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Regulator

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File OF-Fac-Gas-N081-2022-05 01
30 March 2023

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Dear Nicole Prince and Brock Gent:

NOVA Gas Transmission Ltd. – Application for the 2021 Meter Stations and Laterals Abandonment Program under subsection 241(1) of the *Canadian Energy Regulator Act* and section 50 of the *Canadian Energy Regulator Onshore Pipeline Regulations*

The Commission of the Canada Energy Regulator (**Commission**) has considered the application submitted by NOVA Gas Transmission Ltd. (**NGTL**), dated 3 May 2022 ([C18977](#)) (**Application**) as well as its subsequent filings dated 27 May 2022 ([C19293](#)), 17 June 2022 ([C19624](#)), 18 July 2022 ([C20154](#)), 9 August 2022 ([C20437](#)), 13 December 2022 ([C22504](#)), 21 December 2022 ([C22645](#)) and 16 January 2023 ([C22833](#)). NGTL applied to abandon 10 meter stations and associated lateral pipelines (**Laterals**), 4 stand-alone meter stations and 2 stand-alone Laterals (**Facilities or Project**) located throughout Alberta, all of which are part of the NGTL System (**2021 Abandonment Program or Program**). NGTL stated that the Project would involve the removal of approximately 1.6 kilometres (**km**) of Laterals and the abandonment in-place of approximately 149.6 km of Laterals. The Facilities are located on freehold lands, special areas lands, Alberta Crown lands, and lands owned by the Nature Conservancy of Canada. NGTL has proposed abandonment activities to take place between Q1 2023 and Q2 2024.

The Commission holds companies responsible for ensuring that they abandon their pipelines in a safe manner and will take all available actions to protect Canadians and the environment. A company must demonstrate to the Commission that it will abandon the Facilities in a way that protects the environment and the public and that the company will anticipate, prevent, manage, and mitigate any potentially dangerous conditions associated with its Facilities.

The Commission has considered the above referenced Application and filings and has issued Order **ZO-006-2023 (Order)**, granting NGTL leave to abandon the Facilities. The Commission has also considered NGTL's request for relief pursuant to section 97 of the *Canadian Energy Regulator Act (CER Act)* exempting NGTL from paragraph 4(1)(d) of the *Canadian Energy Regulator Onshore Pipeline Regulations (OPR)* as related to Clause 10.16.3 of CSA Z662-19 and its applicability to the 14 cathodic protection (**CP**) test stations. The Commission denies this request for relief. The Order sets out the conditions that the Commission imposes on NGTL in carrying out the abandonment.

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Appropriateness of Abandonment Methods

The scope of work for the Project involves six Laterals to be abandoned in-place, four Laterals to be removed, and three Laterals to be partially abandoned in-place (i.e., sections will be removed). NGTL is proposing to remove all meter stations and associated above-and below-ground facilities, and approximately 1.6 km of Laterals and abandon in-place approximately 149.6 km of Laterals. NGTL determined that for the majority of the Laterals, the appropriate method of abandonment is to abandon the pipeline in-place with remediation (if required) and reclaim the disturbance areas to equivalent land capability following abandonment activities. NGTL submitted that for the Laterals identified as being abandoned in-place, the environmental disturbance that would be caused by removing the pipelines would be far greater and unwarranted in the case of this remote and predominately forested land. NGTL submitted that physical removal of the pipelines would require disturbance of vegetation and brush that has re-grown on the pipelines rights-of-way (**RoW**) and impact caribou and other wildlife habitat.

NGTL stated it will cut, fill, and cap sections of pipeline under rail and highway crossings and pipeline will be left in place to reduce the potential for subsidence to affect transportation infrastructure. NGTL stated that ground subsidence due to corrosion is unlikely for small diameter piping, and any minor depressions that occur as a result of subsidence would be addressed as part of regular road maintenance activities. For this reason, NGTL has determined that it is not necessary to provide any special treatment for remaining road crossings. NGTL also stated that, although there is some risk of pipeline exposure in watercourses following abandonment, leaving the pipeline in-place is still generally preferred as it will avoid further disturbance to the beds and banks of watercourses.

NGTL identified 122 CP test stations associated with the Facilities to be abandoned and is proposing to remove 108 CP test stations and abandon in-place 14 CP test stations (i.e., no removal of above-ground test posts or below-ground test leads). NGTL stated that the 10 CP test stations associated with the Rambling Creek and Winefred River West Laterals, proposed to be abandoned in-place, have been identified as either inaccessible or subject to construction and/or engineering constraints, and removal of these CP test stations would require significant amounts of vegetation clearing or brushing, unwarranted potential ground disturbance and significant costs. As a result, NGTL requested relief pursuant to section 97 of the CER Act (should the Commission deem it appropriate) exempting NGTL from paragraph 4(1)(d) of the OPR as related to Clause 10.16.3 of CSA Z662-19 and its applicability to these 10 CP test stations.

NGTL further submitted in Program Update No. 2 and response to a staff IR No. 3, that four CP test stations associated with the Virginia Hills Lateral that were initially proposed to be removed, are now proposed to be abandoned in-place due to the presence of critical aquatic habitat for a species at risk intersecting its proposed access route. NGTL considered alternate access routes, including helicopter access which had been used previously for annual monitoring and maintenance of the CP test stations, but submitted that while access conditions have not changed, helicopter access in the summer or winter poses safety risks and increases Program costs. NGTL further stated that access by foot was found to be not feasible, due to muskeg conditions and equipment requirements and there were no other direct vehicle access routes that did not require clearing, brushing, or construction of access.

