



US Army Corps  
of Engineers  
St Paul District

## Public Notice

ISSUED: December 16, 2008

EXPIRES: January 16, 2009

REFER TO: 2008-4399-BAJ

SECTION: 404-Clean Water Act

APPLICANT: Enbridge Energy, Limited Partnership 10-Rivers and Harbors Act

1. APPLICATION FOR PERMIT to cross navigable waters of the United States and to discharge dredged and fill material into wetlands and waterways for the construction of a 36" diameter crude oil pipeline from the Red River of the North near Mattson, Minnesota to Superior, Wisconsin, and a 20" diameter diluent pipeline from Clearbrook, Minnesota to Superior, Wisconsin.

2. SPECIFIC INFORMATION: **Applicant:** Enbridge Energy LP and Enbridge Pipelines (Southern Lights) LLC, 1320 Grand Avenue, Superior, Wisconsin 54880. **Agent:** Linda Fisher, Larkin Hoffman, 1500 Wells Fargo Plaza, 7900 Xerxes Avenue South, Minneapolis, Minnesota 55431.

**PROJECT LOCATION:** As shown in the enclosed figure, the proposed 36" crude oil pipeline (Alberta Clipper) enters the United States, from Canada, at Neche, North Dakota and proceeds across eastern North Dakota, northern Minnesota and northwestern Wisconsin, terminating in Superior, Wis. The 20" diluent pipeline (Southern Lights Diluent) would run from Superior, Wis. to Clearbrook, MN. The portion of the project from the Red River crossing at the border of North Dakota and Minnesota to Superior, Wisconsin is in the geographic jurisdiction of the U.S. Army Corps of Engineers St. Paul District. The portion of the project between the Red River crossing and Neche, ND is in the geographic jurisdiction of the U.S. Army Corps of Engineers Omaha District, North Dakota Regulatory Office.

**DESCRIPTION OF PROJECT:** The proposed pipelines would generally be located in close proximity to Enbridge's existing pipeline rights-of-way across northern Minnesota and northwestern Wisconsin. A greenfield reroute is proposed around the Fond du Lac Reservation. Within the St. Paul District's jurisdiction, the pipelines would have a total of 154 waterbody crossings and 628 wetland crossings (84.9 linear miles). Approximately 1372 acres of wetlands would be temporarily impacted during construction. There would be no permanent wetland loss associated with the project. However, approximately 303 acres of forested wetlands and 271 acres of scrub-shrub wetlands would be cleared during construction. Of these totals, 171 acres of forested wetlands and 141 acres of scrub-shrub wetlands would be permanently maintained as herbaceous wetlands (free of woody vegetation). The remaining forested and scrub-shrub wetlands may ultimately recover their woody vegetation component, depending on landowner activities in those areas. The applicant would be required to provide compensatory mitigation to replace the loss of wetland functions and values resulting from the project.

3. REPLIES/COMMENTS. The Corps St. Paul District invites public comment regarding the potential impacts to Waters of the U.S. associated with the proposed project. Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. Replies may be addressed to Leo Grabowski, in the Brainerd Field Office, 10867 East Gull Lake Drive NW, Brainerd, MN 56401-9051.

4. DOCUMENT AVAILABILITY. This public notice and more detailed information are available on the Corps St. Paul District internet web site at <http://www.mvp.usace.army.mil/regulatory/>. The proposed pipeline requires a Certificate of Need (CON) and a Pipeline Routing Permit (PRP) from the Minnesota Public Utilities Commission (PUC). Information regarding the PUC review of the project is available on eDockets at: <http://www.edockets.state.mn.us/>. The project also requires authorization from

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eDockets at: <http://www.edockets.state.mn.us/>. The project also requires authorization from the U.S. Department of State (DOS). The DOS is preparing an environmental impact statement for the project. Information about the DOS review is available at [www.albertaclipper.state.gov](http://www.albertaclipper.state.gov). Comments on the EIS should be directed to the DOS. Information on Enbridge's applications, including associated maps and drawings, is available for review and download at [www.enbridgeus.com/publicinfo](http://www.enbridgeus.com/publicinfo). Contact Enbridge's toll-free public information number at (866) 410-4356 for more information.

