



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

DEC - 1 2014

REPLY TO THE ATTENTION OF

Desmond L. Berry
Natural Resources Department Manager
Grand Traverse Band of Ottawa and Chippewa Indians
2605 N. West Bayshore Drive
Peshawbestown, Michigan 49682

Dear Mr. Berry:

Thank you for your inquiry to Darrel Harmon about Enbridge's actions regarding pipeline 5 in the Mackinac Straights.

You ask whether the National Environmental Policy Act (NEPA) applies to these actions. The Corps of Engineers complies with NEPA when it develops its nationwide permits, and its authorization of a specific project does not trigger any further requirement for action under NEPA that EPA could review. The attached letter from the Corps sets out the scope of work authorized under its Nationwide Permit, and the general and special conditions that apply to this work. Because the Corps has jurisdiction in this matter, I encourage you to discuss your questions and concerns with them, including considerations the 1836 Treaty may raise in the context of this permit. In the absence of EPA statutory authority, the 1836 Treaty does not create an independent basis for EPA to intervene.

EPA does participate in area contingency planning under the National Response Plan, along with the Coast Guard. The Enbridge crude oil pipeline from Superior, Wisconsin to Sarnia, Ontario - including the 5-mile stretch under the Straits of Mackinac - is an important focus of this planning. The company and other parties (including the state, local governments, area tribes such as the Grand Traverse Band, and other local stakeholders) are invited to participate in the planning process. The company also conducts its own integrity management testing and must comply with the regulations of the Pipeline and Hazardous Materials Safety Administration.

I hope this information is responsive, and appreciate your commitment to protecting Lake Michigan.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alan Walts".

Alan Walts, Director
Office of Enforcement and Compliance Assurance

Enclosure



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
SAULT STE. MARIE FIELD OFFICE
312 WEST PORTAGE AVENUE
SAULT STE. MARIE, MICHIGAN 49783-1838

June 19, 2014

Engineering & Technical Services
Regulatory Office
File Number LRE-2010-00463-56-N14-2

Enbridge Pipelines
Attn: Andrew Prew
1320 Grand Avenue
Superior, Wisconsin 54880

Dear Mr. Prew:

Reference your application for a Department of the Army (DA) permit to perform maintenance work on an existing pipeline in Lake Michigan (Straits of Mackinac) near St. Ignace/Mackinaw City, Emmet and Mackinac County, Michigan. We have verified that the project is authorized by nationwide permit (NWP) as published in the Federal Register. As indicated on the enclosed plans, the following work is authorized under NWP3 and NWP6.

You may proceed with the work per the following project description, attached drawings, and attached general and special conditions:

Drop a remote operated vehicle (ROV) and umbilical cable into the water from a barge, in order to perform a visual inspection of two (2) 21,000 ft long 20 inch diameter pipelines. Install saddle mounts with helical anchoring systems in 34 locations as shown on the attached plans and install up to 8 additional supports as needed to maintain pipeline integrity.

Special Conditions:

1. The permittee shall contact the U.S. Coast Guard in writing, a minimum of 14 days prior to the start of work, and request that a notice to mariners be published. The permittee shall provide this office a concurrent copy of their request.
2. In the event of a release of petroleum products to regulated waterways, the permittee will follow the procedures outlined in the Enbridge Emergency Response Plan.
3. Additional notification of the Detroit District, Regulatory Office will be made as soon after the emergency response has been initiated as possible. Contact either Don Reinke, Chief, Compliance and Enforcement Branch at (313) 226-6812 or Edward Arthur, Project Manager at (906) 635-3461.
4. Upon completion of the authorized work the permittee will provide drawings

showing the location and the latitude and longitude of all installed saddle mount supports not shown on the attached plans to this office.

5. The structures and appurtenances authorized herein are located in the proximity of the authorized Federal channel limits. The permittee is responsible for the removal of any structures and appurtenances that interfere with Federal dredging or other maintenance activities on the channel.

Any construction activity other than that shown on the plans may not qualify for the authorization. If you contemplate any changes or additional activities from those depicted on the plans, please submit them to this office for authorization review prior to any construction. On completion of the work, you must fill in and return the enclosed **COMPLETION REPORT along with such information necessary to comply with special condition number 4.**

This verification is invalid until you obtain an appropriate state permit/certification or waiver thereof. You must not initiate activities authorized under the NWP until all required State authorizations have been received. We suggest that you contact the Michigan Department of Environmental Quality (MDEQ) in Lansing, Michigan, at 517-373-9244 for the status of your state permit, if you have not received it three weeks after you receive this letter. If local approvals are required, we recommend you contact the appropriate local government body directly.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2017. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.

As per 33 CFR 325, Appendix A, representatives from this office are allowed to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of the Nationwide Permit.

Should you have any questions, please contact me at the above address, by E-Mail at Edward.J.Arthur@usace.army.mil, or by telephone at 906-635-3461. In all communications, please refer to File Number LRE-2010-00463-56-N14-2.

We are interested in your thoughts and opinions concerning your experience with the Detroit District, Corps of Engineers Regulatory Program. If you are interested in letting us know how we are doing, you can complete an electronic Customer Service Survey from our web site at:

<http://per2.nwp.usace.army.mil/survey.html>. Alternatively, you may contact us and request a paper copy of the survey that you may complete and return to us by mail or fax. Thank you for taking the time to complete the survey, we appreciate your feedback.

Sincerely,



Edward J. Arthur
Regulatory Project Manager
Sault Ste. Marie Field Office

Enclosures

Copy Furnished

City of St. Ignace (Les Therrian)
Emmet County
U.S. Coast Guard Sector Sault Ste. Marie
MDEQ, UP District Office (14-49-0017-P)
NOAA

A. Nationwide Permit General Conditions:

To qualify for NWP authorization, the permittee must comply with the following general conditions, as appropriate. These conditions are selected from those published in the Federal Register that are particularly relevant to the construction and/or operation of this particular authorized activity. The complete text is available at our website, under "Nationwide Permits": <http://www.lre.usace.army.mil/who/regulatoryoffice/district/information/> or you may contact the Detroit District. We have done our best to verify that your project complies with the others, where applicable.

I. Navigation. (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

19. Migratory Birds and Bald and Golden Eagle Permits. The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

20. Historic Properties. (e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that

circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form, forwarded by the Corps with this NWP verification letter, includes:

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;
- (b) A statement that any required mitigation was completed in accordance with the permit conditions; and
- (c) A place for the signature of the permittee certifying the completion of the work and mitigation.

B. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project

NATIONWIDE PERMIT COMPLETION REPORT

CELRE-RG-CE-S

June 19, 2014

Chief, Compliance and Enforcement Branch
Regulatory Office
U.S. Army Corps of Engineers
477 Michigan Avenue
Room 603
Detroit, MI 48226-2550

Dear Sir:

You are hereby notified that work under Department of the Army Permit No. LRE-2010-00463-56-N14-2 to perform maintenance work on an existing pipeline in Lake Michigan (Straits of Mackinac), near St. Ignace/Mackinaw City, Emmet and Mackinac County, Michigan, issued to Enbridge Pipeline was completed in accordance with the permit on:

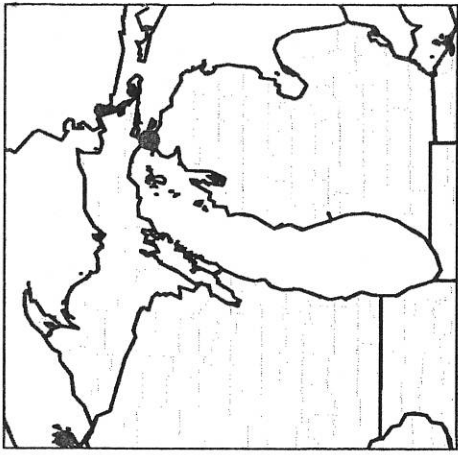
(Date work completed)

(Permittee's Signature)

IMPORTANT

1. This **COMPLETION REPORT MUST BE MAILED** to the above addressee within 10 days after completion of work covered by the FEDERAL PERMIT to insure an accurate Government record of data affecting navigation.
2. Where dredging soundings are made of projects which include dredging, a copy of the soundings should accompany this report. If the soundings are measured from the water surface and have not been corrected to International Great Lakes Datum plane, the hour and date soundings was made should be noted on sounding reports.
3. **Supply a map or table showing the latitude and longitude of any pipeline supports not shown on the permit drawings.**

NOTE: Although permits authorizing structures carry an expiration date, REPAIRS that conform to the permit plans are also within the scope of the authorization. Therefore, it is recommended that expired permits NOT be destroyed, but retained as proof that the work to be repaired has received the Corps of Engineers' approval.



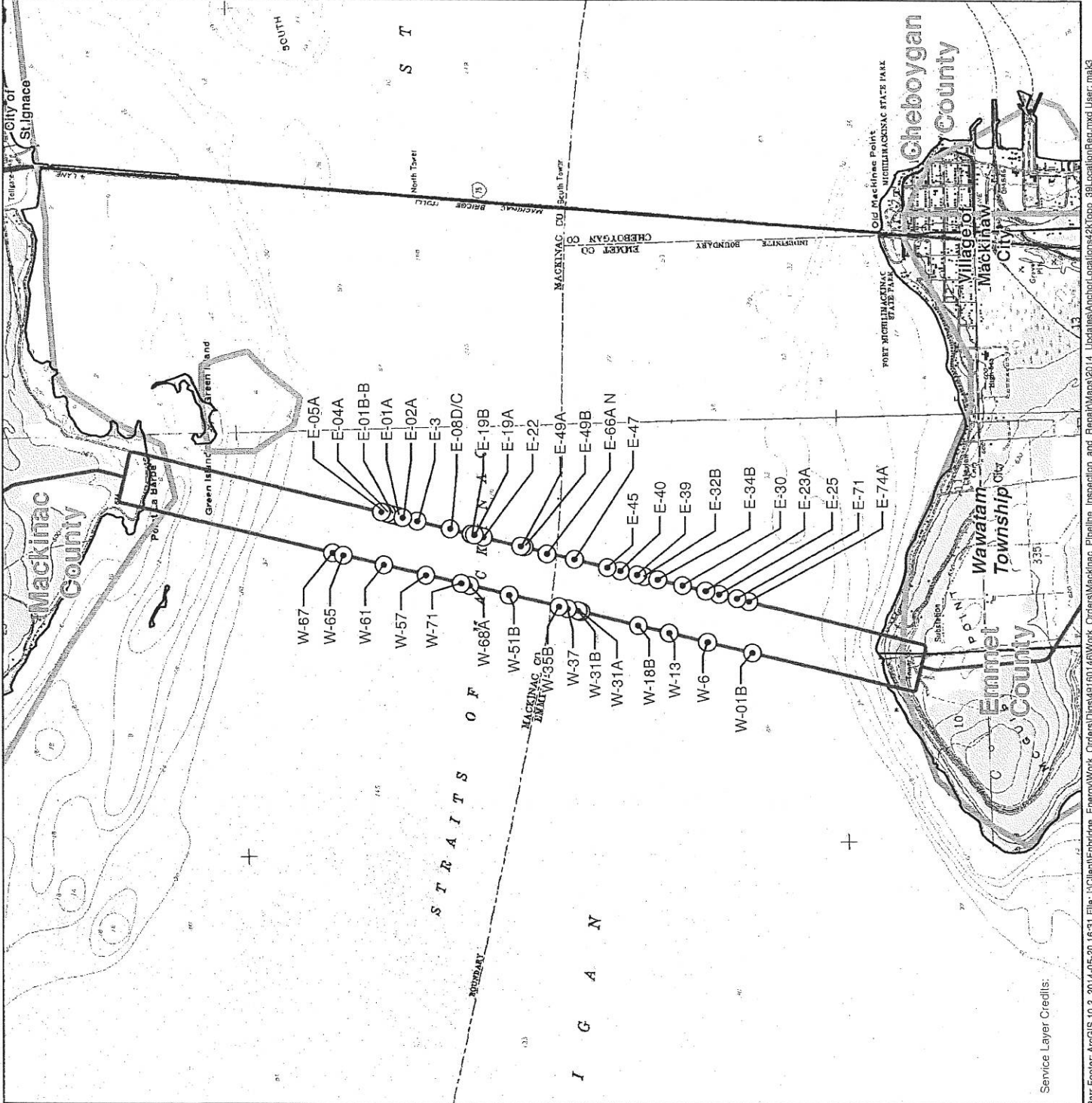
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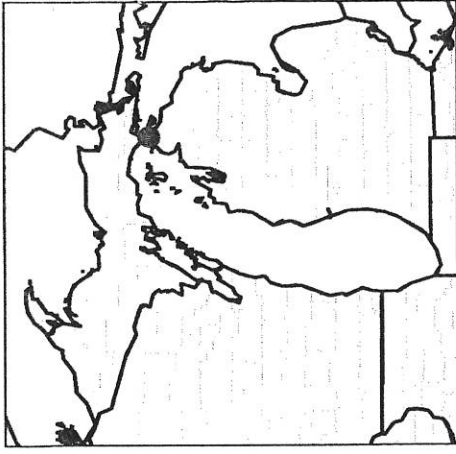
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1 Inch = 3,500 Feet
 Imagery: Esri/Microsoft, May 2010

ANCHOR LOCATIONS
 Line 5
 Straits of Mackinac



Service Layer Credits:



