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## **VOLUME II**

### **2.0 PERMITS**

Many construction projects undertaken by Dairyland require some permits from federal, state, and local agencies with land management or pollution control responsibilities. Since each state, county, and city can have different permitting requirements for the same project, it is essential to identify permitting requirements for each state, county, and city affected by the proposed project. A general step-by-step process to identify permits applicable to each specific project is outlined below. These steps serve as a general guide through the permitting process, but specific permitting requirements will vary from project-to-project.

- Step 1. Finalize project alignment and required ROW. If possible, 3-to 6 months before the anticipated start of construction, the areas to be effected should be identified.
- Step 2. Conduct a field reconnaissance. During the reconnaissance exercise, identify all areas considered sensitive resources. Categorization of a sensitive resource is based on beneficial uses and the potential to influence beneficial use. Sensitive resources are managed via BMPs and/or Best Available Methods to maintain or improve quality. In addition, adopt stricter standards if deemed necessary/desirable. Sensitive resources include wetlands, streams, lakes, etc.
- Step 3. Determine needed permits and prepare required documents for compliance.

This volume contains general information about federal and state permits required for construction or maintenance activities associated with substations and transmission lines. Local permits will need to be investigated and in instances where local permits require more strict compliance, local requirements supersede federal and state regulations.

## **2.1 FEDERAL PERMITS**

### **2.1.1 U.S. Department of Transportation – Federal Aviation Administration**

#### **2.1.1.1 NOTICE OF PROPOSED CONSTRUCTION**

Notice and approval are required for structures 200 feet in height or when the height of the structures would exceed a slope requirement defined in the Federal Aviation Administration (FAA) Advisory Circular (AC 70/7460-2K), which describe safety zones around airports. Form 7460-1 is required for the notice.

#### **2.1.1.2 SUPPLEMENTAL NOTICE (NOTICE OF ACTUAL CONSTRUCTION/ALTERATION)**

This is required to provide the FAA with final construction as-built information for their records, using Form 7460-2.

### **2.1.2 U.S. Department of Transportation - Federal Highway Administration**

#### **2.1.2.1 UTILITY RELOCATION AND ACCOMMODATION ON FEDERAL AID HIGHWAY PROJECTS**

A permit is required from the Federal Highway Administration delegated to state DOTs for utility projects that cross highways receiving federal aid. It is recognized to be in the public interest for utility facilities to jointly use the ROW of public roads and streets when such use does not interfere with primary highway purposes. The opportunity for such joint use avoids the additional cost of acquiring separate ROW for the exclusive accommodation of utilities. As a result, the ROW of highways, particularly local roads and streets, is used to provide public services to abutting residents as well as to serve conventional highway needs.<sup>1</sup>

### **2.1.3 U.S. Army Corps of Engineers**

#### **2.1.3.1 RIVERS AND HARBOR ACT SECTIONS 9 AND 10**

Sections 9 and 10 of The Rivers and Harbor Act authorize the U.S. Army Corps of Engineers (USACE) to regulate the construction of any structure or work within navigable waters. The USACE must consider the following criteria when evaluating projects within navigable waters:

- 1) the public and private need for the activity
- 2) reasonable alternatives locations and methods
- 3) the beneficial and detrimental effects on the public and private uses which the area in suited

<sup>1</sup> U.S. Department of Transportation Federal Highway Administration. *Utility Relocation and Accommodation on Federal-Aid Highway Projects. Chapter 2 Utility Accommodation* [Electronic version]. <http://www.fhwa.dot.gov/reports/utilguid/util2.htm> Retrieved July 27, 2006.

### 2.1.3.2 CLEAN WATER ACT SECTION 404

The Clean Water Act Section 404 establishes a program to regulate the discharge of dredged and fills material into waters of the U.S., including wetlands. The USACE, EPA, and U.S. Fish and Wildlife Service (USFWS) share responsibility for administering and enforcing Section 404/404 Permit. USACE administers the day-to-day program, including individual and general permit decisions, conducts and verifies jurisdictional determinations, develops policy and guidance, and enforces Section 404 provisions. The EPA develops and interprets policy, guidance, and environmental criteria used in evaluating permit applications, identifies activities that are exempt from permitting, reviews/comments on individual permit applications, enforces Section 404 provisions, approves and oversees state and tribal assumption, and has authority to veto USACE permit decisions. The USFWS evaluate impacts on fisheries and wildlife of all federally permitted projects, including projects subject to the requirements of the 404 Permit.

### 2.1.3.3 CLEAN WATER ACT SECTION 401

Section 401 of the Clean Water Act requires Applicants for Section 404 permits to also receive 401 Certification from the appropriate USACE agency. Issuance of a certification means that the certifying agency anticipates that the Applicant's project will comply with applicable federal or state effluent limitations and water quality standards, and other aquatic resource protection requirements under that certifying agency's authority. The 401 Certification can cover both the construction and operation of the proposed project. Conditions of the 401 Certification become conditions of the USACE Section 404 Permit. After the USACE has issued a nationwide permit for the proposed work, the Applicant may not do the work until the 401 Certification is approved, conditioned, or waived by the certifying agency.

## 2.1.4 U.S. Department of Agriculture

### 2.1.4.1 RURAL UTILITIES SERVICE

The purpose of the Rural Utilities Service (RUS) assistance to the High Energy Cost Rural Communities Program is to help local communities meet their energy needs through direct loans and grants for energy facilities in qualifying extremely high energy cost communities, grants, and loans to the Denali Commission for extremely high energy cost communities in Alaska, and grants to states to support revolving funds to finance more cost-effective means of acquiring fuel in qualifying communities.<sup>2</sup>

<sup>2</sup> U.S. Department of Agriculture. *Rural Utilities Service Electric Program Regulations. Code of Federal Regulations Part 1709*. <http://www.usda.gov/rus/electric/regs/2006/1709.pdf> Retrieved July 27, 2006.

**Table 13**  
**RUS Environmental Thresholds for Transmission Line Projects**

Voltage \ Length	Less than 3 Miles	3-25 Miles	25+ Miles
	Less than 69 kV	ER	ER
69-230 kV	ER	ER	EA
230 kV	ER	EA	EA with Scoping

EA: Environmental Assessment

ER: Environmental Report

#### 2.1.4.2 FARMLAND PROTECTION POLICY ACT

The Farmland Protection Policy Act (FPPA) is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that, to the extent possible, federal programs are administered to be compatible with state and local units of government, and private programs and policies to protect farmland. Federal agencies are required to develop and review their policies and procedures to implement the FPPA every 2 years.

The FPPA does not authorize the federal government to regulate the use of private or non-federal land or, in any way, affect the property rights of owners.

For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forestland, pastureland, cropland, or other land, but not water or urban built-up land.<sup>3</sup>

#### 2.1.4.3 FARM CONVERSION IMPACT RATING

The site assessment criteria used in the FPPA rule are designed to assess important factors other than the agricultural value of the land when determining which alternative sites should receive the highest level of protection from conversion to non-agricultural uses.<sup>4</sup>

<sup>3</sup> U.S. Department of Agriculture. *Farmland Protection Policy Act. Natural Resources Conservation Services.* <http://www.nrcs.usda.gov/programs/fppa/> Retrieved July 27, 2006.

<sup>4</sup> U.S. Department of Agriculture. *Natural Resources Conservation Services. Farmland Protection Policy Act. Farmland Conversion Impact Rating.* <http://www.nrcs.usda.gov/programs/fppa/> Retrieved July 27, 2006.

#### **2.1.4.4 FOREST SERVICE SPECIAL USES PROGRAM**

A special use authorization is a legal document, such as a permit, term permit, lease or easement, which allows occupancy, use, rights or privileges of National Forest Service (NFS) land. The authorization is granted for a specific use of the land for a specific period.<sup>5</sup>

### **2.1.5 U.S. Department of Energy**

#### **2.1.5.1 SECTION 106 REVIEW**

Section 106 of the NHPA requires federal agencies to take into account the effects of their actions on historic properties (i.e., districts, sites, buildings, structures, and objects included in or eligible for the NRHP). Section 106 is implemented by following regulations issued by the Advisory Council on Historic Preservation (36 Code of Federal Regulations [CFR] 800). Western Area Power Administration (Western) is the lead federal agency for Section 106 compliance. This review (which does not lead to a permit, but rather is a process) occurs if the project is on a federal track with a lead federal agency.

### **2.1.6 U.S. Department of Interior – National Park Service**

#### **2.1.6.1 AUTHORIZATION TO CROSS NATIONAL PARK SERVICE LANDS**

Authorization is required under 36 CFR 251 to cross NPS land. This authorization is obtained by completing the Special Use Permit (attached at the end of Volume II) (application for transportation and utility systems and facilities on federal lands).

### **2.1.7 U.S. Environmental Protection Agency**

#### **2.1.7.1 CLEAN WATER ACT SECTION 402**

Clean Water Act Section 402 established the NPDES permit program, under the umbrella of the EPA, to regulate point source and non-point source discharges of pollutants into waters of the U.S.. The EPA, in coordination with states, the regulated community, and the public, develops, implements, and conducts oversight of the NPDES permit program based on statutory requirements contained in the Clean Water Act. An NPDES permit sets specific discharge limits for point sources discharging pollutants into waters of the U.S. and establishes monitoring and reporting requirements, as well as special conditions. This permit is usually administered by the state, however, the EPA reserves the right to reclaim administration of the permit if the staff program is deemed ineffective (refer to the State Permit Section below for more information).

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<sup>5</sup> U.S. Department of Agriculture – U.S. Forest Service. *Special Use Authorization*. web site: <http://www.fs.fed.us/recreation/permits/forms.htm> Retrieved July 27, 2006.

### 2.1.7.2 SPCC PLAN– SUBSTATIONS

An SPCC plan is required to prevent discharge of oil into navigable waters of the U.S., and is required if the aboveground storage capacity for the substance is greater than 1,320 gallons and there is a reasonable expectation of a discharge into navigable waters of the U.S. If any substation storage is greater than the limit, an SPCC plan will need to be developed as per the criteria in 40 CFR 112.

## 2.1.8 U.S. Fish and Wildlife Service

### 2.1.8.1 CLEAN WATER ACT SECTION 404

The USFWS plays an important advisory role in this process. Our mission is working with others to protect, conserve, and enhance fish, wildlife, and plants and their habitats, for the continuing benefit of the American people. Wetlands are vital for sustaining fish and wildlife populations in the United States. They provide important feeding, breeding, and migration habitat for a number of species, including 50 percent of our migratory bird species and over 30 percent of plants and animals listed under the Endangered Species Act (ESA).

