

Appendix A

Scoping Decision

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In the Matter of the Application of Gopher State Solar, LLC for a Site Permit for the 200 MW Gopher State Solar Project in Renville County, Minnesota

**ENVIRONMENTAL ASSESSMENT
SCOPING DECISION**

DOCKET NO. IP-7127/GS-24-106

The above matter has come before the Commissioner of the Department of Commerce (Department) for a decision on the scope of the environmental assessment (EA) to be prepared for Gopher State Solar, LLC's proposed 200 megawatt (MW) solar energy project in Kingman, Osceola, and Bird Island Townships in Renville County, Minnesota.

Project Description

On August 19, 2024, Gopher State Solar, LLC (Gopher State Solar) submitted a site permit application to the Minnesota Public Utilities Commission (Commission) to construct and operate the Gopher State Solar Project – a 200 MW alternating current photovoltaic solar energy generating facility.¹

The project area is approximately 1,645 acres in Kingman, Osceola, and Bird Island Townships in Renville County, Minnesota. The final project design is anticipated to occupy approximately 977 acres within that area. The project will use photovoltaic solar panels mounted on single axis tracking systems. Underground collection cables will gather and send the electric power generated by the solar panels to a project substation. The substation will interconnect with the electrical grid through Great River Energy's existing 230 kV Panther Substation north of the project area, via a short (< 1,500 feet) gen-tie line.

Gopher State Solar indicates that a queue position for a generator interconnection agreement (GIA) for the project has been filed with the Midcontinent Independent System Operator. Gopher State Solar will notify the Commission when the GIA has been executed.

Project Purpose

Gopher State Solar indicates that the project will support the State of Minnesota in meeting its carbon-free standards, renewable energy standards, and solar energy standards. In addition, the project will diversify electricity sources, meet anticipated growth in electricity demand, and meet consumers' growing demand for renewable energy.² Gopher State Solar is working to secure a power purchase agreement with wholesale customers or with commercial and industrial customers to sell the electric power generated by the project.

Regulatory Background

In Minnesota, no person may construct a large electric power generating plant without a site permit from the Commission.³ A large electric power generating plant is defined as a facility capable of

¹ Gopher State Solar Project, Application to the Minnesota Public Utilities Commission for a Site Permit for a Large Electric Generating Facility, August 19, 2024, [eDockets](#) Numbers [20248-209582-01](#) (through -09), [20248-209583-01](#) (through -10), [20248-209584-01](#) (through -03).

² Minnesota Statute 216B.1691.; Site Permit Application, Section 1.1.

³ Minnesota Statute 216E.03.

operating at a capacity of 50 MW or more.⁴ The Gopher State Solar project will be capable of producing up to 200 MW and therefore requires a site permit from the Commission. Because the project is powered by solar energy, the site permit application qualifies for Commission review under the alternative permitting process described in Minnesota Statute 216E.04, Subd. 2.

As Gopher State Solar is an independent power producer, a certificate of need (CN) is not required for the project. The project is exempt under Minnesota Statute 216B.243, subd. 8(a)(8), which provides that a CN is not required for a “solar energy generating system, as defined in section 216E.01, subdivision 9a, for which a site permit application is submitted by an independent power producer under chapter 216E.”⁵

Department of Commerce, Energy Environmental Review and Analysis (EERA) staff is responsible for conducting environmental review for site permit applications submitted to the Commission.⁶ EERA staff will prepare an environmental assessment (EA) for the project. An EA contains an overview of the resources affected by the project. It also discusses potential human and environmental impacts and possible mitigation measures.⁷ Under the alternative permitting process, an EA is the only required state environmental review document.

Scoping Process

Scoping is the first step in the environmental review process. The scoping process has two primary purposes: (1) to gather public input as to the impacts and mitigation measures to study in the EA and (2) to focus the EA on those impacts and mitigation measures that will aid in the Commission’s decision on the site permit application.

Staff uses the information gathered during scoping to inform the content of the EA. EERA staff gathered input on the scope of the EA through public meetings and an associated comment period. This scoping decision identifies the impacts and mitigation measures that will be analyzed in the EA.

Public Information and Scoping Meetings

On October 29, 2024, Commission and EERA staff jointly held a public meeting in Olivia, Minnesota. Approximately 15 people attended this meeting; one attendee provided public comment on behalf of Renville County expressing concern about project setbacks, tiles lines, decommissioning, weed control, emergency response training, and vegetation screening.⁸ Another attendee, a local homeowner, provided comments related to changes in land use and aesthetics, solar panel materials, and wind and fire risk.⁹ The previous evening, October 28, 2024, Commission and EERA staff held a remote-access public meeting. No individuals from the public attended this meeting, and there were no comments.

