

**APPLICANT:** Enbridge Energy

REFER TO:

#### US Army Corps of Engineers St Paul District

6 67

# **Public Notice**

ISSUED: 6 January 2022 EXPIRES: 5 February 2022

SECTION: 404 - Clean Water Act SECTION: 10 – Rivers and Harbors Act

1. PUBLIC NOTICE to interested parties that the St. Paul District of the U.S. Army Corps of Engineers (USACE) has received a permit application from Enbridge Energy, Limited Partnership ("Enbridge"). This application has been submitted pursuant to Section 10 of the Rivers and Harbor Act of 1899 (Section 10) for work under a navigable water of the United States and Section 404 of the Clean Water Act (Section 404) for discharges of dredged or fill material into waters of the United States.

MVP-2020-00260-WMS

The USACE received the permit application on February 10, 2020, and determined on November 19, 2021, that a standard individual permit review is required.

ACTIVITY: The applicant is proposing the permanent discharge of fill material into 0.02 acres of waters of the United States, and temporary discharges of dredged or fill material into 101.08 acres of wetlands and 0.20 acres of non-wetland waters of the United States associated with the construction of the Line 5 Wisconsin segment relocation (WI L5R) project. In addition, the applicant proposes horizontal directional drilling (HDD) under the White River, a navigable water of the United States. The WI L5R project would replace 20 miles of existing pipeline, including 12 miles of existing pipeline within the Bad River Reservation, with approximately 41-miles of new pipeline exterior to the Reservation. Under the authorities listed above, the USACE does not regulate the overall construction or operation of pipelines, nor does it regulate the siting of any type of pipeline, or any substance being transported within a pipeline.

This notice includes several attached drawings, labeled 2020-00260-WMS, pages 1 of 9 through page 9 of 9. These include a project overview map, overview mapping of the alternatives provided by the applicant, typical construction and wetland construction workspace drawings, and typical wetland and waterway crossing figures. Additional information, including the permit application to USACE, is accessible on our website at the following location: https://www.mvp.usace.army.mil/Enbridge Line5-WI/.

In addition to the USACE application, the following information is available at the link above:

USACE Waterway Crossing Table USACE Wetland Crossing Table Wetland Compensatory Mitigation Plan Permit Application Appendices: Appendix A Aerial Route Maps Appendix B Topographic Maps Appendix C List of Landowners and Adjacent Landowners Appendix D Alternative Route Maps Appendix E Route Adjustments Maps Appendix E Route Adjustments Maps Appendix F Draft Hydrotest Plan Appendix G Waterbody Bridging Drawings (WDNR only) Appendix H HDD and Guided Bore Site-Specific Drawings Appendix I SSURGO Soil Maps Appendix J Wetland and Waterbody Delineation Report Appendix K Wetland and Waterbody Crossing Table Appendix L Stream Restoration Typical Drawings Appendix M Protected Species Survey Reports (Confidential) Appendix N Timing Restriction Waiver Request Form (WDNR only) Appendix O Land Use Maps Appendix P Archaeological Survey Report- (Confidential) Appendix Q Traditional Cultural Properties Report- (Confidential)

Environmental Impact Report with attachments: Attachment A Agricultural Protection Plan Attachment B Unanticipated Discoveries Plan Attachment C Route Alternative Maps Attachment D Environmental Protection Plan Attachment E Blasting Plan Attachment F Invasive Species List Attachment G Land Cover Data Attachment G-1 Steep Slopes Maps

NOTE: The permit application was submitted jointly to USACE and the Wisconsin Department of Natural Resources (WDNR). As such, the application includes activities that are regulated by WDNR, but not by USACE. For example, bridges over and pipeline crossings under non-Section 10 waterways by HDD and guided bore methods are not regulated by USACE. Some appendices contain personally identifiable or confidential information and are not included.

