

National Energy
Board



Office national
de l'énergie

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5 July 2018

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Dear Mr. Dyble, Mr. Rodier, Mr. Denstedt and Mr. Duncanson:

**NOVA Gas Transmission Ltd. (NGTL)
Application for the 2021 System Expansion Project (Application)
Notice of Public Hearing and Application to Participate**

On 20 June 2018, the National Energy Board (Board or NEB) received NGTL's Application for approvals to construct and operate pipeline facilities in Alberta that will be part of the existing NGTL System. The proposed 2021 System Expansion Project (Project) consists of:

- approximately 344 km of 1,219 mm (NPS 48) pipeline loops in eight sections;
- three compressor station unit additions and related components;
- a control valve and mainline valve sites;
- launcher and receiver facilities to accommodate pipeline cleaning and in-line inspection;
- construction related temporary infrastructure such as access roads, borrow pits/dugouts and stockpile sites;
- a cathodic protection system;
- temporary access roads, and;
- miscellaneous works, such as pipeline warning signs and aerial markers.

.../2

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In its application, NGTL said the Project is needed to transport natural gas from areas of increasing production in northwestern Alberta and northeastern British Columbia to intra-Alberta and export markets. If approved, NGTL plans to begin operating the proposed Project by April 2021.

The Board is currently assessing the completeness of the Application. If the Application is found to be sufficiently complete, the Board will hold a public hearing, at which time it will collect evidence from parties approved during the Application to Participate (ATP) process. Further information about the hearing will follow if the Board determines the Application to be sufficiently complete.

In consideration of the Application, the Board is releasing its Preliminary List of Issues for the proposed Project which can be found at www.neb-one.gc.ca/NGTL2021Expansion. A copy is also attached to this letter as Appendix A. Note that Issue 5 of Appendix A raises “the potential environmental and socio-economic effects of the Project” and references Appendix D (also attached) which sets out factors and scope of the factors for an environmental assessment pursuant to the *Canadian Environmental Assessment Act, 2012*.

Those who wish to participate in the Board hearing must apply to participate using the online ATP form which will be available at www.neb-one.gc.ca/applytoparticipate for a period of **5 weeks**, from **16 July 2018** to **17 August 2018 at 4 pm MDT**. Applicants must clearly, and in sufficient detail, describe their interest in relation to the Preliminary List of Issues.

NGTL may file with the Board comments on the ATPs submitted and must provide a copy of its comments to those applicants to whom the comments apply by **22 August 2018 at 4 pm MDT**. Applicants who received comments from NGTL about their ATP may submit reply comments via the Board’s e-file system by **29 August 2018 at 4 pm MDT** and must provide NGTL with a copy of their reply comments by such deadline. If you have questions about how to file, please contact the Board’s Process Advisory Team.

Those applicants who demonstrate, to the satisfaction of the Board, that they are directly affected by the proposed Project will be allowed to participate in the hearing and those with relevant information or expertise may be allowed to participate. Additionally, the Board will allow participation in the environmental assessment by those with relevant information or expertise to contribute.

Further details regarding the ATP process can be found in the Notice of Public Hearing and Application to Participate (Notice), attached as Appendix B, as well as accessible at www.neb-one.gc.ca/NGTL2021Expansion.

The Board directs NGTL, with respect to the Notice (Appendix B) and this letter, to:

1. Distribute copies of the Notice and this letter, **no later than 20 July 2018** to:
 - its list of current and potentially affected landowners along the proposed Project route;
 - its list of interested persons;

- all municipalities and first responders likely to be impacted by the proposed Project;
 - all Indigenous¹ groups engaged by NGTL as well as all Indigenous groups addressed in the NEB's letters of 1 June 2018 (Filings [A92253](#) and [A92258](#)); and
 - all persons listed in Appendix E to this letter.
2. Post the Notice on NGTL's Project website immediately.
 3. Publish the Notice once in each of the publications listed in Appendix C **as soon as possible but no later than 20 July 2018**.
 4. File with the Board a complete list of dates when the Notice was published, after publishing the Notice.

NGTL must make copies of the Application available for public viewing at various locations along the proposed Project route. The Board directs NGTL to make a list of these locations available on its Project website by **20 July 2018**. This list should indicate the street address of the locations where the Application will be available, the hours accessible, whether the Application is available in hard copy or electronic format, and in what language the information is provided.

If you have any questions regarding the Notice or the ATP process, please contact the Process Advisory Team, at NGTLExpansion@neb-one.gc.ca or telephone 1-800-899-1265.

