

## Appendix I

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### Sample Route Permit

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**STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION**  
**PIPELINE ROUTING PERMIT**  
**FOR CONSTRUCTION OF A LARGE CRUDE OIL PIPELINE**  
**AND ASSOCIATED FACILITIES**

**IN**

**[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 route permit is hereby issued to:

**ENBRIDGE ENERGY LIMITED PARTNERSHIP**

Enbridge Limited Partnership is authorized by this route permit to construct approximately 340 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 aerial photos attached to this permit and in compliance with the conditions specified in this permit.

Approved and adopted this \_\_\_\_\_ day of **[Month, Year]**

By Order of the Commission

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Daniel P. Wolf,  
Executive Secretary

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## 1.0 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 Project (Project), which includes construction of XXX miles of 36-inch pipeline and associated facilities between the North Dakota/Minnesota border and the Minnesota/Wisconsin border. The Project crosses portion of [Counties] as identified in the attached route permit maps, hereby incorporated into this document.

### 1.1 Pre-emption

Pursuant to Minn. Stat. § 216G.02, Subd. 4, this permit shall be the sole route approval required to be obtained by the Permittee for construction of the pipeline and associated facilities and this permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.

### 1.2 Definitions

“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.”

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

## 2.0 PROJECT DESCRIPTION

Overall, the Project consists of approximately XXX miles of new 36-inch pipeline through North Dakota, Minnesota, and Wisconsin. It terminates at the existing Enbridge Superior station and terminal facility near Superior, Wisconsin. The Minnesota portion of the Project consists of approximately XXX miles of new 36-inch diameter, underground crude oil pipeline. The Project follows the existing Line 3 pipeline along the Enbridge Mainline System right-of-way from the North Dakota border in Kittson County to the Clearbrook Terminal in Clearwater County. Next, *[continue general description of Project location as authorized by the Commission.]*

## 2.1 Associated Facilities

This Route Permit authorizes the following Associated Facilities:

### *Clearbrook Terminal Expansion*

The Permittee will modify equipment within the existing Clearbrook Terminal as well construct a new pump station located near MP 909.4 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.
- 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.

### *Pump Stations*

The Permittee will construct three new pump stations adjacent to existing pump stations west of Clearbrook, and a new pump station adjacent of the Clearbrook Terminal. An additional [number] pump stations will be constructed east of Clearbrook. Mainline valves, metering, monitoring equipment, and associated electrical facilities would also be installed at the facilities east of Clearbrook. A new ILI tool launcher and receiver traps will be constructed at the [pump station name] east of Clearbrook.

Project Pump Stations			
County	Facility	MP	Description
West of Clearbrook			
Kittson	Donaldson	814.5	3 new 7,000 hp motors adjacent to existing Donaldson pump stations
Marshall	Viking	848.2	3 new 7,000 hp motors adjacent to existing Viking pump stations
Red Lake	Plummer	877.0	3 new 7,000 hp motors adjacent to existing Plummer pump stations
Clearwater	Clearbrook Terminal	909.2, 909.4	Described above
East of Clearbrook			

### *Mainline Valves*

The Permittee will install valves 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 valve that would be remotely controlled from the Enbridge Control Center (Control Center) and that can be controlled 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 valve and communicate pressure and temperature information to the Control Center.

The Permittee will install remotely-controlled shutoff valves at the following locations in Minnesota:

*[Insert table of valve locations by county and milepost.]*

### *Cathodic Protection*

The Permittee will install cathodic protection systems along buried portions of 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:

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

### *Pipeline/Material Storage Yards*

The Permittee will lease temporary off-right-of-way areas for pipe and material storage and to receive rail deliveries (rail sidings). The Permittee will restore these storage yards upon the completion of the Project.

*[Insert table of storage yards by facility type, current use, and location.]*

### *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 with landowner consent. If public or privately-owned roads are not available, the Permittee will construct new access roads. Prior to use of private access roads, modifications to existing non-private roads, and construction of new access roads, the Permittee must obtain landowner permission, conduct environmental surveys, and obtain applicable environmental permits and clearances. The Permittee must construct permanent access roads to each mainline valve.

*[Insert table of access roads, including location and length.]*

## **2.2 Project Location**

*[Describe the location of the project including appropriate details, such as county, township, range, and section. Also include a reference to the relevant route map to be attached to the permit.]*

### **3.0 DESIGNATED ROUTE**

The route designated by the Commission in this permit is the route described below and as shown on the route maps attached to this permit. The route is generally described as follows:

*[Provide a detailed description of the authorized route including the route widths and any other specifics relevant to each segment. Also include a reference to the relevant route map to be attached to the permit.]*

The designated route width is limited to a maximum of 750 feet unless otherwise indicated on the route maps attached to this permit. The final alignment must be located within this designated route.

