

June 3, 2020

E-FILE

Mackenzie Valley Land & Water Board
7th Floor, 4922 48th St, PO Box 2130
Yellowknife, NT X1A 2P6 Canada



Received: June 4, 2020
File #: MV2020P0006
Copied to: AL / Registry

Attention: Angela Love

Dear Ms. Love:

**Re: Enbridge Pipelines (NW) Inc. (“Enbridge”)
Type A Land Use Permit MV2013P0011
Land Use Permit Application for Operation and Maintenance Activities
Response to Mackenzie Valley Land and WaterBoard (“MVLWB”) Request for
additional information**

Please find below Enbridge’s response to the MVLWB request for additional information.

Request:

1. Proof of Eligibility (Section 6 of the Application Form)

- a) The Eligibility section titled ‘Appendix II – Eligibility’ includes a table which identifies land use areas that are subject to the Sahtu Land Claim Agreement. In this table, there are three areas that do not appear to be in the Sahtu Land Claim Agreement (Appendix E – Schedule XXIII). These include:

May Sheet	Feature Name	KP	Type
SHT-01	TR-01-SHT-01	2.2	Access
SHT-10	TR-01-SHT-10	121.4	Access
SHT-10	TR-03-SHT-10	122.3	Access

Please clarify which parcel of Sahtu land these land use areas are captured under as per the Sahtu Land Claim Agreement (Appendix E – Schedule XXIII).

Enbridge Response:

The access trails “TR-01-SHT-10” and “TR-03-SHT-10” are on parcel 138. The associated “Approximate Location KPs” in the Sahtu Land Claim Agreement (Appendix E – Schedule XXIII) are 121.0 and 123.3, respectively. This was a transcription error.

The access trail “TR-01-SHT-01” is not listed in the Sahtu Land Claim Agreement (Appendix E – Schedule XXIII). This access trail is located outside of the Sahtu Land Claim area and was included on the referenced table in error.

Attached is a revised Appendix II – Eligibility that includes the above-mentioned corrections.

- b) A summary of the various types of land use areas were provided in the section titled 'Appendix III – Land Use Area Summary'. The land use features included fire guards, workspaces, access and shoo flies, borrow sites, campsites, airstrip, and herbicide. Under each of these land use features was a table outlining the specific location of these sites. Under this appendix, in Section 3 Accesses and Shoo flies, there are five areas that were previously identified in 2013 as being located on Sahtu private lands. These include:

May Sheet	Feature Name	KP	Type
SHT-07	TR-01-SHT-07	54.1	Access
SHT-07	TR-02-SHT-07	84.4	Access
SHT-07	TR-03-SHT-07	84.5	Access
SHT-15	TR-07-SHT-15	197.6	Access
SHT-17	TR-04-SHT-17	224.6	Access

On July 18, 2013, Enbridge confirmed that these locations were all located on Sahtu private lands and that they were in the process of discussing access to these areas with the Tulita District Land Corporation. At that time, as there was no approved access agreement, Enbridge withdrew these sites from the scope of that application.

Please clarify, and submit proof, if an access agreement has been reached with the Tulita District Land Corporation for these Sahtu private lands.

Enbridge Response:

Following discussions with the Tulita District Land Corporation and upon further review of the Sahtu Agreement, available GIS data and construction drawings, Enbridge determined in January 2014 that the five areas identified above are listed in Schedule XXIII of the Sahtu Agreement and authorization for their use was grandfathered. Therefore no access agreement was sought or required for these areas. Enbridge advised the Tulita District Land Corporation of this determination in January 2014.

For ease of reference, the five areas are listed below, cross referenced with the location description in Schedule XXIII of the Sahtu Agreement. Note that the three areas relating to Enbridge ID "SHT-07" have been linked to a Sahtu Agreement ID item that reads, in part, "Winter Road Access (5)". Enbridge interpreted the number "5" in this entry as referring to what would have historically been five winter road accesses.

Enbridge ID	Sahtu Agreement ID
TR-07-SHT-15	Parcel 170 Approx. KP 197.6
TR-04-SHT-17	Parcel 175 Approx. KP 224.5
TR-01-SHT-07; TR-02-SHT-07; TR-03-SHT-07.	Parcel 301-SK-239 Approx. KP 84.5 Use: Winter Road Access (5)

Enbridge can also provide some insight as to why it incorrectly believed in 2013 that these five areas were on Sahtu private lands. In 2013, Enbridge translated land use location records

associated with its Operations and Maintenance Land Use Permit into a GIS format. This task involved analysis and digitization of historical reference drawings that show Enbridge's permitted land use areas. Complexities associated with this task included identification of historical trails that were overgrown, naturally shifting geographic features, and relocated landmarks such as the location of the winter road. Through the course of these tasks, some Interpretation errors were made early in the process, however they were subsequently corrected.

Request:

2. Waste Management Plan – Disposal of Waste (Section 11 of the Application Form)

- a) In the section titled 'Appendix IV – Campsite Information' of the Application, it states that 'Potable water for camp use is hauled from Wrigley or Fort Simpson; sewage is pumped and hauled periodically to Fort Simpson. Enbridge maintains agreements with local facilities for water use and waste disposal.' In the Waste Management Plan, it states that 'All domestic landfill and sewage treatment use requires a written agreement between Enbridge and the appropriate authority prior to use, unless an existing agreement is already in place.' The list of municipals provided includes the Town of Norman Wells, the Hamlet of Tulita, the Village of Fort Simpson, and the Town of Hay River.

Please submit a letter, should it exist, from the Town of Norman Wells, the Hamlet of Tulita, the Village of Fort Simpson, and the Town of Hay River confirming they will accept wastes, either domestic or sewage, from your activities for off-site disposal as described in your Waste Management Plan. If the letter is not forthcoming, please provide evidence that attempts were made to obtain the letter.

