



File 2200-A000-7
18 October 2005

To: Electricity Companies that fall under the Jurisdiction of the National Energy Board and Interested Parties

Dear Sir or Madam:

Request for comments on draft Electricity Filing Manual for Facilities Applications

The National Energy Board is in the process of developing an electricity filing manual which outlines the information applicants need to provide to the Board when filing an electricity facility application for an international power line (IPL). Specifically, this manual is a tool to assist applicants who apply for an election certificate where federal laws rather than provincial laws apply. For permit applications, the manual would go beyond what is currently required but can still assist applicants where portions of the manual are relevant to their application. The manual also outlines the Board's responsibilities pursuant to the *Canadian Environmental Assessment Act* for these applications. The electricity filing manual would be similar in form and content to the Board's recently published *Filing Manual* providing guidance for most other types of applications.

We believe the new manual will provide clear and transparent information to aid in the development of IPL applications and will enhance the effectiveness and efficiency of the Board's electricity facility application process.

Your input is vital in developing a tool which meets stakeholders' needs. We are contacting you (or your organization) to determine your level of interest in providing feedback on the draft filing manual. To ensure this opportunity is offered to all those interested, we would appreciate if you could please forward this invitation to the appropriate people in your central office as well as regional offices. This letter and the draft filing manual will be available on our web site (www.neb-one.gc.ca) under "What's New" for the next 30 days. As well, additional copies of the draft filing manual can be ordered through our Publications Office at 1-800-899-1265.

The Board is proposing to conduct a workshop early in 2006 to facilitate gathering the views of interested affected parties. By attending the workshop, either in person or by teleconference, participants would have an opportunity for interactive dialogue on the proposed content of the filing manual. The Board would encourage those parties unable to attend the workshop to

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provide their comments in writing with the Secretary of the Board. A copy of the draft filing manual is enclosed to assist you in making your decision.

Please complete the following form to advise the Board no later than Monday, 21 November 2005 if you would like to:

- ◆ provide comments on the draft electricity filing manual;
- ◆ attend the workshop either in person or via teleconference; or
- ◆ provide written comments prior to the workshop.

As the manual would affect parties from across Canada, the Board is prepared to be flexible in its selection of a location for the workshop. In your response, please recommend your preferred location for the workshop (e.g., Calgary, Toronto, Montreal, etc.) and whether you have any availability constraints. The Board will advise all interested parties in January 2006 as to the date and location of the workshop. A form is attached to facilitate your response.

If you have any questions or comments, please feel free to contact Dave Walker at 1-800-899-1265 or by email at efm@neb-one.gc.ca.

Yours truly,

A handwritten signature in black ink, appearing to read 'Mantha', with a long horizontal flourish extending to the right.

Michel L. Mantha
Secretary

Attachments

**Electricity Filing Manual
Stakeholder Interest Profile**

Please fill out this form and return to the NEB office by Monday, 21 November 2005.

Name _____

Organization _____

Address: _____

City: _____ Prov. _____ Postal Code _____

Phone: _____ Mobile: _____

Fax: _____ Email: _____

Preferred method of contact _____

Please indicate your preferred method of involvement (you can check more than one option)

Participate in an in-person workshop that would provide a more in-depth review of the manual

Participate in a teleconference workshop that would provide a more in-depth review of the manual

Provide comments to workshop from an electronic version of the draft manual

Provide comments to workshop from a hard copy version of the draft manual

Preferred Location for Workshop _____

Are there any constraints on your availability? _____

Other comments? _____

National Energy
Board



Office national
de l'énergie

Electricity Filing Manual

October 2005

Canada

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Glossary of Terms

Abandon	The permanent cessation of the operation of a facility which results in the discontinuance of service.
Aboriginal	Includes the Indian, Inuit and Métis peoples of Canada.
Action Plans	In the context of the <i>Species at Risk Act</i> - The competent minister is required to prepare one or more action plans based on the recovery strategy for a listed species. The action plan or plans and any amendments will be included in the public registry established under the <i>Species at Risk Act</i> .
Adverse Effect	The impairment of or damage to the environment or health of humans, or damage to property or loss of reasonable enjoyment of life or property.
Baseline Information	The current state of the environment or environmental setting for a particular element. This information will assist in determining potential environmental effects of the project by providing an environmental reference point for the element, with which to compare future environmental conditions, and potential project effects.
Base Year	A period, usually a calendar year, of the most recent twelve consecutive months of actual data.
Biophysical Environment	The components of the earth including: <ul style="list-style-type: none">• land, water and air, including all layers of the atmosphere;• all organic and inorganic matter and living organisms; and• the interacting natural systems that include components referred to in the previous bullets.
Bulk Power System	(or bulk electric system) The network of generating facilities and interconnected transmission facilities that produce and then flow electricity, respectively, around the overall power system and into non-networked distribution facilities that, in turn, radially serve end user load.
Contaminant	A substance that is present or released in the environment at an amount, concentration, level or rate that results in or may result in an adverse effect.

Critical Habitat	The habitat that is necessary for the survival or recovery of a listed wildlife species and that is identified as the species' critical habitat in the recovery strategy or in an action plan for the species. [<i>Species at Risk Act</i> s.2]
Cumulative Effects	Changes to the environment that are caused by an action in combination with other past, present and future human actions. ('Action' includes projects and activities.)
Deleterious Substance	<ul style="list-style-type: none"> (a) any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water; or (b) any water that contains a substance in such quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water. [<i>Fisheries Act</i> s.34(1)]
Easement	An agreement under which a company acquires the right to use the land for the pipeline or powerline. It is a written contract that sets out the rights of the company and rights of the landowner for the use of the right of way.
Election Certificate	An authorization for an IPL for which the applicant has chosen that federal rather than provincial laws apply and resulting in an oral public hearing (NEB Act 58.27).
Environmental Effect	<p>In respect of a project:</p> <ul style="list-style-type: none"> (a) any change that the project may cause in the environment, including any change it may cause to a listed wildlife species, its critical habitat or the residences of individuals of that species, as those terms are defined in subsection 2(1) of the <i>Species at Risk Act</i>, (b) any effect of any change referred to in paragraph (a) on <ul style="list-style-type: none"> (i) health and socio-economic conditions, (ii) physical and cultural heritage,

- (iii) the current use of lands and resources for traditional purposes by aboriginal persons, or
- (iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, or
- (c) any change to the project that may be caused by the environment, whether any such change or effect occurs within or outside Canada.

[Canadian Environmental Assessment Act s.2]

Environmentally Sensitive Area	An area designated in regional or local land use plans, or by a local, regional, provincial or federal government body as being sensitive to disturbance or identified by an applicant as being sensitive for some reason.
Fee Simple Owner	The person or legal entity that is in the legal possession of land. Usually it is the person named on the title.
Heritage Resources	Cultural, historic, archaeological and paleontological resources are collectively known as heritage resources and can include pre-contact and post-contact features.
Human Health	A state of complete physical, mental and social well-being, and the ability to adapt to the stresses of daily life; it is not merely the absence of disease or infirmity.
International Power Line	Facilities constructed or operated for the purpose of transmitting electricity from or to a place in Canada to or from a place outside Canada.
Limiting Factor	Anything that has a measurable controlling effect on a species growth or expansion, or on a biophysical element's continued capability to support its ecosystem.
Migratory Bird	A migratory bird referred to in the convention, and includes the sperm, eggs, embryos, tissue cultures and parts of the bird. <i>[Migratory Birds Convention Act s.2]</i>
Mitigation	In respect of a project, the elimination, reduction or control of the adverse environmental effects of the project, and includes restitution for any damage to the environment caused by such effects through replacement, restoration, compensation or any other means. <i>[Canadian Environmental Assessment Act s.2]</i>

Monitoring Plan

The plan for resolving specific outstanding environmental issues, observing the potential environmental effects of a project, assessing the effectiveness of mitigation measures undertaken, identifying unanticipated environmental issues and determining the action required based on the result of these activities.

Notice

A notice of the application for a permit or an election certificate, published by the applicant in accordance with section 58.12 of the NEB Act.

Owner

For the purposes of sections 86 to 107 of the *National Energy Board Act*, the ‘owner’ is not restricted to the fee simple owner or to freehold lands¹. In this regard, an owner may include any interest in, or possession of land, such as the fee simple owner, Aboriginal title, the administrators of crown and public lands and occupants of land. The interest held may be registered or unregistered.

With respect to sections 33 and 34 of the *National Energy Board Act*, the owner of lands includes the fee simple owner and may also include any other interest held in the land, as described above. When determining the owners of lands required for the project, the applicant should consider all potential owners of the lands required and implement its notification and acquisition processes pursuant to the Act.

Permit

A permit means an authorization for the construction and operation of an international power line issued under Part III.1 of the NEB Act.

Polluting Substance

A substance that, if added to a water body, is likely to degrade or alter or form part of a process of degradation or alteration of the physical, chemical or biological conditions of the water body to an extent that is detrimental to its use by human beings, animals, fish or plants. [*Exclusion List Regulations* s.2]

1 Sections 75 and 85 of the NEB Act describe the nature of an ‘owner’:

75. A company shall, in the exercise of the powers granted by this Act or a Special Act, do as little damage as possible, and shall make full compensation in the manner provided in this Act and in a Special Act, to all persons interested, for all damage sustained by them by reason of the exercise of those powers.

85. In sections 86 to 107, ‘owner’ means any person who is entitled to compensation under section 75.

Power Line Outside Canada	That part of a power line in the United States that is between its connection to the international power line at the border and the first switching station in the United States.
Power System	Includes the generating stations, transformers, switching stations, transmission lines, substations, distribution lines and circuits necessary for the production, transmission and distribution of electricity.
Power Transfer Capability	The amount of power that can be transferred from one power system to another without impairing the reliability criteria of the interconnected systems.
Reclamation	The process of re-establishing a disturbed site to a former or other productive use, not necessarily to the same condition that existed prior to disturbance. The land capability may be at a level different (i.e., lower or higher) than that which existed prior to the disturbance, depending on the goal of the process. Reclamation includes the management of a contaminated site and revegetation where necessary. Reclamation is not considered complete until the goals for reclamation have been achieved.
Recovery Strategy	A strategy for the recovery of a listed extirpated, endangered or threatened species prepared by the competent minister (as defined under the <i>Species at Risk Act</i>). If the recovery of the listed species is feasible, the recovery strategy must address the threats to the survival of the species identified by the Committee for the Status of Endangered Wildlife in Canada, including any loss of habitat. The recovery strategy and any amendments will be included in the public registry established under the <i>Species at Risk Act</i> .
Reliability	Power system reliability is the degree of performance of the elements of the bulk electric system that results in electricity being delivered to customers within accepted standards and in the amount desired (NERC).
Residual Effects	Effects that are present after mitigation is applied.
Responsible Authority	In relation to a project, a federal authority that is required pursuant to subsection 11(1) of the <i>Canadian Environmental Assessment Act</i> to ensure that an environmental assessment of the project is conducted. [<i>Canadian Environmental Assessment Act</i> s.2]
Right of Entry	The right of access to, and use of, land surface.

Right-of-Entry Order	An order by the National Energy Board made under the <i>National Energy Board Act</i> granting a company access to, and use of, a defined portion of land for the purposes as set out in the order.
Right of Way (RoW)	The strip of land acquired for which a company has obtained the rights for the construction and operation of the pipeline or powerline.
Socio-Economic Effect	In respect of a project, any effect on a socio-economic element found in Table 6-5, including direct effects as well as effects resulting from a change in the environment (as referred to in the definition of Environmental Effect).
Species at Risk	An extirpated, endangered or threatened species or a species of special concern. [<i>Species at Risk Act</i> s.2]
Species of Special Status	Species listed under provincial jurisdiction or of recognized local importance because they are vulnerable, threatened, endangered or extirpated.
Study Area	The area within the spatial boundaries of the scope of the environmental and socio-economic effects assessment. Since the spatial boundaries of the assessment may vary with different biophysical and socio-economic elements, the study area may also vary.
Sub-station	A subsidiary station of the electric power system where network interconnections are made and managed between transmission lines, or where electricity is flowed to or from the transmission network and transformed for further transmission or distribution along lower-voltage lines.
Traditional Territory	Crown lands where an Aboriginal group has claimed the right to use the land for traditional purposes such as hunting, fishing, trapping, gathering or spiritual activities. One or more Aboriginal groups may claim the same lands as their traditional territory.
Valued Ecosystem Component (VEC)	Resources or environmental features that have all or some of the following features: <ul style="list-style-type: none"> • importance to local human populations; • regional, national or international profiles; or • if altered from their existing status will be important in evaluating the impacts of development or human actions, and in focusing management or regulatory policy.

Valued Socio-Cultural Component (VSC)	Cultural, social, economic or health aspects of the study population that, if affected by the project, would be of concern to local human populations or government regulators.
Viewshed	The area visible from an observer's viewpoint and those areas from which that viewpoint may be seen. The boundaries of a viewshed are determined by the width of the angle of vision and the distance between the observer and various levels of vision (i.e., foreground, middle-ground, background, distant, etc.)
Water Body	A water body, including a canal, reservoir, an ocean and a wetland, up to the high-water mark, but does not include a sewage or waste treatment lagoon or mine tailings pond. [<i>Exclusion List Regulations</i> s.2]
Wetlands	Land where the water table is at near or above the surface, or which is saturated for a long enough period to promote such features as wet-altered soils and water tolerant vegetation. Wetlands include organic wetlands or “peatlands”, and mineral wetlands or mineral soil areas that are influenced by excess water, but produce little or no peat.
Wildlife	Any species of wild organism, including mammals, birds, reptiles, amphibians, fish, invertebrates, plants, fungi, algae and bacteria.

List of Abbreviations

ADR	Appropriate Dispute Resolution
CCME	Canadian Council of Ministers of the Environment
CEA Act	<i>Canadian Environmental Assessment Act</i>
CEA Agency	Canadian Environmental Assessment Agency
CSA	Canadian Standards Association
CSR	Comprehensive Study Report
DFO	Fisheries and Oceans Canada
<i>Electricity Regulations</i>	<i>National Energy Board Electricity Regulations</i>
ESA	environmental and socio-economic assessment
EPP	environmental protection plan
IPL	International Power Line
kV	Kilovolt
MOG	Memorandum of Guidance to Interested Parties concerning Full Implementation of the September 1988 Canadian Electricity Policy
NEB or the Board	National Energy Board
NEB Act	<i>National Energy Board Act</i>
NERC	North American Electric Reliability Council
OPR	<i>Onshore Pipeline Regulations, 1999</i>
Post-construction report	post-construction environmental monitoring report
PPBoR	plans, profiles and books of reference
Reporting Regulations	<i>National Energy Board Export and Import Reporting Regulations</i>
RoW	Right of Way
Rules	<i>National Energy Board Rules of Practice and Procedure, 1995</i>
SARA	<i>Species at Risk Act</i>
UTM	Universal Transverse Mercator
VEC	Valued Ecosystem Component
VSC	Valued Socio-cultural Component
Valued Component	VEC and VSC

Chapter 1 Introduction

1.1 Scope and Purpose of the Manual

The National Energy Board's (NEB or the Board) purpose is to promote safety, environmental protection and economic efficiency in the Canadian public interest through its regulation of international power lines (IPL) and electricity exports as mandated by Parliament. The Board's vision is to be a respected leader in energy regulation that protects and enables in the Canadian public interest.

Electric utility companies regulated by the *National Energy Board Act* (NEB Act) are required to obtain the Board's approval to add new facilities or modify or abandon existing facilities and export electricity. Facilities include a transmission line and associated equipment, such as at a substation.

This filing manual is intended to provide assistance to proponents seeking to construct an IPL over 50 kV who have elected that federal rather than provincial laws apply (NEB Act 58.27) and have therefore applied for a certificate

Proponents not desiring full federal oversight may choose to apply for a permit (NEB Act 58.11). The filing requirements for permit applications are set out in the NEB *Electricity Regulations* (see Appendix I). Permit applicants may still wish to refer to this manual for further guidance and Table 2.1 provides assistance with this. Permit applicants should note that the certificate requirements in this manual are more extensive than needed for a permit application and should look to sections of this manual that are of relevance to them.

The manual is designed to:

- outline the filings needed for electricity facility election applications within the jurisdiction of the NEB;
- outline the Board's responsibilities pursuant to the *Canadian Environmental Assessment Act* (CEA Act); and
- provide guidance as to the type of information the Board would typically need to make a decision.

The Filing Manual is also designed to assist applicants in understanding why information is required and how it is assessed by the Board, so that applicants can therefore understand the level of detail that is required.

This manual is not applicable to electricity exports or to other areas of NEB jurisdiction such as pipelines or oil and gas activities. The Memorandum of Guidance to Interested Parties concerning Full Implementation of the September 1988 Canadian Electricity Policy (MOG) in Appendix I includes a discussion of electricity exports; however, parties may wish to contact the Board for further advice or guidance on these other activities.

1.2 Board Expectations

This manual sets out the information requirements the Board expects in an application and also provides guidance on those requirements. The Board expects the applicant to include all necessary and sufficient information to explain and support the application.

When seeking approval, applicants must submit applications or information filings to the Board that enable the Board to:

- evaluate the overall public good that the facilities request can create as well as its potential negative aspects;
- weigh the various impacts; and
- make an informed decision that balances various interests.

While it is ultimately the responsibility of the applicant to make its case before the Board, this manual provides direction regarding the information the Board would typically expect to see addressed in a filing. Complete filings should allow the Board to carry out more consistent assessments with fewer information requests and, therefore, shorten timelines required to make a decision.

As will be seen from the detailed requirements, the Board's assessment of proposed projects includes, along with other considerations, a risk-oriented approach that considers the probability and consequence of potential issues. The level of detail for any particular issue in an application should therefore consider this.

1.3 Content Organization

The filing requirements are generally presented in the following format:

- a **Goal** statement that summarizes the subject matter of the information to be provided;
- **Filing Requirements** that specify the information needed;
- a **Guidance** section that provides direction regarding, for example, the level of detail, potential issues and information references; and
- **“FYI” (for your information) grey boxes** that provide direction for when further information may be appropriate, where further guidance can be found, ‘off-ramps’ for when additional information may not be required, and various other tips, examples, and reminders.

1.4 Confidential Filing

An applicant may request that the NEB treat a portion or section within an application as confidential in accordance with section 16.1 of the NEB Act. If the NEB is satisfied that the filing meets the conditions set out in paragraph 16.1(a) or (b), it may take any measures and make any order that it considers necessary to ensure confidentiality. One such measure is that only select Board staff and Members responsible for the consideration of the filing would have access to the information and the information would not be available to the public.

1.5 Previously Filed Material

If an applicant wishes to refer to documents previously filed with the Board and those documents are still current (e.g., company manuals, programs, standards or procedures), rather than resubmitting the documents, the applicant may:

- indicate when, under what circumstances and under what Board file number (if known) the information was filed;
- identify the document and its version; and
- identify the section(s) of the document being referenced.

1.6 Pre-Application Meetings Guidance Notes

Applicants may request a pre-application meeting to clarify filing requirements with the NEB. The *Pre-Application Meetings Guidance Notes* describe the process for requesting a meeting. These can be found at: www.neb-one.gc.ca/ActsRegulations/NEBAct/GuidanceNotes/PreAppGuidanceNotes_e.htm.

1.7 Facility Security

Filing requirements within the Filing Manual do not, at this time, explicitly address facility security issues; however, it is the expectation of the Board that applicants consider security during project design and when preparing subsequent applications.

1.8 Filing with the National Energy Board

Parties with the ability to file electronically are expected to file documents through the Board's electronic document repository at www.neb-one.gc.ca. Any person who has the ability to access documents through the repository must accept service of a notification that the document is in the repository rather than requiring a hard copy of the document be served.

For more information about filing electronically, please refer to the Filers Guide to Electronic Submission and the Memorandum of Guidance on Electronic Filing. Both of these documents are available on the Board's Internet site at www.neb-one.gc.ca.

Please note that e-mails are not considered electronic filing and will not be accepted in a proceeding.

The Board's electronic document repository will contain the full text of only those documents filed electronically (following the procedures mentioned above). When documents are filed by hard copy or facsimile, the Board may create an electronic placeholder. This placeholder indicates that a document has been filed in hard copy (and is available in the Board's library) but it will not be possible to view or search these documents on the electronic document repository.

If you are filing an application by hard copies, you must file 15 copies. If you file electronically, one hard copy must be filed subsequently. The hard copy must have attached to it a signed copy of the Electronic Filing Receipt that the system will return to the filer upon receipt of the electronic document. Please file your completed application with the NEB and address it to:

Secretary
National Energy Board
444 Seventh Avenue SW
Calgary, AB T2P 0X8
Telephone: 403-292-4800
Facsimile: 403-292-5503

1.9 Updates

It is the Board's intent to update this document as necessary. The Board would appreciate any comments users may have regarding the content, usability or other matters associated with this document that could assist with future updates and revisions.

All comments may be directed to the Board by:

E-mail: efm@neb-one.gc.ca
Facsimile: Secretary at (403) 292-5503
Telephone: 1-800-899-1265

Mail:

Secretary
National Energy Board
444 Seventh Avenue SW
Calgary, AB
T2P 0X8

The Board will communicate its future revision process and schedule and any interim updates at www.neb-one.gc.ca.

Chapter 2 Instructions to Users

2.1 Summary of Election Certificate Requirements

Table 2-1 below provides a high level overview of the information requirements the Board considers applicants must file with the Board for an authorization to construct an international power line applied for under section 58.23, election certificate. The table outlines the main chapters and headings and their corresponding main information filing requirements.

Applicants for certificates should consider each chapter of this manual and file all the information that is of relevance to their particular project, in accordance with the nature and magnitude of the project.

Applicants are encouraged to structure their application in logically sequenced and numbered paragraphs based on the content of the information.

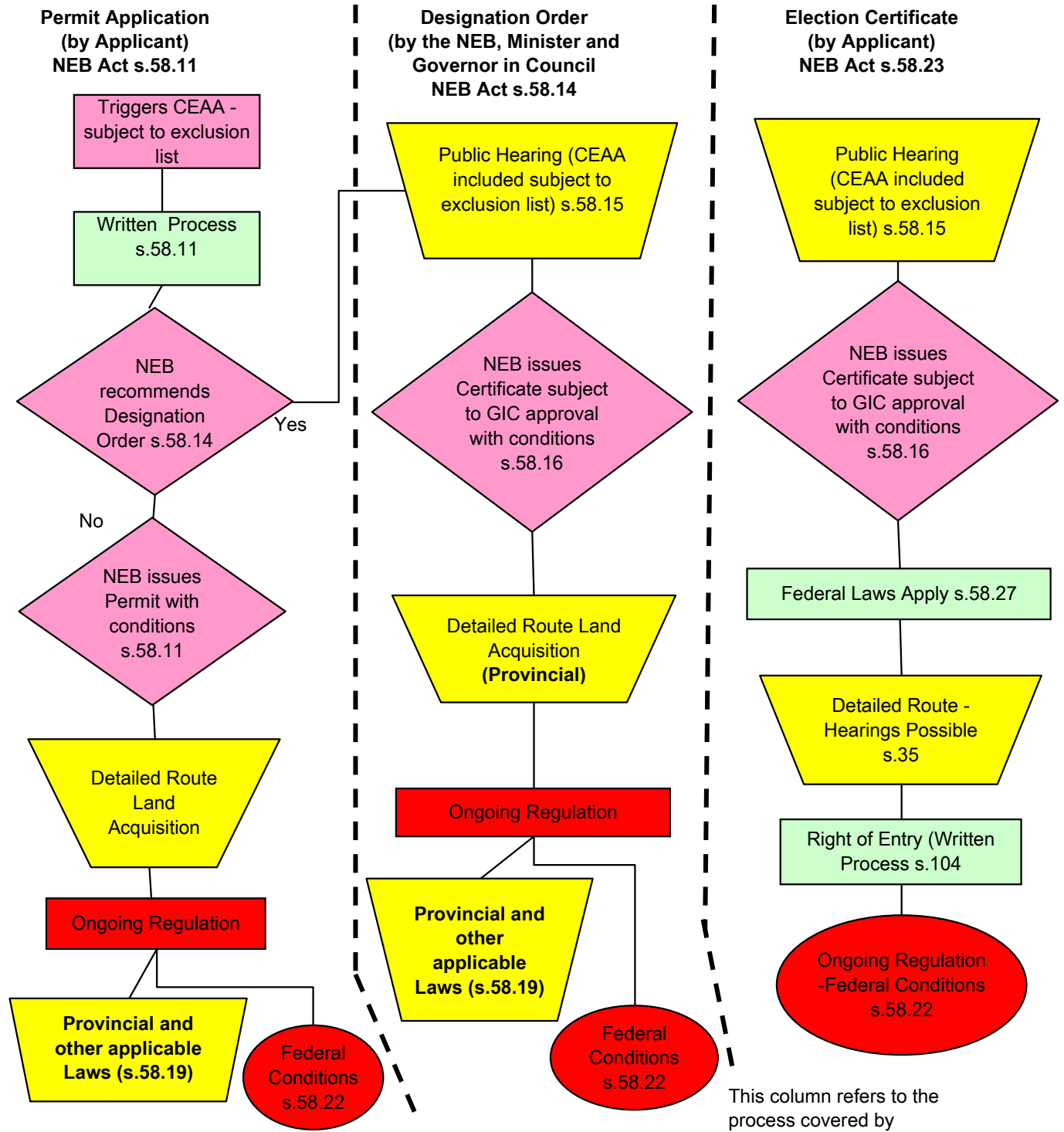
Table 2-1 Summary of Filing Requirements

Filing Manual Chapter	Main Information Requirements
3. General Information 3.1 Action Sought by Applicant 3.2 Project Proponents 3.3 Proof of Publication of Notice	<ul style="list-style-type: none"> • A description of what NEB authorization is being applied for • Identity of applicant and contact information • Identity of the owners and operators of the IPL in Canada, if different from the applicant. • A description of the power systems that each owns or operates • Identity of the owners and operators of the power line outside Canada • A proof of publication of notice
4. Project Description and Engineering	<ul style="list-style-type: none"> • Provide a description of the IPL project that includes its location, all project components and activities, the project schedule and any related undertakings
4.1 Project Location	<ul style="list-style-type: none"> • Locational information should include a description, and maps, of: <ul style="list-style-type: none"> • The route, facility sites and any proposed ancillary facilities • The terminal points and international boundary crossover point • Environmental, socio-economic, and land or resource use constraints that restrict the preferred route or location of facilities • Land use features which the IPL is to cross • The power line outside Canada
4.2 Project Components and Activities	<ul style="list-style-type: none"> • The description of project components and activities should include: <ul style="list-style-type: none"> • Voltage level • Number and size of conductors • Description of the tower or other structures that will provide the physical support • A single-line diagram identifying all the IPL facilities • Discussion of engineering philosophy and principles <ul style="list-style-type: none"> • A description of standards, practices and procedures to be used in the design, construction and operation of the IPL

Filing Manual Chapter	Main Information Requirements
4.3 Detailed Engineering and Interconnection Requirements	<ul style="list-style-type: none"> • Impacts to the bulk power system • A description of the power transfer capability and the criteria for this • A copy of all interconnection or other agreements • Description of provincial requirements and any other approvals required, including those for the power line outside Canada
4.4 Schedule and Other Approvals	<ul style="list-style-type: none"> • A schedule showing the proposed dates for the start and completion of construction of the IPL and the power line outside Canada • A description of the other approvals required, the review process and schedule applicable, and their current status
4.5. Alternatives	<ul style="list-style-type: none"> • A description of the environmental, land-use and other criteria used to determine the proposed route and facility sites, and any alternatives • A map of the alternative route and facility sites
5. Consultation	<ul style="list-style-type: none"> • A description of any consultation or early public notification process implemented by the applicant, which should include: <ul style="list-style-type: none"> • The principles and goals of the consultation program • The design of the consultation program • The results of the consultation • An explanation if a consultation program was not implemented • Notification of third parties • Description of any adverse effects on other provinces
6. Environmental and Socio-Economic Assessment	<ul style="list-style-type: none"> • An environmental assessment, completed according to the applicable federal or provincial legislation, for the construction and operation of the proposed project • This should be based on the project description, provide a description of the environmental setting, elucidate any project-environment interactions and identify potential project-related environmental effects, describe the mitigative measures to be used, and evaluate the environmental and cumulative effects arising from the IPL • For projects > 345 kV with 75 km of new RoW, a comprehensive study
7. Economics and Financing	<ul style="list-style-type: none"> • A copy of the most recent annual report of the owner and operator of the lines both in Canada and outside of Canada • And alternatively, for the line in Canada, information for the Board to determine • Evidence that the proposed IPL will be used, useful and in the public interest • Description of supply, demand, load conditions • Demand and load characteristics of the market areas to be served • Evidence of the ability to finance the IPL
8. Lands	<ul style="list-style-type: none"> • Documentation on land areas and land rights • For election certificates, service of notice, land acquisition process • A plan of survey for the international boundary crossover point

Figure 2-1 outlines three different regulatory options an applicant should choose from before applying to the Board. The figure also sets out, under each option, the different steps for processing IPL facilities applications and the regulations, whether federal or provincial that would apply.

