

Outlined below are suggested amendments to the ToR to align better with the purposes and goals of conducting an impact assessment as outlined in the preamble of the Impact Assessment Act.

The ToR must recognize:

- importance of meaningful public participation in the impact assessment process which includes holding hearings outside of the immediately impacted communities given the national importance of this project. Special appreciation should be given to the fact that the impact assessment process is happening during the time of the COVID pandemic and therefore must be flexible in its approach and timeline.
- the impact this project will have on Canada's ability to meet it's environmental obligations and commitments with respect of climate change which means assessing the project's upstream and downstream emission impacts.
- that this pipeline project does not exist independent from the Energie Saguenay LNG facility and must be assessed within the context of a larger project.

Section	Suggested Change	Rationale
3.1 a. iii. any cumulative effects that are likely to result from the Project in combination with other physical activities that have been or will be carried out	3.1 a. iii. any cumulative effects that are likely to result from the Project in combination with other physical activities that have been or will be carried out including the Energie Saguenay liquefaction facility.	The reference to the joint project should be more explicitly acknowledged given the relationship between the two projects and cumulative impacts
3.1(h) the extent to which the Project contributes to sustainability;	the extent to which the Project hinders or contributes to sustainability;	The current wording wrongly implies that the project will make a positive contribution towards Canada's transition towards sustainable development. This inclusion of wording acknowledging that the project may undermine Canada's transition toward sustainable development is also in line with wording in the following clause, 3.1(G).
3.1(i) the extent to which the effects of the Project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change;	the extent to which the effects of the Project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change, including the Paris Agreement's goal of limiting global temperatures increases to 1.5 C by 2050; Additional clause: the extent to which the project infrastructure and its effects may hinder or contribute to	Climate effects are one of a long list of factors that must be "considered" in an assessment of a designated project. For designated projects, assessments must consider "the extent to which the effects of the designated project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change." When making a decision on whether a project is in the public interest, the Minister or Cabinet (as the case may be) must also consider the extent to which the project will hinder or help Canada's ability to meet its climate change

	<i>international efforts to limit the rise in global temperatures in the time-period beyond the Government of Canada's existing obligations and commitments;</i>	obligations and commitments. Canada is signatory and bound by the Paris Agreement which goals including limiting global temperature increases to 1.5 C by 2050. Regardless of the formal international commitment, the Ministry of Environment and Climate Change recognizes the causes and impacts of climate change and the need to reduce emissions that go beyond meeting our international commitments.
3.2 (g) the existence of actual or potential markets;	the existence of actual or potential markets <i>in light of international commitments to limit global temperature increases to 1.5 C;</i>	Future potential markets demand cannot be separated from the international community and the Government of Canada's commitment to limit global temperatures to 1.5 C. The suggested wording aligns the interpretation of this requirement with clause 3.1(i)
3.2 (h) the economic feasibility of the pipeline;	the economic feasibility of the pipeline <i>in light of international commitments to limit global temperature increases to 1.5 C and in light of the stranded asset costs of the project after 2050 when Canada is committed to net zero GHGs;</i>	The suggested wording aligns the interpretation of this clause with clause 3.1(i). The proponent envisions the project's infrastructure would be needed and operational beyond 2050 when many countries in the world are committing to be carbon neutral.
3.2 (j) the extent to which the effects of the pipeline hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change;	the extent to which the effects of the pipeline hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change, <i>including the Paris Agreement's goal of limiting global temperatures increases to 1.5 C by 2050;</i>	Canada is signatory and bound by the Paris Agreement which goals including limiting global temperature increases to 1.5 C by 2050. Regardless of the formal international commitment, the Ministry of Environment and Climate Change recognizes the causes and impacts of climate change and the need to reduce emissions that go beyond meeting our international commitments.
Regarding the changes to sections 3.1 and 3.2, although the rationale for the way the sections are written is that it mirrors the language of the <i>Act</i> , there is no reason why these provisions cannot go beyond the requirements of the legislation. This is within the power of the Agency.		
4.2. The Review Panel will ensure that an impact assessment takes	4.2. The Review Panel will ensure that an impact assessment takes	The reference to climate impacts needs to be more explicit in what