Commission Analysis and Findings

The Commission has considered the appropriateness of NGTL's proposed abandonment methods in consideration of such factors as: physical constraints to removing the pipes; future land use; and environment; safety; and economics.

The Commission finds it appropriate that the above- and below-ground infrastructure associated with the meter stations, the four Laterals, and sections of three Laterals, as described in the Application, be removed. The Commission finds it appropriate to abandon in-place the six Laterals and sections of three Laterals, as it will minimize environmental disturbance.

The Commission finds the abandonment by removal of 108 CP test stations associated with the Facilities to be appropriate.

The Commission has considered NGTL's request for relief pursuant to section 97 of the CER Act, exempting NGTL from paragraph 4(1)(d) of the OPR, as related to Clause 10.16.3 of CSA Z662-19 and its applicability to the 14 CP test stations proposed to be abandoned in-place. The Commission does not find it appropriate to grant NGTL's request for relief and finds that the 14 CP test stations can and should be removed utilizing: the same methods and mitigation measures set out by NGTL for removing the other 108 CP test stations; and the access routes used previously for maintenance and annual testing of CP test stations. The Commission finds that the cost of the abandonment activities is not a valid reason to grant relief. In addition, the Commission finds that while there may be some safety risks as identified by NGTL, the Commission has considered that CP test stations are regularly visited by technicians/inspectors during their operational life. NGTL has indicated that removal will consist of pulling the post from the ground and clipping wires, and as a result, the Commission does not anticipate any safety or environmental risks associated with removing the CP test stations that cannot be mitigated.

Sub-section 4(1) of the OPR specifically provides that when a company abandons a pipeline, it shall ensure it is abandoned in accordance with CSA Z662. Clause 10.16.3 of CSA Z662-19 requires companies to remove surface equipment associated with abandoned pipelines, unless required for continuing operations and therefore, the Commission requires NGTL to remove all the CP test stations in accordance with the CSA requirements. The Commission imposes **Condition 4** requiring NGTL to file a letter with the CER confirming removal of all 122 CP test stations not required for continued operations within 30 days of completion of all CP test station removals.

With respect to the 10 CP test stations located along the Rambling Creek and Winefred River West Laterals, the Commission finds that NGTL can implement mitigation measures to reduce disturbance to vegetation, such as accessing the sites by vehicle and walking in through areas where seedlings were planted, removing the test posts by hand, or accessing the sites in frozen conditions when vegetation is dormant and protected by snowpack. The Commission is of the view that the removal of the 10 CP test stations would not require significant amounts of vegetation clearing or brushing, considering the current state of vegetation. Further, the Commission is of the view that ground disturbance would be minimal, considering the size of the CP test station posts and the hand excavation methods proposed by NGTL.

With respect to the four CP test stations located along the Virginia Hills Lateral, disturbance to critical habitat can be avoided by accessing the CP test stations via an alternate method, such as by helicopter, as has been done in the past for maintenance and annual testing. Alternatively, should NGTL access the four CP test stations for their removal via the Virginia Hills Lateral RoW, such that there are potential interactions with critical aquatic habitat, NGTL has committed to request a review for authorization directly from Fisheries and Oceans Canada (**DFO**) prior to commencing abandonment activities.

The Commission also imposes **Condition 5**, requiring NGTL to file with the CER any authorization(s) issued under paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* and section 74 of the *Species at Risk Act*, for activities required for the removal of the four CP test stations along the Virginia Hills Lateral, or provide notification, with rationale, for why an authorization, permit or letter of advice was not required. The Commission expects NGTL to reclaim and restore all disturbed areas as a result of removal of CP test stations, as required by **Condition 12**.

Given that the Commission retains jurisdiction of the pipelines abandoned in-place, if future circumstances indicate a need for pipe segments to be removed (e.g., to accommodate future land use), NGTL must apply to the CER for that work.

The Commission is satisfied that the protection of the environment and public safety have been adequately addressed by NGTL. The Commission is also satisfied that the Project will be undertaken in a compliant, safe, and appropriate manner. The Commission reminds NGTL that it remains liable for monitoring the facilities abandoned in-place and associated rights-of-way (**RoWs**) and any other related events that may occur, in perpetuity.

Consultation and Engagement

Prior to its Application, NGTL notified 23 Indigenous¹ communities, who have known and/or asserted traditional territory in the Project area, of the Project by letter. NGTL also published a Notice of the proposed abandonment in the Calgary Herald, Edmonton Journal, Le Franco, and Windspeaker newspapers on 12 and 13 May 2022, giving the required thirty (30) day deadline to file statements of opposition or requests for a hearing with the Commission.

No concerns regarding the proposed Project were received by the CER from any of the notified Indigenous communities. Also, given that the CER received no statements of opposition or requests for a hearing (either within the timeline advertised, or since the public filing of the Application), no public hearing to assess this Application was held. However, the Commission notes that there are site visits and site visit follow-ups still pending, and that NGTL has still not received a response from the Indigenous communities and organizations listed in Table 6 of the Application, except for Aseniwuche Winewak Nation, Chipewyan Prairie Dene First Nation, and Horse Lake First Nation.²

Commission Analysis and Findings

The Commission is satisfied that anyone potentially impacted by the Project had the opportunity to voice their concerns. The Commission finds the scope of engagement and consultation activities undertaken to be appropriate.

