

LICENSE FOR UTILITY TO CROSS STATE LANDS

This license is issued by the State of Minnesota, acting by and through its commissioner of natural resources, and hereafter called the "State", under authority and subject to Minnesota Statutes, section 84.415, and Minnesota Rules Chapter 6135 and other applicable law, to the Licensee as named and for the fee and term as specified below.

Name and Address of Licensee: Enbridge Energy, Limited Partnership
26 East Superior St
Duluth, MN 55802

License Fee: Two Hundred Thousand One Hundred Sixty-Seven and NO/100 Dollars	(\$200,167.00)
Timber Value: One Hundred Twenty-One Thousand Nine Hundred Fifteen and 28/100 Dollars	(\$121,915.28)
Aggregate Encumbrance: Two Hundred Twenty-One Thousand Four Hundred Ninety-One and NO/100 Dollars	(\$221,491.00)
Peat Encumbrance: Eighty-Eight Thousand Five Hundred and NO/100 Dollars	(\$88,500.00)
Monitoring Fee: Three Hundred Ninety-Five Thousand Two Hundred Thirty Four and 00/100 Dollars	(\$395,234.00)
TOTAL: One Million Twenty-Seven Thousand Three Hundred Seven and 28/100 Dollars	(\$1,027,307.28)

Term (years): 50 Years

Effective Date: November 15, 2020

Expiration Date: November 14, 2070

Purpose of License: Construction, maintenance and operation of a pipeline line under lands under the covenants and agreements of the Licensee to use the following described lands:

That part of the following descriptions as shown on the attached application and map, all of which are made a part hereof by reference.

Refer to Exhibit A: Land Crossing Table

This license is granted subject to the following provisions:

- 1. Use of premises.**
 - A. This license is subject to the provisions of Minnesota Statutes, section 84.415 and Minnesota Rules Chapter 6135. All standards of Chapter 6135 are incorporated as terms and conditions of this license, except such variations as are identified and approved by the State in the license applications, plans and specifications which are attached and made part of the terms and conditions of this license. The Licensee is bound by the

License Number ULND010332

crossing location and installation method as detailed in the application and approved by the State. The Licensee shall not deviate from the terms and conditions of this license or the application as approved by the State unless it has first obtained written permission from the State.

- B. When the installation occurs more than six months after the issuance of the license, the Licensee shall contact the State 20 days prior to installation.
 - C. No merchantable timber shall be cut, used, removed or destroyed without first paying the State the timber value in the sum stated above as determined by the State. Slash material on state land crossings must be disposed of within 30 days of clearing activities.
 - D. For overhead crossings of state land, lines shall have a minimum clearance of 25 feet above the land, unless otherwise approved by the State.
 - E. When directed by the State as a condition of the license, flight diverters shall be placed on overhead utility lines.
2. **State's rights and reservations.**
The use of these lands by the Licensee in constructing or maintaining the lines for which this license is granted shall be subject to the use, sale, or leasing for mineral or other legal purposes. The Licensee will not cause any unnecessary hindrance to the activities of the State and shall allow access across the license area by the State when needed.
3. **Erosion and Revegetation.**
- A. Erosion control measures shall be adequately designed for site characteristics. They shall be installed prior to commencement of construction and maintained for as long as needed. All erosion control measures installed next to a water body shall run parallel to the contours.
 - B. All disturbed areas shall be restored to original contours and elevations and stabilized as soon as possible following construction. Areas of subsidence and crowning shall be repaired. Topsoil shall be reserved on site and used to re-dress disturbed areas.
 - C. All disturbed areas shall be revegetated using state approved seed mixes. All seed and plant materials shall be certified weed-free. Weed-free straw or hay shall be used for mulching and erosion control. Native species plants should be used, whenever possible, to revegetate disturbed areas. This revegetation should occur as early in the season as possible to permit adequate regrowth.
 - D. The Licensee shall monitor revegetation at state land crossings until the site is stabilized and the vegetation is self-sustaining. Where severe or repeated damage is occurring or where measures have not been successful, preventative and corrective actions shall be taken by the Licensee, including construction of appropriate barriers, installation of warning signs, and other methods in consultation with the State.
 - E. The Licensee shall routinely inspect for erosion that may develop during the term of the license. Areas of erosion shall be stabilized by the Licensee.
 - F. If a disturbed area cannot be stabilized with vegetation before September 15 in the year that the utility was installed, the Licensee shall submit a written site stabilization plan to the State for approval. This plan shall describe erosion control, mulching, dormant seeding and monitoring. Seeding shall occur as soon as soil conditions are suitable.
 - G. Excavated materials shall not be deposited or stored alongside public water in a manner where the materials can be redeposited into the public water by reasonably expected high water or storm run-off.
4. **Herbicides and Pesticides.**
- A. The Licensee must request and obtain written permission to apply herbicides or pesticides to state land from the State prior to treatment. This request shall consist of (1) a map identifying proposed treatment areas and (2) a description of the proposed treatment plan, including target species, herbicide or pesticide name, rate of application, a description of application method, and beginning and end dates. All applications must be according to label regulations and as otherwise specified by the State. The Licensee shall not apply pesticides that are restricted for use on certified state forest land administered by the State.
 - B. The Licensee must submit annual reports detailing herbicide or pesticide application on areas covered under the license. The report must include the dates, acres, location expressed as quarter-quarter section, township

and range, herbicide or pesticide used, target species, and such other information as may be reasonably required by the State for the purpose of verifying herbicide or pesticide use.

- C. The Licensee shall post all places commonly used by the public for access along the utility corridors treated with herbicides or pesticides.

5. **Invasive Species.**

- A. The Licensee shall inspect all state land crossings for the presence of invasive species and noxious weeds prior to commencing clearing activities and take action to prevent their spread. For installation of the utility line, the State will identify on a map the known infested sites to be avoided. For maintenance and operation, the Licensee is responsible for obtaining updated information on known infested sites.
- B. If the State or the Licensee discover additional invasive species infestation areas on state land crossings during construction, the Licensee shall immediately take action to prevent spread from the newly discovered infested area and then consult with the State on a resolution.
- C. The Licensee shall prevent invasive species from entering into or spreading within a state land crossing by cleaning equipment and clothing prior to arriving at the license area. The Licensee shall legally dispose of material cleaned from equipment and clothing at a location offsite and the materials must be secured prior to transport to avoid dispersal.
- D. Whenever possible, parking, staging areas and travel routes shall not be within known infested sites. Where there are multiple state land crossings and at least one contains invasive species, the Licensee shall to the extent practicable start work at the site with the fewest number of invasive plants, leaving the most heavily infested sites to last. The Licensee shall make every effort to schedule operations and site visits to avoid the spread of weed seed.
- E. The Licensee shall continue to control invasive species on state land crossings for the terms of the license using methods approved by the State.

