

CFERS, LLC Comments on Docket Number: E002/CN-22-532, TL-23-157

Introduction

I am Michael W. Chase, President of CFERS LLC. CFERS is a collection of ~75 landowners and citizens of the State of MN who banded together as a rural neighborhood coalition to address issues that threaten our local environment. Our acronym name “CFERS” is “Citizens For Environmental Rights & Safety”. Our membership selected me as President based on my technical background, professional credentials and as a resident of Cherry Grove Township since 1995. Our organization was founded ~ 2007 when Kenyon Wind LLC attempted to site multiple Suzlon 2.1 MW turbines in the rural area where our members reside and/or own property. We were successful in our collaborative approach and the project was not constructed.

As President of CFERS, LLC I now offer these scoping comments in response to the Mankato – Mississippi River 345 kV Transmission Line Project in Southeast Minnesota, Docket Number: E002/CN-22-532, E002/TL-23-157.

My responses are focused on the most relevant and/or egregious portions of this project, but I reserve the right to respond to other aspects of this docket number as the project evolves. My comments are directed at the concerns expressed by our members related to Environmental Rights and Safety—and there are many – that should be explored, addressed, considered or compared in the EIS.

To enhance consideration of our concerns, wherever possible I will quote the section and/or page of the Project Application for a Certificate of Need and Route Permit for the Mankato – Mississippi River Transmission Project--dated April 2, 2024. To facilitate ease of reporting and reading, I am documenting these comments in the order that they appear in your Project Application, but in some cases have found it prudent to link several sections or to reprint comments made in an earlier section—without any prioritization of concern. Excerpts from Xcel’s proposal are shown in *italics* to provide context to our reply or comments. The red text highlighted in yellow states the CFERS-requested action in the EIS. Following this is a short description and commentary on why this is important to be addressed.

Section 2.4, p. 20, Transmission Line Rights-of-Way

The EIS should review/evaluate/consider/compare: Applicant’s proposal and impacts of use of existing rights of way of ALL infrastructures.

CFERS, LLC agrees with the stated definition that reduced easements are achievable when the siting of the transmission lines are paralleling infrastructure rights of way. This fact is essential in reducing impact to the environment and landowners adjacent to the selected route. If additional easements are required when paralleling existing rights of way, the incremental impacts of these additional easements must be considered.

Section 4.2.6, p. 62, MISO’s Summary of Need for the Project

The EIS should review/evaluate/consider/compare Applicant’s proposal and impacts and distinctions

Between Xcel’s claimed need, based on MISO “approval” and need for the project for Minnesota.

“...MISO sees strong flows West to East across Minnesota to Wisconsin and.....to deliver that energy to Load Centers in MISO. The Minnesota to Wisconsin projects relieves constraints in the Twin Cities metro due to high renewable flow towards and past the Twin Cities load center.”

CFERS, LLC has STRONG reservations about sacrificing our environmental rights and safety expressly for sending energy through Minnesota for the benefit of out-of-state clients for Xcel Energy (a/k/a NSP Company) and their MISO partners. CFERS will offer a robust defense of said rights through the regulatory process to ensure our concerns, Minnesota’s, and the public interests are addressed and accommodated in the project plans.

The EIS should review/evaluate/consider/compare the “No-Build Alternative.” The Commission’s consideration of the “No-Build Alternative” is an important aspect of reviewing the need for the project. As above, this “need” appears to be a claim based on Xcel and the Commission’s failure to address proper siting of projects such that promotion of these extreme “solutions” would not follow. Consideration of any “need” must include the CAUSE of the stated need.

Section 4.3.1, p. 69, Xcel Energy’s Reliability Need Analysis

The EIS should review/evaluate/consider/compare the need of the project in light of the public interest and the reasonableness of that need as a basis for this proposed project.

“When there is high wind generation available without peak demand to consume that energy, considerable stress is placed on certain elements of the transmission system”.

CFERS, LLC responds that Xcel has apparently not designed their transmission system to manage this eventuality—which is regrettable, but does NOT provide justification for their Certificate of Need. The Public Utilities Commission has also not taken this eventuality into account, and this is a principal aspect of its regulatory charge. If indeed the existing flows of power create these situations, then it should be the responsibility of Xcel Energy to develop plans that put the CONSEQUENCES of such failed planning squarely on the “shoulders” of those requesting and/or issuing the permits, Xcel’s shareholders, and their customers--those accountable--not at the expense or socio-economic burden of other MN landowners and/or citizens.

Section 6.1, p. 109-111, Summary of Route Selection Process and State Routing Criteria

The EIS should review/evaluate/consider/compare the route selection process and criteria.

“Minn. Stat. 216E.03, subd. 7(a) provides that the Commission’s route permit determinations “must be guided by the state’s goals to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state’s electric energy security through efficient, cost-effective power supply and electric transmission infrastructure.” Subdivision 7(e) of the same section requires the Commission to “make specific filings that it has considered locating a route for a

high-voltage transmission line on an existing high-voltage transmission route and the use of parallel existing highway right of way and, to the extent those are not used for the route, the Commission must state the reasons.” In addition to the statutory criteria noted above, Minn. Stat. 216E.03, subd. 7(b), as amended, and Minn. R. 7850.4100 provide factors the Commission will consider in determining whether to issue a route permit for a high voltage transmission line. These factors are: A.Q.”

CFERS, LLC is particularly grateful to see salient factors are to be part of the decision-making process toward selection of a route, if a need has been clearly defined and accepted. I will comment on stated factors by their alpha identity on pages 111-112, specifically A, B, C, E, F, G, H, J, L, M, N, O and P—but again reserve the right to comment at a future date on other alpha items not replied to herein. I will reference this section and “factors” in other Sections of CFERS, LLC reply—as appropriate.

