

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA  
CIVIL CASE NO. 09-2622 (DWF / RLE)**

SIERRA CLUB, INC., MINNESOTA )  
CENTER FOR ENVIRONMENTAL )  
ADVOCACY, NATIONAL )  
WILDLIFE FEDERATION, and )  
INDIGENOUS ENVIRONMENTAL )  
NETWORK, )

Plaintiffs, )

v. )

HILLARY CLINTON, in her official )  
capacity as Secretary of State, )  
JAMES STEINBERG, in his official )  
capacity as Deputy Secretary of State, )  
UNITED STATES DEPARTMENT )  
OF STATE, Lieutenant General )  
ROBERT L. VAN ANTWERP, in his )  
official capacity as U.S. Army Chief )  
of Engineers and Commanding )  
General of the U.S. Army Corps of )  
Engineers, Colonel JON L. )  
CHRISTENSEN, in his official )  
capacity as District Engineer and )  
Commander of the U.S. Army Corps )  
of Engineers, the UNITED STATES )  
ARMY CORPS OF ENGINEERS, )  
TOM TIDWELL, in his official )  
capacity as Chief of the United States )  
Forest Service, ROB HARPER, in his )  
official capacity as Forest Supervisor )  
for the Chippewa National Forest, and )  
the UNITED STATES FOREST )  
SERVICE, )

Defendants, )

and )

ENBRIDGE ENERGY, LIMITED )  
PARTNERSHIP, )

Intervenor. )

**DECLARATION OF LUTHER L. HAJEK  
IN SUPPORT OF DEFENDANTS'  
SURREPLY IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR A  
PRELIMINARY INJUNCTION**

Hon. Donovan W. Frank  
U.S. District Judge

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I, Luther L. Hajek, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am an attorney in good standing of the bar of the District of Columbia, and I am employed as a trial attorney with the United States Department of Justice, Environment and Natural Resources Division, Natural Resources Section. I am the lead attorney of record assigned to represent the Defendants in this action. I submit this declaration in support of Defendants' Surreply in Opposition to Plaintiffs' Motion for a Preliminary Injunction.

2. Attached as **Exhibit 15** is a true and correct copy of Appendix A, Section 404(b)(1) Analysis, of the U.S. Army Corps of Engineers' Record of Decision and Permit Evaluation for the Enbridge Energy, LP: Alberta Clipper Project and Superior Terminal Expansion ("Corps ROD"), issued on August 11, 2009.

3. Attached as **Exhibit 16** is a true and correct copy of Corps ROD Appendix B, Pipeline Segment Supplemental Submittals.

4. Attached as **Exhibit 17** is a true and correct copy of Corps ROD Appendix C, Summaries of Compensatory Mitigation Sites.

5. Attached as **Exhibit 18** is a true and correct copy of Corps ROD Appendix D, Project Public Notices, Summaries of Comments and Responses to Comments. Maps and figures were deleted for size.

6. Attached as **Exhibit 19** is a true and correct copy of Corps ROD Appendix F, Special Permit Conditions.

7. Attached as **Exhibit 20** is a true and correct copy of U.S. Army Corps of Engineers Permit No. 2008-4399-LAG issued to Enbridge Energy Limited Partnership and Enbridge Pipelines (Southern Lights) LLC on August 25, 2009. Maps were deleted for size.

8. Attached as **Exhibit 21** is a true and correct copy of U.S. Army Corps of Engineers Permit No. 2008-02118-JRB issued to Enbridge Energy, Limited Partnership on August 25, 2009.

9. Attached as **Exhibit 22** is a true and correct copy of U.S. Department of Agriculture, Forest Service, Special Use Permit No. CAL 4019-02 issued to the Lakehead Pipe Line Company on August 29, 2001.

10. Attached as **Exhibit 23** is a true and correct copy of an Amendment to Special Use Permit No. CAL 4019-02 issued by the Forest Service to Enbridge Energy, Limited Partnership and Enbridge Pipelines (Southern Lights), L.L.C. on August 20, 2009. A map was deleted for size.

11. Attached as **Exhibit 24** is a true and correct copy of is a true and correct copy of U.S. Department of Agriculture, Forest Service, Temporary Special Use Permit No. CAL 4019-11 issued to Enbridge Energy, Limited Partnership and Enbridge Pipelines (Southern Lights), L.L.C. on August 20, 2009.

Executed on November 10, 2009, at Washington, DC.

/s/Luther L. Hajek  
LUTHER L. HAJEK