

Appendix A

MPUC EIP Staff Comments on the Draft Application

Topic	Statutory Requirement	Location in Document	Applicant Response
Project ownership	216I.05, subd. 3(b)(1)	1.3	
Meets staff expectations. LSP CG Storage will own, operate and maintain the project.			N/A
Permittee name	216I.05, subd. 3(b)(2)	1.4	
Meets staff expectations. LSP CG Storage, LLC will be the permittee.			N/A
Project description	216I.05, subd. 3(b)(3)	1.0	
Meets staff expectations. LSP CG Storage, LLC (LSP CG Storage or Applicant) proposes to construct and operate the Cottage Grove BESS Project (Project), a battery energy storage system (BESS) and associated facilities (BESS Facility) with a nominal power rating of up to 80 megawatts (MW) alternating current (AC) with approximately 320 megawatt-hours (MWh) of nameplate capacity in Cottage Grove, Washington County, Minnesota. Staff recommend the applicant include information on the purpose and need for the project.			The Applicant has added information regarding the purpose and need of the Project to Section 1.1 of the SPA.
Environmental Information, generally	216I.05, subd. 3(b)(4) and subd. 4(a)	Section 6	
See resource-specific discussion.			See responses to resource-specific comments below.
Identification of Property Owners	216I.05, subd. 3(b)(5), as described in 216I.05, subd. 8 (3)	Section 1.6.3 Table 1.6-3	
Meets staff expectations. Property owners within or adjacent to the site are included in the table.			N/A

Topic	Statutory Requirement	Location in Document	Applicant Response
Maps	216I.05, subd. 3(b)(6)	Appendix B	
Maps in appendix B meet staff expectations. See staff comments on in-text maps and figures to be included.			Applicant addressed map comments provided in the text. - Map 6 has been added to show existing residences within 3,200 feet of the Project Site. - Map 7 has been added showing the existing infrastructure within 1,600 feet of the Project Site.
Existing ROWs	216I.05, subd. 3(b)(7)		
Does not appear to be included. If there are no expected impacts for ROW, the applicant should demonstrate if there are no ROWs within the site. With this project, there is currently a pipeline within the site. Discussion of the pipeline ROW and potential impacts should be included in this section.			The Applicant has added information about the existing pipeline ROW in multiple sections of the SPA including Section 1.6.3 – Landowner Coordination and Section 6.4.8 - Public Services.
Project design, including required ancillary facilities	216I.05, subd. 3(b)(8)	3.3	
Meets staff expectations generally. Staff requests the applicant clarify if LFP or lithium-ion batteries will be used, including the battery type proposed for the project. In the case that LFP batteries are used for this project, the analysis done using lithium-ion batteries will need to be updated. It is suggested to use consistent verbiage throughout the document (do not refer to lithium-ion and lithium iron phosphate interchangeably).			Applicant has updated the terms used within the document to be consistent throughout the SPA.
Project cost	216I.05, subd. 3(b)(9)	4.0	
Meets staff expectations. Includes a cost analysis of the proposed large energy infrastructure facility, including the costs to construct, operate, and decommission the facility.			N/A
Design for expansion	216I.05, subd. 3(b)(10)	3.9	

Topic	Statutory Requirement	Location in Document	Applicant Response
Meets staff expectations. No current plans to expand the proposed project; however, in the case that this happens the applicant will seek necessary permits and permit amendments. The applicant should include the discussion of planned future augmentation in this section as well, as described in the project design section.			Applicant has updated Section 3.3.2 to include augmentation strategy.
Site or ROW acquisition, construction, maintenance, & restoration	216I.05, subd. 3(b)(11)	Construction 3.5 Restoration 3.6 Maintenance 3.7	
Meets staff expectations for construction, maintenance, and restoration. A discussion of acquisition is not included, as the applicant currently owns the existing land. Staff recommend the applicant include an updated discussion on conversations between landowners for lease options and/or crossing agreements. How does the applicant anticipate gaining access to the project area? Are there alternatives?			The Applicant has added information about the adjacent landowner coordination and land control to Section 1.6.3 of the SPA. The access easement is not necessary for the Applicant to access the Project Site but instead addresses 3M's existing access easement.
Other Permits	216I.05, subd. 3(b)(12)	2.4	
Meets staff expectations.			N/A
CN Requirement	216I.05, subd. 3(b)(13)	2.3	
Meets staff expectations. A certificate of need (CN) is not required for the project.			N/A
Other sites or routes considered	216I.05, subd. 3(b)(14)		
Meets staff expectations. No other sites considered.			N/A

