



## ORDER XG-017-2020

**IN THE MATTER OF** the *National Energy Board Act* (NEB Act) and the regulations made thereunder; and

**IN THE MATTER OF** an application made by Many Islands Pipe Lines (Canada) Limited (MIPL(C)L), pursuant to section 58 of the NEB Act, dated 12 June 2019, filed with the National Energy Board (NEB) under File OF-Fac-Gas-M182-2019-02 01.

**BEFORE** the Commission of the Canada Energy Regulator (Commission) on 17 July 2020.

**WHEREAS** MIPL(C)L filed an application pursuant to section 58 of the NEB Act, dated 12 June 2019 to construct and operate the Pierceland Supply Project (Project);

**AND WHEREAS** the *Canadian Energy Regulator Act* (the CER Act) came into force on 28 August 2019 and section 36 of the transitional provisions associated with the CER Act state that applications pending before the NEB immediately before the commencement day are to be taken up before the Commission and continued in accordance with the NEB Act;

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

**AND WHEREAS** MIPL(C)L filed subsequent submissions dated 20 September 2019, 9 October 2019, 24 October 2019, 8 November 2019, 28 November 2019, 23 December 2019, 3 February 2020, 16 April 2020, 20 April 2020, 7 May 2020, 29 May 2020 and 9 June 2020;

**AND WHEREAS** the Commission has considered the Letters of Comment filed 31 July 2019, 27 August 2019, 5 September 2019, 4 October 2019, 17 October 2019, 12 December 2019, 28 April 2020 and 1 and 13 May 2020 by Indigenous<sup>1</sup> peoples and B. Henetiuk;

**AND WHEREAS** the Commission has had regard to all considerations that are directly related to the Project and relevant, including environmental matters, pursuant to Part III of the NEB Act;

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<sup>1</sup> 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.

**AND WHEREAS** the Commission has examined the application and subsequent filings and considers it to be in the public interest to grant the following relief;

**IT IS ORDERED** that, pursuant to section 58 of the NEB Act the applied-for Project, as specified in Schedule A, is exempt from the provisions of paragraph 30(1)(a), and section 31 of the NEB Act, the effect of which is to approve the Project subject to the following conditions:

**1. Condition Compliance**

MIPL(C)L must comply with all of the conditions contained in this Order unless the Commission otherwise directs.

**2. Facilities and Activities Design, Location, Construction and Operation**

Subject to **Condition 15**, MIPL(C)L must cause the approved Project to be designed, located, constructed, installed, and operated in accordance with the specifications, standards, commitments made and other information referred to in its application or in its related submissions.

**3. Environmental Protection**

MIPL(C)L 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 its application or in its related submissions.

**4. Construction Monitoring Plan**

- a) MIPL(C)L must file with the CER, **at least 30 days prior to commencement of construction**, a plan describing participation by Cold Lake First Nation (CLFN) and Métis Nation – Saskatchewan (MN-S) Elders and/or Indigenous people performing the role of Construction Monitor in monitoring activities prior to and during construction. Activities include monitoring for adverse environmental impacts, heritage resources, areas related to traditional land and resource uses, and areas of cultural significance. The plan must include, but not be limited to:
- i) a summary of engagement and planning activities undertaken with CLFN and MN-S to develop opportunities for their participation in monitoring activities;
  - ii) a description of how the results from its engagement with CLFN and MN-S were incorporated into the plan, or an explanation as to why any results have not been incorporated;
  - iii) description of the anticipated training and participant requirements, including potential certifications for the Elders and/or Indigenous people performing the role of Construction Monitor;
  - iv) the scope, methodology, and justification for monitoring activities to be undertaken by MIPL(C)L and CLFN and MN-S, including those elements of construction and geographic locations that will involve Construction Monitors;
  - v) a description of how MIPL(C)L will use and incorporate the information gathered through the participation of Elders and/or Indigenous people performing the role of Construction Monitors and apply it to the Project, or provide an explanation as to why that information could not be incorporated; and

- vi) a description of how, what form, and the timeframe in which MIPL(C)L will provide the information gathered through the participation of Elders and/or Indigenous people performing the role of Construction Monitor to CLFN and MN-S.
- b) MIPL(C)L must provide a copy of the plan to CLFN and MN-S; and MIPL(C)L must, **within 7 days of the filing in a)**, provide confirmation to the CER that it has provided those copies.

