

National Energy
Board



Office national
de l'énergie

Joint Review Panel Process for the Northern Gateway Project

Fall 2009

National Energy Board and
Canadian Environmental Assessment Agency



Canadian Environmental
Assessment Agency

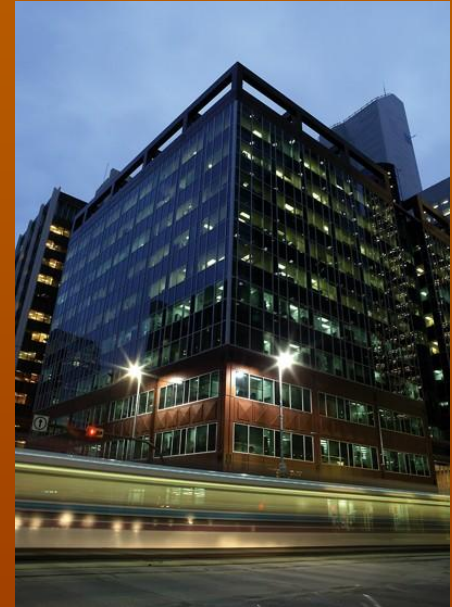
Agence canadienne
d'évaluation environnementale

Presentation Overview

- **Introduction to the NEB and CEAA**
- **Northern Gateway Project Regulatory and Environmental Assessment Review Process**
- **Participant Funding Program**
- **Questions and Discussion**

What is the National Energy Board (NEB)?

- Independent tribunal, est. 1959
- A quasi-judicial body
- Makes decisions on energy matters
- Reports to Parliament through the Minister of Natural Resources Canada
- Regulates international and inter-provincial pipelines, and international power lines
- Over 300 staff located in Calgary, Alberta



NEB Purpose

The Board's corporate purpose is to promote *safety and security, environmental protection and efficient energy infrastructure and markets* in the Canadian public interest.



The Regulatory Life Cycle



What is the Canadian Environmental Assessment Agency (CEAA)?

- Provides Canadians with high-quality environmental assessments (EAs) while ensuring opportunity for public participation in the EA process
- Administers the Canadian Environmental Assessment Act
- Accountable to the Minister of the Environment

Environmental Assessments

- EA is a process to predict the environmental effects of proposed initiatives before they are carried out
- Minimize or avoid adverse environmental effects before they occur
- Incorporate environmental factors into decision making

Northern Gateway Project



What is a Joint Review Panel (JRP)?

- Undertakes a review of all aspects of the proposed project
- Combines two public hearings into one
- Under CEA Act: prepares report on environmental matters for Governor in Council
- Under NEB Act: decides if the project will be approved and if so, under what conditions

What Does the Panel Consider?

