

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 6.3 – Environmental Justice Communities Mitigation Plan
Date of Submission:	May 5, 2020

Enbridge Energy, Limited Partnership (“Enbridge”) respectfully submits this filing in compliance with the Minnesota Public Utilities Commission’s (“Commission”) requirement that Enbridge develop an Environmental Justice Communities Mitigation Plan. Specifically, the permit requires:

The Permittee, in coordination with MIAC and any other Minnesota State Councils that wish to participate, and Minnesota Tribes that wish to participate, shall develop and implement an Environmental Justice Communities Mitigation Plan to mitigate disproportionate adverse impacts on Environmental Justice Communities. The Department of Commerce will issue a written invitation to assist in the development of the plan to MIAC and the other Minnesota State Councils, and the governments of all Tribes within the state, but the Permittee has primary responsibility for completing, delivering, and implementing the plan, which also must document all efforts to engage the above entities. The plan shall be filed with the Commission at least 60 days prior to the first plan and profile submission as described in Section 4.8 of this permit. The plan must be approved as a compliance filing prior to construction.

With the submittal of the plan, the Permittee shall provide a summary of coordination, including:

1. a list of the entities included;
2. a description of the coordination process design and activities;
3. a summary of the results of the input received from all entities; and
4. a description of how input received from all entities informed the plan.

Additionally, the Permittee shall describe the methods and tools to be used to implement the plan, and a description of how the plan will be evaluated and, if necessary, adapted.

On December 10, 2018, the Minnesota Department of Commerce, Energy Environmental Review and Analysis (DOC-EERA) staff sent a draft of the Environmental Justice Communities Mitigation 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 (see Attachment 1 – DOC-EERA Letter).

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
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: Amanda Gronhovd, State Archeologist, 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 revisions to the Plan.

Table 2 – Comment/Response Summary			
Commenter	Date	Comment	Response
Bois Forte Tribal Historic Preservation Office	January 2, 2019	Referring to Sections 6.3 and 7, the Plan does not include a description of how it may be adapted.	Enbridge is committed to being responsive to comments received, and one response to a comment may result in adapting the Plan. Any adaptations of the Plan will be reflected in Enbridge’s monthly filing updates.
Fond du Lac Band of Lake Superior Chippewa	January 10, 2019	“No comments at this time except a note to update the schedule under 5. Coordination and Outreach (page 8).”	The schedule has been updated.
Mille Lacs Band of Ojibwe	January 10, 2019	“Although this plan provides a definition of Environmental Justice and lists potential adverse impacts of the route, it includes little new information that is particular to Environmental Justice. Instead, this plan describes what Enbridge is already doing to comply with the required regulatory process, including the EIS process, public hearings, evidentiary hearings, and public comments. This plan focuses on job training, outreach, and similar activities. However, these are not sufficient remedies for potential impacts to cultural resources and the disproportionate adverse impacts to Environmental Justice communities.”	Enbridge has reached out to Mille Lacs Band to discuss the Project and remains interested in engaging in such discussions. As discussed in the Plan, this Plan was tailored to address the specific environmental justice concerns identified in the Environmental Impact Statement; it also reflects specific feedback received from other stakeholders.

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.

December 10, 2018

«P_Name»
«P_Company»
«Address», «Address_Line_2»
«City», «State» «Zip»

RE: Invitation to participate in Enbridge's development of plans required by the Line 3 Project route permit (PUC Docket No. PL-9/PPL-15-137)

Dear «P_Short_Name»,

This letter is being sent pursuant to the Minnesota Public Utilities Commission's (Commission) Route Permit Order in Docket PPL-15-137 issued on October 26, 2018. The Route Permit Order directed the Minnesota Department of Commerce to invite comments from the Minnesota Indian Affairs Council, Tribal Nations in Minnesota, and relevant task forces to Enbridge. The purpose of the comments is to provide Enbridge feedback in its development of certain plans intended to help guide the pre-construction, construction, and/or post-construction phases of Enbridge's Line 3 Pipeline project.

