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9. Guide K – Decommissioning
 - Add new guidance
10. Guide O – Review, Rehearing or Variance Applications
 - Add new guidance
11. Guide R – Transfer of Ownership, Lease or Amalgamation
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Glossary of Terms

Abandon	The permanent cessation of the operation of a pipeline which results in the discontinuance of service.
Abandoned Pipeline	A pipeline, the operation of which has been abandoned with leave of the Board as required by paragraph 74(1)(d) of the <i>National Energy Board Act</i> , and that remains in place.
Aboriginal	Includes the Indian, Inuit and Métis peoples of Canada.
Accountable Officer	Person appointed as accountable officer under subsection 6.2(1) of the <i>National Energy Board Onshore Pipeline Regulations</i> [OPR s.1].
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 the 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 state of the environment, or environmental or socio-economic setting for a particular element providing a reference point for the element, with which to compare future conditions, and potential project effects.
Base Year	A period, usually a calendar year, of the most recent twelve consecutive months of actual data.
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(1)]

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)]

Designated Project

A project designated under the *Canadian Environmental Assessment Act, 2012* as requiring a federal environmental assessment under the Act. [CEAA 2012 s.2(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, any change that a project may cause to a bio-physical element found in Table A-2, and any effect of any such change on a socio-economic element (See definition of Socio-Economic effect).

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.

Federal Lands

Under s.67 of the *Canadian Environmental Assessment Act, 2012*, the NEB must make a significance determination for any

projects on federal lands. The *Canadian Environmental Assessment Act, 2012*, defines federal lands as:

- (a) lands that belong to Her Majesty in right of Canada, or that Her Majesty in right of Canada has the power to dispose of, and all waters on and airspace above those lands, other than lands under the administration and control of the Commissioner of the Yukon, Northwest Territories or Nunavut;
- (b) the following lands and areas:
 - i. the internal waters of Canada, in any area of the sea not within a province,
 - ii. the territorial sea of Canada, in any area of the sea not within a province,
 - iii. the exclusive economic zone of Canada, and
 - iv. the continental shelf of Canada; and
- (c) reserves, surrendered lands and any other lands that are set apart for the use and benefit of a band and that are subject to the *Indian Act*, and all waters on and airspace above those reserves or lands.

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.

Fish

Includes (a) parts of fish, (b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals [*Fisheries Act* s.2.(1)].

Fish Habitat

Spawning grounds and any other areas, including nursery, rearing, food supply and migration areas, on which fish depend directly or indirectly in order to carry out their life processes [*Fisheries Act* s.2.(1)].

**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.
Management Systems	The management system set out in sections 6.1 to 6.6 of the <i>National Energy Board Onshore Pipeline Regulations</i> [OPR s.1].
Migratory Bird	A migratory bird referred to in the convention, and includes the sperm, eggs, embryos, tissue cultures and parts of the bird. [<i>Migratory Birds Convention Act, 1994</i> s.2(1)]
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.
Monitoring	Activities 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.
Navigable Water or Waterway	Includes a canal and any other body of water created or altered as a result of the construction of any work. As well, a navigable water is considered as any body of water capable, in its natural state, of being navigated by floating vessels of any description for the purpose of transportation, recreation or commerce, and may also be a human-made feature such as a canal or reservoir. ¹
Navigation	Use of a vessel for transportation, recreation, or commerce on a navigable waterway.
Owner	For the purposes of sections 86 to 107 of the <i>National Energy Board Act</i> , the ‘owner’ is not restricted to the fee simple owner

¹ The changes to the NEB Act do not restrict the NEB’s consideration of the impacts of a project on navigation and navigation safety to the Schedule of “navigable waters” that is proposed for inclusion in the *Navigation Protection Act*, once that Act comes into force.

or to freehold lands². 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 *National Energy Board Onshore Pipeline Regulations* 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 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.

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.

2 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.

Reclamation	The process of re-establishing a disturbed site to a former or other productive use, not necessarily to the same condition that existed prior to disturbance. The land capability may be at a level different (i.e., lower or higher) than that which existed prior to the disturbance, depending on the goal of the process. Reclamation includes the management of a contaminated site and revegetation where necessary. Reclamation is not considered complete until the goals for reclamation have been achieved.
Recovery Strategy	A strategy for the recovery of a listed extirpated, endangered or threatened species prepared by the competent minister (as defined under the <i>Species at Risk Act</i> , s.2(1)). If the recovery of the listed species is feasible, the recovery strategy must address the threats to the survival of the species identified by the Committee for the Status of Endangered Wildlife in Canada, including any loss of habitat. The recovery strategy and any amendments will be included in the public registry established under the <i>Species at Risk Act</i> .
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 s.15 of the <i>Canadian Environmental Assessment Act, 2012</i> to ensure that an environmental assessment of the project is conducted.
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.
Serious Harm to Fish	The death of fish or any permanent alteration to, or destruction of, fish habitat.
Socio-Economic Effect	In respect of a project, any effect on a socio-economic element found in Table A-3, including effects resulting from a change in the environment (See definition of Environmental Effect).

Species at Risk	A federally-listed extirpated, endangered or threatened species or a species of special concern. [<i>Species at Risk Act</i> s.2(1)]
Species of Special Status	Species listed under provincial jurisdiction or of recognized 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	Area where an Aboriginal group has claimed or asserted 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)	<p>Resources or environmental features that have all or some of the following features:</p> <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.
Wetlands	Land where the water table is at, near, or above the surface, or which is saturated for a long enough period to promote wetland or aquatic processes as indicated by wet-altered soils, water tolerant vegetation and various kinds of biological activity which are adapted to a wet environment. 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
bbl	barrel
°C	degrees Celsius
CCME	Canadian Council of Ministers of the Environment
CEAA 2012	<i>Canadian Environmental Assessment Act, 2012</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> latest version as amended from time to time
DFO	Fisheries and Oceans Canada
<i>DPR – Authorizations</i>	<i>National Energy Board Act Damage Prevention Regulations – Authorizations</i>
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>National Energy Board Onshore Pipeline Regulations</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

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 Ground Disturbance, Facility Construction, Crossings 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
Decommissioning	OPR PPR	45.1 43.1	Guide K
Reviewing or Amending a NEB Decision	NEB Act	21	Guide O
Tolls and tariffs	NEB Act	Part IV	Guide P
Export & Import Authorizations	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
Leave to make contact with, alter, or remove an abandoned pipeline	NEB Act	48.1(1)	Contact the Board

FYI – Examples...

The information to fulfill many of the requirements in this *Filing Manual* for pipeline projects should be based upon a company's management system processes. For example:

- Engineering design details required in Guide A.1 for facilities applications should be based upon implementation of processes within the Integrity Management Program, such as hazard identification, risk assessment, development of control and monitoring measures, and identification of legal requirements. Such processes will be similarly applicable to applications for abandonment (Guide B), variances related to physical activities (Guide O), leave to open (Guide T), etc. Design details may also be affected by other programs, such as the security assessment for the project conducted under the Security Management Program.
- Implementation of processes within the Environmental Protection Program will support the information requirements for the environmental and socio-economic assessment, such as in Guide A.2.6.1 (identification and analysis of effects) and Guide A.2.8 (inspection, monitoring and follow-up). Processes related to accidents and malfunctions within the Emergency, Safety and Security Management Programs can similarly contribute to these Guide requirements.

Various management system processes will also apply throughout the application stage, such as ensuring the training and competency of those involved in the development of the project design and of the application documents; quality assurance; document and record control; management of change if design details are altered; and ensuring that work performed by consultants and contractors is consistent with all obligations and responsibilities under the company's management system.

The Board expects an applicant to have applied relevant components of its management system and programs to the planning and design of the proposed project and related application documents, and to have reviewed those components for necessary modification in the event the proposed project goes ahead.

An application that is lacking (such as containing an incomplete discussion of hazards, risks and controls) might indicate that the applicant's management system and program components are inadequate. The Board expects companies to prevent such deficiencies, correct any that are identified, avoid similar deficiencies in future applications, and to apply lessons learned as broadly as possible.

3.4 Consultation

The Board expects an applicant to have a company-wide Consultation program that establishes a systematic, comprehensive and proactive approach for the development and implementation of project-specific consultation activities. A Consultation program should be appropriately integrated into a company's overall management system to provide protection for the public, employees, property and the environment throughout the lifecycle (design, construction, operation, maintenance, abandonment) of a pipeline system.

The Board expects applicants will consider consultation for all projects. Depending on the project scope, that could mean carrying out extensive consultation activities or a simple consultation activity such as notifying a single landowner. Applicants are responsible to justify the extent of consultation carried out for each application. Applicants may also make use of the Board's publications to inform potentially affected persons about the NEB and its processes. On the NEB's website there is a detailed list of our publications and what each is used for. (See *Guidance for Companies on NEB Publications under Participation & Lands*.)

The following information is required within the application:

- An overview of the policies and goals of the Consultation Program;
- A description of the design of the project-specific consultation activities; and
- A description of the outcomes of the project-specific consultation activities.

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

If no project-specific consultation activities are implemented, an explanation is also required.

The Board also expects companies to conduct effective public consultation activities. The Board's requirements for public consultation can be found in the "Operations and Maintenance Activities on Pipelines Regulated Under the *National Energy Board Act*: Requirements and Guidance Notes: (January 2013).

3.4.1 POLICIES 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 Program.

Filing Requirements

Provide an overview of the applicant's Consultation Program, which should include, but not be limited to:

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

Guidance

The Board expects an applicant to develop and implement a Consultation Program to anticipate, prevent, mitigate and manage conditions which have the potential to affect persons and groups. A Consultation Program should be based on the elements of a standard management system (for example, the management system elements described in the NEB's Onshore Pipeline Regulations). Additional guidance is provided in the NEB's Draft Expectations for Public Involvement Programs [Filing [A22289](#)].