Our mission is authorized and accomplished via our various authorities, including the Fish and Wildlife Coordination Act, Fish and Wildlife Act of 1956, Food Security Act, Anadromous Fish Conservation Act, Migratory Bird Treaty Act (MBTA), and ESA.<sup>6</sup>

### 2.1.8.2 MIGRATORY BIRDS

The MBTA of 1918 (16 U.S. Code [USC] 703-712) governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. Such actions are prohibited unless authorized under a valid permit. This law applies to migratory birds native to the U.S. and its territories. It does not apply to non-native migratory birds or resident species that do not migrate on a seasonal basis. Additionally, the 1940 Bald and Golden Eagle Protection Act (16 USC 668-668C) specifically prohibits the taking or possession of and commerce in bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*), either alive or dead, or any part, nest, or egg of these eagles.

Within the Dairyland service area, the Mississippi River Valley, and Lake Superior, as well as large rivers and preserved marsh complexes, are areas where congregations of migratory birds can be found. Waterfowl are typically the most susceptible to transmission line collision. In general, the closer a transmission line is to waterfowl habitat, such as wetlands and open water, or if the transmission line is between habitat and feeding areas, such as agricultural fields, the more likely it is that waterfowl collisions will occur. The USFWS should be consulted to

<sup>6</sup> U.S. Fish and Wildlife Service. *Clean Water Act Section 404*. <http://www.fws.gov/habitatconservation/cwa.htm>  
Retrieved July 26, 2006.

determine the potential effects of a proposed project on migratory birds. Mitigation, such as marking transmission lines with reflectors or shield wires, may be necessary.

USFWS contacts for Dairyland service area:

Minnesota

Mr. Dan Stinnett, Field Officer  
Minnesota Environmental Service Office  
U.S. Fish and Wildlife Service  
4101 East 80<sup>th</sup> Street  
Bloomington, MN 55425-1665  
Phone: (612) 725-3548

Iowa/Illinois

Mr. Rick Nelson, Field Supervisor  
Rock Island Ecological Service Office  
4469 48<sup>th</sup> Avenue Court  
Rock Island, IL 61201  
Phone: (309) 793-5800

Wisconsin

Louise Clemency, Field Supervisor  
Green Bay Ecological Service Office  
U.S. Fish and Wildlife Service  
2661 Scott Tower Drive  
Green Bay, WI 54229

**2.1.8.3 THREATENED AND ENDANGERED SPECIES**

The ESA requires protection of federally listed threatened and endangered (T&E) species and any habitat designated as essential to the maintenance or recovery of a listed species (critical habitat). Critical habitats are areas designated by the USFWS as areas important for the preservation of listed species. In addition, the state DNR maintains databases of state-listed T&E species.

Within Dairyland's service area, federally and state-listed species are generally confined to prairie remnants, relatively undisturbed wetlands, older growth forests, rivers, and streams. Prior to any construction, the appropriate DNR office should be formally contacted by letter to determine if federal or state-listed species may be found in the project area. Depending on the results of the consultation, a field survey may be necessary to identify suitable habitat for rare species so that impacts can be avoided and/or mitigated through coordination with the DNR and USFWS (if federal species are involved). Some rare species can be surveyed only during a



prescribed time of the year (e.g. the flowering period), therefore, early consultation is recommended in order to avoid construction delays.

The USFWS determines whether or not a proposed project is within accordance to the ESA after receiving a certified letter from the state agency. After 121 calendar days and the proposed project is in accordance with the ESA, the two agencies enter a cooperative agreement. This refers to Section 6 of the ESA.

The USFWS consults with federal agencies under Section 7 of the ESA to ensure the project does not jeopardize listed species or destroy or adversely modify critical habitat. Similar to Section 106, this is a process rather than a permit and it occurs only in federal projects with a lead federal agency. Rare species surveys will be required before consultation, and therefore construction, can begin.

DNR contacts for each state in service area:

Minnesota

Ms. Sarah Hoffman  
Minnesota Department of Natural Resources  
Natural Heritage and Nongame Research Program  
500 Lafayette Road, Box 25  
St. Paul, MN 55155

Iowa

Mr. Keith Dohrman  
Iowa Department of Natural Resources  
Conservation and Recreation Division  
Wallace State Office Building  
502 E. 9<sup>th</sup> Steet  
Des Moines, IA 50319-0034

Illinois

Mr. Keith Shank  
Division of Natural Resource Review and Coordination  
Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, IL 62702-1271

Wisconsin

Ms. Shari Koslowsky, Endangered Resources Specialist  
Wisconsin Department of Natural Resources  
Office of Energy

101 S. Webster Street  
Madison, WI 53707

#### **2.1.8.4 SECTION 7 CONSULTATION**

This provision, under Section 7 of the ESA, requires federal agencies to consult with the USFWS to ensure that actions they fund, authorize, or permit will not jeopardize the continued existence of any listed species or adversely modify designated critical habitat.<sup>7</sup> The consultation process begins with a request from the permittee to the USFWS for a list of threatened, endangered, proposed and candidate species, and designated critical habitats that may be present in the proposed project area. If no species or critical habitats are present, then no further ESA obligation is required under Section 7. If species or critical habitats are present, then the USFWS must determine whether they will be affected by the proposed project.

#### **2.1.8.5 COMPATIBLY ANALYSIS OF DISTURBED EASEMENTS/LANDS**

This permit is required for work within easements owned by the USFWS. Compatibility is determined in accordance with the National Wildlife Refuge System Improvement Act. A compatible use is a wildlife-dependent recreational use or any other use on lands that in the sound professional judgment of the director will not materially interfere with or detract from the fulfillment of the mission of the USFWS (wildlife conservation) or purposes of the land. This is a very lengthy (1 year or more) process and results in conditional use permits. Surveys need to be conducted at least 1 year before construction in the easement, and a report describing the habitat and any T&E species found will need to be filed with the USFWS to start the 1-year review process.

#### **2.1.8.6 CROSSING NATIONAL WILDLIFE REFUGE**

Special use permits are issued when uses of NWRs are compatible with the purpose(s) for which the refuge was established, and the mission of the National Wildlife Refuge System (Figure 1). Refer to <http://www.fws.gov/refuges/generalinterest/permits.html> for more information.

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<sup>7</sup> U.S. Fish and Wildlife Service. *Consultation with Federal Agencies, Section 7 of the Endangered Species Act*. December 2005. <http://www.fws.gov/Endangered/consultations/consultations.pdf> Retrieved October 10, 2006.

Minnesota

Wisconsin

Upper Mississippi River Wildlife And Fish Refuge

Trempealeau National Wildlife Refuge

Necedah National Wildlife Refuge

Upper Mississippi River Wildlife And Fish Refuge 43

Upper Mississippi River Wildlife & Fish Refuge

Effigy Mounds National Monument

Iowa

Illinois



Legend

- National Wildlife Refuge
- Service Area

## **2.2 STATE PERMITS**

### **2.2.1 Illinois Local Level Approvals**

Permits required for the State of Illinois at the local level are listed below. Typical local approvals associated with transmission line construction are listed below.

#### **2.2.1.1 ROAD CROSSING/ROW PERMITS**

These permits may be required to cross or occupy county, township, and city road ROW.

#### **2.2.1.2 LANDS PERMITS**

These permits may be required to occupy county, township, and city land, such as park land, watershed districts, and other properties owned by these entities.

#### **2.2.1.3 BUILDING PERMITS**

These permits may be required by the local jurisdictions for substation modifications and construction.

#### **2.2.1.4 OVER WIDTH/LOADS PERMITS**

These permits may be required to move over width or heavy loads on county, township, or city roads.

#### **2.2.1.5 DRIVEWAY/ACCESS PERMITS**

These permits may be required to construct access roads or driveways from county, township or city roadways.

### **2.2.2 Illinois State Level Approvals**

Permits for the State of Illinois agencies that may be or are required for construction of transmission lines are listed below.

#### **2.2.2.1 WATER PERMITS**

The Division of Water Resource Management issues permits for work in and along the rivers, lakes, and streams of the state for activities in and along the public waters, and for the construction and maintenance of dams.

There are five government agencies with primary regulatory authority over wetlands in Illinois. These agencies work cooperatively with one another for the protection of these resources. Three federal agencies (USACE, EPA, and U.S. Department of Agriculture/Natural Resources

Conservation Service [USDA/NRCS]) make up this list along with two state agencies, the Illinois DNR and the Illinois EPA.

### 2.2.2.2 CONVENIENCE AND NECESSITY

#### 1. ILLINOIS COMMERCE COMMISSION

All transmission lines require a Certificate of Public Convenience and Necessity under the Certificate of Public Convenience and Necessity Act of Illinois 220 Illinois Compiled Statutes (ILCS) 5/1-101 (Chapter 111 2/3, par. 1-101). This act may be cited as the Public Utilities Act.<sup>8</sup>

- **Title 83: Section 300:** Appendix A: Guidelines for ROW Acquisitions. Under the Title 83 Public Utilities Administrative Code, ROW acquisitions require a statement of information. The purpose of this statement is to provide the landowner with general information concerning the initial procedures involved. The statement covers several questions commonly asked of the Illinois Commerce Commission staff by landowners.<sup>9</sup>
- **Title 81: Part 305:** Construction of Electric Power Lines. The purpose of this part is the practical safeguarding of persons during the installation, operation, or maintenance of electric supply and communication lines and their associated equipment. It contains minimum requirements considered necessary for the safety of employees and the public.<sup>10</sup>

Permit	Project Type	Applicable IL Statute
Certificate of Public Convenience and Necessity	All transmission lines require Certificate of Public Convenience and Necessity	Ill. Public Utilities Act, 220 ILCS 5/8-406
	Author or Illinois Commerce Commission to Order Facilities Construction	Ill. Public Utilities Act, 220 ILCS 5/8-503
Administrative Code Title 83: Public Utilities	Acquisition of Right-of-Ways	Title 83, Chap I, Sub. b, Part 300, App. A
	Construction of Electric Power Lines	Title 83, Chap I, Sub. b, Part 305

<sup>8</sup> State of Illinois, Illinois General Assembly. *Certificate of Public Convenience and Necessity [Electronic version] Section 300.10*. 2002. <http://www.ilga.gov/commission/jcar/admincode/083/083003000000100R.html> Retrieved July 10, 2006.

