

June 12, 2023

Will Seuffert, Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: EERA Comments and Recommendations on Scoping Process
Lake Wilson Solar Energy Center Project
Docket No. IP-7070/CN-21-791
Docket No. IP-7070/GS-21-792

Dear Mr. Seuffert,

Attached are comments and recommendations of Department of Commerce, Energy Environmental Review and Analysis (EERA) staff in the following matters:

In the Matter of the Application of Lake Wilson Solar Energy LLC for a Certificate of Need under the Alternative Permitting Process for the Lake Wilson Solar Energy Center in Murray County

In the Matter of the Application of Lake Wilson Solar Energy LLC for a Site Permit under the Alternative Permitting Process for the Lake Wilson Solar Energy Center in Murray County

EERA staff is providing the Commission with a summary of the scoping process for the environmental assessment that will be prepared for the Lake Wilson Solar Energy Center Project. Staff recommends that no alternative sites be studied in the environmental assessment. Staff are available to answer any questions the Commission may have.

Sincerely,



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cc: Cezar Panait, Public Utilities Commission
Ray Kirsch, Energy Environmental Review and Analysis
Korede Olagbegi, Invenergy

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS COMMENTS AND RECOMMENDATIONS

LAKE WILSON SOLAR ENERGY CENTER PROJECT DOCKET NOS. IP-7070/CN-21-791 AND IP-7070/GS-21-792

Date: June 12, 2023

EERA Staff: Jenna Ness | 651-539-1693 | jenna.ness@state.mn.us

In the Matter of the Application of Lake Wilson Solar Energy LLC for a Certificate of Need under the Alternative Permitting Process for the Lake Wilson Solar Energy Center in Murray County

In the Matter of the Application of Lake Wilson Solar Energy LLC for a Site Permit under the Alternative Permitting Process for the Lake Wilson Solar Energy Center in Murray County

Issues Addressed: These comments and recommendations address the environmental assessment (EA) scoping process and those alternatives which Department of Commerce staff recommends for inclusion in the scope of the EA.

Additional documents and information can be found on eDockets:

- <https://www.edockets.state.mn.us/EFiling/search.jsp> (21-791 and 21-792) and;
- The Department of Commerce's website: <http://mn.gov/commerce/energyfacilities>.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-539-1530 (voice).

Introduction and Background

On February 9, 2023, Lake Wilson Solar Energy LLC (applicant) submitted both a certificate of need¹ and a site permit application² to the Minnesota Public Utilities Commission (Commission) to construct the 150-megawatt (MW) Lake Wilson Solar Energy Center with an associated 95 MW of energy storage systems in Murray County, Minnesota.³ Lake Wilson Solar Energy LLC is a wholly owned subsidiary of

¹ Certificate of Need application, February 9, 2023, eDockets Numbers [20232-193062-01](#), [20232-193062-02](#), and [20232-193061-01](#) (through -05) hereinafter the certificate of need application.

² Site Permit Application, February 9, 2023, eDockets numbers eDockets Numbers [20232-193056-01](#) (through -10), [20232-193057-01](#) (through -10), [20232-193059-01](#) (through -07), and [20232-193060-01](#) (through -09) hereinafter the Site Permit Application.

³ Lake Wilson Solar Energy Center Project, Application to the Minnesota Public Utilities Commission for a Certificate of Need for a Large Electric Generating Facility, February 9, 2023, eDockets Numbers [20215-173903-01](#) (through -08), [20215-173941-01](#), [20215-173941-02](#) [hereinafter Certificate of Need Application]; Lake Wilson Solar Energy Center Project, Application to the

Invenergy Solar Development North America LLC, and an affiliate of Invenergy LLC. Subsequently, the Commission found both applications to be complete. Department of Commerce (Department) and Commission staff held public information and scoping meetings regarding the project on May 10 and May 11, 2023.⁴

The comments that follow describe the scoping process for the EA that will be prepared for the project. Following the Commission's review of these comments, and based on any Commission input, the Commissioner of the Department will finalize and issue the scoping decision for the EA.

