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Office of Fossil Energy
U.S. Department of Energy
Docket Room 3F-056, FE-50
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Re: FE Docket No. 14-179-LNG, Second Supplement to Application for Long-Term, Multi-Contract Authorization to Export Natural Gas into Canada for Consumption and through Canada to Free Trade and Non-Free Trade Agreement Nations after Conversion into LNG and Motion to Lodge by Pieridae Energy (USA) Ltd. (the "Second Supplement")

Dear Mr. Anderson:

Pursuant to 10 C.F.R. §§ 590.204(a) and 590.302 (2015), Pieridae Energy (USA) Ltd. ("Pieridae") respectfully submits the enclosed Second Supplement to Pieridae's application currently pending before the U.S. Department of Energy's Office of Fossil Energy in FE Docket No. 14-179-LNG.

Please do not hesitate to contact us should you have any questions regarding this matter.

Respectfully submitted,

/s/ Erik J.A. Swenson

Erik J.A. Swenson
Islara U. Irgit
Attorneys for Pieridae Energy (USA) Ltd.

EJS/IUI

Enclosures

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**UNITED STATES OF AMERICA
BEFORE THE DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY**

In The Matter Of:)
)
PIERIDAE ENERGY (USA)) **Docket No. 14-179-LNG**
LTD.)

**SECOND SUPPLEMENT TO APPLICATION FOR LONG-TERM, MULTI-
CONTRACT AUTHORIZATION TO EXPORT NATURAL GAS INTO CANADA
FOR CONSUMPTION AND THROUGH CANADA TO FREE TRADE AND
NON-FREE TRADE AGREEMENT NATIONS AFTER CONVERSION INTO
LNG
AND
MOTION TO LODGE**

I. INTRODUCTION

Pursuant to 10 C.F.R. § 590.204(a)¹ and 10 C.F.R. § 590.302² respectively, Pieridae Energy (USA) Ltd. (“Pieridae USA”) hereby submits this second supplement (“Second Supplement”) to its Application for Long-Term, Multi-Contract Authorization to Export Natural Gas into Canada for Consumption and through Canada to Free Trade and Non-Free Trade Agreement Nations after Conversion into LNG in the above-captioned proceeding (“Application”)³ and related Motion to Lodge. In its Application to

¹ 10 C.F.R. § 590.204(a) (2015) (stating an applicant who has submitted an application for authorization to import or export natural gas under Section 3 of the Natural Gas Act “may amend or supplement the application at any time prior to issuance of the Assistant Secretary’s final opinion and order resolving the application”).

² 10 C.F.R. § 590.302 (2015) (setting forth the relevant requirements for motions).

³ *Pieridae Energy (USA) Ltd., Application for Long-Term, Multi-Contract Authorization to Export Natural Gas into Canada for Consumption and through Canada to Free Trade and Non-Free Trade Agreement Nations after Conversion into LNG*, FE Docket No. 14-179-LNG (Oct. 24, 2014). On May 8, 2015, Pieridae US submitted a supplement to its Application, in which it requested authority to export natural gas as an agent for other entities, in addition to exporting the natural gas on its own behalf, to FTA and Non-FTA Countries. *Pieridae Energy (USA) Ltd., Supplement to Application for Long-Term, Multi-Contract Authorization to Export Natural Gas into Canada for Consumption and through Canada to Free Trade and*

the U.S. Department of Energy, Office of Fossil Energy (the “DOE/FE”), Pieridae USA seeks authorization to export liquefied natural gas (“LNG”)⁴ to countries with which the United States of America has not entered into a free trade agreement requiring national treatment for trade in natural gas but with which trade is lawful (“Non-FTA Countries”).⁵ As described below, remarks recently made before Congress by the U.S. Department of Energy’s Assistant Secretary for Fossil Energy, Christopher Smith (“Ass’t Sec. Smith”), have both clarified the DOE/FE’s process and revealed that the DOE/FE may not adequately understand the status of the Goldboro LNG Project (“Goldboro”) with respect to environmental matters. (As further described in the Application, Goldboro would be used for the purposes of liquefying a portion of the natural gas exported from the U.S. into Canada by Pieridae USA and, thereafter, to load such natural gas, in the form of LNG, onto vessels for export from Canada to Non-FTA Countries (assuming the DOE/FE issues any necessary authorization to do so)). Through this Second Supplement and Motion to Lodge, Pieridae USA (1) calls to the DOE/FE’s attention that Canada has completed its environmental review of Goldboro and the Application is, therefore, ripe for prompt determination by the DOE/FE, and (2) requests the DOE/FE to lodge in the

Non-Free Trade Agreement Nations after Conversion into LNG, FE Docket No. 14-179-LNG (May 8, 2015).

⁴ Natural gas produced in the U.S. would be exported to Canada, then converted into LNG in Canada before exported from Canada via ocean-going LNG carriers.

⁵ On May 22, 2015, DOE/FE issued Order No. 3639 and granted the Application in part, authorizing Pieridae US to export natural gas to Canada by pipeline for purposes of end use in Canada and to re-export the U.S.-sourced natural gas, after liquefaction in Canada, to FTA Countries for end use in FTA Countries, in the total combined volume of 292 billion cubic feet of natural per year. *Pieridae Energy (USA) Ltd., Order Granting Long-Term, Multi-Contract Authorization to Export Natural Gas to Canada and to Other Free Trade Agreement Nations*, DOE/FE Order No. 3639, FE Docket No. 14-179-LNG, at 3 and 12 (May 22, 2015).

public record of this proceeding such issuances by Canadian Federal and Provincial agencies as is necessary for the DOE/FE to take action on the Application.

II. BACKGROUND

On April 30, 2015, Ass't. Sec. Smith appeared before the U.S. House of Representatives' Subcommittee on Energy and Power of the Committee on Energy and Commerce.⁶ In the course of answering questions posed by Congressman William Johnson of Ohio ("Congressman Johnson"), Ass't. Sec. Smith made remarks clarifying the DOE/FE's process for reviewing applications of the type submitted by Pieridae USA to, and now pending before, the DOE/FE. Specifically, Congressman Johnson asked: "Are you confident that your department is treating applications by Canadian LNG companies consistently with [North American Free Trade Agreement] obligations?"⁷ Ass't. Sec. Smith responded, in relevant part:

"[W]e currently have ... two Canadian applicants before the Department for authorization to export liquefied natural gas. [T]o be clear, ... **we rule on their application to export the molecules. Other entities look at ... environmental issues, including the FERC....** [T]he commitment that we have made is that we are going to treat applicants in Canada, applicants in Mexico, and applicants in the United States in a way that is open, it is transparent, it is fair, it is consistent.... [U]nder ... **Section 3 of the Natural Gas Act, we are compelled to ... make a public interest determination for any natural gas that is exported from the United States.** It is our reading of that statute that that applies to natural gas that might be exported via Canada, via Mexico, or via the

⁶ Energy and Commerce Committee of the U.S. House of Representatives, *Committee Continues to Build the Architecture of Abundance with Work on SPR and Energy Efficiency* (Apr. 30, 2015), <http://energycommerce.house.gov/press-release/committee-continues-build-architecture-abundance-work-spr-and-energy-efficiency>.

