

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster St.
Madison, WI 53703

Tony Evers, Governor
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



November 14, 2024

Docket # IP-NO-2020-2-N00471

Joe McGaver
Enbridge Energy, LP
11 E. Superior Street, Suite 125
Duluth, MN 55802

Subject: Enbridge Line 5 Wisconsin Segment Relocation Project WQC Public Notice

Dear Mr. McGaver:

Enbridge Energy, LP (Enbridge) has applied to the Department of Natural Resources (Department) for a water quality certification (WQC) pursuant to Section 401 of the Clean Water Act (33 U.S.C. 1341) and 40 CFR Part 121 applicable to a federal permit authorizing impacts to Waters of the United States in conjunction with the construction of approximately 41.1 miles of 30-inch diameter crude petroleum pipeline (known as Line 5), referred to as the Line 5 Wisconsin Segment Relocation Project (Project).

The Department has determined that there is reasonable assurance that the proposed activity will be conducted in a manner which will comply with state water quality standards enumerated in ss. NR 103.03, 103.08, and 299.04, Wis. Adm. Code, and grants water quality certification with conditions.

The Department will publish the attached public notice on its internet website and Enbridge shall publish the attached class 1 notice in the Wisconsin State Journal, the Ashland Daily Press, the Glidden Enterprise, the Mellen Weekly Record, and the Iron County Miner.

The Department's waterway and wetland permit decision is being sent under separate cover. Please be aware that Section 401 Certification does not release the permittee from obtaining all other necessary federal, state, and local permits, licenses, certificates, approvals, registrations, charters, or similar forms of permission required by law. It does not limit any other state permit, license, certificate, approval, registration, charter, or similar form of permission required by law that imposes more restrictive requirements.

Please contact the Department's Office of Energy if you have any questions regarding this certification decision at DNROfficeofEnergy@wisconsin.gov.

Sincerely,

Benjamin Callan
Director, Waterways Program

cc: Tim Drake, ERM
Bad River Band of Lake Superior Chippewa NRD
Red Cliff Band of Lake Superior Chippewa
William Sande, U.S. Army Corps of Engineers
Melissa Blankenship, U.S. Environmental Protection Agency
Kate Angel, DOA
Ashland County Zoning Administrator
Bayfield County Zoning Administrator
Douglas County Zoning Administrator
Iron County Zoning Administrator

Notice of Decision for Water Quality Certification

Enbridge Energy, LP, 11 E. Superior Street, Duluth, MN 55802, has applied to the Department of Natural Resource (Department or DNR) for a Water Quality Certification. The Project involves the placement of temporary and permanent structures in navigable waterways, temporary bridges across navigable waterways, dredging navigable waterways, driving on the bed of navigable waterways, and discharging fill in wetlands for the purpose of relocating approximately 41.1 miles of 30-inch diameter crude petroleum pipeline (known as Line 5) and installing mainline valves, collectively referred to as the Line 5 Wisconsin Segment Relocation Project (Project) in Ashland, Bayfield, and Iron Counties, Wisconsin.

The Department has reviewed the proposal provided by the applicant and the information received during public hearings on July 1, 2020, and February 2, 2022, and the associated public comment periods. The Department has complied with the procedural requirements of s. 1.11, Wis. Stats., and chs. NR 150 and NR 299, Wis. Adm. Code.

The Department has reviewed the proposed activities pursuant to state water quality standards enumerated in ss. NR 103.03, 103.08 and 299.04, Wis. Adm. Code, and conditionally grants the Water Quality Certification. All conditions set forth by the Certification are necessary to comply with state water quality standards.

If you would like to know more about this Project or would like to see the application and plans, please visit the Department's permit, contract, and certification tracking website at <https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx> and search for IP-NO-2020-2-N00471.

Reasonable accommodation, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request.

Any person whose substantial interests may be affected by the Department's determination may, within 30 days after publication of this notice, request in writing a contested case hearing on the matter under Ch. 227, Wis. Stats. A request for contested case hearing shall include a written statement giving specific reasons why the proposed activity violates the standards under s. NR 299.04(1)(b), Wis. Adm. Code, and provide specific information explaining why the petitioner's interests are adversely affected by the Department's determination. The request for hearing shall also include a written statement specifying that the petitioner will appear and present information supporting the petitioner's objections in a contested case hearing.

Unless a written request for hearing is filed with the Department within 30 days after publication of the notice in the newspaper, the Department's decision will become final without a public hearing at the end of the 30-day period.