# 2. SPECIFIC INFORMATION

APPLICANT'S ADDRESS:	11 East Superior Street, Suite 125 Duluth, Minnesota 55802
AGENT:	Tim Drake Environmental Resources Management 222 South 9th Street, Suite 2900 Minneapolis, MN 55402

LOCATION: The proposed WI L5R project would begin near the intersection of State Highway 137 and State Highway 112 in Ashland County, Wisconsin and extend to approximately the intersection of US Highway 2 and State Highway 169 in Iron County, Wisconsin. The regulated activities resulting in a permanent discharge of fill material in wetlands for the installation of aboveground facilities are located in Section 8, Township 47 North, Range 5 West, Bayfield County, Wisconsin. Detailed areal and topographic route maps showing the locations of proposed temporary discharges and the regulated HDD are included in Appendix A and B of the permit application on our website at https://www.mvp.usace.army.mil/Enbridge\_Line5-WI/.

# Township, Range, and Sections Crossed by the Project

Township	Range	Section
T45N	R1W	5, 6, 7, 8, 18
T45N	R2W	1, 2, 13, 14, 22, 23, 27, 28, 29, 30, 31, 32, 33
T45N	R3W	6, 7, 8, 9, 14, 15, 16, 22, 23, 24, 25, 36

# Regulatory Division (File No. 2020-00260-WMS)

T45N	R4W	1, 2
T46N	R1W	3, 4, 10, 15, 16, 17, 20, 21, 22, 27, 28, 29, 32, 33
T46N	R4W	5, 6, 7, 8, 17, 18, 20, 27, 28, 29, 34, 35
T47N	R1W	33, 34, 35
T47N	R4W	3, 8, 17, 20, 29, 32
T47N	R5W	8, 10
T48N	R4W	34

BACKGROUND: In 1953, Enbridge's existing Line 5 pipeline became operational. The existing Line 5 pipeline is a 645-mile-long, 30-inch outside diameter pipeline that originates at Enbridge's Superior Terminal, located in Superior, Wisconsin. From Superior, Line 5 traverses northern Wisconsin and the Upper and Lower Peninsulas of Michigan, and terminates near Sarnia, Canada. Line 5 transports an annual average capacity of 540,000 barrels per day ("bpd") of light crude, including light synthetic, light sweet crude oil, and natural gas liguids ("NGL"). Line 5 is a conduit for refineries in the region, delivering feedstock that is refined into propane, gas, diesel, jet fuel, and other products. Line 5 delivers NGLs to the Plains Midstream Depropanization Facility at Rapid River, Michigan. At the Rapid River facility, NGLs deliveries are converted to propane which is then distributed to heat homes and power industry in the region. The nonpropane NGLs are then re-injected back into Line 5 for further downstream processing. In the Lower Peninsula of Michigan, Line 5 accepts light crude oil production at Lewiston, where Line 5 interconnects with the MarkWest Michigan Crude Pipeline System. In the Lower Peninsula of Michigan, Line 5 also delivers crude to the Marysville Crude Terminal that interconnects with the Sunoco Eastern System pipeline, which then transports crude from the Marysville terminal to refineries in Detroit and Toledo. These refineries then produce petroleum products, including gasoline and aviation fuels. Line 5 throughput is also delivered to the Sarnia terminal where the crude is then delivered to refineries in Ontario, New York State, and Quebec. Line 5 also delivers NGLs to the Plains Fractionation Facility in Sarnia, where it is converted to propane.

PROJECT DESCRIPTION: In Wisconsin, the existing Line 5 pipeline crosses Douglas, Bayfield, Ashland, and Iron Counties. Within Ashland County, the existing Line 5 pipeline crosses through approximately 12 miles of the Bad River Reservation ("Reservation") of the Bad River Band of Lake Superior Chippewa Tribe ("Bad River Band"). In July 2019, Bad River Band filed a lawsuit in federal court seeking an order requiring Enbridge to remove its existing Line 5 pipeline from the Reservation. Enbridge's stated purpose for its WI L5R project is to continue transporting crude oil and natural gas liquids (NGLs) through its Line 5 pipeline, a portion of which would be relocated around the Bad River Reservation. The proposed WI L5R project would replace approximately 20 miles of the existing Line 5 pipeline, including the approximate 12 miles of pipeline within the Reservation, with approximately 41 miles of a new, 30-inch outside diameter pipeline located entirely outside the boundaries of the Reservation. Additionally, the proposed WI L5R project would include the installation of cathodic protections and AC mitigation facilities, five mainline block valves, and minor modifications to the existing Ino Pump Station. Enbridge proposes to cease pipeline operation within the Reservation once the proposed WI L5R pipe is in service.

