



File OF-Fac-Gas-N081-2019-01 02
31 May 2019

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Mr. Matthew D Ducharme
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Law, Canadian Pipelines
NOVA Gas Transmission Ltd.
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Mr. Sander Duncanson
Osler, Hoskin & Harcourt LLP
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Dear Mr. Wyman, Mr. Ducharme, and Mr. Duncanson:

**NOVA Gas Transmission Ltd. (NGTL)
Application for the Edson Mainline Expansion Project (Application) under
Section 52 of the *National Energy Board Act* (Act) - Notice of Public Hearing,
Application to Participate and Comments on Process (Letter)**

On 3 April 2019, the National Energy Board (Board or NEB) received NGTL's Application to construct and operate pipeline facilities in Alberta that will become part of the existing NGTL System. The Edson Mainline Expansion Project (Project) is proposed to increase pipeline capacity to transport gas from areas of increasing natural gas production in the Peace River Project Area to intra-basin markets located in the Central Area. The Project consists of approximately 85 kilometers of pipeline in two sections, and associated facilities including valve sites and pipeline tie-ins.

NGTL has requested that the Board approve the Application in a timely manner that would allow for the Governor in Council (GIC) to issue a Certificate of Public Convenience and Necessity (CPCN) no later than January 2021. This timing would enable NGTL to fulfill any pre-construction conditions required under the CPCN and commence Project construction in time to meet the commercially required in-service date of April 2022.

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The Board is currently assessing the completeness of the Application in accordance with the NEB's Filing Manual. If the Application is found to be complete, the Board will hold a public hearing. Further details about the hearing process will follow if the Board determines the Application to be complete. Following the hearing process, the Board makes a public interest recommendation to GIC; who then make the final decision about the Application.

While the Board is still assessing completeness, the Board is of the view that it is efficient to initiate the Notice of Hearing process. Though addressed to NGTL, this letter serves as the Notice of Hearing letter. As further explained below, NGTL will be required to serve this letter and its attachments on interested parties and publish the Notice of Hearing.

In preparation for a public hearing process, the Board will be opening an Application to Participate (ATP) Process. Anyone who wishes to participate in the hearing process must submit an ATP to the Board. During the hearing process, the Board will collect evidence and comments from parties approved during the ATP process. More details on the ATP process can be found below.

In consideration of the ATP process and for persons or groups to be able to apply to participate, the Board is also releasing its Preliminary List of Issues (attached as Appendix A) for the proposed Project. The Preliminary List of Issues can also be found at [Http://www.neb-one.gc.ca/NGTLEdsonMainline](http://www.neb-one.gc.ca/NGTLEdsonMainline). Issue 5 of Preliminary List of Issues raises "the potential environmental and socio-economic effects of the Project". Also attached is Appendix B which sets out the Factors and the Scope of the Factors to be considered in the Board's Environmental Assessment (EA) of the Project, pursuant to the *Canadian Environmental Assessment Act, 2012*.

The Board is seeking comments on the Preliminary List of Issues (Appendix A) and Factors and Scope of the Factors (Appendix B), as well as on the potential hearing process steps and associated deadlines (Appendix C). Please see the sections below for further information.

Please note that the NEB or the NEB's successor, the Canadian Energy Regulator would, if the Project is approved, be the federal regulator for this project. Should the Board become the Canadian Energy Regulator, the Application would still be considered under the *National Energy Board Act*.

1. Application to Participate

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 from **10 June 2019** to **5 July 2019 at 4 pm MDT**. Applicants must clearly, and in sufficient detail, describe their interest in relation to Project and the Preliminary List of Issues.

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 as well as those with demonstrated relevant information or expertise which pertains to the EA of the Project.

Intervenor or Commenter status will be granted to Indigenous¹ people or groups potentially impacted by the Project should they choose to participate. This would include potential impacts to traditional territory and asserted traditional territory in the Project area. The Board requires Indigenous people or groups to register for the hearing by completing an ATP form within the deadline period.

