

National Energy Board



Office national de l'énergie

FILING
REQUIREMENTS

PIPELINE SAFETY

PUBLIC ENGAGEMENT

TOLLS AND TARIFFS

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APPLICATIONS

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Filing Manual

Canada

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Ces modifications figurent dans les pages suivantes :

Streamlining Order - pages 4A-1 through 4A-10
Section A.2.6 Cumulative Effects Assessment, Other Projects - pages 4A-41 through 4A-46

Ordonnance de simplification - pages 4A-1 à 4A-12 inclusivement
Section A.2.6 Effets cumulatifs, Autres projets - pages 4A-45 à 4A-46 inclusivement

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Glossary of Terms

Abandon	The permanent cessation of the operation of a pipeline which results in the discontinuance of service.
Aboriginal	Includes the Indian, Inuit and Métis peoples of Canada.
Action Plans	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.
Allowance for Funds Used During Construction (AFUDC)	An amount allowed to be included in the construction costs of a project or the cost of funds used during the period of construction when a utility undertakes to construct its own facilities.
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.
Booked Amount	The final amount recorded in the appropriate account under the <i>Gas Pipeline Uniform Accounting Regulations</i> or the <i>Oil Pipeline Uniform Accounting Regulations</i> .
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. [*Species at Risk Act* 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.)

Current Year

The 12-month period, usually a calendar year, preceding the test year. Amounts for a current year would usually involve actual data for a portion of the year and estimated data for the rest of the year.

Deleterious Substance

- (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. [*Fisheries Act* 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.

Environmental Effect

In respect of a project:

- (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 *Species at Risk Act*,
- (b) any effect of any change referred to in paragraph (a) on
 - (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.

Group 1 and Group 2 Companies

In 1985, for financial regulatory purposes, the Board divided the pipeline companies under its jurisdiction into two groups: Group 1 companies with more extensive systems; and Group 2 companies that operate smaller systems.

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.

Human Health Assessment

Considers the effect of hazardous substances, environmental factors and exposure conditions on local and regional populations. It may consist of qualitative and quantitative assessments.

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.
[*Migratory Birds Convention Act s.2*]

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. [*Canadian Environmental Assessment Act* s.2]

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.

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.

Physical Project

Applications being of a physical nature including those applications required by the *Onshore Pipeline Regulations, 1999* and *Processing Plant Regulations* as well as some pursuant to the *National Energy Board Act*.

Pipeline

A line that is used or to be used for the transmission of oil, gas or any other commodity and that connects a province with any other province or provinces or extends beyond the limits of a province or the offshore area as defined in section 123, and includes all branches, extensions, tanks, reservoirs, storage facilities, pumps, racks, compressors, loading facilities, interstation systems of communication by telephone, telegraph or radio and real and personal property and works connected therewith, but does not include a sewer or water pipeline that is

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.

used or proposed to be used solely for municipal purposes.
[*National Energy Board Act* s.2]

Plant Account

An account listed in either Schedule IV of the *Gas Pipeline Uniform Accounting Regulations* or Schedule II of the *Oil Pipeline Uniform Accounting Regulations*, as appropriate.

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]

Processing Plant

A plant used for the processing, extraction or conversion of fluids and all structures located within the boundaries of the plant, including compressors and other structures integral to the transportation of fluids. [*Processing Plant Regulations* s.1]

Rate Base

The net cost of investment on which an applicant expects to earn a return for a given test year.

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 *Species at Risk Act*). 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 *Species at Risk Act*.

Regulated Entity

An economic unit operating a pipeline and subject to oversight by a regulatory body having jurisdiction.

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 *Canadian Environmental Assessment Act* to ensure that an environmental assessment of

the project is conducted. [*Canadian Environmental Assessment Act* 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 A-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.
Test Year	A future 12-month period, usually a calendar year, when the new tolls would be in effect.
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.

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.
[Exclusion List Regulations 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.

List of Abbreviations

ADR	Appropriate Dispute Resolution
AFUDC	allowance for funds used during construction
bbbl	barrel
°C	degrees Celsius
CCME	Canadian Council of Ministers of the Environment
CEA Act	<i>Canadian Environmental Assessment Act</i>
CEA Act Exclusion List	<i>Canadian Environmental Assessment Act Exclusion List Regulations</i>
CEA Agency	Canadian Environmental Assessment Agency
cf	cubic feet
cf/d	cubic feet per day
CIF	cost, insurance and freight
CSA	Canadian Standards Association
CSA Z662	<i>Canadian Standards Association Standard Z662, Oil and Gas Pipeline Systems</i>
CSR	Comprehensive Study Report
DFO	Fisheries and Oceans Canada
ESA	environmental and socio-economic assessment
EPP	environmental protection plan
GPUAR	<i>Gas Pipeline Uniform Accounting Regulations</i>
H ₂ S	hydrogen sulfide
ISO	International Organization for Standardization
kPa	kilopascals
LNG	liquefied natural gas
m ³	cubic metre
MBP	market-based procedure
MJ/m ³	megajoules per cubic metre
MOP	maximum operating pressure
MPa	megapascals
NEB or the Board	National Energy Board
NEB Act	<i>National Energy Board Act</i>
NGL	natural gas liquids

NO ₂	nitrogen oxide
NPRI	National Pollutant Release Inventory
O ₃	ozone
OPR	<i>Onshore Pipeline Regulations, 1999</i>
OPUAR	<i>Oil Pipeline Uniform Accounting Regulations</i>
Part VI Regulations	<i>National Energy Board Act Part VI (Oil and Gas) Regulations</i>
P&ID	process and instrumentation diagram
Post-construction report	post-construction environmental monitoring report
PPBoR	plans, profiles and books of reference
PPR	<i>National Energy Board Processing Plant Regulations</i>
QA	quality assurance
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>
SCADA	supervisory control and data acquisition
SI	International System of Units
SO ₂	sulphur dioxide
UTM	Universal Transverse Mercator
VEC	Valued Ecosystem Component
VSC	Valued Socio-cultural Component
Valued Component	VEC and VSC
10 ⁶	million
10 ⁹	billion

Chapter 1 Introduction

1.1 Background

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 pipelines, energy development and trade as mandated by Parliament. As a result, companies regulated by the *National Energy Board Act* (NEB Act) are required to obtain the Board's approval to, among other things:

- add new facilities or modify or abandon existing facilities;
- export or import oil and gas products; and
- set tolls and tariffs.

When seeking approval, applicants must submit applications or information filings (collectively referred to as filings) to the Board that are complete and that enable the Board to:

- evaluate the overall public good that the request can create as well as its potential negative aspects;
- weigh the various impacts; and
- make an informed decision that balances, among other things, the economic, environmental and social interests at that point in time.

While it is ultimately the responsibility of the applicant to make its case before the Board, this manual has been developed to provide direction regarding the information the Board would typically expect to see addressed in a filing. The goal is to provide applicants with a clear definition of the Board's expectations for complete filings. 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 in the detailed requirements, in the process of assessing proposed projects, the Board uses a risk-oriented approach to evaluate issues, considering the probability and consequence of potential issues.

The contents within this document are based on the requirements outlined within the *National Energy Board Rules of Practice and Procedure, 1995* (Rules). It is the Board's expectation that applicants will use this document to the extent necessary. Checklists of all the filing requirements (summarized) are included in Appendix I. The Board encourages applicants to submit completed checklists with each application. The Board may consider making the inclusion of the checklists mandatory in the future.

1.2 Purpose

This manual is designed to:

- assist NEB-regulated companies to identify the instances where a filing is necessary, pursuant to the NEB Act and NEB regulations;
- outline the Board's responsibilities pursuant to the *Canadian Environmental Assessment Act* (CEA Act);
- outline the filings needed for most applications within the jurisdiction of the NEB; and
- provide guidance as to the type of information the Board would typically need to make a decision.

Where a project does not appear to be addressed by this manual, the applicant is encouraged to contact the NEB for assistance.

This manual is not explicitly applicable to:

- oil and gas activities regulated under other Acts for which the Board has responsibility, e.g., the *Canada Oil and Gas Operations Act* and the *Canada Petroleum Resources Act*;
- international and designated interprovincial electric power lines; or
- offshore pipelines.

Any party requiring NEB approval for these activities can refer to this manual for some guidance; however, it does not provide a comprehensive list of requirements for their filings.

1.3 Organization

This manual is organized to easily identify the information required for each type of filing that is being made. In addition to the introductory information provided in Chapter 1, this manual is divided into the following chapters:

- Chapter 2 describes how to use this manual and includes a flowchart that applicants can use to determine what elements are required in their filing.
- Chapter 3 is the initial chapter for all applications and identifies the information which must be addressed in every application. After completing the requirements of Chapter 3, the applicant must then determine whether to proceed to Chapter 4 (physical projects) or Chapter 5 (non-physical projects).
- Chapter 4 identifies the information required for physical project applications.
- Chapter 5 identifies the information required for non-physical project applications.
- Chapter 6 identifies the information required for filings other than applications.
- Chapter 7 lists the NEB documents referenced throughout this manual.

- Appendix I includes the filing requirement checklists which applicants are encouraged to complete and submit with each application.

1.4 Content Structure

The Filing Manual has been designed to assist applicants to clearly understand the information and level of detail required for a filing. It is presented in a format similar to the NEB's *Onshore Pipeline Regulations, 1999* (OPR) and OPR Guidance Notes with:

- a goal statement that clarifies the purpose of providing the information;
- filing requirements that specify the information details that are needed;
- a guidance section that provides direction regarding, for example, the level of detail, potential issues and information references; and
- grey boxes that provide direction to help determine if further information is required or not.

1.5 Confidential Filing

An applicant may request that the NEB treat a filing 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.

1.6 Previously Filed Material

If an applicant wishes to refer to documents previously filed with the Board (e.g., company manuals, programs, standards or procedures) and those documents are still current, 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 version of the document referenced to indicate that it matches the previously filed version; and
- identify the section of the document being referenced (if applicable).

1.7 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.

1.8 Updates

It is the Board's intent to update this document on a scheduled basis and when updates are necessary. The Board would appreciate any comments readers might have with respect to 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:

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444 Seventh Avenue SW
Calgary, Alberta
T2P 0X8

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

1.9 Facility Security

Proposed changes to the *Public Safety Act* will amend the NEB Act to explicitly include “security” and will provide the NEB with clear statutory basis to regulate security of energy infrastructure under its jurisdiction. The NEB will be developing regulations over the next six months to address Pipeline Security Management and is planning to roll out a security assessment program which will provide the basis for including security matters in the Board's inspection and audit programs. Although the filing requirements within the Filing Manual do not explicitly address security issues, it is an expectation of the Board that applicants consider security during project design and when preparing subsequent applications.

1.10 Measurement, Conversion Factors and Commodity Description

Where possible, the Board would prefer that information within applications be presented in the International System of Units (SI), although it is helpful to include the imperial equivalent as well.

The following conversion factors should be used:

- millimetre (mm) = 0.0394 inches
- metre (m) = 3.28 feet
- kilometre (km) = 0.62 miles
- cubic metre (m³) = 35.3 cf

- cubic metre = 6.29 bbl
- kilopascal (kPa) = 0.145 psi

If other conversion rates are used, indicate this fact and provide the rates used.

Gas

For gas volumes, market requirements, estimates of reserves, and productive capacity estimates will be at a temperature of 15°C and an absolute pressure of 101.325 kPa. Gas composition should be expressed in mole percent, and the heating value of the gas should be expressed in megajoules per cubic metre (MJ/m³). Volumes are requested to be in metric units as cubic metres (m³) and production rates as cubic metres per day (m³/d). The imperial equivalent would be cubic feet (cf) and cubic feet per day (cf/d) respectively.

Liquids

Descriptions of crude oil and equivalents will include, at a minimum:

- classification of the crude oil;
- specific gravity;
- sulphur content upon which the classification is based; and
- other properties when they are important to the design of the facilities or third party interests, for example:
 - viscosity or water content could be important to the design of the facilities; or
 - impurities could be of concern to third parties if more than one product is transported on the same pipeline.

Natural gas liquids (NGL) composition should be expressed as a percent and vapour pressure will be at a specified temperature.

Descriptions of refined hydrocarbons must include the type of product and any properties that might be important to the design of the facilities or third party interests.

All other liquid commodities must be described in sufficient detail for the NEB to understand the nature of the commodity and how it might affect the design of the proposed facilities or third party interests.

All liquids volumes, with the exception of NGL and cryogenic liquids, will be submitted as the volume such product would occupy at a temperature of 15°C and an absolute pressure of 101.325 kPa, unless otherwise stated in the application. For NGL and cryogenic liquids, the temperature and pressure at which the submitted volumes are measured will be provided.

Liquid volumes are requested to be expressed as m³ and production rates as m³/d. The imperial equivalent would be in barrels (bbl) and barrels per day (bbl/d), respectively.

1.11 Filing with the National Energy Board

Parties who have the ability to file documents 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 hearing.

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 25 copies. If you file electronically, one hard copy must be subsequently filed. 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

Chapter 2 Instructions to Users

2.1 Process Flowchart

A flowchart has been provided in Figure 2-1 to guide applicants through the process of:

- determining what type of filing must be submitted (i.e., physical project application, applications not for physical projects or an information filing); and
- identifying what information must be included in the filing.




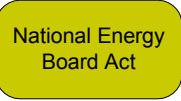
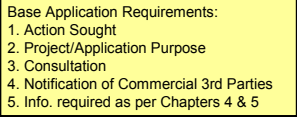

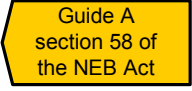
An important consideration for applicants to remember while working through the flowchart is that an application may trigger various sections of the NEB Act and regulations, and therefore, applicants should work through all steps of the flowchart until reaching an end point.

The guidance boxes within the flowchart indicate the requirements that must be fulfilled and direct the applicant to the appropriate location in the Manual for the specific filing requirements. Following the flowchart from the start to finish assures that applicants will have identified each of the elements essential to a filing.

2.2 Steps to Work through the Flowchart

Flowchart Symbols

The flowchart uses standard symbols to represent the process for completing a filing. The symbols are as follows:

	starting point		chapter identifiers
	decision required		NEB referenced documents
	guidance or direction		stop point
	relevant guide and corresponding section of the NEB Act or regulation identified		

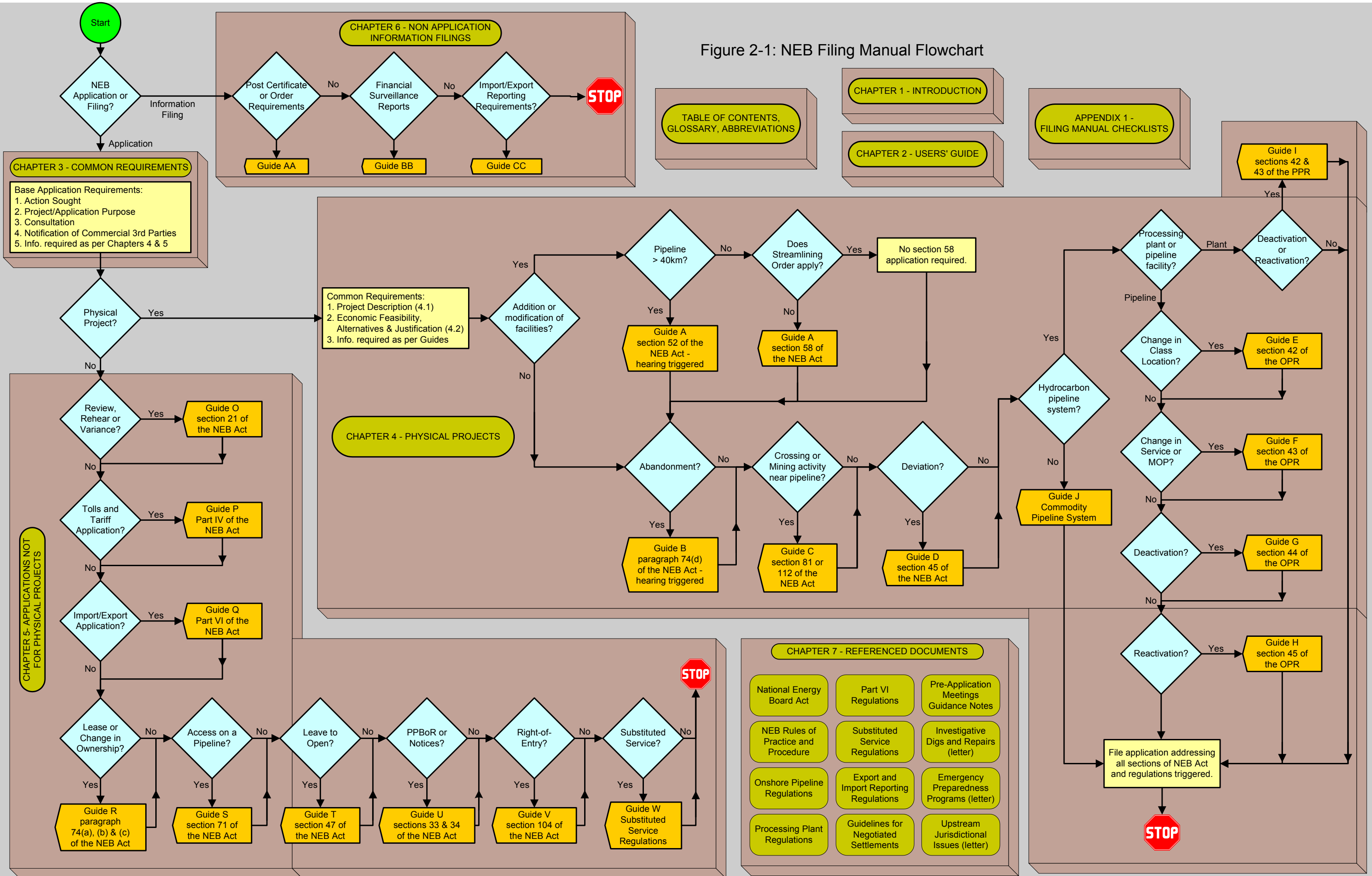
Please remember that the Manual and therefore this flowchart, applies only to applications and filings under the NEB Act and the regulations under the NEB Act.

Procedure

1. Begin at the green “Start” circle in the upper left corner.
2. Is the potential filing an application or information filing?
3. If the potential filing is an information filing, complete the appropriate reports (see Chapter 6 for details).
4. If the potential filing is an application, complete the common application information (outlined in the yellow box). See Chapter 3 for details.
5. If the application is for a physical project, complete the base application requirements and begin to work across the flowchart. Working across the flowchart will require that you answer certain questions to determine what sections of the NEB Act or regulations are triggered (see also Table 2-1). Any sections triggered will require an application pursuant to the triggered section(s). See Chapter 4 for details.
6. If the application is not for a physical project, follow the flowchart down the left side and see Chapter 5 for supporting information.

Figure 2-1: NEB Filing Manual Flowchart

Figure 2-1: NEB Filing Manual Flowchart



2.3 Regulatory Listing

Table 2-1 lists the sections of the NEB Act and regulations that have been identified within this Manual as requiring an application to the Board. The corresponding Guide is also included.

Table 2-1: Sections of NEB Act and Regulations Requiring Applications

Application Description	Relevant Legislation	Section(s)	Guide ID
Addition or modification of facilities	NEB Act	52, 58	Guide A
Abandonment	NEB Act	74(d)	Guide B
Protection of Pipelines from Crossing Activities and Mining Operations	NEB Act	81, 112	Guide C
Deviations	NEB Act	45	Guide D
Change in Class Locations	OPR	42	Guide E
Change of Service or Increase in Maximum Operating Pressure	OPR	43	Guide F
Deactivation	OPR	44	Guide G
Reactivation	OPR	45	Guide H
Processing Plants: Facility Deactivations and Reactivations	PPR	42, 43	Guide I
Commodity Pipeline Systems	NEB Act		Guide J
Reviewing or Amending a NEB Decision	NEB Act	21	Guide O
Tolls and tariffs	NEB Act	Part IV	Guide P
Import and Export Orders	NEB Act	Part VI	Guide Q
Transfer of Ownership, Lease or Amalgamation	NEB Act	74(a), (b), (c)	Guide R
Access on a Pipeline	NEB Act	71	Guide S
Leave to Open	NEB Act	47	Guide T
Information Filed Respecting PPBoR and Notices	NEB Act	34	Guide U
Right-of-Entry Application	NEB Act	104	Guide V
Requirements for Substituted Service Applications	Substituted Service Regulations		Guide W
Post Certificate/Order Information			Guide AA
Financial Surveillance Reports			Guide BB
Import and Export Reporting Regulation Requirements	Export and Import Reporting Regulations		Guide CC

Chapter 3 Common Information Requirements

While each application is unique, the Board expects to see the following common elements:

- a description of the action being sought by the applicant;
- a description of the purpose of the application;
- details regarding consultation activities and outcomes; and
- details regarding notification made to commercial third parties.

The following sections describe these common information requirements. For further details on information required in applications, see Chapter 4 and Chapter 5.

3.1 Action Sought by Applicant

Goal

The application states the request being made and what action is being requested of the Board.

Filing Requirements

Section 15 of the Rules requires the following information in an application:

15. (1) Every application shall
 - (a) contain a concise statement of the relevant facts, the provisions of the Act or any regulations made under the Act under which the application is made and the nature of, and justification for, the decision or order sought;
 - (b) contain, in addition to the information that is required by the Act and any regulations made under the Act, any other information that explains or supports the application, including information referred to in published policies and guidelines of the Board; and
 - (c) set out the name, address, telephone number and any other telecommunications numbers of the applicant and the applicant's authorized representative, if any.
- (2) Every application shall be divided into consecutively numbered paragraphs, each of which shall be confined as nearly as is practicable to a distinct portion of the subject-matter of the application.

Guidance

Applicants must, in addition to looking at the Filing Manual, have regard to the NEB Act and regulations relevant to the filing for direction on what needs to be included.

3.2 Application or Project Purpose

Goal

The application provides clearly articulated reasons for the application.

Filing Requirement

Provide a description of the purpose of the proposed project.

Guidance

Explain the reason for the application, including a discussion of the need that would be addressed by the project.

3.3 Consultation

The Board expects applicants will consider consultation for all projects. Depending on the project scope, that could mean carrying out a very extensive consultation program or a very simple program such as notifying a single landowner. Applicants are responsible to justify the extent of consultation carried out for each application.

The following information is required within the application:

- principles and goals of the consultation program;
- design details of the consultation program; and
- outcome of implementation of consultation.

Each of these information requirements is discussed in further detail in the following sections.

If a consultation program will not be implemented, an explanation is also required.

3.3.1 Principles and Goals of the Consultation Program

Goal

The application outlines the corporate policy or vision with respect to consultation and the principles and goals that guide the applicant's consultation for the specific project.

Filing Requirements

1. Describe the corporate policy or vision with respect to consultation.
2. Describe the principles and goals established for the consultation program.
3. Provide 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 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, input and concerns 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.

3.3.2 Design of the Consultation Program

Goal

The application indicates why the design of the consultation program is appropriate for the nature of the project.

Filing Requirement

Provide a description of the consultation program design including the factors that influenced the design.

Guidance

Project-Specific Consultation Program

Develop a project-specific consultation program. At a minimum describe the:

- potentially affected persons or groups to be consulted, including:
 - local residents and land users;
 - government authorities; and
 - Aboriginal groups;
- potential information needs of the persons or groups;
- methods and timing of consultation;
- procedure for responding to issues and concerns; and

- plans for future consultation and follow-up throughout the operations phase of a project, which may include activities such as public awareness programs, continuing education and consultation with persons regarding proposed operations that may potentially affect them.

Design Factors

Consider the following factors, where appropriate, in the consultation program design:

- the nature, magnitude and areal extent of the project;
- the potential environmental and socio-economic effects of the project;
- potential broad impacts of the project that may extend beyond the project boundaries (e.g., noise and air emissions);
- all registered and non-registered interests held in the lands that may be affected by the project, which may include individuals or organizations identified through the consultation process;
- the specific or distinct needs of various potentially affected persons and groups;
- the location of Indian reserve lands, Métis settlements and traditional territories;
- existing local community concerns or sensitive issues that may be exacerbated by the project;
- the availability of emergency services;
- the compatibility of the project with current land use and zoning;
- the proximity of the project to urban centres;
- alternatives to the project and their potential impacts on persons and groups; and
- any other relevant factors not included in this list.

Government Authorities

Ensure the appropriate government authorities (local, provincial and federal) are included in the consultation process. In some cases, regulatory approval from another authority will be required. Contact that authority to determine their information requirements.

Table 3-1 (located at the end of Chapter 3) while not exhaustive, identifies federal authorities that might need to be contacted for certain projects. The 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.

3.3.3 Implementing a Consultation Program

Goal

The application includes a description of the outcomes of the public consultation program conducted to-date for the project.

Filing Requirement

Describe the outcomes of the consultation program conducted for the project, including, but not limited to:

- the persons or groups consulted;
- the methods, dates and locations of consultation activities;
- the information that was distributed to persons or groups, which in most cases will include:
 - 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 facilities such as pump and compressor stations, 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;
 - the emergency response information;
 - how comments or concerns raised by potentially affected persons or groups will be addressed throughout the consultation process;
 - how interested persons can participate further in the consultation process;
 - company contact information;
 - the proposed timing of filing the application with the Board; and
 - a copy of the NEB brochure, *A Proposed Pipeline Project: What You Need to Know*;
- a summary of the comments and concerns expressed by potentially affected persons or groups;
- a summary of the response made regarding each of the concerns or comments, including:
 - the measures taken, or that will be taken to address those concerns or an explanation of why no further action is required to address the concerns or comments; and

- the methods and dates that the response was made to the person(s) who raised the concern(s);
- how outstanding concerns will be addressed;
- how input from persons or groups has influenced the design, construction or operation of the project;
- details regarding discussions with Aboriginal groups, which includes each of the items listed above and:
 - the identity of all Aboriginal groups contacted, how they were identified, when and how they were contacted and who was 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
 - if you are aware of any involvement of the Crown in consultations with the Aboriginal groups with respect to the project, describe the Crown involvement; and
- the details and results of the consultation undertaken with all persons who may be affected by any changes to the project.

Guidance

For consultation programs that could involve a large number of people, it might not be practical to list all individuals that were consulted. It may be more practical to describe the main groups and why they are identified. For example, where a group has a common concern or association, describe:

- the group;
- their location;
- their common concern; and
- the authority of any representatives of the group.

Consultation Methods

Communicate the project information in a format and manner that is appropriate to the audience. Determine the means of communicating project information in conjunction with the potentially affected persons or groups, if possible.

Consultation methods can include:

- project brochures, either mailed or hand delivered;
- periodic newsletters;
- advertisements in local newspapers;
- radio spots;
- a project web page;
- telephone calls;
- open house meetings;
- project questionnaires;
- facility tours;
- on-site meetings;
- personal visits; or
- workshops.

Concerns

To close the loop in consultation activities and address concerns before they become complaints, the Board expects applicants to:

- seek to understand the full nature of concerns expressed by persons or groups;
- consider the feasibility of any mitigation proposed by persons or groups to address those concerns;
- respond to concerns; and
- work with persons or groups to jointly resolve concerns.

Identifying Aboriginal Groups

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

- considering the location of Indian reserve lands, Métis or other Aboriginal populations, and the traditional territory that may be claimed by one or more Aboriginal groups;
- contacting regional Aboriginal organizations or government agencies familiar with local Aboriginal groups; and
- taking into consideration past experience working in the area.

Consider augmenting the application with local and traditional knowledge and integrating the information and knowledge, where appropriate, into the design of the project. Where local and traditional knowledge is obtained, provide an opportunity for the individual who provided the information to confirm the interpretation of the information and how it was used in the project design.

3.3.4 Justification of Consultation not Undertaken

Goal

The application provides justification of why it was not necessary to carry out a consultation program with respect to the proposed project.

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 an equivalent consultation process carried out under the auspices of another agency, or conducted by another company or agency:

- 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 pipeline be relocated, the responsible transportation authorities might conduct a consultation program for the road widening that includes consultation regarding the relocation of the pipeline. The pipeline application 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

Applicants will be conducting environmental and socio-economic assessments of the project in accordance with the requirements of the NEB Act, the CEA Act and this manual (see Guide A within Chapter 4).

Through this assessment process, applicants will determine the potential adverse effects of the project. If the project's potential environmental and socio-economic effects are negligible, a

public consultation program might be unnecessary. A project with negligible effects might exist where the following conditions are met:

- the proposed project is of a small scale and is localized;
- all construction is to occur on previously disturbed land;
- the land acquisition process is complete and landowner concerns have been addressed;
- there are no residents near the proposed project;
- no other land uses or interests would be affected;
- there is no potential for traditional use activities to be affected by the project;
- there is no potential for cumulative environmental effects; and
- there would be negligible environmental effects associated with construction and operation of the project.

Additional information...

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

Facilities within Company Owned or Leased Lands

The application is a facilities application that relates to:

- work contained 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 increased emissions of air contaminants; or
 - could result in local nuisance, including the potential for increased dust or traffic.

Other Scenarios

- additional acquisitions required to support the day-to-day operations of a pipeline or international power line (e.g., standby plant, or materials and supplies);
- work performed as part of a contingency project such as emergency repairs; or
- the construction and operation of international power lines not exceeding an operating voltage of 50 kV and for which no significant environmental or social concerns are identified.

3.4 Notification Of Commercial Third Parties

Notification of commercial third parties is normally required when the outcome of the application will affect such matters as:

- tolls or tariffs;
- the ability of third parties to receive, transport or deliver commodities; and
- supply, transportation or sales contracts.

The Board must be assured that all commercial 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 includes evidence that all interested commercial third parties that could be potentially affected by the outcome of the application have been advised of the application.

Filing Requirements

1. Confirm that all commercial third parties who could potentially be affected in any way by the outcome of the application have been notified and include:
 - the method used to notify those parties; and
 - when the parties were notified.
2. 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 commercial third parties who have outstanding concerns and a discussion of their unresolved concerns.
3. List the self-identified interested third parties and confirm they have been notified.
4. Provide an explanation in the event that notification of commercial third parties was considered unnecessary.

Guidance

Identifying Commercial Third Parties

Commercial third parties include those who could be directly or indirectly commercially affected by the outcome of an application. This should include shippers and could also include commodity suppliers, end users and other pipelines. The following are examples of when to consider certain commercial third parties to be affected by an application:

- consider all shippers to be affected parties requiring notification of all tolls and tariff applications filed pursuant to Part IV of the NEB Act and all applications that could significantly affect tolls or tariffs;
- consider all shippers, suppliers and end users to be affected parties when the outcome of the application would significantly affect service on the pipeline; and
- consider operators of competitive facilities, whether regulated by the NEB or not, to be affected commercial third parties when the outcome of the application could reasonably be expected to have a significant adverse impact on their operations.