<p>into account scientific information, Indigenous knowledge, and community knowledge.</p>	<p>into account scientific information, Indigenous knowledge, social costs associated with the GHGs attributable directly and indirectly with the project, and factual information regarding the climate/GHG impacts of the project.</p>	<p>the Review Panel will consider in order to provide an Impact Assessment report that will allow the Minister to make a determination in consideration of the factors listed in s. 63 of the IAA.</p>
<p>New suggested clause</p>	<p>The Review Panel will ensure that any impact assessments use a precautionary approach when considering uncertainty, including the reliability of current Government of Canada commitments to meet its commitment and obligations in respect to climate change;</p>	<p>Section 6(2) of the act states that: (2) The Government of Canada, the Minister, the Agency and federal authorities, in the administration of this Act, must exercise their powers in a manner that fosters sustainability, respects the Government's commitments with respect to the rights of the Indigenous peoples of Canada and applies the precautionary principle.</p> <p>Further to this the Agency's Interim Guidance: Considering the Extent to which a Project Contributes to Sustainability refers to the precautionary principle as a sustainability principle. The precautionary principle states that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.</p> <p>This principle is also recognized by the Supreme Court of Canada (114957 Canada Ltée (Spraytech, Société d'arrosage) v. Hudson (Town), 2001 SCC 40 (CanLII), [2001] 2 SCR 241).</p> <p>The panel should ensure that the precautionary principle is a guiding principle when assessing the Project.</p>
<p>4.4. Pursuant to section 183 of the CERA and subsection 51(3) of the IAA, the Review Panel must include in its report: a. its recommendation as to whether or not a certificate under section 183 of the CERA should be issued for all or any part of the pipeline,</p>	<p>4.4. Pursuant to section 183 of the CERA and subsection 51(3) of the IAA, the Review Panel must include in its report: a. its recommendation as to whether or not a certificate under section 183 of the CERA should be issued for all or any part of the pipeline,</p>	<p>As stated above, the ToR should explicitly refer to climate considerations.</p>

<p>taking into account whether the pipeline is and will be required by the present and future public convenience and necessity, and the reasons for that recommendation;</p>	<p>taking into account whether the pipeline is and will be required by the present and future public convenience and necessity, and the reasons for that recommendation, with explicit consideration of whether the project will hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change;</p>	
<p>5.3. The Agency and the CER will work with the proponent during the preparation of the Impact Statement to provide clarity on the requirements of the Guidelines and to resolve identified issues in advance of submitting the Impact Statement. The Agency will post any information relevant to the review of the Impact Statement, including meeting notes, on the Public Registry</p>	<p>This section needs to articulate how public, community and indigenous input will be considered by the Agency and Proponent and incorporated into the Impact Statement</p>	<p>The ToR is not explicit enough in articulating how the public, indigenous peoples, and communities' concerns about the Impact Statement will be considered during its preparation. Communications with the proponent should be transparent to avoid any reasonable apprehension of bias.</p>
<p>5.7 The persons appointed to the Review Panel must be unbiased and free from any conflict of interest relative to the Project and have knowledge or experience relevant to the Project's anticipated effects or have knowledge of the interests and concerns of the Indigenous peoples of Canada that are relevant to the assessment.</p>	<p>Examples of bias and conflict of interest should be established and defined in the ToR. Conflicts of interest include: financial investment holdings in or related to the projects, formal and informal relationships with the proponents and the disclosure political relationships.</p>	<p>Decision makers can have a vested financial or political interest in the outcome of an assessment that can have broad reaching impacts for the proponent and/or public interest. Reflecting on the Energy East hearings and the NEB, there should be no reasonable apprehension of bias of the panel members that should be established at the outset.</p>
<p>5.10. The Agency will undertake an initial review of the Impact Statement to determine whether any major deficiencies would prevent the Review Panel and participants from starting their review of the Impact Statement. In doing so, the Agency may consult with federal and provincial authorities as well as</p>	<p>5.10. The Agency will undertake an initial review of the Impact Statement to determine whether any major deficiencies would prevent the Review Panel and participants from starting their review of the Impact Statement. In doing so, the Agency may consult with federal and provincial</p>	<p>The public and communities also have an interest in the project and should be able to provide input on whether there are deficiencies that would prevent the Review Panel and participants from starting the review of the Impact Statement.</p>

