (EA).

¹⁰⁹ Ex. EERA-7 at 50 (EA).

¹¹⁰ Ex. EERA-7 at 49 (EA).

¹¹¹ Ex. EERA-7 at 50 (EA).

¹¹² Ex. EERA-7 at 50 (EA).

¹¹³ Ex. EERA-7 at 50 (EA).

88. Plummer Solar considered the DNR’s Commercial Solar Siting Guidance when designing the perimeter fencing in order to mitigate disruption to local animal populations, avoiding impacts to recreational activities associated with wildlife such as hunting and wildlife viewing.¹¹⁴

8. Transportation and Public Services.

89. Plummer Solar does not anticipate impacts to water and wastewater systems, as there are no wells located within the Project area. A single domestic-sized water well will be required for the O&M facility, and because of this a well construction permit will be required from the Minnesota Department of Health (MDH).¹¹⁵
90. During construction, workers and trucks delivering construction material and equipment will use the existing state, county, and township road system to access the Project. Construction traffic will be perceptible to area residents, but because the average daily traffic in the area is well below design capacity, this increased traffic is not expected to affect traffic function. Slow-moving construction vehicles may also cause delays on smaller roads, similar to the impact of farm equipment during planting or harvest. However, these delays should be minimal for the relatively short construction delivery period. Plummer Solar indicates that the power transformer may qualify as an overweight load. If required, Plummer Solar will obtain appropriate approvals for these loads prior to construction.¹¹⁶
91. With the exception of minor field access or driveway changes, no changes to the existing public roads are anticipated.¹¹⁷
92. Plummer Solar has stated it will work with the appropriate road authority regarding work within road right-of-way, including modifications or improvements to public roads. Additionally, Plummer Solar has stated will work with the appropriate road authorities to ensure that roads used by the Project during construction are repaired to at least pre-construction conditions, at Plummer Solar’s expense.¹¹⁸
93. No impacts to roads are anticipated during the operation; negligible traffic increases would occur for maintenance.¹¹⁹
94. No impacts to railroads are anticipated as there are no railroads within the Project area.¹²⁰
95. No long-term impacts to utilities will occur because of the Project. The Project will not impact existing transmission lines, although Plummer Solar indicates that there may be limited, temporary impacts to electrical service during interconnection. These impacts are expected to

¹¹⁴ Ex. PLU-3 at 57 (Application).

¹¹⁵ Ex. EERA-7 at 57 (EA).

¹¹⁶ Ex. PLU-3 at 61 (Application); Ex. EERA-7 at 52 (EA).

¹¹⁷ Ex. PLU-3 at 61 (Application); Ex. EERA-7 at 52 (EA).

¹¹⁸ Ex. PLU-10 at 8 (Plummer Solar Public Hearing Comments (Dec. 9, 2024) (eDocket No. [202412-212821-01](#))); *see also* Ex. PLU-3 at 24, 61 (Application).

¹¹⁹ Ex. EERA-7 at 52 (EA).

¹²⁰ Ex. EERA-7 at 52 (EA).

be short-term, and Plummer Solar indicates that coordination with local individuals and utilities impacted would take place prior to shutdowns.¹²¹

96. The Project crosses an existing pipeline corridor, running from the City of Plummer, crossing the site diagonally from the northwestern corner to the center of the southern boundary, and continuing south onwards. This is an active Enbridge-owned pipeline that transports crude oil. Plummer Solar indicates that electrical cabling will run alongside the pipeline ROW, crossing underneath the pipeline at one location in the southwest area of the Project.¹²²
97. Plummer Solar used the Federal Aviation Administration’s (FAA) Notice Criteria Tool to determine if further aeronautical study or FAA filing is needed. The tool generated a “no notice required” for all components of the Project, including solar panels, construction cranes up to 150 ft. in height, electric transmission poles/towers up to 150 ft., or communications towers up to 150 ft. As a result, no further FAA studies or filings are necessary for the Project.¹²³
98. Potential impacts to the electrical grid, roads and railroads, and other utilities are anticipated to be short-term, intermittent, and localized during construction. Impacts to water (wells and septic systems) are not expected to occur. Overall, construction-related impacts are expected to be minimal, and are associated with possible traffic delays. During operation, negligible traffic increases would occur for maintenance. Impacts are unavoidable but can be minimized.¹²⁴
99. Impacts to electrical infrastructure that cross the Project can be mitigated by appropriate coordination with the owners of the existing infrastructure and following industry best practices.¹²⁵
100. Section 4.3.5 of the Draft Site Permit is a standard permit condition that requires the permittee to minimize disruptions to public utilities.¹²⁶
101. Section 4.3.22 of the Draft Site Permit requires permittees to inform road authorities of roads that will be used during construction and acquire necessary permits and approvals for oversize and overweight loads. Permitted fencing and vegetative screening cannot interfere with road maintenance activities, and the least number of access roads shall be constructed.¹²⁷ Plummer Solar has committed to working with the appropriate road authorities to ensure roads used by the Project during construction are repaired to at least pre-construction conditions, at Plummer Solar’s expense.¹²⁸
102. In the EA, EERA suggests that Plummer Solar should take extra measures during underground cable trenching and installation to ensure cabling is at a depth that avoids

¹²¹ Ex. EERA-7 at 52 (EA).

¹²² Ex. EERA-7 at 52 (EA).

¹²³ Ex. EERA-7 at 52 (EA).

¹²⁴ Ex. EERA-7 at 50 (EA).

¹²⁵ Ex. EERA-7 at 53 (EA).

¹²⁶ Ex. EERA-7 at 52 (EA).

¹²⁷ Ex. EERA-7 at 53 (EA).

¹²⁸ Ex. PLU-10 at 8 (Plummer Solar Public Hearing Comments (Dec. 9, 2024) (eDocket No. [202412-212821-](#)

[01](#))).

disturbance to the existing pipeline ROW.¹²⁹ As Plummer Solar stated in the Application, the depth of cables is expected to be three feet and may be deeper for installation under existing utilities or other features requiring avoidance. Electrical collection technology is rapidly evolving and the final type of electrical system will be determined prior to construction based on site-specific geotechnical analysis, available technology, constructability, and availability of materials. Final engineering and procurement will determine the construction method for the electrical collection system. Underground cabling will be installed in accordance with the Agricultural Impact Mitigation Plan (AIMP).¹³⁰

9. Socioeconomics.

103. The Project will require approximately 150-200 jobs during the construction and installation phases, and up to 3-4 long-term personnel during the operations phase. Indirect economic benefits will occur from additional local spending on lodging, goods and services and local sales tax.¹³¹ Construction of the Project is likely to result in increased expenditures for lodging, food and fuel, transportation, and general supplies at local businesses during construction. Construction of the Project will create local job opportunities for various trade professionals and will also generate and circulate income throughout the community by investing in local business expenditures as well as state and local taxes.¹³²
104. Procurement of construction resources will give preference to local, union construction craft employees. Plummer Solar has indicated that they have held meetings with several tribes to discuss potential employment and investment opportunities in the Project and will make every effort to utilize tribal members for contracting, subcontracting, and workforce, that can perform the scopes of services needed.¹³³
105. If the Project is constructed, approximately 796.9 acres will be removed from agricultural production that are currently used to produce corn, winter wheat, and soybeans. Adverse impacts associated with the loss of agricultural land and agricultural production will be mitigated through lease payments to landowners.¹³⁴
106. Section 8.5 of the Draft Site Permit requires quarterly reports concerning efforts to hire Minnesota workers. Section 4.5.3 of the Draft Site Permit requires the permittee, as well as its construction contractors and subcontractors, to pay no less than the prevailing wage rate.¹³⁵
107. Plummer Solar has held meetings with several tribes to discuss the Project and potential investment opportunities.¹³⁶ In the Draft Site Permit, EERA proposed including Section 5.1 as a special condition, requiring the permittee to continue local tribal engagement in order to provide meaningful opportunities for tribal employment throughout the Project and to report

¹²⁹ Ex. EERA-7 at 53 (EA).