The EIS must address the route selection process and routing criteria in light of impacts and burdens on those previously affected by prior proposed projects, prior constructed projects, and future anticipated interrelated projects and of state case law governing siting of transmission. A “Ready-Fire-Aim” approach to Transmission Line siting is NOT an acceptable methodology.

Section 7.3.1, p. 154 Proximity to Residences

The EIS should review/evaluate/consider/compare the impacts to residences and related factors discussed below.

CFERS, LLC has members who have residences within 200 feet of the proposed centerline of Route Options 2S or 2N. Of equal importance, many members are likely to suffer (from either the 2S or 2N routes) from a number of adverse conditions that will exist on their properties caused by the construction and/or operation of this transmission line including: threats to their health, devaluation of property values, negative impacts to their farming practices, costly improvements to building grounding, destruction of drain tiles across their properties (some tiling systems are shared by multiple landowners), harm to shallow-water wells from construction of 8-12 foot diameter footings that are described to be 25-60 foot deep, destruction of habitat that currently supports flora, fauna and enjoyable aspects of country living, and other details that will be commented on throughout this response by CFERS, LLC. The EIS MUST consider the impact of all of these critical factors.

Section 7.3.2.2, p. 159 Electric Fields

The EIS should review/evaluate/consider/compare the categories of implanted medical devices in people who reside, work, or may visit portions of the transmission line sites.

“The Commission, however, has imposed a maximum electric field limit of 8 kV/m measured at one meter above the ground”.

Electric and magnetic fields associated with 345 KV transmission lines have the potential for threats to human health. Notably, cardiac pacemakers may experience undesirable operation when exposed to such effects noted above. Noting that the imposed maximum electric field limit of 8 kV/m is measured at one meter above ground, one can predict a higher value would be registered at 5-6 feet above the

ground. CFERS, LLC notes that the Commission's set-limit was primarily directed toward serious hazards from shocks—hence the 1 meter from ground specification. There are real medical concerns for personnel with implanted pacemakers, however, that warrants further restrictions and precautions on transmission line siting. Some of our landowners either have pacemakers now or can expect to need one based on their family medical history. The acceptable limits of Electric Fields are inadequate to protect landowners from threats to their health and safety and those “living” in and around THEIR property. It is totally unacceptable to CFERS, LLC to allow transmission siting to create potentially unhealthy conditions ANYWHERE on a landowners or CFERS, LLC members properties.

Section 7.3.2.3, p. 163 Magnetic Fields

The EIS should review/evaluate/consider/compare the impact of exposing landowners and citizens to magnetic fields significantly higher than existing backgrounds.

“Page 166, applicant calculates a maximum allowable within ROW of 246 mG for a Single Pole, Davit Arm, 345 kV Single Circuit/Single Pole, Tangent, 345 kV Single Circuit on the Wilmarth – North Rochester 345 kV / Line 964 345 kV. Various distances from centerline ROW shows a calculated reduction in magnetic fields. On page 172 applicant states “Most researchers concluded that there is insufficient evidence to prove an association between EMF and health effects; however, many of them also concluded that there is insufficient evidence to prove that EMF exposure is safe.”

It is CFERS, LLC position that the Applicant must consider the impact of exposing landowners and citizens to magnetic fields significantly higher than existing backgrounds—even though there are various perspectives on this topic. Regarding the concerns voiced about pacemakers and electric fields, there may be an additional concern about them or other implanted medical devices and magnetic field EMF. We request that any siting proposal be required to document pre- and post-build values of electric and magnetic fields (post-build values to be documented at average and maximum load conditions and made public in the interest of transparency).

Section 7.3.2.5, p. 173 Farming Operations, Vehicle Use, and Metal Buildings Near Power Lines

The EIS should review/evaluate/consider/compare required grounding methods, costs, and accountability for elimination and/or mitigation of adverse conditions caused by Applicant's Project.

“Therefore, the induced charge on vehicles will normally be continually flowing to ground unless they have unusually old tires or are parked on dry rock, plastic, or other surfaces that insulate them from the ground. The Applicant can provide additional vehicle-specific methods for reducing the risk of nuisance shocks in vehicles”

CFERS, LLC STRONGLY recommends the full review of potential adverse effects of induced charges caused by this transmission line and its remediation. There are many types of vehicles, farm buildings, fencing, metal structures (et al) that could provide adverse effects to landowners, farmers, children, farm animals and pets, visitors, delivery/service personnel etc. caused by a 345 kV power line operating on or nearby their property. On page 173, *“Any person with questions about a new or existing metal*

structure can contact the Applicant for further information about proper grounding requirements". It seems to CFERS, LLC that the Applicant expects the affected landowner/citizen to fix a problem created by the Applicant if the proposal moves forward. Accordingly, the EIS must COMPREHENSIVELY identify and address conditions, costs, and accountabilities on rural properties whether on a farm, residence, building or structure in a more thorough and caring demeanor.

Section 7.3.3.1, p. 176 Noise Related To Construction

The EIS should review/evaluate/consider/compare the potential for noise pollution and adverse impacts to humans, wildlife, farm animals, children, and the rural environment during the construction phase of a transmission line project.

For greenfield sites, one could predict extraordinary sound pressure levels for equipment used to obliterate a 150 foot wide clearance for a 345 kV line that would definitely pose great auditory risks to any person or creature in the immediate area. In addition, CFERS LLC's members value and cherish our rural environment—typically very quiet and calm, with few loud noises—and those are intermittent and infrequent. The construction activities necessary to build the proposed transmission line will cause an immediate deterioration of our environment for a significant period of time—none of which is discussed or specified in applicants submittal. CFERS, LLC insists that the EIS clearly identify and discuss the duration and magnitude(s) of these incursions to our Environmental Rights & Safety--and prevention, mitigation or elimination of such extreme noise levels and disturbances.

