

**Environmental Assessment Revitalization Engagement
Canadian Energy Pipeline Association (CEPA)**

Wednesday, March 14, 2018 / 2:30 – 4:00 PM
1110 505 3rd Street SW, Calgary, AB

Meeting Participants

- Scott Bailey, EAO
- Nathan Braun, EAO
- Alli Morrison, EAO
- Sonya Savage, CEPA
- Kai Horsfield, CEPA
- Robert Tarvydas, TransCanada
- Joel Forrest, TransCanada
- Richard Grieve, Ministry of Energy, Mines and Petroleum Resources (EMPR) – on phone
- Brad Asmussen, Enbridge – on phone
- Robert Martin, Enbridge – on phone
- Patrick Roelofsen, Enbridge – on phone
- Ramona Salamucha, Enbridge – on phone
- Wendy Ross, Pembina Pipeline Corp – on phone

Summary Notes

Scott Bailey and Nathan Braun presented an overview of environmental assessment (EA) revitalization, including the conceptual model. The following represents a summary of the discussion between the EAO and CEPA/CEPA members during the meeting.

The Federal Review

- Is the federal review driving BC's EA revitalization? The EAO responded that the Premier's mandate letter to the Minister of Environment and Climate Change Strategy is the main driver. The implementation of UNDRIP, which was common across all mandate letters from the Premier to the ministers, is another key driver.
- CEPA indicated that no new pipelines will be built under the federal government's new legislation. CEPA asked the federal government for enhanced certainty in the EA process. Instead, the EA process is longer and there is no certainty. CEPA is unhappy with Bill C-69.
- Under the federal legislation, policy issues such as sustainability, climate change and gender are being institutionalized, which adds to uncertainty and longer timelines. There is the potential for these policy issues to become politicized in the EA process and lead to further uncertainty. The BC EA process was referenced in the federal review where these factors are being addressed in a practical way (e.g., vulnerable populations might represent gender-based issues). CEPA recommended that the EAO should avoid hard-wiring these policy issues into new legislation.
- Timelines are an important factor in contributing to certainty. It can take up to 4 years for a project to complete the EA process but the investment cycle for these projects is typically 2 years.

- CEPA noted that Bill C-69 did preserve the existing NEB (s58) process for smaller projects, which is good news.
- CEPA provided suggestions during the federal review regarding how to include stakeholders everyone in the EA process and may circle back to the EAO on these.
- CEPA noted that their involvement in the federal review was not useful. It was frustrating to put effort into contributing to the process without seeing any results.
- CEPA cautioned EAO not to duplicate the federal wrongs. If something isn't broken, it might not require fixing. Incremental, targeted changes to legislation may be better to address specific issues; whereas the federal government has proposed sweeping changes.

Public Participation

- Has the need for enhanced public participation been identified as an issue in the provincial EA process? The EAO responded that the aim is to ensure public participation is well supported in new legislation. One example of concerns is regarding the lack of funding for public participation as well as the limited application of public stakeholder groups/advisory committees.

Capacity Funding

- What does "full" capacity funding mean? The EAO responded that it is the amount of funding that allows for full, appropriate participation in the EA process.
- The EAO would like feedback on this item as it might become a shared responsibility between government and industry. CEPA noted that the amount of funding should consider economies of scale required to provide information. It can be challenging to adjudicate what is enough and who gets what. Perhaps "plenty" of funding, or something similar, may be more appropriate terminology.

Strength of Claim (SOC) Model

- The EAO noted that concluding on potential effects to Aboriginal rights and title based on SOC might be unavoidable in some cases, but it may not need to be the emphasis in a new EA model.
- CEPA noted that including a decision-making role within the context of adjudication for Indigenous groups can be challenging for industry because the same group that might benefit economically from a project could also have a role in determining if the project goes ahead.

Implementation of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

- The EAO noted that the provincial government is committed to applying UNDRIP, and currently there is no formal role for Indigenous groups in provincial EA legislation.
- CEPA noted that Bill C-69 goes far in including Indigenous groups but stops short of specifically identifying UNDRIP and "Free, Prior and Informed Consent" (FPIC).

Conceptual EA Model

- Early engagement for industry could be challenging if it interacts with financial disclosure restrictions. This may not be a showstopper but it could affect industry's ability to engage early.

- Generally support for the early decision phase in identifying red flags, which would contribute to increased certainty in the process.
- CEPA noted concerns that might result from individuals external to the proponent helping to draft chapters as it may result in the negotiating of evidence. This could become an issue in preparing the application.

Next steps

- CEPA noted concerns regarding consultation fatigue as the EA revitalization review process overlaps with the federal review related to regulation discussion papers, three parliamentary committees, methane regulations review, clean fuel regulations, BC spill response and preparedness review, caribou policy development, Indigenous rights framework, strategic environmental assessments, etc.
- CEPA to consider how it wants to be engaged further on the EA revitalization review process. CEPA to consider written submissions that borrow from or summarize CEPA's federal submissions and/or further meetings with the EAO.
- This meeting summary will form a part of the record of engagement.
- Nathan Braun is the primary contact for engagement.