

David Birkholz

From: Donna L Baer [jesumaria2001@hotmail.com]
Sent: Thursday, September 10, 2009 4:29 PM
To: David.Birkholz@state.mn.us
Subject: Oops! Forgot this: PUC Docket No. IP6687/WS-08-1134 Noble Flat Hill Windpark I
Importance: High

September 9. 2009

Lanny & Donna Baer
5844 130 St N
Glyndon, MN 56547
218-498-2138

To: David Birkholz
OES Project Manager
Re: PUC Docket No. IP6687/WS-08-1134
Noble Flat Hill Windpark I

Dear Mr. Birkholz,

First of all, we have a big problem with the way notification of the availability of this DEIS was handled. We were signed up to receive notification and did not find out about it until mid-August, through another party. And why does the public only get 40 days (if they are notified right away) to critique something that it took months to put together (February through July)?

Another big issue is the fact that the Buffalo River Watershed District has not been contacted at all about this or any other wind project in the area. I spoke yesterday with Bruce Albright, Administrator for the district, about Noble Flat Hill, and he verified that his office has not received any notification whatsoever regarding these projects. The watershed district is directly involved with any project that has potential to alter the watershed of the area, specifically new roads and approaches, culverts, etc. They are required to permit the projects, as well, and should have been notified regarding the DEIS so that they

were able to have input about this project. I provided Mr. Albright with the docket number and other information that he requested about Noble Flat Hill.

I trust that you have received the documents that we mailed to you. We will be referencing them throughout this email.

Here are some of our comments on the DEIS. I am afraid that time constraints due to the late notice of this document's availability prevent us from being able to make all the comments we would like, so we will just address as many as we have time to get through.

Summary (Pg. XI)

Regulatory Framework

- It states that the CON was accepted as complete by the PUC on Jan 14, 2009. How can this be considered complete when there is no contract to sell the power that will be generated?

Project Alternatives and Analysis

- (paragraph 3) There certainly IS an alternative that will have a lower impact than the Proposed Project – Alternative #2! Build it somewhere else where it will not impact people in their homes!

Chapter 1 Introduction

1.2 (paragraph 1) Noble does not have a very good reputation in other states.

(para. 2) ..."supporting infrastructure would also be constructed including access roads"... Why was the watershed district not notified of this project?

(para. 3) There is no existing contract for purchase of the proposed generated power last we heard.

Route 1, Route 2. Have there been permits from the DNR as required to cross the Buffalo River?

1.4 **Project Purpose**

2) There is no certificate of need for this project that we are aware of at this point. There is no purchaser of the power, no

guarantee that the power will stay in Minnesota. Red River Electric Coop has already met its quota for green energy, and Xcel Energy has wind turbines, as well. This project is NOT necessary, it serves no purpose for this area.

1.6 Sources of Information

What information about the Noble Flat Hill project would be found in Lincoln and Pipestone counties in Minnesota?

Chapter 2 Regulatory Framework

2.1 PUC Certificate of Need

Again, how can the CON application be accepted as complete when there is no stated outlet for the power to be generated?

2.6 Public Scoping and Participation Process (para. 2)

The comment list is incomplete—some submitted comments were left out, specifically Red River Electric Coop, who stated that they have met their quota for green energy for this area.

Chapter 4 Potential Human and Environmental Impacts...

4.1 Emissions

It is stated right here that "Large-scale wind park projects have the potential to produce air emissions during both construction **and operation.**" Why is this admitted here and denied elsewhere in the document, for one example among many others, 4.1.4, that the Noble project "would not result in an impact on the environment because it WOULD NOT result in the release of pollutant emissions." Both of these statements cannot be true!! Which one is? The potential contamination could be due to, among other things,

- Seals that leak
- Explosion
- Fire

4.1.3 77 MW Biomass Facility

This study seems bent on discounting any other form of energy besides wind by placing every possible objection to others, for instance, this biomass facility. The statistics used are outdated – from 2003 and 1996. And what and where is this NGPP

Minnesota Biomass LLC? What does NGPP mean? I could not find a reference to it anywhere. Perhaps I overlooked it.

And, remember – wind power has to be backed up 24/7 by another form of base load power generation, because wind is unreliable. It doesn't blow all the time, and can't be controlled. So a much better use of tax \$\$ would be to build a reliable source of energy that would not fluctuate.

Another question is: Why are we seemingly so worried about mercury emissions? We pump our children full of it with each vaccination they receive! The amount that is put into the atmosphere cannot be that big of an issue if the government can allow the levels present in the vaccinations that it mandates!!

David, we were not able to complete our comments due to a major family crisis. We would like to ask if you would consider allowing us to finish it and get it to you via email by Monday morning – sooner, if possible. Thank you.

Lanny and Donna Baer

With Windows Live, you can organize, edit, and share your photos. [Click here.](#)

This public comment has been sent via the form at:
www.energyfacilities.puc.state.mn.us/publicComments.html

You are receiving it because you are listed as the contact for this project.

Project Name: Noble Flat Hill 230 kV HVTL

Docket number: IP6687/TL-08-988

User Name: Tony Frink

County: Clay County

City: Glyndon

Email: tfrink@microsoft.com

Phone: 218-498-2473

Impact:

Mitigation: My comment is on the selected route for the transmission lines. As a resident of Boutons Addition, I have a strong personal objection to the Route 1 design that has the line coming south along Hwy 9. Obviously, as a home owner in Boutons Addition, I do not want to see these transmission lines built basically out our back door and in direct view of our property.

However, all personal feelings aside, facts are facts, and I believe the preliminary EIS document clearly shows that route 2A offers a much more acceptable alternative to all parties. For starters, the cost for route 2A is \$2.5 million dollars less than route 1, and just as importantly, it impacts far fewer homes. Route 2A would cut west of Glyndon and then along the old railroad spur south of town that would put it out in the middle of farmland that would have virtually no visual impact on the city or neighboring residents.

In contrast, route 1 would run the lines directly adjacent to the homes in the Boutons Addition and provide an eyesore to all the homes along Hwy 9. Additionally, it would have a negative impact on the value of the homes in the area, and from my understanding, if any of the homeowners in Boutons decided to sell their property, new home buyers would be prohibited from receiving VA and FHA loans because of the location of the transmission lines.

Additionally, the environmental maps clearly show that the route 1 line would also be directly adjacent to lands housing rare animals and plants in neighboring Blue Stem.

Yes, we have a personal stake in the outcome of the selected route. But facts do not lie, and the facts in this case make the decision seem like a no-brainer. Route 2A is much more cost effective, impacts far fewer homes, has less of a negative impact on home ownership, and does not impact the wildlife and plant life to the extent that route 1 does. For these reasons, we feel that route 2A should be selected as the proposed route for the transmission lines if this project is approved.

Thank you,

Tony and Stacy Frink

September 10, 2009

OES Project Manager

David Birkholz

Dear Mr. Birkholz,

Our names our Daniel and Natalie Herzog, we live in the S.W. corner of section 14 in Moland Township, Clay County Minnesota. We would like to comment on the Draft Environmental Impact Statement prepared for the proposed Noble Flat Hill Windpark 1 by Wenck Associates, Inc. We feel that there should be more studies done on the items that we are going to mention.

Referring to the DEIS on page #3 under 1.4 Project Purpose

“The CON application states that the purpose of the Proposed Project is to “provide a cost-competitive renewable energy resource to Minnesota utilities.” And to “Meet a significant portion of Minnesota’s demand for additional energy at a low cost.” From what we understand from sources and publications, is that this power is not staying in our area. This electricity will not power our homes. We feel that Noble Environmental has falsely represented this on their CON. Just where is this power going?

Under 4.3 Visibility Impairment and Shadow Flicker

This heading starts on page # 14 and continues onto page # 15; we will be referring to the first complete sentence at the top of page# 15. The DEIS states “However, an entire field of wind turbines can be described as majestic with their rotor blades spinning in unison at a relative leisurely pace.” We find this somewhat humorous. In referring to the Minnesota Department of Health (MDH) white paper on page# 11, under heading A. Noise From Wind Turbines, section #2 Aerodynamic noise, the MDH states, “The tip of a 40-50 meter (Noble’s proposed models blade length is 77 meters) blade travels at speeds of over 140 miles per hour under normal operating conditions.” We would consider this far from leisurely. We do not know of anyone that would consider over 140 miles per hour leisurely. We certainly hate to see one of these turbines have a problem and send a rotor blade or even snow or a chunk of ice sent flying in our direction at 140+ miles per hour.

We will now state our concerns about shadow flicker, under the same heading but on page#16, section 4.3.4. The DEIS states in the first sentence, “The proposed Project would impair visibility and cause shadow flicker to some degree.” We want to know to what degree. Referring to MDH findings on page# 14, under B. Shadow Flicker, they state that a turbine can give shadow flicker up to 1 ½ hours per day. In Noble Environmental’s plan of attack, they are proposing 134 wind turbines. Just to give you some idea why we are so concerned, 8 of those turbines would be located in the field directly across the road to the south of us. Another 8 turbines would be located directly across the road in the field to the S.W. of us. Another 8 turbines would be located across the road in the field to the west of us, and 10 would be located in the field to the north of us. According to the MDH’s white paper, we could expect over 4 hours of shadow flicker a day. Boy that sure makes us hope that the sun don’t shine.

Moving on to page# 34 of the DEIS, under Mitigation, the DEIS states “There is also the potential for cumulative noise impacts to a single residence within the vicinity of multiple turbines. It is likely that

setbacks of greater than 1000 feet would be required to meet the MPCA noise standards for residences near multiple turbines. Noise studies may be required to ensure that noise standards are met for the 200 MW LWECs." We don't know where to even start with this statement. Our home that we have lived in for 20 years will be surrounded by 134 wind turbines. We want dB(A) studies done now. In our location, to see exactly what our levels are. We know for a fact that they are substantially lower than 50dB(A). *Actually by all rights, for adequate and fair testing to be done, the preparers of this report, Wenck Associates, Inc. , should be required to reside in a residence located with a wind park for an adequate length of time, 2 nights, 3 nights or preferably a week. **This should be mandatory and it should be done before the EIS is finalized.*** Not just enter a wind park and stay for an hour or so. They should have to stay, not with a paid land owner, but with someone whose personal space and environment was invaded upon by a wind company.

Noise studies contained in the MDH white paper starting on page# 17 to page#19 state that the adverse reactions to noise consist of poor sleep, headaches, stress, ringing in the ears and anxiety, just to name a few. Does this sound like something you would look forward to moving into your neighborhood? OR, would you fight tooth and nail to protect your family's wellbeing? We are concerned about our children; we are *supposed* to protect our children from harm. What are our alternatives if they get headaches, anxiety, sleep problems? Should we knock on your door and let you comfort them?

The World Health Organization (WHO) on page#20 of MDH white paper states "It should be noted that a large proportion of low-frequency components in noise may increase considerably the adverse effects on health." WHO also states on page#22, In their noise guidance, the WHO 1999 recommends 30 d(B)A as a limit for a good night's sleep. But yet, the State of Minnesota thinks it's all right for us to subject to *almost* twice that amount at night. Incredulous.

When we mention our plight to others, some of the responses we have had are, "We had no idea that that was being built." "Where are those going to go?" "When is this happening?" So much for the public information. But, the one we enjoy the most is, "Well, we live next to the railroad tracks." We manage to explain to them that number one, that the tracks were already there and it was their choice to move there. And, number two, trains do not run 24 hours a day for days and days in a row.