Section 7.3.4, p. 180 Aesthetics

The EIS should review/evaluate/consider/compare the aesthetics and related factors of each route for existing landowners and citizens in the project area within a distance of 3 miles from center of ROW.

*"The majority of the Project Study Area contains existing utility infrastructure (see **Map 6-1**), including electric transmission and distribution lines, which visually altered the landscape upon initial establishment. The proposed overhead transmission lines will be permanently visible to observers in the area surrounding the project. To minimize aesthetic impacts, the Applicant has proposed Route Options that generally follow existing rights-of-way, where practicable."*

In and around the properties of CFERS, LLC members the tallest transmission lines one sees today are no more than 90 feet, based on data provided on p. 181 of the applicant's proposal. The 345 kV lines being proposed will require structures ~150 feet in height and be significantly more noticeable from longer distances than existing 69 kV and 115 kV lines due to its structure. If a greenfield route is selected--by definition there are no existing lines there today—and the resulting change in rural aesthetics would be dramatic and objectionable, particularly where proposed routes are located near ridges or highpoints.

The applicant's statement on page 180, *"Rural buildings along the Proposed Routes, both inhabited and uninhabited, are typically buffered by treed areas"* is misleading at best. Most trees in our CFERS, LLC members area are not over 150 ft. tall and therefore poles and lines WILL BE forever in view from most viewing angles whether an observer is indoors looking out a door or window, or outdoors. Such a

dramatic change to our rural environment will undoubtedly diminish and/or devalue the property in and around the project area. The EIS must include the aesthetics factors for existing landowners and citizens in the project area within several miles due to the “monstrosity” of the structures and line size for a 345 kV transmission line, as clearly demonstrated by similar infrastructure already built along MN Hwy 52 near Pine Island and Cannon Falls MN. In addition, a greenfield approach will decimate local forests and windbreaks with a 150 foot wide path in its siting route. Those forests and windbreaks provide habitat for a larger variety of animals and birds than shown in the applicants proposal—and to the small family farms in our rural area is a significant loss to their small acreage and local fauna and flora. Failure to consider the full impact of these considerations may demonstrate a lack of consideration for rural farmers and THEIR (the landowners) perspective of beauty and scenic importance. CFERS, LLC suggests a 3 mile radius to assess visual effects.

Section 7.3.4.1 p. 183 Aesthetics: Avoidance and Mitigation of Potential Impacts

The EIS should review/evaluate/consider/compare EACH property in a proposed route for removal of trees and alternatives to avoid same.

“The Applicant will mitigate aesthetic impacts by avoiding removal of trees where possible.....and by using existing infrastructure and roadway or transmission facility rights-of-way to the maximum practicable extent”.

CFERS, LLC is encouraged by this affirmation—but will suggest a “trust, but verify” approach to their “commitment”. The best way to exemplify their stated “promise” is to NOT build the project as defined or to document EACH property in proposed routes what square footage and height of trees are being proposed for removal and list options to avoid such tree removal. Failure to recognize the specific plans and options for each property along the route will bring unnecessary harm to the local environment affecting aesthetics, flora and fauna even beyond the landowner’s vista.

Section 7.3.5.1, p. 186 Socioeconomics: Avoidance and Mitigation of Potential Impacts

The EIS should review/evaluate/consider/compare the specific factors for each resident having property in and along the route of the Applicant’s Project—whether sited there or on adjacent land.

Applicant states “The construction and operation of the Project is expected to have minimal long-term impacts on local (county and municipal) economies due to the relatively short-term time frame of construction (2-3 years).

Local farmers and land owners WILL experience significant economic losses during and after the project construction. 150 foot wide ROW for a 345 kV transmission line translates into lost farm acreage and can diminish output and/or create a difficult economic environment for landowners and farmers. Damage potential to farm fields includes soil compaction, crushed and broken drain tiles—some of which may be collaboratively owned by multiple landowners that acquired such rights when larger properties were divided and sold—and some may be clay tiles, intrusion and disruption of farming techniques and methodologies. 95% of all farms in Rice and Goodhue counties are “family farms”

according to Goodhue County Ag Census Data for 2022. (Reference https://www.nass.usda.gov/Publications/AgCensus/2022/Online_Resources/County_Profiles/Minnesota/cp27049.pdf) From that same USDA report, 65% of all Goodhue County Farms are less than 180 Acres and 48% of all Goodhue County farms have annual crop sales of less than \$50,000. Rice County statistics are even lower for the same reporting period: 75% of Rice County farms are less than 180 Acres and 61% of Rice County farms have annual crop sales of less than \$50,000. (Reference https://www.nass.usda.gov/Publications/AgCensus/2022/Online_Resources/County_Profiles/Minnesota/cp27131.pdf) Devaluation of properties due to close proximity of transmission lines typically ranges from 10-30%, but has approached 45% according to The Wall Street Journal. (Reference <https://www.wsj.com/articles/the-electrifying-factor-affecting-your-property-s-value-1534343506>) Neither of these factors is identified, quantified, weighed or addressed in Applicants proposal but MUST be in the EIS for this project. Family farms are under tremendous pressures to remain in existence and to enable continued family ownership to future generations. A transmission line across or near their property is NOT a helpful situation from any perspective. Two of our CFERS, LLC members each have a homesteaded property of 6-7 acres—one on route 2N, the other on route 2S.

“No adverse socioeconomic impacts are anticipated and therefore, no mitigation measures are proposed.”