⁷ Energy and Commerce Committee of the U.S. House of Representatives, *Strategic Petroleum Reserve Discussion Draft and Title IV Energy Efficiency* (Apr. 30, 2015) <http://energycommerce.house.gov/hearing/strategic-petroleum-reserve-discussion-draft-and-title-iv-energy-efficiency> (posing the question in the imbedded video at about 1:12:25 and appearing in linked unofficial transcript at 65) (hereinafter *Energy & Commerce Committee Hearing*).

United States. So whether you are a mile north or a mile south of that border, we have to do that public interest determination.”⁸ (Emphasis added.)

These remarks confirm that the DOE/FE conducts the review necessary to make a determination with respect to whether the export of the natural gas molecules is consistent with the public interest. The DOE/FE is not responsible for making public interest determinations with respect to the physical facilities used to accomplish exports. Further, the environmental review of the physical facilities required to accomplish exports is left to other agencies – the Federal Energy Regulatory Commission (“FERC”) in the case of U.S. LNG terminals. Consistent with the process outlined in the Application, where the LNG terminal is located in Canada, Canadian governmental entities employing Canadian processes under Canadian law and regulation are responsible for the environmental review of the export facility.

Importantly, Ass’t. Sec. Smith’s further remarks indicate that, although the DOE/FE does not conduct its own environmental review of the LNG project through which LNG is to be exported, the DOE/FE will not rule on an application for export of natural gas/LNG to Non-FTA Countries without the completion of the environmental review applicable to the relevant LNG project. However, once such review is completed (including the exhaustion of any right to rehearing), the DOE/FE will expeditiously issue a decision on such application. In particular, in response to concerns raised by Congressman about the DOE/FE “slow rolling”⁹ applications, Ass’t. Sec. Smith stated:

“Well, Congressman, ... there are zero applicants sitting in front of us for a decision right now. There is an important process that these

⁸ *Id.* (responding to the question in the imbedded video at about 1:13:00 and appearing in linked unofficial transcript at 66).

⁹ *Energy & Commerce Committee Hearing, supra* note 7 (occurring in imbedded video at about 1:14:10 and appearing in linked unofficial transcript at 67-68).

companies have to go through that [interruption by Congressman Johnson and exchange omitted] FERC process. So we work very closely with FERC. As those applicants have finished that process, then they come to Department of Energy. The last application that we got that came out of FERC, we turned that around in 1 day.

So ... the companies will make the decision to either spend the money on the environmental work or not, and that is up to the companies.... Once that work is done, it puts us in a situation where we can make that [interruption by Congressman Johnson omitted] Those applicants that have gone through FERC, that have completed the re-hearing process, have come to us, and we have made decisions on those applicants.... We are getting these applications out as we are ready to make the decisions because they have done the work. They come to us, and we write the orders.”¹⁰ (Emphasis added.)

Unfortunately, in stating that “there are zero applicants sitting in front of us for a decision right now”,¹¹ the DOE/FE has overlooked at least one applicant that has been anxiously awaiting a decision, and whose application meets all of the DOE/FE criteria for action – Pieridae USA.

III. DISCUSSION

By this Second Supplement, Pieridae USA respectfully requests that the DOE/FE: (1) recognize that (a) the Minister of Environment of Nova Scotia (“Minister”) has completed the mandatory environmental assessment review (“EA Review”) of Goldboro, (b) such EA Review and the Minister’s approval thereof are now final and unappealable, and (c) the completion of the EA Review and issuance of the Minister’s approval make the Application ripe for DOE/FE action; (2) rely on the EA Review and the conditional environmental assessment approval by the Minister to the extent necessary when fulfilling the DOE/FE’s obligations under the National Environmental Policy Act

¹⁰ *Id.* (occurring in imbedded video at about 1:15:50 and appearing in linked unofficial transcript at 68-70).

¹¹ *Id.*

(“NEPA”);¹² and (3) promptly approve the Application in accordance with the DOE/FE assurances to Congress and others that it will treat Canadian applicants fairly and act on applications expeditiously.¹³ To paraphrase Ass’t. Sec. Smith, Pieridae USA has done the work and it is now time for the DOE/FE to write the order.

With regard to the necessary environmental work having been done, Pieridae USA directs the DOE/FE’s attention to footnote 158 of the Application, which reports that the Minister completed its EA Review of Goldboro and conditionally approved Goldboro on March 21, 2014, in accordance with Section 40 of the [Nova Scotia] *Environment Act*, S.N.S., 1994-95¹⁴ and subsection 26(1) of the Environmental Assessment Regulations, N.S. Reg. 348/2008,¹⁵ made under the [*Environment*] Act. A copy of the conditional environmental assessment approval of Goldboro by the Minister and the applicable conditions are attached hereto as Exhibit A. Pieridae USA requests the DOE/FE to lodge such materials (as well as such other materials in the underlying Canadian proceedings as the DOE/FE determines to be relevant and necessary to reaching a decision here) in DOE/FE Docket No. 14-179-LNG. It should be noted that such approval is not “conditional” in the same sense as the “Conditional Orders” previously issued by the DOE/FE with respect to certain export applications. In the Canadian process, “conditional” is merely used to refer to the fact that the approval

¹² National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.* (2012); 10 C.F.R. § 1021.210(b) (2015).

¹³ See *Energy & Commerce Committee Hearing*, *supra* notes 7-10 and accompanying text.

¹⁴ *An Act to Reform the Environmental Laws of the Province and to Encourage and Promote the Protection, Enhancement and Prudent Use of the Environment*, S.N.S. 1994-95, c. 1, s. 40 (hereinafter *Environment Act*). The Nova Scotia Environment Act may be cited as the “Environment Act.” *Id.* at c. 1, s. 1.

¹⁵ *Environmental Assessment Regulations*, N.S. Reg. 348/2008, s. 26(1) (stating when the Minister shall make a decision in accordance with Section 40 of the Environment Act). This regulation amends *Environmental Assessment Regulations*, N.S. Reg. 26/95.

imposes conditions on the project developer/owner, just as a FERC order approving an LNG export terminal imposes conditions on the terminal developer/owner. In addition, Pieridae USA is providing a letter (attached hereto as Exhibit B) prepared by Pieridae USA's Canadian counsel that confirms the completeness and finality of the conditional environmental assessment approval of Goldboro by the Minister.¹⁶ (While we have endeavored to accurately and faithfully describe the Canadian environmental approval process in the body of this Second Supplement, we caution the DOE/FE that we are not admitted to practice law in Canada and refer the DOE/FE to the *Letter Providing Opinion on Canadian Law* as providing a fuller, controlling, explanation of such matters, as prepared by competent counsel licensed to practice in Canada.)

As indicated in an e-mail (which is attached hereto as Exhibit C) received from the Canadian Environmental Assessment Agency ("CEAA"), an agency of the Canadian federal government, Goldboro does not require a separate federal environmental assessment under the Canadian Environmental Assessment Act of 2012.¹⁷ Pieridae USA

¹⁶ Letter from Thomas O. Boyne, Q.C. to Alfred Sorensen and Thom Dawson Re: Finality of Environmental Assessment Approval (Aug. 4, 2015) (hereinafter *Letter Providing Opinion on Canadian Law*).