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 commercial third parties.

Notification

Inform the commercial 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, be provided upon request or may constitute notification.

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

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

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

Where the outcome of the application could affect specific commercial third parties, notify the individual parties. However, where a group with similar interests might be affected, such as western Canada producers or a group of end users, the applicant may choose to notify a recognized organization representative of the group such as the Canadian Association of Petroleum Producers or the Industrial Gas Users Association.

Concerns

Where concerns have been raised and resolved, include a discussion of the resolution when it would assist the NEB in making a decision. When providing a list of unresolved concerns, 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 commercial 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 impacts on commercial third parties, for example:

- facilities applications for routine operational maintenance and repair where:
 - access to facilities might be temporarily interrupted during construction, but service will not be interrupted; or
 - the toll impact would be immaterial or considered to be a routine adjustment in a negotiated tolls agreement;
- applications for construction on an owner-operated pipeline where the owner is the sole shipper;
- applications concerning crossing matters, leave to open, deviation, change in class location or right of entry that would not affect tolls or the operation of the pipeline; and
- applications to change the name of a pipeline owner that does not involve the sale of the pipeline or a change in operation.

The requirements for consultation, described in Section 3.3 – Consultation, continue to apply even if it is decided there are no commercial third parties to notify of an application.

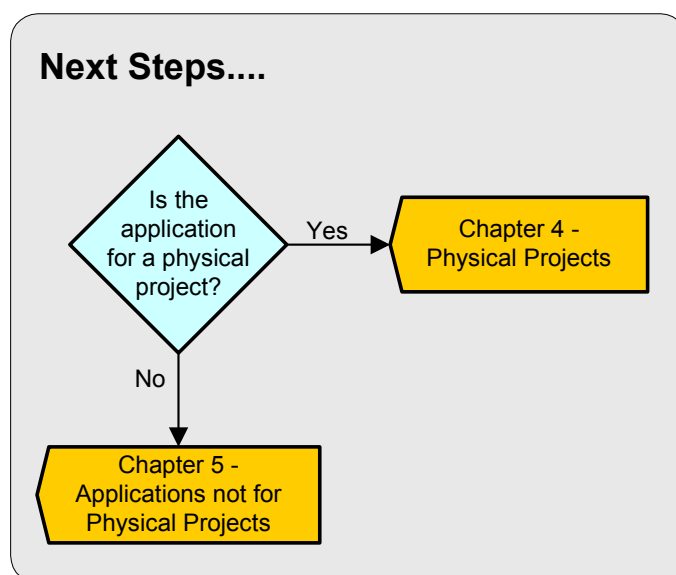


Table 3-1: Other Potential Federal Contacts

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?	Environment Canada
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?	Environment Canada 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
Is the project likely to result in: <ul style="list-style-type: none"> • 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

Chapter 4 Physical Projects

An applicant must:

- complete the common application requirements outlined in Chapter 3;
- confirm that the application is for a physical project;
- address sections 4.1 – Project Description and 4.2 – Economic Feasibility, Alternatives and Justification; and
- identify which Guides within Chapter 4 are applicable (see Figure 2-1) and provide the required information.

4.1 Project Description

Goal

The application will include a clear description of the project, including:

- project components, activities and location;
- cost information;
- construction schedules; and
- related undertakings.

Filing Requirements

1. Identify and describe the project components, activities and related undertakings (e.g., pipe, valves, compressors, pumps, access roads and construction camps).
2. Describe the project location and the criteria used to determine the proposed route or site.
3. Describe how and when the project will be carried out.
4. Provide a description of any facilities to be constructed by others which are required to accommodate the proposed facilities.
5. Provide an estimate of the total capital costs and incremental operating costs, if applicable, for the following categories:
 - pipelines;
 - compression or pumps;
 - metering and regulating;
 - tankage;

- other facilities;
- allowance for funds used during construction (AFUDC) including rates used; and
- capitalized overhead, showing a separate breakdown of the main cost elements such as materials, installation, land and land rights.

6. Indicate the expected in-service date.

Guidance

Description of Project Components

- The description of the project components should address the following:
 - what the project is, including:
 - a complete list and thorough description of the project components and activities, including any components or activities required for the project to proceed (e.g., construction camps, means of access, electrical grid connections);
 - the location and size of any temporary work space;
 - 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.
 - where the project is located, including:
 - a general description of the route or facility location, including identification of:
 - general land tenure;
 - current land uses;
 - nearest residences and communities;
 - unique features;
 - the positioning of project endpoints for linear developments;
 - the location of any alternate routes or sites considered; and
 - preliminary drawings, if available.
 - how the project will be carried out, including:
 - a thorough description of how project activities (e.g., clearing, hydrostatic testing, watercourse crossings, inspection, monitoring and surveillance programs) would be carried out during the construction and operations phases;

- the anticipated workforce (i.e., person days and skills required for construction and operations activities); and
- a list of other permits, licences, or authorizations that will be required before part or all of the project can proceed.
- when the project would likely be carried out, including:
 - a breakdown of all construction and operations activities by major activity;
 - construction and operations schedules;
 - a description of how any changes to schedules can affect the project; and
 - a description of when proposed decommissioning and abandonment of the project might take place.

4.2 Economic Feasibility, Alternatives and Justification

Goal

The application includes an integrated discussion that demonstrates the economic feasibility and justification for the proposed project, including a description of any alternatives considered.

4.2.1 Filing Requirement – Economic Feasibility

Describe the economic feasibility of the project.

Guidance – Economic Feasibility

The discussion of economic feasibility should combine evidence provided elsewhere in the application with evidence provided according to Guide A, Section A.3 - Economics, to show that the applied-for facilities are economically feasible.

In general, the greater the potential impact an application may have on third parties, the greater the detail on economic feasibility will be required.

4.2.2 Filing Requirements – Alternatives

1. Describe other alternatives that were examined in the context of economic feasibility 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 the selection criteria.
3. For projects for which alternatives to the project has been identified as a relevant factor to consider in the scope of the ESA under the CEA Act, describe the alternatives to the project.
4. For a comprehensive study, an assessment by a review panel or for projects for which alternative means of carrying out the project has been identified as a relevant factor to

consider in the scope of the ESA under the CEA Act, describe alternative means of carrying out the project. Where no alternative means of carrying out the project are available, explicitly state this.

Guidance - Alternatives

Alternatives can be considered in the context of:

- engineering design;
- environmental and socio-economic assessment;
- consultation; and
- economic feasibility.

The level of detail provided should be consistent with the scope of the project and the potential impact on third parties or the environment.

Alternatives in the Context of Economic Feasibility

In the context of economic feasibility, alternatives would be other means of meeting the need for the project, such as an alternative:

- design;
- route;
- transportation mode; or
- transmission system that could achieve the same purpose as the proposed facilities.

Route and Site Alternatives

Although a full assessment of all routing options is not required, where alternative routes or sites are considered, applicants should justify the selection of the proposed option by comparing the options using a suite of criteria. When selecting the criteria to compare alternative routes or sites, consider factors that:

- are related to engineering design;
- are related to economics;
- are not easily mitigated or incur residual effects;
- have greater ecological value due to their rare nature or importance in the ecosystem;
- are of demonstrated public concern; or
- are of regional concern from a cumulative effects standpoint.

Alternatives in the Context of Environmental Assessment under the CEA Act

In the context of environmental and socio-economic assessment under the CEA Act, consideration of alternatives may include:

- alternatives to the project, and
- alternative means of carrying out the project.

Alternatives to the project are functionally different ways to meet the project need and achieve the project purpose. Alternatives to the project might be considered in the ESA. When providing alternatives to the project, include an analysis of the alternatives and describe the process used to determine that the project is viable and is the preferred alternative (i.e., technically, economically or environmentally). At this stage, the level of assessment should reflect the more conceptual nature of the alternatives. The evaluation of the alternatives should include:

- relative costs;
- benefits; and
- environmental effects.

Alternative means are the various ways that are technically and economically feasible to implement and carry out the project. This could include alternative:

- locations;
- routes; and
- methods of development, implementation and mitigation.

Alternative means must be considered for comprehensive studies and assessment by a review panel, and may be considered for screenings (e.g., when the project involves the selection of a new site or route that is not adjacent to an existing right of way or facility site). Consideration of alternative means should include, at a minimum:

- a description of the alternatives and how or why they are technically, economically and environmentally feasible;
- identification of the environmental effects of the feasible alternatives; and
- the rationale for selecting the preferred alternative.

4.2.3 Filing Requirement – Justification

Provide a justification for the proposed project.

Guidance - Justification

Describe the needs that would be satisfied by the project and demonstrate that, taking into consideration all viable alternatives available, the proposed project is the most appropriate option to meet the needs while serving the public interest.

Next Steps....

Determine which of the Guides included within this chapter are applicable to the application being filed and complete the necessary filing requirements.

Guide A – Facilities Applications (NEB Act s.52 and s.58)

A proposed project that involves constructing or modifying facilities may require:

- a certificate pursuant to section 52 of the NEB Act; or
- an order pursuant to section 58 of the NEB Act.

When assessing applications pursuant to these sections, the Board must satisfy itself that the facilities are and will be required for the public convenience and necessity. In making this determination, the Board may consider information relating to:

- engineering;
- environment and socio-economics;
- economics and financial matters;
- lands; and
- any public interest that may be affected by the granting or refusing of the application.

Guide A establishes the information required in each of these instances.

Section 52 Applications

Applications under section 52 of the NEB Act trigger a public hearing, either written or oral. Applicants should refer to the information requirements outlined in:

- Chapter 3 - Common Information Requirements;
- Chapter 4 - Physical Projects, including sections 4.1 and 4.2 and all subsections within Guide A - Facilities Applications (NEB Act s.52 and s.58).

Section 58 Applications

Section 58 of the NEB Act permits the Board to make orders exempting certain facilities from any or all of the provisions of sections 29 to 33 and section 47 of the NEB Act.

58. (1) The Board may make orders exempting
- (a) pipelines or branches of or extensions to pipelines, not exceeding in any case forty kilometres in length, and
 - (b) such tanks, reservoirs, storage facilities, pumps, racks, compressors, loading facilities, interstation systems of communication by telephone, telegraph or radio, and real and personal property and works connected therewith, as the Board considers proper,

from any or all of the provisions of sections 29 to 33 and 47.

While applications made under section 58 do not automatically trigger a public hearing, the Board will still assess the application with respect to:

- public consultation;
- engineering;
- environment and socio-economics;
- economics; and
- lands.

As such, applicants should refer to the information requirements outlined in:

- Chapter 3, Common Information Requirements;
- Chapter 4, Physical Projects, including sections 4.1 and 4.2 and all subsections within Guide A - Facilities Applications (NEB Act s.52 and s.58).

Operations and Maintenance Activities

Operations and maintenance activities are defined within the National Energy Board's "*Operations and Maintenance Activities on Pipelines Regulated Under the National Energy Board Act: Requirements and Guidance Notes*" (2005). Operations and maintenance activities do not require an application under section 58 of the *National Energy Board Act*. The Board recommends that Companies review the requirements and guidance notes for operations and maintenance activities to determine if notification of these activities is required.

Section 58 Streamlining Order

The NEB has issued an order pursuant to section 58 called the *Section 58 Streamlining Order XG/XO-100-2005*, dated 7 July 2005. It replaced Order XG/XO-100-2002 dated 18 December 2002. The order permits projects related to the ongoing operation of NEB-regulated oil and gas pipelines that do not warrant additional regulatory oversight, to proceed without an application pursuant to section 58 of the NEB Act. A copy of this order can be found immediately following this subsection.

Included within this order is Schedule "A", which identifies the types of projects that qualify and the potential impacts or effects of the project that would render an otherwise eligible project, ineligible. If the proposed project meets all the requirements found within Schedule "A", an application is not necessary.

In the covering letter to this order, the Board stated:

Should a project not be subject to the Streamlining Order, companies, in filing their section 58 applications, may identify the criteria set out in Schedule "A" that the project satisfies in order to improve efficiency in the application process.

The Board reminds applicants to follow the intent of this statement when filing a section 58 application for a project that qualifies under Step 1 within Schedule “A” as an eligible project, but is not subject to the Streamlining Order due to answering “No” to at least one of the questions in Step 2: Third Party Interests, Step 3: Engineering Considerations, or Step 4: Environmental Considerations.

An example of this would be:

- a project qualifies as an eligible project under Step 1;
- all questions in Steps 2 and 3 are answered “Yes”; and
- at least one of the questions in Step 4: Environmental Considerations is answered “No”.

In that case, the applicant should indicate that the application contains the filing requirements outlined in Chapter 3 - Common Information and the filing requirements outlined in Chapter 4, sections 4.1 and 4.2, and that additional information with respect to engineering and economics is not required. The focus of the content of the application should be on the environment and socio-economic component.

National Energy
Board



Office national
de l'énergie

File 3600-A000-15
12 July 2005

To: All Oil and Gas Pipeline Companies Under the National Energy Board's Jurisdiction
All Interested Parties

Section 58 Streamlining Order

The National Energy Board has revoked Streamlining Order XG/XO-100-2002, dated 18 December 2002, and replaced it with XG/XO-100-2005 attached.

The Streamlining Order (the Order) permits projects meeting the criteria listed in Schedule A on Board-regulated oil and gas pipelines to proceed without an application pursuant to section 58 of the *National Energy Board Act* (the NEB Act).

The revisions to the Streamlining Order include the following changes:

- An update of the list of projects eligible for streamlining, removing those projects defined as operations and maintenance;
- Formatting changes to Schedule A to include a flowchart and explanation of the criteria that companies must meet in order for an eligible project to be streamlined.

Projects meeting the criteria set out in Schedule A do not require an environmental assessment under the *Canadian Environmental Assessment Act*. Projects undertaken pursuant to this Order are subject to the requirements of the *Onshore Pipeline Regulations* (OPR) and to Board audits.

The Board is also satisfied that streamlined projects would not present concerns with respect to safety, security and the environment. Such projects would be located on lands where there is an agreement in place to allow Companies to undertake streamlined activities and are not likely to adversely affect the rights of shippers or the public.

Reporting requirements are set out in the attached Order. The issuance of Streamlining Order XG/XO-100-2005 does not imply that expenditures have been approved for inclusion in the rate base. Companies and persons wishing to include such expenditures in rate base are required to justify the expenditures under Part IV of the Act.

Limits on Streamlined Activities under the *Canadian Environmental Assessment Act* *Exclusion List Regulations*

.../2

444 Seventh Avenue SW
Calgary, Alberta T2P 0X8

444, Septième Avenue S.-O.
Calgary (Alberta) T2P 0X8

Canada

Telephone/Téléphone : (403) 292-4800
Facsimile/Télécopieur : (403) 292-5503
<http://www.neb-one.gc.ca>

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The previous draft of this Order which was circulated for comment has been revised to more accurately reflect that a project cannot be excluded under the *Canadian Environmental Assessment Act, Exclusion List Regulations* if the addition or installation of the component would “*result in the extension of the pipeline beyond the existing limits of the right-of-way or of other property on which the pipeline is located.*” (*Exclusion List Regulations*, Part III.1, 30.1(2)(a), October 1994, SOR/94-639).

If the *Exclusion List Regulations* do not apply to the eligible project, the project requires an environmental assessment under the *Canadian Environmental Assessment Act* and cannot be streamlined under the section 58 Streamlining Order. Therefore, if a company requires additional permanent land rights to carry out an activity on the eligible projects list of the section 58 Streamlining Order, the eligible project cannot be streamlined.

The Board continues to work with the Canadian Environmental Assessment Agency to explore ways to improve the federal environmental assessment process.

If you have any questions related to the Streamlining Order please contact the Applications Business Unit at (403) 299-3904 or (403) 299-2796 or toll-free at 1-800-899-1265.

Yours Truly,

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

Michel L. Mantha
Secretary

Attachment

National Energy
Board



Office national
de l'énergie

ORDER XG/XO-100-2005

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

IN THE MATTER OF a National Energy Board initiative regarding exemptions in respect of the addition of specified pipeline facilities under its jurisdiction pursuant to section 58 of the *National Energy Board Act*.

BEFORE the Board on 7 July, 2005.

WHEREAS the Board issued Order XG/XO-100-2002 with respect to streamlining the section 58 process;

AND WHEREAS the Board is satisfied the projects that can be streamlined according to the criteria set out in Schedule A are routine in nature for oil or gas pipelines for which an order or certificate has been issued by the Board and are not related to commodity pipelines or to pipelines transporting sulphur or sulphur compounds for sale or disposal beyond the property limits of a gas plant;

AND WHEREAS the projects streamlined according to the criteria set out in Schedule A are not subject to environmental assessment pursuant to the *Canadian Environmental Assessment Act*;

AND WHEREAS the Board has considered environmental matters related to the projects streamlined according to the criteria set out in Schedule A pursuant to Part III of the *National Energy Board Act*;

AND WHEREAS the projects streamlined according to the criteria set out in Schedule A are designed, constructed, and operated in accordance with applicable regulations made pursuant to the *National Energy Board Act*;

AND WHEREAS the Board is satisfied that the projects streamlined according to the criteria set out in Schedule A would not likely affect the interests of persons other than those to which the respective order or certificate was issued;

.../2

Canada

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AND WHEREAS the Board has determined that certain eligible projects listed in Step 1 to the previous section 58 Streamlining Order XG/XO-100-2002 are defined as operations and maintenance activities for which no application is required pursuant to section 58 of the *National Energy Board Act*,

AND WHEREAS the Board considers it to be in the public interest to grant an exemption order in respect of the projects streamlined according to the criteria set out in Schedule A;

IT IS ORDERED that Order XG/XO-100-2002 is hereby revoked;

IT IS FURTHER ORDERED pursuant to sections 18 and 58 of the *National Energy Board Act* that the projects listed and streamlined according to the criteria set out in Schedule A, attached to and forming part of this Order, are exempt from the provisions of sections 30, 31 and 47 of the *National Energy Board Act*, upon the following conditions:

1. Unless the Board otherwise directs, pipeline companies and persons under the Board's jurisdiction shall, for those projects satisfying the criteria set out in Schedule A:
 - a) advise the Board in writing 10 business days prior to construction of any planned projects on the eligible projects list (Step 1 of Schedule A) for which the anticipated expenditure is greater than \$1,000,000. Such reports must include a statement describing the project(s), including location(s), and the estimated cost;
 - b) serve copies of the reports required pursuant to condition 1(a) on the Section 58 Interested Parties List in the event that the project is to be undertaken by a Group 1 pipeline company;
 - c) report annually, on or before 31 March of each year, on construction, installation, procurement and any expenditures undertaken for each project pursuant to this Order, as well as the total number and total cost of the listed projects; and
 - d) report immediately, in writing, to the Board on any air, soil or surface/ground water contaminants, or any hazardous wastes, as defined in section 2 of the *Export and Import of Hazardous Wastes Regulations* under the *Canadian Environmental Protection Act*, that are found during activities related to the construction or installation of the project(s), and provide a detailed description of the proposed containment, handling and/or disposal methods.
2. All pressure testing shall be hydrostatic pressure testing and the pressure test reports shall be prepared in accordance with Guide AA of the Board's Filing Manual. These reports are not required to be filed with the Board, but shall instead be retained for audits conducted by the Board.

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3. Unless the Board otherwise directs, this Order shall expire in respect of the construction of any specific project on 31 December in the year following the date on which the construction, installation or purchase of the project commenced.

NATIONAL ENERGY BOARD

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

Michel L. Mantha
Secretary

**Schedule A:
Process for Identifying and Reporting on Projects Subject to
Streamlining Order XG/XO-100-2005**

Schedule A is to be used to determine whether a project under the *National Energy Board Act* is subject to Streamlining Order XG/XO-100-2005 (the Order).

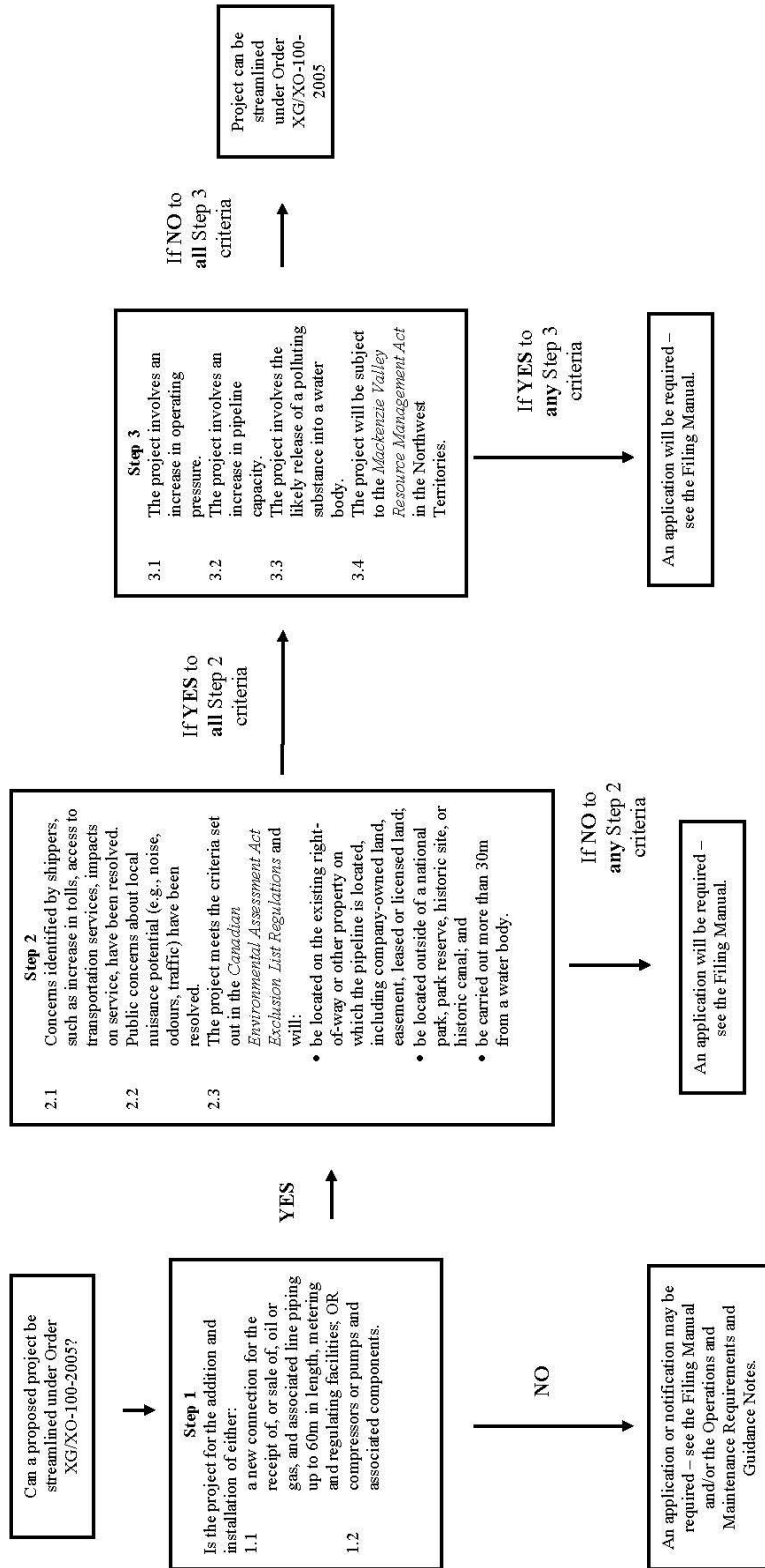
However, Companies and persons may be required, either upon request of the Board or during a Board inspection or Board audit, to demonstrate that projects undertaken pursuant to the Order were properly subject to this Order. Companies and persons are also reminded of the reporting requirements pursuant to condition 1 of this Order.

It is important to note the following:

- In determining whether a project under the *National Energy Board Act* is subject to the Order, Companies shall ensure that the project is within the list of eligible projects listed in Step 1.
- The Order only applies to projects on an existing oil or gas pipeline for which a Board Certificate or Order¹ is in place and does not apply to commodity pipelines or to pipelines transporting sulphur or sulphur compounds for sale or disposal beyond the property limits of a gas plant.
- Projects subject to the Order shall be designed, constructed, and operated in accordance with regulations made pursuant to the *National Energy Board Act*.
- The Order applies only to projects and associated ancillary facilities which satisfy ALL the criteria set out in Schedule A.
- Operations and maintenance activities are defined within the National Energy Board's "*Operations and Maintenance Activities on Pipelines Regulated Under the National Energy Board Act: Requirements and Guidance Notes*" (2005). Operations and maintenance activities are not included under the Streamlining Order as they do not require an application under section 58 of the *National Energy Board Act*. The Board recommends that Companies review the requirements and guidance notes for operations and maintenance activities to determine if notification of these activities is required.

¹ The Company proposing the project eligible for streamlining must hold in its name the Order or Certificate issued by the Board.

Schedule A



A.1 Engineering

A.1.1 Engineering Design Details

Goal

The application includes all necessary design details of the proposed project.

Filing Requirements

1. Describe the fluid type and composition.
2. If the proposed project involves line pipe, provide:
 - pipe outside diameters;
 - pipe material types, categories, and grades;
 - pipe wall thicknesses;
 - maximum operating pressures (MOP);
 - estimate of pipe length for each change in diameter, material grade and wall thickness;
 - valve locations;
 - minimum depth(s) of cover and typical drawings (e.g., crossings);
 - class locations;
 - description of proposed pipe coatings; and
 - general description of the corrosion control elements and facilities.
3. If the proposed project involves pigging facilities, provide:
 - pipe outside diameters;
 - pipe material types and grades;
 - pipe wall thicknesses;
 - MOP;
 - pig trap locations;
 - pig trap pressure ratings;
 - a description of the pig trap closure device; and
 - a general description of the corrosion control elements and facilities.

4. If the proposed project involves compressor or pump facilities, provide:
 - pipe outside diameters;
 - pipe material types and grades;
 - pipe wall thicknesses;
 - MOP and inlet and outlet design pressures;
 - an indication of the presence of surge control systems;
 - type and power of pumps or compressor units;
 - fuel type and source for pumps or compressor units;
 - a station schematic showing buildings and all major piping and valves;
 - description of boilers and pressure vessels; and
 - a general description of the corrosion control elements and facilities and overpressure control.

5. If the proposed project involves pressure regulating or metering facilities, provide:
 - a description of the gas or fluid analysis system;
 - minimum and maximum station flows and associated inlet and outlet pressures;
 - a station schematic showing buildings and all major piping and valves;
 - pipe outside diameter;
 - pipe material type and grade;
 - pipe wall thickness;
 - MOP;
 - a general description of the corrosion control elements and facilities; and
 - if the measurement is being done for custody transfer purposes, include a description of the measurement equipment, including:
 - physical size;
 - flow capacity;
 - measurement accuracy;
 - meter type;

- number of meters; and
 - proving method.
6. If the proposed project involves liquid tanks or other storage facilities, provide:
- nominal and working capacity;
 - maximum injection and takeaway flow rates;
 - seasonal demand for injection and takeaway capacity and flow rates;
 - a description of the containment and overflow prevention system;
 - a description of overpressure prevention systems;
 - a schematic showing storage tanks, buildings and all major piping and valves, including connections to existing pipeline systems;
 - a plot plan of the facility including the location of roads and fences;
 - pipe outside diameters;
 - pipe material types and grades;
 - pipe wall thicknesses;
 - MOP;
 - valve locations;
 - a description of the fire suppression system, if applicable;
 - a description of the vapour detection and containment system, if applicable;
 - a description of the flaring system, if applicable; and
 - a general description of the corrosion control elements and facilities, if applicable.
7. If the proposed project involves new control system facilities for a pipeline, plant or station, provide:
- a basic description of the supervisory control and data acquisition (SCADA) system related to the proposed facility, including the parameters monitored;
 - a basic description of the leak detection system including its sensitivity and accuracy; and
 - a basic description of the emergency shut down system.
8. If the proposed project involves gas processing, sulphur or liquefied natural gas (LNG) plant facilities, provide:
- an equipment and pipe list, including the pertinent engineering design information;

- plant capacity and LNG storage capacity;
 - a process and instrumentation diagram (P&ID);
 - a process flow description;
 - plant feed and product specifications;
 - a general description of the corrosion control elements and facilities; and
 - a risk management plan.
9. If the proposed project involves facilities not mentioned above, provide a technical description of the proposed facilities that includes an equivalent level of information to that listed above.
10. If the proposed project involves a building, include the building's use and dimensions.
11. If the proposed project is a new system that is a critical source of energy supply to an area, provide a description of the impact to the new system capabilities following the loss of any critical component such as a compressor, pump or pipeline.

A.1.2 Engineering Design Philosophy

Goal

The application includes information on the engineering codes, standards and regulations applicable to the project as well as information with respect to any special engineering design challenges associated with the project.

Filing Requirements

1. Confirm project activities will follow the requirements of the latest version of *Canadian Standards Association Standard Z662, Oil and Gas Pipeline Systems* (CSA Z662).
2. If any portion of the proposed project involves a hydrocarbon pipeline, provide a statement confirming compliance with the latest version of the OPR or PPR.
3. Provide a listing of 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, including:
 - pipe;
 - coatings;
 - valves;
 - fittings;
 - cathodic protection systems;

- compressors and pumps;
- regulators and control valves;
- liquid tanks and other storage facilities;
- boilers or pressure vessels;
- electrical systems; and
- buildings.

Where there is a choice in the code or standard selected, provide a brief reason why the referenced code or standard is considered the appropriate code.

4. Provide confirmation that the project will comply with company manuals and confirm that, in turn, these manuals comply with the:
 - OPR, if applicable;
 - PPR, if applicable; and
 - the codes and standards for the project.

Keep the latest versions of these manuals available for Board audit and file copies upon request.

5. If the proposed project involves any portion of a non-hydrocarbon commodity pipeline system provide a QA program outlining the necessary action required to ensure the materials purchased for use in the proposed facility are appropriate for their intended service.
6. If the proposed facility will be subject to conditions not specifically addressed in CSA Z662 (e.g., seismic issues, fracture control, slope instability, pipe buoyancy, or lack of support due to streambank erosion) provide:
 - a written statement from a qualified professional engineer that the project has been assessed and designed for the potential effects of the condition that is not specifically addressed in CSA Z662; and
 - a description of the designs and measures required to safeguard the pipeline.
7. If the proposed project involves horizontal directional drilling, provide:
 - a preliminary feasibility report detailing the assessment that was completed to determine that horizontal directional drilling could be successfully completed; and
 - a description of the contingency plan to be used if the horizontal directional drill is not successful.

