



Wisconsin Department of Transportation

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Public Service Commission of Wisconsin
RECEIVED: 12/23/11, 10:22:31 AM

Mr. William Fannucchi
Docket Coordinator
Public Service Commission
510 North Whitney Way
PO Box 7854
Madison, WI 53707-7854

Re: WisDOT Comments on Draft Environmental Impact Statement

Joint Application of Dairyland Power Cooperative, Northern States Power Company - Wisconsin, and Wisconsin Public Power Inc., for Authority to Construct and Place in Service 345 kV Electric Transmission Lines and Electric Substation Facilities for the CapX Twin Cities - Rochester - La Crosse Project, located in Buffalo, Trempealeau and La Crosse Counties, Wisconsin

Docket 5-CE-136

Dear Mr. Fannucchi:

The Wisconsin Department of Transportation submits the attached comments on the Draft Environmental Impact Statement ("DEIS") prepared by the Wisconsin Public Service Commission ("PSC") and the Department of Natural Resources ("DNR") for the Hampton—Rochester—La Crosse 345 kV Project ("Project").

Sincerely,

James S. Thiel, General Counsel
State Bar #1012582

Robert C. Fasick, State R/W Accommodation
& Permits Engineer

Attachment: WisDOT Comments on Draft EIS

**Wisconsin Department of Transportation
CapX 2020 Draft EIS Comments/Revisions
12/23/11**



General

Maintain consistency by using either “Applicant” or “Applicants”. They are mixed throughout the document.

Make sure all references to the Wisconsin Department of Transportation are listed as “WisDOT” not “WDOT”

In all locations, the Great River Road should be referenced instead as the Great River Road National Scenic Byway (GRRNSB) [23 USC 162 , [Pub.L. 105-178, Title I, § 1219\(a\)](#), June 9, 1998] to stress its significance as a national cultural resource, along with being a state cultural resource. Additional information should be included about the history, purpose and value of the Great River Road National Scenic Byway generally as follows:

National Parkway. The GRRNSB is a National Parkway. Wisconsin enacted Wis. Stat. 84.105 as Ch. 138, Wisconsin Laws of 1939, to enable WisDOT to participate in the development of National Parkways. This is what initially gave rise to WisDOT’s scenic easement activities and designation of National Parkways. The statute was amended by Ch. 268, Laws of 1955 so that the term “national parkway” expressly included the Great River Road and appurtenances as provided in section 14 of P.L. 350, 83rd Congress in accordance with the national parkway plans set forth and submitted to Congress in 1951 pursuant to a 1949 Act of Congress.

Mississippi River Parkway Commission. The Mississippi River Parkway Commission is a governmental body that was legislatively created and by statute is funded by WisDOT to protect the GRRNSB. The National Mississippi Parkway Commission¹ was established in 1938 and currently has its national headquarters in Madison, WI. Wisconsin’s Mississippi River Parkway Commission² was created by Ch. 482, Wisconsin Laws of 1961 and is now codified as amended at Wis. Stat. 14.85. Among its statutory duties are to “assist in coordinating the development and preservation of the Great River Road in Wisconsin and its embellishments, such as scenic easements, roadside parks and scenic overlooks.” Wis. Stat. 14.85(5(a). The legislation mandates that the “departments and agencies of the state shall, within existing appropriations and **to the best of their respective abilities**, cooperate with the commission in the execution of its functions.” Wis. Stat. 14.85(7). WisDOT funds 75% of the actual and necessary expenses incurred by the members of the commission and the entirety of the chairman’s expenses.

¹ See <http://www.mrpcmembers.com/index.php>

² See <http://www.wigreatriverroad.org/> and <http://www.experiencemississippiriver.com/wisconsin-along.cfm>

Great River Road Scenic Easements Initiative. The Great River Road Scenic Easements were acquired by WisDOT as a statutory first priority. In 1961, the legislature enacted ch. 427, Laws 1961, creating Wis. Stat. 15.60, and other sections, for among other things, ‘to protect scenic resources along highways’ and appropriating funds for the ‘acquisition of scenic easements.’ Wis. Stat. 15.60(6)(i) established the first priority for scenic easements along the Great River Road as follows:

“Scenic easements. 1. First priority will be given to completing scenic easements along the Great River Road.”

In the precedential court case, approving the authority of WisDOT to acquire these scenic easements by eminent domain, the Court recognized the Congressional and State purposes of the scenic easements as follows:

‘Outright purchase of the farm scene, widespread through the valley, would be unnecessary. Instead, scenic easements or reservations would be sought, averaging 300 feet wide, along both sides of the construction right-of-way. There would be purchased from the owner only his right to convert a certain part of his farm land to residential or commercial uses. **While he could not add new houses or erect billboards, paralleling pole lines, or other structures, he would continue to exercise all other privileges of ownership and in no way would be restricted in his agricultural pursuits.** Neither would the public have any right to enter upon these lands for any purpose. This method of scenic conservation should result in large savings over outright purchase, retire less farm land from the tax rolls, and **attach the pastoral views permanently to the parkway without cost to the public for maintenance.**’ *Kamrowski v. State*, 31 Wis.2d 256, 262 (1966).

“The concept of the scenic easement springs from the idea that there is enjoyment and recreation for the travelling public in viewing a relatively unspoiled **natural landscape**, and involves the judgment that in preserving existing scenic beauty as inexpensively as possible **a line can reasonably be drawn between existing, or agricultural (and in these cases very limited residential) uses, and uses which have not yet commenced but involve more jarring human interference with a state of nature.** We think both views can reasonably be held.” *Kamrowski*, at 263.

Great River Road. The route of the Great River Road is expressly designated by statute, not by WisDOT. It runs along the Mississippi River bank of the ten states bordering the river. Further endorsement of the concept and designation was enacted by Congress in 1973 to provide the public with access to the river's scenic views and recreational activities. SECTION 129, PL 93-87. Wisconsin’s specific route portion of the Great River Road was statutorily established by 1993 Wisconsin Act 357, Wis. Stat. 84.107, and runs precisely as legislatively designated along the Mississippi River on Wisconsin’s west border. It is used by bicycles as well as motor vehicles. WisDOT has produced a Great River Road bicycle map and link: <http://www.dot.wisconsin.gov/travel/bike-foot/grrmap.htm>. The route of the Great River Road is statutorily specified as follows:

84.107 Great River Road.

84.107(1)

(1) The department shall designate and mark as the "Great River Road" the route in Grant, Crawford, Vernon, La Crosse, Trempealeau, Buffalo, Pepin and Pierce counties commencing at the Wisconsin-Illinois border and proceeding northerly on STH 35 to its junction with STH 133; then proceeding westerly on STH 133 to its junction with CTH "VV" near Cassville; then proceeding northerly on CTH "VV" to its junction with CTH "A"; then proceeding westerly on CTH "A" to its junction with CTH "X" in Bagley; then proceeding northerly on CTH "X" to its junction with CTH "C"; then proceeding easterly on CTH "C" to its junction with STH 35, with all of the preceding highways in Grant County; then proceeding northerly on STH 35 to its junction with USH 14/61 in La Crosse County; then proceeding northerly on USH 14/61 to its junction with USH 53; then proceeding northerly on USH 53 to its junction with STH 35; then proceeding northerly on STH 35 to its junction with Business 35/CTH "HD" near Holmen; then proceeding northerly on Business 35/CTH "HD" to its junction with STH 35; then proceeding northerly on STH 35 to its junction with USH 10 in Pierce County; and then proceeding westerly on USH 10 to the Wisconsin-Minnesota border.