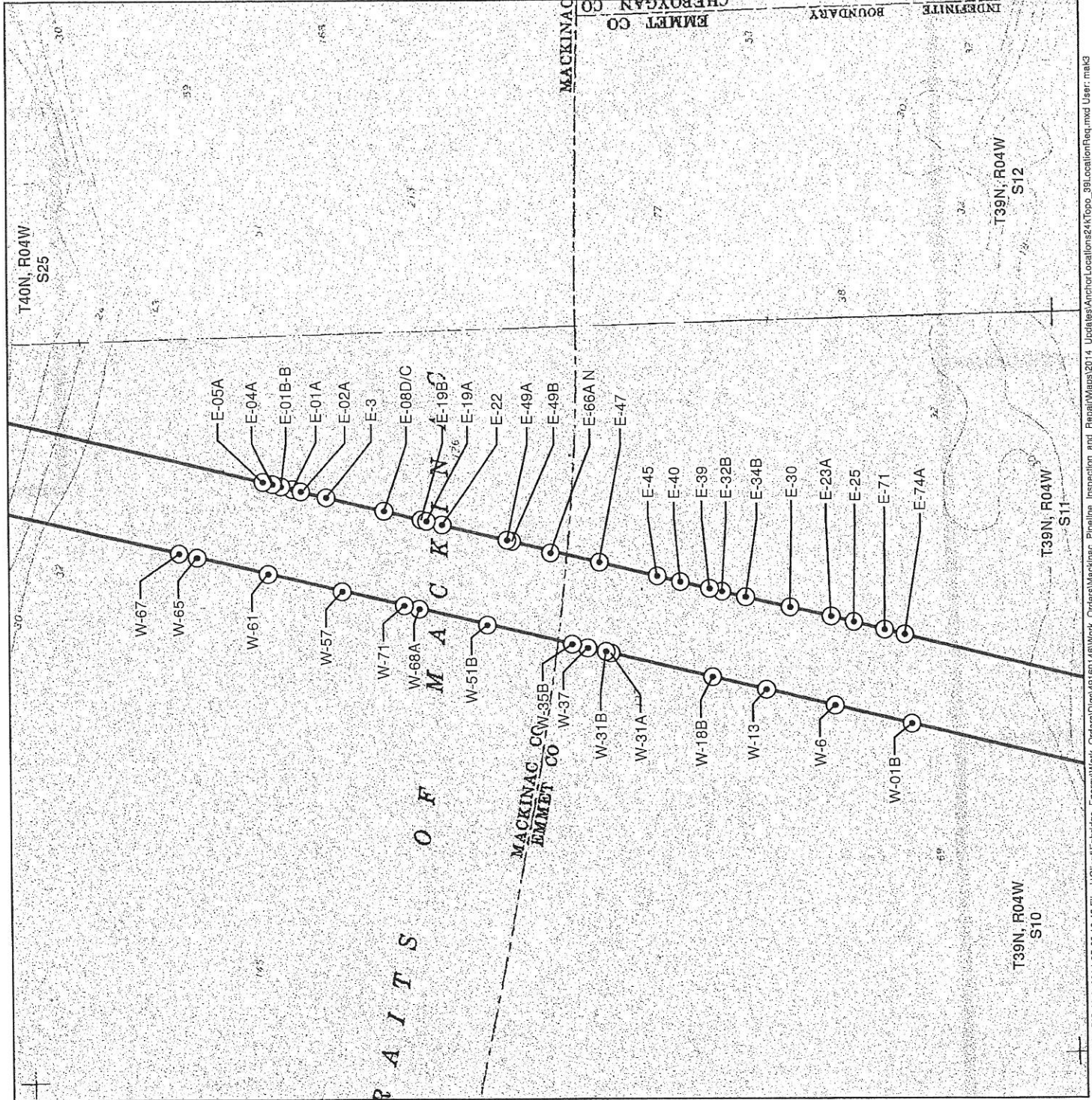
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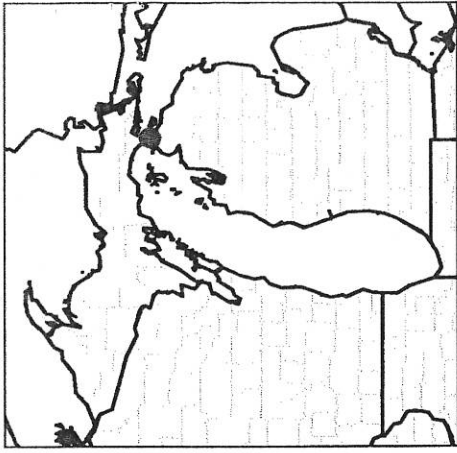


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1 Inch = 2,000 Feet

ANCHOR LOCATIONS
 Line 5
 Straits of Mackinac





- Anchor Locations
- Line 5



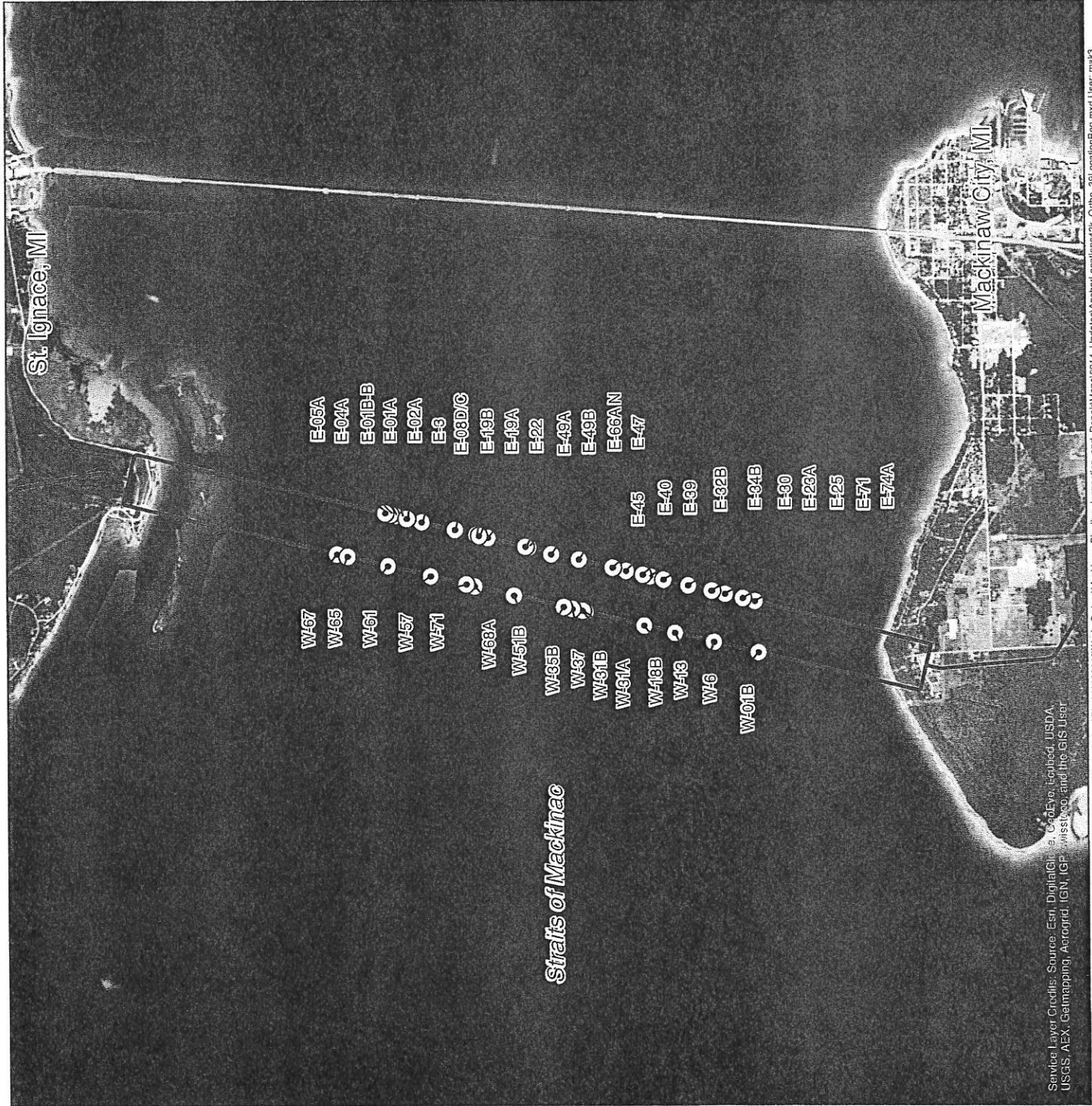
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1 Inch = 3,500 Feet
 Imagery: Esri/Microsoft, May 2010

