



Canada Energy
Regulator

Régie de l'énergie
du Canada

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File 6024469
23 August 2024

Deanna Merrick
Senior Advisor, Regulatory Affairs
Pembina Pipeline Corporation
4000, 585 – 8 Avenue SW
Calgary, AB T2P 1G1
Email deanna.merrick@pembina.com

Dear Deanna Merrick:

**Pouce Coupé Pipe Line Ltd.
NPS 10 Northern Pouce Coupé Horizontal Directional Drill Pipe Replacement
Project
Receipt of Project Notification**

On 19 July 2024, Pouce Coupé Pipe Line Ltd. (**Pouce Coupé**) filed a Project Notification with the Canada Energy Regulator (**CER**) regarding a proposed Horizontal Directional Drill (**HDD**) pipe replacement. The proposed project is known as the nominal Pipe Size (**NPS**) 10 Northern Pouce Coupé HDD Pipe Replacement Project (**Project**). The Project is anticipated to be filed under section 214 of the *Canadian Energy Regulator Act* (**CER Act**) and section 45.1 of the *Canadian Energy Regulator Onshore Pipeline Regulations*. Based on the Project Notification, the CER is providing the following feedback.

Company-led Engagement Activities

The CER has evaluated the information provided in the Project Notification related to the CER's [Early Engagement Guide](#) and Section 3.4 of the CER [Filing Manual](#), and has determined that the list of potentially affected Indigenous¹ Peoples provided by Pouce Coupé is incomplete. The CER has identified the following initial Crown List for the Project:

- Blueberry River First Nations
- British Columbia Métis Federation
- Buffalo Lake Settlement
- Doig River First Nation
- Driftpile Cree Nation
- Duncan's First Nation
- East Prairie Settlement

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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*, being Schedule B to *the Canada Act 1982* (UK), 1982, c 11 which states:

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

- Elizabeth Settlement
- Fishing Lake Settlement
- Foothills First Nation
- Gift Lake Settlement
- Halfway River First Nation
- Horse Lake First Nation
- Kelly Lake Cree Nation
- Kelly Lake First Nation
- Kelly Lake Métis Settlement Society
- Kikino Settlement
- McLeod Lake Indian Band
- Métis Nation British Columbia
- Otipemisiwak Métis Government²
- Paddle Prairie Settlement
- Peavine Settlement
- Saulteau First Nations
- Sturgeon Lake Cree Nation
- Sucker Creek First Nation
- Swan River First Nation
- West Moberly First Nations

The CER expects these Indigenous Peoples to be engaged by Pouce Coupé in advance of filing an application with the CER. The CER also expects the Project application to describe the results of the engagement activities conducted with these Indigenous Peoples.

CER-led Early Engagement Activities with the Public

The CER will typically conduct early engagement activities with the public in instances where a company's project notification indicates that project effects have the potential to significantly affect people or the environment, where project effects may not be well-understood, or where significant concerns from the public have been raised.

Based on the information provided in the Project Notification, the CER will not be conducting any early engagement activities with the public. Once the Project application is received, the public will have the ability to submit a Statement of Concern about the application. The Commission of the CER will fully assess the application, including the company's engagement activities and any statements of concern.

CER-led Early Engagement Activities with Indigenous Peoples

The CER strives to build meaningful relationships with Indigenous Peoples across the country who are potentially impacted by the infrastructure it regulates. Early engagement is just one part of the CER's relationship with Indigenous Peoples. The CER will typically conduct early engagement activities with Indigenous Peoples in instances where a project may have moderate, or higher, potential impact on the rights and interests of Indigenous Peoples. The CER will not typically conduct early engagement activities with Indigenous Peoples in instances where a project may have minimal to low potential impacts on the rights and interests of Indigenous Peoples, which would typically be reduced, minimized or avoided with the use of standard mitigation measures and techniques.

² This Indigenous community was added to the list by the CER

Based on the information provided in the Project Notification, the CER will not be conducting any early engagement activities with Indigenous Peoples. Once the Project application is received, Indigenous Peoples will have the opportunity to submit a Statement of Concern about the application. The Commission will fully assess the application, including the Project's potential adverse effects on the rights of Indigenous Peoples and any Statements of Concern. Decisions or recommendations by the Commission on applications must be consistent with the honour of the Crown. For projects where the Commission is the final decision maker, such as a proposed project filed under section 214 of the CER Act, the CER's intent, as an agent of the Crown, is to fulfill the Crown's duty to consult through the Commission's regulatory process.

Notice of Application

The CER reminds Pouce Coupé that it must provide notice ([Notice of Application \(pursuant to section 214 of the CER Act\)](#)) to potentially affected persons and communities, including Indigenous Peoples, that the section 214 application has been filed. Failure to serve the Notice of Application in a timely manner may affect the ability of the Commission to make a completeness determination.

Pouce Coupé must file with the CER, at the earliest practical date, a letter indicating the date when the Notice of Application has been served on each potentially affected person and community.

Anyone may file a Statement of Concern regarding the proposed Project application within 21 days of the application filing date. A template Statement of Concern is available on the [CER website](#).

If you have any questions, please contact me through the CER's toll free number at a 1-800-899-1265 or 403-617-1738 or by e-mail at Phoebe.Miles@cer-rec.gc.ca.

Yours sincerely,

Signed by

Phoebe Miles
Director of Crown Consultation