

7.0 SITE PROTECTION AND MAINTENANCE

7.1 Legal Protection

Enbridge will work with the USACE, IDEM, and IDNR to develop a long-term legal protection plan for the site that is mutually acceptable to all parties if required. However, the IDNR has agreed to maintain ownership and long-term management of the site after monitoring is completed. Any required agreements will be finalized prior to the start of mitigation construction.

Party Responsible for Site Protection and Maintenance through Monitoring Period:

Enbridge Energy, Limited Partnership
1409 Hammond Avenue, 2nd Floor
Superior, Wisconsin 54880
Contact: Rachel Shetka
715-398-4699

Party Responsible for Long-Term Preservation and Maintenance of the Site:

Indiana Department of Natural Resources
402 West Washington Street
Indianapolis, IN 46204

7.2 Maintenance Plan

A long-term maintenance plan will be followed for the proposed mitigation site and associated buffer areas. Maintenance may include any combination of the following: selective herbicide application, mowing, hand-pulling or cutting undesirable species, and supplemental seeding/planting. Additional management tools and procedures may be considered as the site develops and adaptive strategies may evolve. Special attention will be paid to preventing infestation by invasive species. Long-term management at the mitigation site will also include hydrology and vegetation monitoring to document mitigation success criteria as required.

Maintenance shall be provided for a period of 10 consecutive years, or until the project is deemed to be successful by the applicant, the USACE, and the IDEM. Maintenance shall be provided by the applicant until regulatory signoff is received. Maintenance conducted beyond the regulatory monitoring period shall be conducted by the landowner, if necessary. Only under *force majeure* conditions, such as tornado damage, major flood damage, and other Acts of God, shall the applicant deviate from the mitigation and maintenance plan.

8.0 ADAPTIVE MANAGEMENT PLAN

The applicant will promptly notify the USACE and IDEM if the mitigation project cannot be constructed as detailed in the mitigation plan, as significant modification to the plan will require approval from the USACE, IDEM, and IDNR. Also, the applicant will notify the USACE if monitoring or other site information indicates that the mitigation is not progressing towards compliance with the performance standards. The USACE, in consultation with the applicant, IDEM, IDNR, and other appropriate agencies, will evaluate if the mitigation is meeting the objectives as detailed in the mitigation plan and assist in determining the appropriate measures

to correct any deficiencies. Corrective measures will be designed to provide ecological functions and values comparable or superior to those described in the mitigation plan. Performance standards may be revised to reflect any changes in management strategy or objectives. No other revisions to performance standards will be allowed by the USACE except in the case of natural disasters.

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8.1 Long Term Management

Following the site's release from monitoring by the USACE and IDEM, the permanent management of the site will be transferred to the IDNR. The IDNR will manage the site in perpetuity according to the agreed-upon long-term legal protection plan.

9.0 FINANCIAL ASSURANCES

Enbridge Energy will work with the USACE, IDEM, and IDNR to develop and provide required financial assurances to cover contingency actions in the event of mitigation default or failure to attain performance standards. Consideration will be given to construction, monitoring, long-term maintenance, remedial actions, and potential replacement mitigation. Options may include an irrevocable letter of credit, irrevocable trust, escrow account, or non-wasting endowment. Following the site's release from monitoring by the USACE and IDEM, the permanent management of the site will be transferred to the IDNR. The IDNR will manage the site in perpetuity according to the agreed-upon long-term legal protection plan.

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