



US Army Corps  
of Engineers  
St Paul District

# Public Notice

**APPLICANT: Enbridge Energy,  
Limited Partnership**

**ISSUED: 20 DEC 2018  
EXPIRES: 21 JAN 2019**

**REFER TO: 2014-01071-TJH**

**SECTION: 404 - Clean Water Act  
SECTION: 10 - Rivers and Harbors Act  
SECTION: 408 - Rivers and Harbors Act**

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1. COMBINED PUBLIC NOTICE to interested parties that the St. Paul District of the U.S. Army Corps of Engineers (USACE) has received from Enbridge Energy, Limited Partnership (“Enbridge”), a permit application pursuant to Section 10 of the Rivers and Harbor Act of 1899 (Section 10) and Section 404 of the Clean Water Act for work in navigable waters of the United States and the discharge of dredged or fill material into waters of the United States (Section 404) and a request pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 408 or “Section 408”) to alter the Lost River Flood Control Project. Under the authorities listed above, the USACE does not regulate the overall construction or operation of pipelines, nor does it regulate the siting of any type of pipeline/utility line or any substance being transported within a pipeline.

This combined public notice is for the linear project specific to the September 21, 2018 requests from Enbridge for the Enbridge Line 3 Replacement Project (Project). The Project proposes to replace 282 miles of the existing Enbridge Line 3 crude oil pipeline with 330 miles of new 36-inch-diameter pipeline and associated facilities. The section of the new line relevant to this public notice would run from the Red River valve in North Dakota to the Minnesota/Wisconsin border. The Section 10/404 permit application seeks a permit to temporarily discharge fill material into approximately 1,046.5 acres of wetlands, permanently discharge fill material into approximately 10.8 acres of wetlands, and cross 211 waterbodies. The Section 408 request seeks permission to alter the Lost River Flood Control Project. The Section 10/404 permit application and the Section 408 request for the Project are accessible on our website at the following location: [www.mvp.usace.army.mil/Enbridge\\_Line3](http://www.mvp.usace.army.mil/Enbridge_Line3)

The Section 10/404 permit application contains additional project details and a list of attachments that include:

- Attachment A: Detailed Route Maps and Index
- Attachment B: Summary of Construction Methods and Procedures for Wetland and Waterbody Crossings
- Attachment C: Environmental Protection Plan
- Attachment D: Waterbodies Crossed by the Line 3 Replacement Project Centerline
- Attachment E: Blasting Plan
- Attachment F: Wetlands Crossed by the Line 3 Replacement Project
- Attachment G: Additional Temporary Workspace within Wetlands
- Attachment H: Unanticipated Discoveries Plan

The Section 408 request contains additional information concerning the proposed alteration to the Lost River Flood Control Project and a list of attachments that include:

- Attachment A: Crossing Location Maps and Site-Specific Environmental Crossing Plan
- Attachment B: Property Owner Tax IDs
- Attachment C: Typical Drawings
- Attachment D: Environmental Protection Plan

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**SUBJECT: Enbridge Energy, Line 3 Replacement Project in Minnesota and North Dakota**

**2. SPECIFIC INFORMATION.**

APPLICANT'S ADDRESS: 26 East Superior Street, Suite 309  
Duluth, Minnesota 55802

AGENT: Fredrickson and Byron, PA 200 South Sixth Street, Suite 4000  
Minneapolis, MN 55402

PROJECT LOCATION: The Project crosses Kittson, Marshall, Pennington, Polk, Red Lake, Clearwater, Hubbard, Wadena, Cass, Crow Wing, Aitkin, St. Louis, and Carlton Counties in Minnesota, and a portion of Pembina County in North Dakota in the following Public Land Survey System (PLSS) locations.

Townships, Ranges, and Sections Crossed by the Project in Minnesota and North Dakota

