

WDNR Permits



05/03/2011

IP-SC-2009-13-N03706
IP-SC-2009-13-N03708
IP-SC-2009-13-N03711

Amy Lee
American Transmission Company, LLC
2 Fen Oak Court
Madison, WI 53718

Dear Ms. Lee:

Re: Amendment to Permit to construct storm water pond and grade near an unnamed tributary to Black Earth Creek, Dane County

We have reviewed your final plans for construction of the Cardinal substation associated with the Rockdale to West Middleton 345 kV transmission line project and located in the SE quarter of Section 8, T7N, R8E. The final plans require amendments to permit dockets IP-SC-2009-13-N03706, IP-SC-2009-13-N03708, and IP-SC-2009-13-N03711, which authorized construction of two storm water ponds and grading in NESE, Section 8, T7N, R8E, based on the original permit application, and near to an unnamed tributary to Black Earth Creek, in the Town of Middleton, Dane County. The amendment provides for permit coverage for one storm water pond in the NWSE, Section 8, T7N, R8E, and for grading in the NWSE and SWSE of Section 8, T7N, R8E. The pond and grading area are necessary components of the final Erosion Control and Storm water Management Plan for the Cardinal Substation.

Attached is a copy of the Permit Amendment. If you have any questions about this permit amendment, please call me at (608) 266-8148.

Sincerely,

Linda Talbot
Water Management Specialist

cc: Simone Kolb, U.S. Army Corps of Engineers
Dane County Zoning Administrator
Nathan Kroepin, Conservation Warden - SCR

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

PERMIT AMENDMENT
IP-SC-2009-13-N03706
IP-SC-2009-13-N03708
IP-SC-2009-13-N03711

PERMIT AMENDMENT

American Transmission Company, LLC, 2 Fen Oak Court, Madison, WI 53718 is hereby granted under Section 30.19(3r), Wisconsin Statutes, an amendment to permit numbers IP-SC-2009-13-N03706, IP-SC-2009-13-N03708, and IP-SC-2009-13-N03711, which authorized construction of two storm water ponds and grading near to an unnamed tributary to Black Earth Creek, and located in the NE ¼ of the SE ¼ of Section 8, Township 7 North, Range 8 East, Town of Middleton, Dane County. This is an approved amendment to construct one storm water pond in the NW ¼ of the SE ¼ of Section 8, Township 7 North, Range 8 East, and to grade in the NW ¼ of the SE ¼ and the SW ¼ of the SE ¼ of Section 8, T7N, R8E, in the Town of Middleton, Dane County. Permit numbers IP-SC-2009-13-N03706 and IP-SC-2009-13-N-3711 authorize the construction of the storm water pond and grading, respectively. The applicant is bound by the conditions of the original permit and by any conditions of this amendment.

AMENDED PERMIT CONDITIONS

1. All original permit conditions remain in effect.

FINDINGS OF FACT

1. American Transmission Company, LLC filed a request with the Department on 10/15/2007, for permits to construct two storm water ponds within 500 feet of an unnamed tributary to Black Earth Creek, and to grade more than 10,000 square feet on the bank of the same unnamed tributary. The work location was described in the NE ¼ of the SE ¼ of Section 8, Township 7 North, Range 8 East, Town of Middleton, Dane County under Section 30.19, Wisconsin Statutes.
2. American Transmission Company, LLC was granted Permit Numbers IP-SC-2009-13-N03706, IP-SC-2009-13-N03708 and IP-SC-2009-13-N03711 for construction of two storm water ponds and grading.
3. American Transmission Company, LLC filed amended plans on 12/20/2010 to construct one storm water pond, located in the NW ¼ of the SE ¼ of Section 8, Township 7 North, Range 8 East, and to grade in the NW ¼ of the SE ¼ and the SW ¼ of the SE ¼ of Section 8, Township 7 North, range 8 East, Town of Middleton, Dane County. The storm water pond is located within 500 feet of an unnamed tributary to Black Earth Creek and the grading exceeds 10,000 square feet on the bank of the same tributary.
4. Permit Numbers IP-SC-2009-13-N03706 and IP-SC-2009-13-N03711 authorize construction of one storm water pond and grading, respectively.
5. The Department has determined that the proposed amendment to the permit will not affect the Findings of Fact and Conclusions of Law of the original permit.

