



ONTARIO
RIVERS
ALLIANCE

379 Ronka Road
Worthington, ON P0M3H0
LindaH@OntarioRiversAlliance.ca
OntarioRiversAlliance.ca

5 May 2017

National Energy Board
517 Tenth Avenue, SW
Calgary, AB T2R 0A8

Attention: David Hamilton
Acting Chair for the Energy East Pipeline Review, NEB

Minister of Natural Resources
House of Commons
Ottawa, ON K1A 0A6

Attention: Honourable James Gordon Carr, Minister of Natural Resources

Re: Additional Financial Support for the Energy East Pipeline Review
Intervenor Funding

Dear Sirs:

Earlier this year a new Hearing Panel (Panel) was assigned to review the Energy East and Eastern Mainline Applications. At that time both applications were voided, including all decisions made by the previous Panel. It is our understanding that the Panel must now determine whether the Applications are complete, and a new list of issues created – in effect, the process is starting over. Additionally, there is no longer a list of valid participants, although persons and groups that have already submitted Applications to Participate (ATP) and have been approved, are not required to refile. The Panel will also reconsider each ATP filed to date, including those groups that were previously denied standing.

The Ontario Rivers Alliance (ORA) is requesting that the National Energy Board (NEB) significantly increase the amount of funding available to participating intervenors in the Energy East Pipeline review.

Access to adequate levels of intervenor funding is essential to hire high quality independent expert and legal assistance to help inform our project review and allow for meaningful participation in the hearing process.

The constantly changing participant funding program, and the far-reaching influence of the oil and gas industry, have made it very difficult to find the financial means to retain independent expert consultants required to produce and present the 5 evidence we planned to develop. The delays in approving participant funding in 2015, and this long delay in the restart to the review process, has also made it difficult for intervenors, including ORA, to retain and maintain these



independent expert witnesses indefinitely. All the while, significant changes are being made to the project description, and the extended review process. The \$40,000 allocated to ORA severely limits our ability to fully participate in the ongoing review and hearing process. The sheer size and configuration of the proponent's application, and the number of intervenors and documents connected to the hearing, underscores the need for additional funding.

The NEB Modernization Expert Panel made it clear in their recommendations that the current hearing process limits meaningful public and First Nation participation due to inadequate funding. Additionally, a review of the NEB's allocation of funds for participation in the public hearing for the Kinder Morgan Trans Mountain Expansion further suggests that the NEB should make greater levels of funding available for intervenors, including environmental organizations, First Nations and citizens' groups. There also does not seem to be any consistency with the level of funding offered to intervenors on the different pipeline reviews, and the comparatively small number of intervenors eligible for participant funding on this review suggests that additional participant funding should be made available.

The best solution to the ongoing concerns regarding participant funding and public participation would be to postpone the Energy East hearing until the NEB modernization is complete.

However, since the federal government intends to move forward with the hearing, ORA requests that the NEB make additional funding available for eligible intervenors, including First Nations, citizens' groups, and environmental organizations. This would help level the playing field to better enable intervenors to participate meaningfully and provide quality input to the review process. It would also go a long way in restoring confidence in the project review process and make a good start to addressing some of the recommendations made by the NEB Modernization's Expert Panel.

ORA looks forward to your response.

Respectfully,

Linda Heron
Chair, Ontario Rivers Alliance
(705) 866-1677

cc: Don Ferguson, NEB Member
Carole Malo, NEB Member
Marc Paquin, NEB Member
Helen Lauzon, Co-Chair, Expert Panel, NEB Modernization
Gary Merasty, Co-Chair, Expert Panel, NEB Modernization