Topic	Statutory Requirement	Location in Document	Applicant Response
Additional information required by rule	216I.05, subd. 3(b)(15)	n/a	
No additional information required.			N/A
Tribal coordination	216I.05, subd. 3(b)(16)	1.6.2 Appendix E	
The applicant is expected to follow up and provide updates on the success of contacting remaining tribes. The Commission's July 2025 Guidance for Successful Tribal Engagement (Tribal guidance) is on the Commission's website. Staff requests the applicant provide notification to those listed in the eDockets service lists "Tribal Government Contacts" and "Tribal Historic Preservation Officers." As discussed in the Commission's Tribal guidance, a single email or postal letter about a project does not suffice as coordination. Applicants must document that they have made reasonable efforts to coordinate with each tribe with multiple methods and attempts when a response isn't received. Staff requests the applicants reach out again to the Tribal Historic Preservation Officers for the eight Minnesota tribes who did not respond with a follow up email and, if that is not successful, a phone call. Document these attempts for inclusion in the filed application. Staff also suggests sending a desktop archeological literature review to also those that requested on- going coordination, in addition to those that requested the materials. It is suggested that the applicant continue to follow-up with Tribal communities that did not respond, and document those instances throughout the process.			The Applicant has followed up with the Tribes that have not provided comment on May 29, 2026 via email and certified mail. Additional follow-up will be conducted during the permitting process if responses are not received from the Tribes. The Applicant also provided the literature review to Tribes that requested ongoing coordination.
Preapplication Coordination (LGUs)	216I.05, subd. 5 (1)	1.6.1 Appendix D	
Meets staff expectations. Responses received from the city of Cottage Grove, the fire department, and Washington County. The applicant should continue coordination with LGUs regarding zoning, setbacks, screening, ROW impacts, and other requests. Provide updates to the commission on coordination as appropriate.			N/A

Topic	Statutory Requirement	Location in Document	Applicant Response
Preapplication Coordination (State Technical Resource Agencies)	216I.05, subd. 5 (3)	1.6.1 Appendix D	
Meets staff expectations. Responses received from MnDOT, SHPO, MPCA. Note to include DNR coordination if applicable. Staff requests the applicants ensure that notice is provided to the “Agency Reps” service list in eDockets. Each State Technical Resource Agency identified in this service list will determine its preapplication coordination procedures.			N/A
Environmental setting	216I.05, subd. 4(a)(1)	6.3	
Meets staff expectations. Staff asked for clarification on road use status.			Applicant added clarification in section 6.4.8. Road closures for construction is currently unlikely, but if required only the local roads would be impacted. The Applicant would coordinate with the local jurisdictions and ensure all permits are received prior to road closures.
Human settlement, generally	216I.05, subd. 4(2)	6.4	
See resource-specific discussions.			See responses to resource-specific comments below.
Public health & safety including EMF	216I.05, subd. 11(b)(1) (Decision Criteria)	6.4.5	

Topic	Statutory Requirement	Location in Document	Applicant Response
Meets staff expectations generally. See staff comments on Recognized Environmental Condition (REC) and Controlled Recognized Environmental Condition (CREC) and the potential of contaminated materials to exist. The applicant should be prepared to discuss what they would do in the case of encountering contaminated substances through a Contaminated Sites Management Plan that also clarifies if there are any restrictions on what is allowed within a REC or CREC. The applicant should elaborate on the source of these events, the meaning of a REC vs. a CREC, and how the materials may or may not potentially interact with construction activities. Discussion of EMF and Stray Voltage included in this section meets staff expectations.			The Applicant has updated this section in accordance with the comments within the SPA. Additional definition of REC and CREC have been included alongside clarification on development restrictions. A Contaminated Sites Management Plan was not included in the update, but the Applicant is considering potential plans and responses in accordance with applicable state and federal regulations.
Displacement	216I.05, subd. 4(a)(2)	6.4.3	
Meets staff expectations. No residences will be displaced: there will be two buildings removed.			N/A
Noise	216I.05, subd. 4(a)(2)	6.4.7	
Meets staff expectations. A Noise Impact Assessment was included as an appendix.			N/A
Aesthetics	216I.05, subd. 4(a)(2) 216I.19 (turbine lighting)	6.4.1	
Meets staff expectations. Asked for clarification about visual screening.			Applicant has added discussion regarding potential screening options to Section 6.4.1.3.
Socioeconomic Impacts	216I.05, subd. 4(a)(2); 216I.05, subd. 11(b)(14)	6.4.11	
Meets staff expectations.			N/A
Environmental Justice Impacts	216I.05, subd. 4(a)(2); 216I.05, subd. 11(a)(3)	6.4.4	

