

October 3, 2017

**E-FILE**

National Energy Board  
Suite 210, 517 – 10th Avenue SW  
Calgary, AB T2E 0A8

**Attention: Sheri Young, Secretary of the Board**

Dear Ms. Young,

**Re: Enbridge Pipelines Inc. ("Enbridge")  
Line 10 Westover Segment Replacement Project ("Project")  
National Energy Board ("NEB") Order XO-E101-001-2017 ("Order")  
Response to NEB re: Louisette Lanteigne email dated September 19, 2017**

Further to the letter from NEB, Socio-Economic & ADR Specialist, Sam Sele dated September 21, 2017, Enbridge is writing to respond to the email from Louisette Lanteigne dated September 19, 2017 (the "Email").

Enbridge confirms that the Project team, including biologists from both Dillon Consulting Limited and CH2M Hill are aware of provincial and federal policies and regulations pertaining to wetlands and species at risk as they relate to the Project.

Enbridge also notes that SNC Lavalin is not a contractor for the Project. The construction contractors for the Project are Somervill AECON Energy Group and R.B. Somerville Co. Limited.

Below are Enbridge's responses to the questions Ms. Lanteigne provided in the Email.

1. If an Engineer is hired to do construction work for a pipeline company, whose responsibility is it to make sure they are certified to work in the Province?

Enbridge hires engineering firms to complete engineering for its projects. The engineering firms provide individuals certified to seal designs as required by the applicable provincial engineering authority, in this case, Professional Engineers Ontario ("PEO").

2. If an Engineer is hired to plan a pipeline shouldn't they be certified to work in the Province where the pipe is intended to go?

The requirements for certification and the definition of engineering work is defined by the PEO in accordance with the Ontario *Professional Engineers Act*. The pipeline design for the Project has been sealed by professionals with licenses to practice engineering in Ontario as required.

3. Did the staff working by 2456 Govenors Road, have a CPCN permit at the site?

Although Enbridge was not able to provide Ms. Lanteinge with copies of the requested approvals and permits prior to her leaving the area, Enbridge confirms that it keeps copies of the Order and other permits including the Ontario Ministry of Environment and Climate Change water permits at the construction site as required. Enbridge notes that as the Project was applied for and approved pursuant to section 58 of the *National Energy Board Act*, it is not the subject of a Certificate of Public Convenience and Necessity, but rather was approved through the Order.

4. Did they have a valid water taking permit with them at the site?

Yes. See Enbridge's response to question 3 above.

5. Are the engineers doing this work certified to work in Ontario?

Yes. See Enbridge's response to question 2 above.

6. What assurances are there to assure no net loss to wetlands regarding Line 10?

In Ontario, there is no current policy in place which requires "no net loss" of wetlands. As per the Federal Policy on Wetland Conservation (Government of Canada 1991), it is the goal of the Federal Government to achieve no net loss of wetland functions.<sup>1</sup> Through consultation with Environment and Climate Change Canada, Enbridge can confirm that no loss of wetland function is anticipated as a result of the construction of the Project.

7. What assurances are there to secure net benefit for Jefferson Salamanders along this route?

Enbridge has been actively consulting with the Ontario Ministry of Natural Resources and Forestry regarding, among other things, the Jefferson Salamander and its habitat since 2015. Through this consultation, it has been determined that the Project footprint is not located within critical habitat for this species. Further, a mitigation plan for the Project has been developed to limit any potential impact to the this species and nearby critical habitat. There is no requirement to secure a net benefit.

8. What assurances are there to secure net benefit for the Brown Bat along this route?

Based on Project planning and the mitigations developed for the Project, impacts to Little Brown Myotis are not anticipated. As woodland removal is required, bat boxes are installed to compensate for loss of summer roosting habitat, however, roosting habitat is not considered to be critical habitat for Little Brown Myotis. Only hibernacula are considered to be critical habitat for this species and hibernacula is not present within the Project footprint. There is no requirement to secure a net benefit.

9. What assurances are there to secure net benefit for the Western Chorus Frog along this route?

The Project is not anticipated to interact with the Western Chorus Frog. Western Chorus Frog has not been detected during field studies along the Project alignment conducted over a number of years prior to construction. There is no requirement to secure a net benefit.

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<sup>1</sup> Federal Policy on Wetland Conservation (Government of Canada, 1991) at p. 5.

10. Why is critical habitat not delineated for any of the federally protected species along this route and how can we reasonably plan risk mitigation and remediation without it?

An assessment of species at risk and critical habitat was completed as part of the Project Environmental and Socio-economic Assessment [NEB Filing ID [A78970-2](#)]. Further, the Project team has been consulting with both Environment and Climate Change Canada and the Ontario Ministry of Natural Resources and Forestry on the potential impact to species at risk and their habitats (including conducting and sharing the results of field surveys and proposed mitigation measures) since 2015.

If you have any questions concerning this matter, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read 'Adam Oswell', with a stylized flourish at the end.

Adam Oswell  
Regulatory Advisor

Cc: Louise Lanteigne