



Ontario  
Energy  
Board | Commission  
de l'énergie  
de l'Ontario

**BY EMAIL**

November 12, 2019

Ms. Anjala Puvananathan  
Director, Ontario Region  
Impact Assessment Agency of Canada  
600-55 York Street  
Toronto ON M5J 1R7

Dear Ms. Anjala Puvananathan:

Re: **Gazoduq Project**  
**Canadian Impact Assessment Agency Registry Reference No: 80264**

Thank you for the invitation to comment on the Initial Project Description for the Gazoduq Project.

The Ontario Energy Board (OEB) is the provincial regulator of the natural gas and electricity sectors. We understand that the Gazoduq Project falls under federal jurisdiction as an interprovincial pipeline, and based on currently available information we do not believe that the Gazoduq Project requires any approvals or permits from the OEB. For this reason, the OEB does not propose to provide any substantive comments regarding the Gazoduq Project for the Provincial Advice Record.

To the extent that you would be assisted by understanding the OEB's review process for natural gas pipelines that do fall within provincial jurisdiction, we are pleased to offer the following overview.

Section 90(1) of the *Ontario Energy Board Act, 1998* (Act) provides that leave to construct from the OEB is required for the construction of hydrocarbon pipelines within Ontario that meet certain thresholds with respect to length, cost, size and operating pressure. Section 96 of the Act goes on to provide that the OEB shall make an order granting leave to construct if the OEB finds that "the construction, expansion or

reinforcement of the proposed work is in the public interest". When determining whether a project is in the public interest, the OEB typically examines the need for and alternatives to the project, the project cost and economics, environmental impacts, Indigenous consultation, and land matters.

In Ontario, natural gas pipeline projects are not typically subject to the Ontario *Environmental Assessment Act*. For this reason, many of the environmental issues surrounding the construction of a natural gas pipeline are reviewed through the OEB's leave to construct hearing process. For projects that require leave to construct, the OEB's [\*Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario\*](#) provide guidance in relation to a number of matters such as route selection, environmental assessment, Indigenous consultation, mitigation and monitoring of impacts during pipeline construction and operation.

You may also find the record of the OEB's consultation on TransCanada PipeLines Limited's then proposed Energy East pipeline informative. Although the Energy East pipeline was similarly under federal jurisdiction (the National Energy Board at the time), the Minister of Energy asked the OEB to examine and report on the Energy East pipeline from an Ontario perspective, focussing on the impact of the pipeline in relation to a number of specified issues. This request was made under section 35 of the Act. The OEB's report and information relating to the consultation process that supported it are available from the [Energy East Consultation webpage](#) on the OEB's website.

We hope that this overview is helpful. If you have any questions or would like to discuss any of the above, please do not hesitate to contact me.

Yours truly,  
*Original Signed By*

**Pascale Duguay**  
**Manager Natural Gas, Applications Division**