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LETTER DECISION

File OF-Fac-Gas-N081-2018-16 01
20 December 2019

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Dear Ms. Prince and Mr. Thrasher:

**Abandonment Hearing MHW-003-2019
Nova Gas Transmission Limited (NGTL)
2018 Meter Stations and Laterals Abandonment Program**

The Commission of the Canada Energy Regulator (Commission) has considered the above-referenced application filed with the National Energy Board (NEB) on 28 September 2018 (Application). The Commission grants NGTL leave to abandon the facilities.

On 28 August 2019, the *Canadian Energy Regulator Act* (CER Act) came into force. Pursuant to section 36 of the transition provisions associated with the CER Act, the Application shall be considered by the Commission in accordance with the *National Energy Board Act* (NEB Act).

The Application describes activities related to the abandonment of 15 meter stations and 22 associated lateral pipelines, one stand-alone meter station and four stand-alone laterals (2018 Program or Facilities). Pursuant to paragraph 74(1)(d) of the *National Energy Board Act* (NEB Act) and taking into account section 50 of the *National Energy Board Onshore Pipeline Regulations* (NEB OPR), the Commission has issued the attached Order ZO-008-2019 (Order), the effect of which is to grant NGTL leave to abandon the Facilities in its 2018 Program. The attached Order sets out the conditions the Commission has imposed on the 2018 Program.

The Commission's reasons for its decision to issue the Order are set out in this Letter Decision. In reaching its decision, the Commission considered all of the evidence on the record related to this matter. The regulatory documents on file for the MHW-002-2019 proceeding are available in the [2018 Program File](#) on the Commission's website.

1.0 2018 Program Overview and the Process

1.1 Application and 2018 Program Overview

On 28 September 2018, NGTL filed their Application for leave to abandon the Facilities with a total estimated cost of \$18.1 million. NGTL submitted information about land, engineering, environment and socio-economic matters with its Application and in its 7 January 2019 and 10 May 2019 responses to the NEB's Information Requests (IRs) No.1 and IR No. 2.

The 2018 Program is located throughout Alberta on freehold lands, lands owned by municipalities, Special Areas lands, Alberta Crown (Alberta Environment and Parks [AEP], and Alberta Tourism, Parks & Recreation) lands, Federal Crown (Canadian Forces Base [CFB] Suffield) lands, and on lands located on the Saddle Lake Cree Indian Reserve No. 125.

NGTL stated that at each site the scope of its 2018 Program is relatively small in scale and short in duration with physical abandonment activities at each location lasting 14 to 28 days. Eleven facilities will be abandoned by removal including approximately 15 km of lateral pipelines. The remainder of the 2018 Program facilities, including approximately 158 km of lateral pipelines, will be abandoned in place. Above- and below-ground facility infrastructure would be removed at 16 meter station locations, and excavation and isolation would occur at 34 locations. All abandoned above-ground infrastructure (meter stations and side valves) would be removed.

1.2 The NEB Process

Under the NEB Act, the regulator must hold a public hearing to consider an application for leave to abandon a pipeline. The regulator issued a Notice of Abandonment Hearing MHW-003-2019 for the 2018 Program (Notice) on 25 January 2019, which set out how the regulator would consider the Application. NGTL was directed to serve a copy of the Notice on all persons potentially impacted by the 2018 Program including the 57 Indigenous communities with asserted traditional territory in the 2018 Program area.

The Notice indicated that any person potentially impacted by the 2018 Program wishing to participate in the hearing process must file a letter by 20 February 2019. The Notice indicated that NGTL must reply by 27 February 2019 to any letters from interested persons that are potentially impacted by the 2018 Program. And finally, the Notice indicated that the regulator would either release a decision on the abandonment application, or determine that additional procedural steps are required and provide a procedural update.

