



### **Tracy Brunner**

From: Julia Joy

Sent: Tuesday, January 28, 2020 6:23 PM

To: Tracy Brunner
Cc: Tim Drake

**Subject:** Fwd: Proposed ERR - Enbridge Line 5 Wisconsin Segment Relocation Project **Attachments:** ERR20-034\_ProposedERReviewChecklist.pdf; 370-0000014318.pdf; ERR20-034

\_ERR\_Spreadsheet\_final\_20200115.pdf; ERR20-034\_ERReviewLetter\_Line\_5\_final\_

20200115.pdf

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From: Rowe, Stacy A - DNR <Stacy.Rowe@wisconsin.gov>

Sent: Tuesday, January 28, 2020 3:44:06 PM

To: Julia Joy <Julia.Joy@erm.com>; White, Angela L - DNR <AngelaL.White@wisconsin.gov>

Cc: Tekler, Lindsay M - DNR <Lindsay.Tekler@wisconsin.gov>

Subject: RE: Proposed ERR - Enbridge Line 5 Wisconsin Segment Relocation Project

Hi Julia,

Attached is the ER Review, checklist, spreadsheet, and invoice for the Enbridge Line 5 WI Segment Relocation Project in Ashland, Bayfield, and Iron County. This project has been assigned ER Log #20-034.

There's a lot going on with this one, so please let me know if you have any questions.

Thanks, Stacy

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#### Stacy Rowe

Phone: (608) 266-7012 stacy.rowe@wi.gov

From: Julia Joy <Julia.Joy@erm.com>

Sent: Wednesday, January 15, 2020 1:47 PM

To: Rowe, Stacy A - DNR <Stacy.Rowe@wisconsin.gov>; White, Angela L - DNR <AngelaL.White@wisconsin.gov>

Subject: Proposed ERR - Enbridge Line 5 Wisconsin Segment Relocation Project

Hi Stacy and Angela,

In the attached zip folder, please find the long, linear format proposed ER Review "Enbridge Line 5 Wisconsin Segment Relocation Project". The following are included in the folder: ER Review letter, Excel spreadsheet, Map, and Shapefile (to assist with the web portal viewing).

Clarification/Questions/Comments on Determinations Made: At this time, the Project is in the planning stage, and habitat surveys have not been completed so there are no photos available to include with the proposed ERR. Enbridge anticipates conducting habitat/species surveys, as required, in spring/summer 2020.

Please let me know if you have questions on the attached.

Cheers, Julia

Julia Joy Consultant II, Scientist

#### **ERM**

1000 IDS Center | 80 S. Eighth Street | Minneapolis, Minnesota | 55402 **T** +1 612.347.7106 | **M** +1 612.655.3434 **E** <u>Julia.Joy@erm.com</u> | **W** <u>www.erm.com</u>



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## **Proposed Endangered Resources (ER) Review Checklist**

Project name: Line 5 WI Segment Relocation Project
Name of DNR staff person evaluating the Proposed ER Review: Stacy Rowe
Date received: 1/15/20
Date started: 1/24/20
Date sign-off completed: 1/28/20
Minutes: 115
Invoice Amount: \$143.75
Modifications needed*NoneMinorx_MajorRed Flag
<u>Location and Description of Project</u> :

#### Endangered Resources recorded from within the project and surrounding area:

Name of Certified individual completing Proposed ER Review: Julia Joy

- In the letter, removed the list of species and just referenced the spreadsheet.
- In the spreadsheet, simplified the Map Page column by listing the map pages the EOs were found on. MPs were then added to the reg/rec columns as necessary.

#### Follow-up Actions:

- Moved the American Bittern down to 'no impact' as suitable open wetland habitat is not present within one mile of the FO
- For all recommended actions, removed the language, 'further actions may be required' as actions cannot be required for recommended species unless coming from outside entities.
- For all recommended birds, added nesting dates which could be followed instead of completing surveys.
- Moved the Braun's Holly-fern to 'required' as suitable habitat appears to be present along the ROW. Surveys on public lands will be required.
- For the wood turtle, added where suitable waterbodies are present and to focus habitat surveys here.
- Minor language changes for the stream, swamp darner, and caddis/mayflies.

#### Other:

- In the spreadsheet, removed the Habitat Presence and Habitat Justification columns as this information was duplicated elsewhere.
- Changed the Impacts column to No Impacts and removed any language associated with req/rec actions. Left No Impact language.
- Revised Section 3 of the letter to only refer to the spreadsheet once.

#### \*Definitions

**Minor**: Review is legally accurate but small changes were made (rewording, formatting, moving a species into a different category, etc.) **Major**: Review is not legally correct. Changes may include adding/removing species, or changing a follow-up action.

Red flag: Changes made must be incorporated into future reviews or else we will be sending it back for corrections prior to our review.

Additional information requested from the external reviewer?xYesNo  - Habitat and/or species survey results once completed	
Additional notes:	
Many of the changes made were meant to make the letter and spreadsheet less wordy and easier to fol me know if you have any questions as you go through it!	low. Please let

#### \*Definitions

**Minor**: Review is legally accurate but small changes were made (rewording, formatting, moving a species into a different category, etc.)

Major: Review is not legally correct. Changes may include adding/removing species, or changing a follow-up action.

Red flag: Changes made must be incorporated into future reviews or else we will be sending it back for corrections prior to our review.

