

Enbridge Line 3 Pipeline Replacement Project - 2019 Spring Webinar Series Frequently Asked Questions

1. What is the difference in roles between the DNR and PUC?

The Minnesota Public Utilities Commission (PUC) issued a Certificate of Need and Route Permit to Enbridge for the Line 3 Replacement project in June 2018. These PUC authorizations represent the primary regulatory authority over the project within Minnesota. The Certificate of Need confirms the need for the project and the Route Permit designates the specific route that the pipeline must follow. The Certificate of Need and Route Permit both contain conditions that Enbridge must comply with as part of these approvals.

The DNR does not have regulatory authority over the entire proposed Line 3 Replacement. Our regulatory authority is limited to those areas where proposed construction and operation activities intersect natural resources for which the Minnesota Legislature has granted regulatory authority to DNR. In general, these areas include certain state lands, public water, groundwater and rare resources such as calcareous fens and threatened or endangered species.

Specifically, Enbridge would need to secure 10 permits from DNR for pipeline construction, including:

- A Utility License to Cross Public Land (one license for all state land)
- A Utility License to Cross Public Water (one license for all public water courses and basins)
- Two Work in Public Waters Permits, one for construction in public water wetlands and another for a bridge crossing the Willow River
- Four Water Appropriation Permits: one for hydrostatic testing and horizontal directional drilling, another for construction dewatering, one for dust control, and one for the Gully 30 calcareous fen
- A Fen Management Plan for the Gully 30 calcareous fen
- And a permit for Threatened and Endangered Species Takings

The PUC decisions on the Certificate of Need and Route Permit are under appeal, and that is a separate process from the DNR review of permit applications. The DNR's review is not a reconsideration of the project need or route.

2. How has DNR included Minnesota's tribes in our review?

DNR leadership has communicated with all 11 tribal governments, asking those governments if they wish to engage in consultation regarding the Line 3 Replacement Project. The first consultation meeting was held May 6th, and we are in the process of scheduling other sessions with other tribal governments wishing to consult with the DNR. At the tribal governments' option, DNR and MPCA are

offering the opportunity to consult jointly with our two agencies, recognizing that there are likely issues of interest to tribal governments that span the authorities of both DNR and MPCA.

In addition the consultation, DNR will also offer tribal governments the opportunity to review of the cultural resource survey and report that Enbridge has prepared for DNR administered lands. The cultural resource survey and report for state lands was developed to assist DNR and the State Historic Preservation Office (SHPO) in determining compliance with the Field Archaeology Act. DNR will consider both tribal and SHPO comments on the survey and report as part of making a decision on Enbridge's application for a Utility License to Cross State Land.

3. How can I provide effective comments?

What are the next steps?

How will my comments be considered?

All comments on the Line 3 Replacement project are welcome, including those expressing support or opposition to the project. As we consider our resource review for avoidance, minimization, and mitigating impacts, however, the most helpful comments will be specific to one or more applications pending before the DNR and will address:

- Additional information needed in the applications,
- Identification of specific resources or areas that warrant special consideration,
- Recommendations on permit and license conditions or limitations, or
- The application's consistency with state statute and rule.

Opinions about the project are welcome, but comments that express support for or opposition to the project as a whole do not relate to the criteria the DNR must use in making its decision on pending applications.

Once the comments period closes, we will consider all of the comments. The DNR will also finish our resource review for avoidance, minimization, and mitigating impacts. While we will not be responding to individual comments, each comment received will be reviewed and evaluated for applicability of regulatory requirements. Comments may result in the DNR requiring additional information from Enbridge or identifying additional technical or regulatory considerations. Once all the needed information has been obtained, we will then determine the findings for our decisions of the license and permit applications. Any licenses or permits that the DNR issues may include special conditions.