¹ The use of the term "Indigenous" has the meaning assigned by the definition of "aboriginal peoples of Canada" in subsection 35(2) of the *Constitution Act, 1982* which states:

In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit, and Métis peoples of Canada.

² NGTL, Application, Table 6: Indigenous Groups Who Have Not Responded to NGTL, PDF page 32 of 81, [C18977-1](#)

The Commission recognizes that public involvement is an important component during each phase in the lifecycle of a project and reminds NGTL of the importance of establishing and maintaining strong relationships throughout this entire lifecycle. Therefore, the Commission imposes **Condition 8** with respect to consultation with Indigenous Peoples, that NGTL must file with the CER, at least 30 days prior to commencing any abandonment activities, an updated consultation summary, listing NGTL's consultation activities with all potentially affected Indigenous communities since NGTL's Response to IR No. 1 dated 17 June 2022. The consultation summary must include, but not be limited to: the methods, dates and locations of consultation activities; a summary of any concern(s) and comments raised by the Indigenous communities; how NGTL has addressed or will address the concern(s) and comments raised including an explanation of how consultation feedback received was integrated into abandonment planning and activities; a description of any outstanding concern(s); and how NGTL intends to address any outstanding concerns, or an explanation why no further steps are required.

Socio-Economic and Land Matters

NGTL stated that Facilities are located on freehold lands, special areas lands, Alberta Crown lands, and lands owned by the Nature Conservancy of Canada. NGTL identified 24 directly affected landowners (including the Crown), and approximately 415 other land rightsholders (e.g., occupants, land users [trappers, grazing lease holders etc.] and industry parties) who are potentially impacted by the Project. NGTL stated that it intends to make use of existing land rights for the work associated the proposed abandonment activities. NGTL stated it does not anticipate the need for temporary workspace, however if required NGTL will seek necessary temporary work space from landowners and occupants. NGTL stated that each abandonment in the Program would have a relatively limited scope, with a small workforce and short activity duration, usually two to four weeks for each site. It also expects to minimize impacts of the work by means of standard and site-specific mitigation measures, including providing an intended Project schedule before the start of abandonment activities to avoid or reduce impacts to their operations or activities.

NGTL submitted that four Project Development Areas (**PDAs**) of the Wayne North Lateral overlap with areas that have historic resource values, and that it planned to submit a Historical Resource Application and Statement of Justification to Alberta Culture and Status of Women with respect to these sites, and has committed to fulfilling all requirements issued to the 2021 Abandonment Program under the Alberta *Historical Resources Act*. To mitigate the risk of impact to heritage resources, NGTL stated it will also provide an orientation to all Program personnel on site sensitivities, prohibit collection of historical resources, and apply its Cultural Resource Discovery Contingency Plan in the event any previously unidentified heritage sites or materials are found.

NGTL stated in the Application that Cold Lake First Nations raised specific concerns regarding heritage resources, including the potential for impacting unreported sites and materials and possible impacts to travel and access to a high heritage value traditional trail. NGTL addressed these concerns by explaining its planned mitigation strategies summarized above, and committed to contacting any potentially affected Indigenous communities and organizations, if an unreported traditional land and resource use site is found during abandonment activities.

Commission Analysis and Findings

The Commission is satisfied that NGTL has identified and addressed appropriately the socio-economic impacts associated with the Project. The abandonment activities to be undertaken by NGTL will take place on previously disturbed lands. The Commission is of the view that, with mitigations in place, the Project is not likely to cause any significant socio-economic effects.

With respect to minimizing impacts to heritage resources, NGTL is required to file with the CER a confirmation that it has received the required heritage resource clearances at least 30 days prior to commencing any abandonment activities for sites where heritage resource clearances are required under the Alberta *Historical Resources Act*. Therefore, the Commission imposes **Condition 9** directing NGTL to file confirmation that it has received the permits and clearances required for the abandonment activities from Alberta Culture and Status of Women.

The Commission is of the view that potential impacts to heritage resources of the proposed Project will be minimized in light of NGTL's planned mitigation measures, its commitment to ongoing Indigenous engagement and consultation, and the imposition of **Conditions 8 and 9**.

Environment Matters

As part of the Application and related filings, NGTL provided an Abandoned Pipeline Monitoring Plan, Pipeline Cleaning Plan, Interactions Table, Environmental Site Information Sheets, Phase I Environmental Site Assessment (**ESA**), Phase II ESA Plan, Reclamation Monitoring Plan, and an Environmental and Socio-Economic Assessment, which included an Environmental Protection Plan (**EPP**). NGTL stated that revisions to the EPP may occur as a result of supplemental studies such as fish and fish habitat surveys.

NGTL submitted that little ground disturbance is required but brushing of regenerating vegetation on the RoWs will be required to allow equipment access to some locations. Instream work will be completed at the aerial crossing of the Rosebud River to remove associated instream pipe supports. NGTL will carry out this instream work in low flow and/or frozen conditions, outside the restricted activity period, and will comply with *DFO's Measures to Protect Fish and Fish Habitat* and *DFO's Standards and Codes of Practice*. NGTL indicated that a fish and fish habitat survey would be completed in Q2/Q3 of 2022 prior to commencing the abandonment activities.

