

## **BRIDGE PERMIT AND WATER QUALITY CERTIFICATION**

### **IP-2004-N8101 through IP-2004-N8109 GP/IP-2004-N8222 THROUGH GP/IP-2004-N8326 AND GP-2004-N8355**

WHEREFORE, American Transmission Company and Wisconsin Public Service Corporation are hereby granted under Wis. Stat. §§ 182.017, 30.123, 281.15, 281.36, and Wis. Admin. Code chs. NR 102, 103, 115, 116, 117, 150, 299, 216, 320, a permit to place temporary clear span bridges and related structures in or adjacent to navigable waterways listed in Table 1 and a wetland water quality certification to discharge fill in wetlands listed in Table 1, for the purpose of constructing a 208 mile-long, 345 kilovolt electrical transmission line from Oliver to Weston, Wisconsin.

### **PERMIT CONDITIONS**

#### **General Conditions**

1. 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 the Department in writing as described in conditions below.
2. Construction work may not commence on any spread until the Department has been granted access and the Department and the Public Service Commission of Wisconsin have reviewed and approved, in writing, the detailed plans outlined in the Construction & Mitigation Plan, Part B (CMP-B) for that spread. The Department can modify permit conditions as needed based on the Department and Public Service Commission of Wisconsin review and approval of the CMP-B.
3. The Department will issue a decision to approve or require changes within 60 days of receipt of the Draft CMP-B. Upon receipt of a Draft CMP-B for any spread, the Department will meet with the co-applicants and the PSCW within 30 days to provide comments and work with the co-applicants to resolve any issues.
4. In order to facilitate public input, you shall provide copies of the draft CMP-B for each spread on the project web-site and at local libraries. You shall provide written notice to landowners along the spread on or before the hard copy documents are submitted to the Department. The final approved CMP-B for each spread shall also be posted on the web-site
5. 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.
6. You must notify the Department's Point of Contact, David Siebert, at phone (608) 264-6048, before starting construction and again not more than 5 days after the project is complete.

7. You must complete construction of the project, including site stabilization, as described in this permit, on or before **December 31, 2009**. 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.
8. The applicant and/or its contractor shall provide financial assurance mechanism(s) in a form satisfactory to the Department and in an amount sufficient to assure performance of construction and restoration requirements of this permit.
9. 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 3. 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 (Volumes 1 through 7), dated October 2004
  - B. Table 1
  - C. Table 2
  - D. Tables 3, 3a and 3b
10. 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.
11. To avoid disruption to fish species and their habitat, the Department reserves the right to limit construction timeframes or methods during the period between September 15<sup>th</sup> and June 1<sup>st</sup>.
12. You are responsible for obtaining any federal, state or local permits or approvals that may be required before starting your project.
13. 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, operation, maintenance or permit compliance.
14. The Department may modify or revoke this permit 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.

15. You must post a copy of this permit 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 permit and approved plan available at all times until the project is complete at all field offices and construction sites. All employees, consultants and contractors who are working on the project must be made aware of the permit and its conditions and all appropriate managers and supervisors in charge of or working on construction or compliance must be provided with copies of the permit.
16. 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.
17. All photographs submitted to the Department must be clearly labeled with the site location and date. The photographs must be clear, and accurately represent the site conditions at the time that the photograph was taken.
18. Photo Requirements.
  - A. You must submit photographs of existing site conditions before the placement of TCSB's.
  - B. No more than 30 days after installation, you must submit to the Department (through the state-authorized monitor), photographs of all temporary bridges and all poles in wetlands in .jpg format on a CD.
  - C. You must send by electronic mail photographs of each TCSB site within 3 days of removal.
  - D. You must submit some photographic proof that soil bore holes in each contested wetland area have been filled.
19. Nothing in the CMP-B, or the financial assurance mechanism(s) as specified in conditions above, substitutes for or restricts the Department's 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.
20. The CMP-B for each spread shall include, at a minimum:
  - A. final access plan, detailing measures to avoid or minimize waterway or wetland impacts. This must include documentation of contact efforts with landowners seeking access across private lands to minimize wetland impacts and/or to eliminate the need for TCSBs.
  - B. final cross-section drawings and site photographs for each temporary clear span bridge and related structures
  - C. final construction method proposal, including appropriate descriptors from Tables 3, 3a, and 3b and "Construction Specials" as outlined in the application

