

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE PUBLIC UTILITIES COMMISSION

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

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**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND RECOMMENDATION**

This matter came on before Assistant Chief Administrative Law Judge Kristien R. E. Butler upon the request from the Minnesota Public Utilities Commission (PUC) for assignment of an administrative law judge to preside over public hearings related to the Site Permit Application (PUC Docket No. IP-7127/GS-24-106) (the Application) of Gopher State Solar, LLC (Gopher State Solar or Applicant) to construct an up to 200 megawatt (MW) photovoltaic (PV) solar energy generating facility located in Kingman, Osceola, and Bird Island Townships in Renville County, Minnesota (the Project). PUC also requested that the assigned judge prepare Findings of Fact and Conclusions of Law, and offer recommendations, if any, on the conditions and provisions of the proposed site permit.

The public hearings on the Application were held on March 31, 2025 (in-person), and April 1, 2025 (virtual). The record remained open until April 11, 2025, to allow the receipt of written public comments.

Christina K. Brusven and Ryan S. P. Cox, Attorneys, Fredrikson & Byron, P.A., and Sergio Trevino, Vice President of Siting, and Zane Jones, Assistant Development Manager, appeared on behalf of Gopher State Solar.

Craig Janezich, Energy Facilities Planner, appeared on behalf of PUC.

Jessica Livingston, Environmental Review Manager, appeared on behalf of the Minnesota Department of Commerce (DOC), Energy Environmental Review and Analysis unit (EERA).

**STATEMENT OF THE ISSUES**

1. Whether Applicant has satisfied the criteria established in Minn. Stat. § 216E.03 (2023) and Minn. R. 7850.4100 (2023) to obtain a site permit for the Project?

2. If PUC grants the site permit, what special conditions, if any, should be incorporated?

### **SUMMARY OF RECOMMENDATION**

The Judge concludes that Applicant has satisfied the applicable legal requirements and respectfully recommends to PUC that—subject to PUC’s decisions on the conditions discussed below—Applicant’s request for a site permit for the Project be **GRANTED**.

Based upon the evidence in the hearing record, the Judge now hereby issues the following:

### **FINDINGS OF FACT**

#### **I. APPLICANT**

1. Gopher State Solar is an indirect subsidiary of D.E. Shaw Renewable Investments, LLC (DESRI); DESRI and its affiliates acquire, own, and manage long-term contracted renewable energy assets in North America.<sup>1</sup>

2. Ranger Power, LLC (Ranger Power), is a Delaware limited liability company specializing in the development of utility-scale renewable energy projects in the United States, and is developing the Project on behalf of Gopher State Solar.<sup>2</sup>

#### **II. PROCEDURAL HISTORY**

3. On March 1, 2024, Gopher State Solar filed a Notice of Intent to Submit a Site Permit Application for the Project pursuant to the alternative permitting procedures of Minn. R. 7850.2800-.3900 (2023) in April of 2024.<sup>3</sup>

4. On August 19, 2024, Gopher State Solar submitted the Application.<sup>4</sup> Applicant also submitted the Notice of Filing of Site Permit Application to persons interested in the Project, PUC’s Energy Facilities General List, Local Officials, Tribes, and Property Owners in accordance with Minn. R. 7850.2100 (2023).<sup>5</sup>

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<sup>1</sup> Exhibit (Ex.) GSS-4 at 2 (Application).

<sup>2</sup> *Id.*

<sup>3</sup> Ex. GSS-1 (Notice of Intent to Submit a Site Permit Application Under Alternative Process) (Minn. Stat. § 216E.04, subd. 2(8) (2023) permits Applicant to qualify for the alternative review process; said statute was repealed by the Minnesota Legislature in 2024, however, the repeal does not take effect till July 1, 2025).

<sup>4</sup> Ex. GSS-4 (Application).

<sup>5</sup> Ex. GSS-2 (Project Notice Pursuant to 7850.2100).

5. On August 21, 2024, PUC issued a Notice of Comment Period on Application Completeness, requesting initial comments by September 4, 2024, reply comments by September 11, 2024, and supplemental comments by September 16, 2024. The notice requested comments on: (1) whether the Application was complete within the requirements of Minn. R. 7850.3100; (2) whether there were contested issues of fact with respect to the representations made in the Application; (3) whether PUC should appoint an advisory task force; (4) whether PUC should direct its Executive Secretary to issue an authorization to initiate a State Historic Preservation Office (SHPO) Consultation to the Applicant; and (5) whether there were any other additional procedural requirements that PUC should consider.<sup>6</sup>

6. On September 4, 2024, EERA filed its Completeness Comments and Recommendations. EERA recommended that PUC: (1) accept the Application as substantially complete; (2) require Gopher State Solar to continue coordinating with the Minnesota Department of Natural Resources (DNR) to avoid impacts to native prairie and conservation easements; (3) not appoint an advisory task at that time; and (4) request a full Administrative Law Judge Report with recommendations for the Project's public hearing.<sup>7</sup>

7. On September 11, 2024, Gopher State Solar submitted reply comments concerning Application completeness.<sup>8</sup>

8. On September 16, 2024, LIUNA Minnesota and North Dakota (LIUNA) filed supplemental comments concerning Application completeness.<sup>9</sup>

9. On September 16, 2024, Gopher State Solar submitted the Confirmation of Notice Compliance Filing for the Application.<sup>10</sup>

10. On September 24, 2024, PUC issued an Order: (1) finding the Application complete; (2) requiring Gopher State Solar to continue coordination with the DNR to avoid impacts to native prairie and conservation easements; (3) declining to appoint an advisory task force; and (4) requesting a full Administrative Law Judge Report with recommendations for the Project's public hearing.<sup>11</sup> PUC also issued minutes from its September 19, 2024 consent calendar subcommittee meeting.<sup>12</sup>

11. On October 8, 2024, PUC filed a sample solar permit.<sup>13</sup>

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<sup>6</sup> Ex. PUC-1 (Notice of Comment Period on Application Completeness).

<sup>7</sup> Ex. EERA-1 (Comments and Recommendations Regarding Application Completeness).

<sup>8</sup> Ex. GSS-6 (Completeness Reply Comments).

<sup>9</sup> LIUNA Completeness Comments (September 16, 2024) (eDocket No. 20249-210249-01).

<sup>10</sup> Ex. GSS-7 (Confirmation of Notice).

<sup>11</sup> Ex. PUC-2 (Order).

<sup>12</sup> Minutes – Consent Items (September 19, 2024) (eDocket No. 20249-210435-02).

<sup>13</sup> Ex. PUC-3 (Sample Permit).

12. On October 14, 2024, PUC published the Notice of Public Information and Environmental Assessment (EA) Scoping Meetings: (1) scheduling meetings for October 28, 2024 (virtual) and October 29, 2024 (in-person); (2) opening a public comment period until November 15, 2024; and (3) requesting responses to three questions regarding the Project. The questions were: (1) [w]hat potential human and environmental impacts of the proposed project should be considered in the EA?; (2) [a]re there any methods to minimize, mitigate, or avoid potential impacts of the proposed project that should be considered in the EA?; and (3) [a]re there any unique characteristics of the proposed project that should be considered in the EA?<sup>14</sup>

13. On October 28 and 29, 2024, PUC and EERA conducted Public Information and Scoping meetings. Three members of the public provided oral comments at these meetings.<sup>15</sup>

14. On October 28, 2024, PUC filed an Affidavit of Publication of Notice of the Public Information and Scoping meetings in the Renville County Register newspaper.<sup>16</sup>

15. On November 14, 2024, the Judge issued an Order for Prehearing Conference<sup>17</sup>, with a correction regarding the link needed to access the prehearing conference.<sup>18</sup>

16. On November 15, 2024, LIUNA<sup>19</sup> and the DNR<sup>20</sup> filed scoping comments.

17. Also on November 15, 2024, Gopher State Solar filed scoping comments in response to questions or issues raised during the public information and scoping meetings.<sup>21</sup>

18. On November 26, 2024, EERA filed written public comments from Renville County on the scope of the Project<sup>22</sup>, as well as a correction to those written public comments.<sup>23</sup> EERA also filed the transcripts from the in-person and the virtual Public Information and Scoping meetings.<sup>24</sup>

19. On December 6, 2024, EERA filed the EA Scoping Decision for the Project<sup>25</sup> and the Notice of EA Scoping Decision.<sup>26</sup>

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<sup>14</sup> Ex. PUC-4 (Notice of Public Information and Environmental Assessment Scoping Meetings).

<sup>15</sup> Ex. EERA-5 (Oral Public Comments on Scope of Environmental Assessment).

<sup>16</sup> Ex. PUC-5 (Affidavit of Publication, Notice of Public Information and EA Scoping Meetings).

<sup>17</sup> Order for Prehearing Conference (November 14, 2024) (eDocket No. 02411-211940-01).

<sup>18</sup> Order for Prehearing Conference (Corrected) (November 14, 2024) (eDocket No. 202411-211941-01).

<sup>19</sup> LIUNA Scoping Comments (November 15, 2024) (eDocket No. 202411-212029-01).

<sup>20</sup> DNR Scoping Comments (November 15, 2024) (eDocket No. 202411-212014-01).

<sup>21</sup> Ex. GSS-8 (Scoping Comments).

<sup>22</sup> Written Comments on the Scope of Environmental Assessment (November 26, 2024) (eDocket No. 202411-212434-01).

<sup>23</sup> Ex. EERA-4 (Written Public Comments on Scope of Environmental Assessment).

<sup>24</sup> Ex. EERA-5 (Oral Public Comments on Scope of Environmental Assessment).

<sup>25</sup> Ex. EERA-6 (Environmental Assessment Scoping Decision).

<sup>26</sup> Ex. EERA-7 (Notice of Environmental Assessment Scoping Decision).

20. On December 12, 2024, the Judge issued a Scheduling Order establishing a schedule for the proceedings.<sup>27</sup>

21. On March 19, 2025, Gopher State Solar submitted the direct testimony of Sergio Trevino<sup>28</sup>, accompanied by the Direct Testimony Filing Letter.<sup>29</sup>

22. On March 19, 2025, EERA filed the EA for the Project.<sup>30</sup> Additionally, PUC filed a Notice of Public Hearings and Availability of Environmental Assessment,<sup>31</sup> as well as a resubmission of said Notice including the Project Contact List, regarding the public hearings held on March 31, 2025 (in-person), and April 1, 2025 (virtual).<sup>32</sup> PUC requested comments from the public on: (1) whether it should grant a site permit for the proposed solar energy generating system; and (2) if granted, what additional conditions or requirements should be included in the site permit.<sup>33</sup>

23. On March 27, 2025, EERA filed the notification of publication of the EA to state agencies and Minnesota Tribal Nations' Tribal Historic Preservation Officers (THPOs).<sup>34</sup>

24. On March 31, 2025, the Judge presided over a public hearing at Max's Grill and The Sheep Shedde Inn in Olivia, Minnesota. Three individuals provided verbal comments at this public hearing.<sup>35</sup> The Judge then presided over a remote public hearing held via Webex on April 1, 2025. One person provided verbal comments at that public hearing.<sup>36</sup> Also, on April 1, 2025, EERA provided notice of the EA and upcoming public meetings by way of the Environmental Quality Board (EQB) Monitor, as well as provided copies of the EA to two public libraries local to the Project.<sup>37</sup>

25. On April 2, 2025, PUC filed the handout of the public hearing presentation.<sup>38</sup> It also filed a written public comment submitted by Scott Refsland on behalf of Renville County.<sup>39</sup>

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<sup>27</sup> Scheduling Order (December 18, 2024) (eDocket No. 202412-213175-01).

<sup>28</sup> Ex. GSS-10 (Direct Testimony {Test.} of Sergio Trevino with Schedules A-F).

<sup>29</sup> Ex. GSS-9 (Direct Test. Filing Letter).

<sup>30</sup> Ex. EERA-8 Environmental Assessment (EA) (March 19, 2025).

<sup>31</sup> Ex. PUC-6 (Notice of Public Hearings and Availability of EA).

<sup>32</sup> Ex. PUC-7 (Notice of Public Hearings and Availability of EA – Resubmitted to Include Project Contact List).

<sup>33</sup> *Id.*

<sup>34</sup> Ex. EERA-10 (EA Provided to Permitting Agencies and THPOs).

<sup>35</sup> Olivia 6:00 p.m. Public Hearing Transcript (Olivia 6:00 p.m. Tr.) (March 31, 2025) (eDocket No. 20255-218998-01).

<sup>36</sup> WebEx 6:00 p.m. Public Hearing Transcript (WebEx 6:00 p.m. Tr.) (April 1, 2025) (eDocket No. 20255-218998-02).

<sup>37</sup> Ex. EERA-11 (Certificate of Mailing of EA to Public Libraries); Ex. EERA-12 (EQB Monitor Notice of EA Availability, Public Hearings, and Comment Period).

<sup>38</sup> Public Hearing Presentation (April 2, 2025) (eDocket No. 20254-217176-01).

<sup>39</sup> Comment by Scott Refsland (April 2, 2025) (eDocket 20254-217161-01).

26. On April 7, 2025, PUC filed the Affidavit of Publication of the notice of public hearings and the EA's availability in the Renville County Register newspaper.<sup>40</sup>

27. On April 10, 2025, the DNR filed public hearing comments.<sup>41</sup>

28. On April 11, 2025, LIUNA,<sup>42</sup> IUOE Local 49 and North Central States Regional Council of Carpenters (NCSRCC),<sup>43</sup> Gopher State Solar,<sup>44</sup> and EERA<sup>45</sup> filed public hearing comments.

29. On April 15, 2025, EERA filed additional hearing comments.<sup>46</sup> PUC filed a written public comment submitted by Shannon and Jen Visser on the same date.<sup>47</sup>

30. On April 21, 2025, PUC filed a public hearing comment submitted by the Minnesota Pollution Control Agency (MPCA).<sup>48</sup>

31. On April 22, 2025, PUC filed a revised public hearing comment from MPCA including the nine elements required to be included in a request for Section 401 Water Quality Certification by 40 C.F.R. § 121.5(b).<sup>49</sup>

### **III. DESCRIPTION OF THE PROJECT**

32. The Project consists of an up to 200 MW PV solar energy generating facility and associated infrastructure in Kingman, Osceola, and Bird Island Townships in Renville County, Minnesota.<sup>50</sup> The Project will include PV solar modules; single-axis trackers; inverters; an electrical collection system; an operations and maintenance (O&M) facility; electrical cables, conduit, switchgear, and metering equipment; step-up transformers; supervisory control and data acquisition (SCADA) system; access roads; a meteorological tower; stormwater management system; security fencing and gates; a Project substation and interconnection facilities; a short (<1,500 feet) aboveground 230 kilovolt (kV) generation interconnect (gen-tie) line; ancillary equipment or buildings as necessary; temporary facilities; and other infrastructure typical of a solar farm.<sup>51</sup>

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<sup>40</sup> Affidavit of Publication (April 7, 2025) (eDocket No. 20254-217323-01).

<sup>41</sup> Comment by DNR (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02).

<sup>42</sup> Comment by LIUNA (April 11, 2025) (eDocket No. 20254-217560-01).

<sup>43</sup> Comment by IUOE Local 49 and NCSRCC (April 11, 2025) (eDocket No. 20254-217522-01).

<sup>44</sup> Applicant Hearing Comments (April 11, 2025) (eDocket No. 20254-217543-01).

<sup>45</sup> Comment by EERA (April 11, 2025) (eDocket No. 20254-217523-01).

<sup>46</sup> EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01).

<sup>47</sup> Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01).

<sup>48</sup> MPCA Public Hearing Comment (April 21, 2025) (eDocket No. 20254-217927-01).

<sup>49</sup> MPCA Revised Public Hearing Comment (April 22, 2025) (eDocket Nos. 20254-217972-01 and 20254-217968-01).

<sup>50</sup> Ex. GSS-4 at 1 (Application).

<sup>51</sup> Ex. GSS-2 at 1 (Project Notice Under 7850.2100).