National Scenic Byway. The Great River Road is also designated a National Scenic Byway pursuant to federal law enacted in 1998 [23 USC 162, [Pub.L. 105-178, Title I, § 1219\(a\)](#), June 9, 1998] and designated a Wisconsin Scenic Byway pursuant to Wisconsin law [Wis. Stat. 84.106, enacted in 1999, and Trans 201.23(1)(d), Trans 202.03(2), and by the Wisconsin Secretary of Transportation's own express designation on June 24, 1999].

Wis. Stat. 86.16 -Written Consent of WisDOT Required for Utility Lines on Highways. Wis. Stat. 86.16; place of poles; penalty. This statute permits utilities to locate, construct and operate transmission lines along, across or within the limits of a highway "with the written consent of the department with respect to state trunk highways."

Content of Any New (On or After September 30, 1975) Utility Easement under Wis. Stat. 182.017(7)(a). This statute requires that high voltage transmission line easements obtained by a utility on or after September 30, 1975 must specify "the number, type and maximum height of all structures to be erected ... and the number and maximum voltage of the lines...." This statute applies to any new easements that the utility group may need to acquire in order to locate along the proposed Great River Road. It does not require the utility group to obtain a new more specific easement, if easements the utilities acquired prior to September 30, 1975 provide the necessary rights for a new structure and higher voltage lines within the existing utility easement boundaries. *Wisconsin Public Service Corp. v. Andrews*, 316 Wis.2d 734, 744 (Wis. App. 2009). *Fields v. American Transmission Co., LLC* 2010 WL 916771 (Wis.App.2010)

High Voltage Transmission Lines May Not “Incommode” the Public Use of Any Highway – Wis. Stat. 182.017(2). This statute provides that no high voltage transmission line may at any time obstruct or incommode the public use of a highway. The word “obstruct” would generally apply to a physical obstruction to public use of the highway by the traveling public. The word “incommode” refers to causing inconvenience or distress to the public user of the Great River Road National Scenic Byway.

Utility/Highway Crossing Permits and Adopted Policy. WisDOT Policy as approved by the Federal Highway Administration prohibits new utility installations on highway R/W in areas where scenic easements have been acquired on and adjacent to highway R/W. Wis. Stats. 86.07(2), 86.16(1), 182.017(1r) and Utility Accommodation Policy (23 USC 111, 23 CFR 645) See also WisDOT Facilities Development Manual,, Section 7-55-1, Scenic Easements and Real Estate Manual, Section 6.8, Scenic Easements

Section by section comments/revisions:

Pg/¶/Table	Section/Heading	Comment/Revision
Executive Summary		
XV(23)	CAPX2020	After the last sentence, add: This project is also subject to Federal law.
XX(28)/5¶	Proposed Project and Routes	After the first sentence, add: In addition, recent correspondence to and from the Federal Highway Administration states that WisDOT would be in violation of Federal law under §23CFR645.209(h) if it were to issue permits or release scenic easements for those portions of the Q-1 routes that were correspondingly in or adjacent to WisDOT ROW that was also a part of the GRRNSB and National Parkway.
Chapter 1		
2(32)/last¶	1.1.2.	After the last sentence, add: This project is also subject to Federal law.
10(40)/1¶	1.3.3.	Rewrite the paragraph with the following revisions: Under Wis. Stat. §86.07(2), WisDOT controls whether and how utility facilities and driveways may be constructed/located on highway ROW and also regulates permitting for access driveways. Under Wis. Stat. §86.16, utilities may locate their facilities along and across highway ROW with the written consent of the highway maintaining jurisdiction. The highway maintaining jurisdiction would be WisDOT and its regional offices for the state trunk highway system. The state trunk highway system includes state highways, federal highways and the Interstate System and WisDOT is the maintaining authority for the entire system. WisDOT also has federal obligations also under 23USC111 and 23CFR645. This includes maintaining a Utility Accommodation Policy, which is approved by the Federal Highway Administration (FHWA), and the protection of scenic easements from aboveground construction of any type under Federal law.

Pg/¶/Table	Section/Heading	Comment/Revision
10(40)/3¶	1.3.3.	In the third sentence, add: It also retains Wis. Stat. §86.07(2) and 86.16 jurisdiction over facilities locating along or across STH 35 ROW. See also Trans 231, Wis. Admin. Code. and Wis. Stats. §§ 1.11, 1.12(6), 14.85, 23.30, 66.0831, 84.01(31), 84.063, 84.09(5), 84.105, 84.107, 84.30, 85.15, 182.017, 182.0175, 700.40, Chs. Trans 29, 220, and 400 Wis. Admin. Code.
11(41)	1.3.4	COMMENT: Does the WHS have any jurisdiction is evaluating the impacts to cultural resources that make up the GRRNSB? If so, that item should be mentioned.
11-12(41-42)	1.4	A reference to the Federal Highway Administration (FHWA) should be included and their respective role in this process.
Chapter 3		
28(58)/1-2¶	3.5	COMMENT: WisDOT made an inquiry to Dairyland Power Cooperative (DPC) about DPC's plans if the Q-1 line was not rebuilt under the CapX Project. In an 8/2/11 email from Kurt Childs to Bob Fasick, Mr. Childs stated that DPC planned to rebuild the line "within perhaps 4 years or so", which would put it in 2015, not 2013 as stated in the opening sentence. In addition, Kurt mentioned that DPC, "would follow the same centerline as now exists, operate under the terms of the prevailing easement rights and within the same 80' wide right of way corridor." Again, this is different then what is presented in paragraph two where it mentions a 100-foot ROW and four routing possibilities. The applicants should resolve these discrepancies before the final EIS is completed.
Chapter 4		
31(61)	4.1.2.4.	Make the following revisions to the first sentence: The applicants would use a combination of galvanized and brown, self-weathering steel poles to try to reduce visual effects along STH 35, the GRRNSB.
33(63)/2¶	4.2.2.1.	Add the following at the end of the paragraph: If the required conductor clearances occur over highway ROW, easements cannot be purchased. Instead, the applicants must obtain a permit from the maintaining authority of the highway. The permit limits the highway authority from planting vegetation, constructing sound barriers, or having unhindered use of the airspace above the ROW where the conductors may permanently or temporarily overhang. The permit also allows the applicants to clear trees and vegetation as necessary to maintain required clearances.
41(71)/2¶	4.5.3.	In the third sentence, replace the words "is very curvy", with "has numerous curves,".
44(74)/ 2¶	4.5.6.	In the third and fourth sentences, replace the word "four" with "two". COMMENT: WisDOT's policy has always been two inches. There was a misprint in a previous version of the <i>Utility Accommodation Policy</i> .