The Board also expects applicants to consider the language needs of the potentially affected persons and/or groups and include a description of this consideration in their application. Further to s.41 of the *Official Languages Act*, the Board is committed to fostering the full recognition and use of both English and French in Canadian Society. The Board recognizes the importance of considering official languages when developing and implementing a consultation program, to result in effective communication with potentially affected persons in the official language of their choice.

3.4.2 DESIGNING PROJECT-SPECIFIC CONSULTATION ACTIVITIES

Goal

The application indicates why the design of project-specific consultation activities is appropriate for the nature of the project in alignment with the company's Consultation Program.

Filing Requirement

Provide a description of the project-specific consultation activities and the factors that influenced the design.

Guidance

When designing project-specific consultation activities, applicants should consider that the Board expects consultation activities 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, inputs 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, applicants should consider establishing a consultation protocol in collaboration with these groups that takes into consideration their needs and cultural elements.

Project-Specific Consultation Activities

Describe project-specific consultation activities. At a minimum describe the:

- potentially affected persons or groups to be consulted, including:
 - local residents, landowners and land or waterway users;
 - government authorities; and
 - Aboriginal groups;
- potential information needs of the persons or groups;
- process by which potentially affected parties can comment to the Board before the Board makes its decision;
- manner in which official languages were considered, including how project information will be provided and communicated to potentially affected persons or groups in the official language of their choice to ensure effective and meaningful participation in the Board process;
- 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 design of consultation activities:

- the nature, magnitude and areal extent of the project;
- the potential environmental and socio-economic effects of the project;
- effects of the project on navigation and navigation safety;
- 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;
- different project routing, design and construction alternatives, 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, regional, 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.

3.4.3 IMPLEMENTING PROJECT-SPECIFIC CONSULTATION ACTIVITIES

Goal

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

- that all persons and groups potentially affected by the project are aware of: the project, the project application to the Board, and how they can contact the Board with outstanding application-related concerns;
- that those potentially affected by the project have been adequately consulted, and
- that any concerns raised have been considered, and addressed as appropriate.

Filing Requirement

Provide confirmation that the information provided to potentially affected persons and groups describes:

- the Applicant's intention to apply to the Board for approval of its project,
- how they can contact the Board with outstanding application-related concerns before the Board makes its decision on the application, and
- the actual date of filing the application with the Board, and information where to find the application and associated documents on the NEB website, including the file number.

Describe the outcomes of the consultation activities 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 workspace required, 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;
- NEB contact information and website; and
- the NEB pamphlet (blue colour) *Information for Proposed Pipeline or Power Line Projects that Do Not Involve a Hearing* if the project is not subject to a hearing. (For hearings, provide the NEB pamphlet (yellow colour) *Information for Proposed Pipeline or Power Line Projects that Involve a Hearing*)
- 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

Notice To Those Potentially Affected

The Applicant should provide confirmation of adequate notice by providing a description of:

- the process by which potentially affected persons and groups can contact the Board before the Board makes its decision; and
- the methods and timing of notification and consultation.

The Applicant should maintain records and be prepared to further demonstrate the adequacy of the notice that was provided to all potentially affected persons and groups.

See Guidance in 3.4.2.

For consultation activities 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.

3.4.4 JUSTIFICATION FOR NOT UNDERTAKING CONSULTATION ACTIVITIES

Goal

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

Filing Requirement

Explain why consultation activities were considered unnecessary.

Guidance

Consultation activities might not be necessary if the applicant can demonstrate that one or more of the following scenarios applies:

Equivalent Consultation Activities

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 activities;
- provide evidence that these activities identified the project that is being applied for and its potential impacts; and
- demonstrate that these alternative activities 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 consultation activities for the road widening that includes consultation regarding the relocation of the pipeline. The pipeline

application would then include a description of these consultation activities 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 CEAA 2012 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 activities 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;
- there is no potential for an impact on navigation;
- 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 waterway 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

Consultation activities may not be feasible if the project involves

- additional acquisitions are required to support the day-to-day operations of a pipeline or international power line (e.g., standby plant, or materials and supplies); or
- work performed as part of a contingency project such as emergency repairs

3.5 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 3.4 - Consultation, continue to apply even if it is decided there are no commercial third parties to notify of an application.

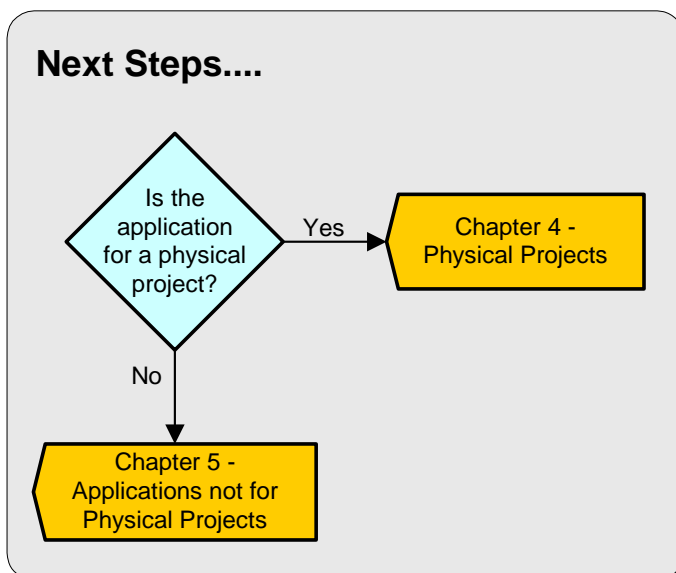


Table 3-1: Other Potential Federal Contacts

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?	Parks Canada Agency
Is the project likely to take place on, involve dredge or fill operations in, draw water from or discharge water to a historic canal administered by and operated by Parks Canada?	Parks Canada Agency Public Works and Government Services
Is the project likely to affect Indian reserve lands?	Aboriginal Affairs and Northern Development (AANDC)
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?	Aboriginal Affairs and Northern Development (AANDC)
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 or the residences of individuals of those species?	Environment Canada Fisheries and Oceans Canada Parks Canada Agency
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 Parks Canada Agency
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

- 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.

Description of Project Costs

When describing any estimated capital costs, specify what year dollars are used, and describe whether the estimated costs include any inflation and contingency provisions. For any estimate of incremental operating costs, specify what year dollars are used.

When estimating new or changes to abandonment costs, follow the format set out in March 2010 *Revisions to Preliminary Base Case Assumptions* (Filing [A24600](#)), Tables A-1, A-2, A-4, as revised from time to time. Table A-3 was revised in December 2010 and is available at Filing [A27778](#).

For companies with no facilities currently regulated by the NEB, the estimated costs will have some bearing on the allocation of NEB costs, as set out in the *Cost Recovery Regulations*, section 5.2(1).

4.2 Economic Feasibility, Alternatives and Justification

Goal

The application includes an integrated discussion that demonstrates the economic feasibility, financial resources, 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 and Financing, to show that the applied-for facilities are economically feasible. Also, the evidence should demonstrate plans to manage all potential costs associated with the risks and liabilities that may arise during the construction or operation of the Project, including a significant incident involving a product release (see the NEB's [Event Reporting Guidelines](#) for a definition of “significant incident”).

4.2.2 FILING REQUIREMENTS – ALTERNATIVES

1. Describe the need for the project along with the rationale for selecting the applied for project over other possible options.
2. Describe and justify the selection of the proposed route and site including a comparison of the options evaluated using appropriate selection criteria.

3. Describe the rationale for the chosen design and construction methods. Where appropriate, describe any alternative designs and methods evaluated and explain why these other options were eliminated.

FYI - Example

In the GSX project, the Panel ruled that other ways of meeting the energy demands of Canadians, such as wind, solar, and tidal power were not relevant to the Panel's public interest determinations under Section 52 of the NEB Act because this information did not have sufficient connection or nexus to the application before the Board and would not inform its decision. Joint Review Panel for the Georgia Strait Canada Pipeline Project, GH-4-2001, Joint Review Panel Report, Georgia Strait Crossing Pipeline Ltd. July 2003, Appendix D, Panel Rulings, Ruling: 20 January 2003.

Guidance – Alternatives

Alternatives Evaluated

In the context of economic feasibility, alternatives are other technically, economically and environmentally-feasible means of meeting the need for the project and its eventual retirement, such as a different:

- transportation mode;
- transmission system that could achieve the same purpose as the proposed facilities;
- route or site;
- facility design; or
- construction method, including different means of development, implementation and mitigation.

Selection Criteria

Different project, routing, design and construction alternatives must be summarized and compared using criteria that justify and demonstrate how the proposed option was selected and why it is the preferred option. The level of detail provided by the applicant may reflect the more conceptual nature of the options.

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

- engineering design;
- economic feasibility or life span⁴ costs;
- effect on reliability and security of the existing system;
- demonstrated public concern; and
- environmental and socio-economic constraints or potential effects.

4.2.3 FILING REQUIREMENT – JUSTIFICATION

Provide a justification for the proposed project.

⁴ Life span includes planning, construction, maintenance, operation and abandonment.

