IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

)
UNITED STATES OF AMERICA,)
) Civil Action No. 1:16-cv-914
Plaintiff,)
) Judge Gordon J. Quist
V.)
)
ENBRIDGE ENERGY, LIMITED)
PARTNERSHIP, et al.,) NOTICE OF FIRST
) MODIFICATION OF
) CONSENT DECREE
Defendants.)
)

Pursuant to Paragraph 201 of the Consent Decree approved by this Court in this action on May 23, 2017 (ECF No. 14), the parties hereby notify the Court that they have agreed to a non-material modification of the Consent Decree that extends the deadline under Paragraph 68.d of the Consent Decree as it applies to certain obligations that Defendants are required to undertake with respect to the Dual Pipelines in the Straits of Mackinac based on an underwater inspection of the Dual Pipelines that Enbridge completed on or before July 31, 2016 ("2016 Inspection"). Specifically, for all uncovered portions of the Dual Pipelines that (1) are located in water deeper than 65 feet, and (2) are not subject to requirements applicable to portions of the Dual Pipelines where the pipe is suspended above the lakebed without supports ("spans") for more than 75 feet, Enbridge shall complete installation of all screw anchor pipe supports ("Screw Anchors") required based on the 2016 Inspection by October 1, 2018.

Nothing in this agreed modification alters or extends the deadline specified in Paragraph 68.d of the Consent Decree to (1) maintain adequate cover on portions of the Dual Pipelines located in less than 65 feet of water, or (2) install Screw Anchors on spans longer than 75 feet. Furthermore, nothing in this agreed modification alters or extends deadlines applicable to any repairs that may be required under Paragraph 68 of the Consent Decree following subsequent underwater inspections of the Dual Pipelines required pursuant to Paragraph 68.f of the Consent Decree.

Pursuant to Paragraph 201 of the Consent Decree, agreed-upon changes to deadlines do not constitute material changes to the Consent Decree and are effective upon notice to the Court.

No action by the Court is required to effectuate the deadline extension described herein.

Each of the undersigned parties enters into and agrees to be bound by this First Modification of Consent Decree.

FOR PLAINTIFF UNITED STATES OF AMERICA:

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Deputy Assistant Attorney General

Dru A Dru

Environment and Natural Resources Division

s/ Steven J. Willey

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FOR DEFENDANTS:

ENBRIDGE ENERGY, LIMITED PARTNERSHIP, ENBRIDGE PIPELINES (LAKEHEAD) L.L.C., ENBRIDGE ENERGY PARTNERS, L.P., ENBRIDGE ENERGY MANAGEMENT, L.L.C., ENBRIDGE ENERGY COMPANY, INC., and ENBRIDGE EMPLOYEE SERVICES, INC.,

Stephen J. Neyland, Vice President

FOR DEFENDANTS:

ENBRIDGE OPERATIONAL SERVICES, INC., ENBRIDGE PIPELINES INC., and ENBRIDGE EMPLOYEE SERVICES CANADA INC.

D. Guy Jarvis, President

FOR DEFENDANTS:

ENBRIDGE ENERGY, LIMITED PARTNERSHIP, ENBRIDGE PIPELINES (LAKEHEAD) L.L.C., ENBRIDGE ENERGY PARTNERS, L.P., ENBRIDGE ENERGY MANAGEMENT, L.L.C., ENBRIDGE ENERGY COMPANY, INC., and ENBRIDGE EMPLOYEE SERVICES, INC.,

Stephen J. Neyland, Vice President

FOR DEFENDANTS:

ENBRIDGE OPERATIONAL SERVICES, INC., ENBRIDGE PIPELINES INC., and ENBRIDGE EMPLOYEE SERVICES CANADA INC.

D. Guy Jarvis, President

CERTIFICATE OF SERVICE

The undersigned certifies that, on this day, the foregoing Notice of First Modification of

Consent Decree was filed electronically with the Clerk of the Court using the Court's Electronic

Case Filing System, which sent notification of such filing to all counsel of record through the

ECF notification system.

s/ Steven J. Willey

Dated: June 1, 2017