

February 26, 2010

David Birkholz  
Project Manager  
MN Office of Energy Security  
85 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101-2198

Re: Draft Environmental Impact Statement (DEIS) for the proposed Monticello to St.  
Cloud 345 kV Transmission Route

Dear Mr. Birkholz

On behalf of the Wright County Board of Commissioners and as a member of the  
*Advisory Task Force for the St. Cloud to Monticello Route* (ATF), I respectfully offer the  
following comments on the DEIS.

Wright County is guided in its review of the DEIS by Minn. Statute 116D.04 Subd 2a  
which states that where there is potential for significant environmental effects resulting  
from any major governmental action, the responsible governmental unit is to draft an EIS  
that describes the proposed action in detail, lists and analyzes its significant  
environmental impacts, discusses appropriate alternatives to the proposed action and their  
impacts, and explore methods by which adverse environmental impacts could be  
mitigated.

As the local governmental unit with primary land-use oversight, Wright County has a  
strong interest in this transmission line and its impacts. As such, we believe that while the  
DEIS does a fair job of detailing the proposed action, we regret that it fails to present the  
resulting impacts clearly, thoroughly or equitably. Subsequently the need for mitigation  
is expressed as minimal to none. This insubstantial treatment of both the impacts and the  
mitigation required could create problems from a liability perspective, not just for Wright  
County but for all governmental entities with jurisdiction in the affected areas that will be  
required to issue permits along the route. Closely aligned with that, it is our duty to act to  
maintain a high quality of life for the citizens of Wright County by assuring that the line  
is placed where it will have the least permanent impact.

For these reasons we request that you include and address the following concerns that we have about the DEIS and include meaningful attention to these in the Final EIS.

## **A. Comments on the DEIS**

Section 5.1. Land Cover. This section is primarily descriptive, comparing the land cover for all the proposed routes. In Table 5.1 it appears that the routes are roughly equal in the types and sizes of land cover. While impact is not discussed in this section, one might assume that because the distribution of land cover across all routes is similar, so too will be the impact. This seems misleading because isn't it true that there is less impact when a transmission line uses an existing corridor, as in Route D? While there is discussion of this feature in the introduction, we would like to see more of a discussion of the relative merits of using an existing corridor vs establishing a new one throughout the document where comparisons of impacts among the routes are found in the narrative or tables.

5.2 Socio-economic. An analysis of the socio-economic status for the specific affected property owners along the proposed routes should be included rather than a presentation of the socio-economics of the whole of Stearns and Wright Counties. On page 5-7 it says that none of the communities have high minority or lower income populations. However, we know that Bel Claire Acres is a Waite Park mobile home park whose residents have lower incomes than the norm. Because this fact is omitted we wonder if the same may be true for people located on other routes and if so whether concerns related to environmental justice are adequately addressed.

5.2.2 Potential Impacts. This section suggests that there would be little impact on the economies of the area. It even suggests that there may be positive gains realized, short and long term. Similarly, the DEIS suggests that home values would not be impacted, cites various studies to support this assertion and in 5.2.3 concludes that no mitigation is needed.

This bland assessment stretches credibility. This is particularly so, when one considers the comments and testimony at public meetings and hearings from numerous homeowners and residents who live along all the routes proposed by CAP X. For example, the line will go right over one family's home adjacent to 94. Another family along the preferred would have 2 high voltage transmission lines within 100 feet of their home, bordering two sides of their property with the addition of CAP X. A number of land owners living on hwy 24, which is a high density area along routes B and C in Clearwater Township, discussed how the ROW and its poles would be within feet of their front doors. These same residents lost land a couple of years ago when 24 was widened. They don't have front yards to spare and it is hard to believe that these homeowners would not see their property values plummet.

While these and other public comments and testimony are part of the public record they should be included, compared and analyzed in the DEIS, as well, thereby animating the credibility of the EIS by highlighting the real impacts that real people will suffer.

5. 3 Land Use, Planning and Zoning. This section is vague. It compares the relative size of the various uses. For example on page 5-13, it says that route B is almost 90% agricultural, less than 5% is zoned industrial/commercial, with slightly higher than that dedicated to residential at 6%. Route C is then identified as being very similar to B.

The reader can infer from this a number of things:

- a. because so much of it is zoned agriculture, there is plenty of it to be put to a better use, such as accommodate a high power transmission line;
- b. because so little of it is industrial/commercial and residential, it is of little significance relatively speaking; and
- c. therefore, as the this section asserts, there will be minor permanent impacts (p 5-14).

