Office of Energy Projects

FERC/EIS-0309F **March 2022**

WISCONSIN ACCESS PROJECT

FINAL ENVIRONMENTAL IMPACT STATEMENT

ANR Pipeline Company Docket No. CP21-78-000

Abstract:

The staff of the Federal Energy Regulatory Commission (Commission) prepared a final environmental impact statement (EIS) for the Wisconsin Access Project proposed by ANR Pipeline Company (ANR). The Wisconsin Access Project consists of an increase in the firm capacity on ANR's natural gas pipeline by approximately 50,707 dekatherms per day into Wisconsin, and minor modifications to seven existing meter stations in Oneida, Marathon, Oconto, and Manitowoc Counties, Wisconsin, to provide increased delivery point capabilities. The resources and topics addressed in this final EIS include geology, soils, water resources, vegetation, wildlife, species of special concern, land use, recreation, visual resources, cultural resources, environmental justice, air quality, climate change, noise, reliability and safety, and alternatives. Commission staff conclude that construction and operation of the project would not result in significant environmental impacts, with the exception of climate change impacts, where staff find the annual operational and downstream greenhouse gas emissions from the project would exceed the Commission's presumptive significance threshold based on 100 percent utilization.

Contact: Office of External Affairs, (866) 208-FERC

Estimate of Staff's Time Spent in the Preparation of this EIS: $57,226.08. There were no cooperating agencies, direct contracts, or travel costs.

Federal Energy Regulatory Commission
Office of Energy Projects
888 First Street, NE, Washington, DC 20426

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/Gas 1
ANR Pipeline Company
Wisconsin Access Project
Docket No. CP21-78-000

TO THE INTERESTED PARTY:

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a final environmental impact statement (EIS) for the Wisconsin Access Project, proposed by ANR Pipeline Company (ANR) in the above-referenced docket. ANR requests authorization to modify seven existing meter stations in Oneida, Marathon, Oconto, and Manitowoc Counties, Wisconsin and increase firm transportation capacity on its pipeline by 50,707 dekatherms per day.

The final EIS assesses the potential environmental effects of the construction and operation of the Wisconsin Access Project in accordance with the requirements of the National Environmental Policy Act. FERC staff concludes that approval of the Project would not result in significant environmental impacts, with the exception of climate change impacts, where staff find the annual operation and downstream greenhouse gas emissions from the project would exceed the Commission's presumptive significance threshold based on 100 percent utilization.

The final EIS addresses the potential environmental effects of the construction and operation of minor modifications to ANR's existing Coleman, Lena, Meeme, Mosinee, Rhinelander, Suring, and Two Rivers Meter Stations. The modifications include the replacement of some metering and filtering equipment, installation of additional metering equipment, and replacement of two meter station buildings at the Lena and Rhinelander Meter Stations.

The Commission mailed a copy of the *Notice of Availability of the Final Environmental Impact Statement for the Wisconsin Access Project* to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The final EIS is only available in electronic format. It may be viewed and downloaded from the FERC's website (www.ferc.gov), on the natural gas environmental documents page (https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents). In addition, the final EIS may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (https://elibrary.ferc.gov/eLibrary/search), select "General Search," and enter the docket number in the "Docket Number" field (i.e., CP21-78). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Additional information about the project is available from the Commission's Office of External Affairs, at **(866) 208-FERC**, or on the FERC website (www.ferc.gov) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to https://www.ferc.gov/ferc-online/overview to register for eSubscription.

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

LIST OF APPENDICES

TECHNICAL ABBREVIATIONS AND ACRONYMS

ANR	ANR Pipeline Company
APE	Area of Potential Effects
BGEPA	Bald and Golden Eagle Protection Act
CAA	Clean Air Act
CEQ	Council on Environmental Quality
Certificate	Certificate of Public Convenience and Necessity
CFR	Code of Federal Regulations
CO	carbon monoxide
CO_2	carbon dioxide
CO_{2e}	carbon dioxide equivalents
Commission	Federal Energy Regulatory Commission
dB	decibels
dBA	A-weighted decibels
ECS	Environmental Construction Standards
EGM	electronic gas meter
EI	environmental inspector
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
EPA	U.S. Environmental Protection Agency
FERC	Federal Energy Regulatory Commission
FERC Plan	Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan*
FERC Procedures	Commission's *Wetland and Waterbody Construction and Mitigation Procedures*
GHG	greenhouse gas
g	gravity
HAP	hazardous air pollutant
Institute for Policy Integrity	Institute for Policy Integrity at New York University School of Law
IPaC	Information for Planning and Consultation
L_{dn}	day-night sound level
L_{eq}	equivalent sound level
MBTA	Migratory Bird Treaty Act
MDth/d	thousand dekatherms per day
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NGA	Natural Gas Act
NHPA	National Historic Preservation Act
NLEB	northern long-eared bat
NO_2	nitrogen dioxide

NOA	*Notice of Availability of the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project*
NOI	*Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Wisconsin Access Project and Schedule for Environmental Review*
NOS	*Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Wisconsin Access Project*
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NSA	noise sensitive area
O_3	ozone
OEP	Office of Energy Projects
OPP	Office of Public Participation
PBO	Programmatic Biological Opinion
PGA	peak ground acceleration
$PM_{2.5}$	particulate matter with an aerodynamic diameter less than or equal to 2.5 microns
PM_{10}	particulate matter with an aerodynamic diameter less than or equal to 10 microns
Project	Wisconsin Access Project
SCC	Social Cost of Carbon
SHPO	State Historic Preservation Officer
SO_2	sulfur dioxide
SPCC Plan	Spill Prevention, Containment, and Control Plan
tpy	tons per year
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USDOT	U.S. Department of Transportation
USFWS	U.S. Fish and Wildlife Service
USGCRP	U.S. Global Change Research Program
USGS	U.S. Geological Survey
VOC	volatile organic compound
WDNR	Wisconsin Department of Natural Resources
WDOT	Wisconsin Department of Transportation

EXECUTIVE SUMMARY

INTRODUCTION

The staff of the Federal Energy Regulatory Commission (FERC or Commission) prepared this final Environmental Impact Statement (EIS) to assess the environmental impacts associated with construction and operation of facilities proposed by ANR Pipeline Company (ANR). The EIS was prepared in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA) under Title 40 of the Code of Federal Regulations (CFR), Parts 1500-1509 (40 CFR 1500-1509), and the Commission's implementing regulations 18 CFR 380.

On March 12, 2021, ANR filed an application with the Commission in Docket No. CP21-78-000 for authorization under Section 7(c) of the Natural Gas Act (NGA)[1] and Part 157 of the Commission's regulations[2] to construct and operate certain natural gas facilities in Wisconsin. ANR's Wisconsin Access Project (Project) consists of modifications at seven meter stations in Oneida, Marathon, Oconto, and Manitowoc Counties, Wisconsin, to provide increased firm transportation capacity on its pipeline by 50,707 dekatherms per day.

We[3] prepared this final EIS to inform FERC decision makers, the public, and the permitting agencies about the potential environmental impacts of the proposed Project and its alternatives and recommend mitigation measures that would reduce adverse impacts to the extent practicable. We prepared our analysis based on information provided by ANR and further developed from data requests; scoping; literature research; and contacts with or comments from federal, state, and local agencies, Native American tribes, and individual members of the public.

FERC is the lead federal agency responsible for authorizing interstate natural gas transmission facilities under the NGA and the lead federal agency for preparation of this EIS in accordance with NEPA (40 CFR 1501) and the Energy Policy Act of 2005.

PROPOSED ACTION

ANR proposes to increase the firm capacity of its natural gas pipeline by approximately 50,707 dekatherms per day into Wisconsin. ANR would accomplish this by modifying the original design assumptions and software within its engineering models. ANR would also modify its existing Coleman, Lena, Meeme, Mosinee, Rhinelander, Suring, and Two Rivers Meter Stations to provide increased delivery point capabilities. ANR would replace some of the metering and filtering equipment, install additional metering equipment, and replace two meter station buildings at the Lena and Rhinelander Meter Stations. The construction activities associated with the Project consist of filter or strainer upgrades and meter run replacements at the seven meter stations.

---

1 Title 15 of the U.S. Code, section 717(b)(c) (2018).

2 18 C.F.R. pt. 157 (2020).

3 "We," "us," and "our" refer to the environmental staff of the Office of Energy Projects.

PUBLIC PARTICIPATION AND COMMENT

On April 23, 2021, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Wisconsin Access Project* (NOS). The NOS was published in the Federal Register and was mailed to federal, state, and local officials; agency representatives; affected landowners; environmental and public interest groups; Native American tribes; and local libraries and newspapers. This notice opened the scoping period for 30 days. We received comments in response to the NOS from the U.S. Army Corps of Engineers. Comments received were in regard to water resources and alternatives. Additionally, FERC received comments in support of the Project from eight individuals, six private organizations, ten state representatives, four state senators, and four U.S. representatives.

On August 26, 2021, the Commission issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Wisconsin Access Project and Schedule for Environmental Review* (NOI). This notice identified the purpose of the EIS and established a schedule for its issuance. This notice opened an additional 30-day scoping period. The NOI was published in the *Federal Register* and was mailed to federal, state, and local officials; agency representatives; affected landowners; environmental and public interest groups; Native American tribes; and local libraries and newspapers. We received comments on the NOI from the U.S. Environmental Protection Agency (EPA), the Woodland Dunes Nature Center and Preserve, Inc., and the Red Cliff Band of Lake Superior Chippewa Indians.

Comments received were in regard to the purpose and need, alternatives, project impacts assessment, affected environment, Clean Water Act Section 404 permit, surface water and groundwater quality/quantity, water resources, wetland impacts, federally-listed species, critical habitat, migratory birds, national wildlife refuges, state-listed species, pollinator habitat, noxious weeds and exotic species, hazardous materials, air quality, noise, wetland impacts, community social and economic impacts, cultural resources, tribal consultation, environmental justice, children's health and safety, minority and low-income populations, air quality, noise, greenhouse gas (GHG) emissions, methane leakage, and climate change.

The EPA recommended FERC identify the Project's specific activities, including additional information on the Project description, and analysis of impacts and mitigation of the resources listed above, and description of federal and state permitting requirements for this Project. All substantive comments are addressed in the relevant resource sections of the EIS.

On December 3, 2021, the Commission issued a *Notice of Availability of the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project* (NOA). This notice, which was published in the Federal Register, established a closing date of January 24, 2022 for receiving comments on the draft EIS. The EPA noticed the draft EIS in the Federal Register on December 10, 2021. The NOA was also mailed to Project stakeholders. In response to the draft EIS, we received comments from the EPA, the U.S. Department of the Interior, and the Institute for Policy Integrity at New York University School of Law regarding Project purpose and need,

air quality, climate change, noise, and environmental justice. All substantive comments received are addressed in the relevant resource sections of the EIS and in appendix D.

PROJECT IMPACTS AND MITIGATION

Construction and operation of the Project could result in impacts on environmental resources, including geology, soils, groundwater, wetlands, vegetation, wildlife, special-status species, land use, visual resources, socioeconomics, environmental justice, cultural resources, air quality and climate, noise, and safety. No surface waterbodies or fisheries would be impacted by the Project. Consequently, these resources are not addressed in our analysis. We evaluate the impacts of the Project, taking into consideration ANR's proposed avoidance, minimization, and mitigation measures. Our analysis of impacts on environmental resources is summarized below and is discussed in detail in section 4 of this EIS. Where necessary, we recommend additional mitigation measures to reduce impacts on specific resources. In section 3 of this EIS, we include a discussion of potential alternatives to the Project and evaluate the no-action alternative. Section 5 of this EIS contains a compilation of our recommended mitigation measures.

Geology

Active, historic, and proposed surface or subsurface mines and oil and natural gas exploration or extraction were not identified within 0.25 mile of any Project area. Therefore, we conclude the Project would not affect the availability of or access to mineral resources.

ANR anticipates that excavation and grading work would be limited to the Lena and Rhinelander Meter Stations. Project construction and operation would occur in previously developed areas at existing facilities. The Project is in an area of low seismicity and all Project areas are outside of the 100- and 500-year floodplains. Project construction and operation would take place at previously developed sites that are generally flat or gently sloping, except at the Rhinelander Meter Station. ANR states that the maximum slope within the Rhinelander Meter Station workspace is 22 percent. ANR would implement the measures in its Environmental Construction Standards (ECS) during construction, which incorporates and adopts the Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan* (FERC Plan). Upon completion of the Project, all temporary workspaces would be restored to previous contours and revegetated where not covered by impervious surfaces or gravel. Based on this analysis, we conclude that the Project would not significantly affect or be affected by geologic hazards.

Soils

The majority of Project workspace is graveled or mown/maintained grass which ANR plans to utilize without ground disturbance. Where excavation is required, there is the potential for encountering rocky materials or bedrock. ANR would remove and dispose of large rocks and stones according to its ECS. Blasting is not anticipated to be required.

The Project would permanently convert less than 0.1 acre of farmland of statewide importance to industrial use (at the Lena Meter Station in Oconto County); however, this impact would not be significant given the total amount of prime farmland and farmland of statewide importance in Oconto County (294,121 acres). Additionally, this land was part of an existing farm driveway and not used for planted crops. The addition of impervious surfaces at aboveground facilities may also permanently affect overland flow patterns and subsurface hydrology. However, these effects would be highly localized and minor.

There is one contaminated site within 500 feet of the Project (specifically, at the Lena Meter Station), which was remediated in 2008. The Wisconsin Department of Natural Resources (WDNR) issued a "No Further Action" letter indicating the site had been restored to the extent practicable and the site remediation status was closed. If contaminated soil is encountered during construction, ANR would implement the measures in its Unanticipated Discovery of Contaminated Environmental Media Plan.

ANR would implement the erosion and sediment control measures and best management practices described in its ECS. Given the minimization and mitigation measures described above, we conclude that soils would not be significantly affected by Project construction and operation.

Water Resources

The Project does not overlie any EPA-designated sole source aquifers or state-designated source water protection areas. There are two water supply wells within 150 feet of the Project area. ANR would conduct pre- and post-construction testing of water wells within 150 feet of the Project, with landowner permission, for water quality and yield per its Well Monitoring Plan and remediate any damages as a result of ANR's construction activities. ANR would not withdraw groundwater for Project construction or operational needs. Based on ANR's proposed measures, the limited scope of the Project, and minimal ground disturbance, we conclude that the Project would not have a significant impact on groundwater resources.

Seven palustrine emergent wetlands (totaling 0.13 acre) were identified within the Coleman, Lena, and Rhinelander Meter Stations. ANR proposes to avoid impacts on wetlands by marking wetland boundaries and installing sediment and erosion measures, such as silt fencing around the boundaries of the wetland, and/or other barriers to prevent potential impacts on wetlands.

Based on the lack of direct impacts on wetlands and implementation of its ECS, Spill Prevention Containment and Control Plan (SPCC Plan), and the Commission's *Wetland and Waterbody Construction and Mitigation Procedures* (FERC Procedures) to minimize any potential impacts, we conclude that the Project would not have significant impacts on wetlands.

Vegetation and Wildlife

Construction of the Project would impact a total of 0.3 acre of pasture/hay (agricultural) land and 0.2 acre of herbaceous vegetation, and less than 0.1 acre of forested lands. Following construction, less than 0.1 acre of agricultural land vegetation would be permanently impacted by operation of the Project; however, this land was part of an existing farm driveway and not used for planted crops.

Three species of noxious weeds were identified in the Project area (within the Coleman Meter Station), hybrid cattail, common reed, and wild parsnip. To minimize impacts of the Project on vegetative communities, ANR would construct and operate the Project in accordance with its ECS and the FERC Plan, which includes decreasing potential for erosion, restoring preconstruction contours as practical in temporary workspaces, minimizing impacts on native vegetation, and preventing and controlling the spread of noxious weeds. With the implementation of the proposed mitigation measures, we conclude that the construction and operation of the Project would result in mostly short-term, not significant impacts on vegetation.

Minimal impacts on wildlife are anticipated at the meter stations because the Project consists primarily of impacts on developed and agricultural lands that do not support diverse wildlife communities. Additionally, as the Project consists of minor modifications at existing facilities, wildlife in the area is expected to be habituated to noise and lighting (the primary permanent impacts from the Project on wildlife). For these reasons, we conclude that the Project would not significantly impact wildlife.

The majority of the proposed Project is not in any protected or sensitive areas; however, the Two Rivers Meter Station is in a WDNR-identified Migratory Bird Concentration Site. The vegetative communities in the Project area provide potential habitat for migratory bird species, including two Birds of Conservation Concern species (the golden-winged warbler and the red-headed woodpecker) that have minor potential to occur the Project area (at the Rhinelander Meter Station).

ANR would implement measures outlined in its ECS during construction and operation of the Project facilities to reduce impacts on migratory birds or potential impacts on bald eagles. Additionally, ANR commits to avoid tree clearing during the migratory bird nesting season (April 15 through August 1) and the U.S. Fish and Wildlife Service (USFWS) recommended time of year construction restriction for bald eagles (January 15 through July 30). The Project area is heavily disturbed; therefore, it is unlikely this Project would have significant impacts on the golden-winged warbler, red-headed woodpecker, or bald eagles (which have the potential to occur within 1 mile of the Project area).

Review of the USFWS Information for Planning and Consultation (IPaC) and the WDNR Inventory Database identified seven federally listed species as potentially occurring within the Project area. However, no suitable habitat is present for six of the threatened and endangered species (the Karner blue butterfly, pitcher's thistle, Canada lynx, rusty patched bumble bee, red

knot, and the whooping crane); therefore, we have determined that the Project would have *no effect* on these species.

The federally threatened northern long-eared bat (NLEB) has minor potential to occur in the Project area as there is minimal suitable summer habitat present at the Rhinelander, and adjacent to the Mosinee, Suring, and Two Rivers Meter Stations. Limited tree clearing (less than 0.1 acre) would be required for workspace at the Rhinelander Meter Station. On April 21, 2021, the USFWS verification letter included the determination that the Project may affect the NLEB in a manner consistent with the description of activities included in the USFWS Programmatic Biological Opinion (PBO); however, any taking that may occur is not prohibited under the final 4(d) rule. Therefore, the PBO satisfies consultation under Section 7 of the Endangered Species Act relative to the NLEB, and no further consultation is necessary for any federally listed species.

The wood turtle and Blanding's turtle are species of special concern under the USFWS. No suitable habitat is present for the Blanding's turtle. There is minor potential suitable habitat for the wood turtle at the Rhinelander Meter Station. However, ANR proposes to install reptile exclusion fencing prior to the active season of the wood turtle (November 1 through March 14) to avoid impacts on this species. Therefore, we have determined no impacts on these species of concern are anticipated.

Land Use, Recreation, and Visual Resources

Most land requirements associated with the Project would be within the boundaries of existing property owned by ANR. Temporary workspace for the Lena Meter Station is on privately owned land, and temporary workspace for the Two Rivers Meter Station is on land leased from the Wisconsin Public Service Corporation. Land use in the Project area can be characterized as open range land with interspersed existing energy infrastructure including wind turbines, electrical distribution lines, access roads, and natural gas pipelines and associated aboveground facilities. A total of 45 existing residences are within 0.25 mile of the Project meter stations, but none are within 25 feet of any temporary or permanent workspaces

Construction and operation of the Project would have minimal effects on existing land use, recreation, and visual resources as new Project facilities would be added within an area characterized by existing energy production and transmission facilities, and the modifications would occur within existing facilities.

Socioeconomics and Environmental Justice

The Project consists of modifications to existing natural gas facilities in areas that are generally distanced from commercial areas, schools, and churches; and no new employees would be hired to operate the modified facilities. Therefore, impacts on socioeconomics resources (e.g., population, housing demand, or the provision of community services such as police, fire, or

schools) would be minor and temporary, as there would be a negligible change from current conditions.

According to the U.S. Census Bureau information, both minority and low-income populations exist in the Project area at the Rhinelander, Suring, and Two Rivers Meter Stations. Potential impacts on area residents may include traffic delays during construction, changes in the existing viewsheds during construction, and air emissions and noise during construction of the modifications to the existing meter stations. Potential environmental justice concerns are not present for other resource areas such as geology, surface waters, wetlands, and wildlife impacts due to the minimal overall impact the Project would have on these resources and the absence of any suggested connection between such resources and environmental justice communities.

Regarding Project impacts on traffic, the movement of construction personnel, equipment, and materials would result in short-term impacts on roadways. With respect to construction, air emissions would occur over the duration of construction activity. This would result in minor short-term increases of some air pollutants due to the use of equipment powered by diesel fuel or gasoline engines and the generation of fugitive dust due to the disturbance of soil and other dust-generating activities. To mitigate dust emissions during construction, ANR would implement a Fugitive Dust Control Plan during construction, including watering exposed soil surfaces, applying temporary mulch, and expediting restoration and revegetation activities.

Operation of the Project would be consistent with the visual presence of the existing meter stations and would be consistent with the existing viewsheds. Impacts on visual and/or aesthetic resources from the presence of construction equipment are anticipated to be minor and temporary during construction, and operation of the Project would not be significant.

Air quality impacts from construction and operation of the modifications to the existing meter stations would not result in a significant impact on local or regional air quality for environmental justice communities. Regarding noise impacts, we determine that the temporary nature of construction activities would not result in significant noise impacts on noise sensitive areas (NSAs) during construction. During operations, the modified meter stations are not expected to result in any perceptible increase in existing noise levels at the closest NSAs.

As described in section 4.7.1 of this EIS, we conclude that impacts on environmental justice communities would not be disproportionately high and adverse because impacts in the Project area would not be predominantly borne by environmental justice communities. Impacts on environmental justice communities would be less than significant and mostly temporary.

Cultural Resources

In an effort to identify historic properties within the Project area of potential effects, ANR completed a desktop review for the Project and a Phase I archaeological survey at the Lena and Rhinelander Meter Stations. No archaeological or architectural resources were identified during the investigation. ANR submitted the results of the investigations to the Wisconsin State Historic

Preservation Officer (SHPO) for review and requested concurrence that the proposed Project would have no effect on historic properties. The SHPO concurred with ANR on April 5, 2021. FERC agrees that the proposed Project would not affect historic properties. Accordingly, FERC has completed its compliance requirements with Section 106 of the National Historic Preservation Act for the Project.

We sent the NOS and NOI to the following tribes to inform them about the Project: Bad River Band of the Lake Superior Tribe of Chippewa Indians, Wisconsin; Citizen Potawatomi Nation, Oklahoma; Fond du Lac Band of the Minnesota Chippewa Tribe; Forest County Potawatomi Community of Wisconsin; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Grand Portage Band of the Minnesota Chippewa Tribe; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Leech Lake Band of the Ojibwe; Minnesota Chippewa Tribe; Little Traverse Bay Bands of Odawa Indians, Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Mille Lacs Band of Ojibwe (The Mille Lacs Band of the Minnesota Chippewa Tribe Mille Lacs Band of Ojibwe); Minnesota Chippewa Tribe; Ottawa Tribe of Oklahoma; Prairie Band Potawatomi Nation; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; and Sokaogon Chippewa Community, Wisconsin. To date, FERC has had communications regarding the Project with the Red Cliff Band of the Lake Superior Chippewa Indians of Wisconsin. FERC has not received correspondence from any of the other contacted tribes.

Air Quality and Climate Change

Construction of the Project would result in temporary increases in emissions of some pollutants due to the use of construction equipment powered by diesel or gasoline engines. Construction activities would also result in particulates in the air, mostly larger particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM_{10}), in the form of fugitive dust from land clearing, grading, excavation, concrete work, and vehicle traffic on paved and unpaved roads. Additionally, there would be venting of natural gas from commissioning of the new facilities. All construction air quality impacts would generally be temporary and localized.

The Project would not result in any significant operational emissions. There would be one station blowdown per year resulting in methane emissions and small amounts of volatile organic compounds (VOC). Very small amounts of fugitive methane emissions are possible but would not have a significant impact on regional or local air quality.

We conclude that there would not be any significant air quality impacts from construction or operation of the facilities proposed in this Project because of the limited and temporary nature of construction (three-month construction schedule) and lack of significant operational emission sources.

Construction and operation of the Project would increase the atmospheric concentration of GHG in combination with past, current, and future emissions from all other sources globally and contribute incrementally to future climate change impacts. In order to assess impacts on climate change associated with the Project, we applied the Commission's Interim Policy Statement on "Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews" issued on February 18, 2022 in Docket No. PL21-3-000 that established a significance threshold of 100,000 metric tons per year of carbon dioxide equivalent (CO_2e). Construction of the Project may result in emissions of up to about 311 metric tons of CO_2e; operation would result in emissions of up to 39 metric tons per year of CO_2e; and downstream combustion of the increased firm transportation capacity (50,707 dekatherms per day) would result in up to 979,261 metric tons per year of CO_2e. The Project's annual operation and downstream greenhouse gas emissions would exceed the Commission's presumptive significance threshold based on 100 percent utilization.

Noise

Noise could affect the surrounding area during construction of the proposed Project components. Noise associated with construction activities would be intermittent and occur mostly during daylight hours. Normal daytime construction noise levels are expected to remain below 55 A-weighted decibels (dBA) at any nearby residences. ANR has also proposed limited nighttime construction for wiring electrical components and unbolting/bolting tie-in spools. These construction activities typically involve minimal noise and ANR indicated in its application that lighting would be powered using the existing power lines at each site and would not require generators. Estimated nighttime construction would also remain below 55 dBA at nearby residences.

The sound level attributable to the proposed meter station operations is expected to be lower than a day-night sound level of 55 dBA at all nearby noise sensitive areas. Increases in noise at the nearby residences during operation of the proposed facilities would be below a level generally considered perceptible.

We conclude that noise impacts due to construction and operation would not be significant.

Reliability and Safety

The Project would be designed, constructed, operated, and maintained to meet the U.S. Department of Transportation's (USDOT) Minimum Federal Safety Standards in 49 CFR 192 and other applicable federal regulations. These regulations include specifications for material selection and qualification; minimum design requirements; and protection of the pipeline from internal, external, and atmospheric corrosion. ANR would also design, modify, operate, and maintain the Project in accordance with modern engineering practices that meet or exceed the USDOT safety standards.

ANR's construction and operation of the Project would represent a minimal increase in risk to the nearby public. We conclude that with ANR's implementation of safety design criteria,

including that required by the USDOT's Pipeline and Hazardous Materials Safety Administration, the Project would be constructed and operated safely.

ALTERNATIVES CONSIDERED

We evaluated the no-action alternative and conclude that although it would result in less impacts on the environment, it would not allow ANR to meet the objectives of the Project. Therefore, we do not recommend the no-action alternative. We did not identify any feasible site or system alternatives as the Project consists of modifications to existing facilities. Therefore, we conclude that the proposed Project, with our recommended mitigation measures, is the preferred alternative to meet the Project objectives.

CONCLUSIONS

Construction and operation of the Project would result in limited adverse environmental impacts. With the exception of climate change impacts, we conclude that impacts would be reduced to less-than-significant levels through implementation of our recommendations and ANR's proposed avoidance, minimization, and mitigation measures. The Project's annual operation and downstream greenhouse gas emissions would exceed the Commission's presumptive significance threshold based on 100 percent utilization.

Our recommendations are presented in section 5 of the EIS. We recommend they be attached as conditions to any Certificate of Public Convenience and Necessity issued by the Commission.

1. INTRODUCTION

The staff of the Federal Energy Regulatory Commission (Commission or FERC) prepared this environmental impact statement (EIS) to assess the environmental impacts of the modification of certain natural gas facilities proposed by ANR Pipeline Company (ANR). FERC is the lead federal agency for authorizing interstate natural gas transmission facilities under the Natural Gas Act (NGA), and the lead federal agency for preparation of this EIS. We[1] prepared this EIS in compliance with the requirements of the National Environmental Policy Act (NEPA), the Council on Environmental Quality's (CEQ) regulations for implementing NEPA (Title 40 of the Code of Federal Regulations [CFR], Parts 1500-1508 [40 CFR 1500-1508])[2], and with the Commission's implementing regulations under 18 CFR 380.

On March 12, 2021, ANR filed an application with the Commission in Docket No. CP21-78-000 under Section 7(c) of the NGA and Part 157 of the Commission's regulations. ANR seeks authorization to increase the firm capacity on ANR's natural gas pipeline into Wisconsin, and modify seven meter stations in Oneida, Marathon, Oconto, and Manitowoc Counties, Wisconsin to provide increased delivery point capabilities. The project is referred to as the Wisconsin Access Project (Project).

Our EIS is an integral part of the Commission's decision on whether to issue ANR a Certificate of Public Convenience and Necessity (Certificate) to construct and operate the proposed facilities. Our principal purposes in preparing this EIS are to:

- identify and assess potential impacts on the natural and human environment that could result from implementation of the proposed action;
- identify and recommend reasonable alternatives and specific mitigation measures, as necessary, to avoid or minimize Project-related environmental impacts; and
- facilitate public involvement in the environmental review process.

The vertical line in the left margin identifies text that is new or modified in the final EIS and differs materially from corresponding text in the draft EIS. Changes were made to address comments from agencies and other stakeholders on the draft EIS.

1.1 Purpose and Need

ANR states that the purpose of the Project is to provide incremental firm natural gas transportation throughput to meet the growing market demand for natural gas in Wisconsin. ANR proposes to use the capacity of its existing meter facilities, in combination with the new proposed

[1] "We," "us," and "our" refer to environmental staff of the Office of Energy Projects. See appendix A for the List of Preparers.

[2] On July 16, 2020, CEQ issued a final rule, *Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act* (Final Rule, 85 Fed. Reg. 43,304), which was effective as of September 14, 2020. Therefore, we are using the new regulations in the preparation of this EIS.

meter capacity at the seven meter stations, to provide an additional 50,707 dekatherms per day (Dth/d) of firm transportation service into the northeastern Wisconsin market area.

Under Section 7(c) of the NGA, the Commission determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity (Certificate) to construct and operate them. The Commission bases its decisions on economic issues, including need, and environmental impacts.

In response to the draft EIS, the EPA recommended that "FERC describe in detail why the Project is needed and provide supporting documentation (e.g., show trend lines, market analyses, distribution system reliability studies, etc.) in the final EIS to support the proposed addition of 50,707 dekatherms per day (Dth/d) of natural gas (largely comprised of methane [CH4] a potent greenhouse gas [GHG]) into the northeastern Wisconsin market area and the associated proposed modifications to seven existing meter stations."

With regard to the Project's "Purpose and Need" described in the EIS, the regulations implementing NEPA in 40 CFR 1502.13 state that, "The statement shall ***briefly*** specify the underlying purpose and need for the proposed action. When an agency's statutory duty is to review an application for authorization, the agency shall base the purpose and need on the goals of the applicant and the agency's authority." Therefore, we disagree that the purpose and need statement needs to be expanded beyond the applicant's expressed purpose and need. The Commission will decide on the Project's need in its Order as part of the NGA public interest determination.

1.2 Public Review

The Commission has offered several opportunities for the public to comment on this Project. On April 23, 2021, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Wisconsin Access Project* (NOS). The NOS was published in the Federal Register and mailed to federal, state, and local officials; agency representatives; affected landowners; environmental and public interest groups; Native American tribes; and local libraries and newspapers. This notice opened the scoping period for 30 days. Prior to the issuance of the NOS, FERC received comments in support of the Project from eight individuals, six private organizations, ten state representatives, four state senators, and four U.S. representatives.

On August 26, 2021, the Commission issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Wisconsin Access Project and Schedule for Environmental Review* (NOI). This notice identified the purpose of the EIS and established a schedule for its issuance. This notice opened an additional 30-day scoping period. The NOI was published in the Federal Register and was mailed to federal, state, and local officials; agency representatives; affected landowners; environmental and public interest groups; Native American tribes; and local libraries and newspapers.

On December 3, 2021, the Commission issued a *Notice of Availability of the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project* (NOA). This notice, which was published in the Federal Register, established a closing date of January 24, 2022 for receiving comments on the draft EIS. The NOA was also mailed to 579 Project stakeholders (see

appendix B for the NOA Distribution List). The draft EIS was filed with the U.S. Environmental Protection Agency (EPA) and a formal notice of availability was issued in the Federal Register on December 10, 2021.

In accordance with the CEQ's regulations implementing NEPA, no agency decision on a proposed action may be made until 30 days after the EPA publishes a notice of availability of the final EIS in the Federal Register. However, the CEQ regulations provide an exception to this rule when an agency decision is subject to a formal internal appeal process that allows other agencies or the public to make their views known. In such cases, the agency decision may be made at the same time the notice of the final EIS is published, allowing both periods to run concurrently. The Commission decision for this proposed action is subject to a 30-day rehearing period.

1.2.1 Summary of Submitted Alternatives, Information, and Analyses

We received one comment letter in response to the NOS, which was from the U.S. Army Corps of Engineers (USACE). Comments from USACE were in regard to water resources, aquatic ecosystems, and alternatives. In response to the NOI, we received comments from the EPA, the Woodland Dunes Nature Center and Preserve, Inc., and the Red Cliff Band of Lake Superior Chippewa Indians regarding the Project purpose and need, alternatives, Clean Water Act Section 404 permit, surface water and groundwater quality/quantity, water resources, wetland impacts, federally-listed species, critical habitat, migratory birds, national wildlife refuges, state-listed species, pollinator habitat, noxious weeds and exotic species, hazardous materials, air quality, noise, wetland impacts, community social and economic impacts, cultural resources, tribal consultation, environmental justice, children's health and safety, minority and low-income populations, air quality, noise, greenhouse gas (GHG) emissions, methane leakage, and climate change. Appendix C includes a table of comments received during the scoping process for the Project.

The EPA recommended FERC identify the Project's specific activities, including additional information on the Project description, detailed description and analysis of impacts and mitigation of the resources listed above, and description of federal and state permitting requirements for this Project.

In their comments on the NOI, the Red Cliff Band of Lake Superior Chippewa Indians stated that the EIS should review the Project as one piece of a broader network of the fossil fuel industry. Meaningful analysis of this directly connected network should be included despite being geographically further from the Project site in accordance with NEPA's definition of "effects" per 40 CFR § 1508.1 (G). The natural gas extraction sites and all associated infrastructure including refineries and pipelines must be analyzed.

The CEQ regulations do not require broad or "programmatic" NEPA reviews. CEQ's guidance provides that such a review may be appropriate where an agency is: (1) adopting official policy; (2) adopting a formal plan; (3) adopting an agency program; or (4) proceeding with multiple projects that are temporally and spatially connected.[3] The Supreme Court has held that a

[3] Memorandum from CEQ to Heads of Federal Departments and Agencies, *Effective Use of Programmatic NEPA Reviews* 13-15 (Dec. 24, 2014) (citing 40 C.F.R. § 1508.18(b)).

NEPA review covering an entire region (that is, a programmatic review) is required only if there has been a report or recommendation on a proposal for major federal action with respect to the region.[4]

We note the Commission does not have a program to direct the development of the natural gas industry's infrastructure, either on a broad regional basis or in the design of specific projects and does not engage in regional planning exercises. Natural gas infrastructure projects subject to the Commission's jurisdiction do not share sufficient elements in common to narrow future alternatives or expedite the current detailed assessment of each particular project.[5] As the Commission acts on individual applications, we provide a project-specific analysis here. All other substantive comments are addressed in the relevant resource sections of the EIS.

In response to the draft EIS, we received comments from the EPA regarding Project purpose and need, climate change, air quality, noise, and environmental justice. The Commission received comments from the Institute for Policy Integrity at New York University School of Law (Institute for Policy Integrity) regarding social and climate impacts of greenhouse gas emissions. A comment letter was also received from the U.S. Department of the Interior stating that they have reviewed the draft EIS for the Project and they do not have comments at this time. ANR submitted supplemental information to comply with the draft EIS Environmental Condition 12 and to update Project permitting dates and agencies. All comments received, along with the Commission staff's responses to comments, are included in appendix D. The Commission staff's responses to comments are also addressed in the appropriate sections throughout the EIS.

1.3 Permits, Approvals, and Regulatory Requirements

ANR is responsible for obtaining all federal permits and approvals required for construction and operation of the Project. Examples of permits and consultations include the Migratory Bird Treaty Act of 1918 (MBTA), the Bald and Golden Eagle Protection Act (BGEPA), and the Clean Air Act (CAA). In addition, FERC is required to comply with regulatory statutes including Section 7 of the Endangered Species Act (ESA), and the Section 106 of the National Historic Preservation Act (NHPA) and the Coastal Zone Management Act. Each of these statutes has been taken into account in the preparation of this EIS, as discussed below.

Section 7 of the ESA states that any project authorized, funded, or conducted by any federal agency should not "…jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined…to be critical…" (16 USC 1536[a][2][1988]). FERC is required to determine whether any federally listed or proposed endangered or threatened species or their designated critical habitat occur in the vicinity of the proposed Project, and conduct consultations with the U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service, if necessary.

The MBTA of 1918 implements various treaties and conventions between the United States, Mexico, Canada, Japan, and Russia for the protection of migratory birds. Birds protected

[4] *Kleppe v. Sierra Club*, 427 U.S. 390 (1976) (holding that a broad-based environmental document is not required regarding decisions by federal agencies to allow future private activity within a region).

[5] *Atlantic Coast Pipeline, LLC*, 161 FERC ¶ 61,042 at P284 (2017).

under the MBTA include all common songbirds, waterfowl, shorebirds, hawks, owls, eagles, ravens, crows, native doves and pigeons, swifts, martins, swallows, and others, including their body parts (e.g., feathers, plumes), nests, and eggs. The act makes it unlawful to pursue, hunt, take, capture, or kill; attempt to take, capture, or kill; possess, offer to or sell, barter, purchase, deliver, or cause to be shipped, exported, imported, transported, carried, or received any migratory bird, part, nest, egg, or product, manufactured or not, without a permit.

The BGEPA of 1940, as amended, prohibits taking without a permit, or taking with wanton disregard for the consequences of an activity, any bald or golden eagle or their body parts, nests, chicks, or eggs, which includes collection, molestation, disturbance, or killing. The BGEPA protections include provisions not included in the MBTA, such as the protection of unoccupied nests and a prohibition on disturbing eagles.

Section 106 of the NHPA requires that FERC take into account the effects of its undertakings on properties listed, or eligible for listing, in the National Register of Historic Places (NRHP), including prehistoric or historic sites, districts, buildings, structures, objects, or properties of traditional religious or cultural importance, and to afford the Advisory Council on Historic Preservation an opportunity to comment on the undertaking. ANR, as a non-federal party, is assisting the FERC in meeting our obligations under Section 106 by preparing the necessary information, analyses, and recommendations under the Advisory Council on Historic Preservation regulations in 36 CFR 800.

The CAA was enacted by Congress to protect the health and welfare of the public from the adverse effects of air pollution. The CAA is the basic federal statute governing air pollution. Federal and state air quality regulations established as a result of the CAA include, but are not limited to, Title V operating permit requirements and Prevention of Significant Deterioration Review. The EPA is the federal agency responsible for regulating stationary sources of air pollutant emissions; however, the federal permitting process has been delegated to the Bureau of Air Management of the Wisconsin Department of Natural Resources (WDNR).

Table 1.3-1 lists the major permits, consultations, and approvals for the Project. ANR is responsible for all permits and approvals required to implement the Project, regardless of whether they appear in tables. FERC encourages cooperation between applicants and state and local authorities; however, state and local agencies, through the application of state and local laws, may not prohibit or unreasonably delay the construction or operation of facilities approved by FERC. Any state or local permits issued with respect to jurisdictional facilities must be consistent with the conditions of any authorization the Commission may issue. ANR stated that all relevant permits and approvals would be provided to the respective contractors who would be required to be familiar with and adhere to applicable requirements.

TABLE 1.3-1 Preliminary List of Environmental Permits, Approvals, and Consultations		
Agency Permit/Approval/Consultation	Submittal Date (Anticipated)	Receipt Date (Anticipated)
Federal		
Federal Energy Regulatory Commission - Certificate of Public Convenience and Necessity under 7(c) of the NGA	March 2021	Pending
U.S. Fish and Wildlife Service Information for Planning and Conservation (IPaC) Review - Consultation- ESA Section 7 (Federally listed species)	December 2020	January 2021
State		
Wisconsin Department of Natural Resources - Utility General Permit for Lena and Rhinelander Meter Stations	(May 2022)	(July 2022)
Wisconsin Department of Natural Resources - Consultation- Environmental Resource Review (State-listed species)	December 2020	December 2020
Wisconsin State Historic Preservation Officer - Consultation- NHPA Section 106	December 2020	January 2021
Local		
Manitowoc County - Soil Erosion Permit	(May 2022)	(July 2022)
(May 2022)	(May 2022)	(July 2022)

2. PROPOSED ACTION

2.1 Proposed Facilities

In order to increase firm capacity in the Wisconsin area, ANR is proposing updates to the original design assumptions and software along with upgrades of equipment at seven meter stations in northeastern Wisconsin. ANR would replace some metering and filtering equipment, install additional metering equipment, and replace two meter station buildings. The majority of the new and replacement equipment and buildings would be contained within the existing meter station fence lines with the exception of small amounts of temporary workspace required at the Coleman, Meeme, Mosinee, Rhinelander, Suring, and Two Rivers Meter Stations, and a small amount of temporary workspace and new permanent easement at the Lena Meter Station.

The construction activities associated with the Project consist of filter or strainer upgrades and meter run replacements at the seven meter stations, which would result in increased natural gas throughput capacity at each of the meter stations. The locations of the facilities are depicted on figure 2.1-1. Appendix E includes detailed maps of the aboveground facilities. Each meter station is discussed in detail below.

Coleman Meter Station

The Coleman Meter Station is associated with ANR Mainline 227 and ANR Lateral 376. It is in a rural area of Oconto County, adjacent to U.S. Highway 141, approximately 32.5 miles north of Green Bay. The meter station is on Kottke Lane, and is adjacent to an agricultural field, a railroad track, and three farmsteads.

Construction would require approximately 0.2 acre of temporary workspace west and south of the meter station in graveled areas. There would be no increase in the 0.3-acre permanent easement within the existing fence line. All workspace would be on land owned by ANR.

Lena Meter Station

The Lena Meter Station is associated with ANR Mainline 227 and ANR Lateral 265. The station is adjacent to U.S. Highway 141, and 2.8 miles south of the Coleman Meter Station, in a rural area of Oconto County. The meter station is adjacent to a sod farm and multiple residences, businesses, and farmsteads.

Construction would require approximately 0.7 acre of temporary workspace, portions of which would be on private land not owned by ANR that surrounds the existing meter station fence line and is made up of graveled and mowed areas. An additional 1,290 square feet (less than 0.1 acre) of permanent easement is needed to accommodate the new meter station equipment by extending the fence line approximately 10 feet to the north onto private land that is currently in acquisition negotiations.

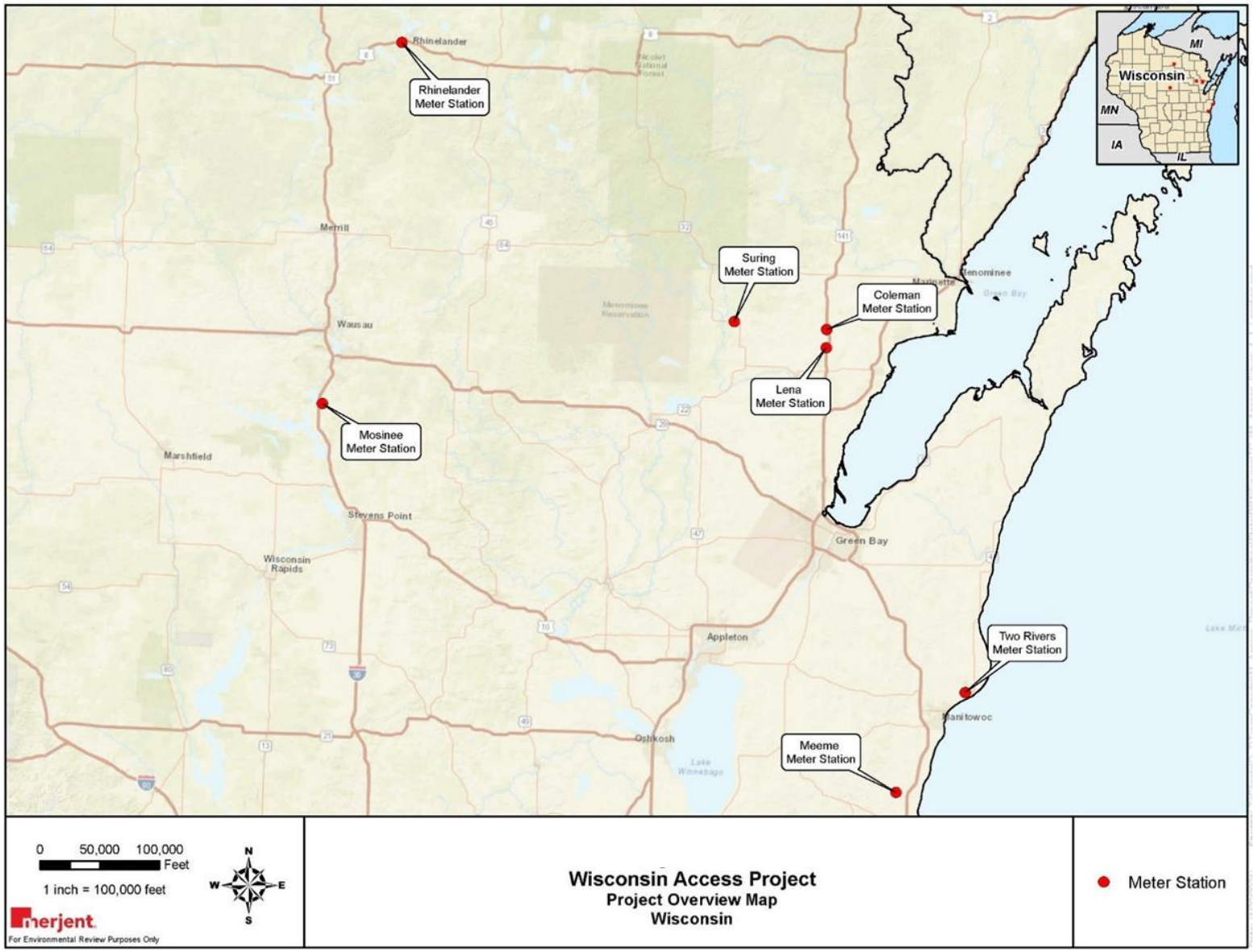


FIGURE 2.1-1 General Project Location

Meeme Meter Station

The Meeme Meter Station is associated with ANR Mainlines 301/1, 301/2, and 301, and ANR Laterals 380/1, 380/2, and 380. It is in an agricultural area in Manitowoc County, approximately 43.0 miles south of Green Bay. The meter station is on North Avenue adjacent to a large cattle farm.

