

**STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION**

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

**IN**

**KITTSON, MARSHALL, PENNINGTON, RED LAKE, POLK, CLEARWATER, HUBBARD, WADENA, CASS,  
CROW WING, AITKIN, ST. LOUIS, AND CARLTON COUNTIES**

**ISSUED TO  
ENBRIDGE ENERGY, LIMITED PARTNERSHIP**

**PUC DOCKET NO. PL-9/PPL-15-137**

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

**ENBRIDGE ENERGY, LIMITED PARTNERSHIP**

Enbridge Energy, Limited Partnership is authorized by this routing permit to construct approximately 330 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 route maps attached to this permit and in compliance with the conditions specified in this permit.

Approved and adopted this 26th day of October 2018  
By Order of the Commission

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Daniel P. Wolf,  
Executive Secretary

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**ATTACHMENTS**

- Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities
- Attachment 2 – Compliance Filing Procedure for Permitted Energy Facilities
- Attachment 3 – Route Permit 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 Line 3 Replacement Project pipeline (Project), which includes construction of approximately 330 miles of new 36-inch diameter, crude oil pipeline and associated facilities between the North Dakota/Minnesota border and the Minnesota/Wisconsin border. The Project crosses a portion of Kittson, Marshall, Pennington, Red Lake, Polk, Clearwater, Hubbard, Wadena, Cass, Crow Wing, Aitkin, St. Louis, and Carlton counties as identified in the attached Route Maps, hereby incorporated into this document as Attachment 3.

## 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, regulation 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. The permit may not set safety standards for pipeline construction.”

**“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 along the entire length of any approved route (preserving confidentiality of sites); literature review; the results of Tribal consultation; and other matters.

**“Tribal Cultural Resources,”** is an umbrella term to refer to all historic properties of importance to tribes (including but not limited to both TCPs and Traditional Cultural Landscapes) and any other cultural resources of importance to tribes.

**“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 Project consists of approximately 330 miles of new 36-inch diameter pipeline from the North Dakota/Minnesota border to the Minnesota/Wisconsin border. The route of the pipeline follows the existing Line 3 pipeline within the Enbridge Mainline System corridor from the North Dakota/Minnesota border in Kittson County to the existing Clearbrook Terminal Facility in Clearwater County. From the Clearbrook Terminal, the pipeline diverges from the Enbridge Mainline System corridor and continues south to generally follow an existing third-party pipeline right-of-way to south Hubbard County. Approximately one quarter mile north of the Hubbard/Wadena County border the pipeline route turns east to generally follow portions of existing transmission and transportation rights-of-way and rejoins the Enbridge Mainline System corridor in St. Louis County and continues to the Minnesota/Wisconsin border. See the Route Permit Maps in Appendix A of this permit.

### **2.1 Associated Facilities**

The Project includes, and this Routing Permit authorizes, the following Associated Facilities:

#### **2.1.1 Clearbrook Terminal Expansion and Pump Station**

The Permittee will modify equipment within the existing Clearbrook Terminal as well as construct a new pump station located near Milepost (MP) 909.2 in Clearwater County, Minnesota. Improvements authorized at the existing Enbridge Clearbrook Terminal include:

- A new pump station, including four 7,000 horsepower (hp) motor and pump units, two 7,000 hp variable frequency drives, valves, sump and crude oil reinjection pump, metering, instrumentation and monitoring equipment, and associated electrical facilities including a substation with redundant utility transformers and breakers;
- A 36-inch in-line inspection tool (ILI) launcher, pump station to terminal interconnections and associated terminal piping;

- A 36-inch ILI tool receiver, valves, pressure relief system, metering, instrumentation and monitoring equipment, terminal piping, manifold interconnections, and associated electrical facilities; and
- A 16-inch meter manifold run to be added to the existing meter manifold with associated valves, interconnections, piping, instrumentation, electrical facilities, and sample system.

### 2.1.2 Pump Stations

The Permittee will construct three new pump stations adjacent to existing pump stations west of Clearbrook, and a new pump station adjacent to the Clearbrook Terminal (See Section 2.1.1). An additional four new pump stations sites will be located and constructed east of Clearbrook. Mainline valves, metering, monitoring equipment, and associated electrical facilities would also be installed at all facilities east of Clearbrook. A new ILI tool launcher and receiver traps will be constructed at the Clearbrook Terminal and the Backus Pump Station.

#### Project Pump Stations in Addition to Clearbrook

County	Facility	Milepost	Description
Kittson	Donaldson	814.5	3 new 7,000 hp motors adjacent to existing Donaldson pump station
Marshall	Viking	848.1	2 new 7,000 hp motors adjacent to existing Viking pump station
Red Lake	Plummer	877.0	3 new 7,000 hp motors adjacent to existing Plummer pump station
Clearwater	Clearbrook	909.2	4 new 7,000 hp motors adjacent to existing Clearbrook pump station
Hubbard	Two Inlets	959.3	3 new 7,000 hp motors at new pump station site
Cass	Backus	1009.8	3 new 7,000 hp motors and new inline inspection facilities at new pump station site
Aitkin	Palisade	1054.2	3 new 7,000 hp motors at new pump station site
St. Louis	Gowan North	1095.3	2 new 7,000 hp motors at new pump station site

### 2.1.3 Valves

The Permittee will install safety valves per federal Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations along the pipeline to protect populated areas, major waterbody crossings, drinking water sources, and environmentally sensitive areas. At each valve location the Permittee will install the following equipment:

- A slide-gate type valve that would be remotely controlled from the Enbridge Control Center (Control Center) and that can be operated manually as well;

- Digital pressure and temperature monitoring devices that would provide real-time pressure and temperature information to the Control Center; and
- Associated electrical and communications equipment required to control the slide-gate type valve and communicate pressure and temperature information to the Control Center.

