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Regulator

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Dear Adam Oswell and Rachel S. Kolber:

**Westcoast Energy Inc. (Westcoast)
Abandonment Application for Pointed Mountain Pipeline
Notice of Preliminary Screening pursuant to subsection 124(1) of the
Mackenzie Valley Resource Management Act (MVRMA)**

**Before: M. Chartier, Presiding Commissioner; W. Jackknife, Commissioner;
S. Luciuk, Commissioner**

On 2 February 2022, the Canada Energy Regulator (**CER**) received a *Canadian Energy Regulator Act (CER Act)* Part 3, section 241(1) application from Westcoast, requesting approval for leave to abandon the Pointed Mountain Pipeline (**Project**) ([C17537](#)).

Preliminary Screening under the MVRMA

As a designated regulatory agency under the MVRMA, the Commission of the CER (**Commission**) has initiated a preliminary screening of the Project pursuant to subsection 124(1) of the MVRMA and Schedule 1, Part 1 of the MVRMA *Preliminary Screening Requirements Regulations*. The preliminary screening will consider the Project as a whole. The Commission will determine whether the Project might have a significant adverse impact on the environment or might be cause for public concern.

To facilitate receiving public comments related to the preliminary screening, the Commission directs Westcoast to publish the Notice of Preliminary Screening (**Notice**) provided in Appendix A (in both official languages) and to serve the Notice to all potentially impacted Indigenous peoples, provincial and territorial governments, boards and local governments and all other interested persons. The Commission directs Westcoast to serve the same parties and publish this Notice in the same publications and in the same languages as the Notice of Abandonment, as confirmed by its response to Information Request No. 1, filed on 15 June 2022 ([C19567](#)).

In addition to the list of potentially impacted parties that Westcoast confirmed service to in its response to Information Request No. 1, the Commission has also identified the Dene Nation

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as being potentially impacted by the Project. The Commission directs Westcoast to serve both this Notice and the information package, including the Notice of Abandonment, on the Dene Nation.¹

The Commission further directs Westcoast to file confirmation of service and publication of this Notice on all interested peoples on or before **26 August 2022**.

Requirements under the Mackenzie Valley Land and Water Board (MVLWB)

Westcoast confirmed it requires both a water licence and a land use permit from the MVLWB, which may also trigger a Preliminary Screening.

To date, the Commission understands that Westcoast has not yet submitted its applications to the MVLWB. However, in consideration of subsection 124(4) of the MVRMA, the Commission appreciates any opportunity to work with the MVLWB to increase regulatory efficiencies in keeping with the existing Memorandum of Understanding.²

Requirements under the *Yukon Environmental and Socio-economic Assessment Act* (YESAA)

Westcoast has also confirmed that it requires a Yukon Environmental and Socio-economic Assessment Board (**YESAB**) assessment to be completed.

For the portion of the Project in the Yukon, the YESAB will conduct an assessment of the application under the YESAA and make a recommendation. A decision body or bodies will then make a decision on the recommendation from the YESAB and provide a copy of the decision document to the CER. The CER is defined as being an independent regulatory agency under YESAA and is not a decision body under that legislation.³

Consistent with section 87 of the YESAA, the Commission must not take any action that enables this Project to be undertaken before a decision has been issued under the YESAA. The Commission must also take into consideration any decision document issued under the YESAA. The Commission must comply with these requirements when it decides whether to approve the Project under subsection 241(1) of the CER Act.

The CER is dedicated to the safety and well-being of its staff, Indigenous communities, the public, and all those with whom we work closely. For more information on how the CER is continuing its regulatory oversight during the COVID-19 pandemic, please refer to the following update issued on 9 June 2022: www.cer-rec.gc.ca/CovidProcessUpdate.

¹ Dene Nation – Land of the People (<https://denation.com/>)

Trevor Teed, Lands and Environment Director, lands@denation.com

² <https://www.cer-rec.gc.ca/en/about/acts-regulations/other-acts/cooperative-agreements/memorandum-understanding-between-mackenzie-valley-land-water-board-national-energy-board.html>

³ YESAA section 2 definitions of “federal agency” and “independent regulatory agency”, the Schedule Part 1, paragraph 81(1)(f) and section 87 describe the Commission’s role as an independent regulatory agency. The Commission is therefore not a decision body under YESAA.

