

SecLine 3 Replacement Project
PERMIT COMPLIANCE FILING

Permittee: Enbridge Energy, Limited Partnership

Permit: Route Permit

Docket No.: PL-9/PPL-15-137

Permit Section: Section 4.3 – Construction Environmental Control Plan
Section 5.4 – Construction Practices

Date of Submission: Update November 24, 2020

On May 5, 2020, Enbridge Energy, Limited Partnership (“Enbridge”) submitted a Line 3 Replacement Project Permit List (“Permit List”) as Attachment J of its Construction Environmental Control Plan (“CECP”) in compliance with the Minnesota Public Utilities Commission’s (“Commission”) requirements. *See* Compliance Filing (eDocket No. [20205-162903-01](#)). Consistent with Section 4.3 of the Route Permit, Enbridge filed updated Permit Lists as additional permits were issued. These updates include:

- November 2, 2020 (*see* Compliance Filing eDocket No. [202011-167958-01](#));
- November 6, 2020 (accepted November 9, 2020) (*see* Compliance Filing eDocket No. [202011-168123-01](#));
- November 13, 2020 (*see* Compliance Filing eDocket Nos. [202011-168332-01](#), [202011-168332-02](#), [202011-168332-03](#), [202011-168332-04](#), [202011-168332-05](#), [202011-168332-06](#), [202011-168332-07](#), [202011-168332-08](#), [202011-168332-09](#)); and
- November 17, 2020 (*see* Compliance Filing eDocket No. [202011-168392-01](#)).

Enbridge has further updated the Permit List to document and incorporate any updates with respect to the Project’s environmental and regulatory reviews, permits, authorizations, and/or concurrences that must be conducted and/or received by the indicated government agencies or authorities. A copy of the updated version of the Permit List is included with this filing. Enbridge is including copies of the U.S. Army Corps of Engineers Section 10/404 and Section 408 permits received on November 23, 2020. Enbridge will provide copies of additional permits upon request. Enbridge will continue to update Appendix J as other permits are issued.

**Attachment J
Line 3 Replacement Project
Permit List**

The following table identifies the Project's environmental and regulatory reviews, permits, authorizations, and/or concurrences that must be conducted and/or received by the indicated government agencies or authorities. This table lists the title of each consultation, permit, certificate, or approval; anticipated application and decision dates; and status of each consultation, permit, certificate, or approval required for the Project.

Table J-1 Line 3 Replacement Project Required Permits and Approvals			
Unit of Government	Type of Application	Status	Reason Required
USACE – St. Paul District	Section 10/404 Individual Permit	Permit issued	Authorizes discharge of dredged and fill material into waters of the United States, including wetlands, and crossing of navigable waters of the United States
USACE – St. Paul District	Section 408 Authorization for Lost River	Authorization issued	Authorizes alterations, occupation, or use of USACE civil works projects
USFWS	Section 7 Endangered Species Act Consultation (Federal endangered species)	Concurrence letter received	Establishes conservation measures and authorizes, as needed, take of federally protected species
	Non-Purposeful Take (Bald Eagle Nest Disturbance) Permit	Permit received	Allows for removal of a known bald eagle nest in proximity to construction activities
	USFWS Easements Authorization Letter	Letter received	Authorizes easement on USFWS conservation wetlands
FdL	Section 401 Water Quality Certification (“WQC”)	Certification received	Required for all waters of the FdL Reservation, including wetlands
	Standard Wetland Activity Permit	Permit received	Required for all wetlands (and adjacent uplands affecting wetlands) within the exterior boundary of the FdL Reservation, regardless of ownership

Table J-1 Line 3 Replacement Project Required Permits and Approvals			
Unit of Government	Type of Application	Status	Reason Required
MPUC	Certificate of Need	Order received	Determines need for the pipeline, including questions of size, type, and timing
	Route Permit	Order received	Authorizes construction of the pipeline along a specific route, subject to certain conditions
MDNR	License to Cross Public Waters	License received	50-year license that allows for crossing of public waters with proposed utility
	Work in Public Waters Permit – Wetlands	Permit received	Authorizes in-water activities in public waters located on private lands
	Work in Public Waters Permit – Willow River	Permit received	Authorizes in-water activities within the Willow River to construct a permanent bridge
	License to Cross Public Lands	License received	50-year license that allows for crossing of public lands with proposed utility
	Access Roads Road Leases	Received	Authorizes use of MDNR-managed access roads during construction and/or operation
	Individual Water Appropriation Permit – Horizontal Directional Drilling and Hydrostatic Testing	Permit received	Authorizes withdrawal and use of water from surface water sources to produce drilling mud used in horizontal directional drills and for hydrostatic testing of the pipeline
	Individual Surface Water Appropriation Permit – Dust Control	Permit received	Authorizes withdrawal and use of water from surface water sources for dust control