33. The Project is proposed to interconnect to the electrical grid via the Project's short (<1,500 feet) aboveground 230 kV transmission line from the Project substation to Great River Energy's existing 230 kV Panther Substation in Renville County, Minnesota.<sup>52</sup>

34. The Project will provide up to 200 MW of annual capacity for reliable, renewable energy.<sup>53</sup>

#### IV. SITE LOCATION AND CHARACTERISTICS

35. The Project is located within Kingman, Osceola, and Bird Island Townships in Renville County, Minnesota.<sup>54</sup> The location is approximately 1.2 miles north of the city of Bird Island and approximately 2.55 miles northeast of the city of Olivia in Renville County, Minnesota.<sup>55</sup> Roads within and surrounding the Project Area are county state aid highways, county roads, or township roads.<sup>56</sup> The solar facility is generally bounded by 870th Avenue to the north, 405th Street to the east, 830th Avenue to the south, and 365th Street to the west. The Project is intersected north to south by Main Street/County State Aid Highway 5 and east to west by 840th Avenue/County Road 70.<sup>57</sup>

36. The topography of the Project Area is relatively flat with gentle rolling till plains, with some morainic hills in the east.<sup>58</sup> The project is in the North Central Glaciated Plains Section of the Minnesota River Prairie Subsection (251Ba) within the Prairie Parkland province.<sup>59</sup> Pre-settlement vegetation consisted of primarily tallgrass prairie with islands of wet prairie.<sup>60</sup> Forests that included silver maple, elm, cottonwood, and willow grew along floodplains associated with the Minnesota River and other streams.<sup>61</sup> Land use in the project area is predominantly agricultural but includes developed areas in the cities of Bird Island and Olivia and other residential areas, transportation corridors, and commercial and industrial uses.<sup>62</sup> Land use within the area of land control is dominated by primarily corn and soybeans.<sup>63</sup> Built features common to the area include residences and farmsteads, grain storage, and paved and gravel roads.<sup>64</sup>

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<sup>52</sup> Ex. GSS-4 at 8 (Application).

<sup>53</sup> Ex. GSS-4 at 1 (Application).

<sup>54</sup> *Id.*

<sup>55</sup> Ex. GSS-4 at 23 (Application).

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> Ex. EERA-8 at 37 (EA).

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

37. Approximately 1,107 acres are considered to be prime farmland, which will be taken out of production for the anticipated 40-year life of the Project but will not be permanently removed.<sup>65</sup> The acreage breakdown is as follows: (1) 299 acres (26 percent) are prime farmland; (2) approximately 787 acres (69 percent) are prime farmland if drained; (3) approximately 21 acres (2.0 percent) are prime farmland if protected from flooding or not frequently flooded during the growing season; (4) and approximately 28 acres (2.0 percent) are farmland of statewide importance.<sup>66</sup>

38. There is not a feasible and prudent alternative to the Project that satisfies the prime farmland exclusion rule in Minn. R. 7850.4400, subp. 4 (2023).<sup>67</sup>

39. Gopher State Solar has 100 percent land control of the land control area<sup>68</sup>, which is 1,645 acres of private land either under lease or easement. Based on preliminary Project design, 977 acres of the 1,645 acres are necessary to accommodate the Project infrastructure.<sup>69</sup>

## **V. PROJECT SCHEDULE**

40. Gopher State Solar plans to start construction in the second quarter of 2026,<sup>70</sup> with commercial operations beginning in the fourth quarter of 2029.<sup>71</sup>

## **VI. SUMMARY OF PUBLIC COMMENTS**

41. The Public Information and Environmental Review Scoping Meetings were held on October 28 and 29, 2024. Three members of the public provided verbal comments during the Public Information and Environmental Assessment Scoping Meeting (in-person) held on October 29, 2024. Two commenters expressed concerns about: setbacks; county tile lines; the total amount of the decommissioning bond; weed control; being alerted of any Project ownership changes and the entering of a road use and development agreement between Gopher State Solar, Renville County, and the affected townships; training of emergency response personnel; visual screening and aesthetics; noise pollution; diminishment of property values; groundwater pollution; potential changes to weather patterns; and additional fire risk. One of the three commenters expressed trade union support for the Project.<sup>72</sup> No members of the public spoke during the Public Information and Environmental Assessment Scoping Meeting (virtual) held on October 28, 2024.<sup>73</sup>

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<sup>65</sup> Ex. GSS-4 at 9 (Application).

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> Ex. GSS-4 at 8 (Application); Ex. EERA-8 at vi (EA) (“Land control area” is the 1645-acre area for which Applicant is assumed to have site control through ownership, a lease agreement, or an easement. The Application refers to this as the “Project Area.” “Land control area” applies to the area for the solar facility, as well as the area for collection corridors, substation and transmission lines.

<sup>69</sup> Ex. GSS-4 at 8 (Application).

<sup>70</sup> Ex. GSS-4 at 3 (Application).

<sup>71</sup> Ex. GSS-10 at 4:18 (Direct Testimony of Sergio Trevino with Schedules A-F).

<sup>72</sup> Ex. EERA-5 (Oral Public Comments on the Scope of EA).

<sup>73</sup> Ex. EERA-5 (Oral Public Comments on the Scope of EA).

42. During the scoping comment period ending November 15, 2024, written comments were filed by LIUNA,<sup>74</sup> the DNR,<sup>75</sup> and Renville County.<sup>76</sup> No site or system alternatives were recommended for study.

43. LIUNA's comments state that additional details will be needed in order to evaluate the Project's "local employment and economic impacts."<sup>77</sup> LIUNA also offers assistance in the form of assessing to what extent construction, operation, and maintenance jobs created or preserved by the Project meet priorities established by the Legislature.<sup>78</sup>

44. The DNR's comments address potential environmental and wildlife impacts regarding fencing height, dust control during construction, lighting, bat populations, and the type of erosion control used.<sup>79</sup> The DNR also recommended the utilization of a Vegetation Management Plan (VMP).<sup>80</sup>

45. Renville County's comments state that, according to the Application, county setbacks will not be met, and requests that final setbacks meet required distances.<sup>81</sup> The County's comments also address: drain tile lines; the amount of financial surety available for decommissioning; weed control; notification of any changes in Project ownership; the entering of a Road Use and Development Agreement between Gopher State Solar, Renville County, and the affected townships; training of local emergency personnel; and visual screening.<sup>82</sup>

46. On November 15, 2024, Gopher State Solar filed scoping comments in response to public comments made by Scott Refsland, Environmental Services Director, Renville County; Stacy Karels, LIUNA; and Jen Visser, landowner, offered during the in-person Public Information and Scoping Meeting for the Project. Gopher State Solar's comments addressed the following topics: property line setbacks; decommissioning financial assurance; weed control; changes in ownership; road use; emergency response; socioeconomic benefits; noise; aesthetics/visual screening; glare; water quality impacts; property values; and fire risk.<sup>83</sup>

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<sup>74</sup> LIUNA Scoping Comments (November 15, 2024) (eDocket No. 202411-212029-01).

<sup>75</sup> DNR Scoping Comments (November 15, 2024) (eDocket No. 202411-212014-01).

<sup>76</sup> Ex. EERA-4 (Written Public Comments on the Scope of Environmental Assessment).

<sup>77</sup> LIUNA Scoping Comments (November 15, 2024) (eDocket No. 202411-212029-01).

<sup>78</sup> *Id.*

<sup>79</sup> DNR Scoping Comments (November 15, 2024) (eDocket No. 202411-212014-01).

<sup>80</sup> *Id.*

<sup>81</sup> Ex. EERA-4 (Written Public Comments on the Scope of Environmental Assessment).

<sup>82</sup> *Id.*

<sup>83</sup> Ex. GSS-8 (Scoping Comments).

47. On March 31 and April 1, 2025, the Judge presided over public hearings on the Application for the Project by way of in-person and remote means, respectively. Seventeen members of the public attended the in-person hearing in Olivia, Minnesota, and three members of the public offered verbal comments. A representative of NCSRCC offered comments in support of the Project and mentioned the socioeconomic benefits of the Project.<sup>84</sup> Renville County offered comments requesting revisions to Section 4.3.21 of the Draft Site Permit (DSP) regarding Noxious Weeds and requesting that a decommissioning assessment be performed by a third-party at the expense of Gopher State Solar.<sup>85</sup> Jen Visser offered several comments including, but not limited to, concerns about the aesthetic impacts, noise impacts, impacts to property values, glare, Project safety, benefits to the local community, and requesting that vegetative buffers grow quickly.<sup>86</sup>

48. Nine members of the public attended the virtual public hearing, and one member of the public offered verbal comments. Luca Franco offered comments on behalf of LIUNA expressing strong support for the Project and commenting on the benefit to local workers.<sup>87</sup>

49. The written public comment period remained open through April 11, 2025. Written comments were submitted by the Bois Forte Band of Chippewa, Renville County, the DNR, LIUNA, EERA, and Shannon and Jen Visser.<sup>88</sup>

50. On March 27, 2025, Randy Teboe submitted comments on behalf of the Bois Forte Band of Chippewa requesting to be notified if human remains are unanticipatedly discovered during construction.<sup>89</sup>

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<sup>84</sup> Olivia 6:00 p.m. Public Hearing Transcript (Olivia 6:00 p.m. Tr.) at 19-20 (March 31, 2025).

<sup>85</sup> Olivia 6:00 p.m. Public Hearing Transcript (Olivia 6:00 p.m. Tr.) at 20-23 (March 31, 2025).

<sup>86</sup> Olivia 6:00 p.m. Public Hearing Transcript (Olivia 6:00 p.m. Tr.) at 23-25 (March 31, 2025).

<sup>87</sup> WebEx 6:00 p.m. Public Hearing Transcript at 18-20 (WebEx 6:00 p.m. Tr.) (April 1, 2025) (eDocket No. 20255-218998-02).

<sup>88</sup> Ex. PUC-8 (Public Comment – Randy Teboe); Comment by Scott Refsland (April 2, 2025) (eDocket No. 20254-217161-01); Comment by DNR (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02); Comment by LIUNA (April 11, 2025) (eDocket No. 20254-217560-01); Comment by EERA (April 11, 2025) (eDocket No. 20254-217523-01); Comment by IUOE Local 49 and NCSRCC (April 11, 2025) (eDocket No. 20254-217522-01); EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01); and Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01).

<sup>89</sup> Ex. PUC-8 (Public Comment – Randy Teboe).

51. On April 1, 2025, Scott Refsland, as Environmental Services Director for Renville County, provided comments requesting revision of the permit condition in the DSP relating to noxious weeds, specifically requesting the language be amended to ensure long-term management of noxious weeds beyond the construction phase. Mr. Refsland's comments also address Gopher State Solar's calculations of the decommissioning costs and request an independent decommissioning cost assessment be conducted by a third-party firm at the expense of Gopher State Solar, and that language be added to the decommissioning plan to allow for recovery of costs paid by Renville County in the event the funds in the Decommissioning Account are not sufficient to cover the full cost of decommissioning.<sup>90</sup>

52. On April 10, 2025, the DNR filed public hearing comments recommending special permit conditions for facility lighting, dust control, wildlife friendly erosion control, and a VMP. the DNR requested that the Project's security fence reach a minimum height of 10 feet around each grouping of solar arrays to prevent large wildlife from entering the solar facility and supported section 4.3.32 of the DSP requiring the permittee to coordinate the final security fencing design with the DNR and the DOC. the DNR also requested a special permit condition requiring compliance with Minnesota state-listed endangered and threatened species laws.<sup>91</sup>

53. On April 11, 2025, LIUNA filed comments discussing local workforce utilization and stating that the Project will deliver sufficient net employment and economic benefits to meet statutory requirements and urging PUC to grant a site permit for the Project.<sup>92</sup>

54. On April 11, 2025, EERA filed comments regarding the draft decommissioning plan, the draft VMP, and EERA's recommended special permit conditions.<sup>93</sup> On the same date, IUOE Local 49 and NCSRCC also filed comments in support of the Project and stating that the Project is "critical to ensuring that the [utilities] resources are available and permitted to meet our state's goals."<sup>94</sup>

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<sup>90</sup> Comment by Scott Refsland (April 2, 2025) (eDocket 20254-217161-01).

<sup>91</sup> Comment by DNR (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02).

<sup>92</sup> Comment by LIUNA (April 11, 2025) (eDocket No. 20254-217560-01).

<sup>93</sup> Comment by EERA (April 11, 2025) (eDocket No. 20254-217523-01).

<sup>94</sup> Comment by IUOE Local 49 and NCSRCC (April 11, 2025) (eDocket No. 20254-217522-01).

55. On April 15, 2025, EERA filed additional hearing comments recommending the addition of special condition 5.9 (Migratory Birds) to the DSP incorporating the United States Fish and Wildlife Service (USFWS) recommended action to minimize disruption to migratory birds, including the Chimney Swift and the Northern Harrier, during their respective breeding seasons.<sup>95</sup> Also, PUC filed comments submitted by Shannon and Jen Visser requesting the inclusion of the following site permit conditions: (1) requiring a tree line fence with 20-foot trees to block vision and possible sound associated with the Project on the Visser's property and the property surrounding the proposed Project; (2) free power for the entire site located at 83898 County Road 5, Bird Island, for the life of the house, regardless of ownership; and (3) requiring the use of an oil or dust reducer during construction on the gravel road between the Visser's property and the Project.<sup>96</sup>

56. On April 21, 2025, MPCA filed comments stating that if a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers (USACE) for project related wetland impacts is necessary, then a MPCA Section 401 Water Quality Certification with conditions, waiver or denial must also be obtained as part of the permitting process. MPCA also commented that the EA should clarify that if the USACE Section 404 Permit or the Section 10 Permit is required, in accordance with Minnesota Statutes, the Project should include the MPCA as a regulator of all surface waters as defined by Minn. Stat. § 115.01, subd. 22 (2024).<sup>97</sup> On April 22, 2025, MPCA also filed revised comments dealing with the same aforementioned topics.<sup>98</sup>

57. On April 25, 2025, Gopher State Solar filed a response to public hearing comments addressing the recommendations of EERA, the DNR, MPCA, and the Vissers.<sup>99</sup>

## **VII. PERMITTEE**

58. The permittee for the Project is Gopher State Solar.<sup>100</sup>

## **VIII. CERTIFICATE OF NEED**

59. The Project is exempt from certificate of need requirements pursuant to Minn. Stat. § 216B.243, subd. 8(a)(8) (2024)—so long as the enumerated conditions are met—because Gopher State Solar, an independent power producer, applied for a site permit to construct the Project.

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<sup>95</sup> EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01).

<sup>96</sup> Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01).

<sup>97</sup> MPCA Public Hearing Comment (April 21, 2025) (eDocket No. 20254-217927-01).

<sup>98</sup> MPCA Public Hearing Comment (April 22, 2025) (eDocket No. 20254-217972-01).

<sup>99</sup> Applicant Response to Public Hearing Comments (April 25, 2025) (eDocket No. 20254-218157-01).

<sup>100</sup> Ex. GSS-4 at 2 (Application).

## **IX. SITE PERMIT CRITERIA**

60. Large electric power generating plants (LEPGP) are governed by Minnesota Statutes chapter 216E and Minnesota Rules part 7850. Minn. Stat. § 216E.01, subd. 5 (2023)<sup>101</sup>, defines a “large electric power generating plant” as “electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more.”

61. On March 1, 2024, Gopher State Solar submitted information to the DOC requesting a size determination for the Project. On March 18, 2024, EERA informed Gopher State Solar that, based on the information provided, the Project is subject to PUC’s siting authority pursuant to Minn. Stat. § 216E.02 (2023)<sup>102</sup>. Therefore, a site permit is required prior to construction of the Project.<sup>103</sup>

62. A LEPPG powered by solar energy is eligible for the alternative permitting process authorized by Minn. Stat. § 216E.04 (2023).<sup>104</sup> Gopher State Solar filed the Application under the process established by PUC in Minn. R. 7850.2800-.3900.<sup>105</sup>

63. Pursuant to Minn. Stat. § 216E.04, when a LEPPG is permitted under the alternative permitting process, EERA prepares an EA for PUC containing information on the human and environmental impacts of the proposed project and addressing mitigating measures. The EA is the only state environmental review document required to be prepared on the Project. EERA is responsible for evaluating the Application and administering the environmental review process.

