

**Attachment 2A**  
**LINE 3 REPLACEMENT PROJECT**  
**LANDOWNER CHOICE PROGRAM**

Enbridge is committed to working with landowners along the existing Enbridge Mainline and commits to following this landowner program providing choice to the landowner for removal or decommissioning in-place of existing Line 3 after the Line 3 Replacement Project pipeline is placed in-service. The commitment is referred to as the “Landowner Choice Program” below.

**Program Details**

**Schedule Overview:**

*Landowner Communications*

Upon receipt of the Minnesota Public Utilities Commission’s (the “Commission”) written order granting Enbridge’s Certificate of Need and Route Permit Application, Enbridge will formally commence landowner outreach via an introductory letter introducing basic details about the Landowner Choice Program (the “Introductory Letter”). Before that time, Enbridge will respond to inquiries on a case-by-case basis. However, if the number or character of inquiries about the Landowner Choice Program after the Commission’s vote but before the Commission’s written order is issued is such it would be prudent for Enbridge to send the Introductory Letter to all landowners before the Commission’s written order is received, Enbridge may adjust the letter and send it before the Commission’s written order is received. Upon receipt of the necessary permits and/or authorizations to commence the construction of the Line 3 Replacement Project, Enbridge will begin implementing the Landowner Choice Program. Enbridge will be prepared with appropriate staffing, documents and/or outreach materials to begin implementing this commitment to landowners immediately.

*Deactivation Activities*

After the Line 3 Replacement pipeline is in service, Enbridge has obligations under federal regulations and a Consent Decree with the United States that require certain deactivation work to be completed in connection with existing Line 3. Enbridge has 90 days to purge existing Line 3 of oil and 365 days after that to complete required deactivation work (facilities removal, valve flushing, valve removal, disconnections, segmentations, under road and under railroad grouting, cathodic protection, etc.). Removal construction activities under the Landowner Choice Program will begin after Enbridge’s deactivation work obligations under the federal regulations and Consent Decree are completed.

### *Landowner Choice and Removal Activities*

Landowners must notify Enbridge, in writing, of their decision under the Landowner Choice Program within five years after the Route Permit is issued. As explained in more detail below, landowners will have access to information necessary to ensure their decisions are informed. Once landowners' choices are known, Enbridge will diligently pursue any required permits and other authorizations, and the removal work that is permitted will be completed in due course. This will involve some level of survey and study work, which may take place over multiple seasons. Because the window of time for landowners to make a decision under the Landowner Choice Program is several years long, Enbridge will use its judgment in scaling, scheduling, staging, and completing removal construction activities in an efficient, responsible manner.

At this point, because the scope(s) is/are not known, it is not possible to establish the schedule beyond the milestones discussed above. However, Enbridge will provide landowners and other stakeholders updates regarding scheduling as scopes are developed and work plans are scheduled. Enbridge will also provide the Commission with updates about the scopes and schedules at appropriate intervals via the independent liaison (discussed below).

### **Implementation Details:**

#### *Landowner Communications*

Enbridge has dedicated eight Land Rights representatives to work on the Landowner Choice Program. Enbridge will begin the process by notifying landowners with the Introductory Letter. A draft template of the Introductory Letter is included as Attachment 2B. The Introductory Letter will introduce landowners to the process and inform them of Enbridge's intention to contact them by phone to arrange an in-person meeting with an Enbridge representative.

At the in-person meeting and in any subsequent exchanges, the Enbridge representative will serve as a resource to all landowners, providing information and/or resources about the landowners' options under the Landowner Choice Program, both removal and deactivation-in-place. As part of the outreach to landowners, Enbridge's subject matter experts will answer any questions that arise during our meetings that may need a more involved or technical explanation to the landowner. In addition, as discussed below, landowners will have access to a representative from at least one independent, third-party engineering firm knowledgeable in matters relevant to the landowners' choice of deactivation-in-place or removal.

Landowners will have five years from the date that the Route Permit is issued to make their decision under the Landowner Choice Program. If a landowner does not make a timely decision to participate in the Landowner Choice Program, Enbridge will deactivate the pipeline in place on that landowner's property consistent with the Deactivation Plan. Landowner decisions on removal preference will be systematically recorded along with a record of contact in Enbridge's

Land database application. A document reflecting each landowner's decision to deactivate in place or to have the pipeline or part of it removed from their property will be placed of record so that subsequent purchasers will have notice of, and be bound by, the prior landowner's decision consistent with established principles of Minnesota real estate law.

