



ORDER ZO-003-2024

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 Westcoast Energy Inc. (**Westcoast**), pursuant to subsection 241(1) of the CER Act dated 2 February 2022, filed with the Canada Energy Regulator (**CER**) under File 3426221

BEFORE the Commission of the CER on 3 December 2024.

WHEREAS Westcoast filed an application on 2 February 2022 under subsection 241(1) of the CER Act (**Application**) for the abandonment of the Pointed Mountain Pipeline (**Project**) at an estimated cost of 56.2 million in 2023 dollars;

AND WHEREAS Westcoast filed a Project update on 5 October 2023;

AND WHEREAS the information about the Project is set out in Schedule A, attached to and forming part of this Order;

AND WHEREAS Westcoast served a Notice of Proposed Abandonment in February 2022 on all owners of lands; Indigenous Peoples with known or asserted traditional territory in the area of the pipeline; local, provincial, and federal government representatives; registered trapline holders and trapper/guide outfitter associations; and commercial third parties informing recipients that they had thirty (30) days to file a statement of opposition or a request for a hearing with the CER;

AND WHEREAS Westcoast also published a Notice of Proposed Abandonment on 7 and 9 February 2022, in English in the Fort Nelson News, the Yukon News and the NWT News/North serving areas in proximity to the Project and subsequently republished in both French and English to comply with the *Official Languages Act* requirements in Fort Nelson News on 15 June 2022, Yukon News on 17 June 2022, and NWT News/North on 20 June 2022;

AND WHEREAS the Commission issued Hearing Order MH-004-2022 stating its intention to hold a public hearing in respect of the Project, which included written process steps, as amended by way of procedural updates, during which the Commission heard from Westcoast and the participants in the proceeding;

.../2

AND WHEREAS Westcoast filed subsequent submissions on 11 March, 7 April, 15 June, 5 July, 9 August, 25 August, 30 August, 13 October, and 29 December 2022; 5 October, 9 November, 18 December 2023; 22 January, 30 April, 28 May, 29 May, 26 June, 2 July, 4 July, 24 July, 20 August, and 12 September 2024;

AND WHEREAS the Commission has had regard to all considerations that are relevant and directly related to the Application, including matters under section 56 of the CER Act and how the Project may impact Indigenous rights and interests, and environmental matters;

AND WHEREAS the Commission has examined the Application and subsequent filings and considers it to be in the public interest to grant the relief requested under subsection 241(1) of the CER Act by Westcoast;

AND WHEREAS the Commission has considered the decision documents issued by the decision bodies in accordance with subsection 87(3) of the *Yukon Environmental and Socio-economic Assessment Act*;

AND WHEREAS In accordance with subsection 124(4) of the *Mackenzie Valley Resource Management Act*, the Commission adopted the Mackenzie Valley Land and Water Board screening report that determined the Project was not subject to environmental assessment;

IT IS ORDERED that, pursuant to subsection 241(1) of the CER Act, the applied-for Project is approved subject to the following terms and conditions:

1. Westcoast must comply with all the conditions contained in this Order unless the Commission otherwise directs.
2. Westcoast 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. Westcoast must implement or cause to be implemented all 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. Westcoast must file with the CER, within 30 days of the date of completion of physical abandonment activities (including reclamation activities), confirmation that the Project was completed, and that all activities were conducted in compliance with the conditions of this Order. If compliance with any of these conditions cannot be confirmed, Westcoast 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 Westcoast, appointed as Accountable Officer pursuant to section 6.2 of the *Canadian Energy Regulator Onshore Pipeline Regulations*
5. Westcoast must file with the CER, **within 45 days of receiving the Order**:
 - a) The following information for watercourses WC-27A and WC-36, as well as for all the watercourses to be crossed in order to access the six test lead posts (AGM#2L, AGM #3L, AGM#11L, AGM#12L, AGM#13R, AGM#15R):

