

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 2729

(SENATE AUTHORS: SENJEM)

DATE
03/28/2019

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Introduction and first reading
Referred to Energy and Utilities Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to energy; modifying solar site management; amending Minnesota Statutes
1.3 2018, section 216B.1642.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2018, section 216B.1642, is amended to read:

1.6 **216B.1642 SOLAR SITE MANAGEMENT.**

1.7 Subdivision 1. **Site management practices.** An owner of a ground-mounted solar site
1.8 with a generating capacity of more than 40 kilowatts may follow site management practices
1.9 that (1) provide native perennial vegetation and foraging habitat beneficial to gamebirds,
1.10 songbirds, and pollinators, ~~and~~ (2) reduce storm water runoff and erosion, and (3) improve
1.11 soil health and water quality at the solar generation site. To the extent practicable, when
1.12 establishing perennial vegetation and beneficial foraging habitat, a solar site owner shall
1.13 use native plant species and seed mixes under Department of Natural Resources "Prairie
1.14 Establishment & Maintenance Technical Guidance for Solar Projects."

1.15 Subd. 2. **Recognition of beneficial habitat.** An owner of a solar site implementing solar
1.16 site management practices under this section may claim that the site provides benefits to
1.17 gamebirds, songbirds, and pollinators only if the site adheres to guidance set forth by the
1.18 pollinator plan provided by the Board of Water and Soil Resources or any other gamebird,
1.19 songbird, or ~~pollinator foraging-friendly~~ pollinator-friendly vegetation standard established
1.20 by the Board of Water and Soil Resources. An owner making a beneficial habitat claim
1.21 must make the site's vegetation management plan available to the public and provide a copy
1.22 of the plan to a Minnesota nonprofit solar industry trade association.

2.1 Subd. 3. **Site management for production of bee and apiary products.** An owner of
2.2 a solar site implementing management practices under this section may claim the site is
2.3 used for, and beneficial to, agricultural bee and apiary production only if the site:

2.4 (1) adheres to guidance established by the Board of Water and Soil Resources at a level
2.5 that meets or exceeds the qualifications for exemplary pollinator habitat, which may require,
2.6 at the solar site owner's expense, regular compliance reporting to and on-site inspection by
2.7 the Board of Water and Soil Resources or a local soil and water conservation district staff
2.8 person acting on the board's behalf; and

2.9 (2) is used for agricultural production of bee and apiary products for commercial sale,
2.10 with annual production reporting to the commissioner of agriculture.

2.11 Subd. 4. **Bee and apiary solar farm.** "Bee and apiary solar farm" means the site of a
2.12 ground-mounted photovoltaic solar energy system with a generating capacity of more than
2.13 40 kilowatts that is used for, and beneficial to, agricultural bee and apiary production under
2.14 this subdivision that meets the following requirements:

2.15 (1) the project adheres to the solar site management guidance set forth under subdivision
2.16 2 and qualifies as providing exceptional habitat; and

2.17 (2) the apiary owner reports annual harvest type and weight to the Department of
2.18 Agriculture.

2.19 Subd. 5. **Conservation solar farm.** "Conservation solar farm" means the site of a
2.20 ground-mounted photovoltaic solar energy system with a generating capacity of more than
2.21 40 kilowatts that meets the following requirements:

2.22 (1) a minimum of 33 percent of the project is sited on a Drinking Water Supply
2.23 Management Area or Wellhead Protection Areas identified as vulnerable by the Department
2.24 of Health;

2.25 (2) the project adheres to the solar site management guidance set forth under subdivision
2.26 2 and qualifies as providing exceptional habitat;

2.27 (3) the project includes a conservation buffer totaling four acres per megawatt direct
2.28 current installed solar capacity;

2.29 (4) once established, the vegetation on the solar array area and buffer is managed to
2.30 ensure it is free of weed species the Department of Agriculture identifies as noxious or
2.31 invasive; and

3.1 (5) grazing livestock in the solar array area or buffer is permitted only if the grazing is
3.2 pursuant to Department of Agriculture conservation grazing practices.

3.3 Subd. 6. **Conservation pasture solar farm.** "Conservation pasture solar farm" means
3.4 the site of a ground-mounted photovoltaic solar energy system with a generating capacity
3.5 of more than 40 kilowatts that meets the following requirements:

3.6 (1) the project adheres to the solar site management guidance set forth under subdivision
3.7 2;

3.8 (2) grazing livestock in the solar array area or buffer is permitted only if the grazing is
3.9 pursuant to Department of Agriculture conservation grazing practices; and

3.10 (3) the herd owner reports the annual acreage used for forage to the Department of
3.11 Agriculture.