



Ontario

Ontario Energy Board / Commission de l'énergie de l'Ontario

## OEB Energy East Consultation



# First Nation & Métis Consultation Backgrounder

March/April 2014

## Introduction

In November 2013, Ontario's Minister of Energy asked the **Ontario Energy Board (OEB)** to examine and report on TransCanada PipeLines Limited's proposed Energy East Pipeline from an Ontario perspective. To support the preparation of the report, the Minister asked that the OEB undertake a consultation process. This consultation process will provide a forum for Aboriginal communities to express their views on the proposed Energy East Pipeline. These views will inform the OEB's report to the Minister.

The Government of Ontario intends to participate as an intervenor in the **National Energy Board's (NEB)** review of the proposed Energy East Pipeline and the Minister will use the OEB's report to help formulate the Government's position.

### What's Inside

This Backgrounder serves as an introduction to the OEB's Energy East Consultation process and includes information on:

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## The Context

Energy East is a proposal of TransCanada PipeLines Limited (TransCanada), an energy company that has been transporting oil and gas in Canada since 1951. The Energy East Pipeline is an approximately \$12 billion project to transport crude oil from Western Canada through Ontario to New Brunswick and Quebec (see page 2 for a map of the approximate location of the pipeline in Ontario).

In addition to converting approximately 3,000 kilometres (km) of existing natural gas pipeline, the project proposes to build four new oil tank terminals, two marine tanker loading facilities in the Quebec City and Saint-John areas and construct roughly 1,500 km of new pipeline in Alberta, Saskatchewan, Manitoba, Eastern Ontario, Quebec and New Brunswick.

In Ontario, TransCanada plans to convert approximately 1,900 km of existing pipeline, construct about 100 km of new pipeline, and build approximately 30 pump stations. The route of the existing pipeline in Ontario roughly parallels the Trans Canada Highway. The exact route and length of the newly constructed pipeline will only be determined after the NEB's public and regulatory review.

**Want to learn more? Need to get in touch? Visit us at:**

[ontarioenergyboard.ca/oebenergyeast](http://ontarioenergyboard.ca/oebenergyeast)

## Map: Approximate Location of Proposed Energy East Pipeline in Ontario

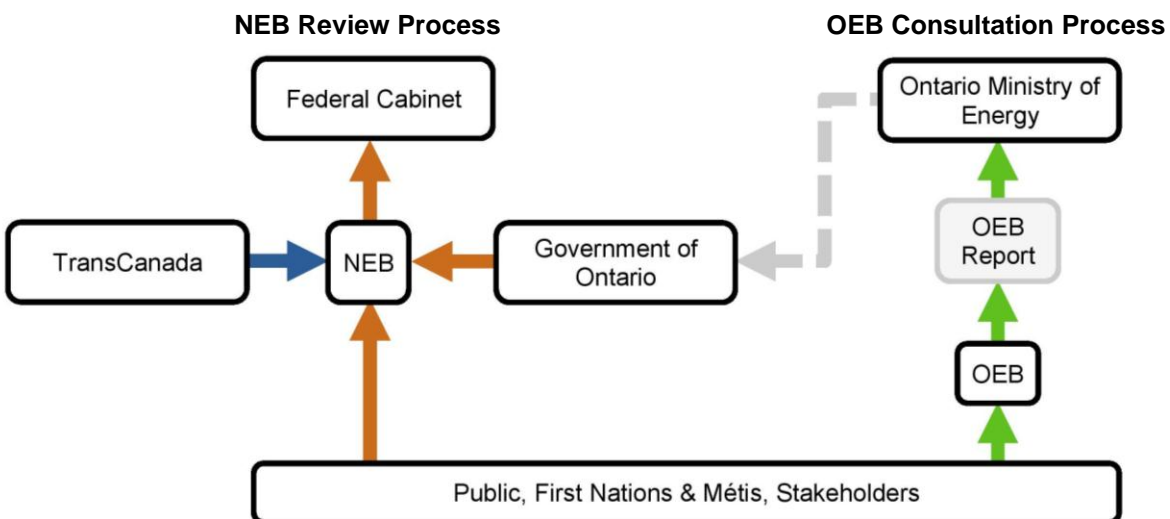


## The NEB Review Process

**TransCanada PipeLines Limited** first proposed the Energy East Pipeline in 2013 and filed a project description with the National Energy Board (NEB) on March 4<sup>th</sup>, 2014 (available on the NEB's Energy East website). TransCanada has indicated that it will file its full application with the NEB in the third quarter of 2014. After it receives this application, the NEB will issue a hearing order which will include details on the hearing process for the proposed Energy East Pipeline. The Government of Ontario intends to intervene in the NEB's hearing process.