As part of the Commission's Order, Enbridge must develop an Archaeological and Historic Resources Plan, a Traditional Cultural Resources Training Plan, an Unanticipated Discoveries Plan, a Human Trafficking Prevention Plan, and an Environmental Justice Mitigation Plan. Enbridge has primary responsibility for coordinating, completing, delivering, and implementing the plans, which must document all efforts to engage the above entities. The basic framework and purpose of each of these planning documents are described below.

Your participation in developing these plans is important, and you are encouraged to contact Enbridge as soon as possible to indicate your interest in participating. You will find attached preliminary drafts that Enbridge is offering as a starting point for your review and input. Enbridge has indicated that they would appreciate your feedback on these preliminary drafts by **January 10, 2019**.

Required Plans

- **Archaeological and Historic Resources Plan:** The purpose of this plan is to provide an organized and transparent record of known archaeological and historic resources of concern along the approved route, including traditional cultural properties and traditional cultural landscapes, and to describe the avoidance and mitigation measures that Enbridge will implement to protect these resources. The plan must include specific mitigation and avoidance procedures resulting from (1) the federal Section 106 process, (2) the Minnesota Historic Sites Act/Minnesota Field Archaeology Act review, and (3) any additional surveys, mitigation, or avoidance procedures developed in coordination with the SHPO, the OSA, the MIAC, and the consulting tribes participating

in the Section 106 process. You will find the exact permit condition language in Section 4.3.6 of the Line 3 Route Permit (attached).

- **Traditional Cultural Resources Training Plan:** The purpose of this plan is to ensure that before construction starts, workers are trained about the importance of traditional cultural resources, and are aware of the procedures for avoiding and mitigating impacts to these resources. Enbridge has included this plan as Appendix J of the enclosed initial draft Archaeological and Historic Resources Plan. You will find the exact permit condition language in Section 6.1 of the Line 3 Route Permit (attached).
- **Unanticipated Discoveries Plan:** The purpose of this plan is to provide clear, consistent procedures to minimize impacts if any unrecorded archeological or historic properties, or human remains are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during construction. You will find the exact permit condition language in Section 4.3.6 of the Line 3 Route Permit (attached).
- **Human Trafficking Prevention Plan:** The purpose of this plan is to provide a clear, structured set of measures to educate, equip, and encourage both the public and those associated with pipeline construction and operation to prevent and report Project-related human trafficking. You will find the exact permit condition language in Section 6.2 of the Line 3 Route Permit (attached).
- **Environmental Justice Communities Mitigation Plan:** The purpose of this plan is to detail the measures that will be implemented to mitigate the project’s disproportionate adverse impacts on Environmental Justice Communities. The environmental justice analysis in the environmental impact statement found disproportionate adverse impacts to low income minority populations residing or using lands in the vicinity of the Project, in particular American Indian populations. Within the US Environmental Protection Agency’s environmental justice framework, a finding of disproportionate adverse requires detailed efforts to avoid, mitigate, minimize rectify, reduce, or eliminate the impact associated with the project. The US Council on Environmental Quality recommends evaluating mitigation options by soliciting the views of the affected populations on measures to mitigate a disproportionately high and adverse effect, and carefully considering community views in developing and implementing mitigation strategies. Therefore, this condition of the route permit requires that Enbridge engage with disproportionately adversely impacted communities to tailor mitigation to their unique needs. You will find the exact permit condition language in Section 6.3 of the Line 3 Route Permit (attached).

How to Participate

Your participation is important. Please contact Janelle Hnatko at Enbridge by January 10, 2019 with your comments on the draft plans or to indicate your interest in participating further in the development of the plans.