6. **Crossing of State Trail.**

- A. The location of any crossing of a state trail must be approved in advance by the State. The State may provide written instructions as to specific construction standards to be followed for the crossing of the state trail.
- B. Utility installation and maintenance activities shall be conducted in a manner so as to minimize disturbance of state trail use and to separate the public from work areas. The Licensee must provide signs to warn state trail users of construction hazards.
- C. The Licensee is responsible for repairing any damage to the state trail in a manner satisfactory to the State.
- D. For maintenance and operations, prior approval must be obtained from the State for the cutting or trimming of trees within the state trail right-of-way.
- E. The Licensee may not close the state trail right-of-way without the prior written approval of the State.

7. **Maintenance, operations and repairs.**

- A. The Licensee must keep the premises in a neat and orderly condition, and shall remove all refuse and debris that may accumulate thereon.
- B. After initial installation, no merchantable timber shall be cut, used, removed or destroyed by the Licensee without first contacting the State at least 60 days in advance to determine if a timber payment is needed. Slash material on state land crossings must be disposed of within 30 days of maintenance activities.
- C. Emergency repairs and replacements may be made without prior notification to the State by the Licensee according to conditions and standards prescribed by Minnesota Rules, Chapter 6135 and the method of installation identified in this license. The Licensee shall notify the State of this activity as soon as practicable.
- D. The Licensee shall employ appropriate erosion and sedimentation measures at the site during any emergency repairs. The State must approve plans for restoration of the site after the emergency repairs are conducted.
- E. Other than the herbicide or pesticide application reporting as provided in paragraph 4, the Licensee shall notify the State of the extent and method of any routine maintenance and the proposed schedule. The notification must be in writing and must be provided either annually or at least 20 days prior to commencing any routine maintenance work on state land crossings subject to this license, The Licensee shall include a specific description of the proposed maintenance activities including location, clearing methods, erosion and

sedimentation control measures, removal of merchantable timber, revegetation plans, and plans for preventing the spread of invasive species. The Licensee may commence any routine maintenance work unless notified to the contrary by the State within 20 days after the State's receipt of the maintenance plan. The State may require the Licensee to adjust its maintenance plans due to natural resource management concerns.

8. **State inspection.**

The project hereunder shall at all times during and after construction be subject to inspection by the State and for that purpose the Licensee shall grant access to the premises at all reasonable times.

9. **Compliance with laws.**

The Licensee shall comply with all federal, state and local laws and regulations, including municipal ordinances, affecting said lands or the area in which they are situated.

10. **Taxes and assessments.**

The Licensee will pay when due all taxes and assessments levied against said land or any improvements owned, used, or controlled by the Licensee, provided that the taxes or assessments are imposed due to this license.

11. **Enforcement.**

No delay by the State in enforcing any of the conditions of this license shall operate as a waiver of any of its rights.

12. **Liability.**

This license is permissive only. No liability shall be imposed upon or incurred by the State of Minnesota or any of its officers, agents, or employees, officially or personally, on account of the granting of the license or on account of any damage to any person or property resulting from any act or omission of the Licensee or any of its agents, employees, or contractors relating to any license matter. This license shall not be construed as estopping or limiting any legal claims or right of action of any person against the Licensee, its agents, employees, or contractors for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the State against the Licensee, its agents, employees, or contractors, for violation of or failure to comply with the provisions of the license or applicable provisions of law. The Licensee shall indemnify and hold harmless the State from all claims arising out of the Licensee's use of the above described lands whether such claims are asserted by civil action or otherwise.

13. **Termination and cancellation.**

A. At the end of the license period and if both parties wish to renew, the renewal fee will be determined by the State.

B. This license shall be cancelable upon reasonable notice by the State for violation of any of its terms, or if at any time its continuance will conflict with a public use of the land over or upon which it is granted, or for any other reason. Licensee shall ensure that Licensee's employees, agents and contractors have received and thoroughly understand all conditions of this license.

C. Unless otherwise authorized by the State, upon the surrender, expiration or cancellation of this license, the Licensee shall remove from the above described lands all the utility lines and related structures owned by it. If Licensee does not remove such lines or related structures, all such lines or structures remaining shall become the property of the State, to be used or disposed of as the State elects. If the State requires the Licensee to remove utility lines and related structures and Licensee fails to do so, the Licensee agrees to pay the State for the costs of removing and disposing of such lines or structures.

14. **Assignment or transfer.**

The Licensee shall not without the State's prior written consent: a) assign, convey or otherwise transfer this license or any interest under it; b) sublet the license corridor or any part thereof; or c) permit the use or occupancy of the license corridor or any part thereof by anyone other than the Licensee. This license shall extend to, and bind the successors, heirs, legal representatives and assigns of the Licensee, if any. The State may require a party

who has requested to sublet, use or occupy the license corridor to obtain a separate license from the State prior to occupying or using the license corridor.

15. **Reports.**

The Licensee must submit reports on herbicide and pesticide use as provided in paragraph 4 and maintenance and repair work as provided in paragraph 7.

16. **Contacts.**

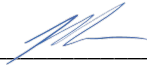
The contact for the State is the Regional Lands and Minerals Operations Supervisor, who is Cheryl Kelley-Dobie at 218-308-2627 or email cheryl.kelley-dobie@state.mn.us. Any questions about this license shall be directed to the Regional Lands and Minerals Operations Supervisor. The Regional Lands and Minerals Operations Supervisor may direct the Licensee to contact additional State staff for reviews and approvals.

17. **Special provisions.**

This license is subject to the Exhibit A (Land Crossing Table), Exhibit B (Special Provisions), Exhibit C (Monitoring Fee) attached hereto.

ACCEPTED AND ACKNOWLEDGED

ENBRIDGE ENERGY, LIMITED PARTNERSHIP
Licensee

By  _____

Name _____

Title _____

Date _____

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

By _____
Barb Naramore, Deputy Commissioner

Date _____

Form approved by Lands and Minerals Division, DNR, March 5, 2015.

License Number ULND010332

Exhibit A
Land Crossing Table - Utility License ULND010332

That part of the following descriptions as shown on the attached application and map, all of which are made a part hereof by reference.