CONCLUSIONS OF LAW

1. The Department has authority under Section 30.19, Wisconsin Statutes, and the foregoing Findings of Fact, to issue an order granting the permit amendment requested.
2. The Department has complied with Section 1.11, Wisconsin Statutes and NR 150, Wisconsin Administrative Code.

Dated at Madison, Wisconsin on May 3, 2011

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By 
Linda Talbot
Water Management Specialist



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary

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07/27/2009

IP-SC-2009-13-Nxxxxx
Listed in Table 1

Amy Lee
American Transmission Company, LLC
2 Fen Oak Court
Madison, WI 53718

Dear Ms. Lee:

We have reviewed your application for a Chapter 30.025 (Wis. Stats.) utility permit to place bridges across public waters, construct stormwater ponds, grade on the bank of a tributary to Black Earth Creek, and place pole foundations below the ordinary high water mark of the Yahara River; and a Sec. 401 water quality certification (WQC) to place fill in wetlands, located in the Town and City of Middleton, Cities of Madison and Monona, and Towns of Blooming Grove, Pleasant Springs, and Christiana, Dane County. You will be pleased to know your application is approved with a few limitations.

I am attaching a copy of your permit which lists the conditions which must be followed. A copy of the permit must be posted for reference at the project site. Please read your permit conditions carefully so that you are fully aware of what is expected of you.

Please note you are required to submit photographs of the completed project within 7 days after you've finished construction. This helps both of us to document the completion of the project and compliance with the permit conditions.

Your next step will be to notify me of the date on which you plan to start construction and again after your project is complete. If you have any questions about your permit, please call me at (608) 266-8148, or you can e-mail me at Linda.Talbot@Wisconsin.gov.

Sincerely,

Linda Talbot
Water Management Specialist

cc: Anthony Jernigan, U.S. Army Corps of Engineers-Waukesha
Cami Peterson, DNR-SCR
Kevin Connors Dane County Land & Water Resources Department
Kathy Zuelsdorf, PSC

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

Bridge/WQC/Storm water Pond/Grading Permit

(Permit Dockets IP-SC-2009-13-Nxxxxx Listed in Permit Table 1)

American Transmission Company LLC and ATC Management Inc., (ATC) is hereby granted under Sections 30.025, 30.12, 30.123, 30.19, 30.20, 182.017, 281.15, 281.36, Wisconsin Statutes, and Chapters NR 102, 103, 115, 116, 117, 150, 299, 216, 320, 329, 341, 343, 345, Wisconsin Administrative Codes, a permit to place temporary clear span bridges and related structures in or across navigable waterways listed in Table 1, a permit to grade in excess of 10,000 square feet on the bank of a navigable waterway, a permit to construct storm water ponds, and a wetland water quality certification to discharge fill in wetlands listed in Table 1, for the purpose of constructing a 32-mile long, 345 kilovolt electrical transmission line from Rockdale to West Middleton in Dane County, Wisconsin.

PERMIT CONDITIONS

General Conditions

1. Your acceptance of this permit and efforts to begin work on this project signify that you have read, understood and agreed to follow all conditions of this permit.
2. You shall hire the Independent Environmental Monitor (IEM) approved by the Department of Natural Resources (DNR). The scope of work for the IEM will be developed jointly with the Public Service Commission of Wisconsin (PSC) and DNR.
3. You, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section 30.292, Wis. Stats., for any violations of Chapter 30, Wis. Stats., or this permit.
4. You must notify the DNR Water Management Specialist Linda Talbot, at phone 608-266-8148 before starting construction and again not more than five days after the project is complete.
5. This permit is predicated on a worst-case analysis of impacts and thus the most protective measures practicable for each waterway and wetland crossing are prescribed. Changes to the prescribed crossing techniques may occur only if approved by DNR in writing as described in conditions below.
6. A copy of this permit must be posted at a conspicuous location on the project web site for at least five days prior to construction and remain posted until at least five days after construction. A copy of this permit and approved construction plan must be available at all field offices and construction sites until the project is complete. All employees, consultants, and contractors who are working on the project must be made aware of the permit, its conditions, and its location. All appropriate managers and supervisors in charge of, or working on construction or compliance, must be provided with copies of the permit.
7. This permit authorizes work in the resources listed in Permit Table 1. This permit does not authorize any work other than what you specifically describe in your application and plans, and as modified by the conditions of this permit. If you wish to alter the permit conditions, you must first obtain written approval of the Department.
8. You shall submit final Construction and Mitigation Plans (CMP) to the Department prior to constructing in affected waterways or wetlands.

