

**Langan, Matthew (COMM)**

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**From:** Caraway57@aol.com  
**Sent:** Thursday, May 20, 2010 2:55 PM  
**To:** Langan, Matthew (COMM)  
**Cc:** Doperalski, Melissa (DNR); Schrenzel, Jamie (DNR)  
**Subject:** Zumbro River Valley Docket# TL-09-1448

Dear Mr. Langan,

With respect to environmental scope, I am respectfully requesting any and all new surveys needed for the Zumbro River Valley specifically be addressed, in lieu of new information raised from the scoping meetings and public input.

Thank you for your consideration.

Yours,  
Suzanne Rohlfing

5/20/2010



May 17, 2010

Dale and Suzanne Rohlfling  
2310 15th Ave NW  
Rochester, MN 55901

Matthew Langan  
Minnesota Office of Energy Security  
85 7<sup>th</sup> Place East, Suite 500  
St Paul, MN 55101-2198

Dear Mr. Langan,

We are writing to you with regard to the CAPX2020 project, and the proposed Alternate North Route and northern most crossing of the Zumbro River.

The Rohlfling Raj, Czech meaning "paradise", is a beautiful fifty acre piece of land we were able to purchase in 2002. It is our investment for our children, and generations to come. It is rural, forested, full of wildlife, and located near the Zumbro River, Wabasha County T109 N.-R.14W. Section15. We are planning a residence to enable us to better steward this property and help ensure its natural integrity for generations to come. Those plans are on hold, and unattainable, if the Alternate North Route is chosen at the Zumbro River crossing. The reasons we purchased the property would be permanently altered due to: ruined aesthetics, inability to build a home, loss of trees for habitat and selective mature harvest, degradation/impact on rare MN habitat restoration, habitat fragmentation, noise, loss of the investment for our children and future generations.

Although we have general concerns about the CAPX2020 transmission line project, we now have more obvious and immediate worries. We will briefly list our concern and areas we wish to be studied by for the DEIS.

**Natural resource concerns and considerations** include the following:

- 1).Our property lies in the Richard J. Dorer Memorial Hardwood State Forest, founded in 1961 with the goals to: improve wildlife habitat, prevent erosion, stabilize streams and protect timber. Majority of the nearly 2 million acres of Minnesota's Driftless Area is owned by private individuals and community groups. The state is reliant upon these to maintain and support this land. The DNR suggests some of the best bird watching is found in the RJD Memorial Hardwood Forest.
- 2) We have a DNR Forestry and Wildlife Management plan. It was started with the previous owner Cliff Laging in the 1970s and revised in 2002. In addition to our tree farm, we have a blend of native soft and hardwoods throughout our property. It is habitat for many deer, pheasant in the field and cedars in the northwest section, wild turkey, ruffed grouse nestings, fox and birds of many kind.
- 3) Implementation of prairie and oak savanna restoration and reintroduction of native plant species is underway. Our prairie remnants and threatened oak savanna were found during a property evaluation done in August of 2009. Please see the enclosed. There are two other remnants on adjacent properties to the west on the SW facing slope, and on the south property line. The property to the west of us also has Bur Oak savanna remnant. We have enclosed that property evaluation for your review. We would like these rare habitats officially added to the Minnesota County Biological Survey.
- 4)We have a sedge wetland. This hosts amphibian and reptile populations, and includes our attempt to restore the wood duck population in our area.
- 5)There is a bald eagle nest just northwest of our property on the Zumbro River in section 10 as verified by the DNR. There is often dense eagle activity near and north of the County 7 bridge. I spotted an adult and two juveniles at the old bridge foundation in the dead tree on the east side of the Zumbro May 1.

6) There is a Class 1 special regulation smallmouth bass section at the proposed route over the Zumbro River. The North Zumbro Branch is just down river from the proposed North Route crossing.

7) Our property and adjacent property is a Monarch Migratory stop, identified by the flora and actual phenomenon witnessed Late summer of 2008. According to the "Ecolife Foundation", the biggest impact to Monarch decline is deforestation. It has been suggested by the MNDNR that any forest disruption would negatively impact the migratory stop.

8) The clearing and continued maintenance of the 150 ft. swath under the transmission lines would increase the proliferation of undesirables and invasives, such as buck thorn. This would threaten our forests and prairie/savanna restoration efforts on a permanent basis. We are also concerned about the erosion affects on our property and impact on the Zumbro River and Valley habitat and water quality. We are concerned about the methods of maintenance utilized, considering the sensitivity of the area. Please note that the road labeled T282 in Zumbro Township is not a public road. The township declined maintenance and deemed it a private drive in 2006. We maintain the road.

**Economic concerns** include the following.

1) There will be a decrease in property value.

2) We have a tree farm. We have approximately 30 acres of planted white and red pine, and black walnut. The proposed alternate route will wipe out the majority of our 30 year old pine and walnut on our north property line. We will be unable to selectively harvest mature trees while maintaining the forested habitat, and we will never be able to plant trees again.

3) Future carbon credit opportunity and investment would be diminished.

4) Our land and its utilization as a piece of the recreational and aesthetic value in the region will be lost. We would lose hunting habitat and revenue associated with it. We would be restricted or unable to share the land for nature watching, group seed collecting, environmental retreat location and other such revenue generating ideas.

5) Loss of future regional economic and ecotourism opportunities, reliant upon the aesthetics and environment of the Zumbro River and Valley, for local residents and state revenue.

**Health and safety concerns** include:

1) The EMF and proximity to the 345KV transmission line while pursuing recreational and land stewardship activities on the north end of our property.

2) Safety concerns with regard to the pruning and thinning of what would remain of our tree stands in the north section of our property and proximity to the 345KV transmission lines

The majority of the Alternate North Route near the Zumbro River uses minimal established corridors: transmission, road, rail or property lines. There is no existing infrastructure at this proposed crossing of the Zumbro River. Considering other routes studied by the applicant can avoid the disruption of our native, natural ecosystems and habitat, aesthetics and recreation. We encourage use of existing corridors along roads and transmission lines, and easements already in place. Maintenance should be more easily attainable, less costly, and there would be less wild and natural habitat destruction, less proliferation, as well as less residential and family farm impact. We encourage the consideration of the Preferred Route as sited by the applicant for all of the above noted reasons.

The culture and heritage of this area are in danger of being lost. We see that many of the landowners on and near this route take pride in their land and how they steward it, on both sides of the Zumbro. It is a historic river. How we live and utilize the land exists now. We are not a "future plan for development", we are a present plan for preserving this environment and this way of life. We are not a future plan for the residential encroachment of one city, but a present plan for responsibly potentiating the utilization and protection of this area for all Minnesotans to enjoy, today and many days after... The River and its habitat, and century farms cannot be moved, but they can be destroyed. We are thinking of the "Seventh Generation", as MN Rep. Willard Munger did with all decisions he made for our state. We respectfully ask you to please consider the same.

We would like your consideration of the choice of the south Preferred southern most North Rochester Substation. It would utilize the Preferred Route and an existing 161 KV transmission line. It would parallel MN Route 52. Conversely, choosing the north substation on the Alternate Route would be contrary to the Minnesota Non-Proliferation Policy. It would not only add approximately three miles of a new 161 KV line, but would have less existing corridor options going east from that substation.

We appreciate your review and careful assessment pursuant to MN statute, law, rules and guidelines. We have signed the letter you received from the North Route Group dated May 10, 2010. Please consider all comments in that letter as additional items for scoping for the DEIS, with respect to our property and our opposition to the North Route proposed alternate, and the Alternate North Rochester Substation.

Yours respectfully,

A handwritten signature in cursive script, appearing to read "Dale ; Suzanne Rohlfiing". The signature is written in black ink on a white background.

Dale and Suzanne Rohlfiing  
Tree Farmers/Land Stewards  
Zumbro Falls, MN

Enclosures

Cc:

Melissa Doperalski, MN DNR  
Jamie Schrenzel, MN DNR  
Raymond Kirsch, MOES  
Thomas Hillstrom, Xcel Energy

Pasted from <file:///C:/Users/caraway57/Documents/CAPX2020.doc>

**Property Evaluation for Wildlife Habitat**

**Dale and Suzanne Rohlfing  
Wabasha County  
T109, R14, S15**



**Prepared by:  
Jaime Edwards  
Nongame Wildlife Specialist  
MN Department of Natural Resources  
Nongame Wildlife Program**

August 2009

### Rohlfing Property Location

The Rohlfing property consists of 50 acres located in Wabasha County, Zumbro Township, off County Road T160. The property is on a bluff above the Zumbro River, which is to the west by less than ½ mile. The legal description is T109N, R14W, NE¼ of SE¼ of section 15.

The property contains two planted pine areas, a walnut plantation, a ravine dominated by maple-basswood, oak savanna/oak opening on the upland, small remnant prairies, a small pond, and a brome-dominated pasture.

### Rohlfing Property Use

The Rohlfing property is used as a tree farm and for private recreation. Minimal development occurs on the property. Some trails are mowed on the premises, but are small and of little impact to the overall property.

Portions of the property were grazed in the past and some timber harvest has occurred.

### Rohlfing Property Background

The Rohlfing property lies within the **Eastern Broadleaf Forest Province (EBF)** of Minnesota, which covers nearly 12 million acres of the central and southeastern parts of the state and serves as a transition, or ecotone, between semiarid portions of the state that were historically prairie and semihumid mixed conifer-deciduous forests to the northeast. The western boundary of the province in Minnesota is sharply defined along much of its length as an abrupt transition from forest and woodland to open grassland.

The land surface of the province is largely the product of Pleistocene glacial processes. The northwestern and central portions of the province were covered by ice in the last glaciation and are characterized by thick (100–300 feet [30–90 meters]) deposits of glacial drift that is highly calcareous and of Wisconsin Age at its surface. Glacial lakes associated with the last glacial advance contributed large volumes of meltwater to rivers that cut deep valleys along the present course of the Minnesota, St. Croix, and lower Mississippi rivers. In the southeastern part of the province, which was not covered by ice in the last glaciation, headward erosion of streams draining into the deepening Mississippi valley dissected the flanking uplands, exposing Paleozoic bedrock and pre-Wisconsin drift. The waning stages of the glacial lakes contributed massive amounts of sediment to the river valleys and provided a source of silt that was redeposited by wind as a mantle of loess over the eroded lands in the southeastern part of the province.

The EBF Province coincides roughly with the part of Minnesota where precipitation approximately equals evapotranspiration; it seems likely that this aspect of climate has an important influence on plants, as many forest species reach their western range limits and several prairie species reach their eastern range limits within the province.

This Province is divided into sections, of which the Rohlfing property lies within the **Paleozoic Plateau**, which is a rugged region of bluffs and valleys that is quite different from the rest of the state. Although originally a plateau underlain by rather flat-lying sedimentary rocks of the Paleozoic Era, in the past 10,000 years the landscape has been highly eroded and dissected by streams and rivers tributary to the Mississippi River, such as the Root, Whitewater, Zumbro, and Cannon rivers and their predecessors. The remains of the plateau are most evident on interfluvial areas along the western edge of the section; there is little evidence of the former plateau on the eastern edge of the section near the Mississippi River, where dissection is complete. Much of the section is blanketed with loess. The loess is thickest along the Mississippi River and thins to the west, where it becomes discontinuous, exposing eroded pre-Wisconsin till at the surface.

The most important factors influencing the pattern of vegetation in the historical landscape were slope, aspect, flooding, and the likelihood of burning; variation in substrate was important only locally, with most of the section covered by rather uniform deposits of loess or alluvium. Prairies occupied the flat, fire-prone remnants of the plateau in the western part of the section. Steep slopes in dissected areas were sufficiently protected from fire for woody vegetation to develop, although dry prairies were common at the tops of southwest-facing bluffs, with oak woodland developing downslope and northward and eastward along these slopes. Mesic forests were prevalent on north- and east-facing slopes, usually dominated by oak on the upper slopes, with basswood and then sugar maple increasing in importance downslope. Wet-mesic forests of basswood, sugar maple, black maple, elm, bur oak, black ash, and walnut were present on level, silty valley bottoms in dissected terrain. Sandy valley bottoms supported dry prairies, black oak woodlands, and, rarely, jack pine savannas and woodlands. The alluvial bottomlands of broad valleys such as that of the Mississippi River were covered with floodplain forests of silver maple and river birch and terrace forests of silver maple, elm, green ash, hackberry, cottonwood, basswood, and swamp white oak. River shore communities were present on sand bars and shorelines. Steep rock walls and rocky colluvium provided habitat for development of cliff and talus communities. Peatlands were nearly absent in the section, mostly limited to local areas where seeps and springs maintained sufficiently saturated conditions for accumulation of peat.

A further subdivision of the Province is at the subsection level. The Rohlfing property falls primarily within the **Blufflands Subsection**, but is very close to the margin of the **Rochester Plateau**.

The **Blufflands Subsection** is a loess-capped plateau, deeply dissected by river valleys. The greatest relief occurs along the Mississippi River, where relief is up to 600 feet. In the east, loess lies directly on bedrock. In the southeast, loess overlies red clayey residuum that was formed directly from limestone or sandstone. Paleozoic sedimentary rocks are exposed in valley walls, but are generally mantled with colluvium or loess. Topography is controlled by underlying glacial till along the western edge of the subsection, where loess is several feet thick. As glacial drift thins to the east, topography is largely bedrock controlled (Dept. of Soil Science, Univ. of Minnesota 1973). Sinkholes are common in the southwestern portion of the subsection.

Depth of drift over bedrock varies from 0 to 50 feet. Bedrock is exposed in river and stream valleys. In general, sediment thickness varies by landscape position. Large exposures of bedrock occur in the steep ravines. These exposures are primarily Ordovician dolomite, limestone, and sandstone with Cambrian sandstone, shale, and dolomite exposed along the valley walls of the Mississippi River (Morey 1981, Sims et al. 1966). Devonian dolomite and limestone are more locally exposed along the western edge of the subsection. Loess thickness is variable; loess deposits range from 30 feet thick on broad ridgetops, to less than a foot on valley walls. The predominant soils are Udalfs, with localized Aquents along the floodplains of major rivers (Cummins and Grigal 1981). Cambrian siltstones, sandstones, and shales influence soil properties.

There are no lakes in this subsection. The drainage network is well developed and dendritic in nature. Major rivers include the Mississippi (which forms the eastern boundary), Root, Whitewater, Zumbro, and Canon. There are numerous coldwater trout streams throughout the subsection.

Tallgrass prairie and bur oak savanna were major vegetation types on ridge tops and dry upper slopes. Red oak-white oak-shagbark hickory-basswood forests were present on moister slopes, and red oak-basswood-black walnut forests in protected valleys. Prairie was restricted primarily to broader ridge tops, where fires could spread, but also occurred on steep slopes with south or southwest aspect.

The Blufflands Subsection has the rarest habitat types remaining in Minnesota, including prairie and oak savanna (oak openings). The Rohlfing property has remnants of both of these plant communities. This subsection is also the most important area for Minnesota's reptiles as well as mollusks. It also supports 156 species of greatest conservation need, the most of all MN subsections. The location of the Rohlfing property

along the Zumbro River corridor makes it a key habitat for forest songbirds, especially during migration. Habitat loss and degradation are the biggest threats to this area.

The **Rochester Plateau** is a series of Des Moines lobe end moraines (Bemis Moraine). The eastern boundary with The Blufflands subsection is an area of transition between a level to rolling plateau and dissected landscapes. Another gradient is the depth of wind-blown silts (loess), which grades from thinner deposits in this subsection to much thicker deposits in The Blufflands Subsection. The northern boundary coincides with the northern extent of loess deposits. There is also small outwash plain marking the northern boundary. This unit consists of an old plateau covered by loess (windblown silt) along the eastern border and pre-Wisconsin age glacial till in the central and western parts. The western portion is a gently rolling glacial till plain that is covered by loess in places.

This subsection consists of level to gently rolling older till plains. Topography is controlled by underlying glacial till along the western edge of the subsection, where loess is several feet thick. As glacial drift thins to the east, topography is largely bedrock controlled (Dept. of Soil Science, Univ. of Minnesota 1973). Sinkholes are common in the southwestern portion of the subsection.

Depth of drift over bedrock varies from 100 to 200 feet in the west to 10 to 100 feet in the east. Bedrock exposures are common. In general, sediment thickness varies by landscape position. Large exposures of bedrock occur in the steep ravines. These exposures are primarily Ordovician dolomite, limestone, and sandstone, with Cambrian sandstone, shale, and dolomite exposed along the valley walls of the Mississippi River (Morey 1981, Sims et al. 1966). Devonian dolomite and limestone are more locally exposed along the western edge of the subsection.

Loess thickness is variable; loess deposits range from 30 feet thick on broad ridgetops, to less than a foot on valley walls. The predominant soils are Udalfs, with localized Aquents along the floodplains of major rivers (Cummins and Grigal 1981). Cambrian siltstones, sandstones, and shales influence soil properties.

There are few lakes in this subsection. The drainage network is well developed and dendritic in nature. Major rivers include the headwaters of the Root, Whitewater, Zumbro, and Canon. Several coldwater trout streams are present in the eastern part of this subsection.

Tallgrass prairie and bur oak savanna were major communities during pre-settlement times. Wheeler et al. (1985) found species characteristic of oak openings and barrens to be abundant (based on herbarium collections) although most remaining areas of openings and barrens are small.

The Rochester Plateau Subsection also has two of the rarest habitat types remaining in Minnesota, prairie and oak savanna (oak openings), both of which occur on the Rohlifing property. This subsection supports 94 species of greatest conservation need. Habitat loss and degradation are also the biggest threats to this area.

(Source: Tomorrow's Habitat for the Wildlife and Rare, MN DNR)

#### **Rohlifing Property Pre-settlement Vegetation**

Pre-settlement vegetation for the Rohlifing property indicates the presence of oak openings, and perhaps some barrens on the dry sandy soils of the upland portion of the property on the eastern half. The western half also had oak openings on the top, with the south and west facing slopes showing a mixture of oak openings and bluff prairie. The north and east slopes were dominated by maple and basswood that graded into bottomland forest as the property moved into the ravine toward the Zumbro River.

#### **Rohlifing Property Current Vegetation**

Remnants of oak openings and prairie habitat are still present on the Rohlfing property as indicated by the presence of several prairie forbs and grasses, as well as bur oaks and red oaks on the upland and south and west slopes. The understory of the oak areas is being encroached by prickly ash, which may be an indication of previous grazing activity. However, the prickly ash is not widespread, but rather occurs in small dense patches throughout the upland portion of the property. Dogwood is another shrub/small tree species that is common in the understory. Lack of fire is likely the main reason for an increase in these two species.

The north and east slopes are dominated by basswood and maple, which are gradually moving into the upland. The forest on the property will continue to succeed to maple-basswood in the absence of fire or similar management. Overall, the quality of the forest is good from an invasive species standpoint. Very little buckthorn and honeysuckle occur on the property, which is becoming a rarity in SE MN. These two invasive species are found primarily on the north and west edges of the property, and are moving in from adjacent properties. The northern edge is a vulnerable area for buckthorn invasion because of the pine plantation. The pines will keep the buckthorn population low until the trees are harvested, at which time dormant buckthorn seed could explode into a dense ground cover. If this should happen, the remainder of the property is at risk for invasion.

Pines have been planted in a few locations and are managed as a tree farm. These plantations are in areas that were previously open pasture. The sandy soil of these areas, along with some remnant prairie species indicate the area was likely an oak opening to oak barrens.

There is a small walnut grove on the northern portion of the property managed as part of the tree farm.

A large field on the northern portion of the property shows some signs of having a remnant prairie. The area is largely dominated by brome and other tame grasses, but an aggressive management regime of prescribed burning may reveal more native prairie species. Several grassy pockets on the eastern property line show the same potential.

A small pond created on the property by the previous owner functions as a wet meadow. This area will hold water temporarily in the spring and during heavy rain. The western edge of the pond is being encroached by crown vetch, which is a serious invasive species and should be controlled.

#### **Minnesota County Biological Survey (MCBS)**

The MCBS did not evaluate the Rohlfing property, therefore, there is no data indicating the presence, or absence, of rare plant or animal species for the site. They did, however, evaluate the bluff prairie and a portion of the oak woods on the adjacent property to the west (Klein). This area was classified as a dry bluff prairie of medium diversity. A special concern plant species was also found on this adjacent property in the oak woodland. Because this oak woodland and some of the prairie crosses onto the Rohlfing property, it is possible that this plant could occur there as well.

I surveyed the bluff prairie and found over 30 species of native prairie plants, some of which occurred on the Rohlfing property. With some management of the invading brush, the prairie and oak woodland/savanna would easily extend onto the Rohlfing property. Remnants of these two habitat types are present, indicating restoration is feasible.

Additionally, there is a small prairie remnant along the south property boundary across from the pine plantation. This remnant is on the Stacey property and likely serves as a migratory stopover for monarch butterflies. The high density of blazing stars and butterfly milkweed in close proximity to woodlands provides ideal conditions for migrating butterflies. Mrs. Rohlfing confirmed that she has observed the migration

phenomenon on the remnant and surrounding woodlands. Thus, careful consideration should be given to this area prior to any tree removal or modification. Remnants of this quality are quite rare in SE MN.

### **Management Recommendations**

For the pine plantations, I recommend the landowner's follow their woodland stewardship plan, which calls for thinning some of the pine. The understory should be monitored, particularly on the north property boundary, for invading buckthorn. Small seedlings should be pulled. Upon harvest of the pines, the site should be monitored for buckthorn and honeysuckle invasion. If the landowners choose to restore these plantation areas to native cover, a mixture of red oak and bur oak should be planted with a prairie grass understory.

For the walnut plantation, again I recommend letting these trees mature to a suitable harvest level. Upon harvest, this area should be planted to prairie with a few scattered bur oaks or red oaks to return the area to its original plant community.

The large field on the northern portion of the property should be burned to see what remnant prairie plants return. Burning could be done in the spring or fall, and should likely be done 2-3 years in a row to stimulate the existing seedbed. Since some prairie plants already occur on the western edge of this field, it is likely that other native flowers and grasses are still present in the seedbed. The same tactics could be applied to the two smaller grassy plots along the eastern property line. These two smaller sites are getting some encroachment by brush, so a fall burn would help set back the woody vegetation. There have been some pines planted in the vicinity of these smaller openings, so if the landowner wishes to retain these pines, then they should be mowed around prior to a burn, or moved to a different area.

The oak woodlands on the property have already received some selective harvest. As a result, I do not recommend a significant amount of additional harvest for the next 10-15 years. Of particular concern is the potential for invasive species such as buckthorn and honeysuckle to move in. The woodlands currently have little to no buckthorn infestations, which is significant. Harvest or significant disturbance to these woods could make them very susceptible to invasion since invasives are present on adjacent properties. Prescribed burning of the oak woodlands is an option, but would be considered a moderate complexity burn due to the amount of downed woody material from the previous timber harvest. Significant mop-up would be required following any woodland burn on the property. A burn would help rejuvenate the oak woodland understory as well as oak regeneration. Smaller pockets could be stimulated by controlling larger patches of prickly ash, particularly those growing under larger oaks. Oaks do not tolerate a lot of shading on their lower limbs, so they will slough those limbs under low light conditions. Additionally, oaks need light to regenerate, so large, dense pockets of brush near existing oaks will impact regeneration potential.

The woods on the east and north facing slopes should remain intact. These are moister forest types and need to retain a high percentage of canopy cover to maintain their structure. Occasional select harvest of individual trees may occur during the winter months, but I do not recommend opening the canopy any greater than 70%. Retaining a predominantly closed canopy will help provide habitat for forest songbirds. This is especially critical on the Rohlfing property due to its proximity to the Zumbro River, which serves as a migratory corridor for a variety of wildlife, including some forest songbirds.

The small pond on the property should be left as is. It holds water temporarily and serves as an ephemeral wetland and wet meadow. This habitat type is rare in the bluffs, and although this one is man-made, it can provide critical habitat for some species. Cattail management can occur if this species begins to dominate the entire pond area. Additionally, crown vetch was planted on the berm along the west edge of the pond. This is an invasive ground cover that will choke out other species. As a result, it should be controlled before it gets more widespread.

Shrubby areas along the woodland and grassland edges may remain as is. This allows for a gradual transition from the woodland habitat to the grassland. The shrubby component also increases winter cover for songbirds.

