

**Permit Number**  
  
**2018-3419**

## Public Waters Work Permit

**Expiration Date: 11/12/2021**

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 Public Waters Work Permit Application	<b>County:</b> Clearwater, Pennington, Hubbard, Cass, Carlton	<b>Watershed:</b> Clearwater River; Red Lake River; Crow Wing River; Pine River; Nemadji River	<b>Resource:</b> Wetland: Unnamed (15044100); Wetland: Unnamed (57000300); Wetland: Frandsen Slough (29032300); Stream/River: Spring Brook (M-106-004-002-001); Wetland: Scout Camp Pond (11072900); Wetland: Unnamed (09014900)
<b>Purpose of Permit:</b>		<b>Authorized Action:</b>	

<p>Soil Removal, Roadway/Pathway Fill (temporary)</p>	<p>Authorized actions at each public waters wetland are listed below :</p> <ul style="list-style-type: none"> <li>• Unnamed Wetland (PWI #57-000300), Pennington County-fill quantities from matting: 810 feet long x 40 feet wide x 0.67 feet deep/27 = 804 cubic yards of fill (mats only) plus 3,780 cubic yards of excavated wetland soils. Total fill and excavation impacts equals 4,584 cubic yards of fill.</li> <li>• Unnamed Wetland (PWI #15-044100), Clearwater County-fill quantities from matting: 100 feet long x 75 feet wide x 0.67 feet deep/27 = 186.11 cubic yards of fill (mats only) plus 170 cubic yards of excavated soil from road boring. Total fill and excavation impacts equals 356 cubic yards of fill.</li> <li>• Frandsen Slough (PWI #29-032300), Hubbard County-fill quantities from matting: 265 feet long x 40 feet wide x 0.67 feet deep/27 = 263 cubic yards of fill (mats only) plus 1,013 cubic yards of excavated wetland soils. Total fill and excavation impacts equals 1,276 cubic yards of fill.</li> <li>• Scout Camp Pond (PWI #11-072900), Cass County-fill quantities from matting: 115 feet long x 40 feet wide x 0.67 feet deep/27 = 114 cubic yards of fill (mats only) plus 843 cubic yards of excavated wetland soils. Total fill and excavation impacts equals 957 cubic yards of fill.</li> <li>• Unnamed Wetland (PWI #09-014900), Carlton County-fill quantities will be 425 cubic yards of excavated wetland soils.</li> </ul> <p>All work listed above will follow all relevant plans per the final Application, the Post-Construction Wetland and Waterbody Monitoring Plan (PCMP), the Post-Construction Vegetation Management Plan for Public Lands and Waters (VMP), the Winter Construction Plan and the November 2020 Environmental Protection Plan (EPP) all dated November 2020 received November 8, 2020.</p>	
<p><b>Permittee:</b></p> <p>ENBRIDGE ENERGY, LIMITED PARTNERSHIP CONTACT: HAHN, BOBBY, (218) 522-4751 26 E SUPERIOR STREET SUITE 125 DULUTH, MN 55802 (218) 464-5600</p>	<p><b>Authorized Agent:</b></p> <p>MERJENT, INC. CONTACT: BERGLAND, BRITTA, (612) 746-3673 1 MAIN STREET SE SUITE 300 MINNEAPOLIS, MN 55414 (612) 746-3660</p>	
<p><b>Property Description (land owned or leased or where work will be conducted):</b></p> <p>UTM zone 15N, 319042m east, 5282801m north, NENE of Section 6, T148N, R37W, UTM zone 15N, 250282m east, 5338986m north, SWSE of Section 18, T154N, R44W, UTM zone 15N, 349733m east, 5186197m north, NWSW of Section 34, T139N, R34W, UTM zone 15N, 428154m east, 5189828m north, NWNW of Section 14, T139N, R26W, UTM zone 15N, 541231m east, 5164986m north (centroid), SESW of Section 14, T48N, R17W</p>		
<p><b>Issued Date:</b> 11/10/2020</p>	<p><b>Effective Date:</b> 11/12/2020</p>	<p><b>Expiration Date:</b> 11/12/2021</p>

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

**APPLICABLE FEDERAL, STATE, OR LOCAL REGULATIONS:** The permittee is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

**NOT ASSIGNABLE:** This permit is not assignable by the permittee except with the written consent of the Commissioner of Natural Resources.

**NO CHANGES:** The permittee shall make no changes, without written permission or amendment previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.