Figure 2-1 Options Under NEB Act



Sections refer to NEB Act
GIC is Governor in Council ie. Federal Cabinet

This column refers to the process covered by this manual.

2.2 Memorandum of Guidance

As well applicants are directed to Appendix I which is the 23 January 2003 MEMORANDUM OF GUIDANCE TO INTERESTED PARTIES CONCERNING FULL IMPLEMENTATION OF THE SEPTEMBER 1988 CANADIAN ELECTRICITY POLICY (MOG). The MOG sets out requirements for both export applications and all types of facilities applications. The MOG also contains the *Electricity Regulations* which apply to all types of electricity related applications. However, applicants can also turn to this filing manual to complement, and elaborate on, those documents where it is of relevance to the application.

2.3 Regulatory Listing

Table 2-2 lists the sections of the NEB Act and regulations that have been identified within this Manual as requiring an application to the Board.

Table 2-2: Sections of NEB Act and Regulations Requiring Applications

Application Description	Relevant Legislation	Section(s) of NEB Act	Guide ID
International Power Line (election certificate)	NEB Act	58.23	Manual
International Power Line (permit)	NEB Act	58.11	Appendix I
Addition or modification of facilities	NEB Act	21	
Deviations	NEB Act	45	
Export Permits/Licences	NEB Act	Part VI	Appendix I
Information Filed Respecting PPBoR and Notices	NEB Act	34	Guide A
Right-of-Entry Application	NEB Act	104	Guide B

2.4 Permit Applications

As noted in Chapter 1.1, although this electricity filing manual is primarily intended for election certificate applications, permit applicants may still find some of the guidance herein to be relevant and of use in preparing certain sections of an application for a permit.

Permit applicants should note that the information required for NEB electricity permit authorizations is stipulated in Part II of the NEB *Electricity Regulations* (see the MOG in Appendix I). These *Regulations* are set out based on two categories of powerlines, those greater than 50 kV (Section 5 of the *Electricity Regulations*) and those less than 50 kV (Section 4 of the *Electricity Regulations*). Therefore, applicants seeking permits for power lines either under or over 50 kV should refer to sections 4 and 5 of the *Electricity Regulations* respectively and the MOG, both of which can be found in Appendix 1.

IPL projects for which an applicant would elect for a certificate authorization tend to be larger projects that would be greater than 50kV. Consequently, the value to permit applicants of the guidance contained within this filing manual will mainly be for applications for IPLs greater than 50 kV.

Applicants for permit authorizations are reminded that, as Part II of the *Electricity Regulations* sets out the minimum filing requirements for permit applications, the filing requirements herein

are greater than this and so the manual is only cited as a reference and potential source of guidance, and applicants should use judgment in referring to and using this manual for permit applications. A pre-application meeting with staff at the NEB is always available if further guidance is desired (see Chapter 1.6).

To assist permit applicants for IPLs greater than 50kV in using this filing manual as guidance, Table 2-3 below cross- references the section 5 *Electricity Regulations* requirements with the corresponding relevant chapter in the manual.

It should further be noted that judgment needs to be used where for instance, the regulatory requirement for an environmental assessment often logically requires certain other information details that may not necessarily be explicitly stipulated in regulation. Therefore, in accordance with the nature and magnitude of the project, as well as the *Electricity Regulations*, applicants should file all relevant information.

As with certificate applications, applicants are encouraged to structure their application in logically sequenced and numbered paragraphs based on the content of the information. However, permit applications may also be filed according to the order and structure of Section 5, Part II of the *Electricity Regulations*, which is found in the MOG in Appendix I.

Table 2-3: Guide to Electricity Filing Manual by NEB *Electricity Regulations* section 5 for IPL over 50 kV

Part II Electricity Regulations	Filing Manual Chapter
s.5 (a) and (b)	3. General Information 7. Economics and Financing
s.5 (c)	3.3 Proof of Publication of Notice
s.5 (d)	5. Consultation
s.5 (e) and (f)	4.1 Project Location 4.5. Alternatives
s.5 (g), (h) and (i)	4.1 Project Location
s.5 (j)	8. Lands
s.5 (k)	3.2 Project Proponents
s. 5 (l)	7. Economics and Financing
s.5 (m), (n) and (o)	4.2 Project Components and Activities 4.3 Detailed Engineering and Interconnection Requirements
s.5 (p), (q) and (r)	5. Consultation 4.4 Schedule and Other Approvals
s.5 (s), (t) and (u)	6. Environmental and Socio-Economic Assessment
s.5 (v)	5. Consultation
s.5 (w)	4.2 Project Components and Activities
CEA Act	4. Project Description and Engineering 6. Environmental and Socio-Economic Assessment

In accordance with the nature and magnitude of the project, Applicants may wish to consult the appropriate chapter of this manual and file all the information that is of relevance to their particular project while keeping in mind that this manual generally goes further than what is required for Permit applications for IPL over 50 kV.

Table 2-4: Guide to Electricity Filing Manual by NEB *Electricity Regulations* section 4 for IPL under 50 kV

Part II Electricity Regulations	Filing Manual Chapter
s.4 (a) and (b)	3. General Information
s.4 (c)	3.3 Proof of Publication of Notice
s.4 (d)	5. Consultation
s.4 (e) and (f)	4.1 Project Location
s.4.(g)	3.2 Project Proponents
s.4 (h)	4.2 Project Components and Activities
s.4. (i)	4.3 Detailed Engineering and Interconnection Requirements
s.4 (j)	6 Environmental and Socio-Economic Assessment
s.4 (k) and (l)	4.4 Project Schedule and Other Required Approvals

Chapter 3 Common Information Requirements

This chapter outlines the filing requirements that are of a general administrative nature:

- a description of, and justification for, the Board authorization being sought by the applicant;
- details regarding the applicant, owners and operators of the IPL; and
- details regarding the publication of Notice.

3.1 Action Sought by Applicant

Goal

The application states the request being made, the reasons for it, and what action is being requested of the Board.

3.1.1 Filing Requirements – Project Summary

The application must contain a concise statement of the relevant facts.

Guidance

In describing what authorization is being sought from the Board it is necessary to provide a summary overview of key facts concerning where the project is situated and what the project entails.

3.1.2 Filing Requirements – Board Authorization Being Sought

The application must state what authorization is being sought and the provisions of the Act under which the application is made.

Guidance

Types of Authorizations

Part III.1, sections 58.1 to 58.4 of the NEB Act govern construction and operation of power lines. Applicants can apply for two types of authorizations: permits and certificates. Permits do not require a public hearing and can be granted more expeditiously, if the application is complete and suitable. Certificates require a full oral public hearing process. Applicants can apply for a permit, but the Board once it has reviewed the application, may recommend to the Minister that the IPL be designated by order of the GIC which would mean the IPL would require a certificate.

Applicants can also consider whether they want the Board or the province to have jurisdiction over the life of the facilities. In the case of permits, authority over the facilities reverts to the province once the permit is granted. For certificates, the applied-for facilities would fall under Board jurisdiction as the provisions of the NEB Act would apply and not the laws of a province.

3.1.3 Filing Requirements – Project Justification

The application provides clearly articulated reasons for the application.

Guidance

The application should provide justification for the authorization being sought. This should describe the purpose of the proposed project, the need that would be addressed by the project and how the project is an appropriate option to meeting the need while serving the public interest.

3.2 Project Proponents

Goal

The application identifies the parties involved in the proposal of the project and provides their contact information.

Filing Requirements

The application must contain:

- The name of the applicant and any authorized representative of the applicant, their mailing address, address for personal service, telephone number and any other telecommunications numbers.
- The names and addresses of the owner and the operator of the IPL, if they are different from the applicant, and a description of the power systems that each owns and operates.
- The name and address of the owner and operator of the power line outside Canada.

3.3 Proof of Publication of Notice

All applicants for IPLs are required by the NEB Act (s.58.12) to publish a Notice at the time of the application. This is to be published in the Canada Gazette, Part I in both official languages and other publications as the NEB considers appropriate. A form to assist in preparing the notice is included in Appendix I, MOG, Appendix I(c), for IPLs < 50 kV and Appendix I(d) for IPLs > 50 kV. These notices are referred to as Notice of Application/Directions on Procedure (NOA/DOP) in the MOG.

As well applicants for IPLs are directed

- to serve a copy of their application and NOA/DOP on each directly interconnected Canadian utilities, and
- to publish the NOA/DOP on the same date (insofar as it is possible to do so) as publication occurs in the Canada Gazette, Part I as follows:
 - in English in the largest paid general circulation English language newspaper and in French in the largest paid general circulation French language newspaper, published in the most populous community along the route;
 - if the community referred to above is not served by a general circulation English and a general circulation French language newspaper, the NOA/DOP must be published in both official languages in the newspaper which has the largest paid circulation in that community.

Chapter 4 Project Description and Engineering

This chapter describes the information an applicant needs to file with the Board with respect to describing the IPL project, including all project components, activities and related undertakings, their location and the project schedule.

4.1 Project Location

Goal

The application includes a complete description of where the project and its components are located.

Filing Requirements

Provide a description of, and maps that show, at an appropriate scale:

- the terminal points and international boundary crossover point;
- the route, facility sites and any proposed ancillary facilities;
- land use features which the IPL is to cross;
- constraints that restrict the preferred route or location of facilities or project components;
- the power line outside Canada; and
- the location of project components and related undertakings.

Describe the width of the right-of-way proposed and the reasons why that width was selected.

Guidance

Constraints that restrict the preferred route or location of facilities or project components include environmental, socio-economic, and land or resource use factors, including general land tenure; current land uses, zoning and land use plans; the nearest residences and communities; unique or major physical features.

For some information, line drawings or site plans may be more appropriate.

Where available the Board encourages applicants to include key Global Positioning System (GPS) locations as part of their spatial information submissions, particularly for the project endpoints, boundary crossover point and main IPL route locator points.

4.2 Project Components and Activities

4.2.1 Engineering Design Details

Goal

The application provides a description of the physical design, operational details and lifecycle activities of the proposed project, with sufficient detail to:

- identify project design features and procedures that will ensure the safe and reliable operation of the proposed facilities;
- identify potential project related interactions with the environment; and
- identify project design features and practices that will mitigate adverse environmental and socio-economic effects.

Filing Requirements

The application shall identify and describe all project components, activities and related undertakings (e.g., conductors, substation components, access roads and construction camps, temporary work space, etc.), including, but not limited to:

- the voltage level;
- the number and size of conductors;
- a description of the tower or other structures that will provide physical support for the international power line; and
- a single-line diagram identifying all the facilities that constitute the international power line.

The application shall include a description of how the project will be carried out;

Provide a description of any facilities to be constructed by others which are required to accommodate the proposed facilities.

Describe other permits, licenses, or authorizations that will be required before part or all of the project can proceed.

Guidance

NEB-regulated facilities are to be safe. They are also to be built and operated in a manner that respects the rights of those affected. In general, the information listed above is required in order for the Board to ascertain that the electrical design and operation of the project, if it were built, would meet these goals.

The project description should address:

- what the project is, including:

- a complete list and thorough description of the project components, activities and, any related undertakings (i.e., any additional components or activities required for the project to proceed, such as temporary work space, means of access, etc.);
- a description of replacements or expansions of physical works and activities that are anticipated over the life of the project; and
- preliminary drawings if available.
- how the project will be carried out, including:
 - a thorough description of how project activities (e.g., clearing, tower foundations, tower raising, stringing, watercourse crossings, inspection, monitoring programs, testing, etc.) would be carried out during the construction and operations phases; and
 - the anticipated workforce (i.e., person days and skills required for construction and operations activities).
- other approvals that are required to be obtained including:
 - those from the appropriate authorities for the construction or operation of the power line outside Canada;
 - those from all the provinces through which the IPL will pass, and
 - a description of the provincial requirements and associated review process that must be satisfied.

The above requirements generally assume that the project is of overhead construction. If the project is of underground construction, in whole or in part, substitute information should be provided as appropriate; e.g., trenching or conduit details and construction information versus information on tower structures.

The single-line diagram identifying all the facilities that constitute the international power line should include information detailing the line's connection to substation facilities in Canada. The diagram should clearly delineate what substation components form part of the line versus substation components forming part of the host Canadian power system. Components to be so identified include equipment and structures such as busbar, transformers, breakers, switches, air breaks, reactive compensation components, protective relaying and metering equipment, etc.

4.2.2 Engineering Design Philosophy

Goal

The application provides sufficient description of the applicable codes, standards and regulations and any engineering details with respect to any special design challenges, to demonstrate that the proposed facilities will be safe and reliable.

Filing Requirements

1. The application should clearly indicate all primary codes and standards, including the version and date of issue, that will be followed in the design and material selection for each element of the applied-for facility, subject to the following:
 - where there is a choice in the code or standard selected, provide a brief reason why the referenced code or standard is considered appropriate, and
 - where there is no industry-recognized code or standard, provide brief reasoning why the proposed course of action would be taken with respect to affected design and material selections.
2. The application should clearly indicate that the project will comply with applicable company design and operations manuals and confirm that, in turn, these manuals comply with the codes and standards for the project:
 - keep the latest versions of these manuals available for Board audit and file copies upon request.

Guidance

1. The information listed above is desired in order for the Board to ascertain that the electrical design and operation of the project, if it were built, would be safe and perceived as being safe. To this end the application should demonstrate that the project would not be inconsistent with current generally-accepted industry practice and procedure for similar facilities built and operated under similar circumstances and conditions elsewhere, preferably in Canada.
2. Where no clearly-applicable industry-recognized code or standards exist, the use of good engineering practice is recognized, respected and expected. However, to the extent possible, a course of action proposed as a consequence of doing so should be clearly traceable back to established code, standards or engineering principles.

4.3 Impacts to the Bulk Power System

Goal

The application provides sufficient information to identify and justify the effects of the proposed project on the safe operation, physical security and reliability of the existing and projected power system it would become a part of.

Filing Requirements

The application shall provide:

- the total export and import power transfer capabilities, with and without the proposed international power line, of the local Canadian power system to which the proposed project will interconnect, and of the non-Canadian power system that the international power line will connect to, stating the criteria for those capabilities;
- the proposed international power line's power transfer capability for sustained transmission of power under winter and summer conditions, and the criteria for the stated power transfer capability;
- a copy of:
 - (i) each interconnection agreement that relates to the construction of the international power line, and
 - (ii) any other agreement between the applicant and the owner or the operator of the power line outside Canada that relates to the construction and operation of the international power line and the power line outside Canada;
- a plan for ensuring compliance with applicable reliability standards.

Guidance

1. The information listed above is required in order to ascertain that the presence, timing, design and operation of the project, if it were built, would respect others' right to expect safe and reliable electrical service from the power system in its existing and projected future forms. It should also assist in ascertaining that the project, if it were built, would not compromise or jeopardize the power system's physical security. To this end the application must demonstrate that the project has or will acquire all approvals required for it from provincial governments or other appropriate authorities.
2. Where the project would be considered to form part of the bulk power system, the application for the project should provide the details of the international power line's review and approval by the appropriate element(s) of governing electric system reliability organization(s), such as the Regional Reliability Council(s) of the North American Electric Reliability Council (NERC). This could be provided in the form of copies of appropriate documents, such as study reports, issued by such organisations with respect to the project.

4.4 Project Schedule and Other Required Approvals

Goal

The application includes information on the project schedule and any factors, including other regulatory approvals processes, which may influence the schedule.

Filing Requirements

Provide:

- a schedule showing the projected dates for the start and completion of construction of the international power line and the power line outside Canada;
- the expected in-service date; and
- a description of other approvals that are required to be obtained, the current status of those approvals and a schedule with the projected dates for each of the approvals.

Guidance

The project schedule should:

- include a breakdown of all major construction activities by sub-activities;
- identify any timing constraints or windows which the schedule must accommodate; and
- describe how any changes to schedule can affect the rest of the schedule and ultimately the project.

You should include a description of when proposed decommissioning and abandonment of the project might take place.

For elected certificates, you should also provide a schedule for operational activities, such as inspection, repair or maintenance.

The applicant should confirm that all non-NEB regulatory approvals required to allow the applicant to meet its construction schedule, planned in-service date and to allow the facilities to be used and useful are, or will be, in place. If any of these approvals may be delayed, describe the status of those approval(s) and provide an estimation of when the approval is anticipated.

Any “description of approvals” provided pursuant to the above requirements should include any appropriate schedules of projected dates contained in those approvals for comparison by the Board with other scheduled project dates. These projected dates could be for other approvals and the start and completion of construction of the international power line and the power line outside Canada.

The NEB requires information regarding the status of all approvals or authorizations both inside and outside Canada. This is in order to reasonably assure the Board that there are no issues before other regulators that would prevent or delay either the construction or use of the applied-for facilities. Updates on status may also be provided after an application has been submitted.

4.5 Alternatives

Goal

The application includes a description of the alternatives considered and the rationale for the options selected.

Filing Requirements

1. Describe other alternatives that were examined and the rationale for selecting the applied-for project over these other possible alternatives.
2. Describe and justify the selection of the proposed route and site, including a comparison of the alternatives using selection criteria.
3. Describe, where appropriate, any alternative designs and construction methods that were considered and the rationale for selecting the preferred design and construction methods.
4. For projects subject to a CEA Act assessment, and for which “alternatives to” the project or “alternative means” of carrying out the project are relevant factors to be considered, as set out in the scope of the environmental assessment, describe these factors in the application.

Guidance

Alternatives Considered

Alternatives are functionally different ways of meeting the need and purpose of the project, or are other technically, economically, socially and environmentally feasible means of fulfilling the project. These could include an alternative:

- interconnection strategy;
- route or site;
- facility design; or
- construction methods, including different means of development, implementation and mitigation.

Additional information...

The CEA Agency's Operational Policy Statement entitled *Addressing “Need for”, “Purpose of”, “Alternatives to” and “Alternative Means” under the Canadian Environmental Assessment Act* provides further clarification and guidance on these factors.

Also see *Factors to be Considered* in section 6.3 on Scoping.

Selection Criteria for Alternatives

Different project, routing, design and construction alternatives should be summarized and compared using a suite of criteria that justifies and demonstrates how the proposed option was selected and why it is the best option.

When comparing project, routing, design or construction alternatives, you should elaborate on the following criteria, as appropriate:

- engineering design;
- economic feasibility or costs;

- effect on reliability and security of the existing host power system;
- demonstrated public concern;
- environmental and socio-economic constraints, benefits or potential effects; or
- regional concern from a cumulative effects standpoint.

The level of detail provided should be consistent with the scope of the project and any potential impacts on the stability and reliability of the host power system, other parties, and the environment.

Chapter 5 Consultation

The Board expects applicants will consider consultation for all projects. Depending on the project, that could mean carrying out a very extensive consultation program or a very simple program such as notifying a single landowner. Applicants are responsible for justifying the extent of consultation carried out for each application. The following information should be provided within the application:

- principles and goals of the consultation program;
- design details of the consultation program; and
- the results of the consultation carried out, including how public input influenced the design, construction, or operation of the project; or
- an explanation if a consultation program will not be implemented.

5.1 Guiding Principles and Goals for the Consultation Program

Goal

The application outlines the policy and principles by which the project proponent will ensure that it adequately consults with, and respects the rights of, those potentially affected.

Filing Requirement

Provide an overview of the company's consultation philosophy, which should include, but not limited to:

- the corporate policy or vision with respect to consultation;
- the principles and goals established for the project's consultation program; and,
- a copy of the Aboriginal consultation protocol, if established, along with any documented policies and principles for collecting traditional knowledge or traditional use information, if applicable.

Guidance

When establishing principles and goals for a consultation program, consider that the Board expects a consultation program that will, at a minimum:

- be initiated as soon as possible in the planning and design phase of a project;
- provide clear, relevant and timely information to potentially affected persons or groups;
- be accessible to and inclusive of all potentially affected persons or groups;
- be responsive to the needs and input of potentially affected persons or groups; and

- continue throughout the regulatory process, as well as the construction and operation phases of a project.

When consultation includes Aboriginal groups, consider establishing a consultation protocol in collaboration with these groups that takes into consideration their needs and cultural elements.

5.2 Design of the Project's Consultation Program

Goal

The application describes the project's consultation program and indicates why its design is appropriate for the nature of the project and the type of application.

Filing Requirement

Provide a description of the project-specific consultation program and the factors that influenced its design, which should include but not be limited to:

- the nature of the project and project area characteristics;
- potentially affected persons or groups to be consulted including, but not limited to:
 - local residents, land users and landowners;
 - local or regional service providers;
 - government authorities; and
 - Aboriginal groups;
- information needs of the persons or groups to be consulted;
- methods and timing of consultation;
- procedure for addressing input from persons or groups; and
- plans for future consultations and follow-up throughout the construction and operations phase of the project.

Guidance

Project and Project Area Characteristics

Characteristics of the project and project area that influence the design of the consultation program may include, but are not limited to:

- the nature, magnitude and areal extent of the project as well as the timing and duration of construction and operation phases;
- the potential environmental and socio-economic effects of the project, including potential effects that may extend beyond the project boundaries (e.g., noise and air emissions);
- existing local community concerns or sensitive issues that may be exacerbated by the project;

- the compatibility of the project with current land use, zoning and land use plans;
- the proximity of the project to population centres; and
- alternatives and their potential effects on persons and groups.

Potentially Affected Persons or Groups

The application should clearly explain how various potentially affected persons or groups were identified and were selected for consultation (If persons or groups were identified in the design phase, but then not consulted in the implementation phase, the application should explain that decision).

Local residents, land users and landowners that may be affected by the project should be considered in the design of the consultation program. This may include individuals or organizations identified through the consultation process. Similarly, the design of the consultation program should also consider emergency and other local services (e.g., accommodation, transportation, waste disposal) that may be used.

Government authorities at all levels (local, provincial, federal and aboriginal) should be included in the consultation process, as appropriate. In some cases, regulatory approval from another authority will be required. Contact that authority to determine their information requirements. Table 5-1, while not exhaustive, identifies federal authorities that might need to be contacted for certain projects.

Table 5-1: Other Potential Federal Contacts

This list is intended for assistance and guidance only – applicants are responsible for obtaining all necessary approvals for any project. The Board accepts no responsibility for the accuracy or completeness of this list.

Project Considerations	Contact
Does the project occur in a National Park or National Historic Site or is it likely to affect a National Park or National Historic site?	Parks Canada Agent
Is the project likely to take place on, involve dredge or fill operations in, draw water from or discharge water to a historic canal administered by and operated by Parks Canada?	Parks Canada Agent Public Works and Government Services
Is the project likely to affect Indian reserve lands?	Indian and Northern Affairs Canada
Will the project occur on lands in the Yukon or the Northwest Territories that are under the control, management and administration of Indian and Northern Affairs and require the issuance of a Class A or Class B permit?	Indian and Northern Affairs Canada
Is the project likely to result in international air pollution?	Environment Canada
Is the project likely to result in the deposition of materials into the marine environment?	Environment Canada
Does the project occur in a wildlife area as defined in the <i>Wildlife Area Regulations</i> ?	Environment Canada
Could the project affect wildlife species at risk or their critical habitat?	Environment Canada

Project Considerations	Contact
Is the project likely to result in: killing, capturing, taking or possessing a migratory bird or its nest or eggs; collecting eiderdown or depositing oils or other harmful substance in areas frequented by migratory birds; an effect on migratory bird habitat within a bird sanctuary; or the release of a species of bird not indigenous to Canada?	Environment Canada
Will the project affect the natural flow of an international river (i.e., water flowing from any place in Canada to any place outside Canada) or affect the actual or potential use of that river outside Canada?	Environment Canada
Is the project likely to result in the release of a deleterious substance?	Environment Canada
Is the project likely to affect wetland function?	Environment Canada
Is the project likely to affect the navigability of a water body or does it involve removing or destroying a wreck or abandoned vessel found in a water body?	Transport Canada
Is the project likely to affect fish or fish habitat, affect the quantity or quality of water available for fish, or result in the destruction of fish by means other than fishing?	Fisheries and Oceans Canada
Is the project likely to affect the operation of a railway company or property owned or leased by a railway company, or require the installation of telephone, electricity, telegraph or other wire services for a railway facility?	Canadian Transportation Agency Transport Canada if <i>Railway Safety Act</i> is involved
Will the project result in cutting timber or constructing roads in a Federal Forest Experimental Area?	Natural Resources Canada
Does the project involve producing or holding explosives in a magazine?	Natural Resources Canada
Does the project involve replacing or repairing a bridge?	Public Works and Government Services

Aboriginal groups potentially affected by the proposed project can be identified by:

- considering the location of Indian Reserves, Aboriginal traditional territories and settlement areas, and Métis settlements;
- contacting regional Aboriginal organizations or government agencies familiar with local Aboriginal groups; and
- taking into consideration past experience working in the area.

The methodology used to identify Aboriginal groups should demonstrate that no potentially affected Aboriginal group has been overlooked.

Information Needs of the Persons or Groups Consulted

Project information that is distributed to persons or groups during the consultation program should include, as appropriate:

- the location, starting and ending points, route and main components of the project;
- a map or maps at appropriate scale that show all major components of the project, the routing of the project, the location of proposed project and ancillary facilities, and the location of any major towns, roads, water bodies or other landmarks in the area of the project;

- the proposed timing and duration of construction;
- the potential environmental and socio-economic effects of the project and how those effects will be addressed;
- how public safety will be addressed;
- emergency response information;
- regulatory approvals required;
- how input provided by potentially affected persons or groups will be responded to and addressed throughout the consultation program;
- how interested persons can participate further in the consultation process;
- company contact information;
- contact information for the NEB as well as a copy of any potentially relevant NEB public information brochures; and
- the proposed timing of filing the application with the Board.

Methods and Timing of Consultation

Project information should be communicated in a format and manner that is appropriate to the audience. If feasible, determine the means of communicating project information in conjunction with the potentially affected persons or groups.

Consultation methods to inform the public on project details may include:

- project brochures, either mailed or hand delivered;
- periodic newsletters;
- advertisements in local newspapers;
- radio spots; and
- a project web page.

Consultation methods which also provide direct opportunities for public input may include:

- telephone calls;
- open house meetings;
- project questionnaires;
- facility tours;
- on-site meetings;

- personal visits; and
- workshops.

Consultation activities should be early enough to allow those consulted opportunity for meaningful input into project planning and for adequate notification of project activities. The timing of consultation activities should also be sensitive to seasonal and other schedule constraints of potentially affected persons or groups (e.g., harvest, trapping, hunting, holiday periods).

Addressing Input

Input refers to all of the information provided to the company, or its representative, by persons or groups during the project's consultation program. To effectively address input provided by potentially affected persons or groups, the Board expects an applicant to incorporate in the design of its consultation program a system for:

- recording input received, and ensuring opportunities to seek to understand the full nature of that input;
- considering the feasibility of and implementing any proposed changes to the project based on input obtained during consultation;
- augmenting the application with local and traditional knowledge and integrating the information and knowledge, where appropriate, into the design of the project;
- allowing opportunity for the individual(s) who provided local and traditional knowledge to confirm interpretation of the information and how it was used in the project;
- ensuring input is responded to;
- tracking how input has been considered, addressed and responded to; and
- working with persons or groups to jointly address outstanding concerns.

Future and Follow-up Consultations

Future and follow-up consultations may include, but are not limited to, activities such as:

- public awareness programs;
- continuing education; and
- consultation with persons regarding proposed operations that may potentially affect them.

5.3 Reporting on the Results of the Consultation

Goal

The application describes the results of the public consultation conducted to-date for the project, with sufficient detail to demonstrate:

- that those potentially affected by the project have been adequately consulted; and,
- that any concerns raised have been considered, and addressed as appropriate

Filing Requirement

Provide a description of the results of the consultation conducted for the project which should include, but not be limited to:

- the persons or groups consulted;
- the methods, dates and locations of consultation activities;
- the information provided and the means of distributing this information to persons or groups;
- a summary of the input provided by potentially affected persons or groups;
- a summary of the responses made regarding the input from potentially affected person or groups and a description of how outstanding concerns will be addressed;
- how input from persons or groups has influenced the design, construction or operation of the project; and
- the details and results of the consultation undertaken with all new persons or groups who may now be affected as a result of any changes to the project.

For discussions with Aboriginal groups, the application should provide details on each of the items listed above. It should also describe how Aboriginal groups were identified and who was contacted, any discussions with government departments regarding concerns raised by Aboriginal groups and any known project related Crown consultations with Aboriginal groups.

Guidance

Persons or Groups Consulted

For consultation programs that involve a large number of people, it might not be practical to list all individuals that were consulted. It may be more practical to group people and provide the rationale for the grouping. For example, where a group of people has a common concern, need or association, the application should describe:

- the group;
- its location(s);
- its common concern, need or association; and

- the authority of any representatives of the group.