9. If final plans affecting waterways or wetlands have changed from those approved by the Department, you must submit updated plans and obtain written approval of the Department.
10. The CMP shall include, at a minimum:
 - A. Final access plan, detailing proposed impacts and additional measures taken to avoid or minimize waterway or wetland impacts.
 - B. Photographs of existing site conditions before construction;
 - C. Final cross-section drawings for each temporary bridge and related structures;
 - D. Endangered resources plan;
 - E. Invasive species management plan;
 - F. Final wetland restoration and revegetation plan that addresses surface area and species diversity of wetlands disturbed by construction;
 - G. Wooded wetland management plan, including specifics on debris management, and minimizing impacts.
 - H. Wooded riparian buffer impact minimization and restoration plan that addresses the 50 foot vegetated areas adjacent to designated waterways;
 - I. Final sequencing and scheduling plan;
 - J. Post-construction monitoring plan.
11. A specific CMP work plan for the Upper Mud Lake/Yahara River wetlands shall be submitted and approved by DNR prior to any construction commencing in the transmission line right-of-way (ROW) between Highway 51 on the east and the wetland boundary on the west. This plan shall include all items of condition 10, all site preparations, spill response, construction techniques, erosion control, and fisheries and endangered resources response.
12. Construction work may not commence on any section of the project affecting waterways or wetlands until DNR has been granted access and DNR has reviewed and approved the detailed plans outlined in the Construction & Mitigation Plan (CMP) for that section of the project. DNR can modify permit conditions as needed based on the review and approval of the CMP.
13. DNR will issue a decision to approve or require changes to any CMP within 90 days of receipt. Upon receipt of a CMP for any section of the project, DNR will offer to meet with the applicant within 60 days to provide comments and work with the applicant to resolve any issues.
14. ATC shall post an electronic version of the CMPs on ATC's project website for public review on or before the hard copy documents are submitted to DNR. The final plans shall remain on the website for the duration of the project.
15. You must complete construction of the project, including site stabilization, as described in the application plans and in this permit, on or before December 31, 2013. If you will not complete the project by this date, you must submit a written request for an extension prior to the expiration date of this permit. Your request must identify the requested extension date and the reason for the extension. A permit extension may be granted, for good cause, by DNR. You may not begin or continue construction after the original permit expiration date unless DNR grants a new permit or permit extension in writing.

16. You are not authorized to do any work other than what is specifically described in your application and supplemental materials submitted during the application review, and as modified by the conditions of this permit and reflected in Table 1, attached. Final DNR-approved plans and accompanying documents, as well as plans developed and approved pursuant to conditions of this permit, are a part of, and are conditions of, this permit. If you wish to alter the project or permit conditions, you must first obtain written approval of DNR. Permit conditions are based on information included in all of the following:
- Waterway and Wetland Permit Application, dated September 27, 2007
 - Table 1 – Supplemental Table
 - Table 3 – Environmental Inventory Table: Wetlands & Waterways
 - Joint Application for Certificate of Public Convenience and Necessity and Utility Permit Application, dated October 2007.

17. You must follow field protocols for activities in proximity to known landfills and any solid waste encountered shall be disposed of in accordance with NR 500, solid waste regulations.