- D. a visual mitigation plan that applies to all poles in wetlands and all “shorelands” as defined in NR 115.03 (8).
  - E. endangered resources plan that is consistent with the Avoidance and Minimization Measures for Rare Species provided in the letter dated 12-21-04 from the Department’s Office of Energy.
  - F. invasive species management plan
  - G. final wetland restoration plan that addresses surface area and species diversity of wetlands disturbed by construction within the spread
  - H. wooded wetland management plan, including specifics on debris management, and minimizing impacts to black spruce, tamarack and hemlock
  - I. final sequencing and scheduling plan
  - J. a site drawing detailing soil boring locations in all contested wetland areas
  - K. post-construction monitoring plan
21. 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.
22. Wetland boundaries in areas prescribed in Table 3 to use CT-4 and CT-4W techniques will be staked in the field by the contractor’s environmental inspector and approved by the Department or state authorized monitor.
23. No wetlands may be disturbed other than where specifically authorized on the final access plan or on-site changes pursuant to this permit.
24. Areas prescribed in Table 3 to be constructed in accordance with the modifiers CT-5 or CT-4W-5i is subject to written Department approval.

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

25. 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 the standards in the Wisconsin Construction Site Best Management Practices Handbook, or any Department approved technical standards.
26. 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.

27. 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 and at least once per week.
28. 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 certified weed free mulch and 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 in the Application, the Wisconsin Construction Site Handbook (BMP's) or any Department approved technical standards, or site-specific erosion control plan approved by the Department.
29. 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.
30. You may not remove vegetative cover earlier than authorized under the applicable CMP-B or on-site changes approved by the Department or the state-authorized monitor pursuant to this permit.
31. You must not deposit or store any of the 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 plans or on-site changes approved pursuant to this permit.
32. You must not operate any construction equipment on the bed (below the ordinary high water mark) of any waterway.

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

33. 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, measures in Wisconsin's Construction Site Best Management Practices handbook, or any Department approved technical standards, unless specified by plans or procedure that are part of this permit or approved in site-specific plans or on-site changes pursuant to this permit.
34. At no time shall dewatering activities directly discharge to wetlands or waterways without prior effective water quality treatment.

**Temporary Clear Span Bridge Conditions – in addition to conditions above**

35. This permit authorizes the placement of temporary clear span bridges (TCSB) and is not an approval for channel relocation, placement of fill, or any other alteration of the waterway requiring a permit from the Department.
36. 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.
37. You must securely anchor each bridge with cables or some other Department-approved method to prevent it from being transported downstream during flood conditions as specified in plans that are a part of this permit.
38. 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.
39. TCSB's must be removed consistent with the sequencing and scheduling plan, as specified in condition 20I. above, and no later than 7 days after the necessary waterway crossing activities have been completed.
40. You assume all responsibility and liability for a direct or indirect damage caused or resulting from the presence of the bridge and hold the State of Wisconsin, and its employees, harmless.
41. TCSB's across navigable waterways shall maintain a clearance of not less than 5 feet. See s. NR320.04, Wis. Adm. Code, for other options.
42. Unless approved in writing by the Department's fish manager, construction or placement of a TCSB is prohibited between September 15 and May 1 of any calendar year on all trout streams and between March 15 and June 1 of any calendar year for all waterways that are not trout streams.
43. For all TCSB's authorized by a GP, the bridge may only span a portion of a navigable waterway that is less than 35 feet wide, measured from ordinary high water mark to ordinary high water mark.
44. The bridge shall completely span the waterway from top of channel to top of channel with no support pilings in the waterway.
45. 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.

