

February 15, 2024

**VIA eDOCKETS**

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

RE: EERA Exceptions to ALJ Report  
Lake Wilson Solar Energy Center Project  
**PUC Docket No.** IP-7070/GS-21-792 and CN-21-791  
**OA H Docket No.** 5-2500-39336

Dear Mr. Seuffert,

Department of Commerce, Energy Environmental Review and Analysis (EERA) staff has reviewed the Findings of Fact, Conclusions of Law, and Recommendations (ALJ report) issued by Administrative Law Judge James Mortenson on February 7, 2024, for the Lake Wilson Solar Energy Center Project.

EERA appreciates the comprehensive analysis of the record and concurs with Judge Mortenson's recommendation that the Minnesota Public Utilities Commission (Commission) grant a site permit for the project.

EERA staff's exceptions are related to the use of appropriate terminology to ensure accuracy in the record and to recommendations suggested by EERA in its reply comments.<sup>1</sup>

**1. Finding 260 – Vegetation.** Finding 260 of the ALJ report states:

After coordination with the DNR, Lake Wilson Solar confirmed with a native prairie field survey that no native prairies exist in the Project area. With the coordination, Lake Wilson removed two trackers from the Project area that were originally proposed because they were in suspected native prairies mapped by the DNR. Due to this adjustment, DNR determined no prairie protection management plan would be required for the Project.

EERA staff recommends that the finding be amended to read:

After coordination with the DNR, Lake Wilson Solar confirmed with a native prairie field survey that no native prairies exist in the **Project-area Preliminary Development Area**. With the coordination, Lake Wilson removed two trackers from the **Project-area**

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<sup>1</sup> EERA Reply Comments, January 10, 2024, eDockets No. [20241-202052-01](#).

Preliminary Development Area that were originally proposed because they were in suspected native prairies mapped by the DNR. Due to this adjustment, DNR determined no prairie protection management plan would be required for the Project.

In Lake Wilson Solar Energy LLC's (Lake Wilson) proposed Findings,<sup>2</sup> Finding 176 described the ALJ report's Finding 260 identically except for the terminology used to describe areas of the project. The "Preliminary Development Area" is a term used in Lake Wilson's site permit application and EERA's Environmental Assessment to delineate a specific area. This area is not the same as the "project area." Describing the conclusions of the native prairie survey conducted as within the project area instead of the Preliminary Development Area would make this Finding inaccurate, as DNR's determination is based on the Preliminary Development Area.

2. In EERA's reply comments, the following was suggested to be included as a Conclusion of Law in the ALJ report:

The Environmental Assessment (EA) prepared for the Project and the record created at the public hearing address the issues identified in the EA scoping decision.

The ALJ report did not include this statement as a Conclusion of Law. EERA finds this addition appropriate as Minnesota Rule 7850.4100, subp. 2 requires the Commission to determine whether the EA and the record created at the public hearing address the issues identified in the scoping decision.

3. In EERA's reply comments, the following was suggested to be included in Lake Wilson's Finding 147 in the ALJ report:

These workers will be subject to pay no less than the prevailing wage rate as defined in Minnesota Statute 177.42.

The ALJ report did not include this statement in any Finding. EERA finds this finding language appropriate to include as the prevailing wage rate is now a statutory requirement (Minnesota Statute 177.42).

EERA staff appreciates the opportunity to provide these exceptions and is available to answer any questions the Commission may have.

Sincerely,



Jenna Ness  
Environmental Review Project Manager

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<sup>2</sup> Lake Wilson, *Proposed Findings of Fact, Conclusions of Law, and Recommendation*, December 21, 2023, eDocket No. [202312-201479-01](#).