



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
231 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60604-1437

January 16, 2015

Technical Services Division
Regulatory Branch
LRC-2013-226-IN

SUBJECT: Nationwide Permit for the installation of 4.1 miles of pipeline from the Griffith Terminal to the Illinois State Line in Lake County, Indiana (IDEM File No.: 2014-536-45-MTM-A)

Enbridge Energy, Limited Partnership
Attn: Mr. Scott Weyandt
1409 Hammond Avenue
Superior City Center
Superior, WI 54880

Dear Mr. Weyandt:

This is in response to your permit application and plans for the above-referenced project. You are proposing a 79.6 mile pipeline from Griffith, Indiana to Pontiac, Illinois. The approximately 4.1 miles of project in Indiana will have temporary impacts to 0.013 acre of emergent wetland, 3.198 acre to scrub-shrub wetland and 4.760 acre to forested wetland. To compensate for these impacts you will restore the impacted wetlands onsite and assist the Indiana Department of Natural Resources in enhancing a 28 acre property in Schererville, Indiana.

The U.S. Army Corps of Engineers has determined that your project is authorized by the existing Department of the Army Nationwide Permit number 12 (Utility Line Activities) as published in the Federal Register on March 18, 2012. The subject activity may be performed without further authorization from this office provided that the activity complies with the Nationwide Permit terms and conditions, the special conditions listed below and any conditions added by the Indiana Department of Environmental Management (IDEM).

The special conditions deemed necessary for this project are as follows:

1. The top 12 inches of wetland topsoil must be removed from the excavation area(s) and stockpiled separately from other soils for later reuse. This salvaged topsoil must be placed on top of any other authorized backfill materials in a manner restoring original grade and compaction.

2. All temporary structures and/or fills shall be removed in their entirety upon completion of the project.
3. Upon completion of construction, the permittee shall restore the wetland soil to pre-existing compaction, permeability, ground contours, and ensure establishment of native vegetation.
4. Monitor the disturbed on-site restoration site annually for a minimum of three (3) continuous years to determine if it is meeting the success criteria. The monitoring must start no later than one full growing season after construction, and monitoring reports must be submitted to this office by December 31 of each year until released from monitoring by this office. These reports shall contain information concerning what steps you have taken to create the restoration site and whether the site is achieving each of the success criteria.
5. To release the on-site restoration site you must demonstrate in your monitoring reports, that the site meets or exceeds the below success criteria for at least two (2) consecutive years. Once you believe that the site meets or exceeds all of the success criteria, you may submit a proposed final monitoring report to suspend monitoring. If the site does not meet the specified success criteria for two consecutive years in this three year period, then you will monitor the site for an additional two years for a total of five years.
6. Ensure that the on-site restoration wetlands meet all of the following success criteria for at least two (2) consecutive years:
 - a. The area of wetland established, as measured by a wetland delineation, must meet or exceed the 7.97 acre of wetland restoration required.
 - b. The wetland re-established must consist of 0.013 acre of emergent wetland, 3.198 acre to scrub-shrub wetland and 4.760 acre of forested wetland.
 - c. Greater than 50% of the dominant vegetation species must have a wetland indicator of FAC (i.e., facultative) or wetter.
 - d. The hydrology at the mitigation wetland site must meet the wetland hydrology criteria contained in the United States Army Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1 (January, 1987).
 - e. The forested and scrub-shrub restoration wetlands shall have less than 5% aerial coverage of *Lythrum salicaria* (purple loosestrife) and *Phragmites australis* (common reed).
 - f. At minimum 75% of the planted trees shall be surviving at the end of the monitoring period.
 - g. At minimum 75% of the planted shrubs shall be surviving at the end of the monitoring period.
 - h. Any additional success criteria specified in the restoration plan.
7. All unsuitable/excess dredged and excavated material not used as backfill over the pipeline shall be removed from the waterway and disposed of at an upland disposal site in a manner to ensure no return or erosion to any waterway or wetland.
8. Erosion control measures shall be installed to prevent discharge material from entering wetlands or waterways. These measures must be in place prior to starting work, and their

effectiveness must be maintained until all work at the site is completed and the area has been stabilized against erosion.

9. All wetland and temporary workspace boundaries must be marked prior to starting land disturbing activities.
10. Implement the 28 acre enhancement plan as described in your “Letter of Commitment: Lake County Indiana DNR Ecological Enhancement Project, Enbridge Line 78” dated December 10, 2014. Referred to hereinafter as the “DNR enhancement” and as modified by the conditions of this authorization.
11. Within 120 days of the date of this permit you will need to submit to our office for review a more specific enhancement plan that details how you will reduce the presence of invasive species on the 28 acre DNR site. In addition you must specify performance goals and the management activities to achieve those goals.
12. You must implement the DNR enhancement within one (1) year of the effective date of this authorization.
13. The conditions provided in the Section 401 Water Quality Certification from the Indiana Department of Environmental Management, are conditions of this authorization.

This determination covers only your project as described above and in your submitted application dated February 2014, revised October 2014. Caution should be taken so that construction materials and/or activities do not enter any waterway or wetlands beyond the scope of this authorization. If the design, location, or purpose of the project is changed, you should contact this office to determine the need for further authorization.

This verification is valid for three years from the date of this authorization. The authorization is without force and effect until all other permits or authorizations from local, state, or other Federal agencies are secured. Please note that IDEM’s Section 401 Water Quality Certification for the subject project are conditions of your Department of the Army authorization. If you have any questions regarding Section 401 certification, please contact Mr. Marty Maupin at IDEM’s Office of Water Quality by telephone at (317) 233-2471.

If it is anticipated that the activity as described cannot be completed within the time limits of this authorization, you must submit any request for a time extension to this office at least thirty (30) calendar days before the expiration date is reached.

For any additional information on the Nationwide Permit Program please access our website: <http://www.lrc.usace.army.mil/Missions/Regulatory.aspx>. If you have any questions, please contact Mr. Paul Leffler of my staff by telephone at 312-846-5529 or email at paul.m.leffler@usace.army.mil.

Sincerely,

Diedra Willis
Indiana Team Leader
Regulatory Branch

Copies Furnished:

IDEM (Mr. Maupin)
USFWS (Ms. McCloskey)