



April 14, 2021

**Canada Energy Regulator**

Suite 210, 517 Tenth Avenue S.W.  
Calgary, Alberta T2R 0A8

VIA EMAIL TO: [filingmanual@cer-rec.gc.ca](mailto:filingmanual@cer-rec.gc.ca)

Dear Canada Energy Regulator:

**RE: CER Filing Manual Revised Guides B (Abandonment) and K (Decommissioning)  
Comments of the Canadian Association of Energy and Pipeline Landowner  
Associations ("CAEPLA")**

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The Canadian Association of Energy and Pipeline Landowner Associations ("CAEPLA") is Canada's leading national grassroots property rights organization. Along with our various provincial member associations, we advocate for pipeline safety and environmental protections. We also seek to minimize the impacts of oil and gas pipelines and electricity transmission projects on farming operations and land use. CAEPLA appreciates the opportunity to provide the following landowner perspective on the proposed revisions to Guides B and K of the CER Filing Manual.

CAEPLA (formerly CAPLA) has participated actively in the CER (formerly the NEB) regulatory and policy discussion surrounding pipeline abandonment and decommissioning for many years – since before the creation of the Land Matters Consultation Initiative by the NEB and since before "decommissioning" even became accepted as a possible outcome for pipelines taken out of service. Throughout its participation in consultation processes and formal hearings, CAEPLA has consistently advocated for direct and fully-funded landowner involvement in the decision-making processes related to pipeline abandonment and decommissioning. CAEPLA submits that what is still missing from the CER Filing Manual, including the proposed revisions to Guides B and K, and from CER regulation generally is adequate recognition of landowner impacts and provision for landowner involvement in decision-making.

CAEPLA proposes the following additional revisions to Guides B and K with a view to filling gaps where pipeline landowners appear to have been overlooked.

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## Guide B – Abandonment

- B.2.1 Filing requirements and guidance – General Requirements
  - Amend #7 – “An explanation of the abandonment method options (abandonment in-place, removal, segmentation, fill) considered, and rationale for the chosen option(s), including how factors such as land use, **future land use and development plans**, safety, **landowners, landowner agreements**, potentially affected peoples and communities, property, impacted and potentially impacted engineering structures, environment and economics were identified, considered and managed.”
  - Add #11 – “**A copy of all landowner agreements in place with respect to the pipeline to be abandoned, including land acquisition agreements.**”
- B.2.1 Filing requirements and guidance – Engineering
  - Add #6 – “**Confirmation that abandonment activities and the abandoned pipeline will not impact agricultural operations and future land development.**”
- B.2.1 Filing requirements and guidance – Engagement
  - The summary of engagement should include, at minimum:
    - Insert new subparagraph at iv.: “**a description of how landowner agreements were considered in determining the proposed abandonment method(s)**”
- B.2.1 Filing requirements and guidance – Lands
  - Delete “2. If any land acquisition agreements will be disposed:” and replace with: “**Where the proposed method of abandonment is removal with full remediation of the land and any land acquisition agreement(s) will be disposed as a result:**”
- B.2.1 Filing requirements and guidance – Economics and Finance
  - Amend #1: “Provide details of the estimated costs associated with the proposed abandonment, including details of any estimated costs for long-term maintenance and monitoring **of pipelines abandoned in place, accommodation of future land development and changes in land use**, ~~as well as~~ contingency funds for unforeseen events, **and all other post-abandonment activities and liabilities** ~~of any pipelines abandoned in place.~~”
- B.3 Applications to Access Funds from the Trust to Fund Abandonment
  - Insert new subparagraph after #5: “**Provide proof of notification to landowners of the application to access funds and describe what consultation with landowners has been completed and how landowner consultation has been considered in the proposed abandonment funding plan.**”

## Guide K - Decommissioning

- K.1 Filing Requirements – General Requirements
  - Amend #8 – “An explanation of the decommissioning method options (decommissioning in-place, removal, segmentation, fill) considered, and

rationale for the chosen option(s), including how factors such as land use, **future land use and development plans**, safety, **landowners, landowner agreements**, potentially affected peoples and communities, property, impacted and potentially impacted engineering structures, environment and economics were identified, considered and managed.”

- Add #13 – “**A copy of all landowner agreements in place with respect to the pipeline to be decommissioned, including land acquisition agreements.**”
- K.1 Filing Requirements – Engagement
  - 1. ... The summary of engagement should include, at minimum:
    - Insert new bullet point: “**a description of how landowner agreements were considered in determining the proposed abandonment method(s)**”
- K.1 Filing Requirements – Economics and Finance – Decommissioning Costs
  - Provide estimates of:
    - Amend first bullet point: “any future costs, in current year dollars, associated with maintaining these facilities in a decommissioned state, **including accommodation of future land development and changes in land use**, up until the commencement of the final abandonment of these and nearby facilities.”

These additional proposed revisions do not set the primary focus of the abandonment and decommission application processes on the mitigation of landowner impacts where it should be, but they will go some way to ensuring that landowners and landowner impacts are not lost in the shuffle. Pipeline landowners need to be involved in the decision-making processes for pipeline abandonment and decommissioning from the very beginning, even before an application is filed. And pipeline landowners need to be involved in all applications to access funds.

We would welcome the opportunity to discuss these comments and proposed revisions with you further and request a meeting for that purpose.

Respectfully,

*Original signed by*

Dave Core  
CAEPLA, Director of Special Projects

c.c.: Manitoba Pipeline Landowners Association (MPLA)  
Saskatchewan Association of Pipeline Landowners (SAPL)