

Staff Briefing Papers

Meeting Date **October 22, 2026**

Agenda Item 2**

Company Lemon Hill Solar, LLC

Docket No. IP7156/GS-25-126
CAH 65-2500-41406 (Judge Ann C. O'Reilly)

In the Matter of the Application of Lemon Hill Solar, LLC for a Site Permit for the up to 180 MW Lemon Hill Solar Project in Olmsted County, MN

- Issues**
- Should the Commission adopt the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendations?
 - Should the Commission find that the environmental assessment and the record created at the public hearings address the issues identified in the scoping decision?
 - Should the Commission grant a site permit for the proposed solar project?
 - If granted, what additional conditions or requirements should be included in the site permits?

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✓ **Relevant Documents**

Date

Lemon Hill Solar, LLC Site Permit Application (16 parts)	06/30/2025
PUC Order Finding Application Complete and Authorizing Use of Alternative Review Process	10/31/2025
PUC Notice of Public Information and Scoping Meetings	11/03/2025
DNR Comments	12/08/2025
Lemon Hill Solar, LLC Scoping Comments	12/08/2025
MN Department of Agriculture	12/08/2025

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

✓ Relevant Documents

	Date
MnDOT Comments	12/08/2025
EIP ¹ Written and Oral Comments on Scope of EA (2 Parts)	12/11/2025
EIP Notice of EA Scoping Decision and Notice (2 Parts)	01/06/2026
Lemon Hill Solar, LLC Supplemental Information for EA	04/29/2026
CAH Amended Second Prehearing Order	05/12/2026
EIP Lemon Hill Solar EA (22 Parts)	05/27/2026
Viola Township, MN – Request for EA and EIS	06/01/2026
Lemon Hill Solar, LLC Direct Testimony (6 Parts)	06/01/2026
Public Comment – Haverhill Township Board	06/04/2026
Lemon Hill Solar Project – Public Comment	06/08/2026
Public Comment – Mike Keefe	06/11/2026
Lemon Hill Solar, LLC Cover Letter and [TRADE SECRET] Exhibit A, Part 1 (2 parts)	06/15/2026
Shaddix & Associates – Public Hearing Exhibits (7 Parts)	06/18/2026
Shaddix and Associates – Public Hearing Transcripts (4 Parts)	06/22/2026
Public Comment – Kevin Hammel and John Pries	06/23/2026
MDH Public Comment	06/23/2026
Minnesota Interagency Vegetation Management Planning Working Group Comments	06/25/2026
DNR Comments	06/25/2026
IBEW 343 & LIUNA Comments	06/25/2026
Dan Klavetter – Public Comment	06/25/2026
Lemon Hill Solar, LLC Response to the EA with Attachment A – Karst Assessment Addendum	06/25/2026
Public Comment – Aaron Cunningham	06/29/2026
Public Comment – Curt Shellum	06/29/2026
Public Comment – Stephanie Cunningham	06/29/2026
Public Comment – Brett Ostby	06/29/2026

¹ On July 1, 2025, Department of Commerce Energy Environmental Review and Analysis (DOC EERA) unit staff moved to the Minnesota Public Utilities Commission Energy Infrastructure Permitting (PUC EIP) unit as directed by state law (Laws of Minn. 2024, ch.126, art. 7) and in response to permitting reform under Minnesota Statute 216I (2024). The review of this application began under and will continue under Minnesota Statute 216E (2023). DOC EERA staff initiated environmental review of this proposal prior to July 1, 2025, and will continue to exclusively perform environmental review duties for this application under 216E (2023) as EIP staff. Likewise, analyst staff at the PUC will continue to exclusively perform analyst duties on this application as PUC staff.

✓ **Relevant Documents**

	Date
Public Comment – Erin Oneill	06/29/2026
Public Comment – David and Robin Lowe	06/29/2026
Public Comment – Joni Mulholland	06/29/2026
Public Comment – Jim Klavetter	06/29/2026
Public Comment – Joe Adams	06/29/2026
Public Comment – Alex Langsjoen	06/29/2026
Public Comment – Nikki Kranz	06/29/2026
Public Comment – Leah Tollefson	06/29/2026
Public Comment – Darrell Richardson	06/29/2026
Public Comment – Jill Danielson	06/29/2026
Public Comment – Tracy Huffman-Krizo	06/29/2026
Public Comment – Deborah Klavetter	06/30/2026
Public Comment – Wendy Jensen	06/30/2026
Public Comment – Ken Everson	06/30/2026
Public Comment – Eliese Klennert	07/08/2026
Public Comment – Outside Comment Period – Joshua Pries	07/08/2026
Public Comment – Mara Shabestari	07/09/2026
Public Comment – Terry Lambert	07/09/2026
Public Comment – Mary Doucette	07/09/2026
Public Comment – Susan Dreher	07/09/2026
Public Comment – Shane Tracy	07/09/2026
Public Comment – Charles Wilson	07/09/2026
Public Comment – Mary Petersson	07/09/2026
Public Comment – Owen Ziemer	07/09/2026
Lemon Hill Solar, LLC Proposed Findings and Response to Public Comments (3 Parts)	07/09/2026
Public Comment – Dan Klavetter	07/17/2026
EIP Reply Comments and Findings of Fact (2 Parts)	07/23/2026
Lemon Hill Solar, LLC Updated MDH Letter July 2026	07/30/2026
Public Comment – David Lowe	08/05/2026
Public Comment – Tracy Huffman-Krizo	08/05/2026
Public Comment – Laurie Meyer	08/05/2026

✓ **Relevant Documents**

	Date
Public Comment – Mike Keefe	08/05/2026
Public Comment – Sara Behnken	08/05/2026
Public Comment – Gary Benike	08/05/2026
Public Comment – Julie Huffman	08/05/2026
CAH – Findings of Fact, Conclusions of Law, and Recommendations	09/08/2026
Public Comment – Jill Danielson	09/11/2026
Lemon Hill Solar, LLC – Motion to Stay (3 Parts)	09/15/2026
LIUNA – Exceptions to ALJ	09/23/2026
PUC EIP – Exceptions to ALJ	09/23/2026
Lemon Hill Solar – Exceptions (4 parts)	09/23/2026
IUOE Local 49 – Exceptions to ALJ	09/24/2026
PUC – Letter – Response to Motion	09/25/2026

Attachment A – Agreed-upon and Disputed Permit Conditions Attachment B – If permitted, ALJ-Recommended Permit Conditions Attachment C – Staff Recommended Findings of Fact Attachment D – Consolidated Exceptions to ALJ Findings of Fact
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BACKGROUND

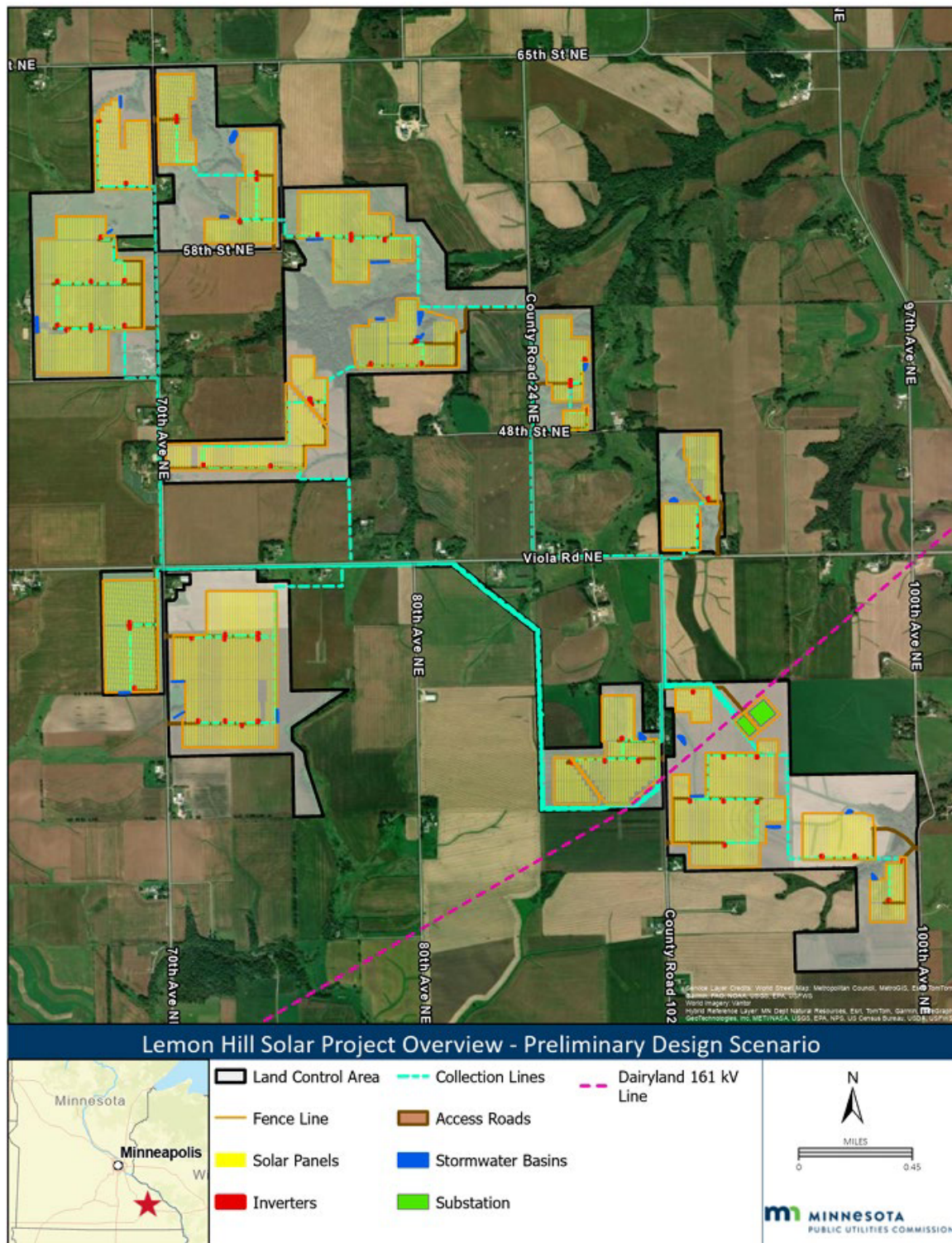
Lemon Hill Solar, LLC (Lemon Hill Solar or Applicant) is requesting a site permit from the Minnesota Public Utilities Commission (Commission) to construct and operate an 180 megawatt (MW) photovoltaic (PV) solar energy generating facility and associated infrastructure (project) in Olmsted County, Minnesota.

The project footprint, including the Application Substation Layout, is approximately 1,956 acres of agricultural land, of which approximately 963 acres are proposed for the project's infrastructure. The Application Substation is proposed to occupy approximately 7 acres east of County Road 102 NE and east of the existing 161-kilovolt (kV) Rochester to Wabaco transmission line, owned by Dairyland Power Cooperative (Dairyland), which will be the Point of Interconnection for the project. The substation will connect the Project to the grid via an approximately 530-foot 161 kV gen-tie transmission line.

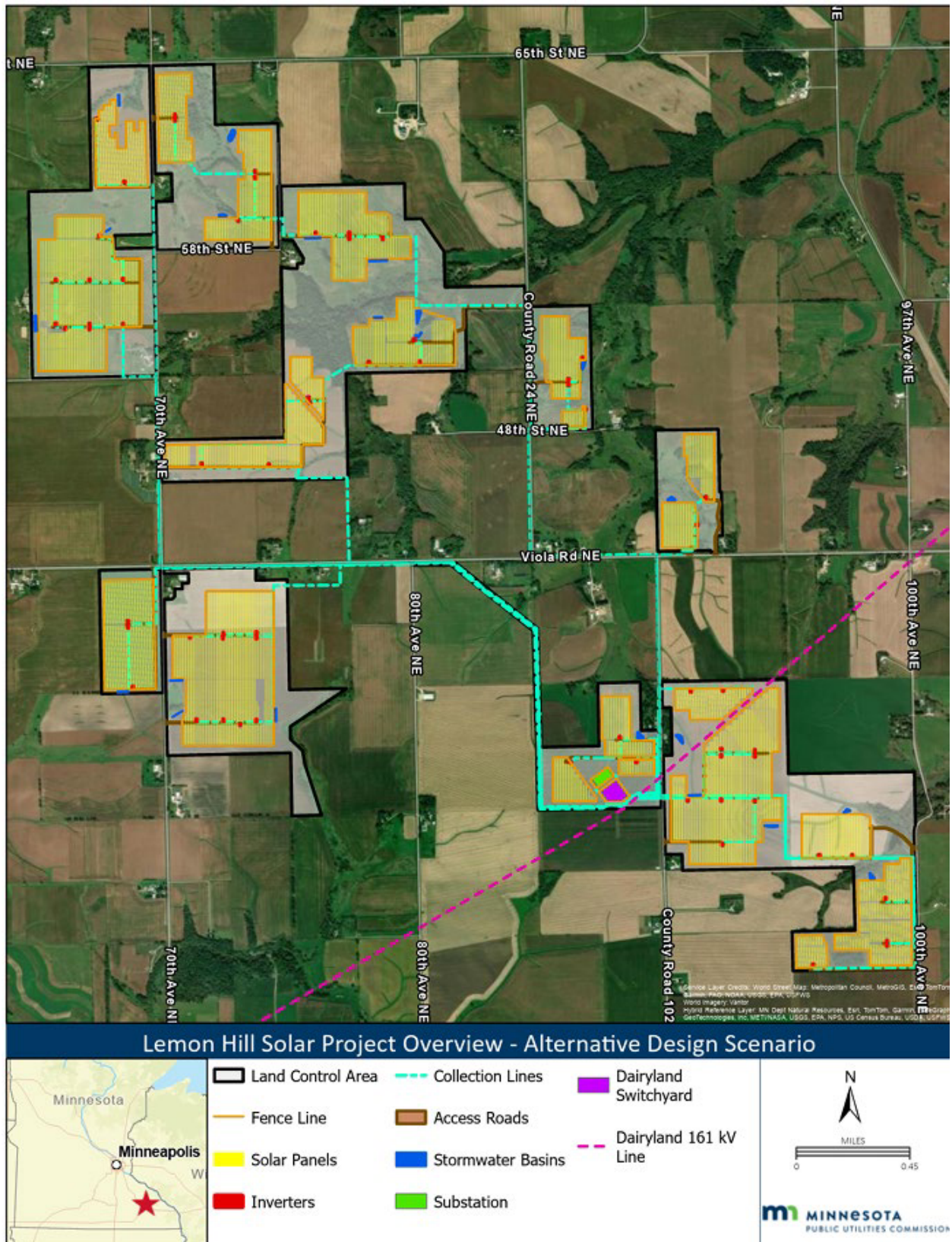
The project footprint with the Alternative Substation Layout is approximately 1,956 acres of agricultural land, of which approximately 1,067 acres are proposed for the project's infrastructure. The Alternative Substation is proposed to occupy an area of approximately 8.5 acres west of County Road 102 NE and west of Dairyland's existing transmission line. The Alternative Substation will connect the Project to the grid via an approximately 160-foot, 161-kV gen-tie transmission line. The total project cost is estimated at \$187.5–252 million.

The Applicant executed a Provisional Generator Interconnection Agreement (GIA) with MISO and Dairyland in February 2026; construction is expected to begin in the first quarter of 2027, and the project is expected to be operational by the end of 2028.

Application Layout



Alternative Layout



PROCEDURAL HISTORY

On February 21, 2025, the Applicant filed a Notice of Intent to File Under Alternative Process.

On June 30, 2025, the Applicant filed a permit application for a 180 MW PV solar generating facility and associated infrastructure in Olmsted County, Minnesota.

On July 9, 2025, the Commission filed a Notice of Comment Period on Application Completeness.

On July 17, 2025, the Applicant filed a Confirmation of Notice.

On July 23, 2025, the Public Utilities Commission – Energy Infrastructure Permitting (EIP) staff filed comments recommending that the Commission find the application substantially complete but require the Applicant to provide additional detail on tourism, geology, groundwater, surface waters, wildlife, and rare and unique species. The Commission also requested survey details for two parcels.

On July 31, 2025, the Applicant filed reply comments providing additional information and requesting that the Commission find the application substantially complete. Separately, the Applicant filed a SHPO Phase I Archaeological Survey Addendum 1 Report.

On August 1, 2025, the Applicant filed supplemental comments in response to comments filed by EIP staff.

On August 5, 2025, EIP staff filed a response to reply comments.

On August 21, 2025, the Applicant filed reply comments to a member of the public.

On September 18, 2025, the Commission considered the application. The Commission accepted the permit as substantially complete, required additional information, authorized review under the alternative permitting process, authorized preparation of an environmental assessment (EA), and requested that an administrative law judge preside over a public hearing and provide a full report with findings of fact, conclusions of law, and a recommendation.

On October 16, 2025, the Applicant provided additional information required by the Commission's September 18, 2025, verbal decision.

On October 31, 2025, the Commission issued an Order from its September 18, 2025, meeting. Additionally, EIP filed comments stating that the applicant had met the Order's requirements for the permitting process to proceed.

On November 3, 2025, the Commission issued a notice for public information and scoping meetings. The notice included two in-person meetings in Rochester and a virtual meeting.

On December 8, 2025, the Commission received comments from the Minnesota Department of Natural Resources (DNR), Minnesota Department of Agriculture (Ag), and the Minnesota Department of Transportation (MnDOT). Additionally, the Applicant submitted comments in response to comments made during the scoping meetings and the associated notice-and-comment period.

On December 11, 2025, EIP submitted the comments (written and oral) received during the scoping period.

On January 6, 2026, EIP posted the EA scoping decision.

On January 21, 2026, Administrative Law Judge Ann C O'Reilly (ALJ) from the Court of Administrative Hearings (CAH) issued the First Prehearing Order.

On April 29, 2026, the Applicant filed supplemental information for the EA. The filing included an alternative substation location. In doing so, the Applicant recognized that introducing this new information would delay publication of the EA as laid out in the First Prehearing Order.

On May 8, 2026, the ALJ issued a second prehearing order to account for the additional information the Applicant submitted 6. The second prehearing order provided additional information for EIP staff to complete the EA. On May 12, 2026, the ALJ amended the second prehearing order.

On May 26, 2026, the Commission issued a Notice of Public Hearings and Availability of the EA.

On May 27, 2026, EIP released the EA for the project.

On June 1, 2026, the Applicant filed direct testimony.

On June 15, 2026, the Applicant filed a public and trade-secret version of its lease agreement.

On June 18, 2026, Shaddix and Associates filed public hearing exhibits, and on June 22, 2026, filed transcripts from the public hearings.

On June 23, 2026, the Minnesota Department of Health (MDH) filed comments concerning water quality monitoring.

On June 25, 2026, the DNR filed comments on karst features, security fencing, the vegetation management plan, tree removal restrictions, loggerhead shrikes, and the placement of artificial habitat features such as nest platforms and bat boxes.

On June 25, 2026, the Minnesota Interagency Vegetation Management Working Group (VMWG) filed comments into the record. Additionally, the Applicant filed a response to the EA

with Attachment A – Karst Assessment Addendum.

On July 9, 2026, the Applicant filed proposed findings and a response to hearing comments.

On July 30, 2026, the Applicant submitted an updated MDH letter finding the Applicant's Karst Construction Management Plan adequate and consistent with MPCA's best management practices. The letter also encouraged the Applicant to check with private well owners to see whether they are interested in their wells serving as a monitoring point for pollutants. MDH also expects the Applicant to notify nearby private well owners if there is a fuel spill.

On September 8, 2026, the ALJ submitted their Findings of Fact, Conclusions of Law, and Recommendations.

On September 15, 2026, Lemon Hill filed a motion to stay portions of the ALJ Report.

On September 23, 2026, IUOE 49, Lemon Hill Solar, LIUNA Minnesota/North Dakota filed exceptions to the ALJ Findings of Fact, Conclusions of Law, and Recommendations.

On September 25, 2026, the Commission filed a response to Lemon Hill's motion.

STATUTES AND RULES

Site Permit

Minn. Stat. § 216E.03, subd. 1. No person may construct a large electric generating plant or an energy storage system without a site permit from the commission. A large electric generating plant or an energy storage system may be constructed only on a site approved by the Commission.

Minn. Stat. § 216E.01, subd. 5. "Large electric power generating plant" shall mean electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more. The proposed solar electric power-generating plant is rated at up to 180 MW. As a result, a site permit is required.

Environmental Assessment

The Applicant chose to follow the alternative review process under Minn. Stat. § 216E.04, subd. 2. As a result, the project is subject to an environmental assessment.

Certificate of Need

In the 2023 legislative session, the Minnesota Legislature passed legislation amending Minn. Stat. § 216B.243, subd. 8 (a) (7), to exempt wind and solar projects for which a site permit application has been submitted by an Independent Power Producer from certificate of need requirements.

PUBLIC COMMENTS

The Commission had robust public participation throughout the permitting process. A significant share of those comments opposed the project. The Commission received written comments, but it also had strong participation during the scoping meetings and hearings held in the vicinity of the project and virtually. A list of the concerns is included, but is not limited to the following topics:

Property Values	Loss of Prime Farmland	Wildlife
Decommissioning	No local input	Trespassing
Setbacks	Drainage & Water Pollution	Noise
Aesthetic Impacts	Health Concerns	Lack of Consideration for nonparticipating landowners
Lack of Transparency	Components of Solar Panels	Heat Island Effect
Stray Voltage	EMF	Agrivoltaics
Use rooftop panels	Creating division amongst neighbors	A loss of farm-related employment (seed, fertilizer, applicators, equipment, fuel, and trucks)
Karst Region	Shallow groundwater	Lack of recycling options
Loss of food production	Loss of quality of life	Having panels on multiple sides of home
Negative cultural impact	Groundwater pollution	Impacts on well water
Toxicity of panels or leaching	Energy will go out of state	Erosion
Impacts on hydrology	Panel beams will fracture karst, allowing pollutants to enter groundwater	Requested an EIS
Impacts on Whitewater State Park and Whitewater watershed	Workers Trespassing	A fire that burned 65 acres
Ranger Power's Reputation	Impacts to topography	Panel shine
A petition against the project (~225 signatures)	Land will never be farmable after project	Limited Local Benefit
Better sources of energy	Clean Water	Stray Voltage
Place panels on parking lots and commercial spaces	Water runoff	Emotional Impact of Project
Vegetation Management	Request an Advisory Task Force	Insects from ponds
Large Project size	Feasibility Study	Independent Hydrology Studies Needed
Negative Economic Impacts	Setbacks to be measured from property lines	Haverhill Wildlife Management Area

Increased Traffic Patterns	Land Agreements	Residency of participating landowners
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There were several public comments in support of the project for the following reasons:

- Allowing landowners to diversify income
- Individual choice and property rights
- Construction jobs
- Estimated \$30 million in revenue
- Welcomed private investment
- Increased local economic activity
- Increased revenue for schools
- American Energy would be produced
- Supports soil health and native pollinators
- Reduced utilization of fossil fuels
- Participation is voluntary

AGENCIES, ORGANIZATIONS, AND LOCAL UNITS OF GOVERNMENT COMMENTS

Viola Township Board²

The Viola Township Board submitted a letter dated July 29, 2025, addressing its primary concerns with the project. These concerns included water contamination, the region's environmental sensitivity, removal of prime agricultural land, the project's size, impacts on stewardship, the toxicity of solar panel components, and a lack of local control over the project. The Township requested a feasibility study to examine water risk, chemical analysis of solar panels, impacts of stray voltage, Ranger Power's fiscal capacity to provide for remediation, and the cost of cleaning up local wells.

Haverhill Township Board³

On June 4, 2026, the Haverhill Township Board passed a resolution opposing the project. The Board urged the Commission to carefully evaluate the project and its use of Class I and Class II agricultural soils. They also requested that the review included an independent environmental impact study, protection of prime farmland, appropriate screening and setbacks, road-use protections, and enforceable decommissioning and financial assurance requirements.

LIUNA Minnesota/North Dakota (LIUNA)⁴

On December 8, 2025, LIUNA wrote that a supplemental EA or EIS is not necessary. They stated that utility-scale solar does not pose unique risks in areas with Karst features, local wells, aquifers, or groundwater recharge zones compared to other construction projects that require

² Public Comment, [Viola Township](#), 8/4/2025; 8/8/2025.

³ PUC, [Haverhill Township Board Resolution No. 202605 Expressing Opposition to the Proposed Lemon Hill Solar Project](#), 6/4/2026.

⁴ LIUNA Minnesota/North Dakota, [Comments](#), 12/8/2025.

piles, posts, and footing excavation, provided workers are qualified and use proper construction techniques. The project will provide socio-economic benefits to the workers and the area.

Minnesota Department of Natural Resources (DNR)⁵

On June 25, 2026, the MnDNR listed the permit conditions it supports in its letter. This included permit conditions: 5.11 as written (Karst), 4.3.32 (Security Fence), 5.18 (Wildlife-Friendly Lighting), 5.19 (Chloride-free Dust Control), 5.20 (Wildlife-friendly erosion control), 5.21 (Security Fence), 5.23 (Setbacks), 4.3.16 (VMP), 4.3.17 (VMP), 5.25 (Loggerhead Shrike), and 5.22 (artificial habitat for bats and osprey).

Regarding security fencing, the Applicant acknowledged that they do not intend to meet DNR's recommended minimum height (10 feet). Instead, they will remove deer from the Project Site without DNR staff assistance or a taking permit. DNR supports 4.3.32, which would require the applicant to work with DNR on the security fence. Additionally, because the project may hinder wildlife movement (reducing travel corridors and fragmenting the landscape), they supported 50-foot setbacks between roadways and security fences to prevent vehicle collisions, and 5.21, which would allow a security fence design to accommodate the passage of small to medium-sized wildlife.

Concerning tree removal restrictions, the DNR requested that special condition 5.24 be modified to ensure tree clearing does not occur during the northern long-eared bat breeding season from June 1 to August 15. The DNR recommended language similar to what was adopted by the Commission for the Benton County Solar Project (GS-23-423): *The Permittee shall comply with the DNR's tree clearing recommendation from June 1 to August 15 to minimize impacts to roosting bats and nesting birds.*

Minnesota Department of Agriculture⁶

On December 12, 2025, the Department of Agriculture filed comments requesting that the EA include a review of certain project impacts.

Minnesota Department of Transportation (MnDOT)⁷

On December 8, 2025, MnDOT wrote that the project, as planned, did not impact MnDOT interests. However, MnDOT noted that the project may require Oversize/Overweight Permits.

Minnesota Interagency Vegetation Management Planning Group (VMPWG)⁸

On June 25, 2026, the VMPWG submitted comments, but did not recommend the Commission take any action at this time. The VMPWG did provide recommended changes and updates it wanted the applicant to address in its pre-construction VMP submittal. They recommended the

⁵ Minnesota Department of Natural Resources, [Comments](#), 6/25/2026

⁶ Minnesota Department of Agriculture, [Comments](#), 12/8/2025.

⁷ MnDOT, [Comments](#), 12/8/2025.

⁸ Minnesota Interagency Vegetation Management Planning Working Group, [VMPWG Hearing Comments](#), 6/25/2026

applicant continue to work with EIP staff.

Minnesota Department of Health (MDH)⁹

In a letter to the Applicant on July 23, 2026, MDH wrote that the karst avoidance measures in the EA, DSP, and Karst Construction Management Plan are adequate but defers to MPCA for mitigating impacts to Karst landscapes and aquifers.

MDH acknowledged that many private wells are outside the project property. However, MDH encouraged groundwater sampling for nitrates, pesticides, herbicides, metals, and VOCs at accessible nearby wells before, during, and after construction. Additionally, the Applicant should ask nearby private well owners whether they are willing to provide a monitoring point at their wells. Also, as included in the EA and DSP, MDH expects that the Applicant will notify nearby well owners in the event of a fuel spill or any other unexpected release.

Tribal Coordination¹⁰

As part of the coordination process, Leech Lake Band of Ojibwe wrote that it has no recorded historic properties in the area, but this does not mean that no cultural resources are present. If any remains or suspected remains are discovered, they asked to be notified immediately, along with the County Sheriff's Office and the Office of the State Archaeologist.

Lemon Hill Solar Response¹¹

On July 9, 2026, Lemon Hill Solar filed its response to the comments made during the comment period and in-person public hearings. Lemon Hill responded to comments by theme. First, the Applicant highlighted the legislative mandate requiring carbon-free technologies to meet Minnesota's electrical service demands, as well as the Commission's approval of 400 MW of solar generation by 2040 in Xcel's most recent integrated resource plan (E-002/RP-24-67). Xcel selected this project through a competitive bid process.

Commission Authority

The Applicant addressed public confusion about when the Commission gained statutory authority to preempt local units of government, as some members of the public believe the change occurred when the legislature passed 216I. However, the Applicant wrote that the Commission's preemption authority dates to 1973.

Additional Study

The public identified several issues needing additional study – Loggerhead Shrike, Northern Long-Eared Bat, Blanding's Turtle, Rusty Patched Bumble Bee, Plains Hog-nosed Snake, Groundwater Impacts, noise impacts on stables and cows, and economic impacts. The Applicant, in coordination with the DNR, found that the Loggerhead Shrike and Northern Long-

⁹ Lemon Hill Solar, [Updated MDH Letter, July 2026](#), 7/30/26.

¹⁰ PUC EIP, [Written Comments on the Scope of the Environmental Assessment](#), 12/11/2025, p. 5.

¹¹ Lemon Hill Solar, [Comments – Response to Public Hearing Comments with Attachment A](#), 7/9/26.

Eared Bat are likely not present within the project site. Relative to the other animals, the Applicant coordinated with DNR and the U.S. Fish and Wildlife Service to help identify species of concern, and none of the species raised in public comments were identified.

Regarding groundwater, the Applicant stated that the EA properly and thoroughly reviewed the Project's impact on groundwater, as required in the Commission's scoping decision. The Applicant cited pages 186-199 of the EA, which analyzes the impacts to groundwater.

The Applicant also argued that the EA discussed the project's noise impacts as required in the scoping decision. While the scoping decision does not identify noise impacts to cows and horses, the EA does examine noise impacts on horses.

Public comments also raised concerns that the EA's economic analysis was insufficient. The Applicant wrote that the concerns are unfounded. The Applicant argued that the EA thoroughly analyzed the project's economic impact. It examined potentially impacted businesses resulting from the loss of prime farmland, as well as the economic impact on people working on the project. Additionally, the Applicant discussed their commitment to mitigate stray voltage.

Minnesota Department of Health and Response to EIP Staff

Because the ALJ recommended adoption of almost all the permit conditions recommended by EIP staff if a permit was granted, including MDH's baseline water testing, this paper summarizes the Applicant's disputed condition in the exceptions section rather than repeating them here.

Geotechnical Work

Lemon Hill responded to a complaint from Joshua Pries¹² concerning geotechnical work that resulted in corn crop damage. Joshua Pries stated that neither he nor his landlord were notified in a timely manner concerning the work being completed. In response, Lemon Hill stated that it provided advance notice and included a warning that crop damage may occur. Lemon Hill requested preferred access roads, and GPS tracking indicated that crews closely followed those paths. Lemon Hill also committed to working with Joshua Pries and the landowner to address their concerns and assess crop-damage reimbursement.

Prime Farmland

In response to the comments, Lemon Hill wrote that no prudent or feasible alternatives existed to avoid impacts on prime farmland; as a result, any potential impacts comply with Minnesota Law. The Applicant wrote that Appendix B of their application analyzed several factors and found no alternative sites in Olmstead County that would mitigate the project's use of prime farmland.

Existing Land Agreements

A public comment questioned the legality of the contracts the Applicant entered with

¹² PUC, [Comment Received Outside of the Hearing Comment Period](#), 7/8/2026.

participating landowners. The public comment included a contract¹³ that a participating landowner presumably shared with them. The public comment alleged that the contracts were void.

Lemon Hill noted that, although this issue is outside the Commission's purview, they believed it is important and needs to be addressed. The public commenter stated that the State Constitution provides that no lease of agricultural land can exceed 21 years. Lemon Hill believed this does not apply to solar project leases, as the original intent was to protect farmers from serfdom, which isn't relevant here.

The second point the public commenter made is that corporations cannot acquire an interest in agricultural land (Minn. Stat. § 500.24). Lemon Hill wrote Minn. Stat. § 500.24 provides for exemptions, including a "development organization." The Applicant meets the definition of a "development organization."

The last point the Applicant addressed is that the public commenter claimed the leases Lemon Hill and the landowners signed were invalid because the easements lacked proper disclosure to landowners. Statutes require sellers to disclose material facts to buyers. In this case, Lemon Hill has entered into solar lease agreements. Additionally, even if they did apply, the landowner would be disclosing issues to Lemon Hill.

ALJ REPORT¹⁴

The ALJ was charged with applying the siting criteria established by statute and preparing a report containing findings of fact, conclusions of law, and a recommendation on the proposed project (ALJ Report). Commission staff summarizes the full ALJ report in this briefing paper but refers the Commissioners to the ALJ Report in its entirety for a complete analysis of the docket. The ALJ Report totaled 108 pages and included 510 Findings of Fact, 13 Conclusions of Law, and Recommendations.

After reviewing the record, Judge O'Reilly recommended the Commission deny the permit. The ALJ concluded the project violated the Prime Farmland Exclusion.¹⁵ The ALJ also noted that it was unfortunate the Commission did not consider the project's cumulative effects or potential cumulative effects, as it did not address them in its scoping decision.

Judge O'Reilly wrote that if the Commission did not deny the permit, it should complete further environmental review. Specifically, the ALJ recommended focusing on human settlement, land-use conflicts, loss of agricultural resources, and groundwater risk associated with Karst terrain and the site location.

¹³ The issue of whether the contract is public or not is being disputed. See Lemon Hill Solar, LLC, [Motion – Notice of Motion to Stay Portions of ALJ Report](#), 9/15/2026.

¹⁴ CAH, [Report – Findings of Fact, Conclusions of Law, and Recommendations](#), 9/8/2026

¹⁵ [Minn. Rules 7850.4400 Sub. 3](#)

If the Commission decides to issue a permit, the ALJ recommended which permit conditions to include.¹⁶ See the attached permit.

LEMON HILL EXCEPTIONS¹⁷

On September 23, 2026, the Applicant filed a Motion to Stay Portions of ALJ Report and Exceptions to the Report.

Lemon Hill asked the Commission to reject the ALJ report and its associated findings. Lemon Hill stated, “The Report misapplies Minn. R. 7850.4400, Subp. 4, also known as the Prime Farmland Rule, and ignores or misstates extensive portions of the record evidence in this case.”

Lemon Hill argued that the Commission should view the ALJ Report with significant skepticism. The Applicant asserted that the ALJ Report read more like an advocacy document than a reflection of the record. Lemon Hill wrote, “This Report utterly fails to fulfill its purpose to ensure the public hearing record is preserved. As discussed throughout these Exceptions, the Report repeatedly excludes or misstates large portions of the record in this case.”

The Applicant wrote that the ALJ Report ignored nearly all the evidence they had provided and repeatedly misstates or discredits information in the EA. Furthermore, it included no information from the Applicant's expert witness testimony, except for one witness concerning stray voltage. While the ALJ cited groundwater risks as a reason for denying the permit, she did not recognize the expert testimony (Evan Christianson) on the subject, among other documents entered into the record. The Report also did not recognize the direct testimony from expert witness (Ms. Sonia Singh), who provided empirical evidence contrary to the ALJ's conclusion regarding negative impacts on property values. The Applicant stated that the Report does not opine on the witness's information; it simply ignores it.

Prime Farmland Rule

Lemon Hill disagreed with Conclusions 7 and 8 of the ALJ report regarding the Prime Farmland Rule. In summary, the ALJ found that the Applicant violated the Prime Farmland Rule by using more than 0.5 acres of Prime Farmland per megawatt and failed to show that no feasible or prudent alternative exists for the project. The ALJ wrote that the only factor considered was

¹⁶ ALJ Included Permit Recommendations as recommended or agreed to by EIP Staff: 5.1 (Visual Screening), 5.2 (Noise Notification to Adjacent Residences), 5.3 (Operational Noise Modeling and Impact Assessment), 5.4 (Electrical Wiring Well Buffers), 5.5 (Well Protection Plan), 5.6 (Road Use Agreement), 5.7 (Pipeline Siting and Protection Plan), 5.8 (Emergency Response Training), 5.9 (Unanticipated Discoveries Plan), 5.10 (Spill Notification), 5.11 (Karst Geology), 5.12 (Dewatering Plan), 5.13 (Panel Clearing Plan), 5.14 (Decorah Edge Protection Plan), 5.15 (Baseline Well Water Quality), 5.16 (Bluff Setbacks), 5.17 (Fuel Storage and Spill Prevention), 5.18 (Wildlife-Friendly Lighting), 5.19 (Chloride-Free Dust Control), 5.20 (Wildlife Friendly Erosion Control), 5.21 (Wildlife-Permeable Fencing), 5.22 (Facility Habitat Features), 5.23 (Fencing ROW Setbacks), 5.24 (Northern Long-eared Bat)

¹⁷ Lemon Hill, [Exceptions \(Brief\)](#), [Redline of ALJ Report](#), [Party Positions on Contested Permit Conditions](#), 9/23/2026.

economic considerations.

The Applicant argued that the Prime Farmland Rule does not include a test to determine whether a feasible or prudent alternative exists; instead, it relies on the Prime Farmland Rule Guidance (Guidance). The Applicant wrote that it completed an evaluation using the Guidance and sought an alternative site in Olmsted County, not just within a 5-mile radius, as the ALJ incorrectly stated in the Report. Additionally, the Applicant argued that it did not look only at economics. They examined the factors in the Guidance (solar resource, interconnection, and site suitability). These are not economic factors; they are basic requirements needed for a solar project. The Applicant considered tracts of cleared land, willing landowners, avoidance of environmental resources, and distance from the point of interconnection.

The Applicant also objected to Finding 439. Finding 439 stated that the Applicant failed to analyze alternative sites when proposing an exception to the Prime Farmland Rule. The ALJ wrote that the Applicant examined alternative sites but did not specifically identify them in its Prime Farmland Analysis as required in Minn. R. 7850.3100. In response to Finding 439, the Applicant stated that Minn. Stat. § 216E.04, subd. 3, and the Commission's scoping decision do not require Lemon Hill to propose specific alternatives. Additionally, following the Prime Farmland Guidance, they did not find a feasible or prudent alternative anywhere in Olmsted County.

As a result, the Applicant asked the Commission to reject the Findings and Conclusions associated with the Prime Farmland Rule and replace them with its recommended findings.

Human Settlement

The Applicant was concerned that the ALJ Report departed from the EA without explaining why. For example, the EA found that a Visual Screening Plan can mitigate visual impacts, but the ALJ concluded it cannot.

Lemon Hill claimed that the ALJ also departed from the EA concerning cultural values. The Applicant wrote that the ALJ Report stated the EA only focused on work and recreation in its analysis. The Applicant wrote that this might be true if the reader only read the green summary on page 90 of the EA, but if one read the entire section, one would realize it was more encompassing. The Applicant believed the EA accurately analyzed the project and provided the opportunities and challenges with the Project in a rural setting. The Applicant also questioned the ALJ Report because it largely dismissed dozens of public comments supporting the Project.

The Applicant agreed with the EA's conclusion that minimal to moderate cultural impacts are unavoidable. This factor alone, however, is not the basis for a decision; the Commission must examine the entire record and weigh all of the factors under Minn. R. 7850.4100.

The Applicant took exception to Findings 217 – 225 in the Report. The ALJ rejected using the Preliminary Development Area to analyze aesthetics, cultural, and land use impacts in the EA.

This analysis does not use the Preliminary Development Area.¹⁸ Instead, the EA used the Project Area (one mile from the project boundary) to analyze aesthetics and cultural impacts.

The Applicant took exception to Findings 241–281 of the Report, which related to the Project's impacts on property values. The Report found that the Project would arbitrarily impose significant negative impacts on 68 residences, while ignoring evidence in both the EA and the evidence of Lemon Hill's expert witness (Ms. Sonia Singh). In ignoring the Applicant's witness, the ALJ relied on one study in the EA to determine and reject EIP staff's conclusion that impacts would be minimal to moderate.

The Applicant took exception to Findings 267 – 275. Finding 268 expressed skepticism that the Project would provide 200 temporary construction jobs, despite both the application and an expert witness with extensive renewable energy experience supporting this. Rather than refuting Lemon Hill's evidence, the Report attempts to downplay its projections. Finding 268 also relied on historical information in finding that the Applicant will not commit to using only union labor, as Lemon Hill has stated it will give preference to contract bids that use local labor and will require the selected contractor to work with labor unions and other local labor.

The Report's Finding 274 on socioeconomic issues concluded that removing 939 to 1965 acres from production may outweigh the project's local benefits, but it is arbitrary and ignores the evidence in the record because it provides no citations. Instead, the Report relied on out-of-context comments from EIP Staff and ignored EIP Staff's analysis of socioeconomic issues. The Report concluded that the EA failed to adequately explore impacts on the local economy, yet it dedicated nine pages to analyzing both the Project's positive and negative socioeconomic effects.

Land-Based Economics – Agriculture

Lemon Hill disagreed with Findings 316 – 331. The applicant stated that, for the most part, the ALJ used the same faulty reasoning of the law and facts related to the Prime Farmland Rule and socioeconomic impacts in these Findings. ALJ Finding 329 concluded that:

“[g]iven the significant loss of agricultural land that would result from the Project and the resulting losses to the local agricultural economy, the Judge finds that the land-based economic impacts are significant, long-term, and unavoidable should the Project be permitted.”

Lemon Hill wrote that the EA found the project would remove 0.28 to 0.31 percent of Olmsted County's productive farmland. They do not believe this constituted having a significant loss or impact. Accepting Finding 329 would have consequential impacts on other projects, as the most resource-rich areas for solar energy overlap with agricultural lands. From this perspective, the Project is not unique compared with other projects permitted by the Commission.

¹⁸ “Preliminary Development Area” to refer to the up to 1,067-acre area within the Land Control Area.

Natural Resources

- Geology and Groundwater

Lemon Hill took exception to Report Findings 353 - 378. The Applicant argued that, despite the Report's concerns, potential impacts to groundwater and karst geology are less concerning when considering the full record. Lemon Hill wrote that its planning and mitigation plans align with best management practices for construction in karst geology.

The Applicant found that the Report contradicted itself, recognizing that it will not generate CO₂ and that soil health will likely improve if vegetation management is successful.¹⁹ At the same time, the report adopted findings that the project could contaminate groundwater. In doing so, the Report failed to engage the Applicant's pre-filed testimony about its efforts to minimize impacts to karst features and groundwater, and the fact that the panel materials do not contain hazardous materials at dangerous levels. Studies referenced by the Applicant found that the Project will likely stabilize soil quality and improve water quality.

Lemon Hill acknowledged challenges with karst geology but also stated they will take steps to address them. They independently commissioned a report on the karst features within the Project site. Using this report, they developed a Karst Construction Management Plan (Karst Plan) to analyze, identify, and map karst features and assign risk before construction. If they identify karst features, construction in the area will stop until they are assessed. The Karst Plan aims to avoid high-risk karst features. The ALJ Report does not acknowledge or analyze pre-filed testimony and the Applicant's mitigation planning.

- Vegetation

The Applicant asserted that the ALJ unnecessarily emphasized Lemon Hill's reservations about raising the solar panels' height, as suggested by DNR.²⁰ In direct testimony, the Applicant testified that increasing the solar panels' height would increase the steel needed, increase torque on the posts during windy days, and require additional grading (flattening) that may negatively impact the Project's aesthetics.

- Climate Change

The Applicant opposed Findings 420 – 423. The Report stated that solar energy is not free of greenhouse gas emissions throughout the lifecycle of solar panels and the project at large. In describing the lifecycle, the ALJ wrote that the Applicant contends the Project would offset these emissions. The Applicant wrote that the Commission has long recognized in other dockets that solar energy projects are critical to meeting Minnesota's clean energy requirements.

¹⁹ Finding Nos. 351 and 381.

²⁰ Finding No 404

Adverse Human and Natural Environmental Effects that Cannot be Avoided

Lemon Hill opposed Findings 457 – 461 of the Report. The Applicant wrote that these Findings largely repeat the Report's already discredited arguments on the Prime Farmland Rule, socioeconomic issues, groundwater, and karst geology. In this section, the Report concluded that the Project's cumulative impacts outweigh its benefits.

The Applicant argued that its proposed exceptions showed that the ALJ report was flawed because it overvalued and misstated the cumulative impacts. Additionally, the Project does not contain unique challenges that do not exist for other permitted projects.

Cumulative Potential Effects

Finding 465 of the Report stated that the Commission must consider the Project's cumulative impacts and cumulative potential effects. The Applicant stated that it does not; Minn. R. 7850.3700 does not require consideration of cumulative impacts or cumulative potential effects. The Rule provides flexibility to do so, but it is not required.

While the ALJ called the analysis of cumulative potential effects in the EA cursory, the Applicant wrote that it is not. The EA dedicates eight pages to cumulative potential effects. Lemon Hill asserted that the Commission had enough information on the cumulative potential effects of the projects and other known developments to make a permitting decision.

Permit Conditions

Lemon Hill agreed to the following permit conditions:

- 5.2 Noise Notification for Adjacent Residences;
- 5.3 Operational Noise Modeling and Impact Assessment;
- 5.4 Electrical Wiring Well Buffers;
- 5.5 Well Protection Plan;
- 5.6 Road Use Agreement;
- 5.7 Pipeline Siting and Protection Plan;
- 5.8 Emergency Response Training;
- 5.9 Unanticipated Discoveries Plan;
- 5.12 Dewatering Plan;
- 5.14 Decorah Edge Protection Plan;
- 5.15 Baseline Well Water Quality;
- 5.17 Fuel Storage and Spill Prevention;
- 5.18 Wildlife-Friendly Lighting;
- 5.19 Chloride-Free Dust Control; and
- 5.21 Wildlife-Permeable Fencing

Lemon Hill coordinated with EIP staff on Special Conditions 5.10, 5.13, and 5.20. Attachment A includes the agreed-upon language. The disputed language is also contained in Attachment A.

PUC EIP Exceptions²¹

On September 23, 2026, PUC EIP staff provided exceptions to the ALJ report. PUC EIP staff did not address the Conclusions of Law contained within the ALJ's Report. Instead, staff recommended that the Commission evaluate the ALJ's Report conclusions in the context of their recommended exceptions and the record.

Public Hearings

PUC EIP staff suggested changes to Finding 126 to better reflect EIP staff's statements.

Aesthetics

PUC EIP staff recommended edits to Findings 175, 176, 177, 179 through 183, and 185 through 188 to reflect the information and analysis in the EA.

Cultural Values

PUC EIP staff recommended edits to Findings 205 and 207 through 210 to reflect the analysis of the EA. "EIP staff does not believe any part of this discussion is erroneous, deceptive, or incorrect. Staff noted that the characterization of cultural impacts is based on the analysis in the EA."

Land Use and Zoning

"The EA prepared for the project discusses potential impacts to land use and zoning. EIP staff do not believe any part of this discussion is erroneous. Staff recommends edits to Findings 215 and 228 to reflect the analysis in the EA."

Property Values

EIP staff recommended changes to Findings 242, 245, and 248 to reflect the EA analysis. Staff used studies to infer property value impacts. The region of influence was defined in the EA as the local vicinity – within 1,600 feet of the solar facility boundary.

Socioeconomics

The EA examined potential socioeconomic impacts of the Project. The EA estimated property and production taxes. The estimate was prepared by the Applicant and included in its application. Staff recommended edits to Finding 269.

The EA discussed potential impacts on local businesses in the Project area. The EA specifically identified three local businesses and two locally licensed agricultural operators that could be impacted by construction and operation of the Project. EIP staff recommended edits to Findings 267, 271, 273, and 327 to reflect the analysis of the EA.

Agriculture

²¹ PUC EIP, [Exceptions to ALJ](#), EIP Staff Exceptions to ALJ Report, 9/23/2026.

The Applicant provided a prime farmland impact assessment as part of their application. The assessment discussed solar resources, interconnection points, and the suitability of the project sites. PUC EIP staff asserted that this is the same level of assessment as other solar projects permitted by the Commission. PUC EIP staff recommend editing Finding 324.

Geology and Groundwater

The EA examined the project's potential impact on construction and operation in the karst region. Multiple sources were cited. PUC EIP staff recommended changes to Findings 353, 358, 360, 361, 364, 370, and 459 to reflect the information in the EA.

Cost of Constructing, Operating, and Maintaining the Facility

The EA listed updated anticipated project operation costs as provided by the Applicant. PUC EIP staff recommended edits to Findings 452 and 454 to reflect the information in the EA.

Cumulative Impacts Assessment

In response to Finding 465, PUC EIP staff argued the Commission is not required to study cumulative impacts in its permitting decisions. While not required, PUC EIP staff did include an analysis of cumulative potential effects that is not a cursory analysis and is consistent with similar permitted projects. PUC EIP recommended edits to Findings 465, 466, 471, and 472 to reflect the analysis of the EA.

Other Edits

1. PUC EIP Staff recommended clarification of the Report's application of agricultural land and prime farmland in the EA, as they should not be used interchangeably. (Findings 55, 69, and 317)
2. PUC EIP Staff recommended clarification that there is only one transmission line, referred to as the 161 kV gen-tie transmission line. (Findings 62, 184, 185, and 214)
3. PUC EIP staff recommended correcting the record concerning the EA's analysis of the Land Control Area and the Preliminary Development Area. The Preliminary Development Area was analyzed in the EA. (Findings 55, 60 through 63, 180, 185, 189, 209, 213, 215, 218, 225, 227, 229, 241, 245, 227, 229, 241, 245, 272, 274, 317, 319, 327, and 460 to accurately reflect the EA).

LIUNA Exceptions²²

LIUNA expressed disappointment in the ALJ Report. LIUNA stated that the ALJ

"...fails to understand or takes little interest in the fact that the standard she recommends the Commission adopt would derail Minnesota's explicit commitment to decarbonizing our electric grid and make it virtually impossible to develop large-scale solar resources in the state."

²² LIUNA Minnesota/North Dakota, [Exceptions to ALJ](#), 9/23/2026

LIUNA understood landowner preferences for unchanged viewsheds. However, neighboring landowners can change their property in several ways that would fall outside of government regulations. LIUNA asserted that denying the permit does not protect neighboring landowners' viewsheds, but it would jeopardize our state's ability to provide power.

IUOE Local 49 Exceptions²³

Local 49 recommended correcting Finding 113 and the associated citation, which summarized comments Nathan Runke made on behalf of Local 49. Mr. Runke stated that he understood the Applicant has committed to using union labor. An accurate record is important to ensure the project provides construction jobs for local workers. Local 49 supported the project.

STAFF DISCUSSION

The following issues are before the Commission:

- Whether to adopt the ALJ Report?
- Whether to find that the environmental assessment addressed the issues in the scoping decision?
- Whether to grant the site permit for the Lemon Hill Solar project, and identify special permit conditions, if necessary?

ALJ Report

Commission staff do not recommend the Commission adopt the ALJ report. The ALJ Report captured the public's concerns. However, it does not reflect the record relative to the EA and the applicant's witness testimony. Commission staff instead recommends that the Commission adopt the Findings of Fact, Conclusions of Law and Recommendation as proposed by PUC staff (**Attachment C**).

To prepare **Attachment C**, staff started from a clean version of the report with the Applicant's exceptions accepted and then modified specific findings and conclusions to reflect staff's recommendations. These modifications incorporated parts of the ALJ's Report, PUC EIP-recommended exceptions, and new staff-proposed findings based on Commission staff's own analysis where staff's recommended findings and conclusions differed from the Applicant's. The italicized language in Attachment C represents findings from the ALJ's Report that the Applicant recommended rejecting but that staff recommends adopting. The blue underlined text represents additions recommended by Commission staff and/or PUC EIP staff, and the red strikethrough text represents deletions recommended by Commission staff and/or PUC EIP staff.

For the Commission's reference, **Attachment D** contains a compiled list of all exceptions to the ALJ report submitted into the record. As an alternative to adopting staff's proposed Findings of Fact in its entirety, the Commission could consider adopting modifications listed in **Attachment**

²³ IUOE Local 49, [Exceptions to ALJ](#), 9/24/2026

D to modify either the ALJ's Report or staff's Recommended Findings.

EA

The ALJ recommended denial of the permit. However, the Report included the following language if the Commission decided to permit the project:

"If the Commission does not deny the permit application, then the Commission should require further environmental review specifically focused on the cumulative impacts or potential cumulative impacts of the Project, including to human settlement (specifically, aesthetics, cultural values/character, and property values), land use conflicts, loss of agricultural resources, and groundwater risks associated with the karst terrain and the location of the Site."²⁴

PUC EIP reviewed the record, used its own expertise, looked at publicly available resources/studies,²⁵ and consulted with state agencies²⁶ in developing the EA and recommending special permit conditions to help mitigate concerns raised by agencies and the public. Given this robust engagement, Commission staff recommends that additional record development is unnecessary for the Commission to make an informed decision on issuing a permit.

Commission staff believe the EA fully addressed the issues in the scoping decision. Commission staff agrees with PUC EIP staff and the Applicant that the Commission is not required to consider cumulative impacts in its permitting decision, nor is it required to analyze cumulative impacts in the EA. If the Commission wanted cumulative impacts to be studied, it would have included that requirement in its scoping decision. Even though the cumulative impacts is not required and was not included in the scoping decision, the EA does provide an analysis of cumulative potential effects. If the Commission decides to amend the scope or request additional study, it should identify the issues it wants additional record development on.

Prime Farmland

The ALJ report concluded that the project violates Minnesota's Prime Farmland Rule. In Conclusion 9, the ALJ stated the following,

The Project would use more than ten times the amount of prime farm allowed by law (between 939 and 1,030 acres of prime farmland) and would effectively convert 1,956 acres of agricultural property into an industrial solar farm. Applicant has failed to

²⁴ Report, p. 107

²⁵ EA, Chapter 5 - Sources, p. 276 - 305

²⁶ Minnesota Department of Agriculture, [Comments](#), 12/8/2025; Minnesota Department of Natural Resources, [Comments](#) and [Comments – Natural Heritage Review](#), 12/08/2025; Minnesota Department of Transportation, [Comments](#), 12/8/2026; Minnesota Department of Health, [Public Comment](#), 6/23/2026; Minnesota Department of Natural Resources, [Comments](#), 6/25/2026; Minnesota Interagency Vegetation Management Planning Working Group, [Comments](#), 6/25/2026; Lemon Hill Solar, [Updated MDH Letter July 2026](#), 7/30/2026.

*establish that there is no feasible and prudent alternative to the Project Site. All of Applicant's explanations for selecting the Site were ultimately based on economical consideration alone and only Applicant's economic benefit. Because economic considerations alone do not justify the use of prime farmland, this explanation is legally insufficient. The Project violates the Rule, thereby prohibiting approval.*²⁷

The Application included an analysis of the project's impact on prime farmland in Appendix B.²⁸

Appendix B of the Application stated that the Applicant evaluated sites within 5 miles of the chosen substation, as well as within the entire county and a neighboring county. Additionally, the Applicant wrote that it completed its assessment in accordance with the Department of Commerce's guidance. Based on the assessment, the Applicant did not identify a feasible and prudent alternative for the proposed project.

While the Applicant's decision was partly economic, economic concerns were not the only data point in selecting the site. Sites further away from a substation undoubtedly cost more. However, a longer transmission line would affect additional landowners, create additional visual impacts, and likely impact more natural and cultural resources. Appendix B stated there are no large tracts of non-prime farmland in Olmsted County. As a result, it's reasonable to conclude that any location within Olmsted County would also have needed an exception from the Prime Farmland Rule.

Commission staff does not agree with the ALJ concerning the Prime Farmland Rule. Based on the evidence, the Applicant did not make the site decision based on economic considerations alone. If the Commission determines that Lemon Hill Solar, LLC, did not provide sufficient evidence to determine there is no feasible and prudent alternative to the project, it may want to consider what additional analysis is required.

Granting the Site Permit

The ALJ recommended the Commission deny the application for the proposed project. Commission staff disagree with the ALJ's Recommendation. Commission staff believe the Applicant has met all legal requirements under the statute when the entire record is considered.

Permit Conditions

Commission staff recommend the Commission work off the ALJ's recommended permit, should the Commission decide to issue one (**Attachment B**). In total, the ALJ recommendation included 24 special permit conditions. PUC EIP staff first proposed these recommendations to help mitigate concerns raised by the public, and state agencies.

The following is a list of the permit conditions included in the ALJ Report:

²⁷ Report, p. 106

²⁸ Lemon Hill Solar, [Application - Appendix B Prime Farmland Impact Assessment Memo](#), 6/30/2026.

5.1	Visual Screening Plan	5.12	Dewatering Plan
5.2	Noise Notification for Adjacent Residences	5.13	Panel Cleaning Plan
5.3	Operational Noise Modeling and Impact Assessment	5.14	Decorah Edge Protection Plan
5.4	Electrical Wiring Well Buffers	5.15	Baseline Well Water Quality
5.5	Well Protection Plan	5.16	Bluff Setbacks
5.6	Road Use Agreement	5.17	Fuel Storage and Spill Prevention
5.7	Pipeline Siting and Protection Plan	5.18	Wildlife-Friendly Lighting
5.8	Emergency Response Training	5.19	Chloride-Free Dust Control
5.9	Unanticipated Discoveries Plan	5.20	Wildlife-Friendly Erosion Control
5.10	Spill Notification	5.21	Wildlife-Permeable Fencing
5.11	Karst Geology	5.22	Facility Habitat Features
		5.23	Fencing ROW Setbacks
		5.24	Tree Clearing Restrictions

The Applicant and PUC EIP agreed to modify conditions 5.10, 5.13, and 5.20 after the release of the ALJ Report. The conditions that remain between the applicant and PUC EIP staff include 5.1, 5.11, and 5.22. **Attachment A** includes the agreed-upon modifications and disputed conditions that could be incorporated into the ALJ's recommended permit.

Disputed Conditions

Staff has included a summary of arguments for the disputed conditions (Attachment A), along with staff recommendations for the Commission's consideration.

- 5.1 Visual Screening Plan

The Applicant generally agreed with the language in the ALJ report and PUC EIP recommendation regarding visual screening. However, the Applicant disagreed with extending visual screening requirements to roadsides. The Applicant argued that the Commission considered and rejected a similar request in the Gopher State docket. Additionally, the Applicant argued that the expense and burden do not provide a clear benefit. PUC EIP included this in the special permit conditions at the request of a member of the public, who stated that a comprehensive vegetative screening requirement would help mitigate visual impacts and preserve the area's rural character.

Commission staff is not recommending visual screening along roadsides based on the Commission's most recent decision on Gopher State. However, given the heightened interest in this docket and nearby landowners' concerns, it may be appropriate to keep this condition in the permit, as PUC EIP recommended and the ALJ affirmed in the recommended permit conditions. If the Commission supports this special condition, no changes need to be made as it is included in the ALJ-recommended permit.

- 5.11 Karst Geology

The Applicant proposed modifications to the ALJ's approved special permit condition for karst geology. The Applicant wrote that its expert witness stated the project does not present a materially different risk than agriculture. Additionally, it performed its own karst assessment

and developed a karst management plan.

Commission staff support the karst geology language as recommended by PUC EIP and included in the ALJ's proposed site permit, should one be issued. PUC EIP noted this language is consistent with language adopted in a prior site permit (Castle Rock 24-267). The DNR and the Minnesota Department of Health support the condition. Additionally, protecting the karst was a primary public concern.

- 5.22 Facility Habitat Features

The Applicant proposed removing this PUC EIP proposed permit condition, which the ALJ supported if a permit is granted. The condition addresses habitat features within the project. The Applicant argued that no state-listed bat species were documented in the project vicinity, and no additional rare or unique species were observed.

Commission staff supports the inclusion of this language in the permit as recommended by the ALJ. The DNR supported the condition, noting that these features can support osprey and some bat populations.

Applicant's Motion for Data Practices Determination

The Commission must also decide on the Applicant's September 15, 2026, motion for a determination that Public Hearing Exhibit A, a lease agreement between Lemon Hill and a landowner, is properly characterized as nonpublic trade secret data under Minnesota Statutes chapter 13 and Minnesota Rule 7829.0500.²⁹ The Applicant requested that the Commission reject the ALJ's findings 220–221 purporting to reclassify the document as public. The Applicant also requested an immediate stay of findings 220–221 to prevent disclosure until the Commission decides whether the document is properly classified as nonpublic. On September 25, 2026, the Commission's Data Practices Responsible Authority filed a response stating that the Commission would continue to protect the lease agreement as trade secret under Minnesota Rule 7829.0500 and Commission policy pending a Commission determination regarding whether the classification is correct.

This decision requires legal analysis under the Minnesota Government Data Practices Act and will not be analyzed in staff briefing papers.

DECISION OPTIONS

Applicant's Motion for Data Practices Determination

1. Determine that Public Hearing Exhibit A is properly designated as trade secret nonpublic data pursuant to Minn. Stat. § 13.37, subds. 1(b) and 2(a). (Applicant)

²⁹ Lemon Hill Solar, [Notice of Motion and Motion to Stay Portions of ALJ Report](#), 9/15/2026; Lemon Hill Solar, [Memorandum of Law in Support of Motion to Stay Portions of ALJ Report](#), 9/15/2026.

Or

2. Determine that Public Hearing Exhibit A was improperly designated as nonpublic, and authorize the Executive Secretary to reclassify the document as public in the eFiling system ten business days after written notice is provided to the Applicant. (Staff interpretation of ALJ)

Or

3. Determine that portions of Public Hearing Exhibit A were improperly designated as nonpublic, and require the Applicant to file a public version with only the nonpublic data redacted pursuant to Minn. R. 7829.0500 within ten business days.

ALJ Report

4. Adopt the ALJ Report to the extent it is consistent with the Commission's decision.

Or

5. Adopt the ALJ Report with the modifications recommended in the Applicant's exceptions.

Or

6. Adopt the ALJ Report with the modifications recommended in EIP's exceptions.

Or

7. Reject the ALJ Report and adopt PUC Staff's Recommended Findings of Fact and Conclusions of Law.

Environmental Assessment

8. Find that the Environmental Assessment and the record created at the public hearing address the issues in the scoping decision. (PUC EIP, Applicant, Commission Staff)

Or

9. Find that the Environmental Assessment and the record do not sufficiently address the issues identified below and request that PUC EIP file a revision or supplement addressing the deficiencies.

ALJ Recommendations for Additional Study

- A. Cumulative impacts
- B. Cumulative potential effects

- C. Human Settlement
 - I. Aesthetics
 - II. Cultural values/character
 - III. Property values
- D. Land use conflicts
- E. Loss of agricultural resources
- F. Groundwater risks associated with Karst terrain
- G. Location of the site

Public Recommendations for Additional Study

- H. Study on negative economic Impacts of the project
- I. Study of threatened and endangered species
- J. Study impacts on Rusty Patched Bumble Bee
- K. Impacts on insects important to agriculture
- L. Analysis of Groundwater impacts on private wells
- M. Karst in the area
- N. Ability to determine whether the project can be put to agricultural use after decommissioning
- O. Additional study of noise impacts on farm animals
- P. Independent Hydrogeological Study
- Q. Noise impacts on horses and equestrian safety
- R. Noise impacts on dairy cows and milk production
- S. OSHA noise and electrical hazards
- T. Proximity-based livestock risks
- U. Cumulative construction impacts

Or

- 10. Find that the Environmental Assessment is inadequate and require an EIS to be completed. (Public Comments)

Site Permit

- 11. Adopt the Site Permit with the conditions recommended by the ALJ.
- 12. Adopt the Site Permit with the conditions recommended by the ALJ, as modified below

*Language agreed to by PUC EIP and Applicant (**Attachment A**)*

- A. Adopt the condition language agreed to by PUC EIP and Applicant regarding Spill Notification
- B. Adopt the condition language agreed to by PUC EIP and Applicant regarding Panel Cleaning
- C. Adopt the condition language agreed to by PUC EIP and Applicant regarding Wildlife Erosion Control

Disputed Language (Attachment A)

- D. Modify the Visual Screening Plan condition as proposed in the Applicant's exceptions (Applicant)
- E. Modify the Karst Geology condition as proposed in the Applicant's exceptions (Applicant)
- F. Omit the Facility Habitat Features condition from the permit (Applicant)

Conditions Proposed by Public

- G. Increase the permitted setbacks as follows:
 - I. 1,000-foot setback from home³⁰
 - a. Vegetative screening along driveway
 - b. Financial Compensation for loss of business
 - II. 1,500-foot setback from occupied dwellings
 - III. Require setbacks from property lines and not dwellings
 - IV. ¼ mile buffer around project
- H. Add a condition requiring financial compensation for loss in property value
- I. Add a condition requiring financial compensation for impacts on businesses
- J. Add a condition requiring Applicant to test for stray voltage
- K. Add a condition requiring financial compensation if private wells are contaminated
- L. Add a condition prohibiting the permittee from selling for 30 years.
- M. Adopt the conditions outlined in Tracy Huffman-Krizo's comment on 8/5/2026.³¹

Administrative

- 13. Delegate authority to the Executive Secretary to modify the Findings of Fact and the site permits to correct typographical and formatting errors and ensure agreement with the Commission's final order in the matter, as necessary.

