



# Application for a Lease for Long-Term Use of Non-Forestry Roads

Enbridge Energy, Limited Partnership • Line 3 Replacement Project

November 2020



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## **ACRONYMS AND ABBREVIATIONS**

|                              |  |
|------------------------------|--|
| 40                           | MDNR 40-acre parcel  |
| AR                           | access road  |
| BMPs                         | best management practices  |
| CFR                          | Code of Federal Regulations  |
| EI                           | Environmental Inspector  |
| Enbridge                     | Enbridge Energy, Limited Partnership   |
| EPP                          | Environmental Protection Plan  |
| IEMs                         | independent environmental monitors   |
| INS                          | invasive and noxious species   |
| L3R or Project               | Line 3 Replacement Project   |
| long-term non-forestry roads | long-term use of new non-forestry roads  |
| MDNR                         | Minnesota Department of Natural Resources  |
| MP                           | milepost   |
| MPCA                         | Minnesota Pollution Control Agency   |
| MPCA Stormwater Permit       | MPCA National Pollutant Discharge Elimination System/State<br>Disposal System Construction Stormwater General Permit |
| NHIS                         | Natural Heritage Information System  |
| NPC                          | Native Plant Communities   |
| PCMP                         | Post-Construction Wetland and Waterbody Monitoring Plan  |
| Procedures                   | Summary of Construction Methods and Procedures   |
| PWI                          | Public Water Inventory   |
| SOBS                         | Sites of Biodiversity Significance   |
| SWPPP                        | Stormwater Pollution Prevention Plan   |
| USACE                        | U.S. Army Corps of Engineers   |
| USFWS                        | U.S. Fish and Wildlife Service   |
| VMP                          | Post-Construction Vegetation Management Plan for Public Lands<br>and Waters  |

## 1.0 APPLICANT INFORMATION

On November 30, 2018, Enbridge Energy, Limited Partnership (“Enbridge”) applied for a Lease to the Minnesota Department of Natural Resources (“MDNR”) for permanent, long-term roads associated with its Line 3 Replacement Project (“L3R” or “Project”) that are administered by the MDNR on non-forestry public lands.<sup>1</sup> A revised application was submitted on December 20, 2019. This application comprises Enbridge’s request for long-term use of new non-forestry roads (“long-term non-forestry roads”) to support construction of the Project. Information on the Project applicant is below.

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## 2.0 ACCESS ROAD SITING

Permanent access roads must be built to provide access to pump stations and mainline valve site locations for operations and as required by Section 2.1.5 of the Minnesota Public Utilities Commission Route Permit Order. Pipeline safety, including valve placement requirements, is regulated by the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration under Title 49 Code of Federal Regulations (“CFR”) Parts 100-199. Specifically, 49 CFR Part 195 prescribes safety standards and reporting requirements for hazardous liquid transportation pipeline facilities and 49 CFR Part 195.260 presents the minimum standards for valve installations. Valves are remotely controllable so that they can be closed quickly in the event of an incident, significantly reducing the potential volume of crude that can be released. All valves, however, must be physically accessible by roads so that they can be maintained and operated manually, if necessary. Enbridge will maintain a permanent access road to each mainline valve as required by 49 CFR 195.258 Part (a), which requires that each valve site be installed in a location that is accessible to authorized employees and that it is protected from damage or tampering. All valves and facilities are designed to have maintained access roads, as well as protective fence(s) with locked gates.

In August 2019, MDNR requested that Enbridge move RA22-3 Driveway at milepost (“MP”) 1069.5 to be located adjacent to the cleared pipeline corridor. This change is reflected in these application materials. This application also reflects removal of access road (“AR”) 22-1 near MP 1061.7, which was included in the November 2018 application. This mainline valve and road have been moved off of public lands.

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<sup>1</sup> For purposes of this Application, the term “public land” includes all tracts or lots of real property belonging to the state and under the control and supervision of the Commissioner of Natural Resources.

### 3.0 PROPOSED ACTIVITIES

Enbridge will utilize haul routes,<sup>2</sup> access roads,<sup>3</sup> or shoo-flies<sup>4</sup> to access the Project construction workspace. Right-of-way access is presented in more detail in Section 1.4 of the Environmental Protection Plan (“EPP”) (Attachment A) and Section 2.1 of the Summary of Construction Methods and Procedures document (the “Procedures,” see Appendix A to Attachment A). This Lease application is for long-term use of three new permanent access roads to mainline valves on public land that are not associated with existing forestry roads or road easements:

- RSV-12 Driveway at MP 981.8;
- AR 541-d / RA22-2-e / RA22-2-f Driveway at MP 1066.2; and
- RA22-3 Driveway at MP 1069.5.

