

Line 3 Replacement Project

PERMIT COMPLIANCE FILING

Permittee:	Enbridge Energy, Limited Partnership
Permit:	Route Permit
Docket No.:	PL-9/PPL-15-137
Permit Section:	Section 6.2 – Human Trafficking Prevention Plan
Date of Submission:	Update November 6, 2020

On May 5, 2020, Enbridge Energy, Limited Partnership (“Enbridge”) submitted a Human Trafficking Prevention Plan (“Plan”) in compliance with the Minnesota Public Utilities Commission’s (“Commission”) requirement that Enbridge develop a Human Trafficking Prevention Plan. *See* Compliance Filing (eDocket No. [20205-162915-01](#)). Specifically, the permit requires:

The Permittee shall develop and implement a Human Trafficking Prevention Plan in coordination with the Department of Commerce, the Minnesota Human Trafficking Taskforce, MIAC, and all Minnesota Tribes that wish to participate. The Department of Commerce will issue a written invitation to assist in the development of the plan to MIAC and the governments of all Tribes within the state, but the Permittee has primary responsibility for coordinating, completing, delivering, and implementing the plan, which must also document all efforts to engage the above entities. This plan shall be designed to educate, equip, and encourage the public and those associated with pipeline construction and operation to prevent and report Project-related human trafficking. The Permittee shall establish a toll-free hotline for the purpose of reporting human trafficking during construction of the project. The plan shall be filed with the Commission 60 days prior to construction and must be included as part of the employee training and education required in Section 4.7.

The Permittee shall deposit in a Public Safety Escrow Account with an independent United States financial institution an amount determined to be appropriate for agents to enhance existing human trafficking and drug enforcement agencies and social service tasks forces to address illegal drug and human trafficking in the area of construction. This Public Safety Escrow Account will be the same account detailed under Section 5.5 (Public Safety and Security) of this permit. The Commission’s Executive Secretary shall make the determination of the overall amount of funds and distribution of funds upon consultation with the Public Safety Liaison and the Tribal

Monitor, who shall have conferred with law enforcement agencies and social service task forces of the affected LGUs and Tribal Governments.

On December 10, 2018, the Minnesota Department of Commerce, Energy Environmental Review and Analysis (“DOC-EERA”) staff sent a draft of the Human Trafficking and Prevention Plan to the mailing list provided in Table 1 below. Recipients were asked to provide written or verbal comments on the plan by January 10, 2019.

Table 1 – Plan Recipients	
Entity	Name
Bois Forte Band of Chippewa Indians	Chairwoman Cathy Chavers
Bois Forte Band of Chippewa Indians	Bev Miller, THPO
Fond du Lac Band of Lake Superior Chippewa	Chairman Kevin R. Dupuis Sr.
Fond du Lac Band of Lake Superior Chippewa	Jill Hoppe, THPO
Fond du Lac Band of Lake Superior Chippewa	Seth Bichler
Davis Law Office	Sara Van Norman
Grand Portage Band of Lake Superior Chippewa	Chairman Norman Deschampe
Grand Portage Band of Lake Superior Chippewa	Mary Ann Gagnon, THPO
Leech Lake Band of Ojibwe	Chairman Faron Jackson Sr.
Leech Lake Band of Ojibwe	Amy Burnette, THPO
Legal Director for the Leech Lake Band of Ojibwe	Grace Elliott
Lower Sioux Indian Community	President Brian Pendleton
Lower Sioux Indian Community	Cheyenne St. John, THPO/Historic Site Mgr.
Mille Lacs Band of Ojibwe	Chief Executive Melanie Benjamin
Mille Lacs Band of Ojibwe	Natalie Weyaus, THPO
Minnesota Department of Health, Human Trafficking Task Force	Amy Kenzie
Lockridge Grindal Nauen P.L.L.P.	David J. Zoll
Lockridge Grindal Nauen P.L.L.P.	Rachel Kitze Collins
Prairie Island Indian Community of Minnesota	President Shelley Buck
Prairie Island Indian Community of Minnesota	Noah White, THPO
Red Lake Band of Chippewa Indians	Chairman Darrell G. Seki, Sr.
Red Lake Band of Chippewa Indians	Kade Ferris, THPO
Shakopee Mdewakonton Sioux	Chairwoman Charlie Vig
Upper Sioux Community	Chairman Kevin Jensvold
Upper Sioux Community	Samantha Odegard, THPO
White Earth Nation of Minnesota Chippewa	Chairman Terrence Tibbetts
White Earth Nation of Minnesota Chippewa	Cayla Olson, THPO and NAGPRA Rep.
	Joseph Plumer