Project Purpose

Lake Wilson indicates that the proposed solar project will assist the State of Minnesota in meeting its renewable energy objectives.⁵ Lake Wilson also states that the project will meet consumers' growing demand for renewable energy.⁶ The project is expected to positively impact the electric grid by providing 95 MW of energy storage capacity, thus allowing output timing to the grid to shift from peak solar generation to peak electric demand.⁷ Lake Wilson is working to secure a power purchase agreement with wholesale customers (e.g., Minnesota utilities and cooperatives) or commercial and industrial customers to sell the electric power generated by the project.

Project Description

Lake Wilson proposes to construct an up to 150 MW solar farm with an associated 95 MW of energy storage systems in Leeds Township, Murray County, Minnesota. The project will occupy approximately 1,526 acres southeast of the city of Lake Wilson and just south of State Highway 30. The project will use alternating current photovoltaic solar panels mounted on single axis tracking systems. Underground collection cables will gather and send the electric power generated by the solar panels to a project substation. The substation will interconnect with the electrical grid via a new switching station and an overhead generation intertie transmission line. The substation and switching station will be used by the battery energy storage system. The switching station and intertie would be permitted, constructed, owned, and operated by Xcel Energy.

Lake Wilson indicates that a generator interconnection agreement for the project has been executed with the Midcontinent Independent System Operator.⁸ This interconnection will provide sufficient outlet to accommodate all the solar energy generation from the project. Construction is anticipated to begin in the summer of 2024 with completion and operation anticipated in the winter of 2026.⁹

Minnesota Public Utilities Commission for a Site Permit for a Large Electric Generating Facility, February 9, 2023, eDockets Numbers [20215-173904-01](#) (through -09), [20215-173906-01](#) (through -10), [20215-173901-01](#) (through -10), [20215-173909-01](#) (through -06), [20215-173920-01](#), [20215-173920-02](#), [20215-173938-01](#), [20215-173938-02](#), [20215-173938-03](#) [hereinafter Site Permit Application].

⁴ Notice of Public Information and Environmental Assessment Scoping Meetings, April 24, 2023, eDockets Number [20234-195079-02](#).

⁵ Minnesota Statute 216B.1691.

⁶ Site Permit Application, Section 1.1.

⁷ Id.

⁸ Site Permit Application, Section 2.2.

⁹ Site Permit Application, Section 1.3.

Regulatory Process and Procedures

The proposed Lake Wilson Solar Energy Center Project requires two approvals from the Commission – a certificate of need and a site permit. On April 4, 2023, the Commission issued an order accepting the Lake Wilson Solar Energy Center Project certificate of need and site permit applications as complete and authorized joint hearings and combined environmental review for these two approvals.¹⁰ Accordingly, EERA staff are preparing an EA that will address the Lake Wilson’s certificate of need and site permit applications.

The first step in preparing the EA is scoping. The purpose of scoping is to provide citizens, local governments, tribal governments, and agencies an opportunity to focus the EA on those issues that are relevant to the proposed project.

Scoping Process Summary

EERA and Commission staff held a public information and scoping meeting regarding the Lake Wilson Solar Energy Center Project on May 10, 2023 in Slayton, Minnesota. Approximately 11 people attended this meeting; two attendees provided public comment, both expressing support for the project¹¹. The following evening, May 11, 2023, the Commission and EERA held a remote-access public meeting. One person attended this meeting and made no comment.

A comment period, ending on May 25, 2023, provided the public an opportunity to submit comments to EERA staff on potential impacts and mitigation measures for consideration in the scope of the EA. Written comments were received from two state agencies, two labor unions, and one nonprofit organization.¹²

Minnesota Department of Natural Resources (DNR)

DNR comments focused on the design and location of components of the project.¹³ Specifically, DNR requested the following:

- Adequate buffer and erosion control be maintained between an unnamed stream on the project’s border and land disturbing activities to prevent sediment from entering the system
- Design fencing in accordance with the DNR’s *Commercial Solar Siting Guidance*
- Avoid or minimize potential impacts to wildlife by using shielded and downward facing lighting and lighting that minimizes blue hue
- Avoid use of dust suppressant that contains chloride components, and
- Limit erosion control blankets to “bio-netting” or “natural netting” types, and specifically not products containing plastic mesh netting or other plastic components.

¹⁰ Commission Order, April 4, 2023, eDockets Number [20234-194490-01](#).

