



The Alaska Highway Gas Pipeline: The Canada-Foothills Easement Agreement

- In August 1976, Foothills Pipe Lines Ltd. (Foothills) applied for a land easement through Yukon for the construction of the Alaska Highway Gas Pipeline (the Pipeline), one of three routes under review at the time by the National Energy Board (NEB).
- In July 1977, after 214 days of hearings, the NEB found that the Foothills project, although requiring further engineering design, environmental and socioeconomic information, offered the generally preferred route for transporting Alaska natural gas.
- The subsequent 1977 Canada-United States Agreement on Principles Applicable to a Northern Natural Gas Pipeline (the Treaty) outlines in general terms the route of the Pipeline and requires the Canadian government to issue permits, rights-of-way and other necessary authorizations.
- *Canada's Northern Pipeline Act* (the Act) of 1978 gives effect to the bilateral agreement and created the Northern Pipeline Agency. The Act deemed issued Certificates of Public Convenience and Necessity (CPCNs) pursuant to the *National Energy Board Act*. These certificates are subject to terms and conditions as set out in Schedule III of the Act.
- The Act also empowers the Governor in Council to authorize the grant of an easement to Foothills for the construction of the Pipeline. Foothills' application for an easement through Yukon led to an environmental assessment under an Environmental Assessment and Review Panel (EARP), which held hearings intermittently between 1977 and 1982.
- Canada and Foothills entered into an easement agreement on November 24, 1983, and a grant of easement (the Grant) was issued by Order in Council on November 28, 1983. A Certificate of Title for the easement was registered in the Yukon Land Titles Office in Whitehorse, Yukon, in July 1984, and the easement is a recognized property interest in certain First Nation Settlement Lands under Final Agreements. Comprehensive maps may be viewed at the Land Titles Office. The precise location is set out in Plans, Profiles and Books of Reference (PPBoR) submitted to the government by Foothills before the easement was granted. A copy of the PPBoR is filed in the Yukon Land Titles Office in Whitehorse as instrument #67550.
- The easement follows the Alaska Highway from the Yukon-Alaska border near Beaver Creek, Yukon, to the Yukon-British Columbia border near Watson Lake, Yukon. It is approximately 760 kilometres long and is generally 240 metres wide. The width will allow for minor adjustments of the Pipeline location within the easement, and after the Pipeline is built, a much narrower easement would be granted for its operation.



- The easement agreement allows Foothills to conduct investigative work on easement lands. However, the company requires the approval of the minister responsible for the Northern Pipeline Agency before it can begin construction.
- The Canada-Foothills Easement Agreement was amended by Order in Council (P.C. 1987-2000) to allow additional time to begin construction. It was again extended in 1992 (P.C. 1992-2400). Unless the term is once again amended, the agreement will expire on September 20, 2012. Foothills has requested that the expiry date be amended to September 20, 2022.

For more information

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