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Meets staff expectations.			N/A
Cultural Values	216I.05, bud. 4(a) (2)	6.4.2	
Generally meets staff expectations. Additional discussion about tribal history and engagement could be included, as well as inquiring about tribes to be included in an UDP.			The Applicant has added a brief overview to the Existing Environment section about the tribal history within the surrounding area.
Recreation	216I.05, subd. 4(a)(2)	6.4.10	
Meets staff expectations. Additional coordination with snowmobile trail administrators may be necessary if construction and road closures run through the winter.			The Applicant has added snowmobile trails to the potential closures in Section 6.5.4.2.
Public Services	216I.05, subd. 4(a)(2)	6.4.6 and 6.4.8	
Meets staff expectations. Note about roads and LGU coordination for access. Emergency services included under 6.4.6, Public Services in general included under 6.4.8. Note that there is a pipeline present within the project site, this section could include additional information about coordination with the pipeline owner, and identification of the ROW. In the impacts section, it is noted that the applicant has negotiated a shared facilities agreement easement with the existing pipeline corridor owner (Appendix F).			The Applicant has added information regarding the existing pipeline to this section and Section 1.6.3. The Road authorities have been added for the local roads near the Project Site.
Land Use	216I.05, subd. 11(a) (2)	6.4.9	
This section generally needs to be expanded. Impacts are stated to be minimal but later described as negligible. A discussion of land cover should be added here, as this is briefly mentioned and included in other sections such as vegetation, but should also be discussed in detail within the land use section. A complete discussion of land cover impacts, including figures and tables, would assist with a complete analysis of environmental impacts to land use and land cover. Additional information regarding coordination with LGUs			Applicant did not include discussion of land cover within the Land Use and Zoning Section. The MPUC DRAFT Application Guidance for Large Energy Infrastructure Facilities recommends including the land cover discussion within the Vegetation section of the SPA. The land cover impacts and discussion is addressed within the Vegetation section.

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would also be helpful here, especially as it relates to potential impacts to environmental resources such as the Mississippi River.			The Applicant has included additional information regarding coordination with the City of Cottage Grove within the Potential Impacts and Mitigation Measures sections.
Land-based economics, generally	216I.05, subd. 4(a)(3)	6.5	
Meets staff expectations. No impacts to agriculture, forestry, mining, or tourism anticipated.			N/A
Agriculture	216I.05, subd. 4(3); 216I.05, subd. 11(b)(5) and (9); see also Minn. R. 7850.4400, subp. 4.	6.5.1	
See above			N/A
Forestry	216I.05, subd. 4(3)	6.5.2	
See above			N/A
Mining	216I.05, subd. 4(a)(3)	6.5.3	
See above			N/A
Tourism	216I.05, subd. 4(a)(3)	6.5.4	
See above			N/A
Archaeological & historic resources	216I.05, subd. 4(4)	6.6	

Topic	Statutory Requirement	Location in Document	Applicant Response
Meets staff expectations. One eligible resource adjacent to the site; SHPO recommended an archaeological survey, applicant should clarify next steps. The applicant currently plans to prepare an UDP prior to construction – verify if any tribes should be included in this.			Applicant clarified that the archaeological survey was already completed prior to the SHPO recommendation. The results of the archaeological survey are included within the SPA.
Natural environment impacts - generally	216I.05, subd. 4(5)	6.7	
See resource-specific discussions.			See responses to resource-specific comments.
Air quality	216I.05, subd. 4(a)(5)	6.7.1	
Meets staff expectations. The applicant should clarify the type of dust control to be used in order to minimize fugitive dust emissions, as chloride-based materials are not recommended by the DNR.			The Applicant clarified that chloride-based materials would not be used for dust control.
Geology and Groundwater	216I.05, subd. 4(a)(5); 216I.05, subd. 11(b)(1)	6.7.2	
Meets staff expectations. Minimal excavation may be needed, noted that a bedrock excavation plan may be required in this case, the applicant should be prepared to discuss further.			The Applicant will complete additional geotechnical soil borings to inform further design and the potential need to excavate bedrock. If necessary, the Applicant will prepare a bedrock excavation plan.
Soils	216I.05, subd. 11(b)(1) and subd. 11(b)(5)	6.7.3	
Meets staff expectations. General request for more discussion of soil drainage and hydrology at the site.			Applicant added drainage class to the Soils Table and discussion within the section.
Surface waters (including stormwater, floodplains, and wetlands)	216I.05, subd. 4(5); 216I.05, subd. 11(b)(1)	6.7.4	