Road construction and operation are addressed in Section 3.1.

### 3.1 ACCESS ROAD IMPROVEMENTS

#### 3.1.1 Road Construction

Attachment B of the lease applications identifies the existing condition of each road (e.g., paved, gravel, dirt, trail), and the proposed temporary improvements to that road (e.g., widening to 30 feet, grading, fill). To safely allow construction equipment and vehicles to pass, access roads need to be developed to allow two-way traffic, have a reasonably level surface, wider curves to allow for turning radius, and with stable surface material to withstand the weight of the equipment. Best management practices (“BMPs”) for road construction are presented in Section 5.0.

Construction activities for permanent roads will include the clearing of trees, brush, and vegetation; removal of topsoil; and adding a road base and gravel to build a new road. Clearing and grading will be confined to a 20-foot-wide roadbed area, plus an additional 10 feet of temporary workspace over the footprint of the new road,<sup>5</sup> in addition to a 45-foot by 45-foot gravel parking pad. Upland clearing and grading on public lands will be performed as described in Section 1.8 of the EPP. Clearing and grading in wetlands will be conducted as needed to build permanent roads and as described in Sections 3.2 and 3.4 of the EPP, respectively. Tree trimming, or full tree removal may be required within the road corridors.

Installation of temporary construction matting or additional fill in uplands may be used during roadbed preparation to allow for safe passage of construction equipment and personnel and to prevent rutting. As described in Section 3.1 of the EPP, Enbridge will use construction mats for temporary access across wetlands. Section 3.2 of the Procedures (Appendix A to Attachment A) provides a description of the various construction mats that may be utilized on the Project. Any

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<sup>2</sup> Existing public roads will typically be used as haul routes, which are used to deliver equipment and materials to the workspace during construction.

<sup>3</sup> An access road is a road used to access the pipeline construction workspace, operational right-of-way, or associated facility. Access roads can be public roads or private drives and can be existing, modified, or newly constructed.

<sup>4</sup> A shoo-fly is a short detour off the main access road or construction workspace used to avoid impacts to sensitive features, such as existing trails or wetland features.

<sup>5</sup> Enbridge will require a 35-foot-wide corridor on AR 541-d / RA22-2-e / RA22-2-f Driveway for a length of approximately 426 feet; see map in Attachment C.

construction mats placed at the beginning of construction will be removed prior to construction of the permanent road.

Topsoil will be removed prior to addition of a road base. Clean, Class 5 aggregate/gravel will then be brought in and placed to prepare the permanent road surface.

### **3.1.2 Road Operation**

Enbridge will monitor the condition of each permanent road over its operational life and will conduct maintenance when necessary. Maintenance will likely consist of periodic grading and installation of supplemental gravel as needed. Enbridge will coordinate maintenance activities with the appropriate MDNR Regional and Division staff. Maintenance will be limited to work within the lease boundaries; any work outside of the lease boundaries will require additional MDNR review and approval.

## **3.2 SITE-SPECIFIC ROAD INFORMATION**

Attachment B of this Application includes a table that provides the following information by long-term non-forestry road:

### Location and Identification Information:

- Enbridge access road ID on each MDNR 40-acre parcel, or “40;”
- Locations of staging and laydown areas (additional temporary workspace) associated with an access road, if necessary;
- MDNR public land ID from the License to Cross Public Lands application, when relevant; and
- Locational information (Project MP, County, township/range/section, MDNR 40, and Government Lot).

### Existing Condition of Road or Trail:

- Identification if the road is aligned with an existing foot, off-highway vehicle, and/or snowmobile trail;
- Existing road conditions description (e.g., greenfield, trail, utility corridor, dirt, or gravel road); and
- Existing average cleared width of existing road (if any).