A.1.3 Onshore Pipeline Regulations

Goal

The application meets the requirements of the OPR.

Filing Requirements

1. If any portion of the proposed project involves a hydrocarbon pipeline system requiring development of designs, specifications, programs, manuals, procedures, measures or plans for which no standard is set out in the OPR, provide copies to the Board for approval. [OPR, subsection 8(1)].
2. If the project design is non-routine in nature or must incorporate unique challenges because of its geographical location (e.g., sub-sea pipelines; pipelines located north of the 60th parallel; pipelines transporting sour gas, acid gas or high vapour pressure products; or pipelines operating under any extreme or unusual circumstances), provide a quality assurance (QA) program outlining the actions required to ensure the materials purchased for use in the proposed facility are appropriate for their intended service (OPR, section 15). See the Guidance topic below for further details.
3. If welding will be performed on a liquid-filled pipeline that has a carbon equivalent of 0.50% or greater and is a permanent installation, submit the following for approval. [OPR, subsection 38(3)]:
 - welding specifications;
 - procedures; and
 - the results of procedure qualification tests for approval.

Guidance

Quality Assurance Program

A QA program ensures that materials purchased meet the company's specified requirements. The rigor of the QA program should be consistent with the scale of the purchase order and its intended application (e.g., the purchase of a single small diameter fitting would not warrant the same degree of scrutiny as would a major pipeline construction project).

QA programs can include the elements of a recognized standard such as the International Organization for Standardization (ISO) 9000 series or quality management systems, and, where appropriate:

- requirements for the pipeline company's (or its agents) evaluation of the manufacturer's or supplier's quality management system prior to the award of any contract;
- requirements for company (or its agents) audits and inspections during manufacture and fabrication, shipping, storage, etc.;
- requirements for random and progressive product testing;

- inspection procedures and inspector qualifications;
- requirements for handling and review of documentation;
- a system for managing non-conformances to specifications; and
- procedures for company acceptance of products.

A.2 Environmental and Socio-Economic Assessment

A.2.1 Introduction

This section of the document describes the NEB's environmental and socio-economic assessment (ESA) process and outlines the information required in a complete application. For any size of project, 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 physical environment;
- the rationale used to identify environmental and socio-economic issues;
- an explanation of the 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.

Section A.2:

- describes the NEB's environmental and socio-economic responsibilities (see section A.2.2);
- discusses scoping of the ESA and the level of detail required in an application; **the applicant should review the information in section A.2.3 carefully**;
- sets out the filing requirements for completing an ESA in the following subsections:
 - Description of the Environmental and Socio-Economic Setting (subsection A.2.4);
 - Effects Assessment (subsection A.2.5);
 - Cumulative Effects Assessment (subsection A.2.6); and
 - Inspection, Monitoring and Follow-up (subsection A.2.7);
- identifies the specific information that is required for biophysical elements in Table A-4; and
- identifies the specific information that is required for socio-economic elements in Table A-5.

The discussion regarding the Board’s responsibilities, scoping and level of detail is presented to assist an applicant in providing the information required in the filing requirements set out in subsections A.2.4 to A.2.7. Table A-1 provides a summary of the ESA filing requirements in those subsections.

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

Component	Filing Requirements
Description of the environment and socio-economic setting (subsection A.2.4)	<ul style="list-style-type: none"> • Provide a map and a description. • Describe biophysical and socio-economic elements in the study area as listed in Table A-3. • Provide supporting evidence of information and data collected for elements. • Identify the methodology used for the analysis of any completed surveys.
Effects assessment (subsection A.2.5)	<ul style="list-style-type: none"> • Identify potential effects. • If there are no predicted interactions between project activities and an environmental or socio-economic element, no further analysis is necessary. Provide a justification of why there are no interactions predicted between project activities and the environment or socio-economic elements. • 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 • evaluate likelihood and significance of residual effects. <p>Refer to Table A-3 to determine whether detailed biophysical and socio-economic information is required. If it is, refer to Tables A-4 and A-5.</p>
Cumulative Effects Assessment (subsection A.2.6)	<ul style="list-style-type: none"> • Identify potential interaction of effects where residual effects are predicted. • 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; • 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 (subsection A.2.7)	<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.

A.2.2 NEB's Environmental and Socio-Economic Responsibilities

The NEB is responsible for conducting ESAs of energy projects within its jurisdiction. 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.

The ESA is a tool for better decision-making to ensure 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 in the ESA process.

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 ESA;
- 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, Chapter 7 – Referenced Documents includes sources for additional information with respect to the CEA Act.

Additional information...

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

A.2.3 Scope of the Environmental and Socio-Economic Assessment

What is Scoping?

Appropriate scoping is the foundation upon which an efficient and effective ESA is built.

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

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

The NEB's Role in Scoping

The NEB normally establishes the scope of an ESA in consultation with other responsible authorities after an application is received. 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 encourages applicants to:

- request a meeting with Board staff in advance of a preliminary submission (see Section 1.7 – 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.

Additional information...

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.

Prior to finalizing the scope, the NEB may seek public input.

For applications that are governed by the CEA Act, 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 ESA by applying the scoping principles established by the CEA Act.

The Applicant's Role in Scoping

The applicant's role in scoping includes:

- providing the NEB with sufficient information to enable it to fulfil its scoping and ESA responsibilities;
- ensuring the ESA focuses on relevant issues and concerns and that an appropriate level of effort is employed in preparing the ESA; and
- considering the requirements of the CEA Act, 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.

Additional information...

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.²

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 the 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

² National Energy Board letter dated 17 September 1999, Re: Upstream Jurisdictional Issues.

- 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, such as socio-economic elements, 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.

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 A-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.

Additional information...

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

Level of Detail

The level of detail the NEB requires in an ESA varies with the nature and magnitude of the project and its anticipated effects. Sufficient and clear information is required to enable the NEB to fulfil its scoping and ESA responsibilities. At the time of application, the NEB will not have the same familiarity with the proposed study area as the applicant.

The environmental and socio-economic setting information provided, when read in combination with the project description, should be at the level of detail to allow the NEB to:

- 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.

Additional information...

As an example, the environmental setting information for a pipeline that crosses watercourses would include:

- whether the watercourses were fish-bearing;
- if the proposed construction timing would affect any of the life stages of the fish;
- the potential for a release of a deleterious substance into the watercourse; and
- the presence or absence of steep embankments, or other erosive features etc.

If the watercourses were ephemeral and construction was during the dry period, the level of detail to be provided could be less than that provided for a fish-bearing watercourse that would be crossed during spawning periods. However, the applicant must clearly state the rationale for the level of detail provided.

The number of elements to be considered within an ESA and the detail to which they are considered can increase substantially depending on the effect of the circumstances and issues related to the project and its setting. 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 A-2 includes questions to consider when establishing the scope of the ESA. An affirmative answer to any of the questions listed in Table A-2 would expand the level of detail of an ESA and it is likely that a number of affirmative answers would result in an expanded level of detail.

Additional information...

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

Table A-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 result in increased potential for adverse environmental effects or for increased public concern? Is the project close to an urban or other area where there may be increased public concern? Could transboundary effects occur as a result of the project?	If any of these questions are answered in the affirmative, additional effects analysis and monitoring may be required.

Considerations for Determining Level of Detail	Filtering Questions for Determining Level of Detail	Guidance
	Are there significant, unique or sensitive environmental resources or socio-economic conditions in the area?	
Landowners, the public, Aboriginal groups and regulators	<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., environmental 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 3).</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>
Scientific understanding	<p>Is there a scientific concern regarding specific environmental components?</p> <p>Has the current state of knowledge changed?</p>	If ESA processes have evolved, additional detail may be required.
Environmental and socio-economic setting and mitigation	<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>	If any of these questions are answered in the affirmative, additional effects analysis and monitoring might be required.
Timing	Would the project be constructed when the potential for adverse effects is greater?	If proposed construction timing is not optimal for reducing effects, additional effects analysis and mitigation would likely be required.

A.2.4 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 complete description of the biophysical and socio-economic setting including the current state of the environment within the study area.

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 constraint (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 pipeline route or facility site locations;
 - areas of human occupancy and resource use, including:
 - claimed traditional territory;
 - Indian reserve land or the settlement area of an Aboriginal group;
 - lands used for specialty agricultural crops;
 - recreation and park areas;
 - forest management areas;
 - registered hunting, trapping and guiding areas;
 - oil and gas facilities, pipelines, other industrial facilities, power lines, roads and railways; and
 - 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 A-3); and
 - where circumstances trigger a requirement for more detailed information to complete an ESA, see:
 - Table A-4, Information Requirements for Biophysical Elements; or
 - Table A-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:

- noting any biophysical or socio-economic factors that are not present, but that might otherwise be expected to be found in that region;
- 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

Consider moving beyond the narrow energy corridor approach when establishing the study area. This could include intersected or adjacent natural ecoregions, especially for projects in disturbed areas, or environments where cumulative effects might be an issue.

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:

- proposed access roads;
- compressors;
- pump and meter stations; and
- storage facilities.

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 downwind;
- species' home ranges;
- the emergency planning zone;
- impacted communities; and
- impacted or required infrastructure.

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.

Baseline information:

- includes both scientific information and local and traditional knowledge;
- can be collected through field studies and surveys including site-specific surveys;
- can be found in published documents and in federal, provincial, territorial and local data banks; and
- can be obtained from interviews with regulatory agencies, Aboriginal groups or other local people such as residents, local conservation groups, bird-banders or farmers.

To ensure that the baseline information is accurate, reproducible and can be easily verified:

- describe the methods used to collect the information, including:
 - site-specific survey methods;
 - database searches;
 - air-photo interpretation;
 - literature reviews;
 - a review of hunter-trapper statistics;
 - expert, local and traditional knowledge interviews; and
 - statistical surveys, as applicable;
- 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 A-3 exist. Tables A-4 and A-5 describe the specific details that should be included.

Applicants are reminded that detailed information is only required for the elements that are identified as having potential environmental or socio-economic effects. Further, a clear and defensible explanation should be provided as to why any element in Table A-3 is not addressed.

Table A-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 environment	<ul style="list-style-type: none"> • The project might affect the morphology of unique physical features or be affected by the local physical environmental conditions such as physiography, bedrock, permafrost, topography, geology or other local conditions. • 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. • 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. • 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 could result in the inter-basin transfer of water. • The project involves the likely release of a polluting substance into a water body or groundwater. • There is outstanding concern about this element of the project, which has not been resolved through consultation.
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 or federally of a wetland with provincial, 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. • The project may result in a loss of wildlife habitat function (e.g., habitat fragmentation or edge effect). • The project may result in the disturbance or destruction of migratory birds. • 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)
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"> • The project results or might result in an increase in airborne emissions during operations or maintenance. • There is existing or potential for public concern (e.g., existing air quality, dust or emissions from equipment).
Acoustic environment	<ul style="list-style-type: none"> • The project results in an increase in noise levels during operations over existing levels. • There is existing or potential for public concern (e.g., directional drilling or blasting).
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. • 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 create a disturbance to the land (e.g., grading, trenching, excavating or drilling). • The project will create new access opportunities. • The project will require the clearing of treed areas. • There is outstanding concern about this element of the project, which has not been resolved through consultation.
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 sensory environmental setting including: noise, odours, vibrations, electrical charges and visual aesthetics. • 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 temporary or permanent damage or require additions, modifications or repairs to local and regional infrastructure. • The project will result in increased demands on local and regional public 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.

A.2.5 Effects Assessment

Goal

The application includes information with respect to potential environmental and socio-economic effects of the project, including:

- effect identification and analysis;
- mitigation; and
- evaluation of significance.

Filing Requirements – Identification and Analysis of Effects

1. 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.

Additional information...

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 A-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, including how this element could change from baseline over the life of the project;
 - local and regional conditions of the biophysical or socio-economic element, or valued component; 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:
 - an identification of any assumptions that were made;
 - the rationale for the selected approach, and for any conclusions reached; and
 - an indication of the level of uncertainty associated with the analysis;
- describe the location, 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:
 - public comment;
 - consultations with other regulators;
 - scientific literature;
 - local and traditional knowledge;
 - status reports;
 - recovery plans; and
 - 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 A-4 and A-5 for elements identified in Table A-3.

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. The provision of detailed maps, diagrams or figures relating to specific areas of biophysical or socio-economic interest or concern should also be considered as beneficial to any assessment of the effects of the project on the human environment.

Method of Predicting Potential Effects

The preferred methods for predicting 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, valued components exist (e.g., population boundary, home range, airshed, municipal or regional planning district);
- 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 information is insufficient or there is uncertainty, identify this gap and indicate how it will be addressed.

The ESA might consider local and traditional knowledge. See Section 3.3 - Consultation for further details on consulting with Aboriginal groups and gathering traditional knowledge.

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

Additional information...

See Section 1.6 - Previously Filed Information for guidelines on referring to previously filed information.

- Identify and describe any alternative routes or sites considered to be mitigation.
 - Provide any alternative mitigation considered to the proposed mitigation measures and provide a comparative analysis of the considered mitigation measures.
 - If more than one mitigation option is proposed, provide the criteria that will be applied to select the mitigation to be used.
 - If new mitigation measures are to be used, provide a rationale for their use and 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 likely environmental and socio-economic effects become clear.

Applicants should assess significance after mitigation. Effects assessment and mitigation analysis can be presented concurrently.

Environmental Protection Plan

Mitigation measures are also often part of company manuals and programs or within an EPP.

An EPP is an example of a tool used 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.

In many cases, the NEB may request an EPP during the examination of an application, or as a condition of approval, prior to construction. Typically, the NEB would request an EPP 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 to the NEB 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:

- identify specific goals for protecting environmental and socio-economic elements identified as important;
- explain practices and procedures to be implemented to meet those goals;
- provide criteria for evaluating the success of practices and procedures, particularly for reclamation and any new mitigation measures;

- 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; and
- assign accountabilities and responsibilities for carrying out practices and procedures, making criteria-based decisions, and confirming compliance with the EPP.

Alternatives as Mitigation

The Board notes that alternatives may be a form of mitigation. Please refer to the guidance in Section 4.2 for further information on alternatives as mitigation.

Emergency Plans

Include emergency plans to deal with accidents and malfunctions that may occur to workers and the public, including exposure to substances that may be harmful to human health. Also include consideration of any effect to biophysical or socio-economic conditions resulting from accidents and malfunctions.

Waste Management Plan

Include a waste management plan to deal with the generation of waste by the project.

Additional information...

If residual effects have been predicted, regardless of their significance, further analysis of cumulative effects is required (see Section A.2.6 - Cumulative Effects Assessment).

Filing Requirements – Evaluation of Significance

1. Evaluate the likelihood and significance of residual adverse effects using criteria such as:
 - direction;
 - magnitude;
 - duration;
 - frequency;
 - spatial extent;
 - reversibility;
 - probability of occurrence;
 - permanence; and
 - ecological context.

2. Define the “significant effect” for each biophysical or socio-economic element or valued component.
3. Describe the methodology for determining whether the project is likely to cause significant adverse effects and justify conclusions.

Guidance - Evaluation of Significance

An issues-based approach for determining whether environmental effects are adverse, significant, and likely consists of three general steps:

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

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.

When defining significance, use clear criteria based on the:

- magnitude;
- duration;
- geographic extent; and
- degree to which the adverse effects are reversible or irreversible.

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.

The evaluation of significance does not need to focus on adverse effects only. Neutral and positive effects may also be discussed for consideration by the Board.

A.2.6 Cumulative Effects Assessment

Goal

The application includes information with respect to potential changes to the environmental and socio-economic conditions caused by the project in combination with other past, present and future projects or activities, including:

- an analysis of the cumulative effects;
- mitigation measures; and
- an evaluation of significance.

Filing Requirements – Scoping and Analysis of Cumulative Effects

1. Identify potential effects for which residual effects are predicted in the ESA (see Section A.2.5 - Effects Assessment).

Additional information...

Both residual effects found not likely to be significant and those found likely to be significant 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.

- Describe and justify the methods used to predict any residual effects.
 - If the valued component approach is used, identify the valued components for which residual effects are predicted.
 - If another method is used to predict potential effects, identify the biophysical or socio-economic elements for which residual effects are predicted.
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.
 - Identify other projects and activities that have occurred or are likely to occur within the residual effects boundaries.
 - Identify whether those projects and activities will produce effects on the biophysical or socio-economic element, valued components within the identified boundaries.
 - Consider whether these effects act in combination with the project's residual effects and if so, include those projects or activities in the cumulative effects assessment.
 - Provide a rationale if not including any other identified projects or activities.

Additional information...

If no other projects or activities are identified as having effects that would act in combination, then no further cumulative effects analysis is required.

3. Provide a cumulative effects analysis of the proposed project in combination with other projects and activities for each biophysical or socio-economic element, or valued component.
 - Include the various components, phases and activities associated with the project that could interact with other projects or activities.
 - Consider the residual effects of the proposed project in combination with the effects of other projects and activities.
 - Consider 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) using a transparent approach supported by a rationale or scientific evidence.
 - Provide a description of the nature of the cumulative effects acting on the biophysical or socio-economic element, valued components.
 - Clarify the project's contribution to the total cumulative effect on a biophysical or socio-economic element, or valued component.
 - 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 of the level of uncertainty associated with the analysis qualitatively or quantitatively.

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 reasonably foreseeable and not hypothetical. Consideration of other projects or activities that have been or will be carried out should include those for which formal plans or applications have been made.

The NEB has ruled in the past that the other projects considered in a cumulative effects assessment cannot be hypothetical.³ The Courts have said that the decisions of responsible authorities are not required to “consider fanciful projects by imagined parties producing purely hypothetical effects”.⁴

3 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.

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

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 alternatives to the proposed mitigation measures.
- If more than one mitigation option is proposed, provide the criteria that will be applied to select the mitigation to use.
- If new mitigation measures are to be used, provide test results or a technically based rationale to justify them.

Guidance – Mitigation Measures for Cumulative Effects

Refer to the mitigation measures guidance notes in Section A.2.5 - 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 the following criteria:
 - direction;
 - magnitude;
 - duration;
 - frequency;
 - spatial extent;
 - reversibility;
 - probability of occurrence;
 - permanence; and
 - ecological context.
2. Define “significant cumulative effect” 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 A.2.5 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.

A.2.7 Inspection, Monitoring and Follow-up

The NEB recognizes three categories of post construction assessment:

1. compliance inspections, which are designed to confirm implementation of approved design standards and other technical conditions 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 information indicating that adequate and effective practices and programs have been developed to:

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

Filing Requirements

1. 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. 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:
 - identifying and tracking environmental issues;
 - resolving any environmental issues specific to the project, including any sampling programs or site-specific investigations as appropriate; and
 - monitoring the effectiveness of mitigation and reclamation, based on established reclamation criteria (see requirements of individual elements in Table A-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, 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.

Onshore Pipeline Regulations

Additional information...

See Section 1.6 - Previously Filed Information for guidelines on referring to previously filed information.

The OPR requires companies to have:

- a monitoring and surveillance program for the protection of the pipeline, 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 pipeline that includes instruction on responsible environmental practices and procedures in the day-to-day operations of the pipeline;
- a program for monitoring changes in design, specifications, standards or procedures; and
- an emergency procedures manual.

Companies are also 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 issue;
- communicate the inspection and monitoring plan (e.g., through an EPP, see the guidance provided in Section A.2.7 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 appropriate 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 AA for filing requirements with respect to Post Construction Environmental Monitoring Reports.

Table A-4: Filing Requirements for Biophysical Elements

Physical Environment	
Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. Identify and quantify permafrost conditions, including areas of: <ul style="list-style-type: none"> • discontinuous permafrost; • high ice content soils; • thaw sensitive slopes; and • riparian areas. 2. Identify areas of ground instability. Include areas with the potential for: <ul style="list-style-type: none"> • landslides; • mudflows; • slumping; • avalanches; • subsidence; • fault zones; and • earthquakes. 3. Identify and describe: <ul style="list-style-type: none"> • any potential for acid-generating rock in the study area; • the potential effects of exposure of any acid-generating rock; and • proposed mitigation for these effects. 4. Identify areas of potential flooding or erosion. 5. Identify areas of high fire potential. 6. Characterize historical land use to determine if soils or sediments contain contaminants that could be re-suspended or released during the project life. 7. If sediments or soils are contaminated, describe mitigation and monitoring measures that will be taken. 	<p>The physical environment section provides information on features of importance that may affect project design.</p> <p>Special consideration is to be given to:</p> <ul style="list-style-type: none"> • unstable slopes; • seismicity; • flooding; • drought; • permafrost; and • areas that may expose acid rock, where these 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. <p>Climate change impacts should be considered in the context of:</p> <ul style="list-style-type: none"> • climate variability; • winter ground conditions; or • areas where warming trends may significantly influence hydrologic conditions such as runoff. <p>In areas where permafrost regimes exist, baselines should be developed for:</p> <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: <ul style="list-style-type: none"> • describe and quantify, at a scale that matches the project magnitude, the soil classification, including the order, group, family, series and type of soil prior to construction; • describe the productivity of land and the type of agricultural resource; and • describe soil types in the study area that are highly susceptible to: <ul style="list-style-type: none"> • wind and water erosion; • soil compaction; and • loss of structure and tilth; 	<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;

<ul style="list-style-type: none"> describe any other soil types that need specific management or mitigation measures. <ol style="list-style-type: none"> Describe any contaminants of concern potentially associated with the project that may affect soil. Describe any known or anticipated contaminated soil within the study area that may be encountered during the course of the project. 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. 	<ul style="list-style-type: none"> 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 A-5.</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.
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Vegetation	
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Filing Requirements	Guidance
<ol style="list-style-type: none"> For lands that are not under cultivation or industrial use: <ul style="list-style-type: none"> describe vegetation species and communities of ecological, economic or human importance (e.g., tame pasture, native prairie, wetland or old growth), and the diversity, relative abundance and distribution of these species prior to construction; and identify the current level of disturbance associated with vegetation. For forested lands, identify the amount, merchantability, and location of merchantable timber to be removed during project construction. Note the location of any weed infestations and other invasive, non-invasive and introduced species of concern. 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 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. 	<p>Vegetation community descriptions should follow the Ecological Land Classification system. Indicate and justify how communities in the study area were delineated (i.e. existing mapping, air photo interpretation, or field mapping). Provide justification if field work was not carried out.</p> <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); methods to reduce or minimize clearing requirements; avoidance of any significant communities and important individuals (e.g., trees important to wildlife); and seed mixes and replanting for re-vegetation purposes. <p>Information on the Ecological Land Classification system can be found at http://sis.agr.gc.ca/cansis/nsdb/ecostrat/intro.html.</p> <p>Native and indigenous species adapted to local conditions should be used when the goal of revegetation is to naturalize or regenerate the area.</p>

<p>5. Describe the condition(s) to which the RoW and temporary work space will be reclaimed and maintained once construction has been completed.</p> <p>6. Describe criteria for evaluating reclamation success related to vegetation. Include a description of how this evaluation will be undertaken and documented.</p>	
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 waterbodies that will supply water and describe how used water will be disposed of. 3. Identify and describe any contaminants of concern potentially associated with the project that may affect water quality. 4. Describe specific mitigation for any potential effects on well water quantity and quality. 	<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, and any potential interconnection effects. The analysis should also identify and describe any inter-basin transfers of water and consider if these transfers might result in the introduction of undesirable biota.</p> <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 A-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 authority as per subsection 35(2) of the <i>Fisheries Act</i> and discuss any verbal or written communication (e.g., letter of comment 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. 	<p>Proponents should work with government fisheries agencies to identify issues and appropriate mitigative measures.</p> <p>Where there is a potential for human health effects see Table A-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>7. Describe the condition(s) to which the watercrossings and riparian zones will be reclaimed and maintained once construction has been completed.</p> <p>8. 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>	<ul style="list-style-type: none"> • <i>The Canadian Pipeline Water Crossing Committee Watercourse Crossings, Second Edition.</i> November 1999. Copies available through the NEB.
Wetlands	
Filing Requirements	Guidance
<p>1. Quantify and describe site-specific wetlands and wetland types in the context of:</p> <ul style="list-style-type: none"> • regional abundance; • distribution; and • current level of disturbance. <p>2. Identify wetland capacities to perform hydrological, water quality, and habitat functions.</p>	<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 significant wetlands and for 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/atlasterreshumides/html/classification_e.html. • Working around Wetlands Fact sheet at www.on.ec.gc.ca/wildlife/docs/working-e.html.
Wildlife and Wildlife Habitat	
Filing Requirements	Guidance
<p>1. Identify wildlife of ecological, economic or human importance in the study area.</p> <p>2. For the wildlife identified, describe and quantify:</p> <ul style="list-style-type: none"> • wildlife habitat type; • location; • suitability; • structure; • diversity; • relative use; and • abundance as it exists prior to project construction. <p>3. Also describe the:</p> <ul style="list-style-type: none"> • 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) 	<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>Description and quantification of habitat should include, but not be limited to:</p> <ul style="list-style-type: none"> • nesting; • denning; • overwintering; • migration and staging; • movement corridors; • forest interior habitat; • hibernation or hibernaculum sites; • mineral licks; and • trees important to wildlife. <p>Other habitat considerations include:</p> <ul style="list-style-type: none"> • areas of natural or scientific interest; • migratory bird sanctuaries; • national wildlife area;

<p>4. Identify wildlife management areas and established or proposed sanctuaries or other areas in or near the study area.</p> <p>5. Describe current level of disturbance associated with wildlife and habitat.</p>	<ul style="list-style-type: none"> • important bird areas; and • world biosphere reserves. <p>The effects analysis regarding wildlife and wildlife habitat should consider factors such as:</p> <ul style="list-style-type: none"> • sensitive areas and habitats (e.g., wetlands, riparian habitat, native prairie, breeding or rutting grounds, wintering grounds, nesting or denning sites, migratory or staging areas, mineral licks, and trees important to wildlife); • 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; 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 human health effects see Table A-5.</p> <p>Additional guidance can be found at the following sites:</p> <ul style="list-style-type: none"> • The Canadian Wildlife Service has relevant information about wildlife and wildlife habitat, and has links to other useful sites including information on the pipeline industry and the <i>Migratory Bird Convention Act</i>. This information can be found at www.cws-scf.ec.gc.ca/index_e.cfm. • Environment Canada's environmental assessment guides include: <ul style="list-style-type: none"> • Environmental assessment guideline for forest habitat of migratory birds; • Migratory birds environmental assessment guideline; and • Wetlands environmental assessment guideline. • 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.cws-scf.ec.gc.ca/hww-fap/hww-fap.cfm?ID_species=87&lang=e. • Locations of Important Bird Areas: www.bsc-eoc.org/iba/canmap.cfm?lang=en.
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Species at Risk or Species of Special Status

Filing Requirements	Guidance
<p>1. For effects related to Species at Risk or Species of Special Status:</p> <ul style="list-style-type: none"> • identify the species and their status; • 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; <ul style="list-style-type: none"> • if no, provide a rationale; 	<p>Status refers to designation under federal or provincial 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</p>

<ul style="list-style-type: none"> • if yes, describe any potential effects; <ul style="list-style-type: none"> - identify any critical timing windows (e.g., denning, rutting or spawning) or restrictions; and - identify any proposed mitigative measures (e.g., improved project design or construction timing). <p>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:</p> <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 habitat. 	<p>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 authorities on species listed under provincial jurisdiction.</p> <p>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.</p> <p>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> <ul style="list-style-type: none"> • 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.
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Air Quality	
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Filing Requirements	Guidance
<p>1. For construction related effects associated with existing or potential public concerns with dust or emissions from construction equipment:</p> <ul style="list-style-type: none"> • provide an overview of concern; and • provide a qualitative assessment. <p>2. For projects that result or may result in an increase in airborne emissions during operations or maintenance (varying degrees of qualitative and quantitative data may be used as appropriate):</p> <ul style="list-style-type: none"> • characterize local and regional meteorological conditions; • describe existing ground level concentrations and air shed concentrations of air emission parameters; • describe and quantify (e.g., spatial, temporal, duration or magnitude) any potential air emissions of concern (e.g., NO₂, H₂S, SO₂, O₃ or particulate matter), including fugitive emissions and odours, generated by activities and systems associated with the project; • describe the measures that would be implemented in accordance with Environment Canada's goal to keep already-clean areas clean and to implement continuous improvement; and • describe participation in national or regional air emission tracking and reporting programs, such as Canada's Climate Change Voluntary Challenge and Registry Inc. program, and the National Pollutant 	<p>The effects assessment of operations should consider:</p> <ul style="list-style-type: none"> • compliance of volumes and modelled changes to ground-level concentrations during normal operations, maintenance, upsets, start-ups, shut-downs, and worst-case scenarios with CCME, provincial and local objectives; • compliance with the CCME National Emission Guideline for Stationary Combustion Turbines; and • the nature of the pollutant of concern and the potential interactions with the environment and any mitigative measures available. <p>Where there is a potential for human health effects see Table A-5.</p> <p>Monitoring and follow up should consider:</p> <ul style="list-style-type: none"> • requirements under CCME and provincial guidelines and any provincial permit requirements; and • verification of predictions in the event of: • possible exceedences of air quality objectives; • uncertainty or absence of data to model or assess air quality; or • public concerns about air quality.