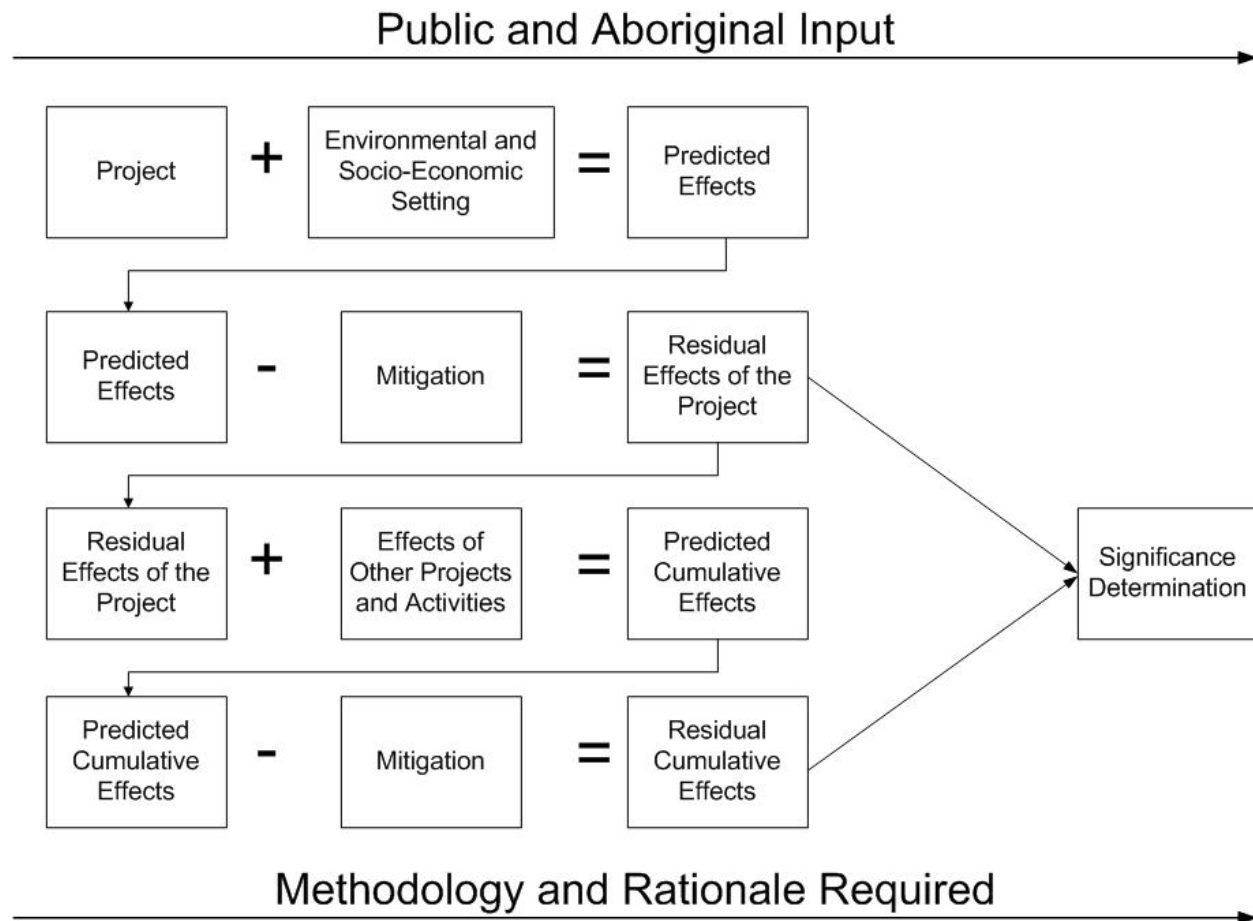
Guidance - Justification

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.

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Figure A2-1: The Applicant's ESA process

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

- the nature and scale of the project;
- the predicted effects of the project; and
- the level of public interest in the project.

The applicant must provide a defensible line of reasoning, supported by facts, to support the analysis and conclusions on identified issues and the environmental and socio-economic effects of the project.

Table A-1 in Subsection A.2.4 identifies circumstances that trigger the need for detailed information to be filed on specific biophysical or socio-economic components and considers all phases of an applied for project (construction, operation, maintenance and abandonment), including the potential for accidents and malfunctions during each phase. Tables A-2 and A-3, which follow Subsection A.2.7, identify those specific information requirements.

FYI – Additional Information...

For non-hearing NEB Act section 58 applications, the Board has an on-line application system (OAS) through which applicants can build and file their applications. Regardless of whether the OAS criteria are met, applicants should still refer to the guidance set out in the filing manual. In all cases applicants must submit a completed Environmental and Socio-Economic Interactions Table with their OAS application. If one or more of the OAS criteria cannot be met, the system guides the applicant back to the appropriate section of the filing manual to show the filing requirements necessary for a particular application. Generally, less complex projects will require less information to be filed, and more complex projects will result in larger and more complex applications. While a proponent's full ESA is not required to be filed for applications using the OAS, it must still be prepared and may be requested at any time. It may be helpful to include the ESA for applications where there are multiple or complex issues, or to provide clarity and efficiency in the review of an application.

A.2.2 The NEB's Approach to Environmental and Socio-Economic Assessment

The NEB has a broad mandate under the NEB Act and it may consider matters that appear to the Board to be directly related to the pipeline and relevant to its decisions or recommendations. The NEB is responsible for assessing the environmental and socio-economic effects of energy projects within its jurisdiction, such as international and interprovincial pipelines in Canada, certain natural gas processing plants, and related facilities and activities⁶. The NEB's environmental and socio-economic assessment responsibilities cover four distinct phases:

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

The NEB's objectives for environmental and socio-economic assessment are that:

- the potential effects of projects receive thorough consideration before any decisions on the project are made allowing a project to proceed;
- projects are not likely to cause significant adverse effects or contribute to significant adverse cumulative effects;
- there is an opportunity for meaningful public and Aboriginal participation; and
- the NEB's process and its decisions or recommendations are transparent and reflect the input received from those participating in the environmental assessment and regulatory review process.

FYI – Additional Information...

CEAA 2012 – Many larger proposed projects (e.g. the construction and operation of a new pipeline with a length of 40km or more) will require a CEAA 2012 assessment. Applicants should consult the CEAA 2012 *Regulations Designating Physical Activities* to confirm whether their proposed project may be designated under the CEAA 2012. In such circumstances proponents are encouraged to visit the CEA Agency's website for additional information and guidance about the CEAA 2012.

6 As noted in Section 1.2 of the *Filing Manual*, the ESA requirements described in the section are 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.

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

What is Scoping?

Appropriate scoping is the foundation upon which an effective environmental and socio-economic assessment is built. The scope ensures that the assessment focuses on relevant issues and concerns, and assists in determining the appropriate level of detail to include in the assessment. Proper scoping reduces the risk of including unimportant or irrelevant information in the assessment or excluding factors that should be assessed. Scoping is the process of identifying:

- the physical facilities and activities to include within the ESA; and
- what biophysical and socio-economic elements are likely to be affected.

FYI – See also...

Scoping information for cumulative effects assessment is provided in Subsection A.2.7.

The Applicant's Role in Scoping

The applicant's role in scoping includes:

- providing sufficient information for the NEB to fully understand the nature of the project it is to assess;
- ensuring the applicant's ESA focuses on relevant issues and concerns, including those identified by affected parties, and that an appropriate level of detail is included in the ESA; and
- considering the factors set out in s.19 of the CEAA 2012 as applicable, even for projects not governed by the CEAA 2012. The Board expects a complete ESA from an applicant, regardless of the applicability of the CEAA 2012.

To assist an applicant in scoping before filing an application, the NEB encourages the applicant to:

- request a meeting with Board staff to discuss process-related matters and be guided to examples of complete ESAs filed previously with the Board (see Chapter 1, Section 1.7 – Pre-Application Meetings Guidance Notes);
- consult any relevant Canadian Environmental Assessment Agency (CEA Agency) guidance documents and, if appropriate, discuss scoping any other relevant federal authorities (see Table 3-1 for potential considerations and contacts); and
- where appropriate, consult with other regulatory bodies at the provincial, territorial, regional, municipal or Aboriginal levels of government.

An application must clearly identify, describe and substantiate:

- the scope of the applied for project;
- other physical facilities and activities necessary to enable the project to proceed, including directly-related ancillary facilities, such as access roads including temporary and permanent

bridge crossings, construction camps, or pipe lay-up and storage areas, marine terminals and loading facilities; and

- other physical facilities and activities likely to occur if the applied for project is approved and proceeds, which may include power lines or upstream and downstream petroleum development activities and works directly related to the proposed project.

Scope of the assessment and the NEB

The scope of the project includes the physical facilities and activities making up the project and enabling it to proceed as applied for by the proponent. It may also include other physical facilities and activities that would be undertaken if the applied for project is approved and proceeds.⁷

The NEB determines the scope of the project by considering relevant case law, CEA Agency guidance and any other relevant commentary.

The NEB will review and assess the scope of the ESA based on the evidence before it. Although elements of the project or the scope of factors to be considered may change over the course of a proceeding (e.g., as a result of public or Aboriginal input, or changes to the project), the application is usually the prime source of information and starting point for establishing what the Board will consider in the environmental assessment of a project.

For projects subject to a public hearing, the NEB will release a List of Issues that sets out the issues the Board will consider in the hearing. Within the List of Issues, environmental matters are usually identified at a sufficiently broad level that all relevant environmental effects may be considered. It is important to note the requirements within this *Filing Manual* amount to a standing scoping document in lieu of the NEB preparing a project-specific scoping document for every project.

FYI – Reminder...

The requirements contained within this *Filing Manual* are essentially a generic scope of the assessment document applicable to any facility project. The description of the project within the proponent's application sets out the scope of the project. If the information submitted is not sufficient for the NEB to be clear on scope, the NEB will request more information, which could lengthen the assessment process.

Guidance – Scope of the Project

In evaluating whether to include other physical facilities and activities directly related to the proposed project, but which may be outside of the NEB's regulatory jurisdiction, the Board may consider factors such as:

- is the physical facility or activity within the control of the applicant for the primary project being applied for under the NEB Act?
- are mitigation measures and follow-up activities enforceable by the NEB, another federal or provincial department or agency, or person or body that will ensure implementation?

⁷ National Energy Board, Letter dated 17 September 1999, Re: Upstream Jurisdictional Issues

- are effects from the other physical facilities and activities relevant to the Board's decision or recommendation under the NEB Act?

FYI - Example...

The NEB's project assessment involves considering physical works and activities directly related to the proposed project, such as its construction and operations, and related physical works or undertakings. Since upstream and downstream facilities are generally not part of project applications, their environmental and socio-economic effects are also generally not considered.

