

June 14, 2019

VIA ELECTRONIC FILING

Mr. Charley Bruce
Public Advisor
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
Saint Paul, MN 55101-2147

**Re: In the Matter of the Application of Enbridge Energy, Limited Partnership for a Pipeline Routing Permit and Partial Exemption for the Fond du Lac Line 4 Project in Minnesota on the Fond du Lac Reservation
MPUC Docket No. PL9/PPL-18-752; OAH Docket No. 21-2500-36053**

Dear Mr. Bruce:

Enbridge Energy, Limited Partnership (“Enbridge”) respectfully submits these comments in response to the Commission’s April 26, 2019 Notice of Public Information Meeting and Public Comment Period. These comments (1) respond to the public comments received in this docket through June 13, 2019 and (2) provide recommended changes to the Sample Route Permit submitted by the Minnesota Department of Commerce Energy Environmental Review and Analysis (“EERA”) staff on March 11, 2019 (“Sample Route Permit”).

Response to Public Comments

In addition to the completeness comments provided by EERA, five other comments were submitted in this docket through June 13, 2019.¹

First, the Fond du Lac Band of Lake Superior Chippewa (the “Band”) provided a comment letter at the time the initial application was submitted on February 25, 2019. Enbridge appreciates the Band’s ongoing input and support for this Project. As discussed in Enbridge’s March 15, 2019

¹ The Commission’s Notice did not include a reply comment period. Enbridge will respond to any comments received on June 14, 2019 upon request.

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Mr. Charley Bruce
June 14, 2019
Page 2

submittal and revised Application, Enbridge made a slight adjustment to the proposed route to fully avoid the potential historic feature identified in the Band's February 25, 2019 letter.

Second, the Minnesota Pollution Control Agency ("MPCA") submitted a letter dated May 14, 2019, noting that the MPCA had no comments at that time. As reflected in Table 6.18-1 of the revised Application, this Project does not require any permits or approvals from the MPCA because it is wholly-located within the Fond du Lac Reservation. The Band has had "Treatment in the Same Manner as a State" under the federal Clean Water Act for water quality since 1996. Accordingly, Enbridge will apply to Fond du Lac for the necessary water quality-related approvals, as further reflected in Table 6.18-1 of the revised Application. Enbridge proposes changes to the Sample Route Permit to reflect this issue (*see*, e.g., Sections 4.3, 4.3.11 and 4.4.3 of Attachment 1).

Third, one public comment was made during the public information meetings. While many of the concerns raised by this individual appeared to be directed at construction and operation of crude oil pipelines generally, rather than this Project specifically, she did raise several questions regarding notice of the public information meetings. As documented in Enbridge's June 14, 2019 compliance filing, notice of the public information meeting and comment period was completed consistent with Minn. R. 7852.0600, subp. 2. The notice exceeded the rule requirements, as the Commission's Notice of Public Information Meeting and Public Comment Period was included in not only the newspaper notice, but also in the direct mailing to government and tribal officials and landowners along and adjacent to the proposed route at the time the revised Application was mailed.

Fourth, the Minnesota Department of Transportation ("MnDOT") filed a letter on June 13, 2019. As recommended in the letter, Enbridge will coordinate any oversize/overweight hauling with MnDOT and will apply for all necessary permits.

Fifth, the Minnesota Department of Natural Resources ("MDNR") submitted a letter on June 13, 2019 that included a number of recommendations related to environmental permitting and the mitigation plans required under the Sample Route Permit. Enbridge does not have any concerns with the MDNR's recommendations and will continue to work with MDNR on these matters. For example, hazardous material handling information was not included in the revised Application, since removal activities are outside the scope of the Partial Exemption Request; however, Enbridge will provide this information as part of subsequent applications related to removal activities.

Recommended Changes to Sample Route Permit

Enbridge has reviewed the Sample Route Permit provided by EERA. Generally, the Sample Route Permit provides minimization measures that appear reasonable based on this record.

Mr. Charley Bruce
June 14, 2019
Page 3

Enbridge carefully reviewed the permit and identified several revisions that are reflected in the redline included as Attachment 1. Most of these changes provide the necessary description of projects facilities or correct minor typos. The substantive changes to Sections 4.3.11 and 4.4.3 simply reflect the regulatory context described above in response to the MPCA letter.

Section 2.1.3 describes eleven temporary access roads instead of ten. The additional access road is an existing public roadway also proposed to be impacted by the Line 3 Replacement Project. No incremental impacts are anticipated, and Enbridge will obtain the necessary permits from the applicable road authority.

Conclusion

Enbridge respectfully requests that the Commission grant the partial exception and issue a route permit for the Fond du Lac Line 4 Project consistent with the changes outlined in these comments.

Sincerely,

/s/ Christina K. Brusven

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Enbridge Revisions to EERA Sample Route Permit – ~~March 11~~ June 14, 2019

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**PIPELINE ROUTING PERMIT
FOR CONSTRUCTION OF A LARGE CRUDE OIL PIPELINE
AND ASSOCIATED FACILITIES**

IN

St. Louis and Carlton Counties

**ISSUED TO
ENBRIDGE ENERGY, LIMITED PARTNERSHIP**

PUC DOCKET NO. PL-9/PPL-18-752

In accordance with the requirements of Minnesota Statutes Chapter 216G and
Minnesota Rules Chapter 7852 this route permit is hereby issued to:

ENBRIDGE ENERGY, LIMITED PARTNERSHIP

Enbridge Energy, Limited Partnership is authorized by this route permit to construct approximately 10 miles of 36-inch diameter pipeline and associated facilities.

The pipeline and associated facilities shall be built within the route identified in this permit and as portrayed on the official route maps attached to this permit and in compliance with the conditions specified in this permit.

Approved and adopted this _____ day of [*Month, Year*]
By Order of the Commission

Daniel P. Wolf,
Executive Secretary

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-296-0406 (voice). Persons with hearing or speech disabilities may call us through their preferred Telecommunications Relay Service.

Contents

1.	ROUTE PERMIT.....	4
1.1	Pre-Emption	4
1.2	Definitions.....	4
1.3	Pipeline Safety	5
2.	PROJECT DESCRIPTION.....	6
2.1	Associated Facilities	6
2.1.1	Valves.....	6
2.1.2	Cathodic Protection	6
2.1.3	Access Roads.....	7
2.2	Project Location	<u>78</u>
3.	DESIGNATED ROUTE	<u>78</u>
3.1	Permanent Right-of-Way	<u>78</u>
3.2	Temporary Workspace.....	8
3.3	Additional Temporary Workspace	8
3.4	Right-of-Way Conformance	<u>89</u>
3.5	Route Width Variations	9
3.6	Minimum Depth of Cover	<u>910</u>
4.	Pre-Construction Conditions.....	<u>910</u>
4.1	Permit Distribution to Units of Government	<u>910</u>
4.2	Permit Distribution to Affected Landowners.....	<u>910</u>
4.3	Construction Environmental Control Plan	<u>1011</u>
4.3.1	Environmental Protection Plan.....	11
4.3.2	Spill Prevention, Containment, and Control Procedures.....	<u>1112</u>
4.3.3	Drilling Mud Containment, Response, and Notification Procedures.....	<u>1112</u>
4.3.4	Petroleum-Contaminated Soil Management Plan.....	12
4.3.5	Archaeological and Historic Resources Plan	<u>1213</u>
4.3.6	Unanticipated Discoveries Plan	<u>1213</u>
4.3.7	Rare and Sensitive Environmental Resource Procedures.....	<u>1314</u>
4.3.8	Noxious Weeds and Invasive Species Control Procedures	<u>1314</u>
4.3.9	Revegetation and Restoration Monitoring Procedures.....	<u>1415</u>
4.3.10	Winter Construction Procedures	<u>1415</u>
4.3.11	Soil Erosion and Sediment Control Plan	<u>1415</u>
4.3.12	Fugitive Dust Control Plan	<u>1415</u>
4.3.13	Wetland and Water Resource Procedures	15
4.4	Environmental Inspector and Environmental Monitoring Plan.....	<u>1516</u>
4.4.1	Field Representative	16
4.4.2	Environmental Inspector	<u>1617</u>
4.4.3	Third Party Agency Monitors	<u>1617</u>
4.4.4	County Inspector Notification Requirements.....	<u>1617</u>
4.4.5	Tribal Monitors	17
4.5	Electronic Reporting and Monitoring System.....	17
4.6	Roads.....	<u>1718</u>
4.7	Employee Training and Education of Permit Terms and Conditions	<u>1718</u>

