



July 15, 2022

WP-IP-NO-2021-16-N00912, 932, 933

Dan McCourtney  
Superior Water, Light, & Power  
30 W. Superior Street  
Duluth, MN 55802

Dear Mr. McCourtney,

The Wisconsin Department of Natural Resources (WDNR, or department) has reviewed your application for a utility permit pursuant to Chapter 30.025 (Wis. Stats.), to place fill in wetlands, to dredge and place temporary clear-span bridges over navigable waterways, as part of the South Shore Energy, LLC (SSE) and Dairyland Power Cooperative (DPC) proposal to construct the Nemadji Trail Energy Center natural gas fired electric generation facility, electric transmission line, switching station, natural gas pipeline, staging areas and laydown yards (NTEC project), located in Douglas County. You will be pleased to know your application is approved with a few limitations.

The enclosed document is the department permit decision for certain construction activities pertaining to the joint application of SSE and DPC, submitted to the Public Service Commission of Wisconsin and the department under dockets 9698-CE-100, 9698-CE-101, 5820-CG-105, and 5820-CG-06, and utility permit application submitted to the department under docket WP-IP-NO-2021-16-X03-22T16-13-53, for authority to construct the NTEC project. The attached utility permit lists the conditions which must be followed, so please read your permit conditions so that you are fully aware of what is expected of you.

This permit authorizes temporary clearspan bridges across waterways, waterway dredging, temporary wetland fill associated with access (matting), construction staging (gravel), pipeline trenching, and HDD bore pits, permanent wetland fill associated with the generation facility, substation and transmission facilities, and wooded wetland conversion as detailed in Permit Table 1. This permit also confirms the state water quality certification necessary for proceeding under an approval pursuant to a federal permit issued by the Army Corps of Engineers.

Your next step will be to submit a detailed Environmental Construction Plan to DNR Energy Project Liaison Macaulay Haller. If you have any questions about this permit, please call me at 608-405-0016, or you can email me at [benjamin.callan@wisconsin.gov](mailto:benjamin.callan@wisconsin.gov).

Sincerely,

Benjamin Callan  
Chief, Integration Services Section

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cc: Brad Foss, Dairyland Power Cooperative  
Tyler Beemer, Burns & McDonnell Engineering  
City of Superior  
Bill Sande, USACE  
Adam Ingwell, PSC

**STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES**

**Utility PERMIT  
WP-IP-NO-2021-16-N00912, 932, 933**

This is a Wisconsin Department of Natural Resources (WDNR or department) utility permit for the application of South Shore Energy, LLC (SSE) and Dairyland Power Cooperative (DPC), for authority to construct the Nemadji Trail Energy Center natural gas fired electric generation facility, electric transmission line, switching station, natural gas pipeline, staging areas and laydown yards (NTEC project), located in Douglas County.

SSE and DPC are hereby granted under 33 U.S.C.S §1341 (CWA §401), Sections 30.025, 30.123, 30.20, 182.017, 281.15, 281.36, Wisconsin Statutes, and Chapters NR 102, 103, 150, 299, 320, and 345, Wisconsin Administrative Codes, a utility permit to place temporary clearspan bridges across waterways, dredge waterways, place temporary wetland fill associated with access (matting), construction staging (gravel), pipeline trenching, and HDD bore pits, permanent wetland fill associated with the generation facility, substation and transmission facilities, and wooded wetland conversion as detailed in Permit Table 1, subject to the following conditions:

**PERMIT**

**Reporting and Notification Conditions**

1. You must post a copy of this permit at a conspicuous location on the project web site for at least five days prior to construction and remaining at least five days after construction is complete. You must also keep a copy of the permit and approved plan available at all times until the project is complete at all field offices and construction sites. All employees, consultants and contractors who are working on the project must be made aware of the permit and its conditions and all appropriate managers and supervisors in charge of or working on construction or compliance must be provided with copies of the permit.
2. You must notify Energy Project Liaison Macaulay Haller (email [macaulay.haller@wisconsin.gov](mailto:macaulay.haller@wisconsin.gov), or phone 608-347-0240) before starting construction and again not more than 5 days after the project is complete.
3. You shall hire the Independent Environmental Monitor (IEM) approved by the department.
4. You shall notify Macaulay Haller via email within 24 hours of any violations of this permit that you become aware of. At a minimum, this notification shall include the following: when the violation occurred, what the violation was, where the violation occurred, how the violation was addressed, and steps that will be implemented to ensure the violation does not reoccur.
5. You must notify Macaulay Haller of any spills of any hazardous materials affecting wetlands and/or waterways within 24 hours. Spills of hazardous or toxic materials that pose a threat to human health, safety or the environment must be cleaned up to the extent practicable. All reportable spills should be reported immediately to the WDNR using the 24-hour toll free hot line, 1-800-943-0003. For more information, please visit the spills program web page: <https://dnr.wi.gov/topic/Spills/Define.html>.

6. A minimum of 45 days prior to construction, you must submit a detailed Environmental Construction Plan (ECP) to the department to ensure compliance with this permit before work begins. The ECP shall include, at a minimum:
  - a. Generation / Substation / Staging: Final site plans for construction, including environmental resources overlaid on an aerial photograph
  - b. Pipeline / Transmission Lines: Alignment sheets, including utility centerline, construction and temporary workspace, and environmental resources overlaid on an aerial photograph
  - c. Final Stream Crossing Plan, including:
    - i. Specific water details (i.e., width, bank slope, bank height, streambed substrate, flow parameters)
    - ii. Crossing details (i.e., trench width and depth, constructing sequencing, timing, flow bypass)
    - iii. Restoration and stabilization
    - iv. Emergence action plan
  - d. Final Endangered Resources Management Plan
  - e. Final Invasive Species Management Plan, including:
    - i. Timing of invasive surveys
    - ii. Location of surveys
    - iii. Identify all species surveyed for
    - iv. Presence and abundance of invasives
  - f. Final Wetland Restoration and Revegetation Plan, including:
    - i. Detail how temporary and permanent stabilization will be achieved, including where cover crop seed will be used, where native seed will be used, and where no seeding will occur.
    - ii. If seeding will not be utilized, include discussion on why seeding will not occur. This discussion should detail how restoration and revegetation activities may differ based on wetland type, wetland quality, and duration and timing of the construction impact. This discussion should be specific to wetland classes (high quality wetlands, lower quality and/or agricultural wetlands, wetlands previously forested, inundated wetlands, etc.).
    - iii. Provide a timeline of when these temporary and permanent stabilization activities will occur
    - iv. Detail how temporary and permanent stabilization will occur for each season when construction ends, including winter stabilization
    - v. Provide the seed mix tables,
    - vi. Detail how compacted and rutted soils will be restored,
    - vii. Identify how restoration activities will be monitored for progress, including if seeded areas will be watered
  - g. Post-Construction Monitoring Plan, including:
    - i. When post-construction monitoring will start
    - ii. Length of monitoring
    - iii. List of wetlands and waterways to be monitored
    - iv. Monitoring methodology
    - v. Monitoring performance standards
    - vi. Pre- and post-construction photos from identical locations
    - vii. Monitoring report submittal date(s) and submittal format

- h. Contingency Plan for Inadvertent Release associated with directional drilling
- 7. Within 30 days of project completion, you must submit a series of photographs to Macaulay Haller showing all work authorized by this permit. The photographs must be clear, labeled with the wetland/waterway feature identifier, and must show each permitted activity and appropriate restoration.
- 8. You shall provide the department access to erosion and sediment control inspection monitoring reports for any regulated construction activities in wetlands and waterways until the project is complete.