# Endangered Resource Review for the Proposed Line 5 Wisconsin Segment Relocation Project, Ashland, Bayfield, and Iron Counties, WI

## Section 1: Location and description of the proposed project

Based on information provided by the requester (Enbridge) on the Endangered Resources (ER) Review Request form or equivalent document and other relevant maps, photos, correspondence and reports, I, Julia Joy, understand the proposed project to be as follows:

Location of proposed project:

The attached Figure 1 provides a general location map depicting the Project route. The route falls within the WDNR Northern Region and occurs within the following Township, Range and Sections in Ashland, Bayfield, and Iron Counties:

- (T45N R1W) Sections: 5, 6, 7, 8, 18
- (T45N R2W) Sections: 1, 2, 11, 12, 13, 14, 22, 23, 27, 28, 30, 31, 32, 33
- (T45N R3W) Sections: 6, 7, 8, 9, 14, 15, 16, 17, 22, 23, 24, 25, 36
- (T45N R4W) Sections: 1, 2, 12
- (T46N R1W) Sections: 3, 4, 8, 9, 10, 15, 16, 17, 20, 21, 22, 27, 28, 29, 30, 32, 33
- (T46N R4W) Sections: 5, 6, 7, 8, 17, 18, 19, 20, 26, 27, 28, 29, 34, 35, 36
- (T47N R1W) Sections: 33, 34
- (T47N R4W) Sections: 7, 17, 18, 20, 29, 32
- (T47N R5W) Section: 10

The Project route begins near the intersection of County Highway 112 and Summit Road in Ashland County, Wisconsin. The route proceeds south, paralleling an overhead electrical transmission line for approximately 3.6 miles. The route then turns southwest to cross the White River, just downstream of the Northern States Power Company hydroelectric dam located on Highway 112. The route continues south for approximately 4 miles where it crosses State Highway 112. The route then continues east/southeast for approximately 13 miles, crossing the Marengo River near Marengo River Road/Highway 112; the Brunsweller River near the intersection of County Highway C and Van de Bruggen Road; Trout Brook near the intersection of North York Road and Highway 13; and Silver Creek near the intersection of Ryefield Road and County Road C. The route turns east, crossing State Highway 13 approximately 0.25 mile north of the intersection of State Highway 12 and State Highway 169. The route crosses the Bad River south of Copper Falls State Park and north of the town of Mellen. The route then turns northeast for about 15 miles. It crosses Feldcher Creek just east of the Ashland/Iron County line and south of Casey Sag Road: Tyler Forks River south of Vogues Road: the Potato River just south of the intersection of North Curry Road and Curry Road; and U.S. Highway 2 near the intersection of Highway 2 and Le Duc Road. Finally, the route rejoins Enbridge's existing Line 5 east of Le Duc Road and east of Cedar, Wisconsin.

#### Detailed description of the proposed project and associated disturbance:

The existing Line 5 pipeline owned by Enbridge is a 645-mile-long, 30-inch-diameter crude oil pipeline. The pipeline originates at Enbridge's Superior Terminal, located in Superior, Wisconsin, and terminates in Sarnia, Canada. The pipeline carries approximately 540,000 barrels of synthetic crude, natural gas liquids, sweet crude, and light sour crude oil per day. In Wisconsin, the existing pipeline crosses Douglas, Bayfield, Ashland, and Iron Counties. Within Ashland County, the existing Line 5 pipeline crosses through approximately 12 miles of the Bad River Reservation ("Reservation").

The proposed Line 5 Wisconsin Segment Relocation Project ("Project") would reroute the existing Line 5 pipeline around the Reservation to allow for continued, uninterrupted deliveries of propane to the Upper

Peninsula of Michigan, as well as to maintain reliable, economic, and secure committed transportation services for Enbridge's shipping customers. The proposed Project would replace approximately 20 miles of the existing Line 5 pipeline, including the segment of the existing Line 5 pipeline that traverses through the Reservation, with new, 30-inch-diameter pipe that would be located entirely outside the Reservation.

The Project involves the construction and operation of various types of equipment or facilities, including:

- Approximately 41.1 miles of new, 30-inch-diameter, underground crude oil pipeline;
- Cathodic protection facilities;
- Five mainline block valves; and
- Minor modifications to the existing Ino Pump Station.

Start date (on site disturbance): Enbridge proposes to begin construction of the Project in early 2021.

End date (on site disturbance): The Project would be placed in service in the third quarter of 2021.

<u>Detailed description of the habitat types and current land use within the proposed impact area:</u> The most prevalent land uses along the route are forestland, grassland, and agriculture, followed by wetlands, urban/developed land, barren land, and open water areas. Table 1 below depicts the land use types affected by construction and operation of the Project.

Table 1. Land Use Types Affected by Construction and Operation of the Project a, b (in acres)																
	Forestland		Gras	sland	Agric	ulture	Wet	land		oan/ loped	Baı	ren	Open	Water	Te	otal
Facility Type	Total Temp	Total Perm	Total Temp	Total Perm	Total Temp	Total Perm	Total Temp	Total Perm	Total Temp	Total Perm	Total Temp	Total Perm	Total Temp	Total Perm	Total Temp	Total Perm
Pipeline Facilities °																
ATWS	63.5	0.0	29.8	0.0	33.3	0.0	5.4	0.0	2.1	0.0	0.2	0.0	<0.1	0.0	134.4	0.0
Temporary Workspace	196.9	0.0	58.8	0.0	47.1	0.0	16.4	0.0	5.1	0.0	0.5	0.0	0.1	0.0	324.9	0.0
Permanent Right-of-Way	150.7	150.7	44.0	0.0	34.6	0.0	15.1 <sup>d</sup>	е	3.4	3.4	0.5	0.5	$0.2^{d}$	е	248.5	154.6 <sup>e</sup>
Pipeline Facilities Total	411.1	150.7	132.6	0.0	115	0.0	36.9 <sup>d</sup>	е	10.6	3.4	1.2	0.5	0.4 <sup>d</sup>	е	707.8	154.6 <sup>e</sup>
Valves	0.1	0.1	0.4	0.4	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.6	0.6
Access Roads	107.8	1.8	14.9	0.7	11.5	0.2	9.6	е	6.2	0.2	0.6	0	0.0	0.0	150.6	2.9 <sup>e</sup>
Pipe Yards	5.0	0.0	54.2	0.0	69.6	0.0	4.0	0.0	4.6	0.0	0.0	0.0	0.0	0.0	137.4	0.0
PROJECT TOTAL	524	152.6	202.1	1.1	196.2	0.3	50.5	е	21.4	3.6	1.8	0.5	0	е	996	158.1

#### Notes:

Temp = Temporary Impact; Perm = Permanent Impact

<sup>&</sup>lt;sup>a</sup> The numbers in this table have been rounded for presentation purposes. As a result, the totals may not reflect the sum of the addends.

<sup>&</sup>lt;sup>b</sup> The land affected during construction includes both temporary construction and long-term/permanent operational activities and impacts.

