

GARVEY & STODDARD, S.C.

ATTORNEYS AT LAW

EDWARD R. GARVEY
GLENN M. STODDARD
KATHLEEN G. MCNEIL
PAMELA R. MCGILLIVRAY
DIANE L. MILLIGAN
CHRISTA O. WESTERBERG

634 WEST MAIN STREET - SUITE 101
MADISON, WI 53703

TELEPHONE: (608) 256-1003
FACSIMILE: (608) 256-0933
www.garveystoddard.com

OF COUNSEL:
PETER E. MCKEEVER

May 27, 2004

Ms. Jill Medland
NEPA Compliance Specialist
St. Croix National Scenic Riverway
National Park Service
P.O. Box 708
401 Hamilton Street
St. Croix Falls, WI 54024

Re: Comments on Draft EIS for the Proposed Crossing of the Namekagon River by the Arrowhead-Weston Transmission Line Project

Dear Ms. Medland:

We are submitting this letter on behalf of former U.S. Senator Gaylord Nelson and all of the other persons and organizations listed on the enclosed Exhibit 1, to formally comment on the National Park Service's "Arrowhead-Weston Transmission Line Right-of-Way Crossing of the St. Croix National Scenic Riverway, Draft Environmental Impact Statement River Crossing/ROW Request" ("NPS A-W Project DEIS"). As you may know, Senator Gaylord Nelson was the original author and primary sponsor the National Wild and Scenic Rivers Act, which included the Upper St. Croix and Namekagon Rivers among the first group of Wild and Scenic Rivers to be preserved and protected for present and future generations under federal law.

All of the persons listed on Exhibit 1 are active conservationists and are familiar with the Namekagon River in the area of the proposed Arrowhead-Weston High Voltage Transmission Line Project ("A-W Project"). Based on their personal knowledge of the Namekagon River they are all convinced that the unique natural beauty and high quality environment of this historic river must be saved for future generations.

Before making our specific comments, we want to commend the National Park Service ("NPS") for writing a very informative draft Environmental Impact Statement or DEIS. However, we are hopeful that our comments will help the NPS improve the final version, because we believe the DEIS is inadequate in three major respects: First, the DEIS does not adequately describe the extraordinary environmental, cultural, historic, and scenic values of the Namekagon River. Second, the DEIS does not adequately discuss the legal and policy considerations that must be taken into account by the NPS and other federal agencies with respect to this issue. Third, the DEIS is flawed because it



Ms. Jill Medland, NPS
May 27, 2004
Page Two

does not adopt the "No Action Alternative" as the NPS's "Preferred Alternative," even though it is the "Environmentally Preferred Alternative" and there are other alternatives that would route the project elsewhere.

I. THE DEIS DOES NOT ADEQUATELY DESCRIBE THE EXTRAORDINARY ENVIRONMENTAL, CULTURAL, HISTORIC, AND SCENIC VALUES OF THE NAMEKAGON RIVER.

Unfortunately, while the DEIS does a very good job of describing the alleged need for the A-W Project, it is incomplete in its description of the unique environmental, historical, cultural and scenic values of the Namekagon River. The proposed A-W Project would adversely affect the Namekagon River, one of the eight original rivers included in the National Wild and Scenic Rivers Act, Public Law 90-542, as amended, 16 U.S.C. §§ 1271 et seq. ("WSRA"), which was enacted in 1968. The Namekagon River was designated a Wild and Scenic River in its entirety, from Lake Namekagon to its confluence with the St. Croix River (which is also designated a Wild and Scenic River under the WSRA). Anyone who has canoed or otherwise used the Namekagon River can appreciate the extraordinary natural and scenic values which led to its designation as one of the eight original Wild and Scenic Rivers. Although words cannot fully describe this magnificent natural resource, we are certain the NPS can do a better job of describing the majesty of the Namekagon River than it has in the DEIS. Unfortunately, in reviewing the DEIS one is likely to come away with a much greater appreciation for the potential design and supposed need for the A-W Project than for the attributes of and need to protect and preserve the Wild and Scenic Namekagon River it would cut across.

