

Westcoast Energy Inc., carrying on business as Spectra Energy Transmission (Westcoast)
Wyndwood Pipeline Expansion Project (Project)
Application under Section 58 of the *National Energy Board Act*,
dated 21 October 2016 (Application)
File No.: OF-Fac-Gas-W102-2016-12 01

Information Request No. 1

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Economics Matters

1.1 Economics

- Reference:** Westcoast, Application, EC1-EC8, Economics, Pages 5-6 (PDF pages 5-6 of 9), [A80172-1](#)
- Preamble:** In the reference, Westcoast selected the criteria which reflects the economic information for the applied for facilities.
- Request:** File descriptive and numerical information supporting the criteria selected in EC1 to EC8.

Transportation Matters

1.2 Capacity

- Reference:** Westcoast, Application, Project Purpose, Pages 1-2 (PDF pages 1-2 of 9), [A80172-1](#)
- Preamble:** The reference provides high level information on the Project's purpose, including details on the open season and related expansion service agreements.
- Request:** Provide:
- a) the design capacity of the applied-for facilities under maximum operating pressure in both the International System of Units (SI units) and MMcf/d; and
 - b) the increase in design capacity of the system along the corridor of the applied-for loop once the loop is integrated with the existing facilities, if different from the response to question a).

1.3 Pipeline Sizing and Design Philosophy

- Reference:** Westcoast, Application, Brief description of work, Page 2 (PDF page 2 of 9), [A80172-1](#)
- Preamble:** Westcoast states that the Project consists of the construction and operation of approximately 28 kilometres of 914 mm (NPS 36) outside diameter natural gas pipeline to loop the existing 762 mm (NPS 30) MML1 Fort St. John Mainline, including pig sending and receiving facilities.
- Request:**
- a) Did Westcoast consider an alternative pipe size to the applied-for facilities? If yes, provide details of the alternative(s) and explain why the alternative(s) were not retained as an option;

- b) If Westcoast did not consider alternative pipe size(s) for the applied-for facilities, explain why; and
- c) Provide an overview of Westcoast's design philosophy with regard to: the basis for facility selection; the role of shipper transportation service agreements; and the forecast demand for capacity.

Tolls and Tariff Matters

1.4 Westcoast's Tolling Methodology for Sales Gas Transmission in Zone 3

Reference: Westcoast, Application, Project Purpose, Page 2 (PDF page 2 of 9), [A80172-1](#)

Preamble: In the reference, Westcoast states that at a meeting held on 20 October 2016, the Westcoast Toll and Tariff Task Force unanimously supported Westcoast's proposal for the cost of the Project to be included in the Zone 3 cost of service and tolled on a rolled-in basis.

Request: Provide the following:

- a) a summary of the tolling methodology employed by Westcoast in Zone 3. This summary should address:
 - a.1) Policies and guidelines regarding the use of rolled-in tolls or stand-alone tolls for facility expansions; and
 - a.2) Risks borne by Westcoast and by shippers for the building and utilization of facility expansions.

Note: Treat facility expansions as those facilities occurring within the existing Westcoast footprint;

- b) the impact on Zone 3, Shorthaul and Longhaul tolls in ¢/Mcf and \$/10³m³, for the first five years of contracted service, should the applied-for toll treatment and facilities be approved; and
- c) the expected change in Westcoast's Zone 3 cost of service as a result of the Project facilities for the first five years of contracted service, should the applied-for facilities be approved.

Environment Matters

1.5 Project Impacts to Fish and Fish Habitat

Reference: Westcoast, Environmental and Socio-Economic Assessment (ESA), Section 8.4, Fish and Fish Habitat, Mitigation, Page 8.14 (PDF page 127 of 153), [A80172-19](#)

Preamble: The reference states that the current construction schedule may require instream works at the proposed Commotion Creek crossing to occur outside of the least risk timing window, and that due to the potential spawning habitat for Mountain Whitefish identified at the proposed crossing, an authorization under paragraph 35(2)(b) of the *Fisheries Act* may be required.

Request: Provide a fish and fish habitat assessment for the Commotion Creek crossing that includes the following:

- a) the fish species and habitat that may be present and a discussion on whether fish spawning is likely to occur within the immediate area;
- b) upstream, downstream and Project footprint photos;
- c) detailed crossing-specific drawings;
- d) site-specific mitigation and habitat enhancement measures to be used that would minimize impacts to fish;
- e) type and area (m²) of current habitat that will be permanently altered and/or destroyed below the 2-year high water mark;
- f) the estimated amount of fish mortality;
- g) a discussion of how any residual effects will impact localized commercial, recreational, and/or Aboriginal fisheries, or fish that support such a fishery; and
- h) a discussion on whether the proposed works are likely to require an Authorization under paragraph 35(2)(b) of the *Fisheries Act*.