Table J-1			
Line 3 Replacement Project Required Permits and Approvals			
Unit of Government	Type of Application	Status	Reason Required
	Individual Groundwater Water Appropriation Permit – Construction Dewatering	Permit received	Authorizes withdrawal of groundwater associated with trench/excavation dewatering activities
	Threatened and Endangered Species Taking Permit and NHIS Review and Avoidance Concurrence	Permit received	Outlines plans for avoidance, minimization, and mitigation of take of state-listed species and authorizes take of individuals
	Gully 30 Calcareous Fen Management Plan Authorization and No Effect Concurrence for other calcareous fens	Authorization re-issued with minor edits to fix administrative errors	Outlines the construction, restoration, and monitoring procedures to be implemented and authorizes construction across the Gully 30 Fen
	Individual Groundwater Water Appropriation Permit – Gully 30 Fen Construction Dewatering	Permit re-issued with minor edits to fix administrative errors	Authorizes withdrawal of groundwater associated with trench dewatering at the Gully 30 calcareous fen in accordance with the Fen Management Plan
	Short-term Leases for Infiltration and Water Access	Received	Authorizes non-ground disturbance construction activities on public lands
	Short-term Lease for Beaver Dam Removal	Application submitted	Authorizes removal of beaver dam on public lands or waters
	Beaver Lodge Removal Permit	Received	Authorizes removal of beaver lodge on public lands or waters

Table J-1			
Line 3 Replacement Project Required Permits and Approvals			
Unit of Government	Type of Application	Status	Reason Required
MPCA	Section 401 WQC and Antidegradation Assessment	Certification received	Section 401 Water Quality Certification is required to issue the USACE Section 404/10 Permit
	Clearbrook Terminal Air Quality Permit – Capped Emissions Permit	Permit received	Authorizes construction and operation at the modified Clearbrook Terminal
	National Pollutant Discharge Elimination System (“NPDES”) Industrial Process Wastewater Permit	Permit received	Authorizes discharge of water from hydrotesting and buoyancy control activities
	NPDES General Construction Stormwater Coverage – Pipeline and Facilities	Application submitted	Authorizes ground disturbance with approved protection measures to manage soil erosion and stormwater discharge on construction site, and removal of water that may accumulate in pipeline trench or within facility excavations
Minnesota SHPO and Tribal Historic Preservation Offices	National Historic Preservation Act Section 106 Clearance, Minnesota Field Archaeology Act, and Minnesota Historic Sites Act	Concurrence letter received	Ensures adequate consideration of impacts to significant cultural resources but especially National Register of Historical Properties eligible; Minnesota SHPO and Tribal Historic Preservation Offices are engaged through federal and state permitting processes
Minnesota Department of Agriculture	Agricultural Protection Plan	Plan approved	Establishes measures for agricultural protection

Table J-1			
Line 3 Replacement Project Required Permits and Approvals			
Unit of Government	Type of Application	Status	Reason Required
Minnesota Department of Transportation	Road Crossing Permits	Permits received	Authorizes crossings of state-jurisdictional roadways
	Temporary access/entrance permits	Permits received	Authorizes access to private lands during construction from state highway right-of-way
Mississippi Headwaters Board	Local Land Use Review	Consultation complete	Ensures compatibility with land use plan
Red Lake, Two Rivers, and Middle-Snake-Tamarac Watershed Districts	Watershed District Permits	Permits issued	Authorizes crossing of legal drains and ditches within watershed
Minnesota Department of Health and Wrenshall, Sundsruds Court, and Oklee Drinking Water Supply Management Area	Drinking Water Supply Management Area /Wellhead Protection Area Consultation	Notifications submitted	Ensures pipeline construction and operation are compatible with goals of relevant plans
Minnesota Board of Water and Soil Resources / Wetland Conservation Act Local Government Units	Notice of Intent to Utilize Federal Approvals for Utilities Project Exemption	Notices submitted	Notice of use of exemption required
Local/County	Permits pertaining to off-right-of-way yard use	Permits received	Ensures compatibility with relevant land use plans
	Road crossing permits	Permits received	Authorizes crossing of local and county jurisdictional roadways
	Construction haul road agreements	Agreements obtained	Authorizes use of local and county roads to haul oversized loads
	Temporary access/entrance permits	Permits received	Authorizes access to private lands from local and county road right-of-way
	Short- to long-term leases – Access Roads	Leases received	Authorizes use of temporary roads on local and county owned lands



