



US Army Corps
of Engineers
St Paul District

APPLICANT

Enbridge Energy, Limited
Partnership

Public Notice

ISSUED: January 13, 2009

EXPIRES: February 12, 2009

REFER TO: 2008-02118-JRB

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material into wetlands adjacent to the Nemadji River for the construction of five crude oil breakout tanks and associated infrastructure.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS:

119 North 25th Street East
Superior, Wisconsin 54880

AGENT: Pamela Rice, SEH, Inc.

AGENT'S ADDRESS:

5395 North 118th Court, Milwaukee, Wisconsin 53225-3085

PROJECT LOCATION: The project site is located in the SE ¼ of Section 25, T49N, R14W, AND the NE ¼ of Section 36, T49N, R14W, AND the SW ¼ of Section 30, T49N, R13W, AND the NW ¼ of Section 31, T49N, R14W, Douglas County, Wisconsin. The approximate UTM coordinates are Zone 15, East 570649, North 7170442.

DESCRIPTION OF PROJECT: The project would consist of adding five 250,000 barrel crude oil breakout tanks, containment berms, booster pumps, a manifold, and associated infrastructure to the east side of the Enbridge Superior Terminal. In addition, an existing gravel road would be extended to provide access to the tanks. This work would cover a total of 18.87 acres located within the existing tank farm and result in 11.26 acres of wetland loss. Upon completion, non-graveled areas would be seeded with a mixture of Kentucky bluegrass and white clover.

A total of 3.19 acres of temporary wetland impact is proposed for the cut and cover installation of five new 36-inch pipes in an area measuring 938 linear feet by approximately 150 feet wide. The pipes would connect the new breakout tanks to the central manifold. The applicant proposes to restore the affected wetland area to its original condition.

The project would accommodate the temporary breakout storage of incremental volumes of crude oil that would arrive at the terminal via the proposed Alberta Clipper pipeline. Breakout tanks are used to relieve surges in the pipeline system and/or to receive and store crude oil for reinjection and continued transportation by the pipeline. Due to differences in flow rates between the inbound and outbound mainline pipelines and the necessity to segregate difference types of crude oil, all crude is placed in tankage at the Superior Terminal prior to being redirected to its downstream target destination. The project is designed to prevent the bottlenecking caused by removal and reinjection of product into the pipelines, and thus meet the increased capacity produced by the proposed Alberta Clipper pipeline.

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QUANTITY, TYPE, AND AREA OF FILL: The proposal would result in the permanent loss of 11.26 acres of wetland, and temporary impact to 3.19 acres. The wetland loss would be comprised of 4.87 acres of Type 6 shrub-carr wetland and 6.39 acres of Type 2 wet meadow wetland. The temporary impacts would disturb Type 6 alder dominated shrub-carr and Type 2 wet meadow wetland.

ALTERNATIVES AND MINIMIZATION EFFORTS CONSIDERED: The applicant evaluated a range of alternatives. Six categories of alternatives were analyzed in detail and include: no-build; upstream alternatives along the existing pipeline corridor; off-site locations within the City of Superior and greater than one mile from the Superior Terminal; off-site locations within a one mile radius of the Superior Terminal; on-site alternatives; and increasing the size of the proposed breakout tanks to reduce the number of tanks required.

The selected alternative is one of six proposed on-site alternatives. The applicant indicates that the selected alternative is preferred because it satisfies the site criteria as it relates to the construction of the five breakout tanks and their proximity to the existing Superior Terminal central manifold, while minimizing cost and logistics, and avoiding and minimizing wetland impacts to the greatest extent possible.

By consolidating the tank configuration and combining the containment for the proposed tanks within a portion of the existing terminal, the applicant has been able to reduce the required footprint and thus minimize proposed wetland loss. In addition, by proposing the construction of the tanks adjacent to existing tanks, the existing access roads and containment berms can be utilized to further minimize the proposed wetland loss.