- i) name of each watercourse crossing being crossed and an identifier for the crossing;
 - ii) location of the crossing, including Global Positioning System (Universal Transverse Mercator) or latitude/longitude coordinates;
 - iii) primary and contingency crossing methods;
 - iv) planned construction timing;
 - v) information on the presence of fish and fish habitat (as defined by the Fisheries Act) upstream, downstream, and at the crossing location, including what life process the habitat supports;
 - vi) the fisheries timing window of least risk for each crossing; and
 - vii) an indication of whether there is potential for harmful alteration, disruption or destruction of fish habitat or death of fish, as defined by the *Fisheries Act*, as a result of the primary or contingency crossing method.
- b) Site specific information for each watercourse crossing where there is potential for harmful alteration, disruption or destruction of fish habitat or death of fish, as indicated above in a) part vii) provide:
- i) detailed crossing-specific design drawings;
 - ii) photographs of the crossing location, including both upstream and downstream;
 - iii) a description of the fish species, including aquatic invasive species, and habitat that is present at the crossing location, and whether fish spawning is likely to occur within the immediate area;
 - iv) the size of the instream disturbance area in square metres;
 - v) the planned timing of construction relative to the fisheries window of least risk;
 - vi) site-specific mitigation and habitat enhancement measures to be used to minimize impacts to fish;
 - vii) any potential residual effects;
 - viii) proposed reclamation measures;
 - ix) a discussion of potential impacts to local fisheries resources within the immediate area as a result of the crossing construction; and
 - x) a description of how Westcoast has taken available and applicable Indigenous Traditional Land Use and Traditional Ecological Knowledge into consideration in developing the watercourse crossing designs.
6. Westcoast must file with the CER, **at least 60 days prior to commencing any abandonment activities**, an updated Project-specific Environmental Protection Plan (**EPP**), which Westcoast 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 (including remediation, reclamation and reclamation activities monitoring). The updated EPP must include, but not be limited to, the following:

- a) detailed environmental alignment sheet(s);
 - b) terms and conditions and recommendations included in the decision documents issued by decision bodies under the *Yukon Environmental and Socio-economic Assessment Act* for the project, including any additional mitigation measures required to support those terms and conditions, and recommendations;
 - c) identification of the locations where contamination occurs and the procedures that will be implemented during abandonment activities for handling and disposal of contaminated materials;
 - d) a contingency plan to be implemented if previously unidentified contamination is encountered, including a commitment that a Notice(s) of Contamination will be filed by Westcoast as per the CER's Remediation Process Guide; and
 - e) a description of the desired reclamation goal(s), the rationale for the reclamation measures to be implemented, and the criteria that will be used to monitor the success of those measures.
7. Westcoast must file with the CER, at least **30 days prior to commencing any abandonment activities**, an updated engagement summary, listing Westcoast's engagement activities with all potentially affected Indigenous communities and organizations since Westcoast's Response to Information Request No. 4 dated 28 May 2024. The engagement summary must include, but not be limited to:
- a) the methods, dates, and locations of engagement activities;
 - b) a summary of any concern(s) and comments raised by the Indigenous communities and organizations;
 - c) how Westcoast has addressed or will address the concern(s) and comments raised including an explanation of how engagement feedback received was integrated into abandonment planning and activities;
 - d) a description of any outstanding concern(s); and
 - e) how Westcoast intends to address any outstanding concerns, or an explanation why no further steps are required.
8. Westcoast must file with the CER, **at least 30 days prior to commencing any abandonment activities**, the following:
- a) a project-specific safety plan or applicable construction safety manual;
 - b) Enbridge safety manual;
 - c) project-specific risk register or equivalent;
 - d) Project Execution Plan; and