Staff Recommendation: 1, 7, 8, 12A-C, 12D, 13

³⁰ Public Comment, [Eliese Klennert](#), 7/8/2026.

³¹ Public Comment, [Tracy Huffman-Krizo](#), August 5, 2026.

Modifications to ALJ recommended Permit

ALJ Approved	Applicant and PUC Agreement
<p>5.10 Spill Notification</p> <p>The Permittee shall notify nearby domestic well users in the event of a spill or leak of fuel, oil, or other similar potential contaminants. The Permittee shall include notifying nearby domestic well users in the Spill Prevention, Control, and Countermeasure Plan.</p>	<p>5.10 Spill Notification</p> <p>The Permittee shall notify nearby domestic well users in the event of a spill or leak of fuel, oil, or other similar potential contaminants that requires notification to the Minnesota Pollution Control Agency under Minn. Stat. Sec. 115.061. The Permittee shall include notifying nearby domestic well users in the Spill Prevention, Control, and Countermeasure Plan.</p>
<p>5.13 Panel Cleaning Plan</p> <p>The Permittee shall only use organic chemicals to clean the solar panels. To the extent Permittee plans to use chemicals to clean the solar panels, the Permittee shall file with the Commission and provide the county and townships where the Project will be constructed, a plan for the use, storage, and disposal of any organic cleaning chemicals used in the cleaning of panels. The plan shall be filed with the Commission and provided to the county and townships where the Project will be constructed at least 14 days prior to utilizing organic cleaning chemicals at the site.</p>	<p>5.13 Panel Cleaning</p> <p>The Permittee shall only use organic chemicals to clean the solar panels. To the extent organic chemicals are needed and/or used to clean the solar panels, the Permittee shall file with the Commission and provide the county and townships where the project will be constructed, a plan for the use, storage, and disposal of any organic cleaning chemicals used in the cleaning of the panels. The plan shall be filed with the Commission and provided to the county and townships where the project will be constructed at least 14 days prior to utilizing organic cleaning chemicals at the site the pre-construction meeting.</p>
<p>5.20 Wildlife-Friendly Erosion Control</p> <p>The Permittee shall use erosion control materials that do not contain plastic or synthetic fibers or malachite green dye.</p>	<p>5.20 Wildlife-Friendly Erosion Control</p> <p>The Permittee shall do use erosion control materials that do not contain plastic or synthetic fibers or malachite green dye</p>

	<p><u>unless the Permittee complies with this section and receives approval from EIP staff.</u></p> <p><u>If the Permittee plans to use erosion control materials and products containing synthetic plastics or malachite green dye, the Permittee must (i) coordinate with EIP and DNR staff; (ii) identify all products containing synthetic plastics or malachite green dye; (iii) describe the planned use of these products on site; and (iv) identify additional wildlife impact mitigation measures, as appropriate based on the planned use of the products.</u></p>
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Disputed Conditions in the ALJ Report

ALJ/PUC EIP Recommendation	Applicant Exception
<p>5.1 Visual Screening Plan</p> <p>The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences and roadsides. The Visual Screening Plan shall at a minimum include:</p> <p>(a) objectives for screening of nearby residences and roadsides; and</p> <p>(b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance.</p> <p>The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site</p>	<p>5.1 Visual Screening Plan</p> <p>The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences and roadsides. The Visual Screening Plan shall at a minimum include:</p> <p>(a) objectives for screening of nearby residences and roadsides; and</p> <p>(b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance.</p> <p>The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site</p>

<p>control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years.</p> <p>At least 14 days prior to the preconstruction meeting, the Permittee shall file with the Commission and provide the townships where the Project will be constructed:</p> <ul style="list-style-type: none"> (a) the Visual Screening Plan; (b) documentation of coordination with adjacent landowners; and (c) an affidavit of its distribution of the Visual Screening Plan to adjacent landowners. 	<p>control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years.</p> <p>At least 14 days prior to the preconstruction meeting, the Permittee shall file with the Commission and provide the townships where the Project will be constructed:</p> <ul style="list-style-type: none"> (a) the Visual Screening Plan; (b) documentation of coordination with adjacent landowners; and (c) an affidavit of its distribution of the Visual Screening Plan to adjacent landowners.
<p>5.11 Karst Geology</p> <p>The Permittee shall file a geotechnical investigation report prepared for the Project by a third-party geotechnical engineer or authorized representative. The report shall include methodology, results, and conclusions drawn from the geotechnical investigation with recommendations on project design and construction. The Permittee shall file the geotechnical report with the Commission at least 14 days prior to the pre-construction meeting.</p> <p>The Permittee shall conduct a survey for surface karst features within areas mapped by the DNR as Minnesota Regions Prone to Surface Karst Feature Development. The Permittee shall file the survey results with the Commission and report any new features to</p>	<p>5.11 Karst Geology</p> <p>The Permittee shall file a geotechnical investigation report prepared for the Project by a third-party geotechnical engineer or authorized representative. The report shall include methodology, results, and conclusions drawn from the geotechnical investigation with recommendations on project design and construction. The Permittee shall file the geotechnical report with the Commission at least 14 days prior to the pre-construction meeting.</p> <p>If any updates are made to the existing The Permittee shall conduct a survey for surface karst features within areas mapped by the DNR as Minnesota Regions Prone to Surface Karst Feature Development. The Permittee shall file the updated survey results with the Commission. and The</p>

<p>Permittee shall report any new features to MNkarstfeaturesinventory.dnr@state.mn.us at least 14 days prior to the pre-construction meeting.</p> <p>The Permittee shall not locate project infrastructure within 150 feet of documented active karst features, such as sinkholes. The Permittee shall implement Minnesota Pollution Control Agency's current guidance for Best Management Practices (BMPs). The Permittee shall direct stormwater away from karst features and maintain a 150-foot buffer.</p> <p>The Permittee shall not store fuel, chemicals, or other hazardous materials, conduct fueling, or store or maintain vehicles or construction equipment within 150 feet of documented active karst features. The Permittee shall avoid all construction activity within 150 feet of documented active karst features.</p> <p>The distance and activity restrictions from documented active karst features shall apply within the project boundary and within any temporary workspaces as defined in Section 4.3.6.</p> <p>Construction activities shall not impact surface karst features unless addressed in a karst protection and management plan. If active surface karst features have the potential to be impacted by construction activities, the Permittee shall, in consultation with the Commission, prepare and file a karst protection and management plan at least 30 days prior to the pre-construction meeting.</p>	<p>Mnkarstfeaturesinventory.dnr@state.mn.us at least 14 days prior to the preconstruction meeting.</p> <p>The Permittee shall not locate project infrastructure within 150 feet of documented active karst features. The Permittee shall implement Minnesota Pollution Control Agency's current guidance for Best Management Practices (BMPs). The Permittee shall direct stormwater away from karst features and maintain a 150-foot buffer.</p> <p>The Permittee shall not store fuel, chemicals, or other hazardous materials, conduct fueling, or store or maintain vehicles or construction equipment within 150 feet of documented active karst features. The Permittee shall avoid all construction activity within 150 feet of documented active karst features.</p> <p>The distance and activity restrictions from documented active karst features shall apply within the project boundary and within any temporary workspaces as defined in Section 4.3.6.</p> <p>Construction activities shall not impact surface karst features unless addressed in a karst protection and management plan. If active surface karst features have the potential to be impacted by construction activities, the Permittee shall, in consultation with the Commission, prepare and file a karst protection and management plan at least 30 days prior to the preconstruction meeting.</p>
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<p>The Permittee shall clearly note all karst features and associated buffers on the project Site Plan.</p> <p>As part of Project operations, the Permittee shall conduct site walks to look for new karst features after large rainfall/snowmelt events and/or when conducting vegetation management activities.</p>	<p>The Permittee shall clearly note all karst features and associated buffers on the project Site Plan.</p> <p>As part of Project operations, the Permittee shall conduct site walks to look for new karst features after large rainfall/snowmelt events and/or when conducting vegetation management activities.</p>
<p>5.22 Facility Habitat Features</p> <p>The Permittee shall install appropriate habitat features that adhere to the Minnesota DNR's existing guidance for bat boxes (Guide to artificial bat roosts for bats) and osprey nests (Osprey nest platform) within the Project. The Permittee shall file a Habitat Plan with the Commission describing the features planned for the Project and how they will be maintained over the life of the project at least 14 days prior to the pre-construction meeting.</p>	<p>5.22 Facility Habitat Features</p> <p>The Permittee shall install appropriate habitat features that adhere to the Minnesota DNR's existing guidance for bat boxes (Guide to artificial bat roosts for bats) and osprey nests (Osprey nest platform) within the Project. The Permittee shall file a Habitat Plan with the Commission describing the features planned for the Project and how they will be maintained over the life of the project at least 14 days prior to the pre-construction meeting.</p>

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**SITE PERMIT FOR
LEMON HILL SOLAR PROJECT**

A SOLAR ENERGY GENERATING SYSTEM

**IN
OLMSTED COUNTY
ISSUED TO
LEMON HILL SOLAR, LLC
PUC DOCKET NO. IP-7156/GS-25-126**

In accordance with the requirements of Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850 this site permit is hereby issued to:

Lemon Hill Solar, LLC

Lemon Hill Solar, LLC is authorized by this site permit to construct and operate the Lemon Hill Solar Project, an up to 180-megawatt solar energy generating system located in Olmsted County, Minnesota.

The solar energy generating system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

This site permit shall expire 30 years from the date of this approval.

Approved and adopted this ____ day of [Month, Year]

BY ORDER OF THE COMMISSION

Sasha Bergman,
Executive Secretary

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ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedures for Permitted Energy Facilities

Attachment 3 – Site Permit Maps

1 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Lemon Hill Solar, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This site permit authorizes the Permittee to construct and operate an up to 180-megawatt solar energy generating system located in Olmsted County, Minnesota (Lemon Hill Solar Project), henceforth known as Project). The solar energy generating system shall be constructed and operated within the site identified in this site permit and in compliance with the conditions specified in this site permit.

1.1 Pre-emption

Pursuant to Minn. Stat. § 216E.10, this site permit shall be the sole site approval required for the location, construction, and operation of the solar energy generating system and this site permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose governments.

2 PROJECT DESCRIPTION

The Lemon Hill Solar Project is an up to 180-megawatt solar energy generating facility to be located on approximately 1,956 acres in Viola and Haverhill Townships in Olmsted County, Minnesota. The solar energy generating facility will utilize up to 1,067 acres of the project land area. The solar facility will consist of photovoltaic (PV) panels, trackers, inverters, transformers, access roads, security fencing, electric collection lines and communication lines, a project substation and associated interconnection facilities, conduit, metering, and switchgear, an operations and maintenance building, weather stations, a stormwater management system, and laydown yards. The solar facilities will be connected to the project substation via 34.5 kilovolt (KV) electric collection lines. A short, aboveground 161 kV transmission line (up to 530 ft in length) will run from the project substation to a new switchyard that will be developed and operated by Dairyland Power Cooperative. The new Dairyland Power Cooperative switchyard will connect the project to Dairyland's existing LQ34 161 kV transmission line that crosses the southeastern project area.

The Project is located in the following:

County	Township Name	Township	Range	Section
Olmsted	Haverhill	107N	13W	11-14, 23, 24
Olmsted	Viola	107N	12W	7, 17-20, 29

2.1 Project Ownership

At least 14 days prior to the pre-construction meeting, the Permittee shall file a description of its ownership structure, identifying, as applicable:

- (a) the owner(s) of the financial and governance interests of the Permittee;
- (b) the owner(s) of the majority financial and governance interests of the Permittee's owners; and
- (c) the Permittee's ultimate parent entity (meaning the entity which is not controlled by any other entity).

The Permittee shall notify the Commission of:

- (a) a change in the owner(s) of the majority* financial or governance interests in the Permittee; or
- (b) a change in the owner(s) of the majority* financial or governance interests of the Permittee's owners; or
- (c) a sale which changes the ultimate parent entity of the Permittee

* When there are only co-equal 50/50 percent interests, any change shall be considered a change in majority interest.

Also, in the event of an ownership change, the new Permittee must provide the Commission with a certification that it has read, understands and is able to comply with the conditions of this permit.

3 DESIGNATED SITE

The site designated by the Commission for the Project is depicted on the site maps attached to this site permit (Designated Site). The site maps show the approximate location of photovoltaic tracker rows and associated facilities within the Designated Site and identify a layout that seeks to minimize the overall potential human and environmental impacts of the Project, as they were evaluated in the permitting process.

The Designated Site serves to provide the Permittee with the flexibility to make minor adjustments to the layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to the location of a photovoltaic tracker row or associated facility shall be done in such a manner as to have human and environmental impacts that are comparable to those associated with the layouts on the maps

attached to this site permit. The Permittee shall identify any modifications in the Site Plan pursuant to Section 8.3.

4 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the solar energy generating system over the life of this site permit.

4.1 Site Permit Distribution

Within 30 days of issuance of this site permit, the Permittee shall provide all affected landowners with a copy of this site permit and the complaint procedures. An affected landowner is any landowner or designee that is within or adjacent to the permitted site. In no case shall a landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. The Permittee shall also provide a copy of this site permit and the complaint procedures to the applicable regional development commissions, county environmental offices, and city and township clerks. The Permittee shall file with the Commission an affidavit of its site permit and complaint procedures distribution within 30 days of issuance of this site permit.

4.2 Access to Property

The Permittee shall notify landowners prior to entering or conducting maintenance within their property, unless otherwise negotiated with the landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the permitting record for this Project unless this site permit establishes a different requirement in which case this site permit shall prevail.

4.3.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this site permit during construction of the Project. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative at least 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners, local government units and other interested persons at least 14 days prior to the pre-construction meeting. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

4.3.2 Site Manager

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this site permit during the commercial operation and decommissioning phases of the Project. This person shall be accessible by telephone or other means during normal business hours for the life of this site permit.

The Permittee shall file the name, address, email, phone number, and emergency phone number of the site manager with the Commission within 14 days prior to the pre-operation meeting. The Permittee shall provide the site manager's contact information to landowners within or adjacent to the Project Boundary, local government units and other interested persons at least 14 days prior to the pre-operation meeting. The Permittee may change the site manager at any time upon notice to the Commission, landowners within or adjacent to the Project Boundary, local government units, and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its site manager's contact information at least 14 days prior to the pre-operation meeting and upon changes to the site manager.

4.3.3 Employee Training - Site Permit Terms and Conditions

The Permittee shall train and educate all employees, contractors, and other persons involved in the construction and ongoing operation of the solar energy generating system of the terms and conditions of this site permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.4 Independent Third-Party Monitoring

Prior to any construction, the Permittee shall propose a scope of work and identify an independent third-party monitor to conduct Project construction monitoring on behalf of the Commission. The scope of work shall be developed in consultation with and approved by Commission staff. This third-party monitor will report directly to and will be under the control of the Commission with costs borne by the Permittee.

The Permittee shall file with the Commission the approved scope of work and the name, address, email, and telephone number of the third party-monitor at least 30 days prior to beginning construction and upon any change in contact information that may occur during construction of the Project.

Commission staff shall keep records of compliance with this section and will ensure that status reports detailing the construction monitoring are filed with the Commission in accordance with the approved scope of work.

4.3.5 Public Services, Public Utilities, and Existing Easements

During Project construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these shall be temporary, and the Permittee shall restore service promptly. Where any impacts to utilities have the potential to occur the Permittee shall work with both landowners and local entities to determine the most appropriate mitigation measures if not already considered as part of this site permit.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.6 Temporary Workspace

The Permittee shall select temporary workspace and equipment staging areas that limit the removal and impacts to vegetation. The Permittee shall not site temporary workspace in wetlands or native prairie as defined in sections 4.3.13 and 4.3.14. The Permittee shall site temporary workspace to comply with standards for development of the shorelands of public waters as defined in Section 4.3.13. The Permittee shall obtain temporary easements outside of the authorized Project Boundary from affected landowners through rental agreements. Temporary easements are not provided for in this site permit.

4.3.7 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080, at all times and at all appropriate locations during operation of the Project. The Permittee shall limit construction and maintenance activities to daytime working hours to the extent practicable.

4.3.8 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners and the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall use care to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Project during construction and operation.

4.3.9 Topsoil Protection

The Permittee shall implement measures to protect and segregate topsoil from subsoil on all lands utilized for Project construction unless otherwise negotiated with affected landowner.

4.3.10 Soil Compaction

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the Project's life and shall confine compaction to as small an area as feasible. The Permittee shall use soil decompaction measures on all lands utilized for Project construction and travelled on by heavy equipment (*e.g.*, cranes and heavy trucks), even when soil compaction minimization measures are used.

4.3.11 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program. If construction of the Project disturbs more than one acre of land or is sited in an area designated by the MPCA as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit from the MPCA that provides for the development of a Stormwater Pollution Prevention Plan that describes methods to control erosion and runoff.

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the Project shall be returned to pre-construction conditions.

4.3.12 Public Lands

In no case shall photovoltaic tracker rows and associated facilities including foundations, access roads, underground cable, and transformers, be located in the public lands identified in Minn. R. 7850.4400, subp. 1, or in federal waterfowl production areas. Photovoltaic tracker rows and associated facilities shall not be located in the public lands identified in Minn. R. 7850.4400, subp. 3, unless there is no feasible and prudent alternative.

4.3.13 Wetlands and Water Resources

The Permittee shall not place the solar energy generating system or associated facilities in public waters and public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources (DNR) and the United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetlands Conservation Act. The Permittee shall locate the solar energy generating system and associated facilities in compliance with the standards for development of the shorelands of public waters as identified in Minn. R. 6120.3300, and as adopted, Minn. R. 6120.2800, unless there is no feasible and prudent alternative.

The Permittee shall construct in wetland areas during frozen ground conditions, to the extent feasible, to minimize impacts. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. The Permittee shall contain and manage soil excavated from the wetlands and riparian areas in accordance with all applicable wetland permits. The Permittee shall access wetlands and riparian areas using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. The Permittee shall meet the USACE, DNR, Minnesota Board of Water and Soil Resources, and local government wetland and water resource requirements.

4.3.14 Native Prairie

The Permittee shall not place the solar energy generating system or associated facilities in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and not located in areas enrolled in the Native Prairie Bank Program. The Permittee shall not impact native prairie during construction activities, as defined in Minn. Stat. § 216E.01, unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the Project Boundary. The Permittee shall file the prairie protection and management plan with the Commission at least 30 days prior to submitting the Site Plan required by Section 8.3 of this site permit. The prairie protection and management plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission.

4.3.15 Vegetation Removal

The Permittee shall disturb or clear vegetation within the Designated Site only to the extent necessary to assure the safe construction, operation, and maintenance of the Project. The Permittee shall minimize the number of trees removed within the Designated Site specifically preserving to the maximum extent practicable windbreaks, shelterbelts, and living snow fences.

4.3.16 Beneficial Habitat

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 soil water retention and reduces storm water runoff and erosion. To ensure continued management and recognition of beneficial habitat, the Permittee is encouraged to 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 Board of Water and Soil Resources (BWSR). If the Permittee chooses to participate in Minnesota's Habitat-Friendly Solar Program, it shall file documents required to be filed with BWSR for meeting and maintaining Habitat Friendly Solar Certification with the Commission.

4.3.17 Vegetation Management Plan

The Permittee shall develop a vegetation management plan (VMP), in coordination with the Vegetation Management Working Group (VMWG), using best management practices established by the DNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the coordinating agencies with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall provide the county and townships where the project will be constructed with the VMP at least 14 days prior to the pre-construction meeting.

Landowner-specific vegetation requests resulting from individual consultation between the Company and a landowner need not be included in the VMP. The Permittee shall provide all landowners within the Designated Site copies of the VMP. The Permittee shall file with the Commission an affidavit of its distribution of the VMP to landowners at least 14 days prior to the pre-construction meeting.

The VMP must include the following:

- (a) management objectives addressing short term (year 0-5, seeding and establishment) and long term (year 5 through the life of the Project) goals;
- (b) a description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (*e.g.*, broadcast, drilling, etc.), and the types of seed mixes to be used;
- (c) a description of how the site will be monitored and evaluated to meet management goals;
- (d) a description of the management tools used to maintain vegetation (*e.g.*, mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities;
- (e) identification of the third-party (*e.g.*, consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site;
- (f) identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized; and
- (g) a marked-up copy of the Site Plan showing how the site will be revegetated and that identifies the corresponding seed mixes.

Best management practices should be followed concerning seed mixes, seeding rates, and cover crops.

4.3.18 Agricultural Impact Mitigation Plan

The Permittee shall develop an agricultural impact mitigation plan (AIMP) in coordination with the Minnesota Department of Agriculture (MDA). The Permittee shall provide landowners within the Designated Site a copy of the AIMP. The Permittee shall provide the townships where the Project will be constructed a copy of the AIMP. The Permittee shall file with the Commission the AIMP and an affidavit of the AIMP distribution to landowners and townships at least 14 days prior to the pre-construction meeting.

4.3.19 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the MDA, DNR, and the U.S. Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner requests that there be no application of pesticides within the landowner's property. The Permittee shall provide notice of pesticide application to landowners and beekeepers operating known apiaries within three miles of the pesticide application area at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the request of Commission staff.

4.3.20 Invasive Species

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by Project construction activities. The Permittee shall develop an Invasive Species Prevention Plan and file it with the Commission at least 14 days prior to the pre-construction meeting. The Permittee shall comply with the most recently filed Invasive Species Prevention Plan.

4.3.21 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.22 Roads

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city, or township roads that will be used during the construction phase of the Project. Where practical, existing roadways shall be used for all activities associated with construction of the Project. Oversize or overweight loads associated with the Project shall not be hauled across public roads without required permits and approvals.

The Permittee shall locate all perimeter fencing and vegetative screening in a manner that does not interfere with routine road maintenance activities and allows for continued safe travel on public roads.

The Permittee shall construct the fewest number of site access roads required. Access roads shall not be constructed across streams and drainage ways without the required permits and approvals. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.23 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to archaeological and historic resources when constructing the Project. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office (SHPO) and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize Project impacts on the resource consistent with SHPO and State Archaeologist requirements.

Prior to construction, the Permittee shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.24 Interference

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the Project, the Permittee shall take whatever action is necessary to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the Project. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.25 Drainage Tiles

The Permittee shall avoid, promptly repair, or replace all drainage tiles broken or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner.

The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.26 Restoration

The Permittee shall restore the areas affected by construction of the Project to the condition that existed immediately before construction began to the greatest extent possible. The time period to complete restoration may be no longer than 12 months after the completion of construction, unless otherwise negotiated with the affected landowner. Restoration shall be compatible with the safe operation, maintenance, and inspection of the Project. Within 60 days after completion of all restoration activities, the Permittee shall file with the Commission a Notice of Restoration Completion.

4.3.27 Cleanup

The Permittee shall remove and properly dispose of all construction waste and scrap from the right-of-way and all premises on which construction activities were conducted upon completion of each task. The Permittee shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities daily.

4.3.28 Pollution and Hazardous Wastes

The Permittee shall take all appropriate precautions to protect against pollution of the environment. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all waste generated during construction and restoration of the Project.

4.3.29 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damage sustained during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.

4.3.30 Public Safety

The Permittee shall provide educational materials to landowners within and adjacent to the Designated Site and, upon request, to interested persons about the Project and any restrictions or dangers associated with the Project. The Permittee shall also implement any necessary safety measures such as placing warning signs and gates for traffic control or restricting public

access. The Permittee shall file with the Commission an affidavit of its public safety notifications at least 14 days before the pre-construction meeting.

The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of the construction of the Project.

4.3.31 Site Identification

The Permittee shall mark the solar energy generating system with a clearly visible identification number and or street address.

4.3.32 Security Fencing

The Permittee shall design the security fence surrounding the solar energy generating system to minimize the visual impact of the Project while maintaining compliance with the National Electric Safety Code. The Permittee shall develop a final fence plan for the specific site in coordination with Commission staff and the DNR. The final fence plan shall be submitted to the Commission as part of the Site Plan pursuant to Section 8.3.

4.4 Feeder Lines

The Permittee may use overhead or underground feeder lines to carry power from an internal Project interconnection point to the Project substation or interconnection point on the electrical grid. The Permittee shall place overhead and underground feeder lines that parallel public roads within the public right-of-way or on private land immediately adjacent to the road. The Permittee shall obtain approval from the landowner or government unit responsible for the affected right-of-way.

The Permittee shall locate feeder lines in such a manner as to minimize interference with agricultural operations including but not limited to existing drainage patterns, drain tile, future tiling plans, and ditches. The Permittee shall place safety shields on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the Site Plan pursuant to Section 8.3.

4.5 Other Requirements

4.5.1 Safety Codes and Design Requirements

The Permittee shall design the solar energy generating system and associated facilities to meet or exceed all relevant local and state codes, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. This includes standards relating to clearances to ground, clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements. The Permittee shall keep records of compliance with these standards and provide them upon the request of Commission staff.

4.5.2 Other Permits and Regulations

The Permittee shall comply with all applicable state statutes and rules. The Permittee shall obtain all required permits for the Project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission an Other Permits and Regulations Submittal that contains a detailed status of all permits, authorizations, and approvals that have been applied for specific to the Project. The Other Permits and Regulations Submittal shall also include the permitting agency name; the name of the permit, authorization, or approval being sought; contact person and contact information for the permitting agency or authority; brief description of why the permit, authorization, or approval is needed; application submittal date; and the date the permit, authorization, or approval was issued or is anticipated to be issued.

The Permittee shall demonstrate that it has obtained all necessary permits, authorizations, and approvals by filing an affidavit stating as such and an updated Other Permits and Regulations Submittal prior to commencing Project construction. The Permittee shall provide a copy of any such permits, authorizations, and approvals at the request of Commission staff.

5 SPECIAL CONDITIONS

The special conditions shall take precedence over other conditions of this permit should there be a conflict.

5.1 Visual Screening Plan

The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences and roadsides. The Visual Screening Plan shall at a minimum include:

- (a) objectives for screening of nearby residences and roadsides; and
- (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance.

The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission and provide the townships where the Project will be constructed:

- (a) the Visual Screening Plan;
- (b) documentation of coordination with adjacent landowners; and
- (c) an affidavit of its distribution of the Visual Screening Plan to adjacent landowners.

5.2 Noise Notification for Adjacent Residences

The Permittee shall provide notice to adjacent residences detailing when major noise-producing construction activities are planned to occur. The Permittee shall maintain a webpage identifying days, times, and areas where construction crew will be doing pile driving during construction. The Permittee shall provide all neighboring landowners and the townships a link to the website prior to construction and shall update the website frequently during construction to keep landowners informed where pile driving will be occurring.

5.3 Operational Noise Modeling and Impact Assessment

The Permittee shall file a noise impact assessment with the Commission at least 14 days prior to the pre-construction meeting. The noise impact assessment shall summarize the results from operational noise propagation modeling that incorporates noise inputs from the project substation and Dairyland switchyard associated with the project and the facility layout shown in the site plans required in Section 8.3 of this permit. The Permittee shall file an updated noise impact assessment including any revisions to selected equipment or facility layout prior to any modifications to the facility over its operating life.

5.4 Electrical Wiring Well Buffers

The Permittee shall install all above ground electrical wiring greater than 60 feet horizontal distance from a well and all underground electric wiring greater than 10 feet horizontal distance from a well.

5.5 Well Protection Plan

The Permittee shall develop and implement a Well Protection Plan for all wells within the site that will continue to be used during construction. The Permittee shall file the Well Protection Plan with the Commission at least 14 days prior to the pre-construction meeting.

5.6 Road Use Agreement

The Permittee shall coordinate with Olmsted County and Haverhill and Viola Townships to develop a road use agreement that addresses road use during construction. The agreement

shall consider relevant traffic considerations for the area, based on the timing and duration of construction.

5.7 Pipeline Siting and Protection Plan

The Permittee shall coordinate with Magellan Pipeline Company to determine the location of the pipeline within the land control area. The Permittee shall coordinate with Magellan Pipeline Company to develop a pipeline protection plan for the pipeline within the site that details how impacts to the pipeline will be avoided. The pipeline protection plan shall include, where applicable, crossing plans, minimum cover requirements for access roads, minimum separate requirements for collection line crossings, and the BMPs that will be implemented during construction. The Permittee shall file the pipeline protection plan at least 14 days prior to the pre-construction meeting.

5.8 Emergency Response Training

The Permittee shall coordinate emergency response training meetings with local emergency response providers.

5.9 Unanticipated Discoveries Plan

The Permittee shall create an Unanticipated Discoveries Plan (UDP) to identify guidelines to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during construction. The UDP shall describe how previously unrecorded, non-human burial, archeological sites found during construction shall be marked and all construction work must stop at the discovery location. The UDP shall include a provision that if any archaeological materials or features are encountered during construction shall be marked and all construction work must stop at the discovery location. The UDP shall include that if any archaeological materials or features are encountered during construction of the Project, all work must cease, and the Leech Lake Band of Ojibwe Tribal Historic Preservation Officer and the Heritage Sites Program Director must be contacted immediately to assess and execute mitigation procedures. Should human remains be encountered, all work must cease and the Olmsted County Sheriff, the Leech Lake Band of Ojibwe Tribal Historic Preservation Officer, and the Office of the State Archaeologist must be contacted immediately. The Permittee is required to file the UDP with the Commission at least 14 days prior to the preconstruction meeting.

5.10 Spill Notification

The Permittee shall notify nearby domestic well users in the event of a spill or leak of fuel, oil, or other similar potential contaminants. The Permittee shall include notifying nearby domestic well users in the Spill Prevention, Control, and Countermeasure Plan.

5.11 Karst Geology

The Permittee shall file a geotechnical investigation report prepared for the Project by a third-party geotechnical engineer or authorized representative. The report shall include

methodology, results, and conclusions drawn from the geotechnical investigation with recommendations on project design and construction. The Permittee shall file the geotechnical report with the Commission at least 14 days prior to the pre-construction meeting.

The Permittee shall conduct a survey for surface karst features within areas mapped by the DNR as Minnesota Regions Prone to Surface Karst Feature Development. The Permittee shall file the survey results with the Commission and report any new features to MNkarstfeaturesinventory.dnr@state.mn.us at least 14 days prior to the pre-construction meeting.

The Permittee shall not locate project infrastructure within 150 feet of documented active karst features. The Permittee shall implement Minnesota Pollution Control Agency's current guidance for Best Management Practices (BMPs). The Permittee shall direct stormwater away from karst features and maintain a 150-foot buffer.

The Permittee shall not store fuel, chemicals, or other hazardous materials, conduct fueling, or store or maintain vehicles or construction equipment within 150 feet of documented active karst features. The Permittee shall avoid all construction activity within 150 feet of documented active karst features.

The distance and activity restrictions from documented active Karst features shall apply within the project boundary and within any temporary workspaces as defined in Section 4.3.6.

Construction activities shall not impact surface karst features unless addressed in a karst protection and management plan. If active surface karst features have the potential to be impacted by construction activities, the Permittee shall, in consultation with the Commission, prepare and file a karst protection and management plan at least 30 days prior to the pre-construction meeting.

The Permittee shall clearly note all karst features and associated buffers on the project Site Plan.

As part of Project operations, the Permittee shall conduct site walks to look for new karst features after large rainfall/snowmelt events and/or when conducting vegetation management activities.

5.12 Dewatering Plan

If dewatering is required for project construction, the Permittee shall develop a Dewatering Plan and provide training to personnel directly involved with discharge activities. The Permittee shall file the Dewatering Plan with the Commission at least 14 days prior to the pre-construction meeting.

5.13 Panel Cleaning Plan

The Permittee shall only use organic chemicals to clean the solar panels. To the extent Permittee plans to use chemicals to clean the solar panels, the Permittee shall file with the Commission, and provide the county and townships where the Project will be constructed, a plan for the use, storage, and disposal of any organic cleaning chemicals used in the cleaning of panels. The plan shall be filed with the Commission and provided to the county and townships where the Project will be constructed at least 14 days prior to utilizing organic cleaning chemicals at the site.

5.14 Decorah Edge Protection Plan

The Permittee shall file with the Commission, and provide the county and townships where the project will be constructed, a Decorah Edge Protection Plan that details how project development will avoid impacts to the Decorah Edge Overlay Zone by:

- a) minimizing the loss of wetlands and Edge Support Areas;
- b) maintaining the potential for attenuation of groundwater pollutants including nitrate;
- c) maintaining or enhancing the quantity and quality of infiltrations into the St. Peter, Prairie du Chien, and Jordan aquifers; and
- d) protecting groundwater.

The Decorah Edge Protection Plan shall be filed with the Commission and provided to the county and townships where the project will be constructed at least 14 days prior to the pre-construction meeting.

5.15 Baseline Well Water Quality

The Permittee shall establish baseline water quality in shallow drinking water wells (wells less than 100 feet deep) within 500 feet of the project prior to construction.

5.16 Bluff Setbacks

The Permittee shall implement a 30-foot minimum setback for all construction activity, including vegetation removal, from the top of any bluff as defined by the Olmsted County Floodplain and Shoreland Ordinance that is within 300 feet of the ordinary high water level of a Public Water Inventory river or stream.

5.17 Fuel Storage and Spill Prevention

The Permittee shall refuel and service equipment at least 100 feet from waterbodies and unsealed wells, utilize secondary containment for fuel storage, maintain a spill kit on site, and inspect equipment for leaks daily. If it is not possible to conduct such activities greater than 100 feet from waterbodies and unsealed wells, these activities shall occur within a containment area that is capable of preventing the accidental release of a deleterious substance from entering a water body or contaminating soils or vegetation.

5.18 Wildlife-Friendly Lighting

The Permittee shall use down-lit, shielded lighting around and within the Project. The nominal color temperature of Project lighting should not exceed 4,000 kelvin.

5.19 Chloride-Free Dust Control

The Permittee shall use dust suppression agents that do not contain chloride.

5.20 Wildlife-Friendly Erosion Control

The Permittee shall use erosion control materials that do not contain plastic or synthetic fibers or malachite green dye.

5.21 Wildlife-Permeable Fencing

The Permittee shall coordinate with the Minnesota DNR on the design and use of small- to medium-sized animal permeable fencing around the Project.

5.22 Facility Habitat Features

The Permittee shall install appropriate habitat features that adhere to the Minnesota DNR's existing guidance for bat boxes (Guide to artificial bat roosts for bats) and osprey nests (Osprey nest platform) within the Project. The Permittee shall file a Habitat Plan with the Commission describing the features planned for the Project and how they will be maintained over the life of the project at least 14 days prior to the pre-construction meeting.

5.23 Fencing ROW Setbacks

The Permittee shall apply a minimum setback of 45 feet from the perimeter fence to all road ROWs to reduce the risk of vehicle collision with wildlife.

5.24 Tree Clearing Restrictions

The Permittee shall comply with USFWS and Minnesota DNR's tree clearing recommendations to minimize impacts to roosting bats and nesting birds, including the DNR's recommendation to avoid tree clearing from June 1 to August 15.

6 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the site within four years after the date of issuance of this site permit the Permittee shall file a Failure to Construct Report and the Commission shall consider suspension of this site permit in accordance with Minn. R. 7850.4700.

7 COMPLAINT PROCEDURES

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission the complaint procedures that will be used to receive and respond to complaints. The complaint procedures shall be in accordance with the requirements of Minn. R. 7829.1500

or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this site permit.

Upon request, the Permittee shall assist Commission staff with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

8 COMPLIANCE REQUIREMENTS

Failure to timely and properly make compliance filings required by this site permit is a failure to comply with the conditions of this site permit. Compliance filings must be electronically filed with the Commission.

8.1 Pre-Construction Meeting

Prior to the start of construction, the Permittee shall participate in a pre-construction meeting with Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the anticipated construction start date.

8.2 Pre-Operation Meeting

At least 14 days prior to commercial operation of the Project, the Permittee shall participate in a pre-operation meeting with Commission staff to coordinate field monitoring of operation activities for the Project. Within 14 days following the pre-operation meeting, the Permittee shall file a summary of the topics reviewed and discussed and a list of attendees with the Commission.

8.3 Site Plan

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission and provide the counties and townships where the Project will be constructed a Site Plan that includes specifications and drawings for site preparation and grading; specifications and locations of the solar energy generating system and associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the Designated Site, solar energy generating system, and associated facilities layout in relation to that approved by this site permit.

The Permittee may not commence construction until the earlier of (i) 30 days after the pre-construction meeting or (ii) or until the Commission staff has notified the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this site permit.

If the Commission notifies the Permittee in writing within 30 days after the pre-construction meeting that it has completed its review of the documents and planned construction, and finds that the planned construction is not consistent with this site permit, the Permittee may submit additional and/or revised documentation and may not commence construction until the Commission has notified the Permittee in writing that it has determined that the planned construction is consistent with this site permit.

If the Permittee intends to make any significant changes in its Site Plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission and county staff at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this site permit.

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 the issuance of this site permit until the pre-construction meeting. The status updates shall include information on the Project's Midcontinent Independent System Operator (MISO) interconnection process, if applicable.

8.5 Labor Statistic Reporting

The Permittee shall file quarterly Labor Statistic Reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The Labor Statistic Reports shall:

- (a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers; and
- (b) provide an account of:

- i. the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7;
- ii. the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and
- iii. the total gross hours worked or total full-time equivalent workers.

Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

8.6 Prevailing Wage

The Permittee, its contractors, and subcontractors shall pay no less than the prevailing wage rate as defined in Minn. Stat. § 177.42 and shall be subject to the requirements and enforcement provisions under Minn. Stat. §§ 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45. The Permittee shall keep records of contractor and subcontractor pay and provide them at the request of Commission staff.

8.7 In-Service Date

At least three days before the Project is to be placed into service, the Permittee shall notify the Commission of the date on which the Project will be placed into service and the date on which construction was completed.

8.8 As-Built

Within 90 days after completion of construction, the Permittee shall submit to the Commission copies of all final as-built plans and specifications developed during the Project construction.

8.9 GPS Data

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (*e.g.*, ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the Project.

8.10 Right of Entry

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with

the Permittee's site safety standards:

- (a) To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- (b) To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- (c) To sample and monitor upon the facilities easement of the property.
- (d) To examine and copy any documents pertaining to compliance with the conditions of this site permit.

8.11 Project Energy Production

The Permittee shall, by February 1st following each complete or partial year of Project operation, file a report with the Commission on the monthly energy production of the facility including:

- (a) the installed nameplate capacity of the permitted facility;
- (b) the total daily energy generated by the facility in MW hours;
- (c) the total monthly energy generated by the facility in MW hours;
- (d) the monthly capacity factor of the facility;
- (e) yearly energy production and capacity factor for the facility;
- (f) the average monthly and average annual solar strength gradient measured in kWh/m²/Day observed at the facility;
- (g) the operational status of the facility and any major outages, major repairs, or performance improvements occurring in the previous year; and
- (h) any other information reasonably requested by the Commission.

The Permittee shall file this information in a format recommended by Commission staff. This information shall be considered public and must be filed electronically.

8.12 Emergency Response

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. The ERP shall include specific training and response plans for impacts related to pipeline strike and damage events. The Permittee shall file the ERP, along with any comments from emergency responders to the Commission at least 14 days prior to the pre-construction meeting and a revised ERP, if any, at least 14 days prior to the pre-operation meeting. At least 14 days prior to the pre-operation meeting the Permittee shall file with the Commission an affidavit of the distribution of the ERP to emergency responders and Public Safety Answering Points (PSAP) with jurisdiction

over the Project. The Permittee shall obtain and register the Project address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the Project.

8.13 Extraordinary Events

Within 24 hours of discovery of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to fires, solar panel collapse, acts of sabotage, collector or feeder line failure, and injured worker or private person. The Permittee shall, within 30 days of the occurrence, file a report with the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

8.14 Wildlife Injuries and Fatalities

The Permittee shall report any wildlife injuries and fatalities to the Commission quarterly.

9 DECOMMISSIONING AND RESTORATION

9.1 Decommissioning Plan

The Permittee shall comply with the provisions of the most recently filed and accepted Decommissioning Plan. The initial version of the Decommissioning Plan was submitted for this Project as Appendix F of the Site Permit Application. The Permittee shall file an updated Decommissioning Plan incorporating comments and information from the permit application process and any updates associated with the final construction plans with the Commission at least fourteen 14 days prior to the pre-construction meeting. The Permittee shall update and file the Decommissioning Plan with the Commission every five years following the commercial operation date.

The Decommissioning Plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The Decommissioning Plan shall provide an itemized breakdown of costs of decommissioning all Project components, which shall include labor and equipment. The Decommissioning Plan shall identify cost estimates for the removal of solar panels, racks, underground collection cables, access roads, transformers, substations, and other Project components. The Decommissioning Plan may also include anticipated costs for the replacement of panels or repowering the Project by upgrading equipment.

The Permittee shall also submit the Decommissioning Plan to the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall

ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the Project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

9.2 Site Final Restoration

Upon expiration of this site permit or upon termination of operation of the Project, the Permittee shall have the obligation to dismantle and remove from the site all solar panels, mounting steel posts and beams, inverters, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment in accordance with the most recently filed and accepted decommissioning plan. To the extent feasible, the Permittee shall restore and reclaim the site to pre-project conditions. Landowners may require the site be returned to agricultural production or may retain restored prairie vegetation, or other land uses as agreed to between the landowner and the Permittee. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be filed with the Commission prior to commencing restoration activities. The Permittee shall restore the site in accordance with the requirements of this condition and file a Notification of Final Restoration Completion to the Commission within 18 months of termination of operation of the Project.

9.3 Abandoned Solar Installations

The Permittee shall notify the Commission of any solar equipment that is abandoned prior to termination of operation of the Project. Equipment shall be considered abandoned after one year without energy production and shall be decommissioned and the land shall be restored pursuant to sections 9.1 and 9.2, unless a plan is submitted to and approved by the Commission outlining the steps and schedule for returning the equipment to service.

10 COMMISSION AUTHORITY AFTER SITE PERMIT ISSUANCE

10.1 Final Designated Site Boundaries

After completion of construction the Commission shall determine the need to adjust the final boundary of the Designated Site required for the Project. This site permit may be modified, after notice and opportunity for hearing, to represent the actual Designated Site required by the Permittee to operate the Project authorized by this site permit.

10.2 Expansion of Designated Site Boundaries

No expansion of the site boundary described in this site permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundary of the site for the Project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

10.3 Periodic Review

The Commission shall initiate a review of this site permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this site permit. No modification may be made except in accordance with applicable statutes and rules.

10.4 Modification of Conditions

After notice and opportunity for hearing this site permit may be modified or amended for cause, including but not limited to the following:

- (a) violation of any condition in this permit;
- (b) endangerment of human health or the environment by operation of the Project; or
- (c) existence of other grounds established by rule.

10.5 More Stringent Rules

The issuance of this site permit does not prevent the future adoption by the Commission of rules or orders more stringent than those now in existence and does not prevent the enforcement of these more stringent rules and orders against the Permittee.

11 SITE PERMIT AMENDMENT

This site permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this site permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required under Minn. Stat. 216I.09.

12 TRANSFER OF SITE PERMIT

The Permittee may request at any time that the Commission transfer this site permit to another person or entity (transferee). In its request, the Permittee must provide the Commission with:

- (a) the name and description of the transferee;
- (b) the reasons for the transfer;
- (c) a description of the facilities affected; and
- (d) the proposed effective date of the transfer.

The transferee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures filed for the Project and all conditions of this site permit.

The transferee must provide the Commission with the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with eDocket reference, or a revised version of the following:

- (a) VMP as described in Section 4.3.17;
- (b) complaint procedures, as described in Section 7 and Attachment 1;
- (c) ERP, as described in Section 8.12; and
- (d) Decommissioning Plan, as described in Section 9.1.

The Commission may authorize transfer of the site permit after affording the Permittee, the transferee, and interested persons such process as is required under Minn. Stat. § 216I.13.

13 REVOCATION OR SUSPENSION OF SITE PERMIT

The Commission may initiate action to revoke or suspend this site permit at any time. The Commission shall act in accordance with the requirements of Minn. Stat. § 216I.24, to revoke or suspend this site permit.

14 EXPIRATION DATE

This site permit shall expire 30 years after the date this site permit was approved and adopted.

ATTACHMENT 1

Complaint Handling Procedures for Permitted Energy Facilities

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site or route preparation, construction, cleanup, restoration, operation, and maintenance.

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

D. Definitions

Complaint: A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site or route preparation, cleanup or restoration, or other permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A complaint which, despite the good faith efforts of the permittee and a person, remains unresolved or unsatisfactorily resolved to one or both of the parties.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private; however organized.

E. Complaint Documentation and Processing

1. The permittee shall designate a representative responsible for filing complaints to the Commission's eDocket system. This person's name, phone number and email address shall accompany all complaint submittals. The name and contact information for the representative shall be kept current in eDockets.
2. A person presenting the complaint should, to the extent possible, include the following information in their communications:
 - a. name, address, phone number, and email address;
 - b. initial date of the complaint;
 - c. tract, parcel number, or address of the complaint;
 - d. a summary of the complaint; and
 - e. whether the complaint relates to a permit violation, a construction practice issue, or other type of complaint.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
 - a. docket number and project name;
 - b. name of complainant, address, phone number and email address;
 - c. precise description of property or parcel number;
 - d. name of permittee representative receiving complaint and date of receipt;
 - e. nature of complaint and the applicable permit condition(s);
 - f. summary of activities undertaken to resolve the complaint; and
 - g. a statement on the final disposition of the complaint.

F. Reporting Requirements

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit, unless otherwise required below. The permittee shall report all complaints to the Commission according to the following schedule:

Immediate Reports: All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Consumer Affairs Office at 1-800-657-3782 (voice messages are acceptable) or consumer.puc@state.mn.us. For e-mail reporting, the email

subject line should read “PUC EIP Complaint” and include the appropriate project docket number.

Monthly Reports: During project construction, restoration, and operation, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to the eDockets system. The eDockets system is located at: <https://efiling.web.commerce.state.mn.us/> . If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

If, once the project begins operating, a project has submitted twelve consecutive months of complaint reports with no complaints, monthly reports can terminate by a letter to eDockets notifying the Commission of such action. If a substantial complaint is received (by the company or the Commission) following termination of the monthly complaint report, as noted above, the monthly reporting should commence for a period of six months following the most recent complaint or upon resolution of all pending complaints.

If a permittee is found to be in violation of this section, the Commission may reinstate monthly complaint reporting for the remaining permit term or enact some other commensurate requirement via notification by the Executive Secretary or some other action as decided by the Commission.

G. Complaints Received by the Commission

Complaints received directly by the Commission from aggrieved persons regarding the permit or issues related to site or route preparation, construction, cleanup, restoration, or operation and maintenance will be promptly sent to the permittee.

The permittee shall notify the Commission when the issue has been resolved. The permittee will add the complaint to the monthly reports of all complaints. If the permittee is unable to find resolution, the Commission will use the process outlined in the Unresolved Complaints Section to process the issue.

H. Commission Process for Unresolved Complaints

Complaints raising substantial and unresolved permit issues will be investigated by the Commission. Staff will notify the permittee and appropriate people if it determines that the complaint is a substantial complaint. With respect to such complaints, the permittee and

complainant shall be required to submit a written summary of the complaint and its current position on the issues to the Commission. Staff will set a deadline for comments. As necessary, the complaint will be presented to the Commission for consideration.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to the permittee's designated complaint representative, or to the Commission's Consumer Affairs Office at 1-800-657-3782 or consumer.puc@state.mn.us. The name and contact information for the permittee's designated complaint representative shall be kept current in the Commission's eDocket system.

ATTACHMENT 2

Compliance Filing Procedures for Permitted Energy Facilities

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of submitting information required by Commission energy facility permits.

B. Scope and Applicability

This procedure encompasses all known compliance filings required by permit.

C. Definitions

Compliance Filing: A filing of information to the Commission, where the information is required by a Commission site or route permit.

D. Responsibilities

1. The permittee shall file all compliance filings with Will Seuffert, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at:
<https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the eDockets website. Permittees must register on the website to file documents.

2. All filings must have a cover sheet that includes:
 - a. Date
 - b. Name of submitter/permittee
 - c. Type of permit (site or route)
 - d. Project location
 - e. Project docket number
 - f. Permit section under which the filing is made
 - g. Short description of the filing

3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Will Seuffert, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any electronically filed document.

PERMIT COMPLIANCE FILINGS¹

PERMITTEE: Lemon Hill Solar, LLC

PERMIT TYPE: Site Permit

PROJECT LOCATION: Olmsted County, Mn

PUC DOCKET NUMBER: P7156/GS-25-126

Filing Number	Permit Section	Description of Compliance Filing	Due Date
1	2.1	Project Ownership	14 days prior to pre-construction
2	4.1	Site Permit Distribution	Within 30 days of permit issuance
3	4.3.1	Field Representative	14 days prior to pre-construction meeting
4	4.3.2	Site Manager	14 days prior to pre-construction meeting
5	4.3.4	Independent Monitor	30 days prior to beginning of construction
6	4.3.14	Native Prairie	30 days prior to submitting site plan
7	4.3.17	Vegetation Management Plan	14 days prior to pre-construction meeting
8	4.3.18	Agricultural Impact Mitigation Plan	14 days prior to pre-construction meeting
9	4.3.19	Application of Pesticides	14 days prior to application

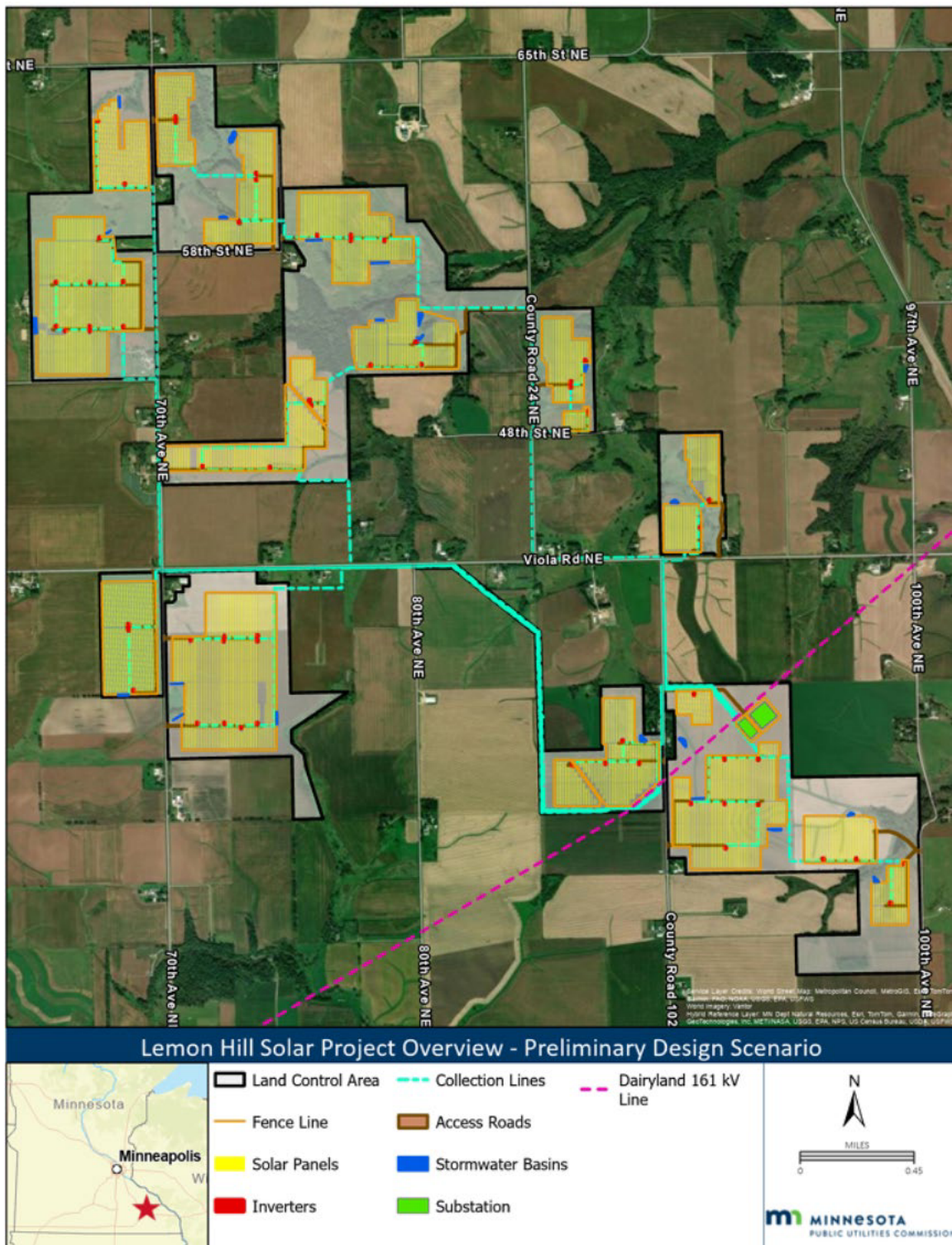
¹ This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

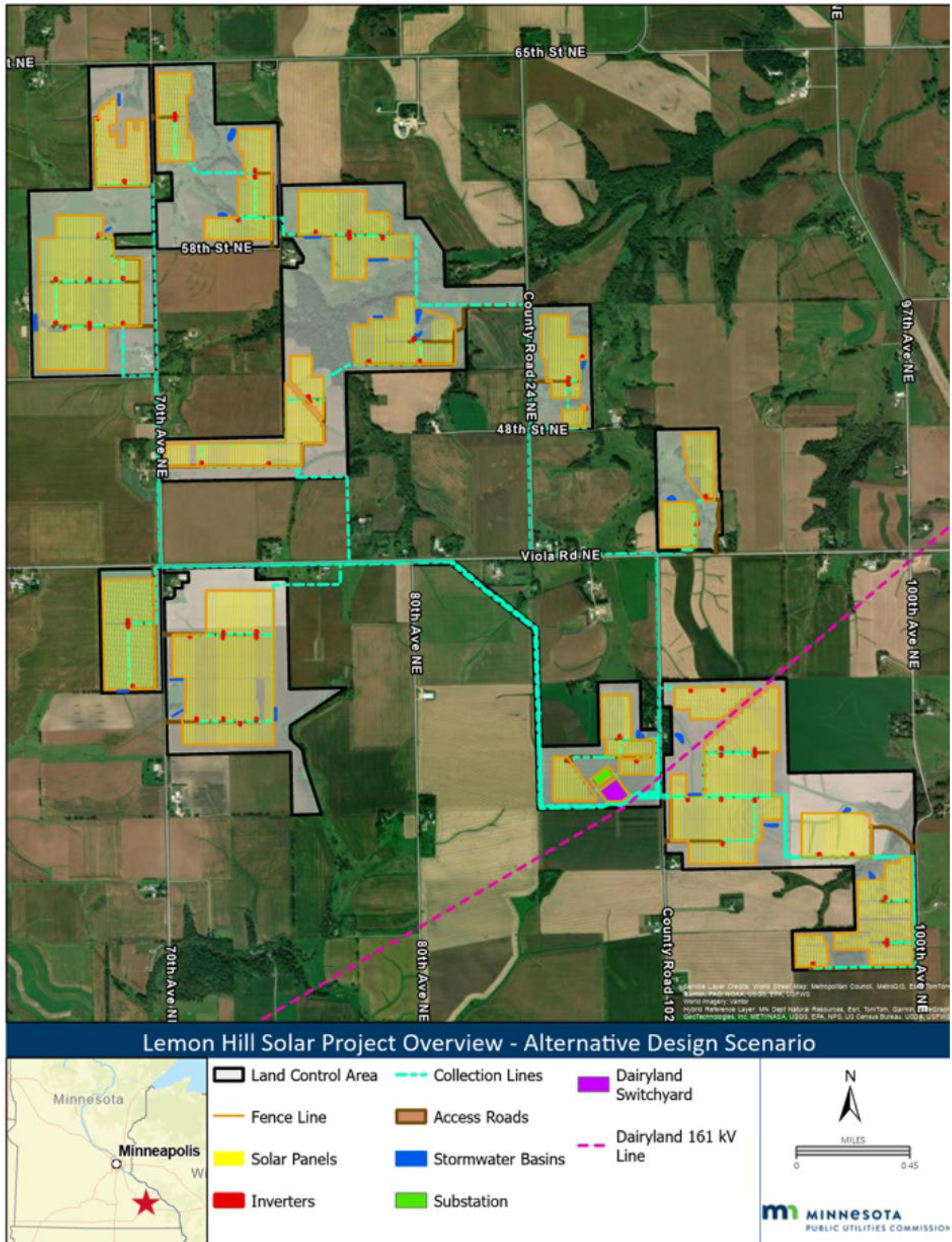
Filing Number	Permit Section	Description of Compliance Filing	Due Date
10	4.3.20	Invasive Species	14 days prior to pre-construction meeting
11	4.3.26	Restoration	60 days after completion of restoration activities
12	4.3.30	Public Safety	14 days prior to pre-construction meeting
13	4.5.2	Other Permits and Regulations	14 days prior to pre-construction meeting
14	5.1	Visual Screening Plan	14 days prior to pre-construction meeting
15	5.3	Noise Modeling	14 days prior to pre-construction meeting
16	5.5	Well Protection Plan	14 days prior to pre-construction meeting
17	5.7	Pipeline Siting and Protection Plan	14 days prior to pre-construction meeting
18	5.9	Unanticipated Discoveries	14 days prior to pre-construction meeting
19	5.11	Karst Geology	14 days prior to pre-construction meeting
20	5.12	Dewatering Plan	14 days prior to pre-construction meeting
21	5.13	Panel Cleaning Plan	14 days prior to pre-construction meeting

Filing Number	Permit Section	Description of Compliance Filing	Due Date
22	5.14	Decorah Edge Protection Plan	14 days prior to pre-construction meeting
23	5.22	Facility Habitat Features	14 days prior to pre-construction meeting
24	7	Compliant Procedures	14 days prior to pre-construction meeting
25	8.1	Pre-Construction Meeting	Within 14 days following pre-construction meeting
26	8.2	Pre-Operation Meeting	14 days prior to commercial operation
27	8.3	Site Plan	14 days prior to pre-construction meeting
28	8.5	Labor Statistics Reporting	Within 45 days of the end of the quarter
29	8.7	In-Service Date	Three days prior to being placed into service
30	8.9	GPS Data	90 days after completion of construction
31	8.11	Project Energy Production	By February 1st
32	8.12	Emergency Response	14 days prior to pre-construction meeting
33	8.13	Extraordinary Events	Within 24 hours of occurrence

Filing Number	Permit Section	Description of Compliance Filing	Due Date
34	8.14	Wildlife Injuries and Fatalities	Quarterly
35	9.1	Decommissioning Plan	14 days prior to pre-construction meeting
36	9.2	Site Final Restoration	Within 18 months of termination of operation of project

ATTACHMENT 3
Site Permit Maps





CAH 65-2500-41406
MPUC IP7156/GS-25-126

STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Lemon Hill
Solar, LLC for a Site Permit for the up to 180
MW Lemon Hill Solar Project in Olmsted
County, MN

**PUC STAFF RECOMMENDED
FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Lemon Hill
Solar, LLC for a Site Permit for the
up to 180 MW Lemon Hill Solar Project in
Olmsted County, MN

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STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Lemon Hill
Solar, LLC for a Site Permit for the up to 180
MW Lemon Hill Solar Project in Olmsted
County, MN

**PUC STAFF RECOMMENDED
FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

On June 30, 2025, Lemon Hill Solar, LLC (Lemon Hill or Applicant) filed a Site Permit Application (Application) to construct and operate an up to 180 megawatt (MW) solar project located in Olmsted County, Minnesota (Project). The Commission referred this matter to the Court of Administrative Hearings (CAH) on December 15, 2025. The Commission requested that an administrative law judge conduct public hearings and prepare findings of fact, conclusions of law, and recommendations on whether to grant a site permit and, if so, what conditions or provisions should be included in the site permit.

Administrative Law Judge Ann C. O'Reilly presided over public hearings held on June 10, 2026, and June 11, 2026. The record remained open for the receipt of written public comments through June 25, 2026, [the](#) Applicant's response to public comments through July 9, 2026, and the Commission's revisions too [the](#) Applicant's proposed findings on July 23, 2026. The CAH record closed on August 5, 2026, following the receipt of additional public comments and [the](#) Applicant's filing of an updated letter from the Minnesota Department of Health submitted by [the](#) Applicant on July 30, 2026.

STATEMENT OF ISSUES

Has [the](#) Applicant Lemon Hill Solar, LLC satisfied the criteria established in Minn. Stat. § 216E.03, subd. 7(b) (2023)¹ and Minn. R. Chapter 7850.~~4100~~,~~.4400~~ (2023) for a site permit for the Project?

SUMMARY

[The](#) Applicant has satisfied the applicable legal requirements and, accordingly, the Commission GRANTS a site permit for the Project, subject to the conditions discussed below.

Based on the evidence in the hearing record, the Commission makes the following:

FINDINGS OF FACT

¹ Due to the date of filing of the Application (June 30, 2025), changes in the applicable law during the 2024 legislative session, and the effective date of those legislative changes (July 1, 2025), this case proceeds under the 2023 versions of Minn. Stat. ch. 216E and Minn. R. Part 7850. See Notice of Legislative Changes (July 9, 2025) (eDocket No. 20257-220799-01).

I. APPLICANT

1. [The](#) Applicant is Lemon Hill Solar, LLC, a limited liability company established for the sole purpose of owning the Proposed Project. The Project is joint venture between Ranger Power, LLC (Ranger Power) and DESRI Holdings, L.P. (DESRI).²

2. Ranger Power is a Delaware limited liability company specializing in developing utility-scale renewable energy projects in the United States. DESRI, Inc. is a Delaware corporation that acquires, owns, and manages renewable energy assets in North America. Under an agreement between Ranger Power and DESRI, Ranger Power will develop the Project, but DESRI is the indirect parent company of Lemon Hill Solar, LLC.³

3. According to the Application, Lemon Hill Solar, LLC would own, operate, and maintain the Project after starting commercial operations. The Applicant is responsible for all regulatory, contractual, and financial obligations resulting from the Site Permit, land leases, and power purchase agreement (PPA).⁴ The Application notes that “Lemon Hill Solar and DESRI reserve the right to sell or assign the Project to another qualified entity at any time, before, during, or after the Project is constructed.”⁵

II. PROCEDURAL HISTORY

4. On February 21, 2025, Lemon Hill filed a Notice of Intent to Submit a Site Permit Application Under the Alternative Permitting Process in Minn. Stat. § 216E.04 (2023).⁶

5. After the Notice was filed, eight public comments were submitted opposing the Proposed Project.⁷

6. [The](#) Applicant filed the Project Notice, Application, and supporting appendices and figures with the Commission on June 30, 2025.⁸

² Ex. App-2 at 3 (Site Permit Application).

³ Ex. App-2 at 3 (Site Permit Application).

⁴ Ex. App-2 at 3 (Site Permit Application).

⁵ Ex. App-2 at 3 (Site Permit Application).