However, the Board may in some cases consider the environmental and socio-economic effects in Canada of upstream or downstream facilities where there is a necessary connection between those facilities and the project before the Board. Some examples where the Board has decided to consider the environmental effects of upstream or downstream facilities as part of its NEB Act assessment include the Board's consideration of a U.S. power plant related to the Sumas Energy 2, Inc. project [see Ruling on the Environmental Effects Motion^(a)] and of certain provincially-regulated power plants related to the GSX Canada Pipeline Project^(b).

Separate from this, the Board does consider the effects of other projects as part of its cumulative effects assessment of a project if those effects act in combination with the effects from the proposed Project [see for example, the NEB's assessment of the Keystone Pipeline Project^(c)].

Given the unique circumstances associated with each project, applicants should consult the Regulatory Documents section of the Board's website for examples of the criteria the Board has applied in the past when deciding how to address upstream and downstream facilities in an application.

- (a) National Energy Board, EH-1-2000, Reasons for Decision, Sumas Energy 2 Inc. (Facilities), March 2004, Appendix III, Ruling on the Environmental Effects Motion, 9 December 2002, p. 125.
- (b) Joint Review Panel for the Georgia Strait Canada Pipeline Project, GH-4-2001, Joint Review Panel Report, Georgia Strait Crossing Pipeline Ltd., July 2003, Appendix D, Panel Rulings, Ruling: 31 May 2002.
- (c) National Energy Board, OH-1-2007, Reasons for Decision, TransCanada Keystone Pipeline GP Ltd. (Facilities), September 2007, p. 45-46.

CEAA 2012 Designated Physical Activities

For physical activities designated under the CEAA 2012, the NEB as the Responsible Authority must prepare a description of the factors to be taken into account in the EA and the scope of those factors. Section 19 of CEAA 2012 sets out the factors that must be taken into account. It is critical that applicants, in preparing their ESA's, apply section 19 and consider the scope of those factors based on guidance in this *Filing Manual*.

A.2.4 Level of Detail

The nature of the project, together with the environmental and socio-economic setting, establish the extent of interactions between the project and the environment. Those interactions form the basis on which effects are predicted, and for understanding the appropriate level of detail needed about the setting, interactions, and predicted effects. The extent of public interest may also guide the applicant in determining the level of detail necessary.

Where the project may impact Aboriginal communities and affect the use of traditional territory or potential or established treaty or Aboriginal rights, applicants must identify the potentially-affected Aboriginal groups and carry out effective consultations with them to determine their views and concerns. If there are potential impacts, applicants must file information about the Aboriginal groups affected, the concerns they have raised, how the applicant will address the concerns and identify any outstanding concerns. The level of detail provided should reflect the

nature and extent of the impacts, the nature of the rights or interests affected and the degree of concern expressed by Aboriginal groups.

The information provided by an applicant in its ESA must be of sufficient detail to allow the NEB to:

- identify the spatial and temporal extent of interactions between the project and the biophysical and human environments;
- identify the potential effects of the project;
- identify the potential for the environment to affect the project; and
- determine the significance of those effects.

FYI – Example...

As an example, a project crossing a small and ephemeral watercourse, during the dry period, with no activities or physical works within a fisheries-sensitive zone would likely require less detail on effects on fish and fish habitat than a project requiring in-stream construction work in a fish-bearing watercourse during spawning periods.

The applicant must clearly rationalize the level of detail provided. This is typically reflected through the following:

- Description of the project: information describing how the project would cross the watercourse (primary and alternative methods), and whether any physical works or construction would be required in or immediately adjacent to the watercourse and, if so, what these could be and how they might take place;
- Environmental setting: information on the nature of the watercourse, shores, riparian zones, erosive features, its fisheries and fish habitat potential;
- Interactions: information describing the proposed timing of construction, the spatial extent of interactions, any loss of riparian or fish habitat, and extent of any potential release of a deleterious substance into the watercourse;
- Predicted effects: information on any direct and indirect effects on water quality, habitat, fish and on which life including if the project may result in a serious harm to fish that are part of a commercial, recreational or aboriginal fishery, or to fish the support such a fishery, or any effects on other wildlife; and
- Results of consultation with other regulators: information detailing the results of any consultation with Fisheries and Oceans Canada should an aquatic species under SARA or its critical habitat be present; and the measures that will be taken to ensure compliance.

The ESA must include both quantitative and qualitative information. Applicants must consider the extent to which detailed maps, survey and trend data, or diagrams or figures relating to specific areas of biophysical or socio-economic elements of interest or concern may enhance the assessment. The number and nature of biophysical and socio-economic elements considered within an ESA, and the supporting level of detail necessary, will vary depending on the setting and issues raised about the project.

Table A-1 below provides examples of the range of circumstances that may lead to the need for detailed information and considers all phases of an applied for project (construction, operation, maintenance and abandonment), including the potential for accidents and malfunctions during each phase. Where circumstances described in Table A-1 exist, Tables A-2 and A-3 describe the specific details to include in the assessment.

representative subset of those elements. In that way, the analysis of potential effects focuses on the components of those biophysical or socio-economic elements where project-environment interactions are more readily assessable, and on the interactions that may be of concern to the public or Aboriginal groups (often termed Valued Environmental Components [VECs] or Valued Socio-Economic Components [VSCs]). The valued components selected must:

- be indicative of predicted effects that could result from the project over time;
- have baseline data available in order to determine the significance of effects; and
- be able to reflect measurable changes that result from the project effects over time.

The analysis should result in an understanding of where uncertainty about project-environment interactions may exist, or where information gaps necessary to predict effects may remain.

Spatial and Temporal Boundaries

The spatial and temporal boundaries must:

- be provided for each valued component, along with a rationale for selecting those boundaries;
- include the area over which effects on the valued components may occur. This area could include a population boundary, home range, airshed, watershed, Aboriginal traditional land and resource use areas, or municipal or regional planning districts;
- include the duration that each valued component may be affected;
- consider the effects of the project on the valued component and the extent to which those effects are measurable;
- include all phases of the project; and
- not be constrained by jurisdictional boundaries.

Analysis

The analysis methods must be fully disclosed and meet the study needs. In addition to meeting the requirements of other regulations (*e.g.*, *Species at Risk Act* [SARA], *Migratory Bird Convention Act* [MBCA], *Fisheries Act*, etc.), the analysis of project effects must take into account local, regional and federal policy or management objectives (*e.g.*, recovery strategies, action plans, management plans and land use plans) and thresholds. Where there are no management objectives or thresholds, include information on the current state of knowledge on the valued component. After a review of the available literature, if the state of knowledge is incomplete or there is substantial uncertainty, identify any information gaps, and indicate if and how they will be filled. Where uncertainty exists about the project effects on a valued component, describe how the inspection and monitoring program will reduce the uncertainty.

Where there is applicable local and traditional knowledge, it must be included in the ESA. See Section 3.4 – Consultation, for further details on consulting with Aboriginal persons and groups and gathering traditional knowledge.

Effects Assessment for Accidents and Malfunctions

The prevention of any accidents and malfunctions associated with NEB-regulated projects is the NEB's goal. In the event an accident or malfunction does occur, the Board will hold its regulated companies accountable for an appropriate response under their Emergency Management Program. This program is required by section 32 of the OPR (see also Section 3.3).

The applicant's ESA must identify and assess the effects on workers, the public, and biophysical and socio-economic elements of all potential accidents and malfunctions.

Accidents and malfunctions and associated emergencies can result from numerous events, including pipeline and equipment failure, human error, natural perils such as tornadoes, hurricanes, floods, or earthquakes, and terrorism or other criminal activities. Multi-hazard emergencies, such as an earthquake, may cause pipeline breaks, fires and explosions, which result in injury and further property damage.

The level of detail provided on potential effects of accidents and malfunctions will depend on the:

- type, scale, and location of the proposed project;
- type(s) and characteristics of product(s) to be transported or processed;
- environmental and socio-economic sensitivities within potentially affected areas; and
- extent to which an applicant's existing Emergency Management Program and other plans and manuals address the issues and concerns about the proposed project.

Abandonment, Deactivation, and Decommissioning

As described in Guide B (Abandonment), an application for abandonment must be filed for all NEB-regulated facilities when they have reached their end of life, including associated decommissioned facilities. A public hearing is required under the NEB Act. Pipeline deactivation and decommissioning activities may also be subject to regulatory provisions within the OPR (Refer to Guide G for Deactivation and Guide K for Decommissioning). Applicants must consult those regulations and associated guidance notes as appropriate.

In an application for proposed new facilities, the NEB typically only examines abandonment and decommissioning activities in a broad context. A separate environmental and socio-economic assessment, specific to decommissioning or abandonment activities, will be required in the future when the facilities are ready to be decommissioned or abandoned.

The level of detail provided may be constrained by the uncertainties inherent with forecasting a phase of the project that may be several decades in the future. However, an applicant is still required to provide a preliminary abandonment plan as part of its ESA to support its estimates of funds required by the NEB to be set aside during the life of the pipeline for abandonment. The plan should:

- describe what pipeline components would be removed, reused or left in place and provide the rationale for doing so. Where site specific situations require special methodology then details should be provided;
- provide the reclamation objectives or principles to be applied to abandonment;

- provide sufficient information to demonstrate that abandonment of the project will return the right of way to a state comparable with the surrounding environment;
- be developed in consultation with the persons or groups potentially affected;
- provide the estimated total cost to abandon, as well as the Collection Period over which revenue will be accumulated (if proposing a trust as a set-aside mechanism for abandonment funding); and
- determine the significance of any effects remaining following mitigation, including the significance of cumulative effects.

Post-Abandonment

Pursuant to subsection 48.1(1) of the NEB Act no person shall, without the Board's leave, make contact with, alter or remove an abandoned pipeline. Please contact the Board for filing requirements for proposed contact with, alteration or removal of an abandoned pipeline.

