

COMMENT FORM

Public Scoping Meetings

We need your input. Please take a few minutes to provide your comments or questions for the USDA RUS Federal Environmental Impact Statement process and return your completed form today or mail by June 29, 2009. Your comments help in the planning and implementation of the project. **Thank you.**

Completing this form will automatically add you to our mailing list. If you prefer to not be on the mailing list, please check the box below.

I do not wish to be on the project mailing list

Which meeting did you attend? _____

Please check the following issues that are important to you for transmission line siting.

- Project Purpose and Need
- Visual / Aesthetic resources
- Proximity to residences
- Land use (agriculture, residential, recreation)
- Water resources (floodplains, river crossings)
- Biological resources (wildlife habitat, raptors)
- Historic and cultural sites
- Radio or television interference
- Noise
- Health and safety
- Other: _____

What additional key issues should be addressed when assessing the potential impacts of this project?

If you own property in one of the proposed corridors, please indicate all the existing uses of your property below:

- Agriculture Residential Conservation Easement
 Commercial Industrial Other: _____

Please describe any special uses or circumstances on your property that should be considered when assessing the Project. Please indicate the location of your property.

Hwy 35 between Winona^{MN} and Fountain City WI

In your opinion, what are the most sensitive resources (biological, cultural, recreational, ect.) in the Project area and why?

- N-001-005 | The effects on ~~the~~ wildlife concern me greatly, especially if the lines go across the wildlife refuge. These high power lines are bad anywhere for birds and other wild life but especially in sensitive areas.
- N-001-006 | I'm concerned about the health effects on people when the lines are close to their houses and on the aesthetics of having those huge lines running down the river valley. It will greatly devalue any property that it runs near
- N-001-007 |
- N-001-008 |

In your opinion, was the project description, purpose, and need for the project adequately explained? If not, what additional information is needed?

(From South Dakota!)

N-001-001

No, I don't think the project managers are being truthful, the lines are being built to run to Chicago and it seems ridiculous to be doing that in this time when we could be looking at more localized sources of power, so we're not so dependent on a huge grid.

We should be steering away from using coal and these lines would lock us into dependence

N-001-002

on coal and adding to greenhouse gases. Capx does not seem to take into consideration that

N-001-003

global warming is a real problem and that energy use is actually going down by the average consumer. The presence of those lines would be a green light for people to use all the energy they want, thinking there's plenty and there's no problem.

N-001-004

The excuse of adding the possibility of wind power onto the lines does not make environmentalists feel better about the project, it's like capx is throwing us a bone. Please tell us how to reach you.

CONTACT INFORMATION

Name: Julia Crozier

Representing (Optional): Mississippi River Revival

Mailing Address: W528 St. Rd 35

City: Fountain City State: WI Zip Code: 54629

Daytime Phone (Optional): 507-2474-6879

Public participation for the Federal, Minnesota, and Wisconsin permitting processes will be ongoing for the Hampton-Rochester-La Crosse 345 kV Transmission Project. If you sign up for the mailing list, you will be notified when opportunities to participate are being planned.

Please plan to continue your involvement in the process and provide your comments. We appreciate your input.

N-001-001

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at: <http://www.usda.gov/rus/water/ees/eis.htm>.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

N-001-002

Your comment has been noted. Cumulative Impacts will be addressed in the Draft Environmental Impact Statement.

N-001-003

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.

N-001-004

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.

N-001-005

Your comment has been noted. Potential impacts to wildlife will be addressed in the Draft Environmental Impact Statement.

N-001-006

Your comment has been noted. Potential impacts to human and livestock health and safety will be addressed in the Draft Environmental Impact Statement.

N-001-007

Your comment has been noted. Potential impacts to the aesthetic quality of the areas surrounding the transmission line will be addressed in the Draft Environmental Impact Statement.

N-001-008

Your comment has been noted. Socioeconomic impacts to property values affected by the transmission line will be addressed in the Draft Environmental Impact Statement.

Kessler, Ellen

From: Strength, Stephanie - Washington, DC [Stephanie.Strength@wdc.usda.gov]
Sent: Tuesday, July 28, 2009 8:06 AM
To: Collins, Carly; Lilley, Bliss
Subject: FW: Citizens Energy Task Force Comments on USDA Rural Utilities Service EIS Scoping for CapX2020 La Crosse Project
Attachments: CETFCmt.LaCrosseProject.RUSEISScope7-23-09.pdf

FYI

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

From: Paula Maccabee [mailto:pmaccabee@visi.com]
Sent: Thursday, July 23, 2009 6:24 PM
To: Strength, Stephanie - Washington, DC
Cc: UpperMississippiRiver@fws.gov
Subject: Citizens Energy Task Force Comments on USDA Rural Utilities Service EIS Scoping for CapX2020 La Crosse Project

Stephanie A. Strength
Environmental Protection Specialist/RD
1400 Independence Ave. SW Room # 2244
Washington, DC 20250-1571
stephanie.strength@usda.gov

RE: Citizens Energy Task Force Comments on USDA Rural Utilities Service EIS Scoping for CapX2020 La Crosse Project

Dear Ms.Strength:

Attached, please find the comments of Citizens Energy Task Force pertaining to the USDA Rural Utilities Service Environmental Impact Statement for the CapX2020 La Crosse Project high voltage power lines.

We would greatly appreciate a return email to confirm your receipt of these comments.

Sincerely yours,

Paula Maccabee, Esq.
Counsel for Citizens Energy Task Force
1961 Selby Ave.
St. Paul MN 55104
phone: 651-646-8890
fax: 651-646-5754
Cell: 651-775-7128
e-mail: pmaccabee@visi.com

cc: Rick Frietsche, Acting Manager
United States Department of the Interior Fish and Wildlife Service
Upper Mississippi River National Wildlife and Fish Refuge
51 E. Fourth Street - Room 101

Winona, Minnesota 55987
UpperMississippiRiver@fws.gov



Paula Goodman Maccabee, Esq.

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July 23, 2009

Stephanie A. Strength
Environmental Protection Specialist/RD
1400 Independence Ave. SW Room # 2244
Washington, DC 20250-1571
stephanie.strength@usda.gov

RE: USDA Rural Utilities Service EIS Scoping for the CapX2020 La Crosse Project

Dear Ms. Strength:

I represent Citizens Energy Task Force (“CETF”), a grassroots organization dedicated to fostering an energy future based on renewable energy, dispersed local energy sources, conservation, and efficient use and sizing of transmission improvements to reduce the adverse environmental, human and socioeconomic impacts of high voltage power lines. This letter provides our comments on the scope of the Environmental Impact Statement (“EIS”) for the CapX2020 La Crosse Project.

We understand that this EIS will be used to evaluate whether the United States Department of Agriculture Rural Utilities Service (“RUS”) should provide or reject financing of the 11 percent ownership share that Dairyland Power Corporation (“Dairyland”) has in the proposed CapX2020 La Crosse Project, including an ultra high voltage 345 kV power line from the Twin Cities Area in Minnesota to the La Crosse Area in Wisconsin. Although neither the Alternative Evaluation Study (“AES”) nor the Macro-Corridor Study (“MCS”) for the Project specified the level of financing requested, since the project cost is from \$380-430 million in 2007 dollars (AES, 1-7), requested RUS financing could exceed \$50 million.

We also understand that this EIS will be used to evaluate whether the United States Fish and Wildlife Service (“USFWS”) should issue or deny a Special Use Permit for crossing the Upper Mississippi River National Wildlife and Fish Refuge, given that any routing of the proposed 345 kV power line crossing the National Wildlife Refuge would require expansion of existing right-of-way width to be viable. The USFWS will participate as a cooperating agency in the National Environmental Policy Act (“NEPA”) review of the Proposal and is copied on this letter.

CETF has been a party to Minnesota Certificate of Need proceedings pertaining to the CapX2020 power lines, including the La Crosse Project.¹ These comments rely on evidence disclosed in the MN/CON hearings and evidence newly-discovered after trial pertaining to the La Crosse Project as well as the filings made by Dairyland to the RUS. CETF has the following concerns and comments regarding the scope of the EIS for the La Crosse Project Proposal:

¹ *In the Matter of the Application of Great River Energy, Northern States Power Company (d/b/a Xcel Energy) and others for Certificates of Need for the Cap X 345-kV Transmission Projects*, PUC Docket No. CN-06-1115 (“MN/CON Proceeding”).

- N-002-001** | 1. The Proposal described in the AES and the MCS may not fall within the mission and authority applicable to RUS financing. The EIS should examine in detail whether the primary purpose of the La Crosse Project is to serve private power suppliers or consumers who are not Rural Electrification Act beneficiaries.
- N-002-002** | 2. There is no engineering study that demonstrates the need for the La Crosse Project for regional reliability through 2020 given actual declines in peak demand for electricity and reasonable forecasts based on actual 2008 demand. The EIS should independently evaluate all load forecasts pertaining to claimed need for the Project in keeping with RUS regulations.
- N-002-003** | 3. There are reasonable alternatives to the Proposal described in the AES, the MCS and their Appendices. The EIS should evaluate alternatives identified in these Comments, including specific local generation and 161 kV transmission improvements that avoid impacts on the National Wildlife Refuge and other protected natural resources while providing local community reliability.
4. The MCS appears to review Minnesota and Federal rules and policies protecting national parks and wildlife areas as considerations only for routing. The EIS should explicitly consider selection of reasonable alternatives to the La Crosse Project, once conflicts with these rules and policies have been identified.
5. Neither the AES nor the MCS describe the Proposal in sufficient detail for members of the public or decision-makers to understand the nature of the La Crosse Project. The EIS should provide detailed information and illustration regarding the size, configuration and characteristics of the Project.
- N-002-004** | 6. Neither the AES nor the MCS describe the adverse impacts of the Proposal on the natural and human environment, including socioeconomic impacts. The EIS must analyze the adverse impacts of the CapX2020 La Crosse Project on the natural and human environment, including potential health and socioeconomic impacts.

CETF's concerns and requests for information and analysis in the EIS before either a USDA RUS federal financing subsidy or a USFWS Special Use Permit are granted for the La Crosse Project are detailed below.

1. **Analysis of the CapX2020 La Crosse Project primary purpose as compared with RUS financing authority to serve Rural Electrification Act beneficiaries.**

The claimed need for the La Crosse Project Proposal is to maintain reliable community service, improve regional electric system reliability and support generation development. (AES, 1-1). The regional demand asserted is to "meet several thousand megawatts ("MW") of additional demand for electric power anticipated in Minnesota, Wisconsin and parts of surrounding states between the years 2009 and 2020." (AES, 1-3).

The claim that the Proposal would support renewable generation in southeastern Minnesota (AES, 1-3) is neither specific nor supported by the record in the MN/CON Proceedings. In the Certificate of Need Proceedings, the Minnesota Office of Energy Security expert witness concluded, "The Applicants did not make a firm claim that they were going to get generation outlet due to the project." (MN/CON, Tr. V. 25, p. 68 ll.16-19 (Rakow)). No number for generation outlet capacity resulting from the La Crosse Project was identified in the CapX2020 filings or testimony, the AES, the MCS or the Southeastern Minnesota – Southwestern Wisconsin Reliability Enhancement Study of March 13, 2006 ("SE MN/SW WI

~~http://www.usda.gov/rus/water/ees/eis.htm~~
Full Public Draft Environmental Impact Statement on

N-002-002

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at:

<http://www.usda.gov/rus/water/ees/eis.htm>.

N-002-003

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.

N-002-004

Your comment has been noted. Potential impacts to social and economic resources as well as wildlife and vegetation will be addressed in the Draft Environmental Impact Statement.

Study”) contained in AES Appendix (“ApX.”) A-2.

The community reliability need asserted in the AES is for the Rochester and Winona/La Crosse areas. The City of Rochester had a population of over 102,000 in 2007, according to the Minnesota State demographer, while its MSA population was estimated by the United States Census Bureau in 2007 as over 180,000. The population of La Crosse was 51,818 in the 2000 census. The urban population of Winona is estimated at 25,074 (all inside urban clusters) with a rural population of 1,652. (<http://www.city-data.com/housing/houses-Winona-Minnesota.html>).

N-002-005

It is questionable whether the needs asserted for the La Crosse Project fall within the authority of RUS financing. The Rural Electrification Act of 1936 provided federal funding for installation of electrical distribution systems to serve rural areas of the United States. At the time the act was passed, electricity was commonplace in cities, but largely unavailable in farms and other rural areas. When the USDA was reorganized in 1994, the Rural Electrification Administration became the Rural Utilities Service. In addition to helping rural areas obtain electric and phone service, RUS has helped more than 20,000 rural communities obtain modern water systems.

Statutes, rules and judicial precedent pertaining to the RUS limit the authority of the RUS to financing that improves electric service in rural areas and serves Rural Electrification Act (“RE Act”) beneficiaries. The Rural Electrification Act provides:

The Secretary of Agriculture. . . is authorized and empowered to make loans in the several States and Territories of the United States for rural electrification and for the purpose of furnishing and improving electric and telephone service in rural areas, as provided in this Act, and for the purpose of assisting electric borrowers to implement demand side management, energy efficiency and conservation programs, and on-grid and off-grid renewable energy systems. 7 U.S.C.S. §902, *see also* 7 U.S.C.S. §904.

Implementing regulations define an RE Act “beneficiary” as “ a person, business, or other entity that is located in a rural area.” 7 C.F.R. §1710.2. Loan funds may only be used for the purchase of an ownership interest in transmission facilities “to serve RE Act beneficiaries.” 7 C.F.R. §1710.106(a)(2)(ii). The Regulations clearly state “RUS will not make loans to finance . . . facilities to serve consumers who are not RE Act beneficiaries unless those facilities are necessary and incidental to providing or improving electrical service in rural areas.” 7 C.F.R. 1710.106(c)(2). This limit on RUS financing is explained in 7 C.F.R. §1710.104:

Service to Non-RE Act beneficiaries.

- (a) To the greatest extent practical, loans are limited to providing and improving electric facilities to serve consumers that are RE Act beneficiaries. When it is determined by the Administrator to be necessary in order to furnish or improve electric service in rural areas, loans may, under certain circumstances, be made to finance electric facilities to serve consumers that are not RE Act beneficiaries.
- (b) Loan funds may be approved for facilities to serve non-RE Act beneficiaries only if:
- (1) The primary purpose of the loan is to furnish or improve service for RE Act beneficiaries; and
 - (2) The use of loan funds to serve non-RE Act beneficiaries is necessary and incidental to the primary purpose of the loan.

N-002-006

As explained in the AES, the MCS and the thousands of pages of MN/CON Proceedings, the primary purpose of the La Crosse Project is to serve non-RE Act beneficiaries. To the extent

N-002-005

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at:
<http://www.usda.gov/rus/water/ees/eis.htm>.

Please refer to comment response N-002-001 regarding the RUS involvement process.

N-002-006

Your comment has been noted. Please refer to comment response N-002-001 regarding the RUS involvement process.

that any benefit may be realized by rural area consumers, that benefit is incidental to the primary purposes of the Proposal.

Any advantage or disadvantage that might accrue to Xcel Energy or other private power suppliers involved in the CapX2020 projects if a loan is denied by the RUS is outside the scope of concern for the RUS. As explained by the Eighth Circuit in *REA v. NSP*, 373 F.2d 686, 696 (8th Cir. 1967), *writ of certiorari denied* 387 U.S. 945 (1967), the federal program under the RE Act is specifically for the benefit of rural families to have modern and efficient electrical facilities; it is not to serve the interests of private power suppliers.

Dairyland is obligated under the CapX2020 Project Development Agreement with Xcel Energy and other utilities to facilitate the development of the CapX2020 projects, including granting or issuance of critical permits. (MN/CON Ex. 1, Apx. B-2 (Application), p. 9). However, Dairyland is authorized to withdraw from the CapX2020 Project any time before March 31, 2010 if, despite its commercially reasonable efforts, Dairyland has not secured RUS financing. (*Id.*, p. 13).

2. Analysis of regional need given declines in peak energy demand, conservation, reasonable load forecasts and applicable regulations.

N-002-007 | CETF believes that the asserted regional need for the CapX2020 power lines over a multi-state area, serving loads in far-flung large urban centers is outside the scope and authority of the RUS. Most of the customers and loads to be served by the CapX2020 projects are non-RE Act beneficiaries, rather than rural customers.

N-002-008 | In addition, given actual declines in peak demand for electricity, conservation requirements enacted in Minnesota in 2007, and reasonable forecasts based on demand, the projected demand load in 2020 falls below the lowest threshold justified in any CapX2020 engineering study. The EIS should scrutinize, based on RUS regulatory criteria, whether Dairyland has met the minimum requirements for methods, procedures, data and analysis required for forecasts by borrowers.

The primary analysis of regional need provided by Dairyland relies upon the Vision Plan developed by the CapX2020 prior to 2005. (AES 2-4, AES Apx. A-1, p. 1). The Vision Plan performed an engineering study of regional needs across Minnesota and neighboring states, based on an assumption that peak electric demand would grow 2.49 percent annually compounded from 2009 to 2020, thus increasing by 6,300 MW. (AES Apx. A-1, p. 5). The Vision Plan also performed a “slow growth” sensitivity analysis with a 4,500 MW increase between 2009 and 2020. The scaled down demand load forecasted under this model was projected in the Vision Plan to be 24,701 MW in 2020. (AES Apx. A-1, p. 28).

In the MN/CON Proceeding, the Administrative Law Judge (“ALJ”) emphasized this lower boundary for the CapX2020 engineering analysis in her Findings, each of which were adopted in the Order of the Minnesota Public Utilities Commission certifying the CapX2020 facilities. The ALJ relied on evidence available at the time of the hearing, which suggested regional load in 2020 would exceed this 24,701 MW threshold. “Each forecast in the record is at or above the 24,701 MW slow-growth forecast in the Vision Plan upon which the engineering analysis was conducted.” (MN/CON Proceeding, ALJ Report, Finding 179)

Since the MN/CON hearing concluded, Xcel Energy, which represents over 40 percent of the regional need identified by the CapX2020 utilities, has prepared up-to-date forecasts, admitted as evidence in other Minnesota administrative proceedings. Xcel’s current forecast modifies the data provided by Applicants in the MN/CON Proceeding and demonstrates that the 2020

N-002-007

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at:
<http://www.usda.gov/rus/water/ees/eis.htm>.

Please refer to comment response N-002-001 regarding the RUS involvement process.

N-002-008

Please refer to comment response N-002-001 regarding the RUS involvement process.

CapX2020 load will almost certainly fall below the lowest level for which an engineering study was done indicating that the La Crosse Project was needed for regional reliability.

The most recent forecast provided by Applicants for the MN/CON hearings was submitted in Ex. 51, a March 2008 response to discovery. In the median (medium) forecast in Ex. 51, the total load in the CapX2020 region was forecasted to be 25,708 MW in 2020, with a peak demand for Xcel Energy of 11,176 MW.

However, Xcel's most recent forecasts project a peak demand in 2020 of 9,896 MW, reducing 2020 load in the CapX2020 region by 1,280 MW.² This adjustment alone brings forecasted regional demand in 2020 to 24,428 MW -- below the threshold studied in the Vision Plan.

In addition, Applicants acknowledged that their Ex. 51 forecasts did not fully take into account the 2007 Minnesota 1.5 percent energy conservation policy enacted in Minn. Stat. §216B.2401. (MN/CON Proceedings, Tr. V. 4, p. 49 (Lacey)). Reduction of forecasts to reflect compliance with Minnesota's 1.5 percent conservation policy could reduce projected load in 2020 by another 1,000 MW.³

Figure 1 – Effect of Decline in Demand (Xcel) and Conservation on CapX2020 Regional Demand Load in 2020

	2009	2020
Xcel Median IRP Forecast (MN/CON Ex. 51)	9,881 MW	11,176 MW
Xcel Current Demand Forecast (PINGP Uprate/CON Ex. 146, 3/30/09)	9,399 MW	9,896 MW
Change in Xcel Demand -- Ex. 51 to Current Forecast	(482 MW)	(1,280 MW)
TOTAL CAPX2020 FORECASTS		
Lowest Vision Plan load studied		24,701 MW
2007 Median Resource Plan Forecast (MN/CON, Ex. 51)	21,789 MW	25,708 MW
Adjusted for Change (Xcel) Demand (Current 2009 Forecast)	21,307 MW	24,428 MW
Adjusted for Compliance with 2007 MN Conservation Law. (1,000 MW)		23,428 MW

² Ex. 146, Response to IR Request No. 40, *In the Matter of the Application of Northern States Power Company (d/b/a Xcel Energy) for a Certificate of Need for the Prairie Island Nuclear Generating Plant for an Extended Power Uprate*, MN PUC Docket CN-08-509 ("PINGP Uprate/CON")

³ The OES downward adjustment to their forecast base case from Integrated Resource Plan reduced load by 1370 MW by 2020 to comply with 1.5 percent conservation, MN/CON Proceedings ALJ Report, Attachment E. The 1,000 deduction in Figure 1 is a rough approximation of additional load reduction given demand reductions.

N-002-009

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at:
<http://www.usda.gov/rus/water/ees/eis.htm>.

N-002-009

- N-002-010** | Once 2020 forecasted need falls below levels studied in the Vision Plan, there is no basis to assume that the CapX2020 power lines, and the La Crosse Project in particular would be selected by an engineering analysis to support regional peak demand growth. CETF requests that, in the EIS for the Proposal, the RUS evaluate and take responsibility for the accuracy of all information used to assert a need for the Proposal, as required under 7 C.F.R. §1794.2(d).
- N-002-011** | The AES for the Proposal did not reference the criteria for approval of load forecasts under 7 C.F.R. §§1710.207, 1710.208, or 1710.209. It is not clear to CETF which of these sections of the regulations should apply to Dairyland in advancing a project owned by multiple utilities or whether the minimal requirements of the regulations have been met.
- N-002-012** | Under any section of these regulations, the borrower is required to consider and identify all loads on its system of RE Act beneficiaries and non-RE Act beneficiaries, which analysis has not been provided for the CapX2020 projects. The AES has not demonstrated that the CapX2020 forecasts considered all known relevant factors that influence energy consumption, developed an adequate supporting data base or considered a range of relevant assumptions, as required by 7 C.F.R. §1710.207, let alone the additional requirements for valid and verifiable analytical techniques and analysis of a reasonable range of alternative futures as required in 7 C.F.R. §1710.208. CETF requests that the EIS explain the RUS regulatory criteria for approval of load forecasts applicable to the Proposal and provide a thorough and independent review of all forecast data and assumptions.
- N-002-013** | In addition to analyzing the data required under RUS regulations, CETF requests that the EIS specifically analyze the degree to which the load forecast assumptions of the project proponents reflect load management and conservation. The AES states the “utilities’ consideration of load management is reflected in their forecasts of future load growth in the Rochester and La Crosse areas,” (AES 3-14) but does not say what percentage of energy savings is assumed in regional or local area forecasts or what strategies and megawatt impacts are proposed for peak load management.
- N-002-014** | The EIS should provide sufficient transparency so that members of the public can understand what level of conservation and load management is forecasted and whether the projections are in compliance with Minnesota statutes setting a policy of 1.5 percent energy savings. CETF would also request that the EIS contain a reasonable range of alternative conservation and load management futures, with attendant costs and reductions in peak electricity demand.

3. Reasonable alternatives to the Proposal that avoid and minimize impacts on the natural and human environment.

The community reliability needs identified in the AES and MCS are likely to be outside the scope of RUS financing authority, since they pertain primarily to non-RE Act beneficiaries who live in the cities of Rochester, La Crosse and Winona, not in rural areas. In addition, there are reasonable alternatives to the CapX2020 La Crosse Project to meet these community reliability needs.

Under NEPA, federal agencies are required to the fullest extent possible, to use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of federal actions on the quality of the environment. 40 C.F.R. §1500.2(e). The RUS considers a number of additional factors in its review of proposals under NEPA, including but not limited to the proposed action’s size and scope, state of the technology, economic considerations, legal and socioeconomic concerns, availability of resources, and the timeframe in which the identified need must be fulfilled. 7 C.F.R. §1794.12.

N-002-010

Please refer to comment response N-002-001 regarding the RUS involvement process.

N-002-011

Please refer to comment response N-002-001 regarding the RUS involvement process.

N-002-012

Please refer to comment response N-002-001 regarding the RUS involvement process.

N-002-013

Please refer to comment response N-002-001 regarding the RUS involvement process.

N-002-014

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.

N-002-015

The AES, MCS and their Appendices, along with data developed in the MN/CON Proceeding are sufficient to identify reasonable alternatives to the Proposal that will avoid or minimize adverse impacts on the quality of the environment, including avoiding impacts on the Upper Mississippi River National Wildlife and Fish Refuge and other protected natural resources. A combination of local transmission improvements and existing and planned local generation would provide local community reliability without new transmission lines crossing the Mississippi, without any new ultra high voltage 345 kV transmission, with fewer impacts on residents and land use and, most probably, at a lower cost than the Proposal. CETF requests that the EIS identify and assess these reasonable alternatives.

Local community need in the Rochester Area will be met by the RIGO transmission projects planned by Xcel Energy to comply with the Minnesota Renewable Energy Standards and by using existing and planned local generation. Several of the statements made in the AES and the MCS regarding the RIGO projects and local Rochester generation are misleading.

The AES creates an inference that the Proposal is needed, although the RIGO projects provide approximately 468 MW of capacity in the Rochester area, stating that the 468 MW of capacity is “assuming construction of the 345 kV line from the Twin Cities to La Crosse.” (AES 2-14). The inference that the 468 MW of capacity from RIGO depends on the Proposal is false. The RIGO study itself belies this inference:

The preferred alternative in this Study will alleviate certain limitations on the transmission system in the area to allow for additional generation in a wind-rich area of the State. If constructed, it is estimated that the transmission system would be able to serve approximately 65 MW of additional load for a total of 246 MW, a level that exceeds the current load in the areas. A project being planned by Dairyland will add further support. Dairyland intends to reconductor the Rochester-Adams 161 kV line to facilitate wind outlet. If the RIGO lines and the reconductor project were constructed, the transmission system would be able to reliably service approximately 468 MW in the Rochester area, a level expected to be reached in approximately 2018. One of the Group I projects, the 345 kV line from a new Hampton Corner Substation in southeastern Twin Cities to the La Crosse area, *will further enhance* the load serving ability of the system beyond the year 2040. (RIGO Study, AES Apx. A-6, pp. 16-17, emphasis added)

The AES also appears to suggest that local generation in the Rochester area will be decreasing through the 2020 time period. (AES 3-15). This, again, is misleading. Evidence regarding existing and planned generation resources collected in the MN/CON Proceeding verifies that by 2020 Rochester Public Utilities (“RPU”) plans to add 100 MW of natural gas combustion at the West Side CT, while retiring 78 MW of generation from Silver Lake Units #1, #2 and #3 and Cascade Creek #1, for a net gain of 22 MW of generation. (MN/CON Proceeding, Ex. 222, p. 11, (Response to IR No. 29 of OES), Tr. V. 22, pp. 19-22 (Shaw)).

The AES overstates the conclusions of the SE MN/SW WI Study regarding the “inadequacy” of the 161 kV options. (AES 3-2). The Study identified two alternatives that provide adequate service to the greater La Crosse area for the 2009 summer peak load projected as 527 MW plus an additional 50 MW. (SE MN/SW WI, AES Apx. A-2, pp. 67, 159). Although the Study questioned the duration of the solution provided by the recommended Alternative D, it also raised concerns about the 345 kV alternative:

There are numerous issues associated with the siting of any line, but especially a line from Rochester to the La Crosse area. This includes the availability of corridor sharing, routing a major line through the Mississippi bluff lands, routing a line across

N-002-015

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.

the Mississippi River and siting a major 345 kV substation a rapidly expanding area in the La Crosse area. (SE MN/SW WI Study, AES Apx. A-2, p. 114).

By citing conclusions reached under different forecasts of demand and combining reliability information under single loss conditions with deficits from multiple generation and transmission failures, the AES gives an inaccurate summary of the community reliability needs in the Rochester and La Crosse areas and the ability of transmission and generation with fewer adverse impacts to meet these needs.

The AES fails to explain the demand side management assumptions in its load forecasts and contains highly unrealistic assumptions for peak demand increases from 2008 to 2010. In the La Crosse area, for example, total load is projected to increase from actual demand of 435.34 MW in 2008 to 484.52 MW, an increase of more than 5.5 percent compounded in the next two years! (AES 2-24).

Figure 2 – Community Reliability Alternatives in the Rochester Area and Figure 3 – Community Reliability Alternatives in the La Crosse Area, provided below, demonstrate that even using the forecasts in the AES, local 161 kV transmission improvements with existing and planned generation can meet community reliability needs in both areas. Sources of information are provided parenthetically. Demand side management and forecasts more consistent with recent peak electricity trends would further extend the years during which forecasted demand will stay within critical load limits.

Figure 2 – Community Reliability Alternatives in the Rochester Area

	ACTUAL PEAK LOAD (AES 2-11)			FORECASTED (AES Apx.A.3)
	Load MW 2002	Load MW 2006	Load MW 2008	Load MW 2020 (2.27%/yr)
LA CROSSE PROJECT				
Rochester Substations	290.18	329.97	307.87	402.96
Rate Increase 2002-2008			0.99%	
	CRITICAL LOAD LEVEL (No La Crosse Project)			
Transmission Only (AES 2-11)	181			
Existing Transmission & Generation (AES 2-9)	362			
Transmission & Planned Generation (MN/CON Ex. 222)	384			
Transmission Only RIGO & Adams Reconductoring (RIGO Study, p.16)	468			
RIGO, Adams & Existing Generation (AES & RIGO Study)	649			

Figure 3 – Community Reliability Alternatives in the La Crosse Area

LA CROSSE PROJECT	ACTUAL PEAK LOAD (AES 2-23)			FORECASTED (AES Apx.A.4)
	Load MW	Load MW	Load MW	Load MW
	2002	2006	2008	2020
				(1.9%/yr)
La Crosse Substations	425.12	464.59	435.34	547.57
Rate increase 2002-2008			0.40%	
CRITICAL LOAD LEVEL (No La Crosse Project)				
Transmission Only (AES 2-24)	470			
Existing Transmission & Generation (French Island)(AES2-20)	610			
Transmission Only Alternative "D" (SE MN/SW WI Study, p. 159)	577			
Alt "D" & French Island (AES & SE MN/SW WI Study)	717			

For the Rochester area, the RIGO transmission improvements, with or without using existing generation, provide a feasible and prudent alternative to the Proposal. The most cost-effective options in the RIGO study, options 12 and 13, have costs per MW of generation support of less than \$100,000. The installed cost of RIGO options 12 and 13 combined are approximately \$32 million. (RIGO Study, AES Apx. A-6, pp. 14-15).

For the La Crosse area, either the use of existing transmission and French Island local generation or the Alternative "D" transmission improvements in the La Crosse 161 kV Load Serving Study provide reliability beyond 2020. The cost of the La Crosse Area 161 kV facilities, including capacitor additions, 161 kV lines and substation improvements was estimated at \$39.5 million in 2006. (SE MN/SW WI Study, AEP Apx. A-2, p. 145). Although there may be some inflation since then, several aspects of the project, including the capacitor upgrades and the Genoa-Coulee 161 kV upgrade have already been completed, (MN/CON, Ex. 11, p. 2 (Supp. Resp. to IR 16 of NAWO/ILSR)), thus reducing likely costs of this alternative.

For both the Rochester and the La Crosse area, there are specific and reasonable alternatives that meet local community reliability needs and do not require impairment of a National Wildlife Refuge and other protected natural resources. Conservation and load management would yet further extend the reliability provided by 161 kV transmission improvements along with local generation. Although not required in a NEPA analysis, it should be noted that the installed costs of the alternatives to the Proposal are substantially less than the \$380 to \$430 million costs of the CapX2020 La Crosse Project.

It is irrelevant under NEPA that the CapX2020 utilities have not filed a certificate of need for the RIGO projects. Not only is such a filing within their control -- they opened a Minnesota Public Utilities Commission docket for the project in 2008, CN-08-992 -- but regulations

N-002-016

implementing NEPA specifically provide that an EIS must identify reasonable alternatives not within the jurisdiction of the lead agency and the no-build alternative. 40 C.F.R. §1502.14(c). A critical function of the EIS for the La Crosse Project must be to examine and identify these specific reasonable alternatives that meet community reliability needs while avoiding and minimizing environmental harm of transmission facilities.

4. Minnesota and Federal laws protecting national parks and wildlife areas.

The MCS appears to view Minnesota and Federal rules and policies protecting national parks and wildlife areas as considerations only for routing, not as a potential basis for a decision that financing or permits should be denied, given the availability of reasonable alternatives to meet community reliability needs.

The MCS cites Minnesota law prohibiting transmission line routing through state or national parks or state scientific areas, "unless the transmission line would not materially damage or impair the purpose for which the area was designated and no feasible and prudent alternative exists." (Minn. R. 7849.5930, subp. 2). The MCS then states that these environmental features will be addressed during routing and that efforts were made to avoid federally protected areas including the Upper Mississippi National Wildlife and Fish Refuge, except where there are existing transmission line corridors. (MCS 5-8).

It is undisputed that all proposed routes for the La Crosse Project would require routing through the National Wildlife Refuge. Route selection is insufficient to address the prohibition in Minn. R. 7849.5930, subp. 2.

Correspondence from the USFWS to Xcel Energy on May 4, 2009 (MCS Apx. C) reflects concerns about new right-of-way crossing the Refuge:

Regulations and policy governing uses on national wildlife refuges prohibit new uses or projects which fragment habitat and such projects include roads, bridges, and powerlines. The one exception is for minor expansion of existing rights-of-way. "Minor" is not defined and left to the discretion of the refuge manager based on professional judgment taking into account refuge specific conditions and anticipated impacts.

Based on discussions with staff, a review of our regulations and policy, and a review of your preliminary right-of-way pole configurations, I do not believe the various options would involve a minor expansion of any of the existing rights-of-way. Most of the options involve a 75 percent or more expansion of right-of-way width to be viable. Therefore, I would have to recommend to our Regional Director (the deciding official on new or expanded right-of-way requests) that no expansion of existing right-of-way be granted and that any design option be restrained or confined to existing right-of-way width.

No reference is made in either the AES or the MCS to the possibility that an alternative project, rather than an alternative route will be required to avoid impairment of the National Wildlife Refuge and expansion of right-of-way.

The MCS briefly notes that a Special Use Permit may be required from the USFWS for the La Crosse Project to cross the National Wildlife Refuge. (MCS 1-3). However, the MCS neither discusses the standards for a USFWS permit nor the impacts on the Wildlife Refuge evidenced in communications with the USFWS and in the hearing record from the Minnesota Certificate of Need proceeding. This gap must be addressed in the EIS.

N-002-017

N-002-016

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.

N-002-017

Your comment has been noted. Potential impacts to wildlife and any necessary state or federal permits will be addressed in the Draft Environmental Impact Statement.

USFWS regulations preclude the granting of a right-of-way permit across National Wildlife Refuge lands unless there is a finding, based on sound professional judgment, that the use "will not interfere with or detract from the fulfillment of the National Wildlife System mission of the purposes of the national wildlife refuge." 50 C.F. R. 29.21.

Any applicant for a USFWS permit must include a detailed environmental analysis from which the USFWS can prepare an EIS in compliance with NEPA and other federal laws:

All applications filed pursuant to this subpart must include a detailed environmental analysis which shall include information concerning the impact of the proposed use of the environment including the impact on air and water quality; scenic and esthetic features; historic, architectural, archeological, and cultural features; wildlife, fish and marine life, etc. The analysis shall include sufficient data so as to enable the Service to prepare an environmental assessment and/or impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). 50 C.F. R. §29.21-2(a)(4).

N-002-018 | The AES and MCS documents, along with their Appendices, contain little if any information from which either the RUS, as lead agency or the USFWS, as a cooperating agency, could prepare an EIS in compliance with NEPA. As detailed in the remaining two sections of this Comment, this gap must be rectified in order to comply with Minnesota rules and Federal regulations regarding location and permitting of power lines as well as to meet NEPA requirements.

5. Detailed description of La Crosse Project characteristics.

N-002-019 | Neither the AES nor the MCS describe the Proposal in sufficient detail to permit members of the public to understand the nature of the La Crosse Project or for decision-makers to make informed decisions as to its impacts and alternatives. The EIS should provide detailed information and illustrations regarding the size, configuration and characteristics of the Project, including characteristics if segments of the Project are encased and buried. In order to provide this information, the RUS and USFWS may need to require Dairyland to supplement its current filings with a detailed environmental analysis of the Project.

Specifically, the EIS should provide at least the following information:

- Descriptions and photographs or illustrations to scale showing all structures that would be used to support double-circuited 345 kV Project power lines. If H-frame structures may be used to support the power lines in some areas, such as river or wetland crossings (AES 1-7), those locations should be identified and the size, appearance and distance between such H-frame structures should be specifically indicated.
- Computer-generated graphics showing the various power line structures imposed on views of the Mississippi River corridor are specifically requested in order to evaluate impacts on visual and scenic features of the corridor, including the National Wildlife Refuge and scenic roads on both the Minnesota and Wisconsin sides of the river.
- Descriptions and illustrations indicating the size and depth of foundations that would need to be constructed to support double-circuited 345 kV Project power lines, including the size of the footprint that would be disrupted during construction.

N-002-019

Your comment was received and has been noted. The Draft Environmental Impact Statement will describe, in detail, components and facilities associated with the proposed project.

The Draft Environmental Impact Statement will be available at:
<http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

N-002-019

- Descriptions and illustrations indicating the breadth and height of clearings of trees and other flora that would be maintained along the right-of-way for above ground Project power lines, along with specific information regarding right-of-way maintenance and preparation along river corridor and bluff lands.
- Descriptions and illustrations indicating the width and depth of areas that would be affected in order to encase and bury Project power lines under ground in areas of river crossings and National Wildlife Refuge areas.
- Projections of the level of audible noise from power lines and substations at various distances under dry and wet weather conditions, with clear references to the sources of such projections and any study data that supports the noise analysis.
- Projections of magnetic fields at the center line and at various distances from the Project power lines specifying the location and voltage of power lines for which projections are made, with clear references to sources and any study data that supports the projections of magnetic fields.
- Projections of electromagnetic fields at the center line and at various distances from the Project power lines specifying the assumptions made regarding current levels from which such projections are made, along with references to sources and any study data that supports the projections of magnetic fields.
- Descriptions and illustrations indicating existing and proposed expansions of right-of-way for any proposed Project route across the National Wildlife Refuge and other protected natural areas, indicating not only the width of the proposed expansion, but the topography, geology, plant and animal species, nests and habitats in the area where expanded right-of-way is proposed to be constructed.

7. Adverse impacts of La Crosse Project on natural and human environment, including direct and indirect adverse impacts and any irreversible or irretrievable commitment of resources.

Neither the AES, the MCS nor Appendices to these documents provide the information on adverse impacts to the environment or socioeconomic factors required under RUS or USFWS regulations, as described above. More critically, these documents provide little of the information needed to prepare an EIS in compliance with NEPA.

