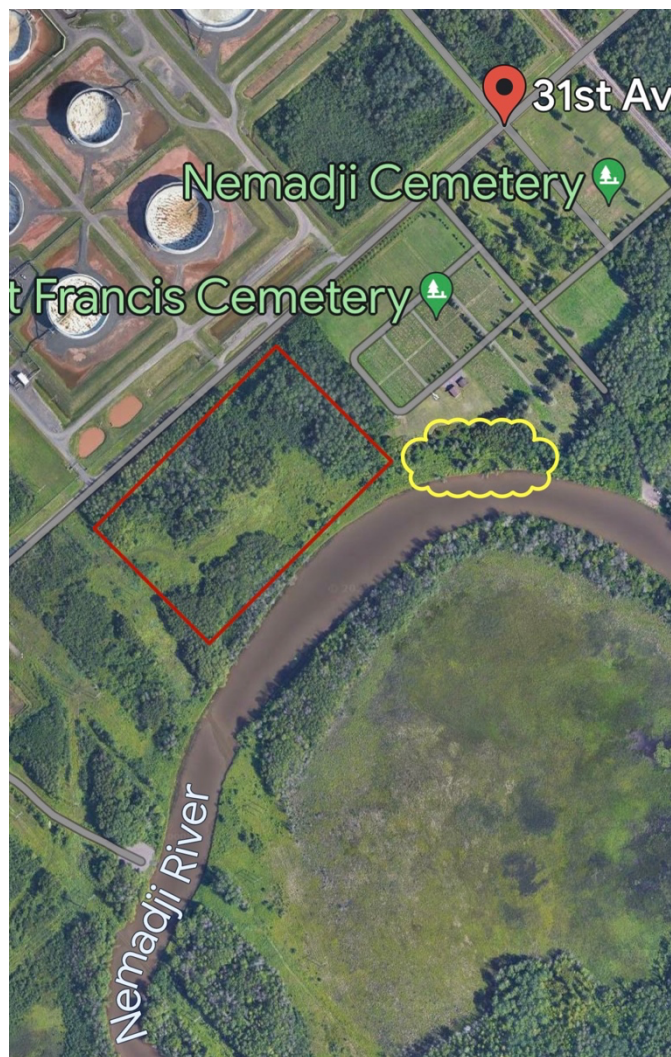


Dear members of the RUS, loan consideration committee:

The proposed NTEC gas plant is within the boundaries of the district I represent on the local city council. Please see my comments in blue; excerpts from the RSEA report are in black, bolded.



Sec 106 Cultural:

"The Wisconsin State Historic Preservation Office (SHPO) was notified of the project on February 4, 2018. The SHPO concurred with a finding of 'no historic properties affected' on March 14, 2019"

This assessment is being reconsidered.

In 2013, The Wis. Historical Society submitted an application for this exact parcel (yellow outline) to be considered for historical designation because of its profound place in history. Further, this site has since been added to their site catalogue.

In August of 2022, the Fond du Lac Band of Lake Superior Ojibwe took full ownership of a mass grave created in 1918 on the Nemadji River. Nearly 200 people were violently disinterred from Wisconsin Point to a city cemetery that has suffered extensive erosion along the riverbank next to where this gas plant is being proposed (in red)

BIA Asst Sec. Bryan Newland, a Great Lakes band member, attended the land reclamation ceremony as well as Sen. Tammy Baldwin (WI), Gov. Tim Walz (MN), Lt. Gov. Peggy Flanagan (White Earth, MN), Gov. Evers (WI) State Sen. Jenn McEwen (MN), Rep. Alicia Kozlowski (MN) and many Great Lakes tribal and religious leaders to support Chief Osaugie's extended family with hundreds in attendance to support the accountability land transfer. **Fig.1**

Parties spent decades trying to heal this cultural damage and municipal scar only for another project to sneak right up on us and attempt to repeat the same unconscionable upheaval.

Where they rest scattered to the riverbed, this Project seeks to disturb once again those who least deserve it and cannot make a plea for their peace.

NTEC beneficiaries have cited tribal consultation, but the open and broad registered tribal opposition of surrounding nations is of substantial municipal concern; by the same measure, the United States' Treaties with the signatories of these nations is of substantial federal concern.

The City of Superior has no interest in supporting, or cooperating with, a project of this magnitude of incalculable injustice.

“The PSCW has previously approved alternatives for various components of the Project.

On January 31, 2020, the PSCW issued its final decision on the generation facility (Docket Number 9698-CE-100). The Certificate of Public Convenience and Necessity (CPCN) application was approved and the PSCW authorized the Nemadji River Site as the location for NTEC. On January 30, 2020, the PSCW issued its final decision on the electric transmission line for the Project (Docket Number 9698-CE-101). The transmission line CPCN was approved and the PSCW authorized the eastern route. On March 3, 2020, the PSCW issued its approval of a 16-in natural gas lateral to SWL&P (Docket Number 5820-CG-105) to supply natural gas to the NTEC generation facility as well as the 10-inch natural gas reroute required at the Nemadji River Site (Docket Number 5820-CG-106).”

