

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

Notice of Complete Application and Notice of Public Informational Hearing
for proposed waterway permits associated with the
Proposed Enbridge-Alberta Clipper Petroleum Pipeline and Diluent Return Pipeline

General Information

The applicant, Enbridge Energy Company, Inc., 119 N. 25th Street East, Superior, WI 54880-5247, has applied to the Wisconsin Department of Natural Resources (the Department) for a Chapter 30 permit for temporary bridges, dredging in or near public waters, grading on the bank of public waters, and for Wetland Water Quality Certification under NR 103 and NR 299, needed to allow construction of the proposed Alberta Clipper Pipeline, and associated diluent line. This project consists of constructing a new 36-inch petroleum pipeline, a new 20-inch diluent return pipeline, and associated pump station along a 17-mile route from the Wisconsin - Minnesota border to the Enbridge Superior Terminal in Superior, Wisconsin. Diluent line work includes the construction of a pump station to transport diluent from refineries in the United States back to production fields in Canada. This pump station will be located at the Enbridge Superior Terminal and will include 0.6 acres of wetland impact.

The project is located in the City of Superior and the Village of Superior, Douglas County, Wisconsin, including portions of the following locations:

Township 48 North, Range 14 West, Sections 2, 9, 10, 11, 14, 16, 17, 19, 20,
Township 48 North, Range 15 West, Sections 24, 25, 26, 27, 31, 32, 33, 34,
Township 49 North, Range 14 West, Sections 35, 36

Proposed Waterway Permits

The proposed project would require 17 water body crossings, including perennial and intermittent streams. The pipeline will cross 10 tributaries to the Pokegama River, three un-named waterways, two tributaries to the Little Pokegama River, one crossing of the Pokegama River, and one crossing of an un-named tributary to the Nemadji River.

The proposed project will temporarily impact approximately 75-acres of wetlands. Proposed wetland activities and impacts in Wisconsin, regulated under NR 103 and 299, Wis. Adm. Code, will be addressed through a separate public notice issued by the Department.

The Wisconsin portion of the proposed pipeline would be approximately 17 miles in length, within an existing pipeline right-of-way that includes four other crude oil pipelines. The permanently cleared Enbridge pipeline corridor will be maintained at its current width. Construction activities are proposed to extend beyond the existing pipeline right-of-way.

Notice of Complete Application

The Department hereby gives notice that effective May 11, 2009, the Department has determined the Application for waterway permits is complete, pursuant to s. 30.208, Wis. Stats., and chs. NR 300 and 310, Wis. Adm. Code.

Public Informational Hearing

The Department has scheduled public informational hearing as part of the application review process. The public informational hearing will be held on:

- June 4, 2009, at the City of Superior Public Library, Large Meeting Room, 5:30 pm to 8:00 pm

Application materials and maps of the proposed project will be available for public viewing starting at 5:30 p.m. on the day of the hearing.

The hearing will be a public informational hearing where individuals can learn more about the proposed activity and submit written or oral comments about the project and any Department determinations associated with the project. The Department is currently evaluating the applicants' proposal and must consider factual information about the legal standards listed below in deciding whether to grant, modify, or deny a permit for the project.

Specific to permitting under Chapter 30, Wis. Stats., the Department must consider the following factors identified in s. 30.12, s. 30.123, s. 30.19, s. 30.20, s. 182.017, as well as in NR 320.08(3), and NR 345.04(3), Wis. Admin. Code:

- Whether navigation is materially obstructed, including commercial, recreational, active and passive forms of navigation;
- Whether there is detriment to the public interest, including fish and wildlife or their habitat, natural scenic beauty or water quality; and
- Whether the flood flow capacity of a stream is materially reduced.

The Department considers all the following information to make a decision to approve, modify or deny the Chapter 30 permit application:

1. Applicable standards in statutes, rules, and common law.
2. Plans and information provided by an applicant.
3. Information gathered during site investigations.
4. Written or oral comments provided during a public comment period or public hearing.
5. Statements or information provided by local, state, and national government agencies.
6. Data or information found in natural resource inventories and plans, or maps collected by the department or others using commonly accepted methods.
7. Published scientific research.
8. Section 1.11, Wis. Stats., Wisconsin environmental policy act; and ch. NR 150, Wis. Adm. Code.
9. Any other pertinent information.

Pursuant to s. 30.208(5)(b)4, Wis. Stats., this notice must provide a statement of the Department's tentative determination relative to the proposed waterway permits. The Department has made a tentative determination that it will approve the proposed pipeline project with modifications.

Public Comment Period

If you would like to know more about this project and the statutes and rules that apply, or would like to see the application materials, contact Benjamin Callan, WDNR OE/7, PO Box 7921, 101 S. Webster Street, Madison, WI 53707-7921, phone number 608-266-3524. Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

Any member of the public may submit written comments by hand-delivery or U.S. mail to Benjamin Callan at WDNR (OE/7), PO Box 7921, 101 S. Webster Street, Madison, WI 53707-7921. Comments shall identify the Applicant, and shall relate to whether the project meets the legal standards listed above. Comments shall be postmarked or hand-delivered no later than June 19, 2009 or 30 days after date of notice publication, whichever is later.

Environmental Assessment

The Department has determined that preparation of an Environmental Assessment (EA) is required pursuant to s. 1.11, Wis. Stats., (WEPA) and ch. NR 150, Wis. Admin. Code. Accordingly, the Department has determined that the requirements of s. 1.11, Wis. Stats., and NR 150, NR 300.04(2), NR 310.14(4)(b) and NR 299.03(2), Wis. Adm. Code, will be met.

The Environmental Assessment will address all environmental permits required for the Wisconsin portion of the proposed Enbridge Alberta Clipper Project, including the 36-inch pipeline, the 20-inch diluent line, the pump station, and five storage tanks. A separate news release will provide more detail regarding the Environmental Assessment, and Department staff will be available at the hearing to answer questions about the EA.

Pursuant to s. 30.208(3)(e), Wis. Stats., and NR 310.17, Wis. Adm. Code, within 30 days after the public hearings are completed, the Department shall render a decision that approves, modifies or denies the permit that is the subject of the application by mailing it to the Applicants, the cities, towns, villages and counties in which the project is located, the U.S. Army Corps of Engineers, and any person who asks the Department in writing for a copy of the final decision

The Department can issue its decision regarding water quality certification under NR 103 and NR 299 at the same time as the Chapter 30 decision, or as a separate document after compliance with the requirements of NR 150. The final decisions may be appealed as indicated in the decision document(s).

Docket Number IP-NO-2009-16-N02201

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary



Benjamin Callan
Water Management Specialist

May 15, 2009

Date