<sup>&</sup>lt;sup>c</sup> Pipeline facilities include the temporary workspace, ATWS, and permanent right-of-way.

<sup>&</sup>lt;sup>d</sup> Wiscland 2.0 data for wetlands and open water is for general characterization purposes only and is not used for assessing Project-specific impacts.

<sup>&</sup>lt;sup>e</sup> Wiscland 2.0 data was not used to estimate permanent wetland and open water impacts. These impacts were assessed based on site-specific data.

Wetlands and waterbodies within one mile of the project area, and any known or suspected impacts of the proposed project to these wetlands and waterbodies:

Enbridge collected waterbody data on accessible tracts along the proposed route. Enbridge completed approximately 70 percent of environmental field survey effort in 2019 to identify and classify (perennial, intermittent, or ephemeral) waterbodies along the proposed route as well as reviewed topographic maps and other published data. Enbridge classified linear waterbodies into one of three regimes according to the definitions provided by the U.S. Army Corps of Engineers (USACE) for the Nationwide Permit Program in 33 CFR Part 330. In areas of the proposed route where survey access was not available during the 2019 survey effort, Enbridge plans to complete the survey in 2020 following the winter season. Wisconsin Wetland Inventory data was utilized for impact estimates in areas where survey access was not available. A summary of waterbodies crossed by the Project is in Table 2.

Table 2. Summary of Waterbodies Crossed by the Project								
Waterbody Regime	Number							
Delineated Waterbodies								
Perennial	32							
Intermittent	36							
Ephemeral	63							
NHD Waterbodies								
Perennial	15							
Intermittent	29							
Ephemeral	0							
PROJECT TOTAL	175							
Notes: NHD – National Hydrography Dataset								

The primary impact of pipeline construction and right-of-way maintenance activities on wetlands will be the temporary removal of wetland vegetation. Construction will also temporarily diminish the recreational and aesthetic value of the wetlands crossed. These effects will be greatest during and immediately following construction. In emergent wetlands, the impact of construction will be relatively brief, since herbaceous vegetation will typically regenerate within one or two growing seasons. In forested and shrub-dominated wetlands, the impact will last longer due to the longer recovery period of these vegetation types. Forested wetlands may not regenerate due to specific circumstances, such as altered conditions since the forest began or the competition of invasive species, among others. Clearing of wetland vegetation will also temporarily remove or alter wetland wildlife habitat.

Typical pipeline construction in most wetlands will be similar to construction in uplands and will consist of clearing, trenching, dewatering, installation, backfilling, cleanup, and revegetation.

Enbridge will control the growth of trees and shrubs within the permanent maintained right-of-way to facilitate aerial inspections and operational maintenance which will result in a conversion of forested wetlands and scrub-shrub wetlands to emergent wetlands within the permanent right-of-way (refer to Table 3).

The Project will require permanent fill of approximately 0.34 acre of Palustrine Forested (PFO) wetland and permanent fill of approximately 0.02 acre of Palustrine Emergent (PEM) wetland associated with the installation of two mainline valves and permanent access to the respective valves near MP 33.09 and MP 2.53, respectively.

	Table 3. Summary	of Project Wetland Impacts	
Wetland Type <sup>a</sup>	Temporary Impacts (acres) <sup>b</sup>	Permanent Conversion (acres) °	Permanent Fill (acres) <sup>d</sup>
Delineated Wetlands			
PEM	25.6	0	<0.1
PFO	46.8	20.2	0.3
PSS	8.5	1.7	0
WWI Wetlands			
PEM	4.1	0	0
PFO	22.2	7.4	0
PSS	1.2	0.3	0
Open Water	0.3	0	0
PROJECT TOTAL <sup>e</sup>	108.7	29.6	0.4

#### Notes:

- Delineated wetlands are based on 2019 field surveys, and where surveys were unable to be completed, WWI wetland data was used for calculations.
- b Includes temporary impacts associated with pipeline workspace, access roads, and pipeyards.
- Permanent conversion impacts include acreage within PFO and PSS wetlands that will be maintained as PEM within the permanent right-of-way.
- d Permanent fill impacts include wetland acreage that will be impacted by construction of permanent aboveground structures and an associated access road.
- <sup>e</sup> The sum of the addends may not equal the totals in all cases due to rounding.

PEM = Palustrine Emergent; PSS=Palustrine Scrub Shrub; PFO = Palustrine Forested; Cowardin et al. 1979.

<u>Temporary Access Road Impact:</u> Enbridge typically uses existing public and private roads to access the right-of-way and facilities to the extent practicable to limit impacts on wetlands and waterbodies and other sensitive resources. However, Enbridge identified areas along the Project where new temporary access roads will be necessary for pipeline construction. This will result in approximately 15 acres of temporary wetland impacts and 0.3 acre of permanent impacts.

Individuals involved in permitting, licenses, or approvals for the proposed project (these individuals will be copied on the results of this ER Review to facilitate coordination):

- Sara Ploetz, Enbridge Energy, Sara.Ploetz@enbridge.com
- Cathryn Hanson, Enbridge Energy, Cathryn.Hanson@enbridge.com
- Tim Drake, Environmental Resources Management, Tim.Drake@erm.com

It is best to request ER Reviews early in the project planning process. However, some important project details may not be known at that time. Details related to project location, design, and timing of disturbance are important for determining both the endangered resources that may be impacted by the project and any necessary follow-up actions. Please contact the ER Review Program whenever project plans change or new details become available to confirm if results of this ER Review are still valid.

# Section 2: Endangered resources recorded from within the project area and/or surrounding area

#### All species are contained in the attached ERR Spreadsheet.

For additional information on the rare species, high-quality natural communities, and other endangered resources listed above, please visit our Biodiversity page.

## Section 3: Follow-up actions

If your project changes (e.g., a change in location, size, design, disturbance footprint and timing, or construction sequence), please call the ER Review Program to confirm if these results are still valid.