¹³⁰ Ex. PLU-3 at 22 (Application).

¹³¹ Ex. EERA-7 at 56 (EA); Ex. PLU-3 at 54 (Application).

¹³² Ex. EERA-7 at 55 (EA).

¹³³ Ex. EERA-7 at 55 (EA).

¹³⁴ Ex. EERA-7 at 56 (EA).

¹³⁵ Ex. EERA-7 at 56 (EA).

¹³⁶ Ex. PLU-3 at 29 (Application).

tribal employment statistics with its labor statistics reporting.¹³⁷ As mentioned in the Application and acknowledged in the EA, Plummer Solar has engaged with several Tribes in Minnesota to discuss the Project and potential employment and investment opportunities in the Project, and has committed to continue working with Tribes in an effort to provide meaningful opportunities for Tribal employment and economic opportunity through the Project.¹³⁸ However, as stated in its Comments on the EA, Plummer Solar is unaware of the Commission imposing a tribal employment reporting requirement on any other solar or wind project. To the extent this novel requirement is imposed by special condition, Plummer Solar requested that such a reporting requirement be limited to the construction phase, consistent with the typical labor statistic reporting requirement.¹³⁹

108. Socioeconomic impacts are anticipated to be positive. Therefore, no additional mitigation is proposed.¹⁴⁰

10. Environmental Justice.

109. Environmental justice is the “fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”¹⁴¹ The goal of this “fair treatment” is not to shift risks among populations, but to identify potential disproportionately high and adverse effects and identify alternatives that may mitigate these impacts.¹⁴²
110. The Project will not create disproportionate or adverse impacts to low-income or minority populations because the percentage of low-income and minority residents in the Project area is not meaningfully greater than Red Lake County or the state of Minnesota. Therefore, no mitigation is proposed.¹⁴³

B. Effects on Public Health and Safety.

111. Minnesota Rule 7850.4100, subparagraph B require consideration of the Project’s potential effect on health and safety.¹⁴⁴
112. Impacts to human health and safety are assessed by looking at two main issues: electric and magnetic fields and public safety and emergency services.¹⁴⁵

1. Electromagnetic Fields (EMF).

¹³⁷ Ex. EERA-7 at 56 and Appendix C (EA).

¹³⁸ See Ex. PLU-3 at 29 and 91 (Application); Ex. EERA-7 at 55 (EA).

¹³⁹ Ex. PLU-9 at 8 (Initial Comments on EA).

¹⁴⁰ Ex. EERA-7 at 56 (EA).

¹⁴¹ Ex. EERA-7 at 56 (EA).

¹⁴² Ex. EERA-7 at 56 (EA).

¹⁴³ Ex. EERA-7 at 57 (EA).

¹⁴⁴ Minn. R. 7850.4100, subp. B.

¹⁴⁵ Ex. EERA-7 at 7 (EA).

113. There are no federal regulations regarding allowable electric or magnetic fields produced by transmission lines in the United States.¹⁴⁶ The Commission has imposed a maximum electric field limit of 8 kV per meter (kV/m).¹⁴⁷
114. The primary sources of EMF from the generating facility will be from the solar arrays, buried electrical collection lines, and the transformers installed at each inverter. The EMF generated by solar arrays is at the level generally experienced near common household appliances. Measured magnetic fields at utility-scale PV projects drop to very low levels of 0.5 milligauss or less at distances of 150 feet from inverters. The nearest solar array is located approximately 320 feet from the nearest residence, the nearest inverter is located approximately 651 feet from the nearest residence and the nearest 34.5 kV collector line is approximately 418 feet from the nearest residence. At this distance both electric and magnetic fields will dissipate to background levels.¹⁴⁸
115. Impacts to public health and safety resulting from EMF are not expected. Therefore, no mitigation is proposed.¹⁴⁹

2. Public Safety and Emergency Services.

116. The EA notes that there are risks associated with the construction of the Project. These include potential injury from falls, equipment and vehicle use, electrical accidents, etc. Public risks involve electrocution. Electrocution risks could also result from unauthorized entry into the fenced area. There is the potential for land that has previously been impacted by hazardous substances to be encountered, and hazardous materials must be documented, monitored, and disposed in coordination with MPCA. Potential impacts are anticipated to be minimal. Impacts would be short- and long-term and can be minimized.¹⁵⁰
117. The Project will be designed and constructed in compliance with applicable electric codes. Electrical inspections will ensure proper installation of all components, and the Project will undergo routine inspection. Electrical work will be completed by trained technicians.¹⁵¹
118. Construction is bound by federal and state Occupational Safety and Health Administration (OSHA) requirements for worker safety, and must comply with local, state, and federal regulations regarding installation of the facilities and qualifications of workers. Established industry safety procedures will be followed during and after construction of the Project.¹⁵² Plummer Solar indicates that the Project will be fenced and locked to prevent unauthorized access, and signs will be posted to warn unauthorized persons not to enter fenced area due to the presence of electrical equipment.¹⁵³

¹⁴⁶ Ex. EERA-7 at 60 (EA).

¹⁴⁷ Ex. PLU-3 at 37 (Application).

¹⁴⁸ Ex. EERA-7 at 61 (EA).

¹⁴⁹ Ex. EERA-7 at 61 (EA).

¹⁵⁰ Ex. EERA-7 at 61 (EA).

¹⁵¹ Ex. EERA-7 at 63 (EA).

¹⁵² Ex. EERA-7 at 63 (EA).

¹⁵³ Ex. EERA-7 at 63 (EA); Ex. PLU-3 at 35 (Application).