**SITE ACCESS:** The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.

**TERMINATION:** This permit may be terminated by the Commissioner of Natural Resources at any time deemed necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

**COMPLETION DATE:** Construction work authorized under this permit shall be completed on or before the date specified above. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the Commissioner of Natural Resources.

**WRITTEN CONSENT:** In all cases where the permittee by performing the work 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, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

**PERMISSIVE ONLY / NO LIABILITY:** This permit is permissive only. No liability shall be imposed by the State of Minnesota or any of its officers, agents or employees, officially or personally, 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 or any of its agents, employees, or contractors. 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, 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 permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.

**EXTENSION OF PUBLIC WATERS:** Any extension of the surface of public waters from work authorized by this permit shall become public waters and left open and unobstructed for use by the public.

**WETLAND CONSERVATION ACT:** Where the work authorized by this permit involves the draining or filling of wetlands not subject to DNR regulations, the permittee shall not initiate any work under this permit until the permittee has obtained official approval from the responsible local government unit as required by the Minnesota Wetland Conservation Act.

**CONTRACTOR RESPONSIBILITY:** The permittee shall ensure the contractor has received and thoroughly understands all conditions of this permit. Contractors must obtain a signed statement from the property owner stating that permits required for work have been obtained or that a permit is not required, and mail a copy of the statement to the regional DNR Enforcement office where the proposed work is located. The Landowner Statement and Contractor Responsibility Form can be found at: [https://bwsr.state.mn.us/sites/default/files/2019-01/Wetland\\_WCA\\_Contractor\\_Responsibility\\_Form.doc](https://bwsr.state.mn.us/sites/default/files/2019-01/Wetland_WCA_Contractor_Responsibility_Form.doc)

**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

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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).

**EASEMENTS AND ACCESS ON PRIVATE PROPERTY:** In all cases where the permittee, by performing the work 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, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

**CONSTRUCTION MATTING IN PUBLIC WATER WETLANDS:** All matting used in the public water wetlands must be new mats. All matting used for construction of the pipeline through public water wetlands must be removed as soon as the project is completed.

**UNNAMED WETLAND (PWI #15-044100) AT MP 912.1:** Geotextile fabric must be placed on top of the matting and erosion control measures such as silt fencing surrounding the matting. Area is for soil storage and the double containment is required to prevent soil from entering the public waters wetland.

**WETLAND MONITORING:** Enbridge will conduct wetland monitoring to document any impacts during the growing season in years 1, 3, and 5 post-construction as part of the USCOE Clean Water Act section 404 permit. Similarly, Enbridge is required to conduct vegetation monitoring along the construction right-of-way at public waters (lakes, wetlands, watercourses) during the growing season in years 1, 3, and 5 post-construction. If impacts are seen after the end of the 5 years, monitoring can be extended.

**ADDITIONAL COMPENSATORY WETLAND MITIGATION:** Additional wetland mitigation must be provided for the impacts to the five public waters wetlands to compensate for the additional services that the wetlands provide as public waters. The impacts to the public waters wetlands total 1.5 acres and Enbridge must mitigate at a ratio of 1:1 for the impacts. Average wetland credits are \$20,000 per acre. Enbridge will provide \$30,000 to the DNR Wild Rice Management Program for the additional compensatory wetland mitigation impacts to the public waters wetlands. This \$30,000 will be used by DNR to support annual management of wild rice lakes through water level management to enhance and maintain stands of wild rice. This management works to maintain optimal water levels during critical growth stages of wild rice by keeping water body outlets free-flowing.

**TEMPORARY FILL:** All authorized fill must be limited to temporary placement of mats and soil stockpiles. No permanent fill beyond what is needed to restore the construction workspace will be placed within the bed of the public waters wetlands is authorized by this permit.

**RELEVANT PLANS:** Enbridge will follow all relevant monitoring and management plans for all applicable agencies, including the Post-Construction Wetland and Waterbody Monitoring Plan (PCMP), the Post-Construction Vegetation Management Plan for Public Lands and Waters (VMP) the November 2020 Environmental Protection Plan (EPP) and Winter Construction Plan all received on November 8, 2020.

**NATURAL HERITAGE INFORMATION SYSTEMS (NHIS) RECOMMENDATIONS:** All recommendations from the Natural Heritage Information Systems Review and Avoidance Plan (October 13, 2020 Rev 3) must be followed, including construction limits from May 1 to July 31 at Unnamed Public Water Wetland (PWI #57-000300) at milepost 853.7 to avoid impacts to Minnesota species of concern.