Actions that need to be taken to comply with state and/or federal endangered species laws (to be finalized during coordination with WDNR and Enbridge):

Please refer to attached Excel Sheet for the:

- Loggerhead shrike
- Wood turtle
- Braun's holly-fern

Actions we recommend to help conserve Wisconsin's rare species and high-quality natural communities (to be considered by Enbridge if surveys identify suitable habitat in or adjacent to Project area):

Please refer to attached Excel Sheet for the:

- Bald Eagle
- Black-backed woodpecker
- Long-eared owl
- Northern goshawk
- Western meadowlark
- West Virginia white
- Yellow specklebelly

Remember that although these actions are not required by state or federal endangered species laws, they may be required by other laws, permits, granting programs, or policies of this or another agency. Examples include the federal Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, State Natural Areas law, DNR Chapter 30 Wetland and Waterway permits, DNR Stormwater permits, and Forest Certification.

At this time and per the project information provided, no action will need to be taken to avoid take of the following species:

Please refer to attached Excel Sheet for the:

- A predaceous diving beetle
- American bittern
- Least bittern
- Swamp darner
- Torrey's bulrush
- Boreal Forest
- Ephemeral Ponds
- Migratory Bird Concentration Site

## **Section 4: Next Steps**

**First,** evaluate whether the information about the project in Section 1 is still accurate. All recommendations in this ER Review are based on this information. If the proposed project has changed, please call ER Review Program to determine if the information and recommendations in this document are still valid.

Second, determine whether you are able to implement the 'Follow-up actions' identified above:

'Actions that need to be taken to comply with state and/or federal endangered species laws' represent the Department's best available guidance for complying with state and federal endangered species laws based on the project information that you provided and the endangered resources information and data available to us. If the proposed project has not changed from the description that you provided us <u>and</u> you are able to implement <u>all</u> of the 'Actions that need to be taken to comply with state and/or federal endangered species laws', your project should comply with state and federal endangered species laws. Please remember that if a violation occurs, the person responsible for the taking is the liable party. Generally this is the landowner or project proponent. For questions or concerns about individual responsibilities related to Wisconsin's Endangered Species Law, please contact the ER Review Program.

If the project is unable to incorporate and implement one or more of the 'Actions that need to be taken to comply with state and/or federal endangered species laws' identified above, the project may potentially violate one or more of these laws. Please contact the ER Review Program immediately to assist in identifying potential options that may allow the project to proceed in compliance with state and federal endangered species laws.

'Actions recommended to help conserve Wisconsin's rare species and high-quality natural communities' may be required by another law, a policy of this or another Department, agency or program; or as part of another permitting, approval or granting process. Please make sure to carefully read all permits and approvals for the project to determine whether these or other measures may be required. Even if these actions are not required by another program or entity for the proposed project to proceed, the Department strongly encourages the implementation of these conservation measures on a voluntary basis to help prevent future listings and protect Wisconsin's biodiversity for future generations.

**Thank you for helping to protect Wisconsin's endangered resources!** Please call me if you have any questions about this ER Review.

#### **Section 5: Contact Information**

The Proposed ER Review for this project was requested and conducted by the following:

Requester: Cathryn Hanson, 26 E. Superior Street, Suite 309, Duluth, MN 55802

Invoice will be sent to: Tim Drake, 1000 IDS Center, 80 S, 8th Street, Minneapolis, MN 55402

Proposed ER Review conducted by: Julia Joy, 1000 IDS Center, 80 S. 8<sup>th</sup> Street, Minneapolis, MN 55402, Julia.joy@erm.com

The Proposed ER Review was subsequently reviewed, modified (if needed), and approved by Wisconsin Department of Natural Resources (DNR):

Proposed ER Review approved by: Stacy Rowe, ER Review Program, Wisconsin DNR, 101 S. Webster St., PO Box 7921, Madison, WI 53707-7921, Phone: 608-266-7012

DNR Signature:

1/28/20

Questions should be directed to the following people:

Topic	Website	Contact Person
This ER Review		Julia Joy
		612-655-3434
Endangered	http://dnr.wi.gov/topic/endangeredresources/laws.html	Angela White
Resources laws		608-266-5241
(state & federal)		
Incidental Take of	http://dnr.wi.gov/topic/ERReview/Take.html	Rori Paloski:
State Threatened &		608-264-6040
Endangered Species		
Federally Protected	http://www.fws.gov/midwest/Endangered/index.html	USFWS Bloomington
Species and Habitats		MN Field Office:
		612-725-3548 x2201

## Standard Information to help you better understand this ER Review

**Endangered Resources (ER) Reviews** are conducted according to the protocols in the guidance document Conducting Proposed Endangered Resources Reviews: A Step-by-Step Guide for Certified ER Reviewers. A copy of this document is available upon request by contacting the ER Certification Coordinator at 608-266-5241.

How endangered resources searches are conducted for the proposed project area: An endangered resources search is performed as part of all ER Reviews. A search consists of querying the Wisconsin Natural Heritage Inventory (NHI) database for endangered resources records for the proposed project area. The project area evaluated consists of both the specific project site and a buffer area surrounding the site. A 1-mile buffer is considered for terrestrial and wetland species and a 2 mile buffer for aquatic species. Endangered resources records from the buffer area are considered because most lands and waters in the state, especially private lands, have not been surveyed. Considering records from the entire project area (also sometimes referred to as the search area) provides the best picture of species and communities that may be present on your specific site if suitable habitat for those species or communities is present.

Categories of endangered resources considered in ER Reviews and protections for each: Endangered resources records from the NHI database fall into one of the following categories:

- <u>Federally-protected species</u> include those federally-listed as Endangered or Threatened and their Designated
  Critical Habitats. Federally-protected animals are protected on all lands; federally-protected plants are protected
  only on federal lands and in the course of projects that include federal funding (see <u>Federal Endangered Species</u>
  <u>Act of 1973 as amended</u>).
- Animals (vertebrate and invertebrate) listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on all lands and waters of the state (<u>s. 29.604, Wis. Stats.</u>).
- <u>Plants listed</u> as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law
  only on public lands except in the course of forestry, agriculture, in the construction, operation, or maintenance of a
  utility facility, or as part of bulk sampling activities under <u>s. 295.45</u>. Endangered or Threatened plants are not
  protected on private property.
- <u>Special Concern</u> species, high-quality examples of natural communities (sometimes called High Conservation Value areas), and natural features (e.g., caves and animal aggregation sites) are also included in the NHI database. These endangered resources are not legally protected by state or federal endangered species laws. However, other laws, policies (e.g., related to Forest Certification), or granting/permitting processes <u>may require or strongly encourage protection</u> of these resources. The main purpose of the Special Concern classification is to focus attention on species about which some problem of abundance or distribution is suspected before they become endangered or threatened.
- <u>State Natural Areas</u> (SNAs) are also included in the NHI database. SNAs protect outstanding examples of
  Wisconsin's native landscape of natural communities, significant geological formations, and archeological sites.
  Endangered species are often found within SNAs. Formally designated <u>State Natural Areas</u> (SNAs) are legally
  protected from any use that is inconsistent with or injurious to their natural values. *Dedicated* SNAs are protected
  even further and hold the strongest form of land protection available in Wisconsin (<u>s. 23.28 and 23.29, Wis. Stats.</u>).

