



## FOREST ETHICS



## GREENPEACE



January 28, 2010

The Honourable Jim Prentice  
Minister of the Environment  
Les Terrasses de la Chaudière  
10 Wellington Street, 28<sup>th</sup> Floor  
Gatineau, QC K1A 0H3

Peter Sylvester, President  
Canadian Environmental Assessment Agency  
160 Elgin Street, 22nd floor  
Ottawa, ON K1A 0H3

**Re: Enbridge Northern Gateway Pipeline Project CEAR Reference Number 06-05-21799**

Dear Minister Prentice and Mr. Sylvester,

We, the undersigned groups, are writing to express specific concerns regarding the final Terms of Reference for the proposed Enbridge Northern Gateway Project Joint Review Panel released December 4, 2009.

As over 2,000 comments have been received to date on the draft Terms of Reference, more than any other project in the history of the CEAA Registry, it is clear that the public is greatly concerned about this project. Canadians clearly want a thorough and comprehensive review. In order to respect the public interest, we strongly urge that the Terms of Reference be expanded to cover the impacts of upstream oil sands development, and associated greenhouse gas emissions.

As well, many of the comments you received referenced concern about allowing oil tankers into the north and central coast waters of BC. This widespread concern is supported by polling that found 3 out of 4 British Columbians do not want oil tankers in BC's inside coastal waters. We note that the government has recently taken the position that the moratorium on oil tankers no longer exists despite several references to it in government documents. However, regardless of this position, the issue of allowing oil tankers into BC's north and central coast waters is of widespread interest to the public and the future health of our coastal waters. We therefore request that the Terms of Reference be expanded to explicitly include the question as to whether oil tankers should be allowed into the north and central coast waters.

In a report in the Globe and Mail last week, both an NEB spokesperson and a representative of the proponent, Enbridge Northern Gateway Project, indicated their willingness to expand the scope of the project to include some of these issues. The comments were made in response to the release of a Pembina Institute report entitled *Opening the Door to Oil Sands Expansion – The Hidden Environmental Impacts of the Enbridge Northern Gateway Pipeline*.

We refer to two excerpts from the Globe and Mail article:



But the panel may opt to broaden its scope if it encounters significant concerns about the upstream impacts, said NEB spokeswoman Kristen Higgins. "Just because it wasn't listed in the terms of reference doesn't mean it's not an issue that the hearing can consider," Ms. Higgins said.

Enbridge spokesman Steve Greenaway said the company is prepared to have the full scope of the project review, including potential impacts from production projects. "We fully expect the project to come under significant scrutiny and to have to pass a high test as it relates to the public interest," Mr. Greenaway said.

*(Watchdog Disputes Pipeline, January 19, 2010, Shawn McCarthy, The Globe and Mail)*

While we appreciate that the review panel has the option to hear evidence in relation to these issues, it is not obliged to include such evidence in its decision unless these matters are included in the Terms of Reference. We refer to section 16(3)(b) of the Canadian Environmental Assessment Act which clearly indicates the scope of factors to be considered in the assessment of a project being referred to a review panel is determined by the Minister, in fixing the Terms of Reference for the review panel. Therefore, we urge that the Terms of Reference be amended to expressly include the question as to whether oil tankers should be allowed into BC's northern waters, and upstream impacts of increased oil sands development, including land and water impacts as well as greenhouse gas emissions. This request is not only because both the NEB and proponent have indicated a willingness to include them, as well as the tremendous public interest, but also because it would be negligent in the face of climate change and the risk to our coastal ecosystems not to include them.

We look forward to hearing from you at your earliest convenience.

Sincerely,

Dogwood Initiative  
Douglas Channel Watch  
ForestEthics  
Friends of Wild Salmon  
Georgia Strait Alliance  
Greenpeace  
Headwaters Initiative  
Kitimat Naturalist Society  
Living Oceans Society  
Nature Canada  
Northwest Institute  
Pacific Wild  
Raincoast Conservation Foundation  
Sea to Sands Conservation Alliance  
Skeena Watershed Conservation Coalition  
SkeenaWild Conservation Trust  
Steelhead Society, Northern Branch

T. Buck Suzuki Environmental Foundation  
West Coast Environmental Law

cc. Jon Pierce, CEAA, Senior Program Officer, Project Reviews  
Suzanne Osborne, CEAA, Participant Funding Program