



June 14, 2017

The Honourable Minister Jim Carr
Minister of Natural Resources
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister Carr,

Re: Report of the Expert Panel on the Modernization of the NEB

Thank you for the opportunity to comment on the Expert Panel on the Modernization of the National Energy Board (NEB) report, *Forward, Together: Enabling Canada's Clean, Safe, and Secure Energy Future*, (NEB Modernization Report). The Alberta Chambers of Commerce is alignment with the recommendations provided by the Calgary Chamber of Commerce and the Canadian Chamber of Commerce in their respective submissions of comment.

Of note, we concur that moving the Board and future staff of the NEB to Ottawa will undermine the intended goal of improving decision making outcomes. This shift would decrease stakeholders' access to the Board and its functions and would discard the specialized knowledge of professionals and the scientific community which has been established in Calgary to service both federal regulators and the industry itself. Moreover, this move undermines the intended goal of increasing access to Indigenous stakeholders by distancing the decision-making processes from many of the traditional lands and territories which are directly affected by the Board's decisions.

It is also concerning to business in Alberta that the Expert Panel on the Modernization of the National Energy Board's (NEB) recommendations are at odds those of the Expert Panel on the Review of Environmental Assessment Processes (EAP). Most importantly, both Expert Panels call for the establishment of new authorities established as quasi-judicial tribunals whose mandates would overlap and create duplication which would unnecessarily delay the review and deter investment in Canadian projects. Duplication is not necessary to establishing transparency and trust in Canada's emerging regulatory. It is vital the outcome of the Government's review of both processes is the establishment of a single, clear, and linear process for assessing environmental impacts and the public's interests.

A less obvious but potentially potent obstacle to developing an economic development framework that truly serves the public's interest is any presumption that the interests of Indigenous communities are different than other Canadians. The NEB Modernization Expert Panel's terms of reference directs it to:

“...[integrate] Indigenous traditional knowledge and information into NEB application and hearing processes; developing methods to better assess how the interests and rights of Indigenous peoples are respected and balanced against many and varied societal interests in decision-making...”¹

Simply put, this is a misunderstanding of the myriad perspectives and interests of Canada's Indigenous Peoples. The success of many of the projects heard by any future regulatory are and will be supported by many of Canada's Indigenous communities. We support efforts to ensure these perspectives and interests are heard but caution that a process for engaging and considering Indigenous knowledge which also assumes such knowledge is opposed to the proposition of an energy project will undermine the input of Indigenous perspectives who support said project.

We acknowledge the complexities of this review process and anticipate the establishment of a regulatory framework which is dependable, transparent, and maintains the public trust. We encourage you and your government to carefully consider the recommendations of chambers of commerce across the country as reflective of the broader interests of Canadian business and our economic future.

Sincerely,



Chris Dugan

Chair, The Alberta Chambers of Commerce

CC: Randy Boissonault, Member of Parliament Edmonton-Centre

CC: Honourable Kent Hehr, Minister of Veterans Affairs, Member of Parliament Calgary-Centre

CC: Darshan Singh Kang, Member of Parliament Calgary-Skyview

CC: Honourable Amarjeet Sohi, Minister of Infrastructure and Communities, Member of Parliament Edmonton-Mill Woods

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¹ Pg. 3, excerpt #5, <https://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/pdf/NEB-Modernization-Report-EN-WebReady.pdf>