<p>Release Inventory (NPRI) program, or provide rationale why participation is not required.</p>	<p>Additional guidance can be found at the following sites:</p> <ul style="list-style-type: none"> • NPRI program can be found at www.ec.gc.ca/pdb/npri/npri_home_e.cfm. • Canada's Climate Change Voluntary Challenge and Registry Inc. program can be found at www.vcr-mvr.ca. • National Ambient Air Quality Objectives at www.hc-sc.gc.ca/hecs-sesc/air_quality/naaqo.htm. • Canada-Wide Standard for Particulate Matter and Ozone at www.ccme.ca/initiatives/standards.html?category_id=59#34. <p>Incorporating Climate Change Considerations in Environmental Assessment: General Guidance for Practitioners at www.ceaa-acee.gc.ca/012/014/1_e.htm.</p>
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Acoustic Environment

Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. For effects associated with existing or potential public concerns with 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: <ul style="list-style-type: none"> • quantify and describe ambient noise regimes in the study area; and • describe and quantify (e.g., spatial, temporal, duration or magnitude) potential noise events that may be caused by the activities and systems associated with the project that would increase noise levels resulting in potential effects to receptors. 	<p>The effects assessment should consider:</p> <ul style="list-style-type: none"> • compliance with provincial noise guidelines and local requirements; and • an evaluation of the availability and practicality of further mitigation if the noise from the project would exceed federal or provincial guidelines. <p>Noise management plans should consider:</p> <ul style="list-style-type: none"> • verification of noise impact predictions and the timing and means of verification; • further noise monitoring and assessment to address changes in operations, aging of equipment or other circumstances that could result in increased noise levels from the project; • notification and scheduling of maintenance activities, such as blowdowns and equipment venting during daylight hours; and • notification of adjacent residences and local authorities of plans and procedures for preventing and managing noise. <p>Where there is a potential for human health effects see Table A-5.</p> <p>Additional guidance:</p> <p><i>Guide 38: Noise Control Directive User Guide</i>, Alberta Energy and Utilities Board, November 1999</p>

Table A-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. 	<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 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>Compatibility of the project with local and regional land use and development plans should be assessed. Where "multiple-uses" are permitted, the applicant should also assess the compatibility of the project with existing uses and proposed mitigation strategies or plans.</p> <p>If there will be an impact on the areas used for traditional purposes by Aboriginal people, please refer to the Traditional Land and Resource Use element within this table.</p> <p>If there will be an impact on the quality and quantity of water, see the Water Quality and Quantity element in Table A-4.</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. 	<p>Applicants should be aware of any federal or provincial 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</p>

<p>4. Provide copies of correspondence from provincial authorities responsible for heritage resources with comments respecting any heritage resource impact assessment and proposed mitigation measures.</p> <p>5. Provide a statement indicating whether the company will implement the recommendations of the provincial 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>detailed overview of the field methodology used in the study. Applicants are reminded that relevant information can be obtained from various sources, including provincial heritage authorities or local Aboriginal groups.</p> <p>Where there is potential for discovery of heritage resources 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"> 1. Describe how lands in the study area are currently used by Aboriginal people for traditional purposes. 2. 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. 3. 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. 4. 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, medicinal or cultural plant collection and gathering, 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"> 1. 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 	<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;

<ul style="list-style-type: none"> prevalent socio-cultural concerns of residents, families and workers in the study area. <ol style="list-style-type: none"> 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. Provide an assessment of how these interactions might affect the socio-cultural well-being of the local community. 	<ul style="list-style-type: none"> 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 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	
Filing Requirements	Guidance
<ol style="list-style-type: none"> Describe and quantify: <ul style="list-style-type: none"> the project activities, toxic components and nuisances that could potentially be sources of adverse human health effects; and the potential human receptors of these effects. Where the project could create air, water or noise emissions or effluent discharge levels that meet local, provincial 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. Where the project could create health effects, summarize how these effects would be mitigated. 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. 	<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>Nuisance-related project effects could include dust, noise, odours, vibrations or light pollution.</p> <p>The identification and evaluation of potential human health impacts should include consultation with local, regional, Aboriginal, provincial 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>Polluting “up to a limit” which may be imposed by a local, regional, provincial or national agency is not acceptable and the best strategy to avoid future human health problems is to limit the amount of pollution. Where a particular effect falls below or comes within an established limit, this may not require additional mitigation. However, where the extent of change may be substantial, even if within set limits, the applicant should also provide any other additional mitigation.</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., Water Quality and Quantity and Air Quality).</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"> • roads and highways; • railways; • power utilities; and • water and wastewater treatment facilities and solid waste management facilities. 2. Describe the existing local and regional services in the study area, including: <ul style="list-style-type: none"> • accommodation, including camping facilities; 	<p>The assessment of infrastructure and services should consider project effects from:</p> <ul style="list-style-type: none"> • housing workers; • providing essential and emergency services (fire, police, ambulance, hospital) and time required to access such services; • recreational requirements of workers; • transporting supplies and workers to and from the worksite; and • using local infrastructure such as water, sewer, waste disposal and electricity, etc.

<ul style="list-style-type: none"> • recreation; • waste disposal; • police; • fire-fighting; • ambulance; and • health care services. <p>3. Consider effects of the project on the above-noted infrastructure and services as well as:</p> <ul style="list-style-type: none"> • current traffic patterns; and • the need for project-related government expenditures for new or expanded services or infrastructure. 	<p>The assessment should quantify, where possible, the effects on infrastructure and services such as:</p> <ul style="list-style-type: none"> • local roadways and traffic patterns; • potential water consumption volumes; and • wastewater and solid waste disposal volumes. <p>Applicants should consider any provincial or local guidelines regarding emergency services or requirements for heavy load vehicles and construction access permits.</p> <p>Where workers will not be housed in self-contained construction camps, applicants should consider the capacity of the local communities to absorb the housing and recreational requirements of the workforce.</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 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 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>

A.3 Economics

Information on economics is required in an application when the applied-for facilities would result in one or more of the following:

- the construction of a new pipeline;
- an increase in pipeline capacity or throughput on an existing regulated pipeline; or
- a change in the type of commodity being transported on an existing regulated pipeline.

Economics information must include details on:

- supply;
- transportation;
- markets; and
- financing.

The overall purpose for filing information on facility economics is to demonstrate that the applied-for facilities will be used, will be useful, and that demand charges will be paid.

A.3.1 Supply

Goal

The application includes information indicating that there is or will be adequate supply to support the use of the pipeline, taking into account all potential supply sources that could reasonably be expected to be sourced by the applied-for facilities over their expected economic life.

Filing Requirements

Provide:

1. a description of each commodity (e.g., crude oil, natural gas or NGL);
2. a discussion of all potential supply sources;
3. a forecast of the productive capacity for each commodity over the economic life of the facilities; and
4. for pipelines with contracted capacity, a discussion of the contractual arrangements underpinning the supply.

Guidance

When determining what level of supply information to provide, be aware that the NEB must be satisfied that there is, or will be, an adequate supply available to the pipeline such that the

applied-for facilities could be expected to be used at a reasonable level over their economic life and would be in the public interest.

The level of detail in the supply information would normally correspond to:

- the projected increase in capacity or throughput;
- the nature and complexity of the supply source; and
- the potential impact on the public interest, commercial or otherwise.

Generally, the greater the projected increase in capacity or throughput, the greater the amount of supply information that would be required. Additional information might be required for proposed projects that have a larger potential impact on third parties or the environment to demonstrate that the project is in the public interest.

Commodity Description

Describe each commodity that would be affected by the applied-for facilities. Adhere to the guidelines for describing commodities provided in Section 1.10 - Measurement, Conversation Factors and Commodity Description.

Resources

Describe each current and potential supply source that the applied-for facilities are relying upon, including the methodology used to derive these estimates.

Productive Capacity

Forecast the current and future production over the economic life of the project. Include forecasts from:

- the various supply sources; and
- conventional and unconventional production as well as production from other basins that could be sourced.

Clearly describe the sources for and the methodology used to derive the forecasts.

Contractual Arrangements

For pipelines with contracted capacity, include a description of any relevant contractual arrangements underpinning the supply arrangements. Also include key contractual terms such as length of contract and volumes under contract, where available.

A.3.2 Transportation Matters

Goal

The application includes information indicating that the volumes to be transported are appropriate for the applied-for facilities and that the proposed facilities are likely to be utilized at a reasonable level over their economic life.

Filing Requirements

Pipeline Capacity

1. In the case of an expansion to an existing pipeline, provide:
 - the pipeline capacity before the expansion capacity is added;
 - the added capacity of the expansion project;
 - the pipeline capacity as it would be following the expansion; and
 - a justification that the capacity of the pipeline expansion is appropriate in terms of incremental volumes to be shipped on the expanded facility.
2. In the case of a new pipeline, provide a justification that the capacity of the new pipeline will be appropriate for the productive capacity or supply that would be available to the pipeline.

Throughput

1. For pipelines with contracted capacity, provide information on contractual arrangements underpinning the projected throughput volumes.
2. For all pipelines other than pipelines with contracted capacity, provide a forecast of projected throughput volumes by commodity type, receipt location and delivery destination on an annual basis over the economic life of the applied-for facilities.
3. If the proposed project results in an increase in throughput capacity, provide:
 - the theoretical and sustainable daily, seasonal and annual capabilities of the existing and the proposed facilities versus the current and forecasted requirements, indicating any contracted interruptible quantities; and
 - the flow formulae and flow calculations used to determine the daily or hourly (as appropriate) capabilities of the proposed facilities and the underlying assumptions and parameters, including a description of the gas or fluid properties.
4. Where more than one type of commodity would be transported in the same pipeline, describe the segregation of the commodities, including where applicable, potential contamination issues or cost impacts.

Guidance

Information submitted on transportation matters should:

- demonstrate that the capacity of the applied-for facilities is appropriate for the commodities and volumes that would be transported in the pipeline; and
- provide sufficient evidence to assure the Board that the applied-for facilities will be used at a reasonable level over their economic life.

Information on pipeline capacity, projected throughput or contracted volumes and, if applicable, supply available to the pipeline, could be provided in tabular format. Where it would provide clarity, a graphical representation could also be included.

Pipeline Capacity

Provide an estimate of the average annual capacity of the pipeline for the commodity or commodities transported.

Where pipeline capacity would be increased as a result of the construction of the applied-for facilities, include the pipeline capacity that would be added as well as the resultant total capacity of the pipeline.

In all cases where there will be a substantial difference between pipeline capacity and contracted volumes or projected throughput, include an explanation of the difference.

In the case where the subject pipeline is one of a number of pipelines serving a particular supply area, provide a description of the overall service for the area and the role the subject pipeline plays in serving the area relative to throughput volumes and productive capacity for the supply area.

Contractual Arrangements

Transportation agreement evidence is required when the applied-for facilities relate to the transportation of natural gas.

Describe the contracted volume and term by shipper. When possible, submit evidence of the transportation agreements, such as signed execution sheets and copies of the contracts. Contractual evidence must be of sufficient detail to assure the Board that the facilities will be used at a reasonable level and that demand charges will be paid.

Projected Throughput

A throughput forecast is required for liquids facilities (e.g., crude oil and NGL).

Also include a forecast of supply that could reasonably be expected to be available to the pipeline over the economic life of the applied-for facilities.

Describe the projected annual throughput of each commodity by source, location and delivery destination over the expected economic life of the applied-for facilities.

Commodity Integrity on Multi-Product Pipelines (where applicable)

In the case of multi-product pipelines for a new pipeline, or where the applied-for facilities could affect the integrity of any of the transported commodities, include a discussion of the methods that will be used to segregate or protect the integrity of the commodity types. Describe any potential contamination issues or cost impacts and strategies that will be used to mitigate any potential problems.

A.3.3 Markets

Goal

The application includes information indicating that adequate markets exist for the incremental volumes that would be available to the marketplace as a result of the applied-for facilities.

Filing Requirements

Provide:

1. an analysis of the market in which each commodity is expected to be used or consumed; and
2. a discussion of the physical capability of upstream and downstream facilities to accept the incremental volumes that would be received and delivered.

Guidance

Information on markets is required to assure the NEB that there is sufficient demand to absorb the incremental volumes and, where applicable, physical capability in the upstream and downstream facilities to accept the incremental volumes. Where long-term transportation and downstream arrangements are in place, the required market information will be more general in nature, but must be adequate to allow the Board to determine whether the market demand will be sufficient to support the economic feasibility of the pipeline.

The level of detail will correspond to:

- the magnitude of the incremental volumes that would be delivered into the market;
- the degree of competition from other supply areas and from other fuels in the market to be served; and
- the potential impact on the public interest, commercial or otherwise.

Generally, the greater the projected increase in volumes delivered to the marketplace, the greater the amount of market information that would be required. Proposed projects that have a larger potential impact on third parties or the environment may require filing additional information to demonstrate that the project is in the public interest.

Description of the Market

Describe the market that will receive the commodity, including, where applicable:

- where the commodity could be delivered (e.g., gas hub or designated refinery);

- the potential competition to serve the market or the market areas from other pipelines;
- energy sources; and
- transportation systems.

Ability of Upstream and Downstream Facilities to Accept Incremental Volumes

In cases where the applied-for facilities would be receiving a commodity or commodities from an upstream facility or delivering to a downstream facility, provide assurance that the connecting facility is physically able to accept the additional volumes being received or delivered.

Table A-6: Overview of Supply, Transportation and Markets Filing Requirements

Scope of Project	Commodity Source Type	Supply	New Pipeline (larger project)	Transportation	Markets
Major Project	<p>Basin-wide supply source (e.g., a mainline)</p>	<p>Resources:</p> <ul style="list-style-type: none"> Table with estimates of conventional and unconventional resources. Table should include estimates of discovered and undiscovered resources. Description of the sources and methodology used to derive the estimates. <p>Productive Capacity:</p> <ul style="list-style-type: none"> Table and graph providing productive capacity estimates for each of the resources listed above over the life of the project. Description of the sources and methodology used to derive these estimates. <p>Contractual Arrangement(s):</p> <ul style="list-style-type: none"> A detailed description of the contractual arrangements. 	<p>Pipeline Capacity:</p> <ul style="list-style-type: none"> Total capacity of the pipeline. Justification that pipeline capacity is appropriate. <p>Contractual Arrangement(s):</p> <ul style="list-style-type: none"> Pipelines with contracted capacity: a detailed description of the transportation contract arrangements underpinning the projected throughput. Other: forecast of projected throughput by commodity, receipt location and delivery point. 	<p>Pipeline Capacity:</p> <ul style="list-style-type: none"> Before expansion. Incremental capacity added and total capacity following expansion. Justification that the additional capacity is appropriate. <p>Contractual Arrangement(s):</p> <ul style="list-style-type: none"> Pipelines with contracted capacity: a detailed description of the transportation contract arrangements underpinning the projected throughput. Other: forecast of projected throughput by commodity, receipt location and delivery point. 	<p>More shippers</p> <p>Comprehensive market analysis with justification that incremental or new volumes will be absorbed. Evidence that upstream and downstream facilities are physically able to receive incremental volumes.</p>
Local Connection	<p>Localized supply source (e.g., part of a gathering system)</p>	<p>Resources:</p> <ul style="list-style-type: none"> Table with estimates of discovered and undiscovered resources. Description of the sources and methodology used to derive the estimates. <p>Productive Capacity:</p> <ul style="list-style-type: none"> Table and graph providing productive capacity estimates for each of the resources listed for the economic life of the project. Description of the sources and methodology used to derive these estimates. <p>Contractual Arrangement(s):</p> <ul style="list-style-type: none"> A description of any relevant supply arrangements. 	<p>Expansion (smaller project)</p>	<p>Pipeline Capacity:</p> <ul style="list-style-type: none"> Before expansion Incremental capacity added and total capacity following expansion. Justification that the additional capacity is appropriate. <p>Contractual Arrangement(s):</p> <ul style="list-style-type: none"> Pipelines with contracted capacity: evidence of the transportation contract arrangements underpinning the projected throughput. Other: forecast of projected throughput by commodity, receipt location and delivery point. 	<p>Fewer shippers</p> <p>Market description and assurance of demand for incremental volumes. Assurance that upstream and downstream facilities are physically able to receive incremental volumes.</p>
		<p>Supply information is appropriate to the scope of the project, as above.</p>	<p>When more than one commodity: Discussion pertaining to segregation of commodities and potential contamination issues or costs.</p>	<p>Market information is appropriate to scope of the project, as above.</p>	

A.3.4 Financing

Goals

The application provides a discussion of the following points:

- the applicant's ability to finance the proposed facilities;
- the method of financing the facilities;
- any changes to the financial risk of the company associated with its intended method of financing the facilities; and
- the toll impact of the proposed facilities including the extent of any cross-subsidization.

Filing Requirements

Additional information...

All applications submitted pursuant to either section 52 or 58 of the NEB Act must include the information stated in requirements 1 through 3.

In addition, applications with significant toll impacts must also include the information stated in requirement 4.

1. Provide evidence of the ability to finance the proposed facilities.
2. Indicate the estimated toll impact for the first full year that the facilities are expected to be in service.
3. Confirm shippers have been apprised of the project and associated toll impact. Provide a summary of their concerns, if any, and the plans to address these concerns.
4. For applications with significant toll impacts, provide additional toll details for:
 - existing facilities;
 - the aggregate of existing and proposed facilities; and
 - the first five years that the proposed facilities are forecast to be in service.

Guidance

The NEB needs sufficient information to allow it and interested parties to understand the application and the impacts on third parties, and to make a decision. The information provided should demonstrate that the applied-for project is financially sound given the approved toll methodology and that it is not being cross-subsidized in an inappropriate manner.

While the NEB would find the information identified in the filing requirements to be satisfactory in most instances, it may be necessary to provide further information. In general, more detailed information should be provided for projects that are greater in complexity and scope. Examples of factors that could affect the complexity and scope of a project include the:

- toll impact of the proposed facilities;
- proposed toll design methodology;
- level of market power held by the applicant, including its affiliates;
- number of shippers on the system;
- number of third parties that could be affected by the proposed facilities and the level of effect on these parties; and
- the financial risk assumed by the applicant.

Determine the level of information to include for each filing requirement based on the factors described above, and provide any additional information that would be pertinent.

Finance Information

Evidence that the applicant has the ability to finance the proposed facilities should include, but not be limited to:

- a description of the intended methods and sources of financing the proposed facilities;
- a description of any financing already in place; and
- a description of any restrictive provisions concerning future financing, any changes in capital structure, the impact on interest coverage ratios and other factors that could affect the financing of the proposed facilities.

Toll Details

Toll details will include:

- the annual toll impact;
- where tolls are cost-based, the cost of service and rate base by main elements;
- where tolls are not cost-based, the revenues from and costs of providing service by main elements;
- the method and rates of depreciation by plant accounts, if different from those approved by the NEB; and
- if not already filed with the NEB, copies of the relevant additional tariffs, transportation contracts or operating agreements associated with the new facilities.

A.3.5 Non-NEB Regulatory Facility Approvals

Goal

The application includes information on other regulatory processes that are being undertaken with respect to the project.

Filing Requirements

1. 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.
2. If any of the approvals referred to in #1 may be delayed, describe the status of those approval(s) and provide an estimation of when the approval is anticipated.

Guidance

The NEB requires information regarding the status of all required federal, provincial, state and municipal approvals or authorizations to be reasonably assured 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.

A.4 Lands Information

Goals

The application includes accurate documentation on land areas, land rights, the service of notice, the land acquisition process, and includes sample agreements and notices.

A.4.1 Filing Requirements – Land Areas

1. Ensure the land documentation includes 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

A description of the requirements and rationale for both temporary and permanent lands allows the Board to assess the appropriateness of the land areas. The description should include the dimensions of the:

- RoW;
- temporary working space;
- valve sites;
- cathodic beds;
- pole lines;
- access roads;
- meter stations; and
- facilities such as compressor or pumping stations.

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.

A.4.2 Filing Requirements – Land Rights

1. Provide a description of the type of land rights proposed to be acquired for the project and related facilities.

2. Provide a description of the nature and relative proportions of land ownership along the proposed route (i.e., freehold, Crown or public lands).
3. 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.

A.4.3 Filing Requirements – 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

A description of the land acquisition process to be implemented will allow the Board to assess the process and to be aware of the timing of acquisition.

The land acquisition information should describe the:

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

This information may be provided in a table form.

A.4.4 Filing Requirements – 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

A sample copy of the acquisition agreement(s) enables the Board to verify that the agreement complies with the requirements of subsection 86(2) of the NEB Act and that landowner's rights are protected.

Additional information...

Where lands will not be acquired pursuant to the above filing requirements, it is not necessary to file the respective sample copy of agreement.

A.4.5 Filing Requirements – 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.

In addition, where an application will be filed pursuant to section 58 of the NEB Act the notice should describe:

- the process for approval of the detailed route of the pipeline, and
 - a statement that sections 34 to 39 of the NEB Act will not apply in respect of the procedure for approval of the detailed route of the project.
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

Where an application is filed pursuant to section 58 of the NEB Act, the procedure for approval of the detailed route of the pipeline, 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 pipeline.

Section 58 Application Conditions

In the event the Board grants an order approving the section 58 application, it may condition the order such that prior to commencement of construction of the project on those lands where new land rights are required, the applicant will demonstrate in writing to the Board that either:

- those lands have been acquired; or
- where any required lands have not been acquired, the rights, as prescribed by the NEB Act, of those landowners will not be prejudiced by the construction of the project.

Lands not Acquired

In the event that a section 52 certificate is issued, the applicant would file the plans, profiles and books of reference (PPBoR) for the pipeline 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.

Landowners' Guide

The Board's publication *Pipeline Regulation in Canada: A Guide for Landowners and the Public* is available on the Board's website at www.neb-one.gc.ca and copies are available from the NEB Library.

A.4.6 Filing Requirements – Section 58 Application to Address a Complaint

1. Where a section 58 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 within the section 58 application will address the complaint.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE B – ABANDONMENT (NEB ACT PARAGRAPH 74(1)(d) and OPR s.50)

Section 50 of the OPR states:

- 50.** An application made by a company under section 74 of the NEB Act for leave to abandon a pipeline or a section of one shall include the rationale for the abandonment and the measures to be employed in the abandonment.

Goal

The application will include the rationale for the abandonment and the measures to be employed in the abandonment as well as evidence that:

- the proposed abandonment will be carried out in a technically safe manner;
- potential environmental, socio-economic, economic and financial effects are identified and addressed; and
- all landowners and other persons potentially affected are sufficiently notified and have their rights protected.

B.1 Filing Requirements - Engineering

1. Confirm abandonment activities will follow the requirements of the latest version of CSA Z662.
2. Provide:
 - a rationale for the abandonment;
 - a complete description of the facilities being abandoned;
 - an assessment of the potential safety hazards related to the facility abandonment and the mitigative actions planned to reduce such hazards; and
 - a plan outlining how the facility will be prepared for abandonment and how it will be monitored, if necessary, during its abandonment.

B.2 Filing Requirements - Environment and Socio-Economic Assessment

Additional information...

An ESA is required for applications for abandonment. See Section A.2 in Guide A for filing requirements in addition to those in this Guide.

1. Describe the different ecological settings found at the project location and identify the different land uses that are or will be in place, if known.

2. Identify the ecological settings (identified in 1) in which each of the project components to be abandoned is located.
3. Describe and justify the methods that will be used to clean up any contamination found at the project component sites and:
 - quantify the amount of contamination that may exist;
 - describe special handling techniques that will be used; and
 - identify regulatory requirements that will be followed for cleanup and disposal.
4. For each project component, describe:
 - how and when it will be abandoned;
 - how the environment will be reclaimed; and
 - how the abandonment is appropriate for the ecological setting where it is located.
5. Use an appropriate level of detail and technical description to allow regulators, the public and others to thoroughly understand what is being proposed.
6. Describe any regulatory requirements for reclamation and remediation and how these requirements will be met.
7. Identify historical spills and releases that have occurred on the area to be abandoned.

B.3 Filing Requirements - Economics and Finance

1. Provide details of the costs associated with the proposed abandonment, including details of any exposure to future liabilities.
2. Confirm that funding is and will be available to finance the proposed abandonment.
3. Provide the original book cost of the facilities and accumulated depreciation to the retirement date.
4. Provide accounting details as outlined in the *Gas Pipeline Uniform Accounting Regulations* (GPUAR) or *Oil Pipeline Uniform Accounting Regulations* (OPUAR), including details of whether the retirement is ordinary or extraordinary.

B.4 Filing Requirements - Lands Information

1. Describe the location and the dimensions of the existing RoW and facility lands that would be affected by the abandonment.
2. Provide a map or site plan of the pipeline or facility to be abandoned.
3. Identify the locations and dimensions of known temporary work space required for the abandonment.

4. Describe any easement proposed to be acquired for the abandonment, including:
 - the location and dimensions of the easement;
 - the discussions with the landowners regarding the easement;
 - any concerns expressed by the landowner regarding the easement or the lands proposed to be acquired; and
 - how the applicant proposes to address any landowner concerns.
5. Provide the details of any reclamation plans developed in consultation with landowners affected by the proposed abandonment.
6. If any easement will be surrendered:
 - identify the lands where easement will be surrendered;
 - describe the contingency plans that will be put in place to protect the landowner should subsequent land issues arise following the abandonment of the facility and surrender of the easement;
 - describe the company's discussions with the landowners;
 - describe any concerns raised by landowners regarding surrendering of the easement; and
 - file evidence to demonstrate that affected landowners have been advised of the proposed abandonment and that if the Board approves the abandonment, the Board will no longer have jurisdiction over the pipeline.

Guidance

Environment and Socio-Economic

Abandonment Plan

An application to abandon the operation of a pipeline could include an abandonment plan tailored to the individual project. This plan could also be used for input from stakeholders such as:

- landowners;
- occupants;
- land managers;
- lessees;
- municipal agencies;
- shippers; and
- upstream and downstream users.

If an abandonment plan is shared with stakeholders, any comments from the stakeholders should be considered and, where appropriate, incorporated into the plan.

Environmental, safety and land-use issues may all be considered in the application. The application may also address reclamation of sites where surface facilities have been or will be removed and the management of any pipeline components that will be maintained in a deactivated state.

Abandonment-in-Place or Removal of Pipeline

Assessments and studies could be provided to support the choice between abandonment-in-place or removal of the pipeline. If the pipeline is to be removed, assess the impact of the removal on the environment. If the pipeline is to be abandoned in place, refer to CSA Z662, clause 10.

Additional Information

The following discussion papers were authored collectively by the NEB, Alberta Energy and Utilities Board, Canadian Energy Pipeline Association and Canadian Association of Petroleum Producers and provide guidance on responsible abandonment and methods of approach:

- *Pipeline Abandonment - A Discussion Paper on Technical and Environmental Issues.*
- *Legal Issues Relating to Pipeline Abandonment: A Discussion Paper.*

Further information can also be obtained in the CCME *National Guidelines for Decommissioning Industrial Sites*, available on the CCME website (<http://www.ccme.ca/>).

Economics and Finance

Abandonment Costs

The costs associated with abandoning the facilities should include:

- if the facilities will not be abandoned in place, an itemization of any costs for:
 - dismantling;
 - demolishing and removing the facilities;
 - reclaiming the site; and
 - carrying on other remediation work and applicable salvaging work;
- if the facilities will be abandoned in place, an itemization of any associated costs;
- for each cost, the expected salvage proceeds and the timing of expected receipt of the proceeds;
- the methodology used to estimate costs;
- a description of any funding, financial guarantees or other arrangements designed to cover those costs; and
- the details of expected associated section 52 or 58 applications.

Liability Exposure

The exposure to future liabilities should include:

- a description of the types of each liability and an estimate of the associated cost; and
- a statement of which abandonment work is associated with a legal obligation and which work is not.

Financing

The confirmation that funding is and will continue to be available to fund the abandonment should include:

- an explanation of the economic feasibility of the abandonment; and
- the expected toll treatment and toll impact, including:
 - an explanation of how the tolls were determined;
 - the expected impact, if any, on shippers and other parties; and
 - a statement regarding the extent of shippers' and other parties' support for any toll increase.

Accounting

The GPUAR or OPUAR prescribe the accounting treatment for both ordinary and extraordinary retirements, including informing the Board if the gain or loss on an extraordinary retirement is material.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE C – PROTECTION OF PIPELINES FROM CROSSING ACTIVITIES and MINING OPERATIONS (NEB ACT s.112 and s.81)

C.1 Construction of Facilities Across Pipelines (NEB Act s.112)

Goal

The application includes information with respect to:

- the facility proposed or constructed across, on, along or under a pipeline [subsection 112(1)];
- excavation using power-operated equipment or explosives within 30 metres of the pipeline [subsection 112(1)];
- the vehicle or mobile equipment proposed to operate across the pipeline outside the travel portion of a highway or public road [subsection 112(2)]; or
- the facility across, on, along or under the pipeline that is to be reconstructed, altered or removed [subsection 112(4)].

Filing Requirements

1. For an application filed under subsection 112(1) to construct a facility across, on, along or under a pipeline where permission has not been obtained from the pipeline company, provide:
 - the purpose and location of the proposed facility;
 - a description of the proposed facility; and
 - the rationale for seeking approval from the Board.
2. For an application filed under subsection 112(1) to excavate using power-operated equipment or explosives within 30 metres of a pipeline where permission has not been obtained from the pipeline company, provide:
 - the purpose and location of the activity;
 - a description of the equipment or explosives; and
 - the rationale for seeking approval from the Board.
3. In accordance with the requirements of the CEA Act (see Section A.2 within Guide A) applications under subsection 112(1) will include an ESA, unless the project is on the CEA Act Exclusion List.
4. For an application filed under subsection 112(2) to operate a vehicle or mobile equipment across a pipeline where permission has not been obtained from the company (unless the operation is within the travelled portion of a highway or public road), provide:

- the purpose and location of the activity;
 - a description of the vehicle or equipment; and
 - the rationale for seeking approval from the Board.
5. For an application filed under subsection 112(4) to direct the owner of a facility constructed across, on, along or under a pipeline, to reconstruct, alter or remove the facility, provide:
- the purpose and location of the facility;
 - the purpose for the reconstruction, alteration or removal of the facility; and
 - the rationale for seeking approval from the Board.

Guidance

The information required for this application can be filed with the Board in the form of a letter. A copy of the letter should be sent to all affected parties so they can review the information and forward any comments they may have to the Board.

Provide as much information as possible about the efforts made to seek approval for the activity prior to making the application to the Board. This may include copies of letters exchanged with all affected parties or minutes of meetings.

The Board may request additional information when an application is filed, depending on the circumstances of the project.

Applicants can refer to Table A-1 in Guide A for guidance with respect to the ESA process. NEB staff can provide assistance in determining whether the project requires an ESA. In general, smaller projects that landowners may want to carry out may result in a less extensive ESA.

C.2 Protection of Pipelines from Mining Operations (NEB Act s.81)

This section is applicable to proposed mines or mineral work that will take place within 40 metres of the RoW of a federally regulated pipeline.

An application under section 81 may involve pipeline crossings and therefore, an application pursuant to section 112 may also be required.

Goal

The application includes information with respect to:

- the portion of the pipeline affected by the proposed mines or mineral work;
- an environmental screening;
- any crossings; and
- any seismic program or explosives involved.

Filing Requirements

1. As required by subsection 81(3) of the NEB Act, provide a plan and profile for the portion of the pipeline to be affected.
2. In accordance with the requirements of the CEA Act (see Section A.2 within Guide A) applications under section 81 shall include an ESA, unless the project is on the CEA Act Exclusion List.
3. Provide all reasonable and necessary information and details respecting the proposed mine or mineral work, including:
 - project title and contact information for the company, contractors and sub-contractors;
 - the name and contact information of the affected pipeline company;
 - legal description of the lands to be affected;
 - a map indicating the location of the pipeline(s); and
 - a statement certifying that the pipeline company and the Board will be contacted at least 72 hours prior to conducting the project.
4. If the project involves crossing a pipeline, also include:
 - the proposed crossing date; and
 - evidence that an approved crossing agreement is in place.
5. If the application is for a seismic program or involves explosives:
 - indicate the type of seismic program (e.g., 2D, 3D);
 - provide the plat of the seismic program;
 - identify the source (e.g., dynamite or vibroseis);
 - identify the size of the dynamite charge, if applicable; and
 - confirm that the program will be conducted in accordance with all applicable regulations.