**General Conditions** – *in addition to conditions above*

- 9. You must complete the project, including site stabilization, as described on or before 07-15-2025. If you will not complete the project by this date, you must submit a written request for an extension prior to expiration of the initial time limit specified in the permit. Your request must identify the requested extension date. The department shall extend the time limit for an individual permit or contract for no longer than an additional 5 years if you request the extension before the initial time limit expires. You may not begin or continue construction after the original permit expiration date unless the department extends the permit in writing or grants a new permit.
- 10. This permit does not authorize any work other than what you specifically describe in your application and the supplemental materials submitted (including the record created during the Construction Authority and Certificate of Public Convenience and Necessity process, and as modified by the conditions of this permit (for the activities and locations listed in the attached Permit Table 1)). Final department approved plans and accompanying documents, as well as plans developed and approved pursuant to the conditions of this permit, are a part of, and are conditions of, this permit.
- 11. This permit is predicated on a worst-case analysis of impacts and thus the most protective measures practicable for each waterway and wetland crossing are prescribed. Changes to the prescribed impacts may occur only if approved by the department in writing.
- 12. If you wish to alter the project or permit conditions, you must first obtain written approval from the department.
- 13. This permit confirms the state water quality certification necessary for proceeding under an approval pursuant to a federal permit issued by the Army Corps of Engineers. You are responsible for obtaining all federal, state, and local permits or approvals that may be required before starting your project.
- 14. Upon reasonable notice, you shall allow access to your project site during reasonable hours to any department employee who is investigating the project's construction, operation, maintenance or permit compliance.
- 15. The department may modify or revoke this permit for good cause, including if the project is not completed according to the terms of the permit, or if the department determines the activity is

detrimental to the public interest, results in significant adverse impact to wetland functional values, in significant adverse impact to water quality, or in other significant adverse environmental consequences.

16. Your acceptance of this permit and efforts to begin work on this project signify that you have read, understood, and agreed to follow all conditions of this permit.
17. Permanent utility and temporary workspace easements must not include language that prevents wetland and waterway restoration and management activities as required by this permit. Restoration agreements with landowners shall comply with all of the conditions of this permit.
18. You, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section 30.292, Wis. Stats., for any violations of Chapter 30, Wisconsin Statutes, or this permit.
19. You assume all responsibility and liability for any direct or indirect damage caused or resulting from the installation and maintenance of the facilities associated with the project and hold the State of Wisconsin, and its employees, harmless.
20. You are required to maintain the facilities associated with this project to ensure that they cannot cause deleterious impacts to waterways, wetlands, and groundwater.
21. This permit does not authorize any future work or maintenance within the right-of-way (ROW) or any temporary workspace or access routes.
22. You must follow field protocols for activities in proximity to known landfills and any solid waste encountered shall be disposed of in accordance with NR 500, solid waste regulations.
23. Authorization hereby granted by the department is transferable to any person upon prior written approval of the transfer by the department.

**Dewatering Activities Conditions** – *in addition to conditions above*

24. Dewatering of the excavated work areas shall be conducted in accordance with the standards of the applicable general permit under Wisconsin's Pollutant Discharge Elimination System (WPDES) and the department approved Technical Standard 1061 ([https://dnr.wi.gov/topic/stormWater/documents/Dewatering\\_1061.pdf](https://dnr.wi.gov/topic/stormWater/documents/Dewatering_1061.pdf)).
25. At no time shall dewatering activities discharge directly to wetlands or waterways without prior effective water quality treatment. If dewatering discharging to wetlands or waterways is cloudy or exceeds 40 mg/l of total suspended solids (TSS), you shall immediately stop dewatering and contact the department to determine an adequate dewatering method.
26. If the water discharged from the dredge site exceeds the limits identified above, you shall submit and implement a stream restoration plan that must be authorized by the department in writing.

**Invasive Species Conditions** – *in addition to conditions above*

27. You must ensure that all machinery and equipment used for the project has been adequately decontaminated for aquatic invasives prior to being used in non-infested waters of the state. All equipment that comes in contact with infested waters including, but not limited to, mats, pumps, hoses, tracked vehicles, barges, boats, turbidity curtain, aquabarrier bladders, and sheet pile must be thoroughly disinfected.
28. All project activities shall be in compliance with NR 40, Wis. Adm. Code.
29. The applicants shall conduct field surveys prior to construction to identify the locations and extent of invasive species plant species.

**Endangered Resources Conditions** – *in addition to conditions above*

30. All project activities shall be conducted in accordance with the required avoidance and minimizations measures for rare species as indicated in the Endangered Resources Review, and as detailed in the Endangered Resources Management Plan, and/or included in an Incidental Take Authorization, and the PSC Order Conditions.

**Erosion Control and Revegetation Conditions** – *in addition to conditions above*

31. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters and as specified in plans and procedures that are part of or approved pursuant to this permit. All erosion control measures must meet or exceed the department approved technical standards and best management practices (BMPs).
32. Temporary stabilization activities shall commence when land disturbing construction activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
33. Final stabilization activities shall commence when land disturbing construction activities cease, and final grade has been reached on any portion of the site.
34. All temporary and final stabilization activities shall comply with NR 151.11(8), Wisconsin Administrative Code.
35. Appropriate erosion control measures must be in-place and effective during every phase of this project.
36. Erosion control measure must be in place at the end of each working day.
37. Erosion control measures must be inspected, and necessary repairs or maintenance performed after every rainfall exceeding ½ inch and at least once per week.
38. You must maintain a log of the erosion control inspections, repairs made, and rain events. This must be made available to the IEM and department personnel upon request.
39. Any area where topsoil is exposed during construction shall be stabilized to prevent soil from being eroded and washed into a sensitive resource.