<p>Indigenous communities and Nations. This initial review will be completed within 30 days.</p>	<p>authorities as well as Indigenous communities and Nations, and public participants. This initial review will be completed within 30 days.</p>	
<p>5.35 The Review Panel will release a list of potential conditions that could be included in any certificate issued under the CERA and in a Decision Statement under IAA, should the Project be allowed to proceed. Participants and the proponent will be given the opportunity to provide comments on whether the potential conditions are sufficient to address identified effects impacts or issues and concerns arising from the Project.</p>	<p>5.35 The Review Panel will release a list of potential conditions that could be included in any certificate issued under the CERA and in a Decision Statement under IAA after seeking public comments and input, should the Project be allowed to proceed. Participants and the proponent will be given the opportunity to provide comments on whether the potential conditions are sufficient to address identified effects impacts or issues and concerns arising from the Project.</p>	<p>The panel should engage the public before proposing draft conditions.</p>
<p>5.38. The Review Panel, where practicable, will hold the public hearing in the communities in closest proximity to the Project, including Indigenous communities, to provide convenient access for potentially affected Indigenous communities and Nations and local communities or will arrange for remote participation.</p>	<p>The panel should allow for meaningful remote participation from the public from all over Ontario, Quebec and the country who may have concerns about the project. The panel should hold hearings in large geographic centres in Ontario and Quebec.</p>	<p>The project has wider impacts beyond the immediate community that should be considered. Given that the project affects our federal climate obligations and economy as a nation it is important that the public outside of the immediate geographic communities have the full and meaningful opportunity to participate.</p>
<p>5.42. In addition to the elements provided in paragraph 51(1)(d) of the IAA, the Impact Assessment Report will include the Review Panel's recommendation as to whether or not a certificate under section 183 of the CERA should be issued for all or any part of the pipeline, taking into account whether the pipeline is and will be required by the present and future public convenience and necessity and the reasons for that recommendation.</p>	<p>...taking into account whether the pipeline is and will be required by the present and future public convenience and necessity within a 1.5 degree celsius scenario and the reasons for that recommendation.</p>	<p>When considering the pipeline is required for present and future public convenience, the analysis should consider whether this is feasible in consideration of the 1.5°C Paris Agreement goal. This goal is linked to a requirement in the Paris Agreement that all countries work together to bring greenhouse gas emissions to zero within the second half of the 21st century.</p>

<p>9.2. The Review Panel may also retain the services of independent nongovernment experts, including Indigenous knowledge holders, to provide advice on certain subjects within these Terms of Reference. Any such information received will be posted to the Public Registry.</p>	<p>9.2. The Review Panel may also retain the services of independent nongovernment experts, including Indigenous knowledge holders, to provide advice on certain subjects within these Terms of Reference. Any such information received will be posted to the Public Registry. Persons retained in service of the Panel must be unbiased and free from any conflict of interest relative to the Project and have knowledge or experience relevant to the Project’s anticipated effects or have knowledge of the interests and concerns of the Indigenous peoples of Canada that are relevant to the assessment</p>	<p>Experts retained must be individuals who possess the least bias possible and have no vested outcome of the project financially, personally, or professionally.</p>
<p>9.5. The Review Panel may also request an “External Technical Review” by independent scientific and technical experts or Indigenous knowledge holders. The review could examine specific issues or questions related to the Project, including elements such as the adequacy of the procedures and methods used, the reasonableness of the conclusions, and the level of risk and/or the degree of uncertainty. The Review Panel is encouraged to review the Agency’s policy on “External Technical Reviews” for more information.</p>	<p>ADD: 9.6 The review panel will request an “External Technical Review” by an independent scientific and technical expert or expert team to conduct a climate assessment assessing:</p> <ol style="list-style-type: none"> 1. All GHG emissions over the entire life cycle including upstream and downstream, throughout the life of the project, whether emitted in Quebec or in another jurisdiction. 2. Specific data on the GHGs of the various production methods upstream of the products transported (according to transport agreements with producers) 3. Up-to-date fugitive methane emission factors 4. Emissions related to the production of electricity consumed by extraction as well as emissions from land-use changes. 5. GHG emissions cumulatively accounted for by 2030 and 2050. 6. A market study justifying the rationale for the project, which includes transparent economic and energy models for world demand for natural 	<p>The life cycle of GHG emissions from the Gazoduq project must be considered when assessing the sustainability and climate impacts of the project.</p> <p>According to an environmental impact study that Énergie Saguenay commissioned the International Reference Centre for the Life Cycle of Products, Processes and Services (CIRAIG) to conduct, a study that took account of all the GHG emissions upstream and those generated by the Énergie Saguenay plant, annual GHG emissions associated with the Énergie Saguenay project amount to 7.8 million tonnes of CO2 equivalent. This is equivalent to cancelling out in a single year the majority of Quebec’s emissions reductions since 1990.</p> <p>An independent assessment should be considered when assessing climate impacts that are separate from the proponent.</p>