While the various descriptions of the "Affected Environment" in the DEIS are useful from a scientific standpoint, these descriptions fail to put the Namekagon River in its full and proper perspective as a living and constantly changing part of the natural landscape. This is a river with extraordinary environmental, historic, cultural, and scenic values. Yet much of the DEIS reads like the notes of a pathologist who has performed an autopsy on a great human being but failed to describe who the person was and what they did with their life before they died. While the reader comes to appreciate that there was a living organism (or living river ecosystem), we have no idea from this document just how magnificent the Namekagon River is as a whole. Even though there are photos and simulated photos, the words used in much of the DEIS to describe the river fail to do justice to this very special resource. The problem is that the DEIS doesn't provide a meaningful description of how magnificent the Namekagon River really is.

We understand the NPS must describe the affected soils, plants, and wildlife in great detail in order to comply with the National Environmental Policy Act ("NEPA"). But this alone seems to miss the point. We believe the public needs a better description

Ms. Jill Medland, NPS
May 27, 2004
Page Three

present and future generations under the WSRA.

Obviously, we believe the description of the river in the DEIS is inadequate and must be greatly expanded upon in the final EIS. This expanded description should be written to more fully capture and describe the significance of the Namekagon River from the perspective of people who have used and enjoyed the river and experienced its splendid natural sights and sounds on a personal level. It is this perspective that must be described—a perspective of the river that has not yet been diminished by the existence of a huge new 345 kilovolt powerline looming in the background and overhead (or even under the river). For those who have canoed it, the Namekagon River is not merely a collection of plants, animals, soils and water. It is an experience one never forgets. It is the lasting memory of a truly wild and living ecosystem that is teeming with wildlife, plants and natural sounds, clean flowing water, healthy fish and wildlife, and unparalleled scenic beauty. It is, of course, also a pristine cultural and natural treasure that has been protected by Congress for present and future generations specifically because of these attributes. We therefore urge the NPS to address this concern much more fully and completely in the final EIS. It is very important in our judgment to describe this special river in terms that its users and potential users can fully appreciate, because it is for them that this river has been fully and permanently protected by Congress. It is also important to describe the river in this way in the final EIS because that document will be used by decision-makers, and particularly the Secretary of the Interior, as a legal basis for deciding whether or not to allow the 345 kilovolt A-W Project to cross, and diminish forever, this magnificent river ecosystem.

II. THE DEIS DOES NOT ADEQUATELY DISCUSS THE LEGAL AND POLICY CONSIDERATIONS THAT MUST BE TAKEN INTO ACCOUNT BY THE NATIONAL PARK SERVICE AND OTHER FEDERAL AGENCIES WITH RESPECT TO THIS ISSUE.

It is also unfortunate that the DEIS describes the legal and policy considerations which apply to this issue in terms that appear to minimize the authority--and responsibility--of the NPS and other federal agencies to deny the right-of-way request from the three utilities that are aggressively pushing the unsound and arguably unneeded A-W Project.

For example, on page 1-8 of the DEIS there is an abbreviated discussion of NEPA and the WSRA. But then the document states that, "The Secretary may grant easements and rights of way upon, over, under, across, or through any component of the national wild and scenic river system..." (DEIS at 1-9). This concerns us because the quotation is incomplete and seems to imply that the Secretary of the Interior has unfettered discretion in making this type of decision. See § 13(g) of the WSRA (Public Law 90-

Ms. Jill Medland, NPS
May 27, 2004
Page Four

542, as amended), 16 U.S.C. § 1284(g). However, a complete quotation of this provision of the WSRA follows:

(g) Easements and rights-of-way. The Secretary of the Interior or of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: **Provided, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act [16 U.S.C. §§ 1271 et seq.].**

16 U.S.C. § 1284(g) (emphasis provided). What is very important in our judgment is that the above provision cross-references the “policy and purpose” of the entire WSRA, 16 §§ U.S.C. 1271 et seq. Therefore, the NPS and other federal agencies are required to base their consideration of this matter on the overall “policy and purpose” of the WSRA, which includes all of its specific provisions.

The Congressional declaration of policy for the WSRA is set forth under 16 USCS § 1271, as follows:

§ 1271. Congressional declaration of policy

It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by **a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.**

Ms. Jill Medland, NPS
May 27, 2004
Page Five

16 U.S.C. § 1271 (emphasis provided). This declaration of policy clearly provides that protection and preservation of the Namekagon River and its immediate environment in its natural state must be the most important considerations of the federal agencies in making decisions concerning the proposed A-W Project.

