



May 31, 2017

File: MV2017P0013 and
MV2017L1-0002

ATTN: Distribution List and Enbridge Pipelines Inc. – for the Line 21 Segment
Replacement Project Review

**Information Request #1 – Outstanding Information section 157.1 MVRMA
Line 21 Segment Replacement Project, Fort Simpson, NWT**

By May 15, 2017, the Mackenzie Valley Land and Water Board (MVLWB or Board) staff received comments and recommendations from Dehcho First Nations (DFN), Liidlii Kue First Nation (LKFN), Sambaa Ke First Nation (SKFN), Environment and Climate Change Canada (ECCC), Government of Northwest Territories (GNWT) - Department of Lands (Lands), and Imperial Oil Resources on the new Land Use Permit (MV2017P0013) and Water Licence (MV2017L1-0002) Applications submitted by Enbridge Pipelines Inc. (Enbridge). These Applications were submitted in support of conducting off right-of-way activities for replacement of a segment of the Norman Wells (Line 21) pipeline from Norman Wells, NT to the Alberta/Northwest Territories border near Fort Simpson, NT.

Of these reviewers, DFN and LKFN submitted comments recommending the Board refer the Applications to the Mackenzie Valley Review Board for an Environmental Assessment (EA) pursuant to paragraph 126(2)(a) of the *Mackenzie Valley Resource Management Act* (MVRMA). The GNWT-Lands submitted comments recommending the Board take appropriate steps to determine whether section 157.1 of the MVRMA applies to the Applications.

If section 157.1 applies to this project, Part 5 of the MVRMA may not apply to these Applications and no screening or referral to EA may be possible. A decision on the applicability of section 157.1 must be made by the Board before a preliminary screening or referral to EA can be considered. We remind the parties that section 157.1 has been considered by the NWT Courts and that the Board is bound by these rulings.¹

¹ See *North American Tungsten Corporation Ltd. v. Mackenzie Valley Land and Water Board*, 2003 NWTCA 5 (<https://decisia.lexum.com/nwtcourts-courstno/ca/en/124858/1/document.do>) and *Can. Zinc Corp. v. Mackenzie Valley Land & Water Bd.*, 2005 NWTSC 48 (<https://decisia.lexum.com/nwtcourts-courstno/sc/en/125050/1/document.do>)

The Board will be making decisions on these matters in due course and, as such, is seeking further information and submissions from reviewers and Enbridge before continuing with the regulatory process. Attachment 1 sets out a Board Information Request to specifically address section 157.1 matters.

Enbridge is asked to submit the requested information to the Board, as outlined in Attachment 1, by **Wednesday June 7, 2017**. Reviewers will have until **Thursday June 15, 2017** to provide comments and recommendations. Enbridge will be given until **Wednesday June 21, 2017** for any final submissions.

If you have any questions or concerns regarding this Information Request, please contact Angela Love at (867) 766-7456 or email angela.love@mvlwb.com.

Sincerely,



Rebecca Chouinard
Executive Director

Attachment 1: Information Request

Copied to: Enbridge Pipelines Inc.
Mackenzie Valley Review Board

MV2017P0013 & MV2017L1-0002 – Enbridge Pipeline (NW) Inc.

Attachment 1: Information Request #1 – Outstanding Information section 157.1

MVRMA

The GNWT-Lands submitted comments recommending the Board take appropriate steps to determine whether section 157.1 of the MVRMA applies to the Line 21 Replacement Project Applications. The Board requires additional information and details about this Project and requests submissions from the Applicant and reviewers in response to the following:

1. Was the Line 21 Pipeline Project the subject of a Water Licence or Land Use Permit issued before June 22, 1984?
2. Was the Line 21 Pipeline Project subject to a process of environmental impact assessment before June 22, 1984?
3. What is the relationship between the work proposed for the Line 21 Segment Replacement Project and the original Line 21 Project or undertaking?
4. Were maintenance and operational activities considered as part of the environmental impact assessment of the original Line 21 Pipeline Project?
5. Please list and set out the scope of all regulatory approvals required for the Line 21 Replacement Project.
6. With specific reference to the Applications please provide a detailed explanation of whether the Line 21 Replacement Project represents a significant alteration to the Line 21 Pipeline Project.
7. With specific reference to the Applications please indicate whether the Line 21 Replacement Project represents an abandonment or decommissioning of the Line 21 Project. Explain why.
8. Please provide your argument to the Board about the application of section 157.1 of the MVRMA to the Line 21 Replacement Project.
9. Please provide any recommendations for additional Water Licence or Land Use Permit conditions that could help avoid or mitigate any potential environmental impacts of the Line 21 Replacement Project.