ANCHOR LOCATIONS
 Line 5
 Straits of Mackinac



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, Swisstopo, and the GIS User Community
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**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
PERMIT**

ISSUED TO:

Enbridge Energy
Thomas Prew
1320 Grand Avenue
Superior, WI 54880

Permit No.	14-49-0017-P
Issued	July 24, 2014
Extended	
Revised	
Expires	July 24, 2019

This permit is being issued by the Michigan Department of Environmental Quality (MDEQ) under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and specifically:

- | | |
|---|---|
| <input type="checkbox"/> Part 301, Inland Lakes and Streams | <input type="checkbox"/> Part 315, Dam Safety |
| <input checked="" type="checkbox"/> Part 325, Great Lakes Submerged Lands | <input type="checkbox"/> Part 323, Shorelands Protection and Management |
| <input type="checkbox"/> Part 303, Wetlands Protection | <input type="checkbox"/> Part 353, Sand Dunes Protection and Management |
| <input type="checkbox"/> Part 31, Floodplain/Water Resources Protection | |

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Permitted Activity: Hydraulically auger 42 sets of multi-helix anchors into Great Lakes bottomlands.

Install anchors in 39 identified locations with up to 3 additional locations in the project area and attach saddle mounts to the existing Line 5 pipeline for the purpose of increased support and stability to existing pipeline infrastructure.

All activities to be conducted in accordance with the attached plans and conditions of this permit dated 07/24/2014.

A permit is also required from the US Army Corps of Engineers for this project.

Water Course Affected: Lake Huron/ Lake Michigan

Property Location: Mackinac and Emmet County, Moran and Wawatam Township – Straights of Mackinac Town/Range 40N, 4W Section 25, and Town/Range 39N, 4W Section 11

Authority granted by this permit is subject to the following limitations:

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31, Water Resources Protection, of the NREPA.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that Act.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.

- I. Permittee shall notify the MDEQ within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached preaddressed postcard to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of the MDEQ.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
- L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31, and wetland).
- M. In issuing this permit, the MDEQ has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, the MDEQ may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
- N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the State (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the State and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
- O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, the MDEQ may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
- P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from the MDEQ. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by the MDEQ prior to being implemented.
- Q. This permit may be transferred to another person upon written approval of the MDEQ. The permittee must submit a written request to the MDEQ to transfer the permit to the new owner. The new owner must also submit a written request to the MDEQ to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties which includes all the above information may be provided to the MDEQ. The MDEQ will review the request and if approved, will provide written notification to the new owner.
- R. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.
- S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
- T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent.
- U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.
- V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
- W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the waterbody are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
- X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the MDNR, Fisheries Division.
- Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

Notification shall be made to the MDEQ's Water Resources Division, one working day prior to starting the project. Please notify Kristi Wilson at 1504 W Washington Street, Marquette, MI, 49855, or wilsonk17@michigan.gov, or 906-236-0380.

This permit does not authorize work completed without permit under Part 325, Great Lake Submerged Lands.

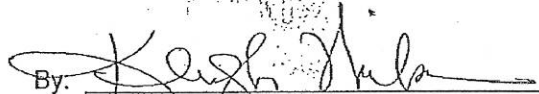
Prior to the start of work authorized by this permit, the permittee or authorized contractor shall provide the MDEQ with an emergency response plan for containing any unauthorized discharges to open water. This plan shall be submitted to the MDEQ at 1504 W Washington Street, Marquette, MI, 49855 or wilsonk17@michigan.gov a minimum of three business days before the start of construction. This plan shall provide the name, address, and telephone number of the person that the MDEQ can contact if necessary and who has the authority to stop work on the project.

In the event there is a leak of any material during the drilling operation, the project shall be immediately stopped, evaluated, and appropriate measures shall be taken to alleviate the release and contain the leaking material. The permittee is responsible for all liability associated with the occurrence of any unintended release, and is also ultimately responsible for the isolation, containment, restoration and final site cleanup, and disposal of the inadvertent fluid losses. The permittee, agent or contractor shall immediately notify the MDEQ representative at 906-236-0380 or by email at wilsonk17@michigan.gov, of any leaking problems. The notification shall include the following:

- The time and magnitude of the release.
- A description of the steps that are being taken to eliminate and control the inadvertent release.
- A time for the next notification to the MDEQ with the time not to exceed eight (8) hours.
- The name and telephone number of the person reporting the unintended release of drilling mud or of the person overseeing the construction efforts to halt and control the inadvertent return of fluids.

