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MVLWB Work Plan for Enbridge Pipelines (NW) Inc. – Updated December 1, 2017
March 2017 Applications
Water Licence MV2017L1-0002
Land Use Permit MV2017P0013

Purpose of the Work Plan

This Work Plan was updated from the version dated October 12, 2017. It outlines the processes and timelines to be followed for the March 2017 Applications for Water Licence (Licence) MV2017L1-0002 and Land Use Permit (Permit) MV2017P0013 for Enbridge Pipelines (NW) Inc. (Enbridge) Line 21 Segment Replacement Project (Project). The first portion of the Public Hearing was held in Fort Simpson on October 27 – 28, 2017. This updated Work Plan reflects the reconvening of the Public Hearing, which is scheduled for January 8 – 9, 2018. A table containing the updated timeline is on page 4 of this document.

Background

Enbridge submitted Applications for a Permit (MV2017P0013) and a Licence (MV2017L1-0002) on March 23, 2017 to conduct off Right of Way (RoW) activities for the maintenance of the Norman Wells (Line 21) pipeline from Norman Wells, NT to the Alberta/Northwest Territories border near Fort Simpson, NT.

The existing Line 21 pipeline extends from Norman Wells, NT to Zama, Alberta, a total length of 869 km. In 2016, through regular maintenance and inspection, increased rates of slope movement were identified near the Mackenzie River crossing, approximately 9 km east of Fort Simpson, NT. In order to protect the pipeline from the impacts of further slope movement, and to support continued safe operation of the pipeline, Enbridge is proposing to replace a segment of the existing pipeline under the Mackenzie River. The Project includes installation of up to 2500 meters of new pipeline below the Mackenzie River, using a Horizontal Directional Drilling method. The existing segment of pipe will be decommissioned in place.

On March 10, 2017, Enbridge filed applications with the National Energy Board (NEB) as follows:

- An application to install the new segment of pipe, pursuant to section 58 of the *National Energy Board Act*; and
- An application to decommission the existing segment of pipe, pursuant to section 45.1 of the Onshore Pipeline Regulations.

The first part of the Public Hearing was held in Fort Simpson on October 27 – 28, 2017. The Public Hearing will be reconvened in Fort Simpson on January 8 – 9, 2018.

Scope of Activities as Considered by MVLWB (off the Right of Way)

Site Clearing:

- Improvements to the shoofly access on the north shore
- Clearing of vegetation for camps, staging/laydown storage, well sites, camps, barge landing, sumps, and south and north work sites, where necessary

Mobilization of Equipment:

- transportation and set up drill and supporting equipment

The Use of Water:

- For drilling fluid make-up water and hydrostatic testing

Horizontal Directional Drilling:

- On South Work Site (proposed exit)

Site Restoration:

- Surface grades and drainages will be restored
- Excavations will be backfilled
- Brushing and peat will be rolled back over disturbed
- The north shore shoofly access and the north shore barge landing will be remediated
- Erosion and sediment controls will be installed

Demobilization:

- Demobilization of drilling and supporting equipment at the North and South Work Sites and all camp infrastructure

Water Discharge

- Pump-off discharge (to land) of: ponded surface water (if required), hydrostatic test water, separated water from drilling fluid, unused stored water (if required)

Drilling mud, drill fluid and drill cuttings storage and disposal

- Spent drill fluid and/or cuttings disposal sumps to be located off Right of Way

Camp setup and operation

- Camps will be setup off the RoW

Waste storage

- Some wastes may be temporarily stored off the RoW prior to offsite disposal, e.g., domestic wastes, cleared vegetation

Fuel Storage

- Depending on the final layout of the drill and supporting equipment at the North and South Work Sites, fuel may be stored on and/or off the RoW.

Activities as Considered by the NEB

The NEB set out information regarding the scope of the activities considered by it in Hearing Order MH-001-2017, released by the NEB on May 18, 2017. The Hearing Order can be found on the NEB's public registry under filing number: [A83697-6](#). The NEB also released a continuation letter of the oral process on August 17, 2017 under filing number: [A85536-1](#). The NEB held its Public Hearing in Fort Simpson on October 23-26, 2017.

Guiding Principles

The following principles guide the Work Plan of the MVLWB throughout this licensing and permitting process:

- The process shall be carried out in a timely manner and shall have regard to the protection of the environment in consideration of the impacts of the proposed undertaking and the importance of conservation to the wellbeing and way of life of the Aboriginal peoples of Canada (Section 35 of the *Constitution Act*, 1982);

- The Board will review Enbridge's March 2017 Applications and consider potential Licence and Permit conditions based on the evidence and rationale submitted by the company or any other party; and
- The Board will review Enbridge's March 2017 Applications and consider potential Licence and Permit conditions in order to meet the Board's mandate and applicable policies and to ensure consistency in decision-making throughout the Mackenzie Valley.

Work Plan Objectives

The Work Plan is to achieve the following objectives:

- Compile a broad range of input through the review process;
- Ensure adequate information is gathered to complete the Licence and Permit process;
- Facilitate a thorough, inclusive, and timely Licence and Permit review process; and
- Establish appropriate Licence and Permit conditions to ensure protection of the environment.