Enbridge Response:

Enbridge does contract with local service providers for waste management in Fort Simpson, Norman Wells and Wrigley for its offices and facilities. Enbridge does not currently have any water use or waste disposal agreements with municipalities associated with operational land use permit MV2013P011. Enbridge is not currently operating any camps associated with its operational land use permit or generating wastes from land use activities associated with the existing permit. As described in the WMP, in the event domestic landfill or sewage disposal is required, an agreement from the appropriate authority will be obtained prior to disposal.

3. Fuel (Section 13 of the Application Form)

- a) The amount of fuel, either per land use area or for the full operation, has not been provided, only that it may be occasionally stored on the land use permitted areas temporarily.

Please provide additional information on the type of fuel to be stored and the maximum quantities to be stored at each of the various land use features.

Enbridge Response:

Minimal amounts of fuel may be stored temporarily (for example in jerry cans) on all land use areas to support brushing activities and other operational maintenance-type activities. Larger

volumes of fuel may be stored on temporary camp areas, as described in the Application Appendix IV, Table 2.

4. Additional Supporting Information (Section 19 of the Application Form)

a) Land Use Planning:

The Sahtu Land Use Plan (SLUP) received approval and came into effect on August 8, 2013. The previous Permit MV2013P0011 was approved prior to approval of the SLUP and is therefore considered a legacy land use under sections 2.5 D (1.1) and (1.5) of the SLUP:

- 1.1 Ongoing or proposed land uses for which one or more applicable authorizations have been issued under federal or territorial law prior to the Plan coming into effect;
- 1.5 Land uses identified in 1.1-1.4 for which renewals or extensions of authorizations have been granted or are pending, provided that the application for renewal or extension was submitted prior to the expiry date.

Subject to subsections 4.1 and 4.2 of the SLUP, any authorizations or the renewal or extension of authorizations for legacy land uses that are issued after the SLUP comes into effect shall require conformity of these land uses with all of the Conformity Requirements (CRs) in the SLUP, except for those listed in section 3 of the SLUP:

- 4.0 Subject to 3.1, legacy land uses are exempt from:
 - A. the application of CRs 1, 16, and 18
 - B. and from CR 17 if it would prohibit the issuance of the interest or entitlement (or the exercise of the associated right).

The following table is required to be completed except those Conformity Requirements indicated by N/A.

Enbridge Response:

Please refer to Attachment 2– Supplementary Information - Sahtu Conformity Requirements.

b) Traditional (Environmental) Knowledge (TEK/TK):

In 2013, Enbridge supported a Traditional Ecological Knowledge (TEK) Study for land use areas associated with the previous Permit MV2013P0011 and submitted a summary report (all original studies were deemed confidential and not included on the public registry).

The submitted Engagement document states that ‘the information provided from the TEK report continues to inform and guide Enbridge’s continuing operations in the region’ but no details were provided as to how any of the concerns and recommendations, that were identified in the 2013 TEK Study, were addressed in this Application.

Enbridge is to prepare a summary document that identifies how the specific concerns and recommendations, based on the Traditional Knowledge received and noted in the 2013 TEK Study, have been considered in conducting their operational and maintenance activities at the specific locations of concern, or how they have been addressed through

the previous permit conditions, within operational manuals, plans, or programs, or provide justification for any recommendation not adopted.

Enbridge Response:

Please refer to Attachment 3 - Supplementary Information - TEK

For any questions about this application, please contact the undersigned.

Sincerely,

A handwritten signature in cursive script that reads "Sarah McKenzie". The signature is written in black ink and is positioned above the printed name and title.

Sarah McKenzie
Manager

Enclosures:

Eligibility

Enbridge has the right to occupy the land use areas in this application pursuant to:

- Appendix E, Schedule XXIII of the Sahtu Dene and Metis Comprehensive Land Claim Agreement – Volume II dated August 27, 1993 (“Sahtu Land Claim Agreement”);
- Easement Agreements, as amended, dated September 28, 1982 and June 12, 1984;
- Leases, as amended, dated June 12, 1984 and February 14, 1985, between Aboriginal Affairs and Northern Development Canada or “AANDC” (formerly Indian and Northern Affairs Canada) and Enbridge (formerly Interprovincial Pipeline (NW) Ltd [IPL]); and,
- Easement Agreement, as amended, dated September 23, 1982 between the Government of the Northwest Territories and Enbridge (formerly IPL).

A copy of Schedule XXIII of the Sahtu Land Claim Agreement is attached. The above mentioned Leases and Easement Agreements were filed confidentially under separate cover on May 22, 2013.

The land use areas identified in Table 1 below are subject to the Sahtu Land Claim Agreement, Appendix E – Schedule XXIII, which grants right of access to IPL (NW), now Enbridge (NW), to those areas for operation of the pipeline.