Enbridge Revisions to EERA Sample Route Permit – ~~March 11~~ June 14, 2019

4.8	Plan and Profile	17 <u>18</u>
4.9	Public Status Reports	18
5.	CONSTRUCTION CONDITIONS.....	18 <u>19</u>
5.1	Notification	18 <u>19</u>
5.2	Access to Property for Construction.....	18 <u>19</u>
5.3	Complaint Procedures	19
5.4	Construction Practices	19 <u>20</u>
5.4.1	Public Services, Public Utilities, and Existing Easements.....	19 <u>20</u>
5.4.2	Noise	19 <u>20</u>
5.4.3	Roads	19 <u>20</u>
5.4.4	Pollution and Hazardous Wastes	20
5.4.5	Restoration	20 <u>21</u>
5.5	Public Safety and Security.....	20 <u>21</u>
5.6	Damages	20 <u>21</u>
6.	SPECIAL CONDITIONS.....	20 <u>21</u>
7.	DELAY IN CONSTRUCTION.....	20 <u>21</u>
8.	POST-CONSTRUCTION CONDITIONS.....	21
8.1	Notification to Commission	21
8.2	Post-Construction Landowner Approval.....	21 <u>22</u>
8.3	As-Builts	21 <u>22</u>
8.4	GPS Data	21 <u>22</u>
9.	RIGHT OF ENTRY	21 <u>22</u>
10.	PERMIT AMENDMENT	22
11.	PERMIT MODIFICATION OR SUSPENSION.....	22
12.	PIPELINE CONSTRUCTION COMPLETION CERTIFICATE.....	22 <u>23</u>

Attachment 1 Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 Compliance Filing Procedure for Permitted Energy Facilities

Attachment 3 Permit Compliance Filings

Appendix A Official Route Maps

1. ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this pipeline routing permit to Enbridge Energy, Limited Partnership (herein after “Permittee”) pursuant to Minnesota Statutes Chapter 216G and Minnesota Rules Chapter 7852. This pipeline routing permit authorizes the Permittee to construct the Fond du Lac Line 4 Project, which includes replacement of approximately 10 miles of Enbridge’s existing 48-inch outside diameter Line 4 pipeline with approximately 10 miles of new 36-inch outside diameter (O.D.), and associated facilities that will be relocated and buried on the south side of Enbridge’s existing mainline right-of-way (row) paralleling Enbridge’s proposed Line 3 replacement pipeline between mileposts 1060 and 1070 within the Fond ~~du~~ Lac Band (FDL) Reservation in the counties of St. Louis and Carlton, as identified in the attached route permit maps, hereby incorporated into this document as Appendix A.

1.1 Pre-Emption

Pursuant to Minn. Stat. § 216G.02, Subd. 4, this pipeline routing permit is the only route approval required for construction of the Project. This pipeline routing permit supersedes and preempts all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local, and special purpose governments.

1.2 Definitions

“**Affected landowner**,” as defined in Minn. R. 7852.0100 Subp. 3, “means an owner or lessee of record of real property, any part of which is within the proposed pipeline route.”

“**Associated facilities**,” as defined in Minn. R. 7852.0100 Subp. 7, “means all parts of those physical facilities through which hazardous liquids or gas moves in transportation, including but not limited to pipe, valves, and other appurtenances connected or attached to pipe, plumbing and compressor units, fabricated assemblies associated with pumping and compressor units, metering and delivery stations, regulations stations, holders, breakout tanks, fabricated assemblies, cathodic protection equipment, telemetering equipment, and communication instrumentation located on the right-of-way.”

“**Construction**,” as defined in Minn. R. 7852.0100 Subp. 11, “means any clearing of land, excavation, or other action for the purpose of constructing new pipeline that would adversely affect the natural environment of a pipeline route. Construction does not include changes needed for use of a route for purposes of maintenance, or replacement of an existing pipeline and associated facilities within existing rights-of-way, or for the minor relocation of less than three-quarters of a mile of an existing pipeline or for securing survey or geological data, including necessary borings to ascertain soil conditions.”

“**Consulting Tribe**,” means a Tribe included in the National Historic Preservation Act Section 106 consultation for this Project.

“**Coordination**” or “**coordinate with**” means “working cooperatively in good faith to reach consensus on the matters being coordinated and documenting this coordination.” In the event consensus cannot be reached in a reasonable time, the Permittee shall file with the Commission a proposed resolution of the issue that clearly summarizes the agreement and disagreement between entities. Upon receipt of such a filing, the Commission shall place the matter on its agenda for discussion and decision.

“**Pipeline project**” or “**project**,” as defined in Minn. R. 7852.0100 Subp. 27, “means a pipeline and associated facilities that are planned or under construction.”

“**Pipeline routing permit**,” as defined in Minn. R. 7852.0100 Subp. 28, “means the written document issued by the commission to the permittee that designates a route for a pipeline and associated facilities, conditions for right-of-way preparation, construction, clean-up, and restoration....”

“**Right-of-way**,” as defined in Minn. R. 7852.0100 Subp. 30, “means the interest in real property used or proposed to be used within a route to accommodate a pipeline and associated facilities.”

“**Route**,” as defined in Minn. R. 7852.0100 Subp. 31, “means the proposed location of a pipeline between two end points. A route may have a variable width from the minimum required for the pipeline right-of-way up to 1.25 miles.”

“**Traditional Cultural Landscapes**,” means a subtype of historic properties recognized as eligible for listing on the Minnesota State and/or National Register of Historic Places, as further defined by National Park Service Preservation Brief 36, “Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes” and other federal guidance.

“**Traditional Cultural Properties**,” or TCPs, means a subtype of historic properties recognized as eligible for listing on the Minnesota State and/or National Register of Historic Places, as further defined in National Register Bulletin #38, “Guidelines for Evaluating and Documenting Traditional Cultural Properties” and other federal guidance.

“**Traditional Cultural Resources Survey**,” or TCR Survey, which will be conducted in accordance with existing state and federal guidance and requirements, is intended to comply with the Permittee’s federal, state, and contracted obligations to conduct a survey of tribal historic properties and other cultural resources that may be affected by the Project, and must include: field surveys to identify Tribal Sites (preserving confidentiality of sites); literature review; the results of Tribal consultation; and other matters.

“**Tribal Cultural Resources**,” is an umbrella term to refer to both TCPs and Traditional Cultural Landscapes.

“**Tribal Monitor**,” means a monitor the Permittee is required to hire to represent the interests of Tribes in the field during construction and as provided under certain permit conditions.

“**Tribe**,” means a federally recognized Indian tribe.

1.3 Pipeline Safety

Pursuant to Minn. Stat. § 216G.02, Subd. 3(a) this pipeline routing permit may not set safety standards for the construction of the Project. Pipeline safety regulations are promulgated **by** the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration in the Federal Code of Federal Regulations Part 195 – Transportation of Hazardous Liquids by Pipeline (49 CFR 195).