18. You must ensure that all machinery and equipment used for the project has been adequately de-contaminated for aquatic and wetland invasive species prior to being used in non-infested waters of the state. All equipment that comes in contact with infested waters and wetlands and that would potentially come in contact with other waters and wetlands must be thoroughly disinfected.

- All equipment used for waterway crossings including but not limited to vehicles, barges, boats, silt or turbidity curtains, hoses, sheet pile, and pumps shall be de-contaminated for invasive and exotic viruses and species prior to use and after use. Specific disinfection measures are required on infested waters and must be taken prior to moving to another waterbody. The most current de-contamination protocols and a list of infested waters can be found at the following website <http://dnr.wi.gov/> under the Topic "VHSv".

If your project is on a non-infested water, the following steps should be taken *every time* you move your equipment to avoid transporting invasive and exotic viruses and species. To the extent practicable, equipment and gear used on infested waters should not be used on other non-infested waters.

- Inspect and remove aquatic plants, animals, and mud from your equipment.
 - Drain all water from your equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps.
 - Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.
 - Wash your equipment with hot (>104° F) and/or high pressure water OR allow your equipment to Dry thoroughly for 5 days.
19. No herbicide should be applied within 50 feet of streams or rivers during construction, unless specifically approved in a CMP.
20. To avoid disruption to fish species and their habitat, DNR reserves the right to limit construction timeframes or methods during the period between September 15th and June 1st.
21. You are responsible for obtaining any federal, state and local permits or approvals that may be required before starting your project.
22. You shall allow access to your project site during reasonable hours to any DNR employee or state-authorized monitor who is investigating the project's construction, operation, maintenance or permit compliance.

23. DNR may modify or revoke this permit if the project is not completed according to the terms of the permit, or if DNR determines the activity is detrimental to the public interest.
24. Nothing in the CMP substitutes for or restricts DNR statutory authority to enforce its permits or Wisconsin laws and environmental regulations, including its authority to require the cessation of unlawful activities causing environmental harm.
25. The site specific waterway and wetland restoration and management plans that are approved by DNR must be implemented by the permittee for all wetlands and waterways that will be directly impacted by this project.
26. Post-construction waterway and wetland monitoring shall continue annually for a minimum of 3 years beyond the first year after construction, unless compliance is achieved and documented earlier. You shall submit to the Department restoration monitoring reports due by December 15 of each year monitored.
27. This permit has been issued with the understanding that any construction equipment used is the right size to do the job, and can be brought to and removed from the project's site without unreasonable harm to vegetative cover or fish or wildlife habitat.
28. You assume all responsibility and liability for any direct or indirect damage caused or resulting from the installation and maintenance of the transmission line and substation and hold the State of Wisconsin, and its employees, harmless.
29. Within one week of completion of work on the site, you must submit a series of photographs to DNR of all work authorized by this permit. All photographs must be clear, and all photographs must be labeled with the waterway/wetland feature identifier. The photographs must show each permitted activity while it is in place and after its removal.

General Erosion Control – in addition to conditions above

30. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters and as specified in plans and procedures that are part of or approved pursuant to this permit. All erosion control measures must meet or exceed DNR approved technical standards.
31. You are required to follow applicable performance standards of NR151.11 and the WDNR technical standards or equivalent for all areas of land disturbance.
32. You must maintain a log of the erosion control inspections, repairs made, and rain events. This must be made available to any IEM and DNR personnel upon request.
33. Appropriate erosion control measures must be in-place and effective during every phase of this project.
34. Erosion control measures must be in place at the end of each working day.
35. Any area where soil is exposed during construction shall be stabilized to prevent soil from being eroded and washed into water bodies, wetlands, ditches, drainage ways or other conveyance systems.
36. You may not remove vegetative cover earlier than authorized under the applicable CMP or on-site changes approved by DNR or the state-authorized monitor pursuant to this permit.