What’s changed since the PSCW made their decision?

The NTEC Owners have changed partners.

A large mining operation, Northmet, has been shelved indefinitely, which further decreases concerns about capacity or need.

The Fond du Lac Band of Lake Superior have become adjacent landowners.

The Wis. Historical Society listed this parcel in their official catalogue.

The effected Fee to Trust land application is active within the Bureau of Indian Affairs.

EPA cast public doubt about the Project claims, analysis, and stated goals of the project (2022).

Admin. city support is no longer available to Owners. The city’s financial portfolio is dramatically improved.

Finally, Superior Water Light & Power (a subsidiary utility of Allette, Minnesota Power [Owners] was determined responsible for the remediation happening right now in the City of Superior from a natural gas plant they operated:

Notification of an access agreement executed between the city and SWL&P. The agreement provides SWL&P and their contractors access to city-owned property at 51 E 1st Street

(Environmental Services Division). The access is temporary and for the purpose of facilitating SWL&P's Manufactured Gas Plant Remediation Project.

Information on the project can be found at <https://www.swlp.com/mgpremediation>. From the website...

Superior Water, Light and Power is partnering with the Wisconsin Department of Natural Resources and the Great Lakes National Program Office, or GLNPO, of the U.S. Environmental Protection Agency to remediate impacts from a former manufactured gas plant in Superior, Wisconsin.

The gas manufacturing process and later gas storage generated oily/tar-like waste and a lighter petroleum waste which were released into the subsurface soils and groundwater. Based on recent site investigations, the most significant contaminants are volatile organic carbons, also called VOCs, such as benzene, toluene, ethylbenzene and xylenes (petroleum-like) and polynuclear aromatic hydrocarbons, or PAHs (tar-like). Most of the waste is located below the ground surface, minimizing the risks of exposure to human health and the environment.

The upland remediation phase begins mid-April 2023 with the majority of construction activities expected to be completed by early fall 2023. A second phase will get underway in 2024 and focus on the C Street Slip near the City of Superior's Wastewater Treatment Facility. The upland remediation includes excavation of impacted soil and the installation of a biosparge system for areas that cannot be accessed by excavation methods

Between this and the potential to disrupt disinterred Ojibwe people again, we never seem to learn even our harshest lessons.

MN Leg. And Gov have adopted aggressive climate goals and Gov. Evers created an Exec. Order specifically calling out gas plants in the state as Projects to avoid. A permanent plant is not a temporary 'bridge' or solution.

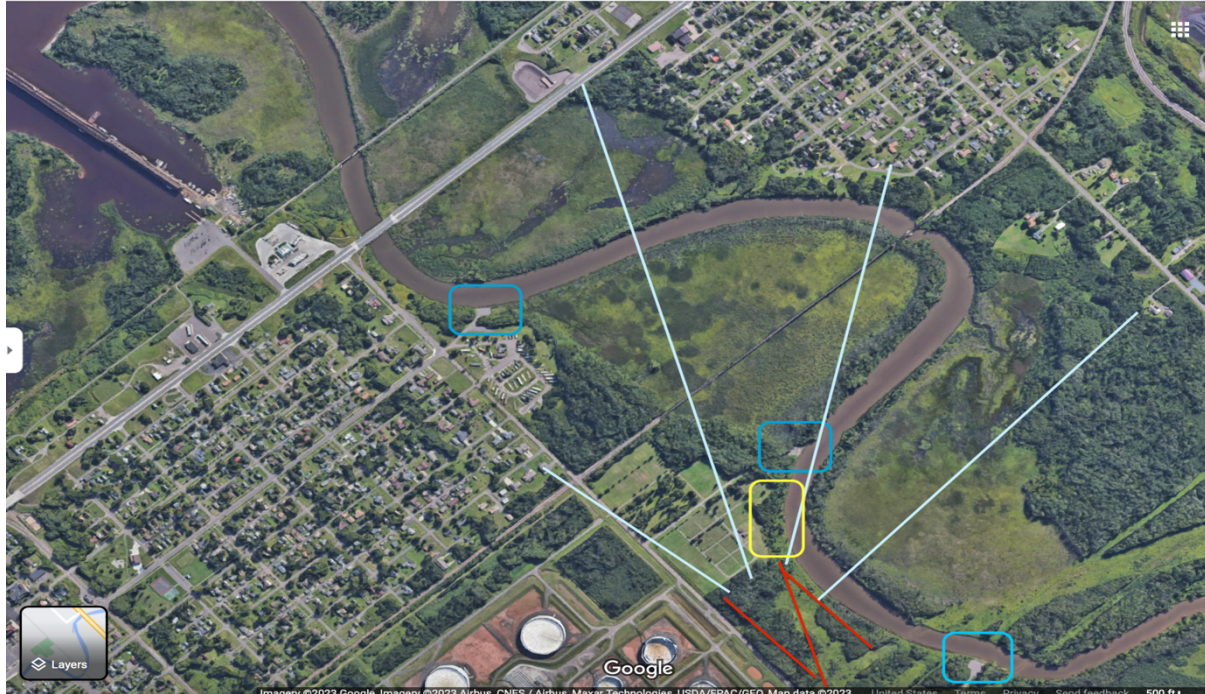
It's likely that in ~2014 when this Project was first being floated, the bridge to transitioning was already too late, but 10 years later we have found the long arc of transition is too costly and our awareness of climate emergency has vastly heightened.

