

ATTACHMENT: Federal Authority Advice Record: Designation Request under IAA
Response due by March 30, 2020
NGTL and Foothills West Path Delivery 2022/2023 Projects

Department/Agency	Environment and Climate Change Canada (ECCC)
Lead Contact	Heather Konopski
Full Address	VIA Rail Station 123 Main Street, Winnipeg, MB R3C 1A3
Email	Heather.Konopski@canada.ca
Telephone	204-983-8080
Alternate Departmental Contact	Jody Small: Jody.Small@canada.ca

-
1. Has your department or agency considered whether it has an interest in the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action (including provision of financial assistance) that would allow the Project to proceed in whole or in part?

Specify as appropriate.

Based on the limited information provided, ECCC is not able to determine whether we have an interest in the project.

2. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

If yes, specify that power, duty or function and its legislative source.

ECCC does not expect that it will be required to exercise a power or perform a duty or function related to the Project to enable it to proceed based on the Project Notifications. Once the Agency establishes the scope of the project and of the assessment, ECCC may need to issue permits related to the Migratory Bird Convention Act (MBCA) and Species at Risk Act (SARA) as additional project activities or components could come into scope.

3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

Specify as appropriate.

Consultation with all affected First Nation and Métis Nation communities may be required, if ECCC is required to issue a SARA permit,

-
4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the Project or adverse direct or incidental effects stemming from the Project?

Specify as appropriate.

ECCC has specialist and/or expert information that may be relevant to the designation request in the following areas:

- establishing an adequate baseline; assessing potential effects to biophysical valued components;
- evaluating the effectiveness of mitigation measures and methods for monitoring and follow up; and,
- providing information regarding federal policies, standards, and regulations that may be relevant to the assessment.

This list may change as additional project activities or components are added to the assessment. Specifically ECCC has expertise regarding:

Air Quality: ambient air quality; sources of emissions; emissions estimation and measurement; dispersion modelling; and follow-up monitoring.

Greenhouse gas emissions and climate change: estimations of net greenhouse gas (GHG) emissions (direct and upstream); GHG mitigation measures and determination of Best Available Technologies/Best Environmental practices (BAT/BEP); climate change science to inform evaluation of potential changes to the environment and project resilience to effects of climate change; climate change policies; and national GHG projections.

Water quality and quantity: surface water quality; contamination sources for surface water; wastewater and runoff management; management of contaminated soils or sediments; hydrology; follow-up and monitoring.

Wildlife, species at risk, and habitat: migratory birds, their nests, eggs, and habitat; species at risk, their habitat and critical habitat; ecological function of wetlands; ecotoxicology.

Environmental emergencies: emergency management planning and guidance; atmospheric transport and dispersion modelling of contaminants in air; fate and behaviour, hydrologic trajectory modelling of contaminants in water.

-
5. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Project?

Provide an overview of the information or advice exchanged.

ECCC has not been involved with the Proponent or other parties that would be relevant to the assessment of this Project. However, ECCC has provided Letters of Comment for other NGTL projects such as North Central Loop, Etzikom Abandonment, Carmon Creek, NGTL 2017, Northwest Mainline Loop, and Buffalo Creek B3 & Goodfish A2 Compressor. ECCC is also an Intervenor in the Edson, North Corridor, and NGTL 2021 projects.

-
6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of IAA? Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

Specify as appropriate.

Air Quality

The construction of pipelines requires the use of on-road vehicles and mobile off-road equipment, which has the potential to adversely affect air quality. More specifically, the combustion of fossil fuels can result in the emission of “criteria air contaminants” such as sulphur oxides (SO_x), nitrogen oxides (NO_x), volatile organic compounds (VOCs), and fine particulate matter (PM_{2.5}) which are dispersed to the surrounding region during construction activities. Construction activities that cause a physical disturbance to land, such as earth moving, and transportation, can also introduce particulate matter (including dust) to the surrounding region. Emission of air pollutants can result in local or regional degradation of ambient air quality, with potential impacts on human health, as well as on sensitive ecosystem receptors.

Greenhouse Gas Emissions and Climate Change

As the project may have an impact on greenhouse gas (GHG) and climate change, the draft Strategic Assessment of Climate Change (SACC) is an interim guidance on information requirements related to climate change throughout the impact assessment process. The draft SACC outlines information the proponent should provide during the impact assessment process on GHG emissions, GHG mitigations measures, and climate change resilience; the circumstances in which an upstream GHG assessment will be required. The draft SACC should be followed until a revised or final version of the SACC is available.

