February 9, 2010

David Birkholz
OES Permitting Staff Project Manager
MN Department of Commerce
85 7th Place East,. Suite 500
St. Paul, MN 55101

Subject: TL-09-1056

Dear Mr. Birkholz:

On Saturday October 4th I received a packet of information from your office. This packet contained information on notice of filing for a rate permit application and purposed routes included in the Fargo-St. Cloud 345 kV transmission line. Please include my concerns for the draft EIS.

CONCERN: I-94 route from Freeport to St. Cloud.

This route should be include as an alternative. In order to make a rational decision on route selection please provide detailed information on this route potential. Without this detail we risk the route selection becoming a political solution and not based on rational criteria. A fair and accurate evaluation must consider slight deviations from the I-94 corridor and short stretches of underground power line in order to address particularly sensitive areas while paralleling the Interstate corridor as much as possible.

CONCERN: The implementation of underground transmission technology.

I gave verbal comments at the St. Joe 1:30 meeting requesting a special taskforce be organized to analyze the underground technology that now exist. Underground technology would be used to address the problematic areas of the I-94 route from Freeport to St. Cloud. I submitted an article from Burns & McDonnell a company known to Excel that has several years of experience in underground transmission technology. In addition I requested the information that was being referenced by Mr. Lahr on underground technology to be dated. The reason for the request was not to dispute Mr. Lahr comments as those comments are from the same information data base used by Excel in other projects. An example of this is found in my analysis of the Hiawatha project with the link of http://www.xcelenergy.com/SiteCollectionDocuments/docs/HiawathaOverheadvsUnderground.pdf

The challenge of the purposed taskforce is to go beyond what has been to what may be. It would be my expectation that this new task force be charged with the undertaking to do an exhaustive and far-reaching census of companies and technology available. A natural place for this responsibility would be with the state of Minnesota through one of its specialized departments. A department whose mission would be harmonious for such a task. We have much documentation on Excels position and they would be an important member of task force but would not take a leadership role due to the fact that their profit goals may taint and limit our ability to conceptualize the best possible outcomes for the citizens of Minnesota.

Additional expectations would include research from states such as Connecticut who have required underground applications for several of their projects. Connecticut laws such as but not limited to Conn. Stat. 16-50P should be referenced for possible insight on potential applications to Minnesota.

The potential cost objection to undergrounding that is used over and over by Excel in similar projects needs to be challenged. It seems that the attorney general's office should have an oversight role on any cost objections to insure that the interest of the citizens of Minnesota are always paramount. The undergrounding transmission issue is an issue in the public interest and completely congruent with the mission of the attorney general's office. Minnesota has very specific laws on non-proliferation for placing new transmission lines. The application of underground technology to short alternative segments in the problematic area around Avon will give integrity to these specific non- proliferation laws. We understand the issue of being prudent with cost analysis and would welcome consideration for exploring availability of government stimulus monies for underground transmission project. This task force could be structured similar to the ATF. Members: NGO (AHI, NoRCA) PUC, 1-2 interested citizens, state legislator, rep from Governors office, energy company, OES. Limited to no more than 15 members.

The Hiawatha project link reference in this segment provides a basis to dispute common objections and demand answers to hard questions from Excel on their reasons not to adopt underground transmission technology.

CONCERN: Shepard Lake a documented sensitive area.

In a correspondence to your office was a five page document with letters and maps dated October 29, 2009. In this letter were discussed several issues all of which still concern me. I highlighted the Shepard Lake area. The document had two maps attached. One map was the sensitive areas-Brockway Township, Sections 29-32 and the other was a map showing Shepard Lake being a little over 2 miles from the rare St. Wendel Bog area which is a designated scientific and wildlife management area. Concern is of the impact on sensitive areas of Brockway Township, Sections 29-32 and northwest St. Wendel Township line, Sections 5 & 6.

This susceptible area is a remnant of the St. Wendel Bog area (please reference my October 29 document for additional documentation and maps). St. Wendel Bog is well documented to be the rarest of the rare areas left in the United States. This small distance between the two areas results in Shepard Lake being an important migration and nesting supplement to the extremely rare and unique wildlife and birds that reside in the St. Wendel Bog area. Available use of existing methods and available technology to mitigate avian collisions would lack application in this flyway due to the rare and unique birds that have been documented and referenced. As an example Avon Hills Initiative has referenced in the exception document for this route the various unique birdlife. That report is very good however it does not document the nocturnal bird populations. We have observed at least four different species of owls all of which seem to be quite plentiful.