DairyLand [Owners] itself is already pursuing other funding and projects that recognize the demand and support for renewable energies.

“As the Project would result in a net decrease in GHGs, it would contribute to efforts to prevent or reduce future climatic changes such as increased rainfall and flooding that could lead to changes in erosional patterns that may impact the Ojibwe burials at the St. Francis Catholic Cemetery or other tribal resources. As described in Section 1.4, the construction of this Project will aid in the transition to renewable electricity, and in turn cause a net decrease in GHG emissions.

This transition to renewables will reduce the effects of climate change on a global and, subsequently, a local level, helping to minimize Project- related climatic risks to indigenous peoples.”

This deduction is very difficult to read; it's a traumatic reach to say there's Tribal benefit that translates into a decrease in shoreline erosion of a mass grave orchestrated by US Steel and the City of Superior. This is only one of a few problematic statements that support the assertion that proper Tribal consultation never happened.



To recap, this Project is being proposed next to the Nemadji and St. Francis catholic cemeteries, between two disadvantaged residential neighborhoods, some industry, three public boat landings/fishing piers, a campground, a River and an Ojibwe mass grave within the Lake Superior watershed. In twenty-twenty three.

It's not just an industrial area and any narrative that attempts to say so is denying the full reality of these neighborhoods. There is, no underlying tribal benefit and to say so is offensive.

The Project Owners mention the proximity of the BNSF bridge "half mile" away but omit the homes/ residential neighborhoods, water, and coastline within in similar proximity.

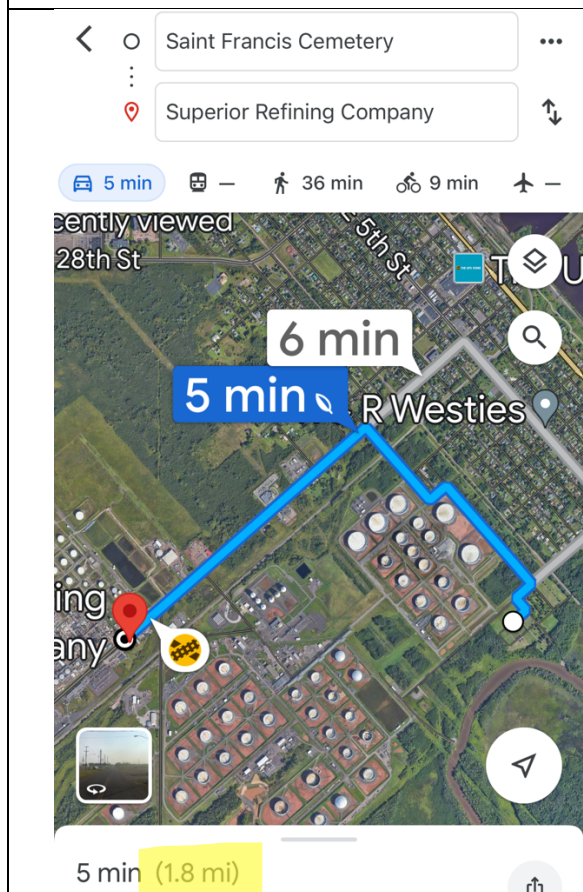
Fig. 2 Three teal rectangles show public access recreation to the river to canoe, camp, and fish.

The yellow rectangle shows the Ojibwe mass grave. Project site in Red.

The Four light blue lines show sight lines to highway 2/53 and residential views and distance.