- Phone office: 218-522-4848 or cell: 715-817-6103
- Email janelle.hnatko@enbridge.com or
- U.S. mail Attn: Janelle Hnatko
26 East Superior Street, Suite 309
Duluth, MN 55802

Process

- Comments can be submitted to Enbridge by email, phone, United States Postal Service, or in person. Comments or indication of interest to participate are **due by January 10, 2019**.
- Pursuant to the Route Permit, Enbridge will review and summarize comments received for each plan in response to this invitation and indicate if and how the comments were incorporated into revised drafts of the plans.
- The revised plans and a summary of the comments will be e-filed by Enbridge into PUC Docket No. PL-9/PPL-15-137.
- The Commission will follow the process set forth in Route Permit Attachment 2, Section E (attached), to approve the compliance filings. As indicated in Attachment 2, Section E, where the terms of the permit require that a compliance filing be approved by the Commission, the following process and timeline may be used as appropriate:
 - The Executive Secretary may designate a comment period to ensure the document complies with the Commission’s Order and the requirements of other agencies, as appropriate. In that case, the Permittee will be provided a period to respond to comments received during the initial comment period.
 - Upon close of the comment period the Executive Secretary will decide whether the compliance document requires a decision by the Commission.

Thank you in advance for your participation. Please do not hesitate to get in contact with me if you have questions about this process.

Sincerely,

Louise Miltich

Minnesota Department of Commerce
Energy Environmental Review and Analysis
85 7th Place East, Ste. 280
St. Paul, MN 55105
louise.miltich@state.mn.us
651 539-1853

Enclosures: Line 3 Route Permit, Enbridge’s draft Archaeological and Historic Resources Plan, Enbridge’s draft Unanticipated Discoveries Plan, Enbridge’s draft Human Trafficking Prevention Plan, and Enbridge’s draft Environmental Justice Communities Mitigation Plan.

Enbridge Energy, Limited Partnership

Line 3 Replacement Project

Environmental Justice Communities Mitigation Plan

April 2020

MPUC Docket No. PL-9/PPL-15-137

Line 3 Replacement Project –Environmental Justice Communities Mitigation Plan

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Line 3 Replacement Project – Environmental Justice Communities Mitigation Plan

1. INTRODUCTION

The Route Permit issued by the Minnesota Public Utilities Commission (“Commission”) for the Line 3 Replacement Project (“Project”) includes a condition requiring Enbridge Energy, Limited Partnership (“Enbridge”) to develop and implement an Environmental Justice (“EJ”) Communities Mitigation Plan (“Plan”). Specifically:

6.3 Environmental Justice Communities Mitigation Plan

The Permittee, in coordination with MIAC and any other Minnesota State Councils that wish to participate, and Minnesota Tribes that wish to participate, shall develop and implement an Environmental Justice Communities Mitigation Plan to mitigate disproportionate adverse impacts on Environmental Justice Communities. The Department of Commerce shall issue a written invitation to assist in the development of the plan to MIAC and the other Minnesota State Councils, and the governments of all Tribes within the state, but the Permittee has primary responsibility for completing, delivering, and implementing the plan, which must also document all efforts to engage the above entities. The plan shall be filed with the Commission at least 60 days prior to the first plan and profile submission as described in Section 4.8 of this permit. The plan must be approved as a compliance filing prior to construction.

With the submittal of the plan, the Permittee shall provide a summary of coordination, including:

1. a list of the entities included;
2. a description of the coordination process design and activities;
3. a summary of the results of the input received from all entities; and
4. a description of how input received from all entities informed the plan.

Additionally, the Permittee shall describe the methods and tools to be used to implement the plan, and a description of how the plan will be evaluated and, if necessary, adapted.

6.3.1 Environmental Justice Community Mitigation Reports

The Permittee shall file with the Commission, no later than 30 days after the approval of the Environmental Justice Communities Mitigation Plan, and at the end of every other month thereafter until construction is completed, a report summarizing the Permittee’s progress in implementing the elements identified in the Environmental Justice Community Mitigation Plan.