The Board encourages interested parties who may be impacted by the Project, or who may have relevant information or expertise, to apply to participate in the proceeding and to raise any relevant concerns they may have about the Project in the Board's hearing process.

Participants granted Intervenor status in the proceeding are eligible for participant funding. Further details regarding the ATP process and participant funding can be found at www.nel-one.gc.ca/NGTLEdsonMainline.

If you have questions about how to file your ATP Form, please contact the Board's Process Advisory Team. Contact information for the Board and NGTL are provided in Section 7.

2. Comments on Preliminary List of Issues, Factors and Scope of Factors to be considered in the Environmental Assessment

The Board is seeking comments from interested parties with respect to the Project and the Preliminary List of Issues (Appendix A) and the Factors and Scope of Factors for the Board's EA (Appendix B), particularly regarding any additional issues that should be included or any specific sub-issues. When providing your comments, should you suggest any additional issue(s) or sub-issue(s), you must include a clear explanation of the relevance of those issues to the assessment of the Project.

Please see section 4 below for more details on when and how to file comments.

3. Comments on the Potential Hearing Process

The Board invites comments regarding the hearing process, such as the potential hearing steps and whether these steps are conducted in writing or orally, as well as their tentative associated deadlines, before finalizing a process to consider the Application.

For this Project, and subject to the comments the Board may receive, the Board is considering conducting all hearing process steps in writing, other than the sharing of oral Indigenous knowledge, should Indigenous intervenors wish to provide oral Indigenous knowledge. A Potential Timetable of Events is provided in Appendix C that lists the steps or events that may occur for this hearing, the approximate date of the event or step, and the method in which the Board is considering the event or step (written or oral).

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.

Please note that the events and deadlines listed in Appendix C - Potential Timetable of Events are draft only and subject to change.

Please see section 4 below for more details on when and how to file comments.

General information about the steps and procedures that the Board uses are explained in the *National Energy Board Hearing Process Handbook* which is available on our [website](#)².

4. When and Where to file your Comments

As discussed above, the Board is seeking comments regarding the:

1. Preliminary List of Issues (Appendix A);
2. Factors and Scope of Factors for the EA (Appendix B); and,
3. Potential hearing process (Appendix C).

NGTL may provide comments regarding any or all of these topics by **10 June 2019 at 4 pm MDT**. NGTL's comments, if provided, will be available on the Board's website for the Project.

Those who wish to provide comments regarding any or all of these topics, including a response to NGTL's comments, must file their comments within their ATP Form by **5 July 2019 at 4 pm MDT**. Please note that submissions within the ATP Form are limited to 500 words. Should interested parties require more than 500 words, submissions can be filed with the Board by hand delivery, mail, fax, courier, or electronically through the Board's e-filing tool, which are all accepted methods of filing. **Emails are not an accepted method of filing.**

NGTL may file with the Board a reply to the comments received on the three issues listed above, and must provide a copy of its comments to interested parties who applied to participate in the hearing process by **19 July 2019 at 4 pm MDT**.

If you have questions about how to e-file your comments with the Board or have questions on accepted methods of filing, please contact the Board's Process Advisory Team or visit the Board's website at <http://www.neb-one.gc.ca/prtcptn/hrng/tlxb/hrngprtcptnstlxb-eng.html>. Contact information for the Board and NGTL are provided in Section 7.

