



File 3200-T002-1-2
22 July 2004

Mr. J.C. Grainger
Assistant Secretary
Trans-Northern Pipelines Inc.
Suite 310, 45 Vogell Road
Richmond Hill, Ontario L4B 3P6
Facsimile (905) 770-1639

Dear Mr. Grainger:

**Trans-Northern Pipelines Inc. (TNPI)
Capacity Expansion/Line Reversal
Application for a Route Deviation in Parc d'Oka**

The National Energy Board has examined TNPI's application, dated 5 February 2004, together with supplementary information filed requesting the approval of the new proposed route as shown on Plan, Profile, and Book of Reference (PPBoR) drawing A1-2 in Parc d'Oka in the Province of Quebec and directs that the deviation may proceed pursuant to condition 1 of Certificate OC-48 subject to the following conditions:

Prior to Construction

1. TNPI shall, prior to construction of the deviation in Parc d'Oka, file with the Board a letter confirming that all required land rights have been acquired for the pipeline and ancillary works.
2. TNPI shall comply with the notice requirements provided in section 34 of the *National Energy Board Act* (Act).

During Operation

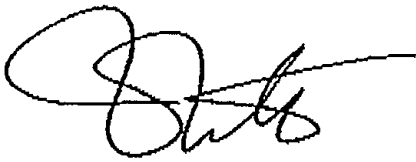
3. Prior to abandonment of the segments of 273.1 mm (10 inch) diameter pipeline in Parc d'Oka (5 885.3 = 0 to 6 614.5 = 10 989.7) TNPI shall file confirmation with the Board that all detected contamination related to the pipeline being abandoned has been cleaned up to meet federal and provincial regulatory criteria for the present land use.
4. TNPI shall file with the Board for approval, at least 60 days prior to abandonment of the pipeline at Parc d'Oka, or as otherwise directed by the Board, evidence to demonstrate that:

- a) TNPI has advised la Société de la faune et des parcs du Québec (FAPAQ), the landowner of the right of way to be abandoned, that:
 - i) when the right of way is abandoned the Board will no longer have jurisdiction; and
 - ii) if there is a dispute with TNPI, seeking the Board's assistance or intervention will no longer be an available recourse; and
 - b) FAPAQ has agreed to the method for abandonment of the pipeline across its land and any necessary remediation.
5. TNPI shall file at least 60 days prior to abandonment of the easement in Parc d'Oka, or as otherwise directed by the Board, confirmation by an officer of the company to demonstrate to the satisfaction of the Board that TNPI has completed each condition which relates to the abandonment of the right of way (with the exception of condition 6) and pipeline on that right of way.
6. TNPI shall file with the Board a certified copy of any resolution of the Board of Directors of TNPI which declares that the abandoned facilities constitute property which is surplus to the requirements of TNPI.

The Board has approved an amendment to the Environmental Screening Report. The Board is also satisfied that TNPI has fulfilled conditions 6, 8, 9, and 10 of Certificate OC-48 for the work that will take place in Parc d'Oka.

TNPI is directed to serve a copy of this letter to all interested parties of the OH-1-2003 proceeding.

Yours truly,



Michel L. Mantha
Secretary

Attachment

c.c. Mme Claudette Blais, La Société de la faune et des parcs du Québec, facsimile
(418) 644-9727

National Energy Board / Office national de l'énergie
AMENDMENT TO ENVIRONMENTAL SCREENING REPORT
Parc d'Oka Sector

Applicant:	Trans-Northern Pipelines Inc.
Title:	Capacity Expansion / Line Reversal (Project)
Date of Initial Application:	24 October 2002
Date of Application - ss. 45(1):	5 February 2004
Location of the Project:	<i>Parc d'Oka</i> , Quebec
Primary Undertaking:	Capacity expansion
FEAI No. (NEB):	519
CEAR Amendment No.:	04-01-1558
NEB File:	3200-T002-1-2
Date of Original Screening:	24 July 2003
Date of Amendment to the Report:	11 May 2004

This document is to be consulted with the original Environmental Screening Report issued by the Board for the entire Project, and contains only additions and amendments to and deletions from the Report.

Introduction

On 24 October 2002, Trans-Northern Pipelines Inc. (TNPI) applied to the National Energy Board pursuant to sections 52 and 74 of the *National Energy Board Act* (NEB Act) to carry out a project consisting of two main components: capacity expansion from Montreal, Quebec to Farran's Point, Ontario, and pipeline flow reversal from Farran's Point to Mississauga, Ontario.