Minnesota Indian Affairs Council	Dennis Olson Jr., Executive Director
Minnesota Indian Affairs Council	Jim Jones Jr., Cultural Resources Director

Following the initial letter from DOC-EERA, Enbridge also sent a draft of the plan to the following individuals: Claire Cambridge, Minnesota Department of Public Safety, Office of Justice; Amanda Gronhovd, State Archeologist; Heather Potteiger, Mille Lacs Band of Ojibwe; Bobby Jo Pazdernik, Minnesota Department of Public Safety; and Grace Elliot, Legal Director for the Leech Lake Band of Ojibwe.

Table 2 summarizes the comments received on the Plan and how the input informed the revisions reflected in the Plan filed on May 5, 2020 (eDocket No. [20205-162915-01](#)).

Table 2 – Comment/Response Summary			
Commenter	Date	Comment	Response
Fond du Lac Band of Lake Superior Chippewa	January 10, 2019	Under Background, incorporate a definition of human trafficking to provide meaningful context; the Band included a definition from the Minnesota Human Trafficking Task Force.	Enbridge has inserted a definition into the Plan.
Fond du Lac Band of Lake Superior Chippewa	January 10, 2019	“[I]nset appropriate citations and quotes from the extensive research regarding the connections between extractive industries and human trafficking, as well as the problem of human trafficking of Native women and girls in northern Minnesota and nationwide.”	Enbridge has added Fond du Lac Band’s suggested citation to the Plan.
Fond du Lac Band of Lake Superior Chippewa	January 10, 2019	“Under Plan Development (page 2), the introduction should correctly identify Tribes United Against Sex Trafficking (acronym TRUST), which has members representing nearly all Minnesota tribes and for which Fond du Lac Tribal Police Officer Kelly Haffield is Commander. Wherever the plan references the Minnesota Human Trafficking Investigators Task Force, it should also reference TRUST. This section should also state that during the entire course of the project, the company will participate in TRUST’s quarterly meetings (to the extent possible) and remain in regular contact regarding training.”	Enbridge had previously met with TRUST regarding the Project and this Plan, and these comments have been incorporated into the Plan.

Fond du Lac Band of Lake Superior Chippewa	January 10, 2019	“The company should also commit to notify TRUST regarding any trafficking incidents involving anyone working for the company or its contractors, regardless of location, at any point during the work. This will allow for effective response during the course of the project.”	To the extent it is permitted under applicable law and Enbridge is aware of such incident, Enbridge will notify TRUST of any trafficking incident in Minnesota that involved Enbridge workers or contractors working on the Project.
Fond du Lac Band of Lake Superior Chippewa	January 10, 2019	“The schedule should also be updated to reflect current timing (including the actual plan distribution date, which was later than the plan date of October 30, 2018).”	The schedule has been updated.
Fond du Lac Band of Lake Superior Chippewa	January 10, 2019	“Under Proposed Components of the Plan, I. Zero Tolerance Policy (pages 2-3), there is currently little detail. While it is essential that human-trafficking education, policy, and enforcement requirements must be part of the contractually-required safety plan for all company employees and contractors, it is unclear what ‘zero tolerance’ means. Does it include internal investigation, firing, reporting to authorities, or other provisions? Please develop and distribute the policy for comment.”	A link to Enbridge’s Statement on Business Conduct has been added to the Plan. The Statement on Business Conduct provides additional detail and explanation concerning Enbridge’s expectations and standards.
Fond du Lac Band of Lake Superior Chippewa	January 10, 2019	“Under II. Human Trafficking Awareness Training (pages 3-4), the training approach is generally acceptable, although we’d like to explore ways to provide ongoing, in-person training for workers onboarded during construction. We support the concept of providing a hard hat sticker confirming completion of anti-trafficking training.	This comment has been incorporated into the Plan.