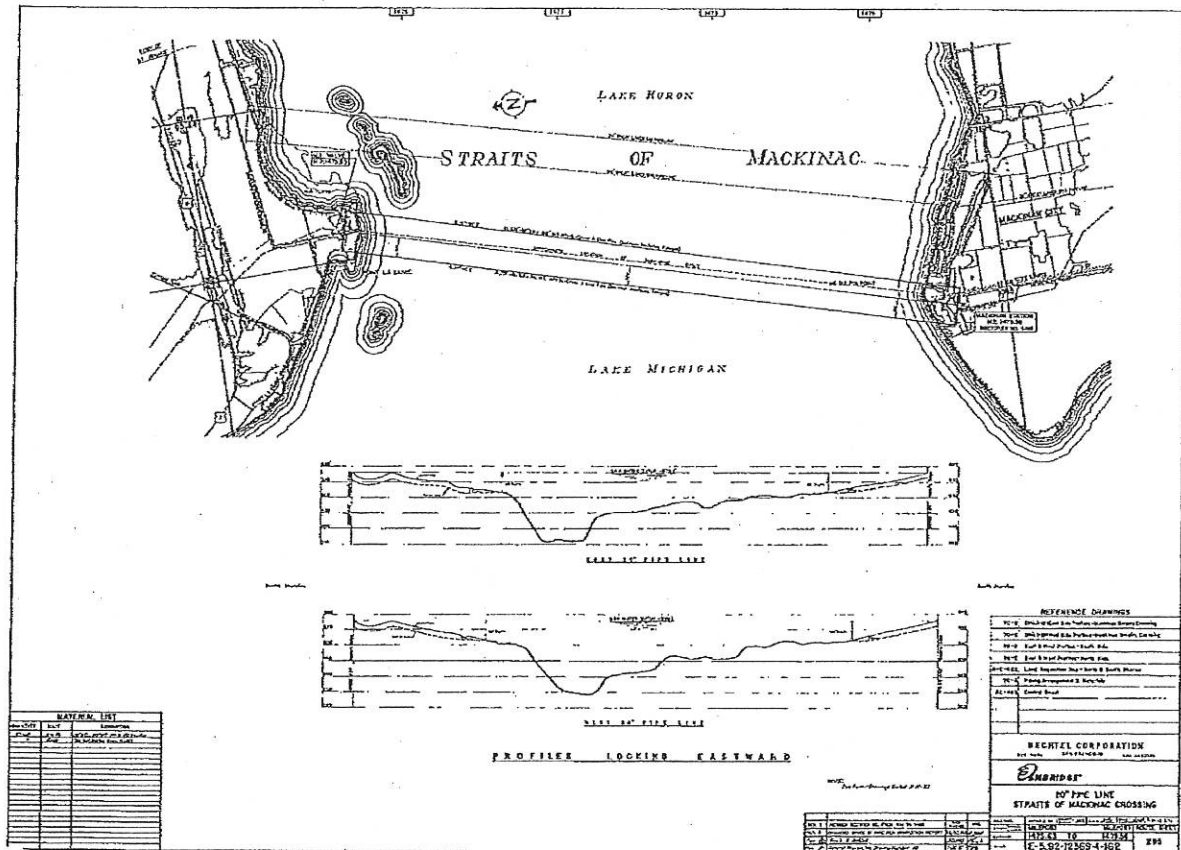
Upon the MDEQ's assessment of the situation, modifications to the permitted activity may be required.

This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by the MDEQ, will be for a five-year period beginning at the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.

By: 

Kristi Wilson
Water Resources Division
906-236-0380

- cc: Mackinac County Clerk
Mackinac CEA
Emmet County Clerk
Emmet County CEA
USACE, SSM
Moran Township Clerk
Wawatam Township Clerk
Emmet County Conservation District
DEQ, GLSU

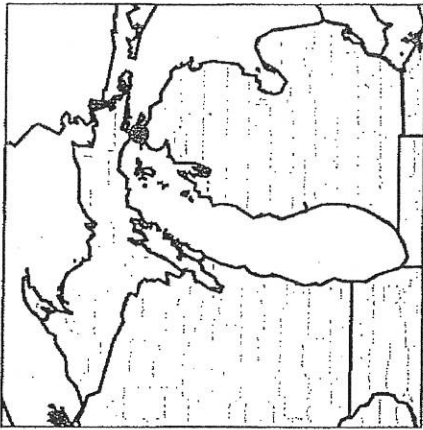


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MDEQ UP DISTRICT OFFICE

14-49-0017-P



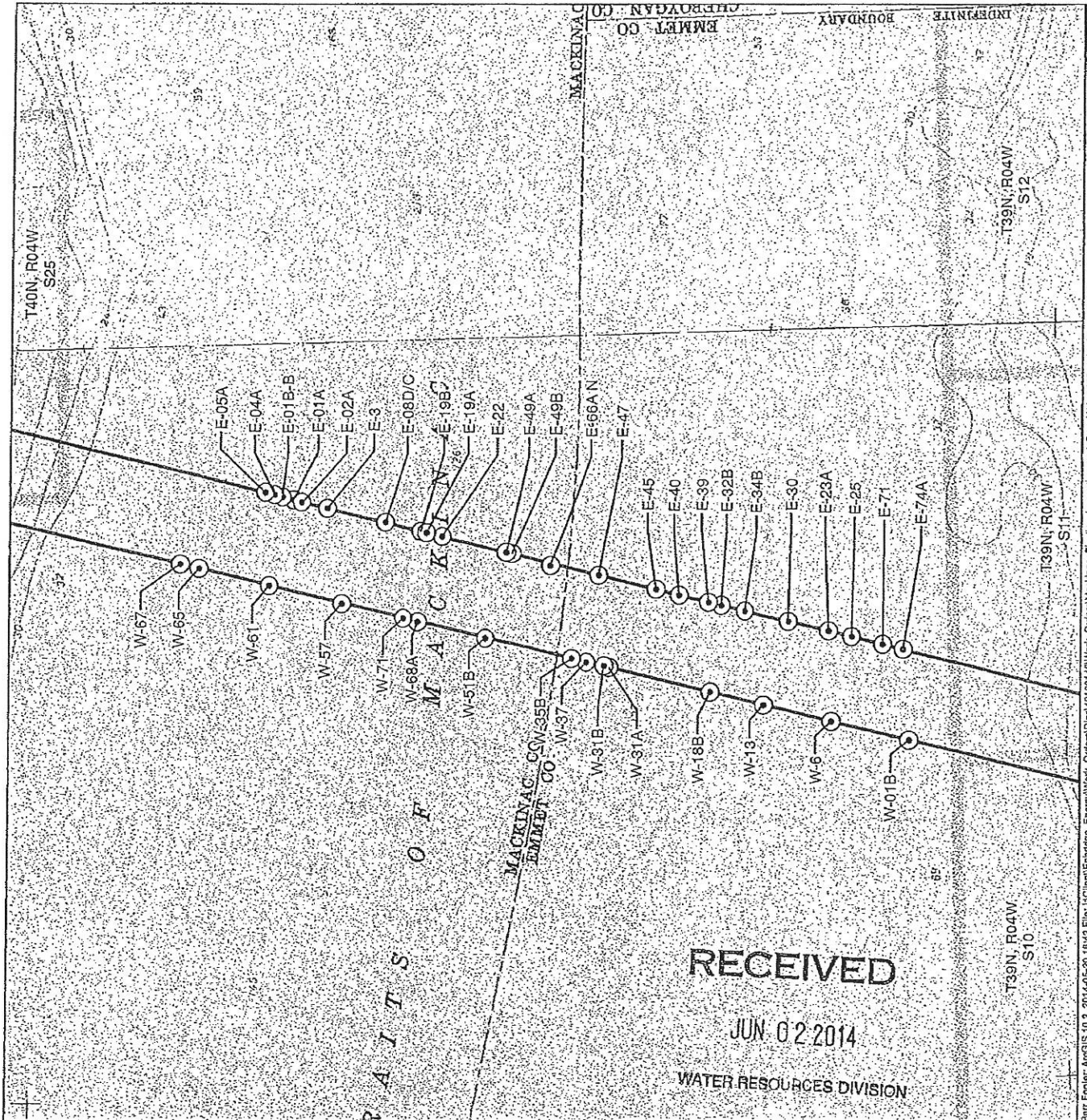
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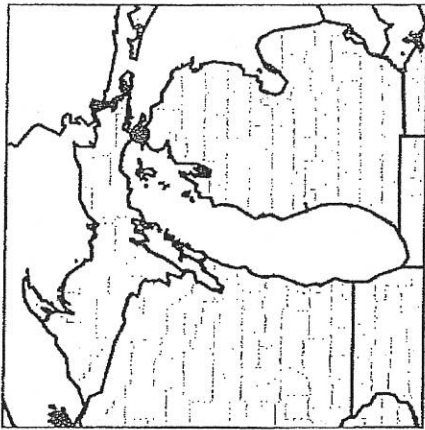
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ANCHOR LOCATIONS
 Line 5
 Straits of Mackinac



