US Army Corps of Engineers
St Paul District

APPLICANT: **Guardian Pipeline LLC**

Public Notice

ISSUED: **20 August 2007**
EXPIRES: **19 September 2007**

REFER TO: **2006-02133-RMG**

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

1. APPLICATION FOR PERMIT TO temporarily discharge fill material into 63.94 acres of wetlands in conjunction with the installation of 119.2 miles of new pipeline from Ixonia to west of Green Bay, Wisconsin. In addition, the applicant proposes to cross two federally navigable waters of the United States: the Rock River (Dodge County) and the Fox River (Brown County).

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS:	13710 FNB Parkway, Omaha, NE 68154-5200
AGENT: Natural Resource Group, Incorporated	AGENT'S ADDRESS: Suite 2020 One Financial Plaza Providence, RI 02906

PROJECT LOCATION:
The proposed 119.2 miles of new pipeline in Wisconsin will consist of 83.9 miles of 30-inch-diameter mainline pipe (including four main line valves) in Jefferson, Dodge, Fond du Lac, Calumet, Brown, and Outagamie Counties. Approximately 31.3 miles of 20-inch-diameter mainline pipe (including two mainline valves) would be installed in Brown and Outagamie Counties, Wisconsin. The project will also include 1.4 miles of 16-inch-diameter branch line pipe and 1.8 miles of 20-inch-diameter branch line pipe in Brown County, and 0.8 mile of 20-inch-diameter branch line pipe in Outagamie County, Wisconsin. One aboveground compressor station, the Bluff Creek Compressor Station, would be constructed in the Town of LaGrange, Walworth County, Wisconsin. Seven new meter stations would be constructed in Dodge, Fond du Lac, Calumet, Brown, and Outagamie Counties. Two new launcher/receiver facilities would be constructed in Jefferson, Brown, and Outagamie Counties, Wisconsin. Please see attached drawings for additional location information.

DESCRIPTION OF PROJECT:
The project consists of the installation of new pipeline and associated appurtenances (please see Project Location information above for more information on the various installations) to increase natural gas delivery by 537.2 million cubic feet (MMcf) per day.
The Corps of Engineers is acting as a Cooperating Agency with the Federal Energy Regulatory Commission (FERC, or the Commission) to prepare an Environmental Impact Statement for this project (pursuant to the National Environmental Policy Act, or NEPA). Additional information about the project is available from the Commission's Internet website (http://www.ferc.gov) using the "eLibrary link" (FERC docket CP07-8).

QUANTITY, TYPE, AND AREA OF FILL:
Overall, the project as proposed would result in disturbance to approximately 1,744.4 acres of land; the majority of this disturbance would be temporary. Approximately 751.6 acres of land would be permanently disturbed for access roads, pipeline right-of-way, and above-ground facilities.

Of the over 1,700 acres of temporary land disturbance proposed, only 63.94 acres would occur in wetlands. Permanent impacts are proposed to affect 3.35 acres of wetland. No permanent wetland impacts would result from roadway or other fill activities; but is rather represented as a wetland type conversion (shrub or forested wetland change to herbaceous). The Corps has made a preliminary determination that the permanent conversion of forested wetland and some shrub wetland communities along the proposed route will require compensatory wetland mitigation, and is currently working with the applicant to address this requirement prior to any issuance of Section 404 authorization.
A total of 99 wetlands and 114 waterbodies are proposed to be crossed.