⁴ Minnesota Statute 216E.01.

⁵ Minnesota Statute 216B.243, Subd. 8(a)(8)

⁶ Minnesota Rule 7850.3700.

⁷ Minnesota Statute 216E.04, subd. 5; Minn. Rule 7850.3700, subp. 4.

⁸ Gopher State Solar Project, Oral Comments on the Scope of Environmental Assessment, eDockets Number [202411-212434-02](#)

⁹ Id.

Written Public Comments

A comment period ending on November 15, 2024, provided the public with an opportunity to provide input on the scope of the EA. Written comments were received from Renville County, a labor union, the Minnesota Department of Natural Resources, and the applicant (Gopher State Solar).

Renville County

Renville County provided written comments related to several project components.¹⁰ Comments from the county included:

- Recommendation for Gopher State Solar to follow Renville County setbacks for property lines and tile lines, ensuring that fencing will not need to be removed to repair tile lines if necessary.
- Recommendation for Gopher State Solar be responsible to repair any damaged tile lines, if it can be determined that the solar project is the cause of the damage.
- Concern over the current bond posted for decommissioning costs, and a request for the project financial assurance to be a minimum of \$21,000,000, to start the assurance at year one, review it every five years (updated as needed) and submit to Renville County once issued.
- Request that a road use and development agreement be entered between Gopher State Solar, Renville County and affected townships.
- Request for Gopher State Solar to work and train with local emergency response teams.
- Request for Gopher State Solar to develop a protective screening barrier between the solar project and residences, per Renville County's renewable energy ordinance.

Laborers' International Union of North America (Minnesota & North Dakota) (LIUNA)

Laborers' International Union of North America (Minnesota & North Dakota) (LIUNA) provided written comments related to the potential labor impacts on the project.¹¹ LIUNA states that although the project has the potential to deliver significant energy and socioeconomic impacts, there is not enough information from the site permit application to clarify this potential. The union urges EERA to assess the extent to which construction, operation and maintenance jobs that are created or preserved by the project support recent energy legislation, including:

- Employing Minnesota residents and/or individuals who permanently reside within 150 miles of the facility (local workers vs. non-local workers);
- Providing wages that support families and respect the rights of workers to organize and unionize; and
- Supporting participation by residents of environmental justice areas and individuals that live in or near project host communities.

¹⁰ Gopher State Solar Project, Written Comments on the Scope of Environmental Assessment, eDockets Number [202411-212453-01](#)

¹¹ Comments from LIUNA Minnesota and North Dakota, eDockets Number [202411-212029-01](#)

Minnesota Department of Natural Resources (MNDNR)

The Minnesota Department of Natural Resources (MNDNR) provided written comments related to several project components.¹² Comments included:

- Feedback on Gopher State Solar’s fencing plans, requesting EERA to assess the most appropriate setback requirements between security fencing and road rights-of-way to minimize disruption to wildlife travel corridors.
- Comments on dust control products.
- Comments on project lighting.
- Concern over tree removal, requesting that this be discussed in the EA, and recommending tree removal be avoided between June 1 through August 15.
- Recommendation for EERA to discuss wildlife friendly erosion control measures at the project site, including recommendations to use biodegradable erosion control materials.
- Encouraging the utilization of the site permit application’s Vegetation Management Plan (VMP), and recommending that the VMP contain components consistent with the DNR’s *Prairie Establishment and Maintenance Technical Guidance for Solar Projects*.

Gopher State Solar

Gopher State Solar provided written comments in response to the oral public comments made during the in-person public information and scoping meeting held in Olivia, Minnesota on October 29, 2024.¹³ Gopher State Solar responded to public comments on the project:

- Gopher State Solar does not object to the following:
 - Establishing setbacks for project infrastructure at least 20 feet from non-participating landowners property lines.
 - Working with local emergency responders and other government officials to provide training and to establish points of contact and emergency response plans.
 - Entering a road use agreement with the county and townships.
 - Notifying the county of changes in project ownership.
- Gopher State Solar provided additional information regarding:
 - Drail tile setbacks: Final project design will accommodate the 40-foot setback when possible, however they ask that the EA consider the tradeoffs associated with application of this setback, if it affects panel siting.
 - Decommissioning financial assurance, including clarification on cost calculation.
 - Protected species.