<sup>9</sup> State of Illinois, Illinois General Assembly. *Statement of Information from the Illinois Commerce Commission Concerning Acquisition of Rights-of-Way by Illinois Utilities [Electronic version]. Section 300.Appendix A*. 2002. <http://www.ilga.gov/commission/jcar/admincode/083/08300300ZZ9996aR.html> Retrieved July 10, 2006.

<sup>10</sup> State of Illinois, Illinois General Assembly. *Construction of Electric Power and Communication Lines [Electronic version]. Part 305*. 2003. <http://www.ilga.gov/commission/jcar/admincode/083/08300305sections.html> Retrieved July 10, 2006.

### 2.2.2.3 ILLINOIS DEPARTMENT OF NATURAL RESOURCE PERMITS

#### 1. *STATEWIDE PERMIT (SP #2 – CONSTRUCTION OF BRIDGE AND CULVERT CROSSINGS OF STREAMS IN RURAL AREAS)*

The purpose of Statewide Permit No. 2 is to reduce unnecessary delays in Departmental approval of bridge and culvert crossings which, by their nature, have little likelihood of causing significant flood damage. The Department is not, by issuance of Statewide Permit No. 2, abdicating its regulatory responsibility. If it becomes apparent that the interests of the Department are not being adequately served by the Permit, it will be modified or revoked as required to assure the protection of those interests. It is still possible to apply for individual permits for bridge and culvert crossings which do not meet the terms and conditions of the Statewide Permit No. 2. For a bridge or culvert crossing to be permitted by Statewide Permit No. 2, a certification (by an Illinois registered professional engineer) must be made that the crossing has been designed utilizing standard hydrologic and hydraulic engineering methods and that it complies with the terms and conditions of the Permit and applicable rules of the Department. A second certification (by a second Illinois registered professional engineer) that the design of the crossing has been reviewed and found to be in compliance with the terms and conditions of the Permit and applicable rules of the Department must also be made. The purpose of the second certification is to replicate the review process of Department of Natural Resources, Office of Water Resources staff. If certifications are not made, the alternative is to submit an application for normal Departmental review and approval of the hydrologic and hydraulic design of the crossing.

#### 2. *SP #4 – AERIAL UTILITY CROSSINGS*

This permit applies to aerial utility crossings over the floodways (areas required to store and convey the one-hundred [100] year frequency flood discharge with no significant increase in stage, velocity, or discharge) of all Illinois rivers, lakes and streams under the Department's jurisdiction except Lake Michigan and those in Lake, McHenry, Cook, DuPage, Kane and Will Counties for which regulatory floodways have been designated pursuant to 17 Illinois Administrative Code 3708. This permit does not apply to aerial utility lines which would cross a river, lake or stream more than once in a five mile reach or to aerial utility lines parallel to a river or stream. In order to be authorized by this permit, aerial utility crossings must meet the following special conditions. The issuance of this Statewide Permit does not eliminate the need to obtain all other required permits or authorizations from state, federal, or local government agencies. Early coordination with those agencies during project planning is recommended. Particularly, the Department of Natural Resources, Office of Realty and Environmental Assessment and the U. S. Fish and Wildlife Service should be contacted for early input on potential impacts to fish and wildlife. Contact with these agencies can result in significant reductions in adverse impacts without increasing project costs. For additional information regarding Statewide Permit No. 4 or its applicability, contact either the Downstate Regulatory

Programs Section in Springfield (217/782-3863) or the Northeastern Illinois Regulatory Programs Section in Schaumburg (847/705-4341).

**3. *SP #6 – MINOR NON OBSTRUCTION FLOODWAY CONSTRUCTION***

The purpose of this Statewide Permit is to authorize the construction of minor floodway activities which, by complying with the terms and conditions of this permit, are determined to have insignificant impact on those factors which are under the jurisdiction of the Department of Natural Resources, Office of Water Resources (IDNR/OWR). It is not necessary to submit applications to or obtain individual permits from IDNR/OWR for floodway construction activities complying with this permit. If a project would not meet the terms and conditions of this permit, a formal permit application must be submitted for review and appropriate determination. This permit applies to the floodway land of all Illinois rivers, lakes and streams under the Department's jurisdiction except Lake Michigan and those in Lake, McHenry, Cook, DuPage, Kane and Will Counties for which regulatory floodways have been designated pursuant to 17 Illinois Administrative Code 3708, but does not authorize any project which conflicts with a federal, state or local project, improvement or rule.

**4. *SP #7 – OUTFALLS***

The purpose of this Statewide Permit is to authorize the construction of outfall structures and drainage ditch outlets which have insignificant impact on those factors under the jurisdiction of the Illinois Department of Natural Resources, Office of Water Resources. It is no longer necessary to submit applications to, or obtain individual permits from, the Illinois Department of Natural Resources, Office of Water Resources for activities meeting the specified terms and conditions of this permit. If a project would not meet all of the terms and conditions of this permit, a formal permit application must be submitted. This permit applies to all outfall structures and drainage ditch outlets on all Illinois rivers, lakes and streams under the Department's jurisdiction except Lake Michigan and those in Lake, McHenry, Cook, DuPage, Kane and Will Counties for which regulatory floodways have been designated pursuant to 17 Illinois Administrative Code 3708. This permit does not apply to projects which conflict with a federal, state or local project or improvement, or with any other rule of the Department.

**5. *SP #8 – UNDERGROUND PIPELINE AND UTILITY CROSSINGS***

The purpose of this Statewide Permit is to authorize the construction of underground pipeline and utility crossings which have insignificant impact on those factors under the jurisdiction of the Department of Natural Resources, Office of Water Resources (IDNR/OWR). It is no longer necessary to submit applications to, or obtain individual permits from, IDNR/OWR for activities meeting the terms and conditions of this permit. If a project would not meet all of the terms and conditions of this permit, a formal permit application must be submitted. This permit applies to all directionally bored pipeline and utility crossings placed beneath the beds of all Illinois rivers, lakes and streams under the Department's jurisdiction. This permit also applies to other pipeline



and utility crossings placed beneath the beds of all Illinois rivers, lakes and streams under the Department's jurisdiction except those in Lake, McHenry, Cook, DuPage, Kane and Will Counties for which regulatory floodways have been designated pursuant to 17 Illinois Administrative Code 3708, the public waters of the state, and the following:

- The meandered lakes
- Loon Lake (Lake County)
- Cedar Lake (Lake County)
- Ogden Slip
- Mackinaw River
- Kickapoo Creek in Peoria County
- Big Creek in Hardin County
- Lusk Creek in Pope County
- Middle Fork of the Vermilion River in Vermilion County
- Kishwaukee River in McHenry County
- Clear Creek in Union and Alexander Counties
- Embarras River in Jasper and Cumberland Counties

This permit does not supersede nor relieve any permittee's responsibility to obtain other federal, state or local permits. The local (county or municipal) regulatory official and the U. S. Army Corps of Engineers' regulatory functions office should be contacted to obtain any required permits. Also, for utility crossings carrying materials which could cause water pollution, potentially impacted owners of public water supplies should be notified.

**6. *SP #9 – MINOR SHORELINE, STREAMBANK AND CHANNEL PROTECTION ACTIVITIES***

The purpose of this Statewide Permit is to authorize minor shoreline, stream bank, and channel protection activities which have insignificant impact on those factors under the jurisdiction of the Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR). It is no longer necessary to submit applications to, or obtain individual permits from, IDNR/OWR for activities meeting the terms and conditions of this permit. If a project would not meet all of the terms and conditions of this permit, a formal permit application must be submitted. This permit applies to shoreline, stream bank, and channel protection activities on all Illinois rivers, lakes and streams under the Department's jurisdiction except Lake Michigan and those in Lake, McHenry, Cook, DuPage, Kane and Will Counties for which regulatory floodways have been designated pursuant to 17 Illinois Administrative Code 3708. Only those reaches of shoreline, stream bank, and channel which are experiencing active erosion are covered by this permit. In public waters, only the placement of protection materials on an eroded bank is authorized by this permit. This permit does not apply to the following activities: channel modifications such as the excavation of



pilot channels; the placement of materials other than on an eroded bank of a public water (see attached list); and projects which conflict with a federal, state or local project or improvement or with any other rules of the Department. This permit does not supersede nor relieve any permittee's responsibility to obtain other federal, state or local permits. The local (county or municipal) regulatory official and the U. S. Army Corps of Engineers' regulatory office should be contacted to obtain any additional design criteria and required permits. In addition, if any historical or archeological materials are revealed by any activity authorized by this permit, the activity shall be suspended and the permittee shall notify the staff archeologist, Historic Preservation Agency, One Old State Capitol Plaza, Springfield, Illinois 62701.

**7. *SP #10 – ACCESSORY STRUCTURES AND ADDITIONS TO EXISTING RESIDENTIAL BUILDINGS***

The purpose of this Statewide Permit is to authorize accessory structures and additions to existing residential buildings which, by complying with the terms and conditions of this permit, are determined to have insignificant impact on those factors under the jurisdiction of the Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR). It is no longer necessary to submit applications to, or obtain individual permits from, IDNR/OWR for activities complying with this permit. If a project would not meet all of the terms and conditions of this permit, a formal permit application must be submitted.

This permit applies to accessory structures and additions to existing residential buildings in all floodways under the Department's jurisdiction except those in Lake, McHenry, Cook, DuPage, Kane and Will Counties. An accessory structure shall be defined as a non-habitable building such as a tool shed or a garage. This permit does not apply to any project which would conflict with any federal, state, or local project or improvement or with any other rule of the Department.

**8. *SP #11 – MINOR MAINTENANCE DREDGING ACTIVITIES***

The purpose of this Statewide Permit is to authorize minor maintenance dredging activities which have insignificant impact on those factors under the jurisdiction of the Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR). It is no longer necessary to submit applications to, or obtain individual permits from, IDNR/OWR for activities meeting the terms and conditions of this permit. If a project would not meet all of the terms and conditions of this permit, a formal permit application must be submitted. This permit applies to minor maintenance dredging activities (see special conditions) on all Illinois streams under the Department's jurisdiction except those in Lake, McHenry, Cook, DuPage, Kane and Will Counties for which regulatory floodways have been designated pursuant to 17 Illinois Administrative Code 3708. The permit also applies to maintenance dredging activities of active harbors, marinas, and docking and water intake facilities on all Illinois rivers and lakes under the Department's jurisdiction except those in Lake, McHenry, Cook, DuPage, Kane and Will Counties for which regulatory floodways have been designated pursuant to 17 Illinois

Administrative Code 3708. The permit does not authorize any other type of instream work such as paving or enclosing a channel. Nor does the permit apply to any project which would conflict with any federal, state, or local project or improvement or with any other rule of the Department.