2. PROJECT DESCRIPTION

The Fond du Lac Line 4 Project, includes replacement of approximately 10 miles of Enbridge’s existing 48-inch ~~outside diameter (O.D.)~~ Line 4 pipeline with approximately 10 miles of new 36-inch O.D., and associated facilities that will be relocated and buried on the south side of Enbridge’s existing mainline right-of-way (row) paralleling Enbridge’s proposed Line 3 replacement pipeline between Mileposts 1060 and 1070 within the Fond du Lac Band Reservation in the counties of St. Louis and Carlton, as identified in the attached route permit maps, hereby incorporated into this document as Appendix A.

2.1 Associated Facilities

Associated facilities include mainline valves, access roads and cathodic protection equipment. This Route Permit authorizes, the following Associated Facilities:

2.1.1 Valves

The Permittee will install ~~safety~~ remote sectionalizing valves per federal Pipeline Hazardous Materials Safety Administration (PHMSA) regulations along the pipeline to protect populated areas, major waterbody crossings, drinking water sources, and environmentally sensitive areas. The Project will require ~~to the~~ following valve site work: the removal of an existing mainline valve at the existing MP 1060 valve site; the installation of a new mainline valve at MP 1062; and the removal and replacement of an existing mainline valve at MP 1070.

The valves to be installed will be 36-inch American National Standards Institute (ANSI) 600 weld by weld end, full port, ~~rising stem~~ gate valves. The valves will be manufactured in accordance with industry standard, American Petroleum Institute ~~Standard 6D – “American Petroleum Institute Specification (API) Specification 6D~~ for Steel, Gate, Plug, Ball and Check Valves for Pipeline Service.”

Valve Design Parameters	
Design Parameter	Specification
Diameter	36-inch outside diameter (NPS36)
American National Standards Institute Rating	ANSI 600
Maximum Operating Pressure	1440 psig

The new mainline valves are motor-actuated and a new electrical service and control building, including the installation of an electrical service meter, will be required to remotely operate the valves.

2.1.2 Cathodic Protection

The Project will receive cathodic protection by tying into Enbridge’s existing impressed current systems. ~~All cathodic protection connections including test station leads, bonding cables and rectifier cables on the existing Line 4 will be reconnected on the relocated Line 4 segment.~~ New cathodic protection test stations will be installed along the Project at locations that correlate with test stations on the existing Line 4. A cathodic protection test station is a wire or cable attached to an underground metallic structure (i.e., Line 4 pipeline) that is encased in a PVC pipe that extends 3 to 4 feet above grade with a cap. The approximate locations of cathodic protection systems are provided in the table below:

~~[Insert table of cathodic protection system locations by county and milepost.]~~

Line 4 Cathodic Protection Sites		
Mile Post	Cathodic Protection Type	County
1060.1	Coupon Test Station	St. Louis
1062.5	Coupon Test Station	Carlton
1064.3	Coupon Test Station	Carlton
1065.7	Coupon Test Station	Carlton
1066.5	Coupon Test Station	Carlton
1068.5	Coupon Test Station	Carlton
1070.0	Coupon Test Station	Carlton
1060.1	Rectifiers	Carlton
1065.7	Rectifiers	Carlton
1066.4	Rectifiers	Carlton
1070.0	Rectifiers	Carlton

2.1.3 Access Roads

The Permittee will typically use public roads to gain access to the construction workspace where public roads cross the right-of-way. In areas where public roads are limited, existing privately owned roads may be used. If public or privately-owned roads are not available, the Permittee will construct new access roads. Prior to use of private access roads, modifications to existing non-private roads, and construction of new access roads, the Permittee must obtain landowner permission, conduct environmental surveys, and obtain applicable environmental permits and clearances.

~~Ten~~[Eleven](#) new temporary roads and two new operational roads access roads for the valve sites are proposed to facilitate Project construction in coordination with the Line 3 Replacement Project. The proposed access roads will be located along existing trails and roads that lead to the right-of-way in areas where public roads do not provide adequate access for construction.

~~{Insert table of access roads, including location and length.}~~

Line 4 Access Roads		
Mile Post	Road Name	Length (ft.)
1060.1	AR590	4,211
1064.3	Township Road 536	4,872
1065.7	Ditchbank Road	5,415
1066.4	Magney Road	2,672
1066.6	Cary Road	18,922
1066.9	AR593	1,389
1067.4	AR594	1,336
1068.5	Strand Road	10,397
1068.9	AR597	2,019
1069.4	AR705	360
1069.5	Reponen Road	15,805
1070.0	MOOREHEAD Valve	130

Enbridge Revisions to EERA Sample Route Permit – ~~March 11~~ June 14, 2019

<u>1062.5</u>	<u>STONE BROOK Valve (Township Road 535)</u>	<u>138</u>
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2.2 Project Location

County	Township Name	Township	Range	Section(s)
St. Louis	Arrowhead	T50N	R19W	35,36
Carlton	North Carlton	T49N	R19W	1
	Perch Lake	T49N	R18W	6,7,8,17,16,21,22,26,27,35,36

3. DESIGNATED ROUTE

The route designated by the Commission in this permit is the route described below and shown on the official route maps in Appendix A of this permit. The route is generally described as follows:

~~{Provide a detailed description of the authorized route including the route widths and any other specifics. Also include a reference to the relevant route map to be attached to the permit as Appendix [A].}~~

Approximately 10 miles of new permanent right-of-way located on the south side of Enbridge’s existing mainline right-of-way paralleling Enbridge’s proposed Line 3 replacement pipeline between mileposts 1060 and 1070 within the Fond du Lac Band Reservation in St. Louis and Carlton Counties.

The designated route width is limited to a maximum of 750 feet unless otherwise indicated on the route maps attached to this permit. The final alignment must be located within this designated route. The identified route widths on the attached route maps provide the Permittee with flexibility for minor adjustments of the alignment or right-of-way to accommodate landowner requests and unforeseen conditions. The final alignment (that is, permanent and maintained rights-of-way) will be located within this designated route unless otherwise authorized by this permit or the Commission.

3.1 Permanent Right-of-Way

This Permit authorizes the Permittee to obtain a new permanent right-of-way for the pipeline and valve sites up to ~~120~~ feet in upland and wetland areas, and up to ~~140~~ feet in saturated wetlands. The proposed area necessary for new right-of-way (permanent and temporary) varies in width based on the terms of existing easements and the current alignment of existing pipelines or utilities within existing easements.

~~{Describe permanent right-of-way associated with associated facilities, i.e., pump stations.}~~

3.2 Temporary Workspace

The Permittee is authorized by this permit to acquire up to a 140 foot-wide temporary workspace, much of which will be disturbed during the Line 3 Replacement Project. The temporary workspace will be located adjacent to and contiguous with the proposed new right-of-way and will be identified by distinctive staking of construction limits prior to clearing.

The Permittee shall limit temporary workspace to special construction access needs required outside of the authorized permanent right-of-way. Temporary right-of-way shall be selected to limit the removal and impacts to vegetation.

3.3 Additional Temporary Workspace

The Permittee is authorized to use additional temporary workspace outside of the typical construction workspace to facilitate specific aspects of construction. Additional temporary workspace may include areas to stage equipment and hold spoil material and areas in which construction methods require additional workspace. The table below provides typical dimensions for additional temporary workspace (length X width) allowed under this permit. As applicable, additional temporary workspace may be reviewed and modified by federal and state permitting authorities as part of other approval processes.