We recommend that a more complete treatment of land use, planning and zoning be included in the Final EIS. To wit:

Regarding agricultural use: Wright County, Silver Creek Township and Clearwater Township engaged in a two year process and recently adopted a land use plan that prioritizes and codifies the importance of the preservation of agricultural land. While the DEIS seems to suggest there is an overabundance of farmland, Wright County and its townships in the northwest quadrant understand its value and how quickly it can dwindle in a high growth area if not treated as the precious resource that it is (one need only look at the Maple Grove area to see how quickly “progress” can consume a countryside). This cannot be understated and to see it given so little shrift in the DEIS is alarming.

Residents showed up to testify and provide comment at various public forums regarding their concerns about the impact the Wright County routes will have on our rural agricultural countryside. Wright County Planning and Zoning is guided in all of its planning processes by the State Agricultural Land Preservation and Conservation Policy (MS 17.80). We suggest to strengthen the FEIS, that OES consult and give consideration to this statute in the FEIS so that the EIS is more closely aligned with Wright County and Minnesota values. The Northwest Quadrant Land Use Plan can be found at: <http://www.co.wright.mn.us/departments/pandz/landuseplannwq/Adopted%20NWQ%20land%20Use%20Plan%20with%20Maps.pdf>

Regarding commercial/residential zoning. Again, detail is lacking regarding the affected areas’ plans for future commercial and residential growth. It is unclear in this section whether the DEIS consulted the Clearwater Comprehensive Plan, the Clearwater City / Township Orderly Annexation Agreement, the Silver Creek Land use Plan and other related Stearns County plans. The communities of Waite Park, St. Joseph Township, St. Augusta, St. Cloud, Clearwater, and Silver Creek Township articulated and submitted their concerns in writing to the OEC at the ATF regarding the impact the preferred route (and in the case of Clearwater, also Alternate Routes A-C) will have on their future plans for commercial and residential development. For example in Wright County:

Clearwater. The preferred route runs right through Clearwater's Identified DWSMA (Drinking Water Supply Management Area) with the route placed on the North running through its Emergency Response Zone. If contaminants were to get into the ground it would reach the water source within a year.

Currently the DWSMA runs into Clearwater Township on the South Side of I-94 and the emergency area runs right up to the north side of I-94. As Cedar South develops in the orderly annexation area, they will need to place a well on the South side, which will create a new emergency response zone around that well area. The main concern is if something was to occur during construction it could greatly impact their ability to provide water.

Another concern is the impact the preferred route would have on their industrial- zoned land which is adjacent to I-94. Pole placement would greatly impact those parcels by limiting how development can be placed on that property.

Also, the Clearwater City /Township orderly annexation area follows along the preferred route heading southeast from Hwy 24. This is a high density residential area. While the Draft EIS suggests that powerlines have no impact on a family's choice of where to live, Clearwater is concerned, and would like it considered in the FEIS, that a powerline through their city will hinder their efforts to attract growth.

Finally Clearwater's 20 year comprehensive plan locates a commercial/ industrial district south on 24, where Alternate routes A-C are located.

Clearwater's Comprehensive plan can be found at:

<http://www.clearwatercity.com/vertical/Sites/%7B5630ACC5-D33A-4829-930C-570052E7B128%7D/uploads/%7B9B3476A8-B1B6-4494-A92F-4A1FE1C93A83%7D.PDF>

Silver Creek Township. Silver Creek's future economic development plan is built around commercial development in the I-94, CSAH 8 and CSAH 75 area. In this area, the routes hopscotch back and forth approximately 6 times across 75 and once across I-94. The township board chair who was a member of the ATF has commented publicly on numerous occasions in addition to discussing this at the task force meetings.

Silver Creek Township's Plan can be found at:

<http://www.co.wright.mn.us/departments/pandz/landuseplannwq/Adopted%20NWQ%20land%20Use%20Plan%20with%20Maps.pdf>

The future of the affected townships and cities impacts the economic viability and tax capacity of Wright County as a whole. In fact, the existence of power lines in these high potential residential, commercial, retail and industrial areas will greatly interfere with their capacity to attract commercial enterprises and residents to their communities and will cost in the long run.

It is recommended that the FEIS include and give full consideration to these issues.

5.4 Displacement. Table 5.7 lists the structures affected by the routes and alignments. The DEIS states that no displacement will be necessary for any of the routes and therefore no mitigation is necessary. 5.4.2 states that the route will be designed so that all structures are outside the ROW.

