



Department of Energy

Washington, DC 20585

July 28, 2026

Tricia Canaday
State Historic Preservation Officer
Wisconsin Historical Society
816 State Street
Madison, WI 53706

SUBJECT: U.S. Department of Energy, Office of Energy Dominance Financing, Section 106 Consultation, Wisconsin Electric Power Company, Oak Creek Combustion Turbines Project, Milwaukee and Racine Counties, Wisconsin

Dear Ms. Canaday,

Pursuant to its authority under Title XVII of the Energy Policy Act of 2005, as amended, which established a Federal loan guarantee program, the U.S. Department of Energy (DOE) Office of Energy Dominance Financing (EDF) is evaluating whether to provide a Federal loan guarantee to Wisconsin Electric Power Company (WEC-WEPCO, or the Applicant) for the Oak Creek Combustion Turbines Project (the Project) located in Milwaukee and Racine Counties, Wisconsin.

The purpose of this letter is to formally initiate consultation with the Wisconsin State Historic Preservation Officer (SHPO) under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (54 United States Code [U.S.C.] 306108), and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800, "Protection of Historic Properties." This letter presents descriptions of the undertaking, the Area of Potential Effects (APE), and the efforts to identify historic properties, and seeks your concurrence with DOE's Finding of No Historic Properties Affected for this Project.

Project Background and Degree of Federal Involvement

In June 2024, prior to any Federal involvement in the Project, WEPCO applied to the Public Service Commission of Wisconsin (PSCW) for a Certificate of Public Convenience and Necessity to construct and operate the Project (PSCW Docket # 6630-CE-317). In December 2024, PSCW completed an Environmental Assessment (EA) for compliance with the Wisconsin Environmental Policy Act (WEPA) in accordance with PSCW filing requirements (Attachment 1). This EA included an assessment of archaeological and historic resources informed by cultural resource studies provided by the University of Wisconsin-Milwaukee Cultural Resource Management (UWM-CRM). The EA concluded that no historic properties were located within the Project's APE, and no further

consultation was required in accordance with Wis. Stat. s. 44.40 and the PSCW-SHPO Interagency Programmatic Agreement.

After PSCW issued its approval of the Project in July 2025, WEPCO began construction of the Project that same month. Separately, WEPCO applied for a DOE EDF loan for a portfolio of projects, and this Project, specifically, was identified in January 2026. DOE EDF has initiated its environmental review to inform its decision on whether to provide Federal financial assistance to WEPCO for certain remaining components of their Project, such as prior design and survey work, long-lead equipment purchases, and the remaining construction, installation, and commissioning activities to occur post-September 2026. The ground-disturbing site preparation and construction activities which occurred prior to September 2026 pursuant to PSCW approval (such as grading, filling, underground utilities, foundations, concrete slabs, and building installation), are not included in the application for Federal financial assistance. However, even though DOE EDF's scope of Federal involvement does not include funding for construction activities associated with site preparation that have already been completed, DOE EDF understands that the Section 106 review must consider the entirety of the undertaking, including those activities that may not be Federally funded.

Because DOE EDF's involvement began much later than the PSCW state regulatory process and the associated approval to begin Project construction, we acknowledge DOE EDF's limited ability to avoid, minimize, and mitigate adverse effects that may have occurred during the construction activity that took place prior to the Federal involvement in the Project. However, DOE EDF has reviewed the information included in the PSCW's EA (Attachment 1), current supplemental cultural resources information provided by UWM-CRM (Attachment 2), and the Applicant's Unanticipated Discoveries Plan (Attachment 3), and has determined that the information therein is sufficient to meet the Federal responsibilities under Section 106 and to form the basis for DOE EDF's Finding of No Historic Properties Affected for the undertaking.

Description of the Undertaking

DOE's proposed action is the issuance of a Federal loan guarantee to the Applicant for the undertaking (i.e., the Project), which includes construction of a new electric generating facility located at the existing Oak Creek Generating Site directly west of the existing Oak Creek Power Plant and Elm Road Generating Station on land owned by WEPCO in the City of Oak Creek, Wisconsin. The new facility includes five (5) combustion turbine (CT) generators, each with a nominal capacity of 220 megawatts (MW), for a total capacity of approximately 1,100 MW.