Perhaps even more important, however, is the language of 16 U.S.C. § 1278(a), of the WSRA, which provides that the Federal Energy Regulatory Commission ("FERC"):

...shall not license the construction of any dam, water conduit, reservoir, powerhouse, **transmission line, or other project works...on or directly affecting any river** which is designated in section 3 of this Act [16 U.S.C. § 1274] as a component of the national wild and scenic rivers system..., and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration....

16 U.S.C. § 1278(a) (emphasis provided). This provision is a clear statement of policy by the Congress against federal approval of transmission lines that would cut across designated Wild and Scenic Rivers like the Namekagon. Although, the A-W Project may not require a FERC license, it is nonetheless a "transmission line" project that would cut across a designated Wild and Scenic River. As such, the congressional intent set forth in 16 U.S.C. § 1278(a), to prohibit power lines from crossing such rivers, constitutes a very strong statement of Congressional policy against the approval of the proposed A-W Project's crossing of the Namekagon River. This policy must be taken into full account by the NPS and the Secretary of the Interior in applying 16 U.S.C. § 1284(g) to this issue.

III. THE DEIS IS FLAWED BECAUSE IT DOES NOT ADOPT THE "NO ACTION ALTERNATIVE" AS THE NPS'S "PREFERRED ALTERNATIVE," EVEN THOUGH IT IS THE "ENVIRONMENTALLY PREFERRED ALTERNATIVE" AND THERE ARE OTHER ALTERNATIVES THAT WOULD ROUTE THE PROJECT ELSEWHERE.

Ironically, while the DEIS seems to conclude that the "No Action Alternative" is the "Environmentally Preferred Alternative," the NPS does not adopt this alternative as its "Preferred Alternative." (See DEIS at 2-53 to 2-66.) Given the above legal and policy considerations, we believe the NPS should revisit its position on this question and adopt

Ms. Jill Medland, NPS
May 27, 2004
Page Six

the "No Action Alternative" as its "Preferred Alternative." If the NPS does not take this position and ultimately approves the crossing of the Namekagon River by the A-W Project, we are concerned that this decision would set a dangerous precedent for the Namekagon River and for all Wild and Scenic Rivers in the United States. Additionally, we are concerned that approval of the A-W Project crossing would set the stage for additional transmission line crossings on the Namekagon in what could become a new federal, interstate energy transmission corridor.

We suggest this because the "No Action Alternative" is the least environmentally damaging decision option available to the NPS and other federal agencies, and because there are other alternatives that would route the project away from the Namekagon River. In fact, the DEIS states that, "If [the No Action Alternative] were selected by the NPS, the Applicants would be allowed to pursue approval of one of the other system-level alternatives evaluated in the PSCW EIS for the Project or the Arrowhead-Ashland-Weston system alternatives that were dismissed from further consideration by the PSCW early in the state's process." (DEIS at 2-8.) It also states that, "The No Action alternative would avoid the impacts associated with the action alternatives...." (DEIS at 2-8.)

Furthermore, the "No Action Alternative" is much more consistent with the earlier position taken on this issue by the NPS when it submitted written comments to the Wisconsin Public Service Commission on its draft EIS for the A-W Project on July 5, 2000. In those comments, the Regional Director of the NPS wrote:

If the Chisago-Weston alternative were dropped, it would leave two alternatives that would impact the Riverway, Arrowhead-Weston and King-Weston. Because the analysis for the Arrowhead-Weston line is much more specific than that provided for the King-Weston line, it is not possible for us to determine which would have the least impact on the Riverway. **We do know that a King-Weston line could be combined with an existing power line over the Riverway and that, according to the DEIS, it would have less overall environmental impact than an Arrowhead-Weston line. Even if it is determined that a new transmission line is needed, we question the wisdom of focusing on an Arrowhead-Weston line, when other less environmentally damaging transmission alternatives are available. To allow for comparison, the analysis for the King-Weston alternative should be developed to the same extent as the arrowhead-Weston.**

Ms. Jill Medland, NPS
May 27, 2004
Page Seven

The analysis should include visual simulations of the potential crossing of the Riverway.

