

**IN THE MATTER OF THE ENVIRONMENTAL ASSESSMENT ACT S.B.C. 2002, c.43  
(ACT)**

**AND**

**AN ENVIRONMENTAL ASSESSMENT OF THE PROPOSED  
ENBRIDGE NORTHERN GATEWAY PROJECT  
(PROPOSED PROJECT)**

**ORDER UNDER SECTION 10(1)(c)**

**WHEREAS:**

- A. Northern Gateway Pipelines Limited Partnership (the “Proponent”) proposes to construct and operate a terminal at Kitimat, British Columbia, two 1,170 km pipelines, 36 inch and 20 inch in diameter, between Bruderheim, Alberta and Kitimat, and associated infrastructure.
- B. The Proposed Project was assessed by a federal Joint Review Panel under the terms of the Equivalency Agreement between British Columbia’s Environmental Assessment Office (EAO) and the National Energy Board (NEB).
- C. In its recent decision in *Coastal First Nations v. British Columbia (Minister of Environment)*, 2016 BCSC 34, the British Columbia Supreme Court held that a portion of the Equivalency Agreement was invalid. Specifically, the Court ruled that, although ministers may rely on the environmental assessment carried out by the NEB, the Equivalency Agreement cannot dispense with the requirement for an environmental assessment certificate under the Act.
- D. The portion of the Proposed Project in British Columbia constitutes a reviewable project pursuant to Part 4 of the Reviewable Projects Regulation (B.C. Reg. 370/02), since the Proposed Project includes a new transmission pipeline facility with a diameter > 323.9 mm and a length of ≥ 40 km.
- E. The Executive Director has delegated to the undersigned, powers and functions under the Act, including the power to issue Orders under section 10 of the Act.
- F. The Executive Project Director considers that the Proposed Project may have a potential significant adverse environmental, economic, social, heritage or health effect, taking into account practical means of preventing or reducing to an acceptable level, any potential adverse effects of the Proposed Project.

**NOW THEREFORE:**

Pursuant to section 10(1)(c) of the Act, the Executive Project Director orders that:

- (i) the Proposed Project requires an environmental assessment certificate; and
- (ii) the Proponent may not proceed with the Proposed Project without an assessment.



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Nathan Braun  
Executive Project Director  
Environmental Assessment Office

Dated April 8, 2016