QUANTITY, TYPE, AND AREA OF FILL: The WI L5R project would require installation of the pipeline across wetlands and waterbodies. Typical pipeline construction activities would consist of clearing, trenching, dewatering, installation, backfilling, cleanup, and revegetation. In uplands, the applicant generally proposes to use a 120-foot-wide construction right-of-way for the new

30-inch outside diameter pipeline segment, to allow for temporary storage of topsoil and spoil as well as accommodate safe operation of construction equipment. The applicant proposes to reduce the construction right-of-way to 95-feet-wide in wetlands, where practicable based on site-specific conditions, to minimize wetland disturbance. The pipeline construction right-of-way consists of the spoil side (area used to store topsoil and excavated materials) and the working side (equipment work area and travel lane) and is illustrated in the Typical Wetland Construction Workspace figure.

Based on wetland surveys completed along the project route, proposed construction activities would result in regulated discharges of dredged or fill material in approximately 101.1 acres of wetlands. This sum includes the permanent discharge of fill material into 0.02 acre of wetlands for the construction of aboveground facilities. The regulated activities also include proposed temporary discharges of dredged and fill material into 101.08 acres of wetlands for the placement of construction matting, trench and backfill activities, and workspace for construction. Once activities resulting in temporary discharges are completed, the applicant proposes to allow 67.13 acres of wetlands to revert to the original cover type. The remaining 33.95 acres of wetlands, originally forested and scrub-shrub, are proposed to be maintained as emergent wetland within the permanently maintained right-of-way. See Table 1 below for a summary of anticipated construction related impacts to wetlands.

Wetland Type (based on Cowardin, 1979)	Temporary Discharge Areas (May Revert to Pre-construction Cover Type)	Temporary Discharge Areas (Converted to Emergent Wetland)	Permanent Discharge
Emergent/Wet Meadow (PEM)	28.06	0	0.02
Forested (PFO)	32.76	30.06	0
Scrub/Shrub (PSS)	6.30	3.89	0
TOTAL	67.13	33.95	0.02

Table 1. Summary of WI L5R Regulated Wetland Impacts by Acr	eage
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The applicant proposes to use existing public and private roads to access the right-of-way and facilities to the extent practicable to limit impacts on wetlands and waterways. However, Enbridge has identified areas along the project where new temporary access roads would be necessary for pipeline construction and may result in the placement of temporary construction matting in approximately 15 acres of wetlands. The discharge of fill material in wetlands for the placement of temporary construction matting is accounted for in the above summary table.

The applicant proposes to cross non-wetland waterways using open cut (wet-trench), dry crossing (flume or dam-and-pump), and horizontal directional drill (HDD) or direct bore methods of pipeline installation. Based on waterbody surveys completed along the project route, regulated activities are proposed within or under 57 waterways. The proposed HDD under the White River is a regulated activity by USACE because the White River is a navigable water of the United States. Because of this designation, the proposed HDD beneath the White River requires authorization pursuant to Section 10 of the Rivers and Harbors Act. The regulated activities at the remaining 56 waterways consist of proposed temporary discharges into approximately 0.20 acres below the plane of the ordinary high mark which require Section 404 Clean Water Act authorization. These discharges are proposed as part of pipeline construction activities including trench backfill and the placement of temporary dams. The open cut (wettrench) and dry crossing methods of pipeline crossings result in temporary discharges of fill material into waters of the United States pursuant to Section 404 of the Clean Water Act.

USACE authorization is not required for crossing other waterways by horizontal directional drill (HDD) or direct bore methods of pipeline crossing because it does not result in a discharge of dredged or fill material, and because these waterways are not considered navigable waters of the United States.

Typical open cut and dry crossing figures for non-wetland waterbody crossings are shown on drawings 7, 8 and 9, 2021-00260-WMS. Proposed USACE regulated non-wetland waterbody crossings are shown in the waterbody crossing table at

https://www.mvp.usace.army.mil/Enbridge\_Line5-WI. A summary of USACE regulated waterbody crossings by flow regime is shown on Table 2 below.