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

NOVEMBER 23, 2020

Regulatory File No. 2014-01071-CLJ
Section 408 File No. 2017-0008

Mr. Bobby Hahn
Enbridge Energy
26 East Superior Street, Suite 313
Duluth, Minnesota 55802

Dear Mr. Hahn:

Enclosed is the validated copy of the Department of the Army permit authorizing you to discharge dredged and fill material into 1,050.71 acres of waters of the U.S., including wetlands and waterbodies, and permanently discharge fill material into 9.97 acres of waters of the U.S for construction activities associated with the Line 3 Replacement Project. The project also includes conducting a Horizontal Directional Drill crossing at the following Section 10 waters: Red River of the North (Mile Post 801.8), Red Lake River (Mile Post 864.3), and the Mississippi River (Mile Post 1069.7).

Please be advised that the authorization hereby granted is contingent on the permittee's compliance with all conditions stated in the permit and its attachments.

Additionally, please also find the enclosed decision letter authorizing the work at the Lost River crossing (Mile Post 885.8 (river mile 23)) under 33 U.S.C. § 408 (Section 408 permission).

The Federal permit and permission do not obviate the need to obtain any other Federal, state or local authorizations required by law.

If you have any questions, please contact Craig Jarnot in our Bemidji office at (651) 290-5337 or Craig.L.Jarnot@usace.army.mil. For any questions regarding the Section 408 permission, please contact Michelle Prosser at (651) 290-5373 or Michelle.E.Prosser@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number and the section 408 file number shown above.

Sincerely,

A handwritten signature in black ink that reads "Karl D. Jansen".

Karl D. Jansen
Colonel, Corps of Engineers
District Engineer

Enclosure(s)

cc:

Linda Fisher, Fredrikson & Byron, P.A.
Naomi Christenson, Merjent
Barry Simonson, Enbridge Employee Services, Inc.
Kerryann Weaver, EPA
Michelle Prosser, USACE
Melissa Kuskie, MPCA
Randall Doneen, MDNR



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

November 23, 2020

SUBJECT: Section 408 Request Number: 2017-0008

Barry Simonson
Director Line 3
MP Line 3 Replacement and Decommission
Enbridge Energy, Limited Partnership
26 East Superior Street
Suite 309
Duluth, Minnesota 55802

Dear Mr. Simonson:

This is in regard to your request for permission pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 408 or "Section 408") to alter the Lost River, Minnesota Flood Control Project (the federal project). The non-federal sponsor of the federal project is the Red Lake Watershed District. The proposed modification involves installation of a 36-inch diameter pipeline across the Lost River, Minnesota Flood Control Project.

We evaluated your request in accordance with Engineer Circular 1165-2-220 and determined the requested alteration is not injurious to the public interest and will not impair the usefulness of the federal project. Based on this determination, your request to alter the Lost River, Minnesota Flood Control Project is granted. This permission is based on the information included in your 21 September 2018 request letter.

In order to ensure that the approval does not impair the usefulness of the existing Federal project and is not injurious to the public interest, the following conditions and limitations are necessary and are included in this Section 408 approval:

a. If previously unidentified or unanticipated human remains or burial goods, archaeological, historical or cultural resources are encountered, all activities that may damage or alter such resources shall immediately be suspended. The area of the findings shall be secured to prevent impacts to such resources. The U.S. Army Corps of Engineers, St. Paul District (St. Paul District) cultural resources staff shall immediately be notified. In addition, if human remains or burial goods are encountered, Minnesota Statutes Section 307.08 and the State Archaeologist's Procedures for Implementing Minnesota's Private Cemeteries Act will be followed.

b. If unforeseen conditions arise that could impact the integrity of the existing federal project or require modification of the design during construction, the Corps levee safety staff must be notified immediately. Depending on the scope of the changes, Enbridge Energy may be required to obtain additional approval from the St. Paul District.

