

The DNR's License to Cross Public Waters is for both the construction and operation of the pipeline.

The DNR has the continuing regulatory authority to protect the environment.

[License to Cross Public Waters Permit](#)

Application for License to Cross Public Waters

Enbridge Energy | November 2020

According to DNR Website, Status: Approved (as of August 13, 2021)

Applicant Information

1.0 p. 1

Enbridge Energy, Limited Partnership (“Enbridge”) submits this revised Application for a License to Cross Public Lands (“Application”) to the Minnesota Department of Natural Resources (“MDNR”) for the passage of utilities under public lands related to the **construction and operation** of the Line 3 Replacement Project (“L3R” or “Project”).

Compliance with Environmental Standards

8.0 pp. 31-32

Minnesota Rules, 6135.1100-6135.1500 provide a “basic framework,” 28 environmental standards and criteria for utility crossings of public waters. These standards deal with route design, structure design, construction methods, safety considerations, and right-of-way maintenance. Minnesota Rules, 6135.1000, subp. 2 requires that the Application indicate whether the applicant is satisfying 27 The Commission’s Order Accepting Tribal Economic Opportunity and Labor Education Plan as Modified was reissued through an Erratum Notice dated May 13, 2020. 28 Minn. R. 6135.1000, subp. 1. ENBRIDGE ENERGY, LIMITED PARTNERSHIP APPLICATION FOR A LICENSE TO CROSS PUBLIC WATERS NOVEMBER 2020 (REV 4) 33 the standard, where applicable, or if not, why not. Except when MDNR determines that it is not feasible and prudent, or not in the best interests of the environment, the applicant shall comply with these environmental standards in designing, constructing, and maintaining utility crossings.

The Project along the Designated Route complies with environmental standards applicable to the public water crossings except where it is not feasible and prudent or in the best interests of the environment. As described in the following sections, where strict compliance with a particular standard is not feasible and prudent or in the best interests of the environment, Project design, plans, and BMPs minimize potential adverse environmental effects. **Additionally, environmental effects to public water crossings are subject to mitigation by ongoing public regulatory authority.**²⁹

²⁹ This includes, but is not limited to, the Clean Water Act (“CWA”) Section 404 and Section 10 Rivers and Harbors Act permit; the MPCA CWA Section 401 water quality certification; MPCA NPDES/SDS industrial wastewater permit; MPCA NPDES/SDS construction stormwater general permit; and other related MDNR licenses and permits.