¹⁷ The e-mail correspondence from the CEAA references a previously proposed project that was located at the same site and had similar environmental implications as the Goldboro LNG Project. The previous project was proposed by Keltic Petrochemicals Inc. to construct and operate a petrochemical and LNG facility in Goldboro, Nova Scotia ("Keltic Project"). Instead of conducting an entirely new review of the Goldboro LNG Project, the CEAA relied on environmental review documentation submitted by and relating to the Keltic Project to assess the environmental implications of the currently proposed Goldboro LNG Project. See generally AMEC Earth & Environmental, *Keltic Petrochemicals Inc. Liquefied Natural Gas Facilities and Marginal Wharf Goldboro, Nova Scotia – Final Comprehensive Study Report*, (Oct. 2007), <https://www.ceaa-acee.gc.ca/052/document-html-eng.cfm?did=23949>; see also Canadian Environmental Assessment Agency, *Keltic Liquefied Natural Gas Facilities and Marginal Wharf Project Isaacs Harbour (NS)* (Mar. 7, 2008), <https://www.ceaa-acee.gc.ca/052/document-html-eng.cfm?did=25805> (summarizing the federal environmental assessment decision of the Keltic Project by the Minister of the Environment responsible for the CEAA). Documentation relating to the environmental review of the Keltic Project by the Province of Nova Scotia is available at <https://www.novascotia.ca/nse/ea/kelticpetro.asp>. The Keltic Project was purchased by Maple LNG Limited in 2006, which formally terminated its construction permits in March 2011 following a decision not to proceed with the project. See AMEC Environment & Infrastructure and Pieridae Energy (Canada) Ltd., *Environmental Assessment Report (Class 2 Undertaking)*

requests DOE/FE to lodge such issuance by the CEAA (as well as such other materials in the relevant CEAA proceedings as the DOE/FE determines to be necessary to reaching a decision here) in DOE/FE Docket No. 14-179-LNG. Per the CEAA’s communication, the federal act does not apply in light of Section 128(1)(c) of the Canadian Environmental Assessment Act¹⁸ and a federal environmental review of the project is not warranted as the Canadian government previously assessed a project slated for the Goldboro site.¹⁹ The *Letter Providing Opinion on Canadian Law* also confirms the completeness of Canadian environmental process, stating in relevant part:

“By way of background, the Minister’s decision to approve the Project (as herein defined) pursuant to subsection 40(1) of the Environment Act is the last and determinative step in the environmental assessment process which is more particularly described in Appendix A to this letter. Without the Minister’s approval, no other government approvals may be provided in relation to the Project.”²⁰

Such letter also notes that:

“As indicated in the *Regulations*, after the Minister has made his decision, work may commence within 2 years of the date Ministerial approval was provided. The *Regulations* do not allow for any further consultations and no further approvals are required.”²¹

Goldboro LNG Project – Natural Gas Liquefaction Plant and Marine Terminal, at 1-1 (Sept. 2013), <http://www.novascotia.ca/nse/ea/goldboro-lng.asp> (hereinafter *Goldboro EA Report*).

¹⁸ “(1) This Act does not apply to a project, as defined in the former Act, that is a designated project as defined in this Act, if one of the following conditions applies: (c) the responsible authority has taken a course of action under paragraph 20(1)(a) or (b) or subsection 37(1) of the former Act in relation to the project...”. *Canadian Environmental Assessment Act, 2012*, SC 2012, c. 19, s. 128(1)(c).

¹⁹ The Nova Scotia Environmental Assessment Review Panel (“EA Panel”) notes in its EA Review of Goldboro that a federal environmental assessment for Goldboro is not required under the Canadian Environmental Assessment Act. Nova Scotia Environmental Assessment Review Panel, *Report and Recommendations to the Nova Scotia Minister of Environment from the Nova Scotia Environmental Assessment Review Panel for the Review of the Environmental Assessment Report Goldboro LNG Project Natural Gas Liquefaction Plant and Marine Terminal* by Pieridae Energy (Canada) Ltd., Dep’t of Nova Scotia Environment, at 12 (Mar. 3, 2014), available at <http://www.novascotia.ca/nse/ea/goldboro-lng/goldboro-panel-report-2014-03-07.pdf> (hereinafter *EA Panel Report*).

²⁰ *Letter Providing Opinion on Canadian Law*, supra note 16, at 1.

²¹ *Id.* at 4.

As such, to the extent that the DOE/FE must consider the environmental implications of the development of Goldboro in order to take action on the Application,²² Nova Scotia's environmental review approval process for Goldboro stands as proxy for the FERC's environmental review process for U.S. LNG export terminals. The Environmental Assessment Report for Goldboro was prepared by AMEC Environment & Infrastructure and submitted by Pieridae Energy (Canada) Ltd. in September 2013.²³ The Nova Scotia Environmental Assessment Review Panel issued its report and recommendations regarding Goldboro on March 3, 2014.²⁴

Further, the Minister's environmental assessment approval is a final and non-appealable approval pursuant to the Nova Scotia Environment Act, which binds both the governments of Nova Scotia and Canada.²⁵ The Environment Act states: "[t]he Minister may only amend a term or condition of an environmental assessment approval (a) upon the request of the approval holder, if the Minister considers it appropriate to do so; (b) if an adverse effect or an unacceptable environmental effect has occurred or may occur; (c)

²² Pieridae USA has previously asserted and still maintains that the NEPA does not require the DOE/FE to take into account the environmental consequences of facilities to be located in Canada. *Application, supra* note 3, at 60-63. However, Pieridae USA interprets Ass't. Sec. Smith's previously discussed remarks before Congress as possibly evidencing a different conclusion. To the extent the DOE/FE concludes it must take the environmental impacts of Goldboro into account, then it should at least defer to the findings of the Canadian authorities charged with conducting environmental reviews with respect to Goldboro.

²³ *Goldboro EA Report, supra* note 17 (select "Environmental Assessment Review (click to view)" hyperlink to view the entire report).

²⁴ The executive summary of the EA Panel's report and recommendations was submitted with the Application as Appendix F. The entire report is available online. *See supra* note 19. The EA Review Panel noted "[t]he Keltic and Pieridae Goldboro LNG projects are similar in dealing with LNG, and in proposing to locate on the same footprint in the Goldboro Industrial Park. The environmental impacts of the projects are in many ways similar, and the findings of the EA Board in 2007 remain relevant to the present [Goldboro] proposal". *Id.* at 12.

