

**Filing Requirements Related to the Potential Environmental and
Socio-Economic Effects of Increased Marine Shipping Activities
Trans Mountain Expansion Project**

The National Energy Board (NEB or Board) Filing Manual provides direction on the Board's expectations for project applications and covers a wide range of environmental and socio-economic topics. It applies to all components of a project, which for the proposed Trans Mountain Expansion Project (Project) includes 981 km of new pipeline, new and modified facilities, such as pump stations and tanks, the reactivation of 193 km of existing pipeline between Edmonton and Burnaby, and additional tanker loading facilities at the Westridge Marine Terminal (Terminal).

Although the increased marine shipping to and from the Terminal is not part of the Project proposed by Trans Mountain Pipeline ULC (Trans Mountain), the Board has determined, by way of Issue #5 in its List of Issues, that potential environmental and socio-economic effects of those marine shipping activities, including the potential effects of accidents or malfunctions that may occur, are relevant to the Board's consideration of the application under the *National Energy Board Act*. The [List of Issues](#) was released on 29 July 2013, and is found on the NEB's website.

Trans Mountain should refer to applicable sections of the Filing Manual to guide its consideration of the increase in marine shipping activities. To ensure the application provides sufficient information, the following filing requirements must be included with Trans Mountain's application.

Consultation

Section 3.4 of the Filing Manual outlines the Board's expectations for consultation by applicants. In addition to information provided on consultation for the Project, the application must provide details on consultation in relation to the increase in marine shipping activities, including consultation with appropriate regulatory authorities such as Port Metro Vancouver.

Description of the increase in marine shipping activities

The application must include a detailed description of the increase in marine shipping activities, including:

- type, class, and specifications of vessels transiting to and from the Terminal;
- frequency, routing, speed, and transit time of vessels;
- associated activities such as ballasting, anchorage, maneuvering, docking, loading, bunkering and fuel types used, pilotage, and tugboat escort; and
- alternatives considered, such as routing, frequency and vessel types.

Extent of shipping activities

Trans Mountain's application must consider inbound and outbound journeys to and from the Terminal out to the 12 nautical mile territorial sea limit.

Effects Assessment

Guide A.2 of the Filing Manual describes the information applicants must include in their Environmental and Socio-Economic Assessment. This must be applied to all biophysical and socio-economic elements in Tables A-2 and A-3 of the Filing Manual with which the increase in marine shipping activities would potentially interact. Potential effects on the marine and coastal environment in Canada, and related socio-economic effects, must be considered.

Guide A.2 of the Filing Manual provides general guidance on the appropriate level of detail to be included in the application. Detailed information on the baseline setting, potential effects and cumulative effects is not required for particular biophysical or socio-economic elements or interactions if the application demonstrates that potential effects from the increase in marine shipping activities are negligible.

The assessment of accidents and malfunctions related to the increase in marine shipping activities must include an assessment of potential accidents and malfunctions at the Terminal and at representative locations along the marine shipping routes. Selection of locations should be risk informed considering both probability and consequence. The assessment must include a description of:

- measures to reduce the potential for accidents and malfunctions to occur, including an overview of relevant regulatory regimes;
- credible worst case spill scenarios and smaller spill scenarios;
- the fate and behaviour of any hydrocarbons that may be spilled;
- potential environmental and socio-economic effects of credible worst case spill scenarios and of smaller spill scenarios, taking into account the season-specific behaviour, trajectory, and fate of hydrocarbons spilled, as well as the range of weather and marine conditions that could prevail during the spill event;
- ecological and human health risk assessments for credible worst case spill scenarios and smaller spill scenarios, including justification of the methodologies used; and
- preparedness and response planning and measures, including an overview of the relevant regulatory regimes.

The assessment of accidents and malfunctions must also provide a description of the liability and compensation regime that would apply in the case of a spill.

Navigation and Safety

The Board acknowledges that a TERMPOL review is being undertaken and does not intend to duplicate that work. However, the application must provide information on navigation and safety, including:

- an overview of the relevant regulatory regimes and the role of the different organizations involved;
- any additional mitigation measures in compliance with, or exceeding regulatory requirements, proposed by Trans Mountain to further facilitate marine shipping safety; and
- how the regulatory regimes and any additional measures promote the safety of the increase in marine shipping activities.

Mitigation Measures

For all mitigation measures related to the increase in marine shipping activities, and any applicable monitoring and follow-up measures, Trans Mountain must describe:

- the roles, responsibilities and capabilities of each relevant organization in implementing the measures; and
- the level of care and control that Trans Mountain would have in overseeing or implementing the measures.