## **X. APPLICATION OF SITING CRITERIA TO THE PROPOSED PROJECT<sup>106</sup>**

### **A. Human Settlement.**

64. Minnesota law requires consideration of the Project’s effects on human settlement, including displacement of residences and businesses, noise created by construction and operation of the Project, and impacts to aesthetics, cultural values, recreation, and public services.<sup>107</sup>

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<sup>101</sup> Minn. Stat. § 216E.01 was repealed by the Minnesota Legislature in 2024, however, the repeal does not take effect till July 1, 2025.

<sup>102</sup> Minn. Stat. § 216E.02 was repealed and amended by the Minnesota Legislature in 2024, however, the repeal and amendment do not take effect till July 1, 2025.

<sup>103</sup> Ex. GSS-4 at Appendix G – Size Determination (Application).

<sup>104</sup> See *supra* at 5 n.3.

<sup>105</sup> Ex. GSS-1 (Notice of Intent to Submit a Site Permit Application Under Alternative Process).

<sup>106</sup> See Minn. R. 7850.4100 (2023).

<sup>107</sup> Minn. R. 7850.4100, subp. A.

## 1. Aesthetics.

65. The visible elements of the solar facility will consist of new PV solar modules, transformers and inverters, access roads, an O&M facility, a new substation, and security fencing surrounding the Project.<sup>108</sup>

66. The Project will be a noticeable change in the landscape, converting approximately 1,645 acres of agricultural fields into solar production. Although the change will be noticeable, there are other existing infrastructure features in the landscape including gravel roads and distribution lines. How an individual viewer perceives the change from a field of corn to a field of solar panels depends, in part, on how a viewer perceives solar panels.<sup>109</sup>

67. For residents outside the Project vicinity and for others with low viewer sensitivity, such as travelers along U.S. Highway 212 and 71, aesthetic impacts are anticipated to be minimal. For these viewers, the solar panels would be relatively difficult to see due to distance, fencing and vegetation, or would be visible for a very short period. For residents in the Project vicinity and for others with high viewer sensitivity traveling on local roads in the Project vicinity, Main Street/County Road 5, aesthetic impacts are anticipated to be moderate to significant.<sup>110</sup>

68. Current fields of corn and soybeans will be replaced with acres of solar panels. Gopher State Solar indicates that most of the facility will be low-profile, typically less than 15 feet tall.<sup>111</sup> Panels will have a relatively low profile, when level to the ground they will be four to seven feet tall, with a maximum height of 15 feet off the ground at maximum tilt.<sup>112</sup> Construction of the new 1.65-acre project substation, the associated collection, and the 29,400-square-foot O&M facility will also present new visual impacts.<sup>113</sup> The O&M facility will include a SCADA system, which is an area for maintaining and storing equipment.<sup>114</sup>

69. Downward-facing security lighting will be installed outside the O&M facility and project substation for safety and security. Gopher State Solar indicates that lighting for the Project substation and O&M facilities will be consistent with Minnesota Department of Transportation guidance for luminaries.<sup>115</sup>

70. Impacts from facility lighting can be minimized by using shielded and downward-facing light fixtures and using lights that minimize blue hue.<sup>116</sup>

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<sup>108</sup> Ex. EERA-8 at 40 (EA).

<sup>109</sup> Ex. EERA-8 at 40-41 (EA).

<sup>110</sup> Ex. EERA-8 at 41 (EA).

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*



71. Section 4.3.8 of the DSP requires the permittee to consider landowner input with respect to visual impacts and to use care to preserve the natural landscape.<sup>117</sup>

72. EERA proposed adding to the DSP Special Condition Section 5.1 requiring the permittee to coordinate with jurisdictional road management authorities to develop vegetative screening plans for state, county, and township roads adjacent to or bisecting the Project.<sup>118</sup> Gopher State Solar does not support this proposed special condition.<sup>119</sup> According to Sergio Trevino's Direct Testimony, Gopher State Solar had a call with Renville County staff on February 13, 2025, to discuss the County's scoping comments regarding decommissioning and vegetative screening.<sup>120</sup> Based on this call, it appeared to Gopher State Solar that Renville County staff recognized placing vegetative screening along 6.5 miles of county roads would be impractical, and prioritizing screening in front of the non-participating residences adjacent to the Project would be more in-line with the County's interests.<sup>121</sup> Such an approach would not align with EERA's proposed Section 5.1 requirement.

73. On April 15, 2025, Shannon and Jen Visser, nearby residents of the Project, also recommended screening from their property, requesting that 20-foot trees be planted to minimize aesthetic and potentially sound impacts from the Project.<sup>122</sup> In its response on April 25, 2025, Gopher State Solar noted the challenges of replanting trees 20-feet tall but committed to working with the Vissers on a screening plan.<sup>123</sup>

74. On April 11, 2025, Gopher State Solar proposed that Section 5.1 of the DSP be modified as follows:

### **5.1 Vegetative Screening Along Roadsides**

The Permittee shall ~~coordinate with jurisdictional road management authorities to develop a~~ vegetative screening plans for ~~state, county, and township roads adjacent to or bisecting~~ nonparticipating residences within or adjacent to the Project facilities. Vegetative screening plans must comply with jurisdictional [right-of-way] ROW management and/or setback requirements.<sup>124</sup>

75. While the record reflects Gopher State Solar's proposed revisions may be deemed reasonable, PUC should decide which final provisions should be incorporated into the DSP that would best suit the requirements of the Project and the requests of those impacted by it.

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<sup>117</sup> *Id.*

<sup>118</sup> Ex. EERA-8 at Appendix C – Draft Site Permit (EA).

<sup>119</sup> *See infra* at 17 par.75.

<sup>120</sup> Ex. GSS-10 at 10:2-3 (Direct Test. of Sergio Trevino).

<sup>121</sup> Ex. GSS-10 at 10:2-3 and 12:20-24 (Direct Test. of Sergio Trevino).

<sup>122</sup> Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01).

<sup>123</sup> Applicant Response to Public Hearing Comments (April 25, 2025) (eDocket No. 20254-218157-01).

<sup>124</sup> Applicant Public Hearing Comments at 3 (April 11, 2025) (eDocket No. 20254-217543-01).

## 2. Noise.

76. The MPCA has established standards for the regulation of noise levels.<sup>125</sup> The most restrictive MPCA noise limits are 60–65 dBA during the daytime and 50–55 dBA during the nighttime.<sup>126</sup>

77. In Minnesota, noise standards are based on noise area classifications (NAC) corresponding to the location of the listener, referred to as a receptor.<sup>127</sup> NACs are assigned to areas based on the type of land use activity occurring at that location.<sup>128</sup> Household units, designated camping and picnicking areas, resorts and group camps are assigned to NAC 1; recreational activities (except designated camping and picnicking areas) and parks are assigned to NAC 2; agricultural and related activities are assigned to NAC 3.<sup>129</sup>

78. The primary noise receptors are the local residences.<sup>130</sup> There is one residence within the site, and 33 residences in local proximity (within 3,200 feet).<sup>131</sup> The Project is in a rural, agriculturally dominated area.<sup>132</sup> Rural residential areas have a typical daytime noise level of 40 dBA and a typical nighttime level of 34 dBA.<sup>133</sup> Residences are in NAC 1.<sup>134</sup> Noise receptors could also include individuals working outside in the Project vicinity.<sup>135</sup> Potential noise impacts from the Project are associated with construction noise and operational noise.<sup>136</sup>

79. Distinct noise impacts during construction are anticipated to be negligible to significant depending on the activity occurring and equipment being used.<sup>137</sup> Contingent upon the selected construction crew size, noise from construction may be temporary, intermittent, limited to daytime hours, and localized.<sup>138</sup>

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<sup>125</sup> Minn. R. 7030.0040 (2023).

<sup>126</sup> *Id.*

<sup>127</sup> Ex. EERA-8 at 42 (EA).

<sup>128</sup> *Id.*

<sup>129</sup> Ex. EERA-8 at 42-43 (EA).

<sup>130</sup> Ex. EERA-8 at 43 (EA).

<sup>131</sup> *Id.*

<sup>132</sup> *Id.*

<sup>133</sup> *Id.*

<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

<sup>136</sup> *Id.*

<sup>137</sup> Ex. EERA-8 at 43-44 (EA).

<sup>138</sup> *Id.*

80. Noise levels during actual operation of the Project are anticipated to be minimal.<sup>139</sup> The primary source of noise from the solar facility will be from inverters and transformers. In its noise analysis, Gopher State Solar used the assumed background ambient noise level of 40 dBA due to the rural land use category of the land control area.<sup>140</sup> For the inverters, a sound pressure level of 40 dBA is detectable at 450 feet, whereas it is detectable at 19 feet from a transformer.<sup>141</sup> The nearest residence to an inverter will be 535 feet away, and the nearest residence to a transformer will be 926 feet away.<sup>142</sup> As a result, the noise from the inverters is not projected to have any impact on nearby residences.<sup>143</sup> At that distance from the transformer, the noise impacts from the transformer are 6 dBA, which is below the threshold of human hearing.<sup>144</sup> As a result, the noise from the transformer is not projected to have any impact on nearby residences.<sup>145</sup> During operation, Gopher State Solar anticipates the Project will not generate an increase in ambient noise levels near the Project that exceed state noise standards.<sup>146</sup>

81. Sound control devices on vehicles and equipment (e.g., mufflers) conducting construction activities during daylight hours, and running vehicles and equipment only when necessary are common ways to mitigate construction noise impacts.<sup>147</sup> Gopher State Solar indicates that construction will be limited to daylight hours, using construction equipment and vehicles with properly functioning mufflers and noise-control devices.<sup>148</sup>

82. Section 4.3.7 of the DSP requires the permittee to comply with noise standards established under Minnesota noise standards as defined by Minnesota Rule, parts 7030.010 to 7030.0080, and to limit construction and maintenance activities to daytime hours to the extent practicable.<sup>149</sup>

### **3. Cultural Values.**

83. The Project contributes to the growth of renewable energy and is likely to strengthen and reinforce this value in the area.<sup>150</sup> The Project Area is not located within municipal areas where events typically occur, so impacts on community events are not anticipated.<sup>151</sup>

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<sup>139</sup> Ex. EERA-8 at 44 (EA).

<sup>140</sup> *Id.*

<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

<sup>145</sup> *Id.*

<sup>146</sup> *Id.*

<sup>147</sup> *Id.*

<sup>148</sup> *Id.*

<sup>149</sup> *Id.*

<sup>150</sup> Ex. EERA-8 at 45 (EA).

<sup>151</sup> *Id.*

84. However, the development of the Project will change the character of the area.<sup>152</sup> The value residents put on the character of the landscape within which they live is subjective, meaning its relative value depends upon the perception and philosophical or psychological responses unique to individuals.<sup>153</sup> Because of this, construction of the Project might—for some residents—change their perception of the area's character, thus potentially eroding their sense of place.<sup>154</sup>

85. There are no conditions included in the DSP that directly address mitigation for impacts to cultural values. Section 4.3.23 addresses impacts to cultural properties. No additional mitigation is proposed.<sup>155</sup>

#### **4. Land Use and Zoning.**

86. Development of a solar farm in this area will temporarily change the land use from predominantly agricultural uses to energy generation for the life of the Project<sup>156</sup>, at least 30 years. The change of land use will have a minimal to moderate impact on the rural character of the surrounding area, and a minimal impact on the county character as a whole.<sup>157</sup>

87. The Project is designed to be consistent with the Renville County Comprehensive Plan, and that the Project Area does not include any areas noted as future urban expansion areas or rural residential areas.<sup>158</sup> It is not anticipated that the Project will prevent the future extension of utilities such as water, sewer, or other services.<sup>159</sup>

88. Construction of the solar facility will potentially disturb approximately 1,149.1 acres of soil within the land control area, and 977 acres of that will be used for the solar facility project site.<sup>160</sup> Gopher State Solar has developed an Agricultural Impact Mitigation Plan (AIMP)<sup>161</sup> and a VMP<sup>162</sup> that will be implemented throughout the duration of the Project. The AIMP and VMP identify measures to avoid, minimize, mitigate, and/or repair potential negative agricultural impacts that may result from the construction operation, or decommissioning of the Project.<sup>163</sup> The AIMP and VMP outline ensures the Project Area may be returned to future agricultural use after the end of the Project's useful life, including identifying best management practices (BMPs) that will be used during construction.<sup>164</sup>

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<sup>152</sup> *Id.*

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> Ex. EERA-8 at 47 (EA).

<sup>157</sup> *Id.*

<sup>158</sup> *Id.*

<sup>159</sup> *Id.*

<sup>160</sup> Ex. EERA-8 at 81 (EA).

<sup>161</sup> Ex. EERA-8 at 47 (EA).

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*

<sup>164</sup> *Id.*

89. Although the Project is subject to oversight by the State of Minnesota under the Minnesota Power Plant Siting Act, Gopher State Solar will continue to coordinate with Renville County and local townships on other potential permits or agreements for the Project, such as a road use agreement for use of township and county roads.<sup>165</sup>

90. EERA proposed Special Condition Sections 5.2, 5.3, and 5.4 requiring the Applicant to: adhere—with a drain tile exception—to all Renville County renewable energy setback requirements; enter into a Road Use and Development Agreement with Renville County and affected Townships; and coordinate with Renville County to develop a mutually agreeable decommissioning plan consistent with Section 9.1 of the DSP.<sup>166</sup> In its scoping comments, Gopher State Solar committed to entering into a road use agreement with the county and affected townships, as needed.<sup>167</sup> In its public hearing comments, Gopher State Solar stated it would be willing to hire an independent third-party engineering firm agreeable to Renville County to review the decommissioning plan and estimate for consistency with the requirements of Section 9.1 of the DSP.<sup>168</sup> Additional discussion of Gopher State Solar's comments on Special Condition Section 5.4 of the DSP is found in *Section XI* below.

## **5. Property Values.**

91. Impacts to the value of specific properties within the Project vicinity are difficult to determine.<sup>169</sup> Minimal to moderate property value impacts could occur, but significant negative impacts to property values in the Project vicinity are not anticipated.<sup>170</sup>

92. To the extent that negative impacts do occur, they are expected to be within one-half mile of the solar facility and to decrease with distance from the Project and with time.<sup>171</sup> Aesthetic impacts that might affect property values would be limited to residences and parcels in the Project vicinity where the solar panels are easily visible.<sup>172</sup>

93. Gopher State Solar has committed to working with the Vissers, whose property is directly adjacent to the Project, to minimize impacts to their property through a screening plan.<sup>173</sup> While the Vissers have requested that Gopher State Solar provide free electricity to their property—throughout the life of the house and without regard to property ownership—to minimize potential property value impacts, Gopher State Solar is declining the Vissers' request with the response that it will sell all its power at wholesale and will not serve retail customers.<sup>174</sup>

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<sup>165</sup> Ex. EERA-8 at 48 (EA).

<sup>166</sup> *Id.*

<sup>167</sup> Ex. GSS-8 (Scoping Comments).

<sup>168</sup> Applicant Public Hearing Comments at 4 (April 11, 2025) (eDocket No. 20254-217543-01).

<sup>169</sup> Ex. EERA-8 at 50 (EA).

<sup>170</sup> *Id.*

<sup>171</sup> *Id.*

<sup>172</sup> *Id.*

<sup>173</sup> Applicant Response to Public Hearing Comments (April 25, 2025) (eDocket No. 20254-218157-01).

