

December 31, 2015

Mr. Daniel P. Wolf, Executive Secretary  
Minnesota Public Utilities Commission  
127 7th Place East, Suite 350  
Saint Paul, MN 55101-2147

RE: Compliance Filing Review  
Site Permit Compliance Filings Review relating to Permit Sections 5.3, 6.1, 6.4, 6.5,  
6.6, 6.8, 6.10, 7.1, 7.2, 8.10.1, 8.14, 8.18, and 8.19  
Aurora Distributed Solar Project  
**PUC Docket No. IP-6928/GS-14-515**

Dear Mr. Wolf:

Attached are the comments and recommendations of the Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) staff in the matter of:

**Aurora Distributed Solar, LLC's Application for a Site Permit to Construct a 100 MW Distributed Solar Energy Project at Multiple Facilities in Minnesota**

Aurora Distributed Solar, LLC proposes to construct and operate the Aurora Distributed Solar Project, a 100 MW distributed solar facility at up to 21 sites in various counties. The Commission issued a permit for the Project on June 30, 2015.

The compliance documents reviewed to date were filed between October 6 and December 30, 2015, on behalf of Aurora Distributed Solar, LLC. Correspondence should be addressed to:

Hans P. van Lingen  
Environmental Manager  
Enel Green Power North America, Inc  
One Tech Drive, Suite 220  
Andover, MA 01810  
Email: [hans.vanlingen@enel.com](mailto:hans.vanlingen@enel.com)

EERA staff is providing you with its review of the compliance filings and is available to answer any questions you or the Commission may have.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne Finhaur". The signature is written in black ink and is positioned above the printed name.

EERA Environmental Review Manager

cc: Bret Eknes, Commission Staff  
Cezar Panait, Commission Staff  
Deb Pile, EERA Director



## Permit Compliance Filing Review

### PERMIT COMPLIANCE FILING REVIEW

PUC Docket No. IP-6928/GS-14-515

Aurora Distributed Solar, LLC filed compliance documents pertaining to the Site Permit issued by the Commission on June 30, 2015.

The following documents were submitted in accordance with the Site Permit issued in this matter:

Permit Section(s)	Description	Facility	eDocket Doc. ID	Filing Date
5.3	Native Prairie Protection Plan	Albany, Annandale, Atwater, Brooten, Chisago County, Dodge Center, Eastwood, Fiesta City, Hastings, Lake Emily, Lake Pulaski, Lawrence Creek, Lester Prairie, Mayhew Lake, Montrose, Paynesville, Pine Island, Scandia, Waseca, West Faribault, and West Waconia	<a href="#">201510-114642-01</a>	10/6/2015
6.1	Site Plans	Atwater	<a href="#">201512-116697-04</a>	12/21/2015
		Lake Emily	<a href="#">201510-115266-01</a> <a href="#">201512-116697-01</a>	10/30/2015 12/21/2015
		Lawrence Creek	<a href="#">201510-115266-02</a> <a href="#">201512-116697-02</a>	12/21/2015
		Montrose	<a href="#">201512-116697-03</a>	12/21/2015

Permit Section(s)	Description	Facility	eDocket Doc. ID	Filing Date
6.4	Agricultural Impact Mitigation Plan	Albany, Annandale, Atwater, Brooten, Chisago County, Dodge Center, Eastwood, Fiesta City, Hastings, Lake Emily, Lake Pulaski, Lawrence Creek, Lester Prairie, Mayhew Lake, Montrose, Paynesville, Pine Island, Scandia, Waseca, West Faribault, and West Waconia	<a href="#">201512-116693-01</a>	12/21/2015
6.5	Vegetation Management Plan	Albany, Annandale, Atwater, Brooten, Chisago County, Dodge Center, Eastwood, Fiesta City, Hastings, Lake Emily, Lake Pulaski, Lawrence Creek, Lester Prairie, Mayhew Lake, Montrose, Paynesville, Pine Island, Scandia, Waseca, West Faribault, and West Waconia	<a href="#">201512-116693-01</a>	12/21/2015
6.6	Field Representative	Albany, Annandale, Atwater, Brooten, Chisago County, Dodge Center, Eastwood, Fiesta City, Hastings, Lake Emily, Lake Pulaski, Lawrence Creek, Lester Prairie, Mayhew Lake, Montrose, Paynesville, Pine Island, Scandia, Waseca, West Faribault, and West Waconia	<a href="#">201510-114802-01</a>	12/30/2015
6.8	Preconstruction Meeting	Atwater, Lake Emily, Lawrence Creek, Montrose	<a href="#">201512-116711-01</a>	12/22/2015

