



Canada Energy Regulator Régie de l'énergie  
du Canada

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File OF-Fac-Gas-N081-2020-07 02  
1 December 2022

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Dear David Yee, Elizabeth von Engelbrechten, and Sander Duncanson:

**NOVA Gas Transmission Ltd. (NGTL)  
Application for the West Path Delivery 2023 Project (Project)  
Hearing Order GH-002-2020  
Certificate of Public Convenience and Necessity GC-134**

On 24 May 2022, the Commission of the Canada Energy Regulator submitted to the Minister, and made public, its recommendation report for GH-002-2020 in respect of the Project. On 25 November 2022, the Governor in Council directed the Commission, by Order in Council P.C. 2022-1248, to issue a certificate for the Project. The Commission now encloses a copy of the Certificate of Public Convenience and Necessity GC-134, as amended, in both official languages. The Commission is currently proceeding with the preparation of Order XG-005-2022 and it will be released shortly by way of a separate letter.

The Commission directs NGTL to serve a copy of this letter and the Certificate on all interested parties.

Yours sincerely,

*Signed by*

Ramona Sladic  
Secretary of the Commission

Attachment

Canada 



## CERTIFICATE GC-134

**IN THE MATTER OF** the *Canadian Energy Regulator Act* (**CER Act**) and the regulations made thereunder; and

**IN THE MATTER OF** an application made by NOVA Gas Transmission Ltd. (**NGTL**), pursuant to section 183 of the CER Act, dated 22 October 2020, filed with the Canada Energy Regulator (**CER**) under File OF-Fac-Gas-N081-2020-07 02 (**Application**).

**BEFORE** the Commission of the CER (**Commission**) on 1 December 2022.

**WHEREAS** NGTL filed an Application for a certificate pursuant to section 183 of the CER Act, to construct and operate the NGTL West Path Delivery 2023 Project (**Project**) comprised of approximately 39 km of natural gas pipeline loops in three sections, located in southern Alberta (Turner Valley Section, Longview Section and Lundbreck Section);

**AND WHEREAS** the Project occurs partially on federal lands and section 82 of the *Impact Assessment Act* requires that projects must not be carried out on federal lands, unless it is determined that the carrying out of the project is not likely to cause significant adverse environmental effects, or it is determined that the project is likely to cause significant environmental effects and the Governor in Council (**GIC**) decides the effects are justified;

**AND WHEREAS** NGTL requested exemption pursuant to section 214 of the CER Act from the provisions of paragraphs 198(c) and 198(d), and section 199 of the CER Act for certain temporary infrastructure required for construction of the Project, as well as right of way (**RoW**) preparation activities including clearing, grading and stripping;

**AND WHEREAS** NGTL requested further exemption under section 214 of the CER Act from the requirements of paragraph 180(1)(b) and subsection 213(1) of the CER Act to obtain leave to open (**LTO**) from the Commission before installing the tie-in assemblies to existing pipelines;

**AND WHEREAS** the Project is fully described in the attached Schedule A;

**AND WHEREAS** the Project has an estimated cost of approximately \$355.5 million (\$2023);

**AND WHEREAS** the Commission held a public hearing in respect of the Project pursuant to Hearing Order GH-002-2020, as amended, during which the Commission heard from NGTL and the participants in the proceeding, including the CER Crown Consultation Team;

**AND WHEREAS** the Commission took into account – in light of, among other things, any Indigenous knowledge that was provided to it and scientific information and data – all considerations relevant and directly related to the pipeline, including the factors listed in subsection 183(2) of the CER Act;

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**AND WHEREAS** the Commission considered any adverse effects that the decision, order or recommendation may have on the rights of Indigenous peoples of Canada<sup>1</sup>;

**AND WHEREAS** the Commission considered NGTL's Application and all subsequent evidence and submissions, both written and oral, made by NGTL and the participants in the proceeding, including the Crown Submission, and considered environmental effects of the entire Project including the portion of the Project that crosses federal lands;

**AND WHEREAS** the Commission prepared and submitted to the Minister of Natural Resources, designated as the Minister for the purposes of the CER Act, the *Canada Energy Regulator Report NOVA Gas Transmission Ltd. GH-002-2020 (Report)* setting out the Commission's recommendation for the Project with its reasons and all conditions considered necessary or in the public interest;

**AND WHEREAS** the Commission concluded that the Project, constructed and operated in full compliance with the conditions in Appendix II of the Report, and with the implementation of NGTL's environmental protection procedures and mitigation measures, is not likely to cause significant adverse environmental effects;

**AND WHEREAS** the Commission determined that the recommendation and decisions are consistent with subsection 35(1) of the *Constitution Act, 1982* and the honour of the Crown such that the duty to consult has been met;

**AND WHEREAS**, pursuant to section 183 of the CER Act, the Commission recommends that the Project is and will be required by the present and future public convenience and necessity;

**AND WHEREAS** the Commission has decided to issue Order XG-005-2022 pursuant to section 214 of the CER Act, exempting NGTL from the provisions of subsection 180(1), paragraphs 198(c) and 198(d), and sections 199 and 213 of the CER Act, in relation to certain temporary infrastructure required for construction of the Project, as well as RoW preparation activities including clearing, grading and stripping, and exempting NGTL from certain other requirements as specified in the Order, the effect of which would be to allow the commencement of construction of the Project as well as exempt NGTL from LTO provisions;

**AND WHEREAS** by Order in Council No. P.C. 2022-1248 dated 25 November 2022, and pursuant to subparagraph 186(1)(a)(ii), GIC has directed the Commission to issue a certificate, as amended, for the Project including the conditions set out in the Report, and, pursuant to subsection 186(2) includes its reasons for the Order in Council;

**NOW THEREFORE**, pursuant to subsection 186(5) of the CER Act, the Commission hereby issues this Certificate in respect of the Project, subject to the following conditions:

### **General**

#### **1. Condition compliance**

NGTL must comply with all conditions contained in this Certificate, unless the Commission otherwise directs.