The identified route widths on the attached route maps provide the Permittee with flexibility for minor adjustments of the anticipated alignment or right-of-way to accommodate landowner requests and unforeseen conditions. The final alignment (i.e., permanent and maintained rights-of-way and temporary workspace) will be located within this designated route unless otherwise authorized by this permit or the Commission.

#### **3.1 Permanent Right-of-Way**

This Permit authorizes the Permittee to obtain a new permanent right-of-way for the pipeline 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.

*[Describe permanent right-of-way associated with associated facilities, i.e., pump stations.]*

#### **3.2 Temporary Right-of-Way/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 areas.

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

#### **3.3 Extra Temporary Right-of-Way/Workspace**

The Permittee may obtain 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 temporary extra workspace used for construction.

Typical Dimensions of Additional Temporary Workspace	
Feature	Dimensions on each side of feature in addition to temporary workspace in feet
Open-cut road crossings	100 x 75
Bored Road, Foreign Pipeline, and Utility Crossings	100 x 75
Railroad Crossings	200 x 75
Pipeline Cross-Unders	100 x 75
Waterbody Crossings, including HDD	200 x 75
Wetland Crossings	200 x 75

### 3.4 Right-of-Way Conformance

This permit identifies an anticipated alignment within the designated route that minimizes potential impacts to the criteria identified in Minn. R. 7852.1900, and, as such, this permit anticipates that the actual right-of-way will generally conform to this anticipated alignment, except as otherwise provided by this permit.

Any alignment modification within this designated route shall be located to have the same or less impacts relative to the criteria in Minn. R. 7852.1900 as the alignment identified in this permit.

### 3.5 Route Width Variations

Route width variations may be allowed for the Permittee to overcome potential site specific constraints. 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 this designated route shall be located to have the same or less impacts relative to the criteria in Minn. R. 7852.1900 as the alignment identified in this permit and be specifically identified in and approved as part of the Plan and Profile submitted pursuant to this permit.

### 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 that sufficiently allows for 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 agricultural land. Where the pipeline crosses the right-of-way of any drainage ditch the pipeline shall be

installed with a minimum level cover of not less than 54 inches (4.5 feet) below the authorized depth of the ditch, unless waived in the manner provided in Minn. Stat. § 216G.07, Subd. 2 and 3. In agricultural land, the Permittee may seek a depth requirement waiver from the affected landowners to install the pipeline at the same depth required by 49 CFR 195.248. Even if waivers are procured pursuant to Minn. Stat. § 216G.07, Subd. 2, the Permittee must bury the pipeline to a depth below cultivation and in accordance with U.S. Department of Transportation regulations (49 CFR 195.248).

#### **4.0 ADMINISTRATIVE COMPLIANCE**

The following administrative compliance procedures require submissions to the Commission. Submissions must be made by electronic filing (eFiling).

##### **4.1 Permit Distribution to Local Governments and Residents**

The Permittee shall, within 10 days of receipt of the pipeline routing permit from the Commission, send a copy of the permit to the office of each regional development commission of a development region, soil and water conservation district, watershed district, watershed management district, office of the county auditor, and the clerk of each city and township crossed by the designated route.

Within 30 days of permit issuance, the Permittee shall send a printed copy of the permit and the complaint procedures to all affected landowners. In no case shall the affected landowner receive this route permit and complaint procedures less than five days prior to the start of construction on their property. An affected landowner is any landowner or designee that is within or adjacent to the designated pipeline route authorized by this permit.

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, and restoration.

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.

##### **4.2 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.

##### **4.3 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 designate a field representative responsible for overseeing compliance with the conditions of this Permit

during construction of the project. This person (or a designee) shall be accessible by telephone or other means during normal business hours throughout site 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, local government units and other interested persons 14 days prior to commencing construction. The Permittee may change the field representative at any time upon notice to the Commission by eFiling as well as posting to a project website maintained by the Permittee and by providing a telephone number to affected landowners, residents, local government units and other interested persons that provides current contact information for the field representative.