### Description of Proposed Activities for each Road:

- Identification if this is a new or existing road feature, and if it is proposed for temporary/short-term (construction only) or permanent/long-term (operations) use;
- Proposed road type (access road, haul route improvement, or shoo-fly);

- Proposed road width (standard width of 30 feet);
- Length for widening greater than 30 feet around corners;
- Total road length and length by MDNR 40; and
- Description of the maintenance or improvement activities that are proposed (including if rock over geotextile fabric in wetlands may be used and where bridges or culverts exist or are proposed).

Best Management Practices, Restoration, and Justification:

- Special conditions (i.e., wetlands, seasonal use roads, timing restrictions, additional BMPs if applicable).
- Description of how temporary roads will be restored following construction; and
- Justification and rationale for use.

Attachment C contains a map set illustrating the length and width of the proposed access roads on each MDNR 40, including where the access road will cross delineated wetlands and Minnesota public waters;<sup>6</sup> where roads may be widened from the standard 30-foot width around corners; staging and laydown areas; the locations of Native Plant Communities (“NPCs”) ranked S1-S3 and Sites of Biodiversity Significance (“SOBS”) ranked High or Outstanding; locations of Old Growth Forests as communicated by MDNR; and locations of invasive and noxious species (“INS”) identified during Enbridge field surveys, where applicable. The use of construction mats is also identified at wetland crossings.

Based on feedback from MDNR, Enbridge utilized its cadastral survey data to determine the boundaries of public lands (as opposed to public land boundaries available through Minnesota Geospatial Commons), and the corresponding extent of each road that is located on a public land. Enbridge’s cadastral survey boundaries and Minnesota Geospatial Commons boundaries are displayed on maps in Attachment C.

### **3.3 CONSTRUCTION SCHEDULE AND TERM OF LEASE**

Enbridge plans to commence construction of the new pipeline and associated facilities, including the access roads, as soon as all construction-related regulatory approvals have been obtained.

All three of these roads will be utilized during construction and operation of the Project. Enbridge is requesting a 20-year long-term lease term from the MDNR for these permanent access roads. Upon expiration of the lease term, Enbridge will likely seek to renew the lease.

### **4.0 SPECIAL FEATURES ASSOCIATED WITH ACCESS ROADS**

From 2013 through 2020, Enbridge conducted environmental surveys on public lands crossed by a 250- to 450-foot-wide environmental survey corridor, including a 30- to 50-foot buffer on

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<sup>6</sup> Public water or public waters means those waters of the state identified under Minnesota Statutes, section 103G.005, subdivision 15 or 15a, or 103G.201, as shown on the public water inventory maps.



proposed access roads. The results of these surveys have been documented and submitted to the MDNR on an annual basis per the conditions of the MDNR's Short-Term Lease. The 2013-2019 Environmental and Cultural Surveys on MDNR-Administered Lands Report was submitted to the MDNR in January 2020 and contains information on all resources identified on public lands through the end of the 2019 field season. The report will be updated for 2020 survey data at the completion of the 2020 survey season. Survey findings are summarized in the following sections.

## 4.1 WETLANDS AND WATERBODIES

Enbridge conducted wetland delineation and waterbody field surveys between 2013 and 2020. Wetlands were identified and mapped in accordance with the Great Plains, Midwest, and Northcentral and Northeast Regional Supplements of the 1987 Corps of Engineers Wetland Delineation Manual.<sup>7</sup> Enbridge also identified waterbody locations (i.e., lakes, streams, rivers, and drainage ditches). Wetland and waterbody survey data related to the three permanent access roads contained in this application are shown on the maps in Attachment C. Surveyed wetlands that intersect the roads are also noted in Attachment B. One long-term non-forestry access road will cross a waterbody, which is also a Public Water Inventory ("PWI") feature; however, that portion of the road is on private land and is not part of this Application. Information regarding this crossing is presented in Table 4.1-1.

**Table 4.1-1  
Public Waters Crossed by Long-Term Non-Forestry Access Roads on the Line 3 Replacement Project**

| Approximate Milepost | Access Road ID                                   | Waterbody Name (Kittle Number when Assigned) | County | Description of Modification/Improvements   |
|----------------------|--|--|--------|--|
| 1066.2               | AR 541-d /<br>RA22-2-e /<br>RA22-2-f<br>Driveway | Willow River (M-117)                         | Aitkin | Enbridge has submitted a separate Work in Public Waters permit application for a permanent bridge across the Willow River. The bridge and PWI crossing are wholly located on private land. |

All access road wetland impacts included in this lease application are included in the U.S. Army Corps of Engineers ("USACE") Section 404 application, as follows:

- The temporary installation of construction mats in wetlands is considered a temporary wetland impact by the USACE and is mitigated as such in the Compensatory Wetland Mitigation Plan.
- The clearing of forested and scrub-shrub vegetation to improve or develop new temporary access roads is considered a temporary loss and is mitigated at a higher mitigation ratio based on vegetation type in the Compensatory Wetland Mitigation Plan.
- The permanent installation of roads to mainline valves that impact wetlands is considered a permanent loss and is mitigated as such in the Compensatory Wetland Mitigation Plan.