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<sup>1</sup> The use of the term "Indigenous" has the meaning assigned by the definition of "aboriginal peoples of Canada" in subsection 35(2) of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11, which states:

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

## **2. Design, location, construction, and operation**

NGTL must cause the approved Project to be designed, located, constructed, and operated in accordance with the specifications, standards, commitments made and other information referred to in its Application or in its related submissions.

## **3. Environmental protection**

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

### **Prior to construction**

## **4. Greenhouse gas (GHG) Emissions Mitigation Measures Plan – Project construction**

NGTL must file with the CER, **at least 90 days prior to commencing construction**, a GHG Emissions Mitigation Measures Plan for the direct GHG emissions generated from Project construction (including all temporary activities and RoW preparation). The Plan must include:

- a) measures that will be implemented to salvage timber, including a description of how much timber will be salvaged during construction;
- b) a discussion of all possible mitigation measures, including offset measures, considered to reduce GHG emissions during the construction phase;
- c) a rationale for not selecting any of the mitigation measures, including offset measures identified in part b);
- d) a description of mitigation and any offset measures (e.g., carbon capture and storage, corporate-level initiatives or actions, etc.) selected for minimizing direct GHG emissions generated from Project construction, and the rationale for selecting these measures; and
- e) a description of how NGTL has considered the guidance in the most recent version of Environment and Climate Change Canada's Strategic Assessment of Climate Change document in the identification of any offset measures.

## **5. Updated site-specific geohazards**

NGTL must file with the CER, **at least 60 days prior to commencing construction**, updated tables containing the identified geohazard locations for the Project. The updated version of these tables is to include revisions as engineering progresses through detailed design, and must include the following:

- a) the name of the Project component;
- b) the geohazard identifier;
- c) the unique location identifier;
- d) the associated KP range;
- e) the hazard type;
- f) the unmitigated hazard rating;
- g) the recommended mitigation (if applicable);
- h) the mitigated hazard rating (if applicable); and
- i) the final design depth of cover.

## 6. Seismic assessment

NGTL must file with the CER, **at least 60 days prior to commencing construction**, an updated seismic hazard assessment for the Lundbreck Section and any other section where Natural Resources Canada's updated seismic hazard model might have an impact on the previous assessment. The update should confirm that NGTL has implemented the latest national probabilistic seismic hazard model produced by Natural Resources Canada and should highlight any changes to the Project.

## 7. Updated Environmental Protection Plan

- a) NGTL must file with the CER, **at least 60 days prior to commencing construction on each approved Project component, for Commission approval**, an updated Environmental Protection Plan (**EPP**) specific to the Project. The updated version of the EPP is to include revisions based on evidence and commitments provided during the hearing process. The updated EPP must include the following:
  - i. environmental protection procedures (including site-specific plans), criteria for implementing these procedures, mitigation measures and monitoring applicable to all Project phases and activities;
  - ii. any updates to contingency plans and management plans;
  - iii. a description of the condition to which NGTL intends to reclaim and maintain the RoW, once construction has been completed, and a description of measurable goals for reclamation;
  - iv. all specific mitigation related to species at risk and their habitat, including Key Wildlife and Biodiversity Zones, Grizzly Bear Core Recovery Zones and Grizzly Bear Support Zones;
  - v. updated watercourse crossing inventory tables;
  - vi. updated environmental alignment sheets;
  - vii. evidence demonstrating that consultation took place with relevant government authorities, where applicable; and
  - viii. a revision log of the updates made, the reference where the updates can be found in the revised document, as well as the reference from the hearing evidence for each update.
- b) NGTL must also provide a copy of the updated EPP to all Indigenous peoples who have expressed an interest in receiving a copy; and NGTL must, **within 7 days of the filing in a)**, provide confirmation to the CER that it provided those copies.

## 8. Construction Emergency Response Plan

- a) NGTL must file with the CER, **at least 60 days prior to commencing construction**, on each approved Project component, the Project-specific emergency response plan (**ERP**) that will be implemented during the construction phase of the Project. The plan must include spill contingency measures that NGTL will employ in response to accidental spills attributable to construction activities, 24-hour medical evacuation, fire response and security. This plan should also include areas of unique risk (e.g., Eden Valley).

- b) NGTL must also provide a copy of the ERP to all Indigenous peoples and landowners who have expressed an interest in receiving a copy; and NGTL must, **within 7 days of the filing in a)**, provide confirmation to the CER that it provided those copies.

## 9. Emergency Management Continuing Education Program

- a) NGTL must file with the CER, **at least 60 days prior to commencing construction**, a Project-specific plan (**Plan**) for the development of a continuing education program for the Project (**Program**) that would be incorporated into the broader continuing education program required by section 35 of the *Canadian Energy Regulator Onshore Pipeline Regulations (SOR/2020-50)*.