The St. Paul District may reevaluate its decision on this approval at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. Failure to comply with the terms and conditions of this approval.
- b. The information provided in support of this submittal proves to have been false, incomplete, or inaccurate.
- c. New information becomes available regarding whether the alteration request would be injurious to the public interest or impair the usefulness of the project.

d. Limits of Authorization:

(1) This permission only authorizes you, the requester, to undertake the activity described herein under the authority provided in Section 14 of the Rivers and Harbors Act of 1899, as amended (33 USC 408). This permission does not obviate the need to obtain other federal, state, or local authorizations required by law. This permission does not grant any property rights or exclusive privileges, and you must have appropriate real estate instruments in place prior to construction and/or installation.

(2) Without prior written approval of the USACE, you must neither transfer nor assign this permission nor sublet the premises or any part thereof, nor grant any interest, privilege or license whatsoever in connection with this permission. Failure to comply with this condition will constitute noncompliance for which the permission may be revoked immediately by USACE.

(3) The requester understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or an authorized representative, said work will cause unreasonable conditions and/or obstruction of USACE project authorized design, the requester will be required upon due notice from the USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim can be made against the United States on account of any such removal or alteration.

e. Indemnification and Hold Harmless:

(1) The United States will in no case be liable for:

(a) any damage or injury to the structures or work authorized by this permission that may be caused or result from future operations undertaken by the United States, and no claim or right to compensation will accrue from any damage; or

(b) damage claims associated with any future modification, suspension, or revocation of this permission.

(2) The United States will not be responsible for damages or injuries which may arise from or be incident to the construction, maintenance, and use of the project requested by you, nor for damages to the property or injuries to your officers, agents, servants, or employees, or others who may be on your premises or project work areas or the federal project(s) rights-of-way. By accepting this permission, you hereby agree to fully defend, **indemnify**, and **hold harmless** the United States and USACE from any and all such claims, subject to any limitations in law.

(3) Any damage to the water resources development project or other portions of any federal project(s) resulting from your activities must be repaired at your expense.

f. Reevaluation of Permission:

(1) The determination that the activity authorized by this permission would not impair the usefulness of the federal project and would not be injurious to the public interest was made in reliance on the information you provided.

(2) This office, at its sole discretion, may reevaluate its decision to issue this permission at any time circumstances warrant, which may result in a determination that it is appropriate or necessary to modify or revoke this permission. Circumstances that could require a reevaluation include, but are not limited to, the following:

(a) you fail to comply with the terms and conditions of this permission;

(b) the information provided in support of your application for permission proves to have been inaccurate or incomplete; or

(c) significant new information surfaces which this office did not consider in reaching the original decision that the activity would not impair the usefulness of the water resources development project and would not be injurious to the public interest.

g. Conduct of Work Under This Permission:

(1) You are responsible for implementing any requirements for mitigation, reasonable and prudent alternatives, or other conditions or requirements imposed as a result of environmental compliance.

(2) Work/usage allowed under this permission must proceed in a manner that avoids interference with the inspection, operation, and maintenance of the federal project.

(3) In the event of any deficiency in the design or construction of the requested activity, you are solely responsible for taking remedial action to correct the deficiency.

(4) The right is reserved to the USACE to enter upon the premises at any time and for any purpose necessary or convenient in connection with government purposes, to make inspections, to operate and/or to make any other use of the lands as may be necessary in connection with government purposes, and you will have no claim for damages on account thereof against the United States or any officer, agent or employee thereof.

(5) You must provide copies of pertinent design, construction, and/or usage submittals/documents. USACE may request that survey and photographic documentation of the alteration work and the impacted project area be provided before, during, and after construction and/or installation.

(6) You may be required to perform an inspection of the federal project with the USACE, prior to your use of the structure, to document existing conditions.

(7) USACE shall not be responsible for the technical sufficiency of the alteration design nor for the construction and/or installation work.

This approval does not constitute, nor should it be construed as, an endorsement or certification for the purposes of Federal Emergency Management Agency (FEMA) accreditation as it relates to mapping for the National Flood Insurance Program.