NEPA requires that an EIS discuss the environmental consequences of a proposed action and its alternatives to form the basis for a scientific and analytic comparison of alternatives to the proposal under 40 C.F. R. §1502.14. Specifically NEPA regulations require:

The discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. This section should not duplicate discussions in Sec. 1502.14. It shall include discussions of

- (a) Direct effects and their significance (Sec. 1508.8).
- (b) Indirect effects and their significance (Sec. 1508.8).

- (c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned. (See Sec. 1506.2(d).)
 - (d) The environmental effects of alternatives including the proposed action. The comparisons under Sec. 1502.14 will be based on this discussion.
 - (e) Energy requirements and conservation potential of various alternatives and mitigation measures.
 - (f) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.
 - (g) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.
 - (h) Means to mitigate adverse environmental impacts (if not fully covered under Sec. 1502.14(f)).
- 40 C.F.R. §1502.16.

N-002-020

In order to comply with these regulations, the EIS must contain a thorough and analytic review of how the characteristics of the La Crosse Project, described in detail, directly and indirectly affect the natural environment, the human environment and socioeconomic and cultural features and values. Additional information may be required of Dairyland and other CapX2020 project proponents in order to permit the EIS to be completed.

N-002-021

First, the EIS should provide analysis on direct and indirect effects of the Proposal on energy usage and air quality. The EIS should identify the nature of the energy sources that will be supported by the CapX2020 Projects, including coal and lignite coal from North and South Dakota, and describe the effects of such power generation on air quality and global warming. In conducting this analysis, the EIS should consider both the prevalence of coal projects in advance of wind energy in the Midwest ISO queue and the potential use of the CapX2020 power lines from the Dakotas through Minnesota to load centers in the east to circumvent Minnesota Greenhouse Gas statutes limiting the purchase of utilities of coal power without sequestration of carbon dioxide. Minn. Stat. § (Minn. Stat. §216H.03). These potential adverse effects should be compared with those of the no-build alternative and the alternatives previously identified to meet community reliability needs -- including the RIGO transmission projects, local generation and the 161 kV projects identified in the La Crosse Load Serving Study.

N-002-022

The EIS should then provide an evaluation of impacts of the Proposal on scenic and aesthetic features, including but not limited to impacts on the USFWS Upper Mississippi River National Wildlife and Fish Refuge, the Van Loon Wildlife Area managed by the Minnesota Department of Natural Resources ("MDNR"), the Cannon River Scenic or Recreational River area designated by the MDNR, the Minnesota Great River Road Scenic Byway and the Wisconsin Great River Road. In this evaluation, the EIS should both analyze the degree to which the Proposal will impact the purposes for which these various scenic and natural features were established and the consequences to tourism, recreation and enjoyment of these features if the Proposal were implemented as compared to implementation of the no-build alternative and the previously identified alternatives to meet community reliability needs.

N-002-023

In addition to evaluating visual impacts of the projects on protected natural resources, the EIS should evaluate the impacts of the Proposal and the no-build and identified alternatives on the natural environment in the National Wildlife and Fish Refuge and other areas of particular environmental concern. This analysis should include adverse impacts on wetlands, trees, habitat and areas of biodiversity significance; adverse impacts on rare and endangered species and species of concern, including aquatic species as well as birds and terrestrial species; and

N-002-020

Your comment has been noted. Potential impacts to wildlife, vegetation, water and air quality, social and economic resources, and historic and archeological resources affected by the transmission line will be addressed in the Draft Environmental Impact Statement.

N-002-021

Your comment has been noted. Potential impacts to air quality as well as cumulative impacts will be addressed in the Draft Environmental Impact Statement.

N-002-022

Your comment has been noted. Potential impacts to the aesthetic quality of the areas surrounding the transmission line as well as recreational resources will be addressed in the Draft Environmental Impact Statement. Potential impacts to social and economic resources will also be addressed in the Draft Environmental Impact Statement.

N-002-023

Your comment has been noted. Potential impacts to wildlife including rare and/or regulated species, wetlands, and vegetation will all be addressed in the Draft Environmental Impact Statement.

- N-002-023** | adverse impacts on migratory birds and nesting areas for eagles and other bird species.
- N-002-024** | The EIS should also evaluate, given both the increase in right-of-way across the National Wildlife Refuge required by the Proposal and announced plans by utilities for 765 kV power line sizes across the Midwest, whether approval of funding by the RUS or permits by the USFWS would result in an irreversible or irretrievable commitment of national wildlife refuge resources to meet private power suppliers' interests.
- N-002-025** | The EIS should evaluate the impacts of audible noise from the Proposal, as compared to the no-build and the identified alternatives, both in residential areas and in recreational, scenic and wildlife preservation areas where quietude is of particular value.
- N-002-026** | In addition to impacts on the natural environment, the EIS should evaluate impacts on land use and the human environment of the La Crosse Project. The EIS should compare adverse impacts on agricultural land in rural areas if the Proposal is built as compared with the no-build and previously identified alternatives.
- N-002-027** | The EIS should describe the impacts of electrical interference not only on radio and television signals, but on computerized systems used in agriculture, such as a global positioning systems for farm equipment. These adverse impacts should be compared with those of the no-build alternative and previously identified alternatives.
- N-002-028** | The EIS should also evaluate the impacts of the Proposal, the no-build alternative and the identified alternatives on property values, particularly property values in rural areas. Data from communities affected by the Arrowhead 345 kV power line in Wisconsin and the 345 kV Brookings Project being routed in Minnesota should be sought to determine the likelihood under current economic conditions that implementation of the La Crosse Project will reduce property values, particularly in rural areas along the route.
- N-002-029** | The EIS should detail the impacts of magnetic and electromagnetic fields along the length of the proposed La Crosse Project as compared to the impacts of the no-build alternative and identified alternatives to address community reliability needs. The EIS should evaluate the direct and indirect impacts of magnetic fields, including impacts on livestock from stray voltage and interference with certain types of pacemakers.
- N-002-030** | The EIS should also examine current scientific and policy analysis of the increased risk of childhood leukemia and other adverse health impacts in proximity to high voltage power lines. Specific references which should be consulted to perform this analysis include D. Carpenter & C. Sage, *Setting Prudent Health Policy for Electromagnetic Field Exposures, Reviews on Environmental Health*, Vol. 23, No. 2 (2008) and *BioInitiative Report: A Rationale for a Biologically-based Public Exposure Standard for Electromagnetic Fields (ELF and RF)*, (August 31, 2007) <http://www.bioinitiative.org/report/docs/report.pdf>
- This EIS analysis of direct and indirect adverse impacts of the La Crosse Project is particularly salient since all proposed routes for the La Crosse Project substantially affect agricultural lands and rural residents. It would seem paradoxical for the RUS to finance a Proposal designed primarily to serve non-RE Act beneficiaries, which Proposal would result in substantial adverse impacts to agricultural land, farms and rural residents.

Conclusion

CETF has serious concerns about the proposed La Crosse Project and its adverse impacts on the natural environment and the human environment, including health, land use and property

N-002-024

Your comment has been noted. Cumulative Impacts will be addressed in the Draft Environmental Impact Statement.

N-002-025

Your comment has been noted. Potential impacts from noise will be addressed in the Draft Environmental Impact Statement.

N-002-026

Your comment has been noted. Potential impacts to agricultural resources will be addressed in the Draft Environmental Impact Statement.

N-002-027

Your comment has been noted. Interference with electrical equipment caused by the transmission lines will be addressed with individual landowners if the problem arises.

N-002-028

Your comment has been noted. Socioeconomic impacts to property values affected by the transmission line will be addressed in the Draft Environmental Impact Statement.

N-002-029

Your comment has been noted. Potential impacts to human and livestock health and safety with regard to stray voltage will be addressed in the Draft Environmental Impact Statement.

N-002-030

Your comment has been noted. Potential impacts to human health and safety will be addressed in the Draft Environmental Impact Statement.

values, particularly in rural areas. We believe that the CapX2020 Projects are designed to serve primarily non-Rural Electrification Act beneficiaries and that there is no engineering basis under current and reasonable forecasts for asserted regional reliability needs.

The community reliability needs in Rochester, La Crosse and Winona asserted by Dairyland and the CapX2020 utilities to justify the Proposal also serve primarily urban non-RE Act beneficiaries. To the extent that the RUS is interested in considering La Crosse Project financing despite this conflict, CETF believes that there are specific alternatives, detailed in Figure 2 and Figure 3 above, which meet the community reliability needs asserted by the CapX2020 applicants. These alternatives have a lower installed cost than the La Crosse Project.

When an EIS analysis is appropriately prepared, as detailed above, CETF anticipates that a determination will be made that the Proposal is in conflict with Minnesota rules and Federal regulations, which protect federal parks and wildlife areas where there are reasonable alternatives to a project. CETF anticipates that an EIS, as described above, would find that identified alternatives to meet community reliability needs result in avoidance or minimization of direct and indirect impacts of the Proposal to protected natural resources, the human environment, agricultural lands and rural residents.

N-002-031 | CETF requests that the EIS for the La Crosse Project perform the analysis required under NEPA and the regulations of the RUS and USFWS as detailed above.

We would be happy to answer any questions or provide additional citations if that would assist agency staff in their important deliberation process.

Respectfully submitted,



Paula Goodman Maccabee
Counsel for Citizens Energy Task Force

cc:

Rick Frietsche, Acting Manager, Upper Mississippi River National Wildlife and Fish Refuge

N-002-031

Your comment has been noted. Dairyland Power Cooperative, one of the CapX2020 utilities, has requested financial assistance from USDA Rural Utilities Service (RUS), for Dairyland's anticipated 11 percent ownership interest in the proposed Hampton-Rochester-La Crosse 345 kilovolt transmission line project. RUS has determined that its funding of Dairyland's ownership interest is a federal action and therefore subject to the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA). RUS is the lead agency for both NEPA and Section 106 review.

N-003-002

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.

Kessler, Ellen

From: Strength, Stephanie - Washington, DC [Stephanie.Strength@wdc.usda.gov]
Sent: Tuesday, July 28, 2009 11:15 AM
To: Lilley, Bliss; Collins, Carly
Subject: FW: CapX 2020 EIS Scoping Comments
Attachments: MRR_CapX Comments.doc

-----Original Message-----
From: solsimon@centurytel.net [mailto:solsimon@centurytel.net]
Sent: Friday, July 24, 2009 12:21 AM
To: Strength, Stephanie - Washington, DC
Subject: CapX 2020 EIS Scoping Comments

Dear Ms. Strength,

Attached and below are comments regarding the scoping for the USDA Environmental Impact Statement (EIS) proposed CapX 2020 powerline, on behalf of my organization, the Mississippi River Revival (MRR).

Sincerely,
Sol Simon

7/20/09

Stephanie Strength
USDA, Rural Utilities Service
1400 Independence Ave. SW, Mail Stop 1571, Room 2244
Washington, D.C. 20250-1571

Re: EIS Scoping Comments for CapX 2020 Project

Dear Ms. Strength:

I am submitting comments regarding the scoping for the USDA Environmental Impact Statement (EIS) proposed CapX 2020 powerline, on behalf of my organization, the Mississippi River Revival (MRR). The Mississippi River Revival is a 501 c3, river advocacy organization.

NEPA Process Concerns

In terms of process, the Mississippi River Revival is concerned that the USDA may not be following NEPA requirements in the planning for the EIS, or the evaluation of alternatives. The authors of the Alternative Evaluation Study and the Macro-Corridor Study did not formally seek early input from Wisconsin state agencies, or organizations involved with the Mississippi River Valley. In addition it is concerning that the USDA published the Alternative Evaluation Study (which clearly dismisses certain alternatives such as the no action alternative), prior to initiating an EIS. Section 1502.14 of NEPA outlines that the

N-003-001

N-003-002

primary purpose of an EIS is to evaluate all of the alternatives (including the no action alternative) so that a preferred alternative may be chosen.

The Council on Environmental Quality (CEQ) directs federal agencies to work with relevant state agencies and private organizations early in the planning process for an EIS. The CEQ's 40 questions page states, "Section 1501.2(d) requires federal agencies to take steps toward ensuring that private parties and state and local entities initiate environmental studies as soon as federal involvement in their proposals can be foreseen. This section is intended to ensure that environmental factors are considered at an early stage in the planning process and to avoid the situation where the applicant for a federal permit or approval has completed planning and eliminated all alternatives to the proposed action by the time the EIS process commences or before the EIS process has been completed."
<http://ceq.hss.doe.gov/nepa/regs/40/40p3.htm>

Under NEPA, the USDA must determine and analyze the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of federal actions on the quality of the environment. The Council on Environmental Quality directs federal agencies to evaluate, "reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as those other alternatives, which are eliminated from detailed study with a brief discussion of the reasons for eliminating them. Section 1502.14. Moreover, a decisionmaker must, in fact, consider all the alternatives discussed in an EIS."

N-003-006

MRR is concerned with the lack of specificity of the proposed project in the RUS Macro-Corridor Study. MRR cannot yet delineate the specific areas or concerns that may be affected by the proposed line because neither CapX 2020, nor RUS staff have yet surveyed the possible routes for site specific criteria within the Mississippi River Valley (e.g. wetland acreage, endangered species location, etc.).

N-003-002

At the public scoping meeting in Fountain City on 6/25/09, both CapX 2020 staff person Tom Hillstrom and RUS staff person Stephanie Strength communicated that site specific environmental concerns on the proposed routes (especially in Wisconsin) had not yet been identified. In addition, the RUS Macro-Corridor Study fails to identify many critical site specific environmental concerns.

N-003-007

MRR asserts that the USDA EIS must provide a detailed environmental analysis from which the USFWS can prepare an adequate EIS. 50 C.F. R. §29.21-2 states, "All applications filed pursuant to this subpart must include a detailed environmental analysis which shall include information concerning the impact of the proposed use of the environment including the impact on air and water quality; scenic and esthetic features; historic, architectural, archeological, and cultural features; wildlife, fish and marine life etc. The analysis shall include sufficient data so as to enable the Service to prepare an environmental assessment and/or impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and comply with the requirements of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq.), Executive Order 11593 "Protection and Enhancement of the Cultural Environment" of May 13, 1971 (36 FR 8921), and "Procedures for the Protection of Historic and Cultural Properties" (36 CFR, part 800). A map or plat must accompany each copy of the application and must show the right-of-way in such detail that the right-of-way can be accurately located on the ground. Ties to Service land boundary corner monuments or some prominent cultural features which can be readily recognized and recovered should be shown where the right-of-way enters and leaves Service project land together with courses and distances of the centerline. The width of the right-of-way on each side of the centerline together with the acreage included within the right-of-way or site must also be shown."

General Environmental Concerns

N-003-008 MRR's general concerns with the proposed CapX 2020 powerline routes are focused on the potential affects on the Mississippi River Valley. The line would have to cross the Mississippi River and several of the proposed routes would parallel along the Mississippi River Valley. Our scoping comments can be summarized into seven areas of concern: viewshed encroachment, scenic easements, wetlands encroachment, risk to avian species, affect on endangered and protected species, affect on archeological resources, and proximity of right of way to residences and schools.

Viewshed Encroachment and Economic Development

The Upper Mississippi River Refuge has more annual visitors than Yellowstone National Park. The economic contribution to our regional economy by recreational use along the Upper Mississippi River Valley is extremely important. A 1994 study by the Army Corps of Engineers estimated that over 12 million daily visits by recreationists to the Upper Mississippi River Valley took place during the study year. These visits supported over \$1.2 billion in national economic impacts (1990 price levels) and over 18,000 jobs nationwide. (Executive Summary, Economic Impacts of Recreation on the Upper Mississippi River System, U.S. Army Corps of Engineers, St. Paul District, 1994).

N-003-003 Several of the proposed routes for CapX 2020 would locate 175 foot tall power lines parallel along the very scenic and historic Mississippi River Valley. The size of the poles for this line would dwarf the existing right of way poles. The proposed 175 foot poles would be one half to one third the height of the bluffs which define the Mississippi River Valley scenic view shed and significantly detract from the visual beauty of the river valley. The negative economic impact on recreational use by locating the line along the Upper Mississippi River Valley needs to be analyzed in the USDA EIS and considered in line siting considerations.

Scenic Easements along the Great River Road Scenic Byway

The Wisconsin Department of Transportation holds 7000 acres of scenic easement rights in Buffalo and Trempealeau Counties, most of the scenic easements are in the Mississippi River Valley, along highway 35 (the Great River Road Scenic Byway). The easements were enacted to protect the scenic views of the river valley and promote tourism and economic development. The scenic easements prohibit construction of power line towers within 350 feet from the center line of highway 35. This provision would conflict with large sections of proposed CapX line routing. The USDA EIS should analyze and consider the affects of the proposed line on the scenic easements.

N-003-009

Wetlands Encroachment

Significant amounts of the proposed land through which the proposed routes pass consists of wetlands. Construction of the lines and pole siting will require encroachment of wetland areas and even elimination of smaller areas of wetland. Even if winter season construction is chosen to construct and run lines, wetland habitat will be affected. However, there is no specification of potential affects of the proposed routes on wetlands in the Macro-Corridor Study. The USDA EIS needs to quantify the amount of wetland affected by each proposed route and specify the mitigation for each proposal, so that adverse affects can be analyzed and minimized.

N-003-004

Risk to Avian Species

Approximately 40% of North America's migratory waterfowl use the Mississippi Flyway as a migration route. The proposed routes for the CapX line all cross the Upper Mississippi River Wildlife Refuge. The refuge provides migratory habitat for a large percentage of the migratory birds in the Mississippi Flyway. In addition, large raptors such as bald eagles, red-tailed hawks, red shouldered hawks, peregrine falcons, great-horned owls, etc. nest within the proposed CapX routes. Avian mortality from high voltage power lines is well

N-003-003

Your comment has been noted. Potential impacts to social and economic resources will be addressed in the Draft Environmental Impact Statement.

N-003-004

Your comment has been noted. Potential impacts to wetlands will be addressed in the Draft Environmental Impact Statement.

documented. The smaller Audubon National Wildlife Refuge in North Dakota is a very deadly area for avian species, due to the presence of high voltage lines in a migratory flyway; even though visual diverters have been employed to attempt to mitigate the bird strikes and electrocutions.

An ABC news article reporting on the issue, Solution Sought for North Dakota Power Line Bird Strikes, detailed the problem, "Biologists believe overhead electrical power lines and car collisions make the two-mile stretch of U.S. Highway 83 through the Audubon National Wildlife Refuge one of the world's deadliest places for birds, on land or air. Schriener said 429 avian carcasses were recovered in 2006 when no diverters were used. Last year, 344 dead birds were recovered after hundreds of the devices were latched to some of the power lines. So far this year (2008), 375 carcasses have been found, said Doderer, a biologist hired to find bird carcasses along the causeway." (<http://abcnews.go.com/US/wireStory?id=5854713>)

N-003-004 | The USDA EIS should work with the U.S. Fish and Wildlife Service to conduct a risk assessment survey of the proposed routes on avian species. The EIS should investigate the minimization of the CapX route affects on the Mississippi Flyway and the Mississippi River Wildlife Refuge and Trempealeau Wildlife Refuge by directing the line away from the Mississippi River Valley and burying the line as it passes through the river valley. In addition, best practices such as using visual diverters, and keeping the wires parallel with each other should be employed within ten miles of the Mississippi River Valley to mitigate migratory bird collisions.

Effect on Protected and Endangered Species

N-003-010 | The USDA EIS should analyze and determine the potential effects of the proposed routes on Bald Eagles. Many bald eagle nests are known to be located along the proposed routes. In addition, mortalities have occurred from existing high voltage lines in the Mississippi River Valley and high voltage line surveys conducted from helicopters.

The Bald Eagle Protection Act (16 U.S.C. 668-668c), prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles, including their parts, nests, or eggs. The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment. Bald eagles may not be taken for any purpose unless, prior to such taking, a permit to do so is procured from the Secretary of the Interior.

N-003-011 | Many state listed threatened and endangered species have habitats along the proposed routes. USDA staff should work with the MN DNR and WI DNR to analyze and mitigate the proposed route's affects on protected species.

Archeological and Cultural Resources

N-003-012 | There are numerous archeological sites located within the Mississippi River Valley, in close proximity to the possible routes. The USDA EIS should work with the Mississippi River Valley Archeological Center in La Crosse, WI, and other organizations to determine which sites may be effected and avoided.

N-003-005

Proximity of Right of way to Residences and Schools

Several of the proposed routes have residences and schools within the proposed 150 of the expanded right of ways. The route that travels from Alma to Holmen down the Mississippi River Valley has dozens of residences and at least one school (Cochrane-Fountain City School District) that would be within the proposed right of way. The Fountain City and Holmen areas both have several houses that would be located directly underneath the wires, in violation of Wisconsin State Code. The USDA EIS should quantify the number of residences and schools along the proposed routes that would have to be either mitigated or relocated as a result of right of way expansion.

Thank you for the opportunity to comment on the proposed CapX 2020 project. MRR looks forward to further involvement with this issue.

Sincerely,

Sol Simon
Mississippi River Revival
Suite 305, 51 East Fourth St.
Winona, MN 55987

5

N-003-005

Your comment has been noted. Potential impacts to land use will be addressed in the Draft Environmental Impact Statement.

N-003-006

The project is still in the development and planning stages and the utilities are striving to provide the most up to date information in a timely manner. Project information is updated regularly on the project website, www.capx2020.com.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

N-003-007

Your comment has been noted. Dairyland Power Cooperative, one of the CapX2020 utilities, has requested financial assistance from USDA Rural Utilities Service (RUS), for Dairyland's anticipated 11 percent ownership interest in the proposed Hampton-Rochester-La Crosse 345 kilovolt transmission line project. RUS has determined that its funding of Dairyland's ownership interest is a federal action and therefore subject to the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA). RUS is the lead agency for both NEPA and Section 106 review.

N-003-008

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing

7/20/09

Stephanic Strength
USDA, Rural Utilities Service
1400 Independence Ave. SW, Mail Stop 1571, Room 2244
Washington, D.C. 20250-1571

Re: EIS Scoping Comments for CapX 2020 Project

Dear Ms. Strength:

I am submitting comments regarding the scoping for the USDA Environmental Impact Statement (EIS) proposed CapX 2020 power line, on behalf of my organization, the Mississippi River Revival (MRR). The Mississippi River Revival is a 501 c3, river advocacy organization.

NEPA Process Concerns

In terms of process, the Mississippi River Revival is concerned that the USDA may not be following NEPA requirements in the planning for the EIS, or the evaluation of alternatives. The authors of the Alternative Evaluation Study and the Macro-Corridor Study did not formally seek early input from Wisconsin state agencies, or organizations involved with the Mississippi River Valley. In addition it is concerning that the USDA published the Alternative Evaluation Study (which clearly dismisses certain alternatives such as the no action alternative), prior to initiating an EIS. Section 1502.14 of NEPA outlines that the primary purpose of an EIS is to evaluate all of the alternatives (including the no action alternative) so that a preferred alternative may be chosen.

The Council on Environmental Quality (CEQ) directs federal agencies to work with relevant state agencies and private organizations early in the planning process for an EIS. The CEQ's 40 questions page states, "Section 1501.2(d) requires federal agencies to take steps toward ensuring that private parties and state and local entities initiate environmental studies as soon as federal involvement in their proposals can be foreseen. This section is intended to ensure that environmental factors are considered at an early stage in the planning process and to avoid the situation where the applicant for a federal permit or approval has completed planning and eliminated all alternatives to the proposed action by the time the EIS process commences or before the EIS process has been completed." <http://ceq.hss.doe.gov/nepa/regs/40/40p3.htm>

Under NEPA, the USDA must determine and analyze the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of federal actions on the quality of the environment. The Council on Environmental Quality directs federal agencies to evaluate, "reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as those other alternatives, which are eliminated from detailed study with a brief discussion of the reasons for eliminating them. Section 1502.14. Moreover, a decisionmaker must, in fact, consider all the alternatives discussed in an EIS."

process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

N-003-009

Your comment has been noted. Potential impacts to the aesthetic quality of the areas surrounding the transmission line will be addressed in the Draft Environmental Impact Statement.

N-003-010

Your comment has been noted. Potential impacts to wildlife will be addressed in the Draft Environmental Impact Statement.

~~REDACTED COMMENT~~

N-003-012

Your comment has been noted. Impacts to historic and archeological resources affected by the transmission line will be addressed in the Draft Environmental Impact Statement.

MRR is concerned with the lack of specificity of the proposed project in the RUS Macro-Corridor Study. MRR cannot yet delineate the specific areas or concerns that may be affected by the proposed line because neither CapX 2020, nor RUS staff have yet surveyed the possible routes for site specific criteria within the Mississippi River Valley (e.g. wetland acreage, endangered species location, etc.).

At the public scoping meeting in Fountain City on 6/25/09, both CapX 2020 staff person Tom Hillstrom and RUS staff person Stephanie Strength communicated that site specific environmental concerns on the proposed routes (especially in Wisconsin) had not yet been identified. In addition, the RUS Macro-Corridor Study fails to identify many critical site specific environmental concerns.

MRR asserts that the USDA EIS must provide a detailed environmental analysis from which the USFWS can prepare an adequate EIS. 50 C.F. R. §29.21-2 states,

“All applications filed pursuant to this subpart must include a detailed environmental analysis which shall include information concerning the impact of the proposed use of the environment including the impact on air and water quality; scenic and esthetic features; historic, architectural, archeological, and cultural features; wildlife, fish and marine life, etc. The analysis shall include sufficient data so as to enable the Service to prepare an environmental assessment and/or impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and comply with the requirements of the National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*), the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 *et seq.*), Executive Order 11593 “Protection and Enhancement of the Cultural Environment” of May 13, 1971 (36 FR 8921), and “Procedures for the Protection of Historic and Cultural Properties” (36 CFR, part 800).

A map or plat must accompany each copy of the application and must show the right-of-way in such detail that the right-of-way can be accurately located on the ground. Ties to Service land boundary corner monuments or some prominent cultural features which can be readily recognized and recovered should be shown where the right-of-way enters and leaves Service project land together with courses and distances of the centerline. The width of the right-of-way on each side of the centerline together with the acreage included within the right-of-way or site must also be shown.”

General Environmental Concerns

MRR’s general concerns with the proposed CapX 2020 power line routes are focused on the potential affects on the Mississippi River Valley. The line would have to cross the Mississippi River and several of the proposed routes would parallel along the Mississippi River Valley. Our scoping comments can be summarized into seven areas of concern: viewshed encroachment, scenic easements, wetlands encroachment, risk to avian species, affect on endangered and protected species, affect on archeological resources, and proximity of right of way to residences and schools.

Viewshed Encroachment and Economic Development

The Upper Mississippi River Refuge has more annual visitors than Yellowstone National Park. The economic contribution to our regional economy by recreational use along the Upper Mississippi River Valley is extremely important. A 1994 by the Army Corps of

Engineers estimated that over 12 million daily visits by recreationists to the Upper Mississippi River Valley took place during the study year. These visits supported over \$1.2 billion in national economic impacts (1990 price levels) and over 18,000 jobs nationwide. (Executive Summary, Economic Impacts of Recreation on the Upper Mississippi River System, U.S. Army Corps of Engineers, St. Paul District, 1994).

Several of the proposed routes for CapX 2020 would locate 175 foot tall power lines parallel along the very scenic and historic Mississippi River Valley. The size of the poles for this line would dwarf the existing right of way poles. The proposed 175 foot poles would be one half to one third the height of the bluffs which define the Mississippi River Valley scenic view shed and significantly detract from the visual beauty of the river valley. The negative economic impact on recreational use by locating the line along the Upper Mississippi River Valley needs to be analyzed in the USDA EIS and considered in line siting considerations.

Scenic Easements along the Great River Road Scenic Byway

The Wisconsin Department of Transportation holds 7000 acres of scenic easement rights in Buffalo and Trempealeau Counties, most of the scenic easements are in the Mississippi River Valley, along highway 35 (the Great River Road Scenic Byway). The easements were enacted to protect the scenic views of the river valley and promote tourism and economic development. The scenic easements prohibit construction of power line towers within 350 feet from the center line of highway 35. This provision would conflict with large sections of proposed CapX line routing. The USDA EIS should analyze and consider the affects of the proposed line on the scenic easements.

Wetlands Encroachment

Significant amounts of the proposed land through which the proposed routes pass consists of wetlands. Construction of the lines and pole siting will require encroachment of wetland areas and even elimination of smaller areas of wetland. Even if winter season construction is chosen to construct and run lines, wetland habitat will be affected. However, there is no specification of potential affects of the proposed routes on wetlands in the Macro-Corridor Study. The USDA EIS needs to quantify the amount of wetland affected by each proposed route and specify the mitigation for each proposal, so that adverse affects can be analyzed and minimized.

Risk to Avian Species

Approximately 40% of North America's migratory waterfowl use the Mississippi Flyway as a migration route. The proposed routes for the CapX line all cross the Upper Mississippi River Wildlife Refuge. The refuge provides migratory habitat for a large percentage of the migratory birds in the Mississippi Flyway. In addition, large raptors such as bald eagles, red-tailed hawks, red shouldered hawks, peregrine falcons, great-horned owls, etc. nest within the proposed CapX routes. Avian mortality from high voltage power lines is well documented. The smaller Audubon National Wildlife Refuge in North Dakota is a very deadly area for avian species, due to the presence of high voltage lines in a migratory flyway; even though visual diverters have been employed to attempt to mitigate the bird strikes and electrocutions.

An ABC news article reporting on the issue, *Solution Sought for North Dakota Power Line Bird Strikes*, detailed the problem, "Biologists believe overhead electrical power lines and car collisions make the two-mile stretch of U.S. Highway 83 through the Audubon National Wildlife Refuge one of the world's deadliest places for birds, on land or air.

Schriner said 429 avian carcasses were recovered in 2006 when no diverters were used. Last year, 344 dead birds were recovered after hundreds of the devices were latched to some of the power lines. So far this year (2008), 375 carcasses have been found, said Doderer, a biologist hired to find bird carcasses along the causeway."
<http://abcnews.go.com/US/wireStory?id=5854713>

The USDA EIS should work with the U.S. Fish and Wildlife Service to conduct a risk assessment survey of the proposed routes on avian species. The EIS should investigate the minimization of the CapX route affects on the Mississippi Flyway and the Mississippi River Wildlife Refuge and Trempealeau Wildlife Refuge by directing the line away from the Mississippi River Valley and burying the line as it passes through the river valley. In addition, best practices such as using visual diverters, and keeping the wires parallel with each other should be employed within ten miles of the Mississippi River Valley to mitigate migratory bird collisions.

Effect on Protected and Endangered Species

The USDA EIS should analyze and determine the potential effects of the proposed routes on Bald Eagles. Many bald eagle nests are known to be located along the proposed routes. In addition, mortalities have occurred from existing high voltage lines in the Mississippi River Valley and high voltage line surveys conducted from helicopters.

The Bald Eagle Protection Act (16 U.S.C. 668-668c), prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles, including their parts, nests, or eggs. The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment. Bald eagles may not be taken for any purpose unless, prior to such taking, a permit to do so is procured from the Secretary of the Interior.

Many state listed threatened and endangered species have habitats along the proposed routes. USDA staff should work with the MN DNR and WI DNR to analyze and mitigate the proposed route's affects on protected species.

Archeological and Cultural Resources

There are numerous archeological sites located within the Mississippi River Valley, in close proximity to the possible routes. The USDA EIS should work with the Mississippi River Valley Archeological Center in La Crosse, WI, and other organizations to determine which sites may be effected and avoided.

Proximity of Right of way to Residences and Schools

Several of the proposed routes have residences and schools within the proposed 150 of the expanded right of ways. The route that travels from Alma to Holmen down the Mississippi River Valley has dozens of residences and at least one school (Cochrane-Fountain City School District) that would be within the proposed right of way. The Fountain City and Holmen areas both have several houses that would be located directly underneath the wires, in violation of Wisconsin State Code. The USDA EIS should quantify the number of residences and schools along the proposed routes that would have to be either mitigated or relocated as a result of right of way expansion.

Thank you for the opportunity to comment on the proposed CapX 2020 project. MRR looks forward to further involvement with this issue.

Sincerely,

Sol Simon
Mississippi River Revival
Suite 305, 51 East Fourth St.
Winona, MN 55987

BLEW

Bluff Land Environment Watch
P.O. Box 315, Winona, MN 55987-0315

July 24, 2009

Stephanie A. Strength
Environmental Protection Specialist/RD
1400 Independence Ave. SW Room # 2244
Washington, DC 20250-1571
Sent via E-mail: stephanie.strength@usda.gov

RE: USDA Rural Utilities Service EIS Scoping for the CapX2020 La Crosse Project.

Dear Ms Strength:

I represent BLEW, a Winona area grassroots environmental organization which has been working since 1991 to protect the air, land and water in our community through education, organizing and direct action.

We have been participating in information meetings, public forums and public hearings on this proposed power line organized by CAPX 2020, the MN Department of Commerce, the Administrative Law Judge, legislators and other community organizations for the last 30 months. The more we learn about it, the more we have become concerned.

We do not believe the CAPX2020 is a good investment or a sound project. We recommend the "NO BUILD" alternative. We do not think taxpayers should finance any portion of the CapX2020 La Crosse Project through the USDA Rural Utilities Service. Some of the reasons for this are as follows:

- 1) There is no demonstrated need for the Twin Cities – Rochester – La Crosse line. Lower voltage power lines, existing generation and updated forecasts for peak demand do not support the need for the CAPX powerline in the Rochester area. This was acknowledged by Xcel Energy witnesses in evidentiary hearings before Administrative Law Judge Beverly J. Heydinger for the MN Certificate of Need.
- 2) In an era when major goals are being set by many states and the federal government to prevent catastrophic global warming, many want to increase wind and solar power use as an alternative to dirty coal. The CAPX2020 utilities have made no commitment to any amount of wind power on these wires and are, in fact, trying to remove the wind power ordered by the MN Public Utilities Commission on April 16, 2009, in their approval of the MN Certificate of Need for the Brookings segment of the CAPX powerline

N-004-001

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at: <http://www.usda.gov/rus/water/ees/eis.htm>.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

N-004-001

N-004-002

3) The concept of generating large quantities of electricity in locations far from its end use and sending it to consumers via high voltage transmission lines is outdated and dangerous. Large amounts of electricity are wasted in this transmission process, thousands of huge unsightly power towers are necessary which consume enormous amounts of energy to make and install, and those of us who live and work under and around the high voltage power lines are subject to the effects of electromagnetic fields causing childhood leukemia.

N-004-004

4) Smart Grid technology will soon be available increasing the likelihood that much higher levels of efficiency by consumers and industry will substantially decrease the amount of energy needed to run our homes, communities and businesses. Even Xcel Energy has a Smart Grid pilot project in process in Bolder, Colorado. When this technology becomes available, it will make these power lines unnecessary and a waste of energy.

N-004-003

5) If the CAPX2020 power lines are constructed it will make it more possible for new coal plants to be operated successfully in the Dakota's with their energy transported via these lines to large metropolitan areas to the east where the cost of producing energy is higher. Many scientists have made it clear that one important step in controlling global climate change is to build no more coal fired power plants. Minnesota receives the mercury fall-out from coal plants to our west which contaminates the fish we consume from our rivers, lakes and streams which then affects the development of our children's brains. We cannot morally encourage any more coal power plants.

N-004-005

6) Finally, we who live in Winona area will be negatively affected by the CAPX2020 power lines. Two of the proposed River crossing routes go through Winona County and one route goes through Fountain City, WI, a neighboring community. Some of our members are highly trained biologists, authors of books on bird habitat/activity, and many spend time observing and appreciating the birds in the Mississippi river flyway. We know that the proposed 150-170 Ft. towers will have a negative impact on the annual migration of millions of birds and waterfowl up and down the Upper Mississippi National Wildlife and Fish Refuge. Even the CAPX2020 utilities state in their printed material that they "can decrease but not eliminate bird collisions" with the power lines. The powerline will cause fragmentation of habitat in a national wildlife refuge which is unacceptable.

N-004-002

Your comment has been noted. Potential impacts to human and livestock health and safety with regard to EMF will be addressed in the Draft Environmental Impact Statement.

N-004-003

Your comment has been noted. Cumulative Impacts will be addressed in the Draft Environmental Impact Statement.

N-004-004

Your comment has been noted. Smart grid technologies are in their development stage and are too new to offset the need for transmission line development to meet customer electric needs. The technologies appear promising but have not been tested to a degree that would allow development of an electric grid that depends on them. Therefore, smart grid technologies cannot offset the need for the CapX2020 transmission lines or any other lines currently proposed.

N-004-005

Your comment has been noted. Potential impacts to wildlife will be addressed in the Draft Environmental Impact Statement.

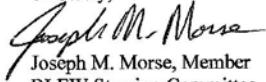
N-004-007

N-004-006

As an organization, we have spent considerable effort working to protect the bluffs in this area from the construction of unsightly buildings on bluffsides and ridgelines which cause erosion, landslides and damage the visual beauty of our communities. The proposed power line towers would severely detract from the efforts of both private and public organizations to preserve these visual resources which are important aesthetic and economic assets for Winona and Winona County. The powerlines would create a decrease in property values for many of the landowners in this area.

Thank you for taking the time to review these comments. We are hoping you will give our perspectives the same weight as the 11 utilities proposing this project.

Sincerely,



Joseph M. Morse, Member
BLEW Steering Committee
507.452.8232
josephmmorse@gmail.com

N-004-006

Your comment has been noted. Socioeconomic impacts to property values affected by the transmission line will be addressed in the Draft Environmental Impact Statement.

N-004-007

Your comment has been noted. Potential impacts to the aesthetic quality of the areas surrounding the transmission line will be addressed in the Draft Environmental Impact Statement.

July 25, 2009

11 Pages – including Cover

To: Deputy Public Affairs Director Dan Campbell 202-720-6483 Rm 4809-S
Dan.Campbell@usda.gov
FAX 202-690-4083 Washington, DC 20250

*****Mr. Campbell, can you please forward to Ms. Strength.**

FOR: Stephanie Strength
Environmental Protection Specialist/RD
1400 Independence Ave. SW Room # 2244
Washington, DC 20250-1571
USDA/RUS Faxed to: 202-720-1725
Stephanie.strength@usda.gov

Re: CapX2020

From: Jeremy Chipps
Citizens Energy Task Force
Phone: 608-317-5700

Dear Stephanie, attached are petitions including signatures from concerns residents from both WI and MN, regarding the CapX2020 project (USDA/RUS).

Enclosed are:

- 1) Six pages of signatures from Wisconsin & Minnesota residents where petitioners signed to the following:
 - a. 1) Say NO to federal tax financing of the La Crosse Capx2020 power line through the USDA/RUS for lack of need, and the avoid environmental and economic loss to the land and people of Trempealeau County
- 2) Four pages of petitions from both WI and MN residents where petitioners signed to:
 - a. 1) Reconsider MN Certificate of Need (CON) for the Capx2020 power lines, including the La Crosse line.
 - b. 2) Say NO to federal tax financing of the La Crosse CapX2020 power line.

Thank you for including this in your review of the USDA/RUS EIS Process.

We firmly believe that the USDA/RUS should consider the "NO BUILD" option for CapX2020.

