



United States Department of the Interior

Fish and Wildlife Service

Detroit River Sub-Office

9311 Groh Road

Grosse Ile, Michigan 48138

Phone: 734/692-7628



July 26, 2012

Robert Steede, Manager of Environmental Operations Enbridge Energy Co.
1601 Pratt Avenue
Marshall, MI 49068-9546

On behalf of:

Enbridge Energy, Limited Partnership
Enbridge Energy Partners, LP

By Certified Mail Return Receipt Requested

RE: Presentation to Responsible Party of Interim, Partial Claim for Natural Resource Damage Assessment Costs for the Enbridge Pipeline Oil Spill, Pursuant to 33 U.S.C. § 2713

Dear Mr. Steede:

This Presentment Letter (Letter) is written on behalf of the state, federal and tribal trustees charged with public trust responsibilities for natural resources (the Trustees) injured and/or threatened by the July 2010 Enbridge Pipeline 6B Oil Spill and associated removal efforts. (the Incident). The Trustees¹ have authority under the Oil Pollution Act (OPA) (33 U.S.C. §§ 2701 *et seq.*) and the Natural Resource Damage Assessment Regulations (15 C.F.R. Part 990) promulgated pursuant to OPA (OPA NRDA Regulations), to conduct a Natural Resource Damages Assessment (NRDA) of injuries to their trust resources caused by the Incident. The OPA NRDA Regulations, at 15 C.F.R. 990.27, set forth standards for trustees to consider in the selection of potential assessment procedures. The Trustees have considered those standards and have selected certain assessment procedures to determine and quantify such injuries.

By this Letter, and pursuant to 33 U.S.C. § 2713, the Trustees present to Enbridge a claim, in the sum of \$167,100 for estimated Trustee and contractor costs to implement a vegetation survey as described in the attached Vegetation Assessment Survey Workplan. The number of sites and methods used are the same as Trustees and Enbridge cooperatively developed and used in 2011. During a meeting on April 18, 2012, Enbridge representatives Jim Snider and Bob Doherty expressed Enbridge's desire to also collect this data. Thus, Trustees are hopeful that Enbridge will decide to participate with the Trustees in cooperatively implementing this study. The budget presented here assumes that Trustees would be conducting the study independently. However, Enbridge's level of participation in the study (e.g. providing field staff) would affect the final budget. Please be advised that the budget for the Vegetation Assessment Survey Workplan is an estimate and actual costs may vary once detailed planning and design begin and/or as new information becomes available.

¹ The Trustees include the United States Department of the Interior, acting through the Fish and Wildlife Service and the Bureau of Indian Affairs; the United States Department of Commerce, acting through the National Oceanic and Atmospheric Administration; the State of Michigan, acting through the Department of Environmental Quality, the Department of Natural Resources, and the Department of Attorney General; the Nottawaseppi Huron Band of the Potawatomi; and the Match-E-Be-Nash-She-Wish Band of Pottawatomi.

The Vegetation Assessment Survey Workplan addresses injury determination activities, as described at 990.51 of the OPA NRDA Regulations, and quantification activities as described in 990.52 of those regulations, but does not include those activities contemplated by 990.53 of the Regulations, relating to development of restoration alternatives. In addition, the Trustees will conduct additional natural resource injury studies, restoration planning, and other assessment activities, depending on the results of the 2012 Vegetation Assessment Survey Workplan to be funded by the amount set forth above. Consequently, the claim presented herein is for interim, short term injury assessment only.

If you wish to obtain more information about the Vegetation Assessment Survey Workplan that the Trustees intend to undertake please contact me at 734-692-7628. Should Enbridge decline to pay the above claim it is the intent of the Trustees, in accordance with 33 U.S.C. § 2713 (c) and (d), to make a claim to the National Pollution Fund Center (NPFC) upon the expiration of ninety (90) days from the date of the presentment of this claim to Enbridge. Initiating the Vegetation Assessment Survey Workplan is time-critical. If Enbridge decides, in less than 90 days, not to fund some or all of the Trustee selected Vegetation Assessment Survey Workplan activities, please advise us at your earliest opportunity so we may avoid unnecessary delay in filing a claim with the NPFC to obtain funding for those activities. Thank you for your consideration in this matter.

Sincerely yours,


for Stephanie Millsap, Ph.D.

Lead Administrative Trustee, Enbridge Line 6B NRDA
U.S. Fish and Wildlife Service

Attachments:

Vegetation Assessment Survey Workplan

CC: Electronic
Mark Curwin, Enbridge Energy
Jim Snider, Enbridge Energy
Bob Doherty, Enbridge Energy
Kate Barfield, NOAA, Office of General Counsel
Jessica Winter, NOAA
William Brooks, Esquire
John Rodwan, Nottawaseppi Band of Potawatomi
Jeffrey L. Jocks, Esquire
R. Todd Williamson, Match-E-Be-Nash-She-Wish Band of Pottawatomi
Polly Synk, Michigan, Office of the Attorney General
Sharon Hanshue, Michigan Department of Natural Resources
Nicole Zacharda, Michigan Department of Environmental Quality
Kelly Bakayza, DOI Office of the Solicitor
Mary Lynn Taylor, DOI Office of the Solicitor
Steve Willey, U.S. Department of Justice