Opportunities for Community Engagement

- The Board's *Engagement and Consultation Policy and Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits* requires Enbridge to engage with communities and Aboriginal organizations regarding the Licence and Permit Applications prior to their submission;
- The Board has distributed the Applications to various parties, including Aboriginal organizations, governments, and communities, for review using the LWB Online Review System;
- The Board will include a notification(s) regarding the review process for these Applications in the newspaper;
- The Board held a Public Hearing in Fort Simpson on October 27-28, 2017 and will reconvene its Hearing on January 8-9, 2018; and
- The Board will hold any other consultation or engagement activity that the Board considers appropriate.

Materials Circulated for Comment by Parties

During the course of these proceedings, Board staff will review all evidence filed by the parties. These efforts are intended to identify issues or concerns which must be addressed in the Licence and Permit and to resolve them, if possible, before the close of the proceedings. In order to focus these discussions, staff will update and re-circulate a draft of the Licence and Permit for comment. This process allows parties to address the proposed terms and conditions for the Licence and Permit in their presentations to the Board and to prepare arguments setting out their positions with respect to these provisions at the close of the proceedings.

These staff efforts to develop and circulate a draft Licence and Permit should focus discussion on appropriate terms and conditions for these authorizations. The Board is not bound by the contents of any of these draft materials and will make its decision at the close of the proceedings on the basis of all the evidence and arguments filed by all parties.

The table on the following page sets out the main process steps in the Board's Work Plan and indicates the responsible party for each, as well as the anticipated completion date for each item.

Process Step	Responsible Party	MVLWB Dates (Completed)
Submission of New Permit and Licence Applications	Enbridge	(March 23, 2017)
Applications Deemed Incomplete	MVLWB	(March 31, 2017)
Additional Information Received	Enbridge	(April 19, 2017)
Applications Deemed Complete & Sent for Review	MVLWB	(April 19, 2017)
Draft Licence/Permit (v.1)** Sent for Review	MVLWB	(April 27, 2017)
Reviewer Comments Due on Application Package	Reviewers	(May 15, 2017)
Enbridge Response to Reviewer Comments on Application Package due	Enbridge	(May 18, 2017)
Board Invokes Paragraph 22(2)(b) of the MVLUR	MVLWB	(May 25, 2017)
Board issues Information Request (IR) #1 to Enbridge	MVLWB	(May 31, 2017)
Enbridge Submits Responses to IR #1	Enbridge	(June 7, 2017)
Reviewer Comments Due on IR #1	Reviewers	(June 15, 2017)
Late Comments Received from DFN	Reviewer	(June 20, 2017)
Enbridge Response to Reviewer Comments on IR #1 Due	Enbridge	(June 21, 2017)
Board Meeting on IR #1	MVLWB	(July 20, 2017)
Board directs Enbridge to Respond to DFN's Late Comments	MVLWB	(July 20, 2017)
Enbridge Responds to DFN	Enbridge	(July 21, 2017)
Board Meeting on Applicability of s.157.1 of the MVRMA	MVLWB	(August 3, 2017)
Draft Work Plan Sent for Review	MVLWB	(August 10, 2017)
Comments due on the Draft Work Plan	Reviewers	(August 16, 2017)
Announcement of Public Hearing, Call for Interventions	MVLWB	(August 28, 2017)
Re-Circulate Draft Licence/Permit (v.2)**	MVLWB	(August 28, 2017)
Pre-Hearing Conference	All Parties	(September 15, 2017)
Interventions Due	Interveners	(October 3, 2017)
Enbridge Responses to Interventions Due	Enbridge	(October 13, 2017)
Deadline for Intervener Public Hearing Presentations	Interveners	(October 16, 2017)
Enbridge Public Hearing Presentation Due	Enbridge	(October 19, 2017)
Public Hearing	All Parties	(October 27-28, 2017)
DFN to submit questions for Enbridge	DFN	(November 10, 2017)
Enbridge to respond to DFN questions	Enbridge	November 21, 2017
Pre-Hearing Conference	All Parties	November 22, 2017
Final Agenda	MVLWB	December 1, 2017
Updated presentations and cover notes due (if applicable)	GNWT, DFN, SKFN, LKFN	December 4, 2017
Public Hearing (Reconvened)	All Parties	January 8-9, 2018
Public Hearing Undertakings Due (if applicable)	All Parties	January 10-11, 2018
Final Closing Arguments (written) Due	Interveners	January 12, 2018
Final Closing Arguments (written) Due	Enbridge	January 17, 2018
Board Meeting	MVLWB	January 30, 2018 (Tentative)
Draft Water Licence and Reasons Sent to Minister	MVLWB	January 31, 2018 (Tentative)
Final Permit Decision	MVLWB	TBD
Final Permit sent to Enbridge	MVLWB	TBD
Final Licence Decision from the Minister	Minister	TBD
Final Licence sent to Enbridge	MVLWB	TBD

** Prepared by staff for discussion and comment by the parties.

Notes on Work Plan Process Table

Enbridge – Enbridge Pipelines (NW) Inc.; MVLWB – Mackenzie Valley Land and Water Board; DFN – Dehcho First Nations; GNWT – Government of the Northwest Territories; SKFN – Smbaa K’e First Nation; LKFN – Liidlii Kue First Nation