Discussions with Aboriginal Groups

In providing the additional detail on the results of discussions with Aboriginal groups, the application should include:

- the identity of all Aboriginal groups contacted, how they were identified, when and how they were contacted and the individuals who were contacted;
- any relevant, non-confidential written documentation regarding consultations;
- any concerns about the project raised by Aboriginal groups that you have discussed with any government department or agency, including when contact was made and with whom; and
- a description of any Crown involvement in consultations with Aboriginal groups with respect to the project that you are aware of.

Response to Input

A summary of the response made regarding all of the input received should include:

- the measures taken, or that will be taken to address input received or an explanation of why no further action is required; and
- the methods and dates that the response was, or will be made to the persons who raised the comments or concerns.

5.4 Justification for Not Undertaking a Consultation Program

Goal

If a consultation program was not undertaken for the project, the application clearly explains why consultation was considered unnecessary.

Filing Requirement

Explain why a consultation program was considered unnecessary.

Guidance

A consultation program might not be necessary if the applicant can demonstrate that one or more of the following scenarios applies.

Equivalent Consultation Program

In the event that the project has been the subject of a recent and equivalent consultation process carried out under the auspices of another agency, or conducted by another company or agency, the application should:

- describe the alternative consultation program;

- provide evidence that this program identified the project that is being applied for and its potential impacts; and
- demonstrate that this alternative program meets the requirements of this section of the manual.

For example, where a road widening requires that an existing NEB-regulated facility be relocated, the responsible transportation authorities might conduct a consultation program for the road widening that includes consultation regarding the relocation of the NEB-regulated facility. The application to the NEB would then include a description of this consultation program and how it meets the requirements of this manual.

No or Negligible Environmental or Socio-economic Effects

As described in 5.2, the nature of the project and its potential environmental and socio-economic effects should be factored into the design of the consultation program.

If the project's potential environmental and socio-economic effects are negligible then a public consultation program might not be necessary. A project with negligible effects might exist where the following conditions are met:

- the land acquisition process is complete;
- there are no residents near the proposed project;
- no other land uses or interests would be affected;
- the proposed project is of a small scale and is localized;
- all construction is to occur on previously disturbed land;
- there is no potential for traditional use activities to be affected by the project;
- there is no potential for cumulative environmental effects; and
- any environmental effects associated with the construction and operation of the project would be localized to the project site, of short duration, reversible and negligible in magnitude.

FYI - Reminders...

Filing Requirements concerning landowner notification and land acquisition are outlined in Chapter 8.

Be sure to demonstrate how any environmental and socio-economic effects of the project are negligible.

Even when the effects of the project may be negligible, applicants must still conduct an environmental and socio-economic assessment of the project, in accordance with the requirements of the NEB Act, the CEA Act and as outlined in this manual (see Chapter 6).

Facilities within Company Owned or Leased Lands

The application is a facilities application that relates to:

- work within the confines of land the applicant owns or leases (not including land upon which the applicant holds an easement only), except where those facilities or activities:
 - relate to an increase in the storage or disposal of toxic substances;
 - could result in increased noise emissions;
 - could result in a change in the visual landscape
 - could result in increased emissions of air contaminants; or
 - could result in local nuisance, including the potential for increased dust or traffic.

Work Performed as Part of a Contingency Plan

A consultation program may not be feasible if contingency repairs must be conducted immediately or on short notice as part of emergency work. This may occur to repair damage to project facilities resulting from an accident or incident, and for which public safety and environmental protection would be compromised if emergency repairs were delayed.

5.5 Notification of Physically Affected Third Parties

Notification of physically affected third parties is normally required when the outcome of the application might produce physical impacts to their systems or facilities, including:

- The reliability or safety of other provinces’ power systems or the regional bulk power system;
- The reliability or safety of electrical service to other local Canadian system users;
- Interference with the operation of others’ systems or facilities;
- Unintended/unwanted voltages or currents; and
- Audible noise or TV/Radio/Wireless communications interference.

The Board should be assured that all such third parties who could be affected by the decision are aware of the application and have had the opportunity to comment should they wish to do so.

Goal

The application provides sufficient information to demonstrate that all third parties whose systems or facilities could potentially be physically affected by the outcome of the application, have been provided with an opportunity to comment on the project and that any such comments have been considered.

Filing Requirements

- 1) The application should confirm that all third parties whose systems or facilities could potentially be physically affected by the outcome of the application have been notified and should include:
 - the method used to notify those parties; and

- when the parties were notified.
- 2) The application should provide details regarding the concerns of third parties. This might include:
 - confirmation that no concerns were raised;
 - confirmation that concerns raised have been resolved; or
 - a list of the third parties who have outstanding concerns and a discussion of their unresolved concerns.
 - 3) The application should list the self-identified interested third parties and confirm they have been notified.
 - 4) The application should provide an explanation in the event that notification of such third parties was considered unnecessary.

Guidance

Identifying Appropriate Physically Affected Third Parties

Third parties who should be included are those whose systems or facilities could potentially be physically affected by the outcome of an application. The following are examples of when you should consider certain third parties to be affected by an application:

- Consider the appropriate NERC Regional Reliability Council as affected when the IPL will interconnect networked transmission-level system elements and (i) be energized at 100 kv or greater or (ii) would be considered a “critical facility” pursuant to NERC’s policies and guidelines;
- Consider any pipelines, other power lines, railway or other utility facilities as potentially affected if they cross over or under the IPL, or parallel it in any appreciable manner for any appreciable distance;
- Consider any TV/radio/wireless communications facilities, including individuals’ antennae, as potentially affected when they are within reasonable proximity – for conditions as well as IPL design voltage and current - of the proposed line; and
- Consider any fencing, buildings or other facilities in close enough proximity to the IPL that may experience stray voltage or current induced from the IPL.

Third parties involved in physical construction activities (e.g., contractors, material vendors, consultants) or that supply food and accommodation would not normally be considered to be affected third parties.

Notification

You should inform the physically affected third parties that an application has been, or will be, submitted to the NEB and provide a brief description. Notification should normally be done no later than the filing date of the application with the NEB. A copy of the application may be provided with the notification upon request or may constitute notification.

When determining the level of detail in the notification, you should consider the:

- scope of the project;
- potential impact on the third parties;
- nature of any concerns raised by the third parties; and
- resolution of concerns raised.

In general, the greater the scope of the project and the potential impact on these third parties the more information should be required. Further, more detailed information should normally be required when concerns have been raised by these third parties and remain unresolved at the time of filing.

Concerns

Where concerns have been raised and resolved, the application should include a discussion of the resolution when it would assist the NEB in making a decision. When providing a list of unresolved concerns, the application should provide any other information that would assist the NEB to understand the issues, including a discussion of any attempts to reach agreement, such as a summary of the consultative process that was used prior to filing the application.

Self-identified, Interested Third Parties

Self-identified, interested third parties refers to third parties who have indicated to the applicant that they have an interest in the application or one or more types of applications filed with the NEB.

Whether any third parties could be affected by the application or not, the NEB expects that the applicant will notify all self-identified interested third parties.

When Notification is Not Required

Notification might not be required if the outcome of the application is not expected to result in any significant physical impacts on third parties' systems or facilities. For example:

- The proposed IPL will be energized at a voltage insufficient to produce TV/radio/wireless communications interference;
- The proposed IPL will be operated at a voltage and at power levels insufficient to produce stray voltages or currents on existing surrounding facilities or produce interference with systems associated with these facilities;
- The proposed IPL will be exempt from reliability standards set by NERC for bulk power system elements.

The requirements for consultation described in Chapter 5 continue to apply even if it is decided there are no additional third parties to notify of an application.

Chapter 6 Environmental and Socio-Economic Assessment

6.1 Introduction

This chapter describes the NEB's environmental and socio-economic assessment process and outlines the information required in a complete application.

In addition to the project description the applicant will generally provide a description of:

- the environmental and socio-economic baseline setting;
- the effects the proposed project will have on the human and bio-physical environment;
- the rationale used to identify environmental and socio-economic issues;
- the methodology used for effects analysis;
- the proposed mitigation measures; and
- an evaluation of residual effects.

The level of detail that the NEB requires in an application may vary with:

- the nature and magnitude of the project;
- its anticipated effects; and
- the level of public interest in the project.

Applicants are required to provide an appropriate level of detail represented by a set of facts and a transparent and defensible line of reasoning that is sufficient to support identified issues, analysis and conclusions with respect to the environmental and socio-economic effects of the project.

The sub-sections within this chapter can be considered in two main parts. The first part of the chapter is designed to assist an applicant in understanding how an application is evaluated and thus how an applicant can best provide the required information. The sub-sections to this part include:

- 6.2 - The NEB's environmental and socio-economic responsibilities;
- 6.3 - Scope of the environmental and socio-economic assessment; and
- 6.4 - The level of detail required in an application.

The applicant should review the information in sections 6.3 and 6.4 carefully in order to properly understand the requirements outlined in the sections that follow.

The second remaining part of the chapter sets out the actual filing requirements for completing an environmental and socio-economic assessment:

- 6.5 - Description of the Environmental and Socio-Economic Setting;

6.6 - Effects Assessment; and
 6.7 - Cumulative Effects Assessment.

Table 6-3 in section 6.5 identifies circumstances that trigger the need for detailed information on specific biophysical or socio-economic elements, and Tables 6-4 and 6-5, at the end of the chapter, identify what those specific information requirements are.

Table 6-1 below summarizes the filing requirements in subsections 6.5 through 6.7.

Table 6-1: Summary of Environmental and Socio-Economic Assessment Filing Requirements

Component	Filing Requirements:
Description of the environment and socio-economic setting (subsection 6.5)	<ul style="list-style-type: none"> • Provide a map illustrating the setting and any environmental and socio-economic constraints. • Describe biophysical and socio-economic elements in the study area as listed in Table 6-3. • Provide supporting evidence of information and data collected for elements. • Describe the methodology used for the analysis of any completed surveys.
Effects assessment (subsection 6.6)	<ul style="list-style-type: none"> • Identify the interactions between project activities and biophysical or socio-economic elements. • Identify the potential effects resulting from interactions. • If there are no predicted interactions then no further analysis is necessary. Provide a justification of why there are no interactions predicted between project activities and the biophysical or socio-economic elements. • If circumstances trigger the need for more detailed information (as outlined in Table A-3) and if project activities are predicted to interact with biophysical and socio-economic elements, then provide further analysis. • For those elements that require further analysis: <ul style="list-style-type: none"> • specify boundaries for effects analysis of each element; • provide effects analysis for each element; • specify methodology for effects analysis; • specify mitigation for project specific effects, and identify any residual effects remaining after mitigation; and • evaluate likelihood and significance of residual effects. <p>Refer to Table 6-3 to determine whether detailed biophysical and socio-economic information is required. If it is, refer to Tables 6-4 and 6-5.</p>

Component	Filing Requirements:
Cumulative Effects Assessment (subsection 6.7)	<ul style="list-style-type: none"> • Scope potential cumulative effects to be assessed by considering all residual effects identified in effects assessment. • If no residual effects have been predicted, further analysis of cumulative effects is not required. • For those elements where a residual effect has been identified, independent of its significance: <ul style="list-style-type: none"> • specify the boundaries; • identify other projects and activities; • identify effects from other projects and activities that could act in combination with residual effects from the proposed project; • if no other projects/activities are identified as having effects that would act in combination with residual effects from the proposed project, then no further cumulative effects analysis is required; • provide cumulative effects analysis for each remaining element; • specify methodology for the cumulative effects analysis; • specify mitigation to address cumulative effects; and • evaluate the likelihood and significance of adverse cumulative effects.
Inspection, monitoring and follow up (sub-section 6.8)	<ul style="list-style-type: none"> • Specify plans to ensure compliance with commitments. • Describe the inspection and monitoring plan to be implemented. • Evaluate the need for follow-up programs to verify effects predictions.

6.2 NEB’s Environmental and Socio-Economic Responsibilities

Pursuant to the NEB Act, the NEB's environmental and socio-economic responsibilities span three distinct phases:

- evaluating potential effects of proposed projects;
- monitoring and enforcing terms and conditions during and after construction; and
- monitoring and regulating ongoing operations, including decommissioning.

The NEB’s assessment of environmental and socio-economic effects ensures that:

- effects of projects receive careful and precautionary consideration before any decisions are made that would allow a project to proceed;
- projects do not cause significant adverse effects; and
- there is an opportunity for public participation.

The NEB also has specific responsibilities under the CEA Act. The NEB, as a responsible authority under the CEA Act, must:

- determine, together with the other responsible authorities, the scope of the environmental and socio-economic assessment;
- provide to the Canadian Environmental Assessment Registry:
 - a description of the scope of the project; and

- other information required pursuant to section 55(1) of the CEA Act;
- maintain a project file;
- monitor public concerns and, if appropriate, provide opportunities for public participation;
- determine whether the project is likely to cause significant adverse environmental effects;
- determine whether mitigation measures are required, and ensure, if the project is approved, the implementation of these measures;
- consider whether a follow-up program for the project is appropriate; and
- consider additional factors if the project triggers a comprehensive study in relation to the *Comprehensive Study List Regulations*.

Applicants are encouraged to visit the CEA Agency website (www.ceaa-acee.gc.ca) for additional information and guidance pertaining to the CEA Act.

As well, Appendix II – Referenced Documents includes sources for additional information with respect to the CEA Act.

FYI - Additional information...

Applicants should consider all topics within this section regardless of whether the CEA Act has been triggered.

6.3 Scope of the Environmental and Socio-Economic Assessment

What is Scoping?

Appropriate scoping is the foundation upon which an efficient and effective environmental and socio-economic assessment is built.

The scope ensures the assessment will focus on relevant issues and concerns, and assists in determining the appropriate level of effort to be used to prepare the assessment. Proper scoping reduces the risk of including unimportant or irrelevant elements in the assessment or of excluding elements that should be assessed. Specifically, scoping is the process of identifying:

- which project components and activities to consider in the assessment; and
- which biophysical and socio-economic elements are likely to be affected.

Scoping is an iterative process. The NEB will ultimately determine, the scope of an assessment. However, the application is usually the prime source of information and starting point for establishing the scope of the assessment.

FYI – Reminder...

The application is the NEB's primary source of information for determining the scope. If the information submitted is not sufficient for the NEB to make its determination of scope, the NEB will request more information, which could lead to delays in the assessment process.

The Applicant's Role in Scoping

The applicant's role in scoping includes:

- providing the NEB with sufficient information to enable the NEB to fulfil its scoping and assessment responsibilities;
- ensuring the applicant's environmental and socio-economic assessment (ESA) focuses on relevant issues and concerns and that an appropriate level of effort is employed in preparing the ESA; and
- considering the factors set out in subsections 16(1) and (2) of the CEA Act (see *Factors to be Considered* below), even for projects that are not governed by the CEA Act.

Appropriate scoping will enable the applicant to focus on key issues, leaving other issues to be addressed most effectively through the implementation of:

- standard mitigation;
- best management practices; and
- company programs.

To assist an applicant in scoping its ESA, prior to filing an application, the NEB encourages applicants to:

- request a meeting with Board staff (see Section 1.6 – Pre-Application Meetings Guidance Notes);
- discuss scoping with the CEA Agency, if appropriate, and other relevant federal authorities; and
- consult the CEA Agency guidance documents on scoping related matters, if applicable.

For large or complex projects, such as comprehensive study projects, the applicant can file a preliminary submission seeking a scoping direction pursuant to the CEA Act in advance of filing an application pursuant to the NEB Act.

The NEB's Role in Scoping

For applications that are governed by the CEA Act, the NEB normally determines the scope of an assessment in consultation with other responsible authorities after an application is received. The NEB will provide information on the scope of the project to the CEA Registry at least 15 days prior to making a decision on the project.

For projects not governed by the CEA Act, the NEB generally determines the scope of the assessment by applying the scoping principles established by the CEA Act.

The NEB may seek public input prior to determining the scope of the assessment.

FYI – Reminder...

As scoping is an ongoing process throughout the assessment, issues may arise which require adjustments be made to the scope of the ESA.

Determining the Scope of the Assessment

The Scope of the Project

The scope of the project includes a combination of those activities and components that make up the project and enable it to proceed. It can also include other activities and components that would be undertaken as a result of the applied-for project proceeding.

The NEB will determine the scope of the project with reference to:

- section 15 of the CEA Act;
- case law; and
- guidance documents pertaining to section 15.

As a result, applicants should be familiar with this information and base their ESA on an appropriate scope of the project.

The application must clearly identify, describe and justify what is considered to be:

- the applied-for project;
- other physical works and activities that are required to allow the project to proceed; and
- other activities and physical works that are inevitable and will occur if the applied for project proceeds.

Factors to be Considered

The NEB will consider subsections 16(1) and 16(2) of the CEA Act as well as other matters deemed relevant, when determining the factors to be considered.

Subsections 16(1) and 16(2) of the CEA Act state:

16. (1) Every screening or comprehensive study of a project and every mediation or assessment by a review panel shall include a consideration of the following factors:
 - (a) the environmental effects of the project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are likely to result from the

project in combination with other projects or 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 that are received in accordance with this Act and the regulations;
 - (d) measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project; and
 - (e) any other matter relevant to the screening, comprehensive study, mediation or assessment by a review panel, such as the need for the project and alternatives to the project, that the responsible authority or, except in the case of a screening, the Minister after consulting with the responsible authority, may require to be considered.
- (2) In addition to the factors set out in subsection (1), every comprehensive study of a project and every mediation or assessment by a review panel shall include a consideration of the following factors:
- (a) the purpose of the project;
 - (b) alternative means of carrying out the project that are technically and economically feasible and the environmental effects of any such alternative means;
 - (c) the need for, and the requirements of, any follow-up program in respect of the project; and
 - (d) the capacity of renewable resources that are likely to be significantly affected by the project to meet the needs of the present and those of the future.

In addition to factors under the CEA Act the NEB may also consider any other matters it deems relevant, such as direct socio-economic effects not resulting from environmental effects.

Local and traditional knowledge may also be considered when conducting an ESA.

It is critical that applicants apply section 16 of the CEA Act in order that assessments can be prepared accordingly.

Scope of the Factors

The scope of the factors defines the:

- biophysical and socio-economic elements to be assessed (as listed in Table 6-3); and
- spatial and temporal (i.e., distance and time) boundaries associated with the biophysical and socio-economic elements.

Determining the scope of the factors also helps to determine:

- the level of effort to be employed in the ESA; and
- the most relevant issues to the ESA.

An inadequate initial scope of the factors by the applicant can result in the need for additional information following the submission of the application.

FYI – Reminder...

The information provided must clearly demonstrate and justify how the bio-physical and socio-economic elements were determined, and it must provide a rationale for the level of detail included.

6.4 Level of Detail

Sufficient and clear information is required to enable the NEB to fulfil its scoping and assessment responsibilities. At the time of application, the NEB will not have the same familiarity with the proposed project and study area as the applicant.

It is the nature and magnitude of the project, combined with the environmental and socio-economic circumstances, that together determine the extent of interactions and potential effects, and therefore the level of detail required. The level of public interest may also influence the level of detail required in order to satisfy the need for transparency as well as to address concerns raised.

The information provided therefore should be of sufficient detail to allow the NEB to:

- identify the extent, or lack, of interactions between the project and environment;
- identify the potential effects that may be caused by the project;
- identify the potential for effects of the environment on the project; and
- determine the significance of those effects.

FYI – Example...

As an example, for a project crossing a watercourse, if the project entails no physical works or construction and maintenance activities occurring within the fisheries sensitive zone, or if the watercourse was small and ephemeral and construction was during the dry period, then the level of detail required for the effects analysis on fish and fish habitat would be less than that provided for a project requiring in-stream construction work in a fish-bearing watercourse during spawning periods.

However, the applicant must clearly state the rationale for the level of detail provided. This would typically be reflected through the following:

- Project description: information detailing how the line would cross the watercourse, whether it is clear spanned, or whether any physical works or construction would be required in or immediately adjacent to the watercourse, and if so, what these could be and how they might take place;
- Environmental setting: information detailing the nature of the watercourse, shores, riparian zones, erosive features, its fisheries and fish habitat; and as applicable:
- Interactions: information detailing the proposed timing of construction, the spatial extent of interactions, any loss of riparian or fish habitat, and extent of any potential release of a deleterious substance into the watercourse; and should there be project-environmental setting interactions, the:
- Anticipated effects: details on any direct and indirect effects on water quality, habitat, fish and on which life stage, or any effects on other wildlife.

The number of elements to be considered within an ESA and the detail to which they are considered can increase substantially depending on the circumstances of the setting and issues raised in relation to the project. Applicants are cautioned to consider both the circumstances and the issues surrounding a proposed project together and to give appropriate weight to each circumstance or issue when determining the scope of the factors.

The following guidance in Table 6-2 includes questions to consider when determining the appropriate level of detail. An affirmative answer to any of the questions listed in Table 6-2 would expand the level of detail of an ESA.

FYI – Example...

As an example, the assessment of a large project but in an already disturbed area with few unique environmental resources might require less detail within the assessment than a small project in a remote undisturbed area but where there may be significant public interest in the project or where there is a unique environmental feature.

Table 6-2: Filtering Questions for Determining Appropriate Level of Detail for an Application

Considerations for Determining Level of Detail	Filtering Questions for Determining Level of Detail	Guidance
Scale and magnitude	Is the scale and magnitude of the proposed project considered to be large?	Larger projects generally: <ul style="list-style-type: none">• result in more or higher magnitude environmental effects;• generate more public interest; and• are more prone to having accessory projects that might need to be included within the ESA.
Location	Could the geographic location of the project	If any of these questions are answered

Considerations for Determining Level of Detail	Filtering Questions for Determining Level of Detail	Guidance
	<p>result in increased potential for adverse environmental effects or for increased public concern?</p> <p>Is the project close to a population centre or other area where there may be increased public concern?</p> <p>Could transboundary effects occur as a result of the project?</p> <p>Are there significant, unique or sensitive, environmental or socio-economic, resources and conditions in the area?</p>	<p>in the affirmative, additional effects analysis and monitoring may be required.</p>
<p>Landowners, Aboriginal groups, regulators and other members of the public</p>	<p>Does the project have the potential to directly or indirectly affect area landowners or residents? Is there significant landowner or resident interest in the project?</p> <p>Does the project have the potential to generate concern from non-governmental or local organizations (e.g., community groups)?</p> <p>Could effects of the project involve current issues of interest to the public or Aboriginal persons, or create an increased level of interest in the project?</p> <p>Has communication with other federal, provincial or local government organizations resulted in identifying potential concerns regarding the project?</p> <p>Are there potential concerns from Aboriginal groups regarding the project because of the nature and location of the project?</p> <p>Is there legislation that requires additional information within the ESA to ensure that the requirements of that legislation are met (e.g., CEA Act, <i>Species at Risk Act</i> (SARA))?</p> <p>Are there other legislative requirements relevant to the project?</p>	<p>Appropriate consultation is crucial in determining the types and level of public or Aboriginal concern regarding a project (see Chapter 5).</p> <p>The following factors should be considered when gauging the potential level of public or Aboriginal interest in a project:</p> <ul style="list-style-type: none"> • history of concerns regarding project development in the region; • potential human health effects resulting from the proposed project; • potential safety issues resulting from the proposed project; • potential for people in the area to be negatively affected by the proposed project, but not receive a direct benefit; • potential effects on the local economy or livelihoods; and • potential effects on universally used environmental factors such as water, air, wildlife, etc. <p>Projects that affect or involve current issues of interest to the public or Aboriginal persons can create an increased level of interest in the project.</p>
<p>Scientific understanding</p>	<p>Is there a scientific concern regarding specific environmental components?</p> <p>Has the current state of knowledge changed?</p>	<p>If environmental and socio-economic assessment processes have evolved, additional detail may be required.</p>
<p>Environmental and socio-economic setting and mitigation</p>	<p>Is the environmental and socio-economic setting particularly sensitive?</p> <p>Does the environment have a lesser capacity to naturally mitigate against adverse environmental effects?</p> <p>Is new or unproven mitigation proposed?</p>	<p>If any of these questions are answered in the affirmative, additional effects analysis and monitoring might be required.</p>
<p>Timing</p>	<p>Would the project be constructed when the potential for adverse effects is greater?</p>	<p>If proposed construction timing is not optimal for reducing effects, additional effects analysis and mitigation would likely be required.</p>

6.5 Description of the Environmental and Socio-Economic Setting

A complete description of the environmental and socio-economic setting and the current state of the environment within the study area can be compared against the project description to identify the potential effects that might be caused by the proposed project. Therefore, the description of the environment should be focused on the relevant issues. The applicant is not required to provide extensive descriptions of features of the environment or socio-economic elements that are not relevant factors or issues related to the project.

Goal

The application provides a description of the biophysical and socio-economic setting (including the current state of the environment within the study area) with sufficient detail to:

- support a complete identification of project-environment interactions, when compared with the project description;
- and enable a focused and transparent environmental assessment to be conducted.

Filing Requirements

1. Identify and describe the current biophysical and socio-economic setting (i.e., baseline information) where the project is to be carried out. Include both a map at an appropriate scale and a description that outlines:
 - the study area(s);
 - the locations of any nearby communities and residences (permanent and temporary) and significant landmarks;
 - the areas of physical and environmental constraints (e.g., biophysical, land use or natural resource use);
 - any environmentally sensitive areas, sensitive habitats, or areas of special concern (e.g., existing and candidate protected areas), including those identified through public consultation, which limit facility routing or site locations;
 - areas of human occupancy and resource use, including:
 - i) claimed traditional territory;
 - ii) Indian reserve land or the settlement area of an Aboriginal group;
 - iii) lands used for specialty agricultural crops;
 - iv) recreation and park areas;
 - v) forest management areas;
 - vi) registered hunting, trapping and guiding areas;

- vii) linear utility infrastructures (e.g., power lines, pipelines, roads and railways) and other industrial facilities; and
 - viii) approximate locations of all proposed facilities.
2. Based on the information provided above:
 - describe and quantify the biophysical and socio-economic elements in the study area that are of ecological, economic or human importance;
 - determine which biophysical or socio-economic elements require more detailed analysis (see Table 6-3); and
 - where circumstances trigger a requirement for more detailed information to complete an ESA, see:
 - i) Table 6-4, Information Requirements for Biophysical Elements; or
 - ii) Table 6-5, Information Requirements for Socio-Economic Elements.
 3. Provide supporting evidence (e.g., scientific references or local and traditional knowledge) for:
 - information and data collected;
 - analysis completed;
 - conclusions reached; and
 - professional judgment or experience provided in meeting these information requirements.
 4. Identify, describe and justify the methodology used for any surveys such as wildlife, plants, species at risk or species of special status, soils, heritage resources or traditional land use surveys. If the season for a particular survey is not optimal, note this and indicate if the survey period is adequate and justified. If not adequate, indicate when and how the survey will be conducted.

Guidance

Environmental and Socio-Economic Setting

Provide sufficient description of the local setting to allow regulators, the public and others to clearly understand the rationale for ESA decisions. This includes:

- a description of key terrain features such as mountains, rivers, lakes and other important terrain structures; and
- a description of other relevant factors such as:
 - current local economy and trends;
 - current land and resource uses, including traditional land and resource uses;

- consistency between the project and any regional development plans; and
- other potential environmental constraints to the project (e.g., protected areas).

Study Area

The study area(s) is to be of an appropriate size to encompass the spatial boundaries as set out under the project description including both the principal project and any ancillary projects such as substation connections, storage facilities, access roads and so on.

For international power lines, the study area and description of the setting should cover at least one kilometer on each side of the power line. However, the study area(s) is also to be of sufficient size and orientation to encompass the areas which may be affected by the project, for example:

- areas downstream;
- areas for which the project is within the viewshed;
- species' home ranges;
- impacted communities; and
- impacted or required infrastructure.

Consider lands beyond the narrow facility corridor. This could include intersected or adjacent natural ecoregions, especially for projects in disturbed areas, or environments where cumulative effects might be an issue. Also consider including any biophysical or socio-economic factors which may not be present in the immediate RoW or local setting, but which may still be expected to be found the broader region.

Baseline Information

Also known as the current environmental and socio-economic setting, the baseline information is used to:

- evaluate the elements of importance in the area;
- identify, predict and evaluate effects that result from the project;
- identify the effects of the environment on the project; and
- formulate appropriate mitigation measures and monitoring programs.

FYI – Additional information...

Where the current state of the environment has been significantly altered from the past, and where past activities or a past state of the environment may be relevant in assessing particular elements, then this should also be described. This may sometimes be relevant for assessing cumulative effects or as a baseline for reclamation goals (e.g. for restoring native vegetation).

Baseline information may include both scientific information and local and traditional knowledge.