Our last question (for now) is about the soil. We have documented history in the means of photographs and video of the field across the road from us, directly to the south. We cannot remember a spring that that field has not had water in it. We are not talking a little, we talking so much that it looks like a lake and when the wind blows it gets white caps on it. On page 74 of the DEIS, under Soils the DEIS states that the soils within the proposed project area are poorly, somewhat poorly and moderately well-drained. In what classification would you put that field? We want to know who did the soil testing and when and where it was done. And what we want answered is, if turbines are put up where is that displaced water going to go? What guarantee can you give us, and our son, Jack (11), that these turbines will not flood us out, will not tip over? This poor kid watches wind watch.org and YouTube videos of turbines tipping over, spinning out of control and starting on fire. The things he has seen scares the life out of him. Why should a person have to worry about situations like this, let alone a kid?

Daniel and Natalie Herzog

September 10, 2009

Sent Via E-mail: david.birkholz@state.mn.us with Noble Flat Hill Windpark I in subject line

David Birkholz
Minnesota Office of Energy Security
85 7th Place East, Suite 500
St. Paul, MN 55101-2198
Re: WS-08-1134

Dear Mr. Birkholz:

The following comments relate to the Draft Environmental Impact Statement prepared for Noble Flat Hill Windpark I, LLC's ("Noble") Site Permit Application for a Large Wind Energy Conversion System (LWECS) for the Noble Flat Hill Windpark I Project, and Noble's Route Permit Application for a new 230 kV Transmission Line and Collection System including Substation, in Clay County, Minnesota.

Please consider my comments and requests for more detailed information that I made at the public meeting on August 31, 2009 in Glyndon. Thank you for providing the transcript.

Sincerely,

/s/
Kathleen A. Stradley
3116 Highway 9 South
Glyndon, MN 56547

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE NOBLE FLAT HILL I WIND FACTORY & HVTL, GLYNDON, MINNESOTA

September 9, 2009

The following comments are in addition to those I made at the public meeting on August 31, 2009 in Glyndon, Minnesota. I also join in the comments made by Tony Frink, Lanny Baer, Donna Baer, Natalie Herzog, and Kathleen Stradley at the August 31st public meeting.

1. The methodology of this environmental impact statement is defective because it is prejudicial. The reason it is prejudicial is because it compares a system that produces obnoxious gases to one that doesn't. This places wind power in a positive light that overrates its greenness. It is questionable whether wind power will lower carbon emissions. This wind project should be compared to something more comparable like a solar project.
2. Adverse impacts of this technology and project must be reviewed and discussed before a real environmental impact analysis can be considered complete. Adverse impacts on humans must be reviewed. There is no medical review here in this process.
3. The Draft Environmental Impact Statement is deficient in its analysis of the habitat necessary to support the fragile species *tympanicus cupido*—the Greater Prairie Chicken. These birds regularly commute from their grassland overnight location to the west to feed in fields, especially soybean stubble. Many individuals in this area can testify to the regular flights chickens make, especially in the winter months. The high voltage transmission line under consideration here is directly in their flight path. That's why an alternative location further to the west like Clay County Highway 68 should be considered. This alternative is good in that it does not go through Glyndon. County 68 already is a power corridor. There are fewer households impacted by following County 68 in addition to being very far from where chickens roost. So the scope is defective in that it does not consider the feeding needs of this fragile species. The presence of wind turbines in the flight path of prairie chickens should be evaluated in this environmental impact statement.
4. The DEIS is insufficient because it does not consider the human environmental effects of converting an agricultural and RESIDENTIAL area into an industrial district. What are the effects on the economic environment? Are property values affected? Are there sociological effects, especially on families? Does close proximity to an industrial park have effects on medical conditions, family relations, child welfare, neighborhoods, and crime? Does it affect building values? If environmental means nature, you cannot ignore the fact that humans

- dwell in nature. The scope does not adequately consider social science effects, again economic, sociological, and psychological. Before the State can reasonably allow industry to move into residential neighborhoods it must consider these impacts. There are no estimates of the cost to the residents around this project and its transmission lines. How many neighborhoods have major kilo voltage power lines running through them?
5. It may be true that wind energy is supported by government, but it is not true that all the people have to support this development. The environmental impact statement should address the political economic impact of this project, especially how much it could increase the national debt. Federal law provides subsidy, and the amount is easily found. Then multiply this by the number of kilowatts generated. Take this sum and multiply it by the percentage of federal spending currently financed by debt. This will be the debt impact. There is no way to calculate pain and suffering created by legislation that results in the condemnation of the value of property, both real and land. But this impact should be mentioned as well and it should be mentioned that there is a cost, although it is difficult to measure. This is a technique widely used in environmental impact of recreational activities so there is precedence. And there are techniques by which this can be measured. There's probably no way of calculating the value of the MN legislature's legislation that effectively waives property rights of landholders, without their consent. This comment applies to the wind factory. At least landholders have some rights in this process, but only because there is a power line connected with this wind factory proposal.

Sincerely,

/s/ _____
Scot A. Stradley
3116 Highway 9 South
Glyndon, Minnesota 56547

Minnesota Department of Natural Resources

500 Lafayette Road • St. Paul, MN • 55155-40



September 10, 2009

David Birkholz
Minnesota Office of Energy Security
85 7th Place E., Suite 500
St. Paul, MN 55101-2198

RE: Noble Flat Hill Draft EIS Comments

Dear Mr. Birkholz:

The Minnesota Department of Natural Resources (DNR) has reviewed the Noble Flat Hill Draft Environmental Impact Statement (DEIS), and provide the following comments to address:

- The accuracy and completeness of the material in the Draft EIS with regard to the discussion of alternatives, impacts associated with those alternatives, impacts identified by the scoping process and mitigation measures.
- Whether the Draft EIS as prepared adequately addresses identified issues from the scoping process and, what additional materials would make it adequate

In the interests of consistency, comments are generally grouped into similar categories as those used identified in the Scoping Decision Document (SDD).

Wildlife

The SDD indicated that, “the EIS will include an analysis of potential wildlife and habitat impacts from both the wind park and the HVTL and that general information will be provided on issues such as wildlife displacement or alteration of migration routes...”

The types of impacts to wildlife from wind facilities we are concerned about in relation to the proposal and wind farms in general are:

- Mortality to birds and bats from blades strikes, collisions with overhead transmission lines, and collisions with wind monitoring towers.
- Elimination and/or Degradation of Habitats

Grassland species are adapted to open areas where there are very few or no high objects. Predator species tend to perch on trees and other high objects, and therefore grassland species subject to aerial predation tend to avoid high objects. Avoidance can mean that a portion of the habitat is either removed (if total avoidance of high objects) or degraded (if habitat use is limited). Areas of habitat (both native & non-native) may be lost because of the project.



Very little information or analysis is provided regarding habitat impacts, wildlife displacement or alteration of migration routes in the DEIS. Page 85 of the DEIS indicates that the habitat of the proposed project area are similar to those of the Buffalo Ridge Wind farm along with that of a wind farm in Iowa.

Although the Buffalo Ridge Wind Farm and the proposed project may have some similar characteristics, direct comparison cannot be made for the following reasons:

1. One wind energy facility can be significantly different in its mortality when compared to another based on topography, habitat, migratory corridors etc. Mortality at individual turbines within the same site can be significantly for the same reasons. In order to have a representative sample of mortality caused by wind turbine operation in Minnesota, it is necessary to conduct additional mortality studies.
2. Technological advances in wind turbine designs have resulted in taller larger diameter wind turbines which operate at different wind speeds. This may have different affects on mortality. The proposal is for turbines that will have hub heights of 80 meters and turbine blade diameters of 77-meters. The Buffalo ridge project utilized turbines with heights that varied from 20-74 meters and diameters ranging from 33-48 meters in diameter.

In the past, prairie chickens have been near and within the eastern portion of the project area. There is evidence that prairie chickens avoid wind towers to some extent and studies are referenced in the DNR NHIS letter dated January 9, 2007, however; the potential for prairie chicken avoidance to wind turbines is not analyzed in the DEIS. Prairie chickens will use cropped fields, a non-native habitat, for feeding. Complete habitat descriptions (different habitats used throughout the years) along with how those habitats may or may not be impacted needs to be included in the analysis.

Although the project in itself may not result in population level impacts to birds species, the tower location proposed will be additive to other existing, and proposed wind farm in the area. The potential for cumulative impacts to wildlife should be included in the analysis of the Final EIS. Specifically, as indicated in the SDD, an analysis of potential wildlife displacement and alteration of migration routes needs to be included in the Final EIS.

When completing port construction avian and bat mortality monitoring, established DNR protocols and guidelines should be followed.

Aesthetic Visual impacts

The Final SDD stated that the Draft EIS will identify potential visual impacts from the Proposed Project on the surrounding landscape, including nearby residences and Buffalo River State Park. The Draft EIS will also discuss possible mitigation measures.

Potential visual impacts and mitigation measures are provided in the DEIS.

The following comments pertain to the adequacy of mitigation measures for aesthetic impacts:

Wind Park

Section 6.2.4 indicates that, "The presence of turbines **within the viewshed** of wildlife management areas (WMAs), waterfowl production areas (WPAs), Buffalo State Park, Scientific and Natural Areas (SNAs), and TNC's Bluestem prairie **may diminish the natural quality of those areas** and the experience of

those persons utilizing the areas". The document suggests that impacts are possible by simply having turbines within the viewshed. The viewshed extends beyond park boundaries, yet the proposed mitigation is to just to "Ensure turbines are located outside of areas considered visually sensitive such as State Parks, WMAs, WPAs, or wetlands".

Page 50 of the DEIS indicates that mitigation measures that would result in shorter towers have not been considered because they would result in less efficiency per unit. Restating what was already in the February 24, 2009 DNR Permit comment letter, an analysis of visual impacts versus efficiency would be helpful in determining how much less efficient turbine are at different elevation/heights. Simply stating that, "wind power technology requires as much exposure to wind resources as possible to attain maximum efficiency" is not adequate.

Transmission Lines

Consolidating utilities the utilities onto one pole structure will help to minimize disturbances. The document (page 50) states that visual impacts will vary depending on pole spacing from residences and amounts of in place visual screening. A description of existing sensitive receptors, associated levels of existing visual impairment, and how the construction of each alternative will change the existing conditions needs to be included in the analysis (i.e. will the new consolidated transmission poles and lines be taller than what is existing?)

It is good that the applicant proposes to work with land owners to identify aesthetic concerns/impacts. Specific mitigation measures need to be included to allay concerns or offset impacts when they are identified. Planting of vegetated buffers could be included as an additional mitigation measure.

Water Quality

The projects potential to impact water quality was analyzed in the DEIS. The DEIS also provided mitigation measures.

The DEIS states that the potential for impacts to water quality is low. The proposed mitigation relies on requirements within the NPDES Permit for Construction activity and assures that they will be effective if implemented. When followed, the NPDES permit requirements are generally effective at minimizing erosion and sedimentation into surface waters.

Some additional mitigation measure which will help ensure that NPDES and SWPPP requirements are implemented would include:

- requiring contractors and inspectors be certified in erosion/sediment installation and site management
- including penalties for non-compliance into the construction contract

Rare and Unique Natural Features

Impacts to rare and natural features along with mitigation measures are included in the DEIS. The following comments pertain to the completeness of the information provided.

Animals

Section 6.2 indicates that, "The greatest threat to greater prairie chickens is the loss of required habitats including large open treeless landscapes", and that, "there is the potential that the Proposed Wind Park may cause mortality to marbled godwit or greater prairie chicken, however these impacts would likely be

to local individuals and not create population level impacts for either species.” This section then concludes that, “due to the distance of the proposed wind turbines from the potential habitat, the proposed project will likely not result in avoidance behavior for the Wilson’s phalarope.”

Whether or not the project has the potential to result in avoidance behavior for other listed rare species (i.e. marbled godwit greater prairie chicken) needs to be included in the analysis along with species identified during surveys (i.e. Franklin’s gulls).

Native Prairie

The DEIS (page 96) indicates that all known areas of native vegetated habitats and sites of biodiversity significance are outside the projects area and to the east.

Potential impacts to plant species found in railroad right-of-way prairie and impacts to railroad right-of-way prairie should be included in analysis of Route 2.