Thank you,

Jeremy Chipps

N-005-001

Your comment has been noted. The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

(2020 High Voltage Power Line Project

Other utilities (CapX2020) are proposing 345kV high voltage power lines from Minneapolis to the Mississippi River either at Alma, WI, Winona MN or La Crosse/La Crosse. Large 150-ies would have a major impact on scenic beauty, property values, natural habitats and health (AFS). CapX2020 power lines could also permit dirty coal power from North Dakota to be East, where the power can be sold for the utilities profit to large markets like Chicago. on April 16, 2009 didn't consider new evidence of the reduction in electric demand or t would cause less environmental harm to the Upper Mississippi River National Wildlife Refuge could be funded by increased rates. Dairyland Power is also asking for our federal tax money (SDA/RUS) to pay its costs for the La Crosse power line. Visit: www.cetf.us

Need (CON) for the CapX2020 power lines, including the La Crosse line; ing of the La Crosse CapX2020 power line.

Send your email address for updates. CETF is working with Miss. River Revival to fight CapX2020 lines.

NAME	email address	PHONE	1) Oppose CapX CON (X)	2) Oppose Tax s for CapX (X)	3) *Join CETF (X)
6000 Rd 17	Winona, MN 55907		X	X	X
216	La Crosse WI 54601		X	X	
14 th St	La Crosse WI 54601		X	X	
3 29 th St. So.	La Crosse WI 54601		X	X	X
Herschel Ave	La Crosse WI 54601		X	X	X
7 Van Loon Rd.	La Crosse WI 54601		X	X	X
Van Loon Rd.	La Crosse WI 54601		X	X	X
8 Old Mill Rd	District WI 55949		X	X	X
- Brandon Cycha.com					

Jul 25 09 01:54P Chieps

507 895 3300

P.10

Petition: Oppose CapX2020 High Voltage Power Line Project

Petition summary and background: Xcel Energy, Dairyland power and 9 other utilities (CapX2020) are proposing 345kV high voltage power lines from Minneapolis to La Crosse. Proposed lines would cross the Mississippi River either at Alma, WI, Winona MN or La Crosse/La Crosse. Large 150-170 foot (15 stories) power lines & poles would have a major impact on scenic beauty property values, natural habitats and health risks from electro-magnetic fields (EMF'S). CapX2020 power lines could also permit dirty coal power from North Dakota to be transmitted across MN & WI to points East, where the power can be sold for the utilities profit to large markets like Chicago. Certificate of Need (CON) approved on April 16, 2009 didn't consider new evidence of the reduction in electric demand or alternatives to the La Crosse line that would cause less environmental harm to the Upper Mississippi River National Wildlife Refuge and other natural resources. Lines would be funded by increased rates. Dairyland Power is also asking for our federal tax money through the Rural Utilities Service (USDA/RUS) to pay its costs for the La Crosse power line. Visit: www.cetf.us

Actions petitioned for:

- 1) Reconsider MN Certificate of Need (CON) for the CapX2020 power lines, including the La Crosse line;
- 2) Say NO to federal tax financing of the La Crosse CapX2020 power line.

Date: * 3) Join Citizens Energy Task Force- it's free. Add your email address for updates. CETF is working with Miss. River Revival to fight CapX2020 lines.

Printed Name	Signature	Street Address	email address	PHONE	1) Reconsider capX CON (X)	2) Oppose Tax \$ for capX (X)	3) Join CETF (X)
C. VAN SMIJL	<i>Carly Smit</i>	4002 Wolf Hill La Crosse WI 54601			✓	✓	
C. J. IRAMONKAR	<i>C. J. Iramonkar</i>	4002 Wolf Hill La Crosse WI 54601	cjiramonger@vntbo.edu		✓	✓	✓
CHARCYN L. HOGAN	<i>Charcyn L. Hogan</i>	chogan 701@charter.net			✓	✓	

JUL 25 09 01:58p

Chippewa

507 885 3300

P. 9

Petition: Oppose CapX2020 High Voltage Power Line Project

Petition summary and background	Xcel Energy, Dairyland power and 9 other utilities (CapX2020) are proposing 345kV high voltage power lines from Minneapolis to La Crosse. Proposed lines would cross the Mississippi River either at Alma, WI, Winona MN or La Crosse/La Crosse. Large 150-170 foot (15 stories) power lines & poles would have a major impact on scenic beauty property values, natural habitats and health risks from electro-magnetic fields (EMF'S). CapX2020 power lines could also permit dirty coal power from North Dakota to be transmitted across MN & WI to points East, where the power can be sold for the utilities profit to large markets like Chicago. Certificate of Need (CON) approved on April 16, 2009 didn't consider new evidence of the reduction in electric demand or alternatives to the La Crosse line that would cause less environmental harm to the Upper Mississippi River National Wildlife Refuge and other natural resources. Lines would be funded by increased rates. Dairyland Power is also asking for our federal tax money through the Rural Utilities Service (USDA/RUS) to pay its costs for the La Crosse power line. Visit: www.cetf.us
Actions petitioned for:	1) Reconsider MN Certificate of Need (CON) for the CapX2020 power lines, including the La Crosse line; 2) Say NO to federal tax financing of the La Crosse CapX2020 power line.

Date: * 3) Join Citizens Energy Task Force- it's free. Add your email address for updates. CETF is working with Miss. River Revival to fight CapX2020 lines.

Printed Name	Signature	Street Address	email address	PHONE	1) Reconsider CON (X)	2) Oppose Tax \$ for CapX (X)	3) Join CETF (X)
Flavio Reis	Flavio Reis	225 State St La Crosse, WI		54601			<input checked="" type="checkbox"/>
Mark Lenway	Mark's Jenny	PO Box 23 Kenyon, MN.		55946		X	X
Tom Waidel	Tom Waidel	PO box 44 LaCrosse		Min 55947		X	X
Alan Lehmann	Alan Lehmann	3490 Hwy 16 LaCrosse		Mo 55947		X	X
Rex Becker	Rex Becker	43611 City Rd 12		Dakota, MN 55822		X	X
Marilyn Zant	Marilyn Zant	PO Box 177, Dakota,		MN 55925	X	X	X
Shirley Rosendahl	Shirley Rosendahl	1703 Corridor		DelaSore MN 55947		X	X
Paul Ammerman	Paul Ammerman	WB083 August Ave		Holmen, WI 54636		X	X
Glenn Gerdes	Glenn Gerdes	32100 CO RD 16		La Crosse		X	X
Alan Miller	Alan Miller	113 W 8th St.		Red Wing MN 55066		X	
JOHN MASS	John W. Mass	32352 LANES VALLEY RD.		LA CROSSE		X	

JUL 25 09 01:52P
CH1 PPS

507 895 3300

P. 8

Petition: Oppose CapX2020 High Voltage Power Line Project

Petition summary and background	Xcel Energy, Dairyland power and 5 other utilities (CapX2020) are proposing 345kV high voltage power lines from Minneapolis to La Crosse. Proposed lines would cross the Mississippi River either at Alma, WI, Winona MN or La Crosse/La Crosse. Large 150-170 foot (15 stories) power lines & poles would have a major impact on scenic beauty, property values, natural habitats and health risks from electro-magnetic fields (EMF'S). CapX2020 power lines could permit dirty coal power from North Dakota to be transmitted across MN & WI to points East, where the power can be sold to lucrative markets like Chicago. Proposed Transmission line corridors down either side of the Mississippi River have met with stiff opposition, resulting in several routes through Trempealeau County that are becoming the preferred alternative. Though this power is not for our use, we are being asked to pay higher electricity rates and to abandon our lands and risk our health so that urban areas can have unlimited, inexpensive and reliable power. Dairyland Power is also asking for our federal tax money through the Rural Utilities Service (USDA/RUS) to pay its costs for the La Crosse power line. We hereby petition the RUS to deny funding for this project which is for us an economic and environmental disaster. Locally, our power consumption is declining, not increasing and efforts to incorporate renewable energy should perpetuate this trend.
Actions petitioned for:	1) Say NO to federal tax financing of the La Crosse CapX2020 power line through the USDA/RUS for lack of need, and to avoid environmental and economic losses to the lands and people of Trempealeau County!

Date: 2) Join Citizens Energy Task Force- It's free. Add your email address for updates. CETF is working with Mississippi River Revival to fight CapX2020 lines. Please return petitions to Ron Reimer, N23440 McCabe Lane, Ettrick, WI 54627 by July 22, 2009

Signature	Print Name	Street Address / email address / PHONE	I would like to join CETF (X)
<i>Donna Linberg</i>	Donna Linberg	Taylor, WI 54654	
<i>Jon Hanson</i>	Jon Hanson	Arcadia WI 54612	
<i>Donna Hanson</i>	Donna Hanson	Winona MN 55991	
<i>Flaine Hanson</i>	Flaine Hanson	N22952 Lukowski Lane Arcadia WI	
<i>Tommy Cleland</i>	Tommy Cleland	3855 Wilson Ave Apt 52 Arcadia, WI	
<i>Rita Smith</i>	Rita Smith	N2959 Andy Ln Arcadia WI	
<i>Pete Harmon</i>	Pete Harmon	N26051 Thompson Ln 20 Prairie WI 54616	
<i>Pete Becker</i>	Pete Becker	520884 McCallister Rd Gallesville WI 54630	
<i>Walter M. Johnson</i>	Walter M. Johnson	W1208 River Drive Galeville WI 54630	
<i>Erin Klouch</i>	Erin Klouch	35177 Claire St Whitehall WI 54773	
<i>Travis Sheppard</i>	Travis Sheppard	N21428 LaFollette Lane Ettrick WI 54627	
<i>Donna Sheppard</i>	Donna Sheppard	W13756 Shepherd Road Oasco, WI 54758	
<i>Andrea Remus</i>	Andrea Remus	W1507 Johnson Rd. Ettrick WI 54627	
<i>John Casmore</i>	John Casmore	11422 Pine Street Trempealeau WI 54611	
<i>Bar Rodster</i>	Bar Rodster	N21786 Oak Ridge Dr Gallesville WI 54630	
<i>Paige Quince</i>	Paige Quince	N28067 Ct J Blair WI 54616	
<i>Ryan Longerson</i>	Ryan Longerson	Egan Drums@hotmail.com	
<i>Sally Ruser</i>	Sally Ruser	PO Box 308 Gallesville WI 54630	

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507 895 3300
Chippes
Jul 25 09 01:51P

Petition: Oppose CapX2020 High Voltage Power Line Project

P. 6
507 895 3300
CHIPS
JUL 25 09 01:50P

Petition summary and background
Xcel Energy, Dairyland power and 9 other utilities (CapX2020) are proposing 345kV high voltage power lines from Minneapolis to La Crosse. Proposed lines would cross the Mississippi River either at Alma, WI, Winona MN or La Crosse/La Crosse. Large 150-170 foot (15 stories) power lines & poles would have a major impact on scenic beauty, property values, natural habitats and health risks from electro-magnetic fields (EMF's). CapX2020 power lines could permit dirty coal power from North Dakota to be transmitted across MN & WI to ports East, where the power can be sold to lucrative markets like Chicago. Proposed Transmission line corridors down either side of the Mississippi River have met with stiff opposition, resulting in several routes through Trempealeau County that are becoming the preferred alternative. Though this power is not for our use, we are being asked to pay higher electricity rates and to abandon our lands and risk our health so that urban areas can have unlimited, inexpensive and reliable power. Dairyland Power is also asking for our federal tax money through the Rural Utilities Service (USDA/RUS) to pay its costs for the La Crosse power line. We hereby petition the RUS to deny funding for this project which is for us an economic and environmental disaster. Locally, our power consumption is declining, not increasing and efforts to incorporate renewable energy should perpetuate this trend.

Actions petitioned for:
1) Say NO to federal tax financing of the La Crosse CapX2020 power line through the USDA/RUS for lack of need, and to avoid environmental and economic losses to the lands and people of Trempealeau County!

Date: 2) Join Citizens Energy Task Force- It's free. Add your email address for updates. CETF is working with Mississippi River Revival to fight CapX2020 lines. Please return petitions to Ron Reimer, N23440 McCabe Lane, Ettrick, WI 54627 by July 22, 2009

Signature	Print Name	Street Address	email address	PHONE	I would like to join CETF (X)
	Ronald Reimer	N23440 McCabe Ln, Ettrick, WI 54627			X
	Katherine Prow	N26143 JOE CONNER RD, BLAIR WI 54616			X
	Robert Atkew	N26174 Ethell WI 54627			
	Steve Walker	15778 W 1st St Ethell WI 54627			
	Nancy J Olson	N29595 N. Creek Rd, Oriskany WI 54612			
	Nilsaot	Successor Lane Ettrick WI 54627			
	Lois A Taylor	21529 Third St, Trempealeau WI 54611			X
	Ron A Leason	N241868 Thompson Valley Rd, WI 54612			
	Douglas Valt	17712-2675 Howard Ln, WI 54612			
	Mase Malin xauw	Holmen Wis 620 Martin Ct			
	Ed Patzner	corn J-24001 A. Reimer			
	Nancy J Horton	N23140 McCabe Lane Ettrick			X
	Ralph J. Schreiber	20295 Co. Clark Ave. Graessle, WI			
	Kevin A. Ritter	N236831 Hwy 53/121, Whitehall, WI			
	CARL B. STONE	318 S. Oak St. Arcadia, WI 54612			
	Jake McFarlane	219's N. 4th St. Water town, WI 54614			X
	Michael Gohres	708 Hillcrest Ave. Spillert			
	Eric Ringlien	Box 402 12734 Main Pigeon Falls WI 54620			

Petition: Oppose CapX2020 High Voltage Power Line Project

P. 5

507 895 3300

Chiefs

Jul 25 08 01:43P

Petition summary and background
 Xcel Energy, Dairyland power and 9 other utilities (CapX2020) are proposing 345kV high voltage po La Crosse. Proposed lines would cross the Mississippi River either at Alma, WI, Winona MN or La C 170 foot (15 stories) power lines & poles would have a major impact on scenic beauty, property valu risks from electro-magnetic fields (EMF'S). CapX2020 power lines could permit dirty coal power from transmitted across MN & WI to points East, where the power can be sold to lucrative markets like O line corridors down either side of the Mississippi River have met with stiff opposition, resulting in sav Trempealeau County that are becoming the preferred alternative. Though this power is not for our u: higher electricity rates and to abandon our lands and risk our health so that urban areas can have u reliable power. Dairyland Power is also asking for our federal tax money through the Rural Utilities its costs for the La Crosse power line. We hereby petition the RUS to deny funding for this project wi environmental disaster. Locally, our power consumption is declining, not increasing and efforts to inc should perpetuate this trend.

Actions petitioned for:
 1) Say NO to federal tax financing of the La Crosse CapX2020 power line through the need, and to avoid environmental and economic losses to the lands and people of Tr

Date: 2) Join Citizens Energy Task Force- It's free. Add your email address for updates. CETF is working with Mississippi River Please return petitions to Ron Reimer, N2344D McCabe Lane, Ettrick, WI 54627 by July 22, 2009

Signature	Print Name	Street Address /	email address /	PHONE
<i>Emil Reimer</i>	Emil Reimer	20599 Davian Rd. Galesville WI		608 489 001
<i>Dorothy Brush</i>	Dorothy Brush	24239 3 rd St Trempealeau, WI		5466
<i>FRANK SCORPASH</i>	FRANK SCORPASH	419811 N. RIVER RD. WHITEHALL, WI		54
<i>Kyle K. Bartsch</i>	Kyle K. Bartsch	117528 N 4 th St Galesville WI		546
<i>Jenifer Bartsch</i>	Jenifer Bartsch	117528 N 4 th St Galesville, WI		5462
<i>Marilyn Heppner</i>	Marilyn Heppner	120888 Lee Lane Blair Wisconsin		
<i>Tim Galeswski</i>	TIM GALEWSKI	14637 S 10 th St. Galesville WI	cgalesw@troutnet	
<i>MEL LEE</i>	MEL LEE	Box 544 Whitehall		538 47
<i>Nancy Howell</i>	NANCY HOWELL	16852 So. 5 th St Galesville		582-201
<i>Brenda Hansche</i>	Brenda Hansche	3616 ABRAMS ST. Galesville WI	hansche@trout.net	
<i>Depl Annie</i>	Depl Annie	91 e. 4 th St. Holma WI		54627
<i>Jodi Olson</i>	Jodi Olson	119056 Swenson Ln Ettrick WI		54627
<i>Betty Wolcott</i>	Betty Wolcott	144795 Woodland Lane WI		54758
<i>Dan Samson</i>	Dan Samson	14372 N Green Rd, Arcadia WI		5442
<i>Gary Gaudreau</i>	Gary Gaudreau	Sylvania Rd. Town of CALWINIA		
<i>Ron Johnson</i>	Ron Johnson	10807 21 st CALESVILLE WI		54630
<i>Marymbrown</i>	Marymbrown	132449 Sullivan Rd Trempealeau WI		546

Petition: Oppose CapX2020 High Voltage Power Line Project

P. 4
507 895 3300

Petition summary and background	Xcel Energy, Dairyland power and 9 other utilities (CapX2020) are proposing 345kV high voltage power lines from Minneapolis to La Crosse. Proposed lines would cross the Mississippi River either at Alma, WI, Winona MN or La Crescent/La Crosse. Large 150-170 foot (15 stories) power lines & poles would have a major impact on scenic beauty, property values, natural habitats and health risks from electro-magnetic fields (EMF'S). CapX2020 power lines could permit dirty coal power from North Dakota to be transmitted across MN & WI to points East, where the power can be sold to lucrative markets like Chicago. Proposed Transmission line corridors down either side of the Mississippi River have met with stiff opposition, resulting in several routes through Trempealeau County that are becoming the preferred alternative. Though this power is not for our use, we are being asked to pay higher electricity rates and to abandon our lands and risk our health so that urban areas can have unlimited, inexpensive and reliable power. Dairyland Power is also asking for our federal tax money through the Rural Utilities Service (USDA/RUS) to pay its costs for the La Crosse power line. We hereby petition the RUS to deny funding for this project which is for us an economic and environmental disaster. Locally, our power consumption is declining, not increasing and efforts to incorporate renewable energy should perpetuate this trend.
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Date: 2) Join Citizens Energy Task Force- It's free. Add your email address for updates. CETF is working with Mississippi River Revival to fight CapX2020 lines.

Chippes
Jul 25 09 01:48P

Signature	Print Name	Street Address	email address	PHONE	I would like to join CETF (X)
<i>[Signature]</i>	JANICE H. HESALD	112652 Hwy M Carlisle		608-458-0757	
<i>[Signature]</i>	Dawn Gorsowski	52863 Elm St Fountain City	kgorsowski@yahoo.com	608-222-2222	
<i>[Signature]</i>	Larry Moore				
<i>[Signature]</i>	Larry Moore	24832 1st St Trempealeau WI	lmoore4@carlytel.net		
<i>[Signature]</i>	Kathleen Bibby	1119036 Swenson Ln Ettrick WI		608-582-2322	
<i>[Signature]</i>	paul stein	W256 Poppen Valley Rd Fountain City, WI	ptstein@wi.rr.com	608.687.3068	
<i>[Signature]</i>	Trish Johnson	"	trishjohnson2108@aol.com	" "	
<i>[Signature]</i>	Eric Hudson	19990 W RING CALESVILLE WI		5822375	X
<i>[Signature]</i>	Val Pritzman	W18486 Hawk Drive Ettrick WI			
<i>[Signature]</i>	Diana Bauer	W30924 N Trump College Rd, Taylor, WI			

Petition: Oppose CapX2020 High Voltage Power Line Project

Petition summary and background	Xcel Energy, Dairyland power and 9 other utilities (CapX2020) are proposing 345kV high voltage power lines from Minneapolis to La Crosse. Proposed lines would cross the Mississippi River either at Alma, WI, Winona MN or La Crescent/La Crosse. Large 150-170 foot (15 stories) power lines & poles would have a major impact on scenic beauty, property values, natural habitats and health risks from electro-magnetic fields (EMF/S). CapX2020 power lines could permit dirty coal power from North Dakota to be transmitted across MN & WI to points East, where the power can be sold to lucrative markets like Chicago. Proposed Transmission line corridors down either side of the Mississippi River have met with stiff opposition, resulting in several routes through Trempealeau County that are becoming the preferred alternative. Though this power is not for our use, we are being asked to pay higher electricity rates and to abandon our lands and risk our health so that urban areas can have unlimited, inexpensive and reliable power. Dairyland Power is also asking for our federal tax money through the Rural Utilities Service (USDARUS) to pay its costs for the La Crosse power line. We hereby petition the RUS to deny funding for this project which is for us an economic and environmental disaster. Locally, our power consumption is declining, not increasing and efforts to incorporate renewable energy should perpetuate this trend.
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Date: 2) Join Citizens Energy Task Force- It's free. Add your email address for updates. CETF is working with Mississippi River Revival to fight CapX2020 lines.

Signature	Print Name	Street Address / email address / PHONE	I would like to Join CETF (X)
<i>Michael Batzler</i>	Michael Batzler	Crystal Valley Rd. Gale, WI 414-520-5596	YES
<i>Jill M. Lynch</i>	Jill M. Lynch	Home → 1999 Conestoga Ct Richfield, WI 3076 20716 W. Gale Ave Colesville WI 54630 608 542-4521 jlynch@charter.net	YES
<i>Elise Olson</i>	Elise Olson	1155006 Canton in Ethuk, WI 608 525-5803	Yes
<i>Wade Briggs</i>	Wade Briggs	20716 W. Gale, Galena, WI 608 582-4521	Yes
<i>George Brandt</i>	George Brandt	W19517 Starbuck Rd. Arundel, WI 608-585-6810	
<i>Christa Berg</i>	Christa Berg	Ethuk, WI	
<i>Mark Kamp</i>	Mark Kamp	" " 608 525-4306	X
<i>John Johnson</i>	John Johnson	1032 W. Krynitzky Ethuk, WI 608-582-0777	
<i>Deb Congdon</i>	Deb Congdon	116018 State Rd 54 Hudsonville, WI 608-582-7770	X

P. 3
507 895 3300
CHIPES
Jul 25 09 01:48P

Petition: Oppose CapX2020 High Voltage Power Line Project

Petition summary and background	Xcel Energy, Dairyland power and 9 other utilities (CapX2020) are proposing 345kV high voltage power lines from Minneapolis to La Crosse. Proposed lines would cross the Mississippi River either at Alma, WI, Winona MN or La Crescent/La Crosse. Large 150-170 foot (15 stories) power lines & poles would have a major impact on scenic beauty, property values, natural habitats and health risks from electro-magnetic fields (EMF/S). CapX2020 power lines could permit dry coal power from North Dakota to be transmitted across MN & WI to points East, where the power can be sold to lucrative markets like Chicago. Proposed Transmission line corridors down either side of the Mississippi River have met with stiff opposition, resulting in several routes through Trempealeau County that are becoming the preferred alternative. Though this power is not for our use, we are being asked to pay higher electricity rates and to abandon our lands and risk our health so that urban areas can have unlimited, inexpensive and reliable power. Dairyland Power is also asking for our federal tax money through the Rural Utilities Service (USDA/RUS) to pay its costs for the La Crosse power line. We hereby petition the RUS to deny funding for this project which is for us an economic and environmental disaster. Locally, our power consumption is declining, not increasing and efforts to incorporate renewable energy should perpetuate this trend.
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Signature	Print Name	Street Address	email address	PHONE	I would like to join CETF (X)
<i>[Signature]</i>	Thomas Walker	N 7714 St. Louis Ave	11085345712		
<i>[Signature]</i>	Fred Nehring	N 32870 Hwy 53	Whitehall WI	538-4805	
<i>[Signature]</i>	Diane Nehring	N 32878 Hwy 53	Whitehall, WI	538-4805	
<i>[Signature]</i>	MARY MARTIN	N 5705 Satterlee	Ettrick WI	505-2019	
<i>[Signature]</i>	Wilma Bibby	110878 Treppen Ln	Ettrick WI	901-2088	
<i>[Signature]</i>	Sandra Bradley	W. Hwy 19 Dapp Rd	Ettrick WI	562-6419	
<i>[Signature]</i>	Evelyn Jastrow	4811205 S. Knoll Rd.	Taylor, WI	909-2674	
<i>[Signature]</i>	Stacey Miller	W 11203 S. Rm. Rd	Taylor, WI	909-2674	
<i>[Signature]</i>	Robert Wilson	N 26497 Hwy 53	Blair WI	505-9170	
<i>[Signature]</i>	Christina Wilson	N 26499 Hwy 53	Blair WI	506-525-720	
<i>[Signature]</i>	Gordon Hebertson	19814 East Ridge Ave	Galesville, WI	562-4447	
<i>[Signature]</i>	Lance Burks	W 15901 city rd AA	Galesville, WI	562-4644	
<i>[Signature]</i>	TERRY MOELLE	N 8668 O. THOMPSON RD.	HALMEN WI	54626	
<i>[Signature]</i>	Anthony Dyjak	121 W. Broadway St	Blair, WI	54616	
<i>[Signature]</i>	Melissa Colson	21348 5th St	Trempealeau, WI		
<i>[Signature]</i>	TARI WOOD	N 15232 Enger Rd	Galesville, WI	54630	
<i>[Signature]</i>	Barb Howell	N 15232 Enger Rd	Galesville, WI	54630	

P. 2
SD7 895 3300
CHIPP
JUL 25 09 01:48P

Cummings, Matt

From: Strength, Stephanie - Washington, DC [Stephanie.Strength@wdc.usda.gov]
Sent: Tuesday, August 04, 2009 12:36 PM
To: Lilley, Bliss; Collins, Carly
Subject: FW: CAPX2020

Follow Up Flag: Follow up
Flag Status: Flagged

From: zoltancsete@yahoo.com [mailto:zoltancsete@yahoo.com]
Sent: Monday, August 03, 2009 2:48 PM
To: Strength, Stephanie - Washington, DC
Subject: CAPX2020

N-006-001
N-006-002
N-006-003
N-006-004

I am very concerned and at the same time outraged that we are thinking about funding the CAPX2020 project. It clearly is not needed and we should be focusing our efforts and investments toward cleaner energy. This power line WILL affect our area in countless ways. Decreased property values, so many environmental effects, and energy that we will not even use in our area. These are just a few of the outcomes of CAPX2020. I support the Trempealeau County Citizen's Energy Task Force of Western Wisconsin. Please don't let big energy outvoice our citizens and our environment. Please stand up for us and help us. Please let me know if there's anything I can do. Thank you,
Zoltan Csete

Bellow is the letter from the energy task force.
Re: USDA/RUS EIS Scoping

The Trempealeau County Citizen's Energy Task Force of Western Wisconsin, would like to go on record as opposing the granting of financial assistance to Dairyland Power Company of La Crosse, Wisconsin and would like to submit comments to be included with the EIS scoping to wit:

This transmission line is being represented to local residents at meetings held by CAPX2020 representatives to be a "redundant" line to make electrical service to our area more secure and more reliable. Riverland Energy Coop, a member of Dairyland Energy Coop would hardly be involved in this project otherwise. This seems inconsistent with the siting of a substation that would permit Riverland Energy to have access to the power on this line being on the far side of Trempealeau County. If this energy was for local use, it would have been dropped down at Alma and transmitted as lower voltages than 345 kv, to eliminate the expense of high tension lines unnecessarily crossing the entire county at \$860,000/mile cost. La Crosse wouldn't need 345kv service coming through Trempealeau. They don't need that much new capacity. This project is extremely wasteful of financial and environmental resources for a "redundant" line. A back-up line clearly doesn't need to be larger than the primary feeds.

It appears to us that the real justification for constructing this line is to wholesale cheap energy produced in North Dakota and soon South Dakota, to Chicago and points east. Not only does this require us in Trempealeau County to bear the financial burden of constructing the line; we must suffer the losses to our undeveloped and natural, rural environment. Furthermore, it creates more problems for Wisconsin and Minnesota with respect to air quality, due to being downwind from coal plants too dirty to meet Wisconsin and Minnesota emission standards, not to mention the additional contributions to atmospheric carbon.

Trempealeau County is geologically unique in being a large part of that small, unglaciated bioregion, called the

N-006-001

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. Alternatives to the project will be addressed in the Draft Environmental Impact Statement. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at: <http://www.usda.gov/rus/water/ees/eis.htm>. Alternatives to the project will also be addressed in the Draft Environmental Impact Statement.

The Draft Environmental Impact Statement nd will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

N-006-002

Your comment has been noted. Socioeconomic impacts to property values affected by the transmission line will be addressed in the Draft Environmental Impact Statement.

N-006-003

Your comment has been noted. Potential impacts to wildlife, vegetation, and wetlands will be addressed in the Draft Environmental Impact Statement.

N-006-004

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at: <http://www.usda.gov/rus/water/ees/eis.htm>.

Driftless Area. This area owes much of its agricultural and tourist economy to this relatively pristine traditional rural landscape, featuring small farms, including specialty, Amish, and organic farms, historic buildings, bike trails, small family businesses, and life in the slow lane. The kind of development that more urban areas in the state have seen has for most purposes passed Trempealeau County by.. In fact we only have one traffic light in the entire county. It is hard for us to understand why we should allow this kind of desecration of our landscape to happen unless absolutely necessary, which this power line is clearly not.

Our Trempealeau County Citizens Energy Task Force is undertaking a study to determine how a distributed or decentralized electric energy distribution network could meet our local energy needs with renewable resources and programs to conserve energy and encourage its more efficient use by local residents and businesses, so that we can manage adequately with the existing distribution network, at great savings to ourselves as ratepayers, and the American taxpayer.

There is incredible interest in our community in moving in the direction of using renewable and sustainable energy resources. One would think the utilities would want to economize by switching over to distributed generation, instead of incurring these huge expenditures of public money.

We see the current slowdown in energy demand as the perfect time and place to switch course away from fossil fuels and nuclear technology and toward sustainable and clean means of procuring our energy. We have contacted Governor Doyle about working with him and his Energy Task Force, and offered to share with him our ideas about how the State could facilitate a more democratic and grass-roots approach to developing distribution systems, instead of relying on corporate monopolies to decide what is best for us. It doesn't make sense at this point to be investing billions of dollars in antiquated, dirty, technologies which lock us in to 50 years or more of the same negative environmental impacts.

Many of our group members and the larger members of the community are very worried about the environmental implications of what we understand would be an underwater crossing of the CapX2020 line at Alma, Wisconsin. The bottom of the Mississippi River at that location is laden with environmental toxins in the form of PCBs that must not be disturbed! Trenching or even tunneling across the river at that point is an environmental disaster waiting to happen. With surface temperatures of the line reputed to be around 300 degrees, cooling this line could also represent an environmental challenge. In talking to employees of the US Fish and Wildlife Service, it appears they clearly do not want this power line to cross the Mississippi, anywhere, and the Alma choice is merely their preference as a last resort. An unnecessary, "redundant" power line, which will not serve our area, and which the regional economy cannot afford at present, is just not worth the risk! Energy consumption is experiencing a decelerating trend. DOE statistics show rates of increase approaching just a few percent. Xcel Energy has reported a nearly 12% drop in demand between 2006 and 2008. With solar and wind technology beginning to show their presence, our use of energy produced by fossil fuels and nuclear fuels is likely to begin to decline, not increase. Let's give these new technologies a chance to prove they can replace toxic ways of producing energy.

Let the new smart grid and distributed generation concepts take hold.

In a few short weeks since some of the local residents living in the proposed corridor have heard about this project, our group sponsored a booth at the Trempealeau County Fair to alert citizens who had not heard about it. The booth had limited exposure and a rather unrepresentative sampling of county wide attitudes toward CAPX2020, but nearly everyone we talked with was outraged by this project. We found several people directly in the proposed path of this power line who had not been informed of meetings or even of the possibility of the line being located near their residences. We believe that certainly everyone in the proposed corridor should have been directly contacted, registered mail, return receipt requested, and that multiple notices should have been published in local newspapers to insure people in the entire county were notified about this project. All federal taxpayers and ratepayers have a stake in this issue, not just people living in the corridor!

This county is truly in the dark about this project. Among reasons for concern among fair-goers stopping at our booth were: Reduced property values, the effects of emfs on the health of children and the elderly, higher utility rates, the deterioration of the beauty of our rural landscape, the siting of a substation to serve La Crosse and Holmen in OUR county, no hearings in Holmen, and the obvious fact that these lines are not for us.

We managed to get quite a few of them to sign a petition to the USDA/RUS to deny funding to Dairyland

Power to participate in this project. We are continuing to circulate the petition and will submit it in opposition to the project at a later date. For the purposes of this scoping comment process, we are including a copy of the petitions as of the close of the comment period, in pdf format. The same pages are also being submitted by fax with other petitions submitted by the Minnesota CETF. We anticipate that our ongoing efforts to secure signatures for our petition will be in the higher hundreds in a short period of time.

We are very concerned with the lack of effective notice given by Dairyland Power and Xcel Energy to affected residents. We contacted Xcel Energy and offered to help inform people about the project, but they refused to cooperate with our requests for names and addresses of people who they were supposed to have contacted.

According to the Sierra Club, this information is supposed to be in the public domain and they should have been required to give it to us. To the credit of Dairyland Power, we were given some maps and literature by them to pass on to the public. But there seems to be no interest on the parts of the CAPX2020 consortium to involve the public actively in routing this line. It seems our only opportunity to have input, is through this comment procedure, which feels awfully insignificant. For a project that is suppose to be in the public interest, this looks suspiciously aimed toward investors in utilities, not the public

Please do not fund this project. It is an environmental disaster! Thank you!

Respectfully,

Ron Reimer

Nancy Horton

Representing Trempealeau Citizens Energy Task Force

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Appendix J.
Agency and Tribal Comment Index and Comments and Responses

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Code	Item Name	Category
F-001-001	Kendig, Robert	Comment Noted
F-001-002	Kendig, Robert	Other
F-002-001	National Park Service, Midwest Region	Route Alternatives
F-002-002	National Park Service, Midwest Region	Other
F-002-003	National Park Service, Midwest Region	Processes
F-002-004	National Park Service, Midwest Region	Route Alternatives
F-002-005	National Park Service, Midwest Region	Processes
F-002-006	National Park Service, Midwest Region	Processes
F-002-007	National Park Service, Midwest Region	Processes
F-002-008	National Park Service, Midwest Region	Processes
F-002-009	National Park Service, Midwest Region	Processes
F-002-010	National Park Service, Midwest Region	Processes
F-002-011	National Park Service, Midwest Region	Processes
F-002-012	National Park Service, Midwest Region	Processes
F-002-013	National Park Service, Midwest Region	Processes
F-002-014	National Park Service, Midwest Region	Processes
F-002-015	National Park Service, Midwest Region	Processes
S-001-001	MN PUC	Processes
S-005-001	MN DNR	Route Alternatives
S-005-002	MN DNR	Biological Resources
S-005-003	MN DNR	Biological Resources
S-005-004	MN DNR	Route Alternatives
S-005-005	MN DNR	Route Alternatives
S-005-006	MN DNR	Visual/Aesthetic Resources
S-005-007	MN DNR	Cumulative Impacts
S-005-008	MN DNR	Mississippi River Crossing
S-005-009	MN DNR	Mississippi River Crossing
S-005-010	MN DNR	Route Alternatives
S-006-001	WI MS River Parkway Commission	Other
S-006-002	WI MS River Parkway Commission	Route Alternatives
S-008-001	Senator Sharon Erickson Ropes	Other
S-008-002	Senator Sharon Erickson Ropes	Biological Resources
S-008-003	Senator Sharon Erickson Ropes	Project Purpose and Need
S-008-004	Senator Sharon Erickson Ropes	Project Alternatives
S-008-005	Senator Sharon Erickson Ropes	Interconnection to Generation
S-008-006	Senator Sharon Erickson Ropes	Socioeconomics
S-008-007	Senator Sharon Erickson Ropes	Project Alternatives
S-011-001	WDNR	Route Alternatives
S-011-002	WDNR	Processes
S-013-001	MNDOT - Hutton, Robert	Public Facilities or Uses
S-013-002	MNDOT - Hutton, Robert	Visual/Aesthetic Resources
S-013-003	MNDOT - Hutton, Robert	Comment Noted

Code	Item Name	Category
L-001-001	Farmington Township	Health & Safety and EMF
L-001-002	Farmington Township	Biological Resources
L-001-003	Farmington Township	Project Purpose and Need
L-001-004	Farmington Township	Other
L-001-005	Farmington Township	Other
L-002-001	New Market Township	Socioeconomics
L-002-002	New Market Township	Land Rights & Esmt Acquisition
L-003-001	Highland Township	Comment Noted
L-004-001	Warren Township	Route Alternatives
L-005-001	Goodhue County	Processes
L-005-002	Goodhue County	Route Alternatives
L-005-003	Goodhue County	Route Alternatives
L-005-004	Goodhue County	Route Alternatives
L-006-001	City of Hampton	Route Alternatives
L-007-001	Warren Township/Winona County	Route Alternatives
L-007-002	Warren Township/Winona County	Agriculture
L-007-003	Warren Township/Winona County	Route Alternatives
L-007-004	Warren Township/Winona County	Route Alternatives
L-008-001	Holden Township	Health & Safety and EMF
L-008-002	Holden Township	Route Alternatives
L-008-003	Holden Township	Project Alternatives
L-008-004	Holden Township	Processes
L-008-005	Holden Township	Processes
L-009-001	Bridgewater Township	Other
L-009-002	Bridgewater Township	Connected Actions
L-009-003	Bridgewater Township	Project Alternatives
L-009-004	Bridgewater Township	Project Alternatives
L-010-001	La Crosse County	Biological Resources
L-010-002	La Crosse County	Socioeconomics
L-011-001	Doll, Karen	Route Alternatives
L-011-002	Doll, Karen	Route Alternatives
L-011-003	Doll, Karen	Route Alternatives
L-011-004	Doll, Karen	Processes
T-001-001	Bois Forte Band of Ojibwe	Processes
T-002-001	Oneida Nation of Wisconsin	Processes
T-002-002	Oneida Nation of Wisconsin	Processes
T-003-001	Leech Lake Band of Ojibwe	Processes
T-004-001	Ketegitigaaning Ojibwe Nation	Processes
T-005-001	Ho-Chunk Nation	Processes
T-005-002	Ho-Chunk Nation	Historic, Arch, Cultural Sites
T-005-003	Ho-Chunk Nation	Processes
T-006-001	Mille Lacs Band of Ojibwe	Processes
T-007-001	Stockbridge Munsee	Processes
T-008-001	Little Traverse Bay Band of Odawa Indians	Processes
T-009-001	Wabasha, Leonard	Historic, Arch, Cultural Sites

Representative: _____



Delivering electricity you can rely on

Input Form

Name: Robert Kendig (FAA)
Address: 9 Helgerson Dr SW Rochester MN 55902
Telephone: 507 289 7810 651 755 0570
Email: robert.j.kendig@faa.gov
Date: 6/17/09
Meeting location: Waramingo

Check one:

- Landowner Elected Official
 Agency City/County Staff
 Other: _____

Comments:

F-001-001

Red line runs just east of
Federal Microwave repeater station.

F-001-002

Has FAA been in on process and
study completed on possible RFI

Microwave Link is a primary
communication path from Kansas City
to Minneapolis.

F-001-001

Your comment has been noted. The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

F-001-002

Your comment has been noted. Potential impacts to public transportation and interference with electrical equipment caused by the transmission lines will be addressed with individual landowners if the problem arises.