Table 1. Land Use Areas subject to Sahtu Land Claim Agreement

Map Sheet	Feature Name	KP	Type	Map Sheet	Feature Name	KP	Type
SHT-02	TR-01-SHT-02	16.4	Access	SHT-10	TR-06-SHT-10	126.5	Access
SHT-02	TR-02-SHT-02	17.1	Access	SHT-11	TR-01-SHT-11	141.5	Access
SHT-02	TR-03-SHT-02	18.5	Access	SHT-11	TR-02-SHT-11	142.2	Access
SHT-02	TR-04-SHT-02	18.6	Shoofly	SHT-11	TR-03-SHT-11	142.3	Access
SHT-02	TR-05-SHT-02	19.1	Access	SHT-12	TR-02-SHT-12	157	Access
SHT-02	TR-06-SHT-02	20.1	Access	SHT-12	TR-03-SHT-12	157.4	Access
SHT-02	TR-07-SHT-02	21.5	Access	SHT-12	TR-04-SHT-12	159	Access
SHT-02	TR-08-SHT-02	23.2	Access	SHT-12	TR-05-SHT-12	161.5	Access
SHT-02	TR-09-SHT-02	24	Access	SHT-12	TR-06-SHT-12	159.8	Access
SHT-02	TR-10-SHT-02	25.2	Access	SHT-14	TR-01-SHT-14	177.3	Access
SHT-02	TR-11-SHT-02	25.7	Access	SHT-14	TR-02-SHT-14	179.8	Access
SHT-02	TR-12-SHT-02	26.3	Access	SHT-14	TR-03-SHT-14	180.5	Access
SHT-02	TR-13-SHT-02	26.4	Access	SHT-14	TR-04-SHT-14	182	Access
SHT-02	TR-14-SHT-02	27.7	Access	SHT-14	TR-05-SHT-14	183.8	Access
SHT-02	TR-15-SHT-02	29.3	Access	SHT-15	TR-02-SHT-15	192.5	Access
SHT-03	TR-01-SHT-03	30.4	Access	SHT-15	TR-03-SHT-15	194.6	Access
SHT-03	TR-02-SHT-03	31.9	Access	SHT-15	TR-04-SHT-15	194.6	Access
SHT-03	TR-03-SHT-03	32.2	Access	SHT-15	TR-05-SHT-15	195	Access
SHT-03	TR-04-SHT-03	33.4	Access	SHT-15	TR-06-SHT-15	197.6	Access
SHT-03	TR-05A-SHT-03	34.4	Access	SHT-15	TR-07-SHT-15	197.6	Access
SHT-03	TR-05-SHT-03	34.4	Access	SHT-17	TR-01-SHT-17	220	Access
SHT-03	TR-06-SHT-03	35.6	Access	SHT-17	TR-02-SHT-17	220.6	Access
SHT-06	TR-06-SHT-06	79.4	Access	SHT-17	TR-03-SHT-17	221.2	Access
SHT-07	TR-01-SHT-07	84.5	Access	SHT-17	TR-04-SHT-17	224.5	Access
SHT-07	TR-02-SHT-07	84.5	Access	SHT-02	BS-01-SHT-02	21	Borrow Site
SHT-07	TR-03-SHT-07	84.5	Access	SHT-02	BS-02-SHT-02	27	Borrow Site
SHT-09	TR-07-SHT-09	114.5	Access	SHT-03	BS-01-SHT-03	31.4	Borrow Site
SHT-10	TR-01-SHT-10	121.0	Access	SHT-11	BS-01-SHT-11	142.2	Borrow Site
SHT-10	TR-02-SHT-10	122.5	Access	SHT-12	BS-01-SHT-12	161.5	Borrow Site
SHT-10	TR-03-SHT-10	123.3	Access	SHT-14	BS-01-SHT-14	182	Borrow Site
SHT-10	TR-04-SHT-10	124.7	Access	SHT-15	BS-01-SHT-15	195	Borrow Site
SHT-10	TR-05-SHT-10	125.1	Access	SHT-15	BS-02-SHT-15	197.4	Borrow Site

Land Use Conformity Table

CONFORMITY REQUIREMENT	DESCRIPTION OF REQUIREMENT	PROJECT CONFORMITY WITH THE REQUIREMENT
CR#1 – Land Use Zoning	N/A	Legacy land uses are exempt from CR#1
CR#2 – Community Engagement and Traditional Knowledge	<p>For all land use activities, community organizations and potentially affected community members must be adequately engaged with respect to: a) the proposed activities; b) specific locations and issues of concern, including important heritage resources; and c) traditional knowledge that is relevant to the location, scope and nature of the proposed activities.</p> <p>The proposed activities must be designed and carried out with due regard for community concerns and incorporate relevant traditional knowledge.</p>	<p>Enbridge has been actively engaging, and continues to engage, with the communities in project area(s). Enbridge utilizes a variety of methods for engagement such as In-person meetings; online meetings; focused meetings; print communication materials (fact sheets, maps, presentations, etc.); open houses/info sessions. Enbridge’s annual community engagement for operations in the Sahtu includes courtesy visits and follow-up communications with various communities and stakeholders regarding general operations and maintenance, reclamation activities, as well as meetings held to discuss Enbridge’s Public Awareness Program.</p>
CR#3 – Community Benefits	<p>All applications for land use must demonstrate how residents and communities will benefit from the proposed land use. In the absence of any definable benefits to residents or communities, benefits to the broader public interest will be considered.</p>	<p>The nature of the Project is such that it does not change the existing land use. Enbridge’s Community Investment program has been in place for many years and helps to provide funding for cultural, traditional, spiritual and environmental events and initiatives. Enbridge staff live locally and participate in these same events or initiatives</p>
CR#4 – Archaeological Sites and Burial Sites	<p>Land use activities must not be located within 500 m of known or suspected burial sites, or within 150 m of known or suspected archaeological sites, unless measures are developed in cooperation with the Prince of Wales Northern Heritage Centre, affected communities, or in the case of burial sites, with affected families where possible, to fully mitigate all impacts to the site.</p>	<p>If any work causing ground disturbance is proposed within proximity to known or suspected archaeological sites, Enbridge will cooperate with the Prince of Wales Northern Heritage Centre, affected communities, or in the case of burial sites, with affected families where possible, to fully mitigate all impacts to the site.</p> <p>In areas of high risk of impact identified by the Prince of Wales Northern Heritage Centre, Enbridge will complete an archaeological impact assessment prior to commencement of the land use activity.</p>