Guidance

Submitting a Pipeline Notification Form to the Board is not considered an application or an approval for the activity.

Conditions of approval may include the requirement for mitigation plans that ensure public safety if live charges cannot be removed from the ground.

Applicants can refer to Table A-1 in Guide A for guidance with respect to the ESA process. NEB staff can provide assistance in determining whether the project requires an ESA. In general, smaller projects that landowners may want to carry out may result in a less extensive ESA.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE D – DEVIATIONS (NEB ACT s.45)

In some cases during construction the pipeline has to be relocated due to new facts or changes in design (e.g., a new river or railroad crossing or newly found archaeological site). In those situations, only a section 45 application is required.

Section 45 requires a company to file a plan, profile and book of reference when changing the location of a pipeline. This applies whether the pipeline is approved and located or is already constructed. However, section 45 does not give authority to construct; therefore, in cases where the pipeline is already constructed, an application under section 52 or 58 must also be filed, unless the facilities fall within the Section 58 Streamlining Order.

Goal

The application should include the rationale for the deviation as well as information with respect to the proposed route, the landowner's comments (if any), the service of notices on landowners, and the land acquisition process.

D.1 Filing Requirements - Lands

1. Provide the order number and date of the approval of the original PPBoR.
2. Provide a PPBoR drawing showing the approved route.
3. Provide a PPBoR drawing showing the location of the proposed deviated, changed or altered route for approval.
4. Provide the starting and ending points of the deviation (kilometre post to kilometre post).
5. Include a map at an appropriate scale that indicates the location of the deviation, alteration or change in relation to both the approved detailed route and the certificated route of the pipeline. Include surrounding natural and man-made features on the map.
6. Describe any new lands required including the status of acquisition of the lands and the status of service of subsection 87(1) notices.
7. Describe any landowner concerns and how those concerns will be addressed, including the date(s) responses will be provided to the landowner(s) or evidence to demonstrate that the affected landowners consent to the deviation.
8. For an application filed pursuant to subsection 45(3) of the NEB Act for an exemption from the provisions of section 45, include:
 - the order number and date of the approval of the original PPBoR;
 - the starting and ending points of the deviation (kilometre post to kilometre post);
 - the maximum distance of deviation from centre line;
 - a PPBoR drawing showing the approved route and the proposed deviation;

- a map at an appropriate scale that indicates the location of the deviation, alteration or change in relation to both the approved detailed route of the pipeline and the certificated route of the pipeline. Include the surrounding natural and man-made features on the map;
- a description of any new lands required including the status of acquisition of the lands and the status of service of subsection 87(1) notices;
- a description of landowner concerns and how those concerns will be addressed, including the date(s) responses will be provided to the landowner(s); or
- evidence to demonstrate that the affected landowners consent to the deviation.

D.2 Filing Requirements – Environment and Socio-Economic Assessment

1. Describe how the effects have already been considered in an ESA by the NEB; or
2. If the environmental and socio-economic effects have not been previously addressed by an ESA, provide the filing requirements outlined in Guide A, Section A.2.

Guidance

To address the environmental and socio-economic effects of a deviation that have not been previously assessed, applicants are referred to Guide A, Section A.2. Applicants should carefully review the sections discussing the scoping of the ESA and the level of detail required. Appropriate scoping ensures the ESA will focus on relevant issues and concerns, and assists in determining the appropriate level of effort to be used to prepare the ESA.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE E – CHANGE IN CLASS LOCATIONS (OPR s.42)

Section 42 of the OPR states:

If the class location of a section of a pipeline changes to a higher designation that has a more stringent location factor, submit a proposed plan to deal with the change within six months after the change.

Goal

The application includes a plan that describes how the applicant proposes to deal with class location changes to a section(s) of its pipeline to a higher designation with a more stringent location factor.

Filing Requirement

Submit a plan which:

- identifies what changes in circumstances have occurred;
- identifies potential concerns resulting from the change in circumstances; and
- describes the mitigative actions where applicable, to address potential concerns.

Refer to CSA Z662 for a definition of “class location”.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE F – CHANGE of SERVICE or INCREASE in MAXIMUM OPERATING PRESSURE (OPR s.43)

Section 43 of the OPR states:

If a company proposes a change of service or an increase in the maximum operating pressure for the pipeline, submit an application for the change or increase to the Board.

Goal

The application includes technical information with respect to the proposed change in service or increase in maximum operating pressure (MOP), as well as identifies all potential impacts.

F.1 Filing Requirements - Engineering

1. Confirm project activities will follow the requirements of the latest version of CSA Z662.
2. Provide details of the current state of service and proposed service.

F.2 Filing Requirements – Environment and Socio-Economic Assessment

1. Describe how the effects have already been considered in an ESA by the NEB; or
2. If the environmental and socio-economic effects have not been addressed by a previous ESA, provide the filing requirements outlined in Guide A, Section A.2.

F.3 Filing Requirements - Economics

Provide the necessary economic information as outlined in Guide A, Section A.3.

Guidance

Engineering

Any application for a change in service or change in MOP should meet the minimum requirements as set out in CSA Z662, clauses 10.11.3 and 10.11.4.

A change of service occurs when the fluids being transported by the pipeline are changed. CSA Z662 defines “service fluid” as “the fluid contained, for the purposes of transportation, in an in-service pipeline system”.

To clarify, a change in flow direction or pressure of the pipeline contents does not constitute a change in service.

Environment

To address the environmental and socio-economic effects of a change in service or increase in MOP that have not been previously assessed, applicants are referred to Guide A, Section A.2. Applicants should carefully review the sections discussing the scoping of the ESA and the level

of detail required. Appropriate scoping ensures the ESA will focus on relevant issues and concerns, and assists in determining the appropriate level of effort to be used to prepare the ESA.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE G – DEACTIVATION (OPR s.44)

Section 44 of the OPR states:

- (1) If a company proposes to deactivate the pipeline or a section of it for 12 months or more or has maintained the pipeline or a section of it in a deactivated mode for 12 months or more or has not operated the pipeline or a section of it for 12 months or more, the company shall submit an application for the deactivation to the Board.
- (2) The application shall include the rationale for the deactivation and the measures to be employed or that were employed for the deactivation.

Goal

The application explains the need for the proposed deactivation, includes a description of the proposed activities, and identifies all potential impacts.

G.1 Filing Requirements - Engineering

1. Describe the rationale for the deactivation and the measures to be employed or that were employed for the deactivation.
2. Provide a schedule outlining when the deactivations are planned for completion.
3. Describe the activities associated with the deactivations.
4. Provide an estimate of the costs associated with the deactivations.
5. Confirm deactivation activities will follow the requirements of the latest version of CSA Z662.

G.2 Filing Requirements – Environment and Socio-Economic Assessment

1. Describe how the effects have already been considered in an ESA by the NEB; or
2. If the environmental and socio-economic effects have not been addressed by a previous ESA, provide the filing requirements outlined in Guide A, Section A.2.

G.3 Filing Requirements - Economics

Provide the necessary economic information as outlined in Guide A, Section A.3.

Guidance

Deactivation is defined in section 1 of the OPR as meaning “to remove temporarily from service”.

The definition of “pipeline” in the NEB Act applies to the OPR and therefore, this section applies to portions of the pipeline other than line pipe that are not being maintained for peak flow, standby (ready for immediate use) or emergency use.

In practice, it is accepted that portions of pipeline, though maintained in a deactivated state:

- may never be returned to service;
- may be maintained in a deactivated state for an unspecified length of time; and
- may ultimately be addressed in an application to abandon the operations of the pipeline.

Deactivation may impose a higher level of risk to the integrity of the pipeline depending on the measures specified for the maintenance of the deactivated pipe.

Deactivation of pipelines may impact shippers and upstream and downstream users of the pipeline. Companies proposing deactivations could consider using a consultative approach with stakeholders similar to that which is used for applications made pursuant to section 58 of the NEB Act (see Guide A).

Approvals of applications for deactivation may be subject to conditions and will normally include a requirement for periodic status reporting.

Notification should address all issues arising from the deactivation that relate to the protection of property and the environment as well as the safety of persons.

If deactivation results in a suspension of service, an application pursuant to either section 71 or 72 of the NEB Act may also be required.

Engineering

Any application for a reactivation must meet the minimum requirements as set out in CSA Z662, clause 10.13.1.

Environmental and Socio-Economic Effects

To address the environmental and socio-economic effects of a deactivation that have not been previously assessed, applicants are referred to Guide A, Section A.2. Applicants should carefully review the sections discussing the scoping of the ESA and the level of detail required. Appropriate scoping of the ESA ensures the ESA will focus on relevant issues and concerns, and assists in determining the appropriate level of effort to be used to prepare the ESA.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE H – REACTIVATION (OPR s.45)

Section 45 of the OPR states:

- (1) If a company proposes to reactivate the pipeline or a section of it that has been deactivated for 12 months or more, the company shall submit an application for the reactivation to the Board.
- (2) The application shall include the rationale for the reactivation and the measures to be employed for the reactivation.

Goal

The application explains the need for the proposed reactivation, includes a description of the proposed activities, and identifies all potential impacts.

H.1 Filing Requirements - Engineering

1. Describe the rationale for the reactivation and the measures to be employed for the reactivation.
2. Provide a schedule outlining when the reactivations are planned for completion.
3. Provide a complete description of the activities associated with the reactivations.
4. Describe the operating conditions under which the reactivated facility will operate.
5. Provide a report assessing the integrity of the facility and its suitability for reactivation under the proposed conditions.
6. Provide an estimate of the costs associated with the proposed reactivations.
7. Confirm reactivation activities will follow the requirements of the latest version of CSA Z662.

H.2 Filing Requirements – Environment and Socio-Economic Assessment

1. Describe how the effects have already been considered in an ESA by the NEB; or
2. If the environmental and socio-economic effects have not been addressed by a previous ESA, provide the filing requirements outlined in Guide A, Section A.2.

H.3 Filing Requirements - Economics

1. Provide the necessary economic information as outlined in Guide A, Section A.3.

Guidance

Engineering

Any application for a reactivation must meet the minimum requirements as set out in CSA Z662, clause 10.13.2.

Environmental and Socio-economic Effects

To address the environmental and socio-economic effects of a reactivation that have not been previously assessed, applicants are referred to Guide A, Section A.2. Applicants should carefully review the sections discussing the scoping of the ESA and the level of detail required.

Appropriate scoping of the ESA ensures the ESA will focus on relevant issues and concerns, and assists in determining the appropriate level of effort to be used to prepare the ESA.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE I – PROCESSING PLANTS: DEACTIVATION AND REACTIVATION (PPR s.42 and s.43)

Sections 42 and 43 of the PPR state:

42. (1) If a company proposes to deactivate its processing plant for 12 months or more, has maintained the processing plant in a deactivated mode for 12 months or more or has not operated the processing plant for 12 months or more, the company shall notify the Board of that fact.
- (2) The company shall set out in the notification the reasons for the deactivation or the cessation of operations and the procedures used or to be used in the deactivation.
43. (1) If a company proposes to reactivate a processing plant that has been deactivated for 12 months or more or to resume operating a processing plant that has not been operated for 12 months or more, the company shall notify the Board of that fact before the reactivation or the operation resumes.
- (2) The company shall set out in the notification the reasons for the reactivation or the resumption of operations and the procedures to be used in the reactivation.

Goal

The application explains the need for the proposed deactivation or reactivation, includes a description of the proposed activities, and identifies all potential impacts.

I.1 Deactivation

I.1.1 Filing Requirements - Engineering

1. Explain the reasons for the deactivation or the cessation of operations and the procedures used or to be used in the deactivation.
2. Provide the date the processing plant was or will be removed from service.
3. Describe the provisions for the management of change.
4. Describe the general condition of equipment to be deactivated.
5. Describe the means of isolation.
6. Describe the instrumentation status.
7. Provide the lay-up conditions.
8. Describe the inspection and testing requirements during deactivation.

9. Describe the intent of future equipment use, if any.

I.1.2 Filing Requirements – Environment and Socio-Economic Assessment

1. Describe how the effects have already been considered in an ESA by the NEB; or
2. If the environmental and socio-economic effects have not been addressed by a previous ESA, provide the filing requirements outlined in Guide A, Section A.2.

I.1.3 Filing Requirements - Economics

1. Provide the necessary economic information as outlined in Guide A, Section A.3.

I.2 Reactivation

I.2.1 Filing Requirements - Engineering

1. Explain the reasons for the reactivation or the resumption of operations and the procedures to be used in the reactivation.
2. Provide the date the processing plant will be returned to service.
3. Describe the provisions for the management of change.
4. Describe the general condition of equipment to be reactivated.
5. Describe the instrumentation status.
6. Provide the lay-up conditions.
7. Describe the inspection and testing requirements prior to reactivation.

I.2.2 Filing Requirements – Environment and Socio-Economic Assessment

1. Describe how the effects have already been considered in an ESA by the NEB; or
2. If the environmental and socio-economic effects have not been addressed by such an ESA, provide the filing requirements outlined in Guide A, Section A.2.

I.2.3 Filing Requirements - Economics

1. Provide the necessary economic information as outlined in Guide A, Section A.3.

Guidance

Deactivation is defined in section 1 of the PPR as meaning “to remove temporarily from service”. In practice, it is accepted that portions of a plant, though maintained in a deactivated state:

- may never be returned to service;
- may be maintained in a deactivated state for an unspecified length of time; and

- may ultimately be addressed in an application to abandon the operations of the plant.

Deactivation may impose a higher level of risk to the integrity of the plant, or systems therein, depending on the measures specified for the maintenance of the deactivated systems or plant.

Deactivation of plants, or systems within plants, may impact upstream and downstream users of the plant.

If deactivation results in a suspension of service, an application pursuant to either section 71 or 72 of the NEB Act may also be required.

Companies are required to notify the Board of any plans for the deactivation of a plant (or portions thereof) for 12 months or more.

Notification should address all issues arising from the deactivation that relate to the protection of property and the environment as well as the safety of persons.

Environmental and Socio-Economic Effects

To address the environmental and socio-economic effects of a deactivation or reactivation that have not been previously assessed, applicants are referred to Guide A, Section A.2. Applicants should carefully review the sections discussing the scoping of the ESA and the level of detail required. Appropriate scoping of the ESA ensures the ESA will focus on relevant issues and concerns, and assists in determining the appropriate level of effort to be used to prepare the ESA.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE J – COMMODITY PIPELINE SYSTEMS

As a result of the *Canada Transportation Act*, which came into force on 1 July 1996, jurisdiction over interprovincial and international commodity pipelines in Canada was transferred from the National Transportation Agency (now the Canadian Transportation Agency) to the Board. In order to assume this jurisdiction, the definition of “pipeline” in the NEB Act was broadened to include pipelines transporting commodities other than oil or gas, but excluding municipal sewer and water lines.

Due to the wide variety of fluids transported on commodity pipelines, the Board determined that it would be more practical to regulate these lines on a case-by-case basis, rather than developing new regulations that would address all potential commodity issues. The Board, therefore, issued Order MO-CO-3-96, which exempted commodity pipelines from the provisions of the OPR.

The first application filed with the Board for the construction and operation of a commodity pipeline was on 10 October 1997 by Souris Valley Pipeline Limited for the construction and operation of a carbon dioxide transmission pipeline in southern Saskatchewan. The Board made the decision that any certificate issued in respect of the proposed facilities would be conditioned to reflect many of the issues addressed by the OPR.

In regard to the application of this manual, while the requirements pursuant to sections of the NEB Act apply to commodity pipelines just as they would to traditional hydrocarbon pipelines, specific sections of the OPR do not. However, the relevant Guides within this manual may still be applicable to commodity pipelines.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

Chapter 5 Applications not for Physical Projects

An applicant must:

- complete the common application requirements outlined in Chapter 3;
- confirm that the application is not for a physical project; and
- identify which Guides within Chapter 5 are applicable (see Figure 2-1) and provide the required information.

GUIDE O – REVIEW, REHEARING or VARIANCE APPLICATIONS (NEB ACT s.21)

An applicant may apply under section 21 of the NEB Act for a review or rehearing of a previous Board decision or order or to vary a certificate, licence or permit. Part III of the Rules sets out the procedure to be followed for a review or rehearing.

Goal

The application must identify the decision, order, certificate, licence or permit affected and must include the grounds for review or rehearing of the decision or order or the reason variation of the certificate, licence or permit is required.

Filing Requirements

1. Applications for review or rehearing must meet the requirements set out in Part III of the Rules, which may be summarized as follows:
 - The application must be in writing, signed by the applicant or the applicant's authorized representative, filed with the Board and served on all parties to the proceeding that gave rise to the decision or order in respect of which the review or rehearing is sought.
 - The application must contain:
 - a concise statement of the facts;
 - in the case of a review, the grounds that the applicant considers sufficient to raise a doubt as to the correctness of the decision or order;
 - in the case of a rehearing, the grounds that the applicant considers sufficient to establish the requirement for a rehearing, including:
 - any error of law or of jurisdiction;
 - changed circumstances or new facts that have arisen since the close of the original proceeding; or
 - facts that were not placed in evidence in the original proceeding and that were then not discoverable by reasonable diligence;
 - the nature of the prejudice or damage that has resulted or will result from the decision or order; and
 - the nature of the relief sought.
2. Where the application is to vary an order, certificate, licence or permit, include the reason the variation is required and all information necessary to support the change proposed, including the information required by the relevant Filing Manual Guide.

Guidance

Reference to an application for review includes an application to vary or rescind any decision or order of the Board.

Section 45 of the Rules establishes a two-step process for review or rehearing applications. The Board first determines whether the decision or order should be reviewed or the application reheard. In order to find that a review or rehearing is required, the Board must be satisfied that the applicant has raised a doubt as to the correctness of the decision or order under review or has demonstrated that a rehearing is required. Before making its determination, the Board may, but is not required to, give interested parties the opportunity to file submissions. If the first test is met, the Board considers the review or rehearing application on its merits. In doing so, the Board may establish a process to govern the conduct of the review or rehearing.

There is no automatic right of review or rehearing. In other words, the Board's power under section 21(1) of the NEB Act is discretionary. In past decisions, the Board has stated this discretion must be exercised sparingly and with caution.

An applicant may apply for an order staying the decision or order in respect of which the review is sought pending the review or staying the original proceeding pending the rehearing by meeting the requirements of section 47 of the Rules.

Applications to vary an order, certificate, licence or permit are generally required to reflect changes to previously-approved applications. Such an application may be required to:

- modify facilities previously approved under section 52 or 58 of the NEB Act;
- make changes to tolls and tariffs approved under Part IV of the NEB Act; or
- make changes to the name of the holder of the certificate, licence or permit.

In each case, the applicant must satisfy the filing requirements of the relevant Filing Manual Guide. For example, an application seeking to vary a certificate of public convenience and necessity issued pursuant to section 52 to reflect a design change must include all information required under Guide A to support the proposed change. The applicant must examine the Guide pursuant to which the original Board instrument was issued to determine specific filing requirements.

Variation of a Board decision, order or permit does not require the approval of the Governor in Council. However, Governor in Council approval of a variation of a certificate or licence is required under section 21(2) of the NEB Act. Applicants should be aware that this requirement may extend the timeline for obtaining certificate and licence variations.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE P – TOLLS AND TARIFFS (PART IV of NEB ACT)

Additional information...

A group 1 pipeline company not regulated on a complaint basis (see footnote 6 in Guide R) that has not reached a negotiated settlement with its interested parties is regulated on a cost-of-service basis and is required to provide the information outlined in the filing requirements within this guide.

If a company has reached a negotiated settlement with its interested parties, the filing requirements are outlined in the *Revised Guidelines for Negotiated Settlements of Traffic, Tolls and Tariffs* dated 12 June 2002.

This guide addresses:

- cost of service;
- rate base;
- financial statements;
- cost of capital; and
- tolls and tariffs.

Level of Detail

The information required for these applications will generally vary with the complexity of the issues and the degree of change from previously approved applications. Some factors to consider in determining the amount of information to provide include:

- the proposed toll design methodology;
- the number of shippers on the system;
- the level of market power held by the applicant, including its affiliates; and
- the size of the toll increase or decrease.

Definitions

In general, the accounting terminology used in this portion of the manual is defined in either the *Gas Pipeline Uniform Accounting Regulations* (GPUAR) or the *Oil Pipeline Uniform Accounting Regulations* (OPUAR), as appropriate.

Goals

The tolls and tariffs application includes a discussion of the following points:

- the revenue requirement that the applicant is seeking to recover in its tolls and how the revenue requirement is determined;
- the applied-for toll design and tolls, including evidence that the tolls are just and reasonable and not unjustly discriminatory; and
- any revisions to the applicant's tariff.

P.1 Cost of Service

Filing Requirements

1. Describe the steps that were taken with interested parties to discuss issues and to attempt to reach a negotiated settlement.
2. Provide a summary schedule of the total cost of service (i.e., total revenue requirement), showing booked amounts for the base year, and projected amounts for the current year and test year, as well as year-to-year changes for the following cost components:
 - operating, maintenance and administrative expenses;
 - transmission by others;
 - depreciation and amortization of plant;
 - income taxes;
 - taxes other than income taxes;
 - miscellaneous revenues;
 - return on rate base;
 - deferred items; and
 - other items.
3. Provide an analysis of each cost component of the cost of service listed above, showing, by major cost category:
 - the total booked amounts for the base year;
 - the current year projection; and
 - the test year projection.

Provide explanations for significant year-to-year increases or decreases.

Where costs result from an allocation between regulated and non-regulated business entities, the analysis must include:

- the gross costs;
- the costs allocated to each of the regulated entities;
- the total costs allocated to the non-regulated entities;
- a description of the cost allocation methodology; and
- an explanation of the appropriateness of the allocation methodology.

4. For any deferral account, provide schedules showing the derivation and monthly accumulation of balances and the calculation of any carrying charges, indicating which amounts are actual and which are estimated.
5. Provide a schedule reconciling the additions to the plant accounts with additions to income tax Capital Cost Allowances for the base, current and test years.
6. Provide a schedule detailing the changes in the deferred tax balance for the base, current and test years.

Guidance

Major Cost Category Information

Provide information for major cost categories at a sufficient level of detail to allow intervenors to assess the reasonableness of the costs. The Board expects the application to include at least the following:

- For municipal taxes, provide a schedule comparing base, current and test year amounts by province, breaking down variances into amounts due to changes in:
 - mill rates;
 - reassessments; and
 - facility additions.
- For income tax, provide schedules for the income tax provisions of each of the base, current and test years, with cross-references to supporting schedules as applicable, showing:
 - the derivation of the utility income after tax;
 - the carrying charges on deferrals;
 - the effective income tax rate;
 - the Capital Cost Allowances;
 - the disallowable expenses;
 - the interest portion of the allowance for funds used during construction (AFUDC);
 - the utility capital and non-capital losses carried forward;
 - the Large Corporation Tax; and
 - other significant items.
- For salaries and wages, provide cost schedules for the base, current and test years, with explanations of changes from year to year, detailing the following:
 - general salary increases;

- merit increases;
- promotions and progressions;
- management incentive compensation;
- severance payments;
- staffing levels (full time equivalents, if appropriate);
- any allocation methodology; and
- other relevant factors.

Support the cost schedules with schedules showing the number of permanent and temporary employees (or full time equivalents) for each period.

For oil pipelines, provide:

- schedules of fuel and power costs, for the base, current and test years, that illustrate the derivation of the energy requirements and corresponding costs; and
- a schedule showing the derivation of a five-year historical oil loss or gain as a percentage of receipts of oil or other products transported through the pipeline system.

Foreign Currency

Where a transaction occurred in a foreign currency, include a description of the method used to derive the exchange rate that was applied.

Transactions Involving an Affiliate

Where contracted services are either from or to an affiliate, provide the details of the transactions, including evidence that the cost of the contracted services is reasonable.

P.2 Rate Base

Filing Requirement

1. Provide detailed schedules for rate base with supporting assumptions and calculations, where applicable, for the following:
 - monthly additions, retirements and month-ending balances for the base year, current year and test year by plant account;
 - cash working capital; and
 - average amounts and month-end balances for the base year, current year and test year for all other items included in rate base.

Guidance

Include complete documentation of the investment in the pipeline on which a return is expected, and verification that rate base additions and retirements were authorized by the NEB. Such evidence usually includes:

- the method used to determine the average amounts of the rate base (i.e., either the 13-point or 24-point method);
- a schedule showing additions to the plant accounts between the end of the base year and the end of the test year, broken down by project and referring to the applicable NEB order number approving the project (including the section 58 Streamlining Order);

Break down forecasted amounts by plant account and only include costs for approved projects in the rate base. Information should include:

- explanations for amounts booked in the plant accounts that will not be used in pipeline operations during the test year, including the rationale for keeping these items in rate base or deleting them from rate base;
- a variance analysis showing, for each project, the amount proposed to be added to rate base compared to the original cost estimate provided to the NEB in any application filed pursuant to Part III of the NEB Act;
- an explanation of variances exceeding either \$100,000 or 10 percent, whichever is greater;
- retirements from the plant accounts broken down by NEB order number, if applicable;
- for AFUDC and overhead, the rate and method of calculation used for projects transferred to Plant in Service between the end of the base year and the end of the test year;
- for cash working capital, a time lag analysis for the base year if a change is proposed from the most recent NEB approved average number of days between operating expense payment dates and revenue receipt dates; and
- a list of depreciation rates by major account groups applied in the test year, together with a justification for any proposed changes from the most recent NEB approved rates.

P.3 Financial Statements

Filing Requirements

1. Provide the current annual report to shareholders for the regulated entity. If the regulated entity is part of a larger corporate structure, also provide the current corporate annual report to shareholders.
2. Provide the financial statements for the base year for the regulated entity, segmented from published financial statements if the regulated entity is part of a larger corporate structure, and provide, where necessary:

- an explanation of the major assumptions used to prepare the financial statements of the regulated entity; and
- a statement regarding the consistency of application of accounting principles to the regulated entity.

Guidance

The annual report and financial statements should:

- identify similarities and differences between the financial policies applied to the regulated entity and those applied to the corporation;
- identify possible instances of cross-subsidization;
- provide an understanding of the policies of the corporation; and
- assist in testing the reasonableness of the operating results for the regulated activities.

P.4 Cost of Capital

Additional information...

This section contains the same language as was in the GFR. It has not been amended nor have comments been solicited. It is included for assistance for anyone filing a tolls application containing a cost of capital component. After the litigation on this matter currently before the Federal Court of Appeal is finalized, the Board will consider what amendments need to be made to this section.

Filing Requirements

1. The application shall establish the applicant's sources of capital invested in rate base, construction work in progress and gas plant under construction, and the justification for the cost rates which the applicant is seeking to include in its cost of service.
2. The application shall include a summary schedule for the current and test years, based on 13-point or 24-point averages, showing the applicant's projected outstanding common equity and rates of return thereon, projected outstanding balances and related projected weighted average cost for each other class of capital, and derivation of the overall rates of return.
3. The application shall include an analysis of the weighted average cost of debt capital for the test year showing the projected cost of each debt issue, including borrowings from financial institutions and a supporting schedule containing the following information for each debt issue:
 - title;
 - date of issuance and date of maturity;
 - nominal interest rate;
 - principal amount of issue;

- net proceeds and a general description of their use;
 - dates and amounts of sinking fund and interest payments;
 - method of amortization of debt discount, premium and expense;
 - projected gains or losses in the test year on repurchase or redemption;
 - projected gains or losses in the test year due to fluctuations in exchange rates;
 - a concise description of any provisions restricting or otherwise relating to future financing, capital structures, interest coverages or dividends;
 - a concise description of any convertibility feature;
 - a copy of any prospectus not previously filed; and
 - any other information necessary to provide a comprehensive description of the issue.
4. The application shall include, for any unfunded debt
 - a description of the applicant's plans to finance it, including details of the timing, size and type of each issue; and
 - evidence supporting the projected cost rate in the applicant's financing plan, the projected short-term debt rate and the spread implied in the applicant's projected unfunded debt rate.
 5. The application shall include independent forecasts for the test year of yields on 10 and 30 year long-term Government of Canada bonds and Treasury Bills with a detailed discussion of the degree of reliance the applicant has placed on them in making its forecasts.
 6. The application shall include the applicant's most recent bond rating reports issued by the Canadian Bond Rating Service, the Dominion Bond Rating Service, Standard and Poor's and Moody's for purposes of assessing the applicant's debt.
 7. The application shall include an analysis of the weighted average cost of preferred share capital for the test year showing the projected cost of each issue and a supporting schedule containing the following information for each issue:
 - title;
 - date of issuance;
 - dividend rate;
 - number of shares issued;
 - par or stated value of issue;
 - net proceeds;

- a general description of the use of the net proceeds;
 - method of amortization of preferred share expense;
 - projected gains or losses in the test year on repurchase or redemption;
 - full description of any convertibility feature;
 - a copy of any prospectus not previously filed; and
 - any other information necessary to provide a comprehensive description of the issue.
8. The application shall include a detailed calculation of the 13-point or 24-point average amount of common equity projected for the test year.
9. The application shall include a schedule in tabular form providing the following information for each issue of common shares in the last five fiscal years:
- date of issuance;
 - number of shares issued;
 - gross proceeds;
 - net proceeds;
 - amount and method of amortization of common share expense;
 - a general description of the use of the net proceeds; and
 - a copy of the prospectus for the issue, if not previously filed with the Board.
10. The application shall include a schedule in tabular form providing the following information with respect to common equity of the applicant for each of the last five fiscal years:
- average number of shares outstanding;
 - average book value per share;
 - earnings per share;
 - dividend per share;
 - dividends as a per cent of earnings;
 - average market price;
 - market-to-book ratio;
 - price-earnings ratio;
 - price-dividend ratio;

- rate of return on average common equity;
 - times interest earned indicating the method of calculation; and
 - average percent of debt, preferred equity and common equity.
11. Where an application is to establish or change capital structure, the application shall include a detailed discussion of business risks including market, supply, operating and physical, and regulatory and political risks.
12. If a significant part of the applicant's capital is obtained from an affiliated company as defined in the Regulations, the application shall include information with respect to the debt, preferred share and common share capital of that affiliated company, and
- a copy of the latest prospectus issued by the affiliated company;
 - a chart showing the relationship between the applicant and the affiliated company in terms of share ownership and financial obligations; and
 - information in respect of the affiliated company as listed in #10.
13. The application shall contain, where applicable, a thorough discussion of the extent to which the consolidated capital structure is relevant to the determination of a deemed capital structure for the Board-regulated operations of the pipeline, including the following information in support of the discussion:
- a listing and description of non-jurisdictional business operations as well as a discussion of the relative business risks of the Board-regulated pipeline operations as opposed to the non-jurisdictional business operations;
 - a discussion of the appropriate accounting treatment for non-jurisdictional operations (for example consolidated as opposed to equity accounting) for financial reporting purposes, including documentation from the accounting literature which supports the choice of accounting for non-jurisdictional investments;
 - the allocation of equity and debt amongst jurisdictional and non-jurisdictional operations;
 - the manner in which new debt issues are allocated between Board-regulated and non-jurisdictional operations; and
 - the weighted average cost of capital for the Board-regulated operations as opposed to the weighted average cost of capital for the company on a consolidated basis.

