

**STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES  
Bridge/WQC Permit  
IP/GP-NO-2007-N8053 through N8063**

American Transmission Company is hereby granted under Sections 30.025, Wisconsin Statutes, and Chapters NR 102, 103, 115, 116, 117, 150, 299 and 320, Wisconsin Administrative Code, a permit to place temporary clear span bridges and related structures in or across navigable waterways listed in Table 1, and wetland water quality certification to discharge fill in wetlands listed in Table 1, for the purpose of constructing the Cranberry – Conover – Plains Transmission Line Project (CCP). The CCP Project includes: 1) constructing a new Cranberry – Conover 138 kV transmission line and new Lakota Road substation, 2) rebuild the existing Conover – Iron River – Plains transmission line for 138 kV operation, 3) construct a new 138 kV transmission line to the Aspen substation, and 4) construct new or modify existing substations. The CCP Project takes place in Vilas, Forest, and Florence Counties, Wisconsin, and the Upper Peninsula of Michigan.

**PERMIT CONDITIONS**

**General Conditions**

1. These permits are 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 the Department in writing as described in conditions below.
2. Construction work may not commence on any section of the project until you provide the Department with the detailed final plans outlined in the Environmental Construction Plan (ECP) for that section. The Department can modify permit conditions as needed based on the review and approval of the ECP.
3. 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.
4. You must notify the Department's point of contact, Benjamin Callan, before starting construction and again not more than 5 days after the project spreads are stabilized.
5. You must complete construction of the project, including site stabilization, as described in this permit, on or before September 15, 2010. 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 the 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 the Department. You may not begin or continue construction after the original permit expiration date unless the Department grants a new permit or permit extension in writing.
6. 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. Final Department 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 the Department. Permit conditions are based on information included in all of the following:

- A. Waterway and Wetland Permit Application, dated November 2005
  - B. Table 1
  - C. Table 2
7. 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.
  8. You are responsible for obtaining any federal, state or local permits or approvals that may be required before starting your projects.
  9. Upon reasonable notice, you shall allow access to your project site during reasonable hours to any Department employee or state-authorized monitor who is investigating the project's construction or permit compliance.
  10. ATC shall provide the Department with an electronic version of any required safety training to accommodate inspection.
  11. The Department may modify or revoke these permits if the project is not completed according to the terms of the permit, or if the Department determines the activity is detrimental to the public interest.
  12. You must post a copy of these permits at a conspicuous location on the project web site for at least five days prior to construction, and remaining at least five days after construction. You must also keep a copy of the permits and approved plans at all field offices and construction sites, available at all times until the projects are complete. All employees, consultants and contractors who are working on the projects must be made aware of the permits, its conditions, its location and all appropriate managers and supervisors in charge of or working on construction or compliance must be allowed access or provided with copies of the permits.
  13. 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, Wisconsin Statutes or this permit.
  14. No more than 30 days after the completion of the projects, you must submit to the Department a CD of photographs in .jpg format of all temporary bridges and all poles in wetlands. All photographs must be clear, and all photographs must be labeled with the waterway / wetland feature identifier.
  15. Nothing in the ECP substitutes for or restricts the Department 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.
  18. The ECP shall include the final engineered structure locations, the data identified in Table 2 of this permit package, and include final cross-section drawings for each temporary bridge and associated stream. The ECP will include details on project construction sequencing and scheduling. The ECP shall also include relevant information about: final access plans (detailing additional measures to avoid or minimize waterway or wetland impacts); any

special visual mitigation plans; the project-specific endangered resources plan; invasive species management plans, including the locations that warrant the use of certified weed-free mulch, or inspector approved straw mulch; any site-specific wetland restoration plans; any wooded wetland management plans (including minimizing impacts to black spruce, tamarack and hemlock); and wooded riparian buffer restoration plans that addresses the 50 foot vegetated areas adjacent to designated waterways.

19. Site specific waterway and wetland restoration and management plans that are approved by the Department must be implemented by the permittee for all wetlands and waterways that will be directly impacted by this project.
20. Wetland boundaries in areas prescribed in Table 2 to use CT-4 and CT-4W techniques will be staked in the field.
21. No wetlands may be disturbed (i.e. vehicular traffic, hole auguring, blading, unauthorized deposit of spoil material, etc.) other than where specifically authorized on the final access plan or on-site changes pursuant to this permit.

**General Erosion Control -- in addition to conditions above**

22. 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 Department approved technical standards.
23. You must maintain a log of the erosion control inspections, repairs made, and rain events. This must be made available to Department personnel upon request.
24. Unless otherwise specified in this permit or approved pursuant to this permit, erosion control measures must be inspected, and any necessary repairs or maintenance performed, after every rainfall exceeding 1/2 inch in a 24-hour period and at least once per week.
25. 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, but no longer than 7 days after removal of the original ground cover as described by the Department approved technical standards, or site-specific erosion control plan approved by the Department.
26. You may not remove vegetative cover earlier than authorized under the applicable ECP or on-site changes approved by the Department pursuant to this permit.
27. You must not deposit or store any of the dredged or graded materials in any wetland, unless placed on an effective physical barrier (i.e. construction mats and/or filter fabric).
28. You must not deposit or store any of the dredged or graded materials below the ordinary high water mark, or in the floodway of any waterway unless specifically authorized by plans or on-site changes approved pursuant to this permit.