This Plan describes how Enbridge proposes to comply with the above-mentioned requirements imposed by the Commission. Enbridge understands that the Commission intended that stakeholders in the EJ communities that have the potential for disproportionate impacts have an

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opportunity to participate in the development of this Plan. As such, this draft Plan identifies Enbridge’s proposed framework for outreach with respect to this Plan, as well as information developed in this record regarding EJ that informs the Plan. Enbridge looks forward to incorporating feedback from stakeholders into a final version of this Plan.

2. REGULATORY CONTEXT

The Commission does not have specific statutes, rules, or guidance regarding EJ in the context of its permitting or other decision-making. Similarly, there are no Minnesota statutes or administrative rules regarding EJ generally, nor specifically applied to a private applicant for a state permit. Both the U.S. Environmental Protection Agency (“EPA”) and Minnesota Pollution Control Agency (“MPCA”) define environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” Those agencies strive to implement EJ principles into their decision-making; for example, MPCA has issued the following policy statement regarding EJ:

[MPCA] will, within its authority, strive for the “...*fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.*”

***Fair treatment** means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.*

***Meaningful Involvement** means that:*

- 1. people have an opportunity to participate in decisions about activities that may affect their environment and/or health;*
- 2. the public’s contribution can influence the regulatory agency’s decision;*
- 3. their concerns will be considered in the decision making process; and*
- 4. the decision makers seek out and facilitate the involvement of those potentially affected.*

The above concept is embraced as Environmental Justice (EJ) by the MPCA.¹

Enbridge views this as a unique opportunity to develop and implement a mitigation plan to address effects identified in the EIS that disproportionately and adversely affect identified EJ communities.

This Plan is consistent with Enbridge’s own goals and commitments, as evidenced by, among other things, its *Corporate Social Responsibility Policy* and its *Corporate Sustainability Report*. For example, in Enbridge’s *Corporate Responsibility Policy*, it identifies the following areas/standards with respect to community investment:

¹ MPCA, *Incorporating Environmental Justice Principles and Practices into Minnesota Pollution Control Agency Operation*, available at <https://www.pca.state.mn.us/sites/default/files/p-gen5-01a.pdf>.

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- Enbridge stresses collaborative, consultative, and partnership approaches in our community investment programs.
- Enbridge will integrate Community Investment considerations into decision-making and business practices, and will assist in local capacity building to develop mutually beneficial relationships with communities.
- Enbridge will contribute to our host communities’ quality of life by supporting innovative programs in health, education, social services and the environment, as well as cultural and civic projects.
- Enbridge will strive to provide employment and economic opportunities in the communities where we operate.

In addition, Enbridge’s *Indigenous Peoples Policy* includes commitments to:

- work with Indigenous Peoples to achieve benefits for them resulting from Enbridge’s projects and operations, including opportunities in training and education, employment, procurement, business development, and community development;
- foster understanding of the history and culture of Indigenous Peoples among Enbridge’s employees and contractors in order to create better relationships between Enbridge and Indigenous communities; and
- engage in forthright and sincere consultation with Indigenous Peoples about Enbridge’s projects so their input can help define our projects on their land and land traditionally used by Indigenous Peoples.

3. EIS IDENTIFICATION OF EJ COMMUNITIES

Chapter 11 of the Final Environmental Impact State (“EIS”) is titled “Environmental Justice” and contains an analysis of the EJ communities identified using EPA guidelines along the Project’s proposed route (“APR”) and alternatives. With respect to the APR, the EIS identified census tract 002 in Clearwater County as a census tract with EJ populations that could be disproportionately affected by the Project.²

The EIS also identified the following census tracts that will be crossed by RSA-22 as tracts with EJ populations that could be disproportionately affected by the Project: census tract 9400 in Carlton County and census tract 112 in St. Louis County. Both are tracts where the Project will cross the Fond du Lac Indian Reservation and meet the criteria used in the EIS to be identified as an EJ population.

² EIS Table 11.3-1.