Yours truly,

Original signed by

Sheri Young
Secretary of the Board

Attachments

¹ "Indigenous" has the meaning assigned by the definition of *Aboriginal peoples of Canada* in subsection 35(2) of the *Constitution Act, 1982*:

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

Appendix A

NOVA Gas Transmission Ltd. Application for the 2021 System Expansion Project Preliminary List of Issues

The Board has identified the following issues for consideration in the hearing with respect to the construction and operation of the proposed 2021 System Expansion Project (Project):

1. The need for the Project.
2. The economic feasibility of the Project.
3. The potential commercial impacts of the Project.
4. The appropriateness of the toll and tariff methodology of the Project.
5. The potential environmental and socio-economic effects of the Project, including any cumulative environmental effects that are likely to result from the Project as set out in the NEB's Filing Manual, as well as those to be considered under the *Canadian Environmental Assessment Act, 2012* (see Appendix D).
6. The appropriateness of the general route and land requirements for the Project.
7. Potential impacts of the Project on Indigenous² interests.
8. Potential impacts of the Project on owners and users of lands
9. The suitability of the design of the Project.
10. Contingency planning for leaks, accidents or malfunctions, during construction and operation of the Project.
11. Safety and security during construction and operation of the Project, including emergency response planning and third-party damage prevention.
12. The terms and conditions to be included in any recommendation or approval the Board may issue for the Project.

² "Indigenous" has the meaning assigned by the definition of Aboriginal peoples of Canada in subsection 35(2) of the *Constitution Act, 1982*:

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

Appendix B



Notice of Public Hearing and Application to Participate: NGTL's 2021 System Expansion Project

The National Energy Board (Board or NEB) has received an application from NOVA Gas Transmission Ltd (NGTL) pursuant to section 52 of the *National Energy Board Act* for approval to construct and operate pipeline facilities in Alberta that will be part of the existing NGTL System. The proposed 2021 System Expansion Project (Project) includes approximately 350 kilometres of new pipeline, three compressor station additions, and associated facilities including valve sites and pipeline tie-ins.

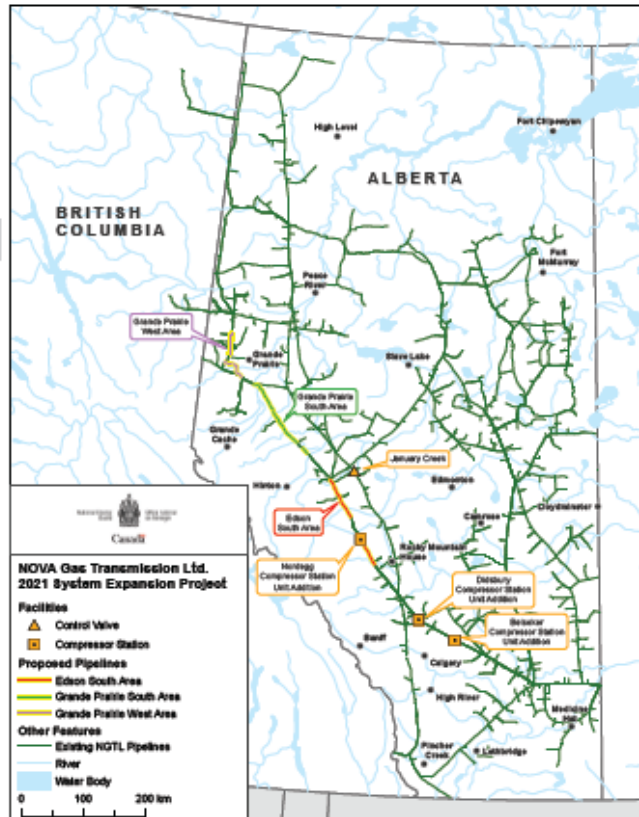
Participating in the Hearing

The Board will hold a public hearing for the Project if the application is found to be sufficiently complete, and will conduct an environmental assessment pursuant to the Canadian Environmental Assessment Act, 2012 as part of the hearing.

The Board must hear from anyone directly affected by the Project and may hear from those who have relevant information or expertise. The Board will allow participation in the environmental assessment by those with relevant information or expertise to contribute.

If you wish to participate, you must complete an online application form (Application to Participate). The Preliminary List of Issues for the Project is available on the Board's website and will be part of the ATP form. There are typically two roles in which you can participate in a hearing:

- Commenter - share your views with the Board in a written Letter of Comment.
- Intervenor - ask questions, present evidence, answer questions about your evidence, and give a final argument. Intervenor may be eligible for participant funding. Learn more at www.neb-one.gc.ca/pfp.



The Application to Participate form will be available at www.neb-one.gc.ca/applytoparticipate starting 16 July 2018 and will close 17 August 2018 at 4:00 pm MDT. The Board will review each application and will inform everyone who applied whether or not they will be allowed to participate and in which role.