The **National Energy Board** is an independent agency established by the Parliament of Canada to regulate and administer international and interprovincial aspects of the oil, gas and electric utility industries in the Canadian public interest. The NEB will analyze the application and make a written report to the federal government that sets out recommendations and conditions regarding the proposed Energy East Pipeline. **The federal government will make the final decision about whether the Energy East Pipeline can proceed.** Individuals who wish to participate in the NEB process should contact them directly.

The **Ontario Energy Board** is not the decision maker on the proposed Energy East Pipeline. It has been asked by the Ontario Minister of Energy to consult with Ontario residents, stakeholders, and First Nation and Métis communities and hire technical advisors to report on the proposed pipeline from an Ontario perspective. Participation in the OEB process does not constitute participation in the NEB process and it does not provide a substitute for any duty to consult with First Nation and Métis communities that may rest with the federal government or others. Ontario's Minister of Energy will use the OEB's report to help formulate the Ontario Government's position.

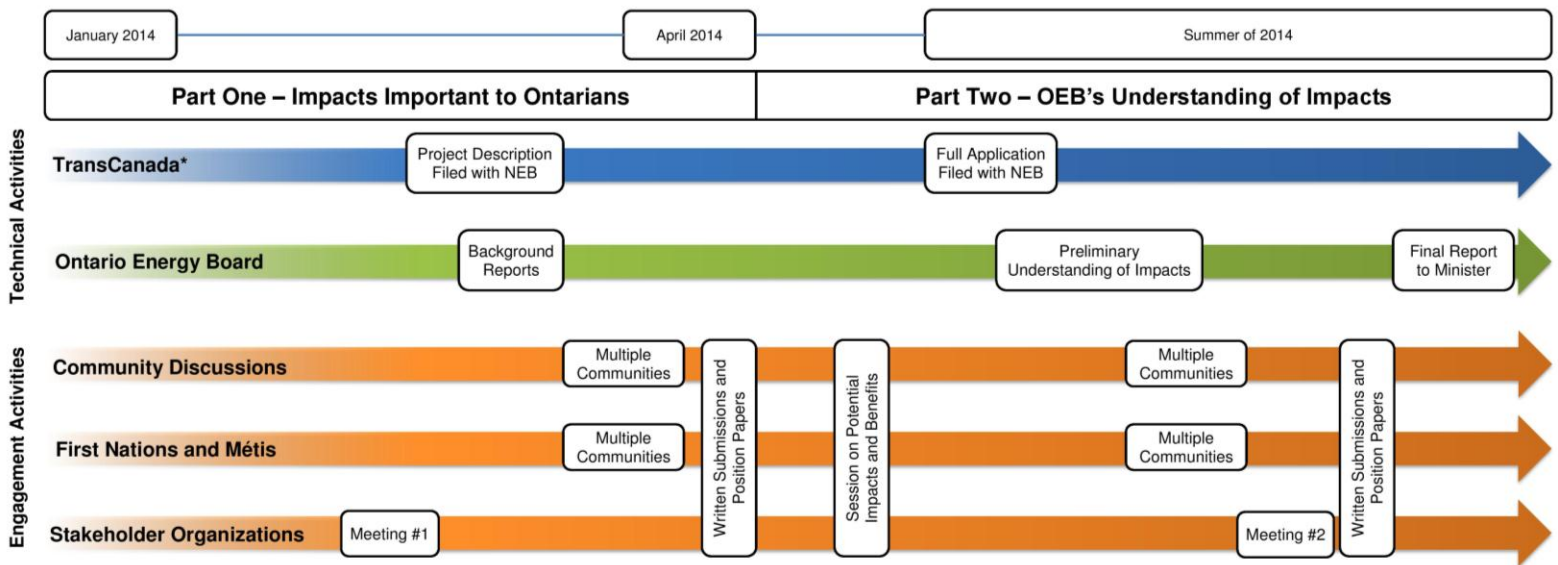


## The OEB Process

Ontario's Minister of Energy has stated that Ontario needs to be fully informed to ensure that it is able to effectively participate in the future NEB hearings on the proposed Energy East Pipeline. The Minister requested that the OEB consider the implications of four areas of potential impact, including:

- The impacts on Ontario natural gas consumers in terms of prices, reliability and access to supply, especially for those consumers living in eastern and northern Ontario
- The impacts on pipeline safety and the natural environment in Ontario
- The impacts on Aboriginal communities in Ontario, in particular how treaty and Aboriginal rights may be affected
- The short and long term economic impacts of the project in Ontario

The OEB consultation process will take place in two parts: Part One – The Impacts Important to Ontarians and Part Two – The OEB's Understanding of the Impacts. In both parts of the consultation process, there will be meetings with the public, **First Nations and Métis**, and stakeholder organizations (see illustration below). The OEB will use the information and perspectives received during both parts of the consultation process to help inform its report on the implications for Ontario of TransCanada's Energy East proposal. The Government of Ontario intends to participate as an intervenor in the National Energy Board's (NEB) review of the proposed Energy East Pipeline and the Minister will use the OEB's report to help formulate the Government's position.



\*The timing of TransCanada's Full Application shown in this graphic is approximate. TransCanada may choose to time their filings differently.

## How Ontarians can learn more about and contribute to the OEB Energy East Consultation...



## Impact on Treaty and Aboriginal Rights

To better understand the potential impact on treaty and Aboriginal rights, there will be specific meetings for First Nation and Métis communities. These meetings will focus on issues that are of particular concern to Aboriginal communities and while they may cover extensive discussions on treaty and Aboriginal rights there will be opportunity to discuss economic impacts on communities that may result from the pipeline project.

We wish to hear from all affected communities in a way that denotes respect for their treaty and Aboriginal rights as well as respect for the communities' view of traditional lands. The discussions that will take place are being done in a way that provides a forum for *prior and informed consent* with regard to a major project that will cross many traditional territories in Ontario.

Once again, we must reiterate that this process is not a substitute for the obligation for consultation and accommodation by the federal Crown.

## Information and Expertise Available to Ontarians

To better understand the four areas of potential impact, the OEB has retained prominent technical advisors to provide advice to the OEB on the potential risks and benefits of the proposed Energy East Pipeline for Ontario.

### **DNV GL (Det Norske Veritas)**

A global provider of consulting services on pipeline engineering, safety and integrity to the maritime and energy sectors.

(Learn more at [dnvgl.com](http://dnvgl.com))

### **TERA Environmental**

A Canadian-based energy firm that provides analyses of socio-economic and environmental risks and considerations associated with pipeline and powerline projects.

(Learn more at [teraenv.com](http://teraenv.com))

### **Ziff Energy**

An international energy consulting firm, providing exploration and production cost benchmarking and North American gas forecasting services to a diverse client base.

(Learn more at [ziffenergy.com](http://ziffenergy.com))

## Facilitation Services

The OEB Energy East Consultation process is designed to be delivered in a transparent and accessible manner that ensures the integrity of the dialogue and the public reporting.

**Swerhun Inc.** will be providing facilitation services for the community discussions and stakeholder forums. Swerhun Inc. is a third-party facilitation firm that works exclusively in the public sector

(Learn more at [swerhun.com](http://swerhun.com))

### **John Beaucage, a Principal of Counsel Public Affairs Inc.**

will be coordinating the efforts and leading discussions with First Nation and Métis communities. Counsel Public Affairs Inc. is a consulting and communications firm.

(Learn more at [counselpa.com](http://counselpa.com))

**To stay up to date with the consultation process and to check for new information, as well as the dates of upcoming meetings, visit [ontarioenergyboard.ca/oebenergyeast](http://ontarioenergyboard.ca/oebenergyeast)**