Township	Range	Section(s)
48	15	31
48	16	19, 27, 28, 29, 30, 34, 35, 36
48	17	6, 7, 8, 9, 13, 14, 15, 16, 17, 22, 23, 24
48	18	1
49	18	6, 7, 8, 16, 17, 21, 22, 26, 27, 35, 36
49	19	1
50	19	7, 8, 16, 17, 21, 22, 26, 27, 35, 36
50	20	1, 2, 12
51	20	19, 20, 21, 27, 28, 34, 35
51	21	19, 20, 21, 22, 23, 24
51	22	19, 20, 21, 22, 23, 24
51	23	22, 23, 24, 27, 28, 29, 30
51	24	25, 26, 27, 28, 29, 31, 32
51	25	31, 32, 33, 34, 35, 36
51	26	31, 32, 33, 34, 35, 36
51	27	25, 26, 27, 28, 36
138	28	6
138	29	1, 7, 8, 9, 10, 11, 12, 14, 15
138	30	7, 8, 9, 10, 11, 12
138	31	5, 6, 8, 9, 10, 11, 12
138	32	1, 2, 3, 4, 5, 6
138	33	1, 2, 3, 4, 5, 6
138	34	1
139	25	1, 2, 3, 4, 7, 8, 9
139	26	11, 12, 14, 15, 19, 20, 21, 22
139	27	13, 14, 15, 19, 20, 21, 22, 24
139	28	24, 25, 26, 27, 28, 29, 31, 32
139	34	31, 32, 33, 34, 35, 36
139	35	5, 6, 7, 18, 19, 30, 31, 32, 33, 34, 35, 36
140	35	6, 7, 18, 19, 20, 29, 32
141	35	5, 8, 17, 20, 29, 31, 32
142	35	5, 8, 17, 20, 29, 32
143	35	5, 8, 17, 20, 21, 29, 32, 33
144	35	19, 29, 30, 32
144	36	2, 11, 12, 13, 24
145	36	2, 11, 14, 23, 26, 35, 36

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146	36	7, 8, 9, 10, 14, 15, 23, 26, 35
146	37	2, 3, 11, 12
147	37	5, 8, 16, 17, 21, 27, 28, 34
148	37	6, 7, 8, 17, 20, 29, 32
149	37	29, 30, 32
149	38	6, 7, 8, 9, 15, 16, 22, 23, 24, 25
149	39	1, 2, 3
150	39	19, 28, 29, 30, 33, 34
150	40	6, 7, 8, 9, 14, 15, 16, 23, 24
150	41	1, 2
151	41	19, 28, 29, 30, 33, 34, 35
151	42	4, 5, 9, 10, 14, 15, 23, 24
152	42	30, 31, 32
152	43	4, 5, 9, 10, 14, 15, 23, 24, 25
153	43	18, 19, 20, 29, 32, 33
153	44	2, 3, 11, 12, 13
154	44	18, 19, 20, 28, 29, 33, 34
154	45	2, 11, 12, 13
155	45	7, 17, 18, 20, 21, 28, 33, 34, 35
155	46	1, 2, 3, 4, 12
156	46	7, 17, 18, 20, 21, 28, 33
156	47	1, 2, 12
157	47	6, 7, 8, 16, 17, 21, 22, 26, 27, 35, 36
157	48	1
158	48	5, 6, 8, 9, 15, 16, 22, 23, 26, 35, 36
159	48	31
159	49	4, 5, 9, 10, 14, 15, 23, 25, 26, 36
160	49	30, 31, 32
160	50	4, 5, 9, 10, 14, 15, 23, 24, 25

**BACKGROUND:** The existing Enbridge Line 3 crude oil pipeline is a 34-inch-diameter, 1,097-mile long pipeline that extends from Alberta, Canada to Superior, Wisconsin. Construction of Line 3 began in 1962 as 34-inch parallel loops to Enbridge's Line 2 pipeline to create additional capacity. Enbridge constructed additional loops until a continuous 34-inch line was completed, referred to as Line 3, and then separated from Line 2 in 1968. The crude oil transported in Line 3 has varied over its many years of operation based on type of crude produced, shipper demand, and system operations. When Enbridge originally placed the line into service, it transported only light crude oil. Subsequently, Enbridge used Line 3 to transport medium and heavy crudes as well. It was designed to transport all grades of crude oil, and the type of crude oil transported upon replacement would be based on shipper demand as it is currently and was in the past.

The historic annual average operating capacity of Line 3 was approximately 760,000 (thousand) barrels per day (kbpd). Enbridge voluntarily reduced the operating pressure and capacity on Line 3 to 390 kbpd due to pipeline integrity issues, which are discussed below. The actual capacity of the pipeline is dependent on the type of crude oil being transported through the line and the presence or absence of pressure restrictions on the pipeline. Full implementation of the Line 3 Pipeline Replacement Project would restore the line to its historic annual average throughput capacity of approximately 760 kbpd, assuming the pipeline will transport of both heavy and light crudes.