29. You must not operate any construction equipment below the ordinary high water mark (OHWM) of any waterway unless specifically authorized.

**Dewatering Activities -- in addition to conditions above**

30. Dewatering of groundwater encountered for the purposes of drying out work areas, discharge of water prior to pole or foundation installation, or pit trench dewatering, shall be conducted in accordance with the standards of the applicable general permit under Wisconsin's Pollutant Discharge Elimination System, including measures detailed in the Department approved technical standards.
31. At no time shall dewatering activities directly discharge to wetlands or waterways without prior effective water quality treatment. No water discharged to wetlands or waterways shall exceed 40 mg/l of Total Suspended Solids (TSS). If water is cloudy or exceeds 40 mg/l of TSS, you shall immediately stop dewatering and contact the Department to determine an adequate dewatering method.

**Temporary Bridge Conditions -- in addition to conditions above**

32. 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 Department.
33. You must inspect the bridge openings periodically for debris, and following any rainfall exceeding ½ inch within a 24-hour period, and must remove any restriction of flow. Any debris must be deposited in an upland site and out of any floodplain.
34. You must securely anchor each bridge with cables or some other effective mechanism to prevent it from being transported downstream during flood conditions as specified in plans that are a part of this permit.
35. No approach fill shall be placed in any wetland, floodway or below the ordinary high water mark of any navigable waterway. You must use wooden or metal approach ramps, rather than fill. If an approach must be located in a wetland or floodway, it shall be open ramp style construction only.
36. Temporary bridges must be removed no later than 7 days after the necessary waterway crossing activities have been completed.
37. You assume all responsibility and liability for any direct or indirect damage caused or resulting from the presence of the bridges and hold the State of Wisconsin, and its employees, harmless.
38. Temporary bridges across navigable waterways shall maintain a clearance of not less than 5 feet. See s. NR320.04, Wis. Adm. Code, for other acceptable options.
39. On trout streams, placement and removal of a bridge is prohibited between September 15 and May 1 of any calendar year. On all waterways that are not trout streams, placement and removal is prohibited between April 1 and June 1 annually. These restrictions can be waived with written approval of the Department's local fisheries biologist.

40. The bridge shall completely span the waterway from top of channel to top of channel with no support pilings in the waterway.
41. The bridge may not be located on a wild river designated under ch. NR 302, or where similar federal, state or local regulations prohibit the construction.
42. Construction or placement of the bridges shall minimize the removal of trees, shrubs and other shoreline vegetation above the ordinary high water mark.

**Waterway and Wetland Activity Conditions – in addition to conditions above**

43. All equipment used for the project shall minimize the amount of sediment that can escape into the water.
44. Any area where topsoil is exposed during construction shall be seeded and mulched or otherwise stabilized to prevent soil from being eroded and washed into the waterway.
45. When the project is completed and the disturbed areas are adequately stabilized, silt fencing or similar erosion control measures shall be removed so that the erosion control measures are not a barrier to the movement of wildlife.
46. Except for the authorized structures and the de minimus soil mounding immediately adjacent to the authorized structures, all wetlands must be restored so the pre-construction topographic elevations and flow regimes are restored.
47. Prior to moving from wetland areas infested with purple loosestrife (*Lythrum salicaria*) you are required to wash machines and equipment. Proposed modification of this condition must be authorized in writing by the Department.
48. For new wetland ROW, or wetlands that are disturbed due to construction, you must survey the vegetation types and density (percent cover). The post-construction surveys must start in the growing season following the end of construction, and occur on an annual basis for up to 5 years. If vegetation type and density return to acceptable conditions, no additional surveying is required.
49. If species identified in the post-construction survey include invasives or non-natives that are not consistent with the wetland areas adjacent to the ROW, you shall submit a remediation plan to the Department for written approval. You must implement the plan within 90 days of Department approval, or the following growing season.
50. You must notify the Department contact in advance of all withdrawals from any public waters. Notifications shall include, at a minimum; 1) specific location, 2) volume of water needed, 3) documentation that the withdrawal will not injure public rights (e.g. no bed disturbance, no change in flow, etc.).
51. Except during frozen or stable conditions, equipment passage in wetlands shall be minimized.
52. To minimize the possibility of chemical release into a waterway or wetland resulting from broadcast application, no herbicide shall be broadcast applied within 50 feet of wetlands, streams or rivers during construction, unless specifically approved in ECP.

53. Unless conditions are frozen or stable (rutting less than 6 inches), construction equipment passage in wetlands shall be limited and must travel on construction mats.
54. All construction waste materials shall be removed from wetlands in a timely manner.