A.2.6.2 Mitigation Measures

Filing Requirements – Mitigation Measures

1. Describe the standard and project specific mitigation measures and their adequacy for addressing the project effects, or clearly reference specific sections of company manuals that provide mitigation measures. Ensure that referenced manuals are current and filed with the NEB.

FYI – Reminder...

See Section 1.6 - Previously Filed Material, for guidelines on referring to information already filed with the Board.

- If more than one mitigation measure is proposed as a possibility for any particular effect, provide the applicable criteria for selecting the mitigation to use, or describe how measures would be combined to mitigate against a single effect.
 - If new mitigation measures are to be used, provide any test results or a technically-based rationale for their use and describe how their effectiveness will be evaluated.
 - Ensure mitigation measures are appropriate for the scale of impacts predicted.
 - If project effects cannot be avoided, mitigation must reduce or compensate for them.
 - Where an applicant hires a third party to prepare its ESA, provide a statement committing to adopting and implementing all mitigation recommendations included in the ESA. Explain any mitigation recommendations not adopted and provide alternative approaches, as appropriate.
 - Identify the conditions of approvals or permits required by other regulatory bodies related to the mitigation of environmental or socio-economic effects.
2. Ensure that commitments about mitigative measures will be communicated to field staff for implementation through an Environmental Protection Plan (EP Plan). An EP Plan might be simple and concise for smaller, less complex projects but for certain projects (see guidance

below), the NEB may require a comprehensive EP Plan. An EP Plan must include all environmental commitments specific to the project and include or cross-reference other plans and programs relied on. Describe any plans or programs that may be used to mitigate potential effects (*e.g.*, waste management plans, invasive species plans, horizontal directional drill contingency plans, heritage resource discovery contingency plans, etc.).

3. Describe plans and measures to address potential effects of accidents and malfunctions during construction and operation of the project (see guidance under Identification and Analysis of Effects, Accidents and Malfunctions in Subsection A.2.6). Under the OPR and associated guidance material, companies are required to have a Security Management Program and an Emergency Management Program (see Section 3.3). These programs must be submitted or referenced for each application.

Guidance - Mitigation Measures

Mitigation measures are:

- developed during a project's feasibility study;
- developed during project design;
- defined in the project plan;
- refined as the ESA progresses and the project's predicted environmental and socio-economic effects become more certain; and
- may be standard or project-specific measures.

The identification and analysis of effects and mitigation measures may be presented together.

Mitigation Options

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

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

Including the options and selection criteria for contingency measures in an EP Plan may avoid having to submit variance applications to the NEB if changes in field conditions require use of construction alternatives.

FYI – Reminder...

In some cases, the proposed route or site, route segments, facility design or construction methods may themselves be forms of environmental mitigation when compared to alternative routing, design or construction methods. This may be demonstrated in the application's discussion of alternatives (see Subsections 4.2.2 and A.2.3) by:

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

Construction Methods

An applicant must justify its proposed construction method and why this method is the best alternative. Applicants should consider construction methods that minimize environmental and socio-economic effects while allowing for safe and efficient installation of a pipeline. For example, low impact pipelining uses a narrower strip of land to excavate the trench, install the pipe, compact the subsoil and replace the topsoil all in one continuous operation. This method has been effective in minimizing adverse impact on agricultural-land, forested land and sensitive habitats, such as native prairie. When using this method, topsoil disturbance is reduced, with stripping just slightly wider than the trench. Once the pipeline is lowered into place, the subsoil is returned to the trench and mechanically compacted in layers. The topsoil is then replaced over the levelled trench and land is immediately available for production.

The applicability of low impact pipelining methods will vary according to pipe diameter, topography, and other project-specific factors. However the principles of minimizing disturbance to the land and optimizing construction efficiencies typically result in lesser environmental effects.

Additionally, avoiding instream construction across navigable waterways outside of seasonally dry and frozen conditions can result in less impact to navigation and navigation safety.

Environmental Protection Plan (EP Plan)

Although the NEB expects an EP Plan to be prepared for all projects, the size and scope of an EP Plan will vary. An EP Plan is specific to a project or activity and is a tool to communicate a company's environmental protection procedures and mitigation measures to employees, contractors, and regulators. The purpose of an EP Plan 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.

The NEB may request the EP Plan to be filed during the examination of an application, or as a condition of approval to be complied with before construction. The NEB may expect a comprehensive EP Plan to be filed under the following circumstances:

- when the applicant does not have up-to-date company manuals on file with the NEB that document its environmental protection procedures;
- 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; or
- if the application and assessment process is lengthy or complex, and environmental protection measures and commitments are contained in several different places or documents. (*e.g.*, responses to information requests).

A comprehensive EP Plans is typically required for larger facility applications under section 52 or 58 of the NEB Act. In these circumstances, the NEB encourages companies to submit a draft EP Plan containing all preliminary environmental protection and mitigation measures with their application to assist the NEB in assessing the application. Should the project be approved, the NEB often requires the company to file an updated EP Plan before starting construction.

When preparing its EP Plan, an applicant should consider:

- identifying specific goals for protecting environmental elements and addressing socio-economic elements;
- describing the environmental protection objective for each goal, and providing mitigative options to meet those objectives based on site-specific conditions; and
- providing decision-making criteria for choosing which measures and procedures to implement and under what circumstances for each objective.

Draft EP Plan

If a draft EP Plan is filed with the application, it should contain:

- the purpose of the EP Plan, a summary of the project with a map, and a description of how environmental compliance would be met for the project;
- the resource-specific mitigation to be applied for the project, and the general environmental protection measures for each phase of construction;
- (or reference) relevant construction specifications and drawings to execute environmental mitigation measures, and the corresponding environmental alignment sheets;
- (or cross-reference) other more detailed plans as applicable (*e.g.*, waste management plan, emergency and security management plans, contingency plans, and other element-specific management plans and programs);
- the assignment of accountabilities and responsibilities for carrying out practices and procedures, making criteria-based decisions and confirming compliance with the Environmental Protection Program (required by the OPR); and
- a table of contacts for reporting environmental incidents as required by other regulators (and the OPR).

Final EP Plan

A final comprehensive EP Plan must:

- include all items required in a draft EP Plan;
- if relevant, include an amendment or concordance table detailing changes from the draft to final version of the EP Plan;
- incorporate all environmental commitments made during the NEB application assessment process, including all requirements set out in permits, orders, certificates, or any other authorizations;
- include a copy of any NEB discussion or assessment of environmental matters as set out in or attached to the NEB certificate or order;
- include additional requirements as a result of season-specific field surveys conducted before construction;
- include the GPS locations for environmentally-sensitive areas identified in the surveys; and

<p>users and describe the consultation conducted with waterway users and Aboriginal groups regarding navigational use, issues raised, and how issues have been addressed.</p> <p>4. Describe project effects on navigation and navigation safety.</p> <p>5. Describe proposed mitigation measures to address project effects on navigation and navigation safety.</p>	
Employment and Economy	
Filing Requirements	Guidance
<ol style="list-style-type: none"> 1. Describe the local and regional employment situation in the study area. 2. Describe any local or regional training and employment development plans. 3. Describe the ability of local and Aboriginal residents and businesses to provide labour services, equipment, supplies and other contracting needs during construction, operation and maintenance of the project. 4. Describe plans to encourage local and Aboriginal employment, procurement and contracting opportunities. 5. Describe any training programs the applicant 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 affect local, regional, provincial, territorial or federal government revenues from tax levies or other means during construction and operation, provide a quantitative assessment of the potential effects. <p>Where residual effects have been predicted, identify whether those residual effects would be likely to act in combination with the effects of other physical facilities or activities and expand on the matters described above as appropriate.</p>	<p>The assessment must 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 must 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 must describe those situations when the project may directly or indirectly create economic hardship or the displacement of workers or businesses, including any mitigative measures to address these effects.</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 made.</p>

A.3 Economics and Financing

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 and that sufficient funds will be available for abandonment requirements.

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.

Table A-4: Overview of Supply, Transportation and Markets Filing Requirements

Scope of Project	Commodity Source Type	Supply	Transportation	Markets
<div>Major Project</div> <div></div> <div>Local Connection</div>	Basin-wide supply source (e.g., a mainline)	<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>New Pipeline (larger project)</p> <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>More shippers</p> <p>Comprehensive market analysis with justification that incremental or new volumes will be absorbed. Evidence that downstream facilities are physically able to receive incremental volumes.</p>
	Localized supply source (e.g., part of a gathering system)		<p>Expansion (larger 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: 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>Fewer shippers</p> <p>Comprehensive market description and assurance of demand for incremental volumes. Assurance that downstream facilities are physically able to receive incremental volumes.</p>
			<p>New Pipeline (smaller project)</p> <p>Pipeline Capacity:</p> <ul style="list-style-type: none">Total capacity of the pipeline.Justification that the pipeline 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 downstream facilities are physically able to receive incremental volumes.</p>
		<p>Expansion (smaller project)</p> <p>Pipeline Capacity:</p> <ul style="list-style-type: none">Before expansionIncremental 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>No third party shippers</p> <p>Assurance of demand for incremental volumes.</p>	
	Change in commodity	When more than one commodity: Discussion pertaining to segregation of commodities and potential contamination issues or costs.	Market information is appropriate to scope of the project, as above.	Market information is appropriate to scope of the project, as above.

A.3.4 Financing and Financial Resources

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 and the potential costs associated with the risks and liabilities that arise during the construction and operation of the Project, including a significant incident (see the NEB's [Event Reporting Guidelines](#) for a definition of "significant incident");
- any changes to the financial risk of the company associated with its intended method of financing the facilities;
- the impact of the proposed facilities on the applicant's abandonment cost estimate and the collection of these costs; 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 4.

In addition, applications with significant toll impacts must also include the information stated in requirement 5.

