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Conservation Groups Granted Preliminary Injunction in Federal Court to Pause Huge Transmission Line Construction in Treasured Upper Mississippi River Nat'l Wildlife and Fish Refuge

“We should not set a precedent that a simple land swap is all it takes to plow through a national treasure”

Madison, WI – Federal Judge William M. Conley granted a [preliminary injunction request](#) made by three state and national conservation groups to pause bulldozing and construction of a massive high-voltage transmission line through the treasured Upper Mississippi River National Wildlife and Fish Refuge. The request for the injunction comes after the groups filed a [lawsuit](#) on March 6 in U.S. District Court for the Western District of Wisconsin against the U.S. Fish and Wildlife Service (FWS), the U.S. Rural Utilities Service, and the U.S. Army Corps of Engineers.

Judge Conley imposed the temporary injunction as a stopgap measure to prevent irreversible destructive activity in the Refuge while he awaits an administrative record from the Federal Defendant Agencies to further review the motion for the injunction. While the temporary injunction is in place, the FWS is barred from closing its legally impermissible land exchange that would allow ITC Midwest and Dairyland Power Cooperative to immediately begin clearing land needed to construct the controversial Cardinal-Hickory Creek (CHC) high-voltage transmission line through and across the protected Refuge.

The lawsuit alleges the three Federal Agencies violated federal laws by approving a land exchange that will allow the Transmission Companies to bulldoze and construct the last mile of the 125-mile high-voltage transmission line in a horizontal cut across the protected Refuge. The Environmental Law & Policy Center, pro bono public interest attorneys, are representing the Driftless Area Land Conservancy, Wisconsin Wildlife Federation, and National Wildlife Refuge Association in this lawsuit. The CHC transmission line's proposed route would cut across the protected Refuge near Cassville, Wisconsin.

The lawsuit challenges the Federal Defendant agencies' violations of National Environmental Protection Act (NEPA), the National Wildlife Refuge System Improvement Act of 1997, and the Administrative Procedure Act. If built in the planned location, the east-west transmission line would cut across a major north-south migratory bird flyway used by hundreds of thousands of birds annually, including migratory waterfowl, such as cranes. Eagles use that important flyway as well.

Driftless Area Land Conservancy Executive Director Jennifer Filipiak said:

“The Driftless Area Land Conservancy (DALC) is thankful that Judge Conley hit the pause button on construction within the Refuge. DALC has consistently maintained that it is inappropriate to cross a National Wildlife and Fish Refuge with this massive transmission line. The transmission companies did not evaluate alternative crossings outside of the Refuge in their environmental impact statement, and we should not set a precedent that a simple land swap is all it takes to plow through a national treasure. U.S. District Judge (William M.) Conley agreed with us in the previous lawsuit, and we will again seek a ruling on this issue.”

Wisconsin Wildlife Federation Honorary Director George Meyer said:

“The Wisconsin Wildlife Federation is pleased that Judge Conley granted the request for the injunction that temporarily protects the Refuge from irreversible damage by the Transmission Companies. The Upper Mississippi River National Wildlife and Fish Refuge is a treasured part of the Refuge system that makes the Driftless Area the very special place that people have come to love. A massive transmission line crossing through this area will be harmful to the important habitats for fish and wildlife in the Refuge and to the millions of migrating birds that pass through on the Mississippi Flyway each year. Building a transmission line through the Refuge also will serve as a deterrent to locals and tourists alike who visit the refuge and contribute to the local economy.”

Environmental Law & Policy Center Executive Director Howard Learner said:

“Our clients meet the standards for a preliminary injunction stopping the Fish and Wildlife closure of the land exchange, in part, because the conservation groups are reasonably likely to prevail on the merits. This new lawsuit raises most of the same issues that this Court already decided in granting partial summary judgment in Plaintiffs’ favor in 2022.

“If the Fish and Wildlife Service is allowed to impermissibly create statutory loopholes with a land exchange, the CHC transmission line will cause irreparable harm to Plaintiffs’ interests and to the ecological integrity of the Refuge’s ecosystems, wetlands and habitats. It will also create a dangerous precedent for running more massive high-voltage powerlines through other protected National Wildlife Refuges. That is exactly the historic practice and use that Congress clearly intended to change by enacting the 1997 Refuge Act.”