**9. *SP #12 – BRIDGE AND CULVERT REPLACEMENT STRUCTURES AND BRIDGE WIDENINGS***

The purpose of this Statewide Permit is to authorize the replacement of existing bridges and culverts and the widening of existing bridges where the following conditions apply: 1) the existing structure has not been the cause of demonstrable flood damage, 2) the new structure will provide the same or greater effective waterway opening, and 3) there will be no appreciable reduction in existing over-the-road flow area. It is no longer necessary to submit applications to, or obtain individual permits from, the Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR), for activities meeting the terms and conditions of this permit. If a project would not meet all of the terms and conditions of this permit, a permit application must be submitted to IDNR/OWR for review. This permit applies to bridge and culvert replacement structures and the widening of existing bridges on all Illinois rivers, lakes and streams under the Department's jurisdiction except public waters (see attached list) and those in Lake, McHenry, Cook, DuPage, Kane and Will Counties for which regulatory floodways have been designated pursuant to 17 Illinois Administrative Code 3708. This permit does not apply to any project which conflicts with a federal, state or local project or improvement or with any other rules of the Department. This permit does not supersede nor relieve any permittee's responsibility to obtain other federal, state or local permits. The local (county or municipal) regulatory official and the U. S. Army Corps of Engineers' regulatory functions office should be contacted to obtain any additional required permits.

**10. *SP#13 – TEMPORARY CONSTRUCTION ACTIVITIES***

The purpose of this Statewide Permit is to authorize temporary construction activities in the floodways of non-public waters of the state which have insignificant impact on those factors under the jurisdiction of the Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR). It is no longer necessary to submit applications to, or obtain individual permits from, IDNR/OWR for activities meeting the terms and conditions of this permit. If a project would not meet all of the terms and conditions of this permit, a formal permit application must be submitted. This permit applies to temporary construction activities in the floodways of all non-public rivers, lakes and streams under the Department's jurisdiction except those in Lake, McHenry, Cook, DuPage, Kane and Will Counties for which regulatory floodways have been designated pursuant to 17 Illinois Administrative Code 3708. This permit does not apply to work in any public body of water (see attached list). This permit also does not apply to projects which conflict with a federal, state or local project or improvement, or with any other rules of the Department. This permit does not supersede nor relieve any permittee's responsibility to obtain other federal, state or local permits. The local (county or municipal) regulatory official and the

U. S. Army Corps of Engineers' regulatory functions office should be contacted to obtain any additional design criteria and required permits. In addition, if any historical or archeological materials are revealed by any activity authorized by this permit, the activity shall be suspended and the permittee shall notify the staff archeologist, Historic Preservation Agency, One Old State Capitol Plaza, Springfield, Illinois 62701.

**11. SP#14 – SPECIAL USES OF PUBLIC WATERS**

The purpose of this Statewide Permit is to authorize special uses of public bodies of water which, by being in compliance with the terms and conditions of this permit, are determined to have negligible adverse impacts on the public's interests, rights, safety, or welfare in those waters. Subsequent to the effective date of this permit, it will not be necessary to submit applications for permit to, or obtain individual permits from, the Department of Natural Resources, Office of Water Resources, for special uses of public waters meeting the terms and conditions of this permit. This permit applies to publicly sanctioned designations of public water areas (and the associated placement of signs, ropes, buoys and similar apparatus) for uses such as boat regattas, ski shows, and other similar events on all of the State's public bodies of water. This permit does not apply, however, to any activity which would conflict with a federal, state or local project or improvement, or with any other rule of the Department.

**12. REGULATION OF CONSTRUCTION WITHIN FLOODPLAINS**

The regulation is adopted to prohibit damaging or potentially damaging increases in flood stage or velocity caused by alterations in or encroachments upon regulatory floodplain.<sup>11</sup>

Obtain application for permit by contacting the Illinois DNR Office of Water Resources at any of the following addresses:

524 South 2<sup>nd</sup> Street  
Springfield, IL 62701-1787

310 South Michigan Avenue  
Chicago, IL 60604

201 West Center Court – 3<sup>rd</sup> Floor, East  
Schaumburg IL 60196-1096

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<sup>11</sup> Illinois Department of Natural Resources. *Regulation of Construction Within Floodplains. Part 3706*. 2003. <http://www.dnr.state.il.us/owr/resman/permitprogs.htm> Retrieved July 10, 2006.

### **13. JOINT APPLICATION FORM**

Construction projects in Illinois waterways, floodplains, and wetlands often require both federal and state authorization. This application packet is designed to simplify the approval process for the Applicant seeking project authorizations from the USACE, Illinois DNR Office of Water Resources, and Illinois EPA.<sup>12</sup>

#### **For all downstate/statewide issues:**

Illinois Department of Natural Resources  
Office of Water Resources  
One Natural Resources Way  
Springfield, IL 62702-1271  
Phone: (217) 782-3863  
Fax: (217) 785-5014

To e-mail any office: [dwrn2@dnrmail.state.il.us](mailto:dwrn2@dnrmail.state.il.us)

### **14. INTERAGENCY WETLAND POLICY ACT OF 1989**

Illinois regulates wetlands indirectly through its Interagency Wetland Policy Act of 1989. The act implements the state's Wetland Mitigation Policy that instructs each agency to preserve wetlands as a priority when they develop construction or land management plans.<sup>13</sup>

Department of Natural Resources  
Office of Resource Conservation  
600 N. Grand Ave. West  
Springfield, IL 62706

#### **2.2.2.4 ILLINOIS DEPARTMENT OF TRANSPORTATION**

##### **1. DISTRICT 2 UTILITY PERMIT**

The permit covers operation and presence of specified equipment, material, or facility on the ROW which may be related to the authorized work. A copy of this permit must be present when crews or equipment occupy highway ROW.

Work to be coordinated with:  
Cindy Bennett  
Utility Permit Technician  
Phone: (815) 284-5471

<sup>12</sup> Illinois DNR. *Protecting Illinois Waters*. 2003. <http://www.dnr.state.il.us/owr/resman/APFORM.htm> Retrieved July 10, 2006.

<sup>13</sup> Illinois DNR. *Interagency Wetland Policy Act of 1989. Appendix A*. 2003. <http://www.dnr.state.il.us/Wetlands/Includes/contentch6e.htm> Retrieved July 11, 2006.

Dennis Schultz  
Operating Engineer  
Phone: (815) 284-5469

## **2. DISTRICT 2 PERMIT STATUS SHEET**

This Permit Status Sheet works in concert with the DOT utility permit and requires submittal if condition of the original permit changes (start time, duration, location, etc.) (refer to the Permit Status Sheet attached at the end of Volume II).

## **3. DISTRICT 2 TRAFFIC CONTROL AUTHORIZATION FOR PERMITS**

This permit authorizes the control of traffic during construction or maintenance activities that requires traffic to be rerouted or altered in any way.

### **2.2.2.5 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

#### **1. NPDES PERMIT**

Through the U.S. EPA, as authorized by the Clean Water Act, the NPDES permit program controls water pollution by regulating point sources that discharge pollutants into waters of the U.S. Point sources are discrete conveyances, such as pipes or manmade ditches. Industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. In most cases, the NPDES permit program is administered by authorized states. Non-point source represents construction activities disturbing 1 acre or greater. In compliance with the provisions of the Illinois Environmental Protection Act, the Illinois Pollution Control Board Rules and Regulations (35 Illinois Administrative Code, Subtitle C, Chapter 1), and the Clean Water Act, the NPDES Permit covers all areas of the State of Illinois with discharges to any waters of the state.<sup>14</sup> In the State of Illinois, the Illinois EPA administers the NPDES permit for the U.S. EPA.

As a requirement of the NPDES permit, the following must be completed during the life cycle of a project:

- Notice of Intent (NOI)
- Storm Water Pollution Prevention Plan (SWPPP)
- Notice of Termination (NOT)

In addition, all assessed application fee must be submitted. Failure to complete the following may result in forfeiture up to \$10,000 per day or suspension of construction activities until permit requirements are met.

<sup>14</sup> Illinois EPA. *Water Forms*. 2005. <http://www.epa.state.il.us/water/forms/html> Retrieved July 12, 2006.

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Attn; Permit Section  
P.O. Box 19276  
Springfield, IL 62794-9276

**2. FEE DETERMINATION FOR CONSTRUCTION PERMIT**

This permit assesses the air pollution potential be it major, synthetic, or minor and assesses the appropriate fee.

Illinois Environmental Protection Agency  
Division of Air Pollution Control – Permit Section  
P.O. Box 19506  
Springfield, IL 62794-9506

**3. APPLICATION ONLY FOR SOURCES NOT REQUIRED TO OBTAIN A FEDERALLY ENFORCED STATE OPERATING PERMIT (FESOP) OR CLEAN AIR ACT PERMIT PROGRAM (CAAPP PERMIT, # 199)**

This is an application for a general air pollution permit for construction activity and general operations.

Illinois Environmental Protection Agency  
Division of Air Pollution Control  
Attn; Permit Section  
P.O. Box 19506  
Springfield, IL 62794-9506

**4. APPLICATION FOR CONSTRUCTION PERMIT (FOR FESOP AND CAAPP SOURCES ONLY), #200**

This is an application for a general air pollution permit to construct and/or operate as it relates to the Clean Air Act Permit Program Permit or Federally Enforced State Operating Permit sources.

Illinois Environmental Protection Agency  
Division of Air Pollution Control  
Attn; Permit Section  
P.O. Box 19506  
Springfield, IL 62794-9506

**5. ILLINOIS ENDANGERED SPECIES BOARD**

This permit states it shall be unlawful for any person to take, possess, transport, purchase, or dispose of specimens or products of a threatened or endangered animal or federal endangered

plant after the date of listing unless a valid permit for such activity has been issued pursuant to this part or as otherwise provided for in this section or 17 Illinois Administrative Code 1590 (Falconry and the Captive Propagation of Raptors) or Illinois Revised Statute 1991, Chapter 56, pars. 20-85 [515 ILCS 5/20-85]; Illinois Rev. Statute 1991, Chapter 61, pars. 3.11, 3.12, 3.15, 3.16, 3.18, and 3.21 [520 ILCS 5/3.11, 3.12, 3.15, 3.16, 3.18, and 3.21].<sup>15</sup>

Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, IL 62702-1271

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<sup>15</sup> Illinois Endangered Species Protection Board. *Possession of Specimens or Products of Endangered or Threatened Species: Title 17: Conservation*. 1994. <http://dnr.state.il.us/conservation/naturalheritage/END-SPEC/HTML1070.HTM> Retrieved July 12, 2006.