40. The removal of vegetative cover and exposure of bare ground must be restricted to the minimum necessary for construction. Areas where soil is exposed must be protected from erosion by seeding and mulching, sodding, diversion of surface runoff, installation of straw bales or silt screens, construction of settling basins, or similar methods as soon as possible after removal of the original ground cover as described by department technical standards, or site-specific erosion control plan approved by department.
41. All erosion control matting used in wetlands and on waterway banks must be made from natural fiber only, without any synthetic mesh or netting.
42. No portion of the waterway bank which is altered or disturbed, and as a result unstable, may remain unprotected for more than 7 days.
43. Unless separated by an effective physical barrier, you must not deposit or store any of the excavated materials in any wetland, below the ordinary highway water mark, or in the floodway of any waterway.
44. Site stabilization between October 1 and April 15 requires seeding and mulching (with weed-free mulch or non-synthetic matting), or another appropriate stabilization technique/method.
45. Final stabilization in wetlands requires the establishment of native or pre-existing perennial vegetation to at least 70 percent vegetative cover. Monitoring of revegetation shall be conducted until 70 percent vegetative cover is established in all wetlands.
46. After the site is 70% stabilized, all temporary erosion control measures must be removed and disposed of properly.

**Temporary Bridge Conditions** – *in addition to conditions above*

47. This permit authorizes the placement of temporary clear span bridges (TCSBs) and is not an approval for channel relocation.
48. This permit does not authorize the removal of any material below the ordinary high water mark (OHWM) for the placement of TCSBs.
49. You must inspect the bridge openings periodically for debris, and following any rainfall exceeding ½-inch, and must remove any restriction of flow. Any debris must be deposited in an upland site and out of any floodplain.
50. You must securely anchor each bridge with cables or some other department-approved method to prevent it from being transported downstream during flood conditions.
51. No approach fill shall be placed in the floodway or below the OHWM of any navigable waterway. If an approach must be located in the floodway, it shall be open ramp style construction only.



52. All bridges must be placed and removed in compliance with timing restrictions, and no later than 7 days after the final waterway crossing activities (associated with clean up and restoration) have been completed.
53. All bridges across navigable waterways shall maintain a clearance of not less than 5 feet, or comply with the requirements of NR320.04, Wis. Adm. Code.
54. All bridges shall completely span the waterway from top of channel to top of channel with no support pilings in the waterway.
55. Construction or placement of all TCSBs shall minimize the removal of trees, shrubs, and other shoreline vegetation.

**Dredging Conditions** – *in addition to conditions above*

56. Bottom materials must be removed by equipment which is designed to minimize the amount of sediment that can escape into the water. Equipment must be properly sized so that excavation conforms to the plans submitted and allows the work to be done from the banks rather than in the waterway.
57. The stream bed backfill material shall be consistent with the pre-existing and adjacent bed material. If the stream bed in the crossing location has a unique substrate feature, it shall be replaced (i.e., cobbles, boulders, riffles, etc.).
58. For all dredged waterways, you shall provide the department with documentation that streambed elevations and slope have not changed due to the construction of this project.
59. The bank slopes must be no steeper than 2-feet horizontal to 1-foot vertical after construction.
60. You shall not dredge deeper than 10 feet below pre-existing streambed elevation in any waterway unless approved by the department.
61. You shall not permanently place any dredged material below the OHWM or in any wetland unless specifically authorized in the approved plans, the ECP or by the department.
62. You are not allowed to do construction during periods of high water levels or flooding if it could overwhelm the proposed crossing technique.
63. For each waterway crossing, the contractor shall have appropriate equipment available to handle high flow conditions.
64. Construction of the pipeline across waterways shall be completed as quickly as possible in order to minimize disruption.
65. Construction of the pipeline shall minimize the removal of trees, shrubs, and other shoreline vegetation above the OHWM.

66. You shall follow the prescribed waterway crossing method listed in Permit Table 1. Any proposed changes to approved waterway crossing method must be approved by the department. Crossing definitions are described in the Permit Table 1 notes.
67. Waterways that are dry during the entire crossing process can be constructed using a “wet trench” technique.
68. Waterways that have standing water but no flow during the entire crossing process shall not be crossed by “wet trenching” unless approved in writing by the department.
69. Installation of the pipeline across any waterway with standing water by “wet trenching” must properly utilize and maintain a minimum of one sediment control device (e.g., silt curtain) downstream of the trenching location.
70. You must inspect and maintain the dam, pumps, and flumes daily for debris, and within 12 hours following any rainfall exceeding ½ inch.
71. You shall remove any restriction of flow affecting the stream bypass system. Any debris must be deposited in an upland site and out of any floodplain.
72. Pump intakes shall prevent impacts to fisheries, wildlife, and their habitat.
73. Pump intakes shall be placed to avoid the disturbance and removal of bed material.
74. Pump discharges shall have energy dissipation devices installed to prevent disturbance and scour of bed material.
75. Flume discharges shall be designed, installed, and maintained to prevent bed disturbance and scour.
76. Quantity and placement of flumes must minimize the disturbance and scour of bed material.
77. No earthen coffer dams are allowed.
78. You shall remove all coffer dams gradually, in such a way that minimizes the release of sediment and other downstream impacts.

**Wetland Conditions** – *in addition to conditions above*

79. Except for wetlands approved for permanent fill, all wetlands must be restored to pre-construction topographic elevations and flow regimes for the purpose of restoring pre-construction wetland functions.
80. The monitoring plan (per condition #6g) shall include post-construction waterway and wetland monitoring. All wetlands shall be monitored within 3 months after the first growing season following completion of construction to ensure that the vegetation in it has been properly stabilized. The monitoring plan shall propose specific wetlands requiring monitoring beyond the first year after construction. At a minimum, 50% of the wetland crossings shall be monitored

annually for 3 years. At a minimum, 25% of wooded wetlands shall be monitored for 5 years post construction. The monitoring plan shall outline the parameters to be measured each year of the plan and a clear timeline for annual monitoring report submittals to the department.

81. You shall follow the prescribed wetland crossing method listed in Permit Table 1. Any proposed changes to approved wetland crossing method must be approved by the department.
82. No wetlands may be disturbed other than where specifically authorized in the ECP or by the department pursuant to this permit.
83. You shall prevent the transport and spread of non-native and invasive species in wetlands.
84. The boundaries of each wetland shall be clearly marked (with stakes or signs) in the field prior to clearing activities and shall remain during construction. If markings need to be temporarily removed, they must be replaced by the end of the working day.
85. Construction equipment passage in wetlands shall be limited and must travel on construction mats.
86. Mats placed in wetlands shall not be removed until final cleanup.
87. Any springs encountered in the ROW that cannot be avoided by construction must be characterized and documented prior to disturbance. These springs must be restored to pre-existing flow regimes and conditions.
88. You shall submit the final acreage of actual wetland impacts associated with this project. This information shall be submitted in a new column added to Permit Table 1.