Information sources and data collection methods used for describing the baseline environmental and socio-economic setting may consist of:

- field studies, including site-specific survey methods;
- database searches, including of federal, provincial, territorial and local data banks;
- remote sensing information;
- literature reviews;
- hunter-trapper statistics;
- expert, local and traditional knowledge interviews (e.g., with regulatory agencies, Aboriginal groups, community and nature conservation groups, as well as with local residents, representatives, and farmers); and
- statistical surveys, as applicable;

To verify that the baseline information is accurate and reproducible:

- describe the sampling, survey and research protocols or techniques followed for each information source or data collection method used;
- record survey results for future reference; and
- quantify and analyze the statistical survey data that has been obtained wherever appropriate.

For projects that trigger the CEA Act, applicants should consult with other federal departments on baseline information.

Information on the Ecological Land Classification system, including information on ecoregions, can be found at <http://sis.agr.gc.ca/cansis/nsdb/ecostrat/intro.html>.

Identifying Need for Detailed Biophysical and Socio-Economic Information

Additional biophysical and socio-economic information must be included with the application if there is evidence of public concern, or if any of the circumstances identified in Table 6-3 exist. Tables 6-4 and 6-5 describe the specific details that should be included.

The biophysical and socio-economic elements suggested in Tables 6-3, 6-4 and 6-5 represent a framework for presenting the filing requirements. They are not intended to be a fixed, definitive categorization. Applicants should use and adapt the elements, as appropriate, to the content of relevant issues and for the logical presentation of detail and analysis.

FYI – Example...

Where project effects may overlap different element categories, it may sometimes be appropriate to define a more suitable or specific element.

For example where there is a risk of soil contamination reaching groundwater, then “groundwater contamination” might be an appropriate element to assess. This could more accurately focus on the issue of concern and could avoid repeating information under both soils and water categories, and thus provide a more effective assessment.

Applicants are reminded that detailed information is only required for the elements that are identified as having potential environmental or socio-economic effects. However, where an element in Table 6-3 is not addressed in the ESA then a clear and defensible explanation should be provided as to how or why the triggering circumstances do not apply. What is important in Tables 6-3, 6-4 and 6-5 is to ensure that the triggering circumstances and filing requirements have been fully considered.

Table 6-3: Circumstances Triggering the Need for Detailed Biophysical and Socio-Economic Information

Biophysical and Socio-Economic Elements	Circumstances Triggering the Need for Detailed Information (considering all phases of the project)
Physical and meteorological environment	<ul style="list-style-type: none"> • The project might affect the morphology of unique physical features (such as physiography, bedrock, permafrost, topography, geology or other local conditions). • The project might be affected by local or regional physical features, meteorological conditions or extremes, or other natural hazards. • There is outstanding concern about this element of the project, which has not been resolved through consultation.
Soil and soil productivity	<ul style="list-style-type: none"> • Any portion of the project is located outside a previously developed fenced or gravelled facility site. • Any portion of the project is to be buried underground. • Historical land use suggests soils or sediments might contain contaminants. • There is outstanding concern about this element of the project, which has not been resolved through consultation.
Vegetation	<ul style="list-style-type: none"> • Any portion of the project is located outside a previously developed fenced or gravelled facility site. • Any portion of the project crosses through an area that will require ongoing vegetation control to protect conductors or towers. • There is outstanding concern about this element of the project, which has not been resolved through consultation.
Water quality and quantity	<ul style="list-style-type: none"> • The project is within 30 m of a water body. • The project involves the potential for a reduction in quality or quantity of water. • The project involves the likely release or leaching of a polluting substance into a water body or groundwater. The project could result in a change in groundwater flows. • The project could result in the inter-basin transfer of water. • There is outstanding concern about this element of the project, which has not been resolved through consultation.

Biophysical and Socio-Economic Elements	Circumstances Triggering the Need for Detailed Information (considering all phases of the project)
Fish and fish habitat	<ul style="list-style-type: none"> • The project is within 30 m of a fish-bearing water body or its tributaries. • The project involves activities that could result in the deposit of a polluting substance or a deleterious substance into a fish-bearing water body. • The project triggers a more detailed fisheries assessment by DFO as a result of local sensitivities of fisheries (e.g., in British Columbia). • There is outstanding concern about this element of the project, which has not been resolved through consultation.
Wetlands	<ul style="list-style-type: none"> • The project involves activities within 30 m of a wetland. • The project involves activities within limits established regionally, provincially, territorially or federally of a wetland with provincial, territorial, regional or federal status. • The project could result in loss of wetland functions. • There is outstanding concern about this element of the project, which has not been resolved through consultation.
Wildlife and wildlife habitat	<ul style="list-style-type: none"> • The project is located on or near lands that might constitute sensitive habitat for wildlife (e.g., nesting, denning, overwintering, migratory/staging, movement corridors, forest interior habitat, mineral licks) • The project is located on or near an environmentally significant area such as National Parks, Areas of Natural or Scientific Interest, Migratory Bird Sanctuaries, National Wildlife Areas, Important Bird Areas, or World Biosphere Reserves, or designated Environmental Sensitive Area. • The project will create new access opportunities to important wildlife habitat. • The project may result in a loss of wildlife habitat function (e.g., habitat fragmentation or edge effect). • The project may result in increased mortality or disturbance of wildlife. • There is outstanding concern about this element of the project, which has not been resolved through consultation.
Species at Risk or Species of Special Status and related habitat	<ul style="list-style-type: none"> • The study area includes lands that occur within the identified range of a Species at Risk or Species of Special Status, and includes habitat that could support these species. • There is outstanding concern about this element of the project, which has not been resolved through consultation.
Air quality	<ul style="list-style-type: none"> • There is potential for public concern about effects arising from construction related activities (e.g., dust, or emissions from equipment).
Acoustic environment	<ul style="list-style-type: none"> • The project will have the potential to result in increased noise levels during operations. • There is potential for public concern about effects arising from construction related activities (e.g., blasting, or noise from construction traffic).
Human occupancy and resource use	<ul style="list-style-type: none"> • The project will not be located entirely within a previously developed facility site, on company fee-simple land, zoned for industrial purposes. • The project will have the potential to result in radio and television interference. • There is outstanding concern about this element of the project, which has not been resolved through consultation.
Heritage resources	<ul style="list-style-type: none"> • The project will entail groundbreaking activities including clearing of vegetation, grading, trenching, excavating or drilling. • The project will create new access opportunities to areas with heritage resources or resource potential. • There is outstanding concern about this element of the project, which has not been resolved through consultation.

Biophysical and Socio-Economic Elements	Circumstances Triggering the Need for Detailed Information (considering all phases of the project)
Traditional land and resource use	<ul style="list-style-type: none"> The project will be located on, or traverse, Crown land or the traditional territory, reserve land or settlement area of an Aboriginal group. There is outstanding concern about this element of the project, which has not been resolved through consultation.
Social and cultural well-being	<ul style="list-style-type: none"> The project will have the potential to affect the social and cultural well-being of local residents or communities. There is outstanding concern about this element of the project, which has not been resolved through consultation.
Human health and aesthetics	<ul style="list-style-type: none"> The project will have the potential to negatively affect local or regional water quality and quantity or air quality. The project will change the existing environmental setting related to electromagnetic fields, visual aesthetics or other sensory conditions. There is outstanding concern about this element of the project, which has not been resolved through consultation.
Infrastructure and services	<ul style="list-style-type: none"> The project will cause damage to, or require additions, modifications or repairs to local or regional infrastructure. The project will result in increased demands on local and regional services. There is outstanding concern about this element of the project, which has not been resolved through consultation.
Employment and economy	<ul style="list-style-type: none"> The project will, either positively or negatively, affect local and regional employment, procurement and contracting conditions or government revenues. There is outstanding concern about this element of the project, which has not been resolved through consultation.

6.6 Effects Assessment

Goal

The application includes information with respect to potential bio-physical and socio-economic effects of the project, with sufficient detail to:

- identify and analyze those effects;
- identify proposed mitigation measures to protect the environment and analyze their effectiveness; and
- evaluate the significance of any potential effects.

Filing Requirements – Identification and Analysis of Effects

- Identify potential effects associated with the proposed project, including those that could be caused by construction, operations, decommissioning and abandonment, and accidents and malfunctions. Also include effects that the environment could have on the project.
 - Describe the methods used to predict the potential effects of the project on the biophysical and socio-economic setting, and the effects of the environment on the project.

- If the valued ecosystem component (VEC) or valued socio-cultural component (VSC) approach is used, identify and justify the VECs or VSCs (together, the valued components) for which effects are predicted.
- If another method is used to predict potential effects, identify and justify the biophysical or socio-economic elements for which effects are predicted.

FYI – Off-Ramp...

If there are no predicted interactions between project activities and a biophysical or socio-economic element, then no further analysis is necessary for the element. Instead, provide a justification of why no interactions are predicted.

2. For those biophysical and socio-economic elements that require further analysis (as outlined in Table 6-3), describe, quantify and justify appropriate:
 - spatial and temporal boundaries for the effects analysis of the biophysical or socio-economic element, or valued component associated with the project;
 - local and regional conditions of the biophysical or socio-economic element, or valued component, including how this element could change from baseline over the life of the project; and
 - key receptors that could potentially be affected by the project and a change in the element of concern.
3. Provide an effects analysis of the project for each biophysical or socio-economic element, or valued component:
 - describe the methods used for the effects analysis, including:
 - i) an identification of any assumptions that were made;
 - ii) the rationale for the selected approach, and for any conclusions reached; and
 - iii) details on any important levels of uncertainty associated with the analysis;
 - describe the location, distribution, abundance, status, sensitivity to the project, ability to recover, and natural variation of affected elements, or valued components;
 - describe the factors influencing change, the limiting factors, and the natural variation for each biophysical or socio-economic element, or valued component, if known;
 - describe the magnitude and the reversibility of any potential change from baseline conditions;
 - identify the biological-based thresholds, management objectives, land use plans and recovery plans, where available;

- for each biophysical or socio-economic element, or valued component, provide or reference any supporting information that was used in the project effects analysis, such as:
 - i) public comment;
 - ii) consultations with other regulators;
 - iii) scientific literature;
 - iv) local and traditional knowledge;
 - v) status reports;
 - vi) recovery plans; and
 - vii) follow-up studies;
- describe the methods used for any modelling, and where professional knowledge or experience is cited, justify how the resulting conclusions or decisions were reached.

4. In addition to the general information listed above, provide detailed information outlined in Tables 6-4 and 6-5 for elements identified in Table 6-3.

FYI – Reminder...

The analysis must provide a transparent and defensible line of reasoning, based on facts, that will be sufficient to support the conclusions with respect to the effects of the project and the significance of those effects.

Guidance - Identification and Analysis of Effects

The ESA should demonstrate the connection between:

- the description of the project;
- the description of the environment; and
- the predicted effects.

Where possible, the ESA should include quantitative as well as qualitative information. Consider the extent to which detailed maps, diagrams or figures, relating to specific areas of biophysical or socio-economic interest or concern, may enhance the assessment.

The preferred methods for assessing potential effects are either a valued component approach, or an issues-based approach. Either method can be used to judge the validity and accuracy of the predicted effects.

The valued components selected should:

- be indicative of all important potential effects that could result;
- be responsive to project effects;

- have measurable baseline data; and
- be measurable as to changes over time.

In the selection of valued components, public concerns about biophysical or socio-economic elements that could be affected by the project should be considered.

Spatial and Temporal Boundaries

The spatial and temporal boundaries should:

- be provided for each element or valued component;
- include the area in which the biophysical or socio-economic element or valued components exist (e.g., population boundary, home range, municipal or regional planning district);
- include the time scale for which each biophysical or socio-economic element, or valued components, may be affected;
- consider the relationships between the project and the biophysical or socio-economic element, or valued component;
- consider the extent to which project effects are measurable;
- include all phases of the project; and
- not be constrained by jurisdictional boundaries.

Analysis

The analysis methodology should be fully disclosed and meet the study needs. The project effects assessment should include information on the current state of knowledge on the biophysical or socio-economic element, or valued component and identify any limiting factors and sensitivity thresholds. If the state of knowledge is incomplete or there is uncertainty, identify this gap and indicate how it will be addressed.

The ESA might consider local and traditional knowledge. See Chapter 5 – Consultation for further details on consulting with Aboriginal groups and gathering traditional knowledge.

Abandonment

Analysis of the effects of a project to be constructed should include a brief conceptual discussion of the effects of decommissioning and abandonment.

This might describe whether it is expected that facility infrastructure may be removed or left in place. If infrastructure may be expected to be removed, briefly describe how. Whichever is the case, briefly describe any potential effects and the standards or general state to which the environment would be reclaimed.

The intent should be to provide a general sense of the state of the environment that may be expected after the full life cycle of the project. Obviously the level of detail that can be provided is constrained by the uncertainties inherent with forecasting a phase of the project that may be several decades in the future.

An application for a current abandonment project would need greater detail.

Filing Requirements – Mitigation Measures

1. Describe the general and specific mitigation measures and their effectiveness to address the project-specific effects, or clearly reference sections of company manuals that provide mitigation measures. Ensure that referenced manuals are current and have been filed with the NEB.

FYI – Reminder...

See Section 1.5 - Previously Filed Material, for guidelines on referring to information already filed with the Board.

- If appropriate, provide any additional mitigation measures being considered as alternatives to the preferred measures.
 - If more than one mitigation measure is proposed for any particular effect, then provide the criteria that will be applied to select the mitigation to use.
 - If new mitigation measures are to be used, provide any test results or a technically based rationale for their use and describe how their effectiveness will be evaluated.
 - Where a third party prepares the ESA, provide a statement to adopt and implement all mitigation recommendations included in the application. Explain any mitigation recommendations not adopted and provide alternative approaches, as appropriate.
 - Identify any federal, provincial, territorial or other conditions of approval related to the mitigation of environmental or socio-economic effects.
2. Describe how commitments regarding mitigative measures will be communicated to field staff for implementation. If communication will be through the development of a document such as an Environmental Protection Plan (EPP), identify when this document will be submitted to the NEB.
 3. Describe any plans or program that may be used to mitigate potential effects (e.g., emergency plans, waste management plans and EPPs).

Guidance - Mitigation Measures

The development of mitigation measures should not begin after the assessment of environmental and socio-economic effects. Rather, mitigation measures are:

- developed during project design;
- developed during a project's feasibility study;
- defined in the project plan; and
- refined as the ESA progresses and the project's potential environmental and socio-economic effects become clear.

If desired, the identification and analysis of effects and of mitigation measures can be presented concurrently.

Following this, the ESA should identify the residual effects that remain after the implementation of mitigation.

FYI – Reminder...

Only after the identification of residual effects should applicants evaluate the significance of those effects; and all residual effects, regardless of their significance, must be assessed for their cumulative effects (Section 6.7).

Mitigation Options

At the regulatory application stage of the proposed project many mitigation measures may still be tentative, subject to further detailed design and to site specific environmental conditions. For these cases the ESA should describe:

- the different mitigative options available and being considered; and
- the criteria that will be used for selecting the actual mitigation to be implemented.

Consider compiling these mitigative options and criteria in an EPP, and presenting them in an easily referenced format.

FYI – Reminder...

The proposed route or site, route segments, facility design or construction methods may all be forms of environmental mitigation relative to any other alternative routing, design or construction methods that were considered. If this is applicable then consider demonstrating this in the application's discussion of alternatives (see section 4.5) by:

- identifying which design features and construction methods are considered to be mitigation;
- identifying any alternatives that were considered to these and the proposed routing; and
- providing a comparative analysis of the mitigation measures considered.

Environmental Protection Plan

Whether proposed mitigation measures are a part of existing company documents or programs, or simply contained within the application, it is often desirable to compile all mitigation measures applicable to the proposed project into a project-specific Environmental Protection Plan (EPP).

An EPP is a tool to communicate a company's environmental procedures and mitigation measures to field personnel and construction or operations contractors. The purpose of an EPP is to document and communicate all project-specific environmental commitments made by an applicant and the associated mitigation measures in a clear and user-friendly format.

Typically, the NEB expects an EPP to be filed under the following circumstances:

- when the applicant does not have company manuals documenting environmental protection procedures on file with the NEB;

- if site-specific or project-specific mitigation or protection measures are provided by the applicant as commitments to avoid or address predicted adverse environmental effects in the application; and
- if the application is long or complex, and the environmental protection measures are documented throughout.

The NEB views an EPP as a useful tool to assist applicants to comply with their commitments and to facilitate the communication of requirements to regulators and to the applicant's employees and contractors. The NEB encourages applicants to submit an EPP with their applications as this could potentially streamline the applicant's workload.

The EPP would include all environmental protection and mitigation measures and could simply be referred to in the ESA and application. The EPP should be updated with any additional mitigation measures identified during the application process.

At a minimum, an EPP should also:

- identify specific goals for protecting environmental and socio-economic elements;
- explain practices and procedures to be implemented to meet those goals;
- provide flexibility by covering all the options for practices and procedures that may be used;
- provide criteria by which decisions will be made as to which practices and procedures to implement and under what circumstances;
- provide criteria for evaluating the success of practices and procedures, particularly for reclamation and any new mitigation measures;
- assign accountabilities and responsibilities for carrying out practices and procedures, making criteria-based decisions, and confirming compliance with the EPP; and
- cross-reference other more detailed plans as applicable (e.g., waste management plan, emergency plans, other element specific management plans, etc.).

Accidents and Malfunctions

Identify and assess the risks from accidents and malfunctions that may occur to workers and the public, including exposure to substances that may be harmful to human health. Also consider any effects to biophysical or socio-economic conditions resulting from accidents and malfunctions. Describe any emergency plans to address accidents and malfunctions.

Filing Requirements – Evaluation of Significance

After taking into account any appropriate mitigation measures:

1. Evaluate the likelihood and significance of residual adverse environmental effects using clearly defined criteria.
2. Evaluate the likelihood and significance of residual socio-economic effects using clearly defined criteria.

3. Provide a definition of the point at which any particular effect is considered “significant” for each biophysical or socio-economic element or valued component.
4. Describe the methodology for determining whether the project is likely to cause significant adverse effects and justify conclusions.

Guidance - Evaluation of Significance

Evaluating environmental effects consists of deciding:

- whether the effects are adverse;
- whether the adverse effects are significant; and
- whether the significant adverse effects are likely.

A common way to determine whether a project's effects are **adverse** is to compare the quality of existing conditions with the predicted quality of conditions once the project is in place. The direction of change in environmental conditions may be adverse, neutral or positive.

To determine whether a project's adverse effects are **significant** use criteria such as:

- magnitude;
- duration;
- frequency;
- geographic extent;
- ecological context; and
- reversibility or degree of permanence.

Methods for determining whether adverse effects of a project are significant could include:

- referring to standards, guidelines or objectives; or
- conducting a quantitative risk assessment.

Other methods and approaches may also be used.

To help evaluate the significance of a particular effect and define the point at which it becomes “significant”, consider providing rating attributes (e.g., low / moderate / high) for each significance criteria and defining these. Definitions for rating attributes are preferably quantitative and based on standards, guidelines, objectives or other thresholds. However, in the absence of any such references or where these are not quantitative, then rating attribute definitions would be qualitative.

Determining the **likelihood** of significant adverse effects should either be based on the probability of occurrence and scientific uncertainty or be qualitative in nature. It should be noted that the level of ‘likelihood’ that would be considered of consequence may vary depending on the nature and severity of the effect under consideration.

An applicant's ESA must provide an evaluation of the likelihood and significance of any adverse environmental effects, for consideration under the CEA Act.

The application must also provide an evaluation of the likelihood and significance of any socio-economic effects, for consideration under the NEB Act, whether these are adverse, neutral or positive.

FYI – Additional information...

An applicant may also choose to discuss the likelihood and significance of other neutral or positive environmental effects, for the Board to consider under the NEB Act.

6.7 Cumulative Effects Assessment

Goal

The application includes information, about potential project related interactions with other past, present and probable projects or activities, with sufficient detail to:

- identify and analyze potential cumulative environmental effects;
- identify proposed mitigation measures to protect the environment and analyze their effectiveness; and
- evaluate the significance of any potential cumulative effects.

Filing Requirements – Scoping and Analysis of Cumulative Effects

1. Identify the biophysical and socio-economic elements or valued components for which residual effects are predicted, and describe and justify the methods used to predict any residual effects.

FYI - Off-Ramp...

Both significant and non-significant residual effects may contribute to cumulative effects and should be considered. If the applicant can clearly demonstrate that no residual effects have been predicted, further analysis of cumulative effects is not required.

2. For each biophysical or socio-economic element or valued component where residual effects have been identified, provide a description of the spatial and temporal boundaries used to assess the potential cumulative effects.
3. Identify other projects and activities that have occurred or are likely to occur within the identified boundaries.
4. Identify whether those projects and activities have or will produce effects on the biophysical or socio-economic element, or valued components within the identified boundaries. Also identify whether these effects may act in combination with the project's residual effects.

FYI – Off-Ramp...

If no other projects or activities are identified as having effects that would act in combination with effects from the proposed project, then no further cumulative effects analysis is required. However, the application should provide a clear rationale for this.

5. Where effects from other projects or activities may act in combination with residual effects from the proposed project, provide a cumulative effects assessment.
 - Include the various components, phases and activities associated with the project that could interact with other projects or activities.
 - Provide a description of the nature of the cumulative effects acting on the biophysical or socio-economic element, or valued components.
 - Describe the project's contribution to the total cumulative effect, including whether the proposed project is incrementally responsible for adversely affecting a biophysical or socio-economic element or valued component beyond an acceptable point (i.e., threshold). Provide a transparent approach supported by a rationale or scientific evidence.
 - Reference information, such as federal, provincial or territorial databases, scientific literature, status reports, recovery plans, or follow-up studies as appropriate.
 - Where professional knowledge or experience is cited, provide justification as to how the resulting conclusions or decisions were reached.

If a different method or approach to the cumulative effects assessment is used, provide a description and rationale for the approach used.

Guidance – Scoping and Analysis of Cumulative Effects***Cumulative Effects Assessment***

A cumulative effects assessment differs from a conventional project-specific effects assessment because it considers:

- larger geographic study areas;
- longer time frames; and
- unrelated projects or activities.

The cumulative effects assessment should include an adequate description of each biophysical or socio-economic element, or valued component to allow the potential cumulative effects to be assessed. The baseline information and project description already captured in the application should be adequate to characterize the nature of the project's residual effects on each biophysical or socio-economic element, or valued component.

The level of effort and scale of the cumulative effects assessment should be appropriate to:

- the nature of the project under assessment;

- its potential residual effects; and
- the environmental and socio-economic setting.

An increased level of effort and scale for a cumulative effects assessment is likely required when:

- certain and reasonably foreseeable projects may have an impact on the same biophysical or socio-economic element, or valued component as the project under assessment;
- rapid development of the region is anticipated; or
- particular environmental sensitivities or risks are involved.

The analysis methodology should be described and should meet the needs of the ESA. The approach should include a review of the synergistic effects between biophysical or socio-economic elements or valued components. Include interactions between biophysical or socio-economic elements or valued components and assess scenarios where mitigation for one element or valued component affects mitigation for another element or valued component. Provide an indication, qualitatively or quantitatively, of the level of uncertainty associated with the analysis.

Other Projects

Provide a clear line of reasoning, with supporting rationale, for selecting the other projects or activities to be considered within the cumulative effects assessment.

When identifying other projects or activities, consider relevant facts to determine what projects or activities will take place as opposed to those that are not reasonably foreseeable and or those that are hypothetical. The NEB has ruled in the past that the other projects considered in a cumulative effects assessment cannot be hypothetical.² The Courts have said that the decisions of responsible authorities are not required to “consider fanciful projects by imagined parties producing purely hypothetical effects”.³

Filing Requirements – Mitigation Measures for Cumulative Effects

Describe the general and specific mitigation measures that are technically and economically feasible to address the cumulative effects.

- If appropriate, provide any additional mitigation measures being considered as alternatives to the preferred measures.
- If more than one mitigation measure is proposed for any particular cumulative effect, then provide the criteria that will be applied to select the mitigation to use.

2 Alliance Pipeline Project - Comprehensive Study Report GH-3-97 (September 1998) at page 104 and Sable Gas Project, Joint Panel Review Report (October 1997) at page 53.

3 Bow Valley Naturalists Society v. Canada (Minister of Canadian Heritage), [2001] F.C.J. No. 18 (F.C.A.) at para. 75.

- If new mitigation measures are to be used, provide any test results or a technically based rationale for their use and describe how their effectiveness will be evaluated.

Guidance – Mitigation Measures for Cumulative Effects

Refer to the mitigation measures guidance notes in Chapter 6.6 - Effects Assessment.

Filing Requirements – Evaluation of Significance

After taking into account any appropriate mitigation measures:

1. Evaluate the likelihood and significance of adverse residual cumulative effects using clearly defined criteria.
2. Provide a definition of at what point a specific cumulative effect is considered “significant” for each biophysical or socio-economic element, or valued component that was part of the cumulative effects assessment.
3. Describe the methodology for determining whether the project is likely to cause significant cumulative effects and justify any conclusions.

Guidance – Evaluation of Significance

Refer to Section 6.6 for guidance on evaluating the likelihood and significance of adverse residual cumulative effects. The key difference between determining the significance of project-specific biophysical and socio-economic effects and cumulative effects is the influence of other projects and activities. Therefore, the incremental cumulative effects of certain projects may be deemed to be significant when considered in the broader context of the effects of other projects and activities.

FYI - Reminder ...

Tables 6-4 and 6-5 are to assist in identifying detailed information needs specific to individual bio-physical and socio-economic elements, as triggered in Table A-3.

Applicants should remember that the Filing Requirements that must be satisfied for an effects assessment are described in section 6.5 and 6.6.