5. PUBLIC HEARING. 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.

6. STATE SECTION 401 WATER QUALITY CERTIFICATION. Valid Section 404 permits cannot be issued for any activity unless state or EPA water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The Section 401 authority on non-reservation lands in Minnesota is the Pollution Control Agency (MPCA), in Wisconsin, the Department of Natural Resources (WDNR) and within the Leech Lake Reservation, the U.S. Environmental Protection Agency (EPA).

This Public Notice has been sent to the Wisconsin Department of Natural Resources and is considered by the District Engineer to constitute valid notification to that agency for water quality certification.

The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. The Section 401 process shall commence upon the issuance date of this public notice. Any comments relative to MPCA's Section 401 Certification for the activity proposed in this public notice may be sent to: MPCA Regional Environmental Management Division, ATTN: 401 Certification, 520 Lafayette Road, North St. Paul, Minnesota 55155-41946.

The EPA point of contact for Section 401 certification on reservations is: Ms. Janice Cheng, U.S. EPA, Watersheds & Wetlands Branch, WW-16J, 77 W. Jackson Blvd., Chicago, IL 60604; email: [cheng.janice@epamail.epa.gov](mailto:cheng.janice@epamail.epa.gov).

7. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT. The DOS has been designated as the lead federal agency of the purpose of consultation pursuant to the Endangered Species Act. This public notice is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