Topic	Statutory Requirement	Location in Document	Applicant Response
Generally meets staff expectations. No NWI wetlands within the site, however there is one potentially incidental stormwater pond. Coordination under WCA may be required if this is determined to be a wetland regulated by USACE. Preliminary Stormwater Management Report provided as Appendix G. Staff request additional discussion of interactions with other project components, such as drain tile or VMP, and a discussion of standard site permit conditions that mitigate erosion and runoff impacts.			The Applicant added information regarding drain tile, how the VMP will interact with stormwater control, and additional options for erosion control that could be used for the Project. The Applicant has included information about potential necessary coordination with the USACE, MNDNR, and South Washington Watershed District if the wetland within the Project Site is determined to not be incidental.
Vegetation	216I.05, subd. 4(5)	6.7.5	
Meets staff expectations. Vegetation goals for operating the BESS Facility include establishing stable ground cover, improving and maintaining soil health, installing perennial seed mixes, reducing erosion and runoff, and improving infiltration. Draft VMP included as Appendix H, and preliminary comments have been provided. General recommendation to include more specific information on what the applicant plans to require at this site. An updated draft will need to be reviewed by the VMPWG, whom will provide comments in the hearing comment period and during pre-construction.			The Applicant added potential BMPs to be used during construction and Project development listed in the VMP. The Draft VMP has been updated with the comments from the MPUC review and the updated version is available in Appendix H of the SPA.
Wildlife	216I.05, subd. 4(5)	6.7.6	
Meets staff expectations generally. The project site is located within the Eastern Tallgrass Prairie BCR and includes 22 birds of conservation concern (BCC). The project is also within the Mississippi River Twin Cities Important Bird Area. Staff provided comments to discuss NHIS review and fencing in more detail, and it is recommended to incorporate DNR's guidance when appropriate.			The Applicant has added information regarding fencing and potential impacts to wildlife species. Overall, impacts are not expected due to the existing fencing surrounding the Project and the existing industrial facilities. MNDNR guidance from the NHIS letter is discussed within the Rare and Unique Natural Resources section of the SPA.
Rare and unique resources	subd. 4(8)	6.7.7	

Topic	Statutory Requirement	Location in Document	Applicant Response
Generally, needs to be expanded. The site is within Wildlife Action Network Area; the applicant should further discuss this in the impacts section. In addition, there are federally, and state listed species potentially present within the project site, though limited habitat. The applicant should discuss potential Blandings turtle habitat present within the vegetated stormwater pond, as this was noted by DNR. A discussion of this species should be included in the impacts section. The project location also has the potential for the bald eagle to occur within the site, but it was determined habitat is not likely present. The impacts section currently does not appropriately discuss potential impacts to these species, such as the Blandings turtle. Mitigation strategies are provided, which appear to meet expectations. Further discussion of WAN impacts and BCC should be included and addressed in mitigation. Additional discussion of plans to preserve habitat for rare species, or if there has been any sort of discussion with DNR regarding the medium-ranked WAN, would be helpful.			Applicant added clarification on the existing site conditions and fencing. These clarifications include: • Updates throughout the section to clarify that the Project Site is currently fenced in as part of the industrial area. • Impacts to the WAN are not anticipated. This has been added to the Potential Impacts Section. • Blanding's Turtle impacts were expanded in the Potential Impacts section. Impacts are deemed unlikely because the Project Site is within an existing fenced area. • Potential impacts to other species were updated including the additional fence information. Impacts are unlikely for all rare species identified. • The Applicant has not communicated with the DNR specifically regarding the WAN, but will continue to coordinate with the DNR regarding BMPs, mitigation methods, and potential impacts to the WAN throughout the permitting process. This has been included in the Mitigation Measures section. • Mitigation measures for the BCC are not anticipated to be necessary due to the industrial nature of the site and lack of preferred habitat within the Project Site.
Greenhouse gases	216I.05, subd. 4(6)	6.7.8	
Meets staff expectations. GHG emissions for construction and operation included as Appendix N.			N/A
Climate change resilience	216I.05, subd. 4(7)	6.7.9	