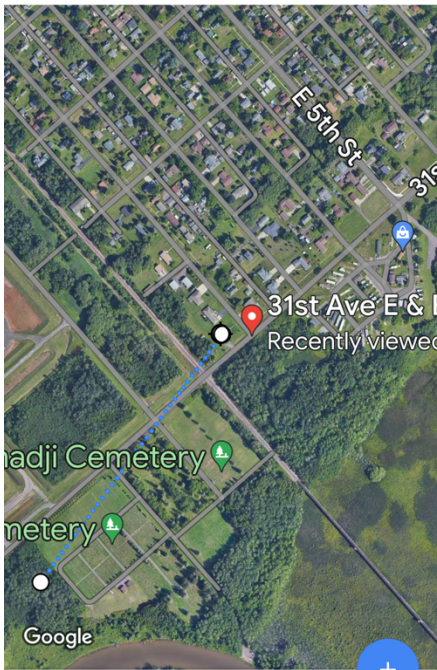
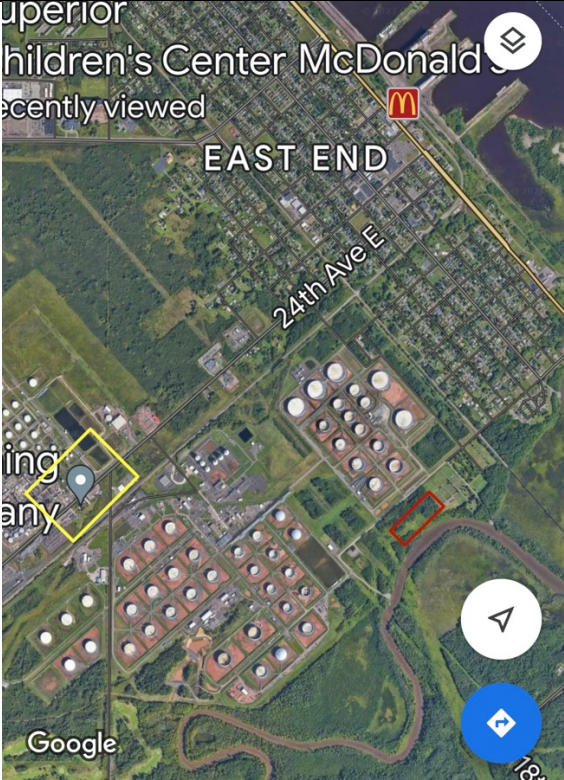
To measure the distance and sightline of the project you find the Project site is just .03 miles from the nearest home on East 8th Street, and 2 miles (both driving distance and measured in a straight line across) from the project site which is often misrepresented.