St. Paul District staff may schedule quality assurance inspections during construction of critical features of the proposed alteration. Within 180 days of the completion of the proposed alteration you must submit as-built drawings and an operation and maintenance plan that will become part of the project's operation and maintenance manual, and a certification that the work has been completed in accordance with the conditions of this permission.

Following your submission of the as-built drawings, and certification that the work complies with the conditions of this permission, the St. Paul District may conduct a final on-site inspection of the completed alteration. This inspection will likely occur as part of the federal project's annual inspection. If the St. Paul District finds any deficiency in either the design or construction of the requested alteration, Enbridge Energy will be solely responsible for taking corrective action. Following the final on-site inspection, the St. Paul District will provide Enbridge Energy with written notification that the alteration was constructed in accordance with the conditions included in this permission or of any corrective actions that are required.

The point of contact for this action is Eric Wittine, Levee Safety Program Manager. Mr. Wittine can be contacted at (651) 290-5590 or eric.a.wittine@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Karl D. Jansen". The signature is written in a cursive, flowing style.

Karl D. Jansen
Colonel, Corps of Engineers
District Engineer

DEPARTMENT OF THE ARMY PERMIT

Permittee Enbridge Energy, Limited Partnership
Permit No. MVP-2014-01071-CLJ

Issuing Office St. Paul District
U.S. Army Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

You are authorized to temporarily discharge dredged and fill material into 1,050.71 acres of waters of the U.S., including wetlands and waterbodies, and permanently discharge fill material into 9.97 acres of waters of the U.S for construction activities, as described in the November 2020 Environmental Protection Plan incorporated into this authorization, associated with the Line 3 Replacement Project. The project also includes conducting a Horizontal Directional Drill crossing at the following Section 10 waters: Red River of the North (Mile Post 801.8), Red Lake River (Mile Post 864.3), and the Mississippi River (Mile Post 1069.7). The authorized impacts are included in Attachment A of this permit and the authorized work areas are shown on the attached drawings labeled 2014-01071-CLJ 1 of 525 through 2014-01071-CLJ 525 of 525.

Project Location:

The following table describes the PLSS Sections crossed by the Line 3 Replacement Project:

Township	Range	Section(s)
48	15	31
48	16	19, 27, 28, 29, 30, 34, 35, 36
48	17	6, 7, 8, 9, 13, 14, 15, 16, 17, 22, 23, 24
48	18	1
49	18	6, 7, 8, 16, 17, 21, 22, 26, 27, 35, 36
49	19	1
50	19	7, 8, 16, 17, 21, 22, 26, 27, 35, 36
50	20	1, 2, 12
51	20	19, 20, 21, 27, 28, 34, 35
51	21	19, 20, 21, 22, 23, 24
51	22	19, 20, 21, 22, 23, 24
51	23	22, 23, 24, 27, 28, 29, 30
51	24	25, 26, 27, 28, 29, 31, 32
51	25	31, 32, 33, 34, 35, 36
51	26	31, 32, 33, 34, 35, 36
51	27	25, 26, 27, 28, 36
138	28	6

138	29	1, 7, 8, 9, 10, 11, 12, 14, 15
138	30	7, 8, 9, 10, 11, 12
138	31	5, 6, 8, 9, 10, 11, 12
138	32	1, 2, 3, 4, 5, 6
138	33	1, 2, 3, 4, 5, 6
138	34	1
139	25	1, 2, 3, 4, 7, 8, 9
139	26	11, 12, 14, 15, 19, 20, 21, 22
139	27	13, 14, 15, 19, 20, 21, 22, 24
139	28	24, 25, 26, 27, 28, 29, 31, 32
139	34	31, 32, 33, 34, 35, 36
139	35	5, 6, 7, 18, 19, 30, 31, 32, 33, 34, 35, 36
140	35	6, 7, 18, 19, 20, 29, 32
141	35	5, 8, 17, 20, 29, 31, 32
142	35	5, 8, 17, 20, 29, 32
143	35	5, 8, 17, 20, 21, 29, 32, 33
144	35	19, 29, 30, 32
144	36	2, 11, 12, 13, 24
145	36	2, 11, 14, 23, 26, 35, 36
146	36	7, 8, 9, 10, 14, 15, 23, 26, 35
146	37	2, 3, 11, 12
147	37	5, 8, 16, 17, 21, 27, 28, 34
148	37	6, 7, 8, 17, 20, 29, 32
149	37	29, 30, 32
149	38	6, 7, 8, 9, 15, 16, 22, 23, 24, 25
149	39	1, 2, 3
150	39	19, 28, 29, 30, 33, 34
150	40	6, 7, 8, 9, 14, 15, 16, 23, 24
150	41	1, 2
151	41	19, 28, 29, 30, 33, 34, 35
151	42	4, 5, 9, 10, 14, 15, 23, 24
152	42	30, 31, 32
152	43	4, 5, 9, 10, 14, 15, 23, 24, 25
153	43	18, 19, 20, 29, 32, 33
153	44	2, 3, 11, 12, 13
154	44	18, 19, 20, 28, 29, 33, 34
154	45	2, 11, 12, 13
155	45	7, 17, 18, 20, 21, 28, 33, 34, 35
155	46	1, 2, 3, 4, 12
156	46	7, 17, 18, 20, 21, 28, 33
156	47	1, 2, 12
157	47	6, 7, 8, 16, 17, 21, 22, 26, 27, 35, 36
157	48	1
158	48	5, 6, 8, 9, 15, 16, 22, 23, 26, 35, 36
159	48	31
159	49	4, 5, 9, 10, 14, 15, 23, 25, 26, 36
160	49	30, 31, 32
160	50	4, 5, 9, 10, 14, 15, 23, 24, 25