Pg/¶/Table	Section/Heading	Comment/Revision
Chapter 5		
46(76)	5.1.2	In the first bulleted item, revise: The significance of prior disturbances can be evaluated by determining how closely the place resembles pre-settlement conditions. examining such items as past aerial photography, local photographs (e.g., from libraries, museums, local residents, etc.), state historical society data, archeological information, and conversations with local residents. COMMENT: “pre-settlement” may not be applicable especially in undeveloped areas, and connotes a vision of an era before Europeans settled in Wisconsin.
47(77)/5.2-1	Post-Construction Phase	Add a third bullet: <ul style="list-style-type: none"> • Replant low-growth trees and other vegetation to reestablish sight buffers as appropriate and as long as NESC code clearances are met.
48(78)/5.2-2	Existing ROW/ Rural Roads	Add a third bullet: <ul style="list-style-type: none"> • Rural roads typically do not have sufficient ROW available to accommodate the entire transmission line. Private easements still need to be purchased. Highway authorities may have other permanent easements outside its ROW in which a utility would have to compensate the authority in order to locate its facility there.
48(78) / 1¶ under table 5.2-1	5.2.2.	Revise the last sentence: Transmission structures or lines located within a highway ROW must be moved at the ratepayers’ expense if athe highway improvement project requires either of those items to be relocated is modified .
51(81)/2¶	5.4.1.	After the first sentence, add the following sentence: Depending upon the route selected by the PSC, scenic easement rights currently under WisDOT’s authority would also need to be released by purchase.
51(81)/1¶	5.4.2.	In the first sentence, it appears that the word “After” should be inserted right at the beginning of the sentence.
53(83)	5.4.5.	COMMENT: Should the installation of poles, ropes, or conductors using a helicopter be mentioned in this section?
54-55 (84-85)/1¶	5.5.1.1.	Revise the second and third sentences: New tall steel or wide H-frame structures may seem are likely to be viewed as out of proportion and not compatible with agricultural landscapes, or residential neighborhoods and natural scenic areas. Landowners who have chosen to bury the electrical distribution and/or service lines on their property may are likely to find transmission lines bordering their property particularly disruptive to scenic views.
55(85)/2¶	5.5.1.1.	Revise the first sentence: Some people, however, do not notice transmission lines or do not find them transmission lines objectionable from an aesthetic perspective. COMMENT: Let’s be realistic here...

Pg/¶/Table	Section/Heading	Comment/Revision
55(85)/4¶	5.5.1.1.	Revised the first bulleted item: Removing a resource, such as clearing well established trees, vegetation and fencerows ;
55(85)/4¶	5.5.1.2	The first sentence reads: “In the end, aesthetics are to a great extent based on individual perceptions.” COMMENT: The Great River Road has achieved National recognition and prominence as a scenic byway, which is far more than this sentence suggests. WisDOT recommends that this paragraph include a paragraph or two on this fact as in the General Introduction originally suggests.
63(93)/1¶	5.5.8.	Revise the only sentence: Wisconsin Stat. § 86.07(2) and 86.16 allows utilities to locate their facilities along and across highway ROW with the written consent of the highwaymaintaining jurisdiction subject to any conditions that may be placed on the installation .
63(93)/2¶	5.5.8.	Revise the second sentence: The line would need to comply with the WisDOT’s Highway Maintenance Manual Utility Accommodation Policy . ⁶⁴ See also WisDOT Facilities Development Manual , Section 7-55-1, Scenic Easements and Real Estate Program Manual , Section 6.8, Scenic Easements .
63(93)/3¶	5.5.8.	Revise this paragraph: A WisDOT ROW -utility permit is required for utility work ing within a state road STH ROW. Utility work would be defined as includes, but is not limited to, surveying, excavating, placement of fill material, grading, installation of the line, and or blocking work zone traffic control. Utility construction would be any use of labor or materials to install or provide for the installation of for any new or upgraded utility line or to replace a significant portion of an existing line.
63(93)/NEW	5.5.8	Add a new paragraph between the third and last paragraphs: The release by purchase of WisDOT scenic easement rights would also be required for the Q1-Highway 35 and Q1-Galesville routes. These easements would need a legal description developed, an appraisal done, and then payment by the applicants to WisDOT for the monetary and aesthetic value of the easements. Some permanent values may be considered priceless.
70(100)	5.5.13.	Add another bullet item: Altering the viewscape of a natural scenic area in an adverse way.
Chapter 7		
94(124)/3¶	7.1.	Revise the tenth sentence: Once past Cochrane, the route leaves the Q1 ROW, switching to a DPC 69 kV corridor on the west side of STH 35 and the railroad to avoid homes and try to reduce aesthetic impacts to the GRRNSB .
122(152)/3¶	7.4.1.	Revise the first sentence: The value placed on natural and cultural resources in this region is exemplified by the creation and protection of the GRRNSB .

Pg/¶/Table	Section/Heading	Comment/Revision
122(152)/3¶	7.4.1.	Revise the third sentence: The GRRNSB is a series of roads first designated as a national parkway part of the National Scenic Byway and that follows the Mississippi River for 3,000 miles through ten states. COMMENT: GRR should be referenced as the GRRNSB from the very beginning of the EIS.
122(152)/3¶	7.4.1.	COMMENT: 5 th Sentence: Double check with WisDOT to see if 101 parcels is correct.
122(152)/9¶	7.4.1.	Revise the first sentence: The Wisconsin Mississippi River Parkway Commission (WMRPC) and WisDOT have expressed major concerns about the aesthetic impacts on behalf of GRRNSB users of GRR .
122(152)/11¶	7.4.1.	Delete the following portion of the second bulleted item: Locating the proposed transmission line so that it would be less visible from GRRNSB, including locating as many structures as possible outside of WisDOT scenic easements; COMMENT: This statement is misleading. In some locations, such as Lizzy Pauls Pond scenic pullout on WIS 35/GRRNSB, the placement of the transmission line just beyond WisDOT's scenic easement still produces a significant adverse impact to the viewscape based upon WisDOT's review of the photo simulation.
131(161)	7.4.8.	Revise section title to: Highway concerns—Great River Road National Scenic Byway
131(161)/1¶	7.4.8.	Revise the only sentence: The Q1-Highway 35 Route generally follows an existing electric transmission line but in certain many places also runs along USH 53 and along STH 35, which where it is part of the Wisconsin GRRNSB.
132(162)/1¶	7.4.8.1.	Revise the first sentence: The Q1-Highway 35 Route shares highway ROW in certain many places along STH 35, the Wisconsin GRRNSB, for Segments 2A through 2E and along Segment 18H.
132(162)/2¶	7.4.8.1.	Revise the whole paragraph: The route also shares highway ROW along and crosses STH 54/93 and USH 53 for Segments 13A through 13D, 9 and 18H as shown in the maps in Figures Vol. 2-1HJ and Vol. 2-1IK. It crosses STH 88 for Segment 2E (Figure Vol. 2-1N) and USH 53 for Segments 13E (Figure Vol. 2-1I) and 18G. COMMENTS: The reference to STH54/93 goes with the Q1-Galesville route. WIS 88 ends at WIS 35. The Q1-Highway 35 route is west of WIS 35 at this location, so the proposed line and WIS 88 do not cross.
132(162)/3¶	7.4.8.1.	Revise the whole paragraph: Safety, efficiency mobility, and aesthetics must be considered for drivers on these highways. Potential Any utility work in highway ROWs can have a potentially adverse impact.