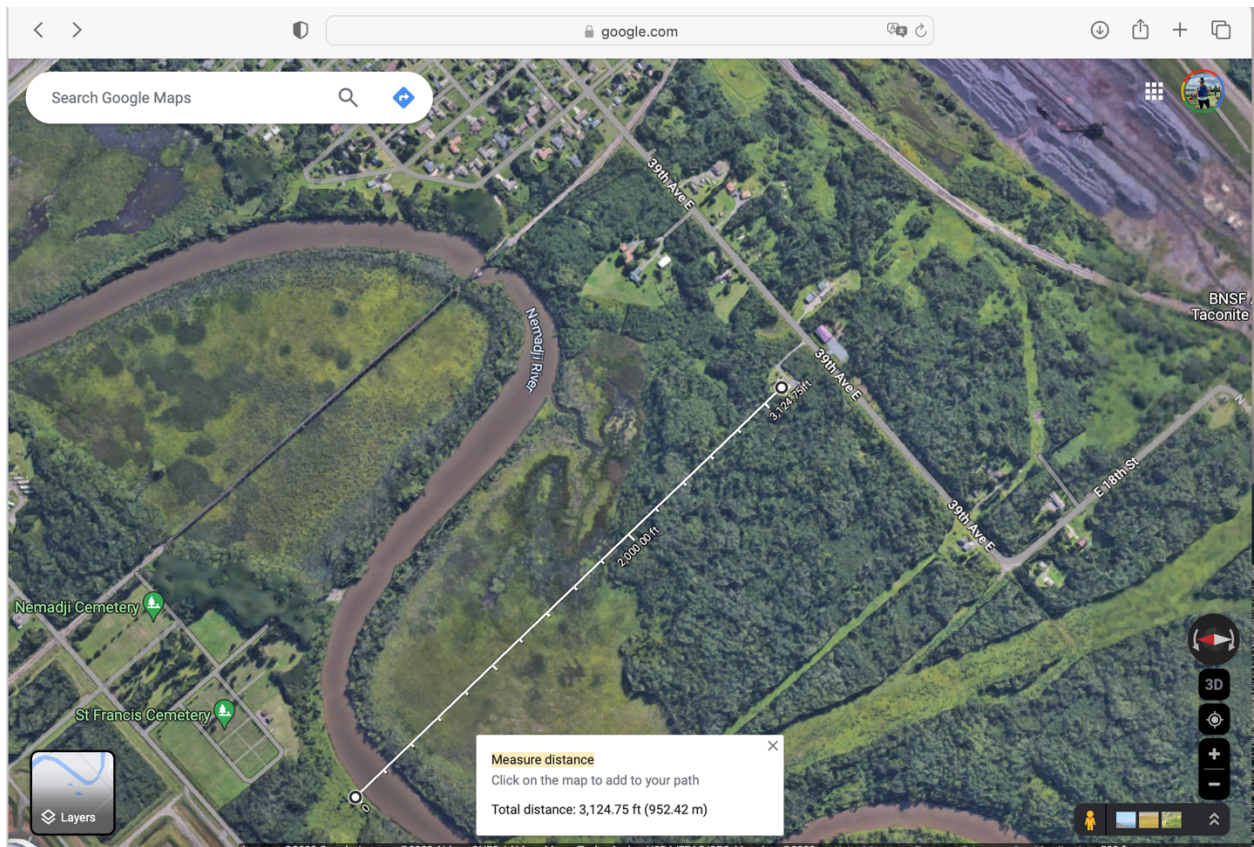
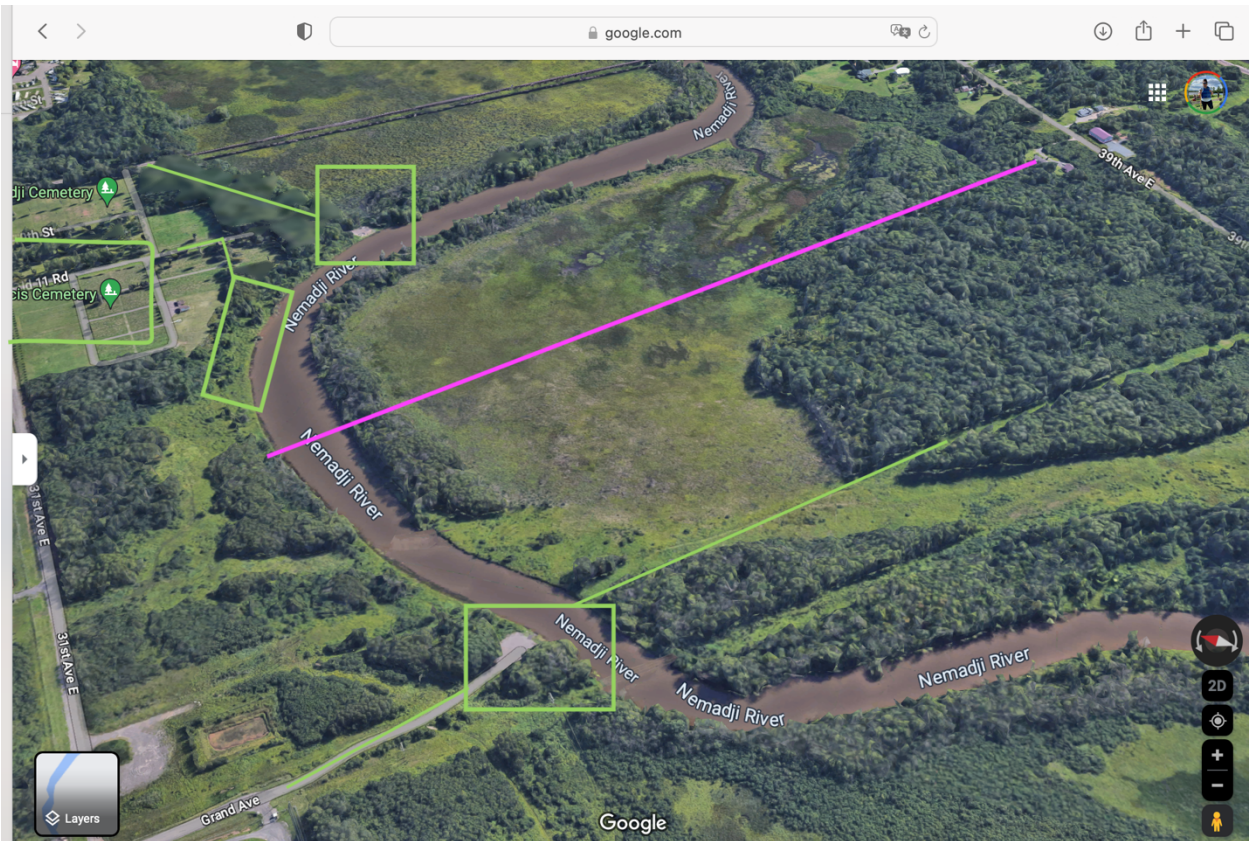
Projects owners cite the nearby Refinery, 2 miles away to justify compatibility



Even over the top, measuring in a straight line, distance is much further than actual nearby residential properties (blue dotted line)



 <p>0.304 mi</p> <p>Add point</p>	
<p>In contrast, the Project site to the nearest home (blue dotted line) on East 8th/31st is just .3 miles.</p>	<p>Owners' representation of nearby (2 miles) puts many, many more residential properties into the effected sphere. Refinery in yellow. Project in red.</p>
<p>(below)</p> <p>Measured distance on the other side of Project site to residential home (purple line) .5 mile</p> <p>[Green markings show protected public access]</p>	<p>(below)</p> <p>Measured distance to residential homes on the other side of Project site (white line) .5 mile</p>