On 20 February 2019, the NEB received a letter from Métis Nation of Alberta Region 1 (MNAR1). On 21 February 2019, the NEB received a letter from Métis Nation of Alberta Region 5 (MNAR5). On 27 February 2019, NGTL filed a letter with reply comments. Details are discussed in section 2.5 of this Letter Decision.

On 22 July 2019, the NEB sent a letter to all 57 of the potentially affected Indigenous communities and attached a letter from Natural Resources Canada (NRCan) that clarifies the federal Crown's approach to fulfilling any potential duty to consult that may arise on projects regulated by the NEB. In particular, NRCan stated that "*the Federal Crown relies to the extent possible on the NEB processes to fulfill its duty to consult*" and that "*the Crown strongly encourages Indigenous groups [...] to make their concerns known to the NEB*". The NEB did not receive any concerns from potentially affected Indigenous Communities in response to the 22 July 2019 letter.

2.0 Assessment of the Application

2.1 Engineering Matters

NGTL indicated that the 2018 Program will be carried out in accordance with *Canadian Standards Association Standard Z662-15: Oil and Gas Pipeline Systems* (CSA Z662-15) and the NEB OPR.

NGTL further noted that it will conduct hazard assessments on the pipelines to be abandoned to ensure proper handling, storage and/or disposal of onsite infrastructure, waste and materials.

Views of the Commission

The Commission finds that the 2018 Program's abandonment activities as described in the Application are consistent with NGTL's commitment, and requirement to comply with CSA Z662-15 and the NEB OPR. The Commission is therefore satisfied with NGTL's approach.

The Commission reminds NGTL that it is obligated to comply with the updated and new requirements in CSA Z662-19¹.

2.2 Economics Matters

NGTL stated that the 2018 Program will have no impacts to existing customers or service on the NGTL System. NGTL stated that meeting safety and environmental protection objectives in a cost-effective manner was a key guiding principle for NGTL's determination of the most appropriate method of abandonment.

NGTL confirmed that all potentially affected commercial third-parties have been notified of the 2018 Program and NGTL stated that it was not aware of any issues or concerns. Notification of the anticipated filing of the Application was made to the Tolls, Tariff, Facilities and Procedures Committee on August 16, 2018.

NGTL stated that the 2018 Program is expected to have no material impact on tolls on the NGTL System or on the current transportation services offered on the NGTL System. The estimated cost of the 2018 Program is approximately \$18.1 million. NGTL confirmed that funding is available and proposes to provide interim funding for all costs associated with the 2018 Program and NGTL stated it intends to subsequently seek reimbursement from the Abandonment Trust for all abandonment costs.

¹ The new edition of the CSA Z662-19, *Oil and Gas Pipeline Systems* standard was released to the general public on 19 June 2019. As the NEB OPR incorporates Z662 by reference "as amended from time to time", the new version of the standard has entered into force pursuant to the NEB OPR as of that date. The 2015 version of Z662 has been rescinded and replaced; it has no force or effect. An [Information Advisory](#) regarding CSA-Z662-19 was issued by the NEB on 8 July 2019.

NGTL stated that potential liability exposures associated with the 2018 Program include third-party damage and ground subsidence. However, NGTL expects these exposures to be low based on the mitigation proposed for the 2018 Program.

NGTL stated that once equivalent land capability is achieved, no further post-abandonment activities are planned. If, however, additional reclamation monitoring takes place or future activities are required, the costs associated with this work are expected to be funded through the Abandonment Trust.

Views of the Commission

The Commission notes that the abandonment of the Facilities are not expected to have a material impact on service or tolls for NGTL's shippers. The Commission is satisfied that NGTL has sufficient funds to carry out the abandonment work. Further, the Commission notes that NGTL's Abandonment Trust could be drawn upon in the case of unforeseen liabilities or reclamation obligations.

The Commission reminds NGTL that, should there be a material change to its Abandonment Cost Estimates (ACE), it must file an application with the Commission.