#### **4.4 Agricultural Monitor and County Inspector Notification Requirements**

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

#### **4.5 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.

### **5.0 GENERAL 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 Environmental Protection Plan**

The Permittee must develop and file with the Commission an Environmental Protection Plan (EPP). The EPP shall include all environmental control plans and special conditions imposed by permits or licenses issued by federal, state, and local agencies or units of government, and a list of permits required for the construction of the Project. Plans within the EPP shall include an Agricultural Mitigation Plan (AMP), a Vegetation Management Plan (VMP), and a Stormwater Pollution Prevention Plan (SWPPP). The EPP shall be filed with the Commission with the first Plan and Profile Submission. The EPP shall include the following:

1. Identification of and contact information for an Environmental Monitor to oversee the construction process and monitor compliance with the EPP 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.
4. Appropriate mitigation [*as discussed in applicable environmental documents*].

## **5.2 Agricultural Mitigation Plan**

The Permittee shall comply with the Agricultural Mitigation Plan (AMP) attached to this permit and incorporated herein. The obligation to comply with the AMP 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 AMP. The Minnesota Department of Agriculture must approve of any amendments to the AMP. The Permittee shall file an amended AMP with the Commission within 10 days of Minnesota Department of Agriculture approval.

## **5.3 Construction Practices**

The Permittee shall follow those specific construction practices and material specifications described in the Permittee's Application to the Commission for a route permit for the Line 3 Project Application, as supplemented by the January 31, 2017, EAW, and the Environmental Impact Statement in this proceeding and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail. The Permittee shall comply with the conditions for right-of-way preparation, construction, cleanup, and restoration contained in Minn. R. 7852.3600.

### **5.3.1 Public Services, Public Utilities, and Existing Easements**

During construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these would be temporary and the Permittee will restore service promptly. Where any impacts to utilities have the potential to occur the Permittee will work with both landowners and local agencies to determine the most appropriate mitigation measures if not already considered as part of this permit.

### **5.3.2 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.

### **5.3.3 Noise**

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080. Construction and maintenance activities shall be limited to daytime working hours to the extent practicable to ensure noise level standards will not be exceeded.

### **5.3.4 Site Sediment and Erosion Control**

The Permittee shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the Plan to the Commission at least 14 days prior to the start of construction. This Plan may be the same as the SWPP submitted to the MPCA as part of the National Pollutant Discharge Elimination System (NPDES) permit application provided it identifies the information in the following paragraph.

The EPP 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. Other practices shall include containing excavated material, protecting exposed soil, and stabilizing restored material and removal of silt fences or barriers when the area is stabilized. 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.

### **5.3.5 Topsoil Protection**

The Permittee shall take precautions to minimize mixing of topsoil and subsoil during excavation of the trench for the pipe unless otherwise negotiated with the affected landowner.

### **5.3.6 Soil Compaction**

Compaction of agricultural lands by the Permittee must be kept to a minimum and mitigated in accordance with its AMP.

### **5.3.7 Landscape Protection**

Care shall 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.

### **5.3.8 Sensitive Areas**

The Permittee shall stabilize stream banks and other sensitive areas disturbed by pipeline construction in accordance with the requirements of applicable state or federal permits.

### **5.3.9 Wetlands and Water Resources**

Wetlands and riparian areas shall be accessed using the least impactful manner that minimizes travel through wetland areas and prevents unnecessary impacts. No temporary workspace areas shall be placed within or adjacent to wetlands or water resources, as practicable. To minimize impacts, construction in wetland areas shall be according to permit requirements by the applicable permitting authority. Wooden or composite mats shall be used to protect wetland vegetation. Soil excavated from the wetlands and riparian areas shall be handled in compliance with the permit from the appropriate regulatory agency. Should a permit not be required, excavated soils shall be contained and not placed back into the wetland or riparian area.

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 not reach wetlands or waterbodies. Dewatering discharges will be directed toward well vegetated upland areas. Should discharge activities need to be directed off the right-of-way landowner consent will be obtained and locations will be chosen to minimize impacts. All discharge activities will comply with applicable agency permits or approvals.

Areas disturbed by construction activities shall be restored to preconstruction conditions. 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.

All requirements of the U.S. Army Corps of Engineers (wetlands under federal jurisdiction), Minnesota Department of Natural Resources (DNR) (Public Waters/wetlands), and County (wetlands under the jurisdiction of the Minnesota Wetland Conservation Act) shall be met.

As part of the preconstruction reports, the Permittee will 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 Permittee should identify any infested waters or otherwise indicate that aquatic invasive species are not anticipated Aquatic Invasive Species. The DNR must be provided an opportunity to review and comment on the plan. The DNR must be notified if any aquatic invasive species are identified in an area not previously identified as infested water.

### **5.3.10 Vegetation Removal and Protection**

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.

Tree stumps will be removed at the landowner's request or when necessitated due to trench location. 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.