**IEM Responsibilities** - *in addition to conditions above*

89. You shall hire an IEM approved by the department. The scope of work for the IEM shall be developed jointly with the PSC and WDNR.
90. IEM shall confirm that all wetland boundaries have been accurately marked in accordance with the project delineations prior to clearing and construction.
91. Additional IEM responsibilities will be determined by the WDNR and PSC after the IEM is hired.
92. You shall work with the WDNR and PSC to set a reporting and communication protocol for the IEM.

**FINDINGS OF FACT**

1. South Shore Energy, LLC (SSE) and Dairyland Power Cooperative (DPC) applied for a utility permit pursuant to Chapter 30.025 (Wis. Stats.), to place fill in wetlands, to dredge and to place temporary clear-span bridges over navigable waterways, as part of the proposal to construct the Nemadji Trail Energy Center natural gas fired electric generation facility, electric transmission line, switching station, natural gas pipeline, staging areas and laydown yards (NTEC project), located in Douglas County.

2. SSE and DPC applied for approval under 33 U.S.C.S §1341 (CWA §401), Sections 30.025, 30.123, 30.20, 182.017, 281.15, 281.36, Wisconsin Statutes, and Chapters NR 102, 103, 150, 299, 320, and 345, Wisconsin Administrative Codes, to place temporary clearspan bridges across waterways, dredge waterways, place temporary wetland fill associated with access (matting), construction staging (gravel), pipeline trenching, and HDD bore pits, permanent wetland fill associated with the generation facility, substation and transmission facilities, and wooded wetland conversion as detailed in Permit Table 1.
3. The joint application of SSE and DPC was submitted on 1/22/2019 to the Public Service Commission of Wisconsin (PSC) and the WDNR. The WDNR participated in the Certificate of Public Convenience and Necessity (CPCN) and Certificate of Authority (CA) processes with the PSC, under PSC dockets 9698-CE-100 (CPCN combined cycle generation), 9698-CE-101 (CPCN electric transmission line), 5820-CG-105 (CA natural gas new), and 5820-CG-106 (CA natural gas relocate).
4. The NTEC project involves a natural gas fired electric generating facility with a capacity of approximately 650 megawatts (MW) (CPCN docket 9698-CE-100 (SSE and DPC)), 345 kV electric transmission line (CPCN docket 9698-CE-101 (SSE and DPC)), new 16-inch diameter natural gas pipeline (CA docket 5820-CG-105 (Superior Water, Light & Power (SWLP))), and relocated 10-inch diameter natural gas pipeline (CA docket 5820-CG-106 (SWLP)).
5. The PSC determined the application was complete on 2/15/2019. The PSC and WDNR reviewed information from the CPCN application, subsequent data request responses, and scoping comments to develop a draft Environmental Impact Statement (EIS). The draft EIS was issued for public comment on 7/24/2019 (PSC REF# 372729).
6. The PSC and WDNR reviewed information from the CPCN application, subsequent data request responses, scoping comments, comments on the draft EIS, maps, GIS data, aerial imagery, to develop a joint final EIS under NR 150 (Wis. Adm. Code) regarding the project and its alternatives. The final EIS considered a broad range of ecological and socioeconomic impacts that could occur as a result of the construction and operation of the project, including impacts to local natural resource areas, landowner rights, aesthetics, airports and airstrips, archaeological and historic resources, cultural resources, electric and magnetic fields, property values, radio and television reception, recreation and tourism, safety, communication facilities, endangered resources, forested lands, grasslands, invasive species, waterways, wetlands, and wildlife. The final EIS was issued 10/3/2019 (PSC REF# 376795).
7. The PSC conducted public hearings 10/28/2019 and 10/29/2019. The PSC conducted a technical hearing 10/29/2019. The PSC issued a Notice of Hearing for all sessions on 9/29/2019 (PSC REF# 375473).
8. The PSC Commissioners approved the project and the final Order was issued on 1/30/2020 (PSC REF# 383195). The PSC Order stated the proposed project is reasonable and project alternatives are not cost-effective, technically feasible, or environmentally sound under Wis. Stat. § 196.491. The PSC Order also stated the proposed project will not have undue adverse impacts on environmental values including ecological balance.

9. Post-Order submittals were provided to the department by SSE and/or DPC on 3/31/2020, 6/11/2020, 6/26/2020, 8/11/2020, 9/1/2020, 9/24/2020, 11/11/2020, and 1/18/2021.
10. The utility permit application was submitted to the department on 3/23/2021 under docket WP-IP-NO-2021-16-N00912, 932, 933, for authority to construct the NTEC project.
11. The department reviewed and considered information presented in the application and supplemental submittals, GIS information, aerial photos of existing right-of-way and adjacent lands, public comments, the EIS, wetland access routes, wetland fill locations, waterway impact locations, and impacts associated with vegetation clearing and construction. The department has also completed an investigation of the project site and has evaluated the project as described in the application and plans.
12. The applicants will provide detailed Environmental Construction Plans (ECPs) a minimum of 45 days before construction begins.
13. The department will review, comment, and provide a written response to every ECP within 30 days of receipt. Every ECP will be approved in writing by the department prior to the initiation of construction on the segment.
14. The department will rely on Independent Environmental Monitors (IEMs) to oversee activities related to its authority, document permit compliance, and streamline communication. Additional details of the roles and responsibilities of the IEMs will be coordinated with the PSC and determined prior to construction.
15. The attached Permit Table 1 specifies the locations, regulated activities, and general construction requirements for each waterway and wetland crossing. This permit is predicated on a worst-case analysis of impacts and Permit Table 1 prescribes the most protective measure for each waterway and wetland impact.
16. This permit has been issued with the understanding that any construction equipment used is the right size to do the job and can be brought to and removed from the project's site without unreasonable harm to vegetative cover or fish or wildlife habitat.
17. The applicants shall work with the local floodplain zoning authority to ensure the project meets local floodplain ordinances.
18. The proposed project, if constructed in accordance with this permit, will avoid or minimize impacts to endangered resources pursuant to Wisconsin's Endangered Species Law (29.604, Wis. Stats.).
19. Impacts to waterways and wetlands associated with pipeline and transmission line are considered to be temporary and the resources are expected to fully recover after utility installation and restoration activities.
20. This project will include up to 20 regulated waterway crossings. Regulated waterway crossings include placement of temporary bridges, placement of temporary cofferdams, dredging to place the pipeline

below the ordinary high water mark, backfilling to the pre-construction elevations with appropriate substrate, grading on the bank, and bank restoration.