This is surprising after hearing public comment to the contrary. As we mentioned one person asserts that the line will come directly over their home, while others feel that while they may be technically outside of the ROW, they are too close for comfort and will have to move and yet doubt their ability to sell and relocate. Also, further ahead in our comments on surface waters (5.16) we discuss Fish Lake Association's assessment that at least 15 lake homes will have to be removed.

Also regarding ROW's -- In the Silver Creek area, it appears that displacement is avoided by hop-scotching to the other side of CSAH 75 anytime a ROW gets too close to a structure. While this technically solves the displacement problem for CAPX, neither the property owners nor the Silver Creek Planning and Zoning board consider it solved.

It is surprising how little attention is given to the homeowners along all the routes who beg to disagree that there will be no impact. Just because you are not in the immediate ROW does not mean there is no impact.

We believe that comments received from the public should be included in the FEIS. While these comments are already a part of the public record, it will be an onerous task for the Administrative Law Judge to have to cull through this raw data, without benefit of analysis and substantive discussion in the EIS.

We also believe that a survey of the residents along the routes would be beneficial to see how many agree or disagree that displacement is not necessary.

The FEIS should also include information regarding how many structures along Route D are already impacted by the 115kV line corridor and therefore do not represent new impacts.

The impacts to people's land has been minimized not just in the DEIS. At numerous meetings it was suggested that if the route was not on 94, it can be placed very close to the county or township ROW's. However, according to the Wright County Highway Department, as documented in their submitted comments on the draft EIS, this broad generalization cannot be made and, in fact, factors of safety, accessibility and future plans must be considered when permits are issued for pole placement.

5.5 Land Based Economics. As in other sections, there is no discussion as to whether sharing an already existing corridor would ameliorate the short and long term impacts.

5.6 Aesthetics. The Great River Road / National Scenic Byway which has local, county and state significance is addressed in this section. The GRR has been designated as a federal National Scenic Byway (NSB). The NSB grants program has pumped over \$14 million in grants into Minnesota. A NSB can be "undesigned" if it loses the attributes that made it eligible in the first place. A high voltage transmission line traversing the NSB, the view-shed and the river could trigger the loss of this designation. NSB's also attract tourist dollars; 92% of tourist travelers are attracted by the scenery. There may also be wider impacts -- if you put one segment of Minnesota's NSB at risk, you may risk the continuity of the entire 500+ mile system.

The Wright County Highway Department is responsible for this section of the GRR. They will submit comments related to its maintenance and Wright County's interest in the road.

This section should identify the 150 ft wide vegetation removal that will take place along GRR and the permanent impact that would result.

A bike trail from Clearwater to Monticello is included in the County Bike Trail Plan developed in 2002. This trail will be a joint venture between Clearwater and the County and would hook up with trails extending all the way to St. Cloud. As a County selected to participate in the MN Department of Health's Statewide Health Improvement Project (SHIP), bike trails connecting Wright County communities are a frontline defense in the County's efforts to fight obesity and increase the fitness of Wright County residents. The placement of a high voltage power line along and above this trail will greatly reduce the biking and hiking experience of area recreators, reduce tourist dollars for the local economy, and impact the beauty and aesthetics of the landscape.

Starting on page 5-35, the issue of the impact on the view-shed is addressed. The DEIS suggests that there will be minimal issues along 94 because people are driving by; they don't consider the fact that not everyone is just passing through. People live here and also come here to recreate in the lakes and river. In this section and throughout the draft it seems (metro-centrally) that there are hardly any people out here, so who is even going to notice?

While *Great River Road Mitigation*, p. 5-43, suggests that the impacts would be equivalent among all the routes, Route D already has transmission lines on the North side of the River. It seems that lines on only one side of the river would have less of an impact than lines on both sides -- thereby preserving as much as possible the current aesthetics of the River as well as the experience of canoeists, hikers, bikers and other recreators.

5.9 State Wildlife Areas/ Scientific Natural Areas. Wright County Soil and Water District wrote a letter for submission with these comments (attached).

5.13 Highways and Roads. Wright County Highway Department will be submitting written comments regarding county roads in a separate document.

Section 5.16 Surface Waters. This section merely mentions the short term indirect impacts of construction and minimizes the long term impacts of a high voltage transmission line. This section in the FEIS should incorporate an analysis of the cumulative impacts, direct and indirect effects which the long -term presence of the preferred route will have on Fish Lake (98 acres) and Rice Lake (88 acres). Their tranquil shore landscape will be permanently disrupted. As mitigation to potential impacts in the Wild and Scenic District in the Fish Lake, Fish Creek Basin, section 5.10.3 states "the proposed transmission lines could be located on the west side of I-94." This mitigation would require the removal of at least 15 lake homes and the associated shore land trees, totally shearing bald the entire east shore of Fish Lake forever. This loss would not only affect the property owners, it would also have a noticeable effect on Township and County tax revenues, another impact to be considered in the social economic impact section of the FEIS.

