

DNR Comments and Information Requests to Enbridge's November 22, 2023 Responses

January 29, 2024

A. Comments on Enbridge's 11/22/23 Responses

Page 1/89: If the proposed project is approved, unless a waterway is completely dry for the entire duration of in-water work, DNR will require trenching in the waterway to be completed using a dry crossing technique. This may require dewatering, pumping, and/or installation of a flow bypass system within the waterway prior to construction.

This condition is a consistent requirement for DNR utility dredging permits. Enbridge states “the amount of water within a water feature depends on waterbody type, recent weather, and time of year. Therefore, the amount of water cannot be predicted prior to construction and the crossing type will be based on field conditions at the time of construction.” For each waterway proposed for open-cut trenching, Enbridge should arrive at the site with dewatering equipment and flow bypass/work-zone isolation system equipment, including pumps and hoses, and be prepared to install the equipment if water is present within the waterway. If Enbridge finds the waterway is completely dry (no standing water, no flowing water), then the flow bypass system equipment would not need to be installed unless waterway conditions change during construction.

Please update the WQ Monitoring Plan, stormwater construction plans, EPP/EIR, and appropriate documents to reflect this information.

Page 3/89: Update Preconstruction Table (Attachment 2, also referenced in QAPP) to clarify the pre-construction timing that TCSB/Access Roads/Yards will be sampled (2023, 5 days prior to construction)

Page 3/89: Update Post-Construction Table (Attachment 2, also referenced in QAPP) to clarify the post-construction dates TCSB/Access Roads/Yards will be sampled (days, years)

Page 3/89: The Pre-Construction Table (Attachment 2, also referenced in QAPP) includes wetland and waterways and the Post-Construction Table only includes waterways. Update the Post-Construction Table to align with the wetland water quality monitoring described in Section 3.0 of the WQMP and Question #23 of Enbridge's IR Response (page 9/89).

Page 4/89: Enbridge's Response #6 states the information gathered at waterways is similar to information that would be collected following the WDNR Guidelines for Evaluating Habitat of Wadable Streams (WDNR 2002), however, Enbridge does not confirm the methods for collecting the physical parameters listed in Table 1 of the WQMP. Additionally, Enbridge references the USDA Stream Visual Assessment Protocol for evaluating substrate embeddedness, however it is not clearly stated whether this guidance will be used for assessing other physical parameters. Provide clarification and provide the methodologies, guidances, protocols that have been and will be applied to collect the physical parameters listed in Table 1 of the WQMP.

Page 14/89: Update WQMP Attachment 3, *Water Quality Testing Methods* Table to incorporate method information for

- fecal coliform (missing from table)
- “Enbridge Test Methods” and “Parameter function” columns for TPH
- “WDNR: Test Methods” and “Parameter function” columns for Sulfate

Page 20/89: Enbridge's response #5 states civil survey elevation information and/or lidar information along the proposed centerline of each stream starting and extending approximately 50 feet back from the top of each stream bank (where stream depth and velocity allows for safe access) would be collected prior to construction. Clarify how civil survey elevation information would be collected.

Page 21/89: DNR requested Enbridge provide a brief analysis evaluating why bathymetric/topographic surveys pre- and post-construction are not proposed and how visual assessments will ensure accurate post-construction assessment of restoration success and stability. It is unclear how Enbridge's response to #5 directly answers this question, please provide clarification. Does civil survey elevation information include bathymetric/topographic surveys?

Page 25/89: Enbridge's Response #14 does not provide justification for why monitoring is not proposed for years 3 and 4 post-construction. Provide details on how Enbridge could ensure waterway restoration stability and success during these timeframes if monitoring is not taking place. *This request is also applicable to the March 2023 Appendix 4 Wetland and Waterbody Restoration and Post Construction Monitoring Plan. DNR has not yet received the most recent version of this plan and the following request may already be discussed in the most recent version**

Page 25/89: Provide prospective locations of equipment wash stations.