1. Provide evidence of the ability to finance the proposed facilities.
2. Provide evidence that the applicant can manage the potential costs associated with the risks and liabilities that arise during the construction and operation of the Project, including a significant incident involving a product release.
3. Indicate the estimated toll impact for the first full year that the facilities are expected to be in service.
4. 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.
5. Provide a discussion on how the applicant will address the impact of the proposed facilities on funding for abandonment;
6. 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.

Ownership Structure

The applicant should describe the corporate structure, including at a minimum:

- a) The corporate structure chart showing the applicant, its subsidiaries, owning entities and affiliates; and
- b) A description summarizing each entity's ownership and the operating relationships with each other.

This chart in a) and the description in b) must show, but need not be restricted to:

- i. the ownership of each entity and their jurisdiction of incorporation or registration; and

Where limited partnerships are involved, a description of

- ii. the general and limited partners in each limited partnership; and
- iii. the respective roles and responsibilities of each of these entities in managing the limited partnerships, and operating the pipeline and related facilities.

Financial Resources

Oil pipeline projects with a capacity of 250,000 bbl per day or more are expected to provide information on how the applicant can sustain management of the potential costs associated with the risks and liabilities that arise during the construction and operation of the Project, including a significant incident involving a product release:

- a) A description of the applicant's various types and amounts of financial resources, including the applicant's readily accessible financial resources;
- b) Key features with respect to third party liability insurance coverage plus description of whether the coverage is for the applicant or project alone or part of an umbrella coverage policy;
- c) The basis for determining the amount of the financial resources required, taking into account the risk assessment for the Project, the costs of accidents and malfunctions, and any and all threats;
- d) With respect to the costs of a hydrocarbon spill, identification of different cost categories (e.g.: clean up and remediation versus compensation) and location variables that would influence total costs;
- e) Evidence of how the risk assessment results have been applied to anticipate, prevent, manage, and mitigate potential hazards during the design and operation of the project to minimize the quantity of hydrocarbons in the event of a spill;
- f) An overview of plans for operating practices to avoid human error; and
- g) An overview of how the applicant has factored its Emergency Prevention, Preparedness and Response Plan into its estimates of spill quantities and costs of an accident or malfunction.

(Additional information would be expected where marine shipping is involved.)

For the meaning of "risk assessment" and "risk assessment results" see CSA Z662-15, Clause 3, and Annex B, Guidelines for Risk Assessment of Pipeline Systems.

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.

Abandonment Funding Information

In 2008 the National Energy Board identified the following issue: What is the optimal way to ensure that funds are available when abandonment costs are incurred?

The Board determined, in the RH-2-2008 Reasons for Decision, that abandonment costs are a legitimate cost of providing service and are recoverable upon Board approval from users of the system. The Board also stated that landowners will not be liable for costs of pipeline abandonment.

All pipeline companies regulated under the *National Energy Board Act* are required to comply with the Board's decisions regarding abandonment funding.

Applicants with existing NEB-regulated facilities must use their Board-approved Abandonment Cost Estimate to calculate the annual amount to be set aside. Each Applicant must use the specific methodology that was approved for it by the Board in the MH-001-2013 Reasons for Decision.

For Group 1 companies, calculate the change in Abandonment Cost Estimate relative to the total Board-approved Abandonment Cost Estimate for this system.

For Group 2 companies, calculate the change in Abandonment Cost Estimate relative to the total Abandonment Cost Estimate for all your NEB regulated pipelines.

Information on abandonment funding should include the following:

- Current Board-approved Abandonment Cost Estimate.
- Change these proposed facilities will have on the Board-approved Abandonment Cost Estimate.
- Description on how you intend to address the change in your Abandonment Cost Estimate (i.e. how will this impact your set aside mechanism, collection mechanism, tolls or tariffs).

Applicants new to the Board's regulation require approval of the Abandonment Cost Estimate for the proposed facilities, as well as a process and mechanism for setting-aside abandonment funds. Information on abandonment funding should include the following:

- Proposed Abandonment Cost Estimate for the facilities.
- Description on how you intend to set-aside funds (either a trust, letter of credit, or surety bond) and a draft copy of the proposed set-aside mechanism;
 - If using a trust, a proposed trustee for the trust, and a description of whether or not the trustee is regulated under the *Trust and Loan Companies Act*; and
- Description on how you intend to collect the funds.

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

Confirm that all non-NEB regulatory approvals required to allow the applicant to meet its construction schedule, planned in-service date and to allow the facilities to be used and useful are or will be in place.

If any of 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 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

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.

Appropriate Dispute Resolution (ADR)

The Board fosters open and respectful discussion between parties affected by NEB regulated projects to settle issues that may arise between parties throughout the project lifecycle. The Board recognizes that a range of interest-based dispute resolution techniques, appropriate to the circumstance, are available and may be effective in dealing with such issues and disagreements. Interest-based techniques should be considered as alternative or complementary to traditional regulatory or litigated processes, such as the Detailed Route Hearing, and at the earliest opportunity for best results.

Parties are encouraged to consider ADR in their project planning and as soon as possible to resolve issues and manage conflict. Board staff with ADR specialization are available to assist stakeholders identify and design dispute resolution processes appropriate to their unique needs at any stage of 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: *NEB Landowner Guide*.⁹

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 others 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 *NEB Landowner Guide*¹⁰ is available on the Board's website (www.neb-one.gc.ca) and copies are available from the NEB Library.

⁹ Previously titled: *Pipeline Regulation in Canada: A Guide for Landowners and the Public*

¹⁰ Previously titled *Pipeline Regulation in Canada: A Guide for Landowners and the Public*

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.

FYI – Reminder: See Section A.4.2.4

The Board encourages ADR interest-based approaches as alternative or complementary to traditional regulatory or litigated dispute resolution processes.

- For best results consider interest-based techniques to resolve issues at earliest opportunity
- Board ADR specialists are available to assist parties identify and design processes appropriate to their situation and unique circumstances.

Next Steps....

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

Guide C – PROTECTION OF PIPELINES FROM GROUND DISTURBANCE, FACILITY CONSTRUCTION, CROSSINGS AND MINING OPERATIONS (NEB ACT S.112 AND S.81)

C.1 Ground Disturbance, Facility Construction and Crossings Near Pipelines (NEB Act s.112, *National Energy Board Damage Prevention Regulations – Authorizations*)

Goal

The application includes information with respect to:

- a facility proposed for construction across, on, along or under a pipeline;
- a proposed activity that causes a ground disturbance¹¹ within the prescribed area, which is a strip of land measured 30 m perpendicularly on each side from the centreline of the pipe (*National Energy Board Damage Prevention Regulations – Authorizations (DPR – Authorizations)*);
- vehicle or mobile equipment proposed to operate across the pipeline outside the travel portion of a highway or public road; or
- a facility across, on, along or under the pipeline that is to be reconstructed, altered or removed.

Filing Requirements

Construction of facilities across pipelines and activities causing ground disturbance

1. For an application to construct a facility across, on, along or under a pipeline where consent has not been obtained from the pipeline company or measures outlined in the *DPR – Authorizations* cannot be met, 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 to conduct an activity causing a ground disturbance in the prescribed area where consent has not been obtained from the pipeline company or measures outlined in the *DPR – Authorizations* cannot be met, provide:
 - the purpose and location of the activity;
 - a description of the activity(s) resulting in a ground disturbance; and
 - the rationale for seeking approval from the Board.

¹¹ NEB Act, section 2: “ground disturbance” does not include a ground disturbance caused by:

- cultivation to a depth of less than 45 cm below the surface of the ground
- any other activity to a depth of less than 30 cm and that does not result in a reduction of the earth cover over the pipeline to a depth that is less than the cover provided when the pipeline was constructed.

3. For applications to construct a facility or to conduct an activity causing a ground disturbance in the prescribed area, provide an ESA (see Section A.2 within Guide A)

Crossing pipelines with vehicles and mobile equipment

4. For an application to operate a vehicle or mobile equipment across a pipeline where consent has not been obtained from the pipeline company, 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 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

Construction of facilities across pipelines and activities causing ground disturbance

An application is not required for activities (construction of facilities, activities causing ground disturbance, crossings) for which the requirements outlined in the *DPR – Authorizations* have been met.

An application for activities causing a ground disturbance is not required where the activity is:

- to a depth of less than 30 cm and that does not result in a reduction of the earth cover over the pipeline to a depth that is less than the cover provided when the pipeline was constructed; or
- cultivation to a depth that is less than 45 cm below the surface of the ground.

Crossing pipelines with vehicles and mobile equipment

Crossing along a travelled portion of a highway or public road

An application for a mobile equipment or vehicle crossing is not required if the crossing is to occur along the travelled portion of a highway or public road.

Crossing with vehicles for agricultural activity

Equipment that is used to perform an agricultural activity may cross a pipeline if the following conditions are met:

- the loaded axle weight and tire pressures are within the manufacturers approved limits and operating guidelines; and
- the point of crossing has not been identified by the pipeline company as a location where agricultural activities have the potential to damage the pipeline.

Multiple Activities

Where multiple activities are proposed (e.g. both a crossing and ground disturbance), an application may be required for one of the activities even though the other activity may fall within one of the above-mentioned categories that do not require an application.

Filing an Application

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 (including the pipeline company) 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 obtain the pipeline company's consent for the activity prior to making the application to the Board including the reasons given by the pipeline company for withholding its consent. If applicable, please provide an explanation why certain measures outlined in the *DPR – Authorizations* cannot be met.

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 Section A.2 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. For applications filed under section 81 of the NEB Act, provide an ESA (see Section A.2 within Guide A)

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 Section A.2 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 K – DECOMMISSIONING

K.1 Filing Requirements – General Requirements

1. Provide a complete description of the facilities being decommissioned. This should include a description of any adjacent facilities that are impediments to allowing the facility to be abandoned.
2. An application for abandonment must be filed for all NEB-regulated facilities when they have reached their end of life, including associated decommissioned facilities. Therefore companies should demonstrate that they are planning for eventual abandonment of decommissioned facilities by providing the anticipated timing of abandonment activities (as best known at this time) for each facility being decommissioned as well as any measures taken to prepare for this eventual abandonment.