Waterbody Regime	Number
<b>Delineated Waterbodies</b>	
Perennial**	14
Intermittent	21
Ephemeral	13
NHD/WDH Waterbodies	
Intermittent/Fluctuating	9
PROJECT TOTAL	57
Notes:	
NHD – National Hydrography Dataset	
WDH – Wisconsin Department of Natur	al Resources 24k Hydrography Dataset
*Other waterbodies proposed to be cro	ssed that do not involve a USACE regulated activity (e.g., they are not navigable
waters of the United States, and no dis	charge of dredged or fill material is proposed) are not included in this table.
** Perennial waterbodies includes the	HDD crossing of the White River, a federally navigable water of the United States.

# Table 2. Summary of WI L5R Regulated\* Waterbody Crossings by Flow Regime

VEGETATION IN AFFECTED AREA: Pipeline construction activities would require the temporary removal of wetland vegetation. In emergent wetlands, herbaceous vegetation typically regenerates within one or two growing seasons after construction activities. Forested and shrub-dominated wetlands would take longer to recover.

Cowardin Classification	Eggers & Reed Classification
	Bog; Deep Marsh; Farmed Wetland; Fresh Meadow; Open Bog;
PEM	Seasonally Flooded Basin; Sedge Meadow; Shallow Marsh;
	Shallow Open Water; Wet Meadow
PSS	Alder Thicket; Bog; Coniferous Swamp; Shrub-Carr
PFO	Bog; Coniferous Swamp; Floodplain Forest; Hardwood Swamp

# Table 3. Wetland Classification Types

Palustrine emergent wetlands (PEM) crossed by the route typically include species such as sedges, Canada bluejoint grass (*Calamagrostis canadensis*), orange jewelweed (*Impatiens capensis*), asters (*Asteraceae spp.*), boneset (*Eupatorium perfoliatum*), rough bedstraw (*Galium asprellum*), marsh fern (*Thelypteris palustris*), arrow-leaved tearthumb (*Persicaria sagittata*), and sensitive fern (*Onoclea sensibilis*).

Palustrine scrub-shrub (PSS) wetlands crossed by the route typically include speckled alder, red-osier dogwood, willows, and several minor shrub components. Widely scattered small, ephemeral pools in these PSS wetlands support a variety of emergent hydrophytes.

Palustrine forested wetlands (PFO) crossed by the route primarily comprise (1) black ash (*Fraxinus nigra*) dominated depressions within the hardwood uplands, (2) discrete aspen groves within shrub-carr, and (3) isolated hardwoods and conifers in better drained areas adjacent to incised drainageways. Black ash also occurs as a fringe or minor component to larger wetland complexes or as isolated stunted specimens within some wetlands.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: It is anticipated that fuels, oils, lubricants and hydraulic fluids typically used for construction equipment would be present throughout the project site. The Environmental Protection Plan (EPP) describes planning, prevention and control measures to minimize impacts resulting from spills of fuels, petroleum products, or other substances as a result of construction. Construction of the pipeline as proposed would use trenchless methods known as the HDD and guided bore methods, both collectively referred to as "drilling". Other than the proposed crossing of the White River, these methods do not require authorization from USACE to cross wetlands or waterways. The HDD method includes the use of drilling fluid, while the guided bore method might use drilling fluid or only use water to power and lubricate the bore. The HDD drilling fluids/mud consists primarily of water mixed with bentonite clay. Under certain conditions an additive may need to be mixed with the drilling fluids/mud for viscosity or lubricating reasons. Drilling mud additives help control sand content and flow, water hardness, keep the bore hole open and stable, prevent groundwater inundation, and allow the bentonite to yield properly. Additives will be NSF/ANSI 60 compliant. NSF/ANSI 60 Standards are established for minimum health effects requirements for the chemicals, the chemical contaminants, and the impurities that are directly added to drinking water from drinking water treatment chemicals. Additives not NSF/ANSI 60 compliant may be used if they are on a State specific approved additive list or if they do not contain any restricted hazardous or toxic components, including those listed under CERCLA, RCRA and EPCRA. The EPP outlines monitoring and measures to be implemented if an inadvertent release of drilling fluid occurs.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant proposes to employ various protection measures to protect water quality during construction. Temporary erosion and sediment controls include but are not limited to, silt fence, straw bales, biologs, erosion control blankets, and slope breakers at site specific crossings. Enbridge also proposes to limit the duration of construction equipment operation within waterbodies to the area necessary to complete the crossing. Disturbed areas at waterway and wetland crossing would be restored and stabilized as soon as practical after pipeline installation. The EPP further outlines construction-related environmental policies, procedures, and protection measures to protect water quality.