Page 37/89: **this request is specific to the March 2023 Appendix 4 Wetland and Waterbody Restoration and Post Construction Monitoring Plan. DNR has not yet received the most recent version of this plan and the following request may already be discussed in the most recent version** Provide details on why the medium value ASNRI wetlands adjacent to Camp Four Creek (wasw013ss, wasw010f, wasw011f, wasw012f) will not be monitored using the protocols for high and medium value-high floristic value wetlands.

Page 39/89: **this request is specific to the March 2023 Appendix 4 Wetland and Waterbody Restoration and Post Construction Monitoring Plan. DNR has not yet received the most recent version of this plan and the following request may already be discussed in the most recent version** Provide details on how Enbridge will monitor wetlands to ensure re-vegetation and restoration of PFO and PSS wetlands that are temporarily converted to PEM wetland. Provide criteria and measurable standards to evaluate success.

Page 39/89: **this request is specific to the March 2023 Appendix 4 Wetland and Waterbody Restoration and Post Construction Monitoring Plan. DNR has not yet received the most recent version of this plan and the following request may already be discussed in the most recent version** Provide details on why Year 2 and Year 4 monitoring is not proposed. Additionally, DNR has not received the updated Monitoring Plan and therefore cannot review the added table to Section 4.6-2.

Page 40/89: **this request is specific to the March 2023 Appendix 4 Wetland and Waterbody Restoration and Post Construction Monitoring Plan. DNR has not yet received the most recent version of this plan and the following request may already be discussed in the most recent version** Remove the statement "Enbridge will only use the open cut (wet trench) method, which does not isolate the work area from the stream water, to cross waterbodies with no apparent flow." Update this statement, per DNR's response to Page 1/89 (see above).

Page 42/89: Enbridge states in Response #2 "the stabilization method is based on an evaluation of the waterbody physical parameters such as bed and bank elevation, contours, and composition, as well as stream type and water depth and velocity. Each stream crossing was evaluated, and the most appropriate

restoration method was applied based on current industry standards and engineering expertise. Site-specific restoration plans were developed by engineers after field assessments and potential restoration methods applicable to each crossing.”

Provide details on why riprap is the most appropriate restoration and bank stabilization fill for Bay City Creek (sase006p), Beartrap Creek (sasb0071), and UNT Deer Creek (sasc039i), as determined from field evaluations and engineering. Provide details on why softer structures, which may be more supportive of the natural shoreline vegetation and features, would not be an appropriate substitute for restoration and bank stabilization at these sites, based on field evaluations and engineering.

Page 42/89: Attachment 7, *Site Specific Channel Remediation*, Drawing D-5-1.7-SKC017-135 for Bay City Creek calls out a “driveable path” and shows a grey fill area in figure 3 (Downstream Right). Update the legend to describe this area; provide clarification on any fill that is proposed as part of the driveable path; provide information on its location in relation to wetlands and the waterway; clarify if this information is included in the wetland/waterbody crossing table; provide justification for the fill, including why wetland/waterway impacts cannot be avoided (if applicable) and how impacts to wetlands and the waterway will be minimized (if applicable)

Page 42/89: Provide justification for the need to dredge and place riprap below the bed of the waterway, as proposed in Attachment 7, *Site Specific Channel Remediation*, for Bay City Creek, Beartrap Creek, and UNT Deer Creek.

Page 42/89: Enbridge states structures would be placed above the OHWM for Rock Creek, UNT Trout Creek, and UNT Silver Creek; please update Attachment 7, *Site Specific Channel Remediation*, to include these waterways for DNR records and to demonstrate structures will be above the OHWM.

Page 45/89: For waterways proposed to have bank stabilization/restoration structures placed below the bed of the OHWM, DNR requested information on the existing velocities and flows at these locations, as well as the proposed velocities and flows at these locations upon placement of bank stabilization/restoration structures. Enbridge stated upstream and downstream pre-construction stream velocity data will be gathered at each waterbody prior to the start of instream construction.

