



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
332 MINNESOTA STREET, SUITE E1500
ST. PAUL, MN 55101-1323

07 July 2025

Regulatory File No. 2020-00887-JMB

ALLETE, Inc.
c/o Dan McCourtney
30 West Superior Street
Duluth, Minnesota 55802

Dear Mr. McCourtney:

Enclosed is the validated copy of the Department of the Army permit authorizing you to discharge dredge and fill material in wetlands and place structures under and over the Nemadji River during construction of a natural gas pipeline, 345-kilovolt transmission line, switching station, and for relocation of existing transmission and fiber optic line in association with the Nemadji Trail Energy Center (NTEC) project.

This permit supersedes the emergency authorization issued on June 3, 2025. Please be advised that the authorization hereby granted is contingent on the permittee's compliance with all conditions stated in the permit and its attachments.

This Federal permit does not obviate the need to obtain any other Federal, state or local authorizations required by law.

If you have any questions, please contact Jonathan Bakken in our Hayward office at (651) 290-5884 or jonathan.m.bakken@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

Todd Vesperman

Todd Vesperman
Chief, West Branch

Enclosure(s)

cc: Brad Foss, Dairyland Power Cooperative (Brad.Foss@DairylandPower.com)
Erin Dukart, Basin Electric (edukart@bepc.com)
Tyler Beemer, Burns & McDonnell (tbeemer@burnsmcd.com)
Macaulay Haller, WDNR (macaulay.haller@wisconsin.gov)
Kyle McLaughlin, WDNR (kyle.mclaughlin@wisconsin.gov)

DEPARTMENT OF THE ARMY PERMIT

Permittee ALLETE, Inc. c/o Dan McCourtney
Permit No. MVP-2020-00887-JMB

Issuing Office St. Paul District
U.S. Army Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

You are authorized to permanently discharge dredged or fill material into 3.93 acres of wetlands for construction of the switchyard and new transmission lines.

You are authorized to temporarily discharge dredged or fill material in 24.30 acres of wetlands in association with access and construction of transmission line, natural gas pipeline, and a new switchyard.

You are authorized to place new and relocated transmission line over the Nemadji River, a navigable water of the United States.

You are authorized to place new natural gas pipeline and relocated fiber-optic line, via horizontal directional drill (HDD) under the Nemadji River, a navigable water of the United States.

The authorized work is shown on the attached drawings labeled MVP-2020-00887-JMB Page 1 of 14 through 14 of 14. A detailed description of the activities requiring a DA permit is provided below:

- A 345-kV transmission line would be constructed between the intersection of 31st Avenue East and Grand Avenue and a new switching station located on the west side of Lyman Lake Road, approximately 1,680 feet south of the intersection of Lyman Lake Road and County Road Z in the City of Superior. The 345-kV transmission line route is approximately 4 miles in length and utilizes existing right-of-way corridors in the City of Superior and the Town of Parkland.
- A 16-inch diameter natural gas pipeline would be constructed between the proposed NTEC generation facility and an existing meter station to the south. The route is approximately 7 miles in length and occurs within existing right-of-way corridors located in the City of Superior and the Town of Parkland.
- Existing electric transmission Line No. 132 (115-kV), Line No. 761 (115-kV), and Line No. 160 (161- kV) at the Nemadji River crossing would be reconstructed and relocated to the south.

- The new and relocated transmission line would span over the Nemadji River and the new natural gas pipeline and relocated fiber-optic line would be installed under the Nemadji River, a navigable water of the United States.

Project Location:

The transmission line, natural gas pipeline, and fiber-optic line crossing the Nemadji River are located in Section 31, Township 49 North, Range 13 West, Douglas County, Wisconsin.

The 345-kV transmission line structures and temporary access are located in Section 31, Township 49 North, Range 13 West, and Sections 5, 6, 8, 9, 16 & 17, Township 48 North, Range 13 West, Douglas County, Wisconsin.

The 16-inch diameter natural gas pipeline and temporary access are located in Sections 5, 6, 9, 16, 21, 28 & 33, Township 48 North, Range 13 West, Douglas County, Wisconsin.