²⁵ *Environment Act, supra* note 14, at c. 1, s. 4(1)-4(2).

if the term or condition relates to (i) a monitoring or reporting requirement, or (ii) a standard; or (d) to correct a typographical error.”²⁶ Subsection 138(1) of the Environment Act provides that a person aggrieved by a decision of the Minister with respect to an approval may appeal to the Supreme Court of Nova Scotia within thirty (30) days of the decision.²⁷ No such appeal was commenced regarding the Minister’s conditional approval of Goldboro within such 30-day period. Moreover, the decision by the Minister to approve an undertaking registered under Part IV of the Environment Act (such as Goldboro) may not even be appealed under the aforementioned procedure to amend an environmental assessment approval.²⁸ Thus, the posture of the environmental assessment approval applicable to Goldboro is as final as a FERC order for which the time for requesting rehearing has lapsed and even more final than a FERC order for which there has been a request for rehearing denied but the opportunity for appeal to the courts remains (circumstances which the DOE/FE has previously found to constitute a degree of finality sufficient to allow it to issue orders authorizing natural gas/LNG exports). As such, in order for the DOE/FE to treat a Canadian natural gas/LNG exporter on a par with U.S. exporters, the time for the DOE/FE to act on the Application has long since arrived.

With regard to the DOE/FE writing the order, Pieridae USA respectfully requests that the DOE/FE issue such order within 21 days of the DOE/FE’s receipt of this Second

²⁶ *Id.* at c. 1, s. 41(A)(1)(a)-(d).

²⁷ *Id.* at c. 1, s. 138(1).

²⁸ *Id.* at c. 1, s. 138(2) stating: “ For greater certainty, a decision of the Minister to approve or reject an undertaking registered under Part IV may not be appealed pursuant to subsection (1).” Goldboro was duly registered in February 2013. *See id.* at s. 33 (requiring registration of an undertaking), and, thus, the Minister’s approval of such undertaking cannot be appealed under subsection (1).

Supplement. Such period is longer than the 16 day average time span between (1) the DOE/FE's issuance of Final Orders on previous applications for authorization to export LNG to Non-FTA Countries through U.S. LNG terminals, and (2) the FERC's completion of environmental proceedings regarding the corresponding U.S. LNG export terminals in the lower 48 states.²⁹ Pieridae USA previously requested action from the DOE/FE by no later than March 15, 2015, and is in urgent need of a DOE/FE decision in order to be able to proceed with its commercial plans and meet the needs of its prospective customers.

IV. CONCLUSION

For the reasons set forth above, Pieridae USA respectfully requests, the DOE/FE to: (1) accept this Second Supplement for inclusion in the decision record of DOE/FE Docket No. 14-179-LNG; (2) lodge in these proceedings and consider, as necessary, the environmental findings by the Minister and the CEEA; and (3) promptly issue an order granting the Application.

Respectfully submitted,

/s/ Erik J.A. Swenson

Erik J.A. Swenson

Islara U. Irgit

Attorneys for Pieridae Energy (USA) Ltd.

Dated: August 7, 2015

²⁹ The DOE/FE has issued Non-FTA Country export approvals for exports to Non-FTA Countries through 5 U.S. facilities in the lower 48 states: (1) Sabine Pass – DOE Final Order issued 12 days following FERC's denial of rehearing; (2) Freeport – DOE Final Order issued 1 day following FERC's denial of rehearing; (3) Cameron – DOE Final Order issued 46 days following FERC rejection of request for rehearing; (4) Carib LNG – not relevant as it did not depend on US LNG export facilities; and (5) Corpus Christi – DOE Final Order issued 8 days following FERC rejection of request for rehearing.

EXHIBIT A

**CONDITIONAL ENVIRONMENTAL ASSESSMENT APPROVAL BY THE MINISTER OF
ENVIRONMENT OF NOVA SCOTIA ON MARCH 21, 2014**



**Environment
Office of the Minister**

PO Box 442, Halifax, Nova Scotia, Canada B3J 2P8 • www.gov.ns.ca/nse

MAR 21 2014

our file number:
40100-34-265

Mark Brown
Director, Project Development
Pieridae Energy - Goldboro LNG
1718 Argyle Street, Suite 730
Halifax, NS B3J 3N6

Dear Mr. Brown:

**Re: Environmental Assessment
Goldboro LNG Project, Goldboro, Guysborough County, Nova Scotia**

The environmental assessment of the proposed Goldboro LNG Project located in Goldboro, Guysborough County, Nova Scotia has been completed.

Following a review of the information provided by Pieridae Energy (Canada) Ltd., and from comments received from agencies and persons that participated in this environmental assessment review, including recommendations provided by the Environmental Assessment Review Panel, I have approved the above project with conditions in accordance with Section 40 of the *Environment Act*, S.N.S., 1994-95 and subsection 26(1) of the Environmental Assessment Regulations, N.S. Reg. 348/2008, made under the *Act*.

This approval is subject to any other approvals required by statute or regulation, including but not limited to, approvals under Part V of the Nova Scotia *Environment Act* (Approvals and Certificates section).

If you have any questions regarding the approval of this project, please contact Peter Geddes, Director of Policy at (902) 424-6250 or via email at geddespi@gov.ns.ca.

Sincerely,

Randy Delorey, MLA
Minister of Environment

c: Peter Geddes

Encl.

Environmental Assessment Approval

Approval Date: MAR 21 2014

Goldboro LNG - Natural Gas Liquefaction Plant and Marine Terminal Pieridae Energy (Canada) Ltd.

Goldboro, Guysborough County, Nova Scotia

The Goldboro LNG Project (the "Undertaking"), proposed by Pieridae Energy (Canada) Ltd. (the "Approval Holder") is approved pursuant to Section 40 of the *Environment Act* and Section 26(1) of the *Environmental Assessment Regulations*. This Approval is subject to the following conditions and obtaining all other necessary approvals, permits or authorizations required by municipal, provincial and federal acts, regulations and by-laws before commencing work on the Undertaking. It is the responsibility of the Approval Holder to ensure that all such approvals, permits or authorizations are obtained before commencing work on the Undertaking.

This Environmental Assessment Approval is based upon the review of the conceptual design, environmental baseline information, impact predictions, and mitigation presented in the Environmental Assessment Report.

Terms and Conditions for Environmental Assessment Approval

1.0 General Approval

- 1.1 The Environmental Assessment Approval for the Undertaking is limited to the Undertaking as described in the Environmental Assessment Report (EA Report).
- 1.2 Expansion, modification or relocation of any aspect of the Undertaking from that proposed in the EA Report must be submitted to the Environmental Assessment Branch for review and may require an environmental assessment (EA).
- 1.3 The Approval Holder must, within two years of the date of issuance of this Approval, commence work on the Undertaking unless granted a written extension by the Minister.
- 1.4 The Approval Holder must not transfer, sell, lease, assign or otherwise dispose of this Approval without the written consent of the Minister. The sale of a controlling interest of a business or a transfer of an approval from a parent company to a subsidiary or an affiliate is deemed to be a transfer requiring consent.

- 1.5 The Approval Holder must implement all mitigation and commitments in the EA Report and information requests responses, unless approved otherwise by Nova Scotia Environment (NSE).
- 1.6 The Approval Holder must report on the status of conditions of Environmental Assessment Approval at a schedule to be determined by NSE.
- 1.7 Site preparations that include deforestation, clearing and grubbing must be undertaken between September 1st and April 15th in order to minimize impacts on breeding birds.
- 1.8 The Approval Holder is responsible for the cost of any specialized professional or consultation services deemed necessary by NSE to assist in third party technical reviews.