(See enclosed letter of July 5, 2002, from William W. Schenk, Regional Director of the NPS to Neil Michek, Wisconsin Public Service Commission, at 3.) (emphasis provided) (enclosed and marked as Exhibit 2).

In conclusion, while we commend the NPS for its work on the DEIS, we believe it is inadequate and we urge the agency to address our concerns in the final EIS. Specifically, we believe the DEIS is inadequate because it: (1) does not adequately describe the extraordinary environmental, cultural, historic, and scenic values of the Namekagon River; (2) does not adequately discuss the legal and policy considerations which must be taken into account by the NPS and other federal agencies with respect to this issue; and (3) is flawed because it does not adopt the "No Action Alternative" as the NPS's "Preferred Alternative," even though it is the "Environmentally Preferred Alternative" and there are other alternatives that would route the project elsewhere.

Thank you for your consideration.

Sincerely,

GARVEY & STODDARD, S.C.



Glenn M. Stoddard

Encs. Exhibit 1--List of persons on whose behalf this letter is submitted
Exhibit 2--Copy of Letter of July 5, 2002, from William W. Schenk, Regional Director of the NPS to Neil Michek, Wisconsin Public Service Commission

cc: Persons listed on Exhibit 1

EXHIBIT 1

Re: Comments on Draft EIS for the Proposed Crossing of the Namekagon River by the Arrowhead-Weston Transmission Line Project

List of persons on whose behalf the May 27, 2004 letter to the National Park Service, signed by Attorney Glenn M. Stoddard, has been submitted:

Hon. Gaylord Nelson
C/o The Wilderness Society
1615 M Street NW
Washington, DC 20036
(Former U.S. Senator and Governor of Wisconsin, and Original Author and Primary Sponsor of the National Wild and Scenic Rivers Act)

Mr. Harold C. ("Bud") Jordahl, Jr.
21 South Segoe Road
Madison, WI 53705
(Professor Emeritus, University of Wisconsin Department of Urban & Regional Planning, and UW Institute for Environmental Studies; and former Upper Midwest Regional Coordinator, U.S. Department of the Interior)

Mr. Martin Hanson
Box 707
Mellen, WI 54546

Mr. George E. Meyer
Attorney at Law
201 Randolph Drive
Madison, WI 53717
(Former Secretary, Wisconsin Department of Natural Resources)

Mr. Glenn M. Stoddard
Attorney at Law
Garvey & Stoddard, S.C.
634 W. Main Street, Suite 101
Madison, WI 53703
(Legal Chair, John Muir Chapter of the Sierra Club)

Ms. Sandy Lyon
Box 31
Springbrook, WI 54875

--continued--

EXHIBIT 1

Page Two

Mr. Fred Ackley
Mole Lake Sokaogon Chippewa Tribal Member
Crandon, WI 54520

Ms. Fran Van Zile
Mole Lake Sokaogon Chippewa Tribal Member
Crandon, WI 54520

State Rep. Frank Boyle, Democrat
Wisconsin Assembly District 73
4900 East Tri-Lakes Road
Superior, WI 54880

State Rep. Gary Sherman, Democrat
Wisconsin Assembly District 74
11800 Sherman Road
Port Wing, WI 54865

Mr. Arlen C. Christenson
Professor Emeritus, University of Wisconsin Law School
& UW Institute for Environmental Studies
University of Wisconsin Law School
975 Bascom Mall
Madison, WI 53706

Ms. Melissa Scanlan
Attorney at Law & Director
Midwest Environmental Advocates, Inc.
702 E. Johnson Street
Madison, WI 53703

Mr. Derek Scheer
Attorney at Law & Water Policy Director
Clean Wisconsin (formerly Wisconsin's Environmental Decade, Inc.)
122 State Street, Suite 200
Madison, WI 53703

Mr. Charlie Higley
Executive Director
Citizens Utility Board (CUB)
16 N. Carroll Street
Madison, WI 53703

