

State of Wisconsin
 Department of Natural Resources
 (Return to appropriate DNR Regional/Service Center Office)

State / Federal Application for Water Regulatory Permits and Approvals

Form 3500-053 (R 4/01)

Page 1 of 2

Public Service Commission of Wisconsin
 RECEIVED: 09/09/09, 4:20:36 PM

PLEASE COMPLETE BOTH PAGES 1 & 2 OF THIS APPLICATION. PRINT OR TYPE. The Department requires use of this form for any application filed pursuant to Chapter 30, Wis. Stats. The Department will not consider your application unless you complete and submit this application form. Personally identifiable information on this form will not be used for any other purpose, but it must be made available to requesters under Wisconsin's open records law [s. 19.31-19.39, Wis. Stats.].

1. Applicant (Individual or corporate name) <u>Northwestern Wisconsin Electric Co.</u> Address <u>P.O. Box 9,104 S. Pine St.</u> City, State, Zip Code <u>Grantsburg, WI 54840</u> Telephone No. (Include area code) <u>(715) 463-5371</u>	2. Agent/Contractor (firm name) <u>Natural Resources Consulting, Inc.</u> Address <u>610B West Ave.</u> City, State, Zip Code <u>Rice Lake, WI 54868</u> Telephone No. (Include area code) <u>(715) 736-1438</u>
Fire Number Tax Parcel Number	Fire Number Tax Parcel Number

3. If applicant is not owner of the property where the proposed activity will be conducted, provide name and address of owner and include letter of authorization from owner. Owner must be the applicant or co-applicant for structure, diversion and stream realignment activities.

Owner's Name	Address	City, State, Zip Code
<u>See CA Application Appendix A, Figure 8</u>		

4. Is the applicant a business? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, is the permit or approval you are applying for necessary for you to conduct this business in the State of Wisconsin? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, please explain why (attach additional sheets if necessary):	5. Project Location Address <u>See CA Appendix A, Fig. 10</u> Village/City/Town <u>T. of Milltown</u> Fire Number _____ Tax Parcel Number _____ Waterway <u>Unnamed Wetland (W-1 & W-1a)</u> County <u>Polk</u> Govt. Lot _____ OR _____ 1/4, _____ 1/4, of Section <u>18, 19</u> Township <u>35</u> North, Range <u>17W</u> (East) (West)
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6. Adjoining Riparian (Neighboring Waterfront Property Owner) Information See CA Appendix A, Fig. 8

Name of Riparian #1	Address	City, State, Zip Code
Name of Riparian #2	Address	City, State, Zip Code

7. Project Information (Attach additional sheets if necessary)

(a) Describe proposed activity (include how this project will be constructed)
See CA Application Intro & Overview Sec A - K & Supporting Docs


(b) Purpose, need and intended use of project
See CA Application Intro & Overview Sec A - K & Supporting Docs

(c) I have applied for or received permits from the following agencies: (Check all that apply)
 Municipal County Wis. DNR Corps of Engineers

(d) Date activity will begin if permit is issued Nov. 2009; be completed: June 2010

(e) Is any portion of the requested project now complete? Yes No
 If yes, identify the completed portion on the enclosed drawings and indicate here the date activity was completed:

I hereby certify that the information contained herein is true and accurate. I also certify that I am entitled to apply for a permit, or that I am the duly authorized representative or agent of an applicant who is entitled to apply for a permit. Any inaccurate information submitted may result in permit revocation, the imposition of a forfeiture(s) and requirement of restoration.

Signature of Applicant(s) or Duly Authorized Agent 	Date Signed <u>Sept. 8, 2009</u>
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LEAVE BLANK - FOR RECEIVING AGENCY USE ONLY		
Corps of Engineers Process No.	Wisconsin DNR File No.	
Received By	Date Received	Date Application Was Complete

FEE INFORMATION

Information about Fees for Applications to Alter Lakes, Streams or Wetlands

State law requires that the Department charge a fee for processing your request to make changes to public waters and wetlands. The Department begins review of each application for completeness only after the correct fee is received. Please review the application information for the activity you are applying for in order to determine the correct fee. This information is available on the Department’s web site at www.dnr.wi.gov under the topic Waterway and Wetland Permits.