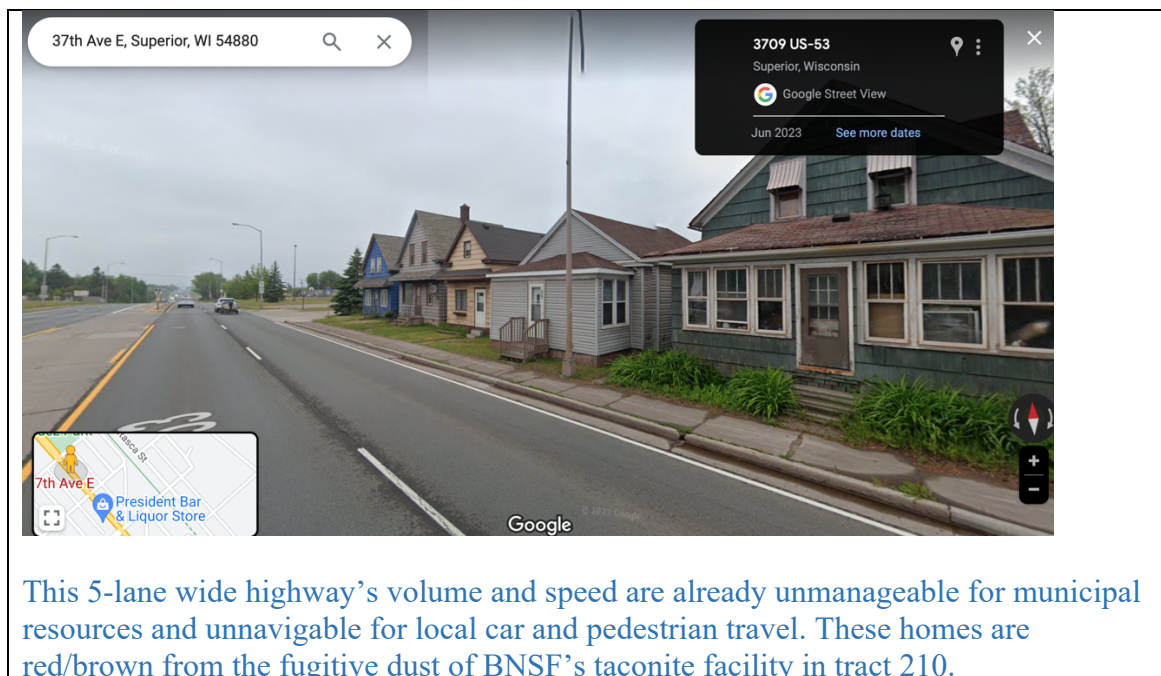


Other Considerations: Pollution & Industrial burden

Highway 2/53 daily traffic counts are 30,000. A day. Highway 2/53 runs alongside the project site and intersects with 31st Ave E, towards the recreation Riverside, and proposed Project site. The bulk of this daily traffic are overweight, oversized freight and logging trucks that run day and night through the Allouez [tract 210] and East End neighborhoods.

The proposed project's 200-foot stack will be clearly visible for visitors, tourists and neighbors and add to the heavy burden these neighborhoods already take. The trucks run within a couple feet of their homes, heavy and loud enough to rattle pictures off the walls. Their daily engine braking rips though the air. This generates a lot of complaints to the police and City.

This neighborhood has born enough of the industrial encroachment. The overlap is already a dominate nuisance. I wasn't elected when this city street was expanded into a 5-lane wide highway, but its installation transformed this quiet neighborhood into a noisy, diesel-soaked corridor, irreparably.



“The Proposed Action will increase GHG emissions in the immediate Project vicinity...”

The Project would be located in an area containing a mix of undeveloped lands, residential developments, commercial and industrial activities and facilities. *Many of these uses contribute air emissions.* Sources would include wood burning stoves and fireplaces, petroleum-fueled systems for heating and hot water, automobile and other vehicle emissions, and other activities that rely on combustion of fossil fuels. These activities generate a variety of air pollutants, many of which are identified, tracked, and regulated by the EPA under the Clean Air Act. In addition, several components of these emissions are identified as GHGs.

“SupGen is a MP-owned site located in Douglas County, Wisconsin, on the outskirts of the City of Superior. The site is situated directly on the bank of the Nemadji River and less than 2 miles from Lake Superior. The site area itself is partially forested and relatively free of development, except for a small concrete foundation and pond in the western-most corner. Much of the surrounding area has been appropriated for industrial use. The site is accessed directly by 31st Avenue E., and there is a branch of the BNSF rail line less than half a mile to the northwest.”

NTEC is determined to emphasize that this is an industrial area, which is only partially true:

The RSEA acknowledges neighboring industry (Cenovus/Husky Refinery [exploded 2018] and/or Enbridge tank farms) without acknowledging the cumulative impact of those industries. The preferred site is zoned Residential. Two residential neighborhoods [East End and Allouez] straddle the Project site, both which have born a great brunt of the industrial encroachment. Homes would be situated on BOTH sides of NTEC's 200-foot stack.

A 200-foot stack in the neighborhood will not be positive for property values, the well-established recreation corridor, or visiting tourists. Home values in this neighborhood are already depressed, in part thanks to an overwhelming industrial attitude of, it's an-already-ruined-neighborhood.