The Plan must include:

- i. a list of potentially affected Indigenous peoples, first responders (for example, police, fire departments, medical facilities), and any other appropriate organizations, government authorities, landowners and agencies (for example, municipalities) that have been identified for consultation and the results of consultation to date;
- ii. the goals, principles and objectives for consultation for the development of the Program;
- iii. a description of how information provided by potentially affected Indigenous peoples, first responders or any other appropriate organizations, government authorities and agencies will be incorporated into the Program, including a description of NGTL's procedure to communicate to potentially affected parties how their information will be incorporated into the Program and justification for why any information may not have been incorporated into the Program;
- iv. a description of how Program information will be communicated or distributed to potentially affected Indigenous peoples, first responders, and any other appropriate organizations, government authorities and agencies, including how NGTL will address any requests from potentially affected Indigenous peoples to have Program information translated into the local Indigenous language; and
- v. a summary of the information to be included in the Program, including:
  - 1. potential emergency situations involving the Project;
  - 2. the safety procedures to be followed in the case of an emergency including how egress route(s) and alternatives (if the main egress route is unavailable as a result of the emergency) will be determined and communicated;
  - 3. a description of how NGTL will conduct annual testing of emergency contact information, including with Indigenous peoples, and how NGTL will ensure the community being contacted has up-to-date company emergency contact information as well;
  - 4. the methods by which potentially affected Indigenous peoples, first responders, and any other appropriate organizations, government authorities and agencies can contact NGTL in an emergency; and

5. the methods by which NGTL can contact potentially affected Indigenous peoples, first responders, and any other appropriate organizations, government authorities and agencies in the case of an emergency situation.
- b) NGTL must also provide a copy of the plan to all Indigenous peoples who have expressed an interest in receiving a copy; and NGTL must, **within 7 days of the filing in a)**, provide confirmation to the CER that it provided those copies.

#### **10. Employment, contracting, procurement, and training update**

- a) NGTL must file with the CER **at least 60 days prior to commencing construction, for Commission approval**, an update on employment, contracting and procurement, carried out prior to the start of construction, that includes:
  - i. a summary of NGTL's engagement efforts, including those performed by its Prime Contractor(s), with Indigenous peoples, as well as local, regional, community, and industry groups or representatives, and other diverse groups of people, regarding potential employment, contracting, and procurement opportunities on the Project for self-identified Indigenous peoples, women, or other diverse groups of people;
  - ii. a description of the anticipated opportunities for employment, contracting and procurement for the Project, including for self-identified Indigenous peoples, women, other diverse groups of people, and local individuals and/or businesses;
  - iii. a description of the measures NGTL will use to ensure self-identified Indigenous peoples, women, other diverse groups of people, and local individuals and/or businesses can take advantage of these employment, contracting and procurement opportunities, including diversity and cultural inclusion measures specific to employment, contracting and procurement opportunities for Indigenous peoples; and
  - iv. a description of the oversight measures NGTL will use to ensure that its Prime Contractor(s) are adhering to NGTL's Equal Employment Opportunity and Non-Discrimination Policy, its Supplier Diversity and Local Participation Policy, as well as any other policies and procedures that encourage safety, responsibility, integrity, diversity, inclusion and fair employment, including cultural sensitivity training informed by, where possible, local Indigenous community trainers or resources that is specific to Indigenous Peoples, to be provided to project workers, to foster the well-being of NGTL's workers and nearby communities, and Indigenous peoples.
- b) NGTL must also file with the CER **at least 60 days prior to commencing construction**, an update on training, carried out prior to the start of construction, that includes:
  - i. a summary of NGTL's engagement efforts, including those performed by its Prime Contractor(s), with Indigenous peoples, as well as local, regional, community, and industry groups or representatives, and other diverse groups of people, regarding potential training opportunities on the Project for self-identified Indigenous peoples, women, or other diverse groups of people;
  - ii. a description of the anticipated opportunities for training for the Project, including for self-identified Indigenous peoples, women, other diverse groups of people, and local individuals and/or businesses; and

- iii. a description of the measures NGTL will use to ensure self-identified Indigenous peoples, women, other diverse groups of people, and local individuals and/or businesses can take advantage of these training opportunities, including diversity and cultural inclusion measures specific to training opportunities for Indigenous peoples.
- c) NGTL must also provide a copy the filing to all those who have expressed an interest in receiving a copy; and NGTL must, **within seven days of the filings in a) and b)**, provide confirmation to the CER that it provided those copies.

#### **11. Socio-Economic Effects Monitoring Plan**

NGTL must file with the CER, **at least 45 days prior to commencing construction, for Commission approval**, a plan for monitoring potential adverse socio-economic effects of the Project during construction. The plan must include the following:

- a) the factors or indicators to be monitored;
- b) the methods and rationale for selecting the factors or indicators;
- c) a description of the baseline, pre-construction socio-economic conditions;
- d) the monitoring methods and schedule;
- e) a discussion of how mitigation measures will be implemented to address any identified adverse effects, including:
  - i. the criteria or thresholds that will require mitigation measures to be implemented;
  - ii. how monitoring methods and mitigation measures are incorporated into the EPP (Condition 7); and
  - iii. a description of the roles and responsibilities of the construction Prime Contractor(s), subcontractors, and Project assignees for monitoring activities for compliance during construction;
- f) a summary of how the results of NGTL's engagement with potentially affected Indigenous peoples, and affected landowners/tenants/land users has been incorporated into this plan and/or the EPP;
- g) NGTL's plans for regular engagement and reporting on effects during construction with potentially affected Indigenous peoples, communities, local and regional authorities, and service providers; and,
- h) NGTL must also provide a copy of the plan to all Indigenous peoples who have expressed an interest in receiving a copy; and NGTL must, **within 7 days of the filing in a) through g)**, provide confirmation to the CER that it provided those copies.