The Project's proposed 16-acre CT facility site is located at the northern end of the Oak Creek Generating Site parcel. The Project includes a total of up to 56 acres of proposed ground disturbance, including the 16-acre footprint of the proposed CT facility, approximately 15 acres of equipment laydown areas, and up to 25 acres for a clean fill soil disposal area (the exact area depends on generated fill and could be a little as 5 acres). Project maps depicting areas of temporary disturbance (e.g., laydown areas) and permanent

disturbance (e.g., facility footprint to the north, and spoil disposal area to the south) are provided in Attachments 1 and 2.

Description of the Area of Potential Effects

As defined in the Section 106 regulations (36 CFR § 800.16(d)), the 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. The dimensions of the APE are influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking. Within the APE, DOE distinguishes different survey areas for identifying archaeological and historic architectural resources (hereafter, the “archaeological survey area” and “architectural survey area”). The archaeological survey area is defined as the construction footprint of the Project where potential physical effects caused by ground-disturbing activities may occur, also known as the limits of disturbance (LOD). The architectural survey area includes the area in the Project LOD and may apply a distance buffer, as appropriate, within which potential non-physical effects (e.g., visual, vibrational, auditory, or atmospheric) could occur. These survey areas collectively comprise the APE for the Project.

The Project’s archaeological survey area includes the area where potential ground disturbance would occur, totaling approximately 56 acres. The Project’s architectural survey area includes the area within the Project LOD and the adjacent legal parcels surrounding the Project.

Description of Efforts to Identify Historic Properties

Tribal Outreach

In accordance with Section 106, DOE identified federally recognized Native American Indian Tribes (Tribes) that may have an interest in the Project area. DOE has notified the following eleven (11) federally recognized Tribes to see if they have an interest in the Project:

1. Citizen Potawatomi Nation, Oklahoma
2. Forest County Potawatomi Community, Wisconsin
3. Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
4. Hannahville Indian Community, Michigan
5. Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan
6. Little Traverse Bay Bands of Odawa Indians, Michigan
7. Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan
8. Menominee Indian Tribe of Wisconsin
9. Miami Tribe of Oklahoma
10. Ottawa Tribe of Oklahoma
11. Prairie Band Potawatomi Nation

By separate letter sent concurrently with this submission to the SHPO, DOE EDF has requested Tribal respondents to provide their comments on the undertaking, provide information regarding historic properties of religious or cultural significance to Tribes that may be present in the APE, and to identify any additional Tribes that may share an interest in the Project area so DOE EDF can promptly invite them to consult. DOE EDF will consider all comments received from Tribes during the 30-day consultation period and will coordinate with the SHPO and other consulting parties, as appropriate, if additional consultation is requested or necessary.

Records Search

As part of the Section 106 identification process, the Applicant contracted UWM-CRM to conduct cultural resource surveys. UWM-CRM prepared the cultural resources letter report that is included as Attachment 1 and summarized below.

UWM-CRM conducted a search of the Wisconsin Historic Preservation Database (WHPD) and the National Register of Historic Places (NRHP) to identify previously recorded cultural resources and historic properties within the APE. The archival and literature review confirmed that the entirety of the Project area has been subjected to prior archaeological survey. As discussed in Attachment 1, the initial records search identified twelve (12) previously recorded archaeological sites within the APE, nine (9) of which were previously found to be ineligible and three (3) of which were recommended for further evaluation. The Project area was subsequently modified, reducing the total number of previously recorded sites within the APE to three (3). No NRHP-listed historic properties are located within the APE. Five (5) previously recorded WHPD Architecture History Inventory (AHI) Resources were identified within the APE, in parcels adjacent to the Project's CT facility site.

Review of historic aerial photographs revealed that the locations of the CT facility and temporary disturbance areas (laydown yards) were extensively previously disturbed by modern construction activities beginning in 2006. Since 2011, the Project area has been used as a laydown area and/or storage yard for other construction projects, or it has been maintained as a vegetated industrial area. According to the Wisconsin Department of Natural Resources (WDNR) land cover data set, the land use and land cover for the Project site are classified as Developed, High Intensity.