--continued--

EXHIBIT 1

Page Three

Ms. Anna Winton
W2845 Winton Road
Springbrook, WI 54875

Mr. Ward Winton
15842 W 2nd
Hayward, WI 54843

Ms. Kay Brown Winton
15842 W 2nd
Hayward, WI 54843

Ms. Angeline Winton
W2845 Winton Road
Springbrook, WI 54875

Mr. Curt Hubatch
W 3236 County Hwy E
Springbrook, WI 54875

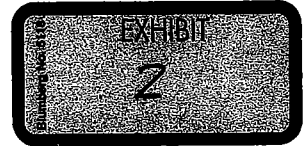


IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

MIDWEST REGION
1709 JACKSON STREET
OMAHA, NEBRASKA 68102-2571



L7619(MWRO-PC/C)

JUL 5 2000

Mr. Neil Michek
Public Service Commission of Wisconsin
P.O. Box 7854
Madison, Wisconsin 53707-7854

Dear Mr. Michek:

The National Park Service (NPS) has reviewed the draft environmental impact statement (DEIS) for the proposed Arrowhead-Weston Electric Transmission Line Project (and concomitant system-level alternatives). We would like to submit the following comments and recommendations for your consideration.

General Comments

The NPS has responsibilities or interests in several areas that could be impacted by construction of the project. One or more of the alternate transmission line routes and/or system option study areas cross the Namekagon River section of the St. Croix National Scenic Riverway, the North Country National Scenic Trail, the Ice Age National Scenic Trail, several rivers listed on the Nationwide Rivers Inventory (NRI), and Land and Water Conservation Fund properties. Comments and recommendations related to each of these areas are detailed in separate sections below.

According to the DEIS, the Public Service Commission of Wisconsin (PSC) must determine if the proposed Arrowhead-Weston transmission line satisfies the reasonable needs of the public for an adequate supply of electricity. Reasonable needs and an adequate supply are not defined. However, the DEIS does indicate that the expected need for additional electricity between the years 1998-2007 is 2400MW. Based on conversations with PSC staff, it is our understanding that 700-800MW of generation has already been added since 1998. Therefore, the additional need through 2007 is now 1600-1700MW. The DEIS describes a number of means by which the need could be met including any combination of electric generating facilities, purchasing/importing electricity from other states, and energy efficiency efforts. Electric generation developers have already applied to add in excess of 1500 MW of generation capacity in eastern Wisconsin over the next several years. If approved, these facilities would meet or nearly meet the need identified through 2007. If constructed, the 345kV Arrowhead-Weston Line would also meet the

expected demand even without the addition of new electric generation. Given the prospects for adding additional generation to meet electric demand we question the need for the Arrowhead-Weston line, especially in that the line would have the greatest overall environmental impact to Wisconsin of all alternatives explored in the DEIS.

We understand that the challenge for the PSC will be to determine the best means of supplying power to Wisconsin. We are not confident the DEIS provides an adequate basis for making this decision. Even the limited systems-level analysis presented with the DEIS sheds doubt on the utility of the proposed Arrowhead-Weston line. We recommend the Arrowhead-Weston application be held in abeyance until a comprehensive systems analysis can be completed that more thoroughly investigates all options and combinations thereof for satisfying Wisconsin energy demand.

St. Croix National Scenic Riverway

If constructed, the Arrowhead-Weston line would cross the Namekagon River near Stinnett, Wisconsin. The Namekagon River is part of the St. Croix National Scenic Riverway (the Riverway). The Riverway was designated under the Wild and Scenic Rivers Act (Public Law 90-542 as amended; 16 U.S.C. §§ 1271-1287) to protect its free-flowing quality and its outstanding scenic, biological, geological and recreational resources. The upper St. Croix and the Namekagon were among the eight original rivers to be designated when the Act was passed in 1968. The lower St. Croix was added in 1972 and 1974. The Riverway is 252 miles long in total and is administered by the NPS. Transmission lines of the type proposed could degrade resource values of the Riverway and be contrary to the purposes of the Act.

Of transmission line alternatives considered in the DEIS, three would impact the Riverway (Arrowhead-Weston, Chisago-Weston, and King-Weston). We recommend that both the Chisago-Weston alternatives (at 230kV and 345kV) be dropped from further consideration. This line would cross the Riverway in a location identical to that proposed by Northern States Power and Dairyland Power in the proposed Chisago-Apple River 230kV transmission project. The cities of St. Croix Falls, Taylors Falls, Concerned River Valley Citizens and the power companies have just completed a lengthy mediation process to reduce the impacts of that project to an acceptable level. Modifications to the project include reducing the size of the line to 115kV and implementing a number of mitigation measures. To again propose a 230kV or 345kV line in this area would completely frustrate the efforts that went in to the Chisago-Apple River project.