<sup>174</sup> *Id.*

94. Impacts to property values can be mitigated by reducing aesthetic impacts and impacts to future land use.<sup>175</sup> Impacts can also be mitigated through individual agreements with neighboring landowners, such as a visual screening plan.<sup>176</sup>

## **6. Tourism and Recreation.**

95. Tourism in the Project Area is largely related to recreational activities including camping, hiking, biking, fishing, horseback riding, canoeing, snowmobiling, and hunting.<sup>177</sup> There are no Wildlife Management Areas (WMAs), public water access sites, or federal or state parks within one mile of the Project Area.<sup>178</sup> There is one snowmobile trail, the Renville County Drift Runner trail, that runs parallel to County Road 5 within the Project Area.<sup>179</sup> Other recreational areas near the project include: the Renville Rangers Shooting Club, a rifle and pistol shooting range adjacent to the southern boundary of the project on 830th Avenue; the Renville County fairgrounds, located approximately 1.8 miles from the project; and the Olivia Golf Club, a public golf course approximately 3.7 miles from the project.<sup>180</sup>

96. Impacts to tourism and recreation are anticipated to be minimal and temporary.<sup>181</sup> Due to construction, there will be short-term increases in traffic and noise that could potentially impact recreational activities in close proximity to the Project Area, including visitors at the snowmobile trail and the shooting range.<sup>182</sup> There could also be a temporary increase in dust and visual impacts from construction equipment for local visitors.<sup>183</sup> However, impacts will be temporary.<sup>184</sup> Access to the snowmobile trail will remain open throughout the operation of the Project.<sup>185</sup> No significant long-term impacts to recreational activities are anticipated.<sup>186</sup>

97. Although the Project is not anticipated to disrupt nearby recreational activities, Gopher State Solar will coordinate with the DNR, the USFWS, Renville County, and Kingman, Osceola, and Bird Island Townships to ensure construction of the Project will not cause significant impacts to nearby natural resources.<sup>187</sup>

98. Gopher State Solar will communicate with the operator of the shooting range, along with other landowners near the land control area regarding any construction traffic that could temporarily affect local access.<sup>188</sup>

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<sup>175</sup> Ex. EERA-8 at 50 (EA).

<sup>176</sup> *Id.*

<sup>177</sup> *Id.*

<sup>178</sup> Ex. EERA-8 at 51 (EA).

<sup>179</sup> *Id.*

<sup>180</sup> *Id.*

<sup>181</sup> *Id.*

<sup>182</sup> *Id.*

<sup>183</sup> *Id.*

<sup>184</sup> *Id.*

<sup>185</sup> *Id.*

<sup>186</sup> *Id.*

<sup>187</sup> *Id.*

<sup>188</sup> *Id.*

99. If construction activity occurs during time of snow cover, Gopher State Solar will coordinate with the Renville County Drift Runners to minimize impacts to the trail and to determine procedures for informing the public of construction in the area.<sup>189</sup>

## **7. Transportation and Public Services.**

100. Potential impacts to the electrical grid, roads, and other utilities are anticipated to be short-term, intermittent, and localized during construction.<sup>190</sup> Impacts to water (wells and septic systems), railroads, and airports are not expected to occur.<sup>191</sup> Overall, construction-related impacts are expected to be minimal and are associated with possible traffic increases.<sup>192</sup> During operation, negligible traffic increases would occur for maintenance.<sup>193</sup> Impacts are unavoidable but can be minimized.<sup>194</sup>

101. Gopher State Solar indicates that existing utilities will be marked prior to construction start.<sup>195</sup> A well construction permit from the Minnesota Department of Health (MDH) would be required if a well is installed at the facility in the future.<sup>196</sup>

102. Impacts to electrical infrastructure that cross the Project can be mitigated by appropriate coordination with the owners of the existing infrastructure and following industry best practices.<sup>197</sup>

103. To minimize traffic impacts, Gopher State Solar will coordinate with local road authorities to schedule large material or equipment deliveries to avoid periods when traffic volumes are high whenever practical.<sup>198</sup> In addition, traffic control barriers and warning devices will be used when appropriate.<sup>199</sup> Gopher State Solar states that safety requirements to maintain flow of public traffic will be followed at all times and construction operations will be conducted to offer the least practical obstruction and inconvenience to public travel.<sup>200</sup>

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<sup>189</sup> *Id.*

<sup>190</sup> Ex. EERA-8 at 53-55 (EA).

<sup>191</sup> Ex. EERA-8 at 53-54 (EA).

<sup>192</sup> Ex. EERA-8 at 53 (EA).

<sup>193</sup> *Id.*

<sup>194</sup> Ex. EERA-8 at 52 (EA).

<sup>195</sup> Ex. EERA-8 at 53-54 (EA).

<sup>196</sup> Ex. EERA-8 at 54 (EA).

<sup>197</sup> *Id.*

<sup>198</sup> Ex. EERA-8 at 55 (EA).

<sup>199</sup> *Id.*

<sup>200</sup> *Id.*

104. Gopher State Solar indicates that the Project is designed to avoid impacts to the existing pipeline located in the northeast portion of the Project.<sup>201</sup> Gopher State Solar is in the process of determining the pipeline ROW width and location and is coordinating with the pipeline owner regarding crossing the ROW.<sup>202</sup> Gopher State Solar can also avoid impacts to the pipeline from underground cable trenching and installation by ensuring the cabling is at a depth that avoids disturbance to the existing pipeline ROW.<sup>203</sup>

## **8. Socioeconomics.**

105. Potential impacts associated with construction will be positive, but minimal and short-term.<sup>204</sup> Significant positive effects might occur for individuals.<sup>205</sup> Impacts from operation will be long-term, positive, and moderate.<sup>206</sup> The Project will not disrupt local communities or businesses and does not disproportionately impact low-income or minority populations.<sup>207</sup> Adverse impacts are not anticipated.<sup>208</sup>

106. Construction of the Project is likely to result in temporary increased expenditures for lodging, food and fuel, transportation, and general supplies at local businesses during construction.<sup>209</sup> Construction of the Project will create local job opportunities for various trade professionals and will also generate and circulate income throughout the community by investing in local business expenditures as well as state and local taxes.<sup>210</sup>

107. Specialized labor will be required for certain aspects of the Project, which may be necessary to import from other areas of Minnesota or neighboring states.<sup>211</sup> Much of the workforce is expected to be comprised of Minnesota-licensed electricians, due to the work being considered electrical work under the Minnesota State Electrical Code.<sup>212</sup>

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<sup>201</sup> *Id.*

<sup>202</sup> *Id.*

<sup>203</sup> *Id.*

<sup>204</sup> Ex. EERA-8 at 56 (EA).

<sup>205</sup> *Id.*

<sup>206</sup> *Id.*

<sup>207</sup> Ex. EERA-8 at 56-57 (EA).

<sup>208</sup> Ex. EERA-8 at 57 (EA).

<sup>209</sup> *Id.*

<sup>210</sup> *Id.*

<sup>211</sup> *Id.*

<sup>212</sup> *Id.*



108. Gopher State Solar will issue a Request for Proposal (RFP) to contractors for construction of the Project, including preferences for contractor bids that use local, construction craft employees to the greatest extent feasible in accordance with project budget, timeline, industry standards and requirements, and corporate safety policies.<sup>213</sup> Gopher State Solar will require the selected contractor to work with labor unions, local subcontractors, or other vendors to implement a project construction staffing model that attempts to maximize local hiring and local economic benefits for the Project, while ensuring the Project is built safely, on time, and within the budget.<sup>214</sup>

109. Gopher State Solar expects the Project to create approximately 200 temporary construction jobs.<sup>215</sup> Gopher State Solar anticipates that the operation and maintenance of the facility will require approximately three to five long-term personnel.<sup>216</sup>

110. In Direct Testimony, Gopher State Solar provided an updated estimated tax analysis, stating that the Project would pay an estimated \$32 million in taxes over its 40-year life, 58 percent of which would be directed to Renville County, 14 percent to the State, 14 percent to townships, and 13 percent to local schools.<sup>217</sup> The Project is expected to pay approximately \$795,000 in taxes in the first year.<sup>218</sup>

111. Socioeconomic impacts are anticipated to be positive overall.<sup>219</sup> Adverse socioeconomic impacts will be limited to the temporary loss of agricultural production on the land currently farmed; however, Gopher State Solar indicates that these temporary losses are offset by agreements and payment to landowners through leases and easements or purchase contracts.<sup>220</sup>

## **9. Environmental Justice.**

112. The Project is not within an Environmental Justice Area, as there are no environmental justice communities that meet the defined criteria within the area.<sup>221</sup> Therefore, there are no anticipated environmental justice impacts or concerns for the Project.<sup>222</sup>

113. The Project will not have disproportionately high and adverse human health or environmental effects on low-income, minority, or tribal populations.<sup>223</sup> Additional mitigation is not proposed.<sup>224</sup>

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<sup>213</sup> Ex. EERA-8 at 57-58 (EA).

<sup>214</sup> Ex. EERA-8 at 58 (EA).

<sup>215</sup> Ex. GSS-4 at 41 (Application).

<sup>216</sup> Ex. EERA-8 at 58 (EA).

<sup>217</sup> Ex. GSS-10 at 5:12-23 (Direct Test. of Sergio Trevino).

<sup>218</sup> *Id.*

<sup>219</sup> Ex. EERA-8 at 59 (EA).

<sup>220</sup> *Id.*

<sup>221</sup> Ex. EERA-8 at 60-61 (EA).

<sup>222</sup> Ex. EERA-8 at 61 (EA).

<sup>223</sup> Ex. EERA-8 at 59 (EA).

<sup>224</sup> Ex. EERA-8 at 61 (EA).

## **B. Public Health and Safety.**

114. Minnesota law requires consideration of the Project's potential effect on health and safety.<sup>225</sup>

### **1. Electric and Magnetic Fields.**

115. Currently, there are no federal regulations regarding allowable extremely low frequency EMF (ELF-EMF) produced by power lines in the United States; however, state governments have developed state-specific regulations.<sup>226</sup>

116. PUC tends to limit the maximum electric field under high voltage transmission lines in Minnesota to 8.0 kV/m.<sup>227</sup> No adopted standard for magnetic fields by PUC has been identified.

117. The primary sources of EMF from the Project will be from the solar arrays, buried electrical collection lines, and the transformers installed at each inverter.<sup>228</sup> The EMF generated by solar arrays is at the level generally experienced near common household appliances.<sup>229</sup> Measured magnetic fields at utility-scale PV projects drop to very low levels of 0.5 mG or less at distances of 150 feet from inverters.<sup>230</sup> For electrical collection lines, a study found that at 27.5 kV that magnetic fields are within background levels at 1 meter above ground.<sup>231</sup>

118. No health impacts from EMF are anticipated.<sup>232</sup> EMF diminishes with distance from a conductor or inverter.<sup>233</sup> The nearest solar array is located approximately 566 feet from the nearest residence, the nearest inverter is located approximately 600 feet from the nearest residence and the nearest 34.5 kV collector line is approximately 600 feet from the nearest residence.<sup>234</sup> At this distance both electric and magnetic fields will dissipate to background levels. No additional mitigation is proposed.<sup>235</sup>

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<sup>225</sup> Minn. Stat. § 216E.03, subd. 7(b)(1) (2023) (Minn. Stat. § 216E.03 was repealed by the Minnesota Legislature in 2024, however, the repeal does not take effect till July 1, 2025); Minn. R. 7850.4100, subp. B.

<sup>226</sup> Ex. EERA-8 at 63 (EA).

<sup>227</sup> Ex. GSS-4 at 27 (Application).

<sup>228</sup> Ex. EERA-8 at 64 (EA).

<sup>229</sup> *Id.*

<sup>230</sup> *Id.*

<sup>231</sup> *Id.*

<sup>232</sup> *Id.*

<sup>233</sup> *Id.*

<sup>234</sup> *Id.*

<sup>235</sup> *Id.*

## 2. Public Safety and Emergency Services.

119. The Project will be designed and constructed in compliance with applicable electric codes.<sup>236</sup> Electrical inspections will ensure proper installation of all components, and the Project will undergo routine inspection.<sup>237</sup> Electrical work will be completed by trained technicians.<sup>238</sup>

120. Precise PV system installation can reduce fire risk resulting from inaccurate construction methods, and proactive maintenance and monitoring of electrical equipment can identify risky system components before a fire occurs.<sup>239</sup> Additionally, site vegetation will be controlled via mowing and/or grazing, preventing the accumulation of biomass and reducing fire hazard.<sup>240</sup> The use of rotating PV arrays alongside vegetation removal techniques such as grazing can reduce fire hazards.<sup>241</sup> Gopher State Solar indicates it will work with local emergency responders and other government officials to provide training and to establish points of contact and emergency response plans.<sup>242</sup>

121. Construction is bound by federal and state Occupational Safety and Health Administration (OSHA) requirements for worker safety, and must comply with local, state, and federal regulations regarding installation of the facilities and qualifications of workers.<sup>243</sup> Established industry safety procedures will be followed during and after construction of the Project.<sup>244</sup> Gopher State Solar indicates the Project will be fenced and locked to prevent unauthorized access, and signs will be posted to warn unauthorized persons not to enter fenced area due to the presence of electrical equipment.<sup>245</sup>

122. The DNR recommended requiring at least 10-foot-tall perimeter fencing, noting that it will not issue a deer removal permit for facilities with woven wire fences lower than 10 feet.<sup>246</sup> the DNR also noted it supported a special condition requiring the Applicant to coordinate with the DNR on finalizing a security fence design.<sup>247</sup>

123. Gopher State Solar declines the DNR's recommendations and instead indicates it has designed the perimeter fencing to be 7-foot-tall security fencing in compliance with applicable National Electric Safety Code (NESC) requirements to prevent public and larger wildlife access.<sup>248</sup> The fencing height proposed by Gopher State Solar appears to be consistent with other site permits issued by PUC.<sup>249</sup>

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<sup>236</sup> Ex. EERA-8 at 67 (EA).

<sup>237</sup> *Id.*

<sup>238</sup> *Id.*

<sup>239</sup> *Id.*

<sup>240</sup> *Id.*

<sup>241</sup> *Id.*

<sup>242</sup> *Id.*

<sup>243</sup> *Id.*

<sup>244</sup> *Id.*

<sup>245</sup> *Id.*

<sup>246</sup> Comment by DNR (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02).

<sup>247</sup> *Id.*

<sup>248</sup> Ex. GSS-4 at 14 (Application).

<sup>249</sup> See, e.g., *In the Matter of the Application of Northern States Power Co. d/b/a Xcel Energy for a Site*

124. Public safety is addressed in Sections 4.3.30, 5.6, 8.12, 8.13 and 9.1 of the DSP.<sup>250</sup>

### **C. Land-Based Economies.**

125. Minnesota law requires consideration of the Project's potential effect on land-based economies – specifically, agriculture, forestry, tourism, and mining.<sup>251</sup>

126. The Project is not anticipated to impact forestry or mining.<sup>252</sup> Tourism is discussed in Section A (6) above.

#### **1. Agriculture.**

127. Agricultural use dominates the area of land control, with approximately 96 percent of the Project Area used for cultivated row crops (corn, soybeans, and sugar beets are the dominant crops).<sup>253</sup>

128. Approximately 98 percent of the Project development area is designated as prime farmland (1,107 acres), made up of 26 percent prime farmland (299 acres), 69 percent prime farmland if drained (787 acres), two percent prime farmland if protected from flooding or not frequently flooded during the growing season (21 acres), and two percent farmland of statewide importance (28 acres).<sup>254</sup> With respect to potential impacts to prime farmland, Gopher State Solar indicates that no feasible or prudent alternatives to the Project exist.<sup>255</sup>

129. Potential impacts to agricultural producers are anticipated to be minimal to moderate.<sup>256</sup> A loss of farmland in Renville County would occur for the life of the Project.<sup>257</sup> Potential impacts are localized and unavoidable but can be minimized.<sup>258</sup>

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*Permit for the up to 250 MW Sherco 3 Solar Energy Generating System in Sherburne County, Minnesota, Order Issuing Site Permit, Site Permit at Section 4.3.32 (July 31, 2024) (PUC Docket No. E-002/GS-23-217) (eDocket No. 20247- 209139-01); In the Matter of the Application of Lake Wilson Solar Energy LLC for a Certificate of Need and a Site Permit for the up to 150 MW Lake Wilson Solar and Associated Battery Storage Project in Murray County, Minnesota, Order Granting Certificate of Need and Issuing Site Permit, Site Permit at Section 4.3.31 (April 23, 2024) (PUC Docket No. IP-7070/GS-21-792) (eDocket No. 20244-205861-01); In the Matter of the Application of Byron Solar, LLC for a Certificate of Need, Site Permit, and Route Permit for the up to 200 MW Byron Solar Project and 345 kV Transmission Line in Dodge and Olmsted Counties, Minnesota, Order Granting Certificate of Need and Issuing Site and Route Permits, Site Permit at Section 4.3.31 (May 1, 2023) (PUC Docket No. IP-7041/GS-20-763) (eDocket No. 20235-195471-02).*

<sup>250</sup> Ex. EERA-8 at 67 (EA).