Typical Dimensions of Additional Temporary Workspace	
Feature	Dimensions in feet on each side of feature in addition to the 120 foot wide or 95 foot wide temporary ROW
Open-cut road crossings	<u>[L]100 x [W]75 ft.</u>
Bored Road, Foreign Pipeline, and Utility Crossings	<u>[L]100 x [W]75 ft.</u>
Railroad Crossings	<u>[L]200 x [W]75 ft.</u>
Pipeline Cross-Unders	<u>[L]100 x [W]75 ft.</u>
Waterbody Crossings, including Horizontal Directional Drill crossings[L] x [W]	<u>200 x 75 ft.</u>
Wetland Crossings	<u>[L]200 x [W]75 ft.</u>

3.4 Right-of-Way Conformance

The Project’s anticipated alignment shown in the maps in Appendix A is intended to minimize potential impacts relative to criteria identified in Minn. R. 7852.1900. The actual right-of-way will generally conform to this anticipated alignment, identified on these official route maps, unless changes are requested by individual landowners and agreed to by the Permittee or for unforeseen conditions that are encountered or as otherwise provided for by this permit.

Any right-of-way modifications within this designated route shall be located to have comparable overall impacts relative to the criteria in Minn. R. 7852.1900 as the right-of-way identified in this permit, and shall be specifically identified and documented in and approved as part of the plan and profile submitted pursuant to Section 4.8 of this permit.

3.5 Route Width Variations

Route width variations may be allowed to accommodate the potential site-specific constraints listed below. These constraints may arise from any of the following:

1. Unforeseen circumstances encountered during the detailed engineering and design process.
2. Federal or state agency requirements.
3. Existing infrastructure within the pipeline route, including but not limited to railroads, natural gas and liquid pipelines, high voltage electric transmission lines, or sewer and water lines.

Any alignment modifications arising from these site specific constraints that would result in right-of-way placement outside of the designated route shall not result in significant changes in the human or

environmental impacts relative to the criteria in Minn. R. 7852.1900 and shall be specifically identified in and approved as part of the plan and profile submitted pursuant to section 4.8 of this permit.

3.6 Minimum Depth of Cover

In accordance with federal requirements (49 C.F.R. 195.248 (a)), the depth of cover between the top of the pipe and the ground level, road bed, or river bottom can range between 18 to 48 inches, depending on the location of the pipe and the presence of rock.

Based on site characteristics for this Project, federal regulations allow a depth of cover of 30 inches or more. Where the pipeline crosses cultivated agricultural lands, state law requires that a minimum depth of cover of 54-inches be maintained, unless waived by the landowners. This Project does not cross cultivated agricultural lands and the minimum depth of cover by Minnesota state law will not apply.

4. Pre-Construction Conditions

The following pre-construction conditions require submissions to the Commission. All submissions must be made by electronic filing (eFiling). Failure to timely and properly make compliance filings required by this permit is a failure to comply with the conditions of this permit.

4.1 Permit Distribution to Units of Government

The Permittee shall, within 10 days of receipt of the pipeline routing permit from the Commission, send an electronic copy of the permit (including the Commission's complaint handling procedures), a complete set of the official route maps depicting the designated route and a complete set of all available mitigation plans to the following governmental units: tribal governments, the office of each regional development commission of a development region, soil and water conservation district, watershed district, watershed management district, office of the auditor of each county, and the clerk of each city and township crossed by the designated route.

4.2 Permit Distribution to Affected Landowners

For the purposes of this section, an affected landowner is any landowner or designee that is within or adjacent to the designated pipeline route authorized by this permit. Within 60 days of permit issuance, the Permittee shall send a printed copy of the permit and, as separate information piece, the complaint procedures to all affected landowners and known tenants. As applicable, official route maps depicting the location of the designated route on an affected landowner's property must also be provided. The permit shall also be accompanied by a cover letter that:

1. Identifies for affected landowners the mitigation plans that have been or are being prepared and where all mitigation plans are available, for example, on which websites, units of governments, etc.; and
2. Clarifies that the requirements of the permit take precedence over any easement agreements made between the Permittee and the affected landowner.

In no case shall the affected landowner receive this route permit and complaint procedures less than 14 days prior to the start of construction on their property. The Permittee shall provide all affected

landowners with information concerning, at a minimum, the initial survey, right-of-way acquisition, right-of-way preparation, construction, restoration, and future operation and maintenance.

As provided by applicable laws and regulations the Permittee shall provide educational materials about the project and any restrictions or dangers associated with the project to affected landowners within the route whose land is crossed by the pipeline and, upon request, to any interested persons.

4.3 Construction Environmental Control Plan

The Permittee must develop and file with the Commission a Construction Environmental Control Plan (CECP). The CECP shall include the sub-plans or procedures as outlined in subsections 4.3.1 – 4.3.13. The sub-plans or procedures address the following: environmental protection; agricultural protection; construction spill prevention, containment, and control; drilling mud containment, response, and notification; contaminated soils; archaeological and historical resource survey plan; unanticipated discoveries; protected species; noxious weeds and invasive species, including application of herbicides; restoration and revegetation; blasting; winter construction; soil erosion and sediment control including stormwater; fugitive dust control; and stream and wetland crossing and restoration procedures.

The Permittee may combine these sub-plans or procedures within the CECP, as appropriate, to most efficiently incorporate the information required by these subsections in a concise and logical way.

The CECP shall be written to comply with the conditions for right-of-way preparation, construction, cleanup, and restoration contained in Minn. R. 7852.3600. The practices described in the CECP must meet or exceed federal, state, tribal, and local environmental protection and erosion control requirements, specifications, and practices. The CECP must include all known environmental control plans and special conditions imposed by permits or licenses issued by federal, state, and local governments, and list permits required for construction of the Project. The CECP shall incorporate those specific construction practices and material specifications described in the Permittee's Application to the Commission for a Route Permit for the Line 4 Project.

The initial CECP shall be filed with the Commission at least 60 days prior to the first plan and profile submission as described in Section 4.8 of this permit. The initial CECP must be approved as a compliance filing prior to construction. Following Commission approval, the Permittee may submit updates to the CECP to include new or additional information without requiring additional approvals (for example, Minnesota Department of Natural Resources (DNR) license to cross public lands and waters and the associated conditions, ~~Minnesota Pollution Control Agency (MPCA) stormwater pollution prevention plan (SWPPP) and associated conditions~~Fond du Lac Standard Wetland Activity Permit and 401 Water Quality Certification, United States Army Corps of Engineers (Corps) Section 404 and Section 10 permits and associated conditions).

4.3.1 Environmental Protection Plan

The Environmental Protection Plan (EPP) shall outline construction-related environmental policies, procedures, and mitigation measures. It must be based on the Federal Energy Regulatory Commission's Upland Erosion Control, Revegetation, and Maintenance Plan (May 2013) and Wetland and Waterbody Construction and Mitigation Procedures (May 2013). The plan shall be designed to address typical circumstances that may be encountered along the Project, including but not limited to: mitigation measures such as erosion and sediment controls; restoration and revegetation; construction related spill response procedures; drilling mud release notification; waste management; stream and wetland

crossing requirements; highway, road, and rail crossings; construction dewatering; and water appropriation.

The Permittee shall clear the permanent right-of-way and temporary right-of-way preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation in areas such as trail and stream crossings where vegetative screening may minimize aesthetic impacts, to the extent that such actions do not impact the safe operation, maintenance, and inspection of the pipeline and are in compliance with all applicable laws and regulations. The plan shall specify that care will be used to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of all pipeline construction and restoration activities.

The plan shall require that tree stumps will be removed when necessitated due to trench location or at the request of the landowner, and that cleared vegetation may be disposed of in a manner authorized by the responsible governmental unit or as agreed to with the landowner, provided disposal complies with local regulations. The plan shall require that stream banks be stabilized in accordance with the requirements of applicable tribal, state or federal permits.

The plan shall require the Permittee to remove all waste and scrap that is the product of construction from the right-of-way and all premises on which construction activities were conducted and properly disposed of upon completion of each task, unless otherwise negotiated with the affected landowner, except that personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.