**Links for additional information**

Tomorrow's Habitat for the Wild and Rare, MN DNR Publication: <http://www.dnr.state.mn.us/cwcs/index.html>

Rare Species Guide, web-based reference, MN DNR: <http://www.dnr.state.mn.us/rsg/index.html>

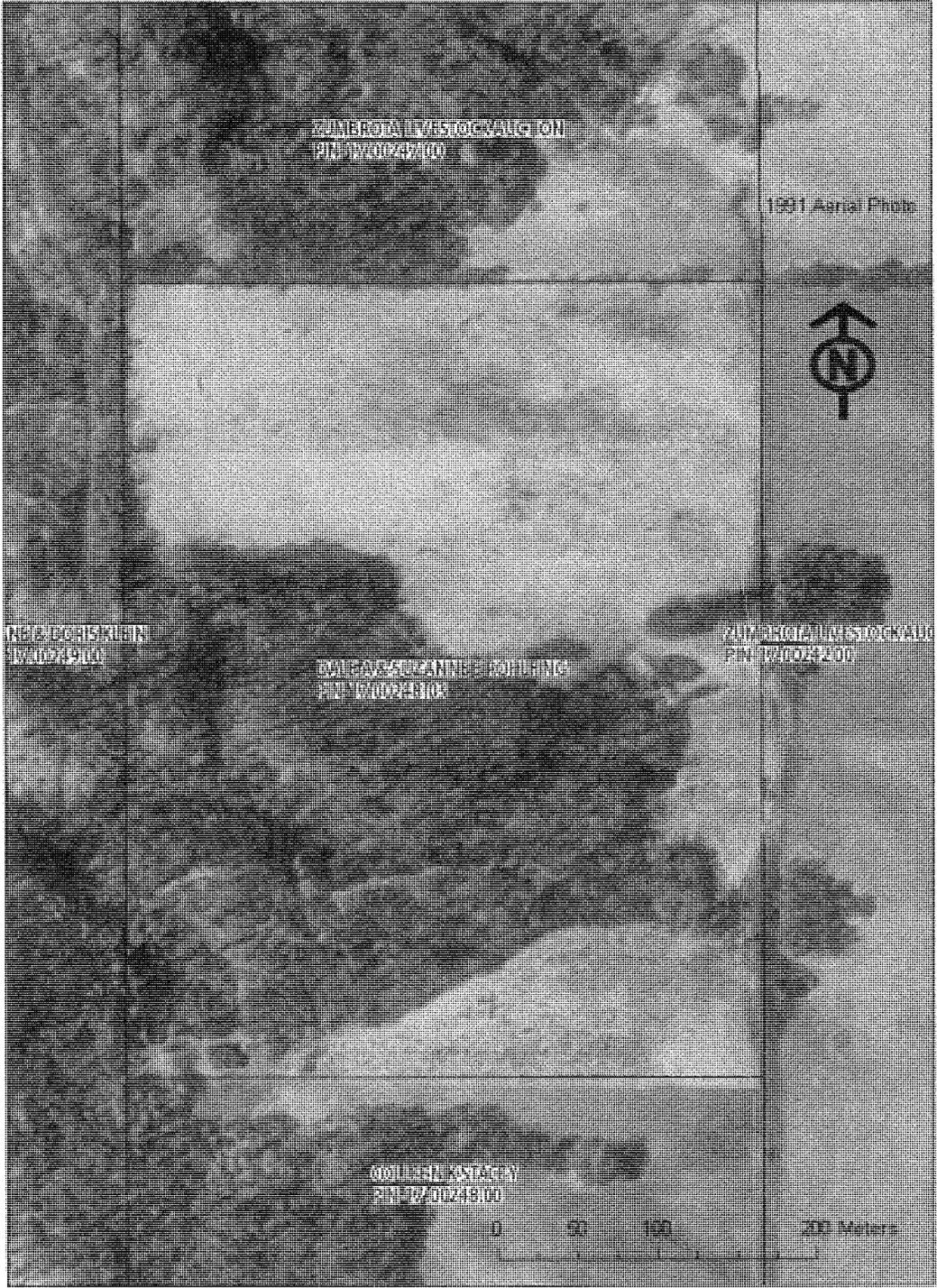
Invasive species: <http://dnr.wi.gov/invasives/index.htm>

Weed ID website: <http://weedid.wisc.edu/weedid.php>

Invasives Control Handbook: <http://www.invasive.org/gist/handbook.html>

**Other Reference Material**

See attached weed fact sheet files



ZONA DE LIVESTOCK  
RUEA DE LOS RIOS

1991 Aerial Photo



RUEA DE LOS RIOS  
RUEA DE LOS RIOS

0 50 100 200 Meters



MOUNTAIN LIVESTOCKS (CN)  
PIN 70004700

2000 Aerial Photo



MOUNTAIN LIVESTOCKS (CN)  
PIN 70004700



20 Meters

**Langan, Matthew (COMM)**

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**From:** Ray Salvo [raysalvo@gmail.com]  
**Sent:** Thursday, May 13, 2010 12:41 PM  
**To:** Langan, Matthew (COMM)  
**Cc:** Kirsch, Raymond (COMM); Nancy Salvo  
**Subject:** CapX2020 Project - Comments/Recomendations...

Dear Mr. Langan,

This note is in reference to our telephone conversation on the morning of May 12,2010. You returned my earlier call to discuss the 161 KV alternative route which changes course at location T108N - R15W Section 26 in New Haven Township, MN. As we can see from your aerial maps the line runs parallel to the Douglas State Trail, on the west side of the Trail, then changes course to follow the town road 75th Ave.. Of course this effects all the properties, homes and future development of 75th Ave.. I recommend that the alternate line route be changed to the east side of the Douglas State Trail and continue to follow the Trail south bypassing 75th Ave.. The properties this change would affect are farm and State lands, and would not affect present homes, or jeopardise the future development of 75th Ave..

Please forward my comments and recommendations to the people/project departments responsible for this modification. Thank you.

Respectfully Yours,

Raymond J. Salvo



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www.commerce.state.mn.us

## PUBLIC COMMENT SHEET

### CapX Hampton-Rochester-La Crosse Transmission Line Project

PUC Docket Number: E002/TL-09-1448

Name:

Representing:

*Andy & Michelle Sandstrom*

*our home & business*

Address:

Email:

*30127 59th Ave Way, Cannon Falls*

*msandstrom@frontiernet.net*

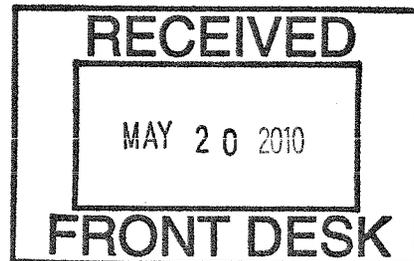
Comments:

*See attached*

Please submit comments by 4:30pm, May 20, 2010 to:

Matthew Langan  
Minnesota Dept. of Commerce  
85 7th Place East  
Suite 500  
St. Paul, MN 55101-2198

Email: [matthew.langan@state.mn.us](mailto:matthew.langan@state.mn.us)  
Phone: 651-296-2096  
Fax: 651-297-7891



*12:30pm*

Andy and Michelle Sandstrom feel our home and business would be greatly devalued by the construction of high voltage power lines on or near our property. We are located just north of Highway 19 and West of Highway 52. If the preferred route were followed, the lines would run right next to our business and would be highly visible from our home. Not only are these lines highly unattractive, we believe the health of our family, employees, and livestock are at stake. We also have children in the school at St. Paul's Lutheran Elementary School, which is also in the direct path of the proposed construction. We feel there are several alternatives that would be less devastating to homeowners, as you will see on the attached maps.

**Map # 1** – We feel this is the best alternative for this area. This route would follow existing electrical lines, and would not cause any new hardship for landowners. If for some reason this is not an option, our second choice would be as shown on Map #2.

**Map # 2** – We believe the preferred route would better serve our area by being on the West side of Highway 52 as it crosses County Road 86, coming south in front of Arena Trailer Sales, jumping across Highway 52 at an angle which would best avoid all existing homes, then stay on the east side of Highway 52 from there all the way down to just before the Highway 19 exit (south of Sandstrom's property), where it would cross and continue on the west side through the cloverleaf. This would give the greatest distance from existing homes. Map 2A shows a closer version of the crossover described above.

**Map #3** is a last possible alternative that we may or may not consider. It is very likely that if the line runs on the west side of Highway 52, we will invoke the "buy the farm" option, as this would greatly devalue our property. Where we live is a wild and scenic area on the river, and there are no homes on the other side of the highway. If the line does need to run on the west side, we would ask that it run as close to Highway 52 as possible. There is 100 feet of space from the preferred line and the edge of Highway 52. We would ask for negotiation with the DOT to move it as close as possible to the highway.

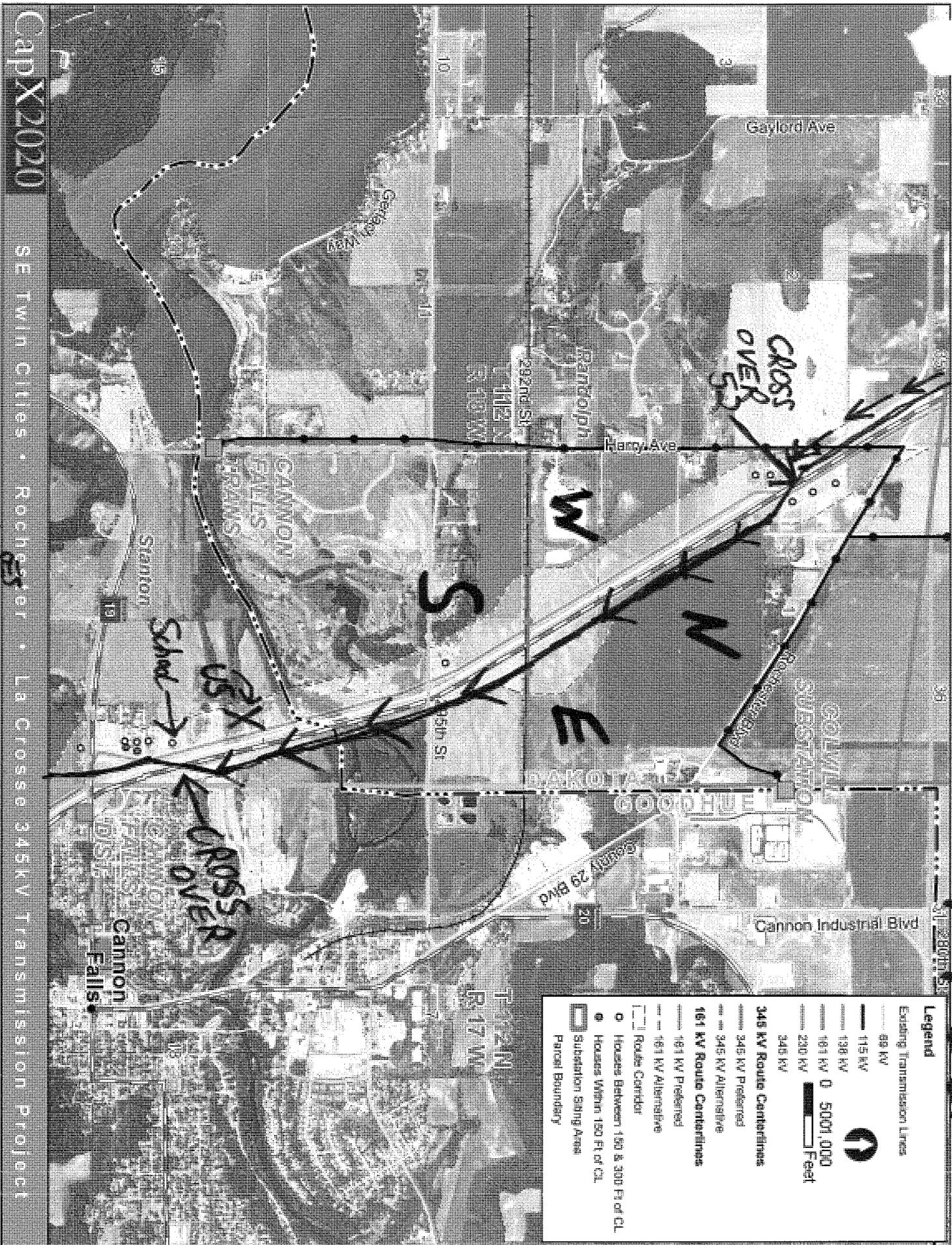


MAP 02

CapX2020

SE Twin Cities • Rochester • La Crosse 345kV Transmission Project

TO GET MORE SPACE FROM HOW TO GO THRU MIDDLE OF CLOVER LEAF



**Legend**

Existing Transmission Lines

- 69 kV
- 115 kV
- 138 kV
- 161 kV 0 5001,000
- 230 kV
- 345 kV

**345 kV Route Centerlines**

- 345 kV Preferred
- 345 kV Alternative

**161 kV Route Centerlines**

- 161 kV Preferred
- 161 kV Alternative

**Route Corridor**

- Houses Between 150 & 200 Ft of CL
- Houses Within 150 Ft of CL
- Substation Siting Area
- Parcel Boundary

MAP 2A

Randolph

SPAINSTOWN US  
EPA

T 112 N  
R 18 W  
13

Stanton

School

W

S

N

E

HWY  
153

**Legend**

Existing Transmission Lines

- 69 kV
- 115 kV
- 138 kV
- 161 kV 0 150 300 Feet
- 230 kV
- 345 kV

345 kV Route Centerlines

- 345 kV Preferred
- 345 kV Alternative

161 kV Route Centerlines

- 161 kV Preferred
- 161 kV Alternative

- Route Corridor
- Houses Between 150 & 300 Ft. of CL
- Houses Within 150 Ft. of CL
- Substation Siting Area
- Parish Boundary

CANNON  
FALLS  
DIST.

CapX2020

SE Twin Cities • Rochester • La Crosse 345kV Transmission Project

Randolph

SANDSTREAM US 43

RIGHT YARD  
1100W  
5 FEET  
ARE 5 RING  
DINO WITH  
RANBY

Stanton

T 112 N  
R 18 W

MOVE  
LINE OVER  
CLOSE  
AS TO  
RHW 139

CHURCH  
SCHOOL

**Legend**

Existing Transmission Lines

- 69 kV
- 115 kV
- 138 kV
- 181 kV
- 230 kV
- 345 kV

345 kV Route Centerlines

- 345 kV Preferred
- 345 kV Alternative

181 kV Route Centerlines

- 181 kV Preferred
- 181 kV Alternative

Route Corridor

- Houses Between 150 & 300 Ft. of CL
- Houses Within 150 Ft. of CL
- Substation Siting Area
- Parcel Boundary

0 150 300 Feet

CANNON  
FALLES  
DIST

CapX2020

SE Twin Cities • Rochester • La Crosse 345kV Transmission Project

MAP 3



This is from  
James (Jim) Schreader  
48325 240 th Ave.  
Mazeppa Mn. 55956  
House ph. # 507-843-5566 cell # 507-259-9591

My wife Jeannie and I own a farm about 2 miles south of Mazeppa. It is in Section 13 of Pine Island Township in Goodhue County and Section 18 of Mazeppa Township in Wabasha County. It is a century farm that has been in the family since the 1890's. The proposed north alternate route in-between the North Rochester sub-station by Pine Island and the Zumbro River would cut our farm in half and pass within a couple hundred feet of our house.

Cap X says anything past 75 feet of the centerline is OK. My wife and I have done a lot of research on the effects of the magnetic field created by these power lines. She says she will not continue to live in the house if this line is built. Also our farm is a crop and livestock farm. We have a lot of hay ground, so we are out in the fields a lot all summer, not just spring and fall like some cash crop farmers. We cut the hay, ted it, rake it, bale it, and then pick it up. 3 times / summer. There have been reports that you can not even get off the machinery under these power lines.

This farm is our main income. I am too old to get a good job in town and too young to retire. If this line is built it could destroy our farm that several generations have worked to make what it is today.

There are a lot of sink holes on our farm and neighboring farms. I will enclose a map showing the location of some of them over the years. One in 2004 just dropped about 6'-7' just from spring to mid-summer. It was large enough to set a full size pickup in. I will enclose a picture. This one was very close to the proposed centerline. There was 2 more about 5 years ago that took the county soil people and a backhoe and concrete and fabric to seal. This was about 150' from proposed centerline. Over the years there have been some very large ones.

Where the proposed centerline crosses the north-south back top road by our house, it is a sloped bank with a large culvert and tile line water running. I will enclose pictures.

Fairly close to the centerline is a rocky side hill with Pine trees. Two (2) premature baby embryo's were buried there about 1980. My wife says too, you are not going to disturb them. I will also mark it on the map and enclose a photograph.

The farm west of me belonging to Mark Dykes would also be cut in half by the power line. East of me it would go through Rod Sommerfields for a half mile. He had a comment that he just installed some expensive GPS guidance systems in his farm machinery, and questioned if the power line would effect that. Then it would go across Tony Arendt's fields and go next to 2 building sites he has for sale. Then it would go across Robert Neisheim's fields and then across Tom Grossbach fields for a half mile and then cut through the big valley with Steeplechase ski resort, and then cross a bunch of smaller landowners. There is about a 3-mile stretch here that it goes through the middle of farms with no pre existing route. It would also cross the Zumbro river where there is no pre existing crossing.

At one scoping meeting in Pine Island, there were a lot of people complaining about the smaller 161 kv line going from Pine Island to Rochester.

I will enclose a copy of a letter, also sent to Tom Hillstrom, as to why I think the North Rochester sub station planned North of Pine Island should be relocated at Elk Run.

I am not an electrical engineer, but I know a little about electricity. One thing that could be done if it was ever necessary is say you come to a town with a 345 kv line. You could split the 345 kv power line into two (2) 161 kv lines through the town and then join them together past the town. The smaller lines would be less intrusive.

This whole power line could follow major highways a lot more. You have I-94 going North West from the cities. Highway 52 going south from the cities past Rochester. I-90 going East across the Mississippi River.

The whole story behind this power line is the coal out in western Dakotas. The railroad wants to build tracks and haul it East. Cap X wants to build a power line to send electricity East.

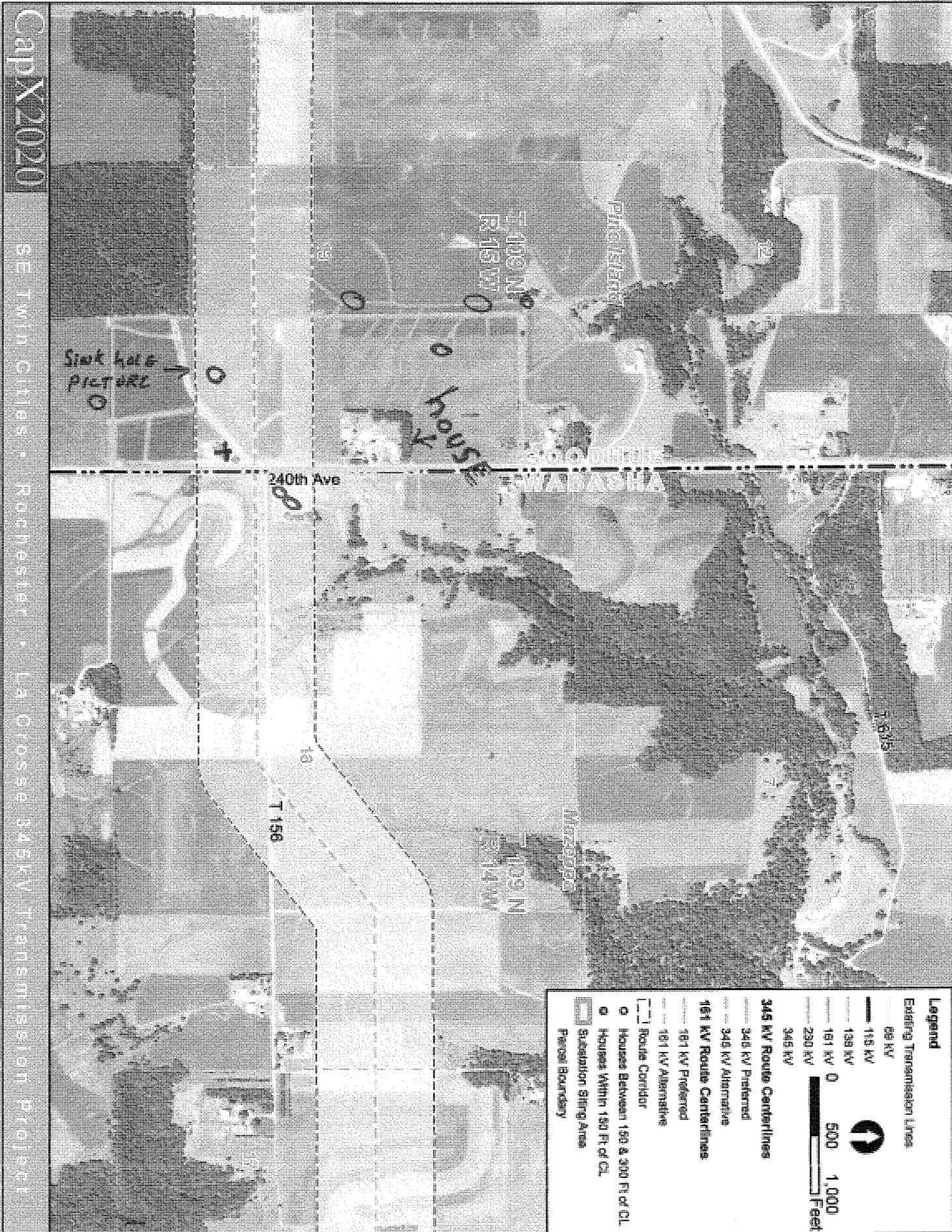
Even questioning the need for this line. Cap X says Rochester needs more electricity. But last winter was the first time Silver Lake froze over because they were not running their power plant. They did not need the electricity!

One more thought to crossing farmland. Someone said that they cannot use emanate domain on a century farm. They said it stopped a 4-lane highway by Dodge Center Mn. We are still checking on the legal status on that. At least the legislature did make it more difficult for the utilities to use emanate domain on farmland.

Thank You Jim Schreader

O = SINKHOLES

goddard CO Pine Island Twp Section 13  
MAZEPPA Twp Section 18  
WABASTA Ca  
JAMES  
TIAWIE  
SCHARZADL



**Legend**

Existing Transmission Lines

- 66 kV
- 115 kV
- 138 kV
- 161 kV
- 230 kV
- 345 kV

345 kV Route Centerlines

- 345 kV Preferred
- 345 kV Alternative

161 kV Route Centerlines

- 161 kV Preferred
- 161 kV Alternative

Route Corridor

- Houses Between 150 & 300 Ft of CL
- Houses Within 150 Ft of CL
- Substation Siting Area
- Parcel Boundary

0 500 1,000 Feet

CapX2020 SE Twin Cities • Rochester • La Crosse 345 kV Transmission Project

+ = Baby Burial

LETTER ALSO SENT TO

From Jim Schreader - Mazeppa

Subject: Location of the North Rochester substation

I would like to propose a different location for the North Rochester substation other than the 2 possibilities mentioned at the scoping meetings between Pine Island and Zumbrota towns.

I would suggest putting it at Elk Run

If you would bear with me I think I have some very valid reasons for this and why it would work very well.

First off, I worked in Byron Mn. around 5 years ago. There was a developer from the cities that was going to completely redo a mile stretch of land on the west side of town toward Rochester. He was going to have hundreds of houses, many large stores and business, hotels, restaurants and more. Long story short – they moved dirt with bulldozers and scrapers for 2 years. He went belly up! All that is there now is a small strip mall, a half a dozen houses and a million dollar city hall which is a whole another story.

Another one I know about is in Lake City Mn. There was a development about the same time as Byron's called the Jewell. It was going to be a fancy golf course and many houses and a lot more. They also went belly up. All that is there now is the golf course, a few houses, a million dollar hardware store building that has been empty for 2 years now.

When I started hearing about Pine Island and Elk Run, all I could think of was here they go again! I guess Elk Run is more about Biotechnology. I do not see all the houses they are talking about though, there are houses for sale all over now and that is not going to change anytime soon. In addition, from what I hear Elk Run is way behind schedule for what was planned.

Ok Let us say that Elk Run does really amount to something in the future sometime. They are supposedly going to have a lot of buildings, and/or houses. Therefore, they will have a high demand for electricity. If the substation was located right at Elk Run, the electricity would be right there.

Karen Doll from Pine Island, has been at all the local meetings for Cap X. She got herself on the Hampton – North Rochester substation task force and the North Rochester substation – Mississippi River task force. She has been loud and disruptive demanding things her way. At the Pine Island scoping meeting, in the afternoon meeting, I think I heard more concern about the 161 kv line from the substation to North West Rochester. I think Pine Island also had some concern about this line on the South side of town.

If the substation was located at Elk Run, it would put it South of Pine Island and the 161 line could possibly follow Hwy 52 more toward Rochester.

Then also if the 345 kv line had to go east toward Plainview along Hwy 12, it would be more of a straight shot and not zigzagging around farmland. In addition, I think that Hwy 12 is going to be rerouted to meet Hwy 52 at this Elk Run overpass.

I would prefer the 345 kv line to stay on Hwy 52 right past Rochester to I 90 and then East. I know you say it would cost more to go through Rochester, but it has to be expensive to build a parallel 161 kv line from Pine Island to NW Rochester too.

Another point is it has been in the papers this winter. Apparently a landowner (Stock) had some land annexed and was to be a part of Elk Run and now Tower/Burrell does not want/need it, and he is fighting with them. So here you have some land that Elk Run does not want and a landowner that wants to sell it. A perfect location for your substation!

If you take a real close look at Hwy 52 through Pine Island. North of the County 11 overpass, there is actually very little for buildings or houses close to the highway. There are some houses on the East side but on the West side there is a lot of green grass.

South of the County 11 overpass they are eliminating some buildings anyway. One I know of is the sportsman club. Therefore, I would think Elk Run, Pine Island and Cap X could work out something there.

I am sure Karen would object, she does not want the 345 kv line anywhere near Pine Island. They want the electricity but not the power lines. In a way I say if they want the electricity then put up with the power lines, be it Elk Run or Rochester.

Construction should work out also. They supposedly are going to build the overpass this summer, then you could build your 345 line and substation, then they could plan their buildings from there. It is a lot easier to change some plans that are still just on paper than some buildings or farms that are already there and may have been there for a hundred years or more!

I just had a comment brought up that supposedly there is a hospital in the cities that asked to have a substation built next to them because it would give them a better and more reliable supply of electricity. I guessing that some of these Biotech companies may have some sensitive equipment and it may be a plus to have a substation close by.