COMPENSATORY MITIGATION: The applicant proposes to complete on-site restoration and off-site wetland compensatory mitigation. The applicant would restore the 3.19 acres of wetland that would be temporarily impacted from the installation of five pipes through an existing utility corridor. To compensate for the 11.26-acre wetland loss, the applicant is proposing to develop a wetland mitigation site located in the Nemadji River watershed. Wetland credits would be established through use of restoration, enhancement, and preservation techniques. The site is located approximately 4.5 miles south of the Enbridge Superior Terminal, on the south side of County Road C at the intersection of Darrow Road, in Sec. 23, T. 48N., R. 14W., Douglas County, Wisconsin. The proposed compensation ratio is 1:1, which is 1 acre credit for each acre of wetland loss.

SOURCE OF FILL MATERIAL: Clay excavated from uplands on-site will be used to construct the berms.

SURROUNDING LAND USE: The project site is located within an existing tank farm known as the Enbridge Superior Terminal, in an area zoned 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. After construction, the facility would be used to store crude oil.

3. REPLIES/COMMENTS.

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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 Jason Berkner at the Hayward office of the Corps, telephone number (715) 934-2170.

To receive Public Notices by e-mail, go to the St. Paul District web page at <http://www.mvp.usace.army.mil/regulatory/> and sign up by clicking on

[Email Notification of Public Notices](#)

on the left side of the web site under Notices.

4. DOCUMENT AVAILABILITY.

This public notice and more detailed information is available on the Corps St. Paul District internet web site at <http://www.mvp.usace.army.mil/regulatory/>. This project is an action connected to the applicant's proposed pipeline project, known as the Alberta Clipper, which would terminate at the Enbridge Superior Terminal. The Alberta Clipper Project requires authorization from the U.S. Department of State (DOS). The DOS is preparing an environmental impact statement for the project. Information about the DOS review is available at www.albertaclipper.state.gov. Comments on the EIS should be directed to the DOS. Information on Enbridge's applications, including associated maps and drawings, is available for review and download at www.enbridgeus.com/publicinfo. Contact Enbridge's toll-free public information number at (866) 410-4356 for more information.

5. 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) and endangered (E) species:

<u>Species</u>	<u>Status</u>	<u>Habitat</u>
Canada lynx (<i>Lynx canadensis</i>)	T	northern forested areas
Gray wolf (<i>Canis lupus</i>)	T	northern and central forested areas
Bald eagle (<i>Haliaeetus leucocephalus</i>)	T	mature forests near water
Kirtland's warbler (<i>Dendroica kirtlandii</i>)	E	Potential breeding in jack pine
Piping plover (<i>Charadrius melodus</i>)	E	Sandy beaches; bare alluvial and dredge spoil islands

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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.

6. 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/>.

7. STATE SECTION 401 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 water quality certification.

8. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if there are known cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

9. 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.

10. 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

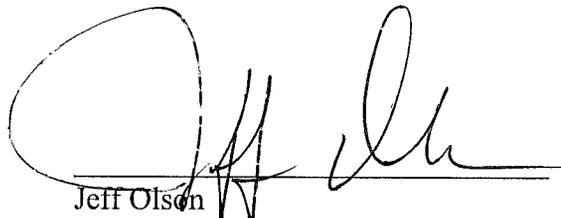
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navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available 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.

