

Federal Government Approves Northern Gateway Pipeline With Conditions

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The Federal Government approved the Northern Gateway pipeline on Tuesday June 17, 2014, adopting the [209 conditions recommended by the Joint National Energy Board Review Panel last December](#). The federal approval is a step along the road to construction rather than the end of the approval process for Enbridge.

Enbridge faces four key permitting and legal hurdles:

- 1 Enbridge must meet 209 conditions of federal approval, many of them before construction starts. The Panel concluded that the environmental burden of the pipeline could be effectively mitigated by complying with these conditions, including: (i) developing Caribou Habitat and Marine Mammal Restoration Plans; (ii) preparing spill modelling and response plans; (iii) providing financial assurance including non-conditional irrevocable letters of credit; and (iv) entering into Transportation Service Agreements demonstrating sufficient commercial support for the pipeline.
- 2 Enbridge must obtain numerous permits from British Columbia and meet the five conditions B.C. has announced including the following key conditions: (i) deploying world leading marine oil response, prevention and recovery; (ii) using world leading practices for prevention of land oil spills; (iii) addressing legal requirements for Aboriginal and treaty rights; and (iv) ensuring B.C. gets a fair share of the economic benefits of the pipeline.
- 3 Enbridge and the Federal Government must respond to the five ongoing litigation cases that have been commenced and to potential new litigation from Aboriginal communities and environmental groups. First Nations are alleging that the project's environmental impacts threaten their social, cultural and economic well-being, and that the Crown has yet to adequately meet its duty to consult.
- 4 Enbridge must build trust with Aboriginal communities. While many of the 209 conditions relate to Aboriginal consultation, The Honourable Greg Rickford, Canada's Minister for Natural Resources, singled out Aboriginal consultation as an ongoing concern. Mr. Rickford noted that "the proponent clearly has more work to do in order to fulfill the public commitment it made to engage with Aboriginal groups and local communities along the route." Successful engagement with Aboriginal communities depends on a proponent having early and meaningful conversations and

a demonstrated intention to respond to concerns. While it may not be too late to win their support, Enbridge has a big hill to climb.

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