The new Switchyard is located in Section 17, Township 48 North, Range 13 West, Douglas County, Wisconsin.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2030. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The following special condition is a part of all Corps of Engineers permits that provide authorization under Section 10 of the Rivers and Harbors Act, regardless whether the permit provides such authorization under Section 10 alone, or in combination with authorization under other laws:
 - a. You understand and agree that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. The permittee is responsible for ensuring that whoever performs, supervises or oversees any portion of the physical work associated with the construction of the project has a copy of, is familiar with, and complies with all the terms and conditions of this permit.
3. As compensation for the unavoidable wetland loss associated with the project, you have purchased 49.78 wetland credits as follows: 1.33 wet meadow credits from the Chequamegon Wetland Mitigation Bank; 3.90 hardwood swamp and 0.02 shrub-carr credits from the Poplar River Wetland Mitigation Bank; and 22.71 shrub-carr, 13.68 wet meadow, and 8.14 hardwood swamp credits from the Bluff Creek Wetland Mitigation Bank. The affidavits of credit purchase dated March 25, March 28, and April 1, 2022 have verified that you have satisfied all compensatory wetland mitigation requirements of this permit.
4. To avoid affects to the federally endangered Northern long-eared bat and proposed endangered Tricolored bat, it is recommended that no tree clearing (3" DBH or greater) occur during the summer occupancy season from April 15th to September 30th. It is recommended that all tree clearing occur during the inactive season from October 1st to April 14th. Within 30 days of completion of tree clearing associated with this permit, you shall provide this office with a report of the dates when tree clearing occurred.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.

- c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Daniel McCourtney
(PERMITTEE SIGNATURE)

7/7/25
(DATE)

Daniel McCourtney
(PERMITTEE PRINTED OR TYPED NAME)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Todd Vesperman
Todd Vesperman
Chief, West Branch

7/7/2025
(DATE)

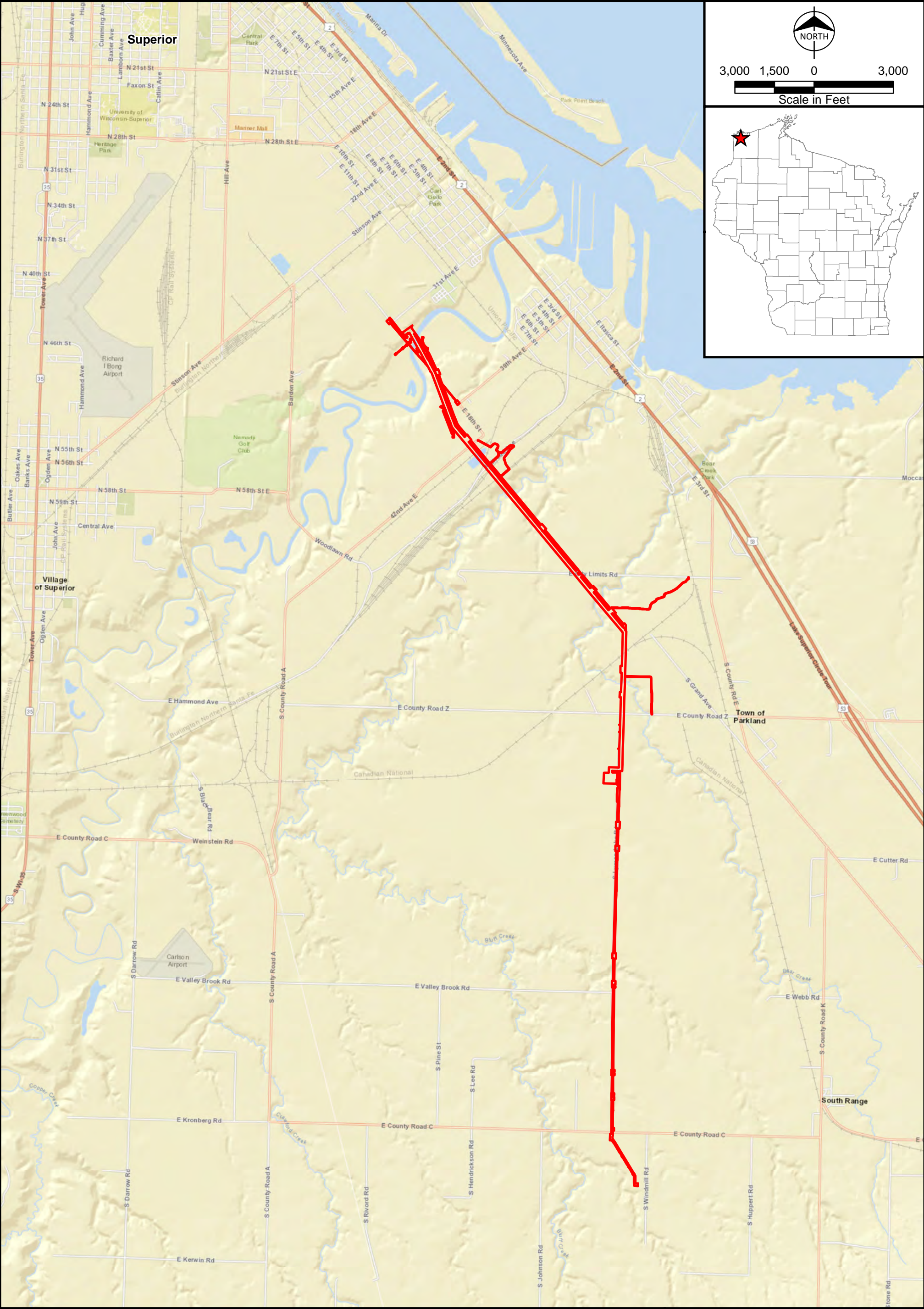
for:
Joshua D. Rud
Lieutenant Colonel, Corps of Engineers
Acting Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE SIGNATURE)