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2024. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The following special condition is a part of all Corps of Engineers permits that provide authorization under Section 10 of the Rivers and Harbors Act, regardless whether the permit provides such authorization under Section 10 alone, or in combination with authorization under other laws. This condition applies to the installation of the Line 3 Replacement Pipeline below the bed of the Red River of the North (Mile Post 801.8), Red Lake River (Mile Post 864.3), and the Mississippi River (Mile Post 1069.7).

a. Enbridge understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Enbridge is responsible for ensuring that whoever performs, supervises or oversees any portion of the physical work associated with the construction of the project has a copy of, is familiar with, and complies with all the terms and conditions of this permit.
3. All terms and conditions of the 401 Water Quality Certifications issued by the Minnesota Pollution Control Agency, Fond du Lac Reservation, and North Dakota Department of Health are hereby incorporated as terms and conditions of this permit (Attachment B).
4. Prior to commencing any of the Project's construction activities, Enbridge must flag or stake the boundaries of the authorized construction area limits in a manner that ensures all individuals can readily identify the boundaries of the authorized construction area limits and ensures the construction activities will only occur in areas authorized by the permitting agencies. Enbridge must also ensure that all aquatic resources (wetlands, ditches, lakes, or streams) in the vicinity of the construction area that are not authorized to be impacted by the project are clearly identified.
5. Prior to commencing the Project's construction activities in any wetland, Enbridge must install in-wetland BMPs that will prevent, during construction activities, impacts to aquatic resources outside of the area in which wetland impacts are authorized as described in the Environmental Protection Plan, dated November 2020, incorporated into this authorization. Enbridge must immediately repair, replace, or supplement all non-functional in-wetland BMPs with functional BMPs as needed to prevent any unauthorized impacts to waters of the U.S.
6. Topsoil segregation shall occur in accordance with the procedures identified in the November 2020 Environmental Protection Plan incorporated into this authorization.
7. To minimize the possibility of erosion and potential discharges to waterbodies caused by weather events, and to reduce temporal impacts, Enbridge must perform the authorized work in segments, referred to as spreads, as shown on the attached drawing 2014-01071-CLJ 1 of 525. Enbridge must limit the cumulative amount of excavated open trench within each spread to no more than three days of anticipated welding production, which must not exceed more than 14,000 linear feet. The trailing end of each trench must be backfilled and BMPs must be in place as the leading edge of the trench is opened. Each open spread must be fully equipped and staffed to operate independently of any other open spread. Within each spread, site-specific activities, such as HDD, bores, road bores, valve work and pumping station construction activities, may be performed independent of open trench work.
8. Enbridge must cross all streams and wetlands using the proposed crossing methods specified in Attachment A of this permit. The use of an alternative crossing method specified in Attachment A requires prior approval of from the Corps.
9. Enbridge must not conduct HDD stream crossing construction activities when the stream is covered with ice, unless otherwise pre-approved by the Corps on a case-by-case basis. Enbridge must not manually create open water conditions in streams that would otherwise be ice-covered at the HDD crossing locations, unless otherwise approved by the Corps and applicable State agencies.
10. To minimize potential release of drilling mud into wetlands or waterbodies during HDD, Enbridge shall follow the procedures outlined in the November 2020 Environmental Protection Plan and November 2020 Site Specific HDD Inadvertent Release Response Plans incorporated into this authorization.
11. Enbridge shall perform construction and restoration at the LaSalle Creek crossing (Mile

Post 946.0) and the Spring Book crossing (Mile Post 1041.3) in accordance with the October 2020 LaSalle Creek Construction and Restoration Plan and the October 2020 Spring Brook Construction and Restoration Plan, respectively.