#### Please remember the following:

- 1. This ER Review is provided as information to comply with state and federal endangered species laws. By following the protocols and methodologies described above, the best information currently available about endangered resources that may be present in the proposed project area has been provided. However, the NHI database is not all inclusive; systematic surveys of most public lands have not been conducted, and the majority of private lands have not been surveyed. As a result, NHI data for the project area may be incomplete. Occurrences of endangered resources are only in the NHI database if the site has been previously surveyed for that species or group during the appropriate season, and an observation was reported to and entered into the NHI database. As such, absence of a record in the NHI database for a specific area should not be used to infer that no endangered resources are present in that area. Similarly, the presence of one species does not imply that surveys have been conducted for other species. Evaluations of the possible presence of rare species on the project site should always be based on whether suitable habitat exists on site for that species.
- 2. This ER Review provides an assessment of endangered resources that may be impacted by the project and measures that can be taken to avoid negatively impacting those resources based on the information that has been provided to ER Review Program at this time. Incomplete information, changes in the project, or subsequent survey results may affect our assessment and indicate the need for additional or different measures to avoid impacts to endangered resources.
- 3. This ER Review does not exempt the project from actions that may be required by Department permits or approvals for the project.

Scientific Name	Common Name		Federal Status	Habitat Considerations	Required Actions - To be finalized with coordination with WDNR	Recommended Actions - To be considered if surveys identify suitable habitat	No Impacts	Map Page
Psilotreta indecisa	A Caddisfly	SC/N		Associated with coldwater streams.		Because this project has the potential to impact the Potato River/Lawrence Creek, erosion and runoff prevention measures should be implemented during the course of the project to avoid take of the caddisfly.	1	8-9
Maccaffertium pulchellum	A Flat-headed Mayfly	SC/N		Associated with coldwater streams.		Because this project has the potential to impact the Potato River/Lawrence Creek/White River erosion and runoff prevention measures should be implemented during the course of the project to avoid take of the flat-headed mayfly.	,	1-3
Brachycentrus lateralis	A Humpless Casemaker Caddisfly	SC/N		Associated with warmwater rivers.		Because this project has the potential to impact the Potato River/Lawrence Creek, erosion and runoff prevention measures should be implemented during the course of the project to avoid take of the humpless casemaker caddisfly.	i i	8-9
Agabetes acuductus	A Predaceous Diving Beetle	SC/N		Habitat includes wooded wetlands, leaf litter of shaded pools, and cattail ponds.	-		No Impact: No suitable habitat within or adjacent to ROW.	5-6
Botaurus lentiginosus	American Bittern	SC/M		Prefers herbaceous wetlands and riparian areas; lake and pond edges where cattails, sedges, or bulrushes are plentiful and marshes where patches of open water and aquatic-bed vegetation occurs.			No Impact: No suitable habitat within or adjacent to ROW.	7-8
Haliaeetus leucocephalus	Bald Eagle		EAG	Prefers forested habitat near medium to large rivers and lakes. The recommended avoidance period is 15 January – 30 July (per U.S. Fish and Wildlife Service guidelines).	· -	An eagle nest has been recorded in the vicinity of the project area. Enbridge will be completing eagle surveys in 2020. If an eagle nests are present and active, then human activity should be avoided from January 15 – July 30 within 660ft of the nest. If this timing restriction and/or buffer requirement cannot be met, Enbridge will coordinate with the WDNR and/or USPWS as needed.		7-8
<u>Picoides arcticus</u>	Black-backed Woodpecker	SC/M		Associated with boreal and coniferous forests; especially in areas with standing dead trees such as burns, bogs, and windfalls. Avoidance window May 1 - July 20.	-	MP 32.3-34.6: Suitable habitat may be present within or immediately adjacent to the project area. Enbridge may conduct surveys for suitable habitat in spring/summer 2020, and will coordinate with the WDNR as necessary. Otherwise, it is recommended to avoid completing work during the nesting season from May 1 - July 20.		7-8
Polystichum braunii	Braun's Holly-fern	THR		Rich, hardwood or mixed conifer-hardwood forests near ravine bottoms. It is also often found in areas of cold air drainage, on gentle to moderately steep rocky forested slopes, and at the bases of moist cliffs	MP 37.5-39.5 and near 41 when on public lands: Suitable woodland habitat may be present within or immediately adjacent to the project area. Surveys will be conducted spring/summer 2020.			8-9
lxobrychus exilis	Least Bittern	SC/M		Prefers herbaceous and scrub-shrub wetlands, bogs, fens, and riparian areas.			No Impact: No habitat within or adjacent to Project ROW.	4
Lanius ludovicianus	Loggerhead Shrike	END	soc	inhabit open, grassy country with scattered shrubs or small trees. Within their range, shrikes prefer "edge" habitat, nesting along roadsides and hedgerows in agricultural regions. They prefer tree species with thoms (e.g., hawthorn, locust, crab apple, osage orange)	MP 6.75-8.75: Suitable habitat may be present within or immediately adjacent to the project area, and further action may be required. Enbridge will conduct surveys for suitable habitat in spring/summer 2020. If suitable habitat is found within or adjacent to the Project ROW, Enbridge will avoid all disturbances to the project site in and adjacent to suitable habitat from April 20 - August 1. If this timing restriction cannot be met, Enbridge will coordinate with the WDNR as needed.			3
Asio otus	Long-eared Owl	SC/M		Prefers deciduous and evergreen forests, orchards, wooded parks, farm woodlots, river woods. Areas with dense vegetation needed for roosting and nesting, and open areas for hunting.	·	MP 1.5-3.5: Suitable habitat may be present within or immediately adjacent to the project area. Enbridge may conduct surveys for suitable habitat in spring/summer 2020, and will coordinate with the WDNR as necessary. Otherwise, it is recommended to avoid completing work during the nesting season from March 20 - June 20.		1-2
Accipiter gentilis	Northern Goshawk	SC/M	soc	prefers mature deciduous, coniferous, or mixed forest types. Avoidance period is March 20 - July 31.	-	MP 33-34: Suitable habitat may be present within or immediately adjacent to the project area. Enbridge may conduct surveys for suitable habitat in spring/summer 2020, and will coordinate with the WDNR as necessary. Otherwise, it is recommended to avoid completing work during the nesting season from March 20 - July 31.	9	7-8
Epiaeschna heros	Swamp Darner	SC/N		shady ponds, ditches, or sloughs bordering woods			No Impact: No habitat within or adjacent to Project ROW.	5-6
Schoenoplectus torreyi	Torrey's Bulrush	sc		sandy shores of shallow lakes and lagoons		-	No Impact: No habitat within or adjacent to ROW	5-6
Sturnella neglecta	Western meadowlark	SC		The species is typically found in open landscapes like pastures and hay fields, grasslands, prairies and meadows where there is a mix of short to medium-high grasses. The recommended avoidance period is April 25 - July 30.	·	Suitable habitat may be present within or immediately adjacent to the project area. Enbridge may conduct surveys for suitable habitat in spring/summer 2020, and will coordinate with the WDNR as necessary. Otherwise, it is recommended to avoid completing work during the nesting season from April 25 - July 30.		Valve site in Bayfield Co only. See map page 1
Pieris virginiensis	West Virginia White	SC/N		Rich, deciduous northern forests, primarily of beech and sugar maple. Its host plant is toothwort. Cardenine diphylla, perhaps C. maxima. Eggs hatch in May, develop by June.	-	MP 37.5-39.5: Suitable habitat for the West Virginia white may occur at the project site. The toothplant ( <i>Cardamine diphylla</i> ) is the host plant for this species. Suitable habitat may be present within or immediately adjacent to the project area. Enbridge may conduct surveys for suitable habitat in spring/summer 2020, and will coordinate with the WDNR as necessary. If found, it is recommended to avoid or minimize impacts to the host plant to the extent practicable.		8-9
Glyptemys insculpta	Wood Turtle	THR	soc	Prefers rivers and streams with adjacent riparian wetlands and upland deciduous forests. This species often forages in open wet meadows or in shrub-carr habitats dominated by speckled alder. They overwinter in streams and rivers in deep holes or undercut banks where there is enough water flow to prevent freezing. This semi-terrestrial species typically remains within 300m (984 ft) of rivers and streams.	Broad Incidental Take Permit applicable.  Suitable habitat may be present within or immediately adjacent to the project area, and further action may be required. Enbridge will conduct surveys for suitable habitat in spring/summer 2020 and coordinate with the ER Utility Liaison on further actions after habitat suitability is completed.  Suitable waterbodies include: Page 2: Bear Trap Creek & White River Page 5: Tributaires to Silver Creek & Krause Creek Page 6: Bad River & Montreal Creek Page 8: Tyler Forks & Potato River/Lawrence Creek Page 9: Potato River/Lawrence Creek & Vaughn Creek	•		1-3, 5-9
Pseudocyphellaria crocata	Yellow Specklebelly	sc		found on rocks and tree bark in moist or humid mature mixed forests in northern Wisconsin	-	MP 22.3-25.5: Suitable habitat may be present within or immediately adjacent to the project area. Enbridge may conduct surveys for suitable habitat and/or presence of yellow specklebelly in spring/summer 2020, and will coordinate with the WDNR as necessary.		5-6