Crossing ID 1	Government Lot 1 in Section 17, Township 147 North, Range 37 West, in Clearwater County
Crossing ID 2	Government Lot 3 in Section 16, Township 147 North, Range 37 West, in Clearwater County
Crossing ID 3	SE ¼ NW ¼ in Section 21, Township 147 North, Range 37 West, in Clearwater County
Crossing ID 4	SW ¼ NE ¼ in Section 34, Township 147 North, Range 37 West, in Clearwater County
Crossing ID 5	SW ¼ NW ¼ in Section 36, Township 145 North, Range 36 West, in Clearwater County
Crossing ID 6	NW ¼ SW ¼ in Section 36, Township 145 North, Range 36 West, in Clearwater County
Crossing ID 7	SW ¼ SW ¼ in Section 36, Township 145 North, Range 36 West, in Clearwater County
Crossing ID 8	SE ¼ SW ¼ in Section 36, Township 145 North, Range 36 West, in Clearwater County
Crossing ID 9	SW ¼ SE ¼ in Section 32, Township 143 North, Range 35 West, in Hubbard County
Crossing ID 10	NE ¼ SE ¼ in Section 6, Township 139 North, Range 35 West, in Hubbard County
Crossing ID 11	SW ¼ NW ¼ in Section 34, Township 139 North, Range 35 West, in Hubbard County
Crossing ID 12	NE ¼ NW ¼ in Section 36, Township 139 North, Range 35 West, in Hubbard County
Crossing ID 13	NW ¼ NE ¼ in Section 36, Township 139 North, Range 35 West, in Hubbard County
Crossing ID 14	NE ¼ NE ¼ in Section 36, Township 139 North, Range 35 West, in Hubbard County
Crossing ID 15	SE ¼ NW ¼ in Section 36, Township 139 North, Range 35 West, in Hubbard County
Crossing ID 16	SW ¼ NE ¼ in Section 36, Township 139 North, Range 35 West, in Hubbard County
Crossing ID 17	SE ¼ NW ¼ in Section 1, Township 138 North, Range 34 West, in Wadena County
Crossing ID 18	SW ¼ NE ¼ in Section 1, Township 138 North, Range 34 West, in Wadena County
Crossing ID 19	NE ¼ SE ¼ in Section 1, Township 138 North, Range 34 West, in Wadena County
Crossing ID 20	NW ¼ SE ¼ in Section 5, Township 138 North, Range 33 West, in Wadena County
Crossing ID 21	NE ¼ SE ¼ in Section 5, Township 138 North, Range 33 West, in Wadena County
Crossing ID 22	NW ¼ SW ¼ in Section 4, Township 138 North, Range 33 West, in Wadena County
Crossing ID 23	NW ¼ SE ¼ in Section 4, Township 138 North, Range 33 West, in Wadena County
Crossing ID 24	SW ¼ SW ¼ in Section 4, Township 138 North, Range 33 West, in Wadena County
Crossing ID 25	SE ¼ SW ¼ in Section 4, Township 138 North, Range 33 West, in Wadena County
Crossing ID 26	SW ¼ SE ¼ in Section 4, Township 138 North, Range 33 West, in Wadena County
Crossing ID 27	NW ¼ SW ¼ in Section 3, Township 138 North, Range 33 West, in Wadena County
Crossing ID 28	NE ¼ SW ¼ in Section 3, Township 138 North, Range 33 West, in Wadena County
Crossing ID 29	NW ¼ SE ¼ in Section 3, Township 138 North, Range 33 West, in Wadena County
Crossing ID 30	SW ¼ SW ¼ in Section 3, Township 138 North, Range 33 West, in Wadena County
Crossing ID 31	SE ¼ SW ¼ in Section 3, Township 138 North, Range 33 West, in Wadena County
Crossing ID 32	SW ¼ SW ¼ in Section 2, Township 138 North, Range 33 West, in Wadena County
Crossing ID 33	SE ¼ SW ¼ in Section 2, Township 138 North, Range 33 West, in Wadena County
Crossing ID 34	SW ¼ SE ¼ in Section 2, Township 138 North, Range 33 West, in Wadena County
Crossing ID 35	SE ¼ SE ¼ in Section 2, Township 138 North, Range 33 West, in Wadena County
Crossing ID 37	SW ¼ NW ¼ in Section 9, Township 138 North, Range 31 West, in Cass County
Crossing ID 38	NW ¼ SW ¼ in Section 9, Township 138 North, Range 31 West, in Cass County
Crossing ID 39	NE ¼ SW ¼ in Section 9, Township 138 North, Range 31 West, in Cass County
Crossing ID 40	NW ¼ SE ¼ in Section 9, Township 138 North, Range 31 West, in Cass County
Crossing ID 41	NE ¼ SE ¼ in Section 9, Township 138 North, Range 31 West, in Cass County
Crossing ID 42	NW ¼ SW ¼ in Section 10, Township 138 North, Range 31 West, in Cass County
Crossing ID 43	NE ¼ SW ¼ in Section 10, Township 138 North, Range 31 West, in Cass County
Crossing ID 44	NW ¼ SE ¼ in Section 10, Township 138 North, Range 31 West, in Cass County
Crossing ID 45	NE ¼ SE ¼ in Section 10, Township 138 North, Range 31 West, in Cass County
Crossing ID 46	SE ¼ SE ¼ in Section 8, Township 138 North, Range 30 West, in Cass County
Crossing ID 47	NW ¼ SE ¼ in Section 11, Township 139 North, Range 26 West, in Cass County
Crossing ID 48	SW ¼ SE ¼ in Section 11, Township 139 North, Range 26 West, in Cass County
Crossing ID 49	NE ¼ SE ¼ in Section 11, Township 139 North, Range 26 West, in Cass County
Crossing ID 50	NW ¼ SW ¼ in Section 12, Township 139 North, Range 26 West, in Cass County
Crossing ID 51	NE ¼ SW ¼ in Section 12, Township 139 North, Range 26 West, in Cass County
Crossing ID 52	NW ¼ SE ¼ in Section 12, Township 139 North, Range 26 West, in Cass County
Crossing ID 53	NE ¼ SE ¼ in Section 12, Township 139 North, Range 26 West, in Cass County

Exhibit A
Land Crossing Table - Utility License ULND010332

Crossing ID 169 SE ¼ SE ¼ in Section 24, Township 51 North, Range 22 West, in Aitkin County
Crossing ID 170 NW ¼ SW ¼ in Section 16, Township 50 North, Range 19 West, in St. Louis County
Crossing ID 171 SW ¼ SW ¼ in Section 16, Township 50 North, Range 19 West, in St. Louis County
Crossing ID 172 SE ¼ SW ¼ in Section 16, Township 50 North, Range 19 West, in St. Louis County
Crossing ID 173 Government Lot 4 in Section 1, Township 49 North, Range 19 West, in Carlton County
Crossing ID 174 Government Lot 3 in Section 1, Township 49 North, Range 19 West, in Carlton County
Crossing ID 175 Government Lot 6 in Section 1, Township 49 North, Range 19 West, in Carlton County
Crossing ID 176 Government Lot 7 in Section 1, Township 49 North, Range 19 West, in Carlton County
Crossing ID 177 Government Lot 10 in Section 1, Township 49 North, Range 19 West, in Carlton County
Crossing ID 178 Government Lot 9 in Section 1, Township 49 North, Range 19 West, in Carlton County
Crossing ID 179 SW ¼ SE ¼ in Section 6, Township 48 North, Range 17 West, in Carlton County
Crossing ID 180 NW ¼ NE ¼ in Section 7, Township 48 North, Range 17 West, in Carlton County
Crossing ID 181 SE ¼ NW ¼ in Section 16, Township 48 North, Range 17 West, in Carlton County
Crossing ID 182 SW ¼ NE ¼ in Section 16, Township 48 North, Range 17 West, in Carlton County

Note: Parcel ID's 36, 69, 77, and 125 are no longer crossed by the project and have been removed from the parcel list.