1.6 Old Growth Forests and Old Growth Management Areas (OGMAs)

Reference:

- i) Westcoast, ESA, Section 9.5, Vegetation and Wetlands, Residual Effects, Page 9.27 (PDF page 27 of 216), [A80172-5](#)
- ii) Westcoast, ESA, Appendix A - Environmental Protection Plan, Table 6-3, Mitigation Measures for Vegetation Resources, Page 6.13 (PDF page 39 of 132), [A80172-6](#)

Preamble: Reference i) states that vegetation clearing for Project construction assumes a direct loss of 13.5 ha of old forest area in the Project Development Area (PDA).

Reference ii) provides specific mitigation measures for the Upper Moberly 12 OGMA and the Upper Moberly 19 OGMA.

The Board notes that the mitigation provided by Westcoast within OGMAs is listed as flagging and staking the boundaries of area, limiting clearing and grading to the extent practical and avoiding the felling of trees.

Request: Provide the following:

- a) the length of the pipeline and width of RoW that intersects both old growth forests and OGMAs;
- b) a discussion of opportunities, including minimizing the width of the RoW, to avoid or reduce effects within the old growth forests and OGMAs in the PDA;
- c) a summary of consultation with all relevant agencies regarding old growth forests and OGMAs, including:
 - c.1) any issues or concerns that were raised;
 - c.2) any recommendations that were made;
 - c.3) any steps that Westcoast has taken, or will take, to address the issues, concerns or recommendations; and
- d) a discussion of the measures that are to be taken during construction to avoid and/or mitigate impacts in both old growth forests and OGMAs in the PDA.

1.7 Wetlands

Reference: Westcoast, ESA, Section 9.5, Vegetation and Wetlands, Residual Effects, Page 9.28 and 9.29 (PDF page 28 and 29 of 216), [A80172-5](#)

Preamble: The reference states that construction activities will result in the disturbance of 1.4 ha of wetland area including 0.5 ha of marsh, 0.9 ha of shrub swamp and less than 0.1 ha of shallow open water wetlands.

The reference also states that the change in loss of wetland habitat will be limited by paralleling the existing RoW, limiting vegetation clearing within wetlands associated with stream crossings and by encouraging natural revegetation in wetlands following disturbance.

Request: Provide the following:

- a) a description of the activities that will be used to encourage natural revegetation in disturbed wetlands;
- b) a description of what post-construction monitoring is proposed to determine the effectiveness of mitigation measures on potential wetland change and/or loss; and
- c) a summary of what corrective actions are proposed should post-construction monitoring determine mitigation measures are not effective.

1.8 Migratory Birds

- Reference:**
- i) Westcoast, ESA, Section 10.4, Wildlife and Wildlife Habitat, Mitigation, Table 10-7, Page 10.19 (PDF page 69 of 216), [A80172-5](#)
 - ii) Westcoast, ESA, Appendix A – Environmental Protection Plan, Appendix G – Active Migratory Bird Nest Survey Program, Pages G.1 and G.2 (PDF pages 47 and 48 of 52), [A80172-7](#)
 - iii) [NEB Filing Manual](#), Section A.2.5 Filing Requirements and Guidance, Table A-2 Filing Requirements for Biophysical Elements – Wildlife and Wildlife Habitat, Page 4A-52 (PDF page 108 of 279)
 - iv) Environment and Climate Change Canada (ECCC), [Technical Information](#), Specific Considerations: Related to Determining the Presence of Nests

Preamble: Reference i) states that a nest survey will be done prior to clearing to identify and apply a buffer to any active nests until chicks have fledged.

Reference ii), Westcoast's Active Migratory Bird Nest Survey Program, states that pre-clearing nest surveys will be completed within seven days of the proposed activity start and includes personnel walking transects along the proposed areas for clearing.

Reference iii) provides guidance with regards to wildlife and wildlife habitat (including migratory birds), noting that ECCC and its divisions are sources of relevant information.

Reference iv) states that in most cases nest search techniques are not recommended because in most habitats the ability to detect nests remains very low while the risk of disturbing active nests is high. ECCC recommends an area search for evidence of nesting (e.g., presence of birds in breeding habitat through observation of singing birds, alarm calls, distraction displays) using non-intrusive search methods to prevent disturbance to migratory birds.

Request: Describe how Westcoast's methods to determine the presence of nesting migratory birds within the Project footprint will prevent disturbance of any active nests, and how the methods align with ECCC's current guidance for determining the presence of nests.

Consultation Matters

1.9 Consultation with Canadian National Railway (CN Rail)

- Reference:**
- i) Westcoast, Application, Section 3, Consultation and Aboriginal Matters, Industry, Page 5 (PDF page 6 of 52), [A80172-18](#)

Preamble: Reference i) states that permits for crossings will be acquired as necessary from each company. The reference further states that “to date, there has been one response from Canadian Natural Railway advising that if Westcoast intends to cross its right of way, a formal “Utility Application” will need to be approved in advance. Westcoast will work with Canadian National Rail to obtain required permits prior to commencing construction.”

