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May 22, 2018

VIA EMAIL

Catherine Garypie
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Cate Tierney
U.S. EPA
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Mail Code 2243-A
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: ***United States v. Enbridge Energy, Limited Partnership, et al.*****, Civ. No. 1:16-cv-00914, Consent Decree [ECF No. 14] – Span Management Program Update / Notification of Potential Delay**

Dear Ms. Garypie, Ms. Whelan, Ms. Riley, and Ms. Tierney:

This is to advise the government of a potential delay in the obligation to install screw anchors under ¶ 68 of the Consent Decree (ECF #14) and the First Modification dated June 1, 2017 (ECF #15).

By email dated May 17, 2018 the U.S. Army Corps of Engineers informed Enbridge that the Corps has determined that several projects for which Enbridge has sought Corps approval, including permit applications for the installation of screw anchors, will likely be delayed. If this occurs, Enbridge will be unable to meet the October 1, 2018, deadline for anchor installation set forth in the First Modification (ECF #15). We accordingly are providing the government with notice under ¶ 175 of the Consent Decree of this event, which may delay performance of obligations under the Decree.

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Enbridge will provide additional explanation and description as provided in ¶ 175 within 10 days of the date of this letter.

Please let us know if you require any further information.

Sincerely,

William T. Hassler
David H. Coburn
Attorneys for Enbridge Defendants

Attachment

cc: Steven Willey, U.S. Department of Justice
Joe Warren, U.S. Department of Justice
Karen Peaceman, U.S. EPA Region 5
Thomas Van Horn, U.S. Coast Guard
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