#### **12. Construction Monitoring Plan for Indigenous peoples**

- a) NGTL must file with the CER, **at least 45 days prior to commencing construction**, a plan describing the participation of Indigenous peoples in monitoring activities during construction. Activities may include monitoring the Project's potential adverse effects on: the rights of Indigenous peoples; the environment; heritage resources; areas related to traditional land and resource uses; and, areas of cultural significance. The plan must include:
  - i. a summary of engagement and planning activities undertaken with Indigenous peoples to develop opportunities for their participation in monitoring activities;



- ii. a description of how the results from its engagement with Indigenous peoples were incorporated into the plan, including existing community based monitoring programs, such as the Piikani Nation Bio-Cultural Monitoring Program, or an explanation as to why any results have not been incorporated;
  - iii. a list of Indigenous peoples who have reached an agreement with NGTL to participate as monitors;
  - iv. a description of the anticipated training and participant requirements, including potential certifications for the Indigenous peoples monitors and training on NGTL's Cultural Resources Discovery Contingency Plan;
  - v. the scope, methodology, and justification for monitoring activities to be undertaken by NGTL and each participant identified in a) iii., including those elements of construction and geographic locations that will involve monitors, such as preconstruction activities (e.g., clearing activities);
  - vi. a description of how NGTL will use and incorporate the information gathered through the participation of monitors and apply it to the Project; and
  - vii. a description of how, what form, and the timeframe in which NGTL will provide the information gathered through the participation of monitors to the participating Indigenous peoples.
- b) NGTL must also provide a copy of the plan to those Indigenous peoples who have expressed an interest in receiving a copy; and NGTL must, **within 7 days of the filing in a)**, provide confirmation to the CER that it provided those copies.

### **13. Outstanding Traditional Land and Resource Use investigations**

- a) NGTL must file with the CER, **at least 45 days prior to commencing construction**, a report on any outstanding traditional land and resource use investigations for the Project. The report must include:
- i. a summary of the status of investigations undertaken for the Project, including Indigenous community-specific studies or planned supplemental surveys;
  - ii. a description of how NGTL has integrated, where warranted, incorporated and addressed information from any investigations on which it did not report during the GH-002-2020 hearing process;
  - iii. a description of any outstanding concerns raised by potentially affected Indigenous peoples regarding potential effects of the Project 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, or a detailed explanation why these concerns will not be addressed by NGTL;
  - iv. a summary of any outstanding investigations or follow-up activities that will not be completed prior to commencing construction, including an explanation why they are not being completed prior to construction; including an estimated completion date, if applicable;
  - v. a description of how NGTL has already identified, or will identify, any potentially affected sites or resources if the outstanding investigations will not be completed prior to construction; and,

- vi. a description of how NGTL has incorporated any revisions necessitated by the investigations or follow-up activities into the EPP (Condition 7), or, if appropriate, into NGTL lifecycle oversight.
- b) NGTL must provide a copy of the report to all Indigenous peoples who have expressed an interest in receiving a copy; and NGTL must, **within 7 days of the filing in a)**, provide confirmation to the CER that it provided the copies.

#### **14. Acid Rock Drainage Management Plan**

NGTL must file with the CER, **at least 45 days prior to commencing construction**, a Project-specific Acid Rock Drainage Management Plan for the Lundbreck Section that includes:

- a) NGTL's methods to be followed during construction to verify results of acid rock drainage characterization and engineering assessments regarding the Acid Rock Drainage Management Plan;
- b) the process outlining material handling steps for confirming acid rock drainage material;
- c) the decision-making process for selecting mitigation options; and typical drawings and typical specifications for potential mitigation options such as soil covers and rock slope face barriers.

Should implementation of the Acid Rock Drainage Management Plan indicate the need for additional mitigation measures, NGTL must:

- d) implement monitoring activities along the RoW and in temporary workspaces, as developed by a Qualified Professional and based on the circumstances and site-specific conditions at the time of construction;
- e) identify and implement contingency measures to be applied, as required, should monitoring indicate the selected measures not be sufficient;
- f) include progress and success of the measures implemented in the Construction Progress Reports (Condition 25); and
- g) provide evidence of consultation with relevant regulatory authorities regarding the proposed mitigation and any follow-up monitoring in the Post-Construction Environmental Monitoring Reports (Condition 32).

#### **15. Support for Indigenous peoples to review NGTL filings related to conditions**

NGTL must file with the CER, **at least 45 days prior to commencing construction**, a capacity-funding report that describes NGTL's support for Indigenous peoples to review NGTL's filings related to conditions. The report should include:

- a) a list of potentially affected Indigenous peoples that were offered capacity funding to support the review of NGTL's condition filings;
- b) a list of the conditions that potentially affected Indigenous peoples are interested in reviewing; and
- c) a summary of any outstanding concerns raised by Indigenous peoples regarding NGTL's offer of funding to support review of filings by Indigenous peoples, including a description of how these concerns have been or will be addressed by NGTL, or a detailed explanation of why these concerns will not be addressed by NGTL.

## 16. Engagement report regarding pre-construction harvesting

NGTL must file with the CER, **at least 45 days prior to commencing construction**, an engagement report related to pre-construction harvesting by Indigenous peoples. The report should include:

- a) any relevant outcomes of Project-specific engagement activities with Piikani Nation, Nakcowinewak Nation of Canada and Elk Valley Métis Nation and any other Indigenous peoples who have raised an interest in pre-construction harvesting for Traditional and Land and Resource Use purposes on any of the Project components;
- b) a summary of NGTL's approach to facilitate pre-construction harvesting by Indigenous peoples for the Project comprising:
  - i. a summary of any comments and concerns raised by the above-noted Indigenous peoples;
  - ii. a description of how NGTL has addressed or will address the concerns or comments raised;
  - iii. a description of any outstanding concerns;
  - iv. a description of how NGTL intends to address any outstanding concerns, or an explanation as to why no further steps will be taken; and
- c) NGTL must also provide a copy of the filing to Piikani Nation, Nakcowinewak Nation of Canada and Elk Valley Métis Nation, if desired, and any other Indigenous peoples who have expressed an interest in receiving a copy; and NGTL must, **within 7 days of the filing in a)**, provide confirmation to the CER that it provided those copies.

