



May 31, 2017

FILED ELECTRONICALLY

Ms. Sherri Young
Secretary of the Board
National Energy Board
Suite 210, 517 10th Avenue SW
Calgary, AB T2R 0A8

Dear Ms. Young:

**Re: File No. OF-Fac-Oil-E266-2014-01 02
Energy East and Eastern Mainline Project (Projects)
Comments on the Draft Lists of Issues and Draft Factors and Scopes of the Factors for the
Environmental Assessments**

The Major Projects Management Office (MPMO) has coordinated input on the draft Lists of Issues and draft EA Factors Documents from a number of federal departments, including: Natural Resources Canada, Transport Canada, Fisheries and Oceans Canada, the Canadian Coast Guard, Environment and Climate Change Canada, Indigenous and Northern Affairs Canada, Health Canada, and Parks Canada. On behalf of these departments, MPMO offers the following comments.

A. Marine Shipping¹

The Government of Canada supports the inclusion of the environmental effects of marine shipping, as articulated in Section C of Appendix 1, on the NEB's List of Issues for the review of the Energy East project.

The Government of Canada takes the position that project-related marine shipping within Canada's territorial sea is integral to the Project and that the environmental effects of marine shipping activities should be considered by the NEB's environmental assessment of the Energy East project under the *Canadian Environmental Assessment Act, 2012* (CEAA, 2012). As the Board notes in its request for comments, one of the purposes of CEAA, 2012 is to protect the components of the environment that are within the legislative authority of Parliament from significant adverse environmental effects caused by a designated project. As such, the Government of Canada believes the NEB should specify in its "EA Factors Document" for the Project that marine shipping activities are an Incidental Activity to the Designated Project (Energy East).

The Government of Canada recognizes that while the proponent may not have full control of project-related vessels upon departure from the marine terminal, the proponent can propose mitigation measures related to the marine shipping component of the Project. An inclusive and

¹ In relation to Appendix 1: Energy East Draft List of Issues and Appendix 2: Energy East Draft Environmental Assessment Factors Document



detailed review of increased marine shipping associated with the Project under CEAA, 2012 would allow the Board to capture the proponent's voluntary commitments in the NEB's conditions for the Project.

The Government of Canada also notes that a review of potential environmental effects associated with increased marine shipping would complement the work of the TERMPOL Review Committee.

B. Greenhouse Gas (GHG) Emissions²

In relation to the Lists of Issues, we wish to note that the Government of Canada committed to assess the Projects' upstream and direct GHG emissions associated with the Government's 2016 Interim Approach.

C. Aboriginal Considerations³

In keeping with the Government's 2016 Interim Approach, the MPMO is the Crown Consultation Coordinator for the Governor in Council decision on the Projects. In this regard, the MPMO will be consulting Indigenous groups whose asserted and established s. 35 rights may be affected by the Projects on many of the issues articulated in the draft Lists of Issues. In addition, the MPMO will use the information provided by Indigenous groups through the NEB process as well as any NEB recommendations and conditions on the Projects as part of its consultation process.

D. Statutory Authorities

It would be helpful for the Government, the Applicant and other intervenors if the Board could specify whether its consideration of each issue on the final list is to be conducted under the *National Energy Board Act*, the *Canadian Environmental Assessment Act, 2012*, or both.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

[Original signed by]

Samuel Millar
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Operations, Major Projects Management Office
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² In relation to Appendix 1: Energy East Draft List of Issues and Appendix 3: Eastern Mainline Draft List of Issues

³ In relation to Appendix 1: Energy East Draft List of Issues and Appendix 3: Eastern Mainline Draft List of Issues.



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