#### ER Log #20-034 1/28/20

-,,			
Boreal forest	Boreal Forest	NA	Hagstrom's Boreal Forest
Ephemeral pond	Ephemeral Pond	NA	Copper Falls Ponds
Streamslow, hard, cold	StreamSlow, Hard, Cold - White River	NA	White River
Migratory Bird Concentration Site	Migratory Bird Concentration Site	NA	Bad River - Kakagon Sloughs

-	No Impact: Project will not cross Boreal Forest	2
-	No Impact: Project will not cross Copper Falls Ponds	5-
The stream - slow, hard, cold natural community (White River) may occur within the project site. The project will cross the White River via HDD, and impacts are not expected although invasive species BMPs should be implemented.		1-3
-	No Impact: Project will not cross documented migratory bird concentration sites.	2



## **Line 5 Wisconsin Segment Relocation Project**

Ashland, Bayfield, Douglas, and Iron Counties Wisconsin

Water Resources Application for Project Permits

## **Environmental Impact Report**

Revised August 2020

## **EIR Attachment I**

Endangered Resources Review Request and Response (Information Update)

**Privileged and Confidential Information** 

July 31, 2020				W. P. C.				T
Scientific Name	Common Name	State Status	Federal Status	Habitat Considerations	Required Actions - To be finalized with coordination with WDNR	Recommended Actions - To be considered if surveys identify suitable habitat	No Impacts	Map Page
Psilotreta indecisa	A Caddisfly	SC/N		Associated with coldwater streams.	-	Because this project has the potential to impact the Potato RiveriLawrence Creek, erosion and runoff prevention measures should be implemented during the course of the project to avoid take of the caddisfly. Because this project has the potential to impact the Potato RiveriLawrence CreekWhite River, erosion and	-	11, 12
Maccaffertium pulchellum	A Flat-headed Mayfly	SC/N		Associated with coldwater streams.	-	runoff prevention measures should be implemented during the course of the project to avoid take of the flat-	-	11, 12
Brachycentrus lateralis	A Humpless Casemaker Caddisfly	SC/N		Associated with warmwater rivers.	Secause this project has the potential to impact the Potate RivertLawrence Creek, crosion and nuroff prevention measures should be implemented during the course of the project to avoid take of the humpless casemaker caddisfly.  No time		-	11, 12
Agabetes acuductus	A Predaceous Diving Beetle	SC/N		Habitat includes wooded wetlands, leaf litter of shaded pools, and cattail ponds.	-	-	No Impact: No suitable habitat within or adjacent to ROW.	7, 8
Botaurus lentiginosus	American Bittern	SC/M		Prefers herbaceous wetlands and riparian areas; lake and pond edges where cattails, sedges, or bulrushes are plentiful and marshes where patches of open water and aquatic-bed vegetation occurs.		-	No Impact: No suitable habitat within or adjacent to ROW.	9, 10
Haliaeetus leucocephalus	Bald Eagle		EAG	Prefers forested habitat near medium to large rivers and lakes. The recommended avoidance period in 15 January – 30 July (per 2007 U.S. Fish and Wildlife Service guidelines).		UPDATE: An eagle nest has been recorded in the vicinity of the project area. Enbridge completed bald eagle surveys in 2020; results were submitted to the WDNR separately. The bald eagle nest is located outside of the project right-Oway. On active bald eagle nest was documented during 2020 surveys, and is location is greater than 660ft from the project right-of-way. If eagle nests are present and active, then human activity should be avoided from almany 15 – July 30 within 660ft of the nest. If this timing restriction androt buffer requirement cannot be met, Enbridge will continue to coordinate with the WDNR and/or USFWS as needed.	-	6
Picoides arcticus	Black-backed Woodpecker	SC/M		Associated with boreal and coniferous forests; especially in areas with standing dead trees such as burns, bogs, and windfalls.		MP 32.3-34.6: Suitable habitat for the black-backed woodpecker may be present within or immediately adjacent to the project area. Although not protected under the state endangered species law, it is recommended that disturbances to the project site be avoided from May 1 - July 20 to avoid impacting this species.	÷	10, 11
Polystichum braunii	Braun's Holly-fern	THR		Rich, hardwood or mixed conifer-hardwood forests near ravine bottoms. It is also often found in areas of cold air drainage, on gentle to moderately steep rocky forested slopes, and at the bases of moist cliffs	UPDATE: MP 37.5-39.5 and near 41 when on public lands: Suitable woodland habitat may be present within or immediately adjacent to the project area. Embridge completed surveys in spring/summer 2020; results were submitted to the WDNR separately.		-	11, 12
Perisoreus canadensis	Canada Jay	sc		Species prefers coniferous forests, particularly stands of white cedar and occasionally spruce and balsam stands.		MP 33-34. Suitable habitat for the Canada Jay may be present within or immediately adjacent to the project area. Although not protected under the state endangered species law, it is recommended that disturbances to the project site be avoided from March 5 - May 20 to avoid impacting this species.	-	10
