

The NEB, Environment Protection and Fish Habitat

The National Energy Board (NEB or the Board) is a federal agency that regulates energy facilities such as international and inter-provincial pipelines, as well as international power lines. This responsibility goes well beyond reviewing a project application. Part of the Board's obligation is to monitor the different physical aspects of an energy facility focusing on engineering, safety and environmental protection, throughout the facility's lifecycle.

An integral part of the Board's mandate involves environmental protection, including a strong emphasis on watercourses where fish and fish habitat could be potentially impacted by a new or existing facility. The Board's environmental oversight consists of confirming that the environment is protected during all phases of a facility's lifecycle, from the early stages of its planning, through the construction, operation and abandonment.

Environmental assessments have been an integral part of the NEB's review processes for decades as an information tool to determine what possible effects a proposed project could have on the environment. These assessments look at potential effects to soils, vegetation, wildlife, air quality, wetlands and water quality as well as fish, fish habitat and other forms of aquatic species. They also assess the potential effects and demonstrate how these risks could be alleviated with the implementation of mitigation and/or remediation measures. The NEB has always worked closely with Fisheries & Oceans Canada (DFO) on assessing impacts to fish and fish habitat from projects.

If a project is approved, the Board verifies that the commitments made by the company during the review process have been implemented and met, along with any conditions imposed upon the company as part of the decision. The NEB ensures that all fish and fish habitat protection measures are implemented at all watercourse crossings as part of the NEB's overall environmental protection mandate.

Facilities must be operated in a manner that is safe and does not pose a threat to the environment, including fish and fish habitat, or the public's health and safety. The Board's oversight during the operations stage consists of compliance verification and enforcement undertakings, including inspecting the company's construction activities and remediation, the operation of its system, its routine maintenance, and its monitoring procedures. The Board also ensures that operations and any associated activities do not affect fish and fish habitat and that watercourse crossings are maintained in a manner that protects the aquatic environment.

The NEB has significant expertise in carrying out robust environmental assessments and compliance oversight. To conduct this work, the Board employs highly trained environmental experts, whose breadth of knowledge comes from advanced training in areas such as biology, environmental and conservation science, marine management and freshwater fisheries, ecology and zoology.

In December 2013, the NEB signed a memorandum of understanding (MOU) with DFO, the purpose of which is to improve the efficiency and effectiveness of regulatory review processes for energy facilities.

The main goal of this MOU is to facilitating a “one project, one assessment” review process for watercourse crossings in NEB-regulated applications. As it did in the past, the NEB will continue to conduct environmental assessments and will also require proper mitigation strategies for the protection of fish and fish habitat by pipeline and power line projects under its jurisdiction, thereby eliminating the need for a separate DFO review.

Should the NEB determine that an Authorization under the *Fisheries Act* is required; the company would have to apply to DFO for the necessary authorization if the project was to proceed.

While conducting an environmental assessment, should the NEB determine that an aquatic species under the *Species at Risk Act* could potentially be present, DFO will continue to be notified. This process has not changed with the introduction of the “one project, one assessment” review process.

As in the past, the NEB and DFO will continue to work closely and collaboratively, so fish and fish habitat will be protected throughout the lifecycle of an NEB regulated facility.