37. You must not deposit or store any of the excavated, dredged or graded materials in any wetland, below the ordinary high water mark, or in the floodway of any waterway unless specifically authorized by this permit or DNR-approved plans or on-site changes approved pursuant to this permit.
38. The removal of vegetative cover and exposure of bare ground must be restricted to the minimum amount necessary for construction. Areas where soil is exposed must be protected from erosion by seeding and mulching, sodding, diversion of surface runoff, installation of straw bales or silt screens, construction of settling basins, or similar methods as soon as possible after removal of the original ground cover as described by DNR technical standards, or site-specific erosion control plan approved by DNR.
39. Development of the CMP must include proposed locations for use of certified weed-free mulch, or inspector approved straw mulch, or rapidly biodegradable jute mesh.
40. If erosion mat is used, it should be of rapidly biodegradable jute and non-netted, or if netted, constructed more loosely so that small animals are able to work their way through. Avoid the use of fine mesh monofilament (curlex type) matting and matting that is tied or bonded at the mesh intersection such that the openings between the mesh are fixed in size.
41. Site stabilization between October 1 and April 15 requires sodding or seeding and mulching (with a non-toxic tackifier or jute erosion mat).
42. Erosion control measures must be inspected, and any necessary repairs or maintenance performed, after every rainfall exceeding ½ inch and at least once per week.
43. After the site is 70% stabilized, or prior to at the direction of DNR, all temporary erosion control measures must be removed and disposed of properly.

Grading Activity – in addition to conditions above

44. Site-specific construction, erosion control and storm water management plans, as required in NR 341, Wisconsin Administrative Code, shall be submitted to, and approved by, DNR prior to any grading.
45. Grading is not allowed during periods of high water levels if the water level is at the construction zone elevation.
46. A minimum of a 75 foot wide buffer strip of existing vegetation must remain between the perimeter of the grading or excavation and the waterway and delineated wetland. The buffer strip must not be graded, excavated, used for roads or disturbed in any manner.

Pond Construction Activity – in addition to conditions above

47. Construction and erosion control plans, as required in NR 343, Wisconsin Administrative Code, shall be submitted to, and be approved by, DNR prior to pond construction.
48. The pond may not be designed to have a permanent pool of water that discharges to a trout stream or its upstream tributaries.

Dewatering Activities – in addition to conditions above

49. Dewatering of excavated work areas shall be conducted in accordance with the standards of the applicable general permit under Wisconsin's Pollutant Discharge Elimination System and approved technical standards available at <http://dnr.wi.gov/runoff/stormwater/techstds.htm>.
50. At no time shall dewatering activities directly discharge to wetlands or waterways without prior effective water quality treatment. If dewatering discharge to wetlands or waterways is cloudy or

exceeds 40 mg/l of total suspended solids (TSS), you shall immediately stop dewatering and contact the IEM to determine an adequate dewatering method.

Temporary Bridge Conditions – in addition to conditions above

51. This permit does not authorize any vehicles, including clearing equipment, to travel below the ordinary high water mark (OHWM) of any waterway.
52. This permit authorizes the placement of temporary bridges and is not an approval for channel relocation, placement of fill, or any other alteration of the waterway requiring a permit from the DNR.
53. This permit does not authorize the removal of any material below the ordinary high water mark for the placement of temporary bridges.
54. All bridges must be placed and removed in compliance with timing restrictions, unless authorized by the local DNR fisheries biologist. For trout streams and navigable tributaries to those trout streams, placement and removal is prohibited September 15 through May 15, annually. On all waterways that are not trout streams, placement and removal of the bridges is prohibited March 15 through May 15, annually.
55. Construction and placement of temporary bridges shall minimize the removal of trees, shrubs and other shoreline vegetation.
56. All bridges across navigable waterways shall either maintain a clearance of not less than 5 feet, or comply with requirements of s. NR320.04, Wis. Adm. Code.
57. The stream bank shall be protected from the bank collapsing and from erosion due to heavy equipment compressing the work area.
58. No approach fill shall be placed in any wetland, floodway or below the ordinary high water mark of any navigable waterway. If an approach is necessary, it must be wooden or metal, rather than fill. If an approach must be located in a floodway, it shall be open ramp style construction only.
59. All clear span bridges shall completely span the waterway from top of channel to top of channel with no support pilings in the waterway.
60. Geotextile fabric and side boards shall be placed on all bridges to minimize soil reaching the waterways.
61. You must securely anchor each bridge with cables or some other DNR-approved method to prevent it from being transported downstream during flood conditions.
62. You must inspect the bridge openings periodically for debris, and following any rainfall exceeding ½ inch, and must remove any restriction of flow. Any debris must be deposited in an upland site and out of any floodplain.
63. Bridges must be removed no later than 7 days after the necessary waterway crossing activities have been completed. (Note: The bridges should not be removed until both crossings and restoration have been completed and equipment access is no longer needed in the intervening uplands.)
64. Construction across waterways shall be completed as quickly as possible in order to minimize disruption.