Following the completion of background research, UWM-CRM completed Phase I cultural resource studies for archaeological sites and historic architectural resources within the APE, as summarized in Attachments 1 and 2, and below.

Archaeological Resources

In the studies supporting the PSCW EA, three (3) previously recorded archaeological sites were identified within the APE: 47RA0294, 47RA0295 and 47MI0542. As summarized in Attachment 1 and documented in previous investigations for the Project, sites 47RA0294 and 47MI0542 are considered not eligible and no further work is warranted at those sites;

however, additional Phase I archaeological survey at the location of site 47RA0295 was recommended and was completed by UWM-CRM on May 31, 2024. No cultural materials or features were located within the survey area. No evidence of the site was located during the survey. Due to the overall lack of depositional integrity and the absence of significant material culture or features, these sites are considered not eligible for the NRHP. Therefore, no archaeological resources that would be considered historic properties for Section 106 purposes are present within the APE.

In the UWM-CRM 2026 supplemental letter report (Attachment 2), a literature review did not identify any archaeological or burial sites coinciding with the APE. The report notes that construction activities in the current Project phase are limited to above-ground construction and thus, there is no potential for the Project to affect archaeological resources. However, as noted above, even though DOE EDF's scope of Federal involvement does not include funding for construction activities associated with site preparation that has already been completed, DOE EDF understands that the Section 106 review must consider the entirety of the Project, including those activities that may not be Federally funded. That said, DOE EDF finds that the previous assessment of the Project, which included both desktop review and field identification efforts, are sufficient to determine that no archaeological historic properties are present within the APE. Furthermore, the implementation of the Unanticipated Discovery Plan (Attachment 3) provides assurance that any previously unidentified cultural resources, including burial sites, would have been appropriately consulted on to address adverse effects in the event of an inadvertent discovery during construction.

Historic Architectural Resources

In the studies supporting the PSCW EA, five (5) WHPD AHI resources were identified as adjacent to or in the immediate vicinity of the Project. Of these, two (2) are not extant (AHI# 12464 and 133026), two (2) TMER&L Co. pipe culverts were confirmed to be outside of the APE (AHI# 237209 and 237208), and one (1) resource was previously evaluated and determined not eligible (AHI# 149922). UWM-CRM identified and evaluated two new resources, WHPD AHI# 246707 (Oak Creek Power Plant - North Plant) and AHI# 246708 (Oak Creek Power Plant - South Plant). The review found that these resources would not meet any of the historic criteria under Wis. Stat. § 44.36(2).

In the UWM-CRM 2026 letter report (Attachment 2), UWM-CRM provided supplemental cultural resources information for the purposes of informing DOE EDF's Section 106 review. Attachment 2 provides additional information and NRHP evaluations for AHI # 149922, AHI #237209, AHI# 246707, and AHI# 246708, along with Project maps and resource photographs. All of the surveyed resources are recommended as not eligible for the NRHP.

In conclusion, no historic properties were identified within the APE.

Requesting your Concurrence and Next Steps

Based on DOE EDF's review of the efforts to identify historic properties and conclusions drawn from this information, DOE EDF is issuing a Finding of No Historic Properties Affected, consistent with 36 CFR § 800.4(d)(1). As part of the Section 106 process, DOE EDF requests the concurrence of the Wisconsin SHPO on the Finding of No Historic Properties Affected, as well as any comments you may have on the APE or the Project **within thirty (30) days of receipt of this letter.**

In the event of a post-review unanticipated discovery of cultural resources and/or human remains during construction, DOE EDF will determine actions to resolve adverse effects and notify the SHPO, any Tribe that might attach religious and cultural significance to the affected property, and the Advisory Council on Historic Preservation (ACHP) within 48 hours of the discovery, pursuant to 36 CFR 800.13(b)(3).

We look forward to consulting with your office throughout the Section 106 process. If you have any questions or would like to discuss this project further, please contact me at 240-474-2403 or via email at EDF_Environmental@doe.gov.

Sincerely,

Christina Gomer
Environmental Project Manager
Office of Energy Dominance Financing

Attachments:

Attachment 1. PSCW Environmental Assessment

Attachment 2. UWM-CRM Supplemental Cultural Resources Letter Report

Attachment 3. WEPCO Unanticipated Discoveries Plan