This statement by the Applicant is troubling as the Applicant’s Project will affect the livelihoods and economic well-being of rural residents, farmers and landowners. On a related note, during the 5/23/23 public meeting at the Zumbrota Fairgrounds, one of our local CFERS LLC members was present with me when a representative from Xcel responded to our concern about damage to drain tiles. He stated that they are so committed to getting land restoration properly done that they were STILL working on repairs to a farm field drain tile issue near Mankato after 10 years! This individual apparently did not fully comprehend the impact of his “assurances”—still going after 10 years? Clearly, the EIS for this project MUST address predicted impacts to incomes, property values, and timely restoration for EACH property. CFERS, LLC suggests penalty clauses for missed deadlines, commitments and promised performance criteria so landowners can rely on Applicants assertions.

Section 7.3.8.5, pp. 197-198 Recreation: Avoidance and Mitigation of Potential Impacts

The EIS should review/evaluate/consider/compare ALL the potential impacts from construction through full operation.

Applicant states *“Impacts to private recreational facilities will be avoided or mitigated through landowner agreements where feasible”*.

Once again we see wording that is problematic “...where feasible”. Feasible to whom? The generalization in the proposal is inadequate and must be quantified, defined, and addressed by the Applicant in the EIS. The 150 foot-wide clear cut through wooded forests, windbreaks and rural areas necessitated by a 345 kV transmission line will destroy habitat for songbirds, mourning doves, squirrels, cardinals, orioles, eagles, raptors, owls, woodpeckers, wood ducks to name a few that were NOT listed in the proposal. Butterflies, hummingbirds and many other creatures rely on the habitat that has been

around our rural areas for many years without the dramatic adverse changes caused by this transmission line project. The absence of detail regarding how this will be assessed, planned for and accomplished is deafening! How will the current status quo be quantified and how will it be judged as “successful” after the project is built? And within what timeframe? “Private recreational facilities” include the project area, residences, farms, adjoining property owners, etc. Again, it is essential that the EIS provide much more detail about how the environmental rights of landowners, citizens, and adjacent properties will be quantified, monitored and satisfied during construction and after the transmission line is in full operation. CFERS, LLC recommends surveys on each property for all potential routes, both pre-construction and follow-up after full-construction and operation for at least 3 years.

Section 7.3.9.3, p. 200 Water and Wastewater Services

“In rural areas, residents typically use private septic systems and wells.”

Section 7.6.4.5.1, pp. 273-274 Groundwater: Avoidance and Mitigation of Potential Impacts

The EIS should review/evaluate/consider/compare the water table, wells and wastewater services for EACH property and adjoining property on any proposed route.

The Applicant states *“The construction and operation of the transmission line has the potential to impact groundwater through temporary construction-related impacts and/or long-term impacts, but is not anticipated to adversely impact groundwater resources on any route option, alternative segment, or connector segment. Foundation materials would range from 25 feet to 60 feet deep and wells in the area range from 100 feet to 1,115 feet deep. As depth of wells will be greater than structure foundations, the Project should not impact groundwater resources.”*

CFERS, LLC is surprised to see that the Applicant has no information in their proposal dealing with wells around segment 2S or 2N. This is puzzling, as we understand there are many shallow-water wells in our area. One of our members has a 25 foot deep well—and one of the route options is less than 200 feet from his residence! Foundations of 8-12 foot diameter borings with re-bar and concrete extending down to 60 feet WILL likely affect this members water supply—and also could impact many additional properties around the defined project areas. Applicant has not provided any details about how they view THEIR responsibilities to our rural citizens whose shallow wells would be impacted, preventive measures taken to avoid or mitigate and/or resolve this project whether they are a landowner where the transmission line is sited or whether they are affected by the consequences of this project even though their property may not be on the planned route. Once again, the EIS MUST have specific details documented for all rural wells that are possibly impacted by this project to address and assure satisfaction and protect residences and farms not only in the project area, but also adjacent to the routes contemplated. It is insufficient to rely on electronic databases for well locations and salient details due to the age of many properties and their water systems. CFERS, LLC recommends surveys on each property for all potential routes, both pre-construction and follow-up after full-construction and operation for at least 3 years.

Section 7.4.1, pp. 217-218 Agriculture

The EIS should review/evaluate/consider/compare the specific economic health of landowners, farmers, and adjacent property values along each proposed route.

The Applicant reports 2017 Agricultural Statistics of Counties Crossed by the Proposed Routes in Table 7-33 on page 218. This high-level data does not provide the necessary CONTEXT to portray accurate and current farm data. “Average” data sets have the remarkable INABILITY to understand the size and outputs of farms and properties directly affected by Applicant’s Project. CFERS, LLC is wondering why a 2017 dataset was selected for this proposal. CFERS, LLC was quickly able to query and get a much more recent data set from the USDA and which provided a more analytical approach than “average” data. We only selected the data for Goodhue and Rice Counties, but believe similar datasets are available for other counties affected by potential routes.

https://www.nass.usda.gov/Publications/AgCensus/2022/Online_Resources/County_Profiles/Minnesota/cp27049.pdf is the link for Goodhue County.

https://www.nass.usda.gov/Publications/AgCensus/2022/Online_Resources/County_Profiles/Minnesota/cp27131.pdf is the link for Rice County.

For ease of review, I have copied our comments from **Section 7.3.5.1, p. 186 Socioeconomics: Avoidance and Mitigation of Potential Impacts** which apply to **Section 7.4.1 Agriculture** as well.