5. Distribution of the Letter and Notice of Hearing

The Board directs NGTL to:

1. Serve hard copies of this letter and its attachments **no later than 10 June 2019** to:
 - its list of current and potentially affected landowners along the proposed Project route;
 - its list of interested persons;

² <http://www.neb-one.gc.ca/prtcptn/hrng/hndbk/index-eng.html>

- all municipalities and first responders likely to be impacted by the proposed Project;
 - all Indigenous groups engaged by NGTL as well as all Indigenous groups addressed in the NEB’s letters of 21 March 2019 ([A98412](#)); and
 - all persons listed in Appendix F to this letter.
2. Publish the Notice of Hearing (Appendix D) for the Project no later than **30 June 2019 at 4 pm MDT** in the publications listed in Appendix E. The Notice of Hearing must meet the requirements of Government of Canada’s Federal Identity Program. For the link on the Board website please go to: <https://www.neb-one.gc.ca/prtcptn/hrng/hrngntfctn-eng.html>.
 3. Post the Notice of Hearing on NGTL’s Project website by **10 June 2019 at 4 pm MDT**.
 4. Make copies of the Application available for public viewing at various locations along the proposed Project route, and to make a list of these locations available on its Project website by **18 June 2019 at 4 pm MDT**. 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. A hardcopy of the Application is also available at the Board’s library, located at the Board’s head office in Calgary, AB (517 10th Ave SW).
 5. File with the Board confirmation by **5 July 2019 at 4 pm MDT** that steps 1-4 have been completed, and include a list of dates when the directions were completed.

6. Summary of Deadlines

Below is a summary of the deadlines provided above.

Event	Person responsible	Date or deadline (4 pm Mountain time unless otherwise indicated)
NGTL files with the Board, its comments on Preliminary List of Issues, Factors and Scope of Factors, and hearing process.	NGTL	10 June 2019
Application to Participate Open/Close, comments on Preliminary List of Issues, Factors and Scope of Factors, and hearing process	Interested Parties	10 June 2019 to 5 July 2019
Service of the Notice of Hearing letter and its attachments and post the Notice of Hearing on NGTL’s website	NGTL	10 June 2019

Event	Person responsible	Date or deadline (4 pm Mountain time unless otherwise indicated)
Applications are made available at local viewing locations	NGTL	18 June 2019
Publication of the Notice of Hearing in listed publications	NGTL	30 June 2019 ³
File confirmation that NEB directions have been completed, including dates when the actions were completed	NGTL	5 July 2019
Reply comments on Preliminary List of Issues, Factors and Scope of Factors and hearing process steps	NGTL	12 July 2019

7. Contact Information

Contact information for the Board and NGTL is provided below.

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Mr. Sander Duncanson
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Calgary, AB T2P 5H1
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Ms. Elaine Howe
Process Advisor
National Energy Board
Email: NGTLEdsonMainline@neb-one.gc.ca
Telephone (toll free): 1-800-899-1265
Facsimile: 403-292-5503
Facsimile (toll free): 1-877-288-8803
TTY (Teletype): 1-800-632-1663

Ms. Sheri Young
Secretary of the Board
National Energy Board
Suite 210, 517 Tenth Avenue SW
Calgary, AB T2R 0A8
Fax: 403-292-5503
(Toll free fax 1-877-288-8803)

³ The Board expects NGTL to publish in as expeditious a manner as possible

The Board requests that interested parties provide their comments in their ATP form (if this can be done within the maximum of words allowed). Submissions filed with the Board by hand delivery, mail, fax or courier must be addressed to the Secretary of the Board using the provided contact information above. Submissions can also be made using the Board's e-file system.

Emails are not an accepted method of filing.

If you have any questions regarding this Notice of Hearing letter, the ATP process or on how to file a submission, please visit the Board's webpage for the Project at www.neb-one.gc.ca/NGTLEdsonMainline or contact the Process Advisory Team, at NGTLEdsonMainline@neb-one.gc.ca, or by telephone at 1-800-899-1265.

Yours truly,

Original signed by L. George for

Sheri Young
Secretary of the Board

Attachments

Appendix A

NOVA Gas Transmission Ltd. Application for the Edson Mainline 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 Edson Mainline 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 B).
6. The appropriateness of the general route and land requirements for the Project.
7. Potential impacts of the Project on Indigenous¹ 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.