United States Department of the Interior

National Park Service
Midwest Region
601 Riverfront Drive
Omaha Nebraska 68102-4226



L7619 (MWR-PCL/PC)

30 JUN 2009

ER-09/0572

Ms. Stephanie Strength, Environmental Protection Specialist
U.S. Department of Agriculture, Rural Utilities Service
Engineering and Environmental Staff
1400 Independence Avenue, SW., Stop 1571
Washington, D.C. 20250-1571

Dear Ms. Strength:

Thank you for the opportunity to comment on the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Dairyland Power Cooperative Cap X 2020 Hampton-Rochester-La Crosse Transmission Line project in Dakota, Goodhue, Wabasha, Winona, Houston, Olmsted, Rice, and Dodge Counties, Minnesota, and La Crosse, Trempealeau, and Buffalo Counties, Wisconsin (Project). The National Park Service (NPS) has reviewed the document and submits these comments to you as an indication of our thoughts regarding the Project.

F-002-001 In compliance with Section 5(d) of the National Wild and Scenic Rivers Act (16 USC 1271-1287), we have reviewed the information provided and have determined that the proposed Project would cross the Cannon River and the Mississippi River in Minnesota, at locations downstream from segments listed on the Nationwide Rivers Inventory (NRI). Notably, at the crossing location, the Cannon River is currently designated as part of the State of Minnesota's Wild and Scenic Rivers Program. Also, as proposed, the Project would cross the Black River (River), Wisconsin, within a listed segment in the vicinity of La Crosse, Wisconsin.

The NRI is a register of rivers that may be eligible for inclusion in the National Wild and Scenic River System (System). The intent of the NRI is to provide information to assist Agencies in making balanced decisions regarding the use of the nation's river resources and to prevent potential impacts to the values for which a river has been placed on the list. Rivers are listed on the NRI because of the degree to which they are free-flowing (without straightening, diversion, riprapping, or other modifications of the channel), for their exceptional water quality, and for one or more outstanding remarkable values. The River at the crossing location has been listed on the NRI for its scenic, recreational, and geologic values. The River is an outstanding segment that

F-002-002



F-002-001

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

F-002-002

Your comment has been noted. Potential impacts to the aesthetic quality of the areas surrounding the transmission line, to geology and soil resources caused by the transmission lines, and to recreational resources will be addressed in the Draft Environmental Impact Statement.

F-002-002 | flows through western Wisconsin hill country until reaching its confluence with the Mississippi River. The segment is further characterized by little cultural intrusion, high sand banks, wooded shores, and occasional limestone bluffs.

A Presidential Directive and subsequent instructions issued by the Council on Environmental Quality (CEQ) require that each Federal Agency, as part of its normal planning and environmental review processes, take care to avoid or mitigate adverse effects on rivers identified in the NRI.

Further, all Agencies are required to consult with the NPS prior to taking actions that could effectively foreclose wild, scenic, or recreational status for rivers on the NRI. The CEQ procedures for interagency consultation to avoid or mitigate adverse effects on rivers in the NRI may be found at <http://www.nrc.nps.gov/programs/rtca/nri/index.html>.

F-002-003 | Although the Cannon and Mississippi Rivers are not listed on the NRI at the crossing locations, the NPS strongly encourages project planning that includes measures to avoid and mitigate adverse impacts to the free-flow, water quality, and values of rivers and their corresponding watersheds.

The recommendations listed below should be implemented at river crossings to make sure that activities associated with the Project do not preclude the River from potential inclusion into the System and to maintain or improve the quality of all rivers affected by the Project.

Recommendations:

F-002-004 | All Project activities should remain within the right-of-way and the disturbed riparian area should be the minimum that is necessary for project completion.

- F-002-005** | • Project boundaries should be clearly delineated with fencing or other barrier within 120 feet of the River.
- F-002-006** | • Trees that will remain and are currently within or along the Project boundary should be protected from abrasion or root zone compaction from heavy equipment. This can be accomplished by delineating the drip lines of trees to avoid the operation of heavy equipment within the canopy of a tree or by using track equipment.
- F-002-007** | • Any trees that must be removed within 120 feet of the river, especially along the riverbank, should be cut flush to the ground to ensure that the rootwads continue to provide soil and bank stability. Only remove those trees that are absolutely necessary.
- F-002-008** | • Excessive woody debris including logs and limbs should be removed from the bank area and placed at least 120 feet from the top of bank. There should not be large brush piles immediately adjacent to the River.
- F-002-009** | • All disturbed areas should be reseeded and stabilized using a temporary, noninvasive cover crop (annual rye or similar) and a permanent seeding of native grasses, forbs, and shrubs.
- F-002-010** | • A riparian management plan should be developed and implemented to ensure that a vigorous riparian buffer is established along the River with a minimum width of 120 feet. Plant species should conform to the native communities in the area, but may be limited to

F-002-003

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

Potential mitigation measures for impacts to water quality will be addressed in the Draft Environmental Impact Statement.

F-002-004

Your comment has been noted. Potential impacts resulting from construction, operation, and maintenance of the transmission line in addition to best management practices and mitigation measures will be addressed in resource sections throughout the Draft Environmental Impact Statement.

F-002-005

Your comment has been noted. Please refer to comment response F-002-004.

F-002-006

Your comment has been noted. Please refer to comment response F-002-004.

F-002-007

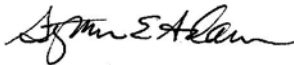
Your comment has been noted. Please refer to comment response F-002-004.

woody plants that grow less than 20-30 feet (shrubs and small trees) in order to limit right-of-way maintenance.

- F-002-011** | • All equipment, materials, and construction debris should be removed from the site upon Project completion.
- F-002-012** | • Monitor and maintain appropriate erosion-control measures throughout the duration of the Project.
- F-002-013** | • No construction vehicles should operate within the banks of the River.
- F-002-014** | • All unnecessary equipment should be kept away from the riparian zone.
- F-002-015** | • If bank stabilization is necessary, natural materials and soil bioengineering techniques should be implemented in order to provide ecological benefits to the River.

We appreciate the opportunity to provide comments on the Notice of Intent to Prepare an EIS for the Project. If you have any questions or if we can be of any further assistance please contact Regional Rivers Coordinator Hector R. Santiago, National Park Service, Midwest Regional Office, Planning and Compliance, 601 Riverfront Drive, Omaha, Nebraska 68102-4226, telephone 402-661-1848.

Sincerely,



Stephen E. Adams
Acting Regional Director

cc:
Ms. Tammy Whittington
Chief, Environmental Quality Division
National Park Service
7333 West Jefferson Avenue
Lakewood, Colorado 80235

Mr. Michael T. Chezik, Regional Environmental Officer
Department of the Interior
Office of Environmental Policy and Compliance, Philadelphia Region
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106

F-002-008

Your comment has been noted. Please refer to comment response F-002-004.

F-002-009

Your comment has been noted. Please refer to comment response F-002-004.

F-002-010

Your comment has been noted. Potential impacts to vegetation and wetlands will be addressed in the Draft Environmental Impact Statement.

F-002-011

Your comment has been noted. Please refer to comment response F-002-004.

F-002-012

Your comment has been noted. Please refer to comment response F-002-004.

F-002-013

Your comment has been noted. Please refer to comment response F-002-004.

F-002-014

Your comment has been noted. Please refer to comment response F-002-004.

F-002-015

Your comment has been noted. Please refer to comment response F-002-004.



STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

June 17, 2009

Ms. Stephanie Strength
USDA Rural Utilities Service
1400 Independence Avenue, SW., Stop 1571
Washington DC 20250-1571

RE: Comment regarding Dairyland Power Cooperative's proposed CapX 2020 Hampton-Rochester-La Crosse Transmission Line Project

Dear Ms. Strength,

The Minnesota Public Utilities Commission (Commission) wishes to inform the United States Department of Agriculture Rural Utilities Service (RUS) and the Environmental Impact Statement record of the findings and conclusions made by the Commission on the proposed CapX 2020 Hampton-Rochester-La Crosse Project in their Certificate of Need proceeding. The Commission's final Order on the need for this project was issued on May 22, 2009, a copy is provided with this letter.

Portions of the Commission's Order which may be of benefit to the RUS in their evaluation of the Hampton-Rochester-La Crosse Transmission Line Project begin in the Order as follows:

- A) A general project summary - Page 16;
- B) a recommendation from the Administrative Law Judge - Page 20;
- C) the Commission's findings - Page 24; and,
- D) the Commission's Order summary - Page 43.

S-001-001

To the extent practicable, we respectfully request that the Minnesota Public Utilities record for this project be a component of your agency's review. The Commission is willing to provide documentation from our record that may be of assistance. The Order and docket related information can be accessed electronically via eDockets at www.puc.state.mn.us. If you have any questions please contact me at (651) 201-2255 or Commission staff member, Tricia DeBleekere, at (651) 201-2254.

Sincerely,

Bob Cupit
Manager, Energy Facilities Permitting
Minnesota Public Utilities Commission

Enclosed: Order Granting Certificates of Need with Conditions, May 22, 2009

www.puc.state.mn.us

PHONE (651) 296-7144 • FAX (651) 297-2073 • TDD (651) 297-1200 • 121 3th Place East • Suite 350 • Saint Paul, Minnesota 55104-2447

S-001-001

The Minnesota Public Utilities record will be referenced in the Draft Environmental Impact Statement. The Draft Environmental Impact Statement will be available at:
<http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

David C. Boyd	Chair
J. Dennis O'Brien	Commissioner
Thomas Pugh	Commissioner
Phyllis A. Reha	Commissioner
Betsy Wergin	Commissioner

In the Matter of the Application of Great River Energy, Northern States Power Company (d/b/a Xcel Energy) and Others for Certificates of Need for the CapX 345-kV Transmission Projects

ISSUE DATE: May 22, 2009

DOCKET NO. ET-2, E-002, *et al.*/CN-06-1115

ORDER GRANTING CERTIFICATES OF NEED WITH CONDITIONS

PROCEDURAL HISTORY

In 2005, Great River Energy (GRE) and Northern States Power Company d/b/a Xcel Energy (Xcel) (collectively, Applicants), on behalf of themselves and other entities,¹ proposed a plan for acquiring the capacity to transmit the electricity that they claim will be needed in the region by 2020. They called this capacity expansion plan the CapX 2020 Transmission Expansion Initiative (CapX).²

In 2006, GRE and Xcel started the process of obtaining permits to build the first phase of CapX 2020, called the Group 1 Projects.³ GRE proposed the **Brookings Project**, a 345-kV transmission

¹ Central Minnesota Municipal Power Agency, Dairyland Power Cooperative (La Crosse Project), Minnesota Power, Missouri River Energy Services, Otter Tail Power Company, Rochester Public Utilities, Southern Minnesota Municipal Power Agency, and Wisconsin Public Power, Inc.

² See *In the Matter of the 2005 Minnesota Biennial Transmission Filing*, Docket No. E-999/TL-05-1739, 2005 Minnesota Biennial Transmission Projects Report, Issue 2005-CX-1 "CapX 2020 Vision Plan."

³ In addition to the 345 kV transmission projects being proposed here, the Group 1 Projects also include a 230 kV project being addressed in other dockets. See Docket No. E-017, E-015, ET-6/CN-07-1222, *In the Matter of the Application of Otter Tail Power Company, Minnesota Power and Minnesota Power Cooperative, Inc. for a 230 kV Transmission Line From Bemidji to Grand Rapids, Minnesota*; E-017, E-015, ET-6/TL-07-1327, *In the Matter of the Application for a Route Permit for the Bemidji - Grand Rapids 230kV Transmission Project*.

line from Brookings, South Dakota, to the southeastern quadrant of the Twin Cities metropolitan area, and a 345 kV line from Marshall, Minnesota, to the Granite Falls area.⁴ Xcel proposed the **La Crosse Project**, a 345 kV line between the southeast quadrant of the Twin Cities through Rochester to La Crosse, Wisconsin.⁵ And Xcel proposed the **Fargo Project**, a 345 kV line from Fargo, North Dakota to Alexandria, St. Cloud and Monticello.⁶ Because each of these projects qualifies as a "large energy facility," Applicants must acquire Certificates of Need from the Commission before proceeding.

For administrative simplicity, the Commission directed Applicants to address in the current docket all of the CapX Group 1 projects that Applicants would include in their application for the required Certificates of Need.⁷

On June 4, 2007, the Commission issued its ORDER DESIGNATING APPLICANTS AND SETTING FILING REQUIREMENTS authorizing GRE and Xcel to proceed as Applicants (Applicants) for this project even though other entities may ultimately take ownership interests in it.⁸

On August 16, 2007, Applicants filed their Application for Certificates of Need for Three 345 kV Transmission Line Projects with Associated System Connections.

On November 21, 2007, the Commission accepted Applicants' filing as substantially complete⁹ and referred the matter to the Office of Administrative Hearings for a contested case proceeding.¹⁰

⁴ *In the Matter of the Application of Great River Energy and Others for a Certificate of Need for the CapX Brookings, S.D. -- Southeast Twin Cities 345-kV Transmission Project*, Docket No. ET-2/CN-06-857.

⁵ *In the Matter of the Application of Northern States Power Company (d/b/a Xcel Energy) and Others for a Certificate of Need for the CapX Twin Cities-Rochester-La Crosse 345-kV Transmission Project*, Docket No. E-002/CN-06-979.

⁶ *In the Matter of the Application of Northern States Power Company (d/b/a Xcel Energy) and Others for a Certificate of Need for the CapX Fargo-Alexandria-St. Cloud-Monticello 345-kV Transmission Project*, Docket No. E-002/CN-06-1115.

⁷ ORDER APPROVING NOTICE PLANS AND REQUIRING COMPLIANCE FILINGS (November 3, 2006), this docket.

⁸ ORDER DESIGNATING APPLICANTS AND SETTING FILING REQUIREMENTS (June 4, 2007), this docket.

⁹ ORDER ACCEPTING APPLICATION AS SUBSTANTIALLY COMPLETE PENDING SUPPLEMENTAL FILING (November 21, 2007), this docket. Applicants made the required supplemental filing on November 27, 2007.

¹⁰ NOTICE AND ORDER FOR HEARING (November 21, 2007), this docket.

The Office of Administrative Hearings assigned Administrative Law Judge (ALJ) Beverly Jones Heydinger to preside over this matter. She conducted extensive public and evidentiary hearings with the participation of the following parties:¹¹

- Applicants, represented by Michael C. Krikava and Lisa M. Agrimonti, Briggs and Morgan, P.A., and Priti Patel, Assistant General Counsel, Xcel, on behalf of Xcel, co-Applicant GRE and other CapX 2020 utilities.
- The Citizens Energy Task Force (CETF), a group of Dakota County residents, many of whom are concerned that the proposed CapX projects would directly impact their property. CETF was represented by Paula Maccabee, Attorney at Law.
- The Midwest Independent Transmission System Operator, Inc. (MISO), the federally-regulated administrator of the region's transmission grid. MISO's functions include operating the market which determines which generators will operate at any given time, and administering the MISO Generator Interconnection Queue to determine which generators may interconnect with the transmission grid. MISO was represented by Christopher Sandberg of Lockridge Grindal Nauen, P.L.L.P.
- The Minnesota Center for Environmental Advocacy (MCEA), the Union of Concerned Scientists, the Izaak Walton League – Midwest Office, Fresh Energy, and Wind on the Wires (collectively, the Joint Intervenors), groups promoting the development of wind-powered electric generators. The Joint Intervenors were represented by Mary Winston Marrow and Elizabeth Goodpaster, Staff Attorneys, MCEA.
- NoCapX 2020, an organization of landowners and residents in the vicinity of one of the transmission corridors. NoCapX 2020 was represented by Carol Overland, Overland Law Office.
- The North American Water Office and the Institute for Local Self-Reliance (NAWO/ILSR), groups promoting community-based renewable energy projects. NAWO/ILSR were represented by George Crocker, Executive Director, North American Water Office.
- The Office of Energy Security (OES), a division of the Minnesota Department of Commerce (the Department) addressing issues of energy, climate change, and greenhouse gas emissions. OES was represented by Julia Anderson, Assistant Attorney General.

¹¹ The Prairie Island Indian Community also intervened in the proceeding, but later withdrew without participating.

- United Citizens Action Network (UCAN), a group of Minnesota landowners whose private property interests may be directly affected by the proposed projects. UCAN was represented by Joyce Osborn and Roger Tupy.

On February 18, 2008, the Department's Commissioner issued a decision establishing the scope of the environmental assessment that OES would perform in this matter (Scoping Decision). And on March 31, OES issued its Environmental Report addressing the issues identified in the Scoping Decision.¹²

On May 15, 2008, Applicants filed direct testimony proposing three new 345-kV transmission lines. On May 23, CETF, OES, MISO, MCEA and NAWO/ILSR filed direct testimony. In particular, the Joint Intervenors and OES proposed the construction of larger transmission lines.

On June 16, 2008, Applicants, MCEA, NAWO/ILSR and OES filed rebuttal testimony. In particular, Applicants proposed "Upsized Alternatives" for the three transmission projects they had originally proposed. These parties later filed surrebuttal testimony.

From June 17 to July 2, 2008, the ALJ convened 19 public hearings along the anticipated corridors for the three proposed transmission lines, in the cities of Moorhead, Fergus Falls, Alexandria, Melrose, Clearwater, Marshall, Redwood Falls, Arlington, New Prague, Lakeville, Cannon Falls, Winona, and Rochester.

Between July 14 and September 18, 2008, the ALJ convened 25 days of evidentiary hearings. On the final day Applicants filed final rebuttal testimony making minor cost corrections.

On October 24, 2008, Applicants, CETF, Joint Intervenors, MISO, NAWO/ILSR, NoCapX2020, OES and UCAN filed briefs.

On November 23, 2008, NoCapX 2020 asked the ALJ to re-open evidentiary proceedings to receive new evidence about the decline of customer demand for electricity, and to authorize discovery on this issue. NAWO/ILSR supported the motion; Applicants and OES opposed it. On December 10 the ALJ issued an order denying the request but stating that NoCapX 2020 could file an offer of proof for the Commission's benefit attesting to the information NoCapX 2020 would propose to provide if given the opportunity to do so. NoCapX subsequently did so.

On January 23, 2009, NAWO/ILSR, NoCapX2020, MISO, Applicants, CETF, Joint Intervenors, and OES filed reply briefs.

On February 27, 2009, the ALJ issued her Findings of Fact, Conclusions and Recommendation (ALJ's Report).

¹² An environmental report is required for a Certificate of Need. Minn. Rules, parts 7849.7010 - .7110.

On March 16, 2009, NoCapX2020, NAWO/ILSR, Joint Intervenors, UCAN, CETF, Applicants and OES filed exceptions to the ALJ's Report.

CETF also filed a motion asking the Commission to re-open evidentiary proceedings to receive new evidence about the decline of customer demand for electricity. NAWO/ILSR, NoCapX2020, UCAN and Applicants filed comments on the motion.

On April 10, 2009, NoCapX 2020 asked two commissioners to recuse themselves from deliberating on and deciding matters in this docket, and asked that the Commission consolidate this docket with two other dockets.

The Commission met on April 15 and 16, 2009, to consider these matters. The Commission heard oral arguments from the parties as well as from members of the public. The record closed on April 16.¹³

FINDINGS AND CONCLUSIONS

I. LEGAL BACKGROUND

Anyone seeking to build a transmission line that crosses into Minnesota with a capacity exceeding 100 kV,¹⁴ or more than 1500 feet of transmission line within Minnesota with a capacity exceeding 200 kV,¹⁵ must first obtain a Certificate of Need from this Commission.¹⁶ Because the proposed 345 kV lines cross state lines and exceed these thresholds, Applicants must obtain Certificates of Need before proceeding.

While many statutes potentially bear on this matter,¹⁷ Minn. Stat. § 216B.243 lists the principal

¹³ Minn. Stat. § 14.61, subd. 2.

¹⁴ Minn. Stat. § 216B.2421, subd. 2(3).

¹⁵ Minn. Stat. § 216B.2421, subd. 2(2).

¹⁶ Minn. Stat. § 216B.243.

¹⁷ See, for example, Minn. Stat. §§ 216B.1612, subd. 5; 216B.1691; 216B.1694, subd. 2(a); 216B.2401; 216B.2422, subd. 4; 216B.2425; 216B.2426; and 216C.05 - .30.

Minn. Stat. § 216B.243, subd. 3(10) requires an applicant to demonstrate compliance with § 216B.2425, subd. 7, which requires a utility to identify the transmission upgrades necessary to permit the RES to be fulfilled. In the 2007 Biennial Transmission Projects Report Applicants fulfilled this requirement, designating the Fargo and Brookings Projects as necessary for this purpose.

factors the Commission must consider when determining whether a transmission line is needed. In particular, it bars the Commission from granting a Certificate unless applicants can demonstrate that the demand for electricity cannot be met more cost-effectively through conservation or load management, and is otherwise needed. Minn Stat. § 216B.243, subd. 3.

Many of this statute's requirements are incorporated into Minn. Rules, part 7849.0120, which requires the Commission to consider the following factors:

- A. the probable result of denial would be an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant's customers, or to the people of Minnesota and neighboring states, considering:
 - (1) the accuracy of the applicant's forecast of demand for the type of energy that would be supplied by the proposed facility;
 - (2) the effects of the applicant's existing or expected conservation programs and state and federal conservation programs;
 - (3) the effects of promotional practices of the applicant that may have given rise to the increase in the energy demand, particularly promotional practices which have occurred since 1974;
 - (4) the ability of current facilities and planned facilities not requiring certificates of need to meet the future demand; and
 - (5) the effect of the proposed facility, or a suitable modification thereof, in making efficient use of resources;

- B. a more reasonable and prudent alternative to the proposed facility has not been demonstrated by a preponderance of the evidence on the record, considering:
 - (1) the appropriateness of the size, the type, and the timing of the proposed facility compared to those of reasonable alternatives;
 - (2) the cost of the proposed facility and the cost of energy to be supplied by the proposed facility compared to the costs of reasonable alternatives and the cost of energy that would be supplied by reasonable alternatives;
 - (3) the effects of the proposed facility upon the natural and socioeconomic environments compared to the effects of reasonable alternatives; and
 - (4) the expected reliability of the proposed facility compared to the expected reliability of reasonable alternatives;

- C. by a preponderance of the evidence on the record, the proposed facility, or a

Minn. Stat. §§ 216B.1694, subd. 2(a)(5) and 216B.243, subd. 3(12) pertain to applicants that are planning to build generators using non-renewable sources of energy. Similarly, Minn. Stat. §§ 216B.2422, subd. 4, 216B.243, subd. 3a, and 216H.03, subd. 3 pertain to transmission lines being built to transmit electricity generated from non-renewable sources. Because Applicants are building transmission facilities independent of any specific generator, these statutes do not apply. ALJ's Report, Findings 474 - 479.

suitable modification of the facility, will provide benefits to society in a manner compatible with protecting the natural and socioeconomic environments, including human health, considering:

- (1) the relationship of the proposed facility, or a suitable modification thereof, to overall state energy needs;
- (2) the effects of the proposed facility, or a suitable modification thereof, upon the natural and socioeconomic environments compared to the effects of not building the facility;
- (3) the effects of the proposed facility, or a suitable modification thereof, in inducing future development; and
- (4) the socially beneficial uses of the output of the proposed facility, or a suitable modification thereof, including its uses to protect or enhance environmental quality; and

D. the record does not demonstrate that the design, construction, or operation of the proposed facility, or a suitable modification of the facility, will fail to comply with relevant policies, rules, and regulations of other state and federal agencies and local governments.

As noted in part 7849.0120(A), an applicant demonstrates need for a proposed facility by, among other things, forecasting the amount of electricity customers will demand. But the Legislature has adopted policies designed to influence how a utility meets its customers' demands. In particular –

- The Renewable Energy Standard (RES) provides for Minnesota utilities to acquire an ever-growing share of their electricity from renewable sources, eventually reaching a 25% share by the year 2025.¹⁸ The Legislature encourages utilities to acquire some or all of this energy from small, locally-owned generators using renewable energy sources, called Community-Based Energy Developments (C-BED).¹⁹
- + In addition, the Legislature provides for utilities to adopt conservation programs designed to displace 1.5% of the energy their customers would otherwise use.²⁰

¹⁸ Minn. Stat. § 216B.1691. Note that the RES provides for Xcel to acquire 30% of the energy to serve its retail customers from renewable sources by 2020.

¹⁹ Minn. Stat. § 216B.1612, subd. 5.

²⁰ Minn. Stat. §§ 216B.2401, 216B.241.

However, the Legislature provides for a utility to seek to delay or vary the requirements of these laws if implementation would prove to be impossible or unduly expensive.²¹

In evaluating an application for a Certificate of Need, the Commission receives assistance from other state agencies. Where material facts are in dispute, for example, the Commission refers cases to the Office of Administrative Hearings to conduct a contested case proceeding.²² And Minn. Rules Chap. 7849 provides for the Department to file an environmental review.

Ultimately, the Commission acts on an application for a Certificate of Need application by approving it, approving it with conditions, or rejecting it.²³

II. PRELIMINARY MATTERS

A. Recusal

NoCapX 2020 ask Commissioners Pugh and Reha to recuse themselves from this matter due to their prior activities. NoCapX 2020 alleges that Commissioner Pugh's participation in the Organization of MISO States (OMS) creates an appearance of impropriety here, given that MISO is one of the entities advocating for the proposed projects. And NoCapX 2020 alleges that Commissioner Reha's remarks at a conference in 2006 creates an appearance of impropriety as well.

Commissioner Pugh serves on OMS, an organization of state utility regulators that monitor MISO. The OMS operates independent of regulated utilities. (Regulated utilities have their own board for monitoring MISO.) Moreover, Commissioner Pugh notes that he does not serve on the OMS Advisory Board, and consequently is not in a position to influence MISO's action even indirectly. The Commissioner states that he had no role in MISO's choice to intervene in the current proceedings or in the positions MISO has taken on the issues. Similarly, because participation in OMS is voluntary and uncompensated, neither OMS nor MISO was in a position to exercise undue influence over OMS members. The Commission has previously concluded that membership in OMS does not create any conflicts of interest or appearances of impropriety.²⁴

In February 2006, roughly a year and a half before Applicants filed their application in this matter, Commissioner Reha was invited to speak at the "National Electricity Delivery Forum" in Washington, DC, a gathering sponsored by the United States Department of Energy, the National Association of Regulatory Utility Commissioners, and the Consumer Energy Council of America.

²¹ Minn. Stat. §§ 216B.1612, subd. 5(2a), 216B.2401, 216B.241.

²² Minn. Rules, part 7829.1000.

²³ Minn. Stat. §§ 216B.243, subd. 5; 216E.03, subd. 10(b).

²⁴ See the January 11, 2006 legal memorandum in Docket No. E-999/11-03-1752, *In the Matter of the Minnesota Transmission Owner's Biennial Transmission Projects Report*.

During a panel discussion on the topic “Enhancing the Nation’s Electricity Delivery System Part I – Transmission System Needs,” she spoke about the challenges faced by transmission planners given the growing separation between the entities generating electricity and those transmitting it. In this context, she informed people about the unusual degree of planning coordination among electric utilities that was giving rise to the anticipated CapX 2020 projects in her home state of Minnesota. Her remarks did not address the merits of the projects or indicate that she has pre-judge this matter.

Because the Commissioners’ conduct neither violated any legal principles nor created any appearance of impropriety, the Commissioners declined NoCapX 2020’s request for recusal.

B. Docket Consolidation

NoCapX 2020 also asks the Commission to merge the current docket with Docket No. ET-2/CN-06-857, *In the Matter of the Application of Great River Energy and Others for a Certificate of Need for the CapX Brookings, S.D. -- Southeast Twin Cities 345-kV Transmission Project*, and Docket No. E-002/CN-06-979, *In the Matter of the Application of Northern States Power Company (d/b/a Xcel Energy) and Others for a Certificate of Need for the CapX Twin Cities-Rochester-La Crosse 345-kV Transmission Project*. These were two of the original three dockets in which Applicants stated their intentions to pursue Certificates of Need for the projects discussed herein.

The third docket, *In the Matter of the Application of Northern States Power Company (d/b/a Xcel Energy) and Others for a Certificate of Need for the CapX Fargo-Alexandria-St. Cloud-Monticello 345-kV Transmission Project*, was transformed into the current docket on November 3, 2006. On that date the Commission issued an order directing Applicants to address in the current docket all of the 345 kV Group 1 projects that Applicants would include in their application for Certificates of Need.²⁵ Since then, parties have made all their filings regarding all three 345 kV projects in the current docket.

However, the Commission’s action did not cause the initial documents filed in each of the two earlier dockets to become part of the current record. NoCapX 2020 had twice asked the ALJ to consolidate the three dockets. But NoCapX 2020 failed to articulate what use any party might make of these old documents, and no other party has seen fit to join in NoCapX 2020’s motion. Consequently the ALJ declined to act on it.

NoCapX 2020 again renews its request to merge the dockets, Yet again NoCapX 2020 neglects to identify what use it hopes to make of the old filings, and the Commission can identify no such purpose. Absent such a showing, the Commission finds insufficient reason to grant the request to consolidate. The motion will be denied.

²⁵ ORDER APPROVING NOTICE PLANS AND REQUIRING COMPLIANCE FILINGS (November 3, 2006), this docket.

C. Re-Opening and Supplementing the Record

CETF, NAWO/IWLA, NoCapX 2020 and UCAN argue that newly-available information shows that over the past two years customers have demanded less power than forecast – and even less than in prior years – and the utilities are now canceling plans for new generators. UCAN cites Xcel for the proposition that the current recession will dampen customer demand for two years.

CETF argues that incorporating this new evidence into Applicants' forecasts would produce a demand forecast for 2020 that would be less than the lowest amount considered in the 2020 Vision Study forecasts which provide the engineering basis for the proposed projects. This analysis, CETF argues, undermines Applicants' rationale for the proposed projects as well as the foundation for the ALJ's Report. On this basis, these parties ask the Commission to re-open evidentiary proceedings to receive evidence documenting these assertions, addressing the recent economic contraction in general, and indicating how this new information should influence the forecast of regional demand.

Applicants and OES oppose this proposal. Both Applicants²⁶ and OES²⁷ have testified to the relationship between the current recession and the need for the proposed projects. In particular, Applicants attest that the proposed facilities would be warranted by a regional demand growth of a mere 2000 MW by 2020.²⁸

Applicants note that the parties have already argued that the recession requires Applicants to revise their demand forecasts, and the ALJ has already addressed these concerns. The ALJ found that "reopening the record to analyze short-term consumption will not materially affect the longer term projection," and a "short-term drop in consumption will have little impact on the longer range forecasting of peak demand developed for the certificate of need proceeding."²⁹

OES notes that the drop in demand cited by CETF, NAWO/IWLA, NoCapX 2020 and UCAN does not reflect the consequences of the current recession alone. Rather, demand started lagging forecasts before the economy slowed due to abnormally cool weather. Yet no party has presented evidence suggesting that recent cool weather is the start of a long-term trend; this illustrates the

²⁶ See 4 Transcript 18, 68-70 (Lacey noting that forecasters take the state of the economy into account to avoid over- or under-estimating); 15 Transcript 119 - 121, 138, and ALJ's Report, Finding 159 (Alters addressing relevance of the current recession to the forecast); 2 Transcript 19-22, 3 Transcript 83-85 (Rogelstad discussing relationship between demand change and the need for the proposed projects).

²⁷ 23 Transcript 71-73, 126-128 (Ham discussing recession's effect on forecasting.)

²⁸ See 3 Transcript 83-85 (Rogelstad).

²⁹ Order Denying Motion for Limited Discovery and to Reopen Hearing (December 10, 2008) at 2; see also ALJ's Report, Findings 185 - 200.

problem with changing long-term forecasts to reflect short-term fluctuations, OES argues.

In addition, OES cautions against drawing conclusions from a utility's decision to build or cancel a power plant. Rather, OES argues that utilities make choices to build or cancel power plants in a dynamic context of supply and demand – a context that is influenced by, among other things, the Commission's actions in this and other dockets authorizing new facilities. When the transmission grid has no more capacity to import cheap power, a utility may find it cost-effective to build its own generator. If subsequent events cause that utility to anticipate gaining access to a new source of inexpensive power – either a new generator, or a new transmission line providing greater access to an existing generator – then the utility's plans to build its own generator may no longer appear cost-effective.

The new type of forecast requested by the parties would be far from unbiased, OES argues. They propose to use current levels of demand – selected from a period of uncharacteristically low demand – and then estimate growth of that demand using uncharacteristically low growth. The purpose of an unbiased forecast, however, is to enable utilities to anticipate the growth in the rate of highest (“peak”) demand, and to design their systems with sufficient capacity to meet that demand. OES argues that the proposed revisions to the forecast would render it unusable.

Finally, Applicants emphasize that they proposed the three 345 kV projects in this docket to address three kinds of need: regional reliability, community reliability and generation outlet. Assuming there were defects in the overall demand forecast, this would affect only the ALJ's conclusions regarding the degree to which the proposed facilities are needed to maintain regional reliability. But this would not undermine the ALJ's conclusions regarding the need for the proposed facilities to maintain community reliability or to provide generation outlet.

The Commission finds the arguments of the ALJs, Applicants and OES to be persuasive. There will always be deviations between forecasts and actual events. The most parties can hope for is that a forecast does not contain any systemic bias, and will therefore provide a fair estimate of a future condition based on the then-available evidence. Here parties have alleged grounds for showing a deviation, but they have not alleged grounds for showing a systemic bias.

The fact that demand is less than forecast reflects a variety of factors, including both the current recession and abnormally cold weather. In evaluating the demand for facilities that are expected to last decades, however, the Commission must focus not on current levels of demand – reflecting fluctuations in the economy and weather – but rather on long-term trends.³⁰

Moreover, assuming shorter-term data were relevant to the longer-term forecasts, none of the parties seeking to re-open the evidentiary record has stated what evidence it would provide regarding the anticipated duration of the current recession, or the resumption of normal weather patterns. Absent reliable new evidence on these questions, it is unclear what purpose a new evidentiary proceeding would serve.

³⁰ See ALJ's Report, Findings 270, 318.

For the foregoing reasons, the motions to re-open and supplement the record will be denied.

III. Proposed Projects

Briefly, Applicants have sought to anticipate how the region's transmission grid must change by the year 2020 to meet three kinds of need:

- **Regional reliability.** Applicants conducted a study (the CapX 2020 Vision Plan) forecasting the amount of system-wide growth the region would experience by 2020, and concluding that the region would experience transmission overloads, outages, and voltage problems unless new capacity were added. They then considered which arrangement of transmission facilities could best accommodate this growth under six different scenarios. This process provided the foundations for the La Crosse and Fargo Projects.
- **Community reliability.** Beyond concerns about growing demand, Applicants considered problems related to interruptions of supply. Applicants identified areas where the failure of a single transmission line could jeopardize service reliability. These needs provide additional justification for the La Crosse and Fargo Projects, although Applicants claim that the Brookings Project would also help reinforce the transmission grid along its path. In particular, Applicants note that the final two segments of the Brookings Project may form the start of a new 345 kV transmission ring around the Twin Cities.³¹
- **Generation outlet.** By 2020 the region will require additional sources of electricity. Given a number of factors – including the fact that the Minnesota Legislature directs Minnesota utilities to acquire specified percentages of their energy from renewable sources – Applicants are that they will need additional transmission capacity in the wind-rich regions of Minnesota and the Dakotas. The Brookings Project, and the Fargo Project to a lesser extent, are designed to address this need.

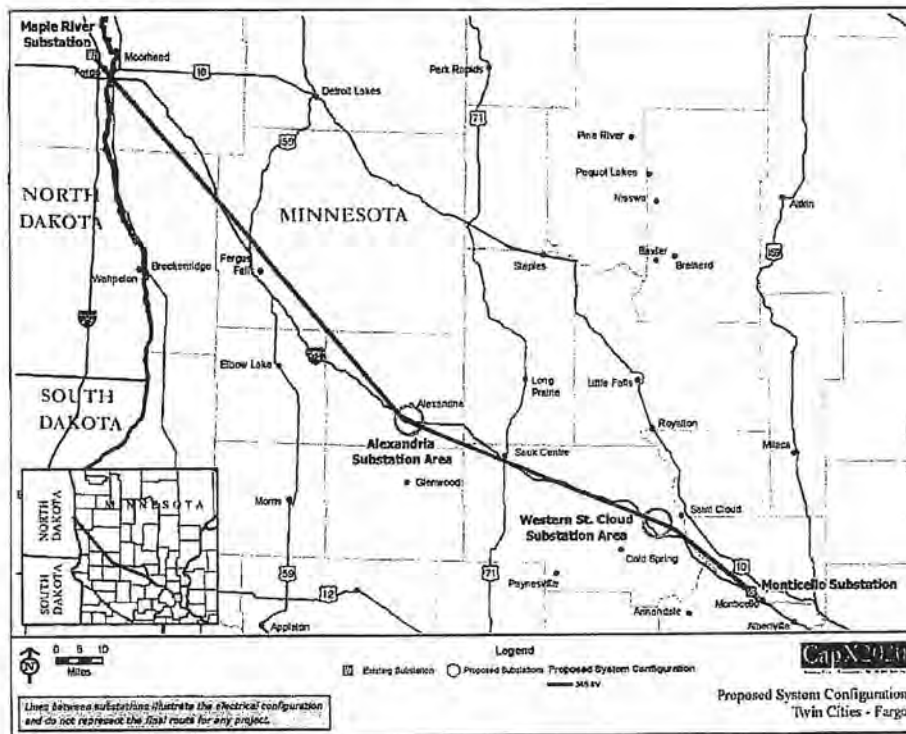
To address these deficits, Applicants propose to build three 345 kV transmission line projects: the Fargo Project, the Brookings Project, and the La Crosse Project. Applicants have proposed various routes by which the La Crosse Project might cross the Mississippi – including a crossing near Alma, and some crossings further south. Applicants also proposed an “Upsized Alternative” for each project; this alternative would not differ from the route of the original proposal, but would include placing the transmission lines on larger towers to facilitate adding capacity in the future.

³¹ Exh. 1 (Application) at 3.28, n. 14; 3.31; Exh. 121 (Grivna Rebutta) at 39.

A. The Fargo Project³²

Applicants designed the Fargo Project primarily to bolster regional reliability, and especially reliability in southern Red River Valley, Alexandria and St. Cloud. This project entails a series of 345 kV transmission line segments between Monticello, St. Cloud, Alexandria, and Fargo, North Dakota, extending 210 to 270 miles depending on the route selected.

This transmission line would begin at the Monticello substation at the Monticello Power Plant and extend northwest 30 to 40 miles to a new substation, Quarry substation, on the western side of St. Cloud. This segment would connect with the existing 115 kV transmission system serving the St. Cloud area.



From the Quarry substation, the transmission line's second segment would extend 60 to 80 miles

³² The attached maps come from Exh. 1 (Application), Chap. 2: Project Descriptions.

northwest to a new or existing substation near Alexandria. This segment would connect with the existing 115 kV transmission system serving west central Minnesota, including the City of Alexandria.