PROJECT ALTERNATIVES: The USACE permit review will include an alternatives analysis in compliance with the National Environmental Policy Act (NEPA) and Section 404(b)(1) of the Clean Water Act. The applicant provided an alternatives analysis for USACE consideration that includes the following:

• No Action Alternative (no project alternative), including continued transport of oil and gas through Line 5, and discontinued transport of oil and gas through Line 5.

System alternatives including switching to another existing pipeline, construct a new pipeline, and alternatives modes of transport including trucks, rail cars, and barges.
Route Alternatives RA-01, RA-02, and RA-03.

Route Alternatives RA-01, RA-02, and RA-03 were evaluated by the applicant based on minimizing the length of the pipeline to the extent practicable, while also minimizing the environmental impacts. The applicant's analysis included potential routes that would avoid the Reservation, considering potential tie-in locations for the replacement segment, and lessening the length of the pipeline segment while minimizing impacts to environmental resources. A comparison of wetland crossings for each of the alternatives are shown on Table 4 below.

The applicant's full alternatives analysis is included in Section 4 of the permit application at https://www.mvp.usace.army.mil/Enbridge\_Line5-WI/\_

Table 4. Comparison of Applicant P	Provided W	I L5R Route Alter	natives - W	etland Cros	sings
			Route	Route	Route

			Route	Route	Route
			Alternative	Alternative	Alternative
			RA-01	RA-02	RA-03
					Route
			Route	Route	Length <sup>a</sup> :
		Proposed Route	Length <sup>a</sup> :	Length <sup>a</sup> :	101.6 miles
		Length <sup>a</sup> :	31.4 miles	58 miles	Route
		41.1 miles	Route	Route	Corridor <sup>b</sup> :
		Route Corridor <sup>b</sup> :	Corridor <sup>b</sup> :	Corridor <sup>b</sup> :	1,476.9
Wetland Crossing	Unit	598.0 acres	456.5 acres	843.7 acres	acres
Wetland Crossing Length—WWI	miles	4.2	5.3	6.5	26.2
Wetland Crossed—WWI					
Emergent/wet meadow	acres	2.7	7.8	8.7	7.2
Scrub/shrub	acres	2.7	8.0	12.3	45.6
Forested	acres	53.9	56.1	72	326.2
Notes:					
<sup>a</sup> Centerline length.					

<sup>b</sup>A standard 120 foot corridor was used for each route comparison.

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WWI = Wisconsin Wetland Inventory

MITIGATION: The proposed mitigation may change because of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below. The applicant proposes to minimize wetland disturbance by reducing the construction right-of-way from 120 feet to 95-feet-wide in wetlands, where practicable based on site-specific conditions. All wetland areas temporarily impacted during construction would be restored to pre-construction contours and elevations. The applicant proposes to provide compensatory wetland mitigation for project related permanent wetland fill, permanent conversion of scrub-shrub and forested wetlands to emergent wetlands, and temporal loss of wetland functions. Enbridge proposes mitigation ratios based on the Wisconsin Wetland Rapid Assessment Method ("WRAM") value rating shown on Table 5 below.

The applicant proposes to compensate for the loss of wetland functions by purchasing wetland credits from the Lake Superior Wetland Mitigation Bank (Poplar River) and the Bluff Creek Wetland Mitigation Bank, both located in the Lake Superior Bank Service Area (BSA). Enbridge

may request to purchase wetland credits from the Wisconsin Wetland Conservation Trust in-lieu fee program if no in-kind mitigation bank credits are available in the Lake Superior BSA. **Table 5. Proposed Mitigation Ratios for WI L5R** 

