

**JOINT REVIEW PANEL FOR THE ENBRIDGE
NORTHERN GATEWAY PROJECT
COMMISSION D'EXAMEN CONJOINT DU PROJET
ENBRIDGE NORTHERN GATEWAY**



**ENBRIDGE NORTHERN GATEWAY PROJECT
PROJET ENBRIDGE NORTHERN GATEWAY**

Proposed by / Proposé par:

Northern Gateway Pipelines Limited Partnership

VOLUME 2

**Panel Sessions held at
Séances tenues à**

**St. Joseph Roman Catholic Parish
5538 Mink Creek Road
Whitecourt, Alberta**

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**PANEL SESSIONS
SÉANCES**

IN THE MATTER OF an application filed by the Northern Gateway Pipelines Limited Partnership for a Certificate of Public Convenience and Necessity pursuant to section 52 of the *National Energy Board Act*, for authorization to construct and operate the Enbridge Northern Gateway Project.

PANEL SESSIONS LOCATION/LIEU DES SÉANCES

Sessions held in Whitecourt (Alberta), Wednesday, August 11, 2010
Séances tenues à Whitecourt (Alberta), Mercredi, le 11 août 2010

JOINT REVIEW PANEL/LA COMMISSION D'EXAMEN CONJOINT

S. Leggett	Chairperson/Présidente
K. Bateman	Member/Membre
H. Matthews	Member/Membre

PRESENTATIONS/PRÉSENTATIONS

Mr. Norman Dyck

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**Opening remarks
Chairperson**

--- Upon commencing at 9:01 a.m./L'audience débute à 9h01

433. **THE CHAIRPERSON:** Good morning and welcome everyone.

434. Mr. Dyck, I understand we have you on the line. Is that correct?

435. **MR. DYCK:** Hello. I am.

436. **THE CHAIRPERSON:** Mr. Dyck, my name is Sheila Leggett and I'm
the Chair of this particular Panel. It's a pleasure to speak to you over the phone.

437. **MR. DYCK:** Good morning, Sheila.

438. **THE CHAIRPERSON:** Thank you.

439. I also wanted to introduce to you our other two Panel Members. Mr.
Kenneth Bateman is here with me.

440. **MEMBER BATEMAN:** Good morning.

441. **THE CHAIRPERSON:** As is Mr. Hans Matthews.

442. **MEMBER MATTHEWS:** Good morning, Mr. Dyck.

443. **THE CHAIRPERSON:** And you're speaking to a room that's not
terribly populated. We have a few observers and some of our staff, as well as the
court reporter and our sound technician, as well as Mr. Neufeld who is representing
Enbridge.

444. **MR. DYCK:** I will be on my own here in just a few minutes.

445. **THE CHAIRPERSON:** Okay. Terrific.

446. **MR. DYCK:** The room will be empty.

447. **THE CHAIRPERSON:** Well, it's fine. Actually, you're being webcast
across the country at the same time. So anybody who is deciding that they want to
listen is able to listen to our conversation this morning.

448. **MR. DYCK:** Thank you.

449. **THE CHAIRPERSON:** So I want to welcome you, first of all.

450. And just before we get underway understanding your comments on our three issues, I wonder if you could spell your last name for the record?

451. **MR. DYCK:** Yeah, it's D-Y-C-K.

452. **THE CHAIRPERSON:** Thanks very much, Mr. Dyck.

453. Now, I am sure that you're aware of the fact that the purpose for this morning is to hear your comments on three topics that the Panel listed when we issued our Procedural Direction, and that is we're really interested in hearing your comments on what has been published as the Draft List of Issues so far, on any additional information that you believe Northern Gateway should be required to file, as well as any comments that you might have about the location for the oral hearings as we proceed further.

454. **MR. DYCK:** Right.

455. **THE CHAIRPERSON:** So with that, I'll turn it over to you and look forward to hearing your comments.

--- ORAL PRESENTATION BY/PRÉSENTATION ORALE PAR MR. N. DYCK:

456. **MR. DYCK:** To start with, a question I would be asking is building the line presumes that tar sands would provide bitumen into the future on significantly increased volumes from the production presently.

457. **THE CHAIRPERSON:** Mr. Dyck, if I could just stop you? I'm not sure if I'm the only one, but I'm having a little bit of trouble hearing you.