2.0 Phase I - Studies, Inventory & Analysis

Prior to application for Part V approval under the *Environment Act* the Approval Holder must provide for review and approval:

- 2.1 An Air Emissions Management Plan for the project. The plan will include an accounting of all anticipated air emissions, monitoring and reporting protocols, emissions management and reduction targets over the life of the project, and plans for the use of best management practices to control emissions.
- 2.2 A Greenhouse Gas (GHG) Management Plan. The plan will include a full accounting of all anticipated GHG emissions based on detailed facility design, explanation of how major technology choices in the facility design are best-available technology for GHG mitigation, and demonstration of how the facility achieves an overall carbon intensity in line with best-in-class. The plan will also include details on GHG emissions monitoring and reporting, and ongoing GHG management and abatement practices. The GHG Management Plan must include an independent technical review of GHG analysis and estimates. Following the approval of the initial plan, the Approval Holder will then be required to submit an updated GHG Management Plan on or before March 31 of each year to NSE for approval.
- 2.3 Results of pre-construction surface water discharges into Betty's Cove Brook and Dung Cove Pond for all seasons, to establish baseline data for controlling surface water discharges emanating from within the Project area thereby avoiding/minimizing the remobilization of contaminated sediments within Betty's Cove Brook and Dung Cove Pond.

- 2.4 Results of a receiving water assimilative capacity study for Betty's Cove Brook and any other freshwaters receiving runoff or effluent from the project site.
- 2.5 Modelling results to predict the assimilative capacity of all receiving environments for all relevant chemical parameters which are expected to enter the environment as a result of project activities. Such modelling shall include prediction of the potential for bioaccumulation in organisms of any persistent compounds either emitted by the project or re-mobilized by project activities; and provide an evaluation of the potential effects, including both acute and chronic (long term) impacts. Effects evaluation shall focus in particular on any potential impacts on human health and/or on organisms.
- 2.6 Baseline data collection for all relevant chemical parameters which are expected to enter the environment or be remobilized as a result of Project activities in all receiving environments, including those which may impact on human health and/or on organisms.
- 2.7 A pre-blast survey report for water wells within 800 m of the point of blast. The survey must be conducted in accordance with the NSE "Procedure for Conducting a Pre-Blast Survey".
- 2.8 A Wetland Management Plan that details the potential impacts to wetlands, methods and plans for avoidance, wetland assessment, mitigation and/or compensation, developed in consultation with NSE. The Approval Holder must not construct or operate within 30 metres of any wetland or watercourse unless otherwise approved in writing by NSE.
- 2.9 Confirmation of the presence and location of species at risk and those of conservation concern as being in the project area. Appropriate avoidance and mitigation measures must be developed in consultation with Nova Scotia Department of Natural Resources (NSDNR) and Canadian Wildlife Services (CWS).
- 2.10 All digital wildlife survey data for significant habitats, species at risk and those of conservation concern in the form of shape files and point locations. The Approval Holder must report to NSE that these files have been provided to NSDNR.
- 2.11 Completion of the TERMPOL Review Process in consultation with Transport Canada Marine Safety to adequately assess the risks associated with the Goldboro LNG marine terminal.

The Approval Holder must implement and adhere to all recommendations of the TERPOL Review Process, unless otherwise approved by NSE.

The Approval Holder must ensure the marine terminal is fully compliant with the International Ship and Port Facility Security Code in addition to the provisions of the *Marine Transportation Security Act*.

- 2.12 A Traffic Impact Study in consultation with Nova Scotia Transportation and Infrastructure Renewal (NSTIR). The results of the study shall be considered in the development of a transportation management plan for the project.
- 2.13 A survey to identify and delineate tailings deposits and mine openings within the Project area.
- 2.14 A plan to mitigate the human health and environmental impacts of abandoned mine openings, contaminated mine tailings and/or soils and sediments on the Project site, via remediation or risk management. This plan shall be consistent with the Nova Scotia Contaminated Sites Regulations. This plan must be approved prior to commencement of construction.

3.0 Phase II - Monitoring Plans

The Approval Holder, as part of the application for Part V Approval under the Environment Act, must provide for review and approval a project Environmental Effects Monitoring Plan that will include, but not be limited to:

- 3.1 A noise monitoring program, including the anticipated noise levels associated with the project, to be reviewed and approved by NSE. Based on the results of the monitoring program, the Approval Holder must make necessary modifications to mitigation plans and/or operations to prevent any unacceptable environmental effects, to the satisfaction of NSE.
- 3.2 A detailed erosion and sedimentation control (ESC) plan, including a monitoring program for site runoff, to be reviewed and approved by NSE. Based on the results of the monitoring program, the Approval Holder must make necessary modifications to ESC plans and/or operations to prevent any unacceptable environmental effects, to the satisfaction of NSE.
- 3.3 A monitoring program to determine the potential for and extent of sulphide bearing material and a plan to manage any exposed acid generating material and associated drainage, in consultation with NSE.
- 3.4 A groundwater monitoring program to evaluate potential impacts to both groundwater levels and groundwater quality. Based on the results of the monitoring program, the Approval Holder must make necessary modifications to mitigation plans and/or operations to prevent any unacceptable environmental effects, to the satisfaction of NSE.

- 3.5 A plan for monitoring for environmental effects for all relevant chemical and biological parameters which are expected to enter the environment or be remobilized as a result of Project activities in all receiving environments, including those which may impact human health and/or wildlife.
- 3.6 The Approval Holder must monitor and undertake research to understand the impacts of the Project on birds, bats and endangered Mainland Moose and their habitat. Monitoring protocols will be established in consultation with NSDNR, CWS and NSE. Based on the results of the monitoring program, the Approval Holder must make necessary modifications to mitigation plans and/or operations to prevent any unacceptable environmental effects, to the satisfaction of NSE.

The Approval Holder must submit an annual progress reports with results and all data to a standard defined by NSDNR and CWS by January 15th of each year to NSE, NSDNR and CWS.

- 3.7 The Approval Holder must monitor and undertake research on the impacts of gas flaring on birds and bats through radar and onsite monitoring. Methodologies and the approach to research, and monitoring for assaying the impacts on birds and bats must be developed in consultation with NSE, NSDNR and CWS. Based on the results of the monitoring program, the Approval Holder must make necessary modifications to mitigation plans and/or operations to prevent any unacceptable environmental effects, to the satisfaction of NSE.

4.0 Phase III - Mitigation / Contingency Plans

- 4.1 The Approval Holder must submit for review and approval a Contingency Plan developed in accordance with NSE's Contingency Planning Guidelines that addresses:
- Discharges, emissions, escapes, leaks or spills of dangerous goods and/or waste dangerous goods;
 - Collisions, fires, accidents and/or other potential emergencies; and
 - Sensitive shoreline mapping and quantitative risk assessment.

The plan shall be developed in consultation with local fire and emergency service providers, and demonstrate compliance with Federal and Provincial regulatory requirements.