119. In the case that soils are encountered that contain historic residual crude oil, Plummer Solar indicates that the Contaminated Sites Management Plan (CSMP) will be followed. The CSMP plan includes identification, notification and documentation of the contamination, management of the contaminated materials (e.g., soil, water) through proper removal and disposal with continuous testing and monitoring of the area, and reporting to the MPCA for any observations and management activity that took place within the contaminated area.¹⁵⁴ EERA proposed Special Condition 5.2 of the Draft Site Permit, which requires the permittee to follow its CSMP in the event that contaminated materials are discovered during construction or operation of the Project, and to notify and coordinate with the MPCA for proper removal and disposal of any contaminated materials and restoration of the land.¹⁵⁵ While Plummer Solar stated it does not object to this special condition, Plummer Solar noted that the current CSMP is intended for the construction phase rather than operations.¹⁵⁶ Plummer Solar has committed to updating its CSMP prior to construction to include a section addressing operations.¹⁵⁷
120. Public safety is addressed in sections 4.3.30, 5.2, 8.12, 8.13, and 9.1 of the Draft Site Permit.¹⁵⁸
121. The EA does not propose any additional mitigation.¹⁵⁹

C. Effects on Land-Based Economies.

122. Minnesota Rule 7850.4100, subparagraph C requires consideration of the Project's impacts to land-based economies—specifically, agriculture, forestry, tourism, and mining.¹⁶⁰

1. Agriculture.

123. The Project will result in up to 755 acres of farmland being removed from agricultural production for the life of the Project. This change in land use would take productive farmland out of production for the life of the Project, representing approximately 0.3 percent of existing agricultural land in Red Lake County.¹⁶¹
124. Although this land would be taken out of agricultural productivity, it would not result in a significant impact to land-based economies in Red Lake County, as this acreage constitutes 0.3 percent of the agricultural land in Red Lake County. Agricultural production would continue in the surrounding areas during construction and operation of the Project. The revenue lost from removing land from agricultural production would be offset by the purchase or lease option with the landowner.¹⁶² Additionally, Plummer Solar indicates that the land could be returned to agricultural uses after the Project is decommissioned and the site is restored.¹⁶³ At

¹⁵⁴ Ex. EERA-7 at 63 (EA).

¹⁵⁵ Ex. EERA-7 at Appendix C, Section 5.2 (EA).

¹⁵⁶ See Ex. PLU-3 at 35 (Application); Ex. PLU-9 at 8 (Initial Comments on EA).

¹⁵⁷ Ex. PLU-9 at 8 (Initial Comments on EA).

¹⁵⁸ Ex. EERA-7 at 63 (EA).

¹⁵⁹ Ex. EERA-7 at 63 (EA).

¹⁶⁰ Minn. R. 7850.4100, subp. C.

¹⁶¹ Ex. EERA-7 at 64 (EA).

¹⁶² Ex. PLU-3 at 62 (Application).

¹⁶³ Ex. EERA-7 at 64 (EA); Ex. PLU-3 at 19 and 60 (Application).

the end of the Project’s useful life, Plummer Solar will restore the site to its pre-existing condition, or better, and to a use agreed to between Plummer Solar and the landowner.¹⁶⁴

125. Sections 4.3.9, 4.3.10, 4.3.11, 4.3.16, 4.3.17, 4.3.18, 4.3.20, 4.3.21, and 4.3.29 of the Draft Site Permit address agricultural mitigation and soil-related impacts.¹⁶⁵
126. Plummer Solar indicates in the Application that Best Management Practices (BMPs) would be implemented during construction in order to minimize and mitigate long-term impacts to agricultural lands. These BMPs are discussed in the AIMP and VMP.¹⁶⁶ Some of those BMPs include project design that minimizes infrastructure to the degree practicable, preventing soil profile mixing, halting construction during wet weather conditions, ensuring proper site drainage and erosion control, and limiting the spread of noxious weeds and invasive species by cleaning construction equipment.¹⁶⁷

2. Tourism.

127. Tourism in the Project area is largely related to recreational activities including hunting, wildlife viewing and snowmobiling. Activities in the Project area are associated with WMAs, snowmobile trails, and county and city parks.¹⁶⁸
128. There are no WMAs, public water access sites, or state parks within one mile of the Project area. The nearest WMA is the Emardville WMA, located approximately 2 miles north of the Project. The Oriniak and Gervais WMAs are located approximately 5 miles from the Project. There are a few local parks, including Omar Sundrug Memorial Park approximately 7 miles southeast in the City of Oklee, and Sportsman Park, Riverside Park, and Voyageur’s View Campground located in the City of Red Lake Falls located approximately 12 miles west of the Project. There is also a private hunting company located approximately one mile south of the Project.¹⁶⁹
129. There is one state snowmobile trail less than one mile west of the Project area, the Riverland snowmobile trail which follows Highway 59.¹⁷⁰
130. Impacts to tourism and recreation are anticipated to be minimal and temporary. Due to construction, there will be short-term increases in traffic and noise that could potentially impact recreational activities in close proximity to the Project area, including visitors at the snowmobile trail and the private hunting company. However, impacts will be temporary. No significant long term impacts to recreational activities are anticipated.¹⁷¹ Because impacts to

¹⁶⁴ Ex. EERA-7, Appendix C at 21 (EA); Ex. PLU-3, Appendix I at 3 (Application).

¹⁶⁵ Ex. EERA-7 at 65 (EA).

¹⁶⁶ Ex. PLU-3 at 62 (Application).

¹⁶⁷ Ex. EERA-7 at 65 (EA); Ex. PLU-3 at 62-63 (Application).

¹⁶⁸ Ex. EERA-7 at 49-50 (EA).

¹⁶⁹ Ex. EERA-7 at 50 (EA).

¹⁷⁰ Ex. EERA-7 at 50 (EA).

¹⁷¹ Ex. EERA-7 at 50 (EA).

recreational activities are anticipated to be minimal and temporary, no additional mitigation measures are proposed.¹⁷²

131. Plummer Solar has indicated that perimeter fencing will be installed considering the DNR's Commercial Solar Siting Guidance in order to mitigate disruption to local animal populations, avoiding impacts to recreational activities associated with wildlife such as hunting and wildlife viewing.¹⁷³

D. Effects on Archaeological and Historic Resources.

132. Minnesota Rule 7850.4100, subparagraph D, requires consideration of the effects of the Project on historic and archaeological resources.
133. Plummer Solar reports contacting the eleven federally recognized Tribal Nations in Minnesota, including Minnesota Tribal Nations' THPO and the Minnesota Indian Affairs Council for additional information or comment on the Project.¹⁷⁴
134. Three tribes expressed interest in ongoing project updates, including the Red Lake Nation, the Leech Lake Band of Ojibwe, and the Fond du Lac Band of Lake Superior Chippewa.¹⁷⁵ Plummer Solar received feedback from the Leech Lake Band of Ojibwe, stating that there are no known recorded sites of religious or cultural identified resources within the area.¹⁷⁶ Feedback was also received from the Upper Sioux Community indicating that although the project is in an area where the Dakota lived, prayed, hunted, gathered, battled, and buried relatives, there are no concerns or further comments on the project.
135. Plummer Solar conducted a Phase I survey and a Traditional/Tribal Cultural Resources Survey (TCRS or Survey) of the Project area in July and October of 2022, and May of 2023. The Survey examined records from the SHPO and Minnesota Office of the State Archeologist for an area within one mile of the area of land control. In addition, the National Register of Historic Places database and National Historic Landmark list for Minnesota were consulted, along with a review of available historic maps.¹⁷⁷
136. The literature review identified three previously documented archaeological sites within the area of land control, as well as three additional archaeological sites and 10 historic/architectural resources within one mile of the area of land control.¹⁷⁸
137. The TCRS also identified numerous trees, plants, and wildlife traditionally used by tribes for food, medicine, arts, ceremony, and/or other materials present within the Project area. The results of the Phase I identified that no archeological sites within the area of land control are eligible for listing in the NRHP.¹⁷⁹ SHPO concurred with this determination, stating

¹⁷² Ex. EERA-7 at 50 (EA).