In regards to the Chisago-Weston alternative, p. 109, paragraph 5 of the DEIS states that "An existing power line crossing is located at the St. Croix Falls hydroelectric dam in St. Croix Falls. This area has sustained significant development on both the Minnesota and Wisconsin sides of the river. The aesthetic qualities of the St. Croix National Scenic Riverway are marginal in this location..." The

aesthetic qualities in this area should not be termed "marginal." While there are power line crossings here, they are intrusions to what is otherwise an outstanding area that includes two nearby state parks and is a high quality regional asset. Furthermore, the mitigation for the Chisago-Apple River line will include measures that will greatly reduce the intrusiveness of the existing crossings. Minimizing the intrusiveness of existing lines is in keeping with our management policy, which is to protect and enhance the values of the Riverway.

If the Chisago-Weston alternative were dropped, it would leave two alternatives that would impact the Riverway, Arrowhead-Weston and King-Weston. Because the analysis for the Arrowhead-Weston line is much more specific than that provided for the King-Weston line, it is not possible for us to determine which would have the least impact on the Riverway. We do know that a King-Weston line could be combined with an existing powerline over the Riverway and that, according to the DEIS, it would have less overall environmental impact than an Arrowhead-Weston line. Even if it is determined that a new transmission line is needed, we question the wisdom of focusing on an Arrowhead-Weston line, when other less environmentally damaging transmission alternatives are available. To allow for comparison, the analysis for the King-Weston alternative should be developed to the same extent as the Arrowhead-Weston. The analysis should include visual simulations of the potential crossing of the Riverway.

Page 109, paragraph 4 states that while this stretch of the Namekagon River is generally undeveloped, the aesthetic qualities of the river are somewhat diminished by the presence of an existing 161kV line and a pipeline. As eluded to above, the Federal Guidelines for Eligibility, Classification and Management of National Wild and Scenic Rivers (Federal Register, Tuesday, September 7, 1982) state that all rivers will be managed to protect and enhance the values for which the river was designated, while providing for public recreation and resource uses that do not adversely impact or degrade those values. The guidelines go on to say that although certain existing development is permitted, it does not imply that additional inconsistent development is permitted in the future. This guidance is also reflected in our right-of-way (ROW) policies. An Arrowhead-Weston line would require a ROW from the NPS. Our policies allow us to issue ROW permits only if there is no practicable alternative to such use of NPS lands and only if the use will not cause injury or damage to park resources or be contrary to the purposes for which the area was established.

We agree that the existing clearing is an eyesore in an otherwise scenic area. We are working closely with the utility companies to provide revegetation and screening of this crossing. Any action that would further degrade rather than enhance the Riverway could not be permitted under our management guidelines or ROW policy. The additional proposed crossing would have significantly greater impacts than the existing crossing as shown by comparing photo simulations 2-21 and 2-30 in Volume 2 of the DEIS.

Page 221 paragraph 3 states that boring pits on the river's edge would destroy some vegetation. Under no circumstances would the NPS allow boring pits at the river's edge. We would require that any boring pits for placing the line underground be placed 100 feet or more from the river's edge.

Page 221 paragraph 5 states that some parties have suggested that the area north of the Namekagon River, near the existing crossings, be used for industrial development. We are not aware of any proposals for industrial development in this area. Past uses have included soil mining and a staging area for the Lakehead pipeline project. Please clarify.

Page 227 describes an overhead crossing at the Railroad Bridge. This alternative would clear far too much vegetation along the river corridor, opening up views of the proposed powerline, support structures and railroad bridge. This is not a viable option and should be dropped.

Page 248 paragraph 3 indicates that the Oliver 2 route would pass through Lower Ox Lake and the associated wetland. State-endangered Trumpeter Swans (*Cygnus buccinator*) nest in this area and over-winter on the St. Croix River north of St. Croix Falls and at Hudson. They are frequently accompanied by their offspring. Impacts to this pair could, therefore, have an impact on the St. Croix National Scenic Riverway.