- a) How did Enbridge create site-specific engineered plans for the bank stabilization/restoration structures at these waterway crossings without having pre-existing hydrological and topographical data?
- b) How did Enbridge determine the engineered plans are appropriate for the site without this information?
- c) How does Enbridge ensure the placement of structures below the OHWM would not impact the resource (including velocity, flow capacity, erosion/sedimentation, stability, etc) upstream, downstream, or within the areas of structure placement without this information?
- d) How did Enbridge determine the stabilization measures have been designed to not result in impediment of stream flow, narrowing of channel, changing velocities, changing sediment transport without this data?
- e) How did Enbridge determine the bank stabilization/restoration measures for these waterways was the most appropriate waterbody restoration technique without this data?

- f) How did Enbridge determine the size, volume, length, and amount of stabilization/restoration materials required for these waterways without this data?

Page 45/89: Enbridge's response to DNR request #8c was not sufficiently answered. Please provide a longitudinal profile showing existing and proposed plans for Bay city Creek, Little Beartrap Creek, Beartrap Creek, UNT Deer Creek, UNT Marengo River, UNT Brunsweller, UNT Gehrman bank stabilization/restoration; plans should include the bed, both banks, OHWM elevation, and flood event elevations.

Page 66/89: Update the matting restoration section in the EPP to include

- a. Discussion on how Enbridge would organize and record areas where wetland matting was placed for greater than 60 days in the growing season.
- b. Discussion on post-construction restoration objectives, including vegetation cover and type, invasive species, hydrology, topography/elevations, and if restoration objectives would differ between wetland types.
- c. Discussion on mitigation/restoration efforts that would be taken if monitoring events determined restoration objectives were not met.
- d. Discussion on how areas of compacted soils would be assessed and restored, if observed.
- e. Discussion on how pre-construction and post-construction information would be collected and/or evaluated for matting within wetlands with standing water.
- f. Discussion on how often monitoring would occur.
- g. Discussion on how monitoring and restoration efforts and data would be maintained and reported to DNR.

Page 52/89: Access roads are listed in the Wetland and Waterbody Crossing Table with temporary wetland fill impacts. Anticipated temporary improvements to access roads in EIR table 4.2.3-1 describe gravel/rock. Clarify whether gravel/rock is proposed within wetlands from the installation and use of access roads. If so, provide a PAA discussing avoidance, minimization, and alternatives for gravel/rock in wetland. Provide details on how Enbridge would ensure all rock is removed upon project completion.

Page 80/89 Wetland and Waterbody Crossing Table

- a) There are features that, when filtered "NA" for instream excavation impacts, have "yes" under Dredging. Provide clarification.
- b) There are features that, when filtered "Yes" for dredging, have "NA" under pipeline crossing method. Provide clarification.
- c) Remove the values in row 1078.

- d) sasc1001i is proposed for dredging and is designated an access road crossing. Provide clarification.
- e) Update Column S to exclude DC designations; Enbridge will not know site conditions until construction and all waterway crossings shall be dry crossings.
- f) Update legend description for “c” Proposed Pipeline Crossing Method.
- g) Update legend to remove redundant “b” description.
- h) Update legend letters to correspond with columns (currently, some letters don’t seem to align with the correct column).
- i) Update description reference for bridge type; where can Appendix G be found?
- j) Can another column be added adjacent to Column E “Feature Type” that will only have “wetland” and “waterway” designations? For example, all swale, ditch, WDH designations appear to be considered “waterways”. Same for pond, river, and stream – can the additional column designate these as “waterway”?
- k) Update the legend description for “s” to include all field and DNR-mapped waterways are considered navigable unless determined by DNR; can this also be applied to “swale” and “ditch” features?
- l) Clarify if legend description for “r” (volume of excavation) incorporates the width of waterway crossing; if so, update the calculation with the appropriate waterway crossing width (bank width or OHWM width?)

B. Comments on Attachment B, Delineated Wetlands and Waterbodies Maps

1. Provide an aerial environmental map to show locations of TCSB crossings; for waterways greater than 35 feet wide, mark these TCSB crossings with a different color/symbol. For waterways that will be crossed via an existing road, culvert, crossing, please indicate this.
2. The *Attachment B, Delineated Wetlands and Waterbodies* maps appear to be missing a map page that shows project components from MP 39.5 to MP MP 40.2. Please provide this map page.