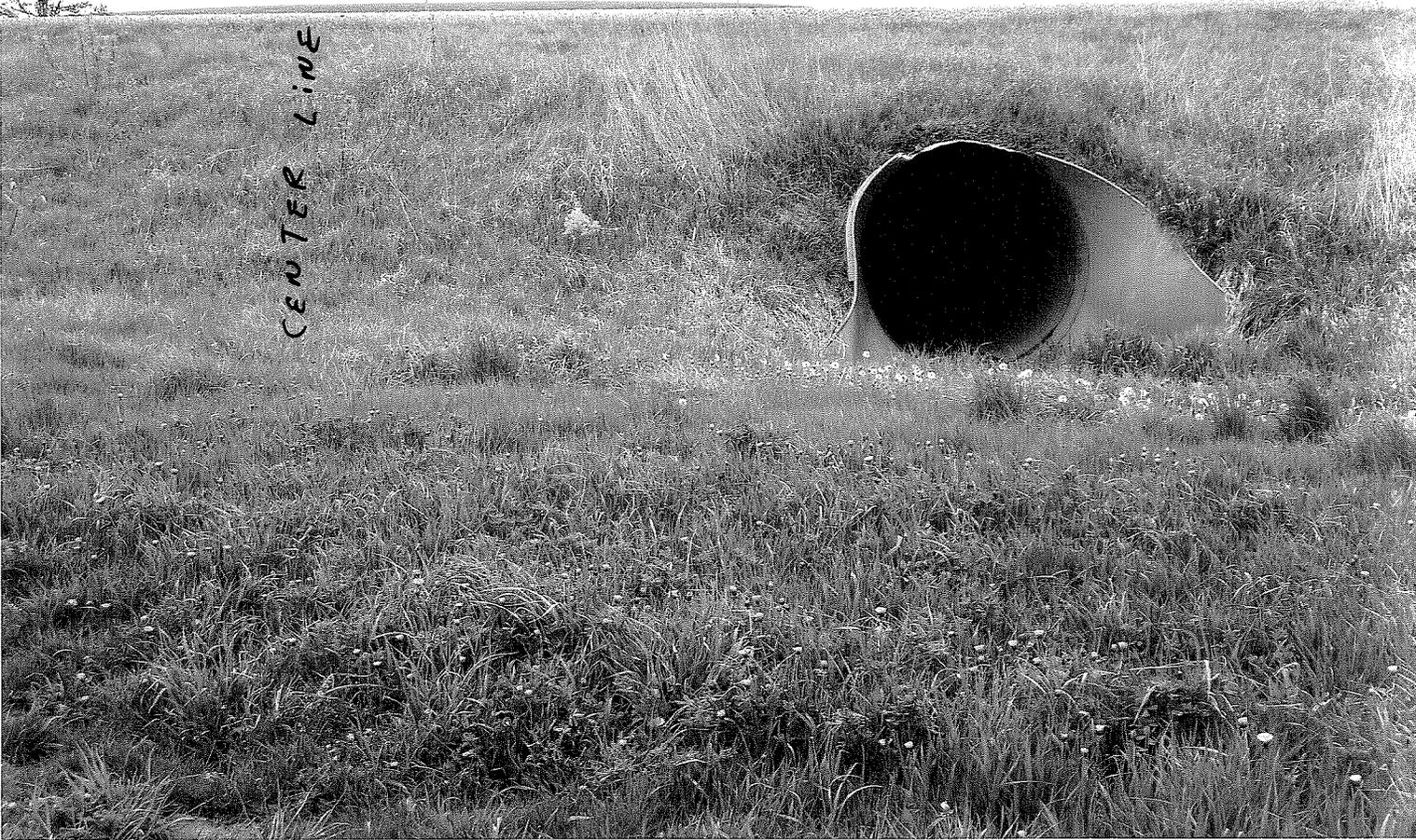
Thank You      Jim Schreder

CENTER LINE    LOOKING SOUTH



2 PREMATURE HUMAN  
BABY EMBRYO'S BURIED  
IN PINES ABOUT 1980

WEST SIDE OF WABASHA COUNTY #1 / 240<sup>th</sup> AVE LOOKING EAST  
2 MILES SOUTH OF MAZEPPA  
6' DIAMETER COLUERT



THIS IS WHERE THE PROPOSED  
NORTH ALTERNATE ROUTE IN BETWEEN  
THE PINE ISLAND SUBSTATION AND  
THE ZUMBRO RIVER WOULD CROSS  
THE NORTH / SOUTH BACKTOP ROAD  
WABASHA COUNTY ROAD #1 / 240<sup>TH</sup> AVE.  
THE CENTER LINE IS JUST LEFT  
OF THIS CULVERT. I HAVE SEEN  
THIS CULVERT COMPLETELY FULL AND  
WATER BACKED UP TO THE WEST.  
THERE IS A 10'-12' DROP SO HOW  
WOULD CAP X ACCESS THEIR 150'  
RIGHT OF WAY EASEMENT OFF THE  
BACKTOP CO. #1 / 240<sup>TH</sup> AVE IN  
THE FUTURE.

ON WABASHA COUNTY R. 1 / 240<sup>th</sup> AVE. LOOKING EAST  
2 MILES SOUTH OF MAZEPPA

6' DIA. CONDUIT UNDER BLACKTOP - 6' DIA CONDUIT UNDER



CENTERLINE

TILE WATER

TOP ROAD ON LEFT

THIS IS WHERE THE PROPOSED  
NORTH ALTERNATE ROUTE IN BETWEEN  
THE PINE ISLAND SUBSTATION AND  
THE ZUMBRO RIVER WOULD CROSS  
THE NORTH / SOUTH BLACKTOP ROAD  
WABASHA COUNTY ROAD # 1 / 240<sup>th</sup> AVE.  
THE GRAVEL ROAD TO THE LEFT IS  
595<sup>th</sup> ST. THE PROPOSED CENTER LINE  
WOULD BE TO THE RIGHT OF 595<sup>th</sup> ST.  
SOMEWHAT IN THE FIELD. THERE IS  
A 15' BANK OFF THE BLACKTOP.  
THERE IS USUALLY TILE LINE WATER  
RUNNING IN BETWEEN THE BLACKTOP  
AND GRAVEL ROAD. HOW WOULD  
CAP X ACCESS THEIR 150' RIGHT OF  
WAY ZASMMENT IN THE FUTURE

SINK HOLE

2004



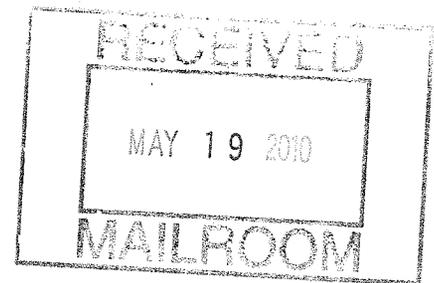
FIELD WAS PLANTED TO OATS  
IN SPRING 2004. THERE WAS  
NO SINK HOLES IN THIS AREA  
IN THE PAST. 2 MONTHS  
LATER WHEN WE WENT TO CUT  
THE OATS WE ALMOST DROVE  
THE TRACTOR INTO THIS  
HOLE. IT WAS A ROUND  
HOLE THAT JUST DROPPED  
STRAIGHT DOWN. THE OATS  
WAS STILL GREEN + GROWING  
IN THE BOTTOM OF THE HOLE.

Matthew Langan

Minnesota Office of Energy Security

83 – 7<sup>th</sup> Place East  
St. Paul, MN. 55101-2198

RE: Docket # E002/TL-09-1448



Dear Mr. Langan.

Our farm is located in Goodhue County in Section # 13. *Pine Island Township*  
James and Jeannie Schreader

The culture of our region is rural. We live on a century farm that has been owned and operated by the Schreader family for generations. We have chosen to continue our way of life void of noise, property disruption, and land distractions. This is our heritage and our children's.

The proposed Alternative Route will transect our property, cutting our farm in half. There are no exiting easements or right-of-ways exiting in this area. Non-Proliferation Policy – Minnesota Statute 216E.03, subd 7, recommends using existing railroads, highway right-of-ways, natural division lines, and field boundaries. None of these exist on our property south of the building site. The presents of the transmission line would further diminish the value of our property, because of its proximity to our building site. Our home has two large picture widows to the south because of the beautiful scenic view.

South of our building site is where I take my walks through out the spring, summer, and fall. My walks would no longer be peaceful having to walk under the lines making noise and being concerned about the electrical magnetic field I'd be passing under. Please take note that we have two babies buried in a small wooded patch that I lost during my pregnancy, they are located with in the route. We have a marker located where they are buried. Moving the lines any closer to our building site is not expectable. The spot is marked on a map that will be enclosed with these papers.

Environmental impact and aesthetic value.

We have a pair of Bald Eagles in our area and a young eagle that lands in our pasture, windbreak and in our yard. Deer, pheasant, turkey, raccoons, and coyotes come up to our building site year round and we do not wish to have transmission lines disturbing this beautiful and peaceful environment. It would be a shame to create an environment that is no longer conducive to wildlife and adds such great personal value to our lives. This is a legacy we would like to leave to our children, with its scenic view intact.

Our drinking water comes from the top aquifer as does some of our neighbors. Blasting is not a good idea on land known to have a history of numerous sinkholes. We like the water here and have no desire to have a new well. However, should the blasting create problems with our ground water, you will pay for our new well and possibly some of our neighbors. The very process of placing poles could introduce ground water contamination and introduce new avenues for water pollution thru the formation of new sinkholes. Our land has streams that start to run every time the water table rises, leaving muddy areas in our fields, even after several weeks without any measurable rainfall. This may be one of the reasons our land seems to be so susceptible to sinkhole formation. We protect our soil and ground water by maintaining wide waterways to help control soil erosion and maintain water quality. Our fields handle runoff from neighboring farms, draining through our waterways in Goodhue County, picking up water from Rod and Gail Sommerfield's farm, going into our pasture in Wabasha County ending up in the Zumbro River. Our land has highly erodible terrain and requires good stewardship to protect the soil and ground water in this area. We feel that the presents of poles would make our job more difficult, risk established waterways, and interfere with farming operations, adding to the cost of production. In addition, introducing another avenue for noxious weeds around the base of poles. You cannot spray to kill weeds in a hayfield, without killing the hay and desirable grasses.

We have had three different kinds of sinkholes, one draining directly into our ground water, and another collapsing into a chasm, and the other a slow sinking area. The grass on top was like a skin on the surface staying intact as it grew larger and deeper with each passing year. It was excavated to 15 feet, not a rock was found, just more soil. This was then back filled, covered and treated like any other sinkhole. The sinkhole bedrock has to be deep. See the map for sinkholes on our land and those close to our property on neighboring farms.

Soil compaction is another huge issue. The land will have diminished production with in the 150' swath for years to come, which would be very noticeable in hayfields. The compaction goes deeper than a chisel plow can till, no matter how many trips you make over the field. This would result in long-term crop loss, as we have clay soil. We use the hay for our beef cattle, to sell to people with horses, other beef farmers and our top quality hay to dairy goatherds or dairy farmers.

#### Recreational:

There is recreational activity that takes place on our land. Hunters from Mazeppa and the surrounding area hunt for turkey, deer, pheasant, and sometimes raccoon on our land. During the winter months snowmobiling takes place much without our consent or knowledge of whose crossing. A lot of snowmobiling takes place after dark. We question liability issues surrounding the poles, should someone hit one of these, day or night, after all the poles will be white. Who is going to pay when someone is injured or killed? We are the main snowmobile route south of Mazeppa.

### Health and Business Impact:

Health impact from working directly under and near power lines, EMF's. Corona ions, electrically charged particles emitted from high voltage power lines act to increase exposure to air pollution. We bale hay with traditional small bales that weigh 40 to 50 pounds, this will require multiple trips across the field. We get three to four crops off each hayfield.

The tractor we use for spinning out the hay and raking has no cab on it, which leaves us fully exposed to the elements in the air, dust and hay particles. The tractor used to bale the hay has no air conditioning. For air circulation and equipment operation the back window is left open. The tractor and wagon used to pick up the bales has air conditioning. Baling hay requires 5 trips across the field increasing the risk to our health and damage to equipment. I understand that should we have equipment problems under the lines getting shocks of equipment is quite common.

Working hay ground under and around transmission lines increasing the risk of equipment damage exponentially, because of the side hills and swing of pulled equipment. Increasing risk to us as well. Haying is a weather sensitive crop. Rain, sun, moisture in the air or on the ground and wind will affect when we can harvest and how fast it has to come off the fields. Time pressure increases our risk, and the damage that can result from the presents of poles. Side hills, equipment swing, big issues when rushing to beat the weather. The days are long. Hay is not like harvesting beans or corn.

**INCREASED RISK OF FINANCIAL LOSSES ASSOCIATED WITH THE PRESENTS OF TRASSMISSION LINES.**

### Minnesota Rules 7849-5910

- \* Effects on soil erosion, sinkholes, water pollution, air quality, EMF, the aesthetic value of our property.
- \* The increased risk of adverse water impact through drainage of our land to the Zumbro River. Our farm is in a watershed area.
- \* We feel our agricultural land will be impaired by the presents of lines and interfere with our business operations.
- \* Land based economics, added risk to our equipment crating economic hardship.
- \* We have no existing right-of-ways, survey lines, natural division lines, or agricultural field boundaries across this land.
- \* Proximity of cattle
- \* The visual impact from this project would affect us, the city of Mazeppa and everyone driving down this road.

We are the business owners and operators of this century farm.

Place the North Rochester Substation near Pine Island on the Preferred Route. It's closer to Rochester and the 161Kv transmission lines and the area of greatest power usage and growth in the future.

Non-Proliferation Policy, Minnesota Statute 216E.30, subd. 7

The Preferred Route

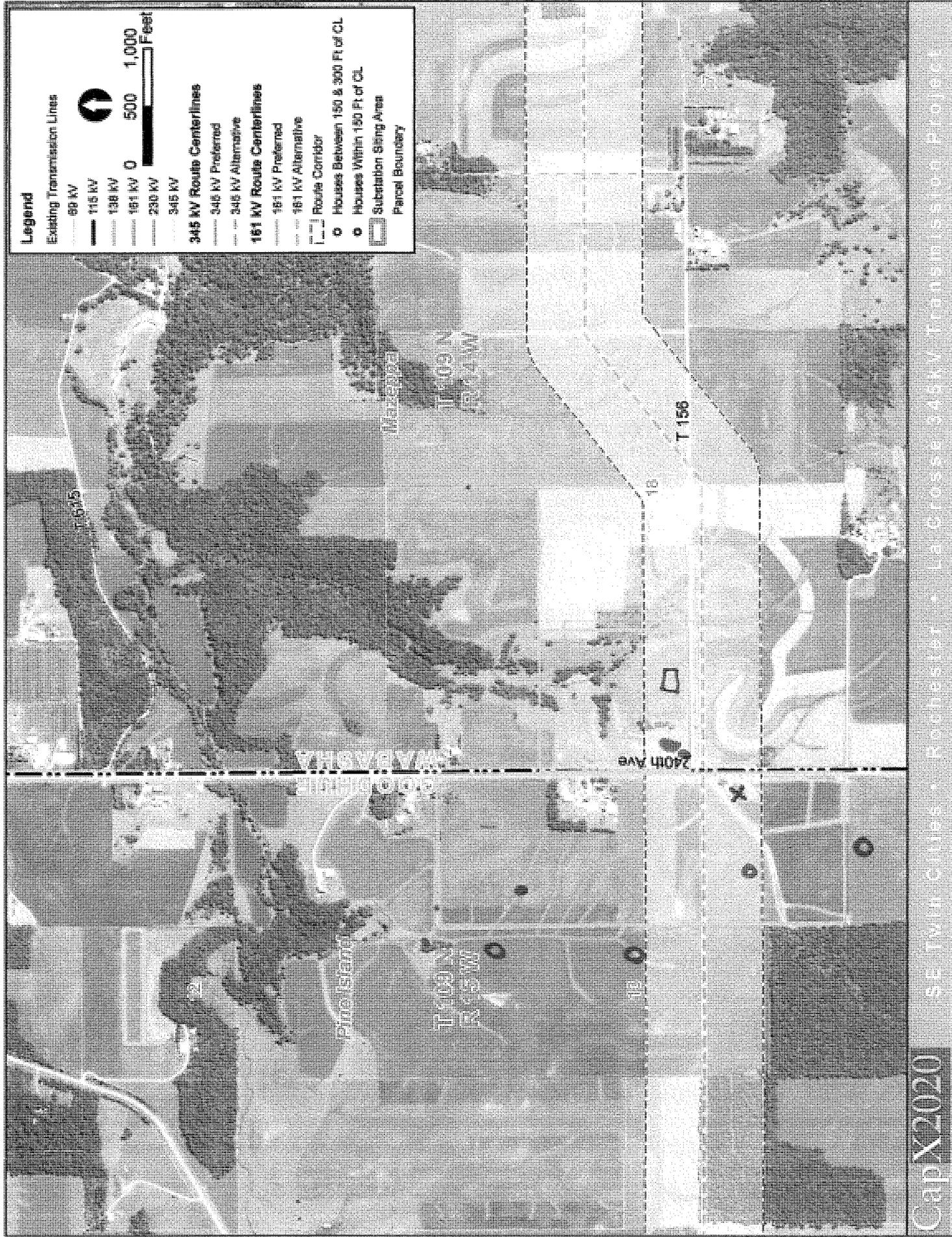
- \* It follows the roadway for the majority of the route
- \* Opportunity to maximize corridor sharing along Hwy. 52
- \* Has existing transmission lines on the Zumbro River Crossing
- \* This route intersects with the 161Kv line to Rochester
- \* Elk Run/Towers is and idea, a concept on paper
- \* Maximizes energy efficiency by placing the lines and substation in the areas of greatest usage and growth
- \* Cuts across less agricultural land

I realize the city of Pine Island is pushing hard to have the power lines located on the northern most route. Elk Run/Towers at this point is an idea, that does not exist, except for on paper. We are here now; we cannot move our home and business to a new location. Schreader's have been here for over 100 years, surrounded by this beautiful countryside.

We respectfully submit our concerns and thank you for your careful consideration.

Jeannie and James Schreader  
48325 – 240<sup>th</sup> Ave.  
Mazeppa, MN. 55956

James & Jeannie Schreeder



O - Sinkholes

X - Babies Buried

□ - Future Building site

SINKHOLE 2004



Full size 1/2 TON Chevy Pickup

THIS SINK HOLE IS IN THE  
FIELD ALMOST ON THE  
PROPOSED CENTER LINE

THE FIELD WAS PLANTED  
TO OATS IN THE SPRING  
AS USUAL - WHEN WE  
CAME TO CUT THE OATS  
2 MONTHS LATER WE  
ALMOST DROPPED THE TRACTOR  
IN IT. THERE WAS NEVER  
ANY SIGN OF A SINK HOLE  
THERE PREVIOUSLY

LOCATION IS MARKED ON  
MAP

PICTURE - 

Matthew Langan

Minnesota Office of Energy Security

83 – 7<sup>th</sup> Place East  
St. Paul, MN. 55101-2198

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Soil compaction is another huge issue. The land will have diminished production with in the 150' swath for years to come, which would be very noticeable in hayfields. The compaction goes deeper than a chisel plow can till, no matter how many trips you make over the field. This would result in long-term crop loss, as we have clay soil. We use the hay for our beef cattle, to sell to people with horses, other beef farmers and our top quality hay to dairy goatherds or dairy farmers.

#### Recreational:

There is recreational activity that takes place on our land. Hunters from Mazeppa and the surrounding area hunt for turkey, deer, pheasant, and sometimes raccoon on our land. During the winter months snowmobiling takes place much without our consent or knowledge of whose crossing. A lot of snowmobiling takes place after dark. We question liability issues surrounding the poles, should someone hit one of these, day or night, after all the poles will be white. Who is going to pay when someone is injured or killed? We are the main snowmobile route south of Mazeppa.

### Health and Business Impact:

Health impact from working directly under and near power lines, EMF's. Corona ions, electrically charged particles emitted from high voltage power lines act to increase exposure to air pollution. We bale hay with traditional small bales that weigh 40 to 50 pounds, this will require multiple trips across the field. We get three to four crops off each hayfield.

The tractor we use for spinning out the hay and raking has no cab on it, which leaves us fully exposed to the elements in the air, dust and hay particles. The tractor used to bale the hay has no air conditioning. For air circulation and equipment operation the back window is left open. The tractor and wagon used to pick up the bales has air conditioning. Baling hay requires 5 trips across the field increasing the risk to our health and damage to equipment. I understand that should we have equipment problems under the lines getting shocks of equipment is quite common.

Working hay ground under and around transmission lines increasing the risk of equipment damage exponentially, because of the side hills and swing of pulled equipment. Increasing risk to us as well. Haying is a weather sensitive crop. Rain, sun, moisture in the air or on the ground and wind will affect when we can harvest and how fast it has to come off the fields. Time pressure increases our risk, and the damage that can result from the presents of poles. Side hills, equipment swing, big issues when rushing to beat the weather. The days are long. Hay is not like harvesting beans or corn.

**INCREASED RISK OF FINANCIAL LOSSES ASSOCIATED WITH THE PRESENTS OF TRANSMISSION LINES.**

### Minnesota Rules 7849-5910

- \* Effects on soil erosion, sinkholes, water pollution, air quality, EMF, the aesthetic value of our property.
- \* The increased risk of adverse water impact through drainage of our land to the Zumbro River. Our farm is in a watershed area.
- \* We feel our agricultural land will be impaired by the presents of lines and interfere with our business operations.
- \* Land based economics, added risk to our equipment creating economic hardship.
- \* We have no existing right-of-ways, survey lines, natural division lines, or agricultural field boundaries across this land.
- \* Proximity of cattle
- \* The visual impact from this project would affect us, the city of Mazeppa and everyone driving down this road.

We are the business owners and operators of this century farm.

Place the North Rochester Substation near Pine Island on the Preferred Route. It's closer to Rochester and the 161Kv transmission lines and the area of greatest power usage and growth in the future.

Non-Proliferation Policy, Minnesota Statute 216E.30, subd. 7

The Preferred Route

- \* It follows the roadway for the majority of the route
- \* Opportunity to maximize corridor sharing along Hwy. 52
- \* Has existing transmission lines on the Zumbro River Crossing
- \* This route intersects with the 161Kv line to Rochester
- \* Elk Run/Towers is and idea, a concept on paper
- \* Maximizes energy efficiency by placing the lines and substation in the areas of greatest usage and growth
- \* Cuts across less agricultural land

I realize the city of Pine Island is pushing hard to have the power lines located on the northern most route. Elk Run/Towers at this point is an idea, that does not exist, except for on paper. We are here now; we cannot move our home and business to a new location. Schreader's have been here for over 100 years, surrounded by this beautiful countryside.

We respectfully submit our concerns and thank you for your careful consideration.

Jeannie and James Schreader  
48325 – 240<sup>th</sup> Ave.  
Mazeppa, MN. 55956

Mr. Matt Langan

From James & Jeannie Schreader    Mazeppa

These papers are duplicate copies of papers, maps and pictures that we mailed to you today Tuesday May 18 from Pine Island Mn. post office. They should be up to your office Wednesday May 19 .

We are sending duplicate copies as my wife Jeannie works in Pine Island so she took them to the Pine Island post office to mail.

When the postal worker saw where our envelopes were going, and where they were from, she had a very negative reaction and tossed the envelopes aside.

We are concerned that she might delay mailing the envelopes so they would be late or they may not get mailed at all.

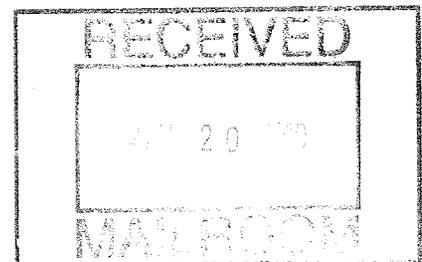
There was 2 separate envelopes that we mailed similar to this one. One was from Jim/Jeannie Schreader the other had a return address of Jim Schreader.

There were more pictures enclosed in those envelopes that we do not have duplicates of to resend now.

Pictures of a 6' dia culvert where they cross the road

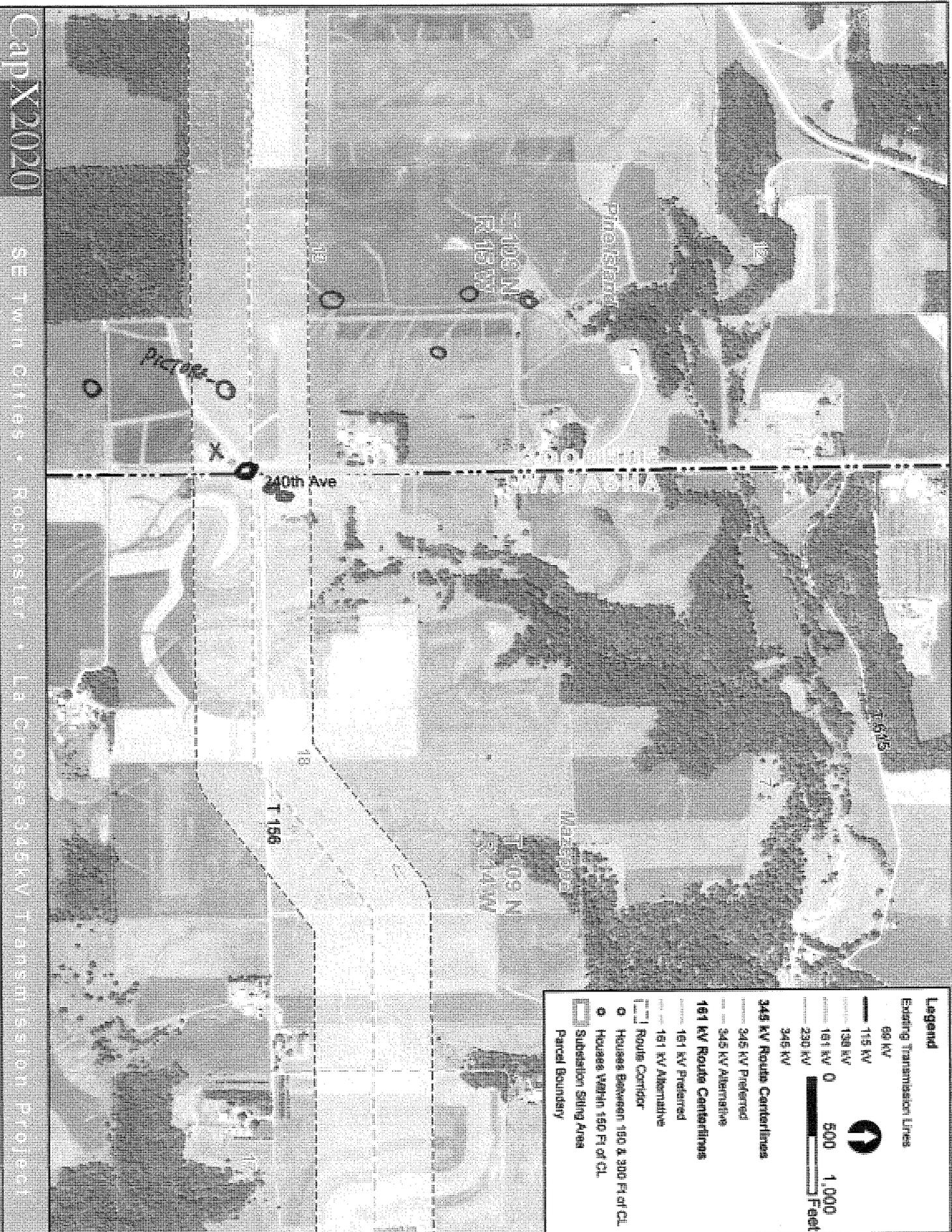
Pine tree hill side where 2 premature babies lost during pregnancy are buried  
If necessary or wanted we can get you more pictures either paper copies or e-mail

Thank You Jim Schreader



○ = PREVIOUS SINKHOLE LOCATION

X - Two Babies Buried  
 ○ = 6' DIA CULVERT WITH TILE WATER



**Legend**

Existing Transmission Lines

- 69 kV
- 115 kV
- 150 kV
- 181 kV
- 230 kV
- 345 kV

345 kV Route Centerlines

- 345 kV Preferred
- 345 kV Alternative

181 kV Route Centerlines

- 181 kV Preferred
- 181 kV Alternative

Route Corridor

- Houses Between 100 & 200 Ft of CL
- Houses Within 150 Ft of CL

Substation Siting Area

Parcel Boundary

0 500 1,000 Feet

This is from  
James (Jim) Schreader  
48325 240 th Ave.  
Mazeppa Mn. 55956  
House ph. # 507-843-5566 cell # 507-259-9591

My wife Jeannie and I own a farm about 2 miles south of Mazeppa. It is in Section 13 of Pine Island Township in Goodhue County and Section 18 of Mazeppa Township in Wabasha County. It is a century farm that has been in the family since the 1890's. The proposed north alternate route in-between the North Rochester sub-station by Pine Island and the Zumbro River would cut our farm in half and pass within a couple hundred feet of our house.