The Permittee will install the remotely-controlled slide-gate type valves at the following locations in Minnesota:

### Safety Valve Locations

County	Milepost
Kittson	801.1
	805.7
Marshall	829.3
	836.5
Pennington	864.1
	865.1
Polk	892.5
Clearwater	920.2
	939.7
	942.4
Hubbard	948.9
	962.5
	964.8
	969.3
	972.5
	976.7
	981.9
Cass	989.8
	998.0
	1002.6
	1037.1
Aitkin	1041.1
	1061.6
	1066.1
	1069.2
St. Louis	1070.0
	1085.4
	1087.2
	1103.9

<b>County</b>	<b>Milepost</b>
Carlton	1113.9
	1117.1
	1124.2

#### **2.1.4 Cathodic Protection**

The Permittee will install cathodic protection systems along the pipeline to mitigate the threat of external corrosion on the pipeline. The approximate locations of cathodic protection systems are provided in the table below:

#### **Cathodic Protection System Locations**

<b>County</b>	<b>Milepost</b>
Pembina	801.0
Marshall	835.0
	839.0
Polk	888.0
	896.0
Clearwater	924.9
	924.9
Hubbard	951.0
	957.2
	978.5
	978.5
	985.9
Wadena	995.5
Cass	1002.6
	1018.9
	1029.9
	1041.1
Aitkin	1052.4
	1061.6
	1070.7
St. Louis	1085.4
	1091.6
	1094.0
	1095.1
	1096.4
	1098.7

County	Milepost
	1100.2
	1102.2
	1103.9
Carlton	1115.8
	1117.1
	1117.6
	1117.6
	1117.8
	1122.5
	1124.2

**2.1.5 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, or construction of new access roads, the Permittee must obtain landowner permission, conduct environmental surveys, and obtain applicable environmental permits and clearances. The Permittee will construct permanent access roads to each mainline valve. The permanent access roads will be frequently maintained throughout the life of the Project to ensure clear and unobstructed access to the pipeline in the event of an emergency response incident or other event.

**Mainline Valve Access Road Locations**

County	Mainline Valve Milepost	Length (feet)
Kittson	805.7	205.8
Marshall	829.3	277.0
	836.5	294.0
Pennington	864.1	105.6
	865.1	121.9
Polk	892.5	250.5
Clearwater	920.2	250.5
	939.7	278.0
	942.4	78.9
Hubbard	948.9	171.0
	962.5	349.3
	964.8	1074.9
	969.3	191.6
	972.5	166.0

County	Mainline Valve Milepost	Length (feet)
	976.7	571.5
	981.9	481.6
	989.8	723.6
Cass	998.0	199.7
	1002.6	173.5
	1037.1	196.6
	1041.1	257.6
Aitkin	1061.6	209.6
	1066.1	4173.6
	1069.2	1050.3
	1070.0	225.8
St. Louis	1085.4	195.1
	1087.2	6211.9
	1103.9	276.6
Carlton	1113.9	196.8
	1117.1	195.9
	1124.2	133.8

**2.2 Project Location**

The location of the Project by county, township, range, and section is provided below. Detailed depictions of the route, right-of-way, alignment, and other associated facilities are presented on the Route Permit Maps in Attachment 3.

County	Township Name	Township	Range	Section(s)
Kittson	South Red River	T160N	R50W	4, 9, 10, 14, 15, 23, 24, 25
	Skane	T160N	R49W	30, 31, 32
	Svea	T159N	R49W	5, 4, 9, 10, 15, 14, 23, 26, 25, 36
	Davis	T159N	R48W	31
Marshall	Sinnott	T158N	R48W	6, 5, 8, 9, 16, 15, 22, 23, 26, 35, 36
	Tamarac	T157N	R48W	1
	Wanger	T157N	R47W	6, 7, 8, 17, 16, 21, 22, 27, 26, 35, 36
	Alma	T156N	R47W	2, 1, 12
	Foldahl	T156N	R46W	7, 18, 17, 20, 21, 28, 33
	Comstock	T155N	R46W	4, 3, 2, 1, 12
	Viking	T155N	R45W	7, 18, 17, 20, 21, 28, 33, 34, 35
	T154N	R45W	2	
Pennington	Numendal	T154N	R45W	11, 12, 13
	Norden	T154N	R44W	18, 19, 20, 29, 28, 33, 34
	Sanders	T153N	R44W	3, 2, 11, 12, 13
	Rocksbury	T153N	R43W	18, 19, 20, 29, 32, 33
	River Falls	T152N	R43W	5, 4, 9, 10, 15, 14, 23, 24