		Please note that the Band would also like to continue to be included in all phases of planning for the training.”	
Fond du Lac Band of Lake Superior Chippewa	January 10, 2019	“Under IV. Public Safety Escrow Account, and V. Community and Workplace Awareness Campaign, we would like to see more detail regarding specific expenditures for prevention of human trafficking. Specific efforts should include billboards, other print advertisements, and public service announcements in all communities touched by the project. Some of these efforts are already underway and may simply require additional funding. Currently, for Human Trafficking Awareness Month, a 30-second video is being shown at gas pumps in Carlton County—this approach could be expanded throughout the project area. Additionally, the company should include direct funding of the various non-profit entities that support victims of trafficking.”	Enbridge appreciates this comment and has reached out to Fond du Lac Tribal Police Officer Kelly Haffield to discuss implementation of this comment. Enbridge is exploring the options identified in this comment, as well as others, for implementing the goals identified in this Plan.
Mille Lacs Band of Ojibwe	January 10, 2019	“This process for determining the amount to be deposited into the Public Safety Escrow Account should be explained in more detail. At a minimum, it should include soliciting cost estimates from all relevant law enforcement agencies, including tribes, counties, and cities.”	The language in the Plan is consistent with the requirements in the Route Permit; the amount to be deposited into the Public Safety Escrow Account is being determined by the State of Minnesota.

Minnesota Bureau of Criminal Apprehension (“BCA”), Human Trafficking Investigators Task Force	February 14, 2019 (via telephone)	Add a reference in the Plan indicating that BCA would like to participate in the development of the training program.	This comment has been incorporated into the Plan.
BCA, Human Trafficking Investigators Task Force	February 14, 2019 (via telephone)	In addition to training of workers, add training aspect for local authorities to the Plan.	Enbridge appreciates this comment but is not typically involved in training local law enforcement in areas other than pipeline safety and, as such, does not propose changes to the Plan in response to this comment. However, Enbridge is exploring how this comment could be incorporated into the role of the Public Safety Liaison and/or the Public and Worksite Awareness Campaign referenced in the Plan.

On May 24, 2019, a summary of all comments and responses and a revised version of the Plan were sent to all entities who originally received a copy of the Plan. On May 29, 2019, Enbridge sent a summary of the comment and responses and the revised plan to Amanda Gronhovd, State Archeologist; Bobby Jo Pazdernik, Minnesota Department of Public Safety, and Sarah Beimers, Minnesota State Historic Preservation Office.

Enbridge received input from and presented Plan updates to the Tribes United Against Sex Trafficking during meetings held in April, September, and December 2019.

Enbridge worked with the following group of individuals to develop the training and this group is now working on the public awareness campaign identified in the Plan:

- Bobbi Jo Pazdnerik, Sr. Special Agent, Predatory Crimes Section, Commander of the MN Human Trafficking Investigators Task Force with the Bureau of Criminal Apprehension;
- Jill Oliveira, Communications, Bureau of Criminal Apprehension;
- Kelly Haffield, Investigator, FDL PD and lead of the Tribes United Against Sex Trafficking Task Force;
- Beth Holger, Executive Director, The Link (non-profit in Minneapolis brought in by BCA);
- Rob Pero, Perodigm PA (Tribal-owned public relations firm that produced the video).

This group meets monthly and continues to exchange numerous communications to develop awareness campaign and materials.

In accordance with the staff recommendations in the DOC-EERA May 27, 2020 compliance review, Enbridge is submitting this updated cover sheet to confirm that no additional changes have been made to the Plan since its originally filing, and eDocket No. [20205-162915-01](#) is the final version of the Plan.