Through monitoring and ongoing evaluations, Enbridge identified integrity conditions on Line 3 that would make safely maintaining it a challenge in the coming years. Specifically, the Line 3 pipe materials, coating, installation method, operating history, and surrounding environment together have resulted in the largest external corrosion anomaly density on the Enbridge Mainline System. Enbridge

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has stated that a reduction of operating pressures on the pipeline has slowed the growth of known stress corrosion cracking and long-seam cracking, and has helped avoid releases on Line 3 since pressures were reduced in 2008. Enbridge asserts that the extensive corrosion, coupled with known stress corrosion cracking and long seam cracking, would require approximately 6,250 integrity digs and repairs to be executed along the existing Line 3 in Minnesota over the next 15 years. Enbridge estimates that the cost of such an extensive dig and repair program is nearly equal to that of replacement and would result in year-over-year impacts to landowners and to the environment. If the dig and repair program were to continue, it would not comprehensively address the pervasive integrity issues present on Line 3, or restore the pipeline capacity needed to reliably serve refiners.

Accordingly, Enbridge has proposed the replacement of Line 3 to ensure the continued safe operation of the Enbridge Mainline System, to restore the capacity needed to meet current and forecasted demands from shippers, and to ensure continued reliable crude oil transportation to refineries in Minnesota through Enbridge's Clearbrook Terminal, as well as continued deliveries to various Midwest, Eastern Canada, and Gulf Coast refineries through the Enbridge Superior Terminal.

**PROJECT DESCRIPTION:** The Project includes the replacement of approximately 282 miles of the existing 34-inch-diameter Line 3 pipeline from the Red River valve in North Dakota to the Minnesota/Wisconsin border with 330 miles of new 36-inch-diameter pipeline and associated facilities along Enbridge's Designated Route.

Enbridge's Designated Route generally follows the existing Line 3 pipeline along the Enbridge Mainline System right-of-way from the North Dakota/Minnesota border in Kittson County to the Clearbrook Terminal in Clearwater County. The pipeline route then turns south from Clearbrook to generally follow an existing third-party crude oil pipeline right-of-way to Hubbard County. The route then turns east near Park Rapids to generally follow other existing electric transmission lines until it rejoins the Enbridge Mainline System right-of-way in St. Louis County. The Designated Route passes through the Fond du Lac Reservation and ends at the Minnesota/Wisconsin border in Carlton County.

The Project includes equipment upgrades and an expansion of the existing Clearbrook Terminal footprint. In addition, it includes the installation of 37 above-ground mainline valves near major rivers, population centers, at pump stations, and in environmentally sensitive areas along the Designated Route. Eight new pump stations within the permanent pipeline right-of-way are proposed. Four of the new pump stations would be constructed adjacent to existing station sites at Donaldson (Kittson County), Viking (Marshall County), Plummer (Red Lake County), and Clearbrook (Clearwater County). The remaining four new pump station sites would be located east of Clearbrook at Two Inlets (Hubbard County), Backus (Cass County), Swatara (Aitkin County), and North Gowan (St. Louis County). The Clearbrook and Backus Pump Stations would include a new inline inspection tool launcher, receiver traps, valves, metering and monitoring equipment, and associated electrical facilities required at all of the pump station sites.

Cathodic protection systems, installed along buried pipelines to mitigate the threat of external corrosion on pipelines, would be installed to protect the pipeline from the corrosive effects of soil and co-located utilities.

The Line 3 replacement pipeline would be constructed using industry-accepted construction methods and would follow a typical sequential process which includes: survey and staking, clearing and site preparation, pipe stringing, bending, welding, coating, trenching, lowering-in, backfilling, hydrostatic testing, cleanup, and restoration. In most areas, these construction processes would proceed in an orderly assembly-line fashion with construction crews moving along the construction right-of-way. Construction crews would use temporary access roads for ingress/egress to the Project workspace

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where travel down the right-of-way is not feasible. The document entitled “Summary of Construction Methods and Procedures for Wetland and Waterbody Crossings” (Attachment B of the permit application) contains descriptions of typical construction methods that would be used for the proposed project and procedures for wetland and waterbody crossings.

Enbridge has requested electric service for the L3R pump stations south of Clearbrook, which include the Two Inlets, Backus, Swatara, and North Gowan pump station from Great River Energy, in partnership with its member retail distribution cooperatives. The transmission company or companies would request separate authorizations from the USACE for proposed discharges of dredged or fill material in navigable waters or jurisdictional wetlands associated with the installation or construction of overhead transmission lines or facilities.