Permit Section(s)	Description	Facility	eDocket Doc. ID	Filing Date
6.10	Complaint Reporting Procedures	Albany, Annandale, Atwater, Brooten, Chisago County, Dodge Center, Eastwood, Fiesta City, Hastings, Lake Emily, Lake Pulaski, Lawrence Creek, Lester Prairie, Mayhew Lake, Montrose, Paynesville, Pine Island, Scandia, Waseca, West Faribault, and West Waconia	<a href="#">201510-114808-01</a>	10/14/2015
7.1	Biological and Natural Resource Inventories			
	Overview and Executive Summary	Albany, Annandale, Atwater, Brooten, Chisago County, Dodge Center, Eastwood, Fiesta City, Hastings, Lake Emily, Lake Pulaski, Lawrence Creek, Lester Prairie, Mayhew Lake, Montrose, Paynesville, Pine Island, Scandia, Waseca, West Faribault, and West Waconia	<a href="#">201510-114644-01</a>	10/6/2015
	Wildlife Corridor Evaluation	Albany, Annandale, Atwater, Brooten, Chisago County, Dodge Center, Eastwood, Fiesta City, Hastings, Lake Emily, Lake Pulaski, Lawrence Creek, Lester Prairie, Mayhew Lake, Montrose, Paynesville, Pine Island, Scandia, Waseca, West Faribault, and West Waconia	<a href="#">201510-114648-01</a>	10/6/2015
		Albany	<a href="#">201510-114644-02</a>	10/6/2015

Permit Section(s)	Description	Facility	eDocket Doc. ID	Filing Date
		Annandale	<a href="#">201510-114644-03</a>	10/6/2015
		Atwater	<a href="#">201510-114644-04</a>	10/6/2015
		Brooten	<a href="#">201510-114644-05</a>	10/6/2015
		Chisago	<a href="#">201510-114644-06</a>	10/6/2015
		Dodge Center	<a href="#">201510-114644-07</a>	10/6/2015
		Eastwood	<a href="#">201510-114644-08</a>	10/6/2015
		Fiesta City	<a href="#">201510-114645-01</a>	10/6/2015
		Hastings	<a href="#">201510-114645-02</a>	10/6/2015
		Lake Emily	<a href="#">201510-114645-03</a>	10/6/2015
		Lake Pulaski	<a href="#">201510-114645-04</a>	10/6/2015
		Lawrence Creek	<a href="#">201510-114645-05</a>	10/6/2015
		Lester Prairie	<a href="#">201510-114645-06</a>	10/6/2015
		Mayhew Lake	<a href="#">201510-114645-07</a>	10/6/2015
		Montrose	<a href="#">201510-114648-02</a>	10/6/2015
		Paynesville	<a href="#">201510-114648-03</a>	10/6/2015
		Pine Island	<a href="#">201510-114648-04</a>	10/6/2015
		Scandia	<a href="#">201510-114650-01</a>	10/6/2015
		Waseca	<a href="#">201510-114650-02</a>	10/6/2015
		West Faribault	<a href="#">201510-114650-03</a>	10/6/2015
		West Waconia	<a href="#">201510-114650-04</a>	10/6/2015
7.2	Archaeological Resource Report	Albany, Annandale, Atwater, Brooten, Chisago County, Dodge Center, Eastwood, Fiesta City, Hastings, Lake Emily, Lake Pulaski, Lawrence Creek, Lester Prairie, Mayhew Lake, Montrose, Paynesville, Pine Island, Scandia, Waseca, West Faribault, and West Waconia	<a href="#">201510-114802-02</a> <a href="#">201510-114802-03</a>	10/14/2015
8.10.1	Identification of Public Roads	Albany	<a href="#">201511-115844-01</a>	11/20/2015
		Atwater	<a href="#">201511-115820-02</a>	11/19/2015
		Chisago	<a href="#">201511-115844-02</a>	11/20/2015
		Dodge Center	<a href="#">201511-115844-03</a>	11/20/2015
		Hastings	<a href="#">201511-115844-04</a>	11/20/2015
		Lawrence Creek	<a href="#">201510-115266-04</a>	10/30/2015
		Lake Emily	<a href="#">201510-115266-03</a>	10/30/2015