Cap X says anything past 75 feet of the centerline is OK. My wife and I have done a lot of research on the effects of the magnetic field created by these power lines. She says she will not continue to live in the house if this line is built. Also our farm is a crop and livestock farm. We have a lot of hay ground, so we are out in the fields a lot all summer, not just spring and fall like some cash crop farmers. We cut the hay, ted it, rake it, bale it, and then pick it up. 3 times / summer. There have been reports that you can not even get off the machinery under these power lines.

This farm is our main income. I am too old to get a good job in town and too young to retire. If this line is built it could destroy our farm that several generations have worked to make what it is today.

There are a lot of sink holes on our farm and neighboring farms. I will enclose a map showing the location of some of them over the years. One in 2004 just dropped about 6'-7' just from spring to mid-summer. It was large enough to set a full size pickup in. I will enclose a picture. This one was very close to the proposed centerline. There was 2 more about 5 years ago that took the county soil people and a backhoe and concrete and fabric to seal. This was about 150' from proposed centerline. Over the years there have been some very large ones.

Where the proposed centerline crosses the north-south back top road by our house, it is a sloped bank with a large culvert and tile line water running. I will enclose pictures.

Fairly close to the centerline is a rocky side hill with Pine trees. Two (2) premature baby embryo's were buried there about 1980. My wife says too, you are not going to disturb them. I will also mark it on the map and enclose a photograph.

From Jim Schreader - Mazeppa

Subject: Location of the North Rochester substation

I would like to propose a different location for the North Rochester substation other than the 2 possibilities mentioned at the scoping meetings between Pine Island and Zumbrota towns.

I would suggest putting it at Elk Run

If you would bear with me I think I have some very valid reasons for this and why it would work very well.

First off, I worked in Byron Mn. around 5 years ago. There was a developer from the cities that was going to completely redo a mile stretch of land on the west side of town toward Rochester. He was going to have hundreds of houses, many large stores and business, hotels, restaurants and more. Long story short – they moved dirt with bulldozers and scrapers for 2 years. He went belly up! All that is there now is a small strip mall, a half a dozen houses and a million dollar city hall which is a whole another story.

Another one I know about is in Lake City Mn. There was a development about the same time as Byron's called the Jewell. It was going to be a fancy golf course and many houses and a lot more. They also went belly up. All that is there now is the golf course, a few houses, a million dollar hardware store building that has been empty for 2 years now.

When I started hearing about Pine Island and Elk Run, all I could think of was here they go again! I guess Elk Run is more about Biotechnology. I do not see all the houses they are talking about though, there are houses for sale all over now and that is not going to change anytime soon. In addition, from what I hear Elk Run is way behind schedule for what was planned.

Ok Let us say that Elk Run does really amount to something in the future sometime. They are supposedly going to have a lot of buildings, and/or houses. Therefore, they will have a high demand for electricity. If the substation was located right at Elk Run, the electricity would be right there.

Karen Doll from Pine Island, has been at all the local meetings for Cap X. She got herself on the Hampton – North Rochester substation task force and the North Rochester substation – Mississippi River task force. She has been loud and disruptive demanding things her way. At the Pine Island scoping meeting, in the afternoon meeting, I think I heard more concern about the 161 kv line from the substation to North West Rochester. I think Pine Island also had some concern about this line on the South side of town.

If the substation was located at Elk Run, it would put it South of Pine Island and the 161 line could possibly follow Hwy 52 more toward Rochester.

Then also if the 345 kv line had to go east toward Plainview along Hwy 12, it would be more of a straight shot and not zigzagging around farmland. In addition, I think that Hwy 12 is going to be rerouted to meet Hwy 52 at this Elk Run overpass.

I would prefer the 345 kv line to stay on Hwy 52 right past Rochester to I 90 and then East. I know you say it would cost more to go through Rochester, but it has to be expensive to build a parallel 161 kv line from Pine Island to NW Rochester too.

Another point is it has been in the papers this winter. Apparently a landowner (Stock) had some land annexed and was to be a part of Elk Run and now Tower/Burrell does not want/need it, and he is fighting with them. So here you have some land that Elk Run does not want and a landowner that wants to sell it. A perfect location for your substation!

If you take a real close look at Hwy 52 through Pine Island. North of the County 11 overpass, there is actually very little for buildings or houses close to the highway. There are some houses on the East side but on the West side there is a lot of green grass.

South of the County 11 overpass they are eliminating some buildings anyway. One I know of is the sportsman club. Therefore, I would think Elk Run, Pine Island and Cap X could work out something there.

I am sure Karen would object, she does not want the 345 kv line anywhere near Pine Island. They want the electricity but not the power lines. In a way I say if they want the electricity then put up with the power lines, be it Elk Run or Rochester.

Construction should work out also. They supposedly are going to build the overpass this summer, then you could build your 345 line and substation, then they could plan their buildings from there. It is a lot easier to change some plans that are still just on paper than some buildings or farms that are already there and may have been there for a hundred years or more!

I just had a comment brought up that supposedly there is a hospital in the cities that asked to have a substation built next to them because it would give them a better and more reliable supply of electricity. I guessing that some of these Biotech companies may have some sensitive equipment and it may be a plus to have a substation close by.

Thank You     Jim Schreader

The farm west of me belonging to Mark Dykes would also be cut in half by the power line. East of me it would go through Rod Sommerfields for a half mile. He had a comment that he just installed some expensive GPS guidance systems in his farm machinery, and questioned if the power line would effect that. Then it would go across Tony Arendt's fields and go next to 2 building sites he has for sale. Then it would go across Robert Neisheim's fields and then across Tom Grossbach fields for a half mile and then cut through the big valley with Steeplechase ski resort, and then cross a bunch of smaller landowners. There is about a 3-mile stretch here that it goes through the middle of farms with no pre existing route. It would also cross the Zumbro river where there is no pre existing crossing.

At one scoping meeting in Pine Island, there were a lot of people complaining about the smaller 161 kv line going from Pine Island to Rochester.

I will enclose a copy of a letter, also sent to Tom Hillstrom, as to why I think the North Rochester sub station planned North of Pine Island should be relocated at Elk Run.

I am not an electrical engineer, but I know a little about electricity. One thing that could be done if it was ever necessary is say you come to a town with a 345 kv line. You could split the 345 kv power line into two (2) 161 kv lines through the town and then join them together past the town. The smaller lines would be less intrusive.

This whole power line could follow major highways a lot more. You have I-94 going North West from the cities. Highway 52 going south from the cities past Rochester. I-90 going East across the Mississippi River.

The whole story behind this power line is the coal out in western Dakotas. The railroad wants to build tracks and haul it East. Cap X wants to build a power line to send electricity East.

Even questioning the need for this line. Cap X says Rochester needs more electricity. But last winter was the first time Silver Lake froze over because they were not running their power plant. They did not need the electricity!

One more thought to crossing farmland. Someone said that they cannot use emanate domain on a century farm. They said it stopped a 4-lane highway by Dodge Center Mn. We are still checking on the legal status on that. At least the legislature did make it more difficult for the utilities to use emanate domain on farmland.

Thank You Jim Schreader

# Minnesota Department of Natural Resources

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



May 20, 2010

Matthew Langan  
State Permit Manager  
Minnesota Office of Energy Security  
85 7th Place East, Suite 500  
St. Paul, Minnesota, 55101-2198

Re: Route Permit Application and Draft Environmental Impact Statement (DEIS) Scoping for the Hampton-Rochester-La Crosse 345 kV Transmission Line Project [PUC Docket Number: E002/TL-09-1448]

Dear Mr. Langan:

The Minnesota Department of Natural Resources (DNR) has reviewed the route permit application for the Hampton-Rochester-La Crosse 345 kV Transmission Line Project and offers the following comments regarding the application and scoping for the DEIS. General DEIS Scoping Comments and Preferred, Alternative, and Route Option Comments are included. Most comments are suggested topics for analysis in the DEIS. Some comments are also provided as a review of the route permit application and are intended for early coordination of permit related topics.

## General DEIS Scoping Comments

The DEIS should include a comparative environmental analysis of the Preferred, Alternate, and Route Options to determine which route would minimize negative environmental effects from the project. The DNR has several sources of information that should be included as part of the comparative analysis. The Natural Heritage Information System (NHIS) provides information on rare resources such as state threatened and endangered plant and animal species that should be included in the comparative analysis as well as an impact assessment and potential mitigation for the various alternatives carried forward for analysis in the EIS. The Minnesota County Biological Survey (MCBS) identifies and maps native plant communities and sites of outstanding, high and moderate biodiversity that should also be used. The MDNR has also prepared a comprehensive wildlife conservation strategy (*Tomorrow's Habitat for the Wild and Rare, An Action Plan for Minnesota Wildlife*, Jan. 2006) that identifies key habitats for Species of Greatest Conservation Need within each Ecological Classification System (ECS) subsection. The degree to which key habitats are affected by an alternative should also be included in the comparative analysis as well as an impact assessment and potential mitigation for the various alternatives carried forward in the EIS.

It should be noted that rare species surveys will be required if any native prairie remnants, other potential habitat of state-listed threatened, or endangered species will be impacted by the proposed project. In addition, habitat surveys may be required if more information is needed to assess areas with limited data.



The DEIS should include detailed information concerning any possible state-listed threatened or endangered species takings.

Tables 5.1-5 and 5.2-2 of the Route Permit Application, dated January 20, 2010, provide a format for communicating the rationale for choosing the Preferred over the Alternate Route selections. The DEIS should include details of where these features are located within the segments of the identified routes would be helpful in determining which route would have the least environmental impact to natural resources. An example of some of the features that warrant further discussion include conservation areas, grasslands, native communities, bluff habitats, and state-owned lands.

The application discusses further coordination between the project proposer and the DNR regarding rare species and habitats. The DNR encourages this further coordination. GIS shapefiles are needed from the project proposer for DNR review of rare species and habitats in the project area.

The DEIS should identify the locations, associated natural resource impacts, and mitigation planned for temporary laydown areas and staging areas for each route described.

The DEIS should describe maintenance activities, possible associated natural resource impacts, and mitigation that will take place associated with this project for each route. For example, maintenance activities within public lands may be detrimental to natural resources if herbicide spraying were included.

The DEIS should identify distances to nearby State Parks. If a route is proposed near a State Park, the DEIS should include a viewshed analysis and a description of the effects the transmission line would have to park visitors.

### **Preferred, Alternative, and Route Options**

There are two routes identified for crossing the Cannon River. Portions of the Cannon River in this area are designated as a State Recreation River per Minnesota Rules 6106.1600. State wild, scenic and recreational rivers are defined as rivers, along with their adjacent lands, that possess outstanding scenic, scientific, historical, and recreational resources (MN Statutes 86A.05, Subd.10). A greenfield crossing of the Cannon River would have substantial negative effects to the natural characteristics which underlie the Wild and Scenic River designation. In addition, Dakota County's Master Plan for Lake Byllesby Regional Park references the area as having high potential for intact pre-contact archaeological resources due the relatively undisturbed nature of the area (*Lake Byllesby Regional Park Master Plan*, July 2005). Routes to crossing this river should be limited to existing disturbed corridors such as highways or existing transmission lines.

The Preferred, Alternate, and Route Options would adversely affect the McCarthy Lake Wildlife Management Area (WMA). This area has many important natural resources that could be impacted by the proposed project. McCarthy Lake WMA has one of the largest concentrations of the Blanding's turtle, a state-listed threatened species, in the United States and is also considered

a significant habitat area for six other species of native turtles. The WMA also receives substantial numbers of waterfowl during spring and fall migrations and provides nesting habitat for sandhill cranes, one of the few in the state for Greater sandhills, and many migratory waterbirds. In addition, there are recorded breeding Henslow's sparrows, state-listed as endangered, and other rare grassland bird species on the WMA, which require open grassland habitats. Studies have shown towers and poles to be considered "hostile" as an environmental component of grassland songbirds. Power line corridors are typically chemically treated to keep brush and trees down, and this would put many native plants at risk. Although there is a route option to avoid the WMA, the proposed bypass would follow the west property line on the WMA for over a mile and would cross a wetland mitigation bank currently being constructed. The DNR cannot support this route option. The DEIS should analyze another route option in the area to avoid the above listed natural resources.

One of the proposed alignments is adjacent to the Woodbury WMA in Goodhue County near Zumbrota. There is a 69kV line less than a mile to the north. The DNR would recommend that the new line follow the existing alignment to the north for this route.

Page 3-3 of Section 3.0 of the route permit application discusses coordinating structure design with the USFWS. The DNR is interested in structure design related to public land and water crossings, particularly if a route crosses an area such as a state forest or WMA. Please coordinate with the DNR regarding the Mississippi River Crossing and other public land or water crossings.

Generally, crossings of public waters should be located where there is existing infrastructure. For example, the Zumbro River should be crossed where existing infrastructure exists and there is the least impact to resources from clearing or construction activities. The Preferred Route crossing of the Zumbro appears to result in the least impact from clearing, and utilizes an existing river crossing.

The Douglas State Trail corridor is a 100-foot ROW owned by the DNR. The corridor was purchased using federal Land and Water Conservation Fund Act (LAWCON) funds, which stipulate that the use of the corridor remains recreational. In Rochester, transmission lines run parallel the Douglas State Trail between 60<sup>th</sup> Ave NW and CSAH 22 (West Circle Dr.). The DEIS should give more detail about whether the trail ROW and the transmission line ROW overlap. If they do, there may be conflicts with LAWCON funding.

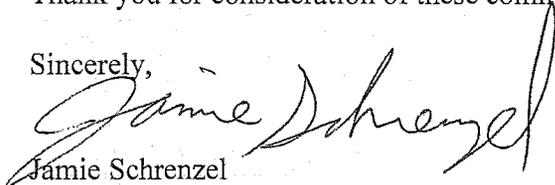
The purpose of the Land and Water Conservation Fund Act (LAWCON) is to help preserve, develop and provide accessibility to outdoor recreation resources. LAWCON stipulates that any land planned, developed or improved with LAWCON funds cannot be converted to other than outdoor recreational use unless replacement land of at least equal fair market value and reasonable equivalent useful is provided. (Title 16 of U.S. Code, Chapter 45, Section 2509). The process related to determining whether a crossing of public lands with LAWCON funding is possible may be time consuming. If any routes are proposed to cross public land, the applicant should coordinate with the DNR to determine whether the public lands have LAWCON funding and determine further steps regarding the license to cross public lands and waters. If any conflicts exist with the purpose of LAWCON funding, the DEIS should explain this topic.

The DEIS should include a robust description of possible underground crossings of the Mississippi River. The Mississippi River is one of the primary flyways in North America and, as discussed in the route permit application, a National Wildlife and Fish Refuge in this area. Examples of ways to further analyze an underground option follow: Underground route crossing options discussed in the DEIS should not only include an underground option at the location(s) best suited for considering aerial crossings, but should include an underground route at the location(s) best suited for engineering an underground route, which may or may not be the same location as the Alma crossing. The reasoning for the route(s) chosen for an underground crossing analysis should be included with the description of underground routing. A comparison of impacts and mitigation should be included for aerial and underground crossings of the Mississippi.

It would be informative if the DEIS contained a brief discussion of the possible extent of impacts in Wisconsin, particularly related to how the choice of a Mississippi River crossing location affects routing in Wisconsin and Minnesota. Providing information in the DEIS regarding the impacts in both Minnesota and Wisconsin would help the reader better assess the overall environmental impacts of an interstate project.

Thank you for consideration of these comments. If you have any questions, please contact me.

Sincerely,



Jamie Schrenzel  
Principal Planner  
Environmental Review Unit  
(651) 259-5115

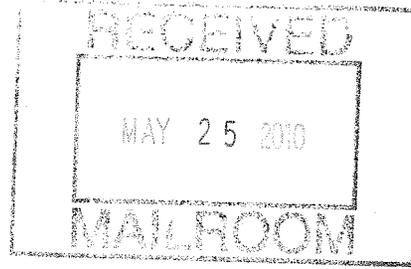
# Minnesota Department of Natural Resources

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



May 20, 2010

Matthew Langan  
State Permit Manager  
Minnesota Office of Energy Security  
85 7th Place East, Suite 500  
St. Paul, Minnesota, 55101-2198



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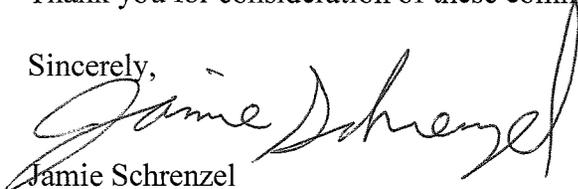
The purpose of the Land and Water Conservation Fund Act (LAWCON) is to help preserve, develop and provide accessibility to outdoor recreation resources. LAWCON stipulates that any land planned, developed or improved with LAWCON funds cannot be converted to other than outdoor recreational use unless replacement land of at least equal fair market value and reasonable equivalent useful is provided. (Title 16 of U.S. Code, Chapter 45, Section 2509). The process related to determining whether a crossing of public lands with LAWCON funding is possible may be time consuming. If any routes are proposed to cross public land, the applicant should coordinate with the DNR to determine whether the public lands have LAWCON funding and determine further steps regarding the license to cross public lands and waters. If any conflicts exist with the purpose of LAWCON funding, the DEIS should explain this topic.

The DEIS should include a robust description of possible underground crossings of the Mississippi River. The Mississippi River is one of the primary flyways in North America and, as discussed in the route permit application, a National Wildlife and Fish Refuge in this area. Examples of ways to further analyze an underground option follow: Underground route crossing options discussed in the DEIS should not only include an underground option at the location(s) best suited for considering aerial crossings, but should include an underground route at the location(s) best suited for engineering an underground route, which may or may not be the same location as the Alma crossing. The reasoning for the route(s) chosen for an underground crossing analysis should be included with the description of underground routing. A comparison of impacts and mitigation should be included for aerial and underground crossings of the Mississippi.

It would be informative if the DEIS contained a brief discussion of the possible extent of impacts in Wisconsin, particularly related to how the choice of a Mississippi River crossing location affects routing in Wisconsin and Minnesota. Providing information in the DEIS regarding the impacts in both Minnesota and Wisconsin would help the reader better assess the overall environmental impacts of an interstate project.

Thank you for consideration of these comments. If you have any questions, please contact me.

Sincerely,



Jamie Schrenzel  
Principal Planner  
Environmental Review Unit  
(651) 259-5115

**Langan, Matthew (COMM)**

---

**From:** CenturyLink Customer [cschwarz1@embarqmail.com]  
**Sent:** Tuesday, May 18, 2010 11:34 AM  
**To:** Langan, Matthew (COMM)  
**Subject:** CapX2020  
**Attachments:** CapX2020.pdf

Mr. Langan:

I spoke with you briefly last Friday regarding our concerns about the CapX2020 project as it relates to the alternative route that goes through Wanamingo, MN. I represent the owner and a group that manages a development project in Wanamingo. I have attached a letter, in pdf format, addressing these concerns. At the request of the owner, Sam Hertogs, I have also sent this letter via certified mail. If you have any problems opening this document please call me at (651) 437-1818 or (651) 303-0699.

Chuck Schwarzhoff

5/18/2010

# Mission Creek Company, LLC

1350 South Frontage Road  
Hastings, MN 55033

(651) 437-1818

May 17, 2010

ORIGINAL SENT VIA CERTIFIED MAIL

Mr. Matthew Langan  
Office of Energy Security  
85 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101

Re: CapX2020; Hampton / Rochester route

Dear Mr. Langan:

I write as a representative of Mission Creek Company, LLC and Samuel Hertogs of Hastings, MN. Mr. Hertogs owns and we manage a residential development project called Prairie Ridge, which lies within the city limits of Wanamingo, MN. Our project covers 40 acres of land and is designed to accommodate up to 192 homes of various types. The improvements for phase one of this development are complete and there are three homes and a model home already in place.

We have reviewed the "ROUTE OPTIONS MAPS" for the Wanamingo area because one of the alternate routes for CapX2020 runs just south of the city of Wanamingo. The proposed route appears to lie within 250 feet of the development's southern property line. The map shows a shaded area on either side of the line; I believe this is the environmental study area. In Wanamingo this area extends into the development as much as 125 feet. At least four of the existing single family lots lie within this area. The completed power line would be visible from any point on the development

This raises many questions for us regarding the use of our property such as:

1. Can new homes be built inside the study area?
2. If the property can no longer be used for residential property must it be condemned?
3. How long will it be before we know what route will be used?

May 17, 2010

Page 2

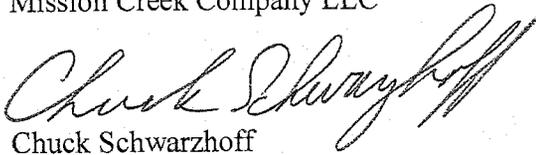
We believe it would be inappropriate to build such a large project so close to the city limits and residential sites. Additionally it is already difficult to sell residential lots; the uncertainty of this project makes it almost impossible to sell lots until a decision is made. If in the end the line is built using the currently configured route through Wanamingo, the housing development may need to be redesigned as the lots designated for single family homes may become unsalable at any reasonable price.

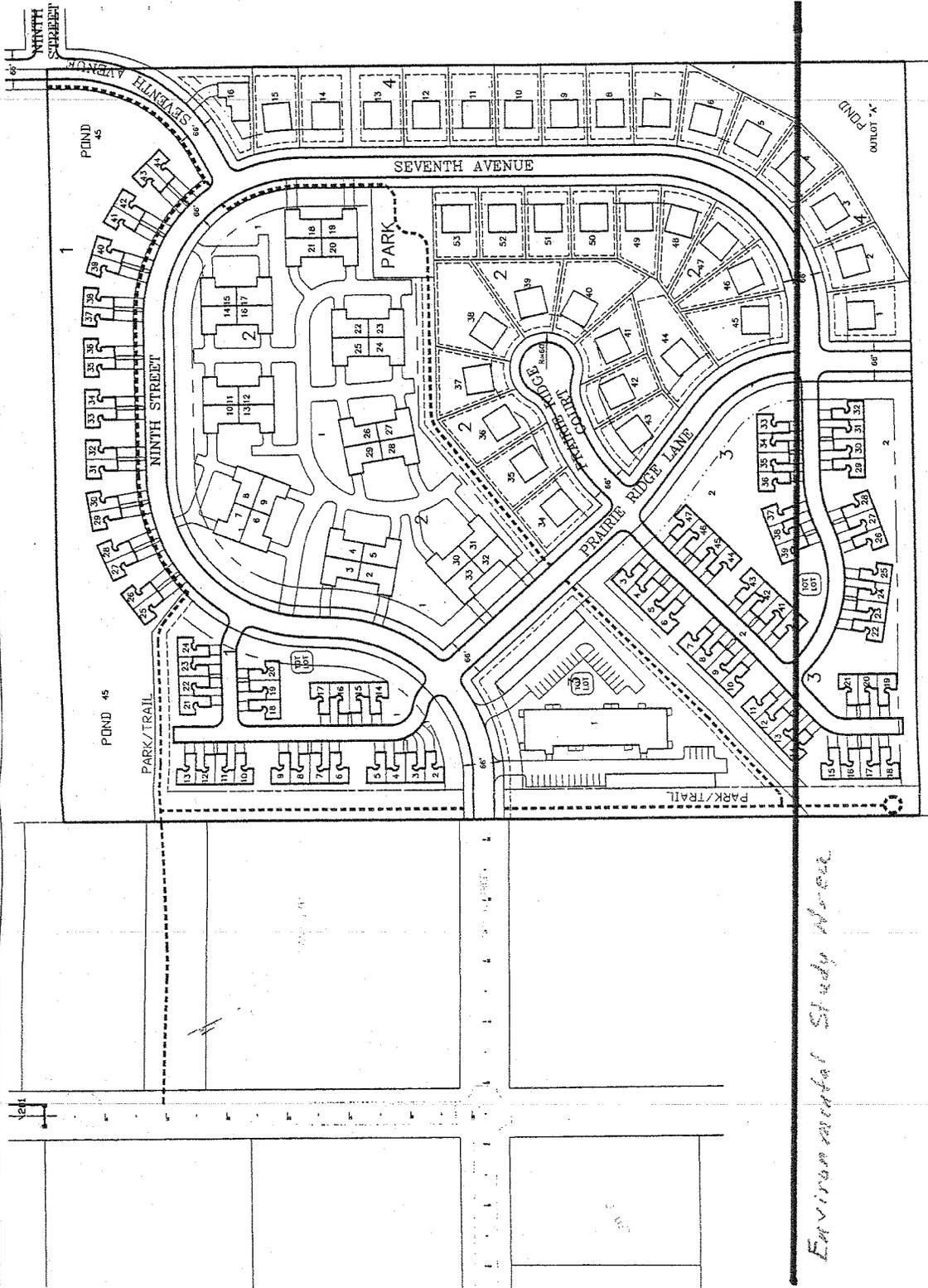
When reviewing the map we noted that the line follows an existing 60kV power line for a short distance, just west of Wanamingo. That 60kV line continues to follow Highway 60 going east through Wanamingo, this may present a reasonable alternative. A second alternative may be 460<sup>th</sup> Street which is a short ways south of the existing plan; the same 60kV line mentioned above already follows this road for some distance to the west of Wanamingo. This road continues east passing south of the City. This may also present a reasonable alternative to the current route.