*** Please see Page 8 of this Application for Applicable Fees ***

*** COMPLETE BOTH SIDES OF THIS FORM AND SUBMIT WITH YOUR APPLICATION ***

For purposes of determining permit application fees, a “single project” is defined as an activity that affects a single waterway, waterbody or wetland within a single county. **After exemption determinations and general permit deadlines are met, individual applications are reviewed on a first in - first out basis.**

An optional **expedited decision process** is available for a supplemental fee of \$2000. The expedited permit review guarantees a decision by a mutually agreed-upon date between the applicant and the Department. If you wish to request an expedited permit review, submit a letter with your application describing the time frame that will meet your needs, along with a check for the applicable permit fee and a separate check for the supplemental fee. Supplemental fees are based on county boundaries. If your project involves alterations to the landscape in 2 separate counties your supplemental fee will be \$4,000. (The supplemental fee funds permit reviewers specifically designated for expedited decision-making). Within twenty days we will respond in writing, specifying any additional information needed for an expedited decision on your proposal, and the date by which we can make a decision once the application is complete.

After-the-fact applications, for permits or approvals submitted after work has been commenced or completed, require twice the usual fee. Projects started or completed without obtaining the appropriate permits are subject to enforcement actions (e.g. monetary forfeitures, mandatory abatement, mandatory restoration).

Refunds of standard fees are made only if the applicant withdraws their application and requests a refund before we determine that the application is complete.

Note: Personally identifiable information on this form is not used for any other purpose than filing of this application but it may be made available to requesters under Wisconsin’s open records law [s. 19.31-19.39, Wis. Stats.].

Activity Applied for Water Quality Certification	Amount Enclosed \$ <u>500</u> Make checks payable to “Wisconsin DNR”
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LEAVE BLANK – DEPARTMENT OF NATURAL RESOURCES USE ONLY		
Fee Received \$ _____	<input type="checkbox"/> Check <input type="checkbox"/> Money Order	Check/Order Number
Received by		Docket Number

Please review the permit application materials closely to see if your project is eligible for a General Permit (GP) or an Individual Permit (IP). This will make a difference in your fee, and in the permit processing time. For projects that require multiple permits or approvals, use the right hand columns to calculate your total fee. **The following projects do not require fees:** Waterway projects funded in whole or in part by any Federal or State agency, dam or wetland projects conducted by any Federal or State agency.

Activity	Quantity	Amount	Subtotal
Activities requiring a \$50 fee:			
GP for biological shore erosion control structure			
GP for boat landing (public only)			
GP for clear-span bridge			
GP for dredging- manual or less than 25 cubic yards from a river or stream			
GP for dredging- plant and animal nuisance removal in "outlying waters"			
GP for dredging - previously permitted drainage district maintenance			
GP for dry fire hydrant			
GP for fish crib, half log, spawning reef, tree drop, wing deflector)			
GP for ford			
GP for piling			
GP for pond-landscape (not located in a wetland)			
GP for pond-wildlife / wetland conservation (meeting criteria in NR 353.04 and NR 353.05)			
GP for new riprap on moderate and high energy lakes and flowages			
GP for riprap repair or replacement on inland lakes and flowages			
GP for seawall replacement or seawall replacement with riprap or vegetated armoring			
GP for temporary in-stream crossing			
GP for weed rake			
GP for wildlife habitat structure (nesting structure)			
Boathouse / fixed houseboat repair certification			
Total Quantity		x \$50	= \$
Activities requiring a \$300 fee:			
GP for a new culvert			
GP for dredging-each open trench utility crossing or dredging a previously dredged area			
GP for grading greater than 10,000 square feet on the bank			
GP for intake-outfall structure			
GP for pond-stormwater			
Total Quantity		x \$300	= \$
Activities requiring a \$300 fee:			
Individual Permit (IP) for fish/wildlife habitat structures			
IP for non-metallic mining in Marathon County			
IP for piling			
Boathouse certification for an exception	single project	\$300	= \$
Permits requiring a \$500 fee:			
All Individual Permits (IP) unless otherwise specified			
Dam construction or modification approval			
Dam transfer ownership and/or financial responsibility approval			
Declaratory rulings			
Municipal bulkhead line approval			
Water level or flow order			
Water Quality Certification (e.g. wetland draining, dredging, filling)	single project	\$500	= \$500
Subtotal		\$ 500	
After-the-fact Permit Fee: double the applicable fee (these fees are non-refundable)		\$	
Optional Request for Expedited Permit Decision: Supplement Fee of \$2000 per county		\$	
Make checks payable to "Wisconsin DNR" TOTAL		\$500	