Permit Section(s)	Description	Facility	eDocket Doc. ID	Filing Date
		Lake Pulaski	<a href="#">201511-115844-05</a>	11/20/2015
		Montrose	<a href="#">201511-115820-03</a>	11/19/2015
		Paynesville	<a href="#">201511-115844-06</a>	11/20/2015
		Pine Island	<a href="#">201511-115844-07</a>	11/20/2015
		Waseca	<a href="#">201511-115844-08</a>	11/20/2015
		West Faribault	<a href="#">201511-115844-09</a>	11/20/2015
		West Waconia	<a href="#">201511-115844-10</a>	11/20/2015
8.14	Soil Erosion and Sediment Control Plan	Atwater	<a href="#">201512-116700-01</a> <a href="#">201512-116700-02</a>	12/22/2015
		Lake Emily	<a href="#">201512-116698-01</a>	
		Lawrence Creek	<a href="#">201512-116704-01</a> <a href="#">201512-116704-02</a>	12/22/2015
		Montrose	<a href="#">201512-116698-02</a> <a href="#">201512-116698-03</a>	12/22/2015
8.18	Public Safety	Albany, Annandale, Atwater, Chisago County, Dodge Center, Eastwood, Hastings, Lake Emily, Lake Pulaski, Lawrence Creek, Montrose, Paynesville, Pine Island, Waseca, West Faribault, and West Waconia	<a href="#">201512-116632-01</a>	12/18/2015
8.19	Emergency Response Plan	Albany, Annandale, Atwater, Chisago County, Dodge Center, Eastwood, Hastings, Lake Emily, Lake Pulaski, Lawrence Creek, Montrose, Paynesville, Pine Island, Waseca, West Faribault, and West Waconia	<a href="#">201510-114808-02</a>	10/14/2105

## Native Prairie Protection Plan

Section 5.3 of the Site Permit requires Aurora to file a prairie protection and management plan identifying measures to be taken to avoid impacts to areas of native prairie.

Aurora filed a Native Prairie Protection Plan on October 6, 2015 addressing all 21 sites covered in the Site Permit. Biological and natural resource inventories performed in accordance with Section 7.1 of the Site Permit did not identify any areas of native prairie among the 21 permitted sites. In the absence of identified prairie remnants, the Native Prairie Protection Plan filed in this docket, focuses on measures to prevent impacts to any prairie remnants that may be discovered the course of construction.

EERA staff has reviewed the Native Prairie Protection Plan filed in accordance with Section 5.3 of the permit, and believes it to be consistent with the site permit issued in this matter.

## Site Plans

Section 6.1 of the Site Permit requires Aurora to file a ready-for-construction site plan for each site detailing layout, engineering, landscaping, and restoration.

Aurora filed site plans for the Lake Emily and Lawrence Creek facilities on October 30, 2015, for the Montrose facility on November 19, 2015, and for the Atwater facility on November 20, 2015. In addition to the detailed drawings, the site plans for each facility include a narrative identifying major components of the facility, landscaping considerations, design refinements to the site layout that vary from the site layout include in the site permit, and a discussion of any changes to the overall health and environmental impacts resulting from the identified design refinements. Staff from EERA and DNR provided comments on the site plans recommending changes to both the narratives and the drawings. Aurora filed revised site plans incorporating EERA and DNR comments on December 21, 2015.