Construction would require approximately 0.1 acre of temporary workspace north of the meter station in grassed and graveled areas. There would be no increase in the 0.9-acre permanent easement within the existing fence line. All workspace would be on land owned by ANR.

Mosinee Meter Station

The Mosinee Meter Station is associated with ANR Mainlines 228 and 1-228, and ANR Lateral 366. It is in a commercial/industrial area in Marathon County, approximately 84 miles west-northwest of Green Bay. The meter station is on Golf Club Boulevard and is surrounded by residences along State Highway 153 and large industrial buildings along Golf Club Boulevard.

Construction would require approximately 800 square feet of temporary workspace west of the meter station in graveled areas. There would be no increase in the 0.2-acre permanent easement within the existing fence line. All workspace is on land owned by ANR.

Rhinelander Meter Station

The Rhinelander Meter Station is associated with ANR Mainline 228 and ANR Laterals 395 and 396. It is in a commercial/industrial area in Oneida County, adjacent to U.S. Highway 8, approximately 1.8 miles west of the City of Rhinelander. The meter station is in a forested area on South River Road, between U.S. Highway 8 and the Wisconsin River.

Construction would require approximately 0.5 acre of temporary workspace to the north, west, and south of the meter station in graveled, grassed, and forested areas. There would be no increase in the 0.2-acre permanent easement within the existing fence line and the 0.2-acre (9,250 square foot) forested area would be restored and allowed to return to native vegetation. All workspace is on land owned by ANR.

Suring Meter Station

The Suring Meter Station is associated with ANR Mainline 227 and ANR Lateral 237. It is in a rural area in Oconto County, on County Road M approximately 1.3 miles east of the Village of Suring. The meter station is adjacent to an agricultural field and three farmsteads.

Construction would require approximately 0.2 acre of temporary workspace south of the meter station in a graveled area. There would be no increase in the 0.3-acre permanent easement within the existing fence line. All workspace is on land owned by ANR.

Two Rivers Meter Station

The Two Rivers Meter Station is associated with ANR Mainlines 301/1, 301/2, and 301, and ANR Laterals 380/1, 380/2, and 380. It is in an urban area in Manitowoc County, in the City of Two Rivers. The meter station is adjacent to residences along State Highway 310 and industrial buildings along Columbus Street.

Construction would require approximately 0.2 acre of temporary workspace west of the meter station in a graveled area. There would be no increase in the 0.4-acre permanent easement within the existing fence line. The temporary workspace is on land leased from the Wisconsin Public Service Corporation.

2.2 Land Requirements

Land requirements for the Project facilities would include temporary and permanent land impacts associated with the Project workspace (summarized in table 2.2-1). Construction workspace includes a total of approximately 4.1 acres, 2.4 acres of which are within the existing meter station fencing. Only 0.2 acre of herbaceous vegetation and less than 0.1 acre includes forested land would be temporarily cleared for temporary workspace and the area would be allowed to return to native vegetation. Less than 0.1 acre of agricultural land would be converted to new permanent use at the Lena Meter Station.

TABLE 2.2-1
Land Requirements for the Proposed Project Facilities

	Construction Land Requirements (acres)			Operation Land Requirements (acres)		
Facility	Existing Permanent Easement	Temporary Workspace[1]	Total	Existing Permanent Easement	New Permanent Easement	Total
Coleman Meter Station	0.3	0.2	0.4	0.3	0.0	0.3
Lena Meter Station	0.1	0.7	0.8	0.1	<0.1	0.2
Meeme Meter Station	0.9	0.1	1.0	0.9	0.0	0.9
Mosinee Meter Station	0.2	0.0	0.2	0.2	0.0	0.2
Rhinelander Meter Station	0.2	0.5	0.7	0.2	0.0	0.2
Suring Meter Station	0.3	0.2	0.4	0.3	0.0	0.3
Two Rivers Meter Station	0.4	0.2	0.6	0.4	0.0	0.4
Total	**2.4**	**1.7**	**4.1**	**2.4**	**<0.1**	**2.4**

Note: The numbers in this table have been rounded for presentation purposes. As a result, the totals may not reflect the sum of the addends.

[1] With the exception of the Rhinelander Meter Station, all of the temporary workspace would be located outside and directly adjacent to existing meter stations.

ANR would access each site during construction and operation via existing county and local roads; no road widening, or improvements would be required. No new temporary or permanent access roads would be required.

The temporary workspace would include parking and materials storage adjacent to the meter station sites. The only increase in permanent workspace would be at the Lena Meter Station, with a less than 0.1-acre increase of the meter station footprint.

The facility locations and land requirements identified in this EIS should be sufficient for construction and operation (including maintenance) of the Project. However, minor refinements sometimes continue into the construction phase. These changes could involve shifting or adding new workspace or staging areas, additional access roads, or modifications to construction methods. We have developed a procedure for assessing impacts on areas that have not been evaluated in this EIS and for approving or denying their use following any Certificate issuance. Such requests would be reviewed using a variance request process described in our recommended environmental conditions numbers 1 and 5 that are presented in section 5 of this EIS.

2.3 Construction Schedule and Workforce

ANR plans to begin construction of the Project by March 2022, subject to receipt of all required permits and approvals. Construction is anticipated to require up to 3 months.

ANR anticipates approximately 10 workers per day, with a peak of 20 workers a day, at each meter station, would be required for the construction of the Project facilities. Local workers would be employed for construction when available and typically constitute a roughly equal portion of the required workforce. Typical construction hours would be from Monday to Saturday 7:00 a.m. to 7:00 p.m. ANR has proposed limited nighttime construction for wiring electrical components and unbolting/bolting tie-in spools. These construction activities typically involve minimal noise and ANR indicated in its application that lighting would be powered using the existing power lines at each site and would not require generators.

2.4 Construction, Operation, and Maintenance Procedures

ANR would design, construct, operate, and maintain the Project in accordance with applicable requirements defined by the U.S. Department of Transportation's (USDOT) regulations in 49 CFR 192, *Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards*; 18 CFR 380.15, *Siting and Maintenance Requirements*; and by other applicable federal and state safety regulations. Additionally, ANR would construct, operate, and maintain the proposed Project in accordance with the requirements of permits issued to the Project.

ANR would follow its Environmental Construction Standards (ECS), which adopts and incorporates the requirements of the Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan* (FERC Plan) and *Wetland and Waterbody Construction and Mitigation Procedures* (FERC Procedures)[9] and applicable state regulations and requirements. ANR's ECS also incorporates a *Spill Prevention, Containment, and Control Plan* (SPCC Plan). We have reviewed ANR's construction, restoration, and mitigation plans and have found them acceptable.

The workspaces required for the Project would be cleared of existing vegetation and graded to create a level surface for the movement of construction vehicles. ANR would primarily use the

[9] Copies of the FERC Plan and Procedures may be accessed on our website (https://www.ferc.gov/industries-data/natural-gas/environment/environmental-guidelines).

associated temporary workspace for staging vehicles and equipment. This would involve minimal ground disturbance beyond surface grading. ANR would strip and salvage topsoil within the temporary workspace, as necessary, and in accordance with its ECS. All construction activities would be confined to the proposed Project workspace.

ANR would install temporary erosion and sedimentation control devices (e.g., silt fences, straw wattles) following initial ground disturbance in accordance with its ECS, which provides typical construction details for erosion and sediment control measures. Once the erosion and sediment controls are in place, ANR would begin removal and construction activities. ANR would remove the electronic gas meter (EGM) buildings at the Lena and Rhinelander meter stations and meter runs that were slated to be replaced. Any materials removed from the site would be disposed of in accordance with applicable federal, state, and local regulations.

After demolition of the EGM buildings at the Lena and Rhinelander meter stations, ANR would install and connect the new EGM buildings. Further, ANR would install the strainers, meter runs, and meter bypasses at all meter stations. ANR would also install a filter separator and condensate sink at the Rhinelander Meter Station and battery charger at the Two Rivers Meter Station.

After installation, ANR would test and calibrate the new equipment for proper operation. Startup of the meter station would commence once the new equipment is tested and tied into the existing pipeline. EPA recommended that if pre-cleaning of meter station pipes is proposed, then the EIS should explain what pre-cleaning entails. No pre-cleaning of pipes is proposed as part of the Project.

Once construction is complete, ANR would restore and stabilize the workspaces. ANR would decompact temporary workspace and staging areas as needed, regrade as needed, and seed and mulch in accordance with the ECS. Areas within the meter stations' boundaries that are not encumbered with buildings or equipment would be stabilized with gravel. ANR would seed temporary workspace areas in accordance with landowner preference, native seed mix, or based on written recommendations for seed mixes, rates, and dates obtained from the appropriate soil conservation authorities as applicable.

2.5 Non-Jurisdictional Facilities

Non-jurisdictional facilities are those associated facilities related to a proposed project that are constructed, owned, and operated by other entities that do not come under the jurisdiction of FERC. No non-jurisdictional facilities have been identified.

3. ALTERNATIVES

In accordance with NEPA and Commission policy, we considered and evaluated alternatives to the proposed action, including the no-action alternative. Our evaluation criteria for selecting potentially preferable alternatives are:

- ability to meet the objectives of the proposed action;
- technical and economic feasibility and practicality; and
- significant environmental advantage over the proposed action.

Our evaluation of alternatives for ANR's proposed Project is based on the above approach, taking into consideration the specific environmental impacts described and evaluated in section 4 of this EIS. Determining if an alternative provides a significant environmental advantage requires a comparison of the impacts on each resource as well as an analysis of impacts on resources that are not common to the alternatives being considered. The determination must then balance the overall impacts and all other relevant considerations. In comparing the impact between resources (factors), we also considered the degree of impact anticipated on each resource.

3.1 No-Action Alternative

Under the no-action alternative, ANR would not construct the Project; therefore, no environmental impacts would occur. However, ANR would be unable to meet the natural gas needs of its customers by enhancing the reliability of its distribution system in the Wisconsin area. It is reasonable to assume that the customers would identify alternative measures to meet their natural gas needs that would also result in some level of environmental impact and are not likely to provide a significant environmental advantage. Therefore, we did not consider it further.

3.2 Site Alternatives

No new major greenfield aboveground facilities (i.e., facilities that are not part of the existing environment) are proposed as part of the Project. The demolition and removal of the existing meter station buildings and equipment would occur at the same location as ANR's proposed new meter station facilities. Because the modifications to the Lena Meter Station would result in the conversion of less than 0.1 acre of land to new permanent use and the other six meter stations would not require additional permanent land conversion, use of any alternative greenfield sites would result in an increase in the overall environmental impacts as well as impacts on other/new landowners.

Improvements to the seven meter stations would increase the delivery point capability on the ANR pipeline system. Increasing the delivery point capability through modifications at the meter stations would have fewer impacts on the environment and the number of affected landowners when compared to constructing new meter stations in new locations. Therefore, we did not consider alternative meter station sites because such alternatives would not reduce the limited impacts of the proposed Project.

The EPA commented that FERC should analyze alternatives that would minimize impacts on sensitive resources (e.g., wetlands and waterbodies). No wetlands or waterbodies would be

impacted by the proposed Project and the Project would only include modifications of existing aboveground facilities.

3.3 System Alternatives

System alternatives are alternatives to the proposed action that would make use of existing, modified, or proposed Project systems to meet the purpose and need of the proposed Project. System alternatives involve the transportation of the equivalent amount of natural gas by modification or expansion of existing pipeline systems or by new pipeline systems. The purpose of evaluating system alternatives is to determine whether the environmental impacts associated with Project construction and operation could be avoided or reduced by using another pipeline system, while still meeting the Project objectives.

To increase the throughput capacity of a natural gas pipeline, a pipeline operator can loop the existing pipeline, replace the existing pipeline, add compression, or use a combination of looping, replacement, and/or compression.

Under this application, no pipeline system changes are proposed. The meter station enhancements would merely increase their capacity to measure additional throughput. The meter station enhancements are proposed to utilize the existing ANR pipeline system and, thereby, would avoid the necessity to modify or expand the existing pipeline system, or to construct new facilities.

System alternatives, such as looping or replacing segments of ANR's or another company's existing pipeline system would result in far greater environmental impact than the meter station improvements. Additionally, no other company's existing facilities are sufficient to meet the purpose and need of the Project. Therefore, such alternatives would not be viable alternatives to the proposed Project.

3.4 Conclusion

We reviewed alternatives to ANR's proposal based on our independent analysis. No system or site facility alternatives provide a significant environmental advantage over the Project as proposed. Therefore, we conclude that the proposed Project, with our recommended mitigation measures, is the preferred alternative to meet the Project's objectives.

4. ENVIRONMENTAL ANALYSIS

The following sections discuss the Project's potential impacts on environmental resources as well as their potential effects on baseline trends. When considering the environmental consequences of the proposed Project, the duration and significance of any potential impacts are described below according to the following four levels: temporary, short-term, long-term, and permanent. As discussed throughout this EIS, temporary impacts are defined as occurring only during the construction phase up to a few months after construction. Short-term impacts are defined as lasting up to three years. Long-term impacts would eventually recover, but require more than three years. Permanent impacts are defined as lasting throughout the life of the Project, such as with the construction of an aboveground facility. An impact would be considered significant if it would result in a substantial adverse change in the physical or human environment.[10]

The analysis contained in this EIS is based upon ANR's application and supplemental filings and our experience with the construction and operation of natural gas infrastructure.

In its comments on the NOI, EPA recommended that the EIS should provide details regarding crossing widths and methods for any stream crossings. As described in the NOI, the Project does not involve pipeline installation. Additionally, FERC received comments from the EPA regarding project impacts on surface waterbodies; however, no surface waterbodies or fisheries would be impacted by the Project. Consequently, these resources are not addressed in our analysis.

The EPA also commented that the EIS will need to include detailed characterizations of environmental resources at and surrounding each meter station. Further the EPA recommended the EIS include detailed descriptions of the resources in the study areas for each meter station, associated facilities, access roads, contractor supply and staging areas, any needed communication towers, and electricity supply lines, supported with photos and figures/maps. The figures and maps should also depict the ANR pipeline and any connecting pipelines to the meter stations, if applicable, facilities and facility components in relation to the study area resources. Other existing and proposed pipelines and other utility corridors in the study area should also be clearly identified and delimited in EIS figures. The EIS provides detailed descriptions of the resources that would be affected by the Project, including both permanent and temporary impacts. Figures depicting the Project facilities are provided in appendix E. All Project modifications would be at existing facilities.

4.1 Baseline Environmental Trends and Planned Activities

Wisconsin sits between Lake Michigan in the east and the Mississippi River to the west. The Project area lies in three ecoregions: the North Central Hardwoods Forests, the Northern Lakes and Forests, and the Southeastern Wisconsin Till Plains.

The North Central Hardwoods Forests ecoregion is generally characterized by nearly level to rolling till plains, lacustrine basins, outwash plains, and rolling to hilly moraines representing a

[10] In accordance with 40 CFR § 1508.14, human environment shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment.

transition between the predominantly forested Northern Lakes and Forests and the agricultural ecoregions to the south (Julin et al., 2020). The Southeastern Wisconsin Till Plains ecoregion supports a variety of vegetation types and represents a transition between the hardwood forests and oak savannas of the ecoregions to the west and the tall–grass prairies of the south. This ecoregion is characterized by red chalky clay soil, lacustrine and till deposits, and a flat plain (Wisconsin DNR 2008). The Northern Lakes and Forests ecoregion consists of largely northern hardwoods forests upon undulating till plains, morainal hills, broad lacustrine basins, and areas of extensive sandy outwash plains (Wisconsin DNR 2020).

Historically, the Project area has been utilized for grazing and agriculture which persist today. As such, the Project facilities are in predominantly rural/agricultural areas with some commercial industry nearby. Wisconsin lacks fossil fuel resources. Much of the coal used in Wisconsin for electricity production is imported from Wyoming (U.S. Energy Information Administration, 2021). Natural gas is delivered to Wisconsin through pipelines, primarily from Louisiana, Texas, Oklahoma, and Kansas with the remaining gas coming from Canadian sources. Existing infrastructure in the immediate Project area is largely related to ANR's facilities, third-party natural gas pipeline facilities, commercial buildings, and agricultural infrastructure.

General past activities on lands in the Project counties have included construction of natural gas pipelines and facilities, along with commercial and residential development projects. There are no reasonably foreseeable planned activities that have been identified that may influence the environmental baseline in which the Project would be constructed. The Wisconsin Department of Transportation (WDOT) is currently in the second year of its WIS 153, Old Highway 51 to East View Drive mill and overlay project in Mosinee (WDOT), n.d.), which is replacing a portion of State Highway 153 that intersects the entrance roads to the Central Wisconsin Business park where the Mosinee Meter Station is located. Road construction is scheduled to be completed in 2021 and, assuming no major delays, would be restored before the proposed Project begins construction. Therefore, as both the WDOT and ANR's projects are modifications to existing facilities, which are part of the affected environment, we do not believe that there would be significant impacts on the environment.

ANR provided an air quality analysis for the seven meter stations, which indicated there would be no exceedance of the National Ambient Air Quality Standards (NAAQS) due to the combined air modeling concentrations from operation of the Project and existing emitting sources. Section 4.9 below provides additional information on the air quality analysis that was completed specifically for the Project.

The specific environmental resources and land uses affected by the Project activities are discussed below.

4.2 **Geology**

Bedrock geology at the Coleman and Lena Meter Stations is comprised of sedimentary rocks of Ordovician age, including dolomite with some sandstone and shale (Mudrey, 1982).[11] Bedrock geology at the Meeme and Two Rivers Meter Stations is also mapped as sedimentary rocks of the Paleozoic era, but is comprised of Silurian age undivided dolomite.

[11] References for the EIS are provided in appendix F.

The Suring Meter Station is underlain by the Middle Proterozoic era Wolf River Batholith, comprised of igneous granite and syenite. The Rhinelander and Mosinee Meter Stations are both above igneous, intrusive Proterozoic era rocks. Bedrock geology at the Mosinee Meter Station is mapped as intermediate to granitic rocks (Mudrey, 1982). The Rhinelander Meter Station overlies tonalitic to granodioritic rocks, which are commonly intruded by granitic rocks and metamorphosed ultramafic to mafic rocks (Mudrey, 1982).

Based on topographic mapping, Project meter station site elevations range from approximately 600 feet above mean sea level to 1,600 feet above mean sea level.

4.2.1 Mineral Resources

Active, historic, and proposed surface or subsurface mines and oil and natural gas exploration or extraction were not identified within 0.25 mile of any Project area (U.S. Geological Survey [USGS], 2011; U.S. Energy Information Administration, 2021). Therefore, we conclude the Project would not affect the availability of or access to mineral resources.

4.2.2 Geologic Hazards

Geologic hazards are natural, physical conditions that can result in damage to land and structures or injury to people. Such hazards typically are seismic-related, including earthquakes, surface faulting, and soil liquefaction; landslides; or ground subsidence hazards, such as karst.

Seismic Hazards

The shaking during an earthquake can be expressed in terms of the acceleration as a percent of gravity (g), and seismic risk can be quantified by the motions experienced at the ground surface or by structures during a given earthquake expressed in terms of g. USGS National Seismic Hazard Probability Mapping shows that for the Project area, within a 50-year period, there is a 2 percent probability of an earthquake with an effective peak ground acceleration (PGA) of 2 to 4 percent g; and a 10 percent probability of an earthquake with an effective PGA of 1 to 2 percent g being exceeded (USGS, 2018). For reference, PGA of 10 percent g (0.1g) is generally considered the minimum threshold for damage to older structures or structures not constructed to resist earthquakes. Therefore, the Project is in an area of low seismicity. Given these conditions, we conclude that there is a low potential for prolonged ground shaking, ground rupture, or soil liquefaction to occur or significantly impact Project facilities.

Landslides

Project construction and operation would take place at previously developed sites that are generally flat or gently sloping. Based on the Natural Resource Conservation Service (NRCS) soil series information, slopes in the Project areas range between 0 and 12 percent, except at the Rhinelander Meter Station. ANR states that the maximum slope within the Rhinelander Meter Station workspace is 22 percent. ANR would implement the measures in its ECS during construction, which incorporates and adopts the FERC Plan. These measures include use of erosion control devices, including interceptor diversions and sediment filter devices. The Project would not expand the permanent footprint of the Rhinelander Meter Station. Upon completion of the Project, all temporary workspace would be restored to previous contours and revegetated where

not covered by impervious surfaces or gravel. Therefore, and based on the limited Project scope and ground disturbance, landslide risk is negligible.

Karst Terrain and Subsidence

Ground subsidence, involving the localized or regional lowering of the ground surface, may be caused by karst dissolution, sediment compaction due to oil and natural gas and/or groundwater extraction, and the occurrence of underground mines. Oil and natural gas extraction and subsurface mines do not occur in the Project vicinity, and Project areas overlie consolidated aquifers that are not highly susceptible to subsidence from groundwater overextraction.

Carbonate bedrock is found throughout Manitowoc County and the lower third of Oconto County, and underlies the Coleman, Lena, Meeme, and Two Rivers meter stations with varying degrees of exposure (Wisconsin Geological and Natural History Survey, 2009). The Coleman Meter Station is in a glaciated area with bedrock that may be covered by less than 50 feet of glacial sediment. Bedrock under the Lena, Meeme, and Two Rivers meter stations is mapped as being buried by more than 50 feet of sediment (Wisconsin Geological and Natural History Survey, 2009); however, NRCS soil series information identifies shallow bedrock soils (bedrock within 60 inches of the ground surface) at the Meeme Meter Station site. According to the Manitowoc County Karst Inventory, the nearest reported surficial karst features (sinkholes) are more than 5 miles from the Two Rivers Meter Station (Manitowoc County, 2021).

Project construction and operation would occur in previously developed areas at existing facilities. ANR anticipates that excavation and grading work would be limited to the Lena and Rhinelander meter stations. ANR states that there are no records of karst features being encountered during construction or operation at any of the seven meter stations. If karst features are encountered during construction, ANR would implement the best management practices in its Karst Mitigation Plan.[12] These measures include installing sediment and erosion control devices, remedial actions (such as plugging a sinkhole, managing stormwater flow and hydrostatic test water), and monitoring karst features during operation. Therefore, and based on the limited Project scope (including duration) and ground disturbance, we conclude that the Project would not significantly impact or be significantly impacted by karst hazards.

Flash Flooding

All Project areas are outside of the 100-year and 500-year floodplains (Federal Emergency Management Agency, 2021); therefore, we conclude that the Project would not impact floodplain storage capacity and is not likely to be impacted by flood hazards.

4.3 Soils

Construction activities such as clearing, grading, excavation, backfilling, and the movement of construction equipment within Project workspaces would affect soil resources. Clearing removes protective cover and exposes soils to the effects of wind and rain, which increases the potential for soil erosion and sedimentation into sensitive areas. Grading, spoil

[12] Included in Appendix C of ANR's June 16, 2021 response to our June 1, 2021 environmental information request, accession No. 20210616-5100.

storage, and equipment traffic can compact soil, reducing porosity and increasing runoff potential. Excess rock or fill material brought to the surface during excavation and grading could hinder restoration and revegetation. The NRCS Web Soil Survey provides descriptions of the soil series crossed by the Project (2020). Soils were evaluated according to the characteristics that could affect construction or increase the potential for impacts (see table 4.3-1). These characteristics include prime farmland designation, compaction potential, highly erodible soils, revegetation potential, and the presence of shallow bedrock (bedrock within 60 inches of the ground surface).

TABLE 4.3-1
Soil Characteristics and Limitations for Construction (acres)

Meter Station	Total Acres	Prime Farmland[b]	Compaction Prone[c]	Highly Erodible by Water[d]	Highly Erodible by Wind[e]	Low Revegetation Potential[f]	Rocky[g]	Shallow Depth to Bedrock[h]
Coleman	0.4	0.2	0.2	0.0	0.2	0.0	0.0	0.0
Lena	0.8	0.8	0.8	0.0	0.8	0.0	0.0	0.0
Meeme	1.0	1.0	0.0	0.0	0.0	0.0	0.0	1.0
Mosinee	0.2	0.2	0.0	0.0	0.0	0.0	0.0	0.2
Rhinelander	0.7	<0.1	0.0	0.7	0.7	0.7	0.7	0.0
Suring	0.4	0.4	0.4	0.0	0.4	0.0	0.0	0.0
Two Rivers	0.6	0.0	0.6	0.6	0.0	0.0	0.0	0.0
Total [a]	**4.1**	**2.6**	**2**	**1.3**	**2.1**	**0.7**	**0.7**	**1.2**

[a] Totals may not reflect the sum of the addends due to rounding.

[b] Includes prime farmland, farmland of statewide importance, and prime farmland if drained, as designated by the NRCS.

[c] Soils with somewhat poor to very poor drainage classes and surface textures of sandy clay loam or finer.

[d] Soils with land capability subclasses of 4e through 8e and with an average slope greater than 8 percent.

[e] Soils with a wind erodibility group classification of 1 or 2.

[f] Soils with a surface texture of sandy loam or coarser that are moderately well to excessively drained and have an average slope or 8 percent or greater.

[g] Soils with one or more horizons with cobbley, stony, bouldery, channery, flaggy, very gravelly, or extremely gravelly in their textural class and/or contain greater than 5 percent by weight of rocks larger than 3 inches.

[h] Soils with a restrictive layer of densic material or lithic bedrock within 60 inches of the soil surface.

Source: NRCS, 2020.

Construction activities at the Coleman, Lena, Meeme, Mosinee, Rhinelander, and Suring meter stations would impact a total of about 2.6 acres of soils considered prime farmland or farmland of statewide importance; and the Coleman, Lena, Suring, and Two Rivers meter stations would impact about 2.1 total acres of compaction-prone soils. The majority of these soils are within the fenceline of existing meter stations and therefore have previously been permanently converted to industrial use and previously compacted and covered with buildings and gravel pads and driveways.

The Project would permanently convert less than 0.1 acre of farmland of statewide importance to industrial use at the Lena Meter Station; however, this impact would not be significant given the total amount of prime farmland and farmland of statewide importance in Oconto County (294,121 acres). To minimize potential impacts on compaction-prone soils, ANR

would avoid vehicle and equipment traffic over saturated soils and would decompact soils using mechanical means (e.g., soil ripping, disking), if necessary. The addition of impervious surfaces at aboveground facilities may permanently affect overland flow patterns and subsurface hydrology. However, these effects would be highly localized and minor.

Operational area inside the fence of all meter stations is graveled and the majority of temporary workspace is graveled or mown/maintained grass, which ANR plans to utilize without ground disturbance. ANR states that excavation would be limited to the Lena and Rhinelander meter stations and would be minimal. Where excavation is required, there is the potential for encountering rocky materials or unweathered bedrock. ANR would remove and dispose of large rocks and stones according to its ECS. Blasting is not anticipated to be required.

ANR would implement the erosion and sediment control measures and best management practices described in its ECS. ANR would install temporary erosion controls immediately following or during initial land disturbing activities and would inspect these devices on a regular basis and after each rainfall event of 0.5 inch or greater to ensure proper function. Damaged or nonfunctioning controls would be repaired or replaced within 24 hours of identification or as soon as conditions allow. ANR would additionally utilize dust-control measures, as outlined in its Fugitive Dust Control Plan[13], including routine wetting of the construction workspace, as necessary, where soils are exposed. ANR would maintain temporary erosion control devices until the Project area is successfully stabilized/revegetated.

ANR would implement the measures described in its ECS throughout construction and restoration to minimize impacts on soils with poor revegetation potential, including incorporating fertilizers and lime into soils if recommended, seeding and mulching disturbance areas promptly following seedbed preparation, and utilizing appropriate and adequately anchored mulch. ANR has consulted with the NRCS for review of and comment on the Project's ECS and proposed seed mixes used for restoration, but a response, to date, has yet to be received. ANR would submit any additional correspondence to FERC upon receipt. Based on ANR's commitment to implement the FERC's Plan and Procedures and other plans developed by ANR, we conclude soil impacts would be mostly temporary and not significant.

Soil Contamination

ANR reviewed the EPA EnviroMapper for Envirofacts and the WDNR Remediation and Redevelopment Database to identify known contaminated sites in the Project vicinity (EPA, 2020a; WDNR, 2020a). The only identified contaminated site within 500 feet of the seven meter stations was at the Lena Meter Station. ANR states that a release of mercury at the Lena Meter Station was remediated in 2008 via the removal of 2 cubic yards of contaminated soils. The WDNR issued a No Further Action letter in 2008 indicating the site had been restored to the extent practicable and the site remediation status was closed. If contaminated soil is encountered during construction, ANR would implement the measures in its Unanticipated Discovery of Contaminated

[13] The Project Fugitive Dust Control Plan is Appendix A of ANR's ECS in Exhibit F-1_Part 1_2 the application filing, accession No. 20210312-5325.

Environmental Media Plan[14], which describes procedures to identify, handle, temporarily store, and properly dispose of contaminated soils and groundwater.

Given the minimization and mitigation measures described above, we conclude that soil contamination would not be significantly affected by Project construction and operation.

4.4 Water Resources

4.4.1 Groundwater Resources

The Coleman and Lena Meter Station workspaces overlie the Cambrian-Ordovician aquifer system (USGS, 2003). The Cambrian-Ordovician aquifer system is a complex multi-aquifer system of individual aquifers separated by leaky confining units. The individual aquifers are capped by the Maquoketa Shale confining unit, establishing them as a single aquifer system (USGS, 1992). In all but the deeply buried parts of the aquifer system, water is chemically suitable for all uses. Water withdrawals from the aquifer are primarily used for public water supply, self-supplied industry, and agriculture.

The Mosinee, Rhinelander, and Suring Meter Station workspaces overlie the Crystalline-rock aquifer (USGS, 1992). Water movement within the Crystalline-rock aquifer is primarily via joints, fractures, and faults. Due to the low permeability of the Crystalline-rock aquifer, water availability is generally low compared to other aquifer systems. Water quality within the aquifer is variable, but generally suitable for most uses. Water withdrawals are primarily for domestic and commercial use (USGS, 1992).

The Meeme and Two Rivers meter station workspaces overlie the Silurian-Devonian aquifer (USGS, 1992). Within Wisconsin, the Silurian-Devonian aquifer is mostly unconfined or partially confined by fine-grained sediments within the surficial aquifer system. Water movement within the Silurian-Devonian aquifer is related to the amount of dissolution occurring within carbonate rocks forming the aquifer. Water quality within the Silurian-Devonian aquifer in Wisconsin is generally good due to the ability of the groundwater to circulate readily throughout the aquifer. Public and domestic water supply and commercial use are the primary sources of water withdrawal (USGS, 1992).

The EPA oversees the Sole Source Aquifer Protection Program to protect high production aquifers that supply 50 percent or more of the region's water supply and for which there is no reasonably available alternative drinking water sources should the aquifer become contaminated. The Project does not overlie a sole source aquifer (EPA, 2020b).

In its comments on the NOI, EPA states that the EIS should include locations of public and private drinking water supply intakes or wells and that the impacts on these resources should be evaluated, and mitigation measures identified. EPA also states that special attention should be given to work that would occur in identified wellhead protection areas, upstream of a drinking water intake and in areas with karst geology. As stated in the NOI, this EIS discusses impacts that could occur as a result of the construction and operation of the proposed Project on water resources.

[14] The Project Unanticipated Discovery of Contaminated Environmental Media Plan is Appendix C of ANR's ECS in Exhibit F-1_Part 1_2 the application filing, accession No. 20210312-5325.

As per 18 CFR 380.12, section (d)(1) and (9), we require applicants to identify wellhead protection areas crossed by proposed facilities, to identify the location of known public and private groundwater supply wells or springs within 150 feet of proposed construction areas, and to identify potable water intake sources within 3 miles downstream of each waterbody crossing. We review this information as part of our NEPA assessment. As previously stated, no surface waterbodies would be impacted by the Project. Therefore, downstream drinking water supply intakes were not further assessed. Karst terrain is discussed in section 4.2.2 of this EIS. In Wisconsin, the Wellhead Protection Program is administered through the WDNR, and source water protection areas (i.e., wellhead protection areas) are developed and managed at the local level. According to the WDNR (2020b), Project areas do not overlie source water protection areas.

ANR reviewed WDNR databases to identify water supply wells within 150 feet of the Project (WDNR, 2020c). Two wells were identified: an active domestic well, and a plugged domestic well, approximately 117 feet and 120 feet from the Rhinelander Meter Station workspace, respectively. ANR would consult with adjacent landowners to identify wells within 150 feet of the Project workspace and would file an updated list of water wells once complete. ANR would conduct pre- and post-construction testing of water wells within 150 feet of the Project, with landowner permission, for water quality and yield per its Well Monitoring Plan. If a water well is damaged as a result of ANR's construction activities, ANR would remediate the damages in consultation with the owner. ANR would not withdraw groundwater for Project construction or operation needs.

Groundwater Contamination

The Project does not overlie areas of known existing groundwater contamination. If encountered, ANR would adhere to the measures in its Unanticipated Discovery of Contaminated Environmental Media Plan. During construction, groundwater contamination could occur from accidental spills of fuels, solvents, and lubricants used at the Project site. ANR would implement the measures outlined in its SPCC Plan to minimize the risk of potential impacts from fuel or hazardous material spills.

Based on ANR's proposed measures, the limited scope of the Project, and minimal ground disturbance, we conclude that any impacts on groundwater would be temporary and localized, and that the Project would not have a significant impact on groundwater resources.

4.4.2 Hydrostatic Test Water Withdrawal and Discharge

Hydrostatic testing is a method by which water is introduced to segments of pipe and then pressurized to verify the integrity of the pipeline. In compliance with the USDOT regulations (49 CFR 192, Subpart J), ANR would perform hydrostatic testing of the new aboveground facility piping prior to placing the Project facilities into service. New piping would be hydrostatically tested off site where it was originally fabricated, with the potential exception of equipment at the Rhinelander Meter Station. A total of 345 gallons of water would be required to test the new project facilities.[15] All hydrostatic test water for the meter station facilities would be from

[15] ANR Environmental Information Request responses show the breakdown of water requirements for hydrostatic testing by facility and identifies proposed water withdrawal and discharge locations. It can be accessed in FERC's eLibrary, accession No. 20210503-5242.

municipal water sources and trucked to the site. Following testing, the water would be discharged through an energy dissipation device either in a well-vegetated upland area in accordance with the FERC's Procedures or hauled off site for disposal at an appropriate facility.

ANR would follow all applicable federal, state, and local permit requirements with regard to water withdrawal and discharge. No chemicals would be added to any of the hydrostatic test water. In addition to the water needed for hydrostatic testing, ANR would utilize a maximum of 54,000 gallons (100 gallons per day per facility) during construction to control fugitive dust. All water utilized for dust control would be acquired from municipal water sources. ANR would follow its applicable Wisconsin Pollutant Discharge Elimination System program general permit for wastewater discharges.

Based on the limited volume of water that ANR would use and its implementation of the FERC's Procedures and its ECS, we conclude that hydrostatic test water withdrawal, discharge, and fugitive dust control impacts would be temporary and not result in significant impacts.

4.4.3 **Wetlands**

ANR conducted wetland delineations for the Project in October 2020.[16] Seven palustrine emergent wetlands (totaling 0.13 acre) were identified within the Coleman, Lena, and Rhinelander Meter Stations. All wetlands are considered fresh wet meadows and are generally correlated with drainage features. Although wetlands were identified within 50 feet of Project workspace, ANR proposes to avoid impacts on wetlands by de-marking wetland boundaries and installing sediment and erosion measures, such as silt fencing around the boundaries of the wetland, and/or other barriers to prevent potential impacts on wetlands. All wetlands have been historically disturbed and are subject to ongoing mowing and related vegetation maintenance by the respective landowners. Wetlands identified at the Rhinelander Meter Station were not being actively maintained; however, the wetlands were disturbed by adjacent roadway use. On September 16, 2021, the Woodland Dunes Nature Center and Preserve, Inc. submitted comments in response to the NOI, expressing concerns regarding maintaining the existing hydrologic functions of the Woodland Dunes Nature Center and Preserve. The Woodland Dunes Nature Center and Preserve is a WDNR-identified Migratory Bird Concentration Site located between 0.2 and 0.3 mile from the Two Rivers Meter Station and is further discussed under Migratory Bird section. No impacts on surface waterbodies or wetlands on the Woodland Dunes Nature Center and Preserve are anticipated as a result of this Project.

Impacts on hydrology would be limited to wetlands within the boundaries of the existing meter stations, and ANR would minimize any impacts on wetlands from erosion and runoff by implementing its ECS and the FERC Plan and Procedures. The ECS contains measures such as installation of erosion control devices, including silt fencing, and revegetation or stabilization of disturbed areas upon completion of construction. Additionally, ANR would implement its SPCC Plan which includes preventative measures to avoid spills of hazardous materials and response procedures to be implemented in the event of a release. Any hazardous materials, chemicals, lubricating oils, solvents, or fuels used during construction would be stored in upland areas at least 100 feet from wetlands as required by the ECS and SPCC Plan. However, these activities may be

[16] ANR conducted wetland delineations in accordance with the routine determination guidelines provided in the USACE *Wetland Delineation Manual* (Technical Report Y-87-1).

allowed within the buffer if the environmental inspector (EI) determines there are no reasonable alternatives and that appropriate steps to prevent spills (e.g., secondary containment) and provide for prompt cleanup in the event of a spill.

Following construction, ANR would restore temporary workspaces to pre-construction contours, stabilize the areas with erosion control blankets, and would revegetate the temporary workspace areas with the appropriate seed mix. Based on the lack of impacts on wetlands and implementation of the ECS, SPCC Plan, and the FERC Procedures to minimize any potential impacts outside of the areas of construction, we conclude that the Project would not have significant impacts on wetlands.

The USACE and EPA submitted comments in response to the NOS and NOI, respectively, stating if the Project involves discharge of dredge or fill materials into waters of the U.S., it may be subject to USACE jurisdiction under section 404 of the Clean Water Act. ANR does not propose any impacts on wetlands, including dredging or fill. The EPA stated impacts of various alternatives on water quality should address, but not be limited to, a waterbody's designation use and compliance with Wisconsin Water Quality Standards and Clean Water Act, Section 401 Water Quality Certification. EPA states the EIS should identify whether waterbodies located in various proposed Project areas are listed by the state as impaired, and, if so, are part of a Total Maximum Daily Load (TMDL) plan. If impaired waters are identified, identify the impairment's and the reason/s for the impairment/s. If applicable, assess and disclose the proposed Project's contribution to the impairments identified. As stated previously, no surface waterbodies were identified within the Project survey area and would not be impacted by the Project. Therefore, surface waterbodies, including waterbody designations, waterbody impairment, TMDL plan, and Project impairment contributions on waterbodies were not further assessed.

4.5 Vegetation and Wildlife

4.5.1 Vegetation

Vegetation types in the Project area are characterized as developed land, open land (including some forested land), and agricultural (cultivated crop) land. Developed and open land cover consists of mixed areas with primarily herbaceous vegetation in the form of lawns. Crop vegetation, such as pasture/hay consist of grasses, legumes, and grass-legume mixtures planted for livestock grazing or the production of hay crops. Portions of the Project at the Rhinelander meter station are within forested ecological systems; however, a majority of the Project site is previously disturbed and sparsely vegetated. Construction of the Project would impact a total of 0.3 acre of pasture/hay and 0.2 acre of herbaceous vegetation and less than 0.1 acre of forested lands.[17] Following construction, less than 0.1 acre of pasture/hay vegetation would be permanently impacted by operation of the Project. Table 4.6-1 under land use identifies construction and operation impacts on vegetation cover types for each facility.

During construction, the workspaces would be cleared of vegetation to the extent necessary to allow for safe working conditions, resulting in impacts on vegetation. Primary impacts on vegetation from the Project would be from cutting, clearing, and/or removal of existing vegetation within construction work areas. Additional effects associated with disturbances to vegetation

[17] See footnote in table 4.6-1 land use impacts.

could include the increased potential for soil erosion and introduction and establishment of invasive weed species.

The EPA recommended that a vegetation management plan be prepared to address control of invasive species. An invasive species is a plant which is of foreign origin and is new to or not widely prevalent in the Project area. Typically, invasive species rapidly dominate and can out-compete and displace native plant species, thereby negatively altering the appearance, composition, and habitat value of affected areas. Three species of noxious weeds were identified within the Coleman meter station: hybrid cattail, common reed, and wild parsnip. ANR would adhere to its ECS to mitigate for invasive pants and noxious weeds by using best management practices, which include minimizing vegetation removal to the extent necessary to construct the Project, preventing undue soil profile disturbance, and minimizing topsoil erosion. ANR has provided the NRCS the Project's ECS and proposed seed mixes for restoration. No comments have been received from the NRCS.

Vegetation impacts by the Project are expected to be short-term and recover relatively quickly (1-3 growing seasons). However, impacts on forested lands (less than 0.1 acre) would take longer to return to preconstruction conditions (typically up to 30 years). Permanent impacts on vegetation would be limited to less than 0.1 acre of cropland. ANR would adhere to its ECS and the FERC Plan, which includes decreasing potential for erosion, restoring preconstruction contours in temporary workspaces, increasing the potential for successful revegetation of the workspaces, minimizing impacts on native vegetation, and preventing and controlling the spread of noxious weeds. Given ANR's proposed construction and mitigation measures, we conclude that impacts on vegetation would mostly be short-term and would not be significant.

The EPA commented on the NOI regarding the feasibility of using pollinator promoting plants and/or plant seed mixtures for restoration of disturbed areas associated with Project construction activities. The Project would temporarily impact 0.2 acre of potential pollinator habitat, including forested land and herbaceous vegetation. We do not believe the minor and temporary loss of this habitat would increase the rates of stress, injury, and mortality experienced by honeybees and other pollinators. However, consistent with the EPA's comment, and in response to our recommendation in the draft EIS, ANR filed its Project-specific *Feasibility Plan to Support Pollinators* on January 24, 2022.[18] The plan includes seeding, invasive species control, and monitoring for each proposed Project location. Further, the plan states that ANR consulted with the NRCS Rhinelander County Service Center with a pollinator seed mix and was approved by the NRCS in January 2022.[19] We have reviewed the plan and find it acceptable.

4.5.2 **Wildlife**

Wildlife species common to the Project area includes white-tailed deer, wild turkey, bobolink, eastern meadowlark, upland sandpiper, vesper sparrow, grasshopper sparrow, Henslow's sparrow, and Butler's gartersnake. No wildlife species were observed by ANR at the time of its environmental surveys.

---

[18] The Feasibility Plan to Support Pollinators filed on January 24, 2022 is found in the FERC eLibrary under accession number 20220124-5177.

[19] ANR consulted with the NRCS Oneida and Oconto County Service Centers in January 2020 and have not received a response to date.

Potential impacts on wildlife could occur due to clearing and grading, increased lighting, and noise. Minimal impacts on wildlife and vegetation are anticipated at the meter stations because it consists primarily of developed land and agricultural land and does not currently support diverse vegetative or wildlife communities. Construction activities could result in direct mortality of some small, less mobile mammals, reptiles, and amphibians. More mobile individuals could be displaced to similar, adjacent habitats during construction activities. ANR would restore and revegetate temporary workspaces following construction. Increased lighting and noise during operation of the meter stations could cause wildlife in the area to disperse to adjacent habitats; however, there is abundant similar habitat available in the surrounding area. Additionally, because the existing meter stations are in developed areas, wildlife in the area is expected to be habituated to noise and lighting. For these reasons, we conclude that while the facilities would be permanent installations, the Project would not significantly impact wildlife.

