



Canada Energy
Regulator

Régie de l'énergie
du Canada

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File OF-Fac-OtherComm-C991-2020-02 01
23 October 2020

Ms. Ashely Graham
Zibi, on behalf of Windmill DREAM
6 Booth Street
Ottawa, ON K1R 6K8
Email ashley.graham@zibi.ca

Dear Ms. Graham:

**Commandité gestion energy Windmill DREAM Québec Inc. (Windmill)
Application pursuant to subsection 241(1) of the *Canadian Energy Regulator
Act (CER Act)* to abandon pipelines currently deactivated under
Order MO-071-2018**

The Commission of the Canada Energy Regulator (Commission) has considered Windmill's application to abandon the pipelines currently deactivated under Order MO-071-2018 (Project), dated 25 June 2020, as well as its subsequent filings dated 17 July 2020. Windmill submitted that the deactivated pipes were previously used for the conveyance of steam, steam condensate, filtered water and paper mill effluent, and currently occupy air space over a span of less than 500 meters above the Ottawa River, along the Chaudière Bridge between Gatineau, Quebec and Ottawa, Ontario.

The Commission holds companies responsible for ensuring that they abandon their pipelines in a safe manner and will take all available actions to protect Canadians and the environment. A company must demonstrate to the Commission that it will abandon the pipeline in a way that protects the environment and the public and that the company will anticipate, prevent, manage and mitigate any potentially dangerous conditions associated with its pipeline.

The Commission has considered the above referenced application and filings, and has issued Order ZO-005-2020 (Order), granting Windmill leave to abandon the four deactivated pipelines and associated facilities, as applied for. The Order sets out the conditions that the Commission imposes on Windmill in carrying out the abandonment.

Appropriateness of Abandonment Method

The Commission notes that the aerial pipelines will be removed entirely from the truss and bridge structures using mechanical cranes as well as by hand. The demolition of pipes from the Chaudière Bridge will take approximately 10 days. Tarpaulins will be installed to collect debris during the removal and all associated waste being collected, contained and transported offsite to an appropriate disposal location.

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The Commission is of the view that the abandonment method proposed for the Project is appropriate for the circumstances presented. The Commission is satisfied that the protection of the environment and public safety have been adequately addressed by Windmill. The Commission is also satisfied that the Project will be undertaken in a safe and appropriate manner.

Engagement and Consultation

Windmill stated that while it did not undertake a specific consultation program for this Project, it has conducted ongoing engagement with potentially impacted Indigenous¹ communities, landowners, government agencies, and stakeholders in the Project area. Windmill published a Notice of the proposed abandonment in the Ottawa Sun on 9 July 2020, giving the required thirty (30) day deadline to file statements of opposition or requests for a hearing with the Commission.

No concerns regarding the proposed Project were received by the Canada Energy Regulator (CER) from any Indigenous communities or other potentially impacted people or organizations. Given that the CER received no statements of opposition or requests for a hearing (either within the timeline advertised, or since the public filing of the application), no public hearing to assess this application was held.

Environment and Federal Lands

The Project occurs partially on federal lands, administered by the Public Services and Procurement Canada. Section 82 of the *Impact Assessment Act* (IA Act) requires that, for projects being carried out on federal lands, the Commission must determine whether carrying out the Project is likely to cause significant adverse environmental effects.

On 25 August 2020, as per subsection 86(1) of the IA Act, the CER posted a description of the Project ([Reference No. 80957](#)) and a [notice](#) inviting public comment on the Impact Assessment Agency's online Registry. The 30 day public comment period closed on 24 September 2020. No comments were received from Indigenous peoples or the public regarding the Project.

The scope of abandonment work on federal lands traversed by the Project is limited to the removal of four existing pipelines that cross the Chaudière Bridge and the Ottawa River. The Project activities on federal lands do not require in-water work, ground disturbance, or vegetation clearing.

The Commission finds that the Project is expected to have minimal to no interaction with valued environmental components, and Windmill has proposed mitigation measures to reduce any potential effects.

The Commission notes that barn swallows, a species listed on Schedule 1 of the *Species at Risk Act*, were observed nesting on two Chaudière Islands bridges within the Project study area. Windmill has proposed to conduct the abandonment work within sensitive nesting periods for breeding birds. While the Chaudière Bridge itself was not identified as a nesting site, the Commission is of the view that the bridge has the potential to be used for nesting and imposes **Condition 5** to ensure that any bird nests are identified and adequate

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* which states:

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

mitigation measures are implemented for the protection of barn swallow and other bird species, if present.