¹⁷³ Ex. EERA-7 at 50 (EA); Ex. PLU-3 at 57 (Application).

¹⁷⁴ Ex. EERA-7 at 66 (EA).

¹⁷⁵ Ex. PLU-3 at 96, Table 20 (Application).

¹⁷⁶ See Ex. PLU-7 at Attachment B (Additional Agency Correspondence with Attachments).

¹⁷⁷ Ex. EERA-7 at 67 (EA).

¹⁷⁸ Ex. EERA-7 at 67 (EA).

¹⁷⁹ Ex. PLU-3 at 65 (Application).

“Therefore, we conclude that there are no properties listed in the National or State Registers of Historic Places and no known or suspected archaeological properties in the area that will be affected by this project.”¹⁸⁰

138. The EA states that prudent siting to avoid impacts to archaeological and historic resources is the preferred mitigation. Section 4.3.23 of the Draft Site Permit 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. If previously unidentified archaeological sites are found during construction, the permit requires the permittee to stop construction and contact SHPO to determine how best to proceed. Ground disturbing activity will stop, and local law enforcement will be notified should human remains be discovered.¹⁸¹

EERA recommended modifying Section 4.3.23 of the Draft Site Permit to include the Upper Sioux Community THPO as a point of contact should any human remains or funerary objects be encountered. To address the request of the Upper Sioux Community, it is appropriate to amend Section 4.3.23 of the Draft Site Permit as proposed by EERA.

139. Additionally, Section 5.3 of the Draft Site Permit requires preparation of an Unanticipated Discoveries Plan outlining steps to be taken if previously unrecorded cultural resources or human remains are encountered during construction. Plummer Solar indicated that before construction begins, an Unanticipated Discoveries Plan will be prepared and should any previously unknown cultural resources or human remains be encountered, work will stop, and the discovery will be examined by an archaeologist. If the discovery is determined to be a significant cultural resource, SHPO and the Minnesota Office of the State Archaeologist will be notified. With regard to a discovery of potential human remains, procedures would be followed to verify if the remains are human and that the appropriate authorities would become involved quickly and in accordance with local and state guidelines.¹⁸²

E. Effect on Natural Environment.

140. Minnesota Rule 7850.4100, subparagraph E requires consideration of the Project’s effect on the natural environment, including effects on air and water quality resources and flora and fauna.¹⁸³

1. Air Quality.

141. Impacts on air quality from construction and operation of the Project would be intermittent, localized, short-term, and minimal. Impacts are associated with fugitive dust and exhaust. Impacts can be mitigated. Once operational, the solar array will not generate criteria pollutants or carbon dioxide. Negligible fugitive dust and exhaust emissions would occur as part of

¹⁸⁰ See Ex. PLU-7 (Additional Agency Correspondence with Attachments).

¹⁸¹ Ex. EERA-7 at 67 (EA).

¹⁸² Ex. EERA-7 at 67 (EA).

¹⁸³ Minn. R. 7850.4100, subp. E.

routine maintenance activities. Impacts are unavoidable and do not affect a unique resource. Impacts can be minimized.¹⁸⁴

142. Exhaust emissions can be minimized by keeping vehicles and equipment in good working order, and not running equipment unless necessary. Plummer Solar will use BMPs during construction and operation of the Project to minimize dust and emissions.¹⁸⁵
143. As a component of the construction stormwater permit that will be obtained for the Project, a National Pollutant Discharge Elimination System/State Disposal System construction stormwater permit and an associated Stormwater Pollution Prevention Plan (SWPPP) will be developed and implemented prior to construction in order to minimize the potential for fugitive dust emissions.¹⁸⁶
144. Watering exposed surfaces, covering disturbed areas, and reducing speed limits on-site are all standard construction practices.¹⁸⁷
145. The AIMP identifies construction BMPs related to soils and vegetation that will help to mitigate against fugitive dust emissions. Several sections of the draft plan indirectly mitigate impacts to air quality, including sections related to construction and vegetation removal, soils, erosion and sediment control, and restoration of the site to pre-construction conditions.¹⁸⁸

2. Geology and Groundwater.

146. Impacts to geology and domestic water supplies are not expected. Localized impacts to groundwater resources, should they occur, would be intermittent, but have the potential to occur over the long-term. Indirect impacts from surface waters might occur during construction. Impacts can be mitigated through use of BMPs for stormwater management.¹⁸⁹

3. Soils.

147. Impacts to soils will occur during construction and decommissioning of the Project. The impact intensity level is expected to be minimal. Most of the soils within the solar facility project site and land control area are designated prime farmland if drained (84%), and the rest is designated prime farmland of statewide importance (13%) or prime farmland (3%). Potential impacts will both positive and negative, and short- and long-term. Isolated moderate to significant negative impacts associated with high rainfall events could occur. Because the soil at the solar facility will be covered with native perennial vegetation for the life of the Project, soil health is likely to improve.¹⁹⁰

¹⁸⁴ Ex. EERA-7 at 68 (EA).

¹⁸⁵ Ex. EERA-7 at 70 (EA); Ex. PLU-3 at 68 (Application).

¹⁸⁶ Ex. EERA-7 at 70 (EA).

¹⁸⁷ Ex. EERA-7 at 70 (EA).

¹⁸⁸ Ex. EERA-7 at 70 (EA).

¹⁸⁹ Ex. EERA-7 at 70 (EA).

¹⁹⁰ Ex. EERA-7 at 73 (EA).

148. Sections 4.3.9, 4.3.11, 4.3.16, 4.3.17, and 4.3.18 of the Draft Site Permit address erosion prevention and sediment control practices.¹⁹¹

4. Surface Water and Floodplains.

149. The Project is in the Clearwater River watershed of the Red River of the North Basin. This watershed characteristically has a poorly defined floodplain and low gradient that can leave the basin subject to frequent flooding, potentially impacting urban and rural infrastructure and agricultural production. There are no lakes, rivers, or streams that cross the Project site. There is a ditch, County Ditch number 57, which flows north through the Project site. The nearest Public Waters Inventory (PWI) body of water is the Clearwater River, located approximately 1.4 miles north and northwest at its nearest point. The surface waters within the Project site are limited to ditches, including three additional ditches outside the Project site, and PWI wetlands. There are no waters listed by the MPCA as impaired waters within the Project site. The Clearwater River, within approximately 1.4 miles north and northwest of the Project, is listed as an impaired water, with aquatic consumption/aquatic life as the affected designated use and mercury in fish tissue/turbidity as the pollutant/stressor.¹⁹²
150. A FEMA flood insurance study for Red Lake County was completed in March 2021, and County Ditch 57 was identified as a Zone A floodplain; however, a regulatory floodway was not established. Other than the ditch, there are no Zone A floodplains within the land control area.¹⁹³
151. Plummer Solar requested information from Red Lake County and landowners regarding drain tiles. A drain tile was identified to be present within the areas east of 230th Ave SE. Plummer Solar states that the existing drain tiles appear to adequately drain and discharge water from the Project site, primarily into the county-managed ditches. No other records of drain tiles have been found in this area.¹⁹⁴
152. The impact intensity level is anticipated to be minimal. Direct impacts to surface waters are not expected. Indirect impacts to surface waters might occur. These impacts will be short-term, of a small size, and localized. Impacts can be mitigated.¹⁹⁵
153. Standard construction management practices, including, but not limited to containment of excavated soils, protection of exposed soils, stabilization of restored soils, and controlling fugitive dust, would minimize the potential for eroded soils to reach surface waters. BMPs to minimize the impact on surface waters will be utilized as a part of the SWPPP, including but not limited to sediment control, revegetation plans, and management of exposed soils to prevent sediment from entering waterbodies.¹⁹⁶ Plummer Solar plans to maintain drainage

¹⁹¹ Ex. EERA-7, Appendix C at 6, 8-9 (Draft Site Permit).