458. Is there anything we can do on the sound? I don't know if it's because of the size of the room.

459. **MR. DYCK:** Let me try -- if I hang up and you phone me back again, I'll put this off of speakerphone.

460. **THE CHAIRPERSON:** Oh, that would be tremendous, if you wouldn't mind.

461. **MR. DYCK:** I'll hang up, but you'll have to call me back then.

462. **THE CHAIRPERSON:** Okay.

--- (A short pause/Courte pause)

463. **THE CHAIRPERSON:** Good morning, Mr. Dyck. Are you back with us?

464. **MR. DYCK:** Yes. I do not have the speakerphone on now.

465. **THE CHAIRPERSON:** Oh, terrific. Thanks.

466. Excuse me, I was sorry to interrupt you, but I was having a really difficult time understanding what you were saying and I want to -- we all want to be able to understand your comments.

467. So if I could ask you to start again, that would be much appreciated.

468. **MR. DYCK:** Certainly.

469. Well, to start off, building the line presumes that large volumes of tar sands bitumen will be produced in the future years to warrant that kind of investment, but it also ignores the growing scientific evidence of our overall need to reduce global CO₂ levels as our -- as we try and keep the benchmark of 300 parts per million CO₂ in the atmosphere.

470. Global warming is a reality for most people, and this project doesn't signal that there's an understanding of that fact. So we need to really be thinking about that.

471. That threshold of 350 parts per million is pretty well accepted that, you know, with the glaciers melting rapidly, the Himalayas, Iceland, our own in Alberta, the glaciers are rapidly receding, and so there's some pretty strong evidence that climate change is occurring and we seem to be ignoring that.

472. So why would we put money into a project that will even accelerate this process because once you put the oil in the pipeline, it's going to get burned somewhere.

473. **THE CHAIRPERSON:** Thank you, Mr. Dyck.

474. If I was looking at the Draft List of Issues and hearing your comments, I would say that the concerns that you're raising with us, just to make sure I'm clear on it, is you're wanting to -- when it comes time for the actual hearing, you're wanting to have a discussion about the actual need for the project as well as the potential effects on the environment?

475. **MR. DYCK:** That's correct.
476. **THE CHAIRPERSON:** And those are both on the Draft List of Issues. So I'm understanding that you're just emphasizing for us that these are very important aspects of the discussion we need to have?
477. **MR. DYCK:** I sure think we should have.
478. **THE CHAIRPERSON:** Thank you very much.
479. Any other comments, Mr. Dyck?
480. **MR. DYCK:** Well, the other one, of course, is with the recent British Petroleum accident, mishap in the Gulf, you know, the coastal waters off British Columbia are pretty -- well, they're critical to the aquaculture, the incomes of the native population and, of course, the valuable protein that those fishing stocks produce around -- for consumers in Canada and also around the world.
481. It's inevitable that we're going to mess up, you know. We just do. The scale of the ocean tankers, the size of them would be phenomenal to make this viable. So a spill would be substantial. The long-term effects are really -- it's a risk we shouldn't be taking.
482. My point is that governments around the world and, you know, China would be one of the consumers of this oil, I presume -- China is now already constructing pipeline from Uzbekistan to Kurmekistan overland where at least you can moderate. If there is a spill, you can control or reduce -- mitigate the impact.
483. I believe that we have been ignorant in Canada in our refusal to move our oil in this nation eastward because eastern Canada brings in crude from Venezuela and around the world, and Canada is not self-sufficient in oil.
484. We could find markets more sensible, geographical and environmental markets that wouldn't impact us as much, if there is a mishap like there was recently with BP in Michigan.
485. **THE CHAIRPERSON:** Thank you, Mr. Dyck.
486. Again, I would suggest that the kinds of comments that you're raising are still talking about the need for the project and the environmental aspects of it.
487. As you know, right now we're just doing a preliminary session here to get input on suggestions for process, but the issues that you raise, there will certainly be a

lot of opportunities for you to be able to be very specific about those issues that you want to discuss and to have your opinions put on the record so that they could be fully discussed as we proceed with the hearing.

488. **MR. DYCK:** So are you saying I'm premature in my comments or what?

489. **THE CHAIRPERSON:** No, I just -- we're wanting to hear from you about these three different topics, and what I've heard from you is -- I was just following along with the Draft List of Issues and wanting to confirm back to you or seeking to understand from you whether or not you think the Draft List of Issues is comprehensive enough that it covers the concerns that you're raising?