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 B

NOVA Gas Transmission Ltd. Edson Mainline 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 3 April 2019, NOVA Gas Transmission Ltd. (NGTL) filed an [Application](#)¹ with the National Energy Board (NEB) proposing to construct and operate pipeline facilities in Alberta that will be part of the existing NGTL System. The Edson Mainline Expansion Project (Project) is proposed to increase pipeline capacity to transport gas from areas of increasing natural gas production in the Peace River Project Area to intra-basin markets located in the Central Area. The Project consists of approximately 85 kilometers of pipeline in two sections, and associated facilities including valve sites and pipeline tie-ins.

As the Project would require more than 40 km 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 effects² 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, with respect to a designated project that requires that a certificate be issued in accordance with an order made under section 54 of the *National Energy Board Act*, any interested party — that are received in accordance with this Act;

¹ <https://apps.neb-one.gc.ca/REGDOCS/Item/View/3767348>

² Note [Section 5 of the CEAA 2012](#) further describes the environmental effects that are to be taken into account.

- 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;
- g) alternative means of carrying out the designated project that are technically and economically feasible and the environmental effects of any such alternative means;
- 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](#)³ 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 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.

³ <http://www.neb-one.gc.ca/bts/ctr/gnnb/flngmnl/hstr-eng.html>

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 C

NOVA Gas Transmission Ltd. Edson Mainline Expansion Project

Potential Timetable of Events*

Event	Person responsible	Written (W) or Oral (O)	Tentative Deadline
Hearing Order/Completeness/List of Parties	NEB	W	August 2019
Two Rounds of Intervenor Information Requests (IR) to NGTL	Intervenor	W	September – October 2019
Intervenor Evidence	Intervenor	W	November 2019
Oral Indigenous Knowledge sharing	Indigenous groups	O	November – December 2019
Applicant/Intervenor IR(s) to Intervenor	All Parties	W	January 2020
Reply Evidence	NGTL	W	February 2020
NGTL Final Argument	NGTL	W	March 2020
Intervenor Final Argument	Intervenor	W	March 2020
NGTL Reply Argument	NGTL	W	March 2020

* The National Energy Board or its successor, the Canadian Energy Regulator would, if the Project is approved, be the federal regulator for this project and will hold a hearing to consider the Application under the *National Energy Board Act*. Please note that the events and deadlines listed in above are draft only and subject to change.

Appendix D

National Energy Board NOVA Gas Transmission Ltd. Edson Mainline Expansion Project

Notice of Hearing

NOVA Gas Transmission Ltd. (NGTL) has applied to the National Energy Board to build and operate a new pipeline project in your local area. The Edson Mainline Expansion Project is a proposal to add approximately 85 kilometres in two pipeline sections, to the NGTL natural gas delivery system. If the project is approved and built, some temporary infrastructure, such as access roads, stockpile sites and construction camps will be required during construction.

[NGTL TO ADD COPY OF MAP OF PROPOSED PIPELINE ROUTE –THE SCALE OF THE MAP MUST BE BIG ENOUGH TO INDICATE WITH REASONABLE ACCURACY THE LOCATION OF THE PROPOSED PIPELINE AND FACILITIES.]

The National Energy Board (NEB) or the NEB's successor, the Canadian Energy Regulator, would, if the Project is approved, be the federal regulator for this project and will hold a hearing for the assessment of this project. As part of our hearing, we will also conduct an environmental assessment (EA), pursuant to the *Canadian Environmental Assessment Act, 2012*. The Board will gather input from those who could be directly affected by the project or those with relevant information or expertise as it may pertain to the EA of the project.

Anyone who would like to participate in the National Energy Board hearing for this project, including the EA, must submit an application to participate between 10 June 2019 and 5 July 2019 at www.neb-one.gc.ca/applytopartipate.

If you would like to learn more about the project, please visit our website at www.neb-one.gc.ca/NGTLEdsonMainline or contact an NEB process advisor at NGTLEdsonMainline@neb-one.gca or by telephone at 1-800-899-1265.