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In sum, the EIS identified three census tracts with EJ populations that are crossed by the Designated Route approved by the Commission: census tract 002 in Clearwater County; census tract 9400 in Carlton County; and, census tract 112 in St. Louis County. Because those census tracts have been specifically identified as the tracts meeting the criteria to be identified as EJ populations, this Plan will largely focus on those tracts. However, Enbridge acknowledges that EJ populations may experience disproportionate and adverse effects outside of their communities because of where subsistence activities and cultural practices may occur outside of those census tracts.³

4. PROJECT EFFECTS

Typically, EJ analysis considers both the potential adverse impacts and the benefits of a proposed action. Any mitigation is then tailored to address and reflect those potential effects. As with most proposed actions, the EIS for the Project identified both benefits and areas of concern, as set forth in more detail below.

With respect to adverse effects, the EIS identified the following topics:⁴

- Noise impacts.
- Visual impacts.
- Air quality impacts.
- Hunting, fishing, and farming activities.
- Vegetation impacts (including introduction of invasive species and loss of native vegetation).
- Water resources (including potential construction impacts on wild rice beds and fisheries).
- Impacts resulting from accidental crude oil releases.
- Tribal impacts (including impacts from a release, invasive species (such as wild parsnip), impacts on hunting/fishing/gathering, human trafficking issues, and the Project as an additional health stressor on tribal communities.

In addition, the EIS identified the following benefits of the Project:

- Tax revenue;
- More than 4,000 construction jobs; and

³ EIS p. 11-16.

⁴ EIS pp. 11-17 – 11-18.

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- A reduction in the risk of an accidental oil release.

5. COORDINATION & OUTREACH

Enbridge has developed this Plan based on the information in this record regarding the Project and potential disproportionate and adverse effects to EJ populations. This Project has been the subject of significant interest by several Tribes, as well as other stakeholders, and the level of engagement and record development concerning the Project reflects that heightened interest. More specifically, the Project has already been the subject of a regulatory process that has been ongoing since late 2014 and included a formal EIS process, more than 70 public hearings, three weeks of evidentiary hearings, and numerous opportunities for public comment. Stakeholders and Tribes have had the opportunity to participate in that regulatory process – either formally as parties or informally as commenters – to make their views known to the Commission and to Enbridge. Both the Commission and Enbridge heard those views, and that input has been incorporated into the Commission’s approval of the Project and into Enbridge’s own Project plans. As such, the regulatory process for the Project has already addressed one of the basic tenets of EJ – namely, that people have the opportunity for meaningful involvement in the implementation and enforcement of the law. Outside of the regulatory process, Enbridge has had more than 28,000 documented contacts with Tribes, landowners, and stakeholders with respect to the Project.

Going forward, then, Enbridge’s coordination and outreach will focus on providing information about construction and operation of the Project, Enbridge’s community investment and outreach programs, and the Commission’s requirements to those EJ populations that may be disproportionately and adversely affected by the Project. In Enbridge’s experience, even where mitigation programs exist, they are less than effective if the affected communities and individuals are not adequately aware of such programs. As such, a primary focus on Enbridge’s ongoing coordination and outreach will be to ensure that potentially disproportionately affected communities and individuals are aware of available opportunities, as discussed in more detail in Section 7 herein.

In the first instance, Enbridge provided the Department of Commerce, Energy Environmental Review and Analysis (“DOC-EERA”) with a draft of this Plan for distribution to Tribes and other stakeholders, in accordance with the Commission’s requirements. Input received in response to DOC-EERA’s invitation to participate has been incorporated into the Plan.

In addition, Enbridge has conducted and continues to conduct its own coordination with Tribes and other stakeholders in the Project vicinity, both more and less formally. Enbridge uses an integrated management system for stakeholder engagement that supports its multi-disciplinary and risk-based approach to managing the planning and execution of all stakeholder and Indigenous engagement, inclusion, and communication activities.