The purposed route goes along 380th street following the Brockway and St. Wendel township lines which would be the southern perimeter of Shepard Lake and then take a north route along the eastern perimeter of Shepard Lake. This 2-3 mile segment must be eliminated. The total segment is unacceptable as the field along the south perimeter (St. Wendel Township Sections 5

& 6) is an important flyway and feeding area. The line obviously cannot go to the north as you move closer to the wetland and run into a home and building site. In addition Shepard Lake has a 1,000' set back requirement. This set back runs into the purposed route. Since this sensitive area is part of a very rare ecosystem the lines must be rerouted avoiding sections 29-32 of Brockway and the northwestern part of St. Wendel, Sections 5&6. The best option would be to follow an existing corridor such as I-94.

Shepard Lake is a large lacustrine wetland which has tremendous value for recreation such as canoeing, birding, and photography. In addition it has potential to support significant waterfowl habitat when it is restored. I am passionate about the restoration of Shepard Lake and want to get it right. This 264 acre environmental gem has great potential and must have the highest protection as it will be a wonderful resource with many applications. Applications that rarely present themselves these days.

I have been in communication on potential restoration ideas with Ms. Margaret Levin State Director Sierra Club North Star Chapter 2327 E. Franklin Ave. Suite 1, Minneapolis MN 55406, and Mr. John Haffley, U.S. Fish & Wildlife 22274 615 Avenue Litchfield. Audubon society Mr. Mark Martell, and Avon Hills Initiative Mr. Peter Dwyer are both in the process of being contacted as a potential resource. These last two individuals schedules and mine have not been able to come together as of this writing however email or telephone messages have been initiated. In addition the latest communication was received from:
Steve Erickson
Private Lands Biologist
U.S. Fish and Wildlife Service
Litchfield Wetland Management District
22274 615th Avenue
Litchfield, MN 55355
320-693-2849
steven_erickson@fws.gov

In his letter Mr. Erickson states his eagerness to work on the restoration project of Shepard Lake. Letter available upon request.

Concern: EMF impact on human health.

We may have family members with delicate health that increases our level of concern. As home owners we have the right to require CapX2020 to buy our homes and acreages if we choose. This right to require purchase is found in specific Minnesota Statutes which address this issue.

A medical evaluation task force needs to address the EMF issue. Those of us who are over five decades can remember the tobacco companies citing numerous industry funded experts that stated tobacco when used in a responsible manner by adults posed no documented harm. I can vividly remember this paradox as I observed my grandfather dying of emphysema. Today it is the same strategy used by the soft-drink industry on the risk of pancreatic cancer when disputing a University of Minnesota study that suggests a significant link exist that increases pancreatic cancer. We have industry funded experts running around stating that prior studies in general

have found no significant effect of soda drinks. This same often used strategy is being used by Excel in the EMF controversy. Their industry funded expert is disputing the seriousness of EMF. A WHITE PAPER ON ELECTRIC AND MAGNETIC FIELD (EMF)POLICY AND MITIGATION OPTIONS PREPARED BY the Minnesota State Interagency Working Group on EMF issues September 2002 is added for reinforcement by Excel funded experts. See link http://energyfacilities.puc.state.mn.us/documents/EMF%20White%20Paper%20-%20MN%20Workgroup%20Sep%202002.pdf The problem is, as history clearly shows, that when research conflicts with exploitative business models such as that of Excel the goal becomes to stifled new and conflicting research that is not in Excel's best profit interest. The challenge of the EMF medical evaluation task force would be to evaluate additional sources of research. Dr. David Carpenters research on EMF should be recognized and evaluated. Dr. Carpenters direct testimony can be found; PUC DOCKET NO. ET2/TL-08-1474 AND OAH DOCKET NO. 7-2500-20283-2 The task force will find a 76 page document on his research on EMF. This information needs to be part of the calculus on EMF. The task force would include but not be limited to medical researchers, attorney general medical representative, specialist on childhood leukemia, etc. The EMF medical taskforce would make a statement on their findings on EMF. This would insure that the citizens of Minnesota interest are paramount over profits.

Concern : Contiguous Land rights.

CapX2020 should include methods for compensation to contiguous land owners who are harmed by a neighboring power line. The situation exists that a contiguous land owner has all of the consequences, receives no communication, and will not be compensated. There are many examples where the contiguous land owner has even greater damage than the landowner upon which the pole resides. Example the poles go in a 160 acre farms back 40. This pole is several thousand feet from the farmers home and building site. The adjacent farm has a home built on a 20 acre building spot and his/her home is only 100 feet from his neighbors power line. The farmer receives compensation, communication, and has much less of the consequences then his neighbor. The neighbor without the power line had nothing and no legal recourse. CapX2020 needs to be held responsible for all of their destruction.

Concern: Certified Organic Agricultural Farming Practices.