P.5 Tolls and Tariffs

Filing Requirements

1. Provide a concise description of the regulated pipeline system and operations, including a system map showing any toll zones or delivery areas.

2. Describe the applied-for toll design and explain any changes in the toll design from that previously approved by the NEB, including:
 - a description of the classes or types of services offered;
 - the method used to allocate costs to major pipeline functions and to classify costs between fixed and variable costs;
 - details of the cost allocation units used to derive the proposed test year tolls;
 - the method used to allocate costs to toll zones or areas, customers and classes or types of service, and the details and bases for such allocations; and
 - for oil pipelines, supporting information and calculations to illustrate the determination of toll differentials for each product type or charges for special services.
3. Provide a comparative schedule of test year revenues for each class or type of service under the existing and the proposed tolls.
4. Describe requested tariff revisions together with the rationale for the revisions with schedules comparing the proposed changes to existing tariff sheets.

Guidance

Include sufficient information to allow the NEB to assess whether the proposed tolls are just and reasonable and not unjustly discriminatory. The application should also include evidence that the proposed tolls are designed to recover the requested revenue requirement.

For a pipeline company with a complex toll design, include sufficient information to fully explain the toll design for the test year, with a focus on changes from that previously approved by the NEB. Provide detailed information and schedules to explain:

- the allocation units used in the toll design, including contract and throughput volumes for each customer and class of service where appropriate; and
- the methods used to allocate costs to various customers, toll zones and delivery areas.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE Q – IMPORT and EXPORT LICENCES and ORDERS (PART VI of NEB ACT and PART VI REGULATIONS)

Introduction

Section 117 of the NEB Act authorizes the Board to issue licences for the exportation or importation of oil or gas. The *National Energy Board Act Part VI (Oil and Gas) Regulations* (Part VI Regulations) set out the information to be filed for licences and provides for the issuance of orders for the exportation or importation of gas and exportation of oil.

This guide describes the filing requirements for the following types of import and export applications:

1. licence to export:
 - gas other than propane, butanes and ethane;
 - propane, butanes and ethane;
 - oil other than light crude oil and heavy crude oil; and
 - light crude oil and heavy crude oil.
2. licence to import:
 - gas other than propane, butanes and ethane.
3. order for the export of:
 - gas other than propane, butanes and ethane;
 - propane, butanes and ethane; and
 - light crude oil and heavy crude oil.
4. order for the import of:
 - gas other than propane, butanes and ethane.

Exemptions

The following types of transactions are exempt from the requirements of Part VI of the NEB Act and therefore do not require a licence or an order:

- importing and exporting ethylene and propylene;
- importing any propane, butanes or ethane;

- exporting any propane, butanes or ethane, where:
 - the exportation is for subsequent import; or
 - the propane, butanes or ethane have previously been imported into Canada;
- exporting any propane where the propane is carried by a motor vehicle in their own tanks for their consumption;
- importing oil; and
- exporting oil that:
 - is necessary to effect deliveries of oil by a pipeline to consignees in accordance with normal pipeline operating practices;
 - is used for exploration, drilling and production operations in the offshore areas over which Canada exercises jurisdiction;
 - is carried by motor vehicles, aircraft, locomotives and ships in their own tanks for their consumption; or
 - has previously been imported into Canada, except where the oil is a refined petroleum product.

Goal

The application includes all information as required by the Part VI Regulations for licences and necessary to determine the appropriateness of an order.

Q.1 Licence Applications

Export Licence

An export licence is required when:

- the export term of the following products is for a period that exceeds two years:
 - gas (other than propane, butanes and ethane) for volumes of more than 30,000 m³/d;
 - ethane; and
 - heavy crude oil; and
- the export term of the following products is for a period that exceeds one year:
 - propane or butanes;
 - oil (other than light crude oil or heavy crude oil); and
 - light crude oil;

Import Licence

An import licence is required to import gas (other than propane, butanes and ethane) when the import term is for a period exceeding two years for volumes of more than 30,000 m³/d.

For export or import terms that are less than those described above, an order is required (see Q.2 – Order Applications).

Q.1.1 Filing Requirements – Gas (other than propane, butanes and ethane) Export Licences

Section 12 of the Part VI Regulations states:

12. An applicant for a licence for the exportation of gas shall furnish to the Board all the information that is necessary for the Board to dispose of the application, including, unless otherwise authorized by the Board,
 - (a) the terms that the applicant is requesting for the licence, including
 - (i) the duration of the licence,
 - (ii) the maximum daily, annual and term quantities of gas proposed to be exported,
 - (iii) if applicable, the tolerance levels that are necessary to accommodate temporary operating conditions, and
 - (iv) the points of exportation of the gas from Canada;
 - (b) information respecting the applicant's gas supply supporting the proposed exportation, whether contractually dedicated or undedicated, including
 - (i) a summary of the quantities of gas under contract to or owned by the applicant, including daily and annual volumes, reserves and the termination date of every such contract, and
 - (ii) a copy of each pro forma contract for each type of gas purchase contract;
 - (c) information respecting the applicant's gas market, including
 - (i) details of the applicant's gas export sale, including
 - (A) a copy of every gas export sales contract for the proposed exportation,
 - (B) a detailed summary of the terms and conditions of every such contract, including the details of the matters referred to in Schedule I, substantially in the form set out therein, and
 - (C) the name of a person to whom questions respecting the details of every such contract may be directed, and

- (ii) a description of the export market to be served by the proposed exportation;
- (d) where the gas proposed to be exported is from a gas supply other than a contractually dedicated pool, field or area, a gas supply and demand balance for the reserves supporting the application, on both an aggregate and an annual basis for the duration of the proposed exportation, identifying all firm contractual commitments supported by those reserves;
- (e) details of the transportation arrangements pertaining to the proposed exportation, including
 - (i) the details and status of all contractual arrangements for the movement of the gas in and outside Canada,
 - (ii) a copy of every transportation contract for the movement of the gas in Canada, and
 - (iii) a description of any existing or proposed gathering, storage or transmission facility, and of any new facility other than a gathering, storage or transmission facility, that is required to move the gas to market, whether the facility is, or will be, in or outside Canada,
- (f) information respecting the potential environmental effects of the proposed exportation and any social effects that would be directly related to those environmental effects;
- (g) an assessment of the impact of the proposed exportation on Canadian energy and natural gas markets to determine whether Canadians are likely to have difficulty in meeting their energy requirements at fair market prices;
- (h) a copy of, or details of the status of, each approval or authorization of a federal, provincial or state government pertaining to
 - (i) the removal of gas from a province,
 - (ii) the importation of gas into the country of destination,
 - (iii) transportation services,
 - (iv) tariffs and tolls,
 - (v) facilities,
 - (vi) environmental reviews, and
 - (vii) contractual arrangements necessary for the exportation of gas; and

- (i) a status sheet summarizing the contractual arrangements and regulatory approvals and authorizations, substantially in the form set out in Schedule II.

Q.1.2 Filing Requirements – Gas (other than propane, butanes or ethane) Import Licences

Section 13 of the Part VI Regulations states:

13. An applicant for a licence for the importation of gas shall furnish to the Board all the information that is necessary for the Board to dispose of the application, including, unless otherwise authorized by the Board,
 - (a) the terms that the applicant is requesting for the licence, including
 - (i) the duration of the licence,
 - (ii) the maximum daily, annual and term quantities of gas proposed to be imported,
 - (iii) if applicable, the tolerance levels that are necessary to accommodate temporary operating conditions, and
 - (iv) the points of importation of the gas into Canada;
 - (b) information respecting the applicant's gas supply supporting the proposed importation, including
 - (i) a summary of the quantities of gas under contracts for the purchase of gas, including the total daily and annual volumes and reserves under those contracts, and the termination date for each of those contracts, and
 - (ii) a copy of each pro forma contract for each type of gas purchase contract;
 - (c) information respecting the applicant's gas market, including
 - (i) details of the applicant's gas import purchase, including
 - (A) a copy of every gas import purchase contract for the proposed importation, and
 - (B) a detailed summary of the terms and conditions of every such contract, and
 - (ii) a description of the market to be served by the proposed importation;
 - (d) details of the transportation arrangements pertaining to the proposed importation, including

- (i) the details and status of all contractual arrangements for the movement of the gas in and outside Canada,
 - (ii) a copy of every transportation contract for the movement of the gas in Canada, and
 - (iii) a description of any existing or proposed gathering, storage or transmission facility, and of any new facility other than a gathering, storage or transmission facility, that is required to move the gas to market, whether the facility is, or will be, in or outside Canada,
- (e) information respecting the potential environmental effects of the proposed importation and any social effects that would be directly related to those environmental effects; and
- (f) a copy of, or details of the status of, each approval or authorization of a federal, provincial or state government pertaining to
- (i) the removal of gas from the country of production,
 - (ii) the importation of gas into a province,
 - (iii) transportation services,
 - (iv) tariffs and tolls,
 - (v) facilities,
 - (vi) environmental reviews, and
 - (vii) contractual arrangements necessary for the importation of gas.

Q.1.3 Filing Requirements – Propane, Butanes or Ethane Export Licences

Section 20 of the Part VI Regulations states:

- 20.** An applicant for a licence for the exportation of propane, butanes or ethane shall furnish to the Board all the information that is necessary for the Board to dispose of the application, including, unless otherwise authorized by the Board,
- (a) the terms that the applicant is requesting for the licence, including
 - (i) the duration of the licence,
 - (ii) the maximum daily, monthly, annual and term quantities of propane, butanes or ethane proposed to be exported and the average heating values of those quantities, and

- (iii) the points of exportation of the propane, butanes or ethane from Canada;
- (b) information respecting the applicant's propane, butanes or ethane supply supporting the proposed exportation, including
 - (i) a summary of the quantities of propane, butanes or ethane under contract and the average heating values of those quantities,
 - (ii) a copy of every propane, butanes or ethane supply contract supporting the proposed exportation,
 - (iii) the name and location of each pool, field or area that contributes to the propane, butanes or ethane supply of the applicant, details of the applicant's contracted or working interest therein and the name and location of the plant where propane, butanes or ethane are being produced,
 - (iv) an estimate of the gas reserves and the volume of extractable propane, butanes or ethane in each pool, field or area that contributes to the propane, butanes or ethane supply of the applicant,
 - (v) supporting data for each estimate referred to in subparagraph (iv),
 - (vi) basic gas deliverability data for each pool, field or area that contributes to the propane, butanes or ethane supply of the applicant,
 - (vii) a table showing total productive capacity, constrained only by existing and anticipated surface facilities, and
 - (viii) a table showing the ways in which the applicant plans to produce gas from each pool, field or area that contributes to the propane, butanes or ethane supply of the applicant, in order to obtain quantities of propane, butanes or ethane necessary to meet the applicant's requirements for the duration of the licence;
- (c) information respecting the applicant's propane, butanes or ethane market, including
 - (i) details of the applicant's propane, butanes or ethane export sale and a copy of every export sales contract for the proposed exportation, and
 - (ii) a description of the export market to be served by the proposed exportation;

- (d) details of the transportation arrangements pertaining to the proposed exportation, including
 - (i) the details and status of all contractual arrangements for the movement of the propane, butanes or ethane in and outside Canada,
 - (ii) a copy of every transportation contract for the movement of the propane, butanes or ethane in Canada, and
 - (iii) a description of any existing or proposed gathering, storage or transmission facility, and of any new facility other than a gathering, storage or transmission facility, that is required to move the gas to market, whether the facility is, or will be, in or outside Canada,
- (e) information respecting the potential environmental effects of the proposed exportation and any social effects that would be directly related to those environmental effects; and
- (f) a copy of, or details of the status of, each approval or authorization of a federal, provincial or state government pertaining to
 - (i) the removal of propane, butanes or ethane from a province,
 - (ii) the importation of propane, butanes or ethane into the country of destination,
 - (iii) transportation services,
 - (iv) tariffs and tolls,
 - (v) facilities,
 - (vi) environmental reviews, and
 - (vii) contractual arrangements necessary for the exportation of propane, butanes or ethane.

Q.1.4 Filing Requirements – Oil (other than light crude oil or heavy crude oil) Export Licences

Section 25 of the Part VI Regulations states:

25. Every applicant for a licence for the exportation of oil, other than a licence for the exportation of light crude oil or heavy crude oil, shall furnish to the Board all the information that is necessary for the Board to dispose of the application, including, unless otherwise authorized by the Board,
- (a) the terms that the applicant is requesting for the licence, including

- (i) the duration of the licence,
 - (ii) the daily, annual and term quantities of oil proposed to be exported, and
 - (iii) the points of exportation of the oil from Canada;
- (b) information respecting the applicant's oil supply supporting the proposed exportation, including
- (i) a summary of the quantities of oil under every oil supply contract,
 - (ii) a copy of every oil supply contract,
 - (iii) the name and location of each pool, field or area that contributes to the oil supply of the applicant and the details of the applicant's contracted or working interest therein,
 - (iv) an estimate of the oil reserves in each pool, field or area that contributes to the oil supply of the applicant,
 - (v) supporting data for each estimate referred to in subparagraph (iv),
 - (vi) basic productive capacity data for each pool, field or area that contributes to the oil supply of the applicant, and
 - (vii) a table showing anticipated annual production for each pool, field or area that contributes to the oil supply of the applicant, and the total annual production during the licence;
- (c) information respecting the applicant's oil market, including
- (i) details of the applicant's oil export sale, including a copy of every oil export sales contract for the proposed exportation, and
 - (ii) a description of the export market to be served by the proposed exportation;
- (d) details of the transportation arrangements pertaining to the proposed exportation of oil, including a description of any existing or proposed gathering, storage or transmission facility, and of any new facility other than a gathering, storage or transmission facility, that is required to move the oil to market, whether the facility is, or will be, in or outside Canada;
- (e) information respecting the potential environmental effects of the proposed exportation and any social effects that would be directly related to those environmental effects; and

- (f) a copy of, or details of the status of, each approval or authorization of a federal, provincial or state government pertaining to
 - (i) the importation of oil into the country of destination,
 - (ii) transportation services,
 - (iii) tariffs and tolls,
 - (iv) facilities,
 - (v) environmental reviews, and
 - (vi) contractual arrangements necessary for the exportation of oil.

Q.1.5 Filing Requirements – Light Crude Oil or Heavy Crude Oil Export Licences

Section 25.1 of the Part VI Regulations states:

- 25.1** Every applicant for a licence for the exportation of light crude oil or heavy crude oil shall furnish to the Board all the information that is necessary for the Board to dispose of the application, including, unless otherwise authorized by the Board,
- (a) the terms that the applicant is requesting for the licence, including
 - (i) the duration of the licence,
 - (ii) the daily, annual and term quantities of oil proposed to be exported, and
 - (iii) the points of exportation of the oil from Canada;
 - (b) information respecting the applicant's oil market, including
 - (i) the details of the applicant's oil export sale, and
 - (ii) a copy of every oil export sales contract for the proposed exportation;
 - (c) information respecting the potential environmental effects of the proposed exportation and any social effects that would be directly related to those environmental effects;
 - (d) a copy of, or details of the status of, each approval or authorization of a federal, provincial or state government as pertaining to environmental reviews; and
 - (e) a description detailing the manner in which the applicant

- (i) has informed those persons who have declared an interest in buying oil for consumption in Canada of the quantities and grades of oil available for sale, and
- (ii) has given those persons who have demonstrated an intention to buy oil for consumption in Canada, after having been so informed, an opportunity to purchase oil on terms and conditions, including price, as favourable as the terms and conditions specified in the application.

Q.2 Order Applications

An import or export order is required when:

- the export or import term for gas (other than propane, butanes and ethane) is:
 - for a period that does not exceed two years; or
 - for a period that exceeds two years but does not exceed 20 years and the quantities do not exceed more than 30,000 m³/day;
- the export of gas is for subsequent import, or the import of gas is for subsequent export for a period that does not exceed 25 years;
- the export term for propane or butanes is for a period that does not exceed one year;
- the export term for ethane is for a period that does not exceed two years;
- the export term for oil (other than heavy crude oil) is for a period that does not exceed one year; and
- the export term for heavy crude oil is for a period that does not exceed two years.

For export or import terms that exceed the terms and conditions described above, a licence is required (see Q.1 – Licence Applications).

Q.2.1 Filing Requirements – Import or Export of Gas (other than propane, butanes or ethane) Orders

Pursuant to section 15 of the Part VI Regulations, the application for an order must contain all the information necessary to dispose of the application.

An application for an order for the import or export of gas other than propane, butanes or ethane shall provide:

- the legal company name and address of the importer or exporter;
- commencement date;
- termination date;

- for exports, details of the status of the provincial authorizations required for the removal of gas; and
- for imports from the United States (U.S.), the U.S. Department of Energy FE order number that authorizes the export.

Q.2.2 Filing Requirements – Export of Gas for Subsequent Import or Import of Gas for Subsequent Export

For orders authorizing the applicant to export gas for subsequent import or to import gas for subsequent export for a period not exceeding 25 years, provide:

- the legal company name and address of the exporter and importer;
- a description of the proposed transportation arrangements in Canada and the U.S.;
- the points of export and import;
- estimated annual quantity
- status details of regulatory authorizations;
- the commencement date; and
- the termination date.

Q.2.3 Filing Requirements – Propane, Butanes or Ethane Export Orders

Pursuant to section 22 of the Part VI Regulations, the application for an order must contain all the information necessary to dispose of the application.

An application for an order for the export of propane, butanes or ethane shall provide the:

- legal company name and address of the exporter;
- commencement date;
- termination date; and
- type of commodity.

Q.2.4 Filing Requirements – Oil Export Orders

Pursuant to section 22 of the Part VI Regulations, the application for an order must contain all the information necessary to dispose of the application.

An application for an order for the export of oil including light crude oil, heavy crude oil and refined products shall provide the:

- legal company name and address of the exporter;
- commencement date;

- termination date; and
- type of commodity.

Guidance

Market-Based Procedure

The Board has decided to assess applications for export licences according to a new “Market-Based Procedure” (MBP). The MBP has two components: public hearings and ongoing monitoring. A key element of the public hearing component is the Complaints Procedure. Under the Complaints Procedure, Canadian natural gas buyers have an opportunity to intervene with respect to an application for a natural gas export licence if they believe they have not been able to purchase natural gas on terms and conditions that were similar to those of the proposed export.

Product Definitions

For the purposes of import and export applications:

Heavy crude oil means a substance that has a density greater than 875.7 kg/m³ and is:

- oil, other than refined petroleum products;
- a blend of oils, other than refined petroleum products; or
- a blend of oils, other than refined petroleum products, with refined petroleum products.

[Part VI Regulations s.2]

Light crude oil means a substance that has a density equal to or less than 875.7 kg/m³ and is:

- oil, other than refined petroleum products;
- a blend of oils, other than refined petroleum products; or
- a blend of oils, other than refined petroleum products, with refined petroleum products.

[Part VI Regulations s.2]

Refined petroleum products means:

- oil recovered by the processing of oil sands;
- gasoline-type fuels for use in internal combustion engines;
- oil for use as a component in the blending of gasoline-type fuels referred to in the previous bullet;
- middle distillates, including the products commercially known as kerosene, stove oil, diesel fuel, furnace oil, diesel oil, gas oil, distillate heating oil, engine distillates and Nos. 1, 2 and 3 fuel oils;

- heavy fuel oils, including Nos. 4, 5 and 6 fuel oils, bunker "C" oil, "C" grade oil, residual fuel oil, heavy bunker oil, intermediate and thin bunker fuels and any blend of heavy fuel oils; and
- partially processed oil, whether commingled with crude oil or equivalent hydrocarbons or not.

[Part VI Regulations s.2]

Additional guidance and more detailed information on import and export applications is available in the following documents:

- Memorandum of Guidance - Implementation of the Fair Market Access Procedure for the Licensing of Long-term Exports of Crude Oil and Equivalent (17 December 1997); and
- Further Instructions - Filing of Supply Information in Compliance with the Board's Part VI (Oil and Gas) Regulations (16 May 1997).
- *In the Matter of an Application under the National Energy Board Act of Review of Natural Gas Surplus Determination Procedures* (July 1987), No. GHR-1-87 (N.E.B.)
- *In the Matter of an Application under the National Energy Board Act of Proposed Changes to the Application of the Market-Based Procedure* (May 1992), No. GHW-1-91 (N.E.B.)

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE R – TRANSFER of OWNERSHIP, LEASE or AMALGAMATION [NEB ACT PARAGRAPH 74(1)(a),(b) and (c)]

An application filed pursuant to paragraph 74(1)(a), (b), or (c) is usually followed by one or more of the following applications:

- review or amend an NEB decision, pursuant to section 21 of the NEB Act;
- leave to open, pursuant to section 47 of the NEB Act;
- addition to or modification of facilities, pursuant to sections 52 or 58 of the NEB Act; or
- tolls and tariffs, pursuant to Part IV of the NEB Act.

The information that is required for this portion of the application will be made available to the Board from two sources:

- the company divesting the facilities; and
- the company acquiring the facilities.

Goal

The application includes information describing:

- the nature of the transaction that invokes section 74 of the NEB Act and the facilities involved;
- the new owner and operator; and
- the intended use of the facilities as well as any changes in the conditions of service offered.

Filing Requirements

The company divesting of the facilities must provide the following information:

1. Describe the nature of the transaction (i.e., is the transaction a transfer of ownership, lease or amalgamation).
2. Provide a map or maps of the pipeline and the relevant upstream and downstream facilities, and identify any pipeline facility that could become stranded as a result of the transaction.

The company acquiring the new facilities must provide the following information.

1. Identify the new owner and operator of the pipeline including the appropriate contact information.
2. The original cost of the asset, depreciation and net book value.
3. The purchase price of the asset.

4. Describe the intended long-term use of the facilities.
5. Describe any changes in the conditions of service offered on the pipeline, including the estimated toll impact.

Guidance

Circumstances of Application

NEB Regulated to NEB Regulated

When the pipeline is already regulated by the Board, an Order or a Certificate of Public Convenience and Necessity would have been issued once the Board had determined that the facilities:

- would be constructed and operated in a safe and an environmentally sound manner; and
- were required for the present and future public convenience and necessity.

As a result, when a transaction involving the sale, conveyance, lease, purchase or amalgamation of an NEB-regulated pipeline is to occur, the Board needs assurance that, notwithstanding any changes in operation or configuration that are expected to occur, it would continue to be in the public interest to operate the facilities.

Both companies involved in the transaction are required to apply to the Board for leave to proceed with the transaction. It is strongly suggested that the companies jointly make the application. Subsequent to receiving leave from the Board to effect the transaction, the companies must notify the Board when the transaction has been completed. At this time, the company acquiring the facilities must apply under section 21 of the NEB Act (see Guide O) to have the existing Order or Certificate amended to reflect the transaction.

If the operation of the pipeline is to be changed, the acquiring company must also meet the requirements of the relevant section(s) of the OPR or PPR and possibly either section 52 or section 58 of the NEB Act.

Group 1⁵ pipeline companies not regulated on a complaint basis may be required to apply under Part IV of the NEB Act if tolls and tariffs matters need to be addressed (see Guide P, Tolls and Tariffs).

5 In 1985, for financial regulatory purposes, the Board divided the pipeline companies under its jurisdiction into two groups: Group 1 companies with more extensive systems; and Group 2 companies that operate smaller systems. The decision also stated that Group 2 pipeline companies were to be regulated using the complaint approach. The Board has also decided to use the complaint approach for certain Group 1 pipelines.

Under the complaints approach, the pipeline is responsible for providing shippers and other interested parties with sufficient information to enable them to ascertain whether the tolls are reasonable. Tariffs, once filed with the Board, automatically become effective and are presumed to be just and reasonable unless a complaint is filed and the Board is convinced that it needs to examine the tolls.

Non-NEB Regulated to NEB Regulated

The acquiring company is required to submit the application and should apply concurrently under either section 58 or section 52 of the NEB Act (see Guide A), as if the pipeline was a new facility, for authorization to operate the pipeline. This would provide the Board with the information it requires to approve the pipeline and grant an order or certificate. The company may also be required to apply concurrently under section 47 for leave to open (see Guide T).

NEB Regulated to Non-NEB Regulated

The company divesting the pipeline is required to submit the application. Information provided in the application should satisfy the Board that the public interest would not be harmed by the transaction. The divesting company should also apply for the revocation or amendment, as appropriate, of the existing certificate or order.

Transaction Details

If possible, provide:

- the certificate or order numbers for the NEB-regulated pipeline and related facilities; or
- copies of the equivalent documentation issued by the present regulator of the pipeline if not NEB-regulated.

Otherwise, provide the:

- legal name of the pipeline;
- location; and
- complete description of the pipeline and related facilities and the products to be carried.

In addition to providing the information identified above, also provide the:

- proposed date of the transaction;
- method of financing; and
- the operating status of the pipeline.

New Owner Information

Provide:

- the complete legal names of the proposed new company owner of the pipeline;
- if the owner is different from the operator, the name of the operator and the relationship between the owner and the operator;
- contact information for both the owner and the operator;
- a copy of the Certificate of Incorporation; and

- verification whether the province of incorporation is different from where the company will be carrying on business for the pipeline.

Maps

The map or maps should:

- allow the reader to locate the pipeline geographically within a larger region, for example, a province;
- include relevant details of upstream, downstream and surrounding facilities to enable the Board to understand the relative importance and role of the subject pipeline;
- identify the appropriate regulator if any of the relevant facilities are not NEB-regulated; and
- indicate stranded or potentially stranded facilities.

Long-Term Use

If the long-term use is different from the present use of the pipeline, the acquiring company should provide a description of plans for the future use of the facility.

Changes

- If there are to be any changes to the condition of service offered by the pipeline:
- include a description of the status of the pipeline, (i.e., whether the pipeline is presently in operation, deactivated or abandoned);
- explain any changes to the type of service, or terms and conditions of service; and
- describe how these changes would affect the operation of the pipeline.

If a toll, tariff or negotiated settlement is presently in effect, describe any changes to the toll or tariff, other than change in ownership. If no toll, tariff or negotiated settlement is presently in effect but third party shippers are anticipated to require service on the pipeline, file a proposed tariff.

Group 1 pipeline companies not regulated on a complaint basis may be required to apply under Part IV of the NEB Act if tolls and tariffs matters need to be addressed (see Guide P, Tolls and Tariffs).

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE S – ACCESS ON A PIPELINE (NEB ACT s.71)

An application pursuant to subsection 71(1) of the NEB Act may request exemption from the requirement that a company operating a pipeline for the transmission of oil shall, according to its powers, without delay and with due care and diligence, receive, transport and deliver all oil offered for transmission by means of its pipeline.

An application pursuant to subsection 71(2) of the NEB Act may request that the NEB require a gas pipeline or pipeline transporting a commodity other than oil to receive, transport and deliver a commodity offered for transmission.

An application pursuant to subsection 71(3) of the NEB Act may request that the NEB require a company operating a pipeline for the transmission of hydrocarbons or any other commodity authorized by a certificate issued under section 52 to provide adequate and suitable facilities for:

- the receiving, transmission and delivering of the hydrocarbons or other commodity offered for transmission by means of its pipeline;
- the storage of the hydrocarbons or other commodity; and
- the junction of its pipeline with other facilities for the transmission of the hydrocarbons or other commodity;

if the Board finds that no undue burden will be placed on the company by requiring the company to do so.

Goal

The application includes information describing:

- the reason for the application; and
- the circumstances and correspondence between parties preceding the application.

Filing Requirements

1. Provide a detailed summary of the circumstances leading to the application.
2. Provide copies of all relevant correspondence between the applicant, the operator of the subject facility and any other parties that may be involved with the application.
3. For applications for an exemption from subsection 71(1), provide evidence that:
 - an open season was held offering all of the capacity to be contracted to anyone interested in shipping; and
 - allowing the exemption is in the public interest.
4. In the case of an application pursuant to subsection 71(3), the applicant should provide a description of the facilities that the pipeline company would need to install, including a cost estimate.

Guidance

The application should clearly explain what action the applicant would like the Board to take and indicate whether the application raises any associated toll methodology issues. The applicant may provide potential alternative actions and reasons for selecting the requested action.

The application should also clearly explain the applicant's need for the requested service or facilities and include all relevant information that could help the NEB understand the situation that has led to the filing.

A subsection 71(1) application should include copies of all notices of the open season, the timing and method of providing notice, all correspondence between the pipeline and parties interested in contracting with the pipeline and any expressions of interest or concerns regarding the application. The applicant should also provide an indication of the results of the open season and a sample or standard form contract to indicate the arrangements contemplated.

The open season must be conducted in a manner which provides all interested shippers the same opportunity to participate and allows adequate time for their consideration of the issues.

The Board expects that the applicant under subsection 71(2) or (3) would have requested the subject pipeline operator to provide access or adequate and suitable facilities and that request would have been rejected prior to filing an application. The NEB would normally seek comments from the pipeline operator after an application has been filed before determining how to proceed with the application.

For subsection 71(2) or (3) applications, all relevant correspondence between the applicant and the subject pipeline operator should be included so the NEB is aware of the issues that have been discussed. Correspondence with other affected parties should be included where the correspondence would provide clarity and assist the NEB in its decision.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE T – LEAVE TO OPEN (NEB ACT s.47)

In accordance with the NEB Act, a company requires permission from the Board before opening a pipeline or a section of pipeline for the transmission of hydrocarbons or any other commodity.

The Board may grant leave under section 47 of the NEB Act if satisfied that the pipeline can be safely opened for transmission.

Additional information...

Pursuant to subsection 58(1) of the NEB Act, the Board may make orders exempting certain facilities from the provisions of section 47.

Goal

An application for leave to open will include information detailing the facilities for which leave is being sought as well as certain test information.

