

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

May 30, 2025

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

**RE: In the Matter of the Application of Otter Tail Power Company for a Site Permit for the up to  
66 MW Solway Solar Project in Beltrami County, Minnesota  
PUC Docket Number: E017/GS-24-309**

Consumer Affairs Staff,

The Minnesota Department of Natural Resources (DNR) has reviewed the Environmental Assessment for Otter Tail Power Company (Applicant) to construct a 66 MW solar energy generating system (Project). Based on the review of the EA, the DNR offers the following comments:

### **Security Fencing**

The EA describes the security fence design as a seven-foot-tall woven wire fence topped with 1 foot of smooth wire. Our agency advises the security fence reaches a minimum height of 10 feet to prevent large wildlife from entering the solar facility, as detailed in the DNR's documents, [Fencing Handbook For 10 ft Woven Wire Deer Exclusion Fence](#) and [Commercial Solar Siting Guidance](#). The Applicant should note that the DNR will not issue a white-tailed deer removal permit for facilities with woven wire fences lower than 10 feet. The DNR supports section 4.3.32 of the draft site permit requiring the Permittee to design the final security fence in coordination with the DNR and the Department of Commerce.

### **Facility Lighting**

The EA indicates the Applicant will install motion activated and down-lit lighting at the Project. The DNR proposes the following special condition to ensure the Applicant installs down-lit lighting, which was included in the permitted Plummer Solar Project (Docket GS-22-451): *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.*

### **Wildlife-Friendly Erosion Control**

The EA discusses how plastic erosion control can injure or injure or kill wildlife. Due to this concern, the DNR recommends erosion control blankets be limited to “bio-netting” or “natural netting” types, and specifically not products containing plastic mesh netting or other plastic components. Furthermore, hydro-mulch products may contain small synthetic (plastic) fibers and malachite green dye. Synthetic fibers and malachite green dye may enter water bodies and pose toxicity concerns to fish and wildlife. The DNR recommends the following special permit condition which is similar to the permitted Plummer Solar Project (Docket GS-22-451): *The permittee shall use erosion control materials that do not contain plastic or synthetic fibers or malachite green dye.*

### **Dust Control**

The EA states that the project will generate fugitive dust from travel on unpaved roads, grading, and excavation. The EA discusses watering exposed surfaces at the Project site as a standard construction practice for reducing fugitive dust. Products containing calcium chloride or magnesium chloride are commonly used dust control agents. Chloride products that are released into the environment do not break down and accumulate to levels that are toxic to plants and wildlife. To ensure chloride products are not used at the Project site, the DNR recommends a special permit condition which was included in the permitted Plummer Solar Project (Docket GS-22-451): *The Permittee shall utilize non-chloride products for onsite dust control during construction.*

### **State-listed Species**

The DNR supports a special condition to require the Applicant to complete coordination with the DNR regarding rare species, including following the stated avoidance measures and the Takings Permit process if needed, before Project activities begin. Our agency proposes the following permit condition to ensure compliance with state endangered species laws: *The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.*

### **Northern Long-eared Bat**

The DNR supports a special condition of the draft site permit requiring the Permittee to comply with the U.S. Fish and Wildlife Service's (USFWS) tree clearing restrictions. Adhering to the USFWS's guidance ensuring roosting bats, like the federally endangered northern long-eared bat (*Myotis*

septentrionalis) are not directly impacted by construction. Refer to the attached Natural Heritage Review letter (MCE 2024-00571) for specific tree clearing restrictions.

### **Vegetation Management Plan**

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

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

Sincerely,

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Attachments: Natural Heritage Review Letter

CC: Owen Baird, Minnesota Department of Natural Resources

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