

The Intervenor

CapX 2020 Brookings Line

Draft EIS Meeting Schedule

November 12

Thursday

1-4 & 5-8 pm

Lonsdale VFW
115—2nd Ave SW
Lonsdale, MN

November 13

Friday

1-4 & 5-8 pm

Holiday Inn & Suites
20800 Kenrick Ave
Lakeville, MN

November 16

1-4 pm

Prairies Edge Casino
5616 Prairie's Edge
Granite Falls, MN

November 17

1-4 & 5-8 pm

Best Western
1500 E College Dr.
Marshall, MN

November 18

1-4 & 5-8 pm

Jackpot Junction
Casino Hotel
39375 Co Hwy 24
Morton, MN

November 19

1-4 & 5-8 pm

Hog Wild Saloon
514 Main St.
Henderson, MN

DRAFT ENVIRONMENTAL IMPACT STATEMENT RELEASED FOR COMMENT

Comment Deadline: Monday, November 30, 2009

COME TO THE MEETING NEAR YOU!

The Draft Environmental Impact Statement for the Brookings CapX 2020 line has been released. This is your opportunity to let them know what's special about your land, your community, and to do it specifically, with photos, drawings, maps, documents, studies and reports that support your statements. No one knows your area better than you, so please tell them what you think, **IN WRITING!**

For a copy of the Draft EIS, call **Scott Ek**, Dept. of Commerce: **651-296-8813**
Or get it on-line at: <http://energyfacilities.puc.state.mn.us?Docket.html?Id=19860>

Then review it, go over it with friends and neighbors, pick it apart and take notes about what's not included, what they're not considering about what is included, and assemble supporting documentation, such as EMF studies, maps showing protected areas, anthrax fields, airports and landing fields, property values, farming impacts etc.

Send Comments to:
Scott Ek, Project Manager
MOES—Dept. of Commerce
85—7th Place East, Suite 500
St. Paul, MN 55101-2198

Or by email or fax:
scott.ek@state.mn.us
651-297-7891

Write "Docket 08-1474" on Comment

NoCapX & U-CAN appeal PUC Order

NoCapX 2020 and United Citizens Action Network have joined forces to appeal the PUC Order Granting Certificates of Need for CapX. We feel it's imperative to challenge this decision, before it gets down to the "Stick it There!" phase of routing. The issues raised in our appeal are:

Whether the Commission's failure to enter and consider evidence of significantly decreased demand in NoCapX's Offer of Proof, or remand to the Administrative Law Judge for further proceedings regarding need, constitutes an error of law.

Whether the Commission's failure to reopen/remand the proceeding for consideration of connected transmission projects announced after close of the record and before its decision constitutes error of law.

Whether the Commission's determination that the Environmental Report prepared by the Dept. of Commerce was adequate was an error of law.

We're over the first hurdle. The PUC tried to force it into District Court, and the Appellate Court said ONWARD. Reply briefs are due soon, and then oral argument in Spring or early Summer. We'll keep you posted!