In all cases, the mitigation ratio is dependent upon the quality of the wetland. As agreed to with the USACE, Minnesota Pollution Control Agency ("MPCA"), and MDNR during consultation on the Compensatory Wetland Mitigation Plan, Enbridge proposed higher compensatory mitigation ratios for impacts on wetlands with High or Outstanding SOBS or NPCs ranked S1, S2, or S3, or

<sup>7</sup> Environmental Laboratory. 1987. Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1. USACE waterways experiment Station, Vicksburg, Mississippi.



that contain state-listed plant species identified during field surveys. The Post-Construction Wetland and Waterbody Monitoring Plan (“PCMP;” see Section 8.0 for additional information) developed by Enbridge focuses on monitoring of aquatic resources affected by the Project after construction and restoration are complete. This plan has been developed with input from the USACE, MPCA, and MDNR. The terms of this plan will not apply to portions of wetlands that are permanently impacted.

## **4.2 SENSITIVE SPECIES AND PLANT COMMUNITIES**

Enbridge initiated consultation in early 2013 with the Midwest Region Ecological Services Field Office of the U.S. Fish and Wildlife Service (“USFWS”) for the Minnesota portion of the Project. The initial consultation letter included a list of federally endangered, threatened, and candidate species that may occur in the Project area in Minnesota. Three federally listed species may be affected by the Project: gray wolf, Canada lynx, and northern long-eared bat. The Project’s action agencies under Section 7 of the Endangered Species Act, the USACE and Bureau of Indian Affairs, submitted a Biological Assessment to the USFWS on March 25, 2019 that assessed potential impacts and describes mitigation measures that Enbridge will implement to avoid and minimize impacts on these federally listed species. The USFWS responded with a letter of concurrence on August 6, 2019. In the letter, the USFWS concurred that the Project will not adversely affect the gray wolf and Canada lynx and may affect, but incidental take is not prohibited, for northern long-eared bat. With this letter of concurrence, the USFWS concluded informal consultation for the Project under Section 7 of the federal Endangered Species Act.

Enbridge also initiated consultation with the MDNR Endangered Species Review Coordinator in early 2013 to understand the potential presence of state-threatened and endangered species near the Project. Enbridge has conducted periodic reviews of Minnesota Natural Heritage Information System (“NHIS”) data provided by the MDNR. Enbridge submitted its final NHIS Review and Avoidance Plan in October 2020 (see Attachment D). NHIS-related commitments are presented in Section 5.1 of this Application as well as noted in Attachment B when relevant.

Enbridge submitted its initial Endangered Species Permit Application on September 13, 2018; updates to that application were submitted on January 29, 2020 and September 11, 2020. There will be no take of state-listed threatened and endangered plants associated with the access roads in this Application.

## **4.3 ARCHAEOLOGICAL AND HISTORIC RESOURCES**

Enbridge conducted archaeological and historic resources surveys along the L3R route, including all access roads, from 2013 through 2020. In addition, Tribal Cultural Resources Surveys have been conducted along the entire L3R route. The results of archaeological and architectural history surveys conducted by Enbridge and Tribal Cultural Resources Surveys, and applicable mitigation and avoidance procedures have been provided to the MDNR for review under the Field Archeology Act (Minnesota Statutes 138.31-138.42). Enbridge has prepared a Final Avoidance, Mitigation, and Implementation Plan for Construction to address these resources, and it contains an Unanticipated Discoveries Plan.

## **4.4 INVASIVE AND NOXIOUS SPECIES**

Enbridge has conducted surveys for federally, state-, and locally listed terrestrial INS on public lands. The purpose of the surveys was to document the occurrence of terrestrial INS in upland

and wetland areas. The surveys provide information that is used in designing and implementing mitigation measures during construction to minimize the potential for introducing or spreading terrestrial INS.