EXHIBIT B – SPECIAL PROVISIONS
LAND CROSSING LICENSE ULND010332

SPECIAL PROVISIONS:

This license is granted subject to the below special provisions, per license provision 17. Special provisions apply to all State land crossings, and may clarify, add to, or substitute for standard license provisions contained within the license and application materials. Changes or exceptions to these special provisions are subject to written approval by the State.

When license and special provisions are in conflict with application materials, the license and special provisions shall prevail and supersede application materials.

- 1. INCORPORATED APPLICATION MATERIALS:** The Licensee submitted the plans, specifications, and other information listed below as part of the Licensee’s application materials. Per paragraph 1.A. of the license, these materials are attached to this license and made part of the terms and conditions of this license.
 - Application for License to Cross Public Lands: November 2020 (Rev3)
 - Environmental Protection Plan (EPP): November 2020 (Rev 11)
 - Invasive and Noxious Species Management Plan (INS): October 2020 (Rev 7)
 - Winter Construction Plan: November 2020 (Rev 7)
 - Mineral Resource Plan: September 2020 (Rev 4)
 - Blasting Plan: November 2020 (Rev 6)
 - Natural Heritage Information System Review and Avoidance Plan (NHIS): November 2020 (Rev 4)
 - Post Construction Vegetation Management Plan for Public Lands and Waters (PCVMP): November 2020 (Rev 4)
 - Planting Plan: November 2020 (Rev 1)
 - Post-Construction Wetland and Waterbody Monitoring Plan (PCMP): November 2020 (Rev 6)
 - Avoidance, Mitigation and Implementation Plan (AMIP): July 2020
 - Unanticipated Discoveries Plan (UDP): November 2019 (Rev 6)
 - Archaeological and Historic Resources Plan (AHRP): October 2020
- 2. ADDITIONAL PROJECT PLANS:** The Licensee acknowledges the Enbridge Energy Line 3 Replacement Project (Project) is subject to, and the Licensee is separately required to comply with, additional Project plans, permits, approvals, interagency agreements, and legal requirements from other regulatory authorities, including but not limited to:
 - Environmental Monitor Control Plan (EMCP): October 2020 (Rev 4)
 - Independent Environmental Monitor Staffing Plan: October 2020 (Rev 3)
 - Construction Storm Water Pollution Prevention Plan (SWPPP): As issued by Minnesota Pollution Control Agency (MPCA)
 - Inadvertent Release and Response Plan (IRRP): October 2020
 - Rare and Sensitive Environmental Resources Plan: October 2020 (Rev 2)
- 3. NO CHANGES TO SPECIFICATIONS; AMENDMENTS:** The Licensee is not allowed to deviate from the requirements and specifications in the attached application materials without express written approval by the State, which may be in the form of an amendment to this license. Examples of deviations from application materials include, but are not limited to, changes in primary methods of

EXHIBIT B – SPECIAL PROVISIONS
LAND CROSSING LICENSE ULND010332

installation, access, clearing methods, workspace, construction activities, mitigation, and right-of-way.

If the Licensee seeks an amendment or modification to this license, the Licensee must submit a written request to the State at least ten business days prior to the planned activity for which an amendment or modification would be needed. The Licensee shall include the reason for the requested modification or amendment. The Licensee may not implement the desired amendment or modification unless approved by the State. Additional monitoring and license fees may apply.

If the utility comes out of compliance with the original specifications in the attached application materials for any reason (for example, if the pipe becomes exposed), the Licensee shall immediately notify the State of the discovery and shall consult with the State and submit a plan for corrective action within six months for State review and approval. The Licensee shall implement the State approved corrective action plan within one year of plan approval.

- 4. NOTIFICATION OF CONSTRUCTION:** The Licensee shall provide 48-hour advance notice by phone or email to Cheryl Kelley-Dobie, the State’s Regional Operations Supervisor, at (218) 308-2627 or cheryl.kelley-dobie@state.mn.us, or any other person subsequently designated by the State (“DNR Contact”), prior to conducting any activities on State land. If clearing and/or construction activities are to occur on a Monday or Tuesday, or if circumstances make the start time uncertain, the Licensee must give notice by 10:00 AM on the preceding Thursday that construction is imminent. The notice shall describe the crossing number, legal description (quarter-quarter or government lot, section, township, range), county, and construction activity.
- 5. PRE-CONSTRUCTION CONFERENCE:** The Licensee shall meet with the State and Lead Independent Environmental Monitor(s) (LIEM) at a pre-construction conference before any construction occurs on State land crossings. The Licensee shall provide the State with sufficient notice of the conference to allow attendance. Contact information for the DNR Contact, LIEM, Licensee, and designated Environmental Project Manager (EPM) will be provided at the pre-construction conference. The Licensee shall provide safety orientation for the DNR Contact, State staff, and LIEM.
- 6. LEAD INDEPENDENT ENVIRONMENTAL MONITOR (LIEM):** The LIEM is an independent contractor paid for by the Licensee who reports to the State and other agencies. The LIEM will observe construction activities on State lands. The LIEM will provide an ongoing field presence for the State during construction of the Project. The LIEM will report observations to the DNR Contact, or such other person as the State may subsequently designate, as to whether the Licensee is complying with the terms of this license and other Project requirements. The Licensee will establish a reporting system in which the LIEM can prepare and provide monitoring reports.
- 7. MONITORING REPORTS:** The LIEM will provide the DNR Contact and designated State staff with daily monitoring reports in a prescribed form during construction, restoration, and on-going monitoring.
- 8. MONITORING TABLET TECHNOLOGY:** The Licensee will provide the State with mobile tablets and associated equipment, at the Licensee’s sole cost, for the State’s staff to use during site visits for the

EXHIBIT B – SPECIAL PROVISIONS
LAND CROSSING LICENSE ULND010332

Project. These tablets are in lieu of paper alignment sheets. The Licensee will ensure the tablets are loaded with a GIS-based mobile application containing offline accessible spatial data. The data layers will include authorized workspaces and centerlines, environmentally sensitive features, and State-owned land parcels. The Licensee shall coordinate with the State prior to commencement of Project activities or use of the State land crossings to identify a comprehensive list of data layers and the quantity of mobile tablets to be made available to the State's staff.