Wetland Water Quality Certification Conditions – in addition to conditions above

65. All wetland boundaries shall be staked in the field prior to clearing activities and remain in place throughout all phases of construction.

66. No wetlands may be disturbed beyond the area specifically authorized in the DNR-approved CMPs or DNR-approved on-site changes pursuant to this permit.
67. Mats placed in wetlands shall not be removed until final cleanup is complete.
68. You shall submit the final acreage of wetland impacts as displayed in Table 1.
69. Equipment passage in wetlands shall be minimized. Construction equipment must travel on construction mats, unless conditions are frozen or stable (rutting < 6 inches).
70. Only low ground weight equipment (according to manufacturer specifications) may be operated off of equipment mats in wetlands unless construction is taking place during frozen or stable conditions.
71. All construction waste materials shall be removed from wetlands in a timely manner.

Restoration and Monitoring – in addition to conditions above

72. Upon completion of transmission line installation, all wetlands must be restored to pre-construction topographic elevations and flow regimes, and stream banks must be restored to pre-construction conditions.
73. Where natural springs cannot be avoided by construction, wetland hydrology must be restored to pre-existing flow regimes and conditions, via evaluation of pre- and post-construction surface saturation and locations of springs that outlet to the surface.
74. Site specific waterway and wetland restoration and management plans that are approved by DNR must be implemented by the permittee.
75. Transmission line easements must include language that allows for waterway and wetland restoration and management activities as required by this permit.
76. Final site stabilization in wetlands and on stream banks shall include an approved comprehensive seed mix, and requires the re-establishment of vegetation at least 70 percent of the type, density, and distribution of the vegetation that was documented in the area prior to the construction.
77. You shall monitor and address all areas where stabilization techniques have been implemented after the first 3 months within the first growing season.
78. Upon completion of construction, you must survey the vegetation types and density (percent cover) within the wetlands boundaries where poles were erected and in access areas of wetlands and stream banks where restoration is required. The post-construction surveys must be initiated during the growing season, and occur on an annual basis for a minimum of three years, unless surveys document compliance with condition #79.
79. If non-native or invasive species identified in the post-construction survey are not consistent with the adjacent areas, you must submit a remediation plan to the Department for written approval. You must implement the plan within 90 days of Department approval (during the growing season), or during the following growing season, whichever occurs first.

Environmental Inspector's Responsibilities

80. The applicant will work with DNR and PSC to set a reporting and communication protocol.
81. Additional IEM responsibilities will be determined by the DNR and PSC after the IEM is hired.