<sup>251</sup> Minn. Stat. § 216E.03, subd. 7(b) (see *supra* at 24 n.225); Minn. R. 7850.4100, subp. C.

<sup>252</sup> Ex. EERA-8 at 104-105 (EA).

<sup>253</sup> Ex. EERA-8 at 68 (EA).

<sup>254</sup> *Id.*

<sup>255</sup> *Id.*

<sup>256</sup> *Id.*

<sup>257</sup> *Id.*

<sup>258</sup> *Id.*

130. The intensity of impact is likely to be subjective.<sup>259</sup> It is acknowledged that the perceived impacts to farmland are subjective and may be difficult to assess given the trade-offs associated with utility scale solar projects.<sup>260</sup>

131. Agricultural mitigation and soil-related impacts are addressed in Sections 4.3.9, 4.3.10, 4.3.11, 4.3.16, 4.3.17, 4.3.18, 4.3.20, 4.3.21, and 4.3.29 of the DSP.<sup>261</sup>

#### **D. Archaeological and Historic Resources.**

132. Minnesota law requires consideration of the Project's potential effects on historic and archaeological resources.<sup>262</sup>

133. Gopher State Solar conducted a desktop investigation and literature review using information from the SHPO and the Minnesota Office of the State Archeologist (OSA).<sup>263</sup> The review queried the area within one mile of the land control area.<sup>264</sup> As a result of this survey, no previously recorded archaeological sites or recorded historic structures were identified in the land control area or within one mile of the land control area.<sup>265</sup>

134. Additionally, Gopher State Solar received a letter from the Minnesota SHPO stating that they "have determined that no significant archaeological sites will be affected by this project and that there are no properties listed in the National or State Registers of Historic Places, or within the Historic Sites Network, that will be affected by this project."<sup>266</sup>

135. In the Application, Gopher State Solar indicated that an Unanticipated Discoveries Plan will be prepared for reference during construction.<sup>267</sup> Should a National Register of Historic Places (NRHP) eligible site be encountered, Gopher State Solar will coordinate with SHPO and OSA to avoid, minimize, or mitigate adverse effects.<sup>268</sup>

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<sup>259</sup> *Id.*

<sup>260</sup> *Id.*

<sup>261</sup> *Id.*

<sup>262</sup> Minn. Stat. § 216E.03, subd. 7(b) (*see supra* at 24 n.225); Minn. R. 7850.4100, subp. D.

<sup>263</sup> Ex. EERA-8 at 71 (EA).

<sup>264</sup> *Id.*

<sup>265</sup> Ex. EERA-8 at 71-72 (EA).

<sup>266</sup> Ex. GSS-10 at 6:25-28, 7:1-2, and Schedule C (Direct Test. of Sergio Trevino); Applicant Public Hearing Comments at 4 (April 11, 2025) (eDocket No. 20254-217543-01).

<sup>267</sup> Ex. EERA-8 at 72 (EA).

<sup>268</sup> *Id.*

136. Gopher State Solar noted in its public hearing comments that Section 3.4 of the EA states that a National Historic Preservation Act Section 106 Consultation is anticipated for the Project.<sup>269</sup> However, Gopher State Solar does not anticipate that a Section 106 Consultation will be needed for the Project.<sup>270</sup> As stated in Sergio Trevino's Direct Testimony, the SHPO has determined that no significant archaeological sites will be affected by this Project and that there are no properties listed in the National or State Registers of Historic Places, or within the Historic Sites Network, that will be affected by the Project.<sup>271</sup>

137. Section 4.3.23 of the DSP addresses archeological resources and requires the permittee to avoid impacts to archaeological and historic resources where possible and to mitigate impacts where avoidance is not possible.<sup>272</sup> No additional mitigation is proposed.<sup>273</sup>

## **E. Natural Environment.**

138. Minnesota law requires consideration of the Project's potential effects on the natural environment, including effects on air and water quality resources and flora and fauna.<sup>274</sup>

### **1. Air Quality.**

139. Minimal intermittent air emissions are expected during construction of the Project.<sup>275</sup> Air emissions associated with construction are highly dependent upon weather conditions and the specific activity occurring.<sup>276</sup> For example, traveling to a construction site on a dry gravel road will result in more fugitive dust than traveling the same road when wet.<sup>277</sup> Once operational, the generating facility is not expected to generate criteria pollutants or carbon dioxide.<sup>278</sup>

140. Exhaust emissions can be minimized by keeping vehicles and equipment in good working order and not running equipment unless necessary.<sup>279</sup>

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<sup>269</sup> Ex. GSS-10 at 6:25-28 and 7:1-2 (Direct Test. of Sergio Trevino).

<sup>270</sup> *Id.*

<sup>271</sup> *Id.*

<sup>272</sup> Ex. EERA-8 at 72 (EA).

<sup>273</sup> *Id.*

<sup>274</sup> Minn. Stat. § 216E.03, subd. 7(b) (*see supra* at 24 n.225); Minn. R. 7850.4100, subp. E.

<sup>275</sup> Ex. EERA-8 at 74 (EA).

<sup>276</sup> *Id.*

<sup>277</sup> *Id.*

<sup>278</sup> *Id.*

<sup>279</sup> Ex. EERA-8 at 74 (EA).

141. Gopher State Solar states that, when necessary, dust from construction traffic will be controlled using standard construction practices such as watering of exposed surfaces, covering of disturbed areas, and reduced speeds.<sup>280</sup> Shannon and Jen Visser requested dust control measures near their property during construction, and Gopher State Solar has agreed to work with them to implement dust control on nearby roads during construction.<sup>281</sup>

142. Gopher State Solar indicates that because soils in the Project site are not susceptible to wind erosion, which may create dust, construction-specific mitigation measures and BMPs related to dust control have not been proposed.<sup>282</sup> If wind erosion becomes an issue during construction, standard industry practices may be implemented, including mulching exposed soils, wetting exposed soils, maintaining vegetative cover (both cover crops and permanent vegetation), and reducing vehicle speeds.<sup>283</sup>

143. Construction of the Gopher State Solar Project will disturb more than 50 acres of soil.<sup>284</sup> As a result, Gopher State Solar will prepare and submit a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater (CSW) Permit application and Storm Water Pollution Prevention Plan (SWPPP) to MPCA for review and approval prior to construction in order to obtain coverage under the General Construction Stormwater Permit Program.<sup>285</sup> Implementing this plan prior to construction can minimize the potential for fugitive dust emissions.<sup>286</sup>

144. The AIMP identifies construction BMPs related to soils and vegetation that will help to avoid, minimize, mitigate, and/or repair potential negative agricultural impacts that may result from the construction, operation, and eventual decommissioning of the Gopher State Solar Project.<sup>287</sup> Several sections of the draft plan indirectly mitigate impacts to air quality, including sections related to construction and vegetation removal, soils, erosion and sediment control, and restoration of the site to pre-construction conditions.<sup>288</sup>

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<sup>280</sup> Ex. EERA-8 at 74 (EA).

<sup>281</sup> Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01); Applicant Response to Public Hearing Comments (April 25, 2025) (eDocket No. 20254-218157-01).

<sup>282</sup> Ex. EERA-8 at 74 (EA).

<sup>283</sup> Ex. EERA-8 at 74-75 (EA).

<sup>284</sup> Ex. EERA-8 at 75 (EA).

<sup>285</sup> *Id.*

<sup>286</sup> *Id.*

<sup>287</sup> *Id.*

<sup>288</sup> *Id.*

## 2. Geology and Groundwater.

145. The Project Area was reviewed for United States Environmental Protection Agency (EPA) designated sole source aquifers, wells listed on the Minnesota Well Index (MWI) and MDH Wellhead Protection Areas (WHPAs).<sup>289</sup> The MDH maintains the MWI, which provides basic information (e.g., location, depth, geology, construction, and static water level) for wells and borings drilled in Minnesota.<sup>290</sup> The MWI does not identify any documented wells within the land control area, however, within one mile of the land control area there are 36 domestic wells documented as of 2022.<sup>291</sup>

146. Potential impacts to geology and groundwater can occur directly or indirectly.<sup>292</sup> Impacts to geological resources are likely to be minimal, due to the anticipated depth of construction being relatively shallow, and the absence of karst features.<sup>293</sup> Gopher State Solar will complete a geotechnical study closer to the construction date to further inform the Project design, engineering, and construction techniques.<sup>294</sup>

147. Construction of the Project will not require subsurface blasting, and newly fractured bedrock causing groundwater flow is not anticipated.<sup>295</sup> There are no active wells within the land control area, and no WHPAs or Drinking Water Supply Management Areas (DWSMAs).<sup>296</sup> The nearest DWSMA is the 892.59-acre Bird Island DWSMA surrounding the 320.52-acre WHPA, located approximately 1.25 miles southeast of the land control area.<sup>297</sup> If potable water is required for the O&M building, a domestic well is likely to be installed.<sup>298</sup> Gopher State Solar will acquire a domestic water permit and will hire an approved well drilling contractor prior to O&M building construction.<sup>299</sup>

148. Gopher State Solar included permanent stormwater ponds in the Project design, in accordance with MPCA requirements.<sup>300</sup> Stormwater ponds will be located completely outside of wetland areas.<sup>301</sup>

149. Gopher State Solar indicates that in accordance with the MPCA-approved SWPPP, the Project's construction contractor will implement BMPs such as silt fencing, or other erosion control devices, revegetation plans, and management of exposed soils to prevent erosion.<sup>302</sup>

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<sup>289</sup> Ex. EERA-8 at 76 (EA).

<sup>290</sup> *Id.*

<sup>291</sup> Ex. EERA-8 at 77 (EA).

<sup>292</sup> *Id.*

<sup>293</sup> *Id.*

<sup>294</sup> *Id.*

<sup>295</sup> *Id.*

<sup>296</sup> *Id.*

<sup>297</sup> *Id.*

<sup>298</sup> *Id.*

<sup>299</sup> *Id.*

<sup>300</sup> Ex. EERA-8 at 78 (EA).

<sup>301</sup> *Id.*

<sup>302</sup> Ex. EERA-8 at 79 (EA).



150. Any dewatering required during construction will be managed in accordance with the SWPPP and the DNR temporary dewatering permit by discharging to the surrounding surface.<sup>303</sup> If dewatering more than 10,000 gallons per day or 1,000,000 gallons per year, a Water Appropriations Permit from the DNR is required.<sup>304</sup> Gopher State Solar will obtain a Water Appropriation Permit if dewatering exceeding permit thresholds occurs during construction.<sup>305</sup>

### 3. Soils.

151. Primary impacts to soils include compaction from construction equipment, soil profile mixing during grading and pole auguring, rutting from tire traffic, and soil erosion.<sup>306</sup> Impacts to soils are likely to be greatest with the belowground electrical collection system.<sup>307</sup> Potential impacts will be positive and negative, and short and long-term.<sup>308</sup> Isolated moderate to significant negative impacts associated with high rainfall events could occur, such as from rutting.<sup>309</sup> Because the soil at the solar facility would be maintained with native perennials and other beneficial vegetation, soil health would likely improve over the life of the Project.<sup>310</sup>

152. Construction of the solar facility will potentially disturb approximately 1,149.1 acres of soil within the land control area, and 977 acres of that will be used for the solar facility project site.<sup>311</sup> As with any ground disturbance, there is potential for soil compaction and erosion.<sup>312</sup> Heavy rainfall events during construction or prior to the establishment of permanent vegetation increase the risk that significant sedimentation and erosion could occur.<sup>313</sup>

153. Gopher State Solar is committed to ensuring the vitality of the soils during the construction, operation, and eventual decommissioning of the Project.<sup>314</sup> Gopher State Solar indicates that operation guidelines will be developed in the SWPPP to mitigate heavy traffic on soils when wet to minimize potential compaction and rutting.<sup>315</sup>

154. Gopher State Solar also indicates that implementing the Project VMP and AIMP will further minimize and mitigate soil impacts.<sup>316</sup> Additionally, in accordance with MPCA requirements, permanent stormwater ponds are included in the Project design.<sup>317</sup>

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<sup>303</sup> *Id.*

<sup>304</sup> *Id.*

<sup>305</sup> Ex. GSS-4 at 55-57 (Application); Ex. EERA-8 at 79 (EA).

<sup>306</sup> Ex. EERA-8 at 80 (EA).

<sup>307</sup> *Id.*

<sup>308</sup> *Id.*

<sup>309</sup> Ex. EERA-8 at 80-81 (EA).

<sup>310</sup> *Id.*

<sup>311</sup> Ex. EERA-8 at 81 (EA).

<sup>312</sup> *Id.*

<sup>313</sup> *Id.*

<sup>314</sup> *Id.*

<sup>315</sup> *Id.*

<sup>316</sup> *Id.*

<sup>317</sup> *Id.*

155. Sections 4.3.9, 4.3.11, 4.3.16, 4.3.17, and 4.3.18 of the DSP address soil-related impacts from the Project.<sup>318</sup>

#### **4. Surface Water and Floodplains.**

156. Project components within the western area of the site are planned to be constructed within the Buffalo Creek Watershed District, a component of the South Fork of the Crow River Watershed.<sup>319</sup> This watershed includes many lakes, streams and wetlands, and eventually outlets to the Mississippi River near Dayton, Minnesota.<sup>320</sup> The majority of project components are planned to be constructed within the Hawk Creek watershed within the Minnesota River Basin.<sup>321</sup> This watershed contains several lakes, and lake recreational activities such as fishing, swimming, and boating are common in the area.<sup>322</sup> There are no lakes or ponds within the Project site.<sup>323</sup> The closest body of open water is Lake Lillian, located approximately 7.7 miles north of the Project Area.<sup>324</sup> The surface waters within the Project site are limited to ditches, including four Public Ditches located within the Project Area.<sup>325</sup> Ditches include Beaver Creek East Fork and County Ditch 63 located in the south and west central portions of the Project, and Judicial Ditch 9 and an unnamed stream are located in the northeast portion of the Project.<sup>326</sup>

157. Under Section 303(d) of the Clean Water Act, states are required to assess all waters of the state to determine if they meet water quality standards, list waters that do not meet standards and update the list biannually and conduct total maximum daily load studies to set pollutant-reduction goals needed to restore waters to the extent that they meet water quality standards for designated uses.<sup>327</sup> The list, known as the 303(d) list, is based on violations of water quality standards.<sup>328</sup> The MPCA has jurisdiction over determining 303(d) waters in the State of Minnesota.<sup>329</sup> There is one impaired waterbody within the project area, Judicial Ditch 9.<sup>330</sup> This waterbody was listed as having an impaired designated use of aquatic life.<sup>331</sup>

158. Within the land control area, no 100-year floodplains are present, and the entire land control area is designated as Zone X - an area of minimal flood hazard.<sup>332</sup>

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<sup>318</sup> Ex. EERA-8 at 81-82 (EA).

<sup>319</sup> Ex. EERA-8 at 82 (EA).

<sup>320</sup> *Id.*

<sup>321</sup> *Id.*

<sup>322</sup> *Id.*

<sup>323</sup> *Id.*

<sup>324</sup> *Id.*

<sup>325</sup> *Id.*

<sup>326</sup> *Id.*

<sup>327</sup> *Id.*

<sup>328</sup> *Id.*

<sup>329</sup> *Id.*

<sup>330</sup> Ex. EERA-8 at 82-83 (EA).

<sup>331</sup> Ex. EERA-8 at 83 (EA).