### **5.3.11 Application of Pesticides**

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, DNR, and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. The Permittee shall contact the landowner or his designee to obtain approval for the use of pesticide prior to any application on their property. The landowner may request that there be no application of pesticides on any part of the right-of-way within the landowner's property. All pesticides shall be applied in a safe and cautious manner so as not to damage crops, orchards, tree farms, or gardens. 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.

The Permittee shall restrict herbicide use to those herbicides and methods of application approved by the Minnesota Department of Agriculture and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. The Permittee shall contact the landowner or his designee to obtain approval for the use of herbicide prior to any application on their property. The landowner may request that there be no application of herbicides on any part of the right-of-way within the landowner's property. All herbicides shall be applied in a safe and cautious manner so as not to damage crops, orchards, tree farms, or gardens.

### **5.3.12 Invasive Species**

The Permittee shall develop and Invasive Species Plan to prevent the introduction of invasive species on lands disturbed by Project construction activities. This requirement may be included as an element of the Soil Erosion and Sediment Control Plan.

### **5.3.13 Noxious Weeds**

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of pipeline construction and restoration of all areas affected by construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the

Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall consult with landowners on the selection and use of seed for replanting.

#### **5.3.14 Roads (Public and Private)**

Prior to commencement of construction, the Permittee shall identify all state, county, city or and township roads that will be used for the project and shall notify the state, county, city or township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these 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 cooperate with state, county, city and township 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 and approved by the *[appropriate Monitor]*.

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.

#### **5.3.15 Archaeological and Historic Resources**

The Permittee shall work with the State Historic Preservation Office (SHPO) and the State Archaeologist prior to commencing construction to determine whether any additional archaeological survey work will be necessary for any part of the proposed Project. The Permittee shall contract with a qualified archaeologist to complete such surveys, and shall submit the results to SHPO, the State Archaeologist and the Commission.

The SHPO and the State Archaeologist will make recommendations for the treatment of any significant archaeological sites which are identified. Any issue in the implementation of these recommendations will be resolved by the Commission in consultation with SHPO and the State Archaeologist.

Prior to construction, workers shall be trained about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If any previously unrecorded archaeological sites are found during construction, the Permittee shall mark and preserve the sites and promptly notify the SHPO, the State Archaeologist, and the Commission of such discovery. The Permittee shall not excavate at such locations until so authorized by the Commission in consultation with the SHPO and the State Archeologist.

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 State

Archaeologist. Construction at the human remains location shall not proceed until authorized by local law Enforcement authorities or the State Archaeologist.

If any federal funding, permit, or license is involved or required, the Permittee shall complete any Section 106 (36 C.F.R. part 800) review that is necessary by coordinating with the federal agency or federal authority and SHPO as deemed necessary by the federal agency or federal authority.

#### **5.3.16 Livestock Protection**

The Permittee shall take precautions to protect livestock during all phases of construction and restoration of the areas affected by construction.

#### **5.3.17 Security**

The Permittee will install temporary gates or similar barriers, as needed, to prohibit public access to the right-of-way during construction.

#### **5.3.18 Restoration**

The Permittee shall restore the right-of-way, temporary work spaces, access roads, and other public or private lands affected by construction of the pipeline to the natural conditions that existed immediately before construction of the pipeline and as required by other federal and state agency permits. Restoration must be compatible with the safe operation, maintenance, and inspection of the pipeline. Within 60 days after completion of all restoration activities the Permittee shall advise the Commission in writing of the completion of such activities.

#### **5.3.19 Cleanup**

All waste and scrap that is the product of construction shall be removed from the right-of-way and all premises on which construction activities were conducted and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.

#### **5.3.20 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.

#### **5.3.21 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.

## 5.4 Other Requirements

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations. A list of the permits known to be required is included in the permit application. The Permittee shall file a listing of all permits with the Commission and submit a copy of any requested permit to the Commission.

## 6.0 SPECIAL CONDITIONS

Special conditions shall take precedence over other conditions of this permit should there be a conflict.

