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Schwartzes looking to relocate dairy

CapX2020 power line 400 feet from barn to be energized this summer

BY RUTH KLOSSNER

Staff writer

ARLINGTON, Minn. — Dale Schwartz has lived on the same farm, in the same house, his entire life. At age 53, he figured to spend another decade or two there, doing what he knows and loves...dairy farming.

Two years ago, forces beyond his control shattered those plans.

It wasn't a storm or financial disaster. Instead, it was the decision of the Minnesota Public Utilities Commission (MN PUC) to set the route for a double circuit 345-kilovolt (kV) transmission line...a route that passes within 400 feet of the farm's dairy barns.

Plans for the CapX2020 transmission line—from Brookings County, SD. to Hampton, Minn.—have been in the works for nearly a decade. But, it wasn't until Feb. 3, 2011 that the final route was approved—the route that comes so close to the Schwartz home and dairy operation.

The CapX2020 project is a joint initiative of 11 transmission-owning utilities in Minnesota and the surrounding region. The \$2.2 billion upgrade adds nearly 800 miles of new



RUTH KLOSSNER/DAIRY STAR

Dale and Julie Schwartz stand near the feeding area for the farm's heifers and dry cows which will only be 400 feet from the CapX2020 345kV line that will be energized this summer on their farm near Arlington, Minn.

transmission line in four states. It includes 68 miles from Bemidji to Grand Rapids, 210 miles from Fargo to St. Cloud, 28 miles from Monticello to St. Cloud, 150 miles from Hampton to Rochester to La Crosse, and the longest line—250 miles—that crosses Minnesota from South Dakota to Hampton.

The transmission line's path across Sibley County had first been planned for a more southerly route, but concerns arose over bald eagle habitat at

its crossing point over the Minnesota River. The PUC opted to approve a more northerly alternate route—going right down the Schwartz's driveway and past the barns.

"From everything we had heard, there was no reason to think that it would switch from the proposed route," Dale's wife Julie said. "But, the PUC had the final decision. At its last meeting, it switched to the alternate route."

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The power line will be only a few feet from the farm's feed storage area, where feed is routinely mixed.

With the understanding that the line would have a 1,000 foot wide corridor, the Schwartzes first asked that it be moved 500 feet south—to put it farther from their buildings—but CapX2020 officials declined. They indicated that the corridor was only 600 feet—and the neighbor to the south had already settled.

With that option wiped out, Dale and Julie dug deeper into the effect the line could have. They visited dairy farmers in Wisconsin who had dealt with similar issues—and came home even more concerned than before.

"They couldn't get their cows bred, cows aborted, cows died, calves died, herd averages dropped from 27,000 to 16,000," Julie said. "People could feel it in their bodies; one man's body broke out in a rash."

Hearing those things, Dale and Julie realized they wouldn't be able to stay on their third-generation family farm.

"We had read a lot of stuff but, after talking to people in Wisconsin, we got in the car, looked at each other and said, 'We don't have a choice.'"

"We feel this house is too close to live here, under the magnetic field," Dale said.

The Schwartzes are concerned about health effects that a transmission line—in such close proximity—could cause.

"They can't deny a link to childhood leukemia any more... that's in their papers," Julie said. "It can affect pacemaker devices and artificial joints—and Dale has an artificial hip. All types of cancers and brain tumors have been linked to the lines. They know it's there, they just can't identify how."

"It's our personal health concerns, as well as concerns for the dairy herd," Dale said.

To that, Julie added, "Nobody—vets, feed reps,



PHOTO SUBMITTED

The Schwartz family milks 100 cows in Sibley County near Arlington, Minn. Front row, from left, Brian and Jackie Johnson with Brian's daughter, Morgan, and Michael. Back row, Dale and Julie.

others—has told us we can stay here."

CapX officials disagree. Randy Fordice, a spokesperson for CapX and Great River Energy, stated, "The studies say that there isn't any danger to livestock being close to a transmission line. The state has to cer-

tify that it's safe. It wouldn't be allowed to be built if it was unsafe. We don't see it to be a problem with transmission lines. Generally it's a distribution or grounding issue that can be identified and mitigated."

The Schwartzes milk 100 Holsteins and have another 100 head of heifers. On DHIA test for 30 years, the herd averages about 24,000 pounds of milk and has received quality awards for low SCC many times. The farm consists of 575 acres of cropland, in six parcels. Five are in the path of the transmission line.