Improving the accuracy of ACEs is an ongoing process which benefits from learnings of abandonments as they take place. Therefore, the Commission imposes **Condition 3 – Quarterly Physical Abandonment Activity Cost Reports** which requires NGTL to provide actual cost data broken down by abandonment activity.

2.3 Environment Matters

The Facilities are located across Alberta within a diverse range of environmental settings. NGTL indicated that it would reclaim the 2018 Program areas to equivalent land capability after abandonment activities are conducted. NGTL's Environmental Protection Plan (EPP) outlines NGTL's objectives and process for reclaiming disturbed areas.

NGTL further stated that all lateral pipelines would be purged prior to abandonment. Based on the estimated volume of gas to be vented, NGTL estimated that the total greenhouse gas (GHG) emissions would be 7,240 t CO₂e, which equates to 0.0028% of 2016 Alberta emissions and 0.0010% of 2016 Federal emissions.

NGTL indicated that it would conduct Phase I Environmental Site Assessments (Phase I ESAs) prior to commencing abandonment activities in order to identify actual and potential sources of soil and/or groundwater contamination that may be present along the right-of-way (RoW). If contaminated soils, surface water and/or groundwater are encountered during abandonment activities, NGTL stated it would implement its Waste and Hazardous Materials Management Manual and the Contaminated Soils Contingency Plan outlined in its EPP.

The Meadow Creek Receipt Meter Station and Lateral are located in the provincially identified East Side Athabasca River caribou range (Egg Pony herd), for which Environment and Climate Change Canada's *Recovery Strategy for the Woodland Caribou (Rangifer tarandus caribou), Boreal Population, In Canada* applies. In its response to IR No. 2.3, NGTL stated that disturbed areas within the abandonment footprint will be evaluated to determine appropriate restoration methods. NGTL further stated that 2018 Program abandonment

activities are expected to have a small positive residual effect on caribou habitat in that vegetation restoration will improve habitat condition in the long term.

Views of the Commission

Environment matters were considered by the Commission pursuant to the NEB Act. Pursuant to subsection 67(a) of CEEA, 2012, a significance determination has been made below for the federal lands crossed by the Saddle Lake lateral within the Saddle Lake Cree Nation Indian Reserve No. 125.

The Commission has reviewed NGTL's Application and is of the view that the abandonment methods (i.e., removal or abandonment in place, at any particular location) proposed by NGTL are appropriate. For infrastructure that would be abandoned in place, NGTL indicated that it would purge, clean and cap the pipelines at either end. For longer laterals that cross under watercourses, the watercourse crossing portion of the lateral would be abandoned in place.

The Commission notes NGTL's commitment to completing Phase I ESAs prior to the commencement of abandonment activities, as well as NGTL's recognition of several spill and complaint results filed with the Alberta Energy Regulator for the 2018 Program. The Commission imposes **Condition 4 - Phase I Environmental Site Assessments (ESAs)** requiring NGTL to file the results of its Phase I ESAs with the Commission. Further, the Commission imposes **Condition 5 - Phase II Environmental Site Assessments and Remedial Action Plans (RAPs)** requiring NGTL to file the results of any Phase II ESAs and RAPs or a confirmation that Phase II ESAs and RAPs were not required.

For facilities that would be removed, NGTL would mitigate adverse environmental effects using measures outlined in the EPP, and stated that since pipelines of short length and small diameter could be pulled from one end limiting RoW disturbance, the potential for adverse environmental effects was minimized. NGTL stated that it would restore these sites to equivalent land capability.

While there is some potential for the 2018 Program activities undertaken by any method of abandonment to interact with vegetation (including species of provincial concern), wildlife and wildlife habitat (including species at risk and of provincial concern) and nearby wetlands and watercourses, the Commission is of the view that the standard and site-specific mitigation measures outlined in NGTL's EPP will be sufficient to avoid or minimize the majority of potential adverse environmental effects.