- 9. STATE LANDS SUBJECT TO THIS LICENSE:** The Licensee's activities related to the construction, maintenance, repair, and operation of the pipeline permitted by this license are restricted to the right-of-way on the State land crossing areas subject to this license. Additional State land needed for access, construction, danger trees, and other activities are subject to review and approval by the State under separate agreements or permits.

The portion of the right-of-way subject to this license and identified as the temporary workspace or additional temporary workspace in the attached application materials may only be used during the initial installation of the pipeline. After initial pipeline installation, temporary workspace and additional temporary workspace, including the construction yard, shall not be maintained as operational right-of-way and shall be restored according to the PCMP, PCVMP and EPP.

The Licensee has identified buffer areas (Buffer Area) between the right-of-way authorized by this license and a third party utility license right-of-way. The Licensee is restricted from working on State lands identified as Buffer Area except to prevent and control the spread of invasive species. The State will continue to manage the State lands and shall retain ownership of the timber within the Buffer Area.

- 10. RIGHT-OF-WAY SIGNAGE:** The Licensee shall install right-of-way posts with signs approved by the State indicating State land on the entry and exit of each State land crossing, as well as at road crossings.
- 11. THREATENED AND ENDANGERED SPECIES (TES):** The Licensee shall locate and protect TES during construction, operation, repair, and maintenance activities on State land and public water wetlands. The Licensee shall ensure proper TES avoidance and protection measures are in place to avoid an inadvertent take. Excavation or trampling by construction, maintenance, or operation activities could result in a take.

Location specific avoidance plans depicting TES and all construction features (i.e. construction workspace, additional temporary workspace, etc.) must be submitted to the Department of Natural Resources Endangered Species Review Coordinator and approved prior to initiation of clearing or construction activities on State land crossings with TES. An application must be submitted to the Department of Natural Resources Endangered Species Coordinator for a permit to take TES. TES species cannot be taken without a permit to take TES.

- 12. ECOLOGICALLY SENSITIVE STATE RESOURCES:** The Licensee must take special measures to avoid and minimize impacts to ecologically sensitive State resources according to the NHIS Plan. This applies to sites identified in the NHIS Plan, including but not limited to Native Plant Communities

EXHIBIT B – SPECIAL PROVISIONS
LAND CROSSING LICENSE ULND010332

ranked S1-S3, MBS Sites of Biodiversity Significance ranked Outstanding or High, and old-growth forest on State land crossings.

- 13. INVASIVE SPECIES:** The INS Plan at appendix B of the EPP, which is attached to and incorporated into this license, has requirements pertaining to invasive species control. The Licensee is required to implement and comply with the INS Plan.

Prior to clearing and grading operations, the Licensee shall survey State land crossings to identify invasive and noxious weed species. During all phases of pre-construction, construction and post construction activities, the Licensee shall utilize mechanical and physical control methods at State land crossings. To avoid the spread of invasive species, the Licensee's practices shall meet or exceed the DNR Invasive Species Operations Handbook Guidelines, DNR Division of Ecological Resources guidelines, and the Minnesota Board of Water and Soil Resources manual.

- 14. PUBLIC LAND CROSSINGS WITHIN PEATLAND/WETLAND WINTER CONSTRUCTION AREA:** To the maximum extent feasible, the Licensee shall construct the following crossings from November 1 through March 31 during winter conditions, as defined in the Winter Construction Plan, and preferably during frozen conditions:

- Crossing #32 through #35 Within MP 995.7 – MP 997.2
- Crossing #86 through #110 Within MP 1055.4 – MP 1061.8
- Crossing #143 through #169 Within MP 1078.1 – MP 1085.6

Licensee may conduct work at the above crossings to complete staking, clearing, and building of frost roads using construction mats according to figure 49 in the EPP, or low ground pressure equipment. However, prior to excavating any wetland (which includes surveyed peatlands) within the above crossings, the Licensee shall monitor frost depth to ensure frost is adequate to support equipment and is at least 30 inches deep; otherwise, the Licensee is required to utilize sufficient construction matting according to figure 49 of the EPP. The Licensee shall mark and not enter any peatland areas where the frost depth has not been surveyed until the Licensee determines frost depth and/or necessary matting.

The Licensee and State acknowledge the feasibility of winter construction of the above crossings is highly dependent on the starting date of the Licensee's Project construction.

If the Licensee does not conduct winter construction at the above crossings as described in attachment L of the application, then the following additional requirements apply:

- a. The Licensee shall submit to the State, for the State's review and approval, a revised peatland/wetland construction plan that demonstrates how the Licensee will implement winter construction to the maximum extent possible for these crossings. The Licensee must provide information in the revised peatland/wetland construction plan to support why any specific winter construction is not feasible. This plan must also provide the construction details for peatland/wetland construction that will be implemented to minimize impacts to these resources.
- b. The Licensee shall implement enhanced construction monitoring, including:

EXHIBIT B – SPECIAL PROVISIONS
LAND CROSSING LICENSE ULND010332

- i. One additional dedicated LIEM for each construction spread where non-winter construction will occur; and
- ii. Additional State staff monitoring at each site where non-winter construction will occur. The Licensee is responsible for the costs of this additional State staff monitoring.

The Licensee is subject to rigorous vegetation and shallow groundwater monitoring as described in the PCMP. If monitoring identifies unanticipated impacts to these crossings, the Licensee must submit a corrective action plan to the State for review and approval. Upon State approval of the corrective action plan, the Licensee must implement the corrective action plan within one year. If the State determines the Licensee's corrective action plan did not sufficiently remediate the impacts to the crossings, the State may conduct an assessment of the impacted areas and require additional mitigation from the Licensee.

15. FINANCIAL ASSURANCE FOR WETLAND AND WATERBODY RESTORATION. Prior to commencing any activities on State land or water crossings, the Licensee shall provide a bond or other financial assurance instrument to the State, in an amount and form acceptable to the State, that the State can access if the Licensee fails to perform its obligations to restore wetlands and waterbodies under this license. The State may access this financial assurance to perform the wetland and waterbody restoration under this license, restore other wetlands and waterbodies in the area, or purchase wetland credits.

16. FIREARM DEER HUNTING SEASON: The Licensee is prohibited from conducting construction or maintenance activities on State land crossings during the opening weekend of the Minnesota firearm deer season. For purposes of this provision, opening weekend is defined as the Friday before the opening day, as published by the State, through the following Monday.

17. BEAVER DAM REMOVAL: The Licensee must obtain all necessary permits for beaver dam removal. Permits will be required if removal will affect the course, current or cross section of public waters. The Licensee shall take care during removal of beaver dams to ensure silt flushing and downstream channel erosion does not occur. The Licensee shall conduct any beaver dam removal to limit the amount and timing of water release to the maximum extent practicable. The Licensee is required to have a contingency plan in place to manage any uncontrollable flow from beaver dam removal.