Wetland Type	Mitigation Ratio Proposed for High Value Wetlands	Mitigation Ratio Proposed for Low or Low-invasive & Medium Value Wetlands
Emergent		
Temporal loss during construction	0.06	0.03
Permanent loss; wetland converted to non-wetland	1.5	1.2
Scrub-shrub <sup>a</sup>		
Temporal loss during construction	0.25	0.06
Permanent conversion of wetland type (maintained corridor)	0.60	0.5
Forested		
Temporal loss during construction	0.5	0.25
Permanent conversion of wetland type (maintained corridor)	0.70	0.6
<sup>a</sup> includes open bog wetland type		

The applicant proposes purchasing a total of 33.35 mitigation credits, apportioned as 0.94 Palustrine Emergent (PEM) wetland credit, 2.39 credits Palustrine Scrub-Shrub (PSS) wetland credit, and 30.02 Palustrine Forested (PFO) wetland credit. Table 6 below identifies the proposed mitigation ratios and calculated credits needed based on the proposed impacts to each wetland type and overall functional value classification.

# Table 6. Compensatory Wetland Mitigation Category and Associated Ratios

Wetland Type	Functional Value	Temporary Impact (ac)	Permanent Conversion (ac)	Permanent Fill (ac)	Proposed L5R Mitigation Ratio	Credits Needed
		Palustri	ine Emergent (	PEM)		
Fresh (Wet) Meadow	Low/Medium	22.98			0.03	0.69
Fresh (Wet) Meadow *	Low/Medium			0.02	1.2	0.02
Fresh (Wet) Meadow	High	1.67			0.06	0.10
Seasonally Flooded Basin	Low/Medium	0.23			0.03	0.01
Sedge Meadow	Low/Medium	2.65			0.03	0.08

Sodac	1				1	
Meadow	High	0.17			0.06	0.01
Shallow	Low/Medium	0.11			0.03	0.01
Marsh	Low/ineqium	0.11			0.03	0.01
Shallow	High	0.25			0.06	0.02
Marsh	підп	0.25			0.00	0.02
Subtot	tal PEM	28.06	0.0	0.02		0.94
		Palustrii	ne Scrub-Shrub	o (PSS)		
Alder Thicket	Low/Medium	2.01			0.06	0.12
Alder Thicket	Low/Medium		0.84		0.5	0.42
Alder Thicket	High	0.10			0.25	0.03
Alder T <u>hicket</u>	High		0.06		0.60	0.04
Shrub-Carr	Low/Medium	4.14			0.06	0.25
Shrub-Carr	High		0.03		0.60	0.02
Shrub-Carr	Low/Medium		2.86		0.5	1.43
Open Bog	High		0.06		0.6	0.04
Open Bog	Low/Medium	0.06			0.06	0.01
Open Bog	Low/Medium		0.05		0.5	0.03
Subtor	tal PSS	6.85	3.90	0.0		2.39
		Palust	rine Forested (	PFO)		
Coniferous Bog	High		0.40		0.70	0.28
Coniferous Swamp	Low/Medium	0.33			0.25	0.08
Coniferous						
Swamp	Low/Medium		0.41		0.6	0.25
Swamp Floodplain Forest	Low/Medium Low/Medium	0.48	0.41		0.6 0.25	0.25 0.12
Swamp Floodplain Forest Floodplain Forest	Low/Medium Low/Medium Low/Medium	0.48	0.41		0.6 0.25 0.6	0.25 0.12 0.50
Swamp Floodplain Forest Floodplain Floodplain Forest	Low/Medium Low/Medium Low/Medium High	0.48	0.41		0.6 0.25 0.6 0.70	0.25 0.12 0.50 0.97
Swamp Floodplain Forest Floodplain Forest Floodplain Forest Hardwood Swamp	Low/Medium Low/Medium Low/Medium High Low/Medium	21.72	0.41		0.6 0.25 0.6 0.70 0.25	0.25 0.12 0.50 0.97 5.43
Swamp Floodplain Forest Floodplain Forest Floodplain Forest Hardwood Swamp Hardwood Swamp	Low/Medium Low/Medium Low/Medium Low/Medium	21.72	0.41 0.84 1.38 16.06		0.6 0.25 0.6 0.70 0.25 0.6	0.25 0.12 0.50 0.97 5.43 9.64
Swamp Floodplain Forest Floodplain Forest Floodplain Forest Hardwood Swamp Hardwood Swamp Hardwood Swamp	Low/Medium Low/Medium Low/Medium Low/Medium Low/Medium High	0.48	0.41 0.84 1.38 16.06		0.6 0.25 0.6 0.70 0.25 0.6 0.50	0.25 0.12 0.50 0.97 5.43 9.64 5.09
Swamp Floodplain Forest Floodplain Forest Floodplain Forest Hardwood Swamp Hardwood Swamp Hardwood Swamp Hardwood Swamp Hardwood Swamp	Low/Medium Low/Medium High Low/Medium Low/Medium High High	0.48 21.72 10.18	0.41 0.84 1.38 16.06 10.94		0.6 0.25 0.6 0.70 0.25 0.6 0.50 0.70	0.25 0.12 0.50 0.97 5.43 9.64 5.09 7.66
Swamp Floodplain Forest Floodplain Forest Hardwood Swamp Hardwood Swamp Hardwood Swamp Hardwood Swamp Hardwood Swamp Hardwood Swamp Hardwood Swamp Hardwood Swamp Hardwood Swamp Hardwood Swamp	Low/Medium Low/Medium High Low/Medium Low/Medium High High	0.48 21.72 10.18 32.71	0.41 0.84 1.38 16.06 10.94 30.03	0.0	0.6 0.25 0.6 0.70 0.25 0.6 0.50 0.70	0.25 0.12 0.50 0.97 5.43 9.64 5.09 7.66 30.02