Table 6-4: Filing Requirements for Biophysical Elements

Physical and Meteorological Environment	
Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. Describe the general topography of the project area and any particular physical features traversed by the project or which may affect the project. 2. Identify any areas of ground instability. 3. Characterize the local and regional climate. Also identify the potential for extreme weather events including: <ul style="list-style-type: none"> • freezing rain or ice storms; • precipitation extremes; • high winds; and • hot and cold temperature extremes. 4. Identify areas of potential: <ul style="list-style-type: none"> • flooding or erosion; • high fire hazard; and • avalanches. 5. Identify any areas with potential for acid-generating rock and describe the effects if exposed as a result of the project. 6. Describe how local or regional physical and meteorological environmental conditions could affect the project. 	<p>The physical environment section provides information on factors or elements of importance that may affect project design.</p> <p>Where the following components may be directly or indirectly affected by the project and related activities of the project, and where these components might impact on the project, then give special consideration to:</p> <ul style="list-style-type: none"> • unstable slopes or other unfavourable geotechnical conditions including areas with the potential for landslides, mudflows, slumping, subsidence. • seismicity; • migrating watercourses and eroding banks; • extreme weather events; • permafrost; and • areas that may expose acid rock. <p>Local and regional climate should be characterized in terms of the range of its variability and the severity of this (i.e. frequency and durations of maximums and minimums) as well as its averages.</p> <p>The assessment of extreme weather events should be described in terms of:</p> <ul style="list-style-type: none"> • their historical frequency and intensity; • the maximum expected loading (ice or wind) on the proposed facility; and • any applicable design standards. <p>Extreme heat and any resulting conductor sag should also be considered.</p> <p>Climate change impacts should be considered in the context of:</p> <ul style="list-style-type: none"> • climate variability and trends; • winter ground conditions; or • areas where warming trends may significantly influence hydrologic conditions such as runoff. <p>In areas where permafrost regimes exist,</p> <ul style="list-style-type: none"> • identify and quantify permafrost conditions, including: <ul style="list-style-type: none"> • discontinuous permafrost; • high ice content soils; • thaw sensitive slopes; and • riparian areas; • develop baselines for: <ul style="list-style-type: none"> • near-surface ground temperatures; • active-layer conditions; • slope stability; and • movement potential on the approaches to river crossings.
Soil and Soil Productivity	

Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. Describe general soil characteristics and the current level of disturbance associated with soils. 2. For agricultural lands or forested lands with agricultural capability, describe: <ul style="list-style-type: none"> • and quantify the soil classification, including the order, group, family, series and type of soil prior to construction; • the productivity of land and the type of agricultural resource; • soil types in the study area that are highly susceptible to: <ol style="list-style-type: none"> i) wind and water erosion; ii) soil compaction; and iii) loss of structure and tilth; • any other soil types that need specific management or mitigation measures; and • soil conservation and protection measures. 3. Describe any contaminants of concern potentially associated with the project that may affect soil. 4. Characterize the historical land use to determine the potential for contamination of soils or sediments. Describe any known or suspected soil contamination within the study area that could be re-suspended, released or otherwise disturbed as a result of and during the life of the project. 5. If sediments or soils are contaminated, describe all remediation, mitigation and monitoring measures that will be taken. 6. Describe the criteria for evaluating reclamation success. Include a description of how this evaluation will be undertaken and documented. Reclamation measures could include, where applicable: <ul style="list-style-type: none"> • erosion control, other than re-vegetation; • soil reclamation; • drainage tile repair; • soil compaction alleviation; and • soil salinity reduction. 	<p>Soil profile descriptions for dominant soil types should consider:</p> <ul style="list-style-type: none"> • soil horizons; • thickness of horizons; • texture; • colour; • chemical properties; and • organic content. <p>The soils assessment and mitigative plan should give consideration to the following:</p> <ul style="list-style-type: none"> • soil salvage techniques (e.g., soil stripping including proposed width, grubbing, and alternative soil handling techniques); • soil separation maintenance measures; • erosion control measures, including drawings of proposed techniques (e.g., particularly at watercourse crossings); • wind erosion and wet soil shutdown procedures; and • soil compaction prevention measures. <p>Where there is a potential for human health effects see Table 6-5.</p> <p>Where soil contamination is suspected or may be present, consider the guidance provided in the Canadian Standards Association's (CSA) Z768-01 and Z769-00 standards for Phase I and II Environmental Site Assessments.</p> <p>Additional guidance is available at the following sites:</p> <ul style="list-style-type: none"> • The Canadian System of Soil Classification describes current accepted standards for soil classification in Canada. Information on this can be found at http://sis.agr.gc.ca/cansis/references/1998sc_a.html. • Canadian Council of Ministers of the Environment (CCME) Soil Quality guidelines: www.ccme.ca/initiatives/soil.html?category_id=44. • CCME guidelines may be applicable. Go to www.ccme.ca/. • Canadian Environmental Quality Guidelines at www.ccme.ca/publications/can_guidelines.html.
Vegetation	
Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. For lands where vegetation may affect or be affected by the project, describe: <ul style="list-style-type: none"> • the diversity, relative abundance and distribution of vegetation species and communities of ecological, economic or human importance (e.g., tame pasture, native prairie, wetland or old growth), prior to construction; • the anticipated growth rate of tree species (given the climate regime) and their likely maximum 	<p>The description of vegetated lands is not intended to include industrial or cultivated lands.</p> <p>Vegetation community descriptions should follow the Ecological Land Classification system (see http://sis.agr.gc.ca/cansis/nsdb/ecostrat/intro.html). Indicate and justify how communities in the study area were delineated (i.e. existing mapping, remote sensing interpretation, or field mapping). Indicate the date of spatial data collection. Provide justification if field work was not carried out.</p>

<ul style="list-style-type: none"> • canopy height and breadth; • the current level of disturbance associated with vegetation; and • the amount, merchantability and location of any merchantable timber to be removed during project construction. <ol style="list-style-type: none"> 2. Note the location of any weed infestations and other invasive and introduced species of concern. 3. Describe the vegetation standards and control to be implemented during construction and operation of the facility. Describe any integrated vegetation management program including: <ul style="list-style-type: none"> • the criteria and circumstances for the application of chemical, biological or mechanical control methods; • the selection of plant species to be kept and planted to promote naturally low growing plant communities; and • the use of herbicides, tree growth regulators or other chemicals, their application rates and protocols. 4. Provide a description of re-vegetation procedures, if applicable, which would be implemented as part of the project including: <ul style="list-style-type: none"> • re-vegetation techniques and the locations in which they would be implemented; • seed mixes to be used, their application rates, and the locations for their application, or the criteria for determining these specifications, and a discussion of the use of seed certificates; • any fertilizers to be used, their application rates and locations, or the criteria for determining these specifications; and • contingency planting and seeding plans that include a description of any species of vegetation to be replanted, the locations for replanting, or the criteria for determining these specifications. 5. Describe the condition(s) to which the RoW and temporary work space will be reclaimed and maintained once construction has been completed. 6. Describe criteria for evaluating reclamation success and ongoing vegetation management. Include a description of how this evaluation will be undertaken and documented. 	<p>The effects analysis regarding vegetation should consider factors such as:</p> <ul style="list-style-type: none"> • change in vegetation cover caused by the project; • weed control measures (e.g., prevention, treatment); • opportunities and ways of maintaining vegetation to minimize local impacts, such as maintaining vegetation buffers for visual screening and wildlife corridors; • avoidance of any significant communities and important individuals (e.g., vegetation important to wildlife); and • seed mixes and replanting for re-vegetation purposes. <p>Native and indigenous species adapted to local conditions should be used when the goal of revegetation is to naturalize or regenerate the area. Vegetation management standards should consider:</p> <ul style="list-style-type: none"> • maximum conductor sag; • minimum clearance requirements between conductors and the ground and adjacent trees; • terrain and built features; and • the wire area directly under the conductors, the adjacent border area within the RoW and vegetation adjacent to the RoW. <p>Vegetation control programs, including the frequency of work, monitoring and inspection of RoW vegetation conditions, and control procedures, should consider:</p> <ul style="list-style-type: none"> • the growth rate and maximum size of shrub and tree species occurring along the RoW, and variations over different biogeographical areas; • the promotion or biological inhibition of different plant communities (naturally low or slow growing plant species versus predominantly tall or fast growing species); and • the application of other integrated vegetation management practices. <p>If herbicides or other chemicals may be used, consider:</p> <ul style="list-style-type: none"> • the criteria for their use; • the concentrations, rates and methods of application; • their specificity and potential adverse environmental effects • referring to material safety data sheets.
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Water Quality and Quantity	
Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. Identify the water resources and the quality of those resources that may be affected by the project. 2. Identify and describe any contaminants of concern potentially associated with the project that may affect water quality. 3. Identify any needs for water that would be withdrawn from local waterbodies, the purpose, the quantities 	<p>The effects analysis regarding quality or quantity of ground or surface water (e.g., lakes, watercourses, riparian areas, wetlands or man-made water bodies or structures) should consider factors such as withdrawal or discharge for the proposed project, and any potential inter-basin transfers which might result in the introduction of undesirable biota.</p>

<p>required, the waterbodies that would be used as a supply source, and describe how and where used water would be disposed of.</p> <ol style="list-style-type: none"> 4. Identify and describe any changes in groundwater flows that may result from construction of the project. 5. Describe specific pre- and post-construction monitoring and mitigation for any potential effects on well water quantity and quality. 	<p>If there is potential for contaminants of concern that may affect water resources, consideration should be given to sediment or groundwater sampling for assessment of contaminants of concern.</p> <p>Where there is a potential for human health effects see Table 6-5.</p> <p>Additional guidance is available at the following sites:</p> <ul style="list-style-type: none"> • CCME guidelines may be applicable. Go to www.ccme.ca/. • Canadian Environmental Quality Guidelines at www.ccme.ca/publications/can_guidelines.html. • Pollution Prevention Fact sheets at www.on.ec.gc.ca/epb/fpd/fsheets/intro-e.html. • Health Canada Drinking Water Quality Guidelines at www.hc-sc.gc.ca/hecs-sesc/water/dwgsuo.htm.
Fish and Fish Habitat	
Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. Identify fish species and life stages of ecological, economic or human importance in the study area. 2. Describe the seasonal ranges, seasonal sensitive periods, habitat use, movements, and general population status of fish species identified above. 3. Identify any fisheries policies, or other measures to protect and enhance fish and fish habitat, including protected areas in and near the study area. 4. Identify the need for Harmful Alteration Disturbance and Destruction authorization as per subsection 35(2) of the <i>Fisheries Act</i> and discuss any verbal or written communication (e.g., letter of advice from DFO). 5. Describe, in greater detail, sensitive areas and sensitive habitats, including wetlands and riparian habitat. 6. Describe and justify watercourse-crossing techniques or criteria for determining the techniques proposed for each watercourse crossing. 7. Describe the timing of any instream work, including restricted activity periods and windows. 8. Describe the condition(s) to which the watercrossings and riparian zones will be reclaimed and maintained once construction has been completed. 9. Describe criteria for evaluating success of reclamation of fish-bearing water bodies and their banks and riparian areas. Include a description of how this evaluation will be undertaken and documented. 	<p>Proponents should work with government fisheries agencies to identify issues and appropriate mitigative measures.</p> <p>Where a Harmful Alteration Disturbance and Destruction authorization is required from DFO, outline any commensurate habitat compensation measures and provide any further comments from DFO.</p> <p>Where there is a potential for human health effects see Table 6-5.</p> <p>Additional guidance:</p> <p>Fisheries and Oceans Canada (DFO) has several guidance documents that could be useful in dealing with fish and fish habitat, including:</p> <ul style="list-style-type: none"> • Habitat Conservation and Protection Guidelines 1998; • Interim Operational Position Statement for Pipeline Crossings in the Prairies Area; • Policy for the Management of Fish Habitat; and • Guidelines for Attaining No Net Loss. <p>These and other information can be found at www.dfo-mpo.gc.ca/publication_e.htm.</p> <p><i>The Canadian Pipeline Water Crossing Committee Watercourse Crossings, Second Edition</i>. November 1999. Copies available through the NEB.</p> <ul style="list-style-type: none"> •
Wetlands	
Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. Quantify and describe site-specific wetlands and wetland types in the context of: <ul style="list-style-type: none"> • regional abundance; • distribution; and • current level of disturbance. 2. Identify wetland capacities to perform hydrological, 	<p>Wetlands include bogs, fens, marshes, swamps and shallow waters as defined in the Canadian Wetland Classification System.</p> <p>The effects analysis regarding wetlands should consider any potential loss of wetland function.</p> <p>A higher level of assessment may be required for provincially or territorially significant wetlands and for</p>

<p>water quality, and habitat functions.</p>	<p>features of significance.</p> <p>Additional guidance:</p> <ul style="list-style-type: none"> • There are several useful information sources for wetland environmental assessment, including an assessment guide for wetlands, which can be obtained from www.cws-scf.ec.gc.ca/eass/wetl/index_e.html. • There is a comprehensive information source with links to many resources concerning wetlands, which can be found at www.wetkit.net. • Wetland Classification at www.qc.ec.gc.ca/faune/atlafterreshumides/html/classification_e.html. • Working around Wetlands Fact sheet at www.on.ec.gc.ca/wildlife/docs/working-e.html.
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Wildlife and Wildlife Habitat

Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. Identify wildlife species of ecological, economic or human importance in the study area. Also describe the: <ul style="list-style-type: none"> • diversity, distribution and location; • abundance and population status; • life cycle; • seasonal ranges (e.g., migration); • habitat requirements; • movements (e.g., wildlife corridors); and • sensitive periods (e.g., seasonal, diurnal and nocturnal) • With respect to birds in the area, describe: <ul style="list-style-type: none"> • the species' vulnerability to collisions with overhead conductors; • any monitoring of bird strikes with existing nearby powerlines and the findings from this; • the findings from studies on the effectiveness of diverters or other proposed mitigations for the particular birds of relevance; • the design with respect to the potential for electrocution of birds; • any proposed mitigation and monitoring, and the rationale for these; and • any comments received from the Canadian Wildlife Service and any local birding group. • Describe any nearby lands that might constitute sensitive areas and habitat for wildlife. 2. For the wildlife identified in #1 above, describe and quantify the habitat type including its: <ul style="list-style-type: none"> • function; • location; • suitability; • structure; • diversity; • relative use; and • abundance as it exists prior to project construction. • Describe any other habitat considerations or nearby 	<p>Identification of wildlife presence in the area should include resident, temporary (e.g., migratory) and unique species. Wildlife such as mammals, birds, amphibians and reptiles should be considered.</p> <p>The identification, description and quantification of habitat should include, but not be limited to:</p> <ul style="list-style-type: none"> • breeding or rutting grounds, • nesting and denning sites; • wintering grounds; • hibernation or hibernaculum sites; • migration and staging areas; • movement corridors; • mineral licks; and • trees important to wildlife. <p>Other sensitive areas and habitats include:</p> <ul style="list-style-type: none"> • wetlands; • riparian habitat; • forest interior habitat; • old growth ; and • native prairie. <p>The effects analysis regarding wildlife and wildlife habitat should consider factors such as:</p> <ul style="list-style-type: none"> • ecosystem functions; • the timing of construction activities in relation to sensitive periods for wildlife (e.g., migratory bird breeding season); • varying degrees of wildlife habitat loss; • changes in habitat quality (e.g., fragmentation, edge effects); • changes in human access; • disturbance to wildlife; and, • direct and indirect wildlife mortality. <p>Applicants should note the requirements of the <i>Migratory Bird Regulations</i>.</p> <p>Where there is a potential for social and human health effects see Table 6-5.</p>

<p>environmentally significant areas such as National Parks, areas of natural or scientific interest, Migratory Bird Sanctuaries or other important bird areas or sanctuaries, National Wildlife Areas, or World Biosphere Reserves.</p> <ol style="list-style-type: none"> 3. Identify wildlife management areas and established or proposed sanctuaries or other areas in or near the study area. 4. Describe the levels of disturbance currently affecting wildlife and habitat, such as habitat fragmentation and the extent of human access and use. 	<p>Additional guidance can be found at the following sites:</p> <ul style="list-style-type: none"> • The Canadian Wildlife Service (see www.cws-scf.ec.gc.ca/index_e.cfm) has relevant information about wildlife and wildlife habitat, and has links to other useful sites including the <i>Migratory Birds Convention Act</i>. • Environment Canada's environmental assessment guides include: • Environmental assessment guideline for forest habitat of migratory birds; • Migratory birds environmental assessment guideline; • Wetlands environmental assessment guideline; and • Environmental assessment best practice guide for wildlife at risk in Canada. • These can be found at: www.scf-cws.ec.gc.ca/publications/eval/index_e.cfm. • Locations of National Wildlife Areas and Migratory Bird Sanctuaries: www.hww.ca/hww2.asp?id=231. • Database of Important Bird Areas: www.bsc-eoc.org/iba/IBAsites.html.
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Species at Risk or Species of Special Status

Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. For effects related to Species at Risk or Species of Special Status: <ul style="list-style-type: none"> • identify the species and their status; • provide the appropriate references to the SARA Schedules, or COSEWIC, provincial or territorial listing; • identify their habitat(s), including any critical habitat(s); • determine whether the species, its critical habitat, or the residences of those species could be affected by project activities; <ol style="list-style-type: none"> i) if no, provide a rationale; ii) if yes, describe any potential effects; iii) identify any critical timing windows (e.g., denning, rutting or spawning) or restrictions; and iv) identify any proposed mitigative measures (e.g., improved project design or construction timing). 2. Where the project may result in the destruction of any part of the critical habitat of a wildlife species listed on Schedule 1 of SARA, describe: <ul style="list-style-type: none"> • all reasonable alternatives to the project that would reduce the effect on the species' critical habitat considered during project development; and • all feasible measures that will be taken to minimize the effect of the activity on the species' critical 	<p>Status refers to designation under federal, or provincial or territorial legislation or guidelines (e.g., extirpated, endangered, threatened or special concern).</p> <p>Consult the SARA public registry, including Schedule 1, the List of Wildlife Species at Risk, and Schedules 2 and 3 of SARA at www.sararegistry.gc.ca. Consult with Environment Canada (Canadian Wildlife Service), Fisheries and Oceans Canada, or Parks Canada on Species at Risk or its critical habitat in the study area.</p> <p>For Species at Risk listed on Schedule 1 of SARA, the proposed mitigative measures must be consistent with any applicable Recovery Strategy and Action Plans listed on the SARA public registry.</p> <p>Consult with appropriate provincial or territorial authorities on species listed under those jurisdictions. Applicants should conduct a thorough inventory of all areas that may be affected by the project that are expected to support any Species at Risk or Species of Special Status. Species data in existing databases is not usually systematically collected or updated and, therefore, a database search may not be sufficient to support a conclusion about the absence of a species. Consult federal, provincial, territorial, regional and local databases (e.g., conservation data centres), and any other information associated with species of special status.</p> <p>Additional guidance can be found at the following sites:</p>

habitat.	www.speciesatrisk.gc.ca/index_e.cfm ; www.cosewic.gc.ca/eng/sct5/index_e.cfm ; and www.cosewic.gc.ca/eng/sct9/index_e.cfm , which contains links to Federal, Provincial and Territorial, as well as other related sites.
Air Quality	
Filing Requirements	Guidance
For effects, or public concerns, associated with dust or emissions from construction activities: <ul style="list-style-type: none"> • provide an overview of concern; and • provide a qualitative assessment. • 	Where there is a potential for effects on aesthetics or human health see Table 6-5.
Acoustic Environment	
Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. For effects associated with, or public concerns about, noise levels during construction: <ul style="list-style-type: none"> • provide an overview of concerns; and • provide a qualitative assessment. 2. For projects which result in an increase in noise levels during operations over existing levels, describe and quantify: <ul style="list-style-type: none"> • ambient noise levels in the area; • the nearest and potentially most affected receptors; • audible noise levels at appropriate distances from the facility (e.g. at edges of RoW and at nearest or most affected receptors); and • the frequency, duration and character of noise. 	<p>The effects assessment should consider:</p> <ul style="list-style-type: none"> • compliance with provincial noise guidelines, local requirements or other appropriate guidance; • verification of noise impact predictions and the timing and means of verification; • any need for further noise monitoring; and • an evaluation of the availability and practicality of further mitigation if the noise from the project would exceed applicable guidelines or norms. <p>Also consider the need to assess:</p> <ul style="list-style-type: none"> • any effects from inaudible noise; and • the effects of noise on wildlife. <p>For noise associated with corona discharge from power lines during periods of foul weather, describe:</p> <ul style="list-style-type: none"> • the frequency of foul weather periods and how these are defined; • predicted audible noise levels for both fair and foul weather periods, at appropriate distances from the facility (e.g. at edges of RoW and at nearest or most affected receptors). <p>Where there is a potential for human health effects see Table 6-5.</p> <p>Additional guidance: <i>Guide 38: Noise Control Directive User Guide</i>, Alberta Energy and Utilities Board, November 1999</p>

FYI - Reminder ...

Tables 6-4 and 6-5 are to assist in identifying detailed information needs specific to individual bio-physical and socio-economic elements, as triggered in Table 6-3.

Applicants should remember that the Filing Requirements that must be satisfied for an effects assessment are described in section 6.5 and 6.6.

Table 6-5: Filing Requirements for Socio-Economic Elements

Human Occupancy and Resource Use	
Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. Describe the general patterns of human occupancy and resource use in the study area. 2. Describe the potential interactions of the project with local and regional human occupancy and resource development activities. Include effects the project may have on the sustainability of those activities and on the livelihood of local workers, business owners and operators. 3. Describe the goals of any applicable local or regional land use plans or local or regional development plans and how the project complies with such plans. 4. Identify potential impacts to the quality and quantity of ground or surface water used for domestic, commercial, agricultural or recreational uses that may be caused by the project. 5. Identify any potential visual or other aesthetic impacts of the project on existing land use in the study area. 6. Identify the potential for any electromagnetic interference with radio and television signals and reception, under fair and foul weather conditions at maximum load. Describe the area potentially affected, the frequency and duration of occurrence, and any applicable standards. 	<p>In assessing human occupancy and resource use, consider whether the project would affect the following:</p> <ul style="list-style-type: none"> • rural and urban residential areas (includes both year-round and seasonally occupied facilities), Indian reserve lands and Aboriginal communities; • agricultural areas (including specialty crops, orchards and vineyards); • recreation and park areas (including local and provincial or territorial parks and recognized scenic areas); • lands under Parks Canada's jurisdiction, conservation areas, International Biological Program Sites or other ecological reserves or preserves; • industrial and commercial areas; • controlled or managed forest areas (including agreement forests and timber sales areas); • registered or recognized hunting, trapping or guiding areas and commercial and sport fishing areas; • water reserves and licences, and water supply sources or intakes for agricultural, industrial, commercial, residential and municipal users; and • land and water-based transportation infrastructure, including navigable waters. <p>The project should be assessed for compatibility with local and regional land use and development plans. Where "multiple-use" is permitted, it should also be assessed for compatibility with existing uses.</p> <p>If there will be an impact on the areas used for traditional purposes by Aboriginal people, refer to the Traditional Land and Resource Use element within this table.</p> <p>If there will be an impact on a bio-physical element (e.g. Water Quality and Quantity, Acoustic Environment, etc.) that could affect Human Occupancy and Resource Use, refer to that element in Table 6-4.</p> <p>If there will be any change in visual or other aesthetic qualities, refer to the guidance under the Human Health and Aesthetics element.</p>
Heritage Resources	
Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. Describe any known heritage resources in the study area. 2. Determine the potential for any undiscovered heritage resources in the study area. 3. Describe what contingency plans and field measures would be undertaken should a heritage resource be discovered during construction. 4. Provide copies of correspondence from provincial or territorial authorities responsible for heritage resources with comments respecting any heritage resource impact assessment and proposed mitigation measures. 	<p>Applicants should be aware of any federal, provincial or territorial legislation or guidelines for identifying and protecting heritage resources.</p> <p>Applicants should be aware that although lands may be previously disturbed, an archaeological assessment may still be required.</p> <p>The heritage resources assessment should be completed by a qualified archaeologist and include a detailed overview of the field methodology used in the study.</p> <p>Applicants are reminded that relevant information can be obtained from various sources, including provincial or territorial heritage authorities or local Aboriginal groups.</p> <p>Where there is potential for discovery of heritage resources</p>

<p>5. Provide a statement indicating whether the company will implement the recommendations of the provincial or territorial heritage resource authorities.</p> <p>6. If a previous heritage resource assessment has been completed in the study area, a summary should be filed along with any additional mitigation measures specific to the applied-for project.</p>	<p>during construction or operations activities, a Heritage Resources Contingency Plan must be submitted. The plan must state at a minimum, who will be contacted and under what conditions work will commence. Applicants may want to consider contacting Aboriginal groups in the area when a discovery is made.</p>
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Traditional Land and Resource Use

Filing Requirements	Guidance
<ol style="list-style-type: none"> Describe how lands in the study area are currently used by Aboriginal people for traditional purposes. Identify the Aboriginal groups currently carrying out traditional use activities, the spatial and temporal extent of use, and how the project would impact on this use. Describe the methodology used to collect the traditional use information and provide a listing, and the rationale for the listing, of all Aboriginal groups that were contacted. Provide evidence that those Aboriginal groups who participated in the collection of traditional use information have had the opportunity to review the information and proposed mitigation. Include any comments from the Aboriginal participants on the information and proposed mitigation. 	<p>Only the current use of lands and resources for traditional purposes by Aboriginal people is required for the ESA.</p> <p>Aboriginal people may use lands for various traditional activities such as hunting, fishing, trapping, berry picking, and plant collection and gathering, for medicinal, cultural or household use, and cultural or spiritual ceremonies.</p> <p>In assessing the temporal aspects of traditional land and resource use, note the frequency, duration and seasonal aspects of each activity. In assessing the spatial aspects of traditional land and resource use, note that some activities could be site specific (e.g., berry-picking areas) but others may not (e.g., hunting may extend over a broad area and temporal considerations may be more relevant).</p> <p>Applicants should refer to the assessment of the applicable biophysical element (wildlife and wildlife habitat, vegetation, and fish and fish habitat) when considering this element.</p> <p>Where confidentiality of the traditional land and resource information is a concern, the following may be provided:</p> <ul style="list-style-type: none"> a traditional land use study with site specific information blacked out; a summary of the traditional use study including the methodology and proposed mitigation; or a request to file the study confidentially, in accordance with the criteria set out in section 16.1 of the NEB Act.

Social and Cultural Well-Being

Filing Requirements	Guidance
<ol style="list-style-type: none"> Describe the socio-cultural setting of the study area, indicating the: <ul style="list-style-type: none"> predominant cultural groups; demographic features of the local population and workforce; and prevalent socio-cultural concerns of residents, families and workers in the study area. Provide an overview of the potential sources of socio-cultural impacts on the local community from the project. Describe the potential interactions of the project's construction, operations, and maintenance workforces with the local community, residents and businesses. 	<p>Socio-cultural impacts on local communities can arise from various sources and may include:</p> <ul style="list-style-type: none"> an increase in temporary or permanent residents to an area; location of construction camps within, adjacent to or near local communities; a significant increase to, or uneven distribution of, personal income at the community level; or disruptions to cultural traditions and institutions. <p>The potential impacts from the sources listed above may include:</p> <ul style="list-style-type: none"> stresses on community, family and household cohesion; alcohol and substance abuse; or illegal or other potentially disruptive activities. <p>The identification and evaluation of potential impacts should:</p>

	<ul style="list-style-type: none"> • be conducted at the community level rather than the individual level to protect the privacy of individuals; or • include consultation with local, regional and Aboriginal social and cultural service providers, agencies and institutions as appropriate. <p>The local community could include:</p> <ul style="list-style-type: none"> • more than one inhabited area within the study area; or • more than one cultural group within an inhabited area.
Human Health and Aesthetics	
Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. Describe and quantify: <ul style="list-style-type: none"> • the project related activities, toxic components, nuisances and environmental changes that could potentially be sources of adverse human health effects; and • the potential human receptors of these effects. 2. Where the project could create air, water or noise emissions or effluent discharge levels that meet local, provincial, territorial or federal guidelines (e.g., CCME Guidelines, <i>Alberta Energy and Utilities Board Interim Directive 99-8: Noise Control Directive</i>), yet public concerns regarding human health effects have been raised, provide a description of the public concerns and how they will be addressed. 3. Provide a description of the predicted electromagnetic field levels and any relevant standards. 4. Where the project could create health effects, summarize how these effects would be mitigated. 5. Where it is reasonable to assume there could be a potentially high or significant risk to human health from the project, provide a human health risk assessment. 6. Provide a description of any potential visual or other aesthetic impacts of the project on residents or other potentially affected persons or users in the study area. 	<p>Applicants should consider the potential for effects to human health to determine the level of assessment required. For example, where the project may cause nuisance-related health concerns, applicants will be required to summarize the effect and outline mitigation measures to minimize the effect (e.g., regular road watering to reduce dust). Alternately, in those instances where the project could result in a potentially high or significant risk to human health, a human health risk assessment is required and should include:</p> <ul style="list-style-type: none"> • a quantitative analysis of chronic and acute impacts; • an estimate of the likelihood and the severity of harm to human health occurring from exposure to a risk agent; and • appropriate analytical procedures (e.g., a source and release assessment, exposure assessment, dose-response assessment or risk characterization). <p>Quantification of sources of health effects and potential human receptors should include consideration of:</p> <ul style="list-style-type: none"> • ambient conditions; • distances to edge of RoW, nearest residences, schools and other public institutions, etc.; • modelling and prediction of environmental conditions during operations at the above distances; and • distance to where predicted conditions will meet any applicable standards, and populations within that radius. <p>The identification and evaluation of potential human health impacts should include consultation with local, regional, Aboriginal, provincial or territorial, and federal health service providers, agencies and institutions, as appropriate.</p> <p>Applicants should consider the potential effects of the project on the health of susceptible groups such as:</p> <ul style="list-style-type: none"> • local residents and landowners or tenants; • the elderly and children; and • others who may regularly use the study area such as recreationalists, hunters and trappers. <p>Applicants should also consider how the project may impact the health of those using traditional areas for hunting, trapping, fishing, berry picking, and medicinal plant collection and link this with the traditional land and resource use element.</p> <p>As the definition of human health includes consideration of mental and social well-being, applicants should also consider any adverse emotional or social stressors that may result from the project. These may include, but are not limited to the:</p>

	<ul style="list-style-type: none"> • concern for public safety from construction or operations-related accidents or malfunctions; or • disruption of normal, daily living activities. <p>Where a particular project emission or effluent discharge level falls below or within applicable limits, additional mitigation may not be required. However, where the change may nonetheless be substantial, even if within set limits, due to local or regional circumstances or due to the extent of the change, the applicant should also provide any other additional mitigation to minimize pollution and future human health risks.</p> <p>A visual impact assessment should consider and describe factors such as, but not limited to:</p> <ul style="list-style-type: none"> • how landforms, vegetation cover and other landscape features may or may not screen or visually absorb the project; • how the project will compare with other adjacent or nearby built features; • identification of view points and areas from which the project will be visible • identification of views affected by the project; • the depth of view to any project obstruction of views; and • the width of angle of vision obstructed by the project. <p>Where visual impacts are a concern the assessment should consider using methods such as photographic superimposition, mapping or GIS modelling of viewsheds.</p> <p>Applicants should provide a clear link, where applicable, to those sections of the application that consider the biophysical elements that may affect human health (e.g., Acoustic Environment or Water Quality and Quantity).</p> <p>For information on human health impact assessments and to access The Canadian Handbook on Health Impact Assessment go to http://www.hc-sc.gc.ca/hecs-sesc/ehas/publications.htm.</p> <p>Health indicator data is available from Statistics Canada at http://www.statcan.ca/english/freepub/82-221-XIE/00503/tables.htm.</p>
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Infrastructure and Services

Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. Describe the existing local and regional infrastructure in the study area, including: <ul style="list-style-type: none"> • railways; • roads, highways and their traffic useage levels and patterns; • pipelines, water mains and sewage lines; • navigable waterways; • existing power lines; and • any other potentially affected facilities. 2. Based on the clearance standards and the procedures for constructing and maintaining clearances with other infrastructures near the project, describe the frequency, timing and duration of any expected interruptions, delays, or other disruptions to service or useage. Also describe any authorizations required and consultations with, and comments received from, 	<p>The assessment should consider, and where possible quantify, how project construction and operation activities may affect local or regional infrastructure and services, such as:</p> <ul style="list-style-type: none"> • housing; • essential and emergency services (fire, police, ambulance, hospital) including the standard of service provided (e.g. response time); • recreational requirements; • transportation; and • utilities including water, sewer, waste disposal, electricity, etc. <p>Effects related to the above factors should be considered from the perspectives of both:</p> <ul style="list-style-type: none"> • the project's needs for infrastructure and services (e.g., to meet workers' needs for housing or

<p>potentially affected infrastructure operators.</p> <p>3. Describe the existing local and regional services in the study area, including:</p> <ul style="list-style-type: none"> • accommodation, including camping facilities; • recreation; • waste disposal; • police; • fire-fighting; • ambulance; and • health care services. <p>4. Describe potential induction effects on other infrastructure operators. Where this could affect existing operations describe any authorizations required and consultations with potentially affected infrastructure operators and how any concerns raised will be addressed.</p> <p>5. Describe any need for government expenditures for new or expanded services or infrastructure, arising out of project-related effects</p>	<p>transportation, etc.); and</p> <ul style="list-style-type: none"> • the project's effects on local infrastructure and services, and consequent impact on local residents (e.g. project effects on availability of housing for local residents or on traffic flows and delays to the local population) <p>Applicants should consider any local and provincial or territorial guidelines regarding emergency services or requirements for heavy load vehicles and construction access permits.</p>
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Employment and Economy

Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. Describe the local and regional employment situation in the study area. 2. Describe any local or regional training and employment development plans. 3. Describe the ability of local and Aboriginal residents and businesses to provide labour services, equipment, supplies and other contracting needs during construction, operation and maintenance of the project. 4. Describe plans to encourage local and Aboriginal employment, procurement and contracting opportunities. 5. Describe any training programs the company is supporting to enhance employment opportunities for local and Aboriginal residents. 6. Provide an estimate of the anticipated levels of local and regional economic participation in the project in comparison to the total project requirements (e.g., number of workers and total dollar value of contracts). 7. If the project has the potential to directly impact local, regional, provincial, territorial or federal government revenues from tax levies or other means during construction and operation, provide a quantitative assessment of the potential impacts. 	<p>The assessment should include a quantitative and qualitative review of:</p> <ul style="list-style-type: none"> • local and regional employment and unemployment levels; • education and skill levels; • local and regional economic conditions; and • direct government revenues expected to be generated by the project. <p>Construction and operations workforce numbers and contract values should be provided, where possible, on a month-to-month basis through the construction phase of the project and on a yearly basis for the operations phase of the project. For smaller projects, only an estimate of the construction workforce and the full-time operations workforce is required.</p> <p>The assessment should describe those situations when the project may directly or indirectly create economic hardship or the displacement of workers or businesses.</p> <p>If the applicant has prepared an economic benefits plan or has entered into specific cooperation agreements with communities or Aboriginal groups, the applicant should provide a summary of the employment, training and business commitments that were made.</p>

6.8 Inspection, Monitoring and Follow-up

The NEB recognizes three categories of post construction assessment:

1. compliance, which is designed to confirm implementation of approved design standards and other technical conditions to promote safety as specified by the NEB;
2. monitoring, which is a program designed to:
 - confirm the effectiveness of a broad range of approved mitigation techniques;
 - determine whether increased or different approved mitigation techniques are required to achieve the mitigation or reclamation goals; and
 - identify and address any effects experienced that were not predicted;
3. follow up as specified by the CEA Act, in which steps are taken, for specific elements or issues that were identified as being a concern, to:
 - verify the accuracy of the assessment; and
 - determine the effectiveness of those mitigative measures designed to limit effects to that specific element.