Enbridge’s engagement system is coordinated, systematized, and scalable, and incorporates standardized processes, procedures, tools, and templates to enhance the effectiveness and provide consistency in its approach across all of our projects and operations. This system is based on leading industry practices and global benchmarking systems, and further advances accountability, documented reporting, and continuous improvement. For one example, for construction of the

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Project in Canada, Enbridge conducted tours for local dignitaries and Indigenous leaders to demonstrate and get feedback on its rigorous construction process.

To ensure that Enbridge’s outreach program is effective and appropriate, Enbridge reaches out to stakeholders and their communities to get to know them, the local environment, and the potential issues that currently exist. Enbridge conducts outreach through surveys, focus groups, and meetings with community members who represent the area. Enbridge also engages and communicates through newsletters, fact sheets, presentations, project update letters, telephone calls, emails, advertising, social media updates, and community events and open houses.

Input already received during Enbridge’s Project engagement has been incorporated into this Plan. For example, Enbridge representatives have been participating in an initiative led by the Fond du Lac Band of Lake Superior Chippewa Tribal Emergency Management called the Tribal Cultural Partnership Project (“TCPP”). The primary goal of this project is to highlight tribal cultural traditions, history, and heritage while also emphasizing the importance partnership and collaboration between government, public agencies, industry, and Tribes during emergency response and interactions on or near tribal lands. A conference was held in March 2018 that focused on cultural training for statewide emergency management, law enforcement, and other public and private agencies. Planning efforts are ongoing for additional local or state-wide learning opportunities including a second TCPP conference in May 2020.

For additional information about Enbridge’s Communications Plan, see Section 7 herein. In addition, the table below provides a summary for development and implementation of this Plan, as discussed more specifically in the sections below:

Action	Timeframe/Status
Plan shared with DOC-EERA and other stakeholders	December 2018
Revise plan based on stakeholder comments	April 2019
Meeting(s) with EJ communities disproportionately impacted by the Project to discuss Plan	May 2019
Update meeting with EJ communities to discuss plan	Q1/Q2 2020
Plan filed on eDockets	March 2020
Plan implementation	2019-2021

6. POTENTIAL MITIGATION

a. EXISTING COMMITMENTS.

Because of Enbridge’s own commitment to community investment and the stakeholder and Tribes’ input already received for the Project, Enbridge has already made a number of commitments regarding the Project that are responsive to the disproportionate adverse impacts to EJ communities identified in the EIS. In Enbridge’s experience, it will be important to continue stakeholder outreach to ensure that individuals and communities in the vicinity of the Project area who may be

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disproportionately and adversely affected by the Project area aware of these commitments and programs, as discussed in more detail in Section 5 above.

A summary of these commitments is included below. Notably, these commitments already address many of the potential mitigation measures for disproportionate adverse impacts on EJ communities identified in the EIS. Further, many or most of these commitments already involve spending and/or workforce development with respect to communities and individuals in the vicinity of the Project.

Environmental Controls.

The EIS noted that potential mitigation for disproportionate adverse effects to EJ communities included mitigation to address potential environmental effects, particularly with respect to resources that may disproportionately and adversely affect Tribes and their citizens. Enbridge has committed to employ a multitude of environmental controls to avoid or mitigate potential environmental effects and comply with state and federal permits. These environmental controls are included in the Construction Environmental Control Plan, Environmental Protection Plan, Agricultural Protection Plan, and other plans required by the Route Permit and/or other federal and state permits.

Noxious Weeds and Invasive Species Mitigation.

Preventing the spread of invasive species is of particular concern for the Minnesota Department of Natural Resources, and the EIS and testimony from the evidentiary hearing noted Tribes' concerns over the potential effect of noxious weeds and/or invasive species, particularly as related to traditional gathering. Enbridge has developed Noxious Weeds and Invasive Species Control Procedures, the purpose of which is to prevent the introduction of invasive species on lands disturbed by construction activities and limit the spread of invasive species already present within the construction right-of-way.

Use of Monitors.

Consistent with recommendations in the EIS and from Tribes, Enbridge will use Tribal monitors during Project construction. In addition, environmental inspectors, third party agency monitors, agricultural monitors, and Tribal monitors will confirm that Enbridge is complying with applicable requirements.