The Minnesota County Biological Survey (MCBS) has identified area or remnant native prairie in Section 26 of twp 140N Range 47W and Section 6 of Twp 140N Range 46W. The prairie remnants are within the Burlington Northern and Santé Fe Railroad right-of-way and may occur on one or both side of the existing grade. These prairie remnant areas (along with other discovered during the biological survey) should be included and analyzed in the Final EIS. This railroad right-of-way prairie is also reference in the January 9, 2007 letter from the DNR Natural Heritage Program. This area should also be included on Figure 15.

Thank you for the opportunity to comment on the DEIS. Please contact me at (651) 259-5156 if you have any questions.

Sincerely,



Randall Doneen
Environmental Review Planning Director

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PUBLIC COMMENTS - AUGUST 31, 2009

In the Matter of the Noble Flat Hill Windpark, LLC
Applications for a 201 MW Large Wind Energy Conversion
System Site Permit, a 230 kV High Voltage Transmission
Line Route Permit and a Certificate of Need for the Noble
Flat Hill Windpark I Project (Project) in Clay County

MPUC DOCKET NOs. IP-6687/WS-08-1134; TL-08-988;
and CN-08-951

Glyndon Community Center
212 Partridge Avenue South
Glyndon, Minnesota

August 31, 2009

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1 after that?

2 MR. FRINK: No.

3 MR. BIRKHOLZ: Okay. There are a few
4 simple questions I can answer. I'm not going to try
5 to answer your questions because we're going to take
6 them back and evaluate them and analyze them, but I
7 can surely do this.

8 The final decision for any route is the
9 Public Utilities Commission. That's a decision that
10 will be made on the -- probably the 14th of January,
11 upcoming. What we've tried to do is evaluate just
12 what you're saying, where are the impacts for these
13 changes.

14 The original route, second route, you
15 know, the company had to come in with two routes,
16 that's part of their project -- or that's part of
17 their application requirements. They came in with
18 the one that they preferred, which they're told to
19 tell the Commission which one they prefer to use,
20 then to give us another one.

21 And when we were reviewing and studying
22 the actual impact statement and looking back at
23 comments from people here, we thought, you know, we
24 have to evaluate another way to look at that and
25 that's why we also looked at some pieces west of

1 town instead of going right through town. So, that
2 didn't seem to be a real practical solution.

3 In the public hearing I think there's
4 opportunity to make a case one way or the other
5 before the Judge. The Judge will be making a
6 recommendation in this case. The final decision
7 will be the PUC, but they do review the Judge's
8 report.

9 Next? I'm a long way from home and it's
10 too late for me to watch any of the game so we might
11 as well spend some time talking here. I did not
12 know Favre would be debuting tonight when I set this
13 meeting, I thought that would just be another
14 exhibition game. Well, that's what somebody was
15 telling me, so who knows. It's all a mystery and an
16 experience.

17 Lanny, do you want to say something?

18 MR. BAER: Yep. I studied this thing.
19 I'm Lanny Baer, I live over by Glyndon. L-A-N-N-Y,
20 B-A-E-R. I've done some study on this thing so I
21 could talk for quite awhile if you want me to.

22 I'm very opposed to this project. I
23 think that this study is very lacking in
24 information. I think some of the information in
25 here is very inaccurate.

1 You know, they talk about a significant
2 portion of Minnesota's demand for additional energy
3 at a low cost. This is not low cost, guys. Wind is
4 not low cost. Wind is brought to us by our tax
5 paying dollars. If it didn't have tax paying
6 dollars it wouldn't work. Ethanol is not working
7 because tax paying dollars aren't there anymore. So
8 when the rug gets pulled out from under the
9 taxpayer, these turbines sit 'cause they can't make
10 it. They need our money.

11 And they talk about -- I mean, I wish I
12 had time to put this altogether, but I'm in the
13 business world, too, and I'm really swamped with our
14 business and stuff that I've got going at home, so.

15 Just the stuff goes on in here. They
16 talk about the flicker. You know, the flickering.
17 They know it's going to do it. They know it's going
18 to be there. They say the Applicant has proposed a
19 700-foot minimum from residences, this would reduce
20 but not eliminate flicker. You know, you're going
21 to have to deal with this, people, in your homes.
22 If you've ever looked at the web sites and see what
23 it is. Flicker is not a fun game. If you've got
24 imbalance problems, you could fall down. You know,
25 it's not good. You know, it just -- this whole

1 project.

2 The noise, the noise issues. You know,
3 this is all noise studies that have been done very
4 recently within the United States. One of them is
5 E-Coustic Solutions, Noble Wind Farm, that they put
6 together. What Noble says the noise is going to be
7 is inaccurate. They say that their studies are
8 inaccurate. It's here. Go on the web site and get
9 it. They don't get it. You know, the noise issues
10 are very real, dB(A) is not the way noise needs to
11 be followed. They can't just take a blanket.

12 There's four studies, there's five
13 studies here, they all say 40, 50 dB is just really
14 not the way to do it. You got to go out there, you
15 got to figure out the noise, what it is to today.
16 You go over 5 dB over that it's going to be an
17 annoyance. And then the dBc, which is the low
18 thumping noise, the low vibrations, these studies
19 say goes right through your home, you can't get rid
20 of it. And it is very annoying. It causes sleep
21 disorders and there's a lot of problems with it.

22 You know, this is for keeps, guys. When
23 this thing is here and we got problems, those of us
24 that have our homes, we're stuck. We're stuck.
25 We're living with them forever. We move, we tear

1 down our homes, we do whatever. We have no choice.
2 But we can't live without it. I mean, they're bad,
3 bad deals.

4 You know, the PUC didn't want to take on
5 the finances. I brought finances into this thing
6 about Noble. Well, right now they've got real
7 problems in New York. They're not paying their
8 bills, guys. They got liens all over them. They're
9 not paying their bills. The farmers are ready to
10 lose their land, they've got liens against their
11 land. They're not going to get mortgages. They
12 aren't going to be able to get financing to plant
13 their farms with liens against them because that's
14 against their property. Their agreement says they
15 can do that to people. These are a bad, bad deal.

16 Like I said, I wish I had more time to go
17 through this whole thing, you know. But you really,
18 people, you got to study it. It's not good. I
19 mean, you know, we've got a lot of our birds and
20 stuff that fly over the area, we're going to lose,
21 you know, they're going to quit flying because of
22 these things.

23 Going back to noise. You know, it's one
24 thing to have one, two or three of these things in
25 your backyard or close to you, it's another thing to

1 have 134 of them. The noise multiplies, these
2 studies say that, it continues to impact. It gets
3 bigger and bigger and greater and greater, it
4 intensifies. It doesn't get louder, it just
5 intensifies, which drives it to you harder. And
6 there's no way to get around it. We're not even
7 talking aesthetics. You know, we're not talking
8 about the loss of sunsets, we're not talking about
9 any of that.

10 These studies all recommend two miles.
11 Noble is saying we're doing you a great favor
12 because we're going to go 700, because Minnesota
13 says we can go five, so we're being really nice to
14 you. Well, these things, if they tip over, the
15 debris is going to splatter 700 feet.

16 You know, they use misnomers in here --
17 or not misnomers, but they use ways of deceiving you
18 in your height. They go from feet to meters to
19 rotor diameters. They do that intentionally.
20 Because, you know what, who wants a 300 and some
21 foot tower 700 feet from them? When they tip over,
22 what are they going to do? When these things light
23 up on fire? Noble's had them burning already in
24 New York.

25 This is not a very good company to invite

1 to Minnesota and do business. They don't have a
2 good track record. Their finances are horrible.
3 They have towers burning. They're investigated by
4 the State of New York all the time.

5 You know, I mean, like I said, I haven't
6 had a chance to go through this whole thing. I've
7 got a lot of yellow marks all over it, I hope I have
8 time to do all the commenting by the 10th. These
9 guys, you know, they put us in a real bind to try
10 and do these comments and I think a lot of that is
11 intentional so we can't do it, 'cause it gives a
12 chance for the state to do a rubber stamp.

13 So, guys, if you want to do something
14 about it, let's do it right now.

15 MR. BIRKHOLZ: It's true, the 10th is 10
16 days from now. The comment period has been open
17 since the EIS came out on July 31st. So, we hope
18 we'll give you a good chance to review it. And yes,
19 you do have until the 10th.

20 Now, the 10th, mind you, will be your
21 opportunity to get comments back to us about the
22 EIS. Should there be anything that we should look
23 at differently, should there be anything we need to
24 look at more in-depth. That is not your last chance
25 to comment on the project, it's not your last chance

1 to question whether this is needed or how it should
2 be implemented. That will be the hearing and that
3 will be up here and that will be open to everyone.

4 But I definitely want to see, Lanny, what
5 you've analyzed, what anybody else has to say that's
6 going to help us make the final environmental impact
7 statement a useful document to incorporate into the
8 process.

9 Next?

10 MR. FRINK: Can I just sit here?

11 MR. BIRKHOLZ: No, come on up.

12 MR. FRINK: I guess just to what Lanny
13 said, based on the information he presented about
14 the background of Noble, maybe we can, you know, I'd
15 like to point a question to Noble to ask if he'd
16 want to address that. Are these facts true? If
17 they're true, then why should we be encouraged to
18 have Noble come? If they're not a good neighbor, if
19 that's how they handle their financing and their
20 business, you know, why would we want them doing
21 business in our backyard? Can you address the
22 problems that Noble is having in New York and other
23 places?

24 MR. BIRKHOLZ: It's kind of up to you,
25 Mike, what you want to do here. There will be a

1 hearing, so I'm guessing those questions will come
2 up again during the process of hearing. If you want
3 to say something now? Today we're talking about the
4 environmental impact statement, but if you want to
5 say something, or would you like to --

6 MR. BECKNER: I'd be happy to speak with
7 you after the meeting at any point or address it at
8 the public hearing, but this isn't the appropriate
9 forum to discuss that.

10 MR. FRINK: Okay.

11 MR. BIRKHOLZ: There will be
12 opportunities.

13 MR. FRINK: Well, if he's willing to
14 discuss it with me afterwards, I don't know why he
15 couldn't discuss it in front of everybody. I mean,
16 obviously that seems like --

17 MR. BIRKHOLZ: No, I don't think so, but,
18 I mean, again, if you want to just say a couple of
19 things. But, again, the issues are not off the
20 table for discussion, they're open for you to
21 discuss. There are forums to discuss that. This is
22 the EIS. I mean, yes, we can stretch a little bit.
23 I mean, you know, to answer some questions. But
24 that's going to answer the questions in front of
25 everybody that comes, everybody will have a chance,

1 you'll have a chance to be right at the hearing and
2 say, look, when you've gone back and you've
3 evaluated and you've looked at your research and you
4 said I still have these questions, you can lay them
5 out at the hearing, absolutely.

6 MR. FRINK: Okay.

7 MR. BIRKHOLZ: Sure.

8 MS. STRADLEY: My name is Kathleen
9 Stradley, and I live at 3116 Highway 9 South,
10 Glyndon. And just for reference, I live where the
11 Route 1 transmission line is proposed, the
12 Applicant's preferred route. And I did take a look
13 at this draft, and I understand it's a draft and it
14 doesn't have everything in it.

15 MR. BIRKHOLZ: Well, it should be an
16 attempt to get everything in it, and that's why
17 we're here, for your evaluation. If you're looking
18 at this and you're saying this isn't a final
19 version, then, yes, we want your comments on why
20 it's not a final version.

21 MS. STRADLEY: Okay. I have a lot of
22 notes that I took and I'm going to put it in writing
23 and so I'm not going to take up everyone's time with
24 all of my notes.

25 But I have two questions. And it's

1 regarding the comments that were received after the
2 scoping document that were not addressed in this
3 draft. The first one was from Minnkota Power.