(DATE)

(TRANSFEREE PRINTED OR TYPED NAME)

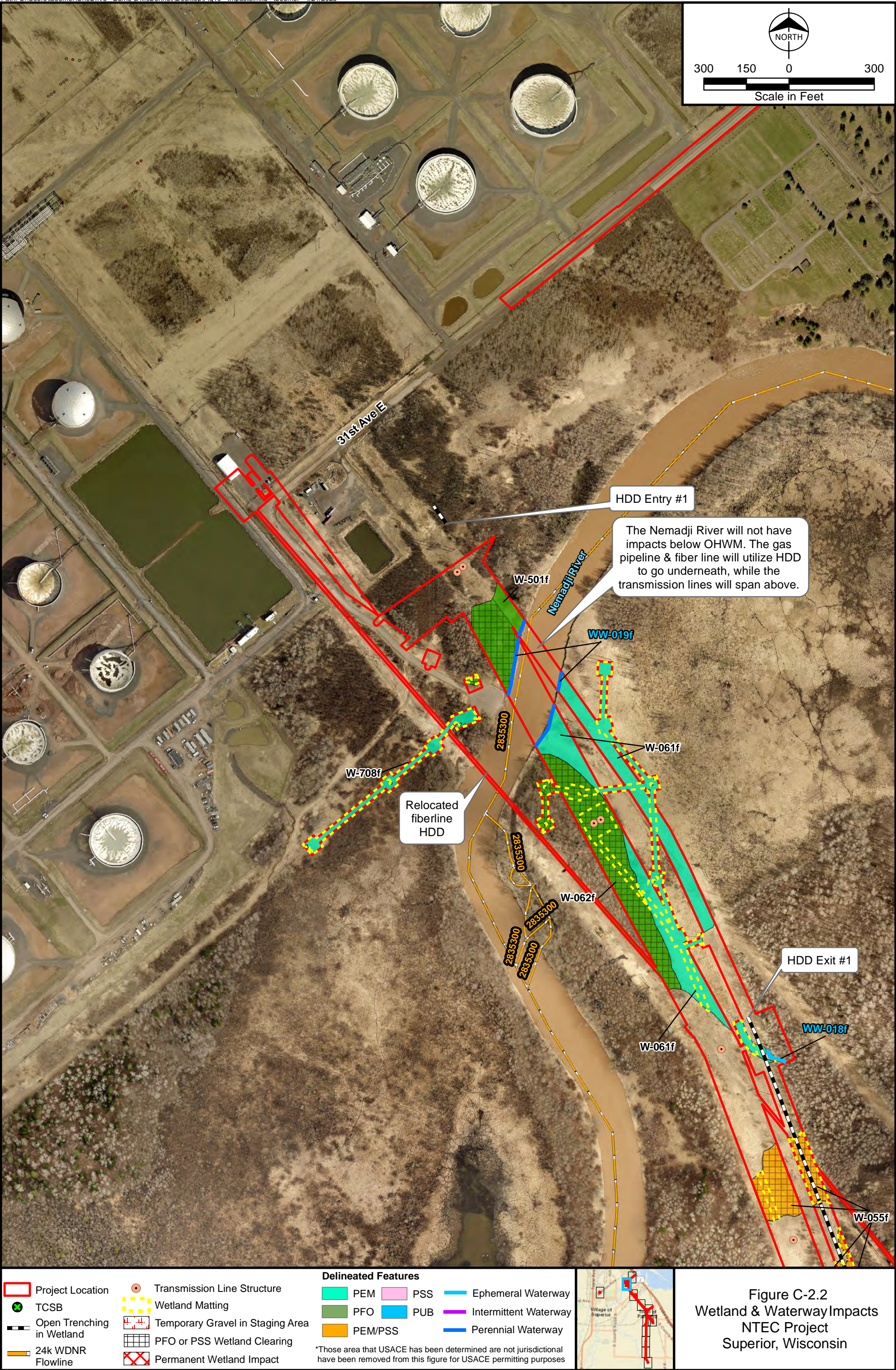


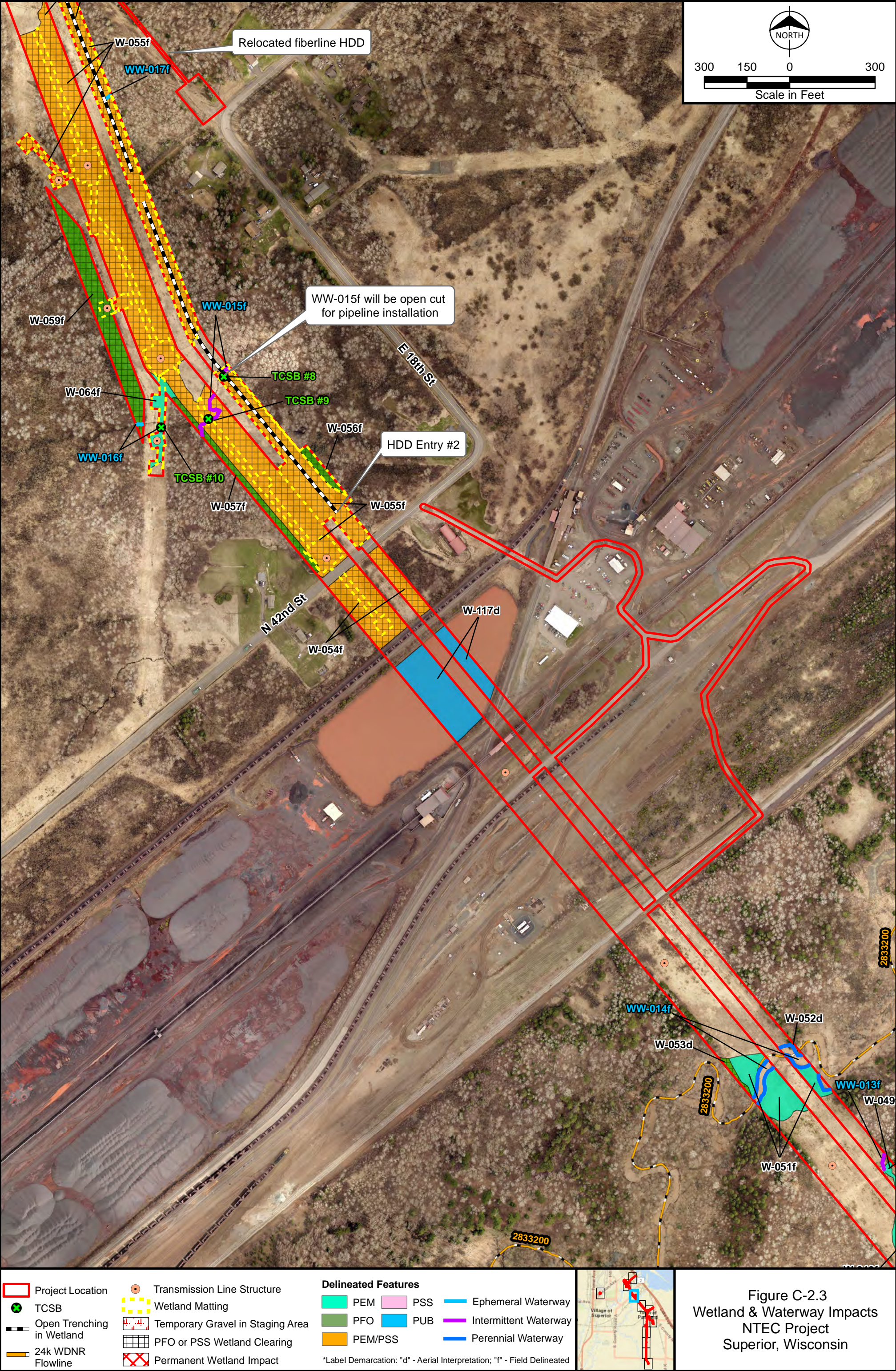


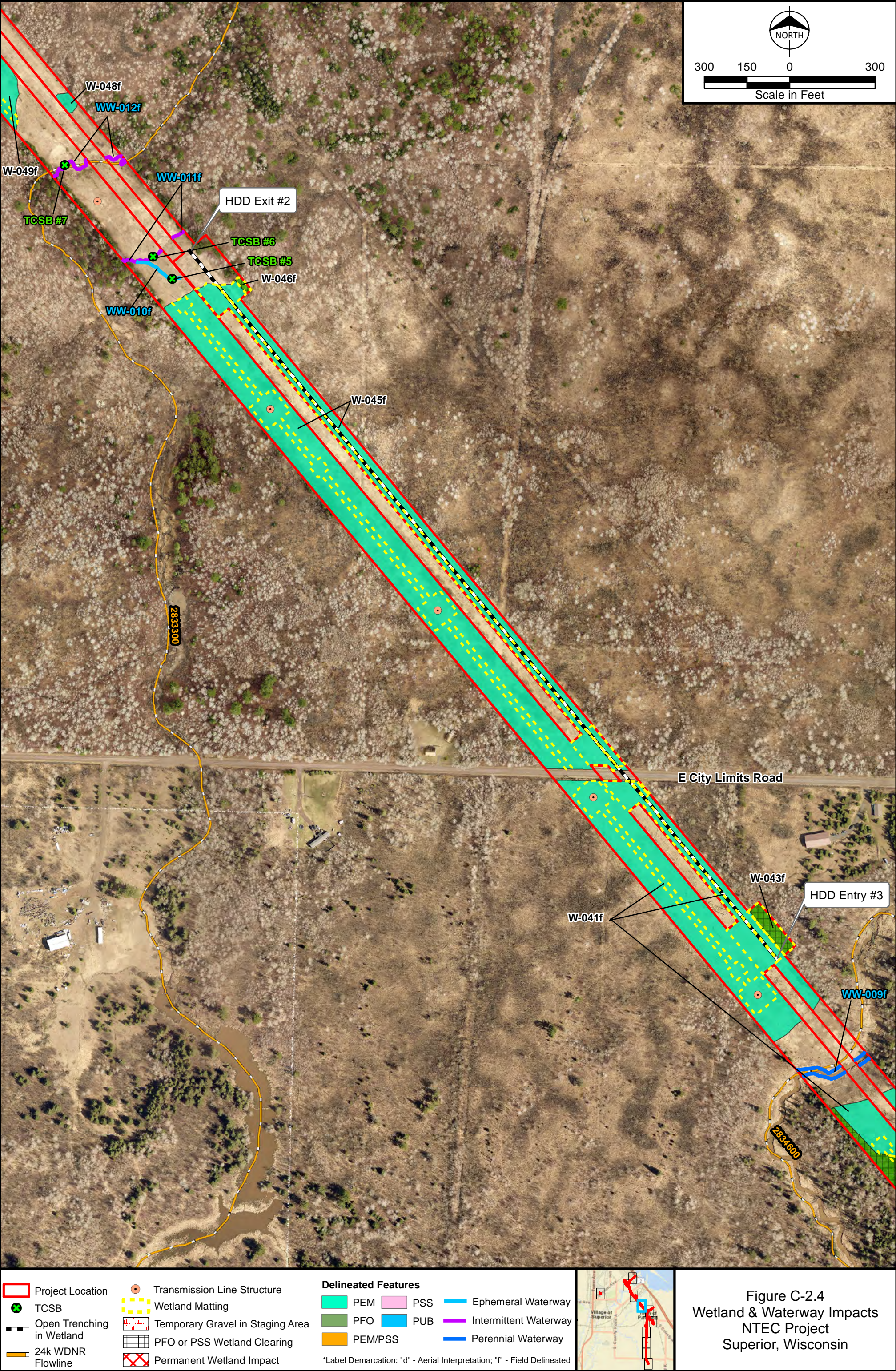
Project Location

* Those areas that USACE has determined are not jurisdictional have been removed from this figure for USACE permitting purposes.