There is no information available in the project notifications to determine the level of GHG emissions associated with the projects nor the type of GHG mitigation measures that the proponent would implement for these projects. ECCC expects that the Proponent plan and implement mitigation measures to reduce the GHG emissions of these projects to the extent that is technically and economically feasible during the lifetime of these projects. ECCC also expects the Proponent to assess and evaluate any alternatives to the projects and the alternative means of carrying out these projects.

Water Quality and Quantity

If appropriate mitigations are not applied, the activities associated with construction and operation of a pipeline may have negative impacts the quality of surface water, as well as the hydrological regimes of watercourses and water bodies. Activities that could result in deposit of contaminants to surface waters include watercourse crossings, hydrostatic tests, access road and right-of-way construction and maintenance, and excavation or movement of soils, sediments or rocks. Disturbance of soils, rock, streambanks, and streambeds during construction can cause erosion into a water body, as well as mobilization of sediments within the waterbody, resulting in an increase in total suspended solids. In addition, impacts to surface water quality could result through runoff, wastewater discharge, groundwater resurgence, and unexpected events, such as a spill or a frac-out (unintentional return of drilling fluids to surface) during horizontal directional drilling. If not properly mitigated, these impacts to surface water quality may have effects on aquatic life.

Wildlife, Species at Risk, and Habitat

Activities associated with the construction, operation, closure and dismantling of pipelines can cause temporary and permanent negative impacts to terrestrial wildlife resources (wildlife). If appropriate mitigations are not applied, the potential wildlife resources affected includes migratory birds protected under the authority of the *Migratory Birds Convention Act* (MBCA) and non-aquatic species at risk under the authority of the *Species at Risk Act* (SARA) in the immediate area or areas surrounding the proposed project sites. Such activities can cause habitat loss, alteration, and fragmentation; direct and indirect mortality; wetland loss, reduction, alteration, or change in wetland function (which will have an effect on wildlife); sensory disturbance and functional habitat loss; and introduction of invasive species. The nature of effects to wildlife and habitat (including residences and critical habitat defined under the *Species at Risk Act*) can vary based on a number of factors, including: project location, duration, scale, configuration, ancillary project activities, existing cumulative effects, type of disturbed habitat, and sensitivity of nearby species. The pathway through which potential effects are conveyed will depend on the land, air, and water constituents associated with the site along with the behavioral adaptability, presence and interaction with the species limiting factor (e.g., habitat supporting staging, nesting, roosting or foraging) and population resilience.

Environmental Emergencies

The proposed natural gas pipeline project includes waterway crossings, access road, construction trucks and right-of-way construction and maintenance, as well as inherent risks of fuel and hazardous materials spills in both the construction and operations phases. There is a potential for adverse environmental and human-health effects from accidents and malfunctions from these projects. Optimized prevention, preparedness and response measures and systems will be important given the risk of spills of hazardous substances to water and

uncontrolled releases of explosive gases. ECCC will review the risk assessments of accidents and malfunctions to understand their potential geographical extent and consequences in the designated project description. ECCC will look for reliable modelling for contaminants released to air or spilled to water that inform s the proponent's emergency management plans and associated response measures and capacities for each major type of foreseeable incident.

7. Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Project? In particular, the following issues have been raised by the requestor: project splitting, impacts to Aboriginal rights, capacity funding

If yes, please specify the program or authority.

Not at this time.

8. Does your department or agency have information about the interests of Indigenous groups in the vicinity of the Project, the exercise of their rights protected by section 35 of the *Constitution Act, 1982*; and/or any consultation and accommodation undertaken, underway, or anticipated to address adverse impacts to the section 35 rights of the Indigenous groups?

If yes, please specify.

Not at this time.

9. Taking into account your mandate, does your department or agency have a view as to whether the Project should be designated under the *Impact Assessment Act*?

If yes, please specify.

ECCC is unable to determine whether there is a risk to the environment that would compel a recommendation that the project be subject to a federal assessment under the Impact Assessment Act based on the limited data available at this time.

10. If your department has guidance material that would be helpful to the proponent or the Agency, please include these as attachments or hyperlinks in your response.

Not at this time.

Environment and Climate Change Canada /

Andrea McLandress

Name of departmental / agency responder

Regional Director, Environmental Protection
Operations, Prairie and Northern Region

Title of responder

April 2, 2020

Date