From Alexandria, the third segment would extend 120 to 150 miles northwest to a substation near Fargo, North Dakota. While Applicants initially proposed ending the line at the Maple River substation, they now ask the Commission to defer designating an end point to permit better coordination with the routes approved by the North Dakota Public Service Commission.

Both the original and the Upsized Alternative Fargo Project involve installing a 345 kV line along the entire route. But the Upsized Alternative involves building structures that could accommodate two 345 kV lines ("double circuits" or "345 kV/345 kV"), leaving room to address future demand growth.

Applicants estimate the Fargo Project as proposed would cost between \$390 million and \$560 million, depending on factors such as timing and route selection. The Upsized Alternative would cost between \$500 million to \$640 million. Applicants propose to make the lines operational sometime between 2011 and 2015.

In designing their proposal, Applicants considered various system configuration alternatives. Applicants could find no means of ensuring reliable service in the southern Red River Valley, Alexandria, and St. Cloud without additional transmission lines. Applicants also considered higher voltage and lower voltage lines, upgrading or double-circuiting, and using generation as an alternative to transmission. In particular, they found the lower-voltage option too expensive because nine 115 kV lines are needed to provide capacity comparable to the 345 kV line.

B. The Brookings Project

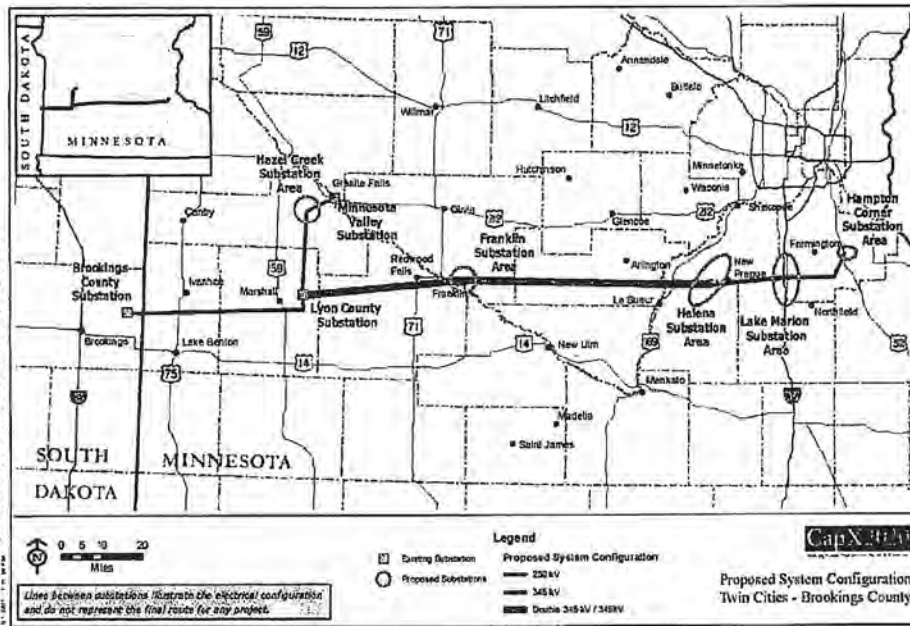
Applicants designed the Brookings Project primarily to enable an additional 700 MW of electricity generated in the wind-rich Buffalo Ridge area to reach customers in the Twin Cities. This project entails a series of 345 kV segments that stretch from the Brookings County substation in South Dakota to a new substation in the southeast corner of the Twin Cities. The project would stretch from 165 to 200 miles, depending on the route selected.

Beginning at the Brookings County substation, the transmission line's first segment would extend 50 to 55 miles to the Lyon County substation near Marshall.

Here the transmission line splits, branching both north and east. From Lyon County, one segment would extend 25 miles north to the Hazel Creek substation just southwest of Granite Falls. This 345 kV segment would replace an existing 115 kV circuit and would connect with existing transmission lines at the Hazel Creek substation. One of the recently-authorized transmission

lines extending from the Big Stone coal-fired generator³³ would also connect at the Hazel Creek substation. This substation would provide voltage support in the western part of the state as more wind farms are developed.

From Hazel Creek, the line would continue for eight to ten miles northeast to the Minnesota Valley substation, again replacing an existing 115 kV circuit. Applicants would construct this segment to 345 kV line standards, but operate it at 230 kV until the other facilities in the area were upgraded.



³³ See *In the Matter of the Application of Otter Tail Power Company and Others for Certification of Transmission Facilities in Western Minnesota*, Docket No. ET-6131, ET-2, ET-6130, ET-10, ET-6444, E-017, ET-9/CN-05-619.

Returning to the Lyon County substation, the Brookings Project's other branch would extend a double-circuit 345 kV line 45 miles east to either the Franklin substation or a new substation in that area.

The final three segments of this project would connect with three substations in the southern part of the Twin Cities area, permitting the electricity flowing on the Brookings Project to be dispersed evenly via lines connected to those substations. First comes another double-circuit segment that would extend 45 miles to the new Helena substation in the vicinity of New Prague. The Helena substation would connect to the Blue Lake–Wilmarth 345 kV line, serving the southwestern Twin Cities. From Helena, the next segment would extend 20 to 30 miles east to the I-35 freeway corridor and Lakeville, where the Lake Marion substation connects to a 115 kV line serving the southern suburbs. And from Lake Marion, the final segment would extend east 25 miles to a proposed new substation at Hampton Corner. This substation would connect with the Prairie Island - Blue Lake 345 kV transmission line serving the southeastern metropolitan area.

Both the original proposal and the Upsized Alternative would build double circuits from Lyon County to Franklin and Franklin to Helena. But the Upsized Alternative would also upgrade the towers all along the route – from Brookings to Lyon County, from Lyon County to Hazel Creek, from Hazel Creek to Minnesota Valley, and from Helena to Lake Marion and Lake Marion to Hampton Corner – to be capable of bearing two 345 kV circuits.

The Brookings Project is estimated to cost \$603.7 to \$669.6 million; the Upsized Alternative would cost \$654 to \$725 million. Applicants propose to complete the segments from Lyon County to Helena by 2012, and the rest by 2013.

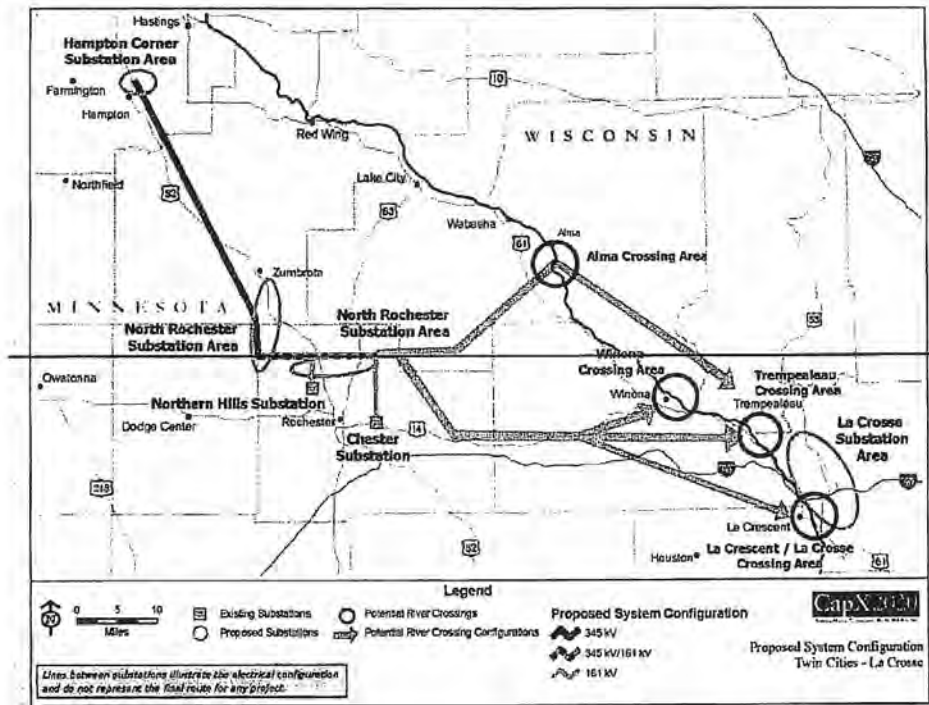
Applicants explored various alternatives to the Brookings Project – including use of lower voltage lines and the use of a single line bypassing the Franklin substation – but could identify no means of enhancing generation outlet without building some new transmission lines.

C. The La Crosse Project

Applicants designed the La Crosse Project to bolster regional reliability, and especially reliability in the Rochester and La Crosse/Winona areas. The proposed 345 kV transmission line would extend 85 to 140 miles, depending on the route selected, before crossing the Mississippi River into Wisconsin. As that range suggests, Applicants have identified a variety of different configurations and routes for meeting the regional and local transmission needs.

Beginning at the proposed Hampton Corner substation, discussed above, this project's first segment would extend southeast 40 to 50 miles to interconnect with the Prairie Island–Byron 345 kV line at a new substation, called the North Rochester substation. A 161 kV segment would continue 10 to 15 miles southeast to the Northern Hills substation, also in the Rochester area.

The specifications for the remaining line segments depend upon whether the line would cross the Mississippi River near Alma, Wisconsin, near Winona, Minnesota, or near La Crosse, Wisconsin. The latter two options have enough in common that Applicants often refer to them jointly as the "Southern Crossing," distinguishing them from the Alma Crossing option.



The Southern Crossing entails two similar layouts, but with somewhat different points of interconnection. If the project crosses the Mississippi River at Winona, the new 345 kV circuit from North Rochester would extend eastward until it intersected the Alma-North La Crosse 161 kV line in Wisconsin. From that point of intersection, these two lines would then run parallel

southeastward to the North La Crosse substation. On the other hand, if the line from North Rochester crossed the Mississippi further south at La Crescent, it could intersect the Alma-North La Crosse line directly at the La Crosse substation.

As the map indicates, initially Applicants also proposed a fourth alternative crossing at Trempealeau, Wisconsin. No party continues to advocate this option.

Applicants also propose building a 161 kV line extending south from the North Rochester substation to the Chester substation. But if ultimately the 345 kV line were routed sufficiently close to the Chester substation, Applicants ask to preserve the option of routing the 345 kV line directly to Chester in lieu of building the 161 kV line.

The Upsized Alternative would build the entire 345 kV route from Hampton Center to the La Crosse area on towers capable of bearing two 345 kV lines, thereby providing for greater expansion.

The **Alma Crossing**, alternatively, can be understood as forming a triangle. Across the top, a single 345 kV circuit on double-circuit towers would extend from North Rochester eastward about 40 miles to Alma. Applicants would replace a portion of the existing Rochester-Alma 161 kV line with a new 345 kV/161 kV double circuit line routed through Olmsted and Wabasha Counties. A second side of the triangle would be formed by a 161 kV circuit extending south from North Rochester to Chester, just as in the Southern Crossing. Then an existing 161 kV line would extend northeastward from Chester to Alma, completing the triangle. Hanging off the easternmost point of the triangle, the 345 kV line would then extend southeastward from Alma to a La Crosse area substation.

In the Upsized Alternative, the single 345 kV circuit from Hampton Corner to North Rochester would be placed on towers capable of bearing two 345 kV lines. Also, the proposed 345 kV line/161 kV line from North Rochester to Alma would be built as a 345 kV/345 kV double-circuit line; the second circuit would be operated at 161 kV until circumstances would warrant increasing in the voltage.

Applicants estimated that the La Crosse Project would cost between \$355 to \$363 million for the Southern Crossing and between \$364 and \$374 million for the Alma Crossing. The Upsized Alternative would cost between \$407 to \$432 million for the Southern Crossing and between \$389 to \$415 million for the Alma Crossing. Again, the estimates vary with the route selected, as well as the timing of construction, availability of construction crews and components.

Applicants explored a variety of alternatives for enhancing reliability in the area to be served by the La Crosse Project. These included alternative transmission projects – higher and lower voltage lines, or extending a double-circuit line from the Twin Cities to La Crosse – as well as alternatives that did not rely on new transmission – generation, conservation, and efficiency. Applicants concluded that the La Crosse Project provided the maximum benefits for the minimum price. For example, while a lower-voltage transmission line is less expensive than a 345 kV line, Applicants would need to build so many of them to substitute for a 345 kV line that this

alternative would prove to be more expensive. And while “reconductoring” existing transmission lines could improve reliability in Rochester, Applicants estimate that the grid would still require upgrades within the next six years.

Applicants would not anticipate completing the La Crosse Project before 2015, but would hope to complete the Northern Hills–North Rochester 161 kV line by the third quarter of 2011, or perhaps by 2012, depending on developments in another transmission line case, the Rochester Incremental Generation Outlet (RIGO) Project.³⁴ OES suggests that the Commission authorize the earlier date in this docket, subject to modification in the context of the RIGO case.

D. Miscellaneous Upgrades

A new transmission line will have consequences for the rest of the grid with which it interconnects. Using computer models, Applicants have identified a number of lower voltage circuits that might get overloaded if and when the 345 kV Group 1 projects begin operating. Applicants estimate the cost of making the needed upgrades throughout the transmission system at \$70 million to \$100 million.

IV. Report of the Administrative Law Judge

On the basis of the entire record, the ALJ first concluded that the OES’s Environmental Report fulfills all legal requirements and appropriately addresses the issues set forth in the Scoping Decision.

Then, after a thorough review of the record, the ALJ concluded that Applicants satisfied the relevant statutory and regulatory criteria for Certificates of Need. In particular, the ALJ cited the Joint Intervenor, among others, in rejecting the suggestion that the Applicants proposed the projects simply to have a means for transmitting power from the Dakotas to states east of Minnesota.

The ALJ recommended approving the following projects:

- The Fargo Project: The ALJ recommended approving the Upsized Alternative. But the ALJ also recommended deferring designating the project’s northern termination point until the routing proceeding, and then coordinating this decision with the North Dakota Public Service Commission.

³⁴ See *In the Matter of the Application of Northern States Power Company d/b/a Xcel Energy for a Certificate of Need for Two 161 kV Transmission Lines in the Greater Rochester Area*, Docket No. E-002/CN-08-992.

- The Brookings Project: The ALJ recommended approving the Upsized Alternative, but found the record insufficient to determine whether to locate the line's eastern terminus at the Lake Marion substation or the proposed Hampton Corner substation.
- The La Crosse Project: The ALJ recommended approving this project as proposed – but not the Upsized Alternative. In other respects, the ALJ recommended approving the project as Applicants requested, including leaving many matters to be resolved later. For example, the ALJ recommended deferring selection of the river crossing location and all the contingent decisions to a docket designed to select the project's route. Similarly, the ALJ concluded that Applicants had successfully demonstrated a need for at least a 161 kV line between the North Rochester and Chester substations, but acknowledged that the routing proceeding may reveal that Applicants should simply build their 345 kV line along that route instead. The ALJ found that Applicants had successfully demonstrated a need to make the Northern Hills-North Rochester 161 kV line operational in the third quarter of 2011, but acknowledged that developments in the RIGO case could justify revising this date.

Finally, the ALJ found insufficient grounds for imposing conditions on the grant of Certificates requiring Applicants to reserve the amount of capacity created by the new lines for the purpose of transmitting energy from renewable sources.

V. Positions of the Parties

In response to the ALJ's Report, the parties propose various courses of action.

A. Applicants

Applicants generally support the ALJ's recommendations, with two exceptions. First, they argue that the record leaves no doubt that the Brookings Project should not terminate at the Lake Marion substation, but rather should extend eastward to the Hampton Corner substation as they had proposed. Logically, Applicants argue that the record contains no analysis of the consequences of terminating the Brookings Project at the Lake Marion substation; thus any finding that the Brookings Project warrants a Certificate of Need must refer to the Brookings Project extending to the Hampton Corner substation. Procedurally, Applicants argue that the idea to build a Brookings-type Project that terminates at the Lake Marion substation would represent an alternative proposal, and no such proposal was offered within the appropriate timeframe. And factually, Applicants argue that the record demonstrates the merits of extending the Brookings Project to the proposed Hampton Corner substation.

Second, Applicants argue that the record – and a general principle of prudence – support the adoption of the Upsized Alternatives for each proposal, including the La Crosse Proposal, ensuring that the transmission line structures have room for future expansion.

B. OES

OES largely supports the ALJ's findings, conclusions and recommendations. In particular, OES supports the ALJ's conclusion that the Certificates of Need should not be made subject to conditions designed to reserve transmission capacity for renewable sources of energy.

However, OES joins the Applicants in advocating for designating the Hampton Corner substation as the eastern terminus of the Brookings Project.

C. Joint Intervenors

The Joint Intervenors largely agree with the ALJ's analysis and conclusions. However, the Joint Intervenors restate their support for the Upsized Alternatives of each of the projects, including the La Crosse Project. The Joint Intervenors also clarify that they take no position on the question of whether the CapX 2020 facilities would function as a conduit for transmitting electricity from the Dakotas to Wisconsin and beyond.

The main point of disagreement, however, pertains to the ALJ's recommendation to grant the Certificates of Need without conditions. The Joint Intervenors argue that conditions are needed to ensure that the new transmission capacity be used to increase reliance on renewable sources of energy. The Joint Intervenors propose conditions modeled on a similar provision the Commission adopted in a prior case seeking to demonstrate the need for 825 MW of transmission capacity for generation outlet (*825 MW Proceeding*).³⁵ The ALJ stated that the proposed facilities are needed, in part, to facilitate the growth of renewable sources of energy. But the Joint Intervenors warn that the proposed facilities may not fulfill this role – and therefore the projects would not qualify for Certificates of Need – unless the necessary conditions are established and enforced.

Finally, the ALJ acknowledged the difficulty parties encountered when analyzing the data and assumptions incorporated into Applicants' models.³⁶ The Joint Intervenors recommend that the Commission address this problem by directing utilities to establish a consistent audit trail procedure to allow parties to make a careful review of inputs and analysis in the future.

D. MISO

MISO continues to support approval of the Upsized Alternatives, stating that installing larger transmission towers is becoming a standard practice in some areas.

³⁵ See *In the Matter of Northern States Power Company d/b/a Xcel Energy for Certificates of Need for Four Large High Voltage Transmission Line Projects in Southwestern Minnesota*, Docket No. E-002/CN-01-1958 (*825 MW Proceeding*).

³⁶ ALJ's Report, Finding 199.

MISO expresses reservations about the Joint Intervenor's proposed conditions. To the extent that such conditions would be imposed on *facilities*, as opposed to *utilities*, MISO argues that they may conflict with MISO's federally-regulated tariffs, and especially the revised MISO Queue process.

E. CETF

In its exceptions to the ALJ's Report, CETF reasserts the arguments it made before the ALJ. In general, CETF finds fault with the ALJ's analysis of Applicants' rationales for the proposed 345 kV projects, arguing that a more rigorous analysis of the alleged need for regional reliability, community reliability and generation outlet would lead to different conclusions.

First, CETF argues that Applicants have failed to demonstrate that the three proposed 345 kV lines are needed for regional reliability, citing the low levels customer demand CETF noted in its petition to re-open the hearing, above.

CETF argues that the La Crosse project is not needed, and that the only needed segment of the Fargo Project extends from Monticello to St. Cloud. CETF concludes that the Brookings Project cannot be justified except potentially for its capacity to provide an outlet for renewable sources of energy. Consequently if the Commission were to grant a Certificate of Need for a project opening 700 MW of new transmission capacity, CETF would advocate adopting conditions reserving 700 MW of transmission capacity for renewable energy. However, CETF embraces the ALJ's decision not to identify an easternmost terminus for the Brookings Project. CETF recommends resolving that matter in the routing case, thereby providing local units of government greater opportunity to participate.

Finally, CETF opposes the ALJ's recommendation to adopt some Upsized Alternatives, arguing that the record does not demonstrate that such alternatives are needed.

F. NAWO/ILSR

In exceptions to the ALJ's Report, NAWO/ILSR re-asserts the arguments they presented before the ALJ. NAWO/ILSR cautions the Commission not to make the proposed large investment in an outmoded model of the electric industry just as a new model is emerging. On the theory that the economies enjoyed by large power plants are declining while the economies of scale enjoyed by the producers of wind turbines are rising, NAWO/ILSR argue that small, distributed generators operating close to customers, connected to a "Smart Grid," will make more efficient use of available facilities. This will largely obviate the need for the proposed transmission projects, at least within the 2020 planning horizon. According to NAWO/ILSR, any remaining capital additions – transmission or generation – could be provided in a smaller, more targeted fashion.

G. NoCapX 2020

NoCapX 2020 also reasserts the arguments it made before the ALJ. NoCapX 2020 adopts the exceptions proposed by UCAN, as well as some of CETF's arguments.

Like CETF, NoCapX 2020 argues that Applicants' demand forecasts are flawed, and that the current recession has created reason to doubt the validity of those forecasts. Consequently NoCapX 2020 asks the Commission to disregard all of the ALJ's findings related to load growth and forecasting.

In addition, NoCapX 2020 argues that the justification for the Brookings Project did not arise from the list of "common elements" that emerged from the six scenarios explored in the CapX 2020 Vision Study. NoCapX 2020 asks the Commission to disregard the ALJ's conclusions to the contrary.³⁷

NoCapX 2020 argues that the record fails to credibly demonstrate a purpose for the Fargo and La Crosse Projects that would justify their expense – except perhaps for the purpose of facilitating bulk power transfers from the Dakotas to Wisconsin and other eastern markets. And NoCapX 2020 also expresses concern about the purpose of the Brookings Project. While Applicants emphasize its role in providing an outlet for renewable sources of electricity, NoCapX 2020 notes that this line would also provide a conduit between a 345 kV transmission line extending from South Dakota's Big Stone coal-fueled generator and the 345 kV La Crosse Project.

Finally, NoCapX 2020 takes exception to the ALJ's conclusion that the Lake Marion substation represents a viable end-point for the Brookings Project. Although opposed to granting any Certificates of Need on the basis of the current record, NoCapX 2020 argues that if the Commission does approve the Brookings Project it should not terminate that 345 kV line at a substation designed to serve 115 kV lines.

II. UCAN

UCAN also restates the arguments it made to the ALJ, generally claiming that the record fails to adequately address whether the needs identified by Applicants can be addressed through local generation, conservation and load management.

UCAN joins the Joint Intervenor and NoCapX 2020 in expressing concern that the new projects' added transmission capacity will be consumed transmitting electricity from the Big Stone generators, and electricity from renewable sources will be displaced.

³⁷ See, for example, ALJ's Report, Finding 91.

Echoing the concerns raised by other parties, UCAN disagrees with the ALJ's conclusion that the record is insufficient to justify choosing between terminating the Brookings Project at the Lake Marian substation or the proposed Hampton Corner substation. UCAN argues that the same analyses that support the selection of the Brookings Project in general would also provide support for the selection of the Hampton Corner substation in specific, because that substation is part of the overall Brookings Project.

Finally, UCAN asks the Commission to compel Applicants to determine and disclose the identities of each line's owners, and the percentage interest each owner has.

VI. ANALYSIS

In preparing recommendations for the Commission regarding Applicants' Certificate of Need applications, the Administrative Law Judge presided over 25 days of evidentiary hearings and 19 public hearings. She reviewed the testimony of 25 witnesses and 316 exhibits. She evaluated the initial and reply briefs of eight parties. The ALJ's Report includes 481 findings of fact and 22 conclusions, ultimately supporting three primary recommendations.

Having examined the record and carefully considered the ALJ's Report, the Commission concurs in the ALJ's findings and conclusion, and will therefore accept, adopt and incorporate them herein – with exceptions. In sum, the Commission finds as follows:

- First, the March 31, 2008 Environmental Report adequately addresses the issues raised in the February 18, 2008 Environmental Assessment Scoping Decision.
- Second, the record demonstrates need for each of the proposed project's Upsized Alternative projects. The Certificate of Need for the Brookings Project should be subject to conditions designed to ensure that the amount of capacity the line adds to the transmission grid is available for transmitting electricity generated from renewable sources.
- Third, the Brookings Project should extend to the proposed Hampton Corner substation.
- Fourth, for each project Applicants should disclose the project's transmission capacity, owners, and share of ownership interest.
- Finally, prospectively each utility in this proceeding should establish a consistent audit trail procedure to permit the careful review of inputs and analysis that go into any study that the utility relies on in seeking a Certificate of Need.

The Commission reached these conclusions based on an analysis of the record, applying the criteria for demonstrating need as set forth in Minnesota law, including Minn. Rules, part 7849.0120.

A. The Probable Result of Denial Would be an Adverse Effect upon the Future Adequacy, Reliability, or Efficiency of Energy Supply to the Applicant, to the Applicant's Customers, or to the People of Minnesota and Neighboring States

1. In General

Under Minn. Rules, part 7849.0120(A), the Commission gauges an applicant's need by considering the consequences of denying the application. In this case Applicants allege three types of need: regional reliability, community reliability and generation outlet.

Regional reliability reflects the disparity between forecasts of customer demand and forecasts of resources to meet that demand. Parties raise various concerns about the Applicants' forecasts and studies. The ALJ found that the Applicants' forecasts – based on Commission-approved resource plans and other sources – were sufficient to demonstrate the need for the proposed projects, but especially the Fargo and La Crosse Projects.³⁸ As discussed in the context of the motions to re-open the record, the Commission concurs.

Community reliability refers to the potential for problems arising from the failure of a few key components of the electrical system. The ALJ reviewed Applicants' claims about reliability concerns in the vicinity of Rochester, La Crosse, the Red River Valley, Alexandria, St. Cloud, and the southern Minnesota region, and found those concerns to be warranted.³⁹

Generation outlet refers to the capacity to permit energy from any given generator to reach customers. The ALJ reviewed the statutorily-created demand for renewable sources of electricity in particular, and found the Brookings Project in particular to be well designed to address this need.⁴⁰

Because a 345 kV line provides as much transmission capacity as multiple lower-voltage lines while also reducing the amount of energy lost in transmission, the ALJ found that the proposed projects would result in more efficient uses of energy and other resources. The ALJ acknowledges NAWO/ILSR's arguments that certain strategies that would not necessarily require a Certificate of Need – increased reliance on distributed renewable generation, and increased transmission efficiencies – could help alleviate the stresses on the existing transmission system temporarily. But none of these strategies ultimately displace the need for the new transmission facilities.

³⁸ See generally ALJ's Report, Findings 152 - 200.

³⁹ *Id.*, Findings 201 - 254.

⁴⁰ *Id.*, Findings 255 - 264.

On the basis of the record, the ALJ concluded that withholding the Certificates of Need would probably harm the future adequacy, reliability or efficiency of the energy supply to Applicants, their customers, the people of Minnesota and/or neighboring states. The Commission concurs.

2. Bulk power transactions

NoCapX 2020 and UCAN contend that once Applicants build their proposed projects, they will use them to ship bulk power across Minnesota from the resource-rich states west of Minnesota to large urban centers to the east of Minnesota. Applicants, MISO and OES dispute this assertion. While no witnesses testified in support of NoCapX 2020's and UCAN's theory, MISO and OES witnesses testified that the proposed projects would not provide a practical means of transmitting power across the breadth of Minnesota.⁴¹ The ALJ found these witnesses to be the credible.

The Commission agrees; NoCapX 2020's and UCAN's contentions are not supported in the record. Moreover, their contentions are not inconsistent with a demonstration of need. This Commission considers needs both within the state and in neighboring states in evaluating a Certificate of Need application. And given that Minnesota imports more electricity than it exports,⁴² the state clearly benefits from having a robust interstate transmission grid – a grid capable of both importing and exporting power.

3. Documentation

Both the Joint Intervenors and NAWO/ILSR object that the level of review necessary to fully analyze the Applicants' power flow and stability studies requires money and expertise that the intervenors cannot duplicate. The Joint Intervenors argue further that these burdens are needlessly compounded when Applicants are not prepared to make a transparent disclosure of the data and assumptions that they incorporated into their models and studies. The ALJ acknowledged these concerns.⁴³ While the Joint Intervenors eventually expressed satisfaction with the accuracy of the models and studies in the current docket, they ask the Commission to direct the utilities to establish a consistent audit trail procedure to allow careful review of their inputs and analysis in future Certificate of Need cases.

The Commission finds the Joint Intervenors' proposal to be reasonable and will grant their request. Applicants bear the burden of proof for every proposition supporting their application, and should be organized and forthcoming with the relevant data and assumptions that underlie their claims.

⁴¹ 5B Transcript at 58 - 64 (Webb); 25 Transcript at 73, 80 (Rakow). The Joint Intervenors clarify, however, that they take no position on this factual question.

⁴² In 2006 Minnesota imported about 16% of its electricity. Exh. 1 (Application) at 1.4; Exh. 257 (Ham Direct) at 4 -5; 22 Transcript 169 (Ham); ALJ's Report, Finding 154.

⁴³ ALJ's Report, Finding 199.

The Commission will therefore direct the utilities in this matter to establish a consistent audit trail procedure to facilitate efficient review of inputs and analysis underlying the models and studies they rely on in future Certificate of Need cases.

B. A More Reasonable and Prudent Alternative to the Proposed Facility Has Not Been Demonstrated by a Preponderance of the Evidence on the Record

Under Minn. Rules, part 7849.0120, subp. B, the Commission must consider whether the preponderance of the record evidence reveals a more reasonable and prudent alternative to the facility being sought by a Certificate of Need applicant.

I. In General

This aspect of the Certificate of Need analysis often turns on two issues. First, the ALJ considers the state of the evidentiary record. The record reflects contributions from 19 public hearings; the prefiled initial, rebuttal and surrebuttal testimony of experts; and 25 days of evidentiary hearings. Second, the ALJ considers the criteria for evaluating the reasonableness and prudence of an alternative. In other words, the ALJ considers the purpose for which an applicant seeks a Certificate of Need, and the extent to which any proposed alternative would achieve that purpose.

Again, the Applicants have identified three reasons for seeking Certificates of Need: They need to maintain general reliability that is imperiled due to regional growth in demand. They need to maintain reliability within certain specific communities that are threatened by a potential loss of supply. And they need to provide means for acquiring new sources of supply.

The ALJ evaluated the Applicants' initial proposal as well as larger and smaller proposals. The ALJ also considered the relative merits of direct current (DC) rather than alternating current (AC) transmission lines.⁴⁴

The ALJ focused on the question of whether Applicants' anticipated needs could be served through a combination of conservation, load management and efficiency measures, and renewable sources of generation. Again, the ALJ noted that NAWO/ILSR and others presented ideas for meeting some community reliability needs in some regions for some period – ideas such as increasing reliance on Smart Grid technology, and on distributed renewable sources of energy. But the ALJ concluded that no party proposed an actual plan with sufficient detail to permit relevant comparisons.⁴⁵ Whatever the merits of these other ideas, the record did not demonstrate that they would function as a substitute for the Applicants' proposals.

⁴⁴ *Id.*, Finding 331.

⁴⁵ *Id.*, Findings 332 - 359.

Ultimately the ALJ concluded that the only viable alternatives developed in the record were the original proposals and the Upsized Alternatives.⁴⁶ The ALJ gauged the cost of these various projects.⁴⁷ The ALJ considered their relative effects on the natural and socioeconomic environment, including the effects of ozone and nitrogen oxide emissions, noise, radio and television interference, electric and magnetic fields, influence on the future development of coal-fired generation, and the economic benefits related to the projects' construction and operation.⁴⁸ And the ALJ considered the projects' effect on the grid's reliability.⁴⁹

On the basis of this analysis, the ALJ concluded that the preponderance of the record did not demonstrate a more reasonable and prudent alternative for achieving regional and community reliability, and generation outlet, than the Applicants' proposals.⁵⁰ The Commission concurs.

2. Upsized Alternatives

The ALJ recommended that the Commission issue a Certificate of Need for the Upsized Alternatives regarding both the Brookings and Fargo Projects, and to issue a Certificate of Need for the La Crosse Project as proposed without the Upsized Alternative. CETF takes exception to the ALJ's recommendation to approve the Upsized Alternatives. In contrast, Applicants, MCEA, MISO and OES take exception to the ALJ's recommendation to withhold approval of the Upsized Alternative La Crosse Project.

CETF argues that the Upsized Alternatives are inadequately developed in the record, and that the consequence of installing an additional 345 kV circuit in many parts of the grid has not been studied. Applicants concede that the additional circuits have not been subject to load flow studies, capacity analyses, thermal ratings, and the like. But they argue that the Upsized Alternative involves merely building transmission towers capable of supporting two 345 kV lines even where Applicants only have plans for building a single 345 kV line, in the interest of facilitating future expansion.⁵¹ These larger towers would, by themselves, have no effect on the transmission grid. And, of course, the Upsized Alternative would not alter a utility's duty to acquire a Certificate of Need before installing the additional 345 kV line.⁵²

⁴⁶ *Id.*, Finding 292.

⁴⁷ *Id.*, Findings 360 - 368 and Attachment F.

⁴⁸ *Id.*, Findings 369 - 423.

⁴⁹ *Id.*, Findings 424 - 425.

⁵⁰ *Id.*, Finding 426.

⁵¹ *Id.*, Finding 316.

⁵² *Id.*, Finding 315.

CETF also argues that the La Crosse, Brookings and Fargo Projects as proposed were designed to meet customer demand through 2020, and that any benefits arising from Upsizing these projects would not accrue until beyond that planning horizon. Applicants again concede the point.⁵³ Applicants have generally structured their testimony to demonstrate the need for certain facilities by 2020, and do not ask the Commission to authorize an Upsized Alternative for any project that is not otherwise justified.

But Applicants point to one fact that is of marginal relevance to judging the merits of building new transmission facilities by 2020, but of great relevance to judging the merits of the Upsized Alternatives: high-voltage transmission infrastructure generally lasts 50 years or longer. Thus, the obligation to build a single transmission line to meet short- and medium-term needs provides an opportunity to anticipate a longer-term need. In exchange for incurring the incremental cost of the Upsized Alternative in the short term – a cost estimated at \$200 million for all three projects – Applicants would receive for decades to come the benefits of increased flexibility and avoided costs associated with building new transmission towers in certain areas. Given these advantages, MISO states that building single transmission lines on double-circuit towers has become standard practice.⁵⁴

In addition, because Minnesota imports more electricity than it exports⁵⁵ Applicants argue that Minnesota has much to gain from keeping transmission capacity abundant. Transmission constraints can result in service interruptions and blackouts. But even when they do not, a transmission constraint bars a utility from acquiring electricity from a low-cost but remote resource, requiring the utility to substitute a closer – and higher-cost – resource. Utilities weigh these trade-offs when deciding whether to incur the added cost of building new transmission facilities. Because the Upsized Alternatives would reduce the cost of adding new transmission in the future, they would tend to keep the cost of acquiring electricity lower.⁵⁶

Specifically with respect to the La Crosse Project, the ALJ recognizes that “a second 345 kV circuit could provide access to economical power generated to the south or east.”⁵⁷ And the Upsized Alternative would enable utilities to add another 345 kV line across the Mississippi River without building another set of transmission towers – an especially sensitive matter.

⁵³ Exh. 121 (Grivna Rebuttal) at 9.

⁵⁴ ALJ’s Report, Findings 270, 318.

⁵⁵ *Id.*, Finding 154.

⁵⁶ Exh. 56 (Webb Direct) at 37; Exh. 121 (Grivna Rebuttal) at 13; 4 Transcript 156 (Webb).

⁵⁷ ALJ’s Report, Finding 267.

The Certificate of Need process ensures that no utility builds a high-voltage transmission line without demonstrating need. Once that need is demonstrated, the public interest requires the utility to make the optimum use of the resources acquired to meeting that need. Because the Commission finds that the La Crosse, Brookings and Fargo Projects are needed to serve needs by 2020, the Commission will authorize Applicants to implement their plans for making optimum use of the resulting capital investments. The ALJ's recommendation to approve the Upsized Alternatives for the Brookings and Fargo Projects will be adopted, and the recommendation to reject the Upsized Alternative for the La Crosse Project will be declined. The Commission will approve the Upsized Alternatives for each project.

3. Brookings Project's Eastern Terminus

As discussed above, the ALJ found that the record demonstrates the need for the Upsized Alternative Brookings Project. But the ALJ could not find an adequate basis for determining whether to terminate the Brookings Project at the Lake Marion substation, or to extend the line all the way to the new Hampton Corner substation as the Applicants proposed.

The ALJ's finding reflects some of the arguments of CETF, which had proposed terminating the Brookings Project at the Lake Marion station instead of the Hampton Corner substation. In response to the ALJ's Report, CETF proposes that the Commission defer making a decision about the eastern terminus until it selects an appropriate route for the Brookings Project.

Applicants, NoCapX 2020, OES and UCAN take exception to the ALJ's conclusion, arguing that the record clearly favors the selection of the Hampton Corner substation as the eastern terminus.

Procedurally, Applicants and OES argue that the choice of a Brookings Project that terminates at the Lake Marion substation is not properly available for consideration. Minn. Rules, part 7849.0110, states that the Commission shall consider only those alternatives proposed before the close of the public hearing for which "there exists substantial evidence on the record with respect to each of the criteria listed in part 7849.0120." No party proposed the alternative of building a Brookings Project without the Hampton Corner substation until CETF's reply brief, long after the public hearings ended. Applicants and OES argue that part 7849.0110 precludes consideration of the type of late change suggested by the ALJ.⁵⁸

Substantively, Applicants, NoCapX 2020 and OES argue that this proposal would face unexplored problems. These parties argue that the Lake Marion substation, which is currently configured to accommodate 115 kV and 69 kV transmission lines, is ill-suited to serve as the terminus for a double-circuit 345 kV transmission line. In contrast, the record demonstrates that terminating the Brookings Project at the Hampton Corner substation has distinct advantages over terminating the project at the Lake Marion substation.

⁵⁸ *In the Matter of the Application of the City of Hutchinson for a Certificate of Need to Construct a Large Natural Gas Pipeline*, 2003 WL 22234703 at * 7 (Minn. Ct. App. 2003).

Finally, Applicants and OES claim that the Brookings Project, including the Hampton Corner connection, represents the start of a new series of 345 kV transmission lines that will encircle the greater Twin Cities area, as envisioned in the CapX 2020 Vision Plan.

The Commission will decline CETF's recommendation to defer designating an eastern terminus for the Brookings Project until it establishes a route for the line. The Commission finds that the choice of a proper end-point is intrinsically related to the purposes for the Brookings Project, and that there is no ambiguity in the record about which outcome will better promote those purposes.

The merits of a future 345 kV transmission ring are not before the Commission at present, and therefore that matter has no bearing on the Commission's analysis. In contrast, clear evidence in the record persuades the Commission of the need for the Brookings Project to extend all the way to the Hampton Corner substation.

The record shows that the Brookings Project arose from the Southwest Minnesota → Twin Cities EHV [Extra High Voltage] Development Electric Transmission Study,⁵⁹ designed to analyze which transmission improvements could be made to further support generation from Buffalo Ridge and the west. Applicants evaluated alternative configurations using dynamic stability simulations, a constrained interface analysis, reactive power requirements and economic losses at various levels of generation.⁶⁰ The EHV Study demonstrated that a 345 kV line from the Brookings County substation through Lyon County, Franklin, Helena, Lake Marion and ending at Hampton Corner substation was the best option.⁶¹ This became the Brookings Proposal that has now been subject to analysis by all parties.