Topic	Statutory Requirement	Location in Document	Applicant Response
Meets staff expectations. General note to include additional climate risk analysis using FEMA tools.			The Applicant has updated this section to include results from FEMA tools. The Applicant did not include further discussion of RCP scenarios other than RCP 4.5, as RCP 4.5 has previously been used as the preferred scenario for evaluating and discussing potential future climate conditions.
Unavoidable Impacts	216I.05, subd. 4(9)	6.8	
Meets staff expectations. Impacts from construction and operation through the life of the project included.			N/A
Irretrievable and Irreversible Impacts	216I.05, subd. 11(b)(11)	6.9	
Meets staff expectations.			N/A
Cumulative Potential Effects	216I.05, subd. 11(a)(2) and (b)(2)	6.10	
The Commission is charged with evaluating the potential human and environmental impacts of sites and routes including impacts related to possible future development or expansion in the project area. Staff interprets this charge to be an evaluation of cumulative potential effects associated with the Project. The projects listed in this section meets staff expectations. The applicant reviewed local government resources, state agency websites, the EQB website, and the MISO generator interconnection queue to identify current and foreseeable future projects. However, EIP staff recommends the application filed in eDockets include a discussion of the listed reasonably foreseeable projects in the vicinity. The discussion should include a description of the potential interactions between the Project and other reasonably foreseeable projects with respect to human and environmental impacts.			The Applicant added discussion regarding the potential interactions of the proposed Project and the other projects nearby.

Topic	Statutory Requirement	Location in Document	Applicant Response
Mitigation Measures	216I.05, subd. 4(10)	Section 6	
Mitigation generally discussed for each section, could be expanded to include sample permit content in a few areas, where staff has provided comment.			Applicant has added additional mitigation measures and sample site permit conditions in the locations identified by PUC Staff.

May 15, 2026

Konnar Klinksiek
Panamint Capital
917 Tahoe Boulevard, Suite 202
Incline Village, NV 89511
kklinksiek@panamintcapital.com

RE: Draft Application Review
Cottage Grove Battery Energy Storage System Project
Docket No. ESS-26-18

Dear Mr. Klinksiek,

As required by Minn. Stat. § 216I.05, subd. 6, applicants requesting a site or route permit from the Minnesota Public Utilities Commission (Commission) must provide a draft of the application, including the required environmental assessment (EA) information, to Commission staff prior to filing the application. On April 6, 2026, LSP CG Storage, LLC provided Commission Energy Infrastructure Permitting (EIP) staff with a draft of the site permit application for an up to 80 MW battery energy storage facility, a gen-tie line, and the expansion of the existing Cottage Grove substation in Washington County, Minnesota.

Attached are the EIP staff comments on the draft application and a copy of the Commission's sample permit for battery energy storage facilities. As required by Minn. Stat. § 216I.05, subd. 6(b), EIP staff's comments are focused on the completeness of the application and clarifications that may assist the Commission's review of the application. EIP staff's review of the draft application is informed by *Commission's Draft Application Guidance for Large Energy Infrastructure Facilities in Minnesota*, available on the Commission's website (<https://puc.eip.mn.gov/>).

Please let me know if you have questions or would like to discuss these comments further.

Sincerely,



Jessica Livingston
Environmental Review Manager

Draft Application Review

Cottage Grove BESS Project

Docket: ESS-26-18

Date: May 15, 2026

LSP CG Storage, a wholly owned direct subsidiary of PanCentral CGC Holdings LLC (PanCentral) provided Commission staff with a draft site permit application for the Cottage Grove battery energy storage system (BESS) project (project) on April 6, 2026. The project consists of an up to 80 MW battery energy storage facility, a gen-tie line, and the expansion of the existing Cottage Grove project substation in Washington County, Minnesota.

Minnesota Public Utilities Commission Environmental Infrastructure Permitting (EIP) staff appreciates the opportunity to review the draft application. EIP staff's review of the application is guided by the Commission's Draft Application Guidance.¹

Although the draft provided included much of the information required by Minnesota Statute §216I, and Minnesota Rules, Chapter 7850, EIP staff recommends the final application filed in eDockets incorporate several revisions to clarify the project proposed, the potential impacts, and potential mitigation measures to avoid, minimize, and otherwise mitigate impacts. These clarifications are intended to assist the Commission's review of the application. More detail on recommendations is included in a redline that accompanies this letter and summarized in the following table. General recommendations that apply to the document as a whole include:

- Clarify the battery type proposed for the project and use consistent verbiage throughout the document (do not refer to lithium-ion and lithium iron phosphate interchangeably).
- Include figures and maps in the document text to help readers understand the proposed project.
- Clarify mitigation measures required in the Commission sample permit or other required permits and then discuss additional mitigation measures that the applicants will commit to employing beyond the required mitigation measures.
- Add citations where needed to support claims.