Pg/¶/Table	Section/Heading	Comment/Revision
132(162)/	7.4.8.2.	<p>Revise the whole paragraph: Wisconsin Stat. § 86.07(2) and 86.16 allows utilities to locate their facilities along and across highway ROW with the written consent of the highwaymaintaining jurisdiction subject to any conditions that may be placed on the installation, in lieu of denial of consent by the maintaining authority. Wherever the line would need to share ROW or cross a state or federal highway, a permit must be obtained from WisDOT to ensure that the work does not adversely affect the safety, efficiencymobility, and aesthetics of the highway, interfere with the highway’s present use or future expansion, or require access for future utility maintenance directly from the highway lanes or shoulder. See also 182.017(2) Not to obstruct public use. But no such line or system or any appurtenance thereto shall at any time obstruct or incommode the public use of any highway, bridge, stream or body of water.</p> <p>The following maps show the highways for which WisDOT is the maintaining authority in Buffalo, Trempealeau and La Crosse Counties: http://www.dot.wisconsin.gov/travel/maps/docs/sth/buffalo.pdf http://www.dot.wisconsin.gov/travel/maps/docs/sth/trempealeau.pdf http://www.dot.wisconsin.gov/travel/maps/docs/sth/lacrosse.pdf</p> <p>Actual recorded real estate documents and plats need to be consulted to determine the precise location and width of these highways from WisDOT property line to WisDOT property line. They are not uniform in width. As a historical artifact, some of the property may actually appear in the name of a County or local unit of government held in trust for WisDOT and over which WisDOT has full authority by statute.</p>
132(162)/	7.4.8.3.	<p>Renumber and create a new 7.4.8.3. entitled: WisDOT release of scenic easement rights by purchase</p>
132(162)/ New¶	7.4.8.3.	<p>Add new paragraphs: Since the applicants’ route overlaps WisDOT scenic easements, WisDOT shall be compensated for the release of those rights in order for the transmission line to be constructed in the easement areas. Each recorded scenic easement must also be consulted to determine its precise location and terms.</p> <p>The highways under WisDOT jurisdiction have been in existence long before the 1949-1950 utility easements were acquired and the utilities have no property right or easement within the highway right of way itself.</p>

Pg/¶/Table	Section/Heading	Comment/Revision
		<p>WisDOT has acquired at least 557 scenic easements over the years from at least the 1950s to protect the values for which the National Parkway, Great River Road Route, National Scenic Byway was designated. There is a substantial public interest in maintaining the investment in and integrity of the entire continuous route, not that just that some 40 of the scenic easements that Applicants admitted long ago are directly impacted by the currently proposed Q-1 Highway Route. The easements are not identical.</p> <p>WisDOT had not analyzed the exact terms of all of the existing 161 kV line easements as insufficient engineering detail has been provided regarding the precise location of the new poles and transmission lines. The Applicants propose to remove the existing 161 kV line and structures and to replace with new double circuit structures to carry the new 345 kV line as well as the existing 161 kV line. According to the Applicants, the Q-1 Highway 35 route would be approximately 43 miles long, and would be on or parallel to the GRRNSB for approximately 22 miles and cross it nine times in the following intersections; 0.1 mile south at Dairyland Power Road, at N Main Street, 1.3 miles north of Prairie Moon Road, 0.2 mile south of Pine Street, 0.4 mile south of Marshland, 1.6 miles north of Trempealeau, 0.2 mile west of the STH 35 / US 53 interchange, 0.75 mile north of the US 53 / McHugh Road interchange, and 0.5 mile north of the North La Crosse Substation. The greatest length and extent of direct scenic easements impacts are in Buffalo County. The greatest number of direct impacts on scenic easements falls in Trempealeau and La Crosse Counties.</p> <p>WisDOT has exhaustively examined the WisDOT real estate plats and WisDOT scenic easement conveyance documents that are impacted. There are at least eight impacted scenic easements held by WisDOT in Buffalo, Trempealeau and La Crosse Counties^[1] that do not create any purported exception for “electric lines” as generalized by the Applicants. Hence in the following locations, where the utility proposed Q-1 Highway route conflicts with these scenic easements, there is no exception whatsoever for high voltage lines or structures:</p>

^[1] NOTE WELL: There are a very substantial number of WisDOT scenic easements in La Crosse County impacted by the proposed Q-1 route, and for which there are apparently NO collocated or overlapping existing utility easements. Hence in these cases, if the utilities are denied use of WisDOT R/W, all of the proposed new utility easements along this route will be subject to the existing WisDOT scenic easements. This is very important information as the utility group’s own document shows the utilities have NO utility easement overlapping with the many scenic easements along the proposed route in La Crosse County.

Pg/¶/Table	Section/Heading	Comment/Revision
		<ul style="list-style-type: none"> <li data-bbox="657 235 1780 337">• Buffalo County, Vol. 148, pages 522-524, document 149949 (1979). WisDOT acquired all owners’ rights to use property for “any use thing other than residential or recreational.” <li data-bbox="657 381 1860 521">• Buffalo County, Vol. 182, page 225, document 164591 (1986), preserving scenic easement recorded in Volume 147, page 133-134 renumbered 582-583 (1979) by which acquired all owners’ rights to use property for “any purpose other than agricultural use or Two (2) single family residences.” <li data-bbox="657 565 1887 667">• Buffalo County, Vol. 147, pages 578-580, document 149533 (1979), WisDOT acquired all owners’ rights to “utilize the land for any purpose other than agricultural or single family residence.” <li data-bbox="657 711 1856 813">• Buffalo County, Vol. 147, page 150, document 149233 (1979), WisDOT acquired all owners’ rights to “utilize the land for any purpose other than agricultural or single family residence.” <li data-bbox="657 857 1835 959">• Trempealeau County, Vol. 251, pages 91-94, document 224170 (1978), WisDOT acquired all owners’ rights to “utilize that land contained within Parts I and III for any other than agricultural purposes unless platted ...or single family residence...” <li data-bbox="657 1003 1839 1105">• Trempealeau County, Vol. 249, pages 450-452, document 223498 (1978), WisDOT acquired all owners’ rights to “utilize that land contained within Part I for any purpose other than agricultural use ...” <li data-bbox="657 1149 1839 1252">• Trempealeau County, Vol. 249, pages 444-446, document 223496 (1978), WisDOT acquired all owners’ rights to “utilize that land contained within Part I for any purpose other than agricultural use or one single family residence...” <li data-bbox="657 1295 1881 1430">• La Crosse County, Volume 642, pages 680-681, document 905781 (1980), WisDOT acquired all owners’ rights “to use the land for any purpose except agriculture, forestry and not more than three residences” and the owners’ rights “to cut or remove any trees or shrubs, except marketable timber.”