Furthermore, the record demonstrates that terminating the Brookings Project at the Lake Marion substation would impair the project's ability to provide generation outlet, community reliability and even regional reliability. For example, the EHV study contains an automap analysis of generation support by line segment. This study demonstrates that eliminating the segment extending to the Hampton Corner substation could substantially reduce the project's overall generation support, and could require restrictions on the line's usage.⁶²

⁵⁹ See Exhs. 1 (Application) at 5.24, 107 (EHV Study Vol. I), 108 (EHV Study Vol. II).

⁶⁰ Exh. 1 (Application) at 5.24.

⁶¹ Exh. 107 (EHV Study Vol. I) at 39.

⁶² See Exh. 108 at Appendix D-1A (Base Plan with double circuit on Lyon County - Franklin - Helena), System Intact 1,200 MW Case; Appendix D-1A (Base Plan with double circuit on Lyon County - Franklin - Helena), System Intact 2,000 MW Case; Appendix D-1A (Base Plan with double circuit on Lyon County - FranMin - Helena), Helena - Blue Lake Outage 1,200 MW Case; and Appendix D-1A (Base Plan with double circuit on Lyon County - Franklin - Helena), Helena - Blue Lake Outage 2,000 MW Case.

The Brookings Project was designed to use three substations – connected to two 345 kV lines and a 115 kV line – to disburse power evenly throughout the southern portion of the Twin Cities.⁶³ Eliminating the Hampton Corner connection would eliminate one of the 345 kV points of distribution. This change would add load to the other points of interconnection, and would leave Twin Cities customers needlessly reliant on a single 345 kV connection for access to the energy flowing from Buffalo Ridge.⁶⁴

For the foregoing reasons, the Commission disagrees with the ALJ that the record is insufficient for designating an appropriate eastern terminus for the Brookings Project. The Commission will adopt the position advocated by Applicants, NoCapX 2020, OES and UCAN, and will designate the proposed Hampton Corner substation as the eastern terminus.

C. Applicants Must Show that the Proposed Facility or a Suitable Modification Will Provide Benefits to Society Compatible with Protecting the Natural and Socioeconomic Environments, including Human Health.

Under Minn. Rules, part 7849.0120, subp. C, an applicant for a Certificate of Need must demonstrate that the proposed facility, or a suitable modification, will benefit society without causing excessive damage to the natural and socioeconomic environments. According to the ALJ, the Applicants have demonstrated that the proposed projects would provide a more reliable electric system – both within specifically vulnerable communities and in the region at large – and enable more electricity from renewable sources to reach customers.

The ALJ found that the Applicants had demonstrated how their proposals relate to the state's energy needs, and noted that it would have significant and immediate positive effects on several specific communities.

The ALJ acknowledged that the new transmission lines would have a detrimental visual effect, disturb farmland, and require the taking of private property. The lines themselves would disturb wildlife, protected habitat, and natural waterways, and the construction process would entail more disturbances. With this in mind, the ALJ recommends that steps be taken in the routing process to minimize adverse consequences by avoiding especially sensitive areas, and by mitigating harms that cannot be avoided.

Nevertheless, the ALJ concluded that the proposed projects would help ensure a reliable supply of electricity “for socially beneficial uses,” and facilitate future development throughout the region.

⁶³ 10 Transcript 136 - 137 (Alholinna).

⁶⁴ Exh. 1 (Application) at 5.25-.26 (linking Brookings Project to Prairie Island - Blue Lake 345 kV line enhances reliability, ability to manage contingencies); 10 Transcript 109 - 110 (Alholinna).

Moreover, refraining from building the proposed projects, or some modification of them, could result in adverse environmental consequences. Increasing transmission congestion could result in an electrical system with ever-diminishing efficiency – requiring greater amounts of generation to overcome line losses, for example. And an unstable electrical system would have obvious adverse social consequences as well. Consequently the ALJ found that no party had demonstrated a more reasonable and prudent alternative to the Applicants’ proposals.⁶⁵ The Commission concurs.

D. The Design, Construction, or Operation of the Proposed Facility, or a Suitable Modification, Will Comply with Relevant Policies, Rules, and Regulations of Other State and Federal Agencies and Local Governments

1. In General

Under Minn. Rules, part 7849.0120, subp. D, an applicant for a Certificate of Need must show that its proposal would comply with all relevant laws. The ALJ observed that the Applicants provided a list of permits they are pursuing. While NAWO/ILSR argued that the Applicants’ proposals fail to promote policies discouraging further greenhouse gas emissions, the ALJ concluded that NAWO/ILSR failed to identify an actual law that the proposals would violate. The ALJ therefore concluded that the record provided no evidence that the Applicants would not be able to build the proposed projects, or some modifications of them, in a manner that fulfills all relevant legal standards.⁶⁶ The Commission concurs.

2. Conditions

The Joint Intervenors recommend granting the Certificates subject to conditions that would facilitate implementation of the RES and C-BED statutes and other state policies that favor the use of renewable sources of energy.

a. Joint Intervenors’ Proposal

Traditionally utilities have demonstrated the need for their projects by comparing forecasts of customer demand to anticipated capacity to fulfill that demand. More recently the Legislature has adopted statutes such as the Renewable Energy Standards directing utilities to acquire electricity from renewable sources. And in the *825 MW Proceeding*, a utility successfully argued that, without regard to *customer* demands, a transmission line was needed to fulfill *statutory* demands.⁶⁷ The lines were approved as a source of generation outlet. In authorizing such lines, however, the Commission imposed conditions designed to ensure that the new transmission capacity would

⁶⁵ ALJ’s Report, Findings 427-440.

⁶⁶ *Id.*, Findings 441-444.

⁶⁷ *825 MW Proceeding*, ORDER GRANTING CERTIFICATES OF NEED SUBJECT TO CONDITIONS (March 11, 2003) and subsequent orders.

actually fulfill the purposes for which it was built.⁶⁸ The Joint Intervenors ask the Commission to adopt analogous conditions in the current docket.

These conditions divide into three main components. First and foremost, the Joint Intervenors recommend that, for each transmission line, the Commission direct Applicants to build or contract for new sources of renewable generation in an amount sufficient to fully subscribe the new line's capacity. Applicants would need to make these arrangements at least two years before the line would become operational, and sooner if necessary to meet RES requirements.

This timeline, and many of the remaining proposed conditions, are designed to implement this first condition in the manner prescribed by MISO. MISO administers the process by which generators are selected to run – and in so doing, determines how the transmission lines are used. Under MISO's federally-regulated Transmission & Energy Markets Tariff (TEMT), a utility serves its customers by (a) designating specific generation resources as "network resources," and then (b) requesting from MISO sufficient transmission capacity in the form of "network integration transmission service" to enable delivery of the energy to customers.⁶⁹

MISO's Generator Interconnection Queue process determines which generator will be authorized to interconnect with the transmission grid next. As a practical matter, only generators owned by a load-serving entity (such as a utility) or contracted to a load-serving entity can advance through the queue to ultimate interconnection.⁷⁰

Second, the Joint Intervenors ask the Commission to direct Applicants to report the transmission capacity of each line, how that capacity would be allocated among the line's owners, and the type of transmission service Applicants will seek for transporting the new electricity. Applicants would then need to ask MISO to reserve the necessary firm transmission capacity. If necessary to meet these conditions, Applicants would also promptly designate the new renewable commitments as "network resources" pursuant to MISO's TEMT.

Finally, Applicants would need to inform the Commission of changes at MISO or the federal level that could affect these conditions.

b. Positions of the Parties

NAWO/ILSR supports attaching these conditions to any Certificate of Authority granted. CETF finds insufficient similarities between the transmission line in the *825 MW Proceeding* and the Fargo and La Crosse Projects to warrant attaching conditions, but concludes that the Brookings Project is sufficiently similar to warrant imposing such conditions. Specifically, both the *825 MW*

⁶⁸ *Id.*

⁶⁹ Exh. 204 (Ellison Direct) at 4-6, citing TEMT Module B, Section 30.

⁷⁰ 20 Transcript at 14 - 20.

Proceeding and the Brookings Project address transmission lines being built to provide generation outlet from the Buffalo Ridge region.

In contrast, Applicants and OES oppose the conditions, and MISO also expressed reservations. They variously argued as follows:

- It would be inappropriate to impose conditions related solely to the needs of generation outlet on facilities that are also intended for providing regional and local reliability.
- The proposed conditions are unnecessary because generators using renewable sources of energy are likely to benefit from the added transmission capacity in any event.
- The proposed conditions are redundant because they are merely attempting to achieve outcomes that are already mandated by the RES.
- The proposed conditions would be unduly costly to implement.
- The proposed conditions may be illegal or impossible to implement.

The ALJ ultimately found their arguments persuasive.

c. Analysis

Having reviewed the ALJ's recommendation and the arguments of the parties, the Commission finds it in the public interest to establish conditions, although not with the same scope and not with all the same terms as proposed by the Joint Intervenors. The Commission considered the parties' objections as follows:

Are the Conditions Appropriate for Multiple Use Projects? In opposing the proposed conditions, Applicants and OES seek to distinguish the *825 MW Proceeding* from the current docket. In particular, they argue that the *825 MW Proceeding* lines were justified solely on the basis of generation outlet. In contrast, Applicants justify the lines in the current proceeding on the grounds of promoting regional and community reliability as well as creating generation outlet.

CETF finds this distinction persuasive with respect to the Fargo and La Crosse Projects, but concludes that the Brookings Project has enough in common with the *825 MW Proceeding* to justify similar conditions. Applicants note that they justify the Brookings Project not merely on the grounds of generation outlet, but also to provide reinforcement to the transmission grid along its route. CETF does not find these arguments persuasive. CETF concludes that Applicants have prominently promoted the need for the Brookings Project as a means for securing renewable sources of energy. In any event, CETF finds no inconsistency with the Brookings Project being subject to the proposed conditions while also providing grid reinforcement.

As an initial matter, the Commission finds the views of CETF persuasive. The Joint Intervenor's conditions are designed to promote the use of renewable sources of energy. But the ALJ concludes, and the Commission agrees, that the record demonstrates that the Fargo and La Crosse Projects are needed for reasons well beyond acquiring new sources of energy. Consequently the Commission finds no more reason to attach the proposed conditions to these projects than to any other transmission line project.

The Brookings Project is different; the factors that prompted Applicants to propose the Brookings Project differ from the factors that drove the Fargo and La Crosse Projects. Contrary to the ALJ's conclusion, the Brookings Project does not appear on the list of "common projects" recommended in each of the six scenarios tested in the CapX 2020 Vision Plan. Thus, the Fargo and La Crosse Projects were driven primarily to match transmission capacity to anticipated levels of demand, while the Brookings Project was driven primarily by the need for new sources of supply.⁷¹

Applicants seek to de-emphasize this distinction by claiming that each of the projects is driven by the need for new sources of supply. But the real nature of the rationale for the various projects is reflected in the application. Section 4.2, addressing "Generation Outlet Needs," devotes one paragraph to discussing the La Crosse Project, one paragraph to the Fargo Project, and *seven pages* to the Brookings Project.⁷² As stated in the application:

4.2 Generation Outlet Needs

The need for additional generation outlet to serve the expanding customer needs in the State prompted development of these high voltage transmission facilities. *In particular, the Twin Cities - Brookings County 345 kV Project is primarily based on the need to add generation outlet in the southwestern Minnesota region to accommodate increasing amounts of available wind generation....*⁷³

Similarly, in discussing the rationale for the projects, the application states as follows:

6.4 Renewable Energy Standard

The three 345 kV transmission line projects proposed in this Application also provide support for the development of generation in the vicinity of the proposed lines and separately justify granting the Certificates of Need.

⁷¹ See also Exh. 1 (Application) at 1.4, 1.14-1.15, 1.20-1.21; Exh. 67 (Kline Direct) at 12; Exh. 98 (King Direct) at 2-3; Exh. 104 (Alholina Direct) at 2-5.

⁷² Exh. 1 (Application) at 4.2.

⁷³ *Id.* (emphasis added).

Each of the lines subject to this proceeding will, in part, provide outlet for new generation, and in part facilitate expansion of renewable energy generation resources. The Twin Cities – Brookings County 345 kV Project is primarily designed to increase generation outlet capacity in and around the Buffalo Ridge region which is the premier wind-energy resource area in Minnesota. In light of the numerous wind-energy projects that are already in the MISO queue, *the outlet capacity resulting from this project should be available for wind-energy projects under the current MISO TEMT rules.*⁷⁴

This language contrasts with the language used for describing other projects:

Similarly, the Twin Cities - Fargo 345 kV Project will create additional generation outlet capacity in the Red River Valley and points west, another region that has significant wind-energy development potential. *It is uncertain that the outlet capacity directly attributable to this line will be used by renewable energy resources...*⁷⁵

It is plain that the Brookings Project, unlike the other project, has been offered for the purpose of securing access to renewable energy resources. In this respect, the Brookings Project has the same dynamics as the *825 MW Proceeding*. And, just as in that case, these dynamics lead the Commission to establish conditions "to maximize the likelihood that the certified line[] will be used for [its] intended purpose."⁷⁶

Are the Conditions Needed? Applicants and OES argue that the proposed conditions will provide little benefit because, given the prevalence of wind turbine projects in the MISO queue along the Buffalo Ridge, some large portion of the new transmission capacity will inevitably transmit electricity from renewable sources.

First, it is unclear that the MISO queue is the only source of generation competing for the Brookings Project's capacity. OES notes the many existing non-renewable generators along the transmission route.⁷⁷ Indeed, NoCapX 2020 expresses concern that the Brookings line could become congested with electricity from the coal plant in Big Stone, South Dakota, because a 345 kV transmission line from that plant would connect to the Brookings Line.

⁷⁴ *Id.* at 6.4 (emphasis added).

⁷⁵ *Id.* (emphasis added).

⁷⁶ *825 MW Proceeding*, ORDER GRANTING CERTIFICATES OF NEED SUBJECT TO CONDITIONS (March 11, 2003) at 17.

⁷⁷ See, for example, OES Reply Brief at 4.

Second, while the majority of generators on the MISO queue may rely on wind power, generators using fossil fuels represent a disproportionate share of the total generating capacity of all the generators on the queue. All else being equal, generators relying on fossil fuels would be expected to occupy a disproportionate share of the Brookings Project's capacity. And ultimately the fact that a renewable energy project is on the queue is less relevant than the probability that the project would actually be built and connected to the grid. The proposed conditions are appropriately designed to enhance that probability.

Are the Conditions Redundant? Applicants and OES argue that the proposed conditions are, at best, redundant; they are designed to compel utilities to do things that utilities already have a duty to do. Specifically, statutes and rules already direct utilities to acquire electricity from renewable sources, to file plans identifying and justifying their strategies for serving their customers, and to make regular reports on their progress in acquiring renewable resources.

The Commission finds that the conditions are not merely redundant of other legal requirements. As previously noted, the RES directs a utility to acquire a specified share of its electricity from renewable sources, with the share increasing over time. But the RES provides for a utility to modify or delay these requirements if, among other reasons, "transmission constraints prevent[] delivery of service...."⁷⁸

While this Commission issues Certificates of Need and Route Permits, it does not control the allocation of transmission capacity. That is controlled by MISO in accordance with its federally-regulated Transmission & Energy Markets Tariff (TEMT). The conditions are designed to, among other things, ensure that transmission constraints do not prevent delivery of electric service from renewable generators.

Are the Conditions Too Costly? The proposed conditions would require utilities to enter into power purchase agreements with developers of renewable generators two years prior to the Brookings Project becoming operational. Applicants and OES argue that the this requirement would interfere with a utility's efforts to acquire its supply of electricity from the lowest-cost source. By reducing competition, these restrictions could only serve to increase a utility's costs. Rather than helping to achieve the purposes of the RES, moreover, these conditions could lead utilities to seek exemptions because of the increased costs.⁷⁹

While the Commission does not dispute these general propositions, they do not dissuade the Commission from approving conditions for the Brookings Project. First, the Commission observes that much the same concerns were raised in the *825 MW Proceeding*,⁸⁰ the Commission

⁷⁸ Minn. Stat. § 216B.1691, subd. 2b(a)(6).

⁷⁹ Minn. Stat. § 216B.1691, subd. 2b(a)(1).

⁸⁰ *825 MW Proceeding*, ORDER GRANTING CERTIFICATES OF NEED SUBJECT TO CONDITIONS (March 11, 2003) at 17.

found that conditions were warranted nevertheless, and have operated successfully. Second, the Legislature similarly adopted the RES notwithstanding the fact that it would require utilities to acquire electricity on some basis other than minimizing cost. A utility cannot obtain an exemption merely by alleging that compliance would increase costs; the utility must demonstrate that “implementation would cause significant rate impact.”⁸¹ No utility has yet requested to be exempt from the RES’s standards on these grounds.

Moreover, the record does not support the conclusion that the proposed conditions would so impair the market for electricity that a utility’s rates would increase substantially. MISO and OES argue that there are multiple developers vying for interconnection,⁸² and wind-powered generators will likely consume the Brookings Project’s transmission capacity even in the absence of conditions.⁸³ While the ALJ does not find the proposed conditions necessary, she also finds that Applicants have not convincingly demonstrated that the conditions would impede competitive bidding.⁸⁴ It is therefore difficult to see how conditions designed to ensure this outcome would alter market dynamics.

However, Applicants do identify one aspect of the proposed conditions that potentially imposes a needless – and needlessly costly – requirement. The Joint Intervenor’s conditions would direct a utility to commit to sources of renewable generation at least two years before the relevant transmission line segments would be built. This language derives from the language of the *825 MW Proceeding’s* conditions. The MISO queue mechanism has evolved since that time, and it is no longer clear that this two-year period is required. The Commission finds it sufficient to direct utilities to make commitments to renewable sources of energy within the timeframe of the RES, coordinated with the proposed in-service dates of the relevant segments of the Brookings Project. The conditions will be modified accordingly.

Would the Conditions Exceed Commission Jurisdiction? Applicants, OES and MISO question whether the Commission has the authority to direct parties to implement the conditions.

Applicants argue that reserving the capacity of the Brookings Project for renewable sources of energy is physically impossible as well as illegal. They argue that the laws of physics, not Commission Orders, will ultimately determine which electrons flow over any given transmission line. And Applicants argue that the use of the transmission grid is ultimately governed by MISO’s tariffs, which establish the mechanisms by which MISO selects generators to be dispatched.

The argument that the Joint Intervenor’s are seeking to achieve a physically impossible end

⁸¹ Minn. Stat. § 216B.1691, subd. 2b(a).

⁸² See, for example, Exh. 204 (Ellison Direct) at 4-5.

⁸³ See, for example, Exh. 303 (Rakow Rebuttal) at 30-31.

⁸⁴ ALJ’s Report, Finding 460.

misunderstands the Joint Intervenor's proposal. It is doubtless true that the laws of physics will cause electric current from a variety of sources to flow across the Brookings Line. Similarly, a customer that contracts for "Green Power"⁸⁵ cannot be assured that the specific electrons that pass through her meter originated from a renewable source of energy. But the customer can be assured that when she buys a kilowatt-hour (kWh) of Green Power that the renewable source of energy supplied an extra kWh of power to the grid and is not displaced by electricity from some non-renewable source. In this vein, the Joint Intervenor merely seeks assurance that an amount of transmission capacity that the Brookings Project makes available for renewable sources of energy is not displaced by electricity from non-renewable sources.

With this understanding, it becomes clear that the Joint Intervenor's proposal does not attempt to intrude upon the workings of MISO except to the extent provided for in MISO's tariffs. The proposal reflects the use of mechanisms within the control of Minnesota-regulated utilities to help meet their statutory obligation to acquire energy from renewable sources.

Consequently the Commission will adopt the Joint Intervenor's proposed conditions for the Brookings Project. But in an abundance of caution, the Commission will specify that the conditions are designed to assure that the firm outlet capacity of the Brookings Project is dedicated to renewable generation, but only to the extent possible. MISO allocations and restrictions on MISO-managed transmission capacity are beyond the scope and authority of this Commission.⁸⁶

d. Commission Action

Based on the foregoing analysis, the Commission will make the Brookings Project's Certificate of Need subject to conditions designed to assure that, to the extent possible, the firm outlet capacity of the Brookings Project is dedicated to renewable generation. Those conditions will read as follows:

- a. Applicants sign power purchase agreements (PPAs) or commit to utility-owned renewable generation projects within the timeframe of Minn. Stat. § 216B.1691, coordinated with the proposed in-service dates of each segment of this transmission line.

⁸⁵ See, for example, Minn. Stat. § 216B.169, subd. 2.

⁸⁶ ALJ's Report, Finding 460.

- b. Applicants commit to submit network (firm) transmission service requests to MISO's Open Access Same Time Information System for the total amount of new capacity enabled by this line to attempt, to the extent lawfully possible, to try to achieve full subscription of the capacity for renewable generation.
- c. Applicants make a compliance filing within 30 days of obtaining the certificates of need, detailing the allocation of the new transmission capacity among Applicants. The compliance filing must address how much capacity will be enabled by this transmission line; the allocation of the capacity among Applicants; and the type of MISO transmission service Applicants will seek to serve the renewable generated electricity to be carried on this line, recognizing that MISO allocation and restriction of MISO managed transmission capacity is beyond the scope and authority of this Commission.
- d. As necessary to comply with condition a., Applicants designate the new, renewable commitments as Network Resources pursuant to MISO's federal Transmission & Energy Markets Tariff, and seek the designation as soon as permitted under the MISO rules, but no later than 10 days after the Commission approves the PPAs or commitments.
- e. Applicants report to the Commission any changes at MISO or the federal level that could affect the conditions.

VII. COMMISSION ACTION

A. Completeness of Environmental Review

Commission rules establish the following procedures for environmental review:

- The Department gives notice to interested persons (7849.7050, subp. 1).
- The Department convenes a public meeting (7849.7050, subp. 3).
- The Department receives comments on scope of review (7849.7050, subp. 4).
- The Department issues a decision establishing the scope of review (7849.7050, subp. 7).
- The Department prepares environmental review documents (7849.7050, subp. 9).
- The Department files its environmental review documents (7849.7090, subp. 1).
- The Commission rules on the review's completeness (7849.7090, subp. 2).

Having reached the final step, the Commission must determine whether the environmental report and the record address the issues identified by the Department in its scoping decision. Having reviewed the Department's Environmental Report, the Commission concurs with the Administrative Law Judge that the Environmental Report, and the record as a whole, do in fact adequately address the certificate of need issues identified in the scoping decision.

B. Certificate of Need

On the basis of its analysis of the record, and with due consideration for the conditions discussed herein, the Commission concludes that the requirements of Minn. Rules, part 7849.0120, have been fulfilled:

- First, the record shows that denying the application would probably impair the future adequacy, reliability, or efficiency of energy supply to Applicants, to Applicants' customers, or to the people of Minnesota and neighboring states. Failure to act would frustrate the interests of regional and community reliability, and generation outlet.
- Second, the Upsized Alternative projects are at least as reasonable and prudent as any other alternative demonstrated by a preponderance of the evidence on the record. Conservation, load management and an increased reliance on renewable sources of energy alone will not be sufficient to meet the demonstrated needs.
- Third, a preponderance of the evidence shows that the Applicants' proposals, as modified, would benefit society in a manner compatible with protecting the natural and socioeconomic environments. The Commission finds that, under reasonable assumptions, the Upsized Alternatives will be the most cost-effective way to provide regional and community reliability and generation outlet.
- Finally, the record does not demonstrate that the design, construction, or operation of the proposed facility would fail to comply with the policies, rules, and regulations of other state and federal agencies and local governments. However, the Commission also finds that placing appropriate conditions on the Brookings Project will ensure that the project actually contributes to the fulfillment of the RES, the primary purpose for which the Brookings Project has been authorized.

Having examined the record and carefully considered the ALJ's Report, the Commission concurs in the ALJ's findings and conclusions – and will therefore accept, adopt and incorporate them into this Order – except as they are rejected herein or otherwise inconsistent with this Order. Among other items, the Commission identified some words or passages in the ALJ's Report, Findings 93, 122, 331, and in the Memorandum that appear to be simple errata. The Commission will note these modifications in its Ordering paragraphs below.

For the foregoing reasons the Commission will grant the requested Certificates of Need for the La Crosse and Fargo Projects' Upsized Alternatives, and for the Brookings Project's Upsized Alternative subject to conditions.

As suggested by UCAN, the Commission will direct Applicants to make a compliance filing disclosing each project's transmission capacity, owners, and ownership structure. Finally, the Commission will direct the utilities in this matter to establish a consistent audit trail procedure to facilitate efficient review of inputs and analysis underlying the models and studies they rely on in future Certificate of Need cases.


ORDER

1. The March 31, 2008 Environmental Report prepared by the Office of Energy Security of the Minnesota Department of Commerce meets the requirements of applicable statutes, and addresses the issues identified by the Commissioner in his February 18, 2008 Environmental Assessment Scoping Decision.
2. The findings, conclusions and recommendations contained in the Administrative Law Judge's February 27, 2009 Findings of Fact, Conclusions and Recommendation are adopted except as inconsistent with this Order or otherwise specified below:
 - A. Applicants have adequately demonstrated need for the Upsized Alternatives for each of the proposed transmission projects. However, Applicants have demonstrated the need for the Brookings Project subject to conditions designed to ensure, to the extent possible, that the amount of additional capacity created by the project is available for transmitting electricity from renewable sources.
 - B. The Commission adopts the following changes:
 - 1) *Finding 93:* The La Crosse Project refers to the project as proposed in the Application and addressed in the Direct Testimony. The La Crosse Upsized Alternative refers to the alternative proposed by Applicants in their Rebuttal Testimony. Applicants are asking the Commission to grant a certificate of need for the La Crosse Project of the Upsized Alternative either alternative, but Applicants prefer the Upsized Alternative. Both the La Crosse Project and the Upsized Alternative are illustrated on Exhibits 24 and 25, Attachment C and D hereto. The Minnesota portion of the 345 kV line would be approximately 85 to 140 miles long, depending on the route selected.
 - 2) *Finding 122:* Applicants' Upsized Alternative for the Fargo Project is to construct the entire length of the route using 345 kV/345 kV double circuit compatible structures, with only one side strung and operated at 345 kV. This option was developed in response to the direct testimony of OES witness, Dr. Steve Rakow, and MCEA CEFF witness, Larry Schedin. Both witnesses expressed their opinion that the Fargo Project should be larger than the original proposed project in order to provide the potential for additional transfer capability and long-term benefits. In his direct testimony, Mr. Schedin recommended that the Fargo Project be constructed as a double-circuit 345 kV configuration. In his direct testimony, Dr. Rakow recommended that the Fargo Project be constructed with a single-circuit 500 kV configuration. Based on these recommendations, Applicants reviewed their initial analysis and offered the Upsized Alternative.

- 3) *Finding 331*: Applicants considered the alternative of installing direct current (DC) lines, and related substations. However, the alternative was rejected because of the high estimated cost: \$9.7 billion for the DC configuration, compared to approximately \$1.5 billion for the CapX projects as proposed. OES reviewed this analysis and concurred that the DC option was not viable. No other party offered expert testimony addressing Applicants' proposed AC line.
 - 4) *Memorandum, page 97, 3rd full paragraph*: Some of the parties and members of the public are certain that the proposed projects, and especially the Upsized Alternative, are a subterfuge to speed development of transfer of power from the western states of North and South Dakota to load in Wisconsin and points further to the west east. The record does not support this fear. Each of the planning engineers credibly testified that the lines are intended to strengthen regional reliability to serve Minnesota load by providing alternative paths to the metropolitan area and the identified communities, reducing current congestion, and helping Minnesota meet its renewable energy goals.
3. The Commission hereby grants Applicants' request for Certificates of Need for the Upsized Alternatives for each of the proposed 345 kV transmission projects. The Commission grants a Certificate of Need for the Brookings Project provided that they comply with the following conditions to the extent possible:
- A. Applicants shall sign power purchase agreements (PPAs) or commit to utility-owned renewable generation projects within the timeframe of Minn. Stat. § 216B.1691, coordinated with the proposed in-service dates of each segment of the Brookings Project.
 - B. Applicants shall submit network (firm) transmission service requests to the Open Access Same Time Information System of the Midwest Independent Transmission System Operator, Inc. (MISO), for the total amount of new capacity enabled by this line to attempt, to the extent lawfully possible, to try to achieve full subscription of the capacity for renewable generation.
 - C. Applicants shall make a compliance filing within 30 days of obtaining the Certificates of Need, detailing the allocation of the new transmission capacity among owners. The compliance filing shall address how much capacity will be enabled by this transmission line; the allocation of the capacity among Applicants; and the type of MISO transmission service Applicants will seek to serve the renewable generated electricity to be carried on this line, recognizing that MISO allocation and restriction of MISO managed transmission capacity is beyond the scope and authority of this Commission.

- D. As necessary to comply with condition A., Applicants shall designate the new, renewable commitments as Network Resources pursuant to MISO's federal Transmission & Energy Markets Tariff, and seek the designation as soon as permitted under the MISO rules, but no later than 10 days after the Commission approves the PPAs or commitments.
 - E. Applicants shall report to the Commission any changes at MISO or the federal level that could affect these conditions.
4. Applicants shall make a compliance filing disclosing each project's transmission capacity, owners, and ownership structure.
 5. In future Certificate of Need cases, the utilities in this matter shall establish a consistent audit trail procedure to facilitate efficient review of inputs and analysis underlying the models and studies they rely on.
 6. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION


Burl W. Haar
Executive Secretary

(S E A L)

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Kessler, Ellen

From: Randall.Doneen@dnr.state.mn.us
Sent: Thursday, July 23, 2009 7:18 AM
To: Strength, Stephanie - Washington, DC
Cc: Lisa.Joyal@dnr.state.mn.us; Melissa.Doperalski@dnr.state.mn.us
Subject: CAPX Hampton Rochester LaCrosse 345 kV EIS Scoping Comments
Attachments: strength072309.pdf

Ms. Strength:

Please accept the attached Minnesota Department of Natural Resources EIS Scoping comments in determining the final scope of the CAPX2020 Hampton-Rochester-La Crosse 345 kV Transmission Line. A hard copy of the letter is in the mail.

Please contact me if you have any questions.

Randall Doneen
(651) 259-5156
Environmental Review Unit
Division of Ecological Resources
MN Department of Natural Resources

Minnesota Department of Natural Resources
500 Lafayette Road • St. Paul, MN • 55155-40



July 23, 2009

Stephanie A. Strength
USDA Rural Development
1400 Independence Ave. SW, MAIL STOP 1571
Washington, DC 20250-1571

RE: EIS Scoping Comments for CAPX2020 Hampton-Rochester-La Crosse 345-kV
Transmission Line Project

Ms. Strength:

The Minnesota Department of Natural Resources (DNR) is providing the following scoping comments for preparation of the CAPX 2020 Hampton-Rochester-La Crosse 345-kV Transmission Line Project Environmental Impact Statement (EIS).

- S-005-001** The EIS should include a comparative environmental analysis of the various corridor alternatives to determine which corridor 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 Minnesota's rare natural resources such as native plant communities and state-listed plants and animals. Three of the NHIS databases (MCBS Native Plant Communities, MCBS Sites of Biodiversity Significance, and MCBS Railroad Rights-of-Way Prairies) are available as GIS shapefiles and can be downloaded from the DNR Data Deli at <http://deli.dnr.state.mn.us>. The Macro-Corridor Study states that the MCBS Sites of Biodiversity Significance data used in the study was downloaded in 2006. Given that this data is continually being updated and improved upon, the DNR recommends that the current version of the MCBS Sites of Biodiversity Significance and MCBS Native Plant Communities be downloaded and used for future analyses. The locations of state-listed species and other rare features are maintained in the Rare Features Database. The Rare Features Data can be obtained through a license agreement or by submitting a data request form (please see http://files.dnr.state.mn.us/eco/nhnrp/natural_heritage_data.pdf). In addition, the DNR has developed a Rare Species Guide, which is the state's current authoritative reference for listed plants and animals. The Rare Species Guide can be accessed on the DNR web page at <http://www.dnr.state.mn.us/rsg/index.html>. The DNR has also prepared a comprehensive wildlife conservation strategy (*Tomorrow's Habitat for the Wild and Rare, An Action Plan for Minnesota Wildlife*, January 2006) that identified key habitats for Species of Greatest Conservation Need within each Ecological Classification System (ECS) subsection. This document can also be found on the DNR web page <http://www.dnr.state.mn.us/cwcs/index.html>. The information derived from the abovementioned resources should be included in the comparative analysis and within impact assessment and mitigation measures for the various alternatives carried forward in the EIS. Please note that these informational resources are intended to be a guide in what sensitive resources are recorded or known to exist in identified areas and do not necessarily indicate that other sensitive species are not found in those areas. Due to time and resources, species records in some areas may not be well documented.
- S-005-002** The EIS should include a comparative environmental analysis of the various corridor alternatives to determine which corridor 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 Minnesota's rare natural resources such as native plant communities and state-listed plants and animals. Three of the NHIS databases (MCBS Native Plant Communities, MCBS Sites of Biodiversity Significance, and MCBS Railroad Rights-of-Way Prairies) are available as GIS shapefiles and can be downloaded from the DNR Data Deli at <http://deli.dnr.state.mn.us>. The Macro-Corridor Study states that the MCBS Sites of Biodiversity Significance data used in the study was downloaded in 2006. Given that this data is continually being updated and improved upon, the DNR recommends that the current version of the MCBS Sites of Biodiversity Significance and MCBS Native Plant Communities be downloaded and used for future analyses. The locations of state-listed species and other rare features are maintained in the Rare Features Database. The Rare Features Data can be obtained through a license agreement or by submitting a data request form (please see http://files.dnr.state.mn.us/eco/nhnrp/natural_heritage_data.pdf). In addition, the DNR has developed a Rare Species Guide, which is the state's current authoritative reference for listed plants and animals. The Rare Species Guide can be accessed on the DNR web page at <http://www.dnr.state.mn.us/rsg/index.html>. The DNR has also prepared a comprehensive wildlife conservation strategy (*Tomorrow's Habitat for the Wild and Rare, An Action Plan for Minnesota Wildlife*, January 2006) that identified key habitats for Species of Greatest Conservation Need within each Ecological Classification System (ECS) subsection. This document can also be found on the DNR web page <http://www.dnr.state.mn.us/cwcs/index.html>. The information derived from the abovementioned resources should be included in the comparative analysis and within impact assessment and mitigation measures for the various alternatives carried forward in the EIS. Please note that these informational resources are intended to be a guide in what sensitive resources are recorded or known to exist in identified areas and do not necessarily indicate that other sensitive species are not found in those areas. Due to time and resources, species records in some areas may not be well documented.
- S-005-003** It should be noted that rare species surveys will be required if any native prairie remnants, or other potential habitat of state-listed threatened or endangered species, will be impacted by the proposed

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S-005-001

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at:
<http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

S-005-002

Your letter/comment card has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

Potential impacts to wildlife (including rare species), vegetation, and wetlands will be addressed in the Draft Environmental Impact Statement.

S-005-003

Your comment has been noted. Please refer to comment response S-005-002.

S-005-003 project. In addition, habitat surveys may be required if more information is needed to assess areas with limited data.

Corridor Alternatives

S-005-004 There are two alternatives identified for crossing the Cannon River. Portions of the Cannon River in this area are designated as a State Recreation River per Minnesota Rules 6105.1600. 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). The proposed crossing approximately one mile west of the Highway 56 crossing is a relatively undisturbed corridor with intact floodplain forest on the immediate shorelines. A green field crossing of the Cannon River in this area 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 to the relatively undisturbed nature of the area (*Lake Byllesby Regional Park Master Plan*, July 2005). Alternatives to crossing this river should be limited to existing disturbed corridors such as highways or existing transmission lines.

S-005-008 The proposed corridor alternative crossing the Mississippi River at Alma would significantly adversely affect the McCarthy Lake Wildlife Management Area (WMA). This area has many important natural resources that would 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 that towers/poles may cause the displacement of grassland songbirds. Native plants that occur in the WMA are also likely to be negatively impacted by the proposed project. Power line corridors are typically chemically treated to keep brush and trees down, this would put many native plants at risk. Although there is a sub-alternative to avoid the WMA, the proposed bypass would follow the west property line on the WMA for over a mile, would pass close to a residence and would cross a wetland mitigation bank currently being constructed. The DNR cannot support this sub-alternative.

S-005-005 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 if the Alma alternative is chosen.

S-005-009 Another proposed segment follows the west side of the Haverhill WMA in Olmsted County. This segment is particularly problematic as this unit provides winter food plots for geese which roost on Silver Lake and the Zumbro River within Rochester. The new line would pose a barrier to birds making feeding flights between Silver Lake and the Haverhill WMA. There is an existing 69kV line to the west of this proposed alignment, but the proposed line would be significantly taller and therefore would pose more of a threat to birds that utilize this area. The DNR has invested considerable resources in trying to establish the Haverhill WMA as the winter food supply for geese wintering in the Rochester area.

S-005-006 Based on the revised corridors presented in the USDA Rural Development *Macro-Corridor Study*, May 2009, it appears that the corridor alternatives have avoided impacts to the Whitewater State Park and Carley State Park. If proposed corridors included or may include portions of these or other State Parks,

S-005-004

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at:
<http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

S-005-005

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at:
<http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

S-005-006

Your comment has been noted. Potential impacts to the aesthetic quality of the areas surrounding the transmission line will be addressed in the Draft Environmental Impact Statement.

S-005-006 the DNR would not permit construction of the transmission lines within a State Park Statutory Boundary. In addition, if a corridor is proposed near a State Park the EIS should include a viewshed analysis and the effects the transmission line would have to park visitors.

S-005-010 Within the I-90 Corridor, the area that extends south of Interstate 90 is rich in bluffland habitat and is one of the prime areas that the DNR has been working with private landowners to manage and enhance their lands for the timber rattlesnake, a state-listed threatened species. DNR has invested thousands of dollars on habitat restoration, which could be jeopardized by the construction of the transmission line. Routing through this area will be problematic as most bluffs are likely to have rattlesnakes, which are protected under Minnesota's endangered species law (*Minnesota Statutes*, section 84.0895) and associated rules (*Minnesota Rules*, part 6212.1800 to 6212.2300 and 6134). Transmission projects may help by opening up bluffs by clearing out cedars, but the overall presence and negative impact on natural resources and recreational land use would outweigh that potential benefit. Additionally, this area is still relatively undeveloped; the transmission line would significantly increase fragmentation and result in negative edge effects.

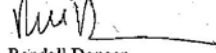
Of the proposed corridor alternatives presented in the provided reports, the DNR prefers the use of the existing disturbed corridors of Highway 52 and 190.

Cumulative Impacts

S-005-007 The DNR has concerns regarding the future cumulative impacts as a result of the proposed project. The DNR is aware that a key factor in siting wind farm facilities is access to adequate transmission lines with high carrying capacities. Due to the nature of the proposed project, the DNR would anticipate an increase in proposed wind farm projects correlated to the chosen corridor corridor. The EIS should include a discussion on this and other potential cumulative impacts anticipated or areas that may be further impacted for each alternative carried forth in the EIS.

Thank you for consideration of DNR comments. If you have any questions regarding these comments or other concerns, please contact me at (651)259-5156.