Enbridge would permanently deactivate (i.e., permanently remove from service) the existing Line 3 pipeline after construction and commissioning of the Project in accordance with Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations. Pipeline deactivation steps include purging the pipeline of oil and cleaning, isolating and segmenting the pipeline as needed from specified infrastructure, completing all required remediation at water bodies, roads and railroads and other permitted crossings in coordination with permit authorities, and continuing monitoring of the existing Line 3 right-of-way. Once the existing Line 3 is permanently removed from service, portions of pipeline may be removed, including exposed segments of the pipeline and segments in areas where landowners have requested removal after the appropriate permits and authorizations have been obtained. Enbridge would consult with the USACE and apply for the appropriate permit(s) to conduct any activities that may include dredge and fill activities within waters of the United States prior to commencing permanent deactivation of existing Line 3.

**PURPOSE AND NEED:** Enbridge has stated that the Project is needed to improve public safety and protection of the environment by replacing the existing Line 3, an aging pipeline operating at reduced capacity with a large number of identified pipe defects and anomalies, with a new pipeline constructed with the latest construction practices, technology and materials.

The Project would enable Enbridge to better meet the demand for crude oil by allowing Enbridge to more reliably and efficiently transport an economical and secure supply of crude oil by restoring the capacity of the pipeline to its historic operating capacity of 760,000 bpd. The restored operational flexibility would allow Enbridge to more efficiently operate and optimize the Enbridge Mainline System and reduce power utilization on a per barrel basis. Enbridge has stated that these benefits would help to ensure the future adequacy, reliability, and efficiency of energy supply to its customers.

**PROJECT ALTERNATIVES:** Enbridge studied a variety of major route alternatives and minor route variations in developing its preferred route for the project. In selecting its preferred route, Enbridge considered constraints, opportunities, technical guidelines, potential environmental impacts, and economic feasibility. The geographic requirements necessary to meet project purpose and objectives are that the Project must cross into Minnesota in Kittson County, make deliveries to and interconnect with other Enbridge and third-party pipelines at the Clearbrook Terminal, and exit Minnesota in Carlton County to connect with the Superior Terminal in Wisconsin.

Enbridge selected locations for new pump stations based on the results of their hydraulic studies to achieve optimum pipeline performance. Enbridge also considered and evaluated other location factors that are important in minimizing impacts to the environment and human settlement. Some of the factors considered include, but are not limited to:

- Avoiding sensitive areas such as state forests;

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- Avoiding wetlands and/or minimizing wetland impacts where possible;
- Minimizing tree clearing;
- Avoiding close proximity to residential areas and communities;
- Ensuring reasonably level grade;
- Ensuring that the site spacing provides sufficient clearances to allow effective operation and maintenance of all components;
- Ensuring reasonable highway access with minimal upgrading of municipal roads;
- Ensuring reasonable access to suitable power and utilities;
- Ability to locate on the correct side of the mainline corridor to prevent pipe cross-overs for station suction and discharge lines; and
- Land availability.

Enbridge applied for a Certificate of Need and a Route Permit from the Minnesota Public Utilities Commission (“MPUC”) to construct and operate the proposed Project along its preferred route on April 24, 2015. The MPUC asked the Minnesota Department of Commerce, Energy Environmental Review and Analysis (“DOCEERA”) staff to prepare an Environmental Impact Statement (“EIS”) in cooperation with the Minnesota Department of Natural Resources (“MDNR”) and Minnesota Pollution Control Agency (“MPCA”) to facilitate the review of Enbridge’s Certificate of Need and Route Permit applications for the Project in accordance with Minnesota Administrative Rules Chapter 4410. The DOCEERA issued the draft EIS on May 15, 2017 and the final EIS (“FEIS”) on August 17, 2017. On December 7, 2017, the MPUC deemed the FEIS inadequate on the basis of four specific issues, and a revised FEIS was published on February 12, 2018. On May 1, 2018, the MPUC issued a written order finding the revised FEIS adequate.

