



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

November 23, 2022

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 Byron Solar, Site Permit, and Route Permit for the up to 200 MW Byron Solar Project and 345 kV Transmission Line in Dodge and Olmsted Counties  
PUC Docket Numbers: IP7041/GS-20-763 and IP7041/TL-20-765**

Dear Consumer Affairs Staff,

The Minnesota Department of Natural Resources (DNR) has reviewed the environmental assessment (EA) for the Byron Solar project and its associated transmission line. Our agency offers the following comments:

Snowmobile Trail

Section 4.3.6 of the EA acknowledges that project construction will require rerouting Snowmobile Trail 302 outside the fenced area of the solar facility. The DNR recommends continued coordination with Kasson-Mantorville Trails to allow adequate time for rerouting and mapping. Our agency also recommends a permit condition requiring the permittee to coordinate with Kasson-Mantorville trails on the reroute of Snowmobile Trail 302. The recent Sherco Solar site permit included a similar special condition for the reroute of Sherburne County Trail #209247 (Docket GS-21-191): *The Permittee shall coordinate with local snowmobile trail associations to reroute Sherburne County Trail #209247. At least 14 days prior to the preconstruction meeting, the Permittee shall provide the Commission with documentation identifying the location of the rerouted snowmobile trail.*

Facility Lighting

LED lighting is often high in blue light, which is harmful to birds, insects, and other animals. The DNR recommends a special permit condition to minimize impacts of the project's operation and maintenance facility, as well as its adjacent substation, by using shielded and downward facing lighting and lighting that minimizes blue hue. A similar special permit condition was included for the

substations associated with the recently permitted Sherco Solar project (Docket GS-21-191): *The Permittee must use shielded and downward facing lighting and LED lighting that minimizes blue hue at the project substations. Downward facing lighting must be clearly visible on the site plan submitted for the project.*

#### Dust Control

Section 4 of the EA states that the project will generate fugitive dust from travel on unpaved roads, grading, and excavation. Section 5.2.1.5 acknowledges a potential need for increased water usage to control fugitive dust. Products containing calcium chloride or magnesium chloride are often used for dust control. Chloride products that are released into the environment do not break down, and instead accumulate to levels that are toxic to plants and wildlife. To ensure that chloride products are not used for dust control, the DNR recommends a special permit condition like the one included for the recently permitted Shero Solar project (Docket GS-21-191): *The Permittee shall utilize non-chloride products for onsite dust control during construction.*

#### Loggerhead Shrike

The loggerhead shrike, a state-listed endangered bird, has been documented within one mile of the proposed solar facility. Tree and shrub removal within suitable habitat should be avoided during the breeding season, typically April through July. If any tree or shrub removal will occur within suitable habitat during the breeding season, a qualified surveyor should inspect the trees/shrubs for active nests prior to removal. The DNR supports the special condition included in the draft site and route permits: *The permittee shall avoid tree and shrub removal within suitable Loggerhead Shrike habitat during the April through July breeding season. If tree or shrub removal will occur within during the breeding season, the permittee shall coordinate with DNR to identify potentially suitable habitat and ensure that a qualified surveyor inspects the trees/shrubs for active nests prior to removal.*

#### Wildlife-Friendly Erosion Control

Due to entanglement issues with small animals, the DNR recommends that erosion control blankets be limited to “bio-netting” or “natural netting” types, and specifically not products containing plastic mesh netting or other plastic components. Hydro-mulch products may contain small synthetic (plastic) fibers to aid in its matrix strength. These loose fibers could potentially re-suspend and make their way into waterways. The DNR supports the special condition included in the draft site and route permits: *The Permittee shall use only “bio-netting” or “natural netting” types and mulch products without synthetic (plastic) fiber additives.*

#### Avian Flight Diverters

Because the proposed transmission line is within a known avian flight path, the DNR recommends placing flight diverters along the entire length of the approximately three-mile transmission line. The DNR supports condition 5.3.15 of the draft route permit, which requires the permittee to work with our agency on the placement of avian flight diverters.

The DNR appreciates the opportunity to comment on the Byron Solar project. Our agency advises that any DNR permits or licenses required for the project will not be granted until the PUC has issued an approved permit for this project. If you have questions about our agency's comments, I may be reached at 651-259-5078 or [cynthia.warzecha@state.mn.us](mailto:cynthia.warzecha@state.mn.us).

Sincerely,

*/s/ Cynthia Warzecha*

Energy Projects Planner

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