CONFORMITY REQUIREMENT	DESCRIPTION OF REQUIREMENT	PROJECT CONFORMITY WITH THE REQUIREMENT
CR#4 Archaeological Sites and Burial Sites cont'd	In areas where there is a high risk of impact to known or suspected archaeological sites, as determined by the Prince of Wales Northern Heritage Centre, an archaeological impact assessment must be conducted prior to commencement of the land use activity.	See above.
CR#5 – Watershed Management	For water licenses and land use permits, the Land and Water Boards will ensure that, subject to Chapter 20 of the Sahtú Dene and Métis Comprehensive Land Claim Agreement, the proposed land use activity a) does not substantially alter quality, quantity, or rate of flow for waters that flow on, through, or are adjacent to Sahtú Lands; and b) is subject to mitigation measures to minimize potential impacts on surface and groundwater that flow into Special Management Zones, Conservation Zones, or Proposed Conservation Initiatives.	Mitigation measures and industry-accepted best management practices will be implemented such that Project activities will not substantially alter waters (surface or groundwater) on Sahtú lands.
CR#6 – Drinking Water	<p>Any land use activity that would result in the contamination of surface or groundwater within community catchments is prohibited.</p> <p>Where there is reasonable potential for any land use activity to affect a downstream drinking water source:</p> <ul style="list-style-type: none"> a) the affected community must be informed and engaged with respect to potential impacts, the design of mitigation measures and monitoring programs; b) baseline water quality data must be collected from the drinking water source prior to the start of any activity; and c) regular water quality testing of the source watershed must be conducted to monitor potential impacts. 	All activities will be conducted in accordance with regulatory approvals and will incorporate appropriate spill prevention procedures. In the rare event of an accident or malfunction, contingency measures would be implemented to immediately contain and clean up a spill. A Spill Contingency Plan and Waste Management Plan have been submitted with this application.

CONFORMITY REQUIREMENT	DESCRIPTION OF REQUIREMENT	PROJECT CONFORMITY WITH THE REQUIREMENT
<p>CR#7 – Fish and Wildlife</p>	<p>Land use activities must be designed using the most current information for identified species of interest and species at risk as obtained from the [GNWT] Department of Environment and Natural Resources, Canadian Wildlife Service, DFO, Parks Canada, the Sahtú Renewable Resources Board, and the local Renewable Resource Councils.</p> <p>Impacts to wildlife, their habitat and migration patterns, and important community harvesting areas must be prevented or mitigated to the extent possible.</p> <p>In particular, all reasonable steps should be taken to follow the horizontal setbacks and minimum flight altitudes identified in Table 4 [of the Sahtú Land Use Plan] when near habitat sites during sensitive periods described in that table, unless human safety is of concern, and measures are developed with the appropriate organizations and the Renewable Resources Council to mitigate impacts to these species and their habitat.</p> <p>In addition, DFO has established in-water construction timing windows for the protection of fish and fish habitat. These are updated from time to time and are available at http://www.dfo-mpo.gc.ca/regions/central/habitat/os-ee/provinces-territories-territoires/nt/os-ee21-eng.htm. During these periods, no in-water or shoreline work is allowed except under site- or project-specific review and with the implementation of protective measures.</p>	<p>The most current information on species of interest and species at risk is reviewed prior to work completed within the permit area. An environmental screening is completed prior to work being performed within the permit area.</p> <p>The minimum setbacks and sensitive periods identified in Table 4 of the Sahtú Land Use Plan will be considered when developing mitigation measures for work completed within the permit area.</p>

CONFORMITY REQUIREMENT	DESCRIPTION OF REQUIREMENT	PROJECT CONFORMITY WITH THE REQUIREMENT
CR#7 – Fish and Wildlife cont'd	<p>Barren-ground caribou and woodland caribou are especially important to communities and have been shown to be sensitive to disturbance. Map 3 [of the Sahtú Land Use Plan] shows important rutting and wintering habitat for barren-ground caribou (Oct 8-Mar31), boreal and mountain woodland caribou range, and the summer habitat of the South Nahanni Herd of Mountain Woodland Caribou. All land use activities occurring in these areas during the specified times are required to address impacts to caribou and their habitat.</p>	<p>Any in-stream work will occur within DFO recommended timing windows, to the extent feasible. Conditions of all regulatory approvals will be followed and appropriate mitigation measures will be implemented to avoid or reduce in-stream disturbances.</p> <p>The permit area is located within Boreal Woodland Caribou Critical Habitat. Potential effects on Woodland Caribou are considered prior to any work within the permit area. An environmental screening is completed prior to work being performed within the permit area, and potential effects on Woodland Caribou are considered within the environmental screening.</p>
CR#8 – Species Introductions	<p>Land use activities must not result in the intentional introduction of non-native plant and animal species, or of domestic animal species or subspecies, except by special approval by the appropriate authority. All reasonable precautions must be taken to prevent the introduction of non-native species or sub-species.</p>	<p>Activities are not anticipated to result in the introduction of non-native plant or animal species. Enbridge will take all reasonable precautions to prevent the introduction of non-native species or sub-species. Mitigation measures and industry-accepted best management practices will be implemented, which will reduce the potential for non-native species to be introduced or spread by the Project.</p>
CR#9 – Sensitive Species and Features	<p>Any land use activity requiring a land use permit or water licence must be designed using the most current available information on the location of rare or may-be-at-risk plants, hot and warm springs, mineral licks, karst topography, amphibian sightings, and ice patches and carried out in a manner that minimizes impacts to these features.</p> <p>Specifically, land use activities:</p> <ol style="list-style-type: none"> a) must not take place within 1,000 m of any known mineral lick, unless the activity cannot feasibly meet this requirement, and it can be demonstrated that alternative mitigation measures will protect the lick. b) that are situated within the boundary of glacial refugia or within 500 m of known hot or warm spring(s), and have the potential to impact rare or may-be at risk plants shall require a plant 	<p>Based on a review of Map 4 provided in the Sahtú Land Use Plan, the Project footprint is not within, or in proximity to, any known locations of hot and warm springs, mineral licks, ice patches, or glacial refugia.</p> <p>The project footprint is near may-be-at risk plants and karst topography. Any work that occurs in these areas will be carried out in a manner that minimizes impact to these features. Mitigation measures and industry-accepted best management practices will be implemented to reduce the Project's impact on may-be-at-risk plants and karst topography.</p>