¹ Minnesota Public Utility Commission, *Draft Application Guidance for Large Energy Infrastructure Facilities in Minnesota: Minnesota Public Utilities Commission Guidance for Preparing Site and Route Permit Applications for Large Energy Infrastructure Facilities*, November 2025, <https://puc.eip.mn.gov/node/12606>

- Ensure footnotes are referenced on same page where they are cited for reader clarity and check that all links are up to date.

Table 1. Application Completeness Requirements

Topic	Statutory Requirement	Location in Document
Project ownership	216I.05, subd. 3(b)(1)	1.3
Meets staff expectations. LSP CG Storage will own, operate and maintain the project.		
Permittee name	216I.05, subd. 3(b)(2)	1.4
Meets staff expectations. LSP CG Storage, LLC will be the permittee.		
Project description	216I.05, subd. 3(b)(3)	1.0
Meets staff expectations. LSP CG Storage, LLC (LSP CG Storage or Applicant) proposes to construct and operate the Cottage Grove BESS Project (Project), a battery energy storage system (BESS) and associated facilities (BESS Facility) with a nominal power rating of up to 80 megawatts (MW) alternating current (AC) with approximately 320 megawatt-hours (MWh) of nameplate capacity in Cottage Grove, Washington County, Minnesota		
Staff recommend the applicant include information on the purpose and need for the project.		
Environmental Information, generally	216I.05, subd. 3(b)(4) and subd. 4(a)	Section 6
See resource-specific discussion.		
Identification of Property Owners	216I.05, subd. 3(b)(5), as described in 216I.05, subd. 8 (3)	Section 1.6.3 Table 1.6-3
Meets staff expectations. Property owners within or adjacent to the site are included in the table.		
Maps	216I.05, subd. 3(b)(6)	Appendix B
Maps in appendix B meet staff expectations. See staff comments on in-text maps and figures to be included.		
Existing ROWs	216I.05, subd. 3(b)(7)	

Topic	Statutory Requirement	Location in Document
Does not appear to be included. If there are no expected impacts for ROW, the applicant should demonstrate if there are no ROWs within the site. With this project, there is currently a pipeline within the site. Discussion of the pipeline ROW and potential impacts should be included in this section.		
Project design, including required ancillary facilities	216I.05, subd. 3(b)(8)	3.3
Meets staff expectations generally. Staff requests the applicant clarify if LFP or lithium-ion batteries will be used, including the battery type proposed for the project. In the case that LFP batteries are used for this project, the analysis done using lithium-ion batteries will need to be updated. It is suggested to use consistent verbiage throughout the document (do not refer to lithium-ion and lithium iron phosphate interchangeably).		
Project cost	216I.05, subd. 3(b)(9)	4.0
Meets staff expectations. Includes a cost analysis of the proposed large energy infrastructure facility, including the costs to construct, operate, and decommission the facility.		
Design for expansion	216I.05, subd. 3(b)(10)	3.9
Meets staff expectations. No current plans to expand the proposed project; however, in the case that this happens the applicant will seek necessary permits and permit amendments.		
The applicant should include the discussion of planned future augmentation in this section as well, as described in the project design section.		
Site or ROW acquisition, construction, maintenance, & restoration	216I.05, subd. 3(b)(11)	Construction 3.5 Restoration 3.6 Maintenance 3.7
Meets staff expectations for construction, maintenance, and restoration. A discussion of acquisition is not included, as the applicant currently owns the existing land.		
Staff recommend the applicant include an updated discussion on conversations between landowners for lease options and/or crossing agreements. How does the applicant anticipate gaining access to the project area? Are there alternatives?		
Other Permits	216I.05, subd. 3(b)(12)	2.4
Meets staff expectations.		
CN Requirement	216I.05, subd. 3(b)(13)	2.3
Meets staff expectations. A certificate of need (CN) is not required for the project.		