Migratory Birds

Migratory birds are protected under the MBTA, 16 U.S.C. 703-712. Executive Order (EO) 13186 (66 Federal Register 3853) directs federal agencies to identify where unintentional take is likely to have a measurable negative effect on migratory bird populations and to avoid or minimize adverse impacts on migratory birds. EO 13186 states that emphasis should be placed on species of concern, priority habitats, and key risk factors, and that particular focus should be given to addressing population-level impacts.

On March 30, 2011, the USFWS and the Commission entered into a Memorandum of Understanding that focuses on avoiding or minimizing adverse effects on migratory birds and strengthening migratory bird conservation through enhanced collaboration between the two agencies. This voluntary Memorandum of Understanding does not waive legal requirements under the MBTA, Bald and Golden Eagle Protection Act of 1940, ESA, NGA, Federal Power Act, or any other statutes and does not authorize the take of migratory birds. Birds of Conservation Concern are a subset of protected birds under the MBTA and include all species, subspecies, and populations of migratory nongame birds that are likely to become candidates for listing under the ESA without additional conservation actions.

The Coleman, Lena, Suring, Two Rivers, Meeme, and Mosinee meter stations are within Bird Conservation Region 23 – Prairie Hardwood Transition. The Rhinelander meter station is located in Bird Conservation Region 12 – Boreal Hardwood Transition. The majority of the proposed Project is not in any protected or sensitive areas; however, the Two Rivers meter station is in a WDNR-identified Migratory Bird Concentration Site. On September 16, 2021, the Woodland Dunes Nature Center and Preserve, Inc in response to the NOS submitted comments inquiring about the location of the Project, more specifically, the location of the metering station in Two Rivers, Wisconsin, to the Woodland Dunes Nature Center and Preserve and general concerns regarding potential impacts on the preserve. The Woodland Dunes Nature Center and Preserve encompasses an area which is considered globally significant habitat by the WDNR and has been designated an Important Bird Area due to the diversity of habitat types and plant species composition, and usage as a migratory bird stopover habitat. The existing Two Rivers meter station is about 0.2 to 0.3 mile south, east, and northeast of lands associated with the Woodland Dunes Nature Center and Preserve. Impacts to the Woodland Dunes Nature Center and Preserve

would be limited to visual and noise impacts further discussed under section 4.6 and 4.10. Impacts would be minimal due to the industrial nature of the surrounding area and traffic on roads separating the meter station from these lands. Construction would not result in expanding the meter station's existing fence lines and facility modifications would remain consistent with existing character of the site. Therefore, we conclude the proposed Project would not have significant impacts on the Woodland Dunes Nature Center and Preserve.

ANR identified 13 Birds of Conservational Concern that may have the potential to occur in the Project area (listed in appendix G). However, ANR has conducted surveys of the Project area, and only two species (the golden-winged warbler and the red-headed woodpecker) have minor potential to occur in the Project area (Rhinelander meter station). All other Birds of Conservation Concern species do not have suitable nesting or foraging habitat present in the Project area. Although minor suitable nesting and foraging habitat for the golden-winged warbler and red-headed woodpecker are present in the survey area, the Project site is heavily disturbed, and suitable habitat is limited in size and not likely to support nesting individuals. Therefore, we conclude it is unlikely this Project would have significant impacts on the golden-winged warbler or the red-headed woodpecker.

ANR conducted an inquiry search through the WDNR Natural Heritage Inventory data and the Information for Planning and Consultation online database (IPaC), which stated the bald eagle has the potential to occur within one mile of the Project area. ANR conducted environmental surveys and no bald eagles or nests were observed in the Project area. Suitable nesting habitat was observed within the vicinity of the Rhinelander and Meeme meter stations; however, no tree clearing is anticipated at the Meeme meter station. Minimal tree clearing is anticipated at the Rhinelander meter station (less than 0.1 acre). ANR would implement measures outlined in the ECS during construction and operation of the Project facilities to reduce impacts on migratory birds or the potential impact on bald eagles. These measures include keeping work areas clean of debris, installing erosion control devices, and restoring temporary workspaces to approximately preconstruction conditions. In addition to these measures, ANR commits to avoid tree clearing during the migratory bird nesting season (April 15 through August 1) and the USFWS recommended time of year construction restriction for bald eagles (January 15 through July 30).

While some permanent impacts associated with reduction of habitat and increased noise and lighting from the aboveground facilities would occur as a result of the Project, most of the Project area is routinely disturbed regardless of Project construction. Given ANR's limited disturbance to potential nesting areas and measures to minimize impacts during operation of the facilities (e.g., vegetation maintenance outside of the primary bird nesting season), we have determined impacts on migratory birds would be largely short-term (until vegetation is re-established) and that the Project would not result in population-level impacts on migratory birds or measurable negative impacts on their habitat.

4.5.3 **Special Status Species**

Special status species are those species for which state or federal agencies afford an additional level of protection by law, regulation, or policy. Included in this category are federally listed species that are protected under the ESA and those species that are state endangered or threatened. Section 7 of the ESA requires the lead federal agency, the FERC, in coordination with

the USFWS, to ensure that any action authorized, funded, or carried out by the agency does not jeopardize the continued existence of a federally listed endangered or threatened species, or result in the destruction or adverse modification of the designated critical habitat of a federally listed species.

The EPA commented that FERC should coordinate with the USFWS and WDNR regarding impacts on special status species. ANR, acting as our non-federal representative for the purpose of complying with Section 7(a)(2) of the ESA, initiated informal consultation with the USFWS and the WDNR, regarding federal and state-listed species with the potential to be affected by the Project. ANR conducted field surveys between October 14-15, 2020, to identify potential habitat for sensitive species. Tables 1 and 2 in appendix H lists the federally listed, special concern species, and state listed species that may occur in the Project area, as well as the potential of occurrence and habitat requirements.

Federally Threatened and Endangered Species

Review of the USFWS IPaC and the WDNR Inventory Database identified seven federally listed species as potentially occurring in the Project area. These species include, the endangered Karner blue butterfly (Coleman, Lena, Suring Meter Stations), threatened northern long-eared bat (NLEB), the threatened pitchers' thistle (Meeme and Two Rivers Meter Stations), threatened Canada lynx (Rhinelander Meter Station), threatened rusty patched bumble bee (Two Rivers Meter Station), threatened red knot (Two Rivers Meter Station), nonessential experimental population of whooping crane (Coleman, Lena, Mosinee, Suring Meter Stations), and two species of concern, the wood turtle and the Blanding's Turtle (Two Rivers Meter Station.

As shown under table 1 in appendix H, no suitable habitat is present for six of the federally listed species and non-essential experimental species (the Karner blue butterfly, pitcher's thistle, Canada lynx, rusty patched bumble bee, red knot, and the whooping crane). Therefore, we have determined the Project would have *no effect* on these species. On February 3, 2021, USFWS also acknowledged that the Project would have *no effect* on these species.

One federally listed species, the NLEB, has minor potential to occur in the Project area as there is marginally suitable summer habitat present at the Rhinelander, Mosinee, Suring, and Two Rivers Meter Station. However, no known occurrences of the species have been identified in the vicinity of the Project area. The NLEB roosts in trees during the summer and hibernates in caves and abandoned mines during the winter. Roosting habitats include living and dead trees greater than 5 inches in diameter at breast height with cracks, crevices, and/or exfoliating bark. The Project is within NLEB habitat. Limited tree clearing (less than 0.1 acre) would be required for workspace at Rhinelander Meter Station. The proposed Project is not within the white-nose syndrome buffer zone per the Final 4(d) Rule. The Wisconsin Natural Heritage Inventory did not indicate that the Project is within 0.25 mile of a known, occupied hibernaculum or within 150 feet of known, occupied maternity roost trees.

On April 21, 2021, the USFWS verification letter included the determination key results under the January 5, 2016, Programmatic Biological Opinion (PBO) on Final 4(d) Rule for the NLEB and Activities Excepted from Take Prohibitions from the USFWS. The results determined the Project *may affect* the NLEB in a manner consistent with the description of activities addressed

by the USFWS PBO; however, any taking that may occur incidental to this action is not prohibited under the Final 4(d) rule. We concur. Therefore, the PBO satisfies consultation under the ESA Section 7 relative to the NLEB.

The wood turtle and Blanding's turtle are species of special concern under the USFWS. No suitable habitat is present for the Blanding's turtle at the Two Rivers Meter Station, where this species was identified by the WDNR as potentially occurring. There is minor potential suitable habitat for the wood turtle at the Rhinelander Meter Station. However, ANR proposes to install reptile exclusion fencing prior to the active season (November 1 through March 14) of the wood turtle to avoid impacts on this species of concern. Additionally, WDNR recommended ANR apply for an incidental take permit and remove any wood turtles within the fenced area prior to any work beginning. ANR proposes to comply with this recommendation. Therefore, we have determined no impacts on these species of concern are anticipated.

State-listed Species

Review of the WDNR County database and Natural Inventory Database identified nine state-listed species, the endangered blanchard's cricket frog, threatened Henslow's sparrow, threatened greater prairie-chicken, threatened shore sedge, threatened wood turtle, threatened slippershell mussel, threatened ellipse, threatened NLEB, and threatened pitcher's thistle. [20] In addition, ANR identified sixteen species of concern, including the northern flying squirrel, water shrew, yellow bumble bee, American sea-rocket, the Blanding's turtle, karner blue butterfly, the rusty patched bumble bee, red knot, Canada lynx, least bittern, eastern whip-poor-will, bobolink, rusty blackbird, red-headed woodpecker, golden-winged warbler, and black-crowned night-heron.

The Canada lynx, NLEB, Blandings turtle, wood turtle, karner blue butterfly, rusty patched bumble bee, red knot, and pitcher's thistle are discussed under the federally listed species section and will not be discussed further in this section. The least bittern, eastern whip-poor-will, bobolink, rusty blackbird, red-headed woodpecker, golden-winged warbler, and the black-crowned night-heron, are also migratory birds and are discussed in the migratory bird section and will not be discussed further in this section.

As shown under table 2 in appendix H, no suitable habitat is present for six of the state listed species (blanchard's cricket frog, henslow's sparrow, greater prairie chicken, shore sedge, slippersell mussel, and ellipse) and four species of concern (the water shrew, yellow bumble bee, and American sea-rocket). Therefore, we have determined the Project would not impact these state-listed species or state species of concern.

There is potential suitable habitat for one state species of concern, the northern flying squirrel. The northern flying squirrel occupies a variety of forested habitats in northern Wisconsin. Suitable habitat has a conifer component and they prefer standing dead trees, diverse understory, and abundance of decaying woody debris. Marginally suitable habitat for this species is present at the Rhinelander Meter Station. Habitat in the vicinity of the Rhinelander Meter Station is fragmented and disturbed.

---

[20] State species of concern have no legal protection; however, the WDNR may recommend voluntary measures to prevent impact on species (e.g. see Northern flying squirrel recommendations below).

On December 15, 2020, ANR consulted with the WDNR regarding state-listed species. The WDNR recommended time of year restrictions for this species (i.e., no tree clearing between May 1 and July 31) and ANR has committed to the time of year restriction.

The majority of work within the Rhinelander meter station is within the existing meter station, with the exception of temporary construction work outside, directly adjacent, to the Rhinelander Meter Station. Given the minimal suitable habitat present (less than 0.1 acre of forested vegetation) and with ANR's commitment to implement the WDNR avoidance recommendations, we have determined the Project would not adversely impact the northern flying squirrel.

4.6 Land Use, Recreation, and Visual Resources

4.6.1 Land Use

The Project would impact a total of 4.1 acres for construction. The land within the Project area is characterized as of agricultural, developed, and herbaceous land during construction of the Project. Following construction, ANR would permanently maintain approximately 2.4 acres as developed land for Project operation, including less than 0.1 acre of proposed permanent workspace at the Lena Meter Station that would expand the facility's property boundaries. ANR would restore the remaining 1.7 acres of temporary workspace and revert to its previous land use. Table 4.6-1 summarizes the Project's land use impacts. ANR would use existing permanent access roads at each meter station during Project construction and operation, and no modifications to existing roads are anticipated.

Existing Residential Land

Residential land is described as existing residential areas that include single and multiple family dwellings, as well as landscaped areas or driveways associated with an immediate residence. A total of 45 existing residences are within 0.25 mile of the Project meter stations, but none are within 25 feet of any temporary or permanent workspace. Other buildings (e.g., industrial or commercial facilities, utility buildings) are within 50 feet of the Lena, Mosinee, and Two Rivers meter stations. The existing fence line and permanent workspace for the Two Rivers Meter Station are about 20 feet from a warehouse owned by The Metal Ware Corporation, while the temporary workspace is more than 25 feet away and does not extend toward the building.

Overall construction of the Project facilities could result in short-term impacts on nearby residential areas, including increased construction-related traffic on local roads, as well as dust and noise generated during construction. Nearby residences and buildings may experience temporary increased noise levels and traffic during Project construction, but typically restricted to daytime hours. ANR would develop a site-specific plan for the warehouse building next to the Two Rivers Meter Station. Once facility modifications are completed and placed into service, operational impacts are expected to be similar to those currently at these existing meter stations.

TABLE 4.6-1
Land Use Impacts During Construction and Operation of the Project (in acres)

Meter Station	Planted/Cultivated [a]		Developed [b]		Herbaceous		**Total**	
	Cons.	Ops.	Cons.	Ops.	Cons.	Ops.	**Cons.**	**Ops.**
Coleman	0.0	0.0	0.4	0.3	0.0	0.0	**0.4**	**0.3**
Lena	0.2	<0.1	0.6	0.2	0.0	0.0	**0.8**	**0.2**
Meeme	<0.1	0.0	1.0	0.9	0.0	0.0	**1.0**	**0.9**
Mosinee	0.0	0.0	0.2	0.2	0.0	0.0	**0.2**	**0.2**
Rhinelander	0.0	0.0	0.5	0.2	0.2[d]	0.0	**0.7**	**0.2**
Suring	0.0	0.0	0.4	0.3	0.0	0.0	**0.4**	**0.3**
Two Rivers	0.0	0.0	0.6	0.4	0.0	0.0	**0.6**	**0.4**
Total	**0.3**	**<0.1[c]**	**3.7**	**2.4**	**0.2**	**0.0**	**4.1**	**2.4**

[a] Includes cultivated crops and hay/pasture.

[b] Includes open space and high, medium, and low intensity developments. Estimated based on aerial imagery.

[c] Less than 0.1 acres of planted/cultivated vegetation would be permanently converted to developed land for operation of the Project.

[d] Less than 0.1 acres of forested land at the Rhinelander Meter Station is included in this acreage.

Note: The numbers in this table have been rounded for presentation purposes. As a result, the totals may not reflect the sum of the addends.

Zoning and Planned Residential and Commercial Areas

Only the Mosinee and Two Rivers Meter Stations are within the limits of their respective cities and could be affected by zoning requirements. The Mosinee Meter Station is zoned as Industrial Park Business (City of Mosinee, 2020) and the Two Rivers Meter Station is zoned as Industrial (City of Two Rivers, 2019), both of which are districts reserved for industrial activities such as manufacturing, warehousing, distribution, research and development, and business parks. Construction and operation of the Mosinee and Two Rivers Meter Stations are not anticipated to conflict with their current zoning districts or require rezoning any areas within or adjacent to their footprints. Because construction of the meter stations would occur within and immediately adjacent to each existing facility footprint and no additional permanent workspace is needed outside of their fence lines for operation (with the exception of 0.1 acre at the Lena Meter Station), we conclude the Project would not impact any planned or future developments in the surrounding areas.

Specialty Crops and Agricultural Lands

Construction of the Coleman, Lena, Meeme, and Suring Meter Stations would impact about 0.3 acre, and operation would require less than 0.1 acre of agricultural lands. No known specialty crops are anticipated to be affected.

ANR anticipates that excavation would be limited to the Lena and Rhinelander Meter Stations. If grading or excavation is required, topsoil would be segregated from subsoil and replaced during backfilling in its respective horizons and ANR would attempt to restore

preconstruction contours. ANR would work with landowners to restore areas with an appropriate seed mix or leave them unseeded for agricultural planting. The permanent workspaces for the Lena Meter Station would permanently convert less than 0.1 acre of agricultural land to developed land; this land was part of an existing farm driveway and not used for planted crops.

4.6.2 Public Land, Recreation, and Other Designated Areas

Public or Conservation Land

None of the Project Meter Stations are within 5 miles of or visible from any scenic byways, wild and scenic rivers, wilderness areas, or national landmarks; therefore, no impacts on these areas are expected.

The only public or conservation lands within 0.25 mile of the Project are three Knowles-Nelson Stewardship Program-funded parcels associated with the Woodland Dunes Nature Center near the Two Rivers Meter Station. Recreational users may experience minor visual and noise impacts if visiting these lands during the brief period of construction (about three months); however, impacts may not be noticeable due to the industrial nature of the surrounding area and traffic on roads separating the meter station from these lands. Operation of the meter station would not expand its existing fence line at the Two Rivers Meter Station and facility modifications would be consistent with the existing character of the site, therefore we conclude that no long-term impacts would occur.

Coastal Zone Management Areas

The Manitowoc and Oconto Counties each have coastline along Lake Michigan. The Coleman, Lena, Meeme, and Suring meter stations are 4 miles or more from the coast and would not impact coastal resources. The Two Rivers Meter Station is about 1 mile from the coast, but ANR would restore the area to preconstruction contours and no additional permanent workspaces is required (except for 0.1 acre of land for the Lena Meter Station) outside of the existing meter station fence line; therefore, impacts on coastal zone management areas are not anticipated or would be consistent with existing use.

ANR received correspondence from the Wisconsin Coastal Management Program via e-mail on July 22, 2021 stating that no state, federal, or local permits are required, does not have any comments on the Project, and will not conduct a federal consistency review.

Based on the minimal disturbance associated with the Project, only 0.1 acre of permanent conversion (which is already graveled at the Lena Meter Station), ANR's proposed mitigation measures, ANR's use of existing facility sites to the extent practicable, and the Wisconsin Coastal Management Program's correspondence, we conclude that impacts on coastal zone management areas would not be significant.

4.6.3 Visual Resources

The Two Rivers Meter Station is within 0.25 mile of state-funded lands associated with the Woodland Dunes Nature Center. Recreational users may experience minor visual and noise impacts if visiting these lands during Project construction due to the presence of construction

equipment; however, impacts would be minimal due to the industrial nature of the surrounding area and traffic on roads separating the meter station from these lands. Operation of the meter station would not expand its existing fence line and facility modifications would remain consistent with the existing character of the site; therefore, we conclude that no long-term impacts on visual resources would occur for the Two Rivers Meter Station. Temporary visual impacts from the remaining six meter stations would occur from the presence of construction equipment. However, given that the other six meter stations are not within 5 miles of any natural, recreational, or scenic areas, the modifications would occur at existing meter stations (and operations would not change the visual characteristics of the stations), construction impacts would be similar to that described for the Two Rivers Meter Station above, and construction would last only about 3 months, we conclude that impacts on visual resources would be minor and temporary.

4.7 Socioeconomics

The EPA recommends that this EIS identify and address the socioeconomic impacts the project would have on local communities including (1) identifying the number of outside workers that would be brought in to construct the project; (2) the duration of proposed construction and/or modification activities in the various communities; (3) establish material hauling routes away from places where children live, learn, and play, to the extent feasible to avoid air quality impacts and routing which takes children's safety into concern regarding vehicle-pedestrian accidents; and (4) identify and discuss project impacts on environmental justice communities.

Construction of the Project facilities would take approximately three months, and only require approximately 10 workers per day, with a peak of 20 workers a day, at each meter station. Construction at each meter station would occur at the same time. Construction at these facilities would also use established state and local roads for access to the Project sites and transporting materials and ANR would be required to comply with all applicable state and local use and safety laws. No new access roads are proposed as a result of this Project. It is estimated that approximately half of the workers required during construction would be hired locally from within the Project area. Additionally, no new additional permanent staff would be required for operation of Project facilities. Therefore, no significant impacts are anticipated on population, housing, transportation and traffic, public services, and economy. However, because there are environmental justice communities within 1-mile of the existing meter stations, impacts on environmental justice communities are addressed below.

4.7.1 Environmental Justice

The EPA's environmental justice policies are directed, in part, by the recent EO 14008, *Tackling the Climate Crisis at Home and Abroad*, and EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations*, as amended, which require federal agencies to consider if impacts on human health or the environment would be disproportionately high and adverse for environmental justice communities in the surrounding community resulting from the programs, policies, or activities of federal agencies. The term "environmental justice community" could encompass (i) populations of color; (ii) communities of color; (iii) Native communities; and (iv) low-income rural and urban communities, who are

exposed to a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.[21]

In this EIS, a disproportionately high and adverse effect on an environmental justice community means the adverse effect is predominately borne by such population or is appreciably more severe or greater in magnitude on the minority or low-income population than the adverse effect suffered by the non-minority or non-low-income population. The EPA's Federal Interagency Working Group on Environmental Justice and NEPA Committee's publication, *Promising Practices for EJ Methodologies in NEPA Reviews* (EPA 2016), provide methodologies for conducting environmental justice analyses. Issues considered in the evaluation of environmental justice include human health or environmental hazards; the natural physical environment; and associated social, economic, and cultural factors.

According to CEQ's environmental justice guidance under NEPA (CEQ 1997) and *Promising Practices for EJ Methodologies in NEPA Reviews*, minorities are those groups that include: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic. Following the recommendations set forth in *Promising Practices for EJ Methodologies in NEPA Reviews,* minority populations are defined in this EIS where either: (a) the minority population of the affected area exceeds 50 percent; or (b) the aggregate minority population of the affected area is meaningfully greater (10 percent greater) than the aggregate minority population percentage in the general population or other appropriate unit of geographic analysis. The guidance also directs low-income populations to be identified based on the annual statistical poverty thresholds from the U.S. Census Bureau. Low-income populations are identified as census block groups where the low-income populations are greater than or equal to that of the county.

As stated above, the EPA recommends that this EIS include a full analysis of the environmental effects and identification of potential mitigation measures on environmental justice communities. The EPA recommends that Commission staff use EJSCREEN, in addition to the *Promising Practices for Environmental Justice Methodologies in NEPA Reviews,* to identify minority and low-income communities within the Project area. The EPA states that the Commission should use census tract level data for its analysis, and if minority and low-income populations do exist, discuss the impacts of the Project on these communities and sensitive receptors (e.g., children, people with asthma, etc.), as compared to the general population. Specifically, the EPA requests (1) an assessment of risk of exposure to hazardous/toxic materials associated with air quality from the project during construction and operation; (2) identification of whether the closest noise sensitive areas (NSA) are within environmental justice communities and an assessment of noise impacts from the Project; and (3) identification of sensitive receptor locations (e.g., schools, day care centers, hospitals, etc.) near the existing meter stations.

The Red Cliff Chippewa Tribe expressed concerns regarding (1) harmful Project impacts to the tribe from man camps and workers being brought in from outside the local area, including the potential for sexual assaults and drugs being brought to indigenous people; (2) the role natural gas pipeline infrastructure has on the Missing and Murdered Indigenous Women, Girls, Two Spirit, Relatives epidemic; (3) cumulative impacts from the Project; (4) the "boom-and-bust" nature of

[21] *Cf.* Exec. Order No. 14008, § 219, 86 FR 7619, at 7629 (2021); *see also* EPA, *EJ 2020 Glossary* (Aug. 2, 2019), https://www.epa.gov/environmentaljustice/ej-2020-glossary.

short-term infrastructure needs; (5) Project impacts on climate change which may affect indigenous territories; (6) the likelihood and harm associated with infrastructure failure including gas leaks and explosions associated natural gas pipeline networks that are connected to the Project, and the Project itself on indigenous people; and (7) impacts from COVID-19 on the local community.

Table 4.7-1 below identifies the minority populations by race and ethnicity and low-income populations within the state of Wisconsin. Table 4.7-1 also shows this demographic information for the counties affected in which the Project facilities are located and census block groups[22] intersected by a 1-mile radius around the existing metering stations. Regarding the EPA's comment about EJSCREEN, we use EJSCREEN as an initial screening tool to gather information regarding the potential presence of environmental justice communities in a project area. As stated above, we used EPA's *Promising Practices for EJ Methodologies in NEPA Reviews* to determine methodologies for conducting environmental justice analyses. To ensure we are using the most recent available data, we also go directly to the source data (i.e., the U.S. Census American Community Survey File# B17017 and File# B03002) for the race, ethnicity, and poverty data at the census block group level. Although the EPA recommends that census tract level data be used, we believe that using more granular data at the census block group data (the smallest geographic census unit), and comparing that to the county, is appropriate to properly identify the presence of environmental justice communities. Data at the census tract level could hide smaller environmental justice communities, thereby understating their presence (i.e., using a larger area could lower the percentage of low income or minority individuals).

Project facilities consist of modifications to the existing Coleman, Lena, Meeme, Mosinee, Rhinelander, Suring, and Two Rivers metering facilities; therefore, the primary impacts on environmental justice communities could occur during construction and may include traffic delays during the construction period, construction-related air emissions, noise, and visual impacts, as well as permanent noise and air quality effects from the modified metering stations' facility operations. These effects would be experienced by residents living in close proximity to the proposed facilities, with the effects diminishing with further distances from the proposed facilities. For the purposes of analyzing impacts of the aboveground facilities on environmental justice communities, this EIS considers a 1-mile-radius as the appropriate unit of geographic analysis. We believe the 1-mile-radius is sufficiently broad considering the likely concentration of air emissions, noise, and traffic impacts proximal to the aboveground facilities and consistent with our regulations.[23] We have included an additional discussion related to construction and operation of the Project with regard to environmental justice communities within 1-mile of Project facilities, as discussed below.

As presented in table 4.7-1, three of the seven existing meter stations are located within 1-mile of environmental justice communities. One of the census block groups within 1-mile of the Rhinelander Meter Station in Oneida County (Census Tract 9714, Block Group 3) has both a minority population that is meaningfully greater than the minority population of the county and a low-income population that is greater than or equal to that of the county; one census block group (Census Tract 9715, Block Group 1) has a minority population that is meaningfully greater than

---

22 Census block groups are statistical divisions of census tracts that generally contain between 600 and 3,000 people (U.S. Census Bureau, 2019).

23 18 CFR § 380.12 Environmental reports for Natural Gas Act applications.

TABLE 4.7-1
Minority Populations by Race[a] and Ethnicity and Low-Income Populations in the Project Area

	RACE AND ETHNICITY COLUMNS											LOW-INCOME COLUMN
State/County/Census Tract/Block Group	Total Population	White Alone Not Hispanic (%)	African American (%)	Native American /Alaska Native (%)	Asian (%)	Native Hawaiian &Other Pacific Islander (%)	Some Other Race (%)	Two or More Races (%)	Hispanic orLatino (%)	Total Minority[a] (%)		Below Poverty Level[b] (%)
Wisconsin	5,790,716	81.3	6.3	0.8	2.8	<0.1	0.1	1.9	6.8	18.7		11.0
Coleman Meter Station												
Oconto County	37,646	95.0	0.4	0.9	0.4	0.0	0.0	1.5	1.8	5.0		9.2
Census Tract 1008, Block Group 1	1,000	94.5	0.0	1.1	0.0	0.0	0.0	2.5	0.9	4.3		4.7
Census Tract 1008, Block Group 2	672	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.6	1.6		7.9
Lena Meter Station												
Oconto County	37,646	95.0	0.4	0.9	0.4	0.0	0.0	1.5	1.8	5.0		9.2
Census Tract 1011, Block Group 1	1,126	96.7	0.0	0.4	0.0	0.0	0.0	0.3	2.5	3.3		2.6
Census Tract 1011, Block Group 2	2011	98.0	0.3	0.0	0.6	0.0	0.0	0.8	0.3	2.0		7.0
Meeme Meter Station												
Manitowoc County	79,185	90.5	1.0	0.5	2.7	0.0	<0.1	1.3	4.0	9.5		9.6
Census Tract 106, Block Group 3	1,626	96.0	0.9	0.3	0.4	0.0	0.0	1.4	1.0	4.0		4.1
Mosinee Meter Station												
Marathon County	135,396	88.7	0.6	0.2	5.8	0.1	0.1	1.8	2.8	11.3		8.7
Census Tract 12.01, Block Group 2	1,531	96.5	0.0	0.0	1.0	0.0	0.0	0.0	2.5	3.5		5.8
Census Tract 12.01, Block Group 4	1,443	98.8	0.0	0.0	0.0	0.0	0.0	1.2	0.0	1.2		8.1
Rhinelander Meter Station												
Oneida County	35,381	94.9	0.6	1.3	0.4	<0.1	0.2	1.0	1.5	5.1		8.6
Census Tract 9704,	881	99.8	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.2		**11.8**

TABLE 4.7-1
Minority Populations by Race[a] and Ethnicity and Low-Income Populations in the Project Area

	RACE AND ETHNICITY COLUMNS											LOW-INCOME COLUMN
State/County/Census Tract/Block Group	Total Population	White Alone Not Hispanic (%)	African American (%)	Native American /Alaska Native (%)	Asian (%)	Native Hawaiian &Other Pacific Islander (%)	Some Other Race (%)	Two or More Races (%)	Hispanic orLatino (%)	Total Minority[a] (%)		Below Poverty Level[b] (%)
Block Group 1												
Census Tract 9705, Block Group 1	1,941	96.0	0.0	0.3	1.8	0.0	0.0	1.2	0.7	4.0		3.6
Census Tract 9714, Block Group 3	565	71.2	0.0	18.2	0.0	0.0	0.0	5.3	5.3	**28.8**		**15.3**
Census Tract 9715, Block Group 1	1,530	79.3	1.0	3.8	1.1	0.0	0.0	9.7	5.1	**20.7**		8.1
Suring Meter Station												
Oconto County	37,646	95.0	0.4	0.9	0.4	0.0	0.0	1.5	1.8	5.0		9.2
Census Tract 1006 Block Group 1	1,847	93.2	0.0	3.4	0.7	0.0	0.0	1.4	1.3	**6.7**		**14.0**
Census Tract 1007 Block Group 1	803	95.5	0.0	0.0	0.4	0.0	0.0	3.6	0.5	4.5		**11.0**
Two Rivers Meter Station												
Manitowoc County	79,185	90.5	1.0	0.5	2.7	0.0	<0.1	1.3	4.0	9.5		9.6
Census Tract 52, Block Group 1	1,823	83.9	0.3	0.0	0.0	0.0	0.0	0.0	15.9	**16.1**		**10.9**
Census Tract 52, Block Group 2	771	0.0	0.0	1.4	0.0	0.0	0.0	0.3	0.0	1.7		4.6
Census Tract 52, Block Group 3	975	97.6	0.0	2.4	0.0	0.0	0.0	0.0	0.0	2.4		**16.8**
Census Tract 53, Block Group 1	801	93.9	0.0	0.0	0.0	0.0	0.0	1.4	4.7	6.1		**13.6**
Census Tract 53, Block Group 2	641	92.8	0.0	3.1	1.1	0.0	0.0	1.4	1.6	7.2		**22.4**
Census Tract 53, Block Group 3	591	87.5	0.0	0.2	0.0	0.0	0.0	0.7	11.7	**12.5**		5.3
Census Tract 54, Block Group 1	559	95.0	0.0	0.0	0.0	0.0	0.0	5.0	0.0	5.0		2.7

TABLE 4.7-1
Minority Populations by Race[a] and Ethnicity and Low-Income Populations in the Project Area

	RACE AND ETHNICITY COLUMNS											LOW-INCOME COLUMN
State/County/Census Tract/Block Group	Total Population	White Alone Not Hispanic (%)	African American (%)	Native American /Alaska Native (%)	Asian (%)	Native Hawaiian &Other Pacific Islander (%)	Some Other Race (%)	Two or More Races (%)	Hispanic orLatino (%)	Total Minority[a] (%)		Below Poverty Level[b] (%)
Census Tract 54, Block Group 2	646	83.6	1.4	0.0	1.5	0.0	0.0	13.5	0.0	**16.4**		**18.6**
Census Tract 54, Block Group 3	710	82.8	11.0	0.0	6.1	0.0	0.0	0.0	0.1	**17.2**		7.8
Census Tract 54, Block Group 4	865	82.9	0.0	0.0	1.8	0.0	0.0	0.0	15.3	**17.1**		8.4

Source: American Community Survey, 2019, File # B01017 and File # B03002.
a "Minority" refers to people who reported their ethnicity and race as something other than non-Hispanic White.
b Low-income or minority populations exceeding the established thresholds are indicated in red, bold, type and blue shading.
Due to rounding differences in the dataset, the totals may not reflect the sum of the addends.

the minority population of the county; and one census block group (Census Tract 9704, Block Group 1) has a low-income population that is greater than or equal to that of the county. One of the census block groups within 1-mile of the Suring Meter Station in Oconto County (Census Tract 1006, Block Group 1) has both a minority population that is meaningfully greater than the minority population of the county and a low-income population that is greater than or equal to that of the county; and one census block group (Census Tract 1007, Block Group 1) has a low-income population that is greater than or equal to that of the county. Two of the census block groups within 1-mile of the Two Rivers Meter Station in Manitowoc County (Census Tract 52, Block Group 1 and Census Tract 54, Block Group 2) have both minority populations that are meaningfully greater than the minority population of the county and low-income populations that are greater than or equal to that of the county; three census block groups (Census Tract 53, Block Group 3, Census Tract 54, Block Group 3, Census Tract 54, Block Group 4) have minority populations that are meaningfully greater than the minority population of the county; and three census block groups (Census Tract 52, Block Group 3, Census Tract 53, Block Group 1, and Census Tract 53, Block Group 2) have low-income populations that are greater than or equal to that of the county. The Coleman, Lena, Meeme, and Mosinee Meter Stations do not contain any identified minority or low-income populations within 1 mile; therefore, these meter stations are not discussed further in regard to environmental justice impacts.

The EPA recommends that the EIS identify sensitive receptor locations (e.g., schools, day care centers, hospitals, etc.) near the existing meter stations. The Project consists of modifying existing metering stations in areas that are distanced from commercial areas, schools, and churches. As discussed above, construction of the Project facilities would take approximately three months and only require approximately 10 workers per day, with a peak of 20 workers a day, at each meter station. Construction at the meter stations would occur at the same time. Additionally, ANR anticipates that approximately 50 percent of the construction workers would be local hires; therefore, impacts on socioeconomic resources would be negligible. Further, no new permanent staff would be required for operation of Project facilities. Therefore, we conclude that impacts on socioeconomics resources within the environmental justice communities (e.g., population, housing demand, or the provision of community services such as police, fire, or schools) would be minor and temporary, as there would be a negligible change from current conditions. Environmental justice concerns are similarly not present for other resource areas (such as geology, surface waters, wetlands, wildlife impacts, etc.) due to the minimal overall impact the Project would have on these resources and the absence of any suggested connection between such resources and environmental justice communities.

As discussed throughout this EIS, potentially adverse environmental effects associated with the Project would be minimized or mitigated, as applicable. The Project would disturb about 4.1 acres of land for construction of all Project facilities. Following construction, ANR would maintain about 2.4 acres for the permanent operation of the Project facilities, including less than 0.1 acre of the only proposed new permanent workspace (at the Lena Meter Station) that would expand the facility's property boundaries. ANR would restore the remaining acreage to former uses.

Impacts from construction and operation at the existing Rhineland, Suring, and Two Rivers Meter Stations would have temporary and minor impacts on traffic and visual resources resulting from the presence of construction equipment and personnel on environmental justice communities.

As discussed in Section 4.4, the Two Rivers Meter Station is within 0.2 mile of state-funded lands associated with the Woodland Dunes Nature Center. Recreational users may experience minor visual and noise impacts if visiting these lands during Project construction due to the presence of construction equipment; however, impacts would be minimal due to the industrial nature of the surrounding area and traffic on roads separating the meter station from these lands. Given the limited number of construction workers at each site (approximately 10-20), we conclude that traffic would not be expected to significantly impact the environmental justice communities. Construction would not result in expanding the meter station's existing fence lines, with the exception of less than 0.1 acre of proposed permanent workspace at the Lena Meter Station, and facility modifications would remain consistent with the existing character of the site. Further, operation of the Project would be consistent with the visual presence of the existing meter stations and would be consistent with the existing viewsheds. As such, we conclude the Project would not result in significant traffic and visual impacts on local residents, including environmental justice communities.

The EPA has promulgated the National Ambient Air Quality Standards (NAAQS) to protect human health and welfare. The NAAQS include primary standards, which are designed to protect human health, including the health of sensitive subpopulations, such as children and those with chronic respiratory problems. The NAAQS also include secondary standards designed to protect public welfare, including economic interests, visibility, vegetation, animal species, and other concerns not related to human health. Attainment areas are those meeting the NAAQS, and non-attainment areas are those not meeting the NAAQS. Areas that have insufficient data to make a determination of attainment or non-attainment are unclassified or are not designated but are treated as being attainment areas for permitting purposes. The attainment designation of an area is determined on a pollutant-by-pollutant basis and for each established primary standard.

Both construction and operation air emissions from the Project are expected to be minor. All areas of the Project are in attainment with the NAAQS, with the exception of a portion of Manitowoc County (Two Rivers Meter Station), which is not in attainment for ozone (O_3), and an area of Oneida County (Rhinelander Meter Station), which is not in attainment for sulfur dioxide (SO_2). Both meter stations are located within census block groups identified as environmental justice communities as indicated in table 4.7-1. Construction emissions would occur over the duration of construction activity. This would result in minor short-term increases of some air pollutants due to the use of equipment powered by diesel fuel or gasoline engines and the generation of fugitive dust due to the disturbance of soil and other dust-generating activities. Exhaust emissions would be minimized by limiting idling time of equipment, maintaining and tuning engines per manufacturer's specifications. To mitigate dust emissions during construction, ANR would implement a Fugitive Dust Control Plan[24] during construction, including watering exposed soil surfaces, applying temporary mulch, and expediting restoration and revegetation activities. The Project would also result in very minor operational emissions associated with station blowdown events, which would occur once a year on average. Because of the infrequent nature of these blowdown events, we do not expect any significant impact on local air quality. Based on the temporary nature of construction emissions and the minimal operational emissions, we conclude that construction and operation of the Project would not have significant adverse air

[24] The Project Fugitive Dust Control Plan is Appendix A of ANR's ECS in Exhibit F-1_Part 1_2 the application filing, accession No. 20210312-5325

quality impacts on local residents and the surrounding communities, including the environmental justice communities.

Although Project emissions of criteria pollutants are expected to be minimal, and the NAAQS are designated to protect sensitive populations such as children, the elderly, and persons with asthma, we acknowledge that NAAQS attainment alone may not assure there is no localized harm to such populations due to project emissions of VOCs, hazardous air pollutants (HAP), as well as issues such as the presence of non-Project related pollution sources, local health risk factors, disease prevalence, and access (or lack thereof) to adequate care. Vulnerable populations (i.e. groups with high asthma rates) may exist within the study area and disproportionate impacts on these populations could occur as they would be impacted more than the general population due to air quality impacts during construction and operation.[25] Overall, the construction and operational emissions from the Project are very minor and would not have significant adverse air quality impacts on the minority and low-income populations in the Project area. Air quality impacts are discussed in more detail below within section 4.9 of this EIS.

The EPA recommends the EIS identify whether the closest NSA's are within environmental justice communities and discuss noise impacts. The closest NSA's for the Rhinelander, Suring, and Two Rivers Meter Stations are located within census block groups identified as environmental justice communities. Temporary construction impacts on residences and businesses in proximity to construction work areas could include noise. Noise levels resulting from construction would vary over time and would depend upon the number and type of equipment operating, the level of operation, and the distance between sources and receptors. ANR proposes limited nighttime construction for wiring electrical components and unbolting/bolting tie-in spools; however, these construction activities typically involve minimal noise and ANR indicated in its application that lighting would be powered using the existing power lines at each site and would not require generators. Based on the intermittent and limited nature of construction activities and that the expected construction would mostly occur during daytime hours, we conclude that construction of the Project would not significantly impact noise in the surrounding area. Further, during operations, the modified metering stations are not expected to result in any perceptible increase in existing noise levels at the closest NSAs.

The EPA recommends that the EIS identify mitigation measures for environmental justice communities. ANR has proposed a number of measures as part of its Project that mitigate and minimize impacts on all environmental resources adequately, including environmental justice communities. During construction and restoration of the Project, ANR would implement (1) the measures contained in its Environmental Construction Standards (ECS), which adopts and incorporates the requirements of the FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan* and *Wetland and Waterbody Construction and Mitigation Procedures*;[26] (2)

---

[25] It has been noted that asthma rates in African American populations tend to be higher than in white populations (U.S. Department of Health & Human Services 2018); therefore, due to demographics, there is a likelihood that populations vulnerable to asthma may exist in proximity to the Rhinelander, Suring and Two Rivers Meter Stations.

[26] The FERC Plan and Procedures are a set of baseline construction and mitigation measures developed to minimize the potential environmental impacts of construction on upland areas, wetlands, and waterbodies. They can be viewed on the FERC website at http://www.ferc.gov/industries/gas/enviro/plan.pdf and https://www.ferc.gov/industries/gas/enviro/procedures.pdf.

mitigation plans developed for the Project regarding environmental management and construction, spill prevention, and unanticipated discoveries; and (3) federal permit requirements. ANR would employ one EI to oversee and document environmental compliance. FERC staff would maintain oversight of the Project's compliance with any certificate that the Commission may issue. Considering the limited scope of the project and the entirety of the mitigation measures we address above, additional mitigation measures are not necessary for this Project.

The Red Cliff Chippewa Tribe expressed concerns regarding harmful Project impacts on the tribe from "man camps" and workers being brought in from outside the local area, including the potential for sexual assaults and drugs being brought to indigenous people, and the role natural gas pipeline infrastructure has on the Missing and Murdered Indigenous Women, Girls, Two Spirit, Relatives epidemic. The Red Cliff Chippewa Tribe also expressed concerns regarding the "boom-and-bust" nature of short-term infrastructure needs and impacts COVID-19 virus may have on the community if it is brought in from outside the local area. No construction work camps (man camps) are proposed during construction for the Project. As discussed above, construction of the Project would take approximately three months, and only require approximately 10 workers per day, with a peak of 20 workers a day (half of which are expected to be local hires), at each meter station during that specific time period, and no new permanent employees would be required for operation of the Project. The number of individuals who are expected to temporarily migrate to the Project area would result in a temporary and very minor increase in the local population. Furthermore, construction personnel would be subject to compliance with applicable COVID-19 directives of the appropriate federal, state, and local health authorities. The minor number of construction workers over a short duration is not expected to result in any adverse health and safety impacts in the local area.

The Red Cliff Chippewa Tribe expressed concerns regarding cumulative impacts from the Project. Section 4.1 of this EIS describes environmental trends and reasonably foreseeable planned activities in the Project area. The Project area is primarily agricultural, developed, and herbaceous land. General past activities on lands in the Project counties have included construction of natural gas pipelines and facilities, along with commercial and residential development projects. We identified no reasonably foreseeable planned activities in the Project area that would result in cumulative impacts.

The Red Cliff Chippewa Tribe expressed concerns regarding Project impacts on climate change which may affect indigenous territories. Section 4.12 of this EIS addresses impacts associated with climate change. The construction and operation of the Project would increase the atmospheric concentration of GHGs, in combination with past and future emissions from all other sources and would contribute incrementally to future climate change impacts. While the climate change impacts described below, taken individually, may be manageable for certain communities, the impacts of compound extreme events (such as simultaneous heat and drought, or flooding associated with high precipitation on top of saturated soils) can be greater than the sum of its parts for nearby environmental justice communities. As indicated in section 4.12, the Project's annual operation and downstream greenhouse gas emissions would exceed the Commission's presumptive significance threshold based on 100 percent utilization.

The Red Cliff Chippewa Tribe commented that the EIS should analyze the likelihood and harm associated with infrastructure failure including gas leaks and explosions associated natural

gas pipeline networks that are connected to the Project, and the Project itself on indigenous people. Section 4.11 of this EIS addresses reliability and safety. The operational safety of pipeline facilities is regulated by the USDOT-PHMSA and is not under FERC's jurisdiction. As discussed further below in section 4.11, the USDOT-PHMSA is mandated to prescribe minimum safety standards and conduct inspections to protect against risks posed by natural gas facilities under Title 49 of the U.S. Code, Chapter 601. The USDOT-PHMSA develops safety regulations and other approaches to risk management that ensure safety in the design, construction, testing, operation, maintenance, and emergency response of natural gas facilities.