### **2.2.3 Iowa Local Level Approvals**

Permits for the State of Iowa agencies that may be or are required for construction of transmission lines are listed below as well as typical local approvals associated with transmission line construction.

#### **2.2.3.1 ROAD CROSSING/ROW PERMITS**

These permits may be required to cross or occupy county, township, and city road ROW.

#### **2.2.3.2 LANDS PERMITS**

These permits may be required to occupy county, township, and city lands, such as park lands, watershed districts, and other properties owned by these entities.

#### **2.2.3.3 BUILDING PERMITS**

These permits may be required by the local jurisdictions for substation modifications and construction.

#### **2.2.3.4 OVER WIDTH/LOADS PERMITS**

These permits may be required to move over width or heavy loads on county, township, or city roads.

#### **2.2.3.5 DRIVEWAY/ACCESS PERMITS**

These permits may be required to construct access roads or driveways from county, township, or city roadways.

### **2.2.4 Iowa State Level Approvals**

Permits for the State of Iowa agencies that may be or are required for construction of transmission lines are listed below.

#### **2.2.4.1 WATER PERMITS**

A Section 401 Water Quality Certificate is Iowa DNR's certification that a project will not violate state water quality standards and is required before the USACE can issue a Section 404 Permit. The Iowa DNR also requires permits for the construction and operation of water and wastewater treatment facilities, water withdrawal, water storage, and solid waste disposal and should be contacted for information about these permits.



### 2.2.4.2 IOWA UTILITIES BOARD

A person shall not construct, erect, maintain, or operate a transmission line, wire, or cable that is capable of operating at an electric voltage of 69 kV or more along, over, or across any public highway or grounds outside of cities for the transmission, distribution, or sale of electric current without first procuring from the utilities board within the utilities division of the department of commerce a franchise granting authority as provided in this chapter.<sup>16</sup>

Iowa Utilities Board  
Dennis Hockmuth  
350 Maple Street  
Des Moines, IA 50319-0069  
Phone: (515) 242-5191  
[Denny.hockmuth@iub.state.ia.us](mailto:Denny.hockmuth@iub.state.ia.us)

Permit	Project Type	Applicable IA Statute
Iowa Administrative Code 199, Chapter 11	≥69 kV outside cities requires a Franchise to Construct and Operate	Iowa Administrative Code 199, Chap 11
Iowa Code 478 Electric Transmission Lines	A person shall not construct, erect, maintain, or operate a transmission line, wire, or cable that is capable of operating at an electric voltage of sixty-nine kilovolts or more along, over, or across any public highway or grounds outside of cities for the transmission, distribution, or sale of electric current without first procuring from the utilities board within the utilities division of the department of commerce a franchise granting authority as provided in this chapter	Iowa Administrative Code 478

### 2.2.4.3 IOWA DEPARTMENT OF NATURAL RESOURCE PERMITS

#### 1. HYDROLOGY PRE-APPROVAL REQUEST

In an effort to ensure that the acceptable flood discharges are used in the design of the project, the Iowa DNR is offering the opportunity to have your design discharges pre-approved for any project that requires a Floodplain Construction Permit from the Iowa DNR. Incorporating the proper design discharges in the design will help expedite processing of the permit application.<sup>17</sup>

<sup>16</sup> The Iowa Legislative General Assembly. *Electric Lines, Chapter 478*. 2005. <http://coolice.legis.state.ia.us/Cool-ICE/default.asp?category=billinfo&service=IowaCode> Retrieved July 12, 2006.

<sup>17</sup> Iowa DNR. *Hydrology Pre-Approval*. <http://www.iowadnr.gov/water/floodplain/fpforms.html> Retrieved July 13, 2006.

Floodplain Management Program  
Iowa Dept. of Natural Resources  
Wallace State Office Building  
502 East 9th Street  
Des Moines, IA 50319

## **2. JOINT APPLICATION FORM**

This form has been designed to assist Applicants in initiating the permit process with both the USACE and the Iowa DNR agencies. This form is used for construction, excavation or filling in a water of the U.S. or on a floodplain.<sup>18</sup>

## **3. CHAPTER 61: WATER QUALITY STANDARDS**

Iowa's DNR oversees the protection of wetlands within the state. It regulates wetlands under its Wetland Protection Plan. The plan sets criteria by which a wetland can be prioritized for protection. The DNR conducts an inventory of the wetlands and marshes in each county and then combines its findings into a map that displays all areas designated as protected wetlands. Applicants can seek a Section 401 certification from the water resources section of Iowa's Water Quality Bureau. The water resources section oversees water quality and quantity programs.<sup>19</sup>

Iowa DNR Section 401 Water Quality Certification:

Christine Schwake  
Iowa Department of Natural Resources  
Wallace State Office Building  
502 E. 9th Street  
Des Moines, IA 50319-0034  
Phone: (515) 281-6615  
Fax: (515) 281-8895  
TDD: (515) 242-5967  
[christine.schwake@dnr.state.ia.us](mailto:christine.schwake@dnr.state.ia.us)

USACE Section 404 Permit:

U.S. Department of the Army  
Rock Island District Corps of Engineers  
Clock Tower Building, PO Box 2004  
Rock Island, IL 51204-2004  
Phone: (309) 794-5376  
Fax: (309) 794-5191

<sup>18</sup> Iowa DNR. *Joint Application Form*. <http://www.iowadnr.gov/water/floodplain/fpforms.html>  
Retrieved July 13, 2006, from the web site.

<sup>19</sup> Iowa DNR. *Water Quality Standards, Chapter 61*. 2002.  
<http://www.iowadnr.gov/water/section401/files/chapter61.pdf> Retrieved July 13, 2006.

U.S. Department of the Army  
Omaha District Corps of Engineers  
8901 South 154<sup>th</sup> Street  
Omaha, NE 68138-3621  
Phone: (402) 896-0896

#### **4. AIR QUALITY CONSTRUCTION PERMIT**

An air construction permit is required before installing or altering any equipment that emits or potentially emits an air contaminant. This review designs and performs objectives for all sources of construction to determine the compliance with federal and state permits.<sup>20</sup>

Karen Kuhn  
Iowa Department of Natural Resources  
502 E. 9<sup>th</sup> Street  
Des Moines, IA 50319-0034  
Phone: (515) 281-4306  
[Karen.Kuhn@dnr.state.ia.us](mailto:Karen.Kuhn@dnr.state.ia.us)

#### **5. NPDES PERMIT**

Through the U.S. EPA, as authorized by the Clean Water Act, the NPDES permit program controls water pollution by regulating point sources that discharge pollutants into waters of the U.S. Point sources are discrete conveyances, such as pipes or manmade ditches. Industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. In most cases, the NPDES permit program is administered by authorized states. Non-point source represents construction activities disturbing 1 acre or greater. In compliance with the provisions of the Clean Water Act, the NPDES permit covers all areas of the State of Iowa with discharges to any waters of the state.<sup>21</sup> In the State of Iowa, the Iowa DNR administers the NPDES permit for the U.S. EPA.

As a requirement of the NPDES permit, the following must be completed during the life cycle of a project:

- Notice of Intent (NOI)
- Storm Water Pollution Prevention Plan (SWPPP)
- Notice of Termination (NOT)

<sup>20</sup> Iowa DNR. *Construction Permit Applications*. <http://www.iowadnr.gov/air/prof/const/conform.html> Retrieved July 13, 2006.

<sup>21</sup> Illinois Environmental Protection Agency (2005). *Water Forms*. <http://www.epa.state.il.us/water/forms/html> Retrieved July 12, 2006.

In addition, all assessed application fee must be submitted. Failure to complete the following may result in forfeiture up to \$10,000 per day or suspension of construction activities until permit requirements are met.

Joe Griffin, Storwater Coordinator  
Henry A Wallace Building  
502 East 9th Street  
Des Moines, IA 50319-0039  
Phone: (515) 281-7017

#### **2.2.4.4 STATE HISTORICAL SOCIETY OF IOWA: CULTURAL AND HISTORIC RESOURCES REVIEW**

This review assists the Applicants in identifying potential impacts to cultural and historic resources (Section 106 of the Iowa State Historical Society of Iowa).

Barbara A. Mitchell, Architectural Historian  
State Historical Society of Iowa  
600 East Locust  
Des Moines, IA 50319-0290  
Phone: (515) 281.4013  
[Barbara.Mitchell@iowa.gov](mailto:Barbara.Mitchell@iowa.gov)

#### **2.2.4.5 IOWA DEPARTMENT OF TRANSPORTATION**

##### ***1. WORK WITHIN ROW PERMIT***

An application to perform work within state highway ROW is required from the Iowa DOT. A permit from the Iowa DOT is required for construction, placement, or maintenance of utility lines that occur adjacent or across the highway ROW. It is necessary to acquire the permit prior to construction.<sup>22</sup>

Iowa Department of Transportation  
Department of Transportation Form 810028 (0805)

Gerry Ambroson, Highway Division  
800 Lincoln Way  
Ames, IA 50010  
Phone: (515) 239-1014  
[Gerry.Ambroson@dot.iowa.gov](mailto:Gerry.Ambroson@dot.iowa.gov)

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<sup>22</sup> Iowa DOT. *FileNet Forms Manager, Application to Perform Work Within State Highway Right of Way*. <http://www.iadotforms.dot.state.ia.us/iowadotforms/Library.aspx> Retrieved July 13, 2006.