4 (Train passing by.)

5 MS. STRADLEY: Okay. It's regarding the
6 location of -- well, first of all, is this project
7 needed, and there is an answer in this draft, but
8 I'm not convinced by that answer. And my own
9 question, besides Mr. Lauren Brorby who is the CEO
10 of Minnkota and, incidentally, that is where I get
11 my power from, and a lot of people do in this area,
12 from Red River Valley Power Cooperative, Minnkota is
13 the main generation for that power.

14 The wind studies that were conducted, I
15 guess I don't see really any wind studies in this
16 draft. Are they in here? And if they are in there,
17 is it only from a year or is it from five years?
18 Because there's some discrepancy in that time period
19 from when the meteorological tower went up to the
20 timing of this application.

21 MR. BIRKHOLZ: There are a number -- just
22 to address, I'm not trying to not answer you at all,
23 I'll just tell you what I think you're addressing.

24 But the EIS is not necessarily in any way
25 giving a recommendation. What the EIS is trying to

1 do is evaluate this project and its environmental
2 impacts and also alternatives to this project and
3 their environmental impacts. There is another
4 section of the Office of Energy Security that's
5 called Energy Resources and Planning, and they are
6 always a participant or a party in these cases, and
7 they do some of the evaluation separate from this.
8 They will be participating in the hearing as well.

9 MS. STRADLEY: And you're talking about
10 the hearing on October 13th here in Glyndon?

11 MR. BIRKHOLZ: Yes.

12 MS. STRADLEY: And anyone can ask them
13 questions?

14 MR. BIRKHOLZ: Yes.

15 MS. STRADLEY: And we'll get the report
16 before the hearing, or not?

17 MR. BIRKHOLZ: What report?

18 MS. STRADLEY: On the noise -- or not the
19 noise, I'm sorry, on the actual wind studies that
20 were done.

21 MR. BIRKHOLZ: I'm not sure I know
22 exactly where they're at. They're not filing any
23 direct testimony in this case.

24 MS. STRADLEY: Okay.

25 MR. BIRKHOLZ: 'Cause they're not

1 actually a party in this case, 'cause the contested
2 case is the -- it's confusing.

3 MS. STRADLEY: It is a little confusing.

4 MR. BIRKHOLZ: Which is what we've taken
5 in this case is I think what we've tried to do is go
6 an extra step instead of cut this out. Because in
7 the normal situation for a wind project, which is
8 really what this is about, this is about the wind
9 project, but there are ancillary things that have
10 impacts. So, for a wind project there's not
11 normally an environmental impact statement at all.
12 And there's --

13 MS. STRADLEY: But there is an
14 environmental review?

15 MR. BIRKHOLZ: There is not. No, it's
16 built into the application process. It is not in
17 the statutes, we do not do an environmental
18 document. And there's also not a hearing built into
19 the process. So, we've really incorporated the wind
20 farm and this whole business into the process so we
21 allow people to comment on the wind farm. I know
22 your particular concern for impact is a transmission
23 line.

24 MS. STRADLEY: Well, actually, I'm
25 concerned about the whole project.

1 MR. BIRKHOLZ: Oh, sure. I don't mean to
2 put words in your mouth.

3 MS. STRADLEY: That's okay. I'll go on
4 just with the notes that I made.

5 But, Mr. Birkholz, this letter was
6 written to you, it was an e-mail. And the first
7 question was whether or not the location of the
8 project was in the best available wind area, and
9 then were there adequate studies. And the other
10 question was who is the energy being sold to, and I
11 understand there's something about them maybe not
12 having to divulge that now, or not having to have a
13 purchase power agreement, is that how you say it?

14 MR. BIRKHOLZ: The purchase power
15 agreement is the issue. Now, before they're issued
16 a permit or allowed to construct, they need to have
17 a power purchase agreement or some other enforceable
18 mechanism, as the rule says, in order to construct.
19 So that does need to be in place.

20 MS. STRADLEY: Okay. And that comes
21 later after they get their permit?

22 MR. BIRKHOLZ: Usually before a permit is
23 issued.

24 MS. STRADLEY: Before a permit. But we
25 won't know about it, will we?

1 MR. BIRKHOLZ: The question can be raised
2 in the hearing.

3 MS. STRADLEY: Okay. Will they know by
4 the hearing? By October 13th?

5 MR. BIRKHOLZ: I don't know.

6 MS. STRADLEY: Okay. So basically
7 there's still a lot of questions.

8 Okay. And then the other one was the net
9 wind capacity of the park. There were several
10 different numbers, 30 percent, 28 percent, 33
11 percent. This is, I suppose, just for another -- if
12 this is, you know, proprietary information, maybe
13 they don't give that out, you know, but I just
14 thought it should be addressed in this draft also.

15 If that information is not made public,
16 how can one determine if the project is the best
17 bang for the buck? And we all know that baseload
18 generation is by far more productive and economical,
19 for every wind park that goes up you still have to
20 have baseload generation. That was his comments,
21 and I'm sure you have that.

22 And then the other comment I wanted to
23 make was there was another alternative, not proposed
24 by Noble but proposed by David Kahly of Glyndon, who
25 it looks like he might be in the transmission area

1 and he's also an engineer, and he was wondering
2 about Route 2 rather than go west a mile and a half
3 mile north of Highway 10 and then proceed straight
4 south, it would be better to put the line in the
5 same corridor, which is the Minnesota power 69 volt
6 line, Minnkota Power line on Clay County 68, also
7 known as 90th Street North. And I don't know
8 exactly if that goes to the Otter Tail line or not,
9 but I know Minnkota and Otter Tail have projects
10 together, and I'm sure they could arrange it for
11 them. That was something else I didn't see.

12 I did see the Route 2-A proposed, and
13 I -- this project, if there is need for this
14 project, that would be my preference, too.

15 And just so you know, there is a lot of
16 people that aren't here tonight because they're out
17 in their fields and they usually don't get in until
18 about 10, maybe 11:00. I've talked to a few of them
19 today.

20 I think what I'm going to do, though, is
21 for the rest of my comments, I have so many that I'm
22 going to put them in writing, and I have some
23 documentation that goes along with them. But when
24 we come to these, we really don't get any answers.
25 And I'm counting on the answer being in the Final

1 Environmental Impact Statement, or maybe taken up
2 with you or the public advisor.

3 How does that information get
4 disseminated out to people? Because I notice none
5 of my neighbors got anything after the first letter
6 from your office. Not from Noble, but from your
7 office, of the hearing that was on February 4th,
8 2009. Do people have to sign up or will it be
9 advertised? I know the handout shows it'll be in
10 the newspaper, but I got to tell you, I'm really
11 concerned about that, because the meeting for
12 February 4th was advertised in the newspaper but it
13 had the wrong day. It was advertised, you know --
14 or the letter said February 4th, but the actual
15 public notice in the newspaper said February 5th.
16 And my understanding is that there was some people
17 who came here, found no one here, said, oh, it must
18 be finished early. So that's something that I would
19 just hope your office would check on and make sure
20 it had the right date for people to show up.

21 The other thing is the wind turbines.
22 While some people like them, some people don't. I'm
23 not here to argue if they're beautiful, majestic, or
24 if they're, you know, giant monstrosities on the
25 land. I am just concerned about Clay County turning

1 into a giant wind factory. And I know there are
2 other projects that haven't been made public yet,
3 but people are aware of them and they are talking
4 about them and I'm just concerned that people aren't
5 getting notice of it. That's one of the big things
6 I'm concerned about.

7 And I know that Noble has, you know,
8 their way that they contact people, although in
9 their application they mentioned that newsletters
10 would be coming out, and I haven't ever seen a
11 newsletter. Maybe a quarterly newsletter. And if
12 that was going to be something that we could look
13 forward to.

14 The other thing is that I've got a
15 problem with -- and I know this doesn't go into the
16 draft, but I have to mention it because for future
17 hearings and for future public meetings, what's told
18 on paper does not necessarily accurately reflect
19 what really occurred. And part of this is dealing
20 with townships in this area. And the minimum notice
21 that maybe had been given to a township resident or
22 maybe, in fact, no notice, and maybe just meeting
23 with a couple of people from townships, I don't
24 think that's good notice to people. We have no idea
25 what went on over the talk about our roads when

1 Mr. Beckner or anyone else from Noble chooses to
2 meet, which is just one or two township people, or
3 maybe just one county commissioner. I don't think
4 that that's going to be disseminated to us as a
5 public group. So, I know it's, you know, not part
6 of this, but I think it's worth mentioning.

7 And the notice is a big thing too. And I
8 understand the contested case hearing because it's
9 an administrative law situation. Whereas -- would I
10 be able to get a copy of this transcript tonight.

11 COURT REPORTER: Not tonight, but you can
12 get it.

13 MS. STRADLEY: Is there a cost for that?

14 COURT REPORTER: Not for this.

15 MR. BIRKHOLZ: It'll be available on our
16 web site.

17 MS. STRADLEY: But for the contested case
18 hearing, that's like a court hearing, isn't it?

19 MR. BIRKHOLZ: That will be up to the
20 Judge.

21 COURT REPORTER: It's not available for
22 the public unless you pay for it.

23 MS. STRADLEY: Okay. Do you have any
24 idea how much that costs?

25 COURT REPORTER: No. Not until we see

1 how long it goes.

2 MS. STRADLEY: Okay. Generally, like
3 maybe a buck a page, maybe more?

4 COURT REPORTER: Maybe more.

5 MS. STRADLEY: Okay. That's what I
6 thought.

7 Like I said, I'm not going to take up any
8 more of your time and I think what I'll do is reduce
9 this to writing, because people don't want to hear
10 me and I don't want to hear myself. But, you know,
11 just the thought of having this.

12 And the other thing is, the wind studies,
13 that I'd like to see. And the other thing is the
14 health department's White Paper talking about
15 further studies that need to be made. That their
16 White Paper is not one giant conclusion, it has
17 recommendations to it, but I did not see those
18 recommendations reported in the DEIS, so I would
19 like to see those addressed too.

20 And I'll let you have this back. Thank
21 you.

22 MR. BIRKHOZ: All right. Thank you very
23 much. Very useful. Especially the notice. We
24 strive to do the notice the best we can. But you're
25 right, what the notice is after that meeting is

1 people who signed up for our mailing list.

2 MS. STRADLEY: People don't get that.

3 MR. BAER: We're not getting them.

4 MR. FRINK: Nobody in the township is
5 getting it.

6 UNIDENTIFIED: We signed up and didn't
7 get it.

8 MR. BIRKHOLZ: You got information of
9 this meeting?

10 MR. FRINK: From Kathy. She got
11 notified, but most of us never got notified. The
12 first I heard about this was a month ago when she
13 came and knocked on my door. I never heard
14 anything. I talked to the other neighbors and
15 nobody got anything in the mail except one or two.

16 MR. BIRKHOLZ: I know several of the
17 people here are on that mailing list and I pulled
18 the mailing list up. I'm not saying you got it, I'm
19 saying then there's a problem that needs to be
20 addressed. Because I pulled them off the web site
21 myself and walked them over to word processing to
22 send this out.

23 MR. FRINK: I got the mailing that said
24 that there was this meeting. But I'm signed up
25 online to receive all the information about Noble,

1 I'm not getting any of it online. I only got your
2 mailing. I found out about this draft when Kathy
3 sent it to me on my e-mail. I didn't find out about
4 this draft being published by you guys.

5 MR. BIRKHOLZ: It was in the same
6 mailing.

7 MR. BAER: But that was way after, I
8 mean, that was 10 days, 15 days after this thing was
9 produced. And, you know, we're on such a small
10 timeline here that all that time goes away.

11 Like right now, the final draft you're
12 saying is going to be December 8th. Well, if we
13 don't find out about it -- or October 8th, excuse
14 me, October 8th. We don't find out about it, you
15 guys don't get it online, we're supposed to be at a
16 contested hearing on October 13th, that's five days,
17 and we're supposed to digest this and understand it
18 to come back and talk about it.

