



US Army Corps
of Engineers®
St. Paul District

Public Notice

ISSUED: 26 July 2024

EXPIRES: 30 August 2024

SECOND TIME EXTENSION FOR DRAFT COMBINED DECISION DOCUMENT COMMENTS

Authorities:
Section 404 Clean Water Act and
Section 10 Rivers and Harbors Act

TIME EXTENSION TO PROVIDE COMMENT ON THE DRAFT COMBINED DECISION DOCUMENT PREPARED FOR THE ENBRIDGE LINE 5 WISCONSIN SEGMENT RELOCATION PROJECT

On May 20, 2024, the United States Army Corps of Engineers, St Paul District Regulatory Division (Corps) published for comment a Draft Environmental Assessment, Draft Section 404(b)(1) Guidelines Evaluation, and Draft Public Interest Review, hereafter referred to as the Draft Combined Decision Document (DCDD).

This notice hereby announces the Corps decision to extend the comment period, which began on 20 May 2024. The public comment period will expire at the end of the day on **30 August 2024**.

This action has been taken to ensure that sufficient opportunity is provided to the public to consider and submit comments regarding the Corps federal action. This is the second time extension granted since the Corps published the DCDD. The first-time extension was granted on 07 June 2024, and was based upon public request. This second time extension has been offered by the Corps to ensure the public has sufficient time to review the following information, uploaded or updated since 20 May 2024:

- **Appendix 3 (Wetland and Waterbody Restoration and Post-Construction Monitoring Plan, Revision 3.1):** On 20 May 2024, the Corps posted Revision 3.0 of this Appendix without its own Appendix A (Wetlands with Proposed Monitoring Wells). The Corps has received Revision 3.1 and has uploaded the complete document, with Appendix A, to our webpage. Revision 3.1 includes tracked changes to allow the reader to quickly identify content updates from the original posted online 20 May 2024.
- **Appendix 8 (Water Quality Monitoring Plan, Revision 4.2):** due to file size, Attachments 1-6 were not posted until 12 June 2024. The Appendix itself was updated in June 2024, and the most current version, with all six attachments, is available online. Updates to this document from the originally posted version are shown as tracked changes to allow the reader to quickly identify content updates from the original posted online 20 May 2024
- **Appendix 9 (Water Quality Monitoring Report):** Appendices A through N were added to the Corps webpage on 12 June 2024. This content was not originally posted due to file size. The information is the same content the Corps relied upon when drafting the DCDD.
- **Appendix 14 (USACE Permit Area Map Set):** two corrections to this appendix were addressed and uploaded on 12 July 2024. The 20 May 2024 version erroneously showed a permit area on page 112 (pipe yard) where none exists. This page was removed on 12 July 2024 to eliminate confusion. The Corps permit area on Page 31 was corrected to match an alignment shift north to the proposed HDD at State Trunk Highway 13. We have uploaded a complete version for transparency. The permit areas shown in Appendix 14 are consistent with what was considered within the DCDD.
- **Appendix 15 (Wetland Waterway Table):** The information in Appendix 15 is unchanged from what was considered and relied upon in the DCDD published on 20 May 2024. However, several columns of additional information provided by the applicant that were not germane to the Corps review had been removed to keep the table legible. The complete document has been uploaded

in conjunction with this notice to provide additional transparency regarding content.

- **Appendix 18 (Aquifer Analysis and HDD Designs):** On 12 July 2024, the Corps reposted a smaller size file of this document to address download issues related to file size, and to correct Adobe Acrobat errors which did not allow Attachments A, C, and D to display properly. This content is the same as was originally reviewed by the Corps during DCDD drafting.

There have been no changes to the DCDD, or any appendices not listed above. Only Appendices 3 and 8 depict new content, and these updates are tracked. The Corps finds that the updates to Appendices 3 and 8 are not substantive and do not alter the content or draft determinations described within the DCDD. The comment period time extension applies to the DCDD including all appendices.

The DCDD is available online at https://www.mvp.usace.army.mil/Enbridge_Line5-WI/. No further changes or updates to the DCDD or it's appendices are expected prior to closure of the public comment period on 30 August 2024.

The Corps is evaluating this permit application pursuant to the Corps' statutory authorities, which include:

- **Section 404 of the Clean Water Act** – for the proposed trenching and backfilling of pipeline and associated infrastructure that would result in discharges of dredged and fill material in waters of the U.S., including wetlands.
- **Section 10 of the Rivers and Harbors Act of 1899** – for the proposed horizontal directional drilling and installation of pipeline under the White River, a navigable water of the U.S.

These authorities do not grant the Corps responsibility to regulate the overall construction or operation of pipelines, their siting, or any substance being transported within a pipeline.

Submitting Comments:

The Corps invites comments to provide information to support decision-making and specifically, if appropriate, any recommended measures that may result in less environmental damages or adverse effects on the human environment.

There are several ways to provide the Corps comments. All comments received will be considered, and no method to supply the Corps information will be considered differently from another format.

1. Written comments may be submitted at any time to CEMVP-WiL5R-CDD-Comments@usace.army.mil before the expiration date of the DCDD comment period.
2. Written comments may also be submitted via mail. Please ensure that your written comments are postmarked no later than 30 August 2024, to the following address:

U.S. Army Corps of Engineers
St. Paul District, Regulatory Division
332 Minnesota Street, Suite E1500
St. Paul, MN 55101-1678

If you have any questions concerning this Public Notice, please email the address shown above, or contact the Corps by phone at (651) 290-5525. Comments will not be accepted via phone or voicemail.

Please note that all comments, including names and addresses, become part of the administrative record, and may be available to the public under provisions of the Freedom of Information Act.

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