Pg/¶/Table	Section/Heading	Comment/Revision
		<p>Even where the language highlighted by the Applicants does appear in the easement documents, in context the express language and intent of the scenic easements never contemplated or allowed the construction of large new 345 kV transmission lines and structures within the scenic easement areas as asserted by the Applicants. The standard typical introduction to all the scenic easements declares the intent:</p> <p style="padding-left: 40px;">“...to preserve, insofar as reasonably is possible, the natural beauty of the roadsides, and to prevent any unsightly developments that will tend to mar or detract from such natural beauty or to degrade the character of the project as constructed.”</p> <p>Further evidence of the intent is shown by language that limits any expansion or alteration of existing commercial or industrial uses within the scenic easement areas. The typical scenic easements that include the electric lines use exception also states that:</p> <p style="padding-left: 40px;">“Existing commercial and industrial uses of lands and buildings may be continued, maintained, and repaired, but may not be expanded nor shall any structural alteration be made.”</p> <p>In at least one rare case where WisDOT obtained an interest in property from a utility for construction or improvement of the GRRNSB (as the utility was apparently there first when WisDOT needed additional property), the utility used language that expressly reserved its rights to occupy the lands for “present or future overhead or underground transmission lines and appurtenant facilities and supporting structures....” In this case, the utility itself distinguished between “electric” lines and “transmission” lines and between those different types of “lines” and the “structures” supporting the lines.</p> <ol style="list-style-type: none"> 1. Any ambiguity in the Dairyland Easements will be resolved in favor of the free use of the property by the underlying property owner. The same is not true of the scenic conservation easements that protect the underlying property. 2. These WisDOT scenic easements are not police power restrictions; they are a permanent interest in property purchased by WisDOT for a public purpose for which just compensation was paid.

Pg/¶/Table	Section/Heading	Comment/Revision
		<p>3. These utility high voltage transmission facilities and Dairyland Easements are certainly more akin to private ownership than WisDOT’s public ownership. The WisDOT scenic easements are publicly owned conservation easements for express national and state public purposes.</p> <p>4. Wisconsin Courts recognize the intent of a scenic easement is clear in the case of the GRRNSB scenic easements.</p> <p style="text-align: center;">[As explained in <i>Zinda v. Krause</i>, 191 Wis.2d 154, 165, 528 N.W.2d 55 (Ct.App.1995)]:</p> <p style="padding-left: 40px;">“However, a restrictive covenant need not expressly prohibit the specific activity in question in order to be enforceable. <i>Id.</i> at 166, 528 N.W.2d 55. If the intent of the restrictive covenant can be clearly ascertained from the covenant itself, the restrictions will be enforced. <i>Id.</i> at 166-67, 528 N.W.2d 55. The language in a restrictive covenant is ambiguous when it is capable of more than one reasonable interpretation. <i>Id.</i> at 165-66, 528 N.W.2d 55.”</p> <p style="padding-left: 40px;">“Based on the foregoing cases, we conclude that a restrictive covenant need not expressly prohibit the specific activity in question in order to be enforceable. <i>See also Joyce v. Conway</i>, 7 Wis.2d 247 (1959); <i>Voyager Village</i>, 97 Wis.2d 747. Although appellants argue that this conclusion is inconsistent with <i>Crowley</i>, we note that <i>Crowley</i> did engage in an interpretation of the word family in concluding that the word included a group of retarded persons living together in a home. Further, because several cases decided both before and after <i>Crowley</i> have looked to the purpose of a restrictive covenant to determine its scope, we conclude that <i>Crowley</i> should not be construed to limit the scope of a restrictive covenant solely to those activities which the covenant expressly prohibits. Therefore, we reject the appellants' argument and conclude that the purpose of a restrictive covenant is enforceable.” <i>Zinda v. Krause</i>, 191 Wis.2d 154, 170 (1995).</p> <p>5. These scenic easements are conservation easements, a statutory interest in the property created specifically to get around traditional common law hindrances.</p>

Pg/¶/Table	Section/Heading	Comment/Revision
		<p>The purpose of WisDOT scenic conservation easements is to preserve the natural beauty of the area. The intent of the scenic easements is to prohibit a proposed expansion and relocation is evidenced by the following:</p> <p style="padding-left: 40px;">“...to preserve, insofar as reasonably is possible, the natural beauty of the roadsides, and to prevent any unsightly developments that will tend to mar or detract from such natural beauty or to degrade the character of the project as constructed.”</p> <p>This intent is echoed in WisDOT’s Facilities Development Manual as follows:</p> <p style="padding-left: 40px;">“The purpose of the scenic easement is to preserve the natural beauty of the roadside by preventing unsightly developments which may destroy or detract from the natural beauty and may result in danger^[2] to the traveling public.” Facilities Development Manual Chapter 7 Access Control Section 55.</p> <p>In the very southern section of the proposed route along the GRRNSB, primarily in La Crosse County, WisDOT scenic easements are present and there are no utility easements in place at all. If the Applicants are denied access to WisDOT ROW in this segment, the Applicants would have to acquire 345 kV line and structure easements subject to or outside and beyond the existing WisDOT scenic easements and prohibitions. Any later grant of rights in the same land is necessarily subordinate to a former one. A grantor cannot impair a prior granted interest by conveying a conflicting easement. <i>Naglee Burk Irrigation Dist. v. Costco Wholesale Corp.</i> 2005 WL 1420809, 5 (Cal.App. 3 Dist., 2005) – contains list of citations supporting this clear rule of law.</p>

^[2]Although not a frequent cause, failures of utility lines across highways have resulted in damage to property, personal injury, and deaths. In a federal case, *GTE North Inc. v. First State Insurance*, 1990 WL 186470 (ND IL) (unpublished), four members of the Smith family were on their way from Chicago to Wisconsin via Interstate 90. At the same time, a farmer in Rockford was plowing his field adjacent to I-90 near Rockford. His plow struck and severed a guy wire supporting a GTE telephone pole located between his field and the highway. The cables sagged to about 6 feet above the pavement. An eastbound truck tractor - semi trailer rig hit the cables at 60 mph and dragged them about a quarter mile. At the same time, the Smith's vehicle traveling in the opposite direction at 60 mph also struck the cable. As the eastbound truck continued pulling the cable at a high rate of speed, the pole on the Smith's side of the highway broke in two and the top portion was pulled directly at their vehicle. The pole crashed through the car killing two of the four occupants.