Appendix E**NOVA Gas Transmission Ltd.
Edson Mainline Expansion Project****List of Publications**

Publication Name	Language or type of Publication	Region	Frequency of Publication
Edmonton Journal	English	Edmonton, AB	Daily
Calgary Herald	English	Calgary, AB	Daily
Le Franco	French	Alberta	Bi-weekly (Thursday)
Peace River Record Gazette	English	Peace River, AB	Weekly (Wednesday)
Edson Leader	English	Edson, AB	Weekly (Monday)
Drayton Valley Western Review	English	Drayton Valley, AB	Weekly (Tuesday)
The Mountaineer	English	Rocky Mountain House, AB	Weekly (Tuesday)
Red Deer Advocate	English	Red Deer, AB	Tuesday- Saturday
Windspeaker	Indigenous	Edmonton, AB	Online Publication

Appendix F

NOVA Gas Transmission Ltd. Edson Mainline Expansion Project

List of Persons for distribution of the Notice of Public Hearing and Application to Participate

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

The Honourable David Lametti
Minister of Justice and Attorney General of Canada
Telephone/téléphone : 613-992-4621
Email/courriel : david.lametti@parl.gc.ca

The Honourable Nathalie G. Drouin
Deputy Minister of Justice and Deputy Attorney General of Canada
Telephone/téléphone : 613-957-4998
Email/courriel : nathalie.g.drouin@justice.gc.ca

The Honourable David Eby, Q.C.
Minister of Justice and Attorney General
Province of British Columbia
Telephone/telephone : 250-387-1866
Email/courriel : AG.Minister@gov.bc.ca

The Honourable Doug Schweitzer
Minister of Justice and Solicitor General
Province of Alberta
Telephone/telephone : 780-427-2339
Email/courriel : ministryofjustice@gov.ab.ca

The Honourable Cliff Cullen
Minister of Justice and Attorney General
Province of Manitoba
Telephone/telephone : 204-945-3728
Email/courriel : minjus@leg.gov.mb.ca

The Honourable Don Morgan, Q.C.
Minister of Justice and Attorney General
Province of Saskatchewan
Telephone/telephone : 306-787-5353
Email/courriel : jus.minister@gov.sk.ca

The Honourable Caroline Mulroney
Minister Responsible for Francophone Affairs and Attorney General
Province of Ontario
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L'Honorable Sonia LeBel
Ministre de la Justice du Québec
Telephone/téléphone : 418-643-4210
Email/courriel : ministre@justice.gouv.qc.ca / marc-andre.ross@justice.touv.qc.ca

The Honourable Andrea Anderson-Mason
Attorney General
Province of New Brunswick
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The Honourable Andrew Parsons
Minister of Justice and Public Safety, Attorney General
Government House Leader
Province of Newfoundland and Labrador
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Email/courriel : justice@gov.nl.ca

The Honourable Mark Furey
Attorney General and Minister of Justice
Province of Nova Scotia
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Email/courriel : justmin@novascotia.ca

The Honourable Bloyce Thompson
Minister of Justice and Public Safety and Attorney General
Province of Prince Edward Island
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The Honourable Louis Sebert
Minister of Justice
Government of the Northwest Territories
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The Honourable Jeannie Ehaloak
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The Honourable Tracy-Anne McPhee
Minister of Justice
Government House Leader
Yukon Legislative Assembly
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*(Other Government Departments or Agencies
/ Ministères et autres organismes gouvernementaux)*

Mr. Jack Shaw
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Mr. Douglas Larder, Q.C.
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(Associations)

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Mr. Nick Schultz
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Mr. Chris Bloomer
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*(Federal Government Departments/
Ministères fédéraux)*

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Mr. Daniel Watson
Deputy Minister of Crown-Indigenous Relations and Northern Affairs
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