490. **MR. DYCK:** I guess my -- all the information I have in front of me is a newspaper ad on the back of a paper with places to connect with and not really much of an outline of what to address.

491. **THE CHAIRPERSON:** Thank you for that feedback, Mr. Dyck. That helps us a lot as we prepare further.

492. There was a Draft List of Issues that was published as well as our Procedural Direction, and so don't worry about not having it in front of you. I have repeated back to you some of the things on the Draft List of Issues to understand whether you think that that covers the things that you're going to want to discuss further as we move forward in the process.

493. I just wanted to reassure you that this -- we're at the very preliminary stages of this and, at this point, are seeking the comments on processes we've summarized with the three topics, and you'll have lots of opportunity to be involved as we go further forward to make sure that your comments are brought onto the record and fully discussed as we consider this application.

494. So we are not here today to gather evidence *per se*; we are here to be able to have the Panel understand viewpoints on these particular aspects so that we can define a process that hopefully will meet the needs of many as we go forward into the hearing.

495. **MR. DYCK:** So do you anticipate -- the way you're speaking it seems to outline another opportunity to speak to this. Is that what you're saying?

496. **THE CHAIRPERSON:** I'm sorry, I couldn't understand you at the last part. Could you repeat that?

497. **MR. DYCK:** The way you were framing your comments, it sounds like

there will be other opportunities to raise these points. Is that correct or ---

498. **THE CHAIRPERSON:** That's absolutely correct, yes.
499. **MR. DYCK:** And what will be the format of that?
500. **THE CHAIRPERSON:** The format hasn't been -- it hasn't been issued but there will -- I can tell you that it will involve the typical processes that we usually use, such as you'll have the opportunity to become an intervenor in the process.
501. If you don't want to go that far, you'll have the opportunity to make oral comments, to submit written comments on the project, and there is a process adviser who isn't linked to the Panel and our Secretariat, whose sole role is to provide advice to you as to how best you can make sure that the Panel hears your viewpoints.
502. And you'll be able to -- we'll make sure that you get her contact information so that you can chat further with her.
503. **MR. DYCK:** Well, I'd appreciate that because I hadn't planned on going down to Whitecourt.
504. **THE CHAIRPERSON:** Well, yeah, we have not set the locations for the further sessions yet.
505. **MR. DYCK:** Okay.
506. **THE CHAIRPERSON:** And we will -- that's part of what we were wanting to get information from you today.
507. Did you have any thoughts about the best locations for an oral hearing?
508. **MR. DYCK:** Well, I guess everybody wants it in their backyards -- the hearing. Grande Prairie is where I'm located and if it means driving to Whitecourt, I don't care much for that idea.
509. **THE CHAIRPERSON:** Okay. Your comments are noted and we'll be doing all we can to make sure that we're as inclusive as possible and obviously, you're right, we can't be in everybody's backyard, but we can structure things such that we can make sure we hear from you one way or the other.
510. **MR. DYCK:** Very good.
511. **THE CHAIRPERSON:** Did you have any other comments that you

wanted to make on these topics today?

512. **MR. DYCK:** No, I think that's -- well, there's one brief one.
513. I just -- if we look at that over -- our best plan, flying around -- and we have had the benefit of conventional oil available to us for about 100 years. The tar sands are a form of oil but much, much later geologically in formation, but they haven't had the benefit of a time -- heat and pressure and time to convert into the more conventional oils. So industry has to, through chemical process, attach extra hydrocarbon to the molecules to get it to flow.
514. So we're trying to extract a resource prematurely and the question we really should be asking ourselves, wow, if we have already used up conventional supplies at a rate so horrendous that we are already going to the bottom of the barrel to get the rest, we had better seriously look at alternate energy forms and conservation because the next generations are going to wonder, "What in the hell did they do to us?"
515. **THE CHAIRPERSON:** Thank you very much for your comments, Mr. Dyck.
516. I just want to check with my Panel mates to see if they had any questions of you but first of all I wanted to make sure that you were finished giving us -- providing us with your thoughts today on these topics?
517. **MR. DYCK:** That pretty well covers what I was going to say. Thank you very much.
518. **THE CHAIRPERSON:** I really appreciate you taking the time to do this for us, Mr. Dyck.
519. Just let me check with -- Mr. Bateman, do you have any comments or questions?
520. **MEMBER BATEMAN:** I have no questions. Thank you.
521. **THE CHAIRPERSON:** And Mr. Matthews?
522. **MEMBER MATTHEWS:** No comments, thanks; no questions.
523. **THE CHAIRPERSON:** Thank you.

