

National Energy
Board



Office national
de l'énergie

CERTIFICATE GC-124

IN THE MATTER OF the *National Energy Board Act* (NEB Act) and the regulations made thereunder; and

IN THE MATTER OF an application dated 25 March 2014 under section 52 of the NEB Act by NOVA Gas Transmission Ltd. (NGTL) for a Certificate of Public Convenience and Necessity authorizing the construction and operation of the Wolverine River Lateral Loop Project (Project) filed with the National Energy Board (NEB or Board) under File OF-Fac-Gas-N081-2013-18 02.

BEFORE the Board on 5 February 2015.

WHEREAS the Project is a proposed expansion of the NGTL System and consists of the construction and operation of approximately 61 km of new pipeline and associated works (Section 52 Facilities) and temporary infrastructure required for construction of the Section 52 Facilities (Section 58 Activities);

AND WHEREAS the Section 52 Facilities are fully described in the attached Schedule A;

AND WHEREAS the Project has an estimated capital cost of \$144.4 million;

AND WHEREAS the Board reviewed NGTL's application and conducted an environmental assessment of the Project;

AND WHEREAS the Board held a public hearing in respect of the Project pursuant to Hearing Order GH-003-2014, as amended, during which the Board heard from NGTL and the participants in the proceeding;

AND WHEREAS the Board had regard to all considerations that were directly related to the Project and were relevant, pursuant to Part III of the NEB Act;

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AND WHEREAS the Board concluded that with the implementation of NGTL's environmental protection procedures and mitigation measures and the NEB's recommendations, the Section 52 Facilities would not be likely to cause significant adverse effects;

AND WHEREAS the Board prepared and submitted to the Minister of Natural Resources the *National Energy Board Report for NOVA Gas Transmission Ltd.'s Wolverine Lateral (Carmon Creek Section) Pipeline Project* (Report) setting out the Board's recommendation for the Section 52 Facilities;

AND WHEREAS the Board granted Order XG-N081-004-2015 dated 5 February 2015, exempting NGTL from the requirements of paragraphs 31(c), 31(d) and section 33 of the NEB Act in relation to the Section 58 Activities;

AND WHEREAS the Governor in Council by Order in Council No. P.C. 2015-646 dated 28 May 2015, directed the Board to issue Certificate of Public Convenience and Necessity GC-124 for the Section 52 Facilities, subject to the terms and conditions contained in Appendix II of the Report;

NOW THEREFORE, pursuant to section 54 of the NEB Act, the Board hereby issues this Certificate in respect of the Section 52 Facilities.

This Certificate is subject to the terms and conditions listed below.

In these conditions, where any condition requires a filing with the Board "for approval", NGTL must not commence that action until the approval is issued.

The terms below (in bold) have the following meanings:

Section 52 Facilities – NGTL's proposed construction and operation of approximately 61 km of new 508 mm (NPS 20) outside diameter pipeline, pipeline valves, in-line inspection launcher and receiver facilities and other associated works.

Commencing construction – The clearing of vegetation, ground-breaking and other forms of right-of-way preparation that may have an impact on the environment, but does not include activities associated with normal surveying.

Certificate – The Certificate of Public Convenience and Necessity, pursuant to Part III of the *National Energy Board Act* (NEB Act), authorizing the construction and operation of the Section 52 Facilities.

Certificate GC-124 Conditions

General

1. **Condition Compliance**

NGTL shall comply with all of the conditions contained in this Certificate, unless the Board otherwise directs.

2. **Section 52 Facilities Design, Construction, and Operation**

NGTL shall cause the Section 52 Facilities to be designed, located, constructed, installed and operated in accordance with the specifications, standards, commitments made and other information referred to in its Application or in its related submissions.

3. **Implementation of Environmental Protection**

NGTL shall implement or cause to be implemented all of the policies, practices, programs, mitigation measures, recommendations and procedures for the protection of the environment included in or referred to in its Application or in its related submissions.

Prior to Commencing Construction

4. **Environmental Protection Plan**

NGTL shall file with the Board for approval, at least 60 days prior to commencing construction, a final and updated project-specific Environmental Protection Plan (EPP) for the Section 52 Facilities, including Environmental Alignment Sheets. The EPP shall describe all environmental protection procedures, and mitigation and monitoring commitments, as set out in NGTL's Application or in its related submissions, including but not limited to site-specific mitigation for Key Wildlife and Biodiversity Zones and trumpeter swan water bodies. The EPP shall also include current drawings of typical construction practices.