EERA staff has reviewed the revised site plans filed on December 21, 2015, for the Atwater, Lake Emily, Lawrence Creek, and Montrose facilities and believes them to be consistent with the site permit issued in this matter.

## Agricultural Impact Mitigation Plan and Vegetation Management Plan

Section 6.4 of the Site Permit requires Aurora to develop, in cooperation with the Minnesota Department of Agriculture (MDA), a plan to identify measures to minimize potential impacts to agricultural uses upon the decommissioning of the Project.

Section 6.5 of the Site Permit requires Aurora to develop, in cooperation with Commerce and the Minnesota Department of Natural Resources (DNR), a plan that identifies measures to minimize tree clearing, prevent the introduction of noxious weeds and invasive species, re-

vegetate disturbed areas at each facility, and maintain appropriate vegetation at each facility throughout the operating life of the Project.

Aurora submitted a combined Agricultural Impact Mitigation Plan (AIMP) and Vegetation Management Plan on October 30, 2015. On December 21, 2015, Aurora filed an amended AIMP and Vegetation Management Plan that incorporated comments from EERA, the MDA, and the DNR on the plan filed October 20, 2015.

Many of the EERA comments were related to making the plan adaptable to lessons learned over the 30-year term of the permit. The plan as filed incorporates current best management practices. Nevertheless, it is anticipated that knowledge of construction and decommissioning techniques, vegetation establishment and maintenance practices will evolve as the Project matures. To that end, the plan anticipates several scheduled updates to the plan:

- **Site-Specific Vegetation Plans:** DNR requested additional time to consult with Aurora on the composition of the seed mixes and planting techniques. Even once agreement is reached on the seed mixes, the composition of actual seed mixes may change depending upon availability at the time of purchase. Aurora will file site-specific vegetation plans documenting the seed mixes used at each facility after construction is completed and before the pre-operation compliance meeting required by Section 6.9 of the Site Permit.
- **Annual Status Reports:** Aurora will file annual reports on the status of re-vegetation at all sites for the first three years of operation.

EERA has reviewed the December 21, 2015, filing. While the revision incorporates most of the EERA, DNR, and MDA comments, EERA notes that the plan, as filed, does not include a commitment to notifying the Commission through eDockets upon engaging the services of an Agricultural Monitor. Based on Conversations with the DOA, EERA staff believes that construction cannot commence without an Agricultural Monitor. EERA believes this omission in the AIMP/Vegetation Management Plan was inadvertent, as Aurora has committed to notifying the Commission once an Agricultural Monitor has been engaged for the Project in the Preconstruction Meeting Summary filed under Section 6.8 of the permit on December 21, 2015. As noted in the Recommendations section of these comments, EERA recommends that the Commission specify that construction activities may not commence prior to engagement of an Agricultural Monitor. EERA has received confirmation from DNR that the plan incorporates their comments.

## Field Representative

Section 6.6 of the Site Permit requires Aurora to designate a person responsible for overseeing compliance with the conditions of the site permit during the construction phase of the Project.

On October 14, 2015, Aurora designated Steve Rousseau as Field Representative. On December 30, 2015, Aurora filed a corrected filing including Mr. Rousseau's e-mail address.

## Preconstruction Meeting

Section 6.8 of the Site Permit requires that representatives from Aurora, the Field Representative, the Department of Commerce, and the Commission, participate in a preconstruction meeting prior to the start of any construction. As part of the permit condition, the permittee is required to file a summary of the preconstruction meeting within 14 days of the meeting.

On December 22, 2015, Aurora filed a meeting summary of the preconstruction meeting for the Aurora Project held at the Department of Commerce on December 10, 2015. The preconstruction meeting addressed the Project as a whole and the Atwater, Lake Emily, Lawrence Creek, and Montrose sites specifically.