## 17. Rare Ecological Community and Rare Plant Population Management Plan

NGTL must file with the CER, **at least 45 days prior to commencing construction, for Commission approval**, a Rare Ecological Community and Rare Plant Population Management Plan for the Lundbreck Section that includes rare ecological communities of concern; rare plant populations (i.e., listed as threatened or endangered under federal or provincial legislation for protection or that have a Provincial at-risk status of S1 or S2); and draft, candidate, proposed, or final critical habitat for plant species under the *Species at Risk Act* that are potentially affected by the Project during construction or operations. The Plan must include the following:

- a) a summary of any supplementary survey results;
- b) mitigation measures to be implemented during construction, including all relevant measures committed to throughout the GH-002-2020 proceeding, any new mitigation measures resulting from supplementary surveys, detailed criteria using clear and unambiguous language that describes the circumstances under which each measure will be applied, and measurable objectives for evaluating mitigation success;
- c) a description of how the mitigation hierarchy framework (e.g., avoidance, mitigation, offset) was considered in developing the plan;
- d) details on post-construction monitoring, including potential corrective measures, and a process for determining under what circumstances measures will be applied;

- e) a Preliminary Rare Ecological Community and Rare Plant Population Offset Plan for ecological communities and rare plant species that have a Provincial at-risk status of S1 or S2 or that are listed as endangered under federal or provincial legislation for protection that, after five years of operations, have not achieved reclamation success. This preliminary plan must include the following:
  - i. an explanation of how the need for offset measures will be determined and quantified, including offset ratios;
  - ii. the potential offset measures, the process for selecting which will be implemented, and an evaluation of the probability of their success; and
  - iii. a discussion of how the effectiveness of offsets measures will be monitored, assessed, and reported on.
- f) a summary of NGTL's consultation concerning a) to e) with appropriate government authorities, species experts, and any potentially affected Indigenous peoples, including any issues or concerns raised and how NGTL has addressed or responded to them;
- g) a description of how NGTL has taken available and applicable Indigenous traditional land use and traditional ecological knowledge into consideration in developing the plans; and
- h) confirmation that the updated EPP (Condition 7) has been updated to include all relevant information from the Rare Ecological Community and Rare Plant Population Management Plan.

**18. Temporary construction camp(s)**

NGTL must file with the CER, **at least 30 days prior to commencing construction**:

- a) confirmation that no temporary construction camp(s) are needed for the Project; or
- b) in the event that any temporary construction camp(s) are required for the Project, NGTL must provide the following:
  - i. the physical size and location of each camp; a description of the environmental setting; the potential environmental and socio-economic effects, including effects on the rights of Indigenous peoples, from utilizing each camp; and the mitigation measures that will be implemented to address these potential effects;
  - ii. details regarding the integration and accommodation of Indigenous knowledge into the design and operation of each camp;
  - iii. the proposed schedule for constructing, operating and dismantling each camp(s);
  - iv. the proposed method for dismantling the camp and remediating the lands it previously occupied;
  - v. the predicted human occupancy of each camp, including the number of people accommodated at the camp, the number of camp staff, and a summary of the diverse identity factors as referenced by NGTL;
  - vi. a summary of NGTL's engagement activities with the relevant municipalities, regional authorities, and all potentially affected landowners, stakeholders and Indigenous peoples;

- vii. a description of any issues or concerns raised by municipalities, regional authorities, and all potentially affected landowners, stakeholders and Indigenous peoples; including a list of those who raised issues or concerns; and
- viii. a description of how the issues and concerns identified in v. are addressed in the environment and socio-economic protection plan for the camp(s), or if not addressed, an explanation as to why not.

#### **19. Construction Safety Manual(s)**

NGTL must file with the CER, **at least 30 days prior to commencing construction**, confirmation that a Construction Safety Manual(s) pursuant to section 20 of the *Canadian Energy Regulator Onshore Pipeline Regulations* that includes a description of the roles and responsibilities of the company representatives and its contractor(s) supervisory roles is in place for the Project. This confirmation must be signed by the Accountable Officer of the Company.

#### **20. Heritage resource clearances**

- a) NGTL must file with the CER, **at least 30 days prior to commencing construction on each approved Project component**:
  - i. confirmation, signed by the Accountable Officer of the company, that NGTL has obtained all of the required archaeological and heritage resource clearances from the Alberta Ministry of Culture, Multiculturalism and Status of Women for the Project's permanent and temporary land requirements, based on NGTL's understanding of land requirements at the time of filing;
  - ii. a description of how NGTL will meet any conditions and respond to any comments and recommendations contained in the clearances referred to in i.; and
  - iii. a description of how NGTL has incorporated additional mitigation measures into its EPP as a result of conditions, comments, or recommendations referred to in ii.
- b) NGTL must also provide a copy of this filing to those who have expressed an interest in receiving a copy; and NGTL must, **within 7 days of the filing in a)**, provide confirmation to the CER that it provided those copies.

For additional permanent lands identified during construction, if any, NGTL must obtain the clearances referred to in a) prior to using those lands.

#### **21. Construction schedule**

NGTL must file with the CER, **at least 15 days prior to commencing construction on each approved Project component**, a detailed construction schedule(s) identifying major construction activities and must notify the CER of any modifications to the schedule(s) as they occur.