Pg/¶/Table	Section/Heading	Comment/Revision
132(162)/	7.4.8. 3 .4.	Renumber section and revise title to: STH 35—Great River Road National Scenic Byway
132(162)/2¶	7.4.8. 3 .4.	Revise the last sentence: These entities have coordinated with the Wisconsin Department of Tourism, WDNR, Wisconsin Department of Commerce, and regional planning agencies, USACE, USFWS, and numerous local governmental and community offices to help create and maintain the character of GRRNSB as both a National Parkway and National Scenic Byway .
132(162)/3¶	7.4.8. 3 .4.	Revise first sentence: The Wisconsin GRRNSB was designated as such National Scenic Byway by the U.S. Department of Transportation, Federal Highway Administration’s National Scenic Byway Program, in 2000, and the WMRPC has been designated the lead byway agency.
133(163)/2¶	7.4.8.4.5	Renumber section and revise the first two sentences: While WisDOT has permitting authority for state and federal road ROW use in every transmission project that comes before the Commission, WisDOT has expressed strong concerns about potential impacts to the GRRNSB and has pursued requested and been granted full party status in the Commission’s review process in order to ensure that its position is represented to its satisfaction. In addition to strong concerns about aesthetic impacts to users of the GRRNSB ...
133(163)/4¶	7.4.8.4.5	Revise the first sentence: WisDOT has indicated that federal and Wisconsin legal and policy restrictions exist for WisDOT utility accommodation permits and release by purchase of scenic easement rights in areas of scenic beauty when there are “feasible and prudent alternatives.” ¹⁰⁷
134(164)/4¶	7.4.8.4.5	Add a new sentence at the end of the paragraph: WisDOT also agrees with this view.
134(164)/2¶	7.4.8. 5 .6	Renumber section and revise the sixth sentence: The section of GRRNSB that would be avoided by use of the STH 88, Arcadia, or Etrick-Connector Routes is classified as being of poor visual quality. ¹¹⁰
Chapter 8		
141(171)/4¶	8.1	Revise the eighth sentence: Once past Cochrane, the route leaves the Q1 ROW, switching to a DPC 69 kV corridor on the west side of STH 35 and the railroad to avoid homes and try to reduce aesthetic impacts along to the GRRNSB .
147(177)/6¶	8.3.1.2.	Revise the first sentence: Segments 17A and 17B parallel STH USH 53 with about 800 feet of mixed forest between the roadway and the proposed ROW.
149(179)/ last¶	8.3.2.1	Revise the only sentence: This proposed route would not impact the New Amsterdam Grassland tract belonging to the Mississippi River Conservancy because Segments 18B and 18C are east of STHUSH 53 and this property lies on the west side of the highway.
159(189)/2¶	8.3.2.4	Revise the third sentence: However, one can estimate that the habitat along the proposed route to the north of STH 93 and east of USH 53 is less suitable because of the absence of open wetland and meadow habitat and the presence of increased development.

Pg/¶/Table	Section/Heading	Comment/Revision
		COMMENT: Do you just mean to the north of STH 93 as in segment 13C & 13D, or do you want to include 17A, which is on the east side of USH 53?
153(183)/2¶	8.3.3.2.	Revise the first sentence: The Waumandee Creek Watershed empties into the Mississippi River at beyond the southern end of STH 88 across Segment 2E.
157(187)/15¶	8.3.4.1	Revise the first sentence: Segments 17A, 17B, and 18A parallel STH USH 53.
158(188)/3¶	8.4.1.	Revise the first sentence: The value placed on natural and cultural resources in this region is exemplified by the creation and protection of the GRRNSB.
158(188)/3¶	8.4.1.	Revise the end of the second sentence: ...includes portions of STH 35 and USH 53.
159(189)/5¶	8.4.1.	Revise the second sentence: The possibility of a new high-voltage transmission line on tall steel structures might would most likely and in all probability be viewed as an intrusion that would not blend in.
159(189)/8¶	8.4.1.	Revise the fourth sentence: GRR as STH 35/ GRRNSB is a state highway feature, and it is paralleled by several transmission lines in different places so ROW and utility corridor sharing would be a logical mitigation technique to examine here.
159(189)/8¶	8.4.1.	Delete the following portion of the second bulleted item: Locating the proposed transmission line so that it would be less visible from GRRNSB, including locating as many structures as possible outside of WisDOT scenic easements; COMMENT: This statement is misleading. In some locations, such as Lizzy Pauls Pond scenic pullout on WIS 35/GRRNSB, the placement of the transmission line just beyond WisDOT's scenic easement still produces a significant adverse impact to the viewscape based upon WisDOT's review of the photo simulation.
163(193)/5¶	8.4.4	Revise the last sentence: Construction within the STH 53 54 ROW would require a permit from WisDOT. COMMENT: Or do you mean USH 53 instead of STH 53?
168(198)	8.4.8.	Revise section title to: Highway concerns—Great River Road National Scenic Byway
168(198)/1¶	8.4.8.1.	Revise the first sentence: The Q1-Galesville Route shares highway ROW in certain many places along STH 35, the Wisconsin GRRNSB , for Segments 2A through 2E and along Segment 18H.
168(198)/2¶	8.4.8.1.	Delete the second sentence: It crosses STH 88 for Segment 2E (Figure Vol. 2-1N) and USH 53 for Segments 13E (Figure Vol. 2-1H) and 18G. COMMENT: WIS 88 ends at WIS 35. The Q1-Galesville route is west of WIS 35 at this location, so the proposed line and WIS 88 do not cross.

Pg/¶/Table	Section/Heading	Comment/Revision
169(199)/3¶	8.4.8.1.	Revise the whole paragraph: Safety, efficiency mobility, and aesthetics must be considered for drivers on these highways. Potential Any utility work in highway ROWs can have a potentially adverse impact.
169(199)	8.4.8.2.	<p>Revise the whole paragraph: Wisconsin Stat. § 86.07(2) and 86.16 allows utilities to locate their facilities along and across highway ROW with the written consent of the highwaymaintaining jurisdiction subject to any conditions that may be placed on the installation, in lieu of denial of consent by the maintaining authority. Wherever the line would need to share ROW or cross a state or federal highway, a permit must be obtained from WisDOT to ensure that the work does not adversely affect the safety, efficiencymobility, and aesthetics of the highway, interfere with the highway’s present use or future expansion, or require access for future utility maintenance directly from the highway lanes or shoulder. See also 182.017(2) Not to obstruct public use. But no such line or system or any appurtenance thereto shall at any time obstruct or incommode the public use of any highway, bridge, stream or body of water.</p> <p>The following maps show the highways for which WisDOT is the maintaining authority in Buffalo, Trempealeau and La Crosse Counties: http://www.dot.wisconsin.gov/travel/maps/docs/sth/buffalo.pdf http://www.dot.wisconsin.gov/travel/maps/docs/sth/trempealeau.pdf http://www.dot.wisconsin.gov/travel/maps/docs/sth/lacrosse.pdf</p> <p>Actual recorded real estate documents and plats need to be consulted to determine the precise location and width of these highways from WisDOT property line to WisDOT property line. They are not uniform in width. As a historical artifact, some of the property may actually appear in the name of a County or local unit of government held in trust for WisDOT and over which WisDOT has full authority by statute.</p>
169(199)	8.4.8.3.	Renumber and create a new 8.4.8.3. entitled: WisDOT release of scenic easement rights by purchase
169(199)/ New¶	8.4.8.3.	Add new paragraphs: Since the Applicants’ route overlaps WisDOT scenic easements, WisDOT shall be compensated for the release of those rights in order for the transmission line to be constructed in the easement areas. Each recorded scenic easement must also be consulted to determine its precise location and terms. Further descriptions and analysis of the GRRNSB has already been detailed in section 7.4.8.3.