EERA has reviewed the December 22, 2015, filing and finds it consistent with the site permit issued in this matter. EERA notes that one or more additional preconstruction meeting(s) must be held prior to construction of any additional facilities beyond those addressed in the December 10, 2015, preconstruction meeting.

## Complaint Reporting Procedures

Section 6.10 of the Site Permit requires Aurora to file with the Commission the company's procedures that will be used to receive and respond to complaints.

On October 14, 2015, Aurora filed its Complaint Reporting Procedures.

EERA has reviewed the October 14, 2015 filing and finds it consistent with the site permit issued in this matter.

## Biological and Natural Resource Inventories

Section 7.1 of the Site Permit requires Aurora to develop desktop and field inventories to identify the presence of state- or federally-listed species, wildlife corridors or other potentially sensitive areas at the sites designated in the Site Permit.

On October 6, 2015, Aurora filed Biological and Natural Resource Inventories for all facilities identified in the permit.

EERA has reviewed the October 6, 2015, filings and finds them generally consistent with the site permit issued in this matter. More specifically, EERA has reviewed the filings related to the Atwater, Lake Emily, Lawrence Creek, and Montrose and believes that the site plans incorporate the findings in the biological inventories for those sites. EERA will refer to site plans as they come in to ensure that the information discovered in the biological inventories is incorporated in the site designs.

## Archaeological Review

Section 7.2 of the Site Permit requires Aurora to contract with a qualified archaeologist to prepare a Phase I or Phase 1A archaeological survey to determine whether additional archaeological work is necessary for any part of the Project. The results of the survey must be filed with the Commission.

On October 14, 2015, Aurora filed the Phase I and Phase II Archaeological Investigations for the Aurora Distributed Solar Project prepared by Westwood Professional Services and 10,000 Lakes Archaeology. The report addressed all 21 facilities identified in the Site Permit. With the exception of two facilities, the report did not recommend additional archaeological or historical evaluations or design changes. The report recommends an evaluation of the barn and farmstead at the Mayhew Lake facility. The review also recommends that design of the Albany facility avoid the existing farmstead.

EERA has reviewed the October 14, 2015, filing and finds it to be consistent with the site permit issued in this matter. EERA notes that additional evaluation must be done should Aurora wish to construct the Mayhew Lake facility. EERA will evaluate any site plans filed prior to construction of the Albany facility to ensure that the existing farmstead is avoided.

## Public Road Identification

Section 8.10.1 of the Site Permit requires Aurora to identify roads that will be used during construction of the Project and to notify the Commission and local authorities with jurisdiction over the identified roads.

On October 30, 2015, Aurora filed affidavits of service to local road authorities, along with cover letters and maps identifying roads to be used for the Project for the Lake Emily and Lawrence Creek facilities.

On November 19 and 20, 2015, Aurora filed affidavits of service to local road authorities, along with cover letters and maps identifying roads to be used for the Project for the Albany, Atwater, Chisago County, Dodge Center, Hastings, Lake Pulaski, Montrose, Paynesville, Pine Island, Waseca, West Faribault, and West Waconia facilities.

EERA has reviewed the filings of October 30, November 19 – 20, 2015, and believes these filings are consistent with the Site Permit issued in this matter. EERA notes that the notifications were not sent to local road authorities for all of the sites identified in the site permit. Should Aurora wish to construct at other sites beyond those covered in the filings of October 30 and November 19 – 20, 2015, Aurora must notify local authorities with jurisdiction over public roads at additional sites prior to the commencement of construction.

## Soil Erosion and Sediment Control Plan

Section 8.14 of the Site Permit requires Aurora to develop and file a Soil Erosion and Sediment Control Plan to identify erosion control measures that will be implemented during each Project phase. The plan may be the same as the Storm Water Pollution Prevention Plan (SWPPP) typically submitted to the Minnesota Pollution Control Agency (MPCA) for large construction projects. In addition to the grading and construction plans, the Soil Erosion and Sediment Control Plan should identify a re-vegetation plan for maintaining the site throughout the life of the Project.