If there are any questions regarding this letter or the Commission's assessment process including the Preliminary Screening, please contact the CER Process Advisor for this Project, Tony Epp at Wpma.processhelp@cer-rec.gc.ca or by telephone toll-free at 1-800-899-1265.

Yours sincerely,

Signed by

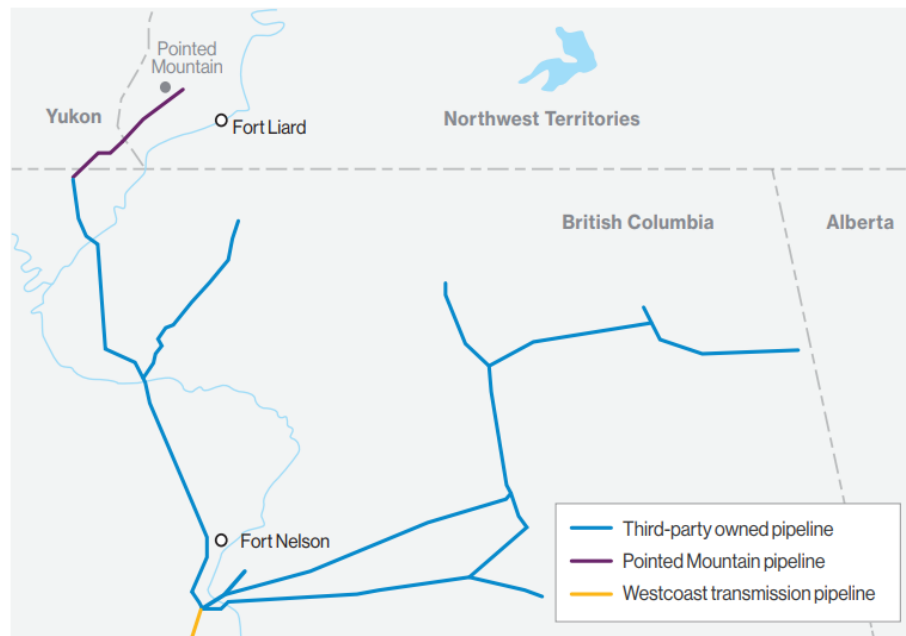
Ramona Sladic
Secretary of the Commission

Attachment

Westcoast Energy Inc.
Pointed Mountain Pipeline Abandonment Project (Project)
Notice of Preliminary Screening
Subsection 124(1) of the *Mackenzie Valley Resource Management Act*

On 2 February 2022, Westcoast Energy Inc. (**Westcoast**) filed an application with the Canada Energy Regulator (**CER**) to abandon the Pointed Mountain Pipeline pursuant to subsection 241(1) of the *Canadian Energy Regulator Act* (**CER Act**), and accordingly served and published a Notice of Abandonment pursuant to subsection 241(2) of the CER Act. However, an authorization to abandon is also a trigger under subsection 124(1) of the *Mackenzie Valley Resource Management Act* and the Commission of the CER (**Commission**) is undertaking a Preliminary Screening in relation to the Project. The Commission strives for regulatory efficiency and appreciates any opportunity to work with the Mackenzie Valley Land and Water Board should the Project include other authorizations that also trigger a Preliminary Screening requirement.

The proposed abandonment will involve the approximately 55 kilometre, 508 millimetre (20 inch) Pointed Mountain Pipeline located in a remote area crossing the Yukon Territory, Northwest Territories, and British Columbia borders, as shown below. You can find the application on the CER's website here: <https://apps.cer-rec.gc.ca/REGDOCS/Item/Filing/C17537>.



