

**Permit Number**  
**2018-3689**

## Water Appropriation Permit

**Expiration Date: 10/19/2021**

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below.

<b>Project Name:</b> Enbridge - Line 3 Replacement Project - Gully 30 Fen	<b>County:</b> Polk	<b>Watershed:</b> Clearwater River	<b>Resource:</b> Groundwater
<b>Purpose of Permit:</b> Construction Dewatering		<b>Authorized Action:</b> Withdrawal of up to 63.1 million gallons of water per year for construction dewatering.  This permit is valid only when activities at the Gully 30 site follow the approved "Gully 30 Calcareous Fen Management Plan" dated October 2020.	
<b>Permittee:</b> ENBRIDGE ENERGY, LIMITED PARTNERSHIP CONTACT: DEVERA, KRISTY, (218) 522-4870 26 E SUPERIOR STREET SUITE 125 DULUTH, MN 55802 (218) 464-5600		<b>Authorized Agent:</b> MERJENT, INC. CONTACT: ARNDT, JIM 1 MAIN STREET SE SUITE 300 MINNEAPOLIS, MN 55414 (612) 746-3660	
<b>To Appropriate From:</b>  Groundwater : by means of a portable pump at a rate not to exceed 700 gpm Point(s) of Taking UTM zone 15N, 297950m east, 5296652m north SWSE of Section 19, T150N, R39W  Groundwater : by means of a portable pump at a rate not to exceed 2100 gpm Point(s) of Taking UTM zone 15N, 298162m east, 5296327m north NWNE of Section 30, T150N, R39W			
<b>Issued Date:</b> 10/17/2020		<b>Effective Date:</b> 10/19/2020	<b>Expiration Date:</b> 10/19/2021
<b>Authorized Issuer:</b> Steve Colvin	<b>Title:</b> Division Director	<b>Email Address:</b> steve.colvin@state.mn.us	<b>Phone Number:</b> 651-259-5709

This permit is granted **subject to** the following **CONDITIONS**:

**LIMITATIONS:** (a) Any violation of the terms and provisions of this permit and any appropriation of the waters of the state in excess of that authorized hereon shall constitute a violation of Minnesota Statutes, Chapter 103G. (b) This permit shall not be construed as establishing any priority of appropriation of waters of the state. (c) This permit is permissive only. No liability shall be imposed upon or incurred by the State of Minnesota or any of its employees, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the Permittee relating

## **CONDITIONS** (Continued from previous page)

to any matter hereunder. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the Permittee, 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 Permittee, for violation of or failure to comply with the provisions of the permit or applicable provisions of law. (d) In all cases where the doing by the Permittee of anything authorized by this permit shall involve the taking, using, or damaging of any property, rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the Permittee, before proceeding therewith, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests necessary therefore. (e) This permit shall not release the Permittee from any other permit requirements or liability or obligation imposed by Minnesota Statutes, Federal Law, or local ordinances relating thereto and shall remain in force subject to all conditions and limitations now or hereafter imposed by law. (f) Unless explicitly specified, this permit does not authorize any alterations of the beds or banks of any public (protected) waters or wetlands. A separate permit must be obtained from the Department of Natural Resources prior to any such alteration.

**FLOW METER:** The Permittee shall equip each installation for appropriating or using water with a flow meter, unless another method of measuring the quantity of water appropriated to within ten (10) percent of actual amount withdrawn is approved by the Department.

**WATER USE REPORTING:** Monthly records of the amount of water appropriated or used shall be recorded for each installation. Such readings and the total amount of water appropriated or used shall be reported annually to the Director of DNR Ecological and Water Resources, on or before February 15 of the following year, via the MNDNR Permitting and Reporting System (MPARS) at [www.mndnr.gov/mpars/signin](http://www.mndnr.gov/mpars/signin). Any processing fee required by law or rule shall be submitted with the records whether or not any water was appropriated during the year. Failure to report shall be sufficient cause for terminating the permit 30 days following written notice.

**MODIFICATION:** The Permittee must notify the Commissioner in writing of any proposed changes to the existing permit. This permit shall not be modified without first obtaining the written permission from the Commissioner.

**TRANSFER OR ASSIGNMENT:** Any transfer or assignment of rights, or sale of property involved hereunder shall be reported within 90 days thereafter to the Director of DNR Ecological and Water Resources. Such notice shall be made by the transferee (i.e., new owner) and shall state the intention to continue the appropriation as stated in the permit. This permit shall not be transferred or assigned except with the written consent of the Commissioner.

**COMMISSIONER'S AUTHORITY:** (a) The Commissioner may inspect any installation utilized for the appropriation or use of water. The Permittee shall grant access to the site at all reasonable times and shall supply such information concerning such installation as the Commissioner may require. (b) The Commissioner may, as he/she deems necessary, require the Permittee to install gages and/or observation wells to monitor the impact of the Permittee's appropriation on the water resource and require the Permittee to pay necessary costs of installation and maintenance. (c) The Commissioner may restrict, suspend, amend, or cancel this permit in accordance with applicable laws and rules for any cause for the protection of public interests, or for violation of the provisions of this permit.

