From: Jim Sheehan [redacted]
Sent: Thursday, October 29, 2026 7:32 PM
To: PUC-PUC <PUC@state.sd.us>
Subject: [EXT] EL26-026 — Supplemental public comment on agricultural drainage verification

South Dakota Public Utilities Commission,

Please place this supplemental public comment in docket EL26-026. My earlier comments addressed transmission capacity and routing impacts. This comment raises a narrower question: how will agricultural drainage systems be protected, repaired, and verified after construction?

Drain tile is working farm infrastructure. A repair may look complete from the surface, but an obstruction, misalignment, or altered grade may not become apparent until the next wet spring. By then, the consequence can be a field that cannot be planted on time.

The applicants' September 2026 application already makes meaningful commitments. Section 9.4.6 says project-related damage will be documented and drain tile damaged by construction will be repaired or the landowner reimbursed. The agricultural mitigation measures in Section 21 say the applicants will work with landowners to identify and mark known tile, make reasonable efforts to avoid damage, and restore drainage patterns. I welcome those commitments.

What I have not located is a defined way to document preconstruction conditions where drainage may be disturbed, demonstrate that repairs function as intended, or resolve project-caused damage that becomes evident only after subsequent wet weather.

South Dakota already has experience to draw upon. In EL13-020, involving the same utilities, the Commission's February 2014 order incorporated conditions requiring restoration and continuing responsibility for project-caused disturbances (Conditions 18 and 19), repair or reimbursement for damaged irrigation and drainage systems (Condition 22), and postconstruction reporting on property damage, remediation, landowner complaints, and unresolved matters (Condition 30). Those conditions were specific to that proceeding, not binding precedent for this one.

The EL13-020 record also contains a June 2009 CapX2020 Agricultural Impact Mitigation Plan developed for CapX2020 construction on agricultural land in Minnesota. It addresses locating tile when its position is uncertain, restoring drainage function, investigating damage discovered after significant rain, and agricultural monitoring. I offer it as a technical example, not as a requirement currently governing PowerOn in South Dakota.

For EL26-026, I respectfully ask the Commission to consider whether permit conditions should establish:

- Preconstruction investigation and records: At structure sites, access routes, grading areas, and other construction zones where drainage may be affected, a procedure for reviewing landowner records and using appropriate field investigation where drainage locations are uncertain; documenting survey methods, mapped locations, and limitations; supplying usable records to affected landowners; and directing crews when previously undocumented tile is encountered.

- Repair documentation: Records showing the location, method, and materials of each drainage repair, made available to the landowner.

- Functional verification and acceptance: Documented inspection and reasonable acceptance criteria for drainage repairs, landowner participation, and qualified independent assessment or another neutral review mechanism when responsibility for a problem or the adequacy of a repair is disputed, including when drainage problems appear after subsequent rainfall or seasonal drainage.

- Continuing accountability: A designated contact, documented response and investigation procedures with reasonable deadlines, preservation of repair records for future landowners, and reporting of unresolved restoration complaints to the Commission.

I am asking about construction, restoration, and maintenance accountability, not the compensation or negotiated terms of any individual easement.

A transmission line may serve South Dakota for generations. So should the drainage serving the fields it crosses.

What evidence will establish that drainage still works after the next wet spring, and who will investigate and correct a failure caused by project construction?

Thank you for considering this comment.

Respectfully,

Jim Sheehan
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