Sincerely,



Randall Doncen
Environmental Review Planning Director

S-005-007

Your comment has been noted. Cumulative Impacts will be addressed in the Draft Environmental Impact Statement.

S-005-008

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

S-005-009

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

S-005-010

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

Kessler, Ellen

From: alanlorenz@centurytel.net
Sent: Thursday, July 23, 2009 6:49 AM
To: Strength, Stephanie - Washington, DC
Cc: Marlin.Beekman@dot.wi.gov
Subject: Macro Corridor Study Hampton-La Crosse Lline
Attachments: This memo relates to the Macro Study (July20).doc

Hi Stephanie,

Attached is a copy of our letter to you expressing our concerns about the CapX2020 alternate along the Great River Road National Scenic Byway in Buffalo, Trempealeau and La Crosse Counties in Wisconsin.

I will send you our official letter by U.S. mail today but wanted to be sure you received this before the July 25th deadline.

Al Lorenz, Chair
Wisconsin Mississippi River Parkway Commission

July 23, 2009

To: Stephanie Strength, Environmental Protection Specialist
United States Department of Agriculture, Rural Utilities Service
Engineering and Environmental Staff
1400 Independence Avenue, SW, Stop 1571
Washington, D.C. 20250-1571

From: Wisconsin Mississippi River Parkway Commission

Subject: Macro-Corridor Study (May 2009)
CapX2020 Hampton – Rochester – La Crosse 345 kV Transmission System Improvement Project

S-006-002

This letter relates to the subject Macro-Corridor Study – specifically regarding the alternate transmission line corridor routings under study in Wisconsin between Alma and La Crosse. This memo is authored by the Wisconsin Mississippi River Parkway Commission (WIMRPC) to elaborate the concerns of the Wisconsin Great River Road National Scenic Byway (WIGRRNSB) that traverses the scenic Mississippi Valley between the aforementioned cities. Specifically the concerns are the perceived negative impacts of locating a high tower 345 kV transmission line within its view shed and /or encroaching on the various intrinsic Byway features along the route.

The following background and definitions should be helpful towards understanding and appreciating the WIGRRNSB concerns:

- Broad interest in the concept of a scenic parkway called the Great River Road (GRR) following the Mississippi River corridor from its source at Lake Itasca in Minnesota to the Gulf of Mexico resulted in all ten Mississippi River States establishing the Mississippi River Parkway Planning Commission in 1938. Congress began authorizing funding for advancing the parkway concept in the 1940 and 1950s. In Wisconsin STH 35 was the location of the GRR for most of its 250 mile length. The year 2008 marked the 70th anniversary of the GRR.
- Scenic Easements along the WIGRR were purchased by the State of Wisconsin in the 1950's to assist in preserving for present and future generations the unique natural scenic beauty created by the towering bluffs on one side of the route and the majestic Mississippi River on the other. It is this very unique beauty that moves many travelers of the ten state GRR route to rate the Wisconsin GRR as their Number 1 choice.
- The Wisconsin Mississippi River Parkway Commission was legislatively established in 1961 – with the following stated purpose(s) as expressed (in part) in the current WI Statute 14.85: *"assist in coordinating the development and preservation of the great river road in Wisconsin and its embellishments, such as scenic easements, roadside parks and scenic overlooks..."* *"assist in promoting as an attractive travel designation the great river road in Wisconsin and its unique historical, cultural, aesthetic and recreational features along the route..."* The WIMRPC continues to fulfill their statutory responsibility to the best of their ability.
- WIGRR received the prestigious designation of National Scenic Byway in the year 2000 upon the request of the State of Wisconsin and following its designation as a State Scenic Byway. This designation came after careful review and concurrence by a Federal Highway Administration (FHWA) National Review Committee. The intrinsic qualities of a NSB include: scenic, historical, recreational, natural, archeological and cultural. The WIMRPC is the designated "byway organization" e.g. to serve as the front line contact and overall coordinator of various activities involved in the promotion, preservation and development of the Byway.
- The Partnership Statement co-signed in June 2009 by the WIMRPC and U.S. Fish & Wildlife Service (Winona) states in part the following: *"WHEREAS the view shed of the WIGRRNSB corridor includes the Mississippi River and backwaters (e.g. the Upper Mississippi River Wildlife and Fish Refuge) on one side and the towering bluffs on the other" ... and "WHEREAS the U.S. Fish & Wildlife brochure entitled Byways to America's Wildest Places states in part ...National wildlife refuges contribute to the intrinsic qualities that qualify a road as one of America's Byways ...*

S-006-001

local residents and visitors benefit from national wildlife refuges being included in Byway corridor management plans and projects..."

The long standing existence of the Wisconsin Great River Road and its subsequent prestigious designation as a National Scenic Byway identifies the WIGRRNSB as a "national resource". A national resource brings with it a special responsibility to all involved to advance the WIGRRNSB vision carefully and to preserve its unique intrinsic qualities for future generations.

The WIGRRNSB pleads that the CapX 2020 initiative will embrace this responsibility including fulfilling the RUS NEPA requirements to "consider a broad range of environmental issues as well as potential impacts ..." (pg 1-3 of the Macro Corridor Study Report) relative to the afore-listed intrinsic qualities of the WIGRRNSB.

Sincerely,

Alan Lorenz, Chair
Wisconsin Mississippi River Parkway Commission
W 4927 Hoeth Street
La Crosse, WI 54601

cc: U.S. Senators Kohl, Feingold
U.S. Representative Kind
Governor Doyle
State Legislators
F&WL
COE
County Board Chairs of Buffalo/Trempealeau/La Crosse
Local Elected Officials

S-006-001

Your comment has been noted. Potential impacts to the aesthetic quality of the areas surrounding the transmission line will be addressed in the Draft Environmental Impact Statement.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

S-006-002

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

Kessler, Ellen

From: Sen.Sharon.Erickson.Ropes@senate.mn
Sent: Thursday, July 23, 2009 12:09 PM
To: Strength, Stephanie - Washington, DC
Subject: USDA/RUS EIS for the CapX2020 La Crosse Project
Attachments: DOC026.PDF

Dear Ms. Strength:

I have attached a letter for you to consider regarding the USDA/RUS EIS for the CapX2020 La Crosse Project. I have also sent it in the mail.

Thank you for your consideration.

Sincerely,
Sharon Erickson Ropes

Senator Sharon Erickson Ropes
Houston, Fillmore & Winona Counties
G24 State Capitol
75. Rev. Dr. Martin Luther King Jr. Blvd
St. Paul, MN 55155
651-296-5649

SENATOR SHARON ERICKSON ROPES
Senate District 31 (Fillmore, Houston and Winona Counties)
75 Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155-1606
Phone: (651)296-5469
sen.sharon.erickson.ropes@senate.mn



Senate
State of Minnesota

July 23, 2009

Stephanie A. Strength
Environmental Protection Specialist/RD
1400 Independence Ave. SW Room # 2244
Washington, DC 20250-1571
stephanie.strength@usda.gov

Dear Ms. Strength:

I am writing you today to share my perspective on the USDA/RUS EIS for the CapX2020 La Crosse Project and ask that you take my comments into consideration as you go forward with your review process.

S-008-001

I have some concerns from an environmental and rural economic development perspective about the request made by Dairyland for Rural Utilities Services funding of the CapX2020 La Crosse Project. I believe that the United States Department of Agriculture should make an independent and detailed review of claims made by the project proponents in developing the environmental impact statement ("EIS") for the proposed project.

S-008-002

Also, I am concerned that any alternative route for the CapX2020 La Crosse Project could widen existing right of way through the Upper Mississippi River National Wildlife Refuge, affect migratory birds using the Mississippi Flyway, and negatively affect resources in the Mississippi River corridor. The U.S. Fish and Wildlife Service has expressed concerns regarding impacts on the National Wildlife Refuge in a recent letter to the CapX2020 proponents dated May 9, 2009 and I would encourage you to review this letter as I share many of their concerns.

S-008-003

Furthermore, on behalf of constituents and to protect federal interests in natural resources, I respectfully request that the Rural Utilities Services ("RUS") provide an independent review of whether the CapX2020 La Crosse Project needs have been appropriately defined by project proponents and whether there might be alternatives to meet energy needs that would not impact the Mississippi River corridor bluff lands, scenic roads and National Wildlife Refuge. I believe there is merit in reviewing possible alternatives to the CapX2020 La Crosse Project and would encourage your organization to consider the following potential options in your review:

S-008-004

- Existing, planned and potential local generation in the Rochester and La Crosse areas to meet local reliability needs;
- Existing, newly built, and planned alternative transmission in both Minnesota and Wisconsin that can meet community reliability needs without crossing the Mississippi River and impacting federally protected resources; and
- Conservation, distributed generation and smart grid technology that can address peak energy needs in the Rochester and La Crosse areas and a further examination of the current peak needs of the region.



COMMITTEES: Vice Chair, Agriculture and Veterans Policy and Budget Division; Higher Education Policy and Budget Division; Health and Human Services Budget Division; Health, Housing, and Family Security



Cummings, Matt

From: Lovejoy, Tom A - DNR [Tom.Lovejoy@Wisconsin.gov]
Sent: Monday, June 08, 2009 12:46 PM
To: Strength, Stephanie - Washington, DC
Cc: Laatsch, Cheryl - DNR; Rineer, Ken - PSC; Koslowsky, Shari - DNR; Kalvelage, Karen M - DNR; Siebert, David R - DNR; Fannucchi, William - PSC
Subject: RE: CapX2020 Proposed Hampton-Rochester-La Crosse 345 kV Transmission System Improvement Project

I forgot to fill-in the subject line. In case it wasn't clear e-mail below pertains to CapX2020 project

P Tom Lovejoy
Natural Resources Program Manager
Environmental Analysis
West Central Region
Wisconsin Department of Natural Resources
(*) phone: (715) 839-3747
(*) fax: (715) 839-6076
(*) e-mail: tom.lovejoy@wisconsin.gov

From: Lovejoy, Tom A - DNR
Sent: Monday, June 08, 2009 11:14 AM
To: 'stephanie.strength@wdc.usda.gov'
Cc: Laatsch, Cheryl - DNR; Rineer, Ken - PSC; Koslowsky, Shari - DNR; Kalvelage, Karen M - DNR; Siebert, David R - DNR; Fannucchi, William - PSC
Subject:

<mailto:shari.koslowsky@wisconsin.gov>

This follows our discussion this morning about RUS's invitation to Wisconsin Department of Natural Resources (WDNR) to attend upcoming agency and public scoping meetings as part of RUS's lead federal agency role for EIS development/NEPA compliance for this project.

As you know WDNR and Wisconsin Public Service Commission (PSC) will jointly be involved in a separate environmental review (EIS) process consistent with state regulations, including Wisconsin Environmental Policy Act (WEPA). It's not exactly clear to me if or how the separate NEPA and WEPA processes will be related but that's something for others to determine.

My main reasons for contacting you today are:

1. Let you know WDNR will attend RUS's June 23 agency scoping meeting, I'll be there and maybe one other. WDNR project manager is Cheryl Laatsch. She'll be on maternity leave for a few weeks, but her email address is listed above and her phone is (608) 264-8943. You should direct all communications through Cheryl. Other key members of WDNR's project review team will be Shari Koslowsky, Karen Kalvelage and me.

2. As we discussed today by phone, WDNR has had early project planning stage issue scoping discussions with CapX2020 utilities and PSC. In particular WDNR has identified two important areas of environmental concerns regarding possible project transmission line routing and substation expansion alternatives. Where the proposed transmission line may cross the Mississippi River and extend into Wisconsin would have a direct bearing on potential for impacts to:

-La Crosse Marsh (site of a Dairyland Power Cooperative existing substation)

-Van Loon State Wildlife Area (located in NW La Crosse County and potentially impacted by transmission line upgrades)

S-011-001

S-011-001

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at:

<http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

S-011-002

Your comment has been noted. Please refer to comment response S-011-001.

S-011-002

WDNR recently sent utilities and PSC letters describing these properties and their outstanding resource and/or public interest values. We also included mention of potential regulatory concerns. And we made recommendations to modify project alternatives now, early during project planning, in effort not only to avoid impacts to these sensitive areas but also to prevent potential regulatory conflicts later. I've attached copies of the letters sent. WDNR would appreciate your consideration of points made as part of RUS's NEPA issue scoping process.

P Tom Lovejoy
Natural Resources Program Manager
Environmental Analysis
West Central Region
Wisconsin Department of Natural Resources
(* phone: (715) 839-3747
(* fax: (715) 839-6076
(* e-mail: tom.lovejoy@wisconsin.gov

S-013-001
S-013-002

Safety rest areas

Mn/DOT will not permit the physical location of utility lines or structures to encroach. The vegetation requirements remain in force at rest areas and may be of a more strict nature for aesthetic reasons.

Additional Factors

A Utility Permit from Mn/DOT is required for any line that would affect Mn/DOT right of way.

General placement for aerial lines is within the outer 5 feet of trunk highway right of way.

By Policy any utility placed within Mn/DOT trunk highway right of way by permit would be required to relocate at the owner's expense if future highway construction necessitated.

The entire Mn/DOT Utility Accommodation Policy is available at www.dot.state.mn.us/utility/files/pdf/appendix-b.pdf and needs to be adhered to.

For lines around rest areas contact the Safety Rest Area Program Manager at 651-366-4702.

For issues involving airports and their height clearances and restrictions contact Rick Braunig at 651-234-7230 or email at rick.braunig@dot.state.mn.us.

Mn/DOT's main contact for Transmission Line Route Coordination is Stacy Kotch. I can be reached at 651-366-4635 or by email at Stacy.Kotch@dot.state.mn.us.

* *

Mn/DOT District contacts are:

District 1

WAYNE SCHEER (218) 725-2780

District 2A

STEPHEN FRISCO (218) 755-6553

District 2B

EARL HILL (218) 277-7964

District 3

TERRY HUMBERT (320) 223-6527

CLAUDIA DUMONT (320) 223-6530

District 4

JIM UTECHT (218) 846-7950

JODY MARTINSON (218) 846-7964

District 6

BOB HUTTON (507) 286-7595

PETER WASKIW (507) 286-7680

robert.hutton@dot.state.mn.us
peter.waskiw@ " " " "

District 7

JIM FOX (507) 831-8012

RICHARD "KENT" PURRIER (507) 304-6151

S-013-001

Your comment has been noted. The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

S-013-002

Your comment has been noted. Potential impacts to the aesthetic quality of the areas surrounding the transmission line will be addressed in the Draft Environmental Impact Statement.

S-013-003

Your list and tentative schedule of potential public transportation projects has been noted.

Kessler, Ellen

From: Robert.Hutton@dot.state.mn.us
Sent: Monday, July 27, 2009 2:43 PM
To: Strength, Stephanie - Washington, DC
Subject: Hampton-Rochester-La Crosse 345 kV Transmission System Improvement Project
Attachments: District 6 Draft ATIP 2010-2013 - FINAL FROM D6 for Bob.xls

Follow Up Flag: Follow up
Flag Status: Flagged

Stephenie,
I was at the Wanamingo agency scoping meeting on June 17, 2009 representing the Minnesota Department of Transportation (MnDOT), southeast District 6. During the presentation & question and comment time I asked if it might be beneficial for the project to be aware of Mn/DOT road, bridge, trail, and other potential multi-modal developments in the vicinity of your project limits.

While the following attached spreadsheet of transportation projects is subject to change (and likely will), it may be helpful information to consider in the HVTL site selection process. Additionally the following list is more long term, than the attached list:

US 52 north to south
Interchange in Cannon Falls
Interchange at Hader CSAH 8/MN 57
Interchange at CSAH 9
Overpass at Zumbrota CSAH 68
Interchange north Pine Island
Elk Run Interchange
possible 6 lane expansion from Pine Island to 75th Street NW Rochester

US 14 west to east
2 to 4 lane expansion Claremont to Dodge Center
Interchange between Kasson and Byron
Interchange Byron CSAH 5
2 to 4 lane expansion from Rochester east to Eyota

Bob Hutton
Senior Planner
MnDOT District 6
2900 48th Street NW
Rochester, MN, 55901
507-286-7595
507-285-7279 FAX
robert.hutton@dot.state.mn.us

Proj. #/ID	Program	Year	Agency	Description	Length	City	County Name	Program
TH 14	194010-06	2010	ROCHESTER	GRADE & SURFACE TH 52 TO QUINCY CSAH 16 - ROCHESTER CITY PORTION OF STATE PROJECT (602-73) (TH 14)	1.8	ROCHESTER	QUINCY	RC
TH 14	5002BAC2	2010	MNDOT	ROC 52 DESIGN BUILD - BEST VALUE (AC PAVEMNT 7 OF 1)	10.8	ROCHESTER	QUINCY	MC
TH 22	260629E1	2010	MNDOT	"MINOR" ENVIRONMENTAL ASSESSMENT AND RIGHT-OF-WAY ACQUISITION AT US 52 AND GOODHETS/SAH 14 INTERCHANGE, CANNON FALLS, GOODHURDY, MN	0.5	CANNON FALLS	GOODHURDY	MC
190	1990196	2010	MNDOT	"BRM" UNBONDED CONCRETE OVERLAY FROM 22 M E TH 15 TO 5.8 M W/CT TH 43 - EB LANES	14.2		WINONA	RC
TH 28	200626	2010	MNDOT	"BRM" WHITE TOPPAVE CSAH 134 TO 5.3 M IN S LIMITS OF W/CONLRD	6.0	WEST CONDO	GOODHURDY	FS
TH 28	201007	2010	MNDOT	"BRM" REPLACE BR 518 (NEV BR 2025) & BOX CULVERT 8100 OVER N FORK ZUMBER RIVER, ZUMBERTA - BOND FUNDS	0.1	ZUMBERTA	GOODHURDY	BR
TH 14	502072	2010	MNDOT	ESTUANCUS MILL & OVERLAY MEDIAN REPLACEMENT & REPAIR - JCT TH 52 TO W/CON RD (15TH AVE SE), ROCHESTER - INTERSECTION IMPROVEMENT AT INTERSECTION OF TH 14 & QUINCY CSAH 16 (W/CON ROAD), REVISE SIGNALS AT 3RD AVE SE	2.0	ROCHESTER	QUINCY	FS
TH 14	747104	2010	MNDOT	"ELLA" FOUR LANE ON NEW ALIGNMENT W STEBBLE COUNE EAST TO BR 74001 & BR 74002 - 2010 IMPACT FUNDS (AC PROJECT, PAVEMNT IN 2011)	14.2		STEELE	MC
TH 19	302021	2010	MNDOT	REPLACE BRIDGE 1687 OVER TH 142 IN CANNON FALLS AND EXTEND ACCELERATION AND DECELERATION LANES FOR INTERCHANGE (W/TH 25) (SOUTH OF TH 14)	0.2		HIBBON	BR
TH 22	892540	2010	MNDOT	ACCELERATION LANES, LENGTHEN TURN LANES & MEDIAN ACCESS MODIFICATIONS, GOODHURDY, QUINCY CO	05.4		MULTICOUNTY	SH
CSAH 14	2042417	2011	JUDGE COUNTY	JUDGE CSAH 18 - REPLACE BR 628 0.1 M N OF JUDGE CSAH 22	0.2		JUDGE	BR
CSAH 22	4042249	2011	QUINCY	QUINCY CSAH 22 - MILL & OVERLAY TH 52 TO TH 14	1.7	ROCHESTER	QUINCY	RS
CSAH 17	5541122	2011	WINONA COUNTY	REGRADING & SURFACING - WINONA CSAH 17, TH 43 TO VALLEY VIEW OR	1.1		WINONA	RC
MLA	19415640	2011	ROCHESTER	2011 ST 594, QUINCY CO RD 125 (MAYWOOD RD) TO TH 18 - GRADE & SURFACE	1.1	ROCHESTER	QUINCY	RC
PEDEWAY	236-000-01	2011	LA CROSSE	WAGON WHEEL TRAIL PHASE 1	1.0	LA CROSSE	HOLSTON	EN
190	1900152	2011	MNDOT	UNBONDED CONCRETE OVERLAY - 0.5 M W/OF W/CT TH 43 TO 0.8 M W/TH 16 - EB LANES - 50F - 36.175, 34	8.3		WINONA	RC
TH 76	280818	2012	MNDOT	"ELLA" MEDIAN OVERLAY TH 16 @ QUINCY TO LA 90	13.7			FS
TH 240	091109	2012	MNDOT	RECLAIMATION MN ST (ALTURA) TO TH 61	11.3	ALTURA	WINONA	RS
190	1900149	2013	MNDOT	"BRM" "ELLA" DRESBACH BR 3020 OVER MISSISSIPPI RIVER - BRIDGE REHABILITATION - BOND FUNDS	0.3		WINONA	BR

COMMENT FORM
Public Scoping Meetings

We need your input. Please take a few minutes to provide your comments or questions for the USDA RUS Federal Environmental Impact Statement process and return your completed form today or mail by June 29, 2009. Your comments help in the planning and implementation of the project. **Thank you.**

Completing this form will automatically add you to our mailing list. If you prefer to not be on the mailing list, please check the box below.

I do not wish to be on the project mailing list

Which meeting did you attend? Plainview 6-16-09

Please check the following issues that are important to you for transmission line siting.

- Project Purpose and Need
- Visual / Aesthetic resources
- Proximity to residences
- Land use (agriculture, residential, recreation)
- Water resources (floodplains, river crossings)
- Biological resources (wildlife habitat, raptors)
- Historic and cultural sites
- Radio or television interference
- Noise
- Health and safety

L-001-001

Other: undetermined long-term health problems for kids young and infants.

What additional key issues should be addressed when assessing the potential impacts of this project?

Need
Need not "nice to have" "will want in future"
Need "want a "back-up" line"

Hampton • Rochester • La Crosse 345 kV Transmission Project

L-001-001

Your comment has been noted. Potential impacts to human and livestock health and safety will be addressed in the Draft Environmental Impact Statement.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

L-001-002

Your comment has been noted. Potential impacts to wildlife will be addressed in the Draft Environmental Impact Statement.

If you own property in one of the proposed corridors, please indicate all the existing uses of your property below:

- Agriculture
- Residential
- Conservation Easement
- Commercial
- Industrial
- Other: _____

Please describe any special uses or circumstances on your property that should be considered when assessing the Project. Please indicate the location of your property.

L-001-002

Our property is one of the few voluntary wildlife refuges in Farmington Township. We even have the "Short-tailed Weasel" and they are rare. We also do no hunting or trapping. Long-term ill effects on the wildlife may be detrimental to some of these species.

In your opinion, what are the most sensitive resources (biological, cultural, recreational, ect.) in the Project area and why?

biological
 esthetical
 Safety
 getting screwed out of my land when you decide to have no say over my own! God, God Bless America as the government sees fit to change it "Condemned for the public good" - we hear it from developers all the time. So they can line their pockets. Now you want to kill my wildlife - rare and common - possibly cause birth defects or various health issues in my family -

L-001-005

In your opinion, was the project description, purpose, and need for the project adequately explained? If not, what additional information is needed?

L-001-003

WHY is it needed? Layman's language

L-001-004

If our studies are paid for by you and there for project what you want reflected.

Please tell us how to reach you.

CONTACT INFORMATION

Name: Sharon Boyce

Representing (Optional): Farmington Township

Mailing Address: 10231 50th Ave - N.E.

City: Elgin State: MN Zip Code: 55932

Daytime Phone (Optional):

Public participation for the Federal, Minnesota, and Wisconsin permitting processes will be ongoing for the Hampton-Rochester-La Crosse 345 kV Transmission Project. If you sign up for the mailing list, you will be notified when opportunities to participate are being planned.

Please plan to continue your involvement in the process and provide your comments. We appreciate your input.

L-001-003

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at: http://www.usda.gov/rus/water/ees/eis.htm.

L-001-004

Your comment has been noted. The Draft Environmental Impact Statement will describe, in detail, project purpose and need. The justification document which has been accepted by the RUS is the Alternative Evaluation study which is available at: http://www.usda.gov/rus/water/ees/eis.htm.

L-001-005

Your comment has been noted. Potential impacts to wildlife as well as human and livestock health and safety will be addressed in the Draft Environmental Impact Statement.

COMMENT FORM
Public Scoping Meetings

We need your input. Please take a few minutes to provide your comments or questions for the USDA RUS Federal Environmental Impact Statement process and return your completed form today or mail by June 29, 2009. Your comments help in the planning and implementation of the project. **Thank you.**

Completing this form will automatically add you to our mailing list. If you prefer to not be on the mailing list, please check the box below.

I do not wish to be on the project mailing list

Which meeting did you attend? Wanna nio go

Please check the following issues that are important to you for transmission line siting.

- Project Purpose and Need
- Visual / Aesthetic resources
- Proximity to residences
- Land use (agriculture, residential, recreation)
- Water resources (floodplains, river crossings)
- Biological resources (wildlife habitat, raptors)
- Historic and cultural sites
- Radio or television interference
- Noise
- Health and safety
- Other: _____

What additional key issues should be addressed when assessing the potential impacts of this project?

L-002-001

Affect on property values present & future

L-002-001

Your comment has been noted. Socioeconomic impacts to property values affected by the transmission line will be addressed in the Draft Environmental Impact Statement.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.



If you own property in one of the proposed corridors, please indicate all the existing uses of your property below:

- Agriculture Residential Conservation Easement
 Commercial Industrial Other: _____

Please describe any special uses or circumstances on your property that should be considered when assessing the Project. Please indicate the location of your property.

In your opinion, what are the most sensitive resources (biological, cultural, recreational, ect.) in the Project area and why?

In your opinion, was the project description, purpose, and need for the project adequately explained? If not, what additional information is needed?

If the need exists then the utilities would be required to pay fair value for present & future loss.

L-002-002

Instead of a simple ROW payments make them lease it annually and evaluate lease rates with comps that were not developed by these municipalities

Please tell us how to reach you.

CONTACT INFORMATION

Name: JOEL HELMBERGER
Representing (Optional): NEW MARKET TOWNSHIP
Mailing Address: 2431 DAKOTA AV LAKEVILLE, MN
City: LAKEVILLE State: MN Zip Code: 55042
Daytime Phone (Optional): 651-210-9195

Public participation for the Federal, Minnesota, and Wisconsin permitting processes will be ongoing for the Hampton- Rochester- La Crosse 345 kV Transmission Project. If you sign up for the mailing list, you will be notified when opportunities to participate are being planned.

Please plan to continue your involvement in the process and provide your comments. We appreciate your input.

L-002-002

Your comment has been noted. RUS anticipates that the CapX2020 Utilities would provide compensation in the form of a one-time easement payment to property owners who host transmission lines. Property owners would retain ownership of the land and may continue to use the land around transmission structures. RUS anticipates that the CapX2020 Utilities would work with property owners to negotiate easement payments after the permitting process.

COMMENT FORM

Public Scoping Meetings

We need your input. Please take a few minutes to provide your comments or questions for the USDA RUS Federal Environmental Impact Statement process and return your completed form today or mail by June 29, 2009. Your comments help in the planning and implementation of the project. **Thank you.**

Completing this form will automatically add you to our mailing list. If you prefer to not be on the mailing list, please check the box below.

I do not wish to be on the project mailing list

Which meeting did you attend? All in area of Farmington

Please check the following issues that are important to you for transmission line siting.

- Project Purpose and Need
- Visual / Aesthetic resources
- Proximity to residences
- Land use (agriculture, residential, recreation)
- Water resources (floodplains, river crossings)
- Biological resources (wildlife habitat, raptors)
- Historic and cultural sites
- Radio or television interference
- Noise
- Health and safety
- Other: _____

What additional key issues should be addressed when assessing the potential impacts of this project?

Hampton • Rochester • La Crosse 345 kV Transmission Project

L-003-001

Your comment has been noted. The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

If you own property in one of the proposed corridors, please indicate all the existing uses of your property below:

- Agriculture Residential Conservation Easement
 Commercial Industrial Other: _____

Please describe any special uses or circumstances on your property that should be considered when assessing the Project. Please indicate the location of your property.

In your opinion, what are the most sensitive resources (biological, cultural, recreational, ect.) in the Project area and why?

Representative: Bliss



Input Form
Name: Everett Rolting
Address: Warren Twp.
Telephone: Chairman
Email: _____

Date: _____
Meeting location: no current lines taking

Check one: no noise high quality of land
 Landowner Elected Official
 Agency City/County Staff
 Other: _____

Comments: I-90 - no farm land impacts
limits impacts from noise
follows rd + + line corridor

L-004-001

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

L-004-001

COMMENT FORM

Public Scoping Meetings

We need your input. Please take a few minutes to provide your comments or questions for the USDA RUS Federal Environmental Impact Statement process and return your completed form today or mail by June 29, 2009. Your comments help in the planning and implementation of the project. **Thank you.**

Completing this form will automatically add you to our mailing list. If you prefer to not be on the mailing list, please check the box below.

I do not wish to be on the project mailing list

Which meeting did you attend? June 17, 2009 in Waramingo

Please check the following issues that are important to you for transmission line siting.

Project Purpose and Need

Visual / Aesthetic resources

Proximity to residences

Land use (agriculture, residential, recreation)

Water resources (floodplains, river crossings)

Biological resources (wildlife habitat, raptors)

Historic and cultural sites

Radio or television interference

Noise

Health and safety

Other: _____

What additional key issues should be addressed when assessing the potential impacts of this project?

See enclosed letter.

Hampton • Rochester • La Crosse 345 kV Transmission Project



If you own property in one of the proposed corridors, please indicate all the existing uses of your property below:

- Agriculture Residential Conservation Easement
 Commercial Industrial Other: _____

Please describe any special uses or circumstances on your property that should be considered when assessing the Project. Please indicate the location of your property.

My property is not located within the project corridors.
I am only interested in what's best for Goodhue County.

In your opinion, what are the most sensitive resources (biological, cultural, recreational, ect.) in the Project area and why?

See enclosed letter.

In your opinion, was the project description, purpose, and need for the project adequately explained? If not, what additional information is needed?

It was. I have no problems with the project itself, I just want to make sure that it is sited properly.

Please tell us how to reach you.

CONTACT INFORMATION

Name: Dan Rehtzigel
Representing (Optional): Goodhue County
Mailing Address: 1140 2nd St. E.
City: Kenyon State: MN Zip Code: 55946
Daytime Phone (Optional): (507) 789-5877

Public participation for the Federal, Minnesota, and Wisconsin permitting processes will be ongoing for the Hampton-Rochester-La Crosse 345 kV Transmission Project. If you sign up for the mailing list, you will be notified when opportunities to participate are being planned.

Please plan to continue your involvement in the process and provide your comments. We appreciate your input.



Dan Rehtzigel
County Commissioner
Goodhue County

1140 2nd Street E.
Kenyon, MN 55946
(507) 789 - 5877

June 24, 2009

To Whom It May Concern:

L-005-002 | This letter is being sent to inform all interested parties that I do not support the efforts of XCEL Energy to construct new transmission lines along Minnesota State Highways 56 and 60 in Goodhue County as part of the CapX 2020 project. I have attended many meetings regarding this project and have shared my concerns with project representatives. After learning about all of the proposed options that XCEL is considering, it makes clear sense to me that the transmission lines should run along US Highway 52.

L-005-003 | In reviewing the maps provided at the June 17, 2009 meeting in Wanamingo, one can clearly see the impact these transmission lines will have on residents living along Highway 56 and Highway 60. Most homes were built close to the highway, so for many residents these new lines equate to a new 170-foot tall structure located literally in their back yard. The homes located along US Highway 52 were built farther back from the highway, and all residents who bought homes along this sector bought them knowing that both heavy traffic and transmission lines would occupy many portions of the highway. The decision to construct the transmission lines along Highway 52 will have a far less impact on the topography of Goodhue County since current lines already exist. XCEL would have to construct new lines along Highways 56 and 60, causing great hardship and disruption to the residents living there.

L-005-004 | Goodhue County is seeing growth in industrial and commercially zoned areas along Highway 52. The Highway 52 corridor will continue to grow and continue to attract more industrial and commercial activity. These businesses will demand vast amounts of electricity that will be easily provided by the transmission lines running along the corridor. By contrast, the Kenyon-Dennison region of Goodhue County has not seen substantial increases in residential, industrial, or commercial activity. Building these lines along Highways 56 and 60 seems like a lost opportunity. Why not build along the corridor that will clearly demand more energy as Highway 52 transitions from a four-lane highway into a limited-access freeway? Why build in the very rural areas of Goodhue County that will continue to remain rural for decades to come?

L-005-001

In Goodhue County we are proud of maintaining our agricultural heritage. On a county level, we have implemented a comprehensive land-use plan to help us achieve planning and zoning goals for the future. We have identified areas of Goodhue County that will be growth areas, and areas that we will work hard to maintain as agricultural. As a member of both the Goodhue County Planning Advisory Commission and the Goodhue County Board of Commissioners, I have spent countless hours working towards preserving the integrity of our comprehensive plan. Building these lines along Highway 52 fits in with our plan. The other option does not.

I urge you to select Highway 52 as your primary choice for the construction of the CapX 2020 transmission lines. The arguments listed above provide the foundation for making this decision based on sound logic and reasoning. Many people will contact you with emotional pleas to build it in one place or another. If we remove emotion from the argument, the Highway 52 option becomes the clear and obvious choice. I hope that you respect my role as a commissioner in working towards achieving the land use goals outlined in our comprehensive plan. I ask you to consider the impact these lines will have on our farmers in Warsaw, Holden, Kenyon, Wanamingo, Cherry Grove, Roscoe, and Minneola Townships whose ability to farm will be severely disrupted if these lines are forced to go over their property instead of in the road right-of-way. And I ask you to consider the residents living along Highways 56 and 60 who live so close to the road right-of-way that their lives will be severely disrupted if the lines are built along the highway. Finally, I ask you to consider the opportunity that Highway 52 provides. With a wide road right-of-way and remarkable potential for future industrial and commercial growth, the Highway 52 corridor is the only sensible option.

I appreciate your efforts to solicit feedback from the people who will be impacted by your decision, and I ask that you focus on making a decision that will be good for both XCEL Energy and Goodhue County.

Sincerely,



Dan Rehtzigel, Commissioner
Goodhue County Board

GOODHUE COUNTY BOARD OF COMMISSIONERS

RON ALLEN 1 st District 1713 Sievert Red Wing, MN 55066	RICHARD A. SAMUELSON 2 nd District 11200 Olga Street Way Cannon Falls, MN 55009	DAN REHTZIGEL 3 rd District 1140 2 nd Street E. Kenyon, MN 55946	JIM BRYANT 4 th District 26390 Co. 21 Blvd. Red Wing, MN 55066	TED SEIFERT 5 th District 521 17 th Street Red Wing, MN 55066
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AN EQUAL OPPORTUNITY EMPLOYER

L-005-001

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

Potential impacts to land use will be addressed in the Draft Environmental Impact Statement which will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

L-005-002

Your comment has been noted. Please refer to comment response L-005-001.

L-005-003

Your comment has been noted. Please refer to comment response L-005-001.

L-005-004

Your comment has been noted. Please refer to comment response L-005-001.

COMMENT FORM
Public Scoping Meetings

We need your input. Please take a few minutes to provide your comments or questions for the USDA RUS Federal Environmental Impact Statement process and return your completed form today or mail by June 29, 2009. Your comments help in the planning and implementation of the project. **Thank you.**

Completing this form will automatically add you to our mailing list. If you prefer to not be on the mailing list, please check the box below.

I do not wish to be on the project mailing list

Which meeting did you attend? WANNAMINGO - CAROLAN FALLS

Please check the following issues that are important to you for transmission line siting.

- Project Purpose and Need
- Visual / Aesthetic resources
- Proximity to residences
- Land use (agriculture, residential, recreation)
- Water resources (floodplains, river crossings)
- Biological resources (wildlife habitat, raptors)
- Historic and cultural sites
- Radio or television interference
- Noise
- Health and safety
- Other: INHIBITING COMMERCIAL GROWTH

What additional key issues should be addressed when assessing the potential impacts of this project?

L-006-001 THE CITY OF HAMPTON WOULD LIKE THE PROPOSED LINE TO MOVE TO THE EASTERN CITY LIMIT BOUNDARY, SO THE EXISTING AND FUTURE COMMERCIAL DEVELOPMENTS WOULD NOT BE AFFECTED

L-006-001

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

If you own property in one of the proposed corridors, please indicate all the existing uses of your property below:

- Agriculture Residential Conservation Easement
 Commercial Industrial Other: _____

Please describe any special uses or circumstances on your property that should be considered when assessing the Project. Please indicate the location of your property.

In your opinion, what are the most sensitive resources (biological, cultural, recreational, ect.) in the Project area and why?

In your opinion, was the project description, purpose, and need for the project adequately explained? If not, what additional information is needed?

YES

Please tell us how to reach you.

CONTACT INFORMATION

Name: ALAN REINARDY

Representing (Optional): CITY OF HAMPTON

Mailing Address: Box 96

City: HAMPTON State: IA Zip Code: 55031

Daytime Phone (Optional): 651-260-4011

Public participation for the Federal, Minnesota, and Wisconsin permitting processes will be ongoing for the Hampton-Rochester-La Crosse 345 kV Transmission Project. If you sign up for the mailing list, you will be notified when opportunities to participate are being planned.

Please plan to continue your involvement in the process and provide your comments. We appreciate your input.

COMMENT FORM

Public Scoping Meetings

We need your input. Please take a few minutes to provide your comments or questions for the USDA RUS Federal Environmental Impact Statement process and return your completed form today or mail by June 29, 2009. Your comments help in the planning and implementation of the project. **Thank you.**

Completing this form will automatically add you to our mailing list. If you prefer to not be on the mailing list, please check the box below.

I do not wish to be on the project mailing list

Which meeting did you attend? St. Charles

Please check the following issues that are important to you for transmission line siting.

Project Purpose and Need

Visual / Aesthetic resources

Proximity to residences

Land use (agriculture, residential, recreation)

Water resources (floodplains, river crossings)

Biological resources (wildlife habitat, raptors)

Historic and cultural sites

Radio or television interference

Noise

Health and safety

Other: _____

What additional key issues should be addressed when assessing the potential impacts of this project?

L-007-004 As chairman of Warner township I am requesting that if you have to go through our township you use the southern option along I-90. The traffic noise from I-90 would drown out the noise from the power line. You already have an easement there from road and existing power line. The northern option along Highway 25 has five large dairy operations extremely close to the proposed route in our township. (next page)

Hampton • Rochester • La Crosse 345 kV Transmission Project



If you own property in one of the proposed corridors, please indicate all the existing uses of your property below:

- Agriculture Residential Conservation Easement
- Commercial Industrial Other: _____

Please describe any special uses or circumstances on your property that should be considered when assessing the Project. Please indicate the location of your property.

continued from front page
The northern option does not follow any property lines and would go through the middle of every farm. This is taking ag land out of production and creating a hardship. For several reasons I am requesting that you no longer consider the option along Highway 25 and go with the one along I-90 if you have to go through Warren township. Thankyou

L-007-001

In your opinion, what are the most sensitive resources (biological, cultural, recreational, ect.) in the Project area and why?

I believe we should put the line through woodland and wet lands where ever possible to save ag land. we can never replace the ag land if it is taken out of production. We all have to eat.

L-007-003

L-007-001

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

In your opinion, was the project description, purpose, and need for the project adequately explained? If not, what additional information is needed?

