

November 23, 2022

*Via eDockets*

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

RE: Vegetation Management Plan for the Byron Solar Project  
Docket Nos. IP7041/GS-20-763, IP7041/CN-20-764, and IP7041/TL-20-765  
Office of Administrative Hearings (OAH) Docket Number: 82-2500-38038

Dear Consumer Affairs Office:

EERA, on behalf of the interagency Vegetation Management Planning Work Group (VMPWG), respectfully submits comments on the Byron Solar Vegetation Management Plan (VMP).

The VMPWG reviewed a draft of the VMP submitted by Byron Solar in August of 2021. The VMPWG is not recommending any action by the Commission at this time, but is providing comments to facilitate transparency in the record as the VMPWG works with the applicant to arrive at a VMP that is adequate to meet pre-construction compliance filing requirements.

As submitted, the VMP still needs significant work prior to approval. The VMPWG understands that Byron Solar is still finalizing various aspects of the project that will inform a revised VMP. We request that Byron Solar continue to coordinate with EERA and other state agencies as the VMP is finalized prior to construction.

The VMPWG provides the following high-level comments for consideration. These comments are consistent with *Guidance for Developing a Vegetation Establishment and Management Plan for Solar Facilities* (2021) and referred to as “guidance”.

1. Management Objectives

- The plan does not include management objectives with measurable outcomes. The guidance states that objectives should be “specific, measurable, attainable, realistic, time-bound” to determine whether the project is meeting its stated goals.
- Measurable objectives and outcomes also determine adaptive management strategies over time.

2. Seed Mixes

- As proposed, the seed mixes are incompatible with soil conditions on site.
- Seed mixes do not match the seeding specifications provided in the plan.
- EERA and partner agencies request that the applicant provide a list of species substitutions for each seed mix. The applicant can work directly with EERA, BWSR, and DNR or use the seed substitution list provided by BWSR ([Seed Substitution list \(state.mn.us\)](https://www.state.mn.us/bwsr/seed-substitution-list)). The goal is to ensure that the ecological niche and guild of a plant species is retained when substitutions are necessary.

3. Herbicides and Weed Control

- Managing weeds is important in establishing native vegetation. The applicant is advised that widespread application of herbicides may act as a pre-emergent and reduce germination of desired vegetation.
- Cover crops are often used to stabilize soils and reduce weeds during site restoration. In addition to suppressing weeds, cover crops also can suppress and reduce germination of desired species. The applicant is advised to consult with DNR and BWSR when integrating cover crops with seed mixes.

4. Management Units

- The current plan lists five potential vegetation management units (Array Vegetation Management Unit, Perimeter Vegetation Management Unit, Stormwater Retention Vegetation Management Unit, Screening Vegetation Management Unit, and an HVTL Proposed Route Vegetation Management Unit). All management units need to include: (1) specific management objectives that are consistent with the guidance, (2) seeding and or planting plans that are appropriate to the site and local soil conditions, and (3) a monitoring plan to ensure successful establishment through year 5.
- At this time, it is unclear who will manage the HVTL management unit and how that area will be revegetated.

5. Habitat Friendly Solar

- It is likely that Byron Solar will meet the requirements of the Habitat Friendly Solar Program. BWSR recommends that Byron Solar adopt the Habitat Friendly Solar standard based on the goals of creating pollinator and wildlife habitat. Byron Solar could pursue this option once final seed mixes and monitoring protocol have been finalized.

The VMPWG is committed to working with applicants and permittees to ensure that site restoration is successful and meets the objectives laid out in the management plan. EERA recommends that the applicant work directly with the VMPWG to develop a plan that is achievable and that potentially meets Habitat Friendly Solar standard. The VMPWG will provide additional review and recommendations to the commission as part of EERA's pre-construction compliance review.

Sincerely,



Jamie MacAlister, Environmental Review Manager

CC:

Louise Miltich, EERA

Suzanne Steinhauer, EERA

Michael Kaluzniak, PUC

Cezar Panait, PUC

Dan Shaw, BWSR

Paul Erdman, BWSR

Melissa Collins, DNR

Cynthia Warzecha, DNR

Megan Benage, DNR

Todd Smith, PCA

Stephan Roos, MDA

*Equal Opportunity Employer*