



Honourable Catherine McKenna
Minister of Environment and Climate Change
10 Wellington
Gatineau, Québec
K1A 0H3

20 July 2016

Dear Minister McKenna,

The Canadian Energy Pipeline Association (CEPA) would like to thank the Government of Canada for the opportunity to comment on the proposed Expert Panel's (the Panel) draft Terms of Reference pertaining to the review of federal environmental assessment processes.

CEPA members operate 119,000 kilometres of transmission pipeline in Canada and transport 97 per cent of Canada's daily natural gas and onshore crude oil production from producing regions to markets throughout Canada and the U.S.

Our comments are specific to the draft Terms of Reference only. We look forward to opportunities during the Panel's review this fall to provide our views on how to ensure public confidence in the process and to ensure that environmental assessments are predictable, consistent and completed in a timely manner.

We believe that the scope of the review, as outlined in the draft Terms of Reference and as reflected in the Minister's mandate letter, is focused on current issues that are relevant to Canadians:

- ensuring that decisions are based on science, fact and evidence;
- avoiding duplication between jurisdictions;
- providing meaningful ways for the public to participate;
- seeking best technologies; and
- enhancing Indigenous consultation, engagement and participatory capacity.

In particular, we agree with the direction of the Panel to consider how to enhance regulatory certainty in the development of pipeline projects in Canada.

We agree with the direction of the Panel to balance the need to ensure robust environmental oversight with regulatory certainty and efficiency. An Expert Panel review should seek views and uncover evidence that not only points to specific areas of required improvement, but also includes an objective assessment of what is working well in the current system.

We believe that a transparent, fact-based review that relies upon experts and scientific evidence will ensure that environmental reviews serve the future interests of Canadians. To this end, we have provided recommendations (see attached table) that we believe would enhance the draft Terms of Reference and thus ensure an effective review process.



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Thank you for the opportunity to provide comments on the draft Terms of Reference pertaining to the review of federal environmental assessment processes. We look forward to working with the Panel and relevant stakeholders to develop findings, conclusions and recommendations with respect to the relevant issues within the panel's mandate.

Yours sincerely,

Chris Bloomer
President and CEO



Review of environmental assessment processes – comments on draft terms of reference

COMMENTS	RECOMMENDATION
<p>Some of the language used seems to predetermine a certain outcome for the review. For example:</p> <ul style="list-style-type: none">• <i>"ensure that environmental assessment legislation <u>is amended</u>."</i> <p>This assumes that legislative amendments are required without leaving open the possibility for improvements to be made within the existing legislative framework.</p>	<p>Recommend using more balanced language throughout, to better facilitate an independent and unbiased review, for example:</p> <ul style="list-style-type: none">• <i>"ensure that environmental assessment legislation <u>is in place</u> to enhance ..."</i>
<p>The Scope of Review only considers what needs to be changed, not what is currently working well. In order to ensure a thorough review of the environmental assessment process, the scope of review should include both.</p>	<p>Recommend amending item 1) to add: <i>"This includes an assessment of what is working well in the current system and what improvements could be made."</i></p>
<p>The Scope of Review should include language to support the Minister's mandate to "help resources to market".</p>	<p>Recommend that the Scope of Review includes "How to help resources get to market, including ensuring that environmental assessments are efficient, predictable, consistent, and completed in a timely manner."</p>
<p>Members of the public may not understand what is meant by "avoid duplication."</p> <p>In addition to avoiding duplication, another important goal is alignment and harmonization with the requirements of other regulators. This would help to ensure common processes, terminology and outcomes.</p>	<p>Recommend expanding this language, for example: <i>"avoid duplication between federal and provincial processes for environmental assessments and harmonize requirements among regulators."</i></p>
<p>The Panel should ensure full transparency at all stages of the review process.</p>	<p>Any issues and subjects identified by the multi-interest advisory committee and any expert advice provided to the panel should also be posted to the Panel's website.</p>