The distinction between “follow up” and “monitoring” relates to whether a specific action is taken under the CEA Act, meeting the requirements as defined by the CEA Agency Operational Policy Statement OPS/EPO-6-2002. The two terms are not mutually exclusive as some types of monitoring may be required to complete a follow-up program.

Goal

The application provides sufficient information to demonstrate how adequate and effective practices and programs are in place to:

- achieve compliance with commitments;
- minimize environmental and socio-economic effects; and
- verify the accuracy of assessments where appropriate.

Filing Requirements

1. You should describe, in sufficient detail to demonstrate adequacy and effectiveness, plans to ensure compliance with biophysical and socio-economic commitments. The purpose of these plans is to:
 - identify positions accountable and responsible for monitoring and ensuring compliance;
 - describe inspection procedures, including the authority of environmental inspectors; and
 - indicate required qualifications, including training and experience of individuals who will be undertaking inspection and monitoring responsibilities.

2. You should evaluate the need to monitor the elements potentially affected by the project and if needed describe, in sufficient detail to demonstrate adequacy and effectiveness, the environmental monitoring plan to be implemented during construction, reclamation, and operation of the project. The plan should include:
 - procedures for:
 - i) identifying and tracking environmental issues;
 - ii) resolving any environmental issues specific to the project, including any sampling programs or site-specific investigations as appropriate; and
 - iii) monitoring the effectiveness of mitigation and reclamation, based on established reclamation criteria (see requirements of individual elements in Table 6-4);
 - a description of the frequency or schedule for implementing the procedures listed above; and
 - the criteria for assigning specific monitoring procedures to certain environmental issues.
3. Where a project triggers the CEA Act, you should evaluate the need for element-specific follow-up programs to verify the accuracy of the ESA and to determine the effectiveness of any mitigation measures that were implemented, particularly those mitigation measures that are new or unproven.

Guidance

The NEB encourages applicants to use current and relevant company programs to support the inspection, monitoring and follow-up components. If these programs have been previously filed with the Board, provide the document title, latest revision date, the date of filing, and the NEB file number if known. Refer to section 1.5 if these documents have been previously filed with the Board. File any updates required to incorporate the current project.

The NEB Certificate may contain conditions that would require a company to have:

- a monitoring and surveillance program for the protection of the power line, the public and the environment;
- an environmental protection program to anticipate, prevent, mitigate and manage conditions that have the potential to adversely affect the environment;
- a training program for any employee of the company who is directly involved in the operation of the power line that includes instruction on responsible environmental practices and procedures in the day-to-day operations of the power line;
- a program for monitoring changes in design, specifications, standards or procedures; and
- an emergency procedures manual.

The company may also be required to:

- design inspection and monitoring programs based on the issues that are relevant to the project, with a level of effort that is consistent with the complexity or importance of the environmental issues;
- communicate the inspection and monitoring plan (e.g., through an EPP, see the guidance provided in Section 6.6 for more information on the EPP); and
- evaluate the need for a follow-up program to monitor the accuracy of the ESA and the effectiveness of any mitigation measures. A follow-up program may be appropriate, as specified by the CEA Act when:
 - the project or activity is contributing to regional issues of concern;
 - the project involves new or unproven mitigation measures such that the ability to reduce effects is uncertain;
 - a familiar or routine project is proposed for a new or unfamiliar environmental and socio-economic setting; or
 - there is some uncertainty about the conclusions of the ESA.

The responsible authorities will make a final determination as to whether a follow-up program is needed and for which areas.

A list of environmental issues from the ESA phase and their locations can be of assistance in identifying areas requiring attention during monitoring.

The Board may require that environmental monitoring reports be submitted after the construction of a project. The time period over which the reporting is required is often 2 or 3 years after construction. Projects which require a longer period of time to reach reclamation goals (e.g., work in native prairie) may be required to submit monitoring reports over a longer time period. Applicants may choose to request a specific reporting period that matches their planned monitoring programs. See Guide D Model Conditions for filing requirements with respect to Post Construction.

Chapter 7 Economics

Economic and financial information is advised in an application when the applied-for facilities would result in one or more of the following:

- the construction of a new transmission line; or
- an increase in the capacity of an existing NEB regulated transmission line.

7.1 Economics

Goals

The application provides sufficient economic information to demonstrate that the applied-for facilities will be used, will be useful, and that the project will contribute to the Canadian public interest.

Guidance

The application could include the following economic information:

- a description of the supply, demand and load conditions of the markets at the origin and terminus points of the proposed IPL and any other markets that the proposed IPL would service; and
- an analysis of the effects the proposed IPL would have in other provinces.

This information will assist the Board in its assessment of the proposed project.

7.2 Finance

Goals

The application provides sufficient economic information to demonstrate that the applicant has the capability to finance the project.

Guidance

The application could include the following financial information:

- an overview of the company and a description of its financial strength and ability to attract capital;
- the company's proposed method of financing the facilities; and
- how the company's financial strength and ability to attract capital would be affected by its intended method of financing the facilities.

This information will assist the Board in assessing the ability of the applicant to finance the project.

Chapter 8 Lands Information

When an applicant elects for federal law certain sections of the NEB Act which are normally reserved for pipelines, also apply to IPLs pursuant to section 58.27 of the NEB Act. These sections are explored below.

Goal

The application includes accurate documentation regarding land requirements, land rights, service of notices and the land acquisition process, which demonstrates compliance with legislative requirements and respects the rights of affected parties.

8.1 Land Areas

The land documentation should include the following:

- the width of the RoW including the locations where the width varies;
- the locations and dimensions of known temporary work space required for the project or, if locations are not known, a drawing showing the typical dimensions of the temporary work space required for road, watercourse and other crossings, storage areas and camps; and
- the locations and dimensions of any new lands required for all associated facilities.

Guidance – Land Areas

You should provide a description of the requirements and rationale for both temporary and permanent lands which would allow the Board to assess the appropriateness of the land areas. The description should include the dimensions of the:

- RoW;
- temporary work space;
- access roads; and
- ancillary facilities

You should describe the location and distance of any changes to RoW width and the reasons for the change. Where new lands under any type of agreement are not required for the project, this should be clearly stated in the application and no further land area information needs to be filed.

8.2 Land Rights

1. You should provide a description of the type of land rights proposed to be acquired for the project and related facilities.
2. You should provide a description of the nature and relative proportions of land ownership along the proposed route (i.e., freehold, Crown or public lands).

3. You should, where no new land rights are required, provide a description of the existing land rights that allow for the project.

Guidance – Land Rights

The description of the land rights will inform the Board and landowners of the different types of land rights needed for the project (e.g., option, easement, fee simple, statutory RoW, temporary work space, permit or licence, etc.) and the areas where existing land rights allow for the project.

A description of the land ownership informs the Board of the land acquisition areas and agreements required for the project.

8.3 Lands Acquisition Process

1. Provide a description of the proposed process for acquiring the lands required for the project.
2. Provide the timing of acquisition and the current status of acquisition.
3. Provide the status of service of notices on all owners of lands to be acquired pursuant to subsection 87(1) of the NEB Act.

Guidance – Lands Acquisition Process

When you have filed for an election, your application should describe the land acquisition process to be implemented to allow the Board to assess the process, to be aware of the timing of acquisition and to verify compliance with the NEB Act.

The land acquisition information should describe the:

- number of landowners and tenants;
- number of option or easement agreements signed;
- number of notices served; and
- timing of service of remaining notices.

This information may be provided in a table form.

8.4 Land Acquisition Agreements

1. Provide a sample copy of each form of land acquisition agreement proposed to be used (includes option and easement). The agreement shall be in the form required by subsection 86(2) of the NEB Act:
 - 86. (2)** A company may not acquire lands for a pipeline under a land acquisition agreement unless the agreement includes provision for
 - (a) compensation for the acquisition of lands to be made, at the option of the owner of the lands, by one lump sum payment or by annual or periodic payments of equal or different amounts over a period of time;

- (b) review every five years of the amount of any compensation payable in respect of which annual or other periodic payments have been selected;
- (c) compensation for all damages suffered as a result of the operations of the company;
- (d) indemnification from all liabilities, damages, claims, suits and actions arising out of the operations of the company other than liabilities, damages, claims, suits and actions resulting from gross negligence or willful misconduct of the owner of the lands;
- (e) restricting the use of the lands to the line of pipe or other facility for which the lands are, by the agreement, specified to be required unless the owner of the lands consents to any proposed additional use at the time of the proposed additional use; and
- (f) such additional matters as are, at the time the agreement is entered into, required to be included in a land acquisition agreement by any regulations made under paragraph 107(a).

2. Provide a sample copy of any proposed agreements for:

- fee simple ownership;
- temporary work space;
- an access road; or
- other agreements for the lands required for the project.

Guidance – Lands Acquisition Agreements

When you have filed for an election, your application should be accompanied with a sample copy of the acquisition agreement(s) to enable the Board to verify that the agreement complies with the requirements of subsection 86(2) of the NEB Act and that landowner rights are protected.

Additional information...

Where lands are acquired pursuant to other regulatory requirements, it is not necessary to file the respective sample copy of agreement.

8.5 Section 87 Notices

1. Provide a sample copy of the notice proposed to be served on all owners of land pursuant to subsection 87(1) of the NEB Act:

- 87. (1)** When a company has determined the lands that may be required for the purposes of a section or part of a pipeline, the company shall serve a notice on all owners of the lands, in so far as they can be ascertained, which notice shall set out or be accompanied by

- (a) a description of the lands of the owner that are required by the company for that section or part;
 - (b) details of the compensation offered by the company for the lands required;
 - (c) a detailed statement made by the company of the value of the lands required in respect of which compensation is offered;
 - (d) a description of the procedure for approval of the detailed route of the pipeline; and
 - (e) a description of the procedure available for negotiation and arbitration under this Part in the event that the owner of the lands and the company are unable to agree on any matter respecting the compensation payable.
2. Confirm that all notices served or proposed to be served on owners of land pursuant to the requirements of subsection 87(1) of the NEB Act include a copy of the Board publication titled: *Pipeline Regulation in Canada: A Guide for Landowners and the Public*.

Guidance – Section 87 Notices

Notice

Viewing a sample copy of the notice assists the Board in verifying that the notice complies with the requirements of subsection 87(1) of the NEB Act and that landowners and other persons are adequately notified.

Exemption from Section 33 of the NEB Act

The procedure for approval of the detailed route of the power line, as described in sections 34 to 39 of the NEB Act, may not apply. In this situation, the subsection 87(1) notice will describe the procedure for approval of the detailed route of the pipeline and will also include a statement that sections 34 to 39 of the NEB Act will not apply in respect to the procedure for approval of the detailed route of the power line.

Lands not Acquired

In the event that a section 58.16 certificate is issued, the applicant would file the Plans, Profiles and Books of Reference (PPBoR) for the power line and serve notices pursuant to the requirements of subsection 34(1) of the NEB Act on those landowners from which land rights have not been acquired. The Board may allow construction of the project for those portions where the lands have been acquired, with the exception of a buffer zone near the lands not yet acquired pending the applicant demonstrating to the Board that either the lands have been acquired, or the rights of the landowners have not been prejudiced.

8.6 Application to Address a Complaint

Where an application proposes work or construction to address a landowner or public complaint that has been filed with the Board, the application should include:

- a statement that the purpose of the work or construction proposed by the application is in response to a complaint that has been filed with the Board;

- the name and location of the complainant;
- the nature and date of the complaint; and
- how the activities proposed will address the complaint.

Guide A – Information Filed Respecting Plan, Profile, Book of Reference and Notices (NEB Act s.33 and s.34)

When an applicant elects for federal law, certain sections of the NEB Act which are normally reserved for pipelines, also apply to IPLs pursuant to section 58.27 of the NEB Act.

Goal

The application for approval of PPBoRs includes accurate documentation regarding the detailed route of the electricity facility and related ownership, which demonstrates compliance with legislative requirements and respects the rights of potentially affected landowners.

The application for approval of notices includes accurate sample notices, which demonstrates compliance with legislative requirements, respects the rights of potentially affected landowners and other persons and provides the required regulatory information that may engage these parties in a Board regulatory process..

A.1 Plan, Profile, Book of Reference (PPBoR)

Filing Requirements

Section 33 of the NEB Act requires:

33. (1) When the Board has issued a certificate, the company shall prepare and submit to the Board a plan, profile and book of reference of the pipeline.
- (2) The plan and profile shall be drawn with such detail as the Board may require.
- (3) The book of reference shall describe the portion of land proposed to be taken in each parcel of land to be traversed, giving the numbers of the parcels, and the area, length and width of the portion of each parcel to be taken, and the names of the owners and occupiers in so far as they can be ascertained.
- (4) The plan, profile and book of reference shall be prepared to the satisfaction of the Board, and the Board may require the company to furnish any further or other information that the Board considers necessary.

In addition, the plan and profile of the project should be drawn to a scale of 1:10 000 or larger and, if appropriate, should show:

1. the proposed route of the power line;
2. property boundaries; and
3. the numbers of the parcels of land to be traversed (i.e., legal land descriptions).

Guidance

When the Board releases a decision approving an application pursuant to section 58.16 of the NEB Act, the company may provide a draft version of the PPBoR.

Upon receipt of the section 58.16 certificate, the company shall file PPBoRs pursuant to section 33 of the NEB Act for approval pursuant to section 36 of the NEB Act. The applicant may consider using a photomosaic overlay for the final PPBoR. A photomosaic can provide a high level of visual information about the detailed route of the project. The PPBoR will allow landowners and other persons to examine the PPBoR to determine the precise location of the proposed detailed route, the lands that will be crossed, the type of land rights that will be required and the landowners who will be affected.

In the event the Board approves the PPBoR for a project, the company is required to file the PPBoR with the registrar of deeds in the appropriate land titles or land registry office prior to the commencement of construction or other activities in respect of the approved PPBoR.

A.2 Section 34 Notices

When PPBoRs are filed with the Board (pursuant to subsection 33(1) of the NEB Act), a sample notice shall be filed for Board approval prior to service and publication. The notice will meet the requirements of section 34 of the NEB Act, section 50 of the *National Energy Board Rules of Practice and Procedure, 1995* (Rules) and the Official Languages Act.

Filing Requirements

Section 34 of the NEB Act states:

34. (1) Where a company has prepared and submitted to the Board a plan, profile and book of reference pursuant to subsection 33(1), the company shall, in a manner and in a form to be determined by the Board,
 - (a) serve a notice on all owners of lands proposed to be acquired, in so far as they can be ascertained; and
 - (b) publish a notice in at least one issue of a publication, if any, in general circulation within the area in which the lands are situated
- (2) The notices mentioned in subsection (1) shall describe the proposed detailed route of the pipeline, the location of the offices of the Board and the right of the owner and of persons referred to in subsection (4) to make, within the time referred to in subsection (3) or (4), as the case may be, representations to the Board respecting the detailed route of the pipeline.
- (3) Where an owner of lands who has been served with a notice pursuant to subsection (1) wishes to oppose the proposed detailed route of a pipeline, the owner may, within thirty days of being served, file with the Board a written statement setting out the nature of the owner's interest in the proposed detailed route and the grounds for his opposition to that route.
- (4) A person who anticipates that his lands may be adversely affected by the proposed detailed route of a pipeline, other than an owner of lands referred to in subsection (3), may oppose the proposed detailed route by filing with the Board within thirty days following the last publication of the notice referred to

in subsection (1) a written statement setting out the nature of that person's interest in those lands and the grounds for the opposition to the proposed detailed route of the pipeline.

Section 50 of the Rules states:

- 50.** (1) Before any notice in respect of a plan, profile and book of reference of a pipeline or an international or interprovincial power line is served or published by an applicant under section 34 of the Act, the applicant shall
- (a) submit to the Board for approval as to form a sample notice for service and a sample notice for publication, both of which shall include a sample description of the proposed detailed route of the pipeline or the international or interprovincial power line that is to be included in each notice; or
 - (b) identify in writing, for the approval of the Board, one or more forms of notices previously approved by the Board that the applicant proposes to serve or publish in relation to the plan, profile and book of reference.
- (2) The submission required under paragraph (1)(a) shall include
- (a) a copy of any map that the applicant proposes to publish; and
 - (b) a list of the titles and the number of issues of the publications in which the applicant proposes to publish the notice.
- (3) Any notice served or published under section 34 of the Act shall not depart in any material respect from the notice approved by the Board under subsection (1).

In addition, the applicant must provide the following information.

1. File a copy of the notice that will be served on landowners.

At a minimum, the notice should include:

- a description of the requirements of sections 35 to 39 of the NEB Act;
 - a map of the proposed detailed route of the power line;
 - a plan of the lands proposed to be acquired, which:
 - i) includes reference to legal survey points, if such points are available; and
 - ii) is of a scale sufficient to identify, with reasonable accuracy, the location, dimensions and area of lands in relation to the remaining adjacent lands of the owner, if any.
2. Provide a copy of the notice, in both official languages, that will be included in local publications. At a minimum, the notice should include:

- a description of the requirements described within sections 35 to 39 of the NEB Act;
- a description of the proposed detailed route of the power line;
- a plan of a scale sufficient to identify, with reasonable accuracy, the location of the proposed detailed route in relation to:
 - i) topographical features;
 - ii) population centres;
 - iii) highways;
 - iv) utilities; and
 - v) other such prominent local landmarks;
- a schedule that lists sequentially the names of each registered fee simple owner of the land that is proposed to be acquired within the area covered by the plan and identifies the lands of each owner by legal description, including the:
 - i) municipal address;
 - ii) parcel number;
 - iii) registered plan number;
 - iv) lot;
 - v) concession;
 - vi) township;
 - vii) parish;
 - viii) range;
 - ix) county; or
 - x) other equivalent land divisions, as are sufficient to identify the lands of each such owner;
- the location within or near the area covered by the plan where the PPBoR for that area are available for public inspection;

3. The list of the publications that will be used should include:

- proposed dates of publication;
- submission deadlines;
- frequency (daily, weekly, monthly) of publication; and

- language of publication (French, English or both).
4. Where the applicant completes the service and publication of notice under section 34 of the NEB Act, it shall forthwith notify the Board in writing of the dates of the last service and publication. The company shall file a tear sheet of the newspapers.

Guidance

After the Board has issued a certificate and the PPBoRs have been filed with the Board pursuant to section 33 of the NEB Act, the company must provide a sample notice, in both English and French, of the proposed section 34 notices, or identify notices previously approved by the Board that the applicant proposes to serve or publish. NEB staff can provide assistance in order to ensure that the notices comply with the NEB Act requirements. Once Board approval has been obtained, the company can serve and publish its section 34 notices.

When publishing notices, consider the availability of English and French newspapers and their respective regional coverage. In the event that newspapers in the region are published in only one official language, publish both the French and English versions side by side in compliance with the *Official Languages Act*.

The Rules require that where an applicant completes the service and publication of any notice under section 34 of the NEB Act, the company shall forthwith notify the Board in writing of the dates of the last service and publication. This allows the Board to determine when the notices were served and published which commences the comment period set out in subsections 34(3) and 34(4) of the NEB Act. The Board will not approve any PPBoR prior to expiry of the comment period.

Detailed Route Hearing

If an objection is received by the Board pursuant to subsection 34(3) or (4) of the NEB Act, the Board will, pursuant to subsection 35(1) of the NEB Act, order a public hearing be conducted with respect to the detailed route and method and timing of construction of the power line.

Following the issuance of a Hearing Order by the Board, consider filing the following information:

- a description of all landowner concerns with respect to the detailed route;
- the methods and timing of construction of the project; and
- comments on the potential for using the Board's Appropriate Dispute Resolution (ADR) services.

A.3 Application to Correct a PPBoR Error (NEB Act s.41)

Goal

The application for a permit to correct an omission, misstatement or error in a registered PPBoR includes accurate documentation regarding the error and will address all land matters, which

demonstrates compliance with legislative requirements and respects the rights of the affected landowner(s).

Filing Requirements

An application pursuant to subsection 41(1) of the NEB Act should include:

- the Order number and date of the original PPBoR approval;
- the nature and description of the error in the PPBoR;
- the accurate information (i.e., related to the plan, profile or book of reference); and
- confirmation that, pursuant to subsection 41(3), copies of the permit will be provided to the offices of the registrars or appropriate land title offices.

Guidance

Section 41 of the NEB Act provides a company with the means to correct an omission, misstatement or error in its registered PPBoR.

Pursuant to subsection 41(2) of the NEB Act, the Board may, at its discretion, issue a permit setting out the nature of the omission, misstatement or error and the correction allowed.

Subsection 41(3) of the NEB Act provides that the permit and supporting documentation are considered to be corrected once registered at the appropriate land titles office.

Guide B – Right-of-Entry Application (NEB Act s.104)

When an applicant elects for federal law, certain sections of the NEB Act which are normally reserved for pipelines, also apply to IPLs pursuant to section 58.27 of the NEB Act.

Where a company does not acquire land required for the power line through negotiations with the landowner, it may apply to the Board for a right-of-entry order pursuant to the requirements of section 104 of the NEB Act and section 55 of the Rules.

Goal

The application for approval of immediate right of entry includes accurate information regarding service of notices, negotiation activities, a map of the property and area and ownership, which demonstrates compliance with legislative requirements and respects the rights of the affected landowner(s).

Filing Requirements

Section 104 of the NEB Act states:

- 104.** (1) Subject to subsection (2), the Board may, on application in writing by a company, if the Board considers it proper to do so, issue an order to the company granting it an immediate right to enter any lands on such terms and conditions, if any, as the Board may specify in the order.
- (2) An order under subsection (1) shall not be issued in respect of any lands unless the company making the application for the order satisfies the Board that the owner of the lands has, not less than thirty days and not more than sixty days prior to the date of the application, been served with a notice setting out
 - (a) the date the company intends to make its application to the Board under subsection (1);
 - (b) the date the company wishes to enter the lands;
 - (c) the address of the Board to which any objection in writing that the owner might wish to make concerning the issuance of the order may be sent; and
 - (d) a description of the right of the owner to an advance of compensation under section 105 if the order is issued and the amount of the advance that the company is prepared to make.

Section 55 of the Rules states:

- 55.** (1) To apply for a right of entry order under section 104 of the Act, a company shall, after serving the owner of the lands with the notice described in subsection 104(2) of the Act, file an application with the Board not less than

30 days and not more than 60 days after the date of service of the notice on the owner.

- (2) The application must be served on the owner of the lands on the same day that the application is filed with the Board.
- (3) The application must contain
 - (a) a copy of the notice described in subsection 104(2) of the Act;
 - (b) evidence that the notice has been served on the owner of the lands
 - (i) not less than 30 days and not more than 60 days prior to filing the application with the Board, and
 - (ii) in accordance with subsection 8(8) or in any manner ordered by the Board under the National Energy Board Substituted Service Regulations;
 - (c) a schedule that is proposed to be made part of the order sought and that contains, in a form suitable for depositing, registering, recording or filing against lands in the land registry or land titles office in which land transactions affecting those lands may be deposited, registered, recorded or filed, a description of
 - (i) the lands in respect of which the order is sought,
 - (ii) the rights, titles or interests applied for in respect of the lands, and
 - (iii) any rights, obligations, restrictions or terms and conditions that are proposed to attach
 - (A) to the rights, titles or interests applied for in respect of the lands,
 - (B) to any remaining interest or interests, or
 - (C) to any adjacent lands of the owner;
 - (d) a current abstract of title to the lands, a certified copy of the certificate of title to the lands or a certified statement of rights registered in the land registers for the lands;
 - (e) a copy of section 56; and
 - (f) evidence that the application, including the information set out in sections (a) to (e), has been served on the owner of the lands.

In addition to the requirements of section 104 of the NEB Act and section 55 of the Rules, applications should also include the following information.

1. A chronological summary of the land negotiation process conducted between the applicant and the owner of the lands for which a right-of-entry order is sought, including the dates of meetings held between the applicant and the owner of the lands;
2. If applicable, the date of service of notice on the landowner pursuant to section 34 of the NEB Act;
3. The date of service of notice on the landowner pursuant to subsection 87(1) of the NEB Act; and
4. A discussion of outstanding issues and the reason(s) that a voluntary agreement could not be reached.

Guidance

Pursuant to section 56 of the Rules, the landowner may file a written objection with the Board any time after receipt of the notice up to 10 days after the date the company files the right-of-entry application.

In the event the Board approves the right-of-entry order, the order must be deposited in the appropriate land registry or land titles office, pursuant to section 106 of the NEB Act, prior to the company exercising its rights as granted by the right-of-entry order.

The dates of service for all notices served on the landowner pursuant to section 34 of the Act should provide the Board with confirmation that:

- the company is in compliance with the applicable sections of the Act and the Rules;
- the company has completed its consultation commitments;
- the rights of the landowner have been protected; and
- all legal requirements have been met prior to Board consideration of the application for immediate right of entry

Guide C – Requirements For Substituted Service Applications

When an applicant elects for federal law, certain sections of the NEB Act which are normally reserved for pipelines, also apply to IPLs pursuant to section 58.27 of the NEB Act.

Goal

The application for substituted service includes accurate information regarding the company's undertaking to locate and serve notices on the potentially affected landowner(s), which demonstrates compliance with legislative requirements and respects the rights of the potentially affected landowner(s).