FINDINGS OF FACT

1. American Transmission Company (ATC) has filed an application for permits to place temporary clear span bridges across waterways, to grade in excess of 10,000 square feet on the bank of waterways, to place structures within navigable waterways, to construct ponds for stormwater management, and to discharge fill in wetlands listed in Table 1 for the purpose of constructing a 345-kilovolt (kV) electric transmission line and a substation.
2. The proposed project is to construct a new Rockdale to West Middleton (Rockdale-Beltline or R-B) 345-kV transmission line. The total length of new transmission line through Dane County, Wisconsin, associated with this R-B project is approximately 32 miles. The project will start at the Rockdale substation and run west parallel to an existing transmission line to Interstate 90; turn northwest and parallel Interstate 90 to the intersection with Highway 18; there turn west and follow Highways 12/18; then parallel Highway 14 to the Cardinal substation in West Middleton. The proposed project also consists of constructing an expansion of the Cardinal substation in West Middleton.
3. The fundamental project purpose stated by the applicants is to reinforce an unreliable transmission system by providing a high-capacity connection across Dane County, Wisconsin. The R-B project was approved by the Public Service Commission of Wisconsin (PSC) as a project that may help address Wisconsin's electric system reliability needs.
4. DNR provided information relative to DNR authorities, areas of concern, wetland inventory mapping, and endangered and threatened species and habitats to PSC and the applicant prior to the submittal of their Certificate of Public Convenience and Necessity (CPCN) application.
5. DNR had numerous pre-application meetings or discussions with PSC and ATC.
6. DNR received utility permit application materials dated September 27, 2007, relative to a Chapter 30 permit and wetland water quality certification.
7. On October 16, 2007, American Transmission Company LLC and ATC Management Inc. (ATC) filed a joint application with PSC and DNR for authority to construct and place into operation electric transmission facilities serving portions of Dane County.
8. As part of the approval process, PSC and DNR developed an Environmental Impact Statement (EIS) that provided a description of the proposed project, described the existing environment, evaluated the system needs, evaluated system level alternatives, evaluated multiple transmission line routing alternatives, and described the socio-economic and environmental impacts expected from the various alternatives.
9. DNR cooperated with PSC in the review of the CPCN application and development of the Draft EIS, which was released in November 2008.
10. After release of the Draft EIS, DNR provided comments on the Draft EIS to the PSC in December 2008 and January 2009.
11. The PSC released a Final EIS in February 2009.
12. DNR provided pre-filed testimony in February and March, 2009, for the PSC technical hearing.
13. DNR testimony included several statements relative to DNR's position that the Final EIS was adequate for making relative comparisons of the environmental impacts of the various routes.

14. The PSC granted approval for the electric transmission line project on June 26, 2009 (Docket 137-CE-147). The PSC Final Order includes findings that the project is necessary to satisfy the reasonable needs of the public for an adequate supply of energy; the project is in the public interest, considering alternative sources of supply and routes, individual hardships, engineering, economic, safety, reliability, and environmental factors. The Final Order specified a centerline for the route.
15. The PSC notified the public of joint PSC/DNR public informational meetings regarding the proposed project. The meetings were held to allow the public to gather information and ask questions and for the PSC and DNR to gather information from the public for the EIS.
16. Pursuant to s. 30.025(2), Wis. Stats., DNR participated in three public informational hearings with the PSC to receive public comments on the application. The hearings were held on February 5, 7, and 25, 2008, in the community areas of Madison, Stoughton and Fitchburg (Madison address), WI, respectively.
17. DNR fully considered the Final EIS in the review of the subject wetland/waterway permit application. DNR fully considered Chapters 3 through 12 for the Rockdale-Beltline route-specific impact analysis. These chapters provide a detailed analysis of the impacts of the proposed routes.
18. DNR reviewed and considered information presented in the application materials including: air photos of existing and proposed ROW and adjacent lands, proposed bridge locations, wetland access routes, approximate wetland fill (pole foundation) locations and impacts associated with clearing and construction.
19. To avoid disruption to fish species and their habitat, DNR has considered limiting construction timeframes during specific time periods listed in Table 1.
20. DNR staff toured portions of the ROW using the nearest legal access points to observe conditions. DNR staff also consulted with DNR Region resource staff regarding environmental conditions and concerns.
21. Final construction plans required for approval by DNR prior to construction may involve pond construction, outfall below the ordinary high water mark, bank stabilization, grading, access plans and final pole placements in wetlands and waterways.
22. The attached Table 1 prescribes construction requirements for each waterway and wetland crossing.
23. This project will include 33 waterway crossings. Waterway crossings include potentially clearing and grading on the bank, placement of temporary equipment bridges, and bank restoration. This project will include 20 temporary clear span bridges (TCSBs) over navigable waters of the state.
24. The approval of TCSBs is limited to waterways within the project ROW that cannot be avoided by accessing from another landowner-approved location.
25. The placement of TCSBs is limited to the timeframes established in NR 320, unless otherwise approved by the DNR's local fisheries biologist.
26. Wetland impacts include 39 individual wetland areas crossed by the right-of-way, totaling approximately 57.6 acres of disturbance for the right-of-way.
27. The project will involve permanent direct filling of approximately 0.114 acres of wetlands for placement of foundations for 48 pole structures and the cutting of trees and woody vegetation in forested wetlands.
28. The project will require clearing of 10.9 acres of forested wetlands.