HAVING REVIEWED THE MATTER, consulted with EERA staff, and in accordance with Minnesota Rule 7850.3700, I hereby make the following scoping decision:

¹² Comments from the Minnesota Department of Natural Resources, eDockets number [202411-212014-01](#)

¹³ Comments from Gopher State Solar, LLC, eDockets number [202411-212006-01](#)

MATTERS TO BE ADDRESSED

The EA will describe the project and the human and environmental resources of the project area. It will provide information on the potential impacts of the project as they relate to the topics outlined in this scoping decision and possible mitigation measures. It will identify impacts that cannot be avoided and irretrievable commitments of resources, as well as permits from other government entities that may be required for the project. The EA will discuss the relative merits of the proposed project site with respect to the siting factors in Minnesota Rule 7850.4100.

The issues outlined below will be analyzed in the EA for the project. This outline is not intended to serve as a table of contents for the document itself.

I. GENERAL DESCRIPTION OF THE PROJECT

- A. Project Description
- B. Project Purpose
- C. Project Costs

II. REGULATORY FRAMEWORK

- A. Site Permit
- B. Environmental Review
- C. Grid Interconnection
- D. Other Permits and Approvals

III. ENGINEERING, DESIGN, AND CONSTRUCTION

- A. Solar Arrays
- B. Electrical Collection Systems
- C. Substation
- D. Associated Facilities

IV. OPERATION AND DECOMMISSIONING

- A. Maintenance
- B. Vegetation Management
- C. Repowering and Decommissioning

V. AFFECTED ENVIRONMENT, POTENTIAL IMPACTS AND MITIGATIVE MEASURES

The EA will include a discussion of the human and environmental resources potentially impacted by the project. Potential impacts of the project will be described and characterized. Based on the impacts identified, the EA will describe mitigation measures that could reasonably be implemented to reduce or eliminate the identified impacts. The EA will describe any unavoidable impacts resulting from implementation of the project.

Data and analyses will be commensurate with the level of impact for a given resource and the relevance of the information to consider mitigation measures. EERA staff will consider the relationship between the cost of data and analyses and the relevance and importance of the information in determining the level of detail of information to be prepared for the EA. Less important material may be summarized, consolidated, or simply referenced.

If relevant information cannot be obtained within timelines prescribed by statute and rule, the costs of obtaining such information is excessive, or the means to obtain it is unknown, EERA staff will include in the EA a statement that such information is incomplete or unavailable and the relevance of the information in evaluating potential impacts or alternatives.

- A. Environmental Setting
- B. Human Settlements
 - 1. Noise
 - 2. Aesthetics (visual screening)
 - 3. Displacement
 - 4. Property Values
 - 5. Zoning and Land Use Compatibility (setbacks, land use change)
 - 6. Cultural Values
 - 7. Transportation and Public Services
- C. Socioeconomics
 - 1. Environmental Justice
 - 2. Local Economies (taxes, employment, wages)
- D. Public Health and Safety
 - 1. Electric and Magnetic Fields
 - 2. Emergency Services (training, fire risk)
- E. Land Based Economies
 - 1. Agriculture (drain tiles)
 - 2. Forestry (tree removal)
 - 3. Mining
 - 4. Recreation and Tourism
- F. Archaeological and Historic Resources
- G. Natural Environment
 - 1. Water Resources (stormwater)
 - 2. Soils (erosion control)
 - 3. Geology
 - 4. Flora (vegetation removal, weed control)
 - 5. Fauna (wildlife impacts from corridors, erosion control, fencing and lighting)
 - 6. Air Quality (fugitive dust)
 - 7. Climate Change / Climate Resiliency
- H. Threatened / Endangered / Rare and Unique Natural Resources
- I. Electric System Reliability
- J. Adverse Impacts that Cannot be Avoided
- K. Irreversible and Irretrievable Commitments of Resources

ISSUES OUTSIDE THE SCOPE OF THE EA

The EA will not address following topics:

- Any site other than the project site proposed by the applicant.
- The manner in which landowners are compensated for the project.

SCHEDULE

The EA is anticipated to be completed and available in March of 2025. Upon completion, it will be noticed and made available for review. Public hearings will be noticed and held in the project area after issuance of the EA. Comments on the EA may be submitted into the hearing record.

Signed this 6th day of December, 2024

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

A handwritten signature in black ink, appearing to read "Pete Wyckoff", is written over a light gray rectangular background.

Pete Wyckoff, Deputy Commissioner

Gopher State Solar Project Overview Map