CONFORMITY REQUIREMENT	DESCRIPTION OF REQUIREMENT	PROJECT CONFORMITY WITH THE REQUIREMENT
	<p>survey. Any rare or may-be-at-risk plants found in the</p>	
<p>CR#9 – Sensitive Species and Features cont'd</p>	<p>survey shall be monitored for impacts from the activity.</p> <p>c) situated within the area of ice patches identified in Map 4 [of the Sahtú Land Use Plan] must contact the Prince of Wales Northern Heritage Centre (archaeology@gov.nt.ca) to determine if any ice patches are in the vicinity of the activity. Activities must not take place within 150 m of the edge of ice patches unless authorized by the Prince of Wales Northern Heritage Centre.</p> <p>The location of any hot or warm spring or mineral lick discovered while carrying out an authorized activity must be reported to nwt_pas@gov.nt.ca, and any amphibian sightings to nwtsoer@gov.nt.ca.</p>	
<p>CR#10 – Permafrost</p>	<p>Any land use activity requiring a land use permit or water licence must be designed and carried out in a manner that prevents and/or mitigates adverse environmental impacts resulting from the degradation or aggradation of permafrost.</p>	<p>Mitigation measures and industry-accepted best management practices will be implemented to minimize impacts on permafrost.</p>
<p>CR#11 – Project-Specific Monitoring</p>	<p>Any land use activity requiring a land use permit or water licence must include site-specific monitoring, that is sufficient to monitor the effectiveness of the activity's proposed mitigation measures and any impacts to the values in the surrounding area, as defined in the Plan's Background Report, zone descriptions and in discussions with communities.</p>	<p>Enbridge completes operational monitoring as part of ongoing routine operational and maintenance activities conducted along the existing Line 21 pipeline and in accordance with the regulatory requirements of the Canada Energy Regulator ("CER").</p>
<p>CR#12 – Financial Security</p>	<p>When Required by a land use permit or water licence issued by the Land and Water Board, financial security must be posted and maintained with the Minister of [CIRNAC]. The Land and Water Board will ensure that closure and reclamation plans are in accordance with legislation and regulation.</p>	<p>Enbridge has posted financial security for the permitted areas.</p>

CONFORMITY REQUIREMENT	DESCRIPTION OF REQUIREMENT	PROJECT CONFORMITY WITH THE REQUIREMENT
CR#13 – Closure and Reclamation	All applications for land use must include consideration of closure and reclamation and where appropriate, plans shall be developed in consultation with community organizations.	There are currently no plans to abandon the land use areas included in this application. Prior to the abandonment of any land use area, Enbridge will submit a closure and reclamation plan to the Mackenzie Valley Land and Water Board for approval.
CR#14 – Protection of Special Values	Any land use activity proposed within a Special Management Zone, Conservation Zone or Proposed Conservation Initiative must be designed and carried out in a manner that protects, respects or takes into account the values of the zone as directed in the [Sahtú Land Use] Plan's Zone Descriptions.	Enbridge operates in an environmentally and culturally conscious manner, taking into account the values of the Deh Cho Special Management zone. Enbridge has been engaging with the communities in the Sahtú Region for many years on its operation and maintenance activities and for many associated projects along the pipeline right of way. They understand the importance of water quality, riparian habitat, culture/heritage sites, wildlife, and wildlife harvesting areas in this Zone.
CR#14 – Protection of Special Values cont'd	The Deh Cho is identified as a Special Management Zone to protect the water quality, riparian habitat, cultural/heritage sites, areas that are important for wildlife and wildlife harvesting. Special Management Zone designation will also allow for continued use of the river as an important regional and territorial transportation corridor (barge traffic, landing sites, winter road) (SLUPB 2013).	See above.
CR#15 – The Great Bear Lake Watershed	N/A	N/A
CR#16 – Fish Farming and Aquaculture	N/A	N/A
CR#17 – Disturbance to Lakebed	N/A	N/A
CR#18 – Use of Du K'ets'Edi Conservation Zone (Sentinel Islands)	N/A	N/A
CR#19 – Water Withdrawal	N/A	N/A

MVLWB Request for Information: Operational Land Use Permit Renewal Application

Request:

4 b) Traditional (Environmental) Knowledge (TEK/TK):

In 2013, Enbridge supported a Traditional Ecological Knowledge (TEK) Study for land use areas associated with the previous Permit MV2013P0011 and submitted a summary report (all original studies were deemed confidential and not included on the public registry).

The submitted Engagement document states that ‘the information provided from the TEK report continues to inform and guide Enbridge’s continuing operations in the region’ but no details were provided as to how any of the concerns and recommendations, that were identified in the 2013 TEK Study, were addressed in this Application.

Enbridge is to prepare a summary document that identifies how the specific concerns and recommendations, based on the Traditional Knowledge received and noted in the 2013 TEK Study, have been considered in conducting their operational and maintenance activities at the specific locations of concern, or how they have been addressed through the previous permit conditions, within operational manuals, plans, or programs, or provide justification for any recommendation not adopted.

Enbridge Response

Addressing Specific Concerns and Recommendations received in the 2013 TEK Study

The Traditional Environmental Knowledge Summary published in November 2013 used data and information that was collected during the previous Land Use Permit (LUP) renewal application (MV2013P0011).

