

Table 3. Comments Table—Broad Incidental Take Permit/Authorization for No/Low Impact Activities

Comment #	Submitted by	Comment	Response
1	ATC	<p>In the All species at All Times table, several activities identify a 300’ buffer being appropriate to avoid avian nest abandonment. In the Certified Reviewer table, you are pointed to the Screening Guidance for birds. The attached document—Avoidance Measures by Taxa Group—Birds (assumed to be the same as the Screening Guidance) tells you that you need to check with ER review staff to be told the buffer distance for different species – The Screening Guidance (and it should have the same name as reference in the tables) should either identify the buffer distance for each species or indicate that a 300’ buffer is adequate for all species and the some species may have smaller buffers which could be identified by consultation with ER Review staff.</p>	<p>The title of the Screening Guidance document was changed to Avoidance Measures by Taxa Group—Birds. References in the tables have been updated.</p> <p>The following language was added to Question 3 of the Avoidance Measures by Taxa Group—Birds document:</p> <p>A 300’ buffer is adequate for all species. Certain species may have a buffer distance of less than 300’. Work with ER Review staff to determine the buffer distance for the specific bird species EO for the project.</p>
2	ATC	<p>In the For Certified Reviewers table several activities identify restrictions for Plant taxa—not covered, or on frozen ground. There is an asterisk in the column header that, we believe, refers to a note at the end of the table referring to the exemption in Wis. Stat. 29.604 for utility activities. We would suggest that this reference be made more clear, either by changing the asterisk to 1) and adding a 1) to the end note to make it clear what the reference is, or for utility activities (B1-B33) you could add the note reference directly to the plant cell at the end of each row to clearly indicate that for utility activities that plants are covered under the 29.604 exemption.</p>	<p>The footnote was placed at the top of the list of notes and given the number 1. “See Note 1” was added to the plant cell for activities B1 through B33. The asterisk in the column header was replaced with the number 1.</p>

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3	ATC	Activity B25 in the All Species at All Times table and activity B29 in the Certified Reviewers table relate to Access. Recognizing that there is a difference where the description of activity B29 (Certified Reviewers) allows 200 sq. ft. of clearing or grading with none allowed in B25 (All Species at All Times), it looks like Terrestrial Inverts are not covered in B29 but are covered in B25. Are Terrestrial Inverts not covered in activity B29 (Certified Reviewers) solely due to the increased ground disturbance? If so, we would suggest that Activity B29 be footnoted to indicate that if there is no ground disturbance that Terrestrial Inverts are covered.	Terrestrial inverts were not included in Table 2 due to the allowance of 200 sq. ft. of grading. The note in the cell for Terrestrial inverts was changed from “Not Covered” to “Covered for non-clearing, non-grading activities.”
4	ATC	Activity B21 in the All Species at All Times table is described as “Involves driving a bucket truck along distribution lines; selective brush and tree limb clearance for line maintenance.” We believe “distribution” should be changed to “overhead utility lines” so that electrical transmission lines are clearly included. We also believe that the reference to “bucket truck” should be changed to allow use of equipment that would result in lower impact, i.e. tracked vehicles, ARGOs, ATVs, etc. Similar clarifications should also be made for activity B26 in the Certified Reviewers table.	<p>“Distribution lines” was changed to “overhead utility lines.”</p> <p>The activity description was changed to “Involves driving a bucket truck or lower impact vehicle (tracked vehicle, ARGO, ATV, etc.) along overhead utility lines; selective brush and tree limb clearance for line maintenance.”</p>
5	ATC	On Page 1 of the Permit document, the All Species at All Times Table is referred to as Table 1 and the For Certified Reviewers Table is referred to as Table 2. Please add Table 1 and Table 2 to the titles on the actual tables.	Requested change was made.

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6	ATC	<p>In reviewing the reporting requirement in Appendix C we identified a situation that may be unique to ATC that we would like to discuss to gain clarity on. ATC undertakes reviews of 1,500-2,000 miles of our lines annually to prepare maps for vegetation management activities. If we want these activities covered under this Broad IT, it appears that we would need to include them in an annual report. As our vegetation management contractors cannot accurately predict exactly which lines will undergo maintenance activities during a given month, they may not complete work on exactly the same list of lines that we reviewed during a year during that same calendar year. Consequently there may not be a perfect match between which lines are reviewed in a year and which ones have vegetation management completed. Do we report the lines reviewed or do we report the lines where maintenance was completed?</p>	<p>Report the lines that were reviewed.</p> <p>Please note, if more than 12 months pass between when the project is reviewed and conducted, the project should be re-reviewed and re-reported to ensure the most up to date Broad ITP/A is being used.</p>