Filing Requirements

Sections 3 to 5 of the National Energy Board Substituted Service Regulations state:

3. (1) Subject to subsection (2), where a company has been unable to effect personal service of a notice on a person after having made reasonable attempts to do so, the Board may, on application by the company, order substituted service of the notice on the person by one or more of the methods referred to in subsection 5(1).
- (2) The Board shall not order substituted service of a notice on a person unless
 - (a) the Board is satisfied that personal service of the notice on the person is impractical in the circumstances; and
 - (b) the information provided in accordance with section 4(c) discloses that there is a reasonable possibility that substituted service of the notice on the person will bring the notice to the attention of that person.
4. An application for an order under section 3 shall be made by filing with the Board five copies of a written application, with evidence by affidavit disclosing
 - (a) the efforts made to effect personal service;
 - (b) the prejudice to any person that would result from further attempts at personal service; and
 - (c) the last known address of the person on whom a notice is required to be served, the address of the residence or place of business of the person or any other place thought to be frequented by the person, the names and addresses of any persons who may be in communication with the person, or any other information respecting where the person might be found.
5. (1) Substituted service of a notice may be effected by one or more of the following methods:

- (a) leaving the notice with an adult person at the residence or place of business of the person or at any other place thought to be frequented by the person;
- (b) leaving the notice with any other adult person who may be in communication with the person;
- (c) sending the notice by registered mail to the last known address of the person;
- (d) publishing the notice in one or more publications in general circulation in the area where the person was last known to be or is thought to be; or
- (e) any other method that appears to the Board more likely to bring the notice to the attention of the person.

Guidance

This section applies to notices pursuant to sections 34 and 87 and subsection 104(2) of the NEB Act so typically, it would only apply to elections pursuant to sections 58.23, 58.24 and 58.27 of the NEB Act. Where a company is required to effect personal service of a notice on a person and has made reasonable attempts to do so, or in so far as they can be ascertained, the company would apply to the Board for approval of substituted service and the sample notice to be used. This may be the case where the whereabouts of a landowner is unknown and the company has made reasonable attempts to locate the landowner. Personal service is defined in the Substituted Service Regulations as any manner permitted by the general rules of practice in the Federal Court of Canada and in a manner determined by the Board.

Guide D – Model Conditions for IPLs – Certificates of Public Convenience and Necessity

National Energy
Board



Office national
de l'énergie

File 2200-A000-6
23 December 2004

To: **International Power Lines (IPLs) Stakeholders**

The National Energy Board's regulation of International Power Lines in Canada includes, in part, the issuing of Permits or Certificates of Public Convenience and Necessity (Certificates) to authorize the construction and operation of IPL facilities. Board Permits and Certificates commonly include conditions set by the Board.

Some of these conditions may be unique to the IPL in question, others may be the same as or very similar to conditions previously set for other IPLs. The Board has therefore developed a set of conditions potentially applicable to any IPL for which a Certificate is sought in the future. These Model Conditions have been developed from the ones sent out for comment from the Board on 30 June 2004. Comments from parties who responded have been carefully considered in drafting these Model Conditions and have resulted in revisions where appropriate.

The Board has established this set of Model Conditions (attached) so as to have a common and publicized starting point from which it could condition these IPLs. The Board would turn to these Model Conditions when considering conditions of approval to impose for proposed IPL facilities. However, the Board would continue to evaluate each application on an individual basis. Therefore,

- these Model Conditions could be varied as appropriate;
- not all Model Conditions would necessarily apply to all IPL applications; and,
- the Model Conditions do not necessarily represent all the conditions that could be placed on an approval.

The Board also reminds parties that in any Certificate hearing process, a draft of the conditions being proposed for an approval is put before the parties for comment prior to the end of the hearing and before the conditions are finalised. Parties therefore have the opportunity to raise concerns for the Board's consideration.

The Board is also examining its ongoing regulatory oversight of IPLs with respect to the reporting of IPL incidents and activities related to safe maintenance and operation of these facilities. The Board solicited comments on a set of interim reporting expectations that it issued in March 2004; it is presently reviewing the comments received. An outcome of this initiative may be the revisiting of the Model Conditions in the future. The Model Conditions are also being made available on the Board's website at www.neb-one.gc.ca.

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Please direct questions or comments concerning the Model Conditions to:

Dave Walker
Project Manager
National Energy Board
444 Seventh Avenue SW
Calgary, Alberta T2P 0X8
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Toll Free Phone: 1-800-899-1265
Fax: (403) 292-5503
[Email: dwalker@neb-one.gc.ca](mailto:dwalker@neb-one.gc.ca)

Yours truly,

A handwritten signature in black ink that reads "Charlene Gaudet". The signature is written in a cursive style and is positioned above the typed name of the signatory.

Michel L. Mantha
Secretary

Attachment

General Conditions

- A1. The international power line to be constructed and operated pursuant to this Certificate (the Power Line) shall be owned and operated by [*Company name*].
- A2. [*Company name*] shall not sell, convey or lease the Power Line to any person, in whole or in part without leave of the Board.
- A3. The Power Line shall be operated at its nominal design voltage level of [*specify line voltage*] kV.
- A4. [*Company name*] shall cause the Power Line to be designed, manufactured, located, constructed, installed and operated in accordance with those specifications, drawings, and other information or undertakings set forth in its application and related correspondence.
- A5. [*Company name*] shall design and construct the Power Line to comply with current Canadian Standards Association and other relevant standards applicable to the design and construction of power lines.
- A6. [*Company name*] shall comply with all of the conditions contained in this Certificate unless the Board otherwise directs.

Note: The above condition is intended to provide the Board with some flexibility to vary conditions in a timely manner. However, the Board may in individual cases decide to remove this general condition and modify only certain specific conditions to provide such flexibility.

- A7. [*Company name*] shall implement or cause to be implemented all of the policies, practices, mitigative measures, recommendations and procedures for the protection of the environment and the promotion of safety referred to in its application, or as otherwise adduced in its evidence in the [*Certificate*] proceedings, or as agreed to in its related submissions.
- A8. Prior to scheduling or providing transmission service to any Party intending or proposing to export electricity from Canada over the Power Line, [*Company name*] shall ensure that the Party obtains all requisite export permits or licences authorizing all such exportation.

Prior to Construction Conditions

- B1. [*Company name*] shall file with the Board for approval, at least [60 days] prior to the planned start of construction, a final, updated, project-specific Environmental Protection Plan (EPP). This EPP should be a comprehensive compilation of all environmental protection procedures, mitigation measures, and monitoring commitments, as set out in [*Company name*]'s application for the Power Line, subsequent filings, evidence collected during the hearing process, and through any regulatory requirements. The EPP should describe the criteria for the

implementation of all procedures and measures, and should use clear and unambiguous language that confirms [Company name]'s intention to implement all of its commitments.

The Environmental Protection Plan shall address, but is not limited to, the following elements:

- a. [specific identified elements requiring protection];

Note: The Board may include specific elements identified during environmental assessment activities as requiring protection.

- z. a reclamation plan which includes a description of the condition to which the applicant intends to reclaim and maintain the right-of-way once the construction has been completed including a description of measurable goals for reclamation.

B2. At least sixty (60) days prior to the commencement of construction, [Company name] shall file with the Board, for approval, a quality assurance and compliance program. The program shall describe the methods by which [Company name] will ensure the Power Line is designed and constructed in conformance with conditions of approval, company designs, specifications and undertakings set forth in its application or as otherwise adduced in its evidence before the Board in the [Certificate] proceedings. The program should include, but not be limited to:

- a. a process or procedure to identify conditions of approval, company designs, specifications and undertakings set forth in the application or otherwise adduced in [Company name]'s evidence;
- b. processes or procedures to monitor, measure, document and report on compliance with conditions of approval, company designs, specifications and undertakings set forth in the application or otherwise adduced in [Company name]'s evidence;
- c. the position title and contact information of the person(s) responsible for each aspect of the program;
- d. the qualifications, contact information, description of job role and position title of the person(s) authorized to stop work should it be in non-conformance with conditions of approval, company designs, specifications and undertakings set forth in the application or otherwise adduced in [Company name]'s evidence;
- e. a process or procedure to identify and implement any corrective action or contingency plan that may be necessary before recommencing work;
- f. a process or procedure to evaluate the effectiveness of the corrective actions taken or contingency plan; and,
- g. methods by which adherence to the policies, processes and procedures will be monitored, measured, documented and reported to [Company name]'s management.

- B3. At least thirty (30) days prior to the commencement of construction, [*Company name*] shall file with the Board:
- a. the safety manual to be followed for the construction of the Power Line; and,
 - b. an outline of the safety training program to be implemented for construction of the Power Line.

Prior to Operation Conditions

- C1. At least sixty (60) days prior to operation of the power line, [*Company name*] shall prepare and submit an Operations and Maintenance Manual for the Power Line. The manual shall require [*Company name*] to conduct documented audits of its records and inspections of the Power Line’s facilities and right of way to confirm [*Company name*]’s conformance to the requirements of the manual. The manual shall also include a schedule or procedure for its periodic review and update, as appropriate, to ensure it remains current with regulatory requirements and accepted industry practice. The manual, programs and procedures on [*Company name*]’s list shall be made available to the Board for periodic review and audit. This manual should include but not be limited to:
- a. ongoing physical facility maintenance and monitoring requirements and plans for the Power Line;
 - b. a public awareness program that:
 - i. keeps the public apprized and aware of ongoing hazards associated with the Power Line; and,
 - ii. provides contact numbers for the public to report issues and concerns
 - c. an emergency response and incident management program;
 - d. vegetation control plans and procedures for the Power Line’s right-of-way;
 - e. training requirements for personnel implementing the manual; and,
 - z. [other elements specified by the Board].

Note: The Board may specify other elements identified during the hearing process as requiring particular attention.

Subject to Board approval, in lieu of preparing a manual, [*Company name*] may prepare a concordance table demonstrating which of its existing or separate procedures, requirements, programs and plans satisfy all of the requirements above.

Note: The above Condition would likely only be used in cases where an election has been filed pursuant to Section 58.23 of the National Energy Board Act.

During Operation Conditions

- D1. [Company name] shall retain adequate and appropriate records of operation and maintenance activities for the Board's auditing purposes.

Note: The above Condition would likely only be used in cases where an election has been filed pursuant to Section 58.23 of the *National Energy Board Act*.

- D2. Within thirty (30) days of the date that the approved facilities are placed in service [Company name] shall file with the Board a confirmation, by an officer of the company, that the approved 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.
- D3. On or before the 31 of January of each of the first three years following completion of construction of the Power Line [Company name] shall file with the Board a report that:
- a. identifies any reclamation or other environmental issues which arose during construction or in the course of the previous year;
 - b. describes the measures [Company name] took and the current status of the issues identified in (a) and whether they are resolved or unresolved; and
 - c. provides the further measures [Company name] proposes to take to address any issues identified as unresolved in (b).

Certificate Expiration Conditions

- E1. Unless the Board otherwise directs prior to [*usually two years from the date the Certificate granted, although this could vary depending upon the complexity of the project*], this Order shall expire on [*same date chosen above*] unless construction in respect of the Project has commenced by that date.

Appendix I

Memorandum of Guidance and Regulations

File No.: 185-A000-19
Revised 23 January 2003

MEMORANDUM OF GUIDANCE TO INTERESTED PARTIES CONCERNING FULL IMPLEMENTATION OF THE SEPTEMBER 1988 CANADIAN ELECTRICITY POLICY

INTRODUCTION

This Memorandum of Guidance (MOG), replaces that of 26 August 1998. It is being updated to reflect the 14 March 2001 Federal Court of Appeal Judgement in *Athabasca Chipewyan First Nation v British Columbia Hydro and Power Authority*, 2001 FCA 62. This MOG also reflects other process revisions based on the Board's experience with processing electricity applications since the issuance of the 26 August 1998 MOG.

THE NATIONAL ENERGY BOARD ACT (NEB ACT)

Under the NEB Act, electricity exports and the construction and operation of international power lines will normally be authorized by issuance of a permit, without holding a public hearing, unless the Governor in Council, upon the recommendation of the Board, designates a proposed export or an international power line for, respectively, licensing or certification procedures. In determining whether to make such a recommendation to the Governor in Council, the Board shall seek to avoid the duplication of measures taken by the applicant and the government of the province from which electricity is to be exported or through which a line is to pass, and shall have regard to all considerations that appear to it to be relevant including any comments submitted by interested parties.

Before issuing an export permit or an international power line permit, the Board will examine the application and supporting information, the submissions of interested parties, and any other information that the Board might require to be furnished by the applicant. The Board may within a reasonable time after publication of the notice of application, require, pursuant to section 58.13 and/or section 119.05, the applicant to furnish such information, in addition to that required to accompany the application, as the Board considers necessary to determine whether it should make a recommendation to the Governor in Council for a licensing or certification procedure which would require a public hearing. The additional information requested may include, among other things, information pertaining to matters raised by interested parties in their submissions.

Based on its examination of the application and the sufficiency of evidence in connection to it and any information submitted by interested parties, the Board may recommend to the Governor in Council that a proposed export of electricity or an international power line be designated for a licensing or certification process requiring a public hearing.

Following the issuance of such a recommendation, which would be made public, if the Governor in Council does not make an order designating the proposed export or international power line for a licensing or certification process, the Board shall issue a permit. Any permit issued by the Board is subject to such terms and conditions respecting any of the matters prescribed in the *National Energy Board Electricity Regulations*¹ (*Electricity Regulations*) as may be imposed by the Board.

Permits issued by the Board are not subject to Governor in Council approval. However, the Governor in Council may, up to 45 days following the issuance of a permit by the Board, issue an order revoking the permit and requiring that a proposed export or international power line be designated for a licensing or a certification process.

In the event that the Governor in Council does make an order designating a proposed export or international power line application for a licensing or certification process, the Board shall hold a public hearing and have regard to all considerations that appear to it to be relevant. Any licence or certificate that is issued by the Board is subject to the approval of the Governor in Council, and to such terms and conditions as the Board may impose.

For permit applications the Board reminds all parties that submissions need not be filed on all parties to the application, but must be filed with the Board, and served to the applicant. However, if replying, the applicant shall file its reply with the Board and serve it on all submitters. As well correspondence from the Board shall be sent to every party. Other filings on any other party to an application shall be as directed by the Board. For licencing or certifying processes, filing requirements would be described in the Hearing Order governing the public hearing, as applicable.

The maximum period of any licence or permit to export electricity is 30 years from a date to be fixed in the respective authorization.

The Board also reminds all parties that they have the right to communicate with the Board in both official languages.

Electricity Exports

In its initial assessment of a proposed electricity export application under section 119.03 of the NEB Act, the Board includes the matters set out in section 119.06. As well, section 119.03 requires that an application must be accompanied by the information that is required under the *Electricity Regulations*.

The considerations which are listed in section 119.06 and which the Board includes in its assessment of whether to make a recommendation to the Governor in Council include the following:

- (a) the effect of the exportation of the electricity on provinces other than that from which the electricity is to be exported;

¹ SOR/97-130 Attached as Appendix II to this MOG.

- (b) the impact of the exportation on the environment;
- (c) whether the applicant has
 - (i) informed those who have declared an interest in buying electricity for consumption in Canada of the quantities and classes of service available for sale, and
 - (ii) given an opportunity to purchase electricity on terms and conditions as favourable as the terms and conditions specified in the application to those who, within a reasonable time of being so informed, demonstrate an intention to buy electricity for consumption in Canada; and
- (d) such considerations as may be specified in the *Electricity Regulations*, and

all considerations that appear to it to be relevant and shall seek to avoid the duplication of measures taken by the provinces.

International Power Lines

In its initial assessment of a proposed international power line application under section 58.11 of the NEB Act the Board includes the matters set out in section 58.14. As well, section 58.11 requires that an application must be accompanied by the information that is required under the *Electricity Regulations*.

The considerations which are listed in section 58.14 and which the Board includes in its assessment of whether to make a recommendation to the Governor in Council include the following:

- (a) the effect of the power line on provinces other than those through which the line is to pass;
- (b) the impact of the construction or operation of the power line on the environment; and
- (c) such considerations as may be specified in the *Electricity Regulations*, and

all considerations that appear to it to be relevant and shall seek to avoid the duplication of measures taken by the provinces.

With respect to environmental regulation of international power lines, the Board has obligations under the *Canadian Environmental Assessment Act*. These obligations have been incorporated into the *Electricity Regulations*.

Under the NEB Act, detailed routing and land acquisition in respect of international power lines will be carried out under provincial laws unless an applicant elects, pursuant to section 58.23 of the NEB Act, to have federal laws apply. In that case, the detailed routing and land acquisition procedures of the NEB Act will apply. Also, pursuant to such an election, the procedure to be followed for project approval will be a certification process requiring a public hearing and Governor in Council approval.

PROCEDURES FOR PROCESSING EXPORT AND INTERNATIONAL POWER LINE APPLICATIONS UNDER THE NEB ACT

Early Public Notification Requirements

Parties applying for international power line authorizations, (i.e. permits, or certificates) pursuant to sections 58.11 or 58.16 of the NEB Act are reminded that they must comply with Part II of the Board's 22 February **1995 Guidelines for Filing Requirements**.

General Public Notice Requirements

(1) Requirements Applicable to all Applicants

In all cases, applicants seeking authorizations to export electricity or to construct and operate an international power line shall, at the time of filing an application with the Board, publish a Notice of Application and Directions on Procedure² (NOA/DOP)³, in both official languages, in the Canada Gazette, Part I, in accordance with section 58.12 or 119.04 of the Act.

(2) Specific Requirements

In addition to the requirements specified in (1), applicants have to comply with the following requirements:

For electricity export applications by applicants with service areas and/or who own generation, or their affiliates, for other than border accommodation transfers⁴, applicants are directed:

- (i) to serve a copy of their application and NOA/DOP on each utility from which exports are proposed, and on directly interconnected Canadian utilities, and
- (ii) to publish the NOA/DOP on the same date (insofar as it is possible to do so) as publication occurs in the Canada Gazette, Part 1 as follows:
 - (A) in English in the largest paid general circulation English language newspaper and in French in the largest paid general circulation French language newspaper, published in the most populous community in the service area(s) from which the proposed exports may originate;

2 In the case of licencing or certifying process requiring a public hearing, instead of referring to Directions on Procedure, the Board would refer to a Hearing Order, as applicable.

3 Examples of NOA/DOPs are attached for export applications (Appendix I(a)), border accommodations (Appendix I(b)) and international power lines (Appendices I(c) and I(d)).

4 A border accommodation transfer means a transfer of power or energy for the purpose of providing electricity to a person in a foreign country who lacks ready access to services from a power system in that country, or to an international work (i.e. bridge, tunnel, etc.), or to a person in a foreign country who has lost service from a power system of that country as a result of an emergency.

- (B) if the community referred to in (A) is not served by a general circulation English and a general circulation French language newspaper, the NOA/DOP must be published in both official languages in the newspaper which has the largest paid circulation in that community.

In those cases where exports are proposed from more than one service area, publication may be made in both official languages in a nationally published newspaper.

Applicants are also required to provide information whether it, or an affiliate of the applicant, have an interest in generation or transmission facilities in Canada.

For applications for a permit to construct and operate an international power line exceeding an operating voltage of 50 kilovolts, applicants are directed to serve a copy of their application on each directly interconnected Canadian electricity transmission owner and to publish the NOA/DOP on the same date (insofar as it is possible to do so) as publication occurs in the Canada Gazette, Part I, and in accordance with paragraphs (2)(ii)(A) and (B) above.

For lines of an operating voltage not exceeding 50 kilovolts, applicants are required to publish the NOA/DOP in the Canada Gazette as noted above, and in accordance with (2)(ii)(A) and (B) above.

Note: It is the responsibility of the applicants to ensure that correct notices in English and French are published to reach both official language groups.

If applicants wish a variance from the requirements to publish notices in the above noted newspapers because of the limited and/or local nature of their application, they may request relief from the Board prior to filing their application with the Board. Such a request shall include a proposed alternative, for prior Board approval, for the publication of the NOA/DOP in local newspapers or bulletins, as appropriate, in order to inform potentially affected interested parties.

Applicants shall file with the Board, as soon as possible after the date of publication in the newspapers, copies of each newspaper tear sheet showing the NOA/DOP as published.

Information to be Furnished by Applicants

- (a) Applicants seeking authorization to export electricity are required to furnish the information as set out in section 8 or section 9 of the *Electricity Regulations*. The information set out in section 8 is required to be furnished by applicants for authorizations for border accommodation transfers and the information set out in section 9 is required to be furnished by all other applicants. In addition, in accordance with section 119.05 of the NEB Act, the Board may require the applicant to furnish additional information to help it determine whether it wishes to recommend that a proposed export be designated for a licensing process.

Due to the 14 March 2001 Federal Court of Appeal Judgement in *Athabasca Chipewyan First Nation v British Columbia Hydro and Power Authority*, 2001 FCA 62, the Board requires further information on any potential adverse environmental effects of the applied for electricity exports. Therefore, in addition to the environmental information requirements of the *Electricity Regulations* (see subsections 9(n) and (o)), applicants are directed to also respond to the information requirements included in Appendix III.

- (b) Applicants seeking authorization to construct and operate an international power line are required to furnish the information as set out in section 4 or section 5 of the *Electricity Regulations*. The information set out in section 4 is required to be furnished by applicants proposing to construct and operate international power lines not exceeding an operating voltage of 50 kilovolts and the information set out in section 5 is required to be furnished by all other applicants. In addition, in accordance with Section 58.13 of the NEB Act the Board may require the applicant to furnish additional information to help it determine whether to recommend that a proposed international power line be designated for a certification process.

Processing Procedures

Persons wishing to make a submission advocating the imposition of permit terms and conditions, or a recommendation by the Board to the Minister requesting a designation order by the Governor in Council for licensing/certification procedures, must provide written information to support their submission.

Submitters are advised that they must raise all of their concerns in their initial submission and provide all relevant information in support of it. The applicant will have the final right of reply in permit applications.

Upon submission of an application to the Board, the following procedure will apply:

Following publication by the applicant of the NOA/DOP and verification by the Board of all required information, and after a 30-day period from the date of publication of the NOA/DOP to allow for comments by interested parties, the Board will either

- (a) **if no submissions are received** and if the application provides sufficient information in support of it and conforms with the requirements of the NEB Act, issue a permit⁵, which shall be sent to the applicant,
- (b) **if submissions are received**, allow a further 15-day period for the applicant to answer the submissions.

5 Subject to such terms and conditions respecting matters prescribed by the Electricity Regulations as the Board considers necessary or desirable.

Following the time to allow for the filing of submissions as outlined in (b) above, the Board will, based on its examination of the application and the sufficiency of information in support of it and the submissions and responses, issue a permit⁶ or make a recommendation to the Minister for a designation order by the Governor in Council in respect of the application. If a permit is issued, a copy of the permit will be sent to the applicant and to all interested parties.

Terms and Conditions of Permits

The matters in respect of which terms and conditions may be imposed relating to international power line permits are set out in section 6 and those relating to export permits are set out in section 10 of the *Electricity Regulations*.

Detailed Routing of International Power Lines

Applicants who wish to have the detailed routing and land acquisition procedures of the NEB Act apply to an existing or proposed international power line are required to file an election pursuant to section 58.23 of the NEB Act in the form set out in the schedule to the *Electricity Regulations*.

Any inquiries with respect to the implementation measures described in this Memorandum of Guidance should be directed to the Commodities Business Unit - Electricity Team at (403) 299-3186, FACSIMILE (403) 292-5503.

French or English versions of this document are available from the Board, on request, or may be found on the NEB website at: www.neb-one.gc.ca

Application Filing

The Board accepts the filing of either electronic or paper copies. Electronic filings shall be as described in the 21 March 2002 Memorandum of Guidance regarding the filing of electronic documents.

If paper copies are filed, Applicants are requested to file, with the Board, the following number of copies in support of applications.

<u>International Power Lines</u>		<u>Electricity Exports</u>	
Permits -	15	Permits -	15
Certificates -	15	Licence/ Permit Amendments -	15
Certificate/Permit Amendments -	15	Licence/Permit Revocations -	15
Certificate/Permit Revocations -	15		

6 Subject to such terms and conditions respecting matters prescribed by the Electricity Regulations as the Board considers necessary or desirable.

If an election is filed, a public hearing will be held, and the number of copies to be filed shall be 25.

Michel L. Mantha
Secretary

Attach.

Appendix I (a)

Page 1 of 2

EXAMPLE OF NOTICE TO BE PUBLISHED FOR ELECTRICITY EXPORTS

Notice of Application and Directions on Procedure Alpha Electric Application to Export Electricity to the Omega Power Authority of the United States

By an application dated (insert date), Alpha Electric (the Applicant) has applied to the National Energy Board under Division II of Part VI of the *National Energy Board Act* for authorization to export 500 megawatts of firm power and 2 000 gigawatt-hours per year of firm energy for a period of 5 years commencing on (insert date). This export would be in accordance with the terms of the firm power and energy contract between Alpha Electric and the Omega Power Authority executed on (insert date).

The Board wishes to obtain the views of interested parties on this application before issuing a permit or recommending to the Governor in Council that a public hearing be held. The Directions on Procedure that follow explain in detail the procedure that will be used.

1. The Applicant shall deposit and keep on file, for public inspection during normal business hours, copies of the application at its offices located at (the Applicant's address/and include other communication numbers) and provide a copy of the application to any person who requests a copy. A copy of the application is also available for viewing during normal business hours in the Board's library, Room 1002, 444 Seventh Avenue SW, Calgary, Alberta, T2P 0X8.
2. Submissions that any party wishes to present shall be filed with the Secretary of the Board, 444 Seventh Avenue SW, Calgary, Alberta, T2P 0X8, facsimile: (403) 292-5503, and served on the Applicant by (insert a date 30 days after the date of publication of this notice).
3. Pursuant to Section 119.06(2) of the Act, the Board shall have regard to all considerations that appear to it to be relevant. In particular, the Board is interested in the views of submitters with respect to:
 - (a) the effect of the exportation of the electricity on provinces other than that from which the electricity is to be exported;
 - (b) the impact of the exportation on the environment; and

Appendix I (a)

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- (c) whether the Applicant has:
 - (i) informed those who have declared an interest in buying electricity for consumption in Canada of the quantities and classes of service available for sale, and
 - (ii) given an opportunity to purchase electricity on terms and conditions as favourable as the terms and conditions specified in the application to those who, within a reasonable time of being so informed, demonstrate an intention to buy electricity for consumption in Canada.
- 4. Any answer to submissions that the Applicant wishes to present in response to items 2 and 3 of this Notice of Application and Directions on Procedure shall be filed with the Secretary of the Board and served on the party that filed the submission by (insert a date 15 days after the date in number 2 above).
- 5. For further information on the procedures governing the Board's examination, contact the Secretary at (403) 299-2714, facsimile: (403) 292-5503.

Appendix I (b)

Page 1 of 1

EXAMPLE OF NOTICE TO BE PUBLISHED FOR BORDER ACCOMMODATIONS

Notice of Application and Directions on Procedure Alpha Electric Application for Authorization to Export Electricity

Alpha Electric (include the Applicant's address/and other communication numbers) hereby gives notice that it has, under Division II of Part VI of the *National Energy Board Act*, filed an application dated (insert date) with the National Energy Board for authorization to export energy to the Omega Power Authority of the United States. The export will be for the period (insert date) to (insert date), up to a maximum of 1 megawatt.

The Board wishes to obtain the views of interested parties on this application before issuing a permit or recommending to the Governor in Council that a public hearing be held. The Directions on Procedure that follow explain in detail the procedure that will be used.

1. Written submissions in respect of the application shall be filed with the Secretary, National Energy Board, 444 Seventh Avenue SW, Calgary, Alberta, T2P 0X8, facsimile: (403) 292-5503, and served on Alpha Electric by (insert a date 30 days after the date of publication of this notice).
2. Any answer to such submissions that the Applicant wishes to present shall be filed with the Secretary of the Board and served on the party that filed the submission by (insert a date 15 days after the date in number 1 above).
3. For further information on the procedures governing the Board's examination, contact the Secretary at (403) 299-2714, facsimile: (403) 292-5503.

Appendix I (c)

Page 1 of 2

EXAMPLE OF NOTICE TO BE PUBLISHED FOR INTERNATIONAL POWER LINES EXCEEDING 50 KILOVOLTS

Notice of Application and Directions on Procedure Alpha Electric Application to Construct and Operate an International Power Line to the Beta Power Company of the United States

By an application dated (insert date), Alpha Electric (the Applicant) has applied to the National Energy Board under Part III.1 of the *National Energy Board Act* for authorization to construct and operate a 345 000 volt three-phase international power line. The line would extend a distance of approximately 20 km southward from the (X) substation, located in (Location) in Canada, to the northern perimeter of the town of (Location), then southwest a further 50 km to a point on the international boundary located at (Location). The line would be constructed in accordance with the terms of the contract between Alpha Electric and the Beta Power Company executed on (insert date).