	<p>gas, aligned with the success of the Paris Agreement and global decarbonization efforts by 2050.</p> <p>7. A study which details the proponent's claims that gas would replace more polluting fuel sources abroad and which shows that the project will not slow down the adoption of lower intensity renewable energy production GHG than natural gas and will not harm the transition necessary to fight climate change.</p> <p>8. The estimates must differentiate between the different GHGs and not only the equivalents in tCO₂e.</p> <p>All, according to the best scientific knowledge and methodologies accounting for the cumulative climate impacts of the Saguenay project.</p>	
<p>Agreement 5.3:</p> <p>5.3 Each Party retains its prerogative to communicate directly with Gazoduq Inc. but undertakes to keep the other Party informed of such communications, particularly with a view to optimizing exchanges with the latter while protecting the independence of the Federal Review Panel and the BAPE Panel.</p>	<p>5.3 Each Party retains its prerogative to communicate directly with Gazoduq Inc. but undertakes to keep the other Party and public informed of such communications, particularly with a view to optimizing exchanges with the latter while protecting the independence of the Federal Review Panel and the BAPE Panel.</p>	<p>For the sake of transparency and accountability, the public should be aware of all discussions that go on between the proponent and the panel.</p>

Additional comments (supporting and reiterating comments submitted Bob Gibson):

The Panel needs to canvas and consider all the impact factors more thoroughly and more explicitly articulate the climate considerations.

- The panel has a full list of factors to consider from s. 22 of the IAA and should not limit themselves by the Impact Statement Guidelines when considering impact factors if they fall outside of the narrow scope set out by the proponent.
- The draft document is silent on “the extent to which the effects of the designated project [would] hinder or contribute to the Government of Canada’s ability to meet its environmental obligations and its commitments in respect of climate change” (IAA, s.63(e)).
- The ToR must explicitly articulate the consideration of all five public interest factors under IAA s.63 given that the draft terms identifies only two. It is missing: a. the panel’s assessment of impacts on any Indigenous group or on the rights of Indigenous peoples of Canada b. its assessment of the extent to which the project would contribute to sustainability, and c. its assessment of the extent to which the project would hinder or contribute to meeting Canada’s environmental obligations and climate commitments.

- All panel reports should provide conclusions and recommendations based on a comparative evaluation of the project and its alternatives including the null option in light factors listed in s. 22(1) and s.63, with an emphasis on the sustainability criteria.

Input on Gazoduq Project Tailored Assessment Guidelines

Greenpeace Canada has [already made submissions](#) pertaining to this project and its climate impacts on November 12, 2019, and additionally would like to provide comments specific to Gazoduq’s Tailored Environmental Impact Statement Guidelines pursuant to the *Impact Assessment Act* and the *Canadian Energy Regulator Act*. Greenpeace Canada supports the comments submitted by [Equiterre](#) on March 11, 2020 and the comments by [Belanger Avocats](#) submitted on March 10, 2020.