Local farmers and land owners WILL experience significant economic losses during and after the project construction. 150 foot wide ROW for a 345 kV transmission line translates into lost farm acreage and can diminish output and/or create a difficult economic environment for landowners and farmers. Damage potential to farm fields includes soil compaction, crushed and broken drain tiles—some of which may be collaboratively owned by multiple landowners that acquired such rights when larger properties were divided and sold—and some may be clay tiles, intrusion and disruption of farming techniques and methodologies. 95% of all farms in Rice and Goodhue counties are “family farms” according to Goodhue County Ag Census Data for 2022. From that same USDA report, 65% of all Goodhue County Farms are less than 180 Acres and 48% of all Goodhue County farms have annual crop sales of less than \$50,000. Rice County statistics are even lower for the same reporting period: 75% of Rice County farms are less than 180 Acres and 61% of Rice County farms have annual crop sales of less than \$50,000. Devaluation of properties due to close proximity of transmission lines typically ranges from 10-30%, but has approached 45% according to The Wall Street Journal. Neither of these factors is identified, quantified, weighed or addressed in Applicants proposal but MUST be in the EIS for this project. Family farms are under tremendous pressures to remain in existence and to enable continued family ownership to future generations. A transmission line across or near their property is NOT a helpful situation from any perspective. Two of our CFERS, LLC members each have a homesteaded property of 6-7 acres—one on route 2N, the other on route 2S.

From the aforementioned data, CFERS LLC notes these two counties experienced a 4 % loss of farms in Goodhue County and 11 % loss of farms in Rice County. This is a potential indicator of how difficult it is to conduct farming in the current environment. 35-42 % of farms in the two counties are less than 50 acres, respectively. (See lower right of first page of county profiles for Goodhue and Rice counties, referenced above in this section). Siting transmission lines thru small farmstead is an economic threat to those who are operating small businesses and least able to withstand a 150 foot-wide ROW thru their operations. During the construction phase, farming operations will be compromised and adversely affect their peace of mind and activities. Compaction and hidden and latent damage to drain tile systems is likely to occur and the scope of the damage not be fully understood until months and years later. Construction activities will undoubtedly affect livestock and farm animals and such impacts may be difficult to quantify. Beyond the construction phases other issues of building grounding, electric shocks, magnetic emf et al will potentially remain ongoing. Furthermore, if the farmstead does fail, the property devaluation caused by the transmission line can be expected to be 10-30%—perhaps up to 45% according to some reports—and the sale value of the property reduced accordingly. The farmer takes the risks that are forced upon him/her without suitable compensation. Tax payments to local governments, schools, or associations do NOTHING to alleviate the condition of the landowner beyond a modest eminent domain stipend—which never seems to be made public, but should be for transparency. The EIS needs to contain a defined plan to measure and document factors reflecting the status quo and post-project actual comparative data for agricultural metrics.

Section 7.4.2.1 p. 219 Forestry: Avoidance and Mitigation of Potential Impacts

The EIS should review/evaluate/consider/compare the specific amounts of tree removal and vegetation clearing, along with alternatives to avoid or mitigate said actions, for each property on any proposed route in Applicant's Project.

Applicant states *"Impacts on forested areas within the Proposed Routes would be reduced by minimizing the tree clearing to the extent feasible; tall-growing vegetation within the ROW would be cleared."*

CFERS LLC notes the selection of verbiage. "...would be reduced" and "would be cleared". CFERS, LLC recommends the wording be changed to "WILL BE REDUCED" and "WILL BE CLEARED" to provide a more accurate statement. Also "tall-growing" is a very subjective non-measure. Also, by what methods will it be "cleared"—by mechanical demolition, chemicals, fire or??? AND what will be done with the debris field that may potentially be strewn beyond the 150 ROW? The EIS needs to quantify Applicant's physical measurement of "tall-growing", e.g. any vegetation over "x-feet" in height and other specific methods to achieve their end-result, plus who has the authority to approve such methods for each specific property or to negotiate for better mutual alternatives.

Section 7.6.1.1.1. P.242 Emissions Related to Construction

The EIS should review/evaluate/consider/compare actions and plans to AVOID dust and other annoyances.

Applicant states “If construction activities generate problematic dust levels, the Applicant may employ construction-related practices to control fugitive dust...and covering open-bodied haul trucks.”

MN State law REQUIRES covering all loads per state statute, regardless of dust level. Please refer to <https://dps.mn.gov/divisions/msp/commercial-vehicles/Documents/Pamphlets/2012%20Load%20Securement.pdf>, CFERS; LLC insists the EIS contain specific language to prevent any open loads of concerned materials shown in the aforementioned DPS link. For example, rather than wait for one or more complaints to drive corrective action, would it not be better to be “pro-active” and taken preventive action(s) to avoid such complaints?

Section 7.6.4.5.1. P.274 Groundwater: Avoidance and Mitigation of Potential Impacts

The EIS should review/evaluate/consider/compare the depth and status of ALL wells with a mile of EACH property along any proposed route.

Applicant states “*Foundation materials would range from 25 feet to 60 feet deep, and wells in the area range from 100 feet to 1,115 feet deep.*”

CFERS, LLC requests that the Applicant be required to document the each landowner’s specific well(s) data along ALL proposed routes. We know of at least one CFERS member who reports they have a shallow well of 25 foot depth AND they are currently less than 200 feet from the ROW for one of the proposed Segment 2 routes. I tried the MN Well Index on the internet, but did not see any info for his property or another neighbor, so relying on that archive appears to be questionable for planning a project like this. A detailed survey of each property is the only way to acquire a factual understanding. CFERS, LLC recommends that each farmstead and rural property within a mile of the planned route should be personally surveyed by the Applicant and data recorded in the EIS before choosing a transmission line route.

CFERS LLC has also heard that Karst structures are a distinct possibility in Segment 2 or other segments of the project. This should also be analyzed for each siting property.

Section 7.6.5.1 p.288 Flora: Avoidance and Mitigation of Potential Impacts

The EIS should review/evaluate/consider/compare the amount of each property’s vegetation that is proposed to be cleared and what alternatives are available to avoid or reduce such destruction for each property on any proposed route.