The FEIS included a comparative analysis of seven Certificate of Need Alternatives:

1. Continued Use of Existing Line 3
2. Use of Other Pipelines
3. System Alternative SA-04
4. Transportation by Rail
5. Transportation by Truck
6. Existing Line 3 Supplemented by Rail
7. Existing Line 3 Supplemented by Truck

The FEIS included a comparative analysis of the following four Route Permit Alternatives:

RA-03AM	RA-06	RA-07	RA-08
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The FEIS also included a comparative analysis of 24 Route Segment Alternatives which varied in length from one mile to more than 60 miles:

RSA-05	RSA-22	RSA-34	RSA-45
RSA-10	RSA-23	RSA-35	RSA-46
RSA-15	RSA-27	RSA-37	RSA-49
RSA-Blandin	RSA-28	RSA-42	RSA-51
RSA-White Elk Lake	RSA-31	RSA-43	RSA-52
RSA-21	RSA-33	RSA-44	RSA-53 (RA-07)

The comparative analyses of the Certificate of Need and Route Permit Alternatives to the Project summarized above are described in Chapter 4 of the revised FEIS, which is available on the DOC-

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EERA website at the following location:

<https://mn.gov/commerce/energyfacilities/resource.html?id=34776> .

On June 28, 2018 the MPUC granted a Certificate of Need for the Project subject to Certificate of Need modifications. On September 5, 2018, the MPUC issued a written Order granting the Certificate of Need as modified and requiring filings.

On October 26, 2018, the MPUC issued a written order granting a Route Permit identifying Enbridge's Preferred Project Route inclusive of RSA-05 and RSA-22 as the MPUC's Designated Route. The Designated Route approved by the MPUC is a 750-foot-wide corridor, which allows for minor adjustments to the pipeline alignment and permanent right-of-way within the Designated Route corridor. The Designated Route is shown in Figure 2.0-1 of the permit application.

**QUANTITIES, TYPES, AND AREAS OF FILL:** Enbridge conducted wetland delineation surveys along the Designated Route between 2013 and 2018 to identify waterbodies and wetlands by quantity and type that would be affected during Project construction. Where field-verified survey data were not available, Enbridge used US Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) data to identify potential wetlands that would be crossed by the Project. Through the combination of NWI and field data, Enbridge determined that the Project would cross approximately 78.3 linear miles of wetlands. The proposed Project's impacts to waterbodies and wetlands are described in Section 9.0 of the permit application.

**Temporary Wetland Impacts and Permanent Wetland Conversions:** Construction activities within the main line corridor would result in temporary wetland impacts and permanent wetland type conversions to approximately 1,046.5 acres of wetlands. Temporary wetland impacts and permanent wetland conversions are attributable to pipeline construction in wetlands, Additional Temporary Work Spaces (ATWS), cathodic protection areas, and temporary access road construction. Enbridge would restore all temporarily-impacted wetlands to preconstruction conditions. The Project's temporary impacts and permanent conversions of wetlands are described in Section 9.1 of the permit application.

**Permanent Wetland Impacts:** Approximately 10.8 acres of permanent wetland impacts associated with the construction and installation of pump stations and valves are also described in Section 9.1 of the permit application.

**Waterbody Crossings:** Enbridge used hydrographic spatial data (National Hydrography Data (NHD) to identify waterbodies (i.e., lakes, streams, rivers, and drainage ditches) crossed by the Designated Route when survey data were not available. This review identified 211 waterbodies crossed by the Designated Route, 94 of which are ditches. Eighty-five of the waterbodies are considered perennial, 106 are considered intermittent, and 20 are considered ephemeral. Of these waterbodies, 56 are designated as Public Waters by MDNR, and 3 are considered Section 10 navigable waters. Waterbodies crossed by the Project are summarized in Section 9.1.1 of the permit application. A list of individual waterbodies crossed by the Project is included in Attachment D of the permit application.

Proposed and alternative crossing methods (horizontal directional drilling (HDD), dry crossing, and wet open cut are identified in Attachment D of the permit application for each waterbody crossed. The Summary of Construction Methods and Procedures for Wetland and Waterbody Crossings (Attachment B of the permit application) provides a summary of the criteria Enbridge applied to determine preferred crossing methods for each affected waterbody.

Twenty-one of the waterbodies would be crossed by access roads required for construction of the Project. Enbridge proposes to construct permanent bridges across two waterbodies to access valve

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sites. All other bridges would be temporary bridges, some of which Enbridge would install instream supports for equipment to travel safely across. Temporary clear span bridges that do not require instream supports would have no impact below the ordinary high water mark. Therefore, there would be no anticipated dredge and fill impacts associated with proposed clear span bridge crossings. Waterbodies crossed by access roads for the Project are summarized in Table 9.1-3 of the permit application.