19 Come on, we have jobs, too, this isn't
20 our only life. You know, this is very unfair as a
21 person that's going to have to live with these
22 things for the next 50 years, if I live that long,
23 and my kids are going to have to deal with it. This
24 is a generation, multigenerational thing here and
25 it's just getting rubber stamped and shoved down our

1 throats.

2 MR. BIRKHOLZ: No decisions have been
3 made. The entire year's process, this analysis,
4 there's no decision being made. It's analyzing
5 options. There are no decisions made today.

6 MR. BAER: But if this is what the draft
7 is, or this draft, when this thing is done draft
8 falls off and it says EIS. And everything in here,
9 it should, it couldn't, it may not, it might, it may
10 be, it's this, there's nothing conclusive in here,
11 David. Everything has got a disclaimer in it that
12 is in Noble's interest. There's nothing in here
13 that if their sound, their noise doesn't work,
14 there's nothing in here that says I have one leg to
15 stand on to make them fix the problem. I have to
16 get attorneys, I have to spend hundreds of thousands
17 of dollars to protect myself when I shouldn't have
18 to. That's what you guys are here for, to protect
19 me. You're not here to protect Noble.

20 MR. BIRKHOLZ: We're definitely not here
21 to protect Noble, we're here to protect everybody
22 involved. Whoever has a right to make an
23 application and whoever has a right to respond to
24 it.

25 MR. BAER: Listen to this, guys, and see

1 if it's been determined that that's the acceptable
2 thing to do. No, they wouldn't be torn down. The
3 if language you reference shows that this document
4 is not a decision-making document, this is an
5 informative document. 700 feet is their minimum.
6 That will be for anybody that's part of the project.
7 If you're in on the project, they might put it that
8 way. They could not possibly put it that close to
9 anybody's house who is not in the project because
10 they need a minimum of five diameter setback or
11 three diameter setback depending on the wind. And
12 then depending on how far your residential property
13 is set off from your property line. So 700 is the
14 minimum.

15 Now, we're talking about multiple things
16 here. What might be real impacts, they might be.
17 This document brings them up, it says we need to
18 address these issues. If we're going to be able to
19 answer this for people we need to address it in the
20 process. This is what we need to look at in the
21 hearing, this is what the PUC needs to determine
22 before it makes a permitting decision. No decisions
23 to this date. Many unknowns, or telling you this
24 very likely could be an impact or we know this will
25 be an impact, this decision can't say -- this

1 document cannot say in any way that this is what's
2 going to take place as a permit condition because
3 that's outside of our purview.

4 The Department of -- the Office of Energy
5 Security's job is to analyze what the impacts are
6 likely to be and the PUC will review that and the
7 PUC will review what you have to tell them at the
8 hearing and what you can tell me in your comments
9 and say, you're right, this additional restriction
10 needs to be placed or some other decision. This
11 document can't do that. I'm not saying this
12 document can't be improved by your comment. I'm
13 saying there's a lot of things this document can't
14 do, especially a decision-making process.

15 MR. BAER: That's what we see, David.
16 That's the stuff that we need to hear is, okay,
17 what's the decision about shadow flicker. You know,
18 it says here, construction of a wind park would
19 decrease visibility, contribute to shadow flicker.
20 Well, we don't have shadow flicker now so why should
21 we have to deal with it later? Why should they have
22 the right to negatively impact us and say it's okay
23 to do it?

24 And, you know, you're saying that this
25 document really is just a bunch of paperwork,

1 killing trees and ink. Because it really doesn't
2 mean anything because the guys that are making the
3 decisions may or may not read this.

4 MR. BIRKHOLZ: Oh, they'll read it. I
5 mean, I can guarantee they will read it and they
6 will read the record based on this and what goes
7 into the discussion. I can stand up here in front
8 of all of you and say that. This Commission reviews
9 their decisions.

10 MR. BAER: And what protects me as a
11 property owner when what is being said in here isn't
12 followed? And when we have excessive noise and when
13 we have shadow flicker and if our roads aren't
14 repaired? I mean, that's going to have to be up to
15 our township and county, where hopefully they will
16 do it and get it done, hopefully they'll get a bond
17 out of these guys so that it can happen, but
18 what's -- what happens when I'm negatively impacted?
19 What's my recourse after that? Because the would's
20 and the could's and the shouldn't's and all that now
21 come to fruition. You know, now where is my avenue
22 for correction?

23 MR. BIRKHOLZ: I can answer that. I can
24 answer that, and probably not to anybody's
25 satisfaction, but I can answer that.

1 The process we're going through creates,
2 in the end, from the PUC's decision-making, what
3 permit conditions are required. This document tells
4 us we know there are going to be some issues and,
5 yes, there are going to be some impacts. And some
6 of them can be mitigated and some of them can't.
7 The PUC will have to decide what they can allow
8 given a certain amount of impacts and what they can
9 do.

10 Now, when they write it to the permit --
11 I don't remember this from January or February, was
12 there this many trains in February too?

13 UNIDENTIFIED: No.

14 (Train passing by.)

15 MR. BIRKHOLZ: In answer to your
16 question, and I would have the exact same questions,
17 those are incredibly good questions.

18 Okay. We review what some of the impacts
19 are, we review what some of the mitigations can be.
20 The PUC makes the decision. They say, okay, Noble,
21 you get this permit, you've got to do such and such
22 to mitigate this impact. If that doesn't happen you
23 have every right to appeal back to the Commission,
24 and there will always be a complaint procedure in
25 place to make sure. We're getting this noise and

1 then our office follows up, the Commission follows
2 up and makes sure those permit conditions are
3 complied with to the full extent.

4 MR. BAER: And if they're not?

5 MR. BIRKHOLZ: Then it'll probably become
6 a legal matter.

7 MR. BAER: At whose expense?

8 MR. BIRKHOLZ: It would probably become a
9 legal matter, but that would be any project. What
10 we're trying to do in this process is settle that as
11 much as possible up front. We're nowhere along the
12 line saying there wouldn't be impacts to people from
13 a project of this size.

14 MR. BAER: Well, and is Noble's
15 reputation taken into account? New York is not a
16 happy camper with Noble.

17 MR. BIRKHOLZ: I think you're free to
18 pursue that. I would pursue that in the hearing
19 process, if I were you.

20 MR. FRINK: Isn't that your role as the
21 state Commission?

22 MR. BIRKHOLZ: It is the role as the
23 state Commission. I don't work for the Commission,
24 exactly, I work for the Department of Commerce, we
25 do the environmental review for the process. There

1 are a lot of people analyzing this. The Department,
2 again, as I said earlier, has a set of people that
3 review that have the knowledge about the economics,
4 about the wind studies, about all of this. There
5 are people like myself which are doing the
6 environmental analysis.

7 Again, in the end, there's the hearing
8 where everybody will get to say, this is what they
9 said, but I think this, or you can question anybody.
10 All of that goes into the record. That's the
11 important part of it. All of it goes into the
12 record and all of the records are the basis of the
13 PUC's decision.

14 MS. BAER: Donna Baer, B-A-E-R.

15 Who would a person contact, then, at the
16 state level, to question about if they had checked
17 into Noble's background, their financial stability
18 and all of those things? Do we have a name of
19 someone that we can actually contact someone
20 personally who would have made that decision to
21 begin with? Or does no one make that decision?
22 Does anybody check into it ahead of time or is it if
23 something happens to come up and somebody is
24 assigned to it?

25 MR. BIRKHOLZ: I would say at this time

1 your best bet, if you have concerns that that will
2 be an issue in this case, you should definitely
3 raise it at the hearing.

4 MS. BAER: So there's nobody at the
5 Department --

6 MR. BIRKHOLZ: It needs to be in the
7 record of this proceeding one way or the other.

8 MR. FRINK: But you're not answering her
9 question.

10 MR. BIRKHOLZ: Oh, I'm sorry. I'm not
11 exactly sure whether an answer was needed.

12 MR. FRINK: There's got to be somebody at
13 the state level you can contact who says you spent a
14 lot of money doing all this, before somebody gives
15 the okay, did somebody look into Noble's background
16 and say does the State of Minnesota want to do
17 business with this company? Somebody has to make
18 that decision.

19 MR. BIRKHOLZ: It is a year-long process.
20 The questions seem to be coming up. If the
21 questions come up, we need to address that.

22 MR. FRINK: And she's asking who do we go
23 to to ask that question?

24 MR. BIRKHOLZ: And I'm telling you we go
25 to the hearing process. That's what a hearing is

1 about.

2 MS. BAER: But there's no department, no
3 individual that has a name and a face that we can
4 talk to ahead of time?

5 MR. BIRKHOLZ: I don't know what level of
6 investigation of the company would have taken place
7 beforehand, before this process begins.

8 Are you still on? I'm sorry, Lanny.

9 MR. BAER: You know, part of this thing,
10 you know, I keep going through with all my yellow
11 marks here, but, I mean, I find it very interesting.
12 This thing says the proposed project is not expected
13 to create disproportionately high or adverse human
14 health or environmental effects on low income
15 populations, therefore no mitigation was identified.
16 Well, that's discriminatory. Why is it only low
17 income populations that they are concerned about?
18 What about the rest of us?

19 MR. BIRKHOLZ: That wouldn't be an
20 entirely accurate reading of the sentence, nor what
21 was intended. It is important that the EIS needs to
22 address is there a social justice issue, and that
23 would be if this project disproportionately impacts
24 low income people. That's what that question would
25 be. It doesn't say anything else about the economic

1 impact or who needs to be impacted or not.

2 MR. BAER: So, what if it
3 disproportionately impacts me? I don't qualify as a
4 low income population. I'm excluded from this. I
5 mean, that's what it says. It says I have to be low
6 income to be considered as high or adverse human
7 health effect. I'm on my own because I'm not low
8 income. You know, this kind of goes through this
9 whole thing, you know. These are not a very -- this
10 is not a very good thing, and I don't know if, you
11 know, how many people have had a chance to read it.

12 I mean, you know, one of my big concerns
13 also is our water supply. With our aquifers, with
14 our low grade of water and stuff like that. I mean,
15 you know, here again, this whole thing says it
16 shouldn't impact us, it shouldn't cause a problem,
17 and so therefore nothing is going to be worried
18 about, you know.

19 But my question is when it does happen,
20 now what? You know, it should be addressed. It
21 should be addressed to the fact that, okay, it
22 shouldn't happen, but if it does happen, what's
23 going to happen? How am I going to be made whole
24 again when it does happen? Aside from me having to
25 go spend thousands of dollars with attorneys in

1 litigation to be made whole again, which obviously
2 I'm not going to be made whole then, and so I've got
3 all that expense. That's my concern.

4 You know, we shouldn't have to be
5 negatively impacted by this. We shouldn't have to
6 be put in the back burner and that's really what
7 this thing does.

8 MS. BAER: I have something to add about
9 the water too.

10 MR. BIRKHOLZ: Can you come up, Donna?

11 MS. BAER: Who determines whether or not
12 it's going to impact or it shouldn't impact the
13 water? Who made that determination? Where was the
14 cite that says, oh, this shouldn't happen? I mean,
15 there's so many things like that in here. This
16 shouldn't do this, this shouldn't do that, but who
17 studied it? Who determined that that isn't going to
18 affect, you know, this isn't going to be something
19 we need to worry about?

20 MR. BIRKHOLZ: Well, we looked at it and
21 we reviewed it. We cite in some cases the issues
22 that -- maybe, Mike, you could say exactly for that
23 issue where we went for that. Or Jeff.

