



US Army Corps
of Engineers
St Paul District

APPLICANT: Enbridge Energy

Public Notice

ISSUED: 25 March 2015

EXPIRES: 24 April 2015

REFER TO: 2015-00300-WMS

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge fill material into 2.92 acres of wetlands adjacent to Newton Creek for a new electrical substation at the Superior Terminal.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 119 North 25th Street East
Superior, WI 54880

AGENT'S ADDRESS: Leggette, Brashears, and Graham, Inc.
302 W. Superior Street, Suite 70
Duluth, MN 55802

PROJECT LOCATION: The project site is located in the SW ¼ of Section 30, T. 49N., R. 13W., Douglas County, Wisconsin.

DESCRIPTION OF PROJECT: The applicant proposes to construct a new electrical substation to increase the electrical capacity at the Superior Terminal. A new substation needs to be located in close proximity to the load and provide a minimum of 15 MVAs of electricity to supply power to equipment. The project includes construction of the substation, an access road, stormwater treatment pond and conveyance system, and associated transmission lines from Superior Water Light and Power (SWLP) Stinson Avenue Substation.

QUANTITY, TYPE, AND AREA OF FILL: Fill material would be discharged into a total of 2.92 acres of wetlands. A total of 2.80 acres of wetlands would be permanently filled for the construction of the substation and stormwater treatment facility. An additional 0.12 acre of wetlands would be temporarily impacted for the placement of timber mats needed to facilitate the installation of the aerial transmission lines. Wetland impacts by wetland type include; 1.84 acres of wet meadow wetlands dominated by reed canary grass, and 1.08 acres of shrub-scrub wetlands dominated by speckled alder, red-osier dogwood, sandbar willow, Canada bluejoint and woolgrass.

SOURCE OF FILL MATERIAL: Fill material would be obtained from a commercial source.

SURROUNDING LAND USE: Industrial

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Fuel, hydraulic fluid, lubricants, coolant, and other fluids commonly used by construction equipment would be expected to be present for construction of the project.

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THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant proposes to install and maintain temporary erosion and sedimentation control devices until construction is complete and the site is stabilized.

MITIGATION: The applicant proposes to compensate for the permanent loss of 2.80 acres of wetlands by purchasing wetland credits from the Wisconsin Wetland Conservation Trust (WWCT) In-lieu Fee Program (ILFP) approved by the St. Paul District Corps on November 19, 2014. The applicant may also purchase credits from an approved wetland mitigation bank if credits are available at the time of need. Final compensatory mitigation debit ratios are pending, but will not be less than 1.45:1 for ILF credits or 1.2:1 for mitigation bank credits.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 15954 Rivers Edge Drive, Suite 240, Hayward, Wisconsin, 54843.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Bill Sande at the Hayward office of the Corps, telephone number (715) 934 -2170.

To receive Public Notices by e-mail, go to: http://mvp-extsttp/list_server/ and add your information in the New Registration Box.

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

None were identified by the applicant or are known to exist in the permit area. However, Douglas County is within the known or historic range of the following Federally-listed threatened (T) proposed threatened (PT), endangered (E) and proposed endangered (PE) species:

<u>Species</u>	<u>Habitat</u>
Piping Plover (<i>Charadrius melodus</i>) (E)	Sandy beaches and islands
Red Knot (<i>Calidris canutus rufa</i>) (T)	Coastal areas along Lake Superior
Kirtland's Warbler (<i>Setophaga kirtlandii</i>) (E)	Potential breeding in young jack pine stands
Canada Lynx (<i>Lynx canadensis</i>) (T)	Forested areas
Gray wolf (<i>Canis lupus</i>) (E)	Forested areas
Northern long-eared bat (PE) (<i>Myotis septentrionalis</i>)	Forested areas
Fassett's locoweed (<i>Oxytropis campestris</i> var. <i>chartacea</i>) (T)	Open sandy lakeshores

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This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 08-02. We have made an initial determination that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act and/or Section(s) 9 & 10 of the Rivers and Harbors Act. The Corps will prepare an approved or preliminary jurisdictional determination prior to making a permit decision. Approved jurisdictional determinations are posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

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

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

WATER QUALITY CERTIFICATION. This Public Notice has been sent to the Wisconsin Department of Natural Resources and is considered by the District Engineer to constitute valid notification to that agency for Section 401 water quality certification. A permit will not be granted until the Wisconsin Department of Natural Resources has issued or waived Section 401 certification.

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service and the State Archaeologist for their comments. The Corps will review information on known cultural resources and/or historic properties within and adjacent to the project area. The Corps will also consider the potential effects of the project on any properties that have yet to be identified. The results of this review and the Corps' determination of effect will be coordinated with the State Historic Preservation Officer independent of this public notice. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

The latest versions of the National Register of Historic Places and the Wisconsin Historic Preservation Database have been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located within, or adjacent to the project area.

8. 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 a hearing are not provided or if there is otherwise no valid interest to be served.

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9. 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. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers 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 the Corps of Engineers 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.

10. COASTAL ZONE MANAGEMENT.

The Wisconsin Coastal Management Program (WCMP) in the Department of Administration is inviting public comment regarding this project. The WCMP may conduct a Federal consistency review to verify that the project will comply with State policies in Wisconsin's coastal zone. Further information may be obtained from the Federal Consistency Coordinator at: Wisconsin Coastal Management Program, P.O. Box 7868, Madison, WI 53707-7868; (608) 266-8234. Any comments on whether or not this proposed project complies with the State enforceable policies should be received within 30 days by the Federal Consistency Coordinator.

Jeff Olson
Chief, Northeast Section

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.

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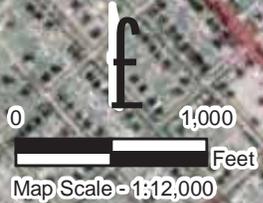
St. Louis and Lower Nemadji Watershed
Lake Superior Bank Service Area

Superior Bay

Newton Creek

Unnamed Creek

Nemadji River



-  Project Construction Extent
-  Enbridge Superior Terminal Property Boundary

Service Layer Credits: Copyright:© 2013 National Geographic Society, i-cubed
 Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community
 Data from City of Superior GIS Department.



Prepared By:
LEGGETTE, BRASHEARS & GRAHAM, INC.
 Professional Groundwater and
 Environmental Engineering Services
 302 W. Superior Street, Suite 70
 Duluth, Minnesota 55802
 (218) 336-2280

ENBRIDGE ENERGY, LIMITED PARTNERSHIP
 SUPERIOR TERMINAL EAST SUBSTATION
 SUPERIOR, WI

NEARBY SURFACE WATER BODIES

FILE: g25superior03u.MXD	DATE: 3/12/2015	FIGURE: 8
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-  East Substation Construction Limits
-  Phase I Impacts Permitted in 2012
-  S3K - Scrub/shrub
-  E2K - Emergent
-  Temporary Timber Mats
-  Delineated Wetlands
-  SWLP H-frame Pole
-  Enbridge Wood Pole

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



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WETLAND IMPACTS

FILE: g25superior04h.MXD DATE: 3/12/2015 FIGURE: 11