The Commission notes NGTL's commitment to reclaiming vegetation at the Meadow Creek Receipt Meter Station and Lateral, within the East Side Athabasca River caribou range (Egg Pony herd), to equivalent land capability. The Commission also notes NGTL's response to the NEB's IR No. 2.3 and its commitment to selecting appropriate restoration measures. The Commission notes the distinction between reclamation to equivalent land capability and the restoration of caribou habitat².

¹ **Reclamation** can be defined as the process by which specified land is reclaimed to an equivalent land capability through the removal of site equipment or structures, and the stabilization, contouring, maintenance, conditioning, or reconstruction of the surface of land. **Restoration** can be defined as the process of returning the ecological conditions (i.e., structure, function, and composition) that existed prior to any disturbance. As restoration is a

NGTL further indicated that the Meadow Creek Receipt Meter Station and Lateral are located adjacent to Athabasca Oil's cleared industrial area mineral surface lease. Because of this, the Commission is of the view that equivalent land capability of adjacent vegetation communities is not a satisfactory measure for determining restoration methods within caribou habitat. In addition, the *Recovery Strategy for the Woodland Caribou, Boreal Population, in Canada* repeatedly notes the need for restoration efforts to reduce disturbance levels and return ranges to self-sustaining levels. In light of these considerations, and to fulfil its duty to ensure compliance with federal species at risk regulations, policies, and management objectives, the Commission imposes **Condition 6 – Egg Pony Caribou Range Habitat Restoration Plan**, requiring NGTL to file an Egg Pony Caribou Range Vegetation Restoration Plan that details how NGTL will restore the Meadow Creek Receipt Meter Station and Lateral to functional caribou habitat.

With respect to other 2018 Program areas, the Commission notes NGTL's commitment to reclaim those areas to equivalent land capability. The Commission requires NGTL to submit reports to the Commission after the first complete growing season demonstrating that the entire 2018 Program areas have been reclaimed to equivalent land capability, or that restoration measures for the Meadow Creek Receipt Meter Station and Lateral have met the criteria outlined in Condition 6. The Commission is therefore imposing **Condition 7 - Reclamation Reporting** which sets out the requirements and schedule for filing those submissions. NGTL is required to file reclamation reports on or before 31 January after the first, third and fifth complete growing seasons following the completion of abandonment activities, demonstrating the areas in the 2018 Program have reached or are on a trajectory to reaching equivalent land capability. If equivalent land capability has not been reached by fifth year reporting, the Commission expects NGTL to submit a schedule for reporting its progress towards that objective. In the case of restoration at the Meadow Creek Receipt Meter Station and Lateral, the Commission expects that NGTL will apply adaptive management techniques and take corrective actions as necessary during the monitoring program, for example planting trees to replace any that do not survive after initial planting efforts, and that NGTL will continue restoration and monitoring efforts beyond the five-year period of restoration methods are not demonstrating a trajectory of success at the time of submitting the fifth year report.

The Commission notes that venting activities would take place at several locations and, although the 2018 Program's contributions would be low in magnitude, they have the potential to act cumulatively with other air emissions in the region. The Commission directs NGTL to minimize venting to the extent possible. To understand the volumes that are vented during the purging of the Facilities, the Commission imposes **Condition 8 - Air Emission Reporting** requiring NGTL to provide a report on the volumes of natural gas and CO_{2e} released during each venting event.

Considering the nature and scope of the 2018 Program, NGTL's proposed mitigation measures, and the implementation of Condition 2 and Conditions 5 through 8, the Commission is of the view that the majority of potential adverse environmental effects arising from the 2018 Program would be of low magnitude, limited geographic extent, reversible in the short- to medium-term, and are not likely to cause any significant adverse environmental effects.

function of ecological condition, its determination is largely influenced by the ecological goal of the habitat (e.g., woodland caribou habitat suitability).

