

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

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**From:** andrea.raska@canada.ca

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

Dear colleagues:

On February 26, 2020, the Minister of Environment and Climate Change 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). Foothills Pipe Lines Ltd. and NOVA Gas Transmission Ltd. are wholly-owned subsidiaries of TransCanada PipeLines Ltd., which is an affiliate of TC Energy Corporation. The purpose of this email is to inform federal authorities 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 and associated facilities totaling approximately 120 kilometers in southwest Alberta and southeast B.C. The Projects would deliver natural gas as part of the broader West Path Delivery Program which supplies southwest Alberta and connected downstream markets with natural gas produced in Western Canada. The Projects as proposed are not designated projects as described in the *Physical Activities Regulations*.

### **NOVA Gas Transmission Ltd. West Path Delivery 2022 and Foothills Pipe Lines Ltd. Zone 8 West Path Delivery 2022**

The proponent have submitted Project Notifications to the Canadian Energy Regulator for the NOVA Gas Transmission Ltd. West Path Delivery 2022 and Foothills Pipe Lines Ltd. Zone 8 West Path Delivery 2022 Projects (linked [here](#) and [here](#), respectively). These Project Notifications contain basic information about the projects including routing information and a list of environmental issues.

### **NOVA Gas Transmission Ltd. West Path Delivery 2023, and Foothills Pipe Lines Ltd. Zone 8 West Path Delivery 2023**

The Agency has limited information available about these two projects. The designation request identified the following details. The Agency will forward any additional information if it becomes available, however, the Agency is seeking your advice even in the absence of additional information.

- NOVA Gas Transmission Ltd. West Path Delivery 2023
  - 23 km segment of NPS (nominal pipe size) 48 pipeline located 3 km northwest of Turner Valley, Alberta
  - 8 km segment of NPS 48 pipeline located 30 kilometers southwest of High River, Alberta

- A 7 km segment of NPS 48 pipeline located 7 kilometers northwest of Pincher Creek, Alberta
- Foothills Pipe Lines Ltd. Zone 8 West Path Delivery 2023
  - 31 kilometer segment of NPS 48 pipeline located 18 kilometers east of Fernie, British Columbia
  - 15 kilometer segment of NPS 48 pipeline located 37 kilometers east of Creston, BC
  - An expansion of the Kingsgate Border Meter Station located 15 kilometers southwest of Yahk, British Columbia

### **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.

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 Federal Authority 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 proposes a meeting on **Tuesday March 17 at 11 am (Mountain time)** to discuss this designation request further (meeting invite to follow). 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: Federal Authority Advice Record: Designation Request under IAA**  
**Response due by March 30, 2020**  
NGTL and Foothills West Path Delivery 2022/2023 Projects

Department/Agency	
Lead Contact	
Full Address	
Email	
Telephone	
Alternate Departmental Contact	

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1. Has your department or agency considered whether it has an interest in the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action (including provision of financial assistance) that would allow the Project to proceed in whole or in part?

Specify as appropriate.

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2. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

If yes, specify that power, duty or function and its legislative source.

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3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

Specify as appropriate.

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4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the Project or adverse direct or incidental effects stemming from the Project?

Specify as appropriate.

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5. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Project?

Provide an overview of the information or advice exchanged.

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6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of IAA? Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

Specify as appropriate.

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7. Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Project? In particular, the following issues have been raised by the requestor: project splitting, impacts to Aboriginal rights, capacity funding

If yes, please specify the program or authority.

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8. Does your department or agency have information about the interests of Indigenous groups in the vicinity of the Project; the exercise of their rights protected by section 35 of the *Constitution Act, 1982*; and/or any consultation and accommodation undertaken, underway, or anticipated to address adverse impacts to the section 35 rights of the Indigenous groups?

If yes, please specify.

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9. Taking into account your mandate, does your department or agency have a view as to whether the Project should be designated under the *Impact Assessment Act*?

If yes, please specify.

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10. If your department has guidance material that would be helpful to the proponent or the Agency, please include these as attachments or hyperlinks in your response.

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Name of departmental / agency responder

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Title of responder

\_\_\_\_\_  
Date