The proponent recognizes that the potential climate change impacts of this project are critical to the federal IA decision making process¹ however the guidelines fail to capture direction and requirements necessary for assessing the climate impact of this project. Articulated in our previous submissions (that should also be considered here) are factors that should be considered when conducting a climate analysis or test. In summary, the analysis should be more comprehensive than the factors listed in the draft guidelines as the guidelines upon which the proponent will be assessing the climate impacts of the project based on the draft are inadequate and will fail to appreciate the full climate impacts of the project (and the sister Energie Saguenay project).

Below are suggested additional criteria for the guidelines upon which the proponent should be making its climate assessment.

Section	Recommended Additions	Rationale
3.2 Need for the project	<p>Taking into account the current climate context, the proponent must also:</p> <ul style="list-style-type: none"> Assess the potential for international markets to significantly reduce their demand for fossil fuel energy in the coming years based on up-to-date information on projected oil and gas demand in target markets under several different scenarios. 	<p>This project requires a market study justifying the rationale for the project, which includes transparent economic and energy models for world demand for natural gas, aligned with the success of the Paris Agreement and global decarbonization efforts by 2050. Many countries are signatories of the and bound by the Paris Agreement which goals including limiting global temperature increases to 1.5 C by 2050, and/or have their own domestic emissions goals that will see a reduced demand for oil and gas. Given the uncertainty and global events that impact oil and gas demand, multiple scenarios will give a better scope of whether there is a need for the project.</p>
3.3 Alternatives to the project	<p>In order to be consistent with the Government of Canada’s climate change commitments, the proponent must also:</p> <ul style="list-style-type: none"> Assess whether the project will have the effect of replacing more polluting fuel sources abroad and which shows that the project will not slow down the adoption of lower intensity renewable energy production GHG than natural gas and will not harm the transition necessary to fight climate change. 	<p>Some consider natural gas to be a transitional fuel that some economies could use to abandon coal, which would allow them to reduce CO₂ emissions as they plan to move towards more sustainable sources of energy. Although CO₂ is the most important greenhouse gas (GHG), there are many others that contribute to climate change, including methane, which is the main component of natural gas. This gas is</p>

¹ The proponent, in the introduction on page 1 recognizes that the project will be assessed based on its potential impacts on Canada’s ability to meet its environmental obligations and its climate change commitments and additionally recognizes the factors listed in subsection 22(1) of the IA Act prescribe that the IA must take into account the extent to which the effects of the designated project hinder or contribute to the Government of Canada’s ability to meet its environmental obligations and its commitments in respect of climate change and the extent to which the effects of the pipeline hinder or contribute to the Government of Canada’s ability to meet its environmental obligations and its commitments in respect of climate change on page 3-4.