2.4 Lands, Public Consultation and Socio-Economic Matters

The 2018 Program is located throughout Alberta on freehold, Alberta Crown lands, Federal Crown (Canadian Forces Base [CFB] Suffield) lands, and on lands located on the Saddle Lake Cree Indian Reserve No.125 (SLC IR No.125). NGTL stated that approximately 72% of the Facilities to be abandoned are located on freehold lands. NGTL confirmed that where activities occur on freehold lands, there is no third-party access and all abandonment work will take place in existing, previously disturbed RoWs and leased boundaries.

NGTL stated that the scope of the 2018 Program is small in scale and typically of short duration (physical abandonment activities will be approximately 14 to 28 days at each site) with an objective to minimize industrial and associated environmental disturbance at the sites identified. Based on the planned mitigation and predicted residual effects and the scope of the 2018 Program, NGTL concluded that the 2018 Program is not likely to result in significant adverse environmental or socio-economic effects and cumulative effects are not predicted. NGTL further concluded that potential adverse environmental effects are expected to be mitigated effectively with standard and site specific environmental protection measures outlined in the EPP.

NGTL notified potentially affected stakeholders of the plan to abandon the Facilities prior to filing the Application. Overall, NGTL notified and engaged with 129 directly affected landowners (including the Crown) and occupants. Numerous landowners requested that NGTL notify them prior to the start of abandonment activities. NGTL stated that it will use existing land rights for the work associated with the abandonment activities and no new permanent land rights will be acquired for the 2018 Program. NGTL further stated that it does not anticipate needing temporary workspace (TWS). In the Application, NGTL submitted that, following abandonment, it plans to retain its land rights for the Facilities with the exception of the land on the SLC IR No.125 which will be abandoned by removal.

As per the Notice, on 1 February 2019, NGTL filed with the NEB a list of potentially interested parties upon whom it served the Notice. This list included landowners, occupants, land users, Indigenous Communities, interested government bodies and other interested parties. In its Application, NGTL confirmed that it will continue to notify all stakeholders about the 2018 Program and address issues and concerns throughout the regulatory process and abandonment activities. Once abandonment is completed, NGTL explained that regionally based NGTL liaisons will continue to build and maintain relationships through consistent and ongoing communication with stakeholders.

Views of the Commission

The Commission is satisfied that anyone potentially affected by the 2018 Program was given sufficient notice and had the opportunity to voice their concerns. The Commission is of the view that the design and implementation of consultation activities were appropriate for the scale and scope of the 2018 Program.

The Commission expects applicants to identify the effects projects may have on socio-economic elements, to identify mitigation measures they will implement to reduce those effects and to assess the significance of any effects that would remain once the mitigation has been applied. The Commission is satisfied that NGTL has identified and addressed all relevant socio-economic effects associated with the

2018 Program. The Commission notes the limited scope and duration of abandonment activities and is of the view that the 2018 Program is not likely to cause any significant socio-economic effects.

2.5 Indigenous Matters

A portion of the 2018 Program is located within SLC IR No. 125 reserve land. NGTL engaged with Saddle Lake Cree Nation (SLCN) via email, phone calls, meetings, site visits and conducted wildlife and aquatic surveys. NGTL noted various requests from SLCN including that SLCN be engaged in the development of a reclamation plan, the presence of on-site monitors during abandonment activities, contracting opportunities, and, the removal of the lateral after harvest. NGTL stated that SLCN Chief and Council concluded they support the removal and will work collaboratively with NGTL through the abandonment process.

The Saddle Lake West Receipt Meter Station, the approximately 13.54 km of the NPS 6 Saddle Lake West Lateral and side valve are located on the SLC IR No.125. NGTL stated that it has right pursuant to its RoW permit, upon notice, to access its RoW for the Saddle Lake West Lateral and the Saddle Lake West Receipt Meter Station. NGTL also stated that it has a road use agreement in place with Saddle Lake Cree Nation (SLCN) to use the portion of Range Road 13-1 going through the SLC IR No.125 to access the Saddle Lake West Receipt Meter Station. NGTL explained that access to the Saddle Lake West side valve will be through a ditch along NGTL's NPS 8 Slawa North lateral RoW, off of Range Road 12-0 (Smoky Lake County).