4.3.2 Spill Prevention, Containment, and Control Procedures

The Permittee shall develop Spill Prevention, Containment and Control Procedures that describe planning, prevention and control measures to minimize impacts resulting from spills of fuels, petroleum products, or other regulated substances during construction. At minimum, the procedures shall address: planning and prevention, including training, supervision, and inspection; storage and handling of fuels and other hazardous liquids; initial spill management; spill notification responsibilities; spill containment and cleanup; and storage and disposal of contaminated materials. The procedures may be included as part of the EPP.

4.3.3 Drilling Mud Containment, Response, and Notification Procedures

The Permittee shall develop Drilling Mud Containment, Response, and Notification procedures. The procedures shall outline measures that will minimize the potential for release of drilling fluids/mud into wetlands, waterbodies or onto the adjacent surface soils. At minimum the procedures shall address: on-site observation during construction; inadvertent release response in upland and wetland locations; containment in upland and wetland locations; notification and resumption of suspended drilling operations; winter drilling; clean-up; restoration; and post-construction monitoring. The procedures may be included as part of the EPP.

4.3.4 Petroleum-Contaminated Soil Management Plan

The Permittee shall develop a Petroleum-Contaminated Soil Plan to address previously petroleum-contaminated soils along the pipeline route. New spills shall be managed in accordance with the Spill Prevention, Containment, and Control procedures outlined within the Environmental Protection Plan. At

minimum, the plan must include: identification of petroleum-contaminated soil; containment; documentation; reporting; backfilling; site investigation; and proper disposal of contaminated soils.

4.3.5 Archaeological and Historic Resources Plan

The Permittee shall develop and implement an Archaeological and Historic Resources Plan (Plan) to identify and avoid impacts to archaeological and historic properties, including traditional cultural properties (TCP) and traditional cultural landscapes.

The Permittee shall develop this Plan, incorporating outcomes of consultation required in conjunction with any state approvals (permits, licenses, etc.) needed in order to construct the Project including state agencies' and departments' consultation with 1) the State Historic Preservation Office (SHPO) pursuant to the Minnesota Historic Sites Act (M.S. 138.665-666), and 2) the SHPO, the Office of the State Archaeologist (OSA), the Minnesota Indian Affairs Council (MIAC) pursuant to the Minnesota Field Archaeology Act (M.S. 138.40). The permittee shall also incorporate into the Plan the outcomes of federal consultation with ~~the~~any consulting tribes participating in the Bureau of Indian Affairs and U.S. Corps of Engineers review of this project pursuant to Section 106 of the National Historic Preservation Act.

The Plan therefore must include mitigation procedures resulting from (1) the federal Section 106 process, (2) the Minnesota Historic Sites Act/Minnesota Field Archaeology Act review, and (3) any additional surveys, mitigation, or avoidance procedures developed in coordination with the FDL, SHPO, the OSA, the MIAC, and ~~the~~any consulting tribes participating in the Section 106 process.

The Plan, including specific mitigation and avoidance procedures for archaeological and historic properties identified, including TCPs and traditional cultural landscapes, must be filed with the Commission for approval upon completion (with appropriate protections for any confidential and sensitive data). Construction cannot start on any portion of the pipeline Project until the Commission approves the final Plan, which must include the survey results, and mitigation and avoidance procedures.

4.3.6 Unanticipated Discoveries Plan

The Permittee shall develop, in coordination with the FDL, SHPO, OSA, MIAC, Bureau of Indian Affairs, United States Army Corps of Engineers (Corps) and any consulting tribes, an Unanticipated Discoveries Plan (UDP) to identify guidelines to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during construction. The UDP shall describe how previously unrecorded, non-human burial, archaeological sites found during construction shall be marked and all construction work must stop at the discovery location. The UDP shall require notification to the FDL, BIA, Corps SHPO, the OSA, the MIAC, and the Commission of such discovery. The UDP shall also specify that excavation at such locations shall not resume unless authorized by coordination with the FDL, BIA, Corps, SHPO and the OSA/MIAC.

The UDP shall specify that if human remains are encountered during construction the Permittee shall immediately halt construction at that location and promptly notify local law enforcement authorities and the OSA pursuant to M.S. 307.08. The UDP shall also specify that construction at the human remains location shall not proceed until authorized by local law enforcement authorities and the OSA and/or MIAC.

The UDP shall require that, prior to construction, workers shall be trained about the need to avoid archaeological, historic and cultural properties, how to identify archaeological, historic, and cultural properties, and procedures to follow if undocumented archaeological, historic and cultural properties, including human burials and gravesites, are found during construction.

4.3.7 Rare and Sensitive Environmental Resource Procedures

The Permittee shall develop procedures in coordination with the U.S. Fish and Wildlife Service and the DNR regarding conservation measures for rare and sensitive environmental resources, including state and federally listed species of plant, fungi or animal species; and sensitive habitats, including calcareous fens and native plant communities. For state listed species, the Permittee must obtain a Threatened and Endangered Species Takings permit from the DNR, or provide documentation of DNR concurrence that a Takings Permit is not required. The Permittee shall not provide specific pipeline milepost or sensitive resource location; provided that site-specific plans shall be made available to resource agencies with applicable jurisdictional authority upon request. The Rare and Sensitive Environmental Resource Procedures may be included as part of the EPP.

4.3.8 Noxious Weeds and Invasive Species Control Procedures

The Permittee shall develop Noxious Weeds and Invasive Species Procedures to prevent the introduction of invasive species on lands disturbed by construction activities and limit the spread of invasive species already present within the construction right-of-way (including tree pests such as eastern Larc beetle and Emerald ash borer). The procedures shall be based on applicable state regulations and information provided by the [FDL](#), DNR, MDA, USDA Farm Service Agency (FSA), and USDA Natural Resources Conservation Service (NRCS). The Permittee must develop the procedures in coordination with [FDL](#), DNR and MDA. The procedures may be included as part of the EPP.

The procedures shall outline precautions the Permittee will use against the spread of noxious weeds during construction and restoration of all areas affected by construction. It shall describe the process to select site-appropriate seed, certified free of noxious weeds when utilizing seed to establish temporary and permanent vegetative cover on exposed soil. The procedures shall discuss the process to be used to consult with landowners on the selection and use of seed for replanting. The procedures shall prescribe the use of native seed mixes to the greatest extent possible.

The procedures shall restrict herbicide use to those products and methods of application approved by the [FDL](#), MDA and the U.S. Environmental Protection Agency, and shall state a preference for selective foliage or basal application when practicable. The procedures shall specify that the Permittee must contact the landowner or his designee to obtain approval for the use of herbicide prior to any application on their property, and that individual landowners may request that there be no application of herbicides on any part of the right-of-way within the landowner's property. The procedures shall describe the process to be used to provide notice of herbicide application to affected landowners.

The procedures must include a section evaluating the potential for the occurrence of aquatic invasive species in the project area and describing, if any, the best management practices that apply. The procedures shall identify any infested waters or otherwise indicate that aquatic invasive species are not anticipated. The DNR must be notified if any aquatic invasive species are identified in an area not previously identified as an infested water.

4.3.9 Revegetation and Restoration Monitoring Procedures

The Permittee shall develop Revegetation and Restoration Monitoring Procedures. The procedures shall outline practices to restore, to the greatest extent possible, the right-of-way, temporary work spaces, access roads, abandoned right-of-way, and other public or private lands affected by construction of the pipeline to the conditions that existed immediately before construction of the pipeline. The procedures must ensure that revegetation and restoration are compatible with the safe operation, maintenance, and inspection of the pipeline.

At minimum the procedures must outline the following: project seed specifications; temporary revegetation; permanent revegetation; special restoration areas; specialized seed mixes, for example, residential areas, pasture areas, wildlife areas, etc.; seed bed preparation and seeding procedures; soil amendments; seeding periods; timing of final seeding; mulch and erosion control; dormant seeding; and monitoring. The procedures may be included as part of the EPP.