¹⁹² Ex. EERA-7 at 76 (EA).

¹⁹³ Ex. EERA-7 at 76 (EA).

¹⁹⁴ Ex. EERA-7 at 77 (EA).

¹⁹⁵ Ex. EERA-7 at 75 (EA).

¹⁹⁶ Ex. PLU-3 at 77 (Application); Ex. EERA-7 at 77 (EA).

system integrity during construction, including rerouting, reinforcement, or other methods outlined in the AIMP filed with the Application.¹⁹⁷

5. Wetlands.

154. Plummer Solar assessed the potential for wetlands within the solar farm footprint through a formal wetland delineation in June and July of 2022. Additional wetland analysis, including wetland mapping and identification, was conducted for this EA using desktop reviews of available resource (i.e., National Wetlands Inventory (NWI) data, DNR, PWI, etc).¹⁹⁸ The wetland mapping identified approximately 62.51 acres of wetlands within the Project site. There are no PWI features mapped within or adjacent to the land control area.¹⁹⁹
155. Wetlands were further identified to determine type and acreage using NWI data. Wetland types include Freshwater Emergent Wetlands (Seasonally Flooded/Saturated), and Freshwater Forested/Shrub wetlands (Hardwood and Shrub).²⁰⁰
156. Plummer Solar contracted with Barr Engineering and completed an onsite wetland delineation in June and July of 2022 across an evaluation area of approximately 1,129 acres. Out of the wetlands delineated, 10.7 acres are within the Project site. Correspondence with U.S. Army Corps of Engineers (USACE) and Red Lake County Soil and Water Conservation District (SWCD) occurred to approve wetland delineation before the Application was submitted.²⁰¹
157. The NWI-MN mapping identified approximately 62.51 acres Freshwater Emergent, Freshwater Forested/Shrub, and Riverine wetland. Most of this is a Riverine wetland that exists within a ditch between two blocks of solar arrays. Outside of this ditch, small pockets of Freshwater Emergent and Freshwater Forested/Shrub wetlands are found sparingly throughout the land control area. Plummer Solar’s wetland delineation identified approximately 10.7 acres of wetland within the Project site.²⁰²
158. The Project site layout has been designed to minimize impacts to delineated wetlands. If wetland impacts are required for the final layout, coordination with the appropriate agency, such as the USACE under Section 404 and 401 of the Federal Clean Water Act (CWA) and the Red Lake County SWCD under the Minnesota Wetland Conservation Act (WCA), would occur prior to construction. If unavoidable wetland impacts take place, impacts will be replaced in accordance with Section 404 of the Federal CWA and the Minnesota WCA.²⁰³
159. Section 4.3.13 of the Draft Site Permit generally prohibits placement of the solar energy generating system or associated facilities in public waters and public waters wetlands. The permit condition does allow for electric collector or feeder lines to cross or be placed in public

¹⁹⁷ Ex. EERA-7 at 77 (EA).

¹⁹⁸ Ex. EERA-7 at 78 (EA).

¹⁹⁹ Ex. PLU-3 at 76 (Application); Ex. EERA-7 at 78 (EA).

²⁰⁰ Ex. EERA-7 at 78 (EA).

²⁰¹ Ex. PLU-9 at 3-4 (Initial Comments on EA) and Ex. PLU-3 at Appendix D (Application).

²⁰² Ex. PLU-9 at 3-4 (Initial Comments on EA) and Ex. EERA-7 at 79 (EA).

²⁰³ Ex. PLU-3 at 77 (Application) and Ex. PLU-9 at 3-4 (Initial Comments on EA) and Ex. EERA-7 at 80 (EA).

waters or public waters wetlands subject to permits and approvals by the DNR and the USACE, and local units of government as implementers of the WCA.²⁰⁴

6. Vegetation.

160. The solar facility is located in the Lake Agassiz, Aspen Parklands Section (223Na) subsection of the Tallgrass Aspen Parklands Province. This subsection is a part of an extensive lake plain created by Glacial Lake Agassiz. The area was historically extensive forested peatlands to the east and tallgrass prairie mixed with stands of quaking aspen to the west. Pre-European settlement vegetation consisted of a combination of aspen savanna, tallgrass prairie, wet prairie, and dry gravel prairie (on gravelly beach ridges). Floodplain forests of silver maple, elm, cottonwood, and ash occurred along rivers and streams. Fire was the most common natural disturbance before settlement, and has allowed woodlands to develop from what was previously oak openings or brush prairies. Little of the natural vegetation from pre-European settlement is present today, as the current land-use in the project area is predominately agricultural. The solar facility will convert row crop farmland to perennial vegetation for the life of the Project. Potential impacts of the solar facility can be mitigated through development of a VMP.²⁰⁵ Under the arrays, a low growing grass and clover mix will primarily be used in combination with a native shortgrass prairie mix used in areas that won't shade the panels. Native prairie seed mixes that include both native grasses and wildflowers will be used at the solar facility in the corridor areas. In wetland and stormwater management units, native seed mixes that contain plants well suited for soils frequently becoming saturated will be used.
161. Sections 4.3.15, 4.3.17, and 4.3.18 of the Draft Site Permit require the permittee to develop both a VMP and an AIMP and minimize tree removal.²⁰⁶ The VMP will be developed in coordination with the Department of Commerce, and the Vegetation Management Working Group (VMWG), using best management practices established by the DNR and BWSR.

7. Wildlife and Habitat.

162. Potential impacts may be positive or negative and are species dependent. Long-term, minimal positive impacts to small mammals, insects, snakes, etc. would occur. Impacts to large wildlife species, for example, deer, will be negligible. Significant negative impacts could occur to individuals during construction and operation of the Project. The largest impact to wildlife associated with solar facilities is fencing. The substation will be fenced compliant with the National Electric Safety Code (“NESC”) requirements and is expected to be a 6-foot-high chain link fence topped with 3 strands of barbed wire. A lockable gate will be installed with the Project substation site fencing. The perimeter will be fenced by permanent security fencing, an 8 ft-high chain link fence topped with three strands of high-tensile wire. Although deer can jump many fences, they can become tangled in both smooth and barbed-wire fences, especially if the wires are loose or installed too closely together. Predators can use fences to corner and kill prey species. Once restored, the land control area will provide native habitat for the life of the Project. The Project does not contribute to significant habitat loss or degradation or create new habitat edge effects. The introduction of PV panels and fencing creates the potential for

²⁰⁴ Ex. EERA-7 at 79 (EA).

²⁰⁵ Ex. EERA-7 at 80 (EA).