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524. Well, Mr. Dyck, thank you very much for taking the time to phone in and we have your comments and we'll take them under consideration as we're figuring out the next steps in this process.

525. And we'll be sure to get you connected with the process adviser so that you can gain a stronger understanding of where things are going to develop as we do develop them.

526. **MR. DYCK:** Yeah. You have my phone number and my email address. Is that all you need?

527. **THE CHAIRPERSON:** Yes, we do.

528. **MR. DYCK:** Okay.

529. **THE CHAIRPERSON:** So we'll be in touch with you.

530. **MR. DYCK:** Thanks for the call.

531. **THE CHAIRPERSON:** Thanks very much for your time, Mr. Dyck.

532. **MR. DYCK:** Goodbye.

533. **THE CHAIRPERSON:** Bye-bye.

534. That brings us to the end of the list of people who had expressed an interest in speaking to the Panel in Whitecourt.

535. Mr. Neufeld, I understood that you wanted to make a summary remark?

--- SUMMARY REMARKS BY MR. R. NEUFELD:

536. **MR. NEUFELD:** Thank you.

537. I'm tempted to ask that we go straight to final argument here, but I doubt that will work.

538. **THE CHAIRPERSON:** Mr. Neufeld, I would remind you we are not there in the process.

539. **MR. NEUFELD:** Yeah. Given the empty room, that is.

540. Just a couple of housekeeping matters that I thought I would offer as we

go forward.

541. First, Northern Gateway is, of course, listening with interest to the comments that are being made here and it struck me yesterday that particularly when we're talking about the item number 2, the additional information which Northern Gateway should be required to file, it raises the issue of familiarity with the application material that is on file and we don't expect -- and I don't think it's reasonable to expect -- that people from the community will be familiar with the entirety of the application and know where to find things necessarily in the application.
542. I just want to make it clear for the record and for anyone that might be reviewing these transcripts or listening in, that to the extent that people have questions about where to find information in the application materials -- and they are voluminous -- they should feel free to contact Northern Gateway.
543. We're happy to advise and provide them with some assistance in navigating the application material; to understand that they're lengthy, complex in some cases, and people can obtain that help if they need it.
544. Secondly, just again, as a matter of process, we have indicated already that the comments of Northern Gateway on the three issues will be offered at the conclusion of the sessions as per your direction, your Procedural Direction.
545. We'll see what happens in terms of the written comments that are filed on September 8th and we'll certainly get our comments to you as soon as we can after that, given the nature of the comments that are filed and the areas that we need to address.
546. And finally, I just wanted to touch again by way of an update for the Panel. Panel Member Matthews had inquired yesterday on the -- or discussed the issue of regional benefits and so forth. There is an application supplement that will be forthcoming that breaks out the socio-economic effects on a regional basis, as was required in the guidance document associated with the Joint Review Panel Agreement.
547. Typically, that data is retrievable on a provincial and national basis through Statistics Canada and so forth, so in preparing socio-economic assessments, you have that issue to deal with in terms of the database.
548. The project has, however, been successful in teasing out of that data, if you will, the regional information that's needed. So we will be filing information that breaks down the socio-economic effects on the basis of, I believe, six sub-regions or

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regions along the pipeline route.

549. So that should go some distance, I hope, to providing the type of information that was discussed in the exchange between Panel Member Matthews and one of the speakers yesterday. We will get that to the Panel as soon as we can.

550. With that, I look forward to seeing you again in Kitimat.

551. **THE CHAIRPERSON:** Thank you very much, Mr. Neufeld.

552. I want to thank everyone -- obviously, it's an emptier room today -- but everybody who did come to Whitecourt to provide comments to us and I also want to thank the Town of Whitecourt for your hospitality.

553. And, as always, we could never do any of this as a Panel without the strong technical assistance from our court reporter, our sound technician, as well as the tremendous Panel Secretariat staff that we have with us.

554. So I want to thank everyone and this closes the Whitecourt Panel Session and the next Panel Session will be in Kitimat.

555. Thank you, everyone.

--- Upon adjourning at 9:21 a.m./L'audience est ajournée à 9h21