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June 15, 2012

Filed Electronically

National Energy Board
444 Seventh Avenue S.W.
Calgary, Alberta
T2P 0X8

Attention: Ms. Sheri Young, Secretary of the Board

Dear Ms. George:

**Re: NOVA Gas Transmission Ltd. (NGTL)
Leismer to Kettle River Crossover (the Project)
Hearing Order GH-004-2011
Comments on Draft Environmental Screening Report
NEB File: OF-Fac-Gas-N081-2010-15 02**

In response to the Board's letter dated June 1, 2012, NGTL provides below its comments on the recommendations contained in Section 8.6 of the Draft Environmental Screening Report (DESR) and its response to the comments of intervenors and government participants. Appendix A provides NGTL's comments regarding the remainder of the DESR.

Comments on the DESR

Recommendation G – Species at Risk Surveys

Recommendation G (a) would require NGTL to submit a summary of its findings based on field surveys for several species, including common nighthawk. In its memo summarizing Species at Risk Survey Methodology (Filing A40449), NGTL's environmental consultant indicated that common nighthawk detections can be difficult because of their crepuscular nature and that a species-specific survey would not be completed for common nighthawk. Rather, NGTL committed to recording any incidental observations for common nighthawk during the amphibian and yellow rail surveys and breeding bird surveys, as these surveys would take place in areas that are also preferred habitat for common nighthawk. Environment Canada agreed with NGTL's proposal for recording incidental observations for common nighthawk in its letter dated April 10, 2012 (Filing A2S1H2). As a result, NGTL requests that Recommendation G (a) be revised as follows:

- (a) a summary of its findings based on field surveys for western (boreal) toad, yellow rail, Canada warbler, olive-sided flycatcher and rusty blackbird, trapper data for wolverine and incidental observations for common nighthawk;

Response to Intervenor and Government Participant Comments on the DESR

Conklin Métis Local #193

In its comments, Conklin Métis Local #193 (CML 193) requests that the NEB explicitly state its support for the specific involvement of CML 193 in monitoring programs for the Project. In its testimony at the oral hearing (Transcript Volume 1, paragraphs 655 to 675) NGTL confirmed its commitment to discuss the monitoring program for the Project with Aboriginal communities, but indicated that it had to evaluate the need for monitoring as well as the capacity for communities to participate in monitoring activities. NGTL remains committed to working with Aboriginal communities but is of the view that the NEB has adequately addressed this issue by indicating that it expects NGTL to fulfill its commitment to discuss the issues and concerns of Aboriginal groups with them and to consider additional mitigation where warranted, including potential Aboriginal monitors. The imposition of a condition that is dependant on third party involvement would place NGTL in a position where it could not control compliance with the condition.

Transport Canada

Transport Canada suggested adding a new sub-bullet to Recommendation D that would require the filing, prior to commencing construction, of a copy of the leave granted by Transport Canada under the NEB Act for the construction of the pipeline located at the Christina River water crossing using the horizontal directional drill (HDD) method, as well as the method mentioned in the Contingency Plan (open cut).

NGTL is concerned that, with the proposed wording, any delay in obtaining leave from Transport Canada for the pipeline crossings of navigable waterways under section 108 of the Act could have an adverse impact on the proposed construction schedule, in particular the commencement of construction in areas other than at the Christina River crossing. Therefore, unless Transport Canada has issued leave for the pipeline crossing of the Christina River within 90 days of its Environmental Assessment (EA) course of action decision, as contemplated under the Project Agreement (December 2011), NGTL suggests that this new sub-bullet, if accepted by the Board, be reworded as follows:

“file with the Board, prior to commencing construction of the pipeline crossing at Christina River, a copy of the leave granted by Transport Canada under the NEB Act for the construction of the pipeline located at the Christina River water crossing using the HDD method, as well as the method mentioned in the Contingency Plan (open cut).”

Should the Board require additional information with respect to this filing, please contact the undersigned or Mark Manning, Regulatory Project Manager, at (403) 920-5876 or at mark_manning@transcanada.com.

Yours truly,
NOVA Gas Transmission Ltd.

