From: Tekler, Lindsay M - DNR
To: "Tim Drake"
Cc: Sara Ploetz; Callan, Benjamin S - DNR; Gonzalez, Christine K - DNR (Kim)
Subject: Enbridge Line 5 WI Segment Relocation Project - delineation report
Date: Monday, January 27, 2020 1:26:00 PM

Hi Tim,

I reviewed the wetland and waterbody delineation report dated January 2020 for the Enbridge Line 5 Wisconsin Segment Relocation Project. I agree that the wetland boundaries where field surveys were completed can be used to establish state wetland jurisdiction. It is my assumption that field investigations will occur on the parcels not delineated, once site access is available. Please attach this email to your online DNR permit application(s) as proof of wetland consultation.

I did have the following questions/comments for the project, based on my review of the report. I would suggest incorporating the answers to the below items into the upcoming wetland and waterway permit application(s), if possible:

1. Section 1.0, paragraph 2 - The report states "Wetland and waterbody surveys were conducted along accessible tracts…". Describe how wetland and waterway mapped occurred on tracts that are in the proposed project area but were not accessible during field work (i.e. "off-site" review). Please then indicate in application maps which wetlands were field delineated versus off-site/desktop delineated.
2. Figure 1 on page 2 of the report text and Appendix I – There appear to be breaks in the "surveyed areas". Were the breaks due to locations outside of the project area, or due to inaccessible tracts?
3. All applicable narratives and maps – please ensure to use the DNR mapped waterways (or "24k hydro layer" GIS shapefile (available for free download)) rather than NHD waterways.
4. Regarding "Non-Water Points":
    a. Sections 2.3 refers to Non-Water Points as representation for areas expected to be either wetlands or waterways. The report text uses the same term, Non-Water Point, for both, but the Appendix I map legend uses 2 different labels, "Non-Water Location" and "Non-Wetland Location". Extracting the second sentence from section 2.3, can you please confirm the clarifications I added in red text are correct: Data points and photographs were taken within aerial signatures, NWI, or WWI polygons (referred to as "Non-Wetlands Locations" in Appendix I), or along NHD lines (referred to as "Non-Water Locations" in Appendix I) to note that these areas are non-wetland or non-stream (i.e. upland habitat).
    b. Section 4.1.3 - Appendix H states "For areas that were identified as streams on the NHD layer or that had a signature on aerial photography, but no stream was identified, a photo was collected… Non-water point data forms and photos are located in Appendix H." Looking at the entirety of Appendix H, it does not appear it contained photos of Non-Water Locations, but only of Non-Wetland Locations. For example, Non-Water Location noasa017 (shown on page 1 of 57 of Appendix I) was not included in Appendix H.
5. Section 4.1 – Please confirm if the surveyed area also encompassed all potential staging areas, laydown yards, temporary workspaces, and off-right-of-way access roads.

6. Non-Water Locations and navigability determinations:
    a. All DNR mapped waterways (located in the WDNR 24K hydro layer) and any additional waterways field identified are considered navigable, and thus state jurisdictional, unless determined non-navigable by the DNR through a navigability determination.
    b. In Appendix I, there were a few items to note regarding waterways:
        i. Page 4 of 57 – the NHD line in wetland wasa042e did not have a Non-Water Point and was not field mapped as a waterway
        ii. Page 5 of 57 – the NHD line in wetland wasa009e did not have a Non-Water Point and was not field mapped as a waterway
        iii. Page 8 of 57 – there is a delineated waterbody point (sasc003e) but I didn't see a solid line for delineated waterbody, just the dashed NHD line
        iv. Page 9 of 57 – there is an NHD line without a Non-Water Point and not field mapped as a waterway (the NHD line south of point noasc001)
        v. Page 13 of 57 - the NHD line in wetland wasa060e did not have a Non-Water Point and was not field mapped as a waterway
        vi. Page 13 of 57 – stream sasb011e is only field identified through a portion of the surveyed area, but the NHD line goes through the entire width of the surveyed area
        vii. Page 13 of 57 - the NHD line in wetland wasc016e did not have a Non-Water Point and was not field mapped as a waterway
        viii. Page 30 of 57 – there is a Non-Wetland point (noasv002) on an NHD line, was this meant to be labeled as a Non-Water point?
        ix. Page 36 of 57 - stream sasw011 is only field identified through a portion of the surveyed area, but the NHD line goes through the entire width of the surveyed area
        x. Page 37 of 57 - the NHD line in wetland wasw017f did not have a Non-Water Point and was not field mapped as a waterway
        xi. Page 41 of 57 - stream sirb005p is only field identified through a portion of the surveyed area, but the NHD line goes through the entire width of the surveyed area
        xii. Page 41 of 57 - the NHD line in wetland wirc015f did not have a Non-Water Point and was not field mapped as a waterway
        xiii. Page 46 of 58 - the NHD line in wetland wirc019f did not have a Non-Water Point and was not field mapped as a waterway
        xiv. Page 52 of 57 - the NHD line in wetland wirw005e did not have a Non-Water Point and was not field mapped as a waterway
        xv. Page 56 of 58 - there is a Non-Wetland point (noirv003) on an NHD line, was this meant to be labeled as a Non-Water point?
    c. As indicated above, ensure to use DNR mapped waterways rather than the national NHD data. For all DNR mapped waterways that were not fully or partially (such as feature noasa018) field identified in the project area, an applicant can either assume the DNR mapped waterway is either jurisdictional and either avoid impacting the feature or apply for permit coverage to impact the feature; or they can submit a Navigability Determination Request to the DNR.
        i. Please note in application maps/tables/narrative if a Navigability

Determination is requested.

7. For the application maps, I would suggest leaving the Non-Water Points point file and delineated waterbodies line file, but removing the delineated waterbody point file. I would suggest the same for wetlands – leave the Non-Wetland Points point file and wetland polygon and label, but remove the wetland paired data points. That way it makes the application maps a bit easier to read, with less labels and removing points that may cover up line/polygon data. All of the removed point data will still be contained in the wetland delineation report map, if needed to be viewed.

Please let me know if you have any questions.

Thanks!

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