18. TRAILS: Grant-in-aid trails are included in the restrictions under license provisions 6. For trails on State land crossings that are used for construction and maintenance activities, the Licensee shall erect signs at each construction or maintenance location, from each direction, indicating that construction or maintenance is occurring. From December 1 through March 31, the Licensee shall maintain snow cover of at least four inches on trails when there is at least four inches of snow on ground adjacent to the trail corridor.

The Licensee shall not pile, park, or store cut products, vehicles, or equipment on established trail corridors.

EXHIBIT B – SPECIAL PROVISIONS
LAND CROSSING LICENSE ULND010332

19. AGGREGATE ENCUMBERANCE: The Licensee shall pay \$221,491.00 to the State as compensation for aggregate resources precluded from mining as a result of the pipeline located on the following parcels in Clearwater and Cass County, Minnesota:

- T147, R37, S17, SESE
- T147, R37, S16, SESW
- T139, R25, S03, SENE
- T139, R25, S02, SWNW
- T139, R25, S02, SENW

This payment is due upon license issuance. This payment does not convey any minerals, mineral rights, aggregate, or aggregate rights to the Licensee.

20. PEAT ENCUMBERANCE: The Licensee shall pay \$88,500.00 to the State as compensation for peat resources precluded from mining as a result of the pipeline located on the following parcels in Aitkin County, Minnesota:

- T51, R22, S23, SESW
- T51, R22, S23, SWSE
- T51, R22, S23, SESE
- T51, R25, S31, NWSE
- T51, R25, S31, NESE
- T51, R25, S32, NWSW
- T51, R25, S32, NESW

This payment is due upon license issuance. This payment does not convey any rights in the peat to the Licensee.

21. AREAS IN COMMON WITH PERMITS TO CUT TIMBER: Timber on certain State lands has been offered for sale at public auction, and successful bidders have made advanced payments and bid guarantees. The persons and entities awarded a Permit to Cut Timber have rights to enter upon the State lands to harvest timber.

For State land crossings subject to this license that are also subject to a Permit to Cut Timber, the Licensee shall conduct its activities so as to not unduly interfere with the activities under the Permit to Cut Timber. The Licensee has not been charged for timber that is accounted for in a Permit to Cut Timber.

The State recommends that the Licensee coordinate with the holders of Permits to Cut Timber regarding timber cutting in the license right-of-way and access roads for the State land crossings. The Licensee shall not cut timber on the State land crossings 20, 21, 35, 81, 82, 83, 119, 120, 121, 122 and 123 without prior coordination with the applicable holder of a the Permit to Cut Timber.

Below is general information about Permits to Cut Timber in effect at the time of license issuance.

- A. Permit No.: X015021
Permit Date: 5/26/2016
Location: T138N, R31W, S15, Cass County

EXHIBIT B – SPECIAL PROVISIONS
LAND CROSSING LICENSE ULND010332

Crossing IDs Affected: Timber permit area is located south of the utility corridor. Permittee will need to cross the utility corridor to access the timber.

- B. Permit No.: X015978
Permit Date: 5/24/2018
Location: T139N, R16W, S11, SESE, Cass County
 T139N, R26W, S12, SWSW, Cass County
Crossing IDs Affected: Timber permit area is located south of the utility corridor. Permittee will need to cross the utility corridor to access the timber.
- C. Permit No.: B013978
Permit Date: 6/14/2018
Location: T139N, R25W, S1, NWSE, NESE, SESE, Cass County
Crossing IDs Affected: #81 (NWSE), #82 (NESE), #83 (SESE). Timber permit area coincides with utility corridor on all three parcels.
- D. Permit No.: X015700
Permit Date: 9/12/2017
Location: T138N, R33W, S2, SESW, Wadena County
Crossing IDs Affected: Timber permit area is located south of the utility corridor. Permittee will need to cross the utility corridor to access the timber.
- E. Permit No.: B103770
Permit Date: 12/4/2017
Location: T51N, R24W, S31, Gov't Lt 2, Aitkin County
 T51N, R25W, S35, NESE, Aitkin County
 T51N, R25W, S36, NWSW, NESW, NWSE, NESE, Aitkin County
Crossing IDs Affected: Timber permit area coincides with utility corridor on #119 (NESE, T51N, R25W, S35); #120 (NWSW), #121 (NESW), #122 (NWSE), #123 (NESE) all in T51N, R25W, S36. Gov't Lt 2 is incidental to the timber permit area.
- F. Permit No.: B014640
Permit Date: 6/11/2020
Location: T138N, R33W, S5, NWSE, NESE, Hubbard County
Crossing IDs Affected: #20 (NWSE), #21 (NESE). Timber permit area coincides with utility corridor on both parcels.
- G. Permit No.: X017345
Permit Date: 6/11/2020
Location: T138N, R33W, S2, SESE, Wadena County
 T138N, R33W, S11, NENE, SENE, SESW, SWNE, SWSE, Wadena County
 T138N, R33W, S12, NENW, NWNW, Wadena County
 T138N, R33W, S14, NENW, Wadena County
Crossing IDs Affected: Timber permit area coincides with utility corridor on parcel #35 (SESE; T138N, R33W, S2).

EXHIBIT B – SPECIAL PROVISIONS
LAND CROSSING LICENSE ULND010332

H. Permit No.: B014443

Permit Date: 12/19/2019

Location: T139N, R25W, S3, NWNE, NWSE, SWNE, SWSE

T140N, R25W, S27, NESE, NESW, NWSE, SESE, SESW, SWSE, SWSW

T140N, R25W, S34, NENW, NESW, NWNE, NWNW, NWSE, SENW, SESW, SWNE, SWSE

Crossing IDs Affected: Timber permit area does not coincide with utility corridor. Permittee will likely use Pikus State Forest Road (HR-MN-CA-006-PIKUS FOREST RD-1) for access. Access to timber permit area will require crossing of the utility corridor at #75 (SWNW, T139N, R25W, S2).

22. MERCHANTABLE TIMBER UTILIZATION: The Licensee shall salvage merchantable timber on State land crossings. Each species must be utilized down to a minimum merchantable top diameter inside bark as follows:

- Four inches for cordwood and pulpwood material, except three inches for spruce
- Six inches for bolts
- Ten inches for saw timber

23. NON-MERCHANTABLE MATERIAL AND CHIPPING: The Licensee shall not bring, store, or dispose of non-merchantable materials or debris originating from other land parcels onto the State land crossings.