Original Signed by

Joel Forrest
Senior Legal Counsel
Law and Regulatory Research

cc: Parties to Hearing Order GH-004-2011

APPENDIX A
Comments on the Draft Environmental Screening Report

Item	DESR Section (page)	Current DESR Wording	NGTL Comments and Proposed Revisions	Rationale for NGTL Comments
1	Map on Report title page	Map in DESR shows route for 79 km pipeline	Map should show new tie-in points on east end of pipeline route	Please refer to Figure 2-1 of Additional Written Evidence (AWE).
2	Section 1.1, second paragraph (page 1)	"...to an existing 406.4 mm (16-inch) OD Kettle River Lateral Loop..."	Should read "to the existing 273.1 mm (10-inch) OD Kettle River Lateral and 406.4 mm (16-inch) OD Kettle River Lateral Loop"	Please refer to section 2.0 of AWE.
3	Section 5.0, <u>Water and Wetlands</u> Bullet 1 (page 8)	"...: Christina River, House River, Pony Creek and 14 unnamed watercourses. Four of these were deemed as navigable by TC."	Should read "Only one watercourse, the Christina River, is deemed navigable by TC".	NGTL received correspondence dated May 3, 2012 from TC, following a helicopter tour of the crossings, that eliminates 3 crossings originally deemed as navigable (Appendix B)
4	Section 8.3.2.1, Background Issues, last paragraph (page 21)	"... yellow rail, common nighthawk, Canada warbler, olive-sided flycatcher, and rusty blackbird, while relying on trapper reports for wolverine"	"... yellow rail, common nighthawk , Canada warbler, olive-sided flycatcher and rusty blackbird, while relying on trapper reports for wolverine <u>and recording incidental observations for common nighthawk.</u> "	Please refer to NGTL's Species at Risk Survey Methodology (Filing A40449). See also NGTL comments on Recommendation G – Species at Risk.

APPENDIX B

NWPA Letters Dated May 3, 2012



Transport
Canada

Transports
Canada

Navigable Waters Protection
1100 9700 Jasper Avenue
Edmonton, AB T5J 4E6

Your file Votre référence

May 3, 2012

Our file Notre référence
8200-2010-600657-027

NOVA Gas Transmission Ltd
450 1 Street SW
Calgary, AB T2P 5H1

Attention: Craig Schell

Re: Application for approval of a pipeline, House River, Southwest Section 34, Township 80, Range 13, W4M, Province of Alberta

Reference is made to our site inspection conducted on April 25, 2012.

Please be advised that our office has determined that the proposed/existing works at the site indicated are not subject to the *Navigable Waters Protection Act* (NWPA). Consequently, the NWP Program has no interest in any works at this location.

If you have any questions concerning the foregoing, please contact our office at 780-495-8215 or by email at NWP-PEN.PN@tc.gc.ca.

Sincerely,

Matt Klaverkamp
A/Regional Manager
Navigable Waters Protection Program
Transport Canada
Prairie and Northern Region

cc: Golder Associates – David Griffith



Transport
Canada

Transports
Canada

Navigable Waters Protection
1100 9700 Jasper Avenue
Edmonton, AB T5J 4E6

Your file Votre référence

May 3, 2012

Our file Notre référence
8200-2010-600657-030

NOVA Gas Transmission Ltd
450 1 Street SW
Calgary, AB T2P 5H1

Attention: Craig Schell

**Re: Application for approval of a pipeline, Unnamed watercourse, Southeast Section 24,
Township 80, Range 12, W4M, Province of Alberta**

Reference is made to our site inspection conducted on April 25, 2012.

Please be advised that our office has determined that the proposed/existing works at the site indicated are not subject to the *Navigable Waters Protection Act* (NWPA). Consequently, the NWP Program has no interest in any works at this location.

If you have any questions concerning the foregoing, please contact our office at 780-495-8215 or by email at NWP-PEN.PN@tc.gc.ca.

Sincerely,

Matt Klaverkamp
A/Regional Manager
Navigable Waters Protection Program
Transport Canada
Prairie and Northern Region

cc: Golder Associates – David Griffith



Transport
Canada

Transports
Canada

Navigable Waters Protection
1100 9700 Jasper Avenue
Edmonton, AB T5J 4E6

Your file Votre référence

May 3, 2012

Our file Notre référence
8200-2010-600657-039

NOVA Gas Transmission Ltd
450 1 Street SW
Calgary, AB T2P 5H1

Attention: Craig Schell

**Re: Application for approval of a pipeline, Unnamed watercourse, Northeast Section 19,
Township 80, Range 7, W4M, Province of Alberta**

Reference is made to our site inspection conducted on April 25, 2012.

Please be advised that our office has determined that the proposed/existing works at the site indicated are not subject to the *Navigable Waters Protection Act* (NWPA). Consequently, the NWP Program has no interest in any works at this location.

If you have any questions concerning the foregoing, please contact our office at 780-495-8215 or by email at NWP-PEN.PN@tc.gc.ca.

Sincerely,

Matt Klaverkamp
A/Regional Manager
Navigable Waters Protection Program
Transport Canada
Prairie and Northern Region

cc: Golder Associates – David Griffith