NGTL submitted that eight PDAs are located within critical habitat for woodland caribou (boreal population), which are listed as Threatened under Schedule 1 of the *Species at Risk Act* and the Alberta *Wildlife Act*. NGTL indicated that there will be 1.02 hectares (**ha**) of PDA overlap with caribou habitat, of which 0.42 ha is new temporary, short-term direct disturbance (mainly on regenerating RoWs) and 0.60 ha is on existing permanent disturbance (e.g., industrial sites, roads). In the overall Project footprint, approximately 39.7 km of pipeline RoW is within caribou habitat.

Cold Lake First Nations and Métis Nation of Alberta – Region 5 expressed specific concerns about caribou habitat, recovery, and restoration for the Cold Lake, Christina Lake, and Red Earth Caribou Ranges and herds. Cold Lake First Nations recommended a site visit. Both Cold Lake First Nations and Métis Nation of Alberta – Region 5 expressed interest in participating in Indigenous monitoring to help address their concerns.

NGTL stated that vegetation management was being carried out on the RoWs during operations, and the current condition is regenerating but is not currently suitable habitat for caribou. NGTL will cease vegetation management following abandonment and allow vegetation to re-establish. Results from a vegetation survey of the PDAs and RoWs overlapping caribou ranges will be used to develop a Caribou Habitat Restoration Plan (**CHRP**). NGTL indicated that removal of the facility infrastructure and reclamation and restoration of the RoWs will have a positive effect that will increase vegetation regeneration in the Project area and improve the habitat conditions for caribou.

NGTL filed Phase I ESA reports with the Application which identified areas of potential contamination at four meter stations. NGTL also filed a Phase II ESA Plan that describes the procedures to be implemented for investigating all existing and/or potential contamination identified in the Phase I ESA, including sampling methodology. NGTL committed to remediating any confirmed contamination identified as a result of the Phase II ESA, in accordance with the requirements set out in the CER Remediation Process Guide, including filing Notices of Contamination.

NGTL indicated that, following completion of abandonment activities, the disturbed areas and areas which do not meet equivalent land capability (e.g., gravel pads, areas with tame vegetation) will be reclaimed. NGTL stated it will monitor reclamation at all meter stations and lateral RoWs until equivalent land capability is confirmed.

Commission Analysis and Findings

The Commission finds that, with the implementation of NGTL's environmental protection procedures and mitigation measures, the requirements of the Commission's conditions, noted below, any potential adverse environmental effects, including any cumulative effects, arising from the abandonment activities or the pipelines remaining in-place over the long term would be low magnitude and limited in extent. Some of those potential effects may be long term in duration, but none of the potential effects are likely to be significant.

Given that NGTL has committed to conduct supplemental studies, the Commission imposes **Condition 6**, that NGTL must file with the CER, at least 45 days prior to commencing abandonment activities, an updated, Project-specific EPP, which NGTL must implement. The EPP must describe all environmental protection procedures, mitigation measures and commitments that will be implemented to avoid or minimize potential adverse environmental and socio-economic effects during the abandonment activities. The EPP must reflect any additional mitigation measures resulting from supplemental studies (e.g., fish and fish habitat, and vegetation surveys).

The contamination associated with the meter stations identified in the Phase I ESAs will be further investigated by NGTL as part of the Phase II ESA work and be remediated as necessary. The Commission reminds NGTL to file Notices of Contamination for all contamination identified and adhere to the CER Remediation Process Guide.

NGTL has committed to implement caribou habitat restoration measures on the Project footprint within the Chinchaga, Red Earth, Cold Lake, and East Side Athabasca caribou ranges. The Commission is of the view that the proposed measures align with the Environment and Climate Change Canada (**ECCC**) Recovery Strategy, which emphasizes the need for restoration efforts to reduce disturbance levels to caribou and return caribou ranges to self-sustaining levels. The Commission imposes **Condition 7** for NGTL to file a CHRP, for Commission approval, at least 60 days prior to commencing the abandonment activities which describes the caribou habitat restoration measures to be implemented, including the decision making framework used to identify the measures, the locations where they are proposed to be implemented, and the quantifiable targets and performance measures that will be used to evaluate and determine the success of those measures during the monitoring program. As well, the Condition requires NGTL to engage with ECCC and provincial authorities regarding the CHRP. NGTL is also required to provide a summary of engagement activities undertaken with interested Indigenous Peoples to obtain input into the CHRP, and to provide opportunities for their participation in monitoring activities.

The Commission reminds NGTL of the importance of incorporating Indigenous Peoples' traditional knowledge and participation in the design and implementation of activities and programs addressing their issues and concerns. Regarding future abandonment of facilities and related activities, the Commission expects this incorporative work to continue and include co-development opportunities where appropriate. This expectation is commensurate with the CER's commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples (**UNDRIP**) and the work being undertaken by the CER guided by the CER's Reconciliation Strategic Priority.