## **2. APPLICATION AND AGREEMENT FOR USE OF HIGHWAY RIGHT OF WAY FOR UTILITIES ACCOMMODATION**

An application to perform utility work within the state highway ROW is required from the Iowa DOT.<sup>23</sup>

Gerry Ambroson, Highway Division  
800 Lincoln Way  
Ames, IA 50010  
Phone: (515) 239-1014  
[Gerry.Ambroson@dot.iowa.gov](mailto:Gerry.Ambroson@dot.iowa.gov)

### **2.2.4.6 USFWS IOWA MIGRATORY BIRD PERMIT**

This form is for use of holders of federal migratory bird special purpose possessions live/dead (education) permits. It must be completed and approved for each transfer, or loss of a migratory bird held under your special purpose possession. This permit is required for the displacement of birds within an area that will force any birds to relocate.<sup>24</sup>

Larry Harrison  
U.S. Fish and Wildlife Service  
One Federal Drive  
Fort Snelling, MN 55111  
Phone: (612) 713-5489

Iowa Wildlife Services  
1714 Commerce Court, Suite C  
Columbia, MO 65202  
Phone: (573) 449-3033  
Fax: (573) 449-4382  
[www.aphis.usda.gov/ws](http://www.aphis.usda.gov/ws)

### **2.2.4.7 RAILROADS**

A right of entry permit must be obtained from each railroad property before any activity of any type can take place.

Refer to Figure 2 for individual ownership of railroads.

<sup>23</sup> Iowa DOT. *FileNet Forms Manager, Application and Agreement for Use of Highway Right of Way for Utilities Accommodation*. <http://www.iadotforms.dot.state.ia.us/iowadotforms/Library.aspx> Retrieved July 13, 2006.

<sup>24</sup> State Historical Society of Iowa. *The Section 106 Process*. [http://www.state.ia.us/iowahistory/preservation/review\\_compliance/106\\_process.html](http://www.state.ia.us/iowahistory/preservation/review_compliance/106_process.html) Retrieved July 12, 2006.





## **2.2.5 Minnesota Local Level Approvals**

Permits for the State of Minnesota agencies that may be or are required for construction of transmission lines and typical local approvals associated with transmission line construction are listed below. Per Minnesota Statutes §116C.61, subd. 1, the issuance of a route permit is the only approval required to be obtained by the utility, however, the Applicants will work with local governments to address concerns related with these approvals. For county, township, and city contact information see:

<http://www.state.mn.us/portal/mn/jsp/content.do?subchannel=-536879913&id=-8494&agency=NorthStar>

### **2.2.5.1 ROAD CROSSING/ROW PERMITS**

These permits may be required to cross or occupy county, township, and city road ROW.

### **2.2.5.2 LANDS PERMITS**

These permits may be required to occupy county, township, and city lands, such as park lands, watershed districts, and other properties owned by these entities.

### **2.2.5.3 BUILDING PERMITS**

These permits may be required by the local jurisdictions for substation modifications and construction.

### **2.2.5.4 OVER WIDTH/LOADS PERMITS**

These permits may be required to move over width or heavy loads on county, township, or city roads.

### **2.2.5.5 DRIVEWAY/ACCESS PERMITS**

These permits may be required to construct access roads or driveways from county, township, or city roadways.

## 2.2.6 Minnesota State Level Approvals

Permits for the State of Minnesota agencies that may be or are required for construction of transmission lines are listed below.

### 2.2.6.1 WATER PERMITS

In compliance with the Wetland Conservation Act (WCA), local government units (LGU) may impose regulations pertaining to impacts on wetlands and waterways. Contact the WCA LGU contact person before construction begins.

#### 1. MINNESOTA PUBLIC UTILITIES COMMISSION

##### Certificate of Need – High Voltage Transmission Lines and Facilities

Under the Power Plant Siting Act (Minnesota Statutes §§116C.51-116C.69), the construction of a high voltage transmission line (HVTL), or to expand an existing line, requires a Certificate of Need (CON) from the Public Utilities Commission (PUC). An HVTL is a transmission line and associated facilities capable of operation at 100 kV or more. This review establishes the size, type, and timeframe of the project. A full review is needed for large utilities (generally, those requiring an Environmental Impact Statement [EIS]). An alternate review is required for certain smaller-size transmission lines identified in Minnesota Statutes §116C.575 (generally, those requiring an Environmental Assessment [EA]). A full review is a year-long process.<sup>25</sup>

Janet Gonzalez – Energy Supervisor  
Minnesota Public Utilities Commission  
121 7th Place E., Suite 350  
Saint Paul, MN 55101-2147  
Phone: (651) 201-2231  
[Janet.Gonzalez@state.mn.us](mailto:Janet.Gonzalez@state.mn.us)

<sup>25</sup> Minnesota Office of the Revisor of Statutes. *Minnesota Statute 116C.51 to 116C.69*.  
[http://ros.leg.mn/bin/getpub.php?pubtype=STAT\\_CHAP\\_SEC&year=current&section=116C.51](http://ros.leg.mn/bin/getpub.php?pubtype=STAT_CHAP_SEC&year=current&section=116C.51) Retrieved  
July 13, 2006.



Permit	Project Type	Applicable MN Statute
Certificate of Need	Generation Project >50 MW (including transmission lines)	216B.2421 Subd. 2 (1)
	Transmission lines greater than 200 kV	216B.2421 Subd. 2 (2)
	Transmission lines greater than 100 kV and >10 miles in MN OR crosses state line	216B.2421 Subd. 2 (3)
Site Permit	Large electric generating plant > 50 MW	116C.57 Subd. 1
Site Permit Alternative Review	Large electric generating plant less than 80 MW or fueled by natural gas	116C.575 Subd. 2. (1) & 116C.575 Subd. 2. (2)
Route Permit	Transmission lines greater than 100 kV	116C.575 Subd. 2.
Route Permit Alternative Review (optional)	Transmission lines between 100 and 200 kV	116C.575 Subd. 2. (3)
	Transmission lines greater than 100 kV and less than 5 miles in MN	116C.575 Subd. 2. (4)
	Transmission lines greater than 200 kV with at least 80% of lines on existing transmission line ROW	116C.575 Subd. 3. (5)
	Transmission line extension to single customer between 200 and 300 kV and less than 10 miles	116C.575 Subd. 2. (6)
	Transmission line reroute to single customer where reroute located on property in which 80% controlled or owned by customer	116C.575 Subd. 2. (7)
CUP	All transmission lines less than 100 kV where local rules apply	116C.576 Subd. 2 (1) & 116C.576 Subd. 2. (2)
	Large Electric generating plant less than 80 MW or natural gas peaking plants.	116C.576 Subd. 2 (3)
	Transmission lines between 100 and 200 kV	116C.576 Subd. 2. (3)
	Substations designed to operative greater than 100 kV	116C.576 Subd. 2. (4)
	Transmission line extension to single customer between 200 and 300 kV and less than 10 miles	116C.576 Subd. 2. (5)
	Transmission line reroute to single customer where reroute located on property in which 80% controlled or owned by customer	116C.576 Subd. 2. (6)

## 2.2.6.2 MINNESOTA DEPARTMENT OF COMMERCE

### 1. ROUTE PERMIT – HIGH VOLTAGE TRANSMISSION LINES AND FACILITIES

Under the Power Plant Siting Act (Minnesota Statutes §§116C.51-116C.69) a route permit from the PUC is required to build or expand a HVTL. This permitting process takes place in concert with the CON permitting process. The Minnesota Department of Commerce (DOC) is involved in the review process. The PUC is accountable for the final approval.<sup>25</sup>

Deborah R. Pile  
Energy Facility Permitting  
Department of Commerce  
85 7th Place East, Suite 500  
St. Paul, MN 55101-2198  
Phone: (651) 297-2375  
[deborah.pile@state.mn.us](mailto:deborah.pile@state.mn.us)

Janet Gonzalez – Energy Supervisor  
Minnesota Public Utilities Commission  
121 7th Place E., Suite 350  
Saint Paul, MN 55101-2147  
Phone: (651) 201-2231  
[Janet.Gonzalez@state.mn.us](mailto:Janet.Gonzalez@state.mn.us)

## **2. CULTURAL AND HISTORIC RESOURCES REVIEW**

Under Minnesota Statutes §§138.31-138.42, licensure through the Minnesota Office of the State Archaeologist (OSA) is required for field archaeology undertaken on all lands or waters owned, leased by, or subject to the paramount right of the state or its subdivisions, as well as on lands impacted by publicly-funded development projects.

Minnesota’s “Private Cemeteries Act” (307.08) affords all human remains and burials older than 50 years, and located outside of platted, recorded, or identified cemeteries, protection from unauthorized disturbance. This statute applies to burials on either public or private lands or waters. Contact the OSA for known burial sites.

Contact LGUs as they often have the authority to grant or deny impacts to culturally significant sites. In all cases of potential impacts to cultural sites, consultation of a relevant party (e.g. OSA or local tribes) and consideration of impacts is recommended. Some projects may fall under federal jurisdiction requiring a review under Section 106 of the NHPA.<sup>26</sup>

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<sup>26</sup> Minnesota Office of the Revisor of Statutes. *Minnesota Statute 138.31 to 138.42*.  
<http://www.revisor.leg.state.mn.us/data/revisor/statutes/2005/138/> Retrieved July 13, 2006.

Scott Anfinson  
Minnesota State Archaeologist  
Minnesota Office of the State Archaeologist  
Fort Snelling History Center  
St. Paul, MN 55111-4061  
Phone: (612) 725-2411  
[scott.anfinson@state.mn.us](mailto:scott.anfinson@state.mn.us)

### **2.2.6.3 MINNESOTA DEPARTMENT OF NATURAL RESOURCES**

#### **1. THREATENED AND ENDANGERED SPECIES CONSULTATION**

The Minnesota DNR Natural Heritage and Nongame Research Program collects, manages, and interprets information about nongame species. In the early stages of a project concept, contact the DNR for a search of the Minnesota Natural Heritage Database to determine if there are any known records of T&E species in the vicinity of the project area. Projects potentially impacting T&E species, or upon request from the department, must consult with the agency prior to construction.<sup>27</sup>

Sarah Hoffmann  
Endangered Species Environmental Review Coordinator  
NHIS Data Distribution Coordinator  
Minnesota Department of Natural Resources  
Natural Heritage & Nongame Research Program  
500 Lafayette Rd., Box 25  
St. Paul, MN 55155  
Phone: (651) 259-5107  
[Sarah.Hoffmann@dnr.state.mn.us](mailto:Sarah.Hoffmann@dnr.state.mn.us)

#### **2. LICENSE TO CROSS PUBLIC LANDS OR WATERS – UTILITY LINES**

The Minnesota DNR Division of Lands and Minerals regulates utility crossings over, under, or across any state land or public water identified on the Minnesota DNR public waters and wetlands maps. A license to cross public waters is required under Minnesota Statutes §84.415 and Minnesota Rules §6135. Applicants should file this permit after the project design is complete and must acquire the permit prior to construction.<sup>28</sup>

<sup>27</sup> Minnesota DNR. *Endangered Species Permit*. 2006.  
[http://www.dnr.state.mn.us/ecological\\_services/nhrp/endangered\\_permits.html](http://www.dnr.state.mn.us/ecological_services/nhrp/endangered_permits.html) Retrieved July 13, 2006.