21. Pipeline construction across waterways will be completed by horizontal directional drill and open-cut trenching.
22. Work below the ordinary high water mark and placement and removal of temporary bridges is prohibited from March 1 to June 15, unless otherwise approved by the departments Fisheries Biologists.
23. The approval of TCSB's is limited to waterways that cannot be avoided by accessing from another landowner-approved location or across existing structures such as culverts and bridges.
24. The project will include open cut (dredging) installation in up to 7 navigable waterways. The applicant will provide detailed plans for each waterway crossing for department approval to ensure impacts to the waterways are minimized.
25. The project will utilize an existing outfall structure that discharges to the Nemadji River. The project will not involve any modifications below the OHWM to this structure.
26. The outfall discharge water is regulated by the department's Wisconsin Pollutant Discharge Elimination System (WPDES) Program. The department has the authority to impose discharge limits for pollutants that have codified water quality standards or discharge limitation guidelines promulgated by rule.
27. The waterways listed in Table 1 are considered navigable waters, and no bulkhead exists at the project sites.
28. The proposed project, if constructed in accordance with this permit, will not adversely affect water quality, will not increase water pollution in surface waters, and will not cause environmental pollution as defined in s. 283.01(6m), Wis. Stats.
29. The bridges, coffer dam structures, and dredging will not materially obstruct navigation because the utility installation work is temporary, the site will be restored to pre-construction conditions, and there will be no long-term impacts to the waterways.
30. The bridges, coffer dam structures, and dredging will not be detrimental to the public interest because the utility installation work is a temporary, the site will be restored to pre-construction conditions, and there will be no long-term impacts to the waterway. In-stream activities will utilize proper erosion and sediment control during construction. The construction activities will not have a significant impact on fish and wildlife habitat.
31. The bridges, coffer dam structures, and dredging will not materially reduce the flood flow capacity of any streams because the utility installation work is a temporary, the site will be restored to pre-construction conditions, and there will be no long-term impacts to the waterway.
32. No material injury will result to the riparian rights of any riparian owners of real property that abuts any water body that is affected by the activity.

33. The project will include 23.11 acres of temporary fill associated with access matting or trenching, 21.21 acres of temporary gravel fill associated with the staging area, 29.99 acres of scrub/shrub and forested wetland conversion to herbaceous wetland, and 8.56 acres of permanent wetland fill.
34. The project will include the placement of up to 10 TCSB's.
35. Compensatory wetland mitigation is required for this project under 281.36 (3n)(d) (Wis. Stats). Mitigation was accomplished through the purchase of 49.78 credits (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 conversion of hardwood swamp requires wetland mitigation at a ratio of 0.5:1 (in kind) or 0.75:1 (out of kind), and the conversion of shrub-carr/alder thicket requires wetland mitigation at a ratio of 0.25:1 (in kind). The permanent impacts to wet meadow and shrub swamp / hardwood swamp, and all temporary impacts that will remain in place for greater than one year, requires wetland mitigation at a ratio of 1.2:1.
36. If constructed in accordance with this permit, no more than 8.56 acres of wetlands will be converted to uplands. The remaining wetland impacts are of a temporary nature associated with access matting, bore pits and trenching for underground utility installation, and construction staging.
37. No practicable alternative exists which would avoid adverse impacts to wetlands, and the project will result in the least environmentally damaging practicable alternative taking into consideration practicable alternatives that avoid wetland impacts. Wetlands are present and cannot be avoided for the project ordered by the PSC. Impacts were reduced by siting the project outside of wetlands to the maximum extent practicable and configuring infrastructure components to minimize wetland fill. Wetland impacts were minimized by siting the pipeline and transmission line routes primarily along existing utility and transportation corridors, and by minimizing the trench width and minimizing overall construction limits in wetland. Wetland impact will also be minimized by utilizing construction matting in travel areas in wetland workspaces. Soil stratification, surface elevations, and hydrology will be restored to pre-existing conditions and vegetation will be allowed to restore to pre-existing conditions. A wetland revegetation plan will be implemented to restore wetland vegetation post construction. The department has determined the project meets the water quality standards found in NR 299.04, Wis. Admin. Code.
38. The department considered the potential adverse impact to wetlands and has determined wetland impacts have been avoided and minimized to the extent practicable, and there are no practicable alternatives to the wetland impacts, and water quality standards found in Chapter NR 299.04, Wis. Admin. Code are met.
39. Pursuant to s. NR 103.08, Wis. Adm. Code, the proposed project, if constructed in accordance with this permit, will not result in significant adverse impacts to wetland functional values, significant adverse impacts to water quality, or other significant adverse environmental consequences.
40. It is the final decision of department that cooperation with the PSC in the preparation of the EA and analysis of the alternatives for this project meets the requirements of s. 1.11, Wis. Stats., WEPA, and Ch. 150, Wis. Admin. Code.

41. The department, in conjunction with the PSC, have completed all procedural requirements and the project as permitted will comply with all applicable requirements of Sections. 1.11, 182.017, 30.025, 30.12, 30.123, 30.20, 281.15, 281.36, Wis. Stats., and Chapters NR 102, 103, 115, 116, 117, 150, 151, 216, 299, 320, and 345, of the Wis. Adm. Code, and Section 401 of the CWA.

### **CONCLUSIONS OF LAW**

1. The department has authority under the above indicated Statutes and Administrative Codes, to issue a permit for the construction and maintenance of this project.
2. The department has complied with s. 1.11, Wis. Stats.

### **NOTICE OF APPEAL RIGHTS**

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review department decisions shall be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing of any individual permit decision pursuant to section 30.209 and/or 281.36 (3q), Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources, P.O. Box 7921, Madison, WI, 53707-7921. The petition shall be in writing, shall be dated and signed by the petitioner, and shall include as an attachment a copy of the decision for which administrative review is sought. If you are not the applicant, you must simultaneously provide a copy of the petition to the applicant. If you wish to request a stay of the project, you must provide information, as outlined below, to show that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment. If you are not the permit applicant, you must provide a copy of the petition to the permit applicant at the same time that you serve the petition on the Department.

**The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30 day period for filing a petition for judicial review.**

A request for contested case hearing must meet the requirements of section 30.209 and/or 281.36 (3q), Wis. Stats., and sections NR 2.03, 2.05, and 310.18, Wis. Admin. Code, and if the petitioner is not the applicant, the petition must include the following information:

1. A description of the objection that is sufficiently specific to allow the department to determine which provisions of this section(s) may be violated if the proposed permit is allowed to proceed.
2. A description of the facts supporting the petition that is sufficiently specific to determine how the petitioner believes the project, as proposed, may result in a violation of the provisions of this section(s).
3. A commitment by the petitioner to appear at the administrative hearing and present information supporting the petitioner's objection.



If the petition contains a request for a stay of the project, the petition must also include information showing that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment.

