

## Appendix A

### Scoping Decision

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**In the Matter of the Application of Otter Tail  
Power Company for a Site Permit for the up to  
66 MW Solway Solar Project in Beltrami  
County, Minnesota**

**ENVIRONMENTAL ASSESSMENT  
SCOPING DECISION**

**DOCKET NO. E017/GS-24-309**

The above matter has come before the Commissioner of the Department of Commerce (Department) for a decision on the scope of the environmental assessment (EA) to be prepared for Otter Tail Power Company's proposed 66 megawatt (MW) Solway Solar project in Lammers Township, Beltrami County, Minnesota.

### **Project Description**

The project will be located adjacent to Otter Tail's Solway Combustion Turbine Generating Station; the project will connect with the electric transmission grid at the Solway Station.<sup>1</sup> The project would be sited on approximately 487 acres; of this total, approximately 267 acres would be required for solar facilities.<sup>2</sup> Otter Tail owns the land required for the project.<sup>3</sup>

The project will use bifacial photovoltaic solar panels mounted on a linear axis tracking system.<sup>4</sup> Approximately 100,000 panels will be required for the project.<sup>5</sup> Underground collection cables will gather and send the electric power generated by the solar panels to a project substation.<sup>6</sup> The project will connect to the transmission grid through a 115 kV gen-tie line from the project substation to the Solway Station.<sup>7</sup> The project will also include inverters, security fencing, up to three weather stations, access roads, and an operations and maintenance building.<sup>8</sup>

### **Project Purpose**

Otter Tail indicates that the proposed project will aid Minnesota in meeting its renewable energy objectives and solar energy standards.<sup>9</sup> The project will fulfill, in part, commitments made in Otter Tail's 2023 – 2037 integrated resource plan for solar energy production.<sup>10</sup> Energy produced by the project will meet the needs of Otter Tail's customers.<sup>11</sup>

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<sup>1</sup> Application to the Minnesota Public Utilities Commission for a Site Permit for the 66 MW Solway Solar Project in Beltrami County, Minnesota, Otter Tail Power Company, October 11, 2024 eDockets Numbers [202410-210888-01](#) (through -10), [202410-210889-01](#) (through -10), [202410-210890-01](#) (through -03) [hereinafter Application].

<sup>2</sup> Application, Section 4.2.2.

<sup>3</sup> Application, Section 2.2.

<sup>4</sup> Application, Section 4.1.

<sup>5</sup> Application, Section 1.2.

<sup>6</sup> Application, Section 4.1.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Application, Section 1.3.

<sup>10</sup> Id.

<sup>11</sup> Application, Section 1.2.

## Regulatory Background

In Minnesota, no person may construct a large electric power generating plant without a site permit from the Commission.<sup>12</sup> A large electric power generating plant is defined as a facility capable of operating at a capacity of 50 MW or more.<sup>13</sup> The Solway Solar project will be capable of producing up to 66 MW and therefore requires a site permit from the Commission. Because the project is powered by solar energy, the site permit application qualifies for Commission review under the alternative permitting process described in Minnesota Statute 216E.04, Subd. 2.

Otter Tail indicates that a certificate of need (CN) is not required for the project. Though the project is a large energy facility per Minnesota Statute 216B.2421, Otter Tail indicates that the project is exempt from a CN because it was selected through a Commission-approved bidding process and because the project is intended to meet Minnesota's renewable energy objectives.<sup>14</sup>

Department of Commerce, Energy Environmental Review and Analysis (EERA) staff is responsible for conducting environmental review for site permit applications submitted to the Commission.<sup>15</sup> EERA staff will prepare an environmental assessment (EA) for the project. An EA contains an overview of the resources affected by the project. It also discusses potential human and environmental impacts and possible mitigation measures.<sup>16</sup> Under the alternative permitting process, an EA is the only required state environmental review document.

## Scoping Process

Scoping is the first step in the environmental review process. The scoping process has two primary purposes: (1) to gather public input as to the impacts and mitigation measures to study in the EA and (2) to focus the EA on those impacts and mitigation measures that will aid in the Commission's decision on the site permit application.

Staff use the information gathered during scoping to inform the content of the EA. EERA staff gathered input on the scope of the EA through public meetings and an associated comment period. This scoping decision identifies the impacts and mitigation measures that will be analyzed in the EA.

## Public Information and Scoping Meetings

On December 18, 2024, Commission and EERA staff held a remote-access public meeting. One individual from the public attended this meeting, and there were no comments. The following evening, on December 19, 2024, Commission and EERA staff jointly held a public meeting in Solway, Minnesota. Approximately 9 people attended this meeting; three attendees asked questions in relation to details of the project.<sup>17</sup>

## Written Public Comments

A comment period ending on January 8, 2025, provided the public with an opportunity to provide input on the scope of the EA. One comment from the Minnesota Department of Natural Resources

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<sup>12</sup> Minnesota Statute 216E.03.