The EPP shall use clear and unambiguous language that confirms NGTL's intention to implement all of its commitments.

5. **Outstanding Traditional Land Use Investigations**

At least 60 days prior to commencing construction, NGTL shall file with the Board for approval, and serve a copy on all participating Aboriginal groups, a plan to address outstanding Traditional Land Use (TLU) investigations for the Section 52 Facilities. The plan shall include, but not be limited to:

- a) a summary of the status of TLU investigations undertaken for the Section 52 Facilities, including group-specific TLU studies and any supplementary pre-construction field investigation or reconnaissance activities relevant to potentially affected Aboriginal groups;

- b) a summary of the effects of the Section 52 Facilities on the current use of lands and resources for traditional purposes identified in the investigations;
- c) a summary of the mitigation measures proposed by NGTL or by affected Aboriginal groups to address the effects of the Section 52 Facilities identified in the investigations;
- d) a description of how NGTL has incorporated any additional mitigation measures into its EPP for the Section 52 Facilities;
- e) a description of any outstanding concerns raised by potentially affected Aboriginal groups regarding the potential effects of the Section 52 Facilities on the current use of lands and resources for traditional purposes, including a description of how these concerns have been or will be addressed by NGTL; and
- f) a summary of any outstanding TLU investigations or follow-up activities that will not be completed prior to commencing construction, including an explanation for why these will not be completed prior to commencing construction, an estimated completion date, if applicable, and a description of how any additional information provided by Aboriginal groups has been considered and addressed to the extent possible in the EPP or other mitigation measures for the Section 52 Facilities.

6. Aboriginal Consultation Reports

NGTL shall file with the Board, at least 30 days prior to commencing construction, and every 60 days thereafter until completing construction, a report summarizing NGTL's consultations with all potentially affected Aboriginal groups identified for the Section 52 Facilities, including Woodland Cree First Nation and Mountain Cree (Asini Wachi Nehiyawak) Traditional Band. These reports must include, but not be limited to:

- a) a summary of the concerns raised by Aboriginal groups;
- b) how NGTL has addressed or will address the concerns raised;
- c) a description of any outstanding concerns ; and
- d) how NGTL intends to address any outstanding concerns, or an explanation of why no further steps will be taken.

7. Aboriginal Monitoring Plan

At least 30 days prior to commencing construction, NGTL shall file with the Board, and serve a copy on Aboriginal groups identified in a), a plan describing participation by Aboriginal groups in monitoring during construction. The plan shall include, at a minimum:

- a) a list of those Aboriginal groups, if any, who have reached agreement with NGTL to participate as monitors during construction; and
- b) a description of the scope, methodology and justification for monitoring activities to be undertaken by NGTL and each participating Aboriginal group identified in a), including:
 - i. a summary of consultations undertaken with participating communities to determine the proposed scope, methodology and measures for monitoring;
 - ii. those elements of construction and geographic locations that will involve Aboriginal monitors;
 - iii. a description of how information gathered through the participation of Aboriginal monitors will be used by NGTL, and
 - iv. a description of how information gathered through the participation of Aboriginal monitors will be provided to participating Aboriginal communities.

8. Aboriginal and Local Employment and Contracting Monitoring Reports

NGTL shall file with the Board, at least 30 days prior to commencing construction, and every 60 days thereafter (coinciding with, or included in, the reports on Aboriginal consultation as per Condition 6) until completing construction, monitoring reports for Aboriginal and local employment and contracting for the Section 52 Facilities. The reports must include:

- a) a summary and analysis of the total Aboriginal and local employment and contracting during the reporting period;
- b) any proposed measures to address identified or potential gaps or barriers in relation to Aboriginal and local employment and contracting opportunities for the Section 52 Facilities; and
- c) a summary of NGTL's consultation with relevant Aboriginal and local groups or representatives regarding employment and contracting for the reporting period, including any issues or concerns raised and how NGTL has addressed or responded to them.

NGTL shall file with the Board, within three months of completing construction, a final report on employment and contracting during the construction phase.

9. Commitments Tracking Table

NGTL shall:

- a) at least 30 days prior to commencing construction, file with the Board a table listing all commitments made by NGTL during the GH-003-2014 proceeding in relation to the Section 52 Facilities, the conditions included in the Certificate, and the deadlines associated with each; and
- b) maintain at its construction office(s):
 - i. the Commitments Tracking Table listing all commitments and conditions described in a) and their completion status, and

- ii. copies of any permits, approvals or authorizations for the Section 52 Facilities issued by federal, provincial or other permitting authorities.