Aurora filed the SWPPPs prepared for the Lake Emily and Lawrence Creek facilities on October 30, 2015. SWPPPs were filed for the Atwater Facility on November 19, 2015, and for the Montrose facility on November 20, 2015. Following comments but EERA staff and DNR, Aurora filed revisions of the SWPPPs for the Atwater, Lake Emily, Lawrence Creek, and Montrose facilities on December 22, 2015. The revised SWPPPs incorporate EERA and DNR comments and include the coverage cards issued by the MPCA for each facility, signed site plans issued for construction, and a revised seeding plan.

EERA has reviewed the December 22, 2015, filings for the Atwater, Lake Emily, Lawrence Creek, and Montrose facilities and believes these filings are consistent with the Site Permit issued in this matter.

## Public Safety Materials

Section 8.18 of the Site Permit requires Aurora to provide educational materials to landowners adjacent to each facility and, upon request, to other interested persons.

On December 18, 2015, Aurora filed an affidavit of mailing certifying that safety materials were mailed to landowners adjacent to the Albany, Annandale, Atwater, Chisago County,

Dodge Center, Eastwood, Hastings, Lake Emily, Lake Pulaski, Lawrence Creek, Montrose, Paynesville, Pine Island, Waseca, West Faribault, and West Waconia facilities on December 4 and 16, 2015. In addition to the affidavit, cover letter, and service lists, the filing also contained copies of the landowner safety information, and complaint reporting procedures provided to landowners.

EERA has reviewed the December 18, 2015, filing and believes it is consistent with the Site Permit issued in this matter. EERA notes that the safety materials were not sent to landowners adjacent to all of the sites identified in the site permit. Should Aurora wish to construct at other sites beyond those covered in the filing of December 18, 2015, Aurora must provide relevant safety materials to adjacent landowners at additional sites prior to the commencement of construction.

## Emergency Response Plan

Section 8.19 of the Site Permit requires Aurora to prepare, in consultation with the appropriate emergency responders, an Emergency Response Plan for each facility.

On October 14, 2015, Aurora filed an Emergency Response Plan covering the Albany, Annandale, Atwater, Chisago County, Dodge Center, Eastwood, Hastings, Lake Emily, Lake Pulaski, Lawrence Creek, Montrose, Paynesville, Pine Island, Waseca, West Faribault, and West Waconia facilities. The Emergency Response Plan provides emergency numbers, emergency contact, local medical facilities, and routes and approximate travel times to nearby hospitals for each of the 16 facilities identified.

EERA has reviewed the October 14, 2015, filing and believes it is consistent with the Site Permit issued in this matter. EERA notes that the Emergency Response Plant does not address all of the sites identified in the site permit. Should Aurora wish to construct at other sites beyond those covered in the filing of October 14, 2015, Aurora must provide update the Emergency Response Plan to address additional sites prior to the commencement of construction.

## EERA Conclusions and Recommendation

EERA staff has reviewed the filings noted above and provided comments to Aurora on earlier versions of the required filings. EERA staff believes the filings submitted to date are now consistent with the Site Permit issued for the Atwater, Lake Emily, Lawrence Creek, and Montrose sites, with the following exception:

- Notification that an Agricultural Monitor has been retained for the construction of the Project should be filed prior to the commencement of construction.

EERA staff recommends that the Commission issue a letter to Aurora acknowledging that the pre-construction compliance documents are in general agreement with the terms and conditions of the permit, pending the filing of the above noted item.

The filing meets applicable permit conditions:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Partially
Permit condition requires an action by the Commission:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
EERA suggests filing be brought to the Commission for decision:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Response letter to permittee is recommended:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



December 31, 2015

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Suzanne Lamb Steinbauer  
Environmental Review Manager  
MN Department of Commerce

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Date