North County and Ice Age National Scenic Trails

If constructed, the Arrowhead-Weston line would cross both the North County and Ice Age National Scenic Trails (NST). These are two of only eight NST in the nation. 16 U.S.C. § 1242 defines National Scenic Trails as extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass. Transmission lines of the type proposed could degrade resource values along the trails and be contrary to the purposes of the statute.

The route of the North County NST, designated in 1980, meanders about 4,200 miles across seven northern states. In Wisconsin, the trail transects Ashland, Bayfield, Douglas, and Iron Counties. The trail helps protect and provide access to a rich variety of scenic, natural, and historic resources. The NPS administers the NST in cooperation with a variety of public and private partners.

All of the Oliver alternatives would cross the route of the North Country NST near Solon Springs. Page 111 incorrectly states that the Chisago-Weston alternatives would cross the North Country NST in Washburn County. The trail does not extend to Washburn County.

Congress established the Ice Age NST in 1980 to help preserve the features of Wisconsin's glacial landscape, as well as other scenic and natural resources, while providing opportunities for low impact recreational and educational use. The NST connects six of the nine units of the Ice Age National Scenic Reserve, and many other Federal, State, county, and local parks. The NPS administers the trail in cooperation with the Wisconsin Department of Natural Resources and the Ice Age Park and Trail Foundation.

All of the potential Tripoli alignments would transect the most remote part of the 1,200-mile Ice Age NST (in northeastern Taylor County and western Lincoln County). We agree with the DEIS that Tripoli alternatives 2 and 3 "...would drastically alter the setting." Both alternatives are located in heavily wooded areas that provide forest interior habitat for many wildlife species. We disagree, however, with the statement that claims the visual impact the Tripoli alternative 1 "...is reduced due to its location adjacent to Tower Road." The statement is misleading, as Tower Road is a narrow, low-traveled road with dense cover on either side. The proposed transmission line would require an additional 100-foot cut parallel to the road. Combined with 85-100 foot tall towers, there most certainly will be an adverse impact on the scenic qualities of the trail.

The Ice Age Park and Trail Foundation has advised us that the State of Wisconsin holds a permanent 200-foot trail corridor easement that would likely conflict with Tripoli alternative 1. That easement states, "There shall be no commercial or industrial activity...which would interfere in any manner with use of the trail as a scenic trail." Further, the easement states, "There shall be no filling, excavating, mining or drilling, removal of topsoil, sand, gravel, rock, minerals or other materials, nor any change in the topography of the land."

Nationwide Rivers Inventory

The Nationwide Rivers Inventory (NRI) was established by the NPS pursuant to requirements of section 5(d) of the National Wild and Scenic Rivers Act. The NRI is a register of river segments that potentially qualify for designation as national wild, scenic, or recreational rivers. The intent of the NRI is to provide information to assist in making balanced decisions regarding use of the nation's river resources. Table 4-9 (page 113) identifies NRI rivers that could be impacted by one or more transmission line alternatives. Several streams have been omitted from the list.

All of the Ladysmith-Weston via Tripoli, Ladysmith-Weston via Owen, and Chisago-Weston routes would cross the Jump River (which includes the North Fork of the Jump River). A 41-mile segment of the Jump River between the Holcombe flowage and the Spring Creek flowage is listed on the NRI because of its scenic values. It appears the routes would cross the Jump River within an area bounded by the Spring Creek flowage, Highway 116, and Highway 8.

Ladysmith-Weston via Tripoli routes 1 and 3, all of the Ladysmith-Weston via Owen routes, and the Chisago-Weston route also would cross the Flambeau River. Fifty miles of the Flambeau River between the Big Falls Reservoir and the Crowley Dam is listed on the NRI because of its scenic and recreational values. Tripoli alternatives 1 and 3 and Owen alternative 1 would cross the Flambeau near the Big Falls Dam. Owen alternatives 2 and 3 would cross the stream southwest of Ladysmith.

It also is possible that all of the Ladysmith-Weston via Tripoli routes could cross the South Fork of the Jump River. About 33 miles of the South Fork of the Jump River between its confluence with the Jump River and Highway 13 at Prentice is listed on the NRI because of its scenic values.