I have enclosed a copy of the concept plan for Prairie Ridge which shows the layout of the development and where the study area appears to cross the property.

We appreciate the difficulty in planning such a large project and thank you for your consideration of our concerns

Sincerely  
Mission Creek Company LLC

  
Chuck Schwarzhoff



SEVENTH AVENUE  
 NINTH STREET  
 POND 45  
 POND 46  
 POND 47  
 PARK  
 PRAIRIE RIDGE LANE  
 PARK/TRAIL  
 BLINGHAUS AVENUE  
 OUTLOT

LATEST REVISION: 8-24-04  
 Prepared For:  
 Mission Creek Community, LLC

City of Wamamingo  
 Goodhue County, Minnesota

PRAIRIE RIDGE  
 Concept Plan

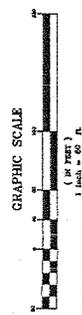
14070 Hwy. 20 SE, Coon Lake, MN 56003  
 Tel: 507-867-1025  
 Fax: 507-867-1020

14070 Hwy. 20 SE, Coon Lake, MN 56003  
 Tel: 507-867-1025  
 Fax: 507-867-1020

- LAND USE SUMMARY**
- 36 SINGLE FAMILY LOTS
  - 32 PAVED HOMES
  - 68 TOWN HOMES
  - 56 CONDO/APARTMENTS UNITS
  - 192 TOTAL HOMES
  - 192 HOMES/40 ACRES = 4.8 HOMES PER ACRE



*Environmental Study Area*



**GGG**  
 Engineering  
 Surveying  
 Planning

# Mission Creek Company, LLC

1350 South Frontage Road  
Hastings, MN 55033

(651) 437-1818

May 14, 2010

Mr. Matthew Langan  
Office of Energy Security  
85 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101

Re: CapX2020; Hampton / Rochester route

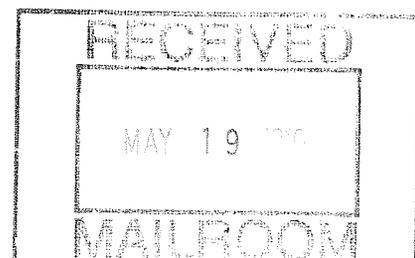
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May 17, 2010

Page 2

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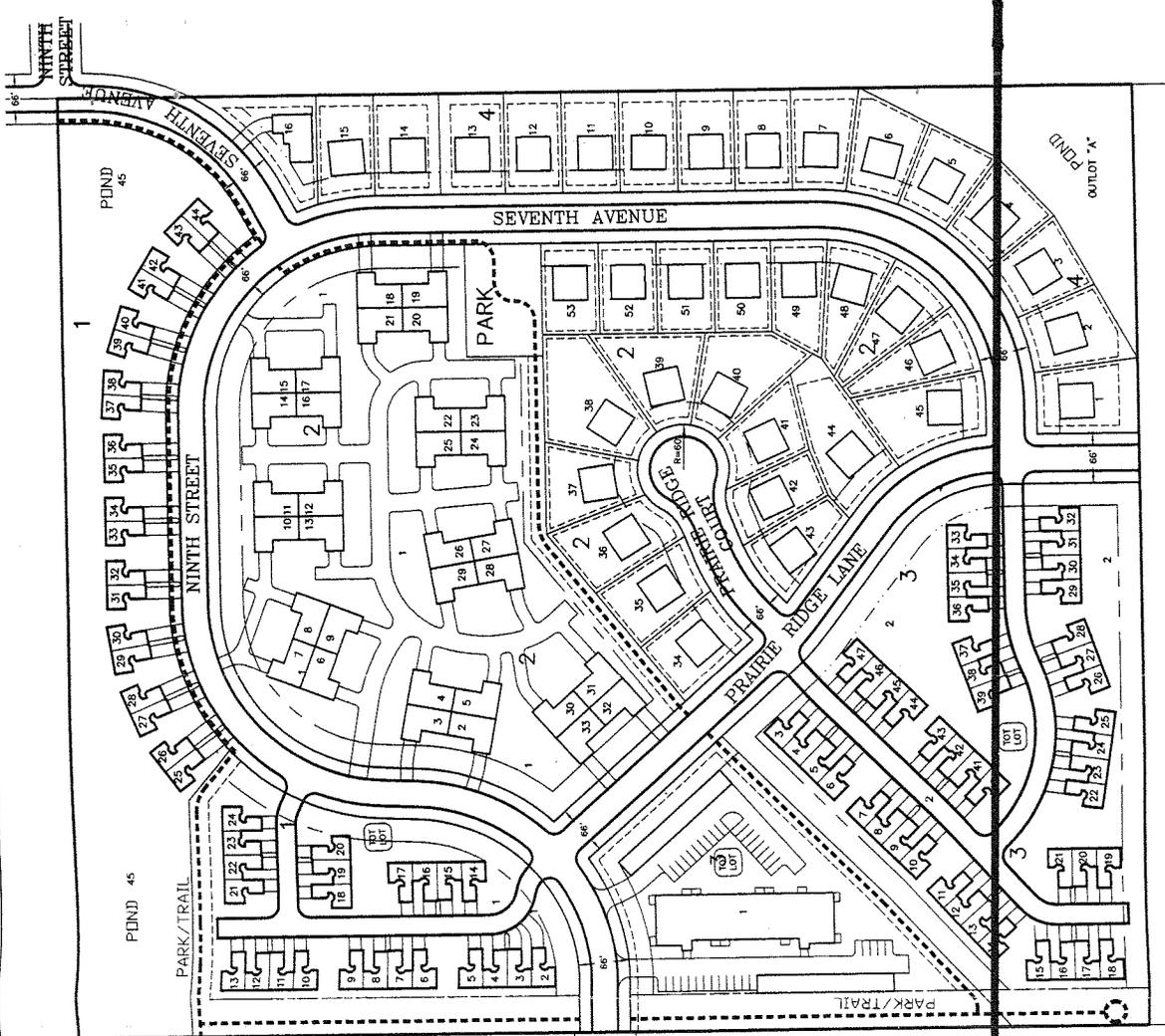
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We appreciate the difficulty in planning such a large project and thank you for your consideration of our concerns

Sincerely  
Mission Creek Company LLC



Chuck Schwarzhoff



**LAND USE SUMMARY**  
 (IN FEET)  
 36 SINGLE FAMILY LOTS  
 36 PAWNS  
 68 TWIN HOMES  
 20 TWIN HOMES  
 36 CONDO/APARTMENTS UNITS  
 192 TOTAL HOMES  
 192 HOMES/40 ACRES = 4.8 HOMES PER ACRE



**GRAPHIC SCALE**  
 1" = 20' R.  
 (IN FEET)

*Environmental Study Area*

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATIONS AND REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 DATE: \_\_\_\_\_ REG. NO. 21840

**GGG**  
 Engineering  
 Surveying  
 Planning  
 14775 Hwy. 52 S.E. Chaska, MN 55313  
 Ph. 952-462-1466

LATEST REVISION: 8-24-04  
 Prepared For:  
 Mission Creek Company, LLC

City of Wamamingo  
 Goodhue County, Minnesota

PRAIRIE RIDGE  
 Concept Plan

Public Comment on Hampton to Rochester to La Crosse 345kV and 161 kV  
Transmission Line (Scoping)

PUC Docket Number: E002/TL-09-1448

Name: Karen Carnel Schwengels      Representing: Robert J. Carnel Family Trust  
Trustee

Address: N 8244 Ashberry Avenue,      Fond du Lac, WI 54937-6003

Phone: 920-921-8804      e mail address –contact me

Date: May 17, 2010

This document is being submitted to the Minnesota Office of Energy Security in regard to the CapX2020 project noted above. I am requesting that the following comments be considered by MOES in the impact statement and scoping process.

ISSUES OF CONCERN:

- Detrimental Effects of the proposed route on the city of Cannon Falls
- Overlap of high voltage lines into MNDOT's proposed future interchange along Hwy 52 near Rochester Blvd
- High voltage lines along major transportation corridor-Hwy 52 between Hampton and through Cannon Falls
- Impact on the Robert J. Carnel Trust's property/conflict with MN Dot's Vision 52 Hwy plan
- Lack of identified utility and corridor strategic plan for future by MOES

## Effects on the city of Cannon Falls

The proposed route along Hwy 52 into the city of Cannon Falls causes an unjust burden to the city. Cannon Falls has developed and published an excellent comprehensive land use and growth plan that would guide it into the 21<sup>st</sup> century. The development process covered 18 months and had tremendous community involvement. The city's document is a working blueprint for years to come. I request that MOES and the task force read this document to understand the ramifications for this wonderful city. Cannon Falls should be routed around to allow the city to proceed with its comprehensive plan.

Aaron Reeves, on behalf of the city of Cannon Falls, will be submitting a proposed alternative route change to minimize the impact to the city. The city will be submitting this document and its scoping comments through the Task Force at its next meeting on June 2, 2010. It is my understanding that this information is to be included in public comments; therefore I will not additionally submit it in my comments. I do strongly endorse the city's proposed route change, and request that it be adopted.

## Overlap of high voltage lines into MNDOT's proposed future interchange along Hwy 52 near Rochester Blvd—known as interchange at TH52 and CR86.

I serve as trustee for the Robert J. Carnel Family Trust land —Property ID.No .17-03500-020-75 in Dakota County, MN. Our land is farmland, which is very valued by my family. Our approximately 70 acres is agricultural and enrolled in the Green Acres Program. It lies in the preferred route permit application for the project. While, the transmission lines are to be first placed in the DOT highway 52 right of way, I do not believe that this is where they will end up. I believe that the transmission lines will intrude into the diamond interchange, so they will be put into the middle of our farm field. Once the DOT interchange is scheduled, and if the transmission lines are placed on our property, there will be no farmland property left. MNDOT's future interchange here has been identified for many years. In a document dated June 30, 2006, the DOT states, "Planning of this interchange way ahead of the needed date was done primarily to establish the location for the interchange and establish a "footprint" for it. This allows for the area to be officially mapped preserving the land for the future interchange".

Excel in a document of its creation, which I am enclosing, states, "It is difficult for Excel Energy to design a route that would assure there would be no conflicts with the proposed future interchange." I, as trustee find the Excel statement to be inaccurate and untrue. Excel simply chooses to not alter their route, which I am requesting that be done to avoid the interchange area. I brought this issue to Excel's attention at the first public meeting in Cannon Falls. At no time, has Excel approached me about alternatives in regard to this issue. Does Excel intend to knowingly place transmission lines, and then in coming years remove them at the expense of citizens and consumers a second time? I have been told by the DOT that they will comment on this issue later.

On another Excel document, I have seen a proposed plan to place single circuit lines along the west side of Hwy 85, north of Rochester Blvd. This brings an additional hardship to the Trust's land. If implemented, it would cause an entrance issue for access to our farmland. Our only access route on the property, would have lines above the entrance. It would cause additional devaluation.. I am requesting that single circuit lines be placed on the east side of Highway 85 instead, if they are needed.

#### High Voltage Lines along major transportation Corridor

I wish to voice my concern about putting high voltage lines in the DOT right of way along Hwy 52 from Hampton to wherever. This is a major transportation corridor between the Twin Cities and Rochester. I travel this route extensively and must state I believe it will become a visual nightmare. A once beautiful and scenic roadway will become a tangle of towers, wires, and unaesthetic hardware. Future development along the highway will be blighted because of the unattractiveness of the landscape. I also know that someday, four lanes will be needed in each direction. Then what happens? Towers moved again, and the whole process is repeated. I am requesting that parties of involvement consider this scenario now, instead of in 30 years. Perhaps route modifications should be done. The alternative route west of 52 may be the answer, I do not know.

#### Utility Corridor Strategic Plan for the Future

I would like to see MOES and others develop utility corridors where all future installations would occur. I believe this is a huge task, but if completed would serve as a blueprint for future energy development, and make future projects easier. 3

Lastly, I would like to note that on my family's property, We, along with property owned by my Uncles Jim and Bill, already have a gas pipeline, and two different locations of transmission towers. I do object to us being chosen again for utility acquisition. I more than believe it would be fair to have Excel go elsewhere for a change. I ask this consideration be given.

I am faxing copies of some documents which I refer to in my comments. Please , if I missed any, advise. I will do my best to provide them. My brother, Tom Carnel, was handling this project for me, however, Tom died last July, so I am on my own. Thank you for allowing me to present these comments to you.

Kind Regards,

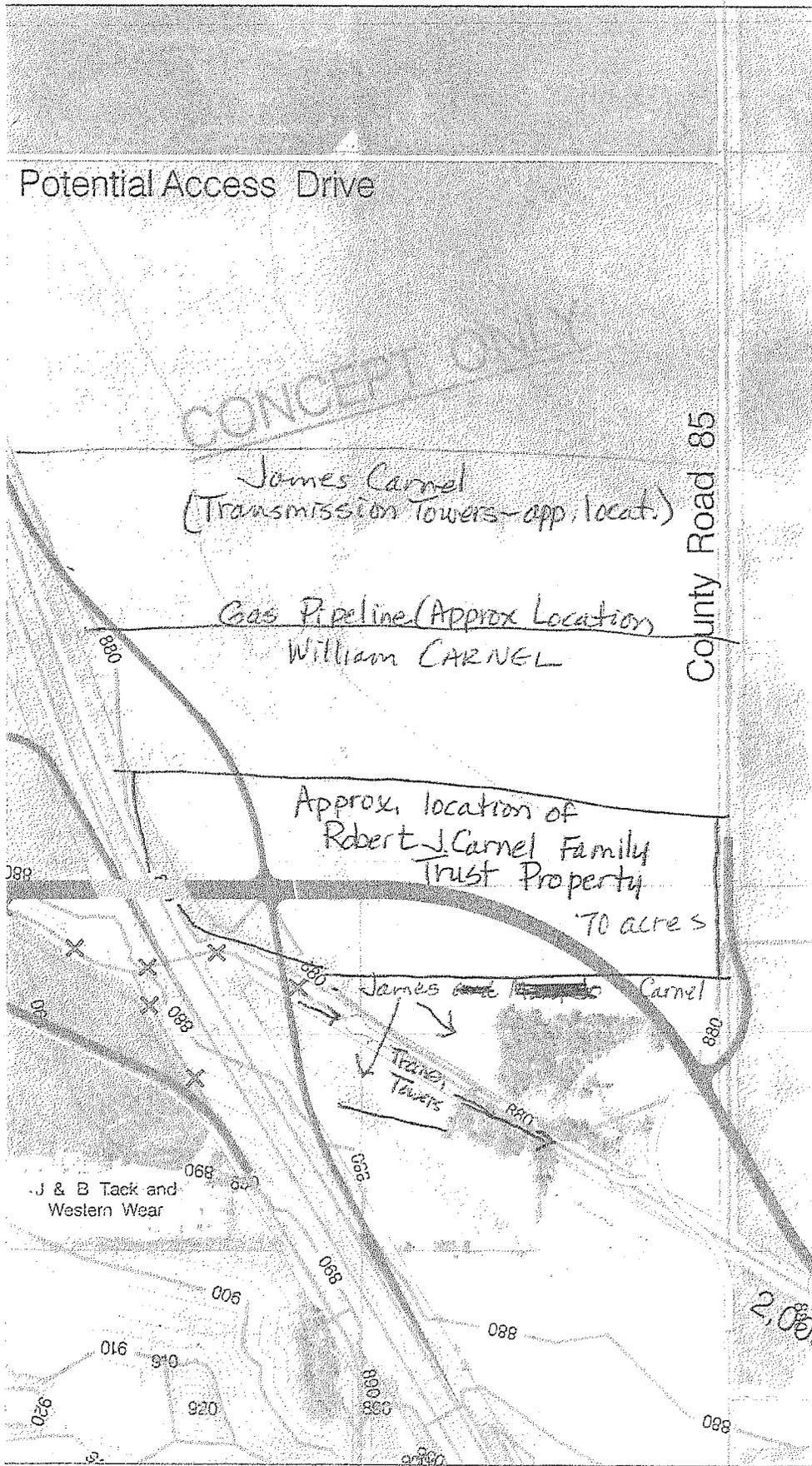
*Karen Carnel Schwengels* 5-17-2010

Karen Carnel Schwengels

Trustee of the Robert J. Carnel Family Trust

5-17-2010

Exhibit A from  
Karen Carnel  
Schwengels



Potential Access Drive

CONCEPT

James Carnel  
(Transmission Towers - app. locat.)

Gas Pipeline (Approx Location)  
William CARNEL

County Road 85

Approx. location of  
Robert J. Carnel Family  
Trust Property  
70 acres

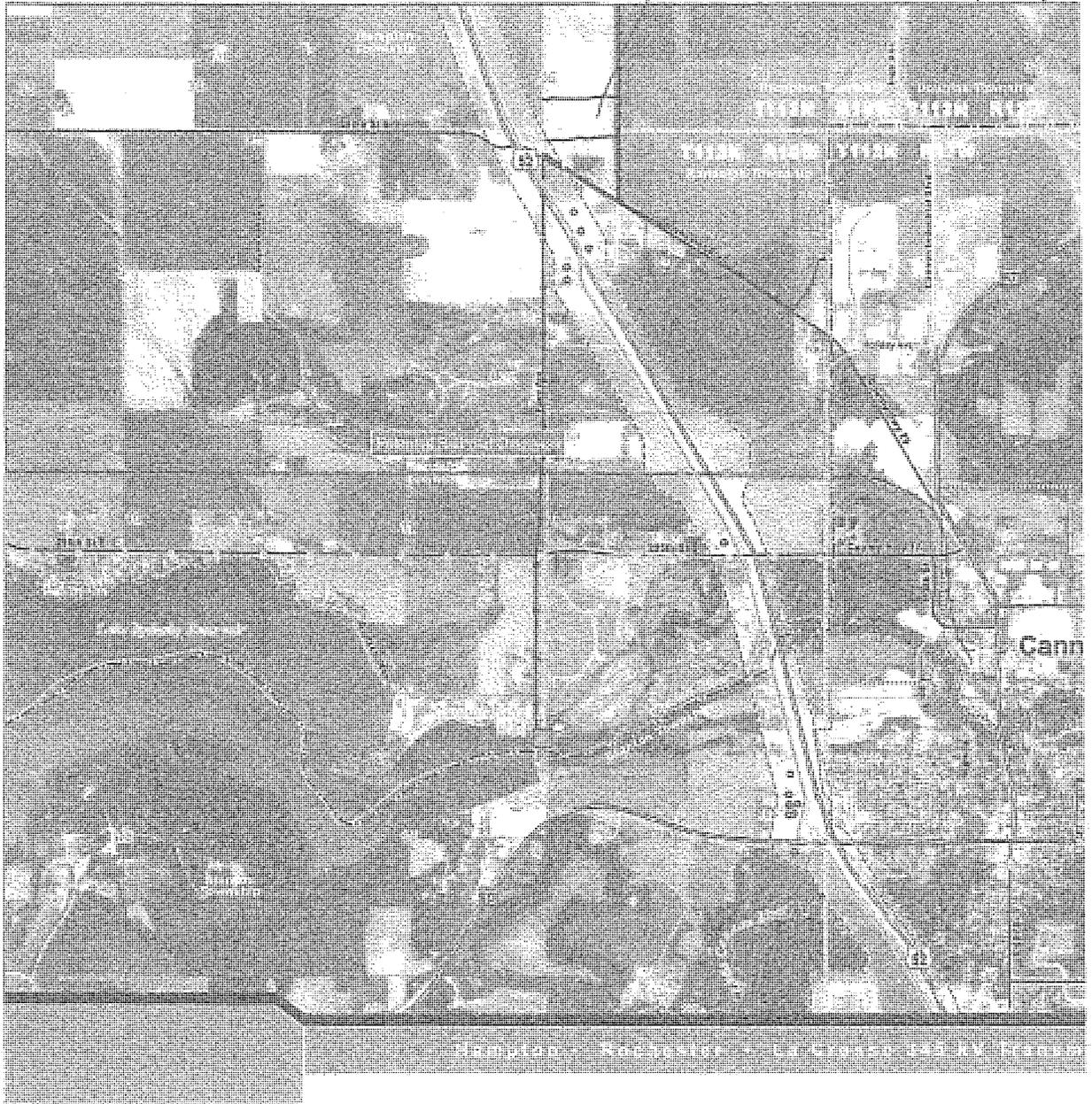
James Carnel  
Transmission  
Towers

J & B Tack and  
Western Wear

2,000

→ RJC Trust Property

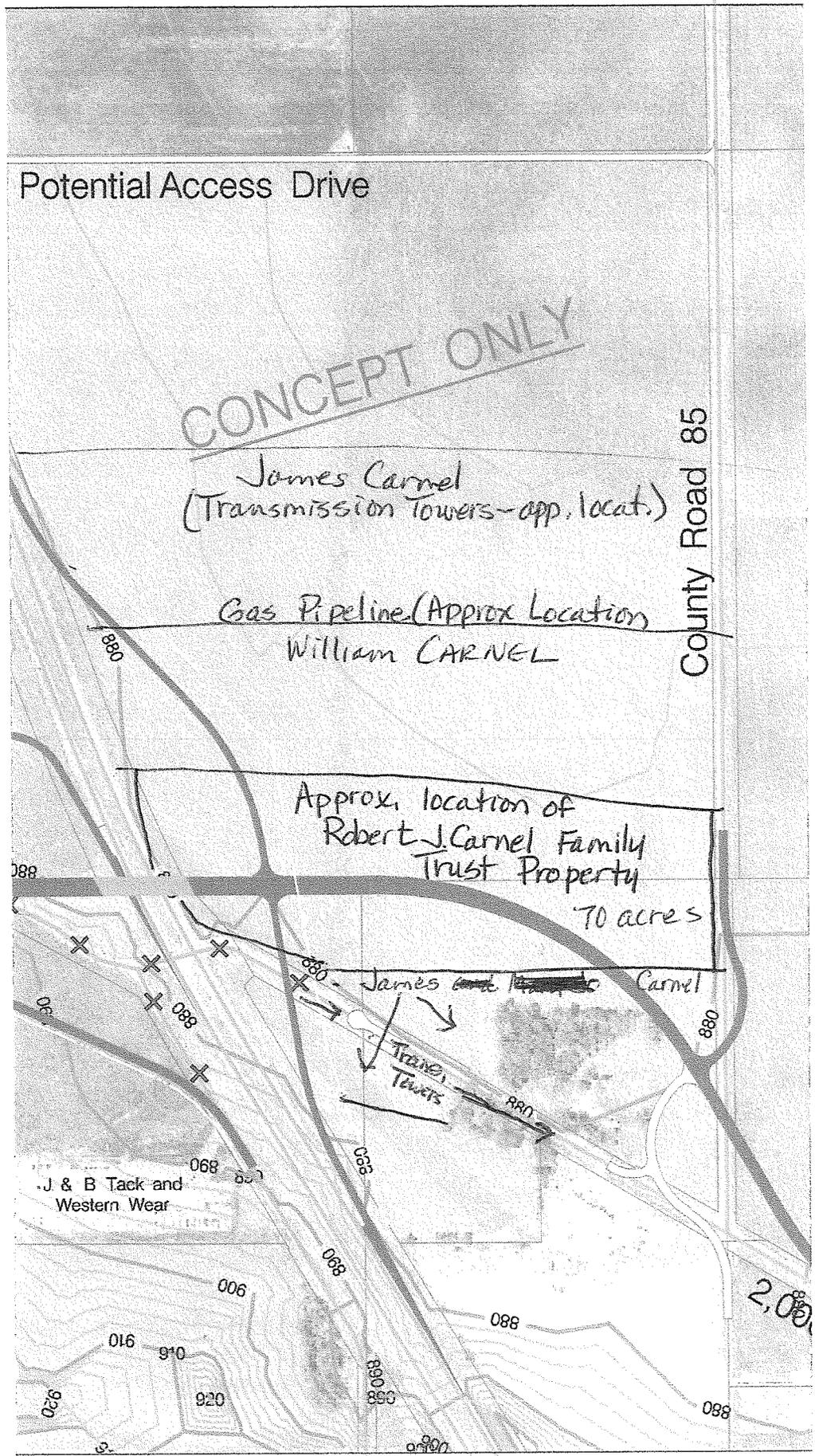
p.7



May 18 10 04:29p

5-17-2010

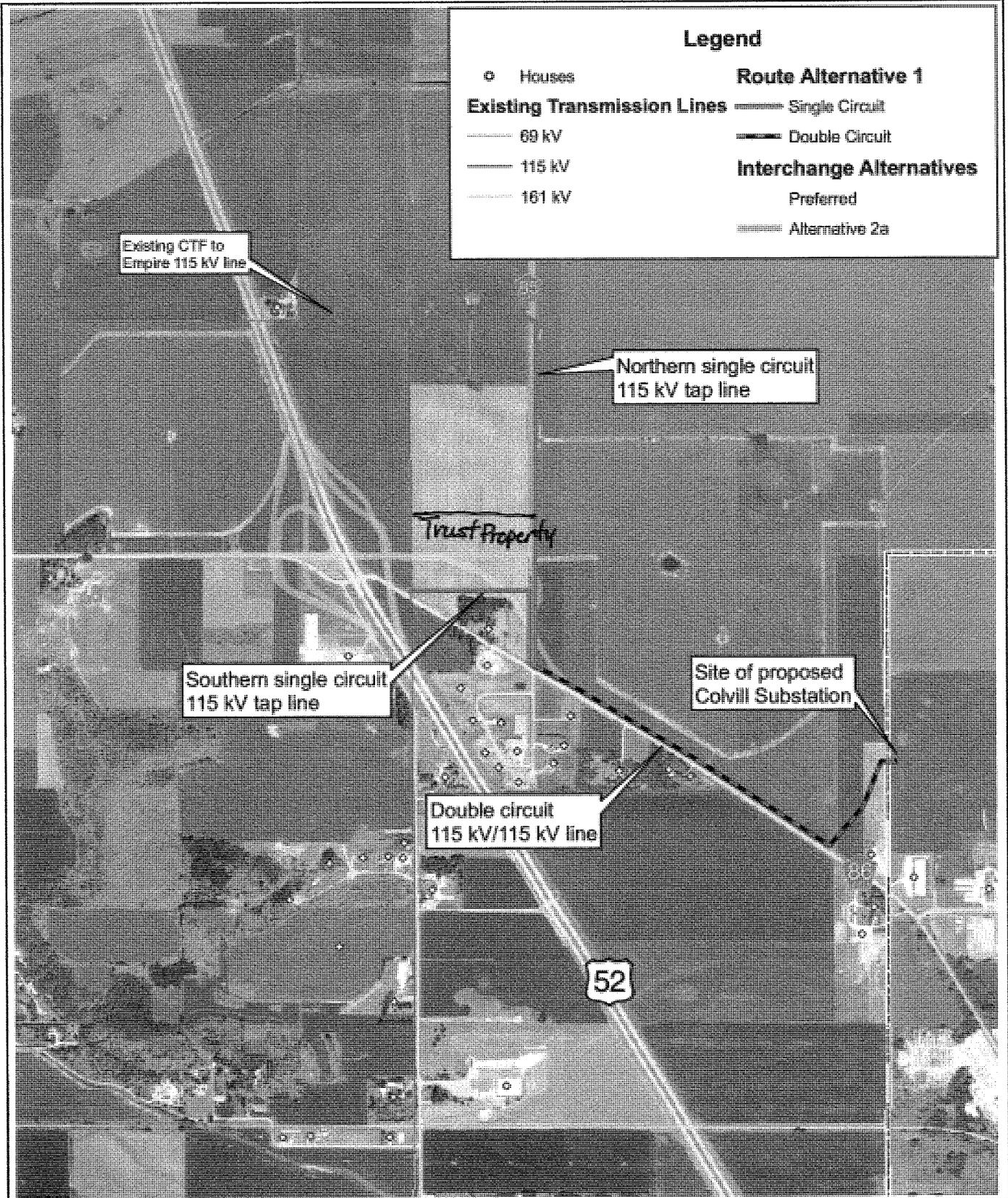
Exhibit A from  
Karen Carnel  
Schwengels