#### **22. Commitments tracking table**

NGTL must:

- a) file with the CER and post on its Project website, **at least 15 days prior to commencing construction**, a Commitments tracking table listing all commitments made by NGTL, including all commitments made to Indigenous peoples, in its Application, and otherwise made by NGTL on the hearing record, including references to:

- i. the documentation in which the commitment appears (for example, the Application, responses to Information Requests, permit requirements, condition filings, or other);
  - ii. traditional land and resource use information from potentially affected Indigenous peoples;
  - iii. the accountable lead for implementing each commitment; and
  - iv. the estimated timelines associated with the fulfillment of each commitment.
- b) update the status of the commitments in a) on its Project website and file these updates with the CER:
- i. every six months until commencing operations; and
  - ii. every six months until the end of the fifth year following the commencement of operations.
- c) maintain at its Project site during the construction phase of the Project (until the final Leave to Open is issued):
- i. the Commitments Tracking Table listing all regulatory commitments and their completion status, including those commitments resulting from NGTL's Application and subsequent filings and conditions from permits, authorizations and approvals;
  - ii. copies of any permits, approvals or authorizations issued by federal, provincial or other permitting authorities, which include environmental conditions or site specific mitigation or monitoring measures; and
  - iii. any subsequent variances to permits, approvals or authorizations in c) ii.

#### **During construction**

##### **23. Authorizations under paragraph 35(2)(b) of the *Fisheries Act***

For any instream activities that may require an authorization under paragraph 35(2)(b) of the *Fisheries Act*:

- a) NGTL must file with the CER, **at least 14 days prior to commencing the respective instream activities**, a copy of the authorization granted under paragraph 35(2)(b) of the *Fisheries Act*; or
- b) NGTL must notify the CER, **within 30 days after commencing operations**, that no authorizations under paragraph 35(2)(b) of the *Fisheries Act* were required.

##### **24. Breeding bird survey and protection**

NGTL must file with the CER, **every 15 days when NGTL is actively clearing or removing topsoil during the applicable breeding bird restricted activity periods**, the following:

- a) a summary of survey methods, including references to best practices, and confirmation that the survey methods satisfy applicable regulatory requirements;
- b) the results of the survey(s); and,
- c) any mitigation implemented, including monitoring as applicable, developed under the direction of a Wildlife Resource Specialist and in accordance with applicable regulatory requirements, to protect any migratory and non-migratory birds and their nests identified in the survey(s), including any birds listed under the *Species at Risk Act*.

## **25. Construction progress reports**

NGTL must file with the CER, **by the 16<sup>th</sup> day and by the last day of each month during construction**, construction progress reports. The report must include:

- a) information on the activities carried out during the reporting period;
- b) any environmental, socio-economic, safety and security issues and issues of non-compliance;
- c) the measures undertaken for the resolution of each issue and non-compliance; and
- d) information on safety performance indicator trends, such as, but not limited to:
  - i. cumulative total and Contractor recordable injury rates and/or frequency;
  - ii. total and Contractor lost time injury rates and/or frequency,
  - iii. total and Contractor preventable motor vehicle incident rates and/or frequency, and
  - iv. respective benchmarks for all safety performance indicators submitted, as set by NGTL.

### **Post-construction and operational phase**

## **26. Post-Construction Monitoring Plan for Indigenous peoples**

- a) NGTL must file with the CER, **within 45 days after the date NGTL files its first Leave to Open application**, a plan describing participation by Indigenous peoples in monitoring activities during post-construction of the Project. Activities may include monitoring the Project's potential adverse effects on: the rights of Indigenous peoples; the environment; heritage resources; areas related to traditional land and resource uses; and areas of cultural significance. The plan must include:
  - i. a summary of engagement and planning activities undertaken with Indigenous peoples to develop opportunities for their participation in monitoring activities;
  - ii. a description of how the results from its engagement with Indigenous peoples were incorporated into the plan, including existing community based monitoring programs, such as the Piikani Nation Bio-Cultural Monitoring Program, or an explanation as to why any results have not been incorporated;
  - iii. a list of the Indigenous peoples that have reached an agreement with NGTL to participate as monitors;
  - iv. a description of the anticipated training and participant requirements, including potential certifications;
  - v. the scope, methodology, and justification for monitoring activities to be undertaken by NGTL and each participant identified in a) iii., including those elements of post-construction and operation, and geographic locations that will involve monitor(s);
  - vi. a description of how NGTL will use the information gathered through the participation of monitors; and
  - vii. a description of how NGTL will provide the information gathered through the participation of monitors to the participating Indigenous community.

- b) NGTL must provide a copy of the plan to those Indigenous peoples who have expressed an interest in receiving a copy; and NGTL must, **within seven days of the filing in a)**, provide confirmation to the CER that it provided those copies.

**27. Condition compliance by the Accountable Officer**

**Within 30 days of the date that the approved Project is placed in service (i.e., the final Leave to Open has been issued)**, NGTL must file with the CER confirmation that the approved Project was completed and constructed in compliance with all applicable conditions in this Certificate. If compliance with any of these conditions cannot be confirmed, NGTL must file with the CER details as to why compliance cannot be confirmed. The filing required by this condition must include a statement confirming that the signatory to the filing is the accountable officer of NGTL, appointed as Accountable Officer pursuant to section 6.2 of the *Canadian Energy Regulator Onshore Pipeline Regulations*.

**28. Quantification of construction-related GHG emissions**

NGTL must file with the CER, **within 60 days of commencing operations**, a quantitative assessment of the actual GHG emissions directly related to the construction of the Project (including all temporary infrastructure and RoW preparation). The assessment must include:

- a) the methodology used for the assessment, including the sources of GHG emissions, assumptions, and methods of estimation;
- b) the total direct GHG emissions generated from Project construction, including emissions generated by vehicles and equipment, land clearing, slash burning and decay; and
- c) a comparison and discussion of the direct GHG emissions calculated in b) with the predicted emissions in the Application.