Chipping is prohibited on State lands. Grinding of stumps to create a level workspace is allowed. Wood mulch or mechanically cut woody debris, as defined in the EPP, must be uniformly broadcast to site of origin with less than one-inch thickness and in a manner that maintains visible ground. Windrowing or piling of any vegetative materials, including firewood, is not allowed on State land.

If the State or LIEM determines the accumulation of mulch or mechanically cut woody debris is excessive, the LIEM will work with the Licensee to alter methods, redistribute, and/or haul excess material (as determined by the State or LIEM) off site.

24. BURNING: The Licensee should use burning as a technique of last resort. The Licensee is prohibited from burning on State land crossings unless the Licensee obtains a separate burning permit issued by the State. The State will not issue burning permits during restrictions before spring green-up, drought and/or fire danger. The State will not issue burning permits for sites located in any wetland with organic soils (peat fire issues) and within Sites of High or Outstanding Biodiversity Significance, Old Growth Forest, or S1-S3 Native Plant Communities as identified in attachment B of the application. The Licensee must provide locations for proposed burning permits on State lands prior to construction.

The Licensee must control all fires and ensure all fires are completely extinguished. The Licensee is liable for damage and injury caused by any Licensee fire. Licensee is also liable for any damages that result from any violation by the Licensee of State burning or fire statutes, including but not limited to liability to the State for all expenses incurred in fighting, preventing the spread of, or extinguishing such fires.

25. RUTTING AND MATS. The Licensee shall minimize rutting to protect productivity, protect hydrologic function, protect water quality, reduce erosion, and minimize impacts to flora and fauna. The

EXHIBIT B – SPECIAL PROVISIONS
LAND CROSSING LICENSE ULND010332

Licensee shall avoid repeated and excessive rutting in areas where the topsoil has not been removed.

The Licensee must take appropriate measures to reduce rutting so that the maximum level of rutting described below is not reached. If rutting exceeds any of the levels described below, the Licensee shall immediately cease operations at the impacted location, take appropriate measures to reduce rutting and may resume only when conditions are adequate to support the equipment.

- Uplands: For roads, access paths and skid trails in uplands, rutting greater than or equal to six inches deep shall not exceed ten percent of all roads, access paths, and skid trails (total of all lengths of roads, access paths, and skid trails with rutting greater than or equal to six inches deep divided by the total length of all road, access paths, and skid trails), and rutting shall not exceed 50 feet of any 200 foot section of road, access path and skid trail.
- Wetlands: For roads and access paths in wetlands, rutting greater than or equal to six inches deep shall not exceed a contiguous length of road and access path in a wetland of 300 feet or more than 50 percent of the width of the wetland in the vicinity of the rutting, whichever is less. In wetlands, the Licensee shall minimize rutting and soil compaction by the use of use construction matting with the exception of intersections as shown in figure 47 of the EPP, low ground pressure equipment, or by conducting construction and maintenance activities during frozen ground conditions. The Licensee shall restore wetlands to preconstruction contours and elevations and restore areas with subsidence and crowning.

The Licensee shall use mats as needed. The Licensee is not allowed to use foreign materials (such as gravel) to establish a stable base for mats and equipment pads. The Licensee must clean mats prior to coming onto State land crossings. The Licensee must also clean mats during construction and maintenance activities to avoid the spread of invasive species. The Licensee shall clean mats in place during construction for equipment passage so that soils do not accumulate. The Licensee shall remove all mats on State land crossings at the earliest practical time after construction and restoration activities.

26. ACCESS ACROSS PIPELINE: The Licensee shall establish and maintain permanent access points allowing crossing over the pipeline at the locations identified in the application materials (see attachment A and maps in attachment B). The crossings may be used by State vehicles and logging equipment so long as crossing does not pose a risk to the safe and efficient operation, maintenance, or repair of the pipeline. Pipeline cross over locations will be designed to accommodate vehicles up to ten tons per axle weight and shall be at least 20 feet in width. If the Licensee determines that any proposed crossing may potentially cause an unsafe condition or damage to the pipeline, the Licensee shall consult with the State to make necessary changes for a safe crossing. The Licensee shall mark these cross over locations with appropriate signage approved by the State.

27. REFUELING AND SPILLS: Per the EPP, the Licensee shall notify the Minnesota Duty Officer of any spills on State lands. The Licensee must have spill kits readily available at each construction location.

The Licensee shall refuel vehicles and equipment on landings with secondary containment structures. The Licensee shall not leave vehicles or equipment unattended within 100 feet of public

EXHIBIT B – SPECIAL PROVISIONS
LAND CROSSING LICENSE ULND010332

water wetlands on State lands unless advanced approval is provided by the LIEM and liners are placed under the unattended vehicles or equipment.

- 28. ASSOCIATED PIPELINE FACILITIES:** In addition to the underground pipeline, this license authorizes the following associated pipeline facilities, as described and specified in the attached application materials. The Licensee shall design and install fencing to shield visibility of equipment from view and blend in with surrounding natural environment.
- VALVE SITE (Crossing ID #127 & #139). The Licensee will be responsible for construction and on-going maintenance of the building, fence and signage. A separate utility license to cross State lands is required to provide electrical service for the proposed facilities.
 - CATHODIC PROTECTION BED (Crossing ID #32).
- 29. CONSTRUCTION YARD ON STATE LAND:** The Licensee is authorized to locate a construction yard within the SE1/4 of NW1/4 of Section 31, Township 51N, Range 24W, Aitkin County, Crossing ID #127, as described and specified in the attached application materials. The Licensee shall not store trailers used for offices or batch plants on State land. The Licensee is not allowed to use this area to prepare materials for use such as concrete coating or coat the pipe. After construction is complete, the Licensee shall restore the construction yard to at least its pre-construction condition.
- 30. TEMPORARY DISCHARGE OF WATER FROM CONSTRUCTION DEWATERING ACTIVITIES:** If conditions arise resulting in the need for additional temporary workspace for temporary discharge of water from construction dewatering activities, the Licensee must provide 48-hour advance notice to the State. This notice must include the required information outlined in the application materials. The Licensee shall not use the additional temporary workspace for dewatering discharge activities and shall not conduct any dewatering discharge activities at these locations until the State has given written permission. This activity is subject to additional State and MPCA permits.
- 31. TRENCH BREAKERS:** The Licensee shall not use closed cell polyurethane foam on State land crossings. The Licensee shall install trench breakers at all stream or ditch crossings (entrance and exit) shown in table 6.2-1 in the application unless there is no stable wall or footing to tie the trench breaker into or no slope.
- 32. EROSION:** The Licensee shall stabilize or have erosion control devices immediately in place at the first indication a precipitation event may occur on State land crossings with exposed soil. The Licensee must monitor the weather forecast to allow for adequate time for stabilization or placement of the erosion control devices in exposed areas.