**OUTSTANDING RESOURCE VALUE WATERS:** The Project would cross the listed Gully 30 calcareous fen in Polk County near MP 894.0. On November 13, 2009, MDNR approved a calcareous fen management plan for the Alberta Clipper (Line 67) Pipeline Crossing of the Gully 30 Calcareous Fen. Crossing this fen would require the MDNR Commissioner's approval of a new Fen Management Plan. Enbridge has prepared and submitted a calcareous Fen Management Plan to the MDNR for this crossing. Additionally, two crossings of the Mississippi River are proposed at MPs 941.0 and 1069.6.

**LOST RIVER FLOOD CONTROL PROJECT:** The Lost River Flood Control Project is a federal project located in Red Lake County, Minnesota and was constructed by the USACE to alleviate local flooding along the Lost River in northwestern Minnesota. In whole, the federal project consists of channel snagging and clearing within the Lost River beginning at its confluence with the Clearwater River and extending upstream 20 miles, and channel enlargement and straightening from that point for another 23 miles upstream along the Lost River.

The portion of federal project where channel enlargement and straightening was completed was designed to accommodate all river flows up to those occurring with a frequency of about once in 5 years within the channel. Channel straightening reduced the overall length of the river by approximately 2 miles. Additional project features included installation of drop and inlet structures and modifications to ditches entering the project, channel bank protection, modifications to existing pipelines, sewer, and utilities, and bridge changes. Figure 1 in the Lost River Flood Control Project drawings provides an overview of the project features for the Lost River crossing. The federal project was authorized by the Flood Control Act of 1958. Construction of the federal project was completed in 1965. The Red Lake Watershed District (formerly Red Lake Drainage and Conservancy District) is the non-federal sponsor for the federal project.

Enbridge proposes to install the Project within an existing utility line corridor crossing the federal project near the city of Oklee, Minnesota, near Enbridge Project Milepost 885.8. The federal project at this location consists of an enlarged channel, which was constructed to approximately 40 feet in width with 1 foot on 3 foot side slopes. This work resulted in the lowering of the bed of the river by approximately 5 feet. Generally, excavated materials were sidecast along the sides of the river to form spoil banks up to 8 feet in height. Figure 2 in the Lost River Flood Control Project drawings shows the nearest design cross section to the location of the proposed pipeline crossing. The existing utility line corridor contains six utility lines, including the existing Line 3 pipeline.

Enbridge proposes to use a dam and pump method for pipeline installation. The dam and pump method involves damming of the stream upstream and downstream of the proposed trench and pumping water around the construction area. Construction equipment would operate in dry conditions to excavate a trench across the stream bed, install the pipeline, and backfill the trench using material excavated from the trench. Materials used for dam construction would be removed once the pipeline was placed, the trench backfilled, and the bank stabilized. A temporary span bridge with in-stream support would also be installed for construction access in the Lost River. The bridge would consist of wood timber mats that would be cabled together and anchored to the stream banks. The length of crossing within the Lost River is approximately 50 feet in length. The proposed construction workspace to accommodate pipeline installation activities, including the temporary span bridge, is 95



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feet in width. Additional temporary workspace for staging and storage is located adjacent to the river crossing location. No in-channel work would occur between March 15 and June 15 to avoid impacts to fisheries in accordance with anticipated state agency permit conditions.

The installation of the pipeline at the Lost River crossing would occur after mainline pipeline construction on either side of the river is completed and would then be tied-in to the mainline pipeline. The pipeline would not be placed into service until the trench has been backfilled and the pipeline has been welded, inspected, and hydrostatically tested to ensure its integrity.

A detailed description and drawings showing pipeline installation activities, including environmental protection activities at the Lost River location can be found in the Section 408 Review Request materials submitted by Enbridge and located on the Project website.

Enbridge plans to commence with pipeline construction activities as soon as all construction-related regulatory approvals are obtained, while adhering to the March 15 to June 15 restrictions for in-channel work.

**THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE:** None have been identified by the applicant. Procedures for the handling and management of potentially hazardous materials are outlined in the Environmental Protection Plan (Attachment C of the permit application).

**THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT:** The Applicant's Environmental Protection Plan (Attachment C of the Section 10/404 permit application) describes the construction-related environmental procedures and protection measures developed as a baseline for project construction.