11. 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, Wisconsin Section

Enclosures

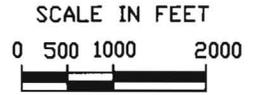
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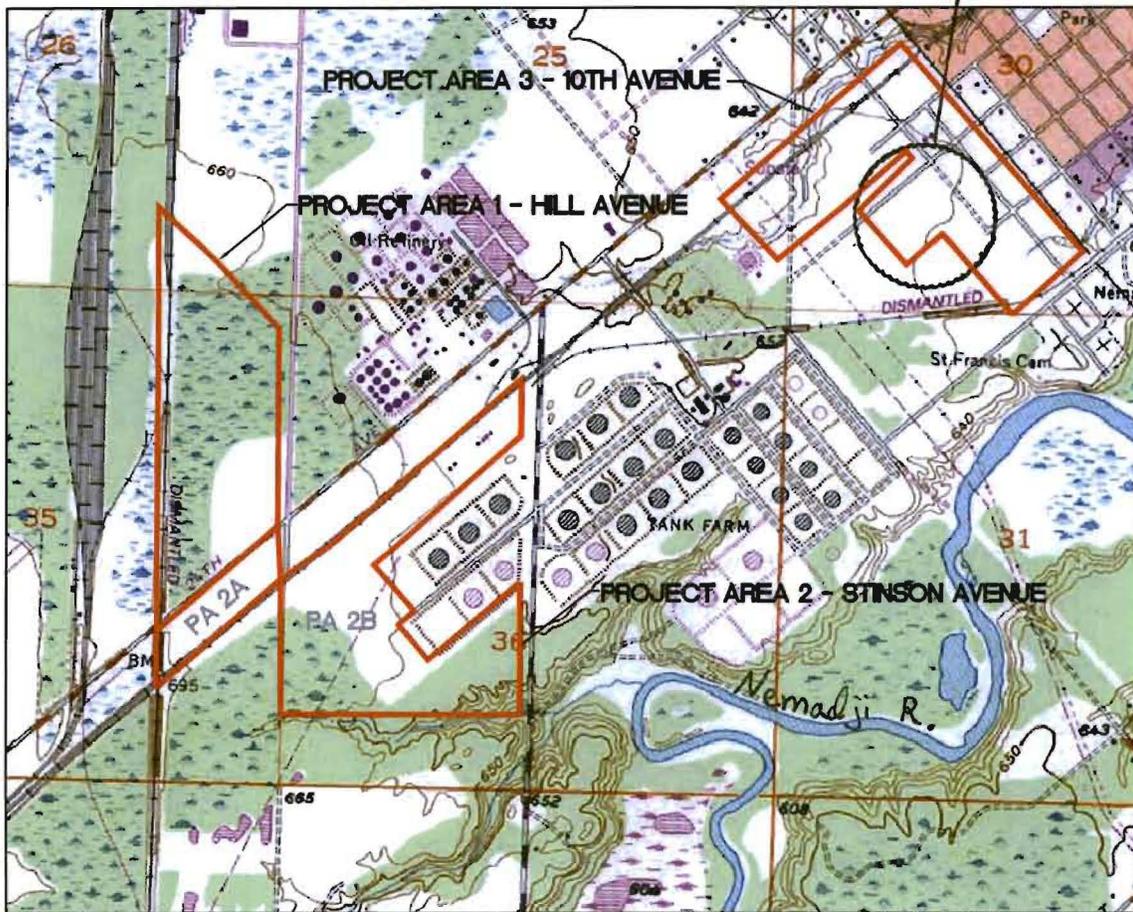
WISCONSIN - DOUGLAS CO. 7.5 MINUTE SERIES
 1954



TOWNSHIP: 49N
 RANGE: 14W
 SECTION: 26, 30, 31, 35, 36



Project Site



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DRAWING DIRECTORY:



1	08/15/07	COMPREHENSIVE WETLAND EVALUATION	RJH 08/07	RJH 08/07		CCJ 08/07
NO.	DATE	ISSUE/REVISIONS	DRAWN BY	DESIGN	FIELD REVIEW	QC CHECK
ENBRIDGE ENERGY LP COMPREHENSIVE WETLAND EVALUATION SUPERIOR, WISCONSIN			FIGURE 1 PROJECT MAP (USGS TOPO)		PROJ. NO. AENB10801	1
					DATE 08/15/07	

WISCONSIN
DOUGLAS COUNTY



--- Proposed Piping
 — Roads
 Temporary Wetland Impact
 Approximate Facility Boundary

0 500 1,000 1,500 2,000 Feet
 1 in = 1,000 feet



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1	10/2/08	ENBRIDGE SUPERIOR (WI) STATION	SMH	10/08			
NO.	DATE	ISSUES/REVISIONS	DRAWN BY	DESIGN	QC CHECK		



ENBRIDGE ENERGY LP
SUPERIOR TERMINAL
SUPERIOR, WISCONSIN

130 - LOCATION MAP

PROJ. NO.
070451.30
DATE
10/2/08

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