On 24 July 2003, the Board completed its Environmental Screening Report pursuant to the *Canadian Environmental Assessment Act* (CEAA), and approved the entire project on 13 August 2003 with the issuance of Certificate OC-48.

On 5 February 2004, TNPI filed an application with the Board pursuant to subsection 45(1) of the NEB Act requesting a change to the pipeline route within the *Parc d'Oka* in Quebec, following an explicit request from the *Société de la faune et des parcs du Québec* (FAPAQ), which is responsible for the *Parc d'Oka*. The proposed route is the result of meetings and discussions between the FAPAQ, the *Société des établissements de plein air du Québec* (SÉPAQ) and TNPI.

The original route proposed by TNPI follows the existing right-of-way across the *Parc*, and is the route examined in the 24 July 2003 Environmental Screening Report. The new route proposed by TNPI begins and ends at the same location as the original route, but generally follows the roadways within the *Parc*, rather than crossing undeveloped areas.

The new route begins at the block valve located near *chemin du Camping*, and for a short distance (approximately 500 metres) follows the existing TNPI right-of-way before branching off to the north along the west side of the *chemin de la Plage* until it reaches the *chemin des Collines*. From its point of origin to the *Rivière aux Serpents*, the route is located within the boundaries of the campground. It then crosses a wetland area bordering the *Rivière aux Serpents*, and then a grassland area, before reaching the *chemin des Collines*. Then, for approximately 5.0 km, until it reaches the border of the *Parc*, the route travels along the north side of the *chemin des Collines* between the road surface and the drainage ditch for almost that entire stretch. It then travels south across the *chemin des Collines* to the existing TNPI right-of-way. The total length of this route is approximately 6.6 km.

Scope of the amendment

This amendment affects only that section of the pipeline that is located in the *Parc d'Oka*, in Quebec.

Amendments to the Board's 24 July 2003 Environmental Screening Report

Complete information on the new route can be found in the TNPI report entitled *Augmentation de la capacité du réseau, Secteur du parc d'Oka, Étude d'impact sur l'environnement, Février 2004*.

The Board's 24 July 2003 Environmental Screening Report applies to the entire project, including the *Parc d'Oka* sector, with the exception of the following additions, amendments and deletions:

- Section 1.1.6, Construction schedule: construction in the *Parc d'Oka* sector is planned for September 2004.
- Section 1.2.2, Biophysical Environment, Vegetation: construction in the *Parc d'Oka* will no longer occur in large forest blocks. The new route no longer passes near a stand of black oak (*Quercus velutina*).

- Section 3.0, Role of Other Federal Authorities: in addition to the parties listed in the original report, the Board communicated with Fisheries and Oceans Canada (DFO) and Environment Canada (EC) regarding the amendment. DFO reported that it had no role in the amendment, and EC provided comments on the identification of endangered species for which specific mitigation measures were developed.
- Section 4.1, Consultation: this application to the Board pursuant to subsection 45(1) of the NEB Act to change the pipeline route within the *Parc d'Oka* is the result of collaboration between TNPI and the FAPAQ regarding the *Parc*.
- Section 6.2.3, Table 8, Interactions: in the section Environmental Effects on the Project, the references to wetlands in the *Parc d'Oka* should be deleted because the new route no longer crosses wetlands in the *Parc*.
- Section 6.2.8 Wetlands, 1st paragraph: the references to *La Grande Baie* wetland in the *Parc d'Oka* should be deleted.

The Board's Conclusion

The Board has examined the environmental information provided by TNPI as required by subsection 16(1) of the CEA Act.

- The Board considered, pursuant to subsection 5(2)b) of the CEA Act, all of the information on the public record for the proposed project that is relevant to the scope of the environmental assessment that was to be considered in the conduct of the screening.

The conditions set out in Certificate OC-48 apply to the route change within *Parc d'Oka*.

The Board is of the view that the new route will potentially cause fewer environmental effects than the original route. By having the route follow the roadways, TNPI avoids, among other areas, the *La Grande Baie* wetland, and one of the conservation areas within the *Parc*. Furthermore, abandoning the old right-of-way would allow for restoration of the natural environment, which, according to the FAPAQ, is a determining factor in a provincial park whose core focus is on conserving and maintaining biodiversity.

The Board is of the view that with the proper implementation of TNPI's proposed mitigation measures and compliance with the Board's regulatory requirements and the conditions set out in Certificate OC-48, the new route is not likely to cause significant adverse environmental effects.

Decision

The Board approved the amendment to the Environmental Screening Report on 22 July 2004.

Departmental/Agency Contact

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