**COMPENSATORY MITIGATION:** Enbridge would provide compensatory wetland mitigation for unavoidable permanent fill and for wetland type conversions of scrub-shrub and forested wetlands, as well as temporal loss, in accordance with the USACE and EPA Final Rule regarding Compensatory Mitigation for Losses of Aquatic Resources 33 CFR Parts 325 and 322 and 40 CFR Part 230, (2008) ("Mitigation Rule"), and the 2009 St. Paul District USACE Mitigation Policy ("District Mitigation Policy").

Section 10.0 of the permit application describes the compensatory mitigation that Enbridge has proposed for the Project. Enbridge would restore all temporarily-impacted wetlands to pre-construction conditions. For permanent wetland impacts associated with the construction of pump stations and valves, compensatory mitigation would be provided in accordance with the Mitigation Rule and District Mitigation Policy. Factors used to determine required compensation ratios include wetland impact type, impact locations, and timing. Enbridge would secure USACE-approved wetland mitigation bank credits to compensate for unavoidable permanent wetland impacts in watersheds crossed by the Project.

**POST-CONSTRUCTION WETLAND MONITORING:** Enbridge proposes to conduct wetland monitoring efforts during the growing season in years 1, 3, and 5 post-construction. The initial stage of monitoring would occur to ensure proper maintenance of erosion and sediment control and related site-restoration structures until affected areas stabilize with new vegetation. Enbridge would monitor wetlands for stabilization, crowning, subsidence, restoration of hydrologic features (e.g., ponding or water impoundment), invasive species (e.g., type, density, and distribution as compared to preconstruction conditions), vegetative cover and species composition. The primary focus of the initial monitoring would be on the development of plant communities in affected areas and the restoration of topography to match pre-construction conditions within the tolerance specified in the permits.

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Enbridge would provide formal reports of the monitoring results to the USACE by December 31st of each monitoring year.

**3. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.**

This application is being coordinated with the U.S. Fish and Wildlife Service (USFWS). Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat would be considered in the USACE final assessment of the described work.

Enbridge met with USFWS Minnesota-Wisconsin Field Office staff in November 2014 and January 2018 to discuss the Project and to discuss distribution and survey requirements for species protected under the Endangered Species Act ("ESA") that may occur along the Designated Route. Enbridge developed the Project's list of federally threatened and endangered species based on the USFWS's Information for Planning and Consultation website, USFWS Region 3 county lists, and communications with USFWS staff. Enbridge will continue to monitor changes in ESA status for all species that may be affected by the Project. Enbridge will submit an Applicant-Prepared Biological Assessment to the USACE to support its Section 7 consultation with the USFWS. Section 12.1 of the permit application contains the historic range of federally-listed threatened and endangered species and critical habitat areas in Counties crossed by the Project.

**4. JURISDICTION.**

This application is being reviewed in accordance with current practices for documenting USACE jurisdiction under Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act.

We have made a preliminary determination that the aquatic resources that would be impacted by the proposed project are subject to USACE jurisdiction under Section 10 and/or Section 404. If an approved jurisdictional determination is completed as part of the review process for this application, a copy will be posted on the St. Paul District web page at the following link:

<http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

**OTHER STATE, COUNTY, AND/OR LOCAL PERMITS THAT HAVE BEEN APPLIED FOR/ISSUED:** Section 12.0 of the permit application contains a list of government agencies or authorities with which Enbridge must file applications or request concurrence prior to construction of the Project.

**5. SECTION 401 WATER QUALITY CERTIFICATIONS:**

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act (Section 401). Section 401 Water Quality Certifications are required from the Minnesota Pollution Control Agency (MPCA), the Fond du Lac Band of Lake Superior Chippewa, and the North Dakota Department of Health.

In Minnesota, the state Section 401 authority is the MPCA. It is the permit applicant's responsibility to request Section 401 certification from the MPCA, ensure that the MPCA has received a valid, complete application for state Section 401 certification, and to obtain a final Section 401 action from the MPCA. The MPCA has indicated that it plans to issue its public notice of the Section 401 water quality certification action under Minnesota Rules Part 7001 at a later date. The MPCA has also

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indicated that the Section 401 process shall commence upon the receipt of a request for Section 401 certification from the permit applicant.

On Fond du Lac Reservation lands in Minnesota, the Fond du Lac Band of Lake Superior Chippewa has Section 401 authority for the segment of the Project that crosses reservation lands. Enbridge has requested Section 401 certification from the Fond du Lac Band.