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary

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Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
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April 20, 2009

Dave Dahlberg
Northwestern Wisconsin Electric Company
104. S. Pine St.
Grantsburg, WI 54840-0009

Re: ERIR uttn #09-103, Northwestern Wisconsin EC, Centuria Project

Dear Mr. Dahlberg,

The Office of Energy (OE) has reviewed the project area described in your request received on March 18, 2009 for the construction of 4.3 miles of 69 kV transmission line in Polk County located in the following sections: T35NR17W Secs 19, 30, 31; T35NR18W Sec 36; and T34NR18W Secs 1 and 12.

NHI Results

Our Natural Heritage Inventory (NHI) data files contain the information in the attached table for the project area. This includes a search area of approximately two miles beyond the section in which the project is located. I provide this information both so impacts to nearby endangered resources can be assessed and to assist in determining which rare species may occur in the impact area if appropriate habitat remains.

Occurrences are only in the NHI if the site has been previously surveyed for that species or group, during the appropriate season, a detection was made, and the observation was reported and entered into the database. *As such, absence of an NHI occurrence in a specific area is not evidence of absence of special-status species.* Evaluations on the presence of rare species should be based on whether suitable habitat for the species exists within the affected area. Optimal habitat conditions for each species are provided in the text below. Occurrences denoted as "historical" indicate that the record is more than 25 years old. They are still valid if suitable habitat persists.

The results include only Special Concern (watch) species. Special Concern species are those about which some problem of abundance or distribution is suspected but not yet proved. The main purpose of this category is to focus attention on certain species before they become endangered or threatened. Avoidance and minimization measures are recommended for special concern species, which are not afforded protection under Wisconsin's endangered species law (29.604, Wis. Stats.), but may be protected under other state and Federal wildlife laws.

Plants

Silvery scurf-pea, *Pedimelum (Psoralea) argophyllum*. Special concern (SC). This species of the Great Plains prairies, in Wisconsin at its eastern limit, was known as a native plant from St. Croix and Polk Counties where it was last collected in 1917. This species can be found on gravelly hillside prairie near the St. Croix River. Blooming extends from mid-June through mid-August. Optimal identification period is from mid-June to mid-September.

Large-flowered ground-cherry, *Leucophysalis grandiflora*. SC. This species is found most often in recently burned moist to dry forests, and also on gravel bars of large rivers. Blooming occurs throughout the month of July. Optimal identification period is throughout the month of July.

Animals

Banded killifish, *Fundulus diaphanus*. SC. This species prefers clear water of the bays and quiet backwaters of large lakes and medium to large streams with and sparse to no vegetation over gravel, sand, silt, marl, clay detritus or cobble. Spawning occurs from June through mid-August.

Bald eagle, *Haliaeetus leucocephalus*. SC. It prefers large trees in isolated areas in proximity to large areas of surface water, large complexes of deciduous forest, coniferous forest, wetland, and shrub communities. Large lakes and rivers with nearby tall pine trees are preferred for nesting. The breeding season extends from February through August. Favored wintering and roosting habitat includes wooded valleys near open water and major rivers from December through March.

