

**In the Matter of In the Matter of the Application of Elk Creek Solar, LLC for a Certificate of Need for the up to 80-Megawatt Elk Creek Solar Project in Rock County, Minnesota;**

**In the Matter of the Application of Elk Creek Solar, LLC for a Site Permit for the up to 80-Megawatt Elk Creek Solar Project in Rock County, Minnesota.**

**Docket No. IP7009/CN-19-351; IP7009/GS-19-495**

Commissioner Tuma offers amendments to decision options as follows:

B.3.i make a modification to B.3 by Amending of the Proposed Findings of Fact, Conclusions of Law and Recommendations at page 28 and 29 to recognize the Minnesota Board of Water and Soil Resources local member the Rock County Soil and Water Conservation District and to require independent third-party evaluation of the Vegetation Management Plan compliance.

The recommended changes are included here in [blue](#).

168. On July 21, 2020, the MDNR provided suggested changes to Section 4.3.8 of the Sample Site Permit related to Beneficial Habitat. The revisions are as follows: The Permittee shall implement site restoration and management practices that provide for native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators; ~~and that enhances~~ **improving** soil water retention and reducing storm water runoff and erosion. The Permittee shall develop a vegetation management plan ~~that incorporates, to the extent applicable and appropriate, the technical guidance and best management practices outlined in the DNR's Prairie Establishment and Maintenance Technical Guidance for Solar Projects<sup>1</sup>. The vegetation management plan shall be filed at least 30 days prior to the preconstruction meeting.~~ **using best management practices established by the Minnesota DNR and the Minnesota Board of Soil and Water Resources. The vegetation management plan shall be prepared in coordination with EERA, DNR, MDA, and BWSR along with its member the Rock County Soil and Water Conservation District.**

**The vegetation management plan and documentation of the coordination efforts**

between the permittee and the coordinating agencies shall be filed at least 14 days prior to the preconstruction meeting. To ensure continued management and recognition of beneficial habitat, the Permittee is encouraged to seek certification of the project by following guidance set forth by the Pollinator Plan provided by the Board of Water and Soil Resources. meet the standards for Minnesota's Habitat Friendly Solar Program by submitting project plans, seed mixes, a completed project planning assessment form, and any other applicable documentation used to meet the standard to the Minnesota Board of Water and Soil Resources and its member the Rock County Soil and Water Conservation District. All documents required by BWSR for meeting standards of the Minnesota's Habitat Friendly Solar Program should also be filed with the Commission.

#### 4.3.8.1 Site Planning and Management

The Vegetation Management Plan must include the following:

- Management objectives addressing short term (year 0-3, seeding and establishment) and long term (year 4 through the life of the permit) objectives.
- A description of planned restoration and vegetation activities, including how the site will be prepared, timing of activities, and how seeding will occur (broadcast, drilling, etc.), and the types of seed mixes to be used.
- A description of how the site will be monitored and evaluated by an independent third-party inspector to meet management objectives.
- A description of management tools used to maintain vegetation (e.g. mowing, spot spraying, hand removal, fire, grazing, etc.), including timing/frequency of maintenance activity.
- Identify responsible party for site restoration, monitoring, and long-term vegetation management of the site (e.g. consultant, contractor, site manager, etc.).
- Identification, monitoring and management of noxious weeds and invasive species (native and non-native) on site.

Site plan showing how the site will be revegetated and corresponding seed mixes. Seed mixes, seeding rates, and cover crops should follow best management practices.

Staff shall make the requisite changes to the permit language to comply with these changes.