In North Dakota, the state Section 401 authority is the North Dakota Department of Health. A Section 401 certification is required for the North Dakota segment of the Project from the Red River Crossing to the first terminal point valve in North Dakota. The USACE will request Section 401 certification from the North Dakota Department of Health.

**6. HISTORICAL/ARCHAEOLOGICAL.**

The USACE is currently consulting with the various federally recognized American Indian tribes, the Minnesota State Historic Preservation Office (SHPO), and Enbridge concerning potential effects to historic properties, pursuant to its responsibilities under the National Historic Preservation Act.

Enbridge conducted archaeological and architectural history surveys along most of the Designated Route between 2013 and 2017 to identify historic properties that may be affected by the proposed Project. Enbridge initiated consultation with the SHPO in November 2014, pursuant to state statutes. The USACE has initiated consultation with the SHPO concerning architectural properties, but has deferred SHPO consultation on archaeological resources, because of ongoing tribal consultation. As a result of USACE consultation with the interested tribes, which was initiated in September of 2015, Tribal Cultural Surveys are being conducted along the entire Project corridor. This is in addition to the archaeological and architectural history surveys. Those surveys are being conducted to identify historic properties of traditional cultural and religious significance to tribes, which may be affected by the proposed Project and will inform the results of the archaeological surveys conducted by Enbridge. Tribal consultation leading to implementation of the Tribal Cultural Surveys involved several large-group tribal meetings, archaeological site visits, and tribal survey planning meetings. Regularly scheduled conference calls are held to update interested tribes on survey progress.

This public notice is being sent to the National Park Service and the State Archaeologist for their comments. The USACE will review survey results providing information on known cultural resources and/or historic properties within and adjacent to the Project area and will determine the potential effects of the USACE permit action on those properties in consultation with the SHPO and consulting Indian tribes. Any adverse effects on historic properties will be resolved prior to USACE authorization, or approval, of the work in connection with the Project.

Enbridge has also developed an Unanticipated Discoveries Plan (Attachment H of the permit application) for use during all Project construction activities. The Unanticipated Discoveries Plan will be subject to SHPO and tribal consultation and prescribes actions to be taken in the event that previously unrecorded archaeological or historic site or human remains are discovered during construction activities.

**7. PUBLIC HEARING REQUESTS.**

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

**8. SECTION 10/404 PUBLIC INTEREST REVIEW.**

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

**9. SECTION 408 REQUEST EVALUATION.**

The request to alter the Lost River Flood Control Project will be reviewed pursuant to Section 408 and Engineer Circular 1165-2-220, which provides policy and procedural guidance for processing and evaluating requests to alter USACE civil works projects.

Section 408 requests are reviewed by USACE consistent with the following main determinations:

a. Impacts to the Usefulness of the USACE Project. The objective of this determination is to ensure that the proposed alteration will not limit the ability of the USACE project to function as authorized and will not compromise or change any authorized project conditions, purposes or outputs. All appropriate technical analyses including geotechnical, structural, hydraulic and hydrologic, real estate, construction, and operations and maintenance requirements, must be conducted, and the technical adequacy of the design must be reviewed. If at any time it is concluded that the usefulness of the authorized project will be negatively impacted, any further evaluation should be terminated and the requester notified. Section 408 permission will not be granted for a proposed alteration that would have an effect of deauthorizing a USACE project or eliminating an authorized project purpose.

b. Injurious to the Public Interest. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Evaluation of the probable impacts that the proposed alteration to the USACE project may have on the public interest requires a careful weighing of all those factors that are relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be compared against its reasonably foreseeable detriments. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation should consider information received from key stakeholders, interested parties, tribes, agencies, and the public. As a general rule, proposed alterations that will result in substantial adverse changes in water surface profiles will not be approved.

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c. Legal and Policy Compliance. A determination will be made by the appropriate Office of Counsel as to whether the request meets all legal and policy requirements.

10. REPLIES/COMMENTS.

The USACE is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Written comments may be emailed to: [CEMVP-L3R-PN-Comments@usace.army.mil](mailto:CEMVP-L3R-PN-Comments@usace.army.mil)

Written comments may be mailed to: St. Paul District Corps of Engineers,  
CEMVP-OP-R  
180 Fifth Street East, Suite 700  
Saint Paul, MN 55101 1678.

To receive Regulatory Public Notices by e-mail, go to: [http://mvp-extstp/list\\_server/](http://mvp-extstp/list_server/) and add your information in the New Registration Box.