4.3.10 Winter Construction Procedures

The Permittee shall develop Winter Construction Procedures outlining winter construction techniques and methodologies to safely, effectively, and efficiently construct the pipeline during winter months.

4.3.11 Soil Erosion and Sediment Control Plan

The Permittee shall develop a Soil Erosion and Sediment Control Plan. ~~This Plan may be the same as the SWPPP submitted to the MPCA as part of the National Pollutant Discharge Elimination System (NPDES) permit application provided it identifies the information in the following paragraph.~~

The Soil Erosion and Sediment Control Plan shall address what types of erosion control measures will be implemented during each Project phase and shall at a minimum identify: plans for grading, construction, and restoration of the areas affected by construction activities; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive revegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary activities; and measures to minimize the area of surface disturbance. The plan shall identify methods for disposal or storage of excavated material. Erosion and sedimentation control measures shall be implemented prior to construction and maintained until restoration activities are completed for each phase of the Project.

4.3.12 Fugitive Dust Control Plan

The Permittee shall develop a Fugitive Dust Control Plan. The Fugitive Dust Control plan shall address dust control measures to minimize fugitive dust from construction activities and access road traffic.

4.3.13 Wetland and Water Resource Procedures

The Permittee shall develop Wetland and Water Resource Procedures to address stream and wetland crossing requirements, including but not limited to: construction methods, timing, erosion control and restoration. These procedures must be based on the FERC Wetland and Waterbody Construction and Mitigation Procedures (May 2013).

The procedures shall require wetlands and riparian areas be accessed using the least impactful manner that minimizes travel through wetland areas and prevents unnecessary impacts, and that no additional temporary workspace areas be placed within wetlands or water resources. The procedures shall specify that in order to minimize impacts, construction in wetland areas shall be according to permit requirements by the applicable permitting authority. The procedures shall specify that should a permit not be required, excavated trench spoil shall be contained and not placed back into the wetland or riparian area, and when constructing in wetlands during unfrozen conditions mats shall be used to protect wetland vegetation, as necessary.

The procedures shall further specify that dewatering during periods of excessive precipitation or in areas where the natural groundwater table intersects the pipeline trench will be discharged in such a way as to minimize the potential for scour and water containing sediment to reach a wetland or waterbody, in accordance with the Permittee's Environmental Protection Plan and applicable state permits.

The procedures will specify that restoration of the wetlands will be performed by Permittee in accordance with the requirements of applicable state and federal permits or laws and landowner agreements.

4.4 Environmental Inspector and Environmental Monitoring Plan

The Permittee must prepare an Environmental Monitor Control Plan (EMCP) that defines the roles and responsibilities of the Environmental Inspector(s), Third Party Agency ~~Monitor(s), Agricultural~~ Monitor(s), and Tribal Monitor(s) in observing construction activities, and responsibilities to address concerns related to compliance with permit conditions as outlined in Sections 4.4.1 to 4.4.5 of this permit. It shall describe the reporting structure that will be employed to document compliance, and interaction with other monitors such as agency monitors. The EMCP shall outline the training used to communicate environmental requirements to construction personnel to comply with Section 4.7 of this permit.

The EMCP shall also include the following:

1. Identification of and contact information for an Environmental Inspector to oversee the construction process and monitor compliance with the CECP and all plans therein.
2. A process for reporting construction status to the Commission.
3. A process for internal tracking of construction management, including required plan or permit inspection forms.

The EMCP shall be filed with the Commission at least 60 days prior to the first plan and profile submission as described in Section 4.8 of this permit. The EMCP must be approved as a compliance filing prior to construction.

All amendments, modifications, or changes to the EMCP shall be filed with the Commission and any other agency or governmental unit with responsibility for implementing requirements of the EMCP.

4.4.1 Field Representative

At least 14 days prior to the start of construction and continuously throughout construction and completion of restoration of the areas affected by construction, the Permittee shall advise the Commission in writing of the person or persons designated to be the field representative with responsibility to oversee compliance with the conditions of this Permit during construction of the project. This person shall be accessible by telephone during normal business hours throughout right-of-way preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative 14 days prior to commencing construction. The Permittee shall provide the field representative's contact information to affected landowners, residents, public officials, and other interested persons 14 days prior to commencing construction. The Permittee may change the field representative at any time upon notice to the Commission by eFiling as well as posting to a project website maintained by the Permittee and by providing a telephone number to affected landowners, residents, local government units and other interested persons that provides current contact information for the field representative.

4.4.2 Environmental Inspector

The Permittee will provide appropriate construction oversight to confirm and document compliance with the conditions of this Permit, the mitigation measures and all other applicable federal, state, tribal and local permits during construction of the project. The Permittee will employ experienced Environmental Inspectors (EIs) to manage unforeseen situations that are not directly addressed by the above documents. The EI, through coordination with Permittee staff, will have authority to stop activities and order corrective mitigation for actions that are not in compliance with the measures of the EPP, landowner agreements or environmental permit conditions. The Permittee will require the EI to maintain appropriate records to document compliance with these and other applicable permit conditions.

4.4.3 Third Party Agency Monitors

Prior to any construction, the Permittee shall identify one or more independent third party agency monitor(s) ~~per construction spread~~ on behalf of the Department of Commerce, Department of Natural Resources, and ~~the Pollution Control Agency~~ FDL (upon request of the Band) to implement the roles and responsibilities as outlined in the EMCP. These third party monitors will report directly to and will be under the control of the Department of Commerce, Department of Natural Resources, and ~~the Pollution Control Agency~~ FDL (if requested), with the cost borne by the Permittee.

4.4.4 County Inspector Notification Requirements

The Permittee shall at least 14 days prior to the start of construction provide notice to all affected landowners with the name, telephone number and email address of the County Inspector designated by the County, if so appointed.

4.4.5 Tribal Monitors

Prior to any construction, the Permittee shall identify one independent third party tribal monitor ~~per construction spread~~ to implement the roles in observing construction activities, and responsibilities to

address concerns related to observed or suspected cultural resources or human remains as outlined in the EMCP. Funding for tribal monitors shall be provided by the Permittee.

4.5 Electronic Reporting and Monitoring System

The Permittee shall provide a real-time, web-based reporting and monitoring system for use by the Permittee, Environmental Inspectors, third party state agency monitors, and tribal monitors to receive, manage, file, and share inspection forms, records, photos, and inspection and monitoring reports. The reporting and monitoring system shall be password protected with the capability to upload, download and archive inspection forms.

4.6 Roads

Prior to commencement of construction, the Permittee shall identify all state, county, city and township roads that will be used for the project and shall notify the state, county, city, or township governing body having jurisdiction over the roads to determine if the governmental body would like to inspect the roads prior to use of these roads. The Permittee shall file verification to the Commission that notification has occurred prior to commencement of construction.

4.7 Employee Training and Education of Permit Terms and Conditions

Prior to any construction, the Permittee shall file an affirmative statement with the Commission, certified by a senior company official, that all Permittee personnel, environmental inspectors, and contractor personnel will be informed of the environmental inspector's authority and have been or will be trained on the implementation of environmental mitigation measures in this permit that are appropriate to their jobs before becoming involved with construction and restoration activities associated with the project.

4.8 Plan and Profile

At least 14 days before right-of-way preparation for construction begins on any portion of the project, the Permittee shall provide the Commission with a plan and profile of the right-of-way and the specifications and drawings for right-of-way preparation, construction, cleanup, and restoration for the portion of the pipeline for which construction is scheduled. The documentation shall include maps depicting the plan and profile including the designated route, right-of-way, and pipeline alignment approved per this permit.