Maps presented in Attachment C show the locations of Minnesota-listed terrestrial INS along the permanent access roads and within Enbridge's environmental survey corridor.

## **4.5 TRAIL CROSSINGS**

RSV-12 Driveway overlaps with the existing Wadena Trails snowmobile trail on public land. This crossing is presented on the map in Attachment C. Enbridge will coordinate with the snowmobile trail organization and the MDNR to develop appropriate notification measures during construction. MDNR will require that a person be stationed at the trail crossing to conduct flagging during active construction activities. Enbridge will install visible snow fencing should construction occur during the winter, as well as long-term signage, and will work with the MDNR and trail managing organization to distribute other forms of public outreach to minimize impacts on recreational uses of the trail, as needed.

## **5.0 BEST MANAGEMENT PRACTICES**

Enbridge will implement the following standard BMPs during long-term non-forestry road construction, which are further described in the EPP and Winter Construction Plan (Attachments A and E, respectively):

- Enbridge will first flag the boundaries of the access roads in accordance with Section 1.1 of the EPP, including the identification of avoidance areas. Enbridge will post signs for environmental features, including wetland boundaries, waterbody crossings, and notifications for environmentally sensitive features that require signs per agency consultations or permits. Areas that require avoidance, fencing, or other BMPs will be denoted as Environmentally Sensitive Areas on the alignment sheets. Only members of Enbridge's Environmental Compliance Team, including Environmental Inspectors ("EIs"), will have access to the site-specific location and identity of these features. The Independent Environmental Monitors ("IEMs") will also have access to this information (see Section 6.0).
- Enbridge will maintain public access to public lands crossed by the Project, but only to the extent it is safe and practicable to do so during construction. Access to construction areas will be limited or restricted at times such as during excavation and pipeline installation activities. Enbridge may request that the MDNR restrict public access to certain tracts during construction activities to ensure the safety of Enbridge workers and the public and will work with MDNR to obtain approval if necessary. Enbridge will notify MDNR land managers prior to construction of new access roads and should roads require closure, MDNR will require a 48-hour notice. Following construction, Enbridge will incorporate barriers to restrict access within the operational right-of-way as practicable as requested by the MDNR as described in Section 1.22 of the EPP.
- Monitor upcoming weather forecasts to determine if significant rainfall is anticipated during construction and will implement wet weather shutdown procedures to prevent wet-weather impacts (e.g., rutting) as described in Section 1.3 of the EPP.

- All Enbridge construction equipment and vehicles will be confined to the approved construction workspace and access roads as described in Section 1.5 of the EPP. Any construction-related work not contemplated in this lease application (e.g., the laydown of material needed to construct the roads outside of the workspace presented in this application) would require notification of MDNR Regional Operations Staff and will be authorized by the MDNR on a case-by-case basis.
- Enbridge will implement temporary erosion and sediment control BMPs in accordance with MPCA National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater General Permit (“MPCA Stormwater Permit”) requirements<sup>8</sup> and as described in Sections 1.9, 1.17, 2.2, and 3.4 of the EPP. Enbridge is currently developing a Stormwater Pollution Prevention Plan (“SWPPP”) as required by the MPCA Stormwater Permit (see Section 5.0 of the MPCA Stormwater Permit). Per regulations, the SWPPP cannot be submitted to the MPCA for approval until 30 days prior to the issuance of the USACE Section 404/10 permit. Relevant BMPs for permanent access roads include:
  - Gravel will be added to develop permanent access roads. If gravel is installed within a temporary workspace associated with a permanent road, it will be removed and the area will be restored to pre-construction conditions following construction (see 25.15 and 25.22 of the General Permit and Section 1.4 of the EPP).
  - Perimeter controls will be established along access roads where ground disturbance activities, such as grading, are required. Perimeter controls will be established on the downslope side of access roads to prevent sediment flow into off-road surface waters where widening, grading, and/or fill are required, with moveable installation across the travel lane at wetland/upland boundaries to accommodate travel lane activities. These BMPs will be established prior to initiation of ground disturbance activities (see 9.2 and 9.6 of the General Permit and Section 1.9 of the EPP).
  - Enbridge will properly install and maintain redundant sediment control measures immediately prior to or at the same time as ground disturbance activities at surface waters (i.e., wetlands and waterbodies) located within 50 feet of the Project and where stormwater flows to the surface water (refer to the Environmental Plan Sheets in the SWPPP). Redundant controls will not be installed adjacent to road ditches, judicial ditches, county ditches, stormwater conveyance channels, storm drain inlets, and sediment basins.
  - Enbridge will design permanent access roads so all stormwater discharged from the Project during and after construction activities does not cause violation of state water quality standards, including nuisance conditions, erosion in receiving channels or on downslope properties, or a significant impact to wetlands caused by inundation or decrease of flow (see 15.2 of the General Permit).
  - Construction mats may be temporarily installed across the portions of access roads that traverse wetlands or experience temporary or seasonal wet conditions to avoid rutting. Where construction mats are installed without associated grading, erosion and