<sup>332</sup> *Id.*

159. Gopher State Solar indicates that solar infrastructure will not be placed within delineated streams, including public waters and ditches.<sup>333</sup> However, there will be four crossings where collector lines will be bored under three of the public ditches within the Project Area, creating the potential for indirect impacts.<sup>334</sup> Direct impacts to rivers and streams are not anticipated.<sup>335</sup>

160. Gopher State Solar will obtain the necessary permits, implement BMPs, and comply with the NPDES Construction General Permit during construction and will perform construction activities in compliance with local and state permits to prevent erosion and sedimentation near streams and surface waters.<sup>336</sup> BMPs to minimize the impact on surface waters can be utilized as a part of the SWPPP, including but not limited to sediment control, revegetation plans, and management of exposed soils to prevent sediment from entering waterbodies.<sup>337</sup>

161. MPCA filed comments stating that if a CWA Section 404 Permit from the USACE for project related wetland impacts is necessary, then a MPCA Section 401 Water Quality Certification with conditions, waiver or denial must also be obtained as part of the permitting process.<sup>338</sup> MPCA also commented that the EA should clarify that if the USACE Section 404 Permit or the Section 10 Permit is required and in accordance with Minnesota Statutes, the Project should include the MPCA as a regulator of all surface waters as defined by Minn. Stat. § 115.01, subd. 22 (2024).<sup>339</sup> Gopher State Solar does not expect a Section 404 Permit to be needed for the Project.<sup>340</sup> As stated in the EA, the Project's site layout has been designed to avoid placing solar generation facility infrastructure in wetlands,<sup>341</sup> however, if wetland impacts are identified in the final layout, Gopher State Solar will coordinate with agencies such as the MPCA under Minn. Stat. § 115.01, subd. 22, USACE under Section 404 and 401 of the Federal Clean Water Act (CWA), and Renville County under the Minnesota Wetland Conservation Act (WCA).<sup>342</sup>

162. Sections 4.3.11, 4.3.13 and 4.3.16 of the DSP address potential impacts to surface waters.<sup>343</sup>

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<sup>333</sup> *Id.*

<sup>334</sup> Ex. EERA-8 at 83-84 (EA).

<sup>335</sup> Ex. EERA-8 at 84 (EA).

<sup>336</sup> *Id.*

<sup>337</sup> *Id.*

<sup>338</sup> MPCA Public Hearing Comment (April 21, 2025) (eDocket No. 20254-217927-01).

<sup>339</sup> *Id.*

<sup>340</sup> Ex. EERA-8 at 86 (EA).

<sup>341</sup> *Id.*

<sup>342</sup> Applicant Response to Public Hearing Comments (April 25, 2025) (eDocket No. 20254-218157-01).

<sup>343</sup> Ex. EERA-8 at 84 (EA).

## **5. Wetlands.**

163. Gopher State Solar contracted with Merjent, Inc. (Merjent) and completed an onsite wetland delineation in May and October of 2023 delineating wetlands across approximately 2,145 acres, including the Project Area and a buffer, utilized for wetland and other waterbody surveys totaling approximately 1.63 acres.<sup>344</sup> The initial wetland survey submitted with the Application was amended to include additional wetlands, per request by Renville County.<sup>345</sup> Gopher State Solar's updated wetland delineation report identified approximately 2.93 acres of wetlands within the Project site, including Seasonally Flooded Basins (Type 1: Inland Seasonally Flooded), Fresh (Wet) Meadows (Type 2: Inland Seasonally Flooded) and Hardwood Swamp (Type 7: Inland Wooded Hardwood Swamp).<sup>346</sup>

164. Although wetlands have been identified within the Project Area, the preliminary site layout for the solar facility avoids locating solar arrays and associated facilities in wetlands, including access roads.<sup>347</sup> There may be potential for temporary, short-term impacts to wetlands that occur during installation of the electrical collection lines.<sup>348</sup> Direct impacts to wetlands are not anticipated.<sup>349</sup>

165. If wetland impacts are required for the final layout, coordination with the appropriate agency, such as the USACE under Section 404 and 401 of the CWA and Renville County under the Minnesota Wetland Conservation Act (WCA), would need to occur prior to construction. If unavoidable wetland impacts take place, impacts should be replaced in accordance with Section 404 of the Federal CWA and the Minnesota WCA.<sup>350</sup>

166. Section 4.3.13 of the DSP prohibits placement of the solar energy generating system or associated facilities in public waters and public waters wetlands.<sup>351</sup>

## **6. Vegetation.**

167. The solar facility Project Area is located in the Minnesota River Prairie subsection of the North Central Glaciated Plains Section of the Prairie Parkland Province.<sup>352</sup> This subsection consists of gently rolling ground moraine about 60 miles wide.<sup>353</sup>

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<sup>344</sup> Ex. GSS-4 at 85 (Application).

<sup>345</sup> *Id.*

<sup>346</sup> Ex. EERA-8 at 85-86 (EA).

<sup>347</sup> Ex. EERA-8 at 86 (EA).

<sup>348</sup> *Id.*

<sup>349</sup> *Id.*

<sup>350</sup> Ex. EERA-8 at 87 (EA).

<sup>351</sup> *Id.*

<sup>352</sup> *Id.*

<sup>353</sup> *Id.*

168. Gopher State Solar partnered with Merjent to conduct a desktop assessment and preliminary field review to identify potentially undisturbed grasslands within the Project Area that may contain native prairie.<sup>354</sup> The desktop review used publicly available sources including aerial imagery and information from the Minnesota the DNR, and identified one area of potential prairie.<sup>355</sup> This area where potential prairie was recorded appeared to have been tilled in the past such that the native vegetation was disturbed.<sup>356</sup> Gopher State Solar indicates that native prairie will be avoided during project design.<sup>357</sup>

169. Construction of the solar facility will temporarily eliminate vegetative cover and create some additional impermeable surfaces.<sup>358</sup> Removal of vegetative cover exposes soils and could result in soil erosion.<sup>359</sup> Temporary or permanent removal of vegetation also has the potential to affect wildlife habitat.<sup>360</sup> Most of the current land use within the Project Area is in cultivated, agricultural land (96 percent) with some areas of deciduous forest present primarily as windbreaks for residences.<sup>361</sup> Gopher State Solar expects to avoid most forested areas, minimizing any required tree removal.<sup>362</sup> There is also the presence of land that potentially contains native prairie within the project area, which Gopher State Solar indicated will be avoided during the design of the project.<sup>363</sup>

170. Agricultural land within the solar facility would be converted to perennial, low-growing vegetative cover, and will include native perennial seed mixes in addition to other vegetation that will be compatible with the Project's operations and beneficial to the site's native ecosystem, resulting in a net increase in vegetative cover for the life of the Project.<sup>364</sup> Through the Project's VMP, vegetation maintenance was designed following best practice guidance from Minnesota's Board of Water and Soil Resources (BWSR).<sup>365</sup>

171. Construction activities at the solar facility could introduce or spread invasive species and noxious weeds and the early phases of site restoration and seeding of native species can result in populations of non-native and invasive species on site.<sup>366</sup>

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<sup>354</sup> *Id.*

<sup>355</sup> *Id.*

<sup>356</sup> Ex. EERA-8 at 87-88 (EA).

<sup>357</sup> Ex. EERA-8 at 88 (EA).

<sup>358</sup> *Id.*

<sup>359</sup> *Id.*

<sup>360</sup> *Id.*

<sup>361</sup> *Id.*

<sup>362</sup> *Id.*

<sup>363</sup> *Id.*

<sup>364</sup> *Id.*

<sup>365</sup> *Id.*

<sup>366</sup> *Id.*

172. Renville County provided comments requesting the revision of the permit condition in the DSP relating to noxious weeds, specifically requesting the language be amended to ensure long-term management of noxious weeds beyond the construction phase.<sup>367</sup> Specifically, the County proposed the following revisions to Section 4.3.21 of the DSP:

#### **4.3.21 Noxious Weeds**

The Permittee shall take all reasonable precautions against the spread of noxious weeds ~~during all phases of~~ throughout the life of the Project, including during construction.<sup>368</sup>

173. In its response to public hearing comments, Gopher State Solar stated that it is supportive of the County's requested revisions to Section 4.3.21 of the DSP.<sup>369</sup>

174. In its April 11, 2025, hearing comments, EERA provided additional comments on the VMP.<sup>370</sup> Gopher State Solar has committed to working with the Vegetation Management Planning Work Group (VMPWG) to address these comments in the pre-construction filings for the Project.<sup>371</sup>

175. Sections 4.3.17, 4.3.15, and 4.3.18 of the DSP address impacts to vegetation.<sup>372</sup>

### **7. Wildlife and Habitat.**

176. The Project Area landscape is dominated by agriculture and developed areas (roads, homes, and farmsteads).<sup>373</sup> Landscape types and vegetation communities vary throughout the local vicinity.<sup>374</sup> Small areas of deciduous forest, mostly along fence lines, and pockets of wetlands and grassland provide habitat for terrestrial and avian wildlife.<sup>375</sup>

177. The impact intensity level is expected to be minimal.<sup>376</sup> Impacts could be positive or negative and depend on species type.<sup>377</sup> Potential impacts will be short- and long-term and can be mitigated.<sup>378</sup>

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<sup>367</sup> Comment by Scott Refsland (April 2, 2025) (eDocket 20254-217161-01).

<sup>368</sup> Applicant Response to Public Hearing Comments (April 25, 2025) (eDocket No. 20254-218157-01).

<sup>369</sup> *Id.*

<sup>370</sup> Comment by EERA at 4-6 (April 11, 2025) (eDocket No. 20254-217523-01).

<sup>371</sup> Applicant Response to Public Hearing Comments (April 25, 2025) (eDocket No. 20254-218157-01).

<sup>372</sup> Ex. EERA-8 at 89 (EA).

<sup>373</sup> Ex. EERA-8 at 90 (EA).

<sup>374</sup> *Id.*

<sup>375</sup> *Id.*

<sup>376</sup> *Id.*

<sup>377</sup> *Id.*

<sup>378</sup> *Id.*

178. Overall, the Project does not contribute to significant habitat loss or degradation, or create new habitat edge effects, and is anticipated to result in higher quality of habitat for wildlife, including pollinator species.<sup>379</sup>

179. Sections 4.3.16, 4.3.32, and 8.14 of the DSP specify measures that will minimize impacts to wildlife.<sup>380</sup>

## **8. Climate Change.**

180. The Project will help to shift energy production in Minnesota and the upper Midwest toward carbon-free sources.<sup>381</sup> Construction emissions will have a short-term negligible increase in greenhouse gases (GHG) that contribute to climate change.<sup>382</sup> Overall, the Project will generate energy that can be used to displace energy otherwise generated by carbon-fueled sources.<sup>383</sup> The total GHG emissions produced by construction and operation of the Project will be minimal when compared to the reduction in GHG emissions long-term.<sup>384</sup> The Project's design incorporates design elements that minimize impacts from the increase in extreme weather events such as increased flooding, storms, and wind events that are expected to accompany a warming climate.<sup>385</sup>

### **F. Rare and Unique Natural Resources.**

181. Minnesota law requires consideration of the Project's potential effects on rare and unique natural resources.<sup>386</sup>

182. There are no Minnesota Biological Survey (MBS) sites of moderate, high, or outstanding biodiversity significance within the Project Area.<sup>387</sup> There is the USFWS Waterfowl Production Area Litchfield Wetland Management District located approximately 3.5 miles northeast of the Project, which the DNR characterizes as an MBS site of moderate biodiversity significance.<sup>388</sup>

183. Gopher State Solar has secured 100 percent land control within the Project Area through leases or easements, and the Project Area is comprised entirely of private land.<sup>389</sup> However, there is the presence of state-administered conservation easements on some properties within the Project Area, including BWSR-administered Conservation Reserve Enhancement Program (CREP) and Reinvest in Minnesota (RIM) easements.<sup>390</sup>

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<sup>379</sup> Ex. EERA-8 at 92 (EA).

<sup>380</sup> *Id.*

<sup>381</sup> Ex. EERA-8 at 97 (EA).

<sup>382</sup> *Id.*

<sup>383</sup> *Id.*

<sup>384</sup> *Id.*

<sup>385</sup> Ex. EERA-8 at 97-98 (EA).

<sup>386</sup> Minn. Stat. § 216E.03, subd. 7(b) (*see supra* at 24 n.225); Minn. R. 7850.4100, subp. F.

<sup>387</sup> Ex. EERA-8 at 94 (EA).

<sup>388</sup> Ex. EERA-8 at 94-95 (EA).

<sup>389</sup> Ex. EERA-8 at 95 (EA).

<sup>390</sup> *Id.*

184. Gopher State Solar indicates that all RIM easements within the Project Area have been avoided, and all CREP easements have been avoided, with the exception of those that will be crossed by underground collector lines.<sup>391</sup> Gopher State Solar plans to avoid impacts to the CREP easement lands by installing the collector lines beneath the ground surface using a directional bore.<sup>392</sup> Gopher State Solar also indicates that it will coordinate with landowners and BWSR to develop an installation plan that will comply with the conditions of the CREP easements.<sup>393</sup>

185. While the Project Area is primarily made up of agricultural lands with little forested habitat, the Northern Long-Eared Bat (NLEB) is limited to shelterbelts or windbreaks.<sup>394</sup> The USFWS determined that no critical habitat has been designated for this species.<sup>395</sup> Potential impacts to individual NLEB may occur if clearing or construction takes place when the species is roosting in its summer habitat, in trees outside of the hibernacula.<sup>396</sup> Bats may be injured or killed if occupied trees are cleared during this active window.<sup>397</sup> Tree clearing activities conducted when the species is in hibernation and not present in the landscape will not directly impact bats, however, could result in indirect impacts due to the removal of suitable roosting habitat.<sup>398</sup> The preferred mitigation strategy to avoid impacts to the NLEB is avoidance of tree-clearing to the extent possible.<sup>399</sup> When tree clearing is necessary, it should be done outside the pup rearing season from June 1 to July 31 and outside the active NLEB season from April 1 to October 31.<sup>400</sup>

186. EERA proposes adding to the DSP Special Condition Section 5.7 requiring the permittee to comply with the USFWS guidance and requirements in effect regarding NLEBs, including tree clearing restrictions if applicable.<sup>401</sup> Gopher State Solar proposes revisions to Section 5.7 of the DSP because, as stated in the EA, USFWS has determined that no critical habitat has been designated for this species.<sup>402</sup> Additionally, the DNR did not comment on the need for a NLEB special condition for the Project in its scoping comments.<sup>403</sup>

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<sup>391</sup> *Id.*

<sup>392</sup> *Id.*

<sup>393</sup> Ex. EERA-8 at 95-96 (EA).

<sup>394</sup> Ex. EERA-8 at 96 (EA).

<sup>395</sup> *Id.*

<sup>396</sup> *Id.*

<sup>397</sup> *Id.*

<sup>398</sup> *Id.*

<sup>399</sup> *Id.*

<sup>400</sup> *Id.*

<sup>401</sup> Ex. EERA-8 at 97 (EA).

<sup>402</sup> Ex. EERA-8 at 96 (EA).

<sup>403</sup> See *generally*, DNR Scoping Comments (Nov. 15, 2024) (eDocket No. 202411-212014-01).



187. Gopher State Solar noted in its public hearing comments that Section 4.7.8 of the EA states that the “[t]he monarch butterfly is a federal candidate species.”<sup>404</sup> Gopher State Solar points out that the USFWS has now proposed this species for listing as threatened.<sup>405</sup>

188. Suitable habitat for monarchs may be present within the Project Area.<sup>406</sup> Gopher State Solar indicates that should the USFWS determine the species be listed and protections for the species coincide with project planning, permitting, and/or construction, Gopher State Solar will review project activities for potential impacts to the species and develop appropriate avoidance and mitigation measures.<sup>407</sup>

189. Bald eagles typically nest in mature trees near large lakes or streams.<sup>408</sup> Nesting habitat suitable for bald eagles is not known to be present in the Project site.<sup>409</sup> However, if encounters with bald eagles do occur, consultation with the USFWS will be necessary.<sup>410</sup> The USFWS will coordinate appropriate mitigation measures for bald eagles for the Project.<sup>411</sup> Mitigation measures may include setbacks from nests, a timing restriction for construction activities, and possibly seeking a USFWS permit for removal of a nest.<sup>412</sup>

190. EERA proposed the addition of a special condition incorporating the USFWS recommended action to minimize disruption to migratory birds, including the Chimney Swift and the Northern Harrier, during their respective breeding seasons.<sup>413</sup> Gopher State Solar used the USFWS’s Information, Planning, and Conservation (IPaC) system for their Application.<sup>414</sup> In the USFWS’s IPaC letter, the Chimney Swift and the Northern Harrier were identified as Birds of Conservation Concern (BCC) within the vicinity of the Project site.<sup>415</sup> To comply with USFWS recommendations, EERA proposes the addition of the following site permit special condition:

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<sup>404</sup> Ex. EERA-8 at 105 (EA).

