



Driftless Area Land Conservancy

Summation

Feb. 15, 2022

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FROM: Atty. Thomas C. Jensen of Perkins Coie Law Office on behalf of The CHC developers

TO: The Honorable William M. Conley U.S. District Court Western District of Wisconsin

The purpose of this letter is to provide the Court with information regarding construction of the Cardinal-Hickory Creek project and key considerations associated with the Plaintiffs' sweeping request to stop further construction of this major regional energy infrastructure project.

Any order from this Court should anticipate that **construction will be wound down** in a manner that protects human safety, personal and real property, environmental resources, and reliable operation of the electrical system.

The Co-owners will continue to comply with various state and federal permits and regulations, most of which relate to protection of human safety and the environment. For example, the Co-owners may need to complete the removal of trees that are partially cut and remove downed vegetation from rights-of-way to facilitate landowner access to property, prevent safety hazards, and avoid impacts to protected species.

The Co-owners will continue to implement erosion control measures to protect waterways and comply with state permits. The Co-owners must complete work on facilities and equipment that are out of service now but are needed soon for normal operation of the electrical system.



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Wisconsin Public Service Commission filing PSC REF#:431824 – March 1, 2022

ATC CONSTRUCTION and MITIGATION PLAN Cardinal - Hickory Creek 345 kV Transmission Line Project Segment E1 Dodgeville to Hill Valley

The following summarizes the anticipated timing of construction along the ATC Managed portion of the Project:

- ROW Clearing: October 2021 – July 2022
- Structure Foundations: March 2022 – April 2023
- Install Structures: May 2022 – June 2023
- Install Conductor: June 2022 – September 2023
- Mat removal, ROW cleanup and restoration are scheduled to occur as portions of the Project are completed.

It is anticipated this will occur from the fall of 2022 to the fall of 2023. Additional restoration activities may extend into 2024 depending on weather and soil conditions. B. Segment E1 Sequencing and Scheduling Vegetation clearing within Segment E1 (Dodgeville to Hill Valley) is anticipated to begin in March 2022.

The following summarizes the anticipated timing of construction within Segment E1:

- ROW Clearing: March 2022 – August 2022
- Mat placement: beginning March 2022
- Structure Foundations: summer 2022 – spring 2023
- Install Structures: summer 2023 – summer 2023
- Install Conductor: October 2022 – October 2023
- Mat removal, ROW cleanup and restoration within Segment E1 is scheduled to occur in the fall of 2023 following completion of construction, although actual dates for restoration will be weather dependent.



Driftless Area Land Conservancy

Summation / Highlights of CUB Letter

March 7, 2022

FROM: Citizens Utility Board – “Wisconsin’s Independent Consumer Voice”

TO: Wisconsin Public Service Commission

On January 14, 2022, Judge William Conley of the U.S. District Court for the Western District of Wisconsin issued an opinion and order rescinding the compatibility determination that U.S. Fish and Wildlife Service granted the Utilities to construct CHC through the Upper Mississippi River National Wildlife and Fish Refuge.

On March 1, 2022, Judge Conley issued a 2-page Final Judgment consistent with the January 14 opinion and order. “Without a connection between Iowa and Wisconsin, the project cannot deliver the expected benefits to Wisconsin customers.”

The Final Judgment impacts the entire Project. That is, with no connection between Iowa and Wisconsin, the Project can transfer zero megawatts of power between Iowa and Wisconsin. Since the Project can no longer “support interconnection of planned renewable generation projects in Wisconsin... it can no longer provide the benefits to Wisconsin customers that were presented in the CPCN application and relied upon by the Commission in the Final Decision.”

Judge Conley further states, “Without the expected benefits, construction is not cost-effective and not consistent with the public interest.”

Any good faith action at all before the Commission in response to the compatibility determination might demonstrate the Utilities’ willingness to act with prudence and consistent with the public interest. Instead, the Utilities...speculate as to possible “changes in the posture of that litigation in the near term” and note that they “believe they will be able to electrically connect the Project’s two proposed endpoints.” The Utilities ask the Commission to act on their hope that a legal solution will be found that will allow the Project to proceed. Hope is not a plan. This relaxed approach on the part of the Utilities, who stand to profit from **ongoing construction activities, benefits shareholders, not Wisconsin customers.**

Without a regulatory solution, Wisconsin customers will bear the costs of the Utilities’ ongoing construction of a line with questionable benefits. If a viable and legal alternative to the originally proposed route through the refuge exists, the Utilities should present that alternative for the Commission’s (and the public’s) consideration. In the meantime, **construction grounded in the Utilities’ speculation should stop.**

Each day that construction of the line continues, the costs that the Utilities incur grow while the benefits remain in question. Time is a critical factor in mitigating unnecessary, inefficient, or otherwise wasteful expenditures.

CUB requests that the Commission immediately halt all construction activities on the Wisconsin portion of the CHC line and reopen Docket No. 5-CE-146 so as to consider the limited issue of CHC routing from Iowa to Wisconsin.



Driftless Area Land Conservancy

For Your Consideration Request from Driftless Area Land Conservancy April 7, 2022

Iowa County Board Resolution – April 27, 2017

BE IT RESOLVED, that the Iowa County Board of Supervisors is OPPOSED to the construction and operation of the proposed Cardinal-Hickory Creek transmission line.

BE IT FURTHER RESOLVED, that the Iowa County Board of Supervisors calls upon the Wisconsin Public Service Commission, Governor Walker, and the Wisconsin Legislature to oppose the construction and operation of the proposed Cardinal-Hickory Creek transmission line and not grant any permits, certificates or other approvals needed for the proposed transmission line.

Respectfully submitted by the Iowa County Planning & Zoning Committee by action taken April 27, 2017.

Conclusion

Federal Judge William Conley stated the on-going construction activities “amounts to little more than an orchestrated trainwreck at some later point in this lawsuit.”

- CHC developers are gambling with Wisconsin ratepayers’ money in the **hope** that a solution will be found to connect the Iowa and Wisconsin sides of the CHC project.
- Every day that construction continues the dollar amount of that risk increases.
- Every day construction continues damage is being done to the environment. Trees that are felled and eco-systems that are ruined are lost regardless of the final resolution of this issue.
- There is no risk that lights will go out if this project isn’t rushed through.
- It’s time to call a halt to construction activities until the issue of crossing the Mississippi River in an environmentally sound way is resolved.

Our Ask for the Iowa County Board’s Consideration

Make some type of public statement or resolution that supports CUB’s call for a halt to all construction activities until some solution to crossing the Mississippi River is agreed upon.

AND / OR

Coordinate with the Dane County Board in arranging a meeting with Governor Evers to express the grave concerns we citizens of Iowa County have about this project.