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<sup>8</sup> <https://www.pca.state.mn.us/sites/default/files/wq-strm2-80a.pdf>.

sediment control BMPs will be installed at the discretion of the EI based on site-specific conditions (see Section 3.4.1 of the EPP).

- Enbridge will install perimeter controls along the downgradient perimeter of the construction workspace and improved temporary access roads in non-cultivated wetlands where slopes are greater than 3 percent to prevent sedimentation into adjacent wetlands outside of the construction workspace (required by the MPCA's Section 401 Water Quality Certification and Section 3.4.1 of the EPP).
- Section 8.0 of the MPCA Stormwater Permit addresses stabilization measures and timing for areas temporarily impacted. Sections 1.9.1 and 7.0 of the EPP reflect these required measures. Stabilization<sup>9</sup> of all exposed areas, including stockpiles, must be initiated immediately<sup>10</sup> to limit soil erosion when construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. In areas within 1 mile of, and draining to, a special or impaired water, stabilization measures will be initiated immediately and completed within 7 calendar days whenever construction activity has permanently or temporarily ceased on any portion of the site. On portions of the Project where work will be occurring during applicable "work in water restrictions" for Public Waters, all exposed soil areas within 200 feet of the water's edge, and that drain to that water, will be stabilized within 24 hours. Stabilization of all exposed soils within 200 feet of the public water's edge, and that drain to that water, will be initiated immediately and completed within 7 calendar days whenever construction activity has permanently or temporarily ceased on any portion of the site outside of the restriction period.
- INS will be managed in accordance with Enbridge's INS Management Plan (Appendix B of the EPP). Construction mats will be new/unused or cleaned prior to arriving to the Project.
- Section 1.8.1 of the EPP states that on public lands, mulch and mechanically cut woody debris must be uniformly broadcast to less than 2-inch thickness and in a manner that maintains visible ground. An Environmental Inspector will proceed with the clearing crews to monitor these activities on public lands. Should an accumulation of mulch or mechanically cut woody debris occur on public lands, Enbridge will remove the material and haul off-site to an approved location. However, woody debris or mulch that scatters during normal use of clearing equipment is acceptable, provided it does not accumulate as described above. Management of merchantable timber on public lands is addressed in Sections 1.8.1 and 1.8.2 of the EPP. Fees for tree removal will be assessed on a "per-cord" basis, based on desktop review. The fee for timber removal will be a single payment, rolled into the Lease fee. Enbridge will avoid removal of bearing and legacy trees (e.g., trees that serve as cadastral monuments) and will coordinate with the applicable county should removal be required.

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<sup>9</sup> Stabilization means that the exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, mats or other material that prevents erosion from occurring. Grass seeding, agricultural crop seeding or other seeding alone is not stabilization. Mulch materials must achieve approximately 90 percent ground coverage (Minnesota Rules 7090).

<sup>10</sup> Initiated immediately means taking an action to commence soil stabilization as soon as practicable, but no later than the end of the work day, following the day when the land-disturbing activities temporarily or permanently cease (Minnesota Rules 7090).

- No deicing products will be used on the Project as described in Section 1.4 of the Winter Construction Plan (Attachment E).
- Wastes will be handled, stored, and disposed of in accordance with Section 9.0 of the EPP.
- Spill Prevention, Containment, and Control measures will be implemented as described in Section 10.0 of the EPP, including restricting refueling activities necessary for road construction to upland areas, and requiring sufficient spill response kits for each construction crew. Section 10.6.3 of the EPP describes circumstances where refueling or fuel storage near streams, wetlands, and waterbodies is unavoidable due to site-specific conditions or unique construction constraints, and the additional precautions that would be put in place in those instances. Equipment that is parked overnight on public lands in areas with aquifers ranked as high vulnerability to contamination will be supplied with kiddie pools to place underneath vehicles and equipment to capture potential leaks as described in Section 10.6.4 of the EPP.

