

Constructing scale, eroding responsibility: the politics of scoping in Canadian energy project reviews

USRI Project Report

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Research question:

To what extent have proponents of oil and gas projects, hydroelectric dams, mines etc. used two strategies: 1) 'slicing' complex projects into multiple parts and filing separate applications for each, or 2) 'splicing' multiple actions together into a single application – with what outcomes for regulatory approval?

Data collection

- Secondary research and interview stakeholders



National regulators

Screen and gather relevant, publicly available records from federal and provincial review bodies:
- NEB/CER, Impact Assessment Agency of Canada, Alberta Energy Regulator, and British Columbia Oil & Gas Commission...



Energy Company

Gather information from companies (and their subsidiaries) applied for resource projects:
- Enbridge, TC Energy (NGTL), Coastal Gaslink Pipeline Ltd., etc



Literature and News

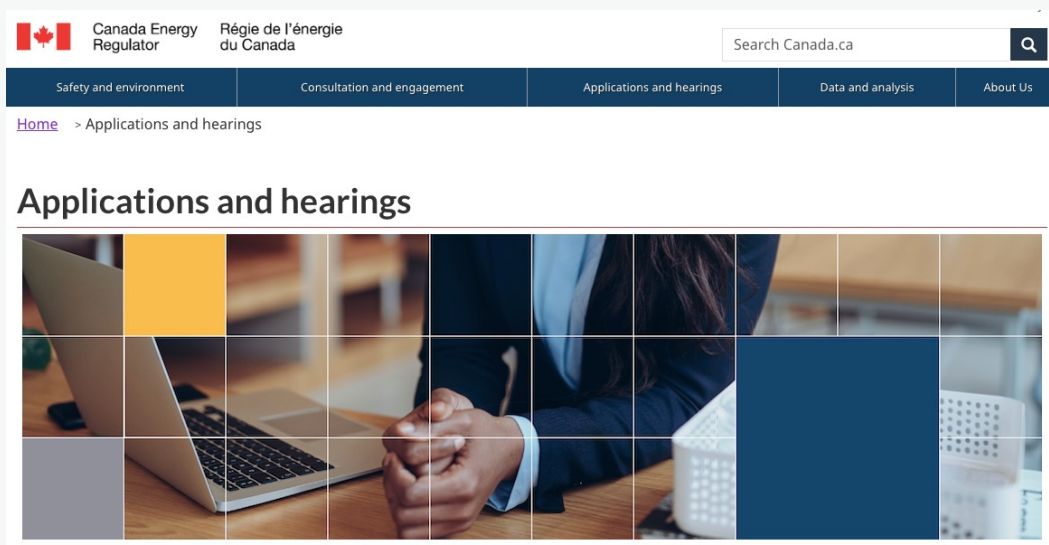
Published literature related to energy justice, space and place, indigenous right, impact assessment, etc; news report on pipeline constructions and controversial cases

A hand holding a brown maple leaf in a forest with bokeh background.

How are projects reviewed at federal level?