The Board wishes to obtain the views of interested parties on this application before issuing a permit or recommending to the Governor in Council that a public hearing be held. The Directions on Procedure that follow explain in detail the procedure that will be used.

1. The Applicant shall deposit and keep on file, for public inspection during normal business hours, copies of the application at its offices located at (insert Applicant's address/and include other communication numbers) and provide a copy of the application to any person who requests a copy. A copy of the application is also available for viewing during normal business hours in the Board's library, room 1002, 444 Seventh Avenue SW, Calgary, Alberta, T2P 0X8.
2. Submissions that any party wishes to present shall be filed with the Secretary of the Board, 444 Seventh Avenue SW, Calgary, Alberta, T2P 0X8, facsimile: (403) 292-5503, and served on the Applicant by (insert a date 30 days after the date of publication of this notice).
3. Pursuant to Section 58.14(2) of the Act, the Board shall have regard to all considerations that appear to it to be relevant. In particular, the Board is interested in the views of submitters with respect to:
 - (a) the effect of the power line on provinces other than those through which the line is to pass; and
 - (b) the impact of the construction or operation of the power line on the environment.

Appendix I (c)

Page 2 of 2

4. As part of its consideration of the environmental effects of the proposed facilities, the Board will apply the *Canadian Environmental Assessment Act* (CEAA). The Board will ensure that there is no duplication in requirements under the CEAA and the Board's own regulatory process.
5. Any answer to submissions that the Applicant wishes to present in response to items 2 and 3 of this Notice of Application and Directions on Procedure shall be filed with the Secretary of the Board and served on the party that filed the submission by (insert a date 15 days after the date in number 2 above).
6. For further information on the procedures governing the Board's examination, contact the Secretary at (403) 299-2714, facsimile: (403) 299-5503.

Appendix I (d)

EXAMPLE OF NOTICE TO BE PUBLISHED FOR INTERNATIONAL POWER LINES NOT EXCEEDING AN OPERATING VOLTAGE OF 50 KILOVOLTS

Notice of Application and Directions on Procedure Alpha Electric Application for Authorization to Construct and Operate an International Power Line

Alpha Electric (include the Applicant's address/and other communication numbers) hereby gives notice that it has, under Part III.1 of the *National Energy Board Act*, filed an application dated (insert date), with the National Energy Board for authorization to construct and operate a 25 000 volt three-phase international power line. The line would extend a distance of approximately 2 km southward from the (X) substation, located in (Location) in Canada, to the northern perimeter of the town of (Location), then southwest a further 1 km to a point on the international boundary located at (Location).

The Board wishes to obtain the views of interested parties on this application before issuing a permit or recommending to the Governor in Council that a public hearing be held. The Directions on Procedure that follow explain in detail the procedure that will be used.

1. Written submissions in respect of the application shall be filed with the Secretary, National Energy Board, 444 Seventh Avenue SW, Calgary, Alberta, T2P 0X8, facsimile: (403) 292-5503, and served on Alpha Electric by (insert a date 30 days after the date of publication of this notice).
2. As part of its consideration of the environmental effects of the proposed facilities, the Board will apply the *Canadian Environmental Assessment Act* (CEAA)¹. The Board will ensure that there is no duplication in requirements under the CEAA and the Board's own regulatory process.
3. Any answer to such submissions that the Applicant wishes to present shall be filed with the Secretary of the Board and served on the party that filed the submission by (insert a date 15 days after the date in number 1 above).
4. For further information on the procedures governing the Board's examination, contact the Secretary at (403) 299-2714, facsimile: (403) 292-5503.

1 Electrical transmission lines with a voltage of not more than 50 kV are contained within the *Exclusion List Regulations* and are therefore not subject to an environmental assessment under CEAA, except where it would be (a) carried out beyond an existing right-of-way; (b) extend more than 4 km outside Canada; (c) involve the likely release of a polluting substance into a waterbody; and (d) involve the placement of the supporting structures for the line in or on or within 30 m of a water body.

Appendix II

REGULATIONS FOR CARRYING INTO EFFECT THE PROVISIONS OF THE NATIONAL ENERGY BOARD ACT RESPECTING INTERNATIONAL POWER LINES AND THE EXPORTATION OF ELECTRICITY

National Energy Board Electricity Regulations

SOR/97-130

Registration 4 March, 1997

NATIONAL ENERGY BOARD ACT

National Energy Board Electricity Regulations

P.C. 1997-283 4 March, 1997

His Excellency the Governor General in Council, on the recommendation of the Minister of Natural Resources, pursuant to sections 58.39¹ and 119.094² of the National Energy Board Act, is pleased hereby to make the annexed Regulations for carrying into effect the provisions of the National Energy Board Act respecting international power lines and the exportation of electricity.

REGULATIONS FOR CARRYING INTO EFFECT THE PROVISIONS OF THE NATIONAL ENERGY BOARD ACT RESPECTING INTERNATIONAL POWER LINES AND THE EXPORTATION OF ELECTRICITY

SHORT TITLE

1. These Regulations may be cited as the *National Energy Board Electricity Regulations*.

INTERPRETATION

2. In these Regulations,

"Act" means the *National Energy Board Act*; (Loi)

"adjustment transfer" means a transfer of power or energy to adjust energy account balances or to compensate for services rendered; (*transfert en vue d'un redressement*)

"border accommodation transfer" means a transfer of power or energy for the purpose of providing electricity to

1 C. 1990, c. 7, s. 23

2 C. 1990, c. 7, s. 34

- (a) a person in the United States who lacks ready access to services from a power system in that country,
- (b) a work that is located in part in Canada and in part in the United States, or
- (c) a person in the United States who has lost service from a power system in that country as a result of an emergency; (*transfert en vue d'un service frontalier*)

"carrier transfer" means a transfer of power or energy wheeled from one power system, through the circuits of another power system that acts as a carrier, for delivery to a third party or to the original power system; (*transfert relatif au transport*)

"electricity transfer" means a transfer of any of the following classes, namely

- (a) a sale transfer,
- (b) an equichange transfer,
- (c) an adjustment transfer,
- (d) a carrier transfer, or
- (e) storage transfer; (*transfert d'électricité*)

"energy" means the total quantity of energy in the form of electricity transmitted over a period of time, expressed in units of watt hours or multiples or sub-multiples of watt hours; (*énergie*)

"environmental effect" means, in respect of a project,

- (a) any change that the project may cause in the environment, including any effect of any such change on health and socio-economic conditions, on physical and cultural heritage, on the current use of lands and resources for traditional purposes by Aboriginal persons, or on any structure, site or thing that is of historical, archaeological, paleontological or architectural significance,
- (b) repercussions on the environment of malfunctions or accidents that may occur and any cumulative repercussions on the environment that are likely to result from the project in combination with other projects or activities that have been or will be carried out, and
- (c) any change to the project that may be caused by the environment; (*effets environnementaux*)

"equichange transfer" means an interchange of equal quantities of power or energy within a stated period; (*transfert d'équivalents*)

"firm energy" means energy that is intended to be available at all specified times during a period covered by an agreement respecting the sale thereof; (*énergie garantie*)

"firm power" means power or power-production capacity that is intended to be available at all specified times during a period covered by an agreement respecting the sale thereof; (*puissance garantie*)

"interruptible energy" means energy that is made available under an agreement that permits curtailment, interruption or cessation of delivery at the option of the supplier; (*énergie interruptible*)

"interruptible power" means power that is made available under an agreement that permits curtailment, interruption or cessation of delivery at the option of the supplier; (*puissance interruptible*)

"notice" means a notice of the application for a permit, published by the applicant in accordance with section 58.12 or 119.04 of the Act; (*avis*)

"permit" means an authorization for

- (a) the construction and operation of an international power line issued under Part III.1 of the Act, or
- (b) the exportation of electricity issued under Part VI of the Act; (*permis*)

"power" means the rate of transferring energy, expressed in units of watts or multiples or sub-multiples of watts; (*puissance*)

"power line outside Canada" means that part of a power line in the United States that is between its connection to the international power line at the border and the first switching station in the United States; (*ligne située à l'étranger*)

"power system" includes the generating stations, transformers, switching stations, transmission lines, substations, distribution lines and circuits necessary for the production, transmission and distribution of electricity; (*réseau d'électricité*)

"power transfer capability" means the amount of power that can be transferred from one power system to another without impairing the reliability criteria of the interconnected systems; (*capacité de transfert de puissance*)

"sale transfer" means a transfer of power or energy under a contract of sale; (*transfert relatif à la vente*)

"storage transfer" means a transfer of energy that is banked for the time being in the form of water in a reservoir of another power system, in the expectation that equivalent energy will be returned at a later time. (*transfert en vue du stockage*)
SOR/99-338, s. 1(F).

PART I
INSPECTION

3. (1) A member of the Board or any person who has the relevant training or experience and who is authorized by the Board in writing for the purpose may, with respect to any licence or permit issued under Division II of Part VI of the Act, inspect any instruments, devices, plant, equipment, books, records or accounts or any other thing used for or in connection with the exportation of electricity, and conduct any tests that are necessary to conduct the inspection.
- (2) A person authorized by the Board to exercise any of the powers referred to in subsection (1) shall produce the authorization when requested to do so during the exercise of those powers.
- (3) Every person who is the operator or is in charge of any of the premises or things referred to in subsection (1) shall permit a member of the Board or a person authorized by the Board to exercise the powers referred to in that subsection and shall assist the member or person in exercising those powers.

PART II
**INFORMATION TO BE FURNISHED BY APPLICANTS FOR PERMITS FOR
THE CONSTRUCTION AND OPERATION OF INTERNATIONAL POWER
LINES**

International Power Lines of Less than 50 kV

4. An application for a permit for the construction and operation of an international power line that does not exceed an operating voltage of 50 kV shall contain the following information, unless the Board advises the applicant that the information is already in the possession of the Board or that the information is not relevant to the application:
 - (a) the name of the applicant and any authorized representative of the applicant and their mailing address, address for personal service, telephone number and any other telecommunications numbers of the applicant or the authorized representative of the applicant;
 - (b) the name and address of the owner and of the operator of the international power line in Canada, if the identity of the owner or operator is different from that of the applicant;
 - (c) a proof of publication of the notice;
 - (d) a description of any early public notification process implemented by the applicant;
 - (e) a map, on a scale sufficient to locate and identify all essential features, showing

- (i) all terminal points, the general route, the international boundary crossover point and the distance in kilometres from the international boundary crossover point to each terminal point of the international power line in and outside Canada,
 - (ii) the provinces, cities, towns, villages, park boundaries, rivers, major roads, railways and navigable waters through, under or across which the international power line is to pass, and
 - (iii) the power line outside Canada;
- (f) a plan of survey from which the international boundary crossover point can be accurately determined on the ground;
- (g) the name and address of the owner and the operator of the power line outside Canada;
- (h) a brief engineering description of the international power line, including:
- (i) the voltage level,
 - (ii) the number and size of conductors,
 - (iii) the maximum power transfer capability, and
 - (iv) a single-line diagram identifying all the facilities that constitute the international power line;
- (i) a copy of any agreement between the applicant and the owner or the operator of the power line outside Canada dealing with the construction and operation of the international power line and the power line outside Canada;
- (j) in respect of environmental concerns,
- (i) evidence to demonstrate that a screening is not required under the Canadian Environmental Assessment Act because the international power line is of a project or class that is listed in the Exclusion List Regulations,
- or
- (ii) a description of the environmental effects, including a consideration of the following factors, namely,
 - (A) the significance of the environmental effects,
 - (B) comments received from the public, and

- (C) measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects;
- (k) a description of the approvals that are required to be obtained from all of the provinces through which the international power line will pass and a statement respecting the current status of the approvals; and
- (l) a description of any approvals that are required for the construction and operation of the power line outside Canada and a statement respecting the current status of the approvals.

International Power Lines Greater than 50 kV

5. An application for a permit for the construction and operation of an international power line that exceeds an operating voltage of 50 kV shall contain the following information, unless the Board advises the applicant that the information is already in the possession of the Board or that the information is not relevant to the application:
 - (a) the name of the applicant and of any authorized representative of the applicant and their mailing address, address for personal service, telephone number and any other telecommunications numbers of the applicant or the authorized representative of the applicant;
 - (b) in respect of the owner and the operator of the international power line,
 - (i) their names and addresses, where they are not the applicant,
 - (ii) a description of the power systems that each owns or operates, and
 - (iii) a copy of their most recent annual report;
 - (c) a proof of publication of the notice;
 - (d) a description of any early public notification process implemented by the applicant;
 - (e) a map on a scale sufficient to locate and identify
 - (i) the general route and facility sites being considered,
 - (ii) the alternative route and facility sites under consideration,
 - (iii) the areas subject to physical and environmental constraints, including biophysical and land use or natural resource use constraints, that limit the general route or facility sites, and
 - (iv) the approximate sites of all proposed ancillary facilities;

- (f) a description of the environmental, land-use and other criteria used for the identification of the proposed, and any alternative, general route and major facility sites;
- (g) all terminal points and the international boundary crossover point;
- (h) the distance in kilometres from the international boundary crossover point to each terminal point;
- (i) a map, on a scale sufficient to locate and identify all essential features, showing
 - (i) all terminal points, the international boundary crossover point and the distance in kilometres from the international boundary crossover point to each terminal point of the international power line in and outside Canada,
 - (ii) the provinces, cities, towns, villages, park boundaries, rivers, major roads, railways and navigable waters through, under or across which the international power line is to pass, and
 - (iii) the power line outside Canada;
- (j) a plan of survey from which the international boundary crossover point can be accurately determined on the ground;
- (k) the name and address of the owner and of the operator of the power line outside Canada;
- (l) a copy of the most recent annual report of the owner and the operator of the power line outside Canada;
- (m) a brief engineering description of the proposed international power line, including
 - (i) the voltage level,
 - (ii) the number and size of conductors,
 - (iii) a description of the tower or other structures that will provide physical support for the international power line,
 - (iv) a single-line diagram identifying all the facilities that constitute the international power line,
 - (v) the power transfer capability for sustained transmission of power under winter and summer conditions, and
 - (vi) the criteria for the stated power transfer capability;

- (n) the total export and import power transfer capabilities, with and without the proposed international power line, of the applicant's power system and of the power system to which it will be interconnected by the international power line, stating the criteria for those capabilities;
- (o) a copy of
 - (i) each interconnection agreement that relates to the construction of the international power line, and
 - (ii) any other agreement between the applicant and the owner or the operator of the power line outside Canada that relates to the construction and operation of the international power line and the power line outside Canada;
- (p) a description of the provincial requirements and associated review process that must be satisfied, including
 - (i) a description of the review process applicable to each approval that is required,
 - (ii) a description of any public consultation process provided for under the review process, and
 - (iii) a schedule for the review process;
- (q) a description of the approvals that are required to be obtained, including a statement respecting the current status of the approvals,
 - (i) from all the provinces through which the international power line will pass, and
 - (ii) from the appropriate authorities for the construction or operation of the power line outside Canada;
- (r) a schedule showing the projected dates for
 - (i) each approval referred to in subparagraph (q)(i), and
 - (ii) the start and completion of construction of the international power line and the power line outside Canada;
- (s) an environmental assessment report, which may consist of a screening report or a comprehensive study report done pursuant to the Canadian Environmental Assessment Act or a report done pursuant to provincial legislation, for the construction and operation of the international power line and of any associated temporary or permanent roads;
- (t) unless otherwise detailed in the report referred to in paragraph (s),

- (i) a map showing the proposed general route and covering a width of at least one kilometre on each side of the international power line, on a scale sufficient to clearly show the existing environment, including the surface geology, the habitats of wildlife of ecological, economic or human importance, rare and endangered plant species, spawning beds, public recreational areas, parks, historic and archaeological sites, conservation areas, Indian reserves and existing land use, and a description of the environmental components shown on the map,
- (ii) the width of the right-of-way proposed and the reasons why that width was selected,
- (iii) a description of the environmental effects, including a consideration of the following factors, namely,
 - (A) the significance of the environmental effects,
 - (B) comments received from the public, and
 - (C) measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects,
- (iv) the measures that would be taken to minimize any adverse visual effects of the international power line,
- (v) the levels of the radio and television interference expected at the edge of the right-of-way under fair and foul weather conditions at maximum loading of the international power line, and the measures to be taken to minimize the potential interference,
- (vi) for operating voltages above 240 kV, the levels of noise, ozone concentration, electric field gradient and magnetic field strength expected at the edge of the right-of-way at maximum loading of the international power line, and the measures to be taken to protect people and animals, from electric shock on contacting vehicles or metallic structures,
- (vii) for any substation that forms part of the international power line, the audible noise in decibels that would be caused by the operation of the facilities, a description of the public exposure to the noise and any measures to be taken to minimize the noise,
- (viii) the pesticides and herbicides to be used in the construction and maintenance of the right-of-way, including
 - (A) quantities,
 - (B) methods of application,

- (C) potential adverse environmental effects, and
- (D) measures to be taken to mitigate any potential harmful effects,
- (ix) the plans for surface restoration after construction and for the disposal of excavation and construction debris and wastes, and
- (x) a statement of the applicant's intentions with respect to environmental inspection of the project during construction and operation of the international power line;
- (u) for every comprehensive study report referred to in paragraph (s), in addition to the factors referred to in paragraph (t), a consideration of the following factors, namely,
 - (i) the purpose of the project,
 - (ii) alternative means of carrying out the project that are technically and economically feasible and the environmental effects of any such alternative means,
 - (iii) the need for, and the requirements of, any follow-up programme in respect of the project,
 - (iv) the capacity of the renewable resources that are likely to be significantly affected by the project to meet the needs of the present and those of the future;
- (v) a description of any adverse effects on other provinces that operation of the proposed international power line at the power transfer capabilities referred to in paragraph (n) may have, including adverse effects on the operation of power systems in other provinces and the measures to be taken to mitigate or minimize those effects; and
- (w) a description of any safety and environmental standards, practices and procedures to be used in the design, construction and operation of the international power line, including the date of issue of any documents respecting those matters. SOR/99-338, s. 2(F).

Terms and Conditions of Permits for International Power Lines

6. The following are matters in respect of which terms and conditions may be included in any permit for the construction and operation of an international power line:
 - (a) notice of any change in the identity of the owner or operator of the facilities;
 - (b) the location of the facilities;

- (c) the location of the international boundary crossover point;
- (d) the electrical and physical characteristics, including the power transfer capability, of the facilities;
- (e) practices and procedures related to the protection and restoration of the environment affected by the facilities;
- (f) requirements respecting monitoring of the construction, operation and environmental effects of the facilities;
- (g) requirements respecting approval by the Board of any change that may be made to the facilities;
- (h) requirements relating to the mitigation of any adverse effects that the operation of the facilities may have on the reliability of any power systems to which the facilities are interconnected; and
- (i) requirements relating to the obligation of persons who provide other persons with the necessary facilities for the export of power from Canada to verify whether persons who wish to export electricity have the required permits or licences for that export.

Elections

7. An election filed with the Board under section 58.23 of the Act by an applicant for a permit or by the holder of a permit or certificate shall be in the form set out in the schedule.

PART III

INFORMATION TO BE FURNISHED BY APPLICANTS FOR PERMITS FOR THE EXPORTATION OF ELECTRICITY

Border Accommodation Transfers

8. An application for a permit for the exportation of electricity for the purposes of a border accommodation transfer shall contain the following information, unless the Board advises the applicant that the information is already in the possession of the Board or that the information is not relevant to the application:
 - (a) the names of the applicant and any authorized representative of the applicant and their mailing address, address for personal service, telephone number and any other telecommunications numbers of the applicant or the authorized representative of the applicant;
 - (b) a proof of publication of the notice;
 - (c) the period for which the permit is sought and, for each year in that period, an estimate of the following quantities, namely,

- (i) the maximum quantity of firm power export,
 - (ii) the maximum quantity of interruptible power export,
 - (iii) the maximum monthly and annual quantities of firm energy exports, and
 - (iv) the maximum monthly and annual quantities of interruptible energy exports;
- (d) a copy of any electricity transfer agreement that covers the proposed exportation of electricity;
- (e) a description of the international power line over which the applicant proposes to export electricity, setting forth
- (i) the number of the certificate or permit issued by the Board,
 - (ii) the name of the holder of the certificate or permit,
 - (iii) the names of the owner and the operator of the power line outside Canada, and
 - (iv) the voltage level of the international power line;
- (f) a description of the approvals that are required to be obtained, including a statement respecting the current status of the approvals,
- (i) from the provinces, and
 - (ii) from the appropriate authorities for the importation of electricity into the United States; and
- (g) the name, address and nature of the business of each person or agency outside Canada to be supplied with electricity, together with a statement of the power to be supplied to each.

Other than Border Accommodation Transfers

9. An application for a permit for the exportation of electricity, other than for a border accommodation transfer, shall contain the following information, unless the Board advises the applicant that the information is already in the possession of the Board or that the information is not relevant to the application:
- (a) the names of the applicant and any authorized representative of the applicant and their mailing address, address for personal service, telephone number and any other telecommunications numbers of the applicant or the authorized representative of the applicant;

- (b) a description of the applicant's power system, a copy of the applicant's latest annual report and, if applicable, the applicant's most recent publicly available generation or development plan;
- (c) a proof of publication of the notice;
- (d) the name of each person or agency outside Canada to be supplied with electricity and the nature of the business carried on by the person or agency or, if that information is unknown at the time of the application, a brief description of the markets to be served;
- (e) in the case of a sale transfer, the period for which the permit is sought and, for each year in that period, an estimate of the following quantities, namely,
 - (i) the maximum quantity of firm power export and import,
 - (ii) the maximum quantity of combined firm power and interruptible power export and import,
 - (iii) the maximum monthly and annual quantities of firm energy exports and imports, and
 - (iv) the maximum monthly and annual quantities of interruptible energy exports and imports;
- (f) in the case of an equichange transfer, storage transfer, adjustment transfer or carrier transfer, a statement of the annual quantities of energy for exportation and for importation for each class of transfer for the period for which the permit is sought;
- (g) a copy of any electricity transfer agreement that covers the proposed exportation of electricity;
- (h) where no agreement exists, a statement of
 - (i) the estimated maximum duration of specific exports and the basis for that estimation, and
 - (ii) the period of time for which the permit is sought and the basis for the selection of that period of time;
- (i) a list of the international power lines over which the applicant proposes to export or import electricity, setting forth in respect of each line
 - (i) the number of the certificate or permit issued by the Board,
 - (ii) the name of the holder of the certificate or permit,
 - (iii) the name of the owner of the power line outside Canada,

- (iv) the voltage level and operating designation of each circuit, and
- (v) the maximum power transfer capability of each circuit and the basis for that limit;
- (j) the total simultaneous power transfer capability under normal operating conditions for all of the international power lines listed in accordance with paragraph (i) and the basis for that limit;
- (k) a description of the approvals required for the importation of electricity into the United States, and a statement respecting the current status of the approvals;
- (l) a description of the provincial approvals that are required to be obtained by the applicant, and a statement respecting the current status of the approvals;
- (m) a description of the review process applicable to each provincial approval that must be obtained, including
 - (i) a description of any public consultation provided for under the review process, and
 - (ii) a schedule for the review process;
- (n) whether new or modified facilities will be required to effect the proposed exportation of electricity and, if applicable, a detailed description of those facilities;
- (o) the adverse environmental effects resulting from the proposed exportation of electricity, and the measures to be taken to mitigate any of those environmental effects;
- (p) a description of any adverse effects that the proposed exportation of electricity could have on the operation of any power system in neighbouring provinces;
- (q) where the application specifies the terms and conditions of the proposed exportation of electricity, a description detailing the manner in which the applicant
 - (i) has informed those persons who have declared an interest in buying electricity for consumption in Canada of the quantities and classes of service available for sale, and
 - (ii) has given those persons who have demonstrated an intention to buy electricity for consumption in Canada after having been so informed, an opportunity to purchase electricity on terms and conditions, including price, as

favourable as the terms and conditions specified in the application; and

- (r) where the application does not specify the terms and conditions of the proposed exportation of electricity a description, including supporting documentation, detailing the manner in which the applicant
 - (i) will inform those persons who declare an interest in buying electricity for consumption in Canada of the quantities and classes available for sale, and
 - (ii) will give those persons who demonstrate an intention to buy electricity for consumption in Canada after having been so informed, an opportunity to purchase electricity on terms and conditions, including price, as favourable as the terms and conditions of the export. SOR/98-475, s. 2.

Terms and Conditions of Permits for the Exportation of Electricity

10. The following are matters in respect of which terms and conditions may be included in any permit for the exportation of electricity:
- (a) the duration of the permit;
 - (b) the maximum quantities of power and energy authorized;
 - (c) the classes of electricity transfers authorized;
 - (d) requirements relating to the maximum duration of export contracts;
 - (e) requirements relating to the filing with the Board and prior approval by the Board of electricity transfer agreements, or any amendments to those agreements, that are entered into pursuant to the permit;
 - (f) the qualification of each class of electricity transfer as firm power or interruptible power;
 - (g) conditions under which the permit holder must curtail or interrupt the exportation;
 - (h) the international power lines over which electricity transfers are authorized;
 - (i) requirements relating to the measurement of power and energy for the purposes of the permit;
 - (j) any changes in circumstances about which the permit holder is required to inform the Board;
 - (k) requirements relating to the protection and restoration of the environment;

- (l) requirements relating to the mitigation of adverse effects of the export on the reliability of the power systems; and
- (m) requirements relating to the opportunities for Canadians to purchase the electricity proposed to be exported from Canada.

SCHEDULE
(Section 7)

Form 1

To: The Secretary
National Energy Board
444 - 7th Avenue S.W.
Calgary, Alberta
T2P 0X8

(Date)

This constitutes the election of _____ under section 58.23 of the
(Print name)
National Energy Board Act.

The international power line in respect of which the provisions of the National Energy Board Act referred to in section 58.27 of that Act and not the laws of the province shall apply, may be described as follows: (give a brief description of the international power line).

From: _____
Name

Address

City, Prov., Postal Code

Signature

SOR/99-83, s. 1.

Appendix III

ADDITIONAL INFORMATION REQUIREMENT

Due to the Federal Court of Appeal Decision, dated 14 March 2001, in *Athabasca Chipewyan First Nation v British Columbia Hydro and Power Authority*, 2001 FCA 62, please provide, in addition to the information requirements included in the *Electricity Regulations*, Section 9, as seen in Appendix II of the MOG, information regarding the following:

- 1
 - a) whether any new facilities are required in regard to the Applicant's proposed electricity exports, and a detailed description of those facilities;
 - b) whether modifications to existing facilities would be undertaken in regard to the Applicant's proposed electricity exports, and a detailed description of those modifications;
 - c) whether there would be any changes to the operation of existing facilities in regard to the Applicant's proposed electricity exports, and a detailed description of those changes;
 - d) the adverse environmental effects of the new facilities, modifications or changes in operation described in (a), (b) and (c); and
 - e) any measures to be taken to mitigate the adverse environmental effects described in (d).
- 2 If the Applicant is unable to provide information in response to any of 1 (a) to (c) the Applicant should explain why not, and if it will be able to provide this information at any time in the future, and if so, when.

Appendix II

Referenced Documents

Memorandum of Guidance to Interested Parties Concerning Full Implementation of the September 1988 Canadian Electricity Policy

National Energy Board Act

National Energy Board Electricity Regulations

National Energy Board Rules of Practice and Procedure, 1995

National Energy Board Substituted Service Regulations

National Energy Board Export and Import Reporting Regulations

National Energy Board Pre-Application Meetings Guidance Notes, dated 26 February 2004

Notes for the *National Energy Board Processing Plant Regulations*, dated 24 April 2002

Upstream Jurisdictional Issues, dated 17 September 1999

Additional Guidance – Canadian Environmental Assessment Act

The following sources will provide additional information with respect to the CEA Act (go to the web site at www.ceaa-acee.gc.ca for access to these documents).

OPS-EPO/5-2000. Preparing Project Descriptions under the *Canadian Environmental Assessment Act*, dated August 2000

OPS – EPO/2 - 1998. Addressing “Need for”, “Purpose of”, “Alternatives to” and “Alternatives Means” under the *Canadian Environmental Assessment Act*, dated October 1998

Reference Guide: Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects.

A Reference Guide for the *Canadian Environmental Assessment Act*: Addressing Cumulative Environmental Effects, 1994

OPS-EPO/3-1999. Addressing Cumulative Environmental Effects under the *Canadian Environmental Assessment Act*, March 1999

Hegmann, G., C. Cocklin, R. Creasey, S. Dupuis, A. Kennedy, L. Kingsley, W. Ross, H. Spaling and D. Stalker. 1999. Cumulative Effects Assessment Practitioners Guide. Prepared by AXYS Environmental Consulting Ltd. and the CEA Working Group for the Canadian Environmental Assessment Agency, Hull, Quebec.

OPS/EPO-6-2002. Follow-up Programs under the *Canadian Environmental Assessment Act*, October 2002