²⁰⁶ See Ex. EERA-7 at 81-82 (EA).

bird collisions and funneling wildlife towards roads in certain areas. Potential impacts can be mitigated in part through design and BMPs. Several special conditions were proposed by EERA and MDNR to be included in the Draft Site Permit, including conditions for lighting, dust control, and wildlife-friendly erosion control. The impact intensity level is expected to be minimal.²⁰⁷

163. Sections 4.3.16, 4.3.32, and 8.14 of the Draft Site Permit address the measures that will minimize impacts to wildlife.²⁰⁸ Plummer Solar will continue to coordinate with MDNR and EERA regarding the project's perimeter fence, per Section 4.3.32 of the DSP.

8. Climate Change.

164. The Project will help to shift energy production in Minnesota and the upper Midwest toward carbon-free sources. Construction emissions will have a short-term negligible increase in greenhouse gases that contribute to climate change. Overall, the Project will generate energy that can be used to displace energy otherwise generated by carbon-fueled sources. The total greenhouse gas (GHG) emissions produced by construction and operation of the Project will be minimal when compared to the reduction in GHG emissions long-term. The Project's design incorporates design elements that minimize impacts from the increase in extreme weather events such as increase flooding, storms, and heat wave events that are expected to accompany a warming climate.²⁰⁹

F. Rare and Unique Natural Resources.

165. Minnesota Rule 7850.4100, subparagraph F requires consideration of the Project's effect on rare and unique natural resources.²¹⁰
166. There are no Minnesota Biological Survey (MBS) sites of moderate, high, or outstanding biodiversity significance within the Project area. There is the Northern Terrace Forest located approximately 1.4 miles north of the Project, which DNR characterizes as an MBS site of moderate biodiversity significance and containing non-prairie native plant communities.²¹¹ Several rare species exist within the project area, including the Northern Long Eared Bat, the Monarch Butterfly, Bald Eagles and Golden Eagles, the Short-eared Owl, and the Marbled Godwit.
167. The impact intensity level is anticipated to be minimal. Impacts could be both short and long term and could be positive (e.g., through introduction of habitat), or negative (e.g., by removing trees during migratory season). Impacts can be mitigated.²¹² Techniques for minimizing impacts to wildlife and vegetation also minimize impacts to rare species. Avoiding identified areas of species occurrence or preferred habitat is the preferred mitigation measure.²¹³

²⁰⁷ Ex. EERA-7 at 82 (EA).

²⁰⁸ Ex. EERA-7 at 84 (EA).

²⁰⁹ Ex. EERA-7 at 87-88 (EA).

²¹⁰ Minn. R. 7850.4100, subp. F

²¹¹ Ex. EERA-7 at 86 (EA).

²¹² Ex. EERA-7 at 84 (EA).

²¹³ Ex. EERA-7 at 87 (EA).

168. Sections 5.4 and 5.6 of the Draft Site Permit contain special conditions proposed by EERA related to the Northern Long Eared Bat (NLEB) and the Bald Eagle that require the permittee to comply with USFWS guidance, coordinate with DNR, and file documentation.²¹⁴
169. EERA proposed a special condition Section 5.5 related to the short-eared owl and marbled godwit. In its initial comments on the EA, Plummer Solar states that it has no objection to a special condition aimed at protecting the short-eared owl and marbled godwit, but noted that to avoid impacts, the typical practice would be to avoid potentially suitable habitat for specified species during nesting season, not during the migratory season.²¹⁵ Plummer Solar has committed to do either of the following regarding the State-Listed Species of Special Concern: (1) activities that may disturb nesting birds will be conducted outside of the species' nesting season (April 15 – July 15), or (2) surveys will be conducted to verify that no nesting activity is present during the nesting season.²¹⁶ In its hearing comments, EERA clarified its recommendation regarding special condition 5.5 (Short-eared Owl and Marbled Godwit) and stated that the proposed special condition is intended to avoid impacts during the nesting season (not the migratory season), consistent with Plummer Solar's comments.²¹⁷ Plummer Solar stated it has no objection to the special condition as revised:

5.5 Short-eared Owl and Marbled Godwit

The Permittee shall, to the extent practicable, avoid impacts to prairie, wetlands, grasslands, shrub swamp, peatlands, and other suitable short-eared owl and marbled godwit habitat during the April through July ~~migratory~~ nesting season. If impacts are likely to occur during the ~~migratory~~ nesting season, the Permittee shall conduct surveys to verify that no nesting activity is present and confer with the Minnesota Department of Natural Resources regarding mitigation measures.²¹⁸

G. Application of Various Design Considerations.

170. Minnesota Rule 7850.4100, subparagraph E requires consideration of the application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity.²¹⁹
171. Plummer Solar is not required to analyze alternative sites pursuant to Minn. R. 7850.3100 unless it rejected alternative sites. Plummer Solar analyzed other areas in Minnesota where the Project could have been sited to be compliant with the Prime Farmland Exclusion Rule

²¹⁴ Ex. EERA-7 at 87 (EA).

²¹⁵ Ex. PLU-9 at 8-9 (Initial Comments on EA).

²¹⁶ Ex. PLU-3 at 82 (Application); Ex. PLU-9 at 9 (Initial Comments on EA).

²¹⁷ EERA Hearing Comments (Dec. 6, 2024) (eDocket No. [202412-212770-01](#)).

²¹⁸ See Ex. PLU-10 at 4-5 (Plummer Solar Public Hearing Comments (Dec. 9, 2024) (eDocket No. [202412-212821-01](#))).

²¹⁹ Minn. R. 7850.4100, subp. G.

However, these areas were determined to not be feasible or prudent for siting the Project and were not carried forward as Project alternatives.²²⁰

172. Plummer Solar’s interconnection application to MISO is for 130 MW AC. There are currently no plans for future expansion of the solar facility.²²¹

H. Costs of Constructing, Operating, and Maintaining the Facility.

173. Minnesota Rule 7850.4100, subparagraph L requires consideration of the Project’s cost of construction, operation, and maintenance.²²²
174. Plummer Solar estimates the total cost to construct the Project to be approximately in the range of \$184 to \$267 million.²²³

I. Adverse Human and Natural Environmental Effects that Cannot be Avoided.

175. Minnesota Rule 7850.4100, subparagraph M requires consideration of the adverse human and natural environmental effects that cannot be avoided.²²⁴
176. Unavoidable adverse effects associated with construction of the Project (in some instances a specific phase of construction) would last through construction and include: fugitive dust, noise disturbance to nearby residents and recreationalists, visual disturbance to nearby residents and recreationalists, soil compaction and erosion, vegetative clearing (including trees), disturbance and temporary displacement of wildlife as well as direct impacts to wildlife inadvertently struck or crushed, minor amounts of marginal habitat loss, possible traffic delays, and minor GHG emissions from construction equipment and workers commuting.²²⁵
177. Unavoidable adverse impacts associated with the operation would last as long as the life of the Project, and include: visual impacts of the Project, cultural impacts due to a change in the sense of place for local residents, loss of land for agricultural purposes, injury or death of birds that collide with PV panels, and injury or death of birds and mammals from fencing.²²⁶

J. Irreversible and Irretrievable Commitments of Resources.

178. Minnesota Rule 7850.4100, subparagraph N requires consideration of the irreversible and irretrievable commitments of resources that are necessary for the Project.²²⁷

²²⁰ Ex. PLU-3 at 20 (Application).