CapX2020 has the responsibility to use the same level of care that is required to keep the land certified organic. It must in addition recognize the individualized Organic System Plan (OSP) to the certification process. The application of Prohibited Substances such as no herbicides, pesticides, fertilizers, or seed unless approved by the organic farmer. CapX2020 needs to include additional language such as is found in Appendix B: Mitigative Actions for Organic Agricultural Land Introduction link http://www.capx2020.com/Images/ag_mitigation_plan_09.2009.pdf It is the intent an Agriculture Mitigation Plan approved by the Minnesota Department of Agriculture be referenced and implemented.

Concern: Organic Agricultural and gardening non-certified.

Organic farming for us is a hobby and not done for profit. All of our extra organic apples, eggs, garden produce, etc. are given to friends and family. As retirement approaches we will be planning for a surplus for example of organic apples. These apples will be given to organizations such as the Food for Folk program. The purpose of the Food for Folk is to give our best food that we can produce to the poorest

among us. Another example is my method of egg production that uses large fence areas, small flock, organic chicken food, no light supplementations, hand pulled virgin prairie grass for greens in their diet, fresh water daily, and wood chips for the cleanest possible environment. These eggs are of such a high quality that they are not marketable at their true cost of production.

In addition we have a substantial investment allocated to this hobby. A special barn was built for our organic operation and considerable amount of fencing was needed. For many individuals like myself organic gardening becomes a way of life issue. I should not have to compromise retirement goals and give up this important hobby. Non certified organic farming requires the same protection as certified organic farming. CapX2020 has the knowledge, ability, and desire to work with certified organic agricultural practices they can easily expand and transfer this to organic growers in general. Certification cannot be used as a requirement for small non profitable organic operations.

This organic certification requirement should not be used to avoid additional cost that is associated with CapX2020. The denial of protection to small scale non-profitable farms is analogous to the following made-up asinine scenario. The laws to protect domestic animals such as dogs and cats from abuse will only be obtainable to those animals that are certified by such agencies as the American Kennel Club as a true breed. This would be a ridiculous law but no different in intent than not offering protection to non certified organic growers. We have taken extreme actions to protect our organic values and way of life. The old fence rows are maintained with indigenous 40 foot high trees and over 100 feet of native brush and plants. This is done to provide an effective physical barrier from adjacent fields chemical drift. With aerial spraying for your 175' poles using industrial strength chemicals I would be overpowered in controlling toxic drift and my small scale organic production would vanish. In addition small scale organic production has educational value and role modeling value for future of organic farming. This value is best represented in the fact that Minnesota is a leader in states with organic farming. A survey by the U.S. Department of Agriculture shows that Minnesota ranks among the top ten states with a production of over $69 million in sales in 2008. The value of all organic farming is irrefutable.

Concern: Metal Buildings

We have two very nice Morton buildings on our land. We would never have built these if it was known that a 175' high power lines would be nearby. These building since they are metal must have special grounding or the EMF will make them practically worthless. One building is a beautiful small barn that houses our organic operation. The other building is a future woodworking shop and a old car restoration project area. With the EMF problems with steel these buildings will be of marginal value. We have worked hard all of our lives and planned for retirement and now these lifelong dreams will not be possible. For example I have owned my old car since 1965 and thought it had a home in my new building but now CapX2020 is trying to turn my old car into an orphan. I can't believe I may have to entertain the thoughts of selling it after all of these years. Capx2020 needs to compensate for way of life issues that will be lost.

Concern: Economic impact:

The research is very clear that a negative loss of property value is substantial. The purposed route has several homes on smaller land plots 5-60 acres which would be extremely vulnerable for a loss . Many of the original farm homes have had extensive remolding and it would be nearly impossible to recoup

the original investment. I am very exposed along with many others for a substantial loss. CapX2020 must realize that most of us will not want to live close to their power lines.

Concern: Electronic interference.

We can expect not to have to comprise our TV, radio, WIFI networks. My wife and I depend on high speed internet connections. This may or may not interfere with internet today but how about future technology? Nobody can be certain that a EMF issue will not be a concern in the very near future.

Concern: Future zoning and infrastructure.

This will only be the beginning for the right away easements are available to be used for future infrastructure needs.

Concern: investment recovery

We have made substantial investments in geothermal technology for our home. This investment was contingent upon planning to live in our home many more years. If we decide we want to move how will these types of investments be recovered?

I am opposed to this project and feel that at a time when our energy policy is evolving and in a state of transition we need to postpone a project of such large magnitude. CapX2020 will have untold significant negative consequences impacting human and environmental life for decades to come.

Sincerely,

Dave Ebaugh
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Avon, MN 56310