To ensure the Project footprint (including the pipeline RoWs) has reached or is on track to reach equivalent land capability, the Commission imposes **Condition 12**. This Condition requires NGTL to monitor the Project footprint and provide Reclamation Reports to the CER after the first, third and fifth complete growing seasons following the completion of the abandonment activities and final cleanup. The reports must also include a description of how NGTL incorporated information provided by any Indigenous Peoples that participated in monitoring activities. If equivalent land capability and/or restoration objectives indicated for any part of the Project footprint have not been reached by fifth year reporting or there are issues identified regarding the caribou habitat restoration measures implemented, the Commission expects NGTL to submit a schedule for reporting its progress towards that objective to the CER. The reports should also confirm that all contamination identified has been remediated.

Financial and Economic Matters

NGTL provided its Abandonment Cost Estimates (**ACEs**) for the Project and submitted that it has interim funding in place for all pipeline abandonment and post-abandonment, and it intends to subsequently seek reimbursement from its Abandonment Trust for all abandonment costs through an application to the CER.

Commission Analysis and Findings

The Commission is satisfied with NGTL's submissions, and reminds NGTL that it remains fully liable for monitoring the Facilities abandoned in-place and any related event that may occur, consistent with subsection 241(5) of the CER Act.

The MH-001-2012 Reasons for Decision state that financial provisions for post-abandonment activities apply to all pipelines proposed to be abandoned in-place ([A50478](#)). Therefore, following the completion of all abandonment activities, NGTL may apply to the CER to have its ACE evaluated and, if directed by the Commission, amended.

Further, the Commission is of the view that improving the accuracy of ACEs is an ongoing process, which benefits from learnings of abandonments as they take place. Therefore, the Commission imposes **Condition 10** which requires NGTL to provide actual cost data broken down by abandonment activity annually.

Commission Direction

The Commission directs NGTL to serve a copy of this letter, the attached Order and its Schedule A on all interested parties.

Yours sincerely,

Signed by

Ramona Sladic
Secretary of the Commission

Attachment

c.c. Brianna Wyn, Team Leader, Linear Development, Fish and Fish Habitat Protection Program, Fisheries and Oceans Canada, DFO.CALinearDevelopment-DeveloppementlineaireCA.MPO@dfo-mpo.gc.ca



ORDER ZO-006-2023

IN THE MATTER OF the *Canadian Energy Regulator Act* (**CER Act**) and the regulations made thereunder; and

IN THE MATTER OF an application made by NOVA Gas Transmission Ltd. (**NGTL**), pursuant to subsection 241(1) of the CER Act and section 50 of the *Canadian Energy Regulator Onshore Pipeline Regulations* (**OPR**), dated 3 May 2022, filed with the Canada Energy Regulator (**CER**) under File OF-Fac-Gas-N081-2022-05 01.

BEFORE the Commission of the CER (**Commission**) on 28 March 2023.

WHEREAS NGTL filed an application (**Application**) dated 3 May 2022, for leave to abandon 10 meter stations and associated lateral pipelines, four stand-alone meter stations and two stand-alone lateral pipelines (**Facilities or Project**), including associated infrastructure, all of which are part of the NGTL System (**2021 Abandonment Program or Program**) at an estimated cost of \$13 million dollars;

AND WHEREAS NGTL published the Abandonment Notice on 12 May and 13 May 2022, giving the required thirty (30) day deadline to file statements of opposition or requests for a hearing with the CER;

AND WHEREAS the CER received no statements of opposition nor requests for a hearing from interested persons;

AND WHEREAS NGTL filed subsequent submissions dated 27 May 2022, 17 June 2022, 18 July 2022, 9 August 2022, 13 December 2022, 21 December 2022 and 16 January 2023;

AND WHEREAS Fisheries and Oceans Canada (**DFO**) filed a letter dated 31 January 2023 indicating that NGTL would likely require authorization pursuant to paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* and section 74 of the *Species at Risk Act* in order to access the CP test stations through the critical habitat along the Virginia Hills Lateral;

AND WHEREAS the Commission has had regard to all considerations that are relevant and directly related to the Project, including matters under section 56 of the CER Act, and environmental matters pursuant to Part 3 of that Act;

AND WHEREAS the Commission has considered NGTL's request pursuant to section 97 of the CER Act exempting NGTL from paragraph 4(1)(d) of the OPR as related to Clause 10.16.3 of CSA Z662-19 and its applicability to abandoning in-place 14 cathodic protection (**CP**) test stations and denies the request;

AND WHEREAS the Commission has considered the evidence as contained in the Application and subsequent filings and considers it to be in the public interest to grant the relief requested in part;

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IT IS ORDERED that, pursuant to subsections 241(1) and 68(1) of the CER Act, that NGTL is granted leave to commence abandonment activities in respect of the Project, subject to the following conditions:

1. NGTL must comply with all of the conditions contained in this Order unless the Commission otherwise directs.
2. NGTL must cause the approved Project to be undertaken in accordance with the specifications, standards, commitments made and other information referred to in its Application or in its related submissions.
3. NGTL must implement or cause to be implemented all of the policies, practices, programs, mitigation measures, recommendations, procedures and its commitments for the protection of the environment included in or referred to in its Application or in its related submissions.
4. **Within 30 days of completion of all CP test stations removal**, NGTL must file with the CER a letter confirming removal of all 122 CP test stations not required for continued operations, as identified in NGTL's Application and related submissions.
5. NGTL must file with the CER, **at least 15 days prior to commencing any abandonment activities**:
 - a) any authorization(s) issued by DFO under paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act* and section 74 of the *Species at Risk Act*, for activities required to access the four CP test stations located along the Virginia Hills Lateral; or
 - b) provide notification if an authorization, permit or letter of advice was not required, including the rationale.
6. NGTL must file with the CER, **at least 45 days prior to commencing any abandonment activities**, an updated Project-specific Environmental Protection Plan (**EPP**), which NGTL must implement. The EPP must describe all environmental protection procedures, mitigation measures and commitments that will be implemented to avoid or minimize potential adverse environmental and socio-economic effects during the abandonment activities. The EPP must reflect any additional mitigation measures resulting from supplemental studies (e.g., fish and fish habitat, and vegetation surveys).
7. NGTL must file with the CER, **at least 45 days prior to commencing any abandonment activities**, for **Commission approval**, a Caribou Habitat Restoration Plan (**CHRP**) for the Project footprint within the Chinchaga, Red Earth, Cold Lake, and East Side Athabasca caribou ranges. The CHRP must outline the restoration measures that NGTL will implement to accelerate the succession of vegetation regeneration, enhance caribou habitat attributes and prevent access to the Project footprint. The CHRP must include, but is not limited to, the following:

- a) the goals and measurable objectives of the CHRP;
 - b) the decision-making framework that was used to identify the measures to be implemented, including a list of the potential measures considered, the scientific literature and Indigenous knowledge that supports its use and the criteria that was used to select the measures to be implemented;
 - c) specification drawings for the measures to be implemented;
 - d) maps or environmental alignment sheets showing the locations of the caribou habitat restoration measures to be implemented, including the spatial extent of the measures;
 - e) a schedule indicating when the measures will be implemented;
 - f) the quantifiable targets and performance measures that will be used to evaluate and determine success of the measures during the monitoring program, as required by Condition 12;
 - g) a summary of engagement activities undertaken with interested Indigenous Peoples to obtain input into the CHRP and to provide opportunities for their participation in monitoring activities. The summary must also include a list of Indigenous Peoples engaged, methods, dates, and location; and an explanation of how this engagement informed or modified the CHRP; and
 - h) a summary of engagement activities with Environment and Climate Change Canada and provincial authorities regarding the CHRP, including an explanation of how engagement informed or modified the CHRP.
8. NGTL must file with the CER, **at least 30 days prior to commencing any abandonment activities**, an updated consultation summary, listing NGTL's consultation activities with all potentially affected Indigenous communities since NGTL's Response to CER IR No. 1 of 17 June 2022. The consultation summary must include, but not limited to, the following:
- a) the methods, dates and locations of consultation activities;
 - b) a summary of any concern(s) and comments raised by the Indigenous communities;
 - c) how NGTL has addressed or will address the concern(s) and comments raised including an explanation of how consultation feedback received was integrated into abandonment planning and activities;
 - d) a description of any outstanding concern(s); and
 - e) how NGTL intends to address any outstanding concerns, or an explanation why no further steps are required.

9. NGTL must file with the CER, **at least 30 days prior to commencing any abandonment activities for sites where heritage resource clearances are required** under the *Alberta Historical Resources Act*, confirmation that it has received the permits and clearances required for the abandonment activities from Alberta Culture and Status of Women.
10. Upon commencement of any abandonment activities, NGTL must file with the CER annually the abandonment activity cost reports **within 10 days after the end of each fiscal year**, until the completion of abandonment activities. Each report must include:
 - a) information on the activities carried out during the reporting period; and
 - b) actual costs associated with those activities, as well as the total of actual costs by cost category to date, in table form similar to Tables A-3 and A-4 in the National Energy Board's [MH-001-2012 Reasons for Decision](#)³.
11. NGTL must file with the CER, **within 30 days of the date of completion of abandonment activities**, a confirmation that the Project was completed, and that all activities were conducted in compliance with all applicable conditions in this Order. If compliance with any of these conditions cannot be confirmed, NGTL must file with the CER details as to why compliance cannot be confirmed. The filing required by this condition must include a statement confirming that the signatory to the filing is the accountable officer of NGTL, appointed as Accountable Officer pursuant to section 6.2 of the OPR.
12. NGTL must file with the CER:
 - a) **on or before 31 January after each of the first (1st), third (3rd) and fifth (5th) complete growing seasons following the completion of abandonment activities and final clean-up**, a Reclamation Report for the Project. The report must include, but not limited to, the following:
 - i. the desired end reclamation and restoration goals;
 - ii. a description of the methodology, including factors and criteria considered, used to evaluate equivalent land capability of the Project footprint;
 - iii. a description of reclamation and/or restoration measures (including for aquatic species at risk and caribou habitat restoration) and how these measures are evaluated to determine their success;
 - iv. a description of any environmental issues identified, the current status of the issues (resolved or unresolved), and the corrective actions taken or planned to be taken to resolve the issues;
 - v. a description of how NGTL incorporated information provided by any Indigenous Peoples that participated in monitoring activities referred to in Condition 7 g);

³ MH-001-2012 Reasons for Decision: Abandonment Cost Estimates, PDF pages 86-90 of 126 ([A50478](#)).