K.2 Filing Requirements – Engineering

1. Pipeline:

Provide details to confirm that the pipeline is going to be:

- emptied of service fluids;
- purged or appropriately cleaned or both in a manner that leaves no mobile materials remaining in the pipeline;
- physically separated from any in-service piping;
- capped, plugged, or otherwise effectively sealed;
- left without any internal pressure;
- left in a state where road, railway or utility crossings are not at risk of disturbance due to settlement;
- equipped with signage; and
- monitored as appropriate for subsidence and to maintain adequate cover for existing and future land use.

Note: Pipelines containing liners or constructed of polymeric pipe may require repeat purging and maintenance to accommodate out gassing of hydrocarbon or H₂S. See CSA Z662 clause 13.2.8.6.

2. Surface Equipment:

Provide details on the removal of pipeline related surface equipment.

- describe equipment to be removed to pipeline depth, except where surface equipment is within an existing surface facility that is in continuing operation, or is required for the operation of any other remaining pipelines.

Examples of such equipment could be, but are not limited to: pipeline risers, liner vent piping, casing vents, underground vault vents or valve extenders, inspection bell

- holes, and cathodic protection rectifiers, test posts, or anode wiring, storage tanks and associated piping and equipment.
- describe how above ground pipelines and all related surface equipment are to be decommissioned except where they are part of or within an existing surface facility that is in continuing operation, or is required for the operation of any other remaining pipelines.
3. Facilities:
- Provide details on decommissioning of pipeline related facilities such as compressors and pump stations unless they are still part of an operating site. Disposition of associated piping, supports and foundations shall also be described.
4. Underground Components:
- Provide details on the decommissioning of underground vaults and closed-top pits. Discuss the decommissioning of any underground tanks in relation to requirements in API 1604.
5. Records:
- Describe the records that are to be maintained of all pipeline components and facilities that are to be decommissioned.

K.3 Filing Requirements - Environmental & Socio-Economic

1. Describe the ecological setting and current land use of the project footprint as well as adjacent areas.
2. Describe any known areas of contamination in the project areas as well as historical, ongoing or planned remediation activities associated with those sites. Describe any regulatory requirements for the reclamation and remediation of these sites and how these requirements will be met.
3. Provide an Environmental and Socio-Economic Assessment (ESA) (see guidance notes below).
4. For decommissioning projects that are located outside of lands owned or leased by the applicant, provide a monitoring plan outlining how the decommissioned facility will be monitored for the period of time between decommissioning and abandonment. This plan should include:
 - a description of the baseline data that has been collected or obtained for future monitoring results to be measured against. Baseline data should be of sufficient scale, scope and intensity to meet project monitoring requirements.
 - A description of how soils, vegetation establishment, invasive weeds, wetland hydrology and surface and ground water quality will be monitored.
 - Contingency plans for the discovery of soil and water contamination, loss of depth of cover, or extreme weather events affecting the integrity of the decommissioned facilities.

- Input from interested parties. Any comments from stakeholders should be considered and, where appropriate, incorporated into the plan.
5. For decommissioning projects that are located outside of lands owned or leased by the applicant, provide an explanation of how natural regeneration of the project footprint in forested areas or native prairie have been considered in the planning for decommissioning. This should include:
- a discussion of whether or not non-agricultural lands will be allowed to naturally re-vegetate while the facility is in a decommissioned state; and
 - a discussion of any limitations that this would have on the ability to monitor the facilities. A discussion of whether allowing re-vegetation of the project footprint would limit future physical abandonment choices (i.e., pipeline removal vs. abandonment in place). And if so, how that has been factored into decommissioning planning.

K.4 Filing Requirements - Economics

1. Provide details of the costs associated with the proposed decommissioning.
2. Confirm that funding is and will be available to finance the proposed decommissioning project.
3. Where the pipeline has or is likely in future to have third party shippers, provide:
 - Information on the original book cost of the facilities and accumulated depreciation to the retirement date
 - Explain any impact on remaining ratebase, providing 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.
4. Explain the impact on the company's abandonment funding program or verify that the decommissioning does not impact it. For example, explain:
 - Any resulting changes to the abandonment cost estimate for the system, or to the estimated timing of abandonment for various segments;
 - Any resulting changes to the plans to fund future abandonment costs.

K.5 Filing Requirements - Lands Information

1. Describe the location and the dimensions of the existing RoW or facility lands that would be affected by the decommissioning activities.
2. Provide a map or site plan of the facilities to be decommissioned.

3. Identify the locations and dimensions of any temporary workspace required for decommissioning activities
4. Provide a record of public consultation activities that have been undertaken with affected landowners. This record should include a description of:
 - All discussions with landowners regarding the proposed decommissioning activities;
 - A summary of any issues or concerns identified by the landowner; and
 - How the applicant proposes to address any concerns or issues raised by potentially affected people or landowners or an explanation as to why no further action is required.
5. Provide a plan for how consultation with affected people or landowners will be conducted during the period of time between decommissioning and abandonment.

K.6 Filing Requirements - Consultation

1. The Board expects applicants will consider consultation for all projects. Please refer to Chapter 3.3 of the NEB's Filing Manual for additional information. Sharing contamination remediation plans, if any, with landowners, stakeholders – refer to Abandonment Guide B.2

Guidance

Environment and Socio-Economic

Environmental and Socio-Economic Assessment

The Board requires proponents to conduct an ESA for all valued components for which decommissioning activities may potentially interact. ESA requirements are outlined in Guide A, Section A.2 of this *Filing Manual*. Section A.2.4 describes the level of detail required in an ESA, and Table A-1 provides examples of the range of circumstances that may lead to the need for detailed information.

For smaller projects that may have fewer interactions with the valued components, proponents may choose to file an environmental and socio-economic interactions table with their application. This table should include a description of any potential adverse effects that may result from the project, the mitigation that would be implemented to avoid or minimize those effects, and any potential residual effects, as well as cumulative effects.

Decommissioning Plan

An application to decommission the operation of a pipeline could include an decommissioning plan tailored to the individual project and should include input from interested parties such as:

- landowners;

- aboriginal groups;
- occupants;
- land managers;
- lessees;
- municipal agencies (federal or provincial);
- shippers; and
- upstream and downstream users.

If a decommissioning plan is shared with interested parties, any comments from these 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.

Economics and Finance

Decommissioning Costs

Describe the methodology and assumptions used to estimate costs. Identify and describe any associated section 52 or 58 applications. Provide a level of detail and technical description appropriate to allow regulators, the public, and others to understand the estimates to a reasonable level.

As decommissioning is not the final stage in the lifecycle of a Board-regulated pipeline, provide estimates of average annual future costs for post-decommissioning activities.

Provide estimates of:

- any future costs associated with maintaining these facilities in a decommissioned state, up until abandonment of these and nearby facilities.
- the costs to complete the abandonment of these facilities (including recognition of costs of post abandonment activities (i.e., for any facilities proposed to be left in the ground, the costs of monitoring and contingent remediation of any discoveries of contamination or subsidence).
- explain if and how the total costs to abandon the entire pipeline system have been adjusted for the decommissioning of these facilities, and any related impact on funding for those future costs that remain.

For more information, refer to RH-2-2008, MH-001-2012, MH-001-2013 and the 4 March 2010 Revisions to the Base Case.

Liability Exposure

As decommissioning is not the final stage in the lifecycle of Board-regulated pipelines, the description of future liabilities should include:

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

Describe the methodology and assumptions used to estimate costs. Identify and describe any associated section 52 or 58 applications. Provide a level of detail and technical description appropriate to allow regulators, the public, and others to understand the estimates to a reasonable level.

Financing

The confirmation that funding is available for the decommissioning work, and the funding will continue to be available to fund the future abandonment, including updated description of any funding, financial guarantees or other arrangements designed to cover these costs.

If the pipeline will still be providing service to third party shippers, include:

- 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.

Explain how this decommissioning plan compares to the abandonment plan for these facilities or this site.

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 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;
 - the grounds that the applicant considers sufficient
 - in the case of a review, to raise a doubt as to the correctness of the decision or order, or
 - in the case of a rehearing, to establish the requirement for rehearing, including:
 - a) any error of law or jurisdiction;
 - b) changed circumstances or new facts that have arisen since the close or the original proceeding; or
 - c) 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

In Part III of the Board's Rules, and in this guidance, a reference to an application for review includes an application to vary or rescind any decision or order of the Board.

Reviews or Rehearings

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.

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.

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.

Variance Applications

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 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 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.

A variance to a certificate or order under section 21 is required where the company who operates the pipeline will change, for example, in the event of a sale, purchase, transfer or lease of a pipeline, or amalgamation, for which leave was granted by the Board under section 74.

Where the company who is authorized under the order or certificate to operate the pipeline has not changed (e.g., in the event of a simple corporate name change), a variance is not required.

However, for administrative purposes, the Board strongly encourages companies to notify the Board and request an amendment to their order or certificate in the event of a corporate name change. At a minimum, and if not done earlier, the changes should be noted when filing certain annual compliance information each January.¹²

Further, in the event of a variance or corporate name change, signage on facilities and communication with landowners must be updated within 30 days to facilitate communication and safety reporting (see OPR, paragraph 36(f)).

Next Steps....

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

¹² See MH-001-2013 Reasons for Decision Set-aside and collection mechanisms May 2014 Pipeline Abandonment – Financial issues, Appendix XV Reporting Form – Companies using Trusts for Set-aside mechanism, Appendix XVI and Appendix XVI Reporting Form – companies using Set-aside mechanisms other than trusts, and Exempt Companies, page 157-8, pdf 175-6.

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.

Leave of the Board is required under paragraphs 74(1)(a) and/or (b) of the NEB Act if a company intends to sell, purchase, transfer or lease pipeline facilities or assets that **are** regulated by the Board, or that **would be regulated** by the Board after the transaction.