Dated at Department Headquarters in Madison, Wisconsin on 07/15/2022.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

By   
Benjamin Callan  
Chief, Integration Services Section

Table 1 - DNR Wetland/Waterway Impact Table

RESOURCE			CONSTRUCTION METHOD/ACTIVITY																RESOURCE IMPACT					
Wetland Type or Waterway Name <sup>1A,B</sup>	Project Component	Feature Unique ID <sup>2,B</sup>	Waterway Impact Activity					HDD (linear feet)	Plow (linear feet)	Wetland Impact Activity					Municipality	QQ	Q	Section	Township (N). Range (E/W)	ASNRI <sup>10</sup>	Temporary Fill (square feet)	Temporary Gravel (square feet)	Permanent Fill (square feet)	Conversion <sup>11</sup> (square feet)
			Bridge <sup>3,E</sup>	Dredge <sup>4,F</sup>		Grading on banks (upland) over 10,000 sq. ft. <sup>5</sup>	Temporary Impact <sup>6</sup>				Permanent Structure/Fill Placement <sup>9</sup> (square feet)													
				square feet	cubic yards		Trench <sup>6,F</sup> (square feet)			Matting <sup>7,H</sup> (square feet)		Temporary Gravel <sup>I</sup>	Bore Pits <sup>8</sup> (square feet)	Grading (square feet)										
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-001d	n/a	n/a	n/a	n/a	0	0	207	2,358	0	0	0	0	Parkland	SW	NW	33	T48N, R13W	No	2,358	0	0	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-003f	n/a	n/a	n/a	n/a	0	0	1,118	32,390	0	0	0	0	Parkland	NW	NW	33	T48N, R13W	No	32,390	0	0	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-006f	n/a	n/a	n/a	n/a	0	0	49	517	0	0	0	0	Parkland	NW	NW	33	T48N, R13W	No	517	0	0	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-007f	n/a	n/a	n/a	n/a	0	0	555	12,194	0	0	0	0	Parkland	SW	SW	28	T48N, R13W	No	12,194	0	0	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-008f	n/a	n/a	n/a	n/a	0	0	453	3,214	0	0	0	0	Parkland	SW	SW	28	T48N, R13W	No	3,214	0	0	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-009f	n/a	n/a	n/a	n/a	0	0	180	1,439	0	0	0	0	Parkland	NW	SW	28	T48N, R13W	No	1,439	0	0	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-010f	n/a	n/a	n/a	n/a	0	0	127	975	0	0	0	0	Parkland	NW	NW	28	T48N, R13W	No	975	0	0	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-011d	n/a	n/a	n/a	n/a	0	0	0	72	0	0	0	0	Parkland	NW	NW	28	T48N, R13W	No	72	0	0	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-013f	n/a	n/a	n/a	n/a	0	0	0	615	0	0	0	0	Parkland	SW	SW	21	T48N, R13W	No	615	0	0	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-015f	n/a	n/a	n/a	n/a	0	0	2,149	18,631	0	0	0	0	Parkland	NW	SW	21	T48N, R13W	No	18,631	0	0	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-017f	n/a	n/a	n/a	n/a	0	0	442	2,340	0	0	0	0	Parkland	NW	NW	21	T48N, R13W	No	2,340	0	0	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-021f	n/a	n/a	n/a	n/a	735	0	2,228	49,150	0	30	0	0	Parkland	SW	SW	16	T48N, R13W	No	49,150	0	0	0
PEM, Wet Prairie	New T-line Structures	W-023f	n/a	n/a	n/a	n/a	0	0	2,840	41,802	0	0	0	112	Parkland	NW	SW	16	T48N, R13W	No	41,802	0	112	0
PEM, Wet Prairie	New T-line Structures	W-030f	n/a	n/a	n/a	n/a	312	0	1,333	35,603	0	0	0	24	Superior	SW	SW	9	T48N, R13W	No	35,603	0	24	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-035f	n/a	n/a	n/a	n/a	0	0	0	1,219	0	0	0	0	Superior	NW	SW	9	T48N, R13W	No	1,219	0	0	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-040f	n/a	n/a	n/a	n/a	283	0	1,723	54,425	0	30	0	0	Parkland	SE	NE	8	T48N, R13W	No	54,425	0	0	0
PEM, Wet Prairie	New T-line Structures	W-041f	n/a	n/a	n/a	n/a	210	0	2,046	77,531	0	30	0	77	Parkland	NE	NE	8	T48N, R13W	No	77,531	0	77	0
PEM, Wet Prairie	New T-line Structures	W-045f	n/a	n/a	n/a	n/a	0	0	5,546	126,659	0	0	0	77	Superior	SW	SE	5	T48N, R13W	No	126,659	0	77	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-048f	n/a	n/a	n/a	n/a	75	0	0	0	0	0	0	0	Superior	NE	SW	5	T48N, R13W	No	0	0	0	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-049f	n/a	n/a	n/a	n/a	75	0	0	2,514	0	0	0	0	Superior	NE	SW	5	T48N, R13W	No	2,514	0	0	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-051f	n/a	n/a	n/a	n/a	130	0	0	0	0	0	0	0	Superior	SW	NW	5	T48N, R13W	No	0	0	0	0
PEM, Wet Prairie	New T-line Structures	W-061f	n/a	n/a	n/a	n/a	2,205	0	143	56,548	0	0	0	115	Superior	NW	SE	31	T49N, R13W	No	56,548	0	115	0
PEM, Wet Prairie	New/Relocated T-line Structures	W-064f	n/a	n/a	n/a	n/a	0	0	0	11,517	0	0	0	63	Superior	NW	NE	6	T48N, R13W	No	11,517	0	63	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-119f	n/a	n/a	n/a	n/a	0	0	0	359	0	0	0	0	Superior	SE	NW	31	T49N, R13W	No	359	0	0	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-120f	n/a	n/a	n/a	n/a	0	0	0	18,036	0	0	0	0	Parkland	NW	NW	9	T48N, R13W	No	18,036	0	0	0
PEM, Wet Prairie	Pipeline and/or Transmission Line Corridor	W-121d	n/a	n/a	n/a	n/a	0	0	0	9,564	0	0	0	0	Superior	NW	NW	9	T48N, R13W	No	9,564	0	0	0
PEM, Wet Prairie	Staging Area and New/Relocated T-line Structures	W-300f	n/a	n/a	n/a	n/a	0	0	0	0	474,724	0	0	191	Superior	NW	NW	31	T49N, R13W	No	0	474,724	191	0
PEM, Wet Prairie	New Generation Facility	W-503f	n/a	n/a	n/a	n/a	0	0	0	3,163	0	0	0	65,148	Superior	NE	NW	31	T49N, R13W	No	3,163	0	65,148	0
PEM, Wet Prairie	New Generation Facility	W-504f	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	4,175	Superior	SE	NW	31	T49N, R13W	No	0	0	4,175	0
PEM, Wet Prairie	New/Relocated T-line Structures	W-708f	n/a	n/a	n/a	n/a	0	0	0	6,616	0	0	0	38	Superior	SE	NW	34	T49N, R13W	No	6,616	0	38	0
PEM/PSS, Wet Prairie/Shrub-carr	Pipeline and/or Transmission Line Corridor	W-012f	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0	Parkland	NW	NW	28	T48N, R13W	No	0	0	0	65
PEM/PSS, Wet Prairie/Shrub-carr	New T-line Structures	W-037f	n/a	n/a	n/a	n/a	0	0	2,843	66,185	0	0	0	113	Parkland	NW	SW	9	T48N, R13W	No	66,185	0	113	65,758
PEM/PSS, Wet Prairie/Shrub-carr	Pipeline and/or Transmission Line Corridor	W-054f	n/a	n/a	n/a	n/a	285	0	0	6,533	0	0	0	0	Superior	NE	NE	6	T48N, R13W	No	6,533	0	0	25,840
PEM/PSS, Wet Prairie/Shrub-carr	New T-line Structures	W-055f	n/a	n/a	n/a	n/a	140	0	5,406	154,457	0	30	0	203	Superior	NE	NE	6	T48N, R13W	No	154,457	0	203	216,290
PEM/PSS, Wet Prairie/Shrub-carr	Staging Area and Pipeline and/or Transmission Line Corridor	W-303f	n/a	n/a	n/a	n/a	0	0	0	0	141,176	0	0	0	Superior	NW	NW	31	T49N, R13W	No	0	141,176	0	70,588
PFO, Hardwood Swamp	Pipeline and/or Transmission Line Corridor	W-005d	n/a	n/a	n/a	n/a	0	0	0	5,893	0	0	0	0	Parkland	NW	NW	33	T48N, R13W	No	5,893	0	0	5,893
PFO, Hardwood Swamp	Pipeline and/or Transmission Line Corridor	W-024f	n/a	n/a	n/a	n/a	0	0	0	432	0	0	0	0	Parkland	SW	NW	16	T48N, R13W	No	432	0	0	5,744
PFO, Hardwood Swamp	Pipeline and/or Transmission Line Corridor	W-033f	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0	Superior	SE	SE	8	T48N, R13W	No	0	0	0	98
PFO, Hardwood Swamp	Pipeline and/or Transmission Line Corridor	W-036d	n/a	n/a	n/a	n/a	0	0	0	7,782	0	0	0	0	Parkland	NW	SW	8	T48N, R13W	No	7,782	0	0	7,782
PFO, Hardwood Swamp	New T-line Structures	W-038d	n/a	n/a	n/a	n/a	0	0	0	13,180	0	0	0	38	Parkland	NE	SE	8	T48N, R13W	No	13,180	0	38	106,046
PFO, Hardwood Swamp	Pipeline and/or Transmission Line Corridor	W-039f	n/a	n/a	n/a	n/a	0	0	0															