#### 5. ***Commitments Tracking Table***

MIPL(C)L must:

- a) File with the CER, post on its website, and notify all potentially affected Indigenous peoples who have expressed to MIPL(C)L an interest in this Project, **at least 30 days prior to the commencement of construction**, a Commitments Tracking Table (CTT) listing all commitments made by MIPL(C)L in its Project Application or in its related submissions including reference to:
  - i) the documentation in which the commitment appears (for example, the Project Application, responses to information requests, permit requirements, or other);
  - ii) traditional land and resource use information from potentially affected Indigenous peoples;
  - iii) the accountable lead for implementing each commitment; and
  - iv) the estimated timelines associated with the fulfillment of each commitment.
- b) Update the status of the commitments in a) on its Project website and file these updates with the CER and all potentially affected Indigenous peoples who have expressed to MIPL(C)L an interest in this Project on:
  - i) **a monthly basis until commencing operations;** and
  - ii) **a quarterly basis until the end of the first year following the commencement of operations.**
- c) Maintain at its Project site during the life cycle of the Project:
  - i) the CTT listing all regulatory commitments and their completion status, including, but not limited to, those commitments resulting from MIPL(C)L's Project Application and subsequent filings and conditions from permits, authorizations and approvals;
  - ii) copies of any permits, approvals or authorization issued by federal, provincial or other permitting authorities, which include environmental conditions or site-specific mitigation or monitoring measures; and
  - iii) any subsequent variances to any permits, approvals or authorizations in c)ii).

#### 6. ***Traditional Land and Resource Use Discovery Contingency Plan***

MIPL(C)L must file with the CER, **at least 15 days prior to the commencement of construction**:

- a) a Traditional Land and Resource Use Discovery Contingency Plan, including:
  - i) field measures that would be undertaken if a Traditional Land or Resource Use is discovered during construction; and

- ii) a description of how concerns or issues raised by Elders and/or Indigenous peoples performing the role of Construction Monitors, if any, are incorporated into contingency planning.
- b) confirmation that the Traditional Land and Resource Use Discovery Contingency Plan has been included in the updated Project-specific Environmental Protection Plan (EPP).

#### **7. Pre-Construction Engagement Report**

- a) MIPL(C)L must file with the CER, and serve a copy on CLFN and MN-S, **at least 15 days prior to the commencement of construction**, a report summarizing MIPL(C)L's engagement activities undertaken with CLFN and MN-S, including:
  - i) A table of engagement opportunities (e.g., Environmental and Socio-Economic Assessment review, monitoring, funding). This table shall list the opportunities:
    - 1. offered to CLFN and MN-S including Elder engagement and/or Indigenous peoples performing the role of Construction Monitors; and
    - 2. accepted by CLFN or MN-S including Elder engagement and/or Indigenous peoples performing the role of Construction Monitors.
  - ii) The collaborative approach that was developed with MIPL(C)L and CLFN and MN-S; and
  - iii) The results of any pre-construction engagement activities, including:
    - 1. a summary of the comments and concerns expressed by CLFN and MN-S,
    - 2. a summary of the response from MIPL(C)L to each of the concerns and comments;
    - 3. a description of any outstanding concerns; and
    - 4. a description of how MIPL(C)L intends to address any outstanding concerns, or an explanation as to why no further steps will be taken.
- b) MIPL(C)L must, **within 7 days of filing the Report**, provide confirmation to the CER that it has provided copies to CLFN and MN-S.

#### **8. Heritage Resource Clearances**

- a) MIPL(C)L must file with the CER and all potentially affected Indigenous peoples who have expressed to MIPL(C)L an interest in this Project, **at least 15 days prior to the commencement of construction**:
  - i) confirmation that MIPL(C)L has obtained all of the required archaeological and heritage resource clearances and authorizations from Alberta Ministry of Culture, Multiculturalism and Status of Women and Saskatchewan Heritage Resource Conservation Branch;
  - ii) a description of how MIPL(C)L will meet any conditions and respond to any comments and recommendations contained in the clearances and authorizations referred to in i); and
  - iii) a description of how MIPL(C)L has incorporated additional mitigation measures as applicable into its EPP as a result of conditions or recommendations referred to in paragraph ii).
- b) MIPL(C)L must, **within 7 days of the filing in a)**, provide confirmation to the CER that it has provided those copies.

**9. Construction Schedule**

MIPL(C)L must, **at least 14 days prior to the commencement of construction** of the approved facilities, file with the CER a detailed construction schedule or schedules identifying major construction activities and must notify the CER of any modifications to the schedule or schedules as they occur.

**10. Road Crossing - Horizontal Directional Drilling (HDD) Contingency Plan**

MIPL(C)L must file with the CER, **at least 30 days prior to performing an HDD at a road crossing**, a feasibility report of the proposed HDD and a description of the contingency plan to be used if the HDD is not successful.

**11. Creek Crossing - Horizontal Directional Drilling Contingency Plan**

MIPL(C)L must file with the CER, **at least 30 days prior to performing an HDD crossing at either of the two unnamed creeks** in its Application, a description of the contingency plan to be used if the HDD is not successful.