24 MR. MADEJCZYK: My name is Jeff Madejczyk
25 with Wenck Associates. I assisted Dave with the

1 preparation of the draft. The water issue was
2 looked at in terms of the materials to be
3 constructed, which is a concrete foundation and the
4 depth it will be constructed at in relation to the
5 water table. And a concrete foundation is a typical
6 foundation for a building or a road or any type of
7 device, so that's not a -- should not be a threat to
8 groundwater.

9 MS. BAER: Do we know how deep the
10 foundation is going to go? How much concrete is
11 there going to be, how much water is going to be
12 displaced because of this?

13 MR. MADEJCZYK: I believe that that
14 information was included, but I'll certainly note
15 that comment.

16 MS. BAER: In here?

17 MR. MADEJCZYK: Yes. But I'll certainly
18 note that comment and, as David said, we'll -- if
19 it's not properly addressed in there, after you've
20 made your comment, you know, that would be something
21 we'd respond to.

22 MR. BIRKHOLZ: Thank you, Mike (sic).

23 Again, the PUC decision-making process is
24 about -- their charge for the state is a little
25 different than most. They have to make sure that

1 there is electricity available, they have to make
2 sure that the legislative objectives and standards
3 for renewable energy are enforced, and they also
4 have to protect the ratepayer, and they're also
5 there to protect the people who are on the ground
6 because all of these things that I'm talking about
7 have real life impacts on the ground. So that's
8 their weighting measure, it's never one thing, it's
9 all the pieces. And so they're never saying we're
10 going to put this here because there's not an
11 impact, but they are trying to evaluate whether that
12 is.

13 We still have a long ways to go in this
14 process before the PUC can make a final decision on
15 that. So, I definitely encourage you all to take
16 part in the hearing, but I also encourage you to
17 make sure you review that document that we've
18 prepared for you and tell us where you think it
19 needs to be enhanced.

20 Anybody else?

21 MR. STRADLEY: I just have a few. My
22 name is Scot, with one T, Stradley, S-T-R-A-D-L-E-Y,
23 and I think you have my address, 3116 Highway 9
24 South, Glyndon.

25 I just have some comments about the scope

1 of the environmental impact statement that I feel
2 need to be addressed.

3 My concerns. The first one, not in any
4 particular order, is it does not address winter
5 feeding behavior or feeding behavior in general of
6 Tympanuchus cupido as determining its habitat, it
7 only talks about nesting area as habitat, and it
8 should, I think, address feeding area because that's
9 the issue, with the power line interfering with
10 their feeding, especially wintertime feeding, when
11 they leave the grasslands and fly over to croplands
12 and especially seem to favor soybean stubble. But,
13 again, you need to look at the feeding issue as part
14 of the habitat as well as the readings.

15 And then, secondly, I feel that the
16 environmental impact statement should address the
17 issue of moving heavy industry into a residential
18 area. And the issue of economic justice was just
19 mentioned, I think if you do address the issue of
20 moving heavy industry into a residential area that
21 the economic justice issue comes up immediately.
22 And then the state is addressing it and is
23 incorporating that in their hearings and findings of
24 fact, conclusions of law. That would be better than
25 me having to do an inverse condemnation lawsuit

1 against the state and against Noble and against
2 anybody else that might be involved, like J P
3 Morgan, for instance, for any condemnation effect
4 that they might have on the value of my property.

5 And I know that from the research that I
6 have done on invert -- or not on inverse
7 condemnation, but on condemnation of residential
8 properties adjacent to industrial areas that there
9 is large literature, there is quite a bit of
10 evidence as to the impact of this on residential
11 property values. Other things, like crime rates, I
12 would be interested in that. And, again, it seems
13 to me that an environmental impact study should
14 address these sociological and economic issues.

15 We have mentioned the psychological
16 issues, the health-related issues, the problems
17 caused by the stroboscopic effect of light
18 reflecting off the blades, but we haven't really
19 looked at the sociology and economic impacts of
20 this. And again, I think a reasonable environmental
21 impact statement should and, again, it precludes the
22 possibilities of people having to file inverse
23 condemnation litigation against the state subsequent
24 to the construction of the project.

25 Then my third point. It does not

1 consider County Road 68 as a power line route. The
2 road should be considered because it already has
3 power lines on it, so the easement process has been
4 decided and there may be some process by which power
5 lines could be consolidated. When we have power
6 lines running across the county already, why do we
7 need more power lines running across the county,
8 especially when these power lines are not going to
9 benefit us here in any way whatsoever. We get none
10 of the electricity that this factory is going to
11 generate, this is all electricity for export -- not
12 export, but export.

13 And that leads to the whole issue of the
14 particular need for this project has not been
15 established so far, and that issue comes up at the
16 beginning of the environmental impact statement, the
17 need for the particular project.

18 My power supplier, Basin Electric,
19 Minnkota, Red River Valley, tells me that they by
20 federal law have to add to their existing generating
21 capacity some green electrical generating capacity.
22 And that they've already done this, I suppose you
23 folks have read your magazine and have seen that
24 they've already completed this with the construction
25 of the wind tower along I-94 between Valley City and

1 Jamestown, I think it's on the south side of the
2 interstate, so they're already done with that. So
3 this tells me that there is need out there in the
4 world for green electricity, but that this company
5 has not been able to find any need. And I think
6 that the environmental impact statement should
7 address the environmental impact of building
8 something that does not have a clear and specific
9 need for it stated.

10 And then the last thing that I'm going to
11 raise here, although I do reserve the right of
12 submitting written comments on the environmental
13 impact statement, but my last concern again is it
14 does not address decommissioning this factory
15 complex and the environmental impact of
16 decommissioning. It only looks at constructing, it
17 does not look at decommissioning. It doesn't look
18 at the long-term environmental and ecological and
19 economic effects of decommission, but not
20 deconstructed plant. There is no plan out there for
21 what to do with this, and if that, of course, is
22 left out here on the prairie for ourselves,
23 certainly our children and our children's children
24 to share, it's going to impact economic values of
25 every piece of tangible property that's setting here

1 within probably 10 miles of the perimeter of this
2 project. So, again, I think that the environmental
3 impact statement should address this decommissioning
4 and the environmental impact of decommissioning
5 issue.

6 That's all my comments for tonight.

7 MR. BIRKHOLZ: Thank you.

8 MS. HERZOG: My name is Natalie Herzog,
9 and I live at 10050 57th Avenue North in Glyndon.
10 That's H-E-R-Z-O-G.

11 I have a problem with the wind factory.
12 I'm not going to call it a farm, I'm going to call
13 it a factory. We live at Moland, Section 14.

14 I'm sorry, I get very upset.

15 Where I live and I look out my window I
16 am going to see eight wind towers. When I look to
17 the southwest I am going to see eight wind towers.
18 When I look to the west I'm going to see eight wind
19 towers. And to the north of me there's going to be
20 ten. What am I supposed to do when this affects my
21 children? When they can't sleep at night? Am I
22 going to go knock on my neighbors' doors and say you
23 guys signed on to these people, you take care of my
24 children, what am I supposed to do with them? What
25 am I supposed to do when the roads get so badly torn

1 up I can't get to work? My husband is
2 self-employed. We lose money. Can't drive down the
3 roads.

4 What am I supposed to do when we can't
5 stand to live there because of the noise? We can't
6 sell our home because would you want to live in the
7 middle of 134 wind towers? Would anybody want to
8 live in the middle of 134 wind towers? So what are
9 we supposed to do? Abandon our home, start all
10 over, and lose all that money after living there for
11 20 years?

12 I'm sorry, I -- that's all I have to say
13 for now. I'm going to submit my written comments at
14 a later time.

15 MR. BIRKHOLZ: Thank you. Does anybody
16 else want to take it up today?

17 MR. FRINK: Tony Frink, F-R-I-N-K.

18 A question on the transmission line for
19 Route 1. If Route 1 goes through, if that's
20 selected, it's going to go south on Highway 9.
21 First off, they got -- I don't know how in the hell
22 they're going to tear up or get a line under the
23 railroad tracks, but I'm assuming they've got a plan
24 there without impeding our traffic. Assuming they
25 do and they go south along 9, to south of 9 on the

1 Boutons Addition on the east side of Highway 9.
2 It's my understanding that farmers on the west side
3 have already been approached by Noble. Is that
4 correct? As far as getting easements if that line
5 is selected? Is that correct?

6 MR. BECKNER: Off of Highway 9?

7 MR. FRINK: Yep.

8 MR. BECKNER: Certain portions, both east
9 and west sides of the road are in the project, and
10 in certain portions it's just one side.

11 MR. FRINK: Okay. How will Boutons
12 Addition, if the line goes south when it hits the
13 Boutons Addition area, is the line going to
14 automatically be placed on the west side of Highway
15 9 so it's going through the farmers' fields,
16 Johnson's fields, Penders' fields? I'm assuming
17 you're not going to try and put tower -- or
18 transmission poles within our property in Boutons
19 Addition on the east side. Is that correct?

20 MR. BECKNER: What is Boutons Addition?

21 MR. FRINK: Boutons Addition is the track
22 of homes two and a half miles out to --

23 MR. BECKNER: Okay. North of there I'm
24 going to cross over to the east side. I'm sorry,
25 west side.

1 MR. FRINK: The west side, so you're
2 going down the west side.

3 MR. BECKNER: Yep. And then I'm going to
4 stay on the west side.

5 MR. FRINK: Okay. How far off of Highway
6 9 will the poles be?

7 MR. BECKNER: I'm going to try to get
8 them as close to and within the existing
9 right-of-way.

10 MR. FRINK: Which is?

11 MR. BECKNER: The road right-of-way
12 that's there. So ballpark footage, within 75 feet
13 of the road.

14 MR. FRINK: Is there a state -- now, I
15 heard with the wind towers there was -- the state
16 said you had to be within so many feet, the towers
17 themselves and the property, what about the
18 transmission lines? He's saying he wants to get it
19 as close -- I want to get it as far away as
20 possible. So what's the minimum he has to be away
21 from the center of the highway? So that's question
22 number one.

23 The question number two. I didn't see
24 anything in the impact study, and I may have missed
25 it, it may be there, I might have missed it, on the

1 effect of the transmission lines themselves. Am I
2 going to be hearing a buzz, am I going to be hearing
3 humming? If it's within 75 feet of Highway 9, all
4 of our houses sit back, you know, we're not that far
5 off of 9. What's going to be the impact to us?

6 I've got relatives that live down in the
7 Barnesville area, Wilkin County area, there's some
8 major transmission lines going through there. When
9 those were put up in the '70s I can tell you they
10 were told do not stand under those lines for very
11 long because they will sterilize you. You could
12 hear the humming and the cracking.

13 You know, what is the impact of the
14 transmission going along -- if you're going to put
15 that up to the houses along 9? I didn't see
16 anything about that.

17 MR. BIRKHOLZ: Okay. There are
18 definitely questions about health impacts of
19 transmission lines, they are definitely addressed in
20 the EIS. But please feel free to review them and
21 see if they adequately address the questions you
22 have.

23 MR. FRINK: Can you speak to them now? I
24 guess I missed it. But do you know?

25 MR. BIRKHOLZ: In answer to the first

1 question, is there a distance such as there is in
2 the turbines, no, there is not. The general designs
3 are built into the right-of-way distance so that
4 they're 75 feet off.

5 MR. FRINK: Off the center of 9?

6 MR. BIRKHOLZ: No, no. Well, they would
7 be -- exactly the distance they would be off 9, I
8 don't know, it would depend on the road distance.
9 The state highway is what, 100 feet from the center?

10 That would be the same within that
11 right-of-way, but that would be on the opposite side
12 of the road from the development in that area. We
13 can be -- either that's their proposal or there can
14 be real specifics about that.

15 Now, in our -- again, please feel free to
16 review it, but in any of our research we've never
17 found these same kind of comments that would support
18 the comments from the '70s.