Figure C-3
Project Location
NTEC Project
Superior, Wisconsin

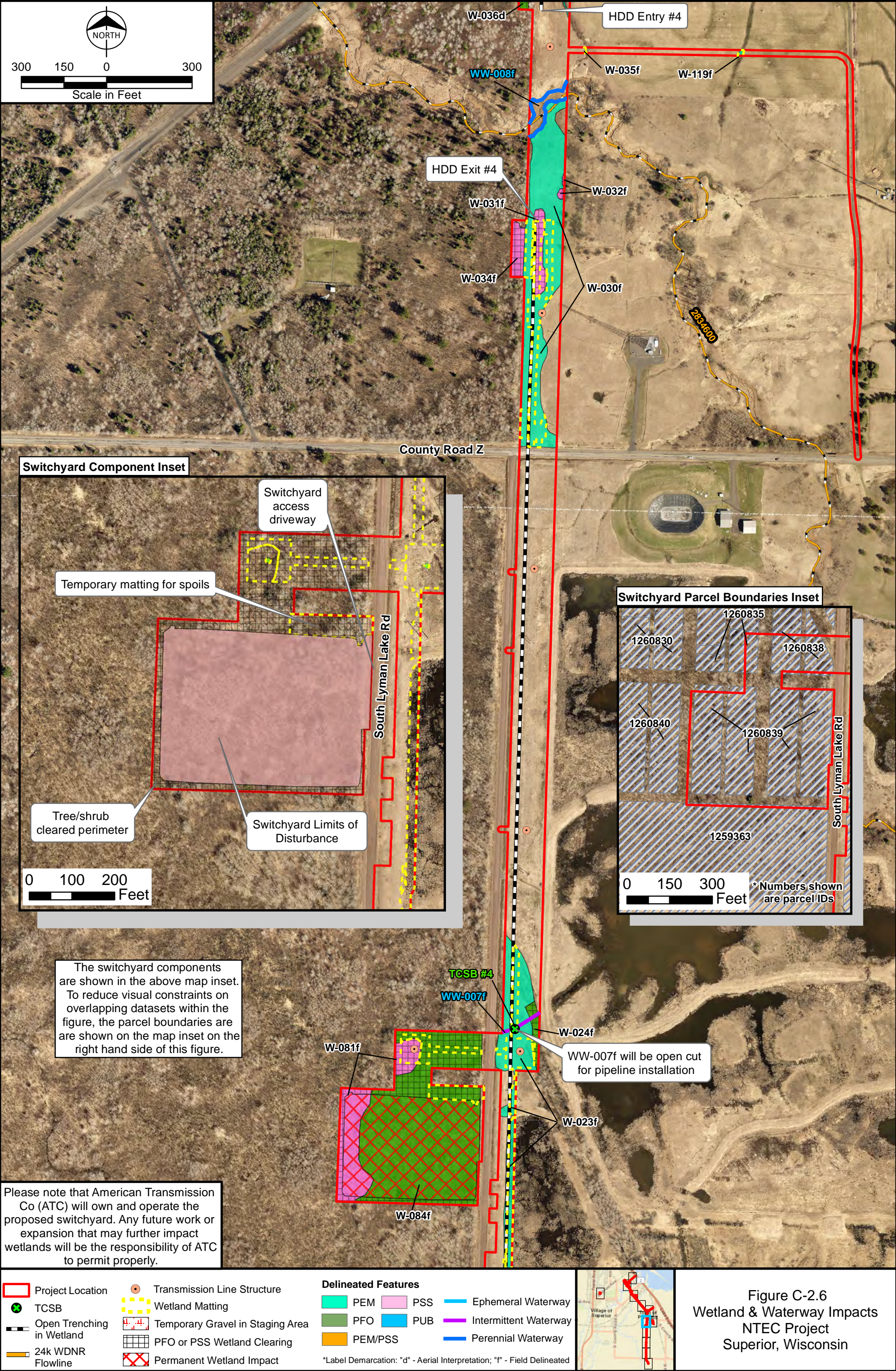








Issued: 3/15/2021