NGTL stated that following the abandonment activities at Saddle Lake West, NGTL will terminate and surrender its RoW permit with Indian Oil and Gas Canada (IOGC). NGTL confirmed that it provided 2018 Program information to IOGC and has engaged with IOGC regarding the Saddle Lake West Receipt Meter Station and Saddle Lake West Lateral sites located within SLC IR No.125. NGTL also submitted that it will continue to work with IOGC and will file an Environmental Review Form for consent to remove the pipeline pursuant to the RoW permit and obtain all necessary agreements prior to commencing abandonment activities within SLC IR No.125.

On 20 February 2019, the NEB received a letter from MNAR1 noting that six facilities of the 2018 Program may be impacted by the proposed Application. MNAR1 requested further meetings with NGTL to discuss potential impacts including environmental policy changes as it relates to pipeline development, soil contamination due to possible facility corrosion, integrity digs, baseline establishment and guidelines as it relates to abandonment, reclamation and remediation on traditional Métis lands. MNAR1 also requested information as to the initial development (year of development) of all facilities and pipelines which are being decommissioned and abandoned including companies who were awarded contracts to develop the infrastructure.

On 21 February 2019, the NEB received a letter from Métis Nation of Alberta Region 5 (MNAR5) stating their interest in three facilities of the 2018 Program. In its letter, MNAR5 explained that their office had attempted on several occasions to meet with NGTL to discuss the abandonment program in person to better understand the abandonment process which would provide a greater understanding of any potential project impacts to Métis traditional land use in these project areas. MNAR5 further stated that as of the date of the letter, they had been unsuccessful in securing a meeting with NGTL and while they had received some project specific information from NGTL, their citizens remain concerned about the possible impacts to their land as a result of the 2018 Program. MNAR5 identified a number of areas of use in the

proposed project area and feel there are possible impacts to their ability to exercise their rights as a result of this project. MNAR5 concluded that they objected to the 2018 Program until they could better understand it and any possible impacts to their traditional use activities.

On 27 February 2019, NGTL replied to the letters from MNAR1 and MNAR5. In its letter, NGTL provided a summary of engagement with MNAR1 and MNAR5 since filing the Application which included various phone calls, emails and a meeting with MNAR1.

NGTL stated that of the six facilities of the 2018 Program that MNAR1 was concerned with, three of these sites were located within Freehold lands and the Freehold landowners of these lands had not indicated to NGTL that any hunting or harvesting activities of Indigenous peoples take place on their lands. In regards to the remaining three sites located on Crown lands (Meadow Creek, Rock Island Lake, and Rock Island Lake South), NGTL provided the location, year the facilities were constructed, hectares of land, scope of work, and sensitive environmental features and site-specific mitigation as well as list of the baseline guidelines that NGTL considers as it relates to the abandonment, reclamation and remediation activities for the 2018 Program.

In regards to MNAR1's concern regarding possible contamination, NGTL replied with detailed plans to carry out a Phase I ESA prior to abandonment activities to identify areas of potential environmental concern (APECs) and associated contaminants of concern to be investigated as part of the Phase II ESA. NGTL further explained that should the Phase I ESA identify existing or potential contamination, a Phase II ESA Plan will be developed and a Phase II ESA will be completed to investigate identified APECs. If contamination is identified, NGTL will file a Notice of Contamination and determine what remediation activities or risk management measures may be required. NGTL stated it will follow guidance provided in the regulator's *Remediation Process Guide* (RPG) in determining an appropriate approach to achieve remediation closure with the regulator, including preparing a RAP for regulator approval if required. In accordance with the RPG, NGTL will submit a Remediation Closure Report for NEB acceptance following the completion of remediation activities.