Intermittent, UNT to Bluff Creek	Pipeline and/or Transmission Line Corridor	WW-003f	No	0	0.0	n/a	0	0	n/a	n/a	n/a	n/a	n/a	0	Parkland	NW	SW	28	T48N, R13W	Yes <sup>N</sup>	n/a	n/a	0	n/a
Ephemeral, UNT to Bluff Creek	Pipeline and/or Transmission Line Corridor	WW-004f	Yes – for pipeline	2.5	0.5	n/a	0	1	n/a	n/a	n/a	n/a	n/a	0	Parkland	NW	NW	28	T48N, R13W	No	n/a	n/a	0	n/a
Perennial, Birch Creek	Pipeline and/or Transmission Line Corridor	WW-005f	No	0	0.0	n/a	0	0	n/a	n/a	n/a	n/a	n/a	0	Parkland	SW	SW	21	T48N, R13W	Yes <sup>N</sup>	n/a	n/a	0	n/a
Intermittent, UNT to Bear Creek	Pipeline and/or Transmission Line Corridor	WW-006f	No	0	0.0	n/a	0	0	n/a	n/a	n/a	n/a	n/a	0	Parkland	SW	SW	16	T48N, R13W	Yes <sup>N</sup>	n/a	n/a	0	n/a
Intermittent, UNT to Bear Creek	Pipeline and/or Transmission Line Corridor	WW-007f	Yes – for pipeline	30	5.6	n/a	0	12	n/a	n/a	n/a	n/a	n/a	0	Parkland	SW	NW	16	T48N, R13W	No	n/a	n/a	0	n/a
Perennial, Bear Creek	Pipeline and/or Transmission Line Corridor	WW-008f	No	0	0.0	n/a	35	0	n/a	n/a	n/a	n/a	n/a	0	Superior	SW	SW	9	T48N, R13W	Yes <sup>N</sup>	n/a	n/a	0	n/a
Perennial, Bear Creek	Pipeline and/or Transmission Line Corridor	WW-009f	No	0	0.0	n/a	30	0	n/a	n/a	n/a	n/a	n/a	0	Parkland	NE	NE	8	T48N, R13W	Yes <sup>N</sup>	n/a	n/a	0	n/a
Ephemeral, UNT to Bluff Creek	Pipeline and/or Transmission Line Corridor	WW-010f	Yes – for transmission line	0	0.0	n/a	0	0	n/a	n/a	n/a	n/a	n/a	0	Superior	NE	SW	5	T48N, R13W	No	n/a	n/a	0	n/a
Intermittent, UNT to Bluff Creek	Pipeline and/or Transmission Line Corridor	WW-011f	Yes – for transmission line	0	0.0	n/a	0	0	n/a	n/a	n/a	n/a	n/a	0	Superior	NE	SW	5	T48N, R13W	No	n/a	n/a	0	n/a
Intermittent, UNT to Bluff Creek	Pipeline and/or Transmission Line Corridor	WW-012f	Yes – for transmission line	0	0.0	n/a	0	0	n/a	n/a	n/a	n/a	n/a	0	Superior	NE	SW	5	T48N, R13W	Yes <sup>N</sup>	n/a	n/a	0	n/a
Intermittent, UNT to Bluff Creek	Pipeline and/or Transmission Line Corridor	WW-013f	No	0	0.0	n/a	0	0	n/a	n/a	n/a	n/a	n/a	0	Superior	SW	NW	5	T48N, R13W	No	n/a	n/a	0	n/a
Perennial, Bluff Creek	Pipeline and/or Transmission Line Corridor	WW-014f	No	0	0.0	n/a	30	0	n/a	n/a	n/a	n/a	n/a	0	Superior	SW	NW	5	T48N, R13W	Yes <sup>N</sup>	n/a	n/a	0	n/a
Intermittent, UNT to Nemadji River	Pipeline and/or Transmission Line Corridor	WW-015f	Yes - both for transmission line and pipeline <sup>O</sup>	5	0.9	n/a	0	2	n/a	n/a	n/a	n/a	n/a	0	Superior	NE	NE	6	T48N, R13W	No	n/a	n/a	0	n/a
Ephemeral, UNT to Nemadji River	Pipeline and/or Transmission Line Corridor	WW-016f	Yes – for transmission line	0	0.0	n/a	0	0	n/a	n/a	n/a	n/a	n/a	0	Superior	NW	NE	6	T48N, R13W	No	n/a	n/a	0	n/a
Ephemeral, UNT to Nemadji River	Pipeline and/or Transmission Line Corridor	WW-017f	No	2.5	0.5	n/a	0	1	n/a	n/a	n/a	n/a	n/a	0	Superior	SW	SE	31	T49N, R13W	No	n/a	n/a	0	n/a
Ephemeral, UNT to Nemadji River	Pipeline and/or Transmission Line Corridor	WW-018f	No	2.5	0.5	n/a	0	1	n/a	n/a	n/a	n/a	n/a	0	Superior	NW	SE	31	T49N, R13W	No	n/a	n/a	0	n/a
Perennial, Nemadji River	Pipeline and/or Transmission Line Corridor	WW-019f <sup>P</sup>	No	0	0.0	n/a	156	0	n/a	n/a	n/a	n/a	n/a	0	Superior	SE	NW	31	T49N, R13W	No	n/a	n/a	0	n/a
Ephemeral, UNT to Nemadji River	Pipeline and/or Transmission Line Corridor	WW-501f	No	0	0.0	n/a	0	0	n/a	n/a	n/a	n/a	n/a	0	Superior	SE	NW	32	T49N, R13W	No	n/a	n/a	0	n/a
WDNR Template/Form Notes:																				Total (sq. ft.)	1,006,743	923,855	372,816	1,306,543
																				Total (acre)	23.11	21.21	8.56	29.99