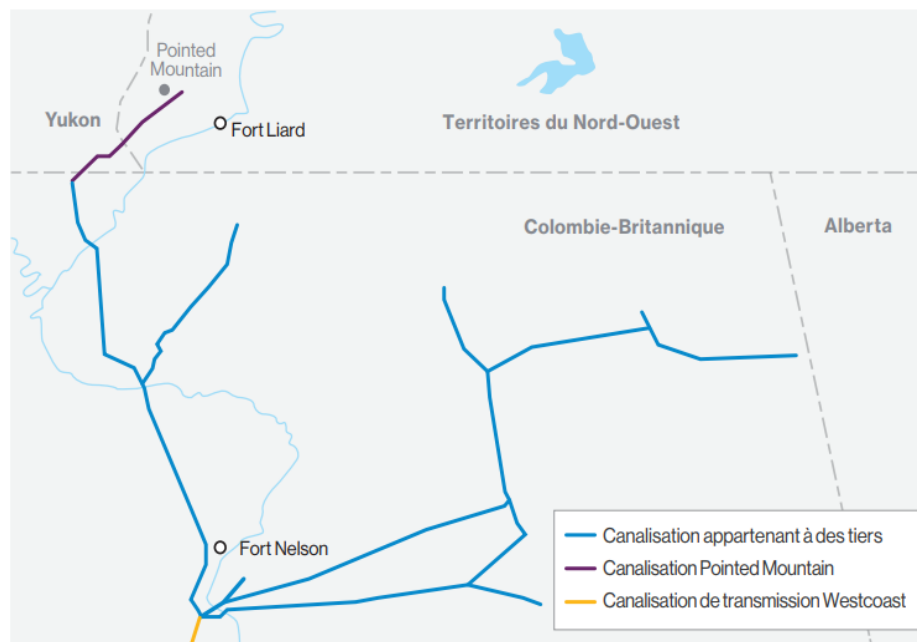
If you anticipate that your lands, rights or interests may be adversely affected by the proposed abandonment or have any other comments about the Project for the Commission to consider in its Preliminary Screening, you may file your comments by **23 September 2022**. To file your comments, please use the Statement of Concern form, or other letter format and follow the e-file instructions available on the CER's website: <https://www.cer-rec.gc.ca/en/consultation-engagement/land-matters-guide/statement-concern.html>

If there are any questions regarding the Commission's assessment process including the Preliminary Screening, please contact the CER Process Advisor for this Project, Tony Epp at Wpma.processhelp@cer-rec.gc.ca or by telephone toll-free at 1-800-899-1265.

Westcoast Energy Inc.
Projet de cessation d'exploitation du pipeline Pointed Mountain
Avis d'examen préalable
Paragraphe 124(1) de la *Loi sur la gestion des ressources*
de la vallée du Mackenzie

Le 2 février 2022, Westcoast Energy Inc. (« Westcoast ») a déposé une demande auprès de la Régie de l'énergie du Canada pour la cessation d'exploitation du pipeline Pointed Mountain (« projet ») aux termes du paragraphe 241(1) de la *Loi sur la Régie canadienne de l'énergie* (« LRCE ») et a aussi, par conséquent, signifié et publié un avis de cessation d'exploitation aux termes du paragraphe 241(2) de cette même loi. Comme une autorisation de cessation d'exploitation constitue également un élément déclencheur aux termes du paragraphe 124(1) de la *Loi sur la gestion des ressources de la vallée du Mackenzie*, la Commission de la Régie de l'énergie du Canada entreprend donc un examen préalable du projet. Dans une volonté d'efficience réglementaire, elle apprécie toute occasion de travailler avec l'Office des terres et des eaux de la vallée du Mackenzie si le projet devait nécessiter d'autres autorisations ouvrant sur un examen préalable.

La cessation d'exploitation proposée vise le pipeline Pointed Mountain, d'une longueur approximative de 55 kilomètres et d'un diamètre de 508 millimètres (20 pouces), situé dans une région isolée traversant les frontières qui séparent le Yukon, les Territoires du Nord-Ouest et la Colombie-Britannique, tel qu'il est illustré plus bas. La demande peut être consultée sur le site Web de la Régie à l'adresse <https://apps.cer-rec.gc.ca/REGDOCS/Élément/Dépôt/C17537>.



Si vous prévoyez que la cessation d'exploitation proposée pourrait avoir une incidence négative sur vos terrains, vos droits ou vos intérêts, si même vous avez des commentaires d'une autre nature sur le projet à soumettre à la Commission dans le cadre de son examen préalable, vous pouvez les déposer au plus tard le **23 septembre 2022**. Pour ce faire, veuillez utiliser le formulaire d'énoncé de préoccupations ou envoyer une lettre adoptant une

autre présentation et suivre les instructions pour le dépôt électronique qui se trouvent sur le site Web de la Régie à l'adresse <https://www.cer-rec.gc.ca/fr/consultation-mobilisation/guide-lintention-proprietaires-fonciers/enonce-preoccupations.html>.

Pour toute question au sujet du processus d'évaluation de la Commission, dont son examen préalable, veuillez communiquer avec Carly Milne, à l'adresse wpma.processhelp@cer-rec.gc.ca ou au numéro sans frais 1-800-899-1265.