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14-49-0017-P



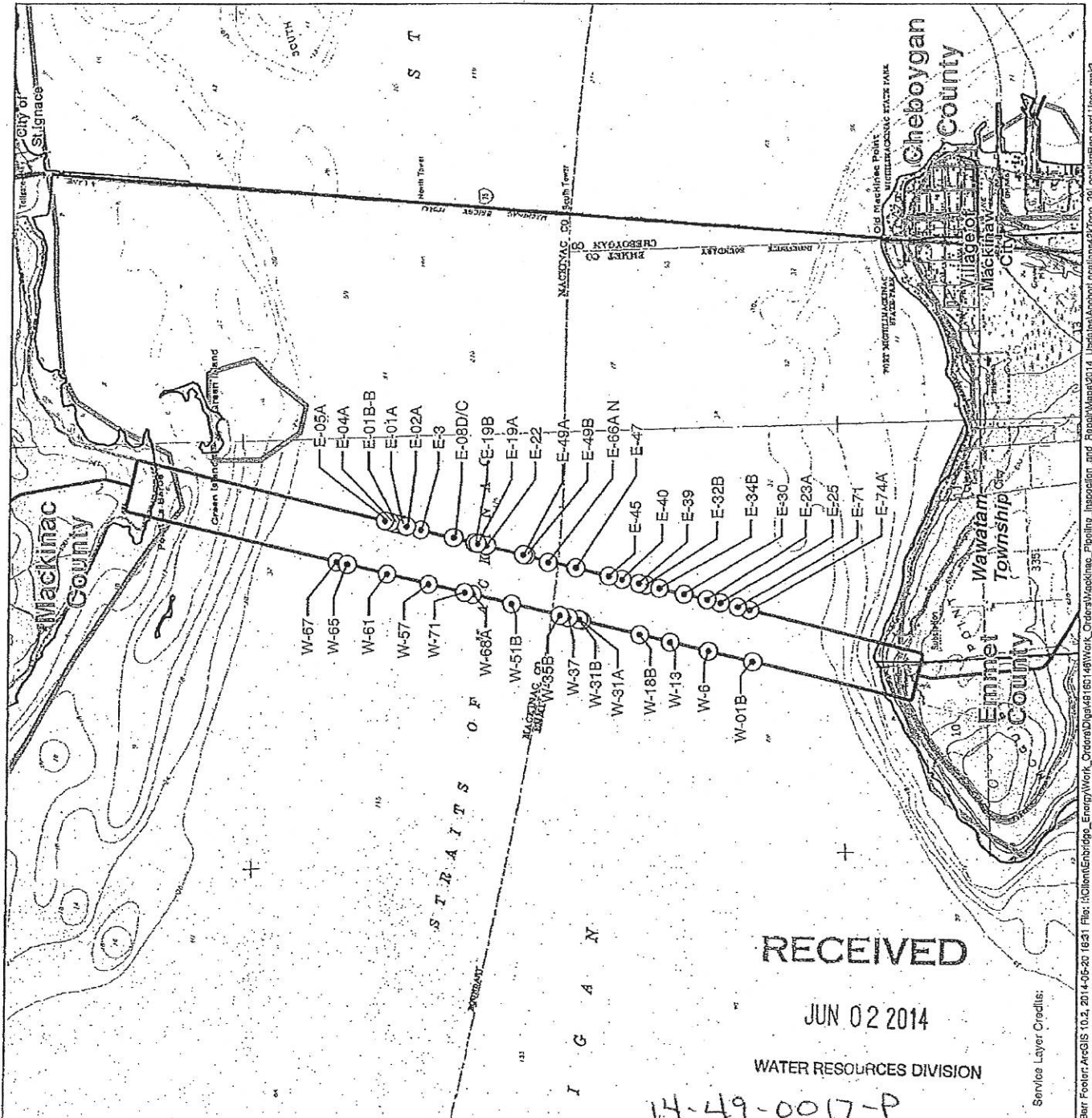
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1 Inch = 3,500 Feet
 Imagery: Esri/Microsoft, May 2010