- vi. if contamination was discovered prior to commencing or during the abandonment activities, confirmation that all contamination identified has been remediated to the most stringent federal or applicable provincial environmental criteria, or site-specific criteria, where justified, and provide copies of the Remediation Closure Letter(s) received from the CER; and
 - vii. information or documentation, including high resolution photographs of the landscape on and off the pipeline rights-of-way (**RoWs**), either demonstrating that the state of land for the entire pipeline RoWs has reached equivalent land capability or is on the trajectory of reaching the restoration goal.
- b) If equivalent land capability has not yet been achieved for any part of the Project footprint or there are issues identified with respect to the success of the reclamation and/or restoration measures implemented by the fifth (5th) year report, a reporting schedule for monitoring progress towards those objectives.
13. Unless the Commission otherwise directs, this Order shall expire on 31 March 2026 unless abandonment activities in respect of the Project have commenced by that date.

THE COMMISSION OF THE CANADA ENERGY REGULATOR

Signed by

Ramona Sladic
Secretary of the Commission

SCHEDULE A
Order ZO-006-2023

NOVA Gas Transmission Ltd.
Application dated 3 May 2022
assessed pursuant to subsection 241(1) of the *Canadian Energy Regulator Act* and
section 50 of the *Canadian Energy Regulator Onshore Pipeline Regulations*

NGTL 2021 Meter Stations and Laterals Abandonment Program Project
File OF-Fac-Gas-N081-2022-05 01

Pipeline Specifications – Bison Lake Lateral

Project Type	Abandonment
Location (endpoints)	From 15-05-95-15 W5M to 01-05-95-16 W5M (Alberta)
Approximate Length	9.6 km (in-place)
Outside Diameter	323.9 mm (NPS 12)
Wall Thickness	5.6 mm
Pipe Material	Steel
External Coating Type	Extruded polyethylene
Product	None

Pipeline Specifications – Cessford East Lateral

Project Type	Abandonment
Location (endpoints)	From 03-06-24-10 W4M to the Cessford East Receipt Meter Station in 16-36-23-11 W4M (Alberta)
Approximate Length	790 m (by removal)
Outside Diameter	219.1 mm (NPS 8)
Wall Thickness	5.6 mm
Product	None

SCHEDULE A (continued)
Order ZO-006-2023

Pipeline Specifications – Chester Creek Lateral

Project Type	Abandonment
Location (endpoints)	From 07-30-94-16 W5M to 07-30-94-16 W5M (Alberta)
Approximate Length	70 m (by removal)
Outside Diameter	114.3 mm (NPS 4)
Wall Thickness	6 mm
Product	None

Pipeline Specifications – Countess West Lateral

Project Type	Abandonment
Location (endpoints)	From 01-23-20-16 W4M to 04-24-20-16 W4M (Alberta)
Approximate Length	230 m (by removal)
Outside Diameter	114.3 mm (NPS 4)
Wall Thickness	2.8 mm
Product	None

Pipeline Specifications – Rambling Creek Lateral

Project Type	Abandonment
Location (endpoints)	From 07-21-90-4 W6M to 09-31-90-01 W6M (Alberta)
Approximate Length	27.3 km (in-place)
Outside Diameter	114.3 mm (NPS 4)
Wall Thickness	3.2 mm
Pipe Material	Steel
External Coating Type	Extruded polyethylene
Product	None

SCHEDULE A (continued)
Order ZO-006-2023

Pipeline Specifications – Russell Creek Lateral

Project Type	Abandonment
Location (endpoints)	From 04-03-96-10 W5M to 10-05-95-15 W5M (Alberta)
Approximate Length	55.9 km (in-place)
Outside Diameter	273.1 mm (NPS 10)
Wall Thickness	4.8 mm
Pipe Material	Steel
External Coating Type	Extruded polyethylene
Product	None

Pipeline Specifications – Sakwatamau River Sales Lateral

Project Type	Abandonment
Location (endpoints)	From 05-16-64-13 W5M to 04-02-65-13 W5M (Alberta)
Approximate Length	7.3 km (in-place)
Outside Diameter	168.3 mm (NPS 6)
Wall Thickness	3.3 mm
Pipe Material	Steel
External Coating Type	Extruded polyethylene
Product	None

SCHEDULE A (continued)
Order ZO-006-2023

Pipeline Specifications – Tweedie South Lateral

Project Type	Abandonment
Location (endpoints)	In 12-05-68-12 W4M (Alberta)
Approximate Length	380 m (in-place) 20 m (by removal)
Outside Diameter	114.3 mm (NPS 4)
Wall Thickness	3.2 mm
Pipe Material	Steel
External Coating Type	Extruded polyethylene
Product	None

Pipeline Specifications – Tweedie South M/S Producer Tie-In

Project Type	Abandonment
Location (endpoints)	From 12-05-68-12 W4M to 12-05-68-12 W4M (Alberta)
Approximate Length	270 m (by removal)
Outside Diameter	114.3 mm (NPS 4)
Wall Thickness	2.8 mm
Product	None

Pipeline Specifications – Virginia Hills Lateral

Project Type	Abandonment
Location (endpoints)	From 09-17-64-13 W5M to 10-16-63-11 W5M (Alberta)
Approximate Length	23.5 km (in-place) 90 m (by removal)
Outside Diameter	219.1 mm (NPS 8)
Wall Thickness	4 mm
Pipe Material	Steel
External Coating Type	Polyethylene tape
Product	None