<sup>13</sup> Minnesota Statute 216E.01.

<sup>14</sup> Application, Section 1.5.2.

<sup>15</sup> Minnesota Rule 7850.3700.

<sup>16</sup> Minnesota Statute 216E.04, subd. 5; Minn. Rule 7850.3700, subp. 4.

<sup>17</sup> Solway Solar Project, Oral Comments on the Scope of Environmental Assessment, eDockets Number [20251-214172-02](#).

(DNR) was received. The DNR commented on equipment used for the project as well as environmental mitigations for construction and operation procedures.<sup>18</sup>

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**HAVING REVIEWED THE MATTER**, consulted with EERA staff, and in accordance with Minnesota Rule 7850.3700, I hereby make the following scoping decision:

## **MATTERS TO BE ADDRESSED**

The EA will describe the project and the human and environmental resources of the project area. It will provide information on the potential impacts of the project as they relate to the topics outlined in this scoping decision and possible mitigation measures. It will identify impacts that cannot be avoided and irretrievable commitments of resources, as well as permits from other government entities that may be required for the project. The EA will discuss the relative merits of the proposed project site with respect to the siting factors in Minnesota Rule 7850.4100.

The issues outlined below will be analyzed in the EA for the project. This outline is not intended to serve as a table of contents for the document itself.

- I. GENERAL DESCRIPTION OF THE PROJECT**
  - A. Project Description
  - B. Project Purpose
  - C. Project Costs
- II. REGULATORY FRAMEWORK**
  - A. Site Permit
  - B. Environmental Review
  - C. Grid Interconnection
  - D. Other Permits and Approvals
- III. ENGINEERING, DESIGN, AND CONSTRUCTION**
  - A. Solar Arrays
  - B. Electrical Collection Systems
  - C. Substation
  - D. Associated Facilities
- IV. OPERATION AND DECOMMISSIONING**
  - A. Maintenance
  - B. Vegetation Management
  - C. Repowering and Decommissioning

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<sup>18</sup> Minnesota Department of Natural Resources, Comments on the Scope of Environmental Assessment, eDockets number [20251-213691-01](#).

**V. AFFECTED ENVIRONMENT, POTENTIAL IMPACTS AND MITIGATIVE MEASURES**

The EA will include a discussion of the human and environmental resources potentially impacted by the project. Potential impacts of the project will be described and characterized. Based on the impacts identified, the EA will describe mitigation measures that could reasonably be implemented to reduce or eliminate the identified impacts. The EA will describe any unavoidable impacts resulting from implementation of the project.

Data and analyses will be commensurate with the level of impact for a given resource and the relevance of the information to consider mitigation measures. EERA staff will consider the relationship between the cost of data and analyses and the relevance and importance of the information in determining the level of detail of information to be prepared for the EA. Less important material may be summarized, consolidated, or simply referenced.

If relevant information cannot be obtained within timelines prescribed by statute and rule, the costs of obtaining such information is excessive, or the means to obtain it is unknown, EERA staff will include in the EA a statement that such information is incomplete or unavailable and the relevance of the information in evaluating potential impacts or alternatives.

- A. Environmental Setting
- B. Human Settlements
  - 1. Noise
  - 2. Aesthetics
  - 3. Displacement
  - 4. Property Values
  - 5. Zoning and Land Use Compatibility
  - 6. Cultural Values
  - 7. Transportation and Public Services
- C. Socioeconomics
  - 1. Environmental Justice
  - 2. Local Economies
- D. Public Health and Safety
  - 1. Electric and Magnetic Fields
  - 2. Emergency Services
- E. Land Based Economies
  - 1. Agriculture
  - 2. Forestry
  - 3. Mining
  - 4. Recreation and Tourism
- F. Archaeological and Historic Resources
- G. Natural Environment
  - 1. Water Resources
  - 2. Soils
  - 3. Geology
  - 4. Flora
  - 5. Fauna
  - 6. Air Quality
  - 7. Climate Change / Climate Resiliency

- H. Threatened / Endangered / Rare and Unique Natural Resources
- I. Electric System Reliability
- J. Adverse Impacts that Cannot be Avoided
- K. Irreversible and Irretrievable Commitments of Resources

## ISSUES OUTSIDE THE SCOPE OF THE EA

The EA will not address following topics:

- Any site other than the project site proposed by the applicant.
- The manner in which landowners are compensated for the project.

## SCHEDULE

The EA is anticipated to be completed and available in April 2025. Public hearings will be held in the project area after issuance of the EA. Comments on the EA may be submitted into the hearing record.

Signed this 31st day of January, 2025

STATE OF MINNESOTA  
DEPARTMENT OF COMMERCE



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Pete Wyckoff, Deputy Commissioner

## Solway Solar Project Overview Map