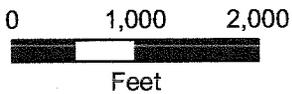
RECEIVED  
MAY 21  
MAIL ROOM







Map Document: (\\mspe-gis\proj\gisproj\excelcannon\_falls\map\_docs\landownermap\_032806\_aerial.mxd) 3/28/2006 - 5:30:44 PM



Route Alternative 1  
Cannon Falls 115 kV Tap Project  
Cannon Falls, Minnesota



Exhibit E - 5-17-2019  
Karen-Carnd Schwengels

**Vision 52**  
CANNON FALLS SUBAREA

County Road 86 Modified  
Diamond Interchange  
CR 86 Connection

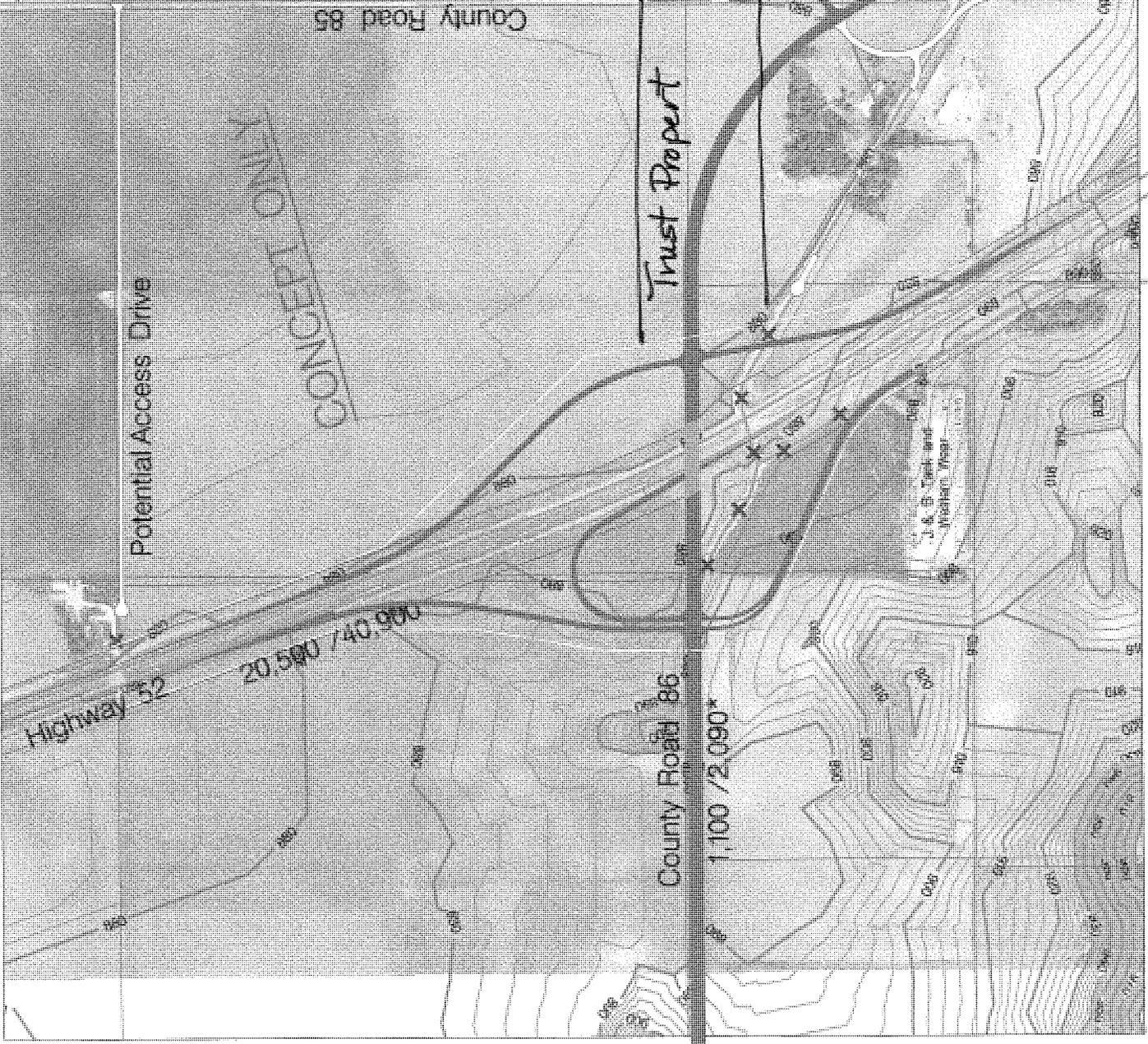
- New State/County Roadway
- Potential Local Roadway
- New Structures
- Access/Roadway Building Removal
- New Signal
- New Retaining Wall

**DRAFT**



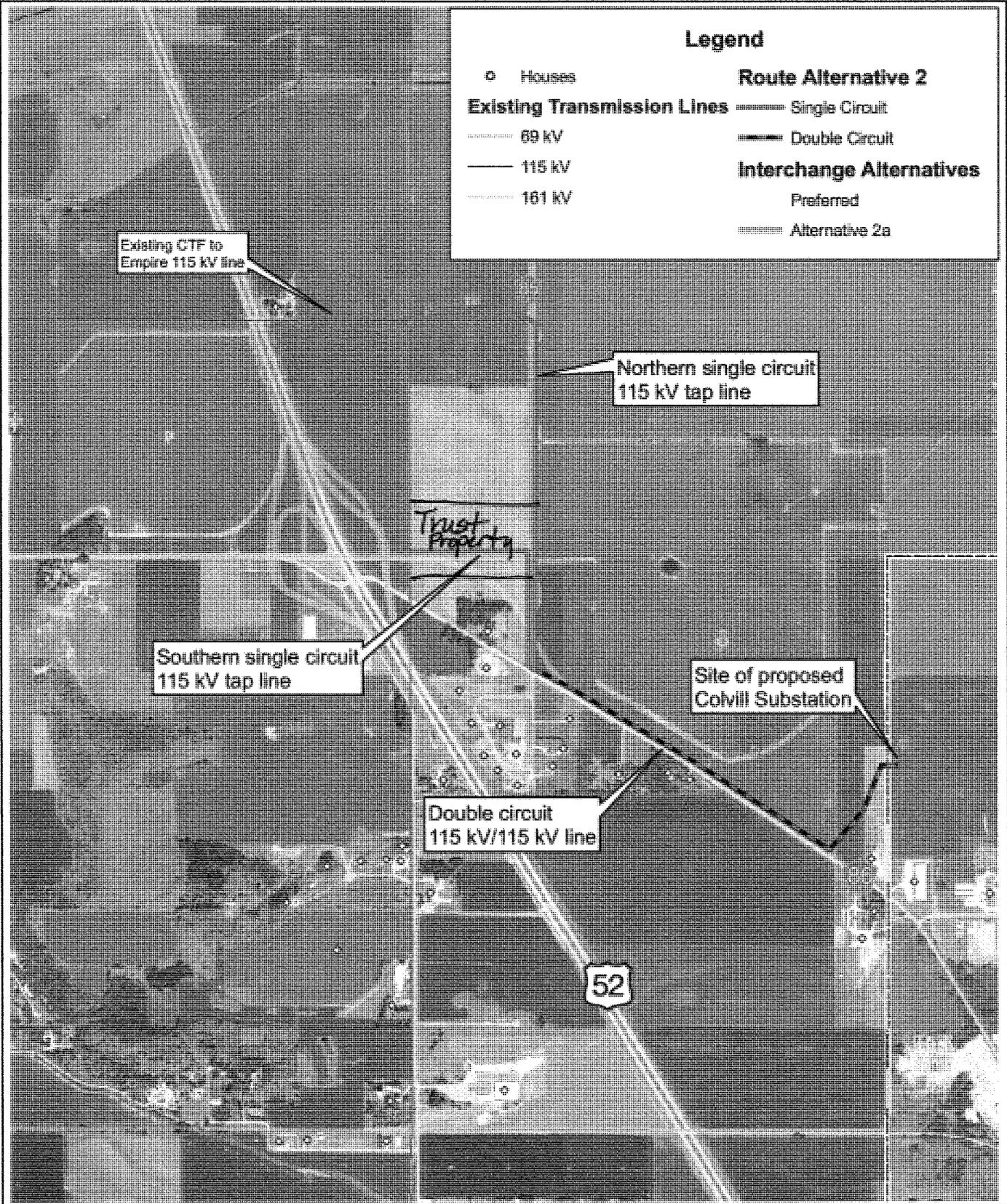
SEH

XXX/XXX = Existing ADT / Future 2025 ADT  
\* = Does not include Highway 20 connection

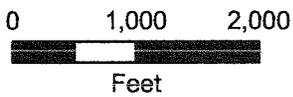


5-17-2010

Exhibit F  
Karen Carnel  
Schwengels



Map Document: (N:\gisproj\excel\cannon\_falls\map\_docs\route\_Alternative2\_071206\_aerial.mxd)  
7/13/2006 - 1:22:58 PM



Route Alternative 2  
Cannon Falls 115 kV Tap Project  
Cannon Falls, Minnesota



## Cannon Falls 115 kV Transmission Line Project

### Assessment of Potential Routes Considering the Proposed CR 85 Interchange Options

#### *Background*

At the public hearing held on June 5, 2006 for this project, a landowner provided information regarding plans the Minnesota Department of Transportation (MN DOT) had been providing to local landowners. The landowner expressed a preference for Xcel Energy to follow an alignment that would match up with the proposal and avoid placing the proposed transmission line in front of the home she owned.

Xcel Energy has reviewed the various options that the Minnesota Department of Transportation has provided regarding this project to add an interchange on Highway 52 to connect to CR 85. The following information has been included in our assumptions:

Note

- \* 1. Communications between Department of Commerce Staff and the Department of Transportation have indicated that the DOT Metro Division sees the need for an interchange at TH 52 and CR 86. However, that need is not immediate. There have been some interchange concepts developed, and one design concept is "preferred." (See Attachment #1 for email and PDF file).
- 2. No formal approvals, reviews or budgeting have occurred for the DOT project. Therefore it is difficult for Xcel Energy to design a route that would assure there would be no conflicts with the potential future interchange.
- \* 3. Xcel Energy has made some general assumptions to attempt to address the landowners concerns and to avoid any major conflicts with this proposal in the future.
- 4. A major issue that creates limitations to Xcel Energy's options is the requirement that the total length of double circuit 115 kV construction needs to be 1 mile or less. This has limited our options for consideration since our proposed route had almost 1 mile of double circuit construction.
- 5. The landowner has expressed a desire to keep the line further away from the home located on her property. The two alternatives assessed move the line further north of the home, but do need to go across agricultural property.

Note  
referral to  
this

#### *Assessment of Options*

Provided as Attachments #2, #3, and #4 are maps and a spreadsheet providing a summary of two additional options Xcel Energy has assessed. None of the proposed route options have additional double circuit construction due to the restriction on the amount of double circuit construction that can be used for this project based on planning requirements.

-----Original Message-----

From: Gerry Larson [mailto:Gerry.Larson@dot.state.mn.us]  
Sent: Friday, June 30, 2006 1:13 PM  
To: Bill.Storm@state.mn.us  
Cc: Nancy Daubenberger  
Subject: Cannon Falls Project

Hello Bill. I was out of the office when you sent your note. Please excuse the delay in getting back to you.

The short answer is yes, Metro Division sees the need for an interchange at TH 52 and CR 86. However, that need is not immediate. Some interchange concepts were developed, and one design concept is "preferred." (See attached PDF file) A good deal of work was done to develop an EA for the project, but no EA was approved or circulated. We were doing the EA primarily to establish the location for the interchange, and a "footprint" for it. That would allow for the area to be "officially mapped," to preserve the land for the future interchange. No funding has been identified within Metro for the project. However, that can change. If you have further questions on this I suggest you call Nancy Daubenberger at our Metro District office. She can be reached at 651-582-1379.  
Gerry

Alternative 1

Xcel Energy would tap the existing CFT Transmission line (130 feet) north of our original proposal and follow a route that would place the new single circuit 115 kV line just north of the grove of trees. Where the line meets CR 85, it would follow along the west side of the road. The North tap line would follow along the east side of CR 85 for its entire length.

- Cost increase from proposed route: \$121,000
- Change in impacts: The impacts to agricultural lands are increased, but less clearing will be required and the line will be further away from residences on CR 86.

Alternative 2

Xcel Energy would tap the existing CFT Transmission line (590 feet) north of our original proposal and follow the property line to CR 85. Where the line meets CR 85, it would follow along the west side of the road. The North tap line would follow along the east side of CR 85 for its entire length.

- Cost increase from proposed route: \$137,000
- Change in impacts: The impacts to agricultural lands are increased, but less clearing will be required and the line will be further away from residences on CR 86.

Conclusion

Given this analysis, Xcel Energy believes there are several options available to consider for placement of the southern 115 kV tap line that would work. We recommend that the information be provided in the EA as submitted. Over the next few weeks prior to the public hearing, Xcel Energy will discuss the proposals with the DOT and landowners. If an alignment acceptable to all can be identified prior to hearing, Xcel Energy will recommend that option at that time. However, if additional discussions and coordination are required given the preliminary nature of the DOT proposal, Xcel Energy may request that the PUC allow for routing flexibility in this area. The final alignment would be based on discussions with DOT and the landowner and would be submitted to PUC staff for review prior to easement acquisition.

*I was not contacted therefore no discussion has occurred.*

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
May 18	4:24PM	Fax Sent	16512977891	14:58	7	Error 346*

\* A communication error occurred during the fax transmission.  
If you're sending, try again and/or call to make sure the recipient's  
fax machine is ready to receive faxes. If you're receiving, contact  
the initiator and ask them to send the document again.



## Minnesota Department of Transportation

395 John Ireland Boulevard  
Mail Stop 130  
Saint Paul, MN 55155-1899

Phone: (651) 366-4791  
Fax: (651) 284-0592  
[Dave.Sevkora@state.mn.us](mailto:Dave.Sevkora@state.mn.us)

May 20, 2010

Matt Langan  
State Permit Manager  
Office of Energy Security  
Minnesota Department of Commerce  
85 7th Place East, Suite 500  
St. Paul, MN 55101-2198

Re: CapX 2020 Hampton – Rochester – La Crosse Transmission Line Project  
PUC Docket No. E002/TL-09-1448

Dear Mr. Langan:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the Route Permit Application for the CapX 2020 Hampton – Rochester – La Crosse Transmission Line Project. In response to the Notice of Public Information & EIS Scoping Meetings issued by the Office of Energy Security (OES), Mn/DOT submits these comments regarding topics and impacts that should be addressed in the environmental impact statement (EIS) that the OES will be preparing.

Mn/DOT appreciates the opportunity to comment and commends the Applicants and OES for their communication efforts throughout this process. Mn/DOT wishes to participate in the development of the EIS so that it will contain a thorough evaluation of the effects various route proposals may have on the state transportation system. Mn/DOT's fundamental interest is to ensure that the EIS identifies and quantifies, to the extent possible, any impacts the proposed high voltage transmission line (HVTL) may have on the safety of the transportation system, the effectiveness of the operations or maintenance of the state trunk highway system, and any additional costs that may be imposed on the state trunk highway fund as a result of the location of the proposed HVTL.

### I. Comments on the EIS Process

Pursuant to Minn. Stat. Ch. 216E and Minn. Rules part 7850, the environmental review undertaken by the OES will be the only environmental study that is completed. Mn/DOT wishes to work with the OES in developing a clear determination of Mn/DOT's role and responsibilities through the environmental process.

Depending on the route and alignments that are ultimately selected, the Applicants may ask Mn/DOT for permits to occupy portions of highway rights-of-way. In submitting these

comments on the scope of the EIS, Mn/DOT will describe the information that it believes is needed to make the route analysis clear and complete, conform to state and federal regulatory and permitting requirements, and meet documentation requirements when permits are necessary.

As the governmental unit responsible for preparation of the EIS, the OES should take into consideration how actions by other governmental units may impact environmental or cultural resources. For example, the EIS should identify any environmental amenities that are in or adjacent to the Mn/DOT right-of-way, and it should provide an assessment of whether the intrinsic qualities of those environmental amenities could be impacted by the issuance of a Mn/DOT permit. In addition, information from the Minnesota Pollution Control Agency's Master Entity System and Leaking Underground Storage Tank list indicates there are potential contaminated areas near trunk highways in many locations throughout the corridor. This should be addressed in the EIS.

In addition to environmental amenities or values that may be impacted by activities associated with a permit issued by Mn/DOT, the EIS should also include a thorough evaluation of all impacts on highways associated with potential alignments within each proposed route. As we will discuss in more detail below, these impacts may include changes to the level of safety for the traveling public, the level of safety to workers who construct, repair and maintain the highway system, and the additional expense that may be incurred by the public if it becomes necessary to relocate the HVTL or work around it once it is built.

It is also anticipated that there may be impacts to non-highway transportation systems in the vicinity of the proposed routes. These systems include rail corridors, trails, and airport operations. The environmental process and subsequent document will need to evaluate resource impacts of each proposed route alignment so these can be properly assessed.

Mn/DOT understands that the OES will be the lead state agency regarding preparation of the EIS, and that the OES will be working with the U. S. Department of Agriculture Residential Utilities Service (RUS), which will serve as the lead federal agency for the environmental review of this project. Mn/DOT further understands that OES and RUS will prepare the EIS in compliance with the requirements of the National Environmental Policy Act (NEPA) and the Council on Environmental Quality regulations for implementing NEPA (40 CFR 1500-1508).

Mn/DOT recommends an inclusive process that engages federal agencies early in the process to aid in expeditious completion of the required documentation. Specifically, the environmental process should identify any locations that would require interaction by the Federal Highway Administration (FHWA), National Park Service, Fish and Wildlife Service, Advisory Council on Historic Preservation, United States Coast Guard, United States Department of Interior, United States Environmental Protection Agency, Federal Aviation Administration, Natural Resources Conservation Service, Army Corps of Engineers, Federal Railroad Administration and the United States Department of Energy.

## **II. Highway-related Matters to be Addressed in the EIS**

Mn/DOT has adopted a formal policy and procedures for accommodation of utilities on the highway rights of way ("Utility Accommodation Policy"). A copy of Mn/DOT's policy can be found at <http://www.dot.state.mn.us/utility/files/pdf/appendix-b.pdf>.

Mn/DOT's approach to the high voltage transmission lines ("HVTL") involved in the CapX2020 proposals is to work to accommodate these HVTLs within or as near as feasible to the trunk highway rights of way, based on an evaluation of the specific locations to ensure that appropriate clearance is maintained to preserve the safety of the traveling public and highway workers and the effective operation of the highway system now and in the foreseeable future. Mn/DOT's Utility Accommodation Policy seeks to guide the balance between accommodation of utility operations in the highway rights-of-way and preserving the safe and efficient operation of the transportation system.

The provisions of the Utility Accommodation Policy are based on the framework of several interrelated state and federal laws that led to its creation. These comments will outline the legal and regulatory structure under which the Policy was adopted, and will then discuss the types of circumstances and concerns that must be considered when applying the Utility Accommodation Policy to a specific situation as Mn/DOT works to accommodate a utility in a highway right-of-way while preserving the safe and efficient operation of the highway. The comments will also identify some specific locations along the HVTL routes proposed by CapX2020 in this application that should be addressed in the EIS.

#### **A. Legal Framework Applicable to Mn/DOT's Utility Accommodation Policy**

Certain highways in Minnesota are part of the National Highway System, which is established under 23 U.S.C. §103. The National Highway System and the Dwight D Eisenhower National System of Interstate and Defense Highways (Interstate System) are together known as the Federal-aid System. 23 U.S.C. §103(a). See also 23 CFR Part 470. In addition to the highways on the National Highway System, other highways also receive federal funding. Together, the highways in the Federal-aid System plus the other highways that receive federal funding are known as "Federal-aid highways." 23 CFR §470.103. The Federal-aid highways in Minnesota that are impacted by the Hampton – La Crosse CapX2020 route proposal that would run parallel to the highway include US 52, US 61, MN 56 and MN 60. The Federal-aid highways that would be crossed by the route proposals include US 52, US 61, US 63, MN 19, MN 42, MN 50, MN 56, MN 57 and MN 60.

Congress articulated the transportation policy of the United States in 23 U.S.C. §101(b). Among other things, Congress noted that "it is in the national interest to preserve and enhance the surface transportation system to meet the needs of the United States for the 21st Century," that "the current urban and long distance personal travel and freight movement demands have surpassed the original forecasts and travel demand patterns are expected to continue to change," and that "special emphasis should be devoted to providing safe and efficient access for the type and size of commercial and military vehicles that access designated National Highway System intermodal freight terminals." 23 U.S.C. §101(b)(3)(A), (B) and (E).

Federal law requires that "The real property interest acquired for all Federal-aid projects . . . shall be adequate for the construction, operation, and maintenance of the resulting facility and for the protection of both the facility and the traveling public." 23 C.F.R. §710.201(e). In addition, all real property that is part of the Federal-aid highway system must be devoted exclusively to highway purposes unless an alternative use is permitted by federal regulation or the Federal Highway Administration ("FHWA"). This basic proposition is stated in 23 C.F.R. §710.403, which provides:

(a) The [State Transportation Department] must assure that all real property within the boundaries of a federally-aided facility is devoted exclusively to the purposes of that

facility and is preserved free of all other public or private alternative uses, unless such alternative uses are permitted by Federal regulation or the FHWA. An alternative use must be consistent with the continued operation, maintenance, and safety of the facility, and such use shall not result in the exposure of the facility's users or others to hazards.

Similarly, 23 C.F.R §1.23 restricts use of the highway right-of-way unless otherwise permitted. This section provides:

(a) Interest to be acquired. The State shall acquire rights-of-way of such nature and extent as are adequate for the construction, operation and maintenance of a project.

(b) Use for highway purposes. Except as provided under paragraph (c) of this section, all real property, including air space, within the right-of-way boundaries of a project shall be devoted exclusively to public highway purposes. No project shall be accepted as complete until this requirement has been satisfied. The State highway department shall be responsible for preserving such right-of-way free of all public and private installations, facilities or encroachments, except (1) those approved under paragraph (c) of this section; (2) those which the Administrator approves as constituting a part of a highway or as necessary for its operation, use or maintenance for public highway purposes and (3) informational sites established and maintained in accordance with Sec. 1.35 of the regulations in this part.

(c) Other use or occupancy. Subject to 23 U.S.C. 111, the temporary or permanent occupancy or use of right-of-way, including air space, for nonhighway purposes and the reservation of subsurface mineral rights within the boundaries of the rights-of-way of Federal-aid highways, may be approved by the Administrator, if he determines that such occupancy, use or reservation is in the public interest and will not impair the highway or interfere with the free and safe flow of traffic thereon.