<sup>405</sup> See *Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for Monarch Butterfly and Designation of Critical Habitat* (Dec.12, 2024) available at: <https://www.fws.gov/species-publication-action/endangered-and-threatened-wildlife-and-plants-threatened-species-127>; Gopher State Solar Public Hearing Comments at 2 (April 11, 2025) (eDocket No. 20254-217543-01).

<sup>406</sup> Ex. EERA-8 at 96 (EA).

<sup>407</sup> *Id.*

<sup>408</sup> Ex. EERA-8 at 97 (EA).

<sup>409</sup> *Id.*

<sup>410</sup> *Id.*

<sup>411</sup> *Id.*

<sup>412</sup> *Id.*

<sup>413</sup> *Id.*

<sup>414</sup> Ex. GSS-4 at Appendix K- Protected Species Documentation, p. 9-10 (Application).

<sup>415</sup> *Id.*

## 5.9 Migratory Birds

The Permittee shall, to the extent practicable, avoid impacts to marshes, wetlands, peatlands, tree nesting locations, and other migratory bird habitat during the Chimney Swift's breeding season of March 15 – August 25 and the Northern Harrier's breeding season of April 1 – September 15. If impacts are likely to occur during the breeding seasons, the Permittee shall confer with the United States Fish and Wildlife Service (USFWS) regarding mitigation measures. If impacts to migratory birds cannot be avoided, nesting locations shall be identified and appropriate mitigative measures implemented in consultation with the USFWS prior to beginning construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.<sup>416</sup>

191. As stated in its response to public hearing comments, Gopher State Solar believes that, if granted a Site Permit, this condition should require Gopher State to comply with the Migratory Bird Treaty Act and coordinate with the USFWS as needed prior to construction of the Project.<sup>417</sup> Gopher State Solar believes that singling out specific migratory birds and their breeding seasons in Section 5.9 has the potential to become outdated prior to the start of construction.<sup>418</sup> Accordingly, Gopher State Solar proposes the following revisions to Special Condition Section 5.9 of the DSP:

## 5.9 Migratory Birds

The Permittee shall comply with the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) and, ~~to the extent practicable, avoid impacts to marshes, wetlands, peatlands, tree nesting locations, and other migratory bird habitat during the Chimney Swift's breeding season of March 15 – August 25 and the Northern Harrier's breeding season of April 1 – September 15. If impacts are likely to occur during the breeding seasons, the Permittee shall confer with the United States Fish and Wildlife Service (USFWS) regarding mitigation measures.~~ If impacts to migratory birds cannot be avoided, nesting locations shall be identified and appropriate mitigative measures will be implemented in consultation with the United States Fish and Wildlife Service ~~USFWS~~ prior to beginning construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.<sup>419</sup>

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<sup>416</sup> See EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01).

<sup>417</sup> Applicant Response to Public Hearing Comments (April 25, 2025) (eDocket No. 20254-218157-01).

<sup>418</sup> *Id.*

<sup>419</sup> *Id.*

192. Gopher State Solar coordinated with the DNR to identify state-listed species, and received automated responses provided by the DNR that indicate the Project will not negatively affect any known occurrences of state rare features.<sup>420</sup>

193. In its public hearing comments, the DNR requested the following special permit condition be included requiring the permittee to comply with Minnesota state-listed endangered and threatened species laws:

Prior to the start of construction, the Permittee shall resubmit a Natural Heritage Review and continue to consult with the MDNR regarding implementation of avoidance measures for state-protected threatened and endangered species. 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 Commission staff.<sup>421</sup>

194. Gopher State Solar finds the DNR's recommended permit condition regarding state-listed endangered and threatened species laws to be reasonable and supports its inclusion in the DSP.<sup>422</sup>

195. Techniques for minimizing impacts to wildlife and vegetation also minimize impacts to rare species.<sup>423</sup> Avoiding identified areas of species occurrence or preferred habitat is the preferred mitigation measure.<sup>424</sup>

196. Sections 5.7 and 5.8 of the DSP specify measures that will minimize impacts to wildlife.<sup>425</sup>

## **G. Application of Various Design Considerations.**

197. Minnesota law requires consideration of the application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity.<sup>426</sup>

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<sup>420</sup> Ex. EERA-8 at 97 (EA).

<sup>421</sup> Comment by DNR (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02).

<sup>422</sup> Applicant Response to Public Hearing Comments (April 25, 2025) (eDocket No. 20254-218157-01).

<sup>423</sup> Ex. EERA-8 at 97 (EA).

<sup>424</sup> *Id.*

<sup>425</sup> *Id.*

<sup>426</sup> Minn. R. 7850.4100, subp. G.

198. Gopher State Solar is not required to analyze alternative sites pursuant to Minn. R. 7850.3100 unless it rejected alternative sites.<sup>427</sup> Gopher State Solar selected the proposed Project site based on a variety of factors, including minimal environmental and prime farmland impacts, proximity to the electrical grid and existing transmission infrastructure, willing landowners, and available capacity of the grid to which the Project will interconnect.<sup>428</sup> The proposed Project site was identified based on these factors, and no specific alternative sites for the Project were considered.<sup>429</sup>

#### **H. Use of Existing Large Electric Power Generations.**

199. Minnesota law requires consideration of the use of existing LEPGP.<sup>430</sup>

200. There are no existing LEPGP sites in the region.<sup>431</sup>

#### **I. Use of Existing Rights-of-Way.**

201. Minnesota law requires consideration of the use of existing ROWs.<sup>432</sup>

202. The Project is adjacent to Great River Energy's existing 230 kV Panther Substation, which already operates in the area and will be the point of interconnection (POI) to the grid for the Project.<sup>433</sup> Existing infrastructure in the Project Area and vicinity includes two overhead electric transmission lines, several lower-voltage electric distribution lines, one natural gas transmission pipeline and crude oil pipeline that share a ROW, and Great River Energy's 230 kV Panther Substation.<sup>434</sup>

#### **J. Electrical System Reliability.**

203. Minnesota law requires consideration of electrical system reliability.<sup>435</sup>

204. The solar panel modules selected for the Project are designed to withstand weather events typically experienced in the Project Area, as well as potentially more severe storms and periods of drought due to climate change.<sup>436</sup> Gopher State Solar will procure equipment designed to ensure operational reliability across the range of anticipated environmental conditions for the lifetime of the Project (temperature, precipitation, wind, mechanical loading, etc.).<sup>437</sup> The Project will be designed to comply with all applicable state and local building codes and industry standards.<sup>438</sup>

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<sup>427</sup> Ex. GSS-4 at 10 (Application).

<sup>428</sup> *Id.*

<sup>429</sup> *Id.*

<sup>430</sup> Minn. R. 7850.4100(I).

<sup>431</sup> Ex. EERA-8 at 52-55 (EA).

<sup>432</sup> Minn. R. 7850.4100(H) and (J).

<sup>433</sup> Ex. EERA-8 at 16 (EA).

<sup>434</sup> Ex. EERA-8 at 19, 52 (EA).

<sup>435</sup> Minn. R. 7850.4100(K).

<sup>436</sup> Ex. EERA-8 at 101 (EA).

<sup>437</sup> *Id.*

<sup>438</sup> *Id.*

## **K. Costs of Constructing, Operating, and Maintaining the Facility.**

205. Minnesota law requires consideration of the costs of constructing, operating, and maintaining a facility which are dependent on design and route.<sup>439</sup>

206. Gopher State Solar estimates the total cost to construct the Project to be in the range of \$187.75 to \$242.5 million.<sup>440</sup> Project cost components include planning and permitting, design, procurement and construction, operation, decommissioning, interconnection, and the Project gen-tie line.<sup>441</sup> Actual costs will depend on final material and labor costs, and salvage value from decommissioning.<sup>442</sup>

207. The estimated annual operation cost is \$1 to 2 million.<sup>443</sup>

## **L. Adverse Human and Natural Environmental Effects that Cannot be Avoided.**

208. Minnesota law requires consideration of the adverse human and natural environmental effects that cannot be avoided.<sup>444</sup>

209. Unavoidable adverse effects associated with construction of the Project (in some instances a specific phase of construction) would last through construction and could include the following, absent avoidance or mitigation measures:

- Fugitive dust.
- Noise disturbance to nearby residents and recreationalists.
- Visual disturbance to nearby residents and recreationalists.
- Soil compaction and erosion.
- Vegetative clearing (loss of shelter belts).
- Disturbance and temporary displacement of wildlife, as well as direct impacts to wildlife inadvertently struck or crushed.
- Minor amounts of marginal habitat loss.
- Possible traffic delays.
- Minor GHG emissions from construction equipment and workers commuting.<sup>445</sup>

210. Unavoidable adverse impacts associated with the operation would last as long as the life of the Project, and could include:

- Visual impacts of the Project.

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<sup>439</sup> Minn. Stat. § 216E.03, subd. 7(b)(10) (*see supra* at 24 n.225); Minn. R. 7850.4100, subp. K.

<sup>440</sup> Ex. EERA-8 at 24 (EA).

<sup>441</sup> *Id.*

<sup>442</sup> *Id.*

<sup>443</sup> Ex. EERA-8 at 24, Table 4 (EA).

<sup>444</sup> Minn. Stat. § 216E.03, subd. 7(b)(6) (*see supra* at 24 n.225); Minn. R. 7850.4100, subp. M.

<sup>445</sup> Ex. EERA-8 at 102 (EA).

- Cultural impacts due to a change in the sense of place for local residents.
- Loss of land for agricultural purposes.
- Injury or death of birds that collide with PV panels.
- Injury or death of wildlife from fencing.
- Infrequent vehicle trips from maintenance vehicles.
- Potential decrease to property values.<sup>446</sup>

#### **M. Irreversible and Irretrievable Commitments of Resources.**

211. Minnesota law requires consideration of the irreversible and irretrievable commitments of resources that are necessary for the Project.<sup>447</sup> Resource commitments are irreversible when it is impossible or very difficult to redirect that resource to a different future use; an irretrievable commitment of resources means the resource is not recoverable for later use by future generations.<sup>448</sup>

212. Irreversible and irretrievable resource commitments are primarily related to project construction, including the use of water, aggregate, hydrocarbons, steel, concrete, wood, and other consumable resources.<sup>449</sup> Environmentally sensitive areas including wetlands and waterbodies have been avoided to the extent possible, and Gopher State Solar does not anticipate causing any irretrievable or irreversible impacts to these resources.<sup>450</sup> Some other impacts, like fossil fuel use, are irretrievable.<sup>451</sup> Others, like water use, are irreversible.<sup>452</sup> Still others might be recyclable in part, for example, the raw materials used to construct PV panels would be an irretrievable commitment of resources, excluding those materials that may be recycled at the end of the panels' useful life.<sup>453</sup> The commitment of labor and fiscal resources to develop, construct, and operate the Project is considered irretrievable.<sup>454</sup> However, the Gopher State Solar indicates that these represent investments in sustainable development and clean energy infrastructure that will have a net positive effect on the economy and the environment.<sup>455</sup>

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<sup>446</sup> Ex. EERA-8 at 102-103 (EA).

<sup>447</sup> Minn. Stat. § 216E.03, subd. 7(b)(11) (see *supra* at 24 n.225); Minn. R. 7850.4100, subp. N.

<sup>448</sup> Ex. EERA-8 at 103 (EA).

<sup>449</sup> *Id.*

<sup>450</sup> *Id.*

<sup>451</sup> *Id.*

<sup>452</sup> *Id.*

<sup>453</sup> *Id.*

<sup>454</sup> *Id.*

<sup>455</sup> *Id.*

## XI. SITE PERMIT CONDITIONS

213. PUC's Site Permit includes a number of proposed permit conditions, many of which have been discussed above. The conditions apply to site preparation, construction, cleanup, restoration, operation, maintenance, abandonment, decommissioning, and other aspects of the Project.

214. The EA and EERA DSP included various recommendations and potential site permit conditions related to the Project,<sup>456</sup> to which Gopher State Solar responded in its written comments.<sup>457</sup> Gopher State Solar agreed with EERA's recommended DSP conditions 5.2, 5.3, 5.5, 5.6, and 5.8.<sup>458</sup>

215. Renville County provided comments requesting the revision of Section 4.3.21 of the DSP relating to noxious weeds, specifically requesting the language be amended to ensure long-term management of noxious weeds beyond the construction phase.<sup>459</sup> The County proposed the following revisions to Section 4.3.21 of the DSP:

### 4.3.21 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds ~~during all phases of~~ throughout the life of the Project, including during construction.<sup>460</sup>

216. In its response to public hearing comments, Gopher State Solar stated that it is supportive of the County's requested revisions to Section 4.3.21 of the DSP.<sup>461</sup>

217. While the record reflects Renville County's proposed revisions may be deemed reasonable, PUC should decide which final provisions should be incorporated into the DSP that would best suit the requirements of the Project and the requests of those impacted by it.

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<sup>456</sup> See EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01).

<sup>457</sup> See Applicant Public Hearing Comments (April 11, 2025) (eDocket No. 20254-217543-01).

<sup>458</sup> *Id.*

<sup>459</sup> Comment by Scott Refsland (April 2, 2025) (eDocket [20254-217161-01](#)).

<sup>460</sup> Comment by Scott Refsland (April 2, 2025) (eDocket [20254-217161-01](#)).

<sup>461</sup> Gopher State Solar's Response to Public Hearing Comments (April 25, 2025) (eDocket No. 20254-218157-01).

218. As has been noted previously, Gopher State Solar proposes revisions to Section 5.1 of the DSP because screening along all roadsides has not historically been required by PUC for this type of project.<sup>462</sup> As was previously noted, in Sergio Trevino's Direct Testimony, Gopher State Solar indicated it coordinated with Renville County staff on February 13, 2025, to discuss the County's scoping comments regarding decommissioning and vegetative screening.<sup>463</sup> Based on its coordination, Gopher State Solar stated that it appears to it that Renville County staff recognized placing vegetative screening along 6.5 miles of county roads would be impractical, and instead prioritizing screening in front of the non-participating residences adjacent to the Project would be more in-line with the County's interests.<sup>464</sup>

219. Shannon and Jen Visser requested the inclusion of a special condition in the DSP requiring the permittee to install a tree line fence with 20-foot trees to block vision and possible sound associated with the Project on the Visser's property and the property surrounding the proposed Project.<sup>465</sup> Gopher State Solar has committed to working with the Vissers, whose property is directly adjacent to the Project, to minimize impacts to their property through a screening plan.<sup>466</sup>

220. As a result of comments from Renville County and local residents, Gopher State Solar proposed the following revisions to Section 5.1 of the DSP:

### **5.1 Vegetative Screening**

The Permittee shall ~~coordinate with jurisdictional road management authorities to develop~~ a vegetative screening plans for ~~state, county, and township roads adjacent to or bisecting~~ nonparticipating residences within or adjacent to the Project facilities. Vegetative screening plans must comply with jurisdictional ROW management and/or setback requirements.<sup>467</sup>

221. While the record reflects Gopher State Solar's proposed revisions may be deemed reasonable, PUC should decide which final provisions should be incorporated into the DSP that would best suit the requirements of the Project and the requests of those impacted by it.

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<sup>462</sup> See *supra* at 26 par.123.

<sup>463</sup> Gopher State Solar Public Hearing Comments at 3 (April 11, 2025) (eDocket No. 20254-217543-01).

<sup>464</sup> Id.

<sup>465</sup> Comment by Shannon and Jen Visser (April 15, 2025) (eDocket No. 20254-217681-01).

<sup>466</sup> Gopher State Solar's Response to Public Hearing Comments (April 25, 2025) (eDocket No. 20254-218157-01).

<sup>467</sup> Ex. GSS-10 at 10:2-3 and 12:20-24 (Direct Test. of Sergio Trevino); Applicant Public Hearing Comments at 3 (April 11, 2025) (eDocket No. 20254-217543-01).