The Permittee shall not commence construction until the 14 days has expired or until the Commission has advised the Permittee in writing that it has completed its review of the plan and profile documents and determined that the planned construction is consistent with this permit. If the Permittee intends to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission the Permittee shall consult with any other regulatory agency with jurisdiction and notify the Commission at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this permit.

The Permittee shall also provide the Minnesota Office of Pipeline Safety with the same information provided to the Commission. The Permittee's plan and profile and specifications and drawings, shall become a condition of this permit and shall be complied with by the Permittee in accordance with Minn. R. 7852.3500.

4.9 Public Status Reports

The Permittee shall report to the Commission on progress during finalization of the route and construction of the pipeline. The Permittee shall report weekly. Reports shall begin with the submittal of the plan and profile for the project and continue until completion of restoration.

In the event the Permittee proceeds with phased construction of the Project, such weekly reports shall be filed beginning with the submittal of the plan and profile for that phase and continue until completion of restoration of that phase. If there is any period of time where no construction activity is occurring, restoration of the prior phase of the Project has been completed, and the overall Project is not yet completed, Permittee need only provide status reports monthly.

5. CONSTRUCTION CONDITIONS

The Permittee shall comply with the following conditions during pipeline right-of-way preparation, construction, cleanup, and restoration over the life of this permit.

5.1 Notification

The Permittee shall notify landowners or their designee at least 14 days in advance but not greater than 60 days in advance of entering the property.

5.2 Access to Property for Construction

The Permittee shall obtain all necessary permits authorizing access to public rights-of-way prior to any construction. The Permittee shall obtain approval of the landowners for access to private property prior to any construction. The Permittee shall consult with property owners to identify and address any special problems the landowners may have that are associated with the pipeline prior to any construction.

The Permittee shall work with landowners to provide access to their property, to locate the pipeline on their property to minimize the loss of agricultural land, forest, and wetlands, with due regard for proximity to homes and water supplies, even if the deviations will increase the cost of the pipeline, so long as the landowner's requested relocation does not adversely affect environmentally sensitive areas.

The Permittee shall negotiate agreements with landowners that will give the landowners access to their property; minimize the impact on planned future development of the property; and to assume any additional costs for such development that may be the result of installing roads, driveways and utilities that must cross the right-of-way. The Permittee shall not unreasonably deny a landowner's request to cross the easement to access the landowner's property.

5.3 Complaint Procedures

The complaint procedures shall be in accordance with the requirements of Minn. R. 7852.3700, and in Attachment 1. Complaint procedures shall be incorporated into the CECP and EMCP required by this permit.

The Permittee shall file with the Commission any substantial complaints received by the Permittee during the course of construction or restoration that are not resolved within 30 days of the complaint (Minn. R. 7852.3700).

Upon request, the Permittee shall assist the Commission or its designee with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

5.4 Construction Practices

The Permittee shall comply with all applicable state statutes and rules. The Permittee shall obtain all required permits for the project and comply with the conditions of these permits. The Permittee shall file a listing of all required permits with the Commission prior to construction and submit a copy of any permit requested by the Commission.

The Permittee shall comply with the CECP (Section 4.3). The obligation to comply with the CECP as a condition of this permit shall expire with the termination of Commission jurisdiction over this permit as prescribed by Minn. R. 7852.3900, unless otherwise specified in the CECP. The Permittee shall also comply with all additional conditions that may be added as a result of permits issued by other agencies or governmental units.

5.4.1 Public Services, Public Utilities, and Existing Easements

During construction, the Permittee shall minimize any disruption to public services or public utilities. Where any impacts to utilities have the potential to occur the Permittee must work with landowners, utilities, and local agencies to determine the most appropriate mitigation measures if not already considered as part of this permit.

5.4.2 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080. Construction and maintenance activities shall be limited to daytime working hours to the extent practicable.

5.4.3 Roads

The Permittee is responsible for maintenance and repair of roads that will be subject to extra wear and tear due to transportation of equipment and project related materials. The Permittee shall make arrangements with road authorities for maintenance and repair of roads used for the Project. The Permittee shall cooperate with road authorities to develop appropriate signage and traffic management during construction.

Equipment involved in pipeline construction shall be moved into the right-of-way using existing public or private roads unless a temporary access road is negotiated with the landowner. Additional access roads required during construction will require approval by the Environmental Inspector and the Agricultural Monitor when on agricultural lands.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner.

5.4.4 Pollution and Hazardous Wastes

All appropriate precautions to protect against pollution of the environment must be taken by the Permittee. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all wastes generated during pipeline construction and restoration of the right-of-way.

5.4.5 Restoration

Within 60 days after completion of all restoration activities the Permittee shall advise the Commission in writing of the completion of such activities. Restoration will be considered successful if construction debris is removed (unless requested otherwise by the landowner or land management agency), the area has revegetated, proper drainage has been restored, and the condition of the disturbed work space blends with the adjacent undisturbed lands to the extent possible.

5.5 Public Safety and Security

The Permittee will work with local authorities to prohibit public access to the right-of-way during construction to promote public safety and, as needed, security.

5.6 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction.

6. SPECIAL CONDITIONS

Special conditions shall take precedence over other conditions of this permit should there be a conflict. Specific Landowner Requests (Placeholder) or other requirements per the record of this proceeding may be added in future drafts of this permit.

7. DELAY IN CONSTRUCTION

When the Commission issues a pipeline routing permit, the permittee may begin construction or improvement of the route in accordance with the conditions of the permit. However, if construction and improvement have not begun within four years after the pipeline routing permit has been issued by the Commission, the Commission shall suspend the permit. If at that time, or at a later time after suspension, the permittee decides to construct the proposed pipeline, it shall certify to the Commission that there have been no significant changes in any material aspects of the conditions or circumstances existing when the permit was issued. If the Commission determines that there are no significant changes, it shall reinstate the permit. If the Commission determines that there is a significant change, it may order public information meetings or a new hearing and consider the matter further, or it may require the permittee to submit a new application (Minn. R. 7852.3300).

8. POST-CONSTRUCTION CONDITIONS

The following post-construction compliance procedures require submissions to the Commission. All submissions must be made by electronic filing (eFiling). Failure to timely and properly make compliance filings required by this permit is a failure to comply with the conditions of this permit.

8.1 Notification to Commission

At least three days before the pipeline is to be placed into service, the Permittee shall notify the Commission of the date on which the pipeline will be placed into service and the date on which construction was complete.

8.2 Post-Construction Landowner Approval

The Permittee shall work with affected landowners to obtain their signature(s) on a final, written release that indicates the affected landowner(s) is/are satisfied by the post-construction restoration of their properties to conditions that comply with the terms and conditions of this pipeline routing permit and any specific agreements between the landowner(s) and Permittee. All signed releases must be available prior to filing of the Pipeline Construction Completion Certificate as required in Section 12 of this permit.

8.3 As-Builts

Within 180 days after completion of construction, the Permittee shall submit copies of all final as-built plans and specifications developed for the project.

8.4 GPS Data

Within 90 days after completion of construction the Permittee shall submit to the Commission, in the format requested by the Commission, geospatial information (that is, ArcGIS compatible map files) for the pipeline and associated facilities.

9. RIGHT OF ENTRY

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

- a. To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- b. To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- c. To sample and monitor upon the facilities easement of the property.
- d. To examine and copy any documents pertaining to compliance with the conditions of this permit.

10. PERMIT AMENDMENT

The Permittee may apply to the Commission for an amendment of the route designation or to conditions specified in the permit in accordance with the requirements and procedures of Minn. R. 7852.3400.

11. PERMIT MODIFICATION OR SUSPENSION

If the Commission determines that substantial evidence supports a finding that a violation of the terms or conditions of this pipeline routing permit has occurred or is likely to occur, it may take action to modify or suspend this permit in accordance with Minn. R. 7852.3800. The Commission may at any time re-consider modification or suspension of this permit if the Permittee has undertaken effective measures to correct the violations.