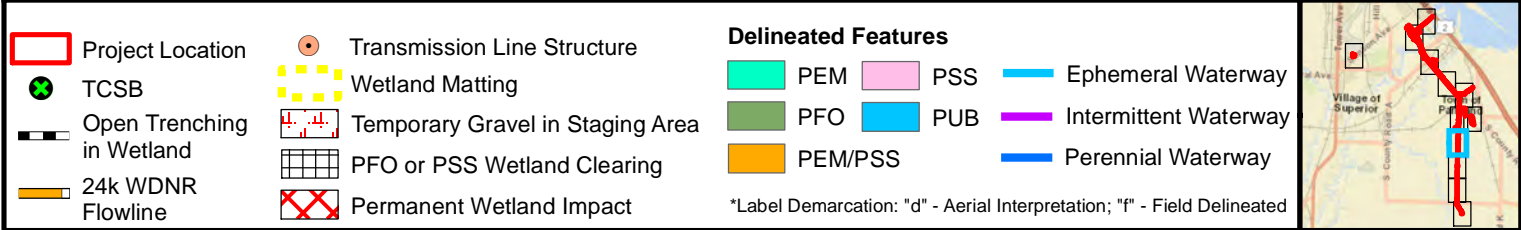


Figure C-2.7
Wetland & Waterway Impacts
NTEC Project
Superior, Wisconsin

