

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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April 10, 2020

EXE-NO-2020-44-01116, 01117

Badger Minerals LLC
Eric Quigley
414 10th Avenue Suite 1
Menominee, MI 49858

Dear Mr. Quigley:

This letter is in response to your written Exemption Determination Request, asking whether two proposed temporary intake structures are exempt from the permit requirements of Chapter 30, Wis. Stats.

The waterway is Stockley Creek, located in the Town of Schoepke in Oneida County. Your proposed activity is to place a temporary surface water intake structure on the bed of Stockley Creek at 2 locations:

1. Southern access located off of Meister Stockley Rd in the NW SW sec. 9 T35N R 11 E.
2. Northern access located on property owned by Heartwood Forestland Group located in the NW SE Sec. 4. T35N R11E.

You also requested that the department consider granting a fish timing restriction waiver so that the project may proceed.

Department staff have reviewed your request and determined that the locations are not located in an "Area of Special Natural Resource Interest" and your proposal follows the eligibility criteria found in NR 329.04(1)(c) and (e) Wis. Adm. Code. Due to the limited disturbance expected to the stream during installation and removal of the temporary intake structures, the department is able to grant a waiver to the typical fish timing restrictions. In conclusion, your project is eligible for an exemption pursuant to s. 30.12(1g)(km), Wisconsin Statutes, provided that the project is performed consistent with installation, construction or location rules adopted by the Department and listed in the enclosed intake/outfall exemption checklist.

Please note that if modifications are made to the proposal, the project may no longer be considered an exempt activity. If the project is modified, contact the department again prior to beginning construction to ensure that it complies with all applicable regulations.

You are encouraged to request an endangered resources (ER) review letter before starting the project; however, this is not a requirement. Information on how to obtain a review can be found by visiting the website at <http://dnr.wi.gov/topic/ERReview/Review.html>. The applicant can also visit the NHI Public Portal, <http://dnr.wi.gov/topic/ERReview/PublicPortal.html>, to determine if a full ER Review is required. Read the 'What is an ER Preliminary Assessment and what do the results mean?' section to determine follow-up steps.

You are responsible for obtaining any permit or approval that may be required for your project by local zoning ordinances or by the U.S. Army Corps of Engineers before starting your project.

Sincerely,

Kyle McLaughlin
Waterway and Wetland Protection Section

(encl.)

cc: U.S. Army Corps of Engineers