		<p>present in the atmosphere in quantities smaller than CO₂ but it is however much more powerful, 84 times more powerful over 20 years.² As a result, methane emissions from the combustion of natural gas have a major influence on global warming, while the CO₂ emissions from this process are lower in comparison. Natural gas poses a great risk of leaks, which can occur at any point in its life cycle (during extraction, transport, processing, storage, etc.).³ Thus, in addition to the emissions from the combustion of natural gas, the methane which escapes when leaks occur heats the planet so effectively that natural gas could prove to be worse than coal in the context of combating change climatic conditions.⁴</p>
<p>13.5 (Part 2) Climate Change</p>	<p>The following requirements are based on the Strategic Assessment of Climate Change (SACC) document developed by ECCC. The draft (SACC) provides guidance on climate change information requirements throughout the impact assessment process. The impact assessment should:</p> <ul style="list-style-type: none"> ● Provide an analysis of all GHG emissions over the entire life cycle including upstream and downstream, throughout the life of the project, whether they are emitted in Quebec or in another jurisdiction. ● Provide specific data on the GHGs of the various production methods upstream of the products transported (according to transport agreements with producers), up-to-date fugitive methane emission factors, emissions linked to the production of electricity consumed by extraction as well as emissions from land-use changes. ● Provide an assessment of the GHG emissions of the project cumulatively accounted for by 2030 and 2050. ● Ensure that all estimates differentiate between the different GHGs and not only the equivalents in tCO₂e. ● Be according to the best scientific knowledge and methodologies. ● Be assessed for its structural impact on decarbonization. Particular attention should be paid to the implications of the Project for the pace and extent of the transition to decarbonization, to the "carbon lock-in" of the Canadian economy, as well as to its possible 	<p>The climate analysis should consider the entire lifecycle of the Project and all potential climate impacts.</p> <p>According to an environmental impact study commissioned by Énergie Saguenay from the International Reference Center for the Life Cycle of Products, Processes and Services (CIRAIG), which took into account all upstream GHG emissions and those generated by its plant, the annual GHG emissions associated with this project amounted to 7.8 million tonnes of CO₂ equivalent. This result corresponds to the cancellation in a single year of the majority of emission reductions in Quebec since 1990.</p> <p>The science is clear: 80% of the known reserves of oil, coal and gas must remain in the ground. We cannot build new infrastructure to produce and consume more fossil fuels. According to the latest IPCC report, we have ten years to limit the most catastrophic effects of climate change.</p> <p>It would be worrying if the climate analysis of the project is limited to Quebec borders given that the GHG impacts will not be limited to geographical boundaries. The overall impact is relevant given our international commitments and the</p>

²[UNECE Methane Management](#)

³ [Union of Concerned Scientists on the Environmental Impacts of Natural Gas; "Deadly Dangers Lurk in Natural Gas Distribution Lines" by Rober Rapiere in Forbes Magazine;](#)

⁴["More Natural Gas isn't a middle ground-- it's a climate disaster" by David Roberts in Vox.](#)

	<p>impediment to other current or future measures of fight against climate change.</p>	<p>necessity for a broader international perspective of climate change.</p> <p>The study cannot ignore the cumulative climate impact of a project with an expected lifespan that is likely to exceed the time horizon within which the entire world must achieve zero emissions according to the IPCC (2050).</p>
<p>8.5 Impacts of climate change commitments on economic and financial aspects (Part 3)</p>	<p>8.5.1. Goal</p> <p>The application includes information indicating that the need for the proposed facilities (or the lack thereof) and their economic viability, and the economic information provided, considers climate change commitments and prescribed climate change laws, regulations and policies to meet Canada's commitments including limiting global temperature increases to 1.5 C by 2050.</p>	<p>There should not be a built-in assumption that this project is necessary, and that a viable decision or outcome of the study is that there is no need for the proposed facilities given the economic and climate considerations. Furthermore, the proponent should be explicitly considering the viability of the project under the 1.5 degree celsius goal.</p>
<p>8.5 Impacts of climate change commitments on economic and financial aspects (Part 3)</p>	<p>8.5.3. Guidance</p> <p>Describe how existing climate change legislation, regulations and policies, and science have been considered in the assessment of the use of the proposed facilities and explain the potential and terms of economic feasibility can be influenced by financial risks and other uncertainties surrounding changes such as climate change legislation, regulations and policies.</p> <p>Also describe how climate change laws, regulations and policies, and science have been incorporated into relevant analyses and assumptions. Also include any laws, regulations and policies that have been drafted and tabled in the House at the provincial or federal level, but are not yet in force, can reasonably be expected to arrive at this point without speculation. Explain the supply and market implications of these laws, regulations and policies in any scenario analysis or risk assessment related to these factors (e.g., the proponent may consider conducting a supply and market sensitivity analysis based on various levels of carbon pricing). Describe how best climate science has been considered in the analysis of the impacts of the project. Describe the extent to which climate change commitments have been studied.</p> <p>The depth of analysis should be commensurate with the nature of the project and potential impacts.</p>	<p>In exploring climate change legislation, regulation and policies, verifiable, up-to-date climate science must be at the centre of decision making. Scientific assessment on climate change, its implications and potential future risks inform climate policies, economic decisions, adaptation and mitigation decisions. Input on expanding this rationale?</p>