ANCHOR LOCATIONS
 Line 5
 Straits of Mackinac



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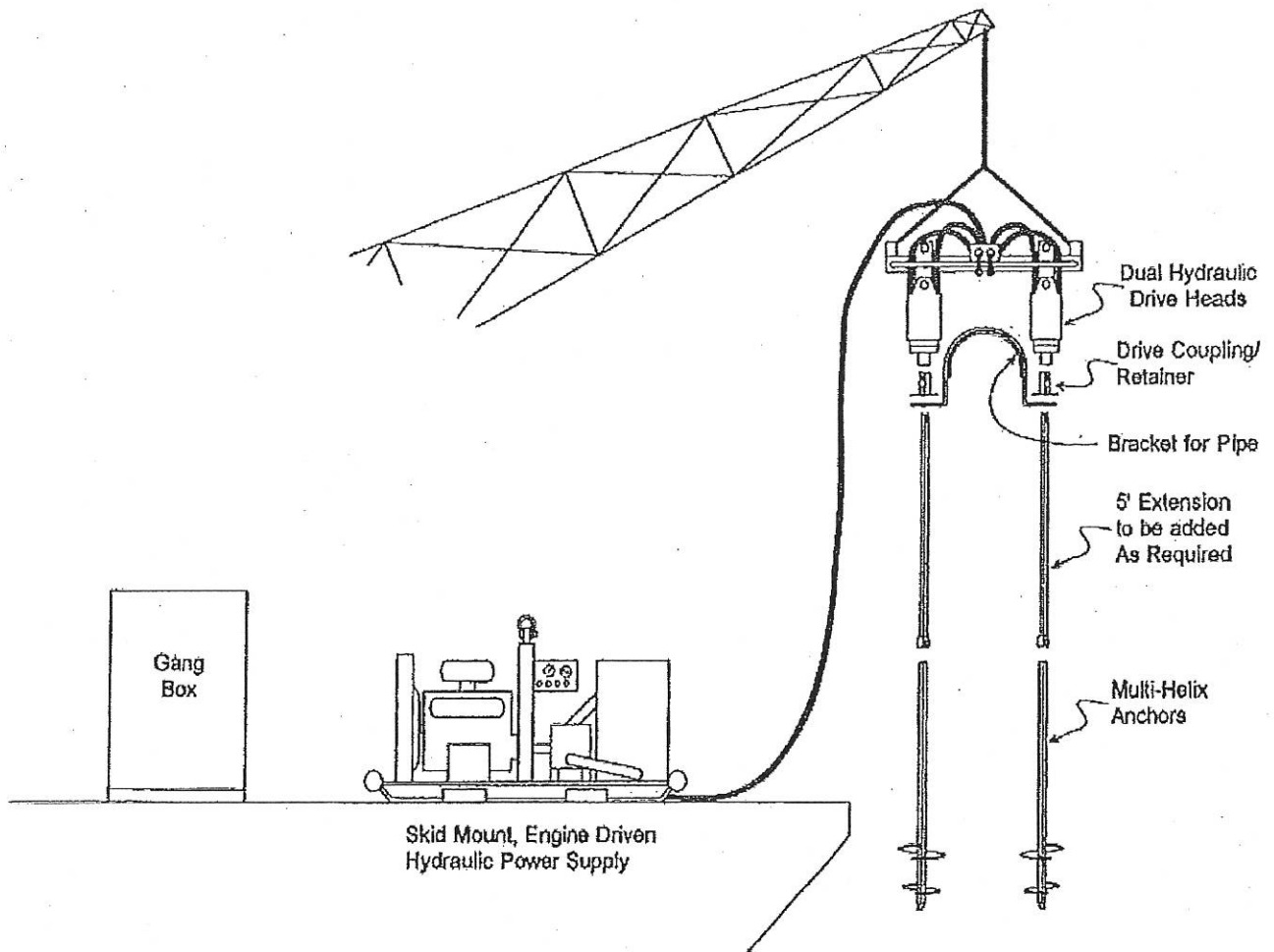
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WATER RESOURCES DIVISION

14-49-0017-P

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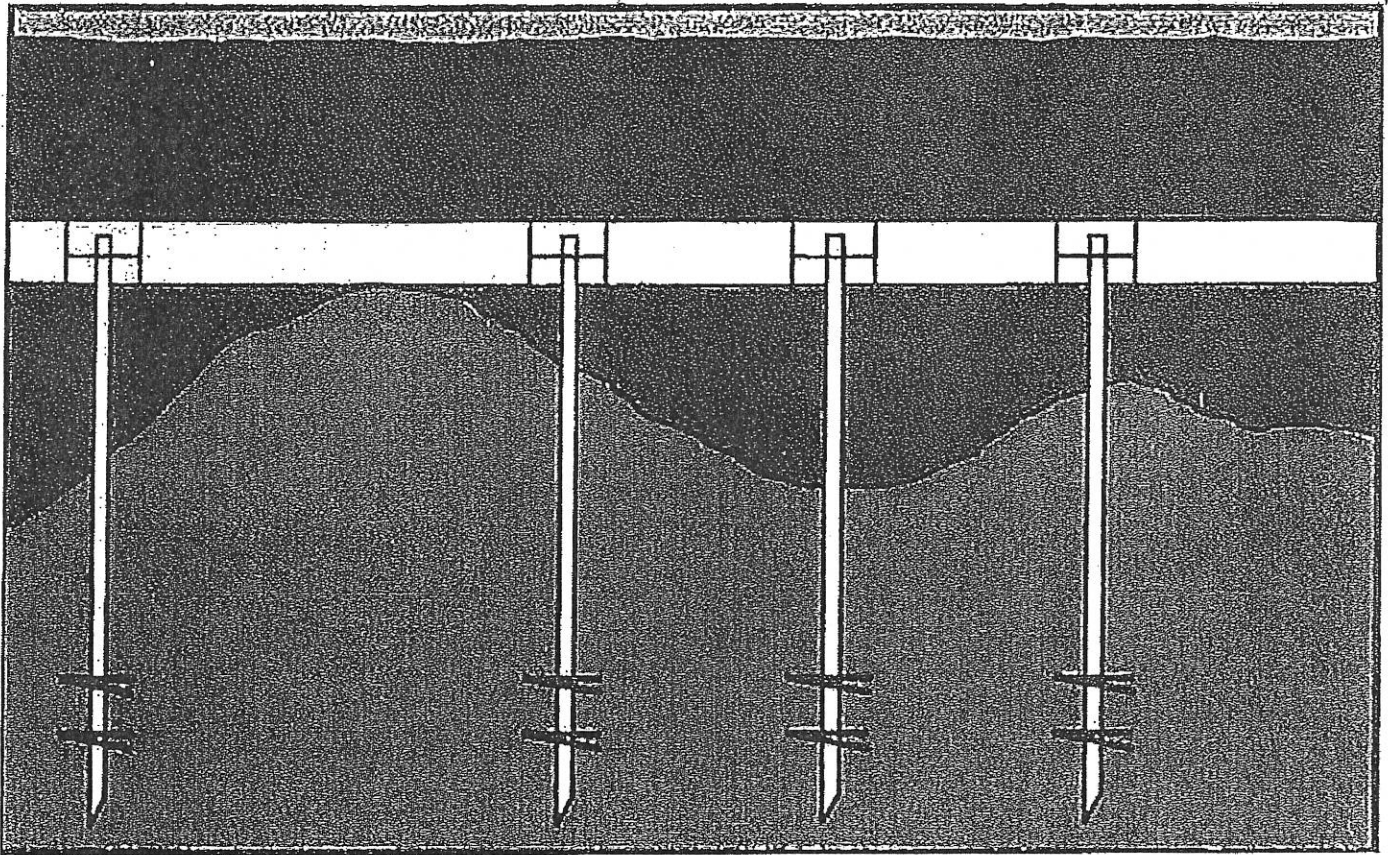
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MDEQ UP DISTRICT OFFICE