**12. Auxiliary and Low Pressure Piping Exemption from Leave to Open (LTO) Filing**

MIPL(C)L must file with the CER, for approval, **at least 30 days prior to applying for LTO** of the Pierceland West Compressor Station, a table listing all auxiliary and low pressure piping proposed to be exempt from LTO. The table must include:

- a) an identifying name of the piping;
- b) the product carried;
- c) the nominal pipe size;
- d) the nominal pipe wall thickness;
- e) piping grade/yield strength;
- f) normal piping operating pressure; and
- g) the operating pressure described as a percentage of the specified minimum yield strength of the piping.

**13. Emergency Management Program**

MIPL(C)L must file with the CER, **at least 30 days prior to commencing operations**:

- a) confirmation that it has updated its Emergency Management Program;
- b) confirmation that it has updated its Emergency Procedures Manual to include assets and risks associated with the Project;
- c) confirmation that it has updated the links on MIPLCL.com for the company's Emergency Management Program information and Emergency Response Manual; and

- d) confirmation that the Project route has been assessed to identify sensitive areas, as defined in Annex A of the *Canadian Energy Regulator Onshore Pipeline Regulations* (OPR) Guidance Notes. If sensitive areas are present along the pipeline route for the Project, MIPL(C)L must provide confirmation that site specific emergency response plans have been developed.

#### **14. Technical Specification Updates**

MIPL(C)L must file with the CER any technical specification updates for the Project components listed in the Application **concurrently with its LTO** application. Technical specification updates are limited to differences in pipe length, diameter, wall thickness, grade or material that do not impact any other aspect of the Project as approved.

#### **15. Post-Construction Engagement Report**

- a) MIPL(C)L must file with the CER, and serve a copy on CLFN and MN-S, **within 15 days after completing construction**, a Report summarizing MIPL(C)L's consultation activities undertaken with CLFN and MN-S, including:
  - i) The results of any engagement or activities of Indigenous peoples performing the role of Construction Monitor during construction, including:
    - 1. a summary of the comments and concerns expressed by CLFN and MN-S;
    - 2. a summary of the response from MIPL(C)L to each of the concerns and comments;
    - 3. a description of any outstanding concerns; and
    - 4. a description of how MIPL(C)L intends to address any outstanding concerns, or an explanation as to why no further steps will be taken.
- b) MIPL(C)L must, **within 7 days of filing the Report**, provide confirmation to the CER that it has provided copies to CLFN and MN-S.

#### **16. Condition Compliance by the Accountable Officer**

**Within 30 days of the date that the approved Project is placed in service**, MIPL(C)L must file with the CER a confirmation that the approved Project was completed and constructed in compliance with all applicable conditions in this Order. If compliance with any of these conditions cannot be confirmed, MIPL(C)L must file with the CER details as to why compliance cannot be confirmed. The filing required by this condition shall include a statement confirming that the signatory to the filing is the accountable officer of MIPL(C)L, appointed as Accountable Officer pursuant to s. 6.2 of the OPR.

#### **17. Post-Construction Monitoring Plan**

- a) MIPL(C)L must file with the CER, **within 90 days after the date that the last Order for LTO is issued**, a plan describing participation by CLFN and MN-S Elders or Indigenous people performing the role of Construction Monitor in monitoring activities during post-construction of the Project. The plan must include, but not be limited to:
  - i) a summary of engagement and planning activities undertaken with CLFN and MN-S to develop opportunities for their participation in monitoring activities;

- ii) a description of how the results from its engagement with CLFN and MN-S were incorporated into the plan, or an explanation as to why any results have not been incorporated;
  - iii) a description of the anticipated training and participant requirements, including potential certifications for the Elders or Indigenous people performing the role of Construction Monitor;
  - iv) the scope, methodology, and justification for monitoring activities to be undertaken by MIPL(C)L and CLFN and MN-S., including those elements of post-construction and operation, and geographic locations that will involve monitor(s);
  - v) a description of how MIPL(C)L will use and incorporate the information gathered through the participation of Elders and Indigenous people performing the role of Post-Construction Monitors and apply it to the Project, or provide an explanation as to why that information could not be incorporated; and
  - vi) a description of how MIPL(C)L will provide the information gathered through the participation of elders and Indigenous people performing the role of Post-Construction Monitors to CLFN and MN-S.
- b) MIPL(C)L must provide a copy of the plan to CLFN and MN-S; and MIPL(C)L must, **within 7 days of the filing in a)**, provide confirmation to the CER that it has provided those copies.

