



---

This document includes questions and answers from the NEB pipeline provincial authorization (NEBPPA) application information session, held in Fort St. John on March 26<sup>th</sup>, 2012.

- Q. When can NEBPPA applications be submitted to the Commission?
- A. Applicants can submit NEBPPA applications to the Commission upon receiving their NEB Board Order. The Commission's online application system – KERMIT – will not allow an application to be submitted until an NEB Board Order is attached to the application. Applicants can initiate and prepare the application prior to having the NEB Board Order.
- Q. *Will NEB applications go through a separate review process from other applications submitted to the Commission?*
- A. NEBPPA applications will be subject to the same application review process as other applications submitted to the Commission. The application process is outlined in the NEBPPA application manual which is available on the Commission's website.
- Q. *Will applications follow a routine and non-routine process?*
- A. The Commission does not utilize a routine and non-routine process. All NEBPPA applications will follow the same application review process. Where a project's characteristics requires a mitigation strategy, justification, or exemptions, additional time and process steps may be required to complete the necessary reviews.
- Q. *What are the approval timeline expectations for NEBPPA applications?*
- A. The Commission anticipates that these applications will have similar approval timelines to Crown Land Applications processed by the Commission. On average, Crown Land Applications take 24 calendar days to process, based on data from the past 12 months.
- Q. *What are the OGC zones?*
- B. The Commission's Permitting and Authorizations team is structured around three provincial zones: North, Central or South. Applicants must indicate the zone corresponding to their project on the application form. Where the project crosses between zones, the zone is based on the "from" location. A map showing the boundaries of these zones can be found on the Commission's website.
- Q. *Are staff in place to handle applications from the south of the Province?*
- A. Yes, the Commission has the capacity in place to handle NEB pipeline provincial authorization applications. Applications should be directed to the appropriate zone. Applications from outside the Northeast BC region are handled by the South Zone review team.
- Q. *Does the Consultation and Notification Regulation apply to NEBPPA applications?*
- A. The Consultation and Notification Regulation does not apply to NEBPPA applications. Applicants are required to carry out rights holder engagement with and Crown land rights holders prior to

applying to the Commission. Details on rights holder engagement are included in the NEBPPA Application Manual.

*Q. When or how do we obtain agreements with private land owners if the Commission only permits Crown land access?*

A. The process of obtaining agreements with private land owners does not change as a result of the transition of permitting authority to the Commission. Prior to beginning any activities on private land, the permit holder must have an agreement with the land owner of the land in question. The Commission encourages all potential applicants to initiate negotiations with land owners prior to application.

*Q. Who deals with rights holder dispute resolution – NEB or OGC?*

A. Applicants are encouraged to try to resolve concerns with rights holders. Any concerns not resolved by the applicant or through the NEB process must be submitted with the application for evaluation by the Commission.

*Q. How do we know what FN's need to be consulted?*

A. The First Nations administrations are confidential. Applicants may contact the Commission's First Nations Liaison Officers to obtain information about First Nations administrative boundaries and for advice on engaging First Nations. Additionally, information about the First Nations consultation process can be found on the Commission's website.

*Q. Are MLTC's issued on a project basis?*

A. Each application submitted to the Commission will be issued a Cutting Permit. Cutting Permits are issued under a MLTC.

*Q. If a company already has a Master License To Cut (MLTC), do they need to obtain a new one to apply for NEBPPA applications?*

A. A MLTC is issued for each Forest District within BC. Applicants are required to obtain a MLTC for each Forest District that their application falls in. A MLTC is valid for 5 years.

*Q. Can access roads be applied for on the same application as an NEBPPA application?*

A. Access roads cannot be submitted along with NEBPPA applications. Roads receive a different Land Act tenure type from the NEBPPA, and must be submitted as a separate application. Information on how to submit road applications to the Commission can be found in the Road Application and Operations Manual.

*Q. How do you want Crown land and private land portions represented on the construction plans and in KERMIT?*

A. The construction plan submitted should only include Crown land portions of the application.

*Q. How should ePASS spatial data be submitted for pipelines that cross both private and Crown land?*

A. The ePASS spatial data submitted should only reflect Crown land portion of the application.

*Q. What is the maximum right-of-way width that is allowable with the Commission?*

A. While there is no established maximum right-of-way width, the Commission encourages application to ensure that use of the land base is restricted to the amount needed to carry out the activity and use existing corridors wherever possible to minimize impact on the land base.

*Q. When do we submit post-construction plans?*

A. Post construction plans must be submitted within 60 days of completed construction. Construction is considered complete when the construction right of way is returned to pre-construction soil conditions and equipment is removed from the right of way.

*Q. Do we need to submit a post-construction plan if nothing has changed?*

A. Post construction plans are required to be submitted showing actual construction to ensure the most current digital and spatial data is recorded. Section 6 of the Manual provides guidance for post-construction requirements. Post construction plans only need to include Crown land portions of the project.

*Q. How do we submit as-cleared plans?*

A. Applicants submit the As-Cleared Submission Form with the required deliverables as indicated on the form to the Commission via mail. For more information related to as-cleared plans, see the NEBPPA application manual.

*Q. How will amendments for existing NEB pipelines be handled. Will applicants obtain an additional tenure (OGC# based) on top of our old tenure (ILMB based)*

A. Where applicants have an existing Crown land tenure issued by an agency other than the Commission, they must ensure they have the proper authorizations, if required, to work within their existing right-of-way. Where new Crown land is required as a result of the amendment, applicants must submit a new application to the Commission.

*Q. Do we need provincial authorizations from the Commission for maintenance activities on or off the right of way?*

A. For maintenance activities within the existing right of way, applicants don't require new land act tenures; however they may require authorizations for harvesting timber or changes in and about a stream. For maintenance activities outside the right of way and on Crown land, a new Land Act tenure will be required, as well as cutting permits and changes in and about a stream, where applicable.

*Q. Who will be responsible for compliance and enforcement activities related to NEBPPA applications?*

A. The Commission will be responsible for compliance and enforcement related to authorizations granted as part of NEBPPA applications. The NEB will maintain responsibility for compliance and enforcement activities related to the pipeline.

*Q. How are changes in jurisdiction of pipelines processed?*

A. Changes of pipelines from federal regulation to provincial regulation will require an Oil and Gas Activities Act (OGAA) pipeline permit application. This application can be submitted through Kermit and must include the NEB Order releasing the pipeline from NEB jurisdiction. Where a transfer of ownership of the pipeline is required at the same time Change of jurisdiction (to OGC) and transfer of ownership the OGAA pipeline permit application must also include an Assignment of Surface Rights.

For changes of jurisdiction of pipelines from provincial to federal jurisdiction, the transferor must submit the NEB approval of transfer the Commission's Corporate Land Management branch. This will ensure the pipeline is removed from the annual invoicing database.

*Q. What is required for circumstances where ownership of an NEB pipeline is transferred between NEB regulated companies?*

A. Where there is a transfer of ownership between two NEB regulated companies, the transferee must send an Assignment of Surface Rights to the Commission's Corporate Land Management Branch and the related NEB approval of the transfer. This will result in the associated NEBPPA tenures being transferred to the transferee.

*Q. Have the OGC and NEB been working together to develop complementary processes?*

A. Up to this point, the Commission has been focused on supporting a seamless transition of these authorizations and ensuring the capacity and processes are in place to accept and process NEBPPA applications. The Commission and NEB have initiated the development of a Memorandum of Understanding, aspects of which will focus on improving communication and coordination between the two agencies.