# 3. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT

USACE determined that the proposed regulated activities may affect, but are not likely to adversely affect, the Canada lynx and the northern long-eared bat. USACE initiated informal consultation with the U.S. Fish & Wildlife Service (USFWS) in February 2021. The USFWS concurred with USACE's determination on February 23, 2021. In addition, the USACE made a "no effect" determination for the piping plover and the rufa red knot. Should the activity change or additional information on listed or proposed species become available, USACE may reconsider its determinations and compliance.

# 4. JURISDICTION

This application is being reviewed in accordance with the practices for documenting USACE jurisdiction under Sections 9 & 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

An Approved Jurisdictional Determination (AJD) was completed by USACE in June 2020 under the Navigable Waters Protection Rule. In November 2021, the applicant requested that USACE treat all waters as jurisdictional for permitting purposes. USACE has determined that it will evaluate proposed regulated activities within all waters pursuant to Section 404 of the Clean Water Act. The project also requires authorization pursuant to Section 10 of the Rivers and Harbors Act of 1899 to install the pipeline under the White River.

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED:

Name of Agency	Title of Permit/Approval
Wisconsin Department of Natural Resources	Chapter 30 Permit NR 103 Water Quality Certification NR 150 Wisconsin Environmental Policy Act
	State Endangered ResourcesReview / Incidental Take Permit
	Temporary Water Use Permit Hydrostatic Test Discharge Permit WPDES General ConstructionStormwater Permit
Wisconsin Department of Agriculture	Agricultural Protection Plan
Wisconsin Department of Administration	Coastal Zone Management Federal Consistency Review
Wisconsin Department of Transportation	Road Crossing Permits

#### List of State & Local Permits

# 5. STATE SECTION 401 WATER QUALITY CERTIFICATION

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The Section 401 authority for this project is the State of Wisconsin. The Wisconsin Department of Natural Resources (WDNR) is completing an Environmental Impact Statement (EIS) in compliance with the Wisconsin Environmental Policy Act, and water quality certification is pending completion of the Wisconsin EIS process. A Department of the Army permit will not be granted until the State of Wisconsin has issued or waived Section 401 certification.

This public notice serves as the notification to Region 5, Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act. If EPA determines that the proposed discharges may affect the quality of the waters of any downstream neighboring jurisdiction other than the state in which the discharge will originate, it will so notify such other jurisdiction, USACE, and the applicant. Pursuant to 33 CFR Part 325.2(b)(1)(i), if such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the district engineer will assume EPA has made a negative determination with respect to section 401(a)(2).

# 6. HISTORICAL/ARCHAEOLOGICAL

USACE is currently consulting with the Wisconsin State Historic Preservation Office and participating Tribal Historic Preservation Offices pursuant to Section 106 of the National Historic Preservation Act (NHPA). The applicant undertook multiple investigations including archaeological, architectural, and tribal-led traditional cultural resources surveys of the 41-mile corridor.