Applicant, Xcel Energy/NSP Company, states “*Impacts to vegetation within the Proposed Routes will occur where clearing of trees and tall vegetation within the right-of-way is required for the construction, maintenance, and safe operation of the transmission line. Impacts to low growing vegetation will be temporary as low growing vegetation will be allowed to grow back following construction. Impacts to tall vegetation within the right-of-way will be permanent as the right-of-way will be mowed and maintained as needed following construction. Permanent removal of vegetation will occur in areas where new structures are proposed.*”

CFERS LLC has several concerns with Applicant's statements that require additional clarification, definition, and specific plans to address in the EIS including: "low growing vegetation will be allowed to grow back following construction". Rather than a passive approach, why not take this opportunity to DEDICATE such areas of low growing vegetation to specific species of perennials that will be attractive to bees, other pollinators, butterflies, or similar insects and birds? In addition, it is appropriate to define and document what height range is considered "low growing vegetation". Remove the subjectivity of Applicants verse and make it a standard practice for databased specifications. PLEASE require this level of discussion in the EIS for this topic and wherever else it CAN be conducted. Instead of "allowing it to grow back", CFERS LLC would like to see an affirmative approach of what should be seeded/planted consistent with safe operation. One final question, the statement "Impacts to tall vegetation within the right-of-way will be permanent as the right-of-way will be mowed and maintained as needed following construction" is potentially inconsistent with low growing vegetation being allowed to grow back. What is specified as "low vegetation", what height is it limited to, and does mowing it result in its demise? The EIS definitely needs to address the specific details of Applicants generalizations.

Section 7.6.6.1 p.289-292 Fauna: Avoidance and Mitigation of Potential Impacts

The EIS should review/evaluate/consider/compare ALL types of flora and fauna by survey of each property along any proposed route—both in and adjacent to the project sites.

CFERS, LLC is particularly concerned about the greenfield routes the Applicant is considering with the high probability of significant destruction of our rural peaceful environment. This is one of the reasons CFERS, LLC was founded two decades ago. Applicant does not do justice in Table 7-69 to the long list of fauna and birds that currently thrive in the project area. Mourning doves, butterflies of several varieties, owls—barred, hoot, screech, barn, short-eared, long-eared, great horned, and more, various types of orioles, turkey vultures, American Bald eagles, migrating birds—snipes, ducks, geese of several types, cardinals, meadow larks, and many more. ALL of them are important aspects of our rural life—they are a critical part of our eco-system that rural citizen's value and do not want to see projects that destroy their habitat. Reduction of habitat results in reduction of fauna and quantity of creatures that can be supported by the reduced habitat. CFERS, LLC strongly objects to "greenfield projects" due to the clear-cutting of forests, trees, windbreaks and other vegetation. Put these transmission lines along state highways and county roads where the rights-of-way have already been established and damage to the eco-system has already been inflicted. We insist the EIS specifically require Applicant to show all non-greenfield alternative routes that were considered and to show factors, costs, and other justifications for proposing greenfield segments. Project acceptance may be easier to embrace by proceeding on existing routes along state and county paved roadways and to avoid greenfield routes when other options already exist and in compliance with factors shown by "alpha" in **Section 6.1, p. 109-111, Summary of Route Selection Process and State Routing Criteria.**

Applicant states "Potential collisions with the transmission line pose a risk of injury or death to bird species. These impacts often involve waterfowl. Larger birds, especially raptors, are at additional risk of being electrocuted if their large wingspans contact parallel conductors as they land or take off from a tower."

CFERS, LLC agrees with this fact and comments that this is one good reason not to construct a transmission line in greenfield rural areas through windbreaks, wooded lots, tree lines and areas of vegetation where raptors typically nest, hunt for food, and patrol the area. Migratory waterfowl also deserve to be considered. It is well-known that Canadian geese and a variety of ducks migrate through the proposed routes in Segment 2. The EIS needs to address specifically how the project routes avoid and prevent interaction with raptors and migratory fowl and why a chosen route is better or worse than other options.

Section 7.7 p.292-293 Rare and Unique Resources

The EIS should review/evaluate/consider/compare EACH property along all proposed routes for the presence of Bald and Golden Eagles whether nesting or regularly visiting.

Applicant states *“Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act of 1940. Bird species and their nests are, in general, protected by the Migratory Bird Treaty Act of 1918.”*

American Bald Eagles are regularly seen nesting and flying across the project areas. These magnificent birds, and symbol of our nation, are being threatened by the 345 kV lines with 150 foot towers. Migratory birds also run the risk of being injured or killed by the 150+ foot towers and high voltage lines. Specific to Segment 2 routes, these birds are in jeopardy from this project routing. The EIS must specify and discuss detailed measures to avoid as well as regularly document and report any casualties caused by this project from its construction thru lifetime operation.

Section 7.8.3.5 p.319 Soils: Avoidance and Mitigation of Potential Impacts

The EIS should review/evaluate/consider/compare the field tile and drainage systems along EACH proposed route for age of tile, type of tile, spacing of lines, co-ownership with shared properties, and other related factors that should be known to understand how the Applicant intends to prevent damage to each farm property through responsible siting, maintenance and reporting.

Applicant says NOTHING about consequences of compaction of soils during construction phases that also correlate to damage to drain tile and drain fields. Many of segment 2 properties along either route have drain tiles and drain fields—and in some cases are co-owned by multiple property owners as a result of dividing sections of farmland into smaller parcels. The older drain tiles are likely to be clay tiles which are more likely to fracture/break/crush/etc. becoming non-functional when construction equipment rolls across the property or when boring/digging of foundations. Discovery of such damage is likely not to be discoverable until months and years later depending on precipitation and other weather conditions. The EIS needs to specifically describe the methods to prevent drain tile damage from construction through the life of the project (yes—including maintenance, inspection, and repair activities) and detail the damage recovery process when drain tiles and drain fields are harmed by this project. I again reference an earlier discussion with a representative from Xcel at the Zumbrota Fairgrounds open house when said representative applauded the fact that Xcel was taking over 10 years to resolve a drain tile damage situation in the Mankato area resulting from a project. (See: **Section 7.3.5.1, p. 186 Socioeconomics: Avoidance and Mitigation of Potential Impacts**)

Section 7.8.3.5 p.320 Unavoidable Impacts

The EIS should review/evaluate/consider/compare ALL unavoidable impacts to any property that is on any of the proposed routes, whether on or adjacent to a 3-mile distance from the centerline of ROW.