Conclusions and Recommendations

The banded killifish will not be affected by your project because it does not affect aquatic habitats that are used or occupied by this species. I am awaiting confirmation on the recent status of the eagle nest located in the search area and will provide that information to you when I receive it. Still, the nest as well as the waterbody where it is located are located outside the recommended protection zone for eagle's nests so this species is unlikely to be affected by your project activities.

Based on the aerial photos and your field reconnaissance it is unlikely that suitable habitat for rare plant species is present in the work area except possibly at the crossing of forested and pond habitat through Sections 31 and 36. This site may also be used by waterbirds. Since we were unsure of the level of disturbance in this area we recommended that some additional information on habitat conditions and site photos should be obtained. The abovementioned segment may be a candidate for the installation of bird diverters. Mr. Keener also suggested the possibility of changing the design of the line in the segment through Sections 1 and 6 for example, to prevent owls or other raptors from being impacted by the line.

This letter is for informational purposes and solely addresses endangered resource issues. This letter does not constitute Department of Natural Resources authorization of the proposed project and does not exempt the project from securing necessary permits and approvals from the Department.

Please contact me at (608) 261-4382 if you have any questions about this information.

Sincerely,

Shari Koslowsky
Office of Energy

Attachments: NHI table
CC: BER electronic file
Cheryl Laatsch, Central Office - OE
Ryan Magana, NOR
Jon Keener, NRC

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DOCKET NO. 4280-CE-106

**Appendix D, Table 1. Environmental Resource Table
NWE Centuria 69 kV Transmission Line and Substation**

Feature ID ¹	Feature Type, Name and Designation (ASNRI)	Resource Description ²	Map Page Index (App. A, Map 10)	Field Surveyed? (Y/N) ³	Existing Structure ⁴	Wetland Crossing length (feet)	Changes to Corridor	Impact Justification	Working Comments	Temp Wetland Crossing Method ⁵	DNR Comment _/ _/ _
Polk County - Preferred Route											
N1											
W-1a	Wetland	Northern Sedge Meadow / Shallow Marsh	1	Y (D)	None	50	---	---	Northern sedge meadow/shallow marsh dominated by broad-leaved cat-tail (<i>Typha latifolia</i>), reed canary grass (<i>Phalaris arundinacea</i>) and Northwest Territory sedge	CT-2/3	
210th Avenue											
W-1	Wetland	Northern Sedge Meadow / Shallow Marsh	1	Y (D)	2	150	---	---	Northern sedge meadow/shallow marsh dominated by broad-leaved cat-tail (<i>Typha latifolia</i>) and Northwest Territory sedge (<i>Carex utriculata</i>)	CT-2/3	
200th Avenue											
W-2	Wetland	Wet Meadow fringe around Shallow Pond	3	Y (D)	None	east of centerline in ROW	---	---	Wet meadow fringe dominated by stinging nettle (<i>Urtica dioica</i>)	CT-4W	
190th Avenue											
Ice Age National Scenic Trail / Gandy Dancer State Trail											
N2											
180th Street											
W-3	Wetland	Shallow, Open Water with Shallow Marsh & Wet Meadow Fringe	4	Y (D)	None	250	---	---	Shallow, open water with shallow marsh & wet meadow fringe dominated by reed canary grass (<i>Phalaris arundinacea</i>) with some yellow pond-lily (<i>Nuphar advena</i>) in the open water area	CT-4W	
180th Avenue											
W-4	Wetland	Wet Meadow	5	Y (D)	1e	150	---	---	Wet meadow dominated by reed canary grass (<i>Phalaris arundinacea</i>)	CT-4W	
W-5	Wetland	Wet Meadow	5	Y (D)	None	125	---	---	Wet meadow dominated by reed canary grass (<i>Phalaris arundinacea</i>)	CT-4W	
170th Avenue											
Proposed Centuria Substation/N3											
Polk County - Alternate Route Segment											
N2											
W-7	Wetland	Wet meadow	7	Y (D)	None	175	---	---	Wet meadow dominated by reed canary grass (<i>Phalaris arundinacea</i>)	CT-4W	
180th Avenue											
W-6	Wetland	Wet Meadow	7	Y (D)	1e	125	---	---	Wet meadow dominated by reed canary grass (<i>Phalaris arundinacea</i>)	CT-4W	
1st Avenue/170th Avenue											
Proposed Centuria Substation/N3											