County	Township Name	Township	Range	Section(s)
Red Lake	River	T152N	R43W	25
	Emardville	T152N	R42W	30, 31, 32
		T151N	R42W	5, 4, 9, 10, 15, 14, 23, 24
	Garnes	T151N	R41W	19, 30, 29, 28, 33, 34, 35
	Lambert	T150N	R41W	2, 1
Polk	Chester	T150N	R40W	6, 7, 8, 9, 16, 15, 14, 23, 24
	Gully	T150N	R39W	19, 30, 29, 28, 33, 34
	Eden	T149N	R39W	3, 2, 1
Clearwater	Pine Lake	T149N	R38W	6, 7, 8, 9, 16, 15, 22, 23, 24, 25
	Leon	T149N	R37W	30, 29, 32
	Holst	T148N	R37W	6, 7, 8, 17, 20, 29, 32
	Copley	T147N	R37W	5, 8, 17, 16, 21, 27, 28, 34
	Nora	T146N	R37W	3, 2, 11, 12
	Moose Creek	T146N	R36W	7, 8, 9, 10, 15, 14, 23, 26, 35
	Bear Creek	T145N	R36W	2, 11, 14, 23, 26, 35, 36
	Itasca	T144N	R35W	2, 11, 12, 13, 24
Hubbard	Lake Hattie	T144N	R35W	19, 30, 29, 32
	Lake Alice	T143N	R35W	5, 8, 17, 20, 21, 29, 32
	Clover	T142N	R35W	5, 8, 17, 20, 29, 32
	Arago	T141N	R35W	5, 8, 17, 20, 29, 32, 31
	Todd	T140N	R35W	6, 7, 18, 19, 20, 29, 32
	Straight River	T139N	R35W	5, 6, 7, 18, 19, 30, 31, 32, 33, 34, 35, 36
	Hubbard	T139N	R34W	31, 32, 33, 34, 35, 36
Wadena	Shell River	T138N	R34W	1
	Huntersville	T138N	R33W	6, 5, 4, 3, 2, 1
Cass	McKinley	T138N	R32W	6, 5, 4, 3, 2, 1
	Bull Moose	T138N	R31W	6, 5, 8, 9, 10, 11, 12
	Pine River	T138N	R30W	7, 8, 9, 10, 11, 12
	Barclay	T138N	R29W	7, 8, 9
	Blind Lake	T139N	R28W	31, 32, 29, 28, 27, 26, 25, 24
	Trelipe	T139N	R27W	19, 20, 21, 22, 15, 14, 13, 24
	Crooked Lake	T139N	R26W	19, 20, 21, 22, 15, 14, 11, 12
	Beulah	T139N	R25W	7, 8, 9, 4, 3, 2, 1
Crow Wing	Gail Lake	T138N	R29W	10, 15, 14, 11, 12, 1
	Timothy	T138N	R28W	6
Aitkin	Northwest Aitkin	T51N	R27W	28, 27, 26, 25, 36
		T51N	R25W	31, 32, 33, 34, 35, 36
	Macville	T51N	R26W	31, 32, 33, 34, 35, 36
	Verdon	T51N	R24W	31, 32, 29, 28, 27, 26, 25
	Cornish	T51N	R23W	30, 29, 28, 27, 22, 23, 24
	Northeast Aitkin	T51N	R22W	19, 20, 21, 22, 23, 24
St. Louis	Halden	T51N	R21W	19, 20, 21, 22, 23, 24
	Floodwood	T51N	R20W	19, 20, 21, 28, 27, 34, 35
	Fine Lakes	T50N	R20W	2, 1, 12
	Arrowhead	T50N	R19W	7, 8, 17, 16, 21, 22, 27, 26, 35, 36

County	Township Name	Township	Range	Section(s)
Carlton	North Carlton	T49N	R19W	1
		T48N	R18W	1
	Perch Lake	T49N	R18W	6, 7, 8, 17, 16, 21, 22, 27, 26, 35, 36
	Twin Lakes	T48N	R17W	6, 7, 8, 9, 16, 15, 22, 23, 14, 13, 24
	Silver Brook	T48N	R16W	19, 30, 29, 28, 27, 34, 35, 36
		T48N	R15W	31

**3 DESIGNATED ROUTE**

The route designated by the Commission in this permit is the route described below and shown on the Route Maps in Attachment 3 of this permit. The designated route width, as indicated on the route maps attached to this permit, is generally limited to a width of 750 feet with expanded widths in some locations not to exceed 1,300 feet. 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 (*i.e.*, permanent and maintained rights-of-way) will be located within this designated route unless otherwise authorized by this permit or the Commission. The designated route as depicted on the Route Permit Maps is expanded in certain locations to allow for the positioning and construction of the pump stations identified in Section 2.1.2.

**3.1 Permanent Right-of-Way**

This Permit authorizes the Permittee to obtain a new permanent right-of-way for the pipeline up to 50 feet in width. The permanent right-of-way is typically 25 feet on both sides of the pipeline measured from its centerline.

**3.2 Temporary Workspace**

The Permittee is authorized by this permit to acquire a 120-foot-wide construction workspace in uplands and a 95-foot-wide construction workspace in wetland and shore-land areas. 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. Temporary easements outside of the authorized route will be obtained from affected landowners through rental agreements.

**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. Additional temporary workspace outside of the authorized route will be obtained from affected landowners through rental agreements. As applicable, additional temporary workspace may be reviewed and modified by federal and state permitting authorities as part of other approval processes.

<b>Typical Dimensions of Additional Temporary Workspace</b>	
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	100 x 75
Bored Road, Foreign Pipeline, and Utility Crossings	100 x 75
Railroad Crossings	200 x 75
Pipeline Crossunders	100 x 75
Waterbody Crossings, including Horizontal Directional Drill crossings	200 x 75
Wetland Crossings	200 x 75

### **3.4 Right-of-Way Conformance**

The Project’s anticipated alignment is intended to minimize potential impacts relative to criteria identified in Minn. R. 7852.1900. The actual right-of-way will generally conform to the anticipated alignment identified on the 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 does 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 be specifically reviewed by the Commission under Minn. R. 7852.3400.