²²¹ Ex. PLU-3 at 20 (Application).

²²² Minn. R. 7850.4100, subp. L.

²²³ Ex. EERA-7 at 23 (EA).

²²⁴ Minn. R. 7850.4100, subp. M.

²²⁵ Ex. EERA-7 at 91 (EA).

²²⁶ Ex. EERA-7 at 91 (EA).

²²⁷ Minn. R. 7850.4100, subp. N.

179. Irreversible and irretrievable resource commitments are primarily related to Project construction, including the use of water, aggregate, hydrocarbons, steel, concrete, wood, and other consumable resources. Some, like fossil fuel use, are irretrievable. Others, like water use, are irreversible. Still others might be recyclable in part, for example, the raw materials used to construct PV panels would be an irretrievable commitment of resources, excluding those materials that may be recycled at the end of the panels' useful life. The commitment of labor and fiscal resources to develop, construct, and operate the Project is considered irretrievable.²²⁸
180. The Project will require only minimal commitments of resources that are irreversible and irretrievable. Irreversible commitments of resources are those that result from the use or destruction of a specific resource that cannot be replaced within a reasonable timeframe. Irretrievable resource commitments are those that result from the loss in value of a resource that cannot be restored after the action. For the Project, those commitments that do exist are primarily related to construction. Construction resources will include aggregate resources, concrete, steel, and hydrocarbon fuel. During construction, vehicles necessary for these activities will be deployed on site and will need to travel to and from the construction area, consuming hydrocarbon fuels. Other resources will be used in pole construction, pole placement, and other construction activities.²²⁹

XI. SITE PERMIT CONDITIONS

181. The Draft Site Permit, as revised by EERA and Plummer Solar, includes a number of proposed permit conditions, many of which have been discussed above. The conditions apply to Project ownership, site preparation, construction, cleanup, restoration, decommissioning, transfer of permit, and other aspects of the Project.
182. Many of the conditions contained in the Draft Site Permit, as revised by EERA and Plummer Solar, were established as part of the site permit proceedings of other solar projects permitted by the Commission. Comments received by the Commission have been considered in development of the permit conditions for this Project.
183. The EA and Draft Site Permit prepared by EERA included various recommendations and potential site permit conditions related to the Project, to which the Applicant responded in its written comments during the public hearing comment period.²³⁰
184. With the above-referenced response to the Draft Site Permit, the record in this matter supports the inclusion of the conditions identified in Plummer Solar's written comments, as detailed in the paragraphs that follow.²³¹
185. Plummer Solar proposes revisions to Section 4.3.8 of the Draft Site Permit and a new special condition 5.7 to better reflect Plummer Solar's commitment to working with adjacent

²²⁸ Ex. EERA-7 at 91-92 (EA).

²²⁹ Ex. EERA-7 at 68 (EA).

²³⁰ Ex. PLU-9 (Initial Comments on EA).

²³¹ Ex. PLU-9 (Initial Comments on EA); Ex. PLU-10 (Plummer Solar Public Hearing Comments (Dec. 9, 2024) (eDocket No. [202412-212821-01](#))).

landowners who are most affected by potential aesthetic impacts. Plummer Solar recommended the following amended Section 4.3.8 and new Section 5.7:

4.3.8 Aesthetics

The Permittee shall consider input pertaining to visual impacts from adjacent landowners when developing the Visual Screening Plan required in Section 5.5 ~~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.²³²

5.7 Visual Screening Plan

The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences.

The Visual Screening Plan shall at a minimum include:

- (a) objectives for screening of adjacent residences; and
- (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance.

The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3.

At least 14 days prior to the pre-construction meeting, the Permittee shall file:

- (a) the Visual Screening Plan;
- (b) documentation of coordination between landowners adjacent to the site boundary; and
- (c) an affidavit of its distribution of the Visual Screening Plan to landowners adjacent to the site boundary.²³³

186. Plummer Solar also proposed revisions to Special Condition 5.5 to better reflect the Minnesota Department of National Heritage Review response for mitigating impacts to the Short-eared Owl and Marbled Godwit.²³⁴ The proposed revisions to Condition 5.5 are as follows:

²³² Ex. PLU-9 at 7 (Initial Comments on EA).

²³³ Ex. PLU-9 at 6-7 (Initial Comments on EA).

²³⁴ Ex. PLU-9 at 8-9 (Initial Comments on EA).

5.5 Short-eared Owl and Marbled Godwit

The Permittee shall, to the extent practicable, avoid impacts to prairie, wetlands, grasslands, shrub swamp, peatlands, and other suitable short-eared owl and marbled godwit habitat during the April through July ~~migratory~~ nesting season. If impacts are likely to occur during the ~~migratory~~ nesting season, the Permittee shall conduct surveys to verify that no nesting activity is present and confer with the Minnesota Department of Natural Resources regarding mitigation measures.²³⁵

187. Plummer Solar also recommended modifying Condition 4.3.17 to clarify that identification of a third-party monitor does not need to be contained within the VMP. Plummer Solar will still be obligated to identify a third-party monitor and provide the information to the Commission.²³⁶ The proposed changes to Section 4.3.17 are as follows:

4.3.17 Vegetation Management Plan

The Permittee shall develop a vegetation management plan (VMP) in coordination with the Department of Commerce, 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. The Permittee shall also identify a third-party (e.g., consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site and file contact information 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;

²³⁵ Ex. PLU-10 at 4-5 (Plummer Solar Public Hearing Comments (Dec. 9, 2024) (eDocket No. [202412-212821-01](#))).

²³⁶ Ex. PLU-9 at 8 (Initial Comments on EA).

(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.²³⁷

188. The record supports the inclusion of the Applicant’s revisions to Sections 4.3.8, 4.3.17, 5.5, and the addition of Special Condition 5.7 to the Draft Site Permit. The record supports the inclusion of EERA’s edits to Section 4.3.8 and 4.3.23 of the Draft Site Permit.
189. The record supports the inclusion of the following special conditions recommended by DNR, and agreed to by Plummer Solar, related to facility lighting, dust control, and wildlife-friendly erosion control:

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.

Dust Control

²³⁷ Ex. PLU-10 at 4 (Plummer Solar Public Hearing Comments (Dec. 9, 2024) (eDocket No. [202412-212821-01](#))).

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

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.²³⁸

190. The record also supports the inclusion of the following special permit conditions recommended by EERA:

5.1 Tribal Engagement for Employment and Economic Opportunity

The Permittee shall continue engagement with local Native American tribes in order to provide meaningful opportunities for tribal employment and economic opportunity throughout the project. The Permittee shall document tribal employment for the project in its labor statistics reporting required under Section 8.5 of this permit during the construction phase of the project.²³⁹

5.2 Contaminated Sites Management Plan

The Permittee shall follow its Contaminated Sites Management Plan in the event that contaminated materials are discovered during construction or operation of the project. The permittee will notify and coordinate with Minnesota Pollution Control Agency for proper removal and disposal of any contaminated materials and restoration of the land.²⁴⁰

5.3 Unanticipated Discoveries Plan

The Permittee shall develop an Unanticipated Discoveries Plan (UDP) to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during construction. The UDP shall describe how previously unrecorded cultural resources or human remains found during construction shall be protected and

²³⁸ Ex. PLU-10 at 5-6 (Plummer Solar Public Hearing Comments (Dec. 9, 2024) (eDocket No. [202412-212821-01](#))).