Buy the Farm - 216E.12

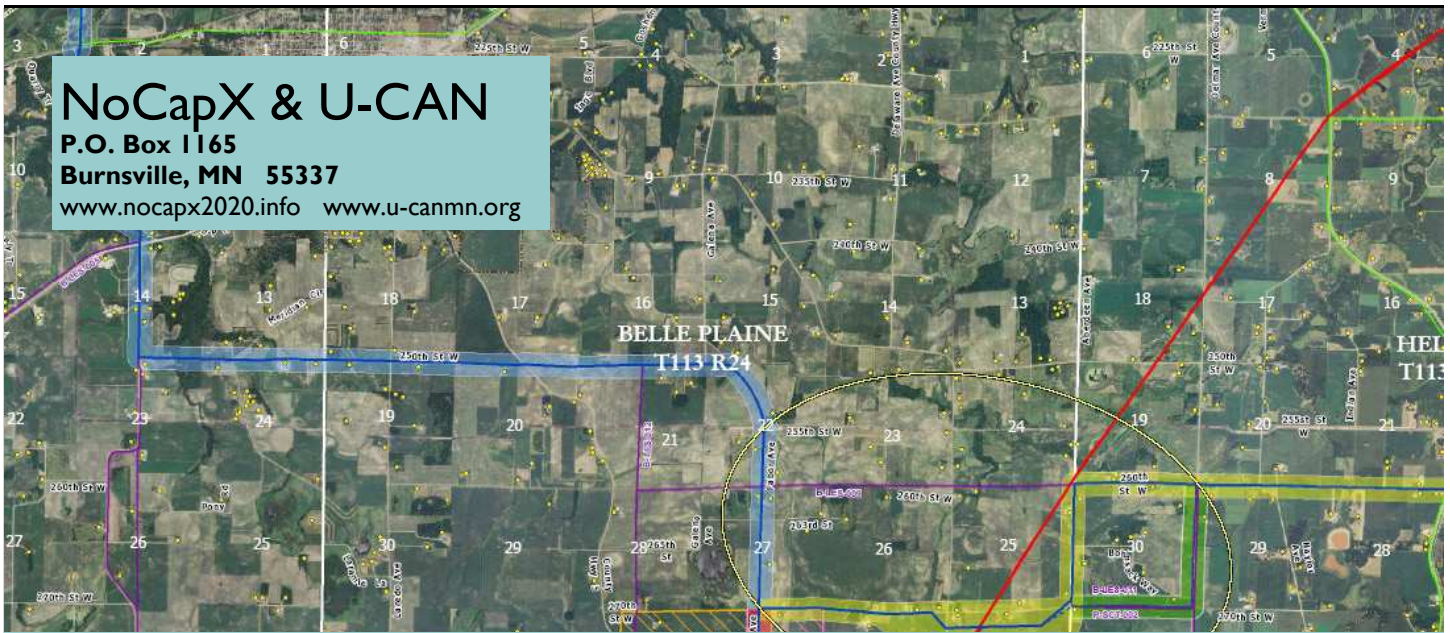
In Minnesota, we have "Buy the Farm," Minn. Stat. §216E.12, which means that if they're condemning your land, and you want out, you can tell them to "BUY THE FARM" and get out from under the transmission line. When they give you notice of condemnation, you have only 60 days to act!

NoCapX & U-CAN

P.O. Box 1165

Burnsville, MN 55337

www.nocapx2020.info www.u-canmn.org



CapX wants your land? Stop! Call your attorney right away!

If CapX 2020 has been eyeing your land, if you got a letter from CapX saying you're in the transmission corridor, subject to eminent domain, **STOP**, take a deep breath, and call your attorney! Find one with eminent domain experience to guide you. You have rights, and if you stand up, if you have experienced help, you'll have a better outcome. These important questions were found in a quick internet search:

- Is the easement limited to a specific area, or is it a blanket easement over your entire property? Does compensation incorporate the entire area?
- Is there compensation not only for the actual easement or right of way area, but also for decrease in value or marketability of remaining property because of the presence of the line? There are losses beyond the easement boundaries.
- Is compensation a one-time payment, a long-term lease, or a stream of payments based on revenue? Negotiate — don't just take what's offered.
- Does the easement specify "one line" or type of line, or is it very, very broad? Can others follow and use that easement too?
- If you receive compensation for an easement, will your mortgage company take it? **Check your mortgage fine print carefully before signing anything!**

- Can you use the surface in any manner that does not interfere with the transmission line? Can they come in for maintenance at any time?
- Do they want a "lay-down area" or "temporary access easement" in exchange for additional compensation? Will they minimize damage and inconvenience to you?
- Is the company obligated to restore the easement area to its original condition when construction completed, responsible for against any damages that are caused directly or indirectly by the installation, operation, maintenance or removal of the transmission line?
- Will they preserve important trees and not enter to remove or trim trees or use herbicides without your consent? You'll need a tree appraiser!
- Will you be compensated for crop loss, crop & drain tile damage caused by the installation and construction phase as well as by the permanent easement?
- Does the easement terminate if it is unused for a certain length of time?

SEE "BUY THE FARM" ON THE OTHER SIDE OF THIS FLYER!

Find an attorney who knows eminent domain and can help you through this process.

NoCapX & U-CAN need your support for the CapX Intervention and Appeal!

Send donations made out to "Legalelectric" and send to: **U-CAN, PO Box 1165, Burnsville, MN 55337**

... or go to www.nocapx2020.info and use Pay Pal for a donation

Name: _____

Phone: _____

Address: _____

email: _____

(email is important—makes communications easy!)

SPEAK OUT! I will help advocate for utility honesty and governmental accountability:

_____ Letter to the Editor - see www.nocapx2020.info and www.u-canmn.org for media addresses and ideas

_____ Help with mailings or flyers at meetings

_____ Phoning to let others know of meetings, events or hearings

Donations are for Certificate of Need appeal and are **NOT** tax deductible