*[Describe any Special Conditions; see example language below.]*

### 6.1 Wildlife Friendly Erosion Control Materials

*The Permittee, in cooperation with the DNR, shall use wildlife-friendly erosion control materials in areas known to be inhabited by wildlife species (birds, small mammals, reptiles, and amphibians) susceptible to entanglement in plastic netting.*

### 6.2 Rare Species Surveys

*The Permittee, in consultation with the U.S. Fish and Wildlife Service and the DNR, will determine the need for rare species surveys (pre-construction) within the designated route. In the areas where these species are known to exist or where the right-of-way passes through habitats where the species are likely to exist, field surveys may be required. In the event impacts cannot be avoided, the Permittee may need to obtain a take permit from the U.S Fish and Wildlife Service and the DNR for the species of concern. The Permittee shall submit the results of these efforts to the Commission with its Plan and Profile filing.*

*Construction and maintenance personnel will be made aware of rare resources and plant communities during preconstruction meetings to minimize potential disturbance. The Permittee shall avoid impacts to state-listed endangered, threatened, and special concern species in all areas of the project including temporary workspaces associated with the project.*

### 6.3 Contamination Survey

*The Permittee, in consultation with the MPCA, shall identify any contaminated sites as it performs its detailed survey and acquisition work prior to the submittal of the final plan and profile to the Commission.*

### ***Vegetation Management Plan***

*Permittee shall submit a VMP with the Environmental Mitigation Plan. The purpose of the VMP shall be to identify measures to minimize the disturbance and removal of vegetation for the Project, prevent the introduction of noxious weeds and invasive species, and re-vegetate disturbed non-cropland area with appropriate native species in cooperation with landowner and state, federal, and local resource agencies, such that such re-vegetation does not negatively impact safe and reliable operation of the Project.*

#### ***6.4 Third Party Monitors***

*The Permittee shall contract with independent third-party environmental monitors to oversee the construction process and to monitor compliance with (1) the Agricultural Mitigation Plan; (2) the Environmental Protection Plan; and (3) the requirements of this and all other environmental permits. The independent monitors shall be approved by the Commission.*

#### ***6.5 Construction Environmental Control Plan***

*Prior to any construction, the Permittee shall file with the Commission a “Construction Environmental Control Plan.” All amendments, modifications, or changes to the Construction Environmental Control Plan shall be filed with the Commission and any other agency or governmental unit with responsibility for implementing requirements of the Construction Environmental Control Plan.*

#### ***6.6 Specific Landowner Requests***

*[Describe any Special Conditions relating to a specific landowner.]*

### **7.0 DELAY IN CONSTRUCTION**

If the Permittee has not commenced construction or improvement of the designated route within four years after the date of issuance of this permit the Commission shall suspend the permit in accordance with Minn. R. 7852.3300. If at the time of suspension, or at a later time, the Permittee decides to construct the pipeline, it shall certify to the Commission that there have been no significant changes in any material aspects of the conditions or circumstances existing when the permit was issued. If the Commission determines that there are no significant changes, it shall reinstate the permit. If the Commission determines that there is a significant change, it may order public information meetings or a new hearing and consider the matter further, or it may require the Permittee to submit a new application.

### **8.0 COMPLAINT PROCEDURES**

Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The procedures shall be in accordance with the requirements of Minn. R. 7852.3700, and as set forth in the complaint procedures attached to this permit.

The Permittee shall advise the Commission when such procedure has been established. The Permittee shall notify the Commission of any complaints received during the course of construction pertaining to Minn. R. 7852.3600 that are not resolved within 30 days of the complaint.

Upon request, the Permittee shall assist the Commission 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.

## **9.0 PIPELINE SAFETY**

In an emergency situation, responders will take appropriate actions necessary to address the emergency. Pursuant to Minn. Stat. § 216G.02, Subd. 3(a) the pipeline routing permit may not set safety standards for the construction of pipeline. This would also apply to operation and maintenance. Therefore, this Pipeline Routing Permit does not address pipeline safety related issues.

## **10.0 COMPLIANCE REQUIREMENTS**

Failure to timely and properly make compliance filings required by this permit is a failure to comply with the conditions of this permit. Compliance filings must be electronically filed with the Commission.

### **10.1 Plan and Profile**

At least 30 days before right-of-way preparation for construction begins on any phase or 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 each phase of the project 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 may 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.

## **10.2 Status Reports**

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.

## **10.3 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.

## **10.4 As-Builts**

Within 90 days after completion of each phase of construction, the Permittee shall submit copies of all final as-built plans and specifications developed for each project phase.

## **10.5 GPS Data**

Within 90 days after completion of each phase of construction the Permittee shall submit to the Commission, in the format requested by the Commission, geospatial information (e.g., ArcGIS geodatabase or shapefiles, GPS coordinates, associated database of characteristics) for the pipeline and associated facilities.

## **11.0 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.

## **12.0 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.

## **13.0 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.

## **14.0 PIPELINE CONSTRUCTION COMPLETION CERTIFICATE**

In accordance with Minn. R. 7852.3900, the Permittee shall file with the Commission a written certification that the construction and remediation of the permitted 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.