

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	Natural Resources Canada
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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.

NRCAN does not have an interest in the project, nor has it exercised a power, duty or function in relation to this project.

The proposed pipeline is approximately 33 km in length, of which approximately 8.2 km will not be along an existing right of way. The length of the proposed pipeline is below the 40 km threshold for requiring Governor in Council approval under the *Canada Energy Regulator Act*.

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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.

Based on the information provided, NRCAN is unlikely to be required to exercise a power, duty, or function in relation to this project.

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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.

N/A

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.

NRCan has not identified any specialist or expert information or knowledge in its possession that may be relevant to potential adverse effects within federal jurisdiction.

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.

Yes. NRCan is the lead Crown Consultation Coordinator for the NGTL 2021, Edson and North Corridor projects by the same proponent. In addition, NRCan has had discussions with the proponent about its potential future proposed pipeline projects.

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.

From the perspective of NRCan's areas of scientific and technical expertise, we have not identified any potential causes of adverse effects within federal jurisdiction or adverse direct or incidental effects described in section 2 of the IAA.

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.

No.

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.

Yes, NRCan has consulted with Indigenous groups for the NGTL 2021, Edson Mainline, and North Corridor projects which consist of a portion of pipeline that will be connected to those in the proposed NOVA Gas Transmission Ltd. West Path Delivery 2022, Foothills Pipe Lines Ltd. Zone 8 West Path Delivery 2022 and NOVA Gas Transmission Ltd. West Path Delivery 2023, and Foothills Pipe Lines Ltd. Zone 8 West Path Delivery 2023 projects. NRCan is administering the Participant Funding Program to provide Indigenous groups, potentially impacted by the

NGTL 2021, Edson Mainline, and North Corridor projects, with funding to facilitate consultation and offset the costs associated with consulting with the Crown on these projects.

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.

Based on the information provided, NRCan has not identified, within the scope of our mandate, reason to designate this project under the *Impact Assessment Act*.

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.

Shelley Ball

Name of departmental / agency responder

Senior Environmental Assessment Officer

Title of responder

March 9, 2020

Date