With both of their children interested in continuing with the dairy, Dale and Julie had hoped to expand the operation—until the decision for the alternate route came down.

Son, Michael, works full time on the farm, doing mechanic work, feeding, and routine chores—and has his own semi line and does mechanic work besides. He lives just across the field.

Daughter, Jackie, and husband, Brian Johnson, live in Arlington. Brian works in Alaska for three weeks at a time, then comes home for a few weeks and helps on the farm. Jackie has a full time job, but milks when she can and helps with fieldwork.

With the concerns they have, the Schwartzes believe they need to relocate in order to stay in dairy. They're turned to a little-used 35-year-old law, dubbed Buy the Farm. It grew out of power line battles between utilities and farmers in the early 1970s. The law allows farmers to force utilities to buy an entire farm, if necessary, to clear the way for high-voltage transmission lines.

According to Dale and Julie, power companies have dragged their feet in dealing with farmers who have invoked the law, both here and in other parts of the state.

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The law, the only one of its kind in the country, was intended to equalize the playing field for farmers and homeowners dealing with condemnations for power lines. Minnesota law already provides for relocation and compensation for eminent domain takings in other cases, and it's implied in the existing Buy the Farm law.

A 2012 State Appeals Court split decision confused the issue on whether landowners like the Schwartzes could collect relocation expenses. A bill authored by Rep. David Bly, DFL-Northfield would clarify the intent of the Buy the Farm law. It calls for utilities to pay relocation costs and make-whole compensation for farmers. The bill also calls for utilities to file challenges to Buy the Farm claims within 60 days.

Julie, along with farmers from New Prague and St. Cloud who are affected by CapX high voltage lines, testified at a hearing of the Minnesota House Energy Policy Committee Tuesday, Feb. 12. No action was taken at that time; the hearing was informational only.

A number of disputed cases are currently waiting for rulings from the State Supreme Court. Utility companies have said they prefer to wait until those rulings come down before taking action.

"It's a long legal process," Fordice said. "It doesn't move as quickly as one would like. We have to follow the steps laid out in state statute. We have made an offer for the fair market value to (the Schwartzes) legal counsel."

Fordice also indicated that the Minnesota Supreme Court decision is critical. "In this case, relocation is factored in. We're waiting on the State Supreme Court. That probably won't come until the middle to end of summer."

The Schwartzes, along with 20 other landowners affected by the CapX2020 project, hired attorney Rod Krass of Minneapolis in November 2011. Krass has experience working with similar situations.

Dale said. "If we want to relocate, it's obviously hard to find a dairy that can sustain 100 cows, to rebuild all these buildings, plus find 160 acres of land for feed. They want to use the tactic that these buildings are depreciated. They want to get out of Buy the Farm."

Julie stated, "They're saying that it's our choice to move. No matter what, we won't live here or have dairy here."

Though they've spent many hours driving around the area, asking everyone possible, looking for potential places to move, Dale and Julie haven't been able to find a suitable location with even a house and shed. They can't build on the other parcels of land they own as five of the six are affected by the power line and the sixth is peat ground.

"This 160 is our best quality, highest yielding land," Dale said. "We are looking to relocate in this area—Arlington, Green Isle, Glencoe. Our goal is within 20 miles. We need some land with the building site for silage."

The need to move has become more pressing than the Schwartzes first thought. CapX mailings state that the line will be completed and energized in 2015.

"But now they're saying the line will be energized this summer," Dale said. "We thought we had until 2015 to move. Now they're telling us July 2013."

Fordice confirmed that date. "The in-service date for the entire project is 2015. It's a massive undertaking. There are eight segments. We'll energize as they're ready to go. The Helena to Cedar Mountain segment, including the Arlington area, will be energized sometime this summer."

With the reality that's it's very unlikely they'll be able to relocate before the line is energized, Dale and Julie are making contingency plans. They'll do an energy audit before, and after, the line is energized and will be very careful not to make any changes in their feeding, breeding, and health programs. That's so any problems that arise can't be attributed to management changes.

"I'm sure the cows will be here. We're pretty sure they'll be affected immediately. With the audit, we'll have more solid ground to show that it will affect our dairy. We'll do the best day-by-day that we can," Dale said. "Our goal is to move off the farm by that point, but we'll have to drive under the line to get to the buildings. It's not just us, it's our kids. They work here to make their house payments."

"This has all been a learning thing...it's not what we had anticipated learning," Dale summed up.

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