19 MR. FRINK: What about noise, popping? I
20 mean, I've been by the lines down by Barnesville,
21 you can stand there and you hear the humming, you
22 hear the popping. Will these types of lines that
23 are put in, are they going to generate that type of
24 noise, where you stand out, we're out in our front
25 yard, we're out in the road and you can hear the

1 humming and the popping and the cracking? 'Cause I
2 can hear that on these other lines.

3 MR. BIRKHOLZ: The newer lines shouldn't
4 make that kind of noise, but we do address the fact
5 that power lines can make some amount of noise,
6 especially the popping and the corona due to
7 moisture or whatever.

8 MR. FRINK: And how far away is that
9 heard from the line itself, is that audible to our
10 hearing?

11 MR. BIRKHOLZ: I don't know if we said
12 that exactly, but we can sure look into it.

13 MR. FRINK: I'd like to have that entered
14 in the EIS.

15 MR. BIRKHOLZ: Yeah.

16 MR. FRINK: One other thing, I guess. On
17 the EIS, every place it talked about water or it
18 talked about animals, vegetation, everything, all it
19 kept saying is we will have to study, we will have
20 to study. And I never saw where it said we did a
21 study and the study showed it's going to have this
22 type of impact on waterfowl, on the flyway, on the
23 animals and bluestem and so on. Is that going to be
24 in the final EIS?

25 MR. BIRKHOLZ: For the wind farm?

1 MR. FRINK: For the wind farm, for the
2 transmission lines. You stick a transmission line
3 along 9. The map in the EIS, the one map that shows
4 the plants and the animals that are affected where
5 it has the little colored circles and so on along
6 Highway 9. It has those identified in the map, but
7 it doesn't say specifically what the impact is going
8 to be. So as an outdoorsman I want to know how is
9 that going to impact the wildlife in my area, how is
10 it going to impact, you know, the waterfowl, the
11 flyway, all that kind of stuff. All I kept reading
12 was we will study this, it will be studied. Is that
13 because this is a preliminary draft?

14 MR. BIRKHOLZ: No, this is not a draft in
15 that sense. This is a draft in -- this is what
16 we've evaluated and we want it to say, but --

17 MR. FRINK: Did I miss it? Is it in
18 there and I missed it or wasn't it in there?

19 MR. BIRKHOLZ: Do you have a comment on
20 that, Jeff?

21 MR. MENDEN: If you don't mind, I'll try
22 to address that. The information that was used for
23 establishing or determining substantive animals is
24 basically information that was gathered off the
25 Department of Natural Resources' database. For this

1 level of review, what's done is more of a screening
2 level determination. In other words, if threatened
3 or endangered species are believed to occur in a
4 certain area, then a further study would be
5 undertaken to determine specifically what that
6 impact would be to that species at that location.

7 Part of the proposed project, as I
8 understand it, is one of the aspects that was looked
9 at was moving the possible array to the west side of
10 Highway 9 to minimize potential impacts to, oh, the
11 buffalo -- I forget the -- yes. So, I mean, those
12 things were part of what was given consideration to.

13 MR. FRINK: He just said the line is
14 going to come down the east side and when he gets to
15 Boutons then it'll cross to the west. So on the
16 east side he's going to be directly adjacent to --
17 well, farmland, but then buffalo and bluestem. He's
18 not even going to come down on the west side where
19 at least he's on the other side of the highway.

20 MR. MENDEN: The Draft EIS did not look
21 at that level of potential impact to species.

22 MR. FRINK: But you're saying that a
23 study will be done?

24 MR. MENDEN: If the comment comes up that
25 the public would like to see that level of study

1 done, then we would have to give that consideration.

2 MR. FRINK: I would. And will that be
3 done in time for the next meeting, for the hearing?
4 Or by the time of the Final EIS so it's in the Final
5 EIS?

6 MR. BIRKHOLZ: We will evaluate all the
7 comments. We have to take into account what the
8 concept is behind the statutes and rules in our
9 environmental review for a specific kind of project.
10 Also the time involved. But if you tell us exactly
11 what it is you're looking for, then --

12 MR. FRINK: I want to see a detailed
13 impact study of the wildlife, both around the farms,
14 the factory, and the proposed transmission line
15 along Route 1. If the line is going to get put on
16 the east side -- well, either way, but specifically
17 if it's going to be put on the east side of 9 it's
18 going to be directly adjacent to buffalo and
19 bluestem.

20 MR. STRADLEY: And that concerns the
21 Prairie chickens.

22 MR. FRINK: That's huge out there. The
23 Prairie chicken, I can't believe that the
24 Conservancy isn't here to scream bloody murder.
25 Because if you even breathe on their land they're

1 usually down your throat. So the fact that they're
2 not here really, really mystifies me. But they had
3 a big Prairie chicken population, and their whole
4 PRI, offshoot of the bluestem, they take those eggs,
5 they sell them to other Conservancies all around the
6 world, and I didn't see anything in there on how
7 this is going to affect that. And if this line is
8 shooting stuff out or we're hearing noise and
9 popping and that's within so many feet or whatever
10 of the breeding grounds, which is right there along
11 9, how is that going to impact that?

12 MR. BIRKHOLZ: Okay. Thank you.

13 MR. FRINK: And I think to be fair it
14 should be in the Final EIS. Because if it comes in
15 afterwards, we only have five days when the Final
16 EIS comes out and the hearing, so you're telling us
17 we only have five days and it's tight and we have to
18 bust our butt to make sure we get that thing
19 reviewed in time.

20 Well, you've got a month to get this done
21 and I'm saying as a public citizen that this should
22 be done. 'Cause you just mentioned that, well,
23 maybe with time we may not get it done. That's
24 bull. I mean, California, I grew up in California,
25 they didn't do a lot of projects because of stupid

1 darters and whatnot that nobody ever saw. And here
2 we're talking about conservation land specifically
3 set aside for wildlife and it's right in line with
4 this transmission line. How is that going to affect
5 it?

6 Because that's part of our enjoyment out
7 there, we have the wildlife, we enjoy that, that's
8 part of the benefits of living out there, and how is
9 that going to affect that and how is that going to
10 affect me as a hunter, how is it going to affect the
11 deer herd out there that comes out of the bluestem,
12 how is it going to affect the waterfowl.

13 MR. BIRKHOLZ: Thank you. Donna.

14 MS. BAER: We just found something in
15 here on page 47. It says the proposed high voltage
16 transmission line would be routed along the existing
17 corridors and would also be routed to minimize
18 impacts to residences along or near the route.
19 Corona can occur on all transmission lines. If this
20 type of interference occurs, the Applicant would
21 investigate the problems and correct those caused by
22 the Applicant's facilities.

23 MR. FRINK: But it's too late. The line
24 is in and it's putting out more juice or whatever
25 and causing this, but what are they going to do?

1 Are they going to reduce the amount of juice they're
2 putting through?

3 MR. BIRKHOLZ: The idea is the technology
4 is not supposed to allow that. If it does in some
5 cases, then it needs to be replaced or repaired.
6 The analysis is to say what are the potential
7 problems that could be.

8 MR. FRINK: So, I guess going back to my
9 original question, I would like the environmental
10 impact study to say, I want to know for sure where
11 that line is going to be on the west side of Boutons
12 Addition on the west side of Highway 9, what if any
13 impact will that have on the residents of Boutons
14 Addition? You've got a lot of homes in there, a lot
15 of families, small kids, retired people. What's
16 going to be the effect, if any? I hope there would
17 be none, but what's going to be of the voltage going
18 through those lines on, you know, sensory, you know,
19 what we hear, what we feel, whatever?

20 MR. BIRKHOLZ: We definitely -- thank you
21 for your comments. We will definitely review to see
22 if what we've done is anywhere adequate, and if it's
23 not we really appreciate the comments to where we
24 need to punch it up.

25 MS. BAER: Well, I guess here, it says

1 right here that they're supposed to route it along
2 an existing corridor, so wouldn't that preclude
3 running it along Highway 9?

4 MR. FRINK: What's an existing corridor?

5 MS. BAER: Yeah, an existing corridor.

6 MR. FRINK: What does that mean?

7 MR. BIRKHOLZ: Actually, any road --

8 MR. FRINK: Any road is an existing
9 corridor?

10 MR. BIRKHOLZ: Any road can be an
11 existing corridor, as opposed to creating a new
12 pathway through undisturbed territory. So instead
13 of going through a farmer's field where you would
14 disturb the production and agricultural activities,
15 you would go along a previously disturbed path. In
16 this case the line goes along and shares power lines
17 with the distribution line for a segment of its path
18 along Highway 9, that would be north of 10.

19 MR. FRINK: But south of 10 is the
20 question.

21 MR. BIRKHOLZ: South of 10 it still has
22 to go -- so anyway, I mean, I believe that I
23 couldn't possibly answer all of your questions
24 tonight. But I want to hear them.

25 MS. BAER: Donna Baer. I guess I just

1 have kind of a question here. With all of these
2 issues that are coming up, is there ever any chance
3 of moving back these dates of hearings and all of
4 these things so that it gives people time and the
5 agencies that are, you know, maybe need to do some
6 studying, you know, more in-depth studies, move back
7 these dates that we've got on here so it gives us
8 some time to address some of these things?

9 MR. BIRKHOLZ: That's a valid question.
10 In this case our statutes require a decision within
11 one year of application. In this case the Applicant
12 has already agreed that we extend that. So the
13 applications came in in August of 2008, there will
14 not be a decision on this until January, so it's
15 already extended over a year.

16 Typically, on a wind park, and this is
17 totally unexpected, because typically on a wind park
18 permit that's a six-month review maximum under the
19 state statutes. So, yes, I totally agree, it's a
20 constricted timeline, but that's what we work within
21 in our statutes.

22 MS. BAER: How hard is it to change the
23 statutes?

24 MR. BIRKHOLZ: That would not be up to
25 me. I work for the people who make the statutes,

1 but that would not be up to me.

2 Anybody else want to contribute tonight?

3 MS. HERZOG: I'm looking for something.

4 MR. BIRKHOLZ: Because, again, we are
5 definitely taking comments, it's good to get them
6 out here now, but we are definitely taking written
7 comments and that will be up to the 10th.

8 MS. HERZOG: I will do that, too.

9 MR. BIRKHOLZ: Okay.

10 MS. STRADLEY: Kathleen Stradley again.
11 In the report it states that there will be a permit
12 that Noble will have to get for hazardous waste.
13 And it's determined to be a small amount of
14 hazardous waste, 220 pounds. I can't particularly
15 grasp that amount of hazardous waste, and I'm sure
16 it's from hydraulic fluid, I think oil for the gear.
17 That's what I need to know. I need to have that
18 defined.

19 And a lot of these things, like I said,
20 I'm going to put in writing, but I thought maybe if,
21 you know -- is Mr. Beckner allowed to talk at these
22 hearings, or at these meetings?

23 I mean, just I want to make sure that I'm
24 not getting the wrong information from people that
25 have been telling me that these wind towers store a

1 lot of oil and other fluids that they need to
2 operate. Is there a truck that comes and brings
3 that and fills it up or, you know, I'm really stupid
4 when it comes to that stuff. And I've looked at the
5 specs on the 1.5, and I think there's a bigger one,
6 a 2.3, or 2.5, the bigger wind turbines, but that
7 was one of the comparisons. Are you allowed to say
8 anything, Mike, about that?

9 MR. BECKNER: I know there's fluids
10 within the turbines, the exact types of fluids, I'm
11 not a technical expert on that, but we can certainly
12 answer the question.

13 MS. STRADLEY: Sure. But volume --

14 MR. BECKNER: I personally cannot answer
15 that, but we can answer that question.

16 MS. STRADLEY: Okay. And as long as that
17 can be part of the environmental impact statement
18 too. And then there is another comment, too, that I
19 saw from someone, I'm not sure who it was, maybe it
20 was DNR, about having the amount of gravel that
21 needed to be mined or available for this project
22 specified also. And there's quite a few little
23 notes that I have that are along those lines. Like
24 when the word small is used, or far away, I have no
25 concept of what small is and far away when it's a

1 big industrial project like this.