### **3.6 State and Federal Minimum Depth of Cover Requirements**

Minn. Stat. § 216G.07, subd. 1, requires the pipeline trench to be excavated to a depth of at least 54 inches (4.5 feet) of backfill from ground surface to the top of pipeline in all areas where the pipeline crosses the right-of-way of any public drainage facility or any county, town, or municipal street or highway and where the pipeline crosses cultivated agricultural land. This depth requirement may be waived in the manner provided in Minn. Stat. § 216G.07, subd. 2 and 3. Even if waivers are procured pursuant to Minn. Stat. § 216G.07, subd. 2, the Permittee must bury the pipeline to a minimum depth that complies with U.S. Department of Transportation regulations (49 CFR 195.248) and in agricultural areas to a depth below cultivation.

## **4 PRE-CONSTRUCTION CONDITIONS**

The following pre-construction conditions require submissions to the Commission. All submissions must be made by electronic filing. 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 Route Permit 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, Route Permit 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 – 4.3.16.*** The sub-plans or procedures address the following: environmental protection; agricultural protection; construction and operation 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 pesticides; restoration and revegetation; blasting; winter construction; soil; erosion and sediment control including stormwater; fugitive dust control; restoration and revegetation; waste management; complaint response and procedures; blasting; winter construction; 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 *April 2015 Route Permit Application* filed with the Commission for the Project.

The 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 CECP must be approved as a compliance filing prior to construction.

#### **4.3.1 Environmental Protection Plan**

The Environmental Protection Plan (EPP) shall outline construction-related environmental policies, procedures, and mitigation measures in coordination with state and federal permitting agencies. 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 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 Agricultural Protection Plan**

The Permittee shall develop an Agricultural Protection Plan (APP) in coordination with the Minnesota Department of Agriculture (MDA). The APP shall identify measures to avoid, mitigate, or provide compensation for, negative agricultural impacts that may result from pipeline construction. These construction standards and policies shall only apply to construction activities occurring partially or

wholly on privately owned agricultural land, and do not apply to construction activities occurring entirely on public rights-of-way, railroad rights-of-way, publicly owned land, or private land that is not agricultural land. MDA must approve of any amendments to the APP.

The APP shall address procedures used to protect livestock during all phases of construction and restoration of the areas affected by construction unless otherwise negotiated with the affected landowner; minimize mixing of topsoil and subsoil during excavation of the trench for the pipe; and minimize and mitigate soil compaction of agricultural lands. The APP must allow for mitigation measures negotiated between the landowner or tenant and the Permittee to supersede the general conditions of the APP, provided that agreement is negotiated in advance of construction.

#### **4.3.3 Spill Prevention, Containment, and Control Procedures**

The Permittee shall develop Spill Prevention, Containment and Control Procedures that describes 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.

#### **4.3.4 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.

#### **4.3.5 Petroleum-Contaminated Soil Management Plan**

The Permittee shall develop a Petroleum-Contaminated Soil Plan to address previous 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 EPP. At minimum, the plan must include: identification of petroleum-contaminated soil; containment; documentation; reporting; backfilling; site investigation; and proper disposal of contaminated soils.

#### **4.3.6 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 TCPs 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 (Minn. Stat. §§ 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 (Minn. Stat. § 138.40). The Department of Commerce and/or the SHPO/OSA will issue a written invitation to assist in the development of the plan to MIAC and the governments of all Tribes within the state, but the Permittee has primary responsibility for coordinating, completing, and delivering the plan, which must also document all efforts to engage the above entities. The Permittee shall also incorporate into the Plan the outcomes of federal consultation with the Consulting Tribes participating in the U.S. Corps of Engineers review of this project pursuant to Section 106 of the National Historic Preservation Act. The Plan must both guide and incorporate the final TCR Survey conducted by the Permittee's tribal contractor(s). 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 SHPO, the OSA, the MIAC, and the 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 upon completion (with appropriate protections for any confidential and sensitive data). Construction cannot start on any segment of the pipeline Project until the Plan for the segment, which must include the survey results, and mitigation and avoidance procedures, is final.

#### **4.3.7 Unanticipated Discoveries Plan**

The Permittee shall develop, in consultation with the Department of Commerce, United States Army Corps of Engineers (USACE) SHPO, OSA, MIAC, and all Minnesota Tribes that wish to participate, 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 Department of Commerce and/or the SHPO/OSA will issue a written invitation to assist in the development of the plan to MIAC and the governments of all Tribes within the state, but the Permittee has primary responsibility for coordinating, completing, and delivering the plan, which must also document all efforts to engage the above entities. This is in addition to and not in lieu of any other obligations that may exist under law or regulation relating to these matters.

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 USACE, 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 USACE, SHPO, the OSA, and the MIAC. The UDP shall also 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 Minn. Stat. § 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.

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.

#### **4.3.8 Rare and Sensitive Environmental Resource Procedures**

The Permittee shall develop procedures in coordination with the U.S. Fish and Wildlife Service and the Minnesota Department of Natural Resources (DNR) regarding conservation measures for rare and sensitive environmental resources, including state and federally listed species of plant, fungi or animals 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 locations; provided that site-specific plans shall be made available to resource agencies with applicable jurisdictional authority upon request.