The word “company” as defined in section 2 of the NEB Act encompasses entities incorporated (or continued and not discontinued) under provincial corporate legislation.

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.
3. Provide a confirmation that a copy of the records set out in section 10.4 of CSA Z662-11 and section 56(e) to 56(g) of the OPR have been provided to the new owner of the facilities.
4. The estimated cost to abandon the facilities.

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.
6. If the records set out in section 10.4 of CSA Z662-11 and section 56(e) to 56(g) of OPR do not exist, the applicant is to provide a plan detailing how it will acquire the information/records necessary to maintain and operate the facilities safely.

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 1¹⁵ 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).

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.

15 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.

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 to 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.

Describe any and all changes to who is financially responsible for liabilities related to 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).

Abandonment Funding

Provide:

- the total Abandonment Cost Estimate of the facilities being sold or transferred;
- a proposal by the seller for its existing letter of credit, surety bond or trust for abandonment funding;
- a draft copy of the purchaser's letter of credit, surety bond, or trust agreement for setting-aside abandonment funds;
 - if using a trust to set-aside funds, the dollar amount of abandonment funds that will be in the purchaser's trust upon its establishment;
 - if using a trust, a proposed trustee for the trust, and a description of whether or not the trustee is regulated under the *Trust and Loan Companies Act*;
 - if using a trust, a description of how the purchaser intends to collect, or contribute, funds to the trust, as applicable.

See Chapter 7 Referenced Documents, Abandonment Funding and Planning for documents that describe the requirements for pipeline abandonment cost estimates, set-aside and collection mechanisms and another Board direction regarding abandonment funding.

Next Steps....

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

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Chapter 7 Referenced Documents

- *National Energy Board Act*
- *National Energy Board Rules of Practice and Procedure, 1995*
- *National Energy Board Onshore Pipeline Regulations*
- *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*
- *National Energy Board Damage Prevention Regulations - Authorizations*
- *National Energy Board Cost Recovery Regulations*
- *Section 58 Streamlining Order XG/XO-100-2012*, dated 1 August 2012
- 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 4 December 2008
- 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 (NEB)
- *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 (NEB)
- NEB [*Information for Proposed Pipeline or Power Line Projects that Do Not Involve a Hearing*](#)
- NEB [*Information for Proposed Pipeline of Power Line Projects that Involve a Hearing*](#)
- NEB [*Landowner Guide*](#), (previously Pipeline Regulations in Canada: A Guide for Landowners and the Public)

- Pipeline Abandonment, A Discussion Paper on Technical and Environmental Issues, dated November 1996
- *Canadian Environmental Assessment Act, 2012* (go to the web site at www.ceaa-acee.gc.ca for access to guidance documents)
- *Official Languages Act*
- Canadian Standards Association Standard Z662, *Oil and Gas Pipeline Systems*

Abandonment Funding and Planning

- May 2009, Reasons for Decision RH-002-2008, Land Matter Consultation Initiative Stream 3 Pipeline Abandonment – Financial Issues ([A21835](#), English [A1J9R9](#)) / français [A1J9S0](#)) Contains relevant principles, a preliminary Base Case and the 5-year Action Plan
- 4 March 2010, Base Case Revisions Revisions to Preliminary Base Case Assumptions ([A24600](#), English [A1S0C1](#) / français [A1S0C2](#)) Contains further detail on cost definitions and on collection periods and expected earnings on set-aside funds. Also contains details on filing formats
- 21 December 2010, Unit Costs [A27778](#) (Letter: English [A1W9T1](#) / français [A1W9T2](#)) (Amended Table A-3: English [A1W9T3](#) / français [A1W9T4](#)) Contains estimates of individual cost components derived through discussions with industry
- 7 March 2011, Letter in response to CEPA (English [A1W9T1](#) / français [A1Y0H4](#)) The letter amended one deadline for Group 1 pipeline companies, to allow more time for consultation with landowners
- 1 June 2012, Letter to All Parties – RH-2-2008 Five Year Action Plan – Timelines for Remaining Steps (English [A2T8C7](#) / français [A2T8C8](#))
- February 2013, Reasons for Decision MH-001-2012, *Applications filed in November 2011 for approval of preliminary cost estimates for abandonment cost funding* (English [A3F4F3](#) / français [A3F4F4](#))
- 14 February 2013 Board Letter to Group 2 Companies on Abandonment Cost Estimates (English [A3F4F6](#) / français [A3F4F7](#))
- May 2014, Reasons for Decision MH-001-2013, *Applications for approval of set-aside and collection mechanisms for abandonment cost funding*, (English [A3X4G5](#)/ français [A3X4G4](#)) Contains Model Trust Agreement, Model Letter of Credit, and Model Surety Bond
- National Energy Board Decisions on Compliance with Reasons for Decision MH-001-2013 – Companies filing Trusts (Filings ID:A64904)

Guide A – A.3 Economics and Financing

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.		

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
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 and Financial Resources			
1.	Evidence that the applicant has the ability to finance the proposed facilities.		
2.	Evidence that the applicant can manage the potential costs associated with the risks and liabilities that arise during construction and operation, including a significant incident involving a product release.		
3.	Estimated toll impact for the first full year that facilities are expected to be in service.		
4.	Confirmation that shippers have been apprised of the project and toll impact, their concerns and plans to address them.		
5.	Information on abandonment costs and the set-aside and collection of them.		
6.	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 C – Protection of Pipelines from Ground Disturbance, Facility Construction, Crossings and Mining Operations (NEB Act s.112 and s.81)

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
C.1 Gound Disturbance, Facility Construction and Crossings Near Pipelines (NEB Act s.112, DPR – Authorizations)			
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 conduct an activity causing a ground disturbance in the prescribed area (a strip of land measured 30 m perpendicularly on each side from the centreline of the pipe): <ul style="list-style-type: none"> • purpose and location of the activity • description of the activity(s) resulting in a ground disturbance; and • rationale for seeking approval from the Board 		
3.	ESA (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.		

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
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 the pipeline company legal 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 		

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
K.3 Environment and Socio-Economic			
1.	Describe the ecological setting and current land use of the project footprint as well as adjacent areas.		
2.	Describe any known areas of contamination in the project areas as well as historical, ongoing or planned remediation activities associated with those sites. Describe any regulatory requirements for the reclamation and remediation of these sites and how these requirements will be met.		
3.	Provide an Environmental and Socio-Economic Assessment.		
4.	<p>For decommissioning projects that are located outside of lands owned or leased by the applicant, provide a monitoring plan outlining how the decommissioned facility will be monitored for the period of time between decommissioning and abandonment. This plan should include:</p> <ul style="list-style-type: none"> • a description of the baseline data that has been collected or obtained for future monitoring results to be measured against. Baseline data should be of sufficient scale, scope and intensity to meet project monitoring requirements. • a description of how soils, vegetation establishment, invasive weeds, wetland hydrology and surface and ground water quality will be monitored. • contingency plans for the discovery of soil and water contamination, loss of depth of cover, or extreme weather events affecting the integrity of the decommissioned facilities. • input from interested parties. Any comments from stakeholders should be considered and, where appropriate, incorporated into the plan. 		
5.	<p>For decommissioning projects that are located outside of lands owned or leased by the applicant, provide an explanation of how natural regeneration of the project footprint in forested areas or native prairie have been considered in the planning for decommissioning. This should include:</p> <ul style="list-style-type: none"> • a discussion of whether or not non- 		

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
	<p>agricultural lands will be allowed to naturally re-vegetate while the facility is in a decommissioned state.</p> <ul style="list-style-type: none"> a discussion of any limitations that this would have on the ability to monitor the facilities. A discussion of whether allowing re-vegetation of the project footprint would limit future physical abandonment choices) i.e., pipeline removal vs. abandonment in place). And if so, how that has been factored into decommissioning planning. 		
K.4 Economics			
1.	Provide details of the costs associated within the proposed decommissioning.		
2.	Confirm that funding is and will be available to finance the proposed decommissioning project.		
3.	<p>Where the pipeline has or is likely in future to have third party shippers, provide:</p> <ul style="list-style-type: none"> information on the original book cost of the facilities and accumulated depreciation to the retirement date. explain any impact on remaining ratebase, providing accounting details as outlined in the <i>Gas Pipeline Uniform Accounting Regulations</i> (GPUAR) or <i>Oil Pipeline Uniform Accounting Regulations</i> (OPUAR), including details of whether the retirement is ordinary or extraordinary. 		
4.	<p>Explain the impact on the company's abandonment funding program or verify that the decommissioning does not impact it. For example, explain:</p> <ul style="list-style-type: none"> any resulting changes to the abandonment cost estimate for the system, or to the estimated timing of abandonment for various segments; any resulting changes to the plans to fund future abandonment costs. 		
K.5 Lands Information			
1.	Describe the location and the dimensions of the existing RoW or facility lands that would be affected by		

Filing #	Filing Requirement	In Application? References	Not in Application? Explanation
	the decommissioning activities.		
2.	Provide a map or site plan of the facilities to be decommissioned.		
3.	Identify the locations and dimensions of temporary workspace required for decommissioning activities.		
4.	<p>Provide a record of public consultation activities that have been undertaken for the affected landowners, including a description of:</p> <ul style="list-style-type: none"> • all discussions with landowners regarding the proposed decommissioning activities; • summary of any issues or concerns identified by the landowner; and • how the applicant proposes to address any concerns or issues raised by potentially affected people or landowners, or an explanation as to why no further action is required. 		
5.	Provide a plan for how consultation with affected people or landowners will be conducted during the period of time between decommissioning and abandonment.		
K.6 Consultation			
1.	The Board expects applicants will consider consultation for all projects. Please refer to Chapter 3.3 of the NEB's Filing Manual for additional information. Sharing contamination remediation plans, if any, with landowners, stakeholders – refer to Abandonment Guide B. 2.		

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 <i>Filing Manual</i> Guide		