- 4.2 The Approval Holder must develop an emergency evacuation plan to be distributed to NSE, the Municipality of the District of Guysborough, Nova Scotia Emergency Management Office and local police and fire departments for review prior to the start of operation of the facility. A draft

of this plan must be submitted at least six months in advance of operation of the facility.

- 4.3 A mitigation plan to address degradation, reduction, or loss of water quality or quantity of residential water supplies and a contingency plan to address any well interference effects and/or well complaints. If the operation causes water quality or quantity problems to residential water supplies, the Approval Holder must address the problem to the satisfaction of NSE.

5.0 Community Involvement & Archaeological/Heritage Resources

- 5.1 The Approval Holder must form a Fisheries Advisory Committee to provide advice on monitoring programs and to review and advise on monitoring results. As a minimum, the Approval Holder shall seek committee membership from government and the local fishing industry.
- 5.2 The Approval Holder must operate a Community Liaison Committee (CLC) for the duration of the undertaking unless otherwise approved in writing by NSE.

The Approval Holder must solicit CLC membership from the local municipal government, the Mi'kmaq of Nova Scotia, and the general public.

- 5.3 The Approval Holder must develop a complaint resolution plan to address all concerns associated with the Undertaking. The Approval Holder must appoint a contact person designated to deal with complaints, and must provide the contact information to NSE.
- 5.4 Prior to construction, the Approval Holder must develop a Mi'kmaq Communication Plan for communicating project details to the Mi'kmaq. The plan must be developed in cooperation with Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO).
- 5.5 Prior to construction, the Approval Holder must submit for review and approval to NSE, an archaeology and heritage resources monitoring and contingency plan. The plan shall be developed in consultation with the KMKNO, African Nova Scotia Affairs, and Nova Scotia Communities, Culture and Heritage (CCH).
- 5.6 At the request of NSE, the Approval Holder must develop and implement an archaeological reconnaissance program to ensure no archaeological resources will be impacted during site development. The archaeological reconnaissance program will be developed in consultation with and to a standard as defined by CCH.

- 5.7 The Approval Holder must cease work and contact the Special Places Coordinator, Nova Scotia Department of Communities, Culture and Heritage immediately upon discovery of an archaeological site or artefact unearthed during any phase of the proposed Undertaking. If the find is of certain or suspected Mi'kmaq origin, the Approval Holder must also contact the Executive Director of the KMKNO.

6.0 Decommissioning and Site Reclamation

- 6.1 The Approval Holder must submit a decommissioning and site reclamation plan to NSE for review and approval at least one year prior to the permanent shutdown of the Undertaking. The Approval Holder must reclaim the site to the satisfaction of NSE.



Randy Delorey, MLA
Minister of Environment

EXHIBIT B

LETTER PROVIDING OPINION ON CANADIAN LAW

DELIVERY VIA:
Courier

FILE REFERENCE:
132257

Thomas O. Boyne, Q.C.
Direct Dial: (902) 460-3410
Facsimile: (902) 463-7500
E-mail: tboyne@boyneclarke.ca

August 4, 2015

Mr. Alfred Sorensen
Pieridae Energy (Canada) Ltd.
c/o Farris, Vaughan, Wills & Murphy LLP
25th Floor
700 W. Georgia Street
Vancouver, BC V7Y 1B3

-and-

Mr. Thom Dawson
Pieridae Energy (Canada) Ltd.
c/o Farris, Vaughan, Wills & Murphy LLP
25th Floor
700 W. Georgia Street
Vancouver, BC V7Y 1B3

Dear Sirs:

Re: Finality of Environmental Assessment Approval

We have been asked to provide our opinion with respect to whether or not a decision rendered by the Minister of Environment (the "Minister") pursuant to subsection 40(1) of the *Environment Act* (Nova Scotia) 1994-95, c. 1 (the "Act") is final, non-appealable, and non-reviewable.

By way of background, the Minister's decision to approve the Project (as herein defined) pursuant to subsection 40(1) of the *Environment Act* is the last and determinative step in the environmental assessment process which is more particularly described in Appendix A to this letter. Without the Minister's approval, no other government approvals may be provided in relation to the Project.

In providing this opinion, we have been advised of, and have assumed the correctness of, the following facts provided to us by Pieridae Energy (Canada) Ltd.

1. THE PROJECT

- A. Pieridae Energy (Canada) Ltd., as general partner of Goldboro LNG Limited Partnership, (the "Proponent") is proposing to develop, construct and operate a liquefied natural gas facility consisting of:

- i. a natural gas liquefaction plant designed to produce ten (10) million tonnes *per annum* of liquefied natural gas (“LNG”),
- ii. a power plant designed to generate 180 megawatt of electricity,
- iii. an LNG storage facility, including three storage tanks designed to contain 690,000 cubic metres of LNG,
- iv. an LNG tanker terminal, including associated marine facilities, and
- v. related infrastructure,

(collectively, the “Project”) situated at a location within the Goldboro Industrial Park in the Municipality of the District of Guysborough, Nova Scotia, Canada.

- B. The Project is a class II undertaking pursuant to Schedule A of the *Regulations* due to the fact that it includes an on-site power generation plant that has a daily fuel input rating of more than 31,000 gigajoules derived from natural gas.
- C. The various steps that must be taken in completing the environmental review process under the *Act* for a class II undertaking are summarized in the attached Appendix A prepared by the Nova Scotia Department of the Environment¹.
- D. On February 18, 2013 the Proponent registered the Project with the Minister pursuant to section 33 of the *Act*.
- E. The Minister examined the information regarding the Project and (a) determined pursuant to subsection 34(1) that the Proponent is required to prepare an environmental-assessment report due to the fact that the Project is a class II undertaking and (b) issued pursuant to section 36 draft terms of reference for the environmental review of the Project. Public comments on the draft terms of reference were accepted from February 27, 2013 to March 29, 2013 and the final terms of reference were issued by the Minister on May 7, 2013².
- F. The Proponent prepared an environmental-assessment report (the “Environmental Assessment Report”)³ based on the final terms of reference issued by the Minister which the Proponent delivered to the Minister on September 23, 2013.
- G. On October 18, 2013 the Minister referred the Environmental Assessment Report to the environmental assessment review panel for review pursuant to paragraph 38(1)(b).

- H. The environmental assessment review panel reviewed the Environmental Assessment Report and consulted with the public in accordance with paragraphs 43(a) and (b). Two separate notices were issued in October 2013 and January 2014 inviting public comment on the Project.
- I. On March 3, 2014 the environmental assessment review panel submitted to the Minister a report⁴ based on its review of the Environmental Assessment Report and recommended that the Project be approved subject to the conditions outlined in the panel's report.
- J. On March 21, 2014 the Minister of Environment approved the Project⁵ in accordance with subsection 40(1) subject to conditions⁶.

Based upon the information above, it is our understanding that the Proponent proposed a Project that requires an environmental assessment in accordance with the *Act*. Following the assessment, the Minister of Environment approved the Project.

2. LEGAL ANALYSIS

As described above, we have been asked to provide opinion as to whether or not the Minister's decision to approve the Project is final, non-appealable and non-reviewable.