Sparganium glomeratum	Clustered Bur-reed	THR		Found in cold ditches and pools within sedge meadows, willow-alder thickets, and occasionily in tamarack stands on the Lake Superior clay plain.		Near vicinity of the project area (pipeyard and access road 3.8 mile southeast of Superior). Suitable habitat for the clustered bursted may be impacted by this project. Although not required because this area is on private lands, it is recommended to avoid or minimize take of the clustered bursted. Avoidance and minimization efforts may include site surveys to confirm presence/absence of species and fencing off areas of occupied habitat. Survey results should be submitted to the Endangered Resources Review Program.	÷	Pipyard in Douglas County only. See map page 1.
Coccothraustes vespertinus	Evening Grosbeak	sc		Found breeding primarily in coniferous forests.		MP 33-34: Suitable habitat for the evening grosheak may be present within or immediately adjacent to the project area. Although not protected under the state endangered species law, it is recommended that disturbances to the project site be avoided from May 10 - July 31.	-	10
Physcia tenella	Fringed Rosette Lichen	sc		Found most often on bark toward the base of frees, but occasionally on rock.		Because this project has the potential to impact the Potato ReverLawrence Creek, recommended measures to reduce impacts on suitable habitat should be implemented during the course of the project to avoid take of the finged rosette lichen.	-	11, 12
lxobrychus exilis	Least Bittern	SC/M		Prefers herbaceous and scrub-shrub wetlands, bogs, fens, and riparian areas.	·	-	No Impact: No habitat within or adjacent to Project ROW.	6, 7
Lanius ludovicianus	Loggerhead Shrike	END	soc	Inhabit open, grassy country with scattered shrubs or small trees. Within their range, shrikes prefer "edge" habitat, nesting along roadsides and hedgerows in agricultural regions. They prefer tree species with thorns (e.g., hawthorn, locust, crab apple, osage orange)		UPDATE: Although no loggerhead shrike nests or individuals were observed during 2020 field surveys, a few potentially suitable habitat locations in the old field community types were identified. Enbridge will continue to coordinate with the WDNR on the consultation for this species.	-	5, 6
<u>Asio otus</u>	Long-eared Owl	SC/M		Prefers deciduous and evergreen forests, orchards, wooded parks, farm woodlots, river woods. Areas with dense vegetation needed for roosting and nesting, and open areas for hunting.		MP 1.5-3.5: Suitable habitat for the long-eared owl may be present within or immediately adjacent to the project area. Although not protected under the state endangered species law, it is recommended that disturbances to the project site be avoided from March 20 - June 20.	-	4, 5
Equisetum palustre	Marsh Horsetail	sc		Found in fens, alder thickets, wet sedge meadows, bogs and swamp margins, and wet swales near the Great Lakes.			No Impact: No habitat within or adjacent to Project ROW.	ATWS North of South Fish Creek. See map page 2.
Eleocharis nilida	Neat Spike-rush	END		Found on wet exposed clay in ditches and openings in alder thickets and marches, only near Superior.		Near violity of the project area (pipeyard and access road 3.8 mile outhwast of Superior). Suitable habbit for the neat spike-unit may be impacted by this project. Affordly not required because this area is not private lands, it is recommended to swid or minimize take of the neat spike-unit. Avoidance and minimization efforts may include alle surveys to confirm presence/altenore of periors and ferringly of areas of occupied habitat. Survey results should be submitted to the Endangered Resources Review Program.	-	Pipyard in Douglas County only. See map page 1.
Accipiter gentilis	Northern Goshawk	SC/M	SOC	Prefers mature deciduous, coniferous, or mixed forest types. Avoidance period is March 20 - July 31.	·	MP 33-34: Suitable habitat for the northern goshawk may be present within or immediately adjacent to the project area. Although not protected under the state endangered species law, it is recommended that disturbances to the project site be avoided from March 20 - July 31.	-	10
Scirpus pallidus	Pale Bulrush	sc		Found in forest/marsh ecotones and wet soils.		Near vicinity of the project area (pipeyard and access road 3.8 mile southeast of Superior): Suitable habitat for the pale butrush may be impacted by this project. Although not required because this area is on privatec lands, it is recommended to avoid or minimize take of the pale butrush. Avoidance and minimization efforts may include site surveys to confirm present/elabence of species and fencing off areas of occupied habitat. Survey results should be submitted to the Endangered Resources Review Program.	-	Pipyard in Douglas County only. See map page 1.
Falco peregrinus	Peregrine Falcon	END		Nest mainly on high cliffs or bluffs, and some birds inhabit ledges of skyscrapers or smoke stacks in large clibes. High ledges near water preferred for nesting. Avoidance period is March 15 - July 10.		· ·	No Impact: No habitat within or adjacent to Project ROW.	3