USACE will also consider the potential effects of the proposed activity on any properties that have yet to be identified. The results of this review and the USACE determination and effect finding will be coordinated with the State Historic Preservation Officer and other consulting parties independent of this public notice. Any adverse effects on historic properties will be resolved prior to any USACE authorization, or approval, of the work in connection with this project.

# 7. PUBLIC HEARING REQUESTS

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding are not provided or if there is otherwise no valid interest to be served.

# 8. PUBLIC INTEREST REVIEW

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion,

recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people.

USACE is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by USACE to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

# 9. COASTAL ZONE MANAGEMENT

This Public Notice has been sent to the agency responsible for Coastal Zone Management and is considered by the District Engineer to constitute valid notification to that agency for a Coastal Zone Consistency determination.

# **10. OTHER INFORMATION**

TRIBAL RESOURCES AND CONSULTATION: Tribes that may be affected by the regulated activities proposed by the applicant have been apprised of the permit application and have been invited to consult with USACE. Government to Government consultation with the Bad River Band of Lake Superior Chippewa (Bad River Band) is ongoing. USACE review and evaluation of potential effects of the regulated activities will include a thorough review of information submitted regarding effects on tribal rights and resources. As part of the review, USACE may request additional information from the tribes and their representatives regarding the potential effects of the proposed regulated activities on tribal rights and resources.

ENBRIDGE LINE 5 TUNNEL: Approximately 300 miles from the proposed WI L5R project, Enbridge is separately seeking to replace a segment of Line 5 by placing it in a tunnel under the Mackinac Straits in Michigan. The regulated activities associated with the Mackinac Straits proposed tunnel are under review by USACE Detroit District.

# 11. REPLIES/COMMENTS

USACE has regulatory authority under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. USACE regulates placement of fill material in wetlands and other waters, as well as work and structures in navigable waters. Under the authorities listed above, USACE does not regulate the overall construction or operation of pipelines, nor does it regulate the siting of any type of pipeline/utility line, or any substance being transported within a pipeline. Interested parties are invited to submit to this office written facts, arguments, or objections. These statements should bear upon the impacts to wetlands and waterways as a result of the construction-related activities and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

This public notice, maps, figures and appendices referenced above can be found at: https://www.mvp.usace.army.mil/Enbridge\_Line5-WI/.

Written comments may be emailed to: CEMVP-L5WSR-PN-Comments@usace.army.mil St. Paul District Corps of Engineers, CEMVP-RD 180 Fifth Street East, Suite 700 Saint Paul, MN 55101 1678.

FOR ADDITIONAL INFORMATION CONCERNING THE APPLICATION, please visit our website at https://www.mvp.usace.army.mil/Enbridge\_Line5-WI/ or contact Bill Sande at the Hayward office at 651-290-5882 or william.m.sande@usace.army.mil. Comments should be emailed to CEMVP-L5WSR-PN-Comments@usace.army.mil or mailed to the physical address indicated above.

To receive Public Notice notifications, go to: https://www.mvp.usace.army.mil/Contact/RSS/ and subscribe to the RSS Feed for which you would like to receive Public Notices.

#### LINE 5 WISCONSIN SEGMENT RELOCATION PROJECT WATER RESOURCES APPLICATION FOR PROJECT PERMITS – SUPPLEMENTAL INFORMATION FEBRUARY 2020



Figure 2.0-1: Project Overview Map

#### ENBRIDGE LINE 5 WISCONSIN SEGMENT RELOCATION PROJECT WATER RESOURCES APPLICATION FOR PROJECT PERMITS – SUPPLEMENTAL INFORMATION FEBRUARY 2020



Figure 4.0-1: Overview of Route Alternatives

LINE 5 WISCONSIN SEGMENT RELOCATION PROJECT WATER RESOURCES APPLICATION FOR PROJECT PERMITS – SUPPLEMENTAL INFORMATION FEBRUARY 2020



Figure 3.1.1-1: Typical Construction Workspace—Uplands



Figure 3.1.1-2: Typical Construction Workspace—Wetlands











