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Subject: Enbridge Pipelines Inc. - New Land Use Permit and Water Licence Applications - Draft Condition Version 2 (MV2017P0013 and MV2017L1-0002)
Date: September 18, 2017 4:00:08 PM
Attachments: [MV2017P0013 MV2017L1-0002 - Enbridge - External Work Plan V.2.pdf](#)

Good Afternoon,

Please note that there has been an update to the [ORS item](#) regarding the deadlines for the draft conditions for the Enbridge Pipelines Inc. applications (MV2017P0013 and MV2017L1-0002). The comment deadline has been extended to September 29, 2017 with responses now due October 10, 2017 to reflect the same timeline in the Board Approved Workplan for the deadline of submissions and responses of Interventions. If you are submitting Interventions, please include or reference your ORS comments on the draft Permit and Licence as part of your Intervention.

Please also note that the Workplan has been updated, attached for your reference, to reflect some operational date changes through discussions that occurred at the Pre-Hearing Conference on September 15, 2017 (changes include the dates to the Enbridge responses deadline to interventions, deadline for intervener public hearing presentation, and Enbridge's public hearing presentation).

If you have any questions or concerns, please let me know.

Regards,
Angela

Angela Love, EP

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MVLWB Work Plan for Enbridge Pipelines Inc.
March 2017 Applications
Water Licence MV2017L1-0002
Land Use Permit MV2017P0013

Purpose of the Work Plan

This Work Plan was drafted to outline 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).

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 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.

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 NEB

For information regarding the scope of the activities considered by the National Energy Board (NEB), please see the Hearing Order MH-001-2017, released by the NEB on 18 May 2017. The Hearing Order can be found on the NEB's public registry under filing number: [A83697-6](#). The NEB has also released their continuation letter of the oral process on 17 August 2017 under filing number: [A85536-1](#). Further details will be released by the NEB in due course.

Guiding Principles

The following principles will guide the Work Plan of the MVLWB throughout this licencing 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 processes;
- Ensure adequate information is gathered to complete the Licence and Permit processes;
- 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 reviewers
 - including aboriginal organizations, governments, and communities – for review using the LWB Online Review System;
- The Board will include a notification(s) regarding the review processes for these Applications in the newspaper;
- The Board will hold a public hearing; 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.

Process Step	Responsible Party	MVLWB Dates (Date 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	September 29, 2017
Enbridge Responses to Interventions Due	Enbridge	October 10, 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, 2017 (and possibly the 28)
Public Hearing Undertakings Due (if applicable)	All Parties	November 2, 2017
Board Meeting	MVLWB	TBD
Draft Water Licence and Reasons Sent to Minister	MVLWB	TBD
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

Enbridge – Enbridge Pipelines (NW) Inc.; MVLWB – Mackenzie Valley Land and Water Board; DFN – Dehcho First Nation

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