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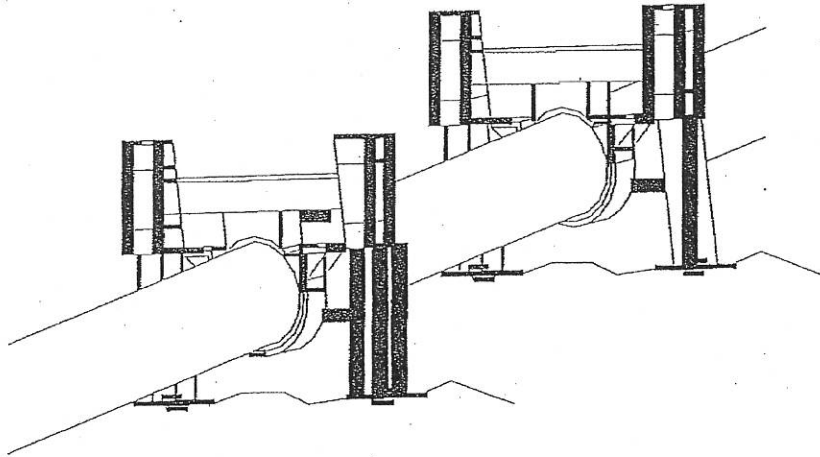
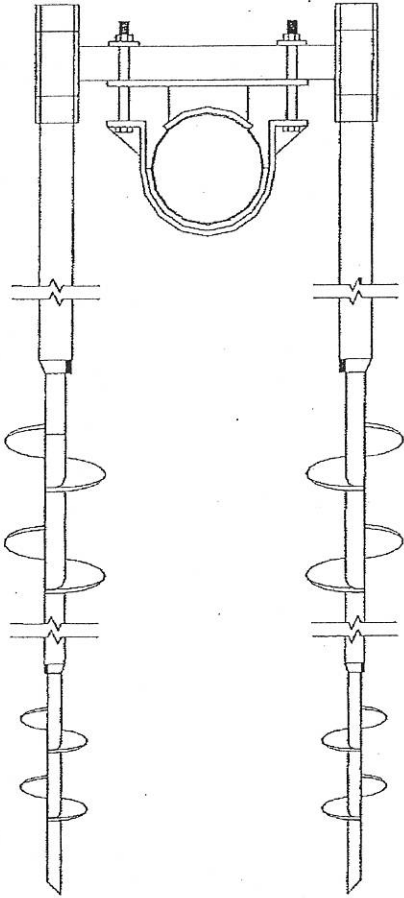


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APR 29 2014

MDEQ UP DISTRICT OFFICE

14-49-0017-P



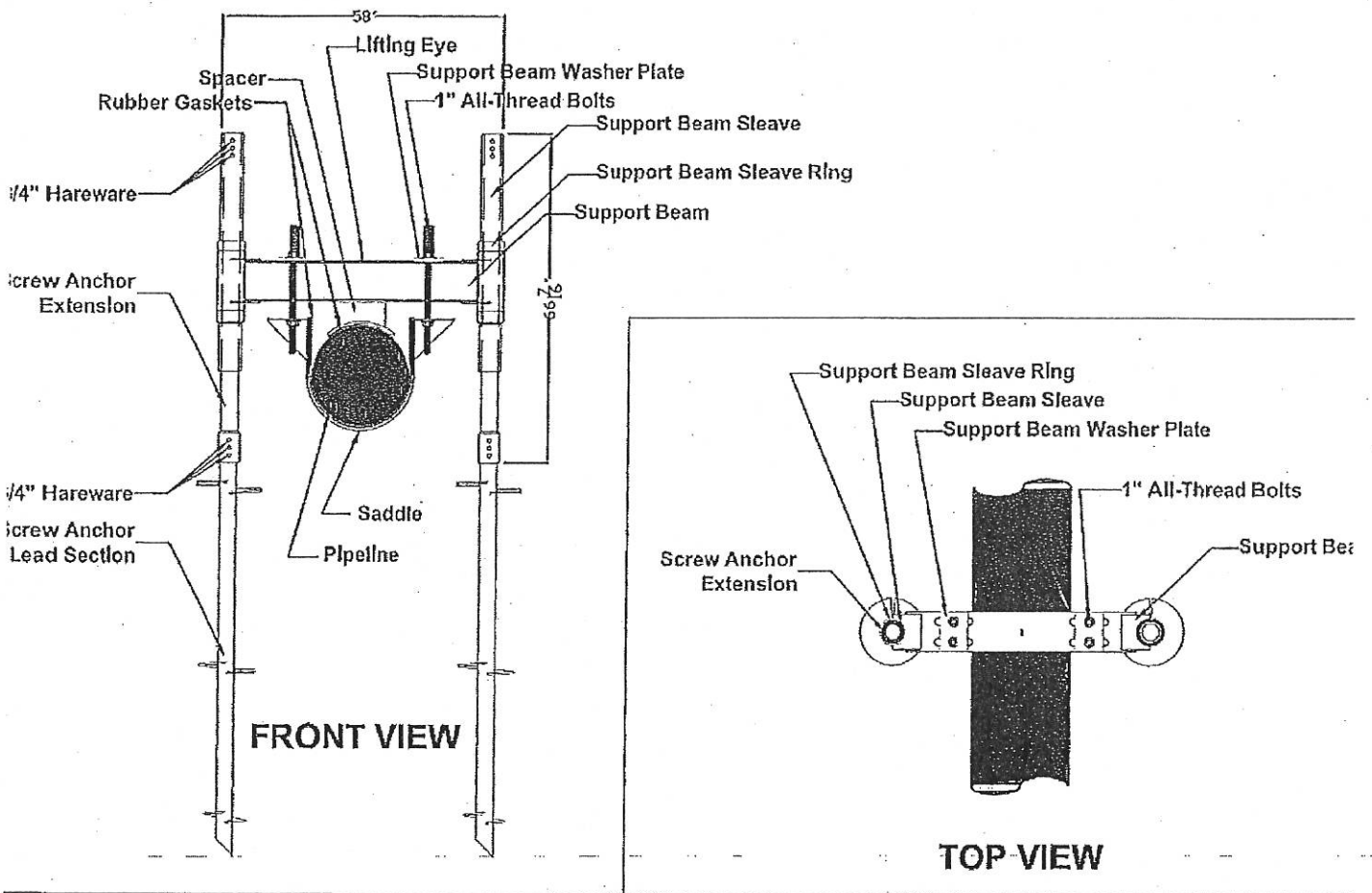
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