²³⁹ EERA Hearing Comments at 5 (Dec. 6, 2024) (eDocket No. [202412-212770-01](#)); Ex. PLU-9 at 8 (Initial Comments on EA).

²⁴⁰ EERA Hearing Comments at 5 (Dec. 6, 2024) (eDocket No. [202412-212770-01](#)); Ex. PLU-9 (Initial Comments on EA); Ex. PLU-10 at 4 (Plummer Solar Public Hearing Comments (Dec. 9, 2024) (eDocket No. [202412-212821-01](#))).

examined. The Permittee shall file the UDP with the Commission at least 14 days prior to the pre-construction meeting.²⁴¹

5.4 Northern Long-Eared Bat

The Permittee shall comply with U.S. Fish and Wildlife Service guidance and requirements in effect regarding Northern Long-eared Bats, including tree clearing restrictions if applicable.²⁴²

5.6 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.²⁴³

XII. NOTICE

191. Minnesota statutes and rules require an Applicant to provide certain notice to the public and local governments before and during the Application for a Site Permit process.²⁴⁴
192. Applicant provided notice to the public and local governments in satisfaction of Minnesota statutory and rule requirements.²⁴⁵
193. EERA and the Commission likewise provided notices in satisfaction of Minnesota statutes and rules.²⁴⁶

XIII. COMPLETENESS OF EA

194. The EA process is the alternative environmental review approved by the Environmental Quality Board for LEPGPs. The Commission is required to determine the completeness of the

²⁴¹ EERA Hearing Comments at 6 (Dec. 6, 2024) (eDocket No. [202412-212770-01](#)); Ex. PLU-10 at 8 (Plummer Solar Public Hearing Comments (Dec. 9, 2024) (eDocket No. [202412-212821-01](#))).

²⁴² EERA Hearing Comments at 6 (Dec. 6, 2024) (eDocket No. [202412-212770-01](#)).

²⁴³ EERA Hearing Comments at 6 (Dec. 6, 2024) (eDocket No. [202412-212770-01](#)).

²⁴⁴ Minn. Stat. § 216E.03, subd 4 (2023); Minn. R. 7850.2100, subps. 2 and 4.

²⁴⁵ Exs. PLU-1 (Notice of Intent by Plummer Solar to Submit an Application under the Alternative Permitting Process); PLU-2 (Rule 7850.2100 Project Notice); PLU-5 (Confirmation of Notice); and PLU-8 (Compliance Filing – Confirmation of Published Notice of Public Hearings).

²⁴⁶ Exs. PUC-1 (Notice of Comment Period on Application Completeness); PUC-3 (Notice of Public Information and EA Scoping Meetings); PUC-5 (Notice of Public Hearings and Availability of EA); EERA-2 (Notice of Public Information and EA Scoping Meetings); EERA-6 (Notice of EA Scoping Decision); EERA-8 (Notice of EA Availability, Public Hearings, and Comment Period); EERA-9 (EA Provided to Permitting Agencies); EERA-10 (EA Provided to Tribal Historic Preservation Officers); EERA-11 (EQB Monitor Notice of EA Availability, Public Hearings, and Comment Period).

EA. An EA is complete if it and the record address the issues and alternatives identified in the Scoping Decision.²⁴⁷

195. Plummer Solar proposed clarifications to numerous sections of the EA and those clarifications are supported by the record.²⁴⁸
196. The evidence in the record demonstrates that the EA is complete because the EA and the record created at the public hearing and during the subsequent comment period address the issues and alternatives raised in the Scoping Decision.²⁴⁹

Based on the foregoing Findings of Fact and the record in this proceeding, the Commission makes the following:

CONCLUSIONS OF LAW

1. Any of the forgoing Findings of Fact more properly designated as Conclusions of Law are hereby adopted as such.
2. The Commission and the Administrative Law Judge have jurisdiction over the application for a site permit for the up to 130 MW proposed Project pursuant to Minn. Stat. §§ 216E.02 and 216E.03 (2023).
3. The Commission accepted the Application as substantially complete on May 7, 2024.²⁵⁰
4. Plummer Solar has substantially complied with the procedural requirements of Minn. Stat. Ch. 216E (2023) and Minn. R. Ch. 7850.
5. The Commission has substantially complied with the procedural requirements of Minn. Stat. Ch. 216E (2023) and Minn. R. Ch. 7850.
6. EERA has conducted an appropriate environmental analysis of the Project for purposes of the Site Permit proceeding pursuant to Minn. R. 7850.3700.
7. Public hearings were held on November 20, 2024 (in-person) and November 21, 2024 (remote-access). Proper notice of the public hearings was provided, and the public was given an opportunity to speak at the hearings and to submit written comments.
8. The Environmental Assessment (EA) prepared for the Project and the record created at the public hearing address the issues identified in the EA scoping decision.
9. The Commission has the authority under Minn. Stat. § 216E.03 (2023) to place conditions in a LEPGP site permit.

²⁴⁷ Minn. R. 4410.4400, subp. 3; Minn. R. 7850.3900, subp. 2.

²⁴⁸ Ex. PLU-9 (Initial Comments on EA).

²⁴⁹ Ex. EERA-9 (EA Scoping Decision).

²⁵⁰ Ex. PUC-2 (Order).

10. The Draft Site Permit, as revised by EERA staff and Plummer Solar, contains a number of important mitigation measures and other reasonable conditions.

11. It is reasonable to amend the Draft Site Permit to include the changes proposed by EERA staff ~~in the EA~~ and the ~~subsequent~~ changes proposed by Plummer Solar as described above.

12. The record in this proceeding demonstrates that Plummer Solar has satisfied the criteria for a Site Permit as set forth in Minn. Stat. § 216E.03 (2023) and Minn. R. Ch. 7850 and all other applicable legal requirements.

13. The Project, with the permit conditions discussed above, satisfies the Site Permit criteria for an LEPGP in Minn. Stat. § 216E.03 (2023) and meets all other applicable legal requirements.

14. The Project, with the permit conditions discussed above, does not present a potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act and/or the Minnesota Environmental Policy Act.

15. Any of the foregoing conclusions of law which are more properly designated findings of fact are hereby adopted as such.

Based upon these Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATIONS

Based upon these Conclusions, the Administrative Law Judge recommends that the Commission issue a Site Permit to Plummer Solar to construct and operate the Project and associated facilities in Red Lake County, Minnesota and that the permit include the draft permit conditions amended as set forth in the Conclusions above.

THIS REPORT IS NOT AN ORDER AND NO AUTHORITY IS GRANTED HEREIN. THE MINNESOTA PUBLIC UTILITIES COMMISSION WILL ISSUE THE ORDER THAT MAY ADOPT OR DIFFER FROM THE PRECEDING RECOMMENDATION.

Dated: _____

Joseph C. Meyer
Administrative Law Judge