This neighborhood is not disposable or too far gone. This area is highly visible, residential, and not at all "on the outskirts of town" as reported.

A nearby BNSF rail line is mentioned, but the destination of that rail line is omitted: a taconite facility that processes 11 million long-tons of ore each year. BNSF pays out an annual reimbursement to residents for the excessive fugitive taconite dust emitted which coats homes and businesses (year-round). The qualifying reimbursement area is up to a half mile away. This industrial grade dust is reported to be larger than 2.5 ppm respectfully and has documented correlations to cancer. The reimbursement radius stretches towards the 31st Ave E neighborhood that NTEC intends to occupy.

The NTEC plant will express "steam blow operations" into the surrounding area that will make for a messy combination adding to the already considerable burden of clean up and damage to residential properties. The neighbors protested the installation of the railroad's expansion to run a taconite corridor over the top their homes resulting in the excess fugitive dust—and lost.

In 2020, the railroad suddenly rescinded the annual reimbursement paid out to the neighborhood for more than 50 years—the negotiation to reinstate the program fell to the City over the course of the year plus a city council resolution later a new, more restrictive program eventually re-materialized.

Additional Recreational Proximity:

The Nemadji Golf course is briefly mentioned as nearby but not that it's a publicly owned golf course earning substantial revenues compared to competitive operations in the region. This Project poses serious concern that can hurt the earning potential of this city asset.

Industrial proximity: when the refinery exploded, it sent shrapnel into a nearby tank that punctured the tank spilling out its highly flammable contents. With the tank farms, what kind of risks are being calculated and compounded by adding another highly volatile diesel + gas operation into the East End /Allouez neighborhoods?

My service to this city is dominated by the havoc of industry towards its actual neighbors. It's a nightmarish grind that weighs heavily on our residents who live in an area they can afford, try to enjoy, or their families have lived for generations, or are just starting their families. They don't deserve to suffer because of what they can afford. Residents deserve to stay where they grow up rather than aspiring to nicer pastures across town where the cost of living dramatically increases.

A disproportionate amount my time and work are dedicated to the mediation of complaints to the police department/city hall regarding semi-screaching engines, wrong lane travel, freight trucks speeding followed by my returning with halfway solutions to residents from these titans all in the

name of economic development. Trying to work with them is next to impossible and the typical response (when I can get through) is, “well they live in an industrial place...” Someone has to stand up for our residents and a majority of the city council and Administration are determined to intervene against another corporation barreling in to abuse our resources and continue chipping away at Superior’s quality of life. No dollar amount can satisfy what we stand to lose.

My voice of experience now, matters far more than my voice of inexperience back then--I could not have known the full scope when I initially supported the Resolution in favor of the Project.

No city councilor is courting the Project site for their own neighborhood, just the acceptance that if it has to go somewhere, it should be ‘over there.’ DairyLand [Owners] itself is already pursuing other funding and projects that recognize the demand and support for renewable energies.

East End/Allouez families, their representation, and good care are not optional. At every level of government, their wellbeing must be regarded with the high respect.

The cost and technology of this project are outdated.

***Recreation:* Increased traffic and operation noise near the fishing access at 18th Street during operation. Traffic during operation of the Project would increase vehicles on nearby roads but is not anticipated to significantly increase traffic due to the number of employees anticipated or reduce access to these facilities.**

The WDNR has expressed serious interest this year to acquire adjacent lands for public access and protection to expand and improve recreation in this CDBG neighborhood. This is a popular fishing, camping and recreational boating thoroughfare.

The Western Transmission Route would cross a small portion of the Allouez Area Parcel 2 hunting area. Clearing would remove woodland habitat and result in a minor change to the habitat mix on these areas. Access to all or portions of these areas may also be controlled during construction. Once completed, access to these areas would be restored.

This disturbance is unnecessary to the (unevaluated) woodland habitat and interrupts the ability for Indigenous gathers, and recreational hunters of all backgrounds to harvest; these interruptions span well beyond the Owners private parcel.