**PUBLIC RECORD:** All data, facts, plans, maps, applications, annual water use reports, and any additional information submitted as part of this permit, and this permit itself are part of the public record and are available for public inspection at the offices of DNR Ecological and Water Resources. The information contained therein may be used by the Division as it deems necessary. The submission of false data, statements, reports, or any such additional information, at any time shall be deemed as just grounds for revocation of this permit.

**MONITORING REQUIREMENTS:** Minnesota Statutes 103G.282 authorizes the Department of Natural Resources to require permittees to install and maintain monitoring equipment to evaluate water resource impacts from permitted appropriations. You may be required to modify or install automated measuring devices and keep records for each installation. The frequency of measurements and other requirements will be based on quantity of water appropriated, source of water, potential connections to other water resources, nature of concern, and other relevant factors.

**DROUGHT PLANNING:** In accordance with M.S. 103G.293, all permits must be consistent with the drought response plan detailed in the Statewide Drought Plan at [http://files.dnr.state.mn.us/natural\\_resources/climate/drought/drought\\_plan\\_matrix.pdf](http://files.dnr.state.mn.us/natural_resources/climate/drought/drought_plan_matrix.pdf).

**WATER USE CONFLICT:** If notified by the DNR that a water use conflict is suspected and probable from your appropriation, based on confirmation of a formal well interference complaint or a preliminary hydrologic assessment, all appropriation authorized by this permit must cease immediately until the interference is resolved. The permittee may be

**CONDITIONS** (Continued from previous page)

required to obtain additional data to support the technical analysis, such as domestic well information within a radius of one and one-half miles of the production well. The permittee and impacted party may engage in a negotiated settlement process and there may be modifications made to this permit in support of conflict resolution.

**SUSPENSION:** The Department may require the suspension of appropriation during periods of low water in order to maintain minimum water levels within the basin/watercourse/watershed.

**CONTINGENCY:** If directed by DNR Ecological and Water Resources to cease pumping, the permittee agrees to withstand the results of no appropriation as stated in the contingency statement submitted with the application.

**INTAKE:** All pump intakes must be screened to prevent fish from being drawn into the system.

**INVASIVE SPECIES - EQUIPMENT DECONTAMINATION:** All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at [http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best\\_practices\\_for\\_prevention\\_ais.pdf](http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf). Contact your regional Invasive Species Specialist for assistance at [www.mndnr.gov/invasives/contacts.html](http://www.mndnr.gov/invasives/contacts.html). A list of designated infested waters is available at [www.mndnr.gov/invasives/ais/infested.html](http://www.mndnr.gov/invasives/ais/infested.html). A list of prohibited invasive species is available at [www.mndnr.gov/invasives/laws.html#prohibited](http://www.mndnr.gov/invasives/laws.html#prohibited).

**INFESTED WATERS - WATER TREATMENT REQUIREMENTS:** Surface water appropriation from waters listed as containing invasive species (see <http://www.mndnr.gov/invasives/ais/infested.html>) are required to contact 651-259-5100 or 1-888-MINN-DNR to obtain information from the DNR Division of Ecological and Water Resources on specific invasive species water treatment requirements.

**WATER CONSERVATION:** All practical and feasible water conservation methods and practices must be employed to promote sound water management and use the least amount of water necessary, such as reuse and recycling water, water-saving devices, and water storage.

**DISCHARGE AUTHORIZATION:** This permit is valid only in conjunction with all required discharge authorizations from local, state, or federal government units.

**CALCAREOUS FEN MANAGEMENT PLAN (CFMP):** This permit is valid only when activities at the site follow the Gully 30 Calcareous Fen Management Plan (CFMP) dated October 2020. Associated monitoring tasks must also be followed. The Gully 30 CFMP is attached to this permit.

**DOCUMENTATION OF WELL-POINTS:** Enbridge must document the exact location and number of dewatering well-points or piezometers and the exact amount of water they appropriate prior to water appropriation starting. All documentation must be sent to the DNR Area Hydrologist Stephanie Klamm at [stephanie.klamm@state.mn.us](mailto:stephanie.klamm@state.mn.us) or uploaded into the 2018-3689 permit file after the completion of the Line 3 Replacement Project.

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cc: Jess Richards, EWR  
Corps of Engineers, Corps of Engineers, Polk  
Randall Doneen, EWR  
Robert Guthrie, EWR  
Tom Groshens, EWR  
Tim Gray, Conservation Officers, Bagley  
Jennie Skancke, EWR  
Steve Hofstad, BWSR Wetland Specialists, Polk  
Amy Westmark, DNR Regional Nongame Specialists, Region 1  
Jaime Thibodeaux, DNR Regional Environmental Assessment Ecologist, Region 1  
Emily Hutchins, DNR Wildlife, Crookston  
Nathan Olson, DNR Fisheries, Detroit Lakes Area  
Jake Snyder, County, Polk  
Myron Jesme, Watershed District, Red Lake  
Rachel Klein, SWCD, East Polk SWCD  
Helen Sordahl, City, Trail