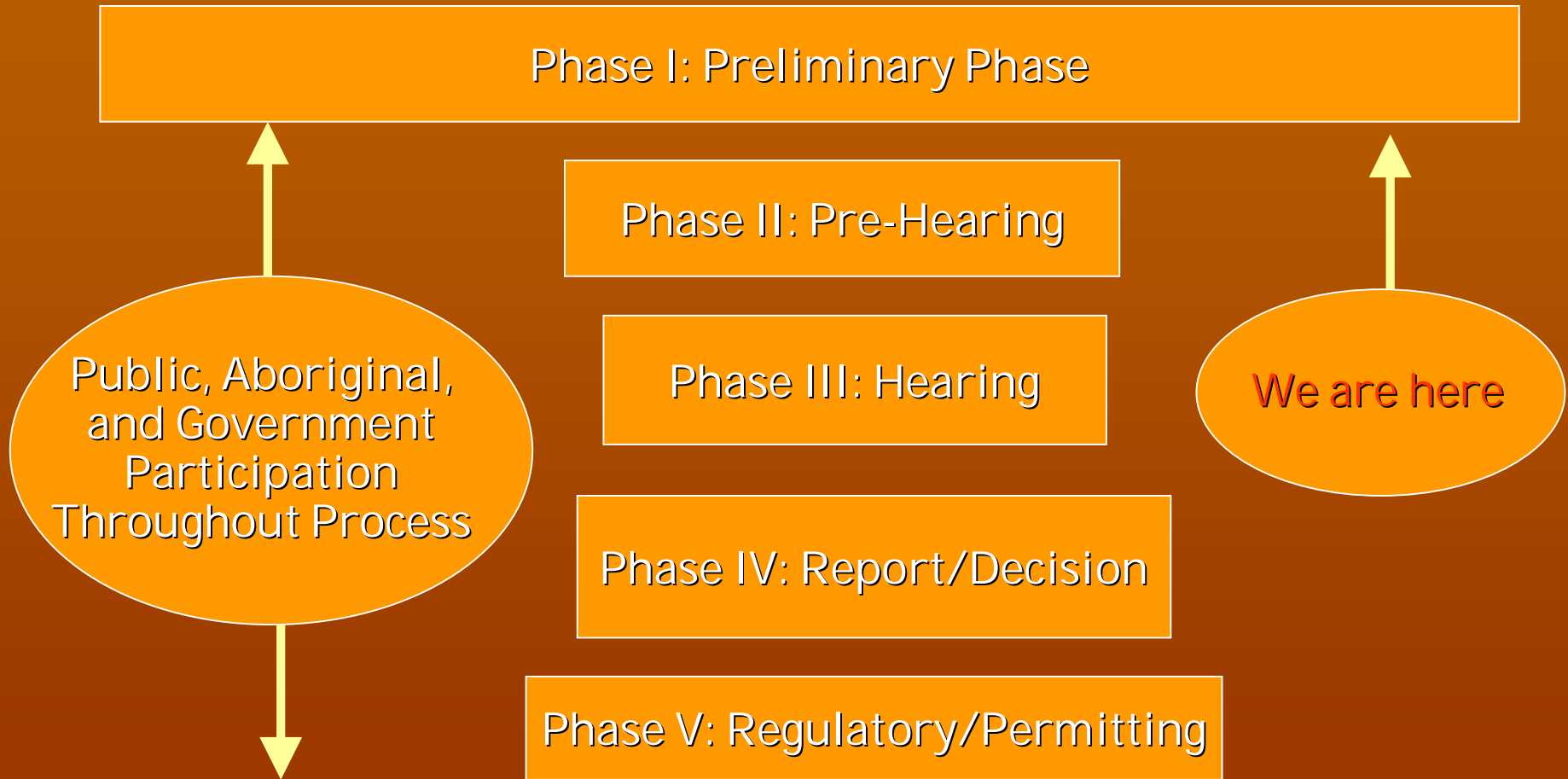
- JRP considers;
 - ♦ Safety and security matters (engineering and design)
 - ♦ Proponent's public and Aboriginal consultation program and comments received from the public
 - ♦ Routing and land matters
 - ♦ Economic feasibility
 - ♦ Tolls and Tariffs
 - ♦ Environmental and socio-economic matters, including the significance of the effects and mitigation measures
 - ♦ Purpose of the project
 - ♦ Alternative means of carrying out the project and their env. effects
 - ♦ Follow-up program
 - ♦ Capacity of renewable resources that are likely to be affected by the project

The Joint Review Panel Process for the Northern Gateway Project

- The JRP will be composed of 3 members appointed by the Board and the Environment Minister
- The JRP Agreement and Terms of Reference will provide direction to the Panel on process and information requirements to satisfy legislation for an EA



Regulatory Review Process



Phase 1: Preliminary Phase

- November 2005 Project Description filed
- February 2006 NEB and other government departments recommended a JRP
- September 2006 Minister referral to a JRP and Draft JRP Agreement prepared
- November 2006 Enbridge put project on hold
- June 2008 Company requested project re-start
- 14 April 2009 Comment period on draft JRP Agreement ended
- Agreement to be finalized
- JRP members to be appointed

Phase II: Pre-Hearing

- Application filed
- Upon receipt of complete application, JRP will issue Hearing Order
- Information sessions about hearing process will be held
- Interested parties will decide how they want to participate



3 Ways to Participate in JRP Hearing

- File a Letter of Comment
- Apply to make an Oral Statement at the hearing
- Apply for Intervenor status



Phases III - V: Public Hearing, Report/Decision and Permitting

- A public hearing will be held
- JRP will consider all information received
- JRP will prepare EA report to Government with recommendations on the project
- Government will respond to the JRP Report

Phases III - V: Public Hearing, Report/Decision and Permitting

- JRP will consider comments from Government and issue NEB Act decision
- Detailed Route Hearing will be held, if necessary
- If approved, other government departments can issue permits and authorizations



Participant Funding Program

- Offered to public (individuals and groups) and Aboriginal groups by the CEAA for participation in EA process
- Deadline for applications is 2 weeks after the release of JRP Agreement
- Applications reviewed by an independent committee and successful applicants will be announced on the CEAA web site
- \$600,000 available to public
- Governments are not eligible

Current Work and Next Steps

- Finalize JRP Agreement
- Appoint Panel
- Review applications and announce recipients of the PFP
- Issue Hearing Order
- Hold public information sessions on JRP Hearing Process



Contacts

National Energy Board

Margaret McQuiston

margaret.mcquiston@neb-one.gc.ca

403 299-3314

Bob Mahnic

bob.mahnic@neb-one.gc.ca

403 299-3165

Canadian Environmental Assessment Agency

Maryse Pineau

maryse.pineau@ceaa.acee.gc.ca

613 948-1364

Cindy Parker

cindy.parker@ceaa.acee.gc.ca

613 960-0281

Questions and Discussion