⁶ Ex. App-1 (Notice of Intent to File Site Permit Application Under Alternative Process).

⁷ Taylor Pike Comments (Feb. 27, 2025) (eDocket No. 20252-215821-02). Juni Mullholland Comments (Feb. 27, 2025) (eDocket No. 20252-215821-01). Comment by William and Tamera Schmidt (Mar. 3, 2025) (eDocket No. 20253-215960-01); Comment by Ted Pike (Mar. 3, 2025) (eDocket No. 20253-215959-01); Comment by Paul Uecker (Mar. 20, 2025) (eDocket No. 20253-216639-01); Comment by Gary Laurie and Matt Meyer (Apr. 16, 2025) (eDocket No. 20254-217729-01); Comment by John Meyer (May 5, 2025) (eDocket No. 20255-218573-01); Comment by Mike Keefe (Jun. 24, 2025) (eDocket No. 20256-220201-01).

⁸ Ex. App-2 (Site Permit Application); Ex. App-3 (SPA Figures); Exs. App-4 through App-15; Ex. App-16 (Project Notice).

7. The Commission issued a Notice of Legislative Changes⁹ and a Notice of Comment Period on Application Completeness on July 9, 2025.¹⁰ The initial comment period closed July 23, 2025, with the reply and supplemental comment periods closing on July 30 and August 5, 2025, respectively.¹¹

8. The Commission received 34 public comments during the initial application completeness comment period, plus one late comment filed on July 29, 2025.¹² These comments were largely in opposition to the Proposed Project and included a petition signed by Viola and Haverhill Township residents opposing the Project.¹³

9. In its comments filed on July 23, 2025, the [PUC](#) EIP recommended that the Commission accept the Application as substantially complete and require Applicant to provide additional detail regarding existing conditions and potential impacts and mitigation measures for tourism, geology, groundwater, surface waters, wildlife, and rare and unique natural resources. Staff recommended that the Commission require [the](#) Applicant [to](#) provide a Phase I cultural resources survey and a native prairie field survey for the Project's two parcels which had not yet been surveyed. Staff also recommended a full administrative law judge report for the public hearing [and](#) ~~but~~ noted that an advisory task force was not warranted.¹⁴

10. [The](#) Applicant replied to the comments on July 31, 2025, and included a letter to the Minnesota State Historic Preservation Office (MnSHPO) requesting its review and comment on the Project.¹⁵

⁹ Notice of Legislative Changes (July 9, 2025) (eDocket No. 20257-220799-01).

¹⁰ Ex. PUC-1 (Notice of Comment Period on Application Completeness).

¹¹ *Id.*

¹² Joshua Axley Comments (July 18, 2025) (eDocket No. 20257-221139-02); Faheena Keefe Comments (July 18, 2025) (eDocket No. 20257-221139-01); Laurie Meyer Comments (July 21, 2025) (eDocket No. 20257-221230-01); Mike Keefe Comments (July 21, 2025) (eDocket No. 20257-221219-01); Wayne Pike Comments (July 21, 2025) (eDocket No. 20257-221218-01); Clint Mulholland Comments (July 21, 2025) (eDocket No. 20257-221217-01); Deborah Klavetter Comments (July 21, 2025) (eDocket No. 20257-221216-01); Public Comment Batch including Comments from Amy Renken, Randy Renken, Rogena Klavetter, Tamera and William Schmidt, and Wendy Jensen (July 22, 2025) (eDocket No. 20257-221275-01); Ken Everson Comments (July 22, 2025) (eDocket No. 20257-221274-01); Ken Everson Comments (July 23, 2025) (eDocket No. 20257-221316-01); Tracy Huffman-Krizo Comments (July 23, 2025) (eDocket No. 20257-221315-01); David Krizo Comments (July 23, 2025) (eDocket No. 20257-221314-01); Julie Huffman Comments (July 23, 2025) (eDocket No. 20257-221313-01); Eleanor Krizo Comments (July 23, 2025) (eDocket No. 20257-221311-01); Kevin Hammel Comments (July 23, 2025) (eDocket No. 20257-221310-01); Tom Shea Comments (July 23, 2025) (eDocket No. 20257-221309-01); James Klavetter (July 23, 2025) (eDocket No. 20257-221308-01); Norma Pries (July 23, 2025) (eDocket No. 20257-221307-01); Public Batch Comments from Laurie Albers, Jean Hanson, Bethany Hoffman, Jennifer Lawver, Julie Meyers, Phillip Nicklay, Ted Pike, Rick Trostad, Jason and Mindy Shea, and Amy Renken (July 24, 2025) (eDocket No. 20257-221366-01); Dale Bierbaum Comments (July 30, 2025) (eDocket No. 20257-221547-01) (filed July 29 but not uploaded by Commission staff until July 30, 2025).

¹³ Ken Everson Comments (July 22, 2025) (eDocket No. 20257-221274-01).

¹⁴ Ex. PUC-EIP-1 (Comments on Application Completeness).

¹⁵ Exs. App-18 (Completeness Reply Comments) and App-19 (Reply Comments Attachment A - Addendum 1 SHPO Cover Letter).

11. [The](#) Applicant filed Supplemental Comments on August 1, 2025,¹⁶ along with a Phase 1 Addendum Cultural Resource Survey Report¹⁷ and a Wetland Delineation Report for the Project.¹⁸

12. On August 5, 2025, [PUC](#) EIP staff filed a Response to Reply Comments.¹⁹

13. Between August 4 and 27, 2026, 32 supplemental public comments were filed, some outside of the comment period.²⁰ These comments included a letter from Minnesota State Senator Steve Drazkowski and State Representative Steven Jacob, which urged the Commission to deny the Application.²¹

14. On August 21, 2025, [the](#) Applicant filed an additional supplemental comment, outside of the comment period, specifically in response to comments filed by Mike Keefe.²² Keefe responded to [the](#) Applicant in a comment filed August 27, 2025.²³

15. On August 29, 2025, the Commission issued a Notice of Commission Meeting on September 11, 2025, to consider the completeness of the Application.²⁴

¹⁶ Ex. App-20 (Supplemental Comments).

¹⁷ Ex. App-21 (Supplemental Comments Attachment A - Phase I Addendum 1 Report).

¹⁸ Ex. App-22 (Supplemental Comments Attachment B Wetland Delineation Report).

¹⁹ Ex. PUC-EIP-2 (Response to Reply Comments).

²⁰ Deborah Klavetter Comments (Aug. 4, 2025) (eDocket No. 20258-221726-01); Michael Jones Comments (Aug. 4, 2025) (eDocket No. 20258-221718-01); Brad Nelson Comments (Aug. 4, 2025) (eDocket No. 20258-221700-01); Viola Township Comments (Aug. 4, 2025) (eDocket No. 20258-221699-01); Letter from State Senator Steve Drazkowski and State Rep. Steven Jacob (Aug. 5, 2025) (eDocket No. 20258-221784-01); Public Comment Batch (8), including comments from Kenneth Everson, Mike Keefe, Kevin Hammel, Tracy Huffman-Krizo, Michael Jones, Owen Ziemer, and Bill Schmidt (Aug. 5, 2025) (eDocket No. 20258-221777-01); Public Comment Batch (9) including comments from Carla Brunsvold, Dale Bierbaum, Darrell Richardson, Jim Klavetter, John and Norma Pries, Mike Keefe, Rachel Smith, Steve Uthke, and Wendy Jensen (Aug. 5, 2025) (eDocket No. 20258-221765-01); LIUNA Comments (Aug. 5, 2025) (eDocket No. 20258-221768-01); Laurie Albers Comments (Aug. 6, 2025) (eDocket No. 20258-221810-01); Viola Township Comments (Aug. 8, 2025) (eDocket No. 20258-221896-03); Tamera and William Schmidt Comments (Aug. 8, 2025) (eDocket No. 20258-221896-02); Mike Keefe Comments (Aug. 8, 2025) (eDocket No. 20258-221896-01); Mike Keefe Comments (Aug. 14, 2025) (eDocket No. 20258-222087-01); Bill Schmidt Comments (Aug. 18, 2025) (eDocket No. 20258-222188-01); Wendy Jensen Comments (Aug. 18, 2025) (eDocket No. 20258-222186-01); Bradley Lorang Comments (Aug. 25, 2025) (eDocket No. 20258-222364-01); Mike Keefe Comments (Aug. 27, 2025) (eDocket No. 20258-222459-01).

²¹ Letter from State Senator Steve Drazkowski and State Rep. Steven Jacob (Aug. 5, 2025) (eDocket No. 20258-221784-01).

²² Ex. App-23 (Supplemental Comments).

²³ Mike Keefe Comments (Aug. 27, 2025) (eDocket No. 20258-222459-01).

²⁴ Notice of Commission Meeting (Aug. 29, 2025) (eDocket No. 20258-222472-01).

16. The Commission later removed the Application completeness determination from the Commission agenda on September 11, 2025,²⁵ and placed it on the Commission agenda for September 18, 2025.²⁶ Proper public notice of these changes was provided.

17. Briefing papers were filed by Commission staff in advance of the September 18 Commission meeting, which included a Sample Solar Site Permit.²⁷ A revised decision option was proposed by Commissioner John Tuma on September 16, 2025.²⁸

18. Thereafter, on September 26, 2025, [the](#) Applicant submitted an amendment to the Application and updated the service list for the Project.²⁹

19. On October 16, 2025, [the](#) Applicant submitted supplemental comments in response to: (1) the [PUC](#) EIP's comments on application completeness; and (2) the Commission's action at its meeting on September 18, 2025. In this filing, [the](#) Applicant provided additional information on the areas of tourism, geology and groundwater, surface waters, wildlife, rare and unique natural resources, stray voltage, and solar panel components associated with the Project.³⁰

20. In a letter dated October 31, 2025, the [PUC](#) EIP determined that [the](#) Applicant's supplemental filings were sufficient to complete the Application.³¹

21. On October 31, 2025, the Commission issued an Order Finding the Application Complete and Authorizing Use of the Alternative Review Process. The Order authorized review of the Application under the alternative permitting process set forth in Minn. Stat. § 216E.04 and Minn. R. 7850.2800 to 7850.3900. It also requested the appointment of an administrative law judge from the Court of Administrative Hearings to: (1) preside over a public hearing; (2) direct that intervention as a party is not required; (3) establish the types of filings necessary to facilitate proper record development and establish a schedule for the same; and (4) prepare a report setting forth findings of fact, conclusions of law, and recommendations on the merits of the application and provide recommendations, if any, on the conditions in, and provisions of, a permit.³²

22. On November 3, 2025, the Commission issued the Notice of Public Information and Environmental Assessment (EA) Scoping Meetings, announcing three scoping meetings: two in-person meetings on November 19, 2025, in Rochester, Minnesota, and one virtual

²⁵ Notice of Matter Removed from September 11, 2025 Agenda Meeting (Sept. 3, 2025) (eDocket No. 20259-222671-01).

²⁶ Ex. PUC-2 (Notice of Commission Meeting).

²⁷ Ex. PUC-3 (Briefing Papers and Attachments).

²⁸ Ex. PUC-4 (Briefing Papers – Decision Option).

²⁹ Ex. App-24 (SPA Amendment and Update to Service List).

³⁰ Ex. App-25 (Supplemental Comments).

³¹ EIP Letter regarding Applicant's supplements to Application (Oct. 31, 2025) (eDocket No. 202510-224555-01).

³² Ex. PUC-5 (Order Finding the Application Complete and Authorizing Use of the Alternative Review Process).

meeting via Webex on November 20, 2025. The Order established a deadline for public comments on scoping as December 8, 2025.³³

23. An Affidavit of Publication was filed to document the publication of the Notice of Scoping Meetings in the Post Bulletin newspaper on November 8, 2025.³⁴

24. On November 17, 2025, [PUC staff](#)~~the PUC~~ EIP filed a Sample Permit for the Project,³⁵ and the Commission authorized consultation with the MnSHPO regarding the Project.³⁶

25. The Commission published the Notice of Public Information and EA Scoping Meetings in the Environmental Quality Board (EQB) Monitor on November 18, 2025.³⁷

26. Two scoping meetings were held in Rochester on November 19, 2025, one at 12 p.m. and one at 6 p.m. A third scoping meeting was held via WebEx on November 20, 2025, at 6 p.m.³⁸

27. On or about December 8, 2025, the following agencies, organizations and members of the public filed scoping comments, including scoping comments filed by [the](#) Applicant, LIUNA, Minnesota Department of Natural Resources (MDNR), Minnesota Department of Agriculture (MDA), Minnesota Department of Transportation (MnDOT), Dan Klavetter, Jim Klavetter, Michael J. LaPlante, Wendy Jensen and Ken Everson, and Julie Huffman.³⁹

28. On December 11, 2025, the [PUC](#) EIP filed the written and oral comments received on the scope of the EA.⁴⁰ Mike Keefe filed comments outside of the comment period on December 15, 2025.⁴¹

³³ Ex. PUC-6 (Notice of Public Information and EA Scoping Meetings).

³⁴ Ex. PUC-7 (Affidavit of Publication – Scoping Meetings).

³⁵ Ex. PUC-8 (Sample Permit).

³⁶ Ex. PUC-9 (Authorization to Initiate SHPO Consultation).

³⁷ Ex. PUC-10 (EQB Monitor – Scoping Meeting Notice).

³⁸ See Ex. PUC-EIP-4 (Oral and Written Comments on the Scope of Environmental Assessment).

³⁹ LIUNA Comments (Dec. 8, 2025) (eDocket No. 202512-225639-01); DNR Comments (Dec. 8, 2025) (eDocket No. 202512-225633-01); DNR Natural Heritage Review Letter (Dec. 8, 2025) (eDocket No. 202512-225633-02); Ex. App-26 (Scoping Comments); MDA Comments (Dec. 8, 2025) (eDocket No. 202512-225612-01); MnDOT Comments (Dec. 8, 2025) (eDocket No. 202512-225606-01); Dan Klavetter Comments (Dec. 8, 2025) (eDocket No. 202512-225618-01); Jim Klavetter Comments (Dec. 8, 2025) (eDocket No. 202512-225610-01); Michael J. LaPlante Comments (Dec. 8, 2025) (eDocket No. 202512-225609-01); Wendy Jensen and Ken Everson Comments (Dec. 8, 2025) (eDocket No. 202512-225608-01); Julie Huffman Comments (Dec. 9, 2025) (eDocket No. 202512-225652-01) (received by the PUC on Dec. 8, but not filed by Commission staff until Dec. 9, 2025).

⁴⁰ Ex. PUC-EIP-4 (Oral and Written Comments on the Scope of Environmental Assessment).

⁴¹ Mike Keefe Comments (Dec. 15, 2025) (eDocket No. 202512-225820-01).

29. The Administrative Law Judge issued an Order for Prehearing Conference on December 16, 2025. The Order scheduled a first prehearing conference for December 29, 2025.⁴² The date of the first prehearing conference was subsequently changed to January 2, 2026.⁴³

30. The first prehearing conference was held on January 2, 2026. [The](#) Applicant and the [PUC](#) EIP submitted a proposed schedule for the proceedings.⁴⁴

31. On January 6, 2026, [PUC](#) EIP Staff issued the Notice of EA Scoping Decision⁴⁵ and filed the EA Scoping Decision.⁴⁶

32. A First Prehearing Order was issued on January 21, 2026, setting the schedule for the proceedings, including the dates, times, and locations of the public hearings.⁴⁷

33. The Notice of EA Scoping Decision was published in the EQB Monitor on January 20, 2026.⁴⁸

34. On April 29, 2026, [the](#) Applicant filed supplemental information for consideration in the EA, including an Alternative Substation Layout as an alternative to the Application Substation Layout, and requested that a prehearing scheduling conference be held as soon as possible. To allow the PUC EIP time to evaluate the Alternative Substation Layout in the EA, [the](#) Applicant requested that the deadline for completing the EA be extended, the public hearings be rescheduled until after the new EA deadline, and that post-hearing deadlines also be extended.⁴⁹

35. A second prehearing conference was held on May 7, 2026, to address [the](#) Applicant's request to include an Alternative Substation Layout in the Application.⁵⁰ Based upon [the](#) Applicant's request and the [PUC](#) EIP's stipulations, a Second Prehearing Order was issued, which revised the dates for public hearings and established a new schedule for the proceedings.⁵¹

36. An Amended Second Prehearing Order made additional changes to the schedule, as requested by the parties. The Amended Second Prehearing Order scheduled three public hearings: two in-person hearings on June 10, 2026, in Rochester, Minnesota, and a virtual

⁴² Order for Prehearing Conference (Dec. 16, 2025) (eDocket No. 202512-225926-01).

⁴³ Amended Order for Prehearing Conference (Dec. 16, 2025) (eDocket No. 202512-226239-01).

⁴⁴ First Prehearing Order (Jan. 21, 2025) (eDocket No. 20261-227152-01).

⁴⁵ Ex. PUC-EIP-5 (Notice of EA Scoping Decision).

⁴⁶ Ex. PUC-EIP-6 (EA Scoping Decision).

⁴⁷ First Prehearing Order (Jan. 21, 2025) (eDocket No. 20261-227152-01).

⁴⁸ Ex. PUC-EIP-7 (EQB Monitor – Environmental Assessment Scoping Decision Notice).

⁴⁹ Ex. App-28 (Supplemental Information for EA).

⁵⁰ Order for Second Prehearing Conference (May 1, 2026) (eDocket No. 20265-231335-01).

⁵¹ Second Prehearing Order (May 8, 2026) (eDocket No. 20265-231611-01).

hearing on June 11, 2026. The Order also set the deadline for public comments as June 25, 2026.⁵²

37. On May 26, 2026, the Commission issued a Notice of Public Hearings and Availability of EA for the Project. The Notice advised that the EA was available for public review; announced the date, times, and locations for the public hearings (including information to attend the virtual hearing); and noticed the deadline to submit public comments.⁵³

38. The [PUC](#) EIP issued the EA on May 27, 2026.⁵⁴

39. The EA was mailed to the Rochester Public Library, Haverhill Township, and Viola Township.⁵⁵ The EA was also sent to the required state and local agencies and Tribal Historic Preservation Officers (THPOs).⁵⁶

40. On June 1, 2026, [the](#) Applicant filed the Direct Testimony of Sergio Trevino, Kyra Rothwell, Dan Flo, Evan Christianson, Sonia Singh, and Douglas Mutcher, with accompanying schedules.⁵⁷

41. Also on June 1, 2026, Darrell Richardson filed a public comment requesting a supplemental EA and Environmental Impact Statement (EIS) for the Project.⁵⁸

42. On June 2, 2026, the Notice of Public Hearings and Availability of the EA was published in the EQB Monitor.⁵⁹ The Notice was published in the Post Bulletin newspaper on May 23, 2026.⁶⁰

43. On June 4, 2026, the Haverhill Township Board filed a Resolution opposing the Project and identifying land-use, agricultural, and prime farmland concerns.⁶¹

⁵² Amended Second Prehearing Order (May 12, 2026) (eDocket No. 20265-231740-01).

⁵³ Ex. PUC-12 (Notice of Public Hearings and Availability of EA).

⁵⁴ Ex. PUC-EIP-8 (Lemon Hill Solar EA and Appendices). Appendix E – Agency and Union Responses to Data Requests, to the Lemon Hill Solar EA was filed separately on 05/28/2026 (eDocket No. 20265-232263-01).

⁵⁵ Ex. PUC-EIP-10 (Distribution of EA to Local Libraries and Townships).

⁵⁶ Ex. PUC-EIP-9 (Distribution of Environmental Assessment to Agencies and THPOs).

⁵⁷ See Exs. App-29 through App-34.

⁵⁸ Darrell Richardson Request for Supplemental EA and EIS (June 1, 2026) (eDocket No. 20266-232417-01).

⁵⁹ Ex. PUC-EIP-11 (EQB Monitor – Public Hearings and Environmental Assessment Availability Notice).

⁶⁰ Ex. PUC-13 (Affidavit of Publication – Public Hearings).

⁶¹ Haverhill Township Board Resolution No. 202605 Expressing Opposition to the Proposed Lemon Hill Solar Project (June 4, 2026) (eDocket No. 20266-232540-01).

44. On June 8, 2026, Darrell Richardson filed a public comment again requesting a supplemental EA and EIS for the Project.⁶²

45. The public hearing presentation was filed on June 9, 2026, in advance of the public hearings.⁶³

46. Two in-person public hearings were held on June 10, 2026, at 125 Live (a community center) in Rochester, Minnesota. The first hearing commenced at 12 p.m. and the second commenced at 6 p.m. A virtual public hearing was held via WebEx on June 11, 2026, commencing at 6 p.m.

47. Public Hearing Exhibits A through G were filed on June 18, 2026.⁶⁴ [The](#) Applicant filed public and nonpublic versions of Public Hearing Exhibit A, Part 1.⁶⁵ The Master Exhibit List was filed on June 22, 2026.⁶⁶

48. Numerous public comments were filed between June 11 and July 9, 2026.⁶⁷ The Judge accepted and considered all comments filed in this matter.

49. In addition to the comments filed by members of the public, the following organizations and agencies filed comments: the International Brotherhood of Electrical Workers Local 343 (IBEW Local 343) and Laborer's International Union of North America (LIUNA); the

⁶² Darrell Richardson Request for a Supplemental EA and EIS (June 8, 2026) (eDocket No. 20266-232601-01).

⁶³ Public Hearing Slides (June 9, 2026) (eDocket No. 20266-232660-01).

⁶⁴ Exs. PUC-EIP-14 through PUC-EIP-20.

⁶⁵ Exs. PUC-EIP-12 (Public Hearing Exhibit A, Part 1 – (Public Lease Memorandum) and PUC-EIP-13 (Public Hearing Exhibit A, Part 1 (Nonpublic Lease Agreement).

⁶⁶ Master Exhibit List (June 22, 2026) (eDocket No. 20266-233181-01).

⁶⁷ Mike Keefe Comments (June 11, 2026) (eDocket No. 20266-232784-01); Darrell Richardson Request for Supplemental EA and EIS (June 22, 2026) (eDocket No. 20266-233124-01); Kevin Hammel and John Pries (June 23, 2026) (eDocket No. 20266-233212-01); Dan Klavetter Public Hearing Comments (June 25, 2026) (eDocket No. 20266-233323-01); Comments of Aaron Cunningham, Curt Shellum, Stephanie Cunningham, Brett Ostby, Erin O'Neill, David and Robin Lowe, Joni Mulholland, Jim Klavetter, Joe Adams, Alex Langsjoen, Nikki Kranz, Leah Tollefson, Darrell Richardson, Jill Danielson, Tracy Huffman-Krizo, Deborah Klavetter, Wendy Jensen, and Ken Everson (June 29, 2026) (eDocket Nos. 20266-233483-01, 20266-233482-01, 20266-233481-01, 20266-233481-01, 20266-233481-01, 20266-233480-01, 20266-233479-01, 20266-233478-01, 20266-233477-01, 20266-233476-01, 20266-233475-01, 20266-233474-01, 20266-233473-01, 20266-233472-01, 20266-233471-01, 20266-233470-01, and 20266-233456-01); Deborah Klavetter Comments (June 30, 2026) (eDocket No. 20266-233558-01); Wendy Jensen Comments (June 30, 2026) (eDocket No. 20266-233517-01); Ken Everson Comments (June 30, 2026) (eDocket No. 20266-233513-01); Eliese Klennert Comments (July 8, 2026) (eDocket No. 20267-233923-01); Joshua Pries Comments (July 8, 2026) (eDocket No. 20267-233912-01); Owen Zeimer Comments (July 9, 2026) (eDocket Nos. 20267-233977-01 and 20267-233984-01); Mindy Shea Public Comments (July 9, 2026) (eDocket No. 20267-233976-01); Mara Shabestari Comments (July 9, 2026) (eDocket No. 20267-233982-07); Terry Lambert Comments (July 9, 2026) (eDocket No. 20267-233982-06); Mary Doucette Comments (eDocket No. 20267-233982-05); Susan Dreher Comments (July 9, 2026) (eDocket No. 20267-233982-04); Shane Tracy Comments (July 9, 2026) (eDocket No. 20267-233982-03); Charles Wilson Comments (July 9, 2026) (eDocket No. 20267-233982-02); Mary Petersson Comments (July 9, 2026) (eDocket No. 20267-233982-01).

Minnesota Department of Health (MDH), Minnesota Department of Natural Resources (MDNR), and the Minnesota Interagency Vegetation Management Planning Working Group (VMPWG).⁶⁸

50. On June 24, 2026, the [PUC](#) EIP filed its public hearing comments.⁶⁹ The next day, June 25, 2026, [the](#) Applicant filed its Response to the EA, along with a Karst Assessment Addendum.⁷⁰

51. On July 9, 2026, [the](#) Applicant filed its response to public comments and its Proposed Findings of Fact, Conclusions of Law and Recommendations.⁷¹ The [PUC](#) EIP filed its reply comments and its proposed revisions to [the](#) Applicant's Proposed Findings on July 23, 2026.⁷²

52. Additional public comments were filed between July 9 and August 5, 2026.⁷³

53. On July 30, 2026, [the](#) Applicant submitted a letter regarding updated recommendations from the MDH regarding karst avoidance measures.⁷⁴

III. DESCRIPTION OF THE PROJECT

54. [The](#) Applicant is proposing to construct and operate an up to 180 MW alternating current (AC) photovoltaic (PV) solar energy generating facility and associated infrastructure, known as the Lemon Hill Solar Project. The proposed Project would be located in Haverhill and Viola Townships in Olmsted County, Minnesota.⁷⁵

55. The Project footprint would comprise and encumber approximately 1,956 acres of primarily agricultural land [consisting of cultivated cropland and hay/pasture](#) (Site). The Project

⁶⁸ IBEW Local 343 and LIUNA Public Hearing Comments (June 25, 2025) (eDocket No. 20266-233342-01); MDH Public Hearing Comments (June 23, 2026) (eDocket No. 20266-233231-01); MDNR Public Hearing Comments (June 25, 2026) (eDocket No. 20266-233340-01); VMPWG Public Hearing Comments (June 25,

2026) (eDocket No. 20266-233326-01).

⁶⁹ EIP Public Hearing Comments (June 24, 2026) (eDocket No. 20266-233257-01).

⁷⁰ Lemon Hill - Response to the EA with Attachment A - Karst Assessment Addendum (June 25, 2025) (eDocket No. 20266-233322-01).

⁷¹ Lemon Hill Response to Public Comments and Proposed Findings of Fact, Conclusions of Law and Recommendations (July 9, 2026) (eDocket Nos. 20267-233981-03).

⁷² EIP Reply Comments and revisions to Applicant's Proposed Findings of Fact, Conclusions of Law and Recommendations (eDocket Nos. 20267-234568-01 and 20267-234568-02)

⁷³ Comment of David Klavetter (July 17, 2026) (eDocket No. 20267-234279-01); Comment of Mindy Shea (July 9, 2026) (eDocket No. 20267-233976-01); Comment of Owen Ziemer (July 9, 2026) (eDocket No. 20267-233977-01); Comment of Julie Huffman (Aug. 5, 2026) (eDocket No. 20268-234953-01); Comment of Gary Benike (Aug. 5, 2026) (eDocket No. 20268-234953-02); Comment of Sara Behnken (Aug. 5, 2026) (eDocket No. 20268-234953-03); Comment of Mike Keefe (Aug. 5, 2026) (eDocket No. 20268-234953-04); Comment of Laurie Meyer (Aug. 5, 2026) (eDocket No. 20268-234953-05); Comment of Tracy Huffman-Krizo (Aug. 5, 2026) (eDocket No. 20268-234953-06); Comment of David Lowe (Aug. 5, 2026) (eDocket No. 20268-234953-07);

⁷⁴ Lemon Hill letter (July 30, 2026) (eDocket No. 20267-234734-01).

⁷⁵ Ex. App-29 at 3-4 (Direct Testimony of Sergio Trevino).

would include: bi-facial PV modules affixed to tracking systems that allow the PV modules to track the sun from east to west; inverters; transformers; an electrical collection system; access roads; security fencing; security cameras and lighting; a collector substation; an operations and maintenance (O&M) building; parking; stormwater retention ponds; weather stations; temporary laydown areas, either approximately 160 or 530 feet of 161 kilovolt (kV) transmission generation tie-line; and any necessary ancillary equipment or buildings.⁷⁶

56. The estimated annual energy production for the Project is 338,500 megawatt hours (MWh).⁷⁷

57. The Applicant has a Power Purchase Agreement (PPA) with Xcel Energy, a Minnesota utility, serving customers throughout Minnesota and several neighboring states.⁷⁸ Xcel Energy seeks solar energy resources, like this Project, to attempt to meet the requirements of Minnesota's 100 percent carbon-free standard.⁷⁹ The Commission approved the PPA on March 25, 2026, in MPUC Docket No. E-002/M-24-230.⁸⁰

58. The Applicant is proposing to interconnect the Project's substation via a 161 kV gen-tie line to Dairyland Power Cooperative's (Dairyland) switchyard that would then interconnect with tie into Dairyland's LQ34 161 kV transmission line, which is scheduled to be relocated. The gen-tie line would be approximately ~~1,500 feet~~ 160-feet to 530-feet in length and would have the capacity to accommodate all the solar energy generation from the Project. The Applicant filed a queue position with the Midcontinent Independent System Operator (MISO) in the MISO DPP 2021 West study cycle as J2219. The Applicant executed a Provisional Generator Interconnection Agreement (GIA) with MISO and Dairyland in February 2026, and proposed ~~s~~ to start construction in the first quarter of 2027, with commercial operations starting by the end of 2028. ~~, should the Project be approved by the Commission~~⁸¹

59. In its Application, the Applicant proposed that the Project's substation be located in a seven-acre area east of County Road 102 N.E., to the east of the existing overhead 161 kV Rochester-to-Wabaco transmission line owned by Dairyland, which would be the point of interconnection for the Project. The substation would connect the Project to the grid by way of a new approximately 530-foot 161 kV gen-tie transmission line.⁸² Within the Site there would be approximately 20 separately fenced areas containing most of the solar facilities, including the solar panels, substation, and buildings.⁸³ This configuration is called the Preliminary Design

⁷⁶ Ex. App-29 at 4 (Direct Testimony of Sergio Trevino).

⁷⁷ Ex. App-2 at 2 (Site Permit Application).

⁷⁸ See Scoping Hrg. Tr. Vol. I at 67:1 and Vo. II at 69:20-23.

⁷⁹ See IBEW Local 343 and LIUNA Comments (June 25, 2026) (eDocket No. 20266-233342-01).

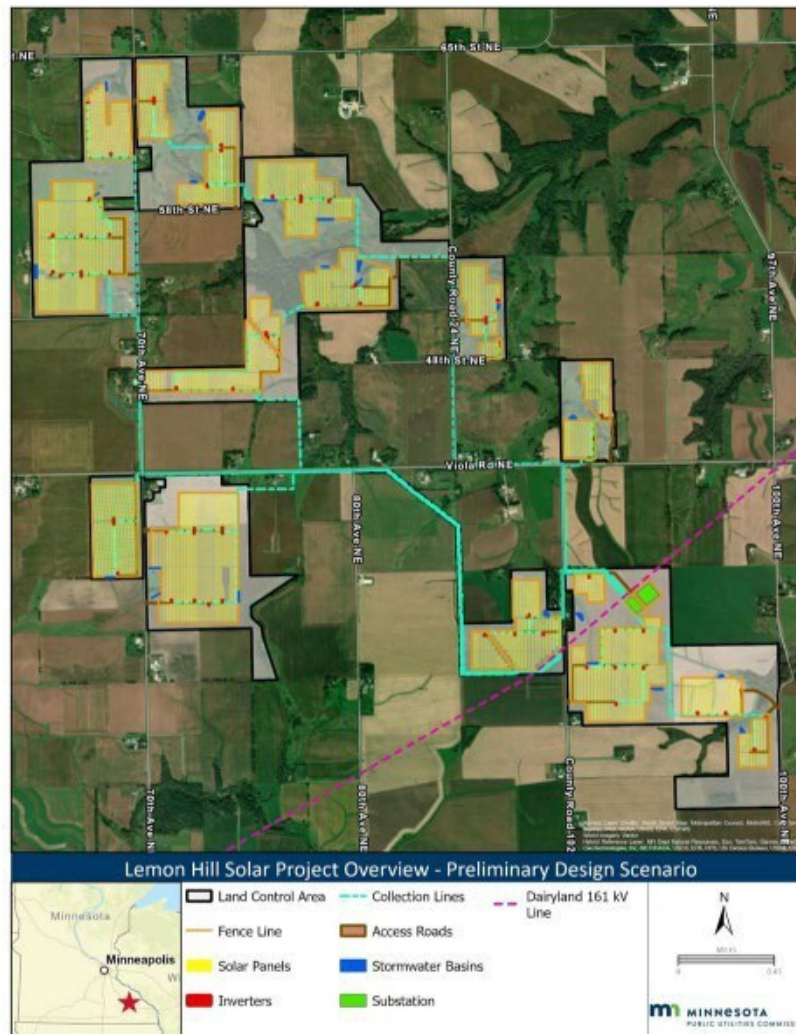
⁸⁰ See Order Approving Solar and Storage Portfolio and Associated Cost Recovery, In the Matter of Northern States Power Company's, d/b/a Xcel Energy, Petition for Approval of a Solar and Storage Portfolio, MPUC Docket No. E-002/M-24-230 (March 25, 2026); see also Ex. App-29 at 8-9 (Direct Testimony of Sergio Trevino).

⁸¹ Ex. App-29 at 4 (Direct Testimony of Sergio Trevino).

⁸² Ex. App-29 at 6-7 (Direct Testimony of Sergio Trevino).

⁸³ Ex. PUC-EIP-8 at 2 (EA).

Scenario in the EA, but for purposes of this Report will be called the Original Design Scenario.⁸⁴ The Original Design Scenario appears in Figure 1, as follows.⁸⁵



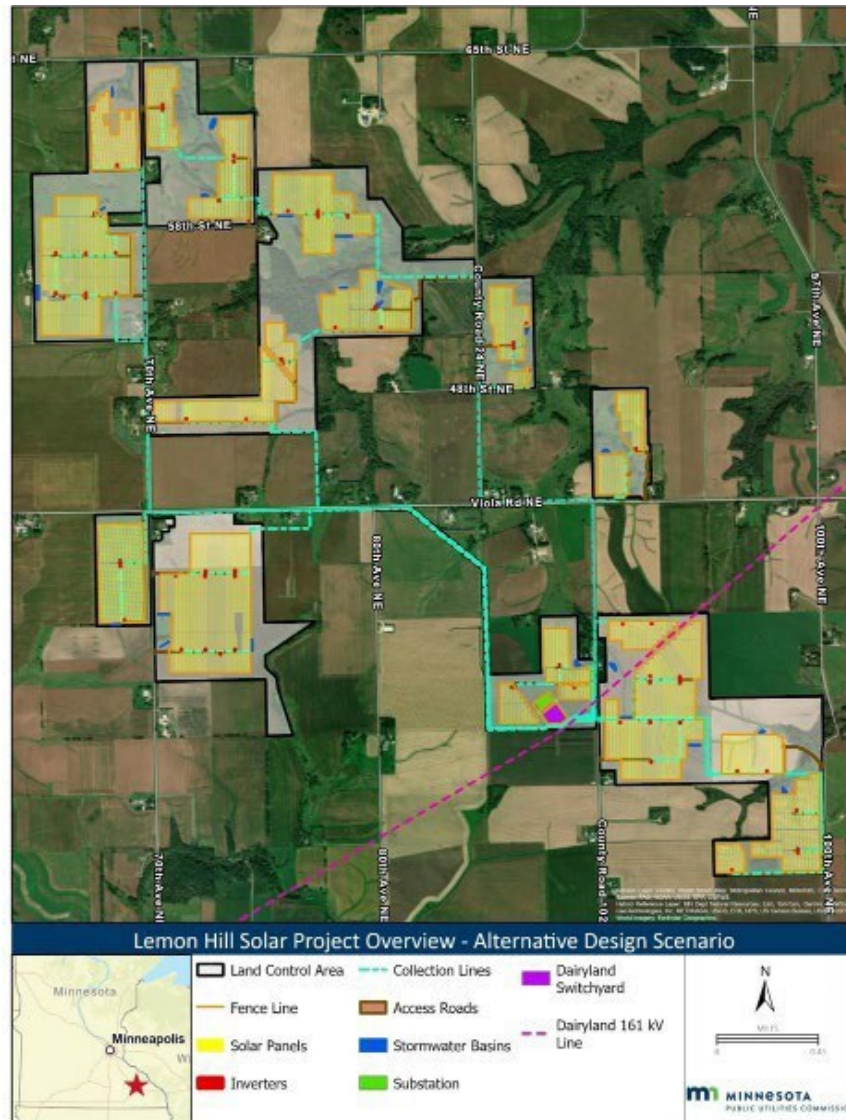
60. On April 29, 2026, ten months after filing its Application, [the](#) Applicant requested that the [PUC](#) EIP also evaluate an alternative location for the substation in an area west of County Road 102 N.E. and to the west of Dairyland’s existing transmission line.⁸⁶ [With](#)~~in~~ this alternative design, [the](#) Applicant proposed~~s~~ to move the substation within the Site to an approximately 8.5-acre area west of County Road 102 N.E. and west of Dairyland’s existing transmission line. The new substation location would displace some solar panels, which would be relocated to two areas within the Site: (1) to the location of the original substation and an area surrounding that location (still within the Site); and (2) to a parcel situated in the southeast section of the Site, west of 100th Avenue S.E. The alternative configuration would also require

⁸⁴ To avoid confusion with the term “Preliminary Development Area,” discussed later in the Report.

⁸⁵ Ex. PUC-EIP-8 at 3 (Figure 1) (EA).

⁸⁶ Ex. App-28 (Supplemental Information for EA).

the addition of 34.5 kV collector lines in the southeast section of the Site. The alternative design would connect the Project to the grid by way of a new, approximately 160-foot 161 kV gen-tie transmission line.⁸⁷ The alternative design would include approximately 22 separately fenced blocks within the Site where most of the solar facilities would be located (~~excluding transmission lines and other items~~).⁸⁸ This configuration is described in the EA as the Alternative Design Scenario and appears as follows:⁸⁹



⁸⁷ Ex. App-29 at 7 (Direct Testimony of Sergio Trevino).

⁸⁸ Ex. PUC-EIP-8 at 2 (EA).

⁸⁹ Ex. PUC-EIP-8 at 4 (Figure 2) (EA).

61. Under both design scenarios, the area where the fenced facilities are proposed to be located within the Site is described in the EA and Application as the Preliminary Development Area. The Preliminary Development Area includes the ~~collection lines~~, collection corridors, or required setbacks, ~~and roads~~ required for the Project, which are necessary aspects of the Project and are all located within the Project Site.⁹⁰

62. Simply put, the Preliminary Development Area is the sum acreage of the ~~fenced portions of the~~ 1,956-acre Site where the Applicant proposes to locate facilities (including the solar panels, substation, Dairyland switchyard, O&M building, transformers, metering equipment access roads, gen-tie structures, new overhead transmission lines, and underground collection lines).⁹¹

63. The Applicant estimated~~s~~ that the Preliminary Development Area for the Original Design Scenario totals 963 acres and 1,067 acres in the Alternative Design Scenario.⁹²

IV. SITE LOCATION AND CHARACTERISTICS

64. The proposed solar facility would be located in Haverhill and Viola Townships within Olmsted County, Minnesota. The location is approximately 3.3 miles east of the city limits of Rochester, 3.3 miles northwest of the city of Eyota, and 0.85 mile west of the unincorporated community of Viola. The proposed Project would be located north and south of County Road 2 (also known as Viola Road N.E.), which bisects the Site running east-west. The Project Site is bounded by several public roadways, including 55th Avenue N.E. to the west; County Road 124/65th Street N.E. to the north; 97th Avenue N.E. and 100th Avenue N.E. to the east; and Silver Creek Road N.E. to the south.⁹³

65. The EA described~~s~~ the area in which the Project would be located in two separate ways: the Site and the Land Control Area, both of which describe the same approximately 1,956-acre area.⁹⁴

66. The Applicant has obtained all necessary land rights to construct the Project on the 1,956-acre Site through lease agreements with private landowners.⁹⁵ Consistent with the EA Scoping Decision, PUC EIP staff did not review the lease agreements as part of its analysis of the Project.

⁹⁰ Ex. PUC-EIP-8 at x (EA).

⁹¹ Ex. APP-2 at 20 (Application); Ex. PUC-EIP-8 at 21-22 and Appendix D (EA).

⁹² Ex. PUC-EIP-8 at 2 (EA).

⁹³ Ex. PUC-EIP-8 at 70 (EA).

⁹⁴ See Ex. PUC-EIP-8 at ix (EA). The EA defines the Land Control Area as “the 1,956-acre area for which [Applicant] is assumed to have site control through ownership, a lease agreement, or an easement. The site permit application refers to this as the ‘Site’.” *Id.*

⁹⁵ Ex. APP-2 at 3 (Application); Ex. PUC-EIP-8 at 2 (EA).

67. The 1,956-acre Site, plus the one-mile radius from the Site and collection line corridor, is referred to in the EA as the Project Area.⁹⁶

68. Views in the Project Area are broad and expansive but typically include farmsteads and rural residences. Many of the structures are fully or partially surrounded by wooded shelterbelts. Several residences border the Project area and are situated along public roadways.⁹⁷

69. Land use within the 1,956-acre Project Site is currently dominated by agriculture and prime farmland. Nearly 90 percent of the 1,956-acre Project Site is currently used for cultivated agriculture (primarily corn and soybeans) and hay/pasture and ~~is~~ nearly all of the soils are designated as ~~considered~~ prime farmland. Building features common to the area include residences and buildings, paved and gravel roads, and private agricultural drainage ditches.⁹⁸

70. There are some other infrastructure projects in the region, including: (1) a six-acre, 2.1 MW solar array located adjacent to the northern portion of the Project along 70th Avenue N.E.; (2) a 161 kV line (the rerouted LQ34 line owned by Dairyland) that crosses through the southeastern portion of the Project Site; (3) a liquid petroleum pipeline, owned by Magellan Pipeline Company, that runs through the Project from southeast to northwest;⁹⁹ and (4) three registered Federal Communications Commission towers within the Project Site.¹⁰⁰

71. The Applicant selected the Project Site based on multiple factors, including: (1) proximity to existing transmission infrastructure that has available capacity to receive ~~the~~injected power produced by the Project; (2) interest from landowners who volunteered to participate in the Project; and (3) proximity to large load centers throughout Minnesota including Rochester and Minneapolis, as well as statewide demand from utilities and ratepayers.¹⁰¹

V. PROJECT SCHEDULE

72. The Applicant anticipates that it would begin construction on the Project in the first quarter of 2027 and reach commercial operation by the end of 2028.¹⁰²

VI. SUMMARY OF PUBLIC COMMENTS

A. Pre-Application Comments

⁹⁶ See Ex. PUC-EIP-8 at 71 (EA).

⁹⁷ Ex. PUC-EIP-8 at 70 (EA).

⁹⁸ Ex. PUC-EIP-8 at 94 (EA).

⁹⁹ Ex. PUC-EIP-8 at 71 (EA).

¹⁰⁰ Ex. PUC-EIP-8 at 71 (EA).

¹⁰¹ Ex. App-29 at 4 (Direct Testimony of Sergio Trevino).

¹⁰² Ex. App-29 at 4 (Direct Testimony of Sergio Trevino).

73. After the filing of the Notice of Intent to Submit a Site Permit Application, eight members of the public submitted comments to the [Commission](#)~~PUC~~.

74. Several residents of Viola and Haverhill Townships expressed opposition to the Project, voicing concerns over the loss of prime agricultural land, the impact on the local environment and wildlife, the lack of local input into Project, the impact on local aesthetics, noise pollution, the negative affect on property values, the lack of long term accountability by the Applicant, failure to consider input of local and non-leasing landowners owners, health concerns associated with radiation from solar farms, and concerns that energy produced locally would be transferred away from, rather than used within the community.¹⁰³

75. One Haverhill Township resident, who had already contracted with [the](#) Applicant, offered to discuss his perspective and his motivation for contracting.¹⁰⁴

B. Comments on Application Completeness

76. On July 9, 2025, the PUC issued the Notice of Comment Period regarding the completeness of the Application. The comment period closed on July 23, 2025.¹⁰⁵

77. The PUC received 96 comments during the comment period, all of which opposed the Project. Seventeen people requested that an Advisory Task Force be appointed to review the Project.¹⁰⁶

78. Members of the community opposed the Project because of concerns regarding environmental impacts, loss of prime farmland, economic impact to community landowners and businesses, the decline in property values, lack of local involvement in the permitting process and Project oversight, likelihood of noise pollution, and the aesthetic impacts to the historically rural community.¹⁰⁷

¹⁰³ Comment by Taylor Pike; Comment by William and Tamera Schmidt; Comment by Gary Laurie and Matt Meyer; Comment by Joni Mulholland; Comment by Ted Pike; Comment by John Meyer; Comment by Mike Keefe.

¹⁰⁴ Comment by Paul Uecker (Mar. 20, 2025) (eDocket No. 20253-216639-01).

¹⁰⁵ Notice of Comment Period on Application Completeness).

¹⁰⁶ Comment by Deborah Klavetter (August 4, 2025) (eDocket No. 20258-221726-01); Comment by Michael Jones (August 4, 2025) (eDocket No. 20258-221718-01); Comments by Kevin Hammel, Tracy Huffman-Krizo, Owen Ziener and Michael Jones, (August 5, 2025) (eDocket No. 20258-221777-01); Comments by Carla Brunsvold, Darrell Richardson, Jim Klavetter, John and Norma Pries, Wendy Jensen and Rachel Smith, (August 5, 2025) (eDocket No. 20258-221765-01); Comment by Laurie Albers (August 5, 2025) (eDocket No. 20258-221810-01); Comment by Tammy Schmidt (August 8, 2025) (eDocket No. 20258-221896-02).

¹⁰⁷ Comment by Joshua Axley; Comment by Faheena Keefe; Comment by Laurie Meyer; Comment by Wayne Pike (July 21, 2025) (eDocket No. 20257-221218-01); Comment by Mike Keefe (July 21, 2025) (eDocket No. 20257-221219-01); Comment by Clint Mulholland (July 21, 2025) (eDocket No. 20257-221217-01); Comment by Deborah Klavetter (July 21, 2025) (eDocket No. 20257-221216-01); Comments by Amy Renken, Randy Renken, Rogena Klavetter, Tamera and William Schmidt, Wendy Jensen (July 22, 2025) (eDocket No. 20257-221275-01); Comment by Tracy Huffman-Krizo (July 23, 2026) (eDocket No. 20257-221315-01); Comment by David Krizo (July 23, 2026) (eDocket No. 20257-221314-01); Comment by Julie Huffman (July 23, 2026) (eDocket No. 20257-221313-01); Comment by Eleanor Krizo (July 23, 2026) (eDocket No. 20257-221311-01); Comment by Kevin Hammel (July 23, 2026) (eDocket No. 20257-221310-01); Comment by Tom Shea (July 23, 2026)

79. State Senator Steve Drazkowski and State Representative Steven Jacob submitted comments opposing the Project. The legislators pointed out that because of recent federal law changes phasing out certain tax credits and incentives that may apply to Lemon Hill and their developer, Ranger Power, Lemon Hill may be trying to use an expedited permitting request for the Project to benefit their financial interests. The legislators contend that by expediting the permitting process, the public would have limited meaningful public engagement and local stakeholders would be robbed of adequate opportunity to participate, comment, and improve the outcomes for all concerned. In addition, they stated that, “an expedited process could result in insufficient assessment of unique local environmental, agricultural and water management factors, including stormwater compliance and potential impacts on native plant communities and wildlife. The proposed development is in a very environmentally sensitive area.” Finally, the legislators strongly urged the appointment of a citizen advisory task force for the project under Minn. R. 7850.2400.¹⁰⁸

80. Residents of Viola and Haverhill Townships filed a petition entitled “Opposition Petition People Against the Viola and Haverhill Township Ranger Power Lemon Hill Solar Project.” The petition contained 225 signatures and discussed ~~The Petition talked about~~ how the project affects farm families and area residents by taking away productive farmland, the displacement and ~~or~~ loss of wildlife, the destruction of waterways, terraces and tile lines, much of which was paid for with tax dollars to save valuable top soils, and the loss of farmland impacting other businesses like seed dealers, equipment dealers, fuel companies, and more.¹⁰⁹

81. PUC EIP’s comments recommended that the Commission accept the Application as substantially complete, not appoint an advisory task force, and requested ed ~~for~~ the appointment of an administrative law judge to conduct public hearings and prepare a full report with findings, conclusions, and recommendations.¹¹⁰

C. Scoping Comments

(eDocket No. 20257-221309-01); Comment by James Klavetter (July 23, 2026) (eDocket No. 20257-221308-01); Comment by John and Norma Pries (July 23, 2026) (eDocket No. 20257-221307-01); Comments by Laurie Albers, Jean Hanson, Bethany Hoffman, Jennifer Lawver, Julie Meyers, Phillip Nicklay, Ted Pike, Rick Trogstad, Jason and Mindy Shea, and Amy Renken (July 24, 2026) (eDocket No. 20257-221366-01); Comment by Dale Bierbaum (July 30, 2026) (eDocket No. 20257-221547-01); Comment by Brad Nelson (August 4, 2025) (eDocket No. 20258-221700-01); Comment by Viola Township (August 4, 2025) (eDocket No. 20258-221699-01); Comments by Kenneth Everson, Mike Keefe, and Bill Schmidt (August 5, 2025) (eDocket No. 20258-221777-01); Comments by Dale Bierbaum, John and Norma Pries, Steve Uthke, and Mike Keefe (August 5, 2025) (eDocket No. 20258-221765-01); Comment by Bradley Lorang (August 25, 2025) (eDocket No. 20258-222364-01).

¹⁰⁸ Steve Drazkowski, State Senator and Steven Jacob, State Representative Comments (August 5, 2025) (eDocket No. 20258-221784-01).

¹⁰⁹ Opposition Petition (July 22, 2025) (eDocket No. 20257-221274-01).

¹¹⁰ EIP Staff Comment (July 23, 2026) (eDocket No. 20257-221324-01).

82. Public Information and Environmental Review Scoping Meetings were held on November 19 and 20, 2025. There were two in-person meetings on November 19, 2025 (at 12 p.m. and 6 p.m.) and a virtual meeting conducted by WebEx on November 20, 2025.¹¹¹

83. Fifteen members of the public provided verbal comments during the 12 p.m. meeting on November 19, 2025; 24 individuals provided verbal comments during the 6 p.m. meeting on November 19; and two people offered verbal comments during virtual meeting on November 20, 2025.¹¹²

84. Residents raised concerns about [the](#) current plans for setbacks as insufficient and about the karst geology, and contaminants in the water affecting wells. Jim Klavetter, a resident, farmer, and chairperson of the Viola Township Board, talked about how the job creation for the Project would be mostly temporary jobs, but long term, it would take away more jobs than it would bring, especially to small businesses in the area that rely on agriculture.¹¹³

85. Mike Keefe discussed concerns about the leases between the [the](#) Applicant and landowners. Keefe also mentioned the karst region and the likelihood of groundwater contamination.¹¹⁴

86. Tracy Huffman-Krizo emphasized concerns about how frost heave may cause frost jacking (where the expanding ice grips the piles and jacks it upwards) which would affect [th~~at~~](#) fragile karst topography.¹¹⁵

87. Joe Christenson raised questions about the short notice to the community about the project application and the logic to putting solar panels in Minnesota where the weather interferes with sunlight.¹¹⁶

88. Mindy Shea talked about how farming and rural living is more than an occupation or address, but a way of life rooted in tradition, resilience, and a deep connection to [the](#) land in the community. Shea asserted the reason for the solar panels seems motivated by monetary benefit.¹¹⁷

¹¹¹ Notice of Public Information and Environmental Assessment Scoping Meetings.

¹¹² Scoping Hrg. Tr. Vol. I; Scoping Hrg. Tr. Vol. II; Scoping Hrg. Tr. Vol. III (eDocket No. 202512-225762-02).

¹¹³ Scoping Hearing Tr. Vol. I at 18-28 (J. Klavetter). *See also* Scoping Hearing Tr. Vol. I at 41-44 (W. Pike); Scoping Hearing Tr. Vol. I at 58-62 (J. Lawver); Scoping Hearing Tr. Vol. I at 72-76 (J. Mulholland); Scoping Hearing Tr. Vol. II at 15-17 (C. Mulholland);

¹¹⁴ Scoping Hrg. Tr. Vol. I at 29-29.

¹¹⁵ Scoping Hrg. Tr. Vol. I at 45-53.

¹¹⁶ Scoping Hrg. Tr. Vol. I at 63-66.

¹¹⁷ Scoping Hrg. Tr. Vol. II at 17-20.

89. David Pike, landowner near the Project Site, asked about the financial footing of the Applicant and where to obtain that information, expressed concern with~~about~~ the depth of pylons in the soil, and the security fence.¹¹⁸

90. The scoping comment period ended on December 8, 2025. Written comments were received from unions, state agencies, and members of the public.¹¹⁹

91. The LIUNA, IUOE Local 49, and Iron Workers Local 512 requested that the EA consider local employment and economic impact.¹²⁰

92. The MDH warned of active karst in the Project Area, impacts on stormwater ponds, including drinking water protections, the need for remediation and contingency planning, and the potential impact on private wells.¹²¹

93. The MnDOT commented that, while the Project does not immediately affect MnDOT interests, the Applicant would most likely need permits for hauling during construction and should also be aware of road construction in the area.¹²²

94. The Minnesota Pollution Control Agency (MPCA) indicated ~~reminded~~ that the Project would need to include permits from the U.S. Army Corps of Engineers and the MPCA, including water quality certification.¹²³

95. The Minnesota Department of Agriculture (MDA) asked that the EA examine:

- Impacts to the local agricultural economy brought about by the removal of a large amount of agricultural land, local employment and community agricultural businesses, agricultural land availability, and local agricultural land values and rental rates;
- Impacts on local infrastructure, such as roads and surface drainage systems;
- Compliance with local zoning and land use ordinances, such as setbacks and screening, among others;
- Impact to agricultural soils and drainage systems;
- Effect on surface and ground water quality due to the proximity of karst geologic features within and near the Project;

¹¹⁸ Scoping Hrg. Tr. Vol. III at 18-30.

¹¹⁹ Ex. PUC-EIP-4 (Oral and Written Comments on the Scope of EA).

¹²⁰ Scoping Hrg. Tr. Vol. I at 16-19, 89-91.

¹²¹ Written Comments on EA Scoping at 5-6 (Dec. 11, 2025) (eDocket No. 202512-225762-01).

¹²² MnDOT Written Comments on EA Scoping (Dec. 11, 2025) (eDocket No. 202512-225606-01).

¹²³ Written Comments on EA Scoping at 3.

- Site contamination caused by the construction and decommissioning; and
- Stray voltage and electromagnetic fields to nearby agricultural activities, such as irrigation systems, livestock, and people.¹²⁴

96. The MDNR commented on potential impacts to wildlife caused by fencing, the location of karst features, protections for loggerhead shrike and native plant communities, lighting requirements, potential for increased dust during construction, and the need for wildlife-friendly erosion control. To that end, the MDNR made several recommendations:¹²⁵

- Require a Vegetation Management Plan (VMP).
- Require security fencing with a minimum height of 10 feet around each group of solar arrays to prevent white-tailed deer and other large wildlife from entering the facility;
- Require that fencing be designed in accordance with the MDNR’s *Commercial Solar Siting Guidance and the Fencing Handbook for 10 ft Woven Wire Deer Exclusion Fence*.
- Require that the nominal color temperature of lighting used not exceed 4,000 kelvin, be downlit, and be shielded to minimize blue hue, backlight, and glare in compliance with the MDNR’s *Commercial Solar Siting Guidance*.
- The EA should address potential impacts to the loggerhead shrike, a state-listed endangered bird that has been documented in the Project vicinity. Specifically, tree and shrub removal should be avoided during the loggerhead shrike breeding season (April through July). If tree clearing cannot be avoided during the breeding period, a qualified surveyor must conduct a survey for active nests before any trees or shrubs can be removed. The MDNR also attached a Natural Heritage Review Letter regarding details about necessary surveys.
- The EA should address fugitive dust levels and dust suppression measures to be taken during construction and once the facility is operational.
- The EA should discuss the use of wildlife friendly erosion control measures, including use of biodegradable erosion control materials that are flexible and rectangular to prevent wildlife entanglement, limiting erosion control blankets to “bio-netting” or “natural netting” types (not plastic), and selecting hydro-mulches that do not contain synthetic fibers or malachite green dyes, which can pose toxicity concerns for fish, wildlife, and insects.

97. Finally, the MDNR noted that the Project is within a region prone to karst features. Consequently, the MDNR recommended that [the](#) Applicant be required to coordinate with geotechnical experts to prevent pollution in this sensitive hydrogeology. In addition, the EA

¹²⁴ MDA Written Comments on EA Scoping (Dec. 8, 2025) (eDocket No. 202512-225612-01).

¹²⁵ MDNR Written Comments on EA Scoping (Dec. 8, 2025) (eDocket No. 202512-225633-01).

should describe how design and construction methods [would be implemented](#) to protect the groundwater from pollution.¹²⁶

98. The Leech Lake Band of Ojibwe Tribal Historic Preservation Office noted that, although they have no recorded historic properties within the area, absence of records does not mean cultural resources are absent. The Band requested to be notified if human remains or suspected human remains are encountered.¹²⁷

99. Thirty-five written comments were received from individual members of the public. Members of the public wrote to ask for more extensive setbacks at property lines.¹²⁸ Amy Renken asked about effects on recreation and tourism and who will hold the Applicant accountable for agreements made for this Project if they sell.¹²⁹ Bradley Lorang asked that independent subject matter experts verify [the](#) information presented by the Applicant and the PUC for the Project.¹³⁰

100. Eliese Klennert, owner of The Stables Equestrian Center located next to the Project, proposed permit conditions to avoid, minimize, or mitigate direct impacts to her business.¹³¹

101. Gary Benike asked to consider ruling out driving pillars into shallow karst areas, and to have all tile lines located, flagged, and if necessary, relocated before any construction starts.¹³²

102. A number of members of the public wrote in support of the Project for its environmental and economic impacts.¹³³

103. Mike Keefe submitted written comments outside the comment period. Keefe filed a copy of the Terracon karst Survey and Groundwater Assessment Report for the Lemon Hill Solar Project. Keefe asserted the Terracon report discussed harms to the karst geology by the Project and that the groundwater systems are not compartmentalized but interconnected.¹³⁴

104. No site or system alternatives were recommended for study during the scoping period.

¹²⁶ MDNR Written Comments on EA Scoping at 1.

¹²⁷ Written Comments on EA Scoping at 7.

¹²⁸ Written Comments on EA Scoping at 11-12, 20.

¹²⁹ Written Comments on EA Scoping at 8.

¹³⁰ Written Comments on EA Scoping at 13

¹³¹ Written Comments on EA Scoping at 21-6.

¹³² Written Comments on EA Scoping at 27-73.

¹³³ Written Comments on EA Scoping at 16, 78, 80-87, 127, 131-32, 135-36.

¹³⁴ Mike Keefe Comments (Dec. 15, 2025) (eDocket No. 202512-225820-01).

105. [The](#) Applicant filed responsive scoping comments and addressed the following topics: karst, groundwater, the Crawfish River Solar Project, project ownership, and fire risk.¹³⁵

106. Prior to the beginning of the [public](#) hearing comment period, on June 1 and 8, 2026, community member Darrell Richardson submitted comments requesting that the Project undergo both a Supplemental Environmental Assessment (SEA) and a full Environmental Impact Statement (EIS), arguing that the current EA is incomplete and inadequate. Richardson asserted that the current EA does not incorporate new data indicating the presence or likely presence of protected species (including the Rusty Patched Bumble Bee), new information documenting well fluctuations and high-capacity well activity, and more information regarding karst features, surface to groundwater connectivity, and groundwater impacts such as aquifer recharge, contamination risks, and effects on private wells. Richardson contends that these gaps prevent a full understanding of the Project's environmental consequences and do not meet Minnesota's environmental review standards. Richardson asked the Commission to require additional environmental review given the emergence of new information to ensure full legal compliance, transparency, and thorough environmental analysis before the Project proceeds.¹³⁶

107. On June 4, 2026, Haverhill Township submitted comments opposing the proposed Project, arguing that it would convert large areas of prime farmland into long-term industrial use, thereby threatening agricultural productivity and the viability of local farming. The township also raised concerns about the Project's compatibility with rural land uses, its impact on the area's character and landscape, and potential environmental risks, especially groundwater contamination due to sensitive karst geology. Additional issues included soil health, drainage, construction impacts, and the need for strong decommissioning plans and financial guarantees. The township urged regulators to carefully review the Project, prioritize farmland preservation, and deny the site permit.¹³⁷

D. Public Hearings Comments

108. Three public hearings were held on June 10 and 11, 2026: two in-person hearings in Rochester on June 10, 2026 (12 p.m. and 6 p.m.), and one virtual hearing on June 11, 2026. Twelve people provided oral comments at the afternoon hearing on June 10.¹³⁸ Thirteen people made oral comments at the evening hearing on June 10.¹³⁹ One person made an oral comment at the virtual hearing on June 11.¹⁴⁰ The oral comments made at the hearings are detailed below.

¹³⁵ Ex. App-26 (Scoping Comments).

¹³⁶ Darrell Richardson Comments (June 1, 2026) (eDocket No. 20266-232417-01); Darrell Richardson Comments (June 8, 2026) (eDocket No. 20266-232601-01).

¹³⁷ Haverhill Township Comments (June 4, 2026) (eDocket No. 20266-232549-01).

¹³⁸ Pub. Hrg. Tr. Vol. I (Jun. 10, 2026, 12 p.m.) (eDocket No. 20266-233125-01).

¹³⁹ Pub. Hrg. Tr. Vol. II (Jun. 10, 2026, 6 p.m.) (eDocket No. 20266-233125-02).

¹⁴⁰ Pub. Hrg. Tr. Vol. III (Jun. 11, 2026) (eDocket No. 20266-233125-03).

109. Mike Keefe, resident of Dover, submitted six exhibits for review, including a lease agreement between a local landowner and [the Applicant](#).¹⁴¹ Keefe argued~~s~~ that [the Applicant's](#) land leases violate state law by, among other things: (1) failing to disclose material facts to landowners; (2) including unfair nondisclosure clauses; (3) exceeding the 21-year limit to land leases set forth in the Minnesota Constitution (the Applicant lease is for 35 or 44 years); (4) allowing an LLC to be involved in farming or owning agricultural land in violation of Minn. Stat. § 500.24; and (5) breaching the agricultural land preservation policy set forth in Minn. Stat. § 17.80, subd. 2(h). Keefe stated~~s~~ that local landowners feel “duped” and want out of the leases they signed. Keefe also asserted~~s~~ that the EA was inadequate ~~into~~-addressing karst issues in the area. He is concerned that there is insufficient geotechnical oversight or analysis of the Project, given the sensitive karst geology in the area. Keefe explained that “frost heave” would move the solar pilings and allow surface water to enter the sensitive karst geology. Finally, Keefe expressed concern that [the Applicant](#) or its contractor, Merjent, started a fire in Haverhill Township in 2024, near the proposed Site.¹⁴² (Merjent admits that its employees saw the fire on the property and called the fire department, but denies knowing how the fire started.)¹⁴³

110. Joe Christenson, a local resident, commented that given the state’s cold and volatile weather, Minnesota is not a viable location for solar projects. He contends that Minnesota solar farms do not produce much energy because of the limited amount of sun exposure or sun intensity that Minnesota receives, especially during the long winter months. He noted that Minnesota prime farmland should not be used for solar farms because there are plenty of areas in other states with more sun and less productive land. Christenson questioned whether any of the energy produced from the proposed Project would even be used in Minnesota or whether it would be shipped out of state. Christenson is also concerned about hunting the frequently occurs near the proposed Project Site. He is worried that that projectiles could strike and damage the solar panels, creating a risk of contaminants leaking from the panels into groundwater. Finally, Christenson believes that the Project was instigated by a particular Haverhill Township Board member who wanted to lease his land for the Project for profit and concealed this conflict of interest from the township board until after an election. Christenson believes that solar farms like the one proposed do little to combat climate change.¹⁴⁴

111. Darrell Richardson, Viola Township, submitted an exhibit for review.¹⁴⁵ Similar to his written comments and request for additional environmental review, Richardson asserts that the EA is inadequate in the following ways: (1) it omits multiple threatened and endangered species; (2) it ignores the impact on the endangered Rusty Patched Bumble Bee, an important insect for agriculture; (3) it neglected to analyze groundwater impacts, especially to private wells

¹⁴¹ Pub. Hrg. Exhibit A (June 18, 2026) (eDocket Nos. 20266-233054-01, 20266-232909-02, 20266-232909-03).

¹⁴² Pub. Hrg. Tr. Vol. I at 25-31; Pub. Hrg. Tr. Vol. II at 54-70, 66-70.

¹⁴³ Pub. Hrg. Tr. Vol. II at 66-38 (Dan Flo, employee of Merjent).

¹⁴⁴ Pub. Hrg. Tr. Vol. I at 33-38; Pub. Hrg. Tr. Vol. II at 94-101 (Christenson).

¹⁴⁵ Pub. Hrg. Exhibit B (June 18, 2026) (eDocket No. 20266-233054-02).

in the area; and (4) it fails to meet EA sufficiency standards by, among other things, making unsupported conclusions. Richardson requested a supplemental EA or a full EIS be completed.¹⁴⁶

112. Ken Everson, Eyota, commented that the EA is insufficient with respect to the analysis of the jobs that would be lost as a result of the Project. He noted that the jobs “created” would only be temporary during construction and that very few (three to five) permanent jobs would be created. In contrast, he explained that significantly more jobs would be lost or the local economy negatively impacted by removing more than 1,900 acres of prime farmland from production. Everson asserts that the EA did not adequately consider the jobs that would be lost and the economic impact resulting from the loss of this farmland in the small community. He explained that the EA did not properly consider the local suppliers and business owners that would suffer as a result of the reduction in farmland/farming in the area. Everson also questioned how the Commission can ignore the Prime Farmland Rule, Minn. R. 7850.4400. According to a ~~Request for Information #158, 963.14~~734.89 acres of prime farmland would be lost under the Project as proposed in the original Application and ~~1,067.42~~819.51 acres of prime farmland would be lost with the Alternative ~~Substation~~ Design Scenario. Everson rejects the EA conclusion that there is no other feasible and prudent alternative to the Project. Everson questioned why the state

113. have a lawyer or agency representing the public’s interest in these types of projects. Instead, it appears that the PUC EIP merely “rubber stamps” a utility company’s data and information in the EA. He expressed need for critical and independent review of these projects to determine whether the projects really are in the best interest of the state and its residents. Everson also addressed: (1) the existence of karst in the area and how the EA did not adequately analyze that issue; (2) potential impacts on the many private wells in the area and on the groundwater; and (3) how the Project would be decommissioned and put back into agricultural use, especially if there is damage to existing drainage system.¹⁴⁷

114. When asked whether the Applicant had committed to using union labor, Nathan Runke, ~~a member of the International Union of Operating Engineers, Local 49, expressed support for the Project and the job opportunities it creates for the union’s members~~ stated his understanding that the Applicant had committed to prioritizing the use of local union labor for construction. In response, the Applicant stated that it requires its contractors to work with labor unions and local subcontractors, a commitment it has made in writing in its testimony.¹⁴⁸

115. Shannon O’Neill, is a business owner in Elgin. She said that the Project should be developed in a different location due to the valuable farmland and natural beauty of the area that would be impacted.¹⁴⁹

116. Clint Mulholland is a local resident who is worried about living close to the proposed substation. He questioned what entity was paying the cost of the land leases and what

¹⁴⁶ Pub. Hrg. Tr. Vol. I at 40-47 (Richardson).

¹⁴⁷ Pub. Hrg. Tr. Vol. I at 48-80; Pub. Hrg. Tr. Vol. II at 101 (Everson).

¹⁴⁸ Pub. Hrg. Tr. Vol. I at 80-823 (Runke).

¹⁴⁹ Pub. Hrg. Tr. Vol. I at 114-18 (O’Neill).

public subsidies the solar companies are receiving. He urged the Commission to require more buffers between private property and the solar farm.¹⁵⁰

117. Joni Mulholland is a local resident and is disappointed with how this Project was originally proposed and how it is being permitted. First, she asked if DESRI and Ranger Power intend to sell the Applicant after the Project is developed. Mulholland emphasized that: (1) the energy produced by the Project would not be used in Minnesota; (2) local workers would not be used for construction of the Project; (3) only a couple permanent jobs would be created by the Project (and more local jobs lost); and (4) the Project would not benefit Minnesota. She is disappointed that the Minnesota Legislature quietly passed laws exempting solar companies from complying with local laws and regulations, thereby removing local control of the development. For example, Viola and Haverhill Townships were never given the opportunity to object to the Project before it went before the PUC. Like other commenters, Mulholland notes that one Haverhill Township Board member quietly pushed to get the Project brought into the area so that he could personally profit from leasing his property at the expense of others in the community. In short, Mulholland believes that there is a lack of transparency with the Project and that the community is being taken advantage of by out-of-state solar companies.¹⁵¹

118. Erin O'Neill is a local resident concerned about the environmental impact the Project would have on the area, particularly the risk of introduction non-native invasive plant species into the agricultural community. O'Neil asserts that government agencies do not always know what is best for the community.¹⁵²

119. Jim Klavetter is a former Viola Town Board Chairman and current member of the township Planning and Zoning Commission. He made several points during the hearing. First, he noted that the labor [the](#) Applicant plans to use to construct the project are not local union workers; they are generally brought in from out of state. Second, Klavetter expressed concern about the existence of karst in the area and the potential impacts the Project would have on water quality due to the sensitive karst geology. Third, he is disappointed that [the](#) Applicant is exempt from all the local zoning laws and rules with which farmers and residents must comply. Klavetter noted that Ranger is based in Chicago and DESRI is in Massachusetts, rendering them unresponsive to local needs. He expressed disappointment with the Applicant for not working with the local Townships to obtain input and coordinate on issues such as setbacks, roads, and other local regulatory items. This caused a fair amount of distrust in the community. Fourth, Klavetter questioned why the Commission does not have legal counsel at the public hearings to question the Applicant, represent the public interest, and provide argument and analysis regarding the EA, which was not performed by a third party with expertise. Klavetter asserts that the EA did not provide a neutral, critical analysis. Instead, [PUC](#) EIP relies almost exclusively on [the](#) Applicant's own data and information without [PUC](#) EIP staff performing its own research and analysis or using other state agencies with specialized expertise to provide independent analysis. Fifth, Klavetter highlighted that Ranger is merely a developer and [the](#) Applicant is a shell company (a limited liability company) used to protect DESRI from any liability or real

¹⁵⁰ Pub. Hrg. Tr. Vol. I at 118-22 (C. Mulholland).

¹⁵¹ Pub. Hrg. Tr. Vol. I at 123-127; Pub. Hrg. Tr. Vol. II at 112-19 (J. Mulholland).

¹⁵² Pub. Hrg. Tr. Vol. I at 127-29 (O'Neill).

financial risk associated with this proposed solar farm. Moreover, the Project would likely be sold several times over the course of its lifespan. Thus, Klavetter questions how the state will hold any company responsible for the Project years down the line or if Minnesota taxpayers would ultimately be left “holding the bag” should the Project not be financially successful for its owners. Sixth, Klavetter questioned why the Applicant needs nondisclosure agreements in the land leases. These clauses: (1) prevent landowners from knowing what the company is paying other landowners for use of their land; and (2) allow the company to evade transparency. Klavetter noted that [the](#) Applicant can terminate the leases at its will, but for landowners, the contracts are not terminable, rendering them contracts of adhesion. Klavetter noted that only three of the ten landowners who signed leases with the Applicant actually farm in the area – the remainder are nonresident (absentee) landowners and/or non-farmers. Furthermore, because solar companies would pay more per acre to lease the land than farmers, these types of projects prevent young farmers from staying in the agricultural business because they cannot find affordable land to rent or buy and farm. Seventh, Klavetter agrees with other commenters that the EA did not adequately value the economic loss that will befall the rural community, which historically has depended on agriculture. He explained that a solar project will not bring business to the community, will not bring any tax benefits, and will only benefit the small number of landowners who signed leases with [the](#) Applicant. Finally, Klavetter asked [the](#) Applicant which substation configuration it preferred. [The](#) Applicant responded that it is asking the Commission to approve both substation configurations and the Applicant will decide after it receives its permit.¹⁵³

120. Deborah Klavetter, Viola Township, is a lifelong farmer and resident of the area.¹⁵⁴ She opposes the Project because it is on prime agricultural land, would have negative environmental impacts, reduce property values, and impose health risks to local residents.¹⁵⁵ Klavetter notes that the area has been historically rural and agricultural and that the Project would be taking nearly 2,000 acres of land out of agricultural production. She notes that foreign solar companies do not care about Minnesota or its farmers, and that, in the end, Minnesota taxpayers would be footing the bill for this “green scam.” Finally, Klavetter urges the Commission to remember that once prime farmland is gone, it would be gone forever because farmers will leave the rural areas, harming an industry that has been the foundation of Minnesota for generations.

121. Brad Nelson explained that his real property is in the Project Area, but not within the Project Site, and would suffer a significant reduction in value as a result of the solar farm. First, Nelson owns an equestrian riding facility that would be impacted due to construction noise and activity. He questions the accuracy of the EA’s noise analysis and its failure to acknowledge the impact on his business. Second, Nelson is concerned about water run-off from the Project that might pollute his land and nearby waterways. He noted that a proposed retention pond would drain into a dry creek and contaminate it. He asked that the water be diverted in a different direction. Nelson questioned why the Applicant does not have to pay damages for the reduction in property values to landowners whose property would be negatively impacted by the Project

¹⁵³ Pub. Hrg. Tr. Vol. I at 83-102; Pub. Hrg. Tr. Vol. II at 70-145 (Jim Klavetter).

¹⁵⁴ Pub. Hrg. Exhibit C (June 18, 2026) (eDocket No. 20266-233054-03).

¹⁵⁵ Pub. Hrg. Tr. Vol. I at 103-108 (D. Klavetter).

but whose property is not leased to the Applicant for the Project. He noted that his neighbors get money to lease their land, but he gets no compensation despite major impacts to his business and real property. Finally, Nelson urges the Commission to deny the permit so that the Applicant can find a better location where karst geology is not so prevalent.¹⁵⁶

122. Noble Salisbury is a local electrician who expressed concern regarding stray voltage from the Project and its potential impact on local farmers. He notes that stray voltage can have expensive impact on farmers, including damage or death to livestock, reduction in milk production, and livestock infertility. He does not believe the Applicant is testing for stray voltage and he does not believe that the Applicant will compensate farmers for their losses. He urges the Commission to require the Applicant to test regularly for stray voltage and compensate farmers for damages.¹⁵⁷

123. Jeffery Spors owns a farm immediately downstream from the proposed Project. He is concerned that his well and drinking water would be contaminated due to the sensitive karst geology in the area. He asserts that the EA discusses karst generally but specifically address the karst specific to the Project Area. He explained that karst studies performed after the Project would be approved are of little value because they cannot inform the Commission on whether the location is actually appropriate for the Project before it is permitted. Spors requests that a full EIS be performed before the Project would be permitted. Spors contends that his property would also suffer from pollution due to solar panel runoff onto his land and that his property will have drainage issues due to stormwater runoff caused by the solar panels. He urges the Commission to require larger setbacks and impose more protective measures to reduce the impact of runoff on nearby properties. Spors notes that certain waterfowl in the area are already at risk and the Project only increases that risk. Spors is concerned that the area would be converted from a rural, agricultural area to an industrial zone. He noted that the Viola and Haverhill Townships are not the right place for this Project.¹⁵⁸

124. Elise Klennert, owns an equestrian center in the Project Area. She requests that [the](#) Applicant plant natural screening for the length of her driveway and agree to a 1,000-foot setback from her house. She has serious concerns about the impact construction will have on her business because horses are easily spooked by noise and may present a danger to her clients if spooked. She argued that the EA does not properly address the issue of noise to farm animals or the economic impact she (and others in the area) will suffer.¹⁵⁹

125. Ken Bourquin is a farmer in Haverhill and Viola Townships. He is concerned about the loss of approximately 1,900 acres of prime farmland because of this Project. He is also concerns about the lack of job creation associated with the Project (three to five permanent jobs) in comparison to the significant losses to local businesses, such as equipment dealers, pesticide

¹⁵⁶ Pub. Hrg. Tr. Vol. I at 109-113; Pub. Hrg. Tr. Vol. II at 87-97 (Nelson).

¹⁵⁷ Pub. Hrg. Tr. Vol. I at 28 (Salisbury); Pub. Hrg. Tr. Vol. II at 28-41, 105-110 (Salisbury).

¹⁵⁸ Pub. Hrg. Tr. Vol. II at 42-45, 110-12 (Spors). Pub. Hrg. Exhibit E (June 18, 2026) (eDocket No. 20266-233054-05).

¹⁵⁹ Pub. Hrg. Tr. Vol. II at 46-51 (Klennert).

and herbicide providers and applicators, seed suppliers, insurance sales, co-ops and elevators, LP gas suppliers, and other agribusinesses that depend on the local farming economy.¹⁶⁰

126. Melissa Shea is a small business owner and CEO of a large dairy farm in the area. She expressed concerns regarding the loss of local businesses, the loss of prime farmland, and the health risks to animals and humans associated with the Project. She reminds the Commission that “solar isn’t food” and that her six-generation farm would lose 137 acres of farmland because of this Project, that is currently used to feed their livestock. She urges the Commission to deny the site permit due to the impact on prime agricultural land.¹⁶¹

127. Bradley Lorang was the only member of the public who spoke at the virtual public hearing on June 11, 2026. Lorang asked several questions about the Project. First, Lorang asked which substation location [the](#) Applicant preferred. [The](#) Applicant responded that it seeks to have both substation locations approved by the Commission and then it would decide which one to build once a permit is issued. Second, Lorang asked what the expected energy output would actually be for the Project.¹⁶² [The](#) Applicant noted that solar panels are 25 percent efficient on average over the course of the year.¹⁶³ The Applicant committed to and provided additional information on this topic in its public hearing comments.¹⁶⁴ [The](#) Applicant also confirmed that the energy created by the Project is sold to Xcel and transported onto the grid for broader distribution.¹⁶⁵ Third, Lorang asked how much time [PUC](#) EIP staff spent in the Project Area when preparing the EA. [PUC](#) EIAP staff responded that ~~she they received most of the data and information used for the EA from the Applicant and that she~~ spent just one day in the Project Area [and could only take pictures from public roads as they cannot access private property. Staff noted that cultural resources surveys conducted for the project have been reviewed by the State Historic Preservation Office and wetland surveys have been reviewed by the Olmsted County Soil and Water Conservation District.](#) Fourth, Lorang noted that his real property will be surrounded on all four sides by the Project but that he would not receive any compensation for the impacts he will suffer. He requested that the Commission require a minimum setback of 1,500 feet from the Project and occupied dwellings. Finally, Lorang does not believe that the EA was complete or thorough, and he believes that the EA relied too heavily on information and data provided by the Applicant. Moreover, he is also concerned by the fact that the Applicant cannot quantify how much energy is expected to actually be produced by the Project, a fact that would seem to be material to the Commission’s decision on whether to permit the Project.¹⁶⁶

¹⁶⁰ Pub. Hrg. Tr. Vol. II at 52-63 (Bourquin).

¹⁶¹ Pub. Hrg. Tr. Vol. II at 93-94 (Shea).

¹⁶² Pub. Hrg. Tr. Vol. III at 31-36 (Lorang).

¹⁶³ Pub. Hrg. Tr. Vol. III at 36 (Trevino).

¹⁶⁴ Response to the EA with Attachment A - Karst Assessment Addendum at (June 25, 2026) (eDocket No. [20266-233322-01](#)). See Pub. Hrg. Tr. Vol. III at 64:17-22 (Brusven) and Lemon Hill Solar - Response to Public Hearing Comments with Attachment A at 11-12 (July 9, 2026) (eDocket No. [20267-233981-03](#)).

¹⁶⁵ See Pub. Hrg. Tr. Vol. I at 124:8-11 (Trevino) and 126:12-19 (Brusven).

¹⁶⁶ Pub. Hrg. Tr. Vol. III at 31-64 (Lorang).

E. Written Comments Received During Comment Period

128. The written public comment period remained open through June 25, 2026. Members of the public submitted thirty-one written comments during the comment period with an additional nine comments filed outside the comment period. In addition, [PUC](#) EIP and [the](#) Applicant submitted comments.

129. Fifteen members of the public submitted comments supporting the Project. Several comments in support of the Project said that the Project will have economic benefits such as increased tax revenue, investments in local schools and public services, and economic stability.¹⁶⁷ Other members of the public supported the project because of sustainable energy generation and energy reliability.¹⁶⁸ Members of the public also supported the project because it supports landowner rights and voluntary participation.¹⁶⁹

130. Mike Keefe, resident of Dover, MN, submitted a written comment reiterating his hearing comments. Keefe also criticizes the use of broad non-disclosure agreements as a way to limit transparency and public oversight. The comment argues these concerns warrant review by the FBI and U.S. Attorney to determine whether any laws were violated, and emphasizes the need for full disclosure, accountability, and preservation of evidence before any approval is considered.¹⁷⁰

131. Darrell Richardson submitted written comments identical to his oral comments.¹⁷¹

132. Kevin Hammel and John Pries submitted comments opposing the Project, expressing concerns about the loss of local control in the permitting process, and arguing that recent state law changes allow outside developers to bypass local zoning protections that farmers must follow. They raise environmental concerns about potential groundwater contamination in the region's fragile karst geology, citing risks from damaged solar panels releasing metals and chemicals, as well as long-term impacts on soil health, drainage, and agricultural productivity.

¹⁶⁷ Written comment from Aaron Cunningham (June 29, 2026) (eDocket No. 20266-233483-01); Written comment from Stephanie Cunningham (June 29, 2026) (eDocket No. 20266-233481-01); Written comment from Brett Ostby (June 29, 2026) (eDocket No. 20266-233480-01); Written comment from Joe Adams (June 29, 2026) (eDocket No. 20266-233475-01); Written comment from Alex Langsjoen (June 29, 2026) (eDocket No. 20266-233474-01); Written comment from Nikki Kranz (June 29, 2026) (eDocket No. 20266-233473-01); Written comment from Leah Tollefson (June 29, 2026) (eDocket No. 20266-233472-01); Written comment from Susan Dreher (July 9, 2026) (eDocket No. 20267-233982-04); Written comment from Shane Tracy (July 9, 2026) (eDocket No. 20267-233982-03); Written comment from Charles Wilson (July 9, 2025) (eDocket No. 20267-233982-02); Written comment from Mary Peterson (July 9, 2026) (eDocket No. 20267-233982-01).

¹⁶⁸ Written comment from Stephanie Cunningham (Jun. 29, 2026) (eDocket No. 20266-233481-01); Written comment from Mara Shabestari (Jul. 9, 2026) (eDocket No. 20267-233982-07); Written comment from Terry Lambert (Jul. 9, 2026) (eDocket No. 20267-233982-06); Written comment from Shane Tracy (Jul. 9, 2026) (eDocket No. 20267-233982-03).

¹⁶⁹ Written comment from Curt Shellum (Jun. 29, 2026) (eDocket No. 20266-233482-01); Written comment from Mary Doucette (Jul. 9, 2026) (eDocket No. 20267-233982-05); Written comment from Terry Lambert (Jul. 9, 2026) (eDocket No. 20267-233982-06).

¹⁷⁰ Mike Keefe Comments (June 11, 2026) (eDocket No. 20266-232784-01).

¹⁷¹ Darrel Richardson Comments (June 22, 2026) (eDocket No. 20266-233124-01).

Hammel and Pries also question the fairness and accountability of the Project, noting that many nearby landowners receive no benefits while bearing potential risks, and emphasize that prime farmland should be preserved for food production rather than converted to industrial solar use, urging decision-makers to reject the Project in favor of protecting rural communities and natural resources.¹⁷²

133. The [PUC](#) EIP submitted comments recommending modifications to the Project's draft decommissioning plan and summarized changes between the sample site permit filed by the Commission and the Draft Site Permit (DSP) for the Project.¹⁷³

134. [The](#) MDH reviewed the EA and DSP for the Project and raised recommendations focused on groundwater protection in the area's sensitive karst geology. MDH emphasized the need for robust water quality monitoring, recommending a full year of baseline data with quarterly sampling (or more frequent sampling after major rainfall), inclusion of both shallow and deeper wells near karst features, and testing for agricultural pollutants and project-related contaminants such as nitrates, pesticides, herbicides, and metals. MDH also recommended continued monitoring during and after construction to ensure groundwater conditions remain consistent with baseline levels, with all results submitted to the Commission. Additionally, MDH recommended extending the proposed 150-foot buffer from karst features to temporary workspaces, highlighting the importance of extra precautions in this geologically vulnerable area.¹⁷⁴

135. [The](#) VMPWG filed comments. The VMPWG does not recommend any action by the Commission at this time but provided comments to facilitate transparency in the record as the VMPWG works with [the](#) Applicant to draft a VMP that is adequate to meet pre-construction compliance filing requirements. The issues addressed management areas; site preparation; seed installation; seed mixes; visual screening; mowing and haying; grazing; herbicide use and weed control; management strategies; monitoring and reporting; implementation of the Habitat Friendly Solar Program; and updates to the VMP.¹⁷⁵

136. Dan Klavetter, a farmer and business owner in Viola Township, asked the PUC to consider the long-term impact this project will have on groundwater protection, agriculture, rural businesses, productive farmland, and property rights. Klavetter said that if approved, the project should include stronger protections for non-participating landowners, independent groundwater monitoring, enforceable accountability for water quality, and setbacks measured from property lines not at residences.¹⁷⁶

137. [The](#) MDNR submitted comments generally supporting the Project but also raising concerns and recommendations to reduce environmental impacts. The MDNR expressed support

¹⁷² Kevin Hammel and John Pries Comments (June 23, 2026) (eDocket No. 20266-233212-01).

¹⁷³ EIP Staff Comments (June 24, 2026) (eDocket No. 20266-233257-01).

¹⁷⁴ MDH Comments (June 23, 2026) (eDocket No. 20266-233231-01).

¹⁷⁵ VMPWG Comments (June 25, 2026) (eDocket No. 20266-233326-01).

¹⁷⁶ Written comment from Dan Klavetter (June 25, 2026) (eDocket No. 20266-233323-01); Written comment from Dan Klavetter (July 17, 2026) (eDocket No. 20267-234568-01).

for measures addressing karst features, wildlife movement, habitat protection, and coordination on fence design, while urging a taller (10-foot) fence to prevent deer entrapment and requiring the Applicant to manage wildlife safely if a shorter fence is used. The MDNR also recommended increasing solar panel height to improve vegetation management, clarifying seasonal tree-clearing restrictions to protect bats and birds (June 1–August 15), and maintaining setbacks and habitat features to support wildlife.¹⁷⁷

138. [The](#) IBEW Local 343 and LIUNA filed comments supporting the approval of the Project, emphasizing its potential to deliver clean energy, economic benefits, and high-quality union jobs for local workers. The Unions support the EA and assert that concerns raised by local residents and Viola Township particularly regarding karst geology, groundwater, and environmental risks had already been adequately addressed and did not warrant further study. The Unions highlight their workforce’s experience and commitment to safe construction practices, including working in karst regions and preventing environmental harm. They also note the Project’s expected economic contributions, including over \$20 million in local activity, job creation, tax revenue, and workforce development opportunities, while reinforcing the Project’s role in helping meet Minnesota’s carbon-free energy goals.¹⁷⁸

139. [The](#) Applicant filed comments in support of the EA, provided additional feedback and insights on certain proposed special conditions in the DSP, and provided a karst Assessment Addendum.¹⁷⁹

140. Erin O’Neill submitted a written comment adding to her oral comments. She believes that this project does not belong on prime agricultural land and would be better suited for an urban area. She commented that funds should be created to cover the cost of the wells that will need to be removed if they are contaminated, to clean up the solar farm, and to support an independent survey to test the land surrounding the project for chemicals.¹⁸⁰

141. David and Robin Lowe, neighbors to the Project, submitted a written comment in opposition to the Project. They commented that farmland is not a place for solar panels, the project will affect the habitat and populations of local wildlife, and that the project will decrease property values. They commented that there should be a quarter mile buffer surrounding the project.¹⁸¹

142. Joni Mulholland filed written comments identical to what she said at the hearing.¹⁸²

143. Jill Danielson filed written comments opposing the project because it is proposed for the wrong location and poses unacceptable risks to the community, environment, and

¹⁷⁷ DNR Comments (June 25, 2026) (eDocket No. 20266-233340-01).

¹⁷⁸ IBEW Local 343 and LIUNA Comments (June 25, 2026) (eDocket No. 20266-233342-01).

¹⁷⁹ Applicant Response to EA (June 25, 2026) (eDocket No. 20266-233322-01).

¹⁸⁰ Written comment from Erin O’Neill (June 29, 2026) (eDocket No. 20266-233479-01).

¹⁸¹ Written comment from David and Robin Lowe (June 29, 2026) (eDocket No. 20266-233478-01).

¹⁸² Written comment from Joni Mulholland (Jun. 29, 2026) (eDocket No. 20266-233477-01).

agricultural heritage. She expressed concerns about the impact on water quality and private wells because of the fragile karst geology, the impact on the character and value of surrounding properties, and the impact on wildlife and threatened species. She also articulated concerns about the construction activities, zoning, and the loss of prime agricultural land.¹⁸³

144. Tracy Huffman-Krizo submitted written comments opposing the project. She stated that the concerns of the community were not adequately addressed. Huffman-Krizo suggested conditions to add to the permit, including comprehensive vegetative screening requirements, screening adjacent to inhabited properties, screening adjacent to public roads, mixed species requirement, spacing and density, tree replacement and maintenance, and rationale for larger initial planting sizes. She also requested that there be uniform setbacks from inhabited properties and routing of an underground electrical collection line along Viola Road.¹⁸⁴

145. Wendy Jensen filed comments that the solar farm would be 250 feet from her house and surround her house on three sides. She commented that Ranger Power does not respect the rights of landowners affected by the project and that their employees trespassed on private property.¹⁸⁵

146. Ken Everson submitted written comments reiterating his hearing comments. He adds that he estimates that the community will lose at least \$935,715 on the project.¹⁸⁶

147. Eliese Klennert submitted written comments identical to her hearing comments.¹⁸⁷

148. Joshua Pries commented that Lemon Hill damaged his corn crops while they were surveying the land. He said the damage will kill his corn and cause long-term issues to his crop. He included photos of the damaged corn.¹⁸⁸

149. Owen Ziemer commented that a solar farm would be a poor use of resources and is not feasible without a tax subsidy from the State of Minnesota. He added that the EA should not be used in this decision because it was funded by Ranger Power and that an independent assessment should be completed. He said that if the Project moves forward, Ranger Power should not be allowed to sell for 30 years so that they follow their commitments to the Project and the community.¹⁸⁹

¹⁸³ Written comment from Jill Danielson (Jun. 29, 2026) (eDocket No. 20266-233470-01).

¹⁸⁴ Written comment from Tracy Huffman-Krizo (Jun. 29, 2026) (eDocket No. 20266-233456-01).

¹⁸⁵ Written comment from Wendy Jensen (Jun. 30, 2026) (eDocket No. 20266-233517-01).

¹⁸⁶ Written comment from Ken Everson (Jun. 30, 2026) (eDocket No. 20266-233513-01).

¹⁸⁷ Written comment from Eliese Klennert (Jul. 8, 2026) (eDocket No. 20267-233923-01).

¹⁸⁸ Written comment from Joshua Pries (Jul. 8, 2026) (eDocket No. 20267-233912-01).

¹⁸⁹ Written comment from Owen Ziemer (Jul. 9, 2026) (eDocket No. 20267-233977-01).

150. Mindy Shea stated that soil testers trespassed on her property after they were told not to enter until the crop was harvested. She included pictures.¹⁹⁰

151. Laurie Meyer opposes the Project because of the karst geography and the Decorah edge, loss of prime farmland, and property values lowering.¹⁹¹

152. Sara Behnken opposes the Project because it is routed through actively farmed agricultural land. She asked that the commission protect the farmland that sustains the state and deny the Project.¹⁹²

153. Gary Benike commented that he is concerned about the karst geology and is concerned that the drinking water supply will be contaminated.¹⁹³

154. Julie Huffman opposes the Project and is concerned about the environmental impact, safety of the water supply, the destruction of prime farmland, and the disruption of the local community's quality of life.¹⁹⁴

155. One July 16, 2026, after the close of the comment period, Dan Klavetter submitted "Observations Regarding Lemon Hill Solar, LLC's July 9, 2026 Response To Public Hearing Comments and Proposed Findings of Fact." Klavetter is a farmer, Certified Crop Adviser, and owner of DK Seed. Klavetter states that certain statements in the Proposed Findings filed by the Applicant are not supported by the record. Klavetter asserts "the record does not appear to include a project-specific input-output analysis of lost annual agricultural purchases, a survey of local suppliers, or an assessment of tenant and beginning-farmer opportunity costs. Without that analysis, a definitive finding that the agricultural economy will experience only negligible to minimal impacts is stronger than the disclosed method supports." In addition, Klavetter points out that while the EA evaluated acres, it did not evaluate relationships, identify customer concentration, future prospects, the frequency of service contacts, or the cost of maintaining a local working radius. Klavetter asserts that "Lemon Hill's response argues that its Prime Farmland Impact Assessment considered interconnection availability, land control, environmental constraints, and non-prime land and concluded that no feasible or prudent alternative exists. Those are relevant siting factors. The concern is how broadly that conclusion should be stated when the environmental review itself was limited to the Applicant's proposed site and did not evaluate another project site."¹⁹⁵

VII. PERMITTEE

¹⁹⁰ Written comment from Mindy Shea (Jul. 9, 2026) (eDocket No. 20267-233976-01).

¹⁹¹ Written comment from Laurie Meyer (Aug 5, 2026) (eDocket No. 20268-234953-05).

¹⁹² Written comment from Sara Behnken (Aug. 5, 2026) (eDocket No. 20268-234953-03)

¹⁹³ Written comment from Gary Benike (Aug. 5, 2026) (eDocket No. 20268-234953-02).

¹⁹⁴ Written comment from Julie Huffman (Aug. 5, 2026) (eDocket No. 20268-234953-01).

¹⁹⁵ Dan Klavetter Comments (July 17, 2026) (eDocket No. 20267-234279-01).

156. The Permittee for the Site Permit would be Lemon Hill Solar, LLC.¹⁹⁶

VIII. CERTIFICATE OF NEED

157. Pursuant to Minn. Stat. § 216B.243, subd. 2, no large energy facility shall be sited or constructed in Minnesota without the issuance of a certificate of need by the Commission. However, in accordance with Minn. Stat. § 216B.243, subd. 8, solar energy generating systems, for which a site permit application is submitted by an independent power producer under Chapter 216E, are exempt from the certificate of need process.¹⁹⁷

158. [The](#) Applicant is an independent power producer, and, thus, the Project is exempt from certificate of need requirements.

IX. SITE PERMIT CRITERIA

159. For all site permit applications submitted prior to July 1, 2025, the siting of large electric power generating plants (LEPGP) is governed by Minn. Stat. Ch. 216E (2023) and Minn. R. 7850.1000-.5600 (2023). Minn. Stat. § 216E.01, subd. 5 (2023), defines an LEPPG as “electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more.”

160. A LEPPG powered by solar energy is eligible for the alternative permitting process authorized by Minn. Stat. § 216E.04 (2023). [The](#) Applicant filed its Application on June 30, 2025, under the alternative review process established by the Commission in Minn. R. 7850.2800-.3900 (2023).

161. Under Minn. Stat. § 216E.04 (2023), for a LEPPG permitted under the alternative permitting process, the [PUC](#) EIP¹⁹⁸ prepares an EA containing information on the human and environmental impacts of the proposed Project and addresses mitigating measures. The EA is the only state environmental review document required to be prepared on the Project.

162. The Power Plant Siting Act (PPSA), Minn. Stat. Ch. 216E (2023), requires that site permit determinations “be guided by the state’s goals to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state’s electric energy security through efficient, cost-effective power supply and electric transmission infrastructure.”¹⁹⁹

¹⁹⁶ Ex. App-2 at 2 (Site Permit Application).

¹⁹⁷ Ex. App-2 at 6 (Site Permit Application).

¹⁹⁸ On July 1, 2025, Department of Commerce Energy Environmental Review and Analysis (DOC EERA) unit staff moved to the Commission EIP unit as directed by state law (Laws of Minn. 2024, ch.126, art. 7) and in response to permitting reform under Minnesota Statutes Chapter 216I (2024).

¹⁹⁹ Minn. Stat. § 216E.03, subd. 7.

163. Under the PPSA, the Commission must be guided by the following responsibilities, procedures, and considerations:²⁰⁰

- (1) evaluation of research and investigations relating to the effects on land, water and air resources of large electric power facilities and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;
- (2) environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;
- (3) evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;
- (4) evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;
- (5) analysis of the direct and indirect economic impact of proposed sites and routes including, but not limited to, productive agricultural land lost or impaired;
- (6) evaluation of adverse direct and indirect environmental effects that cannot be avoided should the proposed site and route be accepted;
- (7) evaluation of alternatives to the applicant's proposed site or route proposed pursuant to subdivisions 1 and 2;
- (8) evaluation of potential routes that would use or parallel existing railroad and highway rights-of-way;
- (9) evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;
- (10) evaluation of the future needs for additional high-voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;
- (11) evaluation of irreversible and irretrievable commitments of resources should the proposed site or route be approved;
- (12) when appropriate, consideration of problems raised by other state and federal agencies and local entities;
- (13) evaluation of the benefits of the proposed facility with respect to (i) the protection and enhancement of environmental quality, and (ii) the reliability of state and regional energy supplies;
- (14) evaluation of the proposed facility's impact on socioeconomic factors; and
- (15) evaluation of the proposed facility's employment and economic impacts in the vicinity of the facility site and throughout Minnesota, including the quantity and quality of construction and permanent jobs and their compensation levels. The commission must consider a facility's local employment and economic impacts and

²⁰⁰ Minn. Stat. § 216E.03, subd. 7.

may reject or place conditions on a site or route permit based on the local employment and economic impacts.

164. In addition to the PPSA, the Commission is governed by Minn. R. 7850.4100 (2023), which mandates consideration of the following factors when determining whether to issue a permit for a large electric power generating plant:

- a. effects on human settlement, including, but not limited to, displacement, noise, aesthetics, cultural values, recreation, and public services;
- b. effects on public health and safety;
- c. effects on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;
- d. effects on archaeological and historic resources;
- e. effects on the natural environment, including effects on air and water quality resources and flora and fauna;
- f. effects on rare and unique natural resources;
- g. application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity;
- h. use or paralleling of existing rights-of-way, survey lines, natural division lines, and agricultural field boundaries;
- i. use of existing large electric power generating plant sites;
- j. use of existing transportation, pipeline, and electrical transmission systems or rights-of-way;
- k. electrical system reliability;
- l. costs of constructing, operating, and maintaining the facility which are dependent on design and route;
- m. adverse human and natural environmental effects which cannot be avoided; and
- n. irreversible and irretrievable commitments of resources.²⁰¹

165. The rules applicable to LEPGP expressly limit the amount of prime farmland that may be used for utility projects. Minn. R. 7850.4400, subp. 4 (2023), provides that no LEPGP may be permitted if the developed portion of the project site includes more than 0.5 acres of prime farmland per megawatt net generating capacity, unless there is “no feasible and prudent alternative.” Economic considerations alone do not justify the use of prime farmland.²⁰²

166. Under Minn. Stat. § 216E.04, subd. 9(a), the Commission is prohibited from issuing a site permit in violation of the site selection standards and criteria established in chapter 216E and in the rules adopted by the Commission, including Minn. R. 7850.4400 and .3700.

X. APPLICATION OF SITING CRITERIA TO THE PROPOSED PROJECT

A. Project Setting

²⁰¹ Minn. R. 7850.4100 (2023).

²⁰² Minn. R. 7850.4400, subp. 4 (2023).

167. The Project is proposed in a rural, agricultural area of Olmsted County, Minnesota, east of Rochester, northwest of Eyota, and west of the unincorporated community of Viola. The proposed facility would be located in Haverhill and Viola Townships.²⁰³

168. The Site or Land Control Area is the 1,956 acres of land that [the](#) Applicant controls through ownership, lease agreement, or easements for the development of the solar farm. This includes the area used for the solar facility, as well as the area for collection corridors, the substation, access roads, and new transmission lines.²⁰⁴

169. As set forth above, within the 1,956-acre Site, [the](#) Applicant has proposed two different design scenarios for the placement of facilities: the Original Design Scenario and the Alternative Design Scenario.²⁰⁵

170. The Project Area is currently dominated by agricultural uses, including cultivated crops and hay or pasture, with scattered farmsteads, rural residences, wooded shelterbelts, wetlands, streams, and rural roads. The topography is generally flat to gently rolling, with most of the Site in the 0-to-5 percent slope range, although steeper areas and creek-bottom elevation changes are present. The area is located in southeastern Minnesota karst terrain, and the Site includes the Decorah Edge, a sensitive groundwater recharge and filtration feature that contributes to aquifer recharge and groundwater-supported wetlands, springs, and headwater systems.²⁰⁶

B. Human Settlement

171. 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.²⁰⁷

1. Aesthetics

172. *The region of influence (ROI) for aesthetics is the Project Area.*

173. *Aesthetics refers to the visual quality of an area as perceived by the viewer and forms the impression a viewer has of an area. Aesthetics are subjective, meaning their relative value depends upon the perception and philosophical or psychological responses unique to individuals. Impacts to aesthetics are equally subjective and depend upon the sensitivity and exposure of an individual. How an individual values aesthetics, as well as perceived impacts to viewshed, can vary greatly.*

²⁰³ Ex. PUC-EIP-8 at 2 (EA).

²⁰⁴ Ex. PUC-EIP-8 at ix (EA).

²⁰⁵ Ex. PUC-EIP-8 at x and Figure 1 at 3 (EA).

²⁰⁶ Ex. PUC-EIP-8 at 70-71 (EA).

²⁰⁷ Minn. R. 7850.4100, subp. A.

174. A viewshed includes the natural landscape and build features visible from a specific location. Natural landscapes can include vegetation patterns (such as cropland and agricultural fields), wetlands, surface waters, forests, and distinct landforms and landscapes. Buildings, roads, power lines, solar panels, barns, and homes are examples of build features. An intact and harmonious viewshed (meaning one that does not have a conflicting build feature or land use) is considered more aesthetically pleasing and valuable. Viewsheds ~~are~~ can be important and impact the cultural values of the local community regardless of whether they are considered beautiful.

175. Viewer sensitivity is an individual's interest or concern for the quality of a viewshed and varies depending upon the activities, ~~investment,~~ values, and expectations individuals may have related to the viewshed, and their level of concern for potential changes to the viewshed. High viewer sensitivity is generally associated with people ~~who live in an area, who are economically invested by owning property or businesses in the area, who have family in an area,~~ who are using an area for recreational activities, are traveling to scenic sites or areas with recreational, natural, ~~and who view an area as having~~ cultural, or historic significance, or are experiencing the viewshed from a specific location, such as a resort or residence. ~~These are not temporary observers, like~~ Low viewer sensitivity is associated with people who might just briefly visit or pass through an area, such as commuters. Thus, individuals who live ~~or invest~~ in an area are more ~~impacted by~~ sensitive to potential aesthetic impacts resulting from a change in aesthetics of an area compared to temporary observers.

176. Viewer exposure refers to variables associated with observing a viewshed, such as viewer number, view frequency and duration, and view location how long and how frequent one observes a viewshed. For example, a high exposure viewshed experiences frequent observation by large numbers of viewers. Viewer exposure variables affect the aesthetic impact along with factors such as time of day ~~residents in an area would have high view exposure and the change in aesthetics to an area would be expected to have more impact on those who have high viewer exposure.~~

177. The EA describes the Project Area as consisting of "bucolic, farming landscape." The existing landscape in the Project Area is rural and agricultural, consisting of gently rolling agricultural crop fields of corn and soybeans, pasture and grazing fields for livestock operations, wooded shelterbelts, wetland streams, rivers, springs, and farmsteads.

178. The visible elements of the solar facility will consist of ~~new PV arrays, transformers and inverters, an O&M building, a new Project substation, a new Dairyland switchyard, a short 161 kV transmission line, and security fencing surrounding the Project~~ between 20 and 22 fenced-in facility areas consisting of PV arrays, transformers and inverters, an O&M building, a new substation, a Dairyland switchyard, and a new 161 kV gen-tie transmission line. The solar panels would be approximately four to seven feet above ground when level but extend to 15 feet at maximum tilt. The new substation would comprise between 7 and 8.5 acres of land (depending on design scenario). The substation would house the new Dairyland switchyard, the 161 kV gen-tie line, and a 0.6acre O&M building with a parking lot. The ~~A~~ new 161 kV overhead gen-tie transmission lines ~~would also be constructed in the area~~

*extending 150 feet vertically and between 160 to 530 feet in length (depending on design scenario). Permanent lighting would be installed on the substation and O&M building.*²⁰⁸

179. The Project will be a noticeable change in the landscape, converting approximately 880 to 967 acres of agricultural cropland into solar production. Although the change will be noticeable, there are other existing infrastructure features in the landscape including unpaved roads, transmission lines, a community solar garden, and three communication towers. How an individual viewer perceives the change from a field of corn, soybeans, or pasture to a field of solar panels depends, in part, on how a viewer perceives solar panels.²⁰⁹

180. There are 68 residences within approximately 0.6 mile of the Project, including 37 residences on parcels adjacent to or within the Project.²¹⁰

181. For travelers and residents outside the immediate Project vicinity, impacts are expected to be minimal, while nearby residents, local-road users, and recreation users with higher viewer sensitivity may experience moderate to significant impacts.²¹¹

182. The panels would be relatively low-profile—approximately four to seven feet above ground when level and up to 15 feet at maximum tilt—but the Project substation, Dairyland switchyard, O&M building, access roads, fencing, and gen-tie structures would add new built features to the rural landscape.²¹²

183. In both design scenarios, the areas proposed to host project components are generally located within agricultural or previous disturbed areas where tree removal is not expected to be necessary. As such, construction of the Project is not anticipated to require tree clearing of dense forested areas. If small cluster or isolated tree removal is determined necessary during final engineering or construction, it would be limited in scope and conducted in accordance with applicable permit conditions and best management practices (BMPs).²¹³

184. The existing trees within the Site may provide additional vegetative screening for residential properties.²¹⁴

²⁰⁸ Ex. PUC-EIP-8 at 79 (EA).

²⁰⁹ Ex. PUC-EIP-8 at 79 (EA).

²¹⁰ Ex. PUC-EIP-8 at 77 (EA).

²¹¹ Ex. PUC-EIP-8 at 79 (EA).

²¹² Ex. PUC-EIP-8 at 79 (EA).

²¹³ Ex. PUC-EIP-8 at 79-80 (EA).

²¹⁴ Ex. PUC-EIP-8 at 80 (EA).

185. Permanent lighting is expected at the Project substation and O&M building, but the lighting would be down-lit and shielded, and impacts to light-sensitive land uses are not anticipated because of the rural setting and limited operational lighting needs.²¹⁵

186. Glare impacts are expected to be minimal because the Project would use modern PV panels with anti-reflection coating, and the EA does not anticipate glare impairing motorists' vision on adjacent roads.²¹⁶

187. *Highly sensitive and frequent viewers would experience moderate to significant impact. Public comment evidences significant opposition to the Project from the local residents in Viola and Haverhill Townships. Commenters described the significant aesthetic and cultural impacts that they would suffer as a result of the Project. The Judge gives this evidence considerable weight because landowners and residents in the Project Area have the most expertise and knowledge of the aesthetic and cultural value impacts that would occur from the Project.*

188. Aesthetic impacts would not be completely mitigated through permit conditions 4.3.8 and 5.1 requiring consideration of landowner input, preservation of the natural landscape where practicable, minimization of tree removal, and development of a site-specific Visual Screening Plan for adjacent residences.²¹⁷

189. One public commenter, Tracy Huffman-Krizo, provided specific comments regarding the spacing, density, and species of vegetation she would like to see in the Visual Screening Plan to minimize aesthetic impacts.²¹⁸ Her comments reflect the type of individual feedback that DSP Section 5.1 calls for as part of development of a Visual Screening Plan.

190. As stated in Lemon Hill's Response to EA comments, Lemon Hill generally supports Special Condition 5.1 of the DSP as it relates to screening nearby residences but opposes extending visual screening requirements to nearby roadsides. Lemon Hill notes that screening along public roads may take additional land out of agricultural production without a corresponding public benefit.²¹⁹ In its Response to Hearing Comments, PUC EIP staff proposed that this permit condition be revised to require the permittee to provide a copy of the Visual Screening Plan to townships.²²⁰

2. Noise

191. The ROI for noise is the local vicinity. Noise impacts would vary depending on the different phases of the Project. Noise impact intensity during construction would range from negligible to significant, depending on the activity and proximity to the activity. These impacts

²¹⁵ Ex. PUC-EIP-8 at 80 (EA).

²¹⁶ Ex. PUC-EIP-8 at 80-82 (EA).

²¹⁷ Ex. PUC-EIP-8 at 82 (EA).

²¹⁸ Public Hearing Comments (June 29, 2026) (eDocket No. 20266-233456-01).

²¹⁹ Lemon Hill Response to EA (June 25, 2026) (eDocket No. 20266-233322-01).

²²⁰ PUC EIP Response to Hearing Comments at 9 (July 23, 2026) (eDocket No. [20267-234568-01](#)).

are intermittent and short-term. During construction, noise levels around nearby residences may exceed state noise standards at times. Operational noise impacts, however, are anticipated to be negligible to minimal.²²¹

192. Noise standards in Minnesota are based on noise area classifications (NAC) corresponding to the location of the listener, referred to as a receptor. NACs are assigned to areas based on the type of land use activity occurring at that location. 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 3.²²²

193. The Project Area is classified as NAC 1. Noise receptors include individuals within their residences, working outside in the Project vicinity, and using the surrounding recreational resources.²²³

194. The primary noise receptors are the local residences. There are 68 residences within 0.6 mile (approximately 3,200 feet) of the Site. There are three residences located within the Project Site. The identified receptors were categorized by distance from the Project. Most residences are at least 200 feet away from the Project, but there is one residence within 100 feet of the Project and three residences within 50 feet of the Project.²²⁴

195. Construction noise impacts are expected to range from negligible to significant depending on the activity, equipment used, and distance to receptors, and the impacts would be intermittent, localized, short-term, and generally daytime-limited.²²⁵

196. Pile driving is identified as the most significant construction noise source, with an estimated sound level of approximately 101 A-weighted decibels (dBA) at 50 feet.²²⁶

197. Construction noise could exceed state noise standards at select times and at select residences if continuous for at least six minutes, and the rhythmic pile-driving noise may be disruptive even when it is within applicable noise standards.²²⁷

198. Members of the public, such as Brad Nelson and Eliese Klennert, provided verbal comments at the public hearing expressing concerns about the potential of the Project's

²²¹ Ex. PUC-EIP-8 at 83 (EA).

²²² Ex. PUC-EIP-8 at 84 (EA).

²²³ Ex. PUC-EIP-8 at 86 (EA).

²²⁴ Ex. PUC-EIP-8 at 86-87 (EA).

²²⁵ Applicant Response to EA at 4 (June 25, 2026) (eDocket No. 20266-233322-01).

²²⁶ Ex. PUC-EIP-8 at 87 (EA).

²²⁷ Ex. PUC-EIP-8 at 87 (EA).

construction and operational noise to impact an equestrian riding facility near the Project. They also challenged the EA's noise impact analysis.²²⁸

199. Noise levels during operation of the Project are anticipated to be negligible but constant. The primary source of noise from the solar facility would be from inverters and transformers, typically characterized as a slight hum or buzz, as well as the rotation of the tracking system, although some minor noise may be generated from the wind blowing through the conductors and structures. Technology manufacturers conducted noise modeling to determine the distance at which the sound from inverters and the substation transformer is at 40 dBA. Operational noise levels would be less than 40 dBA at least 330 feet from an inverter. The closest receptor distance to an inverter is 578 feet in both design scenarios. Factoring in sound dissipation over distance, calculated as a six decibel decrease for every doubling in distance, the closest receptor to an inverter would experience less than 40 dBA at nighttime. This is compliant with the MPCA's noise regulations of daytime L50 dBA noise standard of 60 dBA and the nighttime standard of 50 dBA.²²⁹

200. Operational noise levels would be less than 40 dBA at least 543 feet from the Project substation. The closest receptor distance to the Project substation is 1,377 to 1,475 feet. Factoring in sound dissipation over distance, calculated as a six decibel decrease for every doubling in distance, the closest receptor to the Project substation would experience less than 34 dBA at nighttime. This is compliant with the MPCA's noise regulations of daytime L50 dBA noise standard of 60 dBA and the nighttime standard of 50 dBA.²³⁰

201. The Dairyland switchyard's final operational noise was not available at the time of development of the EA, but it is expected to be designed and operated in compliance with MPCA noise standards.²³¹

202. Sections 4.3.7, 5.2, and 5.3 of the DSP address noise related impacts. Section 4.3.7 of the DSP is a standard condition that requires the permittee to comply with noise standards established under Minnesota noise standards as defined under Minn. R. 7030.010 to 7030.0080, and to limit construction and maintenance activities to daytime hours to the extent practicable.²³² [The](#) Applicant does not oppose Section 4.3.7.

203. Section 5.2 of the DSP is a special condition requiring the permittee to provide information to adjacent residences detailing when major noise-producing construction activities are planned to occur and maintain a publicly available, updated webpage with pile driving information. This special condition was recommended by [PUC](#) EIP to respond to public concerns regarding construction-related noise impacts due primarily to pile driving. According to the EA, construction noise would likely exceed state noise standards at select times and residences if it is continuous for at least six minutes. These exceedances would be short-term, confined to daytime

²²⁸ See Public Hrg Tr. Vol. 1 and II.

²²⁹ Ex. PUC-EIP-8 at 88 (EA).

²³⁰ Ex. PUC-EIP-8 at 88 (EA).

²³¹ Ex. PUC-EIP-8 at 89 (EA).

²³² Ex. PUC-EIP-8 at 90 (EA).

hours, would vary based on what type of construction is occurring, and the distance from the receptor to the noise source.²³³

204. [The](#) Applicant opposes DSP Section 5.2 but has agreed to provide notice of noise-producing construction activities via its website, as well as offered several modifications to this special condition.²³⁴ The [PUC](#) EIP does not support [the](#) Applicant's proposed modifications to Section 5.2 of the DSP. The Commission agrees with [PUC](#) EIP and finds Section 5.2 to be reasonable and necessary. Section 5.2 is also consistent with language adopted in a prior solar permit.²³⁵ In the interest of narrowing issues before the Commission, [the](#) Applicant accepts Section 5.2.

205. Section 5.3 of the DSP is a special condition requiring the permittee to conduct operational noise modeling based on final project design that incorporates both the Project substation and the Dairyland switchyard associated with the Project to ensure noise standards are being met for nearby residents.²³⁶ [The](#) Applicant did not oppose Section 5.3.

3. *Cultural Values.*

206. The EA recognizes that the "region surrounding the project area has cultural values tied to the area's heritage, geographic features, seasonal events, national holidays, municipal events, and the local agricultural economy." But the EA also recognizes that cultural values may shift and change over time, acknowledging that the present community around the Project was preceded by original indigenous groups, including the Dakota people.²³⁷

207. Development of the Project would change the area's character and could affect some residents' sense of place, but it is not expected to alter residents' work and leisure pursuits in a way that changes the underlying culture of the area.²³⁸

208. How individuals assign value to the character of the landscape is subjective and depends upon individual perception and individual philosophical or psychological responses.²³⁹

209. Public comments demonstrate different opinions about the Project and impacts to cultural values, including dozens supporting renewable energy development.²⁴⁰

²³³ Ex. App-2 at 40 and 87 (Application).

²³⁴ Applicant Response to EA at 4 (June 25, 2026) (eDocket No. 20266-233322-01).

²³⁵ PUC, Order Issuing Site Permit [Castle Rock Solar Project] (March 17, 2026) (eDocket No. 20263-229389-01), see special permit condition 5.2.

²³⁶ Ex. PUC-EIP-8 at 90 (EA).

²³⁷ Ex. PUC-EIP-8 at 91 (EA).

²³⁸ Ex. PUC-EIP-8 at 90 (EA).

²³⁹ Ex. PUC-EIP-8 at 92 (EA).

²⁴⁰ See e.g., Comment by Brian Depsey (Dec. 11, 2025) (eDocket No. 202512-225762-01), Comment by Grace Olive (Dec. 11, 2025) (eDocket No. 202512-225762-01), Comment by Jordan Wages (Dec. 11, 2025) (eDocket No. 202512-225762-01), Comment by Joyce Svoboda (Dec. 11, 2025) (eDocket No. 202512-225762-01), Comment by Kari Berns (Dec. 11, 2025) (eDocket No. 202512-225762-01), Comment by Karin Swenson (Dec. 11, 2025)

210. The impact intensity for cultural values is characterized as minimal to moderate, long-term, and unavoidable.²⁴¹

211. There are no conditions in the DSP that directly address mitigation for impacts to cultural values. Section 4.6 of the DSP addresses impacts to cultural properties. No additional mitigation is proposed in the EA.²⁴²

4. *Land Use and Zoning.*

212. Land use is the characterization of land based on what is built on the land, what can be built on the land, as well as what the land is used for and what the land can be used for. Zoning is the regulatory tool used by local governments to guide specific land uses within specific geographical areas.²⁴³

213. According to the EA, the ROI for land use and zoning is the Land Control Area or the Project Site (all 1,956 acres). The Project would convert [approximately 963 to 1,067 acres within the 1,956 acres Site](#) of [mostly](#) agricultural land to solar energy production for a minimum of 30 years.²⁴⁴ [The](#) Applicant estimates the service life of the Project to be 40 years or longer.²⁴⁵ Consequently, land use impacts of the Project would be long-term.²⁴⁶

214. Construction of a solar facility and [gen-tie](#) transmission lines would alter the current and future use of the land and the land cover.²⁴⁷ Currently, the Project Site is dominated by cultivated agriculture, with scattered areas of wetlands, trees, and farmsteads. The Project Site is 89.4 percent cultivated cropland and hay/pasture use; 1.11 percent developed (mostly open or low intensity, such as farmsteads), 1.1 percent wetland or open water, and 8.3 percent forest/herbaceous. Aside from a few farmsteads, the current use of the 1,956-acre Site is predominantly agriculture (cultivated cropland and hay/pasture).²⁴⁸

(eDocket No. 202512-225762-01), Comment By Karl Stathakis (Dec. 11, 2025) (eDocket No. 202512-225762-01), Comment by Kelli Lytle (Dec. 11, 2025) (eDocket No. 202512-225762-01), Comment by Laura Walker (Dec. 11, 2025) (eDocket No. 202512-225762-01), Comment by Matthew Munn. (Dec. 11, 2025) (eDocket No. 202512-225762-01), Comment by Neal White (Dec. 11, 2025) (eDocket No. 202512-225762-01), Comment by Suasanna Concileo (Dec. 11, 2025) (eDocket No. 202512-225762-01), Comment by Timothy Lund (Dec. 11, 2025) (eDocket No. 202512-225762-01), Comment by Curt Shellum (June 29, 2026) (eDocket No. 20266-233482-01), Comment by Stephanie Cunningham (June 29, 2026) (eDocket No. 20266-233481-01), Comment by Brett Ostby (June 29, 2026) (eDocket No. 20266-233480-01), and Comment by Joe Adams (June 29, 2026) (eDocket No. 20266-233475-01).

²⁴¹ Ex. PUC-EIP-8 at 90 (EA).

²⁴² Ex. PUC-EIP-8 at 93 (EA).

²⁴³ Ex. PUC-EIP-8 at 94 (EA).

²⁴⁴ Ex. PUC-EIP-8 at 94 (EA).

²⁴⁵ Ex. PUC-EIP-8 at 56 (EA).

²⁴⁶ Ex. PUC-EIP-8 at 94 (EA).

²⁴⁷ Ex. PUC-EIP-8 at 94 (EA).

²⁴⁸ Ex. PUC-EIP-8 at 94 (EA).

215. ~~While the EA acknowledges that t~~The ROI for land use and zoning in the EA is the Land Control Area (i.e., the entire 1,956-acre Site).; In analyzing potential impacts to land use and zoning, the EA PUC EIP staff erroneously analyzed the land use and zoning impact of the Project by only evaluatingfocused on the Preliminary Development Area, as this area reflects the land that would be developed to host the project. The Preliminary Development Area is defined in the EA as “the up to 1,067-acre area within the Land Control Area where [Applicant] proposes to build the solar facilities” but not the collection corridors and required setbacks.²⁶³ In other words, the Applicant added up the fenced-in space that each associated facility would comprise (e.g., the solar panels, substation building, etc.) in the 1,956-acre Site and then deemed that area as the Preliminary Development Area, as if that was the only area affected by the Project. In addition, the Applicant excluded ~~all~~ collection ~~facilities and~~ corridors and required setbacks from that calculation.

216. The setbacks anticipated for the Project are as follows:²⁴⁹

Table 24. Lemon Hill Solar Design Setback²¹⁸

Setback Type	Project Design Setback (feet) Closest to Array
Front Yard Property Line	70
Side Street Property Line	70
Rear Yard Property Line	47
Dwelling Sites	250
Cemeteries	1,435
Road ROW	70
Wetlands	13
Transmission Lines	65
Occupied Dwelling	250
Public Waters	300

217. The Applicant has obtained or will obtain the rights to 1,956 acres of mostly agricultural land for the Project. That land – the Land Control Area and Site, in its entirety was considered when assessing impacts to land use and zoning in the EA.²⁵⁰

218. The Project would change the character of the land within the Land Control Area/Site from agricultural production to energy generation for the life of the Project – 40 years or more, *a significant and long-term change of use*.

219. With respect to zoning, the Site location sits in an area normally subject to the Olmsted County Zoning Ordinance, the Haverhill Township Zoning Ordinance, and the Viola Township Zoning Ordinance. Haverhill and Viola Townships are also part of the Township Cooperative Planning Association (TCPA), an association formed by six Olmsted County townships that wanted more oversight in the development and land uses of their respective township, and to ensure the townships maintain control to preserve the character of their rural communities.²⁵¹

²⁴⁹ Ex. PUC-EIP-8 at 101 (EA).

²⁵⁰ Ex. PUC-EIP-8 at 94 (EA).

²⁵¹ Ex. PUC-EIP-8 at 100 (EA).

220. Haverhill Township has its own land use plan. The Haverhill Township Land Use Plan expressly states:²⁵²

A major emphasis of this Land Use Plan is farm land preservation. Farm land is not an unlimited resource. The U.S. population is increasingly sprawling out into farm land in inefficient land use patterns. Conflicts over land use priorities will grow in the years ahead. This growing demand for finite resources causes disputes over such things as wildlife habitat, wetlands, farmland preservation, and preservation of the rural character of traditionally rural neighborhoods.

221. The Haverhill Township Land Use Plan sets out 13 goals to guide land use and zoning decisions. Those goals include: maintaining the traditional agricultural nature of the township; preserving the physical beauty of the township; identifying prime agricultural land within the township and discouraging further urban or suburban development of present agricultural land within the township; and discouraging development that would mix agricultural operations with non-agricultural land uses.²⁵³

222. ~~Haverhill Township submitted a~~ [Petition](#) with the signatures of 225 residents [from Viola and Haverhill Township](#) opposing the Project, precisely because it would change the agricultural character of the Project Area.²⁵⁴ Significant public comment, as set forth above, specifically opposed the Project based upon its change to the agricultural use and character of the Project Area.

223. The Site is currently zoned as District A1 – Agricultural Protection District. A solar energy facility is an allowed conditional use in an A1 Agricultural Protection, but a conditional use permit would be required. Both Olmsted County and Haverhill Township have specific design requirements and review criteria for solar energy farms.²⁵⁵

224. Portions of the Project Site are within the Decorah Edge Overlay District. The Decorah Edge is a local geological feature that recharges the area's drinking water and contains sensitive wetland features. The Olmsted County Soil & Water Conservation Districts (SWCD) administers the Wetland Conservation Ordinance, which regulates activities carried out in the Decorah Edge in Olmsted County. The ordinance requires activities in Decorah Edge sites to protect Edge Support Areas from disturbance and provide for their management through conservation easements or equivalent mechanisms.²⁵⁶

225. Because the Project is a large electric power generating plant with the capability of generating more than 50 MW of power, it would require a site permit from the Commission.

²⁵² Ex. PUC-EIP-8 at 100 (EA) referencing the Haverhill Township Land Use Plan (1999), which can be found at: https://tcpamn.org/wp-content/uploads/2024/06/Haverhill_LUP.pdf.

²⁵³ Ex. PUC-EIP-8 at 100 (EA) referencing the Haverhill Township Land Use Plan (1999), which can be found at: https://tcpamn.org/wp-content/uploads/2024/06/Haverhill_LUP.pdf.

²⁵⁴ Ken Everson Comment (Haverhill Township Petition) (July 22, 2025) (eDocket No. 20257-221274-01).

²⁵⁵ Ex. PUC-EIP-8 at 96 (EA).

²⁵⁶ Ex. PUC-EIP-8 at 98 (EA).

Pursuant to Minn. Stat. § 216E.10, subd. 1 (2023), the site permit supersedes local zoning, building, and land-use rules.²⁵⁷

226. Due to the preemption in Minn. Stat. § 216E.10, the Project would not be subject to the restrictions for the Decorah Edge Overlay District described in the Olmsted County Wetland Conservation Ordinance, the Olmsted County Zoning Ordinance, the Haverhill and Viola Township Zoning Ordinances, or the Haverhill Township Land Use Plan.²⁵⁸

227. Although zoning and land use ordinances are superseded, the Commission's site permit decision must nonetheless be guided by consideration of impacts to local zoning and land use in accordance with the legislative goal to "minimize human settlement and other land use conflicts."²⁵⁹

228. The Project is expected to be compatible with county and township setback requirements for Agricultural District A-1 zoned land.²⁶⁰

229. Portions of the Project Site are within the Decorah Edge Overlay District. The Decorah Edge is a local geological feature that recharges the area's drinking water and contains sensitive wetland features. The Olmsted County Soil & Water Conservation Districts (SWCD) administers the Wetland Conservation Ordinance, which regulates activities carried out in the Decorah Edge in Olmsted County. The ordinance requires activities in Decorah Edge sites to protect Edge Support Areas from disturbance and provide for their management through conservation easements or equivalent mechanisms.²⁶¹ Section 6.5.4 of the Olmsted County Wetland Conservation Ordinance states that development activities that meet the wetland conservation exemption and no-loss determinations under Minn. Rule parts 8420.0315 and .0320 as determined by the Olmsted County SWCD are exempt from the requirement to protect Edge Support Areas from disturbance.²⁶²

230. Due to the preemption from all local zoning, building, or land use rules afforded to projects that receive a site permit from the Commission, the Project is not subject to the restrictions for the Decorah Edge Overlay District described in the Olmsted County Wetland Conservation Ordinance.²⁶³ However, if this preemption did not apply to the Project, the Project would still be exempt from the Decorah Edge Overlay District restrictions because the Project has received a no-loss determination under the Wetland Conservation Act from Olmsted County and the applicable Soil and Water Conservation District.²⁶⁴

²⁵⁷ Ex. PUC-EIP-8 at 94 (EA).

²⁵⁸ Ex. PUC-EIP-8 at 103 (EA).

²⁵⁹ Ex. PUC-EIP-8 at 94 (EA).

²⁶⁰ Ex. PUC-EIP-8 at 101 (EA).

²⁶¹ Ex. PUC-EIP-8 at 98 (EA).

²⁶² Ex. PUC-EIP-8 at 101 (EA).

²⁶³ Ex. PUC-EIP-8 at 103 (EA).

²⁶⁴ See Ex. App-31 at 10 (Direct Testimony of Dan Flo with Schedules A-C).

231. The DSP contains conditions 4.3.17 (Vegetation Management Plan), 4.3.18 (Agricultural Impact Mitigation Plan), 9.0 (Decommissioning and Restoration), and 9.2 (Site Final Restoration) require that agricultural-resource impacts be mitigated through an Agricultural Impact Mitigation Plan (AIMP), a Vegetation Management Plan (VMP), and a decommissioning plan focused on returning the Site to agricultural use.²⁶⁵ The EA did not propose any additional mitigation.²⁶⁶

5. *Property Values.*

232. Several members of the public offered comments regarding the potential of the Project to impact property values.²⁶⁷ While impacts to specific property values are difficult to determine, impacts in the local vicinity could be minimal to moderate and are expected to decrease with distance and over time.²⁶⁸

233. *The EA found that large solar facilities exist in Minnesota, but that limited sales information was available. Consequently, the EA looked to academic studies. One study involved over 1,500 large-scale PV solar facilities in six states, including Minnesota, to determine whether home sale prices were impacted on properties within 0.5 miles of the solar facilities. The study looked at 1.8 million home sale transactions. The study found that, in Minnesota, homes within 0.5 miles of a “large scale” solar facility had a four percent (4%) reduction in home sale prices compared to homes 2 to 4 miles away from the facility. Adverse home sale prices were most prominent when the solar facility was developed on previously agricultural land, near homes in rural areas, or involved solar facilities that comprised 12 acres or more.*

234. Aesthetics can impact property values; the presence of tree cover both on and off the homeowner’s property can result in increases to property values. Aesthetic impacts to property values would be limited to residences and parcels in the Project vicinity where the solar panels are easily visible and where adequate vegetative screening is lacking.²⁶⁹

235. [The](#) Applicant provided pre-filed direct expert testimony from Sonia K. Singh, MAI, a CohnReznick Advisory LLC managing director and Certified General Real Estate Appraiser licensed in Minnesota, who has more than 14 years of real estate appraisal experience and has performed valuation impact studies involving solar farms and other land-use influences. Her testimony was submitted on behalf of Lemon Hill and addressed whether the Project would affect values of surrounding properties. Ms. Singh’s analysis reviewed academic and peer-authored studies, prior solar impact studies, paired-sales data, assessor and market-participant interviews, and site-specific factors for the Lemon Hill area, including land development trends, nearby sales, and local demographic and economic data. The paired sales analysis focused on homes sharing a property boundary with existing solar facilities, including transactions where the homes were approximately 75 to 660 feet from solar panels to the lot line and approximately 120

²⁶⁵ Ex. PUC-EIP-8 at 104 (EA).

²⁶⁶ Ex. PUC-EIP-8 at 105 (EA).

²⁶⁷ See, e.g., Rochester 12:00 p.m. Public Hearing Transcript at 48, 103, 109 (June 10, 2026).

²⁶⁸ Ex. PUC-EIP-8 at 105 (EA).

²⁶⁹ Ex. PUC-EIP-8 at 107 (EA).

to 940 feet from solar panels to the residence. Ms. Singh also evaluated both residential and agricultural properties and interviewed more than 75 county and township assessors and numerous real estate agents familiar with sales near solar projects. Based on this data, Ms. Singh concluded that the Project is not expected to negatively affect adjacent property values. She testified that transactional data for properties immediately adjacent to solar facilities did not show a measurable and consistent negative impact on adjacent property values, and therefore no diminution in value to surrounding properties is anticipated from the proposed development.²⁷⁰

236. *In this case, the solar facility would comprise approximately 963 to 1,067 acres within a Site of nearly 2,000 acres of mostly agricultural land in two historically rural communities. The Project is significantly larger than a 12-acre facility (it is a 1,956-acre facility). In addition, there are three residences located within the Project boundary and an additional 65 residences located on parcels adjacent to or near the Project (i.e., where physical structures would be constructed). ~~Despite the cited study looking at home values within .05 miles of large solar projects, the EA did not identify how many~~ noted that there are 68 homes are within 0.56 miles of this Project.*

237. Property-value concerns would help ~~be~~ mitigated indirectly by reducing aesthetic impacts and through vegetation-screening plans developed under Section 5.1 of the DSP.²⁷¹

6. Tourism and Recreation

238. The ROI for both tourism and recreation is the Project Area. Potential impacts to recreational opportunities and tourism are anticipated to be minimal.²⁷²

239. Recreational activities in the Project Area are mostly associated with the Rochester State Game Refuge, the Haverhill Wildlife Management Area (WMA), and Snowmobile Trail 132 (Hiawatha I and II Trails).²⁷³

240. The Rochester State Game Refuge is an 80-acre parcel directly within the Project Area. It is privately owned and open to small and large game hunting and trapping, but is not available for general public use. The Haverhill WMA is 0.5 miles southwest of the Project Area and provides quality wildlife habitat, hunting, and outdoor recreational opportunities. Snowmobile Trail-132 (Hiawatha I and II Trails) run approximately 0.7 miles east of the Project Area.²⁷⁴

²⁷⁰ See Ex. App.-33 (Direct Testimony of Sonia Singh with Schedules A & B).

²⁷¹ Ex. PUC-EIP-8 at 107 (EA).

²⁷² Ex. PUC-EIP-8 at 107 (EA).

²⁷³ Ex. PUC-EIP-8 at 107-108 (EA).

²⁷⁴ Ex. PUC-EIP-8 at 107-108 (EA).

241. Construction could cause temporary increases in traffic, noise, dust, and visual disruption for nearby hunting, biking, snowmobiling, and other recreational activities. Impacts to tourism are expected to be minimal.²⁷⁵

242. The Project is not expected to restrict access to the Haverhill Wildlife Management Area (WMA) or Snowmobile Trail 132 (Hiawatha I and II Trails), during construction or operation of the Project.²⁷⁶

243. The long-term impacts to recreational activities associated with the operation of the Project mostly impact the Rochester State Game Wildlife Refuge. The owner of this property has entered into a lease agreement with [the](#) Applicant. As a result, this 80-acre parcel would not be available for hunting or other recreational use during the Project's lifespan. Notably, this parcel is currently used for row crop agriculture.²⁷⁷

244. Because the Rochester State Game Refuge is privately owned and not open to the general public for recreation, and because there are nominal recreational impacts to the Haverhill WMA and Snowmobile Trail 132, the EA determined that there are no significant long-term impacts to recreational activities are anticipated.²⁷⁸

245. No additional mitigation is proposed in the EA.²⁷⁹

7. Transportation and Public Services

246. The ROI for transportation and public services is the Project Area. The EA analyzed impacts to domestic wells, electric utilities, pipelines, roads, railroads, airports, and housing.²⁸⁰

247. No impacts to railroads or airports are anticipated because there are no railroads in the Project Area and no airports within the Site or within three miles.²⁸¹

248. No impacts to local housing availability are anticipated because construction workers are expected to use nearby temporary lodging, particularly in Rochester, and operation would only require approximately three to five long-term personnel.²⁸²

249. Potential impacts to the electrical grid and roads are anticipated to be short-term, intermittent, and localized during construction. There is potential for moderate to significant impacts to wells and pipelines, but impacts can be mitigated with appropriate planning, site

²⁷⁵ Ex. PUC-EIP-8 at 109 (EA).

²⁷⁶ Ex. PUC-EIP-8 at 109-110 (EA).

²⁷⁷ Ex. PUC-EIP-8 at 108-110 (EA).

²⁷⁸ Ex. PUC-EIP-8 at 110 (EA).

²⁷⁹ Ex. PUC-EIP-8 at 110 (EA).

²⁸⁰ Ex. PUC-EIP-8 at 110-119 (EA).

²⁸¹ Ex. PUC-EIP-8 at 114-116 (EA).

²⁸² Ex. PUC-EIP-8 at 114-116 (EA).

design, setbacks, and protection plans. Overall, construction-related impacts are expected to be minimal, and are associated with possible traffic delays.²⁸³

250. With respect to impacts on wells, most residents in the area surrounding the Project Site have private septic systems and domestic wells, consistent with the rural nature of the area. The EA located four wells on the Minnesota Well Index (MWI) and one unlocated well within the Land Control Area/Project Site, and it is possible there are more wells that have not been located. In addition, collection lines installed within the public road right of way (ROW) may pass near wells that are outside the Project Site. There are 72 wells located outside of the Land Control Area but within 0.5 miles of the Project Site. Wells within the Project Site could experience direct or indirect impacts during construction. MDH also noted that installation of electrical wiring near a well can impact well maintenance.²⁸⁴ Because of the potential for impact to these wells and underground water, these impacts will be discussed in more detail in the Groundwater section below.

251. The primary electric provider in the Project area is Dairyland Power Cooperative, with distribution provided by People's Energy Cooperative. No long-term impacts are expected due to Project operation and only short-term impacts (temporary outages) might occur during construction when Dairyland's 161 kV line is shut down for project interconnection.²⁸⁵

252. There is one hazardous liquid pipeline within the Site: the Magellan Pipeline Company's liquid petroleum pipeline runs northwest-southeast through the southeastern portion of the Site. The pipelines could be damaged or struck by construction vehicles or equipment during excavation or foundation installation. In addition, heavy vehicles driving over buried pipelines can damage the integrity of pipe over time. These construction and operation activities pose a risk of a pipeline leak or rupture and hazardous liquid spill. As a result, mitigation measures are recommended in the EA.²⁸⁶

253. There are five county roads and six township roads adjacent to or crossing through the Site. Impact to these roads would be short-term and expected mostly during construction, as opposed to operation.²⁸⁷

254. Sections 4.3.5 (Public Services, Public Utilities, and Existing Easements), 4.3.22 (Roads), 5.4 (Electrical Wiring Well Buffers), 5.5 (Well Protection Plan), 5.6 (Road Use Agreement), 5.7 (Pipeline Siting and Protection Plan), and 8.12 (Emergency Response) of the DSP propose mitigating impacts to transportation and utilities through road coordination, traffic-control measures, utility locating, coordination with Dairyland and local utilities, development of an Emergency Response Plan, and required well and pipeline protection measures.²⁸⁸

²⁸³ Ex. PUC-EIP-8 at 110 (EA).

²⁸⁴ Ex. PUC-EIP-8 at 110-11, 114 (EA).

²⁸⁵ Ex. PUC-EIP-8 at 112, 115 (EA).

²⁸⁶ Ex. PUC-EIP-8 at 112 (EA).

²⁸⁷ Ex. PUC-EIP-8 at 114-118 (EA).

²⁸⁸ Ex. PUC-EIP-8 at 116-119 (EA).

255. [The](#) Applicant opposed DSP Section 5.7, which requires coordination with the Magellan Pipeline Company. [The](#) Applicant stated that it has already coordinated with Magellan by entering into pipeline crossing and encroachment agreements.²⁸⁹ The [PUC](#) EIP nonetheless supports the inclusion of Section 5.7 and Section 5.7 is consistent with language adopted in a prior solar permit.²⁹⁰ In an effort to narrow issues before the Commission, the Applicant accepts inclusion of Section 5.7.

8. *Socioeconomics.*

256. According to the EA, the ROI for the socioeconomic factor is the Project “region.” [The “region” is the area of Olmsted County.](#)

257. Construction of the Project is expected to [temporarily](#) increase spending at local businesses for lodging, food, fuel, transportation, and general supplies.²⁹¹

258. [The](#) Applicant anticipates up to 200 temporary construction and installation jobs and three to five permanent O&M positions will be needed for the Project.²⁹²

259. The Project is expected to increase local tax revenues through property taxes and production taxes, and the EA includes projected annual and life-of-project tax allocations for the state, Olmsted County, Haverhill Township, Viola Township, schools, and the fire district.²⁹³

260. The lifetime tax benefits (over 30 to 40 years) anticipated from the Project were estimated by [the](#) Applicant as follows:²⁹⁴

Table 29. Project Tax Allocation

Taxing District	Life of Project Total	Annual Property Tax (2026 Projected)	Annual Production Tax (2026 Projected)
Minnesota	\$5,128,814	\$104,893	N/A
Olmsted County	\$18,708,430	\$103,221	\$378,400
Haverhill Township	\$2,239,465	\$5,150	\$55,055
Viola Township	\$1,953,676	\$10,758	\$39,545
School	\$2,563,865	\$52,436	N/A
Fire District	\$55,850	\$1,142	N/A

²⁸⁹ Applicant Response to EA at 4-5 (June 25, 2026) (eDocket No. 20266-233322-01).

²⁹⁰ PUC, Order Issuing Site Permit [Castle Rock Solar Project] (March 17, 2026) (eDocket No. 20263-229389-01), see special permit condition 5.6.

²⁹¹ Ex. PUC-EIP-8 at 119-128 (EA).

²⁹² Ex. PUC-EIP-8 at 119-128 (EA).

²⁹³ Ex. PUC-EIP-8 at 119-128 (EA).

²⁹⁴ Ex. PUC-EIP-8 at 125 (EA).

261. Members of the public expressed concern that the loss of agricultural land to the Project would adversely affect the local economy.²⁹⁵ Adverse socioeconomic impacts will be limited to the temporary loss of agricultural production on the land currently farmed; however, Lemon Hill indicates that these adverse impacts associated with the loss of agricultural land and agricultural production will be mitigated, in part, through lease, easement, or purchase payments to landowners.²⁹⁶

262. PUC EIP staff explained at the public hearing that ~~she was~~ the EA discussed identified both the closest regional agricultural suppliers and dealerships to the proposed project and the local licensed agricultural operators, ~~that there are no regional agricultural suppliers in the project area~~ The majority of the regional agricultural suppliers and dealerships are located approximately 10 or more miles from the Project Site; the EA indicated that impacts to these suppliers and dealerships are not anticipated. Seven of the nine licensed agricultural operators within Haverhill and Viola Townships provide services that are not anticipated to be impacted by the removal of cropland from agricultural production; these services include bulk milk hauling, non-agricultural fertilizer application, structural pest control, and food handling at a dairy plant. The two remaining licensed agricultural operators within Haverhill and Viola Townships, a licensed grain buyer and permitted seed seller (DK Seed), may be impacted by the removal of cropland from agricultural production, but the extent of impacts is difficult to determine. Impacts to two local non-agricultural businesses, ~~DK-Seed~~ Insul-Seal Home Insulation and the Stables Equestrian Center are also analyzed in the EA. ~~unable to estimate those types~~

263. Several sections of the DSP address socioeconomic impacts, including Sections 8.5 and 8.6. Section 8.5 requires quarterly reports concerning efforts to hire Minnesota workers; Section 8.6 requires the permittee, as well as its construction contractors and subcontractors, to pay no less than the prevailing wage rate.²⁹⁷

9. *Environmental Justice.*

264. The Project is not located within an environmental justice (EJ) community as defined by Minnesota law.²⁹⁸ The EA opined that the Project would not have disproportionately high and adverse human-health or environmental effects on low-income, minority, or tribal populations.²⁹⁹

265. No additional mitigation is proposed because the Project is not sited within an EJ community and is not anticipated to create disproportionate adverse impacts.³⁰⁰

²⁹⁵ See e.g., Ken Everson Comments (June 30, 2026) (eDocket No. 20266-233513-01) and Wendy Jenson (June 30, 2026) (eDocket No. 20266-233517-01)

²⁹⁶ Ex. PUC-EIP-8 at 127 (EA).

²⁹⁷ Ex. PUC-EIP-8 at 127-128 (EA).

²⁹⁸ Ex. PUC-EIP-8 at 128-130 (EA).

²⁹⁹ Ex. PUC-EIP-8 at 130 (EA).

³⁰⁰ Ex. PUC-EIP-8 at 131 (EA).

C. Human Health and Safety.

266. Minnesota law requires consideration of the Project's potential effect on health and safety.³⁰¹

10. Electric and Magnetic Fields (EMF).

267. Human-health impacts from EMF exposure are not anticipated, and potential EMF impacts are expected to be negligible. The primary sources of EMF from the proposed Project would be from the solar arrays, electrical collection lines, the transformers installed at each inverter, and the overhead gen-tie line connecting the Project substation to Dairyland's new switchyard.³⁰²

268. EMF from solar arrays is expected to be comparable to levels near common household appliances, and measured magnetic fields at utility-scale PV projects drop to very low levels at distances of 150 feet from inverters.³⁰³

269. The nearest solar array would be approximately 247 to 250 feet from the nearest residence, the nearest inverter would be approximately 578 feet from the nearest residence, and the gen-tie line would be approximately 700 feet from the nearest residence, so the EA concludes that EMF would dissipate to background levels at residences.³⁰⁴

270. No health impacts from EMF are anticipated. EMF diminishes with distance from a conductor or inverter. There are no residences mapped at a distance that would create an impact from EMF from the solar facility. At the distance of all residences, both EMF would dissipate to background levels.³⁰⁵

271. Section 4.5.1 of the DSP requires the Project to meet or exceed all relevant local and state codes, the National Electrical Safety Code (NESC), and North American Electric Reliability Corporation (NERC) requirements. The Project would be grounded in accordance with these regulations, and should a fault occur during Project operation, it would be quickly identified by the Project's 24/7 Supervisory Control and Data Acquisition (SCADA) monitoring system and corrected. When possible, faults would be reset remotely to ensure high plant availability. No additional mitigation is proposed in the EA.³⁰⁶

11. Stray and Induced Voltage.

³⁰¹ Minn. Stat. § 216E.03, subd. 7(b)(1); Minn. R. 7850.4100, subp. B.

³⁰² Ex. PUC-EIP-8 at 135 (EA).

³⁰³ Ex. PUC-EIP-8 at 135 (EA).

³⁰⁴ Ex. PUC-EIP-8 at 137 (EA).

³⁰⁵ Ex. PUC-EIP-8 at 137 (EA).

³⁰⁶ Ex. PUC-EIP-8 at 137 (EA).

272. The EA identified the ROI for stray and induced voltage risk to be the Land Control Area/Project Site. Potential impacts to residences and farming operations in the Site from stray voltage are not anticipated.³⁰⁷

273. Solar facility components are an extremely unlikely source of stray voltage for nearby livestock operations because they do not directly connect to local distribution systems, residences, or farms.³⁰⁸

274. [The](#) Applicant provided pre-filed direct expert testimony from Douglas A. Mutcher, a licensed professional electrical engineer employed by Westwood Professional Services. Mutcher's testimony addressed public concerns that the Project could create stray voltage affecting surrounding livestock and farms. He defined stray voltage as either neutral-to-earth voltage between two contact points accessible to animals or humans, or metallic-object-to-earth voltage resulting from accidental or unintentional energization of an accessible metal object. According to Mutcher, common causes of stray voltage generally relate to design or construction flaws in on-farm or utility electrical systems, such as improper grounding, undersized or damaged neutral conductors, loose neutral connections, equipment problems, or ground faults.³⁰⁹

275. Mutcher concluded that stray voltage does not arise from electrical currents "leaking" through the earth from a neighboring solar facility, but instead, from interactions with utility infrastructure and electrical equipment on the affected property. He explained that utility-scale solar projects use three-phase DC/AC inverters and produce virtually no current imbalance, making any contribution from a properly designed and constructed solar PV facility to neutral-to-earth voltage in normal operation "almost non-existent." He further explained that properly designed solar facilities include protective systems that rapidly detect and isolate fault conditions, with plant protective equipment operating in less than approximately one-half second in the example he described. Mutcher also noted that the Project would be designed and constructed by licensed professionals, reviewed by electrical inspectors and third-party engineers, and subject to commissioning, testing, inspection, and utility verification before energization. Based on the design features of large-scale solar PV facilities, applicable electrical codes, and the professional design, review, construction, and testing process, Mutcher concluded that concerns associating solar PV facilities with increased risk of stray voltage are without merit.³¹⁰

276. A member of the public, Noble Salisbury, offered oral comments at the public hearing where he: (1) challenged [the](#) Applicant's claim that the system would produce no stray voltage; (2) questioned whether [the](#) Applicant had tested for total harmonic distortion (THD) in

³⁰⁷ Ex. PUC-EIP-8 at 137 (EA).

³⁰⁸ Ex. PUC-EIP-8 at 137 (EA).

³⁰⁹ See Ex. App-34 (Direct Testimony of Douglas Mutcher).

³¹⁰ See Ex. App-34 (Direct Testimony of Douglas Mutcher).

the ground; and (3) argued that balanced phases do not address neutral and grounding current issues that can travel significant distances through the earth.³¹¹

277. During the public hearing, Mulcher responded to Salisbury's concerns regarding THD, explaining that the Project would be built to certain code and industry standards to ensure solar projects do not contribute to this issue, and that the step-up transformers at the inverters and site substation would trap harmonics³¹² before they reach the grid, preventing any unwanted impacts related to harmonics.³¹³

278. On large-scale solar projects federal transmission requirements (NERC/Federal Energy Regulatory Commission (FERC)) as well as the Commission and MISO have strict requirements for independent power producers connecting to the transmission system.³¹⁴ As a part of those requirements, there are several Underwriters Laboratories (UL) and Institute of Electrical and Electronics Engineers (IEEE) standards specific to the power electronics used for large grid-connected solar project inverters.³¹⁵ MISO interconnection requirements include a harmonics study as part of the design to show compliance with the IEEE 519 standard as well as testing performed with metering and in conjunction with MISO for final operational approval.³¹⁶ Typical inverters on a solar project are designed to produce less than three percent THD per IEEE 1547 guide for power generation inverters that aligns with the requirements of IEEE 519 guide.³¹⁷

279. Induced-voltage risks are also not expected from the Project because the gen-tie line would be located in the substation area, which would not contain central pivot irrigation or similar metal agricultural equipment.³¹⁸

280. Section 4.5.1 of the DSP requires the Project to meet or exceed all relevant local and state codes, the NESC, and NERC requirements. The Project would be grounded in accordance with these regulations.³¹⁹

281. No impacts to metal objects from induced voltage are anticipated. The Project gen-tie line would be located in the substation area. This area would be overlain with crushed

³¹¹ See Pub. Hrg. Tr. Vol. II at 28 and 105 (June 10, 2026).

³¹² At a high level, Electrical harmonics are higher-frequency waves that distort the standard alternating current (AC) power supply. While the main power grid operates perfectly at a fundamental frequency (like 60 Hz in the U.S.), harmonics run at whole-number multiples of this frequency (e.g., 120 Hz, 180 Hz). These are created by modern electronics and how they consume or generate power. See Applicant Response to Public Comments at 14 (July 9, 2026) (eDockets No. 20267-233981-01).

³¹³ Applicant Response to Public Comments at 12-15 (July 9, 2026) (eDockets No. 20267-233981-01).

³¹⁴ See Ex. App.-24 at 6:19-24 (Mulcher Direct).

³¹⁵ See Applicant Response to Public Comments at 14 (July 9, 2026) (eDockets No. 20267-233981-01).

³¹⁶ See generally Applicant Response to Public Comments at 14 (July 9, 2026) (eDockets No. 20267-233981-01).

³¹⁷ See Applicant Response to Public Comments at 14 (July 9, 2026) (eDockets No. 20267-233981-10).

³¹⁸ Ex. PUC-EIP-8 at 137-141 (EA).

³¹⁹ Ex. PUC-EIP-8 at 141 (EA).

rock to host the Project substation and new Dairyland switchyard; metal agricultural equipment such as central point irrigation equipment and mobile farm equipment would not be present in the substation area. [The](#) Applicant is required to ensure that the Project substation would be constructed and grounded in accordance with NESC standards and NERC requirements. Consequently, no additional mitigation is proposed in the EA.³²⁰

12. Photovoltaic Heat.

282. The topic of PV Heat was studied in the EA due to concerns from the public that the Project's solar panels would create a PV "heat island" (PVHI) effect that continually warms the surrounding area and impacts human health and the environment.³²¹ After being raised in EA scoping comments for this Project, the topic was included in the EA Scoping Decision under the public health and safety heading.³²²

283. Impacts to human health or the surrounding environment from PV heat are not anticipated.³²³

284. Any ambient temperature increase from the Project, if it occurs, would be expected to be minimal—approximately 0.2 to 0.7°C—and to dissipate with distance from the Project.³²⁴ The Project's use of native perennial vegetation and graveled access roads would be expected to provide cooling effects relative to conditions that might produce stronger PV heat-island effects.³²⁵

285. Section 4.3.16 of the DSP requires the establishment of native, perennial vegetation within the Site, which would have a cooling effect on the ambient air temperature. Access road installation would also have a cooling effect on the ambient air temperature. No additional mitigation is proposed in the EA.³²⁶

13. Panel Components.

286. Members of the public expressed concerns that contaminants from solar panels could leak into groundwater.³²⁷ As such, this topic was added to the EA Scoping Decision and studied in the EA.³²⁸

287. A common concern with solar projects is that PV panels would contaminate the soil and groundwater with toxins that endanger human health. While PV panels do contain trace

³²⁰ Ex. PUC-EIP-8 at 141 (EA).

³²¹ Ex. PUC-EIP-8 at 141 (EA).

³²² Ex. PUC-EIP-8 at Appendix A (EA).

³²³ Ex. PUC-EIP-8 at 141 (EA).

³²⁴ Ex. PUC-EIP-8 at 141 (EA).

³²⁵ Ex. PUC-EIP-8 at 141 (EA).

³²⁶ Ex. PUC-EIP-8 at 146 (EA).

³²⁷ See, Public Hrg. Tr. Vol. II at 42 and 87.

³²⁸ See Ex. PUC-EIP-8 at Appendix A (EA) and Ex. PUC-EIP-8 at 146 (EA).

amounts of potentially toxic materials, the EA explained that available research indicates that potential contamination risk occurs at the panel's end-of-life stage and are associated with extreme damage, improper disposal, and highly acidic conditions.³²⁹

288. The EA determined that potential human-health impacts from environmental contamination by PV panel components are not anticipated.³³⁰

289. Modern PV panels are primarily composed of glass, aluminum, and polymer materials, with only small amounts of semiconductor and trace heavy metals, but those materials are encapsulated in durable panel structures designed to prevent exposure to air and moisture during normal operation.³³¹

290. According to the EA, field-based experiments have exposed damaged PV panels to rainwater to determine the extent of heavy metal leaching into soil and groundwater. The results of these experiments indicate that leaching is minimal and well below human health screening levels, thereby indicating that contamination risk associated with normal solar operation is very low.³³²

291. [The](#) Applicant asserts that it would use solar panels that pass the Toxic Characteristic Leaching Procedure (TCLP) test, meaning they are classified as non-hazardous waste under federal regulations.³³³

292. The EA also identified improper disposal, extreme damage, and highly acidic conditions as the primary contamination-risk scenarios, rather than routine operational use.³³⁴ [The](#) Applicant would need to mitigate these risks by operating the Project in accordance with applicable legal regulations and a safety and emergency operations plan.³³⁵

293. Panel-component risks would be mitigated through use of TCLP-compliant panels, routine inspections, repair or replacement of damaged components, proper waste collection and disposal, and end-of-life coordination with MPCA and appropriate agencies. No additional mitigation is proposed in the EA.³³⁶

14. Public Safety and Emergency Services.

³²⁹ Ex. PUC-EIP-8 at 147 (EA).

³³⁰ Ex. PUC-EIP-8 at 146 (EA).

³³¹ See Ex. PUC-EIP-8 at 146 (EA); Ex. App-30 at 3-4 (Direct Testimony of Kyra Rothwell); and Ex. App-32 at 10-11 (Direct Testimony of Evan Christianson).

³³² Ex. PUC-EIP-8 at 150 (EA).

³³³ Ex. PUC-EIP-8 at 151 (EA).

³³⁴ Ex. PUC-EIP-8 at 151-152 (EA).

³³⁵ Ex. App-30 at 4 (Direct Testimony of Kyra Rothwell).

³³⁶ Ex. PUC-EIP-8 at 151-152 (EA).

294. Public-safety and emergency-services impacts within the Land Control Area are anticipated to be minimal during construction and minimal during operation.³³⁷

295. Construction risks include falls, equipment and vehicle use, electrical accidents, slips, trips, and other occupational hazards. Public risks are primarily associated with unauthorized entry into the facility and potential electrocution hazards.³³⁸ However, the Project would be designed and operated in compliance with the NESC, International Building Code, and American Society of Civil Engineer requirements. The Engineering, Procurement, and Construction (EPC) and operations and maintenance teams are responsible for preparing Project specific health and safety plans and ensuring compliance by all employees and contractors. These plans would be prepared in accordance with applicable laws governing health and safety, including OSHA requirements.³³⁹

296. The Project could increase demand for emergency and public health services during construction because of temporary construction personnel and potential construction injuries.³⁴⁰

297. Solar PV systems present fire risks associated with electrical arcing, faulty products, installation errors, or irregular maintenance, and native vegetation could increase fire hazard if improperly managed. However, [the](#) Applicant's Vegetation Management Plan (VMP) provides additional fire risk mitigation. Vegetation would be controlled via mowing, preventing the accumulation of biomass and reducing fire hazard.³⁴¹

298. Impacts to the Allied Radio Matrix for Emergency Response (ARMER) communications system are not anticipated because project features would not exceed the height that could interfere with the relevant microwave path.³⁴²

299. A Phase I Environmental Site Assessment (ESA) and Limited Phase II inspection found no documented releases with potential to impact or contaminate the Site. Any hazardous materials stored at the O&M building would be contained in compliance with applicable regulations. If necessary, [the](#) Applicant would develop a Spill Prevention, Control, and Countermeasure (SPCC) Plan to address oil pollution prevention and spill response requirements for hazardous materials stored on site.³⁴³

³³⁷ Ex. PUC-EIP-8 at 152 (EA).

³³⁸ Ex. PUC-EIP-8 at 152-155 (EA).

³³⁹ Ex. App-30 at 4 -5 (Direct Testimony of Kyra Rothwell).

³⁴⁰ Ex. PUC-EIP-8 at 155-156 (EA).

³⁴¹ Ex. PUC-EIP-8 at 156 (EA).

³⁴² Ex. PUC-EIP-8 at 152-157 (EA).

³⁴³ Ex. PUC-EIP-8 at 157 (EA).

300. Public-safety mitigation measures include perimeter fencing, access gates, warning signs, restriction of site access to authorized personnel, temporary construction barriers, and traffic-control measures.³⁴⁴

301. Fire and emergency risks would be mitigated through compliant installation, electrical inspections, trained technicians and electricians, routine inspection, 24/7 SCADA monitoring, vegetation mowing, coordination with local fire departments, and an emergency communication and response plan.³⁴⁵

302. Sections 4.3.30 (Public Safety), 5.8 (Emergency Response Training), 8.12 (Emergency Response), 8.13 (Extraordinary Events), and 9.1 (Decommissioning Plan) of the DSP requires coordination training meetings with local emergency responders, filing an Emergency Response Plan before operation, public-safety notifications, disclosure of extraordinary events, and periodic decommissioning-plan updates. No additional mitigation is proposed in the EA.³⁴⁶

D. Land-Based Economics.

303. Minnesota law requires consideration of the Project's potential effect on land-based economies – specifically, agriculture, forestry, tourism, and mining.³⁴⁷

1. Agriculture.

304. Agricultural use dominates approximately 89 percent of the 1,956-acre Land Control Area/Site, with corn and soybeans as the dominant crops and other areas used for pasture and hay production.³⁴⁸

305. The Project would remove ~~approximately 880 to 967 acres of cropland from agricultural production for the life of the Project.~~³⁴⁹ *between 939 and 1,030 acres of agricultural land from production for up to 40 years. Of that agricultural land, between 880 and 967 acres is used for cultivated crops and between 59 and 64 acres is used for hay/pasture and is considered prime farmland. Of the soils within the Preliminary Development Area, between 735 and 820 acres is designated as Prime Farmland. Added to this are developed portions of the Site needed for ~~transmission lines~~, collection corridors, ~~roads~~ and setbacks, which further limit the agricultural use of the Site (areas that were not measured and quantified in the EA), leaving only small, fractured remnants of land within the Site that may or may not be able to be used for agricultural uses. However, these areas ~~would~~ could be impacted by construction disturbances*

³⁴⁴ Ex. PUC-EIP-8 at 155-157 (EA).

³⁴⁵ Ex. PUC-EIP-8 at 155-157 (EA).

³⁴⁶ Ex. PUC-EIP-8 at 155-157 (EA).

³⁴⁷ Minn. Stat, § 216E.03, subd. 7(b); Minn. R. 7850.4100, subp. C.

³⁴⁸ Ex. PUC-EIP-8 at 157 (EA).

³⁴⁹ Ex. PUC-EIP-8 at 159 (EA).

that could affect soils or crops where construction access, underground collection lines, or equipment movement intersect agricultural areas.

306. Cropland conversion would represent approximately 0.28 to 0.31 percent of existing agricultural land in Olmsted County, approximately 4.7 percent of existing agricultural land in Haverhill Township, and approximately 1.8 to 2.4 percent of existing agricultural land in Viola Township.³⁵⁰

307. Subject to certain exceptions, Minnesota Rule 7850.4400, subp. 4 prohibits LEPGPs from being sited on more than 0.5 acre of prime farmland per MW of net generating capacity unless there is no feasible and prudent alternative to the proposed location. The Site includes approximately 1,179 acres of prime farmland, 148 acres of prime farmland if drained, and 365 acres of farmland of statewide importance. Given the 180 MW net generating capacity of the Project, this rule would allow use of up to 90 acres of prime farmland for the Project.³⁵¹

308. Because nearly all the Preliminary Development Area is classified as prime farmland, prime farmland if drained, or farmland of statewide importance, the prime-farmland acreage exceeds the acreage threshold that would otherwise apply unless there is no feasible and prudent alternative.³⁵²

309. With respect to prime farmland, Lemon Hill indicates that no feasible or prudent alternatives to the Project exist.³⁵³

310. Lemon Hill evaluated alternative sites within five miles of the Site. Those alternative sites were ultimately ruled out because they were unable to meet the limit set in Minnesota Rule 7850.4400, subp. 4 that an energy generation facility should not occupy more than 0.5 acres of prime farmland per MW of net generating capacity. In addition, Lemon Hill evaluated the area within five miles of the proposed point of interconnection to determine if land was available and suitable for construction of the Project. The 5-mile search radius was largely driven by the economics of solar construction. A solar project of this size that requires more than five miles of new electrical transmission infrastructure to connect to existing grid infrastructure is generally uneconomical due to the costs of the new transmission infrastructure and the line losses that would be realized over distances greater than five miles. Optional sites that would require longer transmission facilities to connect a project to the grid would result in higher costs for tasks such as design, permitting, and construction. These sites would also necessitate completing a routing study, identifying possible suitable land and willing landowners, potentially impacting significantly more natural and cultural resources, creating additional visual impacts, and requiring additional operation and maintenance needs.³⁵⁴ Lemon Hill also assessed area beyond the five-mile radius to the entirety of Olmsted county, but found “no large tracts of non-prime farmland in Olmsted County” and the only areas of non-prime farmland within Olmsted

³⁵⁰ Ex. PUC-EIP-8 at 162-163 (EA).

³⁵¹ Ex. App-2 at 10 (Application).

³⁵² Ex. PUC-EIP-8 at 158 (EA).

³⁵³ Ex. PUC-EIP-8 at 158 (EA).

³⁵⁴ Ex. App-2 at 10 (Application).

County are associated with riparian areas.”³⁵⁵ Based on this analysis, there are no feasible and prudent alternatives to the Project. No alternate sites were proposed for consideration in the EA.

311. Agricultural operations outside the solar facility fence line are expected to continue, although localized temporary construction disturbances could affect soils or crops where construction access, underground collection lines, or equipment movement intersect agricultural areas.³⁵⁶

312. Impacts to drain tile, soil structure, drainage, or managed erosion-control features could affect future agricultural production if not properly avoided, repaired, or restored.³⁵⁷

313. The Project is not expected to remove access to specialized agricultural resources such as specialty crops or apiaries, and no specialty crops or beehives were identified in the Site.³⁵⁸

314. Lemon Hill has taken steps to minimize agricultural impacts. Sections 4.3.9 (Topsoil Protection), 4.3.10 (Soil Compaction), 4.3.11 (Soil Erosion and Sediment Control), 4.3.16 (Beneficial Habitat), 4.3.17 (Vegetation Management Plan), 4.3.18 (Agricultural Impact Mitigation Plan), 4.3.20 (Invasive Species), 4.3.21 (Noxious Weeds), 4.3.25 (Drainage Tiles), and 4.3.29 (Damages) of the DSP require mitigation through topsoil protection and segregation, minimization of soil compaction, MPCA-recommended erosion and sediment control practices, a Construction Stormwater (CSW) Permit and Stormwater Pollution Prevention Plan (SWPPP), site restoration and management practices, a VMP, and an AIMP.³⁵⁹

315. The AIMP would address soil compaction, topsoil preservation, noxious weeds and invasive species, drain-tile maintenance and repair, vegetation establishment, and restoration so that the land can return to agricultural use.³⁶⁰ In its Response to Hearing Comments, [PUC](#) EIP staff proposed that Section 4.3.18 (Agricultural Impact Mitigation Plan) be revised to require the permittee to provide a copy of the AIMP to townships.³⁶¹

316. Drainage-tile impacts would be mitigated through permit conditions requiring avoidance, repair, rerouting, or replacement of drainage tiles broken or damaged during the Project life.³⁶²

317. Construction BMPs include regular inspections during earthmoving, preventing soil-profile mixing, monitoring compaction, halting construction during wet weather, ensuring

³⁵⁵ Ex. App-2 (Site Permit Application, Appendix B at 8 and Figure 6).

³⁵⁶ Ex. PUC-EIP-8 at 159-173 (EA).

³⁵⁷ Ex. PUC-EIP-8 at 159-173 (EA).

³⁵⁸ Ex. PUC-EIP-8 at 159-173 (EA).

³⁵⁹ Ex. PUC-EIP-8 at 173-175 (EA).

³⁶⁰ Ex. PUC-EIP-8 at 173-175 (EA).

³⁶¹ PUC EIP Response to Hearing Comments at 8 (July 23, 2026) (eDocket No. [20267-234568-01](#)).

³⁶² Ex. PUC-EIP-8 at 173-175 (EA).

proper drainage and erosion control, and cleaning equipment to limit invasive species. No additional mitigation is proposed in the EA.³⁶³

2. Tourism.

318. Tourism impacts are expected to be minimal because all Project facilities would be located on privately owned land and there are no specific tourism opportunities within the Site.³⁶⁴

319. Local tourism is primarily associated with outdoor recreation and nearby attractions, including the Haverhill WMA, Snowmobile Trail 132, Hadley Creek Golf Course, Silver Creek Reservoir, Rochester attractions, and regional Bluff Country resources.³⁶⁵

320. Construction could temporarily affect local recreational or community activities through noise, traffic, dust, and minor travel impacts, including potential travel effects for attendees of the Viola Gopher Count³⁶⁶ if construction traffic overlaps with the event.³⁶⁷

321. Long-term operational impacts to tourism are not expected to be significant because the Project is not anticipated to cause a decline in tourism to the local area.³⁶⁸

E. Archaeological, Cultural, and Historic Resources.

322. Minnesota law requires consideration of the Project's potential effects on historic and archaeological resources.³⁶⁹

323. Potential impacts to archaeological and historic resources are anticipated to be negligible to minimal and localized.³⁷⁰

324. [The](#) Applicant contacted federally recognized Tribal Nations in Minnesota, including THPOs. The Shakopee Mdewakanton Sioux Community requested that an Unanticipated Discovery Plan (UDP) be in place for the Project.³⁷¹

325. The Leech Lake Band of Ojibwe THPO commented that no recorded historic properties were known in the area, but that absence of records does not mean cultural resources

³⁶³ Ex. PUC-EIP-8 at 173-175 (EA).

³⁶⁴ Ex. PUC-EIP-8 at 175-176 (EA).

³⁶⁵ Ex. PUC-EIP-8 at 175-176 (EA).

³⁶⁶ The Viola Gopher Count is an annual summer festival held in Viola, MN with a variety of events including a parade, fireworks, and bingo. Ex. PUC-EIP-8 at 91 (EA).

³⁶⁷ Ex. PUC-EIP-8 at 175-176 (EA).

³⁶⁸ Ex. PUC-EIP-8 at 175-176 (EA).

³⁶⁹ Minn. Stat. § 216E.03, subd. 7(b); Minn. R. 7850.4100, subp. D.

³⁷⁰ Ex. PUC-EIP-8 at 176-180 (EA).

³⁷¹ Ex. PUC-EIP-8 at 176-180 (EA).

are absent, and requested notification if human remains or suspected human remains are encountered.³⁷²

326. Literature reviews and surveys identified previously recorded historic architectural resources outside the Site, and newly identified archaeological sites were recommended not eligible for the National Register of Historic Places.³⁷³

327. MnSHPO concurred that no significant archaeological sites would be affected and that no National Register, State Register, or Historic Sites Network properties would be affected by the Project.³⁷⁴

328. No impacts to architectural resources or archaeological resources are anticipated as a result of the Project.³⁷⁵

329. The preferred mitigation measure for Archaeological, Cultural, and Historic Resources is prudent siting to avoid impacts to archaeological and historic resources.³⁷⁶

330. The DSP requires avoidance of archaeological and historic resources where possible and mitigation where avoidance is not possible.³⁷⁷

331. [The](#) Applicant provided a UDP for the Project, and the plan describes procedures requiring immediate notice to the Project manager, cessation of construction at the discovery location, establishment of a 50-foot buffer, and assessment by a qualified professional archaeologist.³⁷⁸

332. Section 5.9 of the DSP requires a UDP for previously unrecorded archaeological or historic properties, human remains, or unanticipated effects to previously identified resources, and the UDP must include accurate contact information for the Leech Lake Band of Ojibwe.³⁷⁹

F. Natural Resources.

333. 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.³⁸⁰

1. Air Quality.

³⁷² Ex. PUC-EIP-8 at 176-180 (EA).

³⁷³ Ex. PUC-EIP-8 at 176-180 (EA).

³⁷⁴ Ex. PUC-EIP-8 at 176-180 (EA).

³⁷⁵ Ex. PUC-EIP-8 at 180 (EA).

³⁷⁶ Ex. PUC-EIP-8 at 180 (EA).

³⁷⁷ Ex. PUC-EIP-8 at 180 (EA).

³⁷⁸ Ex. PUC-EIP-8 at 180 (EA).

³⁷⁹ Ex. PUC-EIP-8 at 181 (EA).

³⁸⁰ Minn. Stat. § 216E.03, subd. 7(b); Minn. R. 7850.4100, subp. E.

334. Air-quality impacts during construction are expected to be intermittent, localized, short-term, and minimal.³⁸¹

335. Construction emissions would primarily include carbon dioxide (CO₂), nitrogen oxides (NO_x), particulate matter, equipment exhaust, and fugitive dust from travel on unpaved roads, grading, excavation, and soil exposure.³⁸²

336. Once operational, the solar array and gen-tie line would not generate criteria pollutants or CO₂, and routine maintenance would produce only negligible dust and exhaust emissions.³⁸³ Unlike fossil-fueled electric generating facilities, this Project would not generate emissions through the energy production process.³⁸⁴

337. Mitigation measures for air quality during construction would include watering exposed surfaces, covering haul trucks, reducing speeds on unpaved roads, containing excavated materials, stabilizing soils, maintaining equipment, minimizing unnecessary idling, and implementing a SWPPP under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) CSW Permit.³⁸⁵

2. *Geology and Groundwater.*

338. The ROI for geology and groundwater is the Land Control Area. Because of the presence of karst terrain and the proximity of the Decorah Edge within this area, there is potential for both direct and indirect impacts to groundwater related to both construction and operation of the Project. The EA characterizes impacts to groundwater as minimal to moderate. ~~While i~~Impacts to geology are not “anticipated.” ~~(no accident is anticipated) e~~Construction and operational impacts to surface water could indirectly affect groundwater and would be exacerbated by the unique geological aspects of the Project Site.

339. Karst terrain is a type of landscape that develops from the dissolution of underlying bedrock. The dissolution of bedrock commonly results in subsurface voids, conduits, springs, caves, and sinkholes. Karst is common throughout southeast Minnesota. The majority of Olmsted County, approximately 83 percent, is classified by the MDNR as areas prone to surface karst development.³⁸⁶ Construction projects in karst terrain can pose risks. Karst features have the potential to rapidly transmit contaminants from the land surface into the groundwater system,

³⁸¹ Ex. PUC-EIP-8 at 181-185 (EA).

³⁸² Ex. PUC-EIP-8 at 181-185 (EA).

³⁸³ Ex. PUC-EIP-8 at 181-185 (EA).

³⁸⁴ Ex. PUC-EIP-8 at 105 (EA).

³⁸⁵ Ex. PUC-EIP-8 at 185-186 (EA).

³⁸⁶ See Ex. App-32 at 2-3 (Direct Testimony of Evan Christianson) and Minnesota Geospatial Information Office. Surface Karst Feature Development Potential. State of Minnesota, <https://gisdata.mn.gov/dataset/geos-surface-karst-feature-devel>. Accessed July 1, 2026.

and the dissolution of bedrock can result in subsidence and sinkhole formation, which can pose a hazard to infrastructure.³⁸⁷

340. Members of the public have raised concerns regarding the risks of siting the Project in the proposed area given the area's karst terrain.³⁸⁸ This topic was included in the EA Scoping Decision and evaluated in the EA.³⁸⁹

341. Because the Project is in a karst area and includes the Decorah Edge, the EA identifies potential direct and indirect groundwater impacts from construction and operation.³⁹⁰ The EA also considered the karst assessment and mitigation proposed by Lemon Hill.

342. Lemon Hill completed a desktop and field survey for the Project Area to identify karst features and characterize the risk level of karst features becoming unstable or accelerating their growth.³⁹¹ As noted in Lemon Hill's December 8, 2025 Scoping Comments, there were three project parcels that were not included in the original Karst Assessment. Lemon Hill submitted an updated Karst Survey Report on June 25, 2026, that incorporated additional parcels and easement areas. Together, the Reports identified only two verified karst features that are very low risk since they present as small depressions ranging in size from a few feet in length, width and depth, and are typically flush with the ground exhibiting minor/major soil raveling but no open throat.³⁹²

343. Based on the findings of the Karst Assessment, Lemon Hill developed a Karst Construction Management Plan for the Site.³⁹³ The Karst Construction Management Plan describes the karst assessment, construction management, and remediation/mitigation protocols proposed for the construction of the Lemon Hill site. Under the Karst Construction Management Plan, prior to construction, desktop reviews and field surveys will be conducted to identify and map karst features and assign risk rankings, which inform project design and management strategies. During construction, a two-tier inspection system will be used: on-site staff initially screen for features such as sinkholes or subsidence, and if concerns arise, a qualified karst specialist conducts detailed evaluations using techniques like visual assessments, geophysical testing, or drilling. Construction work will be halted near suspect features until they are properly assessed.³⁹⁴

³⁸⁷ Ex. App-32 at 2-3 (Direct Testimony of Evan Christianson).

³⁸⁸ See Haverhill Township Comments (June 4, 2026) (eDocket No. 20266-232549-01); Mike Keef Comments (June 11, 2026) (eDocket No. 20266-232784-01).

³⁸⁹ Ex. PUC-EIP-8 at 186-196 (EA).

³⁹⁰ Ex. PUC-EIP-8 at 186-196 (EA).

³⁹¹ Ex. App-26 (Scoping Comments).

³⁹² Lemon Hill Response to EA at Attachment A – Karst Assessment Addendum (June 25, 2026) (eDocket No. 20266-233322-01).

³⁹³ Ex. App-26 (Scoping Comments).

³⁹⁴ Ex. App-32 at 4-5 (Direct Testimony of Evan Christianson).

344. The Karst Construction Management Plan prescribes avoiding disturbance to high-risk karst features wherever feasible. Avoidance is principally achieved through physical setbacks, including a recommended 50-foot no-disturbance buffer around sinkholes and a 150-foot buffer around sinkholes where activities such as fueling or chemical storage are limited. Construction BMPs include ongoing visual inspections, minimizing grading impacts, avoiding grade cuts below sinkhole bottoms to prevent reactivation, and maintaining natural drainage patterns. Surface water controls will be utilized to prevent runoff from entering karst openings, and karst features will not be used for disposal of water or materials.³⁹⁵

345. To protect groundwater, the Karst Construction Management Plan provides for strict management of potential contaminants, including fuels and chemicals, supported by spill prevention and stormwater pollution plans. Monitoring will continue throughout construction, and any changes in identified features—such as subsidence, collapse, or increased infiltration—trigger work stoppages and further evaluation. For low-risk features, the plan generally recommends grading over and monitoring, while higher-risk features, if identified, may require remediation. A common remediation technique is the installation of a reverse graded (inverted) filter system, which stabilizes sinkholes while allowing controlled water flow. Cap grouting is another common method used to fill voids and strengthen subsurface conditions.³⁹⁶

346. Because of the shallow depth to groundwater in some areas of the Project, dewatering may be required during construction. Dewatering will be discharged to the surface to allow it to infiltrate back into the ground, minimizing impacts. If dewatering exceeds 10,000 gallons of water per day, a MDNR water appropriation permit will be obtained for the Project.³⁹⁷

347. Access roads would be constructed at grade where possible, panel arrays would conform to existing topography where possible, and vegetation would be established after construction to reduce long-term disturbance to groundwater flow or recharge.³⁹⁸

348. Most residents in the surrounding rural area have private septic systems and domestic wells. The Minnesota Well Index (MWI) identified four located wells and one unlocated well within the Site. The unlocated well is at the edge of an array block in the northwestern portion of the Site. It is possible there are more wells that do not have records in the MWI within the Site. In addition, collection lines installed within the public road right-of-way (ROW) may pass near wells that are outside of the Site. There are 72 wells located outside of the Site within 0.5 miles of the Project (63 located wells and nine unlocated wells).³⁹⁹

³⁹⁵ Ex. App-32 at 5 (Direct Testimony of Evan Christianson).

³⁹⁶ Ex. App-32 at 5 (Direct Testimony of Evan Christianson).

³⁹⁷ Ex. PUC-EIP-8 at 194-195 (EA).

³⁹⁸ Ex. PUC-EIP-8 at 196 (EA).

³⁹⁹ Ex. PUC-EIP-8 at 110-111 (EA).

349. As set forth in Evan Christianson’s Direct Testimony “construction is not likely to affect the use of existing water wells.”⁴⁰⁰ Mr. Christianson further opines this Project will likely improve, rather than adversely impact, the area’s drinking water quality and groundwater.”⁴⁰¹

350. Lemon Hill has taken steps to minimize or mitigate impacts to geology and groundwater. Mitigation of potential impacts to geology and groundwater includes geotechnical investigation, stormwater management appropriate for karst, adherence to the Karst Construction Management Plan, monitoring of karst features, buffers around active karst features, spill prevention, and dewatering planning.⁴⁰²

351. Section 5.10 of the DSP requires the permittee to notify nearby domestic well users in the event of a spill or leak of potential contaminants such as fuel or oil. In its Response to the EA, Lemon Hill opposed this condition because as Mr. Christianson’s testimony asserts construction of the Project is not likely to affect the use of existing water wells and the Project will likely improve, rather than adversely impact, the area’s drinking water quality and groundwater.⁴⁰³ Additionally, Lemon Hill has developed a Karst Construction Management Plan for the Project. The plan includes strict management of potential contaminants, including fuels and chemicals, and the plan is supported by spill prevention and stormwater plans.⁴⁰⁴ [PUC EIP staff support Section 5.10 of the DSP and Section 5.10 is consistent with language adopted in a prior solar permit.](#)

352. Section 5.11 of the DSP requires the permittee to file a geotechnical investigation report prepared by a third-party geotechnical engineer or authorized representative. In its Response to the EA, Lemon Hill requested that this permit condition be revised to conform with Lemon Hill’s Karst Construction Management Plan.⁴⁰⁵

353. Section 5.11 of the DSP requires the permittee to file a geotechnical investigation report prepared by a third-party geotechnical engineer or authorized representative. The Applicant requested that this permit condition be revised to conform with its karst Construction Management Plan. PUC EIP staff did not support the Applicant’s requested revisions to Section 5.11 and noted that Section 5.11 is consistent with language adopted in a prior solar permit. PUC EIP staff propose that this permit condition be revised to require the permittee to apply the distance and activity restrictions from documented active karst features to any temporary workspaces as defined in Section 4.3.6 (Temporary Workspace) of the DSP.

354. Section 5.12 of the DSP requires the permittee to develop a dewatering plan in the event dewatering is required for project construction. The permittee is required to provide training to personnel directly involved with discharge activities.

⁴⁰⁰ Ex. App.-32 at 8:1-4 (Christianson Direct).

⁴⁰¹ Ex. App.-32 at 9:21-25 (Christianson Direct).

⁴⁰² Ex. PUC-EIP-8 at 196-199 (EA).

⁴⁰³ See Ex. App.-32 at 8:1-4 and 9:21-25 (Christianson Direct).

⁴⁰⁴ Lemon Hill Response to EA at 5 (June 25, 2026) (eDocket No. 20266-233322-01).

⁴⁰⁵ Lemon Hill Response to EA at 6 (June 25, 2026) (eDocket No. 20266-233322-01).

355. Section 5.13 requires the permittee to provide the Commission, Olmsted County, Haverhill Township, and Viola Township with plan for the use, storage, and disposal of any chemicals used in the cleaning of panels. In its Response to the EA, Lemon Hill committed to not using chemicals to clean solar panels at the facility and to only using organic chemicals for any cleaning activities. Lemon Hill proposed limited revisions to this permit condition to match these commitments.⁴⁰⁶ In its Response to Hearing Comments, [PUC](#) EIP staff proposed that this permit condition be revised to include Lemon Hill's commitment to using organic chemicals.⁴⁰⁷

356. Section 5.14 (Decorah Edge Protection Plan) of the DSP was proposed as a means of protecting the Decorah Edge,⁴⁰⁸ but as outlined in the Olmsted County Ordinance, another effective means of minimizing impacts is to avoid impacts to wetlands, which Lemon Hill has designed the Project to avoid, as evidenced by the no-loss determination from Olmsted County.⁴⁰⁹ Therefore, no additional mitigation is required.[5.14 was proposed by the PUC EIP as a means of protecting the Decorah Edge. The Judge agreed with PUC EIP staff. Should the Commission grant the permit, it is recommended that Section 5.14 be included in the site permit.](#)

357. Section 5.15 of the DSP requires the permittee to establish baseline water quality in shallow drinking water wells (wells less than 100 feet deep) within 500 feet of the Project prior to construction.⁴¹⁰ In its Response to the EA, Lemon Hill objects to this proposed special condition. Pre-construction surveying confirms there are two wells that satisfy the criteria established by this draft special condition; however, as drafted, this special condition requires access to these areas, which may not be granted by the landowners. Lemon Hill acknowledged the MDH Public Comment filed on June 23, 2026, in which MDH also recommends baseline water quality monitoring based on the karst geological features in the area. However, Lemon Hill notes that MDH's Public Comment does not identify any specific risks to water quality posed by the construction and/or operation of the Project. In fact, as set forth in Evan Christianson's Direct Testimony "construction is not likely to affect the use of existing water wells."⁴¹¹ Mr. Christianson further opines that this special condition "is unnecessary given the likely improvement, rather than adverse impact, to the area's drinking water quality and groundwater."⁴¹²

358. Additionally, according to the EA, the Project will create relatively limited permanent impervious surface area, and Lemon Hill will implement appropriate avoidance and minimization BMPs. As such, construction and operation of the Project is not anticipated to

⁴⁰⁶ Lemon Hill Response to EA at 7-8 (June 25, 2026) (eDocket No. 20266-233322-01).

⁴⁰⁷ PUC EIP Response to Hearing Comments 14-15 (July 23, 2026) (eDocket No. [20267-234568-01](#)).

⁴⁰⁸ Ex. PUC-EIP-8 at 199 (EA).

⁴⁰⁹ Lemon Hill Response to EA at 8 (June 25, 2026) (eDocket No. 20266-233322-01).

⁴¹⁰ Ex. PUC-EIP-8 at 199 (EA).

⁴¹¹ Ex. App.-32 (Christianson Direct) at 8:1-4.

⁴¹² Ex. App.-32 (Christianson Direct) at 9:21-25.

impact the hydrological function, groundwater recharge capacity, or water quality protection functions of the Decorah Edge.⁴¹³

359. In its Response to Public Hearing Comments, Lemon Hill describes meeting with MDH to discuss MDH's recommendations. MDH committed to providing a supplemental letter following these meetings.⁴¹⁴ Lemon Hill filed a letter attaching updated recommendations from MDH and responding to those recommendations on July 30, 2026.⁴¹⁵

360. Importantly, [the](#) MDH's updated letter acknowledges the karst avoidance measures described in the EA, DSP and Karst Construction Management Plan. [The](#) MDH also encouraged groundwater sampling and private well owner notifications in the event of spills.⁴¹⁶

3. *Soils.*

361. Impacts to soils would occur during construction and decommissioning of the Project, with a potential for moderate to significant impacts during high-rainfall events.⁴¹⁷

362. Primary soil impacts include compaction, soil-profile mixing, sedimentation, rutting, changes to drainage, erosion and damage during heavy rainfall. Construction would disturb approximately 963 acres under the Original Design Scenario or 1,067 acres under the Alternative Design Scenario. Most of the impacted land is agricultural.⁴¹⁸

363. Because the Site would be covered with native perennial vegetation for the life of the Project, soil health is likely to improve if vegetation establishment is successful.⁴¹⁹

364. Sections 4.3.9, 4.3.16 (Beneficial Habitat), 4.3.17 (Vegetation Management Plan), and 4.3.18 (Agricultural Impact Mitigation Plan) of the DSP requires mitigation that includes topsoil segregation, erosion controls, a CSW Permit and SWPPP, decompaction measures, drainage-tile repair, VMP implementation, and AIMP implementation. No additional mitigation is proposed in the EA.⁴²⁰

4. *Topography.*

⁴¹³ Ex. PUC-EIP-8 at 198 (EA).

⁴¹⁴ Lemon Hill Response to Public Hearing Comments with Attachment A at 16 (July 9, 2026) (eDocket No. 20267-233981-03).

⁴¹⁵ Updated MDH Letter July 2026 (July 30, 2026) (eDocket No. [20267-234734-01](#)).

⁴¹⁶ Updated MDH Letter July 2026 (July 30, 2026) (eDocket No. [20267-234734-01](#)).

⁴¹⁷ Ex. PUC-EIP-8 at 199 (EA).

⁴¹⁸ Ex. PUC-EIP-8 at 199-205 (EA).

⁴¹⁹ Ex. PUC-EIP-8 at 199-205 (EA).

⁴²⁰ Ex. PUC-EIP-8 at 205-206 (EA).

365. Topography impacts are expected to be minimal overall, but isolated moderate-to-significant impacts could occur on steeper slopes and bluffs during high-rainfall events.⁴²¹

366. The Site ranges from approximately 1,160 to 1,300 feet above sea level, with generally flat terrain and elevation decreases near creek bottoms.⁴²² While grading would occur, major topographical changes to the landscape, such as the creation of abrupt elevation changes or modifications to natural drainage patterns, are not expected. Project components should be constructed at grade to the extent possible. Appropriate permanent stormwater management measures could address drainage from the newly established impervious areas.⁴²³

367. [The](#) Applicant agrees to establish native, perennial vegetation within the Site to prevent erosion and stabilize soils. If bluffs or steep slopes are identified within or adjacent to the Site, the establishment of native, perennial vegetation may help stabilize slopes and minimize sediment transport.⁴²⁴

368. Mitigation of impacts to soil includes establishing native perennial vegetation to stabilize slopes and Section 5.16 of the DSP requiring a 30-foot minimum setback for construction activity and vegetation removal from the top of steep slopes or bluffs along stream or river valleys within 300 feet of the streambank.⁴²⁵ [The](#) Applicant noted that Section 5.16 appears to be based upon the Olmsted County Floodplain and Shoreland Ordinance (Ordinance). [The](#) Applicant is concerned that, absent definitions, the language in this proposed condition is vague and ambiguous, which could hinder compliance. [The](#) Applicant thus offered revisions to this permit condition to set the setback distance to 30 feet from the top of any bluff as defined by the Olmsted County Floodplain and Shoreland Ordinance.⁴²⁶ [PUC](#) EIP staff do not object to [the](#) Applicant's proposed revisions to Section 5.16.

5. *Surface Water and Floodplains.*

369. Surface water impacts are expected to be minimal to moderate, with direct impacts not expected, but indirect impacts possible through erosion, sedimentation, runoff, or contamination.⁴²⁷

370. Drainage systems within the Site could extend impacts to the North Fork Whitewater River, Lower South Fork Zumbro River, and the main stems of the Whitewater and Zumbro Rivers.⁴²⁸

⁴²¹ Ex. PUC-EIP-8 at 206 (EA).

⁴²² Ex. PUC-EIP-8 at 206 (EA).

⁴²³ Ex. PUC-EIP-8 at 210 (EA).

⁴²⁴ Ex. PUC-EIP-8 at 211 (EA).

⁴²⁵ Ex. PUC-EIP-8 at 210-211 (EA).

⁴²⁶ Ex. PUC-EIP-8 at 210-211 (EA).

⁴²⁷ Ex. PUC-EIP-8 at 211 (EA).

⁴²⁸ Ex. PUC-EIP-8 at 211-217 (EA).

371. Floodplain impacts are not anticipated, but the Project has increased flood-event risk due to the presence of water features.⁴²⁹

372. [The](#) Applicant made the following commitments regarding surface waters: preparing a safety and emergency operations plan before commercial operations; procuring PV modules from qualified vendors subject to stringent safety and onboarding standards; and designing and operating the Project in compliance with applicable safety codes, including the NESC, International Building Code, American Society of Civil Engineers requirements, and OSHA-related health and safety requirements. [The](#) Applicant also commits to coordinating with local emergency responders by offering pre-construction meetings to review final site plans and the safety and emergency operations plan, offering a construction-stage walkthrough, meeting with emergency departments at least once every ten years during operations, updating the plan to reflect best practices, technological advancements, or changes in local protocols, and working with local emergency services to provide appropriate safety equipment as needed. With respect to stormwater, [the](#) Applicant agrees to manage runoff so post-construction flows would be less than or consistent with pre-construction flows, using stormwater BMPs such as permanent vegetative groundcover, preparing a professional-engineer-developed Stormwater Management Plan before construction, obtaining an NPDES permit before construction, conducting at least weekly BMP inspections and timely repairs under that permit, and preparing and complying with a SWPPP that includes temporary and permanent erosion and sediment controls, durable perennial vegetation, and accepted stormwater BMPs.⁴³⁰

373. Sections 4.3.11 (Soil Erosion and Sediment Control), 4.3.16 (Beneficial Habitat), 4.3.17 (Vegetation Management Plan), 4.3.25 (Drainage Tiles), and 5.17 (Fuel Storage and Spill Prevention) of the DSP requires the permittee to mitigate impacts to surface water and floodplains through containment of excavated soils, protection and stabilization of exposed soils, dust control, secondary containment of fuel, refueling and maintenance at least 100 feet from waterways where practicable, spill kits, leak monitoring, NPDES permit compliance, a SWPPP, stormwater BMPs, perennial vegetation, and boring collection-line crossings beneath watercourses.⁴³¹

374. The DSP generally prohibits placement of the solar energy generating system or associated facilities in public waters and public waters wetlands, except for collector or feeder line crossings subject to required approvals. No additional mitigation is proposed in the EA.⁴³²

6. *Wetlands.*

375. Wetland impacts are anticipated to be minimal to moderate, with direct permanent impacts not anticipated and temporary or indirect impacts possible during construction.⁴³³

⁴²⁹ Ex. PUC-EIP-8 at 211-217 (EA).

⁴³⁰ See Ex. App-30 (Direct Testimony of Kyra Rothwell).

⁴³¹ Ex. PUC-EIP-8 at 217-218 (EA).

⁴³² Ex. PUC-EIP-8 at 217-218 (EA).

⁴³³ Ex. PUC-EIP-8 at 218 (EA).

376. National Wetlands Inventory (NWI)-MN mapping identified 102 wetlands totaling approximately 261.28 acres within the Site, and field delineations identified approximately 97.24 acres of delineated wetlands within the Project.⁴³⁴

377. No solar facility components, including fence posts, would be placed in wetlands. However, parts of the below-ground collection system for the Project would be horizontally drilled under 13 wetlands.⁴³⁵

378. [The](#) Applicant submitted a No Loss Application pursuant to the Minnesota Wetland Conservation Act (WCA) on October 20, 2025, and received a notice of decision from Olmsted SWCD on April 14, 2026. The Olmsted SWCD found that the layout provided by [the](#) Applicant would not impact any identified wetland within the Project Area. Olmsted SWCD recommends approval of the wetland delineation and No Loss application with certain conditions. To the extent applicable, the Project is exempt from Chapter 3706 of the County Ordinance, which includes the Decorah Edge Overlay District.⁴³⁶

379. Wetland mitigation includes agency coordination and permits as needed under Section 404 and Section 401 of the Clean Water Act and Minnesota WCA, wetland sequencing if impacts require approval, BMPs to prevent indirect impacts, and compliance with wetland-related DSP conditions.⁴³⁷

7. *Vegetation.*

380. The Project would convert existing row-crop farmland to perennial vegetation for the life of the Project, and vegetation impacts would be expected to be minimal to moderate, and can be mitigated through the development of a VMP.⁴³⁸

381. Impacts to vegetation related to the Project could be both positive and negative. Negative impacts include the removal of existing row crops and vegetation, disturbing soils, destroying existing plant communities, potential introduction of invasive species, and potential effects to adjacent conservation lands. The positive effects of the Project would be the replacement of continuously cultivated row crops with perennial vegetation, giving the soils a rest and change. This can stabilize soil, reduce erosion, increase infiltration, reduce runoff, provide pollinator habitat, reduce fertilizer use, reduce pesticide exposure, and provide more continuous ground cover.⁴³⁹

⁴³⁴ Ex. PUC-EIP-8 at 218-221 (EA).

⁴³⁵ Ex. PUC-EIP-8 at 218-221 (EA).

⁴³⁶ Ex. App-31 (Direct Testimony of Dan Flo).

⁴³⁷ Ex. PUC-EIP-8 at 221 (EA).

⁴³⁸ Ex. PUC-EIP-8 at 221 (EA).

⁴³⁹ Ex. PUC-EIP-8 at 221-227 (EA).

382. The Site is currently dominated by cultivated cropland and pastureland, with small areas of developed land, wetlands/open water, herbaceous vegetation, and deciduous forest.⁴⁴⁰

383. Construction of the Project would temporarily remove vegetation and could permanently remove some woody vegetation. However, [the](#) Applicant does not anticipate clearing dense forested areas or measurable acreage of trees.⁴⁴¹

384. [The](#) Applicant plans to use three seed mixes to establish perennial vegetation within the Project. Native perennial seed mixes would stabilize soils, improve soil health, increase infiltration, reduce runoff and erosion, and provide pollinator and wildlife habitat.⁴⁴²

385. [The](#) Applicant asserts that it would work with adjoining landowners to identify potential landscape screening needs and implement screening where appropriate. Many of the woody species that [the](#) Applicant identified in the VMP as potential screening options are consistent with both the Haverhill and Viola Township zoning ordinances lists of suitable tree and shrub species for screening buffer yards.⁴⁴³

386. The MDNR recommended the Applicant increase the minimum panel height to incorporate taller stature grasses and forbs, resulting in a more resilient and diverse native seed mix.⁴⁴⁴ The Applicant stated that increasing the height of the panels would increase the length of mounting piles, significantly increasing the amount of steel required for the Project. Higher panels would also increase torque on the posts from wind loads on the racking system, adding complexity and additional safety risks during construction and operation due to higher working heights. Lastly, higher panels would result in more grading because the pile height tolerance would be narrower, meaning the ground would need to be more level to accommodate the racking. For these reasons, [the](#) Applicant objected to increasing the height of the solar panels in response to the MDNR's recommendation.⁴⁴⁵

387. The ~~EIP Staff, on behalf of the~~ VMPWG, reviewed the Project's VMP and found it generally workable but requiring additional detail and refinement before approval. *While the plan's goals—such as establishing perennial vegetation, supporting pollinators, and minimizing invasive species—are supported, the group recommends improvements including clearer site descriptions, more detailed vegetation management units, defined contractor qualifications, and a comprehensive schedule for planting and maintenance activities. The VMPWG also calls for stronger guidance on soil testing, seed selection and installation methods, weed and herbicide control, grazing practices, and adaptive management strategies, along with robust monitoring, reporting, and performance standards.*

⁴⁴⁰ Ex. PUC-EIP-8 at 221-226 (EA).

⁴⁴¹ Ex. PUC-EIP-8 at 221-226 (EA).

⁴⁴² Ex. PUC-EIP-8 at 221-226 (EA).

⁴⁴³ Ex. PUC-EIP-8 at 221-226 (EA).

⁴⁴⁴ DNR Public Hearing Comments (June 25, 2026) (eDocket No. 20266-233340-01).

⁴⁴⁵ Ex. App-31 (Direct Testimony of Dan Flo).

388. Sections 4.3.17 (Vegetation Management Plan), 4.3.18 (Agricultural Impact Mitigation Plan), and 5.1 (Visual Screening Plan) of the DSP require mitigation measures to include minimizing tree removal, preserving windbreaks and shelterbelts to the extent practicable, developing a VMP, monitoring vegetation, using appropriate seed mixes, and controlling invasive species and noxious weeds. No additional mitigation is proposed in the EA.⁴⁴⁶

8. *Wildlife and Habitat.*

389. Wildlife and habitat impacts are expected to be minimal overall, but impacts may be positive or negative depending on species and timing.⁴⁴⁷

390. Long-term, positive impacts to small mammals, insects, snakes, etc. would likely occur due to the change in vegetation. The impact intensity would depend on the amount and quality of habitat created by the Project and the vegetation selected. Impacts to large wildlife species would be minimal. Project fence design has the potential to impact deer but can be mitigated through proper fencing.⁴⁴⁸

391. There are several aquatic ecosystems within the Site, some of which connect to the North Branch Whitewater River, that have the potential for downstream impacts from dust or erosion control. Potential impacts can be mitigated by prudent design, and adherence to MDNR recommendations.⁴⁴⁹

392. Once restored, the Site may provide native habitat for the life of the Project. The Project does not contribute to significant habitat loss or degradation or create new habitat edge effects. The introduction of PV panels and fencing creates the potential for bird collisions, deer injury or entrapment, and funneling wildlife towards roads in certain areas. Potential impacts can be mitigated in part through project design and BMPs.⁴⁵⁰

393. Panel collision and echolocation interference are discussed as potential risks, though significant bat impacts are not anticipated because PV facilities have low reported bat mortality rates.⁴⁵¹

394. Wildlife mitigation measures include native perennial vegetation, wildlife-friendly fencing coordination with the MDNR, chloride-free dust suppression, erosion-control materials without plastic or synthetic fibers or malachite green dye, down-lit and shielded

⁴⁴⁶ Ex. PUC-EIP-8 at 227 (EA).

⁴⁴⁷ Ex. PUC-EIP-8 at 227-228 (EA).

⁴⁴⁸ Ex. PUC-EIP-8 at 227-228 (EA).

⁴⁴⁹ Ex. PUC-EIP-8 at 227-228 (EA).

⁴⁵⁰ Ex. PUC-EIP-8 at 227-228 (EA).

⁴⁵¹ Ex. PUC-EIP-8 at 227-240 (EA).

lighting, habitat features, and a minimum setback from perimeter fencing to road ROWs. No additional mitigations measures were proposed in the EA.⁴⁵²

395. Section 5.18 of the DSP requires the permittee to use down-lit, shielded lighting with a nominal color temperature that does not exceed 4,000 kelvin around and within the project.

396. Section 5.19 of the DSP requires the permittee to use dust suppression agents that do not contain chloride.

397. Section 5.20 of the DSP requires the permittee to use erosion control materials that do not contain plastic or synthetic fibers or malachite green dye. [The](#) Applicant expressed concern that this special condition limits its ability to use BMPs to control erosion. [The](#) Applicant agreed to implement stormwater controls that limit the use of plastic or synthetic fiber; however, [the](#) Applicant contends that there may be instances where use of these materials is necessary to comply with industry best practices and [the](#) Applicant's obligations under the SWPPP. Based upon these concerns, [the](#) Applicant proposed to revise the special condition to require the use of erosion control materials that do not contain plastic or synthetic fibers or malachite green dye to the extent practicable.⁴⁵³ [PUC](#) EIP staff do not support [the](#) Applicant's proposed revisions to Section 5.20 of the DSP, noting that Section 5.20 is consistent with language adopted for prior solar permits.⁴⁵⁴ Section 5.20 is supported by the MDNR, which rejects [the](#) Applicant's revisions.⁴⁵⁵ Section 5.20 was subsequently revised after coordination between [PUC](#) EIP staff and [the](#) Applicant.

398. Section 5.21 of the DSP requires the permittee to coordinate with the MDNR on the design and use of small- to medium-sized animal permeable fencing around the Project. [The](#) Applicant requested the removal of this permit condition because it is duplicative of the standard permit condition 4.3.32 regarding fencing.⁴⁵⁶ [PUC](#) EIP staff do not support the removal of Section 5.21 of the DSP.⁴⁵⁷ Section 5.21 is supported by the MDNR.⁴⁵⁸

399. MDNR conducted a review of the Minnesota Natural Heritage Information System to determine if the Project has the potential to impact any rare species or other significant

⁴⁵² Ex. PUC-EIP-8 at 240-241 (EA).

⁴⁵³ Applicant Response to EA at 9 (June 25, 2026) (eDocket No. 20266-233322-01).

⁴⁵⁴ PUC, Order Issuing Site Permit [Castle Rock Solar Project] (March 17, 2026) (eDocket No. 20263-229389-01), see special permit condition 5.18; PUC, Order Issuing Site Permit [Benton Solar Project] (January 28, 2026) (eDocket No. 20261-227512-01), see special permit condition 5.8; PUC, Order Issuing Site Permit [Solway Solar Project] (September 12, 2025) (eDocket No. 20259-222929-01), see special permit condition 5.6; PUC, Order Issuing Site Permit [Coneflower Solar Project] (August 25, 2025) (eDocket No. 20258-222368-01), see special permit condition 5.12.

⁴⁵⁵ DNR Public Hearing Comments (June 30, 2026) (eDocket No. 20266-233340-01).

⁴⁵⁶ Applicant Response to EA at 11 (June 25, 2026) (eDocket No. 20266-233322-01).

⁴⁵⁷ PUC, Order Issuing Site Permit [Coneflower Solar Project] (August 25, 2025) (eDocket No. 20258-222368-01), see special permit condition 5.13.

⁴⁵⁸ DNR Public Hearing Comments (June 30, 2026) (eDocket No. 20266-233340-01).

natural features. As stated in the Natural Heritage Review letter: “Loggerhead Shrikes have been documented historically in the vicinity of the Project site . . . The presence of this bird is unlikely therefore, we do not anticipate any impacts.”⁴⁵⁹ Additionally, the MDNR notes that all of Minnesota bat species can be found throughout the state even if there are no bat records nearby. However, the MDNR did not recommend the installation of any habitats and the agency’s comments do not identify any particular species or rare and unique resources within the vicinity of the Project.⁴⁶⁰

400. Section 5.22 of the DSP requires the permittee to install appropriate habitat features that adhere to MDNR guidance within the Project and to file a Habitat Plan describing the features planned for the Project and how they would be maintained. The Applicant requested the removal of this permit condition because the MDNR found that no state listed bat species were documented within the vicinity of the Project, and no additional species or rare and unique resources were otherwise included or observed.⁴⁶¹ PUC EIP staff do not support the removal of Section 5.22 of the DSP. Section 5.22 is supported by the MDNR because it can support osprey and some bat populations.⁴⁶² Section 5.22 is a reasonable permit condition for the project. ~~Because no state listed species were documented within the vicinity of the Project, the record does not support inclusion of Section 5.22.~~

401. Section 5.23 of the DSP requires the permittee to apply a minimum setback of 50 feet from the perimeter fence to all road ROWs to reduce the risk of vehicle collisions with wildlife. The Applicant requested reduction in the setback from 50 feet to 45 feet, because it could materially impact Project designs.⁴⁶³ PUC EIP staff did not object to the Applicant’s request regarding Section 5.23 of the DSP.

9. *Climate Change.*

402. Construction of the Project would create short-term greenhouse gas (GHG) emissions, estimated at approximately 3,635 tons of CO₂, while operation of the Project would generate approximately 16 tons of CO₂ annually from commuter vehicles, maintenance trucks, and electricity use.⁴⁶⁴

403. Lemon Hill estimates that the Project would offset approximately 135,567 tons of CO₂ annually by displacing fossil-fuel generation.⁴⁶⁵

⁴⁵⁹ DNR Public Hearing Comments (June 30, 2026) (eDocket No. 20266-233340-01).

⁴⁶⁰ See Applicant Response to Public Comments at Attachment A (July 9, 2026) (eDockets No. 20267-233981-01; DNR Public Hearing Comments (July 25, 2026) (eDocket No. 20266-233340-01).

⁴⁶¹ Applicant Response to EA at 11-12 (June 25, 2026) (eDocket No. 20266-233322-01).

⁴⁶² DNR Public Hearing Comments (June 30, 2026) (eDocket No. 20266-233340-01).

⁴⁶³ Applicant Response to EA at 12 (June 25, 2026) (eDocket No. 20266-233322-01).

⁴⁶⁴ Ex. PUC-EIP-8 at 257-263 (EA).

⁴⁶⁵ Ex. PUC-EIP-8 at 257-263 (EA).

404. Total GHG emissions from construction and operation of the Project are expected to be minimal compared with the long-term GHG reductions facilitated by the Project.⁴⁶⁶

405. Climate mitigation and resiliency measures include maintaining equipment, reducing emissions during construction, designing panels and arrays for stronger storms and winds, planning for repair or replacement after storm damage, designing stormwater systems for heavy rainfall, designing electrical systems to resist flood damage, and using vegetated stormwater systems, AIMP measures, and VMP measures to reduce wet-soil impacts.⁴⁶⁷

G. Rare and Unique Resources.

406. Minnesota law requires consideration of the Project's potential effects on rare and unique natural resources.⁴⁶⁸

407. Rare and unique resource impacts are anticipated to be minimal to moderate during construction and minimal during operation of the Project.⁴⁶⁹

408. Watercourses within the Project drain to Silver Creek Reservoir, a Lake of Biological Significance with an outstanding biological significance class for fish community, so increased sedimentation would harm that aquatic habitat.⁴⁷⁰

409. No calcareous fens, native prairie, or conservation easements are located within the Site, although two Reinvest in Minnesota (RIM) easements are immediately adjacent to the Project.⁴⁷¹

410. The federally listed Northern Long-eared Bat (NLEB) could be affected if tree clearing or construction occurs when bats are roosting in summer habitat, but forested habitat is limited within the mostly agricultural Site.⁴⁷²

411. Bald eagles may be affected if construction noise, particularly pile driving, disrupts nesting during the breeding season, and [the](#) Applicant has not conducted eagle nest surveys. [The](#) Applicant agrees to coordinate with U.S. Fish and Wildlife Service (USFWS) on whether surveys are needed and [the USFWS will coordinate appropriate mitigation measures for bald eagles if necessary.](#) ~~this issue should be addressed with a permit condition should the Commission approve the Project.~~

⁴⁶⁶ Ex. PUC-EIP-8 at 257-263 (EA).

⁴⁶⁷ Ex. PUC-EIP-8 at 263-264 (EA).

⁴⁶⁸ Minn. Stat. § 216E.03, subd. 7(b); Minn. R. 7850.4100, subp. F.

⁴⁶⁹ Ex. PUC-EIP-8 at 243 (EA).

⁴⁷⁰ Ex. PUC-EIP-8 at 243-255 (EA).

⁴⁷¹ Ex. PUC-EIP-8 at 243-255 (EA).

⁴⁷² Ex. PUC-EIP-8 at 243-255 (EA).

412. Loggerhead shrike, a state-listed endangered species, may exist in the area, and the EA notes that thorny or prickly trees or shrubs outside the Project fencing could benefit the species by providing nesting and prey-impaling habitat.⁴⁷³

413. Mitigation includes avoiding identified species occurrence areas and preferred habitat, implementing SWPPP erosion and sediment controls, coordinating with USFWS and MDNR, following NLEB guidance and tree-clearing restrictions, and avoiding tree and shrub removal during the Loggerhead Shrike breeding season unless surveys are completed.⁴⁷⁴

414. Section 5.24 of the DSP requires the permittee to comply with state and federal guidance and requirements in effect regarding the Northern Long-eared Bat. The MDNR proposed revising Section 5.24 to include language requiring adherence to recommended tree clearing timeframes.⁴⁷⁵ As a result, [PUC](#) EIP staff proposed that this permit condition be modified to clarify the scope of tree clearing restrictions.⁴⁷⁶ Modifications to Section 5.24, as proposed by the MDNR and [PUC](#) EIP staff, are reasonable should the Commission approve a site permit. Lemon Hill agrees with [PUC](#) EIP staff's modifications.

415. Section 5.25 requires the permittee to avoid tree and shrub removal during the Loggerhead Shrike breeding season, April through July.

H. Application of Various Design Considerations.

416. Minnesota law requires consideration of the application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and can accommodate expansion of transmission or generating capacity.⁴⁷⁷

417. Equipment for the Project has not been finalized. [The](#) Applicant used the Meyer Burger Glass Utility (550-to-565-watt peak [WP]) solar module for the proposed design, which is for ground-mounted solar power plants. The Meyer Burger solar module consists of 144 half cells with bifacial technology, which [the](#) Applicant asserts yields more energy over the same area even on cloudy or hot days. While the current design anticipates Meyer Burger technology, other panels and manufactures are under consideration. Any changes in technology moving forward are anticipated to build upon current Project efficiencies presented in the Application.⁴⁷⁸

418. [The](#) Applicant has not finalized design details, including the selection of equipment. The Application notes that it is possible that new solar module designs could be introduced to the market prior to construction and those modules could increase the efficiency or cost effectiveness of the Project (e.g., higher efficiency or higher wattage per module options). [The](#) Applicant seeks to maintain as much flexibility in the individual supplier and technology

⁴⁷³ Ex. PUC-EIP-8 at 243-255 (EA).

⁴⁷⁴ Ex. PUC-EIP-8 at 256 (EA).

⁴⁷⁵ DNR Comments (June 25, 2026) (eDocket No. 20266-233340-01).

⁴⁷⁶ PUC EIP Response to Hearing Comments at 4 (July 23, 2026) (eDocket No. [20267-234568-01](#)).

⁴⁷⁷ Minn. R. 7850.4100, subp. G (2023).

⁴⁷⁸ Ex. App-2 at 7 (Application).

choice as possible to ensure selection of the best equipment to fit the Project at the time of procurement. Selection of newer, higher wattage equipment that may become available before the Project begins construction could potentially reduce the overall footprint of the Project while increasing efficiency and performance. [The](#) Applicant would consider the costs and performance of each technology option, as well as environmental and safety standards, when making its final selection. This process has been included in the proposed Project timeline, and the final selection should not alter the Project scope, timeframe, or budget.⁴⁷⁹

419. The Application notes that, as the solar market continues to produce less expensive and more efficient solar modules, repowering the Project may be a viable option as the Project ages. Potential triggers for initiating a repower may be aging or faulty equipment, maintenance costs, extending the useful life of the Project, or increasing the generation output of the Project. [The](#) Applicant states that it would continually evaluate the Project's generation output, maintenance costs, and other contributing factors in conjunction with available technology upgrades to determine if repowering the Project is a worthwhile investment. Any proposed repowering of the Project must abide by all local, state, and federal regulations. A new or amended Site Permit may be necessary would be sought if required.⁴⁸⁰

420. [The](#) Applicant does not plan to expand the proposed Project at this time. Land that is proposed for development has been leased from landowners for a term of 40 years.⁴⁸¹

421. [The](#) Applicant is not required to analyze alternative sites under the alternative review process set forth in Minn. Stat. § 216E.04, subd. 4 (2023) and Minn. R. 7850.3100 (2023) unless it has rejected alternative sites.⁴⁸²

I. Use of Existing Large Electric Power Generating Plant Sites.

422. Minnesota law requires consideration of the use of existing LEPGP.⁴⁸³

423. There are no LEPGP sites in the Project Area.⁴⁸⁴

J. Use of Existing Rights-of-Way.

424. Minnesota law requires consideration of the use of existing ROWs.⁴⁸⁵

425. The Project is adjacent to the existing Dairyland rerouted LQ34 161 kV transmission line which would be the point of interconnection to the grid for the Project. Existing

⁴⁷⁹ Ex. App-2 at 13 (Application).

⁴⁸⁰ Ex. App-2 at 30 (Application).

⁴⁸¹ Ex. App-2 at 11 (Application).

⁴⁸² See Minn. Stat. 216E.03, subd. 5(a).

⁴⁸³ Minn. R. 7850.4100(I).

⁴⁸⁴ Ex. PUC-EIP-8 at 11 (EA).

⁴⁸⁵ Minn. R. 7850.4100(H) and (J).

infrastructure in the Project Area and vicinity includes an overhead electric transmission line and one natural gas transmission pipeline.⁴⁸⁶

K. Electrical System Reliability.

426. Minnesota law requires consideration of electrical system reliability.⁴⁸⁷

427. The Project is designed to generate up to 180 MW Peak, which is enough to power approximately 36,700 homes per year.⁴⁸⁸

428. Following a competitive bid process, Xcel Energy selected the Lemon Hill Project to provide additional renewable generation identified through its Minnesota integrated resource plan to meet customer needs. Xcel Energy and [the](#) Applicant have negotiated a PPA for the sale of power from the Project, and the Commission has approved that PPA.⁴⁸⁹

429. The proposed Project has been planned, sited, and designed to allow for reliable energy generation. The Project is designed to minimize outages or interruptions through 24/7 SCADA monitoring, problem identification, and preventative maintenance scheduling. The local O&M team would be supported by a remote monitoring team. Project components are designed to withstand extreme weather events, and the tracking system allows panels to follow the sun and improve generation.

430. The Project's proximity to Dairyland's rerouted LQ34 161 kV line and the new Dairyland switchyard would reduce transmission distance and associated power losses because only a short gen-tie line is needed. [The](#) Applicant executed a Provisional GIA with MISO and Dairyland in February 2026 governing the interconnection of the Project to the transmission system.⁴⁹⁰

L. Cost of Constructing, Operating, and Maintaining the Facility.

431. Minnesota law requires consideration of the costs of constructing, operating, and maintaining a facility which are dependent on design and route.⁴⁹¹

432. In the Application, [the](#) Applicant estimated the total cost to construct the Project to be in the range of \$187.5 million to \$252 million, as set forth below:⁴⁹²

⁴⁸⁶ Ex. PUC-EIP-8 at 114-115 (EA).

⁴⁸⁷ Minn. R. 7850.4100(K).

⁴⁸⁸ Ex. PUC-EIP-8 at 264 (EA).

⁴⁸⁹ *In the Matter of Northern States Power Company's, d/b/a Xcel Energy, Petition for Approval of a Solar and Storage Portfolio*, MPUC Docket No. E-002/M-24-230, [Order Approving Solar and Storage Portfolio and Associated Cost Recovery](#) at 5 (Mar. 25, 2026).

⁴⁹⁰ Ex. App-29 at 4 (Direct Testimony of Sergio Trevino).

⁴⁹¹ Minn. R. 7850.4100, subp. L.

⁴⁹² Ex. App-2 at 11 (Application).

TABLE 2.6-1	
Estimated Project Costs	
Task	Cost*
Planning and Permitting	\$0.5-1 million
Development, Financing, Engineering, Procurement & Construction (Panels, Panel Racking, Cabling, Inverters, Fencing, Transformers, Construction Contractor/Labor)	\$160-200 million
Operation (Vegetation Management, Insurance, Remote Monitoring, Equipment Maintenance and/or Replacement)	\$1-2 million
Decommissioning	\$1-4 million
Interconnection	\$5-10 million
Project Substation & Gen-Tie Line	\$20-35 million
TOTAL	\$187.5-252 million
* All costs are subject to change. Costs are presented as a range to reflect the contingency, or variability, built into the estimates.	

433. The EA ~~changed~~updated the anticipated operation costs to \$2 to \$3 million annually and included a salvage value estimate of \$5,854,203, as set forth below:⁴⁹³ The updated anticipated operation costs were provided by the Applicant in a data request.⁵⁴³ The EA also ~~and~~ included ~~a~~ the Applicant's salvage value estimate of \$5,854,203,544 as set forth below:

Table 10. Estimated Project Cost Ranges^{141, 142}

Project Component	Estimated Cost
Planning and Permitting	\$0.5-1 million
Development, Financing, Engineering, Procurement & Construction (Panels, Panel Racking, Cabling, Inverters, Fencing, Transformers, Construction Contractor/Labor)	\$160-200 million
Interconnection	\$5-10 million
Operation (Vegetation Management, Insurance, Remote Monitoring, Equipment Maintenance and/or Replacement)	\$2-3 million (annual)
Project Substation and Gen-Tie Line	\$20-35 million
Decommissioning	\$7,756,165 million
Total Project Cost	\$187.5-252 million
Salvage Value	(\$5,854,203)

434. Actual costs would depend on final material and labor costs, and salvage value from decommissioning.⁴⁹⁴

435. The Applicant confirmed that the estimated annual operation ~~and maintenance~~ cost is \$~~1.5~~2 to \$23 million per year: \$1.5 to \$2 million for equipment operations and maintenance, \$300,000 to \$500,000 for vegetation management, \$100,000 to \$200,000 for balance of plant maintenance, and \$100,000 to \$200,000 for NERC compliance.

M. Adverse Human and Natural Environmental Effects that Cannot be Avoided.

⁴⁹³ Ex. PUC-EIP-1 at 64 (EA).

⁴⁹⁴ Ex. PUC-EIP-8 at 64 (EA).

436. The EA defines unavoidable impacts as resource impacts that cannot be avoided even with mitigation. Most adverse unavoidable impacts are associated with construction and would therefore be temporary.⁴⁹⁵

437. Unavoidable construction impacts include fugitive dust, noise disturbance, visual disturbance, soil compaction and erosion, vegetation clearing, wildlife disturbance and displacement, wildlife injury or mortality, minor marginal habitat loss, temporary wetland impacts, possible traffic delays, and minor construction-related GHG emissions.⁴⁹⁶

438. Unavoidable operational impacts lasting for the Project life include visual impacts, cultural impacts from changes in sense of place, loss of land for agricultural purposes, bird injury or death from PV panel collisions, wildlife injury or death from fencing, minor marginal habitat loss, infrequent maintenance vehicle trips, and potential decreases to property values.⁴⁹⁷

N. Irreversible and Irretrievable Commitments of Resources.

439. Minnesota law requires consideration of the irreversible and irretrievable commitments of resources that are necessary for the Project.⁴⁹⁸ 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.⁴⁹⁹

440. Irreversible and irretrievable commitments are primarily tied to construction and include the use of water, aggregate, hydrocarbons, steel, concrete, wood, and other consumable resources.⁵⁰⁰

441. Fossil fuel use is identified as irretrievable, while water use is identified as irreversible. Raw materials used to construct PV panels are treated as an irretrievable commitment, except to the extent some materials may be recycled at the end of panel life. Labor and fiscal resources used to develop, construct, and operate the Project are also considered irretrievable commitments.⁵⁰¹

O. Cumulative Impacts and Cumulative Potential Impacts

442. The Commission did not require that cumulative impacts be analyzed in the EA.⁵⁵⁸ Nonetheless cumulative potential effects are analyzed in the EA. ~~It is unclear in the~~

⁴⁹⁵ Ex. PUC-EIP-8 at 264-265 (EA).

⁴⁹⁶ Ex. PUC-EIP-8 at 264-265 (EA).

⁴⁹⁷ Ex. PUC-EIP-8 at 264-265 (EA).

⁴⁹⁸ Minn. Stat. § 216E.03, subd. 7(b)(11); Minn. R. 7850.4100, subp. N.

⁴⁹⁹ Ex. PUC-EIP-8 at 265-266 (EA).

⁵⁰⁰ Ex. PUC-EIP-8 at 265-266 (EA).

⁵⁰¹ Ex. PUC-EIP-8 at 265-266 (EA).

~~record why this was omitted from the Scoping Decision. These impacts are required and must be considered by the Commission.~~

443. The EA defines cumulative potential effects or impacts as “impacts to the environment that results from ‘the incremental effects of a project in addition to other projects in the environmentally relevant area that might reasonably be expected to affect the same environmental resource, including future projects actually planned or for which a basis of expectation has been laid...’”⁵⁰²

444. Relying on data provided by [the](#) Applicant and [PUC](#) EIP staff, the EA identified and analyzed cumulative impacts for projects that are foreseeable in the next five years. Those projects include: Dairyland’s Wabasha 161 kV Relocation Project, Hadley Valley Subdivision (residential development), Dairyland’s Gopher to Badger Link 765 kV Transmission Line Project, and Dairyland’s Switchyard (construction of a switchyard). Dairyland’s Wabasha 161 kV Relocation Project is unlikely to result in cumulative impacts. The other three identified projects, if built, will likely result in cumulative impacts.⁵⁰³ The EA then examined these potential impacts to aesthetics, noise, property values, cultural values, archaeological and historic resources, natural resources, surface water and floodplains, and rare and unique resources.⁵⁰⁴

445. Generally, the EA found potential cumulative impacts will be minimal to moderate. The EA determined moderate to significant potential cumulative impacts with respect to property values, aesthetics, and cultural values, but the EA also levels of “uncertainty” in assigning moderate to significant potential impacts.⁵⁰⁵

XI. SITE PERMIT CONDITIONS

446. The DSP includes a number of proposed permit conditions, many of which have been discussed above. The conditions apply to site preparation, construction, cleanup, restoration, operation, decommissioning, and other aspects of the Project.

447. [PUC](#) EIP staff proposes modifying Section 4.3.18 (Agricultural Impact Mitigation Plan) of the DSP to require providing the Agricultural Impact Mitigation Plan to the townships, as follows:

4.3.18 Agricultural Impact Mitigation Plan

The Permittee shall develop an agricultural impact mitigation plan (AIMP) in coordination with the Minnesota Department of Agriculture (MDA). The Permittee shall provide landowners within the Designated Site a copy of the AIMP. The Permittee shall provide the townships where the Project will be constructed a copy of the AIMP. The Permittee shall file with the Commission the

⁵⁰² Ex. PUC-EIP-8 at 267 (EA).

⁵⁰³ Ex. PUC-EIP-8 at 271-72 (EA).

⁵⁰⁴ Ex. PUC-EIP-8 at 271-72 (EA).

⁵⁰⁵ Ex. PUC-EIP-8 at 271-75 (EA).

AIMP and an affidavit of the AIMP distribution to landowners and townships at least 14 days prior to the pre-construction meeting.⁵⁰⁶

448. The record supports PUC EIP staff's proposed revisions to Section 4.3.18 of the DSP.

449. The EA and DSP included various recommendations and potential site permit conditions related to the Project, to which Lemon Hill responded in its written comments.⁵⁰⁷ After filing comments and prior to filing exceptions, Lemon Hill agreed with PUC EIP Staff's recommended DSP conditions 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.12, 5.14, 5.15, 5.17, 5.18, 5.19, 5.21 and 5.24.

450. The Applicant generally supports Section 5.1 (Visual Screening Plan) of the DSP as it relates to screening nearby residences but opposes extending visual screening requirements to nearby roadsides. The Applicant argues that it imposes undue burden and expense without a clear corresponding benefit.⁵⁰⁸ Therefore, the Applicant proposes that Section 5.1 of the DSP be modified as follows:

5.1 Visual Screening Plan

The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences ~~and roadsides~~. The Visual Screening Plan shall at a minimum include:

- a) objectives for screening of nearby residences ~~and roadsides~~; and
- b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance.

The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years.

At least 14 days prior to the pre-construction meeting, the Permittee shall file:

- a) the Visual Screening Plan;
- b) documentation of coordination with adjacent landowners; and

⁵⁰⁶ See PUC EIP Response to Hearing Comments at 8-9 (July 23, 2026) (eDocket No. [20267-234568-01](#)).

⁵⁰⁷ See Applicant Response to EA (June 25, 2026) (eDocket No. 20266-233322-01).

⁵⁰⁸ Ex. PUC-EIP-8 at 227 (EA).

- c) an affidavit of its distribution of the Visual Screening Plan to adjacent landowners.⁵⁰⁹

451. [PUC](#) EIP staff proposes modifying Section 5.1 of the DSP to require providing the Visual Screening Plan to the townships, as follows:

5.1 Visual Screening Plan

The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences and roadsides. The Visual Screening Plan shall at a minimum include:

- c) objectives for screening of nearby residences and roadsides; and
- d) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance.

The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years.

At least 14 days prior to the pre-construction meeting, the Permittee shall file with the Commission and provide the townships where the Project will be constructed:

- d) the Visual Screening Plan;
- e) documentation of coordination with adjacent landowners; and
- f) an affidavit of its distribution of the Visual Screening Plan to adjacent landowners.⁵¹⁰

452. The record supports [PUC](#) EIP staff's proposed revisions to Section 5.1 of the DSP; however, the record also supports removal of screening requirements for roadsides, as suggested by [the](#) Applicant.

453. [The](#) Applicant proposed several modifications to Section 5.2 (Noise Notification for Adjacent Residences) to better define the obligation without being overly restrictive.⁵¹¹ [The](#) Applicant claims the condition places an excessive burden on the Applicant, limiting flexibility to adjust to different needs during construction. Additionally, [the](#) Applicant argues that the term "adjacent residences" is undefined and vague, which may lead to ambiguity in complying with this condition. Instead, [the](#) Applicant prefers using the term "affected landowner" as defined in

⁵⁰⁹ See Applicant Response to EA at 3 (June 25, 2026) (eDocket No. 20266-233322-01).

⁵¹⁰ See PUC EIP Response to Hearing Comments at 9 (July 23, 2026) (eDocket No. [20267-234568-01](#)).

⁵¹¹ See Applicant Response to EA at 4 (June 25, 2026) (eDocket No. 20266-233322-01).

Section 4.1 of the DSP. Notwithstanding these concerns, [the](#) Applicant commits to maintaining and updating a website to keep affected landowners informed of planned construction activities.⁵¹² [The](#) Applicant proposes Section 5.2 of the DSP be modified as follows:

5.2 Noise Notification for Adjacent Residences

~~The Permittee shall provide notice to adjacent residences detailing when major noise-producing construction activities are planned to occur. The Permittee shall maintain a webpage identifying estimated days and locations, times, and areas where when construction crews will be doing pile driving during construction. The Permittee shall provide notice of this website to Affected Landowners at least 14 days prior to the start of construction. The Permittee shall provide all neighboring landowners and the townships a link to the website prior to construction and shall update the website frequently during construction to keep landowners informed where pile driving will be occurring.~~⁵¹³

454. [PUC](#) EIP staff do not support [the](#) Applicant's proposed revisions to Section 5.2.⁵¹⁴ [The](#) Applicant accepts [PUC](#) EIP staff's position.

455. [The](#) Applicant opposed the inclusion of Section 5.7 (Pipeline Siting and Protection Plan) of the DSP requiring coordination with the Magellan Pipeline Company because [the](#) Applicant already obtains and maintains title and other relevant insurance policies that require pipeline crossing and encroachment coordination. [The](#) Applicant maintains that a Pipeline Siting and Protection Plan is unnecessary and supports removing this condition in its entirety.⁵¹⁵ [PUC](#) EIP staff do not support the removal of Section 5.7 of the DSP. The language in Section 5.7 of the DSP has been adopted in a prior solar project site permit granted by the Commission.⁵¹⁶ [The](#) Applicant now accepts this condition.

456. [The](#) Applicant opposes the inclusion of Section 5.10 (Spill Notification) of the DSP because it claims construction is not likely to affect the use of existing water wells. Additionally, [the](#) Applicant argues that it has a karst Construction Management Plan for the Project and that Plan is sufficient. [The](#) Applicant asserts that this condition should be struck in its entirety.⁵¹⁷ [PUC](#) EIP staff do not support the removal of Section 5.10 from the site permit. The

⁵¹² See Applicant Response to EA at 4 (June 25, 2026) (eDocket No. 20266-233322-01).

⁵¹³ See Applicant Response to EA at 4 (June 25, 2026) (eDocket No. 20266-233322-01).

⁵¹⁴ PUC, Order Issuing Site Permit [Castle Rock Solar Project], March 17, 2026, eDocket No. [20263-229389-01](#), see special permit condition 5.2.

⁵¹⁵ Applicant Response to EA at 4-5 (June 25, 2026) (eDocket No. 20266-233322-01).

⁵¹⁶ PUC, Order Issuing Site Permit [Castle Rock Solar Project], March 17, 2026, eDocket No. [20263-229389-01](#), see special permit condition 5.6.

⁵¹⁷ Applicant Response to EA at 5 (June 25, 2026) (eDocket No. 20266-233322-01).

language in Section 5.10 of the DSP has been adopted in a prior solar project site permit granted by the Commission.⁵¹⁸

457. Following subsequent discussions between [the](#) Applicant and [PUC](#) EIP staff, and in an effort to narrow contested issues before the Commission, [the](#) Applicant and [PUC](#) EIP staff agree on the following revised version of Section 5.10:

Section 5.10 Spill Notification

The Permittee shall notify nearby domestic well users in the event of a spill or leak of fuel, oil, or other similar potential contaminants that requires notification to the Minnesota Pollution Control Agency under Minn. Stat. Sec. 115.061. The permittee shall include notifying nearby domestic well users in the Spill Prevention, Control, and Counter Measure Plan.

458. Though the record demonstrates that construction is unlikely to impact existing water wells and overall operation will likely improve overall water quality, [the](#) Applicant and [PUC](#) EIP staff support inclusion of revised Section 5.10 in the final site permit.

459. [The](#) Applicant proposes to revise Section 5.11 (karst Geology) of the DSP as follows:⁵¹⁹

5.11 Karst Geology

The Permittee shall file a geotechnical investigation report prepared for the Project by a third-party geotechnical engineer or authorized representative. The report shall include methodology, results, and conclusions drawn from the geotechnical investigation with recommendations on project design and construction. The Permittee shall file the geotechnical report with the Commission at least 14 days prior to the pre-construction meeting.

If any updates are made to the existing ~~The Permittee shall conduct a survey for surface Karst features within areas mapped by the DNR as Minnesota Regions Prone to Surface Karst Feature Development,~~ the Permittee shall file the updated survey results with the Commission. and The Permittee shall report any new features to MNKarstfeaturesinventory.dnr@state.mn.us at least 14 days prior to the pre-construction meeting.

The Permittee shall not locate project infrastructure within 450 feet of documented active Karst features, such as sinkholes. The Permittee shall implement Minnesota Pollution Control Agency's current guidance for Best

⁵¹⁸ PUC, Order Issuing Site Permit [Castle Rock Solar Project], March 17, 2026, eDocket No. [20263-229389-01](#), see special permit condition 5.10.

⁵¹⁹ Applicant Response to EA at 6 (June 25, 2026) (eDocket No. 20266-233322-01).

Management Practices (BMPs). The Permittee shall direct stormwater away from Karst features and maintain a 150-foot buffer.

The Permittee shall not store fuel, chemicals, or other hazardous materials, conduct fueling, or store or maintain vehicles or construction equipment within 150 feet of documented active Karst features. The Permittee shall avoid all construction activity within ±50 feet of documented active Karst features.

Construction activities shall not impact surface Karst features unless addressed in a Karst protection and management plan. If active surface Karst features have the potential to be impacted by construction activities, the Permittee shall, in consultation with the Commission, prepare and file a Karst protection and management plan at least 30 days prior to the pre-construction meeting.

The Permittee shall clearly note all Karst features and associated buffers on the Project Site Plan.

~~As part of Project operations, the Permittee shall conduct site walks to look for new Karst features after large rainfall/snowmelt events and/or when conducting vegetation management activities.~~⁵²⁰

460. [PUC](#) EIP staff do not support [the](#) Applicant's proposed revisions to Section 5.11. [PUC](#) EIP staff argues the language in Section 5.11 of the DSP is needed, given the particular risk that karst poses to the Site and this condition has been adopted in a prior solar project site permit granted by the Commission.⁵²¹ Section 5.11 is also supported by the MDNR.⁵²² In response to MDH's comments, [PUC](#) EIP staff proposed modifying Section 5.11 of the DSP to apply the karst buffer to the temporary workspace:

5.11 Karst Geology

The Permittee shall file a geotechnical investigation report prepared for the Project by a third-party geotechnical engineer or authorized representative. The report shall include methodology, results, and conclusions drawn from the geotechnical investigation with recommendations on project design and construction. The Permittee shall file the geotechnical report with the Commission at least 14 days prior to the pre-construction meeting.

The Permittee shall conduct a survey for surface Karst features within areas mapped by the [MDNR] as Minnesota Regions Prone to Surface Karst Feature Development., The Permittee shall file the survey results with the Commission.

⁵²⁰ Applicant Response to EA at 6 (June 25, 2026) (eDocket No. 20266-233322-01).

⁵²¹ PUC, Order Issuing Site Permit [Castle Rock Solar Project], March 17, 2026, eDocket No. [20263-229389-01](#), see special permit condition 5.11.

⁵²² DNR Public Hearing Comments (June 30, 2026) (eDocket No. 20266-233340-01).

and report any new features to MNKarstfeaturesinventory.dnr@state.mn.us at least 14 days prior to the pre-construction meeting.

The Permittee shall not locate project infrastructure within 150 feet of documented active Karst features. The Permittee shall implement Minnesota Pollution Control Agency's current guidance for Best Management Practices (BMPs). The Permittee shall direct stormwater away from Karst features and maintain a 150-foot buffer.

The Permittee shall not store fuel, chemicals, or other hazardous materials, conduct fueling, or store or maintain vehicles or construction equipment within 150 feet of documented active Karst features. The Permittee shall avoid all construction activity within 150 feet of documented active Karst features.

The distance and activity restrictions from documented active Karst features shall apply within the project boundary and within any temporary workspaces as defined in Section 4.3.6.

Construction activities shall not impact surface Karst features unless addressed in a Karst protection and management plan. If active surface Karst features have the potential to be impacted by construction activities, the Permittee shall, in consultation with the Commission, prepare and file a Karst protection and management plan at least 30 days prior to the pre-construction meeting.

The Permittee shall clearly note all Karst features and associated buffers on the Project Site Plan.

As part of Project operations, the Permittee shall conduct site walks to look for new Karst features after large rainfall/snowmelt events and/or when conducting vegetation management activities.

~~461. —The record does not support [PUC](#) EIP staff's proposed revisions to Section 5.11.~~

462. The record demonstrates that [the](#) Applicant has taken significant steps, including completion of a Karst Assessment and development of a Karst Construction Management Plan to address and reduce any potential risk to karst terrain. ~~Therefore, the record supports adoption of Applicant's proposed revisions to Section 5.11.~~

463. However, given the particular risk karst poses in the area, [PUC](#) EIP staff's revised Section 5.11 is a reasonable permit condition.

464. [The](#) Applicant proposes to revise Section 5.13 (Panel Cleaning Plan) of the DSP because [the](#) Applicant is committed to not using chemicals to clean solar panels at the facility and to only using organic chemicals for any cleaning activities. [The](#) Applicant proposes the following limited revisions to this permit condition.⁵²³

⁵²³ Applicant Response to EA at 7-8 (June 25, 2026) (eDocket No. 20266-233322-01).

5.13 Panel Cleaning Plan

To the extent Permittee plans to use chemicals to clean the solar panels, ~~the Permittee shall file with the Commission, and provide the county and townships where the Project will be constructed, a plan for the use, storage, and disposal of any cleaning chemicals. used in the cleaning of panels.~~ The plan shall be filed with the Commission and provided to the county and townships where the Project will be constructed at least 14 days prior to utilizing cleaning chemicals at the site ~~the pre-construction meeting.~~⁵²⁴

465. [PUC](#) EIP staff proposes modifying Section 5.13 of the DSP to include [the](#) Applicant's commitment to use organic chemicals, as follows:

5.13 Panel Cleaning Plan

The Permittee shall only use organic chemicals to clean the solar panels. To the extent Permittee plans to use chemicals to clean the solar panels, ~~the Permittee shall file with the Commission, and provide the county and townships where the Project will be constructed, a plan for the use, storage, and disposal of any organic cleaning chemicals used in the cleaning of panels. The plan shall be filed with the Commission and provided to the county and townships where the Project will be constructed at least 14 days prior to~~ utilizing organic cleaning chemicals at the site ~~the pre-construction meeting.~~⁵²⁵

466. In an effort to narrow contested issues before the Commission, [the](#) Applicant and [PUC](#) EIP staff agree on the following revised version of Section 5.13:

5.13 Panel Cleaning Plan

The Permittee shall only use organic chemicals to clean the solar panels. To the extent organic chemicals are needed and/or used to clean the solar panels, the Permittee shall file with the Commission, and provide the county and townships where the project will be constructed, a plan for the use, storage, and disposal of any organic cleaning chemicals used in the cleaning of the panels. The plan shall be filed with the Commission and provided to the county and townships where the project will be constructed at least 14 days prior to ~~utilizing organic cleaning chemicals at the site~~ the pre-construction meeting.

467. The record supports [the](#) Applicant and [PUC](#) EIP staff's updated proposed revisions to Section 5.13 of the DSP.

468. [The](#) Applicant objected to the inclusion of Section 5.14 (Decorah Edge Protection Plan) of the DSP because it is "overly burdensome" and extends requirements that would exceed anything otherwise required by Olmsted County in light of the existing no-loss determination for

⁵²⁴ Applicant Response to EA at 7-8 (June 25, 2026) (eDocket No. 20266-233322-01).

⁵²⁵ See PUC EIP Response to Hearing Comments (July 23, 2026) (eDocket No. 20267-234568-01).

the Project.⁵²⁶ However, in the interest of narrowing the scope of contested issues, [the](#) Applicant is willing to accept this special permit condition.

469. [The](#) Applicant objects to the inclusion of Section 5.15 (Baseline Well Water Quality) because [the](#) Applicant's pre-construction surveying confirms there are two wells that satisfy the criteria established by this draft special condition. As drafted, this special condition requires access to these areas, which may not be granted by the landowners.

470. MDH recommends baseline water quality monitoring based on the karst geological features in the area.

471. In the interest of narrowing the scope of contested issues, [the](#) Applicant is willing to accept this special permit condition.

472. [The](#) Applicant proposes to revise Section 5.16 (Bluff Setbacks) of the DSP, arguing that the language in this condition is vague and ambiguous. [The](#) Applicant offers revisions to this permit condition to include a setback distance of 30 feet from the top of any bluff, as defined by the Olmsted County Floodplain and Shoreland Ordinance.⁵²⁷ Lemon Hill suggests the following revisions:⁵²⁸

5.16 Bluff Setbacks

The Permittee shall implement a 30-foot minimum setback for all construction activity, including vegetation removal, from the top of any bluff as defined by the Olmsted County Floodplain and Shoreland Ordinance ~~steep hill along a stream or river valley~~ that is within 300 feet of the ordinary high water level of a Public Water Inventory river or stream ~~top of the streambank~~.⁵²⁹

473. [PUC](#) EIP staff do not object to [the](#) Applicant's proposed revision to Section 5.16 of the DSP.

474. [The](#) Applicant argues that Section 5.20 (Wildlife-Friendly Erosion Control) of the DSP limits its ability to use BMPs to control erosion. [The](#) Applicant states that there may be instances where use of certain materials is necessary to comply with industry best practices and [the](#) Applicant's obligations under the SWPPP. [The](#) Applicant proposes to revise this special condition to require the use of erosion control materials that do not contain plastic or synthetic fibers or malachite green dye "to the extent practicable."⁵³⁰ [The](#) Applicant proposes the following revision to this special condition:

⁵²⁶ Applicant Response to EA at 8 (June 25, 2026) (eDocket No. 20266-233322-01).

⁵²⁷ Applicant Response to EA at 9-10 (June 25, 2026) (eDocket No. 20266-233322-01).

⁵²⁸ Based upon Applicant's proposed revisions, which suggest application of the Olmsted County Floodplain and Shoreland Ordinance to define Bluffs, Applicant is currently unaware of an existing bluff requiring a setback.

⁵²⁹ Applicant Response to EA at 10 (June 25, 2026) (eDocket No. 20266-233322-01).

⁵³⁰ Applicant Response to EA at 9 (June 25, 2026) (eDocket No. 20266-233322-01).

5.20 Wildlife-Friendly Erosion Control

~~To the extent practicable, the Permittee shall use erosion control materials that do not contain plastic or synthetic fibers or malachite green dye.~~⁵³¹

475. [PUC](#) EIP staff do not support [the](#) Applicant's initially proposed revisions to Section 5.20. However, based on subsequent discussions and coordination between [PUC](#) EIP staff and [the](#) Applicant, both [PUC](#) EIP staff and [the](#) Applicant support the following revised version of Section 5.20:

5.20 Wildlife-Friendly Erosion Control

The Permittee shall not use erosion control materials that ~~do not~~ contain plastic or synthetic fibers or malachite green dye unless the Permittee first coordinates with and receives approval from [PUC](#) EIP staff.

If the Permittee plans to use erosion control materials and products containing synthetic plastics or malachite green dye, the Permittee must (i) coordinate with [PUC](#) EIP and DNR staff; (ii) identify all products containing synthetic plastics or malachite green dye; (iii) describe the planned use of these products on site; and (iv) identify additional wildlife impact mitigation measures, as appropriate based on the planned use of the products.

476. [The](#) Applicant objected to the inclusion of Section 5.21 (Wildlife-Permeable Fencing) in the DSP because it claims the condition is duplicative of the standard permit condition 4.3.32 (Security Fencing), which also addresses fencing.⁵³² [The](#) Applicant requests this special condition be removed entirely from the DSP.⁵³³

477. [PUC](#) EIP staff do not support the removal of Section 5.21. In the interest of narrowing the scope of contested issues, [the](#) Applicant is willing to accept this special permit condition.

478. [The](#) Applicant objects to the inclusion of Section 5.22 (Facility Habitat Features) in the DSP because the MDNR and USFWS found that no-state listed bat species were documented within the vicinity of the Project, and no additional species or rare and unique resources were otherwise included/observed.⁵³⁴ [The](#) Applicant requests this special condition be removed entirely from the DSP.⁵³⁵

⁵³¹ Applicant Response to EA at 9-10 (June 25, 2026) (eDocket No. 20266-233322-01).

⁵³² Applicant Response to EA at 11 (June 25, 2026) (eDocket No. 20266-233322-01).

⁵³³ Applicant Response to EA at 11 (June 25, 2026) (eDocket No. 20266-233322-01).

⁵³⁴ See Applicant Response to EA at 11-12 (June 25, 2026) (eDocket No. 20266-233322-01); Ex. App.-2 at 87 (Site Permit Application); and Ex. App.-14 (SPA Appendix K – Protected Species Documentation).

⁵³⁵ Applicant Response to EA at 11-12 (June 25, 2026) (eDocket No. 20266-233322-01).

479. [PUC](#) EIP staff do not support the removal of Section 5.22 of the DSP. Section 5.22 is supported by the MDNR because bat species are commonly found across the state.⁵³⁶

~~480. Based on the reasons provided by the Applicant, showing that no state-listed species were documented in the vicinity, the record supports the exclusion of Section 5.22 from the site permit.~~

481. *The record supports the inclusion of Section 5.22 should a site permit be issued.*

482. [The](#) Applicant proposes to revise Section 5.23 (Fencing ROW Setbacks) of the DSP to reduce setback from 50 feet to 45 feet because [the](#) Applicant claims it could materially impact Project designs.⁵³⁷ [The](#) Applicant requests the following modifications to this condition:

5.23 Fencing ROW Setbacks

The Permittee shall apply a minimum setback of ~~50~~ 45 feet from the perimeter fence to all road ROWs to reduce the risk of vehicle collision with wildlife.⁵³⁸

483. [PUC](#) EIP staff did not object to [the](#) Applicant's proposed revisions to Section 5.23.

484. MDNR proposed revisions to Section 5.24 (Northern Long-eared Bat) of the DSP to include language requiring adherence to recommended tree clearing timeframes.⁵³⁹ MDNR proposed the following modifications to this condition:

5.24 Northern Long-eared Bat

The Permittee shall comply with ~~UFSWS and Minnesota~~ the DNR's tree clearing recommendation from June 1 to August 15 to minimize impacts to roosting bats and nesting birds ~~guidance and requirements in effect regarding the Northern Long-eared Bat, including tree clearing restrictions if applicable.~~

485. In response, [PUC](#) EIP staff proposed modifying Section 5.24 to clarify the scope of tree clearing restrictions:

5.24 ~~Northern Long-eared Bat~~ Tree Clearing Restrictions

The Permittee shall comply with UFSWS and Minnesota DNR's tree clearing recommendations to minimize impacts to roosting bats and nesting birds, including the DNR's recommendation to avoid tree clearing from June 1 to

⁵³⁶ DNR Public Hearing Comments (June 30, 2026) (eDocket No. 20266-233340-01).

⁵³⁷ Applicant Response to EA at 12 (June 25, 2026) (eDocket No. 20266-233322-01).

⁵³⁸ Applicant Response to EA at 12 (June 25, 2026) (eDocket No. 20266-233322-01).

⁵³⁹ DNR Comments (June 25, 2026) (eDocket No. 20266-233340-01).

~~August 15 guidance and requirements in effect regarding the Northern Long-eared Bat, including tree clearing restrictions if applicable.~~

486. The record supports [PUC](#) EIP staff's proposed revisions to Section 5.24.

487. [The](#) Applicant objects to the inclusion of Section 5.25 (Loggerhead Shrike) in the DSP because [the](#) Applicant claims that it is unlikely the bird would be present at the Site. The MDNR does not anticipate any impacts to the Loggerhead shrike.⁵⁴⁰ [The](#) Applicant requests this special condition be removed entirely from the DSP.⁵⁴¹

488. While Loggerhead shrikes have been sighted in the area, impacts to the bird are not expected according to the MDNR. Therefore, inclusion of Section 5.25 would not be necessary.

XII. NOTICE

489. Minnesota statutes and rules require [the](#) applicant to provide certain notice to the public and local governments before and during the application process.⁵⁴² [The](#) Applicant provided the required notices to the public and local governments in satisfaction of Minnesota statutory and rule requirements.⁵⁴³

490. Minnesota statutes and rules also require the [PUC](#) EIP and the Commission to provide certain notice to the public throughout the site and route permit application processes.⁵⁴⁴ The [PUC](#) EIP and the Commission provided the notices in satisfaction of Minnesota statutes and rules.⁵⁴⁵

XIII. ENVIRONMENTAL REVIEW

491. The EA process is the alternative environmental review approved by the Minnesota Environmental Quality Board for solar energy generation facilities. The Commission

⁵⁴⁰ See DNR Public Hearing Comments (July 25, 2026) (eDocket No. 20266-233340-01); DNR Natural Heritage Review Letter at 1 (Dec. 8, 2026) (eDocket No. 202512-225633-02) and Applicant Response to EA at 13 (June 25, 2026) (eDocket No. 20266-233322-01).

⁵⁴¹ Applicant Response to EA at 13 (June 25, 2026) (eDocket No. 20266-233322-01).

⁵⁴² Minn. Stat. § 216E.03, subds. 3a, 4; Minn. R. 7850.2100, subps. 2, 4.

⁵⁴³ Exs. App-1 (Notice of Intent to File Site Permit Application Under Alternative Process) and App-16 (7850.2100 Project Notice for the Applicant Solar Project).

⁵⁴⁴ Minn. Stat. § 216E.03, subps. 3a, 4; Minn. R. 7850.3300; Minn. R. 7850.2100, subps. 2, 4.

⁵⁴⁵ Exs. PUC-1 (Notice of Comment Period on Application Completeness), PUC-2 (Notice of Commission Meeting), PUC-6 (Notice of Public Information and Environmental Assessment Scoping Meetings), PUC-10 (EQB Monitor – Scoping Meeting Notice), PUC-12 (Notice of Public Hearings and Availability of Environmental Assessment); PUC-EIP-5 (Notice of Environmental Assessment Scoping Decision); PUC-EIP-7 (EQB Monitor – Environmental Assessment Scoping Decision Notice), PUC-EIP-11 (EQB Monitor – Public Hearings and Environmental Assessment Availability Notice).

is required to determine the completeness of the EA. An EA is complete if it and the record address the issues and alternatives identified in the Scoping Decision.⁵⁴⁶

492. Public commenter, Darrell Richardson and others raised challenges to the completeness of the EA for the Project. Specifically, Richardson argues that the existing EA contains fails to adequately analyze significant impacts to rare and unique resources, groundwater, and noise, among other claims. Richardson asks the Commission to require the [PUC](#) EIP to complete a supplemental EA or an Environmental Impact Statement.⁵⁴⁷ [The](#) Applicant responded to Mr. Richardson’s arguments in its Response to Public Hearing Comments on July 9, 2026.⁵⁴⁸

493. Additionally, any requests for additional environmental review are inconsistent with Minnesota law. Under Minn. Stat. § 216E.04, subd. 5 (2023), an EA is the only state environmental review document required to be prepared on this Project. Minn. R. 7850.3700, subp. 8 (2023) states that an EA “must be the only state environmental review document required . . . on a project qualifying for review under the alternative review process. No environmental assessment worksheet or environmental impact statement shall be required.”⁵⁴⁹

494. The scope of the EA is determined by the Commission’s Scoping Decision. Furthermore, the scope of the EA “shall not be changed except upon a decision by [the Commission/[PUC](#) EIP]⁵⁵⁰ that substantial changes have been made or substantial new information has arisen...”⁵⁵¹ Here, the [PUC](#) EIP has not determined further environmental review is needed. The [PUC](#) EIP complied with the relevant legal directives by preparing an EA that is consistent with both Minn. Stat. § 216E.04 and the Commission’s Scoping Decision. The EA analyzed all subjects contained in the Scoping Decision.

495. Any of the foregoing Findings more properly designated Conclusions of Law are hereby adopted as such.

496. Based on the foregoing Findings of Fact and the record in this proceeding, the Commission makes the following:

CONCLUSIONS OF LAW

1. Any of the foregoing Findings of Fact more properly designated as Conclusions of Law are hereby adopted as such.

⁵⁴⁶ Minn. R. 4410.4400, subp. 6; Minn. R. 7850.3900, subp. 2.

⁵⁴⁷ Minn. R. 7850.3700, subp. 8 (2023).

⁵⁴⁸ See Lemon Hill Response to Public Hearing Comments (July 9, 2026) (eDocket No. 20267-233981-03).

⁵⁴⁹ Minn. R. 7850.3700, subp. 8 (2023).

⁵⁵⁰ On July 1, 2025, the Department of Commerce (Commerce) Energy Environmental Review and Analysis (EERA) unit staff moved to the Commission EIP unit as directed by state law (Laws of Minn. 2024, ch.126, art. 7).

⁵⁵¹ Minn. R. 7850.3700, Subp. 3 (2024).

2. The Commission and the Administrative Law Judge have jurisdiction over the Application for a site permit for the Project pursuant to Minn. Stat. §§ 216E.02 and 216E.03 (2023).
3. The Commission accepted the Application as complete on October 31, 2025.
4. Lemon Hill has substantially complied with the procedural requirements of Minn. Stat. Ch. 216E (2023) and Minn. R. Ch. 7850 (2023).
5. The Commission has substantially complied with the procedural requirements of Minn. Stat. Ch. 216E (2023) and Minn. R. Ch. 7850 (2023).
6. [PUC](#) EIP has conducted an appropriate environmental analysis of the Project for purposes of the Site Permit proceeding pursuant to Minn. R. 7850.3700.
7. Public hearings were held on June 10, 2026 (in-person) and June 11, 2026 (remote-access). 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.
8. The EA prepared for the Project and the record created at the public hearing address the issues identified in the EA scoping decision.
9. The DSP, ~~as revised by Lemon Hill~~ [revised as described above](#), contains a number of important mitigation measures and other reasonable conditions.
10. It is reasonable to amend the DSP to include the changes proposed by [PUC](#) EIP Staff in the EA and to include the subsequent changes ~~proposed by Lemon Hill~~ as described above.
11. The record in this proceeding demonstrates that Lemon Hill 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.
12. The Project, with the permit conditions discussed above, does not present potential for significant adverse environmental effects [and will not significantly affect the quality of the environment consistent with](#) ~~pursuant to the Minnesota Environmental Rights Act and/or~~ the Minnesota Environmental Policy Act. [The Project, with the permit conditions discussed above, will not result in the pollution, impairment, or destruction of the water, air, land, or other natural resources as defined in the Minnesota Environmental Rights Act.](#)
13. [The proposed Project site is appropriate under the Prime Farmland Rule, Minnesota Rule 7850.4400, subpart 4, because there is no feasible and prudent alternative.](#)
14. Any of the foregoing conclusions of law which are more properly designated findings of fact are hereby adopted as such.

RECOMMENDATIONS

Based upon these Conclusions, Commission issues a Site Permit to [the](#) Applicant to construct and operate the Project and associated facilities in Olmsted County, Minnesota and that the permit includes the permit conditions amended as set forth above.

Proposed Changes to ALJ's Findings of Fact

Finding	Sponsor	Recommended Modification
2	Lemon Hill	Ranger Power is a Delaware limited liability company specializing in developing utility-scale renewable energy projects in the United States. DESRI, Inc. is a Delaware corporation that operates under a protective layered corporate structure through which it acquires, owns, and manages renewable energy assets in North America. Under an agreement between Ranger Power and DESRI, Ranger Power will develop the Project, but DESRI will be <u>is</u> the “indirect parent company” (i.e., functional but protected owner) of the limited liability company called <u>of</u> Lemon Hill Solar, LLC
3	Lemon Hill	According to the Application, Lemon Hill Solar, LLC would own, operate, and maintain the Project after starting commercial operations, although DESRI would remain the “indirect parent company” of Lemon Hill Solar, LLC. As the <u>The Applicant, Lemon Hill Solar, LLC -- not DESRI -- would be</u> <u>is</u> responsible for all regulatory, contractual, and financial obligations resulting from the Site Permit, land leases, and power purchase agreement (PPA). By using a limited liability company to own the Project, DESRI is mostly insulated from financial and legal responsibility. The Application notes that “Lemon Hill Solar and DESRI reserve the right to sell or assign the Project to another qualified entity at any time, before, during, or after the Project is constructed.” ⁷
48	Lemon Hill	Numerous public comments were filed between June 11 and July 9, 2026. ⁶⁹ Because of a delay in the timely uploading of public comments to eDockets by Commission staff, the Judge will accept and consider ⁶⁷ <u>The Judge accepted and considered</u> all comments filed in this matter.
50	Lemon Hill	On June 24, 2026, the EIP filed its public hearing comments. ⁷⁴ ⁶⁸ The next day, June 25, 2026, Applicant filed its Response to the EA, along with a karst <u>Karst</u> Assessment Addendum
55	Lemon Hill	The Project footprint would comprise and encumber approximately 1,956 acres of prime <u>primarily</u> agricultural land (Site). The Project would include: bi-facial PV modules affixed to tracking systems that allow the PV modules to track the sun from east to west; inverters; transformers; an electrical collection system; access roads; security fencing; security cameras and lighting; a collector substation; an operations and maintenance (O&M) building; parking; stormwater retention ponds; weather stations; temporary laydown areas, either approximately 160 or 530 feet of 161 kilovolt (kV) transmission generation tie-line; and any necessary ancillary equipment or buildings.
55	PUC EIP	The Project footprint would comprise and encumber approximately 1,956 acres of prime <u>mostly</u> agricultural land <u>consisting of cultivated cropland and hay/pasture</u> (Site). The Project would include: bi-facial PV

		modules affixed to tracking systems that allow the PV modules to track the sun from east to west; inverters; transformers; an electrical collection system; access roads; security fencing; security cameras and lighting; a collector substation; an operations and maintenance (O&M) building; parking; stormwater retention ponds; weather stations; temporary laydown areas, either approximately 160 or 530 feet of 161 kilovolt (kV) transmission generation tie-line; and any necessary ancillary equipment or buildings.
58	PUC EIP	Applicant is proposing to interconnect the Project's substation via a 161 kV gen-tie line to Dairyland Power Cooperative's (Dairyland) switchyard that would then tie into Dairyland's LQ34 161 kV transmission line, which is scheduled to be relocated. The gen-tie line would be approximately 4,500 160 or 530 feet in length and would have capacity to accommodate all the solar energy generation from the Project. Applicant filed a queue position with the Midcontinent Independent System Operator (MISO) in the MISO DPP 2021 West study cycle as J2219. Applicant executed a Provisional Generator Interconnection Agreement (GIA) with MISO and Dairyland in February 2026, and proposes to start construction in the first quarter of 2027, with commercial operations starting by the end of 2028, should the Project be approved by the Commission.
59	Lemon Hill	In its Application, Applicant proposed that the Project's substation be located in a seven-acre area east of County Road 102 N.E., to the east of the existing overhead 161 kV Rochester-to-Wabaco transmission line owned by Dairyland, which would be the point of interconnection for the Project. The substation would connect the Project to the grid by way of a new approximately 530-foot 161 kV gen-tie transmission line. Within the Site there would be approximately 20 separately fenced areas containing most of the solar facilities, including the solar panels, substation, and buildings. This configuration is called the Preliminary Design Scenario in the EA, but for purposes of this Report will be called the Original Design Scenario Scenario .
60	PUC EIP	On April 29, 2026, ten months after filing its Application, Applicant requested that the EIP also evaluate an alternative location for the substation in an area west of County Road 102 N.E. and to the west of Dairyland's existing transmission line. ⁸⁸ In this alternative design, Applicant proposes to move the substation within the Site to an approximately 8.5-acre area west of County Road 102 N.E. and west of Dairyland's existing transmission line. The new substation location would displace some solar panels, which would be relocated to two areas within the Site: (1) to the location of the original substation and an area surrounding that location (still within the Site); and (2) to a parcel situated in the southeast section of the Site, west of 100th Avenue S.E. The alternative configuration would also require the addition of 34.5 kV collector lines in the southeast section of the Site. The alternative design would connect the Project to the grid by way of a new, approximately 160-foot 161 kV gen-tie transmission line. ⁸⁹ The alternative design would include approximately 22 separately fenced blocks within the Site where most of the solar facilities would be located

		(excluding transmission lines and other items). ⁹⁰ This configuration is described in the EA as the Alternative Design Scenario and appears as follows
61	Lemon Hill	Under both design scenarios, the area where the fenced facilities are proposed to be located within the Site is described in the EA and Application as the Preliminary Development Area. The Preliminary Development Area does not include <u>includes</u> the collection lines, collection corridors, setbacks, or <u>and</u> roads required for the Project, which are necessary aspects of the Project and all located within the Project Site.
61	PUC EIP	Under both design scenarios, the area where the fenced facilities are proposed to be located within the Site is described in the EA and Application as the Preliminary Development Area. The Preliminary Development Area does not include the collection lines ; collection corridors, or required setbacks , or roads required for the Project, which are necessary aspects of the Project and all located within the Project Site.
62	Lemon Hill	Simply put, the Preliminary Development Area is the sum acreage of the fenced portions of the 1,956-acre Site where Applicant proposes to locate facilities (including the solar panels, substation, Dairyland switchyard, O&M building, transformers, and metering equipment) but does not include the access roads, gen-tie structures, new overhead transmission lines, <u>and</u> underground collection lines; the collection corridors, or the required setbacks .
62	PUC EIP	Simply put, the Preliminary Development Area is the sum acreage of the fenced portions of the 1,956-acre Site where Applicant proposes to locate facilities (including the solar panels, substation, Dairyland switchyard, O&M building, transformers, and metering equipment) but does not include the access roads, gen-tie structures, new overhead transmission lines, underground collection lines ; the collection corridors, or the required setbacks.
63	Lemon Hill	Applicant estimates that the Preliminary Development Area (i.e., the total acreage of the fenced-in areas of the Site, not including required setbacks, new transmission lines, connection corridors, etc.) for the Original Design Scenario totals 963 acres and 1,067 acres in the Alternative Design Scenario.
63	PUC EIP	Applicant estimates that the Preliminary Development Area (i.e., the total acreage of the fenced-in areas of the Site where the Applicant proposes to build the solar facilities , not including required setbacks, new transmission lines, or connection corridors, etc.) for the Original Design Scenario totals 963 acres and 1,067 acres in the Alternative Design Scenario.
66	Lemon Hill	Applicant has obtained all necessary land rights to construct the Project on the 1,956-acre Site through lease agreements with private landowners. ⁹⁷ The record is silent as to how many landowners have

		entered into lease agreements with Applicant. ⁹⁵ EIP staff did not review the lease agreements as part of its analysis of the Project.
66	PUC EIP	Applicant has obtained all necessary land rights to construct the Project on the 1,956-acre Site through lease agreements with private landowners. ⁹⁷ The Applicant provided a list of participating landowners in Appendix L of the Application record is silent as to how many landowners have entered into lease agreements with Applicant. Consistent with the EA scoping decision, EIP staff did not review the lease agreements as part of its analysis of the Project
69	PUC EIP	Land use within the 1,956-acre Project Site is currently dominated by agriculture and prime farmland. Nearly 90 percent of the 1,956-acre Project Site is currently used for cultivated agriculture (primarily corn and soybeans) and hay/pasture and is nearly all of the soils are designated as considered prime farmland. Building features common to the area include residences and buildings, paved and gravel roads, and private agricultural drainage ditches.
71	Lemon Hill	Applicant selected the Project Site based on three economic multiple factors, including: (1) proximity to existing transmission infrastructure that has available capacity to receive injected power produced by the Project; (2) interest from a small number of landowners who volunteered to participate in the Project; and (3) proximity to large load centers in throughout Minnesota including Rochester and Minneapolis. ^{100, 1} as well as statewide demand from utilities and ratepayers.
74	Lemon Hill	Several residents of Viola and Haverhill Townships expressed opposition to the Project, voicing concerns over the loss of prime agricultural land, the impact on the local environment and wildlife, the lack of local input into Project, the impact on local aesthetics, noise pollution, the negative affect on property values, the lack of long term accountability by the Applicant, failure to consider input of local and non-leasing landowners owners, health concerns associated with radiation from solar farms, and concerns that energy produced locally would be transferred away from, rather than used within the community. The comments were overall in opposition to the Project.
78	Lemon Hill	Members of the community opposed the Project because of the concerns regarding environmental impact, loss of prime farmland, economic impact to community landowners and businesses, the decline in property values, lack of local involvement in the permitting process and Project oversight, likelihood of noise pollution, and the aesthetic impacts to the historically rural community.
96	Lemon Hill	The MDNR warned of commented on potential impacts to wildlife caused by fencing, the location of karst features, protections for loggerhead shrike and native plant communities, lighting requirements, potential for increased dust during construction, and the need for wildlife-friendly erosion control. To that

		<p>end, the MDNR made several recommendations:</p> <ul style="list-style-type: none"> • Require a Vegetation Management Plan (VMP). • Require security fencing with a minimum height of 10 feet around each group of solar arrays to prevent white-tailed deer and other large wildlife from entering the facility; • Require that fencing be designed in accordance with the MDNR's <i>Commercial Solar Siting Guidance</i> and the <i>Fencing Handbook for 10 ft Woven Wire Deer Exclusion Fence</i>. • Require that the nominal color temperature of lighting used not exceed 4,000 kelvin, be downlit, and be shielded to minimize blue hue, backlight, and glare in compliance with the MDNR's <i>Commercial Solar Siting Guidance</i>. • The EA should address potential impacts to the loggerhead shrike, a state-listed endangered bird that has been documented in the Project vicinity. Specifically, tree and shrub removal should be avoided during the loggerhead shrike breeding season (April through July). If tree clearing cannot be avoided during the breeding period, a qualified surveyor must conduct a survey for active nests before any trees or shrubs can be removed. The MDNR also attached a Natural Heritage Review Letter regarding details about necessary surveys. • The EA should address fugitive dust levels and dust suppression measures to be taken during construction and once the facility is operational. • The EA should discuss the use of wildlife friendly erosion control measures, including use of biodegradable erosion control materials that are flexible and rectangular to prevent wildlife entanglement, limiting erosion control blankets to "bio-netting" or "natural netting" types (not plastic), and selecting hydro-mulches that do not contain synthetic fibers or malachite green dyes, which can pose toxicity concerns for fish, wildlife, and insects.
98	Lemon Hill	<p>The Leech Lake Band of Ojibwe Tribal Historic Preservation Office noted that, although they have no recorded historic properties within the area, theabsence of records does not mean cultural resources</p>

		<p>could be foundare absent. The Band requested to be notified if human remains or suspected human remains are encountered.</p>
112	PUC EIP	<p>Ken Everson, Eyota, commented that the EA is insufficient with respect to the analysis of the jobs that would be lost as a result of the Project. He noted that the jobs “created” would only be temporary during construction and that very few (three to five) permanent jobs would be created. In contrast, he explained that removing more than 1,900 acres of prime farmland from production would cause significantly more jobs to be lost or negatively impact the local economy. Everson asserts that the EA did not adequately consider the jobs that would be lost and the economic impact resulting from the loss of this farmland in the small community. He explained that the EA did not properly consider the local suppliers and business owners that would suffer as a result of the reduction in farmland/farming in the area. Everson also questioned how the Commission can ignore the Prime Farmland Rule, Minn. R. 7850.4400. According to a Request for Information Data Request #158, 963-14 734.89 acres of prime farmland would be lost under the Project as proposed in the original Application and 1,067-42819.51 acres of prime farmland would be lost with the Alternative Substation Design Scenario. Everson rejects the EA conclusion that there is no other feasible and prudent alternative to the Project. Everson questioned why the state does not have a lawyer or agency representing the public’s interest in these types of projects. Instead, it appears that the EIP merely “rubber stamps” a utility company’s data and information in the EA. He expressed need for critical and independent review of these projects to determine whether the projects really are in the best interest of the state and its residents. Everson also addressed: (1) the existence of karst in the area and how the EA did not adequately analyze that issue; (2) potential impacts on the many private wells in the area and on the groundwater; and (3) how the Project would be decommissioned and put back into agricultural use, especially if there is damage to existing drainage system.¹</p>
113	Lemon Hill	<p>Nathan Runke, a member of the International Union of Operating Engineers, Local 49, expressed support for the Project, provided that it creates union jobs. He questioned, however, whether Applicant was willing to commit to using local union labor for construction; something the company was unwilling to commit to at the hearing. In addition, it was noted that the company makes no assurance that the three to five permanent jobs created to operate the facility would be local hires.¹⁵⁶ and the job opportunities it creates for the union’s members.</p> <p>Footnote Change: Pub. Hrg. Tr. Vol. I at 80-82 (Runke).</p>

113	Local 49	<p>Nathan Runke, a member of the International Union of Operating Engineers, Local 49, expressed support for the Project, provided that it creates union jobs. He questioned, however, whether Applicant was willing to commit to using local union labor for construction; something the company was unwilling to commit to at the hearing. In addition, it was noted that the company makes no assurance that the three to five permanent jobs created to operate the facility would be local hires.¹⁵⁰</p> <p>When asked whether Applicant had committed to using union labor, Mr. Runke stated his understanding that Applicant had committed to prioritizing the use of local union labor for construction. In response, Applicant stated that it requires its contractors to work with labor unions and local subcontractors, a commitment it has made in writing in its testimony.</p> <p>[Footnote Revision - Pub. Hrg. Tr. Vol. I at 80–83]</p>
116	Lemon Hill	<p>Joni Mulholland is a local resident and is disappointed with how this Project was originally proposed and how it is being permitted. First, she asked if DESRI and Ranger Power intend to sell the Applicant after the Project is developed, a question the companies did not fully answer. Mulholland emphasized that: (1) the energy produced by the Project would not be used in Minnesota; (2) local workers would not be used for construction of the Project; (3) only a couple permanent jobs would be created by the Project (and more local jobs lost); and (4) the Project would not benefit Minnesota. She is disappointed that the Minnesota Legislature quietly passed laws exempting solar companies from complying with local laws and regulations, thereby removing local control of the development. For example, Viola and Haverhill Townships were never given the opportunity to object to the Project before it went before the PUC. Like other commenters, Mulholland notes that one Haverhill Township Board member quietly pushed to get the Project brought into the area so that he could personally profit from leasing his property at the expense of others in the community. In short, Mulholland believes that there is a lack of transparency with the Project and that the community is being taken advantage of by out-of-state solar companies.</p>
118	Lemon Hill	<p>Jim Klavetter is a former Viola Town Board Chairman and current member of the township Planning and Zoning Commission. He made several points during the hearing. First, he noted that the labor Applicant plans to use to construct the project are not local union workers; they are generally brought in from out of state. Second, Klavetter expressed concern about the existence of karst in the area and the potential impacts the Project would have on water quality due to the sensitive karst geology. Third, he is disappointed that Applicant is exempt from all the local zoning laws and rules with which farmers and residents must comply.</p>

	<p>Klavetter noted that Ranger is based in Chicago and DESRI is in Massachusetts, rendering them unresponsive to local needs. He expressed disappointment with the Applicant for not working with the local Townships to obtain input and coordinate on issues such as setbacks, roads, and other local regulatory items. This caused a fair amount of distrust in the community. Fourth, Klavetter questioned why the Commission does not have legal counsel at the public hearings to question the Applicant, represent the public interest, and provide argument and analysis regarding the EA, which was not performed by a third party with expertise. Klavetter asserts that the EA did not provide a neutral, critical analysis. Instead, the EIP relies almost exclusively on Applicant's own data and information without EIP staff performing its own research and analysis or using other state agencies with specialized expertise to provide independent analysis. Fifth, Klavetter highlighted that Ranger is merely a developer and Applicant is a shell company (a limited liability company) used to protect DESRI from any liability or real financial risk associated with this proposed solar farm. Moreover, the Project would likely be sold several times over the course of its lifespan. Thus, Klavetter questions how the state will hold any company responsible for the Project years down the line or if Minnesota taxpayers would ultimately be left "holding the bag" should the Project not be financially successful for its owners. Sixth, Klavetter questioned why the Applicant needs nondisclosure agreements in the land leases. These clauses: (1) prevent landowners from knowing what the company is paying other landowners for use of their land; and (2) allow the company to evade transparency. (During Klavetter's comments, EIP staff affirmed that it does not review land leases as part of its analysis.) Klavetter noted that Applicant can terminate the leases at its will, but for landowners, the contracts are not terminable, rendering them contracts of adhesion. Klavetter noted that only three of the ten landowners who signed leases with the Applicant actually farm in the area – the remainder are nonresident (absentee) landowners and/or non-farmers. Furthermore, because solar companies would pay more per acre to lease the land than farmers, these types of projects prevent young farmers from staying in the agricultural business because they cannot find affordable land to rent or buy and farm. Seventh, Klavetter agrees with other commenters that the EA did not adequately value the economic loss that will befall the rural community, which historically has depended on agriculture. He explained that a solar project will not bring business to the community, will not bring any tax benefits, and will only benefit the small number of landowners who signed leases with Applicant. Finally, Klavetter asked Applicant which substation configuration it preferred. Applicant responded that it is asking the Commission to approve both substation configurations and the Applicant will decide after it receives its permit.</p>
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126	Lemon Hill	<p>Bradley Lorang was the only member of the public who spoke at the virtual public hearing on June 11, 2026. Lorang asked several questions about the Project. First, Lorang asked which substation location Applicant preferred. Applicant responded that it seeks to have both substation locations approved by the Commission and then it would decide which one to build once a permit is issued. Second, Lorang asked what the expected energy output would actually be for the Project. Applicant could not answer that question.¹⁶² Applicant noted that solar panels are only 25 percent efficient on average and that exact output cannot be predicted or known in advance. over the course of the year. <u>The Applicant committed to and provided additional information on this topic in its public hearing comments.</u> Applicant also confirmed that the energy created by the Project does not necessarily stay in Minnesota. Rather, it is sold to Xcel and transported onto the grid for broader distribution. Third, Lorang asked how much time EIP staff spent in the Project Area when preparing the EA. EIA staff responded that she received most of the data and information used for the EA from the Applicant and that she spent just one day in the Project Area. Fourth, Lorang noted that his real property will be surrounded on all four sides by the Project but that he would not receive any compensation for the impacts he will suffer. He requested that the Commission require a minimum setback of 1,500 feet from the Project and occupied dwellings. Finally, Lorang does not believe that the EA was complete or thorough, and he believes that the EA relied too heavily on information and data provided by the Applicant. Moreover, he is also concerned by the fact that the Applicant cannot quantify how much energy is expected to actually be produced by the Project, a fact that would seem to be material to the Commission's decision on whether to permit the Project</p>
126	PUC EIP	<p>Bradley Lorang was the only member of the public who spoke at the virtual public hearing on June 11, 2026. Lorang asked several questions about the Project. First, Lorang asked which substation location Applicant preferred. Applicant responded that it seeks to have both substation locations approved by the Commission and then it would decide which one to build once a permit is issued. Second, Lorang asked what the expected energy output would actually be for the Project. Applicant could not answer that question. Instead, Applicant noted that solar panels are only 25 percent efficient on average and that exact output cannot be predicted or known in advance. Applicant also confirmed that the energy created by the Project does not necessarily stay in Minnesota. Rather, it is sold to Xcel and transported onto the grid for broader distribution. Third, Lorang asked how much time EIP staff spent in the Project Area when preparing the EA. EIPA staff responded that <u>she they</u> received most of the data and information used for the EA from the Applicant and that she spent just one day in the Project Area <u>and could only take pictures from public roads as they cannot access private property.</u> <u>Staff noted that cultural resources surveys conducted for the project have been</u></p>

		<p>reviewed by the State Historic Preservation Office and wetland surveys have been reviewed by the Olmsted County Soil and Water Conservation District. Fourth, Lorang noted that his real property will be surrounded on all four sides by the Project but that he would not receive any compensation for the impacts he will suffer. He requested that the Commission require a minimum setback of 1,500 feet from the Project and occupied dwellings. Finally, Lorang does not believe that the EA was complete or thorough, and he believes that the EA relied too heavily on information and data provided by the Applicant. Moreover, he is also concerned by the fact that the Applicant cannot quantify how much energy is expected to actually be produced by the Project, a fact that would seem to be material to the Commission's decision on whether to permit the Project.</p> <p>Fifteen members of the public submitted comments supporting the Project. Several comments in support of the Project said that Applicant the Project will have economic benefits such as increased tax revenue, investments in local schools and public services, and economic stability. Other members of the public supported the project because of sustainable energy generation and energy reliability. Members of the public also supported the project because it supports landowner rights and voluntary participation.</p> <p>The Project has a net generating capacity of 180-MW. Accordingly, Minn. R. 7850.4400, subp. 4 limits the amount of prime farmland that can be used for the developed portion of the project to just 90 acres (0.5 acres x 180-MW) unless Applicant can prove that there is no feasible and prudent alternative based on considerations other than economic ones.</p> <p>In addition, Minn. R. 4410.1000 and 7850.3700, subp. 3 (2023), requires consideration of the cumulative impacts or cumulative potential effects or any other matter included by the Commission in its scoping decision.</p>
128	Lemon Hill	
165	Lemon Hill	
166	Lemon Hill	
167	Lemon Hill	<p>Under Minn. Stat. § 216E.04, subd. 9(a), the Commission is prohibited from issuing a site permit in violation of the site selection standards and criteria established in chapter 216E and in the rules adopted by the Commission, including Minn. R. 7860.4400 7850.4400 and .3700.</p>
(New)	Lemon Hill	<p>The visible elements of the solar facility will consist of new PV arrays, transformers and inverters, an O&M building, a new Project substation, a new Dairyland switchyard, a short 161 kV transmission line, and security fencing surrounding the Project</p>
173	Lemon Hill	<p>The region of influence (ROI) for aesthetics is the Project Area.</p>
174	Lemon Hill	<p>Aesthetics refers to the visual quality of an area as perceived by the viewer and forms the impression a viewer has of an area. Aesthetics are subjective, meaning their relative value depends upon the perception and philosophical or psychological responses unique to individuals. Impacts to aesthetics are equally subjective</p>

		and depend upon the sensitivity and exposure of an individual. How an individual values aesthetics, as well as perceived impacts to viewshed, can vary greatly.
175	Lemon Hill	A viewshed includes the natural landscape and build features visible from a specific location. Natural landscapes can include vegetation patterns (such as cropland and agricultural fields), wetlands, surface waters, forests, and distinct landforms and landscapes. Buildings, roads, power lines, solar panels, barns, and homes are examples of build features. An intact and harmonious viewshed (meaning one that does not have a conflicting build feature or land use) is considered more aesthetically pleasing and valuable. Viewsheds are important and impact the cultural values of the local community.
175	PUC EIP	A viewshed includes the natural landscape and build features visible from a specific location. Natural landscapes can include vegetation patterns (such as cropland and agricultural fields), wetlands, surface waters, forests, and distinct landforms and landscapes. Buildings, roads, power lines, solar panels, barns, and homes are examples of build features. An intact and harmonious viewshed (meaning one that does not have a conflicting build feature or land use) is considered more aesthetically pleasing and valuable. Viewsheds <u>are can be important and impact the cultural values of the local community</u> regardless of whether they are considered beautiful.
176	Lemon Hill	Viewer sensitivity is an individual's interest or concern for the quality of a viewshed and varies depending upon the activities, investment, values, and expectations individuals may have related to the viewshed, and their level of concern for potential changes to the viewshed. High viewer sensitivity is generally associated with people who live in an area, who are economically invested by owning property or businesses in the area, who have family in an area, who use an area for recreational activities, and who view an area as having cultural or historic significance. These are not temporary observers, like people who might just briefly visit or pass through an area. Thus, individuals who live or invest in an area are more impacted by a change in aesthetics of an area
176	PUC EIP	Viewer sensitivity is an individual's interest or concern for the quality of a viewshed and varies depending upon the activities, investment , values, and expectations individuals may have related to the viewshed, and their level of concern for potential changes to the viewshed. High viewer sensitivity is generally associated with people who live in an area, who are economically invested by owning property or businesses in the area, who have family in an area, who are using an area for recreational activities, <u>are traveling to scenic sites or areas with recreational, natural, and who view an area as having cultural, or historic significance, or are experiencing the viewshed from a specific location, such as a resort or residence.</u> These are not temporary observers, like Low viewer sensitivity is associated with people who might just briefly visit or pass

		through an area, such as commuters. Thus, individuals who live or invest in an area are more impacted by sensitive to potential aesthetic impacts resulting from a change in aesthetics of an area compared to temporary observers.
177	Lemon Hill	Viewer exposure refers to how long and how frequent one observes a viewshed. For example, residents in an area would have high view exposure and the change in aesthetics to an area would be expected to have more impact on those who have high viewer exposure.
177	PUC EIP	Viewer exposure refers to variables associated with observing a viewshed, such as viewer number, view frequency and duration, and view location how long and how frequent one observes a viewshed. For example, a high exposure viewshed experiences frequent observation by large numbers of viewers. Viewer exposure variables affect the aesthetic impact along with factors such as time of day residents in an area would have high view exposure and the change in aesthetics to an area would be expected to have more impact on those who have high viewer exposure.
178	Lemon Hill	The EA describes the Project Area as consisting of “bucolic, farming landscape.” The existing landscape in the Project Area is rural and agricultural, consisting of gently rolling agricultural crop fields of corn and soybeans, pasture and grazing fields for livestock operations, wooded shelterbelts, wetland streams, rivers, springs, and farmsteads.
179	Lemon Hill	The build environment in the Project Area includes the unincorporated communities of Viola and Haverhill Townships, county roads, and the occasional farmstead. Residences, farmsteads, and livestock facilities are scattered around the nearby landscape, many surrounded by woodlands or shelterbelts.
179	PUC EIP	The build environment in the Project Area includes the unincorporated communities community of Viola and Haverhill Townships, township and county roads, and the occasional farmstead. Residences, farmsteads, and livestock facilities are scattered around the nearby landscape, many surrounded by woodlands or shelterbelts.
180	Lemon Hill	The Project would introduce new, manmade, industrial structures into the existing natural, agricultural landscape. The Project would convert a Site consisting of nearly 2,000 agricultural acres into an industrial solar farm, thereby significantly changing the viewshed, aesthetics, use, and value of the Site and Project Area. ²¹³ Below are pictures of the existing viewshed of the Project Site and include descriptions of the proposed changes to the viewshed as a result of the Project: ²¹⁴ will be a noticeable change in the landscape, converting approximately 880 to 967 acres of agricultural cropland into solar production. Although the change will be noticeable, there are other existing infrastructure features in the landscape including unpaved roads, transmission lines, a community solar garden, and three communication towers. How an

		individual viewer perceives the change from a field of corn, soybeans, or pasture to a field of solar panels depends, in part, on how a viewer perceives solar panels.
180	PUC EIP	The Project would introduce new, manmade, industrial structures into the existing natural, agricultural landscape. The Project would convert approximately 963 to 1,067 acres within a Site consisting of nearly 2,000 agricultural acres of mostly agricultural land into an industrial solar farm, thereby significantly noticeably changing the viewshed, aesthetics, and use, and value of the Site and Project Area. ²¹⁵ Below are pictures of the existing viewshed of the Project Site and include descriptions of the proposed changes to the viewshed as a result of the Project: The photographs in Appendix H of the EA give context to the significant change to the area proposed by the Project
181	Lemon Hill	The photographs in Appendix H of the EA give context to the significant noticeable change to the area's viewshed proposed by the Project.
182	Lemon Hill	The Project would be visible from the local roads adjacent to the Project and, more importantly, visible from the nearby residences, which are mostly farmsteads. For people living outside the Project Area or those casually passing through, the impact intensity level is expected to be minimal. But for people who live, work, own businesses, and are invested in the area, the impact would be significant, unavoidable, and long-term, lasting up to the 40-year life of the Project, lasting or outlasting the lifespan of many of the current residents. These impacts cannot be mitigated through visual screening or project design.
182	PUC EIP	The Project would be visible from the local roads adjacent to the Project and, more importantly, visible from the nearby residences, which are mostly farmsteads. For people living outside the Project Area or those casually passing through, the impact intensity level is expected to be minimal. But for people who live, work, own businesses, and are invested or recreate in the area, the impact would be moderate to significant, unavoidable, and long-term, lasting up to the 40-year life of the Project, lasting or outlasting the lifespan of many of the current residents. These impacts cannot be mitigated only in part through visual screening or project design.
183	Lemon Hill	Visual impact is especially important because people live very close to the Project. There are 68 residences within approximately 0.6 miles mile of the Project Site, including 3937 residences on parcels adjacent to or within the Project Site. Three residences are directly within the Site. ²¹⁷ Between 13 to 16 of the residences located within 0.25 miles of the Project would have little to no natural screen from the Project. ²¹⁸ The figure below shows the location of the residences to the Project Site:

183	PUC EIP	Visual impact is especially important because people live very close to the Project. There are 68 residences within approximately 0.6 miles of the Project Site, including 39 residences on parcels adjacent to or within the Project Site. Three residences are directly within the Site. <u>The extent to which the project is visible from residences is dependent upon various factors, such as the location within the property.</u> ²¹⁹ Between 13 to 16 of the residences located within 0.25 miles of the Project would have little to no natural screen from the Project. ²²⁰ The figure below shows the location of the residences to the Project Site
(New)	Lemon Hill	<u>For travelers and residents outside the immediate Project vicinity, impacts are expected to be minimal, while nearby residents, local-road users, and recreation users with higher viewer sensitivity may experience moderate to significant impacts.</u>
184	Lemon Hill	The visible elements of the solar facility would consist of between 20 and 22 fenced-in facility areas consisting of PV arrays, transformers and inverters, an O&M building, a new substation, a Dairyland switchyard, and a new 161-kV transmission line. The solar panels would be relatively low-profile—approximately four to seven feet above ground when level but extend and up to 15 feet at maximum tilt. The new substation would comprise between 7 and 8.5 acres of land (depending on design scenario). The substation would house the new Dairyland switchyard, the 161 kV gen-tie line, and a 0.6-acre O&M building with a parking lot. New 161 kV overhead transmission lines would also be constructed in the area extending 150 feet vertically and between 160 to 530 feet in length (depending on design scenario). Permanent lighting would be installed on the substation and O&M building.
184	PUC EIP	The visible elements of the solar facility would consist of between 20 and 22 fenced-in facility areas consisting of PV arrays, transformers and inverters, an O&M building, a new substation, a Dairyland switchyard, and a new 161 kV <u>gen-tie</u> transmission line. The solar panels would be approximately four to seven feet above ground when level but extend to 15 feet at maximum tilt. The new substation would comprise between 7 and 8.5 acres of land (depending on design scenario). The substation would house the new Dairyland switchyard, the 161 kV gen-tie line, and a 0.6-acre O&M building with a parking lot. <u>The new</u> 161 kV overhead <u>gen-tie</u> transmission lines would also be constructed in the area extending 150 feet vertically and between 160 to 530 feet in length (depending on design scenario). Permanent lighting would be installed on the substation and O&M building.
185	Lemon Hill	The Project would be a significant and noticeable change in the landscape because it converts the Site—1,956 acres of agricultural land—into a solar facility.²²¹ Should the Project be approved, 1,956 acres of agricultural fields planted with corn, soybeans, and hay would be replaced with solar panels and utility facilities, including new overhead collection lines. In addition, the Project substation, Dairyland switchyard,

		O&M building, access roads, fencing, and gen-tie structures would present add new, inharmonious visual impacts to the current rural, agricultural built features to the rural landscape.
185	PUC EIP	The Project would be a significant and noticeable change in the landscape because it converts the Site -- 1,956 acres of mostly agricultural land -- into a solar facility. ²²³ Should the Project be approved, approximately 963 to 1,067 acres within the 1,956 acres Site of mostly agricultural fields land planted with corn, soybeans, and hay would be replaced with solar panels and utility facilities, including new overhead underground collection lines. In addition, the Project substation, Dairyland switchyard, O&M building, access roads, fencing, and gen-tie transmission line structures would present new, inharmonious visual impacts to the current rural, agricultural landscape.
186	Lemon Hill	Glint and glare are common concerns surrounding PV solar facilities and have potential impacts to local residents, land users, pilots flying airplanes over the panels, and drivers in the area.
186	PUC EIP	Glint and glare are common concerns surrounding PV solar facilities. The Project would utilize modern PV panels with an anti-reflection coating to reduce glare; and have potential light reflection from the Project is not anticipated to impact s to local residents, land users, pilots flying airplanes over the panels, and drivers in the area.
187	Lemon Hill	Highly sensitive and frequent viewers would experience significant impact. ²²⁴ Public comment evidences significant opposition to the Project from the local residents in Viola and Haverhill Townships. Commenters described the significant aesthetic and cultural impacts that they would suffer as a result of the Project. ²²⁵ The Judge gives this evidence considerable weight because landowners and residents in the Project Area have the most expertise and knowledge of the aesthetic and cultural value impacts that would occur from the Project.
187	PUC EIP	Highly sensitive and frequent viewers would experience moderate to significant impact. ²²⁶ Public comment evidences significant opposition to the Project from the local residents in Viola and Haverhill Townships. Commenters described the significant aesthetic and cultural impacts that they would suffer as a result of the Project. ²²⁷ The Judge gives this evidence considerable weight because landowners and residents in the Project Area have the most expertise and knowledge of the aesthetic and cultural value impacts that would occur from the Project.
New	Lemon Hill	In both design scenarios, the areas proposed to host project components are generally located within agricultural or previous disturbed areas where tree removal is not expected to be necessary. As such, construction of the Project is not anticipated to require tree clearing of dense forested areas. If small cluster or isolated tree removal is determined necessary during final engineering or construction, it would be limited

		<u>in scope and conducted in accordance with applicable permit conditions and best management practices (BMPs).</u>
New	Lemon Hill	<u>The existing trees within the Site may provide additional vegetative screening for residential properties.</u>
New	Lemon Hill	<u>Permanent lighting is expected at the Project substation and O&M building, but the lighting would be down-lit and shielded, and impacts to light-sensitive land uses are not anticipated because of the rural setting and limited operational lighting needs.</u>
New	Lemon Hill	<u>Glare impacts are expected to be minimal because the Project would use modern PV panels with anti-reflection coating, and the EA does not anticipate glare impairing motorists' vision on adjacent roads.</u>
188	Lemon Hill	Aesthetic impacts cannot would be mitigated through permit conditions 4.3.8 and 5.1, which require requiring consideration of landowner input, vegetation selection and preservation of the natural landscape where practicable, minimization of tree removal, and development of a site-specific Visual Screening Plan (VSP) for adjacent residences. ²²⁷ Applicant opposes Special Condition 5.1 of the DSP as it relates to visual screening requirements to nearby roadsides. 228 EIP staff proposed that this permit condition be revised to require the permittee to provide a copy of the Visual Screening Plan to townships. One public commenter, Tracy Huffman-Krizeo, provided specific comments regarding the spacing, density, and species of vegetation she would like to see in the Visual Screening Plan to minimize aesthetic impacts. ²¹⁸ Her comments reflect the type of individual feedback that DSP Section 5.1 calls for as part of development of a Visual Screening Plan. As stated in Lemon Hill's Response to EA comments, Lemon Hill generally supports Special Condition 5.1 of the DSP as it relates to screening nearby residences but opposes extending visual screening requirements to nearby roadsides. Lemon Hill notes that screening along public roads may take additional land out of agricultural production without a corresponding public benefit. In its Response to Hearing Comments, EIP staff proposed that this permit condition be revised to require the permittee to provide a copy of the Visual Screening Plan to townships.
188	PUC EIP	Aesthetic impacts cannot be <u>completely</u> mitigated through permit conditions 4.3.8 and 5.1, which require consideration of landowner input, vegetation selection and landscape, minimization of tree removal, and development of a site-specific Visual Screening Plan (VSP) for residences. ²²⁹ Applicant opposes Special Condition 5.1 of the DSP as it relates to visual screening requirements to nearby roadsides. ²³⁰ EIP staff proposed that this permit condition be revised to require the permittee to provide a copy of the Visual Screening Plan to townships.
189	Lemon Hill	In sum, the Project: (1) would fundamentally change the existing rule/farming landscape by converting nearly 2,000 acres of agricultural land into an industrial solar site; (2) would directly impact the viewshed of

		<p>68 residences; (3) would impose negative visual impacts on people living and working in the area; (4) is overwhelmingly opposed by the people who are most impacted by the Project; (5) cause impacts that are significant, unavoidable, and long-term (up to 40 years); and (6) cannot be fully mitigated through screening or other measures.</p>
189	PUC EIP	<p>In sum, the Project: (1) would fundamentally change the existing rule/farming landscape by converting approximately 963 to 1,067 acres within a Site of nearly 2,000 acres of mostly agricultural land into an industrial solar site; (2) would directly impact the watershed of 68 residences; (3) would impose negative visual impacts on people living and working in the area; (4) is overwhelmingly opposed by the people who are most impacted by the Project; (5) cause impacts that are significant, unavoidable, and long-term (up to 40 years); and (6) cannot be fully mitigated through screening or other measures.</p>
203	Lemon Hill	<p>Applicant opposes DSP Section 5.2 but has agreed to provide notice of noise-producing construction activities via its website, as well as offered several modifications to this special condition. The EIP does not support Applicant's proposed modifications to Section 5.2 of the DSP. The Judge <u>Commission</u> agrees with EIP and finds Section 5.2 to be reasonable and necessary. Section 5.2 is also consistent with language adopted in a prior solar permit. <u>In the interest of narrowing issues before the Commission, Applicant accepts Section 5.2.</u></p>
(New)	Lemon Hill	<p>The EA recognizes that the "region surrounding the project area has cultural values tied to the area's heritage, geographic features, seasonal events, national holidays, municipal events, and the local agricultural economy." But the EA also recognizes that cultural values may shift and change over time, acknowledging that the present community around the Project was preceded by original indigenous groups, including the Dakota people.</p>
(New)	Lemon Hill	<p><u>Development of the Project would change the area's character and could affect some residents' sense of place, but it is not expected to alter residents' work and leisure pursuits in a way that changes the underlying culture of the area.</u></p>
(New)	Lemon Hill	<p><u>How individuals assign value to the character of the landscape is subjective and depends upon individual perception and individual philosophical or psychological responses.</u></p>
(New)	Lemon Hill	<p><u>Public comments demonstrate different opinions about the Project and impacts to cultural values, including dozens supporting renewable energy development.</u></p>
205	Lemon Hill	<p><u>Cultural values are intrinsically tied to the aesthetics of an area and the way an area is viewed by the residents of the local community. The ROI for cultural values is the Project Area: Development of the Project would significantly change the character of the area—an area that is historically rural and agricultural—and</u></p>

		would likely change the residents' sense of place. These impacts are significant, unavoidable, and long-term (up to the 40-year life of the Project). Historic use of the Project Area is related to the cultural values of the people residing in the area.
205	PUC EIP	Cultural values are intrinsically tied to the aesthetics of an area and the way an area is viewed by the residents of the local community. The ROI for cultural values is the Project Area. Development of the Project would significantly change the character of the area – an area that is historically rural and agricultural – and would likely could potentially change the residents' sense of place. These EA characterizes these impacts are as significant minimal to moderate, unavoidable, and long-term (up to the 40-year life of the Project). Historic use of the Project Area is related to the cultural values of the people residing in the area.
206	Lemon Hill	Cultural values can be defined as shared community beliefs or attitudes that define what is collectively important to the group. These values provide a framework for individuals and community thought and action. Infrastructure projects believed inconsistent with these values can deteriorate community character. Those found consistent with these values can strengthen it. Projects often invoke varying reactions and can weaken community unity.
207	Lemon Hill	The EA erroneously focuses on work and recreation in its analysis of culture. Culture, however, is much broader than work and recreation. It includes living environment, social cohesion, character, identity, and sense of place and community. Minnesota farming culture is equally important as any other community culture in the state. Development of the Project would invariably change the Project Area's character and identity, as well as residents' sense of place and community.
207	PUC EIP	The EA erroneously focuses on work, particularly agricultural work, and recreation in its analysis of culture. Culture, however, is much broader than work and recreation. It includes living environment, social cohesion, character, identity, and sense of place and community. Minnesota farming culture is equally important as any other community culture in the state. As discussed in the EA, development of the Project would invariably change the Project Area's character and identity, as well as which could impact some residents' sense of place and community.
208	Lemon Hill	Although the EA admits that the ROI for cultural values is the entire Project Area, it attempts to minimize the cultural and land use impacts in its analysis by only focusing on the "Preliminary Development Area" ²⁴⁹ – the fenced-in area where Project facilities would be located but excluding the necessary setbacks, roads, ROWs, transmission lines, and connection corridors – all of which impact and encumber the Site. ²⁵⁰ This is a deceptive and incorrect analysis of cultural and other impacts. The Project would impact the entire Site, and, for purposes of cultural values, impact the greater Project Area.

208	PUC EIP	<p>Although the EA admits that the ROI for cultural values in the EA is the entire Project Area. In analyzing potential impacts due to a change in agricultural work, the EA, it attempts to minimize the cultural and land use impacts in its analysis by only focusing on the “Preliminary Development Area” as this area reflects the agricultural fields that would be impacted by the project.²⁵¹ the fenced-in area where Project facilities would be located but excluding the necessary setbacks, roads, ROWs, transmission lines, and connection corridors—all of which impact and encumber the Site.²⁵² This is a deceptive and incorrect analysis of cultural and other impacts. As noted in the EA, cultural impacts would extend beyond these fields and would impact the entire Site, and, for purposes of cultural values, impact the greater Project Area</p>
209	Lemon Hill	<p>Despite the significant change of converting nearly 2,000 agricultural acres into an industrial solar facility, the EA states that impact on the impact intensity for cultural values would be “is characterized as minimal to moderate.”²⁵³ The Judge rejects EIP staff’s subjective determination, long-term, and unavoidable.²⁴¹</p>
209	PUC EIP	<p>Despite the significant change of converting approximately 963 to 1,067 acres within the nearly 2,000 acre Site of mostly agricultural acres land into an industrial solar facility, the EA states characterizes that impacts on cultural values would be as “minimal to moderate.” The Judge rejects EIP staff’s subjective determination this characterization.</p>
210	Lemon Hill	<p>It is undisputed that Viola and Haverhill Townships are historically rural and agricultural-based communities.²⁵² The most persuasive evidence of change in local culture comes from the members of that affected culture—the residents of the area. The extensive public comments of the community members that would be impacted by this Project outweigh the subjective opinion of an EIP staff member who visited the area briefly one time and conducted a mostly desktop analysis. As evidenced by the public comments, the cultural impacts of the proposed Project would be significant. In addition, the cultural impacts would be long-term and unavoidable if the Project is approved.</p>
210	PUC EIP	<p>It is undisputed that Viola and Haverhill Townships are historically rural and agricultural-based communities.²⁵⁴ The most persuasive evidence of change in local culture comes from the members of that affected culture—the residents of the area. The Judge finds that the extensive public comments of the community members that would be impacted by this Project outweigh the subjective opinion of an EIP staff member who visited the area briefly one time and conducted a mostly desktop analysis characterization of impacts in the EA. As evidenced by the public comments, the cultural impacts of the proposed Project</p>

		would be significant. In addition, the cultural impacts would be long-term and unavoidable if the Project is approved.
211	Lemon Hill	There are no conditions in the DSP that directly address mitigation for impacts to cultural values. Section 4.6 of the DSP attempts to address impacts to cultural properties but cannot, in any way, mitigate the significant, long-term, and unavoidable impacts of the Project.²⁵⁴ No additional mitigation is proposed in the EA.
213	Lemon Hill	According to the EA, the ROI for land use and zoning is the Land Control Area or the Project Site (all 1,956 acres). The Project would convert 1,956 acres of agricultural land to solar energy production for a minimum of 30 years. Applicant estimates the service life of the Project to be 40 years or longer. Consequently, land use impacts of the Project would be long-term; 40 years or more.
213	PUC EIP	According to the EA, the ROI for land use and zoning is the Land Control Area or the Project Site (all 1,956 acres). The Project would convert <u>approximately 963 to 1,067 acres within the</u> 1,956 acres Site of mostly agricultural land to solar energy production for a minimum of 30 years. ²⁵⁸ Applicant estimates the service life of the Project to be 40 years or longer. ²⁵⁹ Consequently, land use impacts of the Project would be long-term, 40 years or more.
214	PUC EIP	Construction of a solar facility and <u>gen-tie</u> transmission lines would alter the current and future use of the land and the land cover. ²⁶¹ Currently, the Project Site is dominated by cultivated agriculture, with scattered areas of wetlands, trees, and farmsteads. The Project Site is 89.4 percent cultivated cropland and hay/pasture use; 1.11 percent developed (mostly open or low intensity, such as farmsteads), 1.1 percent wetland or open water, and 8.3 percent forest/herbaceous. Aside from a few farmsteads, the current use of the 1,956-acre Site is predominantly agriculture (cultivated cropland and hay/pasture).
215	Lemon Hill	While the EA acknowledges that the ROI for land use is the Land Control Area (i.e., the entire 1,956-acre Site), EIP staff erroneously analyzed the land use and zoning impact of the Project by only evaluating the Preliminary Development Area. The Preliminary Development Area is defined in the EA as “the up to 1,067-acre area within the Land Control Area where [Applicant] proposes to build the solar facilities” but not the collection corridors and required setbacks.²⁶¹ In other words, Applicant added up the fenced-in space that each associated facility would comprise (e.g., the solar panels, substation building, etc.) in the 1,956-acre Site and then deemed that area as the Preliminary Development Area, as if that was the only area affected by the Project. In addition, Applicant excluded all collection facilities and corridors and required setbacks from that calculation.

215	PUC EIP	<p>While the EA acknowledges that the ROI for land use and zoning in the EA is the Land Control Area (i.e., the entire 1,956-acre Site). In analyzing potential impacts to land use and zoning, the EA EIP staff erroneously analyzed the land use and zoning impact of the Project by only evaluating focused on the Preliminary Development Area, as this area reflects the land that would be developed to host the project. The Preliminary Development Area is defined in the EA as “the up to 1,067-acre area within the Land Control Area where [Applicant] proposes to build the solar facilities” but not the collection corridors and required setbacks.²⁶³ In other words, Applicant added up the fenced-in space that each associated facility would comprise (e.g., the solar panels, substation building, etc.) in the 1,956-acre Site and then deemed that area as the Preliminary Development Area, as if that was the only area affected by the Project. In addition, Applicant excluded all collection facilities and corridors and required setbacks from that calculation.</p>
217	Lemon Hill	<p>The EA adopted the number of acres comprising the Preliminary Development Area for both the Original Design Scenario and the Alternative Design Scenario. Applicant determined that there are 963.15 acres of land in the Preliminary Development Area for the Original Design Scenario and 1,067.42 acres of land in the Preliminary Development Area for the Alternative Design Scenario.</p>
218	Lemon Hill	<p>EIP staff then took the Preliminary Development Areas for both design scenarios to analyze what portions comprised agricultural lands, developed areas, wetlands/open water, and forest/herbaceous land. EIP staff determined that of the 963.15 acres of land in the Preliminary Development Area in the Original Design Scenario, 939.36 acres (97 percent) is agricultural land; and of the 1,067.42 acres of land in the Preliminary Development Area of the Alternative Design Scenario, 1030.41 acres (97 percent) is agricultural land. EIP staff then concluded that land use impacts would only befall 939 to 1,030 acres of agricultural land for the entire Project.</p>
218	PUC EIP	<p>EIP staff then took the Preliminary Development Areas for both design scenarios to analyze what portions comprised agricultural lands, developed areas, wetlands/open water; and forest/herbaceous land. EIP staff determined that of the 963.15 acres of land in the Preliminary Development Area in the Original Design Scenario, 939.36<u>939.06</u> acres (97 percent) is agricultural land (<u>879.57 acres cultivated cropland and 59.49 acres hay/pasture</u>); and of the 1,067.42 acres of land in the Preliminary Development Area of the Alternative Design Scenario, 1,030.41 acres (97 percent) is agricultural land (<u>966.57 acres cultivated cropland and 63.84 acres hay/pasture</u>). EIP staff then concluded that land use impacts would only befall 939 to 1,030 acres of agricultural land for the entire Project.</p>
219	Lemon Hill	<p>The Administrative Law Judge rejects the use of the Preliminary Development Area for analysis of aesthetics, cultural, and land use impacts.</p>

220	Lemon Hill	<p>According to the Application, Applicant has entered into lease agreements with landowners for the entire Land Control Area.²⁶⁶ At the public hearing, a member of the public offered into evidence one of the lease agreements that has been executed for 80 acres of property within the Site (Lease Agreement).²⁶⁷ Applicant asserted that the Lease Agreement was “confidential,” contained trade secret information, and requested that the Lease Agreement be received into the record as a Trade Secret document. The Judge allowed the Lease Agreement to enter into the record as a Trade Secret document.²⁶⁸ However, after reviewing the Lease Agreement, the Judge now removes the Trade Secret designation for the Lease Agreement.</p> <p>The Lease Agreement contains a Confidentiality Section (Section 7.7). Section 7.7 makes accountings, information pertaining to rent and rental calculations, Tenant’s financial information, resource assessments, and specific other information about Applicant “Confidential Information.”²⁶⁹ It does not render the entire Lease Agreement as confidential. Regardless, the confidentiality clause is only enforceable between the landowner who signed the Lease Agreement and the Applicant (i.e., the parties to the agreement). Because the Lease Agreement was made public at the public hearing and placed into the public domain by a member of the public (not the landowner who executed the Lease Agreement), it lost all trade secret protection.</p> <p>The Lease Agreement entered into the hearing record is presumably representative of the type of lease agreements used by Applicant to obtain rights to property within the Project Land Control Area/Site.</p> <p>The Lease Agreement encumbers the entire property, not just the parts of the property that Applicant deems part of the Preliminary Development Area. The Lease Agreement defines the term “Project” as the areas where Applicant’s solar facilities, transmission facilities, equipment, transformers, roads, storage areas, buildings, signage, and tenant (Lemon Hill) improvements are located</p> <p>The “Lease Rights” in the Lease Agreement include, among other things: (1) a right of access and of ingress and egress from the “Project” (i.e., facilities), as well as a right for access to and from land adjacent to the “Project”, including all roads Applicant may construct on the property; (2) the right to install, use, repair, improve, relocate, replace, and remove Applicant’s “Transmission Facilities” in locations selected by Applicant (anywhere in the property itself); and (3) the exclusive right to access, relocate, and maintain the “Project” on the property. In other words, Applicant decides where to locate its facilities and transmission lines anywhere within the leased property and the lease encumbers the entire parcel.²⁷² Accordingly, even if a contracting landowner can continue to use portions of the leased property that are not being used by Applicant, the entire parcel is encumbered and subject to Applicant’s sole decision (exercised at any time during the lease term) on where to locate all facilities, roads, transmission lines, etc.</p>
221	Lemon Hill	
222	Lemon Hill	
223	Lemon Hill	
224	Lemon Hill	

225	Lemon Hill	Applicant has obtained or will obtain the rights to 1,956 acres of agricultural land for the Project. That land – the Land Control Area and Site, in its entirety --is the land impacted by the Project for purposes of land use analysis, not just the Preliminary Development Area. The EA acknowledges the same by stating: “[t]he ROI for was considered when assessing impacts to land use and zoning is in the [L]and [C]ontrol [A]rea” (i.e., the entire Site).” ²⁷³ EA.
225	PUC EIP	Applicant has obtained or will obtain the rights to 1,956 acres of mostly agricultural land for the Project. That land – the Land Control Area and Site, in its entirety -- is the land impacted by the Project for purposes of land use analysis, not just the Preliminary Development Area. The EA acknowledges the same by stating: “[t]he ROI for land use and zoning is the [L]and [C]ontrol [A]rea” (i.e., the entire Site).
226	Lemon Hill	The Project would change the character of the land within the Land Control Area/Site from agricultural production to energy generation for the life of the Project – 40 years or more, a significant and long-term change of use. This is true even if only 963 to 1,067 acres in the 1,956-acre Site are used to locate solar facilities and remnants of the Site theoretically remain available for green space or agricultural use.
227	Lemon Hill	In addition, there are areas within the Site, outside of the Preliminary Development Area, that will be used for the Project, including collection corridors, transmission lines, access roads, and mandatory setbacks. Consequently, far more than the Preliminary Development Area is impacted and changed by the Project. The overall character of the Site has changed, even if disbursed remnants of land remain available for agricultural use.
227	PUC EIP	In addition, there are areas within the Site, outside of the Preliminary Development Area, that will be used for the Project, including collection corridors, transmission lines, access roads, and mandatory setbacks. Consequently, far more than the Preliminary Development Area is impacted and changed by the Project. The overall character of the Site has changed, even if disbursed remnants of land remain available for agricultural use.
228	Lemon Hill	The change of overall use of the Site would have significant impact on the rural character of the surrounding area and its character. The EA erroneously deems this type of land use change “minimal to moderate.” ²⁷⁴ The Judge rejects EIP staff’s subjective determination as unsupported by the facts.
228	PUC EIP	The change of overall use of the Site would have significant impact on the rural character of the surrounding area and its character. The EA erroneously deems characterizes the impacts of this type of land use change as “minimal to moderate.” ²⁷⁶ The Judge rejects EIP staff’s subjective determination this characterization as unsupported by the facts.

229	Lemon Hill	<p>A preponderance of the evidence establishes that the Project would result in significant and long-term land use impacts because the Project would convert 1,956 acres of agricultural land into a large electric power generating plant for 40 years or more.</p>
229	PUC EIP	<p>A preponderance of the evidence establishes that the Project would result in significant and long-term land use impacts because the Project would convert approximately 963 to 1,067 acres within a Site of 1,956 acres of mostly agricultural land into a large electric power generating plant for 40 years or more.</p>
230	Lemon Hill	<p>With respect to zoning, the Site is currently location sits in an area normally subject to the Olmsted County Zoning Ordinance, the Haverhill Township Zoning Ordinance, and the Viola Township Zoning Ordinance. Haverhill and Viola Townships are also part of the Township Cooperative Planning Association (TCPA), an association formed by six Olmsted County townships that wanted more oversight in the development and land uses of their respective township, and to ensure the townships maintain control to preserve the character of their rural communities.</p>
234	Lemon Hill	<p>The Site is currently zoned as District A1 – Agricultural Protection District. A solar energy facility is an allowed conditional use in an A1 Agricultural Protection, but a conditional use permit would be required. Both Olmsted County and Haverhill Township have specific design requirements and review criteria for solar energy far²⁷⁹. The Project is not in compliance with the Haverhill Township Land Use Plan. Therefore, it is unlikely that a conditional use permit would be granted for the Project if one was required. farms.</p>
239	Lemon Hill	<p>Based upon the Petition opposing the Project (signed by 225 residents) and the number of public comments from citizens of Viola and Haverhill Townships, it is clear that the community and its residents are overwhelmingly opposed to the Project. The Judge finds that the Project would significantly conflict with the Site's current and historic land use and the Haverhill Township Land Use Plan. The land use conflict exemplifies the impacts to human settlement, which must be viewed as cumulative impacts.</p>
New	Lemon Hill	<p><u>The Project is expected to be compatible with county and township setback requirements for Agricultural District A-1 zoned land.</u></p>
New	Lemon Hill	<p><u>Portions of the Project Site are within the Decorah Edge Overlay District. The Decorah Edge is a local geological feature that recharges the area's drinking water and contains sensitive wetland features. The Olmsted County Soil & Water Conservation Districts (SWCD) administers the Wetland Conservation Ordinance, which regulates activities carried out in the Decorah Edge in Olmsted County. The ordinance requires activities in Decorah Edge sites to protect Edge Support Areas from disturbance and provide for their management through conservation easements or equivalent mechanisms.²⁶¹ Section 6.5.4 of the Olmsted County Wetland Conservation Ordinance states that development activities that meet the wetland</u></p>

		conservation exemption and no-loss determinations under Minn. Rule parts 8420.0315 and .0320 as determined by the Olmsted County SWCD are exempt from the requirement to protect Edge Support Areas from disturbance.
New	Lemon Hill	Due to the preemption from all local zoning, building, or land use rules afforded to projects that receive a site permit from the Commission, the Project is not subject to the restrictions for the Decorah Edge Overlay District described in the Olmsted County Wetland Conservation Ordinance. ²⁶³ However, if this preemption did not apply to the Project, the Project would still be exempt from the Decorah Edge Overlay District restrictions because the Project has received a no-loss determination under the Wetland Conservation Act from Olmsted County and the applicable Soil and Water Conservation District.
241	Lemon Hill	Numerous members of the public offered comments regarding the potential of the Project to impact property values. Public comment overwhelmingly expressed concern about the Project's potential to reduce the value of properties in the Project vicinity precisely because the Project would convert 1,956 acres of agricultural land, located in two rural and historically agricultural communities, into a large electric generating facility.
241	PUC EIP	Numerous members of the public offered comments regarding the potential of the Project to impact property values. Public comment overwhelmingly expressed concern about the Project's potential to reduce the value of properties in the Project vicinity precisely because the Project would convert <u>approximately 963 to 1,067 acres within a Site of 1,956 acres of mostly agricultural land</u> , located in two rural and historically agricultural communities, into a large electric generating facility.
242	Lemon Hill	The EA states that the ROI for property values is the "local vicinity," but did not define that area. The EA states that impacts to property values within the "local vicinity" could occur but are "difficult to determine." The EA made no attempt to determine what those impacts could be.
242	PUC EIP	The EA states that the ROI for property values <u>in the EA</u> is the "local vicinity," <u>The local vicinity is that area within 1,600 feet of the project boundary.</u> ²⁶⁹ but did not define that area. The EA states that impacts to property values within the "local vicinity" could occur but <u>that impacts to a specific property's value are "difficult to determine."</u> The EA made no attempt to determine what those impacts could be.
243	Lemon Hill	The EA concluded that: Electrical [sic] generating facilities can impact property values. Often, negative effects result from impacts that extend beyond the project location. Examples include emissions, noise, and visual impacts. Aesthetic impacts will occur, but because the project is low in height – as compared to wind turbine or a smokestack – impacts would be localized and limited in geographic scope.

244	Lemon Hill	<p>The EA found that large solar facilities exist in Minnesota, but that limited sales information was available. Consequently, the EA looked to academic studies. One study involved over 1,500 large-scale PV solar facilities in six states, including Minnesota, to determine whether home sale prices were impacted on properties within 0.5 miles of the solar facilities. The study looked at 1.8 million home sale transactions. The study found that, in Minnesota, homes within 0.5 miles of a “large scale” solar facility had a four percent (4%) reduction in home sale prices compared to homes 2 to 4 miles away from the facility. Adverse home sale prices were most prominent when the solar facility was developed on previously agricultural land, near homes in rural areas, or involved solar facilities that comprised 12 acres or more.</p> <p>In this case, the solar facility would comprise nearly 2,000 acres of agricultural land in two historically rural communities. The Project is significantly larger than a 12-acre facility (it is a 1,956-acre facility). In addition, there are three residences located within the Project boundary and an additional 65 residences located on parcels adjacent to or near the Project (i.e., where physical structures would be constructed). Despite the cited study looking at home values within .05 miles of large solar projects, the EA did not identify how many homes are within 0.5 miles of this Project.</p>
245	Lemon Hill	<p>In this case, the solar facility would comprise approximately 963 to 1,067 acres within a Site of nearly 2,000 acres of mostly agricultural land in two historically rural communities. The Project is significantly larger than a 12-acre facility (it is a 1,956-acre facility). In addition, there are three residences located within the Project boundary and an additional 65 residences located on parcels adjacent to or near the Project (i.e., where physical structures would be constructed). Despite the cited study looking at home values within .05 miles of large solar projects, the EA did not identify how many noted that there are 68 homes are within 0.56 miles of this Project.</p>
246	Lemon Hill	<p>The EA cited another study outside of Minnesota and found that proximity to a solar farm leads to depreciation of 1.7 to 5.4 percent in property values.</p>
247	Lemon Hill	<p>Despite this evidence, EIP staff concluded:²⁰²</p> <p>Impacts to Several members of the public offered comments regarding the potential of the Project to impact property values within the local vicinity would occur, however, changes to a .²⁶⁷ While impacts to specific property's value property values are difficult to determine. Because of this uncertainty, impacts to specific properties in the project local vicinity could be minimal to moderate and are expected to decrease with distance and over time.</p>

248	Lemon Hill	The Judge rejects EIP staff's subjective conclusion that impacts would be "minimal to moderate" as being unsupported by the evidence in the record. There are at least 68 residences in or near the Project facilities. 294 The studies cited in the EA, corroborated by public comments, establish that a large-scale, 1,956-acre solar Project would impose significant negative impacts on at least 68 residences in the Project Area and in close proximity to the Project or Project facilities.
248	PUC EIP	The Judge rejects EIP staff's subjective conclusion that impacts would be "minimal to moderate" <u>the characterization of impacts in the EA</u> as being unsupported by the evidence in the record. There are at least 68 residences in or near the Project facilities. The studies cited in the EA, corroborated by public comments, establish that a large-scale, 1,956-acre solar Project would impose significant negative impacts on at least 68 residences in the Project Area and in close proximity to the Project or Project facilities.
New	Lemon Hill	<u>Significant negative impacts to property values in the Project vicinity are not anticipated based on analysis of other utility-scale solar projects.</u>
New	Lemon Hill	<u>Aesthetics can impact property values; the presence of tree cover both on and off the homeowner's property can result in increases to property values. Aesthetic impacts to property values would be limited to residences and parcels in the Project vicinity where the solar panels are easily visible and where adequate vegetative screening is lacking.</u>
New	Lemon Hill	<u>Applicant provided pre-filed direct expert testimony from Sonia K. Singh, MAI, a CohnReznick Advisory LLC managing director and Certified General Real Estate Appraiser licensed in Minnesota, who has more than 14 years of real estate appraisal experience and has performed valuation impact studies involving solar farms and other land-use influences. Her testimony was submitted on behalf of Lemon Hill and addressed whether the Project would affect values of surrounding properties. Ms. Singh's analysis reviewed academic and peer-authored studies, prior solar impact studies, paired-sales data, assessor and market-participant interviews, and site-specific factors for the Lemon Hill area, including land development trends, nearby sales, and local demographic and economic data. The paired sales analysis focused on homes sharing a property boundary with existing solar facilities, including transactions where the homes were approximately 75 to 660 feet from solar panels to the lot line and approximately 120 to 940 feet from solar panels to the residence. Ms. Singh also evaluated both residential and agricultural properties and interviewed more than 75 county and township assessors and numerous real estate agents familiar with sales near solar projects. Based on this data, Ms. Singh concluded that the Project is not expected to negatively affect adjacent property values. She testified that transactional data for properties immediately adjacent to solar facilities did not show a</u>

		measurable and consistent negative impact on adjacent property values, and therefore no diminution in value to surrounding properties is anticipated from the proposed development.
New	Lemon Hill	<u>Property-value concerns would be mitigated indirectly by reducing aesthetic impacts and through vegetation-screening plans developed under Section 5.1 of the DSP.</u>
260	Lemon Hill	Potential impacts to the electrical grid and roads are anticipated to be short-term, intermittent, and localized during construction. There is potential for <u>moderate</u> to significant impacts to wells and pipelines, <u>but impacts can be mitigated with appropriate planning, site design, setbacks, and protection plans.</u> Overall, construction-related impacts are expected to be minimal, and are associated with possible traffic delays.
266	Lemon Hill	Applicant opposes DSP Section 5.7, which requires coordination with the Magellan Pipeline Company. Applicant contends <u>stated</u> that it has already coordinated with Magellan by entering into pipeline crossing and encroachment agreements. The EIP nonetheless supports the inclusion of Section 5.7 and Section 5.7 is consistent with language adopted in a prior solar permit. <u>In an effort to narrow issues before the Commission, the Applicant accepts inclusion of Section 5.7.</u>
New	Lemon Hill	<u>Construction of the Project is expected to increase spending at local businesses for lodging, food, fuel, transportation, and general supplies.</u>
267	PUC EIP	According to the EA, the ROI for the socioeconomic factor is the Project “region.” The “region” is the area of <u>Olmsted County.</u>
268	Lemon Hill	Applicant anticipates that the Project may produce “up to” 200 temporary jobs during construction and only installation jobs and three to five permanent jobs during operation. Applicant has not committed to using only union labor and acknowledges that it may be necessary to import specialized labor from outside the state to fill its construction and operational needs. O&M positions will be needed for the Project.
269	Lemon Hill	Once operational, Applicant would pay property taxes and production taxes on the land and energy production to local governments. The land is currently used for homestead and agriculture, so property taxes are already being paid on the land, rendering property tax benefits nominal. Class 3a land (commercial/industrial/public utility) has a tax rate just slightly higher than homestead/agricultural land (approximately 0.5 to 0.75 percent more), rendering the net amount of the benefit minimal. The value of the generation equipment is exempt from property taxes.
269	PUC EIP	Once operational, Applicant would pay property taxes and production taxes on the land and energy production to local governments. The land is currently used for homestead and agriculture, so property taxes are already being paid on the land, rendering property tax benefits nominal. Class 3a land (commercial/industrial/public utility) has a tax rate just slightly higher than homestead/agricultural land

		(approximately 0.5 to 0.75 percent more); rendering the net amount of the benefit minimal . The value of the generation equipment is exempt from property taxes.
New	Lemon Hill	<u>The Project is expected to increase local tax revenues through property taxes and production taxes, and the EA includes projected annual and life-of-project tax allocations for the state, Olmsted County, Haverhill Township, Viola Township, schools, and the fire district.</u>
New	Lemon Hill	<u>Members of the public expressed concern that the loss of agricultural land to the Project would adversely affect the local economy. Adverse socioeconomic impacts will be limited to the temporary loss of agricultural production on the land currently farmed; however, Lemon Hill indicates that these adverse impacts associated with the loss of agricultural land and agricultural production will be mitigated through lease, easement, or purchase payments to landowners.</u>
271	Lemon Hill and PUC EIP	It does not appear that EIP staff confirmed the accuracy of these figures:
272	Lemon Hill	The EA did not adequately evaluate the loss of socio-economic benefit to the Project area resulting from the removal of up to 1,956 acres of agricultural land (89 percent of which is currently being farmed) from the local economy. As members of the public explained, the loss of this land from agricultural production significantly impacts the local economy in terms of: less farmland available for farmers to farm; difficulty for farmers to find sufficient land to farm in the area; and impacts to local businesses such as equipment dealers, feed/seed/herbicide/pesticide suppliers, irrigation and application providers, insurance brokers/agents, etc.
272	Lemon Hill and PUC EIP	The EA did not adequately evaluate the loss of socio-economic benefit to the Project area resulting from the removal of up to approximately 939 to 1,031 acres of agricultural land to within a Site of 1,956 acres of agricultural land (89 percent of which is agricultural land currently being farmed or used for hay/pasture) from the local economy. As members of the public explained, the loss of this land from agricultural production significantly impacts the local economy in terms of: less farmland available for farmers to farm; difficulty for farmers to find sufficient land to farm in the area; and impacts to local businesses such as equipment dealers, feed/seed/herbicide/pesticide suppliers, irrigation and application providers, insurance brokers/agents, etc.
273	Lemon Hill	EIP staff explained at the public hearing that she was unable to estimate those types of losses. Instead, she looked at the potential for losses to bigger retailers in the Rochester region, 10-20 miles outside of the Project Area:

273	PUC EIP	<p>EIP staff explained at the public hearing that she was the EA discussed identified both the closest regional agricultural suppliers and dealerships to the proposed project and the local licensed agricultural operators.³²³ that there are no regional agricultural suppliers in the project area The majority of the regional agricultural suppliers and dealerships are located approximately 10 or more miles from the Project Site; the EA indicated that impacts to these suppliers and dealerships are not anticipated. Seven of the nine licensed agricultural operators within Haverhill and Viola Townships provide services that are not anticipated to be impacted by the removal of cropland from agricultural production; these services include bulk milk hauling, non-agricultural fertilizer application, structural pest control, and food handling at a dairy plant. The two remaining licensed agricultural operators within Haverhill and Viola Townships, a licensed grain buyer and permitted seed seller (DK Seed), may be impacted by the removal of cropland from agricultural production, but the extent of impacts is difficult to determine.³²⁴ Impacts to two local non-agricultural businesses, DK Seed Insul-Seal Home Insulation and the Stables Equestrian Center are also analyzed in the EA. unable to estimate those types of losses. Instead, she looked at the potential for losses to bigger retailers in the Rochester region, 10-20 miles outside of the Project Area.</p> <p>Although the EA does not adequately explore the economic impacts to the local economy resulting from taking between 939 and 1,956 acres out of agricultural production for 40 years, the EA concluded that “[s]ocioeconomic impacts are anticipated to be positive overall.” The evidence in the record does not support this conclusion. The evidence indicates that socioeconomic impacts to the local economy of removing this amount of farmland from production may well outweigh the local benefits attributable to the Project (i.e., minimal job creation and temporary benefits related to construction).</p>
274	Lemon Hill	<p>Although the EA does not adequately explore the economic impacts to the local economy resulting from taking between 939 and 1,956 <u>1,031</u> acres of agricultural land out of agricultural production for 40 years, the EA concluded that “[s]ocioeconomic impacts are anticipated to be positive overall.” The evidence in the record does not support this conclusion. The evidence indicates that socioeconomic impacts to the local economy of removing this amount of farmland from production may well outweigh the local benefits attributable to the Project (i.e., minimal job creation and temporary benefits related to construction).</p>
274	PUC EIP	<p>Although the EA does not adequately explore the economic impacts to the local economy resulting from taking between 939 and 1,956 <u>1,031</u> acres of agricultural land out of agricultural production for 40 years, the EA concluded that “[s]ocioeconomic impacts are anticipated to be positive overall.” The evidence in the record does not support this conclusion. The evidence indicates that socioeconomic impacts to the local economy of removing this amount of farmland from production may well outweigh the local benefits attributable to the Project (i.e., minimal job creation and temporary benefits related to construction).</p>
285	Lemon Hill	<p>Solar facility components are an extremely unlikely source of stray voltage for nearby livestock operations because they do not directly connect to local distribution systems, residences, or far³³¹ <u>farms</u>.</p>
317	Lemon Hill	<p>Using just the amount of agricultural land in the Preliminary Development Area, the Project would remove between 939 and 1,030 acres³⁷² of agricultural land from production for up to 40 years.³⁷³ Of that agricultural</p>

		land, between 880 and 967 acres is used for cultivated crops and is considered prime farmland. ³⁷⁴ Added to this are developed portions of the Site needed for transmission lines, collection corridors, roads and setbacks, which further limit the agricultural use of the Site (areas that were not measured and quantified in the EA), leaving only small, fractured remnants of land within the Site that may or may not be able to be used for agricultural uses. ³⁷⁵ However, these areas would be impacted by construction disturbances could affect soils or crops where construction access, underground collection lines, or equipment movement intersect agricultural areas.
317	PUC EIP	Using just the amount of agricultural land in the Preliminary Development Area, the Project would remove between 939 and 1,030 acres ³⁷⁸ of agricultural land from production for up to 40 years. ³⁷⁹ Of that agricultural land, between 880 and 967 acres is used for cultivated crops and between 59 and 64 acres is used for hay/pasture and is considered prime farmland. ³⁸⁰ Of the soils within the Preliminary Development Area, between 735 and 820 acres is designated as Prime Farmland. ³⁸¹ Added to this are developed portions of the Site needed for transmission lines, collection corridors, roads and setbacks, which further limit the agricultural use of the Site (areas that were not measured and quantified in the EA), leaving only small, fractured remnants of land within the Site that may or may not be able to be used for agricultural uses. ³⁸² However, these areas would could be impacted by construction disturbances that could affect soils or crops where construction access, underground collection lines, or equipment movement intersect agricultural areas.
New	Lemon Hill	The Project would remove approximately 880 to 967 acres of cropland from agricultural production for the life of the Project.
New	Lemon Hill	Cropland conversion would represent approximately 0.28 to 0.31 percent of existing agricultural land in Olmsted County, approximately 4.7 percent of existing agricultural land in Haverhill Township, and approximately 1.8 to 2.4 percent of existing agricultural land in Viola Township.
318	Lemon Hill	Subject to certain exceptions, the Prime Farmland Minnesota Rule, Minn. R. 7850.4400, subp. 4 (2023), prohibits LEPPs from being sited on more than 0.5 acre of prime farmland per MW of net generating capacity unless there is no feasible and prudent alternative to the proposed location. Economic considerations alone do not justify the use of more The Site includes approximately 1,179 acres of prime farmland. ³⁷⁷ , 148 acres of prime farmland if drained, and 365 acres of farmland of statewide importance. Given the 180 MW net generating capacity of the Project, the Prime Farmland Rule only allows this rule would allow use of up to 90 acres of prime farmland to be used for the Project (180 MW x 0.5 acres = 90 acres); absent an exception applying.

New	Lemon Hill	Because nearly all of the Preliminary Development Area is classified as prime farmland, prime farmland if drained, or farmland of statewide importance, the prime-farmland acreage exceeds the acreage threshold that would otherwise apply unless there is no feasible and prudent alternative.
New	Lemon Hill	With respect to prime farmland, Lemon Hill indicates that no feasible or prudent alternatives to the Project exist.
New	Lemon Hill	Lemon Hill evaluated alternative sites within five miles of the Site. Those alternative sites were ultimately ruled out because they were unable to meet the limit set in Minnesota Rule 7850.4400, subp. 4 that an energy generation facility should not occupy more than 0.5 acres of prime farmland per MW of net generating capacity. In addition, Lemon Hill evaluated the area within five miles of the proposed point of interconnection to determine if land was available and suitable for construction of the Project. The 5-mile search radius was largely driven by the economics of solar construction. A solar project of this size that requires more than five miles of new electrical transmission infrastructure to connect to existing grid infrastructure is generally uneconomical due to the costs of the new transmission infrastructure and the line losses that would be realized over distances greater than five miles. Optional sites that would require longer transmission facilities to connect a project to the grid would result in higher costs for tasks such as design, permitting, and construction. These sites would also necessitate completing a routing study, identifying possible suitable land and willing landowners, potentially impacting significantly more natural and cultural resources, creating additional visual impacts, and requiring additional operation and maintenance needs. Lemon Hill also assessed area beyond the five-mile radius to the entirety of Olmsted county, but found “no large tracts of non-prime farmland in Olmsted County” and the only areas of non-prime farmland within Olmsted County are associated with riparian areas.” Based on this analysis, there are no feasible and prudent alternatives to the Project. No alternate sites were proposed for consideration in the EA.
New	Lemon Hill	Agricultural operations outside the solar facility fence line are expected to continue, although localized temporary construction disturbances could affect soils or crops where construction access, underground collection lines, or equipment movement intersect agricultural areas.
319	Lemon Hill	According to Applicant's analysis, the Site is comprised of approximately 1,695 acres of prime farmland (1,179 acres of prime farmland, 148 acres of prime farmland if drained, and 365 acres of farmland of statewide importance). ³⁷⁸ Nearly all of the Preliminary Development Area is classified as prime farmland (681 acres, 75 percent), prime farmland if drained (54 acres, 6 percent), or farmland of statewide importance (185 acres, 20 percent), resulting in at least 920 acres of prime farmland being used for the

		Project. ³⁷⁹ Consequently, the amount of prime farmland acreage used for the exceeds the acreage threshold tenfold:
319	PUC EIP	According to Applicant's analysis, the Site is comprised of approximately 1,695 acres of prime farmland and farmland of statewide importance (1,179 acres of prime farmland, 148 acres of prime farmland if drained, and 365 acres of farmland of statewide importance). ³⁸⁵ Under both design scenarios, nearly all of the Preliminary Development Area is classified as prime farmland (approximately 684 to 763 acres, 75 71 percent), prime farmland if drained (approximately 54 53 to 57 acres, 5 to 6 percent), or farmland of statewide importance (approximately 184 to 1985 acres, 20-19 percent), resulting in at least 920-between 735 to 820 acres of prime farmland and 184 and 198 acres of farmland of statewide importance being used for the Project. ³⁸⁶ Consequently, the amount of prime farmland acreage used for the exceeds the acreage threshold tenfold eight- to ninefold.
320	Lemon Hill	Applicant has the burden to establish, by a preponderance of the evidence, that there are no feasible or prudent alternatives to the Project such that the Project is excluded from the Prime Farmland Rule:
321	Lemon Hill	Applicant asserts that it decided to propose a solar farm in southeast Minnesota because of the "high-quality solar resources" in the region (specifically, large, open, undeveloped, flat, non-forested, agricultural land with little to no habitat for protected species), willing landowners, and a point of interconnection (POI) (specifically the Dairyland 161 kV line). Applicant evaluated an unspecified number of "alternative sites" within five miles of the chosen Site.
322	Lemon Hill	All unspecified alternatives were ruled out because they would not comply with the Prime Farmland Rule (meaning that the alternatives, like the Site, would require using more than 90 acres of prime farmland): Applicant did not explain how much prime farmland each "alternative" would require or state that the proposed Site resulted in the least amount of prime farmland to be used. Nor did Applicant discuss whether these sites are located in areas of karst geology or along the Decorah Edge.
323	Lemon Hill	Applicant only reviewed land within a five-mile radius of the Dairyland 161 kV line. Applicant flatly admits that the search area was "largely driven by the economics of solar construction." If a project required more than five miles of new electrical transmission infrastructure to connect to an existing grid infrastructure, it was considered "uneconomical." It would require higher costs for design, permitting, and construction; a routing study; finding landowners willing to lease land; and more operational and maintenance needs. According to Applicant, "[n]early all land in Minnesota considered highly suitable for solar energy development is also classified as prime farmland." Therefore, "[w]illing landowner participation and

		transmission interconnection opportunities were the most significant factors” in choosing the Site “verses non-prime farmland.” Applicant contends that the Site chosen was “superior to the other evaluated sites” for an unspecified “variety of reasons.” Based on this general and unspecified analysis, Applicant concluded that there were no feasible and prudent alternatives to the Project.
324	Lemon Hill	Applicant’s analysis of the Prime Farmland Rule was cursory, unspecific, purposefully vague, and focused exclusively on its own economic considerations, which cannot, by the express terms of the Rule, support the use of prime farmland for utility siting.
324	PUC EIP	Applicant’s analysis of the Prime Farmland Rule was cursory, unspecific, purposefully vague, and focused exclusively on its own economic considerations, which cannot, by the express terms of the Rule, support the use of prime farmland for utility siting similar to analysis provided for other permitted solar projects sited on prime farmland in southern Minnesota
325	Lemon Hill	The EA found that local landowners can benefit financially from the Project if they want to rent out their land to Applicant because energy companies offer competitive rents. This mostly benefits non-resident and non-farmer landowners. However, over a third of farmers in Olmsted County are tenant farmers and depend on rented land for their business. Thus, when utility companies offer higher rents, these farmers lose land to farm and it drives up the cost to rent land in the area. Consequently, when local agricultural land is leased for a solar facility, tenant farmers lose access to land needed to make a profit and can experience considerable negative economic impacts. The Project would take nearly five percent of the existing cropland in Haverhill Township and up to 2.4 percent of cropland in Viola Township out of production for up to 40 years. (This does not include the pasture land taken.)
325	PUC EIP	The EA found that local landowners can benefit financially from the Project if they want to rent out their land to Applicant because energy companies offer competitive rents. This mostly benefits non-resident and non-farmer landowners. However, over a third of farmers in Olmsted County are tenant farmers and depend on rented land for their business. Thus, when utility companies offer higher rents, these farmers lose land to farm and it drives up the cost to rent land in the area. Consequently, when the majority of local agricultural land is leased for a solar facility, tenant farmers lose access to land needed to make a profit and can experience considerable negative economic impacts. The Project would take nearly five percent of the existing cropland in Haverhill Township and up to 2.4 percent of cropland in Viola Township out of production for up to 40 years. (This does not include the pasture land taken.)
326	Lemon Hill	The Project is not expected to remove access to specialized agricultural resources such as specialty crops or apiaries, and no specialty crops or beehives were identified in the Site.

327	Lemon Hill	The removal of up to nearly 2,000 acres of agricultural land from production (1,695 of that being classified as prime farmland) would also have impact on local agri-businesses, such as seed, fertilizer, and equipment dealers, agricultural service providers (e.g., applicators and haulers), and agricultural product sales. The EA looked mostly to dealers in Rochester, which most commenters disputed as not within the local area.
327	PUC EIP	The removal of up to nearly 2,000 <u>between 903 to 1,030</u> acres of agricultural land from production (1,695 <u>735 to 820</u> acres of that being classified as prime farmland) would also have impact on local agri-businesses, such as seed, fertilizer, and equipment dealers, agricultural service providers (e.g., applicators and haulers), and agricultural product sales. The EA looked mostly to dealers in Rochester, which most commenters disputed as not within the local area <u>analyzed impacts to the closest regional agricultural suppliers and dealerships to the proposed project and the local licensed agricultural operators located within Haverhill and Viola Townships.</u>
328	Lemon Hill	The Project would take up to 930-1,030 acres of agricultural land out of production for up to 40 years. After that time, impacts <u>Impacts</u> to drain tile, soil structure, drainage, or managed erosion-control features could affect future agricultural production if not properly avoided, repaired, or restored.
329	Lemon Hill	Given the significant loss of agricultural land that would result from the Project and the resulting losses to the local agricultural economy, the Judge finds that the land-based economic impacts are significant, long-term, and unavoidable should the Project be permitted.
New	Lemon Hill	The Project is not expected to remove access to specialized agricultural resources such as specialty crops or apiaries, and no specialty crops or beehives were identified in the Site.
330	Lemon Hill	<u>Lemon Hill has taken steps to minimize agricultural impacts.</u> Sections 4.3.9 (Topsoil Protection), 4.3.10 (Soil Compaction), 4.3.11 (Soil Erosion and Sediment Control), 4.3.16 (Beneficial Habitat), 4.3.17 (Vegetation Management Plan), 4.3.18 (Agricultural Impact Mitigation Plan), 4.3.20 (Invasive Species), 4.3.21 (Noxious Weeds), 4.3.25 (Drainage Tiles), and 4.3.29 (Damages) of the DSP require mitigation through topsoil protection and segregation, minimization of soil compaction. The MPCA also recommended, MPCA- <u>recommended</u> erosion and sediment control practices, a Construction Stormwater (CSW) Permit and Stormwater Pollution Prevention Plan (SWPPP), site restoration and management practices, a VMP, and an AIMP.
331	Lemon Hill	The AIMP would address soil compaction, topsoil preservation, noxious weeds and invasive species, drain-tile maintenance and repair, vegetation establishment, and restoration so that the land can return to agricultural use. <u>In its Response to Hearing Comments</u> , EIP staff propose <u>proposed</u> that Section 4.3.18

		(Agricultural Impact Mitigation Plan) be revised to require the permittee to provide a copy of the AIMP to townships. ³⁹⁴ No additional mitigation is proposed in the EA.
New	Lemon Hill	Drainage-tile impacts would be mitigated through permit conditions requiring avoidance, repair, rerouting, or replacement of drainage tiles broken or damaged during the Project life.
New	Lemon Hill	Construction BMPs include regular inspections during earthmoving, preventing soil-profile mixing, monitoring compaction, halting construction during wet weather, ensuring proper drainage and erosion control, and cleaning equipment to limit invasive species. No additional mitigation is proposed in the EA.
336	Lemon Hill	Tourism-related traffic impacts would be mitigated through a traffic-control plan required by a special permit condition, including mitigation of traffic impacts during local events such as Viola's Gopher Count Celebration
353	Lemon Hill	The ROI for geology and groundwater is the Land Control Area. Because of the presence of karst terrain and the proximity of the Decorah Edge within this area, there is potential for both direct and indirect impacts to groundwater related to both construction and operation of the Project. While impacts to geology are not "anticipated" (no accident is anticipated), construction and operational impacts to surface water could indirectly affect groundwater and would be exacerbated by the unique geological aspects of the Project Site.
353	PUC EIP	The ROI for geology and groundwater is the Land Control Area. Because of the presence of karst terrain and the proximity of the Decorah Edge within this area, there is potential for both direct and indirect impacts to groundwater related to both construction and operation of the Project. The EA characterizes impacts to groundwater as minimal to moderate. White-I impacts to geology are not "anticipated." (no accident is anticipated); eConstruction and operational impacts to surface water could indirectly affect groundwater and would be exacerbated by the unique geological aspects of the Project Site.
354	Lemon Hill	The Site is located in an area with two important geographical features: karst topography and the Decorah Edge.
355	Lemon Hill	The entire Site is located squarely within Minnesota's karst Province (Province 3), a region of the state particularly prone to surface karst development, as the figure below demonstrates:
356	Lemon Hill	Karst topography terrain is a type of landscape that develops from the dissolution of underlying bedrock. The dissolution of bedrock commonly results in subsurface fractures, cavities voids, conduits, springs, caves, and sinkholes. Karst is common throughout southeast Minnesota. The majority of Olmsted County, approximately 83 percent, is classified by the MDNR as areas prone to surface karst development. ⁴¹⁹³⁸⁷Construction projects in karst terrain can pose a number of risks. Most specific to this Project, karst Karst

		features have the potential to rapidly transmit contaminants from the land surface into the groundwater system, and the dissolution of bedrock can result in subsidence and sinkhole formation, which can pose a hazard to infrastructure. Thus, any introduction of contaminants onto the surface and surface waters could be quickly and widely disbursed to groundwater because of the karst topography. ^{420 388}
357	Lemon Hill	As the EA noted, the shallow depth to groundwater within the Site means that any spills on the surface would rapidly move into the aquifer. In the event of a contaminant spill or release, impacts would be significant due to the Project's location within an area prone to karst surface development and the presence of existing karst features within the Site.
358	Lemon Hill	A number of public commenters have raised concerns regarding the risks of siting the Project in the proposed area given the area's karst terrain. This topic was included in the EA Scoping Decision and evaluated in the EA, solely by EIP staff relying on reports submitted by Applicant.
358	PUC EIP	A number of public commenters raised concerns regarding the risks of siting the Project in the proposed area given the area's karst terrain. ⁴³⁰ This topic was included in the EA Scoping Decision and evaluated in the EA, solely by EIP staff relying on utilizing reports submitted by publicly available resources provided by the MDNR and MPCA, scientific literature, and the Applicant's Karst Survey Report and Karst Construction Management Plan.
359	Lemon Hill	The Decorah Edge is also within the Project Site. The Decorah Edge is a geological feature that provides two important functions: it is a groundwater recharge area and a natural filtration system to remove pollutants from water flowing through the soils and vegetation that overlie the clay-rich shale bed in the area. The filtration that the Decorah Edge provides is a valuable economic asset for the region as approximately half of Rochester's drinking water is replenished by it, saving Rochester as much as \$5 million a year in water filtration. This geographical formation is a critical groundwater recharge area for 16 communities in southeastern Minnesota. Consequently, the Decorah Edge has regional importance. As figure below shows, the Site sits directly above the Decorah Edge:
360	Lemon Hill	Because the Project is in a karst region area and sits along includes the Decorah Edge, the EA identifies potential direct and indirect groundwater impacts from construction and operation. of the Project. 425 This is particularly important given the number of private wells in the area: four documented and one undocumented in the Land Control Area; and 72 wells within 0.5-mile of the Site (62 documented and nine undocumented). These wells are particularly vulnerable to construction impacts, especially in a karst region. 426 The Project is also within two watersheds: Greater Zumbro River Watershed and Mississippi River

		Winona/La Crescent Watershed-427. ³⁹¹ The EA also considered the karst assessment and mitigation proposed by Lemon Hill.
360	PUC EIP	Because the Project is in a karst region and sits along the Decorah Edge, the EA identifies potential direct and indirect groundwater impacts from construction and operation of the Project. ⁴³³ This is particularly important given the number of private wells in the area: four documented and one undocumented in the Land Control Area; and 72 wells within 0.5-mile of the Site (62 documented and nine undocumented). These wells are particularly vulnerable to construction impacts, especially in a karst region. ⁴³⁴ The Project is also within two watersheds: Greater Zumbro River Watershed and Mississippi River Winona/La Crescent Watershed.
361	Lemon Hill	The Project is located in an area where groundwater is particularly vulnerable to contamination from surface pollutants. Normal methodology for assigning near-surface pollution sensitivity cannot be applied to karst because karst allows direct and very rapid exchange between surface water and ground water. Nitrate contamination is already an issue in rural Minnesota due to fertilizers. The Project is specifically within a MPCA-designated vulnerable groundwater area associated with the Minnesota Feedlot Program. The vulnerability of the area is particularly concerning due to the karst geology underlying the surface.
361	PUC EIP	The Project is located in an area where groundwater is particularly vulnerable to contamination from surface pollutants. Normal methodology for assigning near-surface pollution sensitivity cannot be applied to karst because karst allows direct and very rapid exchange between surface water and ground water. Nitrate contamination is already an issue in rural Minnesota due to fertilizers. The Project is specifically within a MPCA-designated vulnerable groundwater area associated with the Minnesota Feedlot Program. This designation means that groundwater within the area is vulnerable to land application of manure. The vulnerability of the area is particularly concerning due to the karst geology underlying the surface.
362	Lemon Hill	Potential impacts to the Decorah Edge are primarily associated with activities that could alter groundwater recharge and discharge, stormwater infiltration patterns, soil stability, or water quality. Construction activities and disturbance of the land can increase erosion, cause soil compaction, affect stormwater flow, introduce pollutants, modify sediment transport, and affect groundwater movement, all reducing the effectiveness of the natural filtration provided by the Decorah Edge.
363	Lemon Hill	The concern with groundwater contamination in karst areas is that, due to permeability of the ground, any contamination on the surface or in the shallow groundwater can quickly migrate from the surface to the aquifer. Because groundwater is shallow and the Site contains karst features, a spill or contamination

		event could be significant. Consequently, avoidance of karst features is the primary mitigation measure when it comes to projects like this:
364	Lemon Hill	With respect to identifying and mitigating karst risks, the EA relied heavily on the karst assessments prepared by Applicant. Applicant Lemon Hill completed a desktop and field survey for the Project Area to identify karst features and characterize the risk level of karst features becoming unstable or accelerating their growth. ⁴³⁴ Applicant later discovered that ³⁹² As noted in Lemon Hill's December 8, 2025 Scoping Comments, there were three project parcels that were not included in the original karst Karst Assessment. As a result, Applicant Lemon Hill submitted an updated karst Karst Survey Report on June 25, 2026 (after the EA), that incorporated additional parcels and easement areas. ⁴³² Together, the Reports identified only two verified karst features that are very low risk since they present as small depressions ranging in size from a few feet in length, width and depth, and are typically flush with the ground exhibiting minor/major soil raveling but no open throat.
364	Lemon Hill	With respect to identifying and mitigating karst risks, the EA utilized resources provided by the MDNR and MPCA, scientific literature, and the Applicant's Karst Survey Report and Karst Construction Management Plan. relied heavily on the karst assessments prepared by Applicant. Applicant completed a desktop and field survey for the Project Area to identify karst features and characterize the risk level of karst features becoming unstable or accelerating their growth. ⁴³⁹ Applicant later discovered that there were three project parcels that were not included in the original karst Assessment. As a result, Applicant submitted an updated karst Survey Report on June 25, 2026 (after the EA) that incorporated additional parcels and easement areas.
New	Lemon Hill	Based on the findings of the Karst Assessment, Lemon Hill developed a Karst Construction Management Plan for the Site. ³⁹⁴ The Karst Construction Management Plan describes the karst assessment, construction management, and remediation/mitigation protocols proposed for the construction of the Lemon Hill site. Under the Karst Construction Management Plan, prior to construction, desktop reviews and field surveys will be conducted to identify and map karst features and assign risk rankings, which inform project design and management strategies. During construction, a two-tier inspection system will be used: on-site staff initially screen for features such as sinkholes or subsidence, and if concerns arise, a qualified karst specialist conducts detailed evaluations using techniques like visual assessments, geophysical testing, or drilling. Construction work will be halted near suspect features until they are properly assessed.
New	Lemon Hill	The Karst Construction Management Plan prescribes avoiding disturbance to high-risk karst features wherever feasible. Avoidance is principally achieved through physical setbacks, including a recommended 50-foot no-disturbance buffer around sinkholes and a 150-foot buffer around sinkholes where activities

		<p>such as fueling or chemical storage are limited. Construction BMPs include ongoing visual inspections, minimizing grading impacts, avoiding grade cuts below sinkhole bottoms to prevent reactivation, and maintaining natural drainage patterns. Surface water controls will be utilized to prevent runoff from entering karst openings, and karst features will not be used for disposal of water or materials.</p> <p>To protect groundwater, the Karst Construction Management Plan provides for strict management of potential contaminants, including fuels and chemicals, supported by spill prevention and stormwater pollution plans. Monitoring will continue throughout construction, and any changes in identified features—such as subsidence, collapse, or increased infiltration—trigger work stoppages and further evaluation. For low-risk features, the plan generally recommends grading over and monitoring, while higher-risk features, if identified, may require remediation. A common remediation technique is the installation of a reverse graded (inverted) filter system, which stabilizes sinkholes while allowing controlled water flow. Cap grouting is another common method used to fill voids and strengthen subsurface conditions.</p>
New	Lemon Hill	<p>Applicant's preliminary review identified 18 suspected karst features; whereas, the follow-up report identified only two karst features having provenance (the other 16 were dismissed as relating to drain-tile or farm activities).⁴³³ The final report, combining the 2025 desktop review and field survey, and the 2026 field survey (adding new parcels), concluded that the two karst features identified present low risk:</p> <p>DNR field surveys identified one sinkhole, two drain tile outlets, one verified spring, and 12 unverified springs, for a total of 18 karst features in the Site.</p>
366	Lemon Hill	Based on its assessment reports, Applicant developed a karst Construction Management Plan for the Site:
367	Lemon Hill	Because of the shallow depth-to-groundwater depth to groundwater in some areas of the Project, dewatering may be required during construction. Dewatering would will be discharged to the surface to allow it to infiltrate back into the ground, minimizing impacts. If dewatering exceeds 10,000 gallons of water per day, a MDNR water appropriation permit would will be obtained for the Project.
368	Lemon Hill	The EA concluded that, based upon the presence of karst features and the location of the Decorah Edge, there could be direct and indirect impacts to groundwater. The bigger issue is the risk of significant groundwater contamination if a pollutant were to be introduced into the fragile karst subterranean and the Decorah Edge. ⁴³⁹ Consequently, the EA advised that avoidance of karst features altogether is the primary and most effective mitigation measure. However, because of the Site's location directly above karst terrain and along the Decorah Edge, the risk to groundwater is unavoidable should the Project be approved:
370	Lemon Hill	

370	PUC EIP	<p>The EA concluded that, based upon the presence of karst features and the location of the Decorah Edge, there could be direct and indirect impacts to groundwater. <u>Direct and indirect impacts are anticipated to be minimal to moderate.</u> The bigger issue is the risk of significant groundwater contamination if a pollutant were to be introduced into the fragile karst subterrain and the Decorah Edge.⁴⁴⁷ Consequently, the EA advised that avoidance of karst features altogether during project planning, design, and construction is the primary and most effective mitigation measure. However, because of the Site's location directly above karst terrain and along the Decorah Edge, the risk to groundwater is unavoidable should the Project be approved.</p> <p><u>Most residents in the surrounding rural area have private septic systems and domestic wells. The Minnesota Well Index (MWI) identified four located wells and one unlocated well within the Site. The unlocated well is at the edge of an array block in the northwestern portion of the Site. It is possible there are more wells that do not have records in the MWI within the Site. In addition, collection lines installed within the public road right-of-way (ROW) may pass near wells that are outside of the Site. There are 72 wells located outside of the Site within 0.5 miles of the Project (63 located wells and nine unlocated wells).</u></p> <p><u>As set forth in Evan Christianson's Direct Testimony "construction is not likely to affect the use of existing water wells."</u>⁴⁰¹ Mr. Christianson further opines this Project will likely improve, rather than adversely impact, the area's drinking water quality and groundwater."</p> <p>The EA recommended several other mitigation measures, including <u>Lemon Hill has taken steps to minimize or mitigate impacts to geology and groundwater. Mitigation of potential impacts to geology and groundwater includes geotechnical investigation, stormwater management appropriate for karst, adherence to the karst Karst Construction Management Plan, monitoring of karst features, buffers around active karst features, spill prevention, and dewatering planning</u></p>
New	Lemon Hill	
New	Lemon Hill	
New	Lemon Hill	
372	Lemon Hill	<p>Section 5.10 of the DSP requires the permittee to notify nearby domestic well users in the event of a spill or leak of potential contaminants such as fuel or oil. Applicant <u>In its Response to the EA, Lemon Hill opposed this condition.</u>⁴⁴² EIP staff support Section 5.10 of the DSP and Section 5.10 is consistent with language adopted in a prior solar permit.⁴⁴³ because as Mr. Christianson's testimony asserts construction of the Project is not likely to affect the use of existing water wells and the Project will likely improve, rather than adversely impact, the area's drinking water quality and groundwater.⁴⁰⁴ Additionally, Lemon Hill has developed a Karst Construction Management Plan for the Project. The Plan includes strict management of potential contaminants, including fuels and chemicals, and the plan is supported by spill prevention and stormwater plans.</p>

373	Lemon Hill	<p>Section 5.11 of the DSP requires the permittee to file a geotechnical investigation report prepared by a third-party geotechnical engineer or authorized representative. Applicant<u>In its Response to the EA, Lemon Hill requested that this permit condition be revised to conform with its karst</u>Lemon Hill's Karst Construction Management Plan. ⁴⁴⁴EIP staff did not support Applicant's requested revisions to Section 5.11 and noted that Section 5.11 is consistent with language adopted in a prior solar permit.⁴⁴⁵EIP staff propose that this permit condition be revised to require the permittee to apply the distance and activity restrictions from documented active karst features to any temporary workspaces as defined in Section 4.3.6 (Temporary Workspace) of the DSP.</p>
374	Lemon Hill	<p>Section 5.12 of the DSP requires the permittee to develop a dewatering plan in the event dewatering is required for project construction; and Permittee. <u>The permittee</u> is required to provide training to personnel directly involved with discharge activities.</p>
375	Lemon Hill	<p>Section 5.13 requires the permittee to provide the Commission, Olmsted County, Haverhill Township, and Viola Township with plan for the use, storage, and disposal of any chemicals used in the cleaning of panels. Applicant has<u>In its Response to the EA, Lemon Hill committed to not using chemicals to clean solar panels at the facility and to only using organic chemicals for any cleaning activities.</u> ⁴⁴⁷EIP staff suggested that Section 5.13 be revised to document Applicant's Lemon Hill proposed limited revisions to this permit condition to match these commitments. ⁴⁰⁷ <u>In its Response to Hearing Comments, EIP staff proposed that this permit condition be revised to include Lemon Hill's commitment to using organic chemicals.</u></p>
376	Lemon Hill	<p>Section 5.14 (Decorah Edge Protection Plan) of the DSP was proposed by the EIP as a means of protecting the Decorah Edge, but Applicant has not agreed to this condition. Instead, Applicant asserts that it would avoid wetlands and that such mitigation is sufficient to protect the Decorah Edge. The Judge disagrees. Should the Commission grant the permit, it is recommended that Section 5.14 be included in the site permit.as outlined in the Olmsted County Ordinance, another effective means of minimizing impacts is to avoid impacts to wetlands, which Lemon Hill has designed the Project to avoid, as evidenced by the no-loss determination from Olmsted County. ⁴¹⁰ Therefore, no additional mitigation is required.</p>
377	Lemon Hill	<p>Section 5.15 of the DSP requires the permittee to establish baseline water quality in shallow drinking water wells (wells less than 100 feet deep) within 500 feet of the Project prior to construction. ⁴⁵¹Applicant ⁴¹¹ <u>In its Response to the EA, Lemon Hill objects to this proposed special condition because it. Pre-construction surveying confirms there are two wells that satisfy the criteria established by this draft special condition; however, as drafted, this special condition requires access to these areas where landowners may not grant access,</u> which may not be granted by the landowners. Lemon Hill acknowledged the MDH Public Comment</p>

		<p>filed on June 23, 2026, in which MDH also recommended recommends baseline water quality monitoring based on the karst geological features in the area. Applicant subsequently met However, Lemon Hill notes that MDH's Public Comment does not identify any specific risks to water quality posed by the construction and/or operation of the Project. In fact, as set forth in Evan Christianson's Direct Testimony "construction is not likely to affect the use of existing water wells."⁴¹² Mr. Christianson further opines that this special condition "is unnecessary given the likely improvement, rather than adverse impact, to the area's drinking water quality and groundwater."</p> <p>Additionally, according to the EA, the Project will create relatively limited permanent impervious surface area, and Lemon Hill will implement appropriate avoidance and minimization BMPs. As such, construction and operation of the Project is not anticipated to impact the hydrological function, groundwater recharge capacity, or water quality protection functions of the Decorah Edge.</p> <p>MDH also recommended baseline water quality monitoring based on the karst geological features in the area. Applicant subsequently met with MDH and provided MDH's In its Response to Public Hearing Comments, Lemon Hill describes meeting with MDH to discuss MDH's recommendations. MDH committed to providing a supplemental letter following these meetings.⁴¹⁵ Lemon Hill filed a letter attaching updated recommendations via a letter dated July 7, 2026. MDH's updated letter made the following conclusions and recommendations:⁴⁵² from MDH and responding to those recommendations on July 30, 2026</p> <ul style="list-style-type: none"> • Importantly, MDH's updated letter acknowledges the karst avoidance measures summarized described in the EA, DSP, and karst Karst Construction Management Plan are "adequate and align with" MPCA best management practices (BMPs). Consequently, MDH defers to MPCA BMPs for mitigating impacts to karst landscapes and aquifers. MDH also encouraged groundwater sampling and private well owner notifications in the event of spills. • MDH continues to recommend completing groundwater sampling for nitrates, pesticides, herbicides, metals, and volatile organic compounds at accessible nearby wells before, during, and after construction. • MDH expects nearby private well owners to be contacted in the event of a fuel spill or any other unexpected release.
NEW	Lemon Hill	
378	Lemon Hill	

404	Lemon Hill	<p>The MDNR recommended the Applicant increase the minimum panel height to incorporate taller stature grasses and forbs, resulting in a more resilient and diverse native seed mix. The Applicant rejects that recommendation, assertingstated that increasing the height of the panels would increase the length of mounting piles, significantly increasing the amount of steel required for the Project. Higher panels would also increase torque on the posts from wind loads on the racking system, adding complexity and additional safety risks during construction and operation due to higher working heights. Lastly, higher panels would result in more grading because the pile height tolerance would be narrower, meaning the ground would need to be more level to accommodate the racking. For these reasons, Applicant refuses to increaseobjected to increasing the height of the solar panels in response to the MDNR's recommendation.</p>
405	Lemon Hill	<p>The EIP Staff, on behalf of the VMPWG, reviewed the Project's VMP and found it generally workable but requiring additional detail and refinement before approval. While the plan's goals—such as establishing perennial vegetation, supporting pollinators, and minimizing invasive species—are supported, the group recommends improvements including clearer site descriptions, more detailed vegetation management units, defined contractor qualifications, and a comprehensive schedule for planting and maintenance activities. The VMPWG also calls for stronger guidance on soil testing, seed selection and installation methods, weed and herbicide control, grazing practices, and adaptive management strategies, along with robust monitoring, reporting, and performance standards.</p>
405	PUC EIP	<p>The EIP Staff, on behalf of theVMPWG, reviewed the Project's VMP and found it generally workable but requiring additional detail and refinement before approval. While the plan's goals—such as establishing perennial vegetation, supporting pollinators, and minimizing invasive species—are supported, the group recommends improvements including clearer site descriptions, more detailed vegetation management units, defined contractor qualifications, and a comprehensive schedule for planting and maintenance activities. The VMPWG also calls for stronger guidance on soil testing, seed selection and installation methods, weed and herbicide control, grazing practices, and adaptive management strategies, along with robust monitoring, reporting, and performance standards.</p>
410	Lemon Hill	<p>Once restored in 40 years, the Site may provide native habitat for the life of the Project. The Project does not contribute to significant habitat loss or degradation or create new habitat edge effects. The introduction of PV panels and fencing creates the potential for bird collisions, deer injury or entrapment, and funneling wildlife towards roads in certain areas. Potential impacts can be mitigated in part through project design and BMPs.</p>
412	Lemon Hill	<p>Wildlife mitigation measures include native perennial vegetation, wildlife-friendly fencing coordination with the MDNR, chloride-free dust suppression, erosion-control materials without plastic or synthetic fibers or</p>

		malachite green dye, down-lit and shielded lighting, habitat features, and a 50-foot minimum setback from perimeter fencing to road ROWs. No additional mitigations measures were proposed in the EA.
415	Lemon Hill	Section 5.20 of the DSP requires the permittee to use erosion control materials that do not contain plastic or synthetic fibers or malachite green dye. Applicant expressed concern that this special condition limits its ability to use BMPs to control erosion. Applicant agreed to implement stormwater controls that limit the use of plastic or synthetic fiber; however, Applicant contends that there may be instances where use of these materials is necessary to comply with industry best practices and Applicant's obligations under the SWPPP. Based upon these concerns, Applicant proposed to revise the special condition to require the use of erosion control materials that do not contain plastic or synthetic fibers or malachite green dye to the extent practicable. EIP staff do not support Applicant's proposed revisions to Section 5.20 of the DSP, noting that Section 5.20 is consistent with language adopted for prior solar permits. Section 5.20 is supported by the MDNR, which rejects Applicant's revisions. Section 5.20 was subsequently revised after coordination between EIP staff and Applicant.
416	Lemon Hill	Section 5.21 of the DSP requires the permittee to coordinate with the MDNR on the design and use of small- to medium-sized animal permeable fencing around the Project. Applicant requested the removal of this permit condition because it is duplicative of the standard permit condition 4.3.32 regarding fencing. EIP staff do not support the removal of Section 5.21 of the DSP, noting that Section 5.21 is consistent with language adopted in a prior solar permit. Section 5.21 is supported by the MDNR.
418	Lemon Hill	Section 5.22 of the DSP requires the permittee to install appropriate habitat features that adhere to MDNR guidance within the Project and to file a Habitat Plan describing the features planned for the Project and how they would be maintained. Applicant requested the removal of this permit condition because the MDNR found that no state listed bat species were documented within the vicinity of the Project, and no additional species or rare and unique resources were otherwise included or observed. EIP staff do not support the removal of Section 5.22 of the DSP. Section 5.22 is supported by the MDNR. Because no state listed species were documented within the vicinity of the Project, the record does not support inclusion of Section 5.22.
420	Lemon Hill	Solar energy is not free from creating greenhouse gas (GHG) emissions. Manufacturing panels, constructing the facility, operating and maintaining the facilities, and eventually decommissioning the Project all produce GHG. The EA cited NREL research that estimates that approximately 60-70 percent of lifecycle GHG emissions come from upstream manufacturing and construction; 21-26 percent come from operation and maintenance; and 5-20 percent come from decommissioning and disposal.

421	Lemon Hill	Construction of the Project would create short-term greenhouse gas (GHG) emissions, estimated at approximately 3,635 tons of CO ₂ . At the same time, while operation of the Project would generate approximately 16 tons of CO ₂ annually from commuter vehicles, maintenance trucks, and electricity use. ⁵⁰⁴ Applicant contends that these emissions would be offset by displacing fossil fuel generation. ⁵⁰² Applicant expects that total Lemon Hill estimates that the Project would offset approximately 135,567 tons of CO₂ annually by displacing fossil-fuel generation. Total GHG emissions from construction and operation of the Project would be less than the potential are expected to be minimal compared with the long-term GHG reductions facilitated by the Project.
New	Lemon Hill	Relying on climate projections, the EA anticipates mid-century and late-century temperature increases in Olmsted County with variation in precipitation possible as a result. Warmer climate throughout the globe can mean greater risks from extreme rainfall, flooding, erosion, stronger storms, high winds, higher heat indexes, drought, and potential infrastructure damage to a solar farm.
423	Lemon Hill	Climate mitigation and resiliency measures include using maintaining equipment, reducing emissions during construction, designing panels and arrays for stronger storms and winds, planning for repair or replacement after storm damage, designing stormwater systems for heavy rainfall, designing electrical systems to resist flood damage, and using vegetation to reduce runoff, soil compaction controls, vegetated stormwater systems, AIMP measures, and VMP measures. ⁵⁰⁵ to reduce wet-soil impacts.
429	PUC EIP	Bald eagles may be affected if construction noise, particularly pile driving, disrupts nesting during the breeding season, and Applicant has not conducted eagle nest surveys. Applicant agrees to coordinate with U.S. Fish and Wildlife Service (USFWS) on whether surveys are needed and the USFWS will coordinate appropriate mitigation measures for bald eagles if necessary, this issue should be addressed with a permit condition should the Commission approve the Project. ⁵¹⁹ This issue should be addressed with a permit condition should the Commission approve the Project.
433	Lemon Hill	Section 5.25 requires the permittee to avoid tree and shrub removal during the Loggerhead Shrike breeding season, April through July. Applicant requested the removal of this permit condition because, while Loggerhead shrikes have been documented in the area around the Site, there have not been recent breeding observations in Olmsted County. ⁵¹⁶ Section 5.25 is reasonable and should be included in any site permit should the Commission approve a site permit.
439	Lemon Hill	Applicant is not required to analyze alternative sites under the alternative review process set forth in Minn. Stat. § 216E.04, subd. 4 (2023) and Minn. R. 7850.3100 (2023). ⁵²² However, Applicant is required to analyze alternative sites under Minn. R. 7850.4400, subp. 4, if it is proposing an exception from the Prime Farmland

		<p>Rule (which it is). Applicant states that it reviewed alternative sites for the Project but did not specifically identify those sites in its Prime Farmland Rule analysis. Minn. R. 7850.3100 provides that, if the applicant <u>unless it</u> has rejected alternative sites, the applicant shall include in the application the identity of the rejected sites and an explanation of the reasons for rejecting them.⁵²⁹</p> <p>Applicant did not provide the identity of the rejected sites in the Application and yet the Commission approved the Application as complete, thereby not requiring the identity of the alternative sites for purposes of the alternative site approval process. However, approval of the Application as complete does not exempt Applicant from its burden of proof under Minn. R. 7850.4400, subp. 4, to show by a preponderance of the evidence that there are no feasible or prudent alternatives. Thus, Applicant is not exempt from the Prime Farmland Rule and its burden of proof thereunder simply because the alternative site approval process does not require analysis of alternative sites. This circular analysis is rejected as it would essentially exempt all solar projects from the Prime Farmland Rule, something that neither the legislature nor the PUC has done by statute or rule.</p>
440	Lemon Hill	
451	Lemon Hill	<p>In the Application, Applicant <u>estimates</u> <u>estimated</u> the total cost to construct the Project to be in the range of \$187.5 million to \$252 million, as set forth below:</p>
452	PUC EIP	<p>The EA <u>changed</u> <u>updated</u> the <u>anticipated</u> operation costs to \$2 to \$3 million annually.⁵⁴² <u>The updated anticipated operation costs were provided by the Applicant in a data request.</u>⁵⁴³ <u>The EA also and included a the Applicant's salvage value estimate of \$5,854,203, as set forth below.</u>⁵⁴⁵</p>
454	PUC EIP	<p>Applicant confirmed that the estimated annual operation <u>and maintenance</u> cost is <u>\$1.52</u> to <u>\$23</u> million per year: <u>\$1.5 to \$2 million for equipment operations and maintenance, \$300,000 to \$500,000 for vegetation management, \$100,000 to \$200,000 for balance of plant maintenance, and \$100,000 to \$200,000 for NERC compliance.</u>⁵⁴⁷</p>
455	Lemon Hill	<p>The EA defines unavoidable impacts as resource impacts that cannot be avoided even with mitigation <u>strategies.</u>⁵³⁷ <u>Most adverse unavoidable impacts are associated with construction and would therefore be temporary.</u></p>
456	Lemon Hill	<p><u>The Project poses numerous and significant unavoidable impacts to humans and the natural environment.</u></p>
457	Lemon Hill	<p>Unavoidable <u>adverse effects associated with</u> construction <u>of the Project</u> impacts include <u>fugitive dust</u>, noise <u>disturbance</u>, visual disturbance, soil compaction and erosion, <u>vegetative vegetation clearing</u>, <u>wildlife disturbance</u>, and displacement, <u>and death of wildlife</u>, <u>injury or mortality</u>, <u>minor marginal habitat loss</u>, <u>temporary wetland impacts</u>, <u>possible</u> traffic delays, and <u>minor construction-related GHG emissions.</u> <u>These unavoidable impacts are largely temporary.</u>⁵⁴⁶ <u>500</u></p>

NEW	Lemon Hill	Unavoidable operational impacts lasting for the Project life include visual impacts, cultural impacts from changes in sense of place, loss of land for agricultural purposes, bird injury or death from PV panel collisions, wildlife injury or death from fencing, minor marginal habitat loss, infrequent maintenance vehicle trips, and potential decreases to property values.
458	Lemon Hill	However, the adverse unavoidable impacts associated with operation would be substantial and long term (lasting the life of the Project, up to 40 years). These unavoidable adverse impacts include: aesthetic and visual impacts; cultural change to the area from agricultural to industrial; loss of agricultural land and impacts on agri-economies; injury or death of birds and wildlife from PV panels and fencing; marginal habitat loss; decrease in property values, and substantial risk to groundwater due to the geological features of the area (karst terrain and Decorah Edge).
458	PUC EIP	However, the adverse unavoidable impacts associated with operation would be substantial and long term (lasting the life of the Project, up to 40 years). These unavoidable adverse impacts include: aesthetic and visual impacts; cultural change to the area from agricultural to industrial and the result change in the sense of place for local residents; loss of agricultural land and impacts on agri-economies; injury or death of birds and wildlife from PV panels and fencing; marginal habitat loss; infrequent vehicle trips from maintenance vehicles; and potential decrease in property values, and substantial risk to groundwater due to the geological features of the area (karst terrain and Decorah Edge).
459	Lemon Hill	The unavoidable impacts to animals and habitat can be minimized through mitigation. ⁵⁴⁹ However, the impacts to humans and the environment cannot. As the EA noted, avoidance of karst features is a primary mitigation measure. However, given that the Site is located entirely within known karst topography and along the Decorah Edge, the risks to groundwater contamination that the Project poses cannot be mitigated. While the risk of a contamination event may be low, should a contamination event occur, the groundwater impact would be substantial and widespread, potentially affecting the entire region. Consequently, this risk cannot be fully mitigated.
459	PUC EIP	The unavoidable impacts to animals and habitat can be minimized through mitigation. ⁵⁵¹ However, the impacts to humans and the environment cannot. As the EA noted, avoidance of karst features is a primary mitigation measure during project planning, design, and construction. However, given that the Site is located entirely within known karst topography and along the Decorah Edge, the risks to groundwater contamination that the Project poses cannot be mitigated. While the risk of a contamination event may be low, should a contamination event occur, the groundwater impact would be substantial significant due to the Site's location within an area prone to karst surface development and the presence of existing karst features and

		<p>the Decorah Edge and widespread, potentially affecting the entire region. Consequently, this risk cannot be fully mitigated. Impacts can be mitigated through application of appropriate construction and stormwater management BMPs for karst areas</p>
460	Lemon Hill	<p>Moreover, the long-term unavoidable impacts associated with the loss of nearly 2,000 acres of agricultural land cannot be understated. Minnesota has the Prime Farmland Rule for a reason—to protect Minnesota’s valuable agricultural land and resources from the impacts caused by utility proliferation. This Project violates the Prime Farmland Rule by converting more than ten times the amount of prime farmland allowed by law. This, in turn, negatively impacts the entire Project Area in permanent ways: it substantially changes the watershed and landscape of the area from rural, agricultural to industrial; it changes the culture of a historically agricultural community (as well as the residents’ sense of place); it causes substantial land use conflicts, particularly with Haverhill’s long-established land use and zoning regulation; and it decreases property values.</p>
460	PUC EIP	<p>Moreover, the long-term unavoidable impacts associated with the loss of approximately 936 to 1,067 acres (735 to 820 acres of which are designated Prime Farmland) within a Site of nearly 2,000 acres of mostly agricultural land cannot be understated. Minnesota has the Prime Farmland Rule for a reason – to protect Minnesota’s valuable agricultural land and resources from the impacts caused by utility proliferation. This Project violates the Prime Farmland Rule by converting more than ten times the amount of prime farmland allowed by law. This, in turn, negatively impacts the entire Project Area in permanent ways: it substantially changes the watershed and landscape of the area from rural, agricultural to industrial; it changes the culture of a historically agricultural community (as well as the residents’ sense of place); it causes substantial land use conflicts, particularly with Haverhill’s long-established land use and zoning regulation; and it decreases property values.</p>
461	Lemon Hill	<p>The analysis of cumulative unavoidable impacts to human settlement and the environment weigh against approval of the Application.</p>
465	Lemon Hill and EIP	<p>The Commission must consider the cumulative impacts and cumulative potential effects of the Project.</p>
466	Lemon Hill	<p>The Commission did not require that cumulative impacts be analyzed in the EA.⁵⁴⁷ It is unclear in the record why this was omitted from the Scoping Decision. These impacts are required and must be considered by the Commission.</p>
466	PUC EIP	<p>The Commission did not require that cumulative impacts be analyzed in the EA.⁵⁵⁸ Nonetheless cumulative potential effects are analyzed in the EA.⁵⁵⁹ It is unclear in the record why this was omitted from the Scoping</p>

467	Lemon Hill	<p><u>Decision. These impacts are required and must be considered by the Commission:</u></p> <p><u>Cumulative</u><u>The EA defines cumulative</u> potential effects <u>are or</u> impacts <u>as impacts</u> to the environment that results from:</p> <p>“the incremental effects of a project in addition to other projects in the environmentally relevant area that might reasonably be expected to affect the same environmental resources, including future projects actually planned or for which a basis of expectation has been laid <u>regardless of what person undertakes the other projects or what jurisdictions have authority over the projects...</u>”</p> <p>The “environmentally relevant area” includes locations where the potential effects of the project coincide with the potential effects of other projects to impact the elements studied in this EA. Generally, this area includes the ROI for the different resource elements</p> <p>Consideration of cumulative potential effects is intended to aid decision-makers so that they do not make decisions about a specific project in a vacuum. Effects that may be minimal in the context of a single project may accumulate and become significant when all projects are considered.</p> <p><u>Within Relying on data provided by Applicant and EIP staff, the EA identified and analyzed cumulative impacts for projects that are foreseeable in the next five years, the current and reasonably foreseeable future. Those projects include: (1) Dairyland’s Wabasha 161 kV Relocation Project (2026-2028), the relocation of approximately 13.3 miles of Dairyland’s rerouted LQ34 161 kV transmission line (the line to which the Project seeks to interconnect); (2) the, Hadley Valley Subdivision (2026-2029), a residential development; (3), Dairyland’s Gopher to Badger Link 765 kV Transmission Line (2031-2034), construction of approximately 34 miles of a new 765 kV transmission line from Rochester to Marion, Minnesota; and (4) Project, and Dairyland’s Switchyard (timeline unknown); construction of a 161 kV switchyard within the Project Site, adjacent to the Project substation (a required element of this the proposed Project switchyard). Dairyland’s Wabasha 161 kV Relocation Project is unlikely to result in cumulative impacts. The other three identified projects, if built, will likely result in cumulative impacts.⁵⁰⁷ The EA then examined these potential impacts to aesthetics, noise, property values, cultural values, archaeological and historic resources, natural resources, surface water and floodplains, and rare and unique resources.</u></p>
468	Lemon Hill	
469	Lemon Hill	
470	Lemon Hill	
471	PUC EIP	<p>It is unlikely that that Dairyland Wabasha Project would result in cumulative impacts with the proposed Project because of its distance. However, the other three projects are likely to result in <u>significant</u> cumulative potential impacts for the surrounding area. If the proposed Project, the Hadley Valley</p>

		Subdivision, the Gopher to Badger 765 kV Line, and the Dairyland Switchyard are all permitted, the Project Area and surrounding landscape would experience significant change. The most significant potential cumulative impacts include: (1) substantial change in aesthetics (the introduction of a solar farm, large 765 kV transmission lines and towers, and all associated facilities in an area that is currently predominantly rural and agricultural); (2) decrease in property values; (3) cultural change (due to the substantial change in character of the land from agricultural to more industrial/utility); (4) agricultural loss (the conversion of even more agricultural land to utility use); and (5) surface water changes (increase in impervious surface area and runoff rate).
New	Lemon Hill	<u>Generally, the EA found potential cumulative impacts will be minimal to moderate. The EA determined moderate to significant potential cumulative impacts with respect to property values, aesthetics, and cultural values, but the EA also levels of “uncertainty” in assigning moderate to significant potential impacts.</u> ⁵⁰⁹
471	Lemon Hill	It is unlikely that that Dairyland Wabasha Project would result in cumulative impacts with the proposed Project because of its distance. However, the other three projects are likely to result in significant cumulative potential impacts for the surrounding area. If the proposed Project, the Hadley Valley Subdivision, the Gopher to Badger 765 kV Line, and the Dairyland Switchyard are all permitted, the Project Area and surrounding landscape would experience significant change. The most significant impacts include: (1) substantial change in aesthetics (the introduction of a solar farm, large 765 kV transmission lines and towers, and all associated facilities in an area that is currently predominantly rural and agricultural); (2) decrease in property values; (3) cultural change (due to the substantial change in character of the land from agricultural to more industrial/utility); (4) agricultural loss (the conversion of even more agricultural land to utility use); and (5) surface water changes (increase in impervious surface area and runoff rate).
472	Lemon Hill	Given that the Project already violates the Prime Farmland Rule, the Commission should more carefully consider the cumulative impacts of these four projects. Because the Scoping Decision did not require the EIP to evaluate these cumulative impacts, the EA did a cursory evaluation of these impacts. Additional environmental review is necessary regarding these impacts.
472	PUC EIP	Given that the Project already violates the Prime Farmland Rule,^t The Commission should more carefully consider the cumulative impacts of these four projects. Because the Scoping Decision did not require the EIP to evaluate these cumulative impacts, the EA did a cursory evaluation of these impacts. Additional environmental review is necessary regarding these impacts.

476	Lemon Hill	The EA and DSP included various recommendations and potential site permit conditions related to the Project, to which Lemon Hill responded in its written comments. <u>After filing comments and prior to filing exceptions,</u> Lemon Hill agreed with EIP Staff's recommended DSP conditions <u>5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.12, 5.14, 5.15, 5.17, 5.18, 5.19, 5.21, and 5.24.</u>
478	Lemon Hill	The record does not support Applicant's proposed revisions to Section 5.1 of the DSP and, given the impacts to the general area, it is recommended that Applicant's revisions be rejected by the Commission.
479	Lemon Hill	The record supports EIP staff's proposed revisions to Section 5.1 of the DSP; <u>however, the record also supports removal of screening requirements for roadsides, as suggested by Applicant.</u>
481	Lemon Hill	Applicant proposes <u>proposed</u> several modifications to Section 5.2 (Noise Notification for Adjacent Residences) to better define the obligation without being overly restrictive. ⁵⁵⁸ ⁵¹⁵ Applicant claims the condition places an excessive burden on the Applicant, limiting flexibility to adjust to different needs during construction. Additionally, Applicant argues that the term "adjacent residences" is undefined and vague, which may lead to ambiguity in complying with this condition. Instead, Applicant prefers using the term "affected landowner" as defined in Section 4.1 of the DSP. Notwithstanding these concerns, Applicant commits to maintaining and updating a website to keep affected landowners informed of planned construction activities. ⁵⁵⁹ ⁵¹⁶ Applicant proposes Section 5.2 of the DSP be modified as follows:
5.2 Noise Notification for Adjacent Residences		
The Permittee shall provide notice to adjacent residences detailing when major noise-producing construction activities are planned to occur. The Permittee shall maintain a webpage identifying estimated days and locations, times, and areas where when construction crews will be doing pile driving during construction. The Permittee shall provide notice of this website to Affected Landowners at least 14 days prior to the start of construction. The Permittee shall provide all neighboring landowners and the townships a link to the website prior to construction and shall update the website frequently during construction to keep landowners informed where pile driving will be occurring.		
482	Lemon Hill	EIP staff do not support Applicant's proposed revisions to Section 5.2. The language in Section 5.2 of the DSP has been adopted in a prior solar project site permit granted by the Commission. ⁵⁶¹ The record supports Section 5.2 of the DSP as originally proposed by EIP staff. EIP staff recommend that notice of the website be provided to townships if Applicant's proposed modifications to Section 5.2 of the DSP are adopted. ⁵¹⁸ <u>Applicant accepts EIP staff's position.</u>

483	Lemon Hill	The record supports Section 5.2 as written in the DSP and it is recommended that the Commission reject Applicant's modifications to Section 5.2.
484	Lemon Hill	Applicant opposes proposed the inclusion of Section 5.7 (Pipeline Siting and Protection Plan) of the DSP requiring coordination with the Magellan Pipeline Company because Applicant already obtains and maintains title and other relevant insurance policies that require pipeline crossing and encroachment coordination. Applicant maintains that a Pipeline Siting and Protection Plan is unnecessary and supports removing this condition in its entirety. EIP staff do not support the removal of Section 5.7 of the DSP. The language in Section 5.7 of the DSP has been adopted in a prior solar project site permit granted by the Commission. Applicant now accepts this condition.
485	Lemon Hill	The record supports the inclusion of Section 5.7 in the final site permit.
New	Lemon Hill	Following subsequent discussions between Applicant and EIP staff, and in an effort to narrow contested issues before the Commission, Applicant and EIP staff agree on the following revised version of Section 5.10:
		Section 5.10 Spill Notification The Permittee shall notify nearby domestic well users in the event of a spill or leak of fuel, oil, or other similar potential contaminants that requires notification to the Minnesota Pollution Control Agency under Minn. Stat. Sec. 115.061. The permittee shall include notifying nearby domestic well users in the Spill Prevention, Control, and Counter Measure Plan.
New	Lemon Hill	Though the record demonstrates that construction is unlikely to impact existing water wells and overall operation will likely improve overall water quality, Applicant and EIP staff support inclusion of revised Section 5.10 in the final site permit.
489	Lemon Hill	EIP staff do not support Applicant's proposed revisions to Section 5.11. The EIP staff argues the language in Section 5.11 of the DSP is needed, given the particular risk that karst poses to the Site and this condition has been adopted in a prior solar project site permit granted by the Commission. ⁵⁶⁶⁵²⁵ Section 5.11 is also supported by the MDNR. ⁵⁶⁹⁵²⁶ In response to MDH's comments, EIP staff proposes proposed modifying Section 5.11 of the DSP to apply the karst buffer to the temporary workspace:
490	Lemon Hill	The record supports does not support EIP staff's proposed revisions to Section 5.11 and recommends that EIP's revisions be adopted should a site permit be issued.
New	Lemon Hill	The record demonstrates that Applicant has taken significant steps, including completion of a Karst Assessment and development of a Karst Construction Management Plan to address and reduce any

		potential risk to karst terrain. Therefore, the record supports adoption of Applicant's proposed revisions to Section 5.11.
New	Lemon Hill	In an effort to narrow contested issues before the Commission, Applicant and EIP staff agree on the following revised version of Section 5.13: 5.13 Panel Cleaning Plan The Permittee shall only use organic chemicals to clean the solar panels. To the extent organic chemicals are needed and/or used to clean the solar panels, the Permittee shall file with the Commission, and provide the county and townships where the project will be constructed, a plan for the use, storage, and disposal of any organic cleaning chemicals used in the cleaning of the panels. The plan shall be filed with the Commission and provided to the county and townships where the project will be constructed at least 14 days prior to utilizing organic cleaning chemicals at the site the pre-construction meeting.
493	Lemon Hill	The record supports Applicant and EIP staff's updated proposed revisions to Section 5.13 of the DSP.
494	Lemon Hill	Applicant objects objected to the inclusion of Section 5.14 (Decorah Edge Protection Plan) of the DSP because it is "overly burdensome" and extends requirements that would exceed anything otherwise required by Olmsted County in light of the existing no-loss determination for the Project. As such However, in the interest of narrowing the scope of contested issues, Applicant maintains that this is willing to accept this special permit condition should be removed entirely from the DSP .
495	Lemon Hill	The record supports the inclusion of Section 5.14 in the DSP. The Decorah Edge is an important geological feature that needs protection.
496	Lemon Hill	The record supports the inclusion of Section 5.15 should a site permit be issued, given the risk to private wells in the Project Area.
New	Lemon Hill	In the interest of narrowing the scope of contested issues, Applicant is willing to accept this special permit condition.
502	Lemon Hill	EIP staff do not support Applicant's initially proposed revisions to Section 5.20. The language in Section 5.20 of the DSP is needed, reasonable, and has been adopted for prior solar permits.⁵⁷⁹ In addition, this condition is supported by the MDNR.⁵⁸⁰ The record supports Section 5.20 as originally proposed by EIP staff. However, based on subsequent discussions and coordination between EIP staff and Applicant, both EIP staff and Applicant support the following revised version of Section 5.20: 5.20 Wildlife-Friendly Erosion Control

		<p><u>The Permittee shall not use erosion control materials that do not contain plastic or synthetic fibers or malachite green dye unless the Permittee first coordinates with and receives approval from EIP staff. If the Permittee plans to use erosion control materials and products containing synthetic plastics or malachite green dye, the Permittee must (i) coordinate with EIP and DNR staff; (ii) identify all products containing synthetic plastics or malachite green dye; (iii) describe the planned use of these products on site; and (iv) identify additional wildlife impact mitigation measures, as appropriate based on the planned use of the products.</u></p>
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