2 And the other thing I would like to say
3 is there are some studies referred to, the Caithness
4 UK study, and I believe that it's in the White
5 Paper, and I believe that has a different comment
6 deadline that I believe is September 16th. I
7 haven't really seen that published anywhere, but I
8 did print a PDF from the commissioner. And that's
9 part of this notice thing. That there's a lot of
10 people that didn't even know that that White Paper
11 was published because of the way the system is set
12 up. And I'm telling you, this is the system that's
13 failing the public and failing landowners and people
14 that really need to know.

15 The same thing with the contested case
16 hearing. It's the service list, the people on the
17 service list. Well, I do legal work, I know what a
18 service list is, that's for parties, that's for
19 people that are Noble power, the state, whoever else
20 may be a party as an intervenor or however else you
21 get involved.

22 But when it comes to the White Paper on
23 the turbine impact, public impacts of the turbine
24 noise and flicker and whatever else impacts from
25 that, I'm sure there's more, how is this information

1 getting disseminated to people? I mean, there's a
2 list of people that are on the web site.

3 And, by the way, when the Energy Security
4 web site was changed, somehow subscriptions were
5 lost to eDockets. And I tested this because I used
6 two different e-mail addresses. When I originally
7 signed up after I got the letter about you need to
8 sign up, register, I used a different e-mail address
9 for that. And then sometime after that the state
10 changed the web site and I ended up having to sign
11 up again and I used a different e-mail address.
12 Just the other day one document was eFiled and came
13 through my previous e-mail address that I had used
14 originally. So I know there's a problem there.

15 Michael Lewis from Judge Heydinger sent
16 an e-mail about the contested hearing date because
17 in the letter that your office sent out it has
18 October 12th, and we all know that's Columbus Day
19 and this place was not available that day. So the
20 letter that was sent out about this meeting tonight
21 and about the hearing actually has the wrong date.
22 So is it my responsibility to go and tell my
23 neighbors, and you did offer handouts so I will take
24 a few, you know, is it incumbent on me to notify
25 people now? I mean, you know, that's a concern I

1 have.

2 And I think that notice to landowners is
3 addressed in the Draft EIS here and it should be
4 expounded on. What kind of notice? Is it the
5 minimum notice? Is it in a newspaper that hardly
6 anyone subscribes to and the people that do
7 subscribe to it show up and it's the wrong day? You
8 know, these are things that really trouble me.

9 Because I think that when it comes to
10 property, as a landowner there's some constitutional
11 questions here, on due process, effective notice.
12 And I just want to make sure, you know, and I don't
13 want to monopolize your time either, but so everyone
14 is notified and has an opportunity to speak.

15 Some people won't get up and speak, this
16 is not the forum for some people, and some people
17 won't say anything, they'll just grin and bear it,
18 and that's that Minnesota nice. But there are
19 people that have expressed some very serious
20 concern, and I don't know, I've encouraged them to
21 call you, I hope they have. Other than that, you
22 know, maybe they're thinking the project won't go
23 through, this is a waste of time.

24 The other thing is, this environmental
25 impact statement is 210 pages, or 205 pages, I kind

1 of lost count. The date for intervention, the Judge
2 compromised and made August 28th. You were there,
3 the attorneys were there, the applicant was there,
4 no one said can't we go at least past the
5 August 31st date? You know, I was pushing for
6 September, but, you know, I understand this project
7 has got to be on schedule.

8 But these are concerns that I raise, I
9 know there's nothing you can do about them but
10 address them in the impact statement. The other
11 thing is that these -- the scale and magnitude of
12 this project deserves more public input and deserves
13 more time. And while I appreciate we're having this
14 opportunity, it's almost like the state is doing us
15 a favor. Because there's a certificate of need,
16 that's actually why we're here, isn't it? Because
17 of the certificate of need?

18 MR. BIRKHOLZ: Yes, part of why we're
19 here.

20 MS. STRADLEY: Because I've heard you say
21 that typically these wind parks don't have a
22 contested case hearing, or maybe there's an informal
23 meeting. So I just want it on the record that I
24 take exception to that.

25 And the other thing is that the property

1 values and, you know, the reason why people move out
2 to the country is not to look at a transmission
3 line, it's not to look at a wind turbine, and it's
4 not to live among them. Should this project go
5 through and the transmission line, whatever is set
6 up, you know, the route manager determines, the
7 impacts are so understated in this environmental
8 impact statement, they're actually not even stated.
9 There are some studies that are referred to as, like
10 Buffalo Ridge. Take Buffalo Ridge completely off
11 the table. Unless you can tell me in this
12 environmental impact statement about Buffalo Ridge
13 and how close the turbines are, how many of them
14 are, how close they are to homes, actual residences.
15 And, I mean, I've been there. I've seen it. I've
16 talked to people that live more than miles away from
17 it. They're not affected by it and I think that was
18 probably good planning to move it away from people.
19 And mainly, you know, to get the good wind.

20 The other thing is with the White Paper
21 from the Health Department. One of the things they
22 recommended was more studies. And I'm wondering, is
23 that going to be factored into this environmental
24 impact statement? And is it going to have the
25 sound, the actual decibel level where the company

1 can actually produce energy, you know, make it
2 profitable and harmonize this with people living
3 there. I mean, wouldn't you want to move people out
4 of there so you could have the maximum capacity of
5 wind for your project? I mean, it kind of seems
6 like bad thinking, bad planning.

7 You know, and like I said, I'm not an
8 expert, I sometimes have trouble just reading, you
9 know, some of this technical stuff. But it seems to
10 me that you're in this stage right now, plan it so
11 that you can minimize the impacts and address it in
12 this report.

13 St. Cloud University has a study on
14 property values diminishing after transmission lines
15 have been put up. It's from 1999, I'm sure it'll be
16 updated. People that bought property prior to the
17 line, and they call them overhead lines, property
18 sold afterwards and then diminish in value. There
19 are other bodies of information that have the same
20 information about wind factories. And you may have
21 heard this before, but these are not your grandma's
22 windmills that were out on the farm, you know,
23 pumping water. They're pretty tall.

24 And the other thing is in the impact
25 statement it's so many meters, you know, rotor

1 diameter, so many feet is what I'd like to see that
2 would make the most sense to me. And I guess I'm
3 not exactly sure how tall just one rotor blade is.
4 And it's referred to in here, but if I add up the
5 height of the pole and then the rotor diameter, I
6 don't think that's accurate, but I'm under the
7 impression that these are about 400 feet tall with
8 one blade up.

9 MR. BECKNER: It's just shy of 400 from
10 the ground to the top of the blade.

11 MS. STRADLEY: So that includes the base?

12 MR. BECKNER: Yeah.

13 MS. STRADLEY: Anyhow, I'm just saying
14 that, you know, where else is a structure like that
15 imposed in a residential neighborhood? If my
16 neighbor wanted to build a four-story apartment
17 building or a condo, I'm sure I would hear about it,
18 and I doubt that I would get local planning and
19 zoning to approve that. But then we'll have these,
20 you know, 40 stories, 30 stories tall.

21 So the rest of it I'll go ahead and put
22 in writing. Thank you.

23 MR. BIRKHOLZ: Thank you.

24 I appreciate all the comments. The only
25 response I will make at this time is that the health

1 paper is a separate docket under the Public
2 Utilities Commission, they've opened a docket for
3 comments, so that, as I'm sure you're aware, has
4 nothing to do with the dates for this. So look that
5 up on the Public Utilities' web site to make comment
6 on it. And if you're not familiar, the Minnesota
7 Health -- the Office of Energy Security contracted
8 with the Department of Health to do a review and a
9 White Paper and they produced one. It's available
10 on our web site. A lot of people in this room
11 helped push to get that through and make that
12 happen. So that's a step forward. The answer to
13 what will be decided on this, the PUC will make
14 decisions on the 14th of January with what it knows
15 on the 14th of January.

16 Okay. Just remember, when we close up
17 tonight, the discussion is not over. We're still
18 open, call Ray or I, make sure you get your comments
19 in writing.

20 MR. FRINK: I have one last question for
21 the EIS study. It was mentioned earlier that the
22 towers are filled with oil and lots of liquids and
23 so on. I guess my question was just if there is a
24 leak and, you know, how many gallons of oil and
25 whatever, hydraulic oil and so on is in these

1 towers, if there's a leak and that seeps into the
2 ground and gets into the aquifers, what's going to
3 be the potential impact on the water supply?

4 MR. BIRKHOLZ: I appreciate the
5 questions.

6 MR. BECKNER: David, just to clarify.
7 Lots of fluids, lubricants --

8 MR. FRINK: Lots? When we're talking a
9 400 foot tower, how much is lots?

10 MR. BECKNER: Fluids, lubricants like in
11 the engine of your car, I'll have that quantified,
12 though.

13 MR. FRINK: How many gallons are we
14 talking about?

15 MR. BIRKHOLZ: Yeah, I understand that
16 question.

17 MS. HERZOG: Are these the gentlemen that
18 are doing the impact study?

19 MR. BIRKHOLZ: They are the gentlemen
20 that we've consulted with, yes, we've hired them to
21 help prepare it.

22 MS. HERZOG: I'll make one suggestion to
23 you. I want you to go spend, I don't know, two,
24 three nights, with somebody who lives in the middle
25 of a wind factory, by no choice of their own.

1 They're not getting compensated for it, they're
2 getting no money, these people just came in and
3 built these. And I want to see and I want your
4 comments on if you would live there or not. I mean,
5 we are not talking about somebody -- I hear somebody
6 say all the time, I live next to railroad tracks, a
7 train goes by here all the time. That was their
8 choice to move there. They had options to move.
9 Burlington Northern didn't come in and say, you know
10 what, I'm building train tracks 500 feet from your
11 home, sorry, that's the way it is.

12 This is what I'm going to have to live
13 with. I chose to live out in the country. I grew
14 up out in the country. I love it out there. It's
15 quiet. I have no noises. Tractors maybe every once
16 in a while, cars maybe every two hours go by my
17 home. Nothing that is going to be going 24 hours a
18 day, possibly up to 14 days in a row with not
19 stopping. The noise never going away.

20 So that's my suggestion. Maybe if you
21 don't want to stay there three nights, stay
22 overnight, one night. Let's just see what -- I want
23 to see what your opinion would be. And especially
24 if you've got children. Bring them along, bring
25 your dog, bring everybody. See if they like it.

1 I mean, this has caused such a
2 psychological impact on our lives. My son is 11 and
3 that poor kid will go onto wind-watch.org and watch
4 these turbines spin out of control. He'll watch
5 them start on fire. And the kid is freaking out.
6 What am I supposed to say to him? Oh, hun, that's
7 okay, it'll never happen here. They'll never start
8 on fire. If we've got a field of grain and it's all
9 ready to be harvested and one starts on fire and our
10 whole neighborhood is going to go up, what am I
11 supposed to say to him? You know? It's gotten to
12 the point where we have been married 22 years and it
13 has created a strain on us. It's awful. And
14 something needs to be done. They should not be
15 allowed to just come in and take over our lives
16 because that is what is happening. It is not right.

17 MR. BIRKHOLZ: I appreciate your
18 position.

19 Well, you will have your next go-around
20 on October 12th.

21 MS. STRADLEY: The 13th.

22 MR. BIRKHOLZ: Yes, the 13th. By the
23 way, the Judge did send out a subsequent update of
24 the prehearing notice update for the 13th.

25 Yes, on the 13th. And we'll actually

1 even be here on the morning of the 14th in case
2 people aren't done talking. So it'll be up to the
3 Judge. And once we get this done and end the
4 process it will be in the hands of the Judge.

5 Okay. Looking forward to it. Thank you
6 for coming.

7 (Public comments concluded)

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