Applicant states *“Unavoidable construction related Project impacts that would resolve after construction is complete:.....Visual disturbance to nearby residents and recreationalists.”*

Applicants view that visual disturbance to nearby residents and recreationalists would resolve itself after construction is completed is misleading to CFERS, LLC members. Though the construction equipment will be gone, the beautiful vistas or our rural environment will be forever changed and the presence of the 150 foot tall towers for the 345 kV line will be a testimonial to a public utility being allowed to run rough-shod through rural landowners for clients outside of Minnesota, devaluation of their property, disruption of their farming and related activities, and loss of their control for activities that may later be considered—but potentially no longer allowed if the project is built as a “greenfield” on their property.

Applicant states *“Unavoidable operation related Project impacts that would last throughout the life of the Project would include the following:.....”*

CFERS, LLC again notes that Applicant makes no mention about loss of control of one’s property where the transmission line is constructed and the 150 ROW. The EIS should require Applicant to specify what activities will no longer be allowed on the landowners’ properties in and around the ROW throughout all phases of the construction and project operational life and the financial compensation to the landowner for that loss of “freedom to farm” or equivalent. CFERS, LLC recommends these arrangements be a matter of public record to communicate the level of compensation in exchange for their loss of control.

CFERS, LLC Conclusions & Recommendations on Alternatives

Noting the aforementioned comments by specific section and page numbers that CFERS, LLC has offered regarding MPUC Docket Nos E002/CN-22-532 and E002/TL-23-157 Submitted by Northern States Power Company dated April 2, 2024 we have herein documented our Conclusions & Recommendations

The impacts to our rural environments and its residents create dramatic issues, socioeconomic adverse impacts to farmers and landowners across the proposed routes, and significant property devaluations to a class of individuals who can least afford the consequences of siting this transmission line in the route options proposed by the Applicant. Asking small farmers and landowners to bear the brunt of a set of consequences from a series of 345 kV high voltage transmission lines for a giant utility that will deliver electrical power on it to out of state clients does not seem to be an “appropriate” NEED . Looking at the statistical population data from the 2022 USDA County Profiles for Rice and Goodhue counties—instead of accepting the Applicant’s “average” 2017 data in their proposal, one sees a more telling story that

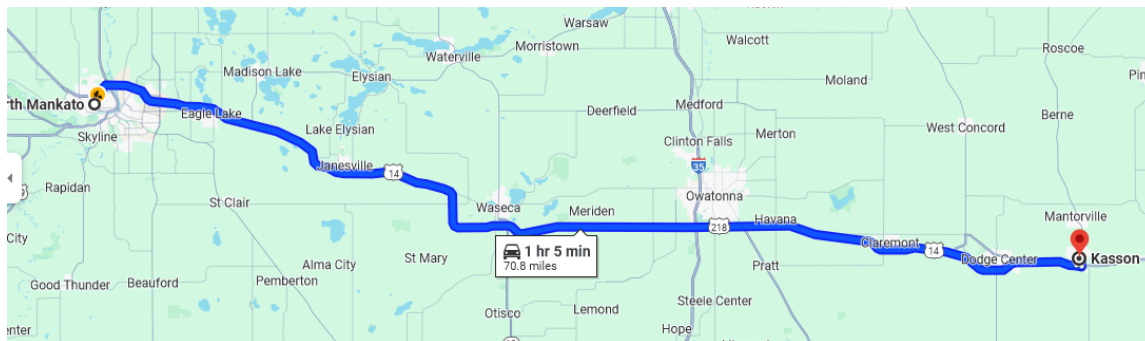
48% of Goodhue County and 61% of Rice County farmers have annual farm incomes of <\$50,000 and that for those two stated counties have farm sizes < 180 Acres for 65% (Goodhue) and 75% (Rice) farms. Both counties say 95% of their farms are “family farms”. With this backdrop, the Applicant should re-evaluate their transmission line siting proposals and include newly identified Alternatives. There are additional justifications and recent legislative changes that make sense for the Applicant to call a “Time-Out” and reconsider the options presented below, as well as other options that may have been made feasible with new legislation. When proceeding, ALL such OPTIONS should be addressed in the EIS.

ALTERNATIVE OPTION A: MN STATE HIGHWAY #14 CORRIDOR

As noted in a June 12, 2024 article in “Canary Media” by Jeff St. John entitled “Minnesota takes rare step to allow power lines alongside highways” the State of Minnesota has now removed the prohibition to site power lines in the rights of way established for MN highways in an omnibus transportation bill. (<https://www.canarymedia.com/articles/transmission/minnesota-transmission-grid-power-lines-highway>) Given that encouragement, it only makes common sense for the Applicant to fully explore the Mankato to Kasson/Byron corridor along MN Hwy #14 for the 345 kV transmission line it seeks. The distance from North Mankato to the Byron Substation is ~76 miles. The wide expanse of the land cleared for this beautiful East-West highway provides a unique opportunity as a viable option to the two routes proposed in the Applicant’s Application.