*Removal Activities, Permitting, and Permit-Related Communications*

Enbridge will likely need to obtain one or more permits and/or authorizations for every requested removal. The permits required may range from stormwater permits to United States Army Corp of Engineers permits, and may be subject to various levels of environmental review as well. Enbridge must, of course, be able to complete any requested removal work safely for the human and natural environments to obtain such permits. Enbridge will notify landowners requesting removal that removal is contingent upon Enbridge receiving all required permits from applicable permitting agencies. Enbridge will pursue these permits and/or authorizations diligently and in good faith, and entirely at Enbridge's expense, although landowner coordination may be required for access, surveys, and other permitting-related work.

In those cases where permits are required for Enbridge to remove pipe as requested by a landowner under the Landowner Choice Program, Enbridge will keep any landowners apprised of material facts and communications regarding any permits required to be obtained for removal of pipe. Specifically, but without limitation, Enbridge will provide a copy of any permit application and written communications to the landowner when they are submitted to the agency. In addition, Enbridge will coordinate with landowners to give them the opportunity to participate in any substantive communications with the permitting agency, whether those communications are telephonic or in-person. Enbridge will also timely provide landowners with notice of final agency decisions on such permit applications.

Assuming that the necessary permits and/or authorizations are obtained, Enbridge can then schedule the removal work to be completed under the Landowner Choice Program. The scope of such work cannot be identified yet, because specific information about landowners' choices and permitting are not known. However, based on anecdotal information obtained to date, it is unlikely that the Landowner Choice Program will result in removals that are substantially different in scope than integrity digs. As a result, generally speaking, Enbridge anticipates that each location of removal will be similar in scope to integrity-dig like work (excavation, pipe removal, restoration). While there is a potential that removal work will involve areas slightly larger than a typical integrity dig, Enbridge presently expects that requested removals will still be similar to the efforts made in connection with a typical integrity dig and very targeted compared to removal of longer sections of pipe. Areas disturbed in connection with the removal efforts will be restored consistent with the applicable permits, regulations, and standards. Regardless of the scope of the removal, all removal and restoration activities will be completed at Enbridge's expense.

At this point, based on its operational experience as well as its experience in conducting several hundred integrity digs in connection with existing Line 3 in the last several years, Enbridge has no factual basis to suspect that contamination will be found. However, in the event that any localized contamination is found during a removal,<sup>1</sup> Enbridge will abide by its Contaminated Sites Management Plan,<sup>2</sup> coordinate with appropriate resource agencies and authorities, and comply with Minnesota law regarding reporting and mitigation of any contamination.

#### *Compensation and Other Considerations*

Where landowners choose deactivation-in-place, they will be compensated (subject to the negotiation of a mutually acceptable compensation arrangement between Enbridge and the landowner). Enbridge anticipates that payments will be roughly equivalent to those made as part of the deactivation process for the Canadian portion of the Line 3 Replacement Project pipeline. Enbridge will also be responsible for removal of all above ground appurtenances to the pipeline. These appurtenances, such as valves and gauges, will be removed during the deactivation project to restore use of the property to the landowner.

Landowners will be compensated for needed temporary workspace, crop damages, and other damages incurred during or after removal of the pipe and appurtenances.

Enbridge will continue to monitor and maintain the right-of-way along the existing Line 3 corridor. Enbridge will maintain cathodic protection along the segments of existing Line 3 that are deactivated-in-place.

---

<sup>1</sup> Enbridge screens for contaminated soils at integrity dig locations following standard protocol contained in Enbridge's MLP Due Diligence Process for Screening Pipeline Maintenance Locations for Possible Contamination and would employ the screening protocol in connection with the removal activities under the Landowner Choice Program. A copy of the protocol is available as Attachment D to Enbridge's July 2017 DEIS Comments.

<sup>2</sup> The Contaminated Sites Management Plan ("CSMP") will be similar to the Contaminated Sites Management Contractor Plan, Wisconsin, Segment 18 Project, a copy of which was included as Attachment E to Enbridge's July 2017 DEIS Comments.

