

**Issuance of this permit does not exempt you from compliance with pertinent laws, ordinances, and regulations, including Executive Orders that limit public activities. Permittees should not assume that DNR issuing a permit allows them to conduct their work and they should consult the [Minnesota Department of Employment and Economic Development](#), who will make the determination if an activity is exempt or not.**



STATE OF MINNESOTA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF ECOLOGICAL AND WATER RESOURCES  
500 LAFAYETTE ROAD, BOX 25  
ST. PAUL, MN 55155

**SPECIAL PERMIT NO. 28565**  
**(Taking of endangered and/or threatened species)**  
**November 12, 2020**

**TO WHOM IT MAY CONCERN:**

Under the authority of Minn. Statutes, Section 84.0895 and Minn. Rules, Parts 6212.1800-2100, and informed by the accompanying Findings of Fact and Decision Rationale, permission is hereby granted to:

Barry Simonson  
Enbridge Energy, Limited Partnership  
11 East Superior Street, Suite 125  
Duluth, Minnesota 55802

and his agents, employees, and contractors, to take 25 *Carex formosa*, 40 *Carex pallescens*, 3 *Juglans cinerea*, 201 *Botrychium lanceolatum* ssp. *angustisegmentum*, 3 *Botrychium mormo*, 679 *Poa paludigena*, 2,020 *Carex sterilis*, 6,013 *Eleocharis rostellata*, and 158 *Rhynchospora capillacea*, incidental to development of the Line 3 Replacement Project in Township 155 Range 45, Section 20, Township 150 Range 39 Sections 19 and Sec. 30, Township 149 Range 38 Section 16, Township 149 Range 38 Section 16, Township 138 Range 31 Section 11, Township 139 Range 27 Sections 15, 20, and 21, Township 139 Range 25 Section 4, Township 51 Range 27 Section 36, Township 51 Range 26 Section 32, Township 51 Range 23 Section 24, Township 51 Range 22 Sections 16, 20, and 21, Township 49 Range 18 Section 22 in Marshall, Polk, Clearwater, Cass, Aitkin, St. Louis, and Carlton Counties, MN, subject to the following conditions:

1. Permitted take of the specified species is limited to the twelve locations specified in the September 14, 2020 application. Any additional taking of endangered or threatened species is beyond the authority of this permit and may only be conducted under the authority of a separate permit.
2. Compliance with the September 14, 2020 application and all provisions of the NHIS Review and Avoidance Plan (dated October 13, 2020) that are relevant to state-Endangered and state-Threatened species is a requirement of this Permit.
3. Compensatory mitigation for this taking totals two million five hundred thirty-two thousand eight hundred sixty dollars (\$2,532,860.00), which will be provided to the Minnesota Department of Natural Resources, pursuant to Minn. Statutes, 84.085 subd. 1., for the purpose of funding research, conservation planning, surveys, land protection, and/or land management activities contributing to the recovery of *Carex formosa*, *Carex pallescens*, *Juglans cinerea*, *Botrychium lanceolatum* ssp. *angustisegmentum*, *Botrychium mormo*, *Poa paludigena*, *Carex sterilis*, *Eleocharis rostellata*, and *Rhynchospora capillacea* in Minnesota, and so create a net benefit to these species in Minnesota.
4. The permittee shall provide a report to the DNR no more than 3 months following the completion of final restoration, described in the Environmental Protection Plan (dated October 26, 2020). The report shall document the areas of taking before and after construction with photos and maps, and describe any deviations from the work anticipated in the application.
5. This permit is effective for three years and will expire on December 31, 2023.

6. DNR may immediately cancel any takings permit upon determination that cancellation is necessary for the conservation of natural resources or for the welfare of particular specimens or is in the public interest. Minn. R. 6212.1800, subp. 8.
7. Violation of any of the permit terms may result in immediate revocation of the permit, and may subject the permittee to other penalties established by law.
8. This permit is effective upon receipt of a countersigned copy of this permit and the mitigation payment by the DNR. Receipt by the DNR will be confirmed by email.

**Steven Colvin** Digitally signed by Steven Colvin  
Date: 2020.11.12 09:56:22 -06'00'

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Steve Colvin  
Director, Division of Ecological and Water Resources

\_\_\_\_\_  
Date

***I hereby certify that I have read, understand, and accept the provision of this permit and understand that this permit is not valid unless it is signed by me.***



\_\_\_\_\_  
Barry Simonson  
Enbridge Energy, Limited Partnership

\_\_\_\_\_  
11 - 12 - 2020

\_\_\_\_\_  
Date

- C: Jan Shaw Wolff, EMP Section Manager, Div. Ecological and Water Resources  
Randall Doneen, CAR Section Manager, Div. Ecological and Water Resources