(Emphasis added.)

Federal law recognizes accommodating the placement of utility facilities as a permissible exception to the general mandate that all of a highway right-of-way, including the air space above the right-of-way, must be used solely for highway purposes. Section 109(l) of Title 23 of the U. S. Code provides:

(1) In determining whether any right-of-way on any Federal-aid highway should be used for accommodating any utility facility, the Secretary shall—

(A) first ascertain the effect such use will have on highway and traffic safety, since in no case shall any use be authorized or otherwise permitted, under this or any other provision of law, which would adversely affect safety;

(B) evaluate the direct and indirect environmental and economic effects of any loss of productive agricultural land or any impairment of the productivity of any agricultural land which would result from the disapproval of the use of such right-of-way for the accommodation of such utility facility; and

(C) consider such environmental and economic effects together with any interference with or impairment of the use of the highway in such right-of-way which would result from the use of such right-of-way for the accommodation of such utility facility.

The U.S. DOT has implemented this statutory directive by adopting the rules relating to accommodation of utilities found at 23 C.F.R. Part 645, Subpart B. These regulations require that each state transportation department submit its policies for accommodating utilities within

highway rights of way to the FHWA. 23 C.F.R §645.215(a). See also 23 C.F.R §645.209(c). The FHWA will approve the policy upon determination that it is consistent with federal statutes and regulations, and any changes to the policy are also subject to FHWA approval. 23 C.F.R §645.215(b) and (c). Once a state's policy has been approved by the FHWA, the state transportation department can approve requests by a utility to use or occupy part of the right-of-way of a highway that is part of the Federal-aid highway system if the request is encompassed by that policy. Exceptions to the policy can be granted, but if a state proposes to grant to a utility an exception to its utility accommodation policy, the exception is subject to review and approval by the FHWA. 23 C.F.R § 645.215(d). This may be considered a federal action which would need to meet all requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. §4321 et seq., to be in conformance with federal regulations.

Article 14 of the Minnesota Constitution establishes the state trunk highway system. Under Minn. Stat. §161.20, the Commissioner of the Department of Transportation is charged with the responsibility to carry out the directive of Article 14 to construct, improve and maintain the trunk highway system, and is authorized to acquire property and take other steps necessary to fulfill this responsibility. The Federal-aid highways in Minnesota identified above as impacted by the Hampton – La Crosse CapX2020 proposal are all included in the Minnesota trunk highway system.

Minnesota has several statutes relating to use of highway rights-of-way by utilities. Minn. Stat. §222.37, Subd. 1, provides in part:

Any . . . power company . . . may use public roads for the purpose of constructing, using, operating, and maintaining lines . . . for their business, but such lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along or over the same; and in the construction and maintenance of such line . . . the company shall be subject to all reasonable regulations imposed by the governing body of any county, town or city in which such public road may be.

Minn. Stat. § 161.45 provides additional specifications for utility facilities occupying portions of a trunk highway right-of-way. Section 161.45, Subd. 1 provides in part:

Electric transmission . . . lines . . . which, under the laws of this state or the ordinance of any city, may be constructed, placed or maintained across or along any trunk highway . . . may be so maintained or hereafter constructed only in accordance with such rules as may be prescribed by the commissioner who shall have power to prescribe and enforce reasonable rules with reference to the placing and maintaining along, across, or in any such trunk highway of any of the utilities hereinbefore set forth.

Subdivision 2 of §161.45 specifies the general rule that if the relocation of a utility placed in a trunk highway right-of-way is necessitated by a construction project on the trunk highway, the utility bears the costs associated with the relocation of its facility. However, if a utility facility is located on the Interstate System, then the cost of relocation of such facility is to be paid out of the state trunk highway fund. See Minn. Stat. § 161.46.

Minnesota Rules part 8810.3100 through 8810.3600 contain rules relating to placement of utility facilities in trunk highway rights of way. Under part 8810.3300, a utility must obtain a permit for any construction or maintenance work in a trunk highway right-of-way, and special rules apply to interstate highways. Part 8810.3300, Subp. 4 provides in part as follows:

Utilities along the interstate highways shall be located outside the control-of-access lines except as outlined below. Where the control-of-access lines coincide with the right-of-way lines, the utilities shall generally be located on private property. Where the control-of-access lines and right-of-way lines do not coincide, utilities may in general be located in the area between them. All utilities shall be serviced and maintained without access from the ramps, loops, and through traffic roadbeds. Utilities may be serviced from frontage roads and roads other than another interstate highway which cross either over or under the interstate highway. At aerial crossings of an interstate highway, supporting poles may be located on interstate highway right-of-way if they are a minimum of 30 feet beyond the shoulders of all through traffic roadbeds; however, in no event shall they be located in a median unless its width is 80 feet or more. . . .

There may be extreme cases where, under strictly controlled conditions, a utility may be permitted inside the control-of-access lines along an interstate highway. In each case there must be a showing that any other utility location is extremely difficult and unreasonably costly to the utility consumer, that the installation on the right-of-way of the interstate highway will not adversely affect the design, construction, stability, traffic safety, or operation of the interstate highway and that the utility can be serviced without access from through traffic roadbeds, loops, or ramps.

In addition, Subp. 6 of part 8810.3300 requires that, except for the negligent acts of the state, its agents and employees, the utility shall assume all liability for and save the state harmless from any and all claims arising out of the utility's work and occupation of a portion of the trunk highway right-of-way.

#### **B. Mn/DOT's Utility Accommodation Policy**

Mn/DOT has adopted a policy statement regarding the circumstances and methods under which it will grant permits to utilities to occupy a portion of a trunk highway right-of-way. Mn/DOT's Utility Accommodation Policy is in conformance with the federal and state statutes and regulations described above, and is also consistent with the American Association of State Highway and Transportation Officials (AASHTO) publications, A Guide for Accommodating Utilities Within Highway Right-of-Way and A Policy on the Accommodation of Utilities Within Freeway Right-of-Way. Mn/DOT's Utility Accommodation Policy has been reviewed and approved by FHWA under 23 CFR §645.215(b). Therefore, with respect to Federal-aid highways, further review and approval by the FHWA is required for Mn/DOT to grant an exception to the general application of the Policy, but FHWA review and approval is not necessary for permits granted within the scope of the Policy.

Mn/DOT's Utility Accommodation Policy recognizes that it is in the public interest for utility facilities to be accommodated on highway rights-of-way when such use does not interfere with the flow of traffic and safe operation of vehicles or otherwise conflict with applicable laws or impair the function of the highway. The Policy applies to all utilities, both public and private. Therefore it speaks in somewhat generic terms to cover as many anticipated situations as possible.

The Policy was developed with integrated sections, and two or more sections usually need to be read together when applying the Policy to the context of a utility accommodation circumstance. Some of the provisions most relevant to the CapX2020 route applications include:

- Part I.F – articulates the general policy of accommodation of utilities;

- Part I.G – contains provisions for granting exceptions to the Policy;
- Part V – addresses the location requirements for utilities occupying a portion of a highway right-of-way that apply to most highways;
- Part VI – contains special rules for utility accommodation requests along freeways;
- Part X – contains specific requirements relating to overhead power and communication lines.

Mn/DOT is expressly required to include in its Utility Accommodation Policy some provisions that apply specifically to freeways. 23 CFR §645.209(c). Freeways are characterized by the fact that they are subject to full control of access – i.e., preference is given to through traffic by restricting areas where any person, including vehicles that use the highway, may enter or leave the freeway. By implementing full control of access, through traffic can safely achieve higher speeds and encounter fewer stoppages or slowdowns of the flow of traffic. On freeways, all crossings at grade are prohibited, and fencing is installed along the right-of-way to prevent other persons (including snowmobilers, bicyclists, walkers, etc.) or animals from entering the freeway right-of-way. Freeways also require special design considerations, such as the wider clear zones adjacent to the roadway due to the higher speeds achieved by through traffic on freeways.

The control of access aspect of freeways is a key consideration underlying the special rules regarding utility accommodation requests on freeways. The Utility Accommodation Policy states: "The installation of new utility facilities shall not be allowed longitudinally within the right of way of any freeway, except in special cases under strictly controlled conditions." Under Utility Accommodation Policy, Section VI.C, the utility seeking to establish that special circumstances exist to justify an installation on a freeway must demonstrate to Mn/DOT's satisfaction the following:

- "a. The accommodation will not adversely affect the safety, design, construction, traffic operations, maintenance, or stability of the freeway.
- b. Alternate locations are not available or are cost prohibitive from the standpoint of providing efficient utility services.
- c. The accommodation will not interfere with or impair the present use or future expansion of the freeway.
- d. The location of the utility facility outside of the right of way would result in the loss of productive agricultural land or loss of productivity of agricultural land. In this case, the utility owner must provide information on the direct and indirect environmental and economic effects for evaluation and consideration by the Commissioner of Transportation.
- e. Access for constructing and servicing utility facility will not adversely affect safety and traffic operations or damage any highway facility."

Concurrence by the FHWA is also required before the permit for a longitudinal installation on a freeway can be granted.

### **C. Impacts of HVTLs on Trunk Highways That the EIS Should Address**

The preferred and alternate routes proposed by CapX2020 in this matter either cross over or run parallel to trunk highways in a number of locations. The EIS should identify and evaluate all impacts that construction of a HVTL would have on the trunk highways.

In conducting this evaluation, it should be recognized that highway rights-of-way do not have a uniform width. The width of the right-of-way, and the distance from the centerline of the roadway to the boundary of the right-of-way, varies from highway to highway, and even from mile to mile along a given highway. The reasons for this variability are many, and include considerations such as the time when the right-of-way was purchased, the topography and geology of the area, the negotiations with the individual landowners from whom the right-of-way was acquired, and the timing and nature of changes and upgrades to the highway that have occurred over the years. Therefore, a uniform policy that an HVTL can safely be located "X" feet or "Y" feet outside the highway right-of-way boundary line generally does not work well.

Mn/DOT believes the EIS should evaluate the type of activities that regularly occur on and along highways. These activities can be evaluated in three groups – (a) traffic that uses a highway, (b) maintenance, repair and related activities and structures associated with the ongoing operation of the highway, and (c) construction activities that are likely to occur in the foreseeable future. These functions or uses of the highway each have a zone – i.e., a height and width – in which they take place either along the roadway surface or in the ditches, near bridges, intersections or interchanges where the maintenance and construction activities take place.

Once the zones of these recurring highway activities are identified, a safety buffer zone from the location of the energized wires of the HVTLs must be applied. The Occupational Safety and Health Administration (OSHA) and the National Electric Safety Code (NESC) can provide guidance on the safety clearances for activities near various voltages of HVTLs. The OSHA or NESC safety buffer should be applied between the zones of transportation activities and the location of the energized lines.

#### 1. Traffic That Uses a Highway

Minnesota's trunk highways are designed to facilitate both personal travel and the distribution of freight throughout the state. Pursuant to Minn. Stat. §§169.80 and 169.81, vehicles that do not exceed 13 feet 6 inches in height and 8 feet 6 inches in width can be operated on Minnesota's highways without a permit. Vehicles with larger dimensions, excluding farm vehicles, must obtain a permit. Over the past 5 years, Mn/DOT has issued 233,376 permits for oversize vehicles to operate on state trunk highways. These do not include oversize farm machinery (which do not require a permit) nor movements of houses or other buildings such as grain bins. The number of building moves varies between 400 and 600 per year. Of the oversize vehicle permits issued, 73 were for vehicles over 18 feet 5 inches high, with the largest reaching nearly 37 feet high. An example of the type of oversize loads frequently transported over trunk highways are the blades, base sections and nacelles used in constructing wind turbines.

In addition to freight and building moves, other traffic on the roadway portion of trunk highways includes such activities as snowplows, which operate on both the roadway and the shoulder. Snowplows are about 13 feet tall, and when their boxes are raised to distribute sand and salt, their height can reach as high as 18 feet. The relative size of snowplows on a typical highway surface is depicted in the drawing enclosed as Attachment 1.

#### 2. Maintenance, Repair and Operational Activities

In addition to the zone associated with traffic traveling on a highway, there is another zone associated with maintenance and operational activities alongside the roadways.

Examples of maintenance activities performed by highway workers, and the types of equipment commonly associated with those activities, include the following:

- guardrail and fence installation and repairs, using augers, loaders and skidsteers (which commonly have raised buckets for pulling posts, etc.).
- vegetation control, using mowers, bucket trucks for tree trimming, and equipment for applying herbicides.
- cleaning ditches, culverts and drains, using backhoes and excavators of various sizes that have boom arms that are used to scoop dirt and vegetation and deposit it into a dump truck that will be parked alongside the highway. Mn/DOT's larger ditch dredging equipment has a horizontal reach as long as 60 feet and a vertical operating dimension of up to 47 feet.
- vehicular accidents on highways often require special equipment to retrieve vehicles and repair damage. For example, when large vehicles such as trucks or buses run off the road or go down large ditches or into wetlands, large equipment with booms or winches may be used to pull them out.
- bridge inspections, using snoopers which have articulating arms that can lift a worker out over the side and then underneath the bridge structure.

The Applicants' proposed "Preferred" route would run generally along the US 52 corridor from the Hampton substation to Pine Island. On this portion of US 52, there are 14 existing bridges, 10 of which are over water and 4 are over roads. When new interchanges are constructed on this highway, more bridges will be added. The location of the transmission line in relation to the highway could impact future maintenance and construction activities on these bridges.

Occasionally there is a need for immediate medical transport from roadside locations due to accidents and illnesses. For these situations there are a number of air medical helicopters stationed throughout Minnesota that will land in the roadside environment. These aircraft require clear approach and departure paths as well as an area large enough for the helicopter to land. Given the dimensions of the helicopters used in Minnesota, an area with a diameter of 90 feet should be considered the minimum requirement for landing. There should be two approaches to this area from different directions separated by an arc of at least 90° so that the aircraft can land and take off without a tailwind. Powerlines can be a particularly difficult obstruction for helicopter landings at night. The lines themselves are nearly invisible to the pilot, who must use the presence of poles as evidence that the lines exist. Most helicopters operating in this environment have line cutters installed on the aircraft to cut powerlines they encounter. Even so, helicopter crashes occur when powerlines get entangled in their rotor system or landing gear.

Mn/DOT also maintains a number of structures alongside highways necessary for the safe and efficient operation of the highway, each of which requires periodic installation, maintenance and repair work. Examples of these structures include:

- road signs. The largest signs tend to be on freeways. Signs that extend out over the travel portion of a freeway must have 17 feet 4 inches of clearance to the bottom of the sign, and the top of such signs can be 30 feet 6 inches tall and may require boom trucks, bucket trucks or cranes to install or maintain such signs. Roadside guide signs along freeways can reach 13 feet tall and tend to be located as far out in the clear zone as practical.

- light posts, traffic control signals and poles for traffic monitoring cameras exist at various locations along highways, and range in height from 20 to 50 feet.
- high mast light towers are used along some freeways, and range in height from 100 to 140 feet.
- noise walls, which can be up to 20 feet high, are becoming increasingly common along freeways.

The relative size of some of these structures on a typical highway surface is depicted in the drawing enclosed as Attachment 2.

Another type of physical item located along highways is snow fences, either structural or living. Some snow fences are in the highway right-of-way, and others are placed by agreement with adjoining landowners and may be 150 feet off the highway right-of-way. The EIS should evaluate whether the proposed HVTL may require the removal of or limitation of cost effective snow protection activities such as living snow fences. The study should address specific limitations to vegetation related to the trunk highway use into the future. While Mn/DOT is usually able to work out arrangements with a utility owner regarding height and placement of vegetation used as a living snow fence in locations where a utility is placed, the EIS should consider whether living snow fences owned by Mn/DOT need to be removed or relocated to accommodate a utility placement.

### 3. Future Construction Activities

Mn/DOT continually evaluates the future needs for the trunk highway system and has construction projects in varying stages of development. Some have been designed and funded and are ready for construction. Others have been identified as needed or are anticipated due to development trends but have not yet been funded. The types of construction projects Mn/DOT performs that could be impacted by the location of a HVTL range from relatively minor changes to the width of a highway to major reconstruction projects. Examples of such construction projects might include:

- widening a roadway by addition of travel lanes or turn lanes, installation of a roundabout, or widening a shoulder area;
- rebuilding a highway in a way that changes the location or grade of a roadway;
- addition of an overpass or interchange on a freeway or other highway; and
- lengthening and/or widening of existing overpasses or other structures.

In addition to changes in the configuration of a highway, consideration must be given to the equipment used during the construction process. Construction projects often involve the use of large excavators and cranes similar in size to the equipment described above which Mn/DOT uses for its maintenance activities. The equipment used in bridge work is especially large, usually requiring cranes with long booms to lift material into place. The equipment used on construction projects also needs to be refueled at the job site, which requires consideration of the safety precautions necessary for this procedure.

The activities associated with vehicular traffic using the roadway surface have a zone in which they typically occur. The drawings enclosed as Attachments 1, 2 and 3 do not depict a specific location on a specific highway. Rather, they are illustrative of the zones or areas on any given highway where transportation-related activities may take place. The lighter shaded area above the roadway surface in the drawing enclosed as Attachment 3 depicts the zone or area in

which vehicular traffic on the roadway may operate. The zone within which the activities associated with maintenance work take place is depicted by the darker shaded area on the drawing enclosed as Attachment 3. The EIS should consider factors such as the width of the right-of-way, the topography of the land and the geometry of the roadway in a specific location and evaluate how potential alignments of the CapX2020 HVTL would impinge on these zones of activities and impact the safety or functionality of the highway.

Location of a HVTL in close proximity to a highway right-of-way limits future expansion or reconstruction of highways due to the complex and extremely costly nature of either moving the transmission lines or moving the path of the highway. In order for the Minnesota Public Utilities Commission to make a fully-informed selection of a route based on all the pros and cons of the various alternatives, these costs should be recognized and evaluated in the EIS evaluation of the impacts of the proposed routes. The EIS should include an evaluation of the risk of trunk highway funding liabilities, and the potential magnitude of such liabilities, that may be imposed on the Trunk Highway Fund resulting from various proposed alignments along trunk highway rights-of-way.

#### 4. US Highway 52 Corridor Management

US 52 has been designated as a high priority Interregional Corridor. The goal of the Interregional Corridor System is to enhance the economic vitality of the state by providing safe, timely, and efficient movement of goods and people between regional centers. US 52 connects the Twin Cities to the high growth area of Rochester, and it carries high volumes of traffic. Segments of US 52 have been reconstructed to convert portions of the highway to controlled access freeway standards. The pace of development along this Interregional Corridor has led to calls to upgrade the highway to improve the safety and capacity of the highway. The Applicants recognize the transitional nature of this highway corridor, as indicated by the fact that they included Mn/DOT's Highway 52 Interregional Corridor Management Plan, which was published in April 2002, as Appendix D to their Application. The ultimate vision for US 52 is to develop a fully access controlled, freeway facility.

Although an upgrade of the entire corridor to freeway standards is not in Mn/DOT's 10-year planning horizon, the upgrade of portions of US 52 to controlled access freeway standards is expected to continue. Due to the anticipated growth of this Interregional Corridor, Mn/DOT prefers that any utility crossings or longitudinal placements meet freeway standards so that future roadway upgrades are not constrained and that the HVTL lines do not need to be relocated to accommodate future highway construction projects.

Some of the specific possible highway construction projects in the area affected by the Applicants' route proposal include the following:

- In the Hampton area, a frontage road/access closure project is being planned for fiscal years 2011/2102 to transition this segment to a controlled access area. This work is being coordinated with Dakota County's construction of ramps and loops at the existing overpass of CSAH 47, thus converting the overpass to a full interchange at this location. The location of this planned interchange is identified on Applicants' sheetmap 1. Any HVTL poles would need to be placed outside the area of the new interchange.
- In 2009, Progressive Rail resumed service on their rail line from Cannon Falls to the west. This rail line is an at-grade crossing on US 52, and due to the traffic load of this highway presents a potential safety hazard. Although funding has not been identified, Mn/DOT anticipates that a grade separation project at this location will be added to the

long range plan for the US 52 corridor. The location of this anticipated overpass is identified on Applicants' sheetmap 10. Any HVTL poles would need to be placed outside the anticipated area of the new overpass bridge.

- A preliminary design has been completed for construction of an interchange at US 52 and County Highway 24 in Cannon Falls. Construction of this interchange is anticipated for 2019, but it has not yet been funded. The general location of this planned interchange is identified on Applicant's sheetmap 11.
- A new interchange south of Pine Island at the location of the planned Elk Run development has been programmed and funded. Construction is planned to begin in 2010. The preferred route for the Applicants' proposed 161kV line may be affected by this new interchange. The location of this interchange is not identified on Applicants' sheetmap 17.
- New interchanges at the intersections of County Highway 1 and/or County Highway 9 have been identified in the Highway 52 Interregional Corridor Management Plan, but are not yet programmed or funded. The locations of these potential interchanges are identified on Applicants' sheetmap 12.
- Several additional new interchanges are under consideration but are not identified on Applicants' sheetmaps. The locations under consideration include the intersections of US 52 with County Highway 86/Rochester Boulevard (sheetmap 10), MN 57 (sheetmap 13), and County Road 50 (sheetmap 14) and/or County Highway 7 (sheetmap 14).

The EIS should address the impact that the ongoing construction activities along US 52, and at these locations in particular, would have on the possible locations of the proposed HVTL. Consideration must also be given to changes that may be required to the network of supporting local roads, such as frontage roads, when the upgrades to US 52 are constructed. If the HVTL were to be placed in locations where highway construction will occur in the future, then the HVTL would need to be relocated at great expense to either the Applicants or to the Trunk Highway Fund.

#### **D. Other Safety Issues Associated With HVTLs Near Highways**

It is expected that weather events (tornado, ice or blizzard conditions, heavy winds, lightning, etc) could cause damage to HVTL towers or downed lines, which in turn could disrupt access to the trunk highway system. For example, in 1998 a severe tornado hit St. Peter, Minnesota and major roadways were closed due to power lines that were down. A similar event that affected Nicollet and St. Peter occurred in 2006 and again required closure of major roadways due to lines on the ground. A third event that affected Hugo required closure of US 61 to secure the area.

The EIS should collect information on the history of transmission line disruptions, including specific information on how often HVTL towers and/or lines are down and why. The EIS should also evaluate the possible impacts to the transportation system of such events, including how a downed HVTL may affect emergency vehicle access, large equipment moves, defense actions, evacuation, and emergency landings, especially in locations where alternate highway routes are not readily available.

The EIS should also evaluate safety issues for workers or the traveling public associated with induced voltage. The EIS should evaluate matters including, but not limited to:

- the causes of induced voltage, and the distance from 345 kV transmission lines at which it can occur;

- methods for measuring electric voltage near 345 kV transmission lines;
- the amount of clearance needed to assure that workers and the public are safe from electric shock,
- methods for making highway related structures in the highway right-of-way safe from electric shock, and
- the amount of health risk for workers in close proximity to a 345 kV transmission line who have special circumstances such as heart pacemakers, pregnancy or diabetes.

#### **E. Scenic Areas**

Federal law prohibits new utility installations on "highway right-of-way or other lands which are acquired or improved with Federal-aid or direct Federal highway funds and are located within or adjacent to areas of scenic enhancement and natural beauty." 23 CFR §645.209(h). Areas of scenic enhancement "include public park and recreation lands, wildlife and waterfowl refuges, historic sites as described in 23 U.S.C. 138, scenic strips, overlooks, rest areas and landscaped areas." *Id.* The rule permits exceptions in limited circumstances. The EIS process should identify scenic areas along highways and consider the impact of compliance with 23 CFR §645.209(h) in the evaluation of the various route proposals.

#### **F. Scenic Byways**

Both the Preferred and Alternative routes proposed by the Applicants would cross the Great River Road National Route, US 61, on an existing transmission line corridor near Kellogg about 2.4 miles south of the intersection of MN 42 and US 61. In addition, the Applicants have presented a route option known as the McCarthy Lake Route Option which is designed to avoid the McCarthy Lake Wildlife Management Area. The McCarthy Lake Route Option would run roughly parallel to the Great River Road (GRR) between the highway and the river for about 2.4 miles.

The GRR is a national system of roads and parkways along the Mississippi River established by federal and Minnesota statutes. The GRR is a Minnesota Scenic Byway and a National Scenic Byway, part of a multi-state byway between Minnesota and the Gulf of Mexico. The Minnesota Mississippi River Parkway Commission (MN-MRPC), established by Minn. Stat. §161.1419, is the governing body for the GRR in Minnesota. Minn. Stat §161.142 requires the Commissioner of Transportation to construct and improve the GRR. The Commissioner of Transportation is an ex officio member of the MN-MRPC and, by law, must advise and assist the MN-MRPC in carrying out its functions and duties.

The GRR in Minnesota has six distinct destination areas: please see <http://www.mnmississippiriver.com/>. The destination area impacted by this proposal is called Bluffs Mississippi. It extends for approximately 140 miles from Hastings to the Iowa border. The Bluffs Mississippi area of the GRR follows MN 316 south of Hastings to US 61 and then follows US 61 to La Crescent, and from La Crescent to the Iowa border it follows MN 26. The Bluffs Mississippi area is described as follows: "Bring binoculars to bluff country because the river vistas are remarkable and the wildlife viewing - especially birding - some of the best in the country. Follow the river through more than a dozen charming river towns complete with historic main streets, riverboats, unique shopping, museums and warm hospitality. The Lock and Dam system continues and Native American history abounds."

Scenic byways are designated because they possess one or more of six intrinsic qualities, including: scenic, cultural, recreational, natural, historic and archaeological qualities. The GRR offers a linear experience that is enhanced one mile at a time. An analysis of the physical and visual impact on each of these six intrinsic qualities should be conducted at each proposed crossing location to determine the route with the least adverse impact on the byway route and corridor. The EIS should address mitigation measures for any unavoidable impacts on intrinsic qualities within the scenic byway corridor.