¹¹ Written and Meeting Comments on Scope of Environmental Assessment, eDockets No. [20235-196213-01](#).

¹² Written Public Comments on Scope of Environmental Assessment, eDockets Number [20235-196213-01](#) [hereinafter Written Public Comments].

¹³ Scoping Comments of the Minnesota DNR, May 25, 2023, eDocket No. [20235-196115-01](#).

Minnesota Department of Transportation (MnDOT)

MnDOT comments focused on potential impacts to current MnDOT right-of-way and the need for MnDOT permits.¹⁴ Specifically, MnDOT noted the following:

- Given the project's proximity to MnDOT trunk highway 30, the applicant should ensure their efforts to mitigate soil impacts and erosion control will not negatively impact existing land and infrastructure surrounding the project.
- A MnDOT drainage permit may be necessary if changes will impact the trunk highway right-of-way.
- Oversize/Overweight permits may be needed. MnDOT's highway construction activities could impact project construction and plans to haul oversize loads to the proposed site, thus the applicant needs to coordinate with MnDOT.

The International Union of Operating Engineers, Local 49, supports the project and encouraged the Department to scope the EA in a way that allows the process to move forward in a timely and efficient manner while appropriately considering potential impacts.

Laborers' International Union of North America (Minnesota & North Dakota) supports the project and provided positive affirmation for Invenergy's intention to work with organized labor to maximize the local socioeconomic benefits. The union would like the scope of the EA to include the project's interconnection status, battery storage's impact on the electric grid and associated economic benefits, and benefits to local workers.

Minnesota Land & Liberty Coalition supports the project as it protects the private property rights of farmers and landowners as well as contributes to building a resilient and reliable energy grid by diversifying electricity generation.

No commenters suggested an alternative site for the project.

EERA Staff Comments and Analysis

Staff provides comments here on the scope of EA and on a rule variance related to issuance of the EA scoping decision.

Scope of Environmental Assessment

With respect to the scope of the EA and alternative sites for the project, EERA staff note that no alternative sites were suggested during scoping. Thus, EERA staff recommends that no alternative sites be included for study in the EA. EERA staff will study Lake Wilson's proposed site in the EA.

With respect to the comments of the Laborers' International Union of North America, EERA staff recommends that the EA include discussion of the interconnection status of the project, the impact of battery storage on the electric grid and any associated economic impacts, and the impact of the project on local workers.

¹⁴ Scoping Comments of the Minnesota Department of Transportation, May 25, 2023, eDockets No. [20235-196140-01](#).

Rule Variance

Minnesota Rule 7850.3700, subpart 3 requires that the Department issue an EA scoping decision with 10 days of the close of the scoping comment period. EERA finds that the 10-day schedule is insufficient to accommodate the procedural steps necessary to issue the scoping decision – preparing EA scoping comments and recommendations for the Commission, receiving the Commission’s response, and issuing a scoping decision. Accordingly, EERA believes that a variance of the rule is appropriate. A variance would ensure that sufficient time is provided for development and issuance of the scoping decision.

Minnesota Rule 7829.3200 allows the Commission to vary its rules when it determines that the following requirements are met:

- A. Enforcement of the rule would not impose an excessive burden upon the applicant or others affected by the rule;
- B. Granting the variance would not adversely affect the public interest; and
- C. Granting the variance would not conflict with standards imposed by law.

EERA staff believe that these requirements are met for a variance of Minnesota Rule 7850.3700, subpart 3. Granting a variance furthers the public interest by allowing enough time to develop an informed and robust scoping decision without imposing an excessive hardship on the applicant. Further, a variance would not conflict with any standards imposed by law.

EERA Staff Recommendations

EERA staff recommends that the Commission take no action with respect to the site recommended for inclusion in the scope of the EA, i.e., Lake Wilson’s proposed site. To EERA staff’s understanding, if the Commission takes no action, the Department will proceed to finalize and issue an EA scoping decision as described herein. If the Commission takes action, the Department will incorporate the Commission’s input and will finalize and issue an EA scoping decision that reflects this input.

Additionally, EERA staff recommends that the Commission vary Minnesota Rule 7850.3700, subpart 3, to allow time for Commission input regarding the scope of the EA and preparation of the scoping decision.