CONSTRUCTION MECHANSIM:
Approaches in waterways may be graded to create a safe work surface, and to allow for limitations on pipe bending. Vegetation in wetland areas would be cut to ground level, only stumps within the trench line would be grubbed. Temporary sediment barriers consisting of silt fence and/or straw bales would be installed to minimize the potential for disturbed soils to enter the waterbody or wetland. Extra workspaces at waterbody and wetland crossings will generally be set back 50 feet from the water's edge.
Temporary equipment bridges would be installed across waterways, with the possible exception of major waterbodies that are too wide to bridge and minor waterbodies that do not have a state-designated fishery, such as agricultural and intermittent drainage ditches. Equipment bridges would consist of one of the following: clean rock placed over flume pipes; prefabricated construction mats, or railroad flat cars placed over the waterbody with or without a culvert for support; or flexifloat or other temporary dredging, such as Bailey bridges. Temporary equipment supports such as timber riprap or prefabricated equipment mats would be used for wetland crossings where saturated or unstable soils are present.
Any trench water that may accumulate during construction would be removed and directed into well-vegetated uplands using hay bale structures and/or filter bags to remove sediment.
Guardian is proposing to cross two of the major rivers along the proposed route using horizontal directional drilling (HDD). Other streams with perceptible flow would utilize dry construction methods, either flume or dam and pump methods. Streams with no perceptible flow would utilize open cuts to complete crossings. One location along the pipeline route has been identified as potentially requiring blasting due to bedrock at a depth of less than 60 inches. Wetlands would utilize open-cuts with a push-pull and drag installation where required. Whenever possible, all excavated topsoil would be segregated from base soils to be replaced post construction. This is intended to enhance post-construction re-growth by retaining any viable seed bank close to the surface. Please see attached drawings for more information on flume, dam and pump, and open cut crossings. Where necessary, trenches installation may include permanent trench breakers to maintain the hydrologic integrity of the wetland or waterbody.
Waterbody construction is planned during the summer of 2008, which is typically a low flow period for streams. Further, each stream or waterbody crossing (with three exceptions) are proposed to be completed within a 24 to 48 hour period. All impacted banks will be restored and re-vegetated prior to completion.

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 Rebecca Gruber, Regulatory Branch, St. Paul District, Corps of Engineers, 1617 East Racine Avenue, Waukesha, Wisconsin 53186.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Rebecca Gruber at the Waukesha field office of the Corps, telephone number (262) 547-4171, extension 3.

To receive Public Notices by e-mail, go to the St. Paul District web page at http://www.mvp.usace.army.mil/ and sign up by clicking on Join Mailing List on the left side of the web site under Press Room.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.
This application is being coordinated with the U.S. Fish and Wildlife Service (FWS). 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.
However, as part of FERC's responsibilities regarding Section 7 of the Endangered Species Act, a biological opinion was submitted to the FWS. The FWS concurred with the opinion that the activity would not likely jeopardize the continued existence of a listed species, or result in the destruction or adverse modification of designated critical habitat

5. JURISDICTION.
This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 07-01. We have made a ***preliminary 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. Our jurisdictional review and final jurisdictional determination could result in modifications to the scope of the project's regulated waterbody/wetland impacts and compensatory mitigation requirements identified above. An ***approved jurisdictional determination*** will be made prior to reaching a permit decision, and will be posted on the St. Paul District web page at http://www.mvp.usace.army.mil/.

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

1. Certificate of Public Convenience and Necessity: Federal Energy Regulatory Commission (FERC);
2. Endangered Species Section 7 Consultation: U.S. Fish and Wildlife Service (FWS);
3. Clean Water Act Section 404 Authorization: U.S. Army Corps of Engineers (USACE);
4. Rivers and Harbors Act Section 10 Authorization: USACE.
5. License to cross public waters (Chapter 30): Wisconsin Department of Natural Resources (WNDR);
6. Clean Water Act Section 401 Authorization: WDNR;
7. Endangered Species Review: WDNR;

8. Wisconsin Pollutant Discharge Elimination System authorization (stormwater, trench dewatering, and hydrostatic testing discharge): WDNR;
9. Coastal Zone Management Act Federal Consistency Review: Wisconsin Coastal Management Council.

6. 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. 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 water quality certification.

7. HISTORICAL/ARCHAEOLOGICAL.
This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer (SHPO) to determine if there are known cultural resources which may be affected by the described work. Please note, however, that a previous route alignment had been reviewed by SHPO. In a letter dated November 9, 2006, the SHPO concurred that no historic properties eligible for, or potentially eligible for, inclusion in the National Register of Historic Places would be adversely affected.

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.

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.