46. All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.
47. Any area where topsoil is exposed during construction shall be immediately seeded and mulched or ripped to stabilize disturbed areas and prevent soil from being eroded and washed into the waterway.
48. 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.
49. Construction or placement of the TCSB shall minimize the removal of trees, shrubs and other shoreline vegetation above the ordinary high water mark.
50. The bridge shall be of a natural earth tone color so that it minimizes the impact on natural scenic beauty.

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

51. All wetlands must be restored to pre-construction topographic elevations and flow regimes, with no mounding, unless specifically authorized by site-specific plans or on-site changes pursuant to this permit for the purposes of restoring pre-construction wetland functions.
52. Equipment passage in wetlands shall be limited and equipment or construction mats used.
53. 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 conditions.
54. Bulldozers may only be used for clearing or blading on a limited basis where approved as part of the CMP-B or state-authorized monitor, and standards for erosion control are met.
55. All construction waste materials shall be removed from wetlands in a timely manner.
56. Transmission line easements must not include any language that precludes waterway and wetland restoration and management activities required by this permit.
57. Any additives proposed for use in concrete foundations must be from a Department-approved list or receive written Department approval.

Case Nos: IP-04-8108 – IP-04-N8109 &  
GP/IP-04-N8222 – GP/IP-04-8326

Page 27

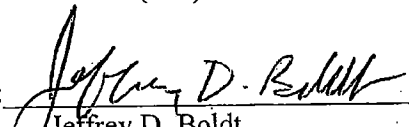
58. David Siebert shall be the contact person and recipient of all documents requiring further Department approval pursuant to above conditions. Mr. Siebert can be reached at (608)264-6048 and 101 S. Webster Street, P.O. Box 7921, Madison, WI 53707-7921.

TABLE 1 (ATTACHED)  
TABLE 2 (ATTACHED)  
TABLE 3 (ATTACHED)

Dated at Madison, Wisconsin on July 25, 2005.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
5005 University Avenue, Suite 201  
Madison, Wisconsin 53705-5400  
Telephone: (608) 266-7709  
FAX: (608) 264-9885

By:

  
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Jeffrey D. Boldt  
Administrative Law Judge

NOTICE

Set out below is a list of alternative methods available to persons who may desire to obtain review of the attached decision of the Administrative Law Judge. This notice is provided to insure compliance with Wis. Stat. § 227.48 and sets out the rights of any party to this proceeding to petition for rehearing and administrative or judicial review of an adverse decision.

1. Any party to this proceeding adversely affected by the decision attached hereto has the right within twenty (20) days after entry of the decision, to petition the secretary of the Department of Natural Resources for review of the decision as provided by Wisconsin Administrative Code NR 2.20. A petition for review under this section is not a prerequisite for judicial review under Wis. Stat. §§ 227.52 and 227.53.
2. Any person aggrieved by the attached order may within twenty (20) days after service of such order or decision file with the Department of Natural Resources a written petition for rehearing pursuant to Wis. Stat. § 227.49. Rehearing may only be granted for those reasons set out in Wis. Stat. § 227.49(3). A petition under this section is not a prerequisite for judicial review under Wis. Stat. §§ 227.52 and 227.53.
3. Any person aggrieved by the attached decision which adversely affects the substantial interests of such person by action or inaction, affirmative or negative in form is entitled to judicial review by filing a petition therefore in accordance with the provisions of Wis. Stat. §§ 227.52 and 227.53. Said petition must be filed within thirty (30) days after service of the agency decision sought to be reviewed. If a rehearing is requested as noted in paragraph (2) above, any party seeking judicial review shall serve and file a petition for review within thirty (30) days after service of the order disposing of the rehearing application or within thirty (30) days after final disposition by operation of law. Since the decision of the Administrative Law Judge in the attached order is by law a decision of the Department of Natural Resources, any petition for judicial review shall name the Department of Natural Resources as the respondent. Persons desiring to file for judicial review are advised to closely examine all provisions of Wis. Stat. §§ 227.52 and 227.53, to insure strict compliance with all its requirements.