Cultural Resources Identification and Avoidance.

The EIS, public comments, and testimony expressed concern regarding the Project's potential effects on cultural resources. Enbridge has or will employ multiple measures responsive to this topic:

- Enbridge supported and funded a Traditional Cultural Resources Investigation, led by the Fond du Lac Band, as part of the U.S. Army Corps of Engineers' compliance with the Section 106 process. The purpose of this investigation is to survey Tribal sites throughout the entire route that may be affected by the Project, in accordance with state and federal requirements.

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- Enbridge has developed an Archaeological and Historic Resources Plan, the purpose of which is to identify and avoid effects to archaeological and history properties. This plan has also been provided to the Tribes by DOC-EERA for input.
- Enbridge developed a Traditional Cultural Resources Training Plan that will govern the training of workers about the need to identify during construction and avoid or mitigate effects to Traditional Cultural Resources.

Tribal Economic Opportunity and Labor Education Plan.

Enbridge has developed a Tribal Economic Opportunity and Labor Education Plan that details the implementation of its target of \$100 million in Tribal- and Tribal member-owned business spending for construction of the Project in the United States. As part of this commitment, Enbridge sponsored a Fond du Lac Business Development Meeting in January 2019 to identify and recruit tribal members who are interested in starting a business that works on the Project. Enbridge hosted job fairs on the Red Lake Nation and Fond du Lac Reservations in April 2019. Enbridge also participated in the Great Lakes TERO meetings in February, May and July 2019. Additionally, Enbridge has sponsored 5-week Empowerment Training classes for tribal members. These classes started in August and November 2019 and January and February (two classes) 2020.

Human Trafficking Prevention Plan.

Consistent with the potential mitigation measure identified in the EIS, Enbridge has developed a Human Trafficking Prevention Plan, the purpose of which is to educate, equip, and encourage the public and those associated with pipeline construction and operation to prevent and report Project-related human trafficking.

Tree for Tree Commitment.

Enbridge's Tree for Tree Commitment will result in the replacement of trees removed during construction of the Project. Pursuant to the Commission's orders, Enbridge has worked with the Minnesota Department of Natural Resources to determine a tree-for-tree net zero impact. Trees removed from private land shall be replaced on private land in consultation with the landowner. Trees removed from tribal reservation land shall be replaced on tribal reservation land or other land as directed by the tribal government. Trees removed from public land (state, county, or municipal) shall be replaced within the same jurisdiction to the extent practicable and upon consultation with the unit of government that has jurisdiction over the removal.

Spill Prevention and Response.

The EIS noted that potential mitigation for disproportionate adverse effects to EJ communities included spill prevention and response plans. Such plans are already an integral part of Enbridge's construction and operations activities. With respect to construction activities, Enbridge will utilize: Spill Prevention, Containment, and Control Procedures; Drilling Mud Containment, Response, and Notification Procedures; and a Petroleum-Contaminated Soil Management Plan. With respect to operations, Enbridge is required by federal law to have spill response plans, and Enbridge will provide the Commission with its Field Emergency Response Plan for the Project region prior to construction.

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In addition, as part of Enbridge’s on-going Public Awareness Program, Enbridge partners with other pipeline and utility companies to provide annual training to local emergency responders along our existing pipeline routes. There were eight of these meetings in Minnesota in 2018 and again in 2019. In addition to these meetings, since 2016, Enbridge has hosted 66 emergency response trainings with local emergency response organizations, 25 of which were along the Project’s route.

Annually, Enbridge practices and tests its emergency response plans with local emergency response organizations through conducting table top exercises, field deployments, and full scale emergency response activities. In 2019 & 2018, Enbridge conducted four tabletop exercises and two field deployment exercises in Minnesota and, in 2017, Enbridge conducted a full-scale exercise in coordination with the Leech Lake Band of Ojibwe. Approximately 40 tribal members participated in the exercise in Cass Lake, which simulated an incident command structured response including standing up an incident command post and joint information center. On October 3, 2018, Enbridge and the Leech Lake Band conducted a field deployment exercise to practice the use of spill clean-up equipment on water. Enbridge has also had a number of meetings with Fond du Lac Band emergency management and held a tabletop exercise with them in May 2019.