Epiaeschna heros	Swamp Darner	SC/N		Shady ponds, ditches, or sloughs bordering woods	-	-	No Impact: No habitat within or adjacent to Project ROW.	7, 8, 9
Schoenoplectus torreyi	Torrey's Bulrush	SC		Sandy shores of shallow lakes and lagoons	-	-	No Impact: No habitat within or adjacent to ROW	7, 8, 9
<u>Juncus vaseyi</u>	Vasey's Rush	sc		Found in mainst old fields, ditches, and prairies. It is most commonly found on the Lake Superior clay plain.		Near vicinity of the project see (pipeyard and access road 3.8 mile southeast of Superior). Suitable habitat for Vasay's rush may be impacted by this project. Although not required because this area is on printed lands, it is recommended to avoid or minimize late of Vasey's rush. Avoidance and minimization efforts may include sittle surveys to confirm presence/absence of species and fencing off areas of occupied habitat. Survey results stoud be submitted to the Endingener Resources Review Program.	-	Pipyard in Douglas County only. See map page 1.
Sturnella neglacta	Western Meadowlark	SC		The species is typically found in open landscapes like pastures and hay fields, grasslands, prairies and meadows where there is a mix of short to medium-high grasses. The recommended avoidance period is April 25 - July 30.	-	Suitable habitat for the western meadowlark may be present within or immediately adjacent to the project area. Although not protected under the state endangered species law, it is recommended that disturbances to the project site be avoided from April 25 - July 30.	-	Valve site in Bayfield Co only. See map page 2.
Pieris virginiensis	West Virginia White	SC/N		Rich, deciduous northern forests, primarily of beech and sugar maple. Its host plant is toothwort, Cardamine diphylla , perhaps C. maxima . Eggs hatch in May, develop by June.		MP 317-30.5. Suitable habitat for the West Virginia white may occur at the project site. The toothplant Cardamine diphylis ) is the host plant for this species. Suitable habitat may be present within or immediately adjacent to the project area. Eiroringe may conduct surveys for suitable habitat in springlaummer 2020, and will coordinate with the WDNA as necessary. If found, it is recommended to avoid or minimize impacts to the host plant to the extent practicable.	÷	11, 12
<u>Glyptamys insculpta</u>	Wood Turtle	THR	soc	Prefers rivers and streams with adjacent riparian wetlands and upland deciduous forests. This species often forages in open wet meadows or in shrub-carr habitats of combinated by specified affect. They overwinter in streams and rivers in deep holes or underect bather where there is enough water flow to prevent feezing. This semi-larrestrial species typically remains within 500m (884 ti) of rivers and streams.	UPDATE: Enbridge completed surveys for suitable wood turtle habitat; results were submitted to the WDNR separately. Enbridge will continue to coordinate with the WDNR on the consultation for this species. Broad Indicated Tales Permit applicable. Suitable habitat may be present within or immediately adjacent to the project area, and farther action may be required. Page 15 Tep Creek & White River Page 5: Tributaires to Silver Creek & Krause Creek Page 6: Bad River & Montreal Creek Page 7: Tributaires to Silver Creek & Krause Creek Page 9: Potato RiverLawrence Creek & Vaughn Creek	UPDATE: Suitable habitat (e.g., aquatic and nesting) for the wood turtle was documented during 2020 field surveys; therefore, Enbridge will continue to coordinate with the WDNR on the consultation for this species.	-	4, 5, 8, 10-12
Pseudocyphellaria crocata	Yellow Specklebelly	SC		Found on rocks and tree bark in moist or humid mature mixed forests in northern Wisconsin	-	MP 22.3-25.5: Suitable habitat may be present within or immediately adjacent to the project area. Recommended measures to reduce impacts on suitable habitat should be implemented during the course of the project to avoid take of the yellow specklebely.	-	8
Boreal Forest	Boreal Forest	NA		Hagstrom's Boreal Forest	-	-	No Impact: Project will not cross Boreal Forest	8
Ephemeral pond	Ephemeral Pond	NA		Copper Falls Ponds	-	-	No Impact: Project will not cross Copper Falls Ponds	7, 8, 9
Stream-Slow, Hard, Cold	Stream-Slow, Hard, Cold - White River	NA		White River		The stream - slow, hard, cold natural community (White Never) may occur within the project site. Natural communities may contain rate or detaining species and their protection should be incorporated into the project design as much as possible. The project will cross the White River via HOD, and impacts are not expected atthough imassive species BMPs should be implemented (e.g., all surfaces of construction equipment should be thoroughly deemed of imassive species, when reseeding impacted areas, be sure to use native local seed mix that does not contain invasive species, and when work occurs in or adjacent to welfands or vasterways, inspection for and removal of all part materials and draining of all waters from equipment should be done routinely after every project, regardless of whether the site is currently infested?	-	4, 5
Migratory Bird Concentration Site	Migratory Bird Concentration Site	NA		White River	-	-	No Impact: Project will not cross documented migratory bird concentration sites.	4, 5





