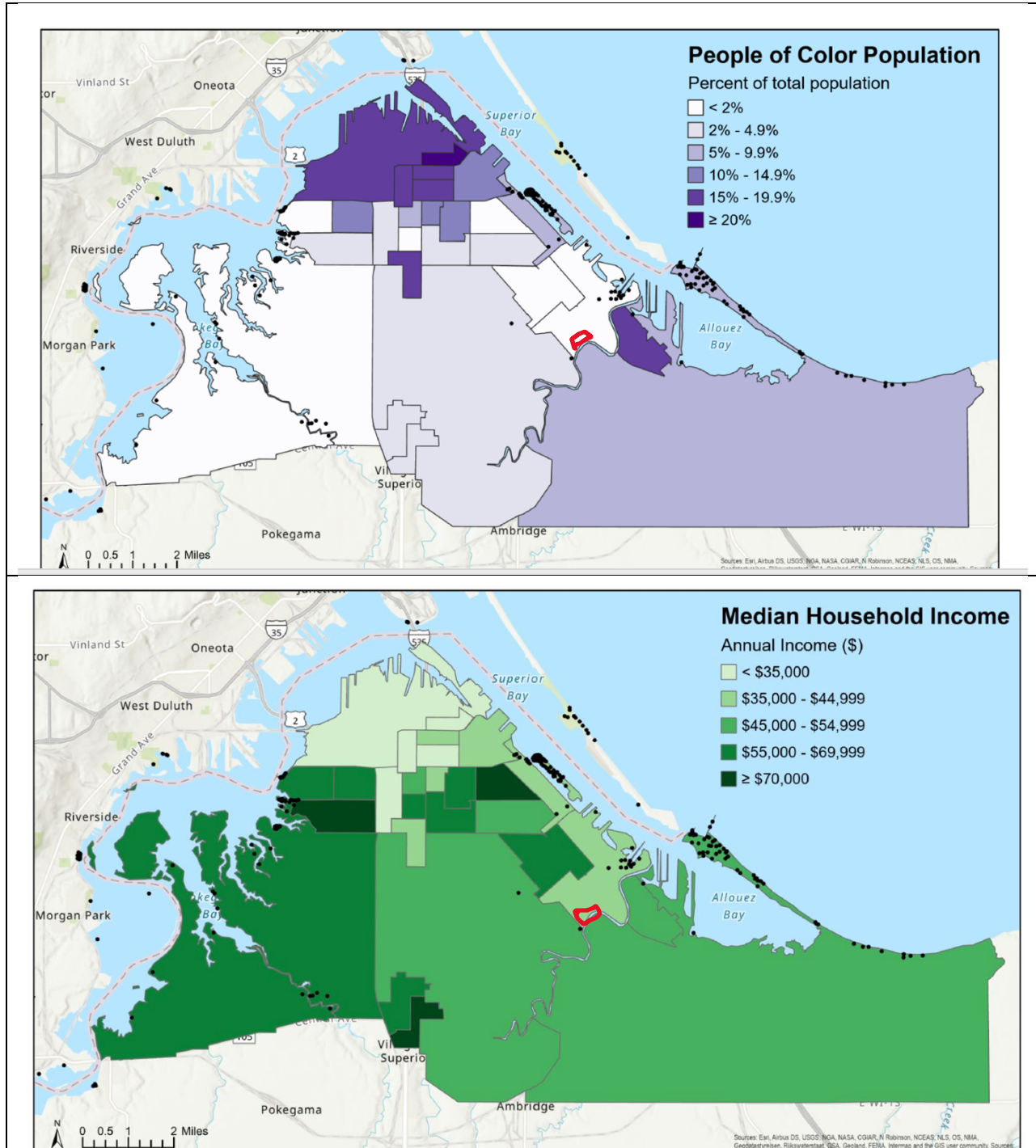
Affected Environment

“an emergency diesel fire pump, an emergency diesel generator...”

In addition, this Plant is asking to burn 11 million gallons of diesel fuel—in two already deeply compromised neighborhoods in the name of greener energy.

3.3.1.2 Social Characteristics

Project site in Red.



No direct impacts to tribes are anticipated. No construction or facilities will be located on tribal lands, and no impacts to TCPs or Native American cultural sites are anticipated to be disturbed.

Multiple tribal nations are openly opposed to this project due to it's impacts. THPO and SHPO are re-evaluating Project impacts.

Academically, I have respect for the people who wrote the studies and articles in section 7, but many of these works are dated or provide summaries rather than detailed information and there are not enough sources here to even provide the full perspective. These citations come up short.

And, into the preparer section, and there is no evidence that anyone on this team is trained in archeology or history or consulted with anyone who is. And, glaringly, Dairyland staff preparing its own response to the EPA's concerns, it's difficult to see objectivity.

Native American access to ceded lands for hunting, fishing, and gathering may *be temporarily curtailed or restricted* during Project construction.

Fond du Lac's ceremonial access cannot be blocked or restricted at any time for any reason.

I finish this comment by acknowledging the one-year anniversary of Fond du Lac's land transfer in a few days. From that coverage:

"The holistic pieces that it is a resting place of our people — it guarantees that they are not going to be bothered anymore; and that is what it guarantees. It guarantees that we are going to be able to protect our past," Dupuis told WDIO

-Kevin Dupuis

Chair, Fond du Lac Band of Lake Superior Ojibwe, United States Marine Corp.

<https://kstp.com/kstp-news/local-news/land-returned-to-fond-du-lac-band-of-lake-superior-chippewa/> 8/18/2022

Please reach out to me anytime with questions.

Sincerely,

Gunalcheesh, (Thank you)



Jonny Van Sickle, Superior City Council, Lingít ka Gunanaa/Dene Yéil naax xát Kiks.ádi Xíxch' Gagaan Hít Sheet'ká K̲wáan