Project Designed to Minimize Human Impacts.

The EIS noted that pump stations should be sited away from heavily-populated areas and areas of tribal significance to minimize impacts. These issues have already been taken into account in Project design, and Project pump stations have been sited to avoid human and environmental effects.

b. IDENTIFYING COMMUNITY NEEDS.

Enbridge has existing commitments that will result in benefits to the specific EJ communities that could be disproportionately and adversely affected by the Project and will continue to work with communities to identify needs that may result in additional community investment or projects in those communities. Specifically, for example, Enbridge and Fond du Lac Band have entered into an agreement regarding the Project through the Fond du Lac Reservation. In its press release for the Project, the Fond du Lac Band stated, “[w]e reached this agreement after very extensive work to make sure that the construction and operation of these pipelines best protects the Fond du Lac Band’s needs, rights and interests, and the community at large. . . . The benefits to the Band far exceed those of potential alternatives, and the agreement was the result of months of extensive consideration and strong advocacy on behalf of the Band.” The Fond du Lac Band further noted that the agreement includes “a comprehensive set of safety, environmental, economic and financial benefits to the Band.” The benefits to the Band of the agreement include access to wildlife and portions of the Reservation that had been inaccessible, protection of natural resources, compensation to the Fond du Lac Band, and contracting, training and job opportunities for Band members.

In addition to the commitments identified in Section (a) above, Enbridge will continue to gain insight and learn about community needs through its on-going Line 3 Replacement Project Stakeholder Outreach and its Regional Engagement Plans. This includes continued participation in one-on-one meetings, public meetings, and community events. Through these

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engagement plans Enbridge has participated in more than 3,000 meetings and community events since 2015, including approximately 850 meetings in 2019 alone. Enbridge’s outreach and engagements have also resulted in millions of dollars in grant contributions and sponsorships to support local community needs related to safety, community wellness, and the environment (over \$4 million since 2015).

7. COMMUNICATIONS STRATEGY

As noted previously in this Plan, Enbridge will focus on effectively communicating opportunities and programs related to the Project to affected stakeholders. In addition to outreach that has already been done, Enbridge plans the following outreach efforts:

- Before construction, Enbridge will host multiple open houses in the vicinity of the Project’s route to provide the public an opportunity to learn about pipeline construction and meet Project construction management and workers.
- During construction Enbridge will issue Project newsletters quarterly. The newsletters will be distributed both electronically and in print.
- Project information, handouts and newsletters will all be available at Enbridge.com/line3us.
- The public may ask about the Project via the Line 3 Replacement Project toll-free number: 855-855-788-7812 or by email at EnbridgeinMN@enbridge.com. Project contact information will be included on all handouts, advertising, and newsletters.

Each of these activities will provide an opportunity for Enbridge to gain feedback on its engagement and this Plan, which can be adjusted in response to such feedback.

8. REPORTING

The Route Permit includes the following reporting requirement:

6.3.1 Environmental Justice Community Mitigation Reports

The Permittee shall file with the Commission, no later than 30 days after the approval of the Environmental Justice Communities Mitigation Plan, and at the end of every other month thereafter until construction is completed, a report summarizing the Permittee’s progress in implementing the elements identified in the Environmental Justice Community Mitigation Plan.

Consistent with this requirement, Enbridge will file monthly reports with the Commission summarizing its progress in implementing this Plan. Enbridge anticipates that these monthly reports will be narrative summaries (rather than a table or other form document), given the nature of this Plan and Enbridge’s commitments thereunder. Enbridge further notes that many of the plans or commitments previously identified herein also have their own reporting requirements by which the Commission and others will remain apprised of their status.