FERC's communication and involvement with the surrounding communities began when ANR filed its formal FERC application for the Project on March 12, 2021, in Docket No. CP21-78-000. On March 25, 2021, FERC issued a Notice of Application which was published in the *Federal Register* on March 31, 2021 (86 FR 16715). On April 23, 2021, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Wisconsin Access Project* (NOS) which opened a 30-day formal scoping period that expired on May 24, 2021. The NOS was published in the Federal Register on April 29, 2021 (86 FR 22657) and mailed to federal, state, and local officials; agency representatives; affected landowners; environmental and public interest groups; Native American tribes; and local libraries and newspapers. On August 26, 2021, the Commission issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Wisconsin Access Project and Schedule for Environmental Review* (NOI) which was published in the *Federal Register* on September 1, 2021 (86 FR 49011). The NOI was mailed to the same list as described above. Issuance of the NOI opened a 30-day formal comment period which expired on September 25, 2021. On December 3, 2021, the Commission issued the *Notice of Availability of the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project* (NOA), which was mailed to 579 Project stakeholders (see appendix B for the Distribution List) and established a comment period ending on January 24, 2022. The draft EIS was filed with the EPA and EPA's notice of availability was issued in the Federal Register on December 10, 2021.

In its comments on the draft EIS, the EPA recommends that this EIS include a description of past or ongoing outreach strategies to inform environmental justice communities about the Project and potential community impacts. Specifically, the EPA states the EIS should describe outreach comments received to date, including how comments impact Project decision-making. The EPA also suggests that FERC include information describing past and future communication strategies to inform environmental justice communities about the Project and potential impacts in various forms of media, such as notices, mailings, fact sheets, briefings, presentations, translations, newsletters, reports, community interviews, surveys, canvassing, telephone hotlines, question and answer sessions, stakeholder meetings, and on-scene information. As discussed above, FERC issued several notices requesting public comments on the Project. As stated in section 1.2 of this EIS, the notices were also mailed to the environmental mailing list, which includes affected landowners; federal, state, and local officials; agency representatives; environmental and public interest groups; Native American tribes; and local libraries and newspapers.

Regarding the EPA's request for describing how comments impact decisions made by the Commission, we note this EIS describes the Project facilities and associated environmental impacts; mitigation to avoid or reduce impacts; and our conclusions and recommendations. However, this final EIS is not a decision document. It is being prepared to disclose to the public,

and to the Commission, the environmental impact of constructing and operating the proposed Project. The Commission will consider the environmental information from this EIS, along with the non-environmental issues, such as economic issues, including need, in making its decision to approve or deny ANR's request for a certificate. All substantive environmental comments received on the EIS for this Project are discussed throughout this EIS. Substantive environmental issues identified through the public review process for this Project, requiring additional discussion or analysis, are also addressed in this EIS. To date, FERC has received comments about Project impacts on environmental justice communities from the EPA and the Red Cliff Chippewa Tribe and those comments are addressed above.

EPA recommends continued community outreach. In 2021, the Commission established the Office of Public Participation (OPP) to support meaningful public engagement and participation in Commission proceedings. OPP provides members of the public, including environmental justice communities, landowners, Tribal citizens, and consumer advocates, with assistance in FERC proceedings—including navigating Commission processes and activities relating to the Project. For assistance with interventions, comments, requests for rehearing, or other filings, and for information about any applicable deadlines for such filings, members of the public are encouraged to contact OPP directly at 202-502-6592 or OPP@ferc.gov for further information.

As described throughout this EIS, with the exception of climate change, the proposed Project would not have a significant adverse impact on the environment or on individuals living in the vicinity of the Project facilities, including environmental justice communities. Based on our analysis, we conclude that impacts on environmental justice communities would not be disproportionately high and adverse, as impacts in the overall Project areas would not be predominantly borne by environmental justice communities. Further, as previously described, impacts on environmental justice communities would be less than significant and mostly temporary.

4.8 Cultural Resources

In addition to accounting for impacts on cultural resources under NEPA, Section 106 of the National Historic Preservation Act, as amended, requires FERC to consider the effects of its undertakings on historic properties listed, or eligible for listing on the NRHP,[27] and to afford the Advisory Council on Historic Preservation an opportunity to comment. ANR, as a non-federal party, is assisting FERC in meeting our obligations under Section 106 and its implementing regulations at 36 CFR 800.

4.8.1 Area of Potential Effects

The Project area of potential effects (APE) is the "geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist" (36 CFR 800.16(d)). The Project APE includes new

[27] In accordance with 36 CFR 800.16(l)(1), a historic property is any prehistoric or historic district, site, building, structure, object, or property of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization, included in, or eligible for inclusion in, the NRHP. This term includes artifacts, records, and remains that are related to and located within such properties.

permanent right of way at Rhinelander Meter Station and temporary workspace at each of the meter stations. The Project APE totals 4.7 acres.

Cultural Resources Investigation

In an effort to identify historic properties within the Project APE and to account for any direct or indirect effects on those properties by the proposed Project, ANR completed a desktop review of the seven meter stations and field investigations at the Lena and Rhinelander Meter Stations (Julin et al., 2020). The desktop review identified no previously recorded archaeological sites or architectural properties within the Project APE. ANR conducted the Phase I archaeological survey at the Lena and Rhinelander Meter Stations in areas of new permanent right-of-way and temporary workspace. The archaeological survey was conducted using pedestrian transects, supplemented with shovel testing in areas exhibiting less than 10 percent ground surface visibility with a potential to contain archaeological deposits. No archaeological resources were identified during the survey.

ANR determined that an architectural survey for historic structures that may be within the viewshed of the Project was unnecessary as each meter station is extant, expansion of meter station footprints are nominal, and equipment replacements are similar in visual character. The Project would not substantially alter the existing views of neighboring standing structures.

On March 5, 2021, ANR submitted the results of the investigations to the Wisconsin State Historic Preservation Officer (SHPO) and requested concurrence that the proposed Project would have no effect on historic properties listed, or eligible for listing in the NRHP. In a letter dated April 5, 2021, the SHPO concurred with ANR's recommendation. We agree that the proposed Project would not affect historic properties.

4.8.2 Tribal Consultation

ANR contacted the following federally recognized tribes regarding the proposed Project: Bad River Band of the Lake Superior Tribe of Chippewa Indians, Wisconsin; Citizen Potawatomi Nation, Oklahoma; Fond du Lac Band of the Minnesota Chippewa Tribe; Forest County Potawatomi Community of Wisconsin; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Grand Portage Band of the Minnesota Chippewa Tribe; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Leech Lake Band of the Ojibwe; Minnesota Chippewa Tribe; Little Traverse Bay Bands of Odawa Indians, Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Mille Lacs Band of Ojibwe (The Mille Lacs Band of the Minnesota Chippewa Tribe Mille Lacs Band of Ojibwe); Minnesota Chippewa Tribe; Ottawa Tribe of Oklahoma; Prairie Band Potawatomi Nation; Red Cliff Band of Lake Superior Chippewa Indians; and Sokaogon Chippewa Community, Wisconsin. On March 5, 2021, ANR sent Project notification letters to the tribes to inform them about the Project and to request comments regarding the potential for the Project to affect resources of tribal concern.

ANR received a letter from the Leech Lake Band of Ojibwe on March 22, 2021 stating that the tribe has no known recorded sites of religious or cultural important in the Project area. The tribe also outlined procedures to follow in the event of an inadvertent discovery of cultural

materials or human remains. On April 7, 2021, ANR received an email request from the Red Cliff Band of the Lake Superior Chippewa Indians for the cultural resources survey report. ANR sent the requested document to the tribe on April 9, 2021. ANR followed up with the tribes via email on July 20, 2021 to again request any comments regarding the proposed Project.

In March and April 2021, FERC staff had multiple email and telephone communications with the Environmental Justice Specialist for the Red Cliff Band of Lake Superior Chippewa. Discussion topics were primarily regarding details about the Project and the FERC process. The tribe also requested copies of the cultural resources survey report and the unanticipated discoveries plan. ANR provided copies of both documents to the tribe via email on April 19, 2021 and by hardcopy on April 30, 2021. On April 23, 2021, FERC sent the Project NOS to the same tribes previously contacted by ANR. FERC did not receive comments from any of the tribes in response to the NOS.

On August 26, 2021, FERC sent the Project NOI to the tribes. The Red Cliff Band of Lake Superior Chippewa Indians provided comments in response to the NOI on September 20, 2021. The tribe stated that the EIS should include the implications of issuing permits for the Project without the consent of Indigenous Peoples whose contemporary or ancestral territories would be impacted by the Project and the broader network. The Red Cliff Band of Lake Superior Chippewa is a federally-recognized tribal nation that reserved the inherent right to hunt, fish, and gather within ceded territories (henceforth Treaty Rights) under the 1837 Treaty of St. Peters and the 1842 Treaty of LaPointe with the United States government, and the EIS must consider the impacts on Indigenous Peoples, *inawemaaganag* (relatives, who are often called "natural resources"), Treaty Rights, and access to sacred landscapes and cultural resources. As previously stated, both ANR and FERC contacted tribes about the Project and to request comments regarding the potential for the Project to affect resources of tribal concern. To date, no tribe has contacted either ANR or FERC about specific tribal resources that may be impacted by the Project. Based on the cultural resources investigation, no known cultural resources or sacred landscapes were identified within or adjacent to the Project APE. Further, the federal government has an obligation to honor and respect Treaty Rights as part of the government's trust responsibility to federally recognized tribes. FERC and ANR would honor the applicable articles in the 1837 Treaty of St. Peters and the 1842 Treaty of LaPointe as required. FERC did not receive comments from any of the other tribes contacted in response to the NOI. Of note, the Project only includes construction at existing meter stations, hence construction disturbance would be temporary with the exception of less than 0.1 acre being converted to permanent easement.

The Red Cliff Band of Lake Superior Chippewa Indians also commented that the EIS should assess if free, prior, and informed consent has been given by Indigenous Peoples impacted by this broader network as required by the United Nation's Declaration on the Rights of Indigenous Peoples. The EIS should include the implications of issuing permits for the Project without the consent of Indigenous Peoples whose contemporary or ancestral territories are impacted by the Project and the broader network. As stated above, FERC and ANR contacted tribes about the Project and to request comments regarding the potential for the Project to affect resources of tribal concern. Other than the scoping comments from the Red Cliff Band of Lake Superior Chippewa Indians, we have not received any comments or concerns from tribes contacted other than the letter from the Leech Lake Band of Ojibwe stating that the tribe has no known recorded sites of religious or cultural important in the Project area.

4.8.3 Unanticipated Discoveries Plan

ANR developed a Project-specific plan for the unanticipated discovery of cultural resources and/or human remains. The plan outlines the procedures to follow, in accordance with state and federal laws, if unanticipated cultural resources or human remains are discovered during construction of the Project. The plan was submitted to the Wisconsin SHPO and FERC. We requested minor changes to the plan. ANR provided copies of the revised plan with the requested revisions. We find the plan to be acceptable.

4.8.4 Compliance with the National Historic Preservation Act

FERC has completed its compliance requirements with Section 106 of the National Historic Preservation Act for the proposed Project.

4.9 Air Quality

Air quality would be affected by construction of the proposed Project. This section discusses the impacts on air quality from the proposed Project in Marathon, Oconto, Manitowoc, and Oneida Counties.

Only minor operational emissions are expected from this Project. No significant operational emissions would occur as the proposed Project does not include any significant emission sources such as compressor units or emergency generators.

The EPA filed comments stating that the EIS should assess methane leakage, climate change, and cumulative impacts. Fugitive emissions of methane and cumulative impacts associated with criteria pollutants are discussed in this section. Climate change is discussed in section 4.12.

The EPA recommended that the EIS identify and discuss whether the currently proposed project will result in new construction and/or operational changes at other ANR facilities (e.g., compressor stations). We note that the present EIS assesses the impacts from the proposed project. The environmental impact studies for other ANR facilities would contain an air quality assessment of the operation of those facilities within their allowed operating range and capacity. We do not believe that construction and operation of the proposed Project would result in operational changes at other ANR facilities that had not been previously assessed and authorized.

4.9.1 Types of Emissions from the Proposed Project

Air quality is protected by federal and state regulations. The CAA designates seven pollutants as criteria pollutants. These are: particulate matter (PM) with an aerodynamic diameter of 10 microns or less (PM_{10}); PM with an aerodynamic diameter of 2.5 microns or less ($PM_{2.5}$); sulfur dioxide (SO_2); nitrogen dioxide (NO_2); carbon monoxide (CO); O_3; and lead.

The combustion processes associated with construction vehicles and equipment would directly produce some of the criteria pollutants, namely SO_2, NO_2, and CO. These processes would also result in fine particulate matter, $PM_{2.5}$, primarily as a result of complex reactions in the

atmosphere of the other combustion pollutants just mentioned. During construction, PM_{10} would also result from fugitive dust produced from moving vehicles and ground disturbance. Ground-level O_3 is another pollutant that would not be directly emitted by the proposed Project; it is created by the chemical reactions of other pollutants. No measurable amounts of lead would be emitted by the Project during construction or operation.

In addition to SO_2, NO_2, CO, and $PM_{2.5}$, construction equipment would emit other pollutants called VOCs and HAPs, which are also regulated by the EPA. VOCs refer to certain compounds of carbon that participate in atmospheric photochemical reactions to create ground-level O_3. HAPs are pollutants designated by the EPA as being known or suspected to cause cancer or other serious health effects. VOCs and HAPs both result from combustion processes.

Some of the pollutants already mentioned are also designated as GHG. These are gases that trap heat in the atmosphere either directly or as a result of chemical reactions in the atmosphere, resulting in warming of the earth. Methane is itself a GHG and the leakage of methane during the operation of the facility would be classified as a GHG. Because there are a variety of GHGs, GHG emissions are usually reported as relative to the warming potential of carbon dioxide (CO_2), in units called CO_2 equivalents or CO_{2e}.

4.9.2 **Existing Air Quality**

The EPA measures and regulates air quality by promulgating the NAAQS, which establish acceptable concentrations in the air of the aforementioned seven criteria pollutants. The NAAQS include primary standards, which are designed to protect human health, including the health of sensitive subpopulations such as children and those with chronic respiratory problems.[28] The NAAQS also include secondary standards designed to protect public welfare, including economic interests, visibility, vegetation, animal species, and other concerns not related to human health. The current NAAQS for these criteria pollutants emitted by the Project are summarized in table 4.9-1 below, which shows the status for criteria pollutant in the counties affected by the Project.

[28] See https://www.epa.gov/criteria-air-pollutants/naaqs-table (accessed November 16, 2021).

TABLE 4.9-1 NAAQS for Criteria Pollutants Emitted by the Project				
Pollutant [Final Rule Citation]	**Primary or Secondary**	**Averaging Time**	**Level**	**Form**
Carbon monoxide	Primary	8-hour	9 ppm	Not to be exceeded more than once per year
		1-hour	35 ppm	
Nitrogen Dioxide	Primary	1-hour	100 ppb	98th percentile, averaged over 3 years
	Primary and Secondary	Annual	53 ppb	Annual Mean
$PM_{2.5}$ Particle Pollution	Primary	Annual	12 µg/m3	Annual mean, averaged over 3 years
	Secondary	Annual	15 µg/m3	Annual mean, averaged over 3 years
	Primary and Secondary	24-hour	35 µg/m3	98^{th} percentile, averaged over 3 years
PM_{10} Particle Pollution	Primary and Secondary	24-hour	150 µg/m3	Not to be exceeded more than once per year on average over 3 years
Sulfur Dioxide	Primary	1-hour	75ppb	99^{th} percentile of 1-hour daily maximum concentrations, averaged over 3 years
	Secondary	3-hour	0.5 ppm	Not to be exceeded more than once per year

The NAAQS are codified in 40 CFR 50. Areas of the country are designated based on compliance with the NAAQS. Designations fall under three main categories, as follows: "attainment" (areas in compliance with the NAAQS); "nonattainment" (areas not in compliance with the NAAQS); or "unclassifiable." Unclassifiable areas are treated as attainment areas for the purpose of permitting a stationary source of pollution. Areas that have been designated nonattainment but have still demonstrated compliance with the ambient air quality standard(s) are designated maintenance for that pollutant. Maintenance areas may be subject to more stringent regulatory requirements to ensure continued attainment of the NAAQS.

Marathon and Oconto Counties (Coleman, Lena, Mosinee, and Suring Meter Stations) are considered to be in attainment or unclassified for all criteria pollutants. A portion of Manitowoc County (Two Rivers Meter Station) is in nonattainment for 8-hour O_3. The Mosinee Meter Station, also in Manitowoc County, is in an area of attainment or unclassified for all criteria pollutants. The Rhinelander Meter Station is in an area of Oneida County, which is non-attainment for SO_2. The remainder of the pollutants are in attainment or are unclassified.

4.9.3 **Regulatory Requirements for Air Quality**

The Project equipment would be subject to various federal and state air quality regulations. The CAA, as amended in 1977 and 1990, and 40 CFR Parts 50 through 99 are the basic federal statutes and regulations governing air pollution in the United States. These CAA regulations

ensure acceptable air quality and minimize impacts on human health. They regulate the criteria pollutants, HAPs, and VOCs, as well as provide for mechanisms to monitor GHGs.

The following federal requirements have been reviewed for applicability to operation of the Project.

- New Source Review/Prevention of Significant Deterioration;
- Title V Operating Permits;
- New Source Performance Standards;
- National Emission Standards for Hazardous Air Pollutants; and
- Greenhouse Gas Reporting.

Due to the Project's minor operational emissions that fall under applicable regulatory thresholds, these federal requirements would not apply. For Project construction, we have evaluated applicability of another federal air quality program referred to as General Conformity.

General Conformity

The EPA promulgated the General Conformity Rule to require that the federal government not engage, support, or provide financial assistance for licensing or permitting, or approve any activity not conforming to an approved CAA implementation plan. The only Project activities that are not potentially subject to a CAA permitting program and are therefore subject to the General Conformity Rule are construction activities.

The General Conformity Rule is codified in 40 CFR Part 51, Subpart W and Part 93, Subpart B, *Determining Conformity of General Federal Actions to State or Federal Implementation Plans*. A conformity determination must be conducted by the lead federal agency if a federal action's construction and operational activities is likely to result in generating direct and indirect emissions that would exceed the conformity threshold (*de minimis*) levels of the pollutant(s) for which an air basin is in nonattainment or maintenance.

Section 176(c)(1) states that a federal agency cannot approve or support any activity that does not conform to an approved State Implementation Plan. Conforming activities or actions should not, through additional air pollutant emissions:

- cause or contribute to new violations of the NAAQS in any area;
- increase the frequency or severity of any existing violation of any NAAQS; or
- delay timely attainment of any NAAQS or interim emission reductions.

The Project areas in Oconto, Manitowoc, and Marathon Counties are classified as being in attainment or unclassified for all criteria pollutant standards; therefore, General Conformity requirements do not apply to these portions of the Project.

The Two Rivers Meter Station is in a nonattainment area for 8-hour O_3 which is a product of chemical reactions involving NO_X and VOCs. However, this portion of the Project would result in limited construction emissions that would not exceed General Conformity applicability thresholds of 50 tons of VOCs and 100 tons of NO_X.

The Project would also emit minor amounts of SO_2 in Oneida County, which is a non-attainment area for SO_2, however, these emissions would be below de minimis thresholds, therefore, General Conformity would not apply in Oneida County.

Emissions from construction activities are aggregated in table 4.9-2. Because the emission rates for the proposed Project are below de minimis thresholds, a General Conformity determination is not required.

The EPA recommended that the EIS should address and disclose the project's potential effect on 1) all criteria pollutants under the NAAQS, including O_3; 2) any significant concentrations of hazardous air pollutants; and 3) protection of public health. These issues are discussed further below.

TABLE 4.9-2
Total Construction-Related Emissions for the Wisconsin Access Project

Construction Activity	Emissions (tons per year [tpy])							
	CO	NO_X	VOC	PM_{10}	$PM_{2.5}$	SO_2	HAP	CO_2e
Manitowoc County, Wisconsin 2022								
Subtotal	0.02	0.04	0.03	1.31	0.2	0.004	-	47.58
Marathon County, Wisconsin 2022								
Subtotal	-	0.01	0.02	0.002	0.001	0.001	-	28.44
Oconto County, Wisconsin 2022								
Subtotal	0.15	0.29	0.07	0.05	0.05	0.03	0.01	190.57
Oneida County, Wisconsin 2022								
Subtotal	0.02	0.04	0.05	1.05	0.16	0.004	0.001	76.20
Total Construction Emissions	**0.19**	**0.37**	**0.16**	**2.41**	**0.42**	**0.03**	**0.01**	**342.78**

The EPA also recommended that ANR use clean diesel equipment, vehicles, and fuels in construction of the Project, referencing its *Construction Emission Control Checklist* which was included in EPA's filing. Based on the minor emissions associated with Project construction and our analysis of impacts described below, we do not believe additional mitigation is necessary.

4.9.4 **Construction Impacts and Mitigation**

Construction of the Project would result in temporary increases in emissions of some pollutants due to the use of construction equipment powered by diesel or gasoline engines. Construction activities would also result in particulates in the air, mostly larger PM_{10} particulates, in the form of fugitive dust from land clearing, grading, excavation, concrete work, and vehicle traffic on paved and unpaved roads. The amount of dust generated would be a function of construction activities, soil type, moisture content, wind speed, frequency of precipitation, vehicle traffic, vehicle types, and roadway characteristics. Emissions would typically be greater during dry periods and in areas of fine-textured soils subject to surface activity.

Air quality impacts associated with construction of the proposed Project would include emissions from fossil fuel-fired construction equipment, fugitive dust from land clearing and vehicles traveling on unpaved roads, and possibly emissions from clearing vegetation. Additionally, there would be venting of natural gas from commissioning of the new facilities. All air quality impacts would generally be temporary and localized. Large earth-moving equipment and other vehicles that are powered by diesel or gasoline engines are sources of combustion-related emissions including criteria pollutants, GHGs, and small amounts of HAPs.

ANR included a Fugitive Dust Plan in its application that included a number of mitigation methods that would be employed as needed. The primary mitigation that would be used is wet suppression through the addition of moisture or other commercially-available suppression agents to unpaved roads, gravel pads, and/or other areas comprised of dry, dusty soils. ANR would also minimize fugitive dust emissions by following proper construction sequencing and disturbing only limited areas at a time, where feasible. Exposed soil or spoil piles would be temporarily stabilized with seed and mulch or tarped to prevent or reduce wind and water erosion and potential dust emissions.

Once construction activities in the area are completed, fugitive dust and construction equipment emissions would subside, and the Project's related impact on air quality would terminate. Furthermore, because of the intermittent and temporary nature of construction emissions (lasting about 3 months at each of the meter station sites) and ANR's proposed fugitive dust mitigation measures, we conclude that the emissions from construction-related activities for the Project are not expected to cause or significantly contribute to a violation of any applicable ambient air quality standard or significantly affect local or regional air quality.

4.9.5 **Operational Impacts**

As discussed above, the Project would not result in any significant operational emissions. There would be one station blowdown per year resulting in methane emissions and small amounts of VOCs. These are summarized in table 4.9-3. Very small amounts of fugitive methane emissions are possible but would not have a significant impact on regional or local air quality. Fugitive methane emissions are a source of GHG and would contribute to climate change as discussed in section 4.12. However, there would not be any significant regional or local impacts on air quality during operation.

The EPA recommended that ANR consider potential mitigation options to minimize pipeline blowdown emissions including, but not limited to: routing gas to a compressor or capture system for beneficial use; routing gas to a flare; routing gas to a low-pressure system (by taking advantage of existing piping connections between high- and low-pressure systems, temporarily resetting or bypassing pressure regulators to reduce system pressure prior to maintenance or installing temporary connections between high and low-pressure systems); utilizing hot tapping (a procedure that makes a new pipeline connection while the pipeline remains in service), flowing natural gas under pressure, to avoid the need to blow down gas. We note that ANR participates in voluntary programs such as: EPA's Methane Challenge Program as a ONE Future Commitment Partner and the Natural Gas STAR program. The Natural Gas STAR program encourages

consideration of the EPA's recommendations for mitigating blowdowns.[29] Therefore, we conclude that ANR has considered and taken practicable steps for reducing blowdown emissions.

The Institute for Policy Integrity recommended general GHG mitigation measures such as minimizing leakage; mandating energy efficiency at natural gas facilities (for direct emissions); attaching conditions that limit the quantity of gas transported through a pipeline or the time period over which the pipeline operates (for indirect emissions); and offsetting project's emissions through a form of compensatory mitigation. With respect to minimizing leakage and energy efficiency, we note again that ANR participates in EPA's Methane Challenge Program and the Natural Gas STAR program. Mitigation of downstream gas emissions is discussed as part of Climate Change in section 4.12.

TABLE 4.9-3
Total Operational Emissions for the Wisconsin Access Project

Station	Emissions (tpy)						
	CO	NO_X	VOC	PM_{10} $PM_{2.5}$	SO_2	HAP	CO_2e
Coleman	-	-	-	-	-	-	2
Lena	-	-	0.001	-	-	-	3
Meeme	-	-	0.001	-	-	-	2
Mosinee	-	-	0.003	-	-	-	10
Rhinelander	-	-	0.006	-	-	-	19
Suring	-	-	0.0003	-	-	-	1
Two Rivers	-	-	0.002	-	-	-	6
Rhinelander	-	-	0.02	-	-	-	-
Total Emissions	-	-	**0.03**	-	-	-	**43**

4.9.6 Conclusion

We conclude that there would not be any significant air quality impacts from construction of the facilities proposed in this Project because the temporary nature of construction activity would not be expected to lead to any significant deterioration of air quality. Moreover, there would not be any significant impacts on air quality from operation of the facilities because there are no significant operational emission sources.

4.10 Noise

Construction and operation of the proposed Project may affect local noise levels. The ambient sound level of a region is defined by the total noise generated within the specific environment, and usually comprises sounds emanating from natural and artificial sources. At any location, both the magnitude and frequency of environmental noise may vary considerably over

[29] https://www.epa.gov/natural-gas-star-program/methane-emissions-transmission-and-distribution-pipeline-blowdowns (accessed 3/2/2022).

the course of a day and through the week and year. This variation is caused in part by changing weather conditions and vegetation.

Two measurements used by some federal agencies to relate the time-varying quality of environmental noise to its known effects on people are the equivalent sound level (L_{eq}) and the day-night sound level (L_{dn}). The L_{eq} is an A-weighted sound level containing the same sound energy as the instantaneous sound levels measured over a specific time period. Noise levels are perceived differently, depending on length of exposure and time of day. The L_{dn} takes into account the duration and time the noise is encountered. Specifically, in the calculation of the L_{dn}, late night to early morning (10:00 pm to 7:00 am) noise exposures are penalized +10 decibels (dB), to account for people's greater sensitivity to sound during the nighttime hours. The A-weighted scale is used because human hearing is less sensitive to low and high frequencies than mid-range frequencies. For an essentially steady sound source that operates continuously over a 24-hour period and controls the environmental sound level, the L_{dn} is approximately 6.4 dB above the measured L_{eq}.

In 1974, the EPA published its *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety*. This document provides information for state and local governments to use in developing their own ambient noise standards. The EPA has indicated that an L_{dn} of 55 decibels on the A-weighted scale (dBA) protects the public from indoor and outdoor activity interference. FERC staff has adopted this criterion and use it to evaluate the potential noise impacts from the proposed Project at NSAs, such as residences, schools, or hospitals. Due to the 10 dBA nighttime penalty added prior to calculation of the L_{dn}, for a facility to meet the L_{dn} 55 dBA limit, it must be designed such that actual constant noise levels on a 24-hour basis do not exceed 48.6 dBA L_{eq} at any NSA. Also, in general, a person's threshold of perception for a perceivable change in loudness on the A-weighted sound level is about 3 dBA, whereas a 5 dBA change is clearly noticeable, and a 10 dBA change is perceived as either twice or half the loud.

4.10.1 **Construction Noise**

Noise could affect the surrounding area during construction of the proposed Project components. The sound level impact on NSAs from construction activities is dependent on the type of construction equipment used, the duration of use for each piece of construction equipment, the amount of construction equipment used simultaneously, and the distance between the construction equipment and the NSAs.

Normal daytime construction noise levels are expected to remain below 55 dBA L_{dn}. ANR has also proposed limited nighttime construction for wiring electrical components and unbolting/bolting tie-in spools. These construction activities typically involve minimal noise and ANR indicated in its application that lighting would be powered using the existing power lines at each site and would not require generators. Table 4.10-1 shows that several NSAs could experience perceptible levels of noise during nighttime construction as shown in the table. In its application, ANR committed to not exceed a sound level of 55 dBA L_{dn} for any nighttime construction noise at the closest NSAs.

Noise associated with construction activities would be intermittent and occur mostly during daylight hours. With ANR's proposed mitigation measures, we conclude that noise impacts due to construction activities would not be significant.

TABLE 4.10-1
Estimated Sound Levels for Nighttime Construction

NSA*	Distance and Direction to Meter Station	Measured Nighttime Ambient Level (dBA)	Total Estimated Nighttime Construction (dBA)	Total of Nighttime Ambient with Nighttime Construction (dBA)	Potential Increase above Existing Nighttime Ambient Level
Coleman NSA 1	474 ft. NW	47.9	35.3	48.1	0.2
Coleman NSA 2	675 ft. NE	42.3	32.5	42.7	0.4
Coleman NSA 3	1,000 ft. SE	51.2	27.9	51.2	0.0
Lena NSA 1	550 ft N - NW	31.9	33.4	35.7	3.8
Meeme NSA 1	650 ft. W	36.9	28	37.4	0.5
Mosinee NSA 1	225 ft. S	45.6	41.2	46.9	1.3
Rhinelander NSA 1	125 ft. SW	40.7	46.9	47.8	7.1
Rhinelander NSA 2	300 ft. S	42.6	40.3	44.6	2.0
Suring NSA 1	550 ft. W - SW	33.9	33.6	36.8	2.9
Suring NSA 2	975 ft. E	30	28.7	32.4	2.4
Two Rivers NSA 1	350 ft. NE	34.8	38.3	39.9	5.1
Two Rivers NSA 2	850 ft. N	41.9	29.2	42.1	0.2
* All NSAs are residences.					

4.10.2 **Operational Noise**

ANR provided a noise analysis of the proposed facilities during operation to assess the noise at nearby NSAs. The NSAs are residential homes near the proposed meter stations. The results of the acoustical assessment indicate that the sound level attributable to the proposed meter station modifications is expected to be lower than an L_{dn} of 55 dBA at all nearby NSAs. At NSAs with existing ambient noise above 55 dBA L_{dn}, the Project would result in a minor increase of only 0.1 dBA or no increase at all. The estimated sound levels are presented in the table 4.10-2 below.

TABLE 4.10-2
Noise Analysis for the Wisconsin Access Project

NSA	Distance and Direction	Existing Station + Ambient Sound (dBA L_{dn})	Modified Station at Full Load (dBA L_{dn})	Total Noise Levels (dBA L_{dn})	Potential Increase Over Existing Sound Level (dBA)
Coleman Meter Station					
NSA 1	475 ft. NW	55.6	42.6	55.7	0.1
NSA 2	675 ft. NE	50.1	41.0	50.3	0.2

TABLE 4.10-2 Noise Analysis for the Wisconsin Access Project					
NSA	Distance and Direction	Existing Station + Ambient Sound (dBA L_{dn})	Modified Station at Full Load (dBA L_{dn})	Total Noise Levels (dBA L_{dn})	Potential Increase Over Existing Sound Level (dBA)
Coleman Meter Station					
NSA 3	1,000 ft. SE	60.5	32.7	60.5	0
Lena Meter Station					
NSA 1	550 ft. NW	40.7	18.6	40.7	0
Meeme Meter Station					
NSA 1	650 ft. W	49.1	41.8	49.5	0.4
Mosinee Meter Station					
NSA 1	225 ft. S	53.7	51.6	55.0	1.3
Rhinelander Meter Station					
NSA 1	125 ft. SW	49.2	46.4	50.1	0.9
NSA 2	300 ft. S	50.2	41.9	50.5	0.3
Suring Meter Station					
NSA 1	550 ft. SW	44.8	34.3	45.0	0.2
NSA 2	975 ft. E	43.3	28.6	43.4	0.1
Two Rivers Meter Station					
NSA 1	350 ft. NE	51.2	51.0	52.5	1.3
NSA 2	850 ft. N	49.8	38.2	49.9	0.1

As shown in the table, the predicted L_{dn} sound levels would not result in a significant increase of noise at the nearest NSA. Therefore, we conclude that there would be no significant noise impacts from the proposed Project during operation.

4.11 Reliability and Safety

The transportation of natural gas by pipeline involves some risk to the public in the event of an accident and subsequent release of gas. The greatest hazard is a fire or explosion following a major pipeline rupture. Methane, the primary component of natural gas, is colorless, odorless, and tasteless. It is not toxic, but is classified as a simple asphyxiate, possessing a slight inhalation hazard. If breathed in high concentration, oxygen deficiency can result in serious injury or death.

The aboveground facilities associated with the Project must be designed, constructed, operated, and maintained in accordance with the USDOT Minimum Federal Safety Standards in 49 CFR 192. The regulations are intended to ensure adequate protection for the public and to prevent natural gas facility accidents and failures.

The USDOT pipeline standards are published in 49 CFR Parts 190-199. For example, 49 CFR 192 specifically addresses natural gas pipeline safety issues, prescribes the minimum standards for operating and maintaining pipeline facilities, and incorporates compressor station

design, including emergency shutdowns and safety equipment. Part 192 also requires a pipeline operator to establish a written emergency plan that includes procedures to minimize the hazards in the event of a natural gas pipeline emergency.

The operator must also establish a continuing education program to enable customers, the public, government officials, and those engaged in excavation activities to recognize a gas pipeline emergency and report it to appropriate public officials. ANR would provide the appropriate training to local emergency service personnel before the facilities are placed in service.

ANR's construction and operation would represent a minimum increase in risk to the public and we are confident that with the options available in the detailed design ANR's facilities, that they would be constructed and operated safely.

The Red Cliff Band of Lake Superior Chippewa Indians filed comments stating that the EIS should include analysis of potential harm that the Project may cause while operating as well as upstream effects, including the general effect of pipeline networks and gas fields in Louisiana, Oklahoma, Texas, and Western Canada and the possibility of gas leaks or explosions. We reiterate that the Project would represent a minimum increase in risk to the public, and with implementation of the USDOT pipeline safety standards, the Project would be constructed and operated safely. The environmental impacts from the broader gas pipeline network (including upstream gas fields and pipelines) is outside the scope of this document.

4.12 Climate Change

Climate change is the variation in the Earth's climate (including temperature, precipitation, humidity, wind, and other meteorological variables) over time.[30] Climate change is driven by accumulation of GHGs in the atmosphere due to the increased consumption of fossil fuels (e.g., coal, petroleum, and natural gas) since the early beginnings of the industrial age and accelerating in the mid- to late-20th century.[31] The GHGs produced by fossil-fuel combustion are carbon dioxide, methane, and nitrous oxide.

In 2017 and 2018, the U.S. Global Change Research Program[32] issued its Climate Science Special Report: Fourth National Climate Assessment, Volumes I and II.[33] This report and the

30 Interim Policy Statement, 178 FERC ¶ 61,108 at P 6.

31 INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, UNITED NATIONS, *Summary for Policymakers* of CLIMATE CHANGE 2021: THE PHYSICAL SCIENCE BASIS (Valerie Masson-Delmotte et al. eds.) (2021), https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf (IPCC Report) at SPM-5. Other forces contribute to climate change, such as agriculture, forest clearing, and other anthropogenically driven sources.

32 The U.S. Global Change Research Program is the leading U.S. scientific body on climate change. It comprises representatives from 13 federal departments and agencies and issues reports every 4 years that describe the state of the science relating to climate change and the effects of climate change on different regions of the United States and on various societal and environmental sectors, such as water resources, agriculture, energy use, and human health.

33 U.S. GLOBAL CHANGE RESEARCH PROGRAM, CLIMATE SCIENCE SPECIAL REPORT, FOURTH NATIONAL CLIMATE ASSESSMENT | Volume I (Donald J. Wuebbles et al. eds) (2017),

recently released report by the Intergovernmental Panel on Climate Change, Climate Change 2021: The Physical Science Basis, state that climate change has resulted in a wide range of impacts across every region of the country and the globe. Those impacts extend beyond atmospheric climate change alone and include changes to water resources, agriculture, ecosystems, human health, and ocean systems.[34] According to the Fourth Assessment Report, the United States and the world are warming; global sea level is rising, oceans are acidifying; and certain weather events are becoming more frequent and more severe.[35] These impacts have accelerated throughout the end of the 20th and into the 21st century.[36]

GHG emissions do not result in proportional local and immediate impacts; it is the combined concentration in the atmosphere that affects the global climate. These are fundamentally global impacts that feed back to local and regional climate change impacts. Thus, the geographic scope for analysis of GHG emissions is global rather than local or regional. For example, a project 1 mile away emitting 1 ton of GHGs would contribute to climate change in a similar manner as a project 2,000 miles distant also emitting 1 ton of GHGs.

Climate change is a global phenomenon; however, for this analysis, we will focus on the existing and potential cumulative climate change impacts in the Project area. The USGCRP's Fourth Assessment Report notes that the following observations of environmental impacts are attributed to climate change in the Midwest region of the United States (USGCRP 2017, USGCRP 2018):

- increases in warm-season absolute humidity and precipitation have eroded soils, created favorable conditions for pests and pathogens, and degraded the quality of stored grain;
- threats from a changing climate are interacting with existing stressors such as invasive species and pests to increase tree mortality and reduce forest productivity;
- storm water management systems, transportation networks, and other critical infrastructure are already experiencing impacts from changing precipitation patterns and elevated flood risks; and
- at-risk communities in the Midwest are becoming more vulnerable to climate change impacts such as flooding, drought, and increases in urban heat islands and tribal nations are especially vulnerable because of their reliance on threatened natural resources for their cultural, subsistence, and economic needs.

https://science2017.globalchange.gov/downloads/CSSR2017_FullReport.pdf (USGCRP Report Volume I); U.S. GLOBAL CHANGE RESEARCH PROGRAM, FOURTH NATIONAL CLIMATE ASSESSMENT, VOLUME Ii IMPACTS, RISKS, AND ADAPTATION IN THE UNITED STATES (David Reidmiller et al. eds.) (2018), https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (USGCRP Report Volume II).

34 IPCC Report at SPM-5 to SPM-10.

35 USGCRP Report Volume II at 73-75.

36 *See, e.g.*, USGCRP Report Volume II at 99 (describing accelerating flooding rates in Atlantic and Gulf Coast cities).

The USGCRP'S Fourth Assessment Report[39] notes the following projections of climate change impacts in the Project region (Midwest US) with a high or very high level of confidence: [40]

- projected changes in precipitation, coupled with rising extreme temperatures before mid-century, will reduce Midwest agricultural productivity to levels of the 1980s without major technological advances;
- impacts will result in the loss of economically and culturally important tree species such as paper birch and black ash and are expected to lead to the conversion of some forests to other forest types or even to non-forested ecosystems by the end of the century;
- climate change is expected to worsen existing conditions and introduce new health threats by increasing the frequency and intensity of poor air quality days, extreme high temperature events, and heavy rainfalls; extending pollen seasons; and modifying the distribution of disease-carrying pests and insects; and
- the annual cost of adapting urban storm water systems to more frequent and severe storms is projected to exceed $500 million for the Midwest by the end of the century.

It should be noted that while the impacts described above taken individually may be manageable for certain communities, the impacts of compound extreme events (such as simultaneous heat and drought, or flooding associated with high precipitation on top of saturated soils) can be greater than the sum of the parts.[41]

The GHG emissions associated with construction and operation of the Project were identified and quantified in section 4.9 of the EIS. Construction of the Project may result in emissions of up to about 342.8 tons (311 metric tons) of CO_2e over the duration of construction. Operation would result in emissions of up to 43 tons (39 metric tpy) of CO_2e from station blow down events. The downstream GHG emissions from the Project assuming 100 percent utilization of the new incremental capacity on ANR's pipeline system (50,707 Dth/d) would result in up to 979,261 metric tpy of CO_2e.

Construction and operation of the Project would increase the atmospheric concentration of GHGs, in combination with past and future emissions from all other sources and would contribute incrementally to future climate change impacts. In order to assess impacts on climate change associated with the Project, Commission staff applied the Commission's Interim Policy Statement on "Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews" issued on February 18, 2022 in Docket No. PL21-3-000 that established a significance threshold

---

39 USGCRP Report Volume II.

40 The report authors assessed current scientific understanding of climate change based on available scientific literature. Each "Key Finding" listed in the report is accompanied by a confidence statement indicating the consistency of evidence or the consistency of model projections. A high level of confidence results from "moderate evidence (several sources, some consistency, methods vary and/or documentation limited, etc.), medium consensus." A *very* high level of confidence results from "strong evidence (established theory, multiple sources, consistent results, well documented and accepted methods, etc.), high consensus." https://science2017.globalchange.gov/chapter/front-matter-guide/.

41 USGCRP Report Volume II.

of 100,000 metric tpy of CO_2e.[43] The Project's operational and downstream emissions would exceed the Commission's presumptive significance threshold based on 100 percent utilization.

Response to Comments on Climate Change

The Red Cliff Band of Lake Superior Chippewa Indians filed comments requesting the Commission to assess climate change impacts which are addressed in this section. However, some of the comments related to climate change impacts, such as the effects on Indigenous Peoples around the world, the future of fossil fuels in Wisconsin and nationally, and the international shift away from fossil fuels are outside the scope of this document. They also stated that the EIS should consider the future of the associated fossil fuel infrastructure connected to the Project, specifically referencing EO 38 committing Wisconsin to significant reduction in fossil fuel consumption and carbon-free electricity by 2050. They further stated that the EIS should review and incorporate Wisconsin's *Governor's Task Force 011 Climate Change Report* which includes a recommendation to "avoid all new fossil fuel infrastructure." As discussed above, Staff reviewed the USGCRP'S Fourth Assessment Report to determine potential impacts on the Midwest region of the United States. We further acknowledge that the Project would increase the atmospheric concentration of GHGs, in combination with past and future emissions from all other sources and would contribute to climate change.

The EPA recommended that the EIS include an estimate of the GHG emissions associated with the Project, identify practicable mitigation measures to reduce Project-related GHG emissions and disclose the significance of the climate change impacts associated with these emissions. In its comments on the draft EIS, EPA and the Institute for Policy Integrity commented that the Commission should consider mitigation measures for the Project's GHG emissions, particularly because we cannot conclude that those emissions are insignificant. We note that GHG emissions are shown in table 4.9-2 and 4.9-3 and as discussed in section 4.12, the Project's annual operation and downstream greenhouse gas emissions would exceed the Commission's presumptive significance threshold based on 100 percent utilization. The Commission's consideration of GHG mitigation is addressed in the Interim Policy Statement on "Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews." The Commission has stated it will consider proposals by project sponsors to mitigate all or part of their projects' climate change impacts, and the Commission may condition its approval on further mitigation of those impacts. We note these policy decisions are pending at the time of this EIS publication, and their resolution is beyond the scope of staff's NEPA review in this proceeding.

The EPA recommends that the EIS include a detailed discussion of the project's GHG emissions in the context of national and international GHG emissions reduction goals, including the U.S. 2030 Paris GHG reduction target and 2050 net-zero pathway. Also, in response to the draft EIS, the Institute for Policy Integrity commented that the Commission's approach of comparing the Project's emissions to national and state emission totals and targets does not facilitate meaningful review and can trivialize climate impacts if not properly contextualized.

[43] Interim Policy Statement, 178 FERC ¶ 61,108. Available at https://elibrary.ferc.gov/eLibrary/filedownload?fileid=AF794977-2465-C460-96FF-7F0E36C00000.

The comparisons to national and state emission totals and targets that were provided in the draft EIS were removed from the final EIS. Commission staff applied the Commission's Interim Policy Statement on "Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews" issued on February 18, 2022 in Docket No. PL21-3-000 that established a significance threshold of 100,000 metric tpy of CO_2e.

The EPA also recommended that the EIS describe potential changes to the affected environment that may result from the expected increased frequency, amount, and severity of precipitation events in the Project area. Climate change impacts within the Project area are bulleted above within this section.

The EPA also recommended that FERC consider climate adaptation and resilience, including measures to mitigate the ongoing and long-term risks posed by climate change in relation to the siting of natural gas facilities. We listed some of the existing and potential long-term impacts within the Project area. We acknowledge the Fourth National Climate Assessment and included several existing and predicted impacts on the Midwest region. There are a myriad of impacts that could occur in the Midwest region due to climate change; our summary of certain impacts is not meant to be a comprehensive listing. We recommend that for further information on impact on the Midwest, the Fourth National Climate Assessment as well as the IPCC's recently released Sixth Assessment Report should be consulted. We reiterate that while certain discrete climate impacts may be manageable for communities, a greater risk is from multiple climate change impacts. Current climate change resilience measures or planning may not account for these compound risks. However, we note that the Project facilities are proposed in upland areas and not within the 100-year or 500-year floodplains, which would reduce potential impacts on these facilities.

The EPA requested that FERC should incorporate a more detailed analysis of need, consideration of carbon lock-in, and the potential for stranded assets into its final EIS. These issues are considerations for the Commission's public interest determination under the NGA and are outside the scope of staff's NEPA review. On February 18, 2022, the Commission updated its Policy Statement on Interstate Natural Gas Pipeline Proposals in Docket No. PL18-1-000 that clarifies how the Commission will execute its public interest obligations under the NGA.

Response to Comments on Upstream Emissions

EPA and the Institute for Policy Integrity recommended that FERC estimate and disclose upstream GHG emissions changes in the EIS. In its comments on the draft EIS, the EPA provided detailed calculations for upstream emissions for the Project which can be found in appendix D. The specific source of the natural gas to be transported by the Project is currently unknown and would likely change throughout the Project's operation. As the Commission has previously concluded in numerous natural gas infrastructure proceedings, the environmental effects resulting from natural gas production are likely neither caused by a proposed project nor are they reasonably

foreseeable consequences of its approval of a project, as contemplated by CEQ regulations.[51] To date, the Commission has not found upstream emissions to be an effect of any proposed project, primarily because of the following unknown factors: the location of the supply source; whether transported gas will come from new or existing production; and whether there will be any potential associated development activities, and if so, its location.[52] However, the Commission will continue to determine, on a case-by-case basis, whether GHG emissions from upstream production activities are a reasonably foreseeable and causally connected result of a proposed project. Related to comments on downstream emissions impacts, climate change, and the Project's contribution to climate change impacts, this EIS provides GHG emissions associated with the combustion of natural gas transported by the Project.

Response to Comments on Social Cost of Carbon

The EPA and the Institute for Policy Integrity recommend that FERC use estimates of the social costs of greenhouse gases (SC-GHG) to disclose and consider the climate damages from net changes in direct and indirect GHG emissions resulting from the proposed Project. These comments pre-date a federal district court's preliminary injunction limiting federal agencies' employment of estimates of the social cost of GHGs.[53] As such, Commission staff did not use the SC-GHG tool in this NEPA analysis.

---

51 *Birckhead*, 925 F.3d at 516-17. *See, e.g.*, *Double E Pipeline, LLC*, 173 FERC 61,074 at P 97 (2020), *Central New York Oil and Gas Co., LLC*, 137 FERC ¶ 61,121, at PP 81-101 (2011), *order on reh'g*, 138 FERC ¶ 61,104, at PP 33-49 (2012), *petition for review dismissed sub nom. Coal. for Responsible Growth v. FERC*, 485 F. App'x. 472, 474-75 (2d Cir. 2012) (unpublished opinion); *see also Adelphia Gateway, LLC*, 169 FERC ¶ 61,220 at P 243, *orderon reh'g*, 171 FERC ¶ 61,049 at P 89.

52 *See also Birckhead*, 925 F.3d at 517 (finding the Commission appropriately did not consider upstream emissions a project effect because the record did not contain any information establishing a causal relationship between the proposed project and upstream development).

53 *Louisiana v. Biden*, No. 21-cv-1074-JDC-KK (W.D. La.) Order Granting Preliminary Injunction (Feb. 11, 2022). Currently, two pending court cases challenge use of the interagency working groups interim values by federal agencies. *Mo. v. Biden*, --- F. Supp. 3d ----, 2021 WL 3885590 (E.D. Mo. Aug. 31, 2021), appeal filed, No. 21-3013 (8th Cir.); *La. v. Biden*, No. 21-cv-1074-JDC-KK (W.D. La).

5. CONCLUSIONS AND RECOMMENDATIONS

The conclusions and recommendations presented in this EIS are those of the Commission's environmental staff. We conclude that construction and operation of the Wisconsin Access Project would result in limited adverse environmental impacts. Most adverse environmental impacts would be temporary or short-term during construction. This determination is based on a review of the information provided by ANR and further developed from data requests; scoping; literature research; alternatives analysis; and contacts with federal, state, and local agencies as well as individual members of the public.

Overall, Commission staff conclude that approval of the Project would not result in significant environmental impacts, with the exception of climate change impacts resulting from GHG emissions. The Project's annual operation and downstream GHG emissions would exceed the Commission's presumptive significance threshold based on 100 percent utilization. We also conclude that no system, route, or other alternative would provide a significant environmental advantage over the Project, as proposed.

We recommend that the below measures be attached as conditions to any authorization issued by the Commission.

1. ANR shall follow the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests) and as identified in the EIS, unless modified by the Order. ANR must:

    a. request any modification to these procedures, measures, or conditions in a filing with the Secretary;
    b. justify each modification relative to site-specific conditions;
    c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
    d. receive approval in writing from the Director of the Office of Energy Projects (OEP), or the Director's designee, **before using that modification**.

2. The Director of OEP, or the Director's designee, has delegated authority to address any requests for approvals or authorizations necessary to carry out the conditions of the Order, and take whatever steps are necessary to ensure the protection of environmental resources during construction and operation of the project. This authority shall allow:

    a. the modification of conditions of the Order;
    b. stop-work authority; and
    c. the imposition of any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the Order as well as the avoidance or mitigation of unforeseen adverse environmental impact resulting from project construction and operation.

3. **Prior to any construction**, ANR shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, EIs, and contractor personnel will be informed of the EI's authority and have been or will be trained on the

implementation of the environmental mitigation measures appropriate to their jobs **before** becoming involved with construction and restoration activities.

4. The authorized facility locations shall be as shown in the EIS, as supplemented by filed alignment sheets. **As soon as they are available, and before the start of construction**, ANR shall file with the Secretary any revised detailed survey alignment maps/sheets at a scale not smaller than 1:6,000 with station positions for all facilities approved by the Order. All requests for modifications of environmental conditions of the Order or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets.

   ANR's exercise of eminent domain authority granted under NGA section 7(h) in any condemnation proceedings related to the Order must be consistent with these authorized facilities and locations. ANR's right of eminent domain granted under NGA section 7(h) does not authorize it to increase the size of its natural gas pipeline/facilities to accommodate future needs or to acquire a right-of-way for a pipeline to transport a commodity other than natural gas.

5. ANR shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and staging areas, pipe storage yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, documentation of landowner approval, whether any cultural resources or federally listed threatened or endangered species would be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director of OEP, or the Director's designee, **before construction in or near that area**.

   This requirement does not apply to extra workspace allowed by the Commission's Plan and/or minor field realignments per landowner needs and requirements which do not affect other landowners or sensitive environmental areas such as wetlands.

   Examples of alterations requiring approval include all route realignments and facility location changes resulting from:

   a. implementation of cultural resources mitigation measures;
   b. implementation of endangered, threatened, or special concern species mitigation measures;
   c. recommendations by state regulatory authorities; and
   d. agreements with individual landowners that affect other landowners or could affect sensitive environmental areas.

6. **Within 60 days of the acceptance of the authorization and before construction begins**, ANR shall file an Implementation Plan with the Secretary for review and written approval

by the Director of OEP, or the Director's designee. ANR must file revisions to the plan as schedules change. The plan shall identify:

a. how ANR will implement the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests), identified in the EIS, and required by the Order;
b. how ANR will incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and specifications), and construction drawings so that the mitigation required at each site is clear to onsite construction and inspection personnel;
c. the number of EIs assigned, and how the company will ensure that sufficient personnel are available to implement the environmental mitigation;
d. company personnel, including EIs and contractors, who will receive copies of the appropriate material;
e. the location and dates of the environmental compliance training and instructions ANR will give to all personnel involved with construction and restoration (initial and refresher training as the project progresses and personnel change);
f. the company personnel (if known) and specific portion of ANR's organization having responsibility for compliance;
g. the procedures (including use of contract penalties) ANR will follow if noncompliance occurs; and
h. for each discrete facility, a Gantt or PERT chart (or similar project scheduling diagram), and dates for:

    (1) the completion of all required surveys and reports;
    (2) the environmental compliance training of onsite personnel;
    (3) the start of construction; and
    (4) the start and completion of restoration.

7. ANR shall employ at least one EI for the Project. The EI shall be:

a. responsible for monitoring and ensuring compliance with all mitigation measures required by the Order and other grants, permits, certificates, or other authorizing documents;
b. responsible for evaluating the construction contractor's implementation of the environmental mitigation measures required in the contract (see condition 6 above) and any other authorizing document;
c. empowered to order correction of acts that violate the environmental conditions of the Order, and any other authorizing document;
d. a full-time position, separate from all other activity inspectors;
e. responsible for documenting compliance with the environmental conditions of the Order, as well as any environmental conditions/permit requirements imposed by other federal, state, or local agencies; and
f. responsible for maintaining status reports.

8. Beginning with the filing of its Implementation Plan, ANR shall file updated status reports with the Secretary on a **biweekly** basis until all construction and restoration activities are

complete. On request, these status reports will also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:

a. an update on ANR's efforts to obtain the necessary federal authorizations;
b. the construction status of the project, work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally-sensitive areas;
c. a listing of all problems encountered and each instance of noncompliance observed by the EI(s) during the reporting period (both for the conditions imposed by the Commission and any environmental conditions/permit requirements imposed by other federal, state, or local agencies);
d. a description of the corrective actions implemented in response to all instances of noncompliance;
e. the effectiveness of all corrective actions implemented;
f. a description of any landowner/resident complaints which may relate to compliance with the requirements of the Order, and the measures taken to satisfy their concerns; and
g. copies of any correspondence received by ANR from other federal, state, or local permitting agencies concerning instances of noncompliance, and ANR's response.

9. ANR must receive written authorization from the Director of OEP, or the Director's designee, **before commencing construction of any project facilities.** To obtain such authorization, ANR must file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).

10. ANR must receive written authorization from the Director of OEP, or the Director's designee, **before placing the project into service**. Such authorization will only be granted following a determination that rehabilitation and restoration of the right-of-way and other areas affected by the project are proceeding satisfactorily.

11. **Within 30 days of placing the authorized facilities in service**, ANR shall file an affirmative statement with the Secretary, certified by a senior company official:

a. that the facilities have been constructed in compliance with all applicable conditions, and that continuing activities will be consistent with all applicable conditions; or
b. identifying which of the conditions in the Order ANR has complied with or will comply with. This statement shall also identify any areas affected by the project where compliance measures were not properly implemented, if not previously identified in filed status reports, and the reason for noncompliance.

APPENDIX A

LIST OF PREPARERS

LIST OF PREPARERS

Ramsey, Dawn – Project Manager – Alternatives, Cultural Resources, Proposed Action
M.A., Anthropology, 2000, University of Memphis
B.A., History and Anthropology, 1997, Texas State University

Jensen, Andrea – Deputy Project Manager – Geology, Soils, Groundwater Resources
B.S., Environmental Geology, 2012, College of William and Mary

Bloomfield, Andrea – Land Use, Recreation, Visual Resources, Wetlands, Vegetation, Wildlife, Special Status Species
B.S., Environmental Management, 2018, University of Maryland University College

Cotton, Douglas – Environmental Justice
M.S., Urban & Regional Planning, 1980, University of Wisconsin-Madison
B.A., Geography, 1977, University of Massachusetts-Amherst

Monib, Kareem – Air Quality, Noise, Safety and Reliability
M.S., Chemical Engineering, 2000 Pennsylvania State University
B.S., Chemical Engineering, 1998, University of Delaware

Moran, Elaine – Socioeconomics and Environmental Justice
M.P.A., 2006, Florida State University
B.S., Environmental Policy and Planning, 2004, Virginia Tech

Poli, Kimberly – Wetlands, Vegetation, Wildlife, Special Status Species
B.S., BioResource Research, 2013, Oregon State University
B.A., International Studies, 2013, Oregon State University

APPENDIX B

DISTRIBUTION LIST FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED WISCONSIN ACCESS PROJECT

Distribution List for the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project	
Federal, State, and Local Government Agencies	
Ryan Huber	Army Corps of Engineers, St. Paul District
Attn: CECW-P	Army Corps of Engineers, Planning and Policy Division
Terry L McClung	Bureau of Indian Affairs, DOI
BJ Howerton	Bureau of Indian Affairs, DOI
US Department of Interior	U.S. Bureau of Land Management, DOI
Dr. Jill Lewandowski	Bureau of Ocean Energy Management, DOI
David Fish	Bureau of Safety and Environmental Enforcement, DOI
Patrick Walsh	National Park Service, DOI
Jomar Maldonado	Council on Environmental Quality
Everett Bole	U.S. Department of Health and Human Services
Stephen Finn	Environment and Natural Resources Division, DOJ
Cindy Barger	U.S. Environmental Protection Agency
Kenneth Westlake	Tribal and Multi-Media Programs Office, EPA Region 5
Sharunda Buchanan	National Center for Environmental Health, CDC, HHS
James Smalls	USDA Forest Service-Ecosystem Management Coordination
Andree DuVarney	Natural Resources Conservation Service, USDA
Nell Fuller	Conservation and Environmental Program Division, FSA, USDA
NOAA National Marine Fisheries Service	NOAA National Marine Fisheries Service, Dept. of Commerce
Danielle Schopp	Office of Environment and Energy, HUD
Mark Whitney	Office of Environmental Management, DOE
Amy Sweeney	US Department of Energy
Brian Costner	Office of NEPA Policy and Compliance, DOE
John Eddins	Office of Federal Programs, Advisory Council on Historic Preservation
Victoria Rutson	Surface Transportation Board, USDOT
Camille Mittelholtz	Office of Assistant Secretary for Transportation Policy, USDOT
William Schoonover	Pipeline & Hazardous Materials Safety Administration USDOT
Melanie Stevens	Office of Pipeline Safety USDOT PHMSA
Ahuva Battams	Office of Pipeline Safety USDOT PHMSA
Karen Lynch	Office of Pipeline Safety USDOT PHMSA
Esther Eng	US Geological Survey
Christopher Oh	US Customs and Border Protection Dept. of Homeland Security
Brian Lavoie	U.S. Department of Energy
Ben Callan	Wisconsin Department of Natural Resources
Richard Staffen	Wisconsin Department of Natural Resources
Daina Penkiunas	State Historic Preservation Officer
Jerry Halverson	Manitowoc County Soil and Water Conservation Department
Paul Daigle	Marathon County Conservation, Planning, and Zoning
Rebecca Frisch	Marathon County Land and Conservation Department

Distribution List for the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project	
Buzz Kamke	Oconto County Soil and Water Conservation Board
Stephanie Boismenue	Oneida County Land and Water Conservation Board
Elected Officials	
Joe Manchin	Senate Energy and Natural Resources Committee
Mike Gallagher	U.S. House of Representatives
Glenn Grothman	U.S. House of Representatives
Bryan Steil	U.S. House of Representatives
Tom Tiffany	U.S. House of Representatives
Rob Swearingen	Wisconsin Assembly
Dave Steffen	Wisconsin Assembly
Donna Rozar	Wisconsin Assembly
Jeff Mursau	Wisconsin Assembly
Jim Steineke	Wisconsin Assembly
John Macco	Wisconsin Assembly
John Spiros	Wisconsin Assembly
Patrick Snyder	Wisconsin Assembly
Robin Vos	Wisconsin Assembly
Shea Sortwell	Wisconsin Assembly
Timothy Ranthum	Wisconsin Assembly
Tyler Vorpagel	Wisconsin Assembly
Andre Jacque	Wisconsin Senate
Devin LeMahieu	Wisconsin Senate
Duey Stroebel	Wisconsin Senate
Jerry Petrowski	Wisconsin Senate
Kathleen Bernier	Wisconsin Senate
Mary Felzkowski	Wisconsin Senate
Roger Roth	Wisconsin Senate
James McDonlad	City of Two Rivers
Glenn Woulf	Village of Coleman
Steve Marquardt	Village of Lena
James Brey	Manitowoc County
Kurt Gibbs	Marathon County
John Guarisco	Marinette County
Robert Holley	Marinette County
Tom Witzel	City of Marshfield
Dennis Graf	Town of Meeme
Brent Jacobson	City of Mosinee
Paul Bednarik	Oconto County
Dave Hintz	Oneida County

Distribution List for the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project	
Christopher Frederickson	City of Rhinelander
Henry Nelson	Sheboygan County
Curt Andrews	City of Two Rivers
Greg Buckley	City of Two Rivers
Andrew Schmitt	Village of Adell
Leslie Steffeck	Village of Suring
Lance Pliml	Wood County
Tribes	
Edith Leoso	Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
Michael Wiggins	Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
John Barrett	Citizen Potawatomi Nation, Oklahoma
Kelli Mosteller	Citizen Potawatomi Nation, Oklahoma
Jill Hoppe	Fond du Lac Band of the Minnesota Chippewa Tribe
Kevin Dupuis	Fond du Lac Band of the Minnesota Chippewa Tribe
Michael LaRonge	Forest County Potawatomi Community of Wisconsin
Ned Daniels	Forest County Potawatomi Community of Wisconsin
Andrew Werk	Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
Michael Blackwolf	Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
Robert Deschampe	Grand Portage Band of the Minnesota Chippewa Tribe
Maryann Gagnon	Grand Portage Band of the Minnesota Chippewa Tribe
Kenneth Meshigaud	Hannahville Indian Community, Michigan
Alden Connor	Keweenaw Bay Indian Community, Michigan
Warren Swartz	Keweenaw Bay Indian Community, Michigan
Joseph Wildcat	Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
Melinda Young	Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
Daisy McGeshick	Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan
James Williams	Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan
Amy Burnette	Leech Lake Band of the Minnesota Chippewa Tribe
Faron Jackson	Leech Lake Band of the Minnesota Chippewa Tribe
Melissa Wiatrolik	Little Traverse Bay Bands of Odawa Indians, Michigan
Regina Gasco-Bentley	Little Traverse Bay Bands of Odawa Indians, Michigan
David Grignon	Menominee Indian Tribe of Wisconsin
Gunnar Peters	Menominee Indian Tribe of Wisconsin
Diane Hunter	Miami Tribe of Oklahoma
Douglas Lankford	Miami Tribe of Oklahoma

Distribution List for the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project	
Melanie Benjamin	Mille Lacs Band of Ojibwe (The Mille Lacs Band of the Minnesota Chippewa Tribe Mille Lacs Band of Ojibwe)
Terry Kemper	Mille Lacs Band of Ojibwe (The Mille Lacs Band of the Minnesota Chippewa Tribe Mille Lacs Band of Ojibwe)
Catherine Chavers	Minnesota Chippewa Tribe
Ethel Cook	Ottawa Tribe of Oklahoma
Rhonda Dixon	Ottawa Tribe of Oklahoma
Joseph Rupnick	Prairie Band Potawatomi Nation
Thomas Wabmum	Prairie Band Potawatomi Nation
Marvin DeFoe	Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
Rick Peterson	Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
Noah Saperstein	Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
Robert VanZile, Jr.	Sokaogon Chippewa Community, Wisconsin
Jaime Arsenault	White Earth Band of the Minnesota Chippewa Tribe
Michael Fairbanks	White Earth Band of the Minnesota Chippewa Tribe
Non-Governmental Organizations	
Clean Wisconsin	
Nature Conservancy	
Sierra Club	
Jim Knickelbine	Woodland Dunes Nature Center and Preserve
Mark Denzler	Illinois Manufacturers' Association
Terrance McGowan	International Union of Operating Engineers, Local 139
Robb Kahl	Wisconsin Infrastructure Investment Now, Inc.
Media and Libraries	
Business News - Northeast Wisconsin Edition	
Susan Durst	Mosinee Times
Northwoods River News	
Heather Schaefer	Northwoods River News, Northwoods River News Online
Emily Hamer	Wisconsin State Journal
Chris Hubbuch	Wisconsin State Journal
Marisa Silvas	WJFW-TV
Jerry Giesler	WJFW-TV
Kevin Craft	WJFW-TV
Al Higgins	WLKD-AM, WOBT-AM, WHDG-FM, WRLO-FM, WMQA-FM, WRHN-FM
Katie Thoresen	WXPR-FM
Coleman Area Library	
Lester Public Library	
Marathon County Public Library-Mosinee Branch	
Rhinelander District Library	
Stakeholders	

Distribution List for the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project
1911 Columbus Street LLC
2019 Tuschy Family
2020 Koenig
ABL Lights Inc
Ahmetovic Osman & Fahreta
Ajr Properties LLC
Alsteen Anthony J
Alsteen Ernest C & Jackie
Ama Corey
American Asphalt of Wisconsin
Amond Preston L & Monica A Hernandez
Anderson Harold
Anderson Jessica L & Daniel J
ANR Pipeline Co
ANZ Enterprises LLC
Appleton Lumber Co
Arc Fewauwi001 LLC
Arow Global Corp, Storm Tite International Inc
Associated Bank N A
Bailey Scott
Barlog Renee & David
Barner Terry L
Bauknecht Thomas
Bayland Enterprises LLC
Baymen Properties Inc
Beatty Mykelyn L
Becker James
Behnke Dennis E & Darlene K
Behnke Joyce A
Bender Investments Inc
Benson Craig A
Benthien Bradley J
Besson Beau J
Bettiga Patricia L
Bielen, Roger J & Thomas A
Blaha Paul & Sarah
Boness Scott W & Christy M Mrotek
Borneman Dayton & Pamela
Boyd Derek M & Elizabeth P

Distribution List for the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project
Brandt Timothy J
Braun Rochele L
Braun Ronald C
Brefezynski Todd D
Brooks Callen J
Bruckner Judith M
Bruso Christopher A
Bruyette Patricia J
Buhrandt Wallace A & Genevieve E
Burmeister Kirk
C-61 LLC
Carriveau Carson J
Central Wisconsin Multiple Listing Service Inc
Chapin Larry S
Chard Development LLC
Chester Osowski
Christensen Ross
City of Mosinee
City of Mosinee Water Tower
City of Rhinelander
City of Rhinelander Oneida County
Claflin Michael & Cassandra
Claflin Stuart M
Cleveland Fish & Game
Colborn Jeremiah R
Collins Jacquelynn K
Community Bible Church
Cooper Jeffery Paul & Paula Carole
Coronado Joel & Stefanie
County Materials
Crane Donald E
Crescent Township
Cudahy Cory
Czechanski Kevin P
Daetz Nicole & Jacob S Kakuk
Dahlquist
Demro David J & Elaine R
Demro Elaine Rosera
Denfeld Wayne

Distribution List for the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project
Denk Isabella M
Denowski James & Lou Ann
Denowski Randy
Detert William E
Diehlmann Michael D & Denise M
Donati Joseph M & Heather K
Dufano Steven P & Le Donna M
Duhm Kenneth G
Dymerski Karla R
Eagle Pet Hldgs Corp A Fl Corp
Ebenhoe Gary D
Ebert Dean
Ed Strojny & Chet Strojny
Elsen James L
Elsen James L
Enos Sharon K
Erdmann Russell
Erickson Ryan J
Ernst Robert L
Escanaba & Lake Superior R/R
Evangel Luthern Church
Exferd Timothy R
Finger Shelly Denise
Fletcher Wannetta A
Flinn Jaylene M
Franzen Thomas R
Free Mary E
Fregine Daniel
Frish Corey & Jolene R
Fumich Wayne A
Funk Nancy C
Gallagher Brian D
Garber Nicholas L
Gardebrecht Matthew R
Gary Rika (North Side)
Gates Sharon L
Giesler Trevor W
Gilbert David A & Le Wilbur E
Gilligan Nicholas

Distribution List for the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project
Glysch Sandra L
Goodine Robert L
Graef Dennis & Lori
Green Bay Manufacturing LLC
Green Robert
Greenheck Fan Corp
Gretzon Ronald & Carol
Groelle Harley
Gross Candy M
Grosse Fred E
Grunst Daniel H
Gulbrand Jean A
Hanus Kristopher
Harley Clement A
Hassemer Daryl M & Gina M
Healy Michael A & Kelsey J
Hearley Douglas L & Le Marian J
Heimerl Clint D
Heimerman Dalton G & Pamela J
Hein Gary H
Heise Elroy D & Janice M
Heise Gary W & Kim M
Herring Mark L & Sally I
Hoag Troy D & Dallas Cross
Hodag Sports Club Inc
Hodkiewicz Mitchell
Homestead Hldgs LLC A Wi Ltd L
Houle Dennis E & Lynn C
Howe Cheryl A
I L M Investments LLC
Indianhead Golf Course Inc
Ironwood Plastics Inc
J-63 LLC
Jackomino Jay
Jaeger Troy J & Christine M
Jagiello Bruce M., Sherry & Duane
Jagiello Donald G & Marlene A
Jaskolski Josephine

Distribution List for the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project
Jaysen Investments LLC C/O Timothy D Petersen
Jelinek David C & Robin
Jenquine Gary A & Michele K
Johnson Jerry
Johnson Thomas W & Judith
Jones Thomas G
Josephs Jeffrey & Jeanne
Kabat Joseph P
Kabat Joseph P
Kallas Kathy J & Michael A
Kaminski, David & Carol J.
Kappelman Glenn E
Karl Kevin L
Keenan Carol A
Kenneth Duhm
Khue Yer
Klaver Richard & April
Klein Brian W & David E Bonneville
Klein Doretta
Knitter James
Kobeer Properties LLC
Koch Ryan C & Heidi L
Koenig Georgia & James Wiedeman
Koeppe Thomas B
Komoroski Karen L
Kowalkowski Randi L & Kelly M
Kowles Timothy L & Judith A
Kracht Steven M
Kress George J & Susan E
Kress Nicholas G
Kriha Jan M
Krueger Kevin
Krueger Mark A & Kimberly M
Kubik Rejaunne M
Kuehnl Eunice A
Kuhl Joel D
Kulas Bartley
Kulpa Frank S

Distribution List for the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project
Kulpa Kenneth F & Patricia L
Kurilla Conrad C & Joan A
Kvitek David J
La Rose Dean D & Debra J
Lackey Gerald D & Linda L
Lakeshore Express
Landt Kent D
Lasak Ronald
Laurent Cynthia L
Laurent Richard
Lawrence Jesse F & Karen S
Lecaptain Bernard
Lefebre Lon M & Margaret A
Lefebre Michael G & Mary V
Lefebre Todd M & Trisha L
Lena Plaza Apartments LLC
Leonard Thomas
Leonhard Naomi K
Ling Travis
Linsmeier James J & Linda K
Linzmeyer Kenneth
Litke Jacob R & Demi E Danner
Litzen Kevin J & Tracy M
Lopez Vincent
Lorenz Robert M & Ruth A
Loucks Joshua
Luebke Chad E & Nicole M
Lyons Paul G & Evelyn V
Mahoney James B & Karen M
Manning David J & Audrey J
Maple Valley Town Of
Marathon & Portage Counties Fuel Farm
Marathon County
Matejka Robert A
Matthiae Properties Inc
Matuskey Nicholas & Amy
Mcl Investments LLC
Mecha Denise
Meier Sara A

Distribution List for the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project
Mekong Fresh Meats Inc
Meyer Alice F
Michigan Wi Pipe Line Co
Michigan Wisconsin Pipe Line Company
Mich-Wis Pipe Line Co
Mikle Christina
Milks James P
Miller Lisa A
Mongin Robert & Beverlee
Monka Peter
Monte Jennifer S
Moraine Properties Inc
Mork Skip W & Jennifer
Moseler Kenneth C & Norma L
Moseler Stephen J
Mosinee Telephone Company LLC
Mosinee Warehouse LLC
Mueller Marvin J & Ann M
Mueller Todd
Murphy Dennis J & Ruth A
Murphy Rachel A
Myers Keith
N & J Investments LLC
Nadler Tedd G
Natural Area Preservation
Nature Center Inc Woodland Dunes
Nelson Michael T
Nelson Rachael M
Nelson Tad
Northland Associates LLC
Olp Russell G & Linda
Options in Housing Inc
Ostroske John J & Alice
Osweiler Jason
Osweiler Richard R & Christina F
Pagels Steven H
Paitl Diane J
Pangburn Eric R & Nicole L
Par 5 Holdings Mosinee LLC

Distribution List for the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project
Paral Casey
Parizek Brian C
Parker Sara R
Peltier Cheryl & Le Terese Kubsh
Penguin Properties LLC
Peserik Rueben C
Petco Wellness LLC
Peterson Robert A & Sharon M
Phoenix Property Management LLC
Pickard Properties LLC
Pipe Line Corp
Plumbers & Steamfitters Union Local 434
Ponik Joseph F & Tanya M W
Powalisz Justin E & Kamber M
Premium Properties Limited Partnership
Pribek Patricia M
Priebe Jeanette F
Qdms S Enterprisellc
Randerson Debra M
Randolph Acquisitions LLC
Regal Gary & Amy
Reinhardt Ronald L & Carol A
Reise Tamara J
Remic Ryan W & Tiffany L
Revolinsky Jake S
Rezachek David
Rieck Gerry
Riha Gary
Rjsk Properties LLC
Rodriguez Larry M & Patricia G
Root Burton F
Roth David J & Melissa K
Ruelle Dolores I & Daniel J
Rundle John
Rybka Cheryl M
Sanguinity LLC
Schenian Steven R
Schermetzler Marvin
Schermetzler Wayne & Kim L

Distribution List for the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project
Schildt Robert G & Dorothy M
Schmidt Dairy Farm LLC
Schmitz Richard E & Norma R
School District of Rhinelander
School Eugene Jr & Kelly
School Kenneth R
School Michael W & Deborah J
School Robert & Denise K
Schroeder Shane S & Beth M
Schultz David
Schultz Nathan
Schultz Peter W & Le Dale W
Schwarz Jacqueline & John I Sosnosky
Scott Robert D
Secretary/Hud
Seibel Jerome & Alice
Seiler Margot H
Sell Daniel J & Annette M
Sepnafski Collin L
Shambeau Daniel
Siebert Dean W & Patricia A
Simonson Craig & Michelle A
Sippel Joseph C
Sisel John S & Teresa M
Skarban Steve
Smith Kenneth A
Smits Ashley N
Sobeck Daniel & Joan
Sohn Myron E
Spanheimer Jack & Carol
Spaulding James A & Mary E
Springstube Daniel
Stank Nancy L
State of WI DOT
Steffeck Mark A & Cynthia A
Stuyvenberg Properties LLC
Supan Ents LLC
Suring Village Of
Swade Kenneth L

Distribution List for the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project
Sweo Robert K
Swoboda Gary
Swoboda Steven D
Sylvester Joyelle M
Sylvester Joyelle M & Bonita C Tousey
Taddy Theodore C & Linda M
Tadych Ryan P
Terzinski Shane A
Thibeault Max Paul & Lorraine D
Thill Denise L
Thome Pamela N & George N
Thompson Jeffrey A
Thomson Dennis C & Cynthia D
Thomson Helen A
Thomson James
Tice David L
TLR Holdings LLC
Tom L Backler
Tourist Trends LLC
Tousey Bonita C
Tousey Bonnie
Tovar Jose Hector
Treder Clark T & Carole A
Tri-Wa LLC
Tuesburg John & Elizabeth
Turner Erik J
Tuschy Ervin O
Two Rivers1 LLC
Valley Communities Credit Union
Van De Loo Larry & Karen M
Van Leishout William J
Vanderlinden Roland A
Vanderloop Re LLC
Vandewalle Farms LLC
Village of Lena
Wachowski Building LLC, Scott A Wachowski
Wads Enterprise LLC
Wagner John T
Wagner Scott J

Distribution List for the Draft Environmental Impact Statement for the Proposed Wisconsin Access Project
Wagner Troy & Jagiello Duane
Warner Eugene E & Diane M
Warner Jeffrey & Stacie
Waskowski Edward T
Wayne Kenneth A Sr & Sarabeth
Webb Dwight
Weber Mark R & Erica L
Weiger John B
Welcome Home of Wisconsin LLC
Werth Nicholas
Whiskey River Land & Timber LLC
Whitaker Richard J & Donna M
White Co Industries Inc.
Whiting Jeffrey M
Wi Public Service Corp
Wickersheim Bobby L & Janet M
Wickesberg Steve
William H & A Delores
Wisconsin Public Service Corp
Wondrash Jean L
Wondrash Traci J & Denny P Hagenow
Woodland Dunes Nature Center
WTH 10 LLC
Wykoski Steven W
Yardscapes LLC
Yauger Christine A
Yungerman Ronald S
Zaidel Zachary William
Zak Elaine & Daniel
Zak John M & Katrina E
Zastrow Patsy A
Zdroik Jeffrey M & Cheryl J
Zeman Kenneth
Ziegler Irrev William H & Delores A
Ziegler John Carl
Ziesmer Marvin R & Linda G
Zietler Sara
Zinn Philip J & Le Wilma D

APPENDIX C

COMMENTS RECEIVED DURING THE PROJECT SCOPING PROCESS

Comments Received During the Project Scoping Process (eLibrary submittal search 03/12/2021 – 12/02/2021)								
Category	**Accession Number**	**Filed Date**	**Document Date**	**Docket**	**Description**	**Class/Type**	**Security Level**	**Files**
Submittal	20210329-5065	03/29/2021	03/29/2021	CP21-78-000	Comment of support by Brittany S. Brockway	Comments/Protest | Comment on Filing	Public	1010209.TXT
Submittal	20210329-5074	03/29/2021	03/29/2021	CP21-78-000	Comment of support by Tayla D. Snapp	Comments/Protest | Comment on Filing	Public	110213.TXT
Submittal	20210329-5098	03/29/2021	03/29/2021	CP21-78-000	Comment of support by Mike Hatchett	Comments/Protest | Comment on Filing	Public	110217.TXT
Submittal	20210329-5142	03/29/2021	03/29/2021	CP21-78-000	Comment of support by Loren	Comments/Protest | Comment on Filing	Public	110221.TXT
Submittal	20210330-5037	03/30/2021	03/30/2021	CP21-78-000	Comment of support by Ryan Schmidt	Comments/Protest | Comment on Filing	Public	110227.TXT
Submittal	20210330-5039	03/30/2021	03/30/2021	CP21-78-000	Comment of support by John Colle	Comments/Protest | Comment on Filing	Public	110226.TXT
Submittal	20210330-5277	03/30/2021	03/30/2021	CP21-78-000	Comment of support by Adam Thorpe	Comments/Protest | Comment on Filing	Public	110231.TXT
Submittal	20210406-5357	04/06/2021	04/06/2021	CP21-78-000	Comment of support by Mark Denzler	Comments/Protest | Comment on Filing	Public	111772.TXT
Submittal	20210407-5169	04/07/2021	04/07/2021	CP21-78-000	Comment of support by Brad Babcook	Comments/Protest | Comment on Filing	Public	112722.TXT
Submittal	20210407-5215	04/07/2021	04/07/2021	CP21-78-000	Comment of support by Jason Pierre	Comments/Protest | Comment on Filing	Public	112736.TXT
Submittal	20210407-5258	04/07/2021	04/07/2021	CP21-78-000	Comment of support by Representative Tyler Vorpagel	Comments/Protest | Comment on Filing	Public	112751.TXT
Submittal	20210408-5068	04/08/2021	04/08/2021	CP21-78-000	Comment of support by John Schmitt	Comments/Protest | Comment on Filing	Public	112844.TXT
Submittal	20210413-5240	04/13/2021	04/13/2021	CP21-78-000	Comment of support by John Spiros	Comments/Protest | Comment on Filing	Public	113968.TXT
Submittal	20210413-5262	04/13/2021	04/13/2021	CP21-78-000	Comment of support by Senator Devin LeMahieu	Comments/Protest | Comment on Filing	Public	113970.TXT
Submittal	20210414-5086	04/14/2021	04/14/2021	CP21-78-000	Comment of support by Donna Rozar	Comments/Protest | Comment on Filing	Public	113986.TXT

Comments Received During the Project Scoping Process (eLibrary submittal search 03/12/2021 – 12/02/2021)								
Submittal	20210415-5051	04/15/2021	04/15/2021	CP21-78-000	Comment of support by International Union of Operating Engineers, Local 139	Comments/Protest | Comment on Filing	Public	4-15-21 Local 139 Comments for ANR WI Access Project.PDF
Submittal	20210415-5057	04/15/2021	04/15/2021	CP21-78-000	Comment of support by Wisconsin Infrastructure Investment Now, Inc.	Comments/Protest | Comment on Filing	Public	4-15-21 WIIN Comments for ANR WI Access Project.PDF
Submittal	20210415-5095	04/15/2021	04/15/2021	CP21-78-000	Comment of support by Jeff Mursau	Comments/Protest | Comment on Filing	Public	114000.TXT
Submittal	20210415-5191	04/15/2021	04/15/2021	CP21-78-000	Comment of support by Wisconsin State Senator Roger Roth	Comments/Protest | Comment on Filing	Public	114012.TXT
Submittal	20210416-5186	04/16/2021	04/16/2021	CP21-78-000	Comment of support by Senator Duey Stroebel	Comments/Protest | Comment on Filing	Public	114022.TXT
Submittal	20210416-5193	04/16/2021	04/16/2021	CP21-78-000	Comment of support by Representative John Macco	Comments/Protest | Comment on Filing	Public	114039.TXT
Submittal	20210416-5213	04/16/2021	04/16/2021	CP21-78-000	Comment of support by Rob Swearingen	Comments/Protest | Comment on Filing	Public	114036.TXT
Submittal	20210416-5229	04/16/2021	04/16/2021	CP21-78-000	Comment of support by David Steffen	Comments/Protest | Comment on Filing	Public	114040.TXT
Submittal	20210416-5231	04/16/2021	04/16/2021	CP21-78-000	Comment of support by Robin Vos	Comments/Protest | Comment on Filing	Public	114041.TXT
Submittal	20210416-5233	04/16/2021	04/16/2021	CP21-78-000	Motion to Intervene and comment of support by Northern States Power Company, a Minnesota Corporation and Northern States Power Company, A Wisconsin Corporation (subsidiaries of Xcel Energy Inc.)	Comments/Protest | Comment on Filing Intervention | Motion/Notice of Intervention	Public	NSP_MTI_Comments_ANR_Cert_Appl_CP21_78.PDF
Submittal	20210416-5248	04/16/2021	04/16/2021	CP21-78-000	Comment of support by Patrick Snyder	Comments/Protest | Comment on Filing	Public	114043.TXT
Submittal	20210416-5260	04/16/2021	04/16/2021	CP21-78-000	Comment of support by Wisconsin State Senator Kathy Bernier	Comments/Protest | Comment on Filing	Public	114044.TXT

Comments Received During the Project Scoping Process (eLibrary submittal search 03/12/2021 – 12/02/2021)								
Submittal	20210416-5271	04/16/2021	04/16/2021	CP21-78-000	Comment of support by U.S. Representatives Mike Gallagher, Glenn Grothman, Bryan Steil, and Tom Tiffany of Wisconsin	Comments/Protest | Comment on Filing	Public	114047.TXT
Submittal	20210416-5273	04/16/2021	04/16/2021	CP21-78-000	Comment of support by Jim Steineke	Comments/Protest | Comment on Filing	Public	114048.TXT
Submittal	20210525-5124	05/25/2021	05/25/2021	CP21-78-000	Comment by the U.S. Army Corps of Engineers, Green Bay Office	Comments/Protest | Comment on Filing	Public	114234.TXT
Submittal	20210916-5122	09/16/2021	09/16/2021	CP21-78-000	Comment by James Knickelbine (Woodland Dunes Nature Center and Preserve, Inc.)	Comments/Protest | Comment on Filing	Public	116351.txt
Submittal	20210924-5135	09/24/2021	09/24/2021	CP21-78-000	Comments by the U.S. Environmental Protection Agency on the Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Wisconsin Access Project	Comments/Protest | Comment on Filing	Public	Wis_Access_Project_ANR_EPA-scopingltr_09-24-2021.pdf
Issuance	20211020-3000	10/20/2021	10/20/2021	CP21-78-000	Memo forwarding Red Cliff Band of Lake Superior Chippewa Indians' comments	FERC Memo | Internal Transmittal Memo	Public	CP21-78 Memo Red Cliff Chippewa Scoping Comments, pdf

APPENDIX D

RESPONSES TO COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Appendix D
Responses to Comments on the Draft Environmental Impact Statement

ANR Pipeline Company
Wisconsin Access Project

Document Number/Commenter

Federal Agencies

FA1 – U.S. Environmental Protection Agency (EPA)

FA2 – U.S. Department of the Interior

Non-Governmental Organizations

NG1 – Institute for Policy Integrity at New York University School of Law (without attachments)

Applicant

AP1 – ANR Pipeline Company (ANR; without attachments)

FA1-EPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

January 20, 2022

REPLY TO THE ATTENTION OF:
Mail Code RM-19J

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, D.C. 20426

Dear Secretary Bose:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Energy Regulatory Commission (FERC or Commission) Draft Environmental Impact Statement (Draft EIS) for the Wisconsin Access Project proposed by ANR Pipeline Company (ANR) (FERC Docket No.: CP21-78-000) (CEQ No.: 20210183). The Draft EIS was reviewed pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 – 1508), and Section 309 of the Clean Air Act.

The Draft EIS presents Commission's staff's analysis of the potential environmental impacts associated with the construction and operation of ANR's Wisconsin Access Project (Project). ANR plans to modify seven existing meter stations in Oneida, Marathon, Oconto, and Manitowoc Counties, Wisconsin and provide an additional 50,707 dekatherms per day (Dth/d) of firm transportation service into the northeastern Wisconsin market area. ANR would replace some of the metering and filtering equipment, install additional metering equipment, and replace two meter station buildings at the Lena and Rhinelander Meter Stations. The construction activities at the seven meter stations consist of filter or strainer upgrades and meter run replacements. The majority of the new and replacement equipment and buildings would be contained within the existing meter station fence lines with the exception of small amounts of temporary workspace required at the Coleman, Meeme, Mosinee, Rhinelander, Suring, and Two Rivers Meter Stations, and a small amount of temporary workspace and new permanent easement at the Lena Meter Station.

The Draft EIS responds to comments FERC received on the August 26, 2021, Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS) for the Wisconsin Access Project. EPA submitted EIS scoping comments to FERC in a letter dated September 24, 2021. EPA comments, in part, emphasized concern for potential increases in greenhouse gases (GHGs), methane leakage, associated climate change impacts and project resiliency. We recommended the NEPA document (EIS) adequately address these concerns and identify feasible mitigation measures to avoid, minimize and compensate for adverse impacts associated with the construction and lifetime operation of the proposal.

EPA appreciates the Commission staff's responses to recommendations from our September 24, 2021 scoping comment letter. We note the Draft EIS includes estimated GHG emissions for Project construction and operation, and downstream end-use. Additionally, we acknowledge the extensive information provided in the Draft EIS in response to EPA's recommendations related to identifying and addressing potential disproportionately high and adverse environmental and human health effects of proposed project activities on communities of color and low-income populations.

The Draft EIS (page 57) concludes, *"approval of the Project would not result in significant environmental impacts, with the exception of climate change impacts resulting from GHG emissions. Although we acknowledge the Project's emissions from construction and operation and downstream end-use would increase the atmospheric concentration of GHGs, in combination with past and future emissions from all other sources, and would contribute to climate change, we are unable to determine the significance of the Project's contribution to climate change."* Draft EIS (page 55) states: *". . . because we cannot make a determination on significance, we do not recommend any specific mitigation measures."*

Based on our review of the environmental analysis in the Draft EIS, EPA has concerns related to lack of information regarding: 1) documentation to substantiate need for the Project, 2) upstream estimation and disclosure of GHG emissions, 3) monetizing the Project's social costs of GHG emissions, and 4) climate resiliency and mitigation that we recommend FERC remedy in the Final EIS. The enclosed detailed comments provide, in part, recommendations related to estimating upstream GHG emissions, monetizing social costs of GHG emissions, assessing the impact of GHGs, and practicable GHG mitigation.

FA1-1

Consistent with EPA's May 26, 2021 letter responding to the Commission's February 24, 2021, Notice of Inquiry invitation to submit comments on the Certification of New Interstate Natural Gas Facilities (Commission Docket No. PL18-1-000), EPA reaffirms the recommendation that the Commission incorporate the use of the social cost of greenhouse gases, as well as detailed consideration of project need, carbon lock-in, and potential stranded assets in its review of natural gas infrastructure projects. EPA believes that the Commission should incorporate EPA's recommendations into its ultimate policy decisions to ensure that impacts and potential measures to avoid and minimize those impacts, along with full accounting of the costs of the proposed actions, are fully considered, informing the Commission's decisions. In addition, we recommend that the Commission consider the outcomes of the recent Technical Conference on GHG Mitigation to better inform pending policy decisions on identification and consideration of practical mitigation of GHG emissions. EPA believes these pending policy decisions will be critical to ensuring that impacts and potential measures to avoid and minimize those impacts are fully considered, thus better informing the Commission's decisions around natural gas infrastructure project proposals. Therefore, consistent with the Agency's national approach, EPA strongly recommends that the Commission postpone any decision on this proposed action and similar pending applications until the Commission has considered all input received and has

FA1-1 Response: This comment pre-dates a federal district court's preliminary injunction limiting federal agencies' employment of estimates of the social cost of GHGs. (*see* Louisiana v. Biden, No. 21-cv-1074-JDC-KK (W.D. La.) (Feb. 11, 2022). Commission staff applied the Commission's Interim Policy Statement on "Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews" issued on February 18, 2022 in Docket No. PL21-3-000. The issuance of the final EIS does not mandate a Commission decision at any particular time. The Commission will decide to what extent the pending policy decisions are applicable to ANR's proposed Project. We believe the final EIS provides a sufficient environmental review to help inform the Commission's decision on this Project. See section 4.12.

finalized its policy updates. Assuming the decision is postponed, based on the final policy decisions by the Commission, EPA recommends the NEPA analysis for the proposed action be reevaluated and updated accordingly, and the Commission provide an additional opportunity for public review and comment on any significant new information.