222. Gopher State Solar does not support Special Condition Section 5.4 of the DSP because it feels the special condition: (1) is vague (2) does not address how disputes will be resolved; (3) does not reflect that the Project's Decommissioning Plan already complies with PUC's requirements; and (4) could undermine PUC's permitting authority with respect to the Project.<sup>468</sup> Gopher State Solar hired a third-party engineering firm to prepare the decommissioning plan included in the Application.<sup>469</sup> The submitted plan analyzes the cost of decommissioning the Project, and Gopher State Solar has committed to posting a bond covering the decommissioning cost at the start of construction.<sup>470</sup> Gopher State Solar has engaged in extensive coordination with Renville County regarding the Project generally, including the County's comments regarding decommissioning.<sup>471</sup> As part of this coordination, and although Gopher State Solar is confident that its Decommissioning Plan and cost estimate were prepared appropriately, Gopher State Solar would be willing to hire an independent third-party engineering firm agreeable to Renville County to review the decommissioning plan and estimate for consistency with the requirements of Section 9.1 of the DSP.<sup>472</sup> As such Gopher State Solar proposes the following revisions Section 5.4 of the DSP:

#### 5.4 Decommissioning Plan

The permittee shall coordinate with Renville County to ~~develop a mutually agreeable decommissioning plan consistent~~ identify a third-party engineering firm, to be hired at Gopher State Solar's expense, to review the decommissioning plan prior to the pre-construction meeting and determine its consistency with Section 9.1 of this permit.<sup>473</sup>

223. While the record reflects Gopher State Solar's proposed revisions may be deemed reasonable, PUC should decide which final provisions should be incorporated into the DSP that would best suit the requirements of the Project and the requests of those impacted by it.

224. Gopher State Solar proposes revisions to Section 5.7 of the DSP because, as stated in the EA, USFWS has determined that no critical habitat has been designated for this species.<sup>474</sup> Additionally, the DNR did not comment on the need for a NLEB special condition for the Project in its scoping comments.<sup>475</sup> Nevertheless, Gopher State Solar submitted the following revisions to Section 5.7 of the DSP:

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<sup>468</sup> Applicant Public Hearing Comments at 4 (April 11, 2025) (eDocket No. 20254-217543-01).

<sup>469</sup> Ex. GSS-4 at Appendix F – Decommissioning Plan (Application).

<sup>470</sup> Ex. GSS-4 at Appendix F – Decommissioning Plan, p. 7-1 (Application).

<sup>471</sup> See Ex. GSS-10 at 8-12 (Direct Test. of Sergio Trevino).

<sup>472</sup> Applicant Public Hearing Comments at 4 (April 11, 2025) (eDocket No. 20254-217543-01).

<sup>473</sup> Applicant Response to Public Hearing Comments (April 25, 2025) (eDocket No. 20254-218157-01).

<sup>474</sup> Ex. EERA-8 at 96 (EA).

<sup>475</sup> See *generally*, DNR Scoping Comments (Nov. 15, 2024) (eDocket No. 202411-212014-01).

## 5.7 Northern Long Eared Bat

If potential impacts are identified, then the permittee shall comply with the USFWS guidance and requirements in effect regarding NLEB, including tree clearing restrictions if applicable.<sup>476</sup>

225. While the record reflects Gopher State Solar's proposed revisions may be deemed reasonable, PUC should decide which final provisions should be incorporated into the DSP that would best suit the requirements of the Project and the requests of those impacted by it.

226. EERA recommended the addition of a special condition 5.9 (Migratory Birds) to the DSP incorporating the USFWS recommended action to minimize disruption to migratory birds, including the Chimney Swift and the Northern Harrier, during their respective breeding seasons.<sup>477</sup> Specifically, EERA proposed the addition of the following site permit special condition:

### 5.9 Migratory Birds

The Permittee shall, to the extent practicable, avoid impacts to marshes, wetlands, peatlands, tree nesting locations, and other migratory bird habitat during the Chimney Swift's breeding season of March 15 – August 25 and the Northern Harrier's breeding season of April 1 – September 15. If impacts are likely to occur during the breeding seasons, the Permittee shall confer with the United States Fish and Wildlife Service (USFWS) regarding mitigation measures. If impacts to migratory birds cannot be avoided, nesting locations shall be identified and appropriate mitigative measures implemented in consultation with the USFWS prior to beginning construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.<sup>478</sup>

227. Similar to the DNR's recommendation for state-listed species discussed below, Gopher State Solar believes that, if granted a Site Permit, this condition should require Gopher State Solar to comply with the Migratory Bird Treaty Act and coordinate with the USFWS as needed prior to construction of the Project. Gopher State Solar believes that singling out specific migratory birds and their breeding seasons in Section 5.9 has the potential to become outdated prior to the start of construction. Accordingly, Gopher State Solar proposes the following revisions to Special Condition Section 5.9 of the DSP:

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<sup>476</sup> Applicant Public Hearing Comments at 5 (April 11, 2025) (eDocket No. 20254-217543-01).

<sup>477</sup> EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01).

<sup>478</sup> See EERA's Additional Hearing Comments (April 15, 2025) (eDocket No. 20254-217712-01).

## 5.9 Migratory Birds

The Permittee shall comply with the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) and, ~~to the extent practicable, avoid impacts to marshes, wetlands, peatlands, tree nesting locations, and other migratory bird habitat during the Chimney Swift's breeding season of March 15—August 25 and the Northern Harrier's breeding season of April 1—September 15. If impacts are likely to occur during the breeding seasons, the Permittee shall confer with the United States Fish and Wildlife Service (USFWS) regarding mitigation measures.~~ If impacts to migratory birds cannot be avoided, nesting locations shall be identified and appropriate mitigative measures will be implemented in consultation with the United States Fish and Wildlife Service ~~USFWS~~ prior to beginning construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.<sup>479</sup>

228. While the record reflects Gopher State Solar's proposed revisions may be deemed reasonable, PUC should decide which final provisions should be incorporated into the DSP that would best suit the requirements of the Project and the requests of those impacted by it.

229. Gopher State Solar proposes revisions to Section 8.4 of the DSP because, as stated by Sergio Trevino at the March 31, 2025, in-person public hearing, construction of the Project is expected to commence in the second quarter of 2027,<sup>480</sup> which is over 20 months after the tentative PUC hearing for this Project on July 31, 2025<sup>481</sup> and could be as much as 23 months after issuance of the site permit. The condition as proposed would require Gopher State Solar to provide a pre-construction status report to PUC before the anticipated construction start date provided in the Application.<sup>482</sup> Accordingly, Gopher State Solar respectfully requests the following revisions to Section 8.4 of the DSP:

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<sup>479</sup> Applicant Response to Public Hearing Comments (April 25, 2025) (eDocket No. 20254-218157-01).

<sup>480</sup> See Olivia 1:00 p.m. Tr. (March 31, 2025); Ex. GSS-4 at 18 (Application).

<sup>481</sup> See Scheduling Order (Dec. 18, 2024) (eDocket No. 202412-213175-01).

<sup>482</sup> Ex. GSS-4 at 18 (Application).

## 8.4 Status Reports

The Permittee shall file with the Commission monthly Construction Status Reports beginning with the pre-construction meeting and until completion of restoration. Construction Status Reports shall describe construction activities and progress, activities undertaken in compliance with this site permit, and shall include text and photographs.

If the Permittee does not commence construction of the Project within six months of this site permit issuance, the Permittee shall file with the Commission Pre-Construction Status Reports on the anticipated timing of construction every six months beginning ~~with in the issuance of this site permit until the pre-construction meeting~~ second quarter of 2027. The status updates shall include information on the Project's Midcontinent Independent System Operator (MISO) interconnection process, if applicable.<sup>483</sup>

230. While the record reflects Gopher State Solar's proposed revisions may be deemed reasonable, PUC should decide which final provisions should be incorporated into the DSP that would best suit the requirements of the Project and the requests of those impacted by it.

231. The DNR requested the inclusion of the following special permit condition requiring compliance with Minnesota state-listed endangered and threatened species laws:

Prior to the start of construction, the Permittee shall resubmit a Natural Heritage Review and continue to consult with the MDNR regarding implementation of avoidance measures for state-protected threatened and endangered species. 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 Commission staff.<sup>484</sup>

232. In its response to hearing comments, Gopher State Solar found the DNR's recommended permit condition regarding state-listed endangered and threatened species laws to be reasonable and supported its inclusion in the DSP.<sup>485</sup>

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<sup>483</sup> Applicant Public Hearing Comments at 5-6 (April 11, 2025) (eDocket No. 20254-217543-01).

<sup>484</sup> Comment by DNR (April 10, 2025) (eDocket Nos. 20254-217490-01 and 20254-217490-02).

<sup>485</sup> Applicant Response to Public Hearing Comments (April 25, 2025) (eDocket No. 20254218157-01).

233. While the record reflects the DNR's proposed revisions may be deemed reasonable, PUC should decide which final provisions should be incorporated into the DSP that would best suit the requirements of the Project and the requests of those impacted by it.

## **XII. NOTICE**

234. Minnesota statutes and rules require an applicant to provide certain notice to the public and local governments before and during the site permit application process.<sup>486</sup> Gopher State Solar provided notices to the public and local governments in satisfaction of Minnesota statutory and rule requirements.<sup>487</sup>

235. Minnesota statutes and rules also require the EERA and PUC to provide certain notice to the public about the site and route permit application processes.<sup>488</sup> The EERA and PUC provided the notices in satisfaction of Minnesota statutes and rules.<sup>489</sup>

## **XIII. COMPLETENESS OF EA**

236. The EA process is the alternative environmental review approved by the EQB for LEPGPs. PUC is required to determine the completeness of the EA.<sup>490</sup> An EA is complete if it and the record address the issues and alternatives identified in the Scoping Decision.<sup>491</sup>

237. The evidence in the record demonstrates that the EA is complete because the EA and the record created at the public hearings and during the subsequent comment period address the issues and alternatives raised in the Scoping Decision.<sup>492</sup>

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<sup>486</sup> Minn. Stat. § 216E.03, subps. 3a, 4 (*see supra* at 24 n.225); Minn. R. 7850.3300; Minn. R. 7850.2100, subps. 2, 4.

<sup>487</sup> Ex. GSS-1 (Notice of Intent to Submit a Site Permit Application Under Alternative Process); GSS-2 (Project Notice Under 7850.2100); and GSS-7 (Confirmation of Notice).

<sup>488</sup> Minn. Stat. § 216E.03, subps. 3a, 4 (*see supra* at 24 n.225); Minn. R. 7850.3300; Minn. R. 7850.2100, subps. 2, 4.

<sup>489</sup> Ex. PUC-4 (Notice of Public Information and Environmental Assessment Scoping Meetings); PUC-5 (Affidavit of Publication, Notice of Public Information and Environmental Assessment Scoping Meetings); PUC-6 (Notice of Public Hearings and Availability of Environmental Assessment); PUC-7 (Notice of Public Hearings and Availability of Environmental Assessment – Resubmitted to Include Project Contact List); PUC-9 (Affidavit of Publication, Notice of Public Hearings and Availability of Environmental Assessment); EERA-2 (Notice of Public Information and Environmental Assessment Scoping Meetings); EERA-3 (Notice of Scoping Meetings to EQB Monitor); EERA-7 (Notice of Environmental Assessment Scoping Decision); EERA-9 (Notice of EA Availability, Public Hearings, and Comment Period); and EERA-12 (EQB Monitor Notice of EA Availability, Public Hearings, and Comment Period).

<sup>490</sup> Minn. R. 4410.4400, subp. 3; Minn. R. 7850.3900, subp. 2.

<sup>491</sup> *Id.*

<sup>492</sup> Ex. EERA-7 (EA Scoping Decision).

Based upon these Findings of Fact, the Judge now hereby issues the following:

### **CONCLUSIONS OF LAW**

1. PUC and the Judge have jurisdiction over the application for a site permit for the up to 200 MW proposed Project pursuant to Minn. Stat. §§ 216E.02 and 216E.03 (2023).
2. PUC accepted the Application as substantially complete on September 24, 2024.<sup>493</sup>
3. Gopher State Solar has substantially complied with the procedural requirements of Minn. Stat. Ch. 216E (2023) and Minn. R. Ch. 7850.
4. PUC has substantially complied with the procedural requirements of Minn. Stat. Ch. 216E (2023) and Minn. R. Ch. 7850.
5. EERA has conducted an appropriate environmental analysis of the Project for purposes of the Site Permit proceeding pursuant to Minn. R. 7850.3700.
6. Public hearings were held on March 31, 2025 (in-person) and April 1, 2025 (virtual). Proper notice of the public hearings was provided, and the public was given an opportunity to speak at the hearings and to submit written comments.
7. The EA prepared for the Project and the record created at the public hearing address the issues identified in the EA scoping decision.
8. PUC has the authority pursuant to Minn. Stat. § 216E.03 (2023) to place conditions in a LEPGP site permit.
9. The DSP, as revised by EERA staff and Gopher State Solar, contains important mitigation measures and other reasonable conditions for PUC's consideration.
10. Pending PUC approval, the record demonstrates that Gopher State Solar has satisfied the criteria for a Site Permit as set forth in Minn. Stat. § 216E.03 (2023) and Minn. R. Ch. 7850 and all other applicable legal requirements.
11. The Project, with the permit conditions discussed above, satisfies the Site Permit criteria for an LEPGP in Minn. Stat. § 216E.03 and meets all other applicable legal requirements.
12. The Project, with the permit conditions discussed above, does not present a potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act and/or the Minnesota Environmental Policy Act.

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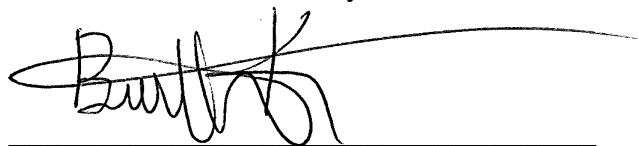
<sup>493</sup> Ex. PUC-2 (Order).

Based upon these Findings of Fact, Conclusions of Law, and the record, the Judge now hereby issues the following:

### RECOMMENDATION

It is respectfully recommended that PUC **ISSUE A SITE PERMIT** to Gopher State Solar to construct and operate the Project and associated facilities in Renville County, Minnesota, and that the permit include special conditions as decided by PUC.

Dated: June 2, 2025

A handwritten signature in black ink, appearing to read 'Kristien R. E. Butler', written over a horizontal line.

KRISTIEN R. E. BUTLER  
Assistant Chief Administrative Law Judge

### NOTICE

Notice is hereby given that exceptions to this Report, if any, by any party adversely affected must be filed under the time frames established in PUC's rules of practice and procedure, Minn. R. 7829.1275, .2700 (2023), unless otherwise directed by PUC. Exceptions should be specific and stated and numbered separately. Oral argument before a majority of PUC will be permitted pursuant to Minn. R. 7829.2700, subp. 3. PUC will make the final determination of the matter after the expiration of the period for filing exceptions, or after oral argument, if an oral argument is held.

PUC may, at its own discretion, accept, modify, or reject the Judge's recommendations. The recommendations of the Judge have no legal effect unless expressly adopted by PUC as its final Order.

June 2, 2025

See Attached Service List

**Re: *In the Matter of the Application of Gopher State Solar, LLC for a Site Permit for the up to 200 MW Gopher State Solar Project in Renville County, MN***

**OAH 24-2500-40416  
MPUC IP-7119/GS-24-106**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7857, [nichole.sletten@state.mn.us](mailto:nichole.sletten@state.mn.us), or via facsimile at (651) 539-0310.

Sincerely,



NICHOLE SLETTEN  
Legal Assistant

Enclosure

cc: Docket Coordinator



STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
PO BOX 64620  
600 NORTH ROBERT STREET  
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

In the Matter of the Application of Gopher State Solar, LLC for a Site Permit for the up to 200 MW Gopher State Solar Project in Renville County, MN	OAH Docket No.: 24-2500-40416 MPUC IP-7119/GS-24-106
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On June 2, 2025, a true and correct copy of the **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** was served by eService, and United States mail, (in the manner indicated on the attached service list) to the following individuals:

First Name	Last Name	Email	Company Name
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron
Kristien	Butler	Kristien.Butler@state.mn.us	Office of Administrative Hearings
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC
Ryan	Cox	rcox@fredlaw.com	Fredrikson & Byron, P.A.
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce
Rosanne	Koneval	rosanne@rangerpower.com	Gopher State Solar, LLC
Kevin	Pranis	kpranis@liunagroc.com	Laborers' District Council of MN and ND
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates