



If the Commission issues a site permit and route permits for the project, the applicant (now the permittee) can begin construction subject to any conditions imposed by the Commission. The permittee must also obtain required downstream permits prior to construction.

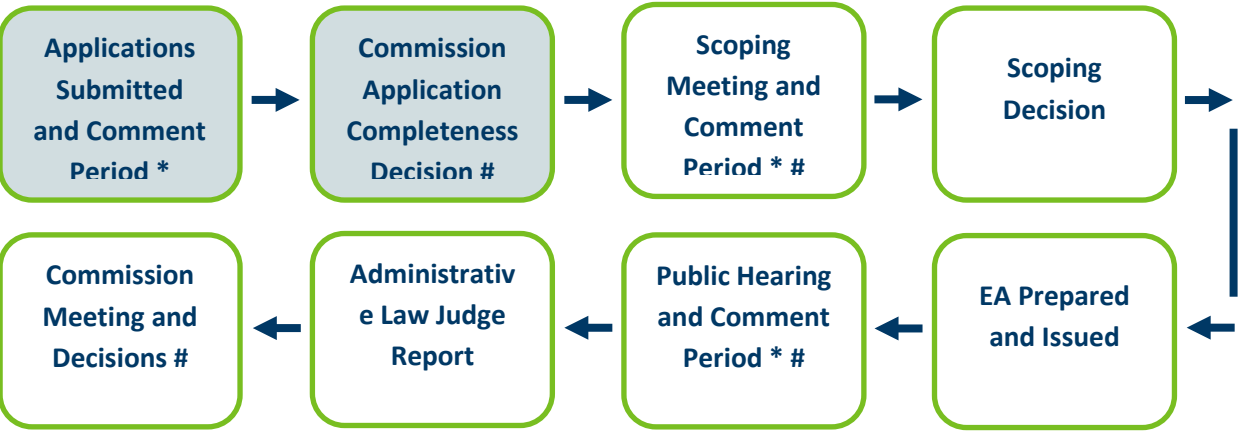
Reconsideration

Under Minnesota law, a person aggrieved and directly affected by a commission decision or order may file a petition for reconsideration within 20 days of the date the decision or order is issued. The commission will only reconsider an order if:

- new issues are raised;
- new facts are presented;
- errors or ambiguities exist in the commission’s order; or
- it is otherwise persuaded to reconsider.

Permitting Process Diagram

The diagram below outlines permitting process steps. Shaded boxes are complete. Note: “ * ” means public comment opportunity; “ # ” means public meeting opportunity.



QUESTIONS? For additional information about the environmental review process contact commerce environmental review staff: William Storm (bill.storm@state.mn.us or (651) 539-1844). For information about the commission’s permitting process contact the commission public advisor: Mike Kaluzniak (publicadvisor.puc@state.mn.us or (651) 201-2257).

This handout applies only to the Sherco Solar Project and is provided for informational purposes. Refer to Minnesota Statute 216B and Minnesota Rule 7849 for complete information regarding applications for a certificate of need, and Minnesota Statute 216E and Minnesota Rule 7850 for complete information regarding applications for a site permit.

Sherco Solar, LLC (applicant) proposes to construct the Sherco Solar Project (project), a 460 MW solar energy generating system to be located in Sherburne County, Minnesota. Before the applicant can construct the project, it must obtain a site and two route permits from the Public Utilities Commission (Commission). This handout provides information about the environmental review and permitting process for the project.

Your Role

Minnesota needs your help. You are most familiar with the area and will be most affected by the project. During scoping you can tell us what the most important issues are so that we can collect the right facts. At the public hearing, which comes later, you can tell us what those facts mean, and if you think we have represented them correctly. Ultimately, the commission is relying on you to help it make the best-informed decisions it can about this project.

State of Minnesota’s Role

The Commission will decide whether to issue site and route permits, and what conditions shall apply to said permits. Department of Commerce (Department or Commerce) staff will study potential human and environmental impacts of the project for the Commission, and provide technical analysis as requested. An administrative law judge (ALJ) with the Office of Administrative Hearings will hold a public hearing. The ALJ will consolidate information from you, interested stakeholders, Commerce, and other agencies into a written report. The ALJ will submit the report, along with a recommendation about the project, to the Commission.

State agencies responsible for overseeing future activities associated with the project are required to take part in the process. (For example, the Pollution Control Agency manages stormwater runoff) Agency participation is important so that the Commission knows about possible conflicts with agency standards, and areas of interest or concern.

Certificate of need requirements

Typically, a CON is required for all “large energy facilities,” as defined in Minnesota Statutes Section 216B.2421, subd. 2(1), unless the facility falls within a statutory exemption from the CON requirements. Because the Sherco Solar Project is a generating plant larger than 50 MW and the West HVTL Project and East HVTL Project are HVTL, each meet the definition of a large energy facility and would require a CON prior to issuance of a Site Permit and Route Permits. However, the Projects are all exempt from CON requirements pursuant to Minn. Stat. § 216B.243, subd. 9, because Xcel Energy will use the power generated by the Solar Project to meet the obligations of Minn. Stat. § 216B.1691.

Other permits required

If the Commission issues the requested site and route permits, other federal, state, and local permits might be required for the project (for example, a stormwater permit). Applicants must obtain these permits before construction.

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

Environmental Review

The state of Minnesota requires that potential human and environmental impacts be studied before the Commission decides whether to grant a certificate of need and site permit. This is called environmental review. The intent of environmental review is informed decision making.

Applications for a site permit under the alternative process, like this project, require preparation of an environmental assessment (EA). The EA contains an overview of the resources affected by the project and discusses potential human and environmental impacts and mitigation measures. It also contains information on alternative site and/or route locations if alternatives are considered.

Review progress to date

Applicants must provide the Commission with written notice of their intent to file a site permit application under the alternative process. This was done March 22, 2021. The applicant filed combined site and route permit applications on April 20, 2021. On August 8, 2021, the Commission and the Department issued a joint *Notice of Public Information and Environmental Assessment Scoping Meeting*. This notice provided information about an associated public comment period.

Scoping

Scoping is the first step in the environmental review process. It provides you with the opportunity to tell us what is important to you. Department staff use the scoping process to focus the EA on the most relevant information needed by the Commission to make informed decisions. Given that you are most familiar with the area, we rely on you to help identify these issues.

The scoping process includes a public meeting and comment period. The purpose of the meeting is to provide information about the proposed project and permitting process, to answer questions, and to gather input regarding potential impacts and mitigation measures that should be studied in the EA. The meeting and comment period also provides an opportunity to solicit potential site or route alternatives to mitigate potential impacts.

Scoping decision

After the public comment period closes, a scoping decision will be issued. A scoping decision is a formal document outlining the content of the EA. The scoping decision must identify certain information. It also identifies topics that won't be studied.

Once issued, the scope of the EA is fairly set. The discovery of new information or substantial project changes that significantly affect potential environmental impacts of the project or the availability of alternatives are reasons to change the scope.

Environmental assessment must discuss certain information

The EA must contain information about the project, and its potential human and environmental impacts. It must discuss any sites or routes identified in the scoping decision. It must also discuss mitigation measures. The EA must list downstream permits that might be required.

The EA is not a decision document—it is an information document.

Environmental assessment will provide relevant analysis

The EA will analyze resources and potential impacts commensurate with the relevance of these resources and impacts to the Commission's decision. For example, if there are no airports near the project, the EA will briefly say that and then move on, because discussing airports in detail won't help the Commission make its decision.

Tailoring the level of analysis for specific resources and impacts provides for a shorter document that is more relevant and useable.

Environmental assessment will discuss cumulative impacts

The EA will discuss cumulative potential effects, which are defined as the "effect on 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 resources, including future projects . . . regardless of what person undertakes the other projects or what jurisdictions have authority over the project" (Minn. R. 4410.2300).

Environmental assessment to be available March 2022

When the EA is finished, Department staff will publish notice of availability in the EQB Monitor and notify people on the project mailing list. The EA will be available on the Commerce webpage and the Minnesota eDockets system. The EA will also be available for public review in the project area.

Public hearing will be held in the project area

A public hearing will be held in the project area after the EA is complete and available. An ALJ will preside over the hearing, which provides an opportunity for you to advocate for what you think the Commission should decide about the project. You can also question the information in EA and provide a different interpretation of the facts.

After an associated public comment period closes, the ALJ will provide the Commission with a written report, including Findings of Fact, Conclusions, and a Recommendation about the project. If the ALJ recommends issuance of the requested site and route permits, the judge will also recommend measures to mitigate potential impacts.

Commission Decisions

After reviewing the project record—including your comments—the Commission will make two decisions. Does the EA and the record created at the public hearing address the issues identified in the scoping decision? Should the requested site and route permits be issued for the project and, if so, what permit conditions are appropriate?