NGTL committed to continue to engage MNAR1 throughout the 2018 Program to address any program-specific issues or concerns, as well as other industry matters outlined in MNAR1's letter (i.e., environmental policy changes on pipeline development and integrity programs).

NGTL stated that of the three facilities of the 2018 Program that MNAR5 was concerned with, one of these sites was located within Freehold lands and the Freehold landowners of these lands had not indicated to NGTL that any activities of Indigenous peoples take place on their lands. In regards to the remaining two sites located on Crown lands (Flat Lake and Rock Island Lake), NGTL provided the location, year the facilities were constructed, hectares of land, scope of work, and sensitive environmental features and site-specific mitigation for these two sites. NGTL explained it had emailed MNAR5 regarding MNAR5's request to meet to discuss potential business opportunities and noted the small scope and nature of the project but, that it was working on determining what business opportunities specific to the abandonment could be offered. NGTL explained in its reply that it was not aware of any program-specific issues or concerns however, it will continue to engage MNAR5 throughout the 2018 Program to address any program-specific issues or concerns MNAR5 may raise.

Views of the Commission

The Commission has reviewed NGTL's activities to engage Indigenous communities and learn about their concerns and interests. The Commission is satisfied with the design and implementation of NGTL's consultation activities to date and is satisfied that any Indigenous community potentially affected by the 2018 Program was given notice and had the opportunity to voice their concerns both to NGTL and through the regulator's abandonment hearing process.

The Commission notes the concerns from Métis Nation of Alberta Region 1 (MNAR1) and Métis Nation of Alberta Region 5 (MNAR5) in their letters dated 20 February 2019 and 21 February 2019, respectively, and is of the view that NGTL has addressed the concerns appropriately. In particular, the Commission notes that NGTL does not anticipate the 2018 Program to have any impact on harvesting practices within the traditional lands of MNAR1 and should any soil and/or groundwater contamination be identified during the 2018 Program, a Phase I Environmental Site Assessment (ESA) and if applicable, a Phase II ESA will be completed. The Commission also notes NGTL's commitment to continue to engage MNAR1 and MNAR5 throughout the 2018 Program to address any program-specific issues or concerns including MNAR5's request to meet to discuss potential business opportunities. Given the nature and scope of the 2018 Program (for example, it will take place on existing RoW and will be short in duration), the Commission is of the view that any potential 2018 Program impacts on the interests, including rights, of Indigenous peoples are not likely to be significant and can be effectively addressed.

The Commission notes that a portion of the 2018 Program is located within SLC IR No. 125 reserve land and Saddle Lake Cree Nation has requested that they be engaged in reclamation activities and requested on-site monitors during abandonment activities. As a result, the Commission imposes **Condition 9 – Plan for Participation of Indigenous Peoples in Monitoring and Reclamation of Physical Abandonment Activities on Reserve Land by Saddle Lake Cree Nation (SLCN Plan)** requiring NGTL to file with the Commission a plan describing participation by SLCN in monitoring of abandonment activities and reclamation activities on SLC IR No. 125 for the 2018 Program.

The Commission notes that there were no concerns raised in response to its 22 July 2019 letter that was sent to all 57 of the potentially affected Indigenous communities. The Commission further notes the commitment from NGTL to continue to engage Indigenous Communities throughout the 2018 Program to address any program-specific issues or concerns.

Considering the nature and scope of the 2018 Program, NGTL's proposed mitigation measures and commitment to continue to engage, the Commission is of the view that there has been adequate consultation and accommodation for the purpose of the Commission's decision on the 2018 Program.

3.0 Decision

Based on the foregoing consideration and reasons, the Commission grants NGTL leave to abandon the facilities as set out on Schedule A of the attached Order ZO-008-2019.



Damien Côté
Commissioner



Trena Grimoldby
Commissioner



Stephania Luciuk
Commissioner

December 2019
Calgary, Alberta

Attachment