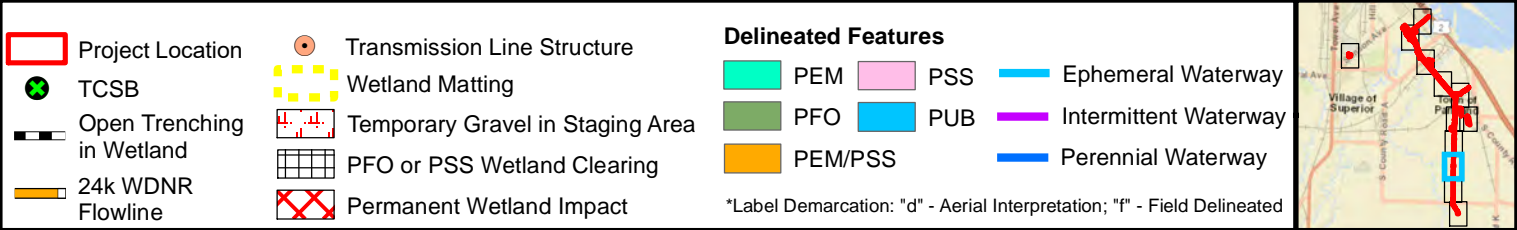
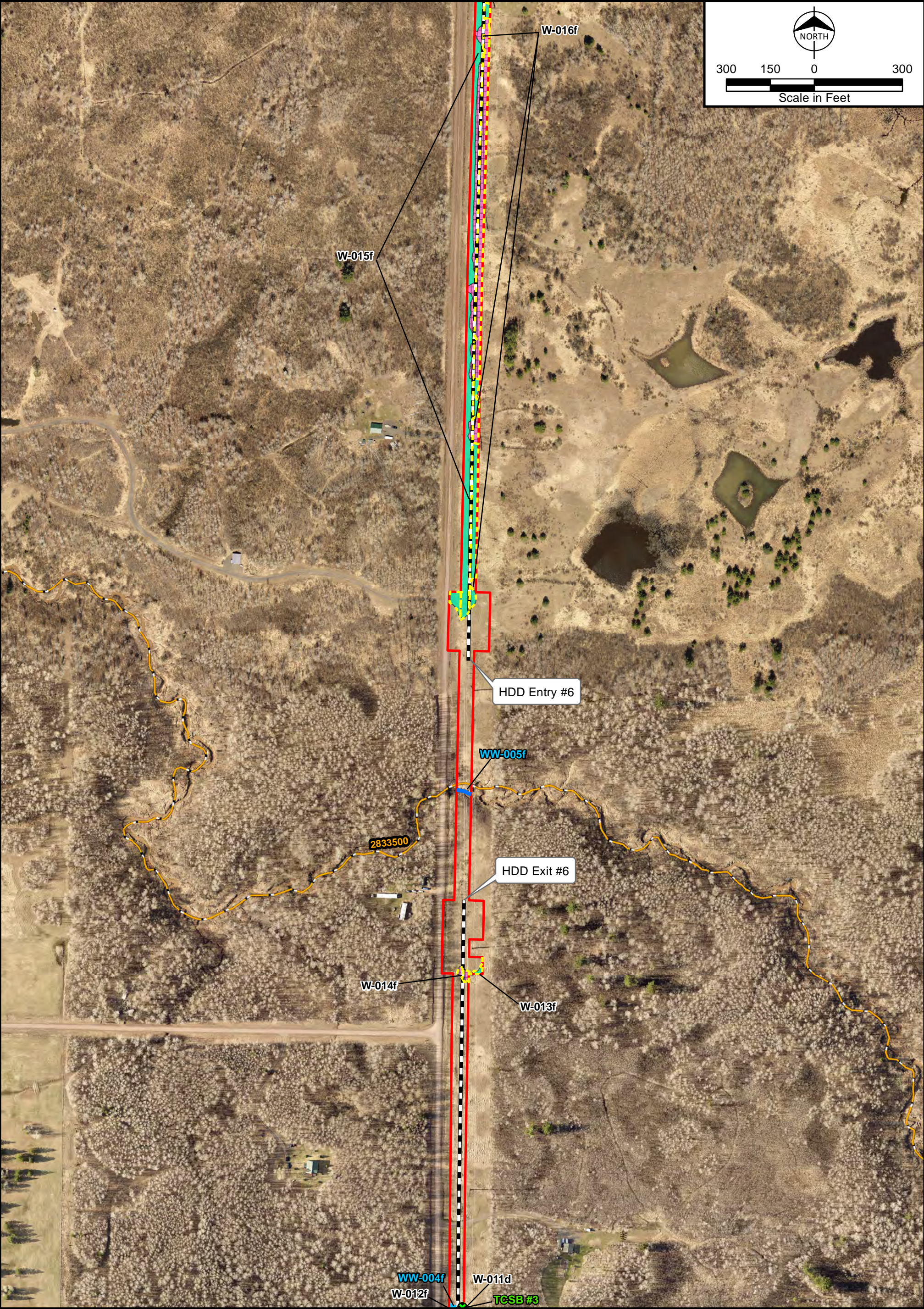
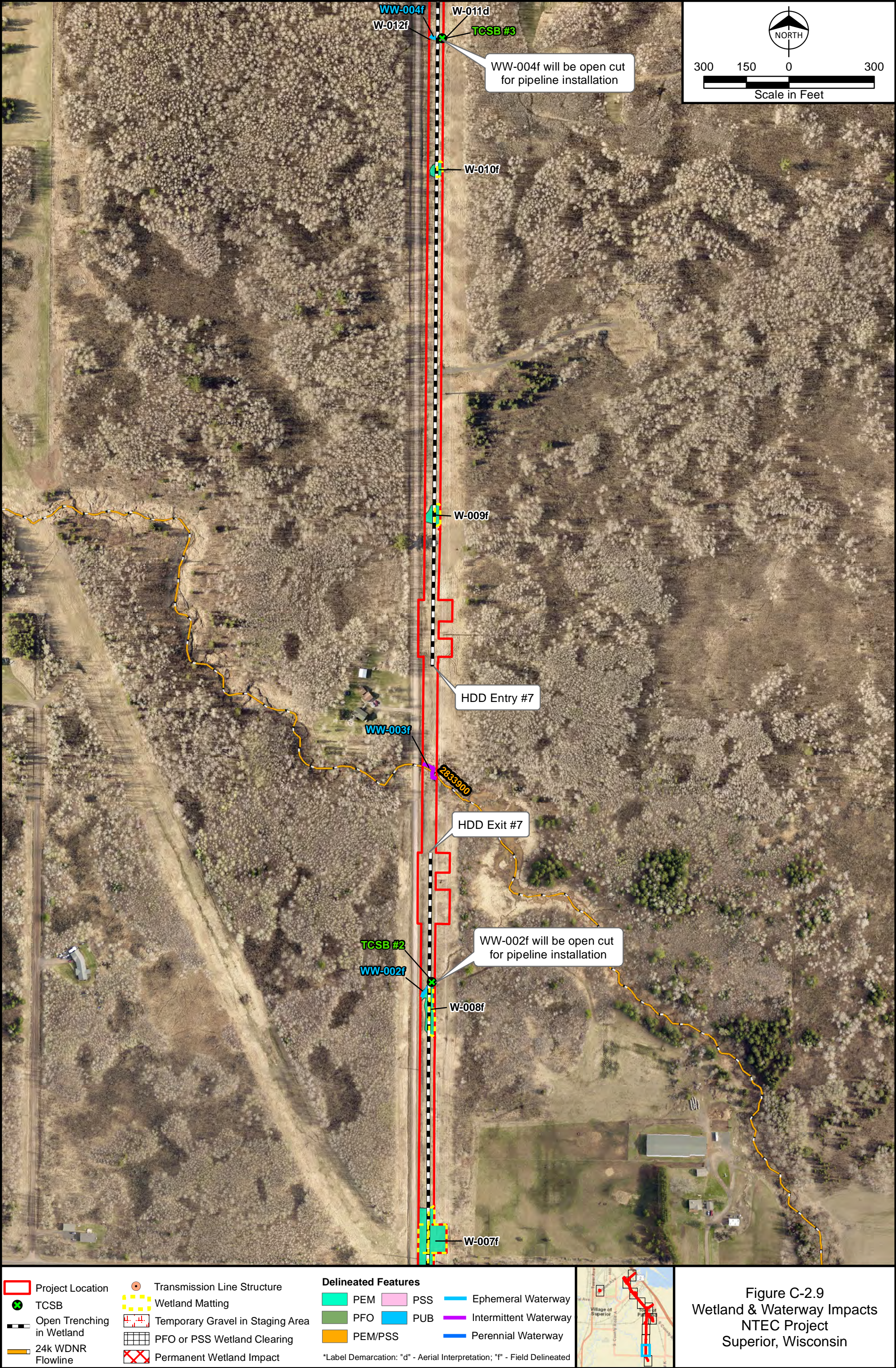


