

From: Coffey, Kristina (EGLE)
Sent: 6/9/2023 11:16:13 AM
To: "amber.kim@jupiterpower.io" <amber.kim@jupiterpower.io>
Cc: "dwensley@salem-mi.org" <dwensley@salem-mi.org>;
"leek@ewashtenaw.org" <leek@ewashtenaw.org>; "engelhardb@ewashtenaw.org"
<engelhardb@ewashtenaw.org>; "wilcoxg@ewashtenaw.org" <wilcoxg@ewashtenaw.org>; "Pamela
Rice" <price@metroca.net>; "Konieczki, Matt (EGLE)" <KonieczkiM@michigan.gov>; "Smyth, Erin
(EGLE)" <SmythE1@michigan.gov>; "Bales, James (EGLE)" <BalesJ@michigan.gov>
Subject: EGLE PreApplication Letter
Attachments: PreAppLetter 301 303 (WORD).pdf

Dear Amber Kim:

Please see the attached EGLE correspondence for your records.

If you have any questions, please contact Jim Bales directly at BalesJ@Michigan.gov or 517-257-4532.

Thank you,

Kris Coffey
Secretary
Water Resources Division/Jackson District Office
Michigan Department of Environment, Great Lakes, and Energy (EGLE)
517-243-3109 | 800-662-9278
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PreAppLetter 301 303 (WORD).pdf

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Adobe Portable Document Format (PDF) compound image



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
JACKSON DISTRICT OFFICE



AARON B. KEATLEY
ACTING DIRECTOR

June 9, 2023

VIA EMAIL

Amber Kim
Jupiter Power, LLC
1108 Lavaca Street
Austin, Texas 78705

Dear Amber Kim:

SUBJECT: Preapplication Meeting
Site Name: 81-Davenport Energy Storage LLC–W. Michigan Avenue-Saline
Submission Number: HPS-4PTR-5G0NG
T04S, R05E, Section 09, Saline Township, Washtenaw County

This letter is a follow up to our April 27, 2023, preapplication meeting regarding the proposed project in Saline Township, Washtenaw County. The purpose of a preapplication meeting is to provide you with information that will clarify the permit process, answer preliminary questions about your specific project in order to avoid delays at a later date, and to determine, if possible, the need for wetland or inland lakes and streams permits.

During this meeting, we reviewed the need to obtain a permit under Part 301, Inland Lakes and Streams; and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The review was based on discussion of the proposed project and/or draft permit application, the proposed site, and potential modifications to the project discussed during our meeting.

During the review of the project site, the Michigan Department of Environment, Great Lakes, and Energy's (EGLE) Water Resources Division (WRD) made the following findings regarding the need for a permit under Part 301, Inland Lakes and Streams; and Part 303, Wetlands Protection, of the NREPA:

A permit is not required for the project as proposed.

This determination is based on the project plan and information provided at the time of this meeting and email correspondence received by our office on April 28, 2023, and May 11, 2023. Provided that the proposed project and location are not altered, this determination is binding on EGLE for a period of two years from the date of this meeting.

During the meeting, we also discussed a number of issues related to the project, including the following:

- We discussed the regulatory status of the wetlands on-site.
 - Wetlands “B”, “C”, and “D” described in the provided wetland delineation report are regulated by EGLE under Part 303, Wetlands Protection, of the NREPA.
 - Wetlands “A”, “E”, and “F” described in the provided wetland delineation report are non-regulated by EGLE under Part 303, Wetlands Protection, of the NREPA.
- We evaluated and discussed the regulatory status of two watercourses/stream features on the property.
 - EGLE determined that the feature described as “Potential Stream 1” in the provided wetland delineation report is a regulated stream under Part 301, Inland Lakes and Streams, of the NREPA.
 - EGLE determined that there is also a stream adjacent to the northwest portion of “Wetland C” that is regulated under Part 301, Inland Lakes and Streams, of the NREPA.
- We discussed the potential presence of state or federally listed threatened or endangered species on the site. We recommend review of the material available on the Michigan Department of Natural Resources' Web site at [Michigan.gov/Threatened and Endangered Species](https://Michigan.gov/Threatened_and_Endangered_Species).
 - We discussed that Washtenaw County is within the known range of Northern long-eared bat and Indiana bat. Any necessary tree clearing should occur during the cool season only (no clearing April 1 – Sept. 30) or be coordinated with the United States Fish and Wildlife Service (USFWS).
- We discussed that if the proposed impact area for this project will be over five (5) acres a Notice of Coverage under Part 91, Soil Erosion and Sedimentation Control, of the NREPA will be required. For further information you may contact Matt Konieczki at 517-867-0745 or KonieczkiM@Michigan.gov.

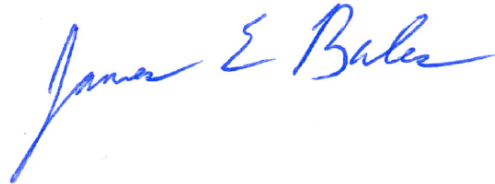
Please note that this is not a permit. The WRD cannot indicate during a preapplication meeting whether or not a permit will be issued. The WRD cannot make a decision regarding a permit until it has considered all of the information provided in the final permit application, and, in some instances, has also considered comments received in response to a public notice of the project. Therefore, the WRD cannot legally tell you whether the project will be permitted in advance of a permit application being submitted and reviewed.

Amber Kim
Jupiter Power, LLC
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The EGLE submission number assigned to this project is HPS-4PTR-5G0NG. Please keep a record of this submission number and use it when submitting a final application or otherwise corresponding with our office on this project.

We appreciate the opportunity to meet with you or your representative to address these concerns. We have established a submission for this project, and the information submitted to date will be used to facilitate processing of the final application. If you should have follow-up questions before then, please contact me at 517-257-4532; BalesJ@Michigan.gov; or EGLE, WRD, Jackson District Office, 301 East Louis Glick Highway, Jackson, Michigan 49201-1535.

Sincerely,



James Bales
Environmental Quality Analyst
Water Resources Division

cc: Saline Township Clerk (via email)
Washtenaw County SESC (via email)
Pamela Rice, Metro Consulting Associates (via email)
Matt Konieczki, EGLE (via email)
Erin Smyth, EGLE (via email)