10. Slope and Bank Failures

NGTL shall file with the Board, at least 14 days prior to commencing construction, a detailed description of the mitigation necessary to protect the pipeline and right-of-way from future bank or slope failures, and the criteria for applying the mitigation.

11. Programs and Manuals

NGTL shall file with the Board the following programs and manuals within the time specified:

- a) Construction Safety Manual at least 14 days prior to commencing construction;
- b) Field Emergency Preparedness and Response Plan at least 14 days prior to commencing construction;
- c) Field joining program 14 days prior to joining; and
- d) Field pressure testing program 14 days prior to pressure test.

12. Construction Schedule

NGTL shall, at least 14 days prior to commencing construction, file with the Board a detailed construction schedule or schedules identifying major construction activities and shall notify the Board of any modifications to the schedule or schedules as they occur.

During Construction

13. Construction Progress Reports

NGTL shall file with the Board construction progress reports at the middle and end of each month during construction. The reports must include information on the activities carried out during the reporting period. These reports must include safety, security, environmental and socio-economic issues, non-compliances, and the measures undertaken for the resolution of each issue and non-compliance.

Post-Construction and Operations

14. Condition Compliance by a Company Officer

Within 30 days of the date that the last order was issued for leave to open, NGTL shall file with the Board a confirmation, by an officer of the company, that the Section 52 Facilities were completed and constructed in compliance with all applicable conditions in this Certificate. If compliance with any of these conditions cannot be confirmed, the officer of the company shall file with the Board details as to why compliance cannot be confirmed. The filing required by this condition shall include a statement confirming that the signatory to the filing is an officer of the company.

15. Post-Construction Monitoring Reports

On or before the 31 of January of each of the first, third and fifth growing seasons following completion of final cleanup of the Section 52 Facilities, NGTL shall file with the Board a post-construction monitoring report that includes, but is not limited to, the following:

- a) describes the methodology used for monitoring, the criteria established for evaluating success and the results found;
- b) identifies any deviations from plans, and alternate mitigation applied as approved by the Board;
- c) identifies locations on a map or diagram where environmental issues arose during construction and where corrective actions were taken;
- d) assesses the effectiveness of mitigation measures applied during construction against the criteria for success;
- e) assesses the accuracy of the predicted effects presented in the ESA;
- f) identifies the current status of the issues identified (resolved or unresolved), and corrective actions undertaken;
- g) includes details of consultation undertaken with appropriate provincial/or federal departments; and
- h) provides proposed measures and the schedule that NGTL shall follow to address any unresolved issues or concerns.

The report must include information specific to the effectiveness of mitigation applied to minimize effects on: rare plants, wildlife species at risk and of special concern, including western toad habitat, Key Wildlife Biodiversity Zones, riparian areas and wetlands, including trumpeter swan water bodies.

16. Sunset Clause

This Certificate shall expire on 30 May 2016 unless construction in respect of the Section 52 Facilities has commenced by that date.

Issued at Calgary, Alberta, this 1st day of June 2015.

NATIONAL ENERGY BOARD

Original signed by

Sheri Young
Secretary of the Board

SCHEDULE A
Certificate GC-124

Nova Gas Transmission Ltd. (NGTL)
Application dated 25 March 2014
pursuant to section 52 of the *National Energy Board Act*

Wolverine River Lateral Loop (Carmon Creek Section) Project
File OF-Fac-Gas-N081-2013-18 02

Pipeline Specifications – Wolverine River Lateral Loop (Carmon Creek Section)

Project Type	New construction
Location (endpoints)	From Otter Lake Compressor Station in SW 08-91-16 W5M to Carmon Creek East Sales Meter Station in NW 22-85-18 W5M
Approximate Length	61 km
Outside Diameter	508 mm (NPS 20)
Wall Thickness	6.8 mm (8.7 mm heavy wall pipe)
Pipe Material	Carbon steel
Pipe Material Standard	CSA Z245.1
Pipe Grade	Grade 483 MPa Category II
Pipe Manufacture Process	Electric resistance welded
External Coating Type	Fusion-bonded epoxy (buried sections) Paint (above-ground)
Maximum Operating	9 930 kPa (1,440 psi)
Product	Sweet natural gas