Linda Jones  
Canadian Environmental Assessment Agency  
22nd Floor, Place Bell  
160 Elgin Street  
Ottawa ON K1A DH3  

30 June 2015

Dear Ms. Jones,

The Canadian Energy Pipeline Association (CEPA) would like to thank the Canadian Environmental Assessment Agency (CEAA) for the opportunity to comment on the draft Technical Guidance for Assessing Cumulative Environmental Effects (Guidance). After meeting with representatives from CEAA, CEPA has a better understanding of the intent of the Guidance; however, we have significant concerns regarding its application to pipelines and other types of linear projects. This document is of particular interest to CEPA and its members since the Guidance replaces the 1999 Guide that was widely applied to cumulative environmental assessments (CEA) across Canada.

CEPA represents companies that transport 97% of Canada’s daily onshore crude oil and natural gas production from producing regions to markets throughout Canada and the United States. Our membership currently operates more than 117,000 km of pipelines in North America. Over the next six years, CEPA members propose to invest more than $60 billion in pipeline projects in Canada. As such, it is important that the regulatory framework be concrete with the intent to provide credible, factual and science-based information to Canadians.

CEPA supports a regulatory framework that facilitates economic development while protecting the wellbeing of people and the environment, and ensuring appropriate engagement with Aboriginal communities and other stakeholders. It is critical that any regulatory framework result in a predictable, efficient and effective CEA. Our comments on the Guidance are driven by these principles. CEPA recognizes the challenges of assessing and regulating cumulative effects and values the enhanced guidance on these matters presented in the draft Guidance. We believe with some changes, the draft Guidance could be improved and thereby provide increased certainty and common understanding of CEA process.

**General Comment**

CEPA supports the objective of drafting the Guidance to facilitate and achieve high quality Environmental Assessments (EAs). We believe that in order to achieve the goals of the CEAA process, the Guidance must facilitate a clear understanding and predictable application of principles. Accordingly, it is important that the Guidance maintain a project focus that recognizes provincial and territorial roles and responsibilities for regional land use planning.
CEPA has divided its specific comments into the categories that correspond to those used in the Table of Contents of the Guidelines.

1.1 Identifying Valued Components

CEPA’s members are concerned over the broad and imprecise definition of a Valued Component (VC). This lack of clarity may lead to inconsistencies in the VCs that are to be included in an EA. A clear definition with specific and relevant examples would ensure a better understanding of what a VC is, for the purposes of CEA. Additionally, since the Guidance was designed primarily to deal with biophysical effects, it is ill adapted to the complexities surrounding the assessment of socio-economic effects.

We understand that further guidance on the determination of the significance of a VC is anticipated from CEAA in 2016. Currently, the wording in the draft Guidance is unclear as to whether the degree of significance is based on the contribution of cumulative effects of an individual project or the total cumulative effects from all development in the area, or both. We encourage CEAA to take this into consideration when providing further guidance.

Project-specific EA should not include past disturbances. These impacts are more appropriately addressed through the regional land use planning processes, which are currently underway in several Canadian provinces. Although EA conditions exceeding the scope of particular projects are already a cause for industry concern, several conditions imposed by the guidance document exacerbate this problem further.

1.2 Determining Spatial Boundaries

The draft Guidance’s emphasis on total cumulative effects, extending beyond the project’s physical boundaries, creates uncertainty in the EA process. Spatial boundaries for EAs should focus only on impacts within the physical limits of the project. The example provided in the draft Guidance (extending a spatial boundary to include an airport outside of the caribou range) creates further confusion, as it does not support any proof of impact on the caribou range.

CEPA is concerned that the draft Guidance supports the creation of regions that would include projects and activities that are beyond an appropriate scale, providing little meaningful data, and under-stating the project’s effects. Currently, spatial boundaries used to evaluate the residual effects of the designated project on a given VC are likely to interact cumulatively with the residual effects of the other past, present and reasonably foreseeable future projects and activities. These boundaries already represent a comprehensive understanding of potential interactions with other activities on the landscape.

1.3 Determining Temporal Boundaries

The draft Guidance for temporal boundaries incorporates a strategic assessment similar to those prepared for regional planning purposes. This is a significant shift in focus from project-specific CEAs. We understand the need to broaden the scope of an EA; however, temporal boundaries need to take
into account the scope and scale of each project/VC. CEPA suggests that using the accepted practice of setting current conditions as a baseline is the most appropriate method for establishing temporal boundaries for projects/VCs. Historical baseline data should only be used under specific circumstances, where there is value in discussing the natural range in variability for specific VCs.

Furthermore, we recommend that CEAA refrain from providing guidance for setting a temporal boundary for each VC. Assessing past impacts will require a proponent to assess specific potential environmental impacts of competitors, without complete knowledge of a potential competitor’s project, and make these assessments public. The development of historical baseline data will ensure that there is a clear understanding of the environment within the temporal boundaries of a project. Baselines developed by government are likely to be more objective than proponent developed baseline information. Government does not have an incentive to maintain an analysis as proprietary, and in fact has an incentive to share information so that a baseline will be consistent across projects pursued by multiple proponents in an area.

Additionally, the draft Guidance is not clear on whether abandonment is to be included in the setting of temporal boundaries, as only decommissioning is specifically mentioned. In other sections of the draft Guidance, decommissioning and abandonment are both listed and past guidance materials have clearly included both as the final phase of a project.

1.4 Examining Physical Activities

CEPA notes that there are inconsistencies in the draft Guidance regarding the physical activities that ought to be included in the CEA. For example, on page 15 under OPS approach, the phrase used is “that have been or will be carried out” which is different from the more usual phrase “existing and reasonably foreseeable.” CEPA requests clarification as to whether the different standard is intended. Additional clarity regarding the specific physical activities that need to be included in a project’s environmental assessment is needed.

2.0 Overview and Outcomes of the Analysis

The data requirements proposed in the draft Guidance are concerns for CEPA members. The portion of the draft Guidance (e.g. page 18) relating to the need for additional field studies could have substantial implications for new projects and should be confined to projects where there is a lack of sufficient data to draw conclusions, rather than being an expectation for all projects. The need to have 20 years of data or collect additional data via research/field studies would create an administrative burden for project proponents, without providing any significant benefit to the EA process. Regarding GIS data collection, we encourage the government to play a role in maintaining GIS databases if there is an expectation of greater analysis and reliance on GIS.

Conclusion

CEPA supports the objective of developing guidance to facilitate and achieve high quality EAs. We recognize that in order to achieve the goals of the CEAA process, the draft Guidance must be clear in
order to facilitate a common understanding and predictable application. Accordingly, it is important that it maintain a project focus that recognizes provincial and territorial roles and responsibilities for conducting regional land use planning.

CEPA looks forward to further engagement on the development of the draft *Technical Guidance for Assessing Cumulative Environmental Effects*. If you have any questions or concerns regarding the above comments please contact Elaine Pacheco at epacheco@cepa.com.

Sincerely,

[Signature]

Elaine Pacheco, B.Sc., P.E.
Director, Safety & Engineering