L-007-002

We need more information on how the line would affect somatic cell and herd health when going close to a dairy.

Please tell us how to reach you.

CONTACT INFORMATION

Name: Everett Rolting
Representing (Optional): Warren Township - chair Winona County
Mailing Address: 25409 Almon Dr.
City: Winona State: Mn Zip Code: 55987
Daytime Phone (Optional): 507-523-3601

Public participation for the Federal, Minnesota, and Wisconsin permitting processes will be ongoing for the Hampton-Rochester-La Crosse 345 kV Transmission Project. If you sign up for the mailing list, you will be notified when opportunities to participate are being planned.

Please plan to continue your involvement in the process and provide your comments. We appreciate your input.

L-007-002

Your comment has been noted. Potential impacts to livestock health and safety will be addressed in the Draft Environmental Impact Statement.

L-007-003

Your comment has been noted. Please refer to comment response L-007-001.

L-007-004

Your comment has been noted. Please refer to comment response L-007-001.

COMMENT FORM

Public Scoping Meetings

We need your input. Please take a few minutes to provide your comments or questions for the USDA RUS Federal Environmental Impact Statement process and return your completed form today or mail by June 29, 2009. Your comments help in the planning and implementation of the project. **Thank you.**

Completing this form will automatically add you to our mailing list. If you prefer to not be on the mailing list, please check the box below.

I do not wish to be on the project mailing list

Which meeting did you attend? Wanamingo

Please check the following issues that are important to you for transmission line siting.

- Project Purpose and Need
- Visual / Aesthetic resources
- Proximity to residences
- Land use (agriculture, residential, recreation)
- Water resources (floodplains, river crossings)
- Biological resources (wildlife habitat, raptors)
- Historic and cultural sites
- Radio or television interference
- Noise
- Health and safety
- Other: _____

What additional key issues should be addressed when assessing the potential impacts of this project?

If you own property in one of the proposed corridors, please indicate all the existing uses of your property below:

- Agriculture Residential Conservation Easement
 Commercial Industrial Other: _____

Please describe any special uses or circumstances on your property that should be considered when assessing the Project. Please indicate the location of your property.

Property location: Sec. 27 Holden township Goodhue County
the south west area of Holden township has some of the best farmland in Goodhue County. Small farmers like myself have all we can do to hold onto the small acreages (80-160+) that we have to raise enough feed for our dairy herds. I am concerned about stray voltage, etc on the 2 sites in Sections 31+27 where our family has dairy herds.

L-008-001

In your opinion, what are the most sensitive resources (biological, cultural, recreational, ect.) in the Project area and why?

This area has always been an area of small family farms - some of which have been in the family since the 1850's. People have worked hard to maintain this "neighborhood" feeling and the land that they farm. As township officials we consider very carefully each land use sitting that will affect the people living in the area. If you were to place this line mid-section, as proposed, you would come quite close to a number of farm sites and feed lots. Because this land is so extensively rowcrops, the fence lines are the only areas of wildlife habitat that remain - I would hate to see the little bit we have left destroyed for a power line. The established Hwy 52 corridor seems like a much better route for this project.

L-008-002

L-008-001

Your comment has been noted. Potential impacts to human and livestock health and safety with regard to stray voltage will be addressed in the Draft Environmental Impact Statement.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

L-008-002

Your letter/comment card has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process along with potential impacts to wildlife will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

In your opinion, was the project description, purpose, and need for the project adequately explained? If not, what additional information is needed?

L-008-003

From the information that I have, I'm not sure there is a need for this project - through conservation of energy and alternative power sources this project may not be necessary.

L-008-004

I find the format of your scoping meetings very difficult to "wade" through - I felt like I was walking through a maze with no way out - We really need some formal presentation of information - with a question and answer period. I realize that could go on into the night, but we would be happy with a time limit. Please consider a change.

L-008-005

Also more information to affected property owners would be good - throwing out all these possible routes confuses people.

Please tell us how to reach you.

CONTACT INFORMATION

Name: Barbara St John
 Representing (Optional): Holden Township
 Mailing Address: 44866 40th Ave.
 City: Kenyon State: MN Zip Code: 55946
 Daytime Phone (Optional): 507-789-5553

Public participation for the Federal, Minnesota, and Wisconsin permitting processes will be ongoing for the Hampton-Rochester-La Crosse 345 kV Transmission Project. If you sign up for the mailing list, you will be notified when opportunities to participate are being planned.

Please plan to continue your involvement in the process and provide your comments. We appreciate your input.

L-008-003

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.

L-008-004

The project is still in the development and planning stages and the utilities are striving to provide the most up to date information in a timely manner. Project information is updated regularly on the project website, www.capx2020.com.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

L-008-005

Your comment has been noted. Please refer to comment response L-008-004.

Kessler, Ellen

From: Strength, Stephanie - Washington, DC [Stephanie.Strength@wdc.usda.gov]
Sent: Tuesday, July 28, 2009 11:12 AM
To: Lilley, Bliss; Collins, Carly
Subject: FW:

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

From: dorannorton@charter.net [mailto:dorannorton@charter.net]
Sent: Thursday, July 23, 2009 5:14 PM
To: Strength, Stephanie - Washington, DC
Subject:

Stephanie A. Strength
Environmental Protection Specialist/RD
1400 Independence Ave. SW Room # 2244
Washington, DC 20250-1571

Please oppose forcing my township to pay for the CapX2020 ultra high voltage power line projects, including the La Crosse Project.

- L-009-001** | This line will cause environmental harm in scenic corridors and the loss of prime agricultural land.
- L-009-002** | You should consider this project with the other CapX2020 power lines which seem to be about bringing Dakota coal power to Wisconsin and Illinois.
- L-009-004** | My neighbors are committed to local generation of power and to conservation. I attended a local intergovernmental meeting last night, and a CAPX representative spoke. It sounds like the power companies are boxed into solutions which are 'cheapest' without considering the true cost of these solutions to protected natural resources.
- L-009-003** | We can solve local reliability issues locally. We don't need Dakota coal carbon footprints all over Minnesota.

It sounds like some power companies are backing out of this project and so are looking to me to pay for a project I don't want. Please - don't make my neighbors pay for this project through the USDA Rural Utilities Service.

Thanks for considering my request,

Kathleen Doran-Norton
Bridgewater Township board of supervisors

L-009-001

Your comment has been noted. Potential impacts to the aesthetic quality of the areas surrounding the transmission line as well as agricultural resources will be addressed in the Draft Environmental Impact Statement.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

L-009-002

Your comment has been noted.

While the CapX2020 projects involve four independent projects being developed in a similar time frame with some of the same of utilities participating, the Purpose and Need for the CapX2020 Hampton-Rochester-La Crosse 345-kV Project was developed and proven independently of the other CapX2020 projects. The Alternative Evaluation Study addresses project Purpose and Need and is available at: <http://www.usda.gov/rus/water/ees/eis.htm>, which has been approved by the RUS. Purpose and Need will also be addressed in the Draft Environmental Impact Statement.

L-009-003

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.

L-009-004

Your comment has been noted. Please refer to comment response L-009-003.

Kessler, Ellen

From: Jeff Bluske [bluske.jeff@co.la-crosse.wi.us]
Sent: Friday, July 24, 2009 8:32 AM
To: Strength, Stephanie - Washington, DC
Cc: Mike Weibel; David Lange; Charlie Handy; Tom Faella
Subject: FW: Court decision

Follow Up Flag: Follow up
Flag Status: Flagged

Stephanie Strength-

Sorry I have not responded with concerns or advice on the CapX 2020 project yet, but I have been waiting for the courts decision summarized below in Dane County, Wisconsin. In light of this decision, why should any local unit of government participate at all, other than to know there is going to be some new lines stretched across their municipality? I'm sure local property owners don't have the same clout as the National Park Service, US Fish and Wildlife Service or even the Army Corps to say, you aren't going to cross my property? So why all the meetings? The significant impacts we would have are those found in shoreland districts, wetlands and impacts to present and future developments for setbacks from the high voltage lines and easements.

L-010-001
L-010-002

JH Bluske
Director - Zoning, Planning & Land Information Department
Administrative Center
400 4th ST N - Room 3170
LaCrosse, WI 54601
phone: 608-785-9724
cell: 608-792-1167
email: bluske.jeff@co.la-crosse.wi.us
county homepage: www.co.la-crosse.wi.us/

From: Jeff Bluske
Sent: Friday, July 24, 2009 8:53 AM
To: Gregg Stangl; Kurt Pederson; Mary Jo Webster; Annette Kirchhoff; Chad Vandenberg; Charlie Handy; Dan Leis; Jackie Eastwood; Jeff Bluske; Jonathan Kaatz; Mike Weibel; Nathan Sampson; Pamela Hollnagel; Ron Roth; Tom Faella
Cc: David Lange
Subject: FW: court decision

See the courts reply to Dane Countys order for erosion control. I'll have to check to see if this included any zoning needed.

JH Bluske
Director - Zoning, Planning & Land Information Department
Administrative Center
400 4th ST N - Room 3170
LaCrosse, WI 54601
phone: 608-785-9724
cell: 608-792-1167
email: bluske.jeff@co.la-crosse.wi.us

L-010-001

Your comment has been noted. Potential impacts to wetlands will be addressed in the Draft Environmental Impact Statement.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

L-010-002

Your comment has been noted. Potential impacts to social and economic resources will be addressed in the Draft Environmental Impact Statement.

county homepage: www.co.la-crosse.wi.us/

From: Dustin Grant [mailto:dgrant@co.marquette.wi.us]
Sent: Friday, July 24, 2009 8:34 AM
To: vernonctyzoning@vernoncounty.org; aelliott@co.monroe.wi.us; ashute@co.green-lake.wi.us; Jeff Bluske; brazzals@co.portage.wi.us; czibung@co.green-lake.wi.us; Pat Danielson; cdonnelly@co.juneau.wi.us; dgreuel@co.wood.wi.us; Jeff Brewbaker; jkrueger@co.adams.wi.us; medwards@co.adams.wi.us; mark.courthouse@co.waushara.wi.us; Mike.Stapleton@co.columbia.wi.us; mkirkman@co.green-lake.wi.us; msorenson@co.green-lake.wi.us; pmclaughlin@co.adams.wi.us; TERRI.COURTHOUSE@co.waushara.wi.us; terry.schmidt@co.jackson.wi.us; tonofrey@co.marquette.wi.us; Mike Weibel
Subject: Court decision

APPEALS COURT BLOCKS DANE COUNTY'S ATTEMPT TO HAVE ATC APPLY FOR PERMITS<<http://www.wicourts.gov/ca/opinion/DisplayDocument.pdf?content-pdf&seqNo=38091>>. The District IV Court of Appeals ruled today Dane County cannot force American Transmission Co. to apply for local permits before proceeding with construction of high-voltage transmission lines for which the Public Service Commission has given its approval. The appellate decision affirmed a Dane County circuit court which previously blocked the county's attempts.

"We conclude that in Wis. Stat. s. 196.491(3)(i) the legislature has expressly withdrawn the power of municipalities to act, once the PSC has issued a certificate of public convenience and necessity, on any matter that the PSC has address or could have addressed in that administrative proceeding," the court said. "We also conclude that the local power that is withdrawn by the statute includes requiring the application for local permits of the type that are in dispute in this case."

After the first of three PSC permits were issued, Dane County argued construction could not begin until ATC obtained a shoreland erosion control permit, wetland zoning permit and a general erosion control permit under county ordinances. ATC argued it did not need to apply for the permits because the county permit process would "inhibit" the construction within the meaning of the statutes. The courts agreed.

Also, Senate Commerce, Utilities, Energy & Rail, 2 pm, Tue, Aug 4, 300-SE Executive Session on SB-185<<http://www.legis.state.wi.us/2009/data/SB185hst.html>>. Wind Energy (Pisle) Regulation of wind energy systems.

Cummings, Matt

From: Strength, Stephanie - Washington, DC [Stephanie.Strength@wdc.usda.gov]
Sent: Wednesday, August 26, 2009 10:27 AM
To: Lilley, Bliss
Cc: Collins, Carly
Subject: FW: CAPX2020 Comments from City of Pine Island
Attachments: FED Review Comment Letter_07-09.doc; FUTURE LAND USE.pdf; Resolution09-003_CAPX2020_Jan09.jpg

FYI

From: Pine Island EDA [mailto:pieda@pitel.net]
Sent: Monday, August 10, 2009 10:02 AM
To: Strength, Stephanie - Washington, DC
Subject: CAPX2020 Comments from City of Pine Island

August 10, 2009

Stephanie A. Strength
Environmental Protection Specialist/RD
1400 Independence Ave. SW Room # 2244
Washington, DC 20250-1571
(202) 720-0468

Stephanie,

Thank you for responding to my inquiry concerning public comments from the City of Pine Island; we appreciate the fact that you will still accept this information from our community. The City Council, City Staff, and the EDA Board have since had the opportunity to review and approve the attached letter being submitted for public comment as part of the Federal Review Process. In addition to the letter, a .pdf file of the City's Future Land Use Planning Map and a Resolution passed by the City Council in January '09 are attached for clarification. The resolution requested that the CAPX2020 staff strongly consider using a route that follows US Highway 52 in order to avoid future residential and neighborhood commercial areas. I will also submit this information in hard copy via regular mail.

L-011-001

If you have any questions regarding the attached comments or supplemental information, don't hesitate to contact me. Thank you for allowing us the opportunity to be a part of the Review Process

Sincerely,

Karen Doll
Pine Island EDA Director
106 2nd St SW, PO Box 727
Pine Island, MN 55963
Ph: (507) 356-8103

L-011-001

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

Cell: (507) 273-7623

August 4, 2009

Please submit comments as soon as possible. We are still preparing the scoping report and will incorporate comments received prior to completion.

Sincerely,

Stephanie A. Strength

Environmental Protection Specialist/RD

1400 Independence Ave. SW Room # 2244

Washington, DC 20250-1571

(202) 720-0468

From: Pine Island EDA [mailto:pieda@pitel.net]

Sent: Monday, August 03, 2009 3:01 PM

To: Strength, Stephanie - Washington, DC

Subject: Public Comments

Stephanie,

I believe we met in Wanamingo a few weeks ago; I am the EDA Director for the City of Pine Island. The City intended to submit comments concerning the CAPX2020 Project after the last public scoping meeting in Wanamingo, MN, but I saw today on the CAPX2020 website that the date for public comment was only extended until July 25th. That date did not allow time for our EDA Board and the City Council to meet and formally take action on comments we have prepared. Is it too late or is still possible to submit comments for the Federal Review Process? Please advise.

Thank you,

Karen Doll

Pine Island EDA Director

106 2nd St SW, PO Box 727

Pine Island, MN 55963

Ph: (507) 356-8103

Cell: (507) 273-7623



City of Pine Island

250 South Main Street
P.O. Box 1000 • Pine Island, Minnesota 55963
Telephone 507-356-4591
Fax 507-356-8230

August 7, 2009

Stephanie A. Strength
USDA, Rural Utilities Service
1400 Independence Ave SW, Mail Stop 1571
Washington, DC 20250-1571

Dear Ms. Strength:

Thank you for the opportunity to comment on the recent CAPX 2020 project for the Hampton-Rochester-LaCrosse Minnesota 345 KV Transmission Project. We appreciate the opportunity to be a part of the Federal Review Process resulting from the recent Scoping meetings in our region.

The City of Pine Island and the Pine Island Economic Development authority are supportive of the CAPX2020 project and the need for additional capacity to transmit power to our region. We are pleased that future energy needs for this area are being planned now in order to assure a consistent supply for years to come. We are writing to this letter to express two general comments/concerns about the proposed routes in and around the Pine Island area.

L-011-002

- 1) We understand there are two 345 kV routes currently under consideration that would head east between Pine Island and Zumbrota. The City prefers that the transmission route remain as far north as possible due to future land use plans adopted by the City in a 2005 Comprehensive Plan which projects residential development in the area immediately north of Pine Island. (Please refer to the City's attached land use map.) The northern route that is proposed would create less conflict with future residential development because it would be located in a less densely populated area.

L-011-003

- 2) We also understand there are two proposed routes for a 161 kV transmission line traveling south through Pine Island via the west or east sides of the City. We believe the eastern route would provide the best option for our community because it utilizes Highway 52 which currently serves as a major commercial corridor in the area and because it would have the least impact on future residential development.

Thank you for taking these comments/recommendations under review. We appreciate the opportunity to submit this information into the review process.

Sincerely,

Pine Island EDA Executive Director

Enclosures

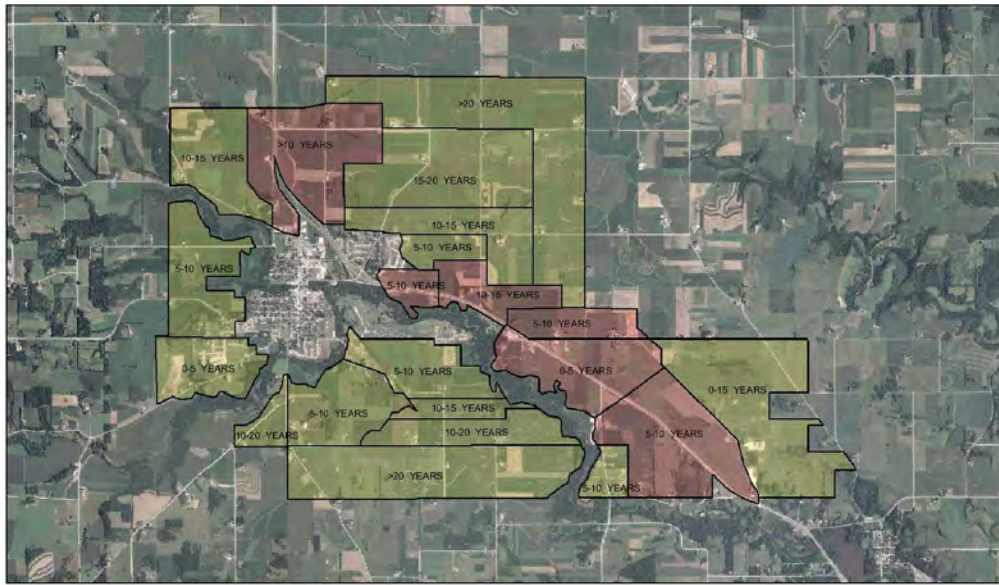
cc Abraham Algadi, City Administrator

L-011-002

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

L-011-003

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.



Pine Island Future Land Use Plan
 RESIDENTIAL COMMERCIAL



City of Pine Island
250 S. Main Street
Resolution No. 09-003

Being a resolution to provide recommendation to CAPX2020 for routing of planned high voltage power lines within the Pine Island area.

Whereas; The City of Pine Island recognizes the need for a reliable power supply to help promote an orderly future growth; and

Whereas; The City of Pine Island would like to work with CAPX2020 project staff to guide the route selection process and coordinate the placement of such routes with existing and future land uses within and around Pine Island, and

Whereas; The City Council also recognizes the need for multiple routes to be selected through the Pine Island area originating from the planned sub-station in the area between Pine Island and Zumbrota, and

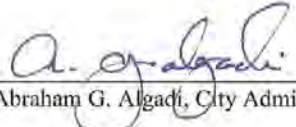
Whereas; The City of Pine Island official Pine Island Comprehensive plan and future land use map identified existing and future urbanizing areas in and around the City, and

Whereas; The adopted land use plan could provide important information about the Pine Island area future growth and land use types/pattern, and

Whereas; A copy of the adopted plan is included in attached Exhibit "A", and

L-011-004 Therefore; be it resolved by the City Council of the City of Pine Island, that CAPX2020 staff and project manager(s) strongly consider routing the proposed (routes) in manner that follows U.S. Highway right of Way, and away from future residential and neighborhood commercial areas.

Adopted this 20th day of January 2009


Abraham G. Algadi, City Administrator


Paul Perry, Mayor

L-011-004

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at:
<http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.



"LEGEND HOUSE"

June 17, 2009

Stephanie Strength
1400 Independence Avenue, SW
Mail Stop 1571
Room 2244
Washington, D.C. 20250-1571

**RE: Proposed Hampton-Rochester-La Crosse 345kV Transmission System
Minnesota and Wisconsin**

Dear Stephanie;

T-001-001

This letter is in response to the above project. The Bois Forte Band is not aware of any cultural or religious properties within the Area of Potential Effect (APE) and does not wish to comment further on this project.

Thank you for the opportunity to comment on this project. Should you have any questions, please do not hesitate to contact me at 218-753-6017 or rozeberens@yahoo.com.

Sincerely,

Rosemary Berens
Tribal Historic Preservation Officer Bois Forte Band of Ojibwe

cc Bill Latady, Deputy THPO
Barb Brodeen, Bois Forte Tribal Council Executive Director

BOIS FORTE HERITAGE CENTER 1500 BOIS FORTE RD TOWER, MN 55790 PHONE: 218-753-6017

T-001-001

RUS appreciates the response from the Bois Forte Tribe regarding consultation on the proposed project.



Stephanie Strength
1400 Independence Avenue,
SW, Mail Stop 1571, Rm 2244
Washington, D. C.

June 16, 2009

Dear Stephanie,

Thank you for the notification in regards to Proposed Hampton-Rochester-La Crosse 345 kV Transmission System Project. The Oneida Nation of Wisconsin has reviewed the proposed project and at this time has interest in consultation matters, however we would recommend that all the Wisconsin Tribes be notified and afforded the opportunity just as Oneida was.

If I can be of any assistance for contact information regarding the Wisconsin Tribes, I certainly can help you with that. Again thank you for your time in this matter.

Respectfully,

Corina Burke/Oneida Tribal Historic Preservation Officer
P.O. Box 365
Oneida Nation of Wisconsin
54155
920.496-5386 Office
920.494-4326 Fax
cburke@oneidanation.org

Oneida Historic Preservation Office • Cultural Resource Management Department
P.O. BOX 365 • Oneida, WI 54155-0365 • (920) 496-5386 • Fax: (920) 494-4362

T-002-001

RUS appreciates the response from the Oneida Nation of Wisconsin regarding consultation on the proposed project. RUS will contact the Oneida Nation of Wisconsin regarding government-to-government consultation on the proposed project.

T-002-002

RUS will contact all Tribes with cultural resources located within the proposed project area regarding government-to-government consultation on the proposed project.

T-002-001

T-002-002

Leech Lake Band of Ojibwe



District I Representative
Robbie Howe

Arthur "Archie" Larose, Chairman
Mike Bongo, Secretary/Treasurer

District II Representative
Lyman L. Losh

District III Representative
Eugene "Ribs" Whitebird

June 15, 2009

USDA Rural Development
Attn: Mark S. Plank
1400 Independence Avenue, MS 1571
Washington, DC 20250-1571

RE: **Proposed Hampton-Rochester-La Crosse 345 kV Transmission System**
Goodhue, Rice, Dakota, Winona, Wabasha, Olmsted, Dodge, and
Houston Counties, Minnesota
Buffalo, Trempealeau, and La Crosse Counties, Wisconsin
LL-THPO Number: 09-121-NCRI

Dear Mr. Plank:

Thank you for the opportunity to comment on the above-referenced project. It has been reviewed pursuant to the responsibilities given the Tribal Historic Preservation Officer (THPO) by the National Historic Preservation Act of 1966, as amended in 1992 and the Procedures of the Advisory Council on Historic Preservation (38CFR800).

T-003-001 **I have reviewed the documentation; after careful consideration of our records, I have determined that the Leech Lake Band of Ojibwe does not have any concerns regarding sites of religious or cultural importance in this area.**

Should any human remains or suspected human remains be encountered, all work shall cease and the following personnel should be notified immediately in this order: County Sheriff's Office and Office of the State Archaeologist. If any human remains or culturally affiliated objects are inadvertently discovered this will prompt the process to which the Band will become informed.

Please note: The above determination does not "exempt" future projects from Section 106 review. In the event of any other tribe notifying us of concerns for a specific project, we may re-enter into the consultation process.

You may contact me at (218) 335-2940 if you have questions regarding our review of this project. Please refer to the LL-THPO Number as stated above in all correspondence with this project.

Respectfully submitted,

Handwritten signature of Gina M. Lemon.

Gina M. Lemon
Tribal Historic Preservation Officer

Leech Lake Tribal Historic Preservation Office * Established in 1996
An office within the Division of Resource Management
115 Sixth Street NW, Suite E * Cass Lake, Minnesota 56633
(218) 335-2940 * FAX (218) 335-2974
glemon@live.com or www.nathpo.org (Members since 1998)

T-003-001

RUS appreciates the response from the Leech Lake Band of Ojibwe regarding consultation on the proposed project.



Date: June 15, 2009

Project #: USDA/DC Hampton Rochester-LaCrosse 345kV
Transmission System, MN and Wisconsin

Booshoo,

The Ketegitigaaning Ojibwe Nation THPO (Lac Vieux Desert Chippewa) received your requests for comments or interest concerning the National Historic Preservation Act, Section 106 request for review and comment to the effect on historic and cultural sites within the proposed project area. The LVD Tribal Historic Preservation Office has no interests documented at this time in the proposed project areas. It is LVD's belief that many prehistoric sites and Indian historic sites in the area have not yet been identified or documented. LVD is among the many Tribes initiating the process of assisting in this endeavor. LVD urges you to consult other Indian Tribes in your immediate area that may have interests in your project area, if you have not already done so.

If the scope of work changes in any way, or if artifacts or human remains are discovered, please notify LVD immediately so we can assist in making an appropriate determination. LVD urges you to consult other Indian Tribes in your immediate area that may have interests in your project area, if you have not already done so.

Please forward any future request for review of historic and cultural properties according to the National Historic Preservation Act Section 106 to giwewigizhigookway Martin, Officer, Tribal Historic Preservation Office. Please keep us informed of future projects as LVD plans to increase our efforts to identify and document sites in the area.

Miigwetch,

/s/ giwewigizhigookway Martin
giwewigizhigookway Martin THPO

Ketegitigaaning Ojibwe Nation
Tribal Historic Preservation Office
P.O. 249
E23857 Poplar Circle
Watersmeet, Michigan 49969
Phone: 906-358-0137
Fax: 906-358-4850

email: gmartin@lvdtribal.com

T-004-001

RUS appreciates the response from the INSERT TRIBE NAME regarding consultation on the proposed project. RUS will provide project information to facilitate tribal participation in the project.

T-004-001



*Ho-Chunk Department of Heritage Preservation
Cultural Resources Division
Post Office Box 667
Black River Falls, WI 54615-0667
(715) 284-7181 FAX (715) 284-7449*

June 16, 2009

Stephanie Strength
1400 Independence Avenue, SW
Mail Stop 1574, Room 2244
Washington, D.C. 20250-1571

Re: Proposed Hampton-Rochester-La Crosse 345 kV Transmission System Minnesota and Wisconsin

Dear Stephanie Strength,

We have reviewed the above-referenced proposed undertaking / request for consultation, for areas described as located in the Minnesota counties of Goodhue, Rice, Dakota, Winona, Wabasha, Olmsted, Dodge and Houston; and in the Wisconsin counties of Buffalo, Trempealeau, and La Crosse as required for compliance with Section 106 of the National Historic Preservation Act and 36 CFR Part 800.

There are in fact, known architectural properties, archeological sites, culturally sensitive sites, or traditional cultural properties (TCP) within these areas and we do elect to become part of the Programmatic Agreement (PA) as a consulting party. At this time, we will request to receive the "2008 CapX2020 utilities background study" mentioned in the correspondence letter to the Ho-Chunk Nation (Nation), as well as any other environmental or cultural studies that have been conducted up to this point, regarding the undertaking you propose. Electronic versions of these can be sent via e-mail if you would like, as well as a 5 hard copies sent to the Nation's THPO for dispersion to pertinent parties who may hold interest with this process.

If your project does proceed to the point of construction, please be aware that if inadvertent finds concerning cultural resources such as pottery, shards, historic/pre-historic artifacts or bone fragments/human remains occur during the process involved with this project, please stop all site work and contact the required pertinent agencies immediately.

If there are any questions or concerns, feel free to contact myself at 1-715-284-7181 Ext. 1121.

Respectfully,

William Quackenbush
Tribal Historic Preservation Officer
Ho-Chunk Nation

Cc: Larry Garvin, Heritage Preservation Director, Ho-Chunk Nation
Wilfrid Cleveland – President, Ho-Chunk Nation

To preserve, protect and nurture the cultural, religious and historic resources of the Ho-Chunk Nation in its entirety.

T-005-001

RUS appreciates the response from the Ho-Chunk Nation regarding consultation on the proposed project. RUS will provide project information to facilitate tribal participation in the project.

T-005-002

RUS will contact the Ho-Chunk Nation regarding government-to-government consultation on the proposed project.

T-005-003

RUS will contact the Ho-Chunk Nation regarding government-to-government consultation on the proposed project.

T-005-002
T-005-001
T-005-003



MILLE LACS BAND OF OJIBWE
Executive Branch of Tribal Government

July 1, 2009

Stephanie Strength
USDA, Rural Development
1400 Independence Avenue, SW
Mail Stop 1571, Room 2244
Washington D.C. 20250-1571

Re: Section 106 Consultation and Tribal Review NHPA: USDA/Rural Development:
Application for financial assistance from Dairyland, partner utilities of CapX2020
for the construct of a 345 kv electric transmission line and associated facilities to
connect Hampton and Rochester, MN with the La Crosse, Wisconsin Area,
application is to Rural Utilities Service (RUS).

Dear Ms Strength,

Thank you for the opportunity to review and comment on the above project. It
has been reviewed pursuant to the responsibilities given the Tribal Historic Preservation
Office by the National Historic Preservation Act of 1966 and the Procedures of the
Advisory Council of Historic Preservation (36CFR800).

Based on available information, the Mille Lacs Band of Ojibwe will participate in
government to government consultation with this project. We will be waiting for the copy
of the background survey by RUS.

Please contact Natalie Weyaus at 320-532-4181 extension 7450 if you have any
questions regarding our review of this project.

Respectfully,

Natalie Weyaus
Natalie Weyaus
Tribal Historic Preservation Officer

Cc: Dennis Gimmestad, MN SHPO Review and Compliance Officer

DISTRICT I 43408 Oodena Drive • Onamia, MN 56359 (320) 532-4181 • Fax (320) 532-4209	DISTRICT II 36666 State Highway 65 • McGregor, MN 55760 (218) 768-3311 • Fax (218) 768-3903	DISTRICT IIA 2605 Chimimising Drive • Isle, MN 56342 (320) 676-1102 • Fax (320) 676-3432
DISTRICT III 45749 Grace Lake Road • Sandstone, MN 55072 (320) 384-6240 • Fax (320) 384-6190	URBAN OFFICE 1433 E. Franklin Avenue, Ste. 7c • Minneapolis, MN 55404 (612) 872-1424 • Fax (612) 872-1257	

T-006-001

RUS appreciates the response from the Mille Lacs Band of Ojibwe regarding consultation on the proposed project. RUS will contact the Mille Lacs Band of Ojibwe regarding government-to-government consultation on the proposed project and will provide project information to facilitate tribal participation in the proposed project.

T-006-001



MILLE LACS BAND OF OJIBWE
Department of Natural Resources and Environment
43408 Odessa Drive
Onamia, Minnesota 56359



Stephanie Strength
USDA, Rural Development
1400 Independence Avenue, SW
Mail Stop 1571, Room 2244
Washington D.C. 20250-1571

2025031571 0000 

Stockbridge-Munsee Tribal Historic Preservation Office

Sherry White - Tribal Historic Preservation Officer
W13447 Camp 14 Road
P.O. Box 70
Bowler, WI 54416

June 16, 2009

Stephanie Strength
1400 Independence Avenue, SW
Mail Stop 1571, Rm 2244
Washington, DC 20250-1571

RE: Proposed Hampton-Rochester-LaCrosse 345 kV Transmission system Minnesota and Wisconsin

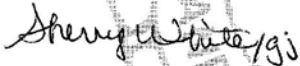
Dear Ms. Strength:

Thank you for contacting the Stockbridge-Munsee Tribe regarding the above referenced project. The Tribe is committed to protecting archaeological sites that are important to tribal heritage, culture and religion. Furthermore, the Tribe is particularly concerned with archaeological sites that may contain human burial remains and associated funerary objects.

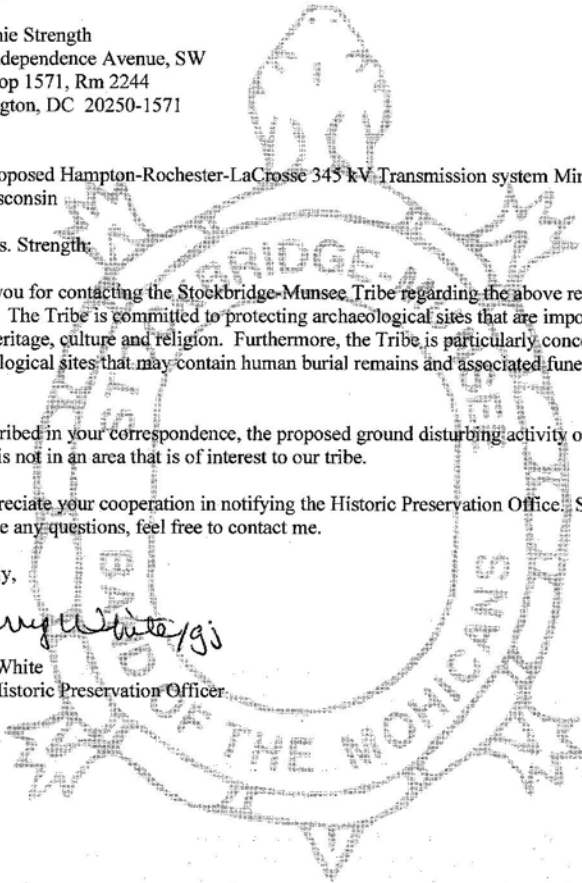
As described in your correspondence, the proposed ground disturbing activity of this project is not in an area that is of interest to our tribe.

We appreciate your cooperation in notifying the Historic Preservation Office. Should you have any questions, feel free to contact me.

Sincerely,



Sherry White
Tribal Historic Preservation Officer



(715) 793-3970

Email: sherry.white@mohican-nsn.gov

T-007-001

RUS appreciates the response from the Stockbridge-Munsee Tribe regarding consultation on the proposed project.

*Little Traverse Bay Bands of Odawa Indians
Archives, Records and Cultural Preservation Department
7500 Odawa Circle, Harbor Springs, Michigan 49740
(231) 242-1450 phone (231) 242-1455 fax*

July 2, 2009

Mark Plank
Engineering and Environmental Staff
Water and Environmental Programs
USDA Rural Development
1400 Independence Ave. S.W.
Washington, D.C. 20250-9410

Re: Proposed Hampton-Rochester-La Crosse 345 kV Transmission System Minnesota and Wisconsin.

Dear Mr. Plank:

At this time, we do not have any information concerning the presence of any Indian Traditional Cultural Properties, Sacred Sites, or Other Significant Properties in the designated area of the proposed construction site in Minnesota or Wisconsin. This is not to say that such site does not exist, just this office does not have any available information indicating that a site is present using our current documentation of the area. If contact could be made with the closest tribes there, they could provide you with more information.

However, this office would be more than willing to assist, if in the future or during construction, there is an inadvertent discovery of Native American human remains or burial objects. I have enclosed a Site Reference Form that our office uses in the event of a discovery in order to speed the process. Please contact me if you have any further question or requests. I can be reached at (231)242-1453.

We thank you for including our tribe in your plans.

Miigwetch (thank you)



Winnay Wemigwase
Director
Archives/Records and Cultural Preservation
Little Traverse Bay Band of Odawa Indians

T-008-001

RUS appreciates the response from the Little Traverse Bay Band of Odawa Indians regarding consultation on the proposed project.

T-008-001

Site Reference Form



Date of Discovery: _____ Today's Date: _____

Owner/Site Representative: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Location: _____

Phone: _____ Fax: _____

Site Information:

Street Address: _____

City: _____ State: _____ Zip: _____

Location and Circumstance of Discovery: _____ Time of Discovery: _____ am/pm

Contacts Made:

Law Enforcement Department: _____

Investigating Officer: _____

Phone: _____ Fax: _____

Date of police report: _____ Time on report: _____ am/pm

Other contacts (w/phone #): _____

Native American Burial (please circle) yes _____ no _____

Confirmed by: _____ Phone: _____ Fax: _____

Release Status: _____

Little Traverse Bay Bands of Odawa Indians Tribal NAGPRA Contacts:

Eric Hemenway

Research & Repatriation Assistant

(231) 242-1527ph/ ehemenway@ltbbodawa-nsn.gov

Winnay Wemigwase

Director, Archives/Records & Cultural Preservation

(231) 242-1453ph/ wwemigwase@ltbbodawa-nsn.gov

7500 Odawa Circle, Harbor Springs, Michigan 49740

Kessler, Ellen

From: Strength, Stephanie - Washington, DC [Stephanie.Strength@wdc.usda.gov]
Sent: Tuesday, July 14, 2009 8:14 AM
To: Liley, Bliss
Cc: Collins, Carly
Subject: FW: Proposed CapX2020 Hampton-Rochester-La Crosse 345 kV Transmission System MN and WI

Follow Up Flag: Follow up
Flag Status: Flagged

From: Leonard Wabasha (CC) [mailto:leonard.wabasha@shakopeedakota.org]
Sent: Monday, June 15, 2009 11:10 AM
To: Low, Tara
Cc: Strength, Stephanie - Washington, DC
Subject: RE: Proposed CapX2020 Hampton-Rochester-La Crosse 345 kV Transmission System MN and WI

T-009-001 I didn't know Mr Crooks was alive in year 1009? An obvious typo, in any case, I would like to receive all documentation and information concerning this project including all Cultural Resource Studies (w/maps) including Arch. Reports and findings, also, at this point, I would like to participate in a site walk through regarding the areas along bluff tops concerning the areas where this transmission line will cross the rivers Mississippi and Minnesota, Please pass this note along to those individuals who will be handling this project, Thanks and Have a Nice Day...

Your letter, dated June 11th, 2009, arrived today

From: Low, Tara [mailto:Tara.Low@aecom.com]
Sent: Friday, June 12, 2009 2:15 PM
To: Leonard Wabasha (CC)
Subject: Proposed CapX2020 Hampton-Rochester-La Crosse 345 kV Transmission System MN and WI

Dear Leonard Wabasha,

Please find attached official communication to cultural resource representatives from the U.S. Department of Agriculture, Rural Utilities Service.

Should you have any questions regarding this information, please contact the RUS project manager, Stephanie Strength at 202-720-0468 or at Stephanie.strength@wdc.usda.gov.

Thank you,

Tara Low
Environmental Planner
D +1 303.308.3565 M +1 303.898.4615
New email: tara.low@aecom.com

EDAW AECOM
1809 Blake Street, Suite 200
Denver, CO 80202 USA
T +1 303.595.4522 F +1 303.595.4434
www.edaw.com www.aecom.com

T-009-001

RUS appreciates the response from the Shakopee Mdewakanton Sioux (Dakota) Community regarding consultation on the proposed project. RUS will provide project information to facilitate tribal participation in the project.

EDAW is evolving.

Beginning October 2009, EDAW will become Design + Planning at AECOM as we continue to create exemplary environments.

[Learn more](#)

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