WDNR Template/Form Notes:

<sup>1</sup> For wetlands, state the wetland type using the Eggars and Reed Classification system. For waterways, indicate where water flows (e.g. UNT to Silver Creek) (UNT = unnamed tributary). Include all waterways mapped in the DNR Surface Water Data Viewer webtool that cross the project path.

<sup>2</sup> Insert the code or other reference used in application (e.g. Wetland 1, Stream 1)

<sup>3</sup> Indicate the number of bridges needed

<sup>4</sup> If the waterway will be dredged, indicate the area (length by width) and volume (length by width by depth) of bed material to be removed and backfilled (temporary dredge)

<sup>5</sup> Only complete this column if the upland banks of the waterway will be graded in excess of 10,000 sq. ft., and if the project is not located in Milwaukee County, if the project will not require a local grading/shoreland permit, and if the project will not require a WDNR construction stormwater permit

<sup>6</sup> If the wetland will be trenched, indicate the area (length by width) of soil to be removed and backfilled (temporary fill)

<sup>7</sup> If construction matting (i.e. timber, composite, etc.) will be placed in wetland for vehicle/equipment access or under soil stockpiles, indicate the area (length by width) of matting to be placed in wetland (temporary fill)

<sup>8</sup> If the area of temporary wetland disturbance (length by width) for each bore pit is unknown at this time, please use an estimate based on the size of the pipe

<sup>9</sup> If a permanent structure or permanent fill will be placed in wetland (i.e. valve station, lift station, hydrants, etc.), incidate the area (length by width) of permanent fill

<sup>10</sup> Indicate if the wetland or waterway is a WDNR Area of Special Natural Resource Interest, which includes trout streams

<sup>11</sup> Conversion refers to vegetative clearing of shrub and/or forested wetlands, resulting in an herbaceous wetland, for the purposes of construction

Project Notes:

<sup>A</sup> Initial coded wetland classification is according to Cowardin (USFWS, 1979) PEM = Palustrine Emergent, PSS = Palustrine Scrub-Shrub, PFO = Palustrine Forested, PUB = Palustrine Unconsolidated Bottom. For waterways, "UNT" is unnamed tributary.

<sup>B</sup> The designation of "d" at the end of the wetland ID indicates delineation via a desktop analysis, while "f" indicates field delineation. All data provided is accounted for up through the 2020 growing season.

<sup>E</sup> Indicates a temporary clear span bridge (TCSB) above the OHWM of a waterway that should not impeded flow or public use. The WDNR has indicated that they will request a waiver internally to avoid the typical March 1 to June 15 restriction.

<sup>F</sup> Open trenching in wetlands and waterways is specific to the installation of the natural gas pipeline where HDD methods are not proposed. The total width of open trench is 2.5 feet.

<sup>G</sup> To avoid double counting, permanent impacts are subtracted from temporary impact areas and PSS/PFO clearing areas where they overlap.

<sup>H</sup> Temporary wetland matting will not be in place for more than 180 consecutive days. When feasible, temporary matting will not be used during winter conditions that provide sufficient frozen ground conditions that would avoid or minimize ground disturbance. As a result of various Project component construction schedules occuring at different times, components with overlapping matting are purposefully double counted.

<sup>I</sup> Staging area fill will consist of a removable protective layer below crush rock, to be in place for the entire duration of construction associated with the generation facility, natural gas pipeline, and transmission line project components. A preliminary restoration plan has been provided for agency review and comment.

<sup>J</sup> Forested wetland clearing refers to clearing of forested dominant wetland to emergent dominant wetland.

<sup>K</sup> Shrub wetland clearing refers to clearing of shrub/scrub dominant wetland to emergent dominant wetland. Wetlands with a classification of PEM/PSS or Wet Prairie/Shrub-carr are counted at a 50% conversion rate per guidance from WDNR and USACE during the 5/29/20 site visit.

<sup>L</sup> W-505f is an existing stormwater pond that will be expanded in place to accommodate the generation facility. Based on the manmade nature of this feature, impacts are not calculated for this expansion.

<sup>M</sup> W-117d is a detention pond designated as a Special Area Management Plan Wetland under the City of Superior, no impacts are anticipated.

<sup>N</sup> These waterways are designated as a Special Area Management Plan Waterways under the City of Superior, no impacts are anticipated.

<sup>O</sup> WW-015f will require two different TCSB locations, one each for pipeline and transmission line access.

<sup>P</sup> The Nemadji River is a Navigable Water and is both spanned and bored under for the Project. A Section 10 permit is requested as part of the overall USACE review.

<sup>Q</sup> Broken out permanent wetland impacts per each substation component to wetland W-084f are: Pad = 101,828 Sq Ft, Graded Slope Perimeter = 6,921 Sq Ft, Retention Wall = 1,481 Sq Ft, Stormwater Basin = 17,579 Sq Ft, and Driveway = 3,428 Sq Ft. Forested wetland conversion from the cleared outer perimeter substation component is calculated as 33,315 Sq Ft.

<sup>R</sup> Broken out permanent wetland impacts per each substation component to wetland W-081f are: Pad = 35,072 Sq Ft, Graded Slope Perimeter = 4,565 Sq Ft, Retention Wall = 1,170 Sq Ft, and Stormwater Basin = 7,392 Sq Ft. Shrub wetland conversion from the cleared outer perimeter substation component is calculated as 24,205 Sq Ft.