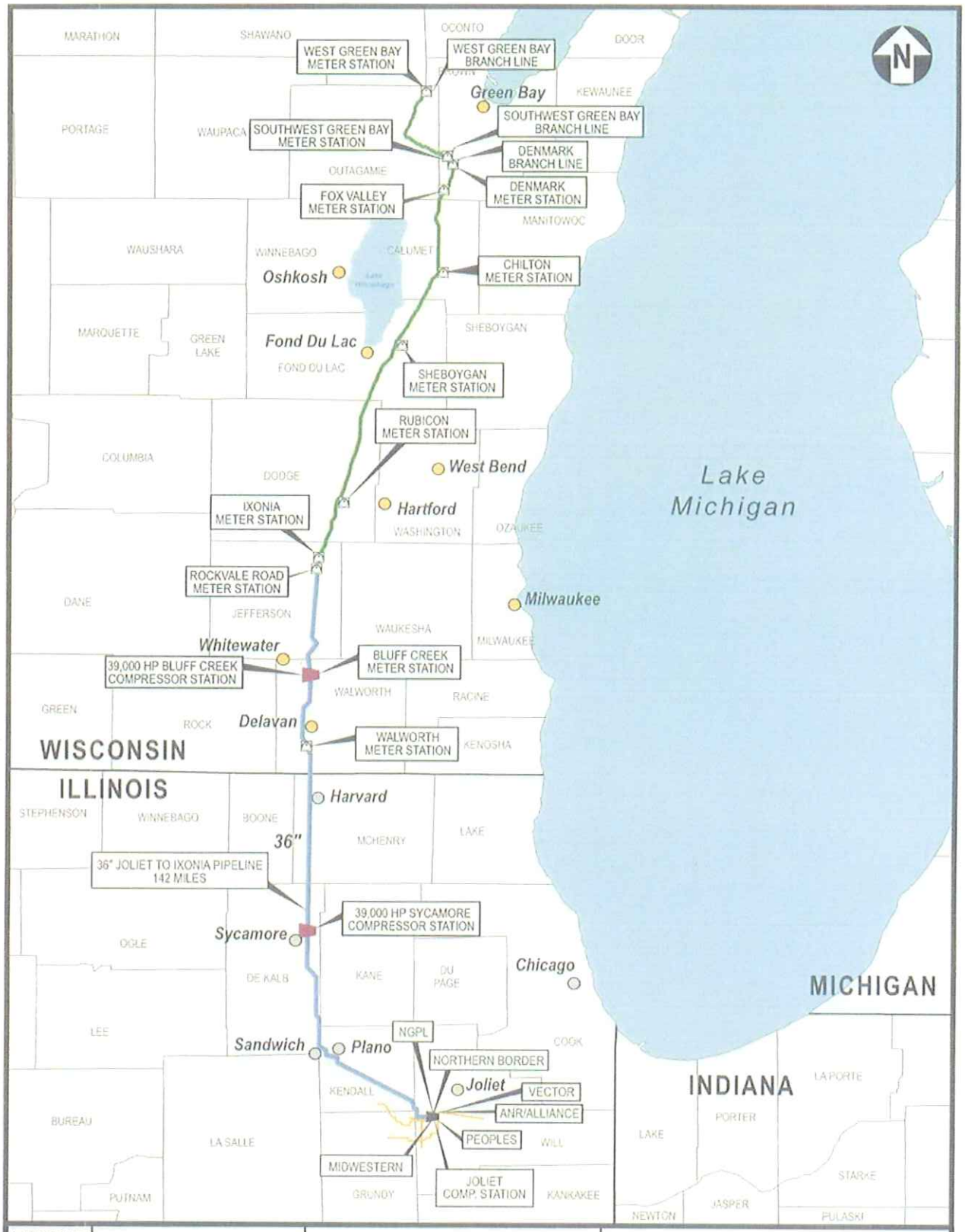
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine 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 is conducting 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.

for Robert J. Whiting
Chief, Regulatory Branch

Enclosures

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



LEGEND

- Guardian II
- Existing 36" Guardian Pipeline
- Receipt Point Interconnect Pipelines
- Meter Station
- Compressor Station

GUARDIAN PIPELINE
A SUBSIDIARY OF ONEOK PARTNERS, L.P.

GUARDIAN EXPANSION AND EXTENSION PROJECT SYSTEM MAP

DATE: 5-25-07	G2A-P00-101	REV. F

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
SIBLEY SQUARE AT MEARS PARK
190 5TH ST. EAST STE 401
ST. PAUL, MINNESOTA 55101-1638

OFFICIAL BUSINESS
REGULATORY BRANCH

POSTMASTER: Please Post until Notice Expires