

Date: Tue 10/03/2020 3:33 PM

From: andrea.raska@canada.ca

To: Shannon.Vollema@cer-rec.gc.ca

Cc: susan.tiege@canada.ca ; greg.bosse@canada.ca

Subject: Designation Request – NGTL and Foothills West Path Delivery 2022/2023 Projects - Due March 30, 2020

Dear Shannon:

On February 26, 2020, the Minister of Environment and Climate Change (the Minister) received a request to designate NOVA Gas Transmission Ltd. West Path Delivery 2022, Foothills Pipe Lines Ltd. Zone 8 West Path Delivery 2022, NOVA Gas Transmission Ltd. West Path Delivery 2023, and Foothills Pipe Lines Ltd. Zone 8 West Path Delivery 2023 Projects (the Projects) under subsection 9(1) of the *Impact Assessment Act* (IAA). The purpose of this email is to inform the Canadian Energy Regulator of the designation request and to seek your input.

The Projects

The Projects, collectively, involve the construction and operation of a series of pipeline segments totaling approximately 120 kilometers in southwest Alberta and southeast B.C. The Projects would deliver natural gas as part of the West Path Delivery Program. The Projects as proposed are not designated projects as described in the *Physical Activities Regulations*.

The Agency understands that Project Notifications have been submitted to your office for the NOVA Gas Transmission Ltd. West Path Delivery 2022 ([C04970](#)), and Foothills Pipe Lines Ltd. Zone 8 West Path Delivery 2022 ([C04968](#)) projects. It is our understanding that there is no publicly available information regarding the NOVA Gas Transmission Ltd. West Path Delivery 2023 and Foothills Pipe Lines Ltd. Zone 8 West Path Delivery 2023 projects.

Designation Request

Under subsection 9(1) of IAA the Minister may, by order, designate a physical activity that is not prescribed in the *Physical Activities Regulations*. The Minister may do this, if, in the Minister's opinion, the physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects (resulting from federal decisions, including funding), or public concerns related to those effects warrant the designation. In accordance with subsection 9(4) of IAA, it is expected that the Minister will respond, with reasons, to the request by May 27, 2020.

The Agency will review information about the Projects; any concerns from the public and Indigenous groups that the Agency becomes aware of; and expert advice from federal authorities in order to inform the Minister on whether the Projects should be designated. If designated, to proceed with the Project, the proponents would be required to submit an Initial Project Description, thereby commencing the planning phase of IAA. In that case, the planning phase would include the Agency determining whether a federal impact assessment is required.

Additional information regarding the process for designation requests can be found at the following link: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html>.

Seeking Life Cycle Regulator Advice

The Agency is requesting that you complete and provide the attached form by **March 30, 2020**.

In the coming days, a Registry page for the Projects will be available on the [Canadian Impact Assessment Registry](#). You may submit any additional information, including uploading a letter, using the “submit a comment” feature or via email. Information submitted via email will be uploaded shortly after receipt.

Important Note: All records produced, collected or received in relation to the designation request process – unless prohibited under the *Access to Information Act* or *Privacy Act* – will be considered public and may be released. Should you wish to provide any comments or documents that contain confidential or sensitive information that you believe should be protected from release to the public, please contact the Agency before submitting the information.

The Agency would like to meet with you, potentially jointly with the requestor (Stoney Tribal Administration) to discuss this designation request further. I will connect with you about this in the next couple of days. In the meantime, please do not hesitate to contact me with any questions.

Thank you,

Andrea Raska

Project Manager, Pacific and Yukon Region

Impact Assessment Agency of Canada / Government of Canada

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Gestionnaire de projets, Région du Pacifique et du Yukon

Agence d'évaluation d'impact du Canada / Gouvernement du Canada

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**ATTACHMENT: Life Cycle Regulator Advice Record: Designation Request under IAA
Response due by March 30, 2020**

NGTL and Foothills West Path Delivery 2022/2023 Projects

Ministry	
Lead Contact	
Full Address	
Email	
Telephone	
Alternate Ministry Contact	

1. In general terms, please confirm and describe your ministry's role (if applicable) in the review of the Project.

2. Please provide the contact information of the person or persons responsible for managing your ministry's oversight of the Project (if different from lead contact above).

3. Describe the provincial legislative or regulatory process or approvals administered by your ministry that may assess or manage the potential adverse effects of the Project. For each mechanism or approval, please provide information regarding the following:

- Name of the process or authorization (e.g. certificate, licence, permit or approval) and the associated legislative framework;
- Whether (for each) the authorization would set conditions and if yes, what issues would those conditions address;
- Whether (for each) the authorization would require public and/or Indigenous consultation and if yes, provide information on the approach to be taken; and
- Whether (for each) your ministry has guidance material that would be helpful to the proponent or the Agency (please provide these as attachments or hyperlinks in your response).

4. Confirm whether any authorization listed above would contemplate the following matters and if yes, discuss, in general, the benchmarks or standards to which a project of this nature may be held (be specific in relation to each point below that may be applicable to your ministry's mandate):

- Project splitting
- Impacts to Aboriginal rights
- Capacity funding

5. Have you received public comments/concerns in relation to the Project? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or would normally manage) these matters.

6. Have you received Indigenous community comments/concerns in relation to the Project? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or would normally manage) these matters.

7. Do you have any other information about the Project in relation to potential adverse effects or impacts to the public, or Indigenous peoples and their rights as protected under section 35 of the *Constitution Act, 1982*?

Name of responder

Title of responder

Date