We welcome the opportunity to discuss any of our comments further. You may contact me at, 312-886-2910 or Westlake.kenneth@epa.gov, or Virginia Laszewski, the Region 5 lead reviewer for this project, at 312-886-7501 or laszewski.virginia@epa.gov.

Sincerely,

KENNETH WESTLAKE
Digitally signed by KENNETH WESTLAKE
Date: 2022.01.20 14:52:22 -06'00'

Kenneth A. Westlake
Deputy Director, Tribal and Multi-media Programs Office
Office of the Regional Administrator

Enclosure

Enclosure

EPA DETAILED COMMENTS ON THE DRAFT EIS FOR WISCONSIN ACCESS PROJECT

FA1-2

Purpose and Need

Consistent with comments provided by EPA in response to FERC's NOI, EPA recommends FERC describe in detail why the Project is needed and provide supporting documentation (e.g., show trend lines, market analyses, distribution system reliability studies, etc.) in the Final EIS to support the proposed addition of 50,707 dekatherms per day (Dth/d) [equivalent to 179,608,468 hundred cubic feet (cf) per year] of natural gas [largely comprised of methane (CH_4) a potent greenhouse gas (GHG)] into the northeastern Wisconsin market area and the associated proposed modifications to seven existing meter stations.

FA1-2 Response: The EIS presents a concise summary of the applicant's stated purpose and need, consistent with NEPA regulations at 40 CFR 1502.13. The Commission will assess the need for the Project as part of the public interest determination under the NGA. See section 1.1.

FA1-3

Climate Change

Consistent with comments provided by EPA in response to FERC's NOI, EPA recommends that FERC incorporate the analysis of upstream GHG emissions and the social cost of GHGs (SC-GHGs) and discussion in the Final EIS. EPA estimated upstream emissions using, in part, information in the Draft EIS. EPA also applied the SC-GHG to monetize the climate damages associated with the project emissions estimates. EPA reaffirms the recommendation that the FEIS quantify all upstream and downstream GHG emissions associated with the proposed action, as supported by CEQ's preamble to its notice of proposed rulemaking relating to NEPA Implementing Regulations Revisions.[1] We also recommend the basic background in the Final EIS briefly summarize the global and national impacts of GHG emissions, not just regional impacts.

FA1-3 Response: Staff did not identify any upstream GHG emissions that are reasonably foreseeable or that have a reasonably close causal relationship to this proposal. Downstream GHG emissions from the projects incremental capacity increase are quantified and discussed in section 4.12 of the EIS, consistent with the Commission's Interim GHG Policy. The comment regarding social cost of GHGs pre-dates a federal district court's preliminary injunction limiting federal agencies' employment of this tool. (*see* Louisiana v. Biden, No. 21-cv-1074-JDC-KK (W.D. La.) (Feb. 11, 2022). See section 4.12.

FA1-3

Federal agencies have a legal obligation to consider direct and indirect impacts, including upstream and downstream emissions caused by production, processing, transportation, and consumption of the project's resources. The purpose of the proposed project is to transport natural gas for consumption; that natural gas must be produced. Upstream emissions from that production are demonstrably reasonably foreseeable indirect effects of the proposed action and therefore should be considered under NEPA. Omitting consideration of upstream emissions results in an underestimation of the proposal's impacts.

.

FA1-4

GHG Emission Disclosure

EPA recommends FERC omit in the Final EIS the percentage comparisons of project GHG emissions and national and state-level emissions. As the CEQ 2016 GHG guidance states, "Agencies should not limit themselves to calculating a proposed action's emissions as a percentage of sector, nationwide, or global emissions in deciding whether or to what extent to consider climate change impacts under NEPA."[2] Project-level GHG emissions have incremental impacts that are important to consider and mitigate or avoid; the percentage comparisons in the Draft EIS diminish their significance. Instead, EPA recommends that the Final EIS include a detailed discussion of the project's GHG emissions in the context of national and international

FA1-4 Response: Percentage comparisons to national and state emissions were removed from the final EIS. Section 4.12 of the EIS was revised to apply the Commission's Interim Policy Statement on "Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews." See section 4.12.

FA1-5	GHG emissions reduction goals, including the U.S. 2030 Paris GHG reduction target and 2050 net-zero pathway. This discussion should address the increasing conflict over time between continued GHG emissions and GHG emissions reduction goals over the project lifetime, and ways to avoid or mitigate that conflict. This alternative approach would provide decisionmakers and the public essential context regarding the project's GHG emissions over time, and disclose options for conformance with essential emissions reduction policies. The context should not be limited to consideration of only the project's construction and operational GHGs, but should also include consideration of upstream and downstream emissions. Moreover, this discussion should include, if applicable, downstream emissions resulting from additional exported gas over time. Unlike many environmental problems where the causes and impacts are distributed more locally, climate change is a true global challenge making GHG emissions a global externality. As the Draft EIS indicates, regardless of where they are emitted, GHG emissions contribute to climate change damages around the world – including in the U.S. ***Construction and Operational, Downstream, and Upstream GHG Emissions*** The Draft EIS provides estimated GHG emissions for Project construction and operation as 342.8 tons CO_2e (311 metric tons) and 43 tons CO_2e per year (39 metric tons), respectively. In addition, downstream end-use GHG emissions are disclosed as up to 979,261 metric tons per year. FERC included "for informational purposes only" an estimate of the downstream GHG emissions from the project. EPA believes downstream GHG emissions are reasonably foreseeable and causally related to integral natural gas transportation infrastructure. An estimate of the GHG emissions changes expected from the project provides useful, actionable information to the Commission and public in the face of the climate crisis and national and international GHG reduction policies. EPA recommends the Final EIS provide clarity on whether the GHG emissions calculations are based on an estimate of the additional natural gas produced and transported to markets and/or an estimate of additional natural gas transportation system capacity resulting from the project (i.e., relative to a no action alternative). EPA recommends that FERC also estimate and disclose upstream GHG emissions changes in the Final EIS. Though the originating hydrocarbon resource may not be known, we recommend the Final EIS include a description of regionally-relevant accumulations. Most importantly, GHG impacts do not depend on where emissions occur. As with downstream emissions from combustion, upstream GHG emissions from production are reasonably foreseeable and are causally linked to natural gas transportation infrastructure and capacity for market access. Estimating upstream emissions would provide useful information to the public and decisionmakers as to the scale of the project's indirect impacts and the long-term public interests at stake. FERC can use generic estimates for upstream GHG emissions from natural gas production developed by the Department of Energy's National Energy Technology Laboratory if estimates tied to the regional production basins and extraction technologies are unavailable. Omitting such emissions would result in an underestimation of the proposal's indirect impacts. 	FA1-5 Response: The downstream GHG estimate is based on 100% full burn of the incremental system capacity (50,707 Dth/d) that would be created by construction and operation of the ANR's proposed Project. EPA's estimate of upstream emissions is noted. FERC staff conclude that upstream emissions are not reasonably foreseeable or causally connected to this Project. See section 4.12.

With the information provided in the EIS along with general industry assumptions, we generated an estimate of upstream emissions for this project's scope, and we encourage FERC to include it as the Commissioners are briefed on this project in advance of a pipeline certificate decision. The estimate is 0.15 MMTCO2e/yr. (See Tables 1, 2, and 3 below). For all future projects, we encourage FERC to provide GHG emission calculations and suggest FERC follow a similar or more detailed project-specific calculation process to be able to more comprehensively quantify GHG emissions associated with its projects in the future. We believe that FERC could generate a better estimate by requesting additional project specific information from the applicant. EPA technical experts are available to provide technical support upon request.

Table 1: EPA Estimated Total Upstream Emissions for Wisconsin Access Project:

Key Project Activity Data	
Project will transport 50,707 dekatherms per day natural gas	
179,608,468 hundred cubic feet (cf) natural gas per year (equivalent to 50,707 dekatherms per day)	
Comparable Total U.S. Activity Data	
338,990,210,000 hundred cf dry gas production in the U.S. (EIA)[1]	
Adjustable factor to calculate project emissions from national emissions data[2]	
0.05 %	
	MMTCO2e/yr
Project Upstream Fugitive Emissions (Table 2 Total * Adjustment Factor)	0.08
Project Upstream Combustion Emissions (Table 3 Total * Adjustment Factor)	0.08
Project Total Upstream Emissions	**0.15**

Table 2: Total U.S. Upstream Fugitive (Includes Leaks, Vents, and Flare Emissions) GHG Emissions for Segments Upstream of Transmission for 2019 from U.S. GHG Inventory, in MMTCO2e

		CO_2	**CH_4**	**N_20**	**TOTAL**
U.S.	Exploration	0.2	0.5	0.0	**0.8**
U.S.	Production	11.0	93.7	0.0	**104.7**
U.S.	Processing	24.8	12.4	0.0	**37.2**
U.S.	**TOTAL**	**36.0**	**106.7**	**0.0**	**142.6**

[1] EIA 2021. U.S. Dry Gas Production. https://www.eia.gov/dnav/ng/hist/n9070us2a.htm
[2] Calculated using project projected throughput and EIA dry gas production data

Table 3: EPA Estimated Upstream Combustion Estimates based on US 2019 GHG Emission Estimates for Segments Upstream of Transmission in MMTCO2e

		CO_2	N_2O	**TOTAL**[3]
U.S.	Production	21.3	0.0	**21.3** [4]
U.S.	Gathering & Boosting	66.55	0.04	**66.6** [5]
U.S.	Processing	56.81	0.05	**56.9**[6]
U.S.	**TOTAL**	**114.6**	**0.1**	**144.7**

The total annual upstream GHG estimate for the project was developed by summing an estimate for fugitive (leaks, venting, and flaring) emissions with an estimate of combustion-related emissions. First, total national GHG emissions for natural gas segments upstream of the project (exploration through processing) were taken from the Inventory of U.S. Greenhouse Gas Emissions and Sinks (GHG Inventory).[7] National-level combustion-related GHG estimates for natural gas systems are not available in the GHG Inventory. An estimate for national level combustion related emissions upstream of the project (onshore production, gathering and boosting, and processing) was developed using data from EPA's GHG Reporting Program (GHGRP).[8] Combustion data reported by facilities in that program were scaled up to the national level using comparable approaches to those used in the GHG Inventory. For both fugitive and combustion emissions, the latest estimates available are for the year 2019. To use the estimated national-level values to estimate upstream emissions for this project, EPA compared the total gas transported by this project to the total gas produced in the U.S. in 2019 (the year for which national GHG estimates are developed). The annual quantity of gas expected to be transported by this project is equivalent to 0.05% of the total natural gas produced in the U.S. The value of 0.05% is then applied to the total national sum of estimated upstream fugitive and combustion-related emissions as an adjustment factor to calculate the estimate for annual upstream emissions from this project.

There are several important considerations for using this approach to estimate emissions.

- Regional differences. This approach uses only national averages. There are large regional differences in emissions due to different formation types, technologies, operator practices, state and local regulations, etc.
- Future regulations. This approach uses data from 2019. In 2021, EPA proposed comprehensive regulations that would significantly reduce methane emissions from the oil and gas sector. As this project will be transporting natural gas in future years, an

[3] Combustion CH_4 included in figures in table 2.
[4] Based on scaled up GHGRP data using natural gas production data.
[5] Based on scaled up GHGRP using the scaling process used to calculate national fugitive emissions in the GHG Inventory with GHGRP gathering and boosting data.
[6] Based on scaled up GHGRP using natural gas processing plants from GHG Inventory.
[7] EPA 2021. Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2019. https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks.
[8] EPA 2021. Greenhouse Gas Reporting Program. https://www.epa.gov/ghgreporting.

improved analysis would take the regulations once finalized into account.

FA1-6

Monetizing Impacts from GHG Emissions

As stated in EPA's September 24, 2021 response to FERC's NOI, estimates of the social cost of greenhouse gases (SC-GHG[9]) can be informative for assessing the impacts of GHG emissions and are regularly used to inform decisions like those being considered by FERC. SC-GHG estimates allow analysts to monetize the societal value of changes in carbon dioxide and other GHG emissions, of actions that have small, or marginal, impacts on cumulative global emissions. Estimates of social cost of carbon (SC-CO2) and other greenhouse gases (e.g., social cost of methane (SC-CH_4)) have been used for over a decade in federal analyses, while acknowledging the uncertainties involved and clearly understanding the need for updates over time to reflect evolving science and economics of climate impacts. Even absent a full benefit-cost analysis, where it is possible to develop a reasonable estimate of the net changes in direct and indirect GHG emissions resulting from a proposed project (i.e., relative to a no action alternative), the use of SC-GHG estimates can provide useful information in FERC's environmental review or public interest determination. A discussion of the SC-GHG estimates used in recent federal benefit cost analysis (BCA) can be found in EPA's supporting documents for the Revised Cross-State Air Pollution Rule (CSAPR) Update Rule.[10] Specifically, the estimates used in the BCA of the Revised CSAPR rule are the interim SC-GHG estimates that EPA and other members of the IWG developed under E.O. 13990 for use until an improved estimate of the impacts of climate change can be developed based on the best available science and economics taking into consideration recommendations from the National Academies of Sciences, Engineering, and Medicine (National Academies, 2017).

EPA reiterates our strong recommendation that FERC use SC-GHG estimates to assess climate impacts and help weigh their significance in cost-benefit balancing for a proposed project, which reflect the best available science and methodologies to monetize the value of net changes in direct and indirect GHG emissions resulting from a proposed action to society. EPA recommends that FERC disclose and consider the climate damages from net changes in direct and indirect emissions of CO_2 and other GHGs resulting from a proposed project. To do so, EPA recommends the Final EIS include a breakdown of estimated net GHG emission changes by individual gas, rather than relying on CO_2-equivalent (CO_2e) estimates, and then monetize the climate impacts associated with each GHG using the corresponding social cost estimate (i.e., monetize CH_4 emissions changes expected to occur in 2025 with the social cost of methane (SC-CH_4) estimate for 2025 emissions).[11] When applying SC-GHG estimates, just as with tools to

[9] EPA uses the general term, "social cost of greenhouse gases" (SC-GHG), where possible because analysis of GHGs other than CO_2 are also relevant when assessing the climate damages resulting from GHG emissions. The social cost of carbon (SC-CO_2), social cost of methane (SC-CH_4), and social cost of nitrous oxide (SCN_2O) can collectively be referenced as the SC-GHG.

[10] https://www.epa.gov/sites/production/files/2021-03/documents/revised_csapr_update_ria_final.pdf

[11] Transforming gases into CO_2e using Global Warming Potential (GWP) metrics, and then multiplying the CO_2e tons by the SC-CO_2, is not as accurate as a direct calculation of the social costs of non-CO_2 GHGs. This is because GHGs differ not just in their potential to absorb infrared radiation over a given time frame, but also in the temporal

FA1-6 Response: This comment pre-dates a federal district court's preliminary injunction that limited federal agencies employment of the social cost of GHGs. (*see* Louisiana v. Biden, No. 21-cv-1074-JDC-KK (W.D. La.) (Feb. 11, 2022). See section 4.12.

quantify emissions, FERC should disclose the assumptions (e.g., discount rates) and uncertainties associated with such analysis and the need for updates over time to reflect evolving science and economics of climate impacts.

Additionally, EPA continues to strongly recommend that the Commission consider the recent findings of the D.C. Circuit in *Vecinos Para El Bienestar de la Comunidad Costera v. FERC*, 2021 WL 3354747 (D.C. Cir. Aug. 3, 2021).

The draft EIS reports construction related emissions and direct annual operational emissions of 311 $MTCO_2e$ and 39 $MTCO_2e/yr$ respectively and an upper-bound downstream GHG emissions estimate of 0.98 $MMTCO_2e/yr$.[12] Based on these estimates and the current interim SC-CO_2, the present value of the monetized value of climate impacts associated with the construction and operational emissions (over 2025 to 2050) would be $0.06 million (2020 dollars) and the draft EIS' upper-bound downstream GHG emissions over the same period would be 1.24 billion (2020 dollars).[13] In addition, EPA estimates the present value of climate damages (over 2025–2050) associated with the upstream GHG emissions would be $216 million (2020 dollars). Taken together, these values estimate total climate damages associated with the project of $1.45 billion (2020 dollars) over 2025–2050. It is important to note that more robust estimates of the increase in GHG emissions reflecting the uncertainties discussed above are needed to inform the public and decision makers on the climate damages imposed on society from this project.

FA1-7

GHG Mitigation

Consistent with our September 24 letter, EPA recommends the Final EIS identify practicable energy efficiency measures and project-specific best practices to reduce methane emissions during construction and operations. Wherever appropriate, these measures and practices should be included as recommended project conditions. FERC should also disclose whether all potential mitigation measures have been considered to avoid and minimize impacts related to GHG emissions from the proposed action.

FA1-7 Response: ANR participates in EPA's Methane Challenge Program and the Natural Gas STAR program. The Commission's consideration of additional GHG mitigation in its decision-making process is explained its Interim GHG Policy Statement. See section 4.9.5.

---

pathway of their impact on radiative forcing and in their impacts on physical endpoints other than temperature change, both of which are relevant for estimating their social cost but not reflected in the GWP. See the Interagency Working Group on Social Cost of Greenhouse Gases' February 2021 *Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990* for more discussion and the range of annual SC-CO_2, SC-CH_4, and SC-N_2O estimates currently used in Federal benefit-costs analyses.

[12] The draft EIS states that the downstream emissions estimates assume maximum utilization of additional capacity enabled by the project.

[13] The interim SC-CO_2 estimates are presented and described in detail in the Interagency Working Group on the Social Cost of Greenhouse Gases (IWG) February 2021 Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990, available at: https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf. For the calculations presented in this letter, the SC-CO_2 is applied to all CO_2e emissions changes because the draft EIS does not provide the emissions for each GHG separately. It would be more appropriate to apply the gas-specific social cost estimate to emissions changes of each GHG (i.e., use SC-CO_2 to monetize CO_2 emissions changes, and use SC-CH_4 to monetize CH_4 emissions changes).

	Potential mitigation options to consider, include but are not limited to, methane reduction activities to reduce/minimize pipeline blowdown emissions through a number of technologies and practices such as: • Route gas to a compressor or capture system for beneficial use. • Route gas to a flare. • Route gas to a low-pressure system (by taking advantage of existing piping connections between high- and low-pressure systems, temporarily resetting or bypassing pressure regulators to reduce system pressure prior to maintenance or installing temporary connections between high and low-pressure systems). • Utilize hot tapping, a procedure that makes a new pipeline connection while the pipeline remains in service, flowing natural gas under pressure, to avoid the need to blow down gas. Using these mitigation approaches, Methane Challenge Partners have reported reducing potential emissions from non-emergency blowdowns by roughly 5.9 million metric tons of carbon dioxide equivalent since 2016. Partner companies have also reported implementing leak monitoring and repair programs. These programs often become more effective at detecting leaks with use of advanced technologies and aerial surveys to cover large areas. More information on these and other potential measures may be found at Recommended Technologies to Reduce Methane Emissions | US EPA and Technical Presentations | US EPA.	
FA1-8	***Climate Adaptation and Resilience*** EPA suggests FERC also make climate adaptation and resilience a priority consideration when preparing the Final EIS. The long-lived nature of natural gas infrastructure makes consideration of the ongoing and projected impacts of climate change even more important. It is not sufficient to ensure resilience of the project to risks under current climate conditions. Considering potential climate change impacts helps ensure that investments made today continue to function and provide benefits, even as the climate changes. EPA recommends that FERC specifically discuss how climate resiliency has been considered in the design of the proposed action and alternatives, and any other related measures that may be appropriate for inclusion in the staff conclusion and recommendations section.	FA1-8 Response: We listed some of the existing and potential long-term climate change impacts within the Project area in section 4.12. We note that the Project facilities are proposed in upland areas and not within the 100-year or 500-year floodplains, which would reduce potential impacts on these facilities.
FA1-9	**Air Quality / Noise** EPA recommends the Final EIS confirm that construction and operation of the Project will not change the operations (e.g., number of blowdowns, etc.) at one or more of ANR's compressor stations. In addition, we continue to recommend FERC identify and disclose in the Final EIS any opportunities for project proponents to incorporate mitigation measures to prevent and/or reduce potential impacts to air quality and/or noise impacts associated with Project construction and operation. (See our **Construction Emission Control Checklist** included with our September 24, 2021 letter.)	FA1-9 Response: No changes in the operation of ANR's compressor stations is proposed. Mitigation measures for air quality and noise impacts associated with construction and operation are discussed in section 4.9 and 4.10.

FA1-10	**Environmental Justice)** EPA recommends that any affected communities identified be provided an opportunity to provide input into the remainder of the NEPA process and the project construction timeline. In the Final EIS, include information describing what was or will be done to inform these communities about the project and the potential impacts it will have on their communities (e.g., notices, mailings, fact sheets, briefings, presentations, translations, newsletters, reports, community interviews, surveys, canvassing, telephone hotlines, question and answer sessions, stakeholder meetings, and on-scene information), what input has been received to date from the communities, and how that input was or will be used in decision-making.	FA1-10 Response: See updated discussion in section 4.7.1.
FA1-11	**Technical Corrections** The following recommended technical corrections to the Draft EIS are provided for clarification: • Page 50, 4.12 Climate Change, first paragraph, first sentence, EPA recommends striking "and cannot be characterized by an individual event or anomalous weather pattern" from the sentence. According to USGCRP, high temperature extremes and heavy precipitation events are increasing. These can be viewed as characteristics of a changing climate which can occur as an individual event or anomalous weather patterns. • Page 51, 4.12 Climate Change, first full paragraph, fourth sentence there is a misstatement that "sea level is acidifying". Recommend correcting and simplifying with the USGCRP language of "seas are warming, rising, and becoming more acidic". Additionally, consider using "extreme weather events" instead of "certain weather events" that is currently used in the sentence. • Page 53, last paragraph, recommend including the relevant policy deadlines under E.O. 14008 for carbon-free electricity and net-zero emissions (i.e., 2035 and 2050, respectively), as they are within the project lifetime and relevant to the Commission's NEPA and Natural Gas Act analysis.	FA1-11 Response: See section 4.12 that has been revised with definitions and descriptions that are consistent with the Commission's Interim Policy Statement on "Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews" issued on February 18, 2022 in Docket No. PL21-3-000.

FA2-DOI

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

IN REPLY REFER TO:

January 19, 2022

4112.1
ER 21/0501

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
Mail Code: DLC, HL-11.2
888 First St., NE
Washington, DC 20426

RE: Draft Environmental Impact Statement (DEIS) for the Proposed Wisconsin Access Project, by ANR Pipeline Company (ANR), FERC No. CP21-78-000, Oneida, Marathon, Oconto, and Manitowoc Counties, Wisconsin

Dear Secretary Bose:

The U.S. Department of the Interior (Department) has reviewed the DEIS for the proposed Wisconsin Access Project. The Department does not have comments at this time.

Thank you for the opportunity to comment.

Sincerely,

John V Nelson
Digitally signed by JOHN NELSON
Date: 2022.01.19 11:02:24 -05'00'

John Nelson
Regional Environmental Officer

Electronic distribution: https://ferconline.ferc.gov/

NG1-
Institute
for Policy
Integrity

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Wisconsin Access Project	)	**Docket No. CP21-78-000**
Draft Environmental Impact Statement	)	
	)	

COMMENTS OF THE INSTITUTE FOR POLICY
INTEGRITY AT NEW YORK UNIVERSITY SCHOOL OF LAW

The Institute for Policy Integrity at New York University School of Law (Policy Integrity)[1] respectfully submits this comment letter on the Federal Energy Regulatory Commission's (FERC or the Commission) draft environmental impact statement for the Wisconsin Access Project.[2] Policy Integrity is a non-partisan think tank dedicated to improving the quality of government decisionmaking through advocacy and scholarship in the fields of administrative law, economics, and public policy. Policy Integrity frequently submits comments to federal agencies on the consideration of climate change impacts under the National Environmental Policy Act (NEPA) and the Natural Gas Act (NGA).

As with similar past NEPA analyses, FERC fails to adequately consider climate change impacts caused by the project.[3] Although the environmental impact statement takes the helpful

[1] This document does not purport to represent the views, if any, of New York University School of Law.

[2] Fed. Reg. Energy Comm'n, Wisconsin Access Project Draft Environmental Impact Statement (Docket No. CP21-78-000) (Dec. 2021) [hereinafter DEIS].

[3] *See, e.g.*, Comments of the Inst. for Pol'y Integrity, *Alberta Xpress and Lease Capacity Abandonment Projects Draft Environmental Impact Statement*, Docket Nos. CP20-484 & CP20-286 (Sept. 20, 2021); Comments of the Inst. for Pol'y Integrity, *Evangeline Pass Expansion Project Draft Environmental Impact Statement*, Docket Nos. CP20-50 & CP20-51 (Sept. 7, 2021); Comments of the Inst. for Pol'y Integrity, *North Baja Xpress Project Draft Environmental Impact Statement*, Docket No. CP20-27 (Aug. 30, 2021); Comments of the Inst. for Pol'y Integrity, *East 300 Upgrade Project Draft Environmental Impact Statement*, Docket No. CP20-493 (Aug. 23, 2021); Comments of the Inst. for Pol'y Integrity, *East Lateral Xpress Project Draft Environmental Impact Statement*, Docket No. CP20-527 (Aug. 16, 2021); Comments of the Inst. for Pol'y Integrity, *Iroquois Enhancement by Compression Project Draft Environmental Impact Statement*, Docket No. CP20-48 (Aug. 9, 2021); Comments of the Inst. for Pol'y Integrity, *Marcus Hook Electric Compression Project Draft Environmental Impact Statement*, Docket No. CP21-14 (Aug. 9, 2021).

step of quantifying downstream greenhouse gas emissions, in addition to construction and operational emissions, it nonetheless concludes that FERC staff is "unable to assess the Project's contribution to climate change," and so is "unable to determine significance regarding the Project's impacts on climate change."[4] The draft environmental impact statement also fails to quantify upstream emissions, assess the Project's incremental climate harms, or consider avenues to mitigate its greenhouse gas contributions.

The Commission's approach to assessing climate impacts takes the legally required step of quantifying direct and downstream emissions using some reasonable assumptions. However, the Commission's "eyeball test" fails to meet the Commission's statutory mandate to adequately assess environmental impacts of natural gas projects that it certifies.

This comment letter offers the following points:

FA3-1

- The Commission should quantify upstream greenhouse gas emissions in addition to operational and downstream emissions.
- Application of the social cost of greenhouse gases would enable the Commission to assess the significance of the Project's climate impacts and facilitate the careful balancing that the NGA requires. A Commission analysis was recently rejected by the U.S. Court of Appeals for the District of Columbia Circuit for failing to adequately justify its disregard for the social cost of greenhouse gases, and the Commission's recent objections to the tool are unpersuasive.
- The Commission's approach of comparing the Project's emissions to national and state emission totals and targets does not facilitate meaningful review and can trivialize climate impacts if not properly contextualized.
- The Commission should consider mitigation measures for the Project's greenhouse gas emissions, particularly since it cannot conclude that those emissions are insignificant.

These points amplify the arguments in two comment letters that Policy Integrity filed with the Commission in May 2021 in response to the Commission's Notice of Inquiry regarding

[4] DEIS, *supra* note 2, at 54.

FA3-1 Response: Staff did not identify any upstream GHG emissions that are reasonably foreseeable or that have a reasonably close causal relationship to this proposal. Regarding the social cost of GHGs, a federal district court's preliminary injunction currently limits federal agencies' employment of estimates of the social cost of GHGs. (*see* Louisiana v. Biden, No. 21-cv-1074-JDC-KK (W.D. La.) (Feb. 11, 2022). Comparisons to national and state emission totals and targets were removed from the final EIS. ANR participates in EPA's Methane Challenge Program and the Natural Gas STAR program. The Commission's consideration of additional GHG mitigation in its decision-making process is explained its Interim GHG Policy Statement. See section 4.9.

certification of new interstate natural gas facilities, one of which Policy Integrity filed alone (Solo Comments)[5] and the other it filed with seven other environmental groups (Joint Comments).[6] We attach those comments hereto, along with a 2019 report from Policy Integrity titled *Pipeline Approvals and Greenhouse Gas Emissions*.[7] We also attach Policy Integrity's comments in response to the Commission's Technical Conference on Greenhouse Gas Mitigation, which further discuss the Commission's clear authority to consider greenhouse gas emission and mitigation, and provide best practices for quantifying and monetizing emissions, including reasonable default assumptions.[8]

FA3-2

A. The Commission Should Quantify the Project's Upstream Greenhouse Gas Emissions

Although the draft environmental impact statement takes the helpful step of quantifying both operational and downstream greenhouse gas emissions from the Project, the Commission's analysis overlooks upstream greenhouse gas emissions. In response to a comment from the Environmental Protection Agency that FERC "estimate and disclose upstream [greenhouse gas" emission changes" from the project, the DEIS claims that upstream emissions are not an effect of a project and there it too much uncertainty to accurately predict such emissions.[9] This justification for disregarding upstream emissions mirrors the Commission's bygone justification

FA3-2 Response: Staff did not identify any upstream GHG emissions that are reasonably foreseeable or that have a reasonably close causal relationship to this proposal. See section 4.12.

[5] Comments of the Inst. for Pol'y Integrity, *Certification of New Interstate Natural Gas Facilities*, Docket No. PL18-1 (May 26, 2021) [hereinafter Solo Comments on Notice of Inquiry] (attached).

[6] Comments of Env't Def. Fund et al., *Certification of New Interstate Natural Gas Facilities*, Docket No. PL18-1 (May 27, 2021) [hereinafter Joint Comments on Notice of Inquiry] (attached). This comment letter corrected a prior submission that was timely filed to the same docket on May 26, 2021 (but failed to include one of the signatories, necessitating the correction).

[7] JAYNI HEIN ET AL., INST. FOR POL'Y INTEGRITY, PIPELINE APPROVALS AND GREENHOUSE GAS EMISSIONS (2019) (attached).

[8] Comments of the Inst. for Pol'y Integrity, *Technical Conference on Greenhouse Gas Mitigation: Natural Gas Act Section 3 and Section 7 Authorizations*, Docket No. PL21-3 (Jan. 7, 2022) [hereinafter Policy Integrity Mitigation Conference Comments] (attached).

[9] DEIS, *supra* note 2, at 55 (noting unknown factors including: "the location of the supply source; whether transported gas will come from new or existing production; and whether there will be any potential associated development activities, and if so, its location").

from previous analyses for overlooking downstream emissions, in which the Commission claimed that it could not assess downstream emissions because it lacked precise end-use information. But like with downstream emissions, upstream emissions can also be estimated by applying reasonable default estimates.

For instance, the Environmental Protection Agency (EPA) provides a set of methods and emission factors that can be used to calculate the quantity of greenhouse gases emitted by oil and gas production wells, gathering lines, and processing facilities—which EPA advised the Commission about in 2018 comments to the Notice of Inquiry regarding the policy statement for natural gas infrastructure.[10] Alternatively, and as the EPA recommended in its comments during the scoping phase of the project,[11] the Commission could return to its past practice of using generic estimates for upstream emissions from natural gas production developed by the Department of Energy's National Energy Technology Laboratory and Energy Information Agency.[12] While there is some variation in emission rates among sources, production sources need not be known with certainty in order to be useful in a NEPA analysis or when making a determination that a project is required by the public convenience and necessity. And the Commission must engage in reasonable forecasting of emissions—including using national average or regional average emission rates—when tools are available.[13]

---

[10] Comments of the U.S. Env't Prot. Agency on FERC NOI for Policy Statement on New Natural Gas Transportation Facilities at 2, *Certification of New Interstate Natural Gas Facilities*, Docket No. PL18-01 (June 21, 2018) (discussing EPA regulations at 40 C.F.R. Part 98 Subpart W).

[11] Comments of the U.S. Env't Prot. Agency on the Scoping Phase of the Wisconsin Access Project Draft Environmental Impact Statement at 7, *ANR Pipeline Co.*, Docket No. CP21-78 (Sept. 24, 2021) [hereinafter EPA Scoping Comments] (also noting that "[o]mitting such emissions would result in an underestimation of likely environmental effects").

[12] New Market Project Rehearing Order, 163 FERC ¶ 61,128, at 2–3 & n. 5–6 (LaFleur, Comm'r, dissenting in part) (identifying available tools and previous Commission orders utilizing those tools).

[13] Sierra Club v. Fed. Energy Regul. Comm'n (*Sabal Trail*), 867 F.3d 1357, 1374 (D.C. Cir. 2017) ("NEPA analysis necessarily involves some reasonable forecasting, and that agencies may sometimes need to make educated assumptions about an uncertain future.") (internal quotation marks omitted).

Indeed, other federal agencies have applied reasonable assumptions to assess the upstream emissions from fossil-fuel transmission and transportation projects. For instance, the State Department's 2014 supplemental assessment of the Keystone XL pipeline included direct construction and operating emissions, including fugitive emissions, as well as indirect emissions from production, refining, and combustion of the oil transported by the pipeline.[14] Likewise, the Surface Transportation Board projects direct, upstream, and downstream greenhouse gas emissions for rail lines that regularly transport coal.[15] Following this precedent, the Commission should assess the Project's upstream greenhouse gas emissions and take those emissions into account when assessing whether and on what terms and conditions to approve the Project.

FA3-3

B. The Commission Should Apply the Social Cost of Greenhouse Gases to Assess and Contextualize the Project's Climate Impacts

While the Commission asserts that "staff have not identified a methodology to attribute discrete, quantifiable, physical effects on the environment resulting from the Project's incremental contribution to [greenhouse gases],"[16] the social cost of greenhouse gases offers precisely that tool. In fact, only three pages later in the DEIS, the Commission acknowledges that the social cost of greenhouse gases "constitute[s] a tool that can be used to estimate incremental physical climate change impacts, either on the national or global scale."[17] And as Policy Integrity and numerous other groups explained in the Joint Comments to FERC's Notice of Inquiry, the social cost of greenhouse gases can be applied to fulfill the Commission's duty under the NGA and NEPA to meaningfully assess and weigh climate impacts.[18]

FA3-3 Response: This comment pre-dates a federal district court's preliminary injunction that limited federal agencies employment of the social cost of GHGs. (*see* Louisiana v. Biden, No. 21-cv-1074-JDC-KK (W.D. La.) (Feb. 11, 2022). See section 4.12.

[14] U.S. State Dept., Final Supplemental Environmental Impact Statement for the Keystone XL Pipeline at 4.14-4 (2014), https://2012-keystonepipeline-xl.state.gov/documents/organization/221190.pdf.

[15] HEIN ET AL., *supra* note 7, at 17 (providing examples).

[16] DEIS, *supra* note 2, at 53.

[17] *Id.* at 56.

[18] *See* Joint Comments on Notice of Inquiry, *supra* note 6, at 2–12.

The Commission reiterates past objections to its use of the social cost of greenhouse gases methodology, arguing that the tool "does not meaningfully inform the Commission's decision whether and how to authorize a proposed project under the NGA"; is not relevant because the Commission "does not use monetized cost-benefit analyses as part of the review"; and features "methodological limitations," including "substantial variation in results and no basis . . . to designate a particular monetized value as significant."[19] As detailed below, however, these arguments are also unpersuasive in the context of this Project.[20]

1) The social cost of greenhouse gases contextualizes climate impacts and readily facilitates comparison to other project effects

While the basis for the Commission's first objection is not entirely clear, the social cost of greenhouse gases in fact can meaningfully inform the Commission's decision as to whether and on what terms and conditions to authorize the Project.

For one, the social cost of greenhouse gases allows for a clearer understanding of a project's climate impacts because it captures many important incremental climate impacts and presents them in the common metric of money. The relative significance of, for instance, 20,000 additional tons of carbon dioxide per year versus 2 million additional tons per year may be somewhat challenging to discern because such emission tallies may seem opaque and incommensurate with other project impacts. In contrast, the relative significance of $1 million per year in climate damages versus $100 million per year in climate damages is more salient and easier to discern because it is presented in the common metric of money—a metric that an economic regulator like the Commission is very familiar with and routinely uses to measure

[19] DEIS, *supra* note 2, at 56.

[20] For additional argument as to why the Commission should apply the social cost of greenhouse gases—including responses to other concerns that the Commission has previously expressed—see HEIN ET AL., *supra* note 7, at 37–51.

other project impacts. And because the social cost of greenhouse gases captures so many key climate impacts within a single metric, it allows the Commission (and, importantly, the affected public) to understand the scope of those impacts better than individualized projections of climate impacts (such as temperature increase or sea-level rise) or volumized greenhouse gas emissions standing alone, and can facilitate a more meaningful comparison to monetized project benefits.[21]

Use of the social cost of greenhouse gases can also help facilitate the "hard look" at climate impacts that NEPA requires.[22] Under NEPA, agencies must "consider and disclose the actual environmental effects" of a proposed project in a way that "brings those effects to bear on [the agency's] decisions."[23] As the Commission itself has acknowledged, the social cost of greenhouse gases can assess the actual climate change impacts of a project proposal.[24]

2) The social cost of greenhouse gases is useful outside of formal cost-benefit analysis and can facilitate a rational balancing of beneficial and adverse impacts

While the Commission does not apply formal cost-benefit analysis to assess the Project's merit, it must broadly weigh beneficial and adverse impacts as part of its mandate to promote the "public convenience and necessity."[25] As the U.S. Court of Appeals for the District of Columbia Circuit has explained, the Commission must "balance the public benefits against the adverse effects of the project . . . including adverse environmental effects"—requiring it to fully assess the "environmental effects of pipelines it approves," including climate harms.[26] Because the social cost of greenhouse gases offers a simple and salient metric to comprehend the scope of the

[21] For further detail, see Joint Comments on Notice of Inquiry, *supra* note 6, at 8–12.

[22] *See generally* Balt. Gas & Elec. Co. v. Nat. Res. Def. Council, 462 U.S. 87, 97 (1983) (mandating "hard look" assessment under NEPA).

[23] *Id.* at 96.

[24] *See supra* note 17 and accompanying text.

[25] 15 U.S.C. § 717f(e).

[26] Sierra Club v. Fed. Energy Regul. Comm'n (*Sabal Trail*), 867 F.3d 1357, 1373 (D.C. Cir. 2017) (internal quotation marks omitted).

Project's climate harms—and is presented in a unit (dollar values) that mirrors the unit used for other economic considerations the Commission weighs—it can inform a determination of public convenience and necessity even if it is not incorporated into a formal cost-benefit analysis.[27]

Applicable NEPA regulations confirm that even if the Commission does not monetize all other Project impacts, the social cost of greenhouse gases can still constitute the best method to assess the significance of the Project's climate-related impacts. Specifically, these regulations provide that when monetization of costs or benefits is "relevant to the choice among environmentally different alternatives," that analysis can be presented alongside "any analyses of unquantified environmental impacts, values, and amenities."[28] In other words, contrary to FERC's suggestion, the inability or unwillingness to monetize some impacts does not preclude the monetization of other impacts—like climate damages—that can be readily monetized.

3) The social cost of greenhouse gases is rigorous and reliable

While the Commission's last objection to the social cost of greenhouse gases emphasizes supposed "methodological limitations" such as "substantial variation in results" depending on the discount rate and a lack of basis "to designate a particular monetized value as significant,"[29] this too misses the mark.

While it is true that different discount rates introduce the possibility of varying social cost values, the Interagency Working Group on the Social Cost of Greenhouse Gases (Working Group) has endorsed the use of a 3% discount rate as a central value, and agencies have frequently relied on that discount rate in assessing the climate cost or benefit of a proposed

[27] *Accord* EPA Scoping Comments, *supra* note 11, at 8 ("[E]ven absent a full monetary benefit-cost analysis, SC-GHG estimates can be informative for project level analysis and are regularly used to inform decisions like those being considered by FERC by incorporating the impacts of GHG emissions.").

[28] 40 C.F.R. § 1502.22.

[29] DEIS, *supra* note 2, at 56.

action, including non-regulatory actions.[30] Thus, while the Commission could apply the Working Group's full range of social cost values at different discount rates, it could alternatively conduct a single analysis using only the central value if it finds that approach more useful.[31] Note that the Working Group is currently in the process of updating its social cost of greenhouse gases valuations to incorporate the most up-to-date science and economics;[32] if it revises its recommended central discount rate as part of that update, the Commission and other agencies should follow suit.

While the Commission is also correct that the social cost of greenhouse gases does not itself "designate a particular monetized value as significant,"[33] this is not a modeling limitation because assessing significance is a legal conclusion that requires reasoned judgment by the Commission.[34] All environmental and economic impacts present the same line-drawing challenge in this regard, yet this has not prevented the Commission from assessing the significance of non-monetized environmental impacts, nor has it prevented the Commission from assessing the significance of monetized values when it comes to a proposal's beneficial economic impacts. To the contrary, on numerous occasions the Commission has labeled

---

[30] *See, e.g.*, Bureau of Land Mgmt., Environmental Assessment for Little Willow Creek Protective Oil and Gas Leasing 81 (DOI-BLM-ID-B010-2014-0036-EA) (Feb. 10, 2015) (using central 3% value to calculate climate harms from oil and gas lease sale); *see also* Peter Howard & Jason A. Schwartz, *Think Global: International Reciprocity as Justification for a Global Social Cost of Carbon*, 42 COLUM. J. ENV'T L. 203, 270–84 (2017) (listing all uses of social cost of greenhouse gases by federal agencies through mid-2016, `including eight assessments conducted under NEPA).

[31] *See* Vecinos para el Bienestar de la Comunidad Costera v. Fed. Energy Regul. Comm'n, 6 F.4th 1321, 1329 (D.C. Cir. 2021) (explaining that FERC could "cho[ose] a discount rate according to recommendations by the Office of Management and Budget in 2013, see Off. of Mgmt. & Budget, Office of the President, OMB Circular A–4, at 30–35, or else used a range of rates, and articulated its own criteria for assessing the significance of the projected costs of the projects' greenhouse gas emissions.").

[32] The Working Group is expected to release updated estimates later this year.

[33] DEIS, *supra* note 2, at 56.

[34] Spiller v. White, 352 F.3d 235, 244 n.5 (5th Cir. 2003) ("[D]etermining whether significance exists inherently involves some sort of a subjective judgment call."); *see also* 40 C.F.R. § 1501.3(b) ("In considering whether the effects of the proposed action are significant, agencies shall analyze the potentially affected environment and degree of the effects of the action.").

monetized economic impacts of roughly $8–$20 million as "significant," despite the lack of either clear precedent or a purely objective basis for concluding as such.[35] To facilitate an evenhanded and consistent comparison, the Commission should do the same with monetized climate costs. Even smaller damage estimates could be relevant to assess whether and on what terms to approve a certificate application, particularly where estimated project benefits are relatively minor.[36]

In this case, the Project's climate impacts from operational and downstream emissions, assuming full burn (i.e., all the gas transported is eventually combusted),[37] total over $54.84 million in climate damage costs per year, according to the Working Group's central estimate of

[35] Joint Comments on Notice of Inquiry, *supra* note 6, at 14–15.

[36] For further detail, see *id.*

[37] The Commission recently held a Technical Conference, which included discussion of the use of reasonable default assumptions. As explained in Policy Integrity's Post-Technical Conference comments, FERC should prescribe reasonable default estimates in quantifying emissions for use in both the Commission's NGA assessment and NEPA review. Project applicants or other stakeholders may be able to provide more accurate project-specific information, but they should retain the burden for providing and demonstrating the validity of that information. *See* Policy Integrity Mitigation Conference Comments, *supra* note 8, at 13–22.

Use of a full burn assumption continues to be a reasonable default upper-bound estimate. It has several advantages, including that it places the burden on the applicant to how that utilization will be less than 100%. Its use can therefore help counteract misaligned incentives that may cause an applicant to overstate the expected capacity demand when justifying the project under Section 7. *See id.* at 14–15. While use of the full burn assumption would be reasonable and legally defensible, there may be other reasonable values that the Commission could apply as the default estimate for downstream emissions. Tennessee Gas recently argued the Commission should use the average utilization rate of the relevant market area. Comments of Tennessee Gas Pipeline Co. on Draft Environmental Impact Statement at 8, *Tenn. Gas Pipeline Co., L.L.C.*, Docket No. CP20-493 (Aug. 23, 2021). Panelists at the technical conference also provided other options, including a maximum reasonable utilization rate, relying on national averages. *See, e.g.*, Comments of Susan F. Tierney, Ph.D., Sr. Advisory Analysis Grp., Panel 1: The Level of Mitigation for Proposed Project's Reasonably Foreseeable Greenhouse Gas Emissions at 9, *Technical Conference on Greenhouse Gas Mitigation Natural Gas Act Sections 3 and 7 Authorizations*, Docket No. PL21-3 (Nov. 12, 2021). These values may also be sensible estimates, and FERC should investigate whether they should be used in quantifying downstream emissions.