Each scenic byway has a leaders group and/or stakeholder group. The MN-MRPC should be contacted as part of the environmental review process. Among other information about the scenic byways, it can provide information about whether there are any scenic easements or other limitations that apply to land uses in the vicinity of the scenic byways. The DEIS should expressly recognize that once a route is selected, the Applicants should be required to work together with Mn/DOT to achieve mitigation in those locations where the route would run cross the GRR scenic byway.

### **III. Other Transportation Systems to be Addressed in the EIS**

The Commissioner of Transportation is required by Minn. Stat. Ch. 174, to develop, adopt, revise and monitor a statewide transportation plan that includes all modes of transportation, including highway, rail, air, waterways, transit, trails, bicycles and pedestrians. Therefore, these comments include information about other transportation services (rail, waterways, airports and scenic enhancements) that could be impacted by the proposed routes.

#### **A. Rail Corridors**

Where proposed transmission lines may parallel highway rights-of-way and there is an existing railroad right-of-way adjacent to the highway, there may not be enough room for construction of the transmission lines outside of the clear zones for both the railroad and the highway. For highways, the clear zone is an unobstructed, relatively flat area that extends out from the traveled lane to give drivers who run off the road a safe place to stop or to regain control of the vehicle. This area must be free from obstructions or other hazards. The railroads may have concerns with overhead crossings in their right of way, gate clearances, foundations, and electrical buildup on the rails. Railroads that could be affected should be part of the discussions to identify impacts of the proposed routes. Mn/DOT can provide contact information if requested.

Mn/DOT recommends that the Minnesota Comprehensive Statewide Freight and Passenger Rail Plan Final Report be consulted when preparing the EIS. A copy of the Statewide Rail Plan Final Report can be found at <http://www.dot.state.mn.us/planning/railplan/finalreport/MNRailPlanFinalReportFeb2010.pdf>. Specifically, the Plan includes discussion of the initial planning underway regarding a possible high speed passenger rail line between the Twin Cities and Rochester. Highway rights-of-ways may serve as corridor(s) for future electrified high speed passenger rail service. New rail alignments would share similar concerns similar to those of freight railroads related to electromagnetic interference with signals and switches that would need to be studied.

## **B. Airports**

The proposed transmission line routes have the potential to negatively affect airport operations, navigational equipment, and land uses around airports. The Commissioner of Transportation has general supervision over the statewide system of airports in the state. He must assist political subdivisions, cooperate with federal authorities and promote and protect the utility of all Minnesota public airports and the public investment in them as outlined in Minn. Stat. Ch. 360. Section 360.063 requires the Commissioner to prescribe airport approach and turning standards and authorizes the Commissioner to indicate circumstances in which structures would be airport hazards.

The routes proposed may be in proximity to public airports. Due to the proximity of an airport, a Notice of Proposed Construction or Alteration to the Federal Aviation Administration will be required. Please review the criteria for which notice must be made at the FAA Website - <http://forms.faa.gov/forms/faa7460-1.pdf>. A "Determination of Hazard" or "No Hazard" from the FAA is not a permit to construct. Independent of the determination, permits from the local airport zoning authority are required. All public airports within five miles of the project must be notified and given an opportunity to comment on compatibility of transmission lines with airport operations and land use compatibility.

The Mn/DOT Office of Aeronautics establishes, operates and maintains electronic navigation aids to augment the federal system in Minnesota. The Very High Frequency Omnidirectional Radio Range (VOR) system must be protected. The FAA or Mn/DOT Office of Aeronautics must be notified to evaluate potential impacts of the proposed routes within five miles of a VOR.

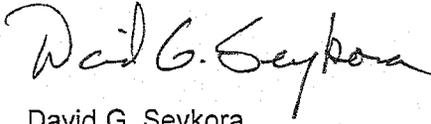
## **C. Trails**

The proposed transmission line routes may impact the Douglas State Trail between Pine Island and northwest Rochester. Mn/DOT understands that some community officials have suggested studying the potential of using the trail corridor at some time in the future for light rail transit purposes. The EIS should include consideration of the impact a HVTL may have on such plans for future use of trails.

The EIS should include evaluation of all of the issues described above as part of its assessment of the environmental impacts of each proposed route. As the selection of the final route is made, in all locations where the route will cross or run parallel to a trunk highway it is imperative that the designated route be sufficiently wide so that Mn/DOT and the applicant can address the circumstances at each location and determine a specific alignment that can be permitted consistent with these considerations.

Mn/DOT has a continuing interest in working with the OES to ensure that possible impacts to highways, airports, waterways, rail lines and the environmentally significant areas of highway right of way are adequately addressed. We appreciate the opportunity to provide these comments. Please feel free to contact me if you have any questions regarding the information provided.

Sincerely,



David G. Seykora  
Office of the Chief Counsel

Enclosures

Attachments 1, 2 and 3

MN Great River Road – MN Map: (See Great River Road )

Federal Regulations (See Code of Federal Regulations )

2009 MN Statutes Ch. 161. (See MN Statute 161.45 and MN Statute 161.46 )

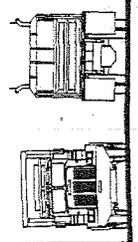
Mn/DOT Accommodation Policy (See Mn/DOT Accommodation Policy )

Minnesota Comprehensive Statewide Freight and Passenger Rail Plan Final Report (See State Rail Plan )

cc: Commissioner Tom Sorel  
Khani Sahebjam  
Derrell Turner– FHWA, Minnesota Division Administrator  
Rima Kawas  
Patrick Robben  
James Pearson  
Deborah Pile – OES

R/W

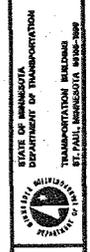
13.5



**Note:**  
 When a MnDOT plow has the dump up for sanding the height can be up to 18 feet.

R/W

Typical Cross Section



STATE OF MINNESOTA  
 DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION BUILDING  
 ST. PAUL, MINNESOTA 55155-5000

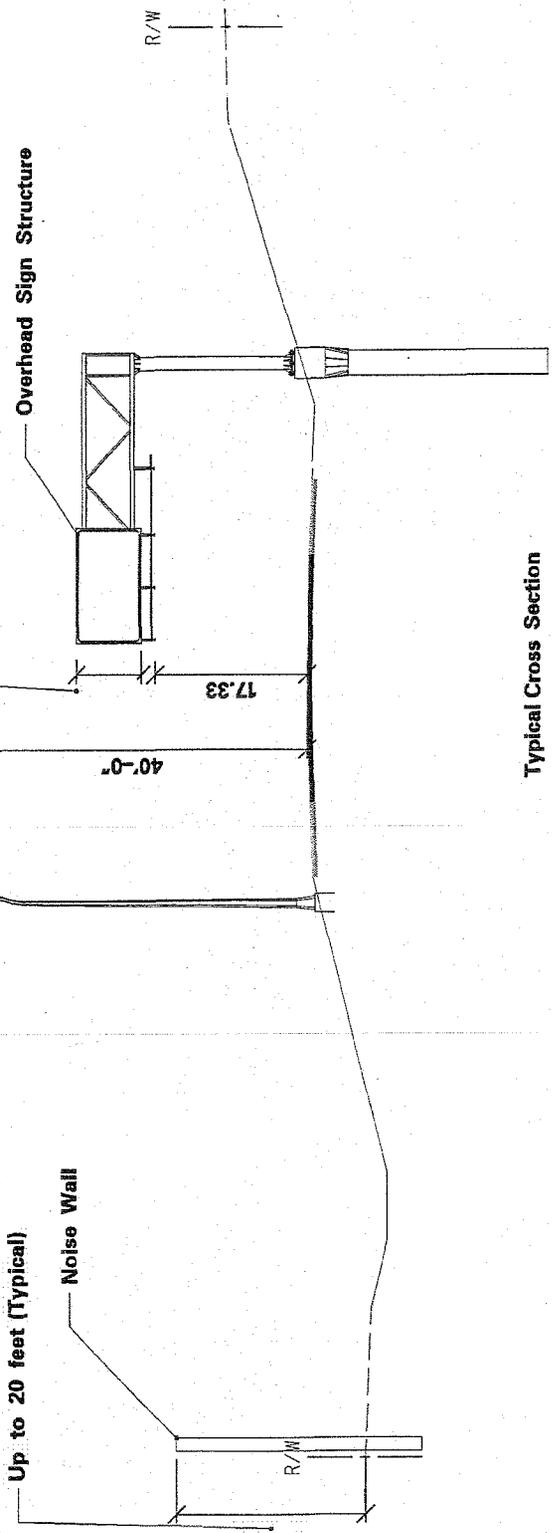
Vehicles

Overhead Freeway 40ft Light (Typical)

Top of OH Sign  
up to 30.5 feet max.

Up to 20 feet (Typical)

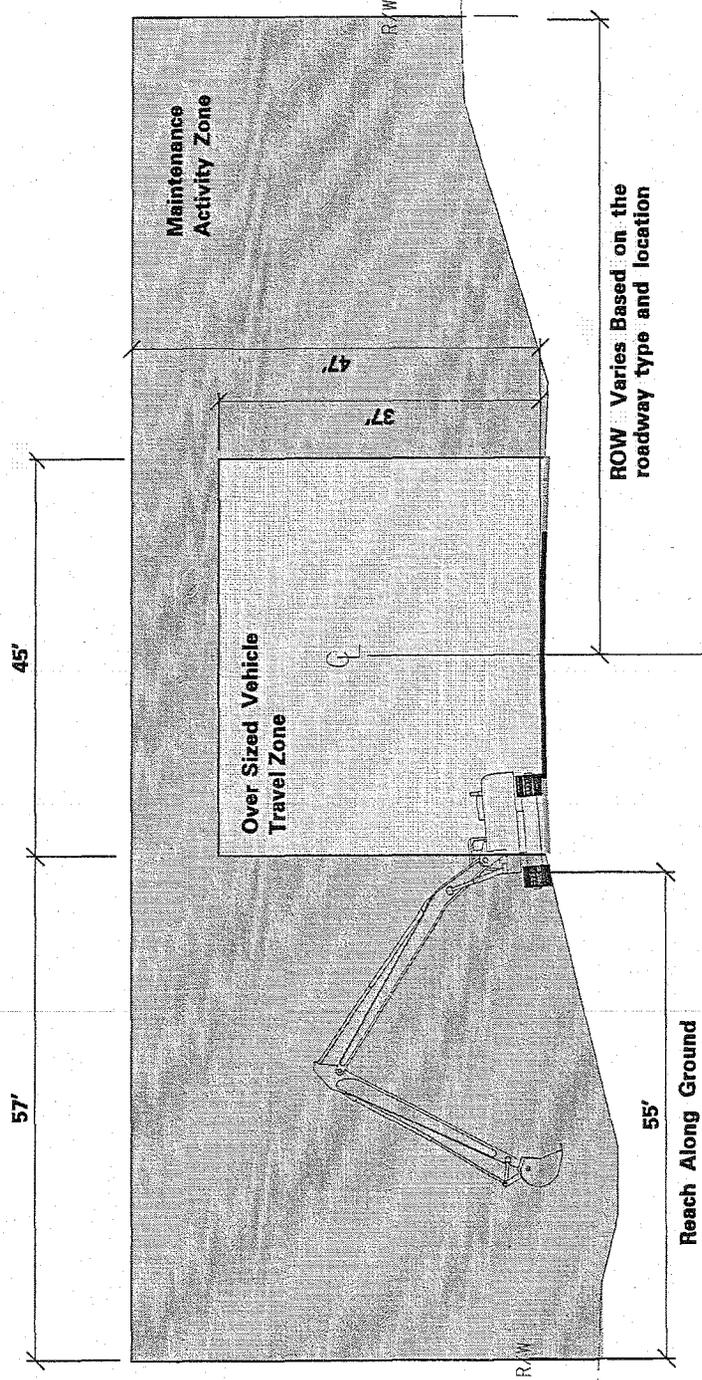
Noise Wall



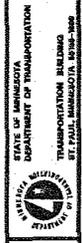
Typical Cross Section



**Note:**  
 All Zones vary based  
 on roadway types  
 and locations



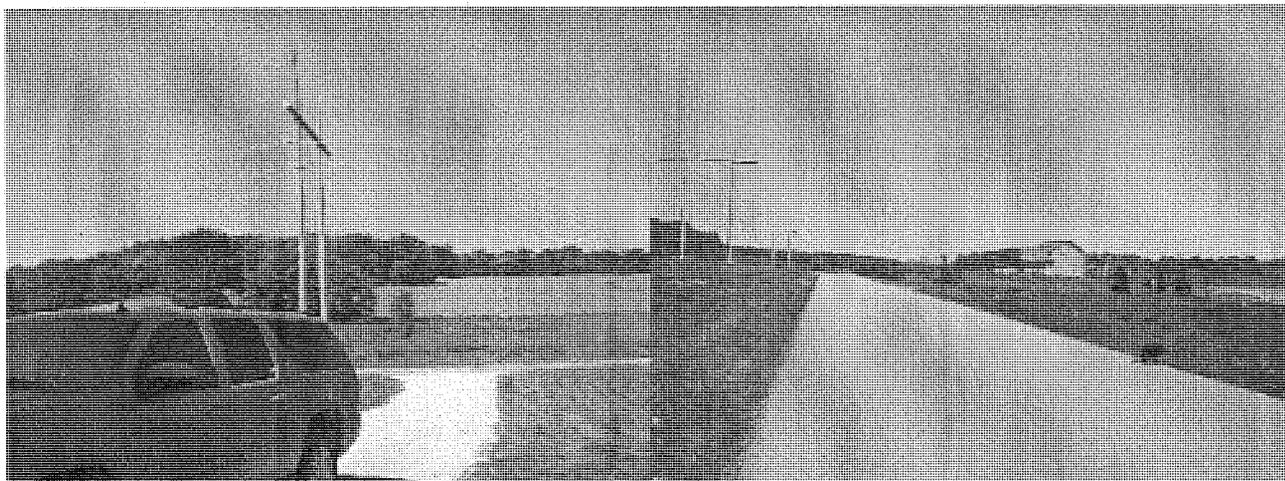
Typical Cross Section





**Langan, Matthew (COMM)**

**From:** Heidi [hjsmith@pitel.net]  
**Sent:** Wednesday, May 19, 2010 11:28 AM  
**To:** Langan, Matthew (COMM)  
**Cc:** Dirk Smith  
**Subject:** Fwd: PUC Docket Number E002/TL-09-1448



Mr. Langan,

This e-mail is in regard to the proposed routing of high voltage power lines per docket number TL-09-1448. My name is Dirk Smith and my wife's name is Heidi Smith. We live at 1340 Slalom Ball Lane SW, Pine Island, MN and have been property owners at this location for approximately 5 years. We are in New Haven Township, in Section 6 on Map 17 of the CapX2020 proposed routes.

We live within 300 feet of the alternate proposed route for the 161kV line that runs between Zumbrota/Pine Island and Rochester. We currently have a 345kV line near the front of our house which was in place when we bought the property and built our house. The line was originally run on wooden H-frame

5/19/2010

structures which were replaced with newer metal H-frame structures.

We understand that if the alternate route is chosen for the 161kV line, that the lines would not be run on the existing structure but on an additional single pole structures.

Our property is part of a residential development that is based around a small, man-made recreational lake. The lake is used for boating, fishing and other recreation and the area includes wetlands that provide habitat for geese, ducks, turtles, fish, fox and many other wildlife. We also have visits from swans, loons, heron, American pelicans and bald eagles on occasion. As noted, our house is within 300 feet of the alternate route and our lot is entirely within the 1000 foot area identified as potential routing area for the line. In addition, the property of several neighbors and common area of homeowners association is also within the 1000 foot boundary. Because of the design of our community and particularly the lake, property values are significantly higher than in neighboring areas. Most lots in our association range from 2 to 6 acres and have sold for \$150,000 to \$200,000.

The concern that we'd like to express is that the addition of the proposed 161kV line is in close vicinity to our house and other's properties and will have a significant negative effect on our property values, due to the addition of the second line build on additional structures. In particular, any structures that would be required on our lot or lines run directly over our lot would have a very significant negative impact on our property.

We have included a few pictures of our house and the proximity to the existing 345 kV line. Certainly, any additional lines and/or structures between our house and the existing line would be very unfortunate for us personally and would also have a negative impact our neighbors and homeowners association. We believe running the line west of the existing 345 kV line would also have a negative impact on our property, but significantly less impact.

From our viewpoint, we would strongly encourage running the 161kV line on the preferred route.

If the alternate route is selected, could the 161 kV line be run on the existing H-frame structure that is used for the existing 345kV line? If not, could a new structure replace the existing that could support both the 345kV and 161kV lines? What would the cost of combining the two lines onto one structure be, compared with the cost to run the 161kV line on new structures? Also, what is the size of the structures for the 161kV line, both if build as a separate structure and if combined with the 345kV line?

Thank you for addressing questions and considering our input and concerns. Please contact us if you'd like any clarification on any of the items in this e-mail.

Sincerely,

Dirk and Heidi Smith  
1340 Slalom Ball Ln SW  
Pine Island, MN 55963  
507-356-2711

## Langan, Matthew (COMM)

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**From:** Heidi [hjsmith@pitel.net]  
**Sent:** Thursday, May 20, 2010 2:08 PM  
**To:** Langan, Matthew (COMM)  
**Cc:** Dirk Smith  
**Subject:** CapX2020

This is a follow up e-mail to the one we sent previously. On Wednesday May 19th Xcel Energy answered my reply with map showing me a location in Rochester that had 161 lines. I viewed those last night and would still like to express my concern at have two separate lines in this area. The poles are fine in a business area, but not for rural homesteads. Having two sets of power lines will drop our property value (which is high due to the lake), ruin our aesthetic value even more ( the larger towers were placed soon after we moved in) and detract from the wild life. Last year we found a blue heron dead under the existing line.

Again we would prefer the other proposed route.

Thank you for hearing our concerns.

Dirk and Heidi Smith  
1340 Slalom Ball Ln SW  
Pine Island, MN 55963  
(507)356-2711

Section 6  
New Haven Township

**Langan, Matthew (COMM)**

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**From:** Rod Sommerfield [sommerfieldr@sleepyeyetel.net]  
**Sent:** Wednesday, May 12, 2010 2:25 PM  
**To:** Langan, Matthew (COMM)  
**Subject:** DOCKET:E002/TL-09-1448 CAPX2020 HV TRANSMISSION LINE

My name is Roderick Sommerfield. I live on a farm 2 miles South of Mazeppa MN. at 48718 240th ave. with my wife Gail, son Rick and daughter Erica. We are on the Northern alternate route of the proposed 345kv transmission line running East from US. HWY 52 to Alma Wis. The maps show the line cutting through our farm in sec.18 of Mazeppa township Wabasha Co. 1/4 mile North of our buildings on the South side of 595 street. I am the 3rd generation Sommerfield on this land and my son Rick hopes to be the 4th. My Grandfather purchased the first parcel where we live in 1892. The Farm is currently 413 acres and engaged mostly in crop production Strip-till corn and No-till soybeans.

My neighbors have ask that I write a letter telling you my concerns, and to be part of the EIS Scoping procedure, believing it will make a difference. My feeling was that the Power Companies will get whatever they want, being like a spoiled only child always getting their way and never learning to be responsible for their actions.

My first concern is that these Power lines are not really needed! Whenever I get the chance I like to go to Wyoming's Cheyenne River Basin to shoot. I am very familiar with all the over-loaded coal trains out there. I believe this project is as much to do with needed electricity for consumers here to the East, as the Big Bank Bail-outs had to do with ordinary citizens not losing their homes. Our Government fails to recognize the difference between money borrowed to increase productivity, and taking on debt just to consume imported goods. After the events of 2008 it seemed our paradigms had changed. we were going to put what was best for the many ahead of wealth for a few. The only beneficiaries of the Bank bail-outs were the banks, who used the money to buy-up then cheap oil to be held off the market till the price matches their greed. Touted to be green the only policy change has led more oil drilling access and coal markets. Our Government and our people continue to dig an ever deeper hole to China. We continue to borrowing back the profits from their sales to us, once they realize we lack the productivity to service this debt, they will take back their credit and their goods for themselves. For a long time I've said that the best thing that happened for American Capitalism after WW II was for Chinese self sacrificing work ethic to be suppressed by Communism. Now that the Chinese Communist Central Control Government have embraced Capitalistic ideals to grow their economy. A US. economy based on individual greed can not compete. The US. government will no longer be able to keep inflation under control by devaluing the dollar to increase the money supply. We will have double digit interest rates, and it will take a truckload of dollars to buy anything. We will finally learn to conserve energy as hardly anyone will have the assets necessary to leave on the lights.

I must confess to not be very knowledgeable about the effects these lines might have on our lives, since until recently I believed resistance was futile. If the line should stay in the township road right-away the loss of farmable acreage should be minimal for us. I do hope the Line planners

will meet with us and take input to minimize impact before final tower placement is set . One potential problem I just learned about is that these lines could affect cell-phone and GPS service. Because we farm in a way that leaves all the crop residue on the surface to buildup year after year conventional markers to track where you need to drive don't work. We have taken off the markers and replace them with a Autosteer system that corrects the GPS signal by cell modem to the MN.DOT. computer in ST Paul. This is not cheap but the benefits of striptill/notill are to important to us to give up! Compared to our past conservation tillage system used by most farms we have cut our fuel use by at least half, we now use less than 3 gal of fuel to produce an acre of soybeans and less than 4 gal to produce an acre of corn. All while maintaining or increasing yields, and getting better use of the Nitrogen we put on. By not incorporating the residue the N isn't used by microbes to break it down and release carbon.(Carbon Sequestering) By not inverting and mixing our top soil the top 2" of soil returns to more natural organic mater levels. This soil is high in cations and does not go into suspension. The dust doesn't blow, the rain strikes residue instead of exposed soil and the nightcrawler population greatly increases taking over the job of tillage moving air water and nutrients into the soil. When it rains unless it is a deluge nothing runs-off. Instead it ponds clear where it falls, soaks into the residue and follows the worm channels into the ground. Plant roots follow these pathways deep into the soil. When we do root diggings in August we have had roots 5 ft. deep slide out of these worm pathways. with stronger larger roots we harvest deeper nutrients and can leave standing corn late into the Winter without field loss reducing drying cost significantly. No one believes how we can go out in the field a couple hours after a heavy rain because the ground is firm and won't stick to tires.

There is much about this Power line I don't know. Some of my neighbors say the map shows the line running almost above their home. I know that East of my property the lines are shown running through the middle of fields and crossing an existing pipeline near where it was struck by a tiling rig causing a spill some years ago. The terrain to the East is rugged with deep valleys running into the North Zumbro and the land covered with trees. Most of my neighbors to the East along this route are not farmers, they moved here to be close to nature and enjoy the scenery, trees and wildlife. Some have hopes to sell part of their property to others with similar interests. Many speak as though running the line here dashes many of their dreams.

I am not sure how or if the Power lines effect wildlife but I am responsible as anyone in the area for its abundance. Most of my career I produced pork and beef with the help of three full time people, after economics force me out I turned much of my pasture area into wildlife habitat. It is not unusual for there to be 100 pheasants, 50 deer and many winter birds feeding in the protected areas just East of my buildings. Good intentions can have unforeseen consequences as many deer coming and leaving my property have been hit by cars. The winter snow can be littered with red cardinal feathers as food plots planted for song birds must be by brushy cover as small birds attract the kites that hunt them. In the Summer Peregrine falcons have turned the farm into their hunting grounds, pheasants partridges even the pigeons will be all gone.

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One of the criteria I keep hearing is using existing right-of ways and infrastructure to reduce cost and minimize infringement. On this point I think one route does stand out over the rest and that is the one over the Rochester Power Dam. It is at a very narrow part of the valley where supporting structures could be place high above the river. It is already Utility property used for this purpose and as part of the grid provides power from a source that already exists and emits no pollution. The Power Dam already feeds electricity to Rochester. Might the new feed to Rochester follow this same corridor and the sub-station proposed between Zumbrota and Pine Island be here on Utility property? ( If the utility Companies feel this option saves to much money? Maybe they would like to make a donation to the Lake Zumbro Restoration Effort?)

THANK YOU

Rod Sommerfield

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**UNFORGETTABLE!**

I can not suggest that you should not put the line through my fields, but instead give the problem to someone else. I have friends affected by all three of the routes crossing the main Zumbro. But it is the crossing itself that leads me to believe this Northern route is not a good choice. Crossing the river below the Dam puts at least one supporting structure in a Flood prone area. Having fished and floated the Zumbro all my life I've learned this river is unpredictable and constantly changing . I see no way to predict or control what can happen in a flood. Nothing will stand up to the raging river.

How long would it take to repair a line washed away by the flood? For a long time we have been trying to get Xcel to bring new lines on to our property. I was supported in this effort by their linemen who came out to fix my many outages as the mile and a half mile line running into my place from the southeast was built in 1946. They said my old line was hard to service being inaccessible and on steep slopes through my pasture. Last Fall after migrating birds jumped the wires electrocuting some of them, leaving them hanging upside down we lost power 3 times in one week. The last Line man to restore power said we tripped a condition where Xcel would have to fix the problem. A month or so latter the line-planner from Red Wing who we had worked with before trying to get a new line put in from the North showed up and said Xcel had relented and would run a new line after the first of the year to move it into the next budget. The point I want to make is I've spent quit a bit of time helping the linemen and the planner and none of them thought much of running lines through steep inaccessible areas such as those existing for miles on either side of the Northern proposed Zumbro crossing.

One of the criteria I keep hearing is using existing right-of ways and infrastructure to reduce cost and minimize infringement. On this point I think one route does stand out over the rest and that is the one over the Rochester Power Dam. It is at a very narrow part of the valley where supporting structures could be place high above the river. It is already Utility property used for this purpose and as part of the grid provides power from a source that already exists and emits no pollution. The Power Dam already feeds electricity to Rochester. Might the new feed to Rochester follow this same corridor and the sub-station proposed between Zumbrota and Pine Island be here on Utility property? ( If the utility Companies feel this option saves to much money? Maybe they would like to make a donation to the Lake Zumbro Restoration Effort?)

THANK YOU

Rod Sommerfield