- e) any additional documents developed and intended to be used during abandonment activities regarding safety and hazard identification.
9. Westcoast must file with the CER, **within 90 days of the date of completing activities to abandon the Pipeline**, a cost report that includes:
- a) information about the activities carried out; and
 - b) actual costs associated with those activities, as well as the total of actual costs by cost category to date, in table form⁸.
10. Westcoast must file with the CER:
- a) **on or before 31 January following each of the first (1st), third (3rd), fifth (5th) and seventh (7th) complete growing seasons after completing final clean-up and reclamation**, a Reclamation Report for the Project. The report must demonstrate that the lands disturbed during abandonment activities, including access to and removal of the six test lead posts, and the right-of-way for pipeline remaining in-place have been evaluated for desired end reclamation goal(s), as described in Westcoast's Application and environmental protection plan and any issues identified are being addressed. The report must include, but not be limited to, the following:
 - i. the desired end reclamation goal(s);
 - ii. a description of the methodology, including factors and criteria considered, used to evaluate the success of the desired end reclamation goal(s);
 - iii. the results found, including a description of any issue(s) identified, the current status of those issue(s) (resolved or unresolved) (including photographs to document the current status), and the corrective action(s) taken or planned to be taken to resolve the issue(s);
 - iv. confirmation that all contamination identified has been remediated to the most stringent federal or applicable territorial or provincial environmental criteria, or site-specific criteria, where justified, in accordance with the CER's Remediation Process Guide; and
 - v. information or documentation, including high-resolution photographs of the lands on and off the facility site(s) and pipeline right-of-way, either demonstrating that the state of those lands meets the desired end reclamation goal(s), or is on the trajectory of reaching those goal(s); and
 - b) if the desired end reclamation goal(s) has not yet been achieved by the seventh (7th) year reporting, a schedule for monitoring progress towards that goal(s) and reporting to the CER.
 - c) **On or before 31 January following each of the first (1st), third (3rd), fifth (5th) and seventh (7th) complete growing seasons after completing final clean-up**

⁸ <https://www.cer-rec.gc.ca/en/applications-hearings/pipeline-abandonment/forms/tables-reporting-actual-costs-abandonment-decommissioning.pdf>

and reclamation, a report on reclamation and mitigation activities addressing issues and concerns raised by Indigenous Peoples engaged by Westcoast on the abandonment Application. The report must include, but not be limited to:

- i. a summary of engagement activities undertaken with engaged Indigenous Peoples to obtain input into the reclamation activities and to provide opportunities for their participation in monitoring activities; and
- ii. a list of Indigenous Peoples engaged, methods, dates, and location; and an explanation of how this engagement informed or modified the reclamation activities.

11. Westcoast must file with the CER, an updated engagement summary, listing Westcoast's engagement activities with all potentially affected Indigenous communities and organizations since Westcoast's **Condition 7** submission and up to the end of abandonment activities, and **on or before 31 January following each of the first (1st), third (3rd), fifth (5th) and seventh (7th) complete growing seasons after completing final clean-up and reclamation**. The engagement summary must include, but not be limited to:

- a) the methods, dates and locations of engagement activities;
- b) a summary of any concern(s) and comments raised by the Indigenous communities and organizations; how Westcoast has addressed or will address the concern(s) and comments raised, including an explanation of how engagement feedback received was integrated into abandonment planning and activities;
- c) a description of any outstanding concern(s); and
- d) how Westcoast intends to address any outstanding concerns, or an explanation why no further steps are required.

12. This Order will expire on **31 December 2027** unless abandonment activities of the Project has commenced by that date.

IT IS FURTHER ORDERED that the majority of the Commission denies Westcoast's applied-for exemption to the CSA-Z662-23 to leave in place six test lead posts on a without prejudice basis.

THE COMMISSION OF THE CANADA ENERGY REGULATOR

Signed by

Ramona Sladic
Secretary of the Commission

SCHEDULE A

Westcoast Energy Inc. (Westcoast)
Application dated 2 February 2022
assessed pursuant to subsection 241(1) of the *Canadian Energy Regulator Act*

Westcoast Pointed Mountain Pipeline Abandonment

Pipeline Specifications – Pointed Mountain Pipeline

Project Type	Abandonment
Location (endpoints)	From: Latitude: 60° 23.810'N Longitude: 123° 49.580'W To: Latitude: 59° 57.981'N Longitude: 124° 13.262'W
Approximate Length	55.6 km (in-place)
Outside Diameter	NPS 20 (508 mm)
Wall Thickness	9.3 mm
Pipe Grade	API 5L X52
Coating Type	Extruded Polyethylene
Product	None