SCHEDULE A (continued)
Order ZO-006-2023

Pipeline Specifications – Wayne North Lateral

Project Type	Abandonment
Location (endpoints)	From 12-04-28-20 W4M to 03-04-27-21 W4M (Alberta)
Approximate Length	13.8 km (in-place) 120 m (by removal)
Outside Diameter	168.3 mm (NPS 6)
Wall Thickness	4.8 mm
Product	None

Pipeline Specifications – Wiau Lake South Lateral

Project Type	Abandonment
Location (endpoints)	From 09-06-74-8 W4M to 12-06-74-08 W4M (Alberta)
Approximate Length	970 m (in-place)
Outside Diameter	114.3 mm (NPS 4)
Wall Thickness	3.2 mm
Pipe Material	Steel
External Coating Type	Extruded polyethylene
Product	None

Pipeline Specifications – Winefred River West Lateral

Project Type	Abandonment
Location (endpoints)	From 02-04-78-06 W4M to 14-34-77-05 W4M (Alberta)
Approximate Length	10.9 km (in-place)
Outside Diameter	114.3 mm (NPS 4)
Wall Thickness	3.2 mm
Pipe Material	Steel
External Coating Type	Extruded polyethylene
Product	None

SCHEDULE A (continued)
Order ZO-006-2023

Facilities Specifications – Bison Lake Receipt Meter Station

Project Type	Abandonment
Facility Type	Metering station
Location	15-05-95-15 W5M (Alberta)
Description	Permanent removal of all aboveground facilities, including the meter station buildings, yard piping and fencing
Product	None

Facilities Specifications – Calais Receipt Meter Station

Project Type	Abandonment
Facility Type	Metering station
Location	15-16-69-22 W5M (Alberta)
Description	Permanent removal of all aboveground facilities, including the meter station buildings and yard piping
Product	None

Facilities Specifications – Chester Creek Receipt Meter Station

Project Type	Abandonment
Facility Type	Metering station
Location	07-30-94-16 W5M (Alberta)
Description	Permanent removal of all aboveground facilities, including the meter station buildings and yard piping
Product	None

Facilities Specifications – Countess West Receipt Meter Station

Project Type	Abandonment
Facility Type	Metering station
Location	04-24-20-16 W4M (Alberta)
Description	Permanent removal of all aboveground facilities, including the meter station buildings and yard piping
Product	None

SCHEDULE A (continued)
Order ZO-006-2023

Facilities Specifications – Keppler Creek Receipt Meter Station

Project Type	Abandonment
Facility Type	Metering station
Location	01-28-92-17 W5M (Alberta)
Description	Permanent removal of all aboveground facilities, including the meter station buildings, yard piping and fencing
Product	None

Facilities Specifications – Rambling Creek Receipt Meter Station

Project Type	Abandonment
Facility Type	Metering station
Location	07-21-90-04 W6M (Alberta)
Description	Permanent removal of all aboveground facilities, including the meter station buildings, yard piping and fencing
Product	None

Facilities Specifications – Russell Creek Receipt Meter Station

Project Type	Abandonment
Facility Type	Metering station
Location	04-03-96-10 W5M (Alberta)
Description	Permanent removal of all aboveground facilities, including the meter station buildings and yard piping
Product	None

Facilities Specifications – Sakwatamau Sales Meter Station

Project Type	Abandonment
Facility Type	Metering station
Location	04-02-65-13 W5M (Alberta)
Description	Permanent removal of all aboveground facilities, including the meter station buildings and yard piping
Product	None

SCHEDULE A (continued)
Order ZO-006-2023

Facilities Specifications – Tweedie South Receipt Meter Station

Project Type	Abandonment
Facility Type	Metering station
Location	12-05-68-12 W4M (Alberta)
Description	Permanent removal of all aboveground facilities, including the meter station buildings and yard piping
Product	None

Facilities Specifications – Valhalla Sales Meter Station

Project Type	Abandonment
Facility Type	Metering station
Location	14-17-77-09 W6M (Alberta)
Description	Permanent removal of all aboveground facilities, including the meter station buildings and yard piping
Product	None

Facilities Specifications – Virginia Hills Receipt Meter Station

Project Type	Abandonment
Facility Type	Metering station
Location	09-17-64-13 W5M (Alberta)
Description	Permanent removal of all aboveground facilities, including the meter station buildings, yard piping and fencing
Product	None

Facilities Specifications – Wiau Lake South Receipt Meter Station

Project Type	Abandonment
Facility Type	Metering station
Location	09-06-74-08 W4M (Alberta)
Description	Permanent removal of all aboveground facilities, including the meter station buildings, yard piping and fencing
Product	None

SCHEDULE A (continued)
Order ZO-006-2023

Facilities Specifications – Winefred River West Receipt Meter Station

Project Type	Abandonment
Facility Type	Metering station
Location	02-04-78-06 W4M (Alberta)
Description	Permanent removal of all aboveground facilities, including the meter station buildings, yard piping and fencing
Product	None

Facilities Specifications – Wolverine River Receipt Meter Station

Project Type	Abandonment
Facility Type	Metering station
Location	08-15-98-16 W5M (Alberta)
Description	Permanent removal of all aboveground facilities, including the meter station buildings and yard piping
Product	None