29. Based on the information provided by the applicants and the PSC, and the conditions of this permit, DNR has determined that there are not practicable alternatives to the wetland impacts.
30. DNR considered the potential adverse impacts to these wetlands and determined that the impacts have been avoided and minimized to the greatest extent practicable if the provisions of this permit are met.
31. The proposed project, if constructed in accordance with this permit and protection measures required and recommended by the DNR's Office of Energy and Bureau of Endangered Resources, will avoid or minimize impacts to endangered resources. Specifically, for state-listed threatened or endangered animals, where avoidance measures can be successfully implemented an incidental take authorization will not be required pursuant to Wisconsin's Endangered Species Law (29.604, Wis. Stats.). For state-listed threatened or endangered animals where avoidance measures cannot be successfully implemented, the appropriate course of action will be pursued under Wisconsin's Endangered Species Law.
32. Pursuant to s. NR 103.08, Wis. Adm. Code, the proposed project, if constructed in accordance with this permit, will not result in significant adverse impacts to wetland functional values, significant adverse impacts to water quality, or other significant adverse environmental consequences.
33. The proposed project, if constructed in accordance with this permit, will not adversely affect water quality, will not increase water pollution in surface waters and will not cause environmental pollution as defined in s. 283.01(6m), Wis. Stats.
34. It is the final decision of DNR that cooperation with PSC in the preparation of the Environmental Impact Statement and analysis of alternatives for this project meets the requirements of s. 1.11, Wis. Stats., (WEPA) and ch. NR 150, Wis. Adm. Code.
35. DNR and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable requirements of Sections. 1.11, 182.017, 30.025, 30.12, 30.123, 30.19, 30.20, 281.15, 281.36, Wis. Stats., and Chapters NR 102, 103, 115, 116, 117, 150, 151, 216, 299, 320, 329, 341, 343 and 345 of the Wis. Adm. Code.
36. Due to lack of legal access to all sites along the proposed route, this permit is predicated on a worst-case analysis of impacts and Table 1 prescribes the most protective measure for each waterway and wetland impact.

CONCLUSIONS OF LAW

1. DNR has authority under the above indicated Statutes and Administrative Codes, to issue a permit for the construction and maintenance of this project.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions shall be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing of any individual permit decision pursuant to section 30.209, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a

petition for hearing on the Secretary of the Department of Natural Resources, P.O. Box 7921, Madison, WI, 53707-7921. The petition shall be in writing, shall be dated and signed by the petitioner, and shall include as an attachment a copy of the decision for which administrative review is sought. If you are not the applicant, you must simultaneously provide a copy of the petition to the applicant. If you wish to request a stay of the project, you must provide information, as outlined below, to show that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review. If you are not the permit applicant, you must provide a copy of the petition to the permit applicant at the same time that you serve the petition on the Department.

A request for contested case hearing must meet the requirements of section 30.209, Wis. Stats., and section NR 310.18, Wis. Adm. Code, and must include the following information:

1. A description of the Department's action or inaction which is the basis for the request; and,
2. A description of the objection to the decision that is sufficiently specific to allow the department to determine which provisions of Chapter 30, Wis. Stats., may be violated; and
3. A description of the facts supporting the petition that is sufficiently specific to determine how you believe the project may result in a violation of Chapter 30, Wis. Stats.; and,
4. Your commitment to appear at the contested case hearing, if one is granted, and present information supporting your objection.
5. If the petition contains a request for a stay of the project, the petition must also include information showing that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment.

Dated at Headquarters, Wisconsin on July 27, 2009 .

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By



Linda Talbot
Water Management Specialist