Our only knowledge of the Project is what has been listed above. We have not taken steps to verify the correctness of this information. We provide this opinion on the assumption that the information is accurate and correct and take no responsibility if the information is found to be inaccurate.

A. THE FINALITY OF THE MINISTER'S DECISION

The *Environmental Assessment Regulations* made under section 49 of the *Environment Act* S.N.S. 1994-95 c.1 (the "*Regulations*") establish the process to be followed when performing an environmental assessment.

The final step in the assessment process is for the Minister to make his decision pursuant to section 40 of the *Act*.

Section 26(1) of the *Regulations* outlines this final step:

26(1) Within 21 days following receipt by the Minister of

- (a) a summary of comments or recommendations respecting the undertaking by the Administrator;*
- (b) the results of an alternate dispute resolution where an undertaking is referred to an alternate dispute resolution procedure; or*
- (c) a report and recommendation by a review panel where an environmental-assessment report is referred to a review panel;*

whichever occurs later, the Minister shall make a decision in accordance with Section 40 of the Act.

As indicated in the *Regulations*, after the Minister has made his decision, work may commence within 2 years of the date Ministerial approval was provided. The *Regulations* do not allow for any further consultations and no further approvals are required.

Such approval is therefore final.

B. APPEALING THE MINISTER'S DECISION

Subsections 40(1) and (2) state of the *Act* states:

Powers of Minister

40(1) Upon receiving ... an environmental-assessment report under Section 38 ..., the Minister may

- (a) approve the undertaking;*
- (b) approve the undertaking, subject to any conditions the Minister deems appropriate; or*
- (c) reject the undertaking.*

(2) The Minister shall notify the proponent, in writing, of the decision pursuant to subsection (1), together with the reasons for the decision, within the time period prescribed by the regulations.

The Minister approved the undertaking pursuant on March 21, 2014.

Subsection 138(1) of the *Act* allows aggrieved parties to appeal a decision made by the Minister to the Supreme Court:

Appeal to Supreme Court

138 (1) *Subject to subsection (2), a person aggrieved by*

- (a) a regulation;*
- (b) a decision of the Minister pursuant to Section 137;*
- (c) a decision of the Minister respecting the granting or refusal of a certificate or an approval;*
- (d) a decision of the Minister respecting the terms or conditions of a certificate or an approval;*

(e) a decision of the Minister respecting the amendment, addition or deletion of terms and conditions of a certificate or an approval;

(f) a decision of the Minister respecting the cancellation or suspension of a certificate or an approval; or

(g) an order,

may, within thirty days of the decision or order, appeal on a question of law or on a question of fact, or on a question of law and fact, to a judge of the Supreme Court, and the decision of that court is final and binding on the Minister and the appellant, and the Minister and the appellant shall take such action as may be necessary to implement the decision.

However, subsection 138 (2) provides that “*a decision of the Minister to approve or reject an undertaking registered under Part IV may not be appealed pursuant to subsection (1).*”

The decision of the Minister to approve the Project was made pursuant to subsections 40(1) and (2) of the *Act*. Subsections 40(1) and (2) form part of Part IV of the *Act*.

The decision made by the Minister to approve the Project is therefore not appealable.

C. JUDICIAL REVIEW OF THE MINISTER'S DECISION

Rule 7.05(1) of the *Nova Scotia Civil Procedure Rules* (the “*Rules*”) allows a person to seek judicial review of a decision, including an action taken, or purportedly taken, under legislation.

Such Rule, however, does not apply to the matter at hand because an appeal of the Minister’s decision in relation to an environmental assessment is statutorily barred under the *Act*.

D. REVIEW OF THE MINISTER'S DECISION BY THE MINISTER

While the decision of the Minister to approve the Project is not appealable, it is reviewable by the Minister pursuant to section 41A of the *Act*, which reads as follows:

Amendment of Approval

41A(1) The Minister may only amend a term or condition of an environmental assessment approval

(a) upon the request of the approval holder, if the Minister considers it appropriate to do so;

(b) if an adverse effect or an unacceptable environmental effect has occurred or may occur;

(c) if the term or condition relates to

(i) a monitoring or reporting requirement, or

(ii) a standard; or

(d) to correct a typographical error.

(2) The Minister shall give notice in writing, together with reasons, to the approval holder at least thirty days in advance of making an amendment pursuant to subsection (1).

Consequently, the decision of the Minister to approve the Project pursuant to subsection 40(1) of the *Act* may be amended by the Minister in the Minister's discretion in those circumstances described in section 41A(1).

3. SUMMARY

On March 21, 2014 the Minister of Environment approved the Project in accordance with subsection 40(1) of the *Act*.

We were asked to provide opinion on whether or not this approval is final, non-appealable, and non-reviewable.

Our opinion may be summarized as follows:

1. FINAL - The Minister's decision is final and the Proponent is entitled to begin work on the Project.
2. APPEALABLE - The decision made by the Minister is statutorily barred from being appealed pursuant to subsection 138(2) of the *Act*. Although the *Nova Scotia Civil Procedure Rules* permit judicial review of a decision made under legislation, the *Act* bars any appeals and as such, the decision may not be judicially reviewed.
3. REVIEWABLE - The decision is reviewable by the Minister and the Minister may amend the decision as he deems appropriate pursuant to subsection 41A of the *Act*. The *Act* does not otherwise expressly contemplate an amendment of a term or condition of an environmental assessment approval made by the Minister under subsection 40(1) of the *Act*.