Policy Integrity agrees that where an applicant provides project-specific information that can facilitate a more precise and accurate calculation of downstream emissions, potentially including the utilization rate, the Commission should use that information in its environmental impact statement. However, the burden must be on the applicant to provide sufficient evidence of the utilization rate to be used and to adequately justify its use in estimating emissions. In the absence of such information, a full burn assumption remains an appropriate upper-bound assumption. *See* Policy Integrity Mitigation Conference Comments, *supra* note 8, at 18–29. And the Commission should ensure that any project-specific information aligns with information provided to justify project need. *Id.* at 20–22. In other words, if the project's emission impacts are limited, then its need may be, too.

the social cost of greenhouse gases[38]—meaning that the Project could cause between $548 million and $822 million in climate costs over the ten- and fifteen-year precedent agreements underlying it.[39] Accordingly, the Commission should strongly consider deeming the Project's greenhouse gas emissions to be significant.

4) The social cost of greenhouse gases is a research method generally accepted in the scientific community, thus meriting usage under 40 C.F.R. § 1502.21

When an agency is unable to obtain sufficient "information relevant to" assess "reasonably foreseeable significant adverse impacts," as the Commission believes may be the case here with climate impacts, it must perform an "evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community."[40] The social cost of greenhouse gases, as a research method that is "generally accepted in the scientific community," meets that standard and thus further merits use.

The Working Group's methodology and valuations have been repeatedly endorsed by independent reviewers, demonstrating its general acceptance in the scientific community. A few examples are particularly notable. In 2014, the U.S. Government Accountability Office

---

[38] The Project will contribute up to 979,304 million metric tons of carbon dioxide equivalent per year in operational and downstream emissions, including for capacity destined for the domestic market. DEIS, *supra* note 2, at 52-53 . According to the latest estimates from the Interagency Working Group on the Social Cost of Greenhouse Gases, the central value (i.e., using a 3% discount rate) of the social cost of carbon for 2025 emissions is $56. INTERAGENCY WORKING GRP. ON THE SOC. COST OF GREENHOUSE GASES, TECHNICAL SUPPORT DOCUMENT: SOCIAL COST OF CARBON, METHANE, AND NITROUS OXIDE – INTERIM ESTIMATES UNDER EXECUTIVE ORDER 13,990, at 5 (2021) [hereinafter IWG TECHNICAL SUPPORT DOCUMENT]. $56 multiplied by 979,304 million equals approximately $54.84 million.

[39] ANR's application indicates that the company has signed precedent agreements ranging from 10 to 15 years. ANR Pipeline Co., Abbreviated Application for a Certificate of Public Convenience and Necessity and for Related Authorizations for the Wisconsin Access Project at 10 (Mar. 12, 2021). Assuming a consistent utilization rate, using the social cost of greenhouse gases of $56 per metric ton, we calculate that 929,304 million metric tons of CO_2e per year of downstream emissions and operational emissions over 10 years would lead to $548.4 million in climate damages and over 15 years would lead to $822.6 million in climate damages.

We further note that the social cost of carbon increases each year, so this is an underestimate and represents the climate damages the project would cause only if the social cost of carbon were worth $56 every year from 2025 forward. However, for year 2045 emissions, for example, the social cost of carbon is $79/metric ton. In a full cost-benefit analysis, the project lifetime climate damages total would be discounted back to present value.

[40] 40 C.F.R. § 1501.21(c)(4).

concluded that the Working Group had followed a "consensus-based" approach, relied on peer-reviewed academic literature, disclosed relevant limitations, and adequately planned to incorporate new information through public comments and updated research.[41] In 2016 and 2017, the National Academies of Sciences, Engineering, and Medicine issued two reports that, while recommending future improvements, supported continued agency use of the Working Group's estimates.[42] Leading economists and climate policy experts have also endorsed the Working Group's values as the best available estimates.[43] And the U.S. Court of Appeals for the Seventh Circuit has upheld agency reliance on the Working Group's valuations.[44]

A ruling last summer from the U.S. Court of Appeals for the District of Columbia Circuit further supports the applicability of this provision to the social cost of greenhouse gases.[45] As the Court explained, this regulation "appears applicable on its face" to the social cost methodology,[46] and may indeed "obligate[]" FERC "to use the social cost of carbon protocol" in its environmental impact statements, notwithstanding the Commission's various concerns about the methodology.[47] At the very least, the Commission should "explain whether 40 C.F.R. § 1502.21(c) calls for it to apply the social cost of carbon protocol or some other analytical

---

[41] GOV'T ACCOUNTABILITY OFF., GAO-14-663, REGULATORY IMPACT ANALYSIS: DEVELOPMENT OF SOCIAL COST OF CARBON ESTIMATES 12–19 (2014), http://www.gao.gov/assets/670/665016.pdf.

[42] NAT'L ACAD. SCI., ENGINEERING & MED., VALUING CLIMATE DAMAGES: UPDATING ESTIMATION OF THE SOCIAL COST OF CARBON DIOXIDE 3 (2017), https://www.nap.edu/read/24651/chapter/1; NAT'L ACAD. SCI., ENGINEERING & MED., ASSESSMENT OF APPROACHES TO UPDATING THE SOCIAL COST OF CARBON: PHASE 1 REPORT ON A NEAR-TERM UPDATE 1–2 (2016), https://www.nap.edu/read/21898/chapter/1.

[43] *See, e.g.*, Richard Revesz et al., *Best Cost Estimate of Greenhouse Gases*, 357 SCI. 655 (2017); Michael Greenstone et al., *Developing a Social Cost of Carbon for U.S. Regulatory Analysis: A Methodology and Interpretation*, 7 REV. ENV'T ECON. & POL'Y 23, 42 (2013); Richard L. Revesz et al., *Global Warming: Improve Economic Models of Climate Change*, 508 NATURE 173 (2014) (co-authored with Nobel Prize winner Kenneth Arrow) (explaining that the Working Group's values, though methodically rigorous and highly useful, are very likely underestimates).

[44] Zero Zone v. Dept. of Energy, 832 F.3d 654, 679 (7th Cir. 2016).

[45] Vecinos para el Bienestar de la Comunidad Costera v. Fed. Energy Regul. Comm'n, 6 F.4th 1321, 1328–30 (D.C. Cir. 2021).

[46] *Id.* at 1329.

[47] *Id.*

framework, as 'generally accepted in the scientific community' within the meaning of the regulation, and if not, why not."[48] The Commission has not done so here.

In light of the information in these comments and the attached documents—and the broad consensus that the Working Group's social cost valuations offer a rigorous and reliable approach to assess a project's incremental climate impacts—the Commission should now apply the social cost of greenhouse gases to assess the Project's climate effects.

FA3-4

C. The Commission's Approach of Comparing Project Emissions to Geographic Targets and Inventories Can Misleadingly Trivialize Climate Impacts if Not Properly Contextualized

While the Commission attempts to contextualize the Project's greenhouse gas emissions by comparing them to national and state emission totals and state emission targets,[49] this approach offers limited insights about the Project's climate impacts (particularly compared to using the social cost of greenhouse gases) and can misleadingly trivialize those impacts.[50]

Comparing a project's greenhouse gas emissions to geographic climate targets or inventories frequently makes large quantities of emissions from an individual project seem relatively small. As one federal court recently recognized, "[t]he global nature of climate change and greenhouse-gas emissions means that any single . . . project likely will make up a negligible

FA3-4 Response: Comparisons to national and state emission totals and state emission targets was removed from the final EIS. See section 4.12.

[48] *Id.*

[49] DEIS, *supra* note 2, at 54.

[50] For further detail, see Joint Comments on Notice of Inquiry, *supra* note 6, at 9–11. The EPA likewise recommends the Commission follow the Council on Environmental Quality's (rescinded but currently under review) 2016 guidance on the consideration of greenhouse gas emissions under NEPA, which states that agencies "should not limit themselves to calculating a proposed action's emissions as a percentage of sector, nationwide, or global emissions," and further recommends that any discussion of the project's emissions in the context of national and state emission goals be expanded to "consider the U.S. Paris 2030 GHG reduction target and 2050 net-zero pathway," and "should address the increasing conflict over time between continued GHG emissions and GHG emission reduction goals over the project lifetime." EPA Scoping Comments, *supra* note 11, at 2 (citing Memorandum from Council on Env't Quality, Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews 11 (issued Aug. 1, 2016; withdrawn Apr. 5, 2017; under review Feb. 19, 2021, for revision and update)).

percent of state and nation-wide greenhouse gas emissions."[51] Yet while agencies assessing percentage comparisons of greenhouse gas emissions should recognize this phenomenon and adjust their standards accordingly, agencies in the past have frequently fallen victim to probability neglect—the cognitive tendency to improperly trivialize small probabilities.[52] In other words, agencies all too often fail to recognize, as one federal court explained, that even a seemingly "very small portion of a gargantuan source of . . . pollution" may "constitute[] a gargantuan source of . . . pollution on its own terms."[53]

In the draft environmental impact statement, for instance, the Commission concludes that the Project's operational and downstream emissions could increase national carbon dioxide emissions by up to 0.017% from 2019 levels.[54] While this number may seem like a negligible contribution at a quick glance, contextualizing the Project's annual greenhouse gas emissions as contributing roughly $55 million in annual climate damage costs—as application of the social cost of greenhouse gases would reveal[55]—demonstrates the fallacy of that conclusion.

The draft environmental impact statement also estimates that the Project's construction and combined operational and downstream emissions would increase energy-related emissions in Louisiana by 0.003% and 0.96%, respectively.[56] Once again, the Commission presents the Project's greenhouse gas emissions in such a way that diminishes their significance.

Comparing project emissions to state and national totals and targets does not provide a clear picture of a pipeline's climate impacts, and has been used by the Commission to trivialize significant climate harms. The Commission also selectively applies this percentage-comparison

[51] *WildEarth Guardians v. Bureau of Land Mgmt.*, 457 F. Supp. 3d 880, 894 (D. Mont. 2020).
[52] *See* Cass R. Sunstein, *Probability Neglect: Emotions, Worst Cases, and Law*, 112 YALE L.J. 61 (2002).
[53] *Sw. Elec. Power Co. v. EPA*, 920 F.3d 999, 1032 (5th Cir. 2019) (internal quotation marks omitted).
[54] DEIS, *supra* note 2, at 54.
[55] *See supra* note 38 and accompanying text.
[56] DEIS, *supra* note 2, at 54.

approach to greenhouse gas emissions. Other quantified impacts, such as payroll or employment projections, could also be presented as miniscule percentages of global, national, or statewide totals. By presenting greenhouse gas emissions as small percentages of larger totals, while measuring other impacts without resorting to this misleading approach, the Commission makes it difficult to accurately balance project impacts. Use of a more objective standard to measure a project's climate impacts is preferable to the Commission's approach of eyeballing a project's significance through percentage comparison to geographic totals and targets.[57]

FA3-5

D. The Commission Should Consider Measures to Mitigate the Project's Greenhouse Gas Emissions and Climate Impacts

Despite failing to rule out the possibility that the Project will cause substantial harm by exacerbating climate change, the Commission does not consider any mitigation measures with respect to greenhouse gas emissions. The Commission should not approve the Project without first considering measures to mitigate its climate impacts.

There are many greenhouse gas mitigation measures that the Commission could implement through its power to impose certificate terms and conditions. As Policy Integrity previously explained, the Commission could require mitigation measures such as "minimizing leakage and mandating energy efficiency at natural gas facilities (for direct emissions) and attaching conditions that limit the quantity of gas transported through a pipeline or the time period over which the pipeline operates (for indirect emissions)."[58] For unavoidable emissions that remain after avoidance and minimization measures have been imposed, the Commission could require the applicant to offset the project's emissions as a form of compensatory

[57] *See Freeport LNG Development, L.P.*, 175 FERC ¶ 61,237, at PP 1–2 (June 21, 2021) (Danly, Comm'r, concurring in part and dissenting in part).

[58] Solo Comments on Notice of Inquiry, *supra* note 5, at 15.

FA3-5 Response: The Commission's consideration of GHG mitigation is addressed in the Interim Policy Statement on "Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews." The Commission has stated it will consider proposals by project sponsors to mitigate all or part of their projects' climate change impacts, and the Commission may condition its approval on further mitigation of those impacts. We note these policy decisions are pending at the time of this EIS publication, and their resolution is beyond the scope of staff's NEPA review in this proceeding. See section 4.12.

mitigation.[59] Other government agencies, including the California Air Resources Board and the Regional Greenhouse Gas Initiative, administer successful carbon offset programs to which the Commission could look for guidance.[60]

The Commission's failure to even consider mitigation measures for greenhouse gas emissions stands in stark contrast to its treatment of other potential adverse Project impacts. The draft environmental impact statement outlines several mitigation measures that the Commission would impose for other Project impacts.[61] It is not clear why the Commission fails to consider similar mitigation measures with respect to climate change, particularly since climate impacts are the only environmental effects that the Commission does not conclude are insignificant.

CONCLUSION

While the Commission's quantification of downstream emissions represents a step forward, the Commission continues to subject climate impacts to a different standard than other Project impacts by refusing to assess their significance, disregarding the best available tool to contextualize their impacts, and overlooking reasonable mitigation measures. The Commission should further assess the Project's climate impacts and carefully weigh those effects in assessing whether and on what terms and conditions to approve the Project.

[59] For further detail on both the logistics of and legal precedent for carbon offsets, see *id.* at 14–27.

[60] *See Compliance Offset Protocols*, CAL. AIR RES. BD., https://ww2.arb.ca.gov/our-work/programs/compliance-offset-program/compliance-offset-protocols; *Offsets*, REGIONAL GREENHOUSE GAS INITIATIVE, https://www.rggi.org/allowance-tracking/offsets; *see also* U.S. GOV'T ACCOUNTABILITY OFF., GAO-11-345, CLIMATE CHANGE ISSUES: OPTIONS FOR ADDRESSING CHALLENGES TO CARBON OFFSET QUALITY 1–2 (2011), https://perma.cc/QHN5-DYJ5 (discussing various types of offset projects including forestation, carbon capture, and installation of energy-efficient equipment).

[61] DEIS, *supra* note 2, at 57–60.

Respectfully submitted,

/s/ Sarah Ladin
Sarah Ladin
Attorney
Institute for Policy Integrity
at NYU School of Law
139 MacDougal St., 3rd Fl.
New York, NY 10012
sarah.ladin@nyu.edu

/s/ Iliana Paul
Iliana Paul
Senior Policy Analyst
Institute for Policy Integrity
at NYU School of Law
139 MacDougal St., 3rd Fl.
New York, NY 10012
iliana.paul@nyu.edu

/s/ Max Sarinsky
Max Sarinsky
Senior Attorney
Institute for Policy Integrity at
NYU School of Law
139 MacDougal St., 3rd Fl.
New York, NY 10012
max.sarinsky@nyu.edu

Dated: January 24, 2022

Enclosed:

1) Env't Def. Fund et al., New Information and Additional Perspectives on Using the Social Cost of Greenhouse Gases to Weigh Climate Impacts in the Certification of New Interstate Natural Gas Facilities (May 27, 2021)

2) Inst. for Pol'y Integrity, Comments on Certification of New Interstate Natural Gas Facilities (May 26, 2021)

3) Jayni Hein et al., Inst. for Pol'y Integrity, *Pipeline Approvals and Greenhouse Gas Emissions* (2019)

4) Inst. for Pol'y Integrity, Post-Technical Conference Comments on Greenhouse Gas Mitigation (2022)

AP1-ANR		AP1 Response: The EIS has been updated with the supplemental information provided by ANR.

January 24, 2022

ANR Pipeline Company
700 Louisiana Street, Suite 1300
Houston, TX 77002-2700

David A. Alonzo
Manager, Project Authorizations

tel 832.320.5477
email david_alonzo@tcenergy.com
web www.tcenergy.com

The Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Via electronic filing

Re: ANR Pipeline Company
Docket No. CP21-78-000
Wisconsin Access Project
Response to Draft Environmental Impact Statement Issued December 3, 2021

Dear Ms. Bose:

On March 12, 2021, ANR Pipeline Company ("ANR") filed an abbreviated application with the Federal Energy Regulatory Commission ("FERC" or "Commission") requesting the authority necessary to implement the Wisconsin Access Project ("Project"). On December 3, 2021, the Commission staff, issued its Draft Environmental Impact Statement ("DEIS") for the Project.[1]

ANR hereby submits supplemental information to provide a response to DEIS Condition No. 12. Additionally, ANR is providing an updated Permit Table reflecting the status of all permits for the Project.

Pursuant to 18 C.F.R. § 385.2010 of the Commission's regulations, a copy of this letter is being served to each person whose name appears on the official service list for this proceeding.

Pursuant to 18 C.F.R. § 385.2005 of the Commission's regulations, the undersigned states that he has read this filing and knows its contents, and the contents are true as stated, to the best of his knowledge, information and belief based on representations by ANR personnel. The undersigned possesses full power and authority to sign such filing.

Please direct any questions regarding this submission to Bobby Revenaugh at 832.320.5642 or Brooke McCallum at 832.320.5829.

Respectfully submitted,

/s/ David A. Alonzo

David A. Alonzo
Manager, Project Authorizations

Attachment

cc: Dawn Ramsey, FERC Project Manager (w/ attachment)
All parties of record (cover letter only)

[1] Draft Environmental Impact Statement for the Wisconsin Access Project, Docket No. CP21-78-000 (issued Dec. 3, 2021 ("December 3 DEIS").

List of Environmental Permits, Approvals, and Consultations
Wisconsin Access Project
January 2022

Agency	Permit/Approval/Consultation	Submittal Date	Approval Date/ (Anticipated Approval Date)
Federal			
Federal Energy Regulatory Commission	Certificate of Public Convenience and Necessity under Section 7(b) and 7(c) of the NGA	March 2021	(June 2022)
US Fish and Wildlife Service	Consultation- ESA Section 7	December 2020	January 2021
Wisconsin State Historic Preservation Office	Consultation- NHPA Section 106	December 2020	January 2021
NRCS Oneida County Service Center	Consultation-Seed Mix	January 2021	No response
NRCS Oconto County Service Center	Consultation- Seed Mix	January 2021	No response
NRCS Rhinelander County Service Center	Consultation- Seed Mix	January 2022	January 2022

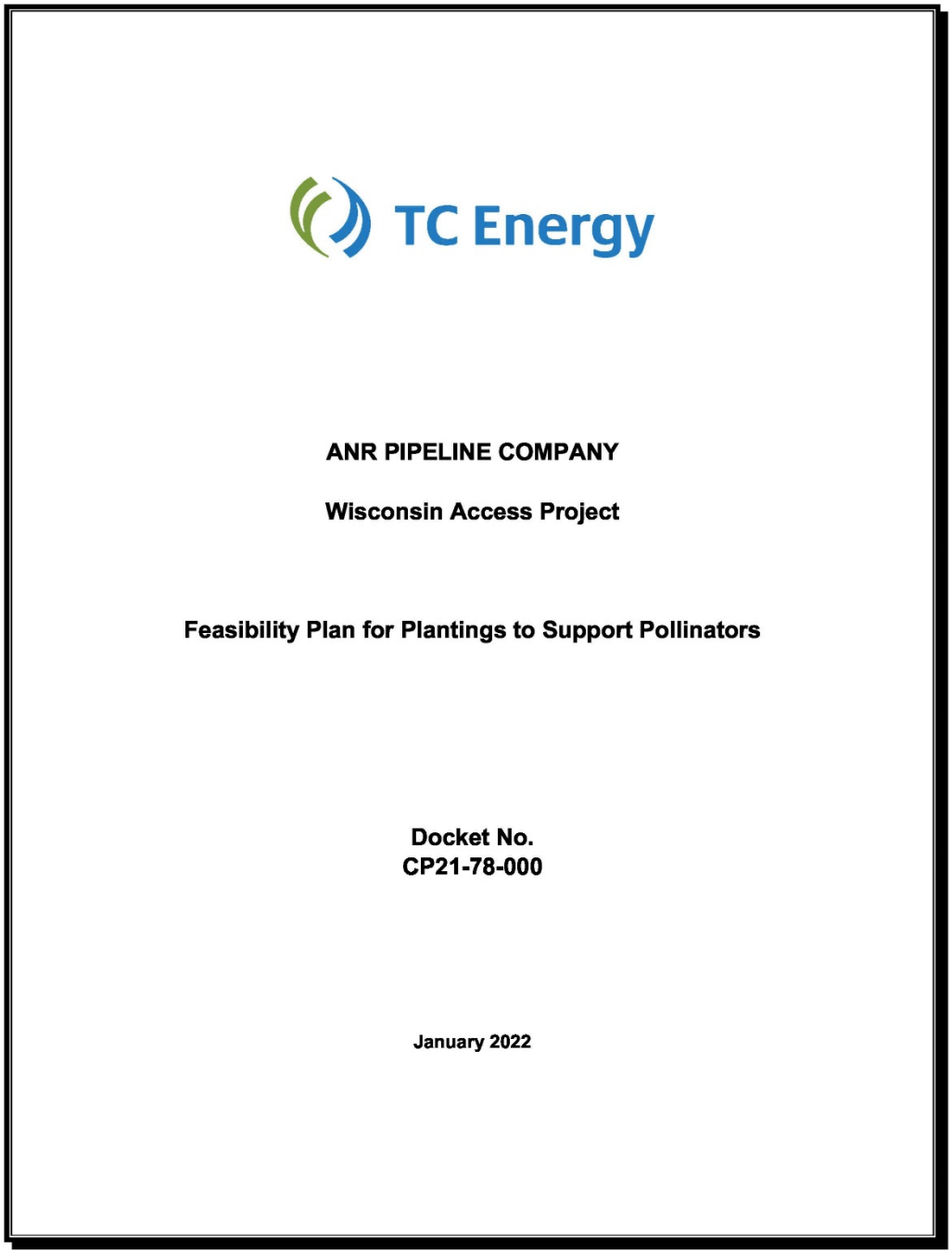

TC Energy
ANR PIPELINE COMPANY
Wisconsin Access Project
Feasibility Plan for Plantings to Support Pollinators
Docket No.
CP21-78-000
January 2022

TABLE OF CONTENTS

ACRONYMS AND ABBREVIATIONS

ANR	ANR Pipeline Company
ECS	Environmental Construction Standards
PLS	Pure Live Seed
Project	Wisconsin Access Project
PWS	Permanent Workspace
TWS	Temporary Workspace

1.0 INTRODUCTION

ANR Pipeline Company (ANR), a wholly owned subsidiary of TC Energy Corporation, is seeking a Certificate of Public Convenience and Necessity from the Federal Energy Regulatory Commission under Section 7(c) of the Natural Gas Act, authorizing its Wisconsin Access Project (Project). Upon completion, the proposed Project will increase the capacity of ANR's existing meter facilities to provide firm transportation service of 50,707 dekatherms per day into the northeastern Wisconsin market area.

In order to facilitate an increase in firm capacity in the Wisconsin area, effectuated through modifications to ANR's engineering models, ANR is proposing to upgrade equipment at seven meter stations in northeastern Wisconsin through replacement of some metering and filtering equipment, installation of additional metering equipment, and replacement of two meter station buildings. The majority of the new and replacement equipment and buildings will be contained within the existing meter station fence lines with the exception of small amounts of temporary workspace (TWS) required at the Coleman, Meeme, Mosinee, Rhinelander, Suring, and Two Rivers meter stations, and a small amount of TWS and new permanent workspace (PWS) at the Lena Meter Station (see Figures 1 – 7). Upon completion of the Project, the meter stations will have increased capability to meet the growing natural gas demand of the region.

The purpose of this plan is to examine the feasibility of performing plantings and seedings beneficial to pollinator species at Project locations.

2.0 PROPOSED PROJECT LOCATIONS

2.1 COLEMAN METER STATION

The Coleman Meter Station is associated with ANR Mainline 227 and ANR Lateral 376. It is located in a rural area in Oconto County, adjacent to U.S. Highway 141, approximately 32.5 miles north of Green Bay. The meter station is located on Kottke Lane, an access road to U.S. Highway 141, and is located adjacent to an agricultural field, a railroad track, and three farmsteads.

Construction will require approximately 0.2 acre of TWS, which will be located to the west and south of the meter station in graveled areas. There will be no increase in the 0.3-acre PWS within the existing fence line. The TWS is located on land owned by ANR.

2.2 LENA METER STATION

The Lena Meter Station is associated with ANR Mainline 227 and ANR Lateral 265. It is located in a rural area in Oconto County, adjacent to U.S. Highway 141, approximately 30.0 miles north of Green Bay, 0.6 mile south of the Village of Lena, and 2.8 miles south of the Coleman Meter Station. The meter station is located on Old State Highway 141 and is adjacent to a sod farm and multiple residences, businesses, and farmsteads.

Construction will require approximately 0.7 acre of TWS, portions of which will be located on private land not owned by ANR that surrounds the existing meter station fence line and is made up of graveled and mowed areas. An additional 1,290 square feet (less than 0.1 acre) of PWS will be necessary to accommodate the new meter station equipment by extending the fence line approximately 10 feet to the north onto private land that is currently in acquisition negotiations.

2.3 MEEME METER STATION

The Meeme Meter Station is associated with ANR Mainlines 301/1, 301/2, and 301, and ANR Laterals 380/1, 380/2, and 380. It is located in an agricultural area in Manitowoc County, approximately 2.0 miles west of Interstate 43, and approximately 43.0 miles south of Green Bay. The meter station is located on North Avenue adjacent to a large cattle farm.

Construction will require approximately 1.0 acre of TWS, which will be located to the north of the meter station in grassed and graveled areas. There will be no increase in the 0.9-acre PWS within the existing fence line. The TWS is located on land owned by ANR.

2.4 MOSINEE METER STATION

The Mosinee Meter Station is associated with ANR Mainlines 228 and 1-228, and ANR Lateral 366. It is located in a commercial/industrial area in Marathon County, approximately 0.5 mile east of the intersection of Interstate 39 and State Highway 153 and is approximately 84 miles west-northwest of Green Bay. The meter station is located on Golf Club Boulevard, approximately 0.1 mile north of State Highway 153, and is surrounded by residences along State Highway 153 and large industrial buildings along Golf Club Boulevard.

Construction will require approximately 0.2 acre of TWS, which will be located to the west of the meter station in graveled areas. There will be no increase in the 0.2-acre PWS within the existing fence line. The TWS is located on land owned by ANR.

2.5 RHINELANDER METER STATION

The Rhinelander Meter Station is associated with ANR Mainline 228 and ANR Laterals 395 and 396. It is located in a commercial/industrial area in Oneida County, adjacent to U.S. Highway 8, approximately 1.8 miles west of the City of Rhinelander and approximately 104 miles northwest of Green Bay. The meter station is located in a forested area on South River Road, between U.S. Highway 8 and the Wisconsin River.

Construction will require approximately 0.7 acre of TWS, which will be located to the north, west, and south of the meter station in graveled, grassed, and forested areas. There will be no increase in the 0.2-acre PWS within the existing fence line and the 0.2-acre (9,250 square foot) forested area will be restored and allowed to return to native vegetation. The TWS is located on land owned by ANR.

2.6 SURING METER STATION

The Suring Meter Station is associated with ANR Mainline 227 and ANR Lateral 237. It is located in a rural area in Oconto County, on County Road M approximately 1.3 miles east of the Village of Suring and 37.4 miles north of Green Bay. The meter station is located adjacent to an agricultural field and three farmsteads.

Construction will require approximately 0.4 acre of TWS, which will be located to the south of the meter station in a graveled area. There will be no increase in the 0.3-acre PWS within the existing fence line. The TWS is located on land owned by ANR.

2.7 TWO RIVERS METER STATION

The Two Rivers Meter Station is associated with ANR Mainlines 301/1, 301/2, and 301, and ANR Laterals 380/1, 380/2, and 380. It is located in an urban area in Manitowoc County, near the intersection of State Highway 310 and Columbus Street in the City of Two Rivers. The meter station is located adjacent to residences along State Highway 310 and industrial buildings along Columbus Street.

Construction will require approximately 0.6 acre of TWS, which will be located to the west of the meter station in a graveled area. There will be no increase in the 0.4-acre PWS within the existing fence line. The TWS is located on land leased from the Wisconsin Public Service Corporation.

3.0 INVASIVE SPECIES CONTROL

At the completion of construction, ANR will return the site to approximately preconstruction contours and drainage patterns within the worksite boundaries. The TWS will be decompacted and regraded as needed, and seeded and mulched in accordance with the Environmental Construction Standards (ECS) submitted with the application and this plan. Implementation of the ECS during construction and post-construction monitoring will consider invasive species management during ground disturbance and restoration activities. ANR will mitigate for invasive plants and noxious weeds by using best management practices identified by agencies or based on Project-specific requirements and will work in accordance with the ECS to minimize the spread of these species in Project areas.

4.0 SEEDING

Establishment of vegetation to support pollinators is limited to 0.2 acre (9,250 square feet) of proposed disturbance at the Rhinelander Meter Station (see Figure 5). Proposed disturbances at the remaining Project locations are restricted to previously graveled areas that will be maintained as graveled areas following construction and grassed areas that will be frequently mowed, and thus will not provide suitable conditions for the establishment of vegetation beneficial to pollinators.

Where pollinator seed mixes will be planted at the Rhinelander Meter Station the seedbed will be prepared/scarified to a depth of 3 to 4 inches using appropriate equipment to facilitate lodging and germination of seed. Seeding and mulching the Construction Work Area will promptly follow seedbed preparation. Mulch will be adequately anchored to minimize loss due to wind and water. Mulch tackifiers, used in accordance with the manufacturer's recommendations, may be used as an alternative. Liquid mulch binders will not be used within 100 feet of wetlands.

Exposed soils will be seeded within 6 days following cessation of grading activities with the seed mix described in Table 5.0-1. The proposed seed mix was provided by the Natural Resources Conservation Service Rhinelander Service Center and is appropriate for plantings on dry-mesic sites per Table 17 in Wisconsin Agronomy Technical Note 5. Due to the slopes present within the Project area at the Rhinelander Meter Station and the elevated erosive potential, the seeding rates have been increased by 25 percent to promote quick establishment of vegetation.

TABLE 5.0-1

Pollinator Seeding Mix

Common Name	Scientific Name	PLS Ounce/Acre[1]	Seeds/Square Foot
Little Bluestem	*Schizachyrium scoparium*	20	6.875
Sideoats Grama	*Bouteloua curtipendula*	20	3.625
Illinois Tick Trefoil	*Desmodium illinoense*	6.25	0.625
Spiderwort	*Tradescantia ohiensis*	6.25	1.125
Purple Prairie Clover	*Dalea purpurea*	7.5	3.375
Yellow Coneflower	*Ratibida pinnata*	1.25	0.75
Prairie Blazing Star	*Liatris pycnostachya*	3.75	1
Rattlesnake Master	*Eryngium yuccifolium*	7.5	1.375
Showy Goldenrod	*Solidago speciosa*	5	10.875
Stiff Goldenrod	*Oligoneuron rigidum*	3.75	4
Smooth Blue Aster	*Symphyotricum laeve*	2.5	2.75
Prairie Cinquefoil	*Potentilla arguta*	2.5	11.5

[1] PLS = Pure live seed within 12 months of testing

5.0 POST SEEDING

Temporary sediment barriers will be removed following the completion of soil disturbing activities and achievement of final vegetative stabilization. Final vegetative stabilization is defined as a permanent vegetative cover that is uniform (e.g., evenly distributed), is mature enough to survive, and will inhibit erosion. Once final vegetative stabilization is achieved, the seeded area will not be maintained and will be allowed to progress through natural succession.

6.0 MONITORING

ANR will monitor and record the success of revegetation quarterly until revegetation is successful. Vegetation will be considered success if all the following criteria are satisfied:

- Vegetation is at least 80 percent native herbaceous species;
- The plant species composition is consistent with early successional plant communities in the ecoregion; and
- Invasive species and noxious weeds are absent, unless they are abundant in the adjacent areas not disturbed by construction.

Should revegetation not be successful at the end of 3 years, ANR will develop and implement a remedial revegetation plan, in consultation with an ecologist.

FIGURES

0 50 100 Feet

1 inch = 100 feet

N W E S

For Environmental Review Purposes Only

Figure 1
Wisconsin Access Project
Aerial Project Map
Coleman Meter Station
Oconto County, Wisconsin

Access Road
Permanent Workspace
Temporary Workspace
NHD Waterbody
Delineated Wetland

Source: Z:\Coleman\2_Mxds\Coleman\WI_Access_Project\Permitting\State\NRI\Figures\2_WI_Access_Figure_Aerials.mxd
Date: (1/20/2021)

Figure 2
Wisconsin Access Project
Aerial Project Map
Lena Meter Station
Oconto County, Wisconsin

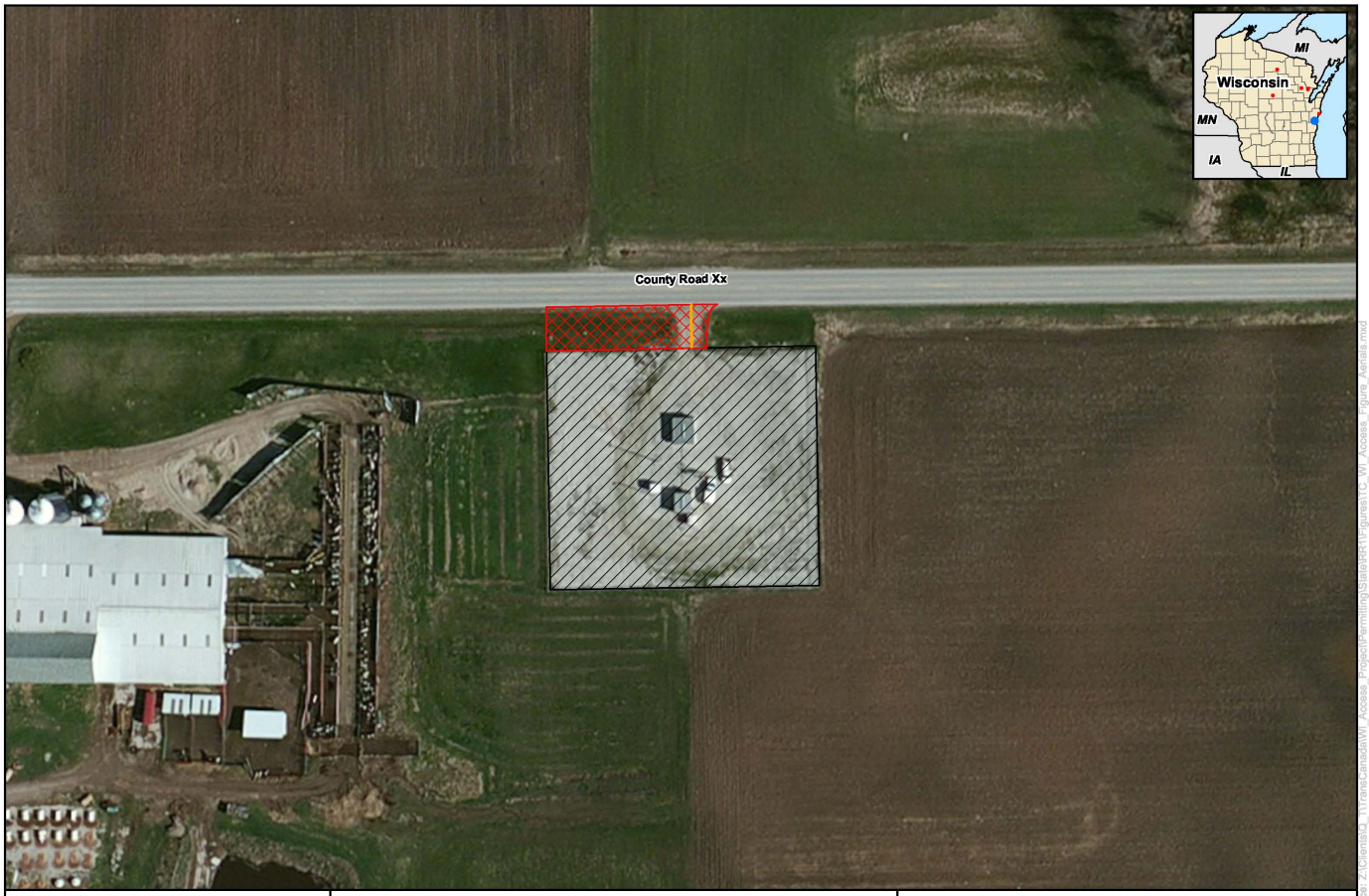


Figure 3
Wisconsin Access Project
Aerial Project Map
Meeme Meter Station
Manitowoc County, Wisconsin

Figure 4
Wisconsin Access Project
Aerial Project Map
Mosinee Meter Station
Marathon County, Wisconsin

Figure 5
Wisconsin Access Project
Aerial Project Map
Rhinelander Meter Station
Oneida County, Wisconsin

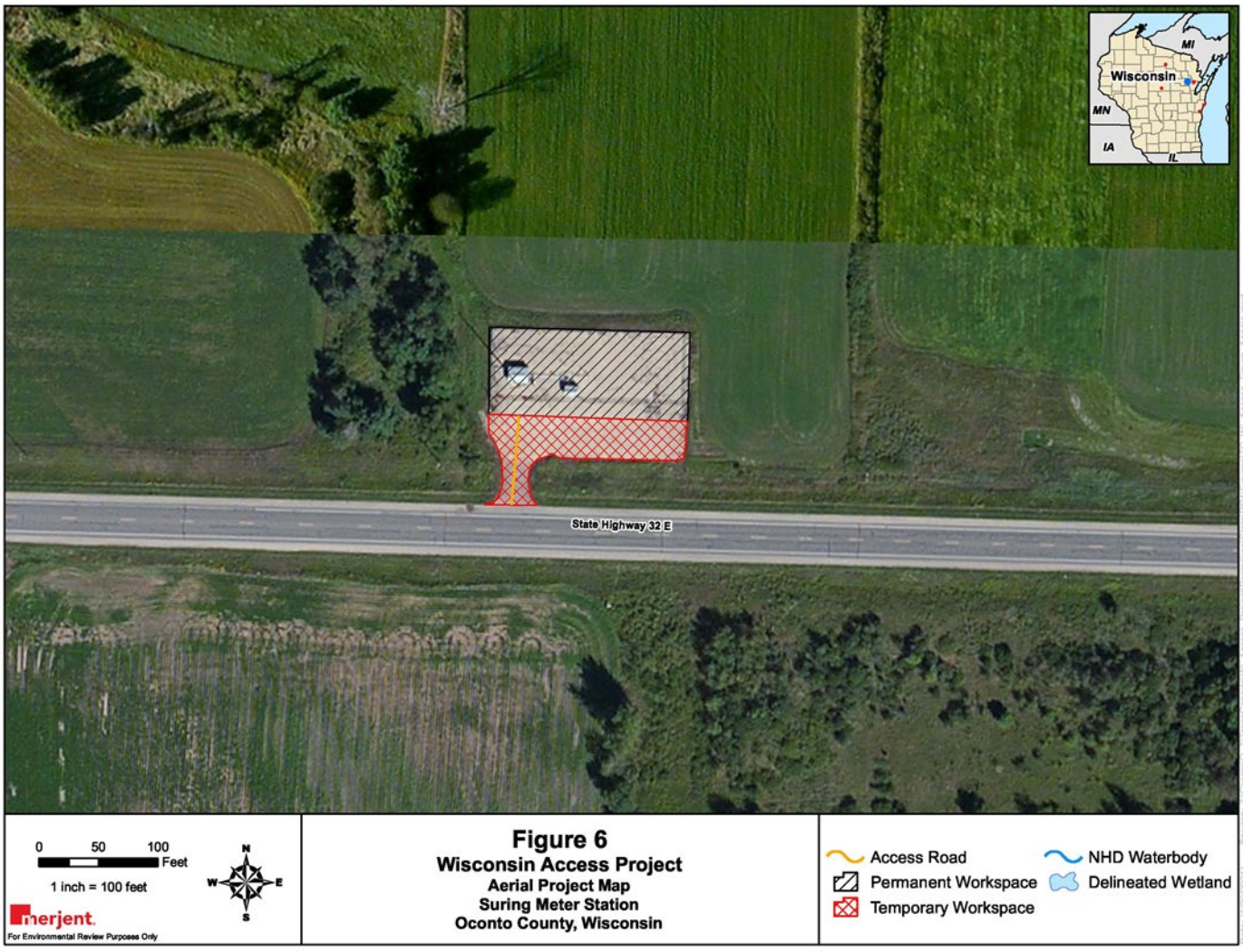


Figure 6
Wisconsin Access Project
Aerial Project Map
Suring Meter Station
Oconto County, Wisconsin

0 50 100 Feet

1 inch = 100 feet

N W E S

merjent.