The Commission is of the view that, with Windmill's proposed mitigation measures and the requirements of **Condition 5**, the Project is not likely to cause significant adverse environmental effects, including on federal lands. The Commission has considered the factors listed in subsection 84(1) of the IA Act when making its determination.

Financial Matters

The Commission notes that Windmill is required to maintain a letter of credit or surety bond on file with the CER in the amount of its approved Abandonment Cost Estimate (ACE). Should Windmill believe that there has been a material change to its ACE after completion of abandonment activities, Windmill Dream may apply to the CER to have its ACE reviewed and amended.

Further, the Commission is of the view that improving the accuracy of ACEs is an ongoing process, which benefits from learnings of abandonments as they take place. Therefore, the Commission imposes **Condition 4** which requires Windmill to provide actual cost data broken down by the abandonment activity annually.

The Commission recognizes that public involvement is an important component during each phase in the lifecycle of a project, and reminds Windmill of the importance of establishing and maintaining strong relationships throughout the Project's entire lifecycle. The Commission directs Windmill to serve a copy of this letter, the attached Order and its Schedule A on all interested parties.

Yours sincerely,

Original signed by

Jean-Denis Charlebois
Secretary of the Commission

Attachment



ORDER ZO-005-2020

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 Commandité gestion energy Windmill DREAM Québec Inc. (Windmill), dated 25 June 2020, pursuant to subsection 241(1) of the CER Act for leave to abandon the pipelines currently deactivated under Order MO-071-2018 (Project), filed with the Canada Energy Regulator (CER) under File OF-Fac-OtherComm-C991-2020-02 01.

BEFORE the Commission of the CER (Commission) on 23 October 2020.

WHEREAS the Commission received an application (Application) dated 25 June 2020, for leave to abandon the pipelines, previously deactivated via National Energy Board (NEB) Order MO-071-2018, which currently occupy air space over a span of less than 500 meters above the Ottawa River between Gatineau, Quebec and Ottawa, Ontario, at an estimated cost of \$ 221,576.55 (Project);

AND WHEREAS Windmill published the Abandonment Notice on 9 July 2020, giving the required thirty (30) day deadline to file statements of opposition or requests for a hearing with the Commission;

AND WHEREAS the CER received no statements of opposition or requests for a hearing from interested persons;

AND WHEREAS the Project occurs partially on federal lands, administered by Public Services and Procurement Canada, and section 82 of the *Impact Assessment Act* (IA Act) requires that, for Projects being carried out on federal lands, the Commission must determine whether carrying out the Project is likely to cause significant adverse environmental effects;

AND WHEREAS the CER published a notice on the Canadian Impact Assessment Registry on 24 August 2020 pursuant to subsections 86(1) and 86(2) of the IA Act, providing a thirty (30) day period for public comment;

AND WHEREAS the Commission received no comments about the Project from interested persons;

AND WHEREAS the Commission has had regard to all considerations that are relevant and directly related to the Project, including matters under section 56 of the CER Act, and environmental matters pursuant to Part 3 of that Act;

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AND WHEREAS pursuant to section 82 of the IA Act, the Commission determines that, with Windmill's proposed mitigation measures, the carrying out of the Project is not likely to cause significant adverse environmental effects to federal lands;

AND WHEREAS the Commission has considered the evidence as contained in the Application and supplemental filings, and considers it to be in the public interest to grant the relief requested;

IT IS ORDERED pursuant to subsection 241(1) and section 68 of the CER Act, that Windmill is granted leave to commence abandonment activities in respect of the Project;

IT IS FURTHER ORDERED THAT pursuant to section 67 of the CER Act, the Project shall not be considered abandoned pursuant to subsection 241(1) of the CER Act until the Commission is satisfied that Windmill has fulfilled the following conditions:

1. Windmill must comply with all of the conditions contained in this Order, unless the Commission otherwise directs.
2. Windmill must cause the Project to be abandoned in accordance with the specifications, standards, commitments made and other information referred to in its Application or in its related submissions.
3. Windmill must implement or cause to be implemented, all of the policies, practices, programs, mitigation measures, recommendations, procedures and its commitments for the protection of the environment included in or referred to in the Application or in its related submissions.
4. Upon commencement of physical abandonment activities, Windmill must file with the CER annually the physical abandonment activity cost reports within 10 days after the end of each fiscal year, until the completion of physical abandonment activities. Each report must include:
 - a) information on the activities carried out during the reporting period; and
 - b) actual costs associated with those activities, as well as the total of actual costs by cost category to date, in table form similar to Tables A-3 and A-4 in the NEB's [MH-001-2012 Reasons for Decision](#)¹.
5. Within 15 days following the completion of abandonment activities, Windmill must file one of the following with the CER:
 - a) in the event of abandonment activities occur within restricted activity periods for non-migratory birds protected under provincial jurisdiction, or within the restricted activity periods for migratory birds, confirmation that Windmill carried out a pre-abandonment breeding bird survey to identify any birds and active nests in areas immediately surrounding the site and must file the following:
 - i. the results of the survey;
 - ii. mitigation, including monitoring, developed in consultation with Environment and Climate Change Canada, Canadian Wildlife Service and the appropriate provincial government authorities, to protect any identified migratory and non-migratory birds and their nests;

¹ MH-001-2012 Reasons for Decision: Abandonment Cost Estimates, PDF pages 86-90 of 126

- iii. mitigation, including monitoring, developed in consultation with Environment and Climate Change Canada and Canadian Wildlife Service to protect any identified *Species at Risk Act* birds and their nests; and
 - iv. evidence to confirm that the appropriate provincial and federal government authorities were consulted, on the proposed methodology for the survey, the results from the survey and the mitigation and monitoring to be used, and a description of any outstanding concerns they may have.
- b) in the event Windmill did not undertake activities within restricted activity periods for non-migratory birds protected under provincial jurisdiction, or within the restricted activity periods for migratory birds, confirmation that activities did not take place within restricted activity periods.
6. Windmill 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, Windmill 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 Windmill.
7. Unless the Commission otherwise directs this Order shall expire on 23 October 2023, unless abandonment activities in respect of the Project have commenced by that date.

THE COMMISSION OF THE CANADA ENERGY REGULATOR

Original signed by

Jean-Denis Charlebois
Secretary of the Commission

SCHEDULE A
Order ZO-005-2020

Commandité gestion energy Windmill DREAM Québec Inc (Windmill)
Application dated 25 June 2020 pursuant to subsection 241(1) of the *Canadian Energy*
***Regulator Act* to abandon pipelines currently deactivated under Order MO-071-2018**
File OF-Fac-OtherComm-C991-2020-02 01

Pipeline Specifications

Project Type	Abandonment - Removal
Location (endpoints)	S1: Gatineau, QC S2: Ottawa, ON
Approximate Length	500 m
Outside Diameter	NPS 10
Wall Thickness	3.175 mm
Pipe Material	Stainless Steel
Pipe Grade	Type 304
External Coating Type	Uncoated
Maximum Operating Pressure	Nil
Product	Nil

Project Type	Abandonment - Removal
Location (endpoints)	S1: Gatineau, QC S2: Ottawa, ON
Approximate Length	500 m
Outside Diameter	NPS 4
Wall Thickness	3.175 mm
Pipe Material	Stainless Steel
Pipe Grade	Type 304
External Coating Type	Uncoated
Maximum Operating Pressure	Nil
Product	Nil

SCHEDULE A (continued)
Order ZO-005-2020

Project Type	Abandonment - Removal
Location (endpoints)	S1: Gatineau, QC S2: Ottawa, ON
Approximate Length	428 m
Outside Diameter	NPS 12
Wall Thickness	2.667 mm
Pipe Material	Carbon steel
Pipe Grade	ASTM A106 Grade B
External Coating Type	Uncoated
Maximum Operating Pressure	Nil
Product	Nil

Project Type	Abandonment - Removal
Location (endpoints)	S1: Gatineau, QC S2: Ottawa, ON
Approximate Length	500 m
Outside Diameter	NPS 12
Wall Thickness	12 mm
Pipe Material	Stainless Steel
Pipe Grade	11 Ga. Type 304
External Coating Type	Uncoated
Maximum Operating Pressure	Nil
Product	Nil