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Other sites or routes considered	216I.05, subd. 3(b)(14)	
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Additional information required by rule	216I.05, subd. 3(b)(15)	n/a
No additional information required.		
Tribal coordination	216I.05, subd. 3(b)(16)	1.6.2 Appendix E
The applicant is expected to follow up and provide updates on the success of contacting remaining tribes. The Commission's July 2025 Guidance for Successful Tribal Engagement (Tribal guidance) is on the Commission's website. Staff requests the applicant provide notification to those listed in the eDockets service lists "Tribal Government Contacts" and "Tribal Historic Preservation Officers." As discussed in the Commission's Tribal guidance, a single email or postal letter about a project does not suffice as coordination. Applicants must document that they have made reasonable efforts to coordinate with each tribe with multiple methods and attempts when a response isn't received. Staff requests the applicants reach out again to the Tribal Historic Preservation Officers for the eight Minnesota tribes who did not respond with a follow up email and, if that is not successful, a phone call. Document these attempts for inclusion in the filed application. Staff also suggests sending a desktop archeological literature review to also those that requested on-going coordination, in addition to those that requested the materials. It is suggested that the applicant continue to follow-up with Tribal communities that did not respond, and document those instances throughout the process.		
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Discussion of EMF and Stray Voltage included in this section meets staff expectations.		
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Noise	216I.05, subd. 4(a)(2)	6.4.7
Meets staff expectations. A Noise Impact Assessment was included as an appendix.		
Aesthetics	216I.05, subd. 4(a)(2) 216I.19 (turbine lighting)	6.4.1
Meets staff expectations. Asked for clarification about visual screening.		
Socioeconomic Impacts	216I.05, subd. 4(a)(2); 216I.05, subd. 11(b)(14)	6.4.11
Meets staff expectations.		

Topic	Statutory Requirement	Location in Document
Environmental Justice Impacts	216I.05, subd. 4(a)(2); 216I.05, subd. 11(a)(3)	6.4.4
Meets staff expectations.		
Cultural Values	216I.05, bud. 4(a) (2)	6.4.2
Generally meets staff expectations. Additional discussion about tribal history and engagement could be included, as well as inquiring about tribes to be included in an UDP.		
Recreation	216I.05, subd. 4(a)(2)	6.4.10
Meets staff expectations. Additional coordination with snowmobile trail administrators may be necessary if construction and road closures run through the winter.		
Public Services	216I.05, subd. 4(a)(2)	6.4.6 and 6.4.8
Meets staff expectations. Note about roads and LGU coordination for access. Emergency services included under 6.4.6, Public Services in general included under 6.4.8. Note that there is a pipeline present within the project site, this section could include additional information about coordination with the pipeline owner, and identification of the ROW. In the impacts section, it is noted that the applicant has negotiated a shared facilities agreement easement with the existing pipeline corridor owner (Appendix F).		
Land Use	216I.05, subd. 11(a) (2)	6.4.9
This section generally needs to be expanded. Impacts are stated to be minimal but later described as negligible. A discussion of land cover should be added here, as this is briefly mentioned and included in other sections such as vegetation, but should also be discussed in detail within the land use section. A complete discussion of land cover impacts, including figures and tables, would assist with a complete analysis of environmental impacts to land use and land cover. Additional information regarding coordination with LGUs would also be helpful here, especially as it relates to potential impacts to environmental resources such as the Mississippi River.		
Land-based economics, generally	216I.05, subd. 4(a)(3)	6.5
Meets staff expectations. No impacts to agriculture, forestry, mining, or tourism anticipated.		
Agriculture	216I.05, subd. 4(3); 216I.05, subd. 11(b)(5) and (9); see also Minn. R. 7850.4400, subp. 4.	6.5.1
See above		

Topic	Statutory Requirement	Location in Document
Forestry	216I.05, subd. 4(3)	6.5.2
See above		
Mining	216I.05, subd. 4(a)(3)	6.5.3
See above		
Tourism	216I.05, subd. 4(a)(3)	6.5.4
See above		
Archaeological & historic resources	216I.05, subd. 4(4)	6.6
Meets staff expectations. One eligible resource adjacent to the site; SHPO recommended an archaeological survey, applicant should clarify next steps. The applicant currently plans to prepare an UDP prior to construction – verify if any tribes should be included in this.		
Natural environment impacts - generally	216I.05, subd. 4(5)	6.7
See resource-specific discussions.		
Air quality	216I.05, subd. 4(a)(5)	6.7.1
Meets staff expectations. The applicant should clarify the type of dust control to be used in order to minimize fugitive dust emissions, as chloride-based materials are not recommended by the DNR.		
Geology and Groundwater	216I.05, subd. 4(a)(5); 216I.05, subd. 11(b)(1)	6.7.2
Meets staff expectations. Minimal excavation may be needed, noted that a bedrock excavation plan may be required in this case, the applicant should be prepared to discuss further.		
Soils	216I.05, subd. 11(b)(1) and subd. 11(b)(5)	6.7.3
Meets staff expectations. General request for more discussion of soil drainage and hydrology at the site.		
Surface waters (including stormwater, floodplains, and wetlands)	216I.05, subd. 4(5); 216I.05, subd. 11(b)(1)	6.7.4