5.17 Wetlands; 5.18 Floodplains; 5.19 Flora; 5.20 Fauna

Some issues connected with these natural features are included in the attached letter from Wright County Soil and Water. It is assumed that the DNR will be submitting detailed analysis of these sections, as well. If not they should be consulted and their assessment included in the FEIS.

Finally, the environmental impacts to these natural and biological features/ creatures should be analyzed to determine if the use of an existing corridor reduces the overall impact.

**B. Additional Comments**

- The work product of the ATF, which included consideration of members' specific concerns regarding the routes as well as their reasoning for submitting Route D as another option should be included and discussed in the DEIS. This will provide the public, the Administrative Law Judge and the Public Utilities Commission a better understanding of significant local issues, particularly as they relate to planning, zoning, commercial and residential development and agricultural land preservation. It will also set the record straight that Route D is a carefully reasoned plan to solve the problems that were endemic on this side of the Mississippi, as well as an effort to take advantage of an existing transmission corridor and reduce impacts. If this information is included in the FEIS, Route D is more likely to be considered a serious contender for selection.

Overall, route options should be rated for their corridor-sharing potential. While we understand that the letter of the law no longer requires CAPX to share a corridor with existing lines, we believe that *People for Enlightenment and Environmental Responsibility (PEER) v. MN Environmental Quality Council, MN, 1978* still has standing. This is the case where the Supreme Court required siting of transmission lines in pre-existing corridors unless there is some overriding reason not to.

Redundancy was brought up as the reason that Cap X should not share an existing transmission corridor but this need was never quantified. At one of the ATF meetings a participant mentioned that there is much more tornadic and severe weather along the preferred route in the St. Augusta area, whereas there have been no significant weather events in the last 40 years in the vicinity of Route D.

A scientific basis for the need for redundancy, including a weather study should be included in the FEIS.

- The problems raised in the ATF meetings as well as those discussed here must be raised in the EIS to be taken into account in the routing process. Otherwise, routing problems will arise late in the routing docket and the impacts will not be given attention until very late. Altering the route late in the process means that affected landowners or additional impacts may not be noticed until after there is any ability to provide comments about the alterations.
- MN DOT submitted an 8 page letter to the ATF with an informed discussion of impacts particularly as they relate to the Federal Highway Transportation requirements. This should be included in the FEIS.
- Over the last two years there have been numerous opportunities for the public to comment on various issues related to the need, scoping and now the DEIS. It is a concern that these are not found in the DEIS. While public comments may be part of the public record, if not included in the EIS, they will not become part of the record in the concurrent routing proceeding. If not in the EIS, the Administrative Law Judge must cull through 400+ pages of testimony without analysis.
- Wright County did not receive sufficient notice of participation options, including intervention in the Routing Public Hearing. The intervention deadline was January 22, 2010.
- There was no effort to involve County agencies with expertise in these issues in the process. With the involvement of Wright County Soil and Water, Planning and Zoning, Highway Department, and Parks and Recreation, the DEIS could have provided rich and relevant detail. Instead, the DEIS seems very generic.
- The overall cumulative impact of the line is not addressed. This is part of the route between Fargo and St. Cloud. Although the line was segmented, it should not be only analyzed independently. Also the Fargo to Monticello route is part of a much larger "CapX 2020 Phase I" and received its Certificate of Need as one project. There should be an explanation of why the project is not considered as a whole.
- Related to that we are concerned that federal NEPA standards were not followed in writing this DEIS even though CAP X clearly has interstate ramifications. We hope that it the project was not segmented purposely to avoid NEPA.



- Health impacts have been a big concern at public hearings and meetings and we don't see that it has been adequately addressed, nor that newer research is considered, such as that conducted by Dr. David Carpenter, Director of the Institute for Health and the Environment at the State University of New York at Albany on the health risks of high voltage transmission lines.

In closing, we would like to commend you for the work you have done. We understand it is a huge undertaking to produce an EIS and that there are time and other constraints that impinge on your ability to cover and say everything that could be said on the topic. We hope in offering these comments to assist you and that your FEIS is strengthened by our contributions. Thanks for the opportunity.

Please contact me or any of the relevant Wright County agencies if you need further assistance.

Sincerely

Rose Thelen  
Wright County Commissioner  
District 1