Need Help?


www.neb-one.gc.ca


1-800-899-1265


NGTLExpansion@neb-one.gc.ca

Appendix C

List of Publications

Publication Name	Language or type of Publication	Region	Frequency of Publication
Grande Prairie Daily Herald	English	Grande Prairie, AB	Daily
Edson Leader	English	Edson, AB	Weekly (Monday)
Hinton Parklander	English	Hinton, AB	Weekly (Monday)
Rocky Mountain House Mountaineer	English	Rocky Mountain House, AB	Weekly (Tuesday)
Edmonton Journal	English	Edmonton, AB	Daily
Calgary Herald	English	Calgary, AB	Daily
Le Franco	French	Alberta	Weekly (Thursday)
Windspeaker	Indigenous	Edmonton, AB	Online Publication

Appendix D

NOVA Gas Transmission Ltd. Proposed 2021 System Expansion Project (Project)

Factors and Scope of the Factors for the Environmental Assessment (EA) pursuant to the *Canadian Environmental Assessment Act, 2012* (CEAA 2012)

1.0 INTRODUCTION

On 20 June 2018, NOVA Gas Transmission Ltd. (NGTL) filed an [Application](#) with the National Energy Board (NEB) proposing to construct and operate the 2021 System Expansion Project. As the Project would require more than 40 kilometres of new pipeline and would be regulated under the *National Energy Board Act* (NEB Act), it is therefore a designated project under the CEAA 2012 and requires a CEAA 2012 EA for which the NEB is the Responsible Authority.

For the purposes of the EA, the designated project includes the various components and physical activities described by NGTL in its Application. The Project also includes non-designated project components.

The following section provides a description of the factors to be taken into account in the EA for the Project and of the scope of those factors.

2.0 FACTORS AND SCOPE OF THE FACTORS

2.1 Factors to be considered

The EA for the Project will take into account the factors for a designated project as described in paragraphs 19(1)(a) through (h) of the CEAA 2012:

- (a) the environmental effects³ of the designated project, including the environmental effects of malfunctions or accidents that may occur in connection with the designated project and any cumulative environmental effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out;
- (b) the significance of the effects referred to in paragraph (a);
- (c) comments from the public... or any interested party received in accordance with the CEAA 2012;
- (d) mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the designated project;
- (e) the requirements of the follow-up program in respect of the designated project;
- (f) the purpose of the designated project;

³ Note [Section 5 of the CEAA 2012](#) further describes the environmental effects that are to be taken into account.

- (g) alternative means of carrying out the designated project that are technically and economically feasible and the environmental effects of any such alternative means; and
- (h) any change to the designated project that may be caused by the environment.”

In addition, subsection 19(3) adds that the EA may take into account “community knowledge and Aboriginal traditional knowledge.”

2.2 Scope of the Factors to be considered

The [National Energy Board Filing Manual](#) provides information about scoping. The EA will consider the potential effects of the Project within spatial and temporal boundaries within which the Project may potentially interact with and have an effect on components of the environment. These boundaries will vary with the issues and factors considered, and will include but not be limited to:

- construction, operation and maintenance, foreseeable changes, and site reclamation, as well as any other undertakings proposed by the proponent or that are likely to be carried out in relation to the physical works proposed by the proponent, including mitigation and habitat replacement measures;
- seasonal or other natural variations of a population or ecological component;
- any sensitive life cycle phases of species (e.g., wildlife, vegetation) in relation to the timing of Project activities;
- the time required for an effect to become evident;
- the area within which a population or ecological component functions; and
- the area affected by the Project.

Any works and activities associated with additional modifications or associated with the decommissioning or abandonment phase of the Project would be subject to a future application under the NEB Act and assessed in detail at that time. Therefore, at this time, any works or activities associated with these phases of the Project will be examined in a broad context only.

As indicated above, the EA will consider cumulative environmental effects that are likely to result from the Project in combination with effects from other physical activities that have been or will be carried out.

Subsection 2(1) of the CEAA 2012 provides definitions potentially relevant to the scope of the factors, including:

environment means the components of the Earth, and includes

- (a) land, water and air, including all layers of the atmosphere;
- (b) all organic and inorganic matter and living organisms; and
- (c) the interacting natural systems that include components referred to in paragraphs (a) and (b).

and,

mitigation measures means measures for the elimination, reduction or control of the adverse environmental effects of a designated project, and includes restitution for any damage to the environment caused by those effects through replacement, restoration, compensation or any other means.

Appendix E

**List of Persons for distribution of the
Notice of Public Hearing and Application to Participate (Appendix B) for
NOVA Gas Transmission Ltd.
2021 System Expansion Project**

*(Ministers of Justice / Attorney Generals
Ministres de la justice/ procureur généraux)*

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The Honourable David Eby, Q.C.
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The Honourable Heather Stefanson
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The Honourable Don Morgan, Q.C.
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Province of Saskatchewan
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*(Federal Government Departments/
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