Topic	Statutory Requirement	Location in Document
Generally meets staff expectations. No NWI wetlands within the site, however there is one potentially incidental stormwater pond. Coordination under WCA may be required if this is determined to be a wetland regulated by USACE. Preliminary Stormwater Management Report provided as Appendix G. Staff request additional discussion of interactions with other project components, such as drain tile or VMP, and a discussion of standard site permit conditions that mitigate erosion and runoff impacts.		
Vegetation	216I.05, subd. 4(5)	6.7.5
Meets staff expectations. Vegetation goals for operating the BESS Facility include establishing stable ground cover, improving and maintaining soil health, installing perennial seed mixes, reducing erosion and runoff, and improving infiltration. Draft VMP included as Appendix H, and preliminary comments have been provided. General recommendation to include more specific information on what the applicant plans to require at this site. An updated draft will need to be reviewed by the VMPWG, whom will provide comments in the hearing comment period and during pre-construction.		
Wildlife	216I.05, subd. 4(5)	6.7.6
Meets staff expectations generally. The project site is located within the Eastern Tallgrass Prairie BCR and includes 22 birds of conservation concern (BCC). The project is also within the Mississippi River Twin Cities Important Bird Area. Staff provided comments to discuss NHIS review and fencing in more detail, and it is recommended to incorporate DNR's guidance when appropriate.		
Rare and unique resources	subd. 4(8)	6.7.7
Generally, needs to be expanded. The site is within Wildlife Action Network Area; the applicant should further discuss this in the impacts section. In addition, there are federally, and state listed species potentially present within the project site, though limited habitat. The applicant should discuss potential Blandings turtle habitat present within the vegetated stormwater pond, as this was noted by DNR. A discussion of this species should be included in the impacts section. The project location also has the potential for the bald eagle to occur within the site, but it was determined habitat is not likely present. The impacts section currently does not appropriately discuss potential impacts to these species, such as the Blandings turtle. Mitigation strategies are provided, which appear to meet expectations. Further discussion of WAN impacts and BCC should be included and addressed in mitigation. Additional discussion of plans to preserve habitat for rare species, or if there has been any sort of discussion with DNR regarding the medium-ranked WAN, would be helpful.		
Greenhouse gases	216I.05, subd. 4(6)	6.7.8
Meets staff expectations. GHG emissions for construction and operation included as Appendix N.		

Topic	Statutory Requirement	Location in Document
Climate change resilience	216I.05, subd. 4(7)	6.7.9
Meets staff expectations. General note to include additional climate risk analysis using FEMA tools.		
Unavoidable Impacts	216I.05, subd. 4(9)	6.8
Meets staff expectations. Impacts from construction and operation through the life of the project included.		
Irretrievable and Irreversible Impacts	216I.05, subd. 11(b)(11)	6.9
Meets staff expectations.		
Cumulative Potential Effects	216I.05, subd. 11(a)(2) and (b)(2)	6.10
The Commission is charged with evaluating the potential human and environmental impacts of sites and routes including impacts related to possible future development or expansion in the project area. Staff interprets this charge to be an evaluation of cumulative potential effects associated with the Project. The projects listed in this section meets staff expectations. The applicant reviewed local government resources, state agency websites, the EQB website, and the MISO generator interconnection queue to identify current and foreseeable future projects. However, EIP staff recommends the application filed in eDockets include a discussion of the listed reasonably foreseeable projects in the vicinity. The discussion should include a description of the potential interactions between the Project and other reasonably foreseeable projects with respect to human and environmental impacts.		
Mitigation Measures	216I.05, subd. 4(10)	Section 6
Mitigation generally discussed for each section, could be expanded to include sample permit content in a few areas, where staff has provided comment.		