Request: Provide an update of the consultation activities that have taken place with CN Rail for the proposed Project. The update should include:

- a) date and method of each contact (for example telephone, personal meeting, email, letter email);
- b) a summary of any issues and concerns that have been raised since the Application was filed, the steps Westcoast has taken or will take to address these issues and concerns, or an explanation of why steps will not be taken to address any particular concerns; and
- c) a summary of Westcoast’s alternate plan, if the necessary permits from CN Rail are not obtained.

1.10 Consultation with British Columbia’s Ministry of Transportation and Infrastructure (MoTI)

Reference:

- i) Westcoast, Application, Section 3, Consultation and Aboriginal Matters, Government Ministries and Departments, Page 6 (PDF page 7 of 52), [A80172-18](#)
- ii) Westcoast, Application, Section 3, Consultation and Aboriginal Matters, Attachment Consultation Record, Pages 32-33 (PDF pages 40-41 of 52), [A80172-18](#)

Preamble: Reference i) states that MoTI responded to the Project Information Packages sent to them with a concern in respect of the potential impact of the Project on certain gravel quarries and tenures. Discussions between Westcoast and MoTI to address those concerns are ongoing.

Reference ii) shows that the last consultation log entry for engagement with MoTI, dated 16 September 2016, states that the Ministry did approve the proposed angled crossing, but they do not support temporary workspace within Ministry RoW and require additional time to review routing through reserve areas. It further states that a follow up response from the Ministry can be expected in the coming weeks.

Request: Provide an update of the consultation activities that have taken place with MoTI for the proposed Project. The update should include:

- a) date and method of each contact (for example telephone, personal meeting, email, letter email);
- b) a summary of any new issues and concerns that have been raised since the Application was filed;
- c) any steps Westcoast has taken or will take to address any new issues and concerns, as well as any issues and concerns that were identified as outstanding in Reference ii), or an explanation of why steps will not be taken to address any particular concerns; and
- d) a summary of Westcoast's alternate plan, if the necessary approvals from MoTI are not obtained.

1.11 Noise and Landowners in Hasler Flat Town and Near the Project's Right-of-Way (RoW)

Reference:

- i) Westcoast, ESA, Section 3.2.1, Public Consultation, Page 6.1 (PDF page 74 of 153), [A80172-19](#)
- ii) Westcoast, ESA, Section 6, Acoustic Environment, Pages 6.12 and 6.13 (PDF pages 85-86 of 153), [A80172-19](#)
- iii) Westcoast, ESA, Section 3.2.1, Public Consultation, Page 6.8 (PDF page 81 of 153), [A80172-19](#)

Preamble: Reference i) states that the assessment for the acoustic environment focuses on potential noise effects on human receptors at residential locations during the construction phase only.

Reference ii) states that receptors located within the minimum buffer distances may experience noise levels which exceed the noise level recommendation. It further states that review of the Project RoW indicates there are receptors in Hasler Flat Town and residences on private land located less than 350 m from the RoW, which is the minimum buffer zone for land-based pipeline construction.

Reference iii) lists the mitigation measures to reduce potential noise from the Project's construction.

Request: Provide an update on consultation activities that have been conducted with receptors in Hasler Flat Town and residences on private land located less than 350 m from the RoW (Receptors). Include any potential concerns regarding potential noise disturbance during construction and proposed mitigation measures, including:

- a) a description of the information provided to Receptors;
- b) a summary of all issues and concerns raised;
- c) an explanation as to how the proposed mitigation measures outlined in reference iii) address any issues or concerns that may have been raised by Receptors;
- d) if the measures listed in c) above do not address any specific concerns, a detailed description of the company's response for addressing these concerns; and
- e) a summary of any outstanding concerns or issues with respect to noise arising from the Project.

Lands Matters

1.12 Sample s. 86 Land Acquisition Agreements

- Reference:**
- i) [NEB Filing Manual](#), A.4.4 Filing Requirements – Land Acquisition Agreements, pages 4A-74 and 4A-75 (PDF page 130-131 of 279)
 - ii) Westcoast, Application, Section 5, Land Matters (PDF pages 1-14 of 14), [A80172-20](#)

Preamble: In reference i) the NEB lists the filing requirements for land acquisition agreements for section 58 and 52 applications.

In reference ii), Westcoast provides information on land matters. It does not appear to have a sample copy of a land acquisition agreement proposed to be used for the Project in the form required by subsection 86(2) of the NEB Act.

Request: Provide a sample copy of each form of land acquisition agreement proposed to be used (including option and easement) in the form required by subsection 86(2) of the NEB Act.