#### **4.3.9 Application of Pesticides**

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, Minnesota Department of Natural Resources, and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner or designee to obtain approval for the use of pesticide at least 14 days prior to any application on their property. The landowner may request that there be no application of pesticides on any part of the site within the landowner's property. The Permittee shall provide notice of pesticide application to affected landowners and known beekeepers operating apiaries within three miles of the project site at least 14 days prior to such application.

#### **4.3.10 Noxious Weeds and Invasive Species Control Procedures**

The Permittee shall develop a 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 larch beetle and emerald ash borer). The procedures shall be based on applicable state regulations and information provided by the DNR, MDA, USDA Farm Service Agency (FSA), and USDA Natural Resources Conservation Service (NRCS). The Permittee must develop the procedures in coordination with 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 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.

#### **4.3.11 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.

#### **4.3.12 Blasting Plan**

The Permittee shall develop a Blasting Plan to outline the procedures and safety measures to be used while implementing blasting activities. The Blasting Plan must comply with applicable federal, state, and local regulations, and shall address, at minimum: general requirements including applicable regulation(s); pre-blasting requirements, site-specific blasting plans; monitoring; safety of personnel,

aboveground and underground structures, threatened and endangered species, and lightning hazards; in-water blasting; and use, storage, and transportation requirements. The Blasting Plan shall specify that third-party contractors shall be required to submit a site-specific Blasting Specification Plan that is consistent with the provisions of this Blasting Plan, and that the Blasting Specification Plan must be approved by the Permittee prior to blasting.

#### **4.3.13 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

#### **4.3.14 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 Stormwater Pollution Prevention Plan (SWPPP) submitted to the Minnesota Pollution Control Agency (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.

#### **4.3.15 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.

#### **4.3.16 Wetland and Water Resource Procedures**

The Permittee shall develop Wetland and Water Resource Procedures in cooperation with state and federal permitting agencies 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) and 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 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 from reaching 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 Monitors**

The Permittee must prepare an Environmental Monitor Control Plan (EMCP) that defines the roles and responsibilities of the Environmental Inspector, 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. 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 and notice to affected landowners, residents, local government units and other interested persons that provides current contact information for the field representative, as well as posting to a project website maintained by the Permittee.

#### **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. The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the EI's 14 days prior to commencing construction and upon any change that may occur during the construction of the pipeline.

#### **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 Agriculture, Department of Natural Resources, and the Pollution Control Agency 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 Agriculture, Department of Natural Resources, and the Pollution Control Agency, with the cost borne by the Permittee. The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of

the EI's 14 days prior to commencing construction and upon any change that may occur during the construction of the pipeline.

#### **4.4.4 Agricultural Monitor and 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 third-party Agricultural Monitor, approved by the Minnesota Department of Agriculture, and 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 Tribal 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. The reporting and monitoring system shall be fully operational at least 60 days prior to the first plan and profile submission.

#### **4.6 Roads**

Prior to commencement of construction, the Permittee shall identify all state, county, city and township roads that will be used during construction of 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 the permittee's 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 30 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 30 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 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**

During construction of the Project, noise standards will be enforced by the MPCA as applicable.

#### **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 been 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**

Prior to construction, the Permittee will submit for approval a security plan to the Sheriff's Office in each county where construction is to take place. The security plan and Sheriff's Office approval of the plan shall also be filed with the Commission. 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.

At all times during the term of this permit the Permittee, the Permittee's contractors and assigns shall respect the rights of the public to legally exercise their Constitutional rights without interference by the Permittee unless determined to be a public safety concern. The Permittee, the Permittee's contractors and assigns will not participate in counterinsurgency tactics or misinformation campaigns to interfere with the rights of the public to legally exercise their Constitutional rights. At all times during the term of this permit the Permittee shall comply with Minnesota's Private Detective and Protective Agent Services laws and rules, and make their records evidencing compliance available for inspection to the Public Safety Liaison and the local Sheriff's Office throughout construction.

### **5.5.1 Public Safety Escrow Account**

Prior to construction, the Permittee shall establish a Public Safety Escrow Account with an independent United States financial institution. The Public Safety Escrow Account will be managed by the selected financial institution as the trustee and in accordance with the terms of this permit. The amount of initial and additional deposit shall be determined by the Commission's Executive Secretary after consultation with the Public Safety Liaison. To receive payment from the Public Safety Escrow Account, Local Government Units (LGU) shall submit in writing an itemized request to the Public Safety Liaison sufficient to recommend to the Commission's Executive Secretary whether services rendered were additional municipal services uniquely provided as a result of construction of the pipeline during the term of this permit in addition to being reasonable and appropriate. Prior to payment from the Public Safety Escrow Account, the LGU must seek reimbursement from any existing state or federal funding programs that may exist for reimbursement of such expenses and restitution when appropriate. Any amounts not distributed within 180 days of the completion of construction shall be released back to the Permittee.

Covered additional municipal services include those incrementally additional services provided by a LGU for public safety, public health regulation, planning and other services uniquely provided as a direct result of the pipeline construction during the term of this permit for activities in and around the construction site. Additional municipal services include at a minimum the following:

- Public safety and emergency responder related coordination services;

- Public safety related costs for maintaining the peace in and around the construction site;
- Review and oversight of any private security services;
- Public emergency management services;
- Transportation management parking and traffic control services; and
- Any other emergency first responder, public safety, public works, and public health regulation services provided as a direct result of the construction of the pipeline occurring in and about the construction site.