<sup>28</sup> Minnesota DNR. *Utility Lines & Roads Crossing State Land or Public Waters*. 2006.  
[http://www.dnr.state.mn.us/lands\\_minerals/applications.html](http://www.dnr.state.mn.us/lands_minerals/applications.html) Retrieved July 13, 2006.

William Brice, Director – DNR Division of Lands and Minerals  
500 Lafayette Road  
St. Paul, MN 55155-4040  
Phone: (651) 259-5959 (direct)  
[william.brice@dnr.state.mn.us](mailto:william.brice@dnr.state.mn.us)

### ***3. LICENSE TO CROSS PUBLIC LANDS – ROADS***

The Minnesota DNR Division of Lands and Minerals regulates roads crossing any state land. A license to cross state land is required under Minnesota Statutes §§84.63 and 84.631. Applicants should file this permit after the project design is complete and must acquire the permit prior to construction.

William Brice, Director – DNR Division of Lands and Minerals  
500 Lafayette Road  
St. Paul, MN 55155-4040  
Phone: (651) 259-5959 (direct)  
[william.brice@dnr.state.mn.us](mailto:william.brice@dnr.state.mn.us)

### ***4. WATER APPROPRIATION PERMIT***

Issued by the Minnesota DNR, operations removing more than 10,000 gallons of water per day or 1 million gallons of water per year must obtain a permit for Appropriation of Waters of the State. Activities with temporary appropriations of waters can apply for a Temporary Waters Appropriation Permit, also issued by the DNR, if pumping will remove less than 50 million gallons, and will be completed within 1 year of the start of pumping.<sup>29</sup>

Annette Marier  
Minnesota Department of Natural Resources  
500 Lafayette Road  
St. Paul, MN 55155-4040  
Phone: (651) 259-5678  
[annette.marier@dnr.state.mn.us](mailto:annette.marier@dnr.state.mn.us)

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<sup>29</sup> Minnesota DNR. *Water Use Permits*. 2006.  
[http://www.dnr.state.mn.us/waters/watermgmt\\_section/appropriations/permits.html](http://www.dnr.state.mn.us/waters/watermgmt_section/appropriations/permits.html) Retrieved July 13, 2006.

#### **2.2.6.4 MINNESOTA DEPARTMENT OF TRANSPORTATION**

##### **1. UTILITY PERMIT - ROW**

A permit from the Minnesota DOT is required for construction, placement, or maintenance of utility lines that occur adjacent or across the highway ROW. Form 2525 is the general application, and Form 1723 is used for short-sided services, down guys and anchors, temporary obstructions, and permission to maintain utilities. Applicants should file this permit after the project design is complete and must acquire the permit prior to construction.<sup>30</sup>

Marilyn Remer, P.E., Utilities Engineer  
Minnesota Department of Transportation  
395 John Ireland Boulevard  
Mail Stop 678  
St. Paul, MN 55155-1899  
Phone: (651) 296-7018  
[marilyn.remer@dot.state.mn.us](mailto:marilyn.remer@dot.state.mn.us)

##### **2. ACCESS DRIVEWAY AND DRAINAGE PERMITS**

Construction of access driveways from trunk highways and drainage affecting Minnesota DOT utilities both require a separate permit from the Minnesota DOT. Applicants should file this permit after the project design is complete and must acquire the permit prior to construction.<sup>31</sup>

Marilyn Remer, P.E., Utilities Engineer  
Minnesota Department of Transportation  
395 John Ireland Boulevard  
Mail Stop 678  
St. Paul, MN 55155-1899  
Phone: (651) 296-7018  
[marilyn.remer@dot.state.mn.us](mailto:marilyn.remer@dot.state.mn.us)

#### **2.2.6.5 MINNESOTA POLLUTION CONTROL AGENCY**

##### **1. NPDES PERMIT**

Through the U.S. EPA, as authorized by the Clean Water Act, the NPDES permit program controls water pollution by regulating point sources that discharge pollutants into waters of the U.S. Point sources are discrete conveyances, such as pipes or manmade ditches. Industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface

<sup>30</sup> Minnesota DOT. *HPDP Handbook*. 2006. <http://www.dot.state.mn.us/tecsup/xyz/plu/hpdp/book3/2f/permits/pdf/npdes-dewatering.pdf>  
Retrieved July 14, 2006.

<sup>31</sup> Minnesota DOT. *Application for Access Driveway Permit*. 2001. <http://www.dot.state.mn.us/>  
Retrieved July 14, 2006.

waters. In most cases, the NPDES permit program is administered by authorized states. Non-point source represents construction activities disturbing 1 acre or greater. In compliance with the provisions of the Clean Water Act, as amended (33 USC 1251 et seq.), 40 CFR 122, 123, and 124, as amended, et seq.; Minnesota Statutes Chapters 115 and 116, as amended, and Minnesota Rules Chapter 7001. In the State of Minnesota, the Minnesota Pollution Control Agency (MPCA) administers the NPDES permit for the U.S. EPA.

As a requirement of the NPDES permit, the following must be completed during the life cycle of a project:

- Notice of Intent (NOI)
- Storm Water Pollution Prevention Plan (SWPPP)
- Notice of Termination (NOT)

In addition, all assessed application fee must be submitted. Failure to complete the following may result in forfeiture up to \$10,000 per day or suspension of construction activities until permit requirements are met.

Minnesota Pollution Control Agency  
520 Lafayette Road North  
St Paul, MN 55155-4194.

## **2. OTHER MPCA PERMITS**

Depending on construction activities, the MPCA may require permits for disposal of dredged material, ground water pump-out, construction of stabilization ponds, or activities affecting water quality transmittal.

Beckie Olson, Permit Document Coordinator  
Minnesota Pollution Control Agency  
520 Lafayette Road N.  
St. Paul, MN 55155-4194  
Phone: (651) 297-8305  
[Beckie.Olson@state.mn.us](mailto:Beckie.Olson@state.mn.us)

MPCA Customer Assistance Center  
Phone: (800) 646-6247

## 2.2.6.6 MINNESOTA BOARD OF WATER AND SOIL RESOURCES

### 1. *WETLAND CONSERVATION ACT*

In Minnesota, the Board of Water and Soil Resources (BWSR) address the WCA requirements. One single general application has been developed that is reviewed by national, state, and local agencies. Projects affecting lakes, streams, rivers, or wetlands require the Form NA-026620-03B. Part II is relevant only for projects affecting wetlands. Two additional permits may be required; public transportation and linear utility projects require Form NA-022620-03C, and public road maintenance and emergency maintenance require Form NA-026620-03D. Local governments may have additional regulations. Contact the LGU before construction.<sup>32</sup>

Dan Girolamo  
Minnesota Board of Water and Soil Resources  
520 Lafayette Road North  
St. Paul, MN 55155  
Phone: (651) 215-1703  
[dan.girolamo@bwsr.state.mn.us](mailto:dan.girolamo@bwsr.state.mn.us)

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<sup>32</sup> Minnesota BWSR. *Wetland Conservation Act*. 2006. <http://www.bwsr.state.mn.us/wetlands/wcaforms/index.html>  
Retrieved July 14, 2006.

## **2.2.7 Wisconsin Local Level Approvals**

Permits required for the State of Wisconsin at the local level and typical local approvals associated with transmission line construction are listed below.

### **2.2.7.1 ROAD CROSSING/ROW PERMITS**

These permits may be required to cross or occupy county, township, and city road ROW.

### **2.2.7.2 LANDS PERMITS**

These permits may be required to occupy county, township, and city lands, such as parklands, watershed districts, and other properties owned by these entities.

### **2.2.7.3 BUILDING PERMITS**

These permits may be required by the local jurisdictions for substation modifications and construction.

### **2.2.7.4 OVER WIDTH/LOADS PERMITS**

These permits may be required to move over width or heavy loads on county, township, or city roads.

### **2.2.7.5 DRIVEWAY/ACCESS PERMITS**

These permits may be required to construct access roads or driveways from county, township, or city roadways.

## **2.2.8 Wisconsin State Level Approvals**

Permits for the State of Wisconsin agencies that may be or are required for construction of transmission lines are listed below.

### **2.2.8.1 WATER PERMITS**

For each route segment, identify and number all waterway activities and wetland crossings.

### **2.2.8.2 PUBLIC SERVICE COMMISSION OF WISCONSIN**

All electric transmission line and substation projects require either a Certificate of Authority (CA) under Wisconsin Statutes §196.49 or a Certificate of Public Convenience and Necessity (CPCN) under Wisconsin Stat §196.491 from the Public Service Commission (PSC) of Wisconsin. Pre-application consultation is required under Wisconsin Statutes §30.025 (1m).



Applications must be filed electronically using the PSC’s Electronic Regulatory Filing (ERF) system.<sup>33</sup>

Permit	Project Type	Applicable WI Statute
Certificate of Public Convenience and Necessity	≥100 kV & ≥1 mile or ≥345 kV require Certificate of Public Convenience and Necessity	Wisconsin Statutes Chapter 196.49, 196.491
Wisconsin Administrative Code	Exempt lines costing >2% of applicant's annual revenues require Certificate of Authority	Wisconsin Administrative Code Chapter PSC 111.55
Wisconsin Administrative Code		Wisconsin Administrative Code Chapter PSC 112

### 2.2.8.3 WISCONSIN DEPARTMENT OF NATURAL RESOURCES

Based on information known at the time of the pre-application process, DNR permits required for the project will be identified. Detailed plans required under Wisconsin Statutes §196.491(3)(a)(3) must be filed with the DNR. There may be modifications to the project plans before the DNR can issue required permits.

#### 1. *APPLICATION AND PERMIT FOR COLLECTION AND RESEARCH IN WISCONSIN STATE NATURAL AREAS (9400-280)*

This application allows an individual to apply for a permit to collect and research in the State Natural Areas of Wisconsin.