C. Comments on Post-Construction Wetland and Waterway Monitoring Plan

theses requests are specific to the March 2023 Appendix 4 Wetland and Waterbody Restoration and Post Construction Monitoring Plan. DNR has not yet received the most recent version of this plan and the following request may already be discussed in the most recent version

1. Page 11/27 of Post-Construction Monitoring Plan: Clarify what will be assessed during post-construction “walk-over inspections” along the HDD ROW corridor. Clarify if walk-throughs would include invasive species data collection that can be compared to pre-construction data.

2. Page 11/27 of Post-Construction Monitoring Plan: Provide details on how Enbridge would determine which 50% of the low and medium functional value wetlands to sample in a monitoring year.
3. Provide a table documenting pre-construction invasive species information, including, species type, abundance/percent cover, density of invasives, invasives adjacent to project, land use observations, etc. **Not sure if this should be incorporated into the INS Plan, Post-Construction Monitoring Plan, or both**
4. Provide a map documenting where invasive species are observed along the project route (including within new ROW, workspaces, laydown yards, valve locations, etc.). **Not sure if this should be incorporated into the INS Plan, Post-Construction Monitoring Plan, or both**
5. Provide a discussion on where RCG has been observed and how RCG will be managed during construction. **Not sure if this should be incorporated into the INS Plan, Post-Construction Monitoring Plan, or both**
6. Discuss how a 5-year post-construction monitoring schedule would meet objectives to evaluate and determine the success of wetland and waterbody restoration within the project area, taking into consideration the abundance of quality wetlands and waterways crossed and/or impacted by the project, as well as the current restoration plans of relying on natural seed bank and vegetation to become re-established within the project area. Provide discussion on whether Enbridge has considered a post-construction monitoring timeline extending beyond 5 years.
7. Provide details on how Enbridge would manage/mitigate wetland restoration in areas where natural seed banks and re-vegetation have not shown signs of re-establishment, including areas of temporary PSS and PFO conversion.
8. Discuss if Enbridge has considered planting wetland shrubs/trees in areas of temporary wetland conversion.
9. Provide details on how Enbridge would manage/mitigate wetland restoration for the following years if monitoring results determine restoration standards have not been met that present year.

D. Comments on Other Items

1. Provide discussion on pre-construction and post-construction waterway riffle/pool/run restoration and monitoring for waterways that would be crossed via open-cut trenching.
2. Provide discussion on pre-construction and post-construction waterway bed substrate type, embeddedness, and composition assessments that would be evaluated for waterways that would be crossed via open-cut trenching.
3. Complete Bank Erosion Potential Index (BEPI) score worksheets for the biostabilization and riprap integrated biostabilization areas.

4. HDD is proposed from MP 39.4 – MP 39.7, approximately, on the *Attachment B, Delineated Wetlands and Waterbodies* maps; provide details on whether Enbridge considered extended the HDD path to MP 39.3 to avoid or minimize impacts to the forested wetlands.
5. List waterways that are greater than 35 feet wide that will have TCSB crossings and provide information on how these TCSB will be installed, used, removed successfully and safely, given the width of the waterway.
6. The Project includes a proposed workspace immediately along HWY 112 at White River Dam (FERC-regulated, P2444) on page 11/50. The White River Flowage (WBIC 2894200, upstream portion of the dam) is a Wild Rice Water. Provide site plans that show proposed BMPs and project components. Provide site-specific details on how this waterway would be protected during construction.
7. Section 8.1 of the EPP states tracking pads installed in wetlands will use clean rock placed on geotextile fabric. Provide justification for rock placement in wetlands, including why physical tracking pad structures cannot be installed, what alternatives were evaluated instead of the use of rock, how Enbridge would ensure all rock would be removed from wetlands after use, etc.
8. Provide information on the water line work near MP 4.87 that would result in temporary wetland impacts.
9. Provide impact information on the proposed 0.32 acres of temporary wetland fill impacts for MLV 1; is this fill coming from matting, soil rutting/mixing, excavation? How will wetland impacts be minimized at this location?
10. Provide a Typical Construction Workspace – Waterways figure similar to what was provided in the project application narrative for wetland crossings (see below). Include the estimated trench width, permanent ROW corridor width, workspace width, etc.