### **5.5.2 Public Safety Liaison**

Prior to construction, the Commission’s Executive Secretary shall select an individual to be the Public Safety Liaison between the Commission, the Permittee, and the LGUs to ensure all public safety and private security provisions of this permit are executed appropriately. The Public Safety Liaison may hire or contract for clerical and auditing services to fulfill the obligations under the permit after seeking approval from the Commission’s Executive Secretary. The Public Safety Liaison is not to exercise any oversight or in any way direct the law enforcement activities of authorities for local, state, and federal agencies.

### **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.

### **6.1 Traditional Cultural Resources Training Plan**

The Permittee shall, in coordination with the Department of Commerce, MIAC, and all Minnesota Tribes that wish to participate, develop a Traditional Cultural Resource Training Plan, the Permittee shall also implement this plan. The Department of Commerce will issue a written invitation to assist in the development of the plan to MIAC and the governments of all Tribes within the state, but the Permittee has primary responsibility for coordinating, completing, and delivering the plan, which must also document all efforts to engage the above entities. This plan shall require that, prior to construction, workers are trained about the need to identify during construction and avoid or mitigate impacts to tribal cultural resources. The plan must be filed with the Commission 60 days prior to construction and must be included as part of the employee education and training required in Section 4.7.

## **6.2 Human Trafficking Prevention Plan**

The Permittee shall develop and implement a Human Trafficking Prevention Plan in coordination with the Department of Commerce, the Minnesota Human Trafficking Taskforce, MIAC, and all Minnesota Tribes that wish to participate. The Department of Commerce will issue a written invitation to assist in the development of the plan to MIAC and the governments of all Tribes within the state, but the Permittee has primary responsibility for coordinating, completing, delivering, and implementing the plan, which must also document all efforts to engage the above entities. This plan shall be designed to educate, equip, and encourage the public and those associated with pipeline construction and operation to prevent and report Project-related human trafficking. The Permittee shall establish a toll-free hotline for the purpose of reporting human trafficking during construction of the project. The plan shall be filed with the Commission 60 days prior to construction and must be included as part of the employee training and education required in Section 4.7.

The Permittee shall deposit in a Public Safety Escrow Account with an independent United States financial institution an amount determined to be appropriate for agents to enhance existing human trafficking and drug enforcement agencies and social service tasks forces to address illegal drug and human trafficking in the area of construction. This Public Safety Escrow Account will be the same account detailed under Section 5.5 (Public Safety and Security) of this permit. The Commission's Executive Secretary shall make the determination of the overall amount of funds and distribution of funds upon consultation with the Public Safety Liaison and the Tribal Monitor, who shall have conferred with law enforcement agencies and social service task forces of the affected LGUs and Tribal Governments.

## **6.3 Environmental Justice Communities Mitigation Plan**

The Permittee, in coordination with MIAC and any other Minnesota State Councils that wish to participate, and Minnesota Tribes that wish to participate, shall develop and implement an Environmental Justice Communities Mitigation Plan to mitigate disproportionate adverse impacts on Environmental Justice Communities. The Department of Commerce will issue a written invitation to assist in the development of the plan to MIAC and the other Minnesota State Councils, and the governments of all Tribes within the state, but the Permittee has primary responsibility for completing, delivering, and implementing the plan, which also must document all efforts to engage the above entities. The plan 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 plan must be approved as a compliance filing prior to construction.

With the submittal of the plan, the Permittee shall provide a summary of coordination, including:

1. a list of the entities included;
2. a description of the coordination process design and activities;
3. a summary of the results of the input received from all entities; and

4. a description of how input received from all entities informed the plan.

Additionally, the Permittee shall describe the methods and tools to be used to implement the plan, and a description of how the plan will be evaluated and, if necessary, adapted.

### **6.3.1 Environmental Justice Community Mitigation Reports**

The Permittee shall file with the Commission, no later than 30 days after approval the Environmental Justice Communities Mitigation Plan, and at the end of every other month thereafter until construction is completed, a report summarizing the Permittee's progress in implementing the elements identified in the Environmental Justice Community Mitigation Plan.

### **6.4 Exposed Pipeline Removal and Stream Restoration Plan**

Enbridge, in consultation with the affected landowner and appropriate permitting agencies, shall remove all exposed sections of the existing Line 3 pipeline. The Permittee shall report annually to the Commission about any exposed pipeline segments on existing Line 3 that are not yet removed and identify how and when the Permittee will meet federal requirements regarding exposed pipeline.

The Permittee shall also develop a Pipeline Removal and Stream Restoration Plan in coordination with the DNR, the MPCA, the Board of Soil and Water Resources, and the appropriate tribal governments, as applicable, to identify water crossings with exposed pipe that currently have or have the potential for aquatic ecosystem degradation. The Plan must describe measures to implement the pipeline removal and restoration procedures at these water crossings and provide for a regular schedule of compliance filings documenting plan implementation. The Plan 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.

### **6.5 Potable Water Well Protection**

In accordance with Minn. R. 4725.4450, subp. 1(C)(8), the pipeline must be located more than 100 feet from known water-supply wells.

Affected landowners may request the Permittee perform pre- and post-construction well water sampling, to be conducted by a third-party. Sampling parameters must be established to ensure that non-pipeline industrial or agricultural activities are not attributed to pipeline construction. Pre-construction sampling must be used to establish baseline water conditions. Post-construction sampling must be used to determine if construction activities negatively affected a landowner's potable water well. If water quality is negatively affected, the Permittee shall compensate the landowner for installation of a new well or otherwise arrange a suitable water supply as agreed to by the landowner and the Permittee.