Filing Requirements

1. For leave to open applications for line pipe or a section of line pipe (including new piping for storage tanks), provide:
 - the Board certificate or order number under which the work was carried out;
 - a list of standards, specifications and procedures to and under which the facilities were designed, constructed and tested;
 - a description of the pressure-tested facilities including:
 - the MOP;
 - the location;
 - the piping specifications, including the pipe manufacturer;
 - a schematic of the pressure-tested facilities; and
 - where applicable, the elevation profile of the test section, including the high, low and test point elevations;
 - a summary of continuous pressure and temperature readings over the test period, including:
 - the date of the test;
 - the test medium; and
 - the minimum and maximum allowable test pressures (where applicable, reconcile any significant pressure deviations);

- a statement that all control and safety devices were or will be inspected and tested for functionality;
- confirmation that all field joints were non-destructively examined;
- confirmation that any permits required for the use and disposal of water were obtained;
- test equipment calibration certificates;
- confirmation that pressure testing was performed under the direct supervision of a company representative;
- all logs, test charts and other test records, signed and dated by the company representative;
- confirmation that the test pressure did not fall below 97.5 percent of the minimum strength test pressure; and
- details regarding any unsuccessful pressure tests, including the cause of the test failure.

2. For a leave to open application for a tank, provide:

- the Board certificate or order under which the work was carried out;
- a list of standards, specifications and procedures to and under which the facilities were designed, constructed and tested;
- a statement confirming that post-weld vacuum tests were conducted and deemed acceptable;
- a statement that hydrostatic testing was completed and found acceptable;
- a confirmation of the water source and a copy of any permits required for the use and disposal of water, if applicable;
- a statement confirming that the fire protection facilities were constructed and tested in accordance with CSA Z662;
- a statement confirming that the containment area or system was built to meet the requirements of CSA Z662;
- a statement confirming that non-destructive examination of the welds was conducted and found to be acceptable; and
- a statement that all control and safety devices (e.g., overflow alarms) have been inspected and tested for functionality.

Guidance

Section AA.1 in Guide AA outlines when the Board expects leave to open applications and pressure testing programs to be filed.

It is recommended that the application contain a signed statement from a professional engineer, indicating the application has been assessed and reviewed.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE U – INFORMATION FILED RESPECTING PLAN, PROFILE, BOOK of REFERENCE and NOTICES (NEB ACT s.33 and s.34)

Goal

Documentation on the detailed route of the pipeline and notification to potentially affected landowners and others persons regarding the approval process and their rights will be provided in accordance with sections 33 and 34 of the NEB Act.

U.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 must be drawn to a scale of 1:10 000 or larger and, if appropriate, should show:

1. the proposed route of the pipeline.
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 its decision approving an application pursuant to section 52 of the NEB Act, the company may provide a draft version of the PPBoR.

Upon receipt of the section 52 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 before carrying out any work in respect of the approved PPBoR.

U.2 Section 34 Notices

When plans, profiles and a book of reference 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 Rules and the additional filing requirements.

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 will include:
 - a description of the requirements described within sections 35 to 39 of the NEB Act;
 - a map of the proposed detailed route of the pipeline or powerline;
 - a plan of the lands proposed to be acquired, which:
 - includes reference to legal survey points, if such points are available; and
 - 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 that will be included in local publications. At a minimum, the notice will 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 pipeline;
 - a plan of a scale sufficient to identify, with reasonable accuracy, the location of the proposed detailed route in relation to:
 - topographical features;
 - population centres;
 - highways;
 - utilities; and
 - 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:
 - municipal address;
 - parcel number;
 - registered plan number;
 - lot;
 - concession;
 - township;
 - parish;
 - range;
 - county; or
 - 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 will 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 these timelines.

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 pipeline.

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

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

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

Goal

The application includes documentation with respect to the omission, misstatement or error in a registered PPBoR. The documentation will address all land matters related to the request for a permit in order to correct the error.

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.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE V – RIGHT-OF-ENTRY APPLICATION (NEB ACT s.104)

Where a company does not acquire land required for the pipeline 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 contains documentation with respect to the right-of-entry process. The documentation addresses all matters related to the request for an immediate right-of-entry order demonstrating that landowners and others persons have been notified and their rights have been protected.

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 shall also include the following information.

1. A 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. The date of service of notice on the landowner pursuant to subsection 87(1) of the NEB Act;
3. If applicable, the date of service of notice on the landowner pursuant to section 34 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 date of service of notice on the landowner pursuant to section 34 of the Act will provide the Board with confirmation that, where the lands that are the subject of the right-of-entry application are required for the detailed route of a project, the landowner was served notice of the filing of the PPBoRs for the detailed route.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

GUIDE W – REQUIREMENTS FOR SUBSTITUTED SERVICE APPLICATIONS

Goal

Applications filed are complete and contain accurate documentation for substituted service to allow the Board to understand the rationale and all steps taken by the company to attempt to serve a landowner and why the company was not able to do so.

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. 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. Where a company is required to effect personal service of a notice on a person and has made reasonable attempts to do so, the company may apply to the Board for approval of substituted service. 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.

Next Steps....

File the completed application. Applicants are encouraged to include the completed relevant checklists from Appendix I.

Chapter 6 Non-Application Information Filings

An applicant must:

- confirm that an information filing is required; and
- identify which Guides within Chapter 6 are applicable (see Figure 2-1) and provide the required information.

GUIDE AA – POST CERTIFICATE OR ORDER REQUIREMENTS

Goal

Information is provided to validate the applicant's approach to the proposed facility and to facilitate the Board's audit and inspection processes.

AA.1 Filing Requirements - Engineering and Technical

Pipe Joining Program

1. Two weeks prior to the start of construction, provide a pipe joining program if the proposed project involves:
 - pipe, other than auxiliary systems pipe, carrying any substance other than sweet natural gas, oil or refined products;
 - the joining of any non-routine material;
 - non-routine joining procedures; or
 - a pipe grade higher than 483 Mpa.

Pressure Testing and Leave to Open

2. Two weeks prior to pressure testing, provide a pressure testing program if exemption has not been granted from section 47 of the NEB Act (i.e., leave to open).
3. One week prior to the start of operations, make an application for leave to open if exemption from section 47 of the NEB Act has not been granted (see Guide T for details).

Construction Safety Manual

4. Four weeks prior to the start of construction, submit a construction safety manual pursuant to OPR subsection 20(1) and PPR subsection 27(1). Refer to section 1.6 if this manual has been previously filed with the Board.

Emergency Procedures Manual

5. Two weeks prior to the start of operations, submit an emergency procedures manual and any updates that are made to it pursuant to OPR subsection 32(2) and PPR paragraph 35(b) and (c).
 - Refer to Security and Emergency Preparedness and Response Programs, Appendix II to Guidance Notes for the *National Energy Board Processing Plant Regulations*, dated 24 April 2002.
 - Refer to section 1.6 if this manual has been previously filed with the Board. File any updates required to incorporate the current project.

Gas Processing, Sulphur or LNG Plant Facilities

6. If the proposed project involves gas processing, sulphur or LNG plant facilities, submit a program for the design, operation and abandonment of pressure vessels and pressure piping at the processing plant pursuant to PPR section 9. Also include provisions for document handling and record retention.

AA.2 Filing Requirements - Post Construction Environmental Monitoring Reports

1. Provide reference information including:
 - the NEB order or certificate and condition number under which the report is being filed;
 - the year of reporting (e.g., 6 month, 1 year);
 - pipeline specifications (e.g., outside diameter of pipe, length of pipe, and product being transported); and
 - a map of the region displaying the location of the pipeline as it was built in relation to provincial, territorial or national boundaries, and the nearest town.
2. Identify on a map, or with reference to a map, the locations of the following, as appropriate, in relation to the location of the pipeline as constructed:
 - sites requiring ongoing monitoring (e.g., steep slopes, erosion-affected areas, areas that have weed problems, specific wildlife habitat, trees, rare plant transplant and donor sites or riparian areas);
 - watercourse crossings;
 - wetlands;
 - access control features;
 - temporary work space boundaries and access roads;
 - planted tree bands;
 - areas of identified landowner concerns such as subsidence or soils issues; and
 - other project-specific sites of importance or interest.
3. Provide a discussion of the effectiveness of mitigation or reclamation measures. If measures were not successful, provide a description of what type of remedial measures were applied to accomplish the goals of mitigation or reclamation.
4. Identify the outstanding environmental issues, the plans for their resolution and any discussions held with interested parties regarding the issues.

5. Provide contact names and phone numbers of company representatives should there be questions from NEB staff about the report or future inspections by NEB staff that need to be arranged.

Additional information...

It is only necessary to address outstanding issues in subsequent reporting years. Once an issue has been reported as being resolved, it no longer needs to be addressed in subsequent reports unless the issue redevelops. Each issue should be demonstrated as being resolved in a report prior to being removed from the list in a subsequent report.

Guidance

Report Content

These information requirements are intended to guide companies in developing post-construction environmental monitoring reports (post-construction report). Companies are encouraged to submit the listed information in an appropriate format such as:

- text;
- tables;
- diagrams; or
- photographs.

The initial post-construction report, also known as the as-built report, should be the most detailed post-construction report. The as-built report should focus on the issues from construction, and should be used as a building block upon which additional post-construction reports are based. The subsequent post-construction reports should focus on the applied-measures and status of issues since the last post-construction report filing.

Photos can be used throughout the report to give the reader a better understanding of the issues, the state of the RoW, and the comparison between pre- and post-construction conditions.

The locations of specific environmental features and issues should be identified so that NEB or company employees can easily locate areas on the ground. The locations may be marked on the map or may be identified in a list with reference to a map (e.g., alignment sheets). Locators such as latitude and longitude or Universal Transverse Mercator (UTM) coordinates should be used, and may be used in combination with kilometre- or mile-posts for use in flyovers.

The as-built report should discuss the mitigation implemented during construction and reclamation, and should include specific detail on unique or novel mitigation applied. Subsequent post-construction reports should discuss measures implemented since the submission of the previous post-construction report and update the status of issues and the effectiveness of mitigation, as appropriate.

Biophysical Elements

Guidance for specific information that could be provided for biophysical elements is provided in Table AA-1. To determine which biophysical elements should be addressed, refer to Table A-3 in Guide A, section A.2.

Highlight any new or innovative mitigation used and provide an evaluation of its success.

Table AA-1: Specific Information for Biophysical Elements

Biophysical Element	Information
Physical environment	<ul style="list-style-type: none"> • Confirm the mitigation that was applied for issues related to topography, permafrost, or acid-generating rock. • Discuss the results of any monitoring related to these issues.
Soil and soil productivity	<ul style="list-style-type: none"> • Identify areas where substantial admixing, erosion or compaction has occurred and discuss the mitigation applied. • Discuss any wind and water erosion control measures that were undertaken. • Identify and discuss any contamination encountered, and any proposed remediation.
Vegetation	<ul style="list-style-type: none"> • Discuss the methods of re-vegetation (e.g., natural recovery or seeding) and where the methods were applied along the RoW. • Evaluate the success of re-vegetation (e.g., percent cover achieved, species diversity and survival of rare plant transplants). • Provide labelled photos including location, date and direction of photo comparing the RoW to surrounding vegetation. Random permanent photo reference points representative of the different habitats and re-vegetation methods along the RoW could be used. • Discuss whether any weeds have been identified, their type and locations, and proposed control measures. • Identify the seed mix(es) used and in which location, and provide copies of seed certificates. • Discuss and compare agricultural productivity on and off the RoW • Identify areas where remedial seeding is required and discuss plans for this seeding.
Water quality and quantity	<ul style="list-style-type: none"> • Identify watercourse crossing construction method(s) used in the field. • Provide locations of temporary structures and confirm temporary structures have been removed (e.g., bridges or sediment fences). • Provide labelled photos for sensitive crossings, such as fish bearing streams, or those streams that may affect public health such as community watershed crossings. Photos should include upstream, downstream, left-bank, right-bank, pre-construction and post-construction views if possible. • Discuss the results of any water quality or quantity monitoring that occurred during the project.
Fish and fish habitat	<ul style="list-style-type: none"> • Describe mitigation that was applied at each fish bearing watercourse crossing and any compensation methods implemented, or confirm that plans already provided to the NEB have been implemented. • Identify the location of sensitive sites identified during construction (e.g., spawning sites) and discuss the mitigation used at these sites as well as the residual effects.
Wetlands	<ul style="list-style-type: none"> • Identify and discuss the specific crossing method and mitigation measures applied at each wetland. • Discuss the removal or maintenance of permanent or semi-permanent access structures to ensure proper drainage and flow through the wetlands.
Wildlife and wildlife habitat	<ul style="list-style-type: none"> • Identify the location of sensitive sites identified during construction or through the application process (e.g., bird nests or denning sites). • Discuss the impacts to these sites that occur from construction and associated mitigation measures.

Biophysical Element	Information
Species at Risk or Species of Special Status	<ul style="list-style-type: none"> Identify and discuss any Species at Risk or Species of Special Status observed in the project area during project activities. Describe the mitigation that was applied with respect to Species at Risk or Species of Special Status.
Air quality	<ul style="list-style-type: none"> Confirm the mitigation that was applied with respect to air quality. Discuss the results of any monitoring related to air quality.
Acoustic environment	<ul style="list-style-type: none"> Confirm the mitigation that was applied with respect to noise. Discuss the results of any monitoring related to noise.
Heritage resources	<ul style="list-style-type: none"> Discuss heritage sites that were previously known sites or identified during construction and the mitigation applied during construction to protect them.

Summary Tables - Examples

Table AA-2 is an example of a summary table of outstanding issues. Table AA-3 is an example of a summary table of discussions with interested parties about outstanding issues.

Table AA-2: Example of a Summary Table of Outstanding Issues

Biophysical Element	Location	Outstanding Issue	Potential Adverse Environmental Effect	Proposed Action and Schedule
Watercourse	Big Hill Creek (latitude and longitude, UTM)	Creek bank erosion	Input of fine sediments to water column affecting fish reproduction	Install silt fence, June 20XX
Vegetation	John Doe's Farm (legal land location, and latitude and longitude or UTM)	Soil compaction	Poor root penetration resulting in poor growth	Deep rip the land, June 20XX

Table AA-3: Example of a Summary Table of Discussions Regarding Outstanding Issues

Biophysical Element	Location	Contact Information and Results of Discussion
Watercourse	Big Hill Creek (latitude and longitude, UTM)	Contacted Jane Smith from Fisheries and Oceans Canada (phone xxx xxx-xxxx) on 15 March 20xx. Ms. Smith was satisfied with the proposed action to address the creek bank erosion.
Vegetation	John Doe's Farm (legal land location, and latitude and longitude or UTM)	Met with John Doe on 24 November 20xx to discuss compaction. Mr. Doe was not entirely convinced of the effectiveness of the mitigation approach suggested, but agreed that it is a good first step. He would like to see the results of the change in compaction of the soil prior to determining whether he will be satisfied with the approach.

GUIDE BB – FINANCIAL SURVEILLANCE REPORTS (*TOLL INFORMATION REGULATIONS*)

The *Toll Information Regulations* require Group 1 pipeline companies to file quarterly surveillance reports.

Goal

The report contains information to enable the Board to compare actual performance to amounts used to determine approved tolls and to monitor the results for each company over time.

Filing Requirements

1. Unless the Board otherwise directs or section 9 applies, a Group 1 pipeline company shall file the information set out in requirements 2 to 8.
2. All companies shall file their quarterly surveillance reports in the format set out in Schedules 1 to 6 of this Guide.
3. A company on final tolls shall file its surveillance report:
 - for the first three quarters of each year, no later than 45 days after the quarter; and
 - for the year-end report, no later than 60 days after the quarter.
4. An interim surveillance report shall be filed when the tolls of a pipeline company are interim and replaced with a report based on final tolls as soon as they are known.
5. Provide an explanation for all variances on Schedules 1, 2 and 4 above the following minimum dollar limits:
 - for TransCanada PipeLines Limited, \$1,000,000;
 - for Alliance Pipeline Ltd., Enbridge Pipelines Inc. and Westcoast Energy Inc., \$500,000;
 - for Foothills Pipe Lines Ltd. and Terasen Pipelines (Trans Mountain) Inc., \$200,000; and
 - for Cochin Pipe Lines Ltd, Enbridge Pipelines (NW) Inc., Maritimes and Northeast Pipeline Management Ltd., TransCanada PipeLines Limited (B.C. System), Trans-Northern Pipelines Inc. and Trans Québec & Maritimes Pipeline Inc., \$100,000.
6. Provide an explanation for all variances on Schedules 3 and 5 greater than 10 percent.
7. Provide information in the year-end report on the following performance measures:
 - total revenue requirement per throughput-km;
 - operating expenses (excluding income taxes) per throughput-km;
 - operating expenses (excluding income taxes) per gross plant;
 - administrative and general expenses per employee;

- administrative and general expenses per throughput-km;
 - net plant per throughput-km;
 - throughput-km per employee;
 - fuel and power costs per throughput-km;
 - average salary per employee; and
 - employee benefits per employee.
8. File in the year-end report, five years of time-series data, in nominal dollars, on the performance measures identified in requirement 7 and on the actual and approved rates of return on common equity and the actual and approved rates of return on rate base.
9. Notwithstanding filing requirements included in its negotiated settlement, a Group 1 pipeline company regulated under an incentive type settlement may negotiate filing requirements other than those specified in requirements 2 to 8 with its shippers and stakeholders, so long as:
- the reports include the following base level information:
 - income statement, including revenues and expenses broken down by major categories;
 - number of employees;
 - details of deferral account balances;
 - rate of return on common equity and on total capital;
 - rate base information, if applicable, broken down by major categories; if not applicable, gross and net plant in service, broken down by major categories;
 - throughput information by service type, broken down by month
 - details on incentive sharing mechanisms;
 - details of all inter-corporate transactions; and
 - performance measures, showing five years of time-series data;
 - the reports are at least annual for all information, except throughput information, which shall be submitted quarterly; and
 - the reports are not suspended during periods of interim tolls.

Schedules 1 to 6 follow the Guidance for this Guide.

Guidance

With respect to the performance measures in requirement 7 respecting operating expenses per throughput-km and per gross plant, companies may provide a breakdown of operating expenses into those expenses over which the company considers it has little influence during the reporting period and those expenses over which management has discretion during the reporting period.

For any of the performance measures in requirement 7, the company may provide explanations for its data if it considers it necessary.

In addition to the performance measures filed pursuant to requirement 7, the company may file additional performance measures that it considers may be useful to the Board.

The Board may publish the data filed pursuant to this section from time to time.

The company shall file the quarterly surveillance reports with the Board on diskette, together with the usual number of paper copies.

**SCHEDULE 1
Guide BB**

**INCOME SUMMARY
(For ___ Months Ended _____ 1994)**

Particulars	NEB Accounts	Year-to-Date Actual	Updated Annual Forecast	NEB Decision or Initial Forecast	Variance Col. (d) - (e)
(a)	(b)	(c)	(d)	(e)	(f)
Revenues					
Transportation Revenue (by class of service)					
Other Revenue					
Total Revenue					
Operating Expenses					
Salaries & Wages					
Fuel & Power					
Other Operating & Maintenance					
Depreciation & Amortization					
Income Taxes					
Taxes Other than Income					
NEB Cost Recovery					
Others (please specify)					
Total Operating Expenses					
Operating Income					
Less:					
Financial Charges					
Preferred Share Dividends					
Others (please specify)					
Equity Return					
Rate of Return on Rate Base					
Rate of Return on Common Equity					

**SCHEDULE 2
Guide BB**

**AVERAGE RATE BASE
(For ___ Months Ended _____ 1994)**

Particulars	Year-to-Date Actual	Updated Annual Forecast	NEB	Variance Col. (c) - (d)
			Decision or Initial Forecast	
(a)	(b)	(c)	(d)	(e)
Plant in Service				
Net Plant				
Contributions in Aid of Construction				
Total Plant				
Working Capital				
Cash				
Materials and Supplies				
Transmission Line Pack				
Prepayments and Deposits				
Other (please specify)				
Total Working Capital				
Deferrels				
List of Deferrals (if applicable)				
Total Deferrals				
Total Average Rate Base				

**SCHEDULE 3
Guide BB**

**THROUGHPUT DETAIL
(For the Months Ended _____ 200__)**

Particulars (a)	Actual during Quarter				Year-to- date	Updated Annual	NEB Decision or Initial	Variance
	mo.	mo.	mo.	Total	Actual	Forecast	Forecast	Col. (g)-(h)
	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(l)
For Gas Pipelines								
Canadian Volumes (by class of service)								
Export Volumes (by class of service)								
Total Volumes								
For Oil & Liquids Pipelines								
Detailed description of throuput showing receipt and delivery points, commodity type, and other relevant data.								
Total Throughput								

SCHEDULE 4

Guide BB

PAYROLL STATISTICS

Salaries, Wages and Employee Benefits
(For ___ Months Ended _____ 1994)

Particulars	Year-to-Date Actual	Updated Annual Forecast	NEB	Variance Col. (c) - (d)
			Decision or Initial Forecast	
(a)	(b)	(c)	(d)	(e)
Salaries & Wages				
Gross Salaries & Wages (by cost centre)				
Total Gross Salaries & Wages				
Less:				
Charged to non-regulated Capitalized				
Charged to other accounts				
Salaries & Wages charged to Cost of Service				
Employee Benefits				
Gross Employee Benefits (by type of benefit)				
Total Gross Benefits				
Less:				
Charged to non-regulated Capitalized				
Charged to other accounts				
Benefits charged to Cost of Service				

**SCHEDULE 5
Guide BB**

**PAYROLL STATISTICS
Employee Allocation
(For ___ Months Ended _____ 1994**

Particulars	Year-to-Date Actual	Updated Annual Forecast	NEB	Variance Col. (c) - (d)
			Decision or Initial Forecast	
(a)	(b)	(c)	(d)	(e)
Total Regular Employees				
Total Temporary Employees				
Total Employees				
Less:				
Charged to non-regulated Capitalized				
Charged to other accounts				
Employees charged to Cost of Service				

SCHEDULE 6

Guide BB

DEFERRAL ACCOUNTS

(For ___ Months Ended _____ 1994)

Particulars	Year-to-Date Forecast for	
	Actual	Year
(a)	(b)	(c)
List of deferral accounts (please specify)		
Total Deferrals		

GUIDE CC – IMPORT AND EXPORT REPORTING REGULATION REQUIREMENTS

The *National Energy Board Export and Import Reporting Regulations* (Reporting Regulations) require that on or before the last day of each month, the holder of a licence or order for the exportation or importation of gas, propane, butanes, ethane, refined petroleum products or crude oil submit a report to the Board summarizing the previous month's activities.

This information is used, in aggregate, to:

- monitor the flow of natural gas volumes, costs and prices through various export points and issue monthly reports for use by external parties;
- monitor the flow of ethane and record export prices;
- monitor the flow of propane and butanes, record prices and issue monthly reports for use by external parties; and
- monitor the flow of crude oil and refined petroleum products, record prices and issue monthly reports for use by external parties.

Additional information...

All individual filings are kept confidential and are not available to other parties.

CC.1 Gas other than Propane, Butanes and Ethane Reporting

Goal

The filing includes information with respect to inter-provincial and international natural gas movements, by volume and prices.

Filing Requirements

Section 4 of the Reporting Regulations states:

4. Subject to sections 5 and 6, every holder of a licence or an order for the exportation, importation, exportation for subsequent importation or importation for subsequent exportation of gas shall submit to the Board, on or before the last day of each month, a return for the previous month that contains, for each licence or order, the following information set out by point of exportation or importation:
 - (a) the licence number or order number;
 - (b) the total quantity exported or imported;

- (c) the highest quantity exported or imported in any one day during the month;
- (d) the average heating value of the gas exported or imported;
- (e) the value or price, at the international border, of all gas exported or imported, expressed in Canadian currency;
- (f) the name of the export customer of the gas exported or the name of the seller of the gas imported;
- (g) the province in which the gas was produced for all gas exported and the country and state in which the gas was produced for all gas imported;
- (h) the transportation costs associated with the gas exported;
- (i) whether the exportation or importation of gas was firm or interruptible;
- (j) the geographical region within a country of destination to which gas was exported or within Canada for gas that was imported; and
- (k) the name and telephone number of the person who prepared the return.

CC.2 Propane and Butanes Reporting

Goal

The filing includes information with respect to international propane and butane movement, by volume and prices.

Filing Requirements

Section 5 of the Reporting Regulations state:

5. Every holder of a licence or an order for the exportation of propane or butanes shall submit to the Board, on or before the last day of each month, a return for the previous month that contains, for each licence and order, the following information:
 - (a) the licence number or order number;
 - (b) the total quantity exported;
 - (c) the export price of the propane and butanes at the point of loading or injection into a pipeline, expressed in Canadian currency;
 - (d) the province where the exportation occurs;

- (e) the country to which the propane or butanes were exported and the destination within the importing country;
- (f) the mode of transport used in the exportation;
- (g) information respecting
 - (i) the opening and closing inventory levels of the propane and butanes,
 - (ii) the supply sources of the propane and butanes,
 - (iii) the final disposition of the propane and butanes, and
 - (iv) inter-provincial transfers of the propane and butanes; and
- (h) the name and telephone number of the person who prepared the return.

CC.3 Ethane Reporting

Goal

The filing includes information with respect to international ethane movement, by volume and prices.

Filing Requirements

Section 6 of the Reporting Regulations state:

6. Every holder of a licence or an order for the exportation of ethane shall submit to the Board, on or before the last day of each month, a return for the previous month that contains, for each licence and order, the following information:
 - (a) the licence number or order number;
 - (b) the province where the exportation occurs;
 - (c) the total quantity exported;
 - (d) the total revenue generated by the exportation calculated at the point of loading or injection into a pipeline, expressed in Canadian currency;
 - (e) the destination of the exportation of the ethane;
 - (f) the mode of transport used in the exportation of the ethane; and
 - (g) the name and telephone number of the person who prepared the return.

CC.4 Oil Reporting

Goal

The filing includes information with respect to international crude oil and petroleum products movement, by volume and prices.

Filing Requirements

Section 7 of the Reporting Regulations state:

7. Every holder of a licence or an order for the exportation of oil shall submit to the Board, on or before the last day of each month, a return for the previous month that contains, for each licence and order, the following information:
 - (a) the licence number or order number;
 - (b) in the case of oil other than refined petroleum products,
 - (i) the crude oil stream exported,
 - (ii) the consignee and destination of the oil within the importing country,
 - (iii) the total quantity exported,
 - (iv) the mode of transport used in the exportation,
 - (v) the point of sale,
 - (vi) the export price of the oil at the point of sale, expressed in Canadian currency, and
 - (vii) the marine freight cost of the cost, insurance and freight (CIF) sales, expressed in Canadian currency;
 - (c) in the case of refined petroleum products,
 - (i) the type of petroleum product exported,
 - (ii) the total quantity exported, expressed in cubic metres,
 - (iii) the export price at the point of loading or injection into a pipeline, expressed in Canadian currency,
 - (iv) the province where the exportation occurs,
 - (v) the mode of transport used in the exportation, and

- (vi) the country to which the products were exported and the destination within the importing country; and
- (d) the name and telephone number of the person who prepared the return.

Guidance

Section 3 of the Reporting Regulations states:

3. A copy of each return required to be submitted to the Board pursuant to these Regulations shall be kept by the person submitting the return for a period of three years from the month to which the return relates.

Monthly reports are a mandatory condition of any order or licence that may be issued in respect of the import or export of natural gas, ethane, propane, butanes, refined petroleum products or crude oil.

Chapter 7 Referenced Documents

- *National Energy Board Act*
- *National Energy Board Rules of Practice and Procedure, 1995*
- *Onshore Pipeline Regulations, 1999*
- *National Energy Board Processing Plant Regulations*
- *National Energy Board Act Part VI (Oil and Gas) Regulations*
- *National Energy Board Substituted Service Regulations*
- *National Energy Board Export and Import Reporting Regulations*
- *Section 58 Streamlining Order XG/XO-100-2002*, dated 18 December 2002
- Order MO-CO-3-96 – Exemption of Commodity Pipelines from the OPR
- Guidelines for Negotiated Settlements of Traffic, Tolls and Tariffs, dated 12 June 2002
- National Energy Board Pre-Application Meetings Guidance Notes, dated 26 February 2004
- Electronic Filing - Memorandum of Guidance, dated 21 March 2002
- *Filers Guide to Electronic Submission*
- Investigative Digs and Related Pipeline Repairs/Replacements, dated 2 December 2002
- Security and Emergency Preparedness and Response Programs, Appendix II to Guidance Notes for the *National Energy Board Processing Plant Regulations*, dated 24 April 2002
- Upstream Jurisdictional Issues, dated 17 September 1999
- *In the Matter of an Application under the National Energy Board Act of Review of Natural Gas Surplus Determination Procedures* (July 1987), No. GHR-1-87 (N.E.B.)
- *In the Matter of an Application under the National Energy Board Act of Proposed Changes to the Application of the Market-Based Procedure* (May 1992), No. GHW-1-91 (N.E.B.)
- *Pipeline Regulation in Canada: A Guide for Landowners and the Public*, dated June 2003
- *A Proposed Pipeline Project: What you Need to Know*, dated 2004
- Pipeline Abandonment, A Discussion Paper on Technical and Environmental Issues, dated November 1996

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

Appendix I Filing Manual Checklists

The filing requirements included in this manual have been summarized in the following checklists. The Board encourages applicants to complete all the relevant checklists and include them as part of the application. The Board may consider making the inclusion of the checklists mandatory in the future.

Using these checklists alone does not constitute a complete application.