Pages 206-401 include a physical overview of all of the alternative Arrowhead-Weston routes. Subsections contain detailed descriptions of various resources that would be impacted by the transmission line. Rivers are described for each alternate route. None of the descriptions of rivers in this section includes discussion of NRI status. Also, some rivers listed on the NRI are not mentioned at all. These deficiencies must be corrected.

It is imperative that decision-makers have a clear understanding of the special nature of these nationally important resources. With the exception of the Wisconsin River, all NRI streams potentially impacted by the Arrowhead-Weston proposal are listed on the inventory because of their scenic values. Clearing of ROW and construction of large towers would have a profound impact on the aesthetic quality of the river environs. Construction of the transmission line could in itself or in combination with other intrusions effectively foreclose the rivers from future congressional designation under the Wild and Scenic Rivers Act. This eventuality must be recognized in the discussion of rivers.

Land and Water Conservation Fund Properties

All transmission line alternatives have great potential to cross one or many properties that were acquired and/or developed with assistance from the Land and Water Conservation Fund (L&WCF) program. Many dozen such properties are located within the state of Wisconsin. These parklands are encumbered by section 6(f)(3) of the L&WCF Act of 1965, as amended.

Section 6(f)(3) is the cornerstone of Federal compliance efforts to ensure that the Federal investments in L&WCF assistance are being maintained in public outdoor recreation use. This section of the Act assures that once an area has been funded with L&WCF assistance, it is continually maintained in public recreation use unless the NPS approves substitution property of reasonably equivalent usefulness and location and of at least equal fair market value. This section

specifically states: "No property acquired or developed with assistance under this section shall, without the approval of the Secretary [of the Interior], be converted to other than public outdoor recreation uses. The Secretary shall approve such conversions only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

A conversion occurs when the scope of a project is changed to other than public outdoor recreation uses. The question whether there is a change to other than public outdoor recreation use is based upon a comparison of the public outdoor recreation assets provided by the original agreement and the impact of any proposed changes thereto. If the changes provide for other than public outdoor recreation as originally agreed to, in all or in part, a conversion exists.

In general, utility easements that do not have a significant impact upon the recreation utility of a park are not considered conversions. To verify this, all such easements must first be reviewed in order to ensure that all alternatives are explored prior to using L&WCF encumbered property and that surface restrictions do not preclude public outdoor recreation (existing or planned) as the primary use of the property.

The extensive length and width of the alternative Arrowhead-Weston routes and the system option study areas makes it impractical to list every L&WCF site that may potentially be impacted. We recommend you further consult with the official who administer the L&WCF program in Wisconsin. That person is Mr. Craig L. Karr, Director, Division of Customer Service and External Relations, Department of Natural Resources, P.O. Box 7921, Madison, Wisconsin 53707, telephone 608-266-5896.

Other Comments

Page xii paragraph 5 states that "The potential for forest fragmentation is greatest for (the Arrowhead-Weston) option." Forest fragmentation, habitat loss and habitat degradation is the greatest threats to neotropical migrant songbird populations and to far-ranging mammals such as the gray wolf. Both are important to the NPS.

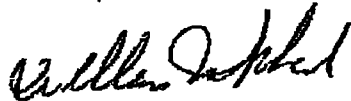
Page 6, Table 1-2 omits the North Country NST as an area of NPS interest.

Page 6, Paragraph 1 states that one of the Federal agencies such as the NPS or the Corps of Engineers would take the lead role among Federal agencies under NEPA. This will need to be discussed between the Federal agencies. It is premature to identify possible lead agencies in the DEIS.

Page 126, Second full paragraph: Generating plants burning coal contribute not only to local air quality problems, but global air quality problems related to mercury, nitrous oxides, and sulfates.

Thank you for the opportunity to provide these comments. If you have questions or require additional information, please contact Michael Madell, Regional Environmental Coordinator, at 608-441-5600.

Sincerely,



William W. Schenk
Regional Director

cc: Ms. Janet Smith
United States Fish & Wildlife Service
Ecological Services Office
1015 Challenger Court
Green Bay, Wisconsin 54311-8331

Mr. David Siebert
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707