

**Enbridge Pipelines Inc. (“Enbridge”) Line 7 Capacity Expansion Project (“Project”)
Application under section 58 (“Application”) of the *National Energy Board Act*
File OF-Fac-Oil-E101-2013-16 01**

Enbridge Response to National Energy Board Information Request No. 1

Consultation Matters

1.1 Letter from the Ontario Pipeline Landowners Association (OPLA)

- Reference:**
- i) Enbridge, Online Application for the Line 7 Capacity Expansion Project, PDF p. 4 of 10, C3 (A3I2K8);
 - ii) OPLA, Letter dated 4 July 2013, PDF p. 1 of 1 (A319G2);
 - iii) NEB Filing Manual, Section 3.4.3, Implementing a Consultation Program.

Preamble: Reference i) indicates that all potentially affected landowners and/or tenants have been consulted and there are no outstanding concerns.

Reference ii) indicates that OPLA members may not have been notified of this Application. It further indicates that OPLA has concerns regarding increasing pressure in Line 7.

Reference iii) requires an Application to describe the outcomes of the consultation program conducted for the project, including: the measures taken, or that will be taken, to address concerns expressed by potentially affected persons or groups or an explanation of why no further action is required to address the concerns.

- Request:**
- a) Please provide a response to the OPLA's submission that its members may not have been notified of Enbridge's Application.
 - b) Please describe the measures taken, or that will be taken, by Enbridge to address the OPLA's concerns regarding increasing pressure in Line 7, or provide an explanation as to why no further action is required to address this concern.

Response:

- a) When designing the consultation program for the Line 7 Capacity Expansion Project (the “Project”), Enbridge took into account the nature and type of work to be undertaken as part of the construction and operation of the Project. Factors considered included the following:

- There is one directly affected landowner at Project site KP 2989 (MP 1857) where Enbridge will be

constructing a small new facility on this landowner's privately owned land for the Project. The landowner entered agreements with Enbridge for the facility construction and required temporary workspace in November, 2012.

- The Project will have no increase to the regulated maximum operating pressure, of this existing pipeline.
- Enbridge also applied the NEB's 'see, hear and/or smell' test to determine which stakeholders may be potentially impacted by not only the construction activities, but also by the ongoing operation of the Project facilities.

Considering all the above factors, Enbridge identified adjacent stakeholders within 250 m of the Keyser and Bryanston Stations and notified them with a notification package. These two stations will have a pump installed and a pump shelter constructed, and based on the stations' locations in rural Ontario, these two Project work sites will have the most noticeable increase in activity in terms of construction and potentially during operation. Enbridge also delivered notification packages to adjacent residents within 250 m of the Project site KP 2989 (MP 1857) as work happening at this work site is on privately owned land, and the area is not marked as Enbridge property (as is the case with the other Project sites). Townships, counties and municipalities within which the Line 7 pipeline is located also received the notification package.

Enbridge determined that the scope and location of the Project work at the remaining Project facilities are not anticipated to affect nearby residents as the activities are of a small scale, will take place entirely within the boundaries of Enbridge's facilities and will likely be indistinguishable from the facilities' day-to-day operations.

Any OPLA members located within the boundaries of the selected notification radii described above would have received the Project notification package.

Since receiving a letter from OPLA president Margaret Vance on July 4, 2013 enquiring about the Project, Enbridge has added OPLA, and specifically Margaret Vance, to the Line 7 stakeholder database. All future Project correspondence will be provided to the organization.

- b) In an email to Margaret Vance of OPLA on July 10, 2013 Enbridge clarified that there will be no increase to the regulated maximum operating pressure of the pipeline. It was explained that the increase in capacity on Line 7 by 33,000 barrels per day (bpd) – bringing it from 147,000 bpd to 180,000 bpd – will be accomplished by making upgrades to existing terminals and stations along the Right-of-Way (“ROW”), such as the construction of drag reducing agent skids at Sarnia Terminal and Keyser and Bryanston stations and the addition of a 2,500 horsepower pump at both Keyser and Bryanston stations. Therefore, no further action is required to address this concern.

Aboriginal Matters

1.2 Identification of Aboriginal Groups

- Reference:**
- i) Enbridge, Online Application for the Line 7 Capacity Expansion Project, PDF p. 4 of 10, A3(A312K8);
 - ii) Enbridge, Environmental and Socio-Economic Impact Assessment, Line 7 Capacity Expansion Project, PDF p. 22 of 83, Section 3.2 Aboriginal Consultation (A312L1);
 - iii) Enbridge, Line 7 Capacity Expansion Project, Aboriginal Matters, PDF p. 1 of 1, A312L3.

Preamble: Reference i) indicates that all potentially affected Aboriginal groups have been consulted and there are no outstanding concerns.

References ii) and iii) state that Enbridge has consulted with six Aboriginal groups regarding this Project.

The Board notes that two additional Aboriginal groups – Haudenosaunee Development Institute and the Metis Nation of Ontario- have asserted traditional territory in the Project area.

Request: Please provide the following:

- a) A description of the consultation activities that have occurred with the Haudenosaunee Development Institute and the Metis Nation of Ontario regarding the Project; or,
- b) An explanation why consultation with these Aboriginal groups was considered unnecessary.

Response: a-b) The scope and scale of the proposed project did not warrant consultation or notification to the Haudenosaunee Development Institute or the Metis Nation of Ontario. The Project will take place entirely within the confines of Enbridge's existing and operating terminals and stations, which are privately owned or controlled by Enbridge, or along the Enbridge ROW. Current land use at the Project sites is incompatible with any traditional use and the lands are not currently being used for the purposes of exercising traditional rights. Enbridge is not taking up new lands nor are there current traditional activities occurring where the Project will take place. The scope and location of the work associated with the Project is not anticipated to affect any Aboriginal groups, nor to affect the exercising of Aboriginal or Treaty rights.

Should either of those groups identify itself as being potentially affected by the Project, Enbridge will engage with that Aboriginal group or community for the purposes of exchanging information respecting the Project, hearing and addressing concerns to the extent possible and ensuring on-going dialogue about the Project and its potential implications and benefits.