**29. Employment, contracting, procurement, and training report**

- a) NGTL must file with the CER, **within three months from the date that the last Project component commences operation**, a report on all employment, contracting, procurement, and training since the start of construction for the Project that must include, but is not limited to:
  - i. a summary of NGTL's engagement efforts, including those performed by its Prime Contractor(s), carried out for the Project with self-identified Indigenous peoples, local, regional, community, and industry groups or representatives, and other diverse groups of people regarding potential employment, contracting, and procurement opportunities on the Project;
  - ii. the results of the employment, contracting, and procurement efforts for self-identified Indigenous peoples and/or Indigenous businesses, women, and local individuals and/or businesses. The results reported must include but not be limited to the following in aggregate:
    - the total hours worked and the relevant categories or fields of employment for each of the following: 1) self-identified Indigenous Peoples; 2) women; and 3) local individuals;
    - the total labour spent (based on hourly labour costs and hours worked) for: 1) self-identified Indigenous peoples; 2) women; and 3) local individuals hired;
    - the total value of contracts awarded and the relevant categories or areas of businesses or services for each of the following: 1) self-identified Indigenous Peoples; 2) Indigenous businesses.



- iii. a summary of NGTL's engagement efforts, including those performed by its Prime Contractor(s), carried out with self-identified Indigenous peoples, regional, community, and industry groups or representatives, and other diverse groups of people regarding potential training opportunities, including any training needs, identified for the Project; and
- iv. the results for the Project for training, including a description of how NGTL supported those self-identified Indigenous Peoples and/or Indigenous businesses, women, and local individuals and/or businesses. The results reported must include but not be limited to:
  - the type and duration of training provided to: 1) self-identified Indigenous peoples; 2) women; 3) local individuals; 4) Indigenous businesses; and 5) local businesses;
  - the certification or qualification, if any, attained at the completion of the training; and
  - how the training provided addressed training needs identified in a) iii for each of: 1) self-identified Indigenous peoples; 2) women; 3) local individuals; 4) Indigenous businesses; and 5) local businesses.
- b) NGTL must also provide a copy of this report to all those who have expressed an interest in receiving a copy; and NGTL must, **within seven days of the filing in a)**, provide confirmation to the CER that it provided those copies.

### **30. Pipeline Geographic Information Systems (GIS) data**

NGTL must file with the CER, **within one year of the Project commencing operations**, as-built GIS data in the form of Esri® shapefiles. This must include:

- a) a file that contains pipeline segment centre lines (with geometry type), where each segment has a unique attribute values of outside diameter, wall thickness, maximum operating pressure, external coating, field-applied girth weld coating, pipe manufacturing specification and depth of cover. If the above values of the pipeline change at any point along the length of the pipeline, the pipeline must be segmented at that point. Spatial reference specification: GCS\_North\_American\_1983\_CSRS. WKID: 4617, Authority: EPSG, Unit of Measure for linear attributes: Metric. This file must include details on the degree of accuracy of the GIS data: better than +/- 0.1m (8 Decimal Digits for geometry); and
- b) a file that depicts point locations and names of compressor stations, terminals, custody transfer meters, and block valves, as applicable.

The datum must be NAD83 and projection must be geographic (latitudes and longitudes). The filing required by the condition must include a statement confirming that the signatory to the filing is the Accountable Officer of NGTL.

### **31. Net-zero GHG Emissions Plan – Project operations**

NGTL must file with the CER, **within one year of the Project commencing operations**, a Net-zero GHG Emissions Plan outlining its proposed actions to achieve net-zero GHG emissions for the operating Project, including from maintenance activities. The Plan must include the following:

- a) a description of NGTL's strategies to reduce emissions to achieve net-zero GHG emissions through either Project-specific improvements, or system-wide initiatives at a corporate level, or a mix of Project-specific and system-wide reductions, including how these strategies will be accounted for in achieving net-zero GHG emissions for the Project's operational emissions; and

- b) a description of how NGTL proposes to update its Plan periodically to reflect any changes to applicable provincial and federal regulations and policies regarding net-zero GHG emissions that apply to the ongoing operations of the Project.

### **32. Post-Construction Environmental Monitoring Reports**

- a) NGTL must file with the CER, **on or before 31 January following each of the first, third, and fifth complete growing seasons after completing final clean-up of the last Project component**, a Post-Construction Environmental Monitoring Report that:
  - i. describes the methodology used for monitoring, including where relevant the methodology described pursuant to Condition 26, and the criteria established for evaluating success and the results found;
  - ii. identifies any modifications to the criteria established for evaluating reclamation success described in its updated EPPs, as approved by the Commission, and the rationale for any modifications;
  - iii. identifies the issues to be monitored, including unexpected issues that arose during construction, and their locations (for example, on a map or diagram, in a table);
  - iv. describes the current status of the issues (resolved or unresolved), any deviations from Commission-approved plans, and corrective actions undertaken;
  - v. assesses the effectiveness of the mitigation measures, both planned and corrective, applied against the criteria for success;
  - vi. includes a detailed summary of NGTL's consultation undertaken with the appropriate provincial and federal authorities, and affected Indigenous communities, including any feedback received from affected Indigenous communities regarding the effectiveness of the mitigation measures;
  - vii. provides proposed measures and the schedule that NGTL would implement to address ongoing issues or concerns; and
  - viii. includes an evaluation of the effectiveness of access control measures.

The report must include, but is not limited to, information specific to the effectiveness of mitigation applied to minimize adverse effects, including NGTL's mitigation aimed at minimizing contributions to adverse cumulative effects, on the exercise of Section 35 rights, soils, weeds, watercourse crossings, wetlands, rare plants, wildlife and wildlife habitat, and wildlife species at risk and of special concern.

