

6. The replaced portion of the existing Line 3 Pembina County segment will be deactivated once the new segment is placed in service.

7. The Project's construction activities will be conducted wholly within the Corridor. Enbridge holds all necessary easement rights within the Corridor.

8. In accordance with N.D.C.C. § 49-22.1-01(3)(a)(4), Enbridge certifies as follows:

a. The Project is for the construction of a replacement segment of the existing Line 3 Pipeline as part of Enbridge's integrity maintenance program; thus, the proposed construction activities are to improve an existing crude oil transmission facility.

b. Enbridge conducted an environmental analysis of the Project's Route and Corridor relative to the Exclusion Areas and Avoidance Areas set forth in N.D.A.C. §§ 69-06-08-02(1)-(2).

c. The Project will not affect any known Exclusion Areas.

d. Three categories of Avoidance Areas are present within the Corridor. However, as explained below, the Project Route will avoid impacts to these Avoidance Areas.

i. The Project crosses the North Dakota Game and Fish Department ("NDGFD")-owned and administered Duncklee Wildlife Management Area ("WMA") on the west side of the Red River crossing at the North Dakota-Minnesota border. In consultations with the NDGFD, Enbridge confirmed that Enbridge's easement rights within the Corridor pre-date the establishment of the Duncklee WMA, and that no additional approvals are required from NDGFD for construction.

See NDGFD Correspondence attached hereto as **Exhibit B**. Since Enbridge's easement rights within the Corridor pre-existed the establishment of the Duncklee WMA, N.D.A.C. § 69-06-08-02(2)(b) does not apply to the Project. Enbridge will continue to coordinate with the NDGFD throughout construction of the Project, including on methods of restoring areas disturbed during construction.


- ii. Three archaeological sites eligible for inclusion in the National Register of Historic Places are located within the Corridor. One of the sites is an existing railroad, which Enbridge will avoid by directionally boring. The second site is located outside of the proposed construction area, and Enbridge will narrow its workspace to provide a 50-foot avoidance buffer between construction activities and the site. The third site is located at the crossing of the Red River, and Enbridge will use horizontal directional drilling to pass underneath, and thereby avoid, the site. These avoidance measures have been approved by the North Dakota State Historic Preservation Office ("SHPO"), and the SHPO issued a "No Adverse Effect" concurrence letter. Copies of the SHPO's concurrence letter and associated tribal concurrences are attached hereto as **Exhibit C**.
- iii. The Project is located within 500 feet of an inhabited residence. In accordance with N.D.C.C. § 49-22.1-03, the owner of the residence waived the 500 foot avoidance area criteria in writing on February 7, 2018; therefore, the 500 foot avoidance area in N.D.C.C. § 49-22.1-03

and N.D.A.C. § 69-06-08-02(2)(b) does not apply to the Project. A copy of the waiver is attached hereto as **Exhibit D**.

e. Enbridge will comply with all applicable conditions and protections in siting laws and rules. Line 3 was constructed prior to the Siting Act; therefore no prior Commission orders exist that are applicable to the facility at issue.

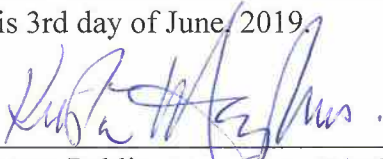
9. Enbridge requests that the Commission acknowledge receipt of the attached Certification.

FURTHER AFFIANT SAYETH NOT.



Brad Shamla

Subscribed and sworn to before me
this 3rd day of June, 2019.



Krista 1 Notary Public IN & FOR THE PROVINCE
OF ALBERTA
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