NOTES:

¹ Feature ID: W-# = wetland

² Resource description based on Wetland plant community types (Eggers and Reed1997): shallow open water, deep marsh, shallow marsh, sedge meadow, fresh (wet) meadow, wet to wet-mesic prairie, calcareous fen, open bog, coniferous bog, shrub-carr, alder thicket, hardwood swamp, coniferous swamp, floodplain forest, [mixed hardwood/coniferous swamp], seasonally flooded basin.

³ Field Surveyed: A=aerial photo inspection (offsite delineation); D=1987 Manual delineation (onsite delineation); C=field-checked aerial photo (offsite and field observations); N=not surveyed. A "C" designation for wetlands indicates that a portion of the wetland was field checked from an accessible location (e.g., from along a road).

⁴ An "e" by these numbers indicates the structure is located in the edge of the wetland or < 5 feet outside of the wetland edge. No new structures will be in a wetland.

⁵ Wetland Crossing Method: CT-2/3=Typical wetland crossing procedures; CT-4W = wire pull through wetland.

Areas of special natural resource interest (ASNRI) are defined in Wisconsin Admin. Code ch. NR 103.04 - None Identified

DOCKET NO. 4280-CE-106

Appendix D, Table 2

NWE Centuria 69 kV Transmission Line and Substation

Supplement Document to form 3500-53- Check all that apply

Waterway/Wetland ¹	Code in Text ²	WQC	Bridge	Bank Stab Stab	Dredging		Misc. Structure	Grading	County	Basin or GMU ³	Muni- Town, Village, City		QQ	Q	Section	T, R ⁴ (E/W)	Wetland Impact ⁵	ASNRI			FEE in \$				
					Plow	Trench					O/E	Trout						Other	50	300	500 ⁶	1000			
Wetland 1a (1 structure)	W-1a								Polk	SC	T of Milltown	SW	SW	18	35N, R17W	71								x	
Wetland 1 (1 structure)	W-1								Polk	SC	T of Milltown	NW	NW	19	35N, R17W	71								x	
Wetland 2	W-2								Polk	SC	T of Milltown	SW	SW	30	35N, R17W	0									
Wetland 3	W-3								Polk	SC	T of Sherry	NE	SE	36	35N, R18W	0									
Wetland 4	W-4								Polk	SC	T of St. Croix Falls	NE	SE	1	34N, R18W	0									
Wetland 5	W-5								Polk	SC	T of St. Croix Falls	SE	SE	1	34N, R18W	0									
Wetland 6	W-6								Polk	SC	T of St. Croix Falls	SW	NW	1	34N, R18W	0									
Wetland 7	W-7								Polk	SC	T of Eureka	SW	SE	36	35N, R18W	0									
Total Impact (sq. ft)																142	Total Fee			\$500					

Notes:

¹ No waterways are crossed by the project centerline, except for W-3, a shallow, open water area which will be spanned (no structures in the wetland).

² Wetland code used on Appedix A, Fig. 10 and Appendix D, Table 1

³ SC = St. Croix River Basin

⁴ Township and Range

⁵ 71 square feet of wetland impact per structure based on +/- 3ft diameter foundation +/- 10 feet deep.

⁶ Water quality certification fee = \$500 per project

(Please print this page on 11x 17 inch paper.)

Appendix F Exhibit 1

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