



DEPARTMENT OF THE ARMY
 CORPS OF ENGINEERS, OMAHA DISTRICT
 NORTH DAKOTA REGULATORY OFFICE
 1513 SOUTH 12TH STREET
 BISMARCK ND 58504-6640

August 30, 2006

North Dakota Regulatory Office

[200660302 (NWP #12) and 200660567 (NPR)]

Enbridge Pipelines (North Dakota) LLC
 ATTN: Kris Benson, CHMM, Environmental Analyst II
 119 North 25th Street East
 Superior, Wisconsin 54880-5247

Dear Ms. Benson:

1. **Project Authorization.** We have reviewed your August 9, 2006 application for Department of the Army (DA) authorization submitted by Merjent, Inc. on behalf of **Enbridge Pipelines**. You propose to install 52.5 miles of 10-inch oil pipeline in Williams County [**Trenton to Beaver Lodge Line Loop**]. Of the 103 waters identified in your application, 71 are subject to regulation and 32 are not. No permanent impacts associated with construction are anticipated. Temporary impacts associated with sidecasting materials adjacent to the pipeline trench in regulated waters total slightly less than 5 acres. Based on the information provided, this office has determined that your work is authorized by Department of the Army Nationwide Permit No. 12, found in the January 15, 2002 Federal Register (Vol. 67, No. 10, Part II), Issuance of Nationwide Permits. Enclosed is a fact sheet that fully describes this permit and lists the General Conditions and the Section 401 Water Quality Certification Requirements, if applicable, that must be followed for this authorization to remain valid.

This verification is valid until the nationwide permit is modified, reissued or revoked. The nationwide permit is scheduled to be modified, reissued or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the nationwide permit. We will issue a public notice announcing the changes when they occur. Furthermore, if you commence or are contract to commence this activity before the date the nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation to complete the activity under the present terms and conditions of this nationwide permit.

2. **Project Location.** The pipeline corridor is located in parts of 57 sections all located in Williams County, North Dakota.

3. **Project Compliance Certification.** *In compliance with General Condition 14, you are required to submit the following project compliance certification within thirty (30) days of project completion. [Please check all applicable statements]*

- I certify that I have completed the project as permitted.
- I certify that I have completed a modified version of the project.
- I certify that I have completed all required mitigation.

Permittee's Signature: _____ Date: _____

4. **Other Authorizations.** Although an Individual Department of the Army permit will not be required for the project, this does not eliminate the requirement that you obtain any other applicable federal, state, tribal, and local permits as required. **Please note, any deviations from the original plans and specifications of your project could require additional authorization from this office.**

5. **Responsibility.** You are responsible for all work accomplished in accordance with the terms and conditions of this nationwide permit. If a contractor or other authorized representative will be accomplishing the work authorized by this nationwide permit on your behalf, it is strongly recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the applicable nationwide permit. Any activity that fails to comply with all the terms and conditions of this nationwide permit will be considered unauthorized and subject to appropriate enforcement action.

6. **Other Special Conditions.**

Endangered Species

That the permittee shall report any threatened or endangered species at the project site. Notification shall be made to the North Dakota Regulatory Office by telephone or fax within 24 hours. Written confirmation shall be provided within 48 hours if deemed necessary by the North Dakota Regulatory Office.

Cultural Resources

That the permittee and/or the permittee's contractor, or any of the employees, subcontractors or other persons working in the performance of a contract or contract(s) to complete the work authorized herein, shall cease work immediately and report the discovery of any previously unknown historic or archeological remains to the North Dakota Regulatory Office. Notification shall be by telephone or fax within 24 hours of the discovery and, in writing, within 48 hours. The North Dakota Regulatory Office will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. Work shall not resume until notified by the North Dakota Regulatory Office.

7. **Points-of-Contact.** If you have any questions concerning this determination, please contact **Toni R. Erhardt** of this office by letter or telephone at 701-255-0015 and reference Authorization Numbers **200660302** and **200660567**.

Sincerely

Daniel E. Cimarosti
State Program Manager
North Dakota

Enclosure

Copy Furnished: Merjent, Inc., ATTN: Tom Hess, Senior Analyst, 615 First Avenue NE, Suite 425, Minneapolis, MN 55413