Pg/¶/Table	Section/Heading	Comment/Revision
169(199)	8.4.8. 3 .4	Renumber section and revise title to: STH 35—Great River Road National Scenic Byway COMMENT: Heading format is missing, which affects numbering of the next two headings.
169(199)/1¶	8.4.8. 3 .4	Revise the last sentence: These entities have coordinated with the Wisconsin Department of Tourism, WDNR, Wisconsin Department of Commerce, and regional planning agencies, USACE, USFWS, and numerous local governmental and community offices to help create and maintain the character of GRRNSB as both a National Parkway and National Scenic Byway .
169(199)	8.4.8. 3 .5	Revise number and title to: Potential impacts to Great River Road National Scenic Byway
169(199)/1¶	8.4.8. 3 .5	Revise the second and third sentences: While WisDOT has permitting authority for state and federal road ROW use in every transmission project that comes before the Commission, WisDOT has expressed strong concerns about potential impacts to the GRRNSB and has pursued requested and been granted full party status in the Commission’s review process in order to ensure that its position is represented to its satisfaction. In addition to strong concerns about aesthetic impacts to users of the GRRNSB ...
170(200)/3¶	8.4.8. 3 .5	Revise the first sentence: WisDOT has indicated that federal and Wisconsin legal and policy restrictions exist for WisDOT utility accommodation permits and release of scenic easement rights in areas of scenic beauty when there are “feasible and prudent alternatives.” ¹⁰⁷
170(200)/3¶	8.4.8. 3 .5	Add a new sentence at the end of the paragraph: WisDOT also agrees with this view.
170(200)	8.4.8. 4 .6	Revise number and title to: Mitigation of Great River Road National Scenic Byway impacts in the project area
170(200)/2¶	8.4.8. 4 .6	Revise the sixth sentence: The section of GRR that would be avoided by use of the STH 88, Arcadia, or Ettrick-Connector Routes is classified as being of poor visual quality. ¹¹⁰
170(200)	Footer 118	Revise “WDOT” to “WisDOT”.
Chapter 9		
176(206)/1¶	9.1.1.	Revise the paragraph: Concerns expressed by WisDOT about potential impacts of the proposed transmission line ¹¹⁹ on the GRRNSB led WisDOT staff to request a comparable evaluation of an alternative route that avoided the GRRNSB along the Mississippi River upriver from the mouth of Waumandee Creek from STH 88 to Alma. ¹²⁰ From Waumandee Creek north toward Alma In this segment , the new line on the proposed Q1 Routes follow the GRRNSB , potentially very likely interfering with GRR-users’ ² views of the river or the and river bluffs and potentially violating the requirements of WisDOT-held scenic easements. ¹²¹ Beyond the mouth of Waumandee Creek, the proposed line using STH 88 following the Q1 Routes would turn inland away from the river and away from GRRNSB . COMMENT: This paragraph is hard to follow.

Pg/¶/Table	Section/Heading	Comment/Revision
176(206)/1¶	9.1.2.	Revise the second sentence: STH 88 is a winding , two-lane county highway with numerous curves and associated farmsteads, forested areas and wetlands. COMMENT: The use of term “winding” typically connotes switchback curves found in higher elevation or mountainous areas. For example, STH 33 through Wildcat Mountain State Park in Wisconsin.
Map Index 2-1B 2-1R 2-1M 2-1N	STH 88 Connector Route Labeling	The map index is misleading. It appears that segment 88B lies between the connection at segment 2E2 and segment 88G. There is too much red-line overlap with maps 2-1R, 2-1M, and 2-1N to provide the reader with sufficient detail with route alignments. In 2-1M and N, segments B and G are difficult to follow. Recommend that two different line colors, styles (solid, dashed, etc.), or thicknesses be used to distinguish option A from option B.
177(207)/ Table 9.1-1	STH 88 Connector	Revise both columns “Option B with Q1-Highway 35” and “Option B with Q1-Galesville” to read: 88C, 88D, 88E, 88F, 88G, 88B , 2E2 Revise segment numbers labeled “!” that should be a “1” in the Q1 Route Remainder section. COMMENT: Per the conversation with AECOM, Xcel, PSC and WisDOT on 12/10/11, it was determined that segment B was the only segment between the existing Q1 on STH 35 and the proposed Q1 at segment 2E2.
177(207)/6¶	9.1.2.	Revise the third sentence: On this stretch, the line would wind with parallel STH 88 across Block Road, Blank Hill Road, CTH E, CTH O, and then Oak Valley Road and Waumandee Creek Road.
177(207)/7¶	9.1.2.	Revise paragraph to include and describe segments 88D, 88F and 88G, which are not mentioned. Describe the overlap of segment 88A with segment 88D and other appropriate segments.
178(208)/1¶	9.1.3.	Revise the last sentence: Both options share more road ROW, but this does not necessarily reflect decreased environmental impact because the STH 88 road corridor twists runs through farmland, woodlands, and wetlands.
179(209)/2¶	9.1.3.	Revise the paragraph by adding language for Option B at the end: On Option B, Segment 88C...88D...88E...88F...88G... COMMENT: The description for ROW requirements for this option is missing.
180(210)/4¶	9.2.2.	Revise the first sentence: Segments for Option A (Segments 88A and 88B) and Option B (Segments 88C, 88D, 88E, 88F, and 88G, and 88B)
180(210)/4¶	9.2.2.	Revise the second sentence: The Option A route is aligned along the winding STH 88 ROW, whereas the Option B route is a more straightened alignment on new ROW.

Pg/¶/Table	Section/Heading	Comment/Revision
181(211)/1¶	9.2.4.	Revise the fifth sentence: Roads, such as STH 88, wind in and curve around steep gradients, following valleys to some degree.
181(211)/6¶	9.3.2.	Revise the third sentence. Both Segments 88A, running along the highway, and 88E cross two tributaries to Waumandee Creek and Waumandee Creek itself in this area, requiring require the clearing of forest for the ROW.
187(217)/4¶	9.4.1.	COMMENT on this sentence: Regardless of whether Option A or B were chosen, the line continues south through the Waumandee Creek Valley and would have a negative aesthetic impact on the residents along STH 88 and other highway users. Is this opinion consistent with what has been written on the Q1 routes that include the GRRNSB? The negative aesthetic impact on residents and users along the GRRNSB would be greater using the same criteria.
192(222)/4¶	9.4.5.4.	Revise the subtitle “88C-G”, to “88B-G”. Include the three paragraphs at the top of the page under this section too.
194(224)/1¶	9.4.7.	Revise the second sentence: Safety, efficiency mobility, and aesthetic considerations must be examined for drivers on this smaller, two-lane state highway.
194(224)/2¶	9.4.7.	<p>Revise the second paragraph: Wisconsin Stat. § 86.07(2) and 86.16 allows utilities to locate their facilities along and across highway ROW with the written consent of the highway maintaining jurisdiction subject to any conditions that may be placed on the installation, in lieu of denial of consent by the maintaining authority. However, Wherever the line would need to share ROW or cross a state or federal highway, a permit must be obtained from WisDOT to ensure that the work does not adversely affect the safety, efficiencymobility, and aesthetics of the highway, interfere with the highway’s present use or future expansion, or require access for future utility maintenance directly from the highway lanes or shoulder. See also 182.017(2) Not to obstruct public use. But no such line or system or any appurtenance thereto shall at any time obstruct or incommode the public use of any highway, bridge, stream or body of water.</p> <p>The following maps show the highways for which WisDOT is the maintaining authority in Buffalo, Trempealeau and La Crosse Counties: http://www.dot.wisconsin.gov/travel/maps/docs/sth/buffalo.pdf http://www.dot.wisconsin.gov/travel/maps/docs/sth/trempealeau.pdf http://www.dot.wisconsin.gov/travel/maps/docs/sth/lacrosse.pdf</p> <p>Actual recorded real estate documents and plats need to be consulted to determine the precise location and width of these highways from WisDOT property line to WisDOT property line.</p>