Due to entanglement issues with small animals, the Licensee's use of erosion control blanket shall be limited to 'bio-netting' or 'natural netting' types, and specifically not products containing plastic mesh netting or other plastic components. These are Category 3N or 4N in the 2016 and 2018 MnDOT Standards Specifications for Construction.

The Licensee shall immediately report to the State any damages to areas outside of the construction workspace through deposition of sediment, erosion, or other factors caused by construction activities. The Licensee shall remedy damage, in consultation with the State land administrator, within seven days of discovery or as soon as field conditions allow.

EXHIBIT B – SPECIAL PROVISIONS
LAND CROSSING LICENSE ULND010332

The Licensee must initiate stabilization on stream banks and buffer areas next to streams listed on table 6.2-1 of the application within 24 hours after pipeline placement in the stream. The Licensee shall contact the LIEM immediately if a situation occurs during installation, or any other circumstance arise, that could delay completion of the crossing beyond the timing noted above.

- 33. TOPSOIL SEGREGATION:** The Licensee shall segregate topsoil on State lands where grading or trenching into subsoil or parent material occurs, as outlined in the EPP. The Licensee shall replace reserved topsoil after construction.

The Licensee shall limit the mixing of topsoil and subsoil to the maximum degree practicable.

The Licensee shall not stockpile topsoil material in wetlands for more than 30 days.

The Licensee shall separate and replace topsoil in upland areas over the trench and in other areas where excavation occurred to create the work pad, such as side-cut locations on hillsides or at the crest of hills where the pipeline is buried deeper than normal.

The LIEM will assist in identifying and monitoring locations where topsoil segregation can occur. The State recognizes that final plans for accomplishing topsoil segregation will not be made until the Licensee's contractor is on site with clearing and grading crews. Topsoil segregation shall be attempted in all wetlands. The LIEM will contact the State if difficulties arise.

- 34. SPOIL:** During construction, the Licensee shall remove all excess spoil material to upland areas. The Licensee is not allowed to place permanent fill material in public waters and wetlands. The Licensee may mound spoil over the trench line of public water wetland crossings constructed under frozen ground conditions.

35. CROSSING #179 (LITTLE OTTER CREEK AMA):

The Licensee shall install the pipeline at a minimum depth of four feet below the ground surface. The depth of cover at this crossing shall be at least 4.3 feet below the bottom of the adjacent stream beds. This depth of cover shall be maintained across the entire delineated wetland.

The Licensee shall complete as-built ground survey after final restoration of this crossing. The survey shall be provided to State within three months of completed final restoration.

- 36. DEPTH OF COVER IN WETLAND/PEATLAND:** The Licensee shall maximize the depth of the pipe in peatland areas when the pipe is placed in H1-H4 Von Post Degree of Humification peat.

- 37. CONCRETE COATED PIPE:** The Licensee shall use an additive to the concrete mixture that prevents acidic degradation at wetland/peatland locations with pH below 5.

- 38. NO CONCRETE WASHING STATIONS:** Concrete washing stations are not permitted on State lands.

- 39. BLASTING:** If the Licensee seeks to use blasting methods to construct a State land crossing, the Licensee shall submit a site specific blasting plan for State review. The Licensee cannot proceed with the proposed site specific blasting plan until the State gives written approval.

EXHIBIT B – SPECIAL PROVISIONS
LAND CROSSING LICENSE ULND010332

40. ROCK STOCKPILES: The Licensee shall coordinate with the State to stockpile or dispose of rock encountered during construction.

41. CROSSINGS RESTORATION; SITE SPECIFIC RESTORATION PLANS: As specified in the incorporated application materials, certain crossings are subject to Site Specific Restoration Plans (SSRPs). For crossings subject to SSRPs, the Licensee is required to restore each such crossing according to the applicable SSRP. Each SSRP identifies the geographic area subject to that SSRP.

SSRPs are subject to additional review and revision by the State based upon final construction plans, site visits, or other updated information. The Licensee must obtain the State’s final approval of the SSRPs prior to beginning construction of the pipeline within the area identified on any specific SSRP.

For crossings not subject to SSRPs, the Licensee is required to restore each such crossing according to “typical” restoration requirements in the application materials. Placement of subsoil within construction workspace as part of site restoration shall not alter pre-existing land elevations.

42. PLANT MATERIALS: All plant material (seeds and woody vegetation) utilized in final restoration must be listed as native to the county in which it's planted on MN Taxa. Materials must also be sourced consistent with the State’s Operational Order 124 Plant Material Standards for Native Plant Community Restoration and the State’s Division of Forestry Nursery Seed Source Control.

43. PLANTING PLAN: The Licensee shall supply a final Planting Plan with all related information (including but not limited to all maps) to the State for review and approval. The State must give final written approval to the Planting Plan before the Licensee can begin construction on State land.

EXHIBIT C

MONITORING FEE (ULND010332)

1. The Monitoring Fee applies to the land and water crossing licenses described below that are required for the Enbridge Line 3 Replacement Project.
Land Crossing License: ULND010332
Water Crossing License: UWAT011547
2. Total Monitoring Fee for the above referenced licenses is \$763,178.00
3. The Monitoring Fee is based on DNR staff hours needed to process applications, coordinate review, complete special provisions and terms for the land and water crossing licenses and to monitor activities during construction and for the first growing season after construction.
4. DNR staff spent approximately 4,046 hours during the pre-application, application coordination, development of special provisions, and pre-construction conference through November 14, 2020 and it is estimated that staff will spend approximately 2,804 hours on monitoring construction activities from November 15, 2020 through construction completion and monitoring of restoration. The total number of staff estimated staff hours is 6,850 hours. To arrive at the monitoring fee estimate, the total hours was multiplied by the applicable hourly division rate yielding a fee of \$763,178.00.
5. Monitoring activities include but are not limited to processing applications, coordination, review and drafting of special provisions and terms for the license documents; site inspections; review of monitoring reports; engage in and coordinate communications with the Licensee, monitors, and staff; participate in regular conference calls and meetings; and respond to unexpected situations.
6. For payment purposes, the monitoring fee will be assessed as follows. A monitoring fee of \$367,944.00 will be assessed for Water Crossing License UWAT011547 and a monitoring fee of \$395,234.00 will be assessed for Land Crossing License ULND010332. The monitoring fee will be billed at the same time as the license fees. Both the monitoring fee and the license fee must be paid prior to the issuance of each license.
7. Additional and supplemental fees may be required to accommodate Licensee requests to modify or amend licenses as needed during construction. The additional fees would cover the actual costs to process the requests for modification, to revise terms and conditions, conduct site visits, and monitor changes.
8. If additional monitoring is required, the DNR will provide an estimate of the additional hours needed for monitoring and bill the Licensee. Upon completion of monitoring activities, any unused balance will be refunded to the Licensee.