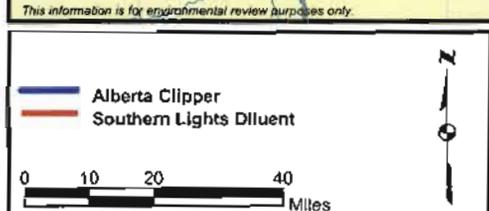
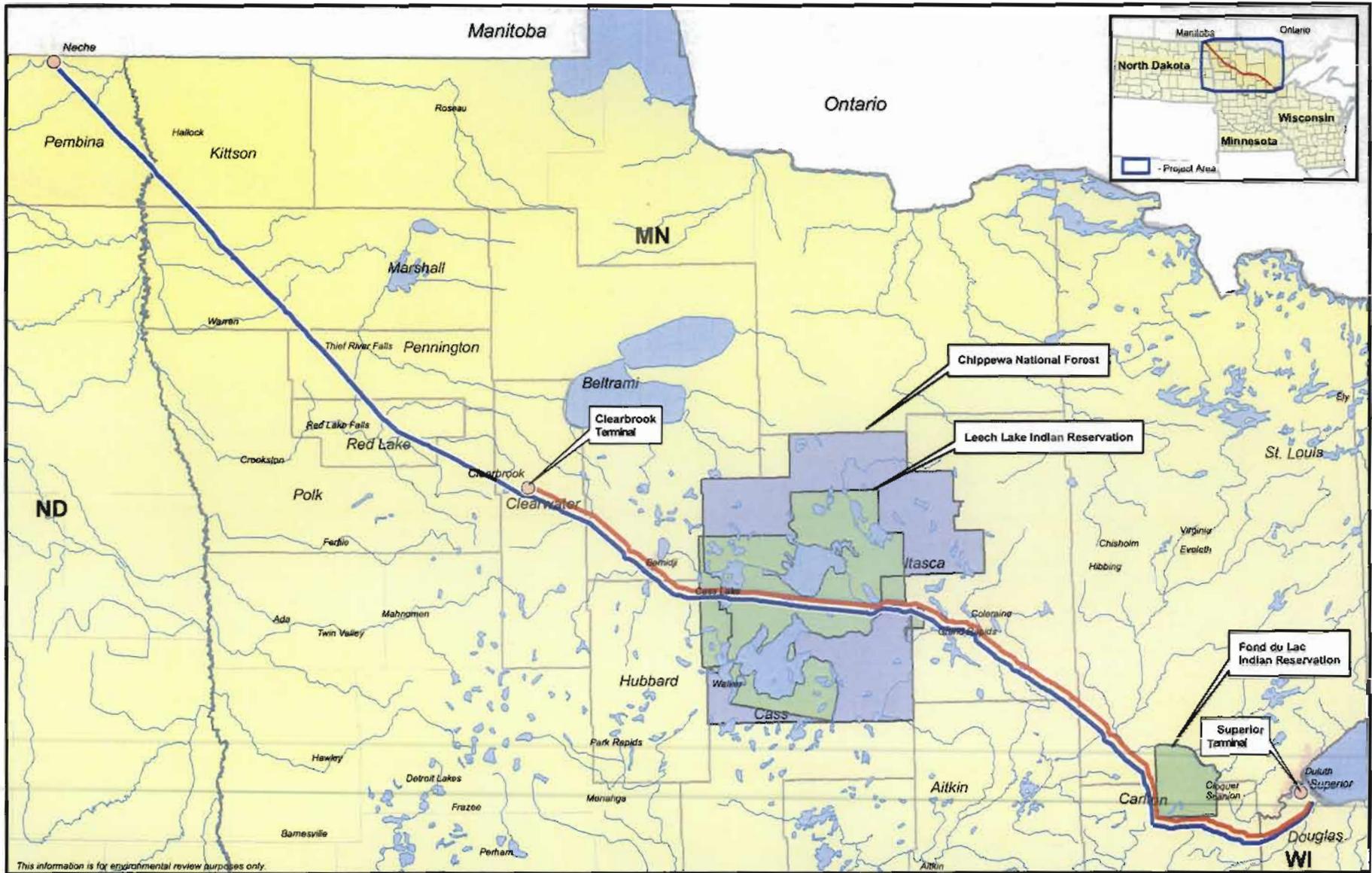
8. HISTORICAL/ARCHAEOLOGICAL. DOS has been designated as the lead federal agency for the purpose of project review pursuant to section 106 of the National Historic Preservation Act. The state historic preservation offices (SHPOs) in North Dakota, Minnesota, and Wisconsin are engaged in this review. Several consultation meetings have been conducted with various American Indian tribes. Much of the survey work to identify historic properties has been completed, but there are ongoing efforts to identify historic properties of religious and cultural significance to the tribes. Coordination is ongoing with the SHPOs and it is anticipated that a programmatic agreement outlining the requirements for completion of the section 106 review will be executed and incorporated into the EIS for the project, because the review may not be finished prior to the record of decision and subsequent federal action.

9. JURISDICTION. This application is being reviewed pursuant to the Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 07-01. We have made a *preliminary determination* that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act. Our jurisdictional review and final jurisdictional determination could result in modifications to the scope of the project's regulated waterbody/wetland impacts and compensatory mitigation requirements.