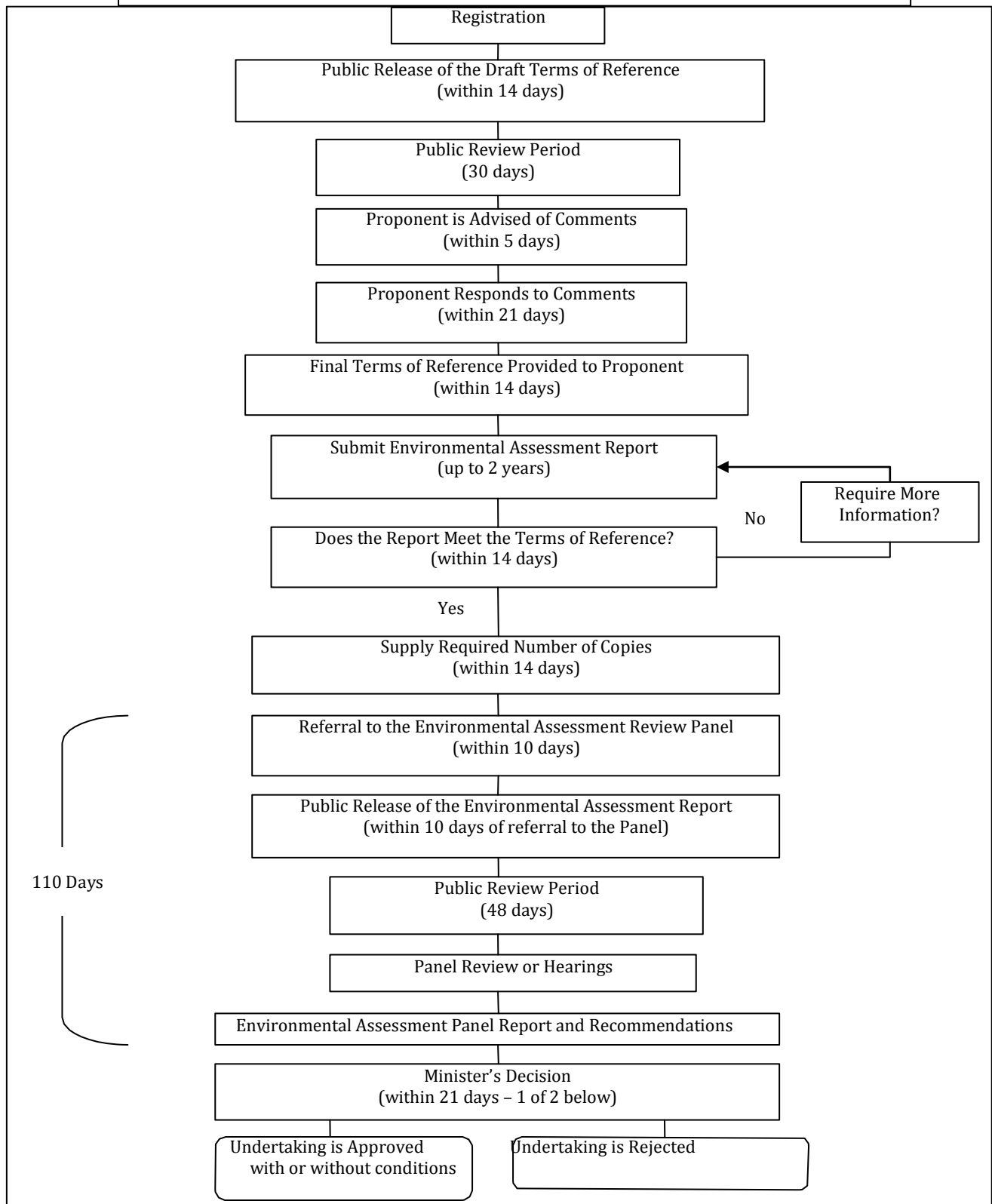
Should you have any questions about anything contained herein, please do not hesitate to contact us.

Yours truly,

BOYNECLARKE LLP

A handwritten signature in black ink, appearing to read "V. L. Lyne". The signature is written in a cursive style with a large, sweeping initial "V".

**APPENDIX A
OVERVIEW OF ENVIRONMENTAL ASSESSMENT PROCESS**



ENDNOTES

All endnotes have been provided by Pieridae Energy (Canada) Ltd. The author of this opinion has not verified the correctness of any of the information provided.

-
- ¹ Refer to page 27 of A Proponent's Guide to Environmental Assessment dated February 2001 and revised 2009, 2013 and 2014.
 - ² A copy of the final terms of reference of the environmental review is available at www.novascotia.ca/nse/ea/goldboro-Ing.asp.
 - ³ A copy of the Environmental Assessment Report is available at www.novascotia.ca/nse/ea/goldboro-Ing.asp.
 - ⁴ A copy of the Report and Recommendations to the Minister from the Nova Scotia Environmental Assessment Review Panel is available at www.novascotia.ca/nse/ea/goldboro-Ing.asp.
 - ⁵ A copy of the decision of the Minister is available at www.novascotia.ca/nse/ea/goldboro-Ing.asp.
 - ⁶ A copy of the conditions is available at www.novascotia.ca/nse/ea/goldboro-Ing.asp.

EXHIBIT C

CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY'S ELECTRONIC
CORRESPONDENCE REGARDING ITS ENVIRONMENTAL DETERMINATION FOR THE
GOLDBORO LNG PROJECT ON DECEMBER 20, 2012

From: Rodrigues, Vanessa [CEAA] [<mailto:Vanessa.Rodrigues@ceaa-acee.gc.ca>]
Sent: December-20-12 8:04 AM
To: Alfred. Sorensen; Thom Dawson
Cc: sanforsl@gov.ns.ca; uwe.wittkugel@amec.com; Atkinson, Mike [CEAA]; McDonald, Derek [CEAA]; janet.blackadar@amec.com
Subject: Goldboro LNG

Good morning Alfred and Thom,

Based on the information provided by Pieridae Energy Ltd, and in particular the analysis of the project and its components against those assessed during the comprehensive study (under the former Canadian Environmental Assessment Act) of the Keltic LNG Project (Goldboro LNG Versus Keltic Petrochemical and LNG Tanker Terminal Comparative Description, November 2012) , the Agency has determined that this project would not require a federal EA. We consider that section 128 (1) (c) of CEEA 2012 applies to this project. However, it is important to contact us again should there be any changes to the project and its components from the information that has been provided.

Feel free to contact me should you have any questions and please acknowledge receipt of this e-mail.

Happy Holidays!

Vanessa

Vanessa Rodrigues, MES

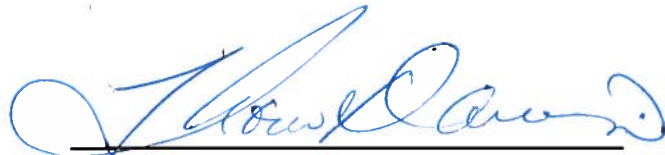
Project Manager | Gestionnaire de projets
Canadian Environmental Assessment Agency, 1801 Hollis Street, Suite 200, Halifax NS B3J 3N4
Agence canadienne d'évaluation environnementale, 1801, rue Hollis, bureau 200, Halifax NÉ B3J 3N4
Government of Canada | Gouvernement du Canada
902.426.9460 | facsimile / télécopieur 902.426.6550
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www.ceaa-acee.gc.ca

UNITED STATES OF AMERICA DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY

VERIFICATION

Thomas Dawson, first being sworn, states that he is the Executive Vice President and Chief Operating Officer of Pieridae Energy (USA) Ltd. and that he is duly authorized to execute this Verification; that he has read the foregoing filing and is familiar with the contents thereof; and that all of the statements of fact herein contained are true and correct to the best of his knowledge and belief.



Thomas Dawson
on behalf of
Pieridae Energy (USA) Ltd.

PROVINCE OF ALBERTA

Subscribed and sworn to before me on this 7th day of August 2015, Thomas Dawson proved to me on the basis of satisfactory evidence to be the person who appeared before me.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and affixed my seal of Office at the City of Calgary, in the Province of Alberta, this 7th day of August, 2015.



Name: Katie M. Stevens
A Notary Public in and for the Province of Alberta

My Commission is held at the pleasure of the Lieutenant Governor in Council for the Province of Alberta, Canada

Katie M. Stevens
Barrister & Solicitor



CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing documents upon each person designated on the official service list for this proceeding.

Dated at Houston, Texas, this 7th day of August, 2015.

/s/ Islara U. Irgit _____

Islara U. Irgit

Attorney for Pieridae Energy (USA) Ltd.