Pg/¶/Table	Section/Heading	Comment/Revision
		They are not uniform in width. As a historical artifact, some of the property may actually appear in the name of a County or local unit of government held in trust for WisDOT and over which WisDOT has full authority by statute.
Chapter 10		
214(244)/ Next to last ¶	10.3.4.	Revise the first sentence: Segments 17A, 17B, and 18A parallel STH USH 53 approximately 800 feet west of the roadway. See Figure Vol. 2-1I.
218(248)/7¶	10.4.4.	Revise the last sentence: Construction within the STH 54 ROW would require a utility permitted use from WisDOT.
224(254)/2¶	10.4.8.	Revise the first sentence: Safety, efficiency mobility, and aesthetics must be considered for drivers on these state and federal highways during transmission line construction, maintenance, or repair.
224(254)/3¶	10.4.8.	<p>Revise the whole paragraph: Wisconsin Stat. § 86.07(2) and 86.16 allows utilities to locate their facilities along and across highway ROW with the written consent of the highwaymaintaining jurisdiction subject to any conditions that may be placed on the installation, in lieu of denial of consent by the maintaining authority. However,Wherever the line would need to share ROW or cross a state or federal highway, a permit must be obtained from WisDOT to ensure that the work does not adversely affect the safety, efficiencymobility, and aesthetics of the highway, interfere with the highway’s present use or future expansion, or require access for future utility maintenance directly from the highway lanes or shoulder. See also 182.017(2) Not to obstruct public use. But no such line or system or any appurtenance thereto shall at any time obstruct or incommode the public use of any highway, bridge, stream or body of water.</p> <p>The following maps show the highways for which WisDOT is the maintaining authority in Buffalo, Trempealeau and La Crosse Counties: http://www.dot.wisconsin.gov/travel/maps/docs/sth/buffalo.pdf http://www.dot.wisconsin.gov/travel/maps/docs/sth/trempealeau.pdf http://www.dot.wisconsin.gov/travel/maps/docs/sth/lacrosse.pdf</p> <p>Actual recorded real estate documents and plats need to be consulted to determine the precise location and width of these highways from WisDOT property line to WisDOT property line. They are not uniform in width. As a historical artifact, some of the property may actually appear in the name of a County or local unit of government held in trust for WisDOT and over which WisDOT has full authority by statute.</p>

Pg/¶/Table	Section/Heading	Comment/Revision
Chapter 11		
244(274)/2¶	11.4.8.	<p>Revise the second and third sentences: Wisconsin Stat. § 86.07(2) and 86.16 allows utilities to locate their facilities along and across highway ROW with the written consent of the highway maintaining jurisdiction <u>subject to any conditions that may be placed on the installation, in lieu of denial of consent by the maintaining authority.</u> However, Wherever the line would need to share ROW or cross a state or federal highway, a permit must be obtained from WisDOT to ensure that the work does not adversely affect the safety, efficiency mobility, and aesthetics of the highway, interfere with the highway's present use or future expansion, or require access for future utility maintenance directly from the highway lanes or shoulder. <u>See also 182.017(2) Not to obstruct public use. But no such line or system or any appurtenance thereto shall at any time obstruct or incommode the public use of any highway, bridge, stream or body of water.</u></p> <p>The following maps show the highways for which WisDOT is the maintaining authority in Buffalo, Trempealeau and La Crosse Counties:</p> <p>http://www.dot.wisconsin.gov/travel/maps/docs/sth/buffalo.pdf http://www.dot.wisconsin.gov/travel/maps/docs/sth/trempealeau.pdf http://www.dot.wisconsin.gov/travel/maps/docs/sth/lacrosse.pdf</p> <p>Actual recorded real estate documents and plats need to be consulted to determine the precise location and width of these highways from WisDOT property line to WisDOT property line. They are not uniform in width. As a historical artifact, some of the property may actually appear in the name of a County or local unit of government held in trust for WisDOT and over which WisDOT has full authority by statute.</p>
Chapter 12		
248(278)	12.1.2.	Revise the title: Routes resulting from WisDOT suggestion
248(278)/1¶	12.1.2.	Revise the second sentence: In this case, however, WisDOT's concern about potential impacts to <u>the GRRNSB</u> has led it to obtain full party intervenor status in the CPCN review.
248(278)/3¶	12.1.2.	Revise the first sentence: This alternative follows the Arcadia Route out of Alma eastward to STH 88 and then follows <u>STH 88</u> southward through the Waumandee Creek valley to the originally-proposed Q1 Route.

Pg/¶/Table	Section/Heading	Comment/Revision
252(282)/4¶	12.2.2.	Revise the third sentence: Its potential wetland forest impact would be less, though, than that of the Q1-Highway 4535 Route with or without the STH 88 Connector and less than that of the Q1-Galesville Route with the STH 88 Connector.
256(286)	12.3.4.	Revise title to: Potential for impact on Great River Road National Scenic Byway and WisDOT scenic easements
256(286)	12.3.4.	<p>COMMENT: There is no discussion in this section on what type(s) of impacts there could be to the GRRNSB. In addition to the significant adverse impact on the viewscape, there are also the legal impacts under various state and Federal statutes. For example, Wisconsin’s Mississippi River Parkway Commission was created by Ch. 482, Wisconsin Laws of 1961 and is now codified as amended at Wis. Stat. 14.85. Among its statutory duties are to “assist in coordinating the development and preservation of the GRRNSB in Wisconsin and its embellishments, such as scenic easements, roadside parks and scenic overlooks.” Wis. Stat. 14.85(5(a). The legislation mandates that the “departments and agencies of the state shall, within existing appropriations and to the best of their respective abilities, cooperate with the commission in the execution of its functions.”</p> <p>Discussion should also be added on the potential effect of Q1-Highway 35 and Q-Galesville routes if Federal and state law and policy prohibit the issuance of permits and release of scenic easement rights for aboveground utility facilities such as the proposed 345 kV transmission line.</p> <p>RECOMMENDATION: In each of the preceding sections, there was a summary table developed to compare numerical values. WisDOT suggests that a similar table be developed that compares each route, the number of GRRNSB miles affected, and the number of scenic easements affected.</p>
258(288)/4¶	12.4.	Revise the whole paragraph: Between Alma and Trempealeau, a rebuild of the Q1 line could be on the existing alignment if needed and if WisDOT issues the necessary permits. COMMENT: The bias needs to be removed in this sentence. No other agency is mentioned as to whether or not they would issue permits in this section. So why is WisDOT singled out?
259(289)/1¶	12.6.	Revise the first sentence: Table 12.6-1 summarizes estimated project costs for the three utility-proposed project routes plus combinations of those three routes with the three Connector Alternatives proposed by WisDOT and WDNR.

Pg/¶/Table	Section/Heading	Comment/Revision	
(291)	Acronyms	Revise/add the following: WDNR Wisconsin Department of Natural Resources WDOA Wisconsin Department of Administration WisDOT Wisconsin Department of Transportation GRRNSB Great River Road National Scenic Byway FHWA Federal Highway Administration	COMMENT: “Wisconsin” is used for the acronyms at the end of the list.