

## **Appendix D**

### **NOVA Gas Transmission Ltd. Proposed Towerbirch Expansion Project (Project)**

#### **Factors and Scope of the Factors for the Environmental Assessment (EA) Pursuant to the *Canadian Environmental Assessment Act, 2012 (CEAA 2012)***

### **1.0 INTRODUCTION**

On 2 September 2015, NOVA Gas Transmission Ltd. (NGTL) filed an Application with the NEB proposing to construct and operate the Towerbirch Expansion Project ([Application](#)). As the Project would require more than 40 km of new pipeline and would be regulated under the *National Energy Board Act* (NEB Act), it is therefore a designated project under the CEAA 2012 and requires a CEAA 2012 environmental assessment (EA) for which the NEB is the Responsible Authority.

For the purposes of the EA, the designated project includes the various components and physical activities described by NGTL in its Application.

In accordance with paragraph 79(2)(b) of the CEAA 2012, the following provides a description of the factors to be taken into account in the EA and of the scope of those factors.

### **2.0 FACTORS AND SCOPE OF THE FACTORS**

#### **2.1 Factors to be considered**

The CEAA 2012 EA for the designated project will take into account the factors described in paragraphs 19(1)(a) through (h) of the CEAA 2012:

- (a) the environmental effects<sup>1</sup> of the designated project, including the environmental effects of malfunctions or accidents that may occur in connection with the designated project and any cumulative environmental effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out;
- (b) the significance of the effects referred to in paragraph (a);
- (c) comments from the public or any interested party received in accordance with the CEAA 2012;
- (d) mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the designated project;
- (e) the requirements of the follow-up program in respect of the designated project;
- (f) the purpose of the designated project;

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<sup>1</sup> Section 5 of the CEAA 2012 further describes the environmental effects that are to be taken into account.

- (g) alternative means of carrying out the designated project that are technically and economically feasible and the environmental effects of any such alternative means; and
- (h) any change to the designated project that may be caused by the environment.

In addition, subsection 19(3) adds that the EA may also consider community knowledge and Aboriginal traditional knowledge.

## **2.2 Scope of the Factors to be considered**

The EA will consider the potential effects of the designated project within spatial and temporal boundaries within which the designated project may potentially interact with and have an effect on components of the environment. These boundaries will vary with the issues and factors considered, and will include but not be limited to:

- construction, operation and maintenance, foreseeable changes, and site reclamation, as well as any other undertakings proposed by the proponent or that are likely to be carried out in relation to the physical works proposed by the proponent, including mitigation and habitat replacement measures;
- seasonal or other natural variations of a population or ecological component;
- any sensitive life cycle phases of species (e.g., wildlife, vegetation) in relation to the timing of Project activities;
- the time required for an effect to become evident;
- the area within which a population or ecological component functions; and
- the area affected by the Project.

Any works and activities associated with additional modifications or associated with the decommissioning or abandonment phase of the Project would be subject to a future application under the NEB Act and assessed in detail at that time. Therefore, at this time, any works or activities associated with these phases of the Project will be examined in a broad context only.

As indicated above, the EA will consider cumulative environmental effects that are likely to result from the designated project in combination with effects from other physical activities that have been or will be carried out.

Subsection 2(1) of the CEEA 2012 provides definitions potentially relevant to the scope of the factors, including:

“environment” which means the components of the Earth, including

- (a) land, water and air, including all layers of the atmosphere;
- (b) all organic and inorganic matter and living organisms; and
- (c) the interacting natural systems that include components referred to in paragraphs (a) and (b);

and

“mitigation measures” which means measures for the elimination, reduction or control of the adverse environmental effects of a designated project, and includes restitution for any damage to the environment caused by those effects through replacement, restoration, compensation or any other means.