### *Independent Liaison*

Enbridge will cooperate with, and to the extent practicable, help establish, an independent agency liaison as part of the Landowner Choice Program, ideally via coordination with an agency such as the Department of Commerce—Energy Environmental Review and Analysis (“DOC—EERA”), who will perform the following tasks: (i) coordinate, as needed, between the PUC and Enbridge regarding status of the Landowner Choice Program implementation and compliance with related conditions; and (ii) coordinate, as needed, between Enbridge and permitting agencies from whom permits and/or authorizations must be obtained in order to complete any removal requested by landowners.

Enbridge has made contacts with DOC—EERA about assisting with the establishment of an independent liaison and then oversight of that position until the work to be completed under the Landowner Choice Program is completed. The independent liaison, however appointed, retained, hired, or the like will be at the expense of Enbridge via reimbursement, although the independent liaison shall not be under Enbridge’s direction or control.

### *Independent Third Party Engineer*

As part of the Landowner Choice Program, Enbridge is committed to ensuring that landowners are able to make an informed decision regarding the decision to choose to have existing Line 3 removed or deactivated in place. As directed by the Commission, Enbridge will support contracting with one or more independent third party engineering firms with persons knowledgeable in the area of oil pollution remediation or pipeline removal to serve as a resource to landowners in the Landowner Choice Program. The independent third party engineer will not be an advocate for any party in the Landowner Choice Program and cannot give legal advice or other advice that may affect landowners’ legal rights. Rather, the independent third party engineer is an information resource. Contact information for the appropriate personnel at such firms will be made available to landowners. The third party engineering firm’s fees will be the responsibility of Enbridge, not of the landowners. Enbridge anticipates that the independent engineering firm(s) will be obtained via a Request for Proposals to be issued and administered by either the Pipeline and Hazardous Materials Safety Administration (“PHMSA”) or DOC-EERA.

### *Tribal Monitor*

Prior to the start of removal construction activities under the Landowner Choice Program, Enbridge will identify a third party tribal monitor (or more as appropriate, depending upon the scope of such construction activities) to serve functions similar to that described for Tribal Monitors as set out at Sample Route Permit, § 4.4.5, including observing Landowner Choice Program construction activities and the responsibilities to address concerns related to observed or suspected cultural resources or human remains as outlined in the Environmental Monitor Control Plan. The Tribal Monitor(s) will be funded at Enbridge’s expense.

**Restrictions:**

As explained above, Enbridge's ability to remove existing Line 3 will be subject to the receipt of necessary permits and/or authorizations for each requested removal. Enbridge commits to making all reasonable efforts to obtain the necessary permits for deactivation-in-place and/or removal per the landowner preference and honoring those preferences. Despite those efforts, in some cases Enbridge may be prohibited from honoring preferences as a consequence of permit denials or where removal is simply not feasible. The feasibility of any particular requested removal will not be known until the requests are made, but considerations will include whether the pipeline was installed via boring methods rendering the pipe inaccessible or whether other safety concerns cannot be reasonably mitigated. Enbridge will provide landowners with relevant information if Enbridge is unable to honor a preference due to feasibility or permit issues. In these circumstances, Enbridge will negotiate the terms of deactivation-in-place with the affected landowner.

**Landowner Cooperation Needed to Implement:**

In order to effectively implement the above commitments, landowner cooperation will be needed in several areas.

Landowners will be required to make a timely and informed written decision about their preference.

Landowners will need to provide access to their parcel and, at a minimum, not interfere with environmental and other surveys needed to complete the decommissioning plan and draft required permits.

Landowners will need to be reasonably available to meet with Enbridge representatives will be needed. Landowners will also need to accept service of required documents and notices during the process and further be prepared to accept and review educational and outreach materials prepared specifically for this process.

Parcel ownership information will need to be communicated to Enbridge in cases where ownership details may not be publically available, such as trusts, land contracts and other unrecorded interests.

For Enbridge to implement the choices made by landowners, they must be willing to grant workspace and access as needed. Landowners will also need to be willing to execute agreements and documents that will allow Enbridge to complete the work agreed to during the process. Some landowners may need to cooperate with Enbridge in connection with permit applications where landowner sign-off is required.