State of Wisconsin  
Natural Areas Program – ER/4  
Department of Natural Resources  
Box 7921  
Madison, WI 53707

#### 2. *THREATENED AND ENDANGERED SPECIES PERMIT APPLICATION (1700-001)*

This permit is required to take, transport, possess, or sell any animal or plant species or parts thereof included on the [Wisconsin Threatened and Endangered Species List](#).

State of Wisconsin  
Department of Natural Resources  
Bureau of Endangered Resources  
P.O. Box 7921  
Madison, WI 53707-7921

<sup>33</sup> Wisconsin Legislature Revisor of Statutes Bureau. *Regulation of Public Utilities*. [http://folio.legis.state.wi.us/cgi-bin/om\\_isapi.dll?clientID=28264825&infobase=stats.nfo&j1=196.49&jump=196.49&softpage=Browse\\_Frame\\_Pg](http://folio.legis.state.wi.us/cgi-bin/om_isapi.dll?clientID=28264825&infobase=stats.nfo&j1=196.49&jump=196.49&softpage=Browse_Frame_Pg) Retrieved July 14, 2006.

### **3. *NATURAL HERITAGE INVENTORY ENDANGERED RESOURCES REVIEW REQUEST (1700-047)***

In order to find out whether or not there is potential for a proposed project to impact rare species, an Applicant can request an endangered resources review to be conducted. This review provides a letter back to the Applicant explaining what rare species, natural communities, or natural features tracked in the Natural Heritage Inventory database are found in or near the proposed project area. The letter will also explain whether additional steps should be followed to assure compliance with the Wisconsin Endangered Species Law. This letter may be necessary for other DNR permits, since it is illegal to take, transport, possess, process, or sell any wild animal that is included on Wisconsin Threatened and Endangered Species List. In addition, it is illegal to remove, transport, carry away, cut root up, sever, injure, or destroy a wild plant on the [Wisconsin Threatened and Endangered Species List](#) on public lands. The fee is \$20 per hour, with a minimum fee of \$60.<sup>34</sup>

State of Wisconsin  
Department of Natural Resources  
Endangered Resources Impact Review  
Bureau of Endangered Resources  
P.O. Box 7921  
Madison, WI 53707-7921  
[www.dnr.wi.gov](http://www.dnr.wi.gov)

### **4. *NPDES/WPDES PERMITS***

Through the U.S. EPA, as authorized by the Clean Water Act, the NPDES permit program controls water pollution by regulating point sources that discharge pollutants into waters of the U.S. Point sources are discrete conveyances, such as pipes or manmade ditches. Industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. In most cases, the NPDES permit program is administered by authorized states. Non-point source represents construction activities disturbing 1 acre or greater. In compliance with the provisions of Chapter 283, Wisconsin Statutes, and Chapter NR 216, Wisconsin Administrative Code, any operation engaged in land disturbing construction activities including clearing, grading, and excavating activities, which will result in the disturbance of 1 acre or more located in the State of Wisconsin, must comply with the terms and conditions of the Wisconsin Pollution Discharge Elimination System (WPDES). In the State of Wisconsin, the Wisconsin DNR administers the NPDES (WPDES) permit for the U.S. EPA.

As a requirement of the WPDES permit, the following must be completed during the life cycle of a project:

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<sup>34</sup> Wisconsin DNR. *Natural History Inventory Program*. 2005. <http://dnr.wi.gov/org/land/er/nhi/>  
Retrieved July 14, 2006.

- Notice of Intent (NOI) - This NOI form is authorized by Wisconsin Statutes §283.37. Submittal of a completed NOI to the department is mandatory for any landowner who intends to discharge stormwater from a construction site to waters of the state and who must apply for permit coverage in accordance with 40 CFR Part 122, Chapter 283, Wisconsin Statutes, and Chapter NR 216, Wisconsin Administrative Code. Failure to submit a completed NOI to the department at least 14 working days prior to the date on which land disturbing construction activities commence may result in forfeitures up to \$10,000 per day, pursuant to Wisconsin Statutes §283.91(2). Personally identifiable information on this NOI may be used for other water quality program purposes.<sup>35</sup>
- Storm Water Pollution Prevention Plan (SWPPP)
- Notice of Termination (NOT) - This NOT form is authorized by Wisconsin Statutes §283.37. Submittal of a completed NOT to the department is mandatory for any landowner of a construction site regulated under 40 CFR Part 122, Chapter 283, Wisconsin Statutes, and Chapter NR 216, Wisconsin Administrative Code. Failure to submit a completed NOT to the department after the construction site undergoes final stabilization may result in forfeitures up to \$10,000 per day, pursuant to Wisconsin Statutes §283.91(2). Personally identifiable information on this not may be used for other water quality program purposes.

In addition, all assessed application fee must be submitted. Failure to complete the following may result in forfeiture up to \$10,000 per day or suspension of construction activities until permit requirements are met.

Wisconsin Department of Natural Resources  
PO Box 7921  
Madison, WI 53707-7921

#### **5. JOINT APPLICATION FORM**

This permit allows discharge directly into waters of the state.

State of Wisconsin  
Department of Natural Resources  
P.O. Box 7921  
Madison, WI 53707-7921  
[www.dnr.wi.gov](http://www.dnr.wi.gov)

#### **6. WATERWAY GENERAL PERMIT**

This application form is required under Section 30.206, Wisconsin Statutes, and Chapter NR 310, Wisconsin Administrative Code. Failure to submit a complete application to the

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<sup>35</sup> Wisconsin DNR. *Applications for Construction Site Erosion Control Permit Coverage*. 2006.  
<http://dnr.wi.gov/Runoff/stormwater/noi.asp> Retrieved July 14, 2006.

department at least 35 days prior to the date of proposed construction may result in dismissal of your application, forfeitures, or other enforcement. Personally identifiable information included on this form will be used to contact you and is not intended to be used for other purposes. It may be made available to requesters under Wisconsin's Open Records Law (Wisconsin Statutes §§19.31-19.39).<sup>36</sup>

State of Wisconsin  
Department of Natural Resources  
P.O. Box 7921  
Madison, WI 53707-7921  
[www.dnr.wi.gov](http://www.dnr.wi.gov)

### **7. REGISTRATION OPERATION PERMIT**

A registration operation permit is a new, standardized operation permit for use by facilities with low actual emissions. These new permits will be available in the summer of 2006.<sup>37</sup>

Wisconsin Department of Natural Resources  
Bureau of Air Management  
Box 7921- AM/7  
Madison, WI 53707  
Phone: (608) 266-7718  
Fax: (608) 267-0560

### **2.2.8.4 WISCONSIN DEPARTMENT OF TRANSPORTATION**

#### **1. UTILITY ACCOMMODATION PLAN**

The utility accommodation plan (UAP) regulates the construction, operation, and maintenance of utility facilities on all state highways under Wisconsin DOT's jurisdiction. The UAP details all of the requirements necessary to obtain a permit. Once approved, the permit remains in effect as long as the facility is operated and maintained according to permit and UAP conditions. Please visit the website:

<http://www.dot.wisconsin.gov/business/rules/property-permits.htm#work-on-highway> for further permit information.

<sup>36</sup> Wisconsin Legislature Revisor of Statutes Bureau. *Navigable Waters, Harbors and Navigation, Chapter 30*. 2006. [http://folio.legis.state.wi.us/cgi-bin/om\\_isapi.dll?clientID=36415919&infobase=stats.nfo&j1=30.206&jump=30.206&softpage=Browse\\_Frame\\_Pg](http://folio.legis.state.wi.us/cgi-bin/om_isapi.dll?clientID=36415919&infobase=stats.nfo&j1=30.206&jump=30.206&softpage=Browse_Frame_Pg) Retrieved July 14, 2006.

<sup>37</sup> Wisconsin DNR. *Air Permits: Registration Operation Permit*. 2006. <http://dnr.wi.gov/org/aw/air/permits.html> Retrieved July 14, 2006.

## 2. AIR QUALITY PERMIT

This permit is required for construction.

## 3. STATE TRUNK HIGHWAY PERMIT

A driveway, public or private road, or recreational trail is a connection between property that abuts state trunk highway ROW and the highway itself. A state trunk highway connection permit is required when property owners and local agencies want to:

- Construct a new connection
- Remove an existing connection
- Relocate an existing connection
- Alter an existing connection, which includes a change of use
- Validate an existing un-permitted connection (when legal)<sup>38</sup>

Robert Fasick  
Wisconsin Department of Transportation  
Bureau of Highway Operations  
P.O. Box 7986 - Room 501  
Madison, WI 53707-7986  
Phone: (608) 266-3438  
[robert.fasick@dot.state.wi.us](mailto:robert.fasick@dot.state.wi.us)

### 2.2.8.5 WISCONSIN DEPARTMENT OF COMMERCE

This pamphlet is published by the Wisconsin DOC in cooperation with the Attorney General, pursuant to Wisconsin Statutes §32.26(6). The pamphlet is to be given to property owners or their representatives by the acquiring authority prior to initiation of negotiations for property being acquired for a public project.

The material in this pamphlet provides information on how the condemnation process works in Wisconsin. It should serve as a reference for you, but it is not intended to cover every possible eventuality or every right you may have in individual cases. A further source of information is Chapter 32 of the Wisconsin Statutes, which contains the law.<sup>39</sup>

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<sup>38</sup> Wisconsin DOT. *State Right of Way Permits, STH Connection Permits*. 2006.  
<http://www.dot.wisconsin.gov/business/rules/property-permits.htm> Retrieved July 14, 2006.

<sup>39</sup> Wisconsin Department of Commerce. *The Rights of Landowners Under Wisconsin Eminent Domain Law*. 1999.  
<http://commerce.wi.gov/CD/CD-Reloc-Brochure.html> Retrieved July 14, 2006.

Relocation Unit  
Division of Community Development  
Department of Commerce  
P.O. Box 7970  
Madison, WI 53707  
Phone: (608) 264-7822

### **2.2.8.6 WISCONSIN STATE HISTORICAL SOCIETY**

#### ***1. PUBLIC LAND PERMIT FORM***

Under Wisconsin Law (Chapter 44, Subchapter II, Section 44.47), all qualified archaeologists conducting archaeological investigations on publicly owned land must complete a Public Lands Field Archaeological Permit. Archaeology includes, but is not limited to, all types of Phase I, Phase II, and Phase III field investigations.

John H Broihahn  
State Archaeologist  
Wisconsin Historical Society  
816 State Street  
Madison, WI 53706