Chapter 3 – Common Information Requirements

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
3.1 Action Sought by Applicant			
1.	Requirements of s.15 of the Rules.	•	
3.2 Application or Project Purpose			
1.	Purpose of the proposed project.	•	
3.3 Consultation			
3.3.1 Principles and Goals of Consultation			
1.	The corporate policy or vision.	•	
2.	The principles and goals of consultation for the project.	•	
3.	A copy of the Aboriginal protocol and copies of policies and principles for collecting traditional use information, if available.	•	
3.3.2 Design of Consultation Program			
1.	The design of the consultation program and the factors that influenced the design.	•	
3.3.3 Implementing a Consultation Program			
1.	The outcomes of the consultation program for the project.	•	
3.3.4 Justification of Consultation not Undertaken			
2.	The application provides justification for why the applicant has determined that a consultation program is not required for the project.	•	
3.4 Notification of Commercial Third Parties			
1.	Confirm that third parties were notified.	•	
2.	Details regarding the concerns of third parties.	•	
3.	List the self-identified interested third parties and confirm they have been notified.	•	
4.	If notification of third parties is considered unnecessary, an explanation to this effect.	•	

Chapter 4 – Sections 4.1 and 4.2: Common Requirements for Physical Projects

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
4.1 Project Description			
1.	The project components, activities and related undertakings.	•	
2.	The project location and criteria used to determine the route or site.	•	
3.	How and when the project will be carried out.	•	
4.	Description of any facilities, to be constructed by others, required to accommodate the proposed facilities.	•	
5.	An estimate of the total capital costs and incremental operating costs.	•	
6.	The expected in-service date.	•	
4.2 Economic Feasibility, Alternatives and Justification			
4.2.1 Economic Feasibility			
1.	Description of the economic feasibility of the project.	•	
4.2.2 Alternatives			
1.	Description of other alternatives that were examined in the context of economic feasibility and rationale for selecting the applied-for project.	•	
2.	Describe and justify the selection of the proposed route and site including a comparison of the alternatives using the selection criteria.	•	
3.	For projects for which 'alternative to' has been identified as a relevant factor to consider under the CEA Act, a description of the alternatives to the project.	•	
4.	For a comprehensive study, panel review or projects for which alternative means has been identified as a relevant factor under the CEA Act, a description of the alternative means for carrying out the project.	•	
4.2.3 Justification			
1.	Justification for the proposed project.	•	

Guide A – A.1 Engineering

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
A.1.1 Engineering Design Details			
1.	Fluid type and composition.	•	
2.	Line pipe specifications.	•	
3.	Pigging facilities specifications.	•	
4.	Compressor or pump facilities specifications.	•	
5.	Pressure regulating or metering facilities specifications.	•	
6.	Liquid tank specifications.	•	
7.	New control system facilities specifications.	•	
8.	Gas processing, sulphur or LNG plant facilities specifications.	•	
9.	Technical description of other facilities not mentioned above.	•	
10.	Building dimensions and uses.	•	
11.	If project is a new system that is a critical source of energy supply, a description of the impact to the new system capabilities following loss of critical component.	•	
A.1.2 Engineering Design Philosophy			
1.	Confirmation project activities will follow the requirements of the latest version of CSA Z662.	•	
2.	Statement confirming compliance with OPR or PPR.	•	
3.	Listing of all primary codes and standards, including version and date of issue.	•	
4.	Confirmation that the project will comply with company manuals and confirm manuals comply with OPR/PPR and codes and standards.	•	
5.	Any portion of the project a non-hydrocarbon commodity pipeline system? Provide a QA program to ensure the materials are appropriate for their intended service.	•	
6.	If facility subject to conditions not addressed in CSA Z662: <ul style="list-style-type: none"> • Written statement by qualified 	•	

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
	professional engineer <ul style="list-style-type: none"> • Description of the designs and measures required to safeguard the pipeline 		
7.	If directional drilling involved: <ul style="list-style-type: none"> • Preliminary feasibility report • Description of the contingency plan 	•	
A.1.3 Onshore Pipeline Regulations			
1.	Designs, specifications programs, manuals, procedures, measures or plans for which no standard is set out in the OPR or PPR.	•	
2.	A quality assurance program if project non-routine or incorporates unique challenges due to geographical location.	•	
3.	If welding performed on a liquid-filled pipeline that has a carbon equivalent of 0.50% or greater and is a permanent installation: <ul style="list-style-type: none"> • Welding specifications and procedures • Results of procedure qualification tests 	•	

Guide A – A.2 Environment and Socio-Economic Assessment

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
A.2.4 Description of the Environmental and Socio-Economic Setting			
1.	Identify and describe the current biophysical and socio-economic setting.	•	
2.	<ul style="list-style-type: none"> • Describe and quantify the biophysical and socio-economic elements in the study area which are of ecological, economic, or human importance • Determine which biophysical or socio-economic elements require more detailed analysis • Detailed information related to biophysical or socio-economic elements from Tables A-4 and A-5 where applicable 	•	
3.	Provide supporting evidence for information and data collected, analysis completed, conclusions reached and for any professional judgment or experience provided in meeting these information requirements.	•	
4.	Identify, describe and justify the methodology used for any surveys. Justification or plan for further surveys if season for a survey conducted was not optimal.	•	
A.2.5 Effects Assessment			
Identification and Analysis of Effects			
1.	Identify potential effects associated with the proposed project.	•	
2.	<p>For those biophysical and socio-economic elements that require further analysis, describe, quantify and justify:</p> <ul style="list-style-type: none"> • spatial and temporal boundaries for the effects analysis of the biophysical or socio-economic element, or valued component, including how this element could change from baseline over the life of the project • local and regional conditions of the biophysical or socio-economic element, or valued component • key receptors that could potentially be affected by the project and a change in the element of concern 	•	

3.	An effects analysis of the project for each biophysical or socio-economic element, or valued component.	•	
4.	Detailed information outlined in Tables A-4 and A-5 for elements identified in Table A-3.	•	
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	•	
2.	Describe how commitments regarding mitigative measures will be communicated to field staff for implementation.	•	
3.	Describe any plans or program that may be used to mitigate potential effects	•	
Evaluation of Significance			
1.	Evaluate the likelihood and significance of residual adverse effects.	•	
2.	Define the “significant effect” for each biophysical or socio-economic element, or valued component	•	
3.	Describe the methodology for determining whether the project is likely to cause significant adverse effects and justify conclusions	•	
A.2.6 Cumulative Effects Assessment			
Scoping and Analysis of Cumulative Effects			
1.	Identify potential effects for which residual effects are also predicted in the ESA.	•	
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 Identify other projects and activities that have occurred or are likely to occur within the boundaries Identify whether those projects and activities will produce effects on the biophysical or socio-economic element, valued components within the identified boundaries	•	

3.	Provide a cumulative effects analysis of the proposed project in combination with other projects and activities for each biophysical or socio-economic element, or valued component.	•	
Mitigation Measures for Cumulative Effects			
1.	Describe the general and specific mitigation measures that are technically and economically feasible to address the cumulative effects.	•	
Evaluation of Significance			
1.	Evaluate the likelihood and significance of adverse residual cumulative effects.	•	
2.	Define “significant cumulative effect” for each biophysical or socio-economic element, or valued component.	•	
3.	Describe the methodology for determining whether the project is likely to cause significant cumulative effects and justify any conclusions	•	
A.2.7 Inspection, Monitoring and Follow-up			
1.	Describe plans to ensure compliance with biophysical and socio-economic commitments.	•	
2.	Evaluate the need to monitor the elements potentially affected by the project and if needed, describe the environmental monitoring plan to be implemented during construction, reclamation, and operation of the project.	•	
3.	Where a project triggers the CEA Act, 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.	•	
Table A-3 Circumstances Triggering the Need for Detailed Biophysical and Socio-Economic Information			
Physical environment		•	
Soil and soil productivity		•	
Vegetation		•	
Water quality and quantity		•	
Fish and fish habitat		•	
Wetlands		•	
Wildlife and wildlife habitat		•	
Species at Risk or Species of Special Status and		•	

related habitat		
Air quality	•	
Acoustic environment	•	
Human occupancy and resource use	•	
Heritage resources	•	
Traditional land and resource use	•	
Social and cultural well-being	•	
Human health and aesthetics	•	
Infrastructure and services	•	
Employment and economy	•	

Guide A – A.3 Economics

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
A.3.1 Supply			
1.	A description of each commodity.	•	
2.	A discussion of all potential supply sources.	•	
3.	Forecast of productive capacity over the economic life of the facility.	•	
4.	For pipelines with contracted capacity, a discussion of the contractual arrangements underpinning supply.	•	
A.3.2 Transportation Matters			
Pipeline Capacity			
1.	In the case of expansion provide: <ul style="list-style-type: none"> • Pipeline capacity before and after and size of increment • Justification that size of expansion is appropriate 	•	
2.	In case of new pipeline, justification that size of expansion is appropriate given available supply.	•	
Throughput			
1.	For pipelines with contracted capacity, information on contractual arrangements.	•	
2.	For non-contract carrier pipelines, forecast of annual throughput volumes by commodity type, receipt location and delivery destination over facility life.	•	
3.	If project results in an increase in throughput: <ul style="list-style-type: none"> • theoretical and sustainable capabilities of the existing and proposed facilities versus the forecasted requirements • flow formulae and flow calculations used to determine the capabilities of the proposed facilities and the underlying assumptions and parameters 	•	
4.	If more than one type of commodity transported, a discussion pertaining to segregation of commodities including potential contamination issues or cost impacts.	•	

A.3.3 Markets			
1.	Provide an analysis of the market in which each commodity is expected to be used or consumed.	•	
2.	Provide a discussion of the physical capability of upstream and downstream facilities to accept the incremental volumes that would be received and delivered.	•	
A.3.4 Financing			
1.	Evidence that the applicant has the ability to finance the proposed facilities.	•	
2.	Estimated toll impact for the first full year that facilities are expected to be in service.	•	
3.	Confirmation that shippers have been apprised of the project and toll impact, their concerns and plans to address them.	•	
4.	Additional toll details for applications with significant toll impacts.	•	
A.3.5 Non-NEB Regulatory Approvals			
1.	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.	•	
2.	If any of the approvals referred to in #1 may be delayed, describe the status of those approval(s) and provide an estimation of when the approval is anticipated.	•	

Guide A – A.4 Lands Information

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
A.4.1 Land Areas			
1.	<ul style="list-style-type: none"> Width of right-of-way and locations of any changes to width Locations and dimensions of known temporary work space and drawings of typical dimensions Locations and dimensions of any new lands for facilities 	•	
A.4.2 Land Rights			
1.	The type of lands rights proposed to be acquired for the project.	•	
2.	The relative proportions of land ownership along the route of the project.	•	
3.	Any existing land rights that will be required for the project.	•	
A.4.3 Lands Acquisition Process			
1.	The process for acquiring lands.	•	
2.	The timing of acquisition and current status.	•	
3.	The status of service of section 87(1) notices.	•	
A.4.4 Land Acquisition Agreements			
1.	A sample copy of each form of agreement proposed to be used pursuant to section 86(2) of the NEB Act.	•	
2.	A sample copy of any proposed fee simple, work space, access or other land agreement.	•	
A.4.5 Section 87 Notices			
1.	A sample copy of the notice proposed to be served on all landowners pursuant to section 87(1) of the NEB Act.	•	
2.	Confirmation that all notices include a copy of Pipeline Regulation in Canada: A Guide for Landowners and the Public.	•	
A.4.6 Section 58 Application to Address a Complaint			
1.	The details of the complaint and describe how the proposed work will address the complaint.	•	

Guide B – Abandonment

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
B.1 Engineering			
1.	Confirm abandonment activities will follow the requirements of the latest version of CSA Z662.	•	
2.	<ul style="list-style-type: none"> • A complete description of facilities being abandoned. • An assessment of the potential safety hazards related to facility abandonment and mitigative actions planned to reduce such hazards • A plan outlining how the facility will be prepared for abandonment and how it will be monitored, if necessary 	•	
B.2 Environment and Socio-Economic Assessment			
	ESA (or environmental and socio-economic assessment)	•	
1.	The different ecological settings found at the project location and different land uses in place.	•	
2.	Identify the ecological settings (identified in 1) in which each of the project components to be abandoned is located.	•	
3.	<p>Methods to be used to cleanup any contamination found at the project component sites and:</p> <ul style="list-style-type: none"> • The amount of contamination that exists • Special handling techniques that will be used • Regulatory requirements to be followed for cleanup and disposal. 	•	
4.	<p>For each project component:</p> <ul style="list-style-type: none"> • how and when it will be abandoned • how the environment will be reclaimed • how the abandonment is appropriate for the ecological setting where it is located. 	•	
5.	Use of appropriate level of detail to allow regulators, public and others to understand what is being proposed.	•	
6.	The regulatory requirements for reclamation and remediation and how these requirements will be met.	•	

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
7.	Identify historical spills and releases on the area to be abandoned.	•	
B.3 Economics and Finance			
1.	Details of the costs associated with proposed abandonment, including exposure to future liabilities.	•	
2.	Confirmation that funding is and will be available to finance the proposed abandonment.	•	
3.	Original book cost and accumulated depreciation to retirement date.	•	
4.	Accounting details including details of whether retirement is ordinary or extraordinary.	•	
B.4 Lands Information			
1.	Describe the location and the dimensions of the existing RoW and facility lands that would be affected by the abandonment.	•	
2.	Map or site plan of the pipeline or facility.	•	
3.	Locations and dimensions of temporary workspace required.	•	
4.	<p>Describe any easement proposed to be acquired for the abandonment, including:</p> <ul style="list-style-type: none"> • the location and dimensions of the easement • the discussions with the landowners regarding the easement • any concerns expressed by the landowner regarding the easement or the lands proposed to be acquired • how the applicant proposes to address any landowner concerns 	•	
5.	Provide the details of any reclamation plans developed in consultation with landowners affected by the proposed abandonment.	•	
6.	<p>In the event that any easement will be surrendered:</p> <ul style="list-style-type: none"> • Identify the lands where easement will be surrendered • Describe the contingency plans that will be put in place to protect the landowner should subsequent land issues arise following the abandonment of the facility and 	•	

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
	<p>surrender of the easement</p> <ul style="list-style-type: none"> • Describe the company's discussions with the landowners • Describe any concerns raised by landowners regarding surrendering of the easement • File evidence to demonstrate that affected landowners have been advised of the proposed abandonment and that if the Board approves the abandonment, the Board will no longer have jurisdiction over the pipeline 		

Guide C – Protection of Pipelines from Crossing Activities and Mining Operations

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
C.1 Construction of Facilities Across Pipelines (NEB Act s.112)			
1.	For an application to construct a facility across, on, along or under a pipeline: <ul style="list-style-type: none"> purpose and location of the proposed facility description of the proposed facility rationale for seeking approval from the Board 	•	
2.	For an application to excavate using power-operated equipment or explosives within 30m of a pipeline: <ul style="list-style-type: none"> purpose and location of excavation activity description of equipment and/or explosives rationale for seeking approval from the Board 	•	
3.	ESA (or environmental and socio-economic assessment)	•	
4.	For an application to operate a vehicle or mobile equipment across a pipeline: <ul style="list-style-type: none"> purpose and location of the activity description of the vehicle and/or equipment rationale for seeking approval from the Board 	•	
5.	For an application to direct the owner of a facility to reconstruct, alter or remove the facility: <ul style="list-style-type: none"> purpose and location of the facility purpose for the reconstruction, alteration or removal of the facility rationale for seeking approval from the Board 	•	
C.2 Protection of Pipelines from Mining Operations (NEB Act s.81)			
1.	Plan and profile for the portion of the pipeline affected.	•	
2.	ESA (or environmental and socio-economic assessment)	•	
3.	Information and details respecting proposed operations: <ul style="list-style-type: none"> project title and contact information for company, contractors and subcontractors name and contact information of 	•	

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
	the pipeline company <ul style="list-style-type: none"> • legal service description of the lands to be affected • map indicating the location of the pipeline • statement certifying that the pipeline company and the NEB will be contacted at least 72 hours prior to conducting the project 		
4.	If crossing a pipeline: <ul style="list-style-type: none"> • proposed crossing date • evidence that an approved crossing agreement is in place 	•	
5.	If the application is for a seismic program or involves explosives: <ul style="list-style-type: none"> • type of seismic program • plat of the seismic program • identify the source • size of the dynamite charge • confirmation that the program will be conducted in accordance with all applicable regulations 	•	

Guide D – Deviations

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
D.1 Lands			
1.	Order number and date of the approval of original PPBoRs.	•	
2.	PPBoR drawing showing approved route and proposed deviation.	•	
3.	PPBoR drawing showing location of the proposed deviated, changed or altered route.	•	
4.	Starting and ending points of the deviation.	•	
5.	Map indicating location of deviation in relation to approved detailed route and certificated route.	•	
6.	Description of any new lands required including status of acquisition and service of subsection 87(1) notices.	•	
7.	Concerns expressed by landowners affected, how the company proposes to address concerns and date response provided or evidence that the affected landowners consent.	•	
8.	<p>For an exemption from the provisions of section 45:</p> <ul style="list-style-type: none"> • order number and date of the approval of original PPBoRs • starting and ending points of the deviation • maximum distance of deviation from centre line • PPBoR drawing showing approved route and proposed deviation • map indicating location of deviation in relation to approved detailed route and certificated route • description of any new lands required • concerns expressed by landowners affected, how the company proposes to address concerns and date response provided • evidence that the affected landowners consent 	•	

D.2 Environment and Socio-Economic Assessment

1.	How the effects have been considered in an ESA by the NEB.	•	
2.	If the environmental and socio-economic effects have not been addressed, provide requirements in Guide A, section A.2.	•	

Guide E – Change in Class Locations

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
1.	Submit a plan which: <ul style="list-style-type: none"> • identifies what changes in circumstances have occurred • identifies potential concerns resulting from the change in circumstances • describes the mitigative actions where applicable, to address potential concerns 	•	

Guide F – Change of Service or Increase in Maximum Operating Pressure

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
F.1 Engineering			
1.	Confirm project activities will follow the requirements of the latest version of CSA Z662.	•	
2.	Provide details of the current and proposed state of service.	•	
F.2 Environment and Socio-Economic Assessment			
1.	How the effects have already been considered in an ESA by the NEB.	•	
2.	If the environmental and socio-economic effects have not been addressed, provide requirements in Guide A, section A.2.	•	
F.3 Economics			
1.	Necessary economic information in Guide A, section A.3.	•	

Guide G – Deactivation

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
G.1 Engineering			
1.	Describe the rationale for the deactivation and the measures to be or were employed for the deactivation.	•	
2.	Provide a schedule for the deactivations.	•	
3.	Describe the activities associated with the deactivations.	•	
4.	Provide an estimate of the costs associated with the deactivation.	•	
5.	Confirm project activities will follow the requirements of the latest version of CSA Z662.	•	
G.2 Environment and Socio-Economic Assessment			
1.	How the effects have already been considered in an ESA by the NEB.	•	
2.	If the environmental and socio-economic effects have not been addressed, provide requirements in Guide A, section A.2.	•	
G.3 Economics			
1.	Necessary economic information in Guide A, section A.3.	•	

Guide H – Reactivation

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
H.1 Engineering			
1.	Describe the rationale for the reactivation and the measures to be employed for the reactivation.	•	
2.	Provide a schedule for the reactivations.	•	
3.	Describe the activities associated with the reactivations.	•	
4.	Describe the operating conditions under which the reactivated facility will operate.	•	
5.	Provide a report assessing the integrity of the facility and its suitability for reactivation.	•	
6.	Provide an estimate of the costs associated with the reactivations.	•	
7.	Confirm reactivation activities will follow the requirements of the latest version of CSA Z662.	•	
H.2 Environment and Socio-Economic Assessment			
1.	How the effects have already been considered in an ESA by the NEB.	•	
2.	If the environmental and socio-economic effects have not been addressed, provide requirements in Guide A, section A.2.	•	
H.3 Economics			
1.	Necessary economic information in Guide A, section A.3.	•	

Guide I – Processing Plants: Deactivation and Reactivation

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
I.1 Filing Requirements - Deactivation			
I.1.1 Engineering			
1.	Explain the reasons for the deactivation or the cessation of operations and the procedures used or to be used in the deactivation.	•	
2.	Provide the date the processing plant was or will be removed from service.	•	
3.	Describe the provisions for the management of change.	•	
4.	Describe the general condition of equipment to be deactivated.	•	
5.	Describe the means of isolation.	•	
6.	Describe the instrumentation status.	•	
7.	Provide the lay-up conditions.	•	
8.	Describe the inspection and testing requirements during deactivation.	•	
9.	Describe the intent of future equipment use, if any.	•	
I.1.2 Environment and Socio-Economic Assessment			
1.	How the effects have already been considered in an ESA by the NEB.	•	
2.	If the environmental and socio-economic effects have not been addressed, provide requirements in Guide A, section A.2.	•	
I.1.3 Economics			
1.	Necessary economic information in Guide A, section A.3.	•	
I.2 Filing Requirements – Reactivation			
I.2.1 Engineering			
1.	Explain the reasons for the reactivation or the resumption of operations and the procedures to be used in the reactivation.	•	
2.	Provide the date the processing plant will be returned to service.	•	
3.	Describe the provisions for the management of change.	•	
4.	Describe the general condition of equipment to be reactivated.	•	

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
5.	Describe the instrumentation status.	•	
6.	Provide the lay-up conditions.	•	
7.	Describe the inspection and testing requirements prior to reactivation.	•	
I.2.2 Environment and Socio-Economic Assessment			
1.	Describe how the effects have already been considered in an ESA by the NEB.	•	
2.	If the environmental and socio-economic effects have not been addressed, provide requirements in Guide A, section A.2.	•	
I.2.3 Economics			
1.	Necessary economic information in Guide A, section A.3.	•	

Guide O – Review, Rehearing or Variance Applications

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
1.	Meet the requirements of section 44 of the Rules.	•	
2.	Where the application is to vary an order, certificate, licence or permit, include the reason the variation is required and all information necessary to support the change proposed, including the information required by the relevant Filing Manual Guide	•	

Guide P – Tolls and Tariffs

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
P.1 Cost of Service			
1.	Description of steps taken with parties to discuss issues and attempts to reach negotiated settlement.	•	
2.	Summary schedule of total cost of service, with amounts for the base, current and test years and year-to-year changes for following cost components: <ul style="list-style-type: none"> • operating, maintenance & administrative • transmission by others • depreciation and amortization of plant • income taxes • taxes other than income taxes • miscellaneous revenues • return on rate base • deferred items • other items 	•	
3.	Analysis of each cost component listed above, by major cost category, with explanations for significant year-to-year changes. Allocations between regulated and non-regulated entities must include gross costs, allocated costs, the methodology used and rationale.	•	
4.	Schedules to show derivation of monthly deferral account balances, including carrying charges and which amounts are actual and which are estimated.	•	
5.	Schedule reconciling additions to plant accounts with additions to income tax CCA for base, current and test years.	•	
6.	Schedule detailing changes in the deferred tax balance for base, current and test years.	•	
P.2 Rate Base			
1.	Detailed schedules for rate base with assumptions and calculations for additions, retirements, cash working capital.	•	

P.3 Financial Statements			
1.	Current annual report to shareholders. Current corporate annual report of parent if applicable.	•	
2.	Financial statements for base year plus explanation of major assumptions used to prepare statements.	•	
P.4 Cost of Capital			
1.	Establish the applicant's sources of capital invested in rate base, construction work in progress and gas plant under construction, and the justification for the cost rates which the applicant is seeking to include in its cost of service.	•	
2.	A summary schedule for the current and test years, based on 13-point or 24-point averages, showing the applicant's projected outstanding common equity and rates of return thereon, projected outstanding balances and related projected weighted average cost for each other class of capital and derivation of the overall rates of return.	•	
3.	An analysis of the weighted average cost of debt capital for the test year showing the projected cost of each debt issue, including borrowings from financial institutions and a supporting schedule for each debt issue.	•	
4.	For any unfunded debt: <ul style="list-style-type: none"> • A description of the applicant's plans to finance it, including details of the timing, size and type of each issue • Evidence supporting the projected cost rate in the applicant's financing plan, the projected short-term debt rate and the spread implied in the applicant's projected unfunded debt rate. 	•	
5.	Independent forecasts for the test year of yields on 10 and 30 year long-term Government of Canada bonds and Treasury Bills with a detailed discussion of the degree of reliance the applicant has placed on them in making its forecasts.	•	
6.	Applicant's most recent bond rating reports issued by the Canadian Bond Rating Service, the Dominion Bond Rating Service, Standard and Poor's and Moody's for purposes of assessing the applicant's debt.	•	

7.	An analysis of the weighted average cost of preferred share capital for the test year showing the projected cost of each issue and a supporting schedule for each issue.	•	
8.	A detailed calculation of the 13-point or 24-point average amount of common equity projected for the test year.	•	
9.	A schedule in tabular form for each issue of common shares in the last five fiscal years.	•	
10.	A schedule in tabular form with respect to common equity of the applicant for each of the last five fiscal years.	•	
11.	Where an application is to establish or change capital structure, include a detailed discussion of business risks including market, supply, operating and physical and regulatory and political risks.	•	
12.	If a significant part of the applicant's capital is obtained from an affiliated company as defined in the Regulations, information with respect to the debt, preferred share and common share capital of that affiliated company, and <ul style="list-style-type: none"> • A copy of the latest prospectus issued by the affiliated company • A chart showing the relationship between the applicant and the affiliated company in terms of share ownership and financial obligations • Information in respect of the affiliated company as listed in requirement 10. 	•	
13.	Where applicable, a thorough discussion of the extent to which the consolidated capital structure is relevant to the determination of a deemed capital structure for the Board-regulated operations of the pipeline, including supporting information.	•	
P.5 Tolls and Tariffs			
1.	Concise description of pipeline system & operations, including system map showing toll zones and delivery areas.	•	
2.	Describe applied-for toll design, with rationale for any proposed changes.	•	
3.	Comparative schedule of test year revenues for each class/type of service under existing and proposed tolls.	•	
4.	Describe any tariff revisions with rationale for revisions and comparative schedules showing proposed changes to existing tariff sheets.	•	

Guide Q – Import and Export Licences and Orders

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
Q.1 Licence Applications			
Q.1.1 Gas (other than propane, butanes and ethane) Export			
	Requirements of section 12 of the Part VI Regulations.	•	
Q.1.2 Gas (other than propane, butanes and ethane) Import			
	Requirements of section 13 of the Part VI Regulations.	•	
Q.1.3 Propane, Butanes or Ethane Export			
	Requirements of section 20 of the Part VI Regulations.	•	
Q.1.4 Oil (other than light crude oil or heavy crude oil) Export			
	Requirements of section 25 of the Part VI Regulations.	•	
Q.1.5 Light Crude Oil or Heavy Crude Oil Export			
	Requirements of subsection 25.1 of the Part VI Regulations.	•	
Q.2 Order Applications			
Q.2.1 Import or Export of Gas (other than propane, butanes or ethane)			
	<ul style="list-style-type: none"> • the legal company name and address of the importer or exporter • commencement date • termination date • for exports, details of the status of the provincial authorizations required for the removal of gas • for imports from the United States (U.S.), the U.S. Department of Energy FE order number that authorizes the export 	•	
Q.2.2 Export of Gas for Subsequent Import or Import of Gas for Subsequent Export			
	<ul style="list-style-type: none"> • the legal company name and address of the exporter and importer • a description of the proposed transportation arrangements in Canada and the U.S. • the points of export and import • the commencement date • the termination date 	•	

Q.2.3 Propane, Butanes or Ethane Export		
	<ul style="list-style-type: none"> • the legal company name and address of the exporter • commencement date • termination date • type of commodity 	•
Q.2.4 Oil Export		
	<ul style="list-style-type: none"> • the legal company name and address of the exporter • commencement date • termination date • type of commodity 	•

Guide R – Transfer of Ownership, Lease or Amalgamation

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
Company Divesting of the Facilities			
1.	The nature of the transaction.	•	
2.	A map of the pipeline and the relevant upstream and downstream facilities, identifying any facility that could become stranded.	•	
Company Acquiring the New Facilities			
1.	The new owner and operator of the pipeline including contact information.	•	
2.	The original cost of the asset, depreciation and net book value.	•	
3.	The purchase price of the asset.	•	
4.	The intended long-term use of the facilities.	•	
5.	Any changes in the conditions of service offered, including estimated toll impact.	•	

Guide S – Access on a Pipeline

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
1.	Provide a detailed summary of the circumstances leading to the application.	•	
2.	Provide copies of all relevant correspondence between the applicant, the operator of the subject facility and any other parties that may be involved with the application.	•	
3.	For applications for an exemption from subsection 71(1), provide evidence that: <ul style="list-style-type: none"> • an open season was held offering all of the capacity to be contracted to anyone interested in shipping; and • allowing the exemption is in the public interest 	•	
4.	In the case of an application pursuant to subsection 71(3), the applicant should provide a description of the facilities that the pipeline company would need to install, including a cost estimate	•	

Guide T – Leave to Open

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
For a Pipeline or a Pipeline Section:			
	<ul style="list-style-type: none"> • Board certificate or order under which work was carried out • List of standards, specifications and procedures • Description of the pressure tested facilities • Summary of continuous pressure and temperature readings • Statement that all control and safety devices were or will be tested for functionality • Confirmation that: <ul style="list-style-type: none"> • required tests were taken and met requirements • all permits were acquired when necessary • Test equipment calibration certificates • All logs, test charts, etc. are signed and dated by company representative • Details regarding unsuccessful pressure tests, including the cause of failure 	<ul style="list-style-type: none"> • 	
For a Tank			
	<ul style="list-style-type: none"> • Board certificate or order under which work was carried out • Standards, specifications and procedures • Confirmation that: <ul style="list-style-type: none"> • required tests were taken and met requirements • all permits were acquired when necessary • Statement that all control and safety devices were inspected and tested for functionality 	<ul style="list-style-type: none"> • 	

Guide U – Information Filed Respecting Plan, Profile, Book of Reference (PPBoR) and Notices

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
U.1 Plan, Profile, Book of Reference			
	PPBoR meets requirements of section 33 of the NEB Act?	•	
	In addition, the plan and profile of the project drawn to a scale of 1:10 000 or larger, if appropriate, should show: <ul style="list-style-type: none"> • the proposed route of the pipeline • property boundaries • the numbers of the parcels of land to be traversed (i.e., legal land descriptions) 	•	
U.2 Section 34 Notices			
	Requirements pursuant to section 34 of the NEB Act.	•	
	Requirements pursuant to section 50 of the Rules.	•	
1.	File a copy of the notice that will be served on landowners.	•	
2.	Provide a copy of the notice that will be included in local publications.	•	
3.	File a list of the publications that will be used.	•	
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.	•	
U.3 Application to Correct a PPBoR Error			
1.	Pursuant to subsection 41(1) of the NEB Act, application should include: <ul style="list-style-type: none"> • 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) • 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. 	•	

Guide V – Right of Entry Applications

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
	Requirements pursuant to section 104 of the NEB Act.	•	
	Requirements pursuant to section 55 of the Rules.	•	
1.	A 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.	•	
2.	The date of service of notice on the landowner pursuant to subsection 87(1) of the NEB Act.	•	
3.	If applicable, the date of service of notice on the landowner pursuant to section 34 of the NEB Act.	•	
4.	A discussion of outstanding issues and the reason(s) that a voluntary agreement could not be reached.	•	

Guide W – Requirements for Substituted Service Applications

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
	Requirements pursuant to sections 3, 4 and 5 of the <i>National Energy Board Substituted Service Regulations</i> .	•	