Findings

Overall findings

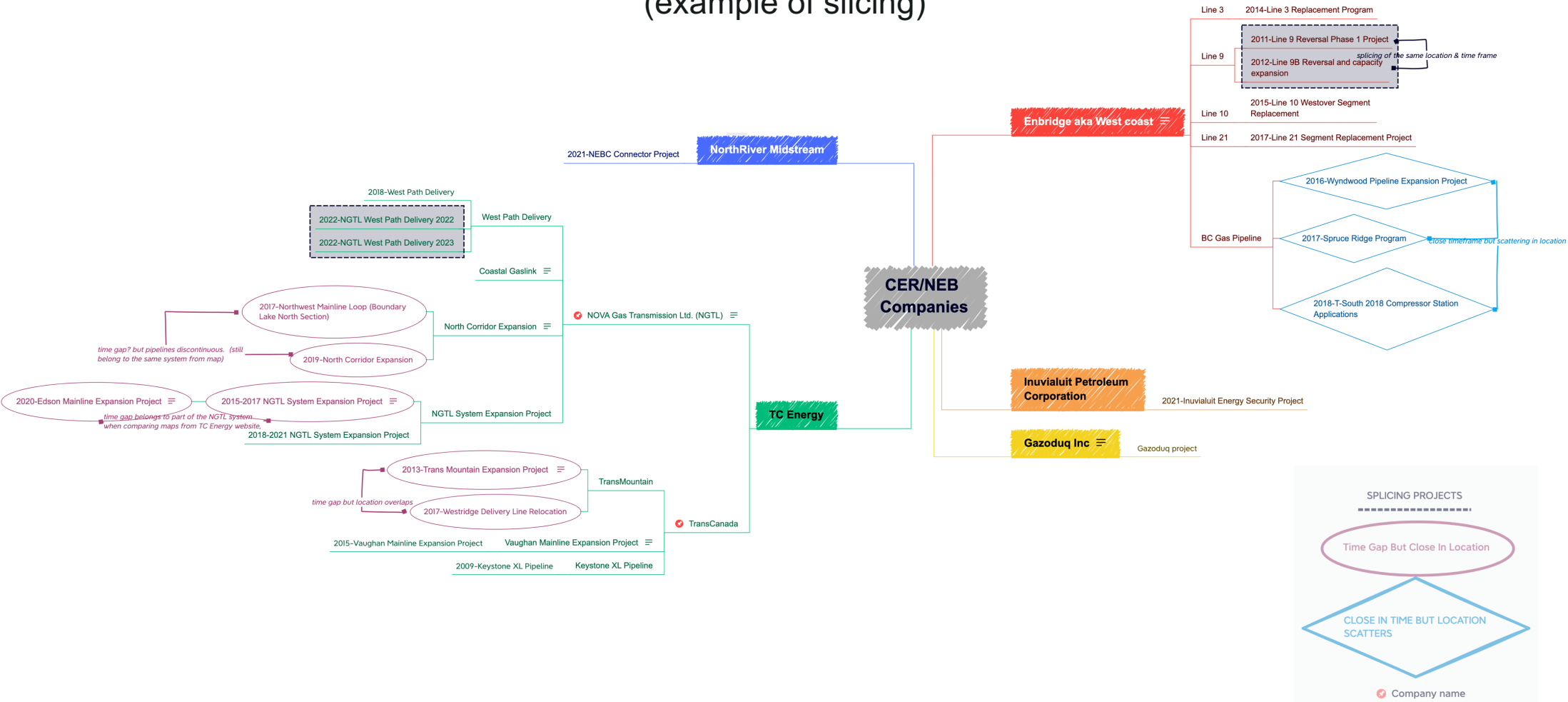


NEB/CER website,
Major Applications and Projects
before the CER, Recently
Completed Applications, etc.

- Majority of the pipeline projects are approved (low rejection rate)
- Some major pipelines are “sliced” at different level:
 - Close in time and geographical location
 - Close in time and belong to the same major pipeline system (but not connected)
 - Connected pipeline segment but has a longer time gap (2 years+)

Findings

Companies and their major pipeline systems (example of slicing)





How are projects reviewed at provincial level?
(BC Oil & Gas Commission)

Data collection

BCOGC Map



Pipeline Segments (Permitted)

Pipeline centre-lines associated with oil and gas pipeline activity and falling within the area representing the pipeline right of way. Contains line features collected on or after July 11, 2016 for approved pipeline centre-line locations.



Facility Locations

Facilities are an oil and gas activity, defined in the Oil and Gas Activities Act as a system of vessels, piping, valves, tanks and other equipment used to gather, process, measure, store or dispose of petroleum, natural gas, water or a substance ref



Pipeline Installation

Pipeline installations associated with an oil and gas pipeline activity. Include features such as flare stacks, generators, line heaters, pumps, risers, tanks, etc.