Figure C-2.8
Wetland & Waterway Impacts
NTEC Project
Superior, Wisconsin



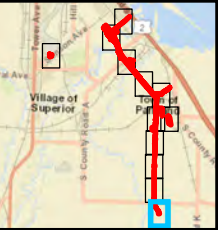
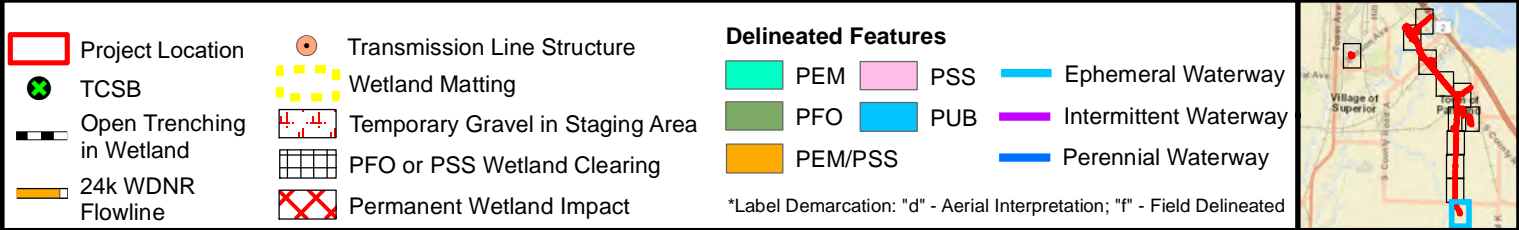


Figure C-2.10
Wetland & Waterway Impacts
NTEC Project
Superior, Wisconsin

Wetland/Waterway Impact Summary Table for the NTEC Project
Supplement Document to WDNR Form 3500-53. Check all that apply.

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