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7	ATC	<p>On Page 1 of the Permit document, the second paragraph from the bottom states “If the activity is not covered by Table 1, Table 2 or the Avoidance Measures documents, it will require either an ER review (for more information on ER Reviews please see: http://dnr.wi.gov/topic/ERReview/Review.html) or the submittal of a Proposed Certified ER Review.” As the list of activities is clearly not an all-inclusive list of the activities that are conducted by ATC, and as not all activities that ATC conducts require the submittal of an ER Review, this statement is both incorrect and misleading. To clarify the statement we would suggest that the word “will” be changed to “may.”</p>	<p>To ensure compliance with endangered species laws, all proposed projects that involve ground, waterway or vegetation disturbance, should obtain an Endangered Resources Review.</p> <p>The Broad ITP/A for No/Low Impact Activities was intended to be inclusive of all no/low impact activities. The Broad ITP/A will be updated annually, please submit any additional activities you would like to be considered for inclusion at that time.</p> <p>The statement will be revised to state “If the activity is not covered by Table 1, Table 2 or the Avoidance Measures documents and it involves ground, waterway or vegetation disturbance, it will require either an ER review (for more information on ER Reviews please see: http://dnr.wi.gov/topic/ERReview/Review.html) or the submittal of a Proposed Certified ER Review.”</p>
8	Barr	<p>Please change the phrase “maintenance digs” to “maintenance activities.”</p>	<p>Change has been made.</p>

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9	Barr	The dimensions given in Activities B23 and B24 for a pipeline maintenance activity are generally typical; however, depending on the site, maintenance involving essentially the same type of activity may require a somewhat larger excavation. We recommend removing the specific dimensions provided in Activities B23 and B24, and instead defining a pipeline maintenance activity as “a site-specific, small-scale temporary excavation for the purpose of pipeline inspection and potential maintenance or repair.”	<p>The existing dimensions were reviewed by the species experts in order to verify that the activities could be considered no or low impact. Activities involving excavation areas beyond those described in the Broad IT would require an ER Review or submittal of a Proposed ER Review.</p> <p>The Broad ITP/A for No/Low Impact Activities will be reviewed on an annual basis. We will be contacting stakeholders at that time for additional input. If you would like to propose an alternate excavation size for review by the species experts you can do so at that time.</p>
10	Barr	We recommend including site grading, clearing and restoration activities as part of the pipeline maintenance activities described under Activities B23 and B24.	Change was made.

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11	Barr	<p>For these activities, Table 2 directs the ER Reviewer to “See Screening Guidance.” Is the “Screening Guidance” the same as the “Avoidance Measures by Taxa Group – Birds”? In other words, does Table 2 not apply for Activities B6 through B24, with the implied direction to proceed directly to the avoidance measure decision flow chart? If so, we recommend that the “Avoidance Measures by Taxa Group – Birds” should provide more specific guidance on determining whether an activity falls under the BITP/A, by either:</p> <ul style="list-style-type: none"> • Including the appropriate buffer distance for each species in the table of breeding dates; • Specifying that activities occurring greater than 300 feet from nesting habitat are covered by the BITP/A and do not require an ERR. 	<p>The title of the Screening Guidance document was changed to Avoidance Measures by Taxa Group—Birds. References in the tables have been updated.</p> <p>Yes, when a cell states “See Avoidance Measures document” that indicates the Taxa Group is not covered and the Avoidance Measures document should be consulted.</p> <p>The following language was added to Question 3 of the Avoidance Measures by Taxa Group—Birds document:</p> <p>A 300’ buffer is adequate for all species. Certain species may have a buffer distance of less than 300’. Work with ER Review staff to determine the buffer distance for the specific bird species EO for the project.</p>

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12	Barr	The activity description provides for up to 200 square feet of clearing or grading. This is essentially a 10' x 20' area, which is typically less than what is required for a pipeline maintenance activity and/or routine right-of-way maintenance. We recommend increasing the allowable clearing/grading area to 0.1 acre (4,356 square feet), if the activity occurs within a maintained utility corridor (UC). This would be consistent with the typical area for pipeline maintenance activities described in Table 1, Activities B23 and B24. Alternatively, please note our previous comment that clearing and grading activities associated with pipeline maintenance be included under Activities B23 and B24.	<p>Clearing and grading have been added to Activities B23 and B24.</p> <p>The request for additional square footage or clearing and grading was made previously and went through review by the species experts. Since utility corridors may only be maintained for woody vegetation on an infrequent basis, grading could cause impacts across several Taxa groups. Due to species experts concerns, the allowable area for clearing and grading was not able to be increased.</p>
13	Barr	Up to 1,000 feet of construction matting placement and removal is allowed in wetlands and no ERR is required. Enbridge pipeline maintenance activities occasionally require placement of construction mats in both wetland and upland areas, especially when crossing agricultural fields. We recommend that the Table 2, Activity B33 description be amended and expanded to allow for up to 2,500 feet of construction matting placement and removal in uplands and wetlands.	<p>The request for additional matting was made previously and went through review by the species experts. Due to species experts concerns, the allowable length of matting was not able to be increased.</p> <p>Please note, if herp species come up for projects involving matting, an E/T permitted individual will need to walk in front of the equipment to remove E/T species from the area prior to placement of the matting.</p>
14	Barr	The Avoidance Measures by Taxa alternative for determining whether an activity is covered by the BITP/A is very useful in situations where there are nearby EOs for only one or two sensitive species. However, the currently proposed Avoidance Measures by Taxa are only for birds and fish. We recommend that WI DNR develop Avoidance Measures guidance for herpetological species as well, since many of the more frequently-encountered endangered resource species fall within that taxa group.	Our goal is to provide one screening guidance document per taxa group.

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15	DNR	Include an activity for temporary stream crossings	An activity for temporary stream crossings was added under General Activities, A10, in the All Species at All Times of the Year table