Methodology

Search for overlaps between NEB/CER applications and BCOGC applications

Filters
Pipeline Segments (Permitted)

Filters Styling

Filter as map moves

Proponent

<input type="checkbox"/>	FortisBC Energy Inc.	31.30%
<input type="checkbox"/>	Tourmaline Oil Corp.	9.31%
<input type="checkbox"/>	Whitecap Resources Inc.	6.39%
<input type="checkbox"/>	Canadian Natural Resources Limited	5.49%
<input type="checkbox"/>	Orintiv Canada ULC	5.47%
<input checked="" type="checkbox"/>	NOVA Gas Transmission Ltd.	1.92%
<input checked="" type="checkbox"/>	Coastal GasLink Pipeline Ltd.	0.07%
<input checked="" type="checkbox"/>	Trans Mountain Pipeline ULC	0.39%
<input checked="" type="checkbox"/>	Westcoast Energy Inc.	0.26%

Search 52 more values

Filtering 114 of 4,313 records

British Columbia

Fort St
D
Terrace
Prince Rupert
Prince George
Dixon Entrance
Hecate Strait

BCOGC

From NEB/CER Excel sheet:

- Select companies from the NEB/CER
- Look for projects located in BC/cross BC
- Compare with 3 BCOGC maps and identify overlapping locations

COMPANIES :

Trans Mountain

NOVA Gas (NGTL)

Coastal GasLink

Westcoast

Findings

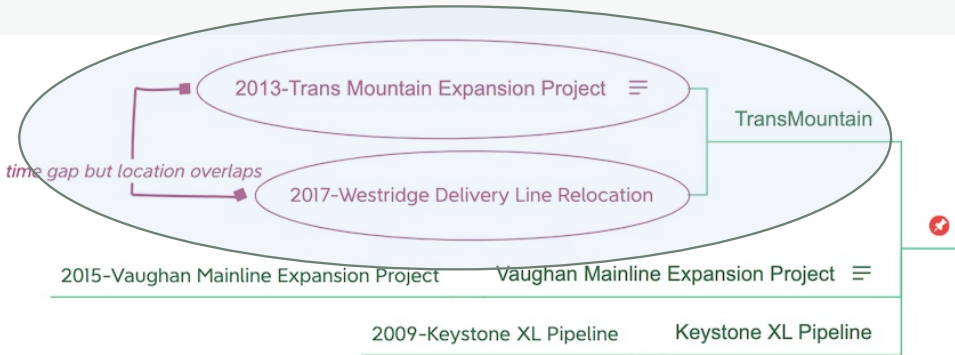
Overall findings

Pipeline Segments	
Status	New
Application Determination Number	100100228
Activity Approval Date	June 22, 2020
Activity Cancel Date	
Legacy OGC File Number	
Proponent	Trans Mountain Pipeline ULC
Authority Type	NEB
Data Source	ORTHO
Shape Length	209186.43685657598

BCOGC

- All BC pipeline & facilities applications from the NEB/CER excel sheet are shown on the map
- All national projects are authorized by NEB (except for Coastal GasLink, which is provincial decision, OGAA)*
- Some project's approval date is close (NEB's and BCOGC's)*

Findings



Pipeline Segments:

2013 Trans Mountain Expansion Project

NEB: Tbd, Denied?

BCOGC: Approved 1953, 2017, 2019, 2020, 2021*

2017 Westridge Delivery Line Relocation

NEB: Approved 2020/05

BCOGC: Approved 2020/07 & 1953

TRANS MOUNTAIN PIPELINE ULC as an example



* Multiple approval dates since there're multiple applications (refer back to BCOGC excel data), divided into segment/lines

Discussion

From this analysis we can't be sure whether companies were trying to be sneaky/opportunistic by dividing up project applications the way they did – we can't prove intentionality. But even if it's 'normal' for projects to get split into pieces (e.g. stream crossings hived off to the provincial level; specific route section locations being negotiated through separate NEB/CER sub-hearings), we can still say organizing the system this way contributes to obscuring cumulative impacts and fragmenting responsibility .

Limitations:

- Rejection rate is so low across the board, it's hard to say whether the strategies studied here increased the likelihood of project approval
- Finding applications for related infrastructure of different types is very complicated (e.g. matching up provincial applications for wells or processing facilities that would interact with federally reviewed pipeline expansion projects)