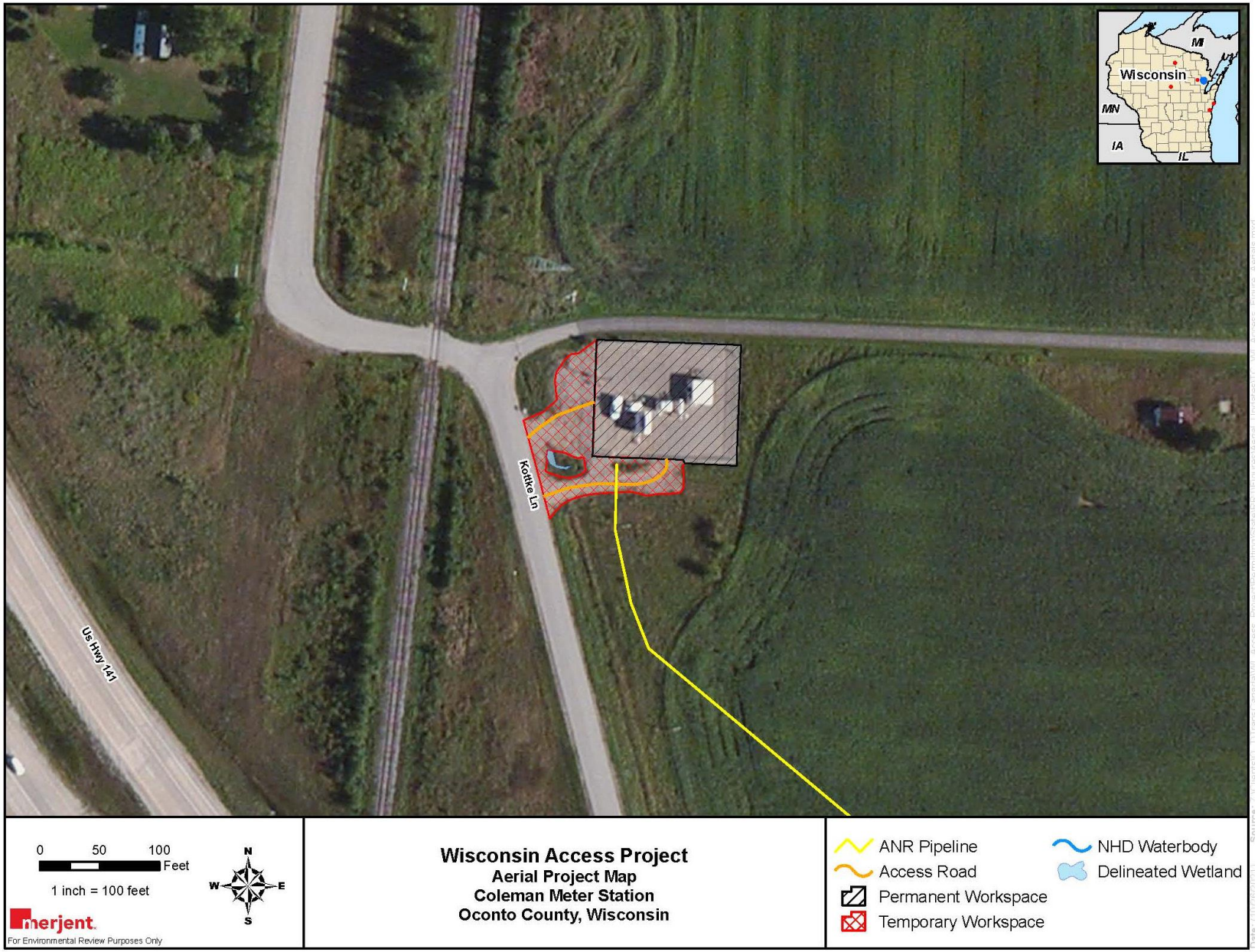
For Environmental Review Purposes Only

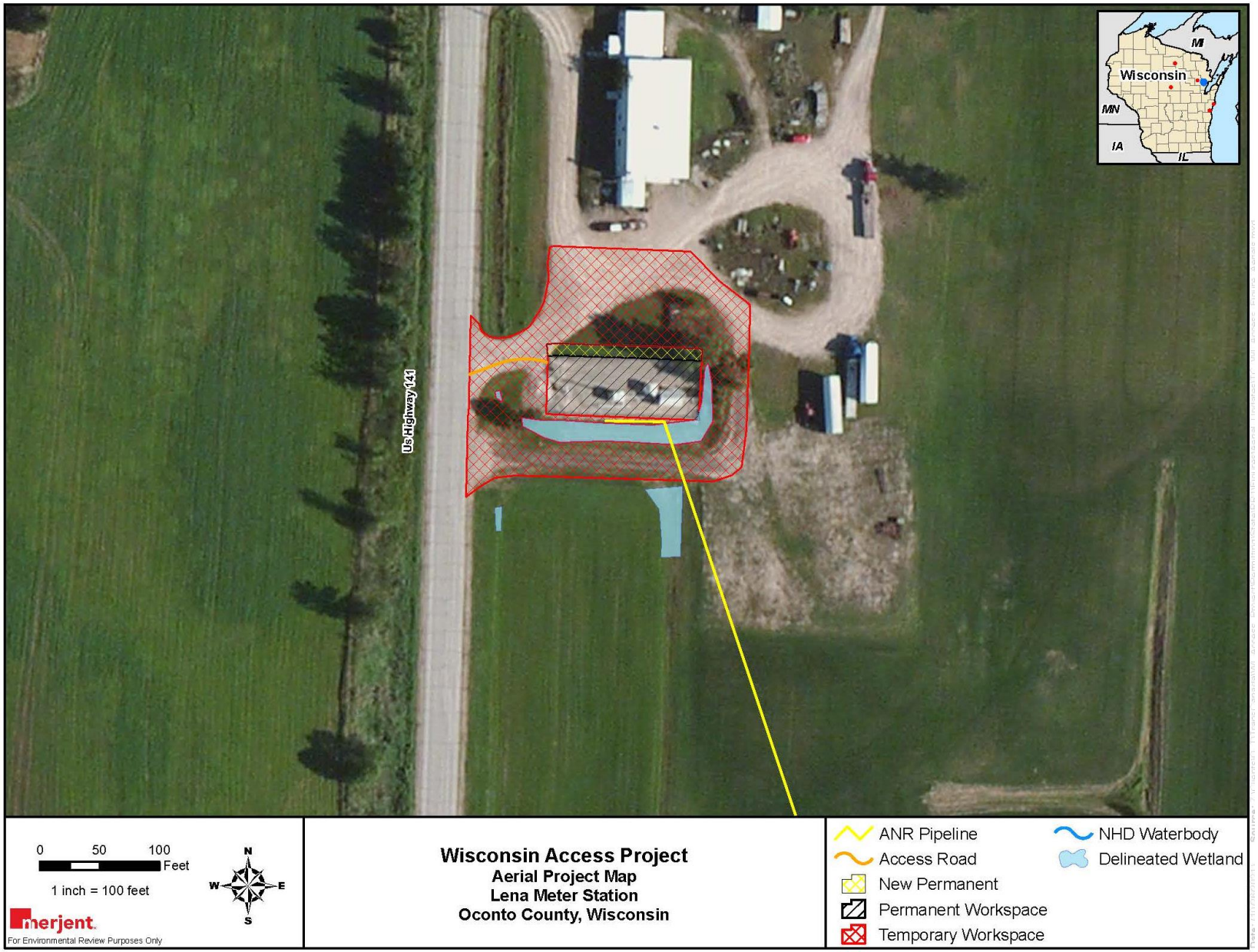
Figure 7
Wisconsin Access Project
Aerial Project Map
Two Rivers Meter Station
Manitowoc County, Wisconsin

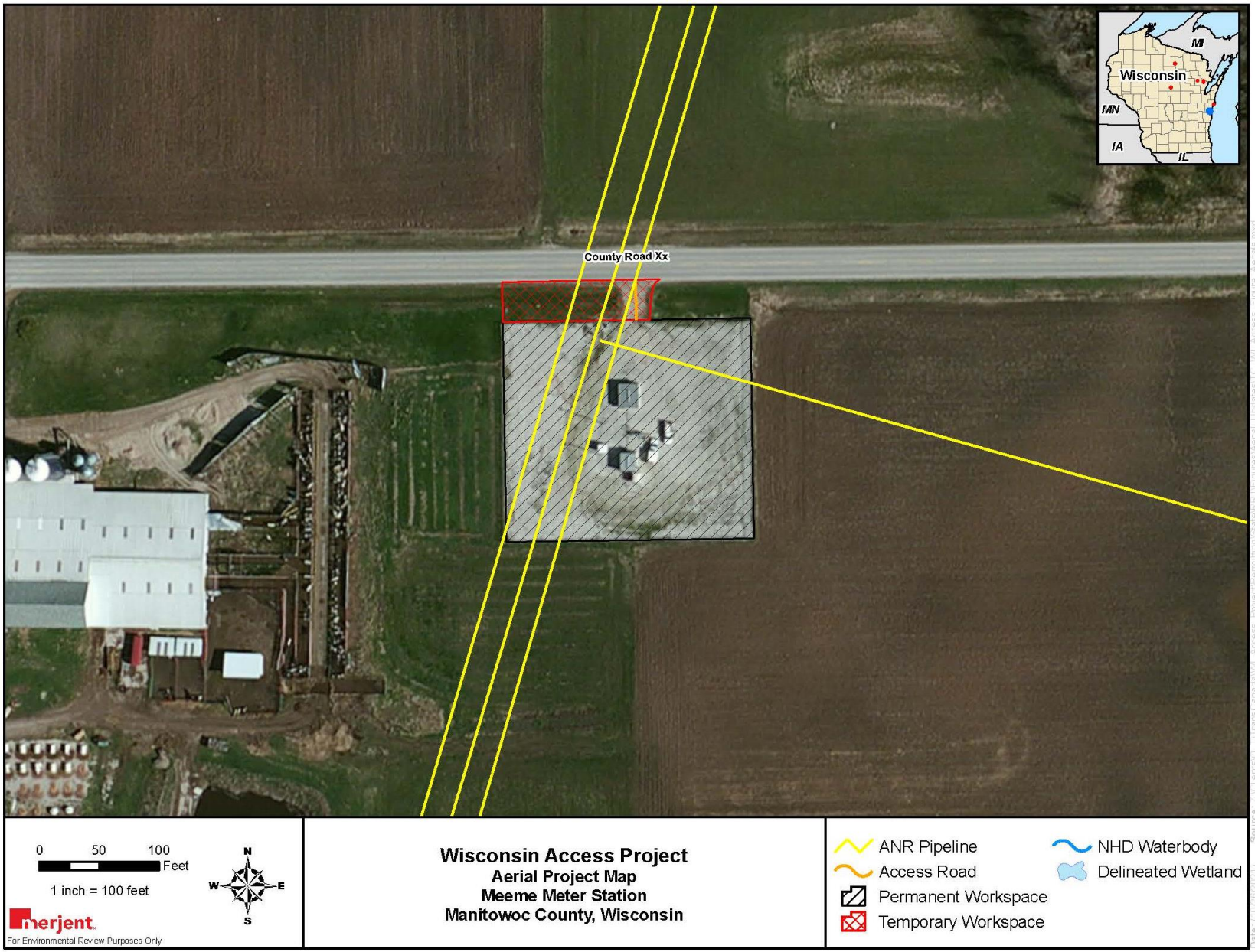
Access Road
Permanent Workspace
Temporary Workspace
NHD Waterbody
Delineated Wetland

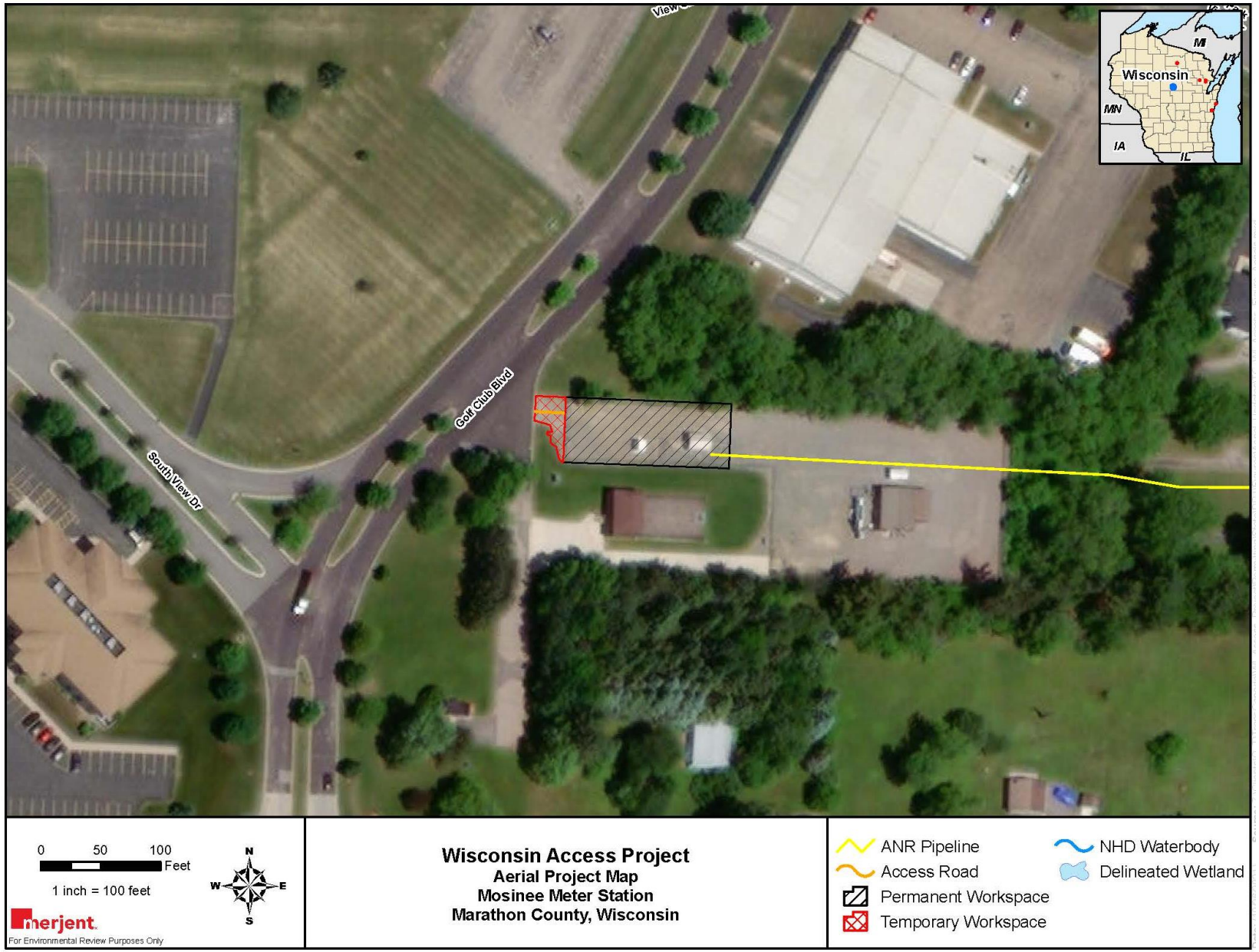
APPENDIX E

DETAILED ABOVEGROUND FACILITY MAPS

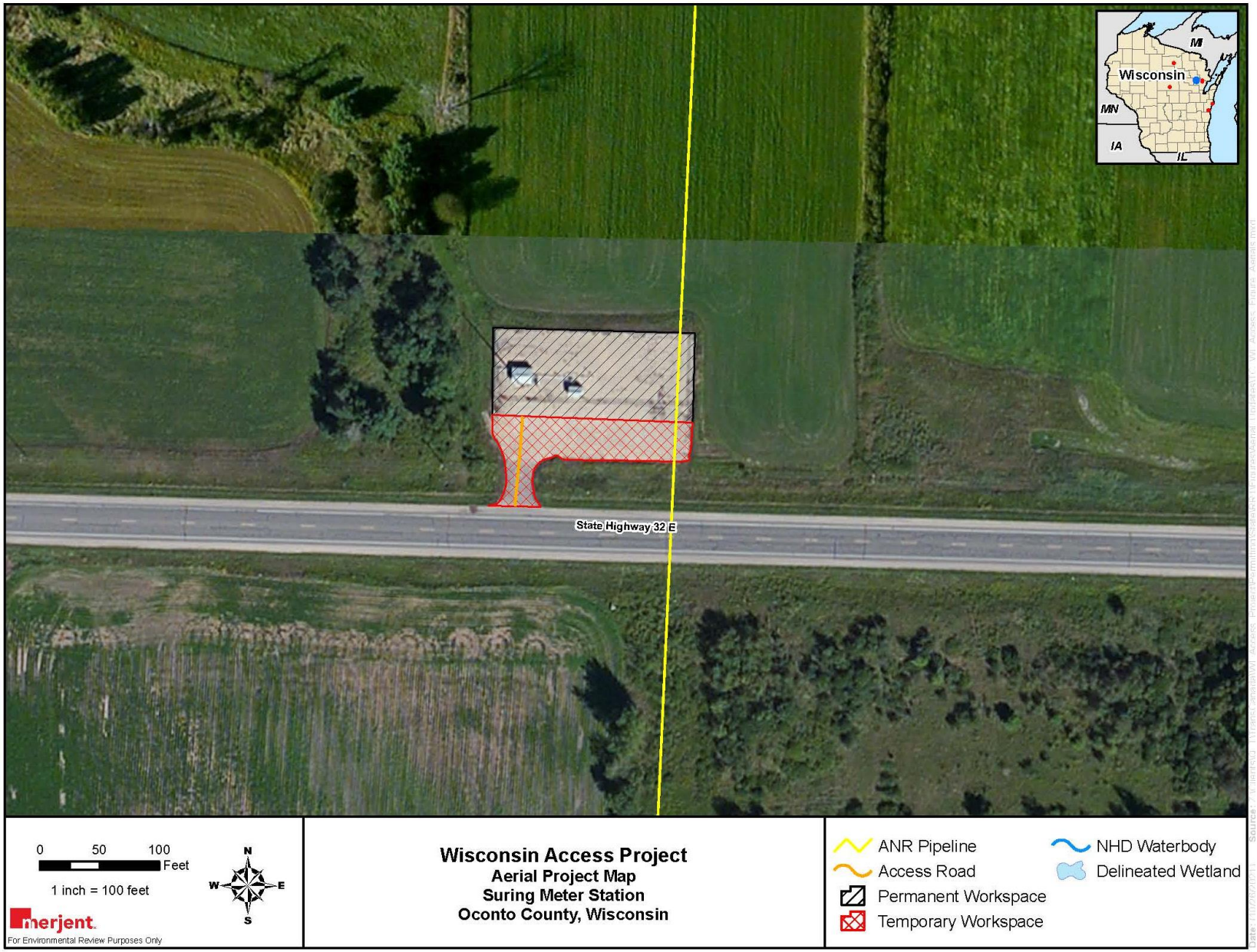

Wisconsin
MI
MN
IA
IL
Kottke Ln
Us Hwy 141
0 50 100
Feet
1 inch = 100 feet
N
W
E
S
merjent
For Environmental Review Purposes Only
Wisconsin Access Project
Aerial Project Map
Coleman Meter Station
Oconto County, Wisconsin
ANR Pipeline
Access Road
Permanent Workspace
Temporary Workspace
NHD Waterbody
Delineated Wetland

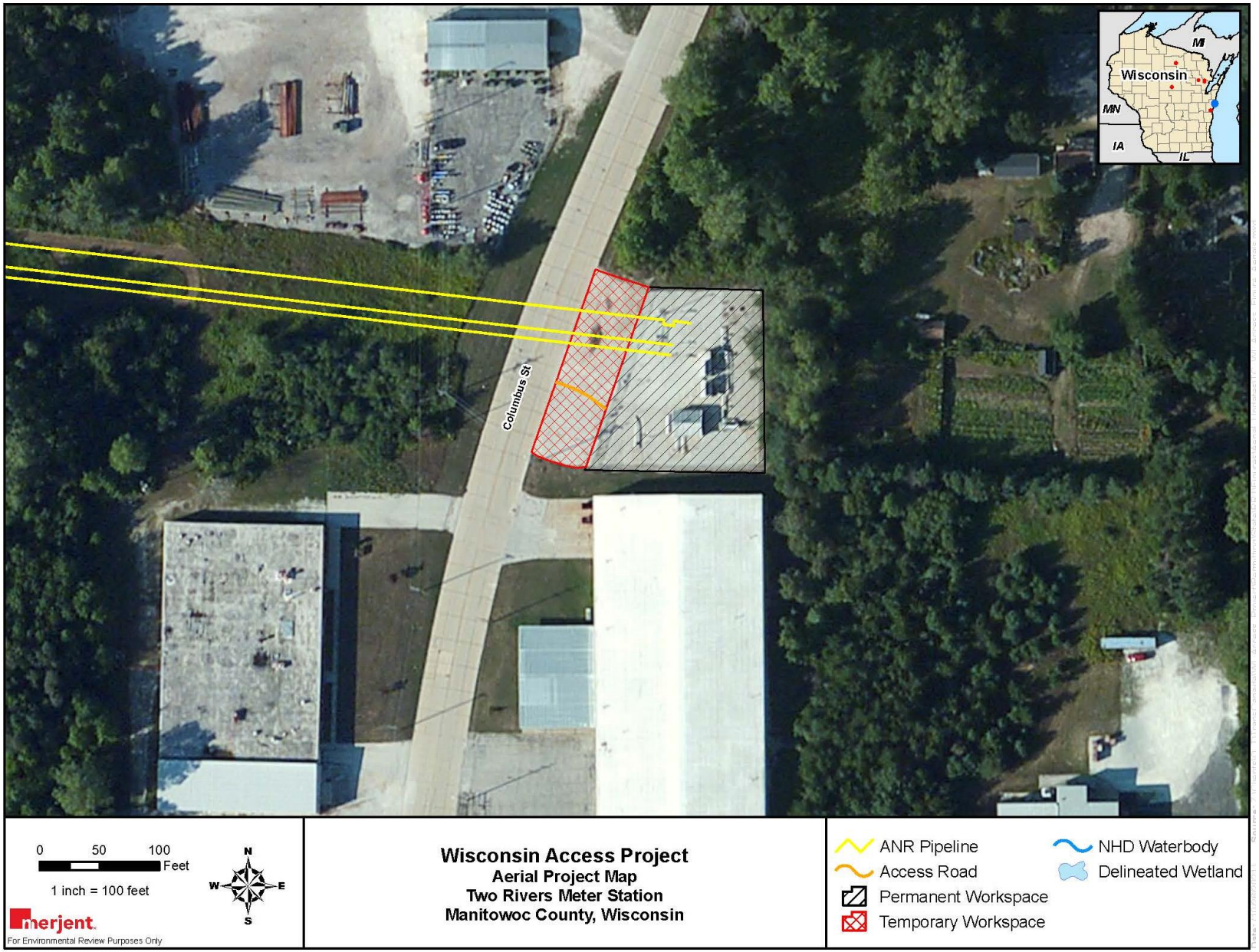

Us Highway 141
Wisconsin
MI
MN
IA
IL
0 50 100
Feet
1 inch = 100 feet
N
W
E
S
merjent
For Environmental Review Purposes Only
Wisconsin Access Project
Aerial Project Map
Lena Meter Station
Oconto County, Wisconsin
ANR Pipeline
Access Road
New Permanent
Permanent Workspace
Temporary Workspace
NHD Waterbody
Delineated Wetland


County Road Xx
Wisconsin
MI
MN
IA
IL
0 50 100
Feet
1 inch = 100 feet
N
W
E
S
merjent
For Environmental Review Purposes Only
Wisconsin Access Project
Aerial Project Map
Meeme Meter Station
Manitowoc County, Wisconsin
ANR Pipeline
Access Road
Permanent Workspace
Temporary Workspace
NHD Waterbody
Delineated Wetland


Golf Club Blvd
South View Dr
Wisconsin
MI
MN
IA
IL
0 50 100
Feet
1 inch = 100 feet
N
W
E
S
merjent
For Environmental Review Purposes Only
Wisconsin Access Project
Aerial Project Map
Mosinee Meter Station
Marathon County, Wisconsin
ANR Pipeline
Access Road
Permanent Workspace
Temporary Workspace
NHD Waterbody
Delineated Wetland


Us Highway 8 W
Us Hwy 8
S River Rd
Wisconsin
MI
MN
IA
IL
0 50 100
Feet
1 inch = 100 feet
N
W
E
S
merjent
For Environmental Review Purposes Only
Wisconsin Access Project
Aerial Project Map
Rhinelander Meter Station
Oneida County, Wisconsin
ANR Pipeline
Access Road
Permanent Workspace
Temporary Workspace
NHD Waterbody
Delineated Wetland


Wisconsin
MI
MN
IA
IL
State Highway 32 E
0
50
100
Feet
1 inch = 100 feet
N
W
E
S
merjent
For Environmental Review Purposes Only
Wisconsin Access Project
Aerial Project Map
Suring Meter Station
Oconto County, Wisconsin
ANR Pipeline
Access Road
Permanent Workspace
Temporary Workspace
NHD Waterbody
Delineated Wetland


Columbus St
Wisconsin
MI
MN
IA
IL
0
50
100
Feet
1 inch = 100 feet
N
W
E
S
merjent
For Environmental Review Purposes Only
Wisconsin Access Project
Aerial Project Map
Two Rivers Meter Station
Manitowoc County, Wisconsin
ANR Pipeline
Access Road
Permanent Workspace
Temporary Workspace
NHD Waterbody
Delineated Wetland

APPENDIX F

REFERENCES

References

City of Mosinee. 2020. Economic Development in Mosinee. Available online at: http://www.mosinee.wi.us/economic%20development.html. Accessed January 2021.

City of Two Rivers. 2019. 2020 District Zoning Map. Available online at: http://www.two-rivers.org/documents/inspections/zone_2020_200Sc.pdf. Accessed July 2021.

Federal Emergency Management Agency. 2021. National Flood Hazard Layer. https://www.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd. Accessed July 2021.

Manitowoc County. 2021. Manitowoc County Karst Inventory. Available online at: https://manitowoc.maps.arcgis.com/apps/View/index.html?appid=5fb4adc1b1b642c7ac7fbdb83b60570e. Accessed June 2021.

Mudrey, M.G.; Brown, B.A.; Greenberg, J.K. Bedrock Geologic Map of Wisconsin. 1:1,000,000 Scale Map Sheet; Wisconsin Geological & Natural History Survey: Madison, WI, USA, 1982.

Julin, Angela, Kevin Mieras, and Lacy Smith. 2020. *Phase I Identification Survey of the Wisconsin Access-Seven Meter Station Enhancements in Wisconsin Project, Oconto, Oneida, Marathon, and Manitowoc Counties, Wisconsin*. Merjent, Inc.. Minneapolis, Minnesota.

Natural Resources Conservation Service. 2020. Web Soil Survey Geographic Database. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed July 2021.

USDA. n.d. Specialty Crop Block Grant Program. Available online at: https://www.ams.usda.gov/services/grants/scbgp. Accessed July 2021.

U.S. Energy Information Administration. 2021. Wisconsin State Profile and Energy Estimates. https://www.eia.gov/state/analysis.php?sid=WI. Accessed October 2021.

U.S. Environmental Protection Agency (EPA). 2020a. Enviromapper. https://enviro.epa.gov/enviro/em4ef.home. Accessed December 2020.

EPA. 2020b. Sole Source Aquifers for Drinking Water. https://www.epa.gov/dwssa. Accessed December 2020.

EPA. 2016. Promising Practices for EJ Methodologies in NEPA Reviews. https://www.epa.gov/environmentaljustice/ej-iwg-promising-practices-ej-methodologies-nepa-reviews. Accessed December 2021.

EPA. 1974. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. https://nepis.epa.gov/Exe/ZyNET.exe/2000L3LN.TXT?ZyActionD=ZyDocument&Client=EPA&Index=Prior+to+1976&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&

ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C70thru75%5CTxt%5C00000001%5C2000L3LN.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL. Accessed December 2021.

U.S. Geological Survey (USGS). 2018. Seismic-Hazards Maps for the Conterminous United States. https://www.sciencebase.gov/catalog/item/5d5597d0e4b01d82ce8e3ff1. Accessed September 2020.

USGS. 2011. Mineral Resources Online Spatial Data. http://mrdata.usgs.gov/mineplant/. Accessed July 2021.

USGS. 2003. Aquifers: Map of the Principal Aquifers of the United States. https://water.usgs.gov/ogw/aquifer/map.html. Accessed December 2020.

USGS. 1992. Groundwater Atlas of the United States. Segment 9. Hydrologic Investigations Atlas 730-J. https://pubs.er.usgs.gov/publication/ha730J. Accessed July 2021.

U.S. Global Change Research Program. *Climate Science Special Report: Fourth National Climate Assessment*, Volumes I and II (Fourth Assessment Report; USGCRP 2017, and USGCRP 2018, respectively)

Wisconsin Department of Natural Resources (WDNR). 2020a. Remediation and Redevelopment Database. https://dnr.wisconsin.gov/topic/Brownfields/WRRD.html. Access December 2020.

WDNR. 2020b. Surface Water Data Viewer. https://dnr.wisconsin.gov/topic/SurfaceWater/swdv. Accessed December 2020.

WDNR. 2020c. Well Construction Reports. https://dnr.wisconsin.gov/topic/Groundwater/data.html. Accessed December 2020.

Wisconsin Department of Transportation. n.d. 511 Wisconsin Construction Projects – WIS 153, Old Highway 51 to East View Drive. Available online at: https://projects.511wi.gov/wis153marathon/. Accessed October 2021.

Wisconsin Geological and Natural History Survey. 2009. Karst and shallow carbonate bedrock in Wisconsin. https://dnr.wi.gov/topic/nonpoint/documents/nr151/20161028/ShallowCarbonateWIfs.pdf. Accessed July 2021.

Wisconsin Historical Society. https://www.wisconsinhistory.org/Records/Article/CS387, Accessed October 2021.

APPENDIX G

BIRDS OF CONSERVATION CONCERN

Birds of Conservation Concern with Potential to Occur in the Project Vicinity		
Coleman Meter Station		
Black-billed Cuckoo	Occupies densely wooded habitats with water features such as bogs, marshes, rivers, and lakes. Also found in abandoned farmlands or similar brushy habitat. Nests in trees with concealing foliage. Preys on large insects such as caterpillars, katydids, cicadas, and grasshoppers occurring within the canopy of woodlands.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and graveled access area. **No potential to occur**
Bobolink	Inhabits a variety of grasslands including native prairie, pasture, and hay fields. Nests in grasslands with dense growth of grasses and occasional brush. Diet primarily consists of insects, including beetles, caterpillars, wasps, and ants. The diet also includes seeds of weeds, grasses, and grains.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and graveled access area. **No potential to occur**
Eastern Whippoorwill	Often found in riparian uplands consisting of deciduous and mixed forests adjacent to clearings. Nests on the ground under trees and brush. Diet consists of moths and other insects captured in flight.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and graveled access area. **No potential to occur**
Lesser Yellowlegs	Does not nest within Wisconsin, however, is present during migration. Migratory habitat consists of sedge meadows, marsh, and mudflats occurring in row crop agricultural fields. Diet consists of invertebrates occurring in moist soils.	Suitable migratory foraging habitat is not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and graveled access area. **No potential to occur**
Red-headed Woodpecker	Occupies open woodlands and other open areas with scattered trees, such as pine-savannah and pine-oak barrens. Nests in cavities occurring within dead trees or limbs. Diet consists of insects captured in the air or gleaned from bark and foliage. Winter diet consists of acorns and beechnuts cached during the fall.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and graveled access area. **No potential to occur**
Rusty Blackbird	Prefers wooded wetlands and swamps, but will also utilize open pastures, agricultural fields, and orchards. This is not a breeding species in Wisconsin and is only present during migration. Diet consists primarily of aquatic insects such as caddisflies, mayflies, dragonflies. Also consumes grasshoppers, beetles, snails, seeds, berries, and waste grain.	Suitable migratory foraging habitat is not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and graveled access area. **No potential to occur**
Semipalmated Sandpiper	Does not nest within Wisconsin, however, is present during migration. Migratory habitat consists of sedge meadows, marsh, and mudflats occurring in row crop agricultural fields. Diet consists of freshwater invertebrates including amphipods, worms, snails, crustaceans, and insects.	Suitable migratory foraging habitat is not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and graveled access area. **No potential to occur**
Wood Thrush	Inhabits mature lowland mixed or deciduous forests with an abundance of saplings, typically near swamps or other water features. Nests in shrubs	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline

Birds of Conservation Concern with Potential to Occur in the Project Vicinity		
	and saplings of deciduous species. Diet consists of insects from the leaf litter as well as berries and fruits of shrubs and herbaceous plants.	meter station and graveled access area. **No potential to occur**
Lena Meter Station		
Red - headed Woodpecker	Occupies open woodlands and other open areas with scattered trees, such as pine-savannah and pine-oak barrens. Nests in cavities occurring within dead trees or limbs. Diet consists of insects captured in the air or gleaned from bark and foliage. Winter diet consists of acorns and beechnuts cached during the fall.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and grassy field margin of an agricultural field. **No potential to occur**
Willow Flycatcher	Inhabits moist, shrubby areas, often with standing or running water. Nests are built low in a bush or small tree near water. Diet consists of insects captured in the air.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and grassy field margin of an agricultural field. **No potential to occur**
Meeme Meter Station		
American Golden- plover	Does not nest within Wisconsin, however, is present during migration. Migratory habitat consists of sedge meadows, marsh, and mudflats occurring in row crop agricultural fields. Diet consists of invertebrates occurring in moist soils.	Suitable migratory foraging habitat is not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and maintained grassed road right of way. **No potential to occur**
Black-billed Cuckoo	Occupies densely wooded habitats with water features such as bogs, marshes, rivers, and lakes. Also found in abandoned farmlands or similar brushy habitat. Nests in trees with concealing foliage. Preys on large insects such as caterpillars, katydids, cicadas, and grasshoppers occurring within the canopy of woodlands.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and maintained grassed road right of way. **No potential to occur**
Bobolink	Inhabits a variety of grasslands including native prairie, pasture, and hay fields. Nests in grasslands with dense growth of grasses and occasional brush. Diet primarily consists of insects, including beetles, caterpillars, wasps, and ants. The diet also includes seeds of weeds, grasses, and grains.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and maintained grassed road right of way. **No potential to occur**
Lesser Yellowlegs	Does not nest within Wisconsin, however, is present during migration. Migratory habitat consists of sedge meadows, marsh, and mudflats occurring in row crop agricultural fields. Diet consists of invertebrates occurring in moist soils.	Suitable migratory foraging habitat is not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and maintained grassed road right of way. **No potential to occur**
Red-headed Woodpecker	Occupies open woodlands and other open areas with scattered trees, such as pine-savannah and pine-oak barrens. Nests in cavities occurring within dead trees or limbs. Diet consists of insects captured in the air or gleaned from bark and foliage. Winter diet	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and maintained

Birds of Conservation Concern with Potential to Occur in the Project Vicinity		
	consists of acorns and beechnuts cached during the fall.	grassed road right of way. **No potential to occur**
Rusty Blackbird	Prefers wooded wetlands and swamps, but will also utilize open pastures, agricultural fields, and orchards. This is not a breeding species in Wisconsin and is only present during migration. Diet consists primarily of aquatic insects such as caddisflies, mayflies, dragonflies. Also consumes grasshoppers, beetles, snails, seeds, berries, and waste grain.	Suitable migratory foraging habitat is not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and maintained grassed road right of way. **No potential to occur**
Willow Flycatcher	Inhabits moist, shrubby areas, often with standing or running water. Nests are built low in a bush or small tree near water. Diet consists of insects captured in the air.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and maintained grassed road right of way. **No potential to occur**
Mosinee Meter Station		
Bobolink	Inhabits a variety of grasslands including native prairie, pasture, and hay fields. Nests in grasslands with dense growth of grasses and occasional brush. Diet primarily consists of insects, including beetles, caterpillars, wasps, and ants. The diet also includes seeds of weeds, grasses, and grains.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and graveled access area. **No potential to occur.**
Golden-winged Warbler	Specializes in early successional habitat consisting of shrubs with sporadic tree cover and a grassy understory. Nests in shrubs and immature trees found in abandoned farmland, aspen clear cuts, and burned over areas. The diet includes insects, caterpillars, and moths.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and graveled access area. **No potential to occur**
Rusty Blackbird	Prefers wooded wetlands and swamps, but will also utilize open pastures, agricultural fields, and orchards. This is not a breeding species in Wisconsin and is only present during migration. Diet consists primarily of aquatic insects such as caddisflies, mayflies, dragonflies. Also consumes grasshoppers, beetles, snails, seeds, berries, and waste grain.	Suitable migratory foraging habitat is not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and graveled access area. **No potential to occur.**
Rhinelander Meter Station		
Golden-winged Warbler	Specializes in early successional habitat consisting of shrubs with sporadic tree cover and a grassy understory. Nests in shrubs and immature trees found in abandoned farmland, aspen clear cuts, and burned over areas. The diet includes insects, caterpillars, and moths.	Suitable nesting and foraging habitat are present in the surveyed area. However, the Project site is heavily disturbed, and suitable habitat is limited in size and not likely to support nesting individuals. **Minor potential to occur**
Red-headed Woodpecker	Occupies open woodlands and other open areas with scattered trees, such as pine-savannah and pine-oak barrens. Nests in cavities occurring within dead trees or limbs. Diet consists of insects captured in the air or gleaned from bark and foliage. Winter diet consists of acorns and beechnuts cached during the fall.	Suitable nesting and foraging habitat are present in the surveyed area. However, the Project site is heavily disturbed, and suitable habitat is limited in size and not likely to support nesting

Birds of Conservation Concern with Potential to Occur in the Project Vicinity		
		individuals. **Minor potential to occur.**
Suring Meter Station		
No birds of conservation were identified	N/A	**N/A**
Two Rivers Meter Station		
Black-billed Cuckoo	Occupies densely wooded habitats with water features such as bogs, marshes, rivers, and lakes. Also found in abandoned farmlands or similar brushy habitat. Nests in trees with concealing foliage. Preys on large insects such as caterpillars, katydids, cicadas, and grasshoppers occurring within the canopy of woodlands	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and graveled access area. **No potential to occur**
Bobolink	Inhabits a variety of grasslands including native prairie, pasture, and hay fields. Nests in grasslands with dense growth of grasses and occasional brush. Diet primarily consists of insects, including beetles, caterpillars, wasps, and ants. The diet also includes seeds of weeds, grasses, and grains	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and previously graveled areas. **No potential to occur**
Eastern Whip-poor-will	Often found in riparian uplands consisting of deciduous and mixed forests adjacent to clearings. Nests on the ground under trees and brush. Diet consists of moths and other insects captured in flight.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and graveled access area. **No potential to occur**
Golden-winged Warbler	Specializes in early successional habitat consisting of shrubs with sporadic tree cover and a grassy understory. Nests in shrubs and immature trees found in abandoned farmland, aspen clear cut s, and burned over areas. The diet includes insects, caterpillars, and moths.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and previously graveled areas. **No potential to occur**
Henslow's Sparrow	Inhabits a variety of grasslands including hayfields, pastures, wet meadows, and remnant prairie. Nests in large patches of dense grasses with a well-developed litter layer and standing dead vegetation. Diet consists of primarily of insects, caterpillars, and grass seeds.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and previously graveled areas. **No potential to occur**
Least Bttern	Occurs in freshwater marshes with tall, dense emergent herbaceous vegetation interspersed with woody shrubs. Nests on small platforms constructed from cattails and other vegetation or muskrat dens. Diet consists of fish, frogs, crustaceans, and insects	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and previously graveled areas. **No potential to occur**

Birds of Conservation Concern with Potential to Occur in the Project Vicinity		
Lesser Yellowlegs	Does not nest within Wisconsin, however, is present during migration. Migratory habitat consists of sedge meadows, marsh, and mudflats occurring in row crop agricultural fields. Diet consists of invertebrates occurring in moist soils.	Suitable migratory foraging habitat is not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and previously graveled areas. **No potential to occur**
Red-headed Woodpecker	Occupies open woodlands and other open areas with scattered trees, such as pine-savannah and pine-oak barrens. Nests in cavities occurring within dead trees or limbs. Diet consists of insects captured in the air or gleaned from bark and foliage. Winter diet consists of acorns and beechnuts cached during the fall.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and previously graveled areas. **No potential to occur**
Rusty Blackbird	Prefers wooded wetlands and swamps, but will also utilize open pastures, agricultural fields, and orchards. This is not a breeding species in Wisconsin and is only present during migration. Diet consists primarily of aquatic insects such as caddisflies, mayflies, dragonflies. Also consumes grasshoppers, beetles, snails, seeds, berries, and waste grain.	Suitable migratory foraging habitat is not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and maintained grassed road right of way. **No potential to occur**
Semipalmated Sandpiper	Does not nest within Wisconsin, however, is present during migration. Migratory habitat consists of sedge meadows, marsh, and mudflats occurring in row crop agricultural fields. Diet consists of freshwater invertebrates including amphipods, worms, snails, crustaceans, and insects.	Suitable migratory foraging habitat is not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and maintained grassed road right of way. **No potential to occur**
Willow Flycatcher	Inhabits moist, shrubby areas, often with standing or running water. Nests are built low in a bush or small tree near water. Diet consists of insects captured in the air.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and previously graveled areas. **No potential to occur**
Wood Thrush	Inhabits mature low land mixed or deciduous forests with an abundance of saplings, typically near swamps or other water features. Nests in shrubs and saplings of deciduous species. Diet consists of insects from the leaf litter as well as berries and fruits of shrubs and herbaceous plants.	Suitable nesting and foraging habitat are not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and previously graveled areas. **No potential to occur**

APPENDIX H

FEDERAL AND STATE LISTED THREATENED AND ENDANGERED SPECIES

Table 1 Federally Listed Species Occurrence Potential in the Project Area and Initial Impact Assessment			
Common Name	Habitat	Occurrence Potential in the Project Area	Determination
Mammals			
Canada lynx	Associated with moist, cool, boreal spruce-fir forests with high density of snowshoe hares.	No suitable habitat for this species is present within the surveyed area at the Rhineland Meter Station, where this species was identified by the USFWS as potentially occurring. **No potential to occur.**	NE
Whooping Crane	Whooping crane in Wisconsin is a non-essential experimental population, where individuals are raised in captivity with the goal of establishing a migrating population between Wisconsin and Florida. Breeding habitat consists of a variety of wetlands. Migration habitat include wetlands and agricultural fields. Diet consists of frogs, fish, plant tubers, crayfish, insects, and agricultural grains.	Suitable breeding and migratory foraging habitat is not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and graveled access areas. **No potential to occur.**	NE
Northern long-eared bat	Roosts underneath loose tree bark, in cavities, or in crevices of living and dead trees. Winters within caves and mines.	Potentially suitable summer habitat was present at Rhinelander, Mosinee, Suring, and Two Rivers Meter Stations. However, no known occurrences of the species have been identified in the vicinity of the project. **Minor potential to occur.**	NLAA
Insects			
Karner blue butterfly	Caterpillars feed on the leaves of wild lupine. Typically found in oak savanna and oak barrens on sandy soil.	No suitable habitat for this species is present within the surveyed area. **No potential to occur**	NE
Rusty patched bumble bee	Found in grassy open areas including forest openings, gardens, parks, and roadsides. Nests above and below ground. Uses a wide range of nectar and pollen species from April through September. Historically occurred in tall grass prairie and grasslands.	No suitable habitat for this species is present. within the surveyed area at the Two Rivers Meter Station, where this species was identified by the WDNR and USFWS as potentially occurring. Project activities will occur on previously graveled facility plan and access drive. **No potential to occur.**	NE
Plant			
Pitcher's thistle	Found on beaches and grassland dunes of Lake Michigan.	No suitable habitat for this species is present within the surveyed area at the Two Rivers Meter Station, where this	NE

Table 1 Federally Listed Species Occurrence Potential in the Project Area and Initial Impact Assessment			
		species was identified by the WDNR and USFWS potentially occurring. **No potential to occur.**	
Bird			
Red Knot	Does not nest within Wisconsin, however, is present during migration. Migratory habitat consists of shorelines and mud flats. Diet consists of terrestrial invertebrates as well as snails, mussels, and bivalves.	Suitable migratory foraging habitat is not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and graveled access areas. **No potential to occur.**	NE
Species of Concern[1]			
Wood turtle	Prefers rivers and streams with riparian wetlands and adjacent upland deciduous forests. Forages in open wet meadows and shrub-carr habitats dominated by alder. Overwinters in deep holes occurring in streams and rivers. Nesting occurs in open or semiopen canopy areas with sand or gravel within 200 feet of suitable aquatic habitats.	Suitable nesting habitat is present in the surveyed area at the Rhinelander Meter Station, where this species was identified by the WDNR as potentially occurring. ANR will install reptile exclusion fencing prior to the active season of the wood turtle to avoid incidental take of this species. **Minor potential to occur.**	NLAA
Blanding's turtle	Utilizes a variety of aquatic habitats including marshes, shallow littoral zones of lakes, sluggish streams, oxbows, drainage ditches, and sedge meadows. Nests in sandy soils up to 984 feet from suitable aquatic habitats.	No suitable habitat for this species is present within the surveyed area at the Two Rivers Meter Station, where this species was identified by the WDNR as potentially occurring. **No potential to occur.**	NE
[1] Species of concern are not protected under the section 7 of the Endangered Species Act and no further consultation with the USFWS are required.			

Table 2 State Listed Species Occurrence Potential in the Project Area and Initial Impact Assessment			
Common Name	Habitat	Occurrence Potential in the Project Area	Determination
Mammals			
Canada lynx	Associated with moist, cool, boreal spruce-fir forests with high density of snowshoe hares.	No suitable habitat for this species is present within the surveyed area at the Rhineland Meter Station, where this species was identified by the USFWS as potentially occurring. **No potential to occur.**	NE
Whooping Crane	Whooping crane in Wisconsin is a non-essential experimental population, where individuals are raised in captivity with the goal of establishing a migrating population between Wisconsin and Florida. Breeding habitat consists of a variety of wetlands. Migration habitat include wetlands and agricultural fields. Diet consists of frogs, fish, plant tubers, crayfish, insects, and agricultural grains.	Suitable breeding and migratory foraging habitat is not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and graveled access areas. **No potential to occur**	NE
Northern long-eared bat	Roosts underneath loose tree bark, in cavities, or in crevices of living and dead trees. Winters within caves and mines.	Potentially suitable summer habitat was present at Rhinelander, Mosinee, Suring, and Two Rivers Meter Stations. However, no known occurrences of the species have been identified in the vicinity of the project. **Minor potential to occur.**	NLAA
Insects			
Karner blue butterfly	Caterpillars feed on the leaves of wild lupine. Typically found in oak savanna and oak barrens on sandy soil.	No suitable habitat for this species is present within the surveyed area. **No potential to occur.**	NE
Rusty patched bumble bee	Found in grassy open areas including forest openings, gardens, parks, and roadsides. Nests above and below ground. Uses a wide range of nectar and pollen species from April through September. Historically occurred in tall grass prairie and grasslands.	No suitable habitat for this species is present within the surveyed area at the Two Rivers Meter Station, where this species was identified by the WDNR and USFWS as potentially occurring. Project activities will occur on previously graveled facility plan and access drive. **No potential to occur.**	NE
Plant			
Pitcher's thistle	Found on beaches and grassland dunes of Lake Michigan.	No suitable habitat for this species is present within the surveyed area at the Two Rivers Meter Station, where this	NE

Table 2 State Listed Species Occurrence Potential in the Project Area and Initial Impact Assessment			
		species was identified by the WDNR and USFWS potentially occurring. **No potential to occur.**	
Bird			
Red Knot	Does not nest within Wisconsin, however, is present during migration. Migratory habitat consists of shorelines and mud flats. Diet consists of terrestrial invertebrates as well as snails, mussels, and bivalves.	Suitable migratory foraging habitat is not present in the surveyed area. The surveyed area consists of an existing pipeline meter station and graveled access areas. **No potential to occur.**	NE
Species of Concern[1]			
Wood turtle	Prefers rivers and streams with riparian wetlands and adjacent upland deciduous forests. Forages in open wet meadows and shrub-carr habitats dominated by alder. Overwinters in deep holes occurring in streams and rivers. Nesting occurs in open or semiopen canopy areas with sand or gravel within 200 feet of suitable aquatic habitats.	Suitable nesting habitat is present in the surveyed area at the Rhinelander Meter Station, where this species was identified by the WDNR as potentially occurring. ANR will install reptile exclusion fencing prior to the active season of the wood turtle to avoid incidental take of this species. **Minor potential to occur.**	NLAA
Blanding's turtle	Utilizes a variety of aquatic habitats including marshes, shallow littoral zones of lakes, sluggish streams, oxbows, drainage ditches, and sedge meadows. Nests in sandy soils up to 984 feet from suitable aquatic habitats.	No suitable habitat for this species is present within the surveyed area at the Two Rivers Meter Station, where this species was identified by the WDNR as potentially occurring. **No potential to occur.**	NE
[1] Species of concern are not protected under the section 7 of the Endangered Species Act and no further consultation with the USFWS are required.			