- b) For areas where Foothills rough fescue grassland was disturbed, in addition to the reporting schedule described above, NGTL must file with the CER, **on or before 31 January following the tenth complete growing season after completing final clean-up of the last Project component**, a Post-Construction Environmental Monitoring Report that meets the relevant objectives described in part a). This report must also describe where the Foothills rough fescue grassland stands on its trajectory towards the reclamation goals described in the post-construction monitoring reports, describe how the outcomes arising from consultation with Indigenous peoples and other parties were considered, and provide details on any corrective actions as needed.

- c) NGTL must also provide a copy of the report to all Indigenous peoples and impacted landowners who have expressed an interest in receiving a copy (through ongoing engagement); and NGTL must, **within seven days of the filing in a)**, provide confirmation to the CER that it provided those copies.

### **33. Final Rare Ecological Community and Rare Plant Population Offset Plan**

NGTL must file with the CER, **on or before 31 January following the fifth complete growing season after completing final clean-up, for Commission approval**, a Final Rare Ecological Community and Rare Plant Population Offset Plan for the Lundbreck Section that includes:

- a) for ecological communities of concern; rare plants; and draft, candidate, proposed, or final critical habitat for plant species under the *Species at Risk Act*, an evaluation of mitigation success with reference to the measurable objectives outlined in the Rare Ecological Community and Rare Plant Population Management Plan required by Condition 17;
- b) identification of any residual effects on ecological communities and rare plant species identified in the Rare Ecological Community and Rare Plant Population Management Plan required by Condition 17;
- c) for the residual effects identified in b), a Final Rare Ecological Community and Rare Plant Population Offset Plan that updates the preliminary plan(s) required by Condition 17, and that also includes details on the amount and type of offsets required, if applicable, and on the offset measures to be implemented, including a timeline for their implementation and monitoring;
- d) a description of how NGTL has taken available and applicable Indigenous traditional land use and traditional ecological knowledge into consideration; and
- e) a summary of NGTL's consultation concerning a) to d) with appropriate government authorities, species experts, and any potentially affected communities of Indigenous peoples, including any issues or concerns raised and how NGTL has addressed or responded to them.

### **Sunset**

#### **34. Sunset clause**

This Certificate will expire on **1 December 2025**, unless construction of the Project has commenced by that date.

ISSUED in Calgary, Alberta on 1 December 2022.

THE COMMISSION OF THE CANADA ENERGY REGULATOR

*Signed by*

Ramona Sladic  
Secretary of the Commission

**SCHEDULE A****Certificate GC-134****NOVA Gas Transmission Ltd.****Application dated 22 October 2020****assessed pursuant to section 183 of the *Canadian Energy Regulator Act*****NGTL West Path Delivery 2023 Project****File OF-Fac-Gas-N081-2020-07 02**Pipeline Specifications - Western Alberta System (WAS) Mainline Loop No. 2 Turner Valley Section (Turner Valley Section)

<b>Project Type</b>	New construction
<b>Location (endpoints)</b>	From NE 20-022-03 W5M to SE 15-020-03 W5M
<b>Approximate Length</b>	22.9 km
<b>Outside Diameter</b>	1,219 mm (NPS 48)
<b>Wall Thickness</b>	Line pipe: 13.7 mm, 15.2 mm, 19.6 mm Heavy wall pipe: 18.3 mm, 21.9 mm
<b>Pipe Material</b>	Carbon steel
<b>Pipe Material Standard</b>	CSA Z245.1
<b>Pipe Grade</b>	Grade 483 MPa
<b>External Pipe Coating Type</b>	Fusion-bonded epoxy (FBE)
<b>Maximum Operating Pressure</b>	8,690 kPa
<b>Product</b>	Natural gas

Pipeline Specifications - Western Alberta System (WAS) Mainline Loop No. 2 Longview Section (Longview Section)

<b>Project Type</b>	New construction
<b>Location (endpoints)</b>	From NE 19-017-02 W5M to NW 28-016-2 W5M
<b>Approximate Length</b>	9.1 km
<b>Outside Diameter</b>	1,219 mm (NPS 48)
<b>Wall Thickness</b>	Line pipe: 13.7 mm, 15.2 mm Heavy wall pipe: 18.3 mm, 21.9 mm

<b>Pipe Material</b>	Carbon steel
<b>Pipe Material Standard</b>	CSA Z245.1
<b>Pipe Grade</b>	Grade 483 MPa
<b>External Pipe Coating Type</b>	Fusion-bonded epoxy (FBE)
<b>Maximum Operating Pressure</b>	8,690 kPa
<b>Product</b>	Natural gas

Pipeline Specifications - Western Alberta System (WAS) Mainline Loop No. 2 Lundbreck Section (Lundbreck Section)

<b>Project Type</b>	New construction
<b>Location (endpoints)</b>	From NE 11-008-03 W5M to NW 32-007-03 W5M
<b>Approximate Length</b>	7.1 km
<b>Outside Diameter</b>	1,219 mm (NPS 48)
<b>Wall Thickness</b>	Line pipe: 13.7 mm, 15.2 mm Heavy wall pipe: 18.3 mm, 25.4 mm, 28.6 mm
<b>Pipe Material</b>	Carbon steel
<b>Pipe Material Standard</b>	CSA Z245.1
<b>Pipe Grade</b>	Grade 483 MPa
<b>External Pipe Coating Type</b>	Fusion-bonded epoxy (FBE)
<b>Maximum Operating Pressure</b>	8,690 kPa
<b>Product</b>	Natural gas