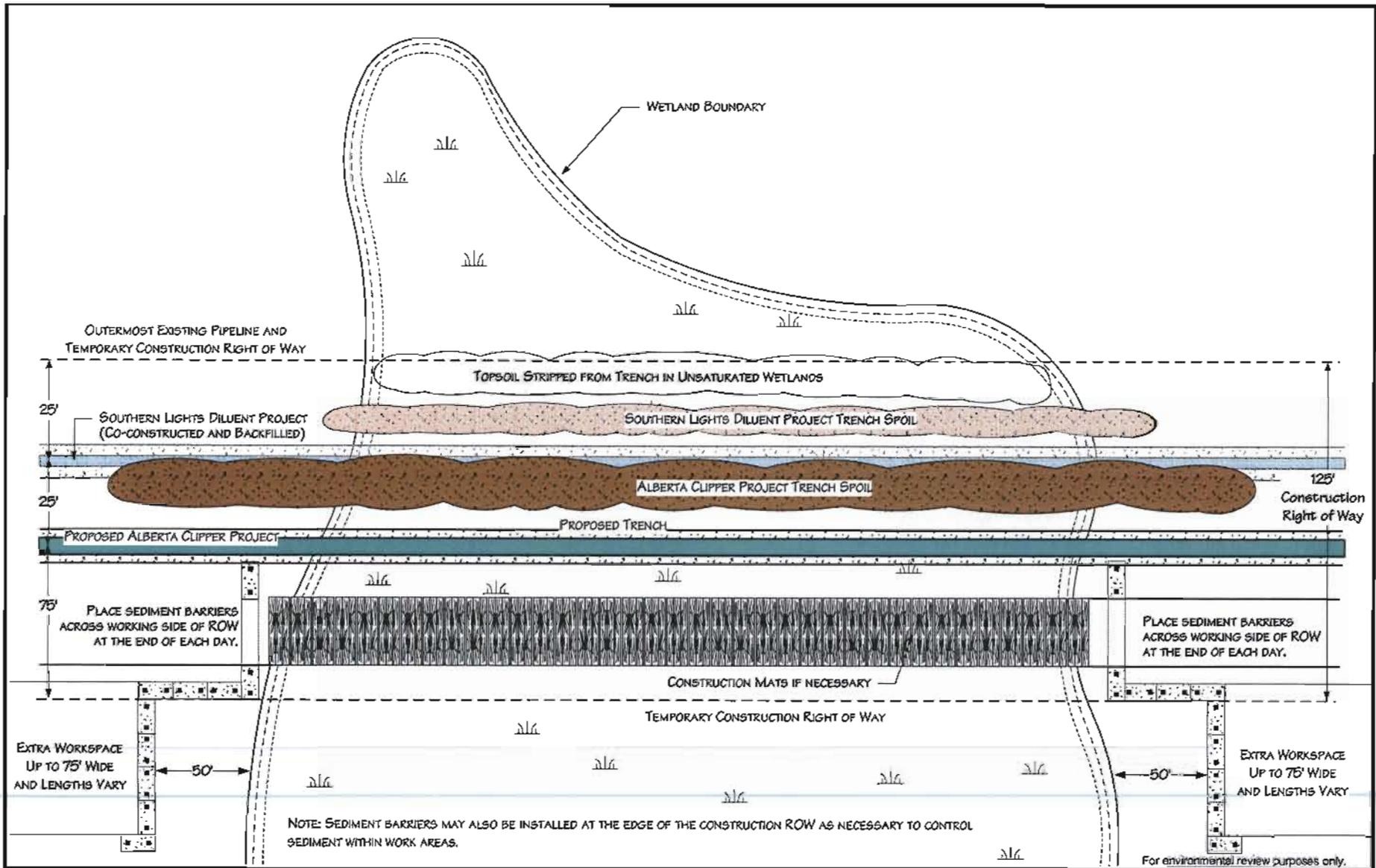
10. PUBLIC INTEREST REVIEW. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. The Corps is a cooperating agency in the preparation of the DOS Environmental Impact Statement. This analysis, as well as information received from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties will be part of our determination whether to issue, modify, condition, or deny a permit for this proposal.

  
for Robert J. Whiting  
Chief, Regulatory Branch

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.



**Figure 8.0-1**  
**Enbridge Expansion Projects**  
 Alberta Clipper and Southern Lights Diluent Projects



**Figure 23**  
**Environmental Mitigation Plan**  
 Typical Wetland Crossing Method  
 (Clearbrook, MN to Superior, WI)

DATE: 5/25/2001

REVISED: 10/24/08

SCALE: NTS

DRAWN BY: KMKENDALL

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