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March 18, 2013

Caroline Ladanowski, Director
Wildlife Program Support Division
Canadian Wildlife Service, Environment Canada
351 Saint-Joseph Boulevard
Gatineau, Quebec K1A 0H3

Dear Ms. Ladanowski:

I write to you today on behalf of the Canadian Energy Pipeline Association (CEPA) regarding the proposed SARA Permitting Timelines Regulation. CEPA represents the majority of Canadian transmission pipeline companies, and our members transport about 97% of the oil and natural gas produced in Canada and used throughout North America.

CEPA appreciates the continuing efforts of government to provide certainty in regulatory process timelines, including this commitment in the proposed SARA regulation to a 90-day time limit. One challenge in regulatory reform is to ensure that timelines or processes in one law do not impede or interfere with timelines in another and that opportunities for coordination of activities, such as Crown consultation, are maximized. The circumstance of section 7 of the CEAA 2012 whereby a federal authority 'must not exercise any power or perform any duty or function conferred on it under any Act of Parliament other than CEAA 2012 that would permit a designated project to be carried out in whole or in part.....', could encourage departments to view these processes as separate and discrete, resulting in missed opportunities for coordinated crown consultation.

CEPA member companies recognize the issuance of a SARA permit does not provide in its entirety permission to carry out a project. CEPA suggests that the proposed SARA permitting process allow for specific information to be submitted early in the environmental assessment process that could support coordinated consultation by the Crown. This also supports the 'more consistent approach across all federal statutes' noted in section 7 Rationale of the RAIS.

Given the risk of the review being suspended during the 90-day process, it is suggested that a 10-day completeness review be included as a discrete step in the process. During this step, the department would confirm the permit application is complete and signal commencement of the review process (in a manner similar to CEAA's 10 day completeness review of the Project Description under CEAA 2012). Additionally, CEPA requests further clarification of what circumstances would constitute need for a suspension.

We believe this small change would enhance certainty of process, encourage transparency, and take maximum advantage of opportunities for coordinated Crown consultation.

Thank you for the opportunity to provide comments on the proposed regulation. Please contact the undersigned if you have any questions or require further elaboration of our recommendations.

Sincerely,

Amanda Affonso
Director, Regulatory & Financial