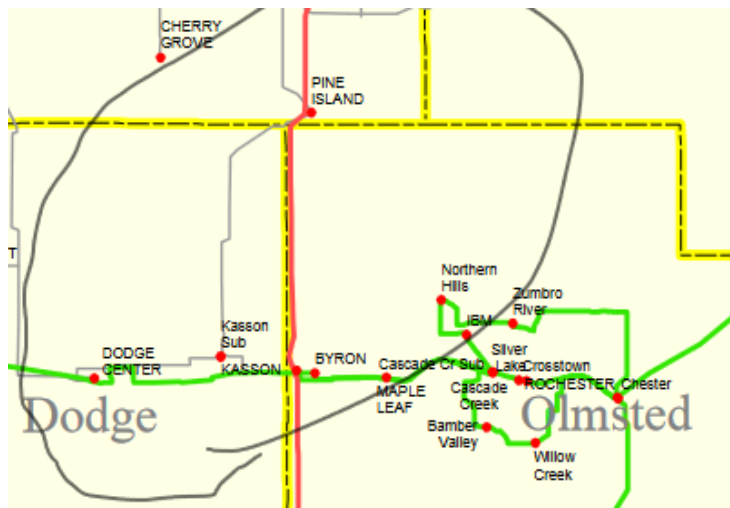


In addition, the Hwy 14 Route from Mankato to Kasson/Byron already has economic incentives in that it should dramatically reduce demolition costs/schedules, avoid most potential objections raised by residents and landowners now responding to the Applicant’s plans and options, share at least 50% of the ROW required for the 150 foot wide clearance under the transmission line, dramatically reduce impacts to flora and fauna, remove most issues of close proximity to residences and other sensitive properties, and significantly remove the potential for soil compaction and damage to drain tiles/fields.



The distance from North Mankato to Kasson is ~71 miles. There is already a substation in Kasson, MN as shown by the Electric Transmission Lines and Substations Map from the MN Dept. of Commerce. (<https://apps.commerce.state.mn.us/eera/web/project-file?legacyPath=/opt/documents/ElecTran08.pdf>.)

Essentially, the prep work for much of the siting considerations has already been achieved in order to put in the highway infrastructure. CFERS, LLC is aware that there ARE similar and other unique details that must be investigated here, but placing this particular project on hold pending assessment of the Hwy 14 corridor alternative makes perfect sense. It is conceivable that even with additional planning, the total time to install could very well be significantly less expensive and faster. The funds spent by the Applicant on land easements, private negotiations and legal costs for condemnation/eminent domain will be dramatically reduced.



There is currently a 345 kV line (shown in red) that runs from the Byron substation area northward along Olmsted County 5 to the southern edge of Pine Island. The Byron transmission line appears to be of the older H-style tower structure. There could be opportunities to upgrade that line with newer towers and double-circuited lines. The Kasson MN substation appears to be a few miles west of the previously mentioned Byron transmission line. That substation appears to feed a 69 kV line (shown in grey) to Pine Island arriving there not far from the 345 kV Byron line. CFERS, LLC is unfamiliar with those lines, noting that the Dept. of Commerce map shown here is dated 2008. We would expect the Applicant and/or the MPUC has sufficient technical resources to properly confirm the latest specs—as well as to review what the costs and issues would be to upgrade one or both of those transmission lines to meet the objectives of the current proposal by the Applicant.

CFERS, LLC recommends that the EIS include the MN Hwy #14 corridor alternative(s) in its project planning given the new direction offered by the Minnesota Legislature in the recent Omnibus Transportation Bill. CFERS, LLC sees this alternative as the best apparent siting solutions with respect to elimination or significant reduction in project costs, faster implementation, and significantly reduced impact to MN small farms, landowners and residents.

ALTERNATIVE OPTION B: MN STATE HIGHWAY #60 CORRIDOR

CFERS, LLC STRONGLY requests that if the MN State Highway #14 (Option A) is not selected, then the next plan to be considered would be the MN Highway #60 Corridor from Kenyon eastward WITH the limitation that the Applicant be required to maintain a 500 to 1000 foot setback from any existing residence or farm building. In order to achieve this reasonable accommodation, the line may have to be offset from following Hwy 60 from time to time, but we would anticipate that as soon as the residence or farm building setback is satisfied, that the transmission line would resume following Hwy 60. This option, like Option A, is consistent with the recent MN Legislature Omnibus Transportation Bill that removes the prohibition to place power or transmission lines in the ROW shared with MN State Highways. The added stipulation of 500 to 1000 foot setback from residences or farm buildings is to remove/reduce potential health, building grounding and property devaluation concerns created by a 345 kV transmission line. Additional considerations should be discussed and negotiated with landowners who may have other specific situations needing mitigation or elimination. CFERS, LLC requests that the EIS include the consideration for this alternative and address the specific siting parameters associated with Option B.

ALTERNATIVE OPTION C: NO BUILD!

CFERS, LLC realizes there are many complex issues connected to developing, constructing and operating a SAFE, RELIABLE, AND ENVIRONMENTALLY SOUND Transmission Line. That being said, one MUST have the Applicant fully define the “WHY” (is it necessary)—“WHAT” (is the need). It is insufficient to generalize or provide subjective “reasons” without DATA—and the RIGHT DATA! As most technical personnel realize, all data must be evaluated/analyzed in the context of how it was gathered, to what degree of accuracy, to use it to prevent and/or resolve problems and then to VALIDATE whether the results of the actions taken were successfully achieved or not after the solution was put in effect. The current Application for a Certificate of Need does not appear to contain that level of information. Since Minnesotans would be bearing the costs and pain and suffering of siting this project, they deserve to hear specific reasons why this transmission line should be built—particularly because the “end-customer(s)” appear to be residents of and in another state. Unless the Application and EIS clarify the specifics of the implied “Need”, it is impossible to get behind this transmission line project--and then CFERS, LLC would STRONGLY recommend it not be approved nor permitted.

Respectfully submitted,

Michael W. Chase

President, CFERS, LLC