#### ***18. Employment, Contracting, and Procurement Report***

- a) MIPL(C)L must file with the CER, **within 3 months after the date that the last Order for LTO is issued**, a report on employment, contracting, and procurement for the Project that occurred during the construction phase. The report must include, but is not limited to:
- i) a summary of the elements or indicators monitored;
  - ii) a summary of Indigenous peoples, local, and regional employment and business opportunities during the reporting period;
  - iii) the numbers of self-identified Indigenous businesses and individuals employed;
  - iv) a summary of MIPL(C)L's engagement efforts, undertaken during the reporting period, with relevant Indigenous peoples and local, regional, community, and industry groups or representatives, regarding employment and business opportunities. This summary must include any issues or concerns raised regarding employment and business opportunities and how MIPL(C)L has addressed or responded to them; and
  - v) A copy of MIPL(C)L's contracting and procurement process documentation.
- b) MIPL(C)L must also provide a copy to all Indigenous peoples who have expressed an interest in receiving a copy; and MIPL(C)L must, **within 7 days of the filing in a)**, provide confirmation to the CER that it has provided those copies.

#### ***19. Post-Construction Environmental Monitoring Reports***

- a) On or before **1 February following each of the first, third and fifth complete growing seasons after completing final clean-up of areas disturbed during construction**, MIPL(C)L must file with the CER a post-construction environmental monitoring report that:

- i) describes the methodology used for monitoring, the criteria established for evaluating success and the results found;
- ii) identifies any modifications for the criteria established for evaluating reclamation success described in the EPP and the rationale for any modifications;
- iii) identifies the issues to be monitored, including but not limited to unexpected issues that arose during construction, and their locations (e.g., on a map or diagram, in a table);
- iv) describes the current status of the issues (resolved or unresolved), any deviations from plans and corrective actions undertaken;
- v) assesses the effectiveness of mitigation measures (planned and corrective) against the criteria for evaluating reclamation success set out in the EPP; including but not limited to an assessment of the effectiveness of implementation of species specific mitigation measures;
- vi) includes a detailed summary of MIPL(C)L's consultation undertaken with the appropriate provincial and federal authorities; and affected Indigenous peoples and a detailed description of how this consultation informed and/or modified MIPL(C)L's environmental monitoring program; and
- vii) provides proposed measures and the schedule that MIPL(C)L would implement to address ongoing issues or concerns.

The report shall include, but is not limited to, information specific to the effectiveness of mitigation applied to minimize effects on: soils, weeds, watercourse crossings, wetlands, wildlife and wildlife habitat, wildlife species at risk and of special concern, and fish and fish habitat.

- b) MIPL(C)L must provide a copy of the report to all Indigenous peoples who have expressed an interest in receiving a copy; and MIPL(C)L must, **within 7 days of the filing**, provide confirmation to the CER that it has provided those copies.

#### **20. Sunset Clause**

This Order shall expire on 17 July 2023 unless construction of the Project has commenced by that date.

THE COMMISSION OF THE CANADA ENERGY REGULATOR

*Original signed by*

Jean-Denis Charlebois  
Secretary of the Commission



**SCHEDULE A**  
**Order XG-017-2020**

**Many Islands Pipe Lines (Canada) Limited**  
**Application dated 12 June 2019**  
**assessed pursuant to section 58 of the *National Energy Board Act***

**Pierceland Supply Project**  
**File OF-Fac-Gas-M182-2019-02 01**

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Pipeline Specifications – Pierceland Supply

<b>Project Type</b>	New construction
<b>Location (endpoints)</b>	Bidirectional from NOVA Gas Transmission Ltd. station in SW 12-62-01 W4M (Alberta) to TransGas Limited Beacon Hill 'C' Plant Compressor Station in NE 07-62-24 W3M (Saskatchewan)
<b>Approximate Length</b>	30.3 km
<b>Outside Diameter</b>	508 mm (NPS 20)
<b>Wall Thickness</b>	9.5 mm (12.7 mm)
<b>Pipe Material</b>	Steel
<b>Pipe Material Standard</b>	CSA Z245.1
<b>Pipe Grade</b>	Grade 359
<b>Pipe Manufacture Process</b>	Electric welded
<b>External Coating Type</b>	Fusion-bond epoxy
<b>Maximum Operating Pressure</b>	8,619 kPa (1,250 psi)
<b>Product</b>	Non-sour natural gas

**SCHEDULE A (continued)**  
**Order XG-017-2020**

Facilities Specifications – Pierceland West Compressor Station

<b>Project Type</b>	New construction
<b>Facility Type</b>	Compressor station
<b>Location</b>	SW 09-062-27 W3M (Saskatchewan)
<b>Description</b>	<ul style="list-style-type: none"><li>• Four natural gas engine driven reciprocating compressors</li><li>• Four aerial coolers</li><li>• Meter building</li></ul>
<b>Maximum Operating Pressure</b>	8,619 kPa (1,250 psi)
<b>Product</b>	Non-sour natural gas