Recommendations and concerns outlined in that report have been incorporated into ongoing operations and project activity since this time. The report assisted Enbridge to further understand the local interests and concerns of communities in which Enbridge operates, and to adjust project and operational planning, as well as community program development.

Table 1 below outlines the specific “conclusions and recommendations” of Indigenous groups in the 2013 TEK Study, and Enbridge’s comments on how those recommendations are considered in ongoing operations, maintenance, and project work.

Enbridge notes that PKFN did not participate in the TEK 2013 Study and expressed potential concerns with respect to their relationship with Enbridge. Since that time, Enbridge has established a community-

based agreement with the Dehcho Dene communities and Enbridge and PKFN have developed a positive working relationship.

Table 1. Enbridge Response to Conclusions and Recommendations from the 2013 TEK Study

Group	Recommendation or concern	Implemented outcomes/considerations
Norman Wells Renewable Resources Council (NWRRC)	(4.2.1.1) Large amount of activity in the area, including hunting, trapping, recreational activity, and activity associated with oil and gas exploration and production.	Enbridge has and will continue to meet or exceed regulatory requirements for land use and operations in the area. Enbridge was pleased to find that the NWRRC report had several positive conclusions with respect to this potential concern.
Tulita Renewable Resource Council (TRRC)	(4.2.2.1) Imperative that the environment remains healthy, and that wildlife be able to survive in the area.	Environmental responsibility is a top priority for Enbridge. Enbridge has and will continue to meet or exceed regulatory requirements for land use and operations in the area. Accordingly, Enbridge invests in programs that promote environmental stewardship and conservation, habitat remediation and environmental education. Enbridge has implemented wildlife monitoring programs for projects, such as the Line 21 Segment Replacement Project at KP 529 where a 7-year post-construction environmental monitoring program is underway. For the proposed work in the Little Smith Creek area (KP 158), Enbridge collaborated with the TRRC to produce a Traditional Knowledge Report in July 2019. TRRC environmental monitors have provided guidance for environmental surveys and project planning.
	(4.2.2.1) Ensure the integrity of the pipeline through ongoing monitoring.	Enbridge’s integrity program for the Line 21 pipeline has been in place for many years and continues to adapt and evolve to increase effectiveness. Enbridge conducts regular monitoring of the pipeline, including the use of state-of-the-art inline inspections tools, preventative maintenance digs to physically inspect the pipeline, and aerial patrols of the right-of-way. Enbridge engages with communities and groups along Line 21 and frequently provides information on how the pipeline is strictly monitored 24/7 using both technology and observation. Further engagement is offered through the Public Awareness Program and activity updates for local communities to view and better understand inline inspection tools.
	(4.2.2.1) Ensure sites of importance remain undisturbed	If a site of cultural importance in the vicinity of the pipeline is identified and shared through TEK Studies or other forms of engagement, Enbridge will work with

Group	Recommendation or concern	Implemented outcomes/considerations
		<p>communities and local authorities to ensure areas are protected. Enbridge continues to meet or exceed all requirements for the protection of cultural sites.</p>
Líídlı́ Kúé First Nation (LKFN)	<p>(4.2.2.1) Respect the culture and way-of-life of local people in its operations</p> <p>(4.3.3.1) Cumulative effects of increased traffic from using of borrow sites BS-01-39, BS-01-46, BS-02-46, BS-01-47.</p> <p>(4.3.3.1) Disruptions of traps set on ROW during brushing activities.</p> <p>(4.3.3.1) Preservation of access where intersections meet trails.</p> <p>(4.3.3.1) Access trails from ROW to highway to have a dogleg to minimize disturbances to wildlife.</p> <p>(4.3.3.1) Establish a program where non-local hunters using the Line 21 ROW contact Enbridge for access. Enbridge would then direct these people to an environmental monitor for local and cultural education.</p> <p>(4.3.3.1) No requests for relocation of traditional camps. Enbridge should move operations further from traditional camps.</p>	<p>Enbridge’s Community Investment program has been in place for many years and helps to provide funding for cultural, traditional, spiritual and environmental events and initiatives. Enbridge staff live locally and participate in these same events or initiatives. Regular engagement with local communities offers opportunities for local people to communicate issues and concerns related to these topics, and they are addressed.</p> <p>These listed borrow sites were created for the original construction of Line 21 and have not been used by Enbridge since then.</p> <p>Enbridge continues to provide notifications to LKFN and Nogha for all ROW activities in the LKFN traditional area and utilizes Nogha Enterprises workers. Additionally, local environmental monitors accompany the work to observe and report if traps are present.</p> <p>Enbridge attempts to keep these intersections open for local access. In alignment with current and previous LUP conditions, snow is used in the spring to partially block access to vehicles that may cause adverse environmental impacts. The intersections are left so there is access for snowmobiles.</p> <p>Enbridge understands that this consideration is often factored into how access trails are now constructed but is unable to alter the existing access trails outlined in the current LUP to create additional blinds or doglegs.</p> <p>Enbridge provides all non-local employees and contractors who enter the areas along Line 21 with training and education pertaining to Indigenous traditions and culture, respect for the land and respect for the community. Enbridge is not able to predict or control the movements or actions of local or non-local hunters.</p> <p>Enbridge has not asked for any relocation of traditional camps. Enbridge continues to engage regarding planned activities and strives to reduce impacts in all areas of project and operations through careful planning.</p>