12. PIPELINE CONSTRUCTION COMPLETION CERTIFICATE

In accordance with Minn. R. 7852.3900, the Permittee shall file with the Commission a written certification that construction of the pipeline and restoration of areas affected by construction of the pipeline has been completed in compliance with all permit conditions and landowner agreements. The certification shall be considered by the Commission within 60 days of its filing. The Commission shall accept or reject the certification of completion and make a final determination regarding cost or reimbursements due. If the certification is rejected, the Commission shall inform the Permittee in writing which deficiencies, if corrected, will allow the certification to be accepted. When corrections to the deficiencies are completed, the Permittee shall notify the Commission, and the certification shall be reconsidered as soon as possible. After acceptance of the certification, the Commission's jurisdiction over the Permittee's pipeline routing permit shall be terminated.

[Different first page link to previous setting changed from on in original to off in modified.]

Enbridge Revisions to EERA Sample Route Permit – ~~March 11~~ June 14, 2019

Attachment 1
Complaint Handling Procedures for Permitted Energy Facilities

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site preparation, construction, cleanup, restoration, operation, and maintenance.

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

D. Definitions

Complaint: A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site preparation, cleanup or restoration or other route and associated facilities permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A complaint which, despite the good faith efforts of the permittee and a person, remains unresolved or unsatisfactorily resolved to one or both of the parties.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

E. Complaint Documentation and Processing

1. The permittee shall designate an individual to summarize complaints for the Commission. This person's name, phone number and email address shall accompany all complaint submittals.
2. A person presenting the complaint should to the extent possible, include the following information in their communications:
 - a. name, address, phone number, and email address;
 - b. date of complaint;

- c. tract or parcel number; and
 - d. whether the complaint relates to a permit matter or a compliance issue.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
- a. docket number and project name;
 - b. name of complainant, address, phone number and email address;
 - c. precise description of property or parcel number;
 - d. name of permittee representative receiving complaint and date of receipt;
 - e. nature of complaint and the applicable permit condition(s);
 - f. activities undertaken to resolve the complaint; and
 - g. final disposition of the complaint.

F. Reporting Requirements

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit. The permittee shall report all complaints to the Commission according to the following schedule:

Immediate Reports: All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission’s Consumer Affairs Office at 1-800-657-3782 (voice messages are acceptable) or consumer.puc@state.mn.us. For e-mail reporting, the email subject line should read “PUC EFP Complaint” and include the appropriate project docket number.

Monthly Reports: During project construction and restoration, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Daniel P. Wolf, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>

If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

G. Complaints Received by the Commission

Complaints received directly by the Commission from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the permittee.

H. Commission Process for Unresolved Complaints

Commission staff shall perform an initial evaluation of unresolved complaints submitted to the Commission. Complaints raising substantial permit issues shall be processed and resolved by the

Commission. Staff shall notify the permittee and appropriate persons if it determines that the complaint is a substantial complaint. With respect to such complaints, each party shall submit a written summary of its position to the Commission no later than ten days after receipt of the staff notification. The complaint will be presented to the Commission for a decision as soon as practicable.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to:

This information shall be maintained current by informing the Commission of any changes as they become effective.

Attachment 2
Compliance Filing Procedures for Permitted Energy Facilities

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of submitting information required by Commission energy facility permits.

B. Scope and Applicability

This procedure encompasses all compliance filings required by permit.

C. Definitions

Compliance Filing: A filing of information to the Commission, where the information is required by a Commission site or route permit.

D. Responsibilities

1. The permittee shall file all compliance filings with Daniel P. Wolf, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the eDockets website. Permittees must register on the website to file documents.

2. All filings must have a cover sheet that includes:
 - a. Date
 - b. Name of submitter/permittee
 - c. Type of permit (site or route)
 - d. Project location
 - e. Project docket number
 - f. Permit section under which the filing is made
 - g. Short description of the filing
3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Daniel P. Wolf, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any electronically filed document.

Where the terms of the permit require that a filing be “approved as a compliance filing” be approved by the Commission, the following process and timeline shall apply:

1. DOC-EERA shall file comments and recommendations within 20 days of the filing.
2. The Executive Secretary will act on DOC-EERA comments and recommendations as appropriate.

Where the terms of the permit require that a compliance filing be approved by the Commission, the following process and timeline shall apply:

1. Commenting agencies shall have 15 days from the date of compliance filing to submit written comments to the Commission. Written comments must generally conform to the requirements in D above.
2. The Permittee shall submit written reply comments within 5 days of the close of the comment period.
3. DOC-EERA shall file comments and recommendations within 10 days of the close of the reply period.
4. The Commission may approve or reject the compliance filing, with or without oral argument.
5. The Commission shall act on a compliance filing no later than 60 days after its submittal.

Attachment 3
Permit Compliance Filings

PERMIT COMPLIANCE FILINGS

PERMITTEE: Enbridge Energy, Limited Partnership
PERMIT TYPE: Crude Oil Pipeline Route Permit
PROJECT LOCATION: St. Louis and Carlton Counties
PUC DOCKET NUMBER: PL-9/PPL-18-752

This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

Filing Number	Permit Section	Description of Compliance Filing	Due Date

| Enbridge Revisions to EERA Sample Route Permit – ~~March 11~~ June 14, 2019

Appendix A
Official Route Maps

| 67028590-167028590

AFFIDAVIT OF SERVICE

In the Matter of the Application of Enbridge Energy, Limited Partnership for a Pipeline Routing Permit and Partial Exemption for the Fond du Lac Line 4 Project in Minnesota on the Fond du Lac Reservation

MPUC Docket No. PL9/PPL-18-752

OAH Docket No. 21-2500-36053

STATE OF MINNESOTA)
) SS.
COUNTY OF HENNEPIN)

Erin E. Daniels, of the City of Minneapolis, the County of Hennepin, State of Minnesota, being duly sworn on oath, deposes and states that on the 14th day of June, 2019, she e-filed with the Minnesota Public Utilities Commission the following:

1. Enbridge Energy, Limited Partnership's Comments;
2. Attachment 1: Sample Route Permit Redline; and,
3. Affidavit of Service.

A copy has also been served in accordance with the attached service list of record.

Erin E. Daniels

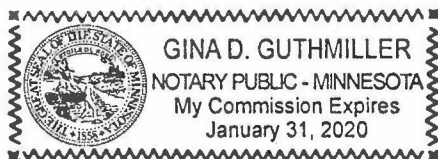
Erin E. Daniels

Subscribed and sworn to before me
this 14th day of June, 2019

Gina D. Guthmiller

Notary Public

67052709.1



First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000 Minneapolis, MN 554021425	Electronic Service	No	OFF_SL_18-752_PPL-18-752
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1800 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_18-752_PPL-18-752
Ian	Dobson	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_18-752_PPL-18-752
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_18-752_PPL-18-752
Jason	Risdall	jason.risdall@enbridge.com	Enbridge	26 East Superior St Duluth, MN 55802	Electronic Service	No	OFF_SL_18-752_PPL-18-752
Sara	Van Norman	sara@svn.legal	Van Norman Law, PLLC	1010 W Lake St Ste 100-130 Minneapolis, MN 55408	Electronic Service	No	OFF_SL_18-752_PPL-18-752
Haley	Waller Pitts	hwallerpitts@fredlaw.com	Fredrikson & Byron, P.A.	200 S 6th St Ste 4000 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_18-752_PPL-18-752
James	Watts	james.watts@enbridge.com	Enbridge Pipelines (North Dakota) LLC	26 E Superior St Ste 309 Duluth, MN 55802	Electronic Service	No	OFF_SL_18-752_PPL-18-752
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_18-752_PPL-18-752