

Joint Statement: Co-owner utilities react to preliminary injunction ruling in United States District Court on Cardinal-Hickory Creek Transmission Line Project

March 22, 2024

Background

On March 13, 2024, the Environmental Law & Policy Center (ELPC), on behalf of the plaintiffs, filed a motion for a preliminary injunction with the United States District Court for the Western District of Wisconsin to stop construction of the Cardinal-Hickory Creek Transmission Line Project through the Upper Mississippi River National Wildlife and Fish Refuge (Refuge). On March 20, two of the co-owners of the project – ITC Midwest and Dairyland Power Cooperative – filed a brief with the District Court in opposition to that motion. In addition, the U.S. Department of Justice – representing the U.S. Fish and Wildlife Service, the U.S. Department of Agriculture’s Rural Utilities Service and the U.S. Army Corps of Engineers – also filed a brief with the District Court in opposition to the motion.

Statement Regarding District Court Decision on Preliminary Injunction

Two of the co-owner utilities of the Cardinal-Hickory Creek Transmission Line Project – ITC Midwest and Dairyland Power Cooperative – disagree with the preliminary injunction order issued by the District Court on March 22 that halts construction of the last mile of the Cardinal-Hickory Transmission Line Project. We believe the federal agencies that granted the land exchange and issued permits for the project acted within their legal authority under federal law and their environmental review complied with the National Environmental Policy Act (NEPA). ITC Midwest and Dairyland Power Cooperative will provide additional briefing as requested by the Federal District Court order.

Additional background on the Cardinal-Hickory Creek Transmission Line Project

Construction on the 345,000-volt (345-kV) Cardinal-Hickory Creek line is nearly complete. Following more than two years of construction by the co-owners – ATC, ITC Midwest and Dairyland Power Cooperative – the eastern half of the 102-mile Cardinal-Hickory Creek Transmission Line Project was placed in service on Dec. 7, 2023. This segment of the line in Wisconsin was built and is operated by ATC from the new Hill Valley Substation near Montfort to the Cardinal Substation in the town of Middleton. Throughout the project, the co-owner utilities strived to avoid, minimize and mitigate environmental impacts through best management practices, including restoration of any areas affected by construction activities.

Construction on the western half of the project being built and operated by ITC Midwest – from the Hickory Creek Substation in Dubuque County, Iowa, to the Hill Valley Substation – is scheduled to be completed and placed in service by June 2024. In fact, this entire segment is finished except for approximately 2.2 miles of the line, which extends from a location near the Nelson Dewey Substation in the village of Cassville, Wisconsin, westward across the Mississippi River to near the Turkey River Substation in Clayton County, Iowa.

ITC Midwest and Dairyland Power Cooperative are committed to constructing the project in the Refuge in a manner that minimizes environmental impacts through mitigation measures and best management practices. All work within the Refuge for construction of the project will be completed using wooden construction mats for environmental protection. No grading will take place within the Refuge. These efforts will help avoid and minimize impacts to plants, animals and their habitats, and limit habitat fragmentation. These commitments include a robust set of mitigation and restoration methods resulting from years of agency consultation through the permitting process.

The Cardinal-Hickory Creek project will provide significant value for electric consumers. When the entire line is placed in service, the Cardinal-Hickory Creek Transmission Line Project will increase electric grid capacity to deliver lower-cost, renewable energy to consumers, facilitate the interconnection of new renewable generation, and improve system reliability.

For detailed information, see the Cardinal-Hickory Creek Transmission Line Project [website](#).