Group	Recommendation or concern	Implemented outcomes/considerations
	(4.3.3.1) More time spent monitoring the pipeline through observation.	<p>Enbridge’s integrity program for the Line 21 pipeline has been in place for many years and continues to adapt and evolve to increase effectiveness. Enbridge conducts regular monitoring of the pipeline, including the use of state-of-the-art inline inspections tools, preventative maintenance digs to physically inspect the pipeline, and aerial patrols of the right-of-way. Enbridge engages with communities and groups along Line 21 and frequently provides information on how the pipeline is strictly monitored 24/7 using both technology and observation. Further engagement is offered through the Public Awareness Program and activity updates for local communities to view and better understand inline inspection tools.</p> <p>Enbridge has invited members of the LKFN to tour and view the inline inspection tools.</p>
	(4.3.3.1) More formal and substantive compensation be provided to affected individual land users.	<p>Enbridge has and will continue to provide economic benefits to individuals, qualified businesses and groups through community investment and through Enbridge’s Indigenous Supply Chain Management and the implementation of the Socio-economic Requirements of Contractors (SERC) program.</p> <p>Since the publication of this TEK report, Enbridge has provided financial support to LKFN through various means including training, employment, community investment, and through the Environmental Management Agreement with Dehcho Dene communities.</p>
	(4.3.3.1) Certain operations not be run 24 hours a day to reduce noise affecting wildlife.	<p>Enbridge’s Line 21 operations and associated projects are carefully planned to ensure impacts are reduced or eliminated. Enbridge understands there is a balance, and routinely uses internal and external experts to assess environmental (including wildlife) impacts and reduce or eliminate noise where possible. Local wildlife and environmental monitors are used where applicable.</p>
	(4.3.3.1) Not restrict access with gates; or provide a key nearby for local access.	<p>Enbridge is committed to reducing impacts to the area and impacts to local people. Enbridge routinely assists local people with access when it is reasonable to do so. Access to certain areas is restricted for public safety purposes. Enbridge is also obligated to maintain the safety and integrity of the pipeline, the pipeline corridor and accesses.</p>

Group	Recommendation or concern	Implemented outcomes/considerations
	(4.3.3.1) Relocation of groundwater test wells to the side of trails to improve navigation.	Enbridge currently has no groundwater test wells on access trails.
	(4.3.3.1) Prior to opening-up borrow sites experienced land users assess the area for wildlife presence or habits.	An environmental screening would be completed prior to any work at a borrow site and local wildlife and environmental monitors are used where applicable. All work requires environmental screening before work can proceed.
	(4.3.3.1) Location of camps along the highway to reduce wildlife disturbances.	In most, if not all, cases it is through local engagement and collaboration that acceptable locations for camps are identified.
Jean Marie River First Nation (LKFN)	(4.3.4.1) Concern for the Jean Marie River watershed to ensure water quality and fish habitat.	Enbridge monitors the pipeline for integrity issues or environmental impacts, including where the pipeline crosses water bodies. This includes creeks connected to the Jean Marie River, and tributaries connected to Satellite lake. If erosion at or near water crossings is noted during regular or intermittent inspections, or reported by local people, it is investigated.
	(4.3.4.1) Concern for both known and unknown cultural and burial sites with increased activities. It is advisable to GPS sites of significance to more easily located them.	Enbridge continues to engage with communities before entering the traditional area and this is an opportunity for two-way communication on issues or concerns, including identification of cultural sites. Monitors regularly accompany Enbridge in the work area to look for sites of significance.
Sambaa K'e Dene Band	(4.3.5.1) Any waste generated from operations of the pipeline be removed from the area, and borrow sites checked for garbage that can be removed.	All waste generated by Enbridge is responsibly managed and handled as per local regulations and in alignment with the Waste Management Plan.
	(4.3.5.1) Potential impacts to creeks and tributaries that lead to the Trout River watershed. Periodic water sampling recommended at water crossings and downstream of water crossings.	Enbridge monitors the pipeline for integrity issues or environmental impacts, including where the pipeline crosses water bodies. This includes creeks and tributaries connected to the Trout River. If any level of erosion is noted during regular or intermittent inspections, or reported by local people, it is investigated. Water sampling has been conducted at locations of community interest upon request.
	(4.3.5.1) Camp and camp locations such as CS-652-48, and all other activities must remain with the LUP to	Enbridge continues to adhere to all conditions of the LUP.

Group	Recommendation or concern	Implemented outcomes/considerations
	reduce general environmental impacts.	
	(4.3.5.1) Engage and consult before conducting additional clearing work at borrow site BS-01-SHT-49; access trails TR-01-SHT-47, TR-02-47 that lead to culturally sensitive and important areas and other land use features to assess if SKFN can utilize locally.	This listed borrow site has not been used since the 2013 TEK Study was published, and since original construction of Line 21. The listed trails have not been used in the recent past either. Enbridge will continue to proactively engage and use local workers and environmental monitors for work in the SKFN traditional areas.
	(4.3.5.1) Recommend SKFN monitors for excavation and maintenance work in close proximity to waterways.	Enbridge continues to engage with communities before entering traditional areas. This practice provides an opportunity for two-way communication on issues or concerns. Local wildlife and/or environmental monitors often accompany the work and have the opportunity to assess areas around waterways.
	(4.3.5.1) Management of waterways and erosion of the banks.	Enbridge continues to meet or exceed all internal and external environmental requirements, including the classification and management of waterways.

1. Enbridge’s approach to gathering and incorporating local knowledge

Enbridge’s approach to Indigenous engagement has evolved since the 2013 LUP renewal application and since the 2013 TEK Study. Enbridge’s Indigenous Peoples Policy (IPP) – which was amended in 2016 to recognize UNDRIP – establishes the overarching goals and principles that guide Enbridge’s approach to Indigenous communities. Enbridge’s approach to Indigenous issues is based on the understanding that direct engagement with Indigenous nations in proximity to the company’s projects and operations is fundamental to its ability to ensure that its plans and activities address issues of importance to those nations. This requires specific policies, accountabilities, strategies, management systems and resources dedicated to building and maintaining relationships with these nations.

Below provides some specific strategies and programs that Enbridge has developed over the last several years in the Line 21 pipeline region.