#### FINDINGS OF FACT

1. American Transmission Company (ATC) has filed an application for a permit to place temporary bridges across waterways, and to discharge fill in wetlands listed in Tables 1 and 2 for the purpose of constructing a 138-kV electric transmission line known as Cranberry – Conover – Plains (CCP).
2. The proposed project includes: 1) constructing a new Cranberry – Conover 138 kV transmission line and new Lakota Road substation, 2) rebuild the existing Conover – Iron River – Plains transmission line for 138 kV operation, 3) construct a new 138 kV transmission line to the Aspen substation, and 4) construct new or modify existing substations. The CCP Project takes place in Vilas, Forest, and Florence Counties, Wisconsin, and the Upper Peninsula of Michigan.
3. The fundamental project purpose stated by the applicant is to address reliability concerns for the north central Wisconsin 115 kV transmission network, as well as the 69 kV transmission network serving the western Upper Peninsula during periods of high power demand. The CCP project was approved by the Public Service Commission of Wisconsin (PSCW) to help address Wisconsin's electric system reliability needs.
4. The Department provided information relative to Department authorities, areas of concern, wetland inventory mapping, and endangered and threatened species and habitats to PSCW and the applicant prior to the submittal of their Certificate of Public Convenience and Necessity (CPCN) application.
5. In November, 2005, ATC provided applications to the PSCW for a CPCN and to the Department for Utility Permits.
6. As part of their approval process, PSCW developed an Environmental Assessment (EA) 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.
7. The Department cooperated with PSCW in the review of the CPCN applications and development of the Draft EA. The PSCW released a Final EA in September 2006.
8. The Department provided testimony for the PSCW technical hearings that took place in Eagle River, WI, on June 28, 2006.
9. The PSCW granted approval for the electric transmission line project on November 21, 2006 (Docket 137-CE-125). The PSCW Final Order included 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.

10. The Department fully considered the PSCW Final EA in the review of the subject wetland/waterway permit applications.
11. The Department has reviewed and considered information presented in the applications' materials including: air photos of proposed bridge locations, wetland access routes, approximate wetland (pole) locations; and digital photos of specific access routes. Department staff conducted a tour of the entire route in Wisconsin using the nearest legal access points to observe conditions.
12. The proposed project, if constructed in accordance with these permits and protection measures required and recommended by the Department's Office of Energy, will avoid or minimize impacts to endangered resources.
13. This permit has been issued with the understanding that any construction equipment used will not result in unreasonable harm to vegetative cover or fish or wildlife habitat.
14. The PSCW-approved ROW transects natural communities that include bogs, cold streams, sedge meadows, northern wet-mesic and northern mesic forest. The State's survey information is incomplete, and absence of data from other waterbodies or wetlands that will be affected by the project is not evidence of absence. Rare species may occur at other locations within the approved ROW, if suitable habitat exists.
15. This project includes 8 temporary bridges over waters of the state.
16. The placement of bridges is limited to the timeframes established in NR320, unless otherwise approved by the Department's local fisheries biologist.
17. Bridges are expected to have less impact on water quality and stream flow patterns than the use of culverts or fords.
18. The project will involve direct filling of no more than 0.07 acres of wetlands for placement of foundations for 96 pole structures (including de minimus mounding of soil adjacent to the pole structures), the cutting of trees and woody vegetation in forested and scrub/shrub wetlands, and impacts to wetland areas associated with construction equipment access.
19. Changes have been made in locations of structures, construction access, construction techniques and restoration measures to avoid or minimize wetland impacts.
20. The Department has reviewed proposed pole locations within wetlands on the PSCW approved route, including the logistical and technical factors cited by the applicant as reasons that alternatives that would further minimize wetland impacts are not practicable.
21. The Department considered the potential adverse impacts to wetlands and determined that the impacts have been avoided and minimized to the greatest extent practicable if the provisions of these permits are met.

22. 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.
23. 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.
32. The Department and the applicant have completed all procedural requirements and the projects as permitted will comply with all applicable requirements of Sections 1.11, 30.025, 281, Wis. Stats., and Chapters NR 102, 103, 115, 116, 117, 150, 299, and 320 of the Wis. Adm. Code.
33. The attached Table 2 prescribes construction requirements for each waterway and wetland crossing.
34. Due to lack of legal access to all sites along the proposed routes, these permits are predicated on a worst-case analysis of impacts and Table 2 prescribes the most protective measure for each waterway and wetland impact.
35. ATC and the Department agreed that issuance of the Department permit was not required within 30 days of the PSCW Order.

#### CONCLUSIONS OF LAW

1. The Department and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable requirements of Sections 1.11, 30.025, 281, Wis. Stats., and Chapters NR 102, 103, 115, 116, 117, 150, 299, and 320 of the Wis. Adm. Code.
2. The Department 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 227.42, 227.53, 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 227.42 or 227.53, Wis. Stats., 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.

You also have the right to file a petition for judicial review as provided in section 227.53, Wis. Stats. The petition must be filed within 30 days after the date of this decision. The Wisconsin Department of Natural Resources must be named as respondent in the petition for judicial review. This notice is for the purpose of ensuring compliance with section 227.48 (2), Wis. Stats.

Dated at Madison, Wisconsin on May 22, 2007.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

By     *Benjamin Callan*      
Benjamin Callan  
Water Management Specialist  
Office of Energy