## **5.1 SENSITIVE RESOURCES BEST MANAGEMENT PRACTICES**

Enbridge's October 2020 NHIS Review and Avoidance Plan (Attachment D) contains a review of NHIS data and other MDNR data sources for rare or sensitive ecological resources along the Project, including access roads; an assessment of the potential for impacts on those resources; and a description of measures for avoiding or minimizing impacts. Enbridge will implement the following additional BMPs during short-term new forestry road construction to address NHIS-related commitments. The locations where these additional BMPs will apply are presented in Attachment B (see "Special Conditions" column).

### State-protected bats BMPs (Section 4.2.2 of Attachment D):

- Enbridge will not remove trees during the months of June and July on lands administered by MDNR, unless a bat protection plan has been approved by MDNR (Section 4.2.2 of Attachment D).

### NPCs ranked S1-S3 and SOBS ranked High or Outstanding (Section 5.2.2 of Attachment D and Table E-2 of Attachment D):

- No roads within this Application cross NPCs ranked S1-S3 or SOBS ranked High or Outstanding or areas of Old-Growth Forests; therefore, no BMPs apply.

### Old Growth Forests (Section 5.4.2 of Attachment D)

- No roads within this Application cross Old-Growth Forests; therefore, no BMPs apply.

Within 1 year prior to the initiation of road maintenance or repair activities associated with these permanent access roads on state lands, Enbridge Operations staff managing the maintenance or repair efforts will check the NHIS Rare Features Data for new records of state-listed endangered and threatened species. If any are identified, Enbridge will contact the MDNR Endangered Species Review Coordinator before proceeding with activities.

## **6.0 ENVIRONMENTAL INSPECTION AND MONITORING DURING CONSTRUCTION**

Enbridge will comply with applicable federal, state, and local rules and regulations, and take all appropriate precautions to protect against environmental degradation. Enbridge will provide appropriate construction oversight to confirm and document compliance with the measures of the EPP and requirements of applicable federal, state, Tribal, and local permits. Enbridge's EIs will assist in interpreting and implementing the requirements of the EPP and verify compliance with these procedures for Enbridge. Enbridge has also committed to applicable agencies to fund a comprehensive third-party monitoring program to be deployed during Project construction, which utilizes IEMs. The details of this inspection and monitoring program are described in Enbridge's Environmental Monitor Control Plan.

## **7.0 REVEGETATION**

Although most areas associated with these roads will have permanent impacts and will not be restored, any area that will be temporarily disturbed for construction of the roads will be revegetated in accordance with Section 7.0 of the EPP. Enbridge will use the seed mixes as recommended in the Planting Plan, which will be a part of the Post-Construction Vegetation Management Plan for Public Lands and Waters ("VMP"; Appendix A to Attachment F). Seed will be applied uniformly at specified rates across the prepared construction workspace by drilling, broadcasting, hydroseeding, or air seeding, as outlined in Section 7.4 of the EPP.

## **8.0 POST-CONSTRUCTION MONITORING**

Enbridge will implement post-construction monitoring at wetlands and waterbodies, including those portions crossed by these permanent access roads as described in Enbridge's PCMP (Attachment G). The PCMP: (i) requires pre-construction data collected to establish aquatic resources baseline conditions; (ii) establishes the data, analyses, and procedures required to monitor topography, hydrology, and vegetation; (iii) establishes objective and verifiable ecological performance standards to evaluate the success of restoration of aquatic resources to pre-construction conditions; (iv) requires the submission of annual monitoring reports to the USACE, MPCA, and MDNR and an annual meeting with the agencies to review the results; and (v) includes an adaptive management approach that specifies types of corrective actions that may be employed in the event that monitoring identifies a problem in achieving the final goal of restoring the temporarily impacted wetlands to pre-construction conditions.

Section 1.0 of the VMP contains Enbridge's proposal for a post-construction monitoring program on public lands, including temporary impacts related to access roads under MDNR jurisdiction. The VMP also addresses post-construction monitoring in upland areas on public lands that are not addressed in the PCMP.