**SITE SPECIFIC RESTORATION FOR SCOUT CAMP POND PLAN AND FISHERIES EXCLUSION DATES:** Enbridge must comply with the Site Specific Restoration Plan (SSRP) for Scout Camp Pond (PWI #11072900) and may not construct the pipeline within the fisheries exclusion dates of September 1 to June 30 for trout waters when crossing Scout Camp Pond and the Spring Brook watercourse.

**SOD SAVINGS ON WETLANDS:** Enbridge shall employ sod saving measures on two public water wetlands: Unnamed Wetland (PWI #57-000300) at milepost 853.7 and Scout Camp Pond (PWI #11-072900) at milepost 1041.2.

**BEST MANAGEMENT PRACTICES:** All Best Management Practices (BMPs) shall be installed and maintained in accordance with the MPCA NPDES/SDS permit, Enbridge's Environmental Protection Plan (EPP), and local regulations.

**NATIVE VEGETATION:** Revegetation of disturbed soils should include native mixes on the project. All public waters wetlands will be reseeded as described in the Planting Plan (Appendix A of the Post-Construction Vegetation Management Plan for Public Lands and Waters (VMP) dated November 2020.

**EROSION CONTROL:** All use of erosion control blankets shall be limited to 'bio-netting' or 'natural netting' types, and

**CONDITIONS** (Continued from previous page)

specifically not allow plastic mesh netting. These are Category 3N and 4N in the 2016 MNDOT Standards Specifications for Construction.

**INVASIVE SPECIES PREVENTION:** Equipment used to appropriate water must be drained of water after use and cleaned before transporting the equipment to another site or installation. The permittee and/or authorized agents will remove all plants, mud, debris and organisms from the exterior of the equipment. If invasive species are identified during inspection, Enbridge and/or authorized agents must follow the Invasive and Noxious Species Management Plan submitted November 8, 2020 as part of the EPP and all relevant state rules and regulations.

**PERMIT CONTINGENCY:** This permit is contingent on the issuance of the USCOE Clean Water Act section 404 permit.

**AQUATIC INVASIVE SPECIES PREVENTION:** All equipment used at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state. The Permittee or their authorized agent must inspect all equipment to ensure that no aquatic plants or prohibited invasive species are on the equipment prior to being transported to or from the worksite. A list of prohibited invasive species is available at [www.dnr.state.mn.us/invasives/laws.htm#prohibited](http://www.dnr.state.mn.us/invasives/laws.htm#prohibited). 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). Best practices for terrestrial invasive species can be found at: [https://www.dnr.state.mn.us/invasives/terrestrial/prevent\\_the\\_spread.html](https://www.dnr.state.mn.us/invasives/terrestrial/prevent_the_spread.html).

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cc: Myron Jesme, Watershed District, Red Lake  
Jess Richards, EWR  
Corps of Engineers, Corps of Engineers, Carlton  
Corps of Engineers, Corps of Engineers, Cass  
Corps of Engineers, Corps of Engineers, Hubbard  
Corps of Engineers, Corps of Engineers, Pennington  
Corps of Engineers, Corps of Engineers, Clearwater  
Randall Doneen, EWR  
Anna Hess, EWR  
Tom Groshens, EWR  
Scott Staples, Conservation Officers, Carlton  
Calie Kunst, Conservation Officers, Remer  
Jordan Anderson, Conservation Officers, Park Rapids  
Jeremy Woinarowicz, Conservation Officers, Thief River Falls #1  
Tim Gray, Conservation Officers, Bagley  
Erin Loeffler, BWSR Wetland Specialists, Carlton  
David Demmer, BWSR Wetland Specialists, Carlton  
Matt Johnson, BWSR Wetland Specialists, Cass  
Matt Johnson, BWSR Wetland Specialists, Hubbard  
Steve Hofstad, BWSR Wetland Specialists, Pennington  
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Gaea Crozier, DNR Regional Nongame Specialists, Region 2  
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Christine Reisz, DNR Wildlife, Brainerd  
Doug Franke, DNR Wildlife, Thief River Falls  
Erik Thorson, DNR Wildlife, Park Rapids  
Deserae Hendrickson, DNR Fisheries, Duluth Area  
Marc Bacigalupi, DNR Fisheries, Brainerd Area  
Calub Shavlik, DNR Fisheries, Park Rapids Area  
Phil Talmage, DNR Fisheries, Baudette Area  
Andy Thompson Barnard, DNR Fisheries, Bemidji Area  
Heather Cunningham, County, Carlton  
Robert Wright, County, Cass  
John Ringle, County, Cass  
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Crystal Mathisrud, SWCD, Hubbard SWCD  
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Lori Buell, SWCD, Clearwater SWCD