Lifecycle Engagement

Enbridge has established an engagement framework that includes a series of guidelines for direct engagement opportunities across the lifecycle of an asset. Enbridge develops and executes both project-based and operational-based engagement plans, each of which includes specific programs and/or actions on Indigenous consultation and engagement. This process holds true for the Line 21 pipeline where Enbridge has initiated **project-based consultation**



plans related to specific impacts of integrity and maintenance projects that may include site specific Traditional Land Use (TLU) or TEK studies, Indigenous participation in environmental and socio-economic assessments, and capacity development.

In addition, Enbridge has implemented **regional engagement plans** to maintain ongoing relationships at an operations level, such as conducting site visits, pipeline monitoring, annual emergency response exercises and involvement in local community events.

The lifecycle engagement pyramid (above) outlines the specific areas that make up Enbridge’s engagement framework.

TLU Studies

During project-based consultation, where appropriate and requested by communities, Enbridge will support TLU studies to accurately assess potential project impacts and plan for mitigation or avoidance of sensitive traditional use areas.

Enbridge provided funding to the Tulita Renewable Resource Council (TRRC) for a TLU Study specific to the proposed Little Smith Creek Maintenance Project (KP 158), which was completed in July 2019 and is currently informing project planning. TRRC monitors accompanied early environmental survey work for the project and will continue to participate in the proposed work.

Enbridge also funded and received a Traditional Indigenous Knowledge and Land Use study from Líídlıı Kúé First Nation in 2017, which was used in project planning for the Line 21 Segment Replacement Project (KP 529), The project was approved and the Line was returned to service in 2018. Many

recommendations from that study were implemented for the project. The study also provided recommendations that, in part, led to the development of a community-specific Environmental Management Agreement and an Environmental Management Committee with Dehcho Dene communities (see below).

Community Specific Agreements – Dehcho Dene Environmental Management Agreement (EMA)

Where appropriate, Enbridge enters into community-specific agreements or collaborations that provide a platform for developing ongoing relationships with communities. These agreements are designed to enable Enbridge and the community involved to address a range of interests, needs and opportunities over time. Often framed on joint goals for economic and procurement opportunities, consultation direction, safety issues, and/or initiatives related to cultural protection and environmental stewardship.

Stemming from information provided by the LKFN Indigenous Knowledge and Traditional Use Study of 2017, and from the concerns and issues raised during consultation with Dehcho Dene communities regarding the Line 21 Segment Replacement Project at KP 529, Enbridge and the Dehcho Dene communities entered into an EMA to jointly address potential project and ongoing operational impacts to the environment and on Dene rights.

The EMA, signed in January 2018, provides mechanisms to address the concerns of the Dene Parties about the effects of the Line 21 Segment Replacement Project and ongoing operation of Line 21 on the lands and the environment, such that those lands and the environment are protected for all peoples. The signatories of the Agreement work together in a collaborative and respectful relationship regarding Line 21 activities for the life of Line 21 operations, and through abandonment of Line 21. The Agreement sets out a framework for meaningfully engaging Dehcho Dene in the development, implementation, management, monitoring and evaluation of measures that prevent or mitigate adverse environmental effects of the Line 21 activities, and creates a process that facilitates collaborative information sharing and seeks consensus between the Parties about Line 21 activities.

Cultural Awareness Training

Enbridge provides all non-local employees and contractors who enter the areas along Line 21 with training and education pertaining to Indigenous traditions and culture, respect for the land and respect for the community. Respect for the land and the local community is at the forefront for Enbridge along the Line 21 pipeline. Enbridge employs local community members who have a long history in the Sahtu and Dehcho Regions and participate in traditional and cultural events. They live and work in the community.

Prior to starting construction of the Line 21 Segment Replacement Project (KP 529), an LKFN-led traditional ceremony was held. Elders and community members welcomed Enbridge representatives to take part in the ceremony on the bank of the Mackenzie river at the entry point of the proposed horizontal directional drill (HDD). The 'Feeding the Fire' ceremony asks permission to disrupt the land and the water during construction and allow the activity to be safe for the environment, as well as all

the people involved including those who live nearby. Enbridge is honored to participate in cultural events of this nature.

In addition, Enbridge, with support from the community, held cultural awareness training sessions for workers on the Segment Replacement Project at KP 529 as part of safety orientations for work. At least 4 Indigenous Cultural Awareness Training sessions were held with various groups facilitated by LKFN community members.

Monitoring and Land Stewardship

Enbridge welcomes local Indigenous monitors for operations work in both the Sahtu and Dehcho regions. In the Dehcho region, through the EMA, Enbridge supports monitoring conducted by the Dehcho K'ehodi Guardians, an independent initiative established by the Dehcho First Nations. Dehcho K'ehodi guardianship activities are carried out by members of the Dehcho Dene communities (LKFN, DFN, PKFN, SKFN, JMRFN) who assist the Environmental Management Committee for the Line 21 pipeline to undertake activities set out under the EMA. Dehcho K'ehodi Guardians may provide the following assistance to the Environmental Management Committee and Enbridge in accordance with an annual budget provided by Enbridge and a workplan developed collaboratively between the Environmental Management Committee members:

- identifying environmental impacts that may or will result, directly or indirectly, from Line 21 activities;
- providing feedback on the effectiveness of monitoring, mitigation and enhancement measures;
- identifying and recommending to the Environmental Management Committee whether additional monitoring, mitigation and enhancement measures are required as follow-up programs to address environmental impacts;
- verifying predictions under any environmental assessment, and designing and recommending follow-up programs to the Environmental Management Committee and implementing such follow-up programs when recommendations are accepted by the Environmental Management Committee;
- engaging in training and capacity building relating to environmental monitoring; and,
- documenting Dene knowledge on the Line 21 right of way.