12. When constructing under winter conditions, as defined in the November 2020 Winter Construction Plan, incorporated into this permit, Enbridge shall follow all BMPs and protocols outlined in the November 2020 Environmental Protection Plan and November 2020 Winter Construction Plan.

13. Enbridge must ensure that all fill placed in wetlands and waterbodies to create temporary access roads as authorized by this permit, is removed and the wetlands and waterbodies are restored to their preconstruction conditions as outlined in the November 2020 Environmental Protection Plan. This permit does not authorize permanent impacts associated with temporary access roads in wetlands and waterbodies.

14. There shall be no decrease in wetland areas as a result of this authorized work, except that authorized for the construction of pump stations, mainline valves, and permanent access roads as identified in Attachment A.

15. In absence of a specific permit condition, Enbridge shall implement the procedures identified in the November 2020 Environmental Protection Plan.

16. Enbridge must inform the Corps of any proposed additional discharge of dredged or fill material, permanent or temporary, not included in this authorization before the impacts occur. Enbridge must immediately notify the Corps of unauthorized impacts to waters of the U.S.

17. All wetlands and waterways disturbed within the project corridor shall be restored to their pre-impact contours and exposed wetland soils must be revegetated as outlined in the November 2020 Environmental Construction Plan.

18. All restored wetlands and waterbodies shall meet applicable performance standards outlined in the November 2020 Post Construction Wetland and Waterbody Monitoring Plan.

19. All wetlands and waterways in the construction corridor shall be monitored per the protocols identified in the November 2020 Post Construction Wetland and Waterbody Monitoring Plan incorporated into this authorization. Reports documenting the findings of post construction monitoring shall be submitted to the Corps not later than December 31st of the year monitoring occurs.

20. As compensatory mitigation for the authorized activities, a minimum of 310.12 wetland credits shall be debited from the wetland bank accounts identified in the October 2020 L3R Compensatory Wetland mitigation Plan. Debit of wetland types from Banks Service Areas throughout the project shall be completed in accordance with the October 2020 L3R Compensatory Wetland Mitigation Plan. Prior to undertaking the activities authorized by this permit, the permittee shall ensure that the Corps receives written notification that BWSR has initiated the withdraw transaction. All documentation submitted shall include the file number MVP-2014-01071-CLJ, and be submitted to:

U.S. Army Corps of Engineers
St. Paul District
ATTN: Craig Jarnot
4111 Technology Drive, Suite 295
Bemidji, Minnesota 56601.

21. Financial assurances, as identified in the November 2020 Post Construction Wetland and Waterbody Monitoring Plan shall be provided to ensure restoration of temporary impacts to waters of the U.S. is achieved in accordance with performance standards set forth in the November 2020 Post Construction Wetland and Waterbody Monitoring Plan. The instrument in which financial assurances will be provided must be submitted to the Corps prior to commencement of the activities authorized by this permit.

22. To reduce the potential for spread of invasive species, Enbridge shall follow the protocols outlined in Appendix B (Invasive and Noxious Species Management Plan) of the November 2020 Environmental Protection Plan.

23. Enbridge shall comply with measures identified in the Avoidance, Mitigation, and Implementation Plan for Construction (AMIP), dated October 2020, for areas subject to Corps' regulatory authority.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(x) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(x) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

- 5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.

 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

- 6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE SIGNATURE)

11/23/2020

(DATE)

Bobby Hahn, Enbridge Energy, Limited Partnership

(PERMITTEE PRINTED OR TYPED NAME)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Karl D. Jansen
Karl D. Jansen

23 NOV 2020
(DATE)

Colonel, Corps of Engineers
District Engineer

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE SIGNATURE)

(DATE)

(TRANSFEREE PRINTED OR TYPED NAME)