## **6.6 Oak Wilt**

In counties where oak wilt occurs, and when there is pipeline construction through forested areas containing oak trees, precautions shall be taken from April 1 through July 1 to avoid any damage to live oak trees adjacent to the ROW. If any such damage does occur, the wounded or damaged areas on the trees where the bark has been penetrated or removed should immediately be covered with pruning paint or latex paint. This condition will be subject to inspection by the Permittee's Environmental Inspectors and the third party agency monitor.

## **6.7 North Country National Scenic Trail**

The Permittee shall coordinate with the National Park Service to develop a trail crossing plan for the North Country National Scenic Trail. The Permittee shall clear materials from the trail, as well as areas observable from the trail; restore the shape and structure of the tread way to its original condition; ensure that water does not pool or otherwise collect and flow along the trail; and re-vegetate the construction workspace adjacent to the trail to the greatest extent possible with site-appropriate trees, shrubs, and ground vegetation.

## **6.8 Mineral Resource Plan**

The Permittee must develop a Mineral Resource Plan in coordination with the DNR. The Plan must identify measures to avoid interference with the exploration or mining operations conducted on state-owned mining units. The Plan should include (1) a general description of state-owned mineral resources along the approved route; and (2) documentation of coordination with the DNR regarding measures to avoid interference with exploration and encumbrance of state-owned minerals. The Plan 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.

## **6.9 Pipeline Maintenance Shops**

The Permittee shall add and maintain two Pipeline Maintenance (PLM) shops between the Clearbrook Terminal and the Minnesota/Wisconsin border. The PLM shops shall be located at appropriate distances from the pipeline route to ensure timely first response.

## **6.10 Cyber Security**

The Permittee shall provide an annual report on its cyber security control framework. The report must include a high-level description of the cyber security control measures that are in-place to protect the pipeline system in Minnesota from cyber security threats.

### **6.11 Tribal Economic Opportunity and Labor Education Plan**

The Permittee shall develop a Tribal Economic Opportunity and Labor Education Plan. The Plan shall be submitted as a draft to the Commission by August 30, 2018 for subsequent approval by the Commission. This routing permit is contingent on approval of the Plan by the Commission. The Plan must include: (1) a discussion of a Regional Native American Training Program with the purpose of recruiting and training Native Americans in the region to qualify for a broad spectrum of employment opportunities within the pipeline industry. The Training Program must be developed in cooperation with local labor councils regularly engaged in the Permittee's pipeline construction and integrity projects, regional Tribes, and educational institutions capable of providing programs to train workers; (2) a discussion of how Minnesota-based tribal members and businesses will be given preference under the committed target; and (3) details related concerning the Commission-appointed tribal liaison, the role of the liaison, and a description of the liaison's auditing authority to ensure compliance with the Plan. The Permittee shall report annually to the Commission on the activities and spending of the Tribal Economic Opportunity and Labor Education Plan.<sup>1</sup>

### **6.12 Employment Statistics**

The Permittee shall report annually on the number of workers employed by the Project. The report shall identify the number of workers that are Minnesota residents and the number of workers that are recognized members of a Minnesota Tribe.

### **6.13 County Property Tax**

The Permittee shall report annually on its property tax liability for each county in which the Project is constructed. The report shall also detail the Permittee's property tax liability for each county crossed by the pipelines within the existing Mainline System.

## **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

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<sup>1</sup> The Commission ordered the Permittee to submit a draft of the Plan as a compliance filing by August 30, 2018. After submission of the plan, an initial and reply comment period is to be scheduled. Following the close of the reply comment period, the Commission will decide whether the Plan is acceptable. Therefore, the approval of the Tribal Economic Opportunity and Labor Education Plan is subject to a separate Commission Order.

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. 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.

### **8.5 Pipeline Integrity and Emergency Response Plan**

The Permittee shall, before the start of operation and 30 days after each modification, file a public version of its Pipeline Integrity and Emergency Response Plan describing the various aspects of pipeline integrity and safety.

## **8.6 Abandonment Plan**

The Permittee shall file with the Commission a public version of the most recent existing Line 3 abandonment report prepared in accordance with 49 CFR 195.59. The Plan 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.

## **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, except that the Commission shall retain jurisdiction to resolve any pending complaint before the Commission.

**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](mailto: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:

Jason Risdall  
Supervisor, Regulatory Affairs  
Enbridge  
26 East Superior Street, Duluth, MN 55802  
Phone: 218-522-4705  
Email: [jasonrisdall@enbridge.com](mailto:jasonrisdall@enbridge.com)

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

**ATTACHMENT 2**

Complaint 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 known 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.

#### **E. Commission Approval**

Where the terms of the permit require that a compliance filing be approved by the Commission, the following process and timeline may be used as appropriate:

1. The Executive Secretary may designate a comment period to ensure the document complies with the Commission's Order and the requirements of other agencies, as appropriate. In that case, the Permittee will be provided a period to respond to comments received during the initial comment period.
2. Upon close of the comment period the Executive Secretary will decide whether the compliance document requires a decision by the Commission.

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

**PERMIT COMPLIANCE FILINGS<sup>1</sup>**

PERMITTEE: **Enbridge**

PERMIT TYPE: **Pipeline Routing Permit**

PROJECT LOCATION: **See Route Permit Maps**

PUC DOCKET NUMBER: **PPL-15-137**

Permit Section	Description of Compliance Filing	Due Date
4.1	Permit distribution to units of government.	Within 10 days of permit issuance.
4.2	Permit distribution to affected landowners including information and educational materials on initial survey, right-of-way acquisition and preparation, construction, restoration, and future operation and maintenance.	Within 60 days of permit issuance and no later than 14 days prior to start of construction on landowners property.
4.3	Construction Environmental Control Plan (CECP)	At least 60 days prior to the first plan and profile submittal.
4.3.1	Environmental Protection Plan (EPP)	Filed with or as part of the CECP in Section 4.3.
4.3.2	Agriculture Protection Plan	Filed with or as part of the CECP in Section 4.3.
4.3.3	Spill Prevention, Containment, and Control Procedures	Filed with or as part of the CECP in Section 4.3.
4.3.4	Drilling Mud Containment, Response, and Notification Procedures	Filed with or as part of the CECP in Section 4.3.
4.3.5	Petroleum-Contaminated Soil Management Plan	Filed with or as part of the CECP in Section 4.3.

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<sup>1</sup> 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.

<b>Permit Section</b>	<b>Description of Compliance Filing</b>	<b>Due Date</b>
4.3.6	Archaeological and Historic Resources Plan	Filed with or as part of the CECP in Section 4.3.
4.3.7	Unanticipated Discoveries Plan	Filed with or as part of the CECP in Section 4.3.
4.3.8	Rare and Sensitive Environmental Resource Procedures	Filed with or as part of the CECP in Section 4.3.
4.3.9	Notice of pesticide application	14 prior to any pesticide application.
4.3.10	Noxious Weeds and Invasive Species Control procedures	Filed with or as part of the CECP in Section 4.3.
4.3.11	Revegetation and Restoration Monitoring Procedures	Filed with or as part of the CECP in Section 4.3.
4.3.12	Blasting Plan	Filed with or as part of the CECP in Section 4.3.
4.3.13	Winter Construction Procedures	Filed with or as part of the CECP in Section 4.3.
4.3.14	Soil Erosion and Sediment Control Plan	Filed with or as part of the CECP in Section 4.3.
4.3.15	Fugitive Dust Control Plan	Filed with or as part of the CECP in Section 4.3.
4.3.16	Wetland and Water Resource Procedures	Filed with or as part of the CECP in Section 4.3.
4.4	Environmental Monitor Control Plan	At least 60 days prior to the first plan and profile submittal.

<b>Permit Section</b>	<b>Description of Compliance Filing</b>	<b>Due Date</b>
4.4.1	Designate Field Representative and provide contact information.	14 days prior to starting construction.
4.4.2	Environmental Inspector	14 days prior to starting construction.
4.4.3	Third Party Agency Monitors	14 days prior to starting construction.
4.4.4	Notice to affected landowners of third party agricultural monitor contact information	14 days prior to starting construction.
4.4.5	Designate Tribal Monitor	Prior to any construction.
4.5	Develop Electronic Reporting and Monitoring System	At least 60 days prior to the first plan and profile submittal.
4.6	Identification of roads used for the project	Prior to any construction.
4.7	Employee Training Certification	60 days prior to any construction.
4.8	Plan and Profile	At least 30 days prior to construction on any portion of the project.
4.9	Weekly Project Status Reports	Weekly starting with submittal of a plan and profile through completion of restoration.
5.1	Notification of entering property	14 days prior, but not greater than 60 days in advance.
5.3	Complaint Procedures	Filed with or as part of the CECP in Section 4.3.

<b>Permit Section</b>	<b>Description of Compliance Filing</b>	<b>Due Date</b>
5.3	Unresolved complaints	File with the Commission if not resolved within 30 days of receipt of complaint.
5.4	Listing of all required permits	Filed with or as part of the CECP in Section 4.3.
5.4.5	Restoration Report	Within 60 days after completion of restoration activities.
5.5	Security Plan	Prior to any construction.
5.5.1	Public Safety Escrow Account	Prior to any construction.
5.5.2	Public Safety Liaison	Prior to any construction.
6.1	Traditional Cultural Resources Training Plan	60 days prior to any construction and to be submitted with the Employee Training Certification in Section 4.7.
6.2	Human Trafficking Prevention Plan	60 days prior to any construction and to be submitted with the Employee Training Certification in Section 4.7.
6.3	Environmental Justice Communities Mitigation Plan	At least 60 days prior to the first plan and profile submittal.
6.3.1	Environmental Justice Communities Mitigation Plan Status Reports	30 days after approval of Environmental Justice Communities Mitigation Plan and at the end of every month through completion of construction.
6.4	Annually Report on Exposed Pipeline Segments	Annually
6.4	Pipeline Removal and Stream Restoration Plan	At least 60 days prior to the first plan and profile submittal.

Permit Section	Description of Compliance Filing	Due Date
6.8	Mineral Resource Plan	At least 60 days prior to the first plan and profile submittal.
6.10	Cyber Security Control Framework Report	Annually
6.11	Tribal Economic Opportunity and Labor Education Plan. <b>Commission approval required</b>	Draft by August 30, 2018 and an annual report thereafter.
6.12	Report on Employment Statistics	Annually
6.13	Property Tax Report	Annually
8.1	Notification to Commission that pipeline has been placed into service	3 days prior to in-service date
8.3	Project As-Built Plans and Specifications	180 days after completion of